

**STATE OF NEW MEXICO NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD**

**IN THE MATTER OF PROPOSED NEW)
REGULATIONS: 20.2.50 NMAC – Oil and Gas)
Sector – Ozone Precursor Pollutants.)**

No. EIB 21-27 (R)

**NOTICE OF INTENT TO PRESENT TECHNICAL
TESTIMONY BY THE NEW MEXICO ENVIRONMENTAL LAW CENTER**

Pursuant to the New Mexico Environmental Improvement Board's Rulemaking Procedures, 20.1.1.302 NMAC, and the Board's Notice of Rulemaking Hearing, the New Mexico Environmental Law Center hereby submits its Notice of Intent to Present Technical Testimony at the public hearing in this matter, scheduled to begin on September 20, 2021.

On May 6, 2021, the New Mexico Environment Department submitted to the Board a petition for regulatory change, proposing to amend the Air Quality Regulations to add a new part 20.2.50 NMAC, entitled Oil and Gas Sector – Ozone Precursor Pollutants. The proposed regulations would limit emissions of ozone precursor pollutants – volatile organic compounds and oxides of nitrogen – from oil and natural gas production facilities by establishing emissions standards for those pollutants. The proposed regulations would also include monitoring, recordkeeping, and reporting requirements.

In accordance with section 20.1.1.302.A NMAC, the Environmental Law Center state as follows:

1. The name of the person filing this Notice, and on whose behalf the technical witnesses will be testifying, is the New Mexico Environmental Law Center.

2. The name, address, affiliation, and qualifications, including educational and work backgrounds, of each technical witness is as follows:

Theresa A. Pasqual
Post Office Box 168
Acoma Pueblo, New Mexico 87034

Ms. Pasqual holds a bachelor of science degree in anthropology from the University of New Mexico. Her resume is submitted herewith as NMELC Exhibit 2.

3. Ms. Pasqual will be present on a virtual meeting platform.

4. The written testimony of Ms. Pasqual is submitted herewith as NMELC Exhibit 1.

5. The N.M. Environmental Law Center is not recommending any revisions to the proposed regulations at this time, but reserves the right to do so in rebuttal. The N.M. Environmental Law Center supports the petition.

6. The N.M. Environmental Law Center intends to offer the following exhibits into evidence at the hearing:

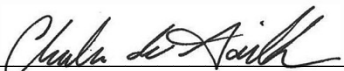
Exhibit 1. Direct Testimony of Theresa A. Pasqual

Exhibit 2. Resume of Theresa A. Pasqual

The N.M. Environmental Law Center reserves the right to call additional witnesses in rebuttal.

Respectfully submitted,

July 28, 2021



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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of July 2021, a copy of the foregoing Notice of Intent to Present Technical Testimony, together with NMELC Exhibits 1 and 2, was sent by electronic mail to:

Pamela Jones, Hearing Administrator
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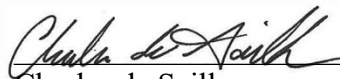
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*On behalf of Center for Civic Policy
and NAVA Education Project*


Charles de Saillan

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DIRECT TESTIMONY OF THERESA A. PASQUAL

Good day Madame Chair, Members of the Board, Madame Hearing Officer. My name is Theresa Pasqual and I am a member of the Pueblo of Acoma. My background and expertise comes from my experience as the Director of Acoma's Historic Preservation Office and over the course of my professional career, working with 23 Tribal communities in the state of New Mexico to understand long-term impacts from extractive industries on our cultural and physical well-being. I am also Board President of Conservation Voters New Mexico. I have a Bachelor of Science degree in anthropology from the University of New Mexico. My resume is NMELC Exhibit 2. It is accurate and up to date.

Acoma is very familiar with the long history of extraction in New Mexico. In the 1950's Acoma was immersed into a period of uranium mining and the effect it had to surface and groundwater. As mine sites were closed and mill sites decommissioned, communities were left to deal with open shafts, uranium tailings, and contaminated soil that flew uncontrollably every time the wind blew. Next, came a period of coal mining to the north of Acoma along with the transport and burning of coal to power generating plants. Both the extraction and processing of coal generated toxins that contaminated land, air, and water. Now we are experiencing the effects of oil and gas production in close proximity to indigenous communities. These communities have carried the burden of extraction and its impacts to health and well-being for decades. The impacts are exacerbated by the facts that many tribal communities lack adequate

access to basic health care and clean drinking water. Tribal communities are often left out of the regulatory and decision-making processes that would give them the opportunity to engage during the planning stage.

I am testifying today on behalf of the New Mexico Environmental Law Center, to give this Board a tribal perspective. We generally support the Environment Department's proposed rule regulating ozone precursor pollutants from oil and gas production facilities under the New Mexico Air Quality Control Act.

Oil and natural gas production facilities emit several harmful air pollutants into the atmosphere. These harmful air pollutants include volatile organic compounds, or VOCs, including benzene, which is a known human carcinogen. These pollutants also include nitrogen oxides, or NOx. VOCs and NOx react with oxygen and sunlight to form ground-level ozone. All of these pollutants – VOCs, NOx, and ozone – are known to cause respiratory and cardiovascular diseases, including asthma, which is particularly prevalent in children. Oil and gas production also emits methane, a potent greenhouse gas.

Air pollution from oil and natural gas production disproportionately affects Native American and Hispanic communities in New Mexico.

According to data compiled by the Environment Department, three counties in the San Juan Basin in northwestern New Mexico are currently experiencing or contributing to ambient ozone concentrations exceeding 95% percent of the National Ambient Air Quality Standards: Rio Arriba County, Sandoval County, and San Juan County.

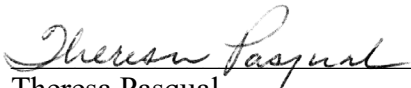
A large proportion of the people living in these counties are Native American or Hispanic. According to the 2010 census:

- The population of Rio Arriba County was 40,246 people. Of this population, 16.0% was Native American and 71.3% was Hispanic.
- The population of Sandoval County was 131,561 people. Of this population, 12.9% was Native American and 35.1% was Hispanic.
- The population of San Juan County was 130,044 people. Of this population, 36.6% was Native American and 19.1% was Hispanic.

We support the Environment Department's proposal to regulate and thus reduce emissions of VOCs and NOx from oil and natural gas production facilities in New Mexico. We are pleased that the Environment Department has removed the exemption for low volume "stripper wells" and the exemption for wells at facilities that have the potential to emit less than 15 tons per year of VOCs. While these exemptions were in the draft proposal that the Environment Department released in July of last year, the exemptions have been removed from the proposal submitted to the Environmental Improvement Board. We strongly support the Environment Department's decision to remove these exemptions.

Thank you.

I declare under penalty of perjury that the foregoing is true and correct.


Theresa Pasqual

July 28, 2021

Theresa A. Pasqual
P.O. Box 168, Acoma Pueblo, New Mexico 87034
Telephone: (505) 681-4622 Email Address: trepasqual@gmail.com

EDUCATION

2014 University of New Mexico: Bachelor of Science Degree Program, Anthropology Major, Southwestern Archaeology concentration, Museum Studies Minor. GPA: 3.644

1991 Southern Methodist University: Pre-Med track concentration in Chemistry and English

RELEVANT COURSEWORK

Forensic Anthropology	Southwest Archaeology	Geology
Ethics in Anthropology	Archaeological Methods & Theory	Paleontology
Zooarchaeology	Strategy in Archaeology	Cultural Anthropology
Ceramic Analysis	Mayan Archaeology	Near East Archaeology

SPECIALIZED AREAS OF TRAINING

2007 Review of NAGPRA regulations, requirements and applications. NAGPRA Training-National Park Service. Phoenix, Arizona

2007 History of Indian Law, Common Law of Cultural Property, Protection of Cultural Property, Curation, Consultation & the Courts. Native American Cultural Property Law Training-National Preservation Institute. Seattle, Washington

2008 Archival Arrangement and Description Training: Access vs. Preservation. NM State Records Center and Archives. Santa Fe, New Mexico

2012 Dinetah Ceramics and Landscape Training. NM Archaeological Council. Farmington, New Mexico

PROFESSIONAL EXPERIENCE

Native American Tribal Liaison, GS-0301-14
September 2016–September 2020

**Department of Interior
Office of Water & Science**
Washington, D.C

Independent Consultant
June 2014–June 2016

Acoma Pueblo, New Mexico

Executive Director
December 2006 – June 2014

Acoma Historic Preservation Office
Acoma Pueblo, New Mexico

Historic Site Director
December 2006 – June 2014

National Trust for Historic Preservation
Acoma, New Mexico

PRESENTATIONS

Panel Presentation (March 2010). *The Nomination of Mt. Taylor as a Cultural Landscape to The NM Register of Cultural Properties.* 2010 NM Heritage Preservation Alliance Annual Conference, Albuquerque, New Mexico

Panel Presentation (March 2010). *Tribal Environmental Justice,* American Indian Law Center Annual Tribal Leaders Conference, Santa Ana Pueblo, New Mexico

Guest Lecturer. (June 2010). *Experiences in Tribal Consultation:* 2010 UNM Preservation Law Class, CRP 470, LAW 593, Preservation Law: A Practical Tool Kit. Acoma Pueblo, New Mexico

Speaker. (August 2011). *Mount Taylor: A Case Study*. Traditional Landscapes Forum, Advisory Council on Historic Preservation, Seattle, Washington

Presenter. (April 2012) *Stewardship Vs. Ownership: 100 Years of Federal Policy*, The Leadership Institute, Pueblo Convocation, Santa Ana Pueblo, New Mexico

Presenter. (October 2012) *Community Stewardship & Diverse Values*, Cultural Heritage & Preservation Studies (CHAPS) Conference. Rutgers University, New Brunswick, New Jersey

Guest Speaker. (July 2013) *Pueblo Land, Cultural Resources & the U.S. Government: A Century of Change*, Colloquium Series. Southern Methodist University, Taos, New Mexico

Co-Presenter. (June 2014). *Protection of Sacred Sites: Mt. Taylor TCP Status*. 2014 Society of American Indian Government Employees Annual Conference. Albuquerque, New Mexico

Co-Presenter. (April 2015). *Tribal Perspective on Natural and Cultural Resource Management*. 2015 National Park Service Regional Resources Workshop. Denver, Colorado

Presenter. (February 2016) *Roca Honda Uranium Development on Mt. Taylor, Cibola National Forrest*. 2016 U.S. Forrest Service, Southwest Region, Chief's Review, Jemez Pueblo, New Mexico

Panel Presentation. (April 2016) *Community Challenges in a Post-NAGPRA Landscape*. Colloquium Series. School of Advanced Research, Santa Fe, New Mexico

Guest Speaker. (May 2016). *Weaving Our Future: Building Partnership in Cultural Resource Management with Tribes*. Petrified Forrest (PEFO) National Park, Holbrook, Arizona

PUBLISHED WORKS

NEPA and the Silencing of Native American Worldviews. (Kurt E. Dongoske, **Theresa Pasqual**, Thomas F. King) Environmental Practice, volume 17, issue 01, pp. 36-45.

Steps Toward Decolonizing the National Historic Preservation Act. (Kurt E. Dongoske and **Theresa Pasqual**) University of Massachusetts Press, Pending Publication

PAPERS PRESENTED

April 2013. *NEPA and the Silencing of Native American Worldviews*. (Kurt E. Dongoske, **Theresa Pasqual**, Thomas F. King) National Association of Environmental Professionals Annual Meeting, Los Angeles, CA.

April 2015. *Mitigating the Sacred? Examining the Role of Native American Associative Values in Resolving Adverse Effect*. (Kurt E. Dongoske and **Theresa Pasqual**) Society for American Archaeology, 80th Annual Meeting. San Francisco, CA.

APPOINTMENTS & PROFESSIONAL FELLOWSHIPS

- 2021 Conservation Voters New Mexico, Board President
- 2015-2020 Conservation Voters New Mexico Education Fund, Board Member
- 2014-2016 W.K. Kellogg Foundation Professional Fellowship (NM)
- 2009-2016 National Trust for Historic Preservation, Board of Advisors (NM)
- 2009 American Express Non-Profit Leadership Academy Fellow