



Supreme Court weakens the Clean Water Act

Tragically, New Mexico waters will be put in peril by the recent decision to scale back one of our most important environmental laws.

On May 25, 2023, the U.S. Supreme Court issued a decision catapulting efforts to ensure clean water for communities back by fifty years. In *Sackett v. EPA* the court considered where wetlands fit under the definition of the Waters of the United States (WOTUS), which are waters protected under the Clean Water Act. In its decision, the court has sided with polluters by narrowing the definition of WOTUS and opening millions of acres of wetlands to pollution and

degradation. Wetlands serve critical roles in ecosystems by helping to filter pollutants, controlling flooding and improving communities' climate resiliency, and providing important habitat. The ruling is estimated to take away Clean Water Act protections from more than 90% of our waterways.

Americans overwhelmingly support the federal government's role, through the EPA, in protecting water resources and wetlands. The ruling is particularly harmful to waters in Western states which are already under stress from drought and over-development.



New Mexico holds 482,000 acres of wetlands providing essential habitat for wildlife. The recent Supreme Court ruling puts most of those wetlands at risk from pollution and development.

Photo by our partner, Amigos Bravos

New Mexico Wild's position statement on the recent Court decision

"This decision undoes decades of efforts to ensure clean water protections across the country. By significantly reducing the scope of the Clean Water Act, it opens millions of acres of wetlands to pollution. New Mexico has been particularly affected by the back and forth in clean water protections and rather than clarifying, this decision serves to only confuse the matter further. New Mexico's communities, culture, traditions, ecosystems, and economy all depend on access to clean water. It is critical that we now work at the state and local levels to protect our state's waters to build climate resiliency and sustainable and equitable water systems that ensure access to clean, safe water for communities across New Mexico."

We're facing constantly changing laws and rules affecting the waters in our state.

The Trump Administration created the so-called "Dirty Water Rule" requiring wetlands to have a continuous surface connection to water bodies that are already included in "Waters of the United States" definitions. This means that wetlands that are separated from other water bodies by roads, berms, etc. are no longer protected under the Clean Water Act. The 2020 Dirty Water Rule radically re-interpreted the Clean Water Act, excluding from protection streams that flow only during wet times of year. Because so many of New Mexico's waterways are ephemeral, this ruling disproportionately affected New Mexico and over 90% of our state's waterways lost Clean Water Act protections. Although the Dirty Water Rule was replaced in 2022 with a rule from the Biden administration that largely restored previous clean water protections, the Supreme Court decision upends that and continues a pattern of undermining protection of New Mexico's waterways.

The Court has embraced the extreme demands of big polluters and has dramatically narrowed the scope of the Clean Water Act, undoing protections that have safeguarded our waters for over 50 years. This places our communities, public health, and local ecosystems in danger – especially those most vulnerable to pollution and intensifying climate disasters. Congress and state officials across the country need to act fast to protect water bodies that our nation relies on for drinking, fishing, and fueling local economies.



Why your contributions make a difference....



Mark Allison
Executive Director
New Mexico Wild

A terrible injustice will result from the recent Supreme Court ruling creating real harm to clean water, wildlife habitat, and the people and communities that will be affected by future pollution. This ruling must be challenged through public awareness, public pressure, and then corrective legislation. Those actions are the hallmark of our work at New Mexico Wild. We've already begun to expand our water coalitions and partnerships because we know that collective effort will yield faster results. We have launched a public awareness campaign to tell New Mexicans what is at stake. We are working with our state and federal legislators to seek remedies through legislation. Your contributions support that work. You are investing in passionate people who are fighting for Wilderness, Wildlife, and Water. Thank you for your continued support!



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