

<p>Protect NM Waters Need and Next Steps for a State Surface Water Permitting Program</p> <p>Water and Natural Resources Committee Presentation August 27, 2024</p>  <p>Rachel Conn Deputy Director Amigos Bravos rconn@amigosbravos.org</p>	
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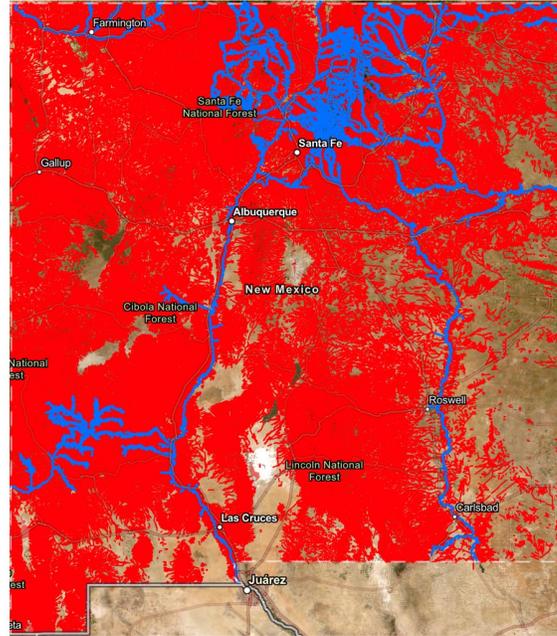
	<p>Thank You!</p> <p>This year the New Mexico legislature put 7.6 million towards the development of Surface Water Permitting Program.</p> <p>Thank you for your dedication to clean water!</p>
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New Mexico's Waters Protected and at Risk in the Wake of the Sackett Decision

- The May 2023 US Supreme Court ruling in *Sackett vs. EPA* stripped federal protections for most of New Mexico's waters.
- Estimates indicate that up to **95%** of the state's rivers and streams and **88%** of the state's wetlands may have lost protections.

*There is still a lot of uncertainty about how the 2023 US Supreme Court Sackett decision will be implemented. This mapping exercise represents a worst-case scenario in terms of removing protections from New Mexico's streams and wetlands.



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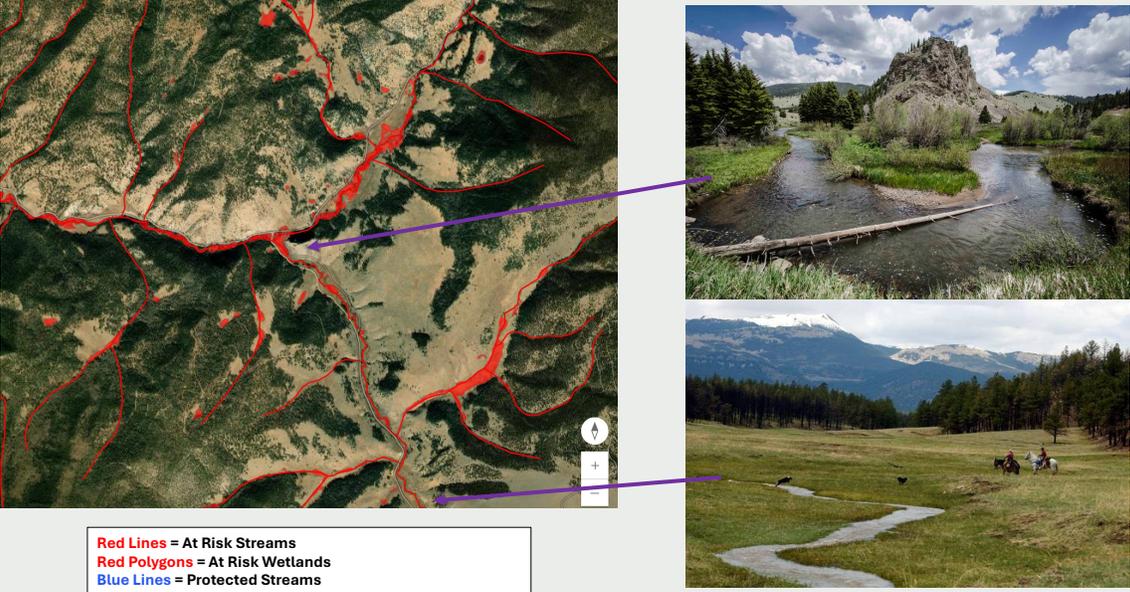
Tingley Beach, Albuquerque NM



Red Lines = At Risk Streams
 Red Polygons = At Risk Wetlands
 Blue Lines = Protected Streams
 Green Polygons = Protected Wetlands

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Rio Costilla and Valle Vidal



Red Lines = At Risk Streams
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What does this loss of Clean Water Act Coverage Mean for New Mexico?

- We are one of only 3 states that does not write point source discharge permits. Federal government (EPA) writes permits in NM.
- If waters aren't federally protected = no federal permit. Means many discharges go unregulated.
- Also, no dredge and fill state permitting to protect state wetlands and streams.
- This means that there isn't a clean water permitting mechanism to control pollution discharges into the vast majority of our rivers, streams, and wetlands.

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	<h3>Permits No Longer Required</h3> <ul style="list-style-type: none"> • Silver City Wastewater Treatment Plant • Ramah Wastewater Treatment Plant • Cloudcroft Wastewater Treatment Plant • Dredge and Fill Permits, including those that protect wetlands, are no longer required in closed basins, isolated wetlands, ephemeral streams, many intermittent streams, and even some perennial streams.

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	<h3>Impacts to New Mexico Waters</h3> <ul style="list-style-type: none"> ▪ Wetlands are the sponges of our watersheds – contribute to consistent stream flow, water quality, and flood control. If they are filled in downstream users suffer. ▪ New Mexico waters will experience changes in both quality and quantity. ▪ A bulldoze and fill first, and ask questions later mentality ▪ Less community input into development, less checkpoints for safeguards on harmful projects. <p style="text-align: right;">8</p>
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New Mexico's rivers are most threatened waterways in US, report finds

Supreme court ruling left more than 90% of state's surface waters with no pollution protections, since they don't run continuously



Every New Mexico river endangered and vulnerable to contamination, according to national report

Reasons include recent rollbacks to Clean Water Act protections and a state water permitting system that is still in the planning phase



New Mexico waterways top 'most endangered' list

America's Most Endangered Rivers® of 2024

1 RIVERS OF NEW MEXICO

THREAT: Loss of federal stream and wetland protections

STATES: New Mexico

AT RISK: Clean water, wildlife habitat, recreation, agriculture, tourism

SUMMARY: New Mexico's rivers are its lifelines, providing clean drinking water, irrigation, fish and wildlife habitat, and rich cultural resources. But a recent U.S. Supreme Court decision, backed by EPA, has rolled back federal stream protections for small streams and wetlands nationwide, leaving New Mexico the most out of all the states. This federal action leaves New Mexico's rivers without protections for the vast majority of the miles of rivers that contribute to the state's economy and cultural heritage, leaving the door to pollution and habitat damage wide open. The resulting economic impacts to rivers such as the Rio Grande, Rio, San Juan, and Pecos...

THE RIVER: From the Upper Rio Grande to the Gila River, New Mexico's rivers and streams are the lifelines of the state's economy, environment, cultural history, and quality of life. In addition to supplying life for people and animals, these water resources provide a natural area of refuge for a variety of New Mexico's species, from wild geese to green herons. Clean water from these streams is essential for New Mexico's agriculture and community values, which are integral to New Mexico's traditions and economy. A large portion of the state's world-famous outdoor recreation industry—hunting, fishing, and rafting—is dependent on healthy rivers and clean water. New Mexico's rivers, streams, and wetlands are a critical part of the culture and way of life for the diverse communities who call the state home. New Mexico's Indigenous communities, including 22 recognized Pueblo and Tribal governments, have stewarded these lands and waters since time immemorial, and remain integral to protecting the waters on which all New Mexico depend.

THE THREAT: A recent U.S. Supreme Court decision, backed by EPA, overturned decades of federal clean water protections for the vast majority of New Mexico's streams, and wetlands with potentially devastating consequences to clean water, agriculture, recreation, economy, fish and wildlife habitat, and cultural resources. The state decision rolled back federal Clean Water Act safeguards to include protections only for "navigable permanent" streams, and wetlands with a "continuous surface connection" to these protected waters. This means streams that only flow during the rainy season or for periods of the year after snowmelt—which is very typical in the arid state—no longer have federal protections. The Court also stopped...



SANTA FE + NEW MEXICAN

All of New Mexico's rivers top list for most imperiled in nation



FRANCISCO GUEVARA

OWNER OF LOS RIOS RIVERS RUNNERS

PROTECT NM WATERS

"My business depends on clean water in the Rio Grande, which is dependent on all the small streams that feed into the Rio Grande. If these streams aren't protected the Rio Grande and my business suffers."

BEATA TSOSIE PEÑA

BREATH OF MY HEART BIRTHPLACE

PROTECT NM WATERS

"We are water beings, and what we do to our waters and waterways, we do to ourselves. If these waters are polluted our people suffer."

<p>CORRINE</p> <p>PROTECT NM WATERS</p> <p>“Future generations are depending on us to act quickly to protect NM wetlands. Wetlands, filter out pollutants and are natural reservoirs that release water throughout the growing season. As land-based cultures and communities wetlands are critical for our physical, emotional and spiritual health and well-being.”</p> <p>SANCHEZ</p> <p>TEWA WOMEN UNITED</p> 	<p>NICK STREET</p> <p>FLYFISHING GUIDE</p>  <p>PROTECT NM WATERS</p> <p>“My father started our family’s fly fishing business over 40 years ago. Through the decades, we have seen the negative impacts of mining, wastewater treatment plant spills, and development in our watersheds. Our success as a family and a business is directly tied to clean water.”</p>
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<p>Protect NM Waters Storymap: Nmwaters.org</p>	
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GOAL

- **NPDES Permits** - State gets primacy of the NPDES program from EPA to issue NPDES permits for WOTUS.
- **Dredge and Fill Permits** – USACE continues to issue dredge and fill permits for WOTUS.
- **Gap Waters** – State issues point source and dredge and fill permits for the 96% of New Mexico’s water resources that are no longer federally protected.

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Next Steps

- Surface Water Advisory Panel – meetings now through end of October.
- 2025 Legislative Session
 - Primacy Legislation
 - Water Quality Act Amendments
- Administrative Rulemaking – Summer 2025-Winter 2025

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