

MY VIEW RACHEL CONN AND LILIANA CASTILLO

## State must come together to protect water

By Rachel Conn and Liliana Castillo Apr 6, 2021 Updated Apr 6, 2021  1

It's spring in New Mexico, and all the small streams across the state are starting to flow. These same streams are under threat from new federal rules and need more robust state safeguards.

New Mexico is rich in iconic waterways that support multigenerational acequias and farms, wetlands, lakes and reservoirs critical for agriculture, wildlife habitat, drinking water supplies and our growing outdoor recreation economy. And if you're from here, you know we rely on more waterways than the rushing Rio Grande or the wild Gila River.

In a desert state like New Mexico and across the arid Southwest, the smaller waterways that connect our rivers are vital to our way of life.

Like capillaries of watersheds, streams that don't have water in them year-round recharge aquifers and deliver water downstream for wildlife and human use. If pollutants are discharged into a smaller stream, contamination will flow into the larger rivers that 900,000 New Mexicans depend on for drinking water.

That's one of the reasons why the federal Navigable Waters Protection Rule, also known as the Dirty Water Rule, is such a bad policy for New Mexico. Already, the rule is facing several New Mexico-based legal challenges due to how detrimental it will be for our waters. The state of New Mexico has joined with other states to challenge the rule. In addition, nonprofits Amigos Bravos, New Mexico Acequia Association and the Gila Resources Information Project joined to challenge the Dirty Water Rule, and just last week, Laguna and Jemez pueblos filed a third suit.

Before preparing to clean out the head gate of one such small waterway, Acequia Madre del Sur Mayordomo Vicente Fernandez summed it up nicely: "This is our tradition. This is our culture. We don't want to be a people that loses its culture and its traditions because we haven't taken the right steps to protect our rivers."

Fernandez and many other New Mexicans sound the alarm about the Dirty Water Rule's impacts in New Mexico in a new multimedia project called Polluted Future: New Mexico Clean Water Under Threat, available at [NMWaters.org](https://nmwaters.org). The project highlights nine local leaders from diverse backgrounds across New Mexico. Their stories speak to how our way of life, culture, drinking water and economy rely on clean water.

The Dirty Water Rule, combined with previous reductions of protections at the federal level in 2001 and 2006, negatively impacts New Mexico more than any state in the nation, leaving more than 90 percent of our waters unprotected by the federal Clean Water Act. Unregulated industrial discharges threaten these waterways. The New Mexico Environment Department estimates up to

50 percent of permits that control pollution in our waterways are no longer valid under the Dirty Water Rule.

Important economic drivers like outdoor recreation and agriculture also depend on clean water. Agriculture alone accounted for \$3.9 billion in sales in 2012, according to a New Mexico State University study. The outdoor recreation economy in New Mexico generates more than \$9 billion in consumer spending annually and directly employs 99,000 people.

Clean water is a precious resource everywhere, but New Mexico's arid climate magnifies its importance. We must reflect this importance in how highly we prioritize protecting our water. Gov. Michelle Lujan Grisham's administration and our state lawmakers must defend New Mexico's waters and future by instituting and adequately funding a state program to fill regulatory gaps left by the loss of federal protections. Hear more stories of New Mexico's clean water under threat at [NMWaters.org](http://NMWaters.org).

Fortunately, we are in a position to do something about the Dirty Water Rule. New Mexico is one of only three states without a state program to control the discharge of contaminants into state waters, previously managed federally under the Clean Water Act. A state program will create more local oversight and protect the clean water we all depend on for our health and livelihoods.

New Mexicans are accustomed to stepping up to unique challenges, and we must do so again for the sake of our water.

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