

**MICHELLE LUJAN GRISHAM, GOVERNOR**

James C. Kenney, Cabinet Secretary

Jennifer J. Pruet, Deputy Secretary

NEWS RELEASE*For Immediate Release***May 19, 2020***The Environment Department's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.*

Contact: Maddy Hayden, Communications Director
New Mexico Environment Department
505.231.8800 | maddy.hayden@state.nm.us

Environment Department Cabinet Secretary James Kenney issues statement on New Mexico's challenge to WOTUS rule

SANTA FE — On Tuesday, New Mexico Environment Department (NMED) Cabinet Secretary James Kenney issued the following statement after the state joined other states in asking a federal court to prevent the Waters of the U.S. (WOTUS) rule from taking effect:

“We will not allow a rule to take effect this summer that will devastate New Mexico’s scarce and limited water resources,” Secretary Kenney said. “When it comes to protecting our surface waters, I am ready to take this fight to the courts and seek a preliminary injunction with other states. New Mexico is arguably the state with the most to lose, and my Department will do whatever it takes to prevail in protecting our most precious resource.”

In 2019 the federal government proposed revisions to the WOTUS rule, which defines waters that receive protections under the federal Clean Water Act. The rule was finalized in April and is scheduled to go into effect on June 22, 2020. On May 1, 2020, New Mexico Attorney General Hector Balderas, with support from NMED, officially joined 16 other states, the City of New York and the District of Columbia in suing the federal government over the rule. On May 19, the multi-state coalition asked the court to issue a preliminary injunction to prevent the rule from going into effect nationwide while litigation on the rule’s merits continues.

If the new rule takes effect in New Mexico, at least 89 percent of the state’s rivers and streams and approximately 40 percent of the state’s wetlands would lose federal protection from pollution. This federal rollback of environmental protections for streams and wetlands and the resulting reductions in water quality will be devastating to wildlife and humans who are dependent on these waters for drinking water as well as cultural, recreational and economic purposes.

In April 2019, NMED submitted [comments](#) on the proposed rule. In addition and as part of the Attorney General’s lawsuit, NMED Water Protection Division Director Rebecca Roose provided a [declaration](#) to the court.

###

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED’s non-discrimination programs, policies or procedures, you may contact:

Kristine Yurdin, Non-Discrimination Coordinator | NMED | 1190 St. Francis Dr., Suite N4050 | P.O. Box 5469 | Santa Fe, NM 87502

(505) 827-2855 or nd.coordinator@state.nm.us

If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator.

###