

## **Water rule could drain protections from Taos County wetlands, arroyos**

Staff report

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The Environmental Protection Agency intends to propose a new rule for protections of streams and wetlands that would leave out many in Taos County.

The proposed new federal rule was announced Tuesday (Dec. 11). It would replace a 2015 definition of “waters of the United States,” which was developed during the Obama administration under the Clean Water Act. The 2015 definition expanded the waterways eligible for federal protections to ephemeral streams, or those that only flow when snow melts or rain falls.

The new rule would remove ephemeral streams and wetlands that don’t have an above-ground connection to a body of water, two types of waterways that are prevalent throughout Taos County and vital to the region’s watershed.

“It’s a really bad rule for New Mexico and Taos County,” said Rachel Conn, projects director for Amigos Bravos, a water policy and advocacy organization based in Taos. “Amigos Bravos doesn’t think any body of water should be open to pollution or destruction, but this is exactly what this rule does by stripping Clean Water Act protections from crucial streams and wetlands in Taos County.”

Midnight Meadows, the mountain wetland in the Cabresto Canyon area of the Red River watershed, is one such “waters of the United States” that would lose these federal protections, Conn said. “It’s not the typical wetlands, where you have big cattails and standing water,” Conn said.

Other ephemeral streams, such as the rock-lined arroyo that runs through the southern end of the town of Taos, could also be impacted, she said.

Some nationwide ranching and farming organizations applauded the proposed rule as a victory for rural, land-based people. Caren Cowan, executive director of the New Mexico Cattle-growers Association, said her organization is still reviewing the proposed rule.

A 60-day public comment period on the new rule is open upon publication in the Federal Registrar, which had not happened as of Wednesday (Dec. 19). The EPA is hosting one listening session, in Kansas, about the proposed rule.