**Headline:** The Supreme Court’s Clean Water Act Decision Threatens the Nation’s Rivers

**Teaser:** Leaving river protections to states doesn’t make sense when rivers cross state lines.

By Gary Belan

**Author Bio:** Gary Belan is the senior director of clean water supply at [American Rivers](https://www.americanrivers.org/).

**Source:** Independent Media Institute

**Credit Line:** This article was produced by [Earth | Food | Life](https://independentmediainstitute.org/earth-food-life/), a project of the Independent Media Institute.

**Tags:** Climate Change, Economy, Environment, North America/United States of America, Science

**[Article Body:]**

It’s impossible to underscore the importance of healthy rivers: [60 percent](https://www.fisheries.noaa.gov/national/habitat-conservation/river-habitat) of the drinking water supply in the United States comes from rivers. And while your tap water may be clean, unfortunately, tens of millions of Americans [don’t have the same assurance](https://www.fastcompany.com/90858376/were-going-backwards-in-water-access-how-46-million-americans-still-dont-have-safe-drinking-water), and this problem is only escalating, particularly with so-called “forever chemicals” like PFAS [contaminating the national water supply](https://www.usgs.gov/news/national-news-release/tap-water-study-detects-pfas-forever-chemicals-across-us#:~:text=USGS%20estimates%20at%20least%2045,have%20one%20or%20more%20PFAS&text=At%20least%2045%25%20of%20the,by%20the%20U.S.%20Geological%20Survey.).

In 2023, the U.S. Supreme Court dealt a significant blow to the Clean Water Act with its ruling in [*Sackett v. EPA*](https://www.supremecourt.gov/opinions/22pdf/21-454_4g15.pdf). The decision stripped away federal protections for millions of miles of streams and tens of millions of acres of wetlands nationwide. The decision drastically reversed safeguards that have upheld the integrity of rivers, water bodies, and public health for half a century by shifting the responsibility of safeguarding these vital water sources to individual states, where enforcement of [protections varies greatly](https://riverstreamassessment.epa.gov/webreport/)—if they exist at all.

It is also important to note that the high court’s decision makes small streams and wetlands vulnerable to damaging exploitation and pollution. Given the interconnectedness of all water bodies, neglecting these areas increases the risk of pollution seeping into our drinking water sources, namely rivers. Having a patchwork of state-based regulations simply doesn’t work when rivers cross state lines.

This erosion of safeguards should serve as a rallying cry for clean water advocates everywhere. Access to clean drinking water is non-negotiable for public health. But rivers are critical for more than just water to drink. They provide sustenance, livelihoods, transportation, recreation, spiritual renewal, and a host of [ecosystem services](https://nap.nationalacademies.org/read/11773/chapter/11), such as storm and flood protection, nutrient recycling, water regulation, erosion control, water purification, waste treatment, irrigation, and disease control.

And it’s not only humans who are threatened when rivers aren’t protected. Since rivers are one of the most endangered ecosystems on Earth, [freshwater species are going extinct at a faster rate](https://www.americanrivers.org/2021/10/an-emergency-for-river-wildlife/) than ocean or land species. More than [half of the world’s fish species](https://www.unep.org/news-and-stories/story/eagles-bears-and-snapping-turtles-wildlife-returns-one-us-most-famous-rivers) depend on freshwater to survive.

**Water Is Life: The Right to Clean Water**

Water is a fundamental necessity; every individual, regardless of location, deserves access to clean drinking water. The [human right to clean water](https://www.un.org/waterforlifedecade/human_right_to_water.shtml)—which asserts that every individual has the right to access safe, sufficient, and affordable drinking water for personal and domestic use without discrimination—is a fundamental principle that is internationally recognized. This right, as the United Nations [states](https://www.unwater.org/water-facts/human-rights-water-and-sanitation), is “fundamental to everyone’s health, dignity and prosperity.”

The United Nations General Assembly explicitly [recognized the human right to water and sanitation in 2010](https://www.un.org/waterforlifedecade/human_right_to_water.shtml#:~:text=On%2028%20July%202010%2C%20through,realisation%20of%20all%20human%20rights.), reaffirming that access to clean water and sanitation is essential for the full enjoyment of life and all human rights. This acknowledgment underscores the significance of clean water as a prerequisite for realizing other rights, such as the right to health, food, and a clean environment.

Rivers serve as the primary origin of the majority of fresh surface water utilized by humans, yet they represent just a minuscule fraction—only [one ten-thousandth of one percent](https://www.usgs.gov/special-topics/water-science-school/science/how-much-water-there-earth#:~:text=Of%20total%20freshwater%2C%20over%2068,one%20percent%20of%20total%20water.)—of the Earth's total water. In the United States, rivers are the source of [two-thirds](https://www.fisheries.noaa.gov/national/habitat-conservation/river-habitat) of the available drinking water.

Since a significant portion of our drinking water originates from rivers and streams, strengthening the Clean Water Act is imperative to ensure the national protection of all streams and wetlands from potential pollution that could contaminate our drinking water sources.

**Annual Analysis of River Threats**

“America’s Most Endangered Rivers”is an annual report researched and produced by my organization, [American Rivers](https://www.americanrivers.org/), a nonprofit environmental advocacy group, in collaboration with our local partners. It highlights ten rivers facing urgent threats, each with a specific call to action. The report sheds light on the imminent threats to clean water in the United States, not only to the rivers listed but also to streams, wetlands, and rivers across the nation. These water sources eventually supply the water we consume daily.

First published in 1984, “America’s Most Endangered Rivers” has been instrumental in achieving tangible results, such as [preventing pollution in national treasures like the Buffalo National River](https://www.americanrivers.org/media-item/buffalo-national-river-named-one-of-americas-most-endangered-rivers-of-2019/) and [safeguarding pristine areas like the Boundary Waters](https://www.doi.gov/pressreleases/biden-harris-administration-protects-boundary-waters-area-watershed) from harmful mining activities.

The 10 rivers featured in the [2024 report](https://mostendangeredrivers.org/) face a myriad of challenges, including dams, pollution, and unchecked water usage. Despite their diverse locations and issues, they collectively demand urgent action to protect clean water resources.

From the Rio Grande in New Mexico, crucial for sustenance and livelihoods, to Connecticut’s Farmington River, a drinking water source for hundreds of thousands of people, the rivers highlighted in the 2024 report underscore the pressing need for clean water preservation efforts.

**The Most Endangered Rivers in the United States**

The selection process for “America’s Most Endangered Rivers” involves careful consideration of three primary criteria: the river’s significance to people and wildlife, the severity of the threat it faces, and the opportunity for public influence in the coming year. Here are the 10 most endangered rivers in the United States in 2024.

**1. Rivers of New Mexico**

The rivers of New Mexico serve as its lifeblood, providing vital resources such as clean drinking water, irrigation, habitats for wildlife, and significant cultural assets. However, the 2023 ruling by the U.S. Supreme Court in *Sackett v. EPA*, which eliminated federal protections for small streams and wetlands nationwide, poses the greatest threat to New Mexico among all states. The ruling removes Clean Water Act protections between 88 and 96 percent of the state’s streams.

Permits that oversee pollution control and minimize harm to waterways and wetlands from specific sources, such as wastewater treatment plants, mines, industrial sites, and development projects, may no longer be mandated for numerous water bodies in the state. Without a state permitting program, the majority of New Mexico’s streams and wetlands would be left without protection.

By revoking federal safeguards for most of the state’s streams and wetlands, opportunities for pollution and habitat destruction have been created. This has consequently endangered rivers like the Rio Grande, Gila, San Juan, and Pecos, with harmful downstream effects.

**2. Big Sunflower and Yazoo Rivers, Mississippi**

The Big Sunflower and Yazoo Rivers harbor a wealth of wetlands and ecosystems that sustain over 450 species of birds, fish, and wildlife within the heart of the Mississippi Flyway. This unique area, home to one of the nation’s last remaining intact bottomland hardwood forests, faces a threat from the [Yazoo Backwater Pumps project](https://www.mvk.usace.army.mil/Missions/Programs-and-Project-Management/Yazoo-Backwater/). This initiative risks damaging thousands of acres of wetlands while perpetuating historical environmental and racial injustices, particularly affecting predominantly Black, impoverished communities.

The Yazoo Pumps proposal, initially [vetoed by the Environmental Protection Agency (EPA) in 2008](https://www.epa.gov/cwa-404/yazoo-backwater-area-pumps-project) due to its environmental impact, [resurfaced in 2021](https://www.wlbt.com/2021/11/17/epa-reverses-trump-era-decision-allow-yazoo-pumps/). Instead of resurrecting this costly and detrimental project, the EPA and the U.S. Army Corps of Engineers should prioritize immediate and effective flood relief through nature-based and non-structural solutions. These approaches assist local communities and conserve crucial wetlands, which serve as natural flood protection and contribute to climate resilience.

**3. Duck River, Tennessee**

The Duck River, a picturesque watercourse in Tennessee, stands as the most biodiverse river in North America. Renowned as one of three global hotspots for fish and mussel diversity, it provides a sanctuary for endangered aquatic life. However, the river faces risks from excessive water withdrawals due to the rapid development spurred by the [region’s fastest-growing communities](https://www.columbiatn.com/379/About-Columbia#:~:text=Columbia%20was%20first%20settled%20in,Census%20Bureau's%20annual%20population%20statistics.). Local demands for drinking water, agriculture, and industrial processes are straining the river’s capacity, surpassing its sustainable limits. This overconsumption jeopardizes the river’s availability for local communities and its vital role in supporting diverse fish and wildlife.

Tennessee Governor Bill Lee must take action to safeguard this remarkable waterway. This includes assembling a technical working group, tasking the Tennessee Department of Environment and Conservation with devising a comprehensive water protection strategy and allocating funds for essential scientific research to ascertain the river’s flow requirements and ensure its long-term viability.

**4. Santa Cruz River, Arizona**

For over 12,000 years, the Santa Cruz River has been a vital source of life-sustaining water for human communities, including some of the oldest settlements in North America. The Tohono Oʼodham Nation has been the stewards of these lands and waters since ancient times, and today, both the Tohono O’odham Nation and the Pascua Yaqui Tribe still reside in the region.

But the Santa Cruz River, once a desert oasis, has suffered from decades of drying up and pollution. Only recently has it begun to rejuvenate. However, progress towards ensuring clean, flowing water in the river faces threats from climate change and water scarcity. Moreover, the 2023 Supreme Court ruling in [*Sackett v. EPA*](https://www.supremecourt.gov/opinions/22pdf/21-454_4g15.pdf) rolling back Clean Water Act protections could introduce new challenges to the watershed’s long-term health. To preserve this river as a cherished community asset, the U.S. Fish and Wildlife Service should establish an [Urban National Wildlife Refuge](https://www.fws.gov/refuges/urban) there.

**5. Little Pee Dee River, North Carolina, South Carolina**

Flowing primarily through the upper coastal plain of South Carolina, the Little Pee Dee River stands out as one of the Southeast’s most distinctive [blackwater rivers](https://www.dnr.sc.gov/education/pdf/BlackwaterRivEdGuide.pdf). It is significant for both people and wildlife.

Spanning 118 miles, its banks are adorned with extensive stretches of forested wetlands, serving as crucial habitats for endangered fish species and other wildlife. While the river has largely escaped the impacts of development, the [imminent danger of highway construction](https://www.postandcourier.com/opinion/editorials/i-73-endangers-little-pee-dee-river/article_3588e05a-00e8-11ef-a3bc-7364963c3168.html) and inadequate resource management threatens the river itself and the communities that depend on it.

**6. Farmington River, Connecticut, Massachusetts**

The Farmington River is a crucial source of clean drinking water for the region, supports a diverse ecosystem of fish and wildlife, and offers recreational activities such as boating. However, the Rainbow Dam, an outdated hydropower structure, poses significant challenges to the river’s vitality. It obstructs fish migration and triggers outbreaks of toxic algae blooms, posing risks to the health of people, pets, and wildlife.

The Connecticut Department of Energy and Environmental Protection and Farmington River Power Company are responsible for ensuring that dam operations adhere to reasonable standards, safeguarding the river’s health and public health and safety.

**7. Trinity River, California**

The Trinity River–the largest tributary of the Klamath—is vital to salmon, steelhead, and green sturgeon. The Trinity, known as Hun to the Hoopa Tribe, which has resided on its banks for millennia, is crucial to the local community and wildlife. The Hoopa Valley and Yurok Tribes have been stewarding and defending the river for generations, fighting for Tribal rights and environmental justice for the people and the waters.

The Trinity is threatened by excessive water diversions, new water demands, and the effects of drought and climate change. The state of California and the Interior Department must take action to protect the Trinity River and support Tribal Nations and their federally reserved fishing rights, culture, and livelihoods.

**8. Kobuk River, Alaska**

Flowing freely north of the Arctic Circle in Alaska, the Kobuk River marks the northern boundary of the boreal forest that borders the Brooks Range. It winds through the ancestral homelands of the Indigenous Iñupiat people, who have relied on these lands for sustenance for countless generations. The river’s rich array of fish and wildlife holds deep spiritual, cultural, and nutritional significance for the Iñupiat communities. With no road connections or industrial development, the river offers a rare glimpse into a nearly untouched North American landscape.

However, the proposed Ambler Road and associated mining ventures pose a [grave threat to the Kobuk River](https://alaskabeacon.com/briefs/proposed-ambler-road-project-cited-as-threat-to-kobuk-river-in-arctic-alaska/). If realized, these projects would inflict irreversible damage to the river's water quality and delicate ecosystem, jeopardizing the livelihoods of communities along its banks. To safeguard this pristine wilderness, it is imperative for the federal government to annul all permits permitting the construction of the road.

**9. Tijuana River, California, Mexico**

The Tijuana River Watershed, the ancestral and current homeland of the Kumeyaay People and home to millions of people on both sides of the U.S./Mexico border is steeped in rich multicultural identities. The river joins the Pacific Ocean at beautiful beaches that were once frequented by families, swimmers, and surfers but are now [choked with pollution](https://www.waterboards.ca.gov/sandiego/water_issues/programs/tijuana_river_valley_strategy/sewage_issue.html), limiting coastal access and causing serious threats to public health.

Decades of mismanagement and under-investment in wastewater infrastructure have led to egregious and long-running Clean Water Act violations, hurting ecosystems, forcing beach closures, and [threatening public health](https://www.sdsu.edu/news/2024/02/public-health-crisis-unfolds-as-tijuana-river-sewage-contamination-escalates). Frontline communities have been advocating for solutions for decades, but despite recent progress, roadblocks continue to stand in the way. The Congress and federal agencies must act now to address this crisis.

**10. Blackwater River, West Virginia**

The headwaters of West Virginia’s Blackwater River, located in the Canaan Valley and encompassing Blackwater Falls State Park, stand as a cherished recreational and scenic gem. This area is beloved by wildlife enthusiasts, nature lovers, boaters, cyclists, hikers, skiers, hunters, and anglers alike. However, the Blackwater River faces imminent threats.

As endorsed by the state, the proposed route for the “[Corridor H](https://transportation.wv.gov/highways/major-projects/Corridor-H/route/Documents/Parson%20to%20Davis/2004_03_Blackwater%20Industrial%20Complex%20COE.pdf)” highway complex poses significant risks. It would disrupt local communities and intersect sensitive headwater streams, damage fragile habitats, and contaminate vital tributaries. Local residents and businesses are urging policymakers, including the Federal Highway Administration, to [adopt an alternative Northern Route](https://go-northcorridorh.org/) that prioritizes preserving river health and enhancing the heritage, character, and economies of local communities.

**Protect Rivers, Protect Ourselves**

It is imperative to bolster safeguards for streams and wetlands, which are the beginning of all rivers at the state level. However, federal protections are critical, as state protections vary: Water sources are connected, so permitting pollution in one area jeopardizes water safety in others.

We can urge our elected lawmakers to strengthen the Clean Water Act to protect not only the ten most endangered rivers but every stream and river across the country. We can also urge our elected lawmakers to hold polluters accountable for the damage they do to rivers and waterways.

Water is life, and so too are rivers. To ensure the health and well-being of our families, communities, future generations, and all the other species connected to us through the web of life, we must do more to guard the lifeblood of our nation: the waters that run through the rivers.