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Youth Plaintiff Appeals New Mexico Climate Case

*After a Judge in New Mexico Granted the State's Motion for Summary Judgment,
Nineteen-Year-Old Akilah Sanders-Reed Files a Notice of Appeal*

Santa Fe, New Mexico – Today, youth plaintiff Akilah Sanders-Reed took her climate change lawsuit to the New Mexico Court of Appeals, appealing Judge Sarah Singleton's July 4, 2013 dismissal of her case. She is asking the appeals court to uphold her rights as a beneficiary of the Public Trust Doctrine in New Mexico and order the State of New Mexico to fulfill its duty as trustee by preventing further impairment to the atmospheric trust resource from New Mexico's greenhouse gas emissions.

Sanders-Reed's and co-plaintiff WildEarth Guardians' lawsuit, filed on May 4, 2011 against Governor Susana Martinez and the State of New Mexico, relies upon the long-established principle of the Public Trust Doctrine, which requires all branches of government to protect and maintain certain shared resources fundamental for human health and survival, like water and air, and in this case the atmosphere and climate system.

The Atmospheric Trust Litigation case in New Mexico was the first of its kind to proceed on the merits after Judge Singleton denied the state defendants' motion to dismiss one year ago. Her order recognized that "Plaintiffs have made a substantive allegation that...the state is ignoring the atmosphere with respect to greenhouse gas emissions." But on June 26, the Judge found that the Public Trust Doctrine did not apply to the case because New Mexico's Environmental Improvement Board (EIB) "made findings that there was no need to regulate the State's greenhouse gas emissions, because that would have no impact on the issue of global warming or climate change."

"The Court erred in determining that the Public Trust Doctrine only applies if the State's administrative process for dealing with a trust resource was flawed in some way, rather than recognizing that the State has an affirmative obligation to protect crucial natural resources for its citizens," said Akilah's attorney, Samantha Ruscavage-Barz of WildEarth Guardians. "The Court also erred in relying on the EIB's finding that greenhouse gas regulation was unnecessary. The State simply cannot abdicate its trust responsibility in this way."

Akilah is disappointed in Judge Singleton's decision, but believes she has a strong case on appeal. New Mexico is not taking the action needed to mitigate greenhouse gas emissions in the

state, and has gone backwards in recent years by repealing some protective regulations it did have in place.

“We are seeing the consequences of climate disruption right now. The largest uncontained wildfire in the United States is currently blazing through southern New Mexican soil, along with smaller fires across the state,” says Akilah about her home state. “Our water supply is consumed by drought as we struggle through the hottest years on record. Our food, homes, and businesses require land to exist, and water to function. The composition of our atmosphere dictates the frequency and severity of the fires and droughts consuming New Mexico. If this is not the public trust—the posterity our government was created to ensure—then what is?”

The Court of Appeals decision on whether the state has violated its public trust duty to protect the atmosphere is critical. A positive ruling would set important precedent on states’ duties to protect critical natural resources for present and future generations. As a frontline community already scorched by the consequences of climate change, New Mexico and all of its citizens have a lot at stake in the outcome of this case led by a young citizen who is fighting for a livable future in her home State.

***WildEarth Guardians** is a nonprofit environmental conservation and advocacy organization based in Santa Fe, New Mexico. Guardians works to replace fossil fuels with clean, renewable energy in order to safeguard public health, the environment, and the Earth’s climate for future generations. <http://www.wildearthguardians.org>.*

***Our Children's Trust** is a nonprofit organization advocating for urgent emissions reductions on behalf of youth and future generations, who have the most to lose if emissions are not reduced. OCT is spearheading the international human rights and environmental TRUST Campaign to compel governments to safeguard the atmosphere as a "public trust" resource. We use law, film, and media to elevate their compelling voices. Our ultimate goal is for governments to adopt and implement enforceable science-based Climate Recovery Plans with annual emissions reductions to return to an atmospheric carbon dioxide concentration of 350 ppm. www.ourchildrenstrust.org/*

***iMatter Campaign** is a youth-led campaign of the nonprofit group, Kids vs. Global Warming, a movement of empowered youth leaders who compel action on the climate crisis. These are the leaders of a generation who may be too young to vote and have little political clout, but who exercise their civil rights to lead the way to a society that lives and governs as if their future matters. www.imattermarch.org/*

***WITNESS** is the global pioneer in the use of video to promote human rights. We empower people to transform personal stories of abuse into powerful tools for justice, promoting public engagement and policy change. In partnership with the iMatter TRUST Campaign we seek to bring visibility to the challenges our youth already face because of the changing climate and call for a massive assault on fossil fuel emissions. Without an all-out assault, effects will range from drought to disease; from food shortages to tainted water supplies; from the loss of homes due to floods, erosion and fire to massive relocations. The human rights challenge is most succinctly summarized by Mary Robinson, “Climate change will, in short, have immense human*

consequences.” WITNESS partnered on this campaign in hopes that predictions will not become realities. To view the stories from our youth included in the TRUST Series go to www.witness.org/campaigns/all-campaigns/imatter or www.ourchildrenstrust.org.

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