

**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF THE PETITION
FOR PROPOSED AMENDMENTS
TO 20.6.4.9 NMAC, DESIGNATION
OF WATERS OF THE UPPER PECOS
WATERSHED AS OUTSTANDING
NATIONAL RESOURCE WATERS,
Village of Pecos, San Miguel County,**

WQCC No. 21-51(R)

**Upper Pecos Watershed Association, New
Mexico Acequia Association, and Molino
de la Isla Organics LLC,
Petitioners.**

AMENDED SCHEDULING ORDER

During its regularly scheduled November 9, 2021 public meeting, the Water Quality Control Commission ("WQCC") granted a public hearing to the *Petition to Designate the Surface Waters of the Upper Pecos Watershed as Outstanding National Resource Waters* and appointed Gregory Chakalian as Hearing Officer with the powers and duties as outlined in 20.1.6.100 NMAC. Following the December 8, 2021, prehearing teleconference attended by all the parties, and being fully advised of the Governor Executive Orders and applicable public health orders.

IT IS HEREBY ORDERED:

1. The public hearing in this matter shall be held virtually via the WebEx platform and commence at 9:00 am on April 12-13, 2022 and may continue as determined by the WQCC.
2. Pre-filed Notices of Technical Testimony shall be filed with the Commission Administrator (Pamela.Jones@state.nm.us) and served on all other parties on or before March 10, 2022, in full-written format with clearly marked exhibits. Under 20.1.6.202.A(1) NMAC, a timely filed Notice shall:

- (i) identify the person filing the statement;
- (ii) state whether the person filing the statement supports or opposes the Draft Petition;
- (iii) identify each witness, including name, address, affiliation(s), and educational and work background;
- (iv) estimate the length of the direct testimony of each witness;
- (v) identify all exhibits which are part of the Record Proper and, for exhibits not part of the Record Proper, attach a copy;
- (vi) list or make available all technical materials relied upon by each witness in making statement of technical of fact or opinion contained in his or her direct testimony; and
- (vii) attach a summary of the testimony of each witness, stating any opinion(s) to be offered by such witness, and an explanation of the basis for such opinion(s).

Failure to file a timely and complete Notice of Technical Testimony will preclude a person from presenting that technical evidence or testimony sought to be offered.

3. General (non-technical) comment will be taken under oath at the public hearing, and pursuant to 20.1.6.100.B NMAC, each public speaker who places their names on the virtual sign-in sheet, will have up to five (5) minutes to offer general comment. General comment will be accepted at various times during the hearing and at scheduled times (12 p.m. and 5 p.m. on the first day and including 9 a.m. on subsequent days). Hearing participants are encouraged to submit their comments in writing, as it is not limited in length, to the Commission Administrator before or during the hearing.

4. Prehearing motions and motions in limine shall be filed on or before March 29, 2022 to be considered by the Hearing Officer. Responses and replies shall be filed on or before April 5, 2022. Unopposed motions shall include a proposed order in Word format.
5. The verbatim transcript is the official record of the public hearing, and as prescribed by 20.1.6.303 NMAC, the cost is born by the Petitioner who shall schedule the court-reporter. A copy of the transcript will be maintained by the Office of Public Facilitation. The hearing will be recorded live via the WebEx virtual platform. The WebEx recording link will be available without charge from the Commission Administrator.
6. Witnesses shall provide a summary of their prefiled written technical testimony for the public at the hearing (demonstrative exhibits may be helpful to the public). Witnesses are encouraged to present their technical testimony to the public in plain-language and limit their summary to between fifteen (15) to a maximum of thirty (30) minutes per witness. This does not include cross-examination or rebuttal testimony as needed.
7. The Petitioner shall prepare a first draft of the public notice for the hearing in English and in Spanish and forward it to the Surface Water Quality Bureau for legal posting pursuant to 20.1.6.201 NMAC. The Office of Public Facilitation will post the public notice on the department's website no later than 30-days before the hearing.
8. Pursuant to 20.1.6.304 NMAC, the filing of the Notice of Transcript will begin the thirty (30) period for the parties to file proposed findings of fact and conclusions of law (jointly or severally). Once received, the undersigned will produce a preliminary report for the parties' comments within forty-five (45) days. The preliminary report

will be served on the parties, who will have seven (7) days to notify the undersigned of any exceptions. The undersigned will submit the final report to the Administrator seven (7) days after receipt of the parties' exceptions.

9. The applicable portions of the Record Proper as defined in 20.1.6.7(Q) NMAC shall be forwarded to the Commission Administrator no later than the first day of the hearing.

Gregory Chakalian, Hearing Officer

Certificate of Service

I hereby certify that on December 13, 2021, a copy of the Amended Scheduling Order was sent via electronic mail to the persons listed below:

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