

STATE OF NEW MEXICO  
WATER QUALITY CONTROL COMMISSION

IN THE MATTER OF PETITION TO  
NOMINATE SURFACE WATERS  
DESIGNATED AS SPECIAL TROUT WATERS, OR  
WILD AND SCENIC RIVERS, OR LOCATED WITHIN  
A WILDERNESS, PARK, MONUMENT OR REFUGE  
AS OUTSTANDING NATIONAL RESOURCE WATERS,

WQCC 24-46 (R)

NEW MEXICO ENVIRONMENT DEPARTMENT,  
  
PETITIONER.



## **2024 ONRW Designation Nominations**

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## **ACRONYMS:**

BLM	Bureau of Land Management
BLM WA	Bureau of Land Management Wilderness Area
BMPs	Best Management Practices
BNM	Bandelier National Monument
CCSP	Cimarron Canyon State Park
CHW	Columbine-Hondo Wilderness
CWA	Clean Water Act
EPA	United States Environmental Protection Agency
ESWMA	Edward Sargeant Wildlife Management Area
HUC	hydrologic unit code
IR	CWA §303(d)/ §305(b) Integrated Report
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
NMDGF	New Mexico Department of Game and Fish
NMSA	New Mexico Statutes Annotated
ONRW	Outstanding National Resource Water
PNHP	Pecos National Historical Park
RC W&S	Rio Chama Wild and Scenic
RGdN NM	Rio Grande Del Norte National Monument
RR W&S	Red River Wild and Scenic
SA WSA	San Antonio Wilderness Study Area
STW	NMDGF Special Trout Water
SWQB	Surface Water Quality Bureau
USFS	United States Forest Service
USGS	United States Geological Survey
VCNP	Valles Caldera National Preserve
WQA	New Mexico Water Quality Act
WQCC	New Mexico Water Quality Control Commission
WQS	Water Quality Standards
WWTP	Wastewater Treatment Plant

## I. Introduction

In 2021, Governor Michelle Lujan Grisham issued Executive Order 2021-052 – *Protecting New Mexico’s Lands, Watersheds, Wildlife, and Natural Heritage*, setting a goal to conserve “at least 30 percent (30%) of all lands in New Mexico” by the year 2030. The executive order also directed the natural resource state agencies, including the New Mexico Environment Department (NMED), to form the 30 by 30 Committee to “utilize its existing authorities, funding, and programs...to support and implement programs designed to conserve, protect, and enhance...natural environments across the State” to further the conservation goal. Furthermore, the 30 by 30 Committee is charged with ensuring that their department’s collective efforts “Prevent degradation of surface and ground water quality across watersheds...and ensure resilient local economies...based on agriculture, fishing and outdoor recreation”.

An Outstanding National Resource Water (ONRW) is a stream, lake, or wetland that receives special protection against future degradation under New Mexico’s *Standards for Interstate and Intrastate Surface Waters* (Surface Water Quality Standards or WQS), codified at 20.6.4 New Mexico Administrative Code (NMAC). This designation affords the highest protection of water quality under the State’s antidegradation policy and mirrors the protections established under federal regulations at 40 C.F.R. § 131 and the federal Clean Water Act (CWA). It is important to note that an ONRW designation does not prevent or preclude discharges or anthropogenic activities from occurring, but activities such as these require validation so that they will not cause water quality degradation of the ONRW. Although most types of degradation of water quality is not permitted in ONRWs, certain activities are allowed including:

- temporary, short-term activities to maintain public health or safety,
- existing land use activities,
- acequia operation, maintenance, and repair; and
- watershed restoration activities.

The Water Quality Control Commission (Commission or WQCC) is authorized under the New Mexico Water Quality Act (WQA) (NMSA 1978, § 74-6-4(D)) to adopt and amend WQS for surface waters of the State “based on credible scientific data and other evidence”. Additionally, the adoption of amendments to the State’s WQS must comply with the other requirements of the WQA (NMSA 1978, § 74-6-6), the State Rules Act (NMSA 1978 §§ 14-4-1 to -11), the Small Business Regulatory Relief Act (NMSA 1978 §§ 14-4A-1 to -6) and the Commission’s Rulemaking Procedures (20.1.6 NMAC).

In accordance with 20.6.4.9 NMAC, any person may nominate a surface water of the state as an ONRW by filing a petition with the Commission in accordance with the requirements in 20.6.4.9(A) NMAC, 20.1.6.200 NMAC, and other applicable statutes, regulations, or procedures. Pursuant to 20.6.4.9(B) and (C) NMAC, a surface water of the state may be designated and classified as an ONRW where the Commission determines it will benefit the state of New Mexico and it meets at least one of the eligibility criteria listed in 20.6.4.9(B)(1)-(3) NMAC.

The Commission codified requirements for ONRW nomination and designation during the 2005 Triennial Review (May 2005). The Commission also designated its first river segment as an ONRW (Rio Santa Barbara) at that time (WQCC Docket 03-05(R)). Since then, the Commission has designated waters as ONRWs through the public hearing and rulemaking process four additional times. Most recently, the



Commission adopted waters in the Upper Rio Grande (WQCC Docket 21-51(R)) and Upper Pecos Rivers (WQCC Docket 21-62(R)). Third parties developed and presented these petitions to the Commission. NMED Surface Water Quality Bureau (SWQB) staff worked with these parties to ensure the rulemaking process was adhered to and provided testimony during their proceedings. Additionally, SWQB agreed to continue working with third parties to identify and nominate additional ONRWs eligible for nomination under 20.6.4.9(B)(1). This petition and list of nominated waters is the result of that collaborative effort.

New Mexico's water resources continue to face stressors that contribute to limited and decreasing water supplies. Water plays a key role in ecosystem function and process and maintaining adequate water quality and flow are essential to maintaining habitat, wildlife, and fish species, which in turn are sources of many economic, cultural and spiritual values. Water is consistently recognized across communities in New Mexico as a critically important resource worth protecting.

## **II. Procedures for Nominating an ONRW - 20.6.4.9(A)(1) – (6) NMAC**

SWQB will file a Petition for Rulemaking Hearing (Petition) with the Commission to nominate specific surface waters of the state for designation as ONRWs. These waters meet the criteria listed in 20.6.4.9(B)(1) NMAC and the ONRW designation will protect them from degradation for the immediate and future benefit of the local community, and the State. As required by 20.1.6.200(B) NMAC, SWQB will submit a copy of this nomination, which includes the proposed language amendments to 20.6.4.9(D) NMAC in Appendix C, as well as the full 20.6.4 NMAC with proposed amendments to the Commission as an attachment to the Petition.

This nomination and its appendices provide the information, data, and evidence to demonstrate to the Commission that the nominated waters meet the requirements and criteria to support an ONRW designation as described below.

Paragraphs 1 through 6 of 20.6.4.9(A) NMAC set forth the requirements and procedures for nominating ONRWs. The procedures allow any person to nominate a surface water of the state for designation as an ONRW by filing a petition with the Commission pursuant to their regulations for rulemaking at 20.1.6 NMAC. A petition to designate a surface water of the state as an ONRW shall include:

1. a map of the surface water of the state, including the location and proposed upstream and downstream boundaries (Appendix A),
2. a written statement and evidence based on scientific principles in support of the nomination, including specific reference to one or more of the applicable ONRW criteria listed in Subsection B of 20.6.4.9 NMAC,
3. water quality data including chemical, physical or biological parameters, if available, to establish a baseline condition for the proposed ONRW (Appendix B1 – B4),
4. a discussion of activities that might contribute to the reduction of water quality in the proposed ONRW,
5. any additional evidence to substantiate such a designation, including a discussion of the economic impact of the designation on the local and regional economy within the state of New Mexico and the benefit to the state, and
6. an affidavit of publication of notice of the petition in a newspaper of general circulation in the affected counties and in a newspaper of general statewide circulation (Appendix D).

SWQB addressed and satisfied all procedures prescribed by 20.6.4.9 NMAC and 20.1.6 NMAC for petitioning the Commission for Rulemaking and nominating surface waters for designation as ONRWs as demonstrated in the following sections.

### III. SWQB Nomination of ONRWs

#### A. 20.6.4.9(A)(1) NMAC - Maps of Surface Water Nomination

Table 1 lists the nominated stream reaches and their associated estimated mileage, upstream and downstream boundary descriptions, the United States Geological Service (USGS) 8-Digit Hydrological Unit Code (HUC) Name, 20.6.4.9(B)(1) NMAC nominating criteria, and an Appendix A map figure reference number. A petition to nominate an ONRW must include a map of the surface water of the state, including the location and proposed upstream and downstream boundaries according to 20.6.4.9(A)(1) NMAC. As indicated, Appendix A contains the maps of the nominated surface waters from Table 1.

SWQB developed an associated “Public Comment Draft - Select Statewide 20.6.4.9.B(1) NMAC Streams (2024)” geographic information system (GIS) layer for NMED SWQB OpenEnviroMap<sup>1</sup>. SWQB created representative lines depicting the nominated streams utilizing several GIS layers including but not limited to (data source in parentheses):

- National Park Service – Boundaries (U.S. National Park Service)
- National Hydrography Dataset (U.S. Geological Survey)
- National Landscape Conservation System Wilderness Areas (U.S. Bureau of Land Management)
- New Mexico Surface Land Ownership (U.S. Bureau of Land Management)
- Special Trout Waters – Streams (New Mexico Department of Game and Fish)
- United States Forest Service – Boundaries (U.S. Forest Service)
- Wild & Scenic Rivers (U.S. Forest Service)

**Table 1. Nominated Water Bodies**

Water Body	Stream Miles	Downstream Boundary	Upstream Boundary	USGS 8-Digit HUC	Nominating Criteria	Appendix A Map Figure
Rio Chamita (ESWMA)	8.47	ESWMA boundary	Colorado border	Rio Chama	STW	1
Sixto Creek (ESWMA)	0.97	Rio Chamita confluence	Colorado border	Rio Chama	STW	1
Rio Chama (ESWMA)	3.31	ESWMA boundary	Wolf Creek confluence	Rio Chama	STW	1
Nabor Creek (ESWMA)	3.37	Rio Chamita confluence	Colorado border	Rio Chama	STW	1
Rio Chama	3.37	Heron Reservoir outlet	Cottonwood Flats	Rio Chama	STW	2

<sup>1</sup>Available at <https://gis.web.env.nm.gov/oem/?map=swqb>.

<b>Water Body</b>	<b>Stream Miles</b>	<b>Downstream Boundary</b>	<b>Upstream Boundary</b>	<b>USGS 8-Digit HUC</b>	<b>Nominating Criteria</b>	<b>Appendix A Map Figure</b>
Rio Chama (W&S)*	11.64	USFS Wilderness Streams – Rio Chama ONRW	Rio Nutrias confluence	Rio Chama	RC W&S	3
Rio Chama (W&S)*	11.99	USFS boundary	USFS Wilderness Streams – Rio Chama ONRW	Rio Chama	RC W&S	3
Rio de Los Pinos	2.53	USFS road 87A	2.5 miles upstream to private land	Conejos	STW	4
Rio San Antonio	8.59	Downstream SA WSA boundary	Upstream SA WSA boundary	Conejos	RGdN NM, SA WSA	4
Tanques Creek	2.77	Rio Nutrias confluence	headwaters	Conejos	STW	5
Canada Tio Grande	4.89	Rio Pinos confluence	headwaters	Conejos	STW	5
Cabresto Creek	16.21	USFS boundary	headwaters	Upper Rio Grande	STW	6
Red River (W&S)	4.00	Rio Grande confluence	4 miles upstream	Upper Rio Grande	RR W&S	7
Columbine Creek	5.31	Red River confluence	headwaters	Upper Rio Grande	CHW, STW	8
Deer Creek	3.28	Columbine Creek confluence	headwaters	Upper Rio Grande	CHW, STW	8
Placer Fork	4.08	Columbine Creek confluence	headwaters	Upper Rio Grande	CHW, STW	8
Willow Fork	2.61	Placer Fork confluence	headwaters	Upper Rio Grande	CHW	8
Goose Creek	5.34	Red River confluence	headwaters	Upper Rio Grande	CHW	8
Bear Canyon	2.76	Red River confluence	headwaters	Upper Rio Grande	CHW	8
Long Canyon	2.54	Rio Hondo confluence	headwaters	Upper Rio Grande	CHW	8
Gavilan Canyon	2.29	Rio Hondo confluence	headwaters	Upper Rio Grande	CHW, STW	8
Italianos Creek	3.12	Rio Hondo confluence	headwaters	Upper Rio Grande	CHW, STW	8
Manzanita Creek	3.36	Rio Hondo confluence	headwaters	Upper Rio Grande	CHW	8
Yerba Creek	3.15	Rio Hondo confluence	headwaters	Upper Rio Grande	CHW, STW	8
Lama Canyon	1.70	CHW boundary	headwaters	Upper Rio Grande	CHW	8
San Cristobal Creek	4.94	CHW boundary	headwaters	Upper Rio Grande	CHW	8
Lobo Creek	3.55	CHW boundary	headwaters	Upper Rio Grande	CHW	8

Water Body	Stream Miles	Downstream Boundary	Upstream Boundary	USGS 8-Digit HUC	Nominating Criteria	Appendix A Map Figure
Gallina Creek	1.32	CHW boundary	headwaters	Upper Rio Grande	CHW	8
Frijoles Creek	3.72	Rito de la Olla confluence	headwaters	Upper Rio Grande	STW	9
Palociento Creek	2.80	Rito de la Olla confluence	headwaters	Upper Rio Grande	STW	9
West Fork Luna Creek	2.98	Luna Creek	headwaters	Upper Rio Grande	STW	9
Cimarron River	8.48	Tolby Creek confluence	CCSP boundary	Cimarron	CCSP, STW	10
Pecos River	2.95	PNHP boundary	PNHP boundary	Pecos Headwaters	PNHP	11
Rito de los Indios	4.56	San Antonio Creek confluence	headwaters	Jemez	VCNP, STW	12
La Jara Creek	5.70	East Fork Jemez confluence	headwaters	Jemez	VCNP	12
Sulphur Creek	5.65	VCNP boundary	headwaters	Jemez	VCNP	12
San Luis Creek	5.75	San Antonio Creek confluence	headwaters	Jemez	VCNP	12
Jaramillo Creek	12.02	East Fork Jemez confluence	headwaters	Jemez	VCNP, STW	12
Rio Cebolla	12.26	Calaveras Creek confluence	headwaters	Jemez	STW	12
Rio Guadalupe	6.30	Deer Creek confluence	Stable Creek confluence	Jemez	STW	13
Rito de los Frijoles	14.35	Rio Grande confluence	headwaters	Rio Grande-Santa Fe	BNM	14
Alamo Canyon	15.15	Rio Grande confluence	headwaters	Rio Grande-Santa Fe	BNM	14
Capulin Creek**	7.20	Downstream BNM boundary	Dome Wilderness	Rio Grande-Santa Fe	BNM, STW	14
Capulin Creek**	3.45	Dome Wilderness	headwaters	Rio Grande-Santa Fe	STW	14
Medio Creek**	3.10	Downstream BNM boundary	Dome Wilderness	Rio Grande-Santa Fe	BNM	14
Lummis Canyon	8.62	Alamo Canyon confluence	headwaters	Rio Grande-Santa Fe	BNM	14

**NOTES and ACRONYM:**

\* Existing ONRW stream reaches in Chama River Canyon Wilderness 20.6.4.9(D)(3)(a)(iii)

\*\* Existing ONRW stream reaches in Dome Wilderness 20.6.4.9(D)(3)(a)(v)

BLM WA Bureau of Land Management Wilderness Area  
 BNM Bandelier National Monument  
 CCSP Cimarron Canyon State Park  
 CHW Columbine-Hondo Wilderness  
 ESWMA Edward Sargent Wildlife Management Area

PNHP	Pecos National Historical Park
RC W&S	Rio Chama Wild and Scenic
RGdN NM	Rio Grande Del Norte National Monument
RR W&S	Red River Wild and Scenic
SA WSA	San Antonio Wilderness Study Area
STW	NMDGF Special Trout Water
VCNP	Valles Caldera National Preserve

#### **B. 20.6.4.9(A)(2) NMAC - Statement and Evidence in Support of the Nomination**

A petition to nominate an ONRW must include a written statement and evidence based on scientific principles in support of the nomination, including specific reference to one or more of the applicable ONRW criteria listed in 20.4.6.9(B) NMAC. All nominated stream reaches in this Petition fall under the criteria in 20.6.4.9(B)(1) NMAC which states:

*the water is a significant attribute of a state special trout water, national or state park, national or state monument, national or state wildlife refuge or designated wilderness area, or is part of a designated wild river under the federal Wild and Scenic Rivers Act.*

The specific criterion in 20.6.4.9.B(1) NMAC for each nominated stream reach is included in Table 1. Some nominated stream reaches fall under more than one criterion, highlighting their importance to the ecosystem in maintaining habitat for plants and wildlife while providing attractive outdoor recreational opportunities. For some nominated stream reaches, like special trout waters (STW) or Wild and Scenic Rivers (W&S), the waters are an integral part of its existing designation and uses. For parks, monuments, refuges and wilderness areas, the nominated waters play a significant role in maintaining the health of the surrounding ecosystems and living organisms and create or enhance recreational opportunities and experiences in surrounding areas. As noted previously and displayed in the maps provided in Appendix A, many of the nominated waters are near previously designated ONRWs and share many of the same ecological characteristics that support native flora and fauna and recreational opportunities that benefit local economies, outdoor enthusiasts, and other visitors. ONRW designation will complement and enhance the management goals of the existing land or water designations and benefit protection, conservation, or restoration efforts in and downstream of the nominated waters.

Of the currently nominated water bodies, 28 of 46, or nearly 60%, are designated as STW (25) or W&S rivers (3). STW designations enhance unique fishing opportunities and promote native trout conservation. STWs are managed by the NMDGF with different goals in mind including to produce trophy sized trout, improve conservation of native trout, or to enhance the overall trout population structure and density. Fishing regulations are tailored to the water body and include modified bag limits, catch-and-release for native species like Rio Grande cutthroat trout, and restricted tackle. It is also illegal to disturb rocks, plants, or sediment to attract fish increasing the protection of the physical habitat<sup>2</sup>.

Similarly, Wild and Scenic Rivers possess “outstandingly remarkable” characteristics including unique scenic, recreational, geologic, fish and wildlife, historic, cultural,” or other similar values. While the two designations share similar, mutually reinforcing criteria, ONRW designation would complement and strengthen water quality protections for W&S rivers. The federal Wild and Scenic Rivers Act does not provide water quality-based protections such as designated uses, water quality criteria, or

<sup>2</sup> Available at <https://www.wildlife.state.nm.us/fishing/game-fish/cold-water-regulations-2/>.



antidegradation requirements. However, the State affords surface waters designated as ONRWs the highest level of water quality-based protection under the New Mexico's Antidegradation Policy and Implementation Plan in 20.6.4.8 NMAC and are classified as Tier III waters in the State's Water Quality Management Plan and Continuing Planning Policy (WQMP-CPP).

Streams and lakes in wilderness areas, refugees, preserves and parks play a significant role in supporting wildlife habitat and living organisms, as well as providing ample recreation opportunities for visitors. They also provide scenic, scientific and historic value especially in an arid state like New Mexico. For wilderness areas, these values have specifically been recognized during the designation process for protection of the lands and watersheds.

As outlined above, each of the nominated stream segments meet the criteria in 20.6.4.9(B)(1) NMAC. Therefore, ONRW designation would benefit the state of New Mexico because enhanced water quality protection will help maintain and support:

1. a clean water supply for present and future generations of New Mexicans,
2. healthy, functioning ecosystems, preserve habitat, and support biodiversity,
3. the recreational benefits in these areas, and
4. the designated uses of the waters under in 20.6.4 NMAC.

#### **C. 20.6.4.9(A)(3) NMAC - Water Quality Data**

A petition must include water quality data, including chemical, physical, or biological parameters, *if available* (emphasis added), to establish baseline conditions for the proposed water bodies.

SWQB monitors water quality around the State to generate the primary source of surface water quality data statewide. The core mission of SWQB's Monitoring Program is the collection of relevant water quality data in New Mexico's surface waters utilizing scientific methods to determine whether surface waters are meeting their designated uses codified in the WQS at 20.6.4 NMAC. SWQB uploads data to the U.S. Environmental Protection Agency's (EPA) Water Quality Exchange for public download via the Water Quality Portal<sup>3</sup>. SWQB Monitoring Assessment and Standards Section fulfills surface water quality monitoring needs to the extent possible given available resources, NMED priorities, and strategic goals.

Monitoring staff develop and implement field sampling plans to ensure all necessary chemical, biological, and physical data needed to determine attainment of New Mexico's water quality standards are collected during water quality surveys. SWQB utilizes a rotational watershed monitoring approach. Monitoring focuses primarily on physical, chemical, and biological conditions in perennial waters, and includes sampling for pollutants that have numeric or narrative water quality criteria in New Mexico. Available SWQB-collected water quality data, including chemical data (i.e., nutrients, heavy metals, total dissolved solids, total suspended solids, and E. coli); field data (i.e., dissolved oxygen, flow, specific conductance, temperature, and pH); benthic macroinvertebrate data; long-term temperature and dissolved oxygen deployment data; and geomorphology habitat data (e.g., wetted bank width, substrate size classes, pool depth, etc.) are provided in Appendix B1 – B4.

SWQB compares collated water quality data to current water quality standards using consistent, documented processes. New Mexico's listing methodology is described in the Comprehensive

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<sup>3</sup> Available at: <https://www.epa.gov/waterdata/water-quality-data>.

Assessment and Listing Methodology (CALM)<sup>4</sup>. This document explains how SWQB evaluates surface water quality data and other information within defined assessment units (AUs) to determine whether surface water quality standards are being met. AUs can represent a single lake or reservoir, length of a stream reach or river, or surface waters within a delineated area such as a watershed. SWQB generally defines AUs through various factors such as hydrologic or watershed boundaries, WQS found in 20.6.4 NMAC, geology, topography, incoming tributaries, surrounding land use/land management, etc. AUs are intended to represent surface waters with assumed homogenous water quality. Some of the nominated stream reaches in this demonstration are portions of an AU while the majority are the entire AU. The CWA requires SWQB to identify impaired waterbodies and provide a report on water conditions to the public and EPA every two years. This report is commonly referred to as the CWA 303(d) / 305(b) Integrated Report (IR)<sup>5</sup>. A summary of current water quality standards attainment based on the 2024-2026 IR is provided in Table 2. Many of the proposed stream reaches are meeting all monitored water quality standards for their designated uses.

**Table 2. Summary of Water Quality Condition**

<b>Water Body*</b>	<b>Associated AU</b>	<b>NMAC Reference</b>	<b>Condition - IR Category**</b>	<b>Cause(s) of Water Quality Impairment</b>
Rio Chamita (ESWMA)	Rio Chamita (Rio Chama to CO border)	20.6.4.119	Impaired - 4A	Total Ammonia, E. coli, Nutrients, Temperature
Sixto Creek (ESWMA)	Sixto Creek (Rio Chamita to CO border)	20.6.4.119	Impaired - 4A	Temperature
Rio Chama (ESWMA)	Rio Chama (Little Willow Creek to CO border)	20.6.4.119	Impaired - 4A	Temperature
Nabor Creek (ESWMA)	Nabor Creek (Rio Chamita to CO border)	20.6.4.98	Not Assessed - 3/3A	Unknown (no data)
Rio Chama	Rio Chama (El Vado Reservoir to Rito de Tierra Amarilla)	20.6.4.119	Impaired - 4A	E. coli, Nutrients, Temperature
Rio Chama (W&S)	Rio Chama (Abiquiu Reservoir to El Vado Reservoir)	20.6.4.118	Not Impaired - 1	None
Rio Chama (W&S)	Rio Chama (Abiquiu Reservoir to El Vado Reservoir)	20.6.4.118	Not Impaired - 1	None
Rio de Los Pinos	Rio de los Pinos (New Mexico reaches)	20.6.4.123	Impaired - 5/5A	Total Recoverable Aluminum, Temperature
Rio San Antonio	Rio San Antonio (CO border to Montoya Canyon)	20.6.4.123	Impaired - 5/5A	Total Recoverable Aluminum, Dissolved Oxygen, Temperature
Tanques Creek	Tanques Creek (Rio Nutritas to headwaters)	20.6.4.98	Not Assessed - 3/3A	Unknown (no data)
Canada Tio Grande	Canada Tio Grande (Rio San Antonio to headwaters)	20.6.4.123	Impaired - 5/5A	Dissolved Oxygen, E. coli, Temperature
Cabresto Creek	Cabresto Creek (Red River to headwaters)	20.6.4.123	Impaired - 5/5A	Dissolved Oxygen
Red River (W&S)	Red River (Rio Grande to Placer Creek)	20.6.4.122	Impaired - 5/5A	Turbidity
Columbine Creek	Columbine Creek (Red River to headwaters)	20.6.4.123	Not Impaired - 1	None

<sup>4</sup> Available at: <https://www.env.nm.gov/surface-water-quality/calm/>.

<sup>5</sup> Available at: <https://www.env.nm.gov/surface-water-quality/303d-305b/>.

<b>Water Body*</b>	<b>Associated AU</b>	<b>NMAC Reference</b>	<b>Condition - IR Category**</b>	<b>Cause(s) of Water Quality Impairment</b>
Deer Creek	Deer Creek (Columbine Creek to headwaters)	20.6.4.98	Not Assessed - 3/3A	Unknown (no data)
Placer Fork	Placer Fork (Columbine Creek to headwaters)	20.6.4.123	Not Impaired - 2	None
Willow Fork	Willow Fork (Placer Fork to headwaters)	20.6.4.98	Not Assessed - 3/3A	Unknown (no data)
Goose Creek	Goose Creek (Red River to headwaters)	20.6.4.123	Not Impaired - 1	None
Bear Canyon	Bear Canyon (Red River to headwaters)	20.6.4.98	Not Assessed - 3/3A	Unknown (no data)
Long Canyon	Long Canyon (Rio Hondo to headwaters)	20.6.4.98	Not Assessed - 3/3A	Unknown (no data)
Gavilan Canyon	Gavilan Canyon (Rio Hondo to headwaters)	20.6.4.98	Not Assessed - 3/3A	Unknown (no data)
Italianos Creek	Italianos Creek (Rio Hondo to headwaters)	20.6.4.123	Not Impaired - 2	None
Manzanita Creek	Manzanita Creek (Rio Hondo to headwaters)	20.6.4.123	Not Impaired - 2	None
Yerba Creek	Yerba Creek (Rio Hondo to headwaters)	20.6.4.98	Not Assessed - 3/3A	Unknown (no data)
Lama Canyon	Lama Canyon (wilderness boundary to headwaters)	20.6.4.98	Not Assessed - 3/3A	Unknown (no data)
San Cristobal Creek	San Cristobal Creek (Rio Grande to headwaters)	20.6.4.123	Not Impaired - 1	None
Lobo Creek	Lobo Creek (wilderness boundary to headwaters)	20.6.4.98	Not Assessed - 3/3A	Unknown (no data)
Gallina Creek	Gallina Creek (wilderness boundary to headwaters)	20.6.4.98	Not Assessed - 3/3A	Unknown (no data)
Frijoles Creek	Frijoles Creek (Rito de la Olla to headwaters)	20.6.4.98	Not Assessed - 3/3A	Unknown (no data)
Palociento Creek	Palociento Creek (Rito de la Olla to headwaters)	20.6.4.98	Not Assessed - 3/3A	Unknown (no data)
West Fork Luna Creek	West Fork Luna Creek (Luna Creek to headwaters)	20.6.4.98	Not Assessed - 3/3A	Unknown (no data)
Cimarron River	Cimarron River (Turkey Creek to Eagle Nest Lake)	20.6.4.309	Impaired - 5/5A	Nutrients, Temperature, Turbidity
Pecos River	Pecos River (Canon de Manzanita to Alamitos Canyon)	20.6.4.217	Impaired - 5/5A	Dissolved oxygen, Temperature
Rito de los Indios	Rito de los Indios (San Antonio Creek to headwaters)	20.6.4.108	Impaired - 5/5A	Total Recoverable Aluminum, Nutrients, Temperature
La Jara Creek	La Jara Creek (East Fork Jemez to headwaters)	20.6.4.108	Impaired - 5/5B	Total Recoverable Aluminum, Temperature
Sulphur Creek	Sulphur Creek (Redondo Creek to headwaters)	20.6.4.124	Impaired - 5/5B	Dissolved Aluminum
San Luis Creek	San Luis Creek (San Antonio Creek to headwaters)	20.6.4.98	Not Assessed - 3/3A	Unknown (no data)

<b>Water Body*</b>	<b>Associated AU</b>	<b>NMAC Reference</b>	<b>Condition - IR Category**</b>	<b>Cause(s) of Water Quality Impairment</b>
Jaramillo Creek	Jaramillo Creek (East Fork Jemez to headwaters)	20.6.4.108	Impaired - 5/5A	Total Recoverable Aluminum, E. coli, Nutrients, Sedimentation, Turbidity
Rio Cebolla	Rio Cebolla (Fenton Lake to headwaters)	20.6.4.108	Impaired - 5/5C	Total Recoverable Aluminum, Nutrients, Turbidity
Rio Guadalupe	Rio Guadalupe (Jemez River to confluence with Rio Cebolla)	20.6.4.108	Impaired - 4A	Nutrients, Specific Conductance, Temperature, Turbidity
Rito de los Frijoles	Rito de los Frijoles (Rio Grande to headwaters)	20.6.4.121	Impaired - 5/5C	DDT - Fish Consumption Advisory
Alamo Canyon	Alamo Canyon (Rio Grande to headwaters)	20.6.4.121	Not Assessed - 3/3A	Unknown (no data)
Capulin Creek	Capulin Creek (Rio Grande to headwaters)	20.6.4.121	Not Impaired - 1	None
Capulin Creek	Capulin Creek (Rio Grande to headwaters)	20.6.4.121	Not Impaired - 1	None
Medio Creek	Medio Creek (Rio Grande to headwaters)	20.6.4.98	Not Assessed - 3/3A	Unknown (no data)
Lummis Canyon	Lummis Canyon (Alamo Canyon to headwaters)	20.6.4.98	Not Assessed - 3/3C	Unknown (no data)

**NOTES:**

\*Water bodies cross referenced to Table 1.

\*\*IR Category definitions<sup>6</sup>: 1-2 = Not Impaired for parameters monitored, 3 = Not Assessed (no data), 4 – 5 = Impaired for one or more parameters monitored

**D. 20.6.4.9(A)(4) NMAC - Activities that Might Reduce Water Quality**

A petition to nominate an ONRW must describe activities that may contribute to the reduction of water quality in the proposed ONRW 20.6.4.9(A)(4) NMAC. The existing and potential activities discussed below could reduce water quality in the nominated waters.

**i. Climate Change**

As the climate warms, so do rivers and streams. High stream temperature is the most common water impairment in New Mexico and is especially dangerous to aquatic life. Hotter water holds less oxygen, thus reducing the amount of dissolved oxygen available for fish. In addition, hotter climates can result in higher evaporation rates and lower stream flows, which can result in the concentration of pollutants in rivers and streams. Climate change also affects the global hydrologic cycle, and therefore the quality, quantity, and timing of stream flows. Drying events due to the altered hydrologic cycle can be especially detrimental to aquatic life. Erosion is expected to increase because of higher peak flows as well as from increased intensity and frequency of wildfires. In turn, sediment loads are expected to increase, affecting municipal water supplies and aquatic habitats. Healthy watersheds buffer the impacts of disturbances such as fire, floods, drought, and other disruptions, and, in doing so, yield water of high

<sup>6</sup> More detailed descriptions available at: <https://www.env.nm.gov/surface-water-quality/calm/>

quality farther downstream in the watershed. This resilience is especially noticeable when it is gone, as in the aftermath of catastrophic fire or extensive defoliation and soil erosion. The vicious cycle of climate change and drought damage watershed health in many ways. Higher temperatures can both increase and impair plant transpiration. Reduced precipitation exacerbates this effect, and, over time, such landscapes become denuded, either suddenly through fire or gradually through decreased soil moisture and plant death. Widespread bare soil is a major detriment to watersheds because it is vulnerable to erosion and consequent silting of streams, and, most importantly, because it has lost its ability to hold water and process its contaminants. From a water quality perspective, bare soil must be prevented or reversed in a watershed to enhance watershed resilience and hydrologic function and maintain a healthy watershed that supplies clean water in the face of climate change.

## **ii. Wildfires**

As discussed above, climate change exacerbates the threat of wildfires, and is expected to continue to do so throughout the Southwest, in particular. Wildfire is a natural process needed for a healthy environment, but the natural wildfire regime has been disrupted resulting in wildfires that burn hotter, larger, and longer. Wildfire season has grown longer, and wildfire impacts have worsened. Recently New Mexico experienced its largest forest fire ever in the Hermits Peak/Calf Canyon Fire in 2022. Debris flow and soil erosion following wildfire can reduce water quality by increasing sediment load, resulting in increased turbidity, increased temperature, increased specific conductance, and changes in dissolved oxygen. Ash and debris flows following wildfires can also have detrimental impacts on fish populations. Species resilience following these disturbance events may depend on maintaining habitat connectivity that provide refuge and critical dispersal corridors for aquatic species. Unfortunately, watershed recovery in high-intensity burn scars is often a long, slow, process; however, healthy watersheds that experience lower-intensity burns recover more quickly.

## **iii. Dams**

Dams have many positive and necessary attributes; however, they can also negatively affect water quality and the natural processes of a river or stream. Changing the ecosystem from a river to a lake can have effects on fish, water temperature, and dissolved oxygen. The stagnant water along with nutrients and abundant sunlight often lead to the right conditions for producing large amounts of plants and algae, which is more likely to result in eutrophication. These conditions also increase the likelihood of harmful algal blooms that can produce toxins dangerous to human and animal health. Because the water slows as it approaches the dam, sediments collect upstream of a dam including in the lake, which can change the substrate composition of the river or stream both upstream and downstream of the dam; this results in excess sediments upstream of the dam and what is known as “sediment-starved” rivers or streams downstream of the dam. The collected sediment can contain contaminants that may be released over time into the lake and then flow downstream. Dams disconnect the watershed and act as a barrier to aquatic species from travelling throughout the watershed. The water at the bottom of a reservoir is normally much cooler than the surface; sometimes this will lead to cool water temperatures at the outflow of the dam. The altered flow downstream of a dam can affect aquatic life by altering the physical conditions of the river or stream. The timing of the dam releases and downstream flows can also interfere with natural cycles of aquatic life.

## **iv. Hard Rock Mining**

More than 40 percent of stream reaches in western watersheds are contaminated by acid mine drainage and associated heavy metals. Acid mine drainage from mining activities have caused massive fish kills and have poisoned migratory birds at many sites across the west. Mine drainage can also affect the reproduction of aquatic plants and animals and contaminate drinking water.



**v. Development and Transportation**

Increased sediment loading from roads and development can impair water quality. The relationship between road building in formerly undisturbed areas and increased sediment yield in streams is well established. When impervious surfaces cover greater areas in a watershed, runoff quantity and velocity increases, which results in increased erosion and loading of sediment and other contaminants, such as metals, organics, and PCBs. Any increase in sediment in streams affects inflow of oxygen, increases water temperature, and negatively impacts food availability. Not only do these factors decrease fish populations and increase fish stress, but they also degrade the fishing experience, reducing water clarity. In addition, increased sediment loading in a stream can contribute to increased conductivity. A rapid or larger than normal increase in conductivity, in turn, can adversely affect aquatic organisms if they do not have the time or capacity to adapt.

**vi. Increased Recreational Use without Proper Management**

Recreation is an essential part of what makes these rivers deserving candidates for ONRW designation. However, to ensure this resource is available for future generations, recreation in and around waterbodies must be properly managed and accompanied by robust water quality protections. Poorly managed recreational use of a watershed can lead to increased erosion and other water quality issues, such as excess E. coli, nutrients, and other contaminants in and along the water body.

**vii. Illegal Waste Disposal**

Illegal dumping of trash and other waste is a threat to water quality across much of New Mexico, including the nominated waters.

**viii. Point Source Discharges**

The National Pollutant Discharge Elimination System (NPDES) permit program regulates point source pollution discharges to surface waters. In New Mexico the NPDES program is administered by EPA with the assistance of SWQB staff that review and certify that permits comply with New Mexico law. Additionally, SWQB staff conduct compliance evaluation inspections of NPDES permit holders on behalf of EPA. Four of the nominated waters have existing point sources with individual NPDES permits. Three permits are for fish hatcheries, two are for wastewater treatment plants (WWTP), and one for a closed mining facility undergoing cleanup and remediation activities.

Table 3 lists nominated waterbodies with existing individual National Pollutant Discharge Elimination System (NPDES) permits, major dams, or recent wildfire burn scar (since 2017) within the 12-digit USGS HUC upstream (or contributing tributaries) of the proposed stream reach.

**Table 3. Identified Activities with the Potential to Reduce Water Quality**

Water Body	NPDES permits	Dams	Recent Wildfires
Rio Chama	NMDGF Los Ojos State Fish Hatchery, NM0030139	N/A	N/A
Rio Chama (W&S)	N/A	El Vado Dam	N/A
Rio Chama (W&S)	N/A	El Vado Dam	Indios (2024)
Red River (W&S)	NMDGF Red River State Fish Hatchery, NM0030147  Chevron Mining, Inc. Questa Mine, NM0022306	N/A	N/A

Cimarron River	N/A	Eagle Nest Dam	Ute Park/Cimarron (2018)
Pecos River	Village of Pecos WWTP, NM0029041  NMDGF Lisboa Fish Hatchery, NM0030121	N/A	Rincon (2021)  Calf Canyon (2022)
Rio Cebolla	NMDGF Seven Springs Fish Hatchery, NM0030112	N/A	N/A
Rio Guadalupe	N/A	N/A	Venado (2018)
Alamo Canyon	N/A	N/A	Cerro Pelado (2022)
Capulin Creek	N/A	N/A	Cerro Pelado (2022)

#### **E. 20.6.4.9(A)(5) NMAC – Additional Evidence to Substantiate Designation**

A petition may set forth additional evidence to substantiate such a designation, including a discussion of the economic impact of the designation on the local and regional economy within the State of New Mexico and the benefit to the state. 20.6.4.9.A(5) NMAC. ONRW designation can help protect not only the waters of the nominated waterbodies but also the contributing watershed and surrounding ecosystems and communities that rely on these waters. Additionally, many of the local economies near the nominated waters rely on agriculture, tourism and outdoor recreation that benefit from clean water, scenic views, and the opportunities that clean water and healthy watersheds afford.

The economic impact of national forests on the surrounding local and regional economies has been demonstrated in past adoptions of ONRWs. The University of New Mexico’s Bureau of Business and Economic Research (BBER) has evaluated the two national forests that the waters in this proposal are located within: the Carson National Forest and Santa Fe National Forest. The BBER reports described the socioeconomic impact on forest users, and the impact of each forest on the surrounding local and regional economy. Past ONRW petitions provided key information and tables from the BBER reports that attempted to quantify the direct, indirect and induced financial benefits of ranching, timber harvesting, recreation and forest service operations on regional and local economies for each national forest. The BBER reports covered the full range of activities that occur within national forests. Because this nomination is for waters within wilderness areas, special trout waters, parks, monuments, and wild and scenic rivers where the range of activities is a subset of those that occur within the entire national forest, the economic benefits of existing activities in these areas are a subset of those for the entire national forests. No documentation was available from BBER or the U.S. Forest Service (USFS) regarding economic benefits of these areas alone.

This proposed ONRW designation of waters will have little to no detrimental economic impact on existing uses within these areas because there are no new requirements that will apply to existing activities. Therefore, existing economic benefits experienced by the various sectors that rely on the national forests are expected to continue if the proposed waters are designated as ONRWs.

Under the current WQS, discharges from “preexisting land-use activities” that are controlled by best management practices (BMPs) and do not have new or increased discharges are exempt from any additional requirements as a result of ONRW designation per 20.6.4.8.A(4)(e) NMAC. NMED does not propose to alter the protection given to existing uses under the current regulations but intends to maintain this protection. For example, NMED recently revised its Memorandum of Understanding (MOU) with USFS outlining the responsibilities of each agency to oversee and manage waters, and consequently

water quality, within the National Forest System (NFS) to protect and improve the quality of the state's waters to assure clean water for downstream communities. The MOU details the responsibilities of each party to work toward these common and mutually beneficial goals, providing specific requirements and actions and explicitly addressing ONRWs on NFS land. The MOU acknowledges USFS as the Commission's Designated Management Agency for implementation of the New Mexico Nonpoint Source Pollution Management Program on NFS lands. Additionally, NMED and USFS hold an annual planning and collaboration meeting to maintain communication, evaluate goals and priorities, and direct work to protect or restore water quality on NFS lands. Furthermore, NMED and USFS require site specific BMPs to be developed and implemented for projects that could impact water quality on or downstream of NFS lands.

While ONRW designation is not expected to result in detrimental economic impacts to existing land uses, the designation will produce benefits to the state. By designating waters as ONRWs, New Mexico takes an important step to ensuring water quality protection of streams that ultimately feed downstream public drinking water supplies, agriculture, recreation, cultural and other important uses. Snowpack in the mountains high in the watersheds melts and snowmelt provides much of the annual streamflow in New Mexico. Healthy watersheds filter contaminants from water and provide other important benefits such as flood control, wildfire mitigation and drought resilience. These are valuable and irreplaceable benefits that are difficult to quantify and can be easily overlooked and taken for granted.

ONRW designation can help to protect wildlife habitat provided by designated waters. Additionally, the designation can help to preserve rivers and streams enjoyed by numerous New Mexicans and tourists, annually. Although economic information is not available for recreational and wildlife uses of wilderness areas, parks, special trout waters, or wild and scenic rivers individually, the state derives a significant amount of economic benefits from Recreational Vehicle camping, fishing, hunting, hiking, birding and other outdoor recreation activities.

Outdoor recreation also boosts and diversifies New Mexico's economy overall. In 2019, Governor Michelle Lujan Grisham and the New Mexico Legislature created an Outdoor Recreation Division (ORD) within the Economic Development Department, and an accompanying Outdoor Recreation Infrastructure Fund. Through 2021, ORD invested nearly \$12 million dollars to bolster access to the outdoors, conserve outdoor recreation assets, create new jobs, and support outdoor infrastructure improvements. The U.S. Department of Commerce's Bureau of Economic Analysis (BEA) reported that the economic output for New Mexico's outdoor recreation was 2.1% of the State's Gross Domestic Product (GDP), or \$2.3 billion. Compared to the previous year, this was a \$400 million increase year-over-year, outpacing the national average growth rate in the industry by 2.5%. Employment in the outdoor recreation sector in New Mexico also realized a substantial increase in 2021, up to 28,475 accounting for an 18.2% increase from 2020.

#### **F. 20.6.4.9(A)(6) NMAC – Affidavit of Publication**

A petition must provide an affidavit of publication of notice of the petition in a newspaper of general circulation in the affected counties and a newspaper of general statewide circulation. The notice of petition was published on July 19, 2024, in the Santa Fe New Mexican, and on July 20, 2024, in the Albuquerque Journal. Additionally, a listserv email was sent to approximately 1,900 subscribers and direct emails were sent to federal, state, and tribal representatives and interested parties. A copy of the notice of the petition and affidavits of publication are provided as Appendix D. NMED was unable to

publish notice of the petition in the Los Alamos Monitor, The Taos News, and the Las Vegas Optic as these newspapers are not vendors to provide services to the state.

If granted a hearing in this matter, SWQB will provide a public notice of rulemaking and associated information in accordance with the State Rules Act (NMSA 1978 §§ 14-4-1 to -11) and the Commission's Rulemaking Procedures (20.1.6 NMAC).

#### **IV. SWQB Stakeholder Engagement and Public Comment Period**

NMED held a public comment period from July 20 through August 19, 2024. Instructions for providing comment were included in the public notice. In addition, NMED held a virtual public meeting on August 8, 2024, providing a presentation on the current nomination and the anticipated procedural steps for rulemaking. Appendix E1 contains the slides presented at this meeting. Public participation opportunities were highlighted, and staff provided a live demonstration of how to: find rule making material and supporting documents, use our GIS Mapper, navigate various NMED websites and information repositories, and submit comment through NMED's Smart Comment Portal. A summary of the public meeting including participants and questions received can be found in Appendix E2.

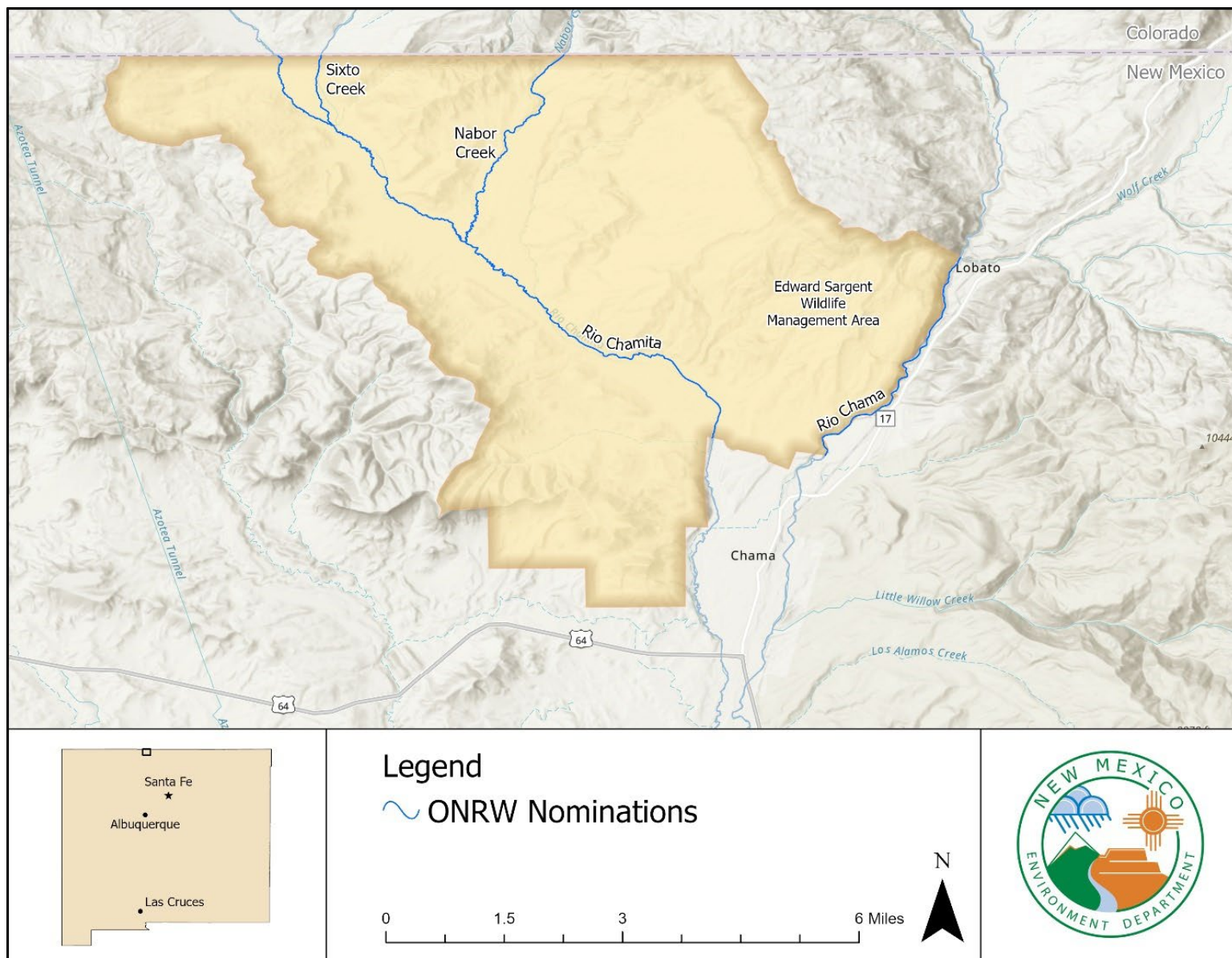
NMED received significant interest and support for the nomination with 656 submissions via email and an additional 76 submissions through the Smart Comment Portal (Appendix E3). Public comment through the Smart Comment Portal was categorized into six bins based on the nature of the comment or affiliation of the commentor. NMED received: generally supportive comments (32), comments supportive of specific waters (5), comments suggesting other waters (26), comments and letters from Non-Governmental Organizations (10), comments about private land (2) and comments on mining (1). All 656 email submissions (form letters) support the ONRW designation without modification to the list of waters provided in the public review draft of the nomination. Of note, the Big Tesuque River was suggested by 22 commentors to be included on the list but it does not meet the criteria of 20.6.4.9(B)(1) NMAC. NMED met twice with citizens of the Village of Tesuque to discuss their concerns and suggestions, the criteria used to nominate waters as ONRWs, and the process to nominate waters.

NMDGF provided a comment letter (Appendix E4) via email on the public review draft list of waters. NMED and NMDGF met before and after their submittal, to discuss concerns and specific requests to remove waters. As a result, NMED reevaluated Special Trout Water nominations and retained those that are headwater streams, those that meet additional 20.6.4.9(1) NMAC criteria, and those that had public comment in specific support of the water. This resulted in the removal of three segments, two on the Rio Chama, just below El Vado and Abiquiu Dams, and one segment on the Red River.

If granted a hearing, NMED will provide a full response to comments in the Notice of Intent (to Present Technical Testimony) filed with the WQCC in conjunction with the rulemaking.

## **Appendix A. Maps of Nominated Surface Waters**





**Figure 1. Edward Sargeant Wildlife Management Area Nominations**

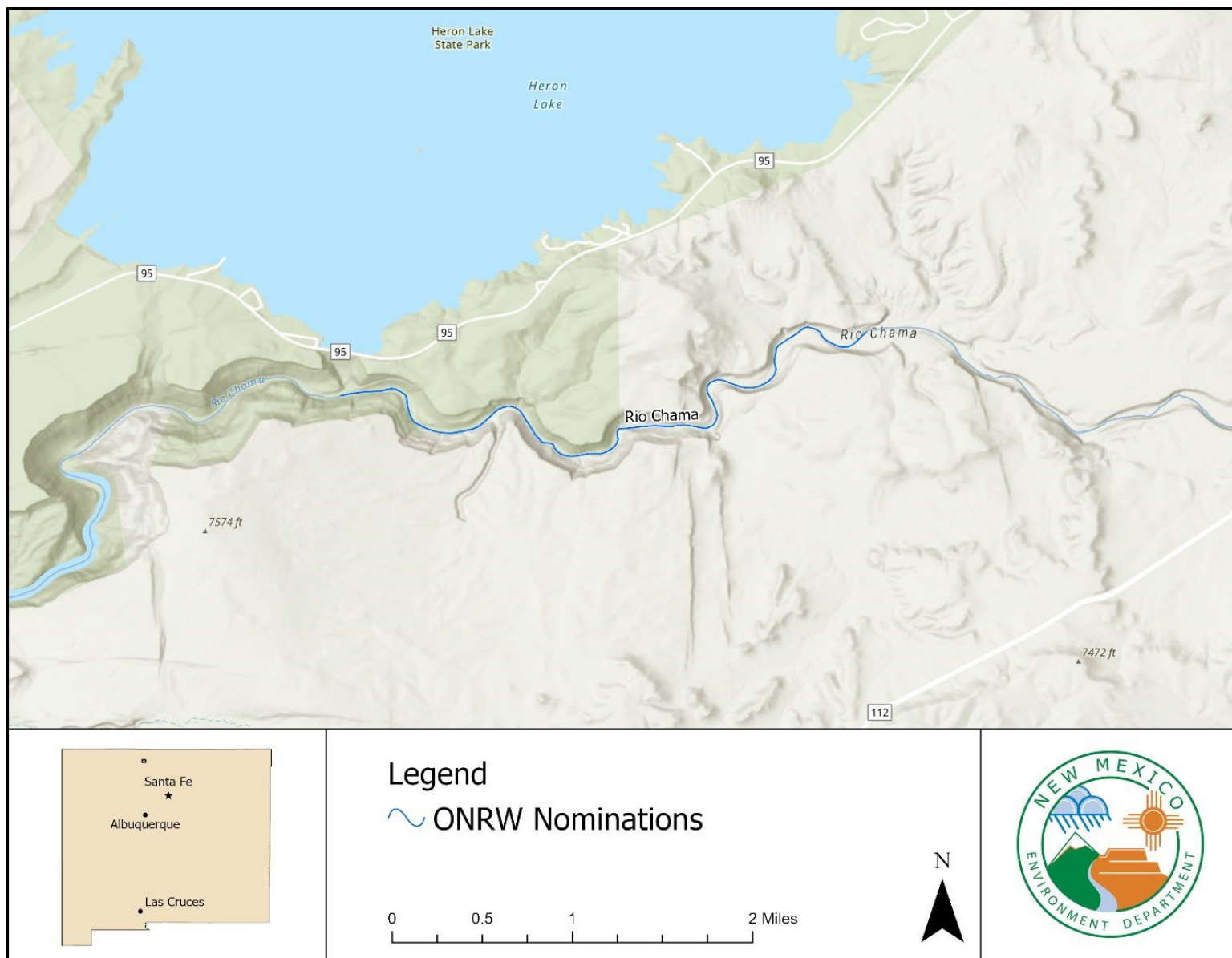
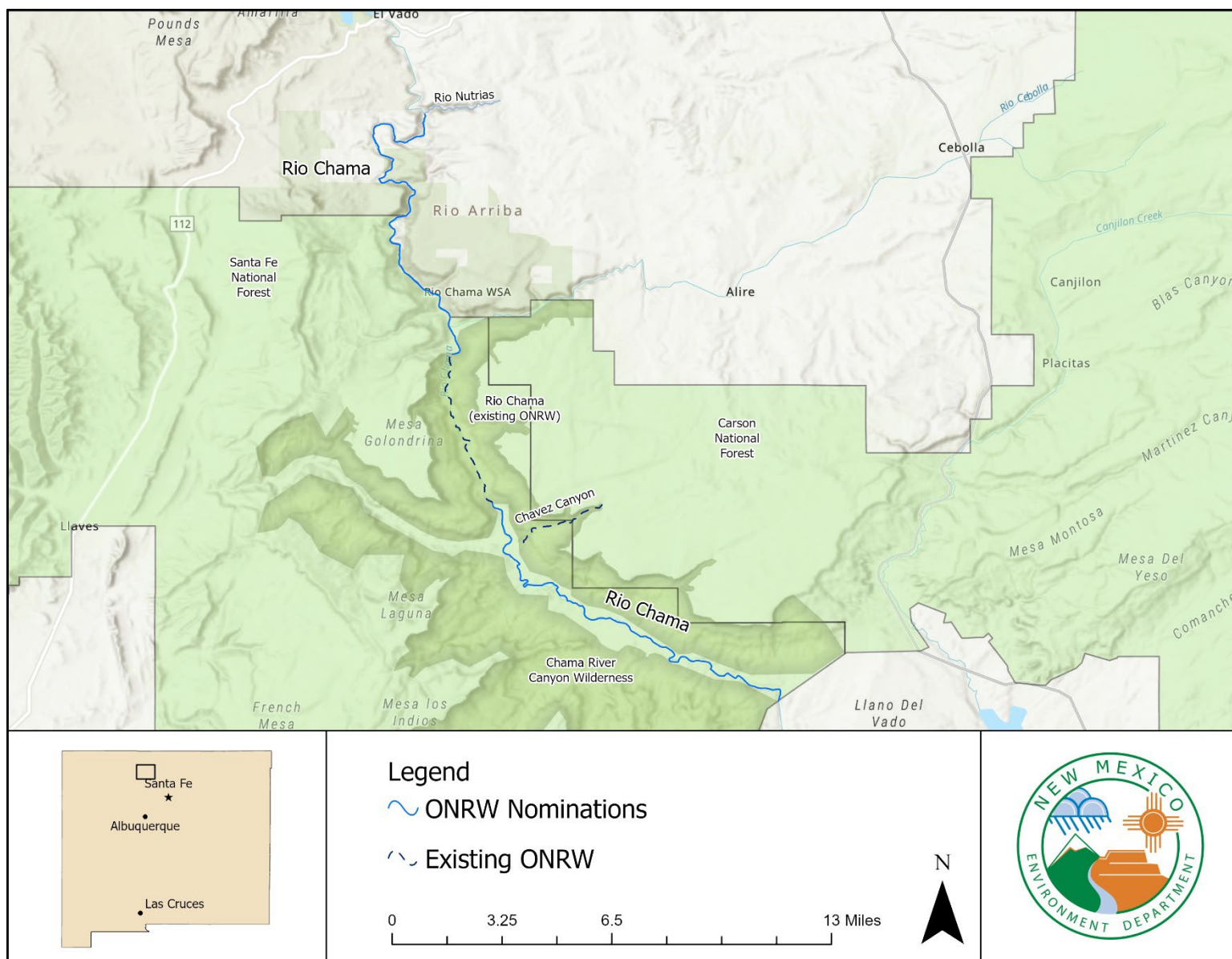


Figure 2. Rio Chama Above Heron Reservoir Outlet Special Trout Water Nomination



**Figure 3. Rio Chama Wild and Scenic Nomination**



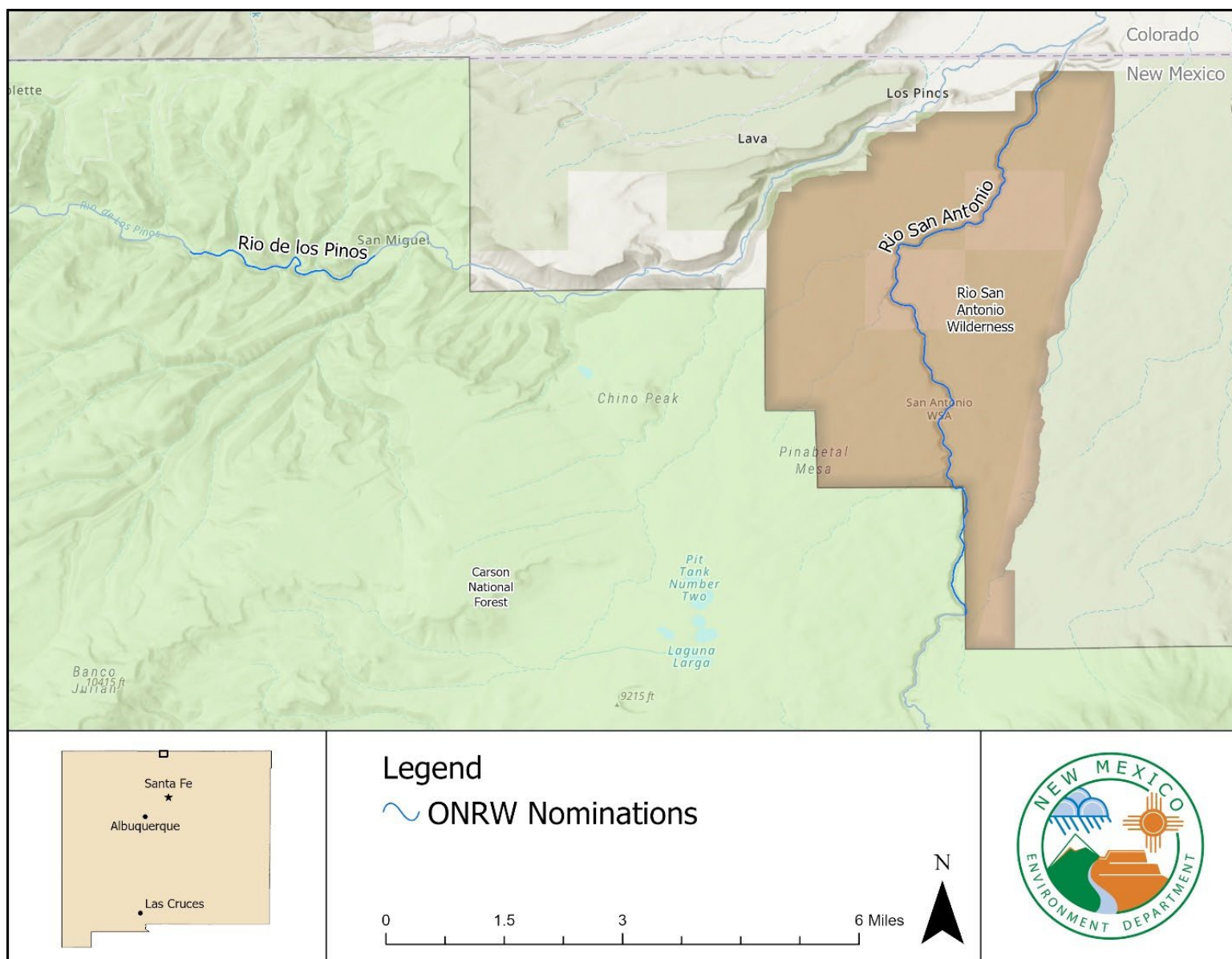
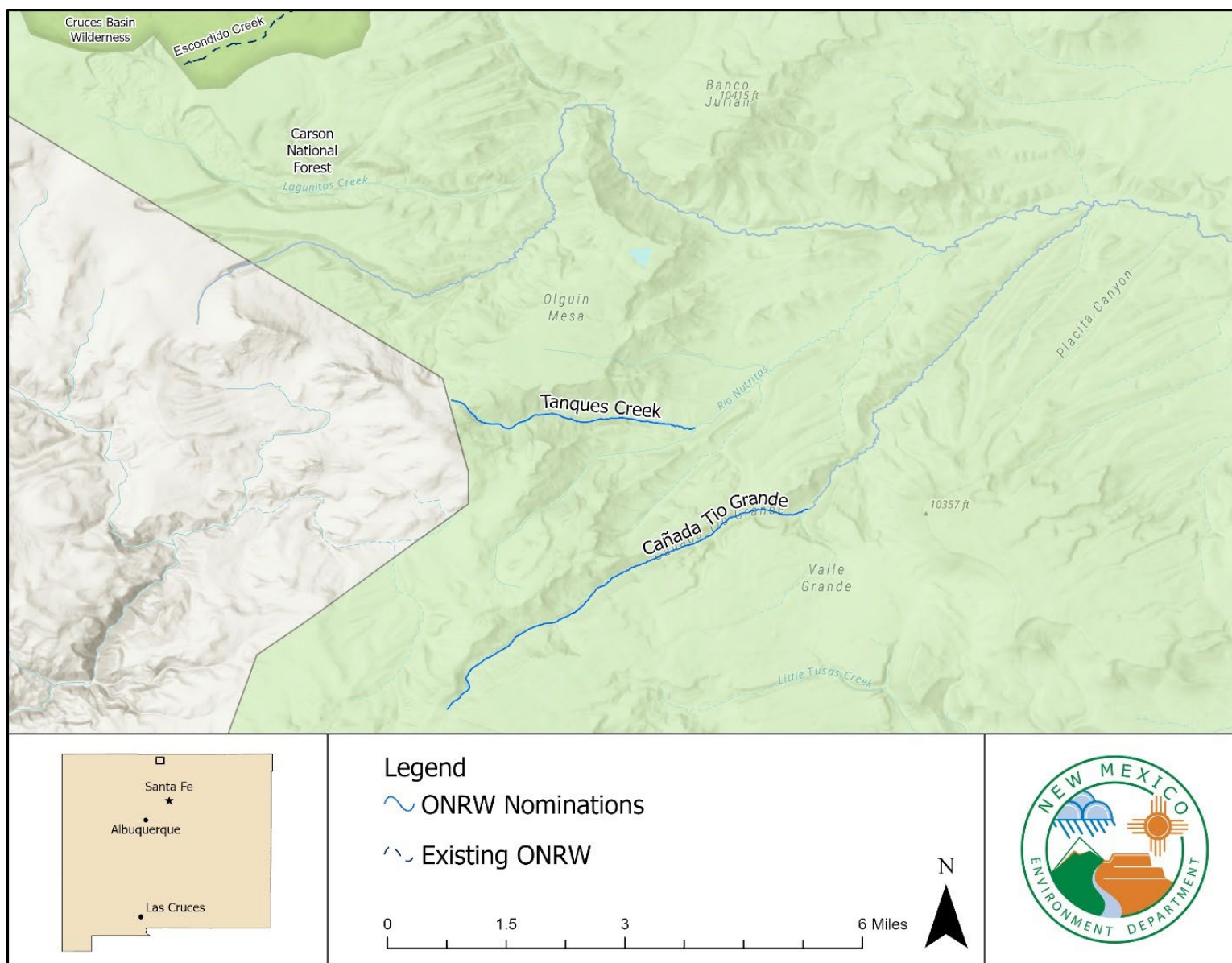
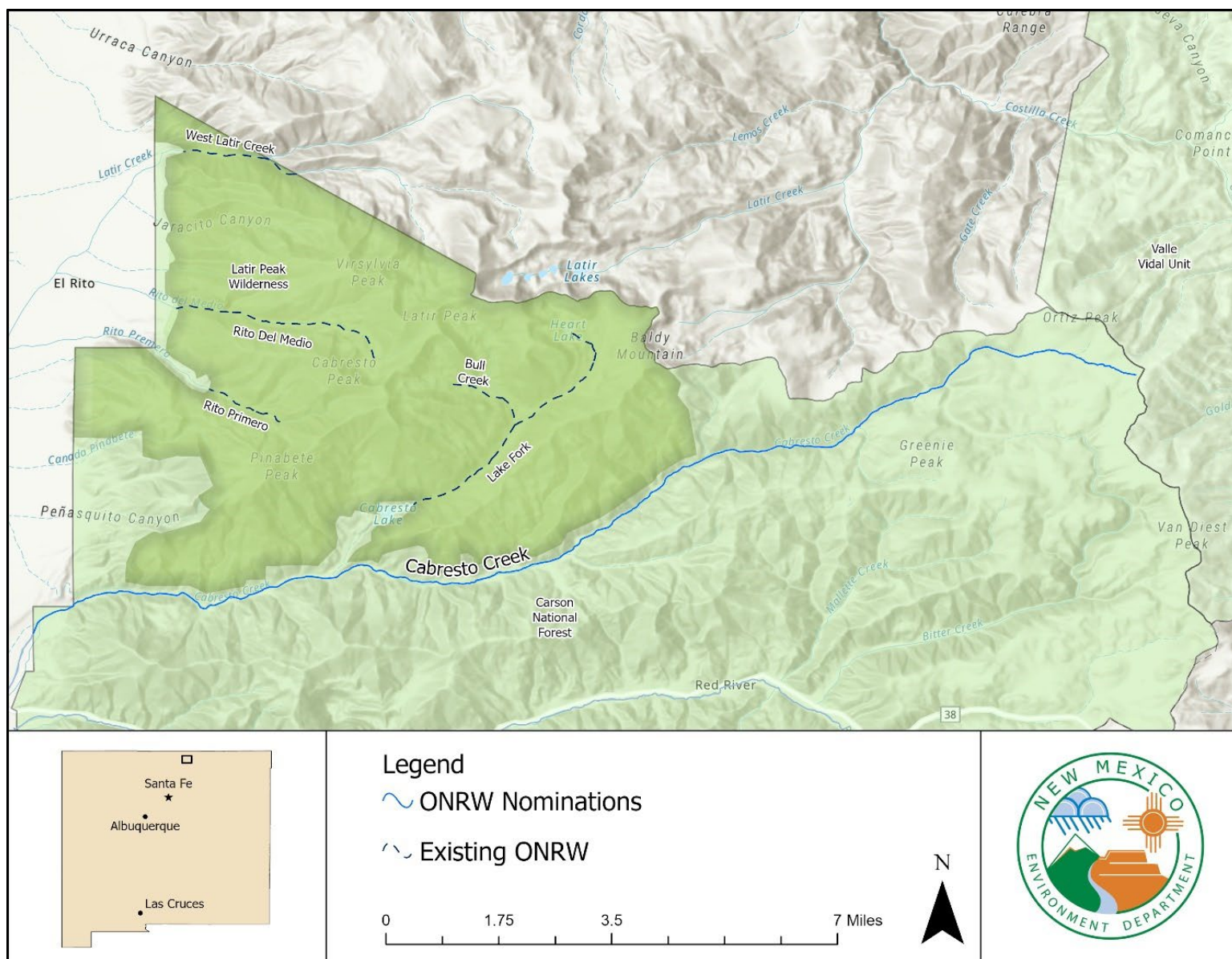


Figure 4. Rio de Los Pinos Special Trout Water and Rio San Antonio Wilderness Nominations

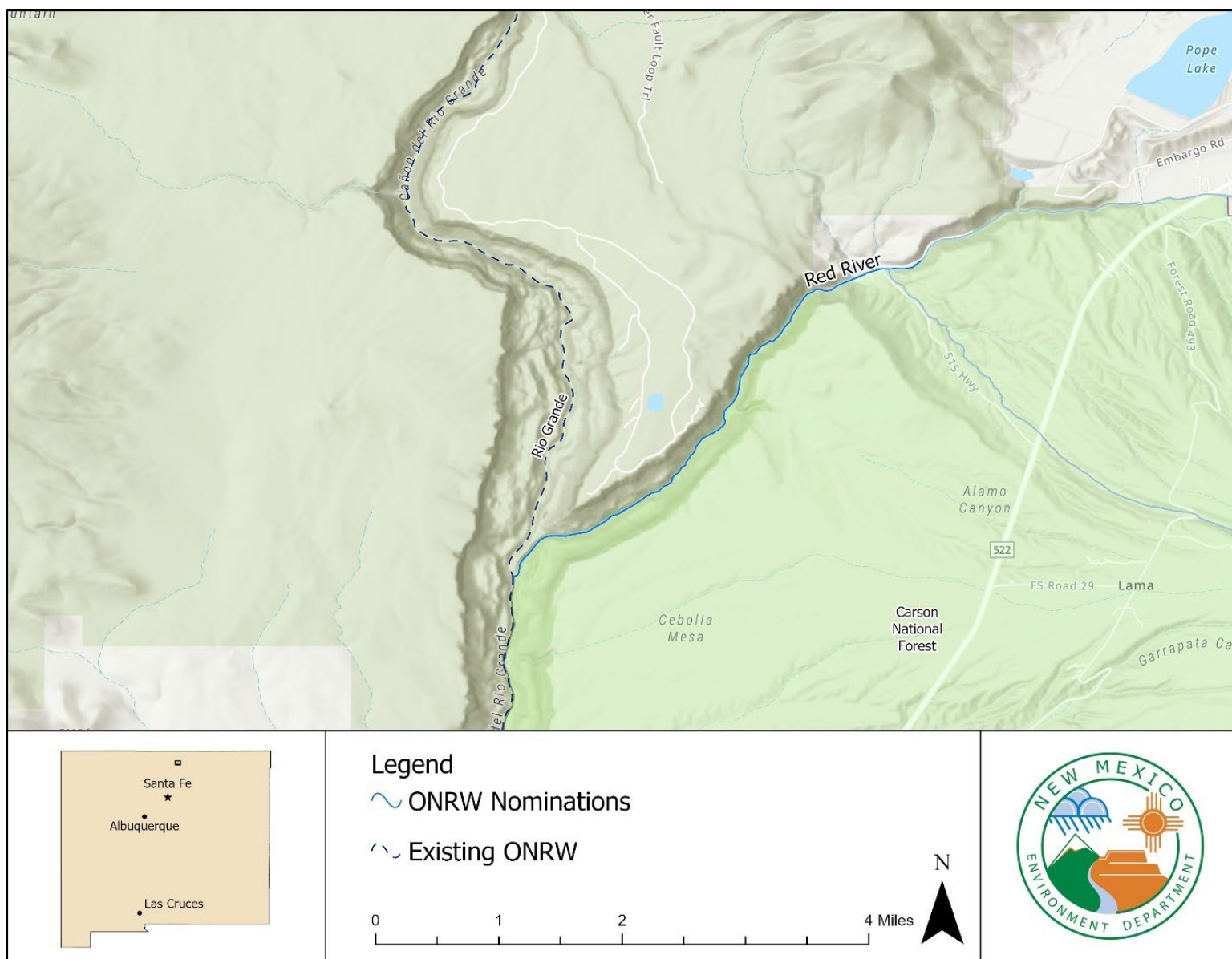


**Figure 5. Canada Tio Grande and Tanques Creek Special Trout Water Nominations**



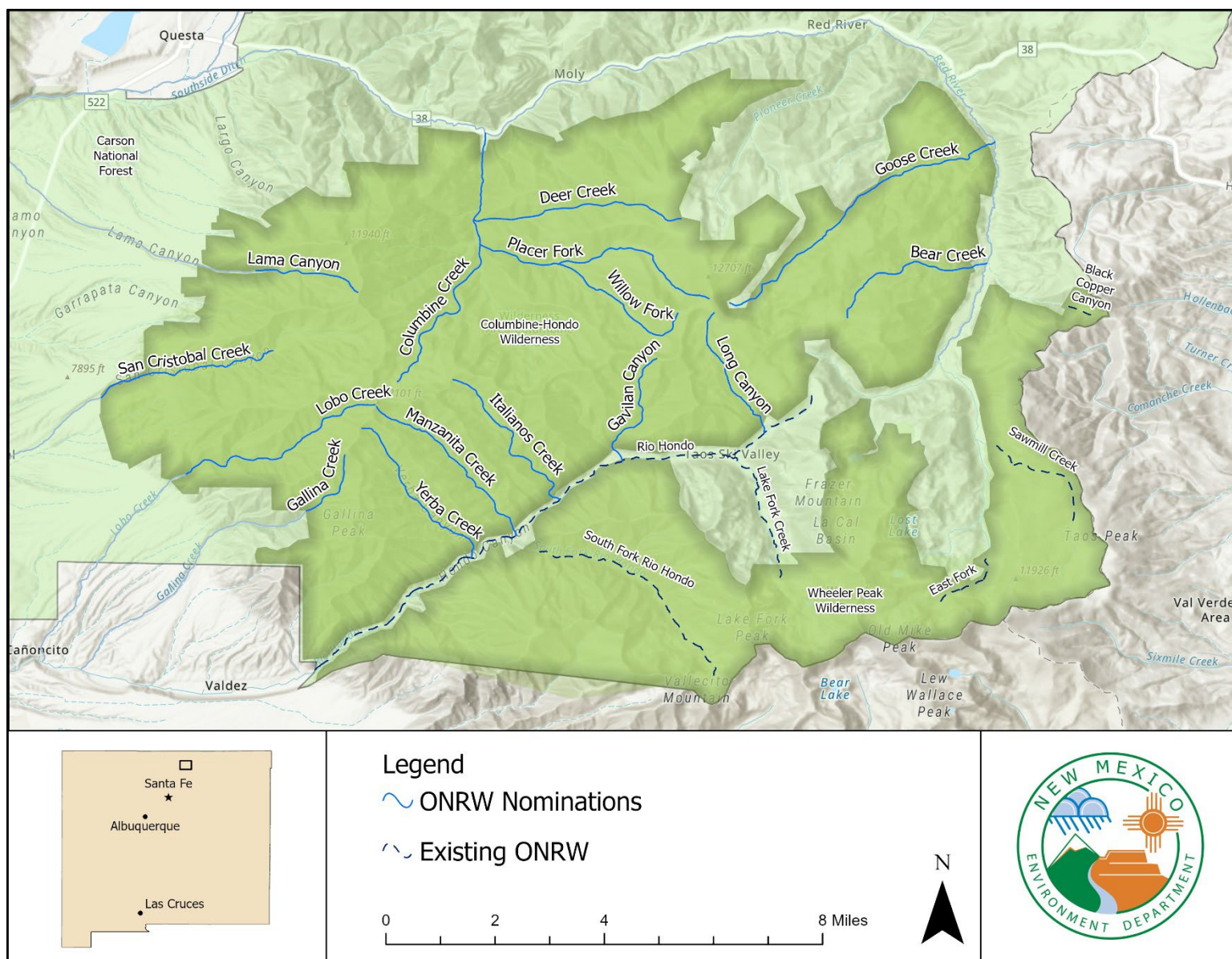


**Figure 6. Cabresto Creek Special Trout Water Nomination**

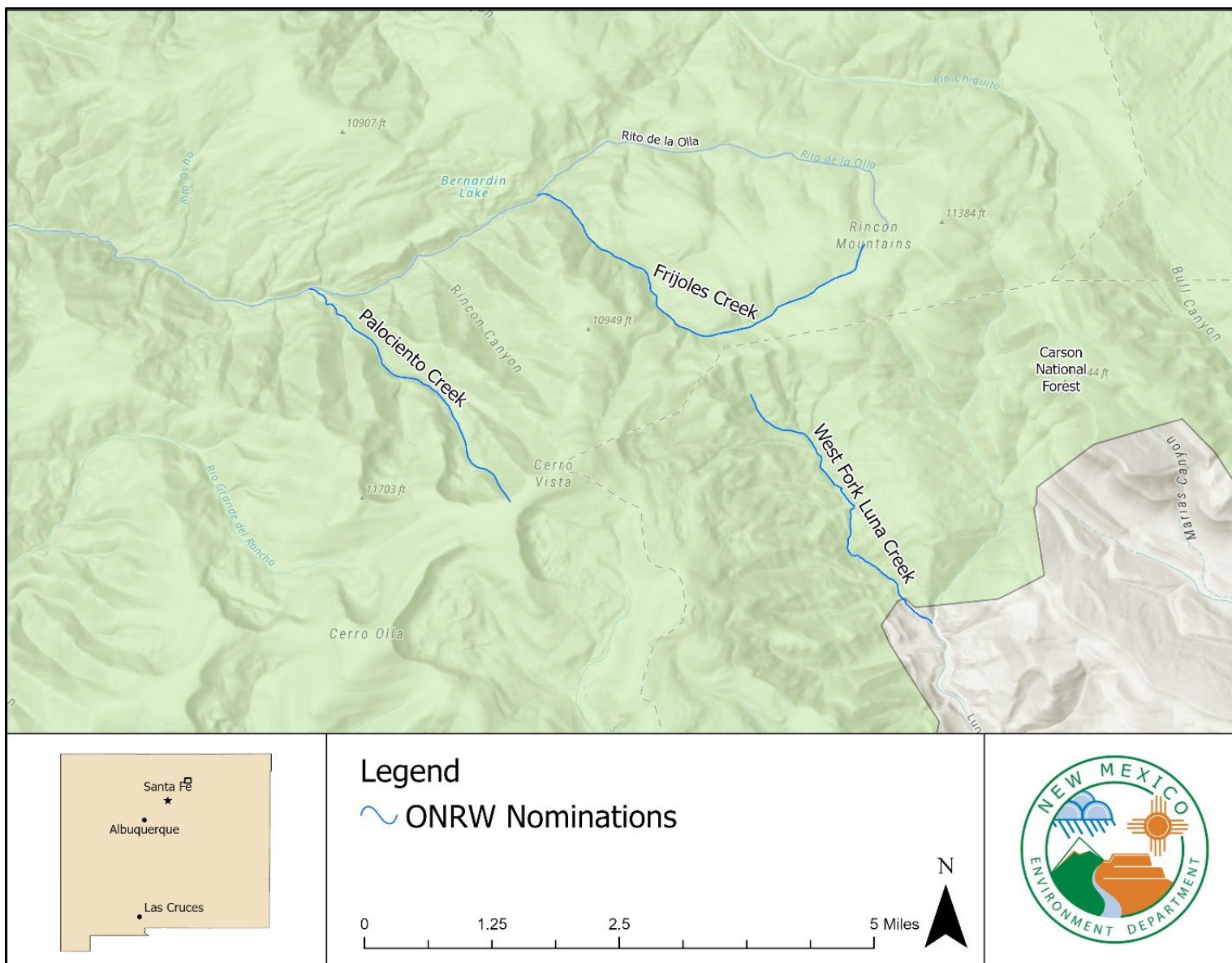


**Figure 7. Red River Wild and Scenic Nomination**



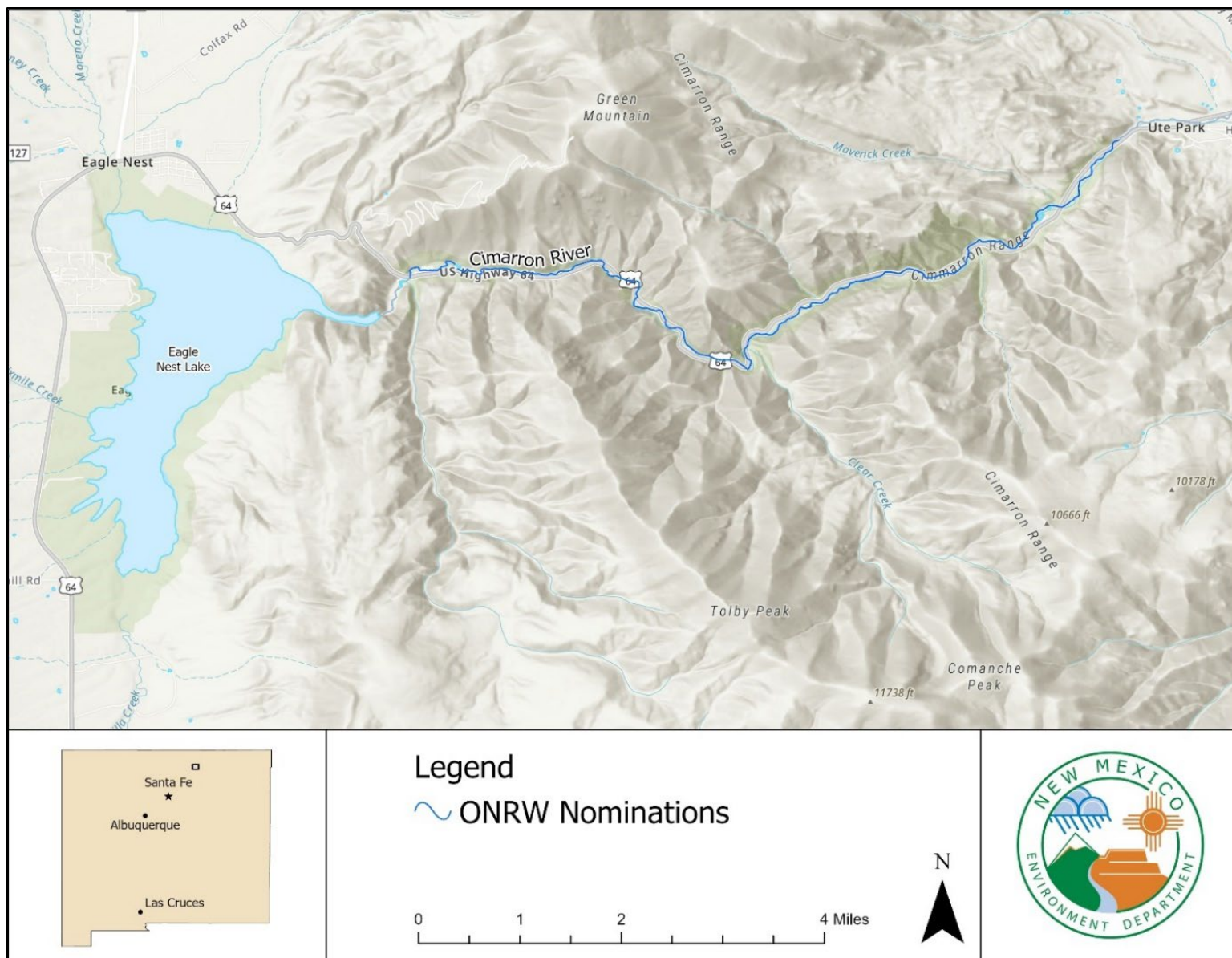


**Figure 8. Columbine-Hondo Wilderness and Special Trout Water Nominations**



**Figure 9. Frijoles Creek, Palociento Creek, and West Fork Luna Creek Special Trout Water Nominations**





**Figure 10. Cimarron River State Park and Special Trout Water Nomination**

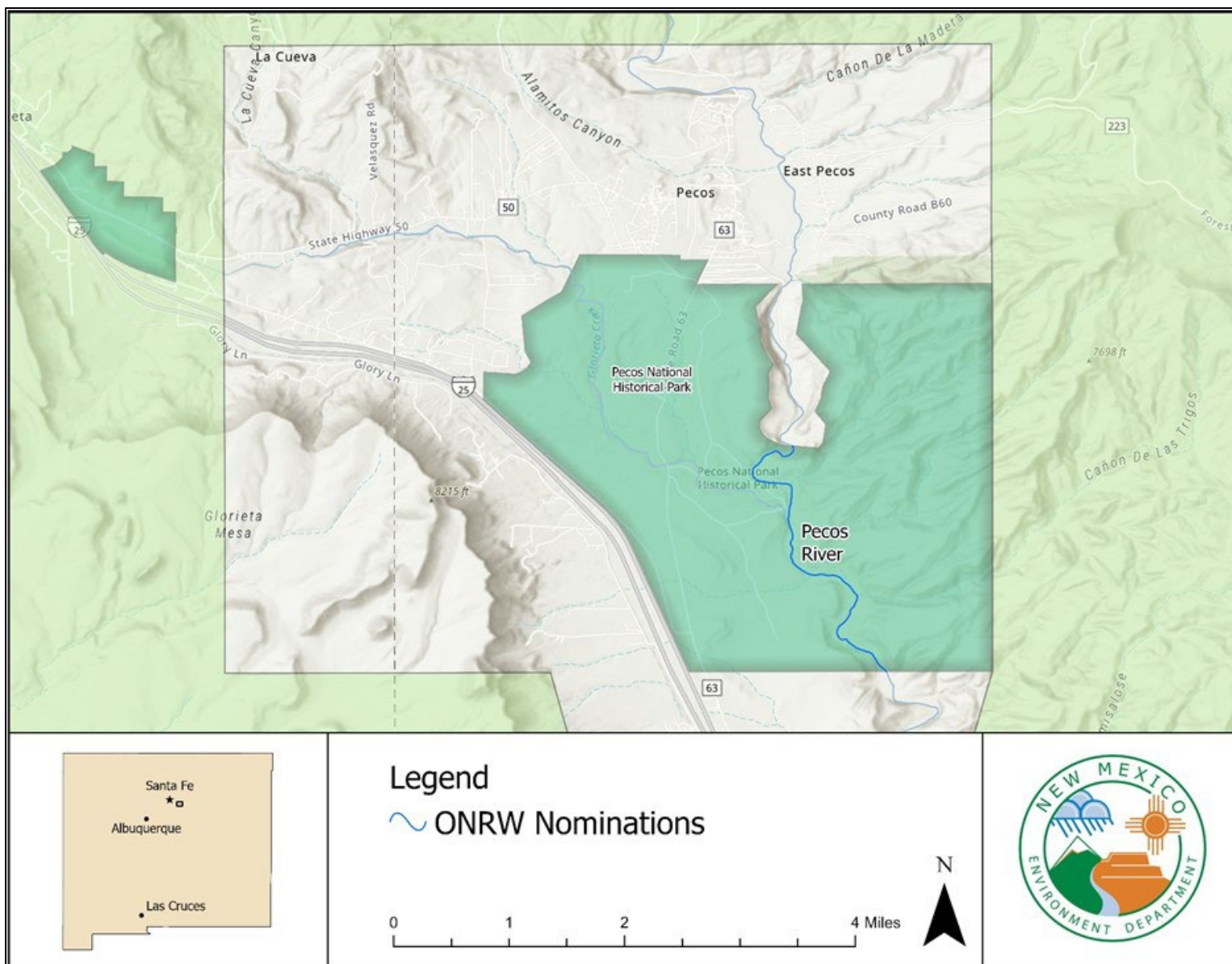
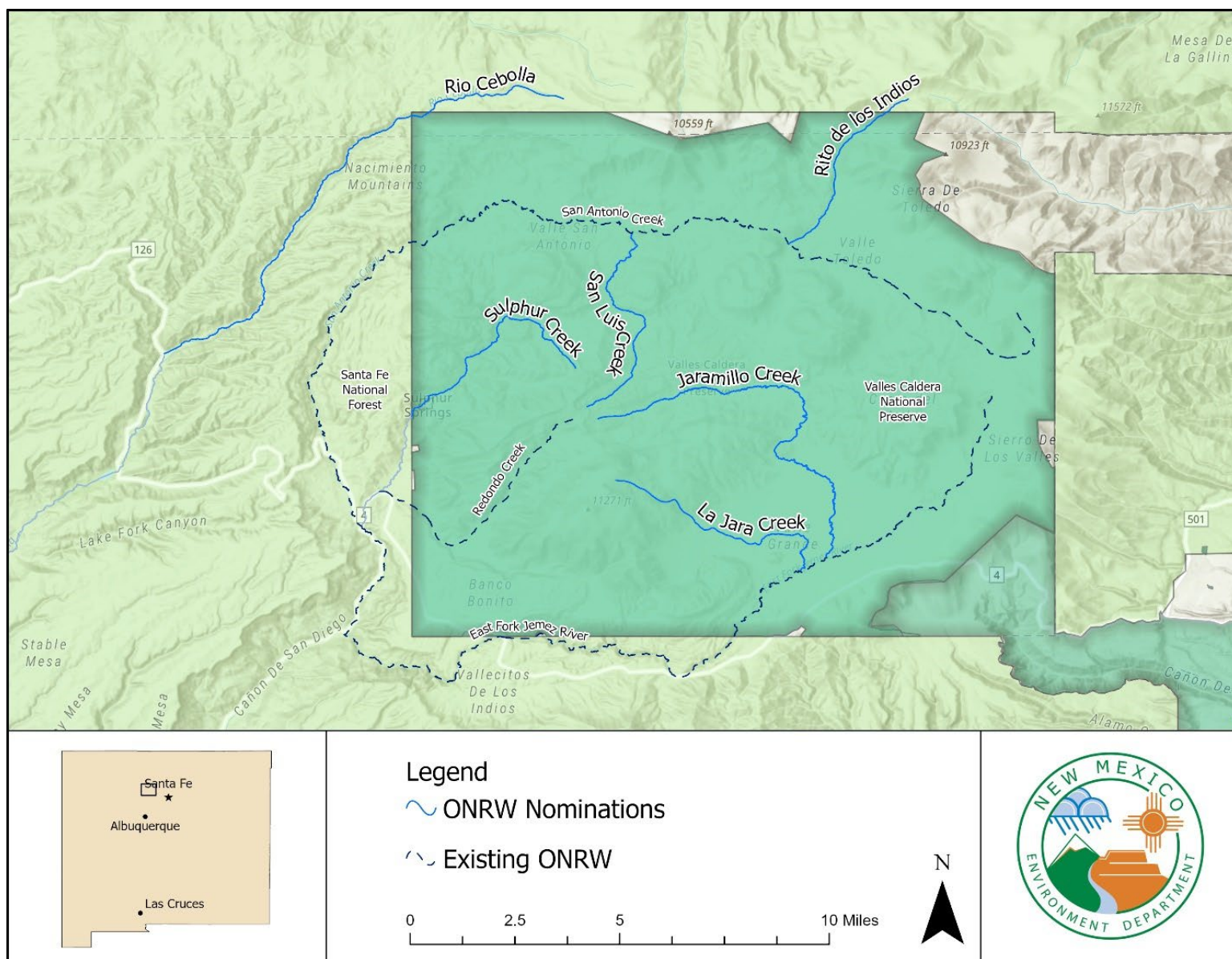
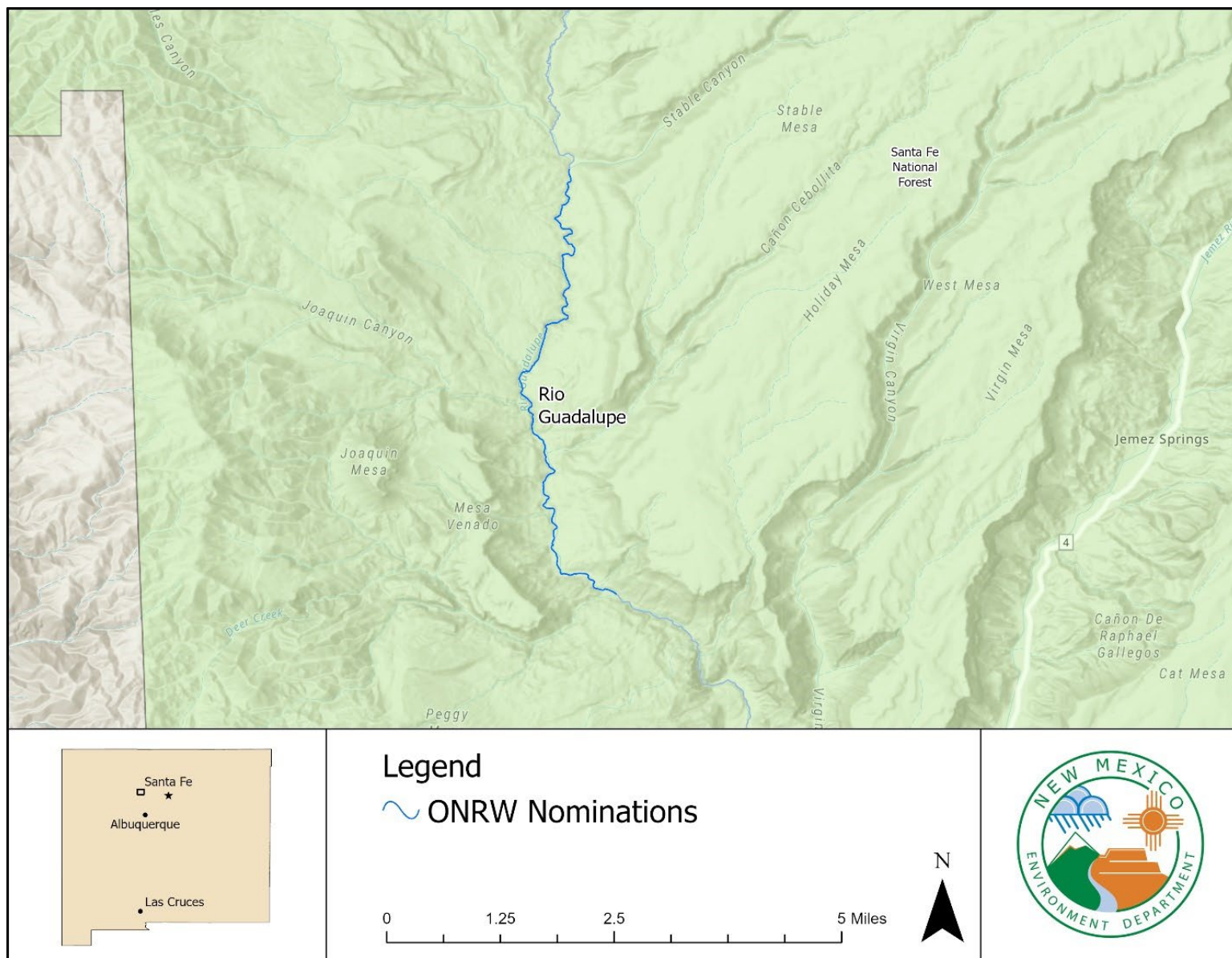


Figure 11. Pecos National Historical Park Nomination



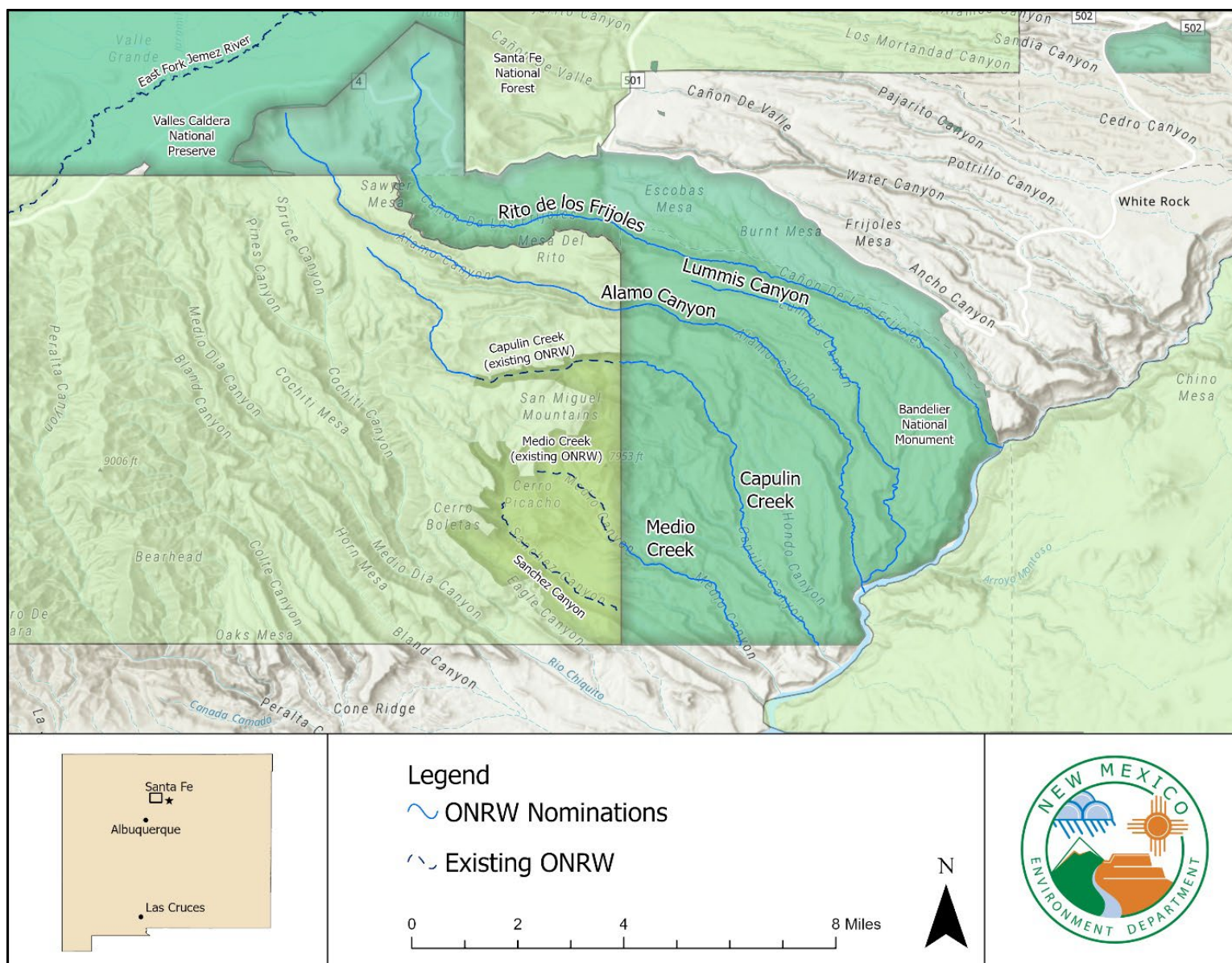


**Figure 12. Valles Caldera National Preserve and Rio Cebolla Special Trout Water Nominations**



**Figure 13. Rio Guadalupe Special Trout Water Nomination**





**Figure 14. Bandelier National Monument and Upper Capulin Creek Special Trout Water Nominations**

### **Appendix B1-B4. Baseline Water Quality Data**

These files contain large amounts of data and are available for download in .pdf format at <https://www.env.nm.gov/surface-water-quality/2024onrw/>. Microsoft Excel electronic versions of data tables are also available upon request.

## **Appendix C. Proposed Amendments to 20.6.4.9 NMAC**

Proposed new language provided in redline format.

1     **20.6.4.9                   OUTSTANDING NATIONAL RESOURCE WATERS:**

2             **A.     Procedures for nominating an ONRW:** Any person may nominate a surface  
3 water of the state for designation as an ONRW by filing a petition with the commission pursuant  
4 to 20.1.6 NMAC, Rulemaking Procedures - Water Quality Control Commission. A petition to  
5 designate a surface water of the state as an ONRW shall include:

6                     **(1)**     a map of the surface water of the state, including the location and  
7 proposed upstream and downstream boundaries;

8                     **(2)**     a written statement and evidence based on scientific principles in support  
9 of the nomination, including specific reference to one or more of the applicable ONRW criteria  
10 listed in Subsection B of this section;

11                    **(3)**     water quality data including chemical, physical or biological parameters, if  
12 available, to establish a baseline condition for the proposed ONRW;

13                    **(4)**     a discussion of activities that might contribute to the reduction of water  
14 quality in the proposed ONRW;

15                    **(5)**     any additional evidence to substantiate such a designation, including a  
16 discussion of the economic impact of the designation on the local and regional economy within  
17 the state of New Mexico and the benefit to the state; and

18                    **(6)**     affidavit of publication of notice of the petition in a newspaper of general  
19 circulation in the affected counties and in a newspaper of general statewide circulation.

20             **B.     Criteria for ONRWs:** A surface water of the state, or a portion of a surface  
21 water of the state, may be designated as an ONRW where the commission determines that the  
22 designation is beneficial to the state of New Mexico, and:

23                    **(1)**     the water is a significant attribute of a state special trout water, national or  
24 state park, national or state monument, national or state wildlife refuge or designated wilderness  
25 area, or is part of a designated wild river under the federal Wild and Scenic Rivers Act; or

26                    **(2)**     the water has exceptional recreational or ecological significance; or

27                    **(3)**     the existing water quality is equal to or better than the numeric criteria for  
28 protection of aquatic life and contact uses and the human health-organism only criteria, and the  
29 water has not been significantly modified by human activities in a manner that substantially  
30 detracts from its value as a natural resource.

31             **C.     Pursuant to a petition filed under Subsection A of this section, the commission**  
32 **may classify a surface water of the state or a portion of a surface water of the state as an ONRW**  
33 **if the criteria set out in Subsection B of this section are met.**

34             **D.     Waters classified as ONRWs:** The following waters are classified as ONRWs:

35                    **(1)**     Rio Santa Barbara, including the west, middle and east forks from their  
36 headwaters downstream to the boundary of the Pecos Wilderness; and

37                    **(2)**     the waters within the United States forest service Valle Vidal special  
38 management unit including:

39                            **(a)**     Rio Costilla, including Comanche, La Cueva, Fernandez,  
40 Chuckwagon, Little Costilla, Powderhouse, Holman, Gold, Grassy, LaBelle and Vidal creeks,  
41 from their headwaters downstream to the boundary of the United States forest service Valle  
42 Vidal special management unit;

43                            **(b)**     Middle Ponil creek, including the waters of Greenwood Canyon,  
44 from their headwaters downstream to the boundary of the Elliott S. Barker wildlife management  
45 area;

46                            **(c)**     Shuree lakes;

(d) North Ponil creek, including McCrystal and Seally Canyon creeks, from their headwaters downstream to the boundary of the United States forest service Valle Vidal special management unit; and

(e) Leandro creek from its headwaters downstream to the boundary of the United States forest service Valle Vidal special management unit.

(3) the named perennial surface waters of the state, identified in Subparagraph (a) below, located within United States department of agriculture forest service wilderness. Wilderness are those lands designated by the United States congress as wilderness pursuant to the Wilderness Act. Wilderness areas included in this designation are the Aldo Leopold wilderness, Apache Kid wilderness, Blue Range wilderness, Chama River Canyon wilderness, Cruces Basin wilderness, Dome wilderness, Gila wilderness, Latir Peak wilderness, Pecos wilderness, San Pedro Parks wilderness, Wheeler Peak wilderness, and White Mountain wilderness.

(a) The following waters are designated in the Rio Grande basin:

(i) in the Aldo Leopold wilderness: Byers Run, Circle Seven creek, Flower canyon, Holden Prong, Indian canyon, Las Animas creek, Mud Spring canyon, North Fork Palomas creek, North Seco creek, Pretty canyon, Sids Prong, South Animas canyon, Victorio Park canyon, Water canyon;

(ii) in the Apache Kid wilderness Indian creek and Smith canyon;

(iii) in the Chama River Canyon wilderness: Chavez canyon, Ojitos canyon, Rio Chama;

(iv) in the Cruces Basin wilderness: Beaver creek, Cruces creek, Diablo creek, Escondido creek, Lobo creek, Osha creek;

(v) in the Dome wilderness: Capulin creek, Medio creek, Sanchez canyon/creek;

(vi) in the Latir Peak wilderness: Bull creek, Bull Creek lake, Heart lake, Lagunitas Fork, Lake Fork creek, Rito del Medio, Rito Primero, West Latir creek;

(vii) in the Pecos wilderness: Agua Sarca, Hidden lake, Horseshoe lake (Alamitos), Jose Vigil lake, Nambe lake, Nat lake IV, No Fish lake, North Fork Rio Quemado, Rinconada, Rio Capulin, Rio de las Trampas (Trampas creek), Rio de Truchas, Rio Frijoles, Rio Medio, Rio Molino, Rio Nambe, Rio San Leonardo, Rito con Agua, Rito Gallina, Rito Jaroso, Rito Quemado, San Leonardo lake, Santa Fe lake, Santa Fe river, Serpent lake, South Fork Rio Quemado, Trampas lake (East), Trampas lake (West);

(viii) in the San Pedro Parks wilderness: Agua Sarca, Cañon Madera, Cave creek, Cecilia Canyon creek, Clear creek (North SPP), Clear creek (South SPP), Corralitos creek, Dove creek, Jose Miguel creek, La Jara creek, Oso creek, Rio Capulin, Rio de las Vacas, Rio Gallina, Rio Puerco de Chama, Rito Anastacio East, Rito Anastacio West, Rito de las Palomas, Rito de las Perchas, Rito de los Pinos, Rito de los Utes, Rito Leche, Rito Redondo, Rito Resumidero, San Gregorio lake;

(ix) in the Wheeler Peak wilderness: Black Copper canyon, East Fork Red river, Elk lake, Horseshoe lake, Lost lake, Sawmill creek, South Fork lake, South Fork Rio Hondo, Williams lake.

(b) The following waters are designated in the Pecos River basin:

(i) in the Pecos wilderness: Albright creek, Bear creek, Beatty creek, Beaver creek, Carpenter creek, Cascade canyon, Cave creek, El Porvenir creek, Hollinger

creek, Holy Ghost creek, Horsethief creek, Jack's creek, Jarosa canyon/creek, Johnson lake, Lake Katherine, Lost Bear lake, Noisy brook, Panchuela creek, Pecos Baldy lake, Pecos river, Rio Mora, Rio Valdez, Rito Azul, Rito de los Chimayosos, Rito de los Esteros, Rito del Oso, Rito del Padre, Rito las Trampas, Rito Maestas, Rito Oscuro, Rito Perro, Rito Sebadillosos, South Fork Bear creek, South Fork Rito Azul, Spirit lake, Stewart lake, Truchas lake (North), Truchas lake (South), Winsor creek;

(ii) in the White Mountain wilderness: Argentina creek, Aspen creek, Bonito creek, Little Bonito creek, Mills canyon/creek, Rodamaker creek, South Fork Rio Bonito, Turkey canyon/creek.

(c) The following waters are designated in the Gila River basin:

(i) in the Aldo Leopold wilderness: Aspen canyon, Black Canyon creek, Bonner canyon, Burnt canyon, Diamond creek, Falls canyon, Fisherman canyon, Running Water canyon, South Diamond creek;

(ii) in the Gila wilderness: Apache creek, Black Canyon creek, Brush canyon, Canyon creek, Chicken Coop canyon, Clear creek, Cooper canyon, Cow creek, Cub creek, Diamond creek, East Fork Gila river, Gila river, Gilita creek, Indian creek, Iron creek, Langstroth canyon, Lilley canyon, Little creek, Little Turkey creek, Lookout canyon, McKenna creek, Middle Fork Gila river, Miller Spring canyon, Mogollon creek, Panther canyon, Prior creek, Rain creek, Raw Meat creek, Rocky canyon, Sacaton creek, Sapillo creek, Sheep Corral canyon, Skeleton canyon, Squaw creek, Sycamore canyon, Trail canyon, Trail creek, Trout creek, Turkey creek, Turkey Feather creek, Turnbo canyon, West Fork Gila river, West Fork Mogollon creek, White creek, Willow creek, Woodrow canyon.

(d) The following waters are designated in the Canadian River basin: in the Pecos wilderness Daily creek, Johns canyon, Middle Fork Lake of Rio de la Casa, Middle Fork Rio de la Casa, North Fork Lake of Rio de la Casa, Rito de Gascon, Rito San Jose, Sapello river, South Fork Rio de la Casa, Sparks creek (Manuelitas creek).

(e) The following waters are designated in the San Francisco River basin:

(i) in the Blue Range wilderness: Pueblo creek;  
(ii) in the Gila wilderness: Big Dry creek, Lipsey canyon, Little Dry creek, Little Whitewater creek, South Fork Whitewater creek, Spider creek, Spruce creek, Whitewater creek.

(f) The following waters are designated in the Mimbres Closed basin: in the Aldo Leopold wilderness Corral canyon, Mimbres river, North Fork Mimbres river, South Fork Mimbres river.

(g) The following waters are designated in the Tularosa Closed basin: in the White Mountain wilderness Indian creek, Nogal Arroyo, Three Rivers.

(h) The wetlands designated are identified on the *Maps and List of Wetlands Within United States Forest Service Wilderness Areas Designated as Outstanding National Resource Waters* published at the New Mexico state library and available on the department's website.

(4) The following waters are designated in the headwaters Pecos river watershed:

(a) The Pecos river from Dalton Canyon creek to the Pecos wilderness boundary;

(b) In the Dry Gulch-Pecos river subwatershed, Dalton Canyon creek from the Pecos river upstream to the headwaters, Wild Horse creek from Dalton Canyon creek

upstream to the headwaters, Macho Canyon creek from the Pecos river upstream to the headwaters and Sawyer creek from the Pecos river upstream to the headwaters;

(c) In the Indian creek-Pecos river subwatershed, Indian creek from the Pecos river upstream to the headwaters, Holy Ghost creek from the Pecos river upstream to the Pecos wilderness boundary, Doctor creek from Holy Ghost creek upstream to the headwaters, Davis creek from the Pecos river upstream to the headwaters and Willow creek from the Pecos river upstream to the headwaters;

(d) In the Rio Mora subwatershed, Rio Mora from the Pecos river upstream to the Pecos wilderness boundary and Bear creek from the Rio Mora upstream to the Pecos wilderness boundary;

(e) In the Rio Mora-Pecos river subwatershed, Carpenter creek from the Pecos river upstream to the Pecos wilderness boundary, Winsor creek from the Pecos river upstream to the Pecos wilderness boundary and Jack's creek from the Pecos river upstream to the Pecos wilderness boundary; and,

(f) In the Panchuela creek subwatershed, Panchuela creek from the Pecos river upstream to the Pecos wilderness boundary;

(g) Unnamed tributaries to waters in Subparagraphs (a) through (f), Paragraph (4) of this Subsection (D) as identified in the *Maps and Lists for Unnamed Tributaries to Perennial Waters and Wetlands in the Headwaters Pecos River Watershed*, published at the New Mexico state library and available on the department's website.

(h) Unnamed wetlands adjacent to waters in Subparagraphs (a) through (f), Paragraph (4) of this Subsection (D) as identified in the *Maps and Lists for Unnamed Tributaries to Perennial Waters and Wetlands in the Headwaters Pecos River Watershed*, published at the New Mexico state library and available on the department's website.

(5) the Rio Grande from directly above the Rio Pueblo de Taos to the New Mexico-Colorado state border.

(6) the Rio Hondo from the Carson National Forest boundary to its headwaters; and Lake Fork creek from the Rio Hondo to its headwaters.

(7) the East Fork Jemez river from San Antonio creek to its headwaters; San Antonio creek from the East Fork Jemez river to its headwaters; and Redondo creek from Sulphur creek to its headwaters.

(8) the following waters located within a national or state park, national or state monument, or national or state wildlife refuge:

(a) in the Valles Caldera national preserve: La Jara creek, Sulphur creek, San Luis creek, Jaramillo creek, and Rito de los Indios;

(b) in the Bandelier national monument: Rito de los Frijoles, Lummis canyon, Alamo canyon, Capulin creek, and Medio creek;

(c) in the Cimarron canyon state park: Cimarron river;

(d) in the Pecos national historical park: Pecos river;

(e) in the Rio Grande del Norte national monument: Rio San Antonio.

(9) the following waters located within a designated wilderness area: in the Columbine – Hondo wilderness areas: Columbine creek, Deer creek, Placer fork, Willow fork, Goose creek, Bear creek, Long canyon, Gavilan canyon, Italianos creek, Yerba creek, Manzanita creek, Gallina creek, Lobo creek, San Cristobal creek, and Lama canyon.

(10) the following wild rivers as designated by the federal Wild and Scenic Rivers Act:

1 (a) Rio Chama from the US forest service boundary to confluence  
2 with the Rio Nutrias;  
3 (b) Red River from the confluence with the Rio Grande to four miles  
4 upstream.  
5 (11) the following state special trout waters not already included in Paragraphs  
6 8 through 10 of this Subsection:  
7 (a) in the Edward Sargent wildlife management area: Rio Chamita,  
8 Nabor creek, Sixto creek, and Rio Chama;  
9 (b) Rio Chama from Heron Reservoir outlet to Cottonwood flats;  
10 (c) Rio de los Pinos from United States forest service road 87A to  
11 private land 2.5 miles upstream, Tanques creek, Canada Tio Grande;  
12 (d) Cabresto creek from United States forest service boundary to  
13 headwaters, Frijoles creek, Palociento creek, and West Fork Luna creek;  
14 (e) Rio Cebolla from Calaveras creek to its headwaters, Rio  
15 Gaudalupe from the confluence with Deer creek upstream to confluence with Stable creek;  
16 (f) Capulin creek from the Dome wilderness boundary to headwaters.  
17 [20.6.4.9 NMAC - Rn, Subsections B, C and D of 20.6.4.8 NMAC, 5/23/2005; A, 5/23/2005; A,  
18 7/17/2005; A, 2/16/2006; A, 12/1/2010; A, 1/14/201; A 4/23/2022; A, 09/24/2022; A,  
19 XX/XX/XXXX]  
20



## **Appendix D. Public Notice and Affidavits of Publication**

## NOTICE OF PETITION TO NOMINATE SURFACE WATERS OF THE STATE FOR DESIGNATION AS OUTSTANDING NATIONAL RESOURCE WATERS

The New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB) gives public notice of a draft petition to nominate (nomination) certain surface waters of the state as outstanding national resource waters (ONRW). Accordingly, NMED developed regulatory language to amend *Standards for Interstate and Intrastate Surface Waters*, 20.6.4 NMAC, to designate these waters as ONRWs. The waters qualify for ONRW designation as significant attributes of a Special Trout Water; a designated wild river; a national or state park, monument, or wildlife refuge; or a designated Wilderness area. ONRWs are entitled to the highest protection from pollution under the New Mexico Water Quality Control Commission's (WQCC) surface water quality standards at 20.6.4 NMAC.

NMED will hold a 30-day public comment period on this proposed action starting on July 20, 2024, and ending on August 19, 2024 at 5:00 PM MDT. Comments will be accepted via mail, email, and NMED's smart comment portal at <https://nmed.commentinput.com/comment/search>. The draft nomination, amended regulatory language, and all other related information may be found on NMED's website through the Smart Comment Portal or at <https://www.env.nm.gov/surface-water-quality/wqs/>. The petition and appendices contain a list of waters nominated, maps, baseline water quality data, and other supporting information for the nomination. Additionally, an interactive GIS map with the proposed ONRWs is available at <https://gis.web.env.nm.gov/oem/?map=swqb>.

At the conclusion of the public comment period, NMED will consider input received and if appropriate, make amendments to its nomination. NMED intends on filing a petition and requesting a public rulemaking hearing at the September 2024 regular meeting of the WQCC. If the WQCC grants a public hearing, the SWQB will publish a notice of rulemaking at least 60 days prior to the hearing in the New Mexico Register, in the Albuquerque Journal, and on NMED's website. That notice will include the date, time, and place of the hearing and how to participate in the hearing, including instructions for joining virtually, submitting public comment, and filing technical testimony.

For more information and to submit comments contact Michael Baca, Water Quality Standards Coordinator, NMED SWQB, P.O. Box 5469, Santa Fe, NM, 87502, (505) 470-1652 or [michael.baca1@env.nm.gov](mailto:michael.baca1@env.nm.gov). To stay up to date with the latest news from NMED, please sign up for our listserv at [https://public.govdelivery.com/accounts/NMED/subscriber/new?topic\\_id=NMED\\_4](https://public.govdelivery.com/accounts/NMED/subscriber/new?topic_id=NMED_4).

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: Kate Cardenas, NMED Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855 or [nd.coordinator@env.nm.gov](mailto:nd.coordinator@env.nm.gov). If you believe that you have been discriminated against with respect to a NMED program or activity, please contact the Non-Discrimination Coordinator.

## AVISO DE PETICIÓN PARA NOMINAR AGUAS SUPERFICIALES DEL ESTADO PARA SU DESIGNACIÓN COMO AGUAS DE RECURSO NACIONAL EXCEPCIONAL

La Oficina de Calidad de Aguas Superficiales (SWQB, por sus siglas en inglés) del Departamento de Medio Ambiente de Nuevo México (NMED, por sus siglas en inglés) da aviso público de un borrador de petición para nominar (nominación) ciertas aguas superficiales del estado como Aguas de Recursos Nacionales Excepcionales (ONRW, por sus siglas en inglés). En consecuencia, el NMED ha desarrollado un lenguaje regulatorio para enmendar los *Estándares para aguas superficiales interestatales y estatales, 20.6.4 NMAC*, para designar estas aguas como ONRW. Las aguas califican para la designación ONRW como atributos significativos de un agua especial para truchas; un río silvestre designado; un parque, monumento o refugio de vida silvestre nacional o estatal; o una zona silvestre designada. Las ONRW tienen derecho a la más alta protección contra la contaminación según los estándares de calidad de las aguas superficiales de la Comisión de Control de Calidad del Agua de Nuevo México (WQCC, por sus siglas en inglés) en 20.6.4 NMAC.

El NMED celebrará un período de comentarios públicos de 30 días sobre esta acción propuesta a partir del 20 de julio de 2024 y finalizará el 19 de agosto de 2024 a las 5:00 p.m. MDT. Los comentarios se aceptarán por correo postal, correo electrónico y el portal de comentarios inteligente de NMED en <https://nmed.commentinput.com/comment/search>. El borrador de la nominación, el lenguaje regulatorio enmendado y toda información relacionada se pueden encontrar en el sitio web de NMED a través del portal de comentarios inteligente o en <https://www.env.nm.gov/surface-water-quality/wqs/>. La petición y los apéndices contienen una lista de aguas nominadas, mapas, datos de referencia sobre la calidad del agua y otra información de respaldo para la nominación. Además, hay disponible un mapa SIG interactivo con los ONRW propuestos en <https://gis.web.env.nm.gov/oem/?map=swqgb>.

Al finalizar el período de comentarios públicos, el NMED considerará los comentarios recibidos y, si corresponde, hará enmiendas a su nominación. El NMED tiene la intención de presentar una petición y solicitar una audiencia pública de reglamentación en la reunión ordinaria de la WQCC de septiembre de 2024. Si la WQCC concede una audiencia pública, la SWQB publicará un aviso de reglamentación al menos 60 días antes de la audiencia en el Registro de Nuevo México, en el Albuquerque Journal y en el sitio web de NMED. Ese aviso incluirá la fecha, hora y lugar de la audiencia y cómo participar en la audiencia, incluidas instrucciones para unirse virtualmente, enviar comentarios públicos y presentar testimonios técnicos.

Para obtener más información y para enviar comentarios, comuníquese con Michael Baca, coordinador de estándares de calidad del agua, NMED SWQB, P.O. Box 5469, Santa Fe, NM, 87502, (505) 470-1652 o [michael.baca1@env.nm.gov](mailto:michael.baca1@env.nm.gov). Para mantenerse actualizado con las últimas noticias de NMED, regístrese en nuestro servidor de listas en [https://public.govdelivery.com/accounts/NMED/subscriber/new?topic\\_id=NMED\\_4](https://public.govdelivery.com/accounts/NMED/subscriber/new?topic_id=NMED_4).

El NMED no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigen las leyes y regulaciones aplicables. NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas relacionadas con los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas a la Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no

discriminación de NMED, puede comunicarse con: Kate Cardenas, coordinadora de no discriminación de NMED, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855 o [nd.coordinator@env.nm.gov](mailto:nd.coordinator@env.nm.gov). Si cree que ha sido discriminado con respecto a un programa o actividad de NMED, comuníquese con la coordinadora de no discriminación.

## Affidavit of Publication

STATE OF NEW MEXICO } SS  
COUNTY OF BERNALILLO }

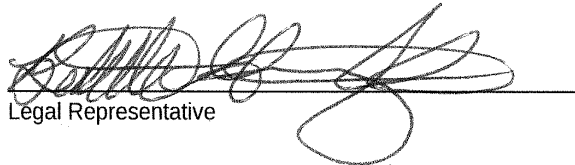
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Ad Number: 73960  
Account Number: 1009628  
Classification: GOVERNMENT LEGALS

I, Bernadette Gonzales, the undersigned, Legal Representative of the Albuquerque Journal, on oath, state that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, chapter 167, Session Laws of 1937, and payment of fees has been made of assessed and a copy of which is hereto attached, was published in said publication in the daily edition, 1 times(s) on the following date(s):

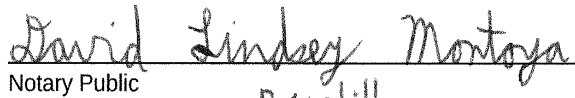
July 20, 2024

That said newspaper was regularly issued and circulated on those dates.

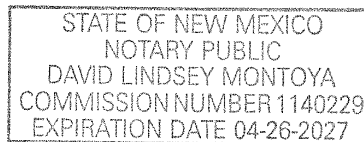
SIGNED:

  
Legal Representative

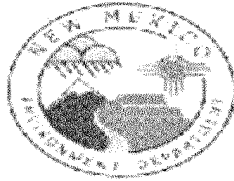
Subscribed to and sworn to me this 22<sup>th</sup> day of July 2024.

  
Notary Public

County Bernalillo  
ID#: 1140229  
My commission expires: 04-26-2027



NM DEPT OF ENVIRONMENT  
SURFACE WATER QUALITY BUREAU  
PO BOX 5469  
SANTA FE, NM 87502



NOTICE OF PETITION TO  
NOMINATE SURFACE  
WATERS OF THE STATE  
FOR DESIGNATION AS  
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Journal: July 20, 2024

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COUNTY OF BERNALILLO }

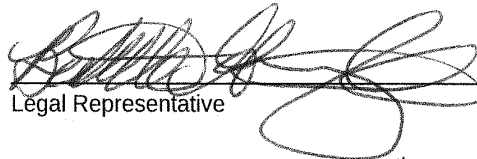
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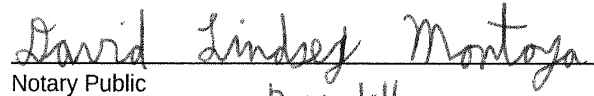
July 20, 2024

That said newspaper was regularly issued and circulated on those dates.

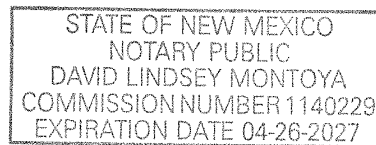
SIGNED:

  
Legal Representative

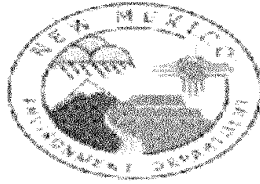
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NM DEPT OF ENVIRONMENT  
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**AVISO DE PETICIÓN PARA  
NOMINAR AGUAS  
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El NMED celebrará un período de comentarios públicos de 30 días sobre esta acción propuesta a partir del 20 de julio de 2024 y finalizará el 19 de agosto de 2024 a las 5:00 p.m. MDT. Los comentarios se aceptarán por correo postal, correo electrónico y el portal de comentarios inteligente de NMED en <https://nmed.commentinput.com/comment/search>. El borrador de la nominación, el lenguaje regulatorio enmendado y toda información relacionada se pueden encontrar en el sitio web de NMED a través del Smart Comment Portal o en <https://www.env.nm.gov/surface-water-quality/wqs/>. La petición y los apéndices contienen una lista de aguas nominadas, mapas, datos de referencia sobre la calidad del agua y otra información de respaldo para la nominación. Además, hay disponible un mapa SIG interactivo con los ONRW propuestos en <https://gis.web.env.nm.gov/oem/?map=swqb>.

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intención de presentar una petición y solicitar una audiencia pública de reglamentación en la reunión ordinaria de la WQCC de septiembre de 2024. Si la WQCC concede una audiencia pública, la SWQB publicará un aviso de reglamentación al menos 60 días antes de la audiencia en el Registro de Nuevo México, en el Albuquerque Journal y en el sitio web de NMED. Ese aviso incluirá la fecha, hora y lugar de la audiencia y cómo participar en la audiencia, incluidas instrucciones para unirse virtualmente, enviar comentarios públicos y presentar testimonios técnicos.

Para obtener más información y para enviar comentarios, comuníquese con Michael Baca, coordinador de estándares de calidad del agua, NMED SWQB, P.O. Box 5469, Santa Fe, NM, 87502, (505) 470-1652 o [michael.baca1@env.nm.gov](mailto:michael.baca1@env.nm.gov). Para mantenerse actualizado con las últimas noticias de NMED, regístrese en nuestro servidor de listas en [https://public.govdelivery.com/accounts/NMED/subscriber/new?topic\\_id=NMED\\_4](https://public.govdelivery.com/accounts/NMED/subscriber/new?topic_id=NMED_4).

El NMED no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigen las leyes y regulaciones aplicables. NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas relacionadas con los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas a la Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, puede comunicarse con: Kate Cardenas, coordinadora de no discriminación de NMED, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855 o [nd.coordinator@env.nm.gov](mailto:nd.coordinator@env.nm.gov). Si cree que ha sido discriminado con respecto a un programa o actividad de NMED, comuníquese con la coordinadora de no discriminación.

Journal: July 20, 2024



# SANTA FE NEW MEXICAN

Founded 1849

NMED SURFACE WATER  
PO BOX 5469  
SANTA FE, NM 87502-5469

ACCOUNT:	S2004	
AD NUMBER:	76932	
LEGAL NO	92862	P.O.#:66700-0000043564
1 TIME(S)	\$197.20	
AFFIDAVIT	10.00	
TAX	16.96	
TOTAL	224.16	

## AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO  
COUNTY OF SANTA FE

I, Veronica Gonzalez, being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTA FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe, Rio Arriba, San Miguel, and Los Alamos, State of New Mexico and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the Legal No 92862 a copy of which is hereto attached was published in said newspaper 1 day(s) between 07/19/2024 and 07/19/2024 and that the notice was published in the newspaper proper and not in any supplement; the first date of publication being on the 19th day of July, 2024 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

/s/

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 23rd day of July, 2024

Notary

Commission Expires

NATHANIEL CRISTOFER MARTINEZ  
Notary Public - State of New Mexico  
Commission # 1139927  
My Comm. Expires Mar 14, 2027

**NOTICE OF PETITION  
TO NOMINATE SUR-  
FACE WATERS OF THE  
STATE FOR DESIGNA-  
TION AS OUTSTAND-  
ING NATIONAL  
RESOURCE WATERS**

The New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB) gives public notice of a draft petition to nominate (nomination) certain surface waters of the state as outstanding national resource waters (ONRW). Accordingly, NMED developed regulatory language to amend Standards for Interstate and Intrastate Surface Waters, 20.6.4 NMAC, to designate these waters as ONRWs. The waters qualify for ONRW designation as significant attributes of a Special Trout Water; a designated wild river; a national or state park, monument, or wildlife refuge; or a designated Wilderness area. ONRWs are entitled to the highest protection from pollution under the New Mexico Water Quality Control Commission's (WQCC) surface water quality standards at 20.6.4 NMAC.

NMED will hold a 30-day public comment period on this proposed action starting on July 20, 2024, and ending on August 19, 2024 at 5:00 PM MDT. Comments will be accepted via mail, email, and NMED's smart comment portal at <https://nmec.com/commentinput.com/comment/search>. The draft nomination, amended regulatory

language, and all other related information may be found on NMED's website through the Smart Comment Portal or at <https://www.env.nm.gov/surface-water-quality/wqs/>. The petition and appendices contain a list of waters nominated, maps, baseline water quality data, and other supporting information for the nomination. Additionally, an interactive GIS map with the proposed ONRWs is available at <https://gis.web.env.nm.gov/oem/?map=swqb>.

At the conclusion of the public comment period, NMED will consider input received and if appropriate, make amendments to its nomination. NMED intends on filing a petition and requesting a public rulemaking hearing at the September 2024 regular meeting of the WQCC. If the WQCC grants a public hearing, the SWQB will publish a notice of rulemaking at least 60 days prior to the hearing in the New Mexico Register, in the Albuquerque Journal, and on NMED's website. That notice will include the date, time, and place of the hearing and how to participate in the hearing, including instructions for joining virtually, submitting public comment, and filing technical testimony.

For more information and to submit comments contact Michael Baca, Water Quality Standards Coordinator, NMED SWQB, P.O. Box 5469, Santa Fe, NM, 87502, (505) 470-1652 or [michael.baca1@env.nm.gov](mailto:michael.baca1@env.nm.gov). To stay up to date with the latest

news from NMED, please sign up for our listserv at [https://public.govdelivery.com/accounts/NMED/subscriber/new?topic\\_id=NMED\\_4](https://public.govdelivery.com/accounts/NMED/subscriber/new?topic_id=NMED_4).

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: Kate Cardenas, NMED Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855 or [nd.coordinator@env.nm.gov](mailto:nd.coordinator@env.nm.gov). If you believe that you have been discriminated against with respect to a NMED program or activity, please contact the Non-Discrimination Coordinator.

PUB: July 19, 2024

# SANTA FE NEW MEXICAN

Founded 1849

NMED SURFACE WATER  
PO BOX 5469  
SANTA FE, NM 87502-5469

ACCOUNT:	S2004	
AD NUMBER:	76935	
LEGAL NO	92863	P.O.#:66700-0000043564
1 TIME(S)	\$223.72	
AFFIDAVIT	10.00	
TAX	19.14	
TOTAL	252.86	

## AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO  
COUNTY OF SANTA FE

I, Veronica Gonzalez, being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTA FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe, Rio Arriba, San Miguel, and Los Alamos, State of New Mexico and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the Legal No 92863 a copy of which is hereto attached was published in said newspaper 1 day(s) between 07/19/2024 and 07/19/2024 and that the notice was published in the newspaper proper and not in any supplement; the first date of publication being on the 19th day of July, 2024 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

ISI

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 23rd day of July, 2024

Notary

Commission Expires:

March 14, 2027

NATHANIEL CRISTOFER MARTINEZ  
Notary Public - State of New Mexico  
Commission # 1139927  
My Comm. Expires Mar 14, 2027

LEGAL #76935

LEGAL #92863

**AVISO DE PETICIÓN  
PARA NOMINAR  
AGUAS SUPERFICIALES  
DEL ESTADO PARA SU  
DESIGNACIÓN COMO  
AGUAS DE RECURSO  
NACIONAL EXCEPCIONAL**

La Oficina de Calidad de Aguas Superficiales (SWQB, por sus siglas en inglés) del Departamento de Medio Ambiente de Nuevo México (NMED, por sus siglas en inglés) da aviso público de un borrador de petición para nominar (nominación) ciertas aguas superficiales del estado como Aguas de Recursos Nacionales Excepcionales (ONRW, por sus siglas en inglés). En consecuencia, el NMED ha desarrollado un lenguaje regulatorio para enmendar los Estándares para aguas superficiales interestatales y estatales, 20.6.4 NMAC, para designar estas aguas como ONRW. Las aguas califican para la designación ONRW como atributos significativos de un agua especial para truchas; un río silvestre designado; un parque, monumento o refugio de vida silvestre nacional o estatal; o una zona silvestre designada. Las ONRW tienen derecho a la más alta protección contra la contaminación según los estándares de calidad de las aguas superficiales de la Comisión de Control de Calidad del Agua de Nuevo México (WQCC, por sus siglas en inglés) en 20.6.4 NMAC.

El NMED celebrará un período de comentarios públicos de 30 días

sobre esta acción propuesta a partir del 20 de julio de 2024 y finalizará el 19 de agosto de 2024 a las 5:00 p.m. MDT. Los comentarios se aceptarán por correo postal, correo electrónico y el portal de comentarios inteligente de NMED en <https://nmed.com-commentinput.com/comment/search>. El borrador de la nominación, el lenguaje regulatorio enmendado y toda información relacionada se pueden encontrar en el sitio web de NMED a través del Smart Comment Portal o en <https://www.env.nm.gov/surface-water-quality/wqs/>. La petición y los apéndices contienen una lista de aguas nominadas, mapas, datos de referencia sobre la calidad del agua y otra información de respaldo para la nominación. Además, hay disponible un mapa SIG interactivo con los ONRW propuestos en <https://gis.web.env.nm.gov/oem/?map=swqb>.

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fecha, hora y lugar de la audiencia y cómo participar en la audiencia, incluidas instrucciones para unirse virtualmente, enviar comentarios públicos y presentar testimonios técnicos.

Para obtener más información y para enviar comentarios, comuníquese con Michael Baca, coordinador de estándares de calidad del agua, NMED SWQB, P.O. Box 5469, Santa Fe, NM, 87502, (505) 470-1652 o michael.baca1@env.nm.gov. Para mantenerse actualizado con las últimas noticias de NMED, regístrese en nuestro servidor de listas en [https://public.govdelivery.com/accounts/NMED/subscriber/new?topic\\_id=NMED\\_4](https://public.govdelivery.com/accounts/NMED/subscriber/new?topic_id=NMED_4).

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cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, puede comunicarse con: Kate Cardenas, coordinadora de no discriminación de NMED, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855 o nd.coordinator@env.nm.gov. Si cree que ha sido discriminado con respecto a un programa o actividad de NMED, comuníquese con la coordinadora de no discriminación.

PUB: July 19, 2024

## **Appendix E1-E4. Stakeholder Engagement and Public Comment**



## Appendix E1 –Public Meeting PowerPoint Slides – August 8, 2024.



# New Mexico Environment Department Surface Water Quality Bureau

Standards, Planning, and Reporting Team  
2024 Outstanding National Resource Water  
Designation Nominations  
August 8, 2024



Photo credit: Rhett Zyla #lanNMED



## What is an Outstanding National Resource Water (ONRW)?

- ❑ Designated by the Water Quality Control Commission (WQCC)
  - ▣ Public Comment and Rulemaking process
  - ▣ Designated uses and water quality criteria remain unchanged
- ❑ Highest Level of Water Quality Protection
  - ▣ i.e., CWA Antidegradation - Tier 3 Water
- ❑ EPA acknowledges and supports protections



## Antidegradation (Tier)

ONRWs (3)

Exceptional  
Water Quality (2)

All Waters of the  
State (1)

3



## Outstanding National Resource Waters

### Prohibited

- ❑ Discharges that would cause degradation to ONRW
- ❑ Restoration activities that would not result in enhanced chemical, physical or biological integrity of the ONRW
- ❑ Temporary and short-term activities not necessary for public health and safety

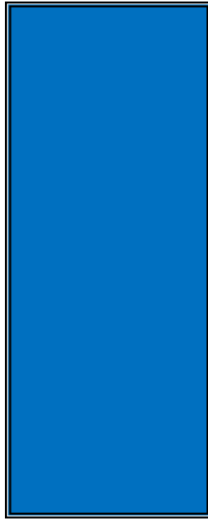
### Permitted

- ❑ Discharges that do not degrade the ONRW (existing or baseline conditions)
- ❑ Activities that will result in restoration of the chemical, physical or biological integrity of the ONRW
- ❑ Temporary and short-term activities that are necessary to accommodate public health or safety
- ❑ Pre-existing land use activities that are controlled by best management practices
- ❑ Acequia operation, maintenance and repairs

4



## Nominating an ONRW

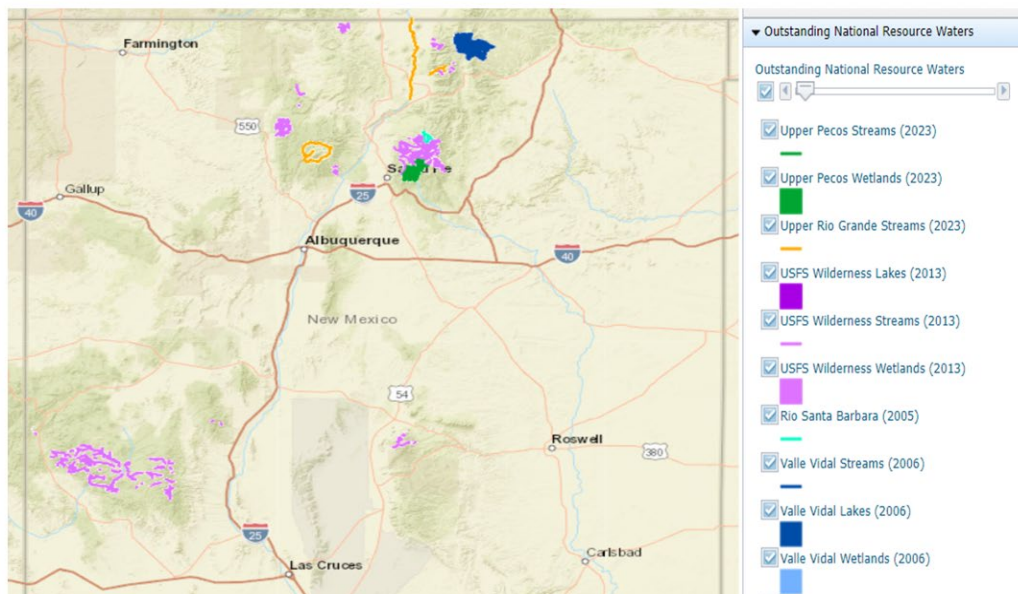


- ☐ Any person may nominate an ONRW by petitioning the WQCC
- ☐ Can be petitioned at any time
- ☐ ONRW Designation is a rulemaking
- ☐ Must include elements and demonstration (20.6.4.9 NMAC)

5



## Previously Designated ONRWs







# Outstanding National Resource Waters

## Eligible Criteria (20.6.4.9(B) NMAC):

- ☐ Beneficial to the State  
And **One** of the Following
- ☐ **Special Designation – This Effort**
  - ☐ State Special Trout Water
  - ☐ National or State Park
  - ☐ National or State Monument
  - ☐ National or State Wildlife Refuge
  - ☐ Designated Wilderness Area
  - ☐ Designated Wild and Scenic River
- ☐ Exceptional Ecological or Recreational Significance
- ☐ Exceptional Water Quality
  - ☐ not modified by anthropogenic activities

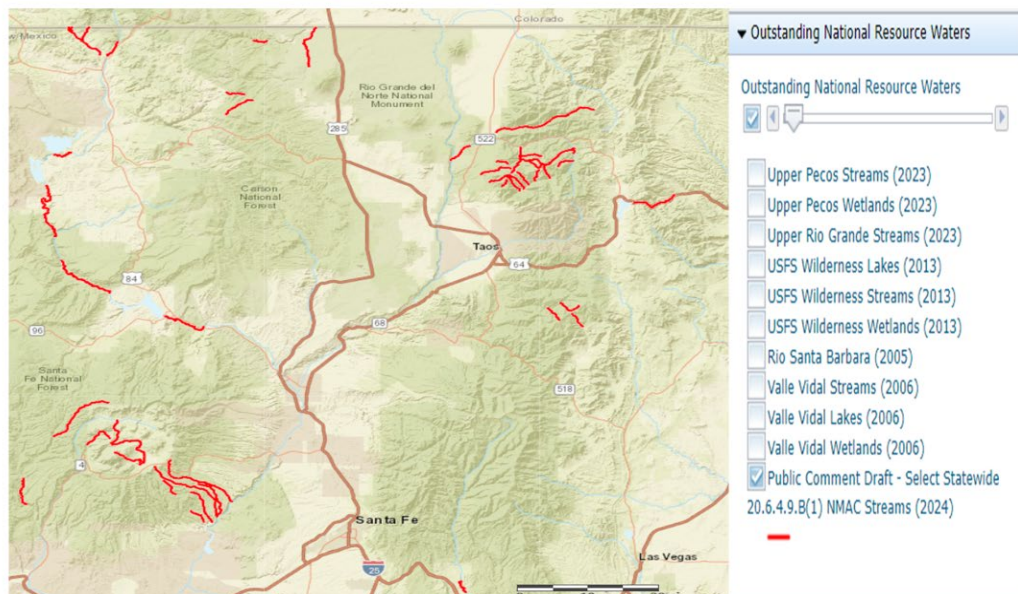
## Nomination (20.6.4.9(A) NMAC):

- ☐ Map(s) (Appendix A)
- ☐ Criteria Demonstrated through Evidence Based on Scientific Principles (Nomination)
- ☐ Activities that Might Reduce Water Quality (Nomination)
- ☐ Additional Evidence to Substantiate the Designation (Nomination)
- ☐ Water Quality Data to Establish Baseline (Appendix B)
- ☐ Affidavit of Public Notice of the Petition (Appendix D)

7



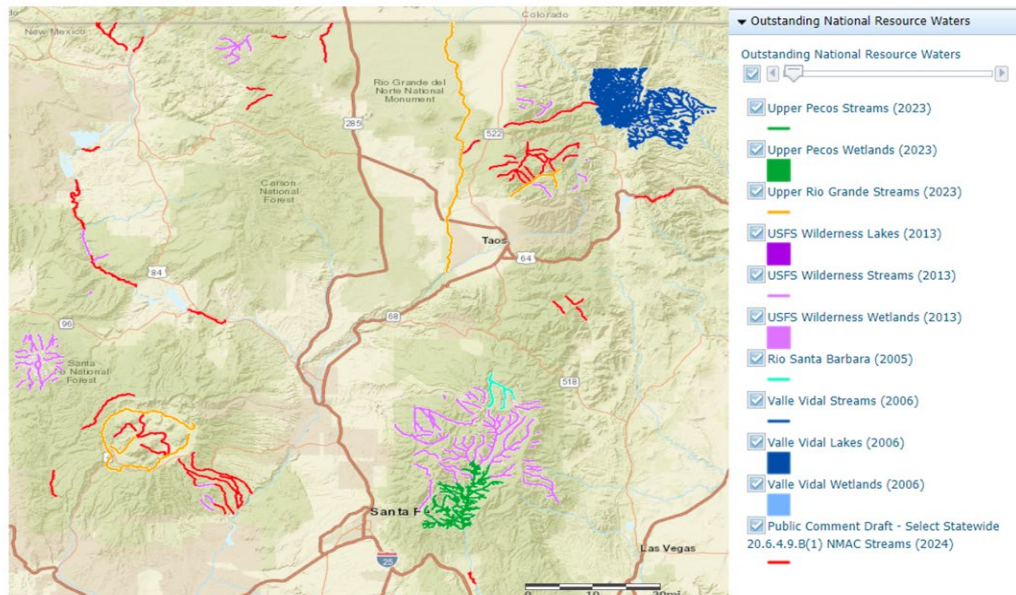
## 2024 ONRW Designation Nomination



8



# 2024 ONRW Designation Nominations



9



## How You Can Participate

### Ask questions, or provide input and feedback:

- Do you support or oppose the nominated waters for ONRW designation?
- Provide anecdotal or scientific water quality information
- Are you familiar with or visited the nominated waters in the past?
- Do they hold special significance for you or your family?
- Anything else you think should be considered?

- Provide Public Comment to SWQB
  - July 20 – August 19, 2024
  - Public Comment Portal or email
- Attend SWQB and WQCC meetings
- Provide comment at WQCC meetings
  - Rulemaking Petition expected September 10, 2024
  - Request a December 2024 hearing
- Provide expert testimony at WQCC hearing
  - Instructions provided in the public notice of rulemaking
  - Anticipated publication in newspapers and NM Register
    - September 27, 2024
- Provide written or oral comment to WQCC
  - through the conclusion of rulemaking hearing
  - December 2024

10

11

## Where Can I Find Information?

### **SWQB Webpages:**

<https://www.env.nm.gov/surface-water-quality/wqs/>  
<https://www.env.nm.gov/surface-water-quality/2024onrw/>  
<https://www.env.nm.gov/surface-water-quality/onrws/>  
<https://gis.web.env.nm.gov/oem/?map=swqb>

### **NMED Webpages:**

<https://www.env.nm.gov/events-calendar/>  
<https://nmed.commentinput.com/comment/search>

### **WQCC Webpages:**

<https://www.env.nm.gov/opf/water-quality-control-commission/>  
<https://www.env.nm.gov/opf/docketed-matters/>

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## Smart Comment Demonstration

<https://nmed.commentinput.com/comment/search>

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## SWQB OpenEnviroMap Demo

<https://gis.web.env.nm.gov/oem/?map=swqb>

## Questions? For Additional Information Contact

Standards, Planning & Reporting Team  
Surface Water Quality Bureau  
New Mexico Environment Department  
[michael.baca1@env.nm.gov](mailto:michael.baca1@env.nm.gov) or 505.470.1652

<https://www.env.nm.gov/surface-water-quality/2024onrw>



## Appendix E2 – 2024 ONRW Designation Nominations Public Meeting Summary – August 8, 2024.

### Public Meeting Information

August 8, 2024, 5:30 – 7:00 PM, Virtual via WebEx.

Meeting link: <https://nmed-oit.webex.com/nmed-oit/j.php?MTID=mf7ccfd4d254b3acd72374a10a7bfc8e8>

Meeting number: 2630 314 1686

Meeting password: fWACFjmY384

Join by phone: +1-415-655-0001 Toll

Access Code: 26303141686

Join from a video or application: Dial [26303141686@nmed-oit.webex.com](mailto:26303141686@nmed-oit.webex.com).

You can also dial 173.243.2.68 and enter your meeting number.

### Meeting Summary

Michael Baca, New Mexico Environment Department (NMED), Surface Water Quality Bureau began the meeting at 5:35 PM with a brief introduction, background information, and goals of the meeting. Nathaniel Kamm, NMED, and Michael Baca provided a presentation on the current nomination followed by a demonstration of accessing material and information, navigating websites, and submitting public comment. Two people asked questions and four others provided supportive comments or praise for NMED's efforts. See below for more detailed information.

### Participant List

Ann Callison

Bess

Call-in-User1

Call-in-User2

Chris Romero

Christine Schmidt

Claire Libin

Collen Cunningham, NMISC

Dal Moellenberg

Dan Roper

Elissa E

Elizabeth Stuffings, NMED

J.Hall

Jason Martinez, NMED

Kerry Mitchell

Kristin Kinic

Lucas Graunke, NMED

Lynette Guevara, NMED

Mellisa Houser

Oscar Simpson

Sally

Steven Fry, Amigos Bravos

Susan A Lucas Kamat, NMED

Thao Romero

Guest

iPhone

### Chat Messages

**Lynette Guevara** 8/8/2024 5:55 PM • Frijoles, Palociento and West Fork Luna

**Shelly Lemon** 8/8/2024 5:57 PM • I believe these are in wilderness (headwaters) upstream of communities

Oh, they are special trout waters designated by Game and Fish

**Nate Kamm - NMED** 8/8/2024 6:03 PM • Here are the links included on this slide:

[Water Quality Standards \(nm.gov\)](#)  
[2024 ONRW Designation Nominations \(nm.gov\)](#)  
[Outstanding National Resource Waters \(nm.gov\)](#)  
[OpenEnviroMap \(nm.gov\)](#)  
[Events Calendar \(nm.gov\)](#)  
[Choose Comment Item \(commentinput.com\)](#)  
[Water Quality Control Commission \(nm.gov\)](#)  
[Docketed Matters \(nm.gov\)](#)

**Shelly Lemon** 8/8/2024 6:08 PM • you can click on it and it provides information in the stream segment

**Kerry Mitchell** 8/8/2024 6:15 PM • Just to be clear, is it that a petition can be made based on a special designation or ecological or recreational significance? And if so, can you speak to the relative distribution of the criteria that the successful petitions are based on?

**Shelly Lemon** 8/8/2024 6:21 PM • Rio Santa Barbara was wilderness. Upper Rio Grande Streams were ecological and recreational.  
Upper Pecos was a combination of criteria (met one or two or three of the criteria)

**Steven Fry - Amigos Bravos** 8/8/2024 6:24 PM • I cant unmute. Just wanted to say that I appreciate your efforts Michael, Shelly, and the rest of the team. These waters provide some of the best trout habitat and fishing opportunities in the state but also incredibly critical for the wider ecosystems and the communities that rely on them. Proud to support this petition and look forward to working with NMED throughout the rest of the process

**Kerry Mitchell** 8/8/2024 6:24 PM • Yes - but fyi I still can't uncut.  
unmute

**Bess** 8/8/2024 6:25 PM • Ditto on the thanks

**Shelly Lemon** 8/8/2024 6:28 PM • Thank you so much for taking time out of your day to learn more about this nomination and talk with us.

**Dan Roper** 8/8/2024 6:28 PM • Thanks again!

**Sally** 8/8/2024 6:29 PM • Thank you!

**Susan A. Lucas Kamat, NMED (she/her)** 8/8/2024 6:29 PM • Thanks Mike & Nate!

## Questions and Comments

**Chris Romero**- Looking at slide 8, what are the streams that show up near the Colfax and Mora County line? Do they run through communities? How far from the headwaters does a segment have to be in order to meet eligibility requirements?

**SWQB Response:** (See chat as well). These streams, Frijoles, Palociento, and West Fork Luna meet the special trout water criteria. For this action, we will request that the WQCC designate all of the

nominated waters as ONRWs because they meet the criteria under 9(B)(1) and it will benefit the state. There are no other restrictions or requirements under that eligibility criteria.

**Call-in-user 1, Rachel Allen, American Rivers** – just checking to see if she is able to raise her hand on the phone. May want to comment later. Commented in support of the nominations at the end of the meeting.

**Dan Roper, Trout Unlimited** – Thanked the Department and the interested parties for moving the petition forward and recognized the importance of protecting these waters for future generations.

## **Appendix E3 - Comments Submitted via Smart Comment Portal and Email**

### **Submitted via Smart Comment Portal**

#### ***On Behalf of NGO***

**Paul Tashjian**

See Appendix E.2 for comment.

#### **Elle Benson**

Dear Michael Baca,

On behalf of the Theodore Roosevelt Conservation Partnership (TRCP), I am writing in support of the New Mexico Environment Department's 2024 effort to designate 245 miles of stream that meet New Mexico's criteria at 20.6.4.9.B(1) NMAC ("Criteria One Waters") as Outstanding National Resource Waters ("ONRWs"). Criteria One Waters are waterbodies that have already been identified as important to New Mexico or the nation, such as special trout waters or waters in state or federal or national parks. ONRW protections would provide much needed water quality protections to these important water resources that are highly valued by the hunting and fishing community.

In the light of the recent Supreme Court's Sackett Decision, it is imperative that New Mexico protect the water quality of our streams. ONRW protections prohibit increased pollution to our waters while ensuring traditional and historic uses. These waters are the lifeblood for New Mexicans, serving as water sources for downstream domestic use, acequias and irrigation needs, and recreational activities that draw visitors from all over the world to New Mexico. In addition, these waters ensure the integrity of critical habitat for plants and wildlife that make New Mexico the Land of Enchantment. Our culture, economy, and ecosystems all rely on clean water and this designation will protect these streams for today's residents as well as for future generations.

Therefore, the TRCP joins the large coalition of community organizations, state and local government officials, farmers and ranchers, and recreationists in asking the New Mexico Environment Department to safeguard the water quality of these waters by nominating them as Outstanding National Resource Waters under the federal Clean Water Act. Thank you for your consideration. Respectfully, Elle Benson, Rio Grande Program Manager, Theodore Roosevelt Conservation Partnership

#### **Martha Cooper**

See Appendix E.2 for comment.

#### **Bryan Bird**

See Appendix E.2 for comment.

#### **Judy Calman**

Audubon supports the New Mexico Environment Department's 2024 effort to designate 245 miles of stream that meet New Mexico's criteria at 20.6.4.9.B(1) NMAC ("Criteria One Waters") as Outstanding National Resource Waters ("ONRWs"). Criteria One Waters are waterbodies that have already been identified as important to New Mexico or the nation, such as special trout waters or waters in state or federal or national parks. ONRW protections would provide much needed water quality protections to these important water resources.

Audubon's mission is to protect birds and the places they need. In New Mexico, where 80% of at-risk bird species are riparian habitat-dependent, this work necessarily focuses on water. 400 different species of birds in our state require healthy rivers and waterways to survive. As climate change progresses, protecting these areas becomes even more critical.

In the light of the recent Supreme Court's Sackett Decision, it is imperative that New Mexico protect the water quality of our streams. ONRW protections prohibit increased pollution to our waters while ensuring traditional and historic uses. These waters are the lifeblood for New Mexicans, serving as water sources for downstream domestic use, acequias and irrigation needs, and recreational activities that draw visitors from all over the world to New Mexico. In addition, these waters ensure the integrity of critical habitat for plants and wildlife that make New Mexico the Land of Enchantment. Our culture, economy, and ecosystems all rely on clean water and this designation will protect these streams for today's residents as well as for future generations.

Audubon joins the large coalition of community organizations, state and local government officials, farmers and ranchers, and recreationists in asking the New Mexico Environment Department to safeguard the water quality of these waters by nominating them as Outstanding National Resource Waters under the federal Clean Water Act. Very Sincerely, Judy Calman New Mexico Policy Director  
Audubon Southwest

**Rachel Conn**

Dear New Mexico Environment Department,

Amigos Bravos is pleased to support NMED's 2024 ONRW Designation Nomination. ONRWs are a critical tool in protecting the water quality of New Mexico's streams, especially in response to the recent Supreme Court Sackett vs EPA decision which removed federal protections for up to 95% of our state's rivers and streams and 88% of our state wetlands. ONRW designations protect traditional community water uses by stopping new and increased water pollution while protecting pre-existing uses, even if they are sources of historic impacts. Once a waterbody is designated as an ONRW it is protected from new water quality pollution from mining, development, transportation, industrial, and other sources. Nominating the streams included in NMED's 2024 Designation will play a significant role in maintaining the health of New Mexico's ecosystems and the communities who rely upon them.

The nominated streams, most of which are Special Trout Waters, provide some of the best trout habitat and fishing opportunities in the state. Therefore, protecting water quality in the nominated waters directly supports our growing outdoor recreational economy.

Designating these streams as ONRWs benefits all New Mexicans and wildlife that call our state home. Amigos Bravos supports this designation and urges the New Mexico Environment Department to move forward with the full petition.

Please let us know if you have any questions or need clarification on our support of the nomination.

**Patrick Lane**

Thank you and the Department for the opportunity to comment on this important nomination. We'd like to thank the NMED Surface Water Quality Bureau staff for their work on this proposal and look forward to supporting the Department as it pursues designation by the WQCC.

New Mexico Wilderness Alliance (New Mexico Wild)

See Appendix E.4 for the uploaded PDF document for New Mexico Wild's comments. Thank you, Sally Paez, Staff Attorney, New Mexico Wild.

**Rachel Ellis**

To the New Mexico Environment Department (NMED):

American Rivers supports NMED's 2024 Outstanding National Resource Waters (ONRWs) nomination. In the petition, NMED's nominated streams are already recognized as some of New Mexico's most exceptional rivers and streams in that their: "water is a significant attribute of a state special trout water, national or state park, national or state monument, national or state wildlife refuge or designated wilderness area, or is part of a designated wild river under the federal Wild and Scenic Rivers Act."

We wholeheartedly support ONRW designation for rivers and streams that meet the above criteria as listed under 20.6.4.9(B)(1) NMAC. ONRW status will provide the highest water quality protections to these outstanding streams and rivers. State water quality protection is particularly important in New Mexico considering the recent removal of federal water quality protections from the vast majority of the states' rivers, streams, and wetlands—especially with simultaneously increasing demands on the state's decreasing water supply. Importantly, ONRW designation provides this protection while also allowing for continued existing uses, acequia operations, and watershed restoration.

We agree that ONRW designation complements and strengthens water quality protections within designated Wild and Scenic Rivers. Of note, we do want to clarify language in the petition that states that federal Wild and Scenic Rivers do "not provide any water quality-based protections" (p. 7). Under the Wild and Scenic Rivers Act, a designated river's water quality must be maintained and, where possible, enhanced as described in Section 10(a) of the Act. Water quality protection is a core pillar of the Act. We direct NMED to the "Evaluation of State Water Quality Assessments and the National Wild and Scenic Rivers System" (IWSRCC, 2018) for further information and would be happy to engage in further discussion if helpful.

In conclusion, American Rivers agrees with NMED's assessment that protecting water quality in New Mexico is a vital priority and that this ONRW petition will benefit the people of New Mexico and the ecosystems on which we all rely. We encourage NMED to move forward with the full petition. Please let me know if you have any questions about our support of the nomination.

**Karen Menetrey**

This comment is on behalf of Rio Grande Return, a 501c3 non-profit organization:

Rio Grande Return supports designating 245 miles of nominated streams in the Rio Chama, Conejos, Upper Rio Grande, Cimarron, and Pecos headwaters, and Jemez, and Rio Grande-Santa Fe watersheds as Outstanding National Resource Waters (ONRWs).

The nominated streams and their associated floodplains offer tremendous ecological potential for water storage and wildlife habitat as well as exceptional recreational qualities. Rio Grande Return is actively working in several of the watersheds to improve aquatic and riparian ecosystems using low tech process-based restoration. Specifically, we have improved water quality, water storage capacity, and wildlife habitat along Nabor Creek, Rio Chamita, Rio Chama, Rio San Antonio, Rio Cebolla, Rio Guadalupe (in design phase), Rito de Los Indios, Jaramillo Creek, and Sulphur Creek. Designation as ONRWs will help protect and sustain this work and support investments in New Mexico's natural resource infrastructure.

Rio Grande Return agrees that the water in the nominated streams has exceptional recreational or ecological significance and that ONRW designation would be beneficial to the State of New Mexico.

### ***Supportive- Specific Waters***

#### **David Fairris**

I am a lover of streams and an avid fly fisherman. Several of the streams being proposed for this special status represent virtual "joys of my life." Fishing the Pinos in the fall, for example, or the Red before the summer flow, are important part of my life in Northern New Mexico. Please keep them clean and sacred.

#### **Steve Barrett**

I am an avid conservationist, rafter and fly fisher. I support all of the nominated waters and feel water is our most important resource, for people and for the ecosystems that the streams and rivers support. I am especially concerned about the Rio Chama, both the section below El Vado Dam and what the continued dam construction has done to water quality below, but especially the Chama below Abique Dam. It could be another world class tail water fishery like the San Juan River. Instead it has drastically fluctuating water levels like an irrigation ditch that dewateres it in the winter when brown trout eggs dry out after the spawn or such high flows that it sunfish able.

Thank you, Steve Barrett

#### **Todd Monson**

I support for the state's 2024 Outstanding Waters nominations. I enjoy so many of these waters. In particular, I love fishing in many of them: the Rio Chama, Columbine Creek, the Red River, the Pecos River in PNHP, and I am looking forward to exploring some of the others.

#### **Flint Cooper**

The New Mexico Environment Department has nominated 245 river and stream miles to be designated as Outstanding Waters, including most of the state's Special Trout Waters. Outstanding Waters, commonly referred to as ONRWs, are a state-led water quality designation, resulting in the highest level of water quality protection afforded to waterways in the state.

This is a BIG opportunity to protect New Mexico's rivers and trout. The list of nominated waters includes popular trout streams like the Rio Chama, Cimarron, Red River, Rio Cebolla, Rio Guadalupe, Rio de Los Pinos, and Pecos River in Pecos National Historic Park. It also includes important Red Chile (Native Trout Conservation) Waters like Cabresto, Columbine, and Frijoles Creeks, to name just a few.

#### **Doug Reaber**

I fully support NMEDs actions regarding the nomination of special trout waters. Although I have not fished all of them, those I have had the privilege to fish, including the waters within the Valles Caldera, the Chama, Los Pinos, and Rio Guadalupe are all truly amazing. Thank you for your efforts. These designations will be great for the state!

### ***Private Land***

#### **Marcia Fernández**

My family owns land in Rio Arriba County. It includes approximately 1/2 mile along the Rio Chama near the confluence of the Rio Nutrias. We believe this to be a very beautiful and important part of northern NM and agree that it should be protected from all pollutants and other things that could potentially



damage it. In reading the documents posted online, I did not see anything that indicated changes or obligations that would impact land owners such as ourselves. Please advise us if there will be anything changes affecting the ways we use this land. Thank you. Marcia Fernández and D.R. " Rip" Anderson

**Sandi Wilkie**

Our concern would be the possible impact on private landowners and water rights owners. If this designation would affect said citizens, do they have the option to opt out? How will such a designation affect traditional cultural water users? How will such a designation affect water right owners downstream and upstream?

***Other/Mining***

**Lucy Lippard**

What a terrible idea to restore mining in the middle of one of New Mexico's favorite beautiful playgrounds for fishing and hiking. Surely this should not go ahead and sanity will win out. Remember the people who enjoy this place and stop catering to corporations.

***Suggesting Other Waters***

**Marke Talley**

Please consider placing ORNW protection status on the following streams and lakes:  
Las Conchas steam and campground just off the road to theValla Grande, Frijoles Canyon stream and supply lakes in Bandelier National Monument land, Santa Cruz Reservoir near Chimayo, Canjilon Lakes and Streams, Storrie Lake and its tributaries, near Las Vegas, New Mexico.

**Scott Larson**

The Pecos River should be named a Outstanding National Resource Water from the headwaters to the Pecos National Historical Monument and below. This is an amazing public resource, a productive fishery and generates valuable revenue for the local economy. This valuable resource and ecosystem is under threat from Comexico LLC, a Colorado subsidiary of Australian mining company New World Resources, who want so to drill pilot holes to test for the feasibility of a full mining operation. Haven't we learned from previous incidents that the risk of contamination do not outweigh the benefits of a foreign national company extracting NM resources for their own capital gain? The Gold King Mine (attached image) disaster in the Animas River watershed demonstrates the damage a mining operation can have on an irreplaceable natural resource.

**Robert Knight**

This urgent, the Pecos in sfnf and the state park should be included. I wholeheartedly support this.

**Benjamin Green**

I am happy to read that NMED is expanding the list of waters designated ORNW. I supported the initial designations, and support these additions.

I am especially grateful to see the rivers/creeks in the Jemez Mountains listed. These are my home waters. These waters are why human beings inhabit this region, and have for tens of thousands of years. They support lifestyles, human and wildlife.

I am a trout fisher. Trout need clean, cool water to thrive. ORNW will help conserve trout waters throughout the state and my region. The Guadalupe, Cebolla are rivers I fish often, and do conservation

work on in conjunction with New Mexico Trout, Trout Unlimited, and the Forest Service. They deserve extra protections to preserve their value as natural assets.

Yesterday, I fished the Rio Gallina, Rio Puerco, and Canones Creek. These are now wild fisheries with in extraordinary landscapes. Not only do they provide habitat for trout-- now wild rainbows and cutthroats, but they also provide irrigation water. They also deserve consideration for ONRW. I hope to see them on a list soon.

Thank you for considering my comments.

### ***Tesuque Creek***

#### **Sabrina Staires**

I would like to request that the Big Tesuque Creek be added to the currently nominated bodies of water. The Big Tesuque runs through Santa Fe national forest and is a healthy spring fed creek that contributes to a healthy aquifer. It is vulnerable and valuable. Many people hike, bike and ride near it on their bicycles daily. It is a pristine and beautiful body of water that deserves protection.

I hope that you will deeply consider protecting this valuable asset to New Mexico.

Thank you for considering adding the Big Tesuque to your current nomination cycle.

#### **Kerry Green**

I would like to request that the Big Tesuque Creek be added to the currently nominated bodies of water. The Big Tesuque runs through Santa Fe National Forest and is a healthy spring fed creek that contributes to a healthy aquifer. It is vulnerable and valuable. Many people hike, bike and ride near it on their bicycles daily. It is a pristine and beautiful body of water that deserves protection.

I hope that you will deeply consider protecting this valuable asset to New Mexico.

Thank you for considering adding the Big Tesuque to your current nomination cycle.

#### **Glenn Green**

I would like to request that the Big Tesuque Creek be added to the currently nominated bodies of water. The Big Tesuque runs through Santa Fe National Forest and is a healthy spring fed creek that contributes to a healthy aquifer. It is vulnerable and valuable. Many people hike, bike and ride near it on their bicycles daily. It is a pristine and beautiful body of water that deserves protection.

I hope that you will deeply consider protecting this valuable asset to New Mexico.

Thank you for considering adding the Big Tesuque to your current nomination cycle.

#### **Sandy Green**

I would like to request that the Big Tesuque Creek be added to the currently nominated bodies of water. The Big Tesuque runs through Santa Fe National Forest and is a healthy spring fed creek that contributes to a healthy aquifer. It is vulnerable and valuable. Many people hike, bike and ride near it on their bicycles daily. It is a pristine and beautiful body of water that deserves protection.

I hope that you will deeply consider protecting this valuable asset to New Mexico.

Thank you for considering adding the Big Tesuque to your current nomination cycle.

**Corinne Kratz**

Please add the Big Tesuque creek to the of bodies of water nominated for protection.

Running through Santa Fe National Forest the Big Tesuque is a lovely spring-fed creek that helps sustain the area's aquifer but is vulnerable to development and diversion. It is currently a place where people can hike, bike and enjoy its relaxing sound and cool peace. This peaceful, valuable body of water requires and deserves protection. Please protect this valuable New Mexico asset by including it in the list of bodies of water for protection.

**David Morton**

I would like to request that the Big Tesuque Creek be added to the currently nominated bodies of water. The Big Tesuque runs through Santa Fe National Forest and is a healthy spring fed creek that contributes to a healthy aquifer. It is vulnerable and valuable. Many people hike, bike and ride near it on their bicycles daily. It is a pristine and beautiful body of water that deserves protection.

**Kimberly Carroll**

I would like to request that the Big Tesuque Creek be added to the currently nominated bodies of water. Big Tesuque Creek is a pristine body of water that starts in the Santa Fe National Forest from a spring. I have sat next to that spring in the forest and it is a treasure! The waters from Big Tesuque feed the aquifer where I currently reside in Tesuque Village. The creek runs across the road I now live on. This small but mighty body of water is a life source for many residents, Pueblo lands, animal and plant life. Please consider adding it to the currently nominated bodies of water.

**Jamie Gagan**

I would like to nominate Big Tesuque Creek and likewise Rio Tesuque in Northwern New Mexico. It is spring fed and descends from the Santa Fe National Forest through the historic villages of Tesuque and Pojoaque, and through 3 Pueblos before reaching the Rio Grande. It is enjoyed by residents, day hikers and abundant wildlife year round. Thank you for your consideration.

**Avery Sponholz**

I would like to request that the Big Tesuque Creek be added to the currently nominated bodies of water for ONRW status. The Big Tesuque runs through Santa Fe National Forest and is a healthy spring fed creek that contributes to a healthy aquifer. It is vulnerable and valuable. Many people recreate along this waterway as they access the Windsor Trail - the most heavily traveled trail in the state of New Mexico. The Big Tesuque Creek also provides critical flow through the Pueblo of Tesuque.

I hope that you will consider protecting this valuable asset to New Mexico.

Thank you for considering adding the Big Tesuque to your current nomination cycle.

**Cathie Sullivan**

I would like to nominate the Big Tesuque stream as deserving of ONRW status and protection. In its upper reaches it flows in part through a geologically interesting, physically beautiful and floristically rich area. Some of the canyon rocks are, I understand, up-thrusted then river-eroded 300 million year old

limesomes originally laid down in ancient seabeds. The water is in part from arisian sources and very clean.

**Bruce Scott**

I request that the Big Tesuque Creek be added to the currently nominated bodies of water. This is a beautiful creek running through the Santa Fe National Forest. It is healthy, spring-fed and gives life to a healthy aquifer. Because it enters a residential area it is vulnerable to the effects of human building and development. We watch thousands of people a year hike and bike it daily from Hyde Park Road into Tesuque. Please help protect this wonderful New Mexico asset.

Thank you for considering adding the Big Tesuque Creek to your current nomination cycle.

**IKen Robinson**

Thank you for your help today! I very much would love to add the Big Tesuque Creek to the protected list of An Outstanding National Resource Water. The creek rises out of the land in the national forest and streams down into a section of Santa Fe and then drops into Tesuque and then heads farther north. It is pure water from Nature and gives life to countless plants, trees, animals (including deer, bears, foxes, coyotes, rabbits, squirrels, birds of all kinds, cougars, etc), as well as healthy tiny organisms. The creek is beloved and draws to it many hikers. It is a source of refreshment for the entire area and the many diverse people who visit from all over. It brings cool air to the area, too. It is beloved to the people of Santa Fe and Tesuque and beyond, as it is a life line that feeds the aquifer of the area, and it brings immeasurable delight to many people like myself who like to visit it, stand in it, sit by it, and admire it. It brings enormous peace. I once was sitting quietly by the creek behind a bush watching humming birds hover over the water for bugs and cool air, when a local woman walked by on the nearby road. She stopped at the creek, and while facing north and looking over all the trees that stand guard along the water, she gently raised her hands over head, as if she were praying with deep heartfelt intent and gratitude. Beautiful - so touching. As you might imagine, the Big Tesuque Creek fills the heart and spirit and courses through the landscape as a national tribute to the beauty and splendor and caring of New Mexico and her people. Thank you for opening your heart to my and many others' words and love, so that together we can really take care of our amazing water ways!

**Elizabeth de Prospero**

I am against any contamination of our precious water. Block dumping in the Tesuque creek.

**Nancy Waight**

I would like to request that the Big Tesuque Creek be added to the currently nominated bodies of water. Big Tesuque Creek is a pristine body of water that starts in the Santa Fe National Forest from a spring. I have sat next to that spring in the forest and it is a treasure! The waters from Big Tesuque feed the aquifer where I currently reside in Tesuque Village. The creek runs across the road I now live on. This small but mighty body of water is a life source for many residents, Pueblo lands, and animal and plant life. Please consider adding it to the currently nominated bodies of water for protection.

**Reeve Stein**

I would like to request that the Big Tesuque Creek be added to the currently nominated bodies of water. Big Tesuque Creek is a pristine body of water that starts in the Santa Fe National Forest from a spring. I have sat next to that spring in the forest and it is a treasure! The waters from Big Tesuque feed the aquifer where I currently reside in Tesuque Village. The creek runs across the road I now live on. This

small but mighty body of water is a life source for many residents, Pueblo lands, and animal and plant life. Please consider adding it to the currently nominated bodies of water for protection.

**Stephen Tanner**

Please designate the bodies of water—Big and Little Tesuque Rivers—for increased protection from pollution. My well (and those of many others) draws water from the aquifer supplied by these small, but essential streams originating in the Sangre de Cristo mountains. Many residents of the Village of Tesuque, Tesuque Pueblo and other pueblos use this river water for irrigation as well. Thank you,

**Leigh Hoppe**

I would like for Big Tesuque Creek to be added to the list of ONRW designated waters. The Creek is currently a pristine body of water that originates in the mountains of Santa Fe and is a source of fresh water to the surrounding communities. Unfortunately it is at great risk of contamination by powerful and careless corporations seeking profits over environmental protection. Your designation may be the only way to protect this valuable resource.

**Benjamin Shield**

I am writing to formally request the inclusion of Big Tesuque Creek in the current nomination cycle for protected bodies of water.

Big Tesuque Creek flows through the Santa Fe National Forest and is a vibrant, spring-fed creek that plays a crucial role in maintaining a healthy aquifer in the region. Its pristine waters and the surrounding natural beauty make it an invaluable resource for both the ecosystem and the community. The creek is a popular spot for hiking, biking, and other recreational activities, attracting numerous visitors daily who enjoy its serene and unspoiled environment.

Given its vulnerability and the significant benefits it provides, it is imperative to ensure the protection of Big Tesuque Creek. Preserving this water body will not only safeguard the local biodiversity but also continue to offer a clean, natural space for the community and future generations.

I kindly urge you to consider the addition of Big Tesuque Creek to the list of protected bodies of water. Your support in this matter would be greatly appreciated and would contribute immensely to the conservation efforts in New Mexico.

**Ann Lopresti**

I would like to request that the Big Tesuque Creek be added to the current list of bodies of water nominated for protection. I have hiked along this creek for years and would love to see it remain unaltered by the addition of foreign substances. It is imperative that we advocate for our natural resources as they are dwindling even more. Please do not let corporate convenience prevail over our water. Thank you.

**Philip Shields**

Big Tesuque Creek

**Christopher Bernschein**

Please consider adding the Big Tesuque River to the ONRW list. This stream adds to many outdoor recreation areas, supports a variety of wildlife, and is an important water resource in a very dry climate.

**Karen Buxbaum**

I would like to request that the Big Tesuque Creek (Rio Tesuque) be added to the currently nominated bodies of water. Big Tesuque Creek is a pristine body of water that starts in the Santa Fe National Forest from a spring. The waters from Big Tesuque then feed the aquifer where I currently reside near Tesuque Village. The creek runs across the road I now live on. This small but mighty body of water is a life source for many residents, Pueblo lands, and animal and plant life. Please consider adding it to the currently nominated bodies of water for protection.

***Supportive- General*****Edwin Barker**

I very strongly support the 2024 Outstanding Waters nominations: Pecos Upper Watershed.

My Dad (Roy E Barker) was Director of Fisheries for the Game And Fish Dept in the 1050's and 1960's. This is why I SUPPORT clean water and healthy trout streams in New Mexico.

**Eric Swanson**

I support designating 245 miles of nominated streams in the Rio Chama, Conejos, Upper Rio Grande, Cimarron, and Pecos headwaters, and Jemez, and Rio Grande-Santa Fe watersheds as Outstanding National Resource Waters (ONRWs).

The nominated streams provide some of the best trout habitat and fishing opportunities in the state and I support protecting these streams to safeguard water quality in these special waters.

I urge the New Mexico Environment Department to move forward with the petition to nominate 245 miles of streams as Outstanding National Resource Waters (ONRWs).

The nominated streams play a significant role in maintaining the health of New Mexico's ecosystems and living organisms and create or enhance recreational opportunities and experiences for all New Mexicans. I support the designation and urge the New Mexico Environment Department to move forward with the full petition.

**John Schweitzer**

Water is life to all living creatures. The quality of water is critical to those beings that don't have the luxury of us humans to treat it for their use. I strongly support protections on all of our rivers, particularly so in our arid Southwest.

**Dr Richard Rubin**

I am a fifty year fisherman in Northern NM and retired physician. We need to preserve quality of our waters for quality of life, health, culture, and economy. I vote for ONRWs.

**Brian Kwiatkowski**

I am writing in support of designating 245 miles of nominated streams in the Rio Chama, Conejos, Upper Rio Grande, Cimarron, and Pecos headwaters, and Jemez, and Rio Grande-Santa Fe watersheds as Outstanding National Resource Waters (ONRWs). These streams provide some of the best ecological function and values in the state, including outstanding water quality, trout habitat, fishing, and recreational opportunities. I urge the New Mexico Environment Department to move forward with the petition to nominate 245 miles of streams as Outstanding National Resource Waters (ONRWs). I support



the designation and urge the New Mexico Environment Department to move forward with the full petition. Thank you for your consideration. Sincerely, B. Kwiatkowski

**Sayan Mukherjee**

I support designating 245 miles of nominated streams in the Rio Chama, Conejos, Upper Rio Grande, Cimarron, and Pecos headwaters, and Jemez, and Rio Grande-Santa Fe watersheds as Outstanding National Resource Waters (ONRWs). The nominated streams provide some of the best trout habitat and fishing opportunities in the state and I support protecting these streams to safeguard water quality in these special waters.

**Lana Green**

I agree with the stated proposal of the 2024 ONRW Designation nominations and support all aspects of this effort.

I am a theologian and a retired environmental education teacher, in addition to being a wife, mother and grandmother. Particularly, as a theologian, humankind is mandated to care for and sustain creation as a gift. To tend the garden of the world sustainably means to honor all of its members in love and wisdom. Water, in all her forms is precious gift and demands our wise use and care for generations; even unto the sixth and beyond.

**Carina Short**

I support designating 245 miles of nominated streams in the Rio Chama, Conejos, Upper Rio Grande, Cimarron, and Pecos headwaters, and Jemez, and Rio Grande-Santa Fe watersheds as Outstanding National Resource Waters (ONRWs).

The nominated streams play a significant role in maintaining the health of New Mexico's ecosystems and living organisms and create or enhance recreational opportunities and experiences for all New Mexicans. I support the designation and urge the New Mexico Environment Department to move forward with the full petition.

**Nicholas Archuleta**

I support designating 245 miles of nominated streams in the Rio Chama, Conejos, Upper Rio Grande, Cimarron, and Pecos headwaters, and Jemez, and Rio Grande-Santa Fe watersheds as Outstanding National Resource Waters (ONRWs).

The nominated streams provide some of the best trout habitat and fishing opportunities in the state and I support protecting these streams to safeguard water quality in these special waters.

I urge the New Mexico Environment Department to move forward with the petition to nominate 245 miles of streams as Outstanding National Resource Waters (ONRWs).

The nominated streams play a significant role in maintaining the health of New Mexico's ecosystems and living organisms and create or enhance recreational opportunities and experiences for all New Mexicans. I support the designation and urge the New Mexico Environment Department to move forward with the full petition.

**Cozette Christian**

The nominated streams provide some of the best trout habitat and fishing opportunities in the state and I support protecting these streams to safeguard water quality in these special waters.

**Carol Clericuzio**

I fully support the petition for this Outstanding National Resource Water nomination.

**Carol Sassaman**

From wild trout to downstream communities, we all rely on clean water. Outstanding Waters nominations are an excellent tool for protecting water quality and streams in New Mexico, and I support the waters being nominated by the New Mexico Environment Department. This petition represents many of New Mexico's best rivers and streams, from state designated Special Trout Waters to federally designated Wild and Scenic Rivers. Preserving them for future generations is the right thing to do.

**Dee Sands**

From wild trout to downstream communities, we all rely on clean water. Outstanding Waters nominations are an excellent tool for protecting water quality and streams in New Mexico, and I support the waters being nominated by the New Mexico Environment Department. This petition represents many of New Mexico's best rivers and streams, from state-designated Special Trout Waters to federally designated Wild and Scenic Rivers. Preserving them for future generations is the right thing to do.

**David Marsh**

I encourage you to support all the ONRW designated waters in New Mexico. This is huge opportunity to conserve critical habitat and ensure we have these wonderful resources for decades to come.

**Jeff Young**

I support all proposed nominations for the 2024 outstanding waters. I am an avid trout fisherman and regularly fish many of the waters that are up for nomination. These places are special not only for the trout fishery but for clean and cold water that is so valuable for New Mexico and its residents. Everything flows downstream. Thank you for your consideration. Jeff Young

**Debra Oliver**

I support designating 245 miles of nominated streams in the Rio Chama, Conejos, Upper Rio Grande, Cimarron, and Pecos headwaters, and Jemez, and Rio Grande-Santa Fe watersheds as Outstanding National Resource Waters (ONRWs).

The nominated streams provide some of the best trout habitat and fishing opportunities in the state and I support protecting these streams to safeguard water quality in these special waters.

I urge the New Mexico Environment Department to move forward with the petition to nominate 245 miles of streams as Outstanding National Resource Waters (ONRWs).

The nominated streams play a significant role in maintaining the health of New Mexico's ecosystems and living organisms and create or enhance recreational opportunities and experiences for all New Mexicans. I support the designation and urge the New Mexico Environment Department to move forward with the full petition.

An ONRW designation for these waters will protect traditional community water uses, and safeguard waterways from mining, development and transportation, pollution, and the impacts of climate change.

ONRW protections acknowledge and respect traditional land uses such as grazing. These protections prohibit new or increased sources of pollution. Therefore, existing, ongoing activities are not negatively impacted.

Please do your utmost to protect clean river waters for all human, plant and animal species for generations to come.

Thank you!

**Michael Jozwiakowski**

As an active outdoorsman and supporter of Trout Unlimited, I am keenly aware of the importance of clean healthy water for fish populations, and their indication of healthy conditions for humans. I want to express my strong support for all the designated waters in New Mexico, where water is scarce and precious and deserves our protection.

**Rich Douville**

I strongly support adding further protections for New Mexico's outstanding quality waters trout streams. These are treasures we must preserve for future generations, and they provide a significant economic and social benefit to our communities.

**Martha Lennihan**

My husband and I strongly support designation and protection of New Mexico's trout rivers and streams. They are a precious and invaluable resource for the public, and future generations. Such surface waters are vulnerable to damage and merit our protection.

**Brandon Smith**

I support all of the state's 2024 Outstanding Waters nominations because I value clean water and healthy trout streams.

**Trevor Loy**

I am writing to support all of the state's nominated waterways for 2024 Outstanding Waters. As temperatures continue to rise due to climate change, the availability of clean water is essential in our high desert environment. As an angler, I treasure our access to streams with healthy trout populations. Thank you for taking this step forward for coldwater conservation in New Mexico.

**Beth Enson**

I strongly support the designation of all these waters as ONRWs! As climate change, increasing tourism, rampant development and fossil fuel extraction threaten our state's environment we must do everything in our power to protect the source of life.

**Kyle Ruggles**

I support all waters that are nominated.

**David Howard**

Promoting healthy trout waters, and healthy habitats will teach the next generation to continue the process.

**Viviette Hunt**

ONRW Designation status is essential to protect the wildlife, farmers, community wells and watershed.

**William Petrick**

New Mexico is a beautiful state with outstanding beauty and natural resources but not enough protection for its precious streams. Too often they are seen only as sources of water and not for the beauty and life they give to us all. I support giving these nominated streams the protection and support they deserve.

**Patricia Worth**

Honorable Citizen Leaders,

I support designating 245 miles of nominated streams in the Rio Chama, Conejos, Upper Rio Grande, Cimarron, and Pecos headwaters, and Jemez, and Rio Grande-Santa Fe watersheds as Outstanding National Resource Waters (ONRWs).

The nominated streams provide some of the best trout habitat and fishing opportunities in the state and I support protecting these streams to safeguard water quality in these special waters.

I urge the New Mexico Environment Department to move forward with the petition to nominate 245 miles of streams as Outstanding National Resource Waters (ONRWs).

The nominated streams play a significant role in maintaining the health of New Mexico's ecosystems and living organisms and create or enhance recreational opportunities and experiences for all New Mexicans. I support the designation and urge the New Mexico Environment Department to move forward with the full petition. Respectfully, Patricia Worth RN, IBCLC

**Cody Dems**

Dear Michael Baca and New Mexico Environment Department,

I support designating 245 miles of nominated streams in the Rio Chama, Conejos, Upper Rio Grande, Cimarron, Pecos headwaters, Jemez, and Rio Grande-Santa Fe watersheds as Outstanding National Resource Waters (ONRWs). I recognize this nomination came about through many conversations led by a diverse coalition of New Mexico based non-profits, departments, and community members, and I trust that their foresight to strengthen water quality protections will benefit all New Mexicans.

I urge the New Mexico Environment Department to move forward with the petition to nominate 245 miles of streams as ONRWs. Thank you for your consideration, Cody Dems.

**Robert B Stuewe**

I support all the waters in NMED's 2024 Outstanding Waters nomination. The rivers and streams being nominated include many of New Mexico's best trout waters, for both fishing and native trout conservation. Clean water and native trout are important for future generations of New Mexicans.

**Brian Long**

Water protection is the most important thing for New Mexico, we all depend on it.

I urge the New Mexico Environment Department to move forward with the petition to nominate 245 miles of streams as Outstanding National Resource Waters (ONRWs).

The nominated streams play a significant role in maintaining the health of New Mexico's ecosystems and living organisms and create or enhance recreational opportunities and experiences for all New Mexicans. I support the designation and urge the New Mexico Environment Department to move forward with the full petition.

**Michael Mick Brown**

I fully support the NMED initiative to designate the waters named in the plan as ONRW. It is imperative that our limited resources are given heightened monitoring and oversight to evaluate water quality.

**Art Vollmer**

I know I am a little late, but please accept these comments in support of the SWQB's nominations for designation as an Outstanding National Resource Waters (ONRW). New Mexico lags behind other western states in recognizing the economic and environmental values resulting from improving the quality of its coldwater fisheries and restoring native fish to their home waters. Designating these stream reaches as ONRWs will make a statement that New Mexico values high water quality in its streams and is willing to take action to preserve water quality at the highest levels. The protection from water quality degradation that accompanies designation as an ONRW will ensure public opportunity enjoy sparkling mountain streams.

New Mexico's coldwater fisheries, especially those with native fish species, require high water quality too. Protecting these waters through an ONRW designation will help ensure their high water quality is maintained and thus aid native fish, especially the Rio Grande Cutthroat trout, restoration efforts there. Successes of native trout restorations across the West show that restoration of native trout benefits both the trout and anglers while at the same time providing significant contributions to local economies and the environment. I believe that the protection extended by ONRW designation in conjunction with native fish restoration projects conducted under the watchful eye of the New Mexico Game and Fish Department, the New Mexico Environment Department and the Water Quality Control Commission will ensure that the recreational and ecological significance of the nominated waters is maintained and possibly improved.

**Submitted via Email (michael.baca1@env.nm.gov)**

Carol Joan Patterson  
Michael Meade  
Raye Myers  
Michael Flores  
Kathie B  
Howard Cohen  
Marcia Demento  
MJ Gallahan  
Mary Foley Foley  
Rich Reynolds  
Ryan Magee  
Glenda Fletcher  
Christopher Wentz  
Bonnie MacRaith

Casey McFarland  
Sherry Beatty  
Beth Cohen  
Ross Ulibarri  
Elizabeth Ziers  
Carolyn Gamiao  
Scott Geary  
Nancy Stockdale  
Leslie Wilbur  
Elizabeth Rhodes  
Ed Kossmann  
Patti Packer  
Carl Struck  
Paula Hartgraves

Kathleen Granillo  
Diane Stevenson  
Silke Bletzer  
E M Geouge  
Thomas Talbot  
Sandra and Glenn Griffin  
Patricia Vineski  
Cheryl Landgren  
Dale Kappy  
Janie Zackin  
Donna Jobe  
Vanessa Hartman  
M Pal  
Reece Parker

Maria Dougherty  
Michael McMahan  
Walter K Barger  
Edward DeFrancia  
Liz Vance  
Tracy Brees  
Sean Solowiej  
Lane Andress  
Tanya Barlow  
Sue Small  
Rosina Medina  
Mark Harrison  
Christopher Lish  
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Claudio Henry  
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Luwana Wanaisie  
Mark Walch  
Morgan Paige  
Stephanie Laman  
David Schlessinger  
Kim Card  
June Elliott  
Israel McMullin  
Samuel Morningstar  
Karla Devine  
J Franz  
Janet Griego  
Steve and Tina Ehrman  
Catherine Williams  
Glenn Stocki  
Peggy Elston  
Ms Zentura  
Andrew Wadsworth  
Tedd Ward Jr.  
Gordon Parker III  
MaryAnna Foskett  
Catharine Stringfellow  
Diane Bloom  
Craig C  
Nikoma Henkels  
Stephen Jatho  
Monica DuClaud  
Mary Harrison  
Mary Ann Leitch  
Sandra Vieth  
Lura Brookins  
Sandra Marshall

Signe Stuart  
Dave Wheelock  
Kenneth Schowengerdt  
David Burtis  
Forrest Netzel  
Ryan Winton  
Patricia R Wendell  
Marcia Kellam  
Steve Sklar  
Patricia Michaels  
William Orr  
John Falvey  
Silvia Bertano  
Carol Yerden  
Chris Townley  
A Felix  
Joyce Crews  
Daniel Berman  
Elena Tillman  
Gary Wolf Ardito  
Kirsten Lear  
Brea Viragh  
Christine Hill  
John Handelin  
Elizabeth Burdick-Romero  
Margaret Burgess  
Faith Harmony  
Pamela Hamilton  
Thomas Thornburg  
Gary Goddard  
Denise Saccone  
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Joan Eilers  
Therese Ryan  
Lynn DiFiore  
Craig Jolly  
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Meryl Pinque  
Candy Bowman  
Paul Kelly  
D Bello  
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Donald Smith  
Liz Murphy  
Kathy Glatz  
Sandra Hareld

Corey Townsend  
Allan Chen  
Linda Carroll  
Blaine Wimberly  
Michele Johnson  
George Craciun  
Kathi Ridgway  
Dorothy Beatty  
G. Paxton  
Alma Best  
Rebecca Reynolds  
Sylvia De Baca  
Marge D  
Jamie Shields  
Robin Spiegelman  
Scott Harrison  
Ralph Bakshi  
Heide Coppotelli  
Teresa Nylander  
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C. Borello  
Patricia Foschi  
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Mitzi Deitch  
Ellen Gutfleisch  
Doug Sporn  
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Gilda Nuss  
Bill Tiwald  
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Lauri Costello  
John Stearns  
Pat Jonker  
Thomas Bombaci  
Michael Lombardi  
Ellen Drew  
Roger Southward  
Barbara Giorgio  
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Leslie Byrnes  
Cathy McManus  
Sari Stein  
Mary Drabbs  
Robin Patten



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Karen Kirschling  
Bridgett Heinly  
Margo Fried  
Richard Creswell  
Alice Lorenz  
William Ridgeway  
Catherine A Louisell  
Chris Calvert  
Cynthia Hull  
Benjamin George  
Jackie Ericksen  
Jasper Hardesty  
Anna Grondin  
Monica Steensma  
Larry Gioannini  
Eric Pash  
Mary Bissell  
C. H.  
Susan Sims  
Janice Richmond  
Abigail Fox  
Dereka Rushbrook  
Scott Schaffer  
Tamara Stewart  
Sarah Stewart  
Timothy Edward Duda  
Jon Hager  
Diana Gries  
Teresa Seamster  
Bill Lundeen  
Julie Herman  
Daisy Kates  
Jerre Stallcup  
Daniel Muenzberg  
Linda Buckingham  
Ann Bicking  
James Kawamura  
Ann Lowe  
John Carroll  
Robert Foehring  
Paul Hunrichs  
David Patenaude  
L.L. Wilkinson  
John Reid  
Richard Han  
Charles Long  
Nancy Woodward

Joanne De Phillips  
Lynne Gaffikin  
Yolanda Garcia  
John V LaRochelle  
Steven Standard  
Max Vollmer  
Erin Baiano  
David Stout  
Louis Dribjwater  
Brad Miller  
I. Engle  
Howard Bradley  
Randy Hutchins  
Sandra Couch  
Annette Tynan  
Rita Glasscock  
Andrew Hellinger  
Yazmin Gonzalez  
W. Andrew Stover  
Robert Fischhoff  
Linda Prostko  
Nancy Austin  
Mary Dudley  
Gudrun Dennis  
Jesse Williams  
JL Angell  
Donna Poisson  
Scott Worker  
Alexia Hall  
Jeff Freels  
Dawn Albanese  
Jerry Sue Bassalleck  
Valerie Nesteruk  
Rob Nash  
Carol Martin  
Lorraine Martinez  
Ronald Parry  
David Olson  
Matt Young  
Jane Butler  
Ingrid Lincoln  
Kathy Bradley  
Roberta Sans  
Valarie Snell  
Catherine Beauchamp  
Lisa Chase  
James Mulcare  
Taryn Braband

Donna Smith  
Maresa Pryor-Luzier  
Jackie Hall  
Susan Lefler  
Anita Kasbarian  
John Dunn  
Carolyn Chapin  
Marie Driscoll  
Robert Mark  
Ada Rippberger  
Heather Sinclair-Furr  
Virgene Link-New  
Kathryn Lemoine  
Cynthia King  
Laurie Rugenstein  
Sandra Serafin  
Karen Syzdek  
Marcia Stout  
Margaret Hadderman  
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Terry Ihnat  
Matthew Monjaras  
Ralph Vigil  
Barbara Harnack  
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Jenny Lapetina  
Jim Loveland  
Adrienne Seltz  
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Jack Borninski  
Grace Padelford  
Kelly Cranston  
Irvin Strange  
Richard Ward  
Maria Johnson  
Susan and Peter Risser  
Linda Hall  
Sarah Councill  
Tim Blose  
Paul Karas

Marilynn Szydlowski  
John Mazur  
Nelson Murphy  
Gloria Hacker  
Yvonne Fisher  
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Janice Hoffman  
Elaine Becker  
Gayla Cremin  
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Kyeann Sayer  
Phillip MacDonald  
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Mary Davis  
Anna Tangi  
Norman Wendell  
Richard Barish  
Steve Liebhart  
Terry Jurrens  
Michael Madden  
Scott Messick  
Richard Steele  
Marjorie Xavier  
DeWitt Henderson  
Michael Potvin-Frost  
Jeffrey Thomas  
Kenneth J Legaux  
Roger Kulp  
Julie Parcels  
Meredith Taylor  
Jennifer Brandon  
Roy Fuller  
Jon Spar  
S Selbin  
Lydia Hailu  
Peter Riva  
Phyllis Chavez  
Arjan McNamara

Cristina Amarillas  
Joseph Bayley  
Anita Warren  
Marilyn Staff  
Cheryl Foote  
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Anne Dios  
Todd Monson  
Andrew Gildersleeve  
Ji Montgomery  
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Mark Wiechmann  
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Lissa Callirhoe

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Diane Jouppi  
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Andrew Quarles  
Michael Butterfield  
Dianna Wynn  
Michelle Hegmon  
Anna Gieselmann  
Juan Handelin  
Susan Morgan  
Nikole Black  
Tom Kruzik  
Bonnie Vendig  
Shawn Boyette  
Evan Weger  
Angie True  
Miranda Garcia  
Rhonda Rhodes  
Leroy Lints  
Noel Wagner  
Steve Lucas  
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Margo Wyse  
Nicolas Zapata  
Elizabeth Rayl-Sweitzer  
Javier Lujan  
Michael Miller  
Jason Scullion  
Sandra Jackson  
Heidi Ahlstrand  
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Karen DeBaal  
Lorraine Derhammer  
Ron Faich  
Katherine Hinson  
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Emily Holcomb  
Angel McCarter  
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Drew Ericson  
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Ann Roylance  
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Vera Liljestrand  
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Karen Reck  
Lillian Connelly  
Joan Bacon  
Marion Cook  
Lauri Costello MD  
Richard Wilhelm  
Bo Baggs  
Diane Beck  
Carol Marion  
Jesse Counterman  
Donna Lentz  
Stephen Schmidt  
A Sanchez  
Leah Hallow  
David Donohue  
Carol Collins  
Douglas Gruenau  
Vikram Sikand  
Gary Loos  
Ruth Agius  
Annie McCann  
Gary Brooker  
Bonnie Farmer  
Richard Rotert  
Sharon Selvaggio  
Randy Crutcher  
Tanya Gerard  
Susan Ambler

Dennis Davideit  
Richard Kuehn  
Daniel Webb  
Alexus Reyes  
Audrey Urbano, MD FACEP  
Joan Martinez  
Gerald Atkinson  
Dee Sands  
Judith Stevens  
Jamie Gagan  
Pat Jones  
Ann Ellen Tuomey  
Kenneth Nahigian  
Dawn Tirschel  
Penelope Fisher  
Robinson Kurth  
Maria Nasif  
Jody Gibson  
Akashia Allen  
Chris Ottemiller  
Kate OShea  
Merilynn Hidalgo  
Tom Harris  
Frances Penvenne  
Robert Ferrara  
Dwight Sanders  
Eileen Benner  
Mary Jane Gallahan  
John Hogan  
Stacia Raymond  
Krista Joslin-Gay  
Gary Clauss  
Nancy King  
Charles Rarick  
Frankie Chamberlain  
Edyne Gordon  
Irin Dieringer  
Sandra Weber  
William Wiley  
Ryan Bermel  
Ashton Nichols  
Jan Ankerson  
Donna Koechner  
Y Lee  
Patricia Duncan  
A.L. Steiner  
James T O'Donnell  
Derek Gendvil

Cynthia McNamara  
Pat O'Brien  
Kathy Wright  
Karen Peterson  
Amy Mower  
JC Corcoran  
Jon Klingel  
Allan Sindelar  
Diane LaFrance  
Edmund McWilliams  
Donna Sims  
John Cochran  
Les Roberts  
Quentin Fischer  
Sandra Dal Cais  
Matthew Midgett  
Chris Baker  
Anthony Donnici  
Nancy Telese  
Alexandra Dube  
Tony Estrada  
Jeremy Thomas  
Michael DeLongchamp  
Brenda Polacca  
Deborah Jackson  
Richard Brown  
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Diane Schmidt  
William Williams  
Margaret McGee  
Ashley Lewin  
Walter Barger  
Joanne Smogor  
Deborah Shaw  
Lisa Mazzola  
Daniel Gibson  
Mary Cline  
Ralph Bauer  
Deborah Williamson  
Linda Granato  
Diana Zelnio  
Chantell Murphy  
Wayne van Voorhies  
Alicia Edwards  
Angela Raines  
Robert Scott  
Chad Fuqua  
Margaret Bell

**Katie Bruell  
Jeff Sussmann  
Lasita Shalev  
Maria Gabrielle  
Dieter Engelke  
Thomas Jervis  
Lori Young  
Howard Gross  
Tommy Adams  
Mary McIntyre  
Kelly Wright  
Lee Sides  
Patricia Huband**

**Mai Doan  
Victoria Bell  
Michael Lee  
Justin Crellin  
Molly Kraft  
Phyllis Price  
Oliver Smith  
Anne Petrokubi  
Catherine Burton  
Virginia Molin  
Chemen Ochoa  
Steven and Susan Mayes  
Kristine Johnson**

**Barbara Harper  
Pat Nunez  
Iain Middleton  
Michael Bordenave  
Laird Lorenz  
Terrye Bullers  
Marie Wakefield  
Budd Berkman  
Geoff Regalado  
Adrienne Ross  
Tisha Broska  
Sara Berghold**

Dear Michael Baca,

I am writing to express my strong support for the designation of 245 miles of nominated streams as Outstanding National Resource Waters (ONRWs). This includes streams in the Rio Chama, Upper Rio Grande, Cimarron, Pecos headwaters, Jemez, and Rio Grande-Santa Fe watersheds, and many more.

These nominated streams are invaluable to our state. They provide some of the best trout habitat and fishing opportunities in New Mexico, and protecting them is crucial for safeguarding water quality in these special waters. Moreover, these streams play a significant role in maintaining the health of New Mexico's ecosystems and living organisms. They also create and enhance recreational opportunities and experiences for all New Mexicans, contributing to our state's natural heritage and outdoor economy.

I urge the New Mexico Environment Department to move forward with the full petition to nominate these 245 miles of streams as ONRWs. This designation will ensure these critical water resources receive the highest level of protection, benefiting both current and future generations of New Mexicans.

Thank you for your consideration of this important matter.

## Appendix E4 – Comment Letters

GOVERNOR  
Michelle Lujan Grisham



DIRECTOR AND SECRETARY  
TO THE COMMISSION  
Michael B. Sloane

### STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

One Wildlife Way, Santa Fe, NM 87507

Tel: (505) 476-8000 | Fax: (505) 476-8180

For information call: (888) 248-6866

[www.wildlife.dgf.nm.gov](http://www.wildlife.dgf.nm.gov)

#### STATE GAME COMMISSION

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DR. SABRINA PACK  
Silver City

15 August 2024

Michael Baca  
Water Quality Standards Coordinator  
New Mexico Environment Department (NMED)  
Surface Water Quality Bureau (SWQB)  
P.O. Box 5469  
Santa Fe, NM, 87502

***RE: Outstanding National Resource Waters Designation Nominations; NMERT  
Project No. NMERT-3697***

Dear Mr. Baca:

The Department has reviewed the NMED SWQB's draft of the 2024 nominations for Outstanding National Resource Water (ONRW) Designation (Document). Please consider this letter as the Department's response to the Document.

The Department supports the designation of ONRWs as a means of protecting streams, lakes, and wetlands from future degradation, and thus providing increased water quality protection. However, the Department has reservations regarding the use of Special Trout Water (STW) designation as the sole criteria for nominating ONRWs. Special Trout Waters are a regulatory framework for managing trout angling, largely through limiting harvest via reduced bag limits and tackle restrictions. Special Trout Waters are established in rule by the New Mexico State Game Commission (SGC) for a variety of reasons. Some STWs hold significant ecological value (e.g., a stronghold for native fish, unique biodiversity, pristine aquatic or riparian habitat, etc.) while others exist to moderate harvest of trout in high-use fisheries like reservoir tailwaters and urban ponds. Thus, STW designation may sometimes compliment the spirit of ONRW nomination but in other cases do not. Further, we are concerned about creating an administrative and regulatory link between ONRW and STWs that may create a public perception of de facto surface water regulation via SGC rule making. Such a perception could negatively influence fisheries management by creating challenges to the addition or removal of waters from the STW list. We recognize that 20.6.4.9(B)(1) NMAC provides for use of STWs as a nominating criteria that "may" be used in designation of ONRWs but

respectfully request reconsideration of the use of STW status as a sole nominating criteria.

The Department is also concerned with the inclusion of the four ONRW nominations that have hydrologic connections to State Fish Hatcheries (SFH). These waters and hatcheries are the Rio Chama near Heron reservoir (Los Ojos SFH), the most downstream Red River reach (Red River SFH), Rio Cebolla (Seven Spring SFH), and the Pecos River (Lisboa Springs SFH). State Fish Hatcheries produce native and sportfish to support conservation efforts and recreational angling across the state. Each hatchery's effluent is tightly regulated by a U.S. Environmental Protection Agency National Pollution Discharge Elimination Permit. These permits require that stringent water quality standards be met and place strict limitations on the discharge of nutrients and other potential pollutants. These permit requirements are the limiting factor in the production of fish from SFHs. Any further tightening of these requirements would impede the Department's ability to provide outdoor recreation opportunities, conduct native trout conservation activities, and meet our legislatively mandated performance metrics for fish production and angler satisfaction. We request that SWQB be explicit in the ONRW process that designation will not lead to further restrictions on hatchery effluent permits.

The Department and our partners have an extensive history of and active programs for native fish restoration, particularly Rio Grande Cutthroat Trout. The process of native fish restoration typically includes construction of a barrier to upstream fish movement and removal of non-native fish, often with pesticide per 20.6.4.16 NMAC. The list of nominated ONRWs includes four streams with existing fish barriers (Tanques Creek, Canada Tio Grande, Palociento Creek, and West Fork Luna Creek), most of which require maintenance or improvement. Additionally, barrier construction is being considered as a conservation tool in six waters on the nomination list (Cabresto Creek, Columbine Creek, Gavilan Canyon, Italianos Creek, Manzanita Creek, and Yerba Creek). We request that the ONRW designation process explicitly state that maintenance, improvement, and construction of fish barriers, as well as treatments to remove non-native fish, are compatible with ONRW designation.

In keeping with spirit of the other nominating criteria for ONRWs outlined in 20.6.4.9(B) NMAC (i.e., streams with exceptional water and habitat quality being the most suitable for ONRW designation), the Department disagrees with the nomination of two stream reaches in the Document based on their regulated state: the Rio Chama below El Vado dam, and the Rio Chama below Abiquiu Reservoir. These reservoir tailwater reaches have highly altered flow regimes, temperatures, sediment loads, and nutrient levels, and therefore do not meet the ONRW eligibility criteria which states, "the water has not been significantly modified by human activities in a manner that substantially detracts from its value as a natural resource" (20.6.4.9(B)(3) NMAC). Further, these waters are examples of STW use as a fisheries management tool to equitably distribute harvest of stocked trout. As a result, the Department recommends these two reaches be removed from consideration for ONRW status.



Michael Baca  
15 August 2024  
Page -3-

Thank you for the opportunity to provide comments regarding the Document. Please contact Jack Marchetti, Aquatic/Riparian Habitat Specialist, at [jack.marchetti@dgf.nm.gov](mailto:jack.marchetti@dgf.nm.gov) or 505-479-1269 if you have any questions.

Sincerely,

Michael B. Sloane

Digitally signed by Michael B.  
Sloane  
Date: 2024.08.16 12:02:53 -06'00'

Michael B. Sloane  
Director



Paul Tashjian  
Director of Freshwater Conservation  
Audubon Southwest  
400 Gold Ave SW; Suite 660  
Albuquerque, NM 87102  
Phone: 505-217-4531

August 2, 2024

New Mexico Environment Department  
Surface Water Quality Bureau  
Harold Runnels Building, RM 2063  
1190 Saint Francis Drive  
Santa Fe, New Mexico 87505

Re: NMED's Criteria One 2024 ONRW Petition

Dear Michael Baca,

On behalf of Audubon Southwest, I am writing in support of the New Mexico Environment Department's 2024 effort to designate 245 miles of stream that meet New Mexico's criteria at 20.6.4.9.B(1) NMAC ("Criteria One Waters") as Outstanding National Resource Waters ("ONRWs"). Criteria One Waters are waterbodies that have already been identified as important to New Mexico or the nation, such as special trout waters or waters in state or federal or national parks. ONRW protections would provide much needed water quality protections to these important water resources. As an organization focused on birds and bird habitat, these areas provide critical corridors for a myriad of nesting and migratory birds.

In the light of the recent Supreme Court's *Sackett* Decision, it is imperative that New Mexico protect the water quality of our streams. ONRW protections prohibit increased pollution to our waters while ensuring traditional and historic uses. These waters are the lifeblood for New Mexicans, serving as water sources for downstream domestic use, acequias and irrigation needs, and recreational activities that draw visitors from all over the world to New Mexico. In addition, these waters ensure the integrity of critical habitat for plants and wildlife that make New Mexico the Land of Enchantment. Our culture, economy, and ecosystems all rely on clean water and this designation will protect these streams for today's residents as well as for future generations.

Therefore, I join the large coalition of community organizations, state and local government officials, farmers and ranchers, and recreationists in asking the New Mexico Environment Department to safeguard the water quality of these waters by nominating them as Outstanding National Resource Waters under the federal Clean Water Act. Please let me know if I can be of further assistance in your decision-making upon this issue.

Thank you for your consideration.

Sincerely,



# Healthy Rivers Mean a Healthy New Mexico

## Acting Now Can Save the State's Economy, Homes, and Birds

In New Mexico, rivers are the ribbons of life for our land, culture, economy, and our way of life. Healthy river ecosystems safeguard water quality, protect the ground-water supply that 90% of New Mexican's use as their primary source of drinking water, reduce fire risk, and provide critical habitat. Healthy river ecosystems are also part of our state's cultural heritage, agricultural economy and a billion dollar per year recreation industry.

### The Climate Crisis and New Mexico's Rivers

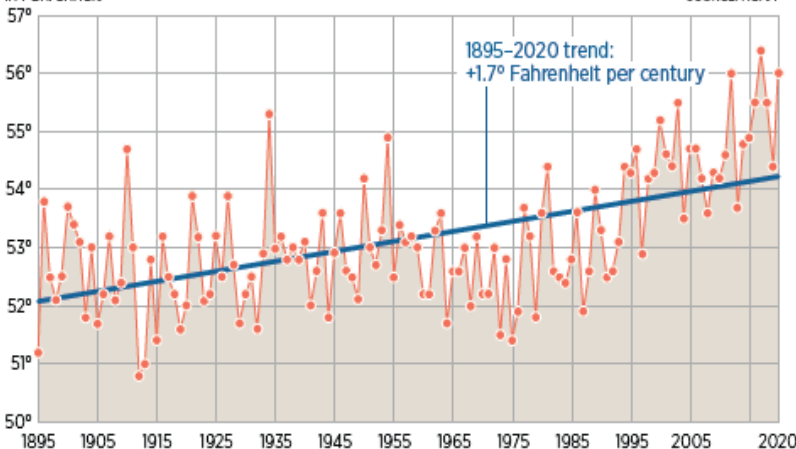
Communities, economies, and natural systems function more efficiently when rivers are clean and ecologically robust. From flood control to groundwater storage to downstream water delivery, healthy rivers keep water resources in balance. In turn, healthy rivers are beautiful rivers and are crucial to New Mexico's ecotourism economy. But climate change, drought, increasing demand for water, failing infrastructure, and outdated water rights laws are pushing water supplies to their limits. Assuring that rivers can be resilient in the face of these stressors



Rio Grande near Belen, New Mexico. Photo: Quantina Martine/Audubon New Mexico

requires prioritizing healthy rivers through programs and activities that provide water to rivers during drought while providing assurances and incentives to property owners.

### New Mexico Average Temperature in Fahrenheit



4,500

different species of plants and animals live in New Mexico

6,500

miles of perennial streams making healthy rivers a key component to the state's strategy for conserving biodiversity

80%

of New Mexico's at-risk species depend upon the riparian or aquatic habitat on these stream systems at some time in their life cycle



## Nearly 400 Bird Species Rely on New Mexico Waterways



**Yellow-billed Cuckoo**

Photo: Kevin Jordan/Great Backyard Bird Count



**Yellow-breasted Chat**

Photo: Megumi Aita/Audubon Photography Awards



**Yellow-throated Warbler**

Photo: Judy Lyle/Great Backyard Bird Count



**Willow Flycatcher**

Photo: John Morrison/Audubon



**Bell's Vireo**

Photo: Sherman Barr/Audubon Photography Award

### Environmental Flow Programs Can Be a Benefit to Landowners

Environmental flow programs **are not** a threat to existing water rights and water users. Environmental flow programs work within State water law to find solutions that work for both rivers and people, and typically include temporary water leasing arrangements, on-farm efficiency projects and habitat restoration. Water leasing programs provide drought year funding options to irrigators for temporarily leaving their water in a river while maintaining their water rights.

### Protection of Stream Flows in NM

Already, New Mexico found some ways to address the flow needs of endangered species along the Rio Grande and Pecos River s. These solutions include the New Mexico Strategic Water Reserve and the leasing of San Juan Chama water on the Middle Rio Grande. Recently (2019) the New Mexico Office of the State Engineer recognized the environmental “beneficial use” of leaving a water right in a river. Because of these programs, New Mexico is well positioned to develop a more comprehensive stream flow enhancement program that works within the existing framework.

### Call to Action

By prioritizing healthy rivers, New Mexico can better combat the changes associated with climate change. To accomplish this, New Mexico must understand where and when flow is most needed, have legal and administrative mechanisms for conducting flow protection, and procure staff and financial resources to activate such a program. In the coming years, we believe New Mexico should pursue the following goals:



Emphasize instream flows as a beneficial use by including environmental flows in the state's upcoming 50-year water plan and encourage the State Engineer's Office to issue more instream flow permits.



Identify and implement adaptive water management strategies such as environmental water leasing agreements, conservation and

### Major NM Rivers



Map: Carol Zuber-Mallison/ZM Graphics

efficiency projects, habitat restoration projects and water shortage sharing agreements.



Adequately fund water infrastructure and conservation projects through New Mexico programs like the Strategic Water Reserve, the Water Trust Board and the River Stewardship Program.



Create a state-wide river protection program that addresses environmental flow needs.

Audubon Southwest is working with diverse partners on the ground and in coalitions to work towards healthy rivers and modernized water policy





[www.defenders.org](http://www.defenders.org)

August 8, 2024

Re: 2024 ONRW Designation Nominations

Dear New Mexico Environment Department,

I am writing on behalf of Defenders of Wildlife's nearly 20,000 members and supporters in the state of New Mexico. Defenders of Wildlife is a national, nonprofit membership organization dedicated to the protection of all native animals and plants in their natural communities. Defenders is committed to protecting wild lands and wildlife in New Mexico.

I write today to express my strong support for the designation of 245 miles of nominated streams as Outstanding National Resource Waters (ONRWs). This includes streams in the Rio Chama, Upper Rio Grande, Cimarron, Pecos headwaters, Jemez, and Rio Grande-Santa Fe watersheds, and many more.

These nominated streams are invaluable to our state. They provide some of the best trout habitat and fishing opportunities in New Mexico and protecting them is crucial for safeguarding water quality in these special waters. Moreover, these streams play a significant role in maintaining the health of New Mexico's ecosystems and living organisms. They also create and enhance recreational opportunities and experiences for all New Mexicans, contributing to our state's natural heritage and outdoor economy.

New Mexico ranks 4<sup>th</sup> among the states for biological diversity and has already lost as many as 24 species of plants or wildlife to extinction. Globally, we face a biodiversity crisis and designating ONRWs is one way to create a backstop against further extinctions and create a chance for recovery of imperiled species.

I urge the New Mexico Environment Department to move forward with the full petition to nominate these 245 miles of streams as ONRWs. This designation will ensure these critical water resources receive the highest level of protection, benefiting both current and future generations of New Mexicans.

Thank you for your consideration of this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Bird".

Bryan Bird  
Southwest Director

August 8, 2024

New Mexico Environment Department  
Surface Water Quality Bureau  
Harold Runnels Building, RM 2063  
1190 Saint Francis Drive  
Santa Fe, New Mexico 87505

Re: NMED's Criteria One 2024 ONRW Petition

Dear Michael Baca,

On behalf of The Nature Conservancy in New Mexico, I am writing in support of the New Mexico Environment Department's 2024 effort to designate 245 miles of stream that meet New Mexico's criteria at 20.6.4.9.B(1) NMAC ("Criteria One Waters") as Outstanding National Resource Waters ("ONRWs"). Criteria One Waters are waterbodies that have already been identified as important to New Mexico or the nation, such as special trout waters or waters in state or federal or national parks. ONRW protections would provide much needed water quality protections to these important water resources.

In the light of the recent Supreme Court's *Sackett* Decision, it is imperative that New Mexico protect the water quality of our streams. ONRW protections prohibit increased pollution to our waters while ensuring traditional and historic uses. These waters are the lifeblood for New Mexicans, serving as water sources for downstream domestic use, acequias and irrigation needs, and recreational activities that draw visitors from all over the world to New Mexico and support our economy. In addition, these waters ensure the integrity of critical habitat for plants and wildlife that make New Mexico the Land of Enchantment. Our culture, economy, and ecosystems rely on clean water; this designation will protect these streams for today's residents as well as for future generations.

Therefore, I join the large coalition of community organizations, state and local government officials, farmers and ranchers, and recreationists in asking the New Mexico Environment Department to safeguard the water quality of these waters by nominating them as Outstanding National Resource Waters under the federal Clean Water Act. Please let me know if I can be of further assistance in your decision-making upon this issue.

Thank you for your consideration.

Respectfully,



Martha S. Cooper  
Freshwater Program Director





August 19, 2024

Michael Baca  
Supervisor of Standards, Planning, and Reporting

Surface Water Quality Bureau  
New Mexico Environment Department  
Harold Runnels Building, RM 2063  
1190 Saint Francis Drive  
Santa Fe, New Mexico 87505

**RE: Support for NMED's Criteria One 2024 ONRW Petition**

Dear Mr. Baca:

On behalf of The Pew Charitable Trusts (Pew), I am writing to express our support of the New Mexico Environment Department's 2024 petition to designate 245 miles of streams that meet New Mexico's criteria at 20.6.4.9.B(1) NMAC ("Criteria One Waters") as Outstanding National Resource Waters ("ONRWs").

Pew's U.S. Conservation Project advances plans and policies that account for the impacts of ongoing climate change while building a stronger and more adaptable environment for people and nature. The protection and preservation of our nation's freshwater rivers, streams, and wetlands is integral to our efforts to foster a more resilient environment. We believe ONRWs are important and durable designations in that effort.

New Mexico's rivers and streams sustain farms and ranches, provide places to enjoy the outdoors, and support a growing outdoor recreation economy. Despite their importance, New Mexico waters are threatened by a changing climate, increased development, and the loss of federal protections due to recent Supreme Court decisions.

Under the Federal Water Pollution Control Act (Clean Water Act) of 1972, states and Tribes can designate rivers as Outstanding National Resource Waters for a variety of reasons, including high water quality, exceptional recreational or ecological significance, or the existence of cold-water thermal refuges. The

[pewtrusts.org](https://pewtrusts.org)



August 19, 2024

New Mexico Environment Department  
1190 St. Francis Drive, Suite N4050  
Santa Fe, New Mexico 87505

*Submitted via Online Public Comment Form:*  
<https://nmed.commentinput.com/?id=CBNFsRjDM>

**Re: New Mexico Wild Comments Supporting NMED's 2024 ONRW Designation Nominations**

Dear New Mexico Environment Department:

New Mexico Wilderness Alliance (New Mexico Wild) strongly supports the New Mexico Environment Department's 2024 ONRW Designation Nomination for "Surface Waters Designated as Special Trout Waters, or Wild and Scenic Rivers, or Located within a Wilderness, Park, Monument, or Refuge." New Mexico Wild is a nonprofit 501(c)(3) grassroots organization dedicated to the protection, restoration, and continued enjoyment of New Mexico's waters, wildlands, and wilderness areas. We represent thousands of individual members from all corners of New Mexico and across the nation. New Mexico Wild has engaged in a variety of avenues working to protect and restore New Mexico's waterways, ensure equitable access and management over our water resources, and engage in advocacy to ensure species and habitat protection and water availability for all uses, including recreation. New Mexico Wild also advocates for responsible wildlife policies and the protection and long-term stewardship of Wilderness Areas and Wild and Scenic Rivers.

By nominating these streams, the New Mexico Environment Department has shown strong leadership in pursuing a commonsense solution that will help maintain the health of New Mexico's ecosystems and the communities who rely on them. ONRWs are a critical tool for protecting the water quality of New Mexico's streams, especially in response to the recent Supreme Court *Sackett* decision, which removed federal Clean Water Act protections for up to 95% of our state's waters. Additionally, ONRWs protect traditional community water uses, such as acequia-based agriculture, while safeguarding against degradation and negative impacts from mining, development, transportation, pollution, and climate change. Finally, this action will directly support our growing outdoor recreational economy by protecting the water quality in streams

Wilderness | Wildlife | Water

PO Box 25464 | Albuquerque NM 87125 | 505.843.8696 | [www.nmwild.org](http://www.nmwild.org)



August 19, 2024

Dear New Mexico Environment Department (NMED):

American Rivers supports NMED's 2024 Outstanding National Resource Waters (ONRWs) nomination. In the petition, NMED's nominated streams are already recognized as some of New Mexico's most exceptional rivers and streams in that their:

*"water is a significant attribute of a state special trout water, national or state park, national or state monument, national or state wildlife refuge or designated wilderness area, or is part of a designated wild river under the federal Wild and Scenic Rivers Act."*

We wholeheartedly support ONRW designation for rivers and streams that meet the above criteria as listed under 20.6.4.9(B)(1) NMAC. ONRW status will provide the highest water quality protections to these outstanding streams and rivers. State water quality protection is particularly important in New Mexico considering the recent removal of federal water quality protections from the vast majority of the states' rivers, streams, and wetlands—especially with simultaneously increasing demands on the state's decreasing water supply. Importantly, ONRW designation provides this protection while also allowing for continued existing uses, acequia operations, and watershed restoration.

We agree that ONRW designation complements and strengthens water quality protections within designated Wild and Scenic Rivers. Of note, we do want to clarify language in the petition that states that federal Wild and Scenic Rivers do "not provide any water quality-based protections" (p. 7). Under the Wild and Scenic Rivers Act, a designated river's water quality must be maintained and, where possible, enhanced as described in Section 10(a) of the Act. Water quality protection is a core pillar of the Act. We direct NMED to the ["Evaluation of State Water Quality Assessments and the National Wild and Scenic Rivers System" \(IWSRCC, 2018\)](#) for further information and would be happy to engage in further discussion if helpful.

In conclusion, American Rivers agrees with NMED's assessment that protecting water quality in New Mexico is a vital priority and that this ONRW petition will benefit the people of New Mexico and the ecosystems on which we all rely. We encourage NMED to move forward with the full petition.

Please let me know if you have any questions about our support of the nomination.

Sincerely,

A handwritten signature in black ink that reads "Rachel Ellis".

Rachel Ellis

Associate Director, Southwest River Protection Program