



# **PUBLIC NOTICE**

## **Public Comment Period Open – Clean Water Act Section 401 Certification Template for Future Projects**

### **U.S. Army Corps of Engineers – 13 Nationwide Permits**

With this notice, the New Mexico Environment Department (NMED) opens a 30-day comment period for a Clean Water Act Section 401 Certification template. NMED will use the template to certify future projects that the U.S. Army Corps of Engineers (Corps) may authorize under Clean Water Act (CWA) Section 404 Nationwide Permits (NWP) 12, 21, 29, 39, 40, 42, 43, 44, 50, 51, 52, 57, and 58 throughout non-tribal portions of the state of New Mexico.

When the Corps authorizes a dredge or fill activity under a CWA Section 404 permit, NMED has authority under CWA Section 401 to certify, certify with conditions, or deny certification of the permit to ensure the discharge will not negatively affect the receiving waterbody. NMED follows procedures to certify Section 404 permits, which include public notice requirements and are found at 20.6.2.2002 NMAC.

The 13 NWPs can be found on the Corps website: <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/NWP>.

This public notice and associated information are posted on the NMED website: <https://www.env.nm.gov/public-notices>.

If you have comments that you would like NMED to consider in the CWA Section 401 Certification template for these 13 NWPs, please send them to:

Abraham Franklin, Program Manager  
NMED Surface Water Quality Bureau  
Watershed Protection Section  
PO Box 5469  
Santa Fe, NM 87502  
[abraham.franklin@state.nm.us](mailto:abraham.franklin@state.nm.us)  
505-946-8952

For more information on the certification of the 13 NWPs, contact the following assigned staff contact:

Alan Klatt, Permit Lead  
NMED Surface Water Quality Bureau  
Watershed Protection Section  
PO Box 5469  
Santa Fe, NM 87502  
[alan.klatt@state.nm.us](mailto:alan.klatt@state.nm.us)  
505-819-9623

NMED SWQB will accept written comments until the end of the business day (5pm MST) on Thursday, April 7, 2022.

ENGLISH	ESPAÑOL
<p>Persons who need language services (e.g., assistance for an interpreter) or persons with disabilities who need services to participate in this public process should contact:</p> <p><b>Abraham Franklin</b>, Program Manager            NMED SWQB            PO Box 5469            Santa Fe, NM 87502            telephone (505) 946-8952            email <a href="mailto:abraham.franklin@state.nm.us">abraham.franklin@state.nm.us</a></p>	<p>Las personas que necesiten asistencia de lenguaje (por ejemplo, asistencia para un intérprete) o las personas que tengan una discapacidad o que necesiten ayuda para participar en este proceso público deberán comunicarse con:</p> <p><b>Abraham Franklin</b>, director del program            NMED SWQB            P.O. Box 5469            Santa Fe, NM 87502            teléfono (505) 946-8952            correo electrónico <a href="mailto:abraham.franklin@state.nm.us">abraham.franklin@state.nm.us</a></p>
<p>TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331.</p>	<p>Los usuarios de TDD o TTY pueden acceder al número a través de la red de retransmisión de Nuevo México, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331.</p>
<p>The New Mexico Environment Department (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. If you have any questions about any of the NMED's non-discrimination programs, policies or procedures, you may contact:</p> <p><b>Kathryn Becker</b>, NMED's Non-Discrimination Coordinator            1190 St. Francis Dr., Suite N4050            P.O. Box 5469            Santa Fe, NM 87502            telephone (505) 827-2855            email <a href="mailto:nd.coordinator@state.nm.us">nd.coordinator@state.nm.us</a></p>	<p>El Departamento del Medio Ambiente de Nuevo México (NMED, por su sigla en inglés) no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigido por las leyes y los reglamentos correspondientes. Si tiene preguntas sobre cualquier programa de no discriminación, norma o procedimiento de NMED, puede comunicarse con:</p> <p><b>Kathryn Becker</b>, la Coordinadora de No Discriminación de NMED            1190 St. Francis Dr., Suite N4050            P.O. Box 5469            Santa Fe, NM 87502            teléfono (505) 827-2855            correo electrónico <a href="mailto:nd.coordinator@state.nm.us">nd.coordinator@state.nm.us</a></p>
<p>If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <a href="https://www.env.nm.gov/general/environmental-justice-in-new-mexico/">https://www.env.nm.gov/general/environmental-justice-in-new-mexico/</a> to learn how and where to file a complaint of discrimination.</p>	<p>Si piensa que ha sido discriminado con respecto a un programa o actividad de NMED, puede comunicarse con la Coordinadora de No Discriminación antes indicada o visitar nuestro sitio web <a href="https://www.env.nm.gov/general/environmental-justice-in-new-mexico/">https://www.env.nm.gov/general/environmental-justice-in-new-mexico/</a> para saber cómo y dónde presentar una queja por discriminación.</p>