



NEW MEXICO ENVIRONMENT DEPARTMENT  
***Surface Water Quality Bureau***

Public Involvement Plan (PIP)  
for the  
2024 Outstanding National Resource Water  
Designation Nominations

**July 2024**  
**APPROVAL PAGE**

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Date

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## I. Public Involvement Plan (PIP) Overview

The New Mexico Environment Department (Department), Surface Water Quality Bureau (Bureau) developed this Public Involvement Plan (PIP) for the 2024 Outstanding National Resource Water (ONRW) Designation Nominations. An 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 of 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.

The purpose of this PIP is to provide public participation opportunities and information that may be needed for the public to engage in the rulemaking process for this action. The Bureau encourages early engagement to inform public comments and participation during the 2024 ONRW Designation process. The designation does not include any waters within tribal jurisdictions; however, some stream segments are proximate to tribal boundaries. The Department will notify all Tribes in the state, with an emphasis on those that have lands or connections to waters that could be affected by the 2024 ONRW Designation Nominations. Likewise, the Bureau will notify directly impacted stakeholders such as private landowners, and federal and state agencies whose lands, facilities, or operations could be impacted. Ultimately, the Water Quality Control Commission (WQCC) will need to adopt proposed regulatory language after conducting a public hearing for the designations to take effect for state purposes. The Bureau will then send the adopted regulatory language to the Environmental Protection Agency (EPA) for approval for federal purposes.

This PIP integrates information about the community and identifies resources needed by the Bureau to successfully incorporate community participation. The PIP identifies the Department staff and resources needed to accomplish these activities.

In developing this PIP, state-wide community participation needs were assessed to ensure appropriate promotion of public outreach by identifying whether there is a combination of environmental and demographic factors (i.e., low income community, minority community, limited English proficiency individuals, Linguistically Isolated Households, etc.) that may impact public participation.<sup>1</sup> This assessment identifies community outreach needs and provides for public access opportunities above and beyond statutorily mandated requirements, and underscores the provision of adequate public access to information about the 2024 ONRW Designation Nominations.

New Mexico's 2020 Statewide Water Quality Management Plan and Continuing Planning Process (WQMP/CPP) outlines public participation actions based on the Water Quality Act (WQA), State Rules Act, and New Mexico Administrative Code (NMAC) requirements and include:

- Stakeholder identification and outreach to gather information and identify potential updates.
- Conduct public meetings (Optional).
- Minimum 30-day public comment period for draft proposal.
- Petition the WQCC at a public meeting to request a hearing for the proposed changes to the regulations (WQA, Section 74-6-6(A) NMSA 1978 and 20.1.6.200 NMAC).
- Publish hearing notice in the New Mexico Register, in one newspaper of statewide general circulation, in one newspaper in the affected area (as applicable) and mailed to the WQCC mailing list (WQA, Section 74-6-6(C) NMSA 1978) 60 days prior to hearing date; (45-day notice

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<sup>1</sup> See Section IV. Location and Demographics – Demographic Summary.

requirement in 40 CFR 25.5, 30-day notice requirement in WQA, Section 74-6-6, NMSA 1978, 60-day notice requirement in 20.1.6.201 NMAC)

- Publish hearing notice in additional newspapers or through alternative media in affected area(s) (Optional)
- Email hearing notice to Bureau mailing list (Optional)
- Post rulemaking information on Department website (State Rules Act, NMSA 1978, § 14-4-2(E))
- Post rulemaking information on State’s Sunshine Portal (State Rules Act)
- Provide electronic mail notification of hearing notice with links to supporting documentation for proposed rulemaking to the Department’s district managers to make available at Department field offices (State Rules Act)
- Send rulemaking information and notice of hearing by electronic mail (if provided) to persons who have identified as a stakeholder, participated in the rulemaking, or specifically made a request for notice (State Rules Act)
- Send written notice that includes, at a minimum, an internet and street address where the information may be found to persons who provide a postal address (State Rules Act)
- Provide notice of hearing to the New Mexico legislative council for distribution to appropriate legislative committees (State Rules Act)
- Public hearing before WQCC (20.1.6 NMAC)  
Publication of approved regulation in the New Mexico Register with effective date of rule (1.24.10 NMAC)
- Post WQCC and EPA approved 2024 ONRW Designation Nominations and 20.6.4 NMAC on the Bureau’s website.

The 2024 ONRW Designation Nominations impact a relatively large community of Spanish speakers, and the Bureau will provide pertinent information in both English and Spanish in public meeting notices, public comment notices, and other announcements (radio broadcasts, brochures, signs, newspapers, fact sheets, etc.), as necessary. During public comment periods, hardcopies of relevant documents may be reviewed at the information repositories listed in “Public Participation and Outreach Activities” – Section V.F.

More detailed information about planned Bureau outreach is available in this PIP.

**Table 1. Schedule of Public Participation and Stakeholder Outreach Activities**

<b>Activity</b>	<b>Dates</b>
<b>Stakeholder Outreach and Engagement</b>	July – August 2024
<b>Public Notice for the 2024 ONRW Designation Nominations</b>	July 2024
<b>Bureau Public Comment Period (minimum of 30 days)</b>	July -August 2024
<b>Public Meeting</b>	August 2024
<b>Consider Comments, Regulation Amendments, if necessary</b>	August 2024
<b>Petition WQCC for Hearing</b>	September 2024
<b>Public Notice of Rulemaking</b>	September 2024
<b>WQCC Public Comment Period (through the close of the record)</b>	September – December 2024
<b>File Notice of Intent – Technical Testimony (20 days before hearing)</b>	November 2024
<b>WQCC Hearing</b>	December 2024
<b>If adopted, submit 2024 ONRW Designation for EPA approval</b>	January 2025

This PIP is a “living” document that may be amended after considering public comments and feedback. The Bureau Chief provides final approval of the PIP and amendments.

## II. Contacts

Bureau contacts for questions regarding the 2024 ONRW Designation Nominations, the Bureau's website, or this PIP, are listed below:

Michael Baca, WQS Coordinator  
Surface Water Quality Bureau  
1190 South St. Francis Dr.  
Santa Fe, NM 87505  
Phone: (505) 629-6976  
Email: [michael.baca1@env.nm.gov](mailto:michael.baca1@env.nm.gov)

Nathaniel Kamm, WQS Scientist  
Surface Water Quality Bureau  
1190 South St. Francis Dr.  
Santa Fe, NM 87505  
Phone: (505) 487-3538  
Email: [nathaniel.kamm@env.nm.gov](mailto:nathaniel.kamm@env.nm.gov)

If you need to contact the Bureau regarding the 2024 ONRW Designation Nominations, please call or email the bureau contacts listed above.

### A. Non-English Language Speaker Assistance and Accommodations

Non-English speakers may call the Bureau contact listed in this PIP and request language assistance services, such as an interpreter, so they can learn more about the 2024 ONRW Designation.

### B. Department Websites

The Department maintains a website and webpages for information regarding its activities, programs, boards, and commissions.

New Mexico Environment Department - <https://www.env.nm.gov/>  
Surface Water Quality Bureau - <https://www.env.nm.gov/surface-water-quality/>  
Water Quality Control Commission - <https://www.env.nm.gov/opf/water-quality-control-commission/>

### C. Bureau Websites

The Bureau's website contains information on Water Quality Standards, ONRWs and public notices (see below). These webpages will be kept up to date and has information about the revision process, ONRW designations, and important documents.

Water Quality Standards - <https://www.env.nm.gov/surface-water-quality/wqs/>  
Outstanding National Resource Waters - <https://www.env.nm.gov/surface-water-quality/onrws/>.  
Public Notices - <https://www.env.nm.gov/surface-water-quality/public-notices/>.

## III. Regulatory Framework

The Surface Water Quality Bureau is petitioning for the 2024 ONRW Designation Nominations to further its mission of preserving, protecting, and improving New Mexico's surface water quality for present and future generations.

According to 20.6.4.9(A) NMAC, "any person may nominate a surface water of the state for designation as an ONRW by filing a petition with the WQCC pursuant to 20.1.6 NMAC, *Rulemaking Procedures - Water Quality Control Commission*. (20.6.4.9(A)(1)-(5) NMAC). The nomination must include maps, scientific evidence to support the nomination and the specific criteria from 20.6.4.9(B) NMAC that qualifies the water for ONRW designation, water quality data, a discussion of activities that might degrade water quality, a discussion of the economic impact of the designation and the benefit of ONRW designation to the state. Additionally, 20.6.4.9(A)(6) NMAC, requires early public notice for ONRW nominations and the

Department will publish public notices in newspapers of general circulation as available.

The Bureau prepared a list of waters included in the 2024 ONRW Designation Nominations for the public to review and will accept comments for consideration in the 2024 ONRW Designation Nominations during this public notice period. When the Bureau petitions the WQCC for a hearing, the Bureau will publish a notice of the rulemaking for the public to review and the WQCC will accept comments. The public participation requirements of specific water quality programs are specified in 40 CFR Section 25.4 and described in New Mexico's WQMP/CPP. At a minimum, the public participation process for New Mexico's water quality programs consists of the following:

- Providing the public with the information and assistance necessary for meaningful involvement,
- Providing a central location of reports, studies, plans, and other documents,
- Maintaining a list of affected or interested parties and stakeholders, and
- Notifying stakeholders in a timely fashion prior to consideration of major decisions (generally at least 30 days).

Additional requirements specific to the 2024 ONRW Designation Nominations are outlined in Section I above. To fulfill these requirements, the Bureau identified directly impacted stakeholders and will conduct one-on-one outreach meetings in July and August 2024 to gather input and identify potential updates. Based on interest and resources, the Bureau will hold a public meeting in August 2024 to educate the public about the 2024 ONRW Designation Nominations and increase participation during the proceeding. The Bureau will release the draft nomination for a 30-day public comment period in July 2024 by emailing notice of the public comment period to the Bureau's listserv, publishing notice of the public comment period in newspapers, and posting the draft nomination, regulatory language and public notice on the Department's website and at its field offices. After the public comment period, the Bureau will incorporate public comments, as appropriate, into the 2024 ONRW Designation Nominations before requesting a rulemaking hearing before the WQCC. If granted a hearing, the Department will publish a notice of rulemaking in the New Mexico Register and newspapers to provide the public with rulemaking information and participation instructions as outlined by State Records and Archives and the Commission's rulemaking procedures at 20.1.6 NMAC. The Department will update its website with the notice of the hearing, rulemaking information, and participation instructions and send this information via email to the Bureau's listserv, the Sunshine Portal and the Legislative Services Committee. The Bureau will consider and include timely public comments (i.e., received within specified deadlines) as part of the hearing record. If the WQCC adopts the 2024 ONRW Designation Nominations, the Bureau will post the approved regulation on the Department website and publish notice of the effective date in the New Mexico Register.

## **IV. Location and Demographics**

The 2024 ONRW Designation Nominations is a statewide rulemaking because select surface waters across the state are nominated.

### **Demographic Summary**

Using U.S. Census Bureau 2016-2020 American Community Survey (ACS) Report for the State of New Mexico has an estimated population of **2,097,021**; 49% identify as Hispanic or Latino (which may be of mixed race). The percent of persons that communicate in a language other than English (non-English) at home is 34%, compared to 21.5% for the United States. There are 5.1% of households in New Mexico that are linguistically isolated, of which 81% speak Spanish, 13% speak "other" languages that include Native American languages, and 6% speak various other Indo-European, Asian, and Pacific Island languages. The

per capita income for New Mexico is \$27,945 as compared to the national per capita income of \$35,384, with 18.4% of the population living in poverty. These results indicate that for the area, the percentage of Spanish-speaking communication is considerable (i.e., substantially greater than the national percentage) and there are demographic factors (i.e., low-income community, minority community, limited English proficiency, Linguistically Isolated Households, etc.) that may impact public participation.

Therefore, the Bureau will provide information in Spanish and in English for public comment notices and other announcements and strive to make public participation efforts as inclusive as possible within Bureau budget and time limitations. Specific information repositories that may be used depending on the need are provided in Section V.F of this PIP.

## **V. Public Participation & Outreach Activities**

The public may ask questions about the 2024 ONRW Designation nominations, at any time. However, the Bureau emphasizes that to be included in the administrative record, comments solicited by public notices about the designation must be submitted during the noticed public comment period, and in accordance with the public notice.

Specific outreach activities related to the 2024 ONRW Designation Nominations include:

- Conducting stakeholder outreach and meetings to gather information and identify potential updates,
- Maintain an interactive GIS map layer and informational web pages with attachments and links to all pertinent documents (see part II.B and II.C above) and provide paper copies in field offices,
- Developing public notices announcing public comment periods for the 2024 ONRW Designation Nominations,
- Posting notices to the Department’s websites and the New Mexico Sunshine Portal,
- Publishing notices in a newspaper of general circulation in the affected counties and in a newspaper of general statewide circulation,
- Emailing public notices to stakeholders including tribes, permittees, state and federal agencies, the Legislative Services Council, the Small Business Regulatory Advisory Council, and the Bureau’s extensive listserv through the GovDelivery e-mail delivery service (1,842 email addresses as of June 1, 2024), and
- Sending this public notice to the Department’s public relations officer for a press release and social media posts.

The most direct way to learn about and be involved in the decision-making process for this Plan revision is to submit a comment to the Bureau during the public comment period and/or attending the rulemaking hearing when the Bureau presents the designation to the WQCC for adoption.

Based on the demographics report discussed in the PIP, basic information about public involvement opportunities will be in both English and Spanish. This information will include how to request materials in Spanish or to speak with Bureau staff through an interpreter. Further details about public participation for this activity are outlined below.

### **A. Postal Mailing or E-Mailing of Notices to Persons on the Surface Water Quality Bureau’s Email List**

The Bureau maintains an extensive email list (1,842 email addresses as of June 1, 2024) that includes individuals interested in surface water quality issues and activities. This list is a combination of previously interested persons who requested the Bureau provide them with information about surface water quality

in New Mexico. The list is maintained through a professional email messaging platform with standard options for users to maintain, modify, or cancel subscriptions. The Bureau regularly maintains contact information, which is updated or supplemented if additional information is found. Individuals, organizations, and other interested parties are added to the email list as requested.

## **B. Email Updates**

If you would like to be added to the Bureau's email list for information and updates, visit the Bureau's website at: <https://www.env.nm.gov/surface-water-quality/> and click on the "Subscribe to SWQB News" button on the bottom of the home page. For help, you can contact the Bureau's website liaison, Heidi Henderson at (505) 819-9986 or email [Heidi.Henderson@env.nm.gov](mailto:Heidi.Henderson@env.nm.gov).

## **C. Public Notices – Comments, Meetings, Hearings, and Other Notices**

Based on the Bureau's evaluation of the community, public notices and listservs will be translated into Spanish. In addition, the Bureau will post notices, in English and Spanish, with participation details, access to supporting information, and communication instructions on the Department's Events Calendar at <https://www.env.nm.gov/events/>, the Department's Smart Comment Website, Bureau's webpages, and Commission's webpage, as appropriate. Sections II.B and II.C list website addresses where information and notices will be posted.

## **D. Public Comment Period and Hearing.**

The Bureau will hold a 30-day public comment period on the 2024 ONRW Designation Nominations from July 2024 to August 2024. Another public comment opportunity will be available in conjunction with the rulemaking hearing. The first public comment period will be announced through publishing in newspapers, direct emails, and through the Bureau's listserv. This second public comment opportunity will start with publishing the notice of rulemaking in the New Mexico Register and will continue through the close of the administrative record. Interested parties may also provide technical testimony at the hearing by filing a Notice of Intent prior to the hearing. Details for participating in the hearing, submitting comments, providing technical testimony, and deadlines will be outlined in each public notice.

## **E. Other Outreach**

Other means of outreach such as flyers, radio advertisements, or hard copy postings will not be used. However, any updates to the material or rulemaking process will be posted on the Department's website.

## **F. Information Repositories**

Copies of the 2024 ONRW Designation will be available to download from <https://www.env.nm.gov/surface-water-quality/onrws/> or by contacting Bureau contacts listed above in Section II.

The Bureau will post the proposed 2024 ONRW Designation Nominations, proposed regulatory language and supporting information at all Department offices until the completion of the hearing. The Bureau emphasizes that individuals can access the 2024 ONRW Designation Nominations documents and information online at the links noted above. If requested, the Bureau will work with individuals to provide hard copies. If you would like to request hard copies of important documents or information about how to comment on the 2024 ONRW Designation, please contact Michael Baca at (505) 470-1652 or [michael.baca1@env.nm.gov](mailto:michael.baca1@env.nm.gov). You may also contact Nathaniel Kamm at (505) 487-3538 or email: [nathaniel.kamm@env.nm.gov](mailto:nathaniel.kamm@env.nm.gov).

## **G. 2024 ONRW Designation Response to Comments, Amendments, and Participating in the Rulemaking Hearing.**

To address stakeholder and community members input, the Bureau will consider and respond to all public comments received within the public comment period. SWQB will prepare a “Response to Comments” document and include it as an appendix to the 2024 ONRW Designation Nominations. If appropriate, the list of nominated waters and associated regulatory language will be amended to incorporate feedback prior to filing a petition with the WQCC. The final rule language, supporting information for the 2024 ONRW Designation Nominations will be presented to WQCC for approval and adoption into 20.6.4 NMAC by the Bureau at a WQCC hearing estimated to be December 2024. Once approved by the WQCC, SWQB will submit the adopted 2024 ONRW Designations to EPA for approval.