



NEW MEXICO ENVIRONMENT DEPARTMENT  
*Surface Water Quality Bureau*

Limited English Proficiency (LEP) Analysis  
for the State of New Mexico  
2024 Outstanding National Resource Water  
Designation Nominations

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

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Date

## Limited English Proficiency (LEP) Analysis for the 2024 Outstanding National Resource Water Designation Nominations

The purpose of this analysis is to determine the extent to which LEP services are necessary and is based on relevant information for the following four factors defined by Department policy:

- Factor 1: The Number and Proportion of LEP Individuals Eligible to be Served or Likely to be Encountered in the Community of Concern.
- Factor 2: The Frequency with Which LEP Individuals Come into Contact with the Program.
- Factor 3: The Nature and Importance of the Activity or Service Provided by the Program.
- Factor 4: The Resources Available to NMED and the Associated Costs.

### 1. Number and proportion of LEP persons estimated to be served or encountered in the community of concern.

Demographic indicators were obtained from EPA EJSCREEN, an environmental justice screening and mapping tool, available on-line at <https://www.epa.gov/ejscreen>. EJSCREEN is based on nationally consistent data and an approach that combines environmental and demographic indicators in maps and reports. Users choose the geographic area of interest by indicating a point, line or polygon on the map; users may also choose to select a “buffer” area (up to 10 miles) around the point, line or polygon to better capture the affected community. EJSCREEN then provides a report that describes demographic and environmental information for that area, with or without an assigned buffer.

The **2016-2020 ACS Report** link in EJSCREEN provides a report with U.S. Census Bureau American Community Survey (ACS) data in PDF format. The U.S. Census Bureau collects data through the ACS to assess language characteristics within a geographic area. These data identify a person’s ability to speak English “very well” or “less than very well” and the language predominately spoken at home for those populations age 5 and older. The 2016-2020 ACS, through EJSCREEN, provided quantitative information regarding LEP populations for this analysis.

### Summary of Site-Specific EJSCREEN Inputs

- Community of Concern = statewide
- Buffer = No buffer was applied, due to the large geographic extent of the project area.

The 2016-2020 ACS Report indicates that the total population within New Mexico is **2,097,021**. In addition, **34%** of the total population age 5 and older and speaks a language other than English at home. Of these individuals, approximately **169,269** speak English “less than very well” representing **9%** of the total population within New Mexico. Approximately **81%** of these LEP individuals speak Spanish. The EJSCREEN analysis resulted in 40,736 of 792,755 (**5.1%**) linguistically isolated households.

The Bureau reviewed the administrative record and found that, historically, there has been no LEP participation regarding past Outstanding National Resource Water (ONRW) nominations. There is no record of individuals needing specific accessibility accommodations when attempting to provide public comment at any time.

## **2. The frequency with which LEP individuals might come into contact with the program.**

There are several potential areas where the Surface Water Quality Bureau may interact with LEP individuals. *The Bureau receives less than five notifications per year* from members of the public seeking information about ONRWs. Oftentimes, when staff are in the field, they interact with individuals and answer general questions.

An identifier of “**occasional**” is being assigned because, although the actual interaction with LEP individuals is infrequent, there is potential given the demographics of the state and the connection that the people of New Mexico have with surface water.

## **3. The nature and importance of the activity or service provided by the subject material of the program.**

Many LEP persons in New Mexico depend on surface waters of the state for not only recreational opportunities but also for their water supply. New Mexico has a rich and well-established history of acequias for agricultural and domestic uses. Tribal communities use surface waters for a variety of ceremonies and rituals. The connection to surface water is strong throughout New Mexico.

The 2024 ONRW Designation Nominations if approved by the New Mexico Water Quality Control Commission (WQCC) will provide additional water quality protections to maintain the designated uses of surface water and otherwise comply with surface water quality standards (the State of New Mexico Standards for Interstate and Intrastate Surface Waters at 20.6.4 NMAC).

Considering the importance of protecting surface water quality to the Department and to the State and given the connection and importance of surface water to communities throughout New Mexico, an identifier of “**important**” is being assigned.

## **4. The resources available to NMED and the associated costs.**

The Bureau will provide language assistance free of charge. From the Bureau’s assessment, there are adequate resources available within the Department to address LEP requirements. NMED employs a certified translator who can translate public notices and vital documents for the Department. If it is discovered that additional LEP services are needed, the Bureau will contract with a translator or interpreter to communicate with those LEP individuals. Other expanded outreach activities that may be utilized, as identified and necessary, include:

- posting translated materials and information on the Bureau’s website;
- contracting with a telephone interpreter service to facilitate phone interpretations with LEP individuals;
- airing announcements in Spanish or other languages as deemed appropriate on local radio stations;
- printing translated materials in newspapers that are distributed to the affected community; and,
- working with community leaders (tribal chapter houses, church leaders, community centers, libraries, etc.) to disseminate the information to the affected population.

# LEP Plan for the 2024 Outstanding National Resource Water Designation

## Policy Overview

This LEP Four Factor Analysis has been prepared in accordance with the New Mexico Environment Department (NMED) Limited English Proficiency Accessibility and Outreach Policy 07-11 and NMED Public Participation Policy 07-13 by the Bureau's Monitoring, Assessment, and Standards Section (MASS).

The Bureau anticipates that a NMED Public Notice will be published in July 2024 announcing a thirty-day public comment period on the 2024 ONRW Designation Nominations. When SWQB petitions the WQCC and a hearing date is granted, another NMED Public Notice will be published announcing another 60-day public comment opportunity. More information will be provided in the activity's Public Involvement Plan (PIP). This determination will be kept with the administrative record for this activity.

## Determination

### Summary of Site-Specific EJSCREEN Inputs

The statewide area for the 2024 ONRW Designation Nominations has a population of **2,097,021** persons. The percent of persons that communicate in a language other than English (non-English) at home is **34%**, and the percentage of Linguistically Isolated Households is **5.1%**, of which **81%** speak Spanish. The other 19% of languages spoken were not specifically identified (i.e., Other Indo-European Languages - 2%, Asian-Pacific Island Languages – 4%, and Other Languages – 13%).

Based on a balanced evaluation of the four factors described above, the assessment indicates that additional language assistance (interpretation or translation services) or outreach are needed for this activity. **All public notices for this activity will be published in both English and Spanish** (see Public Involvement Plan). The outreach materials will include information on how LEP persons or persons with disabilities can obtain assistance. The Bureau has determined that there are adequate resources available within the Department to provide LEP services, as determined or requested.

## Final Actions

- The Bureau will send a notice in English and Spanish to the Bureau's email listserv announcing the availability of the comment period for receiving public comments to the 2024 ONRW Designation Nominations.
- The Bureau will publish public notices for the 2024 ONRW Designation Nominations in newspapers in English and Spanish.
- The Bureau website will contain the public notices and comment periods for the 2024 ONRW Designation Nominations in both English and Spanish.
- If LEP individuals contact the Bureau to request information about the Program or the 2024 ONRW Designation Nominations, Bureau staff will attempt to find appropriate staff (e.g., Department's interpreter, or see table below) to assist the LEP individual, or will take the LEP person's name and number for follow-up communication.

- If the LEP individual speaks a language other than Spanish, the responding staff will coordinate interpretation services with the Department’s interpreter. The Bureau may arrange for on-call telephone interpretation services.
- If individuals with accessibility needs contact the Bureau, Bureau staff will work with the Department’s Office of General Counsel to address the request.
- If an LEP individual provides written comment during the public comment period for consideration during the public comment period, the Bureau will communicate the response to the LEP individual in their preferred language.

**NMED Employees who may be used to field phone calls and in-person interactions, and languages spoken.**

<b>SWQB Employee</b>	<b>Language Spoken</b>	<b>Phone Number</b>
Julie Roybal (GWQB)	Spanish	505-372-9058
Andrew Romero (GWQB)	Spanish	505-629-8864