



NEW MEXICO ENVIRONMENT DEPARTMENT
Surface Water Quality Bureau

Limited English Proficiency (LEP) Analysis
for the State of New Mexico
Clean Water Act §401
Individual Water Quality Certification of
United States Army Corps of Engineers
Reissuance of the 2026 Nationwide Permits

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APPROVAL PAGE

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Date

Limited English Proficiency (LEP) Analysis for the State of New Mexico Clean Water Act §401 Individual Water Quality Certification of United States Army Corps of Engineers reissuance of the 2026 Nationwide Permits (NWP).

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.

As a result of President Trump rescinding the 1994 Executive Order on “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”, the EPA’s EJScreen tool—referenced in NMED Policy 07-13 (Public Participation)—has been removed from service. In response, the Office of Information Technology’s (OIT) GIS Section, Environmental Justice and Community Engagement Coordinators, and agency leadership have developed interim compliance measures utilizing the in-house draft tool the [Experience Builder Application](#) as well as the [Public Environmental Data Partners Tool](#).

Demographic indicators were obtained from The [Experience Builder Application](#), a demographic characteristics screening and mapping tool, available on-line. The data provided is sourced from the most current American Community Survey (ACS) from 2020. 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 ACS Report indicates that the total population age 5+ for the state of New Mexico is 2,001,819. In addition, 31.6% of the total population age 5 and older speaks a language other than English at home. Of these individuals, approximately 173,410 have “limited English ability” representing 8.7% of the total population within New Mexico. Approximately 137,717 persons age 5+ speak Spanish at home and speak English less than very well. The ACS reports 83,212 of 2,001,819 (4.2%) limited English speaking households.

The Bureau reviewed the administrative record and found that, historically, there has been limited or no LEP participation regarding the U.S. Army Corps of Engineers’ (USACE) reissuance of the Nationwide Permits (NWP). The Bureau developed a LEP and PIP for the USACE’s reissuance of the 2021 NWP.

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 monitors and samples surface water quality throughout the state on a rotating basis; certifies NPDES permits for point source dischargers, conducts compliance evaluation inspections for regulated facilities, and responds to citizen complaints; collaborates with other agencies,

municipalities, and stakeholders on restoration projects through the Nonpoint Source Program, the Wetlands Program and the River Stewardship Program; and, certifies Clean Water Act Section 404 permits for dredge and fill activities. Oftentimes, when staff are in the field, they interact with landowners, anglers, boaters, or just curious individuals to either gain access to a sampling location, assist with or oversee a restoration project, or describe what we are doing and why we are doing it and answer general questions.

An identifier of “**frequent**” 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 for community members to frequently use surface water for recreation, fishing, drinking water, agriculture, cultural, and other uses.

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 Clean Water Act Section 401 Water Quality Certification (CWA §401 WQC) for CWA §404 Nationwide Permits (NWP) ensures that those authorized activities are conducted in a manner that protects and maintains the designated uses and otherwise complies 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 the Water Quality Certification to the Department and to the State, 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 on postcards 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 Water Quality Certification for the USACE's reissuance of the 2026 NWP.

Policy Overview

This LEP Four Factor Analysis has been prepared by the Bureau's Watershed Protection Section (WPS) 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.

The Bureau anticipates that a NMED Public Notice will announce a public comment period on the Water Quality Certification for the 2026 NWP. 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 the site-specific

The Water Quality Certification for the 2026 NWP applies to the entire state of New Mexico which has a total population of persons age 5+ of 2,001,819 persons according to the 2020 USA Census. The percent of persons that communicate in a language other than English (non-English) at home is 31.6%, and the percentage of English Limited Households is 4.2%, and the percent of persons that communicate in Spanish at home and speak English less than very well is 6.9%.

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 notices and other outreach materials for this activity/facility 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 Water Quality Certification.
- The Bureau website will contain the public notice and comment period for the Water Quality Certification in both English and Spanish.
- If LEP individuals contact the Bureau, bureau staff will work with the Department's interpreter to provide language assistance, either through immediately available staff as noted above, or through contracted translation 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.