

**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

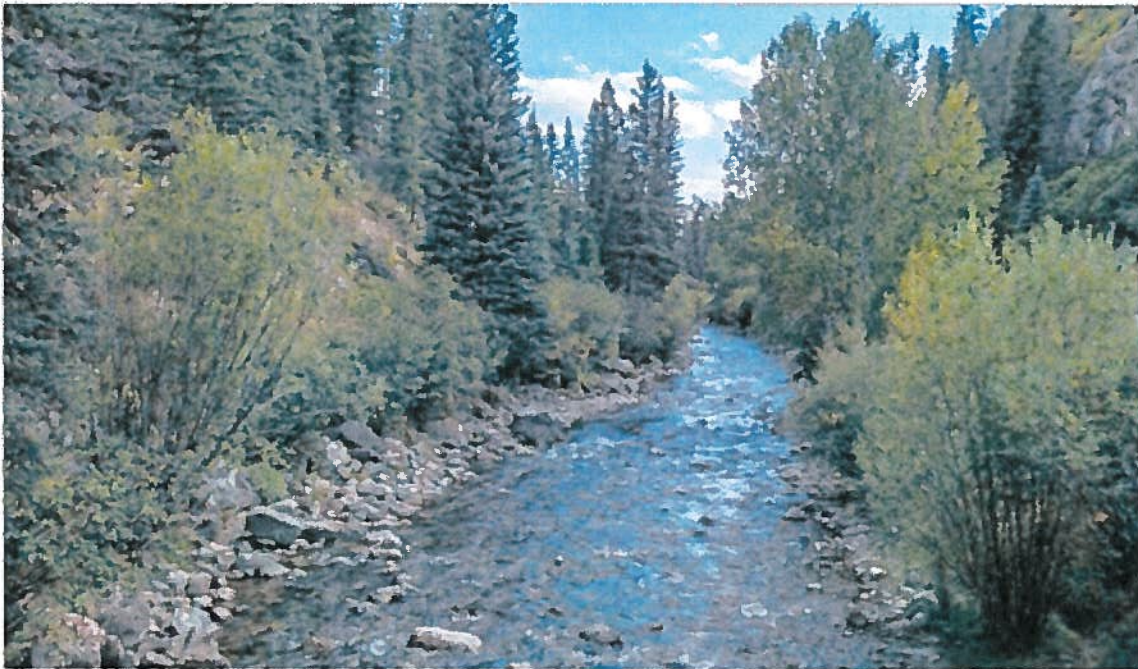
**IN THE MATTER OF PETITION TO
DESIGNATE SURFACE WATERS OF THE
UPPER PECOS WATERSHED AS
OUTSTANDING NATIONAL RESOURCE WATERS,**

WQCC No. 21-51(R)

**Village of Pecos, San Miguel County, Upper Pecos
Watershed Association, New Mexico Acequia
Association, and Molino de la Isla Organics LLC,**

Petitioners.

**PETITIONERS VILLAGE OF PECOS, SAN MIGUEL COUNTY, UPPER PECOS
WATER ASSOCIATION, NEW MEXICO ACEQUIA ASSOCIATION, AND
MOLINO DE LA ISLA ORGANICS LLC'S,
PETITION TO DESIGNATE SURFACE WATERS OF THE UPPER PECOS
WATERSHED AS OUTSTANDING NATIONAL RESOURCE WATERS**



Upper Pecos River, Jim O'Donnell.

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Preliminary Statement

This Petition — filed by the Village of Pecos, San Miguel County, Upper Pecos Watershed Association, New Mexico Acequia Association, and Molino de la Isla Organics LLC (“Petitioners”) — stems from a community-based effort to protect the exceptional waters of the Upper Pecos Watershed. Petitioners represent a broad array of local, statewide, and business organizations who depend on these waters for recreation with their families and to sustain their traditional way of life and their livelihoods, and who value these interconnected waters’ remarkable beauty and extraordinary ecological attributes. Petitioners want these waters protected from degradation for the benefit of their community, and the State, for present and future generations. Therefore, pursuant to 20.6.4.9 NMAC, Petitioners respectfully request that the New Mexico Water Quality Control Commission (“Commission”) grant their request to designate the waters nominated herein as Outstanding National Resource Waters (“ONRWs”).

I. PETITIONERS’ NOMINATION

As the communities that depend upon the Upper Pecos Watershed¹ know so well — agua es vida. The waters of this watershed sustain and enrich the lives and livelihoods of all who live, work, and recreate there. For centuries, the Upper Pecos Watershed has supported robust communities. For generations, the Upper Pecos Watershed supported the Pecos Pueblo peoples and, to this day, remains culturally significant to their descendants. The Upper Pecos Watershed supports a rich tradition of farming, ranching, acequias, and other traditional uses all of which depend on clean water. Thanks in large measure to a long history of respect and stewardship

¹ The term “Upper Pecos Watershed” refers to the perennial and non-perennial streams and wetlands nominated in this Petition, and identified in Maps 1 and 2 and Tables 1 and 2 in Section II.B of this Petition.

among those who call the area home, most of the waters of the Upper Pecos Watershed remain clean and healthy today.

These waters are not only among New Mexico’s most outstanding resources for people, but for animals and plants as well. These waters feed exceptional ecosystems that support an astounding diversity of animals and plants including New Mexico’s state fish, the Rio Grande Cutthroat Trout.

One of the most effective ways to deliver on the promise of clean water for present and future generations is to protect our most ecologically and recreationally significant waters as ONRWs pursuant to the Commission’s regulations.

Accordingly, Petitioners nominate all perennial and non-perennial streams and wetlands shown on Map 1 (streams) and Map 2 (wetlands), and listed in Table 1 (streams) and Table 2 (wetlands) below. These waters encompass the mainstem of the Pecos River from the boundary of the Pecos Wilderness downstream to the U.S. Forest Service Dalton Fishing Site/Picnic Site (“Dalton Site”), 15 named tributaries from their confluence with the Pecos River upstream to their headwaters or to the Pecos Wilderness boundary (whichever comes first), 96 identified non-perennial waters that are tributaries to one of the 16 named waters, and 16 identified wetlands.

II. PETITIONER HAS SATISFIED ALL PROCEDURES FOR THIS NOMINATION

A. Procedural Requirements for Nomination

The requirements for nominating an ONRW are set forth in Section 20.6.4.9 NMAC, which provides:

A. Procedures for nominating an ONRW: Any person may nominate a surface water of the state for designation as an ONRW by filing a petition with the commission pursuant to the guidelines for water quality control commission regulation hearings. 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;
- (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;
- (3) water quality data including chemical, physical or biological parameters, if available, to establish a baseline condition for the proposed ONRW;
- (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 an analysis 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) 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.

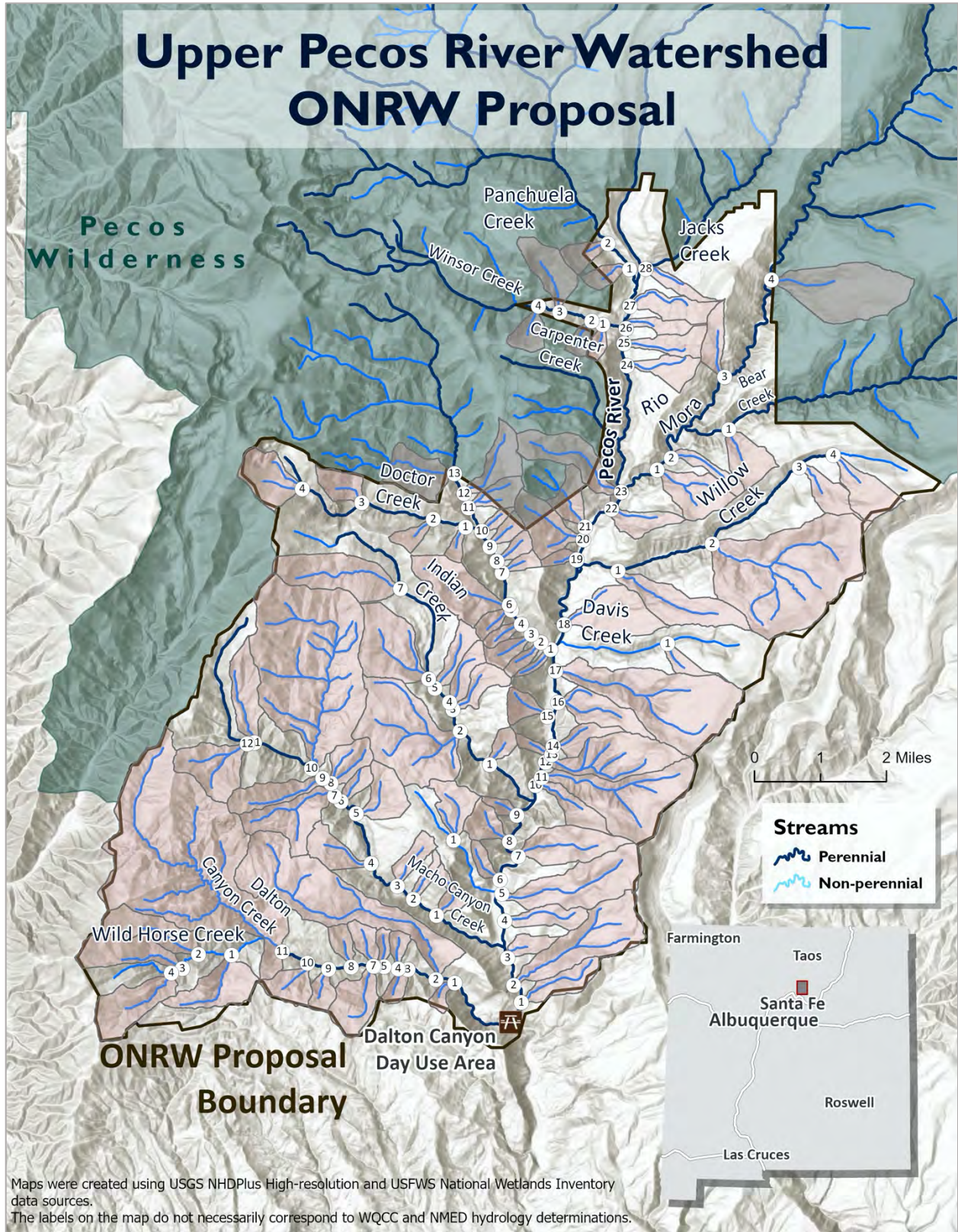
Petitioner has met all procedural requirements of 20.6.4.9.A NMAC for this nomination, as set forth below.

B. Maps of the Proposed Designation

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. 20.6.4.9.A(1) NMAC. Below are two maps identifying the surface waters nominated, including the location and proposed upstream and downstream boundaries. Map 1 identifies all 16 named waters nominated and all 96 unnamed, but identified and numbered streams included in the nomination. Table 1 lists all streams nominated, organized by each of the 16 named waters and their unnamed and numbered tributaries; the mileage for each stream; a description of each stream's upstream and downstream boundaries; and the latitudinal and longitudinal coordinates of the mouth of each stream. The nominated streams total 179.93 miles. Map 2 identifies and numbers all 16 wetlands included in the nomination. Table 2 identifies the stream associated with each wetland,

the type of wetland, the number of acres of each wetland, and each wetland's latitudinal and longitudinal coordinates. The nominated wetlands total 42.96 acres.

Map 1: Nominated Streams



Map 2: Nominated Wetlands

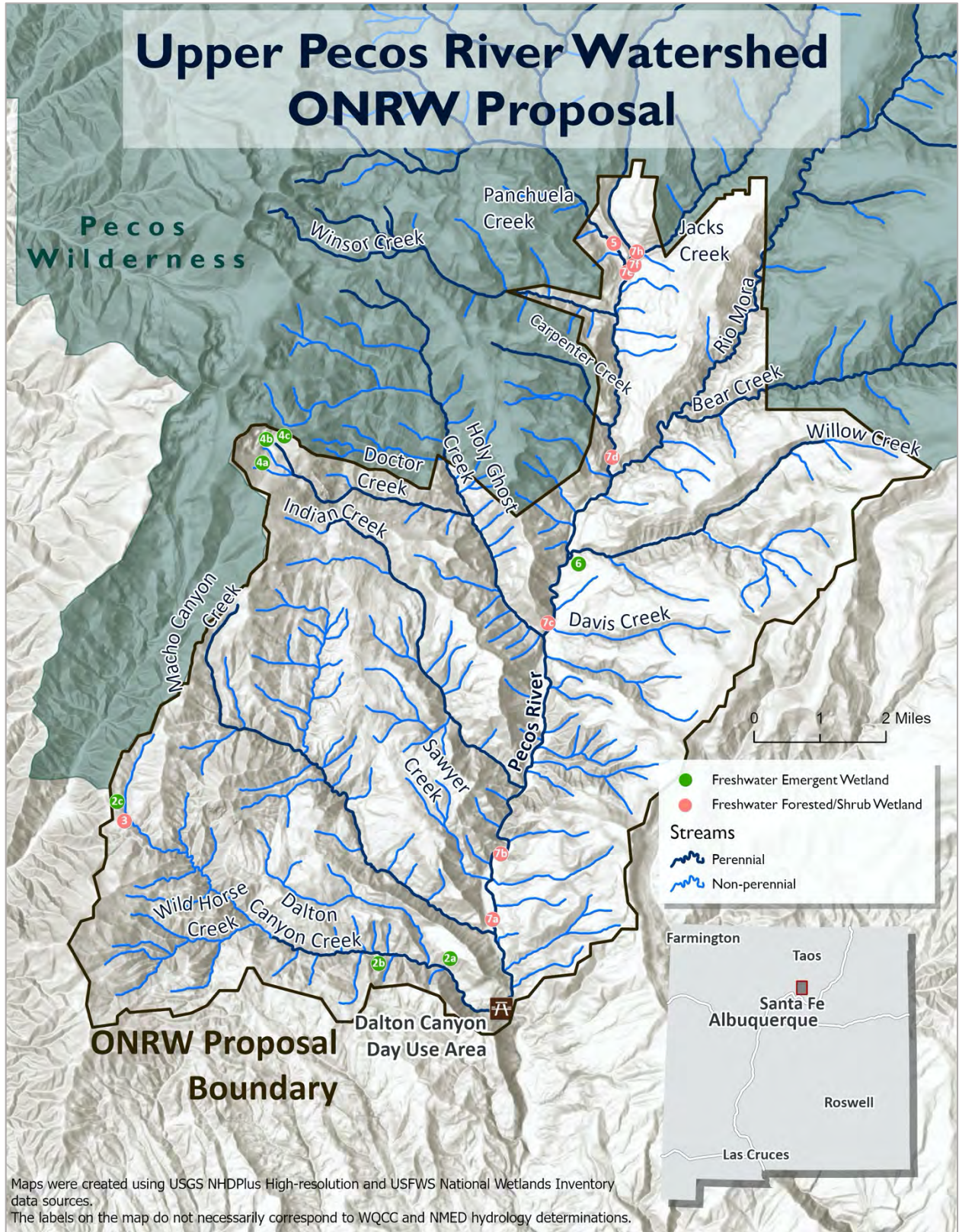


Table 1: Nominated Streams

Stream	Miles	Downstream boundary	Upstream Boundary	Lat/Long at mouth of stream	
				Latitude	Longitude
Bear Creek	1.70	Confluence with the Rio Mora	Wilderness Boundary	35.79033	-105.6431
Bear Trib - 1	0.71	Confluence with Bear Creek	Headwaters	35.790	-105.631
Carpenter Creek	0.32	Confluence with the Pecos River	Wilderness Boundary	35.78719	-105.6607
Dalton Canyon Creek	9.09	Confluence with the Pecos River	Headwaters	35.65884	-105.6887
Dalton Trib - 1	0.37	Confluence with Dalton Canyon Creek	Headwaters	35.668	-105.704
Dalton Trib - 2	5.24	Confluence with Dalton Canyon Creek	Headwaters	35.668	-105.709
Dalton Trib - 3	0.49	Confluence with Dalton Canyon Creek	Headwaters	35.671	-105.717
Dalton Trib - 4	0.47	Confluence with Dalton Canyon Creek	Headwaters	35.671	-105.719
Dalton Trib - 5	0.48	Confluence with Dalton Canyon Creek	Headwaters	35.671	-105.723
Dalton Trib - 6	0.60	Confluence with Dalton Canyon Creek	Headwaters	35.671	-105.726
Dalton Trib - 7	1.04	Confluence with Dalton Canyon Creek	Headwaters	35.671	-105.726
Dalton Trib - 8	0.41	Confluence with Dalton Canyon Creek	Headwaters	35.671	-105.732
Dalton Trib - 9	0.50	Confluence with Dalton Canyon Creek	Headwaters	35.671	-105.738
Dalton Trib - 10	0.58	Confluence with Dalton Canyon Creek	Headwaters	35.672	-105.744
Dalton Trib - 11	4.43	Confluence with Dalton Canyon Creek	Headwaters	35.674	-105.751
Davis Creek	2.86	Confluence with the Pecos River	Headwaters	35.74247	-105.6767
Davis Trib - 1	0.47	Confluence with Davis Creek	Headwaters	35.743	-105.647
Doctor Creek	3.67	Confluence with Holy Ghost Creek	Headwaters	35.76749	-105.6979
Doctor Trib - 1	0.36	Confluence with Doctor Creek	Headwaters	35.768	-105.702
Doctor Trib - 2	0.40	Confluence with Doctor Creek	Headwaters	35.770	-105.711
Doctor Trib - 3	0.51	Confluence with Doctor Creek	Headwaters	35.773	-105.730
Doctor Trib - 4	1.24	Confluence with Doctor Creek	Headwaters	35.776	-105.746
Holy Ghost Creek	3.30	Confluence with Pecos River	Wilderness Boundary	35.7408	-105.6782
Holy Ghost Trib - 1	0.61	Confluence with Holy Ghost Creek	Headwaters	35.741	-105.679
Holy Ghost Trib - 2	0.51	Confluence with Holy Ghost Creek	Headwaters	35.743	-105.682
Holy Ghost Trib - 3	0.61	Confluence with Holy Ghost Creek	Headwaters	35.744	-105.684
Holy Ghost Trib - 4	0.49	Confluence with Holy Ghost Creek	Headwaters	35.747	-105.687
Holy Ghost Trib - 5	0.49	Confluence with Holy Ghost Creek	Headwaters	35.750	-105.690
Holy Ghost Trib - 6	1.53	Confluence with Holy Ghost Creek	Headwaters	35.751	-105.690
Holy Ghost Trib - 7	0.38	Confluence with Holy Ghost Creek	Headwaters	35.758	-105.692
Holy Ghost Trib - 8	0.49	Confluence with Holy Ghost Creek	Headwaters	35.761	-105.694
Holy Ghost Trib - 9	0.47	Confluence with Holy Ghost Creek	Headwaters	35.764	-105.695
Holy Ghost Trib - 10	0.40	Confluence with Holy Ghost Creek	Headwaters	35.767	-105.698
Holy Ghost Trib - 11	0.58	Confluence with Holy Ghost Creek	Wilderness Boundary	35.772	-105.701
Holy Ghost Trib - 12	0.21	Confluence with Holy Ghost Creek	Wilderness Boundary	35.775	-105.703
Holy Ghost Trib - 13	0.12	Confluence with Holy Ghost Creek	Wilderness Boundary	35.780	-105.705
Indian Creek	6.62	Confluence with Pecos River	Headwaters	35.70763	-105.6831
Indian Trib - 1	0.41	Confluence with Indian Creek	Headwaters	35.716	-105.695
Indian Trib - 2	4.45	Confluence with Indian Creek	Headwaters	35.723	-105.703
Indian Trib - 3	0.72	Confluence with Indian Creek	Headwaters	35.728	-105.705
Indian Trib - 4	0.83	Confluence with Indian Creek	Headwaters	35.729	-105.706
Indian Trib - 5	0.93	Confluence with Indian Creek	Headwaters	35.732	-105.710
Indian Trib - 6	1.78	Confluence with Indian Creek	Headwaters	35.735	-105.712
Indian Trib - 7	1.73	Confluence with Indian Creek	Headwaters	35.754	-105.720
Jack's Creek	1.36	Confluence with the Pecos River	Wilderness Boundary	35.82486	-105.6548
Macho Canyon Creek	8.11	Confluence with the Pecos River	Headwaters	35.6754	-105.6907
Macho Trib - 1	0.62	Confluence with Macho Canyon Creek	Headwaters	35.683	-105.709
Macho Trib - 2	0.38	Confluence with Macho Canyon Creek	Headwaters	35.686	-105.715
Macho Trib - 3	0.72	Confluence with Macho Canyon Creek	Headwaters	35.689	-105.720

Stream	Miles	Downstream boundary	Upstream Boundary	Lat/Long at mouth of stream	
				Latitude	Longitude
Macho Trib - 4	0.82	Confluence with Macho Canyon Creek	Headwaters	35.694	-105.727
Macho Trib - 5	0.74	Confluence with Macho Canyon Creek	Headwaters	35.705	-105.731
Macho Trib - 6	0.60	Confluence with Macho Canyon Creek	Headwaters	35.707	-105.735
Macho Trib - 7	1.94	Confluence with Macho Canyon Creek	Headwaters	35.709	-105.737
Macho Trib - 8	1.31	Confluence with Macho Canyon Creek	Headwaters	35.711	-105.738
Macho Trib - 9	1.23	Confluence with Macho Canyon Creek	Headwaters	35.712	-105.740
Macho Trib - 10	10.07	Confluence with Macho Canyon Creek	Headwaters	35.715	-105.743
Macho Trib - 11	1.18	Confluence with Macho Canyon Creek	Headwaters	35.720	-105.759
Macho Trib - 12	1.59	Confluence with Macho Canyon Creek	Headwaters	35.720	-105.761
Rio Mora	5.41	Confluence with the Pecos River	Wilderness Boundary	35.77625	-105.6599
Mora Trib - 1	1.46	Confluence with the Rio Mora	Headwaters	35.781	-105.650
Mora Trib - 2	0.93	Confluence with the Rio Mora	Headwaters	35.783	-105.647
Mora Trib - 3	0.74	Confluence with the Rio Mora	Headwaters	35.801	-105.632
Mora Trib - 4	0.04	Confluence with the Rio Mora	Wilderness Boundary	35.823	-105.620
Panchuela Creek	1.07	Confluence with the Pecos River	Wilderness Boundary	35.82156	-105.6562
Panchuela Trib -1	0.43	Confluence with Panchuela Creek	Wilderness Boundary	35.825	-105.658
Panchuela Trib -2	0.39	Confluence with Panchuela Creek	Wilderness Boundary	35.831	-105.664
Pecos River	14.11	Dalton Canyon Confluence	Wilderness Boundary	35.65884	-105.6887
Pecos Trib - 1	1.37	Confluence with the Pecos River	Headwaters	35.663	-105.686
Pecos Trib - 2	3.19	Confluence with the Pecos River	Headwaters	35.667	-105.688
Pecos Trib - 3	0.40	Confluence with the Pecos River	Headwaters	35.673	-105.690
Pecos Trib - 4	1.16	Confluence with the Pecos River	Headwaters	35.681	-105.691
Pecos Trib - 5	2.08	Confluence with the Pecos River	Headwaters	35.687	-105.692
Pecos Trib - 6	0.62	Confluence with the Pecos River	Headwaters	35.690	-105.692
Pecos Trib - 7	1.28	Confluence with the Pecos River	Headwaters	35.696	-105.687
Pecos Trib - 8	0.62	Confluence with the Pecos River	Headwaters	35.699	-105.690
Pecos Trib - 9	0.37	Confluence with the Pecos River	Headwaters	35.705	-105.688
Pecos Trib - 10	0.84	Confluence with the Pecos River	Headwaters	35.711	-105.683
Pecos Trib - 11	3.33	Confluence with the Pecos River	Headwaters	35.713	-105.681
Pecos Trib - 12	3.24	Confluence with the Pecos River	Headwaters	35.716	-105.680
Pecos Trib - 13	0.38	Confluence with the Pecos River	Headwaters	35.718	-105.678
Pecos Trib - 14	0.61	Confluence with the Pecos River	Headwaters	35.720	-105.678
Pecos Trib - 15	0.62	Confluence with the Pecos River	Headwaters	35.726	-105.680
Pecos Trib - 16	1.56	Confluence with the Pecos River	Headwaters	35.730	-105.677
Pecos Trib - 17	3.46	Confluence with the Pecos River	Headwaters	35.737	-105.678
Pecos Trib - 18	0.84	Confluence with the Pecos River	Headwaters	35.747	-105.675
Pecos Trib - 19	0.40	Confluence with Pecos River	Headwaters	35.761	-105.672
Pecos Trib - 20	1.09	Confluence with Pecos River	Wilderness Boundary	35.765	-105.670
Pecos Trib - 21	0.51	Confluence with the Pecos River	Wilderness Boundary	35.768	-105.670
Pecos Trib - 22	0.73	Confluence with the Rio Mora	Headwaters	35.772	-105.663
Pecos Trib - 23	0.59	Confluence with the Pecos River	Wilderness Boundary	35.776	-105.660
Pecos Trib - 24	0.95	Confluence with the Pecos River	Headwaters	35.804	-105.659
Pecos Trib - 25	0.96	Confluence with the Pecos River	Headwaters	35.809	-105.660
Pecos Trib - 26	0.50	Confluence with the Pecos River	Headwaters	35.812	-105.659
Pecos Trib - 27	1.06	Confluence with the Pecos River	Headwaters	35.817	-105.658
Pecos Trib - 28	0.64	Confluence with the Pecos River	Headwaters	35.825	-105.654
Sawyer Creek	2.21	Confluence with the Pecos River	Headwaters	35.6871	-105.6922
Sawyer Trib - 1	1.28	Confluence with Sawyer Creek	Headwaters	35.699	-105.705
Wild Horse Creek	2.69	Confluence with Dalton Canyon Creek	Headwaters	35.67709	-105.7556

Stream	Miles	Downstream boundary	Upstream Boundary	Lat/Long at mouth of stream	
				Latitude	Longitude
Wild Horse Trib - 1	1.33	Confluence with Wild Horse Creek	Headwaters	35.673	-105.764
Wild Horse Trib - 2	1.03	Confluence with Wild Horse Creek	Headwaters	35.674	-105.773
Wild Horse Trib - 3	1.02	Confluence with Wild Horse Creek	Headwaters	35.670	-105.778
Wild Horse Trib - 4	0.98	Confluence with Wild Horse Creek	Headwaters	35.669	-105.781
Willow Creek	5.92	Confluence with the Pecos River	Headwaters	35.75803	-105.6718
Willow Trib - 1	1.75	Confluence with Willow Creek	Headwaters	35.759	-105.661
Willow Trib - 2	5.60	Confluence with Willow Creek	Headwaters	35.765	-105.635
Willow Trib - 3	0.59	Confluence with Willow Creek	Headwaters	35.782	-105.612
Willow Trib - 4	0.60	Confluence with Willow Creek	Headwaters	35.784	-105.603
Winsor Creek	1.77	Confluence with the Pecos River	Wilderness Boundary	35.81165	-105.659
Winsor Trib - 1	0.41	Confluence with Winsor Creek	Headwaters	35.813	-105.665
Winsor Trib - 2	0.17	Confluence with Winsor Creek	Wilderness Boundary	35.814	-105.668
Winsor Trib - 3	0.19	Confluence with Winsor Creek	Wilderness Boundary	35.815	-105.677
Winsor Trib - 4	0.11	Confluence with Winsor Creek	Wilderness Boundary	35.817	-105.683
Total	179.93				

Table 2: Nominated Wetlands

Label	Type	Acres	Latitude	Longitude
2a	Freshwater Emergent Wetland		35.668	-105.705
2b	Freshwater Emergent Wetland		35.671	-105.720
2c	Freshwater Emergent Wetland	20.91	35.702	-105.791
3	Freshwater Forested/Shrub Wetland	0.66	35.701	-105.790
4a	Freshwater Emergent Wetland		35.781	-105.752
4b	Freshwater Emergent Wetland		35.782	-105.754
4c	Freshwater Emergent Wetland	2.00	35.783	-105.751
5	Freshwater Forested/Shrub Wetland	0.64	35.827	-105.660
6	Freshwater Emergent Wetland	6.24	35.759	-105.671
7a	Freshwater Forested/Shrub Wetland		35.679	-105.692
7b	Freshwater Forested/Shrub Wetland		35.693	-105.689
7c	Freshwater Forested/Shrub Wetland		35.743	-105.676
7d	Freshwater Forested/Shrub Wetland		35.781	-105.660
7e	Freshwater Forested/Shrub Wetland		35.822	-105.656
7f	Freshwater Forested/Shrub Wetland		35.824	-105.655
7h	Freshwater Forested/Shrub Wetland	12.51	35.825	-105.653
Total		42.96		

Wetland Type	Total acres by wetland type
Freshwater Emergent Wetland	29.15
Freshwater Forested/Shrub Wetland	13.81
Total	42.96

C. Statement and Evidence Based on Scientific Principles 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. 20.6.4.9.A(2) NMAC. This Petition sets forth scientific evidence supporting all nominated waters, including evidence demonstrating that all nominated waters meet at least one of the ONRW criteria:

- Section III.B below sets forth evidence that all nominated waters have exceptional ecological significance pursuant to 20.6.4.9.B(2) NMAC;
- Section III.C sets forth evidence that all nominated waters have exceptional recreational significance pursuant to 20.6.4.9.B(2) NMAC;
- Section III.D sets forth evidence that certain nominated waters are part of a designated river under the federal Wild and Scenic Rivers Act pursuant to 20.6.4.9.B(1) NMAC;
- Section III.E sets forth evidence that certain nominated waters are a special attribute of a state special trout water pursuant to 20.6.4.9.B(1) NMAC; and
- Section III.F sets forth evidence that certain nominated waters have existing water quality that is equal to or better than the numeric criteria for protection of aquatic life and contact uses and the human health-organism only criteria, and the waters have not been significantly modified by human activities in a manner that substantially detracts from its value as a natural resource pursuant to 20.6.4.9(B)(3) NMAC.
- Section III.G sets forth a chart that summarizes the criteria from 20.6.4.9.B NMAC that each nominated water meets.

D. Available Water Quality Data to Establish Baseline

A petition to nominate an ONRW must set forth water quality data, including chemical, physical or biological parameters, *if available*, to establish a baseline condition for the proposed ONRW. 20.6.4.9.A(3) NMAC. The New Mexico Environment Department (“NMED”) Surface Water Quality Bureau (“SWQB”) is responsible for monitoring and protecting state water quality.

A summary of water quality standards attainment is provided in Table 7 in Section III.F. below. Many of the named tributaries (Doctor Creek, Holy Ghost Creek, Indian Creek, Jack’s Creek, Rio Mora, and Winsor Creek) meet all water quality standards. Four of the other named waters exceed water quality standards for one parameter — specific conductance or temperature (Dalton Canyon Creek, Macho Canyon Creek, Willow Creek, and the Pecos River).

Water quality data, including chemical data (laboratory analysis for nutrients, heavy metals, total dissolved solids, total suspended solids, and E. coli); field data (dissolved oxygen, flow, specific conductance, temperature, and pH); and geomorphology habitat data (wetted bank width, amount of woody debris, pool depth, etc.) from the NMED SWQB to establish baseline is set forth in Exhibit 2 for those nominated waters for which data is available. This data includes:

- Chemical water quality data for the Dalton, Doctor, Holy Ghost, Indian, Jack’s, Macho, Panchuela, Pecos, Mora, Willow, and Winsor drainages;
- Field data for the Pecos, Dalton, Doctor, Holy Ghost, Indian, Jack’s, Macho, Panchuela, Mora, Willow, and Winsor drainages;
- Geomorphology habitat data for the Pecos, Dalton, Doctor, Holy Ghost, Jack’s, Panchuela, Willow, Winsor, and Willow drainages;
- Benthic data for the Pecos, Dalton, Holy Ghost, Pecos, Mora, and Winsor drainages;

- Fish ecology data for the Pecos, Mora, and Panchuela drainages; and
- Temperature data for the Holy Ghost, Panchuela, Pecos, Mora, Willow, and Winsor drainages.

This is the complete set of water quality data available from NMED for the nominated waters.

There is no existing data for the Bear, Carpenter, Davis, Sawyer or Wildhorse drainages, nor for any of the unnamed tributaries.

E. 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. A number of existing and potential activities could reduce water quality in the nominated waters.

1. Potential 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. Historically, hard rock mining has occurred in the Upper Pecos Watershed and could occur in the future.

2. Development and transportation

Increased sediment loading from roads and development can cause substantial water quality problems. In fact, the relationship between road building in formerly undisturbed areas and increased sediment yield in streams is well established.² A nine-year study by the U.S. Forest Service in California found that stream sediment increased 80 percent with road building in a

² Loomis, J.B., Economic Benefits of Pristine Watersheds, American Wilderness Alliance (1988) [Loomis 1988].

previously pristine watershed.³ When more area in a watershed is covered by impervious surfaces, runoff quantity and velocity increases, which results in increased erosion and loading of sediment and other contaminants such as metals and PCBs that are attached to sediment. Any increase in river sediment 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 such conditions also degrade the fishing experience. Boaters have expressed similar concerns over water clarity and its negative effect on recreation.⁴ 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 don't have the time or capacity to adapt.

3. Increased recreational use without proper management

Recreation is an essential part of what makes the Pecos a Wild and Scenic River and a deserving candidate for ONRW designation. But, in order to ensure this exceptional recreational significance for future generations, recreation in the Upper Pecos Watershed 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 E. coli loading.

4. Waste disposal

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

³ *Id.* (citing Pearce (1987)).

⁴ *Id.*

5. Wildfire

A devastating wildfire burned through Pecos Canyon in 2013, spanning over 10,000 acres and forcing evacuations in the area. Whether caused by lightning, downed power lines, human activity, or other sources, wildfires can lead to soil erosion when they burn through forests. Soil erosion, in turn, can reduce water quality. Climate change exacerbates the threat of wildfires, and is expected to continue to do so throughout the Southwest in particular.⁵

6. Climate change

As our climate warms, our rivers and streams also warm. High stream temperature is the most common water impairment in the State of New Mexico, and it is especially dangerous to aquatic life. Hotter water does not hold as much oxygen, thus reducing the amount of dissolved oxygen available for fish. In addition, hotter climates can result in lower flows, which can result in a concentration of pollutants in rivers and streams. Climate change also affects the global hydrologic cycle, and thus the quality, quantity, and timing of stream flows.⁶ Erosion is expected to increase as a result of higher peak flows and reductions in ground cover from reduced snowpack, as well as increased intensity and frequency of wildfires.⁷ Sediment loads are expected to increase as a result, affecting municipal water supplies and aquatic habitats.⁸

Healthy watersheds, by contrast, can perform “ecosystem services” that boost resilience and adaptive capacity in the face of climate change. ONRW designation can consequently help protect not only the waters of the Upper Pecos Watershed, but also all of the surrounding

⁵ U.S. Global Change Research Program, *Impacts, Risks, and Adaptation in the U.S.; Fourth National Climate Assessment, Vol. II at Ch. 25: Southwest, Key Message 2: Ecosystems* (2018), <https://nca2018.globalchange.gov/chapter/25/>.

⁶ U.S. Forest Serv., *Water, Climate Change, and Forests: Watershed Stewardship for a Changing Climate at 12* (2010), https://www.fs.fed.us/pnw/pubs/pnw_gtr812.pdf.

⁷ *Id.* at 21.

⁸ *Id.*

ecosystems and communities that rely on these high-quality waters and their ecosystem services, today and for future generations.

F. Additional Evidence to Substantiate Designation

A petition to nominate an ONRW may set forth additional evidence to substantiate a designation, including 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. This Petition sets forth additional evidence in support of the nomination, including discussion of the economic impact of the designation and the cultural significance of the Upper Pecos Watershed in Section III.H, and the broad-based community and statewide support for the nomination in Section IV.

G. Affidavits of Publication

A petition to nominate an ONRW must include 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. 20.6.4.9.A(6) NMAC. The nominated waters are all located within San Miguel County. Affidavits of publication of notice of this Petition in the *Las Vegas Optic* and *Albuquerque Journal* are attached as Exhibits 3 and 4, respectively.

III. PETITIONERS HAVE SATISFIED THE CRITERIA FOR DESIGNATION

A. Criteria for Designation

The criteria for designation of an ONRW are set forth in 20.6.4.9.B NMAC, which provides:

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

(1) 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; or

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

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

B. Exceptional Ecological Significance

A water is eligible for ONRW designation if it has exceptional ecological significance.

20.6.4.9.B(2) NMAC. All of the nominated waters warrant designation as an ONRW based on their exceptional ecological significance, as described below and summarized by drainage in Exhibit 7.



Holy Ghost Creek, Spring 2021. Jim O'Donnell.

1. Exceptional wildlife

The waters of the Upper Pecos Watershed support one of the most diverse array of wildlife in the state, including many special status species in need of protection. Mammals in the area include black bear, cougar, mountain lion, bobcat, Rocky Mountain bighorn sheep, elk, mule deer, and Gunnison’s prairie dog. Amphibians and fish include the northern leopard frog, cutthroat trout and Rio Grande cutthroat trout, brown trout, rainbow trout, and white sucker. And the abundant birdlife includes the peregrine falcon, bald eagle, Mexican spotted owl, boreal owl, northern goshawk, Lewis’s woodpecker, red-headed woodpecker, Williamson’s sapsucker, western bluebird, olive-sided flycatcher, bank swallow, Clark’s nutcracker, and pygmy nuthatch.



Hawk along Dalton Creek, Spring 2021. Jim O'Donnell.

The New Mexico Department of Game and Fish (“NMDGF”), in a targeted search of species found within the nominated area, identified many special status animal and plant species

in the nominated drainages. *See* Exhibit 5 (maps of 16 nominated named streams and lists of special status animals and plants generated through NMDGF Environmental Review Tool (“ERT”). The species search targeted an area extending radially one-mile around all sides of each of the 16 nominated named streams. Because each identified unnamed nominated water drains into one of these 16 named streams, the species search necessarily includes at least one-mile of *all* 96 unnamed tributaries and *all* wetlands adjacent to the 16 named streams. Moreover, two-thirds of these tributaries are less than one-mile in length,⁹ and therefore the entirety of those tributaries are included within the search area.

All of the 16 named drainages and 96 unnamed drainages provide habitat to species that are threatened under either the federal Endangered Species Act (“ESA”) or the New Mexico Wildlife Conservation Act. These at-risk species, set forth below, depend on the watershed’s clean waters and Table 3 lists them by drainage:

- Mexican spotted owl: federally threatened and critical habitat designated
- Boreal owl: state threatened
- Spotted bat: state threatened
- Spotted owl: state threatened
- Bald eagle: state threatened
- Peregrine falcon: state threatened

Table 3: Federal and State Threatened Wildlife Species by Drainage

Stream	Threatened Species under Federal Endangered Species Act	Threatened Species under State Wildlife Conservation Act
Bear Creek		peregrine falcon
Carpenter Creek		peregrine falcon
Dalton Canyon Creek	Mexican spotted owl (and designated critical habitat)	peregrine falcon, spotted bat
Davis Creek	Mexican spotted owl (and designated critical habitat)	peregrine falcon
Doctor Creek		peregrine falcon, spotted bat, boreal owl

⁹ *See* Table 1. In addition, four-fifths of the tributaries are under 1.75 mile.

Holy Ghost Creek	Mexican Spotted Owl (and designated critical habitat)	peregrine falcon
Jack's Creek		peregrine falcon
Indian Creek	Mexican spotted owl (and designated critical habitat)	peregrine falcon, spotted bat
Macho Creek	Mexican spotted owl (and designated critical habitat)	peregrine falcon, spotted bat, boreal owl
Panchuela Creek		peregrine falcon
Pecos River	Mexican spotted owl designated critical habitat)	peregrine falcon
Rio Mora		peregrine falcon
Sawyer Creek	Mexican spotted owl (and designated critical habitat)	peregrine falcon
Wild Horse Creek	Mexican spotted owl (and designated critical habitat)	peregrine falcon, spotted bat, bald eagle
Willow Creek	Mexican spotted owl (and designated critical habitat)	peregrine falcon
Winsor Creek		peregrine falcon
Bear Creek Trib 1		peregrine falcon
Dalton Creek Tribs 1-11	Mexican spotted owl (and designated critical habitat)	peregrine falcon, spotted bat
Davis Creek Trib 1	Mexican spotted owl (and designated critical habitat)	peregrine falcon, spotted bat
Doctor Creek Tribs 1-4		peregrine falcon, spotted bat, boreal owl
Holy Ghost Creek Tribs 1-13	Mexican Spotted Owl (and designated critical habitat)	peregrine falcon
Indian Creek Tribs 1-7	Mexican spotted owl (and designated critical habitat)	peregrine falcon, spotted bat
Macho Creek Tribs 1-12	Mexican spotted owl (and designated critical habitat)	peregrine falcon, spotted bat, boreal owl
Rio Mora Tribs 1-4		peregrine falcon
Panchuela Creek Tribs 1-2		peregrine falcon
Pecos River Tribs 1-28	Mexican spotted owl designated critical habitat)	peregrine falcon
Sawyer Creek Trib 1	Mexican spotted owl (and designated critical habitat)	peregrine falcon
Wild Horse Tribs 1-4	Mexican spotted owl (and designated critical habitat)	peregrine falcon, spotted bat, bald eagle
Willow Creek Tribs 1-4	Mexican spotted owl (and	peregrine falcon

	designated critical habitat	
Winsor Creek Tribes 1-4		peregrine falcon

The Pecos River is a highly productive fishing stream and is not only home to brown and rainbow trout, but to one of the few remaining populations of New Mexico’s native cutthroat trout, the Rio Grande cutthroat trout, the New Mexico state fish and a candidate for federal listing. Only a limited number of locations in New Mexico drainages support populations of this species. Within the nominated waters, these include the following in addition to the Pecos River:¹⁰

- Dalton Canyon Creek
- Doctor Creek
- Holy Ghost Creek
- Indian Creek
- Jack’s Creek, from Highway 63 to the Pecos Wilderness boundary
- Macho Creek, including the North Fork of Macho Creek and Tributary #1
- Panchuela Creek
- Sawyer Creek
- Wild Horse Creek
- Winsor Creek

NMDGF also plans to restore Rio Grande cutthroat trout populations to Willow Creek. ONRW designation can serve as a protective “backstop” to the Rio Grande cutthroat trout’s further population decline and assist in the species’ conservation and recovery, thereby decreasing the likelihood that ESA listing might become necessary. The potential to avoid the federal listing of one of New Mexico’s native trout species makes ONRW designation of these waters of particular ecological significance to the State.

¹⁰ Personal communication (email) with Eric Frey, NMDGF Fisheries biologist (July 23, 2020).



Panchuela Creek, Spring 2021. Lela McFerrin.

The nominated waters of the Upper Pecos Watershed support many species identified by the NMDGF as Species of Greatest Conservation Need (“SGCN”). To be considered a SGCN, a species must meet at least one of the following:

- **Declining:** Species that have experienced substantial long-term declines in habitat or numbers.
- **Vulnerable:** Species in which some aspect of their life history and ecology makes them disproportionately susceptible to decline within the next 10 years. Factors include, but are not limited to: concentration to small areas during migration or hibernation; low reproductive rates; susceptibility to disease; inability to respond to changing climate conditions, habitat loss, wildfire, and overexploitation for anthropogenic purposes.
- **Endemic:** Species that are limited to New Mexico.
- **Disjunct:** Species that have populations geographically isolated from other populations of the same species and are thereby disproportionately susceptible to local decline or extirpation.
- **Keystone:** Species that are crucial to the integrity and the functioning of their ecosystems. These species may represent more value to conservation of biological diversity than the size of their population or their distribution would suggest.

Numerous SGCN are found in the Upper Pecos Watershed, and range from the black bear to peregrine falcon to Rio Grande cutthroat trout to northern leopard frog. The numbers of SGCN in each of the nominated drainages are set forth in Table 4.

Table 4: Species of Greatest Conservation Need

Stream	Number of SGCN	Species
Bear Creek and Bear Creek Tributary 1	14	Northern Leopard Frog, Peregrine Falcon, Lewis's Woodpecker, Red-Headed Woodpecker, Williamson's Sapsucker, Olive-sided Flycatcher, Bank Swallow, Pinyon Jay, Clark's Nutcracker, Juniper Titmouse, Pygmy Nuthatch, Western Bluebird, Loggerhead Shrike, Brown Capped Rosy Finch
Carpenter Creek	16	Northern Leopard Frog, Peregrine Falcon, Mountain Plover, Lewis's Woodpecker, Red-Headed Woodpecker, Williamson's Sapsucker, Olive-sided Flycatcher, Bank Swallow, Pinyon Jay, Clark's Nutcracker, Juniper Titmouse, Pygmy Nuthatch, Western Bluebird, Loggerhead Shrike, Brown Capped Rosy Finch, Rainbow Trout, Gunnison's Prairie Dog
Dalton Canyon Creek and Dalton Canyon Creek Tributaries 1-11	19	Northern Leopard Frog, Peregrine Falcon, Mountain Plover, Long Billed Curlew, Mexican Spotted Owl, Lewis's Woodpecker, Red-Headed Woodpecker, Williamson's Sapsucker, Olive-sided Flycatcher, Bank Swallow, Pinyon Jay, Clark's Nutcracker, Juniper Titmouse, Pygmy Nuthatch, Western Bluebird, Loggerhead Shrike, Brown Capped Rosy Finch, Spotted Bat, Gunnison's Prairie Dog
Davis Creek and Davis Creek Tributary 1	21	Northern Leopard Frog, Peregrine Falcon, Mountain Plover, Mexican Spotted Owl, Lewis's Woodpecker, Red-Headed Woodpecker, Williamson's Sapsucker, Olive-sided Flycatcher, Bank Swallow, Pinyon Jay, Clark's Nutcracker, Juniper Titmouse, Pygmy Nuthatch, Western Bluebird, Loggerhead Shrike, Brown Capped Rosy Finch, Cutthroat Trout, White Sucker, Spotted Bat, Gunnison's Prairie Dog, Cave Obligate Springtail
Doctor Creek and Doctor Creek Tributaries 1-4	24	Northern Leopard Frog, Peregrine Falcon, Mountain Plover, Boreal Owl, Mexican Spotted Owl, Lewis's Woodpecker, Red-Headed Woodpecker, Williamson's Sapsucker, Olive-sided Flycatcher, Bank Swallow, Pinyon Jay, Clark's Nutcracker, Juniper Titmouse, Pygmy Nuthatch, Western Bluebird, Loggerhead Shrike, Brown Capped Rosy Finch, Cutthroat Trout, White Sucker, Spotted Bat, Gunnison's Prairie Dog, Spotted Bat, American Pika, Pacific Marten

Holy Ghost Creek and Holy Ghost Creek Tributaries 1-13	22	Northern Leopard Frog, Peregrine Falcon, Mountain Plover, Boreal Owl, Mexican Spotted Owl, Lewis's Woodpecker, Red-Headed Woodpecker, Williamson's Sapsucker, Olive-sided Flycatcher, Bank Swallow, Pinyon Jay, Clark's Nutcracker, Juniper Titmouse, Pygmy Nuthatch, Western Bluebird, Loggerhead Shrike, Brown Capped Rosy Finch, Rio Grande Cutthroat Trout, White Sucker, Spotted Bat, Gunnison's Prairie Dog, Cave Obligate Springtail,
Indian Creek and Indian Creek Tributaries 1-7	21	Northern Leopard Frog, Peregrine Falcon, Mountain Plover, Boreal Owl, Mexican Spotted Owl, Lewis's Woodpecker, Red-Headed Woodpecker, Williamson's Sapsucker, Olive-sided Flycatcher, Bank Swallow, Pinyon Jay, Clark's Nutcracker, Juniper Titmouse, Pygmy Nuthatch, Western Bluebird, Loggerhead Shrike, Brown Capped Rosy Finch, White Sucker, Spotted Bat, Gunnison's Prairie Dog, American Pika,
Jack's Creek	15	Northern Leopard Frog, Northern Goshawk, Peregrine Falcon, Lewis's Woodpecker, Red-Headed Woodpecker, Williamson's Sapsucker, Olive-sided Flycatcher, Bank Swallow, Pinyon Jay, Clark's Nutcracker, Pygmy Nuthatch, Western Bluebird, Loggerhead Shrike, Brown Capped Rosy Finch, Cutthroat Trout
Macho Creek and Macho Creek Tributaries 1-12	22	Northern Leopard Frog, Peregrine Falcon, Mountain Plover, Long Billed Curlew, Boreal Owl, Mexican Spotted Owl, Lewis's Woodpecker, Red-Headed Woodpecker, Williamson's Sapsucker, Olive-sided Flycatcher, Bank Swallow, Pinyon Jay, Clark's Nutcracker, Juniper Titmouse, Pygmy Nuthatch, Western Bluebird, Loggerhead Shrike, Brown Capped Rosy Finch, Cutthroat Trout, Spotted Bat, Gunnison's Prairie Dog, American Pika
Panchuela Creek and Panchuela Creek Tributaries 1-2	16	Northern Leopard Frog, Northern Goshawk, Peregrine Falcon, Lewis's Woodpecker, Red-Headed Woodpecker, Williamson's Sapsucker, Olive-sided Flycatcher, Bank Swallow, Pinyon Jay, Clark's Nutcracker, Juniper Titmouse, Pygmy Nuthatch, Western Bluebird, Loggerhead Shrike, Brown Capped Rosy Finch, Cutthroat Trout
Rio Mora and Rio Mora Tributaries 1-4	17	Northern Leopard Frog, Peregrine Falcon, Mountain Plover, Lewis's Woodpecker, Red-Headed Woodpecker, Williamson's Sapsucker, Olive-sided Flycatcher, Bank Swallow, Pinyon Jay, Clark's Nutcracker, Juniper Titmouse, Pygmy Nuthatch, Western Bluebird, Loggerhead Shrike, Brown Capped Rosy Finch, Gunnison's Prairie Dog, American Pika
Pecos River and Pecos River Tributaries 1-28	23	Northern Leopard Frog, Northern Goshawk, Peregrine Falcon, Mountain Plover, Long Billed Curlew, Mexican Spotted Owl, Lewis's Woodpecker, Red-Headed Woodpecker, Williamson's Sapsucker, Olive-sided Flycatcher, Bank Swallow, Pinyon Jay, Clark's Nutcracker,

		Juniper Titmouse, Pygmy Nuthatch, Western Bluebird, Loggerhead Shrike, Brown Capped Rosy Finch, Cutthroat Trout, White Sucker, Gunnison's Prairie Dog, Cave Obligate Springtail
Sawyer Creek and Sawyer Creek Tributary 1	17	Northern Leopard Frog, Peregrine Falcon, Mountain Plover, Mexican Spotted Owl, Lewis's Woodpecker, Red-Headed Woodpecker, Williamson's Sapsucker, Olive-sided Flycatcher, Bank Swallow, Pinyon Jay, Clark's Nutcracker, Juniper Titmouse, Pygmy Nuthatch, Western Bluebird, Loggerhead Shrike, Brown Capped Rosy Finch, Gunnison's Prairie Dog
Wild Horse Creek and Wild Horse Tributaries 1-4	19	Northern Leopard Frog, Bald Eagle, Peregrine Falcon, Mexican Spotted Owl, Lewis's Woodpecker, Red-Headed Woodpecker, Williamson's Sapsucker, Olive-sided Flycatcher, Bank Swallow, Pinyon Jay, Clark's Nutcracker, Juniper Titmouse, Pygmy Nuthatch, Western Bluebird, Loggerhead Shrike, Brown Capped Rosy Finch, Spotted Bat, Gunnison's Prairie Dog, American Pika
Willow Creek and Willow Creek Tributaries 1-4	18	Northern Leopard Frog, Peregrine Falcon, Mountain Plover, Mexican Spotted Owl, Lewis's Woodpecker, Red-Headed Woodpecker, Williamson's Sapsucker, Olive-sided Flycatcher, Bank Swallow, Pinyon Jay, Clark's Nutcracker, Juniper Titmouse, Pygmy Nuthatch, Western Bluebird, Loggerhead Shrike, Brown Capped Rosy Finch, Cutthroat Trout, Gunnison's Prairie Dog
Winsor Creek and Winsor Creek Tributaries 1-4	15	Northern Leopard Frog, Peregrine Falcon, Lewis's Woodpecker, Red-Headed Woodpecker, Williamson's Sapsucker, Olive-sided Flycatcher, Bank Swallow, Pinyon Jay, Clark's Nutcracker, Juniper Titmouse, Pygmy Nuthatch, Western Bluebird, Loggerhead Shrike, Brown Capped Rosy Finch, Cutthroat Trout

2. Exceptional plant life

The nominated area also is home to a rich and diverse plant life, and supports one federally-endangered and a number of state-endangered and special status plant species:

- Holy Ghost ipomopsis: federally endangered, state endangered, special status plant species
- Mountain lily: state endangered, special status plant species
- Yellow lady's slipper: state endangered, special status plant species
- New Mexico stickweed: special status plant species
- Sapello Canyon larkspur: special status plant species
- Hooded ladies' tresses: special status plant species

“Special Status Plant Species” is a term used in the scientific community for plant species that are considered sufficiently rare that they require special consideration and/or protection and should be, or have been, listed as rare, threatened, or endangered, by either federal or state agencies. Exhibit 5 identifies federally endangered, state endangered, and Special Status Plant Species for all drainages of the 16 named nominated waters and unnamed tributaries. Note that because the NMDGF ERT species search extended radially one-mile around all sides of each of the 16 nominated named streams, and because each identified unnamed nominated water drains into one of these 16 named streams, the species search necessarily includes at least one-mile of *all* 96 unnamed tributaries and *all* wetlands adjacent to the 16 named streams. Table 5 lists the federally endangered, state endangered, and special status plant species found in each drainage system.

Table 5: Federally Endangered, State Endangered, and Special Status Plant Species by Drainage

Common Name	Scientific Name	Federal Endangered	State Endangered	Special Status	Drainage(s)
Holy Ghost ipomopsis	<i>Ipomopsis sanctispiritus</i>	X	X	X	Holy Ghost* Carpenter Davis Doctor Indian Panchuela Pecos Willow Winsor
Mountain lily	<i>Lilium philadelphicum var. andinum</i>		X	X	Carpenter Holy Ghost Macho Panchuela Pecos Winsor

Yellow ladies' slipper	<i>Cypripedium parviflorum</i> var. <i>pubescens</i>		X	X	Macho Panchuela Pecos Rio Mora Winsor
New Mexico stickweed	<i>Hackelia hirsuta</i>			X	Carpenter Panchuela Pecos Rio Mora Winsor
Sapello Canyon larkspur	<i>Delphinium sapellonis</i>			X	Carpenter Panchuela Pecos Rio Mora Winsor
Hooded ladies' tresses	<i>Spiranthes romanzoffiana</i>			X	Carpenter Doctor Winsor

* The NMDGF search results show the presence of the Holy Ghost ipomopsis in listed drainages in the chart, although other sources (e.g., personal communications with local biologists) indicate that it is only presently found in the Holy Ghost drainage.

The Holy Ghost ipomopsis (*Ipomopsis sancti-spiritus*) was listed as endangered under the Endangered Species Act in 1994 by the U.S. Fish and Wildlife Service. At that time, its distribution was limited to a two-mile section of Holy Ghost Canyon, and it was extremely susceptible to extinction as a result. To combat this threat, recovery efforts have focused on expanding the plant's distribution to adjoining drainages. Efforts to recover the species have enjoyed significant community support. ONRW designation would similarly aid the Holy Ghost ipomopsis by providing a safeguard against any inappropriate disturbance to the species' habitat that could undermine recovery efforts and lead to its extinction.

3. Exceptional ecological significance and interconnectedness of nominated non-perennial waters and wetlands

From a statewide perspective, non-perennial streams make up the vast majority of New Mexico waters — 89% — and protecting them is essential to protecting downstream waters. Numerous state agencies have identified the critical function that non-perennial waterbodies serve in overall watershed and wildlife health and sustainability as well as the importance of protecting non-perennial waterbodies. The need to recognize, and incorporate into environmental management, the critical ecological significance of non-perennial streams has been expressed by scientists worldwide.¹¹ NMED itself has made the case that non-perennial waters in New Mexico are ecologically significant. In testimony before the United States Senate Committee on Environment and Public Works Rebecca Roose, then-Director of NMED’S Water Protection Division, eloquently described the ecological importance of non-perennial waters as “capillaries” of our watersheds and as “ecologically and hydrologically significant.”¹²

In the state’s wildlife plan, the NMDGF also acknowledged the importance of protecting non-perennial waters and wetlands.¹³ NMDGF noted the importance of protecting non-perennial systems in five out the 13 identified Conservation Actions for Conserving Aquatic Species in the state.¹⁴ Wetland protection is also included in five of the 13 actions for a total of ten of 13 conservation actions involving increased protections for wetlands and/or non-perennial waters.

¹¹ See e.g., Acuña V., T. Datry, J. Marshall, D. Barceló, C.N. Dahm, A. Ginebreda, G. McGregor, A. Sabater, K. Tockner, and M.A. Palmer. 2014. Why should we care about temporary waterways? *Science* 343: 1080-1081. 10.1126/science.1246666; Marshall, J.C., and 16 co-authors. 2018. Protecting U.S. temporary waterways. *Science* 361:856-857.

¹² <https://www.env.nm.gov/wp-content/uploads/2020/05/2020-09-14-Written-SEPW-Testimony-of-Rebecca-Roose-Final.pdf>.

¹³ <https://www.wildlife.state.nm.us/conservation/state-wildlife-action-plan/>.

¹⁴ *Id.* at 65-66

The U.S. Environmental Protection Agency (“EPA”) has found that non-perennial streams provide the same ecological and hydrological functions as perennial streams by moving water, nutrients, and sediment throughout the watershed.¹⁵ Indeed, the sediment and nutrients transported downstream from non-perennial streams contribute to downstream river productivity.¹⁶ And, not to be overlooked, the riparian habitats provided by non-perennial streams support a vast array of aquatic, wildlife, and plant species that are interdependent components of the ecosystem.¹⁷ Periodic flows in non-perennial tributaries can have a strong influence on the chemistry of the entire system through their role in transporting potential contaminants downstream.¹⁸ EPA specifically acknowledges the importance of protecting non-perennial waters on a “landscape or watershed-scale approach.”¹⁹

The NMDGF data from its ERT demonstrates that the 96 nominated non-perennial waters that are tributaries to the 16 named nominated waters, and the wetlands that are adjacent to those streams, provide habitat for threatened and endangered species (as outlined in Table 3) and numerous SGCN (as outlined in Table 4). The nominated non-perennial streams serve critical biological, chemical, and physical functions that contribute to the overall health and functioning of the larger Pecos watershed in which they occur. These non-perennial streams serve as

¹⁵ U.S. Environmental Protection Agency, *The Ecological and Hydrological Significance of Ephemeral and Intermittent Streams in the Arid and Semi-arid American Southwest* at iii (Nov. 2008). https://www.epa.gov/sites/production/files/2015-03/documents/ephemeral_streams_report_final_508-kepner.pdf.

¹⁶ U.S. Environmental Protection Agency, *Connectivity of Streams & Wetlands to Downstream Waters: A Review & Synthesis of the Scientific Evidence* at B-37 (Jan. 2015). <https://cfpub.epa.gov/ncea/risk/recordisplay.cfm?deid=296414>.

¹⁷ *Id.* at B-55.

¹⁸ U.S. Environmental Protection Agency, *Technical Support Document for the Clean Water Rule: Definition of Waters of the United States* at 260 (May, 2015). https://www.epa.gov/sites/production/files/2015-05/documents/technical_support_document_for_the_clean_water_rule_1.pdf.

¹⁹ U.S. Environmental Protection Agency 2008 at 2.

conduits to convey organic and inorganic matter from uplands to perennial streams, where they are a source of energy for aquatic fauna and shape the physical features of the stream. The network of nominated non-perennial and perennial water courses and their associated wetland and riparian habitats support a broad diversity of flora and fauna, as demonstrated in the NMDGF targeted search of species (Exhibit 5), which identified special status animal and plant species within a one-mile buffer of the 16 named perennial waters, which includes all 96 of the non-perennial tributaries.

Hydrograph data, combined with the fact that all nominated unnamed non-perennial water courses in the Upper Pecos Watershed are above 7,000 feet in elevation, indicates that all nominated unnamed water courses have surface water, generated by melting snow, for extended periods in many years. In addition, hydrograph data indicates that the frequency of non-perennial channel wetting in the Upper Pecos Watershed is dependent upon both winter snowfall and summer monsoons, and that in some years the nominated non-perennial streams have surface flows twice, or were wetted over a more extended time than in years when elevated discharge occurred only as a consequence of snowmelt. The persistence of surface water in non-perennial water courses is linked to their underlying geomorphology and local evapotranspiration.²⁰

The water courses of the Upper Pecos River drainage have a dendritic pattern in that they are branched like the root mass of a tree with the smaller tendrils attached to larger tendrils, and eventually, the largest attaching to the tap root. *See* Figure 1. A critical aspect of this arrangement is the interconnectedness of the tributaries to the Pecos River. Inorganic and organic matter that is washed, blown, or falls into a stream course is transported, transformed, or

²⁰ Shanafield, M., S.A. Boure, M.A. Zimmer, and K.H. Costigan. 2021. An overview of the hydrology of non-perennial rivers and streams. *WIREs Water*. 2021. 8:e1504.doi.org/10.1002/wat2.1504.

temporally sequestered as it proceeds downstream from non-perennial upstream reaches to the perennial mainstem river. In its course to the mainstem the organic matter undergoes physical, chemical, and biological changes while inorganic matter is processed physically and chemically.²¹

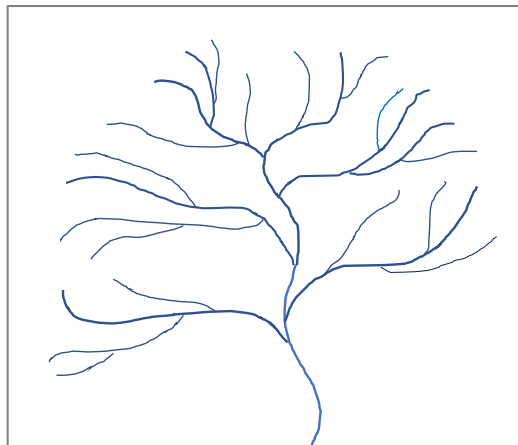


Figure 1. *Dendritic drainage pattern.*

In many years, non-perennial streams of the Upper Pecos River drainage experience at least two wet-dry cycles. Figure 2 illustrates an annual hydrologic cycle for a hypothetical intermittent tributary to the Upper Pecos River, during a moderately wet year.

²¹ Dewey, J., J. Hatten, B. Choi, C. Magnum, and Y. Ouyang. 2020. Climate drivers and sources of sediment and organic matter fluxes in intermittent rivers and ephemeral streams (IRES) of a subtropical watershed, USA. *Climate*. 8:117; doi:10.3390/cli81000117.

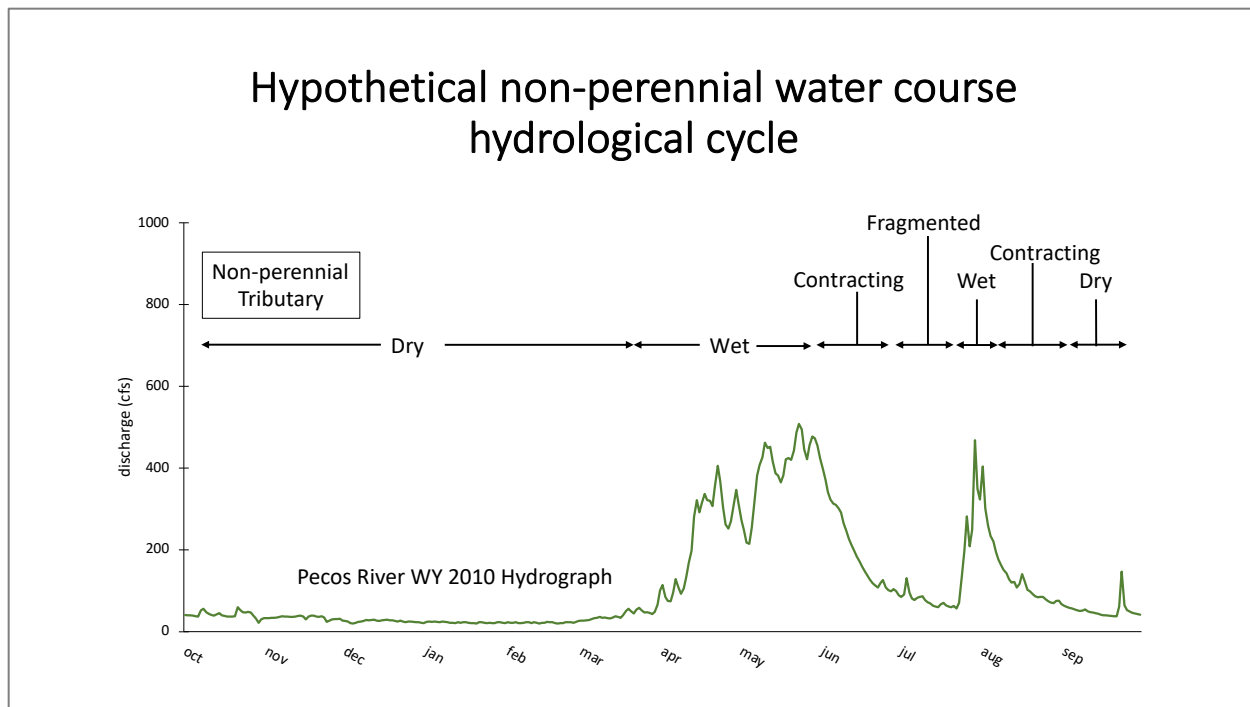


Figure 2. Hydrologic cycle of hypothetical non-perennial tributary to the Upper Pecos River. WY = “Water Year”

Over the course of a “typical” year, a non-perennial stream undergoes substantial changes in the presence and extent of surface water. Non-perennial streams typically go through at least three wetness phases during a year. In the Pecos tributaries there can be additional phases during years when there is flow from both spring runoff and seasonal rains. For at least a portion of the year (often summer), the stream bed is dry. During this period, there is little biological, physical, or chemical activity within the water course; terrestrial seedlings may sprout, coarse organic matter may be blown or fall into the dry channel, and terrestrial wildlife forage in and traverse the dry water courses. Runoff from melting snows or seasonal storms (monsoons) rewets the stream channel and biological, physical, and chemical processes are super-charged.²²

²² von Schiller, D., S. Bernal, C.N. Dahm, and E. Marti. 2017. Nutrient and organic matter dynamics in intermittent rivers and ephemeral streams. pp 135-160 in T. Datry, N.

Invertebrate eggs that survived in subsurface interstitial spaces during the dry period hatch as the hyporheic zone is refreshed and the emerging larvae feed upon fine particulate organic matter while others graze the microbial film on large particulate organic matter.²³ Some emerging larvae are entrained in the stream currents and drift downstream to be consumed by foraging fish.²⁴ See Figure 3.



Figure 3. *Mayfly naiad, Callibaetis sp., a common intermittent stream aquatic insect.*

Adults of some aquatic insects fly upstream from perennial reaches to deposit eggs in the newly wetted channel. Increasing flow mobilizes fine sediments and deposits them in downstream, lower gradient reaches to modify or create new aquatic habitats.²⁵ Overland runoff

Bonada, and A. Boulton (eds). *Intermittent Rivers and Ephemeral Streams: Ecology and Management*. Academic Press, London.

²³ Datry, T., 2012. Benthic and hyporheic invertebrate assemblages along a flow intermittence gradient: effects of duration of dry events. *Freshwater Biology* 57: 563-574.

²⁴ McArthur, J.V., and J.R. Barnes. 1985. Patterns of macroinvertebrate colonization in an intermittent Rocky Mountain stream in Utah. *Great Basin Naturalist* 45: 117-123.

²⁵ Chester, E.T., and B.J. Robson. 2011. Drought refuges, spatial scale and recolonization by invertebrates in non-perennial streams. *Freshwater Biology* 56: 2094-2104; Jordt, S., and B.W. Taylor. 2021. A rolling stone gathers no eggs: the importance of stream insect egg laying natural history for stream restoration. *Ecology* 102(7):e03331. 10.1002/ecy.331.

washes large and small organic matter into the stream where it is physically reduced to smaller particles and colonized by microbes that will be a source of energy for grazing aquatic insects.²⁶ In time, flow diminishes, and surface water is reduced to scattered, isolated pools. Within the diminishing pools, water temperature fluctuates considerably, dissolved oxygen levels decline and aquatic organisms that cannot survive these conditions die, depart for perennial habitats, or go deep in the hyporheic zone for refuge.

The non-perennial water courses of the Upper Pecos Watershed also provide essential habitats for an array of vertebrate species. As discussed above, NMDGF identified 33 vertebrate species, and a single cave springtail species, that occur within a 2-mile band of each named water course within the boundaries of the nominated area that were listed as protected under authority of the federal Endangered Species Act, New Mexico Wildlife Conservation Act, listed by NMDGF as SGCN, or identified as a Species of Economic and Recreational Importance (“SERI”). Six species listed are aquatic, one is a riparian obligate, six are dependent on riparian habitats for at least one critical life stage (facultative), and another 21 regularly use riparian habitats for forage, resting, or cover. All aquatic species occur primarily in perennial waters but may venture into freshly watered non-perennial reaches. One amphibian, the northern leopard frog, is a riparian obligate that deposits its eggs in low-velocity habitats of perennial and non-perennial streams, as well as ponds and wetlands with surface water. *See* Figure 4.

²⁶ Dodd, W.K., J. Gido, M.R. Whiles, K.M. Fritze, and W.J. Matthews. 2004. Life on the edge: the ecology of Great Plains prairie streams. *BioScience*. 54:205-216. Doi:org/10.1641/0006-3568; Bernal, S., D. von Schiller, F. Sabater, and E. Marti. 2013. Hydrological extremes modulate nutrient dynamics in Mediterranean climate streams across different spatial scales. *Hydrobiologia* 719: 31-42.



Figure 4. Northern leopard frog, *Lithobates pipiens*.
Photo from NMDGF Biota Information System of New Mexico (BISON-M).

Wetlands provide important habitats for aquatic and semi-aquatic species and contribute to processing organic matter that ultimately contributes the energy budget of perennial stream reaches. Under the U.S. Fish and Wildlife Service National Wetlands Inventory²⁷ two types of wetlands are present in the Upper Pecos River drainage: freshwater emergent and freshwater shrub. Freshwater emergent are defined as wetlands having saturated soils and dominated by perennial herbaceous hydrophytes. See Figure 5. In contrast, shrub wetlands have saturated soils with woody plants (e.g., *Salix* spp.) less than 6 meters tall. Seven Upper Pecos Watershed wetlands are freshwater emergent and nine are freshwater shrub. In addition to providing habitat for hydrophilic plants not found elsewhere in the drainage, other important ecological functions are carried out in Upper Pecos Watershed wetlands. These wetlands provide habitat for the early life stages of the northern leopard frog and numerous aquatic insects, are sites of organic decomposition and nutrient processing, and — depending on location in relation to stream

²⁷ <https://www.fws.gov/wetlands/Data/Mapper-Wetlands-Legend.html>.

channels — help attenuate the effects of elevated flows by storing water, and during low-flow periods, help recharge groundwater.²⁸



Figure 5. *Freshwater emergent wetland, Willow Creek, Upper Pecos River drainage. Photo by Jim O'Donnell.*

The relationships of non-perennial tributaries to the health and functionality of their confluent perennial streams are dynamic and complex. A slight alteration in the upland riparian community of a non-perennial stream, for example, can have cascading effects on availability of leaf litter, microbe colonizing substrates (e.g., leaves), aquatic insect species occurrence, and prey for fishes. The health and ecological vitality of the Pecos perennial streams are thus intimately linked to the well-being of the upstream non-perennial streams, wetlands, and standing water habitats.

²⁸ Alexander, L.C., and 16 co-authors. 2015. Connectivity of streams and wetlands to downstream waters: a review and synthesis of the scientific evidence. U.S. Environmental Protection Agency. EPA/600/R-14/475F.

Non-perennial waters provide four classes of ecosystem services: **provisioning** (e.g., freshwater, food, biochemical), **regulating** (e.g., climate, flows, and water purification), **supporting** (e.g., soil formation and nutrient cycling), and **cultural** (e.g., spiritual and inspirational, recreational, and educational).²⁹ Collectively, the non-perennial water courses of the Upper Pecos Watershed serve many of these functions and they are significant contributions to the well-being and health of the Pecos River and its perennial tributaries.

In summary, non-perennial waters are critically important to watershed health, and the 96 nominated non-perennial waters are ecologically significant in that they support threatened and endangered plant and animal species and numerous species identified by the state as species of greatest conservation need.

4. Summary of exceptional ecological significance

As detailed above, and summarized in Exhibit 7, all nominated waterbodies including the 16 named tributaries, 96 unnamed tributaries and 16 wetlands have exceptional ecological significance warranting designation as ONRWs. Furthermore, ONRW designation in the nominated waters of the Upper Pecos Watershed will help ensure that healthy populations of the area's flora and fauna continue to thrive, and provide vital added protections for endangered or threatened species and their habitat.

C. Exceptional Recreational Significance

A water is eligible for ONRW designation if it has exceptional recreational significance. 20.6.4.9.B(2) NMAC. All of the 16 named nominated waters warrant designation as an ONRW based on their exceptional recreational significance.

²⁹ Koundouri, P., A.J. Boulton, T. Datry, and I. Souliotis. 2017. Ecosystem services, values, and societal perceptions of intermittent rivers and ephemeral streams. pp. 455-476 in T. Datry, N. Bonada, and A. Boulton (eds.). *Intermittent Rivers and Ephemeral Streams: Ecology and Management*. Academic Press, London and New York.



Fisherman on Willow Creek, Spring 2021. Jim O'Donnell.

Recreational opportunities in the waters of the Upper Pecos Watershed abound. The watershed draws people from across New Mexico and the United States, providing a significant boost to local and state economies.³⁰ Annually, there are thousands of visitors to the campgrounds in the nominated area. Multi-generational family gatherings near the river — whether at campgrounds or day-use areas, such as the Dalton Site — are popular among local users.³¹ Recreational activities in the Upper Pecos Watershed include camping, hiking, horseback

³⁰ Berrens, et al., Economic and Community Benefits of Protecting New Mexico's Inventoried Roadless Areas at 68 (2006), www.sustainable-economy.org [Berrens et al. 2006]; U.S. Forest Serv., Landscape Scale Assessment for the Pecos River Headwaters Watershed (2004) [USFS 2004].

³¹ U.S. Forest Serv., Final Pecos Wild and Scenic River Management Plan at 7 (July 2003), <http://www.rivers.gov/documents/plans/pecos-plan.pdf>.

riding, hunting, fishing, bird-watching, photography, backpacking, bike riding, and rafting. Several local outfitters lead excursions into the wildlands surrounding the Upper Pecos Watershed.



Pecos River near Dalton Site, Spring 2021. Jim O'Donnell.

The waters of the Upper Pecos Watershed are renowned for trout fishing. Many fly fishers use the area, with the NMDGF listing 140,835 angler days in 2018-2019 for the mainstem of the Pecos River from the Village of Pecos upstream to Cowles Campground.³² Almost the entire nominated stretch of the mainstem of the Pecos River is included in this section. In addition, the NMDGF reports that there are up to 10,000 more angler days per year in eight of the mainstem's nominated, named tributaries.³³ Because that data is only available for eight of the 15 named tributaries – and trout are found in all 15 tributaries to the Pecos – this number is

³² See Exhibit 6 (reporting fishing days, as provided by Eric Frey, NMDGF (Jan. 21, 2020)).

³³ *Id.*

likely much higher for the watershed as a whole. Fishing numbers by year and drainage can be found in Exhibit 6.

The Upper Pecos Watershed is a strong economic driver in terms of fishing activity in the state, as demonstrated by a comparison of the 2013 San Miguel County-wide annual fishing days (118,814) included in the NMDGF Report on the Economics of Fishing, Hunting, and Trapping,³⁴ with the Upper Pecos River-specific numbers provided in Exhibit 6 of this Petition. While the Pecos-specific angler data provided by the NMDGF does not include 2013 numbers, in the years for which data is available, the numbers range from 83,000 to 140,000 angler days per year on the mainstem of the Pecos River (the nominated stretch of the Pecos from Dalton Canyon Creek upstream to Winsor Creek falls within this study area). This indicates that the majority of the San Miguel County angler days are on the Pecos River. Therefore, it is reasonable to conclude from comparing the Pecos-specific fishing days to county-wide fishing days that the Upper Pecos Watershed is the most popular fishing destination in the county and has exceptional recreational significance to the region. Fly fishing guides have named the Upper Pecos number six (out of 11) of the top-rated, best places to fly fish in New Mexico.³⁵ Within the Pecos Canyon, the Pecos River is among New Mexico's best cold-water fisheries.³⁶ Indeed, one of the designated uses of the Pecos is "high quality, cold-water fisheries."³⁷ The exceptional

³⁴ NMDGF, *The Economic Contributions of Fishing, Hunting, and Trapping in New Mexico in 2013: A Statewide and County-level Analysis* at 54 Table A-49 (2014), <http://www.wildlife.state.nm.us/download/publications/press-release/NMDGF-Economics-of-Fishing-Hunting-and-Trapping-Final.pdf>.

³⁵ Guide Recommended Fishing Tips, *11 Best Places to Fly Fish in New Mexico*, <https://guiderecommended.com/fly-fish-new-mexico/> (last visited Apr. 9, 2020).

³⁶ Upper Pecos Watershed Ass'n, *Pecos River Habitat and Riparian Restoration at Mora Recreation Area (2012 & 2013)* <https://pecoswatershed.org/projects/completed-projects/mora-recreation-area/> (last visited Apr. 9, 2020).

³⁷ U.S. Forest Serv., *Final Pecos Wild and Scenic River Management Plan* at 10 (July 2003), <http://www.rivers.gov/documents/plans/pecos-plan.pdf>.

recreational significance of the nominated waters is also tied to their economic significance.³⁸

The entire nominated area falls within a general “trout water area” according to the NMDGF in its 2019-2020 Fishing Rules and Information³⁹ and accompanying map.⁴⁰ Statewide, approximately less than a quarter of the state provides areas with trout fishing opportunities.

Data provided from NMDGF shows that the nominated sections of the Upper Pecos Watershed contain numerous SERI as well. In July and August 2020, NMDGF conducted a search for SERI species for each of the nominated named waters of the watershed. Exhibit 5 lists all SERI for each of the named nominated drainages. SERI species found in some or all the nominated waters include Rio Grande cutthroat trout, rainbow trout, brown trout, black bear, cougar, elk, and mule deer. Note that because the NMDGF ERT species search extended radially one-mile around all sides of each of the 16 nominated named streams, and because each identified unnamed nominated water drains into one of these 16 named streams, the species search necessarily includes at least one-mile of *all* 96 unnamed tributaries and *all* wetlands adjacent to the 16 named streams. While aquatic species such as trout may only occur near the confluences with the named tributaries, the terrestrial SERI species (and at least three terrestrial species are found in each drainage) utilize the entirety of the unnamed non-perennial drainages. Table 6 summarizes the number of SERI found in each drainage.

³⁸ See Section III.H.

³⁹ *Id.*

⁴⁰ NMDGF, 2021 Fishing Waters Map (Special Trout Waters), <http://www.wildlife.state.nm.us/fishing/maps-and-accessibility/>.

Table 6: Species of Economic and Recreational Importance

Drainage System	Number of SERI
Bear Creek	5
Carpenter Creek	5
Dalton Creek	4
Davis Creek	4
Doctor Creek	5
Holy Ghost Creek	4
Indian Creek	4
Jack's Creek	7
Macho Creek	5
Panchuela Creek	7
Pecos River	7
Rio Mora	5
Sawyer Creek	4
Wild Horse Creek	4
Willow Creek	5
Winsor Creek	7

Trout and SERI are found in all 16 of the named nominated waters, attracting fisher-men and -women far and wide. All 16 of the named nominated waters boast exceptional recreational significance, and should be designated as ONRWs on that basis.

D. Part of a Wild and Scenic River

A water is eligible for designation as an ONRW if it is part of a Wild and Scenic River. 20.6.4.9.B(1) NMAC. Over 20-miles of the Pecos River — from Davis Creek near the town of Tererro, upstream to the headwaters — are designated by Congress as Wild and Scenic pursuant to the Wild and Scenic Rivers Act (“WSRA”), 16 U.S.C. § 1274 (a)(110). The 13.5-mile Wild portion is entirely within the Pecos Wilderness, and these waters were designated as Wilderness ONRWs in 2010. The Recreational segment downstream, just outside of the Wilderness boundary, spans seven-miles of the mainstem of the Pecos River. This seven-mile Recreational

stretch lies within the nominated segment of the Upper Pecos River and encompasses just under half of the total 14.11-mile length of the nominated stretch of the Pecos mainstem.

To be designated under the WSRA, rivers must “possess *outstandingly remarkable* scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values.”⁴¹ This requirement of “outstandingly remarkable” values resembles and reinforces the ONRW designation criterion of “*exceptional* recreational or ecological significance,” as discussed above. 20.6.4.9 NMAC (emphasis added). Congress included this stretch of the Pecos River in the Wild and Scenic River system based on its scenic, recreational, and cultural/historic values.⁴² These same values support ONRW designation of the nominated waters for their exceptional recreational and ecological significance,⁴³ as well as their community and cultural significance.⁴⁴

While the two designations share similar, mutually reinforcing criteria, ONRW designation would complement and strengthen — rather than duplicate — water quality protections for the Wild and Scenic designated portion of the Pecos River; particularly in the Recreational segment that encompasses seven-miles of nominated waters. While the Wild segment is accessible only by trail, the Recreational section contains cabins and other modifications along the shoreline, and a paved road that parallels the river. This more heavily used area would benefit from water quality-based protections to help ensure that it retains its “outstandingly remarkable” recreational values and “exceptional” recreational and ecological significance long term.

⁴¹ 16 U.S.C. § 1271 (emphasis added). Rivers or river segments are classified as having “outstandingly remarkable” recreational values that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past. 16 U.S.C. § 1273(b)(3).

⁴² USFS 2004 at 1.

⁴³ See Section III.B.

⁴⁴ See Section III.H.

Moreover — and critically — the Wild and Scenic Rivers Act does not provide any water quality-based protections, such as designated uses, water quality criteria, or antidegradation requirements. But surface waters designated as ONRWs are afforded the highest level of water quality-based protection under the New Mexico Water Quality Act's Antidegradation Policy and Implementation Plan in 20.6.4.8 NMAC, and are classified as Tier III waters in NMED's Water Quality Management Plan-Continuing Planning Policy. These water quality-based protections will safeguard the Upper Pecos against new or increased pollution and degradation and also boost adaptive capacity and watershed resilience in the face of ever-increasing threats from climate change.

Accordingly, the seven-mile stretch of the Pecos River, from the Pecos Wilderness boundary to the townsite of Tererro, qualifies as an ONRW as part of a Wild and Scenic River.

E. Significant Attribute of a State Special Trout Water

A water is eligible for designation as an ONRW if it is a significant attribute of a state special trout water. 20.6.4.9.B(1) NMAC. Fishing on two of the nominated stretches is of such high quality and popularity that they are classified as state special trout waters. Special trout water designations aim to enhance New Mexico's unique angling opportunities and promote native trout conservation. Some are managed to produce trophy-sized trout, some to improve conservation of native trout, and others to enhance the overall trout population structure and density.⁴⁵ Regulations are tailored to each water, and can include reduced bag limits, catch-and-release requirements for Rio Grande cutthroat trout, or increased harvest for nonnative fish species.⁴⁶

⁴⁵ NMDGF, 2019-2020 Fishing Rules and Info. at 19–21, http://www.wildlife.state.nm.us/download/publications/rib/2019/fishing/2019_20-New-Mexico-Fishing-Rules-and-Info.pdf.

⁴⁶ *Id.*



Jack's Creek, Spring 2021. Jim O'Donnell.

The nominated waters include the following state special trout waters:

- Pecos River, from the Rio Mora confluence to Cowles (“Pecos Box”); and
- Jack’s Creek, from the waterfalls located 0.25-miles downstream of New Mexico Highway 63, crossing upstream to its headwaters.

An ONRW designation will complement management of these state special trout waters with existing ONRW designations in the Pecos Wilderness. ONRW designation will also benefit downstream restoration efforts for trout species. Accordingly, these two segments of the Pecos River and Jack’s Creek merit ONRW designation because they are a special attribute of a state special trout water.

F. Existing Water Quality Meets or Exceeds Water Quality Criteria

A water is eligible for designation as an ONRW if it has existing water quality that is equal to or better than the numeric criteria for protection of aquatic life and contact uses and the human health-organism only criteria, and 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.

All 112 nominated stream segments are currently identified and protected under either 20.6.4.98 NMAC (nominated non-perennial waters) or 20.6.4.217 NMAC (nominated perennial waters). Most of the 15 named nominated tributaries also meet water quality standards. Four of the 15 named nominated tributaries — Pecos River, Macho Canyon Creek, Dalton Canyon Canyon, and Willow Creek — do not meet water quality standards for one water quality parameter: specific conductance or temperature.⁴⁷ These waters are in category 4A for overall attainment of water quality standards in the State of New Mexico Clean Water Act 303(d)/305(b) Integrated Report. This means they are impaired for one or more designated uses, but a Total Maximum Daily Load (“TMDL”) has already been completed for these waters. The Clean Water Act requires TMDLs to be developed for all waters identified on the 303(d) impaired waters list, in order to determine a pollution reduction target for those waters and allocate load reductions necessary to the pollutant source or sources. A TMDL is a calculation of the carrying capacity of a waterbody with respect to a particular pollutant. During the development of the TMDL, the maximum allowable amount of a pollutant from all sources is derived. This amount is calculated to ensure that all designated uses affected by that particular pollutant, such as swimming or cold water fish, will be fully met. To be listed in the 4A category, all TMDLs must have been developed and approved by EPA such that, when implemented, they are expected to result in full attainment of the applicable water quality standard.⁴⁸ In addition, Willow Creek has been listed

⁴⁷ See NMED, Clean Water Act 303(d)/305(b) Integrated Report, Appendix A https://www.env.nm.gov/wp-content/uploads/sites/25/2018/03/2020-2022-IR-Appendix-A-Integrated-List_012221.pdf.

⁴⁸ *Id.* at iii.

by NMED as a Non-Point Source Success Story.⁴⁹ A summary of existing water quality is summarized in Table 7.

Table 7: Summary of Existing Water Quality in Nominated Waters

Waterbody/reach	Uses	Criteria	Use support	Impairment	Water Quality is Equal to or Better than Criteria
Bear Creek (20.6.4.217 NMAC)	Warmwater aquatic life, livestock watering, wildlife habitat and primary contact				Not Assessed
	Warm Water Aquatic Life	20.6.4.900; dissolved oxygen 5 mg/L or more, maximum temperature 32.2°C (90°F) and pH within the range of 6.6 to 9.0.	Not assessed		
	Primary Contact	the monthly geometric mean of E. coli bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less	Not assessed		
Carpenter Creek (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				Not Assessed

⁴⁹ See NMED, Clean Water Act 303(d)/305(b) Integrated Report 2018-2020, at pp.43-44, <https://www.env.nm.gov/surface-water-quality/303d-305b/>.

	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 μ S/cm and 1,500 μ S/cm and use specific criteria found at 20.6.4.900.I and J.	Not assessed		
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Not assessed		
Dalton Canyon Creek (Perennial prt Pecos R to headwaters) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				NO
	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 μ S/cm and 1,500 μ S/cm	Not supporting	Specific Conductance, 2012 (TMDL EPA approved 9/25/13)	
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235	Fully supporting		

		cfu/100 mL or less			
Davis Creek (20.6.4.98 NMAC)	livestock watering, wildlife habitat, marginal warmwater aquatic life and primary contact		Not assessed		Not Assessed
	Marginal Warmwater Aquatic Life	20.6.4.900			
	Primary Contact	the monthly geometric mean of E. coli bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less			
Doctor Creek (Holy Ghost Creek to headwaters) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				YES
	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 μ S/cm and 1,500 μ S/cm	Fully supporting		
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Fully supporting		
Holy Ghost (Pecos River to headwaters) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				YES

	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 $\mu\text{S}/\text{cm}$ and $1,500$ $\mu\text{S}/\text{cm}$	Fully supporting		
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Fully supporting		
Indian Creek (Pecos River to headwaters) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				YES
	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 $\mu\text{S}/\text{cm}$ and $1,500$ $\mu\text{S}/\text{cm}$	Fully supporting		
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Fully supporting		

Jack's Creek (Pecos River to headwaters) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				NO
	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 $\mu\text{S/cm}$ and 1,500 $\mu\text{S/cm}$	Not supporting	Temperature (2020) TMDL est. 2022	
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Fully supporting		
Macho Canyon Creek (Pecos River to headwaters) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				NO
	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 $\mu\text{S/cm}$ and 1,500 $\mu\text{S/cm}$	Not supporting	Specific Conductance, 2012 (TMDL - EPA approved 9/25/13)	
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL	Fully supporting		

		or less, single sample 235 cfu/100 mL or less			
Panchuela Creek (Pecos River to headwaters) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				YES
	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 μ S/cm and 1,500 μ S/cm	Fully supporting		
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Fully supporting		
Pecos River (Alamitos Canyon to Jack's Creek) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				YES
	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 μ S/cm and	Fully Supporting		

		1,500 μS/cm			
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Fully supporting		
Pecos River (Jack's Creek to headwaters) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				YES
	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen >=6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance <= 300 μS/cm and 1,500 μS/cm	Fully supporting		
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Fully supporting		
Rio Mora (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				YES

	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 μ S/cm and 1,500 μ S/cm	Fully supporting		
	Primary Contact	monthly geometric mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Fully supporting		
Sawyer Creek (20.6.4.98 NMAC)	livestock watering, wildlife habitat, marginal warmwater aquatic life and primary contact.		Not assessed		Not Assessed
	Marginal Warmwater Aquatic Life	20.6.4.900			
	Primary Contact	the monthly geometric mean of E. coli bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less			
Wild Horse Creek (20.6.4.98 NMAC)	livestock watering, wildlife habitat, marginal warmwater aquatic life and primary contact.		Not assessed		Not Assessed
	Marginal Warmwater Aquatic Life	20.6.4.900			
	Primary Contact	the monthly geometric mean of E. coli bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less			

Willow Creek (Pecos River to headwaters) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				NO
	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen >=6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance <= 300 µS/cm and 1,500 µS/cm	Not supporting	specific conductance; 2004 (TMDL - EPA approved 9/25/13)	
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Fully supporting		
Winsor Creek (Pecos River to headwaters) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				YES
	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen >=6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance <= 300 µS/cm and 1,500 µS/cm	Fully supporting		
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL	Fully supporting		

		or less, single sample 235 cfu/100 mL or less			
Non-perennial waters (20.6.4.98 NMAC)	livestock watering, wildlife habitat, marginal warmwater aquatic life and primary contact				Not Assessed
	Marginal Warmwater Aquatic Life	20.6.4.900			
	Primary Contact	the monthly geometric mean of E. coli bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less			

As demonstrated in the table, many of the nominated waters meet or exceed water quality criteria associated with the aquatic life and contact uses – the two uses listed as part of the ONRW nominating criteria at 20.6.4.9.B(3) NMAC. Three nominated tributaries do not meet water quality standards for just one parameter: specific conductance. In addition, as shown in the table, a number of the named tributaries in the nominated area have not been assessed. It is important to note that the waters that have been assessed in the nominated watershed area have more protective water quality standards (most have high-quality cold-water aquatic life use and stringent, segment-specific E. coli criteria) than the waters that weren't assessed (most have marginal warmwater aquatic life use and less-stringent E. coli criteria). It is logical to extrapolate from this that the unassessed waters likely meet the applicable water quality standards, especially since those standards are less protective than the standards associated with the waters that were assessed and which, for the most part, are being met. In addition, the ONRW existing water quality nominating criteria requires that “the water not be 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. While there is a road that follows the river along the mainstem of the

Pecos River in the nominated area, this does not substantially detract from its ONRW value, or its value as a natural resource. As detailed above in the recreational significance section (Section III.C), the nominated area is a major fishing destination, and this high recreational use is facilitated by the easy access that the roads that run near the mainstem and several of the tributaries provide. The one canyon that may not meet this criterion is Willow Creek because it has been substantially impacted by past mining activity.

In summary, the existing water quality is equal to or better than the numeric water quality criteria for 12 of the named tributaries. (The mainstem of the Pecos River and three of the 15 named tributaries — Macho Canyon Creek, Dalton Canyon, and Willow Creek — do not meet water quality standards for one water quality parameter (either temperature or specific conductance)⁵⁰). And human activity has not significantly modified the nominated waters, with the exception of Willow Creek, in a manner that substantially detracts from their value as a natural resource. Thus, the 12 named waters with existing water quality equal to or better than criteria for aquatic life and contact uses satisfy 20.6.4.9.B(3) NMAC.

G. Summary of Nominated Waters and Associated Criteria

All nominated waters meet at least three nominating criteria.⁵¹ *See* Exhibit 7, which presents a chart summarizing the ONRW criteria each nominated waterbody meets.

⁵⁰ *See* NMED, Clean Water Act 303(d)/305(b) Integrated Report, Appendix A https://www.env.nm.gov/wp-content/uploads/sites/25/2018/03/2020-2022-IR-Appendix-A-Integrated-List_012221.pdf.

⁵¹ Note, the regulations only require a water to meet a minimum of two criteria (the beneficial to the state criterion, plus one additional criteria). 20.6.4.9.B NMAC. Explanation of how designation of the nominated waters as ONRWs would be beneficial to the state is included in section III. H.

H. Designation of Nominated Waters Would be Beneficial to the State

Protecting the nominated waters of the Upper Pecos Watershed as ONRWs has numerous benefits to the state. The Upper Pecos is the lifeblood of nearby communities and ecosystems. The Pecos River provides clean water to multiple acequias for irrigating farms and ranches. It draws visitors from across New Mexico and out-of-state to enjoy its scenic beauty and abundant outdoor recreation opportunities. Many seek solitude in the rugged forests and canyons of the surrounding Wilderness and National Forest areas. Others gather to picnic or fish at the Dalton Site, or camp at one of the nearby campgrounds. Popular recreational activities range from hiking, biking, and camping to fishing, horseback riding, and more. Lodging and other local businesses depend on the health of the Upper Pecos Watershed to attract visitors. Recreation in the Upper Pecos Watershed is vital to local economies, and helps diversify the state's economy overall, creating more opportunities for individuals, families, and communities – including future generations – to thrive right here in New Mexico.⁵²

⁵² Berrens, et al., Economic and Community Benefits of Protecting New Mexico's Inventoried Roadless Areas at 68 (2006), www.sustainable-economy.org [Berrens et al. 2006]; U.S. Forest Serv., Landscape Scale Assessment for the Pecos River Headwaters Watershed (2004) [USFS 2004].



Rio Mora, Spring 2021. Magda Matecka.

These benefits are a product of the Upper Pecos Watershed’s exceptional, significant, and intertwined recreational, ecological, economic, and cultural values. These values underscore how and why the nominated waters of the Upper Pecos Watershed satisfy multiple ONRW designation criteria, including the presence of special trout waters and Wild and Scenic River status, as well as exceptional ecological and recreational significance. Importantly, these benefits are all tied to the existing high quality of the waters within the watershed, which further underscores the value of recognizing and protecting these waters via ONRW designation at the watershed scale.

Despite its exceptional significance, the Upper Pecos Watershed is facing new challenges, both imminent and long-term. Impacts from roads and extractive industries threaten the high-quality upstream waters. Degradation of the currently pristine upstream waters would

impede efforts to restore and manage the more polluted waters downstream. The ever-increasing effects of climate change exacerbate these threats. Thus, everything we do today to protect the current health of the watershed and boost its long-term adaptive capacity and resilience provides a benefit to the communities that rely on the Upper Pecos Watershed, as well as the state as a whole.

The federal Clean Water Act's antidegradation policy — specifically its ONRW provisions — allows for the protection of a state's highest quality, most valued surface waters in perpetuity. New Mexico water quality standards also recognize ONRW protection as a key component of the state's antidegradation policy, and afford maximum water quality protection to ONRWs. 20.6.4.8.A(3) NMAC. The state standards provide that “no degradation shall be allowed” within a designated ONRW, 20.6.4.8.A(3)(a)–(e) NMAC, but allow certain pre-existing and traditional land-use activities, such as grazing and acequia operations, to continue, 20.6.4.8.A(4) NMAC.

Some of the many benefits to New Mexico associated with designating the Upper Pecos Watershed as an ONRW are detailed below.

- 1. Beneficial to the state's ability to mitigate against and adapt to climate change**

Designating New Mexico's qualifying waters, such as the waters of the Upper Pecos Watershed, as ONRWs serves as a keystone of the state's efforts to achieve the objectives not only of the federal Clean Water Act, 33 U.S.C. § 1251(a) (“to restore and maintain the chemical, physical, and biological integrity of the Nation's waters”), but also of the state Water Quality Act (“to prevent or abate water pollution”), NMSA 1978, § 74-6-4(E). ONRW designation will amplify current, existing uses in the Upper Pecos Watershed by ensuring the protection and restoration of ecological and recreational significance as well as current water quality into the

future. Those whose lives and livelihoods are inexorably linked to the Upper Pecos have long been good stewards. An ONRW designation for the Upper Pecos will help ensure that the watershed continues to flourish in harmony with thriving, resilient ecosystems and communities for generations to come.

2. Beneficial to the state’s historical and cultural significance

The Pecos River holds deep historical and cultural significance, both locally and nationally. Protecting this history and preserving clean water so future generations can carry on these rich traditions has wide reaching benefits to the state.

a. Pecos Pueblo

P`æ kilâ or Pecos Pueblo, which translates to “the place above the water,” is an ancestral pueblo for Pecos descendants at Jemez Pueblo. The P`æ kish, or the Pecos People, and the Hemish, or Jemez People, were kin. They were one Towa-speaking people at the time of the great migration from the Four Corners Region. For reasons unknown, the Pecos Clan branched from the main Jemez group and took a southeastern migration route, eventually making their way down to the Pecos River Valley, which is said to be Tóqk’ô P`æwâamu or Corn Cob River Valley. The Pecos People built villages along the Pecos River Valley in the 1200s and 1300s, and by the 1450s they had constructed and settled in the one big village known as Pecos Pueblo. In the spring of 1541, the Spanish Exploration led by Francisco Vazquez de Coronado came upon the great Pueblo of P`æ kilâ, home to more than 2,000 people. The Spanish described it as the largest of the Pueblos, well-fortified and having a great number of very healthy people. The Pecos People were adept farmers, planting corn, beans, and squash along the floodplains of the Pecos River and Glorieta Creek, which is said to be Wáçhæ P`æwâamu or Squash River Valley. They procured big and small game, birds, fish, acorns, berries, seeds and medicinal plants along

the far reaches of the headwaters of the Pecos River Valley, down to the toes of the Tecolote Mountains located at the south end of the valley. They established shrines or sacred places along the Sangre de Cristo Mountains, said to be Gyûhlûbu, or the Place to Take Down Game, and along the sacred waters of the Pecos River. The shrines or sacred places were put there to connect with the Holy Beings that lived there.

The encounter with the Spanish was the beginning of the decline for Pecos Pueblo. The once large and powerful Pueblo faced many hardships. Over three generations, the community lost 75% of its population. Pecos Pueblo suffered great losses from Spanish and Mexican encroachment, Comanche attacks, and diseases. The most devastating of all was a smallpox epidemic that swept through Pecos Pueblo. Contamination of the Pueblo's source of drinking water caused further sickness. The surviving Pecos People, which numbered less than 40 individuals made the difficult decision to seek refuge at the Pueblo of Jemez. On August 2, 1838, twenty-one P`é kish arrived at Jemez Pueblo to request their acceptance amongst their kin.

b. Jemez Pueblo

Today, the descendants of the Pecos Pueblo reside with the Hemish and are one with the people, pueblo and culture. Jemez Pueblo actively maintains the connection to Pecos Pueblo, and the Upper Pecos Watershed remains culturally significant today. At the beginning of each new year, a tribal consultation meeting involving the Park Superintendent, park staff, Pueblo of Jemez Leadership, Jemez Natural Resources Department, and the Pecos Eagle Society (a traditional religious society group originally from Pecos Pueblo), is held at the Pecos National Historical Park. The Second Lieutenant Governor for Jemez Pueblo also serves as the Pecos Pueblo Governor, a tribal leadership role created when Pecos and Jemez merged in 1838.

The Pecos Eagle Society returns to its aboriginal homelands at Pecos to perform ceremonial rites at shrines that exist even to this day. Also, on the first Sunday, on or after the second day of August each year, Jemez People go back home to Pecos Pueblo to celebrate the annual feast day for “Our Lady of the Angels of Porciúncula,” the patron saint for Pecos Pueblo. A Catholic Mass is celebrated in the morning, followed by traditional dances and feasting. It is a joyous occasion honoring the patroness and commemorating their Pecos Ancestors who reside there. When songs are sung at the Pecos Feast Day dances in Jemez Pueblo on August 2nd of each year, the spirits of the Pecos Ancestors who reside at Pecos Pueblo are called upon to bring blessings to the Jemez people and all peoples who live on Mother Earth.

The Pecos people inhabited the Pecos River Valley, living in many 10 to 50 room structures that were distributed throughout a 40-mile area from Anton Chico, upstream to the area of the current Village of Pecos. By the 16th century, the Pecos peoples had come together to live in one large Pecos Pueblo dwelling with a population of 2,000 to 2,500 people. By the early 19th century, due to Spanish colonization and raids by Apache and Comanche tribes, the Pecos Pueblo population had been reduced to approximately 100 inhabitants.

The Upper Pecos Watershed remains culturally significant to the descendants of Pecos Pueblo people. The Jemez Pueblo supports the designation of the Upper Pecos Watershed as an ONRW and has provided a letter of support, attached as Exhibit 8.

c. Spanish settlers and land grants

Starting in the mid-16th century, Spanish settlers arrived in the area and established land grants. The descendants of these settlers still live in the area today. The farming and ranching traditions and other traditional uses of the Upper Pecos Watershed depend on clean water for growing crops and raising livestock. One local organic farmer traces his family origins in the

area back eight generations, and a local goat-herder traces his family history in the Upper Pecos back to 1663. Like many other area residents, they depend on this watershed to continue their long-standing traditional land use practices.

d. Acequias

Flowing into nearby acequias, the waters of the Upper Pecos are vital to local food and agriculture, economies, and communities. Established along with the Spanish and Mexican land grants, the acequias are also a vital part of the land-based culture of the Upper Pecos Watershed and the Pecos River. There are numerous acequias that depend on clean water from the Pecos River for irrigating traditional crops and for maintaining important cultural traditions. Most of the farmers who sell at local farmers' markets derive their water from acequias fed by the Pecos River.

Acequias are known for their cultural connections to the river – not only because they divert water to sustain agricultural traditions – but also in their empirical and cultural knowledge about the river and its respective waterways that are under their care.

Intricate customs and traditions unique to each acequia persist in each of the traditional villages along the Pecos River. These traditions include communal work of keeping the ditches clean and flowing with clean water and the immense challenge of working together to share water in times of scarcity. Their collective approach to water management and their unique role in water governance make acequias a vital cultural asset to the region that is inextricably tied to the waters of the Upper Pecos Watershed.

The New Mexico Acequia Association is a statewide, membership-based organization of acequias dedicated to protecting water and revitalizing agricultural traditions. The organization is governed by a federation of acequias, the Congreso de las Acequias, which unanimously

supported protection of the Upper Pecos Watershed via ONRW designation by resolution in their 2019 statewide conference. *See* Exhibit 9. In addition, the New Mexico Acequia Commission, which was established by statute by the 1993 Legislature to serve as a facilitator for communication between local acequia organizations and the state and federal governments, and for reviewing plans or legislation that affect acequias and presenting their findings to the governor, has written a letter of support for Upper Pecos Watershed ONRW protections. *See* Exhibit 10.

e. Molino de la Isla Organics LLC

Petitioner Molino de la Isla Organics LLC is an organic farm created to promote and to protect the acequias of Nuevo Mexico through organic agriculture, regional marketing and consumer education for the socio-economic benefit of the community. Molino de las Isla Organics grows crops that are irrigated by water from the Pecos River. The farm serves as only one example of many that rely on the clean water the Pecos River Watershed provides.

f. National significance

The Pecos River is an iconic river of the United States and is often referenced in literature, movies, and on television shows. It is a major tributary of the Rio Grande. The phrase “West of the Pecos” or “this side of the Pecos” is a common saying used to divide the country geographically. Today, the rich history and rugged beauty of the Pecos draws visitors from across the U.S, and internationally.

g. The Village of Pecos

The Village of Pecos, located in San Miguel County, has a population was 1,392, according to the 2010 census, and has been growing much faster than in other parts of San Miguel County, partly because the Village is within commuting distance of the state’s capitol at

Santa Fe. The Village was built along the Pecos River, which flows from the north out of the Santa Fe National Forest. Notable locations nearby include Pecos National Historical Park, Glorieta Pass, the Pecos Benedictine Monastery, and Lisboa Springs Trout Hatchery. The Village also serves as an important entry point for hunting, fishing, hiking and camping in the Pecos Wilderness.

A report from the Pecos Sub-Area Plan states that residents in the Pecos area see “forests, mountains, rivers, and streams,” “camping, fishing, and hunting,” “greenery” and the “Pecos National Historical Park” as major strengths and assets of the Pecos area of San Miguel County.⁵³ Residents also understand the importance of the tourist economy in the area, and identified campgrounds as an important asset — listing Jack’s Creek, in particular — as the “premier campground in Pecos Valley.”⁵⁴

Residents’ “hopes and dreams” for the Pecos sub-area of San Miguel County include “that Pecos becomes a more prosperous community, stays clean and quiet . . .,” gains a “stronger, growing tourism economy,” and places a “focus on resources.”⁵⁵ The Village supports the nomination, as evidenced by their 2019 resolution in support of the designation. *See* Exhibit 9.

h. San Miguel County

Residents of San Miguel County have ranked economic diversification and environmental protection among the top three issues of importance “for the future of San Miguel

⁵³ Architectural Research Consultants, Inc., San Miguel County, New Mexico: Pecos Subarea Plan (Draft) at II-4 (Sept. 11, 2018), <http://cms6.revize.com/revize/sanmiguelcounty/Pecos%20subarea%20plan.pdf>.

⁵⁴ *Id.* at II-4, II-5.

⁵⁵ *Id.* at II-5, II-6.

County.”⁵⁶ Trash cleanup and historic preservation are also high on the list.⁵⁷ ONRW designation for the nominated waters would boost efforts related to all of these issues.

San Miguel County residents value the protection of natural resources in their long-term home, both for themselves and for future generations. Seventy percent of respondents to a survey conducted by the county indicated that they do not anticipate leaving San Miguel County, and an additional ten percent stated that they anticipate staying at least another five to ten years.⁵⁸

“Challenges and opportunities” identified over the next ten years included a need to enforce regulations, or otherwise address dumping of toxic materials and polluting of natural resources in the area.⁵⁹

Preserving the cultural and environmental values and resources of the area for future generations was a priority issue for many residents, as were fracking and contamination of potable water, and river/acequia clean-up.⁶⁰ And, the top three industries that residents wanted to see expand in San Miguel County were all related to environmental protection and economic diversification values: renewable energy, tourism, and outdoor recreation.⁶¹ The County supports the nomination, as evidenced by their 2019 resolution in support of the designation. *See* Exhibit 9.

⁵⁶ Architectural Research Consultants, Inc., San Miguel County Comprehensive Plan Update: Report on Community Conversations and Community Survey (Draft) at 1-31 and 1-32 (Dec. 5, 2017), <http://cms6.revize.com/revize/sanmiguelcounty/San%20Miguel%20County%20Comprehensive%20Plan%20Update%2012.7.2017.pdf>.

⁵⁷ *Id.* at 1-32.

⁵⁸ *Id.* at 1-31.

⁵⁹ *Id.* at 1-9.

⁶⁰ *Id.* at 1-31–1-32.

⁶¹ *Id.* at 1-33.

3. Beneficial to state's economy

One of the distinct benefits of ONRW designation is the protection it affords to native plant and animal life, as well as downstream water users, including municipalities. Much of the water in New Mexico flows from relatively intact forests and congressionally designated wilderness areas. The Commission has recognized the high quality of these waters, stating in its 2000 report to Congress that the majority of waters determined to fully support designated uses “are in wilderness areas or in watersheds protected from anthropogenic impacts.”⁶² Several small communities and larger municipalities including Santa Fe, Las Vegas, and the Village of Pecos, rely on this water from the Upper Pecos Watershed for recreation, irrigation, hunting, and fishing. The Pecos River also eventually flows into the Amistad International Reservoir which is a major source of drinking water for Texas cities all the way to the Gulf of Mexico. Allowing degradation in the area, whether from hard-rock mining, recreational over-use, or otherwise, could adversely affect the thousands of people who rely on clean water from the Upper Pecos Watershed for their daily needs. Watersheds — such as the Upper Pecos — purify the waters that flow from them at no cost to downstream municipalities. Such a valuable ecological service provides potentially significant nonmarket economic benefits and can save vast sums of money and bolster the adaptive capacity and resilience of area municipalities both ecologically *and* financially in the face of climate change.

The economic significance of the nominated waters is also tied to their exceptional recreational significance. Recreation is essential to local economies. For example, there are six

⁶² NMDGF, Habitat Fragmentation and the Effects of Roads on Wildlife and Habitats at 8 (Jan. 2005), <http://www.wildlife.state.nm.us/download/conservation/habitat-handbook/project-guidelines/Effects-of-Roads-on-Wildlife-and-Habitats.pdf> (citing N.M. Water Quality Control Comm’n, Water Quality and Water Pollution Control in New Mexico: A Report Prepared for Submission to the Congress of the United States by the State of New Mexico Pursuant to Section 305(b) of the Federal Clean Water Act (2000)).

lodging businesses and one store along the Pecos River (from Windy Bridge to Cowles) that depend on the recreating public. The Pecos Business Association, a New Mexico non-profit business league, also relies on healthy waters to attract visitors. Annually, recreation brings millions of dollars to the area surrounding the nominated waters (and to the State of New Mexico). In 2013, anglers alone spent \$28,912,139.00 towards fishing with destinations in San Miguel County, second only to Bernalillo County.⁶³ Hunters spent \$18,379,145.00. That same year, anglers with fishing destinations in San Miguel County contributed substantially to the state economy by providing 333 jobs, \$11,714,212.00 in labor income, \$20,520,632.00 to the state GDP, and \$2,305,642.00 in state and local tax revenue.⁶⁴ Hunters destined for San Miguel County contributed 232 jobs, \$7,728,633.00 in labor income, \$12,470,274 towards the state GDP, and \$1,309,733.00 in state and local tax revenue in 2013.⁶⁵

As set forth above, the Upper Pecos River from the Village of Pecos upstream to Cowles, which includes almost the entire nominated stretch of the mainstem of the Pecos, sees between 83,000–140,000 angler days a year. San Miguel County as a whole in 2013, had 118,814 fishing days. This demonstrates that the Upper Pecos River represents a large portion of annual angler days in the County and therefore is an important driver of the local recreational economy.

Recreation within the Upper Pecos Watershed also helps boost and diversify New Mexico's economy overall. Indeed, Governor Michelle Lujan Grisham and the New Mexico legislature have recognized the importance of outdoor recreation to economic development in New Mexico. In 2019, the legislature passed — and the Governor signed — Senate Bill 462,

⁶³ N.M. Dep't of Game & Fish, *The Economic Contributions of Fishing, Hunting, and Trapping in New Mexico in 2013: A Statewide and County-level Analysis* at 14-15, Table 5 (2014), <http://www.wildlife.state.nm.us/download/publications/press-release/NMDGF-Economics-of-Fishing-Hunting-and-Trapping-Final.pdf>.

⁶⁴ *Id.* at 16, Table 6.

⁶⁵ *Id.* at 21, Table 11.

creating an Outdoor Recreation Division within the Economic Development Department, and an accompanying Outdoor Recreation Infrastructure Fund. ONRW designation to protect these recreationally significant waters of the Upper Pecos Watershed will complement this legislation.



Pecos River, Spring 2021. Jim O'Donnell.

All of the aforementioned recreational activities — and accompanying economic benefits — are intricately connected to the pristine waters that originate and flow through the Upper Pecos Watershed. This scarce natural resource is the foundation upon which all plant and animal life in the area ultimately depend. In nominating the waters of the Upper Pecos Watershed as ONRWs, the Petitioners intend to ensure that all of the identified surface waters of the State are managed so that their outstanding recreational and ecological values are protected for generations to come.

Accordingly, designating the waters of the Upper Pecos Watershed will provide a benefit to the State of New Mexico.

IV. THIS PETITION HAS BROAD-BASED LOCAL, TRIBAL, AND COMMUNITY SUPPORT

This community-driven effort has the support of a broad base of local governments, businesses, individuals, and organizations. The New Mexico Acequia Association, San Miguel County, and the Village of Pecos have all passed resolutions to join the Upper Pecos Watershed Association as Petitioners in nominating the waters of the Upper Pecos Watershed as ONRWs. Each of these resolutions are attached hereto in Exhibit 9 and provide valuable insight into the critical importance of the nominated waters to Petitioners, and to the State.

Additionally, numerous state and local leaders have expressed their support for designating the Upper Pecos Watershed as ONRWs. Members of the New Mexico congressional delegation including Senators Martin Heinrich and Ben Ray Luján and Representative Teresa Leger Fernandez have written a letter of support for ONRW protections in the Upper Pecos Watershed. *See* Exhibit 10. State leaders including state Senators Liz Stefanics and Peter Wirth, state Representative Brian Egolf, and former state Representatives Tomas Salazar and Joseph Sanchez have written letters supporting Pecos ONRW protections. *See id.* Pecos area leaders and organizations including the Pecos Business Association, Friends of the Pecos National Historic Park, Friends of the Santa Fe National Forest, and Pecos River Open Spaces have written letters of support for Upper Pecos ONRW protections as well. *See id.*

Conclusion

Based on the foregoing, Petitioners respectfully request that the Commission:

- (1) Grant Petitioners' request for a hearing on the ONRW nomination in this petition;
- (2) Set the hearing, which Petitioners anticipate will take up to two days, for the Commission's March 8, 2022 meeting, or at an alternative date that is convenient to the Commission;
- (3) Require notices of intent to present direct technical testimony consistent with 20.1.6.202 NMAC to be filed by January 28, 2022; and
- (4) Appoint a hearing officer to establish a procedural order for the hearing, issue any necessary orders, preside over the hearing, and take any other actions consistent with 20.6.1 NMAC, and in accordance with the direction of the Commission.

A form of order granting a hearing on the Petition and appointing a hearing officer is attached.

Respectfully submitted,

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Certification of Service

I hereby certify that a true and correct copy of the foregoing pleading was served by
email to the following on October 1st, 2021:

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Respectfully Submitted,

/s/ Kelly E. Nokes

Kelly E. Nokes

**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF PETITION TO
DESIGNATE SURFACE WATERS OF THE
UPPER PECOS WATERSHED AS
OUTSTANDING NATIONAL RESOURCE WATERS,**

WQCC No. 21-__ (R)

**Village of Pecos, San Miguel County, Upper Pecos
Watershed Association, the New Mexico Acequia Association,
and Molino de la Isla Organics LLC,**

Petitioners.

**[PROPOSED] NOTICE OF HEARING DETERMINATION
AND HEARING OFFICER APPOINTMENT**

Pursuant to 20.1.6.200 NMAC, the Water Quality Control Commission hereby grants the request of Petitioners Village of Pecos, San Miguel County, Upper Pecos Watershed Association, the New Mexico Acequia Association, and Molino de la Isla Organics LLC to set the Petition to Designate Surface Waters of the Upper Pecos Watershed as Outstanding National Resource Waters in the above-captioned matter for hearing, and ORDERS as follows:

1. The public hearing in this matter shall commence on March 8, 2022, and continue day-to-day until completed.
2. Petitioners and any person intending to present direct technical testimony pursuant to 20.1.6.202 NMAC shall submit their notices of intent to present direct technical testimony, including full written testimony and exhibits, no later than January 28, 2022.
3. The Commission appoints _____ to serve as hearing officer in this matter pursuant to 20.1.6.100 NMAC.

Date:

Stephanie Stringer, Chair
Water Quality Control Commission

Exhibit 1

1 **20.6.4.9 OUTSTANDING NATIONAL RESOURCE WATERS:**

2 **A. Procedures for nominating an ONRW:** Any person may nominate a surface water of the state
3 for designation as an ONRW by filing a petition with the commission pursuant to the guidelines for water quality
4 control commission regulation hearings. A petition to designate a surface water of the state as an ONRW shall
5 include:

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

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

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

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

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

18 **(6)** affidavit of publication of notice of the petition in a newspaper of general circulation in
19 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 water of the state,
21 may be designated as an ONRW where the commission determines that the designation is beneficial to the state of
22 New Mexico, and:

23 **(1)** the water is a significant attribute of a state special trout water, national or state park,
24 national or state monument, national or state wildlife refuge or designated wilderness area, or is part of a designated
25 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 protection of
28 aquatic life and contact uses and the human health-organism only criteria, and the water has not been significantly
29 modified by human activities in a manner that substantially detracts from its value as a natural resource.

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

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

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

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

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

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

6 **(c)** Shuree lakes;

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

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

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

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

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

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

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

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

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

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

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

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

- 1 Rito Leche, Rito Redondo, Rito Resumidero, San Gregorio lake;
- 2 (ix) in the Wheeler Peak wilderness: Black Copper canyon, East Fork Red
3 river, Elk lake, Horseshoe lake, Lost lake, Sawmill creek, South Fork lake, South Fork Rio Hondo, Williams lake.
- 4 (b) The following waters are designated in the Pecos River basin:
- 5 (i) in the Pecos wilderness: Albright creek, Bear creek, Beatty creek,
6 Beaver creek, Carpenter creek, Cascade canyon, Cave creek, El Porvenir creek, Hollinger creek, Holy Ghost creek,
7 Horsethief creek, Jack's creek, Jarosa canyon/creek, Johnson lake, Lake Katherine, Lost Bear lake, Noisy brook,
8 Panchuela creek, Pecos Baldy lake, Pecos river, Rio Mora, Rio Valdez, Rito Azul, Rito de los Chimayosos, Rito de
9 los Esteros, Rito del Oso, Rito del Padre, Rito las Trampas, Rito Maestas, Rito Oscuro, Rito Perro, Rito
10 Sebadillosos, South Fork Bear creek, South Fork Rito Azul, Spirit lake, Stewart lake, Truchas lake (North), Truchas
11 lake (South), Winsor creek;
- 12 (ii) in the White Mountain wilderness: Argentina creek, Aspen creek,
13 Bonito creek, Little Bonito creek, Mills canyon/creek, Rodamaker creek, South Fork Rio Bonito, Turkey
14 canyon/creek.
- 15 (c) The following waters are designated in the Gila River basin:
- 16 (i) in the Aldo Leopold wilderness: Aspen canyon, Black Canyon creek,
17 Bonner canyon, Burnt canyon, Diamond creek, Falls canyon, Fisherman canyon, Running Water canyon, South
18 Diamond creek;
- 19 (ii) in the Gila wilderness: Apache creek, Black Canyon creek, Brush
20 canyon, Canyon creek, Chicken Coop canyon, Clear creek, Cooper canyon, Cow creek, Cub creek, Diamond creek,
21 East Fork Gila river, Gila river, Gilita creek, Indian creek, Iron creek, Langstroth canyon, Lilley canyon, Little
22 creek, Little Turkey creek, Lookout canyon, McKenna creek, Middle Fork Gila river, Miller Spring canyon,
23 Mogollon creek, Panther canyon, Prior creek, Rain creek, Raw Meat creek, Rocky canyon, Sacaton creek, Sapillo
24 creek, Sheep Corral canyon, Skeleton canyon, Squaw creek, Sycamore canyon, Trail canyon, Trail creek, Trout
25 creek, Turkey creek, Turkey Feather creek, Turnbo canyon, West Fork Gila river, West Fork Mogollon creek, White
26 creek, Willow creek, Woodrow canyon.
- 27 (d) The following waters are designated in the Canadian River basin: in the Pecos
28 wilderness Daily creek, Johns canyon, Middle Fork Lake of Rio de la Casa, Middle Fork Rio de la Casa, North Fork
29 Lake of Rio de la Casa, Rito de Gascon, Rito San Jose, Sapello river, South Fork Rio de la Casa, Sparks creek
30 (Manuelitas creek).
- 31 (e) The following waters are designated in the San Francisco River basin:
- 32 (i) in the Blue Range wilderness: Pueblo creek;
- 33 (ii) in the Gila wilderness: Big Dry creek, Lipsey canyon, Little Dry creek,
34 Little Whitewater creek, South Fork Whitewater creek, Spider creek, Spruce creek, Whitewater creek.
- 35 (f) The following waters are designated in the Mimbres Closed basin: in the Aldo
36 Leopold wilderness Corral canyon, Mimbres river, North Fork Mimbres river, South Fork Mimbres river.
- 37 (g) The following waters are designated in the Tularosa Closed basin: in the White
38 Mountain wilderness Indian creek, Nogal Arroyo, Three Rivers.
- 39 (h) The wetlands designated are identified on the *Maps and List of Wetlands Within*

1 *United States Forest Service Wilderness Areas Designated as Outstanding National Resource Waters* published at
2 the New Mexico state library and available on the department’s website.

3 (4) The following waters are designated in the Pecos headwaters basin:

4 (a) The Pecos river and all identified tributaries and wetlands from Dalton Canyon creek to the
5 Pecos wilderness boundary;

6 (b) In the Dry Gulch-Pecos river subbasin, Dalton Canyon creek and all identified tributaries and
7 wetlands from the Pecos river upstream to the headwaters, Wild Horse creek and all identified tributaries
8 from Dalton Canyon creek upstream to the headwaters, Macho Canyon creek and all identified tributaries
9 from the Pecos river upstream to the headwaters and Sawyer creek and all identified tributaries from the
10 Pecos river upstream to the headwaters;

11 (c) In the Indian creek-Pecos river subbasin, Indian creek and all identified tributaries from the
12 Pecos river upstream to the headwaters, Holy Ghost creek and all identified tributaries from the Pecos river
13 upstream to the Pecos wilderness boundary, Doctor creek and all identified tributaries and wetlands from
14 Holy Ghost creek upstream to the headwaters, Davis creek and all identified tributaries from the Pecos river
15 upstream to the headwaters and Willow creek and all identified tributaries from the Pecos river upstream to
16 the headwaters;

17 (d) In the Rio Mora subbasin, Rio Mora and all identified tributaries from the Pecos river upstream
18 to the Pecos wilderness boundary and Bear creek and all identified tributaries from the Rio Mora upstream
19 to the Pecos wilderness boundary;

20 (e) In the Rio Mora-Pecos river subbasin, Carpenter creek from the Pecos river upstream to the
21 Pecos wilderness boundary, Winsor creek and all identified tributaries from the Pecos river upstream to the
22 Pecos wilderness boundary and Jack’s creek and all identified tributaries from the Pecos river upstream to
23 the Pecos wilderness boundary; and,

24 (f) In the Panchuela creek subbasin, Panchuela creek and all identified tributaries and wetlands,
25 from the Pecos river upstream to the Pecos wilderness boundary.

26 (g) The unnamed tributaries and wetlands designated are identified on the *Maps and List of*
27 *Streams and Wetlands Within the Upper Pecos Watershed Designated as Outstanding National Resource*
28 *Waters* published at the New Mexico state library and available on the department’s website.

29 [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, 7/17/2005; A,
30 2/16/2006; A, 12/1/2010; A, 1/14/2011, A XX/XX/XXXX]

Exhibit 2

Upper Pecos Watershed ONRW Nomination Baseline Water Quality Data

Source: NMED
Sent by: Charles Dentino
Monitoring Team Supervisor
Monitoring, Assessment and Standards Section
Surface Water Quality Bureau
New Mexico Environment Department
Date: 12/30/19

Part 1: Chemical Water Quality Data – Pecos, Dalton, Doctor, Indian, Jack’s, Macho, Panchuela, Mora, Willow, and Winsor drainages.

<https://westernlaw.org/wp-content/uploads/2020/04/1-Appendix-C-NMED-Water-Quality-Data-Upper-Pecos-2010-Chem-Data.xlsx>

Part 2: Field Data – Pecos, Dalton, Doctor, Indian, Jack’s, Macho, Panchuela, Mora, Willow, and Winsor drainages.

<https://westernlaw.org/wp-content/uploads/2020/04/2-Appendix-C-NMED-Water-Quality-Data-Upper-Pecos-2010-Field-Data.xlsx>

Part 3: Geomorphology Habitat 2010 – Pecos, Dalton, Doctor, Holy Ghost, Jack’s, Panchuela, Willow, Winsor

<https://westernlaw.org/wp-content/uploads/2020/04/3-Appendix-C-NMED-Water-Quality-Data-Upper-Pecos-2010-Geomorph-Habitat.xlsx>

Part 4: Geomorphology Habitat 2016 - Willow

<https://westernlaw.org/wp-content/uploads/2020/04/4-Appendix-C-NMED-Water-Quality-Data-Upper-Pecos-2014-Geomorph-Habitat.xlsx>

Part 5: Benthic Data 1980-2007 – Pecos, Dalton, Holy Ghost, Pecos, Mora, Winsor

https://westernlaw.org/wp-content/uploads/2020/04/5-Appendix-C-NMED-Water-Quality-Data-BenthicTaxon_12-26-19_17_48_24.xlsx

Part 6: Fish Ecology Data 2000-2008 – Pecos, Mora, Panchuela

https://westernlaw.org/wp-content/uploads/2020/04/6-Appendix-C-NMED-Water-Quality-Data-FISH_ECOLOGY_REPORT_12-26-19_17_50_29-1.xlsx

Part 7: Field Data 2001-2007 – Pecos, Jack’s, Holy Ghost, Indian, Mora, Macho, Panchuela, Willow

<https://westernlaw.org/wp-content/uploads/2020/04/7-Appendix-C-NMED-Water-Quality-Data-Pecos-2001-2007-Field-Data.xlsx>

Part 8: 2001-2007 Lab Data – Pecos, Jack’s, Holy Ghost, Willow, Mora, Winsor, Indian, Panchuela

<https://westernlaw.org/wp-content/uploads/2020/04/8-Appendix-C-NMED-Water-Quality-Data-Pecos-2001-2007-Lab-Data.xlsx>

Part 9: Holy Ghost Creek Temp Data

<https://westernlaw.org/wp-content/uploads/2020/04/9-Appendix-C-NMED-Water-Quality-Data-Holy-Ghost-1305260.xls>

Part 10: Panchuela Creek Temp Data

<https://westernlaw.org/wp-content/uploads/2020/04/10-Appendix-C-NMED-Water-Quality-Data-Panchuela-1305250.xls>

Part 11: Pecos (above Willow) Temp Data 2003

<https://westernlaw.org/wp-content/uploads/2020/04/11-Appendix-C-NMED-Water-Quality-Data-Pecos-abv-Willow-584647.xls>

Part 12: Pecos (Above Willow) Temp Data 2010

<https://westernlaw.org/wp-content/uploads/2020/04/12-Appendix-C-NMED-Water-Quality-Data-Pecos-abv-Willow-2386622.xls>

Part 13: Pecos at Wilderness Boundary Temp Data 2001

<https://westernlaw.org/wp-content/uploads/2020/04/13-Appendix-C-NMED-Water-Quality-Data-Pecos-at-wilderness-boundary-309476.xls>

Part 14: Rio Mora Temp Data 2010

<https://westernlaw.org/wp-content/uploads/2020/04/14-Appendix-C-NMED-Water-Quality-Data-Rio-Mora-abv-Pecos.xls>

Part 15: Willow above barrier Temp Data 2010

<https://westernlaw.org/wp-content/uploads/2020/04/15-Appendix-C-NMED-Water-Quality-Data-Willow-abv-barrier-1305279.xls>

Part 16: Willow below mine Temp Data 2010

<https://westernlaw.org/wp-content/uploads/2020/04/16-Appendix-C-NMED-Water-Quality-Data-Willow-blw-mine-1305275.xls>

Part 17: Winsor Data Temp Data 2010

<https://westernlaw.org/wp-content/uploads/2020/04/17-Appendix-C-NMED-Water-Quality-Data-Winsor.xls>

Exhibit 3

AFFIDAVIT OF PUBLICATION

COUNTY OF SAN MIGUEL

STATE OF NEW MEXICO

}

SS.

Phil Scherer

(Editor)

, Being first duly sworn, on oath

Legal # 21090315
Petition for Outstanding National
Resource Waters
82 Lines

states that s/he is a Manager of the Las Vegas Optic, a tri-weekly newspaper of general paid and general circulation in San Miguel county, New Mexico, entered under the second class postal privilege in said county, being the county in which the notice hereto attached is required to be published and said paper has been published in said San Miguel County continuously and uninterruptedly during a period of six months prior to the first issue thereof containing said notice. That the notice of which a copy as published is hereto attached and hereby made a part hereof was published in the English Language in said newspaper once each week for 1 consecutive weeks on the following dates, to wit:

First Publication on the 1st day of September, 20 21.

Second Publication on the _____ day of _____, 20_____.

Third Publication on the _____ day of _____, 20_____.

Fourth Publication on the _____ day of _____, 20_____.

That such notice is a legal notice and was published in said newspaper duly qualified for that purpose within the meaning of the provisions of Chapter 167, session Laws of 1937, and that payment therefor has been made - assessed as Court costs.

Phillip Scherer
Editor

Subscribed and sworn to before me this 13th day of September, 20 21.

CMF
Notary Public

9-20-2023 Expires



Exhibit 4

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO

County of Bernalillo SS

Elise Rodriguez, the undersigned, authorized Representative of the Albuquerque Journal, on oath states that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, that payment therefore has been made of assessed as court cost; and that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

09/02/2021

Pursuant to 20.1.6.4.9(A)(6) NMAC, San Miguel County, the Village of Pecos, the New Mexico Aquequia Association, Molino de la Isla Organics LLC, and the Upper Pecos Watershed Association hereby provide notice to the public that they intend to file a Petition with the New Mexico Water Quality Control Commission Nominating the Waters of the Upper Pecos Watershed (upstream of the Dalton Canyon Day Use Area) as Outstanding National Resource Waters (ONRW), pursuant to 20.1.6.4.9 NMAC. The Petition will include a map of the surface waters of the state nominated, including the location and proposed upstream and downstream boundaries; a written statement and evidence based on scientific principles in support of the nomination; water quality data to establish a baseline condition for the proposed ONRW; a discussion of activities that might contribute to the reduction of water quality in the proposed ONRW; and additional evidence to substantiate the 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. For more information, please contact the Administrator of the Upper Pecos Watershed Association, 505-757-3600. The draft Petition may be reviewed at urnwaters.org.

Journal: September 2, 2021

Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this

2 day of September of 2021

PRICE \$60.67

Statement to come at the end of month.

ACCOUNT NUMBER 1097105



Exhibit 5



PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Bear Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.789461 / -105.641378
County(s): SAN MIGUEL
Project Description: Request from Amigos Bravos for species lists for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

This report contains an initial list of recommendations regarding potential impacts to wildlife or wildlife habitats from the proposed project. Your project proposal is being forwarded to a New Mexico Department of Game and Fish (Department) biologist for review to determine whether there are any additional recommendations regarding the proposed actions. You should be notified within 30 days whether there are further recommendations regarding this project proposal.

About this report:

- This environmental review is based on the project description and location that was entered. The report must be updated if the project type, area, or operational components are modified.
- This is a preliminary environmental screening assessment and report. It is not a substitute for the potential wildlife knowledge gained by having a biologist conduct a field survey of the project area. Federal status and plant data are provided as a courtesy to users. The review is also not intended to replace consultation required under the federal Endangered Species Act (ESA), including impact analyses for federal resources from the U.S. Fish and Wildlife Service (USFWS) using their [Information for Planning and Consultation tool](#).
- The New Mexico Environmental Review Tool (ERT) utilizes species observation locations and species distribution models, both of which are subject to ongoing change and refinement. Inclusion or omission of a species within a report can not guarantee species presence or absence at a precise point location, as might be indicated through comprehensive biological surveys. Specific questions regarding the potential for adverse impacts to vulnerable wildlife populations or habitats, especially in areas with a limited history of biological surveys, may require further on-site assessments.
- The Department encourages use of the ERT to modify proposed projects for avoidance, minimization, or mitigation of wildlife impacts. However, the ERT is not intended to be used in a repeatedly iterative fashion to adjust project attributes until a previously determined recommendation is generated. The ERT serves to assess impacts once project details are developed. The [New Mexico Crucial Habitat Assessment Tool](#) is the appropriate system for advising early-stage project planning and design to avoid areas of anticipated wildlife concerns and associated regulatory requirements.



Pecos ONRW Petition - Bear Creek



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Brown Trout	Salmo trutta			SERI
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Elk	Cervus canadensis nelsoni			SERI
Mule Deer	Odocoileus hemionus			SERI

ESA = Endangered Species Act, WCA = Wildlife Conservation Act, SGCN = Species of Greatest Conservation Need, SERI = Species of Economic and Recreational Importance

Project Recommendations

Your proposed project activities may require a custom review for assessment of potential effects to wildlife. If the information provided under the "OVERALL STATUS" section above indicates that your project will be forwarded for review, a Department biologist will confirm whether any additional conservation measures are needed. You should expect to receive any additional project recommendations within 30 days of your project submission. If the "OVERALL STATUS" section indicates that no further consultation with the Department is required, you should not expect to receive additional project feedback from the Department, and you may proceed with project planning as indicated.

The proposed project occurs within or near a riparian area. Because riparian areas are important wildlife habitats, the project footprint should avoid removing any riparian vegetation or creating ground disturbance either directly within or affecting the riparian area. If your project involves removal of non-native riparian trees or planting of native riparian vegetation, please refer to the Department's habitat handbook guideline for [Restoration and Management of Native and Non-native Trees in Southwestern Riparian Ecosystems](#).



Disclaimers regarding recommendations:

- The Department provides technical guidance to support the persistence of all protected species of native fish and wildlife, including game and nongame wildlife species. Species listed within this report include those that have been documented to occur within the project area, and others that may not have been documented but are projected to occur within the project vicinity.
- Recommendations are provided by the Department under the authority of § 17-1-5.1 New Mexico Statutes Annotated 1978, to provide "communication and consultation with federal and other state agencies, local governments and communities, private organizations and affected interests responsible for habitat, wilderness, recreation, water quality and environmental protection to ensure comprehensive conservation services for hunters, anglers and nonconsumptive wildlife users".
- The Department has no authority for management of plants or Important Plant Areas. The [New Mexico Endangered Plant Program](#), under the Energy, Minerals, and Natural Resources Department's Forestry Division, identifies and develops conservation measures necessary to ensure the survival of plant species within New Mexico. Plant status information is provided within this report as a courtesy to users. Recommendations provided within the ERT may not be sufficient to preclude impacts to rare or sensitive plants, unless conservation measures are identified in coordination with the Endangered Plant Program.
- Additional coordination may also be necessary under the federal ESA or National Environmental Policy Act (NEPA). Further site-specific recommendations may be proposed during ESA and/or NEPA analyses, or through coordination with affected federal agencies.



PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Carpenter Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.802099 / -105.677585
County(s): SAN MIGUEL
Project Description: Species list request for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

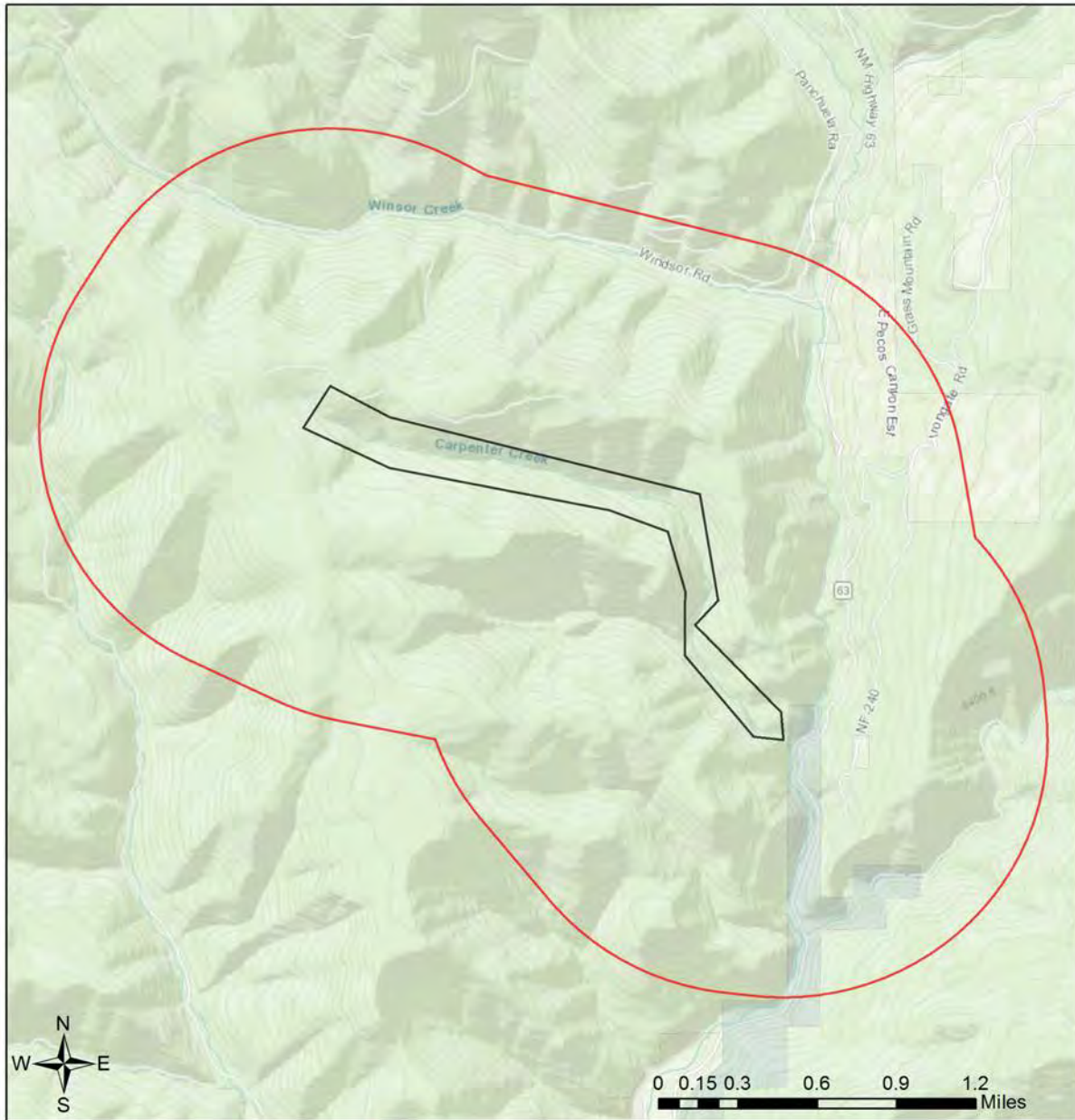
This report contains an initial list of recommendations regarding potential impacts to wildlife or wildlife habitats from the proposed project. Your project proposal is being forwarded to a New Mexico Department of Game and Fish (Department) biologist for review to determine whether there are any additional recommendations regarding the proposed actions. You should be notified within 30 days whether there are further recommendations regarding this project proposal.

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Pecos ONRW Petition - Carpenter Creek



- | | | |
|---------------------------------|----------------------|----------------------|
| Project Boundary | Military | Private |
| Buffered Project Boundary | Dept. of Energy | State Land Office |
| NM_SurfaceOwnership_2016 | | |
| Bureau of Land Management | US Forest Service | NM Game & Fish Dept. |
| Bureau of Reclamation | Wildlife Area/Refuge | State Park |
| US Dept. of Agriculture | Tribal | |
| | National Park/Mon. | |

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Mountain Plover	Charadrius montanus			SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Rainbow Trout	Oncorhynchus mykiss			SERI
Brown Trout	Salmo trutta			SERI
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Elk	Cervus canadensis nelsoni			SERI
Mule Deer	Odocoileus hemionus			SERI
				SERI

ESA = Endangered Species Act, WCA = Wildlife Conservation Act, SGCN = Species of Greatest Conservation Need, SERI = Species of Economic and Recreational Importance

Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
New Mexico Stickseed	Hackelia hirsuta			
Holy Ghost Ipomopsis	Ipomopsis sancti-spiritus			
Sapello Canyon Larkspur	Delphinium sapellonis			
Mountain Lily	Lilium philadelphicum var. andinum			
Hooded Ladies'-Tresses	Spiranthes romanzoffiana			

NMAC = New Mexico Administrative Code, NMRPCS = [New Mexico Rare Plant Conservation Strategy](#), SS = NM Rare Plant Conservation Strategy Species



Project Recommendations

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- Recommendations are provided by the Department under the authority of § 17-1-5.1 New Mexico Statutes Annotated 1978, to provide "communication and consultation with federal and other state agencies, local governments and communities, private organizations and affected interests responsible for habitat, wilderness, recreation, water quality and environmental protection to ensure comprehensive conservation services for hunters, anglers and nonconsumptive wildlife users".
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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Dalton Canyon Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.668621 / -105.708679
County(s): SAN MIGUEL; SANTA FE
Project Description: Species list request for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

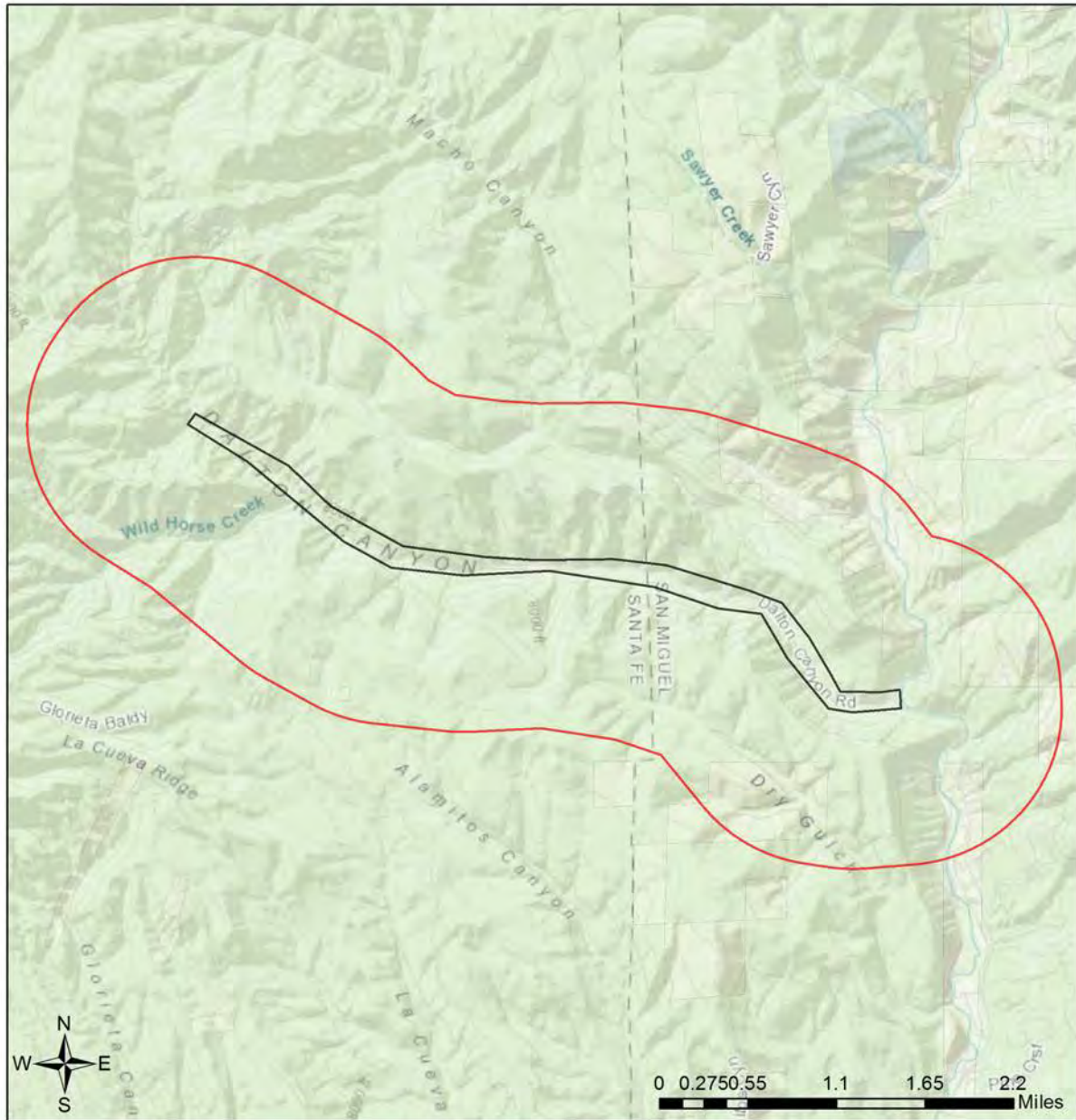
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Pecos ONRW Petition - Dalton Canyon Creek



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Mountain Plover	Charadrius montanus			SGCN
Long-Billed Curlew	Numenius americanus			SGCN
Mexican Spotted Owl	Strix occidentalis lucida			SGCN
Mexican spotted owl Designated Critical Habitat	CH for Strix occidentalis lucida	Threatened		SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SERI
Spotted Bat	Euderma maculatum		T	SGCN
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Mule Deer	Odocoileus hemionus			SERI
				SERI

ESA = Endangered Species Act, WCA = Wildlife Conservation Act, SGCN = Species of Greatest Conservation Need, SERI = Species of Economic and Recreational Importance

Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
Mountain Lily	Lilium philadelphicum var. andinum			
Yellow Lady's-Slipper	Cypripedium parviflorum var. pubescens			

NMAC = New Mexico Administrative Code, NMRPCS = [New Mexico Rare Plant Conservation Strategy](#), SS = NM Rare Plant Conservation Strategy Species



Project Recommendations

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Your project occurs within important habitats for wildlife, which could include fawning/calving or wintering areas for species such as deer and elk, or high wildlife movement and activity areas. Management recommendations within these areas may include the following.

- Restrictions on noise-generating activities between Dec. 1 and Apr. 15. These activities would include oil and gas well pad development and operation that exposes wildlife to noises loud noises (at or above 48.6 dB(A) Leq at 400 feet in any direction from the source) from drilling, compressors, and pumping stations.
- Modifying fences along high use areas to make them wildlife friendly and facilitate large animal movement.
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Your proposed project occurs within an area where springs or other important natural water features occur. This may result in the presence of a high use area for wildlife relative to the surrounding landscape. To ensure continued function of these important wildlife habitats, your project should consider measures to avoid the following.

- Altering surface or groundwater flow or hydrology,
- Disturbance to soil that modifies geomorphic properties or facilitates invasion of non-native vegetation.
- Affecting local surface or groundwater quality.
- Creating disturbance to wildlife utilizing these water features. Disturbance to wildlife can be reduced through practices including clustering infrastructure and activity wherever possible, avoiding large visual obstructions around water features, and limiting nighttime project operations or activities.

Department biologists are available for site-specific consultation regarding measures to assist with management and conservation of these habitat resources.



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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Doctor Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.772826 / -105.728461
County(s): SAN MIGUEL; SANTA FE
Project Description: Species list request for ONRW petition .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

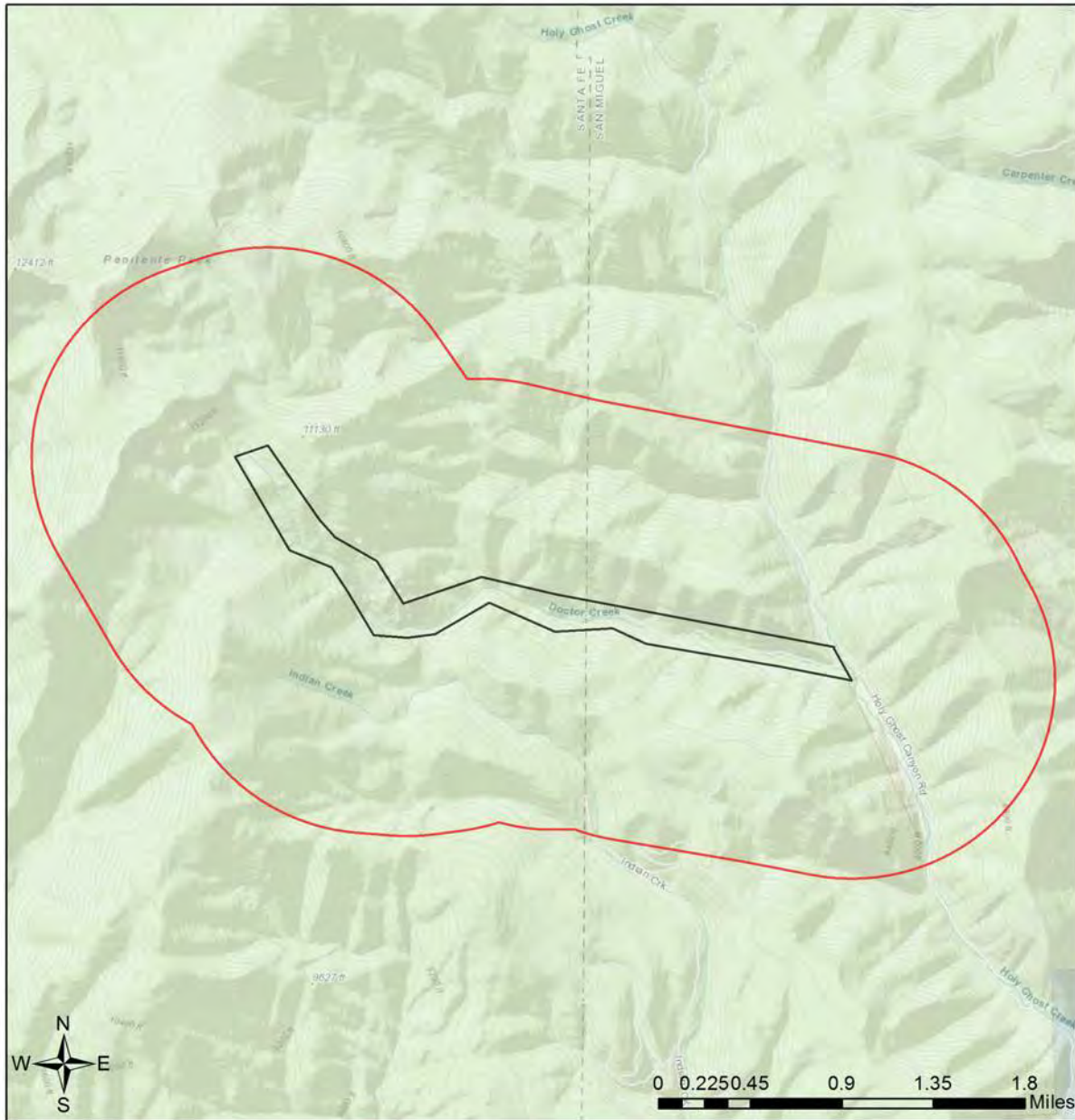
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Pecos ONRW Petition - Doctor Creek



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Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Mountain Plover	Charadrius montanus			SGCN
Boreal Owl	Aegolius funereus		T	SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Cutthroat Trout	Oncorhynchus clarkii			SGCN
Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SGCN
Brown Trout	Salmo trutta			SERI
Spotted Bat	Euderma maculatum		T	SGCN
American Pika	Ochotona princeps			SGCN
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
Pacific Marten	Martes caurina			SGCN
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Mule Deer	Odocoileus hemionus			SERI
				SERI

ESA = Endangered Species Act, WCA = Wildlife Conservation Act, SGCN = Species of Greatest Conservation Need, SERI = Species of Economic and Recreational Importance

Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
Holy Ghost Ipomopsis	Ipomopsis sancti-spiritus			
Hooded Ladies'-Tresses	Spiranthes romanzoffiana			

NMAC = New Mexico Administrative Code, NMRPCS = [New Mexico Rare Plant Conservation Strategy](#), SS = NM Rare Plant Conservation Strategy Species



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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Davis Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.741204 / -105.664616
County(s): SAN MIGUEL
Project Description: Species list request for ONRW Petition .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

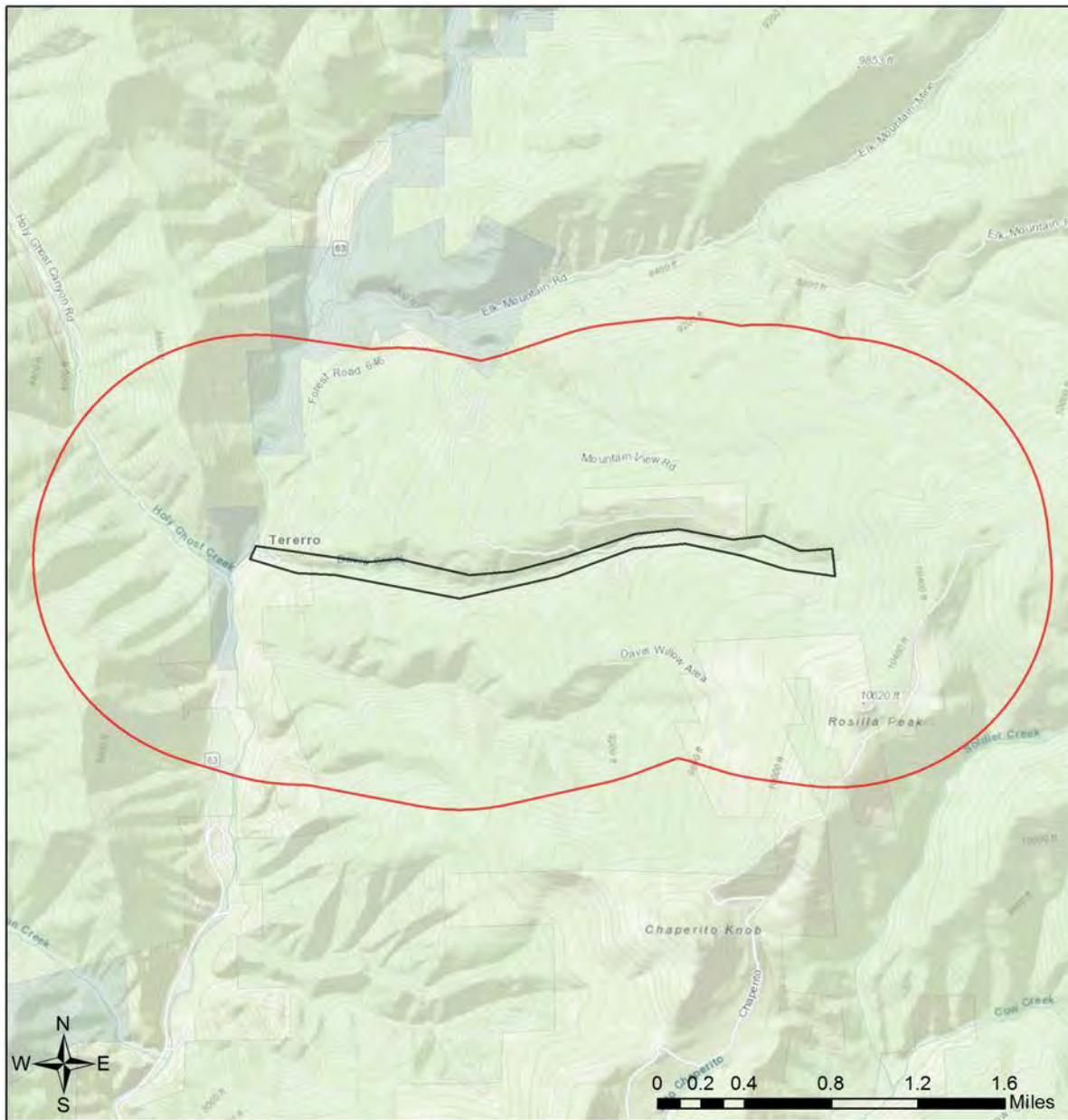
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Pecos ONRW Petition - Davis Creek



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Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
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Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
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Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
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Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Cutthroat Trout	Oncorhynchus clarkii			SGCN
White Sucker	Catostomus commersonii			SGCN
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A Cave Obligate Springtail	Tomocerus grahami			SGCN
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Elk	Cervus canadensis nelsoni			SERI
Mule Deer	Odocoileus hemionus			SERI

ESA = Endangered Species Act, WCA = Wildlife Conservation Act, SGCN = Species of Greatest Conservation Need, SERI = Species of Economic and Recreational Importance

Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
Holy Ghost Ipomopsis	Ipomopsis sancti-spiritus			

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- Affecting local surface or groundwater quality.
- Creating disturbance to wildlife utilizing these water features. Disturbance to wildlife can be reduced through practices including clustering infrastructure and activity wherever possible, avoiding large visual obstructions around water features, and limiting nighttime project operations or activities.

Department biologists are available for site-specific consultation regarding measures to assist with management and conservation of these habitat resources.



PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Holy Ghost Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.760233 / -105.693154
County(s): SAN MIGUEL
Project Description: Species List request for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

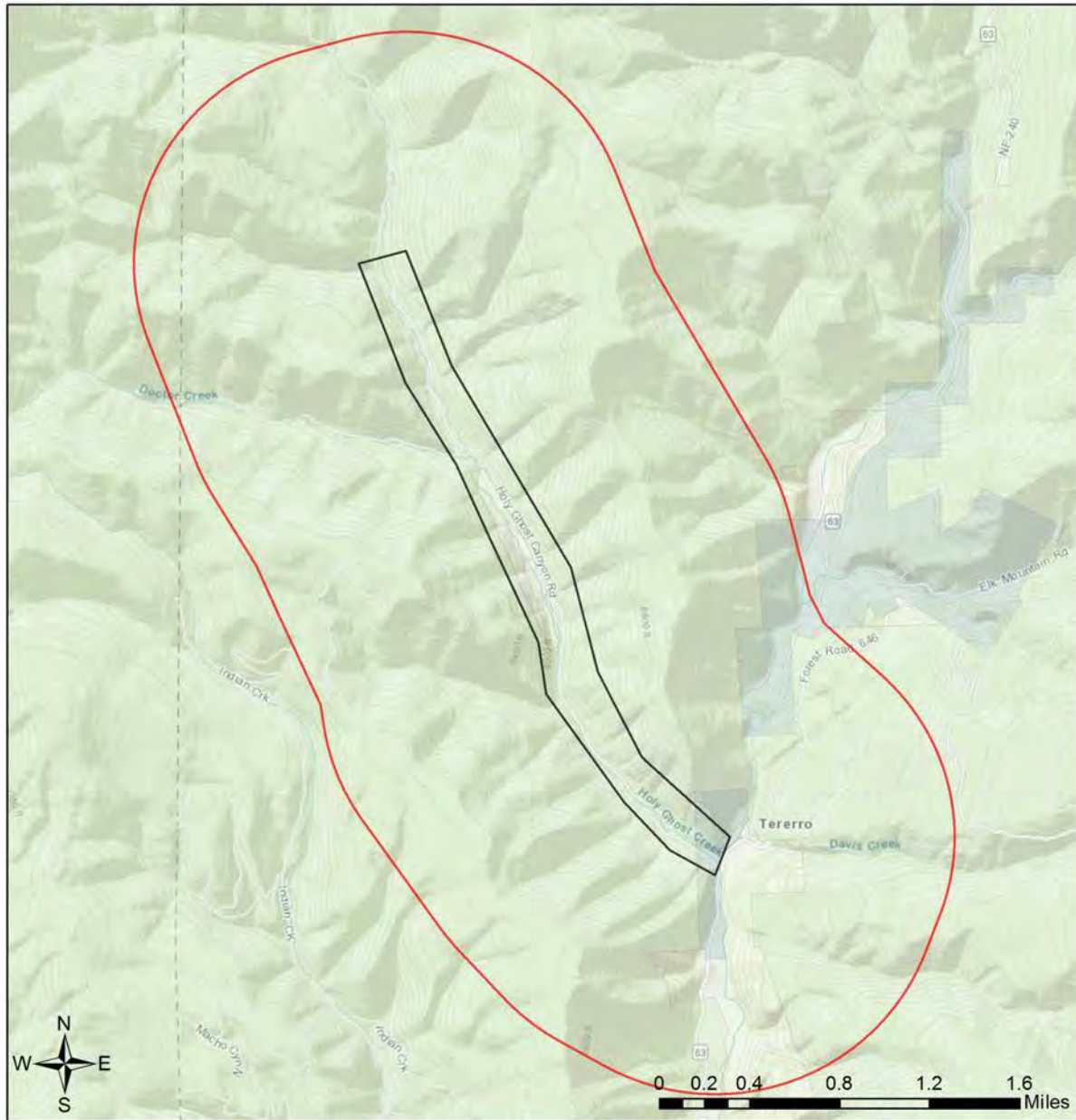
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Pecos ONRW Petition - Holy Ghost Creek



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Mountain Plover	Charadrius montanus			SGCN
Mexican spotted owl Designated Critical Habitat	CH for Strix occidentalis lucida	Threatened		SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Cutthroat Trout	Oncorhynchus clarkii			SGCN
Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SGCN
Brown Trout	Salmo trutta			SERI
White Sucker	Catostomus commersonii			SGCN
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
A Cave Obligate Springtail	Tomocerus grahami			SGCN
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Mule Deer	Odocoileus hemionus			SERI

ESA = Endangered Species Act, WCA = Wildlife Conservation Act, SGCN = Species of Greatest Conservation Need, SERI = Species of Economic and Recreational Importance

Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
Holy Ghost Ipomopsis	Ipomopsis sancti-spiritus			
Mountain Lily	Lilium philadelphicum var. andinum			

NMAC = New Mexico Administrative Code, NMRPCS = [New Mexico Rare Plant Conservation Strategy](#), SS = NM Rare Plant Conservation Strategy Species



Project Recommendations

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- Restrictions on noise-generating activities between Dec. 1 and Apr. 15. These activities would include oil and gas well pad development and operation that exposes wildlife to noises loud noises (at or above 48.6 dB(A) Leq at 400 feet in any direction from the source) from drilling, compressors, and pumping stations.
- Modifying fences along high use areas to make them wildlife friendly and facilitate large animal movement.
- Taking mitigation actions to reduce wildlife-vehicle collisions at high risk locations.

The proposed project occurs within or near a riparian area. Because riparian areas are important wildlife habitats, the project footprint should avoid removing any riparian vegetation or creating ground disturbance either directly within or affecting the riparian area. If your project involves removal of non-native riparian trees or planting of native riparian vegetation, please refer to the Department's habitat handbook guideline for [Restoration and Management of Native and Non-native Trees in Southwestern Riparian Ecosystems](#).



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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Indian Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.752793 / -105.716058
County(s): SAN MIGUEL; SANTA FE
Project Description: Species list request for ONRW petition .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

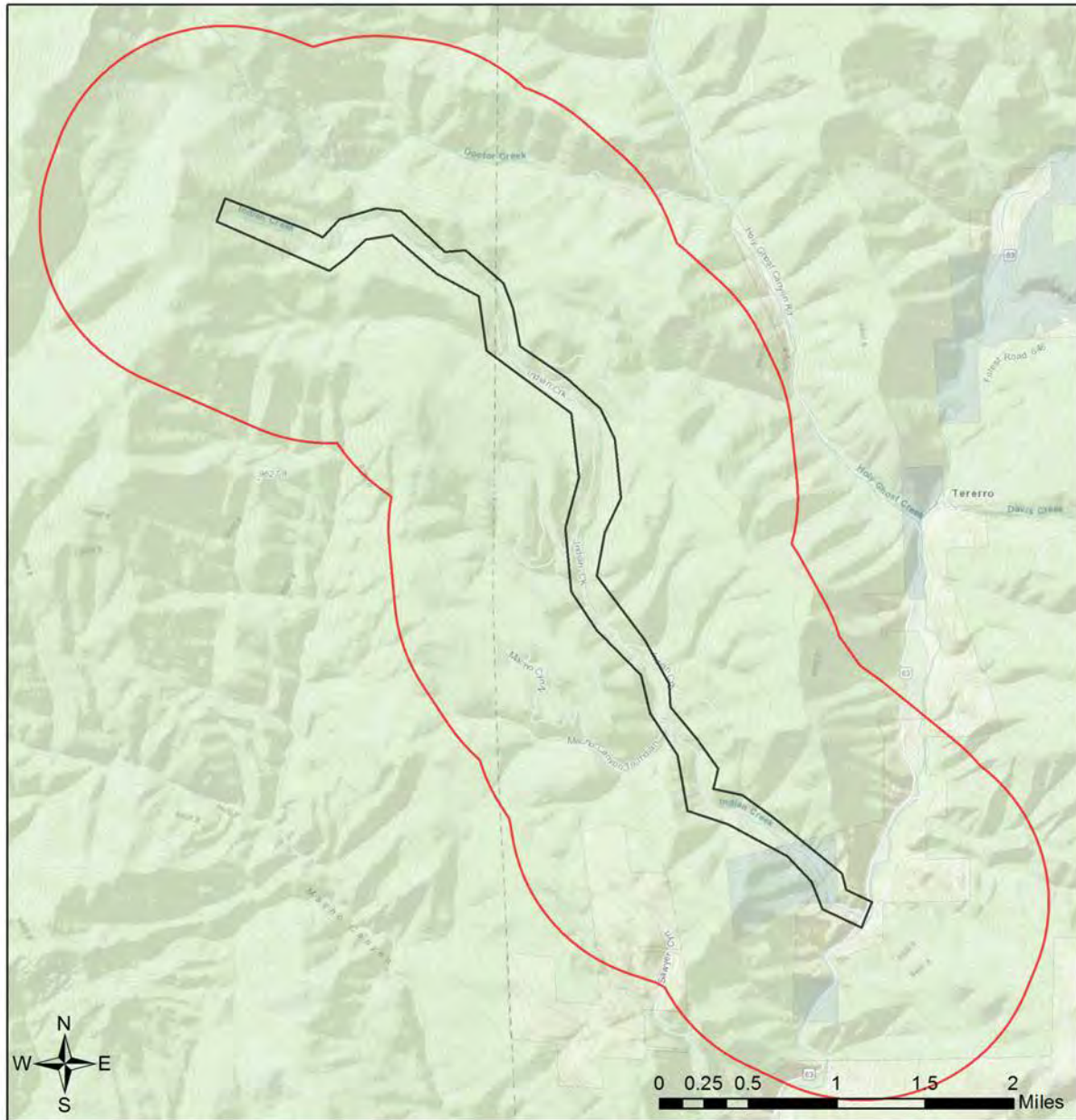
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Pecos ONRW Petition - Indian Creek



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Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Mountain Plover	Charadrius montanus			SGCN
Mexican Spotted Owl	Strix occidentalis lucida			SGCN
Mexican spotted owl Designated Critical Habitat	CH for Strix occidentalis lucida	Threatened		SGCN
Boreal Owl	Aegolius funereus			SGCN
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Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SGCN
Brown Trout	Salmo trutta			SERI
White Sucker	Catostomus commersonii			SGCN
Spotted Bat	Euderma maculatum		T	SGCN
American Pika	Ochotona princeps			SGCN
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Mule Deer	Odocoileus hemionus			SERI

ESA = Endangered Species Act, WCA = Wildlife Conservation Act, SGCN = Species of Greatest Conservation Need, SERI = Species of Economic and Recreational Importance

Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
Holy Ghost Ipomopsis	Ipomopsis sancti-spiritus			

NMAC = New Mexico Administrative Code, NMRPCS = [New Mexico Rare Plant Conservation Strategy](#), SS = NM Rare Plant Conservation Strategy Species



Project Recommendations

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Your proposed project occurs within an area where springs or other important natural water features occur. This may result in the presence of a high use area for wildlife relative to the surrounding landscape. To ensure continued function of these important wildlife habitats, your project should consider measures to avoid the following.

- Altering surface or groundwater flow or hydrology,
- Disturbance to soil that modifies geomorphic properties or facilitates invasion of non-native vegetation.
- Affecting local surface or groundwater quality.
- Creating disturbance to wildlife utilizing these water features. Disturbance to wildlife can be reduced through practices including clustering infrastructure and activity wherever possible, avoiding large visual obstructions around water features, and limiting nighttime project operations or activities.

Department biologists are available for site-specific consultation regarding measures to assist with management and conservation of these habitat resources.



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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Jack's Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.832150 / -105.660149
County(s): SAN MIGUEL
Project Description: Species list request for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

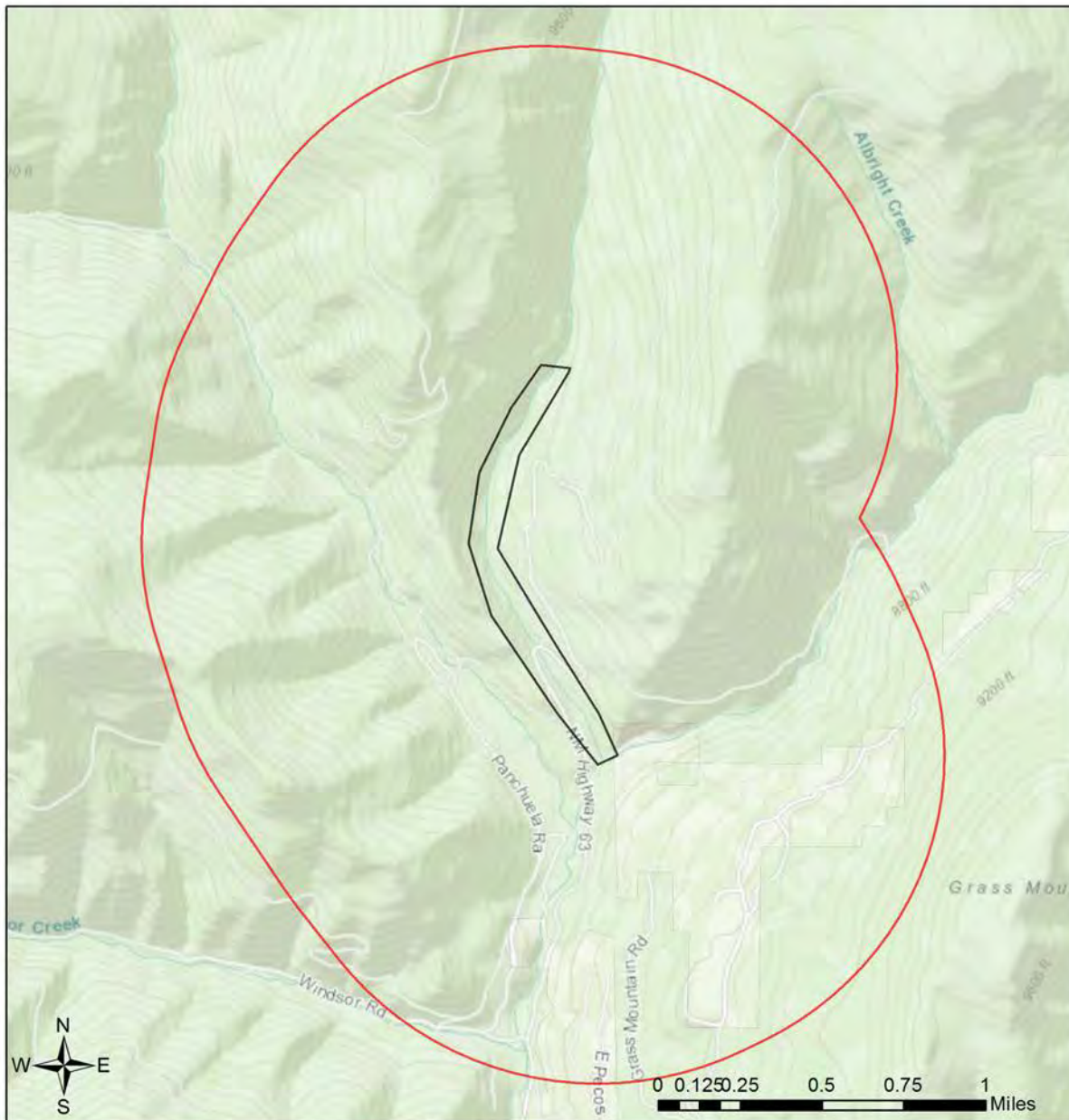
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Pecos ONRW Petition - Jack's Creek



- | | | |
|---------------------------------|----------------------|----------------------|
| Project Boundary | Military | Private |
| Buffered Project Boundary | Dept. of Energy | State Land Office |
| NM_SurfaceOwnership_2016 | | |
| Bureau of Land Management | US Forest Service | NM Game & Fish Dept. |
| Bureau of Reclamation | Wildlife Area/Refuge | State Park |
| US Dept. of Agriculture | Tribal | |
| | National Park/Mon. | |

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Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Northern Goshawk	Accipiter gentilis			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
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Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
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Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
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Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SERI
Rainbow Trout	Oncorhynchus mykiss			SERI
Brown Trout	Salmo trutta			SERI
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Elk	Cervus canadensis nelsoni			SERI
Mule Deer	Odocoileus hemionus			SERI
				SERI

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Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
New Mexico Stickseed	Hackelia hirsuta			
Holy Ghost Ipomopsis	Ipomopsis sancti-spiritus			
Sapello Canyon Larkspur	Delphinium sapellonis			
Mountain Lily	Lilium philadelphicum var. andinum			
Yellow Lady's-Slipper	Cypripedium parviflorum var. pubescens			

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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Macho Canyon Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.709851 / -105.737069
County(s): SAN MIGUEL; SANTA FE
Project Description: Species list request for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

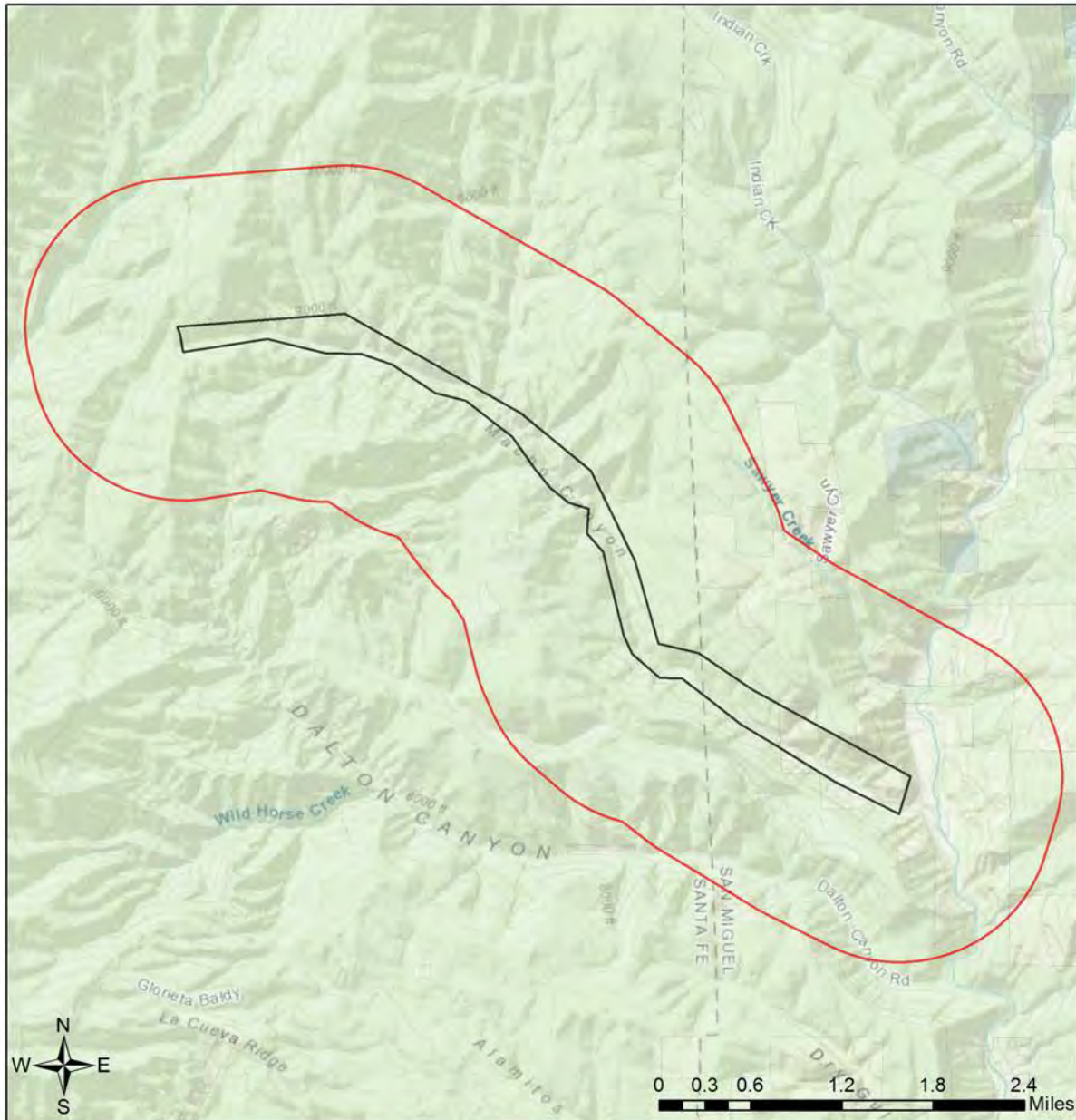
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Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
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Peregrine Falcon	Falco peregrinus		T	SGCN
Mountain Plover	Charadrius montanus			SGCN
Long-Billed Curlew	Numenius americanus			SGCN
Mexican Spotted Owl	Strix occidentalis lucida			SGCN
Mexican spotted owl Designated Critical Habitat	CH for Strix occidentalis lucida	Threatened		SGCN
Boreal Owl	Aegolius funereus		T	SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SERI
Rainbow Trout	Oncorhynchus mykiss			SERI
Spotted Bat	Euderma maculatum		T	SGCN
American Pika	Ochotona princeps			SGCN
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Mule Deer	Odocoileus hemionus			SERI

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Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
Mountain Lily	Lilium philadelphicum var. andinum			
Yellow Lady's-Slipper	Cypripedium parviflorum var. pubescens			

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Project Recommendations

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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Rio Mora
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.785436 / -105.647393
County(s): SAN MIGUEL
Project Description: Species list request for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

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Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Mountain Plover	Charadrius montanus			SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Brown Trout	Salmo trutta			SERI
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Elk	Cervus canadensis nelsoni			SERI
Mule Deer	Odocoileus hemionus			SERI

ESA = Endangered Species Act, WCA = Wildlife Conservation Act, SGCN = Species of Greatest Conservation Need, SERI = Species of Economic and Recreational Importance

Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
New Mexico Stickseed	Hackelia hirsuta			
Sapello Canyon Larkspur	Delphinium sapellonis			
Yellow Lady's-Slipper	Cypripedium parviflorum var. pubescens			

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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Panchuela Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.829037 / -105.662173
County(s): SAN MIGUEL
Project Description: Species list request for ONRW petition. . .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

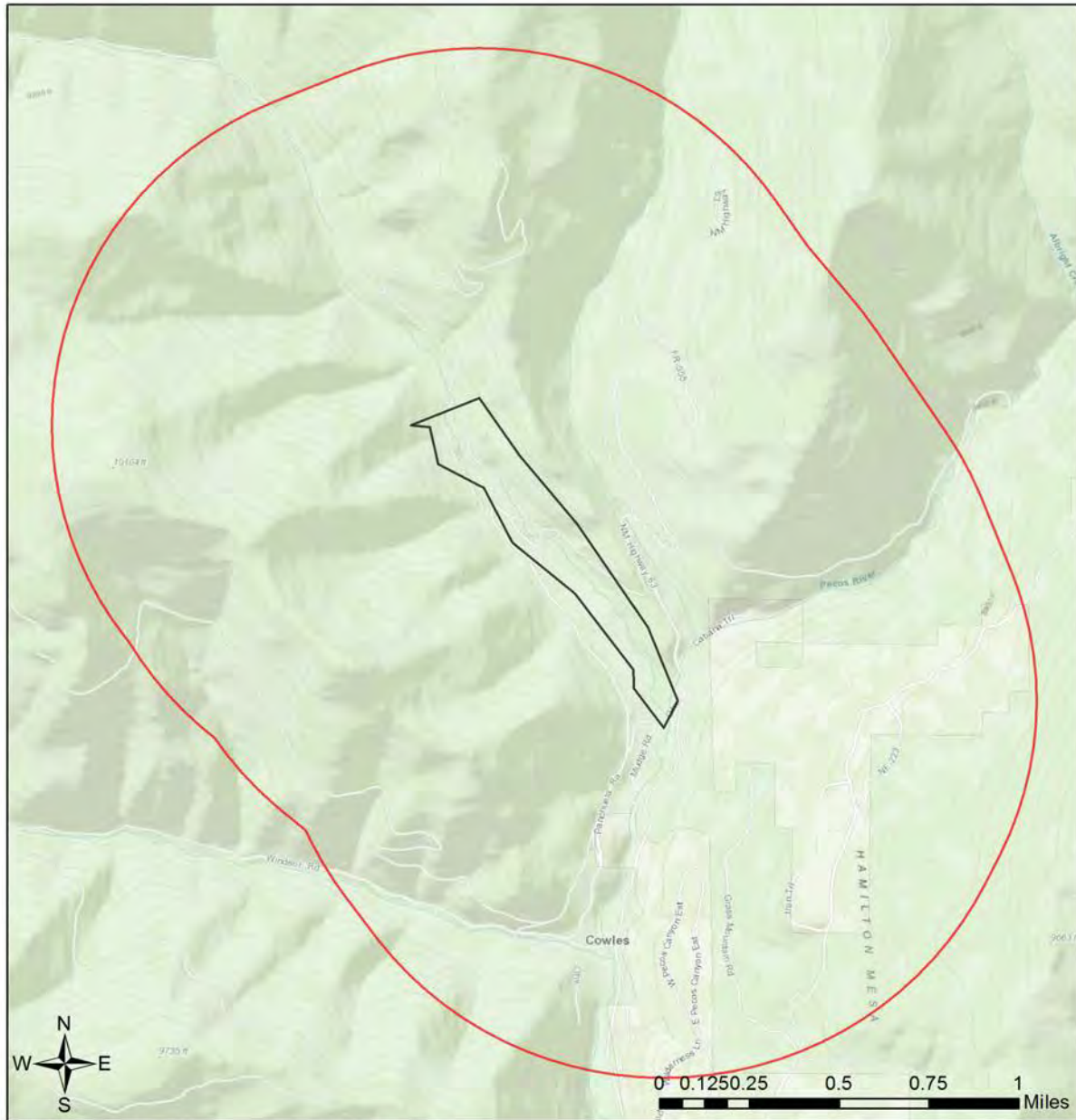
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Pecos ONRW Petition - Panchuela Creek



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Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Northern Goshawk	Accipiter gentilis			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Cutthroat Trout	Oncorhynchus clarkii			SGCN
Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SERI
Rainbow Trout	Oncorhynchus mykiss			SERI
Brown Trout	Salmo trutta			SERI
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Elk	Cervus canadensis nelsoni			SERI
Mule Deer	Odocoileus hemionus			SERI

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Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
New Mexico Stickseed	Hackelia hirsuta			
Holy Ghost Ipomopsis	Ipomopsis sancti-spiritus			
Sapello Canyon Larkspur	Delphinium sapellonis			
Mountain Lily	Lilium philadelphicum var. andinum			
Yellow Lady's-Slipper	Cypripedium parviflorum var. pubescens			

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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Pecos Rive
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.774509 / -105.667759
County(s): SAN MIGUEL
Project Description: Species list request for NORW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
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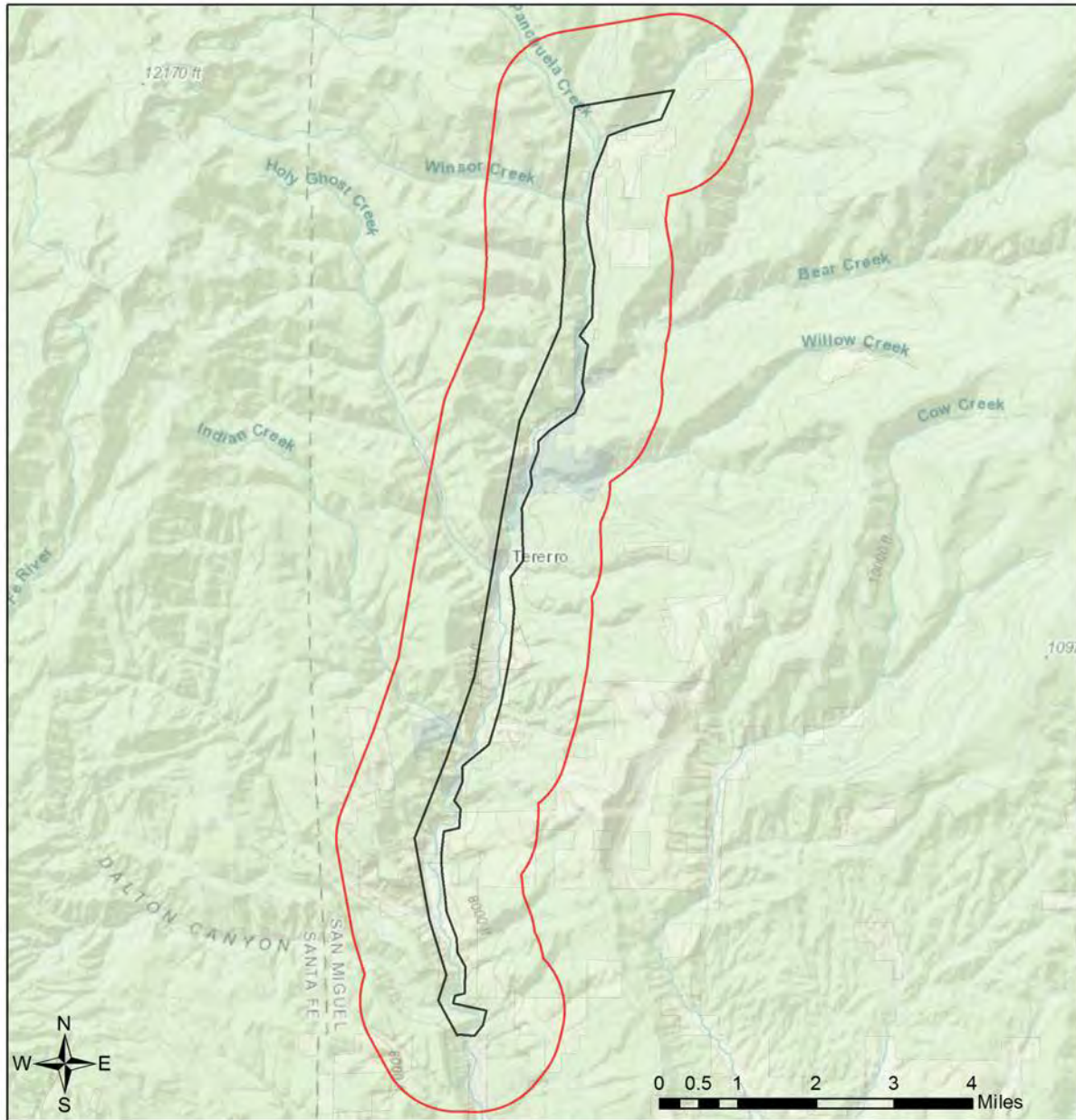
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Pecos ONRW Petition - Pecos River



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Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
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Northern Goshawk	Accipiter gentilis			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Mountain Plover	Charadrius montanus			SGCN
Long-Billed Curlew	Numenius americanus			SGCN
Mexican Spotted Owl	Strix occidentalis lucida			SGCN
Mexican spotted owl Designated Critical Habitat	CH for Strix occidentalis lucida	Threatened		SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
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Brown Trout	Salmo trutta			SERI
White Sucker	Catostomus commersonii			SGCN
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
A Cave Obligate Springtail	Tomocerus grahami			SGCN
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Elk	Cervus canadensis nelsoni			SERI
Mule Deer	Odocoileus hemionus			SERI
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Holy Ghost Ipomopsis	Ipomopsis sancti-spiritus			



Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
Sapello Canyon Larkspur	Delphinium sapellonis			
Mountain Lily	Lilium philadelphicum var. andinum			
Yellow Lady's-Slipper	Cypripedium parviflorum var. pubescens			

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Your proposed project occurs within an area where springs or other important natural water features occur. This may result in the presence of a high use area for wildlife relative to the surrounding landscape. To ensure continued function of these important wildlife habitats, your project should consider measures to avoid the following.

- Altering surface or groundwater flow or hydrology,
- Disturbance to soil that modifies geomorphic properties or facilitates invasion of non-native vegetation.
- Affecting local surface or groundwater quality.
- Creating disturbance to wildlife utilizing these water features. Disturbance to wildlife can be reduced through practices including clustering infrastructure and activity wherever possible, avoiding large visual obstructions around water features, and limiting nighttime project operations or activities.

Department biologists are available for site-specific consultation regarding measures to assist with management and conservation of these habitat resources.

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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Rio Mora
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.785436 / -105.647393
County(s): SAN MIGUEL
Project Description: Species list request for ONRW petition. .

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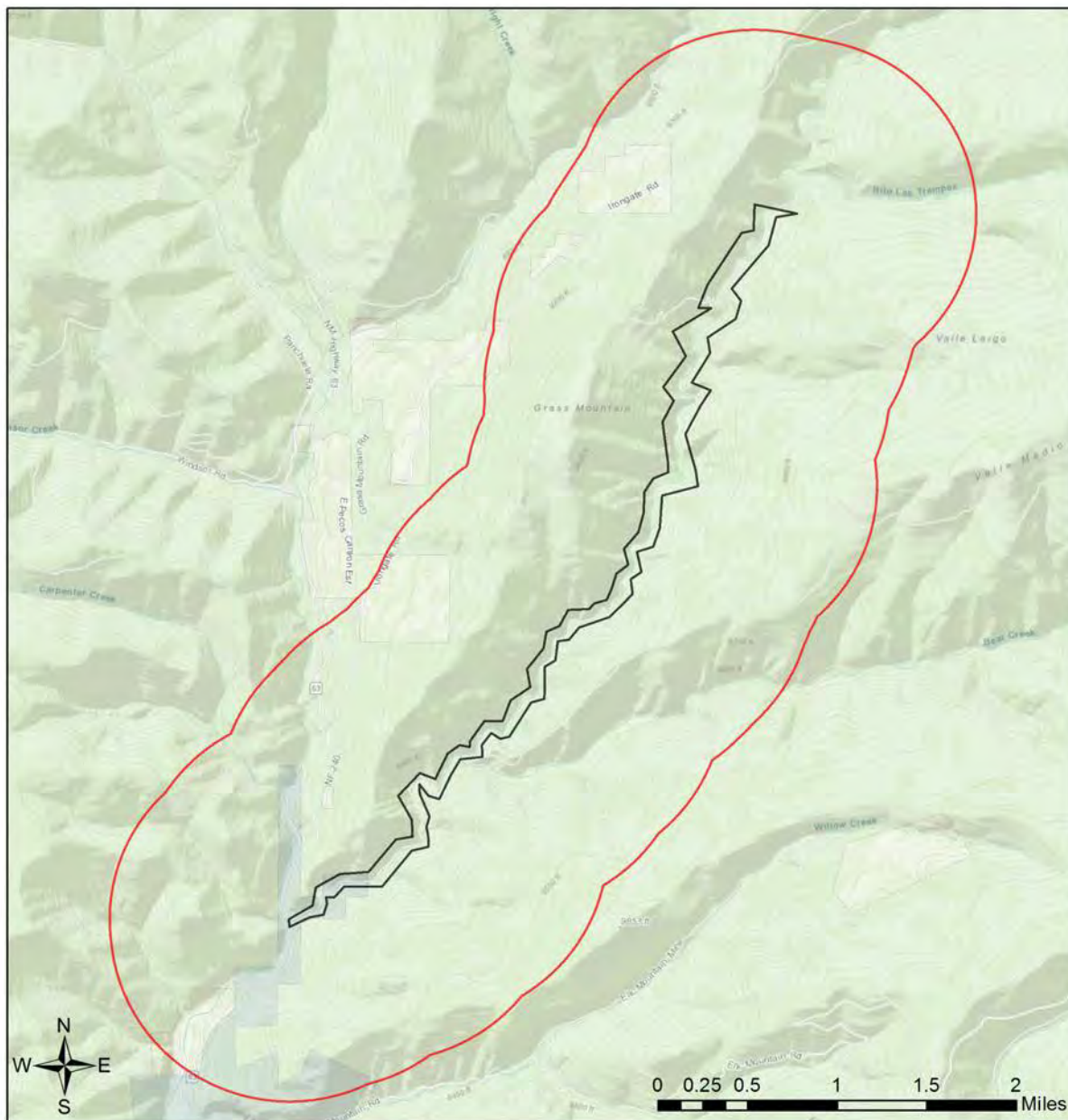
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Pecos ONRW Petition - Rio Mora



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Mountain Plover	Charadrius montanus			SGCN
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Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Brown Trout	Salmo trutta			SERI
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Elk	Cervus canadensis nelsoni			SERI
Mule Deer	Odocoileus hemionus			SERI

ESA = Endangered Species Act, WCA = Wildlife Conservation Act, SGCN = Species of Greatest Conservation Need, SERI = Species of Economic and Recreational Importance

Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
New Mexico Stickseed	Hackelia hirsuta			
Sapello Canyon Larkspur	Delphinium sapellonis			
Yellow Lady's-Slipper	Cypripedium parviflorum var. pubescens			

NMAC = New Mexico Administrative Code, NMRPCS = [New Mexico Rare Plant Conservation Strategy](#), SS = NM Rare Plant Conservation Strategy Species



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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Sawyer Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.698410 / -105.704638
County(s): SAN MIGUEL
Project Description: Species list request for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

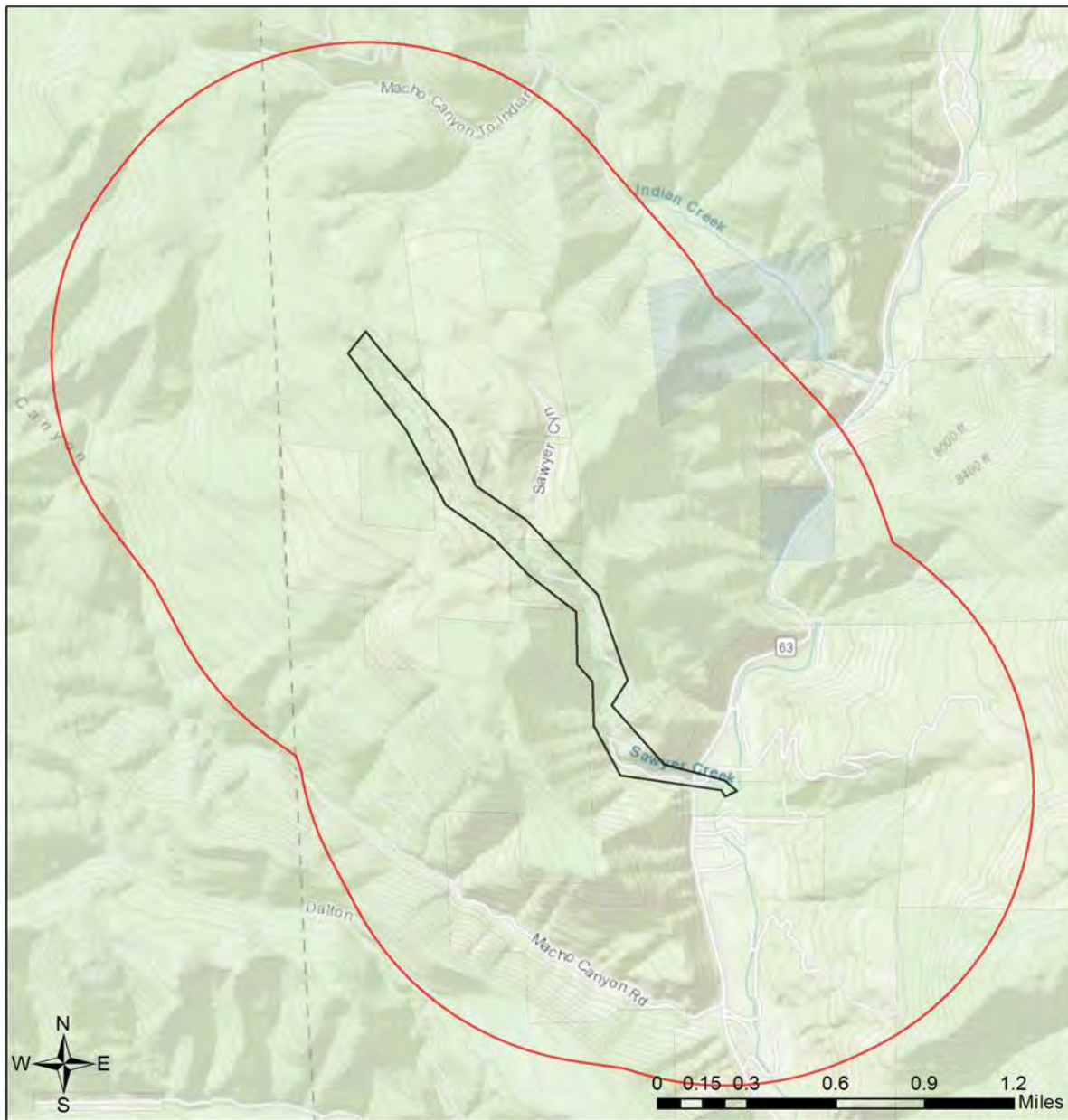
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Pecos ONRW Petition - Sawyer Creek



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Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
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Peregrine Falcon	Falco peregrinus		T	SGCN
Mountain Plover	Charadrius montanus			SGCN
Mexican Spotted Owl	Strix occidentalis lucida			SGCN
Mexican spotted owl Designated Critical Habitat	CH for Strix occidentalis lucida	Threatened		SGCN
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Juniper Titmouse	Baeolophus ridgwayi			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
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Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SERI
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Cougar	Puma concolor			SERI
Mule Deer	Odocoileus hemionus			SERI
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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Wild Horse Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.672373 / -105.775507
County(s): SANTA FE
Project Description: Species list request for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

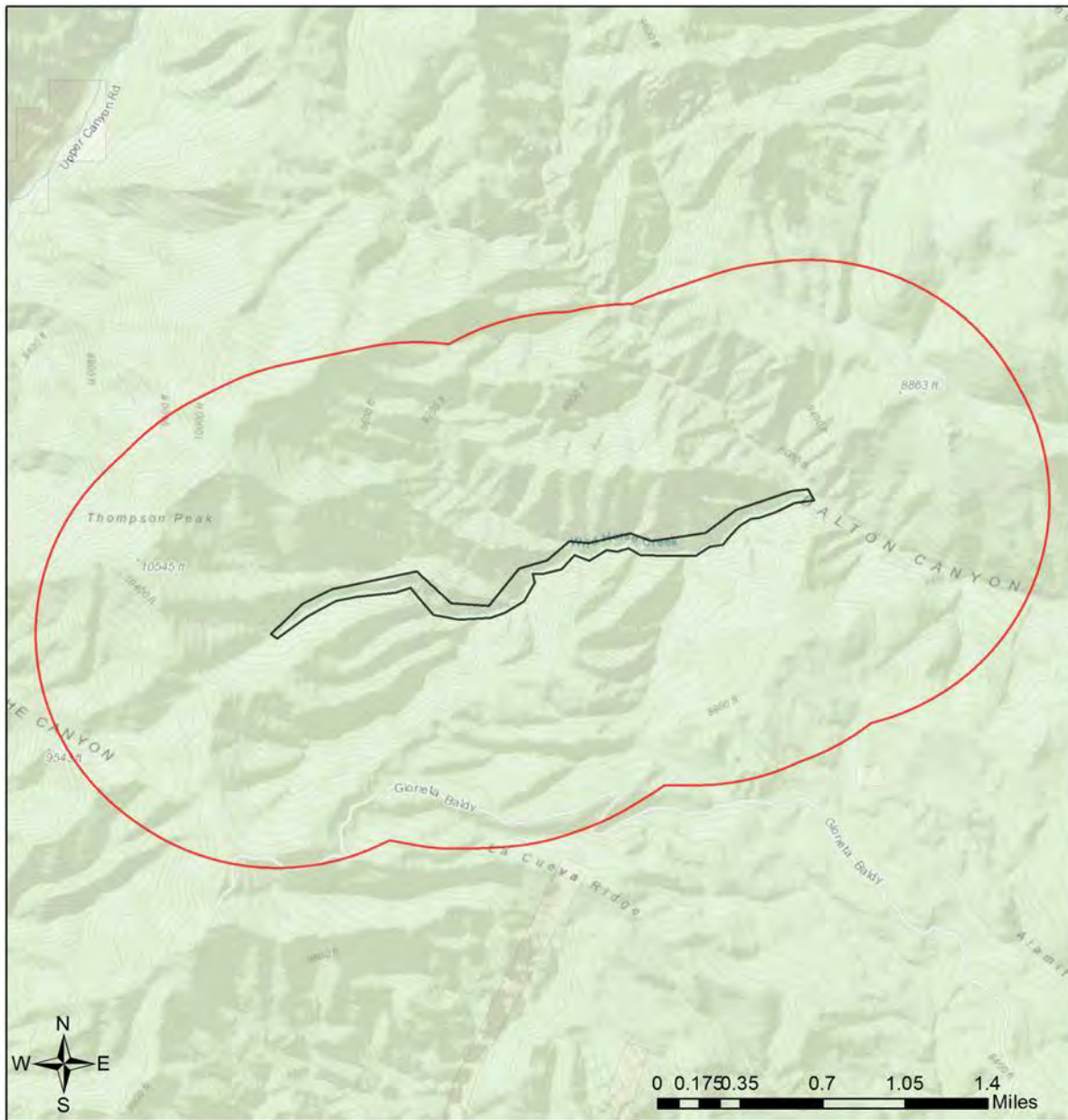
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Pecos ONRW Petition - Wild Horse Creek



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Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Bald Eagle	Haliaeetus leucocephalus		T	SGCN
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Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SERI
Spotted Bat	Euderma maculatum		T	SGCN
American Pika	Ochotona princeps			SGCN
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Willow Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.761680 / -105.649466
County(s): SAN MIGUEL
Project Description: Species list request for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

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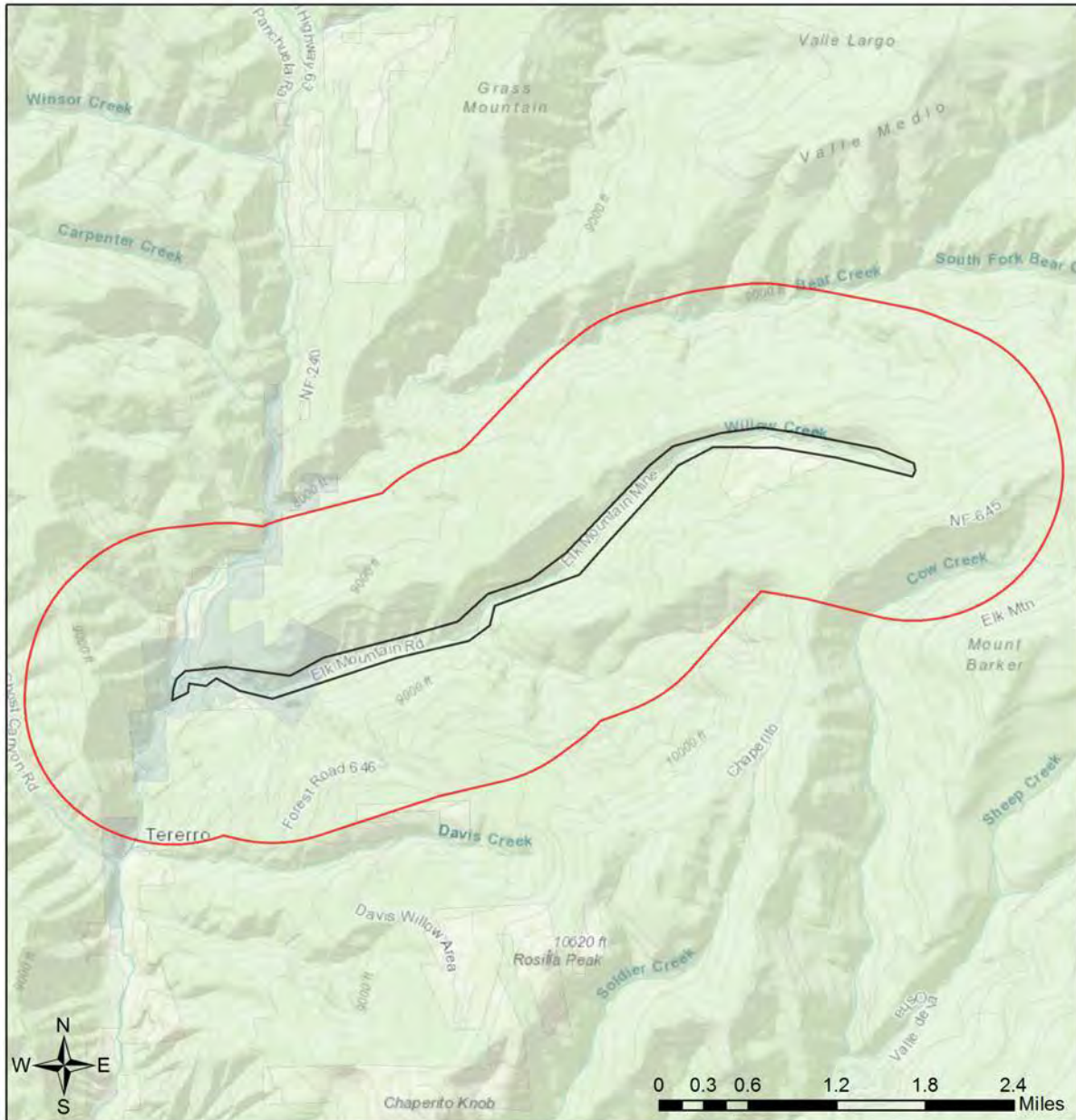
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Pecos ONRW Petition - Willow Creek



- | | | |
|---------------------------------|----------------------|----------------------|
| Project Boundary | Military | Private |
| Buffered Project Boundary | Dept. of Energy | State Land Office |
| NM_SurfaceOwnership_2016 | | |
| Bureau of Land Management | US Forest Service | NM Game & Fish Dept. |
| Bureau of Reclamation | Wildlife Area/Refuge | State Park |
| US Dept. of Agriculture | Tribal | |
| | National Park/Mon. | |

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Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
Holy Ghost Ipomopsis	Ipomopsis sancti-spiritus			

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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Winsor Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.814988 / -105.675539
County(s): SAN MIGUEL
Project Description: Species list request for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
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Pecos ONRW Petition - Winsor Creek



- | | | |
|---------------------------------|----------------------|----------------------|
| Project Boundary | Military | Private |
| Buffered Project Boundary | Dept. of Energy | State Land Office |
| NM_SurfaceOwnership_2016 | | |
| Bureau of Land Management | US Forest Service | NM Game & Fish Dept. |
| Bureau of Reclamation | Wildlife Area/Refuge | State Park |
| US Dept. of Agriculture | Tribal | |
| | National Park/Mon. | |

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Cutthroat Trout	Oncorhynchus clarkii			SGCN
Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SERI
Rainbow Trout	Oncorhynchus mykiss			SERI
Brown Trout	Salmo trutta			SERI
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Elk	Cervus canadensis nelsoni			SERI
Mule Deer	Odocoileus hemionus			SERI
				SERI

ESA = Endangered Species Act, WCA = Wildlife Conservation Act, SGCN = Species of Greatest Conservation Need, SERI = Species of Economic and Recreational Importance

Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
New Mexico Stickseed	Hackelia hirsuta			
Holy Ghost Ipomopsis	Ipomopsis sancti-spiritus			
Sapello Canyon Larkspur	Delphinium sapellonis			
Mountain Lily	Lilium philadelphicum var. andinum			
Yellow Lady's-Slipper	Cypripedium parviflorum var. pubescens			
Hooded Ladies'-Tresses	Spiranthes romanzoffiana			

NMAC = New Mexico Administrative Code, NMRPCS = [New Mexico Rare Plant Conservation Strategy](#), SS = NM Rare Plant Conservation Strategy Species



Project Recommendations

Your proposed project activities may require a custom review for assessment of potential effects to wildlife. If the information provided under the "OVERALL STATUS" section above indicates that your project will be forwarded for review, a Department biologist will confirm whether any additional conservation measures are needed. You should expect to receive any additional project recommendations within 30 days of your project submission. If the "OVERALL STATUS" section indicates that no further consultation with the Department is required, you should not expect to receive additional project feedback from the Department, and you may proceed with project planning as indicated.

The proposed project occurs within or near a riparian area. Because riparian areas are important wildlife habitats, the project footprint should avoid removing any riparian vegetation or creating ground disturbance either directly within or affecting the riparian area. If your project involves removal of non-native riparian trees or planting of native riparian vegetation, please refer to the Department's habitat handbook guideline for [Restoration and Management of Native and Non-native Trees in Southwestern Riparian Ecosystems](#).

Disclaimers regarding recommendations:

- The Department provides technical guidance to support the persistence of all protected species of native fish and wildlife, including game and nongame wildlife species. Species listed within this report include those that have been documented to occur within the project area, and others that may not have been documented but are projected to occur within the project vicinity.
- Recommendations are provided by the Department under the authority of § 17-1-5.1 New Mexico Statutes Annotated 1978, to provide "communication and consultation with federal and other state agencies, local governments and communities, private organizations and affected interests responsible for habitat, wilderness, recreation, water quality and environmental protection to ensure comprehensive conservation services for hunters, anglers and nonconsumptive wildlife users".
- The Department has no authority for management of plants or Important Plant Areas. The [New Mexico Endangered Plant Program](#), under the Energy, Minerals, and Natural Resources Department's Forestry Division, identifies and develops conservation measures necessary to ensure the survival of plant species within New Mexico. Plant status information is provided within this report as a courtesy to users. Recommendations provided within the ERT may not be sufficient to preclude impacts to rare or sensitive plants, unless conservation measures are identified in coordination with the Endangered Plant Program.
- Additional coordination may also be necessary under the federal ESA or National Environmental Policy Act (NEPA). Further site-specific recommendations may be proposed during ESA and/or NEPA analyses, or through coordination with affected federal agencies.

Exhibit 6

New Mexico Department of Fish and Game Angler Use Data for Pecos River and Eight Tributaries, from the Village of Pecos to Cowles

Pecos River (Cowles to Village of Pecos)

Use and Harvest by Water		
dgf_water_name	Year	SumOfT_days
PECOS RIVER (COWLES TO VILLAGE OF PECOS)	1997-98	95179
PECOS RIVER (COWLES TO VILLAGE OF PECOS)	1998-99	82987
PECOS RIVER (COWLES TO VILLAGE OF PECOS)	1999-00	120976
PECOS RIVER (COWLES TO VILLAGE OF PECOS)	2000-01	102572
PECOS RIVER (COWLES TO VILLAGE OF PECOS)	2001-02	142369
PECOS RIVER (COWLES TO VILLAGE OF PECOS)	2003-04	103489
PECOS RIVER (COWLES TO VILLAGE OF PECOS)	2007-08	108367
PECOS RIVER (COWLES TO VILLAGE OF PECOS)	2015-16	83743
PECOS RIVER (COWLES TO VILLAGE OF PECOS)	2016-17	133717
PECOS RIVER (COWLES TO VILLAGE OF PECOS)	2018-19	140835

Indian Creek

Use and Harvest by Water		
dgf_water_name	Year	SumOfT_days
INDIAN CREEK	2001-02	47

Holy Ghost Creek

Use and Harvest by Water		
dgf_water_name	Year	SumOfT_days
HOLY GHOST CREEK	1997-98	1990
HOLY GHOST CREEK	1998-99	1310
HOLY GHOST CREEK	1999-00	859
HOLY GHOST CREEK	2000-01	700
HOLY GHOST CREEK	2001-02	847
HOLY GHOST CREEK	2003-04	2764
HOLY GHOST CREEK	2007-08	1500
HOLY GHOST CREEK	2015-16	590
HOLY GHOST CREEK	2016-17	601
HOLY GHOST CREEK	2018-19	1660

Willow Creek

Use and Harvest by Water		
dgf_water_name	Year	SumOfT_days
WILLOW CREEK (Pecos Drainage)	1997-98	855
WILLOW CREEK (Pecos Drainage)	1998-99	4540
WILLOW CREEK (Pecos Drainage)	1999-00	224
WILLOW CREEK (Pecos Drainage)	2000-01	94
WILLOW CREEK (Pecos Drainage)	2001-02	216
WILLOW CREEK (Pecos Drainage)	2003-04	1121
WILLOW CREEK (Pecos Drainage)	2016-17	52

Rio Mora

Use and Harvest by Water		
dgf_water_name	Year	SumOfT_days
MORA (PECOS RIVER DRAINAGE)	1997-98	873
MORA (PECOS RIVER DRAINAGE)	1998-99	1540
MORA (PECOS RIVER DRAINAGE)	1999-00	353
MORA (PECOS RIVER DRAINAGE)	2000-01	1286
MORA (PECOS RIVER DRAINAGE)	2001-02	2169
MORA (PECOS RIVER DRAINAGE)	2003-04	588
MORA (PECOS RIVER DRAINAGE)	2007-08	855
MORA (PECOS RIVER DRAINAGE)	2015-16	1683
MORA (PECOS RIVER DRAINAGE)	2016-17	2732
MORA (PECOS RIVER DRAINAGE)	2018-19	963

Winsor Creek

Use and Harvest by Water		
dgf_water_name	Year	SumOfT_days
WINSOR CREEK	1997-98	636
WINSOR CREEK	1998-99	560
WINSOR CREEK	1999-00	514
WINSOR CREEK	2000-01	414
WINSOR CREEK	2003-04	738
WINSOR CREEK	2007-08	1449
WINSOR CREEK	2015-16	62
WINSOR CREEK	2016-17	422

Panchuela Creek

Use and Harvest by Water

dgf_water_name	Year	SumOfT_days
PANCHUELA CREEK	1997-98	80
PANCHUELA CREEK	1999-00	104
PANCHUELA CREEK	2000-01	308
PANCHUELA CREEK	2001-02	101
PANCHUELA CREEK	2003-04	682
PANCHUELA CREEK	2007-08	742
PANCHUELA CREEK	2015-16	211
PANCHUELA CREEK	2016-17	1093
PANCHUELA CREEK	2018-19	1410

Bear Creek

Use and Harvest by Water

dgf_water_name	Year	SumOfT_days
BEAR CREEK	2000-01	93

Jack's Creek

Use and Harvest by Water

dgf_water_name	Year	SumOfT_days
JACKS CREEK	1997-98	246
JACKS CREEK	1998-99	156
JACKS CREEK	1999-00	235
JACKS CREEK	2001-02	289
JACKS CREEK	2007-08	790
JACKS CREEK	2015-16	124
JACKS CREEK	2016-17	330
JACKS CREEK	2018-19	159

Exhibit 7

UPPER PECOS ONRW CRITERIA

BLUE SHADING Indicates Criteria Met (Note only NM Benefit plus one other column required)

Waterbody/reach	Stream miles and wetland acres	Description	NM Benefit	Exceptional ecological significance	Exceptional recreational significance	State special trout water	Wild and Scenic River	Water quality equal to or better than numeric criteria
Bear Creek	1.7	From confluence with the Rio Mora to the Wilderness boundary.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 14 SGCN Peregrine Falcon - threatened (state)	Fishing, multiple species of recreational and economic importance (SERI) 5 SERI 93 angler days (2000-1)			NOT ASSESSED
Bear Creek Trib-1	0.71	From confluence with the Bear Creek to headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 14 SGCN Peregrine Falcon - threatened (state)	Multiple species of recreational and economic importance (SERI) 5 SERI			NOT ASSESSED
Carpenter Creek	0.32 stream miles	From confluence with the Pecos River to the Wilderness boundary.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 16 SGCN Peregrine Falcon - threatened (state) Plants - 4 special status, 2 state endangered	Fishing, multiple species of recreational and economic importance (SERI) 5 SERI			NOT ASSESSED
Dalton Canyon Creek	9.09 stream miles	From confluence with the Pecos River to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need Rio Grande Cutthroat Trout 19 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state)	Fishing, multiple species of recreational and economic importance (SERI) 4SERI			MIXED YES - PC NO - HQColdWAL, specific conductance (2012)
Dalton Canyon Creek Trib- 1-11;	14.62 stream miles	From confluence with Dalton Creek to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED

Waterbody/reach	Stream miles and wetland acres	Description	NM Benefit	Exceptional ecological significance	Exceptional recreational significance	State special trout water	Wild and Scenic River	Water quality equal to or better than numeric criteria
				Rio Grande Cutthroat Trout 19 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state)	4 SERI			
Davis Creek	2.86 stream miles	From confluence with the Pecos River to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 21 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 1 special status, 1 state endangered	Fishing, multiple species of recreational and economic importance (SERI) 4 SERI			NOT ASSESSED
Davis Creek Trib-1	0.47 stream miles	From confluence with the Davis Creek to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 21 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 1 special status, 1 state endangered	Multiple species of recreational and economic importance (SERI) 4 SERI			NOT ASSESSED
Doctor Creek	3.67 stream miles	From the confluence with Holy Ghost Creek to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need Rio Grande Cutthroat Trout 24 SGCN Peregrine Falcon, Spotted Bat, Boreal Owl - threatened (state) Plants - 1 Special status	Fishing, multiple species of recreational and economic importance (SERI) 4 SERI			YES
Doctor Creek Trib-1-4;	2.61 stream miles	From the confluence with Doctor Creek to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need Rio Grande Cutthroat Trout 24 SGCN	Multiple species of recreational and economic importance (SERI) 4 SERI			NOT ASSESSED

Waterbody/reach	Stream miles and wetland acres	Description	NM Benefit	Exceptional ecological significance	Exceptional recreational significance	State special trout water	Wild and Scenic River	Water quality equal to or better than numeric criteria
				Peregrine Falcon, Spotted Bat, Boreal Owl - threatened (state) Plants - 1 special status,				
Holy Ghost Creek	3.30 stream miles	From the confluence with the Pecos River to the Wilderness boundary.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 22 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 1 ESA, 2 special status, 2 state endangered	Fishing, multiple species of recreational and economic importance (SERI) 4 SERI 2764 angler days (2003-04)			YES
Holy Ghost Creek Trib-1-13	6.88 stream miles	From the confluence with the Holy Ghost Creek to the headwaters or the Wilderness boundary, whichever comes first.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 22 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 1 ESA, 2 special status, 2 state endangered	Multiple species of recreational and economic importance (SERI) 4 SERI			NOT ASSESSED
Indian Creek	6.62 stream miles	From the confluence with the Pecos River upstream to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need Rio Grande Cutthroat Trout 21 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 1 special status, 1 state endangered	Fishing, multiple species of recreational and economic importance (SERI) 4 SERI 47 angler days (2001-02)			YES
Indian Creek Trib-1-7	10.87 stream miles	From the confluence with Indian Creek upstream to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need Rio Grande Cutthroat Trout 21 SGCN	Multiple species of recreational and economic importance (SERI) 4 SERI			NOT ASSESSED

Waterbody/reach	Stream miles and wetland acres	Description	NM Benefit	Exceptional ecological significance	Exceptional recreational significance	State special trout water	Wild and Scenic River	Water quality equal to or better than numeric criteria
				Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 1 special status, 1 state endangered				
Jack's Creek	1.36 stream miles	From the confluence with the Pecos River to the Wilderness boundary.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need Rio Grande Cutthroat Trout 15 SGCN Peregrine Falcon - threatened (state) Plants - 5 special status, 2 state endangered	Fishing, multiple species of recreational and economic importance (SERI) 7 SERI 790 angler days (2007-08)	YES		YES
Macho Canyon Creek	8.11 stream miles	From the confluence with the Pecos River to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need Rio Grande Cutthroat Trout 22 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon, Spotted Bat, Boreal Owl - threatened (state) Plants - 2 special status, 2 state endangered	Fishing, multiple species of recreational and economic importance (SERI) 5 SERI			MIXED YES - PC NO - HQColdWAL, specific conductance (2012)
Macho Canyon Creek Trib-1-12	21.21 stream miles	From the confluence with the Macho Canyon to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need Rio Grande Cutthroat Trout 22 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon, Spotted Bat, Boreal Owl - threatened (state) Plants - 2 special status, 2 state endangered	Multiple species of recreational and economic importance (SERI) 5 SERI			NOT ASSESSED

Waterbody/reach	Stream miles and wetland acres	Description	NM Benefit	Exceptional ecological significance	Exceptional recreational significance	State special trout water	Wild and Scenic River	Water quality equal to or better than numeric criteria
Panchuela Creek	1.07 stream miles	From the confluence with the Pecos River to the Wilderness boundary.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 16 SGCN Peregrine Falcon - threatened (state) Plants - 5 special status, 2 state endangered	Fishing, multiple species of recreational and economic importance (SERI) 7 SERI 1410 angler days (2018-19)			YES
Panchuela Creek Trib-1-2	.82 stream miles	From the confluence with the Panchuela Creek to the Wilderness boundary.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 16 SGCN Peregrine Falcon - threatened (state) Plants - 4 special status, 2 state endangered	Multiple species of recreational and economic importance (SERI) 7 SERI			NOT ASSESSED
Pecos River	14.11 stream miles	From the Dalton site upstream to Wilderness boundary.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 23 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 4 special status, 2 state endangered	Fishing, multiple species of recreational and economic importance (SERI) 7 SERI 140,835 angler days (2018-19)	YES, from Rio Mora upstream to Cowles	YES	MIXED YES - PC NO - HQColdWAL, temperature (2020)
Pecos River Trib-1-28	35.82 stream miles	From the Pecos River to headwaters or Wilderness boundary, whichever comes first.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 23 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 4 special status, 2 state endangered	Multiple species of recreational and economic importance (SERI) 7 SERI			NOT ASSESSED

Waterbody/reach	Stream miles and wetland acres	Description	NM Benefit	Exceptional ecological significance	Exceptional recreational significance	State special trout water	Wild and Scenic River	Water quality equal to or better than numeric criteria
Rio Mora	5.41 stream miles	From the confluence with the Pecos River to the Wilderness boundary.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 17 SGCN Peregrine Falcon - threatened (state) Plants - 3 special status, 1 state endangered	Fishing, multiple species of recreational and economic importance (SERI) 2732 angler days (2016-17) 5 SERI			YES
Rio Mora Trib-1-4	.78 stream miles	From the confluence with the Rio Mora to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 17 SGCN Peregrine Falcon - threatened (state) Plants - 3 special status, 1 state endangered	Multiple species of recreational and economic importance (SERI) 5 SERI			NOT ASSESSED
Sawyer Creek	2.21 stream miles	From the confluence with the Pecos River to the headwaters, including identified tributaries	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 17 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state)	Fishing, multiple species of recreational and economic importance (SERI) 4 SERI			NOT ASSESSED
Sawyer Creek Trib-1	1.28 stream miles	From the confluence with Sawyer Creek to the headwaters, including identified tributaries	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 17 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state)	Multiple species of recreational and economic importance (SERI) 4 SERI			NOT ASSESSED
Wild Horse Creek	2.69 stream miles	From the confluence with Dalton Canyon Creek to the headwaters, including identified tributaries	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need Rio Grande Cutthroat Trout 19 SGCN	Fishing, multiple species of recreational and economic importance (SERI) 4 SERI			NOT ASSESSED

Waterbody/reach	Stream miles and wetland acres	Description	NM Benefit	Exceptional ecological significance	Exceptional recreational significance	State special trout water	Wild and Scenic River	Water quality equal to or better than numeric criteria
				Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon, Spotted Bat, Boreal Owl - threatened (state)				
Wild Horse Creek Trib-1-4	4.35 stream miles	From the confluence with Wild Horse Creek to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED
				Rio Grande Cutthroat Trout 19 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon, Spotted Bat, Boreal Owl - threatened (state)	4 SERI			
Willow Creek	5.92 stream miles	from the confluence with the Pecos River to the headwaters, including identified tributaries	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need	Fishing, multiple species of recreational and economic importance (SERI)			MIXED
				NMDGF plans to restore Rio Grande Cutthroat Trout 18 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 1 special status, 1 state endangered	5 SERI 1121 angler days (2003-04)			YES - PC NO - HQColdWAL, sediment and siltation, specific conductance (2004)
Willow Creek Trib-1-4	8.54 stream miles	from the confluence with Willow Creek to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED
				NMDGF plans to restore Rio Grande Cutthroat Trout 18 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 1 special status, 1 state endangered	5 SERI			

Waterbody/reach	Stream miles and wetland acres	Description	NM Benefit	Exceptional ecological significance	Exceptional recreational significance	State special trout water	Wild and Scenic River	Water quality equal to or better than numeric criteria
Winsor Creek	2.65 stream miles; 0.17 wetland acres	From the confluence with the Pecos River to the Wilderness boundary, including identified tributaries and wetlands	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 15 SGCN Peregrine Falcon - threatened (state) Plants - 5 special status, 2 state endangered	Fishing, multiple species of recreational and economic importance (SERI) 7 SERI 1449 (2007-08)			YES
Winsor Creek Trib-1-4	2.65 stream miles; 0.17 wetland acres	From the confluence with the Winsor Creek to the headwaters or Wilderness boundary, whichever comes first.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 15 SGCN Peregrine Falcon - threatened (state) Plants - 5 special status, 2 state endangered	Multiple species of recreational and economic importance (SERI) 7 SERI			NOT ASSESSED
Dalton Canyon Creek Freshwater Emergent Wetlands 2a, 2b, and 2c, and Freshwater/Shrub Wetland 3	21.57 wetland acres		Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 19 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state)	Multiple species of recreational and economic importance (SERI) 4SERI			NOT ASSESSED
Doctor Creek Freshwater Emergent Wetlands 4a, 4b, and 4c	2.0 wetland acres		Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 24 SGCN Peregrine Falcon, Spotted Bat, Boreal Owl - threatened (state) Plants - 1 Special status	Multiple species of recreational and economic importance (SERI) 4 SERI			NOT ASSESSED
Panchuela Creek Freshwater Forested/Shrub Wetland 6	0.64 wetland acres		Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 16 SGCN	Multiple species of recreational and economic importance (SERI) 7 SERI			NOT ASSESSED

Waterbody/reach	Stream miles and wetland acres	Description	NM Benefit	Exceptional ecological significance	Exceptional recreational significance	State special trout water	Wild and Scenic River	Water quality equal to or better than numeric criteria
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Peregrine Falcon - threatened (state)
Plants - 5 special status, 2 state endangered

Pecos River Freshwater Emergent Wetland 7	6.24 wetland acres	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need	Multiple species of recreational and economic importance (SERI)	NOT ASSESSED
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23 SGCN
Mexican Spotted Owl habitat - threatened (ESA)
Peregrine Falcon - threatened (state)
Plants - 4 special status, 2 state endangered

Pecos River Freshwater Forested/Shrub Wetlands 8a, 8b, 8c, 8d, 8e, 8f, and 8h	12.51 wetland acres	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (drinking water, outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need	Multiple species of recreational and economic importance (SERI)	NOT ASSESSED
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23 SGCN
Mexican Spotted Owl habitat - threatened (ESA)
Peregrine Falcon - threatened (state)
Plants - 4 special status, 2 state endangered

Exhibit 8



February 26, 2020

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite #South 2102
Santa Fe, New Mexico 87505

To Whom It May Concern:

I am submitting this formal letter of support to designate the Upper Pecos River as “Outstanding National Resource Waters” for the state of New Mexico. The Pueblo feels very strongly towards the need for protecting this pristine water resource. This stretch of the Pecos River is the lifeblood of the people and the ecosystems that are connected to this very special place on our Pecos ancestral homelands.

“Water is life” and we can’t stress that enough! Our Pecos ancestors called the Pecos River *Tóqk’ó P’áægee* which can be interpreted as Corn Cob River because its waters sustained the people and the corn that was planted by them up and down the Pecos River Valley or as we call it *Tóqk’ó P’áæwâamu*, Corn Cob River Valley.

Today, the descendants of the Pecos continue to visit the sacred shrines on the Pecos ancestral homeland including the upper Pecos Watershed and perform ceremonies using the sacred waters of the Pecos River. Many other tribal nations also use this cultural landscape and the waters of the Pecos River to perform their own ceremonies. We as Native Peoples see the sacredness of the water ecosystems that sustain life to all the birds and animals, plants and the aquatic life that humans greatly benefit from.

To ensure the protection needed for this precious water and the ecosystems for the future generations of all peoples that connect themselves to the Pecos River, Jemez Pueblo enthusiastically supports the efforts to have the Upper Pecos designated as Outstanding National Resource Waters.

Thank you for your efforts to protect the sacred waters of the Upper Pecos River. May your efforts and the efforts of your colleagues be blessed by Our Creator and may your lives be enriched with love and peace. If you have any questions or, if you wish to further discuss the support of the Pueblo, please do not hesitate to call me at (575) 834-7359.

Sincerely,

David M. Toledo
Governor

Elston Yepa
2nd Lt./Pecos Governor

Office of the Governor

4471 Highway 4, Box 100 • Jemez Pueblo • New Mexico • 87024
(575) 834-7359 • Fax (575) 834-7331

Exhibit 9

New Mexico Acequia Association Resolution

Resolution 2019-03

Opposing a Proposed Mining Operation in the Pecos Watershed and Supporting Strong Measures to Protect Water Quality

WHEREAS, on June 6, 2019 the Santa Fe National Forest announced that it had received a Plan of Operations from Comexico LLC (“Comexico”), the American subsidiary of New World Cobalt, an Australian company, to conduct mineral exploration on previously identified deposits in the Pecos/Las Vegas Ranger District;

WHEREAS, the New Mexico Energy Minerals and Natural Resources Department (EMNRD) has received an application from Comexico for mineral exploration in the Jones Hill area in the Pecos River Watershed;

WHEREAS, the Pecos River Watershed provides critical water resources to downstream communities, including municipal, domestic, and agricultural users and provides clean water to the numerous agriculturally and culturally significant acequia systems;

WHEREAS, the Pecos River is one of the longest, in-state originating rivers affecting communities from the headwaters near Pecos to the Gulf of Mexico,

WHEREAS, in 1991, runoff from a previous mine near the proposed Comexico site(s) sent toxic metals into the Pecos River, killing nearly 10,000 trout in the nearby fish hatchery;

WHEREAS, on January 28, 2019, the State Engineer ordered a moratorium in perpetuity on permitting and drilling new wells near the old mine site to protect human health because groundwater near the old mine is contaminated with several toxic metals;

WHEREAS, the cost of remediation of the old mine has cost New Mexico \$28 million;

WHEREAS, many farmers and ranchers who rely on acequias for irrigation water would suffer hardship from contamination if toxic metals were washed into the Pecos River from the Comexico mining sites or from mine tailings;

WHEREAS, clean water is essential for the health and wellbeing of acequia communities, including families, children, elders, and pregnant women, along the Pecos River for livestock, small-scale farming and ranching, organic gardening, and recreation,

WHEREAS, Outstanding National Resource Water (ONRW) protections outlined in the state water quality standards prohibit increased pollution to waters, do not affect existing uses traditional uses, and specifically exempt acequia operations from any additional requirements: "Acequia operation, maintenance, and repairs are not subject to new requirements because of ONRW designation." 20.6.2.A(3)(e) NMAC;

WHEREAS, farming and ranching traditions and other traditional uses depend on clean water and an ONRW can help to protect water quality and it should be implemented in such a way to

protect communities from polluting industries while ensuring that farming and livestock operations are not adversely affected,

WHEREAS, the Mining Act of 1872 has not been updated to effectively protect natural resources and does not allow public lands agencies to prohibit mining to protect clean water and for this reason it is widely considered to be outdated;

WHEREAS, the state mining regulations do not require notice to acequias of mining applications, the NMAA requested a hearing by the Mining and Minerals Division of EMNRD to consider the effects of the Comexico application on some fifty-five downstream acequias, the request for hearing was granted, and the hearing will be scheduled in the coming months;

NOW, THEREFORE, BE IT RESOLVED that the New Mexico Acequia Association opposes the proposed Comexico mining operations in the Pecos River Watershed;

BE IT FURTHER RESOLVED that the NMAA will commit to working with the New Mexico Acequia Commission and local acequias to conduct education and outreach to acequia parciantes about the potential impacts of mining on the Pecos River Watershed and on their farms and ranches and to provide comment and testimony in the regulatory process;

BE IT FURTHER RESOLVED that the NMAA supports a petition by San Miguel County and the Village of Pecos to pursue Outstanding National Resource Water (ONRW) protections for the threatened portion of the Pecos River and associated tributaries;

BE IT FURTHER RESOLVED that NMAA supports reform of the 1872 Mining Act including recent legislation such as the Hardrock Mining and Reform Act of 2019 introduced by Senator Udall and Senator Heinrich and the Hardrock Leasing and Reclamation Act of 2019 introduced by Representative Grijalva;

BE IT FURTHER RESOLVED that copies of this resolution will be forwarded to San Miguel County, the Village of Pecos, Cow Creek Regional Acequia Association, the Mining and Minerals Division of the NM Energy, Minerals, and Natural Resources Department, the NM Environment Department, NM State Legislative leadership, the New Mexico Acequia Commission, and Governor Michelle Lujan Grisham.

Village of Pecos Resolution

Resolution 2019-126

Resolution in support of Protecting Our Local Watershed from Future Degradation through Outstanding National Resource Water (ONRW) Protections and in support of Petitioning the New Mexico Water Quality Control Commission to Officially Designate the Pecos River as an ONRW.

Whereas, the Pecos River Watershed provides clean water to the communities of San Miguel County, including municipal, domestic, and agricultural users and provides clean water to the numerous ancient and agriculturally and culturally significant acequia systems; and,

WHEREAS, clean water is essential for the health and wellbeing of San Miguel County residents;

WHEREAS, many residents and visitors depend on the Pecos River Watershed for recreational activities such as fishing, camping, swimming, and hiking; and,

WHEREAS, the local economy is dependent on clean water to support recreation-based economic activities; and,

WHEREAS, Outstanding National Resource Water (ONRW) protections outlined in the state water quality standards prohibit new and increased pollution to waters; and,

WHEREAS, Outstanding National Resources Water (ONRW) protections protect and do not inhibit traditional and historic uses of the river; and,

Now THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PECOS that the village supports pursuing Outstanding National Resource Water (ONRW) protections for the upper portion of the Pecos River and associated tributaries.

BE IT FURTHER RESOLVED THAT, the Village will join with other interested parties in petitioning the New Mexico Water Quality Control Commission to designate the Pecos River as a n Outstanding National Resource Water (ONRW).

ATTEST:



Ramona Quintana, Clerk

Kathy A. Romero, Village Treasurer/Accountant

Telesfor A. Benavidez, Mayor

Herman Gallegos, Mayor Pro-Tem

Ralph Lopez, Trustee

Brian Sandoval, Trustee

Armando Gabaldon, Trustee



San Miguel County Resolution

Board of County Commissioners

County of San Miguel
State of New Mexico

SAN MIGUEL COUNTY
Pages: 2

I Hereby Certify that this Instrument was filed for record 11/14/2019 01:09:55 PM and was duly recorded as Instrument No. 201903571 of the Records of San Miguel County, NM.

Witness My Hand and Seal Of Office
Geraldine E. Gutierrez

Deputy _____
County Clerk, San Miguel, NM



Resolution 11-12-19-ONRW

Maria L. Martinez
Chairman - District 4

Harold M. Garcia
Vice-Chair - District 1

Janice C. Varela
Commissioner - District 2

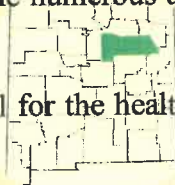
Max O. Trujillo
commissioner - District 3

Chris A. Hajar
Commissioner - District 5

Vidal Martinez, Ed.D.
County Manager

RESOLUTION IN SUPPORT OF PROTECTING OUR LOCAL WATERSHED FROM FUTURE DEGRADATION BY PETITIONING THE NEW MEXICO WATER QUALITY CONTROL COMMISSION TO DESIGNATE THE PECOS RIVER AS AN OUTSTANDING NATIONAL RESOURCE WATER.

WHEREAS, the Pecos River Watershed provides critical water resources to the communities of San Miguel County, including municipal, domestic, and agricultural users and provides clean water to the numerous ancient and agriculturally and culturally significant acequia systems;



WHEREAS, clean water is essential for the health and wellbeing of San Miguel County residents;

WHEREAS, many residents and visitors depend on the Pecos River Watershed for recreational activities such as fishing, camping, swimming, and hiking;

WHEREAS, the local economy is dependent on clean water to support recreation-based economic activities;

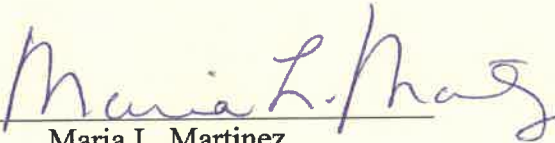
WHEREAS, Outstanding National Resource Water protections outlined in state water quality regulations prohibit new and increased pollution to waters designated as an Outstanding National Resource Water;

WHEREAS, Outstanding National Resource Water protections protect and do not inhibit traditional and historic uses of waters designated as an Outstanding National Resource Water;

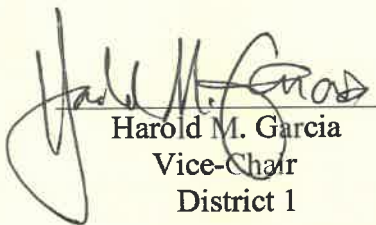
NOW, THEREFORE, BE IT RESOLVED BY SAN MIGUEL COUNTY that the County supports pursuing Outstanding National Resource Water protections for the Pecos River and associated tributaries from Dalton Canyon upstream.

BE IT FURTHER RESOLVED THAT, the County will join with other interested parties in petitioning the New Mexico Water Quality Control Commission to designate the upper portion of the Pecos River and associated tributaries as an Outstanding National Resource Water.

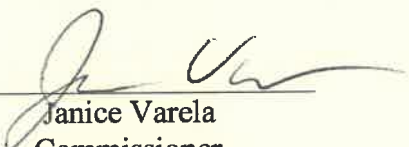
Passed and Approved on this 12 day of ~~November~~ 2019, by the Board of Commissioners of San Miguel County, New Mexico.



Maria L. Martinez
Chair
District 4



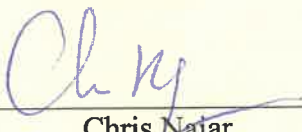
Harold M. Garcia
Vice-Chair
District 1



Janice Varela
Commissioner
District 2

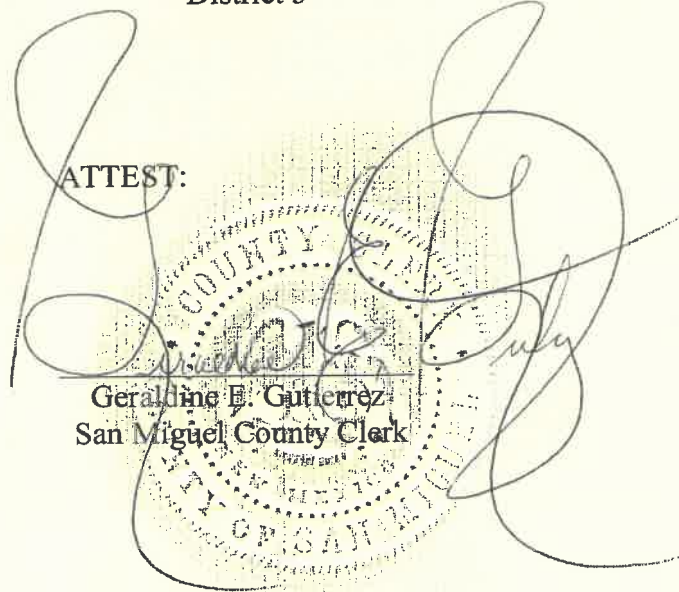


Max O. Trujillo
Commissioner
District 3



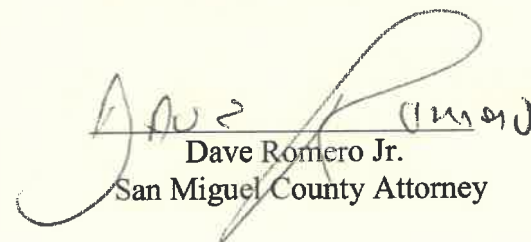
Chris Najar
Commissioner
District 5

ATTEST:



Geraldine E. Gutierrez
San Miguel County Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Dave Romero Jr.
San Miguel County Attorney

Exhibit 10

Congress of the United States

Washington, DC 20510

March 16, 2021

Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
Public.Facilitation@state.nm.us

Re: WQCC 20-18(R)

Dear Commissioners:

We write to you today as you consider the Outstanding National Resource Waters (ONRW) designation for the Upper Pecos Watershed. To deliver on the promise of clean water for future generations, you have the authority to designate our most treasured waters as Outstanding National Resource Waters (ONRWs). Upon hearing the testimony and the merits of the case for protection of this special watershed, we hope you will vote to support this effort.

We stand together with the Village of Pecos, San Miguel County, the New Mexico Acequia Association, the Upper Pecos Watershed Association, and Molino de la Isla Organics LLC on this petition. The iconic Upper Pecos watershed is the lifeblood of the region's economy, ecosystem and way of life. There are 55 acequias and traditional users in the watershed and they all rely on clean water. For generations, they have served as stewards of the river and lived by the values of "*Agua es vida.*"

The Pecos Business Association (PBA) relies on clean water to attract visitors and support the local economy. Hunters and anglers spent a combined \$47 million in 2013 in San Miguel County. Fly fishing guides have named the Upper Pecos 6th among the "11 best places to fly fish in NM." Hunters enjoy hunting for mule deer, elk and other species.

The growing outdoor economy of the region also attracts hiking, backpacking and wildlife viewing. These days, the area is vital for our local families with children to get outside. In the midst of this pandemic, we value opportunities for our children to get away from screens and technology and instead perhaps catch a fish or hike in nature.

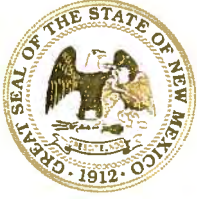
We support this this ONRW designation to protect traditional agriculture and a way of life for our children and grandchildren and ask you to please support this nomination.

Sincerely,

/s/ Martin Heinrich
MARTIN HEINRICH
Martin Heinrich
United States Senator

/s/ Ben Ray Luján
BEN RAY LUJÁN
Ben Ray Luján
United States Senator

/s/ Teresa Leger Fernandez
TERESA LEGER FERNANDEZ
Teresa Leger Fernandez
United States Representative



New Mexico State Senate

State Capitol
Santa Fe

COMMITTEES:

~~CHAIR:~~
• Conservation

MEMBER:
• Public Affairs

RECEIVED

APR 23 2021

WACC

**SENATOR
ELIZABETH "LIZ" STEFANICS**

D - Bernalillo, Lincoln, San Miguel, Santa Fe,
Torrance & Valencia-39

P.O. Box 720
Cerrillos, NM 87010

Home: (505) 471-7643
Cell: (505) 699-4808

E-mail: liz.stefanics@nmlegis.gov

April 16, 2021

Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505

RE: NOMINATION OF THE WATERS OF THE UPPER PECOS WATERSHED AS
OUTSTANDING NATIONAL RESOURCE WATERS

Dear Commissioners,

I write to request that you support the petition to nominate the Upper Pecos watershed as Outstanding National Resource Waters (ONRWs).

The waters of the Upper Pecos Watershed are an important part of the Pecos community life – integral to fish, wildlife, wilderness, ecology, agriculture, and the economics of the area.

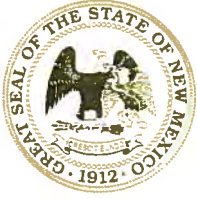
Fish and wildlife that travel from this nominated stretch to the tributaries and headwaters of Wilderness areas do not distinguish boundaries. Ecological and hydrological interconnectedness makes the nominated waters a significant attribute of the neighboring Pecos Wilderness.

One of the most effective ways to deliver on the promise of clean water for present and future generations is to designate our cleanest, most treasured waters as Outstanding National Resource Waters (ONRWs)

Agua es vida. Please protect our Upper Pecos watershed by voting to support the petition for ONRW designation.

Thank you.

Senator Elizabeth "Liz" Stefanics



State of New Mexico
House of Representatives
Santa Fe

TOMÁS E. SALAZAR

D - San Miguel, Santa Fe & Torrance
District 70

Box 66
Las Vegas, NM 87701
Home Phone: (575) 421-2455
Cell Phone: (505) 429-2206
E-mail: tomas.salazar@nmlegis.gov

COMMITTEES:
Appropriations & Finance
Education
Enrolling & Engrossing - B

September 10, 2020

New Mexico Water Quality Control Commission
c/o Water Quality Control Commission Administrator
1190 St. Francis Drive, Suite # South 2102

Santa Fe, NM 87505

VIA Email: Cody.barnes@state.nm.us

RE: Case ID WQCC 20-18[®]

Dear Commissioners:

Via this communique, I add my support to the petition filed to nominate the Upper Pecos River for designation as an "Outstanding National Resource Waters" (**ONRW**). House District 70, which I represent, includes most of San Miguel County. The District measures the Pecos River as one of its most significant resources and views its designation as an **ONRW** of extreme importance.

Keeping the waters of the Upper Pecos River pristine, will ensure that it can continue to be of beneficial value to the state of New Mexico by adding to New Mexico via: its domestic, municipal, industrial and agricultural uses, its exceptional recreational opportunities and its ecological diversity. This benefit will be permanently possible only if options are exercised to preserve the quality of its waters.

I respectfully request that the Commission protect the Upper Pecos River by supporting its nominations as an **ONRW** under the Federal Clean Water Act. Contact me if I can be of additional help.

Respectfully,



Tomas E. Salazar, NM State Representative HD 70



JOSEPH L. SANCHEZ

D-Colfax, Mora, Rio Arriba, San Miguel Counties
District 40

P. O. Box 481
Alcalde, NM 87511
Home Phone: (505) 235-8041
Email: joseph.sanchez@nmlegis.gov

COMMITTEES:

House Appropriations & Finance
House Local Government, Land Grants & Cultural Affairs
House Enrolling & Engrossing -B

INTERIM COMMITTEES:

Radioactive & Hazardous Materials
Advisory:
Science, Technology & Telecommunications
Designee:
Legislative Finance

September 18, 2020

WQCC Administrator
P.O. Box 5469
Santa Fe, NM 87502

Dear Commissioners,

As a resident of the Pecos region, we know that “agua es vida,” and the New Mexico’s Upper Pecos watershed is the lifeblood of our community. The waters of the Upper Pecos are clean and healthy today because of the long history of respect and stewardship for our land and water. Flowing into nearby acequias, the waters of the Upper Pecos are vital to local food and agriculture. There are currently 55 acequias and other traditional uses of the watershed.

But now, impacts from roads and extractive industries threaten our high-quality waters and our way of life. I support Outstanding National Resource Waters (ONRW) designation for the Upper Pecos Watershed because it protects current and traditional uses of the river from pollution from new sources.

Further, our local economy depends on clean water. Recreation brings millions of dollars to the area surrounding the nominated waters. In 2013, anglers alone spent over \$28 million towards fishing in San Miguel County. This contributed to 333 local jobs, \$11 million in labor income, and over \$2 million in state and local taxes.

Please protect our Upper Pecos watershed by voting to support the petition for ONRW designation. Thank you.

Sincerely,

Joseph Sanchez
NM State Representative
District 40



State of New Mexico
House of Representatives
 Santa Fe



BRIAN EGOLF
 Speaker of the House
 D- Santa Fe - 47
 123 W. San Francisco Street
 Second Floor
 Santa Fe, NM 87501
 Phone: (505) 986-4782
 E-mail: brian.egolf@nmlegis.gov

COMMITTEES:
 Judiciary
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 Taxation & Revenue
INTERIM COMMITTEES:
 Co-Chair: Legislative Council
 Capitol Buildings Planning Commission
 Public School Capital Outlay Oversight Task Force

August 6th, 2020

Water Quality Control Commission
 1190 Saint Francis Drive
 Suite # South 2102
 Santa Fe, New Mexico 87505
Public.Facilitation@state.nm.us

Re: WQCC 20-18(R)

Dear Commissioners:

I am writing to you to express my support for the Outstanding National Resource Waters (ONRW) designation for the Upper Pecos Watershed. Such a designation would be one of the most effective ways to deliver on the promise of clean water for present and future generations.

I am pleased to stand in solidarity with the New Mexico Acequia Association, San Miguel County, the Village of Pecos, the Upper Pecos Watershed Association, and Molino de la Isla Organics LLC in their efforts to protect this special watershed. These organizations and community leaders understand that traditional agriculture, organic food production, and other traditional uses of the Upper Pecos depend on clean and healthy water. I am told that there are currently 55 acequias and other traditional uses of the watershed.

The greater Pecos region relies on healthy waters to attract visitors that shop in locally owned stores and restaurants and spend money on recreation. Fly fishing guides have named the Upper Pecos 6th among the "11 Best Places to Fly Fish in New Mexico." The river is home to one of the few remaining populations of New Mexico's native Rio Grande cutthroat trout and the region supports an abundance of wildlife.

The outdoor recreation economy of Santa Fe also benefits from access to the iconic Pecos river. I know that many of my constituents in Santa Fe county cherish all that our neighboring Upper Pecos region has to offer, including hiking, backpacking, fishing, wildlife photography and birding. Our families and our New Mexico outdoor recreation industry rely—now more than ever—on a clean and healthy Upper Pecos watershed.

I respectfully ask you to support this nomination for ONRW designation. Thank you for your consideration and for your service to the State of New Mexico.

Sincerely,

 Brian Egolf
 Speaker of the House



New Mexico State Senate
State Capitol
Santa Fe

SENATOR PETER WIRTH
MAJORITY FLOOR LEADER
D-Santa Fe-25

708 Paseo de Peralta
Santa Fe, NM 87501-1923
Office: (505) 986-4727
Email: peter.wirth@nmsenate.gov

COMMITTEES:
VICE CHAIR:
Committees' Committee
MEMBER:
Conservation
Judiciary

July 1, 2020

New Mexico Water Quality Control Commission
c/o Water Quality Control Commission Administrator
1190 St. Francis Drive, Suite # South 2102
Santa Fe, NM 87505

VIA Email: Cody.barnes@state.nm.us

RE: Case ID WQCC 20-18 @

Dear Commissioners:

This letter is written in support of the petition to nominate the waters of the Upper Pecos River as "Outstanding National Resource Waters" under the Federal Clean Water Act. As the former chair of the Senate Conservation Committee, I am well-informed of the importance of protecting the state's water, one of our most valuable natural resources.

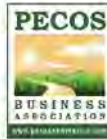
Keeping the waters of the Upper Pecos River clean in perpetuity, as proposed in the petition, will not only serve downstream residential, recreation, commercial and agricultural uses, but also ensure the integrity of critical habitats for native plants and animals. Clean, unpolluted rivers are essential to the success of future generations of New Mexicans. It is critical that appropriate action be taken to preserve these waters.

Therefore, I join the large coalition of community organizations, local governments and farmers in asking the Commission to safeguard water quality in the Upper Pecos River by nominating it as Outstanding National Resource Waters under the Federal Clean Water Act. Please let me know if I can be of assistance in your decision-making on this issue.

Thank you for your consideration.

Sincerely,

Peter Wirth
Senate Majority Leader



PECOS BUSINESS ASSOCIATION
1801 NM HIGHWAY 63
TERERRO, NM 87573
WWW.PECOSNEWMEXICO.COM
505-470-5057

June 14, 2020

NM Water Quality Control Commission
PO Box 5469
Santa Fe, NM 87502-5469

RE: *Designation of Waters of the Upper Pecos Watershed as Outstanding National Resource Waters - WQCC 20-18 (R)*

Dear Commissioners:

The Pecos Business Association (PBA), is a New Mexico non-profit 501c3 Business League with just over 50 members in the Pecos Valley. We understand the important economic impact that a clean and healthy Pecos river means to our region. One of the most effective ways to deliver on the promise of clean water for present and future generations is to designate our cleanest, most treasured waters as Outstanding National Resource Waters (ONRWs).

Our residents and businesses rely on healthy waters to attract visitors. Indeed, hunters and anglers destined for San Miguel County spent a combined \$47 million in 2014. Fly fishing guides have named the Upper Pecos sixth among the "11 best places to fly fish in NM." When anglers and hunters come into our communities, they contribute to our local economy which helps small businesses compete and thrive.

We support this ONRW designation and I ask you to please consider this nomination to ensure that our growing outdoor economy continues to flourish. If you have any questions, or need further information, please do not hesitate to contact us.

Sincerely,

Shelley Oram, Chair
Pecos Business Association

Attention to:
New Mexico Water Quality Control Commission

1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
public.facilitation@state.nm.us

Re: WQCC 20-18(R)

Dear Commissioners:

We, the New Mexico Acequia Commission, add our support to the petition filed to nominate the Upper Pecos River for designation as an “Outstanding National Resource Waters” (**ONRW**). The New Mexico Acequia Commission represents the many Acequias that are dependent upon the Pecos River. We measure the Pecos River as a significant resource and view its designation as an **ONRW** of extreme importance.

Keeping the water of the Upper Pecos River pristine, will ensure that it can continue to be of beneficial use to New Mexico Acequias, agriculture, recreation, and ecological value. This benefit will be permanently possible only if options are exercised to preserve the quality of its waters.

We respectfully request that the New Mexico Water Quality Control Commission protect the Upper Pecos River by supporting its nomination as a **ONRW** under the Federal Clean Water Act.

Thank you,



Ralph Vigil Chairman
New Mexico Acequia Commission

May 20, 2020

Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505

Attn: Cody Barnes
Case ID: WQCC 20-18 (R)



Dear Commissioners,

The Friends of Pecos National Historical Park and Friends of the Santa Fe National Forest are independent non-profit organizations dedicated to supporting and assisting the mission of the park and forest.

In the midst of piñon, juniper, and ponderosa pine woodlands of the Sangre de Cristo Mountains not far from Santa Fe, the remains of Indian pueblos stand as meaningful reminders of people who once prevailed. Pecos National Historical Park helps visitors explore the cultural exchange and geographic features that played such crucial roles in the rich history of the Pecos Valley.

We know that "agua es vida," and the New Mexico's Upper Pecos watershed is the lifeblood of our community. The waters of the Upper Pecos are clean and healthy today because of the long history of respect and stewardship for our land and water. Flowing into nearby acequias, the waters of the Upper Pecos are vital to local food and agriculture. There are currently 55 acequias and other traditional uses of the watershed.

But now, impacts from roads and extractive industries threaten our high-quality waters and our way of life. I support Outstanding National Resource Waters (ONRW) designation for the Upper Pecos Watershed because it protects current and traditional uses of the river from pollution from new sources.

I support this ONRW designation and I ask you to please support this nomination to ensure that our growing outdoor economy continue to flourish.

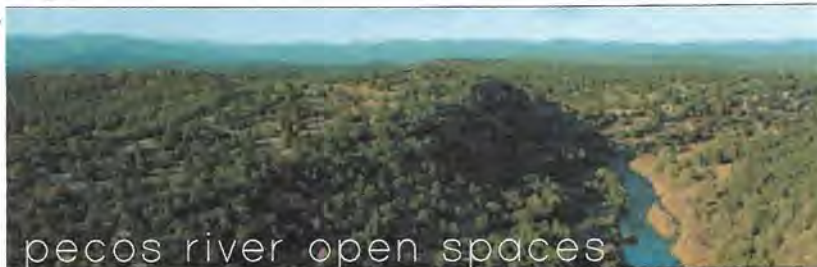
Thank you

William Zunkel

A handwritten signature in blue ink, appearing to read "W Zunkel".

President of: 1) Friends of Pecos National Historical Park and 2) Friends of the Santa Fe National Forest

PS: As President of both organizations, I am well aware of the many miles of Pecos River running through our two entities which "book-end" the Village of Pecos and your letter expresses our concern.



p.o. box 579 ribera, nm 87560 • www.pecosriveropenspaces.org • 575.421.3435

July 16, 2020

Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
cody.barnes@state.nm.us

RE: WQOC 20-18 (R)

Dear Commissioners,

Pecos River Open Spaces (PROS) is our 501 (C)3 and we have conserved 125 acres along the Pecos River in the Pecos Canyon in the vicinity of Ilfeld. The Santa Fe Conservation Trust holds these easements.

All 10 PROS board members voted to request that you please support the petition to designate the Upper Pecos watershed as Outstanding National Resource Waters. We are committed to conservation efforts for clean water and undeveloped lands.

Our conservation properties include the Pecos River and side canyons that remain wild for animal and plant habitat and are also enjoyed by local residents throughout the year. Members of this rural community visit these properties respectfully for hiking, swimming, kayaking and fishing. Wildlife do roam this area. Bear, mountain lions, foxes, eagles, great blue herons, and many species of owls and hawks are frequently sighted as they travel to drink and forage. This land is a treasure that enriches the river community of people, plants and animals. We ask that you support the effort to designate these lands Outstanding National Resource Waters.

Respectfully,

Susan Livermore susanlivermore@gmail.com
PROS Board Member