



# NEW MEXICO ENVIRONMENT DEPARTMENT

## *Surface Water Quality Bureau*

### Public Involvement Plan (PIP) for the Gila/Lower Rio Grande TMDLs

**July 2023**

#### **APPROVAL PAGE**

---

Shelly Lemon  
Chief, Surface Water Quality Bureau

---

Date

---

Lynette Guevara  
Program Manager, Surface Water Quality Bureau

---

Date

## I. Public Involvement Plan (PIP) Overview

The New Mexico Environment Department (Department), Surface Water Quality Bureau (Bureau) developed this Public Involvement Plan (PIP) for the 2023 Gila/Lower Rio Grande TMDL. The Bureau encourages the public to learn about and get involved in regulatory decision-making opportunities for the TMDLs. The purpose of this PIP is to provide public participation opportunities and information that may be needed to participate in the TMDL process. This PIP integrates information about the community and identifies resources needed by the Bureau to successfully incorporate community participation activities into the decision-making process for the TMDLs. The PIP identifies the Department staff and resources needed to accomplish these activities. The Bureau will meet the public participation requirements for the TMDLs by following this PIP, which includes all applicable policy, regulatory and statutory public participation requirements.

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

As much as possible, public participation and informational activities related to the TMDLs will be held within the timelines outlined in the table below. This timeline is tentative and subject to change. Per the federal requirement, a 30-day public review and comment period is allotted.

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

Activity	Dates
Notice PIP (invite public input)	August 8, 2023
Public Notice	August 8, 2023
Public Review Period	30-day review August 8 – September 8, 2023
Public announcements (radio, brochures, signs, postcards, factsheets, etc.)	As needed
Request approval of draft at WQCC Meeting	(tentative)

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

## II. Bureau Contacts

Bureau contacts for questions regarding the Upper Rio Grande TMDLs, the public review and approval process, the Bureau’s website, or this PIP, are listed below:

Heidi Henderson  
Surface Water Quality Bureau  
1190 St. Francis Dr.  
Santa Fe, NM 87505

Phone: (505) 819-9986

---

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

Fax: (505) 827-0160  
Email: heidi.henderson@env.nm.gov

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

Non-English speakers may call the Bureau contact listed in this PIP and request language assistance services, such as an interpreter, so they can learn more about the Gila/Lower Rio Grande TMDLs.

#### **B. Department Websites**

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

#### **C. Total Maximum Daily Load Website**

The Bureau maintains a website location for Total Maximum Daily Loads (see website address below). The website will be kept up to date and has information about the site and important documents.\_  
<https://www.env.nm.gov/surface-water-quality/tmdl/>

### **III. Regulatory Framework**

The public participation requirements of specific water quality programs are specified in 40 CFR Section 25.4 and described in the Water Quality Management Plan and Continuous Planning Process (WQMP/CPP)<sup>2</sup>. At a minimum, the public participation process for New Mexico's water quality programs consists of the following:

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

To fulfill this requirement, the Bureau invites the public to comment on the draft Gila/Lower Rio Grande TMDL report. The report contains a summary of surface water data and information that quantifies how particular surface waters of the state are currently not meeting their designated uses as detailed in the State of New Mexico Standards for Interstate and Intrastate Surface Waters (20.6.4 NMAC)<sup>3</sup>, through application of the Department's Comprehensive Assessment and Listing Methodology (CALM)<sup>4</sup>. The TMDL further quantifies the maximum pollutant loads that the water bodies can assimilate without exceeding the above-mentioned standards.

### **IV. Location and Demographics**

This TMDL document contains surface water information for Catron, Dona Ana, Grant and Sierra Counties . The Bureau collects surface water quality data on a watershed basis via an approximate eight-year rotational schedule as resources allow. The Gila and Lower Rio Grande basins were monitored in 2019-2020.

#### **Demographic Summary**

Demographic indicators were obtained from EPA EJSCREEN, an environmental justice screening and mapping tool, available on-line at <https://www.epa.gov/ejscreen>. EJSCREEN is based on nationally consistent data and an approach that combines environmental and demographic indicators in maps

---

<sup>2</sup><https://www.env.nm.gov/surface-water-quality/wqmp-cpp/>

<sup>3</sup><https://www.env.nm.gov/surface-water-quality/wqs/>

<sup>4</sup><https://www.env.nm.gov/surface-water-quality/calm/>

and reports. Users choose the geographic area of interest by selecting a point, line, polygon or feature on the map; users may also choose to select a buffer area (up to 10 miles) around the project area to better capture the affected community. The 2016-2020 ACS Report link in EJSCREEN provides a report with US Census Bureau American Community Survey (ACS) data in pdf format. The 2016-2020 ACS, through EJSCREEN, provided quantitative information regarding demographic indicators.

#### **Summary of Site-Specific EJSCREEN Inputs for the Gila/Lower Rio Grande TMDLs**

- Community of Concern = Catron, Dona Ana, Grant and Sierra Counties. This area includes the population centers Silver City, Las Cruces and Sunland Park.
- Buffer = No buffer was used.

The project area has an estimated population of 259,622; 64% identify as Hispanic or Latino (which may be of mixed race) and 1% identify as American Indian. The percent of persons that communicate in a language other than English (non-English) at home is 45%, compared to 21.7% for the United States. The EJSCREEN analysis identified 7,969 of 97,865 households as linguistically isolated, of which 92% speak Spanish. The per capita income for the project area is \$24,406, compared to the national per capita income of \$37,638. These results indicate that for the project area, the percentage of Spanish-speaking communication is considerable (i.e., substantially greater than the state or national percentage) and there are demographic factors (i.e., low income community, minority community, limited English proficiency individuals, Linguistically Isolated Households, etc.) that may impact public participation.

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

The public may ask questions about the draft Gila/Lower Rio Grande TMDL document at any time. Interested community members do not need to wait for a formal public comment period to contact the Bureau. However, the Bureau emphasizes that to be included in the administrative record, comments solicited by public notices must be submitted during the noticed comment periods, and in accordance with the public notice.

Specific outreach activities related to the draft Gila/Lower Rio Grande TMDL document include:

- Developing a public notice announcing the opening of the 30-day public comment period,
- Posting this notice to the SWQB website,
- Emailing this public notice to SWQB's extensive email list through the GovDelivery e-mail delivery service (1,986 email addresses as of June 2023),
- Posting this public notice to the Department's event calendar (<https://www.env.nm.gov/events-calendar/>), and
- Listing the public notice on the NMED Public Comment Portal (<https://nmed.commentinput.com/comment/search>).

Copies of the draft Gila/Lower Rio Grande TMDL document may be obtained via download from the Bureau's website at <https://www.env.nm.gov/surface-water-quality/tmdl/>, or by contacting Heidi Henderson at (505) 827-2901, [heidi.henderson@env.nm.gov](mailto:heidi.henderson@env.nm.gov), NMED SWQB, P.O. Box 5469, Santa Fe, New Mexico, 87502.

This is the most direct way to learn more about and be involved in the decision-making process for the Gila/Lower Rio Grande TMDL document. Additionally, the public may request to review the document at the Bureau or one of the information repositories listed below.

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

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

The Bureau maintains an extensive email list (over 1,980 email addresses) that includes individuals interested in surface water quality issues and activities. This list is a combination of all previously interested persons who requested the Bureau provide them with information about surface water quality in New Mexico. The Bureau regularly maintains contact information which is updated or supplemented, if additional information is found. Interested persons providing both an address and email may receive physical mail and an email. Additional individuals, organizations, and other interested parties are added to the email list as requested.

**B. Email Updates**

The Bureau's email list is regularly updated and is available on the Bureau's website at: <https://www.env.nm.gov/surface-water-quality/> by clicking on the "*Subscribe to Receive Email Updates*" button on the bottom of the home page. The Bureau's website liaison is Heidi Henderson at 505-819-9986 (or email [heidi.henderson@env.nm.gov](mailto:heidi.henderson@env.nm.gov)).

**C. Public Meeting Notices, Public Comment Notices, and Other Notices**

Based on the Bureau's evaluation of the community, public notices will be translated into Spanish. In addition, the Bureau may post notices on the Department's Events Calendar at: <https://www.env.nm.gov/events/>

**D. Informational Pamphlets**

The Bureau may develop informational pamphlets for the Gila/Lower Rio Grande TMDL report that briefly explain what is happening relative to the TMDLs, the appropriate Bureau contacts, and next steps in the TMDL process. To the extent such informational pamphlets are produced, the Bureau may determine whether they will be available in languages other than English, online (e.g., Bureau website) and in print (hardcopy) at the information repositories listed in this PIP. They may also be distributed via email to interested organizations and individuals, including those who sign up for email notices through the website.

**E. Public Comment Period**

The 30-day public comment period on the draft Gila/Lower Rio Grande TMDL document is planned to start August 8, 2023, and end September 8, 2023, at 5:00 p.m.

**F. Other Outreach**

Other means of outreach such as flyers announcing public comment periods may be posted in locations throughout the community (e.g., local businesses, schools, libraries) and on the Department's website, at the Bureau's discretion after consideration of public interest and input.

**G. Information Repositories**

Copies of the draft Upper Rio Grande TMDL document may be obtained via download from the Bureau's website at <https://www.env.nm.gov/surface-water-quality/tmdl/> or by contacting Rachel Jankowitz at

(505) 819-9810, [rachel.jankowitz@env.nm.gov](mailto:rachel.jankowitz@env.nm.gov), NMED SWQB, P.O. Box 5469, Santa Fe, New Mexico, 87502.

The Bureau is not providing hardcopies and other information at post offices, community centers, public libraries, or other repositories. If you would like to request hard copies of important documents and information about how to comment on the draft TMDL, please contact Rachel Jankowitz at (505) 819-9810, [Rachel.jankowitz@env.nm.gov](mailto:Rachel.jankowitz@env.nm.gov), NMED SWQB, P.O. Box 5469, Santa Fe, New Mexico, 87502.

#### **H. TMDL Proceedings, Outcomes and Responses to Comments**

To address stakeholder and community member's submitted comments, the Bureau will prepare the final draft Gila/Lower Rio Grande TMDL document as amended, which includes a "Response to Comments" section as an Appendix, following the close of the public comment period. The Bureau is required to present the final draft to the New Mexico Water Quality Control Commission (WQCC) for review and approval per requirements in the WQMP/CPP. The final draft will be available to the public via download from the Bureau website, or upon request, 10 days prior to the scheduled WQCC meeting. WQCC meetings are open to the public. Their exact schedule and proposed agendas are maintained on the WQCC website<sup>5</sup>. The Bureau will also send a copy of responses to comments directly to the commenter, at least 10 days prior to the WQCC meeting. The next available date for a WQCC presentation is currently unknown and is pending the outcome of the Court of Appeals Case Number A-1-CA-40799, NM Environment Department v. Water Quality Control Commission. The Gila/Lower Rio Grande TMDL document, as approved by the WQCC, will then be submitted to the U.S. Environmental Protection Agency Region 6 for review and approval.

---

<sup>5</sup> <https://www.env.nm.gov/water-quality-control-commission/wqcc/>