



NEW MEXICO ENVIRONMENT DEPARTMENT
Surface Water Quality Bureau

Public Involvement Plan (PIP)
for the
2024 Nonpoint Source Management Plan
Revision

June 2024
APPROVAL PAGE

Shelly Lemon
Chief, Surface Water Quality Bureau

Date

Kate Lacey
Program Manager, Watershed Protection Section

for Kate Lacey
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 2024 Nonpoint Source (NPS) Management Plan revision. This Plan is required by CWA §319(b)(1) to control pollution added from nonpoint sources to the navigable waters within the state and improving the quality of such waters.

Activities to be covered by the 2024 NPS Management Plan revision include nonpoint source pollution program activities within the State of New Mexico. The Plan will be applicable to the non-tribal portions of New Mexico, and program activities may be conducted on tribal portions of New Mexico on a watershed basis and with agreement from the tribal jurisdiction to benefit waters with tribal and state jurisdiction. The Bureau encourages public comments for developing the 2024 NPS Management Plan revision. The purpose of this PIP is to provide public participation opportunities and information that may be needed for the public to participate in the 2024 NPS Management Plan revision.

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

In developing this PIP, state-wide community participation needs were assessed to ensure appropriate promotion of public outreach by identifying whether there is a combination of environmental and demographic factors (i.e., low income community, minority community, limited English proficiency individuals, Linguistically Isolated Households, etc.) that may impact public participation.¹ 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 revision.

Public Participation Actions for the 2024 NPS Management Plan revision listed in New Mexico's 2020 Statewide Water Quality Management Plan and Continuing Planning Process (WQMP/CPP) include:

- Stakeholder identification and outreach to gather information and identify potential updates
- Conduct public meetings (Optional)
- Minimum 30-day public comment period
- Publish notice of public comment period and meetings in newspaper(s) or alternative media in affected area(s) (Optional)
- Email notice to SWQB mailing list (Optional)
- Post on NMED website (Optional)
- Present updates/revisions at public Water Quality Control Commission (WQCC) meeting
- Post WQCC and EPA approved NPSMP on NMED website

The Bureau conducted an on-line workshop on January 18, 2023 where interested people

¹ See IV. Location and Demographics – Demographic Summary below.

provided early input on the 2024 NPS Management Plan revision. The save-the-date and registration emails (sent to the Bureau’s email distribution list of about 1,950 addresses) was provided in English and Spanish and included a non-discrimination statement in English and Spanish with contact information for a non-discrimination coordinator for people to ask questions or to report discrimination.

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

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

Activity	Dates
Early Input Workshop	January 2023
Notice PIP (invite public input)	June 2024
Public Notice for the 2024 NPS Management Plan Revision	June 2024
Public Comment Period	30 days
Bureau sends the 2024 NPS Management Plan Revision to EPA	October 2024

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

II. Contacts

Bureau contacts for questions regarding the 2024 NPS Management Plan revision, the Bureau’s website, or this PIP, are listed below:

Shelly Lemon, Bureau Chief
 Surface Water Quality Bureau
 1190 South St. Francis Dr.
 Santa Fe, NM 87505
 Phone: (505) 470-5018
 Email: Shelly.Lemon@env.nm.gov

Kate Lacey, Program Manager
 Surface Water Quality Bureau
 1190 South St. Francis Dr.
 Santa Fe, NM 87505
 Phone: (505) 946-8863
 Email: WPSProgram.manager@env.nm.gov

If you need to contact the Bureau regarding the 2024 NPS Management Plan revision, please call or email the bureau contacts listed above.

A. Non-English Language Speaker Assistance and Accommodations

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

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. Nonpoint Source Management Plan Website

The Bureau maintains a website location for information on the Nonpoint Source Management Plan (see website address below). The website will be kept up to date and has information about the revision process and important documents.

<https://www.env.nm.gov/surface-water-quality/nps-plan/>

<https://www.env.nm.gov/surface-water-quality/public-notice/>

III. Regulatory Framework

Section 319(b)(1) of the Clean Water Act states,

The Governor of each State, for that State or in combination with adjacent States, shall, after notice and opportunity for public comment, prepare and submit to the Administrator for approval a management program which such State proposes to implement in the first four fiscal years beginning after the date of submission of such management program for controlling pollution added from nonpoint sources to the navigable waters within the State and improving the quality of such waters.

The “Administrator” is the appointed administrator of Region 6 of the U.S. Environmental Protection Agency. In New Mexico, the NPS Management Plan is part of the WQMP/CPP, which is approved by the New Mexico Water Quality Control Commission per Section 74-6-4.B of the New Mexico Water Quality Act.

The Bureau prepared a draft 2024 NPS Management Plan for the public to review and will accept comments for consideration in the 2024 NPS Management Plan revision during this public notice period. The public participation requirements of specific water quality programs are specified in 40 CFR Section 25.4 and described in New Mexico’s WQMP/CPP. At a minimum, the public participation process for New Mexico’s water quality programs consists of the following:

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

Additional requirements specific to the 2024 NPS Management Plan revision are specified in Section I above. To fulfill these requirements, the Bureau identified stakeholders and conducted an online workshop on January 18, 2023 to gather information and identify potential updates, prepared a draft Plan and submitted the draft to EPA for technical review, and hired a contractor to perform a technical edit of the draft. The Bureau will release the draft Plan for a 30-day public comment period in June 2024, email notice of the public comment period to the SWQB listserv, and post the draft Plan and public notice on the NMED website. After the public comment period, the Bureau will incorporate public comments, as appropriate and necessary, into the draft Plan and present the revision at a public WQCC meeting. As a final step, the Bureau will post the approved 2024 NPS Management Plan on the NMED website.

IV. Location and Demographics

The 2024 NPS Management Plan revision is a statewide document. Native American Tribes and Pueblos, which have treatment as a state (recognized by the US EPA), may develop their own nonpoint source management programs. New Mexico's nonpoint source management program may support activities on tribal portions of New Mexico on a watershed basis and with agreement from the tribal jurisdiction to benefit waters with tribal and state jurisdiction.

Demographic Summary

Using U.S. Census Bureau 2016-2020 American Community Survey (ACS) Report for the State of New Mexico has an estimated population of **2,097,021**; 49% identify as Hispanic or Latino (which may be of mixed race). The percent of persons that communicate in a language other than English (non-English) at home is 34%, compared to 21.5% for the United States. There are 5.1% of households in New Mexico that are linguistically isolated, of which 81% speak Spanish, 13% speak "other" languages that include Native American languages, and 6% speak various other Indo-European, Asian, and Pacific Island languages. The per capita income for New Mexico is \$27,945 as compared to the national per capita income of \$35,384, with 18.4% of the population living in poverty. These results indicate that for the area, the percentage of Spanish-speaking communication is considerable (i.e., substantially greater than the national percentage) and there are demographic factors (i.e., low-income community, minority community, limited English proficiency, Linguistically Isolated Households, etc.) that may impact public participation.

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

V. Public Participation & Outreach Activities

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

Specific outreach activities related to the 2024 NPS Management Plan revision include:

- Conducting an online workshop to gather information and identify potential updates,
- Creating and maintaining a specific web page with attachments and links to all pertinent documents (see part II.B and II.C above),
- Developing a public notice announcing the opening of the 30-day public comment period on the 2024 NPS Management Plan revision,
- Posting this notice to the NMED public notices website,
- Emailing this public notice to SWQB's extensive listserv through the GovDelivery e-mail delivery service (1,842 email addresses as of June 1, 2024), and
- Sending this public notice to NMED's public relations officer for a press release.

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

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

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

The Bureau maintains an extensive email list (1,842 email addresses as of June 1, 2024) that includes individuals interested in surface water quality issues and activities. This list is a combination of previously interested persons who requested the Bureau provide them with information about surface water quality in New Mexico. The list is maintained through a professional email messaging platform with standard options for users to maintain, modify, or cancel subscriptions. The Bureau regularly maintains contact information, which is updated or supplemented if additional information is found. Individuals, organizations, and other interested parties are added to the email list as requested.

B. Email Updates

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

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

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

D. Public Comment Period

The 30-day public comment period on the 2024 NPS Management Plan revision is planned to start in June 2024 and end in July 2024.

E. Other Outreach

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

F. Information Repositories

Copies of the 2024 NPS Management Plan revision will be available to download from <https://www.env.nm.gov/surface-water-quality/nps-plan/> or by contacting Bureau contacts listed above in Section II.

The Bureau will not provide hardcopies and other information at post offices, community centers, public libraries, or other repositories. The Bureau requests that individuals access 2024 NPS Management Plan revision documents and information online at the links noted above. If requested, the Bureau will work with individuals to provide hard copies. If you would like to request hard copies of important documents or information about how to comment on the 2024 NPS Management Plan revision, please contact Kate Lacey at (505) 946-8863 or email: WPSProgram.manager@env.nm.gov. You may also contact Shelly Lemon at (505) 470-5018 or email: Shelly.Lemon@env.nm.gov.

G. 2024 NPS Management Plan Revision Proceedings, Outcomes and Responses to Comments

To address stakeholder and community members comments, the Bureau will prepare a “Response to Comments” appendix to the 2024 NPS Management Plan revision following the close of the public comment period. The final 2024 NPS Management Plan revision and Response to Comments will be sent to the U.S. EPA and the interested stakeholders and/or community members who commented directly to the Bureau.