

STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION

IN THE MATTER OF PETITION TO
NOMINATE SURFACE WATERS
DESIGNATED AS SPECIAL TROUT WATERS, OR
WILD AND SCENIC RIVERS, OR LOCATED WITHIN NO. WQCC 24-46 (R)
A WILDERNESS, PARK, MONUMENT OR REFUGE
AS OUTSTANDING NATIONAL RESOURCE WATERS,

NEW MEXICO ENVIRONMENT DEPARTMENT,

PETITIONER.

**AMIGOS BRAVOS AND TROUT UNLIMITED'S NOTICE OF INTENT TO PRESENT
DIRECT TECHNICAL TESTIMONY**

Pursuant to 20.6.1.202.A NMAC and the Pre-hearing Order issued in this matter, Amigos Bravos and Trout Unlimited file their Notice of Intent to Present Direct Testimony. As required by applicable regulations and the Pre-hearing Order, Amigos Bravos and Trout Unlimited provide the following information:

1. Identify the person for whom the witnesses will testify:

The witness identified below, Dan Roper, will testify on behalf of Trout Unlimited, a national non-profit organization dedicated to caring for and recovering rivers and streams to protect wild and native trout, and Amigos Bravos, a non-profit water conservation organization dedicated to protecting and restoring the waters of the New Mexico.

2. Identify each technical witness the person intends to present, and state the qualifications of that witness, including a description of their educational and work background:

Trout Unlimited and Amigos Bravos intend to present Dan Roper, Trout Unlimited New Mexico Program Lead, whose educational and work background is set forth in his resume, attached as AB-TU Exhibit 1.

3. Include a copy of the direct testimony of each technical witness in narrative form, and state the estimated duration of the direct oral testimony of that witness:

Attached is the full written direct testimony of Mr. Roper, attached as AB-TU Exhibit 2.

Mr. Roper's oral testimony at hearing is anticipated not to exceed 30 minutes.

4. Include the text of any recommended modifications to the proposed regulatory change:

Amigos Bravos and Trout Unlimited offer no recommended modifications to the New Mexico Environment Department's (NMED) proposed modifications to 20.6.4 NMAC, attached as Appendix C to Attachment 1 to NMED's petition in this matter.

5. List and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of the rules:

Amigos Bravos and Trout Unlimited will offer Mr. Roper's resume as AB-TU Exhibit 1 and his direct testimony as AB-TU Exhibit 2, attached. Amigos Bravos and Trout Unlimited reserve the right to offer rebuttal exhibits at hearing.

Respectfully submitted,

/s/ Tannis Fox

Tannis Fox

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Certificate of Service

I certify that a copy of the foregoing pleading was served by email to the following on November 20, 2024:

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/s/ Tannis Fox
Tannis Fox

AB-TU EXHIBIT 1

Dan Roper

NEW MEXICO PROGRAM LEAD, TROUT UNLIMITED
SANTA FE, NEW MEXICO

Education

Oregon State University
Corvallis, OR
Master of Public Policy (MPP)

University of North Carolina Asheville
Asheville, NC
Environmental Studies (BS)

Center for Dialogue and Resolution
Eugene, OR
Mediator Certification Course

National Outdoor Leadership School
Lander, WY
Rocky Mountain Semester Course

Experience

JANUARY 2019 - PRESENT

New Mexico Program Lead | Trout Unlimited

Lead TU's programmatic work in New Mexico, with an emphasis on state and federal policy priorities. Manage staff, set conservation priorities, establish relationships with funders and key decision-makers, write grants and manage grant deliverables, engage with grassroots membership and community partners. Began with focus on forest planning and state policy work before assuming role of state program lead.

JANUARY 2015 – JUNE 2016

Natural Resource Policy Staff | State of Oregon

Nonpartisan committee staff during legislative sessions. Conducted policy research, wrote policy briefs, facilitated work groups with legislators, advocates, and staff. Received Hatfield Fellowship with Oregon Watershed Enhancement Board to analyze effectiveness of local watershed councils.

SEPTEMBER 2013 – DECEMBER 2015

Graduate Research Assistant | Oregon State University

Conducted social science research on wildfire and community preparedness in central Oregon. Completed coursework in environmental law and natural resource management.

APRIL 2011 – JUNE 2013; JANUARY 2017 – MARCH 2018

Organic Farmer

Completed apprenticeship in organic agriculture in 2011. Involved in all aspects of running a small farm business in subsequent years.

JUNE 2003 – DECEMBER 2010

Trail Crew Supervisor and Crew Member | USFS and NPS

Worked in trail programs for the US Forest Service and National Park Service. Managed trail crews and supervised staff. Worked extensively with volunteers.

AB-TU EXHIBIT 2

**STATE OF NEW MEXICO
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**IN THE MATTER OF PETITION TO
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NO. WQCC 24-46 (R)

NEW MEXICO ENVIRONMENT DEPARTMENT,

PETITIONER.

DIRECT TECHNICAL TESTIMONY OF DAN ROPER

My name is Dan Roper, and I work as the New Mexico Program Lead for Trout Unlimited, a party in this proceeding, overseeing five staff and working closely with four grassroots chapters across the state. We have a simple mission -- to bring together diverse interests to care for and recover rivers and streams so our children can experience the joy of wild and native trout. To accomplish that mission, we work collaboratively with everyone from landowners and grazing permittees to fly shops and state agencies to protect and restore habitat, preserve clean water, and create more resilient watersheds in the places we live, work, and play.

I have a bachelor's degree in the environmental sciences from the University of North Carolina at Asheville and a master's degree in public policy from Oregon State University, and have worked for nonprofit organizations and state and federal natural resource and land management agencies in three western states. Before stepping in the role of New Mexico Program Lead, I led Trout Unlimited's state and federal policy and advocacy work for nearly five years. My resume is attached as AB-TU Exhibit 1.

I am also an angler who is familiar with many of the nominated waters in the New Mexico Environment Department's (NMED) current Outstanding National Resource Waters

(ONRW) petition before the Water Quality Control Commission. And perhaps more importantly, I represent a community of anglers whose knowledge of New Mexico's trout streams is unrivaled. I have yet to encounter a trout stream in this state – however small or remote – that one of our members isn't familiar with. Trout Unlimited unequivocally endorses designation of all stream segments nominated by NMED as deserving of ONRW status. My testimony will focus on the nominated segments that are Special Trout Waters (STW) and thus significant from a trout conservation and fishing perspective.

Collectively, our members possess a significant body of knowledge on our state's trout streams, especially the state's STWs. That being the case, I can attest with authority to the multifaceted benefits STWs bring to the State of New Mexico, their extraordinary value for native trout conservation and the fishing community, and their importance to downstream communities that depend on water of the highest quality for recreation and agriculture.

High-quality trout habitat means many things to many people. The trout streams that anglers are most familiar with – the Rio Chama, Pecos River, Red River, Cimarron River, Rio Guadalupe, and Rio de los Pinos – have thrilled anglers for decades, and all include stream reaches currently managed as STWs in response to their popularity and recreational significance. Throughout this time, they have generated significant economic activity, notably by attracting out of state tourism.

From its confluence with Wolf Creek to the Edward Sargent Wildlife Management Area, the Rio Chama is as pristine a stream as you will find, with wildlife and brown trout in abundance. The Rio Chama from Cottonwood Flats to the outfall of Heron Dam is a much larger stream but similarly special, especially in late spring and early summer when a variety of aquatic insect species hatch and fill the air. In addition to the mainstem Chama, its tributary streams –

Rio Chamita, Sixto Creek, and Nabor Creek – are critical to the conservation of native Rio Grande cutthroat trout in the Rio Chama watershed.

The Pecos River upstream of the Village of Pecos is an excellent trout fishery and the second most popular trout fishing destination in the state. Fewer anglers, however, are familiar with the reach of the Pecos running through the Pecos National Historic Park. Especially in spring and fall, this reach provides excellent fishing. It is also an important wildlife corridor, a rare water source amid dry pinon juniper terrain.

Although fishable throughout the year, the Red River below the Red River fish hatchery has uniquely good fishing on warm winter days, especially when the annual run of spawning cutbow (rainbow/cutthroat hybrid) trout has migrated from the Rio Grande and into the Red River. Anglers frequently encounter river otters on this reach, due in part to healthier fish populations and gradually improving water quality. In addition to providing excellent fishing, the lower four miles of the Red River was one of the first river segments designated by Congress as a National Wild and Scenic River in 1968, and is renowned for its natural beauty. Cabresto Creek, a tributary to the Red River that originates high in the Sangre de Cristo Mountains, provides opportunities to catch native trout in a spectacular natural setting just outside of Questa. The 16-mile proposed segment of the Cabresto is one of the longest STW designations in the state, attesting to the stream's high-quality trout habitat.

The Cimarron River provides some of the most productive fishing water in the state and is visited in high numbers accordingly. Serving visiting anglers from Texas and Oklahoma, the Cimarron anchors the trout fishing tourism scene in northeast New Mexico. According to angler data from New Mexico Game and Fish, the Cimarron is one of the state's top 10 trout fishing destinations.

The Rio Guadalupe is part of a network of critical streams including the Rio Cebolla, East Fork Jemez, and San Antonio Creek that supply water to the communities of Jemez Springs, Gilman, Canon, and Jemez Pueblo for drinking, farming, and other uses. The Guadalupe also boasts one of the best giant stonefly hatches in New Mexico and can grow some oversized trout as a result. Stoneflies are notoriously intolerant of contaminated water; the presence of stoneflies, in other words, is a sign of good water quality. Accordingly, the Guadalupe and Cebolla are popular fishing streams with anglers from the Albuquerque metro region. The nominated reach of the Rio Cebolla provides important habitat for native Rio Grande cutthroat trout, in addition to imperiled species like the federally endangered New Mexico meadow jumping mouse.

The Rio de los Pinos has the capacity to produce an abundance of large trout, due to the diverse range of aquatic insect species that flourish in its flows. Fishing along the proposed segment benefitted from significant habitat investments funded by the New Mexico Department of Game and Fish (NMDGF). Just to the south, and part of the Conejos River system, the Rio San Antonio is a remote and ecologically significant stream system that harbors native Rio Grande cutthroat trout in its headwaters, in a watershed that boasts an abundance of native fish and wildlife. The watershed is a focal area for aquatic habitat restoration for Trout Unlimited, NMDGF, and the U.S. Forest Service, as demonstrated by recent habitat restoration funded through the state's Habitat Stamp Program and other sources. Two tributary streams – Tanques Creek and Canada Tio Grande – are important native trout streams managed as Red Chile Native Trout waters.

Fundamental to the value of the larger waters being nominated in the petition are the added fishing options provided by their tributaries, which include a multitude of tiny creeks where native Rio Grande cutthroat trout survive in their ancestral state. Our native Rio Grande

cutthroat occupy a mere 12% of their historic range, and much of their remaining habitat exists in streams like San Cristobal, Nabor, Columbine, Palociento, Tanques and Tio Grande Creeks – small and remote tributaries with exceptional ecological value. Preserving clean water in these small tributaries is essential to the survival of native trout populations.

Italianos, Yerba, Manzanita, and Gavilan creeks, draining the recently designated Columbine Hondo Wilderness into the Rio Hondo watershed, provide refuge for native trout and offer accessible fishing opportunities in a highly used recreational corridor. Likewise, Columbine Creek and its tributaries Deer Creek and Placer Creek possess similar attributes in a remarkably beautiful portion of the Red River watershed.

Other tributaries, such as Jaramillo Creek, Indios Creek, Goose Creek, and Rio Chamita, provide high-quality fishing for brown trout. Jaramillo Creek snakes through 12 miles of the spectacular Valles Caldera National Preserve before entering the East Fork of the Jemez River. Due to rich riparian habitat throughout its length, this stream generates exceptionally clean water, supporting an ample food base for a popular brown trout fishery.

In Bandelier National Monument, Rito de los Frijoles and Capulin Creek provide important native trout habitat in tributary streams that flow directly to the Rio Grande.

While the importance of STWs is well-known in the fishing world, their benefits extend to communities throughout the state by simple virtue of the high-quality water they contribute to downstream waterways. Trout are hardy and tough animals; they can flourish in a wide range of habitat and can endure extremes in heat and cold. Trout are intolerant, however, of poor water quality. The reason they thrive at high altitude streams and headwaters is not entirely because that water is cold. It is also because the water is unpolluted.

Headwaters are unpolluted because their water is fresh from the sky or fresh from the

ground. Often it is due to both circumstances. Meadows commonly found in headwater reaches comprise a natural filtration system that cleans water of impurities as it travels through the soil biome to the water table.

During spring snowmelt, the fact that the Valles Caldera is a highly functioning wet meadow is visibly apparent; the Valle Grande, the first thing one sees when entering the preserve, is a large shallow lake. After runoff, one can easily sense that the lake is still there, only underground, as the water pooled there in spring has sunk into the ground.

Here, it is important to remember that this underground reservoir is replenished by continuous inputs from Jaramillo and Rio de los Indios, which have aggregated water from their own tributaries. The same is true of the Edward Sargent Wildlife Management Area where the Rio Chamita, Nabor Creek, and the upper Rio Chama store surplus snowmelt in the ground for later release throughout the summer to refresh downstream reaches with water cool and clean.

Such headwater storage areas constitute insurance policies against drought and other habitat disruptions to trout streams. Similarly, maintaining trout habitat in excellent condition throughout as many of our watersheds as possible – particularly in the stream reaches recommended by NMED -- is a hedge against disruptions to rural farming, drinking water supplies, and the fishing economy, which is critically important throughout northern New Mexico.

As such, these stream reaches are incredibly valuable resources to the State of New Mexico and merit the highest possible protections as Outstanding National Resource Waters.

This ends my testimony, which is accurate to the best of my knowledge.

/s/ Dan Roper
Dan Roper
New Mexico Program Lead
Trout Unlimited

November 10, 2024
Date