

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

**IN THE MATTER OF THE PETITION TO
NOMINATE SURFACE WATERS DESIGNATED AS
SPECIAL TROUT WATERS, OR WILD AND SCENIC RIVERS,
OR LOCATED WITHIN A WILDERNESS, PARK, MONUMENT
OR REFUGE AS OUTSTANDING NATIONAL RESOURCE WATERS,**

No. WQCC 24-46 (R)

**NEW MEXICO ENVIRONMENT DEPARTMENT
WATER PROTECTION DIVISION,**

Petitioner.

PRE-HEARING ORDER


On September 23, 2024, the Water Quality Control Commission (Commission) designated Felicia Orth as Hearing Officer in this matter.

Having reviewed the Petition and Commission's Order, and consulted in a pre-hearing conference on October 3, 2024 with counsel for petitioner and other parties, the Hearing Officer orders as follows:

1. The public hearing in this matter will be conducted in-person in Santa Fe, with a virtual participation option, directly after the Commission's regularly scheduled meeting beginning at 9 a.m. on Tuesday, December 10, 2024, and continuing through December 11, 2024, as necessary to hear all testimony, evidence, and public comment. The Commission may choose to deliberate on the Petition following the close of the record, or may choose to deliberate in a subsequent meeting.
2. Filing and service of all documents in this matter shall be made electronically. The requirements in 20.1.6.104 NMAC to file paper copies of documents are waived.

3. **Demonstrative exhibits, including PowerPoint or other slide presentations, shall be uploaded no later than close of business December 6, 2024, to a folder for which a link will be provided to all parties. This will allow for review by all parties and the members of the Commission prior to the hearing.**
4. **Public Comment: The Hearing Officer will provide an opportunity for non-technical public comment each day of the hearing in a manner that accommodates the public pursuant to 20.1.6.204 NMAC. This may require interrupting the technical testimony. Public comment sessions will be expressly reserved at 1 p.m. and 5 p.m. on December 10, 2024.**
5. **Members of the public wishing to offer non-technical public comment may do so once either in person or on the virtual platform with access provided and managed by the Administrator.**
6. **Although 20.1.6.301.C NMAC provides that any person who testifies at the hearing is subject to cross-examination on the subject matter of their direct testimony and matters affecting their credibility, the parties are encouraged to limit such cross-examination of non-technical witnesses, including the public, to avoid harassment, intimidation, needless expenditure of time or undue repetition. The Hearing Officer may take appropriate action to limit any such cross-examination.**

7. Panels: Any party may present its witnesses for some or all of its presentation as a panel of no larger than five persons. If witnesses testify as members of a panel, clarifying questions and cross-examination will occur only after all panel members have testified.
8. The Commission members may ask clarifying questions and cross-examine individual witnesses or witness panels at the conclusion of all direct testimony by individual witnesses or witness panels. Thereafter, cross-examination by the parties will be in reverse order of their direct testimony.
9. The Commission Administrator is directed to arrange for timely public notice of the hearing, no later than October 11, 2024, and if requested to arrange for Spanish-language interpreters and a Court Reporter to make a transcript of the proceeding and deliberations; the expense of providing simultaneous interpretation between English and Spanish and a full transcript to the Commission will be borne by Petitioner.
10. To the extent not in conflict with the above, the Rulemaking Procedures found in 20.1.6 NMAC apply.



Felicia L. Orth, Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2024, a copy of the foregoing was emailed to the persons listed below. A copy will be mailed first class upon request.

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/s/ Pamela Jones

Pam Jones
Commission Administrator
Office of Public Facilitation