August 13, 2025

Via email (kim.sewell@edd.nm.gov)

Kim Sewell
Small Business Regulatory Advisory Council
New Mexico Economic Development Department
1100 S. St. Francis Drive
Santa Fe, NM 87505-4147

Re: Proposed Amendments to 20.6.4 NMAC

Dear Kim,

The New Mexico Environment Department (NMED) is writing to notify the Small Business Regulatory Advisory Council that a third party has filed a petition proposing to amend 20.6.4 NMAC. The third party, National Technology & Engineering Solutions of Sandia, LLC, is the operator of Sandia National Laboratories.

The petitioner's proposed amendments to the rules seek to change the designated use for a portion of the Tijeras Arroyo water quality assessment unit, based upon a Use Attainability Analysis (UAA) conducted pursuant to a work plan approved by NMED. Specifically, the proposed amendments would add the Rio Grande to Four Hills Bridge reach of the Tijeras Arroyo to the list of ephemeral waters under 20.6.4.97 NMAC.

The proposed amendments to the rules are not expected to have an adverse or significant effect on small businesses in New Mexico.

NMED has worked to ensure all requirements regarding public participation, public notice, and public hearing have been and will be met throughout the rulemaking process. In coordinating with the petitioner, NMED has observed its public engagement endeavors, including the petitioner's meetings with stakeholders. The petitioner provided multiple methods to submit public comments, but none were received; thus, no revisions were made to the proposed rule.

Please let me know if the SBRAC has any concerns or questions regarding the proposed rule amendments, or would like to have further discussions with NMED and the third party petitioner concerning its proposal.

Sincerely,

Brecken Scott

Digitally signed by Brecken Scott
Date: 2025.08.13 08:49:36 -06'00'

Brecken L. Scott
Assistant General Counsel