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2026-2028  
State of New Mexico  
Clean Water Act  
§303(d)/§305(b)  
Integrated Report

Appendix C  
Response to Comments



**Prepared by:**

New Mexico Environment Department

Surface Water Quality Bureau

1190 St. Francis Drive

Santa Fe, New Mexico 87505

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

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**RESPONSE TO COMMENTS**  
**ON THE**  
**2026-2028 STATE OF NEW MEXICO**  
**CLEAN WATER ACT**  
**§303(d)/§305(b)**  
**INTEGRATED LIST OF ASSESSED SURFACE WATERS**

**February 27, 2026**

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**PLEASE NOTE:**

Original letters and emails were converted to Microsoft Word when possible. When not possible (i.e. due to unreadable PDFs), screenshots of each comment were inserted into the Word document followed by the response. Submitted comments were converted to Calibri font with standard page margins for ease of collation. All original comment letters/emails are on file at the NMED-SWQB office in Santa Fe, NM and are available electronically.

**SUMMARY OF CHANGES TO THE DRAFT 2026-2028 INTEGRATED LIST DUE TO SOLICITED  
PUBLIC COMMENTS AND/OR DUE TO ADDITIONAL STAFF REVIEW DURING THE COMMENT  
PERIOD:**

New Mexico Environment Department (“NMED”) solicited public comments on the draft 2026-2028 Integrated List during a 45-day period (December 8, 2025, through January 22, 2026) and made the following changes during and after the public comment period:

1. *Tijeras Arroyo (Rio Grande to Four Hills Bridge) (NM-9000.A\_070) – On 12/9/25 the WQCC approved the Tijeras Arroyo UAA. As a result of the amendment, Tijeras Arroyo (Rio Grande to Four Hills Bridge) has been placed in 20.6.4.97 NMAC.*
2. *Added an Assessment Rationale note to Navajo Reservoir (NM-2406\_00) that recent (2025 buoy) LTD data provide documentation that a temperature impairment persists.*
3. *For assessment unit (AU) NM-2112.A\_20 (El Rito Creek, perennial reaches from HWY 554 to the headwaters), there were 0 exceedances out of 4 samples for the E. coli criterion at the historic monitoring station. As a result, the E. coli impairment has been removed from this soon-to-be-retired AU. The new watershed-based AU that now includes this station continues to show attainment of the E. coli criterion based on the most recent dataset (2023–2024). However, it remains impaired for temperature (IR Category 5A) due to 4T3 and Tmax exceedances recorded on the 2023 thermograph. Assessment Rationale comments were added to clarify the distinction between the historic AU and the current watershed-based AU.*
4. *DP Canyon (100m downstream of grade control to 400m upstream of grade control) (NM-128.A\_24) – reformatted data submitted during the July 2025 call for data was re-assessed, 0/5 exceedances of the new site-specific copper criteria described in Paragraph (4) of Subsection I of 20.6.4.900 NMAC, therefore copper (dissolved) impairment removed.*
5. *Pueblo Canyon (Acid Canyon to headwaters) (NM-9000.A\_043) – reformatted data submitted during the July 2025 call for data was re-assessed, 0/5 exceedances of the new site-specific copper criteria described in Paragraph (4) of Subsection I of 20.6.4.900 NMAC, therefore copper (dissolved) impairment removed.*
6. *Assessment Rationale comments were added to the other Pajarito Plateau AUs (NM-97.A\_002, NM-128.A\_36, NM-97.A\_029, NM-128.A\_15) that were re-assessed using the new site-specific copper criteria in Paragraph (4) of Subsection I of 20.6.4.900 NMAC, noting that these reassessments did not result in any changes.*

**COMMENT SET 1 – New Mexico Farm and Livestock Bureau (NMF&LB)**

Submitted on 1/22/26 via the NMED Public Comment Portal at: <https://nmed.commentinput.com/comment/search>

**Katie Adams**

New Mexico Farm and Livestock Bureau (NMF&LB) appreciates the opportunity to provide comments on the 2026-2028 State of New Mexico Clean Water Act Integrated List of Assessed Surface Waters Draft.



# NEW MEXICO FARM & LIVESTOCK BUREAU

2220 NORTH TELSHOR BOULEVARD • LAS CRUCES, NEW MEXICO 88011 • (575) 532-4700

January 22nd, 2026

New Mexico Environment Department  
Surface Water Quality Bureau

*Submitted Via Electronic*

RE: 2026-2028 of New Mexico Clean Water Act Integrated List of Assessed Surface Waters Draft

Surface Water Quality Bureau,

New Mexico Farm and Livestock Bureau (NMF&LB) appreciates the opportunity to provide comments on the 2026-2028 State of New Mexico Clean Water Act Integrated List of Assessed Surface Waters Draft.

New Mexico Farm and Livestock Bureau works to ensure the support of federal regulation of the Clean Water Act within the state for the beneficial use of stakeholders and the impact of imposed regulations. NMF&LB recognizes the continuing efforts to provide the state with clean water and supports the EPA's commitment to following the guidelines put in place by the Clean Water Act and their efforts in assessing and protecting water quality standards for the surface waters within our state.

Water, being a valuable asset for our farmers and ranchers, we ask that the Surface Water Quality Bureau and New Mexico Environment Department consider and create systems in which our rural agriculturalists are able to continue production uninterrupted when waters are classified as impaired. NMF&LB recognizes and supports actions that are used to ensure the future of agriculture for generations to come, any regulatory burden that removes farmer and rancher access to vital inputs such as water, does not ensure the future of agriculture in our rural communities.

As the Surface Water Quality Bureau and New Mexico Environmental Department continues to assess the integrated list of Surface Waters and impaired waters within the state of New Mexico, we respectfully request that you consider having accurate and appropriate representation in the agricultural and rural areas of expertise when deciding on impaired surface waters to be added to the integrated list and how that can affect our agricultural stakeholders in irrigation and livestock management.

Once again, NMF&LB appreciates the opportunity to participate in providing public comment on regulation that will have an impact on the capabilities of farmers and ranchers such as the 2026-2028 State of New Mexico Clean Water Act Integrated List of assessed Surface Waters Draft. NMF&LB looks forward to further engaging in this process and appreciates your consideration of our members' viewpoints.

New Mexico Farm and Livestock Bureau is New Mexico's largest agricultural organization, representing members involved in all aspects of agriculture from dairy and livestock to fruits and vegetables. Our mission is to promote and protect agriculture in the great State of New Mexico. We are charged with the important task of representing our members' interests when it comes to impending regulations and programs.

**NMED RESPONSE:**

*Thank you for your comments on the 2026–2028 State of New Mexico Clean Water Act Integrated List of Assessed Surface Waters Draft. The Surface Water Quality Bureau (SWQB) appreciates the New Mexico Farm and Livestock Bureau's engagement and your commitment to both clean water and the long-term viability of agriculture in New Mexico. We recognize the essential role water plays in sustaining agricultural production and remain committed to implementing the Clean Water Act in a transparent and collaborative manner that supports farmers and ranchers while ensuring scientifically based water quality assessments.*

*Public participation is a core requirement of the Clean Water Act and is strongly supported by the U.S. Environmental Protection Agency. Consistent with these expectations, the Comprehensive Assessment and Listing Methodology (CALM) was open for an extended public comment period from June 16 through July 18, 2025, and the draft Integrated List was open for an extended public comment period from December 8, 2025 through January 22, 2026, during which specific listing decisions could be reevaluated given supporting data. While NMED did not receive additional comments to reconsider individual impairments during the comment period, we remain committed to ensuring agricultural voices are included in future stages of water quality planning. EPA emphasizes that residents, landowners, and agricultural producers often have unique knowledge of watershed conditions, and this local insight can meaningfully improve both listing decisions and the development of water quality restoration strategies. SWQB values the perspectives of agricultural stakeholders and welcomes continued participation from rural communities. The Water Quality Control Commission, whose membership includes the Director of the New Mexico Department of Agriculture, will consider the final List following a presentation by SWQB staff at the regular monthly meeting on March 10, 2026.*

*The Integrated List is a Clean Water Act deliverable and a key document used by multiple NMED programs, including permitting and watershed planning, to guide water quality improvement efforts. Impairment decisions are considered by SWQB's Point Source Regulation Section during regulatory and permitting processes. The List is also used by SWQB's Watershed Protection Section to inform watershed-based planning and restoration projects.*

*Stakeholders also have opportunities for public engagement during the development of Total Maximum Daily Loads (TMDLs), which guide future regulatory and restoration efforts. Public participation is a required and essential component of the TMDL process, including reviewing draft TMDLs, providing data, and offering local context. Completion of a TMDL can lead to additional monitoring, planning, and on the ground restoration projects to address watershed conditions contributing to impairments. Thank you again for your engagement and for representing the interests of New Mexico's agricultural producers. SWQB looks forward to continued dialogue with the New Mexico Farm and Livestock Bureau as we advance the Integrated Report, TMDL development, and future water quality initiatives. We encourage interested organizations to subscribe to [GovDelivery alerts](#) and check the [NMED events calendar](#) for upcoming engagement opportunities.*

## COMMENT SET 2 – Gila Resources Information Project

Submitted on 1/22/26 via the NMED Public Comment Portal at: <https://nmed.commentinput.com/comment/search>

### Alesia Hallmark

Gila Resources Information Project  
305A N. Cooper St.  
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[grip@gilaresources.info](mailto:grip@gilaresources.info), [silvercitywatershedkeepers@gmail.com](mailto:silvercitywatershedkeepers@gmail.com)  
22 January 2024

Surface Water Quality Board  
New Mexico Environment Department

#### Public comment on the **2026-2028 Clean Water Act 303(d)/305(b) Integrated List of Assessed Surface Waters**

To whom it may concern,

I am writing this letter as a representative of the Gila Resources Information Project (GRIP), a 503(c) non-profit organization in Silver City, NM that has been promoting healthy communities by protecting our local environment since 1988. GRIP, along with its watershed monitoring and education program, the Silver City Watershed Keepers, has worked to protect and restore watershed functioning and monitor local water quality in and around the Town of Silver City. GRIP has received multiple River Stewardship grants to restore stream and riparian habitat along San Vicente Creek and conducts quarterly water quality monitoring within this watershed.

We are submitting public comments on the 2026-2028 Clean Water Act 303(d)/305(b) Integrated List of Assessed Surface Waters in order to better understand how waterway impairments are classified and how Outstanding National Resource Waters are being protected. *Our goal is to understand how we can best monitor water quality and submit high-quality data to the New Mexico Environment Department for waterways in the Town of Silver City and in the surrounding Grant County and Gila bioregion.*

#### ***How are waterways classified as impaired?***

Within the Integrated List of Assessed Surface Waters, reaches may be designated as impaired in terms of physical, biological, and chemical factors.

Within Grant County, some surface waters are listed as being impaired. Specifically, the Gila River and Bear Creek are listed as being temperature-impaired and San Vicente Creek (Perennial prt Maudes Cny to Silva Creek), the waterway that flows through downtown Silver City and that is center of our Big Ditch Park and urban trail system, has been listed as being impaired for nutrients and *E. coli*. While the 2025 Comprehensive and Listing Methodology (CALM) discusses the thresholds and number of tests needed to classify a waterway as impaired, it does not specify which specific products or testing methods are acceptable for use.

- We would like to know what metrics were used to designate these waters as impaired? If other water monitoring entities were testing San Vicente Creek, for example, can we access those reports that were cited as part of this designation process?

**NMED RESPONSE:**

*Thank you for your comment and for your interest in understanding how waterways are assessed and how high-quality data can be submitted for consideration in the Integrated List of Impaired Waters. The metrics used to determine whether a waterbody is impaired are outlined in the Comprehensive Assessment and Listing Methodology (CALM), which describes the physical, chemical, and biological criteria applied during assessment.*

*San Vicente Creek (Perennial portion from Maudes Canyon to Silva Creek) has been listed as impaired for nutrients since 2012. The Assessment Rationale document notes that data collected during the 2019-2020 Gila/Mimbres/San Francisco survey supported a retained nutrient impairment (TN median threshold exceedance). Recent data submitted by the Silver City Watershed Keepers indicated six out of eight exceedances of the dissolved oxygen (DO) criterion. Because low DO is a common response to excess nutrient loading, these results were used as support for the persistent nutrient impairment, and the listing category was updated from IR Category 5C to 5A. In addition, two out of eight samples exceeded the E. coli criterion, which resulted in E. coli being added as a new impairment. The data used for these determinations were submitted by the Silver City Watershed Keepers and by your organization during the call for outside data on 7/16/2025 and 9/8/2025. If you would like to discuss the specific decision-making process in more detail, we would be happy to schedule a meeting.*

*Regarding acceptable testing methods, Appendix A of the CALM describes the data quality levels required for assessment, including the types of sampling methods, laboratory procedures, and documentation needed for data to be considered "Level 3," which is the level required for use in impairment determinations. SWQB accepts data from external monitoring entities when it meets these quality requirements. A data determination letter was prepared for Silver City Watershed Keepers data explaining the data quality level determination and rationale. If other organizations have collected data on San Vicente Creek or other Grant County waters, those datasets would be included in the administrative record if they met CALM criteria and were submitted during the data solicitation period. You may request access to any such records through NMED, and we can assist you in identifying what was submitted and used.*

*We appreciate your engagement and your interest in participating in a rigorous, science-based data collection process. Public involvement and high-quality local monitoring are essential components of maintaining accurate assessments of New Mexico's surface waters, and we welcome continued collaboration.*

- If a standard or limit was crossed (i.e. phosphorus Total Maximum Daily Load above 1 ppm), what was that limit and was the observed value in our waters? It would be informative to know if waters barely crossed a threshold or were 10x the threshold.

**NMED RESPONSE:**

*Thank you for your comment and for your interest in understanding how nutrient standards are applied when determining impairments. Appendix C of the Comprehensive Assessment and Listing Methodology (CALM) describes how nutrient thresholds, specifically total nitrogen (TN) and total phosphorus (TP), are derived. These thresholds are not single statewide values; instead, they vary based on site-specific factors such as the ecoregion, geology, and natural background conditions of the watershed. This approach ensures that the criteria used to assess a waterbody are appropriate for its natural setting. While some surface waters in the New Mexico Water Quality Standards (20.6.4 NMAC) have segment-specific TP criteria adopted directly into the water quality standards, those numeric criteria apply only to the specific segments where they are designated. For all other wadeable perennial streams without segment-specific nutrient criteria, the nutrient thresholds in CALM Appendix C are used for assessment purposes. This framework ensures that nutrient assessments rely on the most appropriate criteria for each*

*waterbody, whether those criteria are formally adopted in the standards or derived through the CALM process.*

*When a waterbody is listed as impaired for nutrients, the associated Total Maximum Daily Load (TMDL) includes a percent reduction table that summarizes the magnitude of exceedances observed in the data. This table provides information on how far the measured values were above the applicable threshold, which can help illustrate whether exceedances were slight or substantially higher than the criterion.*

*For example, San Vicente Creek (Perennial, Maudes Canyon to Silva Creek) was assessed during SWQB's 2019-2020 rotational survey of the Gila/Mimbres/San Francisco watersheds. Four total nitrogen (TN) samples were collected (0.92, 1.645, 2.342, and 2.451 mg/L), resulting in a site-median TN concentration of 1.9935 mg/L. This median exceeds the applicable "moderate" site-class TN threshold of 0.42 mg/L. Because the median TN concentration remains above the threshold, the existing nutrient impairment for this assessment unit was retained.*

*If you are interested in the specific values observed in another particular waterbody, we would be happy to walk through the dataset with you. Waterbody-specific data used in the assessment are available upon request, and our staff can help explain how those values compared to the applicable thresholds.*

*Thank you again for your engagement and for your interest in understanding the technical basis for impairment decisions.*

- How often should waters be re-tested to determine their impairment level? We are unsure whether to test for nutrient limitations every quarter, once annually, or at a different frequency

#### **NMED RESPONSE:**

*Thank you for your interest in collecting high quality data to support water quality assessments. For nutrient monitoring, sampling once per quarter is generally appropriate, which typically results in 6–8 samples per year depending on flow conditions. This frequency provides enough temporal coverage to evaluate whether nutrient criteria are being met (and calculate a median value) while ensuring that samples are spaced far enough apart to represent independent conditions.*

*A complete nutrient assessment relies on evaluating total nitrogen (TN), total phosphorus (TP), and daily delta dissolved oxygen (DO) together, because each plays a different role in understanding whether excess nutrients are causing ecological harm. TN and TP serve as causal indicators, while delta DO is the response indicator that reveals whether those elevated nutrients are driving biological effects such as excessive algal growth and associated swings in oxygen levels. Since delta DO reflects the actual ecological response, a waterbody cannot be listed as impaired for nutrients without it. TN, TP, and grab DO data still provide valuable supporting information and can signal emerging trends, but they cannot independently confirm impairment. Because of this, in addition to collecting enough TN and TP samples to calculate a reliable site median, long-term DO monitoring (ideally at least seven days of continuous data during the growing season) is recommended to support sound nutrient-impairment decision-making and ensure assessments are based on both cause and response. SWQB's Standard Operating Procedures (SOPs) provide detailed guidance on how to collect high-quality water quality data, including recommended sampling methods, appropriate temporal spacing, and proper use of field and laboratory equipment. These procedures help ensure that data collected for assessments are scientifically defensible, comparable across years and watersheds, and suitable for determining attainment of water quality standards. SWQB's SOPs are publicly available here: <https://www.env.nm.gov/surface-water-quality/sop/>.*

*Sampling frequency and data quality expectations are described in both the Surface Water Quality Bureau's [Quality Assurance Project Plan \(QAPP\)](#) and the [Comprehensive Assessment and Listing Methodology \(CALM\)](#). The CALM specifies that a minimum of  $n = 4$  samples is required to assess nutrients (total phosphorus or total nitrogen). SWQB may collect duplicate or replicate samples during special investigations, but we do not routinely collect them for standard chemical monitoring. This is because laboratory quality assurance procedures already address analytical precision, and replicate field samples do not distinguish environmental variability from sampling or analytical error in a way that improves assessment decisions.*

*The CALM also explains how temporal independence is applied during assessments. For Clean Water Act §303(d)/§305(b) purposes, grab samples collected within a seven-day period are considered duplicates unless they represent distinct hydrologic events. In these cases, the maximum (or minimum, depending on the criterion) value is used to ensure that any exceedance is captured. For certain parameters, such as turbidity, at least four samples must be collected at least 21 days apart within the same calendar year to be considered assessable. Samples captured within 21 days are considered replicates, and the most conservative value is used for assessment.*

*If you are planning a monitoring program and would like guidance on designing a sampling schedule that meets CALM and QAPP requirements, we would be happy to discuss your goals and help ensure your data can be used in future assessments. Please reach out to the SWQB QA officer Emily Miller ([Emily.Miller@env.nm.gov](mailto:Emily.Miller@env.nm.gov)). You may also find it helpful to review the field sampling plans available on our monitoring webpage, which provide useful examples of how SWQB structures its own monitoring efforts: <https://www.env.nm.gov/surface-water-quality/water-quality-monitoring/>. Thank you again for your engagement and commitment to rigorous water quality monitoring.*

- Which tests or products are acceptable to use? In the past, we have used LaMotte Nitrate-Nitrogen test kits, CHEMetrics Nitrate kits, and H2Ok water testing kits to quantify nitrogen levels. We know that we could also submit water samples to various private and state labs. These kits and lab tests range in purchase price and toxicity of test reagents, so of course we would like to collect the highest quality data while minimizing costs and potential environmental or personal exposure to toxic chemicals.

#### **NMED RESPONSE:**

*Thank you for your interest in collecting high quality data while also considering cost and safety. The Surface Water Quality Bureau's [Quality Assurance Project Plan \(QAPP\)](#), [Standard Operating Procedure \(SOP\) 8.2](#), and [Appendix A of the Comprehensive Assessment and Listing Methodology \(CALM\)](#) provide guidance on which analytical methods are acceptable for use in Clean Water Act assessments.*

*In general, any method used for nitrogen, phosphorus, or other chemical parameters must be sufficiently sensitive, meaning the method's detection limit must fall below the applicable water quality standard or the assessment threshold described in the CALM. This ensures that the data can reliably detect exceedances when they occur. Many field test kits, such as LaMotte, CHEMetrics, or H2Ok, can be useful for screening or educational purposes, but they often do not meet the sensitivity, precision, or documentation requirements needed for Level 3 data, which is the level required for impairment determinations.*

*For data to be used in the Integrated Report, methods must meet or be equivalent to the [QAPP's](#) requirements for accuracy, precision, calibration, and quality assurance. This typically means using laboratory-based analytical methods (e.g., EPA-approved methods) or field instruments that have been properly calibrated and documented. Submitting samples to a certified laboratory is often the most reliable way to ensure that data meet these requirements, though we understand that cost is an important consideration.*

*If you are planning a monitoring program and would like help identifying methods, laboratories or kits that meet CALM and QAPP requirements, or help determining when a field kit may be appropriate versus when laboratory analysis is needed, we would be happy to discuss your goals and provide guidance. Please reach out to the SWQB QA officer Emily Miller ([Emily.Miller@env.nm.gov](mailto:Emily.Miller@env.nm.gov)). Thank you again for your commitment to collecting high quality water quality data.*

- While the CALM protocols specify how many above-threshold readings are required to classify (or de-classify) a waterway as impaired, we don't believe follow-up testing procedures or frequency are recommended. If we, for example, observe high nitrate values in San Vicente Creek, should we take a follow-up sample within a certain time frame or submit a follow-up sample to a designated lab to confirm the test value? A recommendation would be helpful, especially if local water monitoring organizations want to help test and classify more remote or understudied surface waters.

**NMED RESPONSE:**

*Thank you for your interest in collecting high-quality data; please see the earlier response regarding nutrient sampling frequency, assessment requirements, and recommended monitoring approaches. If you would like assistance designing a monitoring schedule that meets CALM and QAPP requirements, you may contact the SWQB QA Officer, Emily Miller ([Emily.Miller@env.nm.gov](mailto:Emily.Miller@env.nm.gov)), and additional examples are available on our monitoring webpage: <https://www.env.nm.gov/surface-water-quality/water-quality-monitoring/>.*

**What is the status of Outstanding National Resource Waters?**

The Clean Water Act allows for the designation of our state's highest quality and most important waterways as Outstanding National Resource Waters (ONRWs). In Grant County, many reaches are designated as ONRW - USFS Wilderness Streams, marking their importance to our citizens and also their protected status. The Clean Water Act and New Mexico's anti-degradation policies state that ONRWs should receive enhanced protection from degradation in perpetuity.

We would like to know what efforts have been made, by the NM Environment Department or the U.S. Forest Service, to monitor for disturbance or changes to the chemical, physical or biological integrity of the ONRWs in the Gila Bioregion. We, and other environmental monitoring organizations, could contribute to future surveys if we knew the type and frequency of surveys desired on ONRWs.

- What tests or surveys have been conducted since these waters were designated as ONRWs? Have they been surveyed using the full suite of CALM protocols? For example, are ONRWs surveyed once for chemical impairments or are biological, physical, and chemical surveys being conducted once annually?
- What monitoring is planned or desired in the next 5 years? To avoid redundant surveys, it would be useful to share a proposed survey schedule of ONRWs that will be conducted by the state as well as sharing a call for watershed monitoring organizations to conduct more surveys. This would allow us and similar organizations to apply for funding and permits/permissions in time to support ONRW monitoring.

**NMED RESPONSE:**

*Thank you for your comment and for your continued interest in the protection and monitoring of Outstanding National Resource Waters (ONRWs) in the Gila region.*

*NMED works with the U.S. Forest Service (USFS) under an established [Memorandum of Understanding \(MOU\)](#) for the management of Forest Service waters, including ONRWs. While NMED conducts water quality assessments and antidegradation review, the USFS remains the designated management agency for ONRWs on national forest lands. Under the MOU, the two agencies coordinate on ONRW protection protocols, evaluate potential degradation, and, when impairments are confirmed, work jointly with stakeholders to identify causes and appropriate actions. When resources allow, NMED and the USFS may increase sampling frequency in affected ONRWs.*

*Regarding past monitoring, NMED [last surveyed](#) the Gila/San Francisco/Mimbres watershed in 2019–2020 as part of the statewide rotational monitoring program, with previous surveys in 2014 and 2007. These surveys included chemical, physical, and limited biological monitoring using the most current quality assurance plans, SOPs, and CALM assessment methods available at the time. Chemical sampling is conducted multiple times within a survey period to meet minimum data requirements.*

*For future monitoring, please see NMED’s most recently published [Integrated Report](#) for the monitoring schedule planned through 2030, including Figure 4: New Mexico’s Surface Water Quality Monitoring Schedule (NMED/SWQB 2016, 2020 revision). We are tentatively planning to sample the Gila in 2028. Some sites within the planned survey watersheds may fall within ONRWs; however, all ONRWs may not be specifically targeted for sampling within the rotational monitoring framework due to resource and access limitations.*

*NMED welcomes and encourages watershed organizations to conduct additional monitoring on ONRWs, as there is a significant need for focused watershed-level data collection across many areas of the state. Collaboration from external organizations can help fill important data gaps. NMED now offers the Watershed Protection Assistance Program (WPAP) that provides up to \$75,000 via one-time grants to do projects, such as water quality monitoring or effectiveness monitoring, which might be of interest to understanding the status of ONRWs in the Gila and inform restoration project development.*

*NMED’s [monitoring team](#) conducts an informational public meeting and notifies the public on proposed field sampling plans, including watersheds and specific water quality stations, beginning in the winter prior to each survey year (typically February). We encourage interested organizations to subscribe to [GovDelivery alerts](#) and check the [NMED events calendar](#) for upcoming engagement and funding opportunities.*

*Organizations interested in more in-depth ONRW monitoring on USFS-managed lands may also wish to coordinate directly with the U.S. Forest Service to explore collaborative study opportunities.*

Thank you for considering these comments and taking the time to address our questions.

Sincerely,

Alesia Hallmark

Program Coordinator, Silver City Watershed Keepers  
Gila Resources Information Project

**NMED RESPONSE:** *Thank you for your questions and comments. Please reach out if you would like to discuss any of these issues in more depth.*

**COMMENT SET 3 – Pueblo of Santa Ana**

Submitted on 1/22/26 via email

PUEBLO OF SANTA ANA

2 DOVE ROAD  
SANTA ANA, NM 87004



January 22, 2026  
Attn: Mrs. Meredith Zeigler  
Harold Runnels Building  
1190 St. Francis Dr.  
Suite N45050  
Santa Fe, NM 87505

Re: Public Comment for the State of New Mexico Clean Water Act (CWA) §303(d)/§305(b)  
Integrated List of Assessed Surface Waters

Dear Mrs. Zeigler

The Pueblo of Santa Ana (the Pueblo) respectfully submits its public comment for the State of New Mexico Clean Water Act (CWA) §303(d)/§305(b) Integrated List of Assessed Surface Waters. The Rio Grande and the Rio Jemez remain as an important and critical component of the way of life for people of Santa Ana Pueblo, as it has for countless centuries. The integrity of both river systems is a critical piece for a healthy river and here at the Pueblo we strive to support the health of both rivers by implementing sampling and monitoring to best support the regulations of the Pueblo of Santa Ana's Water Quality Standards.

We would like to highlight some of our concerns from the integrated list of the assessed surface waters in NM.

- HUC 1320202: Jemez River (Jemez Pueblo to Zia Pueblo)
  - o Boron
  - o Arsenic
  - o E.coli
- HUC 13020201: Rio Grande (Cochiti to Angostura)
  - o PCBs
- HUC 13020102: Abiquiu Reservoir
  - o Mercury
  - o PCBs
- HUC 13020203: Rio Grande (Angostura to 550 Bridge)
  - o E.coli

We respectfully request if the NMED could implement more monitoring and sampling in the following areas mentioned. The Pueblo is open and willing to work with NMED to help support this effort. It is in the best interests of both parties to preserve our respective histories, cultures, and traditions to ensure the continued integrity of the Rio Grande and Rio Jemez.



Sincerely,

Tammy Montoya, Department of Natural Resources-  
Water Resources Division Manager

## **NMED RESPONSE:**

*Thank you for your comment and for the Pueblo of Santa Ana's continued commitment to protecting the Rio Grande and Rio Jemez. NMED deeply values the Pueblo's long-standing relationship with these waters and appreciates your partnership in supporting their health and integrity.*

*Regarding the specific assessment units identified:*

- HUC 1320202 – Jemez River (Jemez Pueblo to Zia Pueblo): This reach was sampled during NMED's 2021–2022 rotational watershed survey. A Total Maximum Daily Load (TMDL) addressing the identified impairments is scheduled for public comment by mid-2026.*
- HUC 1320201 – Rio Grande (Cochiti to Angostura): This segment was sampled in 2025 and will be again in 2026 as part of the Middle Rio Grande watershed survey. PCB samples were collected twice during the previous season and twice again during the current season to support assessment of the impairment.*
- HUC 1320102 – Abiquiu Reservoir: The mercury and PCB impairments for this reservoir originate from fish tissue data and associated consumption advisories, rather than detections in the water column. Fish tissue was most recently collected in 2024. Results indicated a reduction in recommended meals per month for mercury in brown trout and walleye, with no change to the existing PCB advisory. Mercury and PCB advisories were originally issued in 2000 and 2006, respectively, with a combined advisory noted in 2009.*
- HUC 1320203 – Rio Grande (Angostura to 550 Bridge): This reach is currently being sampled (2025-2026) as part of the ongoing watershed survey. Four E. coli samples (n=4) will be collected at two monitoring stations (30RGrand517.3 and 50RGrand508.0) during this survey cycle. The locations of these stations can be viewed on SWQB's interactive map viewer: <https://gis.web.env.nm.gov/oem/?map=swqb>.*

*The Assessment Rationale, or Record of Decision (ROD), provides a concise history of each waterbody's assessment decisions, documenting how impairments, data, and criteria have evolved over time. The most recent Assessment Rationale can be accessed here, under "2026-2028 Supporting Documents and Websites": <https://www.env.nm.gov/surface-water-quality/303d-305b/>.*

*NMED welcomes the Pueblo's collaboration on ongoing and future monitoring efforts. Your participation in the current watershed survey and in future survey cycles would be greatly appreciated. Continued coordination between NMED and the Pueblo strengthens our shared goal of protecting the cultural, ecological, and historical significance of the Rio Grande and Rio Jemez. Please reach out to the Monitoring, Assessment and Standards (MASS) Program Manager Lynette Guevara ([Lynette.Guevara@env.nm.gov](mailto:Lynette.Guevara@env.nm.gov)) and the Monitoring Team Supervisor Miguel Montoya ([Miguel.Montoya@env.nm.gov](mailto:Miguel.Montoya@env.nm.gov)).*

*Thank you again for your thoughtful comments and for your ongoing partnership in safeguarding these vital waters.*

**COMMENT SET 4 –Newport News Nuclear BWXT-Los Alamos, LLC (N3B)/U.S. Department of Energy (DOE) Environmental Management Los Alamos Field Office's (EM-LA's)**

*The following dataset was submitted on 1/23/26 after the closure of the public comment period on 1/22/26.*

*As a courtesy to the submitter, the comment and NMED response have been provided below.*



N3B-Los Alamos  
1200 Trinity Drive, Suite 150  
Los Alamos, New Mexico 87544  
(505) 257-7690

RECEIVED

JAN 23 2026

SURFACE WATER  
QUALITY BUREAU

~~RECEIVED~~

~~JAN 22 2026~~

~~SURFACE WATER  
QUALITY BUREAU~~

Environmental Management  
Los Alamos Field Office  
1200 Trinity Drive, Suite 400  
Los Alamos, New Mexico 87544  
(240) 562-1122

Date: January 22, 2026  
Refer To: N3B-2026-0007

Meredith Zeigler and Emily Miller  
Surface Water Quality Bureau  
New Mexico Environment Department  
1190 S. St. Francis Drive  
Santa Fe, NM 87502-5469

**Subject: Submittal of Comments in Response to the New Mexico Environment Department Surface Water Quality Bureau's Public Comment Period on the Draft 2026-2028 §303(d)/30S(b) Integrated Report**

Dear Ms. Zeigler and Ms. Miller:

Enclosed please find the Newport News Nuclear BWXT-Los Alamos, LLC (N3B)/U.S. Department of Energy (DOE) Environmental Management Los Alamos Field Office's (EM-LA's) "Comments in Response to the New Mexico Environment Department Surface Water Quality Bureau's Public Comment Period on the Draft 2026-2028 §303(d)/305(b) Integrated Report." These comments are being provided to the New Mexico Environment Department Surface Water Quality Bureau based on the recent amendment to New Mexico Administrative Code to include the site-specific water quality criteria for copper on the Pajarito Plateau.

If you have questions, please contact Joel Hebdon at (505) 649-3346 (joel.hebdon@em-la.doe.gov) or Brian Harcek at (505) 692-4261 (brian.harcek@em.doe.gov).

Sincerely,

Lawrence Rodriguez  
Program Manager  
Environmental Remediation  
N3B-Los Alamos

Sincerely,

Digitally signed by BRIAN HARCEK  
Date: 2026.01.22 15:17:17-07'00'

Brian Harcek, Director  
Office of Quality and Regulatory Compliance  
U.S. Department of Energy  
Environmental Management  
Los Alamos Field Office

Enclosure(s): Electronic files emailed:

1. Comments in Response to the New Mexico Environment Department Surface Water Quality Bureau's Public Comment Period on the Draft 2026–2028 §303(d)/305(b) Integrated Report (EM2026-0021)

cc (letter and enclosure[s] emailed):

Laurie King, EPA Region 6, Dallas, TX

Steve Yanicak, NMED-DOE-OB

Geraldine Lucero-Torres, NA-LA

Rebecca Serrano, NA-LA

John Evans, EM-LA

Jessica Kunkle, EM-LA

Renee Martinez, EM-LA

Thomas McCrory, EM-LA

Robert Reine, EM-LA

Jeffrey Silvera, EM-LA

William Alexander, N3B

Mark Barth, N3B

Sarah Chambers, N3B

Cami Charonko, N3B

Brian Clayman, N3B

Silas DeRoma, N3B

Robert Edwards III, N3B

Kate Ellers, N3B

Joel Hebdon, N3B

Deborah Kerrigan, N3B

Mark Lesinski, N3B

Leslie Martinez, N3B

Christian Maupin, N3B

Lucia Ross, N3B

Bradley Smith, N3B

Jennifer von Rohr, N3B

Amanda White, N3B

[emla.docs@em.doe.gov](mailto:emla.docs@em.doe.gov)

[n3brecords@em-la.doe.gov](mailto:n3brecords@em-la.doe.gov)

Public Reading Room (EPRR)

PRS website

## Comments in Response to the New Mexico Environment Department Surface Water Quality Bureau's Public Comment Period on the Draft 2026–2028 §303(d)/305(b) Integrated Report

During the New Mexico Environment Department Surface Water Quality Bureau's (NMED-SWQB's) Comprehensive Assessment and Listing Methodology (CALM) data call and public comment period in June and July of 2025, Newport News Nuclear BWXT-Los Alamos, LLC (N3B) and the U.S. Department of Energy (DOE) Environmental Management Los Alamos Field Office (EM-LA) submitted data to support the review of 10 assessment units (AUs) on the Pajarito Plateau to remove the copper impairments that are no longer applicable based on the approved and New Mexico Administrative Code– (NMAC-) incorporated site-specific water quality criteria (SSWQC) for copper on the Pajarito Plateau. The SSWQC for copper on the Pajarito Plateau was approved by the New Mexico Water Quality Control Commission on January 14, 2025, and published in the NMAC on May 22, 2025; <https://www.env.nm.gov/surface-water-quality/wp-content/uploads/sites/18/2025/04/20.006.0004-NMAC-22May25.pdf>. See Appendix A for the full comments and data submitted to NMED-SWQB on July 17, 2025.

N3B and EM-LA have reviewed NMED-SWQB's Public Comment Draft 2026–2028 §303(d)/305(b) Integrated Report (Draft Integrated Report) released on December 9, 2025. In that draft document, N3B/EM-LA noted that of the 10 AUs N3B/EM-LA submitted for review, NMED-SWQB has proposed the delisting of 4 AUs but has provided no explanations as to the status of the other six AUs. See Table 1.1 below for a summary of each AU.

N3B/EM-LA is requesting that NMED-SWQB review the six AUs that have no changes noted in the Draft Integrated Report and provide reasoning for why the copper impairment has not been proposed for removal from these six AUs. The data and rationale for delisting of these six AUs was submitted to NMED-SWQB during the CALM data call, included for reference as Appendix A.

If NMED-SWQB is using the criterion of an AU requiring at least 4 samples with no exceedances within the last 5 years, 2 additional AUs meet this criterion for copper delisting. DP Canyon (100 m downstream of grade control to 400 m upstream of grade control) and Pueblo Canyon (Acid Canyon to headwaters) have 10 samples and 5 samples, respectively, within the past 5 years with no exceedances. The other 4 AUs (Acid Canyon [Pueblo Canyon to headwaters], Arroyo de la Delfe [Pajarito Canyon to Kieling Spring], South Fork Acid Canyon [Acid Canyon to headwaters], and Twomile Canyon [Pajarito to Upper Twomile Canyon]) have limited data available from within the last 5 years, but the samples that have been taken either have never shown any exceedances (Arroyo de la Delfe, South Fork Acid Canyon, and Twomile Canyon) or have shown no exceedances since 2009 (Acid Canyon). N3B/EM-LA is requesting that these 6 AUs be reevaluated for removal of the copper impairment. The data for these AUs were submitted in the CALM data call and are included as Appendix A to this comment for reference.

### REFERENCE

New Mexico Environment Department – Surface Water Quality Bureau (NMED-SWQB). 2025. "Comprehensive Assessment and Listing Methodology (CALM), Public Comment Draft." Available at: [https://www.env.nm.gov/surface-water-quality/wp-content/uploads/sites/18/2025/06/CALM\\_2025\\_Public-Comment-Draft\\_main\\_plus\\_appendices.pdf](https://www.env.nm.gov/surface-water-quality/wp-content/uploads/sites/18/2025/06/CALM_2025_Public-Comment-Draft_main_plus_appendices.pdf)

**Table 1.1**

**Assessment Units Eligible for Copper Delisting Under Revised Site-Specific Water Quality Criteria for the Pajarito Plateau and NMED-SWQB's Draft 2026–2028 Assessment Listing**

Assessment Unit Name and ID	Gaging Station Name and Number within Assessment Unit	Data Date Range	Number of Copper Samples	Number of Exceedances in the last 5 Years	Rationale for Delisting Copper	2026–2028 Draft Assessment Listing Status
Acid Canyon (Pueblo Canyon to headwaters) (NM-97.A_002)	Acid above Pueblo (E056)	2008–2022	21	0	No acute exceedances in 21 samples collected from 2008–2022, 1 chronic exceedance in 2009, which is greater than 5 years old	No change and no rationale to support the lack of a change
Arroyo de la Delfe (Pajarito Canyon to Kieling Spring) (NM-128.A_36)	La Delfe above Pajarito (E242.5)	2015–2024	6	0	No acute/chronic exceedances in 6 samples collected from 2015–2024	No change and no rationale to support the lack of a change
DP Canyon (100m dwnstm grade ctrl to 400m upstm grade ctrl) (NM-128.A_24)	DP below grade ctrl structure (E039.1)	2013–2025	44	0	No acute/chronic exceedances in 44 samples collected from 2013–2025	No change and no rationale to support the lack of a change
DP Canyon (400m upstream of grade control to upper LANL bnd) (NM-128.A_14)	DP above TA-21 (E038)	2013–2025	36	0	No acute/chronic exceedances in 36 samples collected from 2013–2025	Copper impairment delisted for this AU
Mortandad Canyon (within LANL) (NM-9000.A_042)	Mortandad above Ten Site (E201)	2013–2022	7	0	No acute/chronic exceedances in 7 samples collected from 2013–2022	Copper impairment delisted for this AU
	Mortandad below Effluent Canon (E200)	2005–2024	32	0	No acute exceedances in 32 samples collected from 2005–2024; 3 chronic exceedances occurred in 2006, 2008, and 2018, which are greater than 5 years old	
Pajarito Canyon (Lower LANL bnd to Twomile Canyon) (NM-128.A_08)	Pajarito above SR-4 (E250)	2013–2021	5	0	No acute/chronic exceedances in 5 samples collected from 2013–2021	Copper impairment delisted for this AU
	Pajarito above Threemile (E245.5)	2013–2024	23	0	No acute/chronic exceedances in 23 samples collected from 2013–2024	
Pueblo Canyon (Acid Canyon to headwaters) (NM-9000.A_043)	Pueblo above Acid (E055)	2009–2025	15	0	No acute/chronic exceedances in 15 samples collected from 2009–2025	No change and no rationale to support the lack of a change.
Sandia Canyon (within LANL below Sigma Canyon) (NM-128.A_11)	Sandia above Firing Range (E124)	2014–2023	10	0	No acute/chronic exceedances in 10 samples collected from 2014–2023	Copper impairment delisted for this AU
	Sandia above SR-4 (E125)	2013–2024	3	0	No acute/chronic exceedances in 3 samples collected from 2013–2024	
South Fork Acid Canyon (Acid Canyon to headwaters) (NM-97.A_029)	South Fork of Acid Canyon (E055.5)	2013–2018	9	0	No acute/chronic exceedances in 9 samples collected from 2013–2018	No change and no rationale to support the lack of a change
Twomile Canyon (Pajarito to Upper Twomile Canyon) (NM-128.A_15)	Twomile above Pajarito (E244)	2014–2025	9	0	No acute/chronic exceedances in 9 samples collected from 2014–2025	No change and no rationale to support the lack of a change

**NMED RESPONSE:**

*These public comments were received outside of the public comment period, however, as a courtesy, SWQB reviewed the comments and re-assessed the data submitted during the 2025 call for outside data. Please see the “Summary of Changes to the Draft 2026-2028 Integrated List Due to Solicited Public Comments and/or Due to Additional Staff Review During the Comment Period” #4 through 6 at the beginning of this document, and the 2026-2028 Integrated List and associated Assessment Rationale at <https://www.env.nm.gov/surface-water-quality/303d-305b/> for more details.*

## REFERENCES

- New Mexico Environment Department/Surface Water Quality Bureau (NMED/SWQB). 2025. Procedures for Assessing Standards Attainment for the State of New Mexico CWA §303(d)/ §305(b) Integrated Report: Comprehensive Assessment and Listing Methodology (CALM). Santa Fe, NM. Available at: <https://www.env.nm.gov/surface-water-quality/calm/>.*
- New Mexico Environment Department/Surface Water Quality Bureau (NMED/SWQB). 2026. State of New Mexico Surface Water Quality Survey Reports. Santa Fe, NM. Available at: <https://www.env.nm.gov/surface-water-quality/water-quality-monitoring/>*
- New Mexico Environment Department/Surface Water Quality Bureau (NMED/SWQB). 2024. Quality Assurance Project Plan for Water Quality Management Programs. Santa Fe, NM. Available at: <https://www.env.nm.gov/surface-water-quality/qapps/>*
- New Mexico Environment Department/Surface Water Quality Bureau (NMED/SWQB). 2025. Standard Operating Procedures. Santa Fe, NM. Available at: <https://www.env.nm.gov/surface-water-quality/sop/>*