



NEW MEXICO ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

Public Involvement Plan (PIP)
for the
Bluewater Lake TMDLs

February 2021

APPROVAL PAGE

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Date

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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 Bluewater Lake TMDLs. The Bureau encourages the public to learn about and get involved in regulatory decision-making opportunities for the TMDLs. The purpose of this PIP is to provide public participation opportunities and information that may be needed to participate in the TMDL process. This PIP integrates information about the community and identifies resources needed by the Bureau to successfully incorporate community participation activities into the decision-making process for the TMDLs. The PIP identifies the Department staff and resources needed to accomplish these activities.

The Bureau will meet the public participation requirements for the TMDLs by following this PIP, which includes all applicable policy, regulatory and statutory public participation requirements.

In developing this PIP, 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 TMDLs.

As much as possible, public participation and informational activities related to the TMDLs will be held within the timelines outlined in the table below. This timeline is tentative and subject to change. Per the federal requirement, a 30-day public review and comment period is allotted.

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

Activity	Dates
Notice PIP (invite public input)	February 18, 2021
Public Notice	February 18, 2021
Public Review Period	30-day review February 18-March 22, 2021
Public announcements (radio, brochures, signs, postcards, factsheets, etc.)	As needed
Request approval of draft at WQCC Meeting	May 11 and June 8, 2021 (tentative)

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. Bureau Contacts

Bureau contacts for questions regarding the Bluewater Lake TMDLs, the public review and approval process, the Bureau’s website, or this PIP, are listed below:

Heidi Henderson
Surface Water Quality Bureau
1190 St. Francis Dr.
Santa Fe, NM 87505

Phone: (505) 819-9986
Fax: (505) 827-0160
Email: heidi.henderson@state.nm.us

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

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 Bluewater Lake TMDLs.

Based on a four-factor evaluation for limited English proficiency (LEP) accessibility and outreach (NMED Policy and Procedure 07-11), the Bureau determined that additional language assistance (interpretation or translation services) is needed for this activity, at this time. The Bureau has determined that there are adequate resources available within the Department to provide LEP services, if requested or determined necessary. Public participation activities that are provided by the Bureau for the Bluewater Lake TMDLs appear sufficient. If additional information or data are acquired that indicate translation or interpretation services are needed, the Bureau will implement expanded outreach activities described in this PIP.

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. Total Maximum Daily Load Website

The Bureau maintains a website location for Total Maximum Daily Loads (see website address below). The website will be kept up to date and has information about the site and important documents. <https://www.env.nm.gov/surface-water-quality/tmdl/>

III. Regulatory Framework

The public participation requirements of specific water quality programs are specified in 40 CFR Section 25.4 and described in the Water Quality Management Plan and Continuous Planning Process (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).

To fulfill this requirement, the Bureau invites the public to comment on the draft Bluewater Lake TMDLs. The document contains a summary of surface water data and information that quantifies how particular surface waters of the state are currently not meeting their designated uses as detailed in the State of New Mexico Standards for Interstate and Intrastate Surface Waters (20.6.4 NMAC), through application of the Department's Comprehensive Assessment and Listing Methodology (CALM). The TMDL further quantifies the maximum pollutant loads that the water bodies can assimilate without exceeding the above-mentioned standards.

IV. Location and Demographics

This TMDL document contains surface water information for the USGS 8-digit Rio San Jose Hydrologic Unit Code 13020207. The Bureau collects surface water quality data on a watershed basis via an approximate ten-year rotational schedule as resources allow. Bluewater Lake was last monitored in 2011.

Demographic Summary

Demographic indicators were obtained from EPA EJSCREEN, an environmental justice screening and mapping tool, available on-line at <https://www.epa.gov/ejscreen>. EJSCREEN is based on nationally consistent data and an approach that combines environmental and demographic indicators in maps and reports. Users choose the geographic area of interest by selecting a point, line or polygon on the map; users may also choose to select a buffer area (up to 10 miles) around the point, line or polygon to better capture the affected community. EJSCREEN then provides a report that describes demographic and environmental information for that area. The 2014-2018 ACS Report link in EJSCREEN provides a report with US Census Bureau American Community Survey (ACS) data in pdf format. The 2014-2018 ACS, through EJSCREEN, provided quantitative information regarding demographic indicators.

Summary of Site-Specific EJSCREEN Inputs for the Bluewater Lake TMDLs

- Community of Concern = the USGS 8-digit Rio San Jose Hydrologic Unit Code 13020207. This area includes the population centers Grants, Laguna and Thoreau.
- Buffer = 5 miles.

The project area has an estimated population of 25,196; 32% identify as Hispanic or Latino (which may be of mixed race) and 48% identify as American Indian Alone. The percent of persons that communicate in a language other than English (non-English) at home is 45%, compared to 21.3 % for the United States. The EJSCREEN analysis identified 478 of 8,039 households as linguistically isolated, of which 23% speak Spanish, 9% speak Asian-Pacific Island languages, 7% speak other Indo-European languages, and 61% speak various other languages (not identified). The per capita income for the project area is \$16,896, compared to the national per capita income of \$31,177. These results indicate that for the project area, the percentage of Spanish-speaking communication is considerable (i.e., substantially greater than the state or national percentage) and there are demographic factors (i.e., low income community, minority community, limited English proficiency individuals, Linguistically Isolated Households, etc.) that may impact public participation.

V. Public Participation & Outreach Activities

The public may ask questions about the draft Bluewater Lake TMDLs document at any time. Interested community members do not need to wait for a formal public comment period to contact the Bureau. However, the Bureau emphasizes that to be included in the administrative record, comments solicited by public notices must be submitted during the noticed comment periods, and in accordance with the public notice.

Specific outreach activities related to the draft Bluewater Lake TMDLs document include:

- Developing a public notice announcing the opening of the 30-day public comment period,
- Posting this notice to the SWQB website,
- Emailing this public notice to SWQB's extensive email list through the GovDelivery e-mail delivery service (1857 email addresses as of February 5, 2021), and
- Sending this public notice to NMED's public relations officer for a press release.

Copies of the draft Bluewater Lake TMDLs document may be obtained via download from the Bureau's website at <https://www.env.nm.gov/surface-water-quality/>, or by contacting Heidi Henderson at (505) 819-9986, heidi.henderson@state.nm.us, NMED SWQB, P.O. Box 5469, Santa Fe, New Mexico, 87502.

This is the most direct way to learn more about and be involved in the decision-making process for the Bluewater Lake TMDLs document.

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 (1857 email addresses as of February 5, 2021) that includes individuals interested in surface water quality issues and activities. This list is a combination of all previously interested persons who requested the Bureau provide them with information about surface water quality in New Mexico. The Bureau regularly maintains contact information, which is updated or supplemented, if additional information is found. Interested persons providing both an address and email may receive physical mail and an email. Additional individuals, organizations, and other interested parties are added to the email list as requested.

B. Email Updates

The Bureau's email list is regularly updated and is available on the Bureau's website at: <https://www.env.nm.gov/surface-water-quality/> by clicking on the "Subscribe to SWQB News" button on the bottom of the home page. The Bureau's website liaison is Heidi Henderson at (505) 819-9986 (or email heidi.henderson@state.nm.us).

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

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

D. Informational Pamphlets

The Bureau may develop informational pamphlets for the Bluewater Lake TMDLs document that briefly explain what is happening relative to the TMDLs, the appropriate Bureau contacts, and next steps in the TMDL process. To the extent such informational pamphlets are produced, the Bureau may determine whether they will be available in languages other than English and will post online (e.g., Bureau website). They may also be distributed via email to interested organizations and individuals, including those who sign up for email notices through the website.

E. Public Comment Period

The 30-day public comment period on the draft Bluewater Lake TMDLs is planned to start Thursday, February 18, 2021, and end Monday, March 22, 2021, at 4:00 p.m. MDT.

F. Other Outreach

Due to the COVID-19 pandemic and health emergency, other means of outreach such as flyers or other hard copy postings will not be used. However, any updates will be posted on the Department's website.

G. Information Repositories

Copies of the draft Jemez TMDL report may be obtained via download from the Bureau's website at

<https://www.env.nm.gov/surface-water-quality/> or by contacting Heidi Henderson at (505) 819-9986, heidi.henderson@state.nm.us, NMED SWQB, P.O. Box 5469, Santa Fe, New Mexico, 87502.

Due to the COVID-19 pandemic and health emergency, the Bureau will not provide hardcopies and other information at NMED district offices, post offices, community centers, public libraries, or other repositories. If you would like to request hard copies of important documents and information about how to comment on the draft permit, please contact Heidi Henderson at (505) 819-9986 or email: heidi.henderson@state.nm.us.

H. TMDL Proceedings, Outcomes and Responses to Comments

To address stakeholder and community members submitted comments, the Bureau will prepare the final draft Bluewater Lake TMDLs as amended, which includes a “Response to Comments” section as an Appendix, following the close of the public comment period. The Bureau is required to present the final draft to the New Mexico Water Quality Control Commission (WQCC) for review and approval per requirements in the WQMP/PPP. The final draft will be available to the public via download from the Bureau website, or upon request, 10 days prior to the scheduled WQCC meeting (tentatively set for May 11 and June 8, 2021). WQCC meetings are open to the public. Their exact schedule and proposed agendas are maintained on the WQCC website². The Bureau will also send a copy of responses to comments directly to the commenter, at least 10 days prior to the WQCC meeting. The Bluewater Lake TMDLs, as approved by the WQCC, will then be submitted to the U.S. Environmental Protection Agency Region 6 for review and approval.

² <https://www.env.nm.gov/water-quality-control-commission/wqcc/>

Figure 1: EIScreen map- US Geological Survey Rio San Jose Hydrologic Unit Code 13020207

