

APPENDIX C
RESPONSES TO COMMENTS

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Comment Set A:

Surface Water Quality Bureau
New Mexico Environment Department
Harold Runnels Bldg. N2109
1190 ST. Francis Drive
P.O. Box 26110
Santa Fe New Mexico
87502
Attention: Jennifer Ickes

Reference: Water Quality meeting held in Cuba New Mexico on Tuesday, 04/04/2006

Dear Ms. Ickes:

Below are my comments as you have requested. Thank you for coming to Cuba and presenting to the group the slide show you prepared. I found it very educational and for the most part truthful or accurate.

- 1st. I spoke to my father who is nearly 80 years old. To my surprise he remembers catching fish here in Cuba as a boy. He told me they were from 6 inches to a foot in length.
- 2nd. Furthermore we have property about 10 miles above Cuba and he claims from there to the San Pedro Parks the Rio Puerco does have fish (Trout).

Along with what we spoke about all the way up the Rio Puerco; there are “*large pools*” of water fed from an under ground stream. Until you get up into the San Pedro Parks. Then no one can argue that at the head waters of the Rio Puerco it is a “*true Perennial Stream*”

Now down stream from the San Pedro Parks whether this it is a true “*Annual Stream*” or a “*Perennial Stream*” depends on your point of view and your established definitions of the above.

Response: Thank you very much for this information. This will help us to better characterize the Rio Puerco and provides much needed historical fishery information in this watershed. We agree that characterizing various segments of the Rio Puerco as either perennial or intermittent waterbodies is a difficult task. We need to make this distinction in order to apply the correct New Mexico water quality standards so we can determine whether or not associated designated or existing uses are being met.

To close it is my professional opinion as a Range Conservationist for the US Forest Service for over 20 years and having done work on our own private land. I believe if you were to do one thing and nothing else was done it would be to encourage the existence of Beavers in the water shed.

These critters do more good cheaper than all the man made engineering you and I could come up with. Our place is an example. Neighbors around us tend to try and destroy these animals out of ignorance. It's too bad, but many of the practices we are implementing on our private land don't tend to agree with my neighbors.

Response: The SWQB agrees with you that beavers and beaver dams are an integral part of any healthy watershed. Through our Watershed Protection Section and Outreach Program we have and will continue to educate the public about the importance allowing beaver to remain in watersheds.

Yours truly,

John Y. Hernandez

Comment Set B:

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APR 14 2006

SURFACE WATER
QUALITY BUREAU

April 13, 2006

Jennifer Ickes
NMED SWQB Room N2109
P.O. Box 26110
Santa Fe, NM 87502

Dear Ms. Ickes:

I disagree with the New Mexico Environment Department, Surface Water Quality Bureau (NMED/SWQB) and its listing, defining and or labeling the Rio Puerco as a perennial stream/water. Clearly, such an action, without a doubt, demonstrates an absence of factual data regarding the nature and character of the Rio Puerco. It also casts doubt on the integrity of the Surface Water Quality Bureau's (SWQB) work Record Of Decision (ROD) either in part or as a whole body of investigation.

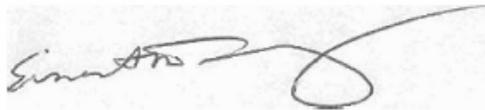
At the Cuba meeting held on April 4th, 2006, the insistence of the presenter, Jennifer Ickes of the Rio Puerco's perennial stream status is noted here and it should also be noted that **NO** copies of the ROD were available to the public at that April 4th, 2006 meeting. According to Ickes, she left copies of the ROD on her desk in Santa Fe.

A few days after the April 4th, 2006 Cuba meeting, I read the (ROD) Rio Puerco and the question from NMED/SWQB to USFW February 2, 1998 regarding, "Does siltation in and of itself with all other things being equal contribute to or directly cause impairment to the fishery use for LWFF and WWF?"

The response from US Fish and Wildlife Jennifer Fowler-Propst was, "There are many intermittent streams in New Mexico, including for example, the Rio Puerco and Rio Salado...The degree of siltation within intermittent streams and rivers and its effect on limited warm water fisheries is irrelevant since perennial waters are required for fish survival."

It is evident the SWQB is determined to create something that doesn't exist. The Rio Puerco "event" is an indicator of the agenda the state hopes to address at the expense of truthful science. This opportunity to comment on work of the SWQB is also a complaint regarding the lack of any oversight of the work/study and particularly questions the competence of those involved with this tax funded mission of the clean water act.

Ernest R. Torrez
P.O. Box 4
La Jara, NM 87027



CC: Joshua Madalena
Sandoval County Commissioner

CC: Debbie Rodella
NM State Representative

CC: Leonard Tsosie
NM State Senator

CC: Joe Carraro
NM State Senator

Response: Thank you for your comment. This comment actually refers to the Draft Rio Puerco Watershed TMDL and not to the Record of Decision (ROD), which is a different document prepared by the SWQB and unrelated to the Draft TMDL. The SWQB believes that its assessment of the Rio Puerco (Arroyo Chijuilla to northern boundary Cuba) as a perennial reach is correct. We agree that the entire Rio Puerco is not perennial and we have identified the other two reaches, Rio Puerco (non-pueblo Rio Grande to Arroyo Chijuilla) and Rio Puerco (Northern boundary Cuba to headwaters), as intermittent. The SWQB recently (7 March 2006) performed fish sampling on the Rio Puerco. Below the Cuba WWTP, we collected 46 fathead minnow (*Pimephales promelas*) in at least two age classes; immediately upstream of the U.S. 550 Bridge in Cuba, we collected 14 fathead minnow. There had been no recent storm events that could have flushed these short-lived fish down from upstream. This is a good indication that these particular sites are perennial. Historic records indicate that Rio Grande cutthroat trout (*Oncorhynchus clarki virginalis*) have been collected at the U.S. 550 Bridge in Cuba and approximately one mile further upstream in June and May (respectively) of 1956.