



New Mexico Mining Association

September 13, 2013

Via Electronic Mail (Deborah.Sarabia @state.nm.us)

Ms. Deborah Sarabia
New Mexico Environmental Department
Surface Water Quality Bureau
P.O. Box 5469
Santa Fe, New Mexico 87502

Re: *NMMA Comments on Draft August 2013 Use Attainability Analysis (“UAA”) for Stream Reaches in the Pecos River Basin, Tularosa Closed Basin and the Mimbres Closed Basin*

Dear Ms. Sarabia:

On behalf of the New Mexico Mining Association (“NMMA”), the following are comments in support of the New Mexico Environment Department’s (“NMED”) August 2013 draft UAA (and related Hydrology Protocol) that it conducted for certain stream reaches in the Pecos River basin, the Tularosa closed basin, and the Mimbres closed basin. Based on a technical review of the draft UAA, the NMMA believes that all conclusions made regarding hydrology and associated uses are well supported by the findings in the draft UAA. In addition, the NMMA supports application of NMED’s Hydrology Protocol for determining hydrologic regime and the associated attainable uses. This is especially pertinent to an arid state such as New Mexico, which has limited surface water environments and therefore many areas where limited aquatic life is the most protective attainable use. As a result, the Hydrology Protocol provides an appropriate mechanism for determining appropriate uses and associated water-use standards based on specific hydrologic conditions.

Further, in the Level I field application of the Hydrology Protocol, up to 14 “indicators” are surveyed and scored based on the strength of their relationship to water persistence. Based on NMMA member experience with this application and knowledge of various surface water environments found throughout New Mexico, we feel these indicators sufficiently represent hydrologic conditions. The tiered approach to the field evaluation form provides a streamlined method for assessing hydrologic condition that leads to sound hydrologic conclusions. The format of the tiered approach, where the strongest indicators (*i.e.*, presence of water, evidence of aquatic life, and vegetation characteristics) are scored first, provides logical breakpoints for concluding whether the surveyed reach is ephemeral, intermittent or perennial. This is

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especially useful and efficient for drainage areas that are strongly ephemeral, such as the San Vicente Arroyo reaches presented in the current draft UAA.

The NMMA appreciates the opportunity to submit these comments in support of NMED's August 2013 draft UAA and associated Hydrology Protocol.

Very truly yours,



Mike Bowen
Executive Director