



NEW MEXICO ENVIRONMENT DEPARTMENT  
***Surface Water Quality Bureau***

Limited English Proficiency (LEP) Analysis  
for the Clean Water Act  
Section 401 Certification  
of the federal draft NPDES permit for the  
New Mexico Department of Game and Fish  
Los Ojos Fish Hatchery  
Permit No. NM0030139

**July 2024**

**APPROVAL PAGE**

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Date

**Limited English Proficiency (LEP) Analysis for NPDES Permit No. NM0030139**  
**New Mexico Department of Game and Fish (NMDGF)**  
**Los Ojos Fish Hatchery**

The purpose of this analysis is to determine the extent to which LEP services are necessary and is based on relevant information for the following four factors defined by Department policy:

- Factor 1: The Number and Proportion of LEP Individuals Eligible to be Served or Likely to be Encountered in the Community of Concern.
- Factor 2: The Frequency with Which LEP Individuals Come in Contact with the Program.
- Factor 3: The Nature and Importance of the Activity or Service Provided by the Program.
- Factor 4: The Resources Available to NMED and the Associated Costs.

**1. Number and proportion of LEP persons estimated to be served or encountered in the community of concern.**

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 indicating 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, with or without an assigned buffer.

The 2018-2022 American Community Survey (ACS) Report link in EJSCREEN provides a report with U.S. Census Bureau American Community Survey data in PDF format. The U.S. Census Bureau collects data through the ACS to assess language characteristics within a geographic area. These data identify a person’s ability to speak English “very well” or “less than very well” and the language predominately spoken at home for those populations age 5 and older. The 2018-2022 ACS Report, through EJSCREEN, provided quantitative information regarding LEP populations for this analysis.

**Summary of Site-Specific EJSCREEN Inputs**

- Community of Concern = Los Ojos, Rio Arriba County, New Mexico
- Buffer = 2.5-mile buffer, includes the facility, both outfalls, the area downstream of the facility, and neighboring communities.

The 2018-2022 ACS Report indicates that the total population of the area-of-interest near the NMDGF Los Ojos Fish Hatchery is 687. Of that, 38 percent of the population age 5 and older, or 251 individuals, speaks a language other than English at home. Of these individuals, approximately 4 percent, or 27 individuals, speak English “less than very well.” The Los Ojos area reports 5 linguistically isolated households that speak Spanish.

The Bureau reviewed the administrative record and found that, historically, there has been no LEP participation regarding the NMDGF Los Ojos Fish Hatchery NPDES permit. It does not appear from the facility's permit file that extensive public participation has been warranted in the past and there is no record of LEP individuals participating in the permit process in the past permit renewal cycle. Interested parties can request a public meeting or public hearing from EPA, but there is no record in NMED's files of EPA conducting public meetings related to this permit. There is also no record of individuals needing specific accessibility accommodations.

**2. The frequency with which LEP individuals might come in contact with the program.**

The NMDGF Los Ojos Fish Hatchery is used to maintain and stock New Mexico rivers and streams with Rainbow Trout and support recreational angling in New Mexico.

An identifier of occasional is being assigned because NMDGF Los Ojos Fish Hatchery functions to breed and grow trout and the point of discharge is on-site settling ponds.

**3. The nature and importance of the activity or service provided by the subject material of the program.**

The NPDES program regulates discharges of pollutants to the nation's waters. A state Water Quality Certification is required by the federal Clean Water Act (CWA) Section 401 to ensure that the action (NPDES permit) is consistent with state law and complies with state Water Quality Standards, the Water Quality Management Plan/Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and the Antidegradation Policy.

State certification of NPDES permits reasonably ensure that the permitted activities will be conducted in a manner that will comply with applicable State water quality standards, including the antidegradation policy, and applicable statewide water quality management plans. This is an important activity to ensure that designated uses of Rio Chama are protected and water quality criteria are met.

Providing industrial treatment services to the NMDGF Los Ojos Fish Hatchery is important since the hatchery supports recreational angling within the state by stocking New Mexico streams with trout.

**4. The resources available to NMED and the associated costs.**

The Bureau will provide language assistance free of charge. From the Bureau's assessment, there are adequate resources available within the Department to address LEP requirements. NMED has a certified translator who can translate public notices and vital documents for the Department. If it is discovered that additional LEP services are needed, the Bureau may also contract with a translator/interpreter to communicate with those LEP

individuals. Other expanded outreach activities that may be utilized, as identified and necessary, include:

- posting translated materials and information on the Bureau's website;
  - contracting with a telephone interpreter service to facilitate phone interpretations with LEP individuals;
  - airing announcements in Spanish or other languages as deemed appropriate on local radio stations;
  - printing translated materials on postcards that are distributed to the affected community; and
  - working with community leaders (tribal chapter houses, church leaders, community centers, libraries, etc.) to disseminate the information to the affected population.
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## **LEP Plan for NMDGF Los Ojos Fish Hatchery, NPDES Permit No. NM0030139**

### **Policy Overview**

This LEP Four Factor Analysis has been prepared in accordance with the New Mexico Environment Department (NMED) Limited English Proficiency Accessibility and Outreach Policy 07-11 and NMED Public Participation Policy 07-13 by NMED's Surface Water Quality Bureau (SWQB or Bureau), Point Source Regulation Section (PSRS).

This analysis was initiated and conducted after the Bureau received a National Pollutant Discharge Elimination System (NPDES) application to discharge to Waters of the United States that was determined to be administratively complete by the United States Environmental Protection Agency (EPA). The Bureau anticipates that a joint EPA and NMED Public Notice will be published by EPA announcing a public comment period and requirement for State of New Mexico certification or denial of a Draft Permit in accordance with federal Clean Water Act Section 401. More information will be provided in the activity's Public Involvement Plan (PIP). This determination will be kept with the administrative record for this activity.

The Bureau is not using other means of outreach such as flyers or other hard copy postings at post offices, community centers, public libraries, or other repositories at this time.

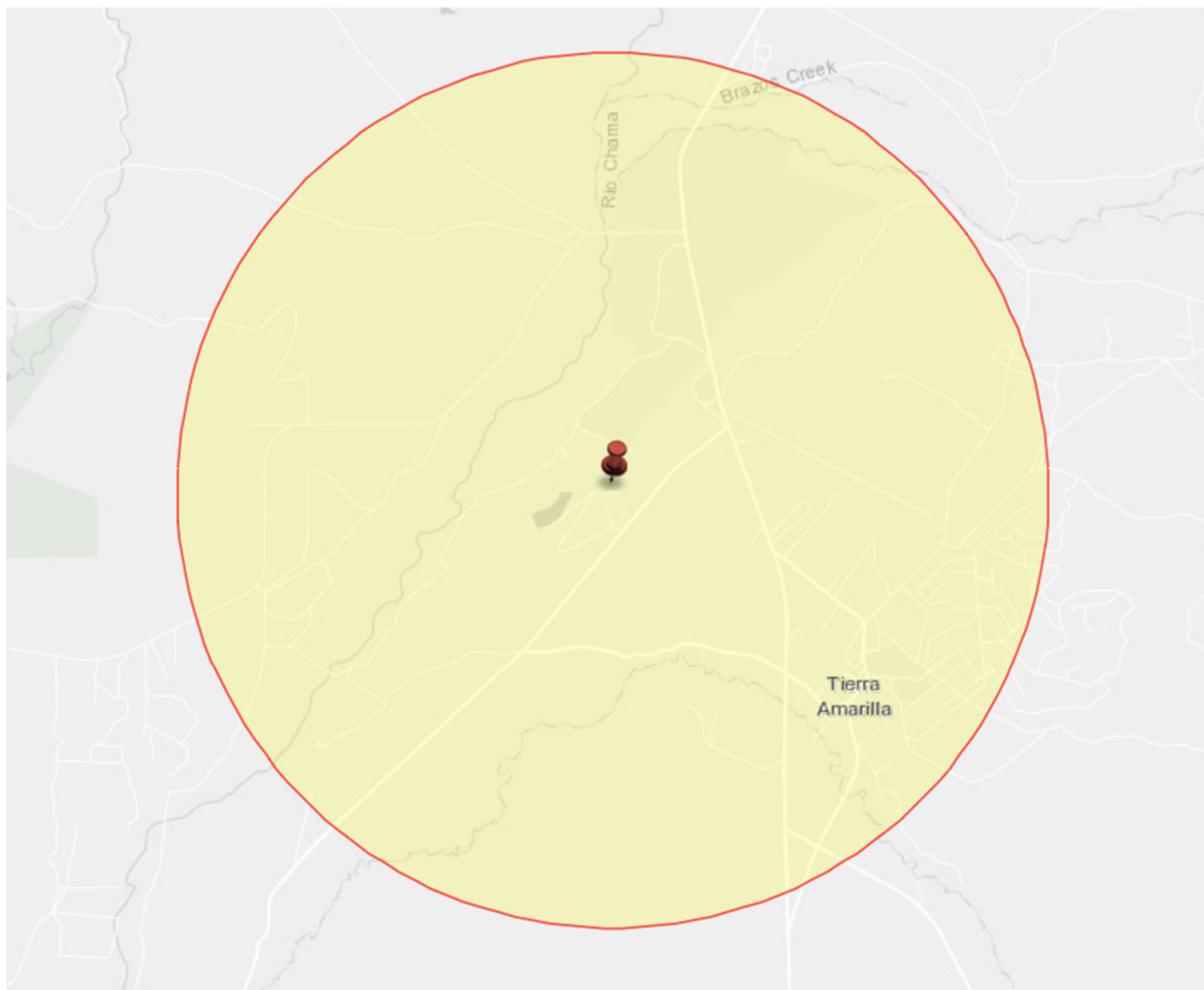
### **Determination**

The area-of-interest near the NMDGF Los Ojos Fish Hatchery has a total population of 687 people within a 2.5-mile radius. Of that, 38 % (251 individuals) speaks a language other than English at home, with approximately 4 % of those individuals (27 persons) speaking English "less than very well." Furthermore, the NMDGF Los Ojos Fish Hatchery area reports 5 linguistically isolated households.

Based on a balanced evaluation of the four factors described above, the assessment indicates that additional language assistance (interpretation or translation services) or outreach are needed for this activity at this time. Outreach materials will include information on how LEP persons or persons with disabilities can obtain assistance. Public participation activities that are provided by the Bureau for all certifications or denials of an NPDES Draft Permit in accordance with federal Clean Water Act Section 401 appear to need supplementation. If additional information or data are acquired that indicate translation or interpretation services are needed, the Bureau will implement expanded outreach activities described in the PIP and Factor 4 above. The Bureau has determined that there are adequate resources available within the Department to provide LEP services, if requested or determined necessary. (See SWQB SOP 1.5 – Providing Language Access Services.)

### **Final Actions**

- The Bureau will send a notice in English and Spanish to the Bureau's listserv announcing the availability of the comment period for consideration in the state's Section 401 Certification.
- The Bureau will work with USEPA Region 6 to publish the joint notice of the draft permit's comment period and the state's Section 401 Certification in both English and Spanish.
- If LEP individuals contact the Bureau, bureau staff will work with the Department's interpreter to provide language assistance, either through immediately available staff as noted above, or through contracted translation services.
- If individuals with accessibility needs contact the Bureau, bureau staff will work with the Department's Non-Discrimination Coordinator to address the request.



Location: User-specified point center at 36.716403, -106.575974

Ring (buffer): 2.5-miles radius

Description:

Summary of ACS Estimates		2018 - 2022	
Population		687	
Population Density (per sq. mile)		56	
People of Color Population		438	
% People of Color Population		64%	
Households		132	
Housing Units		366	
Housing Units Built Before 1950		27	
Per Capita Income		26,297	
Land Area (sq. miles) (Source: SF1)		12.37	
% Land Area		97%	
Water Area (sq. miles) (Source: SF1)		0.36	
% Water Area		3%	
		2018 - 2022 ACS Estimates	Percent MOE (±)
<b>Population by Race</b>			
Total		687	100% 774
Population Reporting One Race		477	70% 1,449
White		418	61% 503
Black		0	0% 50
American Indian		1	0% 360
Asian		0	0% 75
Pacific Islander		0	0% 13
Some Other Race		58	8% 448
Population Reporting Two or More Races		209	30% 423
Total Hispanic Population		414	60% 548
Total Non-Hispanic Population		273	
White Alone		248	36% 373
Black Alone		0	0% 50
American Indian Alone		1	0% 347
Non-Hispanic Asian Alone		0	0% 75
Pacific Islander Alone		0	0% 13
Other Race Alone		23	3% 69
Two or More Races Alone		0	0% 28
<b>Population by Sex</b>			
Male		214	31% 249
Female		472	69% 730
<b>Population by Age</b>			
Age 0-4		26	4% 198
Age 0-17		202	29% 261
Age 18+		484	71% 356
Age 65+		169	25% 189

**Data Note:** Detail may not sum to totals due to rounding. Hispanic population can be of any race.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2018 - 2022

# EJSCREEN ACS Summary Report



Location: User-specified point center at 36.716403, -106.575974

Ring (buffer): 2.5-miles radius

Description:

	2018 - 2022 ACS Estimates	Percent	MOE (±)
<b>Population 25+ by Educational Attainment</b>			
Total	413	100%	736
Less than 9th Grade	12	3%	97
9th - 12th Grade, No Diploma	37	9%	126
High School Graduate	63	15%	424
Some College, No Degree	161	39%	180
Associate Degree	23	6%	77
Bachelor's Degree or more	117	28%	243
<b>Population Age 5+ Years by Ability to Speak English</b>			
Total	660	100%	746
Speak only English	409	62%	367
Non-English at Home <sup>1+2+3+4</sup>	251	38%	428
<sup>1</sup> Speak English "very well"	224	34%	327
<sup>2</sup> Speak English "well"	27	4%	373
<sup>3</sup> Speak English "not well"	0	0%	101
<sup>4</sup> Speak English "not at all"	0	0%	47
<sup>3+4</sup> Speak English "less than well"	0	0%	111
<sup>2+3+4</sup> Speak English "less than very well"	27	4%	389
<b>Limited English Speaking Households*</b>			
Total	5	100%	59
Speak Spanish	5	100%	31
Speak Other Indo-European Languages	0	0%	13
Speak Asian-Pacific Island Languages	0	0%	13
Speak Other Languages	0	0%	55
<b>Households by Household Income</b>			
Household Income Base	132	100%	158
< \$15,000	14	11%	87
\$15,000 - \$25,000	14	11%	56
\$25,000 - \$50,000	32	24%	96
\$50,000 - \$75,000	21	16%	81
\$75,000 +	52	39%	129
<b>Occupied Housing Units by Tenure</b>			
Total	132	100%	158
Owner Occupied	109	82%	161
Renter Occupied	24	18%	80
<b>Employed Population Age 16+ Years</b>			
Total	503	100%	739
In Labor Force	221	44%	227
Civilian Unemployed in Labor Force	51	23%	115
Not In Labor Force	282	56%	748

**Data Note:** Detail may not sum to totals due to rounding. Hispanic population can be of anyrace.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS)

\*Households in which no one 14 and over speaks English "very well" or speaks English only.



Location: User-specified point center at 36.716403, -106.575974

Ring (buffer): 2.5-miles radius

Description:

	2018 - 2022 ACS Estimates	Percent	MOE (±)
<b>Population by Language Spoken at Home*</b>			
Total (persons age 5 and above)	N/A	N/A	N/A
English	N/A	N/A	N/A
Spanish	N/A	N/A	N/A
French, Haitian, or Cajun	N/A	N/A	N/A
German or other West Germanic	N/A	N/A	N/A
Russian, Polish, or Other Slavic	N/A	N/A	N/A
Other Indo-European	N/A	N/A	N/A
Korean	N/A	N/A	N/A
Chinese (including Mandarin, Cantonese)	N/A	N/A	N/A
Vietnamese	N/A	N/A	N/A
Tagalog (including Filipino)	N/A	N/A	N/A
Other Asian and Pacific Island	N/A	N/A	N/A
Arabic	N/A	N/A	N/A
Other and Unspecified	N/A	N/A	N/A
Total Non-English	N/A	N/A	N/A

**Data Note:** Detail may not sum to totals due to rounding. Hispanic population can be of any race.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2018 - 2022.

\*Population by Language Spoken at Home is available at the census tract summary level and up.