



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  
Rock Lake Fish Hatchery  
Permit No. NM0030155

**July 2024**

**APPROVAL PAGE**

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Date

**Limited English Proficiency (LEP) Analysis for NPDES Permit No. NM0030155**  
**New Mexico Department of Game and Fish**  
**Rock Lake 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 = City of Santa Rosa, Guadalupe County, New Mexico
- Buffer = 4-mile buffer, which includes the hatchery, outfall, and the City of Santa Rosa

The 2018-2022 ACS Report indicates that the total population of the area-of-interest near the Rock Lake State Fish Hatchery Facility is 3,131. Of that, 47 percent of the population age 5 and older, or 1,405 individuals, speaks a language other than English at home. Of these individuals, approximately 14 percent, or 410 individuals, speak English “less than very well.” The Rock Lake Fish Hatchery area reports 44 linguistically isolated households that speak Spanish.

There are 1,114 non-English speakers, persons age 5 and above, in the Rock Lake Fish Hatchery area. Other languages spoken include 1,030 persons who speak Spanish; 3 persons who speak German or other West Germanic languages; 3 persons who speak Arabic; and 78 persons who speak other unspecified languages.

The Bureau reviewed the administrative record and found that, historically, there has been no LEP participation regarding the Rock Lake 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 Rock Lake Fish Hatchery Facility is responsible for hatching and raising cold-water (rainbow trout) and warm-water (walleye, largemouth bass, channel catfish, tiger muskie, and fathead minnow) species for stocking. The purpose of stocking these fish is to support recreational angling in public waters throughout the state of New Mexico.

An identifier of frequent is being assigned because the NMDGF Rock Lake Fish Hatchery Facility is used for public education and outreach on fish propagation. Additionally, the on-site ponds are open for recreational fishing.

**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 the Pecos River are protected and water quality criteria are met.

**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 the NMDGF Rock Lake Fish Hatchery Facility, NPDES Permit No. NM0030155**

### **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**

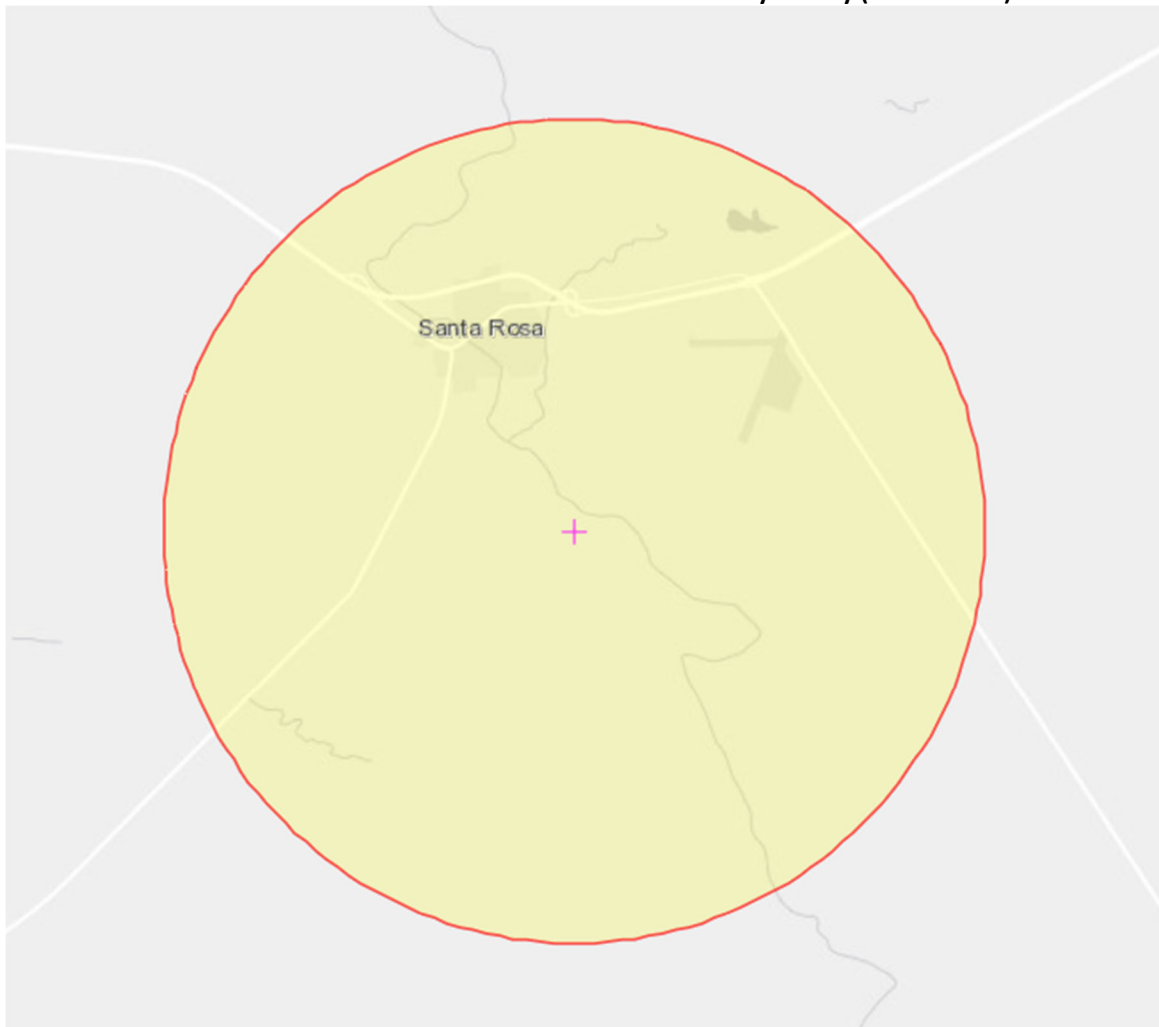
The area-of-interest near the NMDGF Rock Lake Fish Hatchery has a total population of 3,131 people within a 4-mile radius. Of that, 47 percent (1,405 individuals) speaks a language other than English at home, with approximately 14 percent of those individuals (410 persons) speaking English "less than very well." Furthermore, the Rock Lake State Fish Hatchery Facility area reports 44 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.

**4-mile buffer around the Rock Lake State Fish Hatchery Facility (NM0030155)**



Location: User-specified point center at 34.912465, -104.672268

Ring (buffer): 4-miles radius

Description:

Summary of ACS Estimates		2018 - 2022	
Population		3,131	
Population Density (per sq. mile)		71	
People of Color Population		2,671	
% People of Color Population		85%	
Households		778	
Housing Units		1,241	
Housing Units Built Before 1950		290	
Per Capita Income		26,137	
Land Area (sq. miles) (Source: SF1)		44.03	
% Land Area		100%	
Water Area (sq. miles) (Source: SF1)		0.07	
% Water Area		0%	
		2018 - 2022 ACS Estimates	Percent MOE (±)
<b>Population by Race</b>			
Total		3,131	100% 394
Population Reporting One Race		2,514	80% 753
White		1,521	49% 315
Black		67	2% 56
American Indian		284	9% 162
Asian		3	0% 13
Pacific Islander		0	0% 13
Some Other Race		639	20% 194
Population Reporting Two or More Races		617	20% 234
Total Hispanic Population		2,302	74% 352
Total Non-Hispanic Population		829	
White Alone		461	15% 134
Black Alone		67	2% 56
American Indian Alone		240	8% 162
Non-Hispanic Asian Alone		3	0% 13
Pacific Islander Alone		0	0% 13
Other Race Alone		0	0% 13
Two or More Races Alone		59	2% 89
<b>Population by Sex</b>			
Male		1,743	56% 210
Female		1,389	44% 222
<b>Population by Age</b>			
Age 0-4		145	5% 58
Age 0-17		636	20% 135
Age 18+		2,495	80% 271
Age 65+		553	18% 123

**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

Location: User-specified point center at 34.912465, -104.672268

Ring (buffer): 4-miles radius

Description:

	2018 - 2022 ACS Estimates	Percent	MOE (±)
<b>Population 25+ by Educational Attainment</b>			
Total	2,422	100%	263
Less than 9th Grade	220	9%	106
9th - 12th Grade, No Diploma	127	5%	128
High School Graduate	1,151	48%	187
Some College, No Degree	344	14%	145
Associate Degree	170	7%	77
Bachelor's Degree or more	410	17%	125
<b>Population Age 5+ Years by Ability to Speak English</b>			
Total	2,987	100%	361
Speak only English	1,582	53%	198
Non-English at Home <sup>1+2+3+4</sup>	1,405	47%	236
<sup>1</sup> Speak English "very well"	995	33%	190
<sup>2</sup> Speak English "well"	236	8%	138
<sup>3</sup> Speak English "not well"	68	2%	74
<sup>4</sup> Speak English "not at all"	107	4%	87
<sup>3+4</sup> Speak English "less than well"	175	6%	99
<sup>2+3+4</sup> Speak English "less than very well"	410	14%	162
<b>Limited English Speaking Households*</b>			
Total	44	100%	50
Speak Spanish	44	100%	45
Speak Other Indo-European Languages	0	0%	13
Speak Asian-Pacific Island Languages	0	0%	13
Speak Other Languages	0	0%	13
<b>Households by Household Income</b>			
Household Income Base	778	100%	123
< \$15,000	77	10%	42
\$15,000 - \$25,000	124	16%	78
\$25,000 - \$50,000	250	32%	93
\$50,000 - \$75,000	116	15%	48
\$75,000 +	211	27%	94
<b>Occupied Housing Units by Tenure</b>			
Total	778	100%	123
Owner Occupied	615	79%	127
Renter Occupied	163	21%	54
<b>Employed Population Age 16+ Years</b>			
Total	2,548	100%	291
In Labor Force	1,270	50%	234
Civilian Unemployed in Labor Force	137	11%	97
Not In Labor Force	1,278	50%	161

**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.



# EJSCREEN ACS Summary Report



Location: User-specified point center at 34.912465, -104.672268

Ring (buffer): 4-miles radius

Description:

	2018 - 2022 ACS Estimates	Percent	MOE (±)
<b>Population by Language Spoken at Home*</b>			
Total (persons age 5 and above)	2,238	100%	82
English	1,125	50%	M_ENGLISH
Spanish	1,030	46%	M_SPANISH
French, Haitian, or Cajun	0	0%	M_FRENCH
German or other West Germanic	3	0%	M_GERMAN
Russian, Polish, or Other Slavic	0	0%	M_RUS_POL_SLAV
Other Indo-European	0	0%	M_OTHER_IE
Korean	0	0%	M_KOREAN
Chinese (including Mandarin, Cantonese)	0	0%	M_CHINESE
Vietnamese	0	0%	M_VIETNAMESE
Tagalog (including Filipino)	0	0%	M_TAGALOG
Other Asian and Pacific Island	0	0%	M_POLISH
Arabic	3	0%	M_ARABIC
Other and Unspecified	78	3%	M_OTHER
Total Non-English	1,114	50%	M_NON_ENGLISH

**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.