



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 & Fish  
Seven Springs Fish Hatchery  
Permit No. NM0030112

**July 2024**

**APPROVAL PAGE**

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Date

**Limited English Proficiency (LEP) Analysis for NPDES Permit No. NM0030112**  
**New Mexico Department of Game & Fish**  
**Seven Springs 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 = Village of Jemez Springs, Sandoval County, New Mexico
- Buffer = 10-mile buffer, which includes the downstream recreational area near the Seven Springs Fish Hatchery and part of the Village of Jemez Springs

The 2018-2022 ACS Report indicates that the total population of the area-of-interest near the New Mexico Department of Game and Fish (NMDGF) Seven Springs Fish Hatchery is 456. Of that, 39 percent of the population age 5 and older, or 170 individuals, speaks a language other than English at home. Of these individuals, approximately 21 percent, or 94 individuals, speak English “less than very well.” The Seven Springs area reports 26 linguistically isolated households: 13 linguistically isolated households speak Spanish, and

13 linguistically isolated households speak other unspecified languages. Population by Language Spoken at Home data is not available from the 2018-2022 ACS Report.

The Bureau reviewed the administrative record and found that, historically, there has been no LEP participation regarding the NMDGF Seven Springs 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 Seven Springs Fish Hatchery diverts water from the Rio Cebolla to be used for fish propagation and fish stocking in lakes and rivers in New Mexico.

An identifier of frequent is being assigned because the NMDGF Seven Springs Fish Hatchery is located in a high-use recreational and fishing area of New Mexico.

**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 Rio Cebolla are protected and water quality criteria are met.

Providing industrial treatment services to the NMDGF Seven Springs Fish Hatchery Facility is important since the hatchery supports recreational angling within the state by propagating fish and stocking lakes and rivers for recreational angling.

**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 Seven Springs Fish Hatchery, NPDES Permit No. NM0030112**

### **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**

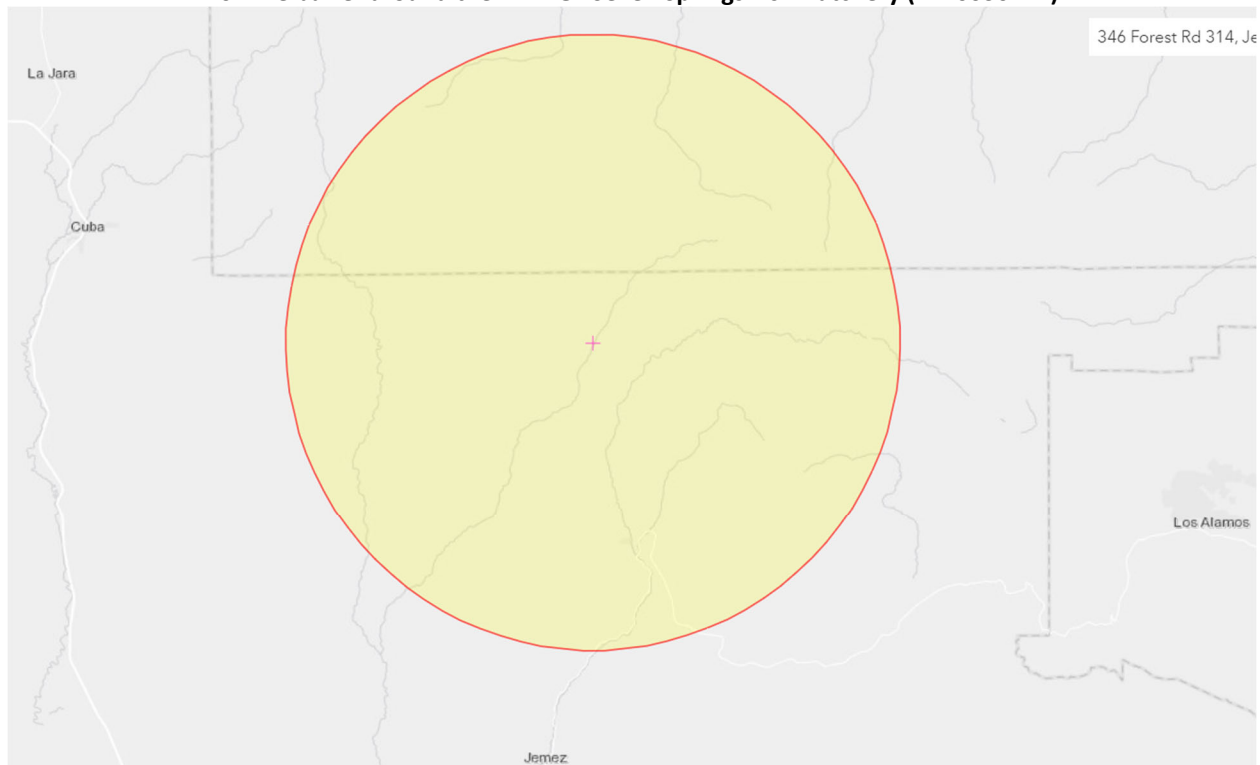
The area-of-interest near the NMDGF Seven Springs Fish Hatchery has a total population of 67 people within a 4-mile radius. Of that, 36 % (23 individuals) speaks a language other than English at home, with approximately 24 % of those individuals (15 persons) speaking English "less than very well." Furthermore, the NMDGF Seven Springs Fish Hatchery area reports 6 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.

#### **10-mile buffer around the NMDGF Seven Springs Fish Hatchery (NM0030112)**



Location: User-specified point center at 35.966336, -106.664200

Ring (buffer): 10-miles radius

Description:

Summary of ACS Estimates		2018 - 2022	
Population		456	
Population Density (per sq. mile)		1	
People of Color Population		273	
% People of Color Population		60%	
Households		326	
Housing Units		511	
Housing Units Built Before 1950		39	
Per Capita Income		40,189	
Land Area (sq. miles) (Source: SF1)		305.75	
% Land Area		100%	
Water Area (sq. miles) (Source: SF1)		0.08	
% Water Area		0%	
		2018 - 2022 ACS Estimates	Percent MOE (±)
<b>Population by Race</b>			
Total		456	100% 485
Population Reporting One Race		334	73% 975
White		201	44% 233
Black		2	0% 61
American Indian		69	15% 327
Asian		25	5% 97
Pacific Islander		0	0% 13
Some Other Race		37	8% 244
Population Reporting Two or More Races		122	27% 337
Total Hispanic Population		131	29% 367
Total Non-Hispanic Population		325	
White Alone		182	40% 224
Black Alone		2	0% 61
American Indian Alone		68	15% 327
Non-Hispanic Asian Alone		25	5% 97
Pacific Islander Alone		0	0% 13
Other Race Alone		1	0% 13
Two or More Races Alone		47	10% 245
<b>Population by Sex</b>			
Male		238	52% 312
Female		218	48% 299
<b>Population by Age</b>			
Age 0-4		20	4% 84
Age 0-17		90	20% 198
Age 18+		366	80% 282
Age 65+		99	22% 142

**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 35.966336, -106.664200

Ring (buffer): 10-miles radius

Description:

	2018 - 2022 ACS Estimates	Percent	MOE (±)
<b>Population 25+ by Educational Attainment</b>			
Total	354	100%	352
Less than 9th Grade	5	1%	86
9th - 12th Grade, No Diploma	10	3%	86
High School Graduate	73	21%	160
Some College, No Degree	66	19%	113
Associate Degree	28	8%	81
Bachelor's Degree or more	171	48%	229
<b>Population Age 5+ Years by Ability to Speak English</b>			
Total	436	100%	447
Speak only English	266	61%	265
Non-English at Home <sup>1+2+3+4</sup>	170	39%	291
<sup>1</sup> Speak English "very well"	76	17%	282
<sup>2</sup> Speak English "well"	93	21%	270
<sup>3</sup> Speak English "not well"	1	0%	65
<sup>4</sup> Speak English "not at all"	0	0%	45
<sup>3+4</sup> Speak English "less than well"	1	0%	79
<sup>2+3+4</sup> Speak English "less than very well"	94	21%	277
<b>Limited English Speaking Households*</b>			
Total	26	100%	74
Speak Spanish	13	49%	71
Speak Other Indo-European Languages	0	0%	13
Speak Asian-Pacific Island Languages	0	0%	13
Speak Other Languages	13	51%	59
<b>Households by Household Income</b>			
Household Income Base	326	100%	176
< \$15,000	28	9%	83
\$15,000 - \$25,000	13	4%	47
\$25,000 - \$50,000	50	15%	96
\$50,000 - \$75,000	14	4%	38
\$75,000 +	220	68%	190
<b>Occupied Housing Units by Tenure</b>			
Total	326	100%	176
Owner Occupied	271	83%	169
Renter Occupied	55	17%	84
<b>Employed Population Age 16+ Years</b>			
Total	388	100%	369
In Labor Force	221	57%	237
Civilian Unemployed in Labor Force	12	5%	102
Not In Labor Force	166	43%	201

**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 35.966336, -106.664200

Ring (buffer): 10-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.