NEW MEXICO ENVIRONMENT DEPARTMENT
Surface Water Quality Bureau

Public Involvement Plan (PIP)
for the State of New Mexico Clean Water Act §401 Individual Water Quality Certification of United States Army Corps of Engineers Permit # SPA-2026-086 for the Cibola National Forest Shush Kin Fen Restoration Project

July 8, 2026
APPROVAL PAGE

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I. Public Involvement Plan (PIP) Overview

The New Mexico Environment Department (Department), Surface Water Quality Bureau (Bureau) developed this Public Involvement Plan (PIP) for the State of New Mexico Clean Water Act Section 401 Individual Water Quality Certification of United States Army Corps of Engineers (USACE) Permit # SPA-2026-086 for the Cibola National Forest Shush Kin Fen Restoration Project.

The Bureau encourages public comments to inform the certification process of the Shush Kin Fen Restoration Project (20.6.2.2002.F NMAC). The purpose of this PIP is to provide public participation opportunities and information that may be needed to participate in the Clean Water Act Section 401 (CWA §401) Water Quality Certification (Certification) process. This PIP integrates information about the community and identifies resources needed by the Bureau to successfully incorporate community participation. The PIP identifies the Department staff and resources needed to accomplish these activities. The Bureau will meet the public participation requirements for certifying this individual certification by following this PIP, which includes all applicable policy, regulatory, and statutory public participation requirements.

In developing this PIP, state-wide community participation needs were assessed to ensure appropriate promotion of public outreach by identifying whether there is a combination of environmental and demographic factors (i.e., low income community, minority community, limited English proficiency individuals, Linguistically Isolated Households, etc.) that may impact public participation.[1] This assessment identifies community outreach needs and provides for public access opportunities above and beyond statutorily mandated requirements, and underscores the provision of adequate public access to information about the CWA §401 Certification.

As much as possible, public participation and informational activities related to the CWA §401 Certification will be held within the timelines outlined in the table below. The 30-day comment period shall begin on the date of the public notice provided under Subsection C and F of 20.6.2.2002 NMAC.

This individual CWA §401 Certification impacts a relatively large community of Spanish speakers, and the Bureau will provide pertinent information in both English and Spanish in public meeting notices, public comment notices, and other announcements (radio broadcasts, brochures, signs, postcards, fact sheets, etc.), as necessary. During public comment periods, hardcopies of relevant documents may be reviewed at the information repositories listed in "Public Participation and Outreach Activities" – Section V.H.

More detailed information about planned Bureau outreach is available in this PIP.

Activity	Dates
Notice PIP (invite public input)	July 20, 2026 through August 19, 2026
Public Notice for the CWA §401 Certification of the Individual Permit	July 20, 2026 through August 19, 2026
Public Comment Period	30 days

[1] See IV. Location and Demographics – Demographic Summary below.

Activity	Dates
Public announcements (radio, brochures, signs, postcards, factsheets, etc.)	As needed
Bureau sends the CWA §401 Certification to the USACE	September 28, 2026 i.e. 90-day Reasonable Period of Time from the date of the certification request. A short extension may be requested, not to exceed 1-year.

This PIP is a "living" document that may be amended after considering public comments and feedback. The Bureau Chief provides final approval of the PIP and amendments.

II. Contacts

Bureau contacts for questions regarding the Individual CWA §401 Certification of the Sush Kin Fen Restoration Project, the Bureau's website, or this PIP, are listed below:

Kate Lacey-Younge, Program Manager
Surface Water Quality Bureau
1190 South St. Francis Dr.
Santa Fe, NM 87505
Phone: (505) 946-8863
Email: Kathryn.Lacey@env.nm.gov

Jocelyn Harimon
Surface Water Quality Bureau
1190 South St. Francis Dr.
Santa Fe, NM 87505
Phone: (505) 629-2140
Email: Jocelyn.Harimon@env.nm.gov

If you need to contact the Bureau regarding the Individual Water Quality Certification of United States Army Corps of Engineers Permit # SPA-2026-086 for the Shush Kin Fen Restoration Project, please call or email the bureau contacts listed above.

A. Non-English Language Speaker Assistance and Accommodations

Non-English speakers may call the Bureau contact listed in this PIP and request language assistance services, such as an interpreter, so they can learn more about Shush Kin Fen Restoration Project.

B. Department Websites

New Mexico Environment Department - https://www.env.nm.gov/
Surface Water Quality Bureau - https://www.env.nm.gov/surface-water-quality/

C. CWA §401 Water Quality Certification Website

The Bureau maintains a website location for information on CWA §401 Certifications (see website address below). The website will be kept up to date and has information about the process and important documents.
https://www.env.nm.gov/public-notices/
https://www.env.nm.gov/surface-water-quality/dredgeandfillactivities/

D. The Document the Bureau is Reviewing under CWA §401

Additional information regarding the Shush Kin Fen Restoration Project will be available at the

Corps' website listed below or upon request.
https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/Public-Notices/

III. Regulatory Framework

The U.S. Army Corps of Engineers (USACE) administers a regulatory program to implement Section 10 of the Rivers and Harbors Appropriation Act and Section 404 of the Clean Water Act (CWA). The USACE Regulatory Division issues or authorizes permits, which are generally required for earth-moving work within Waters of the United States including certain wetlands, lakes, and streams. Under CWA §401, the CWA provides States and Tribes the opportunity to certify CWA §404 permits ("dredge and fill" permits). In New Mexico, this certification process depends on where your project is located and the kind of permit the USACE will use.

CWA §401 provides States, Tribes, or Pueblos the opportunity to certify CWA §404 permits. The Bureau's CWA §401 certification ensures that the federal permit or action is consistent with State law and otherwise complies with Water Quality Standards (20.6.4 NMAC), the Water Quality Management Plan/Continuing Planning Process (WQMP/CPP) including Total Maximum Daily Loads (TMDLs), and the current Antidegradation Policy. The Department's permit certification process is described in CWA §401, Title 40 of the Code of Federal Regulations (CFR) Part 121, and New Mexico's Administrative Code at 20.6.2.2002 NMAC.

The Bureau has four options after receiving a certification request: certify, certify with conditions, deny certification, or waive certification. Option one is to certify CWA §404 permit without conditions. The Bureau generally follows option two and certifies CWA §404 permits with conditions, meaning that the certification includes conditions that must be followed as part of the CWA §404 permit. Thirdly, the Bureau can deny certification of the permit if it will not comply with the applicable sections of the Clean Water Act and appropriate requirements of state law. Denying certification prohibits the USACE from issuing the permit. The fourth option is to waive certification, which allows the USACE to issue the permit without a water quality certification.

The federal requirement for CWA §404 dredge and fill permits issued by the USACE is at least a 15-day public review and comment period (33 CFR Parts 325.3 and 330.5), and the state requirement for CWA §401 Certification is at least a 30-day public comment period (20.6.2.2002.F NMAC). The Bureau does not prepare a draft CWA §401 Certification for the public to review but accepts comments for consideration in the certification during this public notice period (20.6.2.2002.F NMAC). Federal regulations also require that the CWA §401 Certification is received by the USACE within the Reasonable Period of Time (40 CFR 121.6). A final copy of the certification will be sent to the USACE, the USEPA, the applicant, and those who submitted comments for consideration in the CWA §401 Certification (20.6.2.2002.H NMAC).

The public participation requirements of specific water quality programs are specified in 40 CFR Section 25.4 and described in New Mexico's Statewide Water Quality Management Plan and Continuing Planning Process (WQMP/CPP). At a minimum, the public participation process for New Mexico's water quality programs consists of the following:

- Providing the public with the information and assistance necessary for meaningful involvement;
- Providing a central location of reports, studies, plans, and other documents;
- Maintaining a list of affected or interested parties and stakeholders; and
- Notifying stakeholders in a timely fashion prior to consideration of major decisions (generally at least 30 days).

To fulfill this requirement, the Bureau invites the public to submit comments on the CWA §401 Certification for the Shush Kin Fen Restoration Project to the Bureau for consideration and inclusion in the certification. Formal comments for inclusion in the public record must be submitted in writing via the NMED Public Comment Portal at the website listed below. https://nmed.commentinput.com/comment/search

IV. Location and Demographics

The Shush Kin Fen Restoration Project is located in Cibola County, New Mexico. Approximate beginning and ending locations of the project, respectively, are as follows: Latitude 35.183162 °N, Longitude -108.231066 °W.

Demographic Summary

Using U.S. Census Bureau 2024 American Community Survey (ACS) Report for Cibola County, an estimated total population of **26,845**; **32.9%** identify as Hispanic or Latino (which may be of mixed race). The percent of persons that communicate in a language other than English (non-English) at home is **38.5%**, compared to **22%** for the United States. The per capita income for New Mexico is **$34,823** (2019-2023) as compared to the national per capita income of **$43,289**, with **17.8%** of New Mexico's population living in poverty compared to the national poverty rate of **12.5%**. These results indicate that for the area, the percentage of Spanish-speaking communication is considerable (i.e., substantially greater than the state or national percentage) and there are demographic factors (i.e., low-income community, minority community, limited English proficiency individuals, Linguistically Isolated Households, etc.) that may impact public participation.

Therefore, the Bureau will provide information in Spanish and in English for public comment notices, public meeting notices, and other announcements (radio broadcasts, brochures, signs, postcards, etc.), and strive to make public participation efforts as inclusive as possible within Bureau budget and time limitations. Specific information repositories that may be used depending on the need are provided in Section V.H. of this PIP.

V. Public Participation & Outreach Activities

The public may ask questions about the CWA §401 Certification for the Cibola National Forest Shush Kin Fen Restoration Project at any time. However, the Bureau emphasizes that to be included in the administrative record, comments solicited by public notices about the WQC must be submitted during the noticed comment period, and in accordance with the public notice.

Specific outreach activities related to the CWA §401 Certification for the Cibola National Forest Shush Kin Fen Restoration Project include:

- Creating and maintaining a specific web page with attachments and links to all pertinent documents (see part II.B and II.C above),
- Developing a public notice announcing the opening of the 30-day public comment period on the WQC,
- Posting this notice to the SWQB website, and
- Emailing this public notice to SWQB's extensive email list through the GovDelivery e-mail delivery service (3,915 email addresses as of June 24, 2026).
- Publishing the notice in at least one newspaper of general circulation

The most direct way to learn about and be involved in the decision-making process for this CWA §401 Certification is to submit a comment to the Bureau.

Based on the demographics report discussed in the PIP, basic information about public involvement opportunities will be in both English and Spanish. This information will include how to request materials in Spanish or to speak with Bureau staff through an interpreter. Further details about public participation for this activity are outlined below.

E. Postal Mailing or E-Mailing of Notices to Persons on the Surface Water Quality Bureau's Email List

The Bureau maintains an extensive email list (3,915 email addresses as of June 24, 2026) that includes individuals interested in surface water quality issues and activities. This list is a combination of all previously interested persons who requested the Bureau provide them with information about surface water quality in New Mexico. The Bureau regularly maintains contact information, which is updated or supplemented if additional information is found. Interested persons providing both an address and email may receive physical mail and an email. Additional individuals, organizations, and other interested parties are added to the email list as requested.

F. Email Updates

If you would like to be added to the Bureau's email list for information and updates, visit the Bureau's website at: https://www.env.nm.gov/surface-water-quality/ and click on the "Click here to subscribe to receive email updates!" button on the bottom of the home page. For help, you can contact the Bureau's website liaison, Heidi Henderson at (505) 819-9986 or email Heidi.Henderson@env.nm.gov.

G. Notices in State Newspaper and Local Newspaper

The notice will be published in a newspaper of general circulation pursuant to 20.6.2.2002. D.1.b NMAC.

H. Public Meeting Notices, Public Comment Notices, and Other Notices

Based on the Bureau's evaluation of the community, notices will be translated into Spanish. In addition, the Bureau may post notices on the Department's Events Calendar at: https://www.env.nm.gov/events/

I. Informational Pamphlets

The Bureau does not develop informational pamphlets for draft permits. Generally, information about how USACE's permit was developed or has changed is documented in the fact sheet or statement of basis accompanying the draft permit, which is located along with the draft permit itself on USACE's public notice website.

J. Public Comment Period

The 30-day public comment period on the CWA §401 Water Quality Certification for the Cibola National Forest Shush Kin Fen Restoration Project is planned to start July 20, 2026, and end August 19, 2026, at 5:00 p.m.

K. Other Outreach

Other means of outreach such as flyers or other hard copy postings will not be used. However, any updates will be posted on the Department's website.

L. Information Repositories

Copies of the dredge and fill permits of the above-mentioned supporting documents may be obtained via download from the USACE's website at https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/Public-Notices/, or NMED's website at https://www.env.nm.gov/public-notices/, or by contacting Bureau contacts listed above in Section II.

The Bureau will not provide hard copies and other information at post offices, community centers, public libraries, or other repositories. The Bureau requests that individual's access to Water Quality Certification documents and information online at the links noted above. If absolutely needed, the Bureau will work with individuals to provide access to hardcopies. If you would like to request hard copies of important documents or information about how to comment on the proposed Cibola National Forest Shush Kin Fen Restoration Project, please contact Jocelyn Harimon at (505) 629-2140 or email: jocelyn.harimon@env.nm.gov. You may also contact Kate Lacey-Younge at (505) 946-8863 or email: kathryn.lacey@env.nm.gov.

M. CWA §401 Certification Proceedings, Outcomes and Responses to Comments

The Bureau considers public comments received prior to the close of the public comment period (20.6.2.2002.F NMAC). The final Certification will be sent to the USACE-Albuquerque District, the USEPA, the permit applicant, and the interested stakeholder and/or community members who commented directly to the Bureau.