

**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF PETITION TO
DESIGNATE SURFACE WATERS OF THE
UPPER PECOS WATERSHED AS
OUTSTANDING NATIONAL RESOURCE WATERS,**

No. WQCC 21-51(R)

**Village of Pecos, San Miguel County, Upper Pecos
Watershed Association, New Mexico Acequia
Association, and Molino de la Isla Organics LLC,**

Petitioners.

**PETITIONERS' NOTICE OF INTENT TO SUBMIT DIRECT
TECHNICAL TESTIMONY**

The Village of Pecos, San Miguel County, Upper Pecos Watershed Association, New Mexico Acequia Association, and Molino de la Isla Organics LLC ("Petitioners"), hereby file their Notice of Intent to Submit Direct Technical Testimony in this matter pursuant to 20.1.6 NMAC and the Amended Scheduling Order in this matter. In accordance with 20.1.6.202.A NMAC and the Amended Scheduling Order, Petitioners provide the following information:

1. Identify the person or entity for whom the witness(es) will testify:

The witnesses identified in this notice of intent all appear on behalf of Petitioners and in support of the Petition to Designate Surface Waters of the Upper Pecos Watershed as Outstanding National Resource Waters.

2. Identify each technical witness the person or entity intends to present, and state the qualifications of that witness, including a description of their education and work background:

Petitioners identify the following witnesses:

Ms. Rachel Conn: Ms. Conn is Deputy Director of Amigos Bravos, a New Mexico nonprofit water conservation organization. Ms. Conn's qualifications describing her education

and work background, as well as her address and relevant affiliations, are set forth in her resume, attached as Petitioners' Exhibit 2. Ms. Conn's summary of testimony she will provide at the hearing is anticipated to last 30 minutes.

David Propst, Ph.D.: Dr. Propst is a research professor in the Department of Biology at the University of New Mexico. Dr. Propst's qualifications describing his education and work background, as well as his address and relevant affiliations, are set forth in his curriculum vitae, attached as Petitioners' Exhibit 12. Dr. Propst's summary of testimony he will provide at the hearing is anticipated to last 30 minutes.

Mr. Toner Mitchell: Mr. Mitchell is the New Mexico Water and Habitat Program Manager for Trout Unlimited, a national nonprofit organization dedicated to caring for and recovering rivers and streams and protecting wild and native trout and salmon. Mr. Mitchell's qualifications describing his education and work background, as well as his address and relevant affiliations, are set forth in his resume, attached as Petitioners' Exhibit 14. Mr. Mitchell's summary of testimony he will provide at the hearing is anticipated to last 15 minutes.

Ms. Lela McFerrin: Ms. McFerrin is Vice President of the Upper Pecos Watershed Association, a Petitioner in this matter. Ms. McFerrin's qualifications describing her education and work background, as well as her address and relevant affiliations, are set forth in her testimony, attached as Petitioners' Exhibit 15. Ms. McFerrin's summary of testimony she will provide at the hearing is anticipated to last 15 minutes.

Second Lieutenant Governor Vincent E. Toya: The Honorable Vincent E. Toya is the Second Lieutenant Governor of Jemez Pueblo, whose background and qualifications are set forth in his testimony, attached as Petitioners' Exhibit 18. Mr. Toya's summary of testimony he will provide at the hearing is anticipated to last 10 minutes.

Mr. Frank “Pancho” Adelo: Mr. Adelo is President of the Upper Pecos Watershed Association, a Petitioner in this matter. Mr. Adelo’s qualifications describing his education and work background, as well as his address and relevant affiliations, are set forth in his resume, attached as Petitioners’ Exhibit 20. Mr. Adelo’s summary of testimony he will provide at the hearing is anticipated to last 10 minutes.

Ms. Paula Garcia: Ms. Garcia is the Executive Director of the New Mexico Acequia Association, a Petitioner in this matter. Ms. Garcia’s qualifications describing her education and work background, as well as her address and relevant affiliations, are set forth in her resume, attached as Petitioners’ Exhibit 22. Ms. Garcia’s summary of testimony she will provide at the hearing is anticipated to last 10 minutes.

Mr. Ralph Vigil: Mr. Vigil is owner of Molino de la Isla Organics LLC, a Petitioner in this matter. Mr. Vigil is also Chairman of the New Mexico Acequia Commission. Mr. Vigil’s qualifications describing his education and work background, as well as his address and relevant affiliations, are set forth in his resume, attached as Petitioners’ Exhibit 24. Mr. Vigil’s summary of testimony he will provide at the hearing is anticipated to last 10 minutes.

Ms. Janice Varela: Ms. Varela is a Commissioner for the San Miguel County Commission, a Petitioner in this matter. Ms. Varela’s qualifications describing her education and work background, as well as her address and relevant affiliations, is set forth in her resume, attached as Petitioners’ Exhibit 26. Ms. Varela’s summary of testimony she will provide at the hearing is anticipated to last 10 minutes.

Mr. Telesfor “Ted” Benavidez: Mr. Benavidez is the Mayor of the Village of Pecos, a Petitioner in this matter. Mr. Benavidez's background and qualifications are set forth in his

testimony, attached as Petitioners' Exhibit 27. Mr. Benavidez's summary of testimony he will provide at the hearing is anticipated to last 10 minutes.

3. Attach the full direct testimony of each technical witness, which shall include an express basis for all expert opinion offered:

Each witness's full direct testimony and the basis therefore is attached, and is identified below in the list of Petitioners' exhibits.

4. Include the text of any recommended modifications to the proposed regulatory change:

The text of Petitioners' proposed modifications to 20.6.4.9 is attached as Petitioners' Exhibit 1.

5. Identify and attach all exhibits to be offered by the person(s) at the hearing:

Exhibit	Description	Bates No.
1	Proposed Amendments to 20.6.4.9 NMAC	0001
2	Testimony of Rachel Conn	0005
3	Resume of Rachel Conn	0049
4	Chart Identifying ONRW Criteria Nominated Waters Meet	0052
5	Maps and Tables Describing Nominated Waters of the Upper Pecos Watershed	0061
6	New Mexico Environment Department, Water Quality Data for Nominated Waters of Upper Pecos Watershed	0067
7	Public Notice of Petition	0078
8	Public Notice of Hearing	0082
9	New Mexico Department of Game and Fish, Environmental Review Tool Data	0099
10	New Mexico Department of Game and Fish, Fishing Days Data	0171
11	Testimony of David Propst, Ph.D.	0175
12	Curriculum Vitae of David Propst, Ph.D.	0217
13	Testimony of Toner Mitchell	0226
14	Resume of Toner Mitchell	0232
15	Testimony of Lela McFerrin	0235
16	Resolutions and Letters in Support of the Nomination	0244
17	Video Links	0368
18	Testimony of Second Lieutenant Governor Vincent E. Toya	0369
19	Testimony of Frank "Pancho" Adelo	0373
20	Resume of Frank "Pancho" Adelo	0383

21	Testimony of Paula Garcia	0385
22	Resume of Paula Garcia	0389
23	Testimony of Ralph Vigil	0392
24	Resume of Ralph Vigil	0399
25	Testimony of Janice Varela	0404
26	Resume of Janice Varela	0409
27	Testimony of Telesfor “Ted” Benavidez	0413

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Certificate of Service

I certify that a copy of the foregoing pleading was emailed to the following counsel on March 10, 2022:

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Kelly E. Nokes

PETITIONERS' EXHIBIT

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PROPOSED AMENDMENTS TO 20.6.4 NMAC

20.6.4.9 OUTSTANDING NATIONAL RESOURCE WATERS:

- D. Waters classified as ONRWs:** The following waters are classified as ONRWs:
- (1) Rio Santa Barbara, including the west, middle and east forks from their headwaters downstream to the boundary of the Pecos Wilderness; and
 - (2) the waters within the United States forest service Valle Vidal special management unit including:
 - (a) Rio Costilla, including Comanche, La Cueva, Fernandez, Chuckwagon, Little Costilla, Powderhouse, Holman, Gold, Grassy, LaBelle and Vidal creeks, from their headwaters downstream to the boundary of the United States forest service Valle Vidal special management unit;
 - (b) Middle Ponil creek, including the waters of Greenwood Canyon, from their headwaters downstream to the boundary of the Elliott S. Barker wildlife management area;
 - (c) Shuree lakes;
 - (d) North Ponil creek, including McCrystal and Seally Canyon creeks, from their headwaters downstream to the boundary of the United States forest service Valle Vidal special management unit; and
 - (e) Leandro creek from its headwaters downstream to the boundary of the United States forest service Valle Vidal special management unit.
 - (3) the named perennial surface waters of the state, identified in Subparagraph (a) below, located within United States department of agriculture forest service wilderness. Wilderness are those lands designated by the United States congress as wilderness pursuant to the Wilderness Act. Wilderness areas included in this designation are the Aldo Leopold wilderness, Apache Kid wilderness, Blue Range wilderness, Chama River Canyon wilderness, Cruces Basin wilderness, Dome wilderness, Gila wilderness, Latir Peak wilderness, Pecos wilderness, San Pedro Parks wilderness, Wheeler Peak wilderness, and White Mountain wilderness.
 - (a) The following waters are designated in the Rio Grande basin:
 - (i) in the Aldo Leopold wilderness: Byers Run, Circle Seven creek, Flower canyon, Holden Prong, Indian canyon, Las Animas creek, Mud Spring canyon, North Fork Palomas creek, North Seco creek, Pretty canyon, Sids Prong, South Animas canyon, Victorio Park canyon, Water canyon;
 - (ii) in the Apache Kid wilderness Indian creek and Smith canyon;
 - (iii) in the Chama River Canyon wilderness: Chavez canyon, Ojitos canyon, Rio Chama;
 - (iv) in the Cruces Basin wilderness: Beaver creek, Cruces creek, Diablo creek, Escondido creek, Lobo creek, Osha creek;
 - (v) in the Dome wilderness: Capulin creek, Medio creek, Sanchez canyon/creek;
 - (vi) in the Latir Peak wilderness: Bull creek, Bull Creek lake, Heart lake, Lagunitas Fork, Lake Fork creek, Rito del Medio, Rito Primero, West Latir creek;
 - (vii) in the Pecos wilderness: Agua Sarca, Hidden lake, Horseshoe lake (Alamitos), Jose Vigil lake, Nambe lake, Nat lake IV, No Fish lake, North Fork Rio Quemado, Rinconada, Rio Capulin, Rio de las Trampas (Trampas creek), Rio de Truchas, Rio Frijoles, Rio Medio, Rio Molino, Rio Nambe, Rio San Leonardo, Rito con Agua, Rito Gallina, Rito Jaroso, Rito Quemado, San Leonardo lake, Santa Fe lake, Santa Fe river, Serpent lake, South Fork Rio Quemado, Trampas lake (East), Trampas lake (West);
 - (viii) in the San Pedro Parks wilderness: Agua Sarca, Cañon Madera, Cave creek, Cecilia Canyon creek, Clear creek (North SPP), Clear creek (South SPP), Corralitos creek, Dove creek, Jose Miguel creek, La Jara creek, Oso creek, Rio Capulin, Rio de las Vacas, Rio Gallina, Rio Puerco de Chama, Rito Anastacio East, Rito Anastacio West, Rito de las Palomas, Rito de las Perchas, Rito de los Pinos, Rito de los Utes, Rito Leche, Rito Redondo, Rito Resumidero, San Gregorio lake;
 - (ix) in the Wheeler Peak wilderness: Black Copper canyon, East Fork Red river, Elk lake, Horseshoe lake, Lost lake, Sawmill creek, South Fork lake, South Fork Rio Hondo, Williams lake.
 - (b) The following waters are designated in the Pecos River basin:
 - (i) in the Pecos wilderness: Albright creek, Bear creek, Beatty creek,

Beaver creek, Carpenter creek, Cascade canyon, Cave creek, El Porvenir creek, Hollinger creek, Holy Ghost creek, Horsethief creek, Jack's creek, Jarosa canyon/creek, Johnson lake, Lake Katherine, Lost Bear lake, Noisy brook, Panchuela creek, Pecos Baldy lake, Pecos river, Rio Mora, Rio Valdez, Rito Azul, Rito de los Chimayosos, Rito de los Esteros, Rito del Oso, Rito del Padre, Rito las Trampas, Rito Maestas, Rito Oscuro, Rito Perro, Rito Sebadillosos, South Fork Bear creek, South Fork Rito Azul, Spirit lake, Stewart lake, Truchas lake (North), Truchas lake (South), Winsor creek;

(ii) in the White Mountain wilderness: Argentina creek, Aspen creek, Bonito creek, Little Bonito creek, Mills canyon/creek, Rodamaker creek, South Fork Rio Bonito, Turkey canyon/creek.

(c) The following waters are designated in the Gila River basin:

(i) in the Aldo Leopold wilderness: Aspen canyon, Black Canyon creek, Bonner canyon, Burnt canyon, Diamond creek, Falls canyon, Fisherman canyon, Running Water canyon, South Diamond creek;

(ii) in the Gila wilderness: Apache creek, Black Canyon creek, Brush canyon, Canyon creek, Chicken Coop canyon, Clear creek, Cooper canyon, Cow creek, Cub creek, Diamond creek, East Fork Gila river, Gila river, Gilita creek, Indian creek, Iron creek, Langstroth canyon, Lilley canyon, Little creek, Little Turkey creek, Lookout canyon, McKenna creek, Middle Fork Gila river, Miller Spring canyon, Mogollon creek, Panther canyon, Prior creek, Rain creek, Raw Meat creek, Rocky canyon, Sacaton creek, Sapillo creek, Sheep Corral canyon, Skeleton canyon, Squaw creek, Sycamore canyon, Trail canyon, Trail creek, Trout creek, Turkey creek, Turkey Feather creek, Turnbo canyon, West Fork Gila river, West Fork Mogollon creek, White creek, Willow creek, Woodrow canyon.

(d) The following waters are designated in the Canadian River basin: in the Pecos wilderness Daily creek, Johns canyon, Middle Fork Lake of Rio de la Casa, Middle Fork Rio de la Casa, North Fork Lake of Rio de la Casa, Rito de Gascon, Rito San Jose, Sapello river, South Fork Rio de la Casa, Sparks creek (Manuelitas creek).

(e) The following waters are designated in the San Francisco River basin:

(i) in the Blue Range wilderness: Pueblo creek;

(ii) in the Gila wilderness: Big Dry creek, Lipsey canyon, Little Dry creek, Little Whitewater creek, South Fork Whitewater creek, Spider creek, Spruce creek, Whitewater creek.

(f) The following waters are designated in the Mimbres Closed basin: in the Aldo Leopold wilderness Corral canyon, Mimbres river, North Fork Mimbres river, South Fork Mimbres river.

(g) The following waters are designated in the Tularosa Closed basin: in the White Mountain wilderness Indian creek, Nogal Arroyo, Three Rivers.

(h) The wetlands designated are identified on the *Maps and List of Wetlands Within United States Forest Service Wilderness Areas Designated as Outstanding National Resource Waters* published at the New Mexico state library and available on the department's website.

(4) The following waters are designated in the headwaters Pecos river watershed:

(a) The Pecos river from Dalton Canyon creek to the Pecos wilderness boundary;

(b) In the Dry Gulch-Pecos river subwatershed, Dalton Canyon creek from the Pecos river upstream to the headwaters, Wild Horse creek from Dalton Canyon creek upstream to the headwaters, Macho Canyon creek from the Pecos river upstream to the headwaters and Sawyer creek from the Pecos river upstream to the headwaters;

(c) In the Indian creek-Pecos river subwatershed, Indian creek from the Pecos river upstream to the headwaters, Holy Ghost creek from the Pecos river upstream to the Pecos wilderness boundary, Doctor creek from Holy Ghost creek upstream to the headwaters, Davis creek from the Pecos river upstream to the headwaters and Willow creek from the Pecos river upstream to the headwaters;

(d) In the Rio Mora subwatershed, Rio Mora from the Pecos river upstream to the Pecos wilderness boundary and Bear creek from the Rio Mora upstream to the Pecos wilderness boundary;

(e) In the Rio Mora-Pecos river subwatershed, Carpenter creek from the Pecos river upstream to the Pecos wilderness boundary, Winsor creek from the Pecos river upstream to the Pecos wilderness boundary and Jack's creek from the Pecos river upstream to the Pecos wilderness boundary; and,

(f) In the Panchuela creek subwatershed, Panchuela creek from the Pecos river upstream to the Pecos wilderness boundary;

(g) Unnamed tributaries to waters in Subparagraphs (a) through (f), Paragraph (4) of this Subsection (D) as identified in the *Maps and Lists for Unnamed Tributaries to Perennial Waters and Wetlands*

in the Headwaters Pecos River Watershed, dated XXXXXX published at the New Mexico state library and available on the department's website;

(h) _____ Unnamed wetlands adjacent to waters in Subparagraphs (a) through (f), Paragraph (4) of this Subsection (D) as identified in the *Maps and Lists for Unnamed Tributaries to Perennial Waters and Wetlands in the Headwaters Pecos River Watershed*, dated XXXXXX, published at the New Mexico state library and available on the department's website.

[20.6.4.9 NMAC - Rn, Subsections B, C and D of 20.6.4.8 NMAC, 5/23/2005; A, 5/23/2005; A, 7/17/2005; A, 2/16/2006; A, 12/1/2010; A, 1/14/2011, A XX/XX/XXXX]

PETITIONERS' EXHIBIT

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**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF PETITION TO
DESIGNATE SURFACE WATERS OF THE
UPPER PECOS WATERSHED AS
OUTSTANDING NATIONAL RESOURCE WATERS,**

No. WQCC 21-51 (R)

**Village of Pecos, San Miguel County, Upper Pecos
Watershed Association, New Mexico Acequia
Association, and Molino de la Isla Organics LLC,**

Petitioners.

DIRECT TESTIMONY OF RACHEL CONN

I. QUALIFICATIONS

My name is Rachel Conn and I am the Deputy Director for Amigos Bravos. Amigos Bravos is a non-profit water conservation organization dedicated to protecting and restoring the waters of New Mexico. Amigos Bravos has been working for 30 years to protect water quality in the state.

I have worked for the past 23 years in the environmental field, with my primary focus on water quality policy and protections. I began my professional career working for the Massachusetts Department of Environmental Protection as a consultant assessing the data management needs of the various bureaus in the department. I also worked for a non-profit in Colorado assessing and addressing water quality problems associated with gold mining. I have a B.A. in Environmental Biology from Colorado College.

For the past 21 years, I have worked for Amigos Bravos on New Mexico water quality policy and protection. As Deputy Director, I direct the organization's projects in all three of Amigos Bravos' program areas: watershed protection and policy, holding polluters accountable, and building a water protection movement for the future. As part of this work, I

help New Mexico communities learn about and use the Clean Water Act (“CWA”) and New Mexico Water Quality Act (“WQA”) to protect and clean up their rivers, streams, and other waters by giving trainings around the state on water quality standards, Total Maximum Daily Loads, National Pollutant Discharge Elimination System (“NPDES”) permits, Outstanding National Resource Waters (“ONRW” or “Outstanding Waters”), and other CWA and WQA topics. I have led a surface water quality monitoring program in Northern New Mexico that gathers water quality data from seven streams annually for the past 14 years. As part of this work, I train volunteers on sampling methods and protocols. I have also served on the Advisory Board of the national Clean Water Network for nine years, where I assist in guiding national CWA advocacy.

I have provided technical testimony related to CWA and WQA requirements before the Water Quality Control Commission (“Commission”) on many occasions, including during the last three Triennial Reviews and all prior Commission rulemakings designating ONRWs: From 2003 to 2004, I helped draft the Rio Santa Barbara ONRW nomination and, in 2004, I provided testimony during the Triennial Review in support of the nomination and on the state’s Antidegradation Policy and Outstanding Waters nomination procedures. In 2005, I assisted the State of New Mexico in conducting research for the Valle Vidal ONRW nomination. In 2007, I served as a technical witness during the Commission rulemaking on the Antidegradation Policy. In 2010, I provided technical testimony in support of the Outstanding Waters Wilderness nomination and amendments to the Antidegradation Policy. Most recently, in 2021, I provided technical testimony on an array of topics in the Triennial Review.

My resume is Petitioners’ Exhibit 3.

II. OVERVIEW OF TESTIMONY

First, my testimony provides an overview of “ONRW” or “Outstanding Waters” protections, including nomination requirements and criteria. Next, my testimony explains how Petitioners have met the procedural requirements for nomination set forth in 20.6.4.9.A NMAC and the substantive requirements for designation set forth in 20.6.4.9.B NMAC. Designation of all nominated waters in the Upper Pecos Watershed¹ would be “beneficial to the state” as required in 20.6.4.9.B NMAC, and each nominated water meets at least one, and in most instances more than one, of the criteria in 20.6.4.9.B(1), (2), and (3) NMAC. *See* Pet’rs. Ex. 4 (chart identifying all criteria met by each nominated water).

III. OUSTANDING WATERS OVERVIEW

The Clean Water Act requires states, and allows tribal governments, to develop water quality standards consisting of three components: (1) establishing the uses of waters (designated uses), (2) identifying levels of pollutants and conditions (criteria), and (3) developing procedures to prevent degradation of the current quality of the waters (antidegradation).² In order to prevent degradation, each state or tribe is required to develop and implement an “antidegradation” policy and procedures.

A. Antidegradation Policy

The Antidegradation Policy is the third component of all state and tribal water quality standards. It was established to fulfil one-half of the core objective of the Clean Water Act: “to restore and *maintain* the physical, chemical and biological integrity of the Nation’s waters.”³

¹ The term “Upper Pecos Watershed” refers to the perennial and non-perennial streams and wetlands nominated in the Petition, and identified in Maps 1 and 2 and Tables 1 and 2 in Section II.B of the Petition. *See also* Pet’rs Ex. 5 (maps of nominated waters).

² 40 C.F.R. § 131, Subpart B.

³ 33 U.S.C. § 1251(a) (emphasis added).

New Mexico's Antidegradation Policy is a part of the state's water quality standards at 20.6.4.8 NMAC. Water quality standards define the water quality goals of a river, stream, or other surface water. These goals are achieved by (1) designating uses of the river, stream, or other surface water, (2) setting criteria to protect those uses, and (3) preventing further degradation of the river, stream, or other surface water, i.e., the "Antidegradation Policy." The Antidegradation Policy has three tiers:

- **Tier 1:** Establishes bottom-line protections for all rivers, streams, and waters by protecting existing uses. Activities cannot eliminate, interfere with, or lower water quality necessary to support existing uses.
- **Tier 2:** Requires activities to avoid and minimize any lowering of water quality for waters that meet or exceed water quality criteria, shifting the burden to the proponent of an activity to demonstrate that the degradation caused by the activity is necessary to meet an important social or economic need and that there are no viable alternatives.
- **Tier 3:** Is an affirmative designation preventing any further degradation of a water made by the Commission of waters within specially-designated areas, like National Parks or Wilderness Areas, for recreationally or ecologically important waters, or for high quality waters. It is, therefore, different than Tier 1 or Tier 2, which do not require an affirmative designation by the Commission. Tier 3 waters are Outstanding National Resource Waters ("ONRWs" or "Outstanding Waters")

Across the country, Tier 3 protection is established and implemented in many different ways, but most commonly the process involves nomination and designation of water bodies as Outstanding Waters. This designation process is essential to maintaining water quality to ensure that these waters, such as those in the Upper Pecos Watershed, continue to support exceptional ecosystems and outstanding recreational opportunities.

B. New Mexico's Outstanding Waters Protections

New Mexico has codified procedures for nominating Outstanding Waters and criteria for designating Outstanding Waters at 20.6.4.9.A and –B NMAC. To date, three ONRW nomination proceedings have occurred in New Mexico, resulting in the Commission designating the Rio

Santa Barbara and its tributaries; all waters, including all wetlands, within the U.S. Forest Service Valle Vidal special management unit; and named perennial waters and designated wetlands within U.S. Forest Service Wilderness Areas, as Outstanding Waters. 20.6.4.9.D NMAC.

With limited exceptions for some short term degradation, once designated, no degradation of water quality is allowed in Outstanding Waters. The regulations at 20.6.4.8.A(3) and –(4) NMAC set forth requirements for protecting Outstanding Waters which include setting limits on temporary and short-term degradation necessary to accommodate public health, safety, and restoration activities. In addition, the regulations specify that designation will not require additional requirements of acequias and that existing land use activities, such as grazing subject to best management practices, are protected.

IV. OVERVIEW OF THE UPPER PECOS WATERSHED PETITION

The Petition to Designate Surface Waters of the Upper Pecos Watershed as Outstanding National Resource Waters (“Petition”) was filed with the Commission by the Village of Pecos, San Miguel County, Upper Pecos Watershed Association (“UPWA”), New Mexico Acequia Association, and Molino de la Isla Organics LLC (collectively “Petitioners”) on October 1, 2021 pursuant to 20.6.4.9 NMAC. The Petitioners requested a hearing on the Petition during the Commission’s November 9, 2021 meeting. At that meeting the Commission set the hearing to commence April 12, 2022.

The Petition stems from a community-based effort to protect the exceptional waters of the Upper Pecos Watershed. Petitioners represent a broad array of local, statewide, and business organizations who depend on these waters for recreation with their families and to sustain their traditional way of life and their livelihoods, and who value these interconnected waters’

remarkable beauty and extraordinary ecological attributes. Petitioners wish to see these waters protected from degradation for the benefit of their community, and the State, for present and future generations.

The waters of the Upper Pecos Watershed sustain and enrich the lives and livelihoods of all who live, work, and recreate there. For generations, the Upper Pecos Watershed supported the Pecos Pueblo peoples and, to this day, remains culturally significant to their descendants. The Upper Pecos Watershed supports a rich tradition of farming, ranching, acequias, and other traditional uses, all of which depend on clean water. Thanks, in large measure, to a long history of respect and stewardship among those who call the area home, most of the waters of the Upper Pecos Watershed remain clean and healthy today. These waters are not only among New Mexico's most outstanding resources for people, but for animals and plants as well. These waters feed exceptional ecosystems that support an astounding diversity of animals and plants including New Mexico's state fish, the Rio Grande cutthroat trout. One of the most effective ways to deliver on the promise of clean water for present and future generations is to protect our most ecologically and recreationally significant waters as Outstanding Waters pursuant to the Commission's regulations.

The Upper Pecos Watershed nomination includes all perennial and non-perennial streams shown on Map 1 and listed in Table 1 below, and all wetlands shown on Map 2 and listed in Table 2 below. *See also* Pet'r's Ex. 5. These waters encompass the mainstem of the Pecos River from the boundary of the Pecos Wilderness downstream to the U.S. Forest Service Dalton Fishing Site/Picnic Site ("Dalton Site"), 15 named tributaries from their confluence with the Pecos River upstream to their headwaters or to the Pecos Wilderness boundary (whichever

comes first), 96 identified non-perennial waters that are tributaries to one of the 16 named waters, and 16 identified wetlands.

V. PETITIONERS HAVE SATISFIED ALL PROCEDURES FOR THIS NOMINATION

The requirements for nominating an ONRW are set forth in Section 20.6.4.9.A NMAC, which provides:

A. Procedures for nominating an ONRW: Any person may nominate a surface water of the state for designation as an ONRW by filing a petition with the commission pursuant to the guidelines for water quality control commission regulation hearings. A petition to designate a surface water of the state as an ONRW shall include:

(1) a map of the surface water of the state, including the location and proposed upstream and downstream boundaries;

(2) a written statement and evidence based on scientific principles in support of the nomination, including specific reference to one or more of the applicable ONRW criteria listed in Subsection B;

(3) water quality data including chemical, physical or biological parameters, if available, to establish a baseline condition for the proposed ONRW;

(4) a discussion of activities that might contribute to the reduction of water quality in the proposed ONRW;

(5) any additional evidence to substantiate such a designation, including an analysis of the economic impact of the designation on the local and regional economy within the state of New Mexico and the benefit to the state; and

(6) affidavit of publication of notice of the petition in a newspaper of general circulation in the affected counties and in a newspaper of general statewide circulation.

The Petitioners met all procedural requirements of 20.6.4.9.A NMAC in their Petition and have satisfied all public notice requirements for the rulemaking hearing, as explained below.

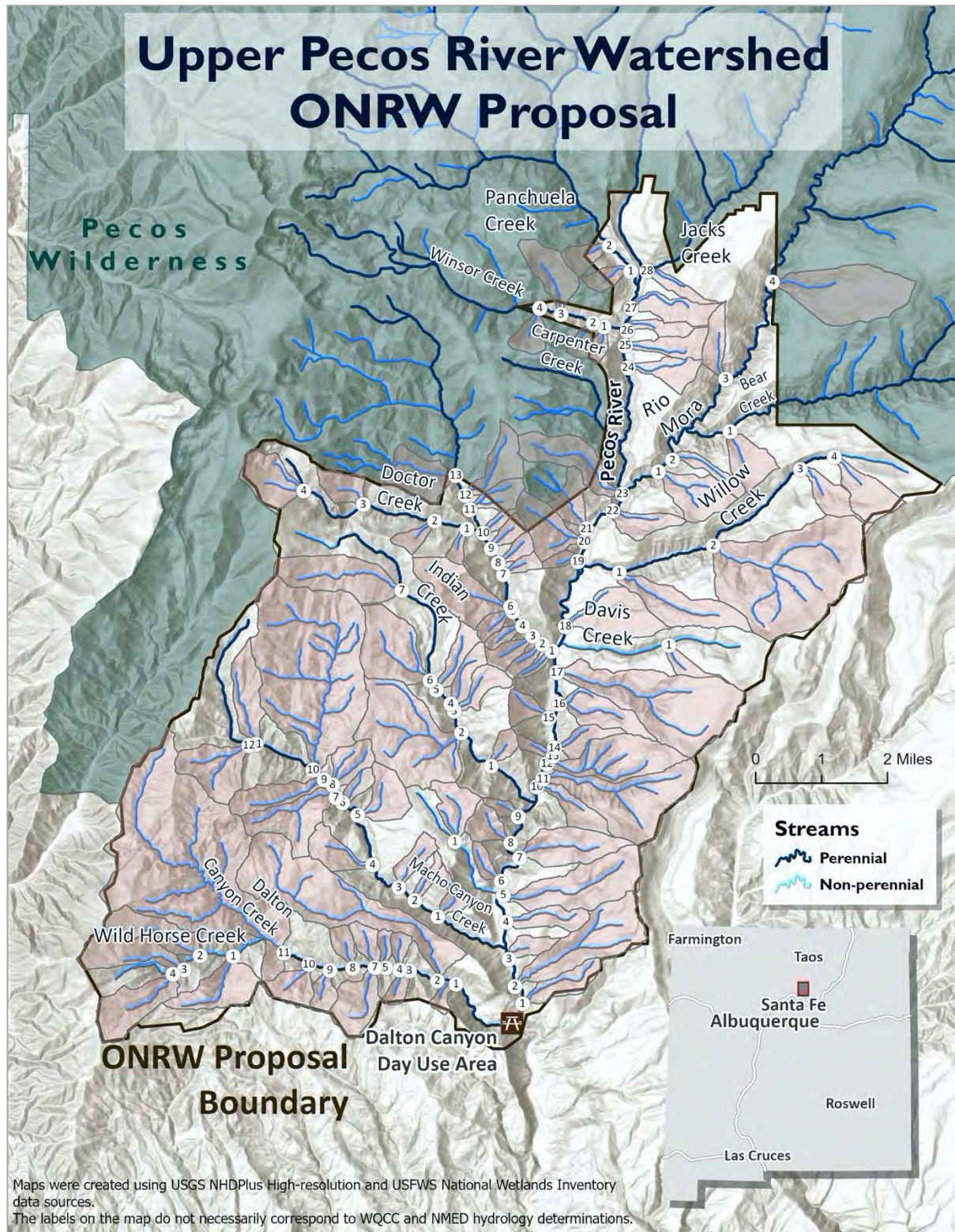
A. Maps of the Proposed Designation

A petition to nominate an Outstanding Water must include a map of the surface water of the state, including the location and proposed upstream and downstream boundaries.

20.6.4.9.A(1) NMAC. The Petition included two maps that identify the surface waters nominated, including the location and proposed upstream and downstream boundaries. These

same maps are shown below and attached as Petitioners' Exhibit 5. Map 1 identifies all 16 named waters nominated and all 96 unnamed, but identified and numbered streams included in the nomination. Table 1 lists all streams nominated, organized by each of the 16 named waters and their unnamed and numbered tributaries; the mileage for each stream; a description of each stream's upstream and downstream boundaries; and the latitudinal and longitudinal coordinates of the mouth of each stream. The nominated streams total 179.93 miles. Map 2 identifies and numbers all 16 wetlands included in the nomination. Table 2 identifies the stream associated with each wetland, the type of wetland, the number of acres of each wetland, and each wetland's latitudinal and longitudinal coordinates. The nominated wetlands total 42.96 acres.

Map 1: Nominated Streams



Map 2: Nominated Wetlands

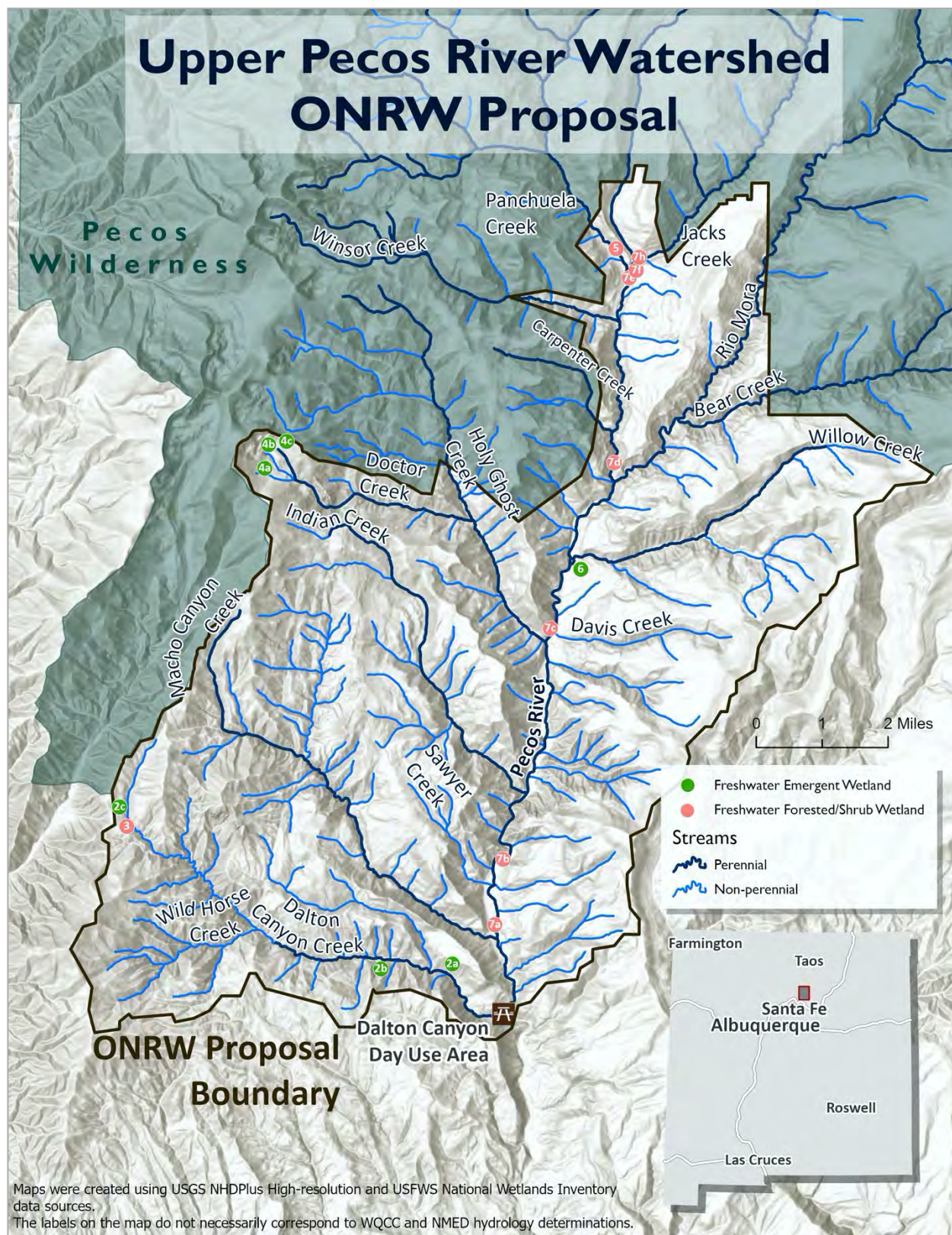


Table 1: Nominated Streams

Stream	Miles	Downstream boundary	Upstream Boundary	Lat/Long at mouth of stream	
				Latitude	Longitude
Bear Creek	1.70	Confluence with the Rio Mora	Wilderness Boundary	35.79033	-105.6431
Bear Trib - 1	0.71	Confluence with Bear Creek	Headwaters	35.790	-105.631
Carpenter Creek	0.32	Confluence with the Pecos River	Wilderness Boundary	35.78719	-105.6607
Dalton Canyon Creek	9.09	Confluence with the Pecos River	Headwaters	35.65884	-105.6887
Dalton Trib - 1	0.37	Confluence with Dalton Canyon Creek	Headwaters	35.668	-105.704
Dalton Trib - 2	5.24	Confluence with Dalton Canyon Creek	Headwaters	35.668	-105.709
Dalton Trib - 3	0.49	Confluence with Dalton Canyon Creek	Headwaters	35.671	-105.717
Dalton Trib - 4	0.47	Confluence with Dalton Canyon Creek	Headwaters	35.671	-105.719
Dalton Trib - 5	0.48	Confluence with Dalton Canyon Creek	Headwaters	35.671	-105.723
Dalton Trib - 6	0.60	Confluence with Dalton Canyon Creek	Headwaters	35.671	-105.726
Dalton Trib - 7	1.04	Confluence with Dalton Canyon Creek	Headwaters	35.671	-105.726
Dalton Trib - 8	0.41	Confluence with Dalton Canyon Creek	Headwaters	35.671	-105.732
Dalton Trib - 9	0.50	Confluence with Dalton Canyon Creek	Headwaters	35.671	-105.738
Dalton Trib - 10	0.58	Confluence with Dalton Canyon Creek	Headwaters	35.672	-105.744
Dalton Trib - 11	4.43	Confluence with Dalton Canyon Creek	Headwaters	35.674	-105.751
Davis Creek	2.86	Confluence with the Pecos River	Headwaters	35.74247	-105.6767
Davis Trib - 1	0.47	Confluence with Davis Creek	Headwaters	35.743	-105.647
Doctor Creek	3.67	Confluence with Holy Ghost Creek	Headwaters	35.76749	-105.6979
Doctor Trib - 1	0.36	Confluence with Doctor Creek	Headwaters	35.768	-105.702
Doctor Trib - 2	0.40	Confluence with Doctor Creek	Headwaters	35.770	-105.711
Doctor Trib - 3	0.51	Confluence with Doctor Creek	Headwaters	35.773	-105.730
Doctor Trib - 4	1.24	Confluence with Doctor Creek	Headwaters	35.776	-105.746
Holy Ghost Creek	3.30	Confluence with Pecos River	Wilderness Boundary	35.7408	-105.6782
Holy Ghost Trib - 1	0.61	Confluence with Holy Ghost Creek	Headwaters	35.741	-105.679
Holy Ghost Trib - 2	0.51	Confluence with Holy Ghost Creek	Headwaters	35.743	-105.682
Holy Ghost Trib - 3	0.61	Confluence with Holy Ghost Creek	Headwaters	35.744	-105.684
Holy Ghost Trib - 4	0.49	Confluence with Holy Ghost Creek	Headwaters	35.747	-105.687
Holy Ghost Trib - 5	0.49	Confluence with Holy Ghost Creek	Headwaters	35.750	-105.690
Holy Ghost Trib - 6	1.53	Confluence with Holy Ghost Creek	Headwaters	35.751	-105.690
Holy Ghost Trib - 7	0.38	Confluence with Holy Ghost Creek	Headwaters	35.758	-105.692
Holy Ghost Trib - 8	0.49	Confluence with Holy Ghost Creek	Headwaters	35.761	-105.694
Holy Ghost Trib - 9	0.47	Confluence with Holy Ghost Creek	Headwaters	35.764	-105.695
Holy Ghost Trib - 10	0.40	Confluence with Holy Ghost Creek	Headwaters	35.767	-105.698
Holy Ghost Trib - 11	0.58	Confluence with Holy Ghost Creek	Wilderness Boundary	35.772	-105.701
Holy Ghost Trib - 12	0.21	Confluence with Holy Ghost Creek	Wilderness Boundary	35.775	-105.703
Holy Ghost Trib - 13	0.12	Confluence with Holy Ghost Creek	Wilderness Boundary	35.780	-105.705
Indian Creek	6.62	Confluence with Pecos River	Headwaters	35.70763	-105.6831
Indian Trib - 1	0.41	Confluence with Indian Creek	Headwaters	35.716	-105.695
Indian Trib - 2	4.45	Confluence with Indian Creek	Headwaters	35.723	-105.703
Indian Trib - 3	0.72	Confluence with Indian Creek	Headwaters	35.728	-105.705
Indian Trib - 4	0.83	Confluence with Indian Creek	Headwaters	35.729	-105.706
Indian Trib - 5	0.93	Confluence with Indian Creek	Headwaters	35.732	-105.710
Indian Trib - 6	1.78	Confluence with Indian Creek	Headwaters	35.735	-105.712
Indian Trib - 7	1.73	Confluence with Indian Creek	Headwaters	35.754	-105.720
Jack's Creek	1.36	Confluence with the Pecos River	Wilderness Boundary	35.82486	-105.6548
Macho Canyon Creek	8.11	Confluence with the Pecos River	Headwaters	35.6754	-105.6907
Macho Trib - 1	0.62	Confluence with Macho Canyon Creek	Headwaters	35.683	-105.709
Macho Trib - 2	0.38	Confluence with Macho Canyon Creek	Headwaters	35.686	-105.715
Macho Trib - 3	0.72	Confluence with Macho Canyon Creek	Headwaters	35.689	-105.720

Stream	Miles	Downstream boundary	Upstream Boundary	Lat/Long at mouth of stream	
				Latitude	Longitude
Macho Trib - 4	0.82	Confluence with Macho Canyon Creek	Headwaters	35.694	-105.727
Macho Trib - 5	0.74	Confluence with Macho Canyon Creek	Headwaters	35.705	-105.731
Macho Trib - 6	0.60	Confluence with Macho Canyon Creek	Headwaters	35.707	-105.735
Macho Trib - 7	1.94	Confluence with Macho Canyon Creek	Headwaters	35.709	-105.737
Macho Trib - 8	1.31	Confluence with Macho Canyon Creek	Headwaters	35.711	-105.738
Macho Trib - 9	1.23	Confluence with Macho Canyon Creek	Headwaters	35.712	-105.740
Macho Trib - 10	10.07	Confluence with Macho Canyon Creek	Headwaters	35.715	-105.743
Macho Trib - 11	1.18	Confluence with Macho Canyon Creek	Headwaters	35.720	-105.759
Macho Trib - 12	1.59	Confluence with Macho Canyon Creek	Headwaters	35.720	-105.761
Rio Mora	5.41	Confluence with the Pecos River	Wilderness Boundary	35.77625	-105.6599
Mora Trib - 1	1.46	Confluence with the Rio Mora	Headwaters	35.781	-105.650
Mora Trib - 2	0.93	Confluence with the Rio Mora	Headwaters	35.783	-105.647
Mora Trib - 3	0.74	Confluence with the Rio Mora	Headwaters	35.801	-105.632
Mora Trib - 4	0.04	Confluence with the Rio Mora	Wilderness Boundary	35.823	-105.620
Panchuela Creek	1.07	Confluence with the Pecos River	Wilderness Boundary	35.82156	-105.6562
Panchuela Trib -1	0.43	Confluence with Panchuela Creek	Wilderness Boundary	35.825	-105.658
Panchuela Trib -2	0.39	Confluence with Panchuela Creek	Wilderness Boundary	35.831	-105.664
Pecos River	14.11	Dalton Canyon Confluence	Wilderness Boundary	35.65884	-105.6887
Pecos Trib - 1	1.37	Confluence with the Pecos River	Headwaters	35.663	-105.686
Pecos Trib - 2	3.19	Confluence with the Pecos River	Headwaters	35.667	-105.688
Pecos Trib - 3	0.40	Confluence with the Pecos River	Headwaters	35.673	-105.690
Pecos Trib - 4	1.16	Confluence with the Pecos River	Headwaters	35.681	-105.691
Pecos Trib - 5	2.08	Confluence with the Pecos River	Headwaters	35.687	-105.692
Pecos Trib - 6	0.62	Confluence with the Pecos River	Headwaters	35.690	-105.692
Pecos Trib - 7	1.28	Confluence with the Pecos River	Headwaters	35.696	-105.687
Pecos Trib - 8	0.62	Confluence with the Pecos River	Headwaters	35.699	-105.690
Pecos Trib - 9	0.37	Confluence with the Pecos River	Headwaters	35.705	-105.688
Pecos Trib - 10	0.84	Confluence with the Pecos River	Headwaters	35.711	-105.683
Pecos Trib - 11	3.33	Confluence with the Pecos River	Headwaters	35.713	-105.681
Pecos Trib - 12	3.24	Confluence with the Pecos River	Headwaters	35.716	-105.680
Pecos Trib - 13	0.38	Confluence with the Pecos River	Headwaters	35.718	-105.678
Pecos Trib - 14	0.61	Confluence with the Pecos River	Headwaters	35.720	-105.678
Pecos Trib - 15	0.62	Confluence with the Pecos River	Headwaters	35.726	-105.680
Pecos Trib - 16	1.56	Confluence with the Pecos River	Headwaters	35.730	-105.677
Pecos Trib - 17	3.46	Confluence with the Pecos River	Headwaters	35.737	-105.678
Pecos Trib - 18	0.84	Confluence with the Pecos River	Headwaters	35.747	-105.675
Pecos Trib - 19	0.40	Confluence with Pecos River	Headwaters	35.761	-105.672
Pecos Trib - 20	1.09	Confluence with Pecos River	Wilderness Boundary	35.765	-105.670
Pecos Trib - 21	0.51	Confluence with the Pecos River	Wilderness Boundary	35.768	-105.670
Pecos Trib - 22	0.73	Confluence with the Rio Mora	Headwaters	35.772	-105.663
Pecos Trib - 23	0.59	Confluence with the Pecos River	Wilderness Boundary	35.776	-105.660
Pecos Trib - 24	0.95	Confluence with the Pecos River	Headwaters	35.804	-105.659
Pecos Trib - 25	0.96	Confluence with the Pecos River	Headwaters	35.809	-105.660
Pecos Trib - 26	0.50	Confluence with the Pecos River	Headwaters	35.812	-105.659
Pecos Trib - 27	1.06	Confluence with the Pecos River	Headwaters	35.817	-105.658
Pecos Trib - 28	0.64	Confluence with the Pecos River	Headwaters	35.825	-105.654
Sawyer Creek	2.21	Confluence with the Pecos River	Headwaters	35.6871	-105.6922
Sawyer Trib -1	1.28	Confluence with Sawyer Creek	Headwaters	35.699	-105.705
Wild Horse Creek	2.69	Confluence with Dalton Canyon Creek	Headwaters	35.67709	-105.7556

Stream	Miles	Downstream boundary	Upstream Boundary	Lat/Long at mouth of stream	
				Latitude	Longitude
Wild Horse Trib - 1	1.33	Confluence with Wild Horse Creek	Headwaters	35.673	-105.764
Wild Horse Trib - 2	1.03	Confluence with Wild Horse Creek	Headwaters	35.674	-105.773
Wild Horse Trib - 3	1.02	Confluence with Wild Horse Creek	Headwaters	35.670	-105.778
Wild Horse Trib - 4	0.98	Confluence with Wild Horse Creek	Headwaters	35.669	-105.781
Willow Creek	5.92	Confluence with the Pecos River	Headwaters	35.75803	-105.6718
Willow Trib - 1	1.75	Confluence with Willow Creek	Headwaters	35.759	-105.661
Willow Trib - 2	5.60	Confluence with Willow Creek	Headwaters	35.765	-105.635
Willow Trib - 3	0.59	Confluence with Willow Creek	Headwaters	35.782	-105.612
Willow Trib - 4	0.60	Confluence with Willow Creek	Headwaters	35.784	-105.603
Winsor Creek	1.77	Confluence with the Pecos River	Wilderness Boundary	35.81165	-105.659
Winsor Trib - 1	0.41	Confluence with Winsor Creek	Headwaters	35.813	-105.665
Winsor Trib - 2	0.17	Confluence with Winsor Creek	Wilderness Boundary	35.814	-105.668
Winsor Trib - 3	0.19	Confluence with Winsor Creek	Wilderness Boundary	35.815	-105.677
Winsor Trib - 4	0.11	Confluence with Winsor Creek	Wilderness Boundary	35.817	-105.683
Total	179.93				

Table 2: Nominated Wetlands

Label	Type	Acres	Latitude	Longitude
2a	Freshwater Emergent Wetland		35.668	-105.705
2b	Freshwater Emergent Wetland		35.671	-105.720
2c	Freshwater Emergent Wetland	20.91	35.702	-105.791
3	Freshwater Forested/Shrub Wetland	0.66	35.701	-105.790
4a	Freshwater Emergent Wetland		35.781	-105.752
4b	Freshwater Emergent Wetland		35.782	-105.754
4c	Freshwater Emergent Wetland	2.00	35.783	-105.751
5	Freshwater Forested/Shrub Wetland	0.64	35.827	-105.660
6	Freshwater Emergent Wetland	6.24	35.759	-105.671
7a	Freshwater Forested/Shrub Wetland		35.679	-105.692
7b	Freshwater Forested/Shrub Wetland		35.693	-105.689
7c	Freshwater Forested/Shrub Wetland		35.743	-105.676
7d	Freshwater Forested/Shrub Wetland		35.781	-105.660
7e	Freshwater Forested/Shrub Wetland		35.822	-105.656
7f	Freshwater Forested/Shrub Wetland		35.824	-105.655
7h	Freshwater Forested/Shrub Wetland	12.51	35.825	-105.653
Total		42.96		

Wetland Type		Total acres by wetland type
Freshwater Emergent Wetland		29.15
Freshwater Forested/Shrub Wetland		13.81
Total		42.96

B. Statement and Evidence Based on Scientific Principles in Support of the Nomination

A petition to nominate an Outstanding Water must include a written statement and evidence based on scientific principles in support of the nomination, including specific reference to one or more of the applicable Outstanding Waters criteria listed in 20.4.6.9.B NMAC. 20.6.4.9.A(2) NMAC. Petitioners provided a detailed statement with scientific evidence supporting all nominated waters, including evidence demonstrating that all nominated waters meet at least one of the Outstanding Waters criteria. Section VI of my testimony, along with the

testimony of the other witnesses in this proceeding, provides evidence how each of these waters meets at least one, and often more than one, criterion in 20.6.4.9.B(1)-(3) NMAC.

C. Available Water Quality Data to Establish Baseline

A petition to nominate an Outstanding Water must set forth water quality data, including chemical, physical, or biological parameters, *if available*, to establish a baseline condition for the proposed ONRW. 20.6.4.9.A(3) NMAC. The New Mexico Environment Department (“NMED”) Surface Water Quality Bureau (“SWQB”) is responsible for monitoring and protecting state water quality, and provided Petitioners with all existing water quality data for the nominated waters. There is water quality data for Dalton Canyon Creek, Doctor Creek, Holy Ghost Creek, Indian Creek, Jack’s Creek, Macho Canyon Creek, Pecos River, Rio Mora, Willow Creek, and Winsor Creek. There is no data for Bear Creek, Carpenter Creek, Davis Creek, Sawyer Creek, or Wild Horse Creek or any of the unnamed tributaries and wetlands.

A list of current available water quality in the nominated waterbodies, including attainment of water quality standards, with links to the data was included in the Petition and is set forth in Petitioners’ Exhibit 6. In summary, seven of the named tributaries — Doctor Creek, Holy Ghost Creek, Indian Creek, Jack’s Creek, Rio Mora, and Winsor Creek — and one segment of the Pecos River (from Jack’s Creek to the headwaters) meet all water quality standards. Four of the tributaries exceed water quality standards for one parameter, specific conductance or temperature: Dalton Canyon Creek, Macho Canyon Creek, Willow Creek, and the Pecos River (from Alamitos Canyon to Jack’s Creek).

Water quality data from the NMED SWQB to establish a baseline includes chemical data (laboratory analysis for nutrients, heavy metals, total dissolved solids, total suspended solids, and *E. coli*); field data (dissolved oxygen, flow, specific conductance, temperature, and pH); and

geomorphology habitat data (wetted bank width, amount of woody debris, pool depth).

Specifically, this data, referenced in Petitioners' Exhibit 6, includes:

- Chemical water quality data for Dalton Canyon, Doctor, Holy Ghost, Indian, Jack's, Macho Canyon, Panchuela, Pecos, Mora, Willow, and Winsor Creeks;
- Field data for the Pecos River, and Dalton Canyon, Doctor, Holy Ghost, Indian, Jack's, Macho Canyon, Panchuela, Mora, Willow, and Winsor Creeks;

Geomorphology habitat data for the Pecos River, and Dalton Canyon, Doctor, Holy Ghost, Jack's, Panchuela, Willow, Winsor, and Willow Creeks;

- Benthic data for the Pecos River, and Dalton Canyon, Holy Ghost, Pecos, Mora, and Winsor Creeks;
- Fish ecology data for the Pecos River, and Mora, and Panchuela Creeks; and
- Temperature data for Holy Ghost, Panchuela, Pecos, Mora, Willow, and Winsor Creeks..

This data represents the complete set of water quality data available from NMED for the nominated waters in satisfaction of the requirements in 20.6.4.9.A(3) NMAC.

D. Activities that Might Reduce Water Quality

A petition to nominate an Outstanding Water must describe activities that may contribute to the reduction of water quality in the proposed Outstanding Water 20.6.4.9.A(4) NMAC. The Petition outlined a number of existing and potential activities that could reduce water quality in the nominated waters. Those potential activities include the following:

1. Potential mining activity

More than 40 percent of stream reaches in western watersheds are contaminated by acid mine drainage and associated heavy metals. Acid mine drainage from mining activities have caused massive fish kills and have poisoned migratory birds at many sites across the West.

Historically, hard rock mining has occurred in the Upper Pecos Watershed and could occur in the

future. Discharges from mining activities in New Mexico currently account for 9 percent of NPDES discharges into New Mexico surface waters.⁴

2. Development and transportation

Increased sediment loading from roads and development can cause substantial water quality problems. In fact, the relationship between road building in formerly undisturbed areas and increased sediment yield in streams is well established.⁵ A nine-year study by the U.S. Forest Service in California found that stream sediment increased 80 percent with road building in a previously pristine watershed.⁶ When more area in a watershed is covered by impervious surfaces, runoff quantity and velocity increases, which results in increased erosion and loading of sediment and other contaminants such as metals and PCBs that are attached to sediment. Any increase in river sediment effects inflow of oxygen, increases water temperature, and negatively impacts food availability. Not only do these factors decrease fish populations and increase fish stress but such conditions also degrade the fishing experience. Boaters have expressed similar concerns over water clarity and its negative effect on recreation.⁷ In addition, increased sediment loading in a stream can contribute to increased conductivity. A rapid or larger than normal increase in conductivity, in turn, can adversely affect aquatic organisms if they don't have the time or capacity to adapt. Pollution from roads and bridges is one of the top two sources of impairment in the state.⁸

⁴ See NMED, Clean Water Act 303(d)/305(b) Integrated Report for 2020-2022, at 40 <https://www.env.nm.gov/surface-water-quality/303d-305b/>.

⁵ Loomis, J.B., Economic Benefits of Pristine Watersheds, American Wilderness Alliance (1988).

⁶ *Id.* (citing Pearce (1987)).

⁷ *Id.*

⁸ See NMED, Clean Water Act 303(d)/305(b) Integrated Report for 2020-2022, at 33 <https://www.env.nm.gov/surface-water-quality/303d-305b/>.

3. Increased recreational use without proper management

Recreation is an essential part of what makes the Pecos a Wild and Scenic River and a deserving candidate for ONRW designation. But, in order to ensure this exceptional recreational significance for future generations, recreation in the Upper Pecos Watershed must be properly managed and accompanied by robust water quality protections. Poorly managed recreational use of a watershed can lead to increased erosion and other water quality issues, such as E. coli loading. Recreation based impacts to water quality is one of the top ten probable causes of surface water quality impairment in the state.⁹

4. Waste disposal

Illegal dumping of trash and construction waste is a threat to water quality across much of New Mexico, including the nominated waters. Human-caused pollution from littering and illegal dumping can be carried by stormwater into arroyos, rivers, and acequias causing water quality impacts. Recent studies show litter along waterways is just as big a problem, if not bigger, as litter along roadways.¹⁰ In addition, trash along rivers and streams, and other waterways, is less likely to be cleaned-up, and is more likely to accumulate and degrade in the natural environment over time than litter along roadways.¹¹ Degrading trash, such as plastic bottles and other plastic items, can leach thousands of pollutants into water.¹² According to the

⁹ *Id.*

¹⁰ Keep America Beautiful. (2021, May). National Litter Study Summary Report: May 2021 [PDF Document]. Retrieved from <https://kab.org/litter-study/> at 30.

¹¹ *Id.* at 7.

¹² Lisa Zimmermann, Zdenka Bartosova, Katharina Braun, Jörg Oehlmann, Carolin Völker and Martin Wagner. [Plastic Products Leach Chemicals That Induce In Vitro Toxicity Under Realistic Use Conditions](#). Environ. Sci. Technol. 2021, 55, 17, 11814–11823. Publication Date: 17 August, 2021. <https://doi.org/10.1021/acs.est.1c01103>. American Chemical Society. (2009, August 20). Plastics In Oceans Decompose, Release Hazardous Chemicals, Surprising New Study Says. ScienceDaily. Retrieved February 28, 2022 from www.sciencedaily.com/releases/2009/08/090819234651.htm

New Mexico Tourism Department, the uptick in outdoor recreation during the Covid-19 pandemic has created a surge of illegal dumping and littering on New Mexico's highways.¹³ In 2021, during one clean-up campaign alone, thousands of pounds of litter were removed from New Mexico's waterways.¹⁴

5. Wildfire

A devastating wildfire burned through Pecos Canyon in 2013, spanning over 10,000 acres and forcing evacuations in the area. Whether caused by lightning, downed power lines, human activity, or other sources, wildfires can lead to soil erosion when they burn through forests. Soil erosion, in turn, can reduce water quality. Climate change exacerbates the threat of wildfires, and is expected to continue to do so throughout the Southwest in particular.¹⁵

6. Climate change

As our climate warms, our rivers and streams also warm. High stream temperature is the most common water impairment in the State of New Mexico, and it is especially dangerous to aquatic life. Hotter water does not hold as much oxygen, thus reducing the amount of dissolved oxygen available for fish. In addition, hotter climates can result in lower flows, which can result in a concentration of pollutants in rivers and streams. Climate change also affects the global hydrologic cycle, and thus the quality, quantity, and timing of stream flows.¹⁶ Erosion is expected to increase as a result of higher peak flows and reductions in ground cover from

¹³ <https://www.newmexico.org/industry/news/post/over-8000-pounds-of-litter-removed-from-new-mexico-waterways-during-2021-world-cleanup-day/>.

¹⁴ *Id.*

¹⁵ U.S. Global Change Research Program, Impacts, Risks, and Adaptation in the U.S.; Fourth National Climate Assessment, Vol. II at Ch. 25: Southwest, Key Message 2: Ecosystems (2018), <https://nca2018.globalchange.gov/chapter/25/>.

¹⁶ U.S. Forest Serv., Water, Climate Change, and Forests: Watershed Stewardship for a Changing Climate at 12 (2010), https://www.fs.fed.us/pnw/pubs/pnw_gtr812.pdf.

reduced snowpack, as well as increased intensity and frequency of wildfires.¹⁷ Sediment loads are expected to increase as a result, affecting municipal water supplies and aquatic habitats.¹⁸ Healthy watersheds, by contrast, can perform “ecosystem services” that boost resilience and adaptive capacity in the face of climate change. ONRW designation can consequently help protect not only the waters of the Upper Pecos Watershed, but also the surrounding ecosystems and communities that rely on these high-quality waters and their ecosystem services, today and for future generations.

E. Additional Evidence to Substantiate Designation

A petition to nominate an ONRW may set forth additional evidence to substantiate a designation, including discussion of the economic impact of the designation on the local and regional economy within the State of New Mexico and the benefit to the state. 20.6.4.9.A(5) NMAC. The Petition sets forth additional evidence in support of the nomination, including discussion of the economic impact of the designation and the cultural significance of the Upper Pecos. Section V.E. of my testimony below discusses this evidence.

F. Notice Requirements for Petition and Hearing

A petition to nominate an ONRW must include an affidavit of publication of notice of the petition in a newspaper of general circulation in the affected counties and in a newspaper of general statewide circulation. 20.6.4.9.A(6) NMAC. All nominated waters are located within San Miguel County. Affidavits of publication of notice of the Petition in the *Las Vegas Optic* and *Albuquerque Journal* were attached to the Petition and are included here as Petitioners’ Exhibit 7.

¹⁷ *Id.* at 21.

¹⁸ *Id.*

The requirements for public notice for a Commission rulemaking are set forth in the State Rules Act at NMSA 1978, § 14-4-5.2 and the Commission's Rulemaking Procedures at 20.1.6 NMAC. The State Rules Act requires publication of a notice in the New Mexico Register at least 30 days before hearing, NMSA 1978, § 14-4-5.2, while the Commission's rules require publication of the notice in the New Mexico Register at least 60 days before hearing, 20.1.6.201.A, –B NMAC. Notice of the hearing was published in the state register on January 26, 2022, more than 60 days before the hearing. *See* Pet'rs Ex. 8.

The Commission's rules require publication at least 60 days before the hearing in a newspaper of general circulation in the state and, for regulatory changes confined to a specific geographic area, publication in a newspaper in the area affected. 20.1.6.201.A, –B NMAC. Affidavits of publication of notice of the hearing from the *Albuquerque Journal* and *Las Vegas Optic* are included in Petitioners' Exhibit 8.

The Commission's rules require providing notice of the hearing to the New Mexico Sunshine Portal and Legislative Council Service ("LCS"). 20.1.6.7.P(2), –(7) & 20.1.6.201.A NMAC. Copies of the notices sent to the Sunshine Portal and LCS are included in Petitioners' Exhibit 8.

Finally, the Small Business Relief Act requires notice to the Small Business Regulatory Advisory Commission of any proposed rule that may have an adverse effect on small business. NMSA 1978, § 14-4A-4(A). Notice to the commission is included in Petitioners' Exhibit 8.

All public notice requirements for the Petition and hearing have been met. *See* Pet'rs Exs. 7 and 8.

VI. PETITIONERS HAVE SATISFIED THE CRITERIA FOR DESIGNATION

The criteria for designation of an ONRW are set forth in 20.6.4.9.B NMAC, which provides:

B. Criteria for ONRWs: A surface water of the state, or a portion of a surface water of the state, may be designated as an ONRW where the commission determines that the designation is beneficial to the state of New Mexico, and;

(1) the water is a significant attribute of a state special trout water, national or state park, national or state monument, national or state wildlife refuge or designated wilderness area, *or* is part of a designated wild river under the federal Wild and Scenic Rivers Act; *or*

(2) the water has exceptional recreational *or* ecological significance; *or*

(3) the existing water quality is equal to or better than the numeric criteria for protection of aquatic life and contact uses and the human health-organism only criteria, and the water has not been significantly modified by human activities in a manner that substantially detracts from its value as a natural resource.

20.6.4.9.B NMAC (emphasis added).

It is important to recognize the “or” language of this criteria. Therefore, a waterbody meets the requirements of Outstanding Waters designation if it is demonstrated that the designation is beneficial to state and meets *only one* of the other criteria.

In this case, all waters nominated meet the required two (beneficial to the state and one of the other criteria), and in many cases three or more, of the nominating criteria. Petitioners’ Exhibit 4 is a chart setting forth the criteria that each nominated water meets.

A. Part of a Wild and Scenic River

A water is eligible for designation as an ONRW if it is part of a Wild and Scenic River. 20.6.4.9.B(1) NMAC. Over 20-miles of the Pecos River — from Davis Creek near the town of Tererro, upstream to the headwaters — are designated by Congress as Wild and Scenic pursuant to the Wild and Scenic Rivers Act (“WSRA”), 16 U.S.C. § 1274(a)(110). Seven miles of the nominated portion of the mainstem of the Pecos River, from the Wilderness Boundary downstream to the confluence of Davis Creek, is part of the Pecos Wild and Scenic River. This

portion encompasses just under half of the total 14.11-mile length of the nominated stretch of the Pecos mainstem.

To be designated under the WSRA, rivers must “possess *outstandingly remarkable* scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values.”¹⁹ This requirement of “outstandingly remarkable” values resembles and reinforces the ONRW designation criterion of “*exceptional* recreational or ecological significance,” as discussed above. 20.6.4.9 NMAC (emphasis added). Congress included this seven-mile stretch of the Pecos River in the Wild and Scenic River system as a “recreational river.” 16 U.S.C. § 1274(a)(110)(B) based on its scenic, recreational, and cultural/historic values.²⁰ This same value supports ONRW designation of the nominated stretch for its exceptional recreational significance as well as the benefit to the state protecting a place of great cultural and historic value.

The two designations share similar, mutually reinforcing criteria, and ONRW designation would complement and strengthen water quality protections for the seven-mile Wild and Scenic segment of the Pecos River. The seven miles of the Pecos Wild and Scenic River that falls in the nominated area contains cabins and other modifications along the shoreline, and a paved road that parallels the river. This more heavily used area would benefit from Outstanding Waters water quality protections to help ensure that it retains its “outstandingly remarkable” values and significance long term. Surface waters designated as Outstanding Waters are afforded the highest level of water quality protection under the New Mexico Water Quality Act’s Antidegradation Policy and Implementation Plan, as discussed above. These water quality protections will

¹⁹ 16 U.S.C. § 1271 (emphasis added). Rivers or river segments are classified as having “outstandingly remarkable” recreational values that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past. 16 U.S.C. § 1273(b)(3).

²⁰ U.S. Forest Serv., Final Pecos Wild and Scenic Management Plan at 6-7 (2003), <https://www.rivers.gov/documents/plans/pecos-plan.pdf>.

safeguard the Upper Pecos against new or increased pollution and degradation and will boost adaptive capacity and watershed resilience in the face of ever-increasing threats from climate change.

Accordingly, the seven-mile stretch of the Pecos River, from the Pecos Wilderness boundary to the town site of Tererro, qualifies as an Outstanding Water because it is part of a designated Wild and Scenic River. 20.6.4.9.B(1) NMAC.

B. Significant Attribute of a State Special Trout Water

A water is eligible for designation as an Outstanding Water if it is a significant attribute of a state special trout water. 20.6.4.9.B(1) NMAC. Fishing on two of the nominated stretches is of such high quality and popularity that they are classified as state special trout waters. Special trout water designations aim to enhance New Mexico's unique angling opportunities and promote native trout conservation. Some are managed to produce trophy-sized trout, some to improve conservation of native trout, and others to enhance the overall trout population structure and density.²¹ Regulations are tailored to each water, and can include reduced bag limits, catch-and-release requirements for Rio Grande cutthroat trout, or increased harvest for nonnative fish species.²²

²¹ NMDGF, 2021-2022 New Mexico Fishing Rules & Info at 18, https://www.wildlife.state.nm.us/download/publications/rib/2021/fishing/2021_22-New-Mexico-Fishing-Rules-and-Info.pdf.

²² *Id.*



Jack's Creek, Spring 2021. Jim O'Donnell.

The nominated waters include the following state special trout waters:

- Pecos River, from the Rio Mora confluence to Cowles ("Pecos Box"); and
- Jack's Creek, from the waterfalls located 0.25-miles downstream of New Mexico Highway 63, crossing upstream to its headwaters.

An Outstanding Water designation will complement management of these state special trout waters with existing Outstanding Water designations in the Pecos Wilderness. Outstanding Waters designation will also benefit downstream restoration efforts for trout species.

Accordingly, these sections of two nominated waters — the Pecos River and Jack's Creek — merit Outstanding Water designation because they are a special attribute of a state special trout water. 20.6.4.9.B(1) NMAC.

C. Exceptional Recreational Significance

A water is eligible for Outstanding Water designation if it has exceptional recreational significance. 20.6.4.9.B(2) NMAC. All of the nominated waters warrant designation as Outstanding Waters based on their exceptional recreational significance.



Fisherman on Willow Creek, Spring 2021. Jim O'Donnell.

Recreational opportunities in the waters of the Upper Pecos Watershed abound. The watershed draws people from across New Mexico and the United States, and is a key component of the local economy.²³ Annually, thousands of visitors recreate at the seven U.S. Forest Service

²³ Village of Pecos Economic Development Plan (May 2015) at 6, <https://cms6.revize.com/revize/sanmiguelcounty/Village%20of%20Pecos%20Economic%20Development%20Plan.pdf>.

campgrounds²⁴ that offer a total of 118 individual sites and three group sites in the nominated area. Multi-generational family gatherings near the Pecos River — whether at campgrounds or day-use areas, such as the Dalton Site — are popular among local users.²⁵ Recreational activities in the Upper Pecos Watershed include camping, hiking, horseback riding, hunting, fishing, bird-watching, photography, backpacking, bike riding, and rafting. Several local outfitters lead excursions into the wildlands surrounding the Upper Pecos Watershed. With its proximity to Santa Fe, the area is a very popular camping destination and Jack’s Creek Campground is listed as one of the top ten campgrounds in the state.²⁶



Pecos River near Dalton Site, Spring 2021. Jim O'Donnell.

²⁴ Jack’s Creek Campground, Cowles Campground, Panchuela Campground, Iron Gate Campground (near Willow Creek), Holy Ghost Campground, and Field Tract Campground (next to Sawyer Creek). <https://www.fs.usda.gov/recarea/santafe/recarea/?recid=75446>.

²⁵ U.S. Forest Serv., Final Pecos Wild and Scenic River Management Plan at 7 (July 2003), <http://www.rivers.gov/documents/plans/pecos-plan.pdf>.

²⁶ <https://www.overlanddiscovery.com/blog/10-best-places-to-camp-in-new-mexico/>.

1. Exceptional trout fishing

The waters of the Upper Pecos Watershed are renowned for trout fishing. These waters are home to the Rio Grande cutthroat trout, rainbow trout, brown trout, and cutthroat trout, and each of the 16 named waters provides habitat for trout. *See* Table 3 below. In fact, the New Mexico Department of Game and Fish (“NMDGF”) has identified the *entire* nominated area as a “trout water area” on its state map of trout water areas.²⁷ Statewide, approximately less than one quarter of the state provides areas with trout fishing opportunities.

Table 3: Trout by Stream²⁸

Stream	Trout
Bear Creek	brown trout
Carpenter Creek	rainbow trout brown trout
Dalton Canyon Creek	Rio Grande cutthroat trout
Davis Creek	cutthroat trout
Doctor Creek	Rio Grande cutthroat trout brown trout cutthroat trout
Holy Ghost Creek	Rio Grande cutthroat trout brown trout cutthroat trout
Indian Creek	Rio Grande cutthroat trout brown trout
Jack's Creek	Rio Grande cutthroat trout rainbow trout brown trout cutthroat trout
Macho Canyon Creek	Rio Grande cutthroat trout rainbow trout
Panchuela Creek	Rio Grande cutthroat trout rainbow trout brown trout cutthroat trout
Pecos River	Rio Grande cutthroat trout

²⁷ NMDGF, 2021-2022 New Mexico Fishing Rules & Info at 10, https://www.wildlife.state.nm.us/download/publications/rib/2021/fishing/2021_22-New-Mexico-Fishing-Rules-and-Info.pdf.

²⁸ This information is gathered from the NMDGF Environmental Review Tool data, which is included in Petitioners' Exhibit 9.

	rainbow trout brown trout cutthroat trout
Rio Mora	brown trout
Sawyer Creek	Rio Grande cutthroat trout
Wild Horse Creek	Rio Grande cutthroat trout
Willow Creek	cutthroat trout brown trout
Winsor Creek	Rio Grande cutthroat trout rainbow trout brown trout cutthroat trout

Many fly fishers are drawn to this area. The NMDGF collects fishing data through annual surveys, and provided Petitioners with all of the data it has for the nominated streams. This data, which is set forth in Petitioners' Exhibit 10, shows "angler days" for the Pecos River and nine of its tributaries.²⁹ The stretch of the Pecos River in the survey, from the Village of Pecos to Cowles Campground, includes almost the entire stretch of the nominated portion of the Pecos River, from Dalton Canyon Creek upstream to Winsor Creek. Unsurprisingly, this portion of the Pecos River sees tens of thousands of angler days each year. The most recent data, from the 2020-2021 fishing year, shows an astounding 158,402 angler days. *See* Pet'rs Ex. 10. This is the second highest fished stream reach in the state (second only to the San Juan River).³⁰ Fly fishing guides have named the Upper Pecos River number six (out of 11) of the top-rated, best places to

²⁹ The methodology for collection of NMDGF's angler data is set forth in its New Mexico Angler Satisfaction Report 2020-21 License Year at 3-4, <https://www.wildlife.state.nm.us/download/fishing/survey/Angler-Satisfaction-Survey-2021.pdf>. The number of angler days is the estimated total number of whole or partial days in which a water was fished. For example, if an angler fished in the Pecos River ten times and another fished once, the total angler days would be 11.

The streams for which data exist are Bear Creek, Doctor Creek, Holy Ghost Creek, Jack's Creek, Indian Creek, Panchuela Creek, Pecos River, Willow Creek, and Winsor Creek. *See* Pet'rs Ex. 10.

³⁰ Feb. 1, 2022 email from Eric Frey, Sport Fish Program Manager, NMDGF, to Rachel Conn, Deputy Director, Amigos Bravos.

fly fish in New Mexico.³¹ Within the Pecos Canyon, the Pecos River is among New Mexico's best cold-water fisheries.³² Indeed, one of the designated uses of the Pecos River is "high quality, cold-water fisheries."³³ Fishing in the Upper Pecos Watershed continues to grow. The number of angler days on the Pecos River increased by over 17,500 between the 2018-2019 and 2020-2021 fishing years, while fishing on Jack's Creek increased tenfold, and over 10% on the Rio Mora over that same time period. *See* Pet'rs Ex. 10.

Fishing in the Upper Pecos Watershed is a strong economic driver for the local area. The importance of this economic activity is demonstrated by a comparison of 2013 San Miguel County-wide annual fishing days, which was 118,814 — generating just over \$6.5 million in spending³⁴ — with the Upper Pecos Watershed-specific angler days in Petitioners' Exhibit 10. While the Upper Pecos Watershed-specific angler data does not include 2013 data, in the years for which data is available — 2015-2016 — angler days for those streams total over 86,600 angler days. While not definitive, this indicates that a vast majority of San Miguel County angler days are spent on waters nominated in the Petition, and most predominantly, on the Pecos River. It's therefore, reasonable to conclude that the Upper Pecos Watershed is the most popular fishing destination in the county and has exceptional recreational significance to the region.

³¹ Guide Recommended Fishing Tips, *11 Best Places to Fly Fish in New Mexico*, <https://guiderecommended.com/fly-fish-new-mexico/> (last visited Apr. 9, 2020).

³² Upper Pecos Watershed Ass'n, *Pecos River Habitat and Riparian Restoration at Mora Recreation Area (2012 & 2013)* <https://pecoswatershed.org/projects/completed-projects/mora-recreation-area/> (last visited Apr. 9, 2020).

³³ U.S. Forest Serv., Final Pecos Wild and Scenic River Management Plan at 10 (July 2003), <http://www.rivers.gov/documents/plans/pecos-plan.pdf>.

³⁴ NMDGF, The Economic Contributions of Fishing, Hunting, and Trapping in New Mexico in 2013: A Statewide and County-level Analysis at 54, Table A-49 (July 31, 2014), <http://www.wildlife.state.nm.us/download/publications/press-release/NMDGF-Economics-of-Fishing-Hunting-and-Trapping-Final.pdf>.

2. Species of Economic and Recreational Importance

NMDGF data shows that the nominated waters of the Upper Pecos Watershed contain numerous Species of Economic and Recreational Importance (“SERI”), which demonstrates these waters’ remarkable recreational value to the state. NMDGF conducted a search through its Environmental Review Tool (“ERT”) for SERI for each of the 16 nominated named waters of the watershed. Petitioners’ Exhibit 9 identifies all SERI within one-mile of each bank of each of the named streams.³⁵ Because each identified unnamed nominated non-perennial stream drains into one of these 16 named streams, the species search includes at least one-mile of all 96 unnamed tributaries and all wetlands adjacent to the 16 named streams. SERI found in some or all of the nominated waters include Rio Grande cutthroat trout, cutthroat trout, rainbow trout, brown trout, black bear, cougar, elk, and mule deer.³⁶ Table 4 summarizes the SERI within one-mile of each bank of each named stream.

³⁵ Inclusion of a species within the designated search perimeter of a stream was based upon its observation there or a species distribution model. Each ERT in Exhibit 9 provides that, “This is a preliminary environmental screening assessment and report. It is not a substitute for the potential wildlife knowledge gained by having a biologist conduct a field survey of the project area.”

³⁶ The ERTs in Petitioners’ Exhibit 9 mislabel cutthroat trout, white sucker, cave obligate springtail, and (sometimes) Rio Grande cutthroat trout as Species of Greatest Conservation Need or “SGCN”. However, cutthroat trout and Rio Grande cutthroat are SERI, and white sucker and cave obligate springtail are neither SGCN nor SERI.

Table 4: Species of Economic and Recreational Importance by Stream³⁷

Stream	Number of SERI	SERI Species
Bear Creek	5	black bear, cougar, elk, mule deer, brown trout
Carpenter Creek	6	black bear, cougar, elk, mule deer, brown trout, rainbow trout
Dalton Canyon Creek	4	black bear, cougar, mule deer, Rio Grande cutthroat trout
Davis Creek	5	black bear, cougar, elk, mule deer, cutthroat trout
Doctor Creek	6	black bear, cougar, elk, mule deer, brown trout, Rio Grande cutthroat trout, cutthroat trout
Holy Ghost Creek	5	black bear, cougar, mule deer, brown trout, Rio Grande cutthroat trout, cutthroat trout
Indian Creek	4	black bear, cougar, mule deer, brown trout, Rio Grande cutthroat trout
Jack's Creek	8	black bear, cougar, elk, mule deer, Rio Grande cutthroat trout, brown trout, rainbow trout, cutthroat trout
Macho Canyon Creek	5	black bear, cougar, mule deer, Rio Grande cutthroat trout, rainbow trout
Panchuela Creek	8	black bear, cougar, elk, mule deer, Rio Grande cutthroat trout, brown trout, rainbow trout, cutthroat trout
Pecos River	8	black bear, cougar, elk, mule deer, Rio Grande cutthroat trout, brown trout, rainbow trout, cutthroat trout
Rio Mora	5	black bear, cougar, elk, mule deer, brown trout
Sawyer Creek	4	black bear, cougar, mule deer, Rio Grande cutthroat trout
Wild Horse Creek	4	black bear, cougar, mule deer, Rio Grande cutthroat trout
Willow Creek	6	black bear, cougar, elk, mule deer, brown trout, cutthroat trout
Winsor Creek	8	black bear, cougar, elk, mule deer, Rio Grande cutthroat trout, brown trout, rainbow trout, cutthroat trout

*Streams include all nominated unnamed tributaries and all 16 wetlands.

³⁷ This information is gathered from the NMDGF ERT, Petitioners' Exhibit 9.

The SERI found in all named nominated waters attract fishers, hunters, and other recreationists far and wide. All nominated waters boast exceptional recreational significance and should be designated as ONRWs on this basis. 20.6.4.9.B(2) NMAC.

D. Existing Water Quality Meets or Exceeds Water Quality Criteria

A water is eligible for designation as an Outstanding Water if it has existing water quality that is equal to or better than the numeric criteria for protection of aquatic life and contact uses and the human health-organism only criteria, and the water has not been significantly modified by human activities in a manner that substantially detracts from its value as a natural resource. 20.6.4.9.B(3) NMAC.

Petitioners obtained all existing water quality data for the nominated named streams from the NMED SWQB. Petitioners' Exhibit 6 provides a summary of that water quality data. As shown in Petitioners' Exhibit 6, seven of the nominated named streams and one segment of the Pecos River meet or exceed water quality criteria associated with aquatic life and contact uses. These seven streams are Doctor Creek, Holy Ghost Creek, Indian Creek, Jack's Creek, Panchuela Creek, Rio Mora, and Winsor Creek. The Pecos River, from Jack's Creek to the Pecos River headwaters, also meets the criteria.

The water quality in these seven streams and the Pecos River segment has not been significantly modified by human activities that detracts from its value as a natural resource. While there is a road that follows the mainstem of the Pecos River in the nominated area, this road does not substantially detract from the river's value as a natural resource or as an ONRW, but instead provides access for people to recreate, therefore adding to the outstanding recreational value of the river.

These seven streams and the segment of the Pecos River from Jack's Creek to the headwaters therefore qualify as Outstanding Waters because their existing water quality is equal to or better than the criteria for aquatic life and contact uses. 20.6.4.9.B(3) NMAC.

E. Designation of Nominated Waters Would Be Beneficial to the State

Designation of the nominated waters as Outstanding Waters must be beneficial to the State. 20.6.4.9.B NMAC. Protecting the nominated waters of the Upper Pecos Watershed as ONRWs has numerous benefits to the State of New Mexico. The streams of the Upper Pecos Watershed are the lifeblood of nearby communities and ecosystems that they feed. The Pecos River provides clean water to multiple acequias for irrigating farms and ranches. It draws visitors from across New Mexico and out-of-state to enjoy its scenic beauty and abundant outdoor recreation opportunities. Many seek solitude in the rugged forests and canyons of the surrounding National Forest areas. Others gather to picnic or fish at the Dalton Site or camp at one of the nearby campgrounds. Popular recreational activities range from hiking, biking, and camping to fishing, horseback riding, and more. Lodging and other local businesses depend on the health of the streams of the Upper Pecos Watershed to attract visitors. Recreation in the Upper Pecos Watershed is vital to local economies, and helps diversify the state's economy overall, creating more opportunities for individuals, families, and communities — including future generations — to thrive right here in New Mexico.³⁸

³⁸ U.S. Forest Serv., Landscape Scale Assessment for the Pecos River Headwaters Watershed (2004).



Rio Mora, Spring 2021. Magda Matecka.

These benefits are a product of the Upper Pecos Watershed's exceptional, significant, and intertwined recreational, ecological, economic, and cultural values. These values underscore how and why the nominated waters of the Upper Pecos Watershed satisfy multiple Outstanding Waters designation criteria, including the presence of special trout waters and Wild and Scenic River status, as well as exceptional ecological and recreational significance. Importantly, these benefits are all tied to the existing high quality of the waters within the watershed, which further underscores the value of recognizing and protecting these waters via Outstanding Waters designation at the watershed scale.

Despite its exceptional significance, the Upper Pecos Watershed is facing new challenges, both imminent and long-term. Impacts from roads and extractive industries threaten the high-quality upstream waters. Increased recreation in the watershed is also threatening water

quality and has the potential to degrade the very qualities — clean water, native species, exceptional hunting, and fishing opportunities — that draw recreationists to the region in the first place. Degradation of the currently pristine upstream waters would impede efforts to restore and manage the more polluted waters downstream. The ever-increasing effects of climate change exacerbate these threats. Thus, everything we do today to protect the current health of the watershed and boost its long-term adaptive capacity and resilience provides a benefit to the communities that rely on the Upper Pecos Watershed, as well as the state as a whole.

The federal Clean Water Act’s antidegradation policy — specifically its Outstanding Waters provisions — allows for the protection of a state’s high quality, most valued surface waters in perpetuity. New Mexico water quality standards also recognize Outstanding Waters protection as a key component of the state’s antidegradation policy, and afford maximum water quality protection to ONRWs. 20.6.4.8.A(3) NMAC. The state standards provide that “no degradation shall be allowed” within a designated ONRW, 20.6.4.8.A(3)(a)–(e) NMAC, while allowing certain pre-existing and traditional land-use activities, such as grazing and acequia operations, to continue, 20.6.4.8.A(4) NMAC.

Some of the many benefits to New Mexico associated with designating the Upper Pecos Watershed as an Outstanding Water are detailed below, and described by other witnesses.

1. Beneficial to the state’s ability to mitigate against and adapt to climate change

Designating New Mexico’s waters, such as the waters of the Upper Pecos Watershed, as Outstanding Waters serves as a keystone of the state’s efforts to achieve the objectives not only of the federal Clean Water Act, 33 U.S.C. § 1251(a) (“to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters”), but also of the state Water Quality Act (“to prevent or abate water pollution”), NMSA 1978, § 74-6-4(E). Outstanding Waters

designation will amplify current, existing uses in the Upper Pecos Watershed by ensuring the protection and restoration of ecological and recreational significance as well as current water quality into the future. Those whose lives and livelihoods are inexorably linked to the Upper Pecos Watershed have long been good stewards. An Outstanding Waters designation for the waters of the Upper Pecos Watershed will help ensure that the watershed continues to flourish in harmony with thriving, resilient ecosystems and communities for generations to come.

2. Beneficial to the state's historical and cultural significance

The Pecos River and its tributaries hold deep historical and cultural significance, both locally and nationally. Protecting this history and preserving clean water so future generations can carry on these rich traditions has wide reaching benefits to the state.

a. Pecos Pueblo

Pecos Pueblo, which translates to “the place above the water,” is an ancestral pueblo for Pecos descendants at Jemez Pueblo. The Pecos People, and the Hemish, or Jemez People, were kin. They were one Towa-speaking people at the time of the great migration from the Four Corners Region. The Pecos Clan branched from the main Jemez group and took a southeastern migration route, eventually making their way down to the Pecos River Valley. The Pecos People built villages along the Pecos River Valley in the 1200s and 1300s, and by the 1450s they had constructed and settled in the one big village known as Pecos Pueblo. In the spring of 1541, the Spanish Exploration led by Francisco Vazquez de Coronado arrived at the great Pueblo of P`æ kilâ, home to more than 2,000 people. The Spanish described it as the largest of the Pueblos, well-fortified and having a great number of very healthy people. The Pecos People were adept farmers, planting corn, beans, and squash along the floodplains of the Pecos River and Glorieta Creek. They procured big and small game, birds, fish, acorns, berries, seeds and medicinal plants

along the far reaches of the headwaters of the Pecos River Valley, down to the toes of the Tecolote Mountains located at the south end of the valley. They established shrines or sacred places along the Sangre de Cristo Mountains and along the sacred waters of the Pecos River. The shrines or sacred places were put there to connect with the Holy Beings that lived there.

Over three generations, the community lost 75% of its population. Pecos Pueblo suffered great losses from Spanish and Mexican encroachment, Comanche attacks, and diseases. The most devastating of all was a smallpox epidemic that swept through Pecos Pueblo. Contamination of the Pueblo's source of drinking water caused further sickness. The surviving Pecos People, which numbered less than 40 individuals sought refuge at the Pueblo of Jemez. On August 2, 1838, twenty-one individuals from Pecos Pueblo arrived at Jemez Pueblo to request their acceptance amongst their kin.

b. Spanish settlers and land grants

Starting in the mid-16th century, Spanish settlers arrived in the area and established land grants. The descendants of these settlers still live in the area today. The farming and ranching traditions and other traditional uses of the Upper Pecos Watershed depend on clean water for growing crops and raising livestock. One local organic farmer traces his family origins in the area back eight generations, and a local goat herder traces his family history in the Upper Pecos back to 1663. Like many other area residents, they depend on this watershed to continue their long-standing traditional land use practices.

c. Acequias

Flowing into nearby acequias, the waters of the Upper Pecos Watershed are vital to local food and agriculture, economies, and communities. Established along with the Spanish and Mexican land grants, the acequias are also a vital part of the land-based culture of the Upper

Pecos Watershed and the Pecos River. There are numerous acequias that depend on clean water from the Pecos River for irrigating traditional crops and for maintaining important cultural traditions. Most of the farmers who sell at local farmers' markets derive their water from acequias fed by the Pecos River.

Acequias are known for their cultural connections to the river – not only because they divert water to sustain agricultural traditions – but also in their empirical and cultural knowledge about the river and its respective waterways that are under their care.

Intricate customs and traditions unique to each acequia persist in each of the traditional villages along the Pecos River. These traditions include communal work of keeping the ditches clean and flowing with clean water and the immense challenge of working together to share water in times of scarcity. Their collective approach to water management and their unique role in water governance make acequias a vital cultural asset to the region that is inextricably tied to the waters of the Upper Pecos Watershed.

d. Benefits of protecting water quality and watersheds

The essential ecosystem functions and services of watersheds are numerous and include nutrient cycling, carbon storage, erosion and sediment control, increased biodiversity, soil formation, wildlife corridors, water storage and filtration, flood control, food, timber, forage, recreation, and reduced vulnerability to the effects of climate change.³⁹ By designating the waters of the Upper Pecos Watershed as Outstanding Waters, the antidegradation protections that the designation provides will help protect the functions of the entire watershed, as well as its

³⁹ Laura Dlugolecki, U.S. Environmental Protection Agency, Healthy Watersheds Program, Economic Benefits of Protecting Healthy Watersheds: A Literature Review (June 2012).

unique, individual parts and will set the stage for activities that restore or maintain water quality into the future.

A healthy watershed performs key functions that support indigenous sensitive species through vulnerable life stages and irregular climatic conditions. Watershed integrity has been described as the “capacity of a watershed to support and maintain the full range of ecological processes and functions essential to the sustainability of biodiversity and of the watershed resources and services provided to society.”⁴⁰ Just as the ecological and human uses of a watershed are inextricable, so too must be the commitment to long term sustainability of healthy watershed functions through effective, consistent, and science-based protection. By protecting the water quality in the nominated waters of the Upper Pecos Watershed, the watershed as a whole will benefit and this, in turn, benefits the region and the state as a whole.

e. National significance

The Pecos River is an iconic river of the United States and is often referenced in literature, movies, and on television shows. It is a major tributary of the Rio Grande. The phrase “West of the Pecos” or “this side of the Pecos” is a common saying used to divide the country geographically. Today, the rich history and rugged beauty of the Pecos draws visitors from across the U.S. and internationally.

f. Beneficial to state’s economy

One of the distinct benefits of Outstanding Waters designation is the protection it affords to native plant and animal life, as well as downstream water users, including municipalities. Much of the water in New Mexico flows from relatively intact forests and congressionally

⁴⁰ J. E. Flotemersch et al., A Watershed Integrity Definition and Assessment Approach to Support Strategic Management of Watersheds, 32:7 River Research & Applications 1654–71 (2016).

designated wilderness areas. The Commission has recognized the high quality of these waters, stating in its 2000 report to Congress that the majority of waters determined to fully support designated uses “are in wilderness areas or in watersheds protected from anthropogenic impacts.”⁴¹ Several small communities and larger municipalities including Santa Fe, Las Vegas, and the Village of Pecos, rely on this water from the Upper Pecos Watershed for recreation, irrigation, hunting, and fishing. The Pecos River also eventually flows into the Amistad International Reservoir which is a major source of drinking water for Texas cities all the way to the Gulf of Mexico. Allowing degradation in the area, whether from hard-rock mining, recreational over-use, or otherwise, could adversely affect the thousands of people who rely on clean water from the Upper Pecos Watershed for their daily needs. Watersheds — such as the Upper Pecos — purify the waters that flow from them at no cost to downstream municipalities. Such a valuable ecological service provides potentially significant nonmarket economic benefits and can save vast sums of money and bolster the adaptive capacity and resilience of area municipalities both ecologically *and* financially in the face of climate change.

The economic significance of the nominated waters is also tied to their exceptional recreational significance. Recreation is essential to local economies. For example, there are six lodging businesses and one store along the Pecos River (from Windy Bridge to Cowles) that depend on the recreating public. The Pecos Business Association, a New Mexico non-profit business league, also relies on healthy waters to attract visitors. Annually, recreation brings millions of dollars to the area surrounding the nominated waters (and to the State of New

⁴¹ NMDGF, Habitat Fragmentation and the Effects of Roads on Wildlife and Habitats at 8 (Jan. 2005), <http://www.wildlife.state.nm.us/download/conservation/habitat-handbook/project-guidelines/Effects-of-Roads-on-Wildlife-and-Habitats.pdf> (citing N.M. Water Quality Control Comm’n, Water Quality and Water Pollution Control in New Mexico: A Report Prepared for Submission to the Congress of the United States by the State of New Mexico Pursuant to Section 305(b) of the Federal Clean Water Act (2000)).

Mexico). In 2013, anglers alone spent \$28,912,139 in San Miguel County, second only to Bernalillo County.⁴² Hunters spent \$18,379,145. That same year, anglers with fishing destinations in San Miguel County contributed substantially to the state economy by providing 333 jobs, \$11,714,212 in labor income, \$20,520,632 to the state gross domestic product (“GDP”), and \$2,305,642 in state and local tax revenue.⁴³ Hunters destined for San Miguel County contributed 232 jobs, \$7,728,633 in labor income, \$12,470,274 toward the state GDP, and \$1,309,733 in state and local tax revenue.⁴⁴

⁴² NMDGF, The Economic Contributions of Fishing, Hunting, and Trapping in New Mexico in 2013: A Statewide and County-level Analysis at 14-15, Table 5 (2014), <http://www.wildlife.state.nm.us/download/publications/press-release/NMDGF-Economics-of-Fishing-Hunting-and-Trapping-Final.pdf>.

⁴³ *Id.* at 16, Table 6.

⁴⁴ *Id.* at 21, Table 11.



Pecos River, Spring 2021. Jim O'Donnell.

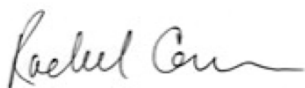
All of the aforementioned recreational activities — and accompanying economic benefits — are intricately connected to the pristine waters that originate and flow through the Upper Pecos Watershed. This scarce natural resource is the foundation upon which all diverse and abundant plant and animal life in the area ultimately depend. By designating the waters of the Upper Pecos Watershed as Outstanding Waters, the Commission would ensure that the nominated waters in the Upper Pecos Watershed are managed so that their outstanding recreational and ecological values are protected for generations to come.

Accordingly, designating the waters of the Upper Pecos Watershed will provide a benefit to the State of New Mexico. 20.6.4.9.B NMAC.

VII. CONCLUSION

As demonstrated by my testimony and the testimony of others, Petitioners have satisfied all procedural requirements for designation of all waters nominated as Outstanding Waters and all waters meet at least one of the substantive criteria for designation under 20.6.4.9.B(1), (2), or (3) NMAC. *See* Pet'rs Ex. 4. Accordingly, in my opinion, the Commission should designate all waters nominated in the Petition as Outstanding Waters.

This ends my testimony, which is accurate to the best of my knowledge.



03/08/2022

Rachel Conn

Date

PETITIONERS' EXHIBIT

3

Experience – Water Quality and Environmental Policy

Deputy Director, Amigos Bravos, Taos, NM 2021-present

Engages in both internal and external facing responsibilities, ranging from project management, including serving as lead on multiple projects and providing other staff guidance and support on their projects, to strategic planning and organizational development, including project development and prioritization and incorporation of Justice, Equity, Diversity, Inclusion (JEDI) principals into organization wide strategy and practice. Partners closely with the Executive Director to chart organizational growth and strategic response to new challenges and opportunities including budget development and staff oversight.

Projects Director, Amigos Bravos, Taos, NM 2010-2021

Oversaw projects and staff in all three of Amigos Bravos' program areas – Holding Polluters Accountable, Restoring Watershed Health, and Building a Water Protection Movement for the Future. Provided technical oversight and leadership to various projects including stormwater control at Los Alamos National Laboratory; monitoring and advocating for solutions to water discharges at Chevron/Molycorp Mine; monitoring water quality in four streams in Taos County; overseeing wetland and riparian restoration projects. Participated in state and federal regulatory processes such as the New Mexico copper rulemaking process, New Mexico dairy rulemaking process, triennial review of New Mexico water quality standards; antidegradation policy decisions; and EPA rulemaking related to water quality.

Clean Water Circuit Rider, Amigos Bravos, Taos, NM, 2002-2010

Provided training on the Clean Water Act including topics such as water quality standards, total maximum daily loads (TMDLs), nation pollutant discharge elimination system (NPDES), and antidegradation including Outstanding National Resource Waters. Provided capacity building support to individuals and communities wanting to protect rivers. Helped coordinate legal and technical resources for watershed and community groups. Tracked and commented on state and national water regulations and policies. Organized and facilitated multiple community coalitions, including coordinating and facilitating meetings, tracking budget items, communicating with the media and assisting with strategic planning.

Project Associate, Amigos Bravos, Taos, NM 2001-2002

Coordinated a project that examined the economic benefits of mine reclamation. Assisted with an investigation into the potential health impacts of mining practices in a community impacted by molybdenum mining. Assisted with writing press releases, coordinating meetings and representing Amigos Bravos at community events. Organized annual art auction that grossed over \$15,000.

Co-Chair, New Mexico Mining Act Network 2013-present

Leads program to implement and strengthen the mine permitting and reclamation requirements of the New Mexico Mining Act.

Vice Chair, Clean Water Network, 2010-2013

Helped oversee financial, organizational and programmatic aspects of the Clean Water Network, a national coalition of conservation organizations devoted to protecting clean water. Chaired the Water Quality Standards Workgroup of the Network, which analyzed and participated in rulemaking procedures that impacted water quality.

Board of Directors, Red River Restoration Group, 2003-2012

Led the formation of the Red River Restoration Group (formally Rio Colorado Reclamation Committee) and participated in overseeing the financial, organizational and programmatic direction of the group. Reviewed technical documents, hired and oversaw technical experts, organized public meetings, and tracked regulatory requirements and compliance related to the Chevron/Molycorp mine in Questa, NM

Project Director, Costilla County Committee for Environmental Soundness, San Luis, CO, 1999-2000

Directed year-long project related to water contamination from a gold mine, funded through an environmental justice grant from the Environmental Protection Agency (EPA). Analyzed water quality data, coordinated experts and drafted a plan outlining options to the town in the event of contamination of their drinking water. Edited and wrote articles for the group's monthly newsletter. Performed accounting and grant reporting tasks. Served as an interface between the state and federal government to ensure that community needs and concerns were addressed.

Environmental Analyst, Massachusetts Department of Environmental Protection, Boston, 1998-1999

Worked on information management practices in the four different bureaus within the Department. Conducted interviews and facilitated meetings to determine what information was necessary for the many different programs including the toxic use reduction program, the air quality programs, and the solid waste program.

Field Researcher, Seviellita National Wildlife Refuge, 1997

Worked and lived on the refuge at the University of New Mexico's field station. Measured percent cover, and identified flora as part of the plant research crew. Learned to identify by sight over a hundred different species of southwest plants.

Education

Colorado College, Colorado Springs, CO May 1997

Bachelor of Arts in Environmental Biology

Technical Testimony Experience

Triennial Review of Water Quality Standards, New Mexico Water Quality Control Commission, 2021, 2013, 2009, 2003 – Presented technical testimony on Clean Water Act requirements, public participation components, antidegradation including Outstanding National Resource Waters, and applicability of water segment specific uses and criteria.

Dairy Rulemaking, New Mexico Water Quality Control Commission, 2010 – Presented technical testimony on public notice requirements.

Outstanding National Resource Waters, New Mexico Water Quality Control Commission, 2010, 2005, 2003– Presented technical testimony on New Mexico's Outstanding National Resource Water nominations for the Rio Santa Barbara, Valle Vidal and Wilderness Waters nominations.

Antidegradation Hearing, New Mexico Water Quality Control Commission, 2007 – Presented technical testimony on New Mexico's antidegradation policy and proposed to changes to the policy.

Minimal Impact Mining Hearing, New Mexico Mining Commission, 2013 – Presented technical testimony on the impacts to communities from extractive industries and the need for public processes such as conducting environmental analysis before initiating large scale mining.

PETITIONERS' EXHIBIT

4

UPPER PECOS ONRW CRITERIA

BLUE SHADING Indicates Criteria Met (Note only NM Benefit plus one other column required)

Waterbody/reach	Stream miles and wetland acres	Description	NM Benefit	Exceptional ecological significance	Exceptional recreational significance	State special trout water	Wild and Scenic River	Water Quality equal to or better than numeric criteria
Bear Creek	1.7	From confluence with the Rio Mora to the Wilderness boundary.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 14 SGCN Peregrine Falcon - threatened (state)	Fishing, multiple species of recreational and economic importance (SERI) 5 SERI 93 angler days (2000-1)			NOT ASSESSED
Bear Creek Trib-1	0.71	From confluence with the Bear Creek to headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 14 SGCN Peregrine Falcon - threatened (state)	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED
Carpenter Creek	0.32 stream miles	From confluence with the Pecos River to the Wilderness boundary.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 16 SGCN Peregrine Falcon - threatened (state) Plants - 4 special status, 2 state endangered	Fishing, multiple species of recreational and economic importance (SERI) 6 SERI			NOT ASSESSED
Dalton Canyon	9.09 stream miles	From confluence with the Pecos River to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need Rio Grande Cutthroat Trout 20 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state)	Fishing, multiple species of recreational and economic importance (SERI) 4 SERI			MIXED YES - PC NO - HQColdWAL, specific conductance (2012)
Dalton Canyon Creek Trib- 1-11;	14.62 stream miles	From confluence with Dalton Creek to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need Rio Grande Cutthroat Trout 20 SGCN Mexican Spotted Owl habitat - threatened (ESA)	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED

Waterbody/reach	Stream miles and wetland acres	Description	NM Benefit	Exceptional ecological significance Peregrine Falcon - threatened (state)	Exceptional recreational significance	State special trout water	Wild and Scenic River	Water Quality equal to or better than numeric criteria
Davis Creek	2.86 stream miles	From confluence with the Pecos River to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 18 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 1 special status, 1 state endangered	Fishing, multiple species of recreational and economic importance (SERI) 5 SERI			NOT ASSESSED
Davis Creek Trib-1	0.47 stream miles	From confluence with the Davis Creek to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 18 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 1 special status, 1 state endangered	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED
Doctor Creek	3.67 stream miles	From the confluence with Holy Ghost Creek to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need Rio Grande Cutthroat Trout 21 SGCN Peregrine Falcon, Spotted Bat, Boreal Owl - threatened (state) Plants - 1 Special status	Fishing, multiple species of recreational and economic importance (SERI) 7 SERI 247 angler days (2015-16)			YES
Doctor Creek Trib-1-4;	2.61 stream miles	From the confluence with Doctor Creek to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need Rio Grande Cutthroat Trout 21 SGCN Peregrine Falcon, Spotted Bat, Boreal Owl - threatened (state) Plants - 1 special status,	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED
Holy Ghost Creek	3.30 stream miles	From the confluence with the Pecos River to the Wilderness boundary.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need	Fishing, multiple species of recreational and economic importance (SERI)			YES

Waterbody/reach	Stream miles and wetland acres	Description	NM Benefit	Exceptional ecological significance 19 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 1 ESA, 2 special status, 2 state endangered	Exceptional recreational significance 6 SERI 2764 angler days (2003-04)	State special trout water	Wild and Scenic River	Water Quality equal to or better than numeric criteria
Holy Ghost Creek Trib-1-13	6.88 stream miles	From the confluence with the Holy Ghost Creek to the headwaters or the Wilderness boundary, whichever comes first.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 19 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 1 ESA, 2 special status, 2 state endangered	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED
Indian Creek	6.62 stream miles	From the confluence with the Pecos River upstream to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need Rio Grande Cutthroat Trout 20 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 1 special status, 1 state endangered	Fishing, multiple species of recreational and economic importance (SERI) 5 SERI 47 angler days (2001-02)			YES
Indian Creek Trib-1-7	10.87 stream miles	From the confluence with Indian Creek upstream to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need Rio Grande Cutthroat Trout 20 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 1 special status, 1 state endangered	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED
Jack's Creek	1.36 stream miles	From the confluence with the Pecos River to the Wilderness boundary.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need Rio Grande Cutthroat Trout 15 SGCN	Fishing, multiple species of recreational and economic importance (SERI) 8 SERI 1641 angler days (2020-21)	YES		YES

Waterbody/reach	Stream miles and wetland acres	Description	NM Benefit	Exceptional ecological significance Peregrine Falcon - threatened (state) Plants - 5 special status, 2 state endangered	Exceptional recreational significance	State special trout water	Wild and Scenic River	Water Quality equal to or better than numeric criteria
Macho Canyon Creek	8.11 stream miles	From the confluence with the Pecos River to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need Rio Grande Cutthroat Trout 21 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon, Spotted Bat, Boreal Owl - threatened (state) Plants - 2 special status, 2 state endangered	Fishing, multiple species of recreational and economic importance (SERI) 5 SERI			MIXED YES - PC NO - HQColdWAL, specific conductance (2012)
Macho Canyon Creek Trib-1-12	21.21 stream miles	From the confluence with the Macho Canyon to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need Rio Grande Cutthroat Trout 21 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon, Spotted Bat, Boreal Owl - threatened (state) Plants - 2 special status, 2 state endangered	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED
Panchuela Creek	1.07 stream miles	From the confluence with the Pecos River to the Wilderness boundary.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 16 SGCN Peregrine Falcon - threatened (state) Plants - 5 special status, 2 state endangered	Fishing, multiple species of recreational and economic importance (SERI) 8 SERI 1410 angler days (2018-19)			YES
Panchuela Creek Trib-1-2	.82 stream miles	From the confluence with the Panchuela Creek to the Wilderness boundary.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 16 SGCN Peregrine Falcon - threatened (state)	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED

Waterbody/reach	Stream miles and wetland acres	Description	NM Benefit	Exceptional ecological significance	Exceptional recreational significance	State special trout water	Wild and Scenic River	Water Quality equal to or better than numeric criteria
				Plants - 4 special status, 2 state endangered				
Pecos River	14.11 stream miles	From the Dalton site upstream to Wilderness boundary.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 19 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 4 special status, 2 state endangered	Fishing, multiple species of recreational and economic importance (SERI) 8 SERI 158,402 angler days (2018-19)	YES, from Rio Mora upstream to Cowles	YES	YES (from Jack's Creek to Wilderness Boundary) - NO (Dalton to Jack's Creek) YES - PC NO - HQColdWAL, temperature (2020) from Jack's Creek downstream to Dalton
Pecos River Trib-1-28	35.82 stream miles	From the Pecos River to headwaters or Wilderness boundary, whichever comes first.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 19 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 4 special status, 2 state endangered	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED
Rio Mora	5.41 stream miles	From the confluence with the Pecos River to the Wilderness boundary.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 17 SGCN Peregrine Falcon - threatened (state) Plants - 3 special status, 1 state endangered	Fishing, multiple species of recreational and economic importance (SERI) 1090 angler days (2016-17) 5 SERI			YES
Rio Mora Trib-1-4	.78 stream miles	From the confluence with the Rio Mora to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 17 SGCN Peregrine Falcon - threatened (state) Plants - 3 special status, 1 state endangered	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED

Waterbody/reach	Stream miles and wetland acres	Description	NM Benefit	Exceptional ecological significance	Exceptional recreational significance	State special trout water	Wild and Scenic River	Water Quality equal to or better than numeric criteria
Sawyer Creek	2.21 stream miles	From the confluence with the Pecos River to the headwaters, including identified tributaries	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 17 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state)	Fishing, multiple species of recreational and economic importance (SERI) 4 SERI			NOT ASSESSED
Sawyer Creek Trib-1	1.28 stream miles	From the confluence with Sawyer Creek to the headwaters, including identified tributaries	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 17 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state)	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED
Wild Horse Creek	2.69 stream miles	From the confluence with Dalton Canyon Creek to the headwaters, including identified tributaries	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need Rio Grande Cutthroat Trout 19 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon, Spotted Bat, Boreal Owl - threatened (state)	Fishing, multiple species of recreational and economic importance (SERI) 4 SERI			NOT ASSESSED
Wild Horse Creek Trib-1-4	4.35 stream miles	From the confluence with Wild Horse Creek to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need Rio Grande Cutthroat Trout 19 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon, Spotted Bat, Boreal Owl - threatened (state)	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED
Willow Creek	5.92 stream miles	from the confluence with the Pecos River to the headwaters, including identified tributaries	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need NMDGF plans to restore Rio Grande Cutthroat Trout	Fishing, multiple species of recreational and economic importance (SERI) 6 SERI			MIXED YES - PC

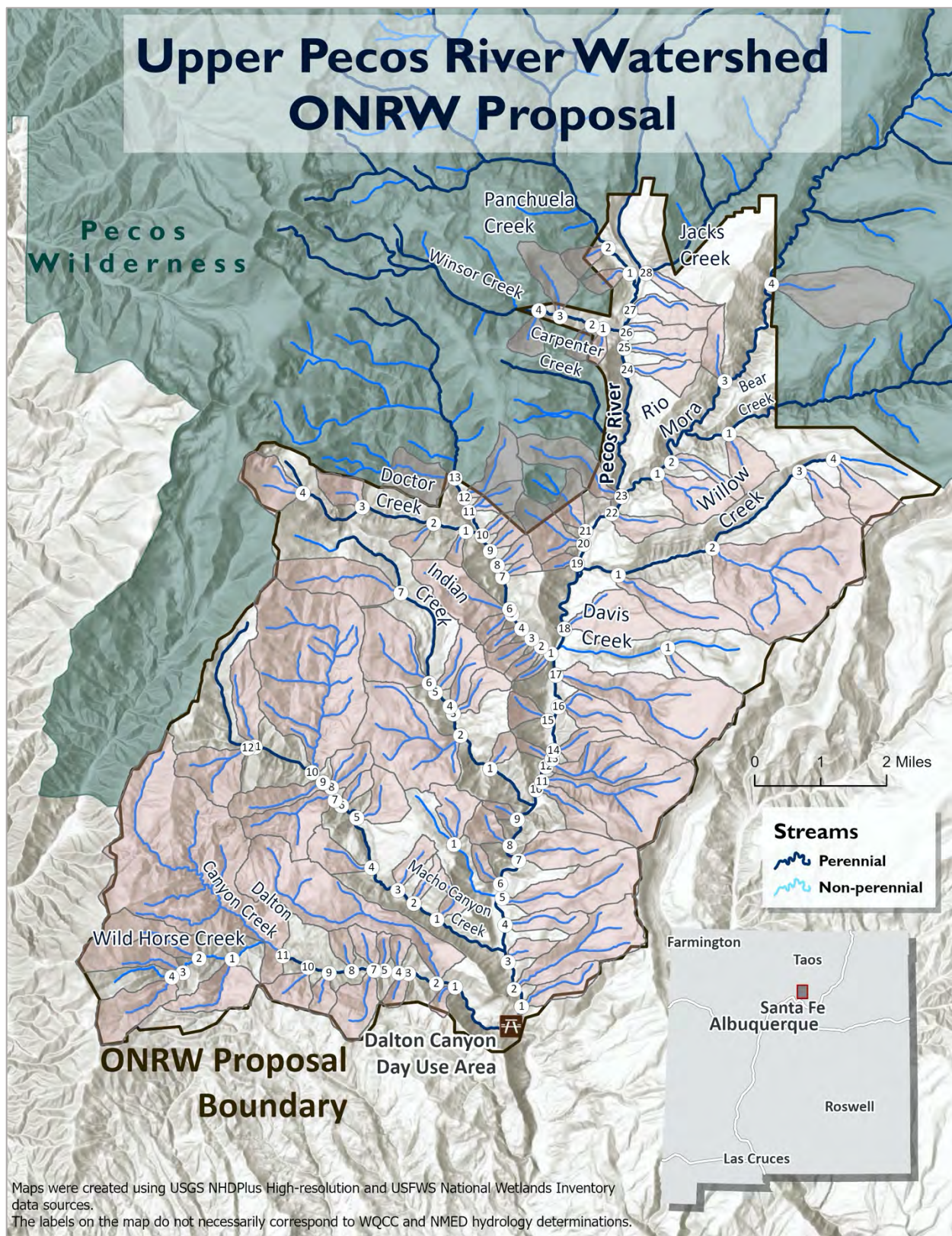
Waterbody/reach	Stream miles and wetland acres	Description	NM Benefit	Exceptional ecological significance	Exceptional recreational significance	State special trout water	Wild and Scenic River	Water Quality equal to or better than numeric criteria NO - HQColdWAL, sediment and siltation, specific conductance (2004)
				19 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 1 special status, 1 state endangered	1121 angler days (2003-04)			
Willow Creek Trib-1-4	8.54 stream miles	from the confluence with Willow Creek to the headwaters.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need NMDGF plans to restore Rio Grande Cutthroat Trout 19 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 1 special status, 1 state endangered	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED
Winsor Creek	2.65 stream miles; 0.17 wetland acres	From the confluence with the Pecos River to the Wilderness boundary, including identified tributaries and wetlands	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 14 SGCN Peregrine Falcon - threatened (state) Plants - 5 special status, 2 state endangered	Fishing, multiple species of recreational and economic importance (SERI) 8 SERI 1449 (2007-08)			YES
Winsor Creek Trib-1-4	2.65 stream miles; 0.17 wetland acres	From the confluence with the Winsor Creek to the headwaters or Wilderness boundary, whichever comes first.	Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need 14 SGCN Peregrine Falcon - threatened (state) Plants - 5 special status, 2 state endangered	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED
Dalton Canyon Creek Freshwater Emergent Wetlands 2a, 2b, and 2c, and Freshwater/Shrub Wetland 3	21.57 wetland acres		Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED

Waterbody/reach	Stream miles and wetland acres	Description	NM Benefit	Exceptional ecological significance	Exceptional recreational significance	State special trout water	Wild and Scenic River	Water Quality equal to or better than numeric criteria
				20 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state)				
Doctor Creek Freshwater Emergent Wetlands 4a, 4b, and 4c	2.0 wetland acres		Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED
				21 SGCN Peregrine Falcon, Spotted Bat, Boreal Owl - threatened (state) Plants - 1 Special status				
Panchuela Creek Freshwater Forested/Shrub Wetland 6	0.64 wetland acres		Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED
				16 SGCN Peregrine Falcon - threatened (state) Plants - 5 special status, 2 state endangered				
Pecos River Freshwater Emergent Wetland 7	6.24 wetland acres		Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED
				19 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 4 special status, 2 state endangered				
Pecos River Freshwater Forested/Shrub Wetlands 8a, 8b, 8c, 8d, 8e, 8f, and 8h	12.51 wetland acres		Mitigate and adapt to climate change; historical and cultural significance; economic benefit (outdoor recreation/tourism)	State and federal E&T Species and Species of Greatness Conservation Need	Multiple species of recreational and economic importance (SERI)			NOT ASSESSED
				19 SGCN Mexican Spotted Owl habitat - threatened (ESA) Peregrine Falcon - threatened (state) Plants - 4 special status, 2 state endangered				

PETITIONERS' EXHIBIT

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Map 1: Nominated Streams



Map 2: Nominated Wetlands

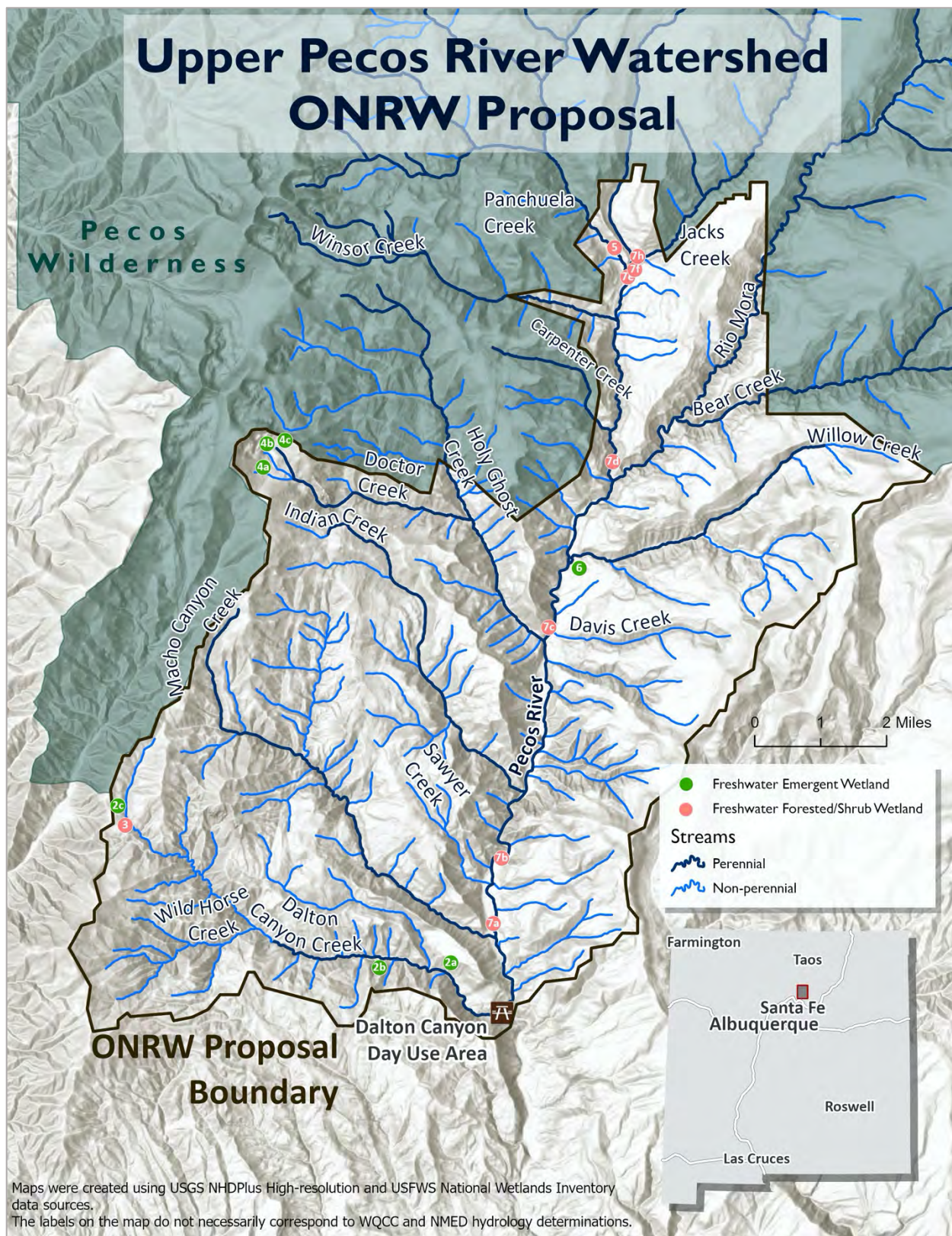


Table 1: Nominated Streams

Stream	Miles	Downstream boundary	Upstream Boundary	Lat/Long at mouth of stream	
				Latitude	Longitude
Bear Creek	1.70	Confluence with the Rio Mora	Wilderness Boundary	35.79033	-105.6431
Bear Trib - 1	0.71	Confluence with Bear Creek	Headwaters	35.790	-105.631
Carpenter Creek	0.32	Confluence with the Pecos River	Wilderness Boundary	35.78719	-105.6607
Dalton Canyon Creek	9.09	Confluence with the Pecos River	Headwaters	35.65884	-105.6887
Dalton Trib - 1	0.37	Confluence with Dalton Canyon Creek	Headwaters	35.668	-105.704
Dalton Trib - 2	5.24	Confluence with Dalton Canyon Creek	Headwaters	35.668	-105.709
Dalton Trib - 3	0.49	Confluence with Dalton Canyon Creek	Headwaters	35.671	-105.717
Dalton Trib - 4	0.47	Confluence with Dalton Canyon Creek	Headwaters	35.671	-105.719
Dalton Trib - 5	0.48	Confluence with Dalton Canyon Creek	Headwaters	35.671	-105.723
Dalton Trib - 6	0.60	Confluence with Dalton Canyon Creek	Headwaters	35.671	-105.726
Dalton Trib - 7	1.04	Confluence with Dalton Canyon Creek	Headwaters	35.671	-105.726
Dalton Trib - 8	0.41	Confluence with Dalton Canyon Creek	Headwaters	35.671	-105.732
Dalton Trib - 9	0.50	Confluence with Dalton Canyon Creek	Headwaters	35.671	-105.738
Dalton Trib - 10	0.58	Confluence with Dalton Canyon Creek	Headwaters	35.672	-105.744
Dalton Trib - 11	4.43	Confluence with Dalton Canyon Creek	Headwaters	35.674	-105.751
Davis Creek	2.86	Confluence with the Pecos River	Headwaters	35.74247	-105.6767
Davis Trib - 1	0.47	Confluence with Davis Creek	Headwaters	35.743	-105.647
Doctor Creek	3.67	Confluence with Holy Ghost Creek	Headwaters	35.76749	-105.6979
Doctor Trib - 1	0.36	Confluence with Doctor Creek	Headwaters	35.768	-105.702
Doctor Trib - 2	0.40	Confluence with Doctor Creek	Headwaters	35.770	-105.711
Doctor Trib - 3	0.51	Confluence with Doctor Creek	Headwaters	35.773	-105.730
Doctor Trib - 4	1.24	Confluence with Doctor Creek	Headwaters	35.776	-105.746
Holy Ghost Creek	3.30	Confluence with Pecos River	Wilderness Boundary	35.7408	-105.6782
Holy Ghost Trib - 1	0.61	Confluence with Holy Ghost Creek	Headwaters	35.741	-105.679
Holy Ghost Trib - 2	0.51	Confluence with Holy Ghost Creek	Headwaters	35.743	-105.682
Holy Ghost Trib - 3	0.61	Confluence with Holy Ghost Creek	Headwaters	35.744	-105.684
Holy Ghost Trib - 4	0.49	Confluence with Holy Ghost Creek	Headwaters	35.747	-105.687
Holy Ghost Trib - 5	0.49	Confluence with Holy Ghost Creek	Headwaters	35.750	-105.690
Holy Ghost Trib - 6	1.53	Confluence with Holy Ghost Creek	Headwaters	35.751	-105.690
Holy Ghost Trib - 7	0.38	Confluence with Holy Ghost Creek	Headwaters	35.758	-105.692
Holy Ghost Trib - 8	0.49	Confluence with Holy Ghost Creek	Headwaters	35.761	-105.694
Holy Ghost Trib - 9	0.47	Confluence with Holy Ghost Creek	Headwaters	35.764	-105.695
Holy Ghost Trib - 10	0.40	Confluence with Holy Ghost Creek	Headwaters	35.767	-105.698
Holy Ghost Trib - 11	0.58	Confluence with Holy Ghost Creek	Wilderness Boundary	35.772	-105.701
Holy Ghost Trib - 12	0.21	Confluence with Holy Ghost Creek	Wilderness Boundary	35.775	-105.703
Holy Ghost Trib - 13	0.12	Confluence with Holy Ghost Creek	Wilderness Boundary	35.780	-105.705
Indian Creek	6.62	Confluence with Pecos River	Headwaters	35.70763	-105.6831
Indian Trib - 1	0.41	Confluence with Indian Creek	Headwaters	35.716	-105.695
Indian Trib - 2	4.45	Confluence with Indian Creek	Headwaters	35.723	-105.703
Indian Trib - 3	0.72	Confluence with Indian Creek	Headwaters	35.728	-105.705
Indian Trib - 4	0.83	Confluence with Indian Creek	Headwaters	35.729	-105.706
Indian Trib - 5	0.93	Confluence with Indian Creek	Headwaters	35.732	-105.710
Indian Trib - 6	1.78	Confluence with Indian Creek	Headwaters	35.735	-105.712
Indian Trib - 7	1.73	Confluence with Indian Creek	Headwaters	35.754	-105.720
Jack's Creek	1.36	Confluence with the Pecos River	Wilderness Boundary	35.82486	-105.6548
Macho Canyon Creek	8.11	Confluence with the Pecos River	Headwaters	35.6754	-105.6907
Macho Trib - 1	0.62	Confluence with Macho Canyon Creek	Headwaters	35.683	-105.709
Macho Trib - 2	0.38	Confluence with Macho Canyon Creek	Headwaters	35.686	-105.715
Macho Trib - 3	0.72	Confluence with Macho Canyon Creek	Headwaters	35.689	-105.720

Stream	Miles	Downstream boundary	Upstream Boundary	Lat/Long at mouth of stream	
				Latitude	Longitude
Macho Trib - 4	0.82	Confluence with Macho Canyon Creek	Headwaters	35.694	-105.727
Macho Trib - 5	0.74	Confluence with Macho Canyon Creek	Headwaters	35.705	-105.731
Macho Trib - 6	0.60	Confluence with Macho Canyon Creek	Headwaters	35.707	-105.735
Macho Trib - 7	1.94	Confluence with Macho Canyon Creek	Headwaters	35.709	-105.737
Macho Trib - 8	1.31	Confluence with Macho Canyon Creek	Headwaters	35.711	-105.738
Macho Trib - 9	1.23	Confluence with Macho Canyon Creek	Headwaters	35.712	-105.740
Macho Trib - 10	10.07	Confluence with Macho Canyon Creek	Headwaters	35.715	-105.743
Macho Trib - 11	1.18	Confluence with Macho Canyon Creek	Headwaters	35.720	-105.759
Macho Trib - 12	1.59	Confluence with Macho Canyon Creek	Headwaters	35.720	-105.761
Rio Mora	5.41	Confluence with the Pecos River	Wilderness Boundary	35.77625	-105.6599
Mora Trib - 1	1.46	Confluence with the Rio Mora	Headwaters	35.781	-105.650
Mora Trib - 2	0.93	Confluence with the Rio Mora	Headwaters	35.783	-105.647
Mora Trib - 3	0.74	Confluence with the Rio Mora	Headwaters	35.801	-105.632
Mora Trib - 4	0.04	Confluence with the Rio Mora	Wilderness Boundary	35.823	-105.620
Panchuela Creek	1.07	Confluence with the Pecos River	Wilderness Boundary	35.82156	-105.6562
Panchuela Trib -1	0.43	Confluence with Panchuela Creek	Wilderness Boundary	35.825	-105.658
Panchuela Trib -2	0.39	Confluence with Panchuela Creek	Wilderness Boundary	35.831	-105.664
Pecos River	14.11	Dalton Canyon Confluence	Wilderness Boundary	35.65884	-105.6887
Pecos Trib - 1	1.37	Confluence with the Pecos River	Headwaters	35.663	-105.686
Pecos Trib - 2	3.19	Confluence with the Pecos River	Headwaters	35.667	-105.688
Pecos Trib - 3	0.40	Confluence with the Pecos River	Headwaters	35.673	-105.690
Pecos Trib - 4	1.16	Confluence with the Pecos River	Headwaters	35.681	-105.691
Pecos Trib - 5	2.08	Confluence with the Pecos River	Headwaters	35.687	-105.692
Pecos Trib - 6	0.62	Confluence with the Pecos River	Headwaters	35.690	-105.692
Pecos Trib - 7	1.28	Confluence with the Pecos River	Headwaters	35.696	-105.687
Pecos Trib - 8	0.62	Confluence with the Pecos River	Headwaters	35.699	-105.690
Pecos Trib - 9	0.37	Confluence with the Pecos River	Headwaters	35.705	-105.688
Pecos Trib - 10	0.84	Confluence with the Pecos River	Headwaters	35.711	-105.683
Pecos Trib - 11	3.33	Confluence with the Pecos River	Headwaters	35.713	-105.681
Pecos Trib - 12	3.24	Confluence with the Pecos River	Headwaters	35.716	-105.680
Pecos Trib - 13	0.38	Confluence with the Pecos River	Headwaters	35.718	-105.678
Pecos Trib - 14	0.61	Confluence with the Pecos River	Headwaters	35.720	-105.678
Pecos Trib - 15	0.62	Confluence with the Pecos River	Headwaters	35.726	-105.680
Pecos Trib - 16	1.56	Confluence with the Pecos River	Headwaters	35.730	-105.677
Pecos Trib - 17	3.46	Confluence with the Pecos River	Headwaters	35.737	-105.678
Pecos Trib - 18	0.84	Confluence with the Pecos River	Headwaters	35.747	-105.675
Pecos Trib - 19	0.40	Confluence with Pecos River	Headwaters	35.761	-105.672
Pecos Trib - 20	1.09	Confluence with Pecos River	Wilderness Boundary	35.765	-105.670
Pecos Trib - 21	0.51	Confluence with the Pecos River	Wilderness Boundary	35.768	-105.670
Pecos Trib - 22	0.73	Confluence with the Rio Mora	Headwaters	35.772	-105.663
Pecos Trib - 23	0.59	Confluence with the Pecos River	Wilderness Boundary	35.776	-105.660
Pecos Trib - 24	0.95	Confluence with the Pecos River	Headwaters	35.804	-105.659
Pecos Trib - 25	0.96	Confluence with the Pecos River	Headwaters	35.809	-105.660
Pecos Trib - 26	0.50	Confluence with the Pecos River	Headwaters	35.812	-105.659
Pecos Trib - 27	1.06	Confluence with the Pecos River	Headwaters	35.817	-105.658
Pecos Trib - 28	0.64	Confluence with the Pecos River	Headwaters	35.825	-105.654
Sawyer Creek	2.21	Confluence with the Pecos River	Headwaters	35.6871	-105.6922
Sawyer Trib - 1	1.28	Confluence with Sawyer Creek	Headwaters	35.699	-105.705
Wild Horse Creek	2.69	Confluence with Dalton Canyon Creek	Headwaters	35.67709	-105.7556

Stream	Miles	Downstream boundary	Upstream Boundary	Lat/Long at mouth of stream	
				Latitude	Longitude
Wild Horse Trib - 1	1.33	Confluence with Wild Horse Creek	Headwaters	35.673	-105.764
Wild Horse Trib - 2	1.03	Confluence with Wild Horse Creek	Headwaters	35.674	-105.773
Wild Horse Trib - 3	1.02	Confluence with Wild Horse Creek	Headwaters	35.670	-105.778
Wild Horse Trib - 4	0.98	Confluence with Wild Horse Creek	Headwaters	35.669	-105.781
Willow Creek	5.92	Confluence with the Pecos River	Headwaters	35.75803	-105.6718
Willow Trib - 1	1.75	Confluence with Willow Creek	Headwaters	35.759	-105.661
Willow Trib - 2	5.60	Confluence with Willow Creek	Headwaters	35.765	-105.635
Willow Trib - 3	0.59	Confluence with Willow Creek	Headwaters	35.782	-105.612
Willow Trib - 4	0.60	Confluence with Willow Creek	Headwaters	35.784	-105.603
Winsor Creek	1.77	Confluence with the Pecos River	Wilderness Boundary	35.81165	-105.659
Winsor Trib - 1	0.41	Confluence with Winsor Creek	Headwaters	35.813	-105.665
Winsor Trib - 2	0.17	Confluence with Winsor Creek	Wilderness Boundary	35.814	-105.668
Winsor Trib - 3	0.19	Confluence with Winsor Creek	Wilderness Boundary	35.815	-105.677
Winsor Trib - 4	0.11	Confluence with Winsor Creek	Wilderness Boundary	35.817	-105.683
Total	179.93				

Table 2: Nominated Wetlands

Label	Type	Acres	Latitude	Longitude
2a	Freshwater Emergent Wetland		35.668	-105.705
2b	Freshwater Emergent Wetland		35.671	-105.720
2c	Freshwater Emergent Wetland	20.91	35.702	-105.791
3	Freshwater Forested/Shrub Wetland	0.66	35.701	-105.790
4a	Freshwater Emergent Wetland		35.781	-105.752
4b	Freshwater Emergent Wetland		35.782	-105.754
4c	Freshwater Emergent Wetland	2.00	35.783	-105.751
5	Freshwater Forested/Shrub Wetland	0.64	35.827	-105.660
6	Freshwater Emergent Wetland	6.24	35.759	-105.671
7a	Freshwater Forested/Shrub Wetland		35.679	-105.692
7b	Freshwater Forested/Shrub Wetland		35.693	-105.689
7c	Freshwater Forested/Shrub Wetland		35.743	-105.676
7d	Freshwater Forested/Shrub Wetland		35.781	-105.660
7e	Freshwater Forested/Shrub Wetland		35.822	-105.656
7f	Freshwater Forested/Shrub Wetland		35.824	-105.655
7h	Freshwater Forested/Shrub Wetland	12.51	35.825	-105.653
Total		42.96		

Wetland Type		Total acres by wetland type
Freshwater Emergent Wetland		29.15
Freshwater Forested/Shrub Wetland		13.81
Total		42.96

PETITIONERS' EXHIBIT

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Summary of Existing Water Quality in Nominated Named Waters

Waterbody/reach	Uses	Site Specific Criteria	Use support	Impairment	Water Quality is Equal to or Better than Criteria
Bear Creek (20.6.4.217 NMAC)	Warmwater aquatic life, livestock watering, wildlife habitat and primary contact				Not Assessed
	Warm Water Aquatic Life	20.6.4.900; dissolved oxygen 5 mg/L or more, maximum temperature 32.2°C (90°F) and pH within the range of 6.6 to 9.0.	Not assessed		
	Primary Contact	the monthly geometric mean of E. coli bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less	Not assessed		
Carpenter Creek (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				Not Assessed
	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 μ S/cm and 1,500 μ S/cm and use specific criteria found at 20.6.4.900.I and J.	Not assessed		
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Not assessed		

Dalton Canyon Creek (Perennial prt Pecos R to headwaters) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				NO
	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 μ S/cm and 1,500 μ S/cm	Not supporting	Specific Conductance 2012 (TMDL EPA approved 9/25/13)	
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Fully supporting		
Davis Creek (20.6.4.98 NMAC)	livestock watering, wildlife habitat, marginal warmwater aquatic life and primary contact		Not assessed		Not Assessed
	Marginal Warmwater Aquatic Life	20.6.4.900			
	Primary Contact	the monthly geometric mean of E. coli bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less			
Doctor Creek (Holy Ghost Creek to headwaters) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				YES

	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 μ S/cm and 1,500 μ S/cm	Fully supporting		
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Fully supporting		
Holy Ghost (Pecos River to headwaters) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				YES
	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 μ S/cm and 1,500 μ S/cm	Fully supporting		
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Fully supporting		
Indian Creek (Pecos River to headwaters) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				YES

	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 μ S/cm and 1,500 μ S/cm	Fully supporting		
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Fully supporting		
Jack's Creek (Pecos River to headwaters) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				YES
	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 μ S/cm and 1,500 μ S/cm			
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Fully supporting		
Macho Canyon Creek (Pecos River to headwaters) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				NO

	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 μ S/cm and 1,500 μ S/cm	Not supporting	Specific Conductance 2012 (TMDL - EPA approved 9/25/13)	
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Fully supporting		
Panchuela Creek (Pecos River to headwaters) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				YES
	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 μ S/cm and 1,500 μ S/cm	Fully supporting		
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Fully supporting		
Pecos River (Alamitos Canyon to Jack's Creek) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				NO

	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 μ S/cm and 1,500 μ S/cm	Not Supporting	Temperature (2020)	
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Fully supporting		
Pecos River (Jack's Creek to headwaters) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				YES
	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 μ S/cm and 1,500 μ S/cm	Fully supporting		
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Fully supporting		
Rio Mora (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				YES

	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 μ S/cm and 1,500 μ S/cm	Fully supporting		
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Fully supporting		
Sawyer Creek (20.6.4.98 NMAC)	livestock watering, wildlife habitat, marginal warmwater aquatic life and primary contact.		Not assessed		Not Assessed
	Marginal Warmwater Aquatic Life	20.6.4.900			
	Primary Contact	the monthly geometric mean of E. coli bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less			
Wild Horse Creek (20.6.4.98 NMAC)	livestock watering, wildlife habitat, marginal warmwater aquatic life and primary contact.		Not assessed		Not Assessed
	Marginal Warmwater Aquatic Life	20.6.4.900			
	Primary Contact	the monthly geometric mean of E. coli bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less			
Willow Creek (Pecos River to headwaters) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				NO

	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 μ S/cm and 1,500 μ S/cm	Not supporting	specific conductance; 2004 (TMDL - EPA approved 9/25/13)	
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Fully supporting		
Winsor Creek (Pecos River to headwaters) (20.6.4.217 NMAC)	domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river				YES
	High Quality Coldwater Aquatic Life	20.6.4.900; dissolved oxygen ≥ 6.0 mg/L, 4T3 temp 20°C (68°F), max temperature 23°C (73°F), pH range of 6.6-8., and specific conductance ≤ 300 μ S/cm and 1,500 μ S/cm	Fully supporting		
	Primary Contact	monthly geo mean of E. coli 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less	Fully supporting		
Non-perennial waters (20.6.4.98 NMAC)	livestock watering, wildlife habitat, marginal warmwater aquatic life and primary contact				Not Assessed
	Marginal Warmwater Aquatic Life	20.6.4.900			
	Primary Contact	the monthly geometric mean of E. coli bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less			

Upper Pecos Watershed ONRW Nomination Baseline Water Quality Data

Source: NMED
Sent by: Charles Dentino
Monitoring Team Supervisor
Monitoring, Assessment and Standards Section
Surface Water Quality Bureau
New Mexico Environment Department
Date: 12/30/19

Part 1: Chemical Water Quality Data – Pecos, Dalton, Doctor, Indian, Jack’s, Macho, Panchuela, Mora, Willow, and Winsor drainages.

<https://westernlaw.org/wp-content/uploads/2020/04/1-Appendix-C-NMED-Water-Quality-Data-Upper-Pecos-2010-Chem-Data.xlsx>

Part 2: Field Data – Pecos, Dalton, Doctor, Indian, Jack’s, Macho, Panchuela, Mora, Willow, and Winsor drainages.

<https://westernlaw.org/wp-content/uploads/2020/04/2-Appendix-C-NMED-Water-Quality-Data-Upper-Pecos-2010-Field-Data.xlsx>

Part 3: Geomorphology Habitat 2010 – Pecos, Dalton, Doctor, Holy Ghost, Jack’s, Panchuela, Willow, Winsor

<https://westernlaw.org/wp-content/uploads/2020/04/3-Appendix-C-NMED-Water-Quality-Data-Upper-Pecos-2010-Geomorph-Habitat.xlsx>

Part 4: Geomorphology Habitat 2016 - Willow

<https://westernlaw.org/wp-content/uploads/2020/04/4-Appendix-C-NMED-Water-Quality-Data-Upper-Pecos-2014-Geomorph-Habitat.xlsx>

Part 5: Benthic Data 1980-2007 – Pecos, Dalton, Holy Ghost, Pecos, Mora, Winsor

https://westernlaw.org/wp-content/uploads/2020/04/5-Appendix-C-NMED-Water-Quality-Data-BenthicTaxon_12-26-19_17_48_24.xlsx

Part 6: Fish Ecology Data 2000-2008 – Pecos, Mora, Panchuela

https://westernlaw.org/wp-content/uploads/2020/04/6-Appendix-C-NMED-Water-Quality-Data-FISH_ECOLOGY_REPORT_12-26-19_17_50_29-1.xlsx

Part 7: Field Data 2001-2007 – Pecos, Jack’s, Holy Ghost, Indian, Mora, Macho, Panchuela, Willow

<https://westernlaw.org/wp-content/uploads/2020/04/7-Appendix-C-NMED-Water-Quality-Data-Pecos-2001-2007-Field-Data.xlsx>

Part 8: 2001-2007 Lab Data – Pecos, Jack’s, Holy Ghost, Willow, Mora, Winsor, Indian, Panchuela

<https://westernlaw.org/wp-content/uploads/2020/04/8-Appendix-C-NMED-Water-Quality-Data-Pecos-2001-2007-Lab-Data.xlsx>

Part 9: Holy Ghost Creek Temp Data

<https://westernlaw.org/wp-content/uploads/2020/04/9-Appendix-C-NMED-Water-Quality-Data-Holy-Ghost-1305260.xls>

Part 10: Panchuela Creek Temp Data

<https://westernlaw.org/wp-content/uploads/2020/04/10-Appendix-C-NMED-Water-Quality-Data-Panchuela-1305250.xls>

Part 11: Pecos (above Willow) Temp Data 2003

<https://westernlaw.org/wp-content/uploads/2020/04/11-Appendix-C-NMED-Water-Quality-Data-Pecos-abv-Willow-584647.xls>

Part 12: Pecos (Above Willow) Temp Data 2010

<https://westernlaw.org/wp-content/uploads/2020/04/12-Appendix-C-NMED-Water-Quality-Data-Pecos-abv-Willow-2386622.xls>

Part 13: Pecos at Wilderness Boundary Temp Data 2001

<https://westernlaw.org/wp-content/uploads/2020/04/13-Appendix-C-NMED-Water-Quality-Data-Pecos-at-wilderness-boundary-309476.xls>

Part 14: Rio Mora Temp Data 2010

<https://westernlaw.org/wp-content/uploads/2020/04/14-Appendix-C-NMED-Water-Quality-Data-Rio-Mora-abv-Pecos.xls>

Part 15: Willow above barrier Temp Data 2010

<https://westernlaw.org/wp-content/uploads/2020/04/15-Appendix-C-NMED-Water-Quality-Data-Willow-abv-barrier-1305279.xls>

Part 16: Willow below mine Temp Data 2010

<https://westernlaw.org/wp-content/uploads/2020/04/16-Appendix-C-NMED-Water-Quality-Data-Willow-blw-mine-1305275.xls>

Part 17: Winsor Data Temp Data 2010

<https://westernlaw.org/wp-content/uploads/2020/04/17-Appendix-C-NMED-Water-Quality-Data-Winsor.xls>

PETITIONERS' EXHIBIT

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AFFIDAVIT OF PUBLICATION

COUNTY OF SAN MIGUEL

STATE OF NEW MEXICO

}

ss.

Legal # 21090315
Petition for Outstanding National
Resource Waters
82 Lines

Phil Scherer

(Editor)

, Being first duly sworn, on oath

states that s/he is a Manager of the Las Vegas Optic, a tri-weekly newspaper of general paid and general circulation in San Miguel county, New Mexico, entered under the second class postal privilege in said county, being the county in which the notice hereto attached is required to be published and said paper has been published in said San Miguel County continuously and uninterruptedly during a period of six months prior to the first issue thereof containing said notice. That the notice of which a copy as published is hereto attached and hereby made a part hereof was published in the English Language in said newspaper once each week for 1 consecutive weeks on the following dates, to wit:

First Publication on the 1st day of September, 20 21.

Second Publication on the _____ day of _____, 20 _____.

Third Publication on the _____ day of _____, 20 _____.

Fourth Publication on the _____ day of _____, 20 _____.

That such notice is a legal notice and was published in said newspaper duly qualified for that purpose within the meaning of the provisions of Chapter 167, session Laws of 1937, and that payment therefor has been made – assessed as Court costs.

Phillip Scherer

Editor

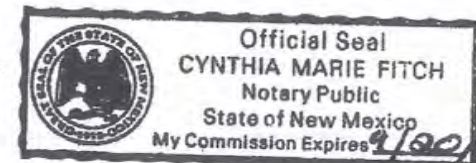
Subscribed and sworn to before me this 13th day of September, 20 21.

CME

Notary Public

9-20-2023

Expires



LVO2021

No. WQCC 21-51 (R) Pet'rs Ex. 7

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Continued from Page 6

conducted a review of the Village of Pecos's (Phase I) proposed Replacement project along South Main Street (NM Highway 63) in accordance with the National Environmental Policy Act (NEPA) and the New Mexico State Environmental Review Process (SERP) for the Drinking Water State Revolving Loan Fund (DWSRLF). The procedure is based on the implementing regulations for NEPA (40 Code of Federal Regulations [CFR] Parts 6, 25, 35, and 1500) as followed by the Environmental Protection Agency (EPA). NMFA has determined that this project is eligible for a Categorical Exclusion (CE). Accordingly, the project is exempted from further substantive environmental review

requirements under 40 CFR Part 6.107(d)(1) and 6.505(b)(1). Following is a description of the proposed action and a statement of how the action meets the criteria for a CE.

Project Description and Background: The Village has applied to the DWSRLF to finance the cost of replacing an existing undersized waterline along the east side of South Main Street between Royal Street to the north and Valencia Mesa road to the south. The new waterline would consist of a 4-inch C900 PVC pipe with two new hydrants and five new valves. It would begin at the Pecos Municipal Building, cross South Main Street, then extend south for approximately 1,000 linear feet (ft) to Valencia Drive. All activities would occur within existing utility corridors, and additional ground disturbance is not anticipated.

The project would upgrade an undersized waterline, provide reliable infrastructure, and reduce future maintenance costs for the Village.

Project Costs: The Village has received funding from the DWSRLF for \$1,000,000.00 for the proposed waterline replacement.

Categorical Exclusion Determination: CEs are identified categories of actions that do not individually, cumulatively over time, or in conjunction with other federal, state, local, or private actions, have a significant effect on the quality of the human environment. For a project to be eligible for a CE under the DWSRLF, it must meet the criteria described in 40 CFR Part 6.107 and 6.505. NMFA has performed a review of the application materials and has determined that the proposed action fits within

the category of actions described by the CE and that no extraordinary circumstances are involved. The proposed action is in a category of actions that are solely directed toward minor rehabilitation of existing facilities or functional replacement of equipment. Specifically, the proposed action includes replacement of an undersized waterline through the installation of 1,000 ft of 4-inch PVC, as well as two new water hydrants and five new valves.

Approval: The conclusions presented here are based on the findings of an independent review of the application materials, including a CE checklist and supporting documentation, for the proposed action. Based on the independent review, the proposed action qualifies as a CE and no extraordinary circumstances exist that would

prevent the issuance of this CE Determination. Therefore, this documentation will serve as a record stating that the proposed action may be categorically excluded from the environmental review process because the action fits within an eligible category.

The responsible official shall revoke a CE and shall require a full environmental review if, subsequent to the granting of an exclusion, the responsible official determines that (1) the proposed action no longer meets the requirements for a CE due to changes in the proposed action; or (2) determines from new evidence that serious local or environmental issues exist; or (3) that federal, state, local, or tribal laws are being or may be violated.

The documentation to support this decision will be on file at the NMFA and is available for public review upon request.

Comments concerning this decision may be addressed to: New Mexico Finance Authority, Attn: Todd Johansen, Senior Program Administrator, 207 Shelby Street, Santa Fe, New Mexico, 87501.

This documentation does not exempt the applicant from applicable local, state, or federal permitting requirements that may result from the proposed action.

Approved: */s/ Marquita Russell*
Chief Executive Officer,
New Mexico Finance Authority
Date: 8/27/2021

Copies Available: The documents that support this CE are available for public review at the following locations:

1. New Mexico Finance Authority, Attn: Todd Johansen, Senior Program Administrator, 207 Shelby Street, Santa Fe, New Mexico, 87501.
2. Attn: Telesfor A.

Benavidez, Mayor/Authorized Water System Representative, P.O. Drawer 337, Pecos, NM 87552
PUB: Las Vegas Optic, Sept 1, 2021

#21090314

NOTICE

Pursuant to 20.1.6.4.9.A(6) NMAC, San Miguel County, the Village of Pecos, the New Mexico Acequia Association, Molino de la Isla Organics LLC, and the Upper Pecos Watershed Association hereby provide notice to the public that they intend to file a Petition with the New Mexico Water Quality Control Commission Nominating the Waters of the Upper Pecos Watershed (upstream of the Dalton Canyon Day Use Area) as Outstanding National Resource Waters (ONRW), pursuant to 20.1.6.4.9 NMAC. The Petition will include a map of the surface waters of the state nominated, including the location and proposed upstream and downstream boundaries; a written statement and evidence based on scientific principles in support of the nomination; water quality data to establish a baseline condition for the proposed ONRW; a discussion of activities that might contribute to the reduction of water quality in the proposed ONRW; and additional evidence to substantiate the designation, including a discussion of the economic impact of the designation on the local and regional economy within the State of New Mexico and the benefit to the state. For more information, please contact the Administrator of the Upper Pecos Watershed Association, 505-757-3600. The draft Petition may be reviewed at commwaters.org. PUB: Las Vegas Optic, Sept 1, 2021

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No. WQCC 21-51 (R) Pet'rs Ex. 7

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO

County of Bernalillo SS

Elise Rodriguez, the undersigned, authorized Representative of the Albuquerque Journal, on oath states that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, that payment therefore has been made of assessed as court cost; and that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

09/02/2021



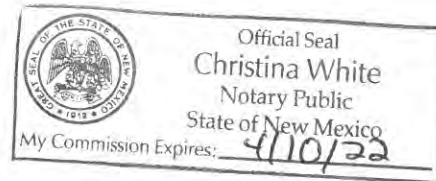
Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this

2 day of September of 2021

PRICE \$60.67

Statement to come at the end of month.

ACCOUNT NUMBER 1097105



Pursuant to 20.1.6.4.9.A(6) NMAC, San Miguel County, the Village of Pecos, the New Mexico Acequia Association, Molino de la Isla Organics LLC, and the Upper Pecos Watershed Association hereby provide notice to the public that they intend to file a Petition with the New Mexico Water Quality Control Commission Nominating the Waters of the Upper Pecos Watershed (upstream of the Dalton Canyon Day Use Area) as Outstanding National Resource Waters (ONRW), pursuant to 20.1.6.4.9 NMAC. The Petition will include a map of the surface waters of the state nominated, including the location and proposed upstream and downstream boundaries; a written statement and evidence based on scientific principles in support of the nomination; water quality data to establish a baseline condition for the proposed ONRW; a discussion of activities that might contribute to the reduction of water quality in the proposed ONRW; and additional evidence to substantiate the designation, including a discussion of the economic impact of the designation on the local and regional economy within the State of New Mexico and the benefit to the state. For more information, please contact the Administrator of the Upper Pecos Watershed Association, 505-757-3600. The draft Petition may be reviewed at ourmmwaters.org.

Journal: September 2, 2021

PETITIONERS' EXHIBIT

8

New Mexico Register / Volume XXXIII, Issue 2 / January 26, 2022**NEW MEXICO WATER QUALITY CONTROL COMMISSION NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO 20.6.4.9 NMAC – STANDARDS FOR INTERSTATE AND INTRASTATE SURFACE WATERS – DESIGNATION OF WATERS OF THE UPPER PECOS WATERSHED AS OUTSTANDING NATIONAL RESOURCE WATERS, NO. WQCC 21-51 (R)**

The New Mexico Water Quality Control Commission (“Commission”) will hold a public hearing on Tuesday, April 12, 2022, and continuing on subsequent days, as necessary, via the WebEx video conferencing platform.

The purpose of the hearing is to consider amendments to the Standards for Interstate and Intrastate Surface Waters, 20.6.4.9 NMAC, Designation of Waters of the Upper Pecos Watershed as Outstanding National Resource Waters. The Commission will begin its regular monthly meeting at 9:00 a.m. MDT, and the public hearing will begin at the conclusion of its regular business. Information for attending the virtual hearing via the WebEx conferencing platform will be available on the Commission website, <https://www.env.nm.gov/water-quality-control-commission/wqcc-meetings/>, at least 30 days prior to the hearing and as follows:

Meeting link:

<https://nmed-oit.webex.com/nmed-oit/j.php?MTID=m3703c9883544d95524c978e7792711a6>

Meeting number: 2453 489 2613

Meeting password: m5RyMJYPP93

To join by phone: +1-415-655-0001

Access code: 2453 489 2613

The proposed amendments to 20.6.4.9 NMAC, as petitioned for by the Village of Pecos, San Miguel County, the Upper Pecos Watershed Association, the New Mexico Acequia Association, and Molino de la Isla Organics, LLC (collectively, “Petitioners”), and docketed as No. WQCC 21-51 (R), propose designation of certain surface waters of the Upper Pecos Watershed in San Miguel County as Outstanding National Resource Waters (“ONRWs”).

The petition and proposed amendments are available on the Commission’s website, at <https://www.env.nm.gov/opf/docketed-matters/>. The petition may also be obtained electronically by contacting Pamela Jones, Commission Administrator, 1190 S. St. Francis Drive, Santa Fe, New Mexico 87502, (505) 660-4305, or Pamela.Jones@state.nm.us.

The hearing will be conducted in accordance with the New Mexico Water Quality Act, NMSA 1978, § 74-6-6; the Rulemaking Procedures for the Water Quality Control Commission, 20.1.6 NMAC; and the Scheduling Order issued December 9, 2021. A copy of the Scheduling Order is available at <https://www.env.nm.gov/opf/docketed-matters/> or may be obtained from the Commission Administrator at the address and phone number above. All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally or in writing, to introduce relevant exhibits and to examine witnesses testifying at the public hearing.

Persons desiring to present technical testimony at the hearing must file with the Commission a written notice of intent. The notice of intent to present technical testimony shall:

1. Identify the person or entity for whom the witness(es) will testify;
2. State whether the person filing the statement supports or opposes the Petition;
3. Identify each witness, including name, address, affiliation(s), and educational and work background;
4. Estimate the length of the direct testimony of each witness;
5. Identify all exhibits which are part of the Record Proper and, for exhibits not part of the Record Proper, attach a copy;

6. List or make available all technical materials relied upon by each witness in making statement of technical of fact or opinion contained in his or her direct testimony; and
7. Attach a summary of the testimony of each witness, stating any opinion(s) to be offered by such witness, and an explanation of the basis for such opinion(s).

The deadline for filing notices of intent is 5:00 p.m. MST on Thursday, March 10, 2022, to the Commission Administrator. Any member of the general public may present non-technical public comment at the hearing or submit a non-technical written statement in lieu of oral testimony before or at the hearing.

All documents filed in this matter, including notices of intent, must be filed electronically via email to the Commission Administrator, at Pamela.Jones@state.nm.us

If any person requires assistance, an interpreter or auxiliary aid to participate in this process, please contact Pamela Jones, Commission Administrator, at least 14 days prior to the hearing date at P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone (505) 660-4305 or email Pamela.jones@state.nm.us. (TDD or TTY) users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above.

COMISIÓN DE CONTROL DE LA CALIDAD DEL AGUA DE NUEVO MÉXICO AVISO DE AUDIENCIA PÚBLICA PARA CONSIDERAR LAS ENMIENDAS PROPUESTAS A 20.6.4.9 NMAC - NORMAS PARA AGUAS SUPERFICIALES INTERESTATALES Y ESTATALES DESIGNACIÓN DE LAS AGUAS DE LA CUENCA ALTA DE PECOS COMO AGUAS DE RECURSOS NACIONALES DESTACADOS, NÚM. WQCC 21-51 (R)

La Comisión de Control de la Calidad del Agua de Nuevo México ("Comisión") celebrará una audiencia pública el martes, 12 de abril de 2022, y continuará en los días siguientes, según sea necesario, a través de la plataforma de videoconferencia WebEx. El propósito de la audiencia es considerar las enmiendas a las Normas para Aguas Superficiales Interestatales y Estatales, 20.6.4.9 NMAC, Designación de Aguas de la Cuenca Alta de Pecos como Aguas de Recursos Nacionales Destacados. La Comisión iniciará su reunión mensual ordinaria a las 9:00 a.m. MST, y la audiencia pública comenzará al concluir sus asuntos ordinarios. La información para asistir a la audiencia virtual a través de la plataforma de conferencias WebEx estará disponible en el sitio web de la Comisión, <https://www.env.nm.gov/water-quality-control-commission/wqcc-meetings/>, al menos 30 días antes de la audiencia y de la siguiente manera:

Enlace a la reunión:

<https://nmed-oit.webex.com/nmed-oit/j.php?MTID=m3703c9883544d95524c978e7792711a6>

Número de la reunión: 2453 489 2613

Contraseña de la reunión: m5RyMJYPP93

Para unirse por teléfono: +1-415-655-0001

Código de acceso: 2453 489 2613

Las enmiendas propuestas a 20.6.4.9 NMAC, solicitadas por la localidad de Pecos, condado de San Miguel, la Asociación de la Cuenca Alta de Pecos, la Asociación de Acequias de Nuevo México y Molino de la Isla Organics, LLC (colectivamente, los "Petitionarios"), y registradas con el número WQCC 21-51 (R), proponen la designación de ciertas aguas superficiales de la Cuenca Alta de Pecos en el condado de San Miguel como Aguas de Recursos Nacionales Destacados ("ONRWs" por sus siglas en inglés).

La petición y las enmiendas propuestas están disponibles en el sitio web de la Comisión, en <https://www.env.nm.gov/opf/docketed-matters/>. La petición también puede obtenerse electrónicamente poniéndose en contacto con Pamela Jones, administradora de la Comisión, 1190 S. St. Francis Drive, Santa Fe, Nuevo México 87502, (505) 660-4305, o Pamela.Jones@state.nm.us.

La audiencia se llevará a cabo de acuerdo con la Ley de Calidad del Agua de Nuevo México, NMSA 1978, § 74-6-6; los Procedimientos de Reglamentación de la Comisión de Control de la Calidad del Agua, 20.1.6 NMAC; y la Orden de Programación emitida el 9 de diciembre de 2021. Una copia de la Orden de Programación está disponible en <https://www.env.nm.gov/opf/docketed-matters/> o puede obtenerse de la administradora de la Comisión en la dirección y el número de teléfono mencionados anteriormente. Todas las personas interesadas tendrán una oportunidad razonable en la audiencia para presentar pruebas, datos, puntos de vista y argumentos pertinentes, de forma oral o por escrito, para presentar las pruebas pertinentes y para interrogar a los testigos que declaren en la audiencia pública.

Las personas que deseen presentar un testimonio técnico en la audiencia deberán presentar a la Comisión un aviso de intención por escrito. El aviso de intención de presentar un testimonio técnico deberá:

1. Identificar a la persona o entidad para la que testificará el testigo o testigos;
2. Indicar si la persona que presenta la declaración apoya o se opone a la Petición;
3. Identificar a cada testigo, incluyendo su nombre, dirección, afiliación(es) y su historial académico y laboral;
4. Estimar la duración del testimonio directo de cada testigo;
5. Identificar todas las pruebas instrumentales que forman parte del Registro Administrativo y en el caso de que las pruebas instrumentales no formen parte del Registro Administrativo adjuntar una copia;
6. Enumerar o poner a disposición todos los materiales técnicos en los que se basó cada testigo para realizar la declaración técnica de hechos u opiniones contenida en su testimonio directo; y
7. Adjuntar un resumen de la declaración de cada testigo, indicando cualquier opinión que vaya a ofrecer y una explicación de la base de dicha opinión u opiniones.

La fecha límite para presentar los avisos de intención es a las 5:00 p.m. MST del jueves 10 de marzo de 2022, a la administradora de la Comisión. Cualquier miembro del público puede presentar comentarios públicos no técnicos en la audiencia o presentar una declaración no técnica por escrito en lugar de un testimonio oral antes o durante la audiencia.

Todos los documentos presentados sobre este asunto, incluidos los avisos de intención, deben presentarse electrónicamente por correo electrónico a la administradora de la Comisión, a Pamela.Jones@state.nm.us

Si alguna persona requiere asistencia, un intérprete o ayuda auxiliar para participar en este proceso, comuníquese con Pamela Jones, administradora de la Comisión, al menos 14 días antes de la fecha de la audiencia en P.O. Box

5469, 1190 St. Francis Drive, Santa Fe, Nuevo México, 87502, teléfono (505) 660-4305 o correo electrónico Pamela.jones@state.nm.us. (TDD o TTY) los usuarios pueden acceder al número a través de la Red de Retransmisión de Nuevo México, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

El NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, como lo exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinación de los esfuerzos de cumplimiento y la recepción de las consultas relativas a los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluyendo el Título VI de la Ley de Derechos Civiles de 1964, con sus enmiendas; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas de Educación de 1972, y la Sección 13 de las Enmiendas de la Ley Federal de Control de Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación del NMED, o si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede ponerse en contacto con: Cordinadora de no discriminación, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. También puede visitar nuestro sitio web en <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para saber cómo y dónde presentar una queja por discriminación.

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David Montoya, the undersigned, authorized Representative of the Albuquerque Journal, on oath states that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, that payment therefore has been made of assessed as court cost; and that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

02/05/2022

David Montoya

Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this

7 day of February of 2022

PRICE \$1,110.42

Statement to come at the end of month.

ACCOUNT NUMBER 1087132



Official Seal
Christina White
Notary Public
State of New Mexico

My Commission Expires: 4/10/22

Christina White



TION

NEW MEXICO WATER QUALITY CONTROL COMMISSION NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO 20.6.4.9 NMAC - STANDARDS FOR INTERSTATE AND INTRASTATE SURFACE WATERS - DESIGNATION OF WATERS OF THE UPPER PECOS WATERSHED AS OUTSTANDING NATIONAL RESOURCE WATERS, NO. WQCC 21-51 (R)

The New Mexico Water Quality Control Commission ("Commission") will hold a public hearing on Tuesday, April 12, 2022, and continuing on subsequent days, as necessary, via the WebEx video conferencing platform. The purpose of the hearing is to consider amendments to the Standards for Interstate and Intrastate Surface Waters, 20.6.4.9 NMAC, Designation of Waters of the Upper Pecos Watershed as Outstanding National Resource Waters. The Commission will begin its regular monthly meeting at 9:00 a.m. MDT, and the public hearing will begin at the conclusion of its regular business. Information for attending the virtual hearing via the WebEx conferencing platform will be available on the Commission website, <https://www.env.nm.gov/water-quality-control-commission/wqcc-meetings/>, at least 30 days prior to the hearing and as follows:

Meeting link:

<https://nmed-oit.webex.com/nmed-oit/j.php?MTID=m3703c9883544d95524c978e7792711a6>

Meeting number: 2453 489 2613
Meeting password: m5RyMJYPP93
To join by phone: +1-415-655-0001
Access code: 2453 489 2613

The proposed amendments to 20.6.4.9 NMAC, as petitioned for by the Village of Pecos, San Miguel County, the Upper Pecos Watershed Association, the New Mexico Acequia Association, and Molino de la Isla Organics, LLC (collectively, "Petitioners"), and docketed as No. WQCC 21-51 (R), propose designation of certain surface waters of the Upper Pecos Watershed in San Miguel County as Outstanding National Resource Waters ("ONRWs").

The petition and proposed amendments are available on the Commission's website, at <https://www.env.nm.gov/opt/docketed-matters/>. The petition may also be obtained electronically by contacting Pamela Jones, Commission Administrator, 1190 S. St. Francis Drive, Santa Fe, New Mexico 87502, (505) 660-4305, or Pamela.Jones@state.nm.us.

The hearing will be conducted in accordance with the New Mexico Water Quality Act, NMSA 1978, § 74-6-6; the Rulemaking Procedures for the Water Quality Control Commission, 20.1.6 NMAC; and the Scheduling Order issued December 9, 2021. A copy of the Scheduling Order is available at <https://www.env.nm.gov/opt/docketed-matters/> or may be obtained from the Commission Administrator at the address and phone number above. All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally or in writing, to introduce relevant exhibits and to examine witnesses testifying at the public hearing.

Persons desiring to present technical testimony at the hearing must file with the Commission a written notice of intent. The notice of intent to present technical testimony shall:

1. Identify the person or entity for whom the witness(es) will testify;
2. State whether the person filing the statement supports or opposes the Petition;
3. Identify each witness, including name, address, affiliation(s), and educational and work background;
4. Estimate the length of the direct testimony of each witness;
5. Identify all exhibits which are part of the Record Proper and, for exhibits not part of the Record Proper, attach a copy;
6. List or make available all technical materials relied upon by each witness in making statement of technical fact or opinion contained in his or her direct testimony; and
7. Attach a summary of the testimony of each witness, stating any opinion(s) to be offered by such witness, and an explanation of the basis for such opinion(s).

The deadline for filing notices of intent is 5:00 p.m. MST on Thursday, March 10, 2022, to the Commission Administrator. Any member of the general public may present non-technical public comment at the hearing or submit a non-technical written statement in lieu of oral testimony before or at the hearing.

All documents filed in this matter, including notices of intent, must be filed electronically via email to the Commission Administrator, at Pamela.Jones@state.nm.us

If any person requires assistance, an interpreter or auxiliary aid to participate in this process, please contact Pamela Jones, Commission Administrator, at least 14 days prior to the hearing date at P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone (505) 660-4305 or email Pamela.Jones@state.nm.us. (TDD or TTY) users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above.

**COMISIÓN DE CONTROL DE LA CALIDAD DEL AGUA DE NUEVO MÉXICO
 AVISO DE AUDIENCIA PÚBLICA PARA CONSIDERAR LAS ENMIENDAS PROPUESTAS A
 20.6.4.9 NMAC - NORMAS PARA AGUAS SUPERFICIALES INTERESTATALES Y ESTATALES
 DESIGNACIÓN DE LAS AGUAS DE LA CUENCA ALTA DE PECOS COMO AGUAS DE RECURSOS NACIONALES
 DESTACADOS, NUM. WQCC 21-51 (R)**

La Comisión de Control de la Calidad del Agua de Nuevo México ("Comisión") celebrará una audiencia pública el martes, 12 de abril de 2022, y continuará en los días siguientes, según sea necesario, a través de la plataforma de videoconferencia WebEx. El propósito de la audiencia es considerar las enmiendas a las Normas para Aguas Superficiales Interestatales y Estatales, 20.6.4.9 NMAC, Designación de Aguas de la Cuenca Alta de Pecos como Aguas de Recursos Nacionales Destacados. La Comisión iniciará su reunión mensual ordinaria a las 9:00 a.m. MST, y la audiencia pública comenzará al concluir sus asuntos ordinarios. La información para asistir a la audiencia virtual a través de la plataforma de conferencias WebEx estará disponible en el sitio web de la Comisión, <https://www.env.nm.gov/water-quality-control-commission/wqcc-meetings/>, al menos 30 días antes de la audiencia y de la siguiente manera:

Enlace a la reunión:

<https://nmed-oit.webex.com/nmed-oit/j.php?MTID=m3703c9883544d95524c978e7792711a6>

Número de la reunión: 2453 489 2613
Contraseña de la reunión: m5RyMJYPP93
Para unirse por teléfono: +1-415-655-0001
Código de acceso: 0088 2453 489 2613

of the Albuquerque Journal, on oath
 all notices or advertisements within the
 that payment therefore has been made
 which is hereto attached, was published in
 date(s):



Official Seal
 Christina White
 Notary Public
 State of New Mexico

My Commission Expires: 4/10/22

[Signature]

Las enmiendas propuestas a 20.6.4.9 NMAC, solicitadas por la localidad de Pecos, condado de San Miguel, la Asociación de la Cuenca Alta de Pecos, la Asociación de Acequias de Nuevo México y Molino de la Isla Organics, LLC (colectivamente, los "Petitionarios"), y registradas con el número WQCC 21-51 (R), proponen la designación de ciertas aguas superficiales de la Cuenca Alta de Pecos en el condado de San Miguel como Aguas de Recursos Nacionales Destacados ("ONRWS" por sus siglas en inglés).

La petición y las enmiendas propuestas están disponibles en el sitio web de la Comisión, en <https://www.env.nm.gov/opt/docketed-matters/>. La petición también puede obtenerse electrónicamente poniéndose en contacto con Pamela Jones, administradora de la Comisión, 1190 S. St. Francis Drive, Santa Fe, Nuevo México 87502, (505) 660-4305, o Pamela.Jones@state.nm.us.

La audiencia se llevará a cabo de acuerdo con la Ley de Calidad del Agua de Nuevo México, NMSA 1978, § 74-6-6; los Procedimientos de Reglamentación de la Comisión de Control de la Calidad del Agua, 20.1.6 NMAC; y la Orden de Programación emitida el 9 de diciembre de 2021. Una copia de la Orden de Programación está disponible en <https://www.env.nm.gov/opt/docketed-matters/> o puede obtenerse de la administradora de la Comisión en la dirección y el número de teléfono mencionados anteriormente. Todas las personas interesadas tendrán una oportunidad razonable en la audiencia para presentar pruebas, datos, puntos de vista y argumentos pertinentes, de forma oral o por escrito, para presentar las pruebas pertinentes y para interrogar a los testigos que declaren en la audiencia pública.

Las personas que deseen presentar un testimonio técnico en la audiencia deberán presentar a la Comisión un aviso de intención por escrito. El aviso de intención de presentar un testimonio técnico deberá:

1. Identificar a la persona o entidad para la que testificará el testigo o testigos;
2. Indicar si la persona que presenta la declaración apoya o se opone a la Petición;
3. Identificar a cada testigo, incluyendo su nombre, dirección, afiliación(es) y su historial académico y laboral;
4. Estimar la duración del testimonio directo de cada testigo;
5. Identificar todas las pruebas instrumentales que forman parte del Registro Administrativo y en el caso de que las pruebas instrumentales no formen parte del Registro Administrativo adjuntar una copia;
6. Enumerar o poner a disposición todos los materiales técnicos en los que se basó cada testigo para realizar la declaración técnica de hechos u opiniones contenida en su testimonio directo; y
7. Adjuntar un resumen de la declaración de cada testigo, indicando cualquier opinión que vaya a ofrecer y una explicación de la base de dicha opinión u opiniones.

La fecha límite para presentar los avisos de intención es a las 5:00 p.m. MST del jueves 10 de marzo de 2022, a la administradora de la Comisión. Cualquier miembro del público puede presentar comentarios públicos no técnicos en la audiencia o presentar una declaración no técnica por escrito en lugar de un testimonio oral antes o durante la audiencia.

Todos los documentos presentados sobre este asunto, incluidos los avisos de intención, deben presentarse electrónicamente por correo electrónico a la administradora de la Comisión, a Pamela.Jones@state.nm.us

Si alguna persona requiere asistencia, un intérprete o ayuda auxiliar para participar en este proceso, comuníquese con Pamela Jones, administradora de la Comisión, al menos 14 días antes de la fecha de la audiencia en P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, Nuevo México, 87502, teléfono (505) 660-4305 o correo electrónico Pamela.jones@state.nm.us. (TDD o TTY) los usuarios pueden acceder al número a través de la Red de Retransmisión de Nuevo México, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

El NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, como lo exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinación de los esfuerzos de cumplimiento y la recepción de las consultas relativas a los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluyendo el Título VI de la Ley de Derechos Civiles de 1964, con sus enmiendas; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas de Educación de 1972, y la Sección 13 de las Enmiendas de la Ley Federal de Control de Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación del NMED, o si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede ponerse en contacto con: Coordinadora de no discriminación, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. También puede visitar nuestro sitio web en <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para saber cómo y dónde presentar una queja por discriminación.

Journal: February 5, 2022

AFFIDAVIT OF PUBLICATION

COUNTIES OF SAN MIGUEL and MORA,
STATE OF NEW MEXICO } ss.

Phil Scherer, Editor, being first duly sworn, on oath states that he is a Manager of the Las Vegas Optic, a semi-weekly newspaper of general paid and general circulation in San Miguel and Mora Counties, New Mexico, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of the provisions of Chapter 167, session Laws of 1937, and that payment therefor has been made and assessed as court costs. That the notice of which a copy as published is hereto attached and hereby made a part hereof was published in said newspaper once each week for 1 consecutive insertion(s). That the first publication being on the 4th day of February, 2022 and the subsequent consecutive publications on the

_____ n/a _____
day(s) of _____, 20_____.

Price: \$450.45.

Account Number: 33497.

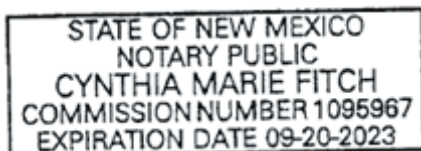


Editor

Subscribed and sworn to before me this 4th
day of February, 2022.



Notary Public



NEW MEXICO WATER
QUALITY CONTROL
COMMISSION NOTICE
OF PUBLIC HEARING
TO CONSIDER
PROPOSED AMENDMENTS
TO 20.6.4.9

NMAC – STANDARDS
FOR INTERSTATE
AND INTRASTATE
SURFACE WATERS
– DESIGNATION OF
WATERS OF THE UPPER
PECOS WATERSHED
AS OUTSTANDING
NATIONAL

RESOURCE WATERS,
NO. WQCC 21-51 (R)
The New Mexico Water
Quality Control Commission
("Commission")

will hold a public hearing
on Tuesday, April
12, 2022, and continuing
on subsequent

days, as necessary, via
the WebEx video conferencing
platform. The

purpose of the hearing
is to consider amendments
to the Standards

for Interstate and Intrastate
Surface Waters,

20.6.4.9 NMAC, Designation
of Waters of

the Upper Pecos Watershed
as Outstanding

National Resource
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will begin its regular
monthly meeting at

9:00 a.m. MDT, and the
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[env.nm.gov/water-quality-](https://www.env.nm.gov/water-quality-control-commission/wqcc-meetings/)

[control-commission/](https://www.env.nm.gov/water-quality-control-commission/wqcc-meetings/)

[wqcc-meetings/](https://www.env.nm.gov/water-quality-control-commission/wqcc-meetings/), at least

30 days prior to the
hearing and as follows:

Meeting link:
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[TID=m3703c9883544d](https://nmed-oiit.webex.com/nmed-oiit/j.php?MTID=m3703c9883544d95524c978e7792711a6)

[95524c978e7792711a6](https://nmed-oiit.webex.com/nmed-oiit/j.php?MTID=m3703c9883544d95524c978e7792711a6)

Meeting number: 2453
489 2613

Meeting password:
m5RyMJYPP93

To join by phone: +1-
415-655-0001

Access code: 2453 489
2613

The proposed amendments
to 20.6.4.9

NMAC, as petitioned for
by the Village of Pecos,
San Miguel County, the
Upper Pecos Watershed

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New Mexico Acequia
Association, and Molino
de la Isla Organics, LLC
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and docketed as
No. WQCC 21-51 (R),
propose designation of
certain surface waters
of the Upper Pecos Watershed
in San Miguel

County as Outstanding
National Resource Waters
("ONRWs").

The petition and proposed
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at [https://www.env.](https://www.env.nm.gov/opf/docketedmatters/)

[nm.gov/opf/docketedmatters/](https://www.env.nm.gov/opf/docketedmatters/).

The petition
may also be obtained

electronically by contacting
Pamela Jones,

Commission Administrator,
1190 S. St.

Francis Drive, Santa
Fe, New Mexico 87502,

(505) 660-4305, or Pamela.
Jones@state.

nm.us.

The hearing will be conducted
in accordance

with the New Mexico
Water Quality Act,

NMSA 1978, § 74-6-6;
the Rulemaking Procedures

for the Water
Quality Control Commission,

20.1.6 NMAC;
and the Scheduling

Order issued December
9, 2021. A copy of

the Scheduling Order
is available at [https://](https://www.env.nm.gov/opf/docketed-matters/)

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COMISIÓN DE CONTROL DE LA CALIDAD DEL AGUA DE NUEVO MÉXICO

AVISO DE AUDIENCIA PÚBLICA PARA CONSIDERAR LAS ENMIENDAS PROPUESTAS A

20.6.4.9 NMAC - NORMAS PARA AGUAS SUPERFICIALES INTERESTATALES Y ESTATALES

DESIGNACIÓN DE LAS AGUAS DE LA CUENCA ALTA DE PECOS COMO AGUAS DE RECURSOS NACIONALES DESTACADOS, NÚM. WQCC 21-51 (R)

La Comisión de Control de la Calidad del

Agua de Nuevo México ("Comisión") celebrará una audiencia pública el martes, 12 de abril de 2022, y continuará en los días siguientes, según sea necesario, a través de la plataforma de videoconferencia WebEx. El propósito de la audiencia es considerar las enmiendas a las Normas para Aguas Superficiales Interestatales y Estatales, 20.6.4.9 NMAC, Designación de Aguas de la Cuenca Alta de Pecos como Aguas de Recursos Nacionales Destacados. La Comisión iniciará su reunión mensual ordinaria a las 9:00 a.m. MST, y la audiencia pública comenzará al concluir sus asuntos ordinarios.

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Para unirse por teléfono: +1-415-655-0001

Código de acceso: 2453 489 2613

Las enmiendas propuestas a 20.6.4.9 NMAC, solicitadas por la localidad de Pecos, condado de San Miguel, la Asociación de la Cuenca Alta de Pecos, la Asociación de Acequias de Nuevo México y Molino de la Isla Organics, LLC (colectivamente, los "Peticionarios"), y registradas con el número WQCC 21-51 (R), proponen la designación de ciertas aguas superficiales de la Cuenca Alta de Pecos en el condado de San Miguel como Aguas de Recursos Nacionales Destacados ("ONRWs" por sus siglas en inglés).

La petición y las enmiendas propuestas están disponibles en el sitio web de la Comisión, en <https://www.env.nm.gov/opf/docketed-matters/>. La petición también puede obtenerse electrónicamente poniéndose en contacto con Pamela Jones, administradora de la Comisión, 1190 S. St. Francis Drive, Santa Fe, Nuevo México 87502, (505) 660-4305, o Pamela.Jones@state.nm.us.

La audiencia se llevará a cabo de acuerdo con la Ley de Calidad del Agua de Nuevo México, NMSA 1978, § 74-6-6; los Procedimientos de Reglamentación de la Comisión de Control de la Calidad del Agua, 20.1.6 NMAC; y la Orden de Programación emitida el 9 de diciembre de 2021. Una copia de la Orden de Programación está disponible en <https://www.env.nm.gov/opf/docketed-matters/> o puede obtenerse de la administradora de la Comisión en la dirección y el número de teléfono mencionados anteriormente.

Todas las personas interesadas tendrán una oportunidad razonable en la audiencia para presentar pruebas, datos, puntos de vista y argumentos pertinentes, de forma oral o por escrito, para presentar las pruebas pertinentes y para interrogar a los testigos que declaren en la audiencia pública. Las personas que deseen presentar un testimonio técnico en la audiencia deberán presentar a la Comisión un aviso de intención por escrito. El aviso de intención de presentar un testimonio técnico deberá:

- Identificar a la persona o entidad para la que testificará el testigo o testigos;
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- Identificar a cada testigo, incluyendo su nombre, dirección,

afiliación(es) y su historia académico y laboral;

4. Estimar la duración del testimonio directo de cada testigo;
5. Identificar todas la pruebas instrumentales que forman parte del Registro Administrativo y en el caso de que las pruebas instrumentales no formen parte del Registro Administrativo adjuntar una copia;
6. Enumerar o poner a disposición todos los materiales técnicos en los que se basó cada testigo para realizar la declaración técnica de hechos u opiniones contenida en su testimonio directo; y
7. Adjuntar un resumen de la declaración de cada testigo, indicando cualquier opinión que vaya a ofrecer y una explicación de la base de dicha opinión u opiniones.

La fecha límite para presentar los avisos de intención es a las 5:00 p.m. MST del jueves 10 de marzo de 2022, a la administradora de la Comisión. Cualquier miembro del público puede presentar comentarios públicos no técnicos en la audiencia o presentar una declaración no técnica por escrito en lugar de un testimonio oral antes o durante la audiencia. Todos los documentos presentados sobre este asunto, incluidos los avisos de intención, deben presentarse electrónicamente por correo electrónico a la administradora de la Comisión, a Pamela.Jones@state.nm.us

Si alguna persona requiere asistencia, un intérprete o ayuda auxiliar para participar en este proceso, comuníquese con Pamela Jones, administradora de la Comisión, al menos 14 días antes de la fecha de la audiencia en P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, Nuevo México, 87502, teléfono (505) 660-4305 o correo electrónico Pamela.jones@state.nm.us. (TDD o TTY) los usuarios pueden acceder al número a través de

la Red de Retransmisión de Nuevo México, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

El NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, como lo exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinación de los esfuerzos de cumplimiento y la recepción de las consultas relativas a los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluyendo el Título VI de la Ley de Derechos Civiles de 1964, con sus enmiendas; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas de Educación de 1972, y la Sección 13 de las Enmiendas de la Ley Federal de Control de Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación del NMED, o si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede ponerse en contacto con: Cordinadora de no discriminación, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. También puede visitar nuestro sitio web en <https://www.env.nm.gov/non-employee-discriminationcomplaint-page/> para saber cómo y dónde presentar una queja por discriminación.

PUB: Las Vegas Optic,
Feb 4, 2022
#22010009

No. WQCC 21-51 (R) Pet'rs Ex. 8


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Rule Hearing Search

Hearing Date:

All

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Comments

Deadline Date:

All

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Agency:

Environment Department

▼

Search

Return to Search Results

Proposed Rule Name:

DESIGNATION OF WATERS OF THE UPPER PECOS WATERSHED AS OUTSTANDING NATIONAL RESOU

Agency:

Environment Department

Purpose:

The proposed amendments to 20.6.4.9 NMAC, as petitioned by San Miguel County, the Village of Pecos, the New Mexico Acequia Association, Molino de la Isla Organics, LLC, and the Upper Pecos Watershed Association (collectively, "Petitioners"), and docketed as WQCC 21-51 (R), propose designation of the waters of the Upper Pecos Watershed in San Miguel County as Outstanding National Resource Waters ("ONRWs").

Summary:

DESIGNATION OF WATERS OF THE UPPER PECOS WATERSHED AS OUTSTANDING NATIONAL RESOURCE WATERS PURSUANT TO 20.6.4.9 NMAC

Rule Complete Copy :

The petition and proposed amendments are available on the Commission's website, at <https://www.env.nm.gov/opf/docketed-matters/> (<https://www.env.nm.gov/opf/docketed-matters/>). The petition may also be obtained electronically by contacting Pamela Jones, Commission Administrator, 1190 S. St. Francis Drive, Santa Fe, New Mexico 87502, (505) 660-4305 or Pamela.Jones@state.nm.us (<mailto:Pamela.Jones@state.nm.us>).

Corrections:

Not available

Rule Explanatory Statement:

Not available

Related New Mexico Register Publications:

[Click Here to access Related New Mexico Publications](https://www.srca.nm.gov/new-mexico-register/) (<https://www.srca.nm.gov/new-mexico-register/>)

For any additional information or questions concerning this rule making or posting please contact:

Pamela Jones, Commission Administrator
pamela.jones@state.nm.us
(505) 660-4305

Last Updated Date

1/10/2022 4:19 PM

How to submit Comments:

Those wishing to do so may offer non-technical public comment at the hearing or submit a non-technical written statement in lieu of oral testimony at or before the hearing. Written comments regarding the proposed amendment may be addressed to Pamela Jones, WQCC Administrator, at the above address, and should reference docket number WQCC 21-51 (R).

When are comments due:

4/12/2022 9:00 AM

Hearing Date:

4/12/2022 9:00 AM

Public Hearing Location:

The WebEx video conferencing platform. <https://nmed-oit.webex.com/nmed-oit/j.php?MTID=m3703c9883544d95524c978e7792711a6> (<https://nmed-oit.webex.com/nmed-oit/j.php?MTID=m3703c9883544d95524c978e7792711a6>) 4/12/2022 (9:00 AM -)

How to participate:

Those wishing to do so may offer non-technical public comment at the hearing or submit a non-technical written statement in lieu of oral testimony at or before the hearing. Written comments regarding the proposed amendment may be addressed to Pamela Jones, WQCC Administrator, at the above address, and should reference docket number WQCC 21-51 (R). Pursuant to 20.1.6.203 NMAC, any person may file an entry of appearance as a party. The entry of appearance shall be filed with the WQCC Administrator, at the above address, no later than March 23, 2022, 20 days before the date of the hearing.

① If the document is not visible on the previewer, please download the file.

File	File Name	File Type	Description
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Rule Hearing Search

Hearing Date:
All

Comments
Deadline Date:
All

Agency:
Environment Department

Search

Total Results: 31 - Page #1

View	Agency	Public Hearing	Purpose	Hearing Date	Comments Due Date
View Details	Environment Department	DESIGNATION OF WATERS OF THE UPPER PECOS WATERSHED AS OUTSTANDING NATIONAL RESOU	DESIGNATION OF WATERS OF THE UPPER PECOS WATERSHED AS OUTSTANDING NATIONAL RESOURCE WATERS	4/12/2022	4/12/2022 9:00 AM
View Details	Environment Department	PROPOSED AMENDMENTS TO 20.3.20 NMAC OF THE RADIATION PROTECTION REGULATIONS EIB	AMENDMENTS TO 20.3.20 NMAC OF THE RADIATION PROTECTION REGULATIONS	3/25/2022	3/25/2022 12:00 PM
View Details	Environment Department	Proposed New Rule, 20.2.50 NMAC-Oil and Gas Sector-Ozone Precursor Pollutants	To provide emission standards to sources in the oil and gas sector in areas of the state that are within 95% of the NAAQS.	9/20/2021	6/22/2021 12:00 PM
View Details	Environment Department	AMENDMENTS TO 20.7.4 NMAC, UTILITY OPERATOR CERTIFICATION - WQCC 21-26	AMENDMENTS TO 20.7.4 NMAC, UTILITY OPERATOR CERTIFICATION	8/10/2021	8/10/2021 12:00 PM
View Details	Environment Department	AMENDMENTS TO 20.6.4 NMAC, TRIENNIAL REVIEW OF STANDARDS FOR SURFACE WATERS	AMENDMENTS TO 20.6.4 NMAC, TRIENNIAL REVIEW OF STANDARDS FOR INTERSTATE AND INTRASTATE SURFACE WATERS	7/13/2021	7/13/2021 12:00 PM
View Details	Environment Department	APPROVED AMENDMENTS TO 20.3.1,3-5,7,12,15 NMAC Radiation Protect. EIB21-09	AMENDMENTS TO 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, AND 20.3.15 NMAC OF THE RADIATION PROTECTION REGULATIONS	6/25/2021	6/25/2021 12:00 PM
View Details	Environment Department	Approved Amendments To 20.2.79 NMAC, Permits - Nonattainment Areas, EIB 21-07(R)	Proposed amendments make technical and administrative corrections to 20.2.79 NMAC, Permits - Nonattainment Areas, to ensure that it is adequate to implement and enforce the 2015 revised ozone NAAQS	6/25/2021	5/21/2021 5:00 PM
View Details	Environment Department	2015 Ozone NAAQS Good Neighbor State Implementation Plan, EIB 21-05	To certify that New Mexico has an adequate, federally-approved State Implementation Plan to implement, maintain, and enforce the 2015 ozone NAAQS.	5/28/2021	5/28/2021 5:00 PM

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No. WQCC 21-51 (R) Pet'r's Ex. 8

View	Agency	Public Hearing	Purpose	Hearing Date	Comments Due Date
View Details	Environment Department	DESIGNATION OF UPPER PECOS WATERSHED AS NATIONAL RESOURCE , WQCC 20-18 (R)	DESIGNATION OF WATERS OF THE UPPER PECOS WATERSHED AS OUTSTANDING NATIONAL RESOURCE WATERS	4/13/2021	4/13/2021 12:00 PM
View Details	Environment Department	PROPOSED AMENDMENTS TO 11.5.1.16 NMAC - EIB 20-55	The amendment's purpose is to require employers to report an employee's positive novel coronavirus test to the Occupational Health and Safety Bureau within 4 hours of notice.	12/18/2020	11/27/2020 5:00 PM

[First](#) [Next](#) [Last](#)

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January 24, 2022

Small Business Regulatory Advisory Commission
c/o Johanna Nelson
New Mexico Economic Development Department
1100 St. Francis Drive
Santa Fe, New Mexico 87501
Johanna.Nelson@state.nm.us

Re: Proposed Amendments to 20.6.4. NMAC – *Standards for Interstate and Intrastate Surface Waters*

Dear Johanna Nelson,

The New Mexico Environment Department ("Department" or "NMED") hereby provides notice to the Small Business Regulatory Advisory Commission, pursuant to the Small Business Regulatory Relief Act ("Act"), NMSA 1978, Sections 14-4A-1 to -5, that a petition to amend regulations (20.6.4.9 NMAC, *Standards for Interstate and Intrastate Surface Waters – Outstanding National Resource Waters*) has been filed by a coalition of Petitioners and a hearing has been granted by the New Mexico Water Quality Control Commission ("WQCC").

The WQCC will hold a public hearing on the proposed regulatory amendments [Docket No. WQCC 21-51(R)] beginning on Tuesday, April 12, 2022. For details regarding the time and location of the hearing, and the proposed amendments themselves, please refer to the Docketed Matters webpage for the WQCC at: <https://www.env.nm.gov/opf/docketed-matters/>.

Pursuant to Section 14-4A-4 of the Act, the Department anticipates that the proposed regulatory amendments will have minimal impact on small businesses. If you require further information about these proposed regulatory amendments, please call me at (505) 469-8862 or email me at john.verheul@state.nm.us.

Sincerely,

John Verheul
Deputy General Counsel
New Mexico Environment Department

Cc: Kelly Nokes, counsel for Petitioners (Nokes@westernlaw.org)
Tannis Fox, counsel for Petitioners (Fox@westernlaw.org)

From: [Verheul, John, NMENV](#)
To: joanne.vandestreek@nmlegis.gov
Cc: ics@nmlegis.gov; [Tannis Fox](#)
Subject: RE: Notice of Upcoming Rulemaking Proceeding
Date: Monday, January 10, 2022 2:09:00 PM
Attachments: [2022-01-07 - WPD SWQB WQCC 21 51 R HearingNotice 20220104 meeting link and SPANISH.doc](#)

Good afternoon Ms. Vandestreek,

I am writing to provide notice to you of a petition to amend regulations (20.6.4.9 NMAC, Standards for Interstate and Intrastate Surface Waters – Outstanding National Resource Waters) that a coalition of petitioners filed with the Water Quality Control Commission.

In accordance with NMSA 1978, Section 14-4-2(E), I'm sending the attached notice to you fulfill the requirement of distributing rulemaking information by providing it to the New Mexico legislative council service for distribution to the appropriate interim and standing legislative committees. The notice will also be published in the January 25 issue of the New Mexico Register, available here: <https://www.srca.nm.gov/new-mexico-register/>.

Please let me know if you have any questions or require additional information.

Thank you,

John Verheul
Deputy General Counsel
New Mexico Environment Department
121 Tijeras Avenue NE, Ste 1000
Albuquerque, NM 87102
John.Verheul@state.nm.us
505-469-8862 mobile
505-383-2064 fax
<https://www.env.nm.gov/>
Pronouns: he, him, his

PETITIONERS' EXHIBIT

9



PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Bear Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.789461 / -105.641378
County(s): SAN MIGUEL
Project Description: Request from Amigos Bravos for species lists for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

This report contains an initial list of recommendations regarding potential impacts to wildlife or wildlife habitats from the proposed project. Your project proposal is being forwarded to a New Mexico Department of Game and Fish (Department) biologist for review to determine whether there are any additional recommendations regarding the proposed actions. You should be notified within 30 days whether there are further recommendations regarding this project proposal.

About this report:

- This environmental review is based on the project description and location that was entered. The report must be updated if the project type, area, or operational components are modified.
- This is a preliminary environmental screening assessment and report. It is not a substitute for the potential wildlife knowledge gained by having a biologist conduct a field survey of the project area. Federal status and plant data are provided as a courtesy to users. The review is also not intended to replace consultation required under the federal Endangered Species Act (ESA), including impact analyses for federal resources from the U.S. Fish and Wildlife Service (USFWS) using their [Information for Planning and Consultation tool](#).
- The New Mexico Environmental Review Tool (ERT) utilizes species observation locations and species distribution models, both of which are subject to ongoing change and refinement. Inclusion or omission of a species within a report can not guarantee species presence or absence at a precise point location, as might be indicated through comprehensive biological surveys. Specific questions regarding the potential for adverse impacts to vulnerable wildlife populations or habitats, especially in areas with a limited history of biological surveys, may require further on-site assessments.
- The Department encourages use of the ERT to modify proposed projects for avoidance, minimization, or mitigation of wildlife impacts. However, the ERT is not intended to be used in a repeatedly iterative fashion to adjust project attributes until a previously determined recommendation is generated. The ERT serves to assess impacts once project details are developed. The [New Mexico Crucial Habitat Assessment Tool](#) is the appropriate system for advising early-stage project planning and design to avoid areas of anticipated wildlife concerns and associated regulatory requirements.



Pecos ONRW Petition - Bear Creek



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Brown Trout	Salmo trutta			SERI
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Elk	Cervus canadensis nelsoni			SERI
Mule Deer	Odocoileus hemionus			SERI

ESA = Endangered Species Act, WCA = Wildlife Conservation Act, SGCN = Species of Greatest Conservation Need, SERI = Species of Economic and Recreational Importance

Project Recommendations

Your proposed project activities may require a custom review for assessment of potential effects to wildlife. If the information provided under the "OVERALL STATUS" section above indicates that your project will be forwarded for review, a Department biologist will confirm whether any additional conservation measures are needed. You should expect to receive any additional project recommendations within 30 days of your project submission. If the "OVERALL STATUS" section indicates that no further consultation with the Department is required, you should not expect to receive additional project feedback from the Department, and you may proceed with project planning as indicated.

The proposed project occurs within or near a riparian area. Because riparian areas are important wildlife habitats, the project footprint should avoid removing any riparian vegetation or creating ground disturbance either directly within or affecting the riparian area. If your project involves removal of non-native riparian trees or planting of native riparian vegetation, please refer to the Department's habitat handbook guideline for [Restoration and Management of Native and Non-native Trees in Southwestern Riparian Ecosystems](#).



Disclaimers regarding recommendations:

- The Department provides technical guidance to support the persistence of all protected species of native fish and wildlife, including game and nongame wildlife species. Species listed within this report include those that have been documented to occur within the project area, and others that may not have been documented but are projected to occur within the project vicinity.
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- Additional coordination may also be necessary under the federal ESA or National Environmental Policy Act (NEPA). Further site-specific recommendations may be proposed during ESA and/or NEPA analyses, or through coordination with affected federal agencies.



PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Carpenter Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.802099 / -105.677585
County(s): SAN MIGUEL
Project Description: Species list request for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

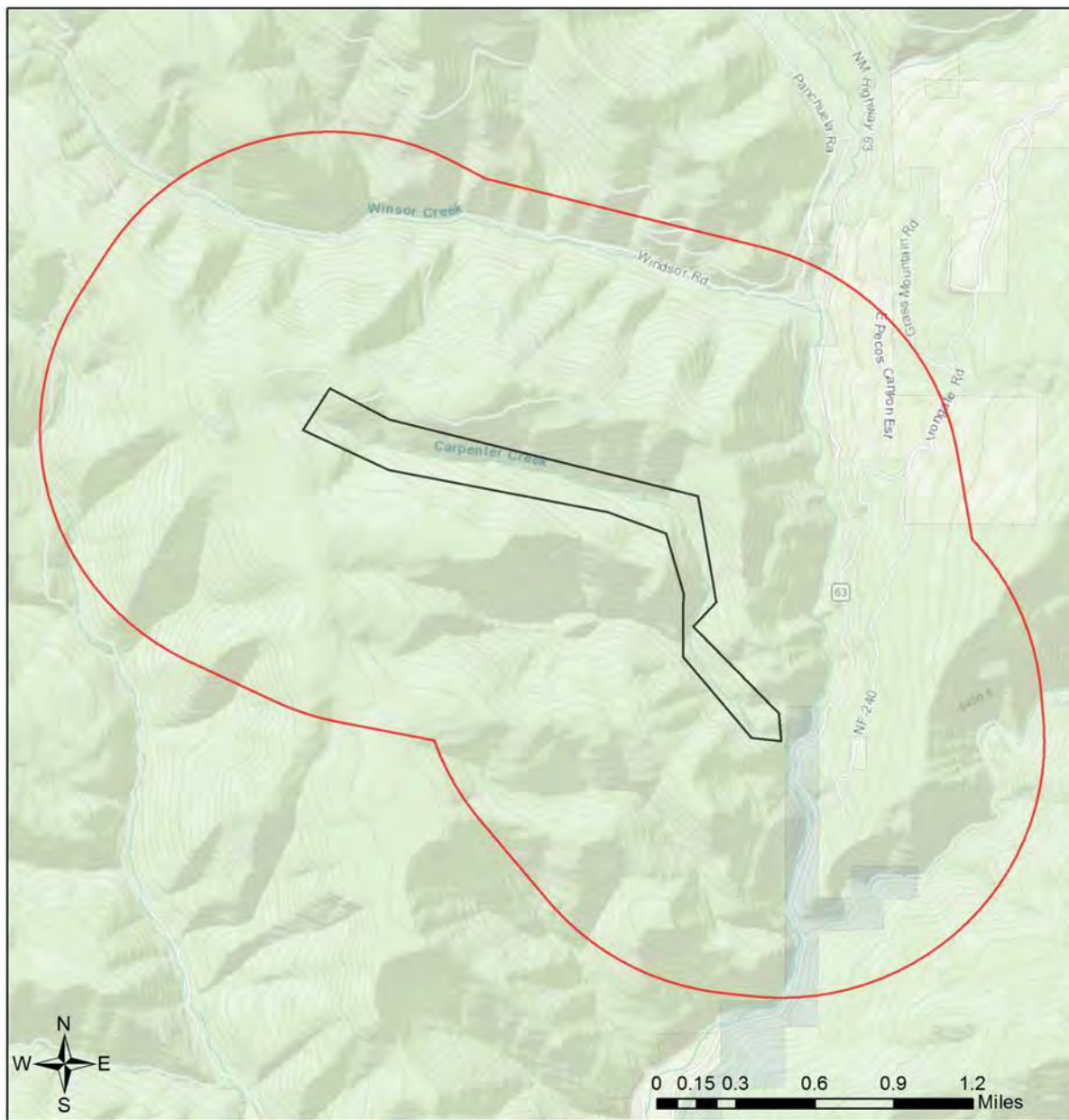
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Pecos ONRW Petition - Carpenter Creek



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Mountain Plover	Charadrius montanus			SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
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Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Rainbow Trout	Oncorhynchus mykiss			SERI
Brown Trout	Salmo trutta			SERI
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Elk	Cervus canadensis nelsoni			SERI
Mule Deer	Odocoileus hemionus			SERI
				SERI

ESA = Endangered Species Act, WCA = Wildlife Conservation Act, SGCN = Species of Greatest Conservation Need, SERI = Species of Economic and Recreational Importance

Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
New Mexico Stickseed	Hackelia hirsuta			
Holy Ghost Ipomopsis	Ipomopsis sancti-spiritus			
Sapello Canyon Larkspur	Delphinium sapellonis			
Mountain Lily	Lilium philadelphicum var. andinum			
Hooded Ladies'-Tresses	Spiranthes romanzoffiana			

NMAC = New Mexico Administrative Code, NMRPCS = [New Mexico Rare Plant Conservation Strategy](#), SS = NM Rare Plant Conservation Strategy Species



Project Recommendations

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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Dalton Canyon Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.668621 / -105.708679
County(s): SAN MIGUEL; SANTA FE
Project Description: Species list request for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

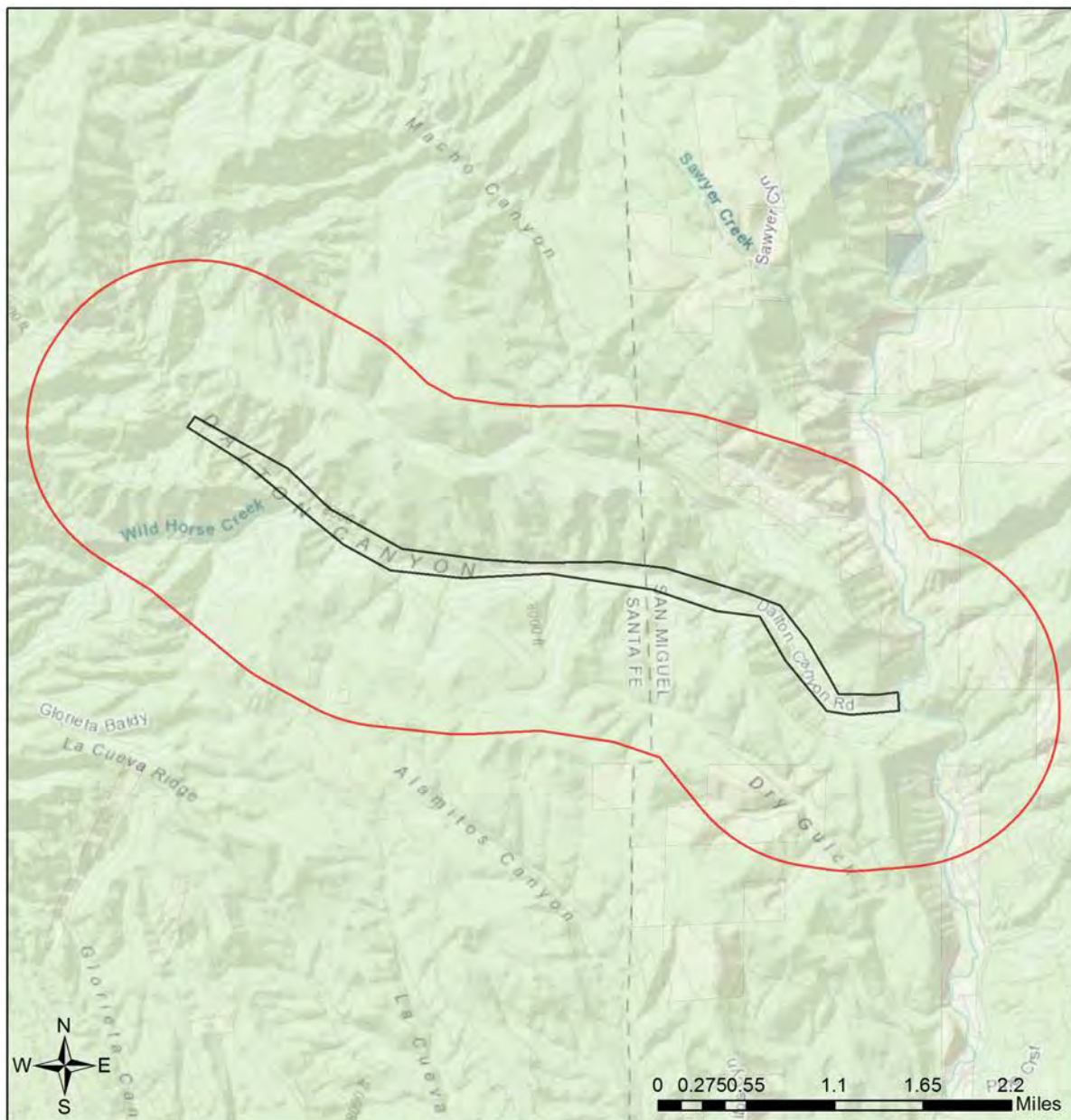
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Pecos ONRW Petition - Dalton Canyon Creek



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



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Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Mountain Plover	Charadrius montanus			SGCN
Long-Billed Curlew	Numenius americanus			SGCN
Mexican Spotted Owl	Strix occidentalis lucida			SGCN
Mexican spotted owl Designated Critical Habitat	CH for Strix occidentalis lucida	Threatened		SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SERI
Spotted Bat	Euderma maculatum		T	SGCN
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Mule Deer	Odocoileus hemionus			SERI
				SERI

ESA = Endangered Species Act, WCA = Wildlife Conservation Act, SGCN = Species of Greatest Conservation Need, SERI = Species of Economic and Recreational Importance

Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
Mountain Lily	Lilium philadelphicum var. andinum			
Yellow Lady's-Slipper	Cypripedium parviflorum var. pubescens			

NMAC = New Mexico Administrative Code, NMRPCS = [New Mexico Rare Plant Conservation Strategy](#), SS = NM Rare Plant Conservation Strategy Species



Project Recommendations

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- Restrictions on noise-generating activities between Dec. 1 and Apr. 15. These activities would include oil and gas well pad development and operation that exposes wildlife to noises loud noises (at or above 48.6 dB(A) Leq at 400 feet in any direction from the source) from drilling, compressors, and pumping stations.
- Modifying fences along high use areas to make them wildlife friendly and facilitate large animal movement.
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- Altering surface or groundwater flow or hydrology,
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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Davis Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.741204 / -105.664616
County(s): SAN MIGUEL
Project Description: Species list request for ONRW Petition .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

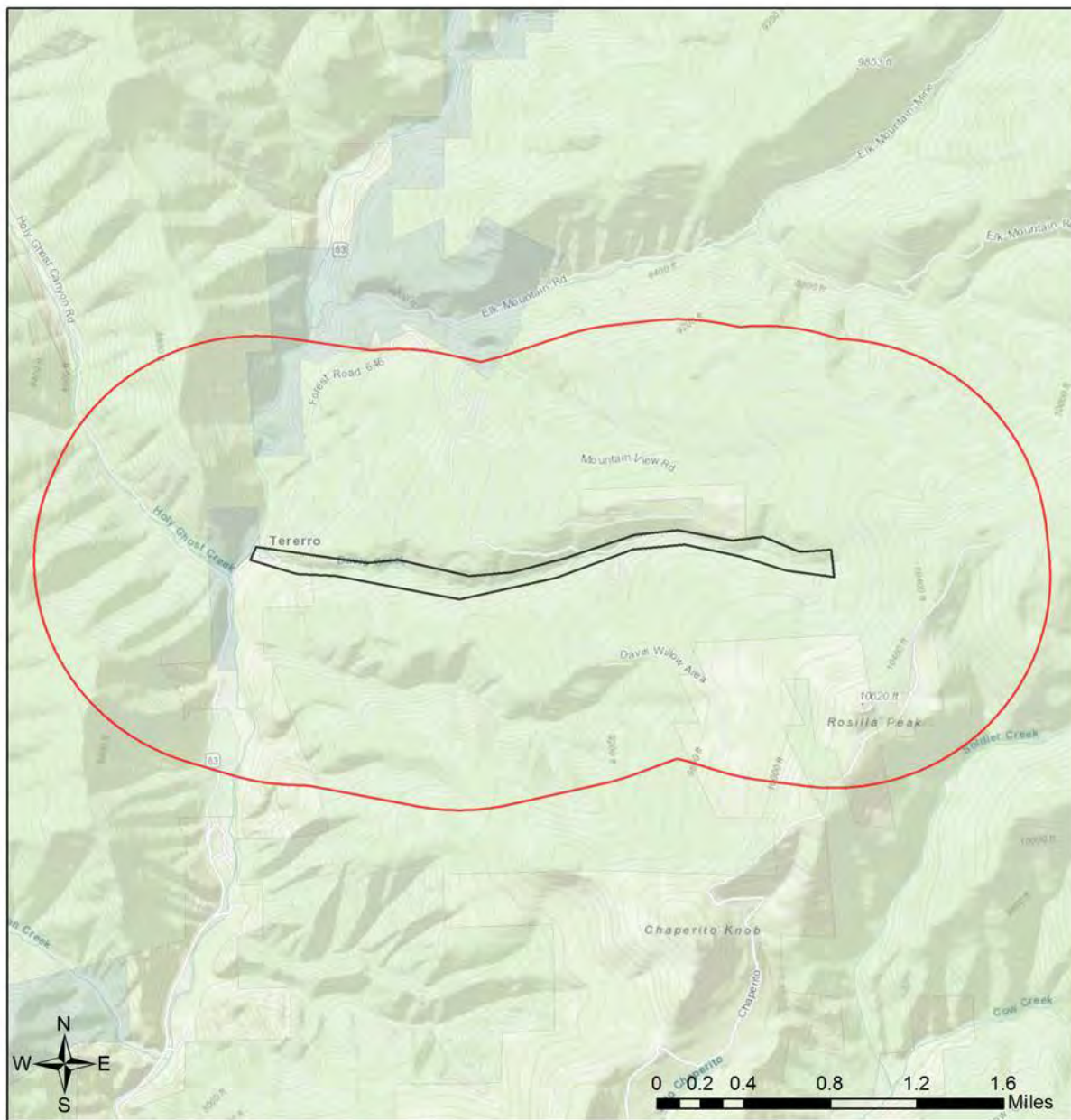
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Pecos ONRW Petition - Davis Creek



Project Boundary	Military	Private
Buffered Project Boundary	Dept. of Energy	State Land Office
NM_SurfaceOwnership_2016		
Bureau of Land Management	US Forest Service	NM Game & Fish Dept.
Bureau of Reclamation	Wildlife Area/Refuge	State Park
US Dept. of Agriculture	Tribal	
	National Park/Mon.	

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Mountain Plover	Charadrius montanus			SGCN
Mexican Spotted Owl	Strix occidentalis lucida			SGCN
Mexican spotted owl Designated Critical Habitat	CH for Strix occidentalis lucida	Threatened		SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
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Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
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Cutthroat Trout	Oncorhynchus clarkii			SGCN
White Sucker	Catostomus commersonii			SGCN
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
A Cave Obligate Springtail	Tomocerus grahami			SGCN
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Elk	Cervus canadensis nelsoni			SERI
Mule Deer	Odocoileus hemionus			SERI
				SERI

ESA = Endangered Species Act, WCA = Wildlife Conservation Act, SGCN = Species of Greatest Conservation Need, SERI = Species of Economic and Recreational Importance

Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
Holy Ghost Ipomopsis	Ipomopsis sancti-spiritus			

NMAC = New Mexico Administrative Code, NMRPCS = [New Mexico Rare Plant Conservation Strategy](#), SS = NM Rare Plant Conservation Strategy Species



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Department biologists are available for site-specific consultation regarding measures to assist with management and conservation of these habitat resources.



PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Doctor Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.772826 / -105.728461
County(s): SAN MIGUEL; SANTA FE
Project Description: Species list request for ONRW petition .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

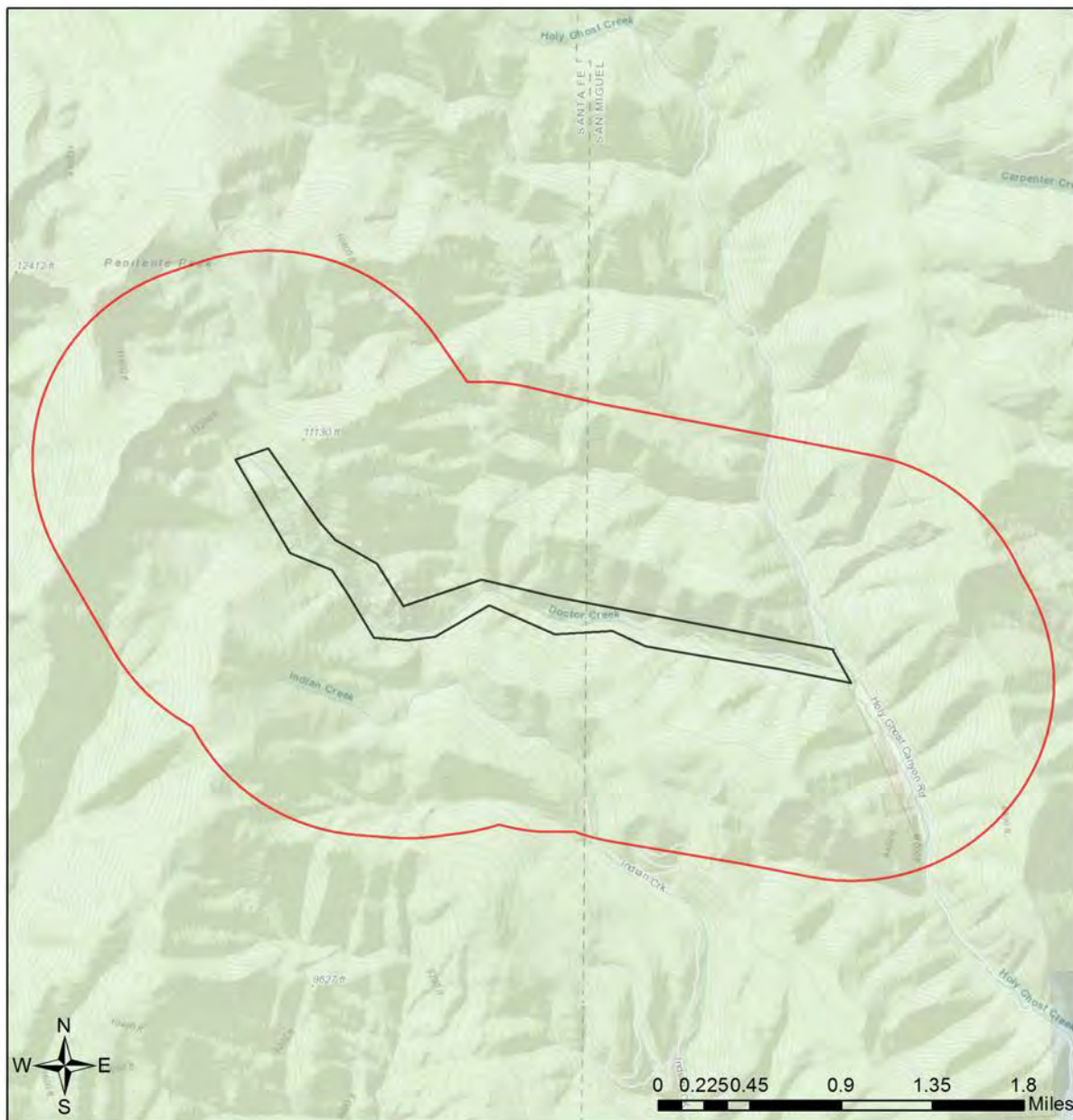
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Pecos ONRW Petition - Doctor Creek



Project Boundary	Military	Private
Buffered Project Boundary	Dept. of Energy	State Land Office
NM_SurfaceOwnership_2016		
Bureau of Land Management	US Forest Service	NM Game & Fish Dept.
Bureau of Reclamation	Wildlife Area/Refuge	State Park
US Dept. of Agriculture	Tribal	
	National Park/Mon.	

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Mountain Plover	Charadrius montanus			SGCN
Boreal Owl	Aegolius funereus		T	SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Cutthroat Trout	Oncorhynchus clarkii			SGCN
Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SGCN
Brown Trout	Salmo trutta			SERI
Spotted Bat	Euderma maculatum		T	SGCN
American Pika	Ochotona princeps			SGCN
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
Pacific Marten	Martes caurina			SGCN
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Mule Deer	Odocoileus hemionus			SERI
				SERI

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Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
Holy Ghost Ipomopsis	Ipomopsis sancti-spiritus			
Hooded Ladies'-Tresses	Spiranthes romanzoffiana			

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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Holy Ghost Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.760233 / -105.693154
County(s): SAN MIGUEL
Project Description: Species List request for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
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OVERALL STATUS

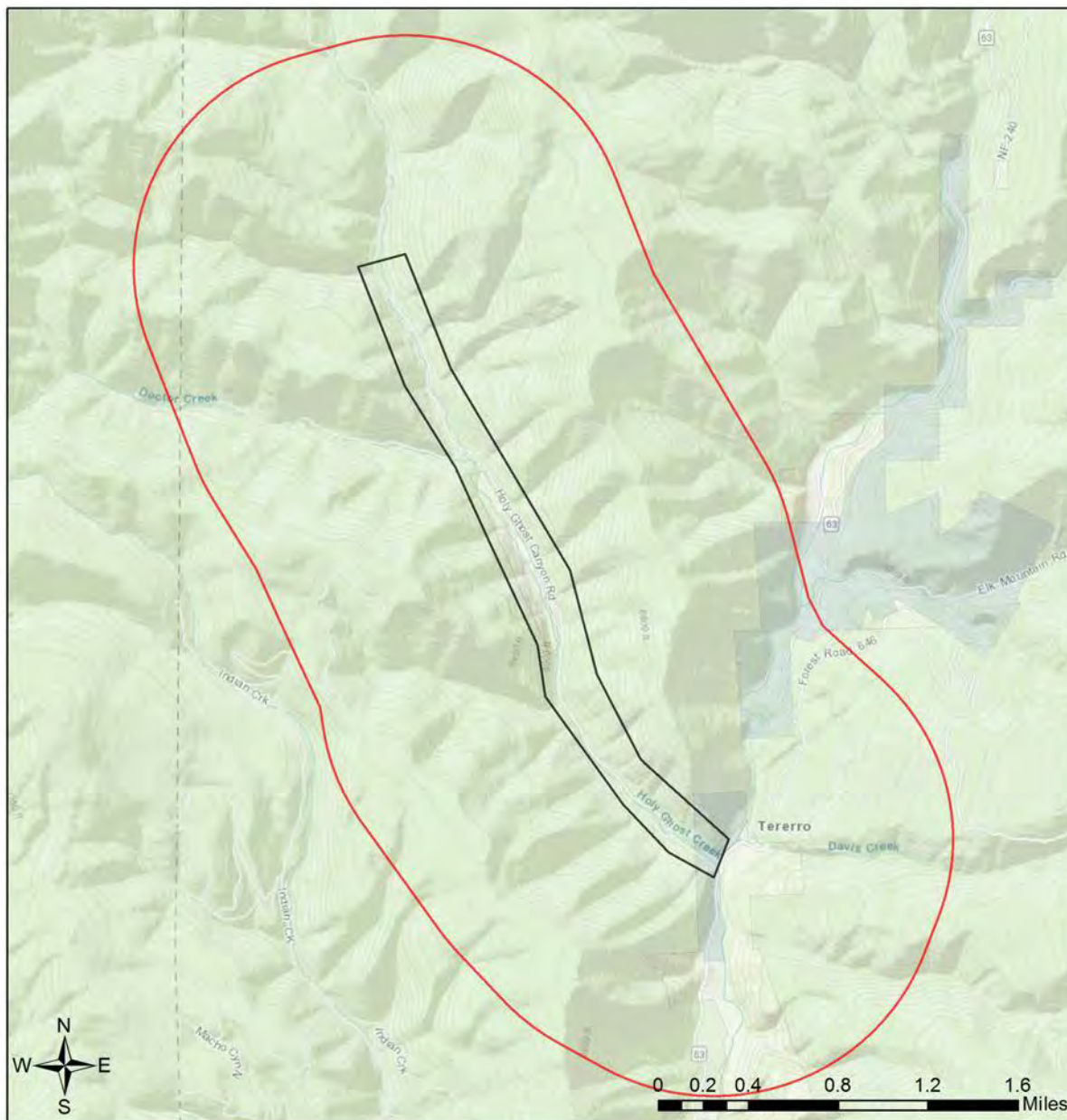
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Pecos ONRW Petition - Holy Ghost Creek



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Buffered Project Boundary	Dept. of Energy	State Land Office
NM_SurfaceOwnership_2016		
Bureau of Land Management	US Forest Service	NM Game & Fish Dept.
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Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
Holy Ghost Ipomopsis	Ipomopsis sancti-spiritus			
Mountain Lily	Lilium philadelphicum var. andinum			

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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Indian Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.752793 / -105.716058
County(s): SAN MIGUEL; SANTA FE
Project Description: Species list request for ONRW petition .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
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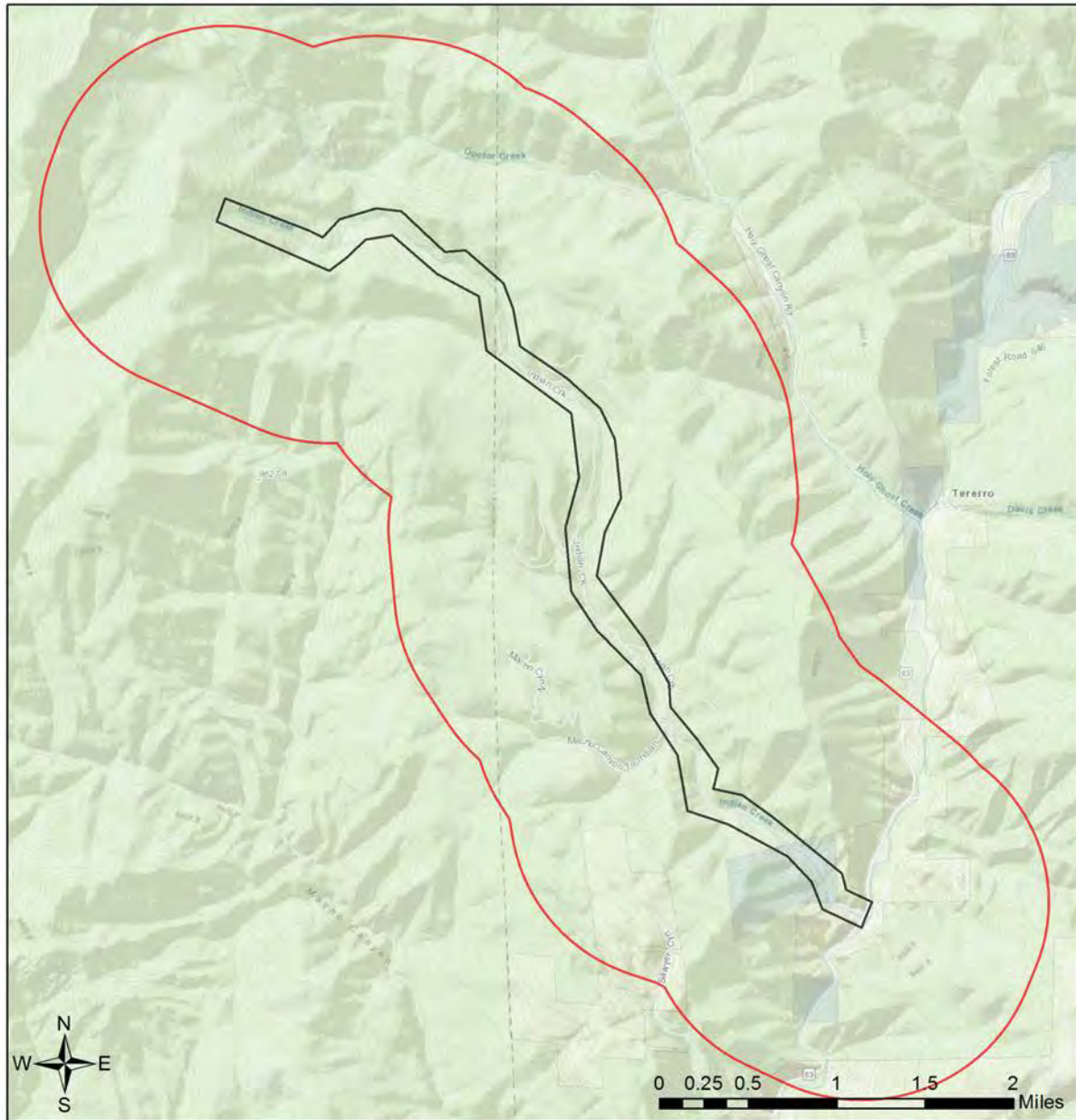
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Pecos ONRW Petition - Indian Creek



Project Boundary	Military	Private
Buffered Project Boundary	Dept. of Energy	State Land Office
NM_SurfaceOwnership_2016		
Bureau of Land Management	US Forest Service	NM Game & Fish Dept.
Bureau of Reclamation	Wildlife Area/Refuge	State Park
US Dept. of Agriculture	Tribal	
	National Park/Mon.	

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Mountain Plover	Charadrius montanus			SGCN
Mexican Spotted Owl	Strix occidentalis lucida			SGCN
Mexican spotted owl Designated Critical Habitat	CH for Strix occidentalis lucida	Threatened		SGCN
Boreal Owl	Aegolius funereus			SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SGCN
Brown Trout	Salmo trutta			SERI
White Sucker	Catostomus commersonii			SGCN
Spotted Bat	Euderma maculatum		T	SGCN
American Pika	Ochotona princeps			SGCN
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Mule Deer	Odocoileus hemionus			SERI

ESA = Endangered Species Act, WCA = Wildlife Conservation Act, SGCN = Species of Greatest Conservation Need, SERI = Species of Economic and Recreational Importance

Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
Holy Ghost Ipomopsis	Ipomopsis sancti-spiritus			

NMAC = New Mexico Administrative Code, NMRPCS = [New Mexico Rare Plant Conservation Strategy](#), SS = NM Rare Plant Conservation Strategy Species



Project Recommendations

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Your project occurs within important habitats for wildlife, which could include fawning/calving or wintering areas for species such as deer and elk, or high wildlife movement and activity areas. Management recommendations within these areas may include the following.

- Restrictions on noise-generating activities between Dec. 1 and Apr. 15. These activities would include oil and gas well pad development and operation that exposes wildlife to noises loud noises (at or above 48.6 dB(A) Leq at 400 feet in any direction from the source) from drilling, compressors, and pumping stations.
- Modifying fences along high use areas to make them wildlife friendly and facilitate large animal movement.
- Taking mitigation actions to reduce wildlife-vehicle collisions at high risk locations.

The proposed project occurs within or near a riparian area. Because riparian areas are important wildlife habitats, the project footprint should avoid removing any riparian vegetation or creating ground disturbance either directly within or affecting the riparian area. If your project involves removal of non-native riparian trees or planting of native riparian vegetation, please refer to the Department's habitat handbook guideline for [Restoration and Management of Native and Non-native Trees in Southwestern Riparian Ecosystems](#).

Your proposed project occurs within an area where springs or other important natural water features occur. This may result in the presence of a high use area for wildlife relative to the surrounding landscape. To ensure continued function of these important wildlife habitats, your project should consider measures to avoid the following.

- Altering surface or groundwater flow or hydrology,
- Disturbance to soil that modifies geomorphic properties or facilitates invasion of non-native vegetation.
- Affecting local surface or groundwater quality.
- Creating disturbance to wildlife utilizing these water features. Disturbance to wildlife can be reduced through practices including clustering infrastructure and activity wherever possible, avoiding large visual obstructions around water features, and limiting nighttime project operations or activities.

Department biologists are available for site-specific consultation regarding measures to assist with management and conservation of these habitat resources.



Disclaimers regarding recommendations:

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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Jack's Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.832150 / -105.660149
County(s): SAN MIGUEL
Project Description: Species list request for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

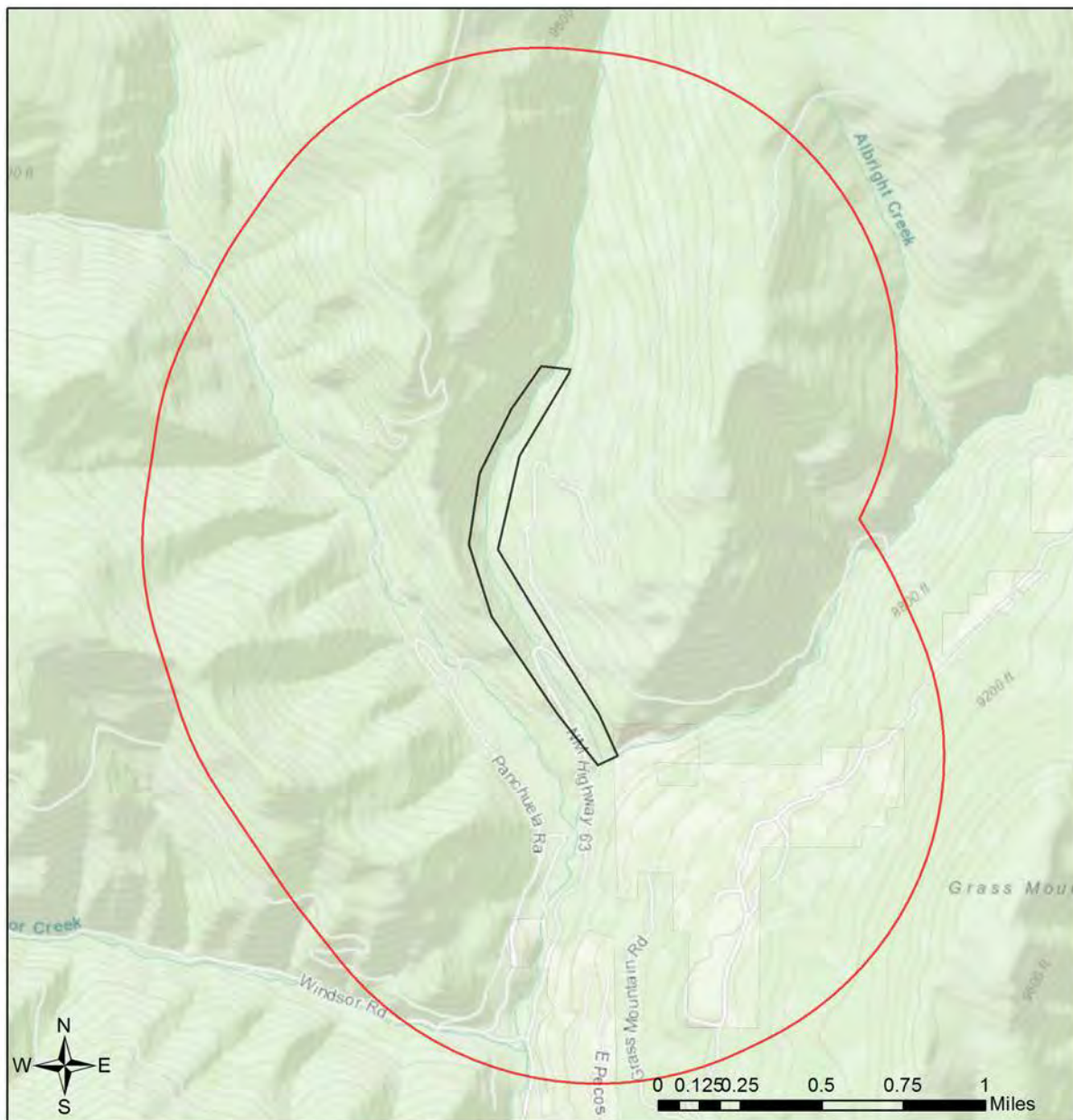
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Pecos ONRW Petition - Jack's Creek



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Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Northern Goshawk	Accipiter gentilis			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Cutthroat Trout	Oncorhynchus clarkii			SGCN
Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SERI
Rainbow Trout	Oncorhynchus mykiss			SERI
Brown Trout	Salmo trutta			SERI
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Elk	Cervus canadensis nelsoni			SERI
Mule Deer	Odocoileus hemionus			SERI
				SERI

ESA = Endangered Species Act, WCA = Wildlife Conservation Act, SGCN = Species of Greatest Conservation Need, SERI = Species of Economic and Recreational Importance

Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
New Mexico Stickseed	Hackelia hirsuta			
Holy Ghost Ipomopsis	Ipomopsis sancti-spiritus			
Sapello Canyon Larkspur	Delphinium sapellonis			
Mountain Lily	Lilium philadelphicum var. andinum			
Yellow Lady's-Slipper	Cypripedium parviflorum var. pubescens			

NMAC = New Mexico Administrative Code, NMRPCS = [New Mexico Rare Plant Conservation Strategy](#), SS = NM Rare Plant Conservation Strategy Species



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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Macho Canyon Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.709851 / -105.737069
County(s): SAN MIGUEL; SANTA FE
Project Description: Species list request for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

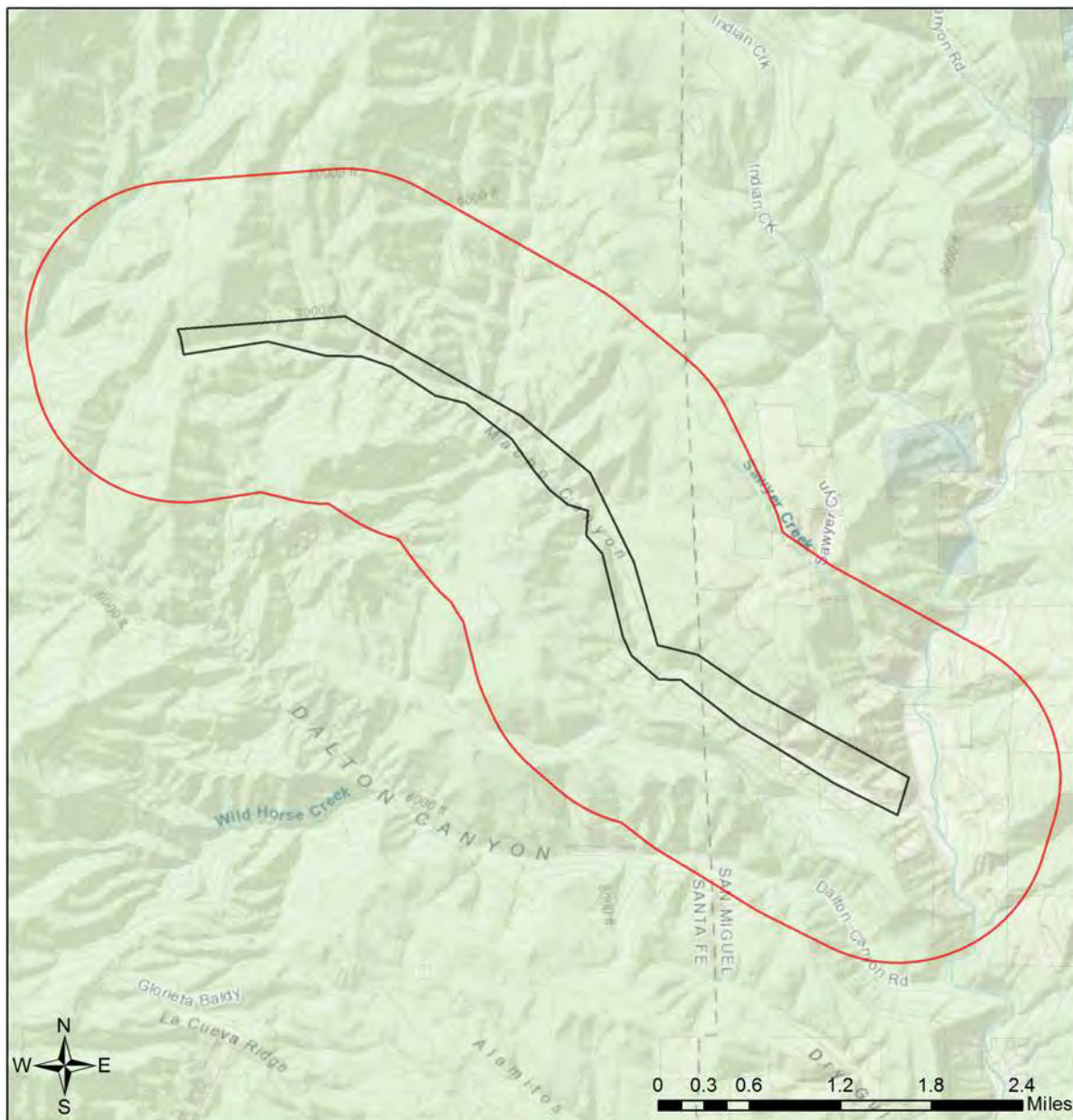
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Pecos ONRW Petition - Macho Canyon Creek



Project Boundary	Military	Private
Buffered Project Boundary	Dept. of Energy	State Land Office
NM_SurfaceOwnership_2016		
Bureau of Land Management	US Forest Service	NM Game & Fish Dept.
Bureau of Reclamation	Wildlife Area/Refuge	State Park
US Dept. of Agriculture	Tribal	
	National Park/Mon.	

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Mountain Plover	Charadrius montanus			SGCN
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Pygmy Nuthatch	Sitta pygmaea			SGCN
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Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SERI
Rainbow Trout	Oncorhynchus mykiss			SERI
Spotted Bat	Euderma maculatum		T	SGCN
American Pika	Ochotona princeps			SGCN
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Mule Deer	Odocoileus hemionus			SERI

ESA = Endangered Species Act, WCA = Wildlife Conservation Act, SGCN = Species of Greatest Conservation Need, SERI = Species of Economic and Recreational Importance

Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
Mountain Lily	Lilium philadelphicum var. andinum			
Yellow Lady's-Slipper	Cypripedium parviflorum var. pubescens			

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Project Recommendations

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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Panchuela Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.829037 / -105.662173
County(s): SAN MIGUEL
Project Description: Species list request for ONRW petition. . .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
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The map displays the Hamilton Mesa area in New Mexico. A black outline indicates the study area, which is a small, irregularly shaped region. A red circle represents the study area boundary, which is a large, roughly circular area. The map includes a north arrow in the bottom left corner and a scale bar in the bottom right corner, ranging from 0 to 1 mile. The map also shows various geographical features, including the Pecos River, the Hamilton Mesa, and the town of Cowles. The map is oriented with North at the top.

- | | | | | | |
|---|---------------------------|---|----------------------|---|----------------------|
|  | Project Boundary |  | Military |  | Private |
|  | Buffered Project Boundary |  | Dept. of Energy |  | State Land Office |
| NM_SurfaceOwnership_2016 | | | | | |
|  | Bureau of Land Management |  | US Forest Service |  | NM Game & Fish Dept. |
|  | Bureau of Reclamation |  | Wildlife Area/Refuge |  | State Park |
|  | US Dept. of Agriculture |  | Tribal | | |
| | |  | National Park/Mon. | | |

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



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Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Cutthroat Trout	Oncorhynchus clarkii			SGCN
Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SERI
Rainbow Trout	Oncorhynchus mykiss			SERI
Brown Trout	Salmo trutta			SERI
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Elk	Cervus canadensis nelsoni			SERI
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Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
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Holy Ghost Ipomopsis	Ipomopsis sancti-spiritus			
Sapello Canyon Larkspur	Delphinium sapellonis			
Mountain Lily	Lilium philadelphicum var. andinum			
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Project Recommendations

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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Pecos Rive
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.774509 / -105.667759
County(s): SAN MIGUEL
Project Description: Species list request for NORW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
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OVERALL STATUS

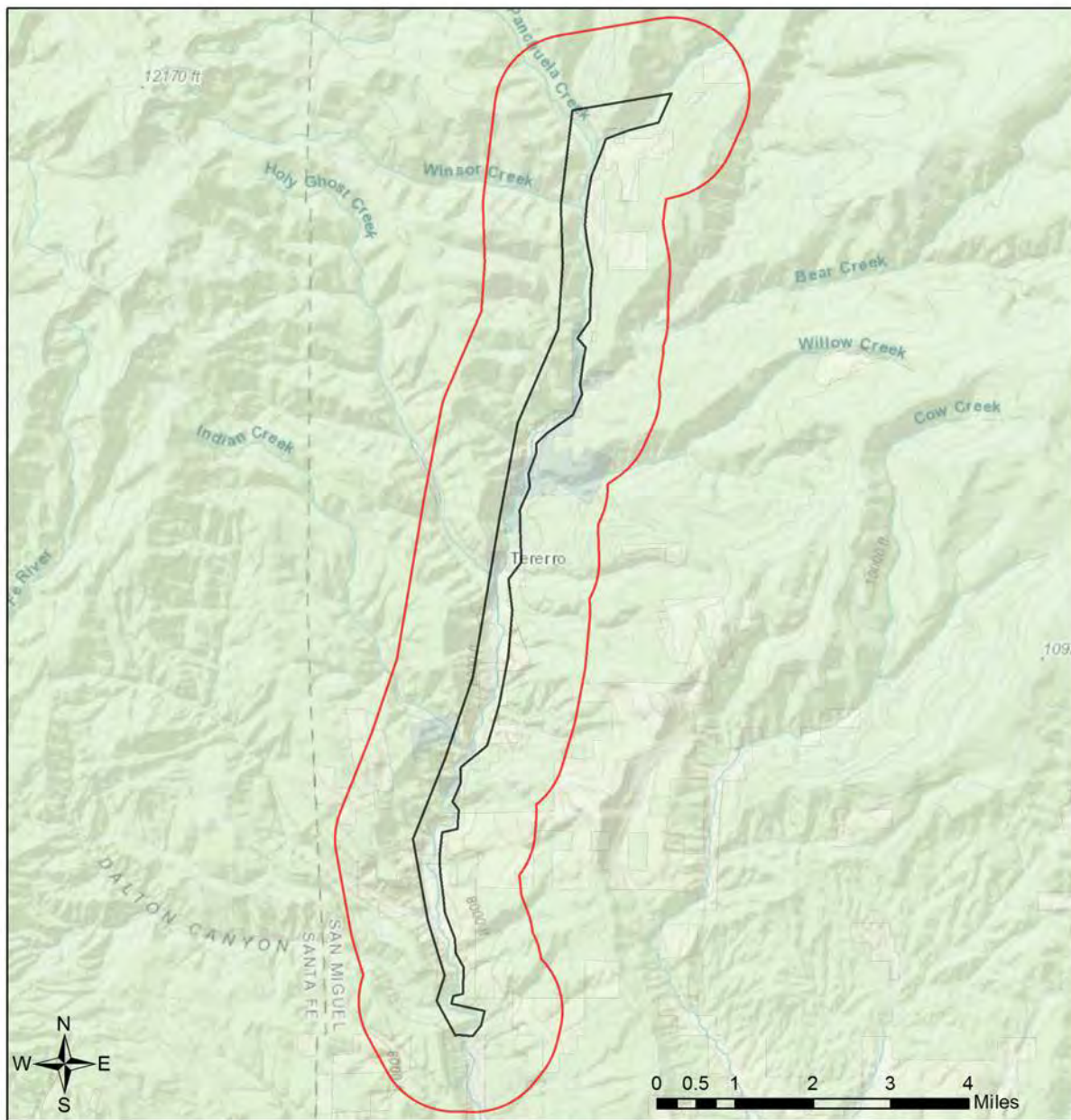
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Pecos ONRW Petition - Pecos River



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Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Northern Goshawk	Accipiter gentilis			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Mountain Plover	Charadrius montanus			SGCN
Long-Billed Curlew	Numenius americanus			SGCN
Mexican Spotted Owl	Strix occidentalis lucida			SGCN
Mexican spotted owl Designated Critical Habitat	CH for Strix occidentalis lucida	Threatened		SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Cutthroat Trout	Oncorhynchus clarkii			SGCN
Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SERI
Rainbow Trout	Oncorhynchus mykiss			SERI
Brown Trout	Salmo trutta			SERI
White Sucker	Catostomus commersonii			SGCN
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
A Cave Obligate Springtail	Tomocerus grahami			SGCN
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Elk	Cervus canadensis nelsoni			SERI
Mule Deer	Odocoileus hemionus			SERI
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Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
New Mexico Stickseed	Hackelia hirsuta			
Holy Ghost Ipomopsis	Ipomopsis sancti-spiritus			



Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
Sapello Canyon Larkspur	Delphinium sapellonis			
Mountain Lily	Lilium philadelphicum var. andinum			
Yellow Lady's-Slipper	Cypripedium parviflorum var. pubescens			

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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Rio Mora
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.785436 / -105.647393
County(s): SAN MIGUEL
Project Description: Species list request for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

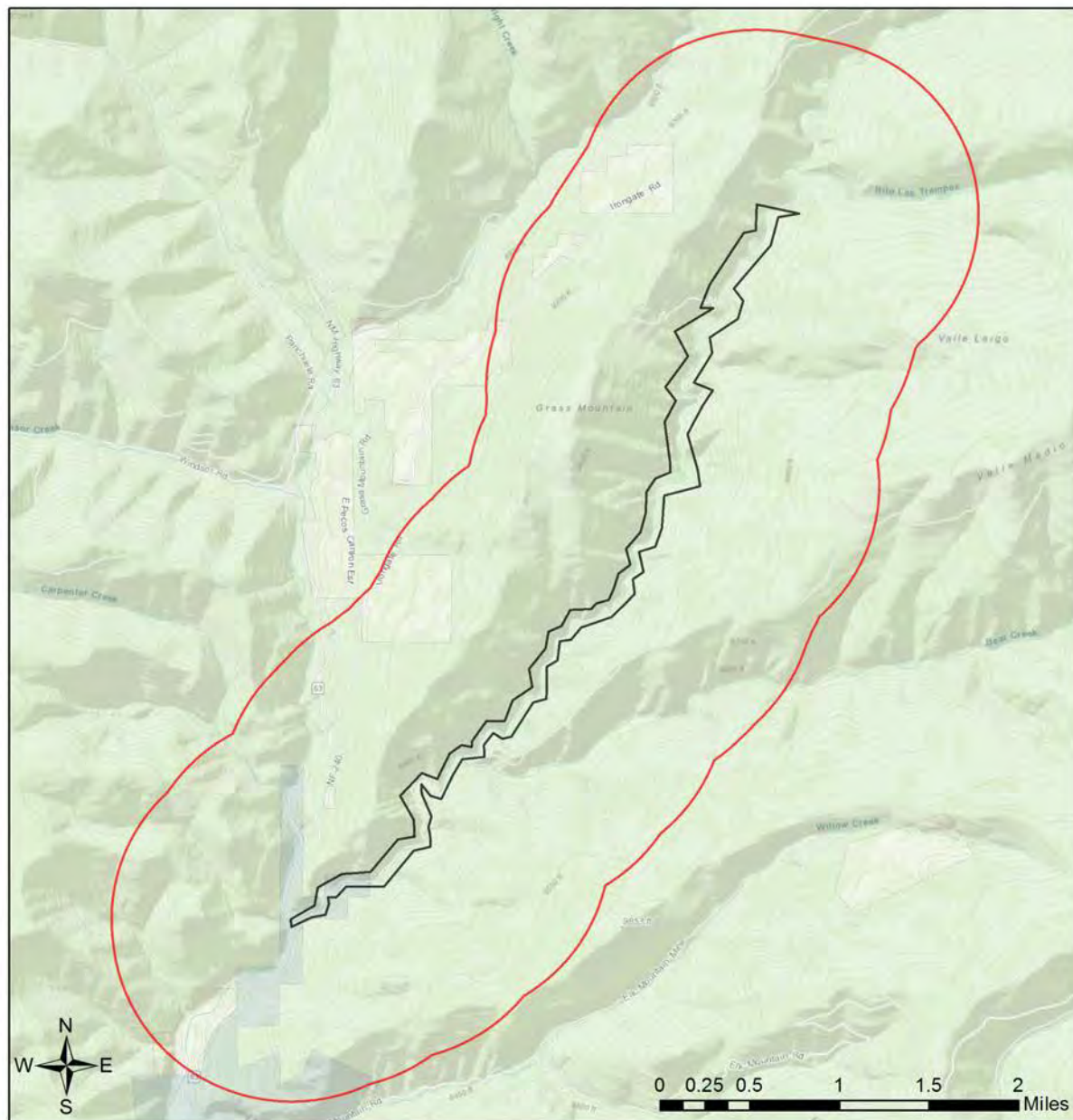
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Pecos ONRW Petition - Rio Mora



Project Boundary	Military	Private
Buffered Project Boundary	Dept. of Energy	State Land Office
NM_SurfaceOwnership_2016		
Bureau of Land Management	US Forest Service	NM Game & Fish Dept.
Bureau of Reclamation	Wildlife Area/Refuge	State Park
US Dept. of Agriculture	Tribal	
	National Park/Mon.	

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Mountain Plover	Charadrius montanus			SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Sawyer Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.698410 / -105.704638
County(s): SAN MIGUEL
Project Description: Species list request for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
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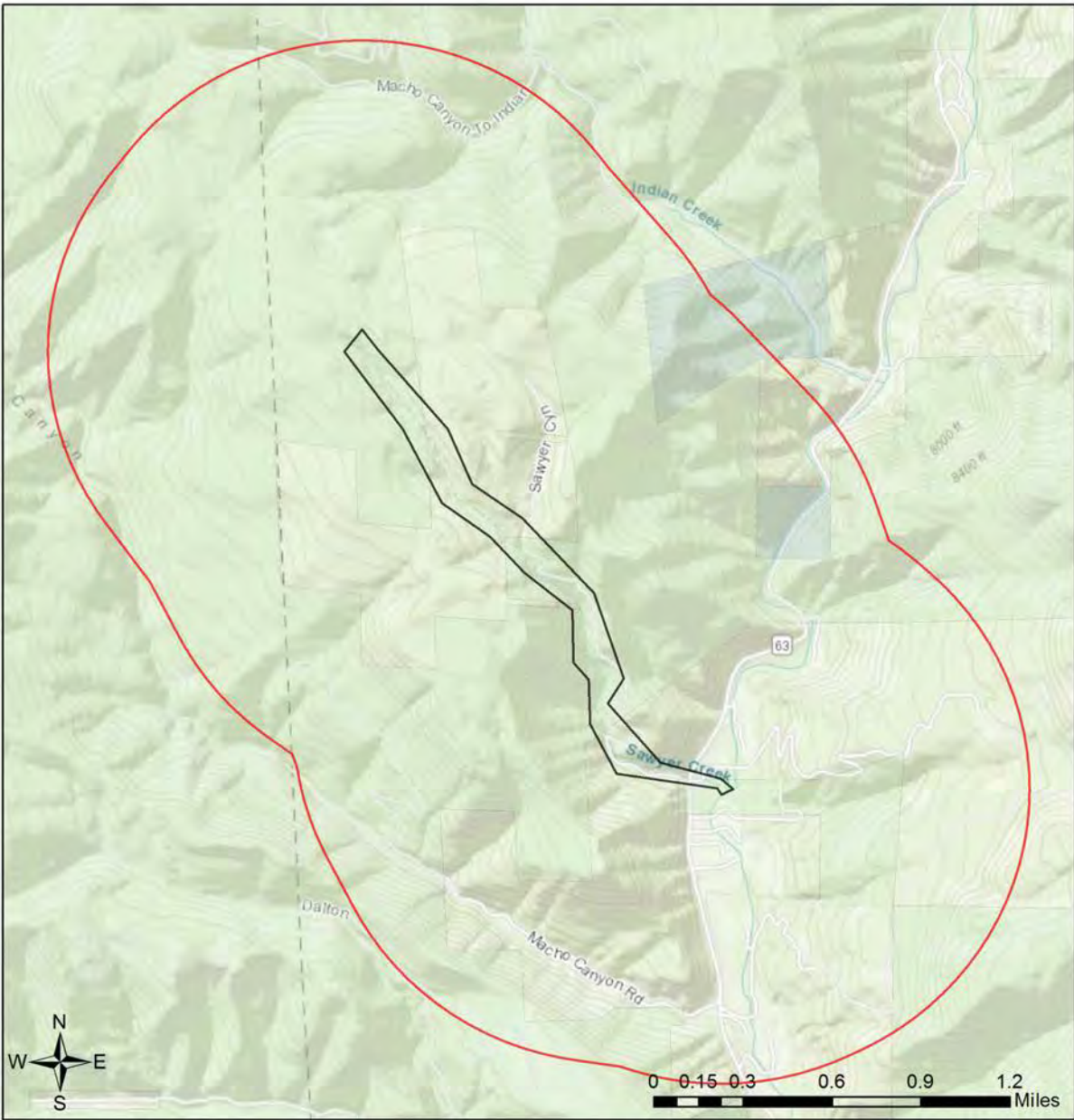
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Pecos ONRW Petition - Sawyer Creek



- | | | |
|---------------------------------|----------------------|----------------------|
| Project Boundary | Military | Private |
| Buffered Project Boundary | Dept. of Energy | State Land Office |
| NM_SurfaceOwnership_2016 | | |
| Bureau of Land Management | US Forest Service | NM Game & Fish Dept. |
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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Wild Horse Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.672373 / -105.775507
County(s): SANTA FE
Project Description: Species list request for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
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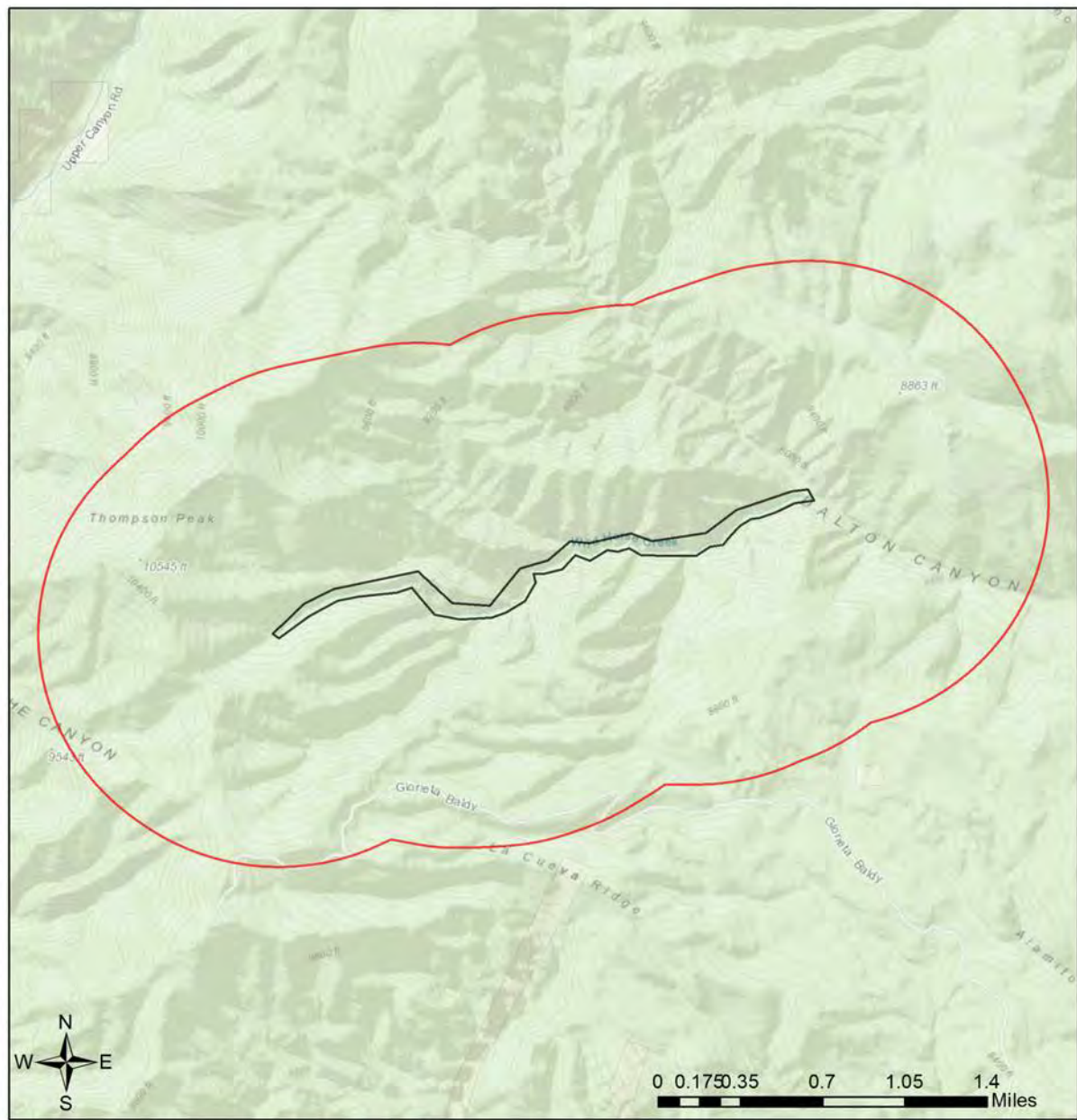
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Pecos ONRW Petition - Wild Horse Creek



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NM_SurfaceOwnership_2016		
Bureau of Land Management	US Forest Service	NM Game & Fish Dept.
Bureau of Reclamation	Wildlife Area/Refuge	State Park
US Dept. of Agriculture	Tribal	
	National Park/Mon.	

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Bald Eagle	Haliaeetus leucocephalus		T	SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>			SGCN
Mexican spotted owl Designated Critical Habitat	CH for Strix occidentalis lucida	Threatened		SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SERI
Spotted Bat	Euderma maculatum		T	SGCN
American Pika	Ochotona princeps			SGCN
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Mule Deer	Odocoileus hemionus			SERI

ESA = Endangered Species Act, WCA = Wildlife Conservation Act, SGCN = Species of Greatest Conservation Need, SERI = Species of Economic and Recreational Importance

Project Recommendations

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Your project occurs within important habitats for wildlife, which could include fawning/calving or wintering areas for species such as deer and elk, or high wildlife movement and activity areas. Management recommendations within these areas may include the following.

- Restrictions on noise-generating activities between Dec. 1 and Apr. 15. These activities would include oil and gas well pad development and operation that exposes wildlife to noises loud noises (at or above 48.6 dB(A) Leq at 400 feet in any direction from the source) from drilling, compressors, and pumping stations.
- Modifying fences along high use areas to make them wildlife friendly and facilitate large animal movement.
- Taking mitigation actions to reduce wildlife-vehicle collisions at high risk locations.

The proposed project occurs within or near a riparian area. Because riparian areas are important wildlife habitats, the project footprint should avoid removing any riparian vegetation or creating ground disturbance either directly within or affecting the riparian area. If your project involves removal of non-native riparian trees or planting of native riparian vegetation, please refer to the Department's habitat handbook guideline for [Restoration and Management of Native and Non-native Trees in Southwestern Riparian Ecosystems](#).

Disclaimers regarding recommendations:

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- Recommendations are provided by the Department under the authority of § 17-1-5.1 New Mexico Statutes Annotated 1978, to provide "communication and consultation with federal and other state agencies, local governments and communities, private organizations and affected interests responsible for habitat, wilderness, recreation, water quality and environmental protection to ensure comprehensive conservation services for hunters, anglers and nonconsumptive wildlife users".
- The Department has no authority for management of plants or Important Plant Areas. The [New Mexico Endangered Plant Program](#), under the Energy, Minerals, and Natural Resources Department's Forestry Division, identifies and develops conservation measures necessary to ensure the survival of plant species within New Mexico. Plant status information is provided within this report as a courtesy to users. Recommendations provided within the ERT may not be sufficient to preclude impacts to rare or sensitive plants, unless conservation measures are identified in coordination with the Endangered Plant Program.
- Additional coordination may also be necessary under the federal ESA or National Environmental Policy Act (NEPA). Further site-specific recommendations may be proposed during ESA and/or NEPA analyses, or through coordination with affected federal agencies.



PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Willow Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.761680 / -105.649466
County(s): SAN MIGUEL
Project Description: Species list request for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

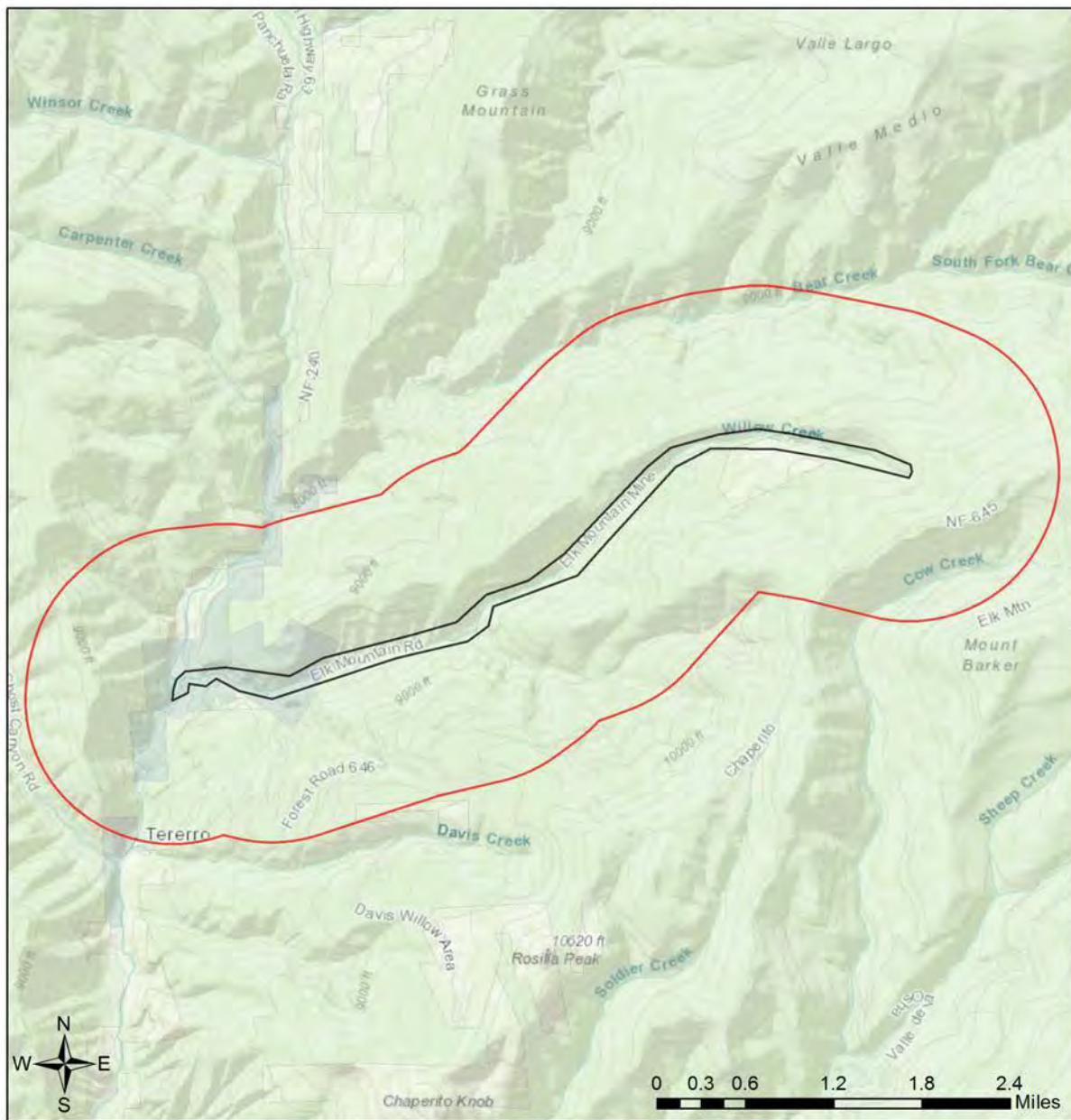
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About this report:

- This environmental review is based on the project description and location that was entered. The report must be updated if the project type, area, or operational components are modified.
- This is a preliminary environmental screening assessment and report. It is not a substitute for the potential wildlife knowledge gained by having a biologist conduct a field survey of the project area. Federal status and plant data are provided as a courtesy to users. The review is also not intended to replace consultation required under the federal Endangered Species Act (ESA), including impact analyses for federal resources from the U.S. Fish and Wildlife Service (USFWS) using their [Information for Planning and Consultation tool](#).
- The New Mexico Environmental Review Tool (ERT) utilizes species observation locations and species distribution models, both of which are subject to ongoing change and refinement. Inclusion or omission of a species within a report can not guarantee species presence or absence at a precise point location, as might be indicated through comprehensive biological surveys. Specific questions regarding the potential for adverse impacts to vulnerable wildlife populations or habitats, especially in areas with a limited history of biological surveys, may require further on-site assessments.
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Pecos ONRW Petition - Willow Creek



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Mountain Plover	Charadrius montanus			SGCN
Mexican Spotted Owl	Strix occidentalis lucida			SGCN
Mexican spotted owl Designated Critical Habitat	CH for Strix occidentalis lucida	Threatened		SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Cutthroat Trout	Oncorhynchus clarkii			SGCN
Brown Trout	Salmo trutta			SERI
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Elk	Cervus canadensis nelsoni			SERI
Mule Deer	Odocoileus hemionus			SERI
				SERI

ESA = Endangered Species Act, WCA = Wildlife Conservation Act, SGCN = Species of Greatest Conservation Need, SERI = Species of Economic and Recreational Importance

Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
Holy Ghost Ipomopsis	Ipomopsis sancti-spiritus			

NMAC = New Mexico Administrative Code, NMRPCS = [New Mexico Rare Plant Conservation Strategy](#), SS = NM Rare Plant Conservation Strategy Species



Project Recommendations

Your proposed project activities may require a custom review for assessment of potential effects to wildlife. If the information provided under the "OVERALL STATUS" section above indicates that your project will be forwarded for review, a Department biologist will confirm whether any additional conservation measures are needed. You should expect to receive any additional project recommendations within 30 days of your project submission. If the "OVERALL STATUS" section indicates that no further consultation with the Department is required, you should not expect to receive additional project feedback from the Department, and you may proceed with project planning as indicated.

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Your proposed project occurs within an area where springs or other important natural water features occur. This may result in the presence of a high use area for wildlife relative to the surrounding landscape. To ensure continued function of these important wildlife habitats, your project should consider measures to avoid the following.

- Altering surface or groundwater flow or hydrology,
- Disturbance to soil that modifies geomorphic properties or facilitates invasion of non-native vegetation.
- Affecting local surface or groundwater quality.
- Creating disturbance to wildlife utilizing these water features. Disturbance to wildlife can be reduced through practices including clustering infrastructure and activity wherever possible, avoiding large visual obstructions around water features, and limiting nighttime project operations or activities.

Department biologists are available for site-specific consultation regarding measures to assist with management and conservation of these habitat resources.



Disclaimers regarding recommendations:

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PROJECT INFORMATION

Project Title: Pecos ONRW Petition - Winsor Creek
Project Type: WATER QUALITY
Latitude/Longitude (DMS): 35.814988 / -105.675539
County(s): SAN MIGUEL
Project Description: Species list request for ONRW petition. .

REQUESTOR INFORMATION

Project Organization: NGO CONSERVATION ORGANIZATION
Contact Name: Rachel Conn
Email Address: rconn@amigosbravos.org
Organization: Amigos Bravos
Address: One Wildlife Way, Santa Fe NM 87144
Phone: 5054788160

OVERALL STATUS

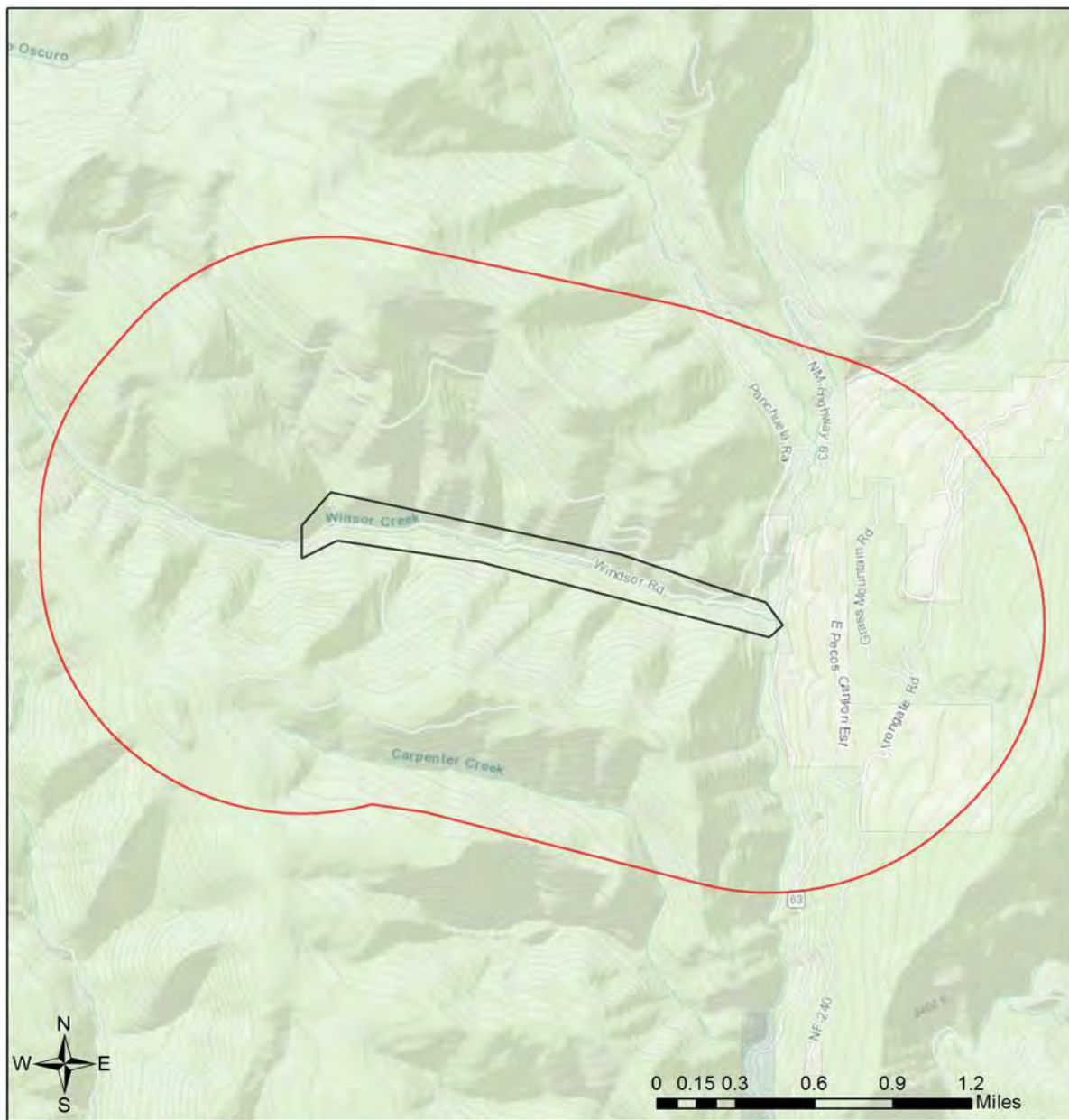
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Pecos ONRW Petition - Winsor Creek



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
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Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SERI
Rainbow Trout	Oncorhynchus mykiss			SERI
Brown Trout	Salmo trutta			SERI
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Elk	Cervus canadensis nelsoni			SERI
Mule Deer	Odocoileus hemionus			SERI
				SERI

ESA = Endangered Species Act, WCA = Wildlife Conservation Act, SGCN = Species of Greatest Conservation Need, SERI = Species of Economic and Recreational Importance

Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
New Mexico Stickseed	Hackelia hirsuta			
Holy Ghost Ipomopsis	Ipomopsis sancti-spiritus			
Sapello Canyon Larkspur	Delphinium sapellonis			
Mountain Lily	Lilium philadelphicum var. andinum			
Yellow Lady's-Slipper	Cypripedium parviflorum var. pubescens			
Hooded Ladies'-Tresses	Spiranthes romanzoffiana			

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PETITIONERS' EXHIBIT

10

New Mexico Department of Fish and Game Angler Use Data for Pecos River and Eight Tributaries, from the Village of Pecos to Cowles

Pecos River (Cowles to Village of Pecos)

Use and Harvest by Water		
dgf_water_name	Year	SumOfT_days
PECOS RIVER (COWLES TO VILLAGE OF PECOS)	1997-98	95179
PECOS RIVER (COWLES TO VILLAGE OF PECOS)	1998-99	82987
PECOS RIVER (COWLES TO VILLAGE OF PECOS)	1999-00	120976
PECOS RIVER (COWLES TO VILLAGE OF PECOS)	2000-01	102572
PECOS RIVER (COWLES TO VILLAGE OF PECOS)	2001-02	142369
PECOS RIVER (COWLES TO VILLAGE OF PECOS)	2003-04	103489
PECOS RIVER (COWLES TO VILLAGE OF PECOS)	2007-08	108367
PECOS RIVER (COWLES TO VILLAGE OF PECOS)	2015-16	83743
PECOS RIVER (COWLES TO VILLAGE OF PECOS)	2016-17	133717
PECOS RIVER (COWLES TO VILLAGE OF PECOS)	2018-19	140835

Indian Creek

Use and Harvest by Water		
dgf_water_name	Year	SumOfT_days
INDIAN CREEK	2001-02	47

Holy Ghost Creek

Use and Harvest by Water		
dgf_water_name	Year	SumOfT_days
HOLY GHOST CREEK	1997-98	1990
HOLY GHOST CREEK	1998-99	1310
HOLY GHOST CREEK	1999-00	859
HOLY GHOST CREEK	2000-01	700
HOLY GHOST CREEK	2001-02	847
HOLY GHOST CREEK	2003-04	2764
HOLY GHOST CREEK	2007-08	1500
HOLY GHOST CREEK	2015-16	590
HOLY GHOST CREEK	2016-17	601
HOLY GHOST CREEK	2018-19	1660

Willow Creek

Use and Harvest by Water		
dgf_water_name	Year	SumOfT_days
WILLOW CREEK (Pecos Drainage)	1997-98	855
WILLOW CREEK (Pecos Drainage)	1998-99	4540
WILLOW CREEK (Pecos Drainage)	1999-00	224
WILLOW CREEK (Pecos Drainage)	2000-01	94
WILLOW CREEK (Pecos Drainage)	2001-02	216
WILLOW CREEK (Pecos Drainage)	2003-04	1121
WILLOW CREEK (Pecos Drainage)	2016-17	52

Rio Mora

Use and Harvest by Water		
dgf_water_name	Year	SumOfT_days
MORA (PECOS RIVER DRAINAGE)	1997-98	873
MORA (PECOS RIVER DRAINAGE)	1998-99	1540
MORA (PECOS RIVER DRAINAGE)	1999-00	353
MORA (PECOS RIVER DRAINAGE)	2000-01	1286
MORA (PECOS RIVER DRAINAGE)	2001-02	2169
MORA (PECOS RIVER DRAINAGE)	2003-04	588
MORA (PECOS RIVER DRAINAGE)	2007-08	855
MORA (PECOS RIVER DRAINAGE)	2015-16	1683
MORA (PECOS RIVER DRAINAGE)	2016-17	2732
MORA (PECOS RIVER DRAINAGE)	2018-19	963

Winsor Creek

Use and Harvest by Water		
dgf_water_name	Year	SumOfT_days
WINSOR CREEK	1997-98	636
WINSOR CREEK	1998-99	560
WINSOR CREEK	1999-00	514
WINSOR CREEK	2000-01	414
WINSOR CREEK	2003-04	738
WINSOR CREEK	2007-08	1449
WINSOR CREEK	2015-16	62
WINSOR CREEK	2016-17	422

Panchuela Creek

Use and Harvest by Water		
dgf_water_name	Year	SumOfT_days
PANCHUELA CREEK	1997-98	80
PANCHUELA CREEK	1999-00	104
PANCHUELA CREEK	2000-01	308
PANCHUELA CREEK	2001-02	101
PANCHUELA CREEK	2003-04	682
PANCHUELA CREEK	2007-08	742
PANCHUELA CREEK	2015-16	211
PANCHUELA CREEK	2016-17	1093
PANCHUELA CREEK	2018-19	1410

Bear Creek

Use and Harvest by Water		
dgf_water_name	Year	SumOfT_days
BEAR CREEK	2000-01	93

Jack's Creek

Use and Harvest by Water		
dgf_water_name	Year	SumOfT_days
JACKS CREEK	1997-98	246
JACKS CREEK	1998-99	156
JACKS CREEK	1999-00	235
JACKS CREEK	2001-02	289
JACKS CREEK	2007-08	790
JACKS CREEK	2015-16	124
JACKS CREEK	2016-17	330
JACKS CREEK	2018-19	159

PETITIONERS' EXHIBIT

11

**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF PETITION TO
DESIGNATE SURFACE WATERS OF THE
UPPER PECOS WATERSHED AS
OUTSTANDING NATIONAL RESOURCE WATERS,**

No. WQCC 21-51(R)

**Village of Pecos, San Miguel County, Upper Pecos
Watershed Association, New Mexico Acequia
Association, and Molino de la Isla Organics LLC,**

Petitioners.

DIRECT TESTIMONY OF DAVID PROPST, PH.D.

I. QUALIFICATIONS

My name is David Propst. I currently serve as research professor in the Department of Biology at the University of New Mexico, where I conduct research on aquatic communities. From 1984 to 2011, I worked for the New Mexico Department of Game and Fish (“NMDGF”), where I was project leader for the native fish section. While with NMDGF I worked throughout New Mexico and adjacent states with colleagues from federal, NMDGF and other state agencies, tribal agencies, and universities investigating aquatic communities, developing and implementing recovery plans and strategies for state and federally protected species, and participating in multi-agency collaborative fish recovery/conservation programs. Since retiring from NMDGF I have continued to study the ecology of native fishes in New Mexico and Arizona with colleagues from several universities and state and federal agencies.

My formal preparation for a career as an aquatic ecologist began at New Mexico State University where I received a BSc degree with a major in Fisheries and Wildlife Biology. I then went to Colorado State University where I earned both a MSc and Ph.D. My master’s research

involved characterizing and comparing the aquatic macroinvertebrate communities of streams having populations of Rio Grande cutthroat trout on the Santa Fe National Forest. My Ph.D. research investigated fish distribution patterns, fish assemblage structure, and fish population dynamics in warmwater reaches of the Platte River drainage of northern Colorado.

After completing my Ph.D. I spent two years studying the fish communities of the Gila River drainage in New Mexico on a project supported by NMDGF. Following completion of that project I worked for NMDGF as its native fish biologist for the next 26 years. The research portion of my position varied from systematic stream inventories, fish taxonomy and systematics, fish life history characterization, and investigating the relationship of abiotic and biotic factors on fish population and assemblage dynamics. In collaboration with colleagues from state and federal agencies, NGOs, and academia, I have co-authored a number of peer-reviewed papers on various topics related to the ecology and conservation of native New Mexico fishes. Papers relevant to my testimony include ones on conservation and status of Gila trout, dynamics of Gila trout populations, habitat use by San Juan River fishes, response of fishes to mimicked natural flow regimes, genetics and conservation value of peripheral populations, long-term dynamics of fish populations in several New Mexico rivers, and effects of wildfire and extended drought on stream biota (fish and macroinvertebrates). Complete citations for all of my publications are in my appended CV (Pet'rs Ex. 12).

I have appeared before the New Mexico Water Quality Control Commission (“Commission”) on several occasions. I provided expert testimony before the Commission in 2005 in support of the petition from the New Mexico Environment Department (“NMED”), NMDGF, and the New Mexico Energy, Minerals and Natural Resources Department

(“EMNRD”) to designate all waters in the U.S. Forest Service Valle Vidal Special Management Unit as Outstanding National Resource Waters (“ONRWs” or “Outstanding Waters”), which resulted in the Commission’s designation at 20.6.4.9.D(2) NMAC, and in 2010, in support of the joint petition from NMED, NMDGF, and EMNRD to designate named perennial waters in Wilderness areas as ONRWs, which resulted in the Commission’s designations at 20.6.4.9.D(3) NMAC.

The references upon which I’ve relied for my testimony, some of which are referred to in my testimony, are listed at the end of my testimony.

My curriculum vitae is Petitioners’ Exhibit 12.

II. SUMMARY OF TESTIMONY

A water is eligible for ONRW designation if it has exceptional ecological significance. 20.6.4.9.B(2) NMAC. In my opinion, all waters nominated in the Petition to Designate Surface Waters of the Upper Pecos Watershed as Outstanding National Resource Waters (“Petition”), which includes 16 named waters, 96 unnamed tributaries to those waters, and 16 unnamed wetlands, collectively have exceptional ecological significance, and meet that criterion for designation under 20.6.4.9.B(2) NMAC.¹ The exceptional ecological significance of the waters of the upper Pecos watershed is, in my opinion, attained and enhanced by inclusion of all water courses, perennial and non-perennial, within the proposed boundaries of this ONRW. Unnatural disturbance or alteration of any water course, perennial or not, diminishes the overall ecological

¹ The nominated waters are referred to herein collectively as “upper Pecos watershed,” and include the perennial and non-perennial streams and wetlands nominated in the Petition, and identified in Maps 1 and 2 and Tables 1 and 2 in in the testimony of Rachel Conn [Pet’rs Ex. 2] and attached as Petitioners’ Exhibit 5.

health, integrity, and significance of the upper Pecos watershed. Occupancy of several ONRW streams by Rio Grande cutthroat trout helps meet the conservation goals for the species, an important recreational species that attracts numerous anglers to the upper Pecos River drainage. The ecosystem services provided by the upper Pecos watershed include numerous recreational activities, enhanced water quality, and flood attenuation, and in my opinion, contribute substantially to the ecological significance of the upper Pecos watershed. Damage of a single strand, perennial or not, of the upper Pecos watershed diminishes not just the individual feature but has negative consequences for the entire watershed. The ecological significance of the upper Pecos watershed, in my opinion, rests upon the whole and not individual components or a subset of watershed features.

III. EXCEPTIONAL ECOLOGICAL SIGNIFICANCE



Holy Ghost Creek, spring 2021. Jim O'Donnell.

A. Exceptional Wildlife

The upper Pecos watershed supports one of the most diverse arrays of wildlife in the state including special status species in need of protection.² Mammals in the area include black bear, cougar, mountain lion, bobcat, Rocky Mountain bighorn sheep, elk, mule deer, and Gunnison's prairie dog. Amphibians and fish include northern leopard frog, Rio Grande cutthroat trout and white sucker. And the abundant birdlife includes peregrine falcon, bald eagle, Mexican spotted

² "Special status animal species" refers to animal species designated as "endangered" or "threatened" under the federal Endangered Species Act or under 19.33.6.8 NAMC pursuant to the New Mexico Wildlife Conservation Act and animal species designated by NMGDF as Species of Greatest Conservation Need in the State Wildlife Action Plan for New Mexico or as Species of Economic and Recreational Importance.

owl, boreal owl, northern goshawk, Lewis's woodpecker, red-headed woodpecker, Williamson's sapsucker, western bluebird, olive-sided flycatcher, bank swallow, Clark's nutcracker, and pygmy nuthatch.



Hawk along Dalton Canyon Creek, spring 2021. Jim O'Donnell.

NMDGF, using its Environmental Review Tool (“ERT”) in a targeted search of species found within the nominated area, identified many special status animal and plant species in the nominated drainages. Petitioners’ Exhibit 9 includes the ERT results for the 16 nominated named streams, which also includes a targeted area extending radially one-mile around all sides of each of the 16 named streams. Inclusion of a species within the designated search perimeter of a

stream was based upon its observation there or a species distribution model.³ Because each identified unnamed nominated non-perennial stream drains into one of these 16 named streams, the species search by default includes at least one mile of *all* 96 unnamed tributaries and *all* wetlands adjacent to the 16 named streams. Moreover, 64 or two-thirds, of these tributaries are less than one-mile in length,⁴ and therefore the entirety of these tributaries are included within the search area.

All of the 16 named and 96 unnamed streams provide habitat to species that are threatened under either the federal Endangered Species Act (“ESA”) or the New Mexico Wildlife Conservation Act (“NMWCA”). These at-risk species, set forth below and identified in the ERTs at Petitioners’ Exhibit 9,⁵ depend on the watershed’s clean waters and Table 1 lists their occurrence by stream:

- Mexican spotted owl: federally threatened and critical habitat designated
- Boreal owl: state threatened
- Spotted bat: state threatened
- Spotted owl: state threatened
- Bald eagle: state threatened
- Peregrine falcon: state threatened

Table 1: Federal and State Threatened Wildlife Species by Stream

Stream/s	Threatened Species under Endangered Species Act	Threatened Species under New Mexico Wildlife Conservation Act
		peregrine falcon

³ Each ERT in Exhibit 9 provides that, “This is a preliminary environmental screening assessment and report. It is not a substitute for the potential wildlife knowledge gained by having a biologist conduct a field survey of the project area.”

⁴ See Pet’rs Ex. 2 [R. Conn Test.] at Table 1 [list of nominated streams including lengths].

⁵ See also NMDGF. Threatened and Endangered Species of New Mexico 2020 Biennial Review at iv-vi, Table 2. Oct. 16, 2020.

Bear Creek and Bear Creek Tributary 1		
Carpenter Creek		peregrine falcon
Dalton Canyon Creek and Dalton Canyon Creek Tributaries 1-11	Mexican spotted owl (and designated critical habitat)	peregrine falcon, spotted bat
Davis Creek and Davis Creek Tributary 1	Mexican spotted owl (and designated critical habitat)	peregrine falcon
Doctor Creek and Doctor Creek Tributaries 1-4		peregrine falcon, spotted bat, boreal owl
Holy Ghost Creek and Holy Ghost Creek Tributaries 1-13	Mexican spotted owl (and designated critical habitat)	peregrine falcon
Jack's Creek		peregrine falcon
Indian Creek and Indian Creek Tributaries 1-7	Mexican spotted owl (and designated critical habitat)	peregrine falcon, spotted bat
Macho Canyon Creek and Macho Canyon Creek Tributaries 1-12	Mexican spotted owl (and designated critical habitat)	peregrine falcon, spotted bat, boreal owl
Panchuela Creek and Panchuela Creek Tributaries 1-2		peregrine falcon
Pecos River and Pecos River Tributaries 1-28	Mexican spotted owl (and designated critical habitat)	peregrine falcon
Rio Mora and Rio Mora Tributaries 1-4		peregrine falcon
Sawyer Creek and Sawyer Creek Tributary 1	Mexican spotted owl (and designated critical habitat)	peregrine falcon
Wild Horse Creek and Wild Horse Creek	Mexican spotted owl (and designated critical habitat)	peregrine falcon, spotted bat, bald eagle

Tributaries 1-4	habitat)	
Willow Creek and Willow Creek Tributaries 1-4	Mexican spotted owl (and designated critical habitat)	peregrine falcon
Winsor Creek and Winsor Creek Tributaries 1-4		peregrine falcon



Panchuela Creek, spring 2021. Lela McFerrin.

The nominated waters of the upper Pecos watershed support many species identified by NMDGF in its State Wildlife Action Plan⁶ as Species of Greatest Conservation Need (“SGCN”).

To be considered a SGCN, a species must meet at least one of the following:

- Declining: Species that have experienced substantial long-term declines in habitat or numbers.
- Vulnerable: Species in which some aspect of their life history and ecology makes them disproportionately susceptible to decline within the next 10 years. Factors include but are not limited to (1) concentration to small areas during migration or hibernation; (2) low reproductive rates; (3) susceptibility to disease; and (4) inability to respond to changing climate conditions, habitat loss, wildfire, and overexploitation for anthropogenic purposes.
- Endemic: Species is limited to New Mexico.
- Disjunct: Species that have populations geographically isolated from other populations of the same species and are thereby disproportionately susceptible to local decline or extirpation.
- Keystone: Species that are crucial to the integrity and the functioning of their ecosystems. These species may represent more value to conservation of biological diversity than the size of their population or their distribution would suggest.⁷

Numerous SGCNs are found in the upper Pecos watershed and range from spotted bat to peregrine falcon to northern leopard frog. The SGCN in each of the nominated streams are set forth in Table 2 below. Inclusion in Table 2 is based on information provided in the ERTs in Petitioners’ Exhibit 9 and NMDGF’s State Wildlife Action Plan for New Mexico (2016).⁸ The large majority of these species are birds that use riparian habitats associated with both perennial and non-perennial water courses.

⁶ NMDGF. State Wildlife Action Plan for New Mexico at 14-19, Table 5. Nov. 22, 2016 (Wildlife Plan 2016). <https://www.wildlife.state.nm.us/download/conservation/swap/New-Mexico-State-Wildlife-Action-Plan-SWAP-Final-2019.pdf>.

⁷ *Id.* at 11.

⁸ *Id.* at 14-19, Table 5.

Table 2: Species of Greatest Conservation Need by Stream⁹

Stream/s	Number of SGCN	SGCN Species
Bear Creek and Bear Creek Tributary 1	14	northern leopard frog, peregrine falcon, Lewis's woodpecker, red-headed woodpecker, Williamson's sapsucker, olive-sided flycatcher, bank swallow, pinyon jay, Clark's nutcracker, juniper titmouse, pygmy nuthatch, western bluebird, loggerhead shrike, brown capped rosy finch
Carpenter Creek	16	northern leopard frog, peregrine falcon, mountain plover, Lewis's woodpecker, red-headed woodpecker, Williamson's sapsucker, olive-sided flycatcher, bank swallow, pinyon jay, Clark's nutcracker, juniper titmouse, pygmy nuthatch, western bluebird, loggerhead shrike, brown capped rosy finch, Gunnison's prairie dog
Dalton Canyon Creek and Dalton Canyon Creek Tributaries 1-11	20	northern leopard frog, peregrine falcon, mountain plover, long billed curlew, Mexican spotted owl, Lewis's woodpecker, red-headed woodpecker, Williamson's sapsucker, olive-sided flycatcher, bank swallow, pinyon jay, Clark's nutcracker, juniper titmouse, pygmy nuthatch, western bluebird, loggerhead shrike, brown capped rosy finch, spotted bat, Gunnison's prairie dog
Davis Creek and Davis Creek Tributary 1	187	northern leopard frog, peregrine falcon, mountain plover, Mexican spotted owl, Lewis's woodpecker, red-headed woodpecker, Williamson's sapsucker, olive-sided flycatcher, bank swallow, pinyon jay, Clark's nutcracker, juniper titmouse, pygmy nuthatch, western bluebird, loggerhead shrike, brown capped rosy finch, spotted bat, Gunnison's prairie dog
Doctor Creek and Doctor Creek Tributaries 1-4	21	northern leopard frog, peregrine falcon, mountain plover, boreal owl, Mexican spotted owl, Lewis's woodpecker, red-headed woodpecker, Williamson's sapsucker, olive-sided flycatcher, bank swallow, pinyon jay, Clark's nutcracker, juniper titmouse, pygmy nuthatch, western bluebird, loggerhead shrike, brown capped rosy finch, spotted bat, Gunnison's prairie dog, American pika, pacific marten
Holy Ghost Creek and Holy Ghost Creek Tributaries 1-13	19	northern leopard frog, peregrine falcon, mountain plover, boreal owl, Mexican spotted owl, Lewis's woodpecker, red-headed woodpecker, Williamson's sapsucker, olive-sided flycatcher, bank swallow, pinyon jay, Clark's nutcracker,

⁹ The NMDGF ERTs mistakenly identify Rio Grande cutthroat trout, cutthroat trout, white sucker, and cave obligate springtail as SGCN. However, Rio Grande cutthroat trout and cutthroat trout are Species of Economic and Recreational Importance, as identified by NMDGF.

		juniper titmouse, pygmy nuthatch, western bluebird, loggerhead shrike, brown capped rosy finch, spotted bat, Gunnison's prairie dog
Indian Creek and Indian Creek Tributaries 1-7	20	northern leopard frog, peregrine falcon, mountain plover, boreal owl, Mexican spotted owl, Lewis's woodpecker, red-headed woodpecker, Williamson's sapsucker, olive-sided flycatcher, bank swallow, pinyon jay, Clark's nutcracker, juniper titmouse, pygmy nuthatch, western bluebird, loggerhead shrike, brown capped rosy finch, spotted bat, Gunnison's prairie dog, American pika
Jack's Creek	15	northern leopard frog, northern goshawk, peregrine falcon, Lewis's woodpecker, red-headed woodpecker, Williamson's sapsucker, olive-sided flycatcher, bank swallow, pinyon jay, Clark's nutcracker, pygmy nuthatch, western bluebird, loggerhead shrike, brown capped rosy finch,
Macho Canyon Creek and Macho Canyon Creek Tributaries 1-12	21	northern leopard frog, peregrine falcon, mountain plover, long billed curlew, boreal owl, Mexican spotted owl, Lewis's woodpecker, red-headed woodpecker, Williamson's sapsucker, olive-sided flycatcher, bank swallow, pinyon jay, Clark's nutcracker, juniper titmouse, pygmy nuthatch, western bluebird, loggerhead shrike, brown capped rosy finch, spotted bat, Gunnison's prairie dog, American pika
Panchuela Creek and Panchuela Creek Tributaries 1-2	16	northern leopard frog, northern goshawk, peregrine falcon, Lewis's woodpecker, red-headed woodpecker, Williamson's sapsucker, olive-sided flycatcher, bank swallow, pinyon jay, Clark's nutcracker, juniper titmouse, pygmy nuthatch, western bluebird, loggerhead shrike, brown capped rosy finch,
Rio Mora and Rio Mora Tributaries 1-4	17	northern leopard frog, peregrine falcon, mountain plover, Lewis's woodpecker, red-headed woodpecker, Williamson's sapsucker, olive-sided flycatcher, bank swallow, pinyon jay, Clark's nutcracker, juniper titmouse, pygmy nuthatch, western bluebird, loggerhead shrike, brown capped rosy finch, Gunnison's prairie dog, American pika
Pecos River and Pecos River Tributaries 1-28	19	northern leopard frog, northern goshawk, peregrine falcon, mountain plover, long billed curlew, Mexican spotted owl, Lewis's woodpecker, red-headed woodpecker, Williamson's sapsucker, olive-sided flycatcher, bank swallow, pinyon jay, Clark's nutcracker, juniper titmouse, pygmy nuthatch, western bluebird, loggerhead shrike, brown capped rosy finch, Gunnison's prairie dog
Sawyer Creek and Sawyer Creek Tributary 1	17	northern leopard frog, peregrine falcon, mountain plover, Mexican spotted owl, Lewis's woodpecker, red-headed woodpecker, Williamson's sapsucker, olive-sided flycatcher, bank swallow, pinyon jay, Clark's nutcracker, juniper titmouse, pygmy nuthatch, western bluebird, loggerhead shrike, brown capped rosy finch, Gunnison's prairie dog

Wild Horse Creek and Wild Horse Tributaries 1-4	19	northern leopard frog, bald eagle, peregrine falcon, Mexican spotted owl, Lewis's woodpecker, red-headed woodpecker, Williamson's sapsucker, olive-sided flycatcher, bank swallow, pinyon jay, Clark's nutcracker, juniper titmouse, pygmy nuthatch, western bluebird, loggerhead shrike, brown capped rosy finch, spotted bat, Gunnison's prairie dog, American pika
Willow Creek and Willow Creek Tributaries 1-4	17	northern leopard frog, peregrine falcon, mountain plover, Mexican spotted owl, Lewis's woodpecker, red-headed woodpecker, Williamson's sapsucker, olive-sided flycatcher, bank swallow, pinyon jay, Clark's nutcracker, juniper titmouse, pygmy nuthatch, western bluebird, loggerhead shrike, brown capped rosy finch, Gunnison's prairie dog
Winsor Creek and Winsor Creek Tributaries 1-4	14	northern leopard frog, peregrine falcon, Lewis's woodpecker, red-headed woodpecker, Williamson's sapsucker, olive-sided flycatcher, bank swallow, pinyon jay, Clark's nutcracker, juniper titmouse, pygmy nuthatch, western bluebird, loggerhead shrike, brown capped rosy finch

The Pecos River is a highly productive fishing stream providing habitat for populations of New Mexico's native cutthroat trout and state fish -- the Rio Grande cutthroat trout. The Rio Grande Cutthroat Trout Conservation Strategy (RGCT Conservation Team 2013) has a restoration goal of 13-15 conservation populations for the Pecos GMU (Geographic Management Unit). Within the nominated waters of the upper Pecos watershed, the following Pecos River tributaries support Rio Grande cutthroat trout conservation populations:

- Dalton Canyon Creek
- Wild Horse Creek
- Bear Creek
- Jack's Creek
- Macho Canyon Creek (including North Fork of Macho Canyon Creek)
- Rio Mora
- Willow Creek

Each of the above streams has a natural or constructed barrier to prevent upstream movement of nonnative brown trout, rainbow trout and nonnative cutthroat trout. Collectively,

these seven streams support one-half of the populations of the RGCT Conservation Strategy's goal of 13-15 conservation populations for the Pecos GMU. ONRW designation can serve as a protective "backstop" to conservation of Rio Grande cutthroat trout and assist in meeting the RGCT Conservation Strategy population goals.¹⁰

In addition to streams currently supporting Rio Grande cutthroat trout conservation populations, 9 other tributaries and the mainstem Pecos River support nonnative brown trout, rainbow trout and/or cutthroat trout (not Rio Grande cutthroat trout).

B. Exceptional Plant Life

The nominated area also is home to a rich and diverse plant life, and supports one federally protected and three state protected plant species and six plant species listed as rare or endangered by the New Mexico Rare Plant Conservation Strategy ("NMRPCS"):¹¹

- Holy Ghost ipomopsis (*Ipomopsis sancti spiritus*): federally endangered, state endangered, NMRPCS
- Mountain lily (*Lilium philadelphicum* var. *andinum*):¹² federally endangered, state endangered, NMRPCS
- Yellow lady's slipper (*Cypripedium parviflorum* var. *pubescens*): state endangered, NMRPCS
- New Mexico stickweed (*Hackelia hirsute*): NMRPCS
- Sapello Canyon larkspur (*Delphinium sapellonis*): NMRPCS
- Hooded ladies' tresses (*Spiranthes romanzoffiana*): NMRPCS

¹⁰ Feb. 17, 2022 email from T. Brauer, Rio Grande Cutthroat Trout Biologist, NMDGF to D. Roper, New Mexico Coordinator, Angler Conservation Program, Trout Unlimited.

¹¹ "Special status plant species" refers to plant species designated as "endangered" or "threatened" under the ESA, "endangered" under 19.21.2.9 NAMC pursuant to NMSA 1978, § 75-6-1, or listed under the New Mexico Rare Plant Conservation Strategy by the EMNRD Forestry Division. The NMRPCS lists 235 plant species in the state that are rare or endangered. See EMNRD Forestry Division. New Mexico Rare Plant Conservation Strategy 2017 at 7, 52-66. 2017. https://www.emnrd.nm.gov/sfd/wp-content/uploads/sites/4/NMRarePlantConsStrategy_Final_reduced.pdf.

¹² The mountain lily is also referred to as the "wood lily."

The ERTs in Petitioners' Exhibit 9 identify the special status plant species within the 16 named waters and unnamed tributaries. As noted above, because the NMDGF ERT species search extended radially one-mile around all sides of each of the 16 named streams, and because each identified unnamed nominated water drains into one of these 16 named streams, the species search by default includes at least one-mile of *all* 96 unnamed tributaries and *all* wetlands adjacent to the 16 named streams. Three of the six plants listed above — mountain lily, yellow lady's slipper, and hooded ladies' tresses — occur primarily in moist habitats such as fens and moist meadows that occur in the upper Pecos watershed. Table 3 below lists the federally endangered, state endangered, and special status plant species found in each drainage system.

Table 3: Federally Endangered, State Endangered, and New Mexico Rare Plant Conservation Strategy Species by Stream

Stream/s	Federally Endangered	State Endangered	NMRPCS
Holy Ghost Creek	Holy Ghost ipomopsis*	Holy Ghost ipomopsis*, mountain lily	Holy Ghost ipomopsis*, mountain lily
Carpenter Creek		mountain lily	mountain lily, New Mexico stickweed, Sapello Canyon larkspur, hooded ladies' tresses
Doctor Creek and Doctor Creek Tributaries 1-4			hooded ladies' tresses

Macho Canyon Creek and Macho Canyon Creek Tributaries 1-12		mountain lily, yellow ladies' slipper	mountain lily, yellow ladies' slipper
Panchuela Creek and Panchuela Creek Tributaries 1-2		mountain lily, yellow ladies' slipper	mountain lily, yellow ladies' slipper, New Mexico stickweed, Sapello Canyon larkspur
Pecos River and Pecos River Tributaries 1-28		mountain lily, yellow ladies' slipper	mountain lily, yellow ladies' slipper, New Mexico stickweed, Sapello Canyon larkspur, hooded ladies' tresses
Rio Mora and Rio Mora Tributaries 1-4		yellow ladies' slipper	yellow ladies' slipper, New Mexico stickweed, Sapello Canyon larkspur
Winsor Creek and Winsor Creek Tributaries 1-4		mountain lily, yellow ladies' slipper	mountain lily, yellow ladies' slipper, New Mexico stickweed, Sapello Canyon larkspur

* The NMDGF ERT search results show Holy Ghost ipomopsis within drainages in addition to Holy Ghost Creek. However, other sources indicate that it is only presently found in the Holy Ghost Creek drainage. *See, e.g.,* https://www.fs.fed.us/wildflowers/Rare_Plants/conservation/success/ipomopsis_sancti-spiritus_recovery.shtml.

The Holy Ghost ipomopsis (*Ipomopsis sancti-spiritus*) was listed as endangered under the ESA in 1994. At that time, its distribution was limited to a two-mile section of Holy Ghost Canyon, and was thus extremely susceptible to extinction. To combat this threat, recovery efforts focused on expanding the plant's distribution to adjoining drainages. ONRW designation could aid the Holy Ghost ipomopsis by providing a deterrent against inappropriate disturbances to the species' habitat.

C. Ecological Significance and Interconnectedness of Non-Perennial Waters and Wetlands

The NMDGF ERT data demonstrate that the 96 non-perennial waters that are tributary to the 16 named streams and the wetlands adjacent to those streams provide habitat for the abundant animal and plant life in the upper Pecos watershed. The ecological relevance and importance of the non-perennial water courses and wetlands in the upper Pecos watershed cannot be overstated. Within this ecological realm there are physical, chemical, and biological parameters and processes that need to be considered temporally and spatially when characterizing the ecological significance of non-perennial streams. Aside from the biological, chemical, and physical processes that occur within non-perennial water courses that contribute to the overall health and functioning of the larger watershed in which they occur, non-perennial channels are conduits to convey organic and inorganic matter from uplands to perennial streams where they are a source of energy for aquatic fauna and shape the physical features of the stream. The network of non-perennial and perennial water courses and their associated wetland and riparian habitats support a diversity of flora and fauna. The following specifically considers the inter-connectedness of non-perennial streams and wetlands in the upper Pecos watershed with perennial streams, and their ecological importance to the perennial waters of the drainage.

The Petition nominates 16 named water courses, 96 unnamed water courses, and 16 unnamed wetlands in the upper Pecos watershed upstream of the U.S. Forest Service Dalton Canyon Day-use Area for protection as an ONRW.

Because all unnamed non-perennial water courses in the upper Pecos watershed are above 7,000 feet elevation and the area receives measurable snow fall in most years, it is likely that most, if not all, unnamed water courses have surface water, generated by melting snow, for

extended periods in many years. Two types of wetlands, emergent and forested/shrub, were identified. Emergent wetlands are characterized as having saturated soils- tolerant herbaceous vegetation, whereas forested/shrub wetlands have mainly willows (*Salix* spp).

Table 4: Named water courses in the upper Pecos watershed and number of unnamed tributaries confluent to each. Pecos River named tributaries are ordered from most-upstream (Jack's) to most-downstream (Dalton)

Named Water	# Unnamed Tributaries
Jack's	0
Panchuela	2
Winsor	4
Carpenter	0
Bear	1
Mora	4
Willow	4
Davis	1
Doctor	4
Holy Ghost	13
Indian	7
Sawyer	1
Macho Canyon	12
Wild Horse	4
Dalton Canyon	11
Pecos	28

The frequency of non-perennial channel wetting in the upper Pecos watershed is dependent upon winter snowfall and summer monsoons. The persistence of surface water in non-perennial water courses is linked to their underlying geomorphology and local evapotranspiration (Shanafield et al. 2021). Figure 1 illustrates the intra- and inter-annual variability in timing and volume of flows at the U.S. Geological Survey (“USGS”) Pecos River near Pecos gage (#08378500). Stream discharge at this gage is an indirect measure of the amount of precipitation (rain and snow) that has fallen in the upper Pecos watershed. Thus, data from this gage can be used to approximate when non-perennial water courses in the upper Pecos watershed might be wetted. In the hydrographs depicted, elevated flows were largely caused by melting snow. In Water Year (“WY”) 2000, an extremely low-flow year, it was likely few, if any, non-perennial streams had surface flow, but in the high flow year of 2005 many, if not all, non-perennial streams had surface flow. In WY 2020, a low-intermediate flow year, some non-perennial water courses likely had surface flow for a brief period. In these hydrographs, monsoon rains contributed little to stream flow, but in other years monsoon rains made comparatively substantial contributions. *See Figure 2.*

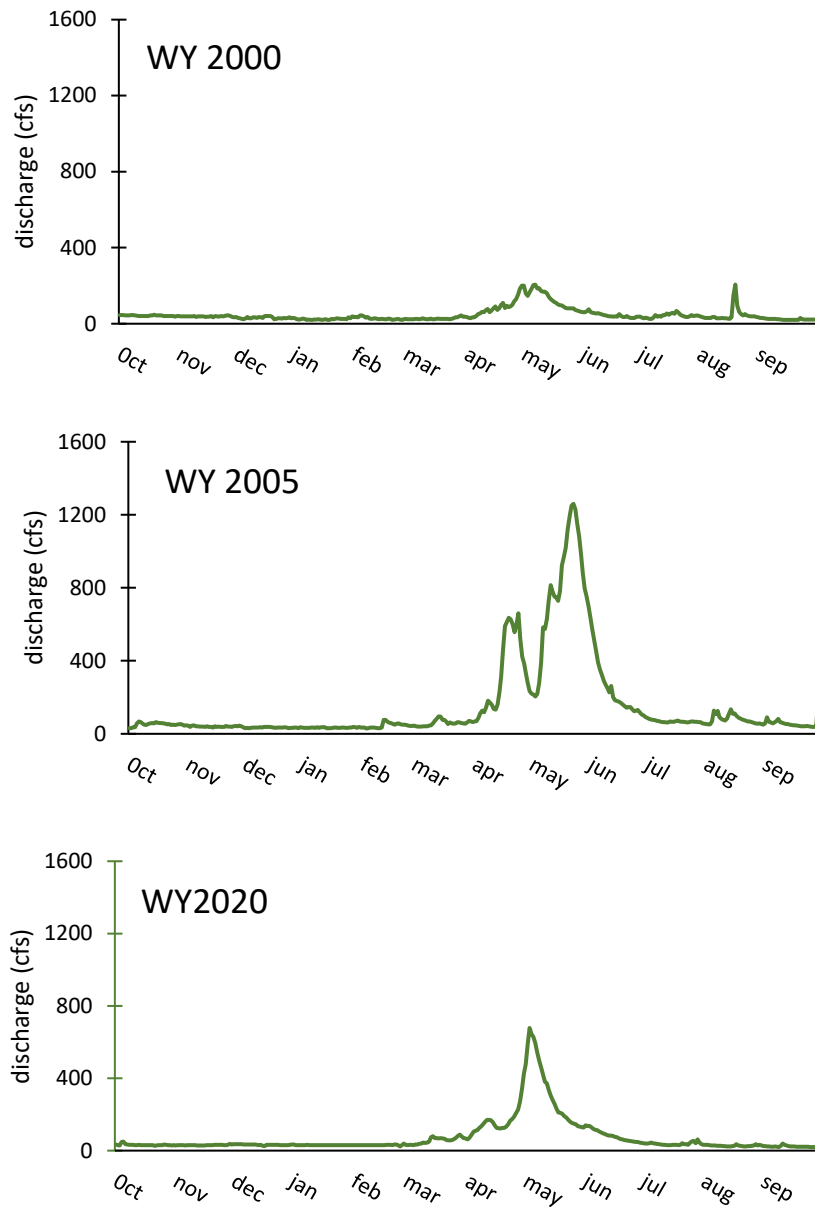


Figure 1: Discharge of the Pecos River at the USGS Pecos River near Pecos gage (#08378500) in water years 2000, 2005, and 2020 contrasting spring snowmelt-driven elevated flows

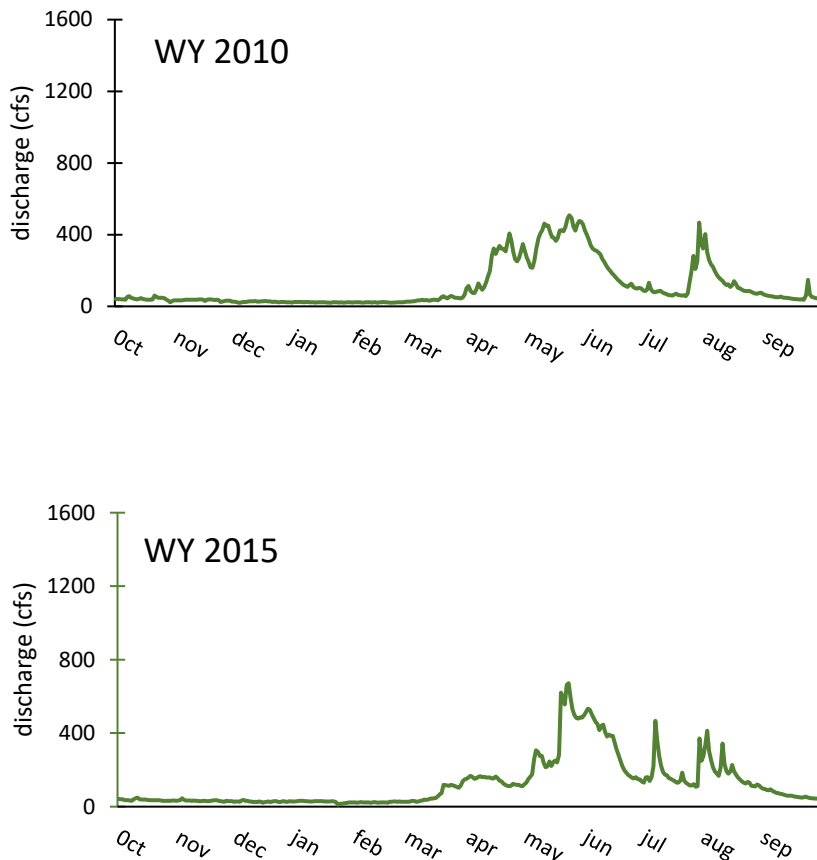


Figure 2: Discharge of the Pecos River at the USGS Pecos River near Pecos gage (# 08378500) in water years 2010 and 2015 illustrating the impact of monsoonal storms on stream flow

During big monsoon years, such as WY 2010 and 2015, it is likely that at least some unnamed non-perennial streams had surface flows twice, or were wetted over a more extended time, than in years when elevated discharge occurred only as a consequence of snowmelt.

The water courses of the upper Pecos watershed have a dendritic pattern in that they are branched like the root mass of a tree with the smaller tendrils attached to larger, and eventually, the largest attaching to the tap root. *See* Figure 3. A critical aspect of this arrangement is the interconnectedness of the tributaries to the Pecos River. Hydrological connectivity is defined as “water-mediated transfer of matter, energy, or organisms within or between elements of the

hydrologic cycle” (Pringle 2003). Inorganic and organic matter that is washed, blown, or falls into a stream course is transported, transformed, or temporally sequestered as it proceeds downstream from non-perennial upstream reaches to the perennial mainstem river. In its course to the mainstem the organic matter undergoes physical, chemical, and biological changes while inorganic matter is processed physically and chemically (Dewey et al. 2020).

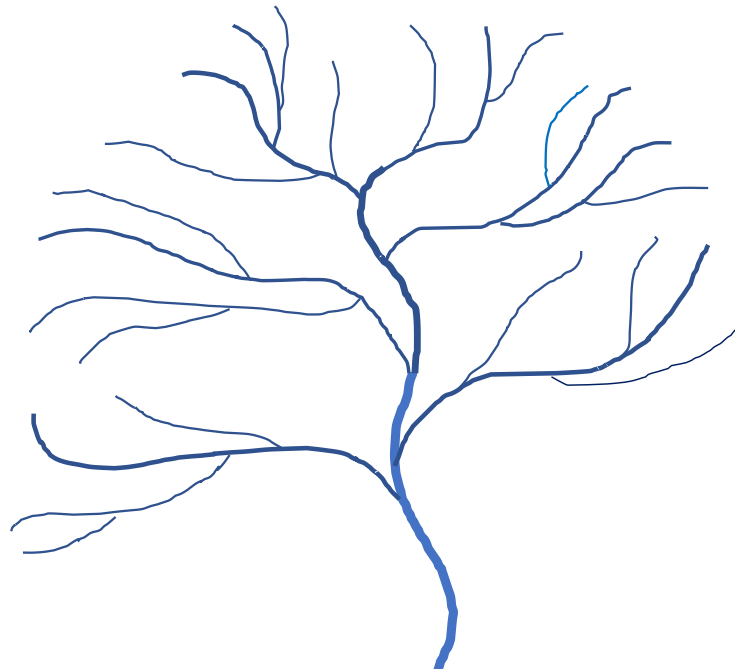
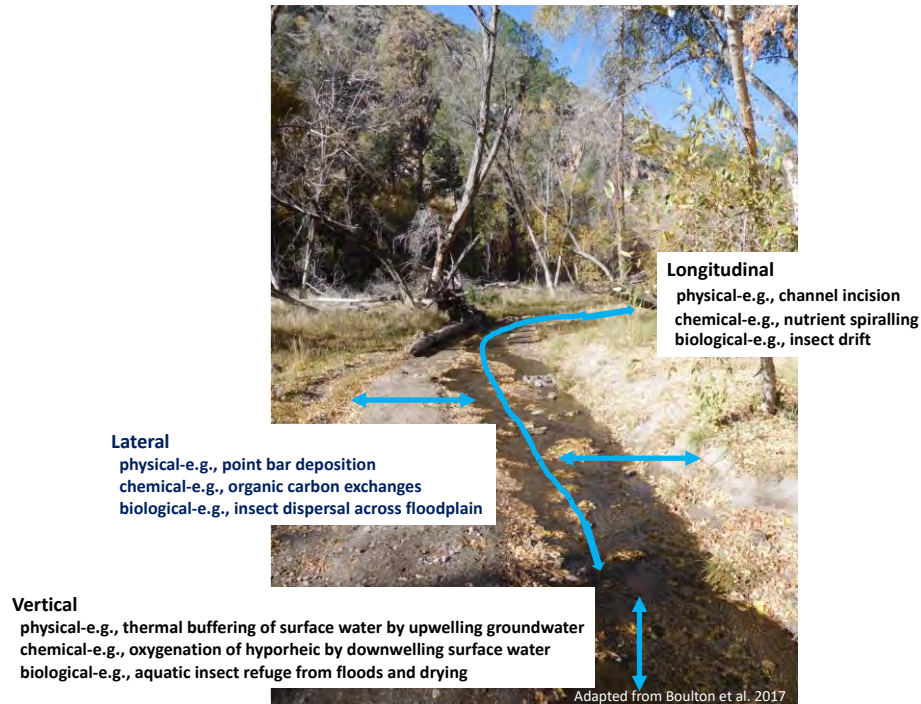


Figure 3: Dendritic drainage pattern

Regardless of stream size or classification, each water course has three spatial dimensions: longitudinal, lateral, and vertical (Boulton et al. 2017). In each of these directions important chemical, physical, and biological processes occur. See Figure 4. In addition, processes in each plane are bi-directional. Longitudinally, for example, immature aquatic insects drift downstream, and their adults fly upstream to

Figure 4: Longitudinal, lateral, and vertical hydrological connections in an intermittent stream. Many processes occur in both directions, as indicated by the arrows



deposit eggs (Baxter et al. 2005, Bogan 2012, Bogan and Boersma 2012). Adults of some aquatic insects (e.g., giant water bugs, Belostomatidae, see Figure 5) disperse across the floodplain as surface flows recede to wetted habitats, such as ponds and wetlands (Boersma and Lytle 2021) and return to the water course when surface water is restored illustrate lateral connectedness (Stubbington et al. 2017a). As surface water diminishes some aquatic insects seek refuge in the moist hyporheic zone beneath the stream bed and return to the surface when water flows are restored (Stubbington 2012).



Figure 5: Giant water bug, *Abedus herberti*. An aquatic predator

Physicochemical and biological processes within this hydrological connectivity framework are complex and have considerable spatial and temporal variation within non-perennial catchments (Boulton et al. 2017).

In addition to spatial dimensions to physicochemical and biological processes, there is a time dimension to these processes. *See* Figure 6. Over the course of a “typical” year, a non-perennial stream undergoes substantial changes in the presence and extent of surface water. These changes in wetness are accompanied by changes in the physical, chemical, and biological

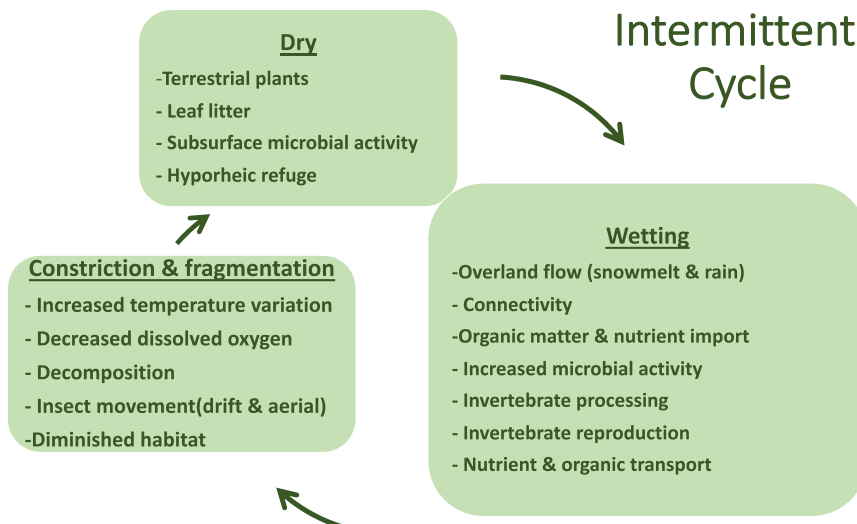


Figure 6: Generalized illustration of the cycle of physical, chemical, and biological activities in an intermittent stream course

processes that occur within the water course. Non-perennial streams go through at least three wetness phases during a year. For at least a portion of the year the stream bed is dry. During this period, there is little biological, physical, or chemical activity within the water course; terrestrial seedlings may sprout, coarse organic matter may be blown or fall into the dry channel, and terrestrial wildlife forage in and traverse dry water courses. Runoff from melting snows or seasonal storms (monsoons) rewets the stream channel and biological, physical, and chemical processes are super-charged (von Schiller et al. 2017). Invertebrate eggs that survived in subsurface interstitial spaces during the dry period hatch as the hyporheic zone is refreshed and the emerging larvae feed upon fine particulate organic matter while others graze the microbial film on large particulate organic matter (Datry 2012). Some emerging larvae are entrained in the stream currents and drift downstream to be consumed by foraging fish (McArthur and Barnes 1985, Baxter et al. 2005). *See Figure 7.*



Figure 7: Mayfly naiad, *Callibaetis* sp., a common intermittent stream aquatic insect

Adults of some aquatic insects fly upstream from perennial reaches to deposit eggs in the newly wetted channel (Chester and Robson 2011, Jordt and Taylor 2021). Increasing flow mobilizes fine sediments and deposits them in downstream, lower gradient reaches to modify or create new aquatic habitats (Graf 1988). Overland runoff washes large and small organic matter into the stream where it is physically reduced to smaller particles and colonized by microbes that will be a source of energy for grazing aquatic insects (Dodds et al. 2004, Bernal et al. 2013). Dissolved oxygen levels change with increasing flow; with greater agitation of elevated flows dissolved oxygen increases. Nutrients (principally nitrogen and phosphorus) washed in from the adjoining riparian zone enhance primary production, often manifested by luxuriant growths of algae.

In time, flow diminishes, and surface water is reduced to scattered, isolated pools. Within the diminishing pools, diurnal water temperature fluctuates considerably, dissolved oxygen levels decline and aquatic organisms that cannot survive these conditions die, depart for perennial habitats (*see* Figure 8) or go deep in the hyporheic zone for refuge, and finally, a dry stream course.



Figure 8: Water boatman, common stream insect that flies to aquatic refuge when non-perennial habitat dries

In many years, non-perennial streams of the upper Pecos watershed experience at least two wet-dry cycles. Figure 9 illustrates an annual hydrologic cycle for a hypothetical non-perennial tributary to the upper Pecos River, during a moderately wet year.

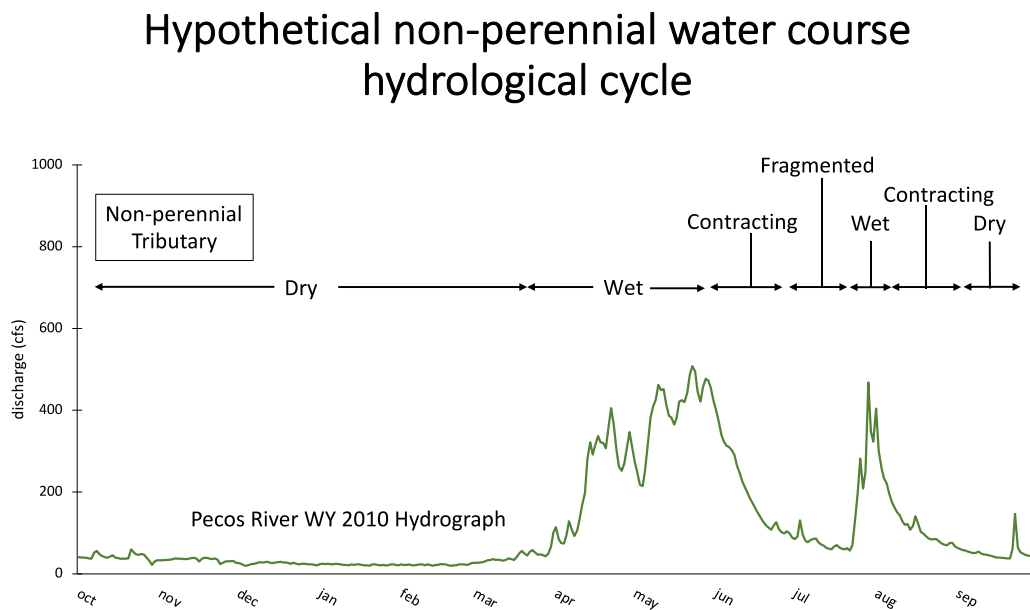


Figure 9: Hydrologic cycle of hypothetical non-perennial tributary to the upper Pecos River

Each flow pulse brings additional organic and inorganic matter into the stream course where it undergoes a range of biological, chemical, and physical processes. Elevated flows disperse nutrients and particulate matter downstream, and ultimately to the mainstem Pecos River.

The foregoing provides a broad overview of the biological, chemical, and physical processes that occur within non-perennial streams and thus illustrates the importance of these water courses to supporting and maintaining the ecological functioning of a perennial stream. Among the terrestrial and aquatic species that drive the biological processes of non-perennial water courses, terrestrial and aquatic invertebrate species are the primary players. But intermittent and ephemeral water courses of the upper Pecos watershed also provide essential habitats for an array of vertebrate species. In its ERT surveys, Petitioners' Exhibit 9, NMDGF identified 32 vertebrate species that occur within a 2-mile band of the nominated named waters that were listed as protected under authority of the ESA or the New Mexico Wildlife Conservation Act, listed by NMDGF as SGCN, or identified as a Species of Economic and Recreational Importance ("SERI"). Three species listed are aquatic, one is a riparian obligate, six are dependent on riparian habitats for at least one critical life stage (facultative), and another 21 regularly use riparian habitats for forage, resting, or cover. *See* Table 5. All aquatic species occur primarily in perennial waters but may venture into newly watered non-perennial reaches. One amphibian, northern leopard frog, is a riparian obligate that deposits its eggs in low-velocity habitats of perennial and non-perennial streams as well as wetlands with surface water. *See* Figure 10.



Figure 10: Northern leopard frog *Lithobates pipiens*. Photo from NMDGF Biota Information System of New Mexico (BISON-M)

Table 5: Species listed under authority of federal Endangered Species Act, New Mexico Wildlife Conservation Act or as SGCN or SERI that occur in the upper Pecos watershed. Information provided by NMDGF

Aquatic	Riparian Obligate	Riparian Facultative	Riparian User
Rio Grande cutthroat trout	northern leopard frog	Lewis's woodpecker	peregrine falcon
cutthroat trout		red-headed woodpecker	Williamson's flycatcher
brown trout		olive-sided flycatcher	pinyon jay
		bank swallow	Clark's nutcracker
rainbow trout		long-billed curlew	juniper titmouse
		spotted bat	pygmy nuthatch
			western bluebird
			loggerhead shrike
			brown-capped rosy-finch
			black bear
			cougar
			elk
			mule deer
			mountain plover
			Gunnison's prairie dog
			Mexican spotted owl
			American pika
			Pacific marten
			bald eagle
			boreal owl
			northern goshawk

Although not as major a feature of the upper Pecos watershed as the non-perennial stream courses, wetlands also provide critical habitats for aquatic and semi-aquatic species and contribute to processing organic matter that ultimately contributes to the energy budget of perennial stream reaches. Wetlands in the upper Pecos watershed provide essential habitat for mountain lily, yellow lady's slipper, and hooded ladies' tresses.

In general terms wetlands are defined as lands that support predominantly hydrophytes, substrate is predominantly undrained hydric soil, and the substrate is saturated or covered by

shallow water at some time during the growing season (The Federal Geographic Data Committee, 2013). Under the U.S. Fish and Wildlife Service National Wetlands Inventory¹³ two types of wetlands are present in the upper Pecos watershed: freshwater emergent and freshwater shrub. Freshwater emergent are defined as wetlands having saturated soils and dominated by perennial herbaceous hydrophytes. *See* Figure 11. In contrast, shrub wetlands have saturated soils with woody plants (e.g., *Salix* spp.) less than 6 meters tall. Seven upper Pecos watershed wetlands are freshwater emergent and nine are freshwater shrub. In addition to providing habitat for hydrophilic plants not found elsewhere in the drainage, other important ecological functions are carried out in upper Pecos watershed wetlands. These wetlands provide habitat for early life stages of northern leopard frog and numerous aquatic insects, are sites of organic decomposition and nutrient processing, and depending on location in relation to stream channels help attenuate the effects of elevated flows by storing water and during low-flow periods help recharge groundwater (Alexander et al. 2015).

¹³ <https://www.fws.gov/wetlands/Data/Mapper-Wetlands-Legend.html>.



Figure 11: Freshwater emergent wetland, Willow Creek, upper Pecos River watershed

The relationships of non-perennial tributaries to the health and functionality of their confluent perennial streams are dynamic and complex. A slight alteration in the upland riparian community of a non-perennial stream, for example, can have cascading effects on availability of leaf litter, microbe colonizing substrates (e.g., leaves), aquatic insect species occurrence, and prey for fishes. The health and ecological vitality of perennial streams are thus intimately linked to the well-being of the surrounding watershed, including non-perennial streams, and wetlands. Transport of sediments, organic matter (living and dead), and nutrients to perennial streams via non-perennial water courses is a major route for delivery of a substantial portion of the energy and physical needs of recipient streams. Any activity or action that impairs delivery of these resources alters, and often diminishes, the dynamics, structure, and persistence of downstream

aquatic assemblages as well as that of the plant and animal assemblages of the adjoining floodplain.

In addition to the special status species identified by NMDGF, numerous other wildlife species use the diverse mosaic of habitats associated with upper Pecos watershed water courses and wetlands. Species range from white sucker, Hernandez's short-horned lizard, pinyon jay and American dipper, to Abert's squirrel and bobcat. While many of these species are at least locally common and broadly distributed, their well-being is enhanced by resources found mainly, if not entirely, within the perennial and non-perennial water courses and associated riparian communities of headwater systems such as the upper Pecos watershed.

Recognition of the extensive ecosystem services provided by intermittent and ephemeral water courses has generally been poorly noted until recently and is still not fully understood (Koundouri et al. 2017). Koundouri et al. (2017) identified four major classes of ecosystem services provided: *provisioning* (e.g., freshwater, food, biochemical), *regulating* (e.g., climate, flows, and water purification), *supporting* (e.g., soil formation and nutrient cycling), and *cultural* (e.g., spiritual and inspirational, recreational, and educational). Over the course of a year, the ecosystem services of non-perennial streams change as the water course transitions from dry to wet and back to dry. For example, during dry phases water-stressed riparian plants shed leaves that are colonized and processed by microbes and invertebrates when the channel is again wetted. This partially processed organic matter is swept downstream to perennial reaches where it is an important source of energy for aquatic insects and fish (Stubbington et al. 2020). Not all non-perennial water courses of the upper Pecos watershed provide each or even most of the identified ecosystem services every year, but collectively they supply much of what has been

identified as valuable contributions to the well-being and health of the Pecos River and its perennial tributaries.

From a statewide perspective, non-perennial streams make up the vast majority of New Mexico waters — 89% — and protecting them is essential to protecting downstream waters. Numerous state agencies have identified the critical function that non-perennial waterbodies serve in overall watershed and wildlife health and sustainability as well as the importance protecting of non-perennial waterbodies. The need to recognize, and incorporate into environmental management, the critical ecological importance of non-perennial streams has been expressed by scientists worldwide (e.g., Acuña et al. 2014, Marshall et al. 2018). NMED itself has made the case that non-perennial waters in New Mexico are ecologically significant. In testimony before the United States Senate Committee on Environment and Public Works, Rebecca Roose, then Director of NMED’S Water Protection Division and now NMED Deputy Secretary, eloquently laid out the ecological importance of ephemeral waters as being the “capillaries” of our watersheds and being “ecologically and hydrologically significant.”¹⁴

In the state’s wildlife plan, the NMDGF also acknowledged the importance of protecting ephemeral waters and wetlands.¹⁵ NMDGF noted the importance of protecting ephemeral systems in five of the 13 identified Conservation Actions for Conserving Aquatic Species in the

¹⁴Testimony of Rebecca Roose, Water Protection Division Director, New Mexico Environment Department to the United States Senate Committee on Environment and Public Works Regarding a Hearing on “Stakeholder Reactions: The Navigable Waters Protection Rule under the Clean Water Act” at 2 (Sept. 16, 2020) at <https://www.env.nm.gov/wp-content/uploads/2020/05/2020-09-14-Written-SEPW-Testimony-of-Rebecca-Roose-Final.pdf>.

¹⁵ Wildlife Plan 2016.

state.¹⁶ Wetland protection is also included in five of the 13 actions for a total of ten of 13 conservation actions involving increased protections for wetlands and/or ephemeral waters.

The U.S. Environmental Protection Agency (“EPA”) has found that ephemeral and intermittent streams provide the same ecological and hydrological functions as perennial streams by moving water, nutrients, and sediment throughout the watershed.¹⁷ Indeed, the sediment and nutrients transported downstream from non-perennial streams contribute to downstream river productivity.¹⁸ And, not to be overlooked, the riparian habitats provided by non-perennial streams support a vast array of aquatic, wildlife, and plant species that are interdependent components of the ecosystem.¹⁹ Periodic flows in non-perennial tributaries can have a strong influence on the chemistry of the entire system through their role in transporting potential contaminants downstream.²⁰ EPA specifically acknowledges the importance of protecting ephemeral waters on a “landscape or watershed-scale approach.”²¹

¹⁶ *Id.* at 65-66.

¹⁷ U.S. Environmental Protection Agency, The Ecological and Hydrological Significance of Ephemeral and Intermittent Streams in the Arid and Semi-arid American Southwest at iii (Nov. 2008). https://www.epa.gov/sites/production/files/2015-03/documents/ephemeral_streams_report_final_508-kepner.pdf.

¹⁸ U.S. Environmental Protection Agency, Connectivity of Streams & Wetlands to Downstream Waters: A Review & Synthesis of the Scientific Evidence at B-37 (Jan. 2015). <https://cfpub.epa.gov/ncea/risk/recordisplay.cfm?deid=296414>.

¹⁹ *Id.* at B-55.

²⁰ U.S. Environmental Protection Agency, Technical Support Document for the Clean Water Rule: Definition of Waters of the United States at 260 (May, 2015). https://www.epa.gov/sites/production/files/2015-05/documents/technical_support_document_for_the_clean_water_rule_1.pdf.

²¹ U.S. Environmental Protection Agency 2008 at 2.

D. All of Nominated Waterbodies in the Upper Pecos Watershed Have Exceptional Ecological Significance

As detailed above all nominated waterbodies including the 16 named tributaries, 96 unnamed tributaries, and 16 wetlands have exceptional ecological significance and warrant designation as an ONRW. Furthermore, ONRW designation of the nominated waters of the upper Pecos watershed would help ensure that healthy populations of the area's flora and fauna continue to thrive and provide vital added protections for endangered and threatened species and their habitats.

This ends my testimony, which is accurate to the best of my knowledge.

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9 March 2022

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PETITIONERS' EXHIBIT

12

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Turner, T.F., A. Cameron, M. Osborne, and **D.L. Propst**. In press. Origins and diversity of peripheral populations of Rio Grande sucker *Pantosteus plebeius* in the southwestern United States. *The Southwestern Naturalist*.

Webster, J., K.B. Gido, S.C. Hedden, **D.L. Propst**, J.E. Whitney. 2022. Responses of arid-land macroinvertebrate communities to extremes of drought and monsoonal flooding. *River Research and Applications*. DOI: 10.1002/rra.3949.

Professional Service Activities

President: Arizona/New Mexico Chapter American Fisheries Society (1989-1990).

President: Desert Fishes Council (1999-2001).

Professional Service to state, federal, and non-governmental conservation agencies:

Leader and member, Gila Trout & Chihuahua Chub Recovery Team (1984 – present);

Member, Desert Fishes Recovery Team (1987-2002); Member Rio Grande Fishes

Recovery Team (1984 – 2010); Member, Rio Grande Silvery Minnow Recovery Team

(1995 – 2005); Member, Biology Committee, San Juan River Basin Recovery

Implementation Program (1991 – 2010); Participant, World Wildlife Fund Biological

Assessment Workshop of the Chihuahuan Desert (1997); Member, Technical Committee,

Central Arizona Project Biological Opinion Implementation Program (1999 – 2010);

Member, Science Work Group, Middle Rio Grande Endangered Species Act

Collaborative Program (2000 – 2010); Participant, Truchas Mexicanas (2004 – present);

Member, Gila Technical Subcommittee, Gila-San Francisco Coordinating Committee

(2006-2007); and Participant, Western Native Trout Initiative (2007 – 2008).

Associate Editor (Fishes): The Southwestern Naturalist (2001 – 2003).

Peer Reviewer: Aquatic Conservation: Marine and Freshwater Ecosystems, American Midland Naturalist, Conservation Biology, Copeia, Ecology of Freshwater Fish, Environmental Biology of Fishes, Fisheries, Freshwater Biology, Journal of Environmental Management, Marine and Freshwater Research, North American Journal of Fisheries Management, River Research and Applications, River Systems, Reviews in Fisheries and Fish Biology, The Southwestern Naturalist, Transactions of the American Fisheries Society, Western North American Naturalist.

Contributor: R.A. Abell et al. (editors). 2000. Freshwater Ecoregions of North America: A Conservation Assessment. Island Press, Washington, D.C.

Invited Speaker: Conservation of Native Fishes; Species to Ecosystems (American Fisheries Society, 1993); President's Council on Sustainable Resource Use (1994); Ichthyofauna of the Rio Grande Ecosystem: Historical Changes and Challenges for Conservation (Western Division of American Fisheries Society, 1994); Ecology and Management of North American Prairie Streams (American Fisheries Society, 2005); National and International Challenges and Lessons Learned on Fish Management Chemicals (American Fisheries Society, 2005); Natural History of the Gila: A Southwestern NM Symposium (2006); and Wildfire Impacts on Fishes, Aquatic Organisms, and Their Habitats (Third International Fire Ecology and Management Congress, 2006). Lessons from Long-Term Monitoring (2016 Joint Meeting Ichthyologists and Herpetologists).

Public Outreach: Presentations to New Mexico Audubon Society, Arizona Federation FlyFishermen, New Mexico Trout, Mesilla Valley Fishermen, and New Mexico Wildlife Federation.

Awards

The Nature Conservancy 'Aldo Leopold Conservation Award' (1985)
The Southwestern Association of Naturalists 'George Miksch Sutton Award in Conservation Research' (1992)
U.S. Forest Service 'Rise to the Future Award' (2003)
Western Association of Fish and Wildlife Agencies 'Professional of the Year' (2007)
U.S. Environmental Protection Agency 'Bronze Medal for Commendable Service' (2008)
Desert Fishes Council 'W.L. Minckley Conservation Award' (2010)
U.S. Fish and Wildlife Service 'Endangered Species Champion' (2012)
Gila Natural History Symposium (V) 'Lifetime Achievement Award' (2014)
Trout Unlimited 'Trout Conservation Award: Professional' (2014)
AZ Game & Fish Department and AZ Council of Trout Unlimited 'Gila Trout Distinguished Service Award' (2017)

PETITIONERS' EXHIBIT

13

**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF PETITION TO
DESIGNATE SURFACE WATERS OF THE
UPPER PECOS WATERSHED AS
OUTSTANDING NATIONAL RESOURCE WATERS,**

No. WQCC 21-51 (R)

**Village of Pecos, San Miguel County, Upper Pecos
Watershed Association, New Mexico Acequia
Association, and Molino de la Isla Organics LLC,**

Petitioners.

DIRECT TESTIMONY OF TONER MITCHELL

I. QUALIFICATIONS

My name is Toner Mitchell and, since 2011, I have been the New Mexico Water and Habitat Program Manager for Trout Unlimited, where I work to restore native trout species to historically occupied streams and create economic opportunities in rural areas of New Mexico through collaborative conservation. Over my career, I have worked as a fishing guide and store manager for The Reel Life, a fly shop in Santa Fe, New Mexico; as an environmental and hazardous waste scientist and consultant on groundwater and soil contamination and waste sites; and as a legislative aide in the U.S. Senate. Since 1992, I have guided fly fishers in New Mexico, Alaska, and California. I lead Trout Unlimited's Upper Rio Grande Community Initiative, a program intended to achieve conservation benefits while helping rural communities maintain economic security through the stewardship of their watersheds and traditional practices. As an avid angler, hiker, and ecologist, I am committed to restoring Rio Grande cutthroat trout populations in northern New Mexico and southern Colorado. I have published numerous articles — in magazines such as Southwest Fly Fishing, American Fly Fishing, The Drake, and TROUT — describing fly fishing locations in northern New Mexico. I was born and raised in New

Mexico and have been fishing the waters of the Upper Pecos Watershed for five decades. I have a bachelor's degree in biology from Williams College and a masters of fine arts degree in creative writing from St. Mary's College. My resume is attached as Petitioners' Exhibit 14.

My testimony addresses section 20.6.4.9.B(2) NMAC, demonstrating that, in my opinion, the waters of the Upper Pecos Watershed¹ nominated as Outstanding National Resource Waters meet the criteria of having exceptional recreational or ecological significance, and section 20.6.4.9.B NMAC, demonstrating that, in my opinion, designation of the nominated waters of the Upper Pecos Watershed will be beneficial to the State of New Mexico.

II. THE EXCEPTIONAL RECREATIONAL SIGNIFICANCE OF THE WATERS OF THE UPPER PECOS WATERSHED

I worked as a fishing guide and manager for The Reel Life fly shop in Santa Fe for eight years. During that time, I guided many trips in the nominated waters in the Upper Pecos Watershed. Far and away our most popular guiding destination, The Upper Pecos Watershed generated substantial cash flow for The Reel Life, enough to be critical for the survival of the business. As such, the Upper Pecos was a key driver in other industries related to fly fishing, including lodging, dining, and a variety of recreation alternatives like rafting and horseback riding. Each of the 16 named streams nominated in the Petition before the New Mexico Water Quality Control Commission is habitat for one or more trout species. According to New Mexico Department of Game and Fish surveys, the nominated stretch of the mainstem of the Pecos River is the second most popular fishing destination in the state. This is not a surprise since New Mexicans and visitors alike have long appreciated the abundant fishing opportunities of the Pecos River system, which is home to Rio Grande cutthroat trout, cutthroat trout, rainbow trout,

¹ The term "Upper Pecos Watershed" refers to the perennial and non-perennial streams and wetlands nominated in the Petition in this matter, and identified in Maps 1 and 2 and Tables 1 and 2 in Section II.B of the Petition. *See also* Pet'rs Ex. 5 (maps of nominated waters).

and brown trout. In addition, the proximity of the Upper Pecos Watershed to Santa Fe adds to the recreational significance of the area by making world class flyfishing, camping, and hiking more accessible to many New Mexico residents and tourists. As a child, and a fly fishing professional, I have come to cherish the variety of fly fishing experiences available in the Upper Pecos Watershed, from the challenging currents of the mainstem Pecos River and the Rio Mora to the more intimate spaces of each of the other small tributaries nominated for this designation. A short drive from Santa Fe, Jack's Creek provides the most accessible remaining Rio Grande cutthroat trout fishing in all of New Mexico, and Panchuela Creek (including its tributaries Horsethief and Cave Creeks), just a short hike away from Jack's, provides variety that an angler can take advantage of on the same trip. This variety has always been special to me as an angler and a guide, for it guarantees success during times like runoff, when the Pecos River might be running high and the tributaries remain fishable. Being just a short hike from car-accessible trailheads, the tributaries offer anglers and guides the opportunity for not only day trips, but short overnight backpack adventures. Since Elliot Barker's time (author of *Beatty's Cabin*) Mora Flats has been a favorite camping spot, with fabulous views and dependably excellent fishing

While I no longer guide for my livelihood, I know that the waters of the Upper Pecos Watershed continue to be an important destination for fly fishing guiding companies throughout northern New Mexico. Santa Fe's other fly shop, High Desert Angler, relies heavily on the Pecos watershed, as do numerous guide outfits such as Land of Enchantment Guides.

I continue to fish myself in the Upper Pecos Watershed. My friends and I learned how to fish on the Pecos using lures, bait and flies. When he was just five years old, my son caught his very first trout on Jack's Creek. The fish was a beautiful native cutthroat descended from the

original stock. The last time my son and I fished Macho Canyon Creek, we spooked a beautiful black bear not long after it emerged from its winter sleep.

III. IMPORTANCE OF THE WATERS OF THE UPPER PECOS WATERSHED FOR RIO GRANDE CUTTHROAT TROUT RESTORATION

In addition to having exceptional recreational significance, the waters of the Upper Pecos Watershed also have exceptional ecological significance. The nominated waters are important to the restoration efforts for our state fish, the Rio Grande cutthroat trout. Eleven of the nominated named waters provide habitat for the Rio Grande cutthroat trout,² and seven — Bear Creek, Dalton Canyon Creek, Jack's Creek, Macho Canyon Creek, Rio Mora, Wild Horse Creek, and Willow Creek — have efforts underway to protect and restore Rio Grande cutthroat trout populations. While efforts to restore cutthroats in the Rio Grande drainage have been successful in recent years, cutthroat advocates are directing resources to restoring the distinct Pecos strain of the fish, characterized by fewer and larger spots near the tail. Faced with increasing competition from non-native brown trout, the Pecos strain cutthroat must be restored to ensure broad distribution, which will be critical as the cutthroat faces challenges from climate change. As a coldwater fisheries professional — both as the volunteer president of Trout Unlimited's Truchas Chapter, then as Trout Unlimited staff — my work to protect cutthroats in their native range has been my top priority, and as long as Pecos strain cutthroats continue to decline in the Pecos watershed, the fish and its habitat must be afforded every possible protection. As a native New Mexican with extensive experience in the Upper Pecos Watershed, I can assure you that there is no better option to such protection.

This ends my testimony, which is accurate to the best of my knowledge.

² Dalton Canyon Creek, Doctor Creek, Holy Ghost Creek, Indian Creek, Jack's Creek, Macho Canyon Creek, Panchuela Creek, Pecos River, Sawyer Creek, Wild Horse Creek, and Winsor Creek. *See Conn Test.*, Table 3 [Pet'rs Ex. 2].



Toner Mitchell

March 9, 2022

Date

PETITIONERS' EXHIBIT

14

TONER MITCHELL

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EXPERIENCE

- 2011 – 2022 **NM Water and Habitat Program Director** **Trout Unlimited, Arlington, VA**
Develop water transaction test cases to improve instream flows on NM streams.
Create rural economic opportunity through collaborative conservation.
Restore native trout species to historically occupied streams.
- 2003 – 2011 **Manager of Operations and Marketing** **The Reel Life Fly Shop, Santa Fe, NM**
 - Manage inventory, accounts payable, guide program, and public outreach
 - Provide website content, fishing reports, blog posts in concert with strategic seasonal or public education goals
 - Responsible for all decisions regarding branding and marketing
 - Lead customer/vendor contact for global destination travel program
- 1995 – 2003 **Field Operations Manager** **Brende and Lamb Tree & Shrub Care, Berkeley, CA**
 - Led cost reduction and improved efficiency campaign, resulting in increased net revenues and improved worker safety
 - Coordinated aesthetic tree pruning operations between several Spanish-speaking crews
 - Trained Spanish-speaking employees in aesthetic tree pruning and job site management
- 1992 – 1993 **Hazardous Waste Scientist** **Harding Lawson Associates, Anchorage, AK**
 - Collected soil and groundwater samples and evaluated data at USDOD and USDOT sites throughout remote regions of Alaska
 - Contributed to reports assessing remedial options at Alaskan hazardous sites contaminated by petroleum, waste solvents, and defense-related materials
- 1990 – 1991 **Environmental Scientist** **PTI Technologies, Larkspur, CA**
 - Collected field samples and evaluated data to determine soil, ground and surface water contaminant levels at the Butte/Anaconda Superfund site in Butte, MT
 - Collected fish samples from Lake Onondaga in Syracuse, NY to determine impact of past industrial activity on biotic community
- 1988 – 1990 **Environmental Scientist** **Ecology and Environment, Inc., San Francisco, CA**
 - Evaluated waste sites for possible inclusion on the Superfund National Priorities List
 - Assessed potential exposure of human and ecological communities to hazardous contaminants associated with agriculture, timber products, defense, transportation, mining, and chemical industries
- 1986 – 1988 **Legislative Aide** **U.S. Senator Jeff Bingaman, Washington, DC**
 - Corresponded and convened with New Mexico constituents regarding agricultural, energy, environmental, labor, and land management issues and legislation
 - Researched legislative and practical issues related to the Animas La Plata Project, Arctic National Wildlife Refuge, Clean Water and Air Acts, the Endangered Species Act, Superfund (Comprehensive Environmental Response, Compensation, and Liability Act), and the Tongass National Forest

EDUCATION

- 1997 **Master of Fine Arts, Fiction Writing** **St Mary's College, Moraga, CA**
1985 **Bachelor of Arts, Biology** **Williams College, Williamstown, MA**

OTHER ACTIVITIES, TITLES, AND CERTIFICATIONS

- 1990 – 2011 **FLY FISHING GUIDE** **VARIOUS LOCATIONS AK, NM, CA, UT, OH**
2004 – 2010 **CERTIFIED PROFESSIONAL ARBORIST**
1996 – 2011 **FREELANCE WRITER, FICTION AND NONFICTION**
2009 – 2011 **President, Truchas Chapter of Trout Unlimited** **Santa Fe, NM**
 - Original member of Truchas Chapter Youth Education Program (TCYEP) that has begun five Trout in the Classroom Projects since 2009 and is involved in science programs and after school programs in the Santa Fe area
 - Maintain chapter focus on re-establishing or protecting Rio Grande Cutthroat Trout populations in northern New Mexico
 - Collaborate with various private and public entities – Upper Pecos Watershed Association, NM State Parks, USFS, USPS, NM Game and Fish Department – to mitigate and manage human recreational impacts on the Pecos River
 - As part of the San Juan Working Group, reconcile the values of recreation and conservation in the Quality Waters section of the San Juan River

- In 2010, lobbied in Washington, D.C. for Sportsmen for Responsible Energy Development
- Negotiating with Bureau of Reclamation and Army Corps of Engineers to moderate releases from Rio Chama dams to enhance brown trout spawning success
- Active in the New Mexico State Council of Trout Unlimited

PETITIONERS' EXHIBIT

15

**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF PETITION TO
DESIGNATE SURFACE WATERS OF THE
UPPER PECOS WATERSHED AS
OUTSTANDING NATIONAL RESOURCE WATERS,**

No. WQCC 21-51 (R)

**Village of Pecos, San Miguel County, Upper Pecos
Watershed Association, New Mexico Acequia
Association, and Molino de la Isla Organics LLC,**

Petitioners.

DIRECT TESTIMONY OF LELA McFERRIN

I. QUALIFICATIONS

My name is Lela McFerrin, and I am Vice President of the Upper Pecos Watershed Association (“UPWA”), a Petitioner in this matter. I have served on the Board for 11 years and was project manager on UPWA's Mora River restoration grant, assisted on the Dalton Day Use Area grant, and worked planting, seeding and mulching on the Upper Cow Creek project. I also coordinated the educational seminar for Cow Creek residents on how to manage bank erosion. Professionally, I was a paralegal for 25 years, specializing in environmental and water law, and a business owner for 25 years in Santa Fe and Pecos, and am now retired.

My husband and I have lived on the banks of the Pecos River for 46 years in the Windy Bridge area of the canyon, which is surrounded by Santa Fe National Forest. We have seen the river at low flows, high flows from spring runoff and several flooding events from six major wildfires in the area over the last 22 years of drought conditions. The worst of the flooding brought black water down the river, full of ash and debris from the Tres Lagunas fire, resulting in major fish kills and damage to farmlands and the acequia system. I am involved in my community and am a founding member of the Pecos Business Association.

Along with other Petitioners, I have conducted extensive outreach to the local community and beyond on the nomination of waters of the Upper Pecos Watershed, described below.

My testimony will address section 20.6.4.9.B NMAC, demonstrating that designation of the waters of the Upper Pecos Watershed¹ as Outstanding National Resource Waters (“ONRWs” or “Outstanding Waters”) will benefit the State of New Mexico.

II. PETITIONERS REPRESENT LOCAL GOVERNMENTS, ACEQUIAS, FARMS, AND COMMUNITY GROUPS

Nomination of the waters of the Upper Pecos Watershed for ONRW status represents a community-driven effort that has been led by and has the support of a broad base of local governments, community organizations, businesses, and individuals. The breadth and diversity of Petitioners in this matter reflect the breadth and diversity of support for the nomination by the local communities most impacted by the nomination.

Petitioner Village of Pecos

Petitioner Village of Pecos, located in San Miguel County, has a population of 1,392, according to the 2020 census. The Village was built along the Pecos River, which flows from the north out of the Santa Fe National Forest. Notable locations nearby include Pecos National Historical Park, Glorieta Pass, the Pecos Benedictine Monastery, and Lisboa Springs Trout Hatchery. The Village also serves as an important entry point for hunting, fishing, hiking and camping in the Pecos Wilderness.

A report from the Pecos Subarea Plan states that residents in the Pecos area see “forests, mountains, rivers, and streams,” “camping, fishing, and hunting,” “greenery” and the “Pecos

¹ The term “Upper Pecos Watershed” refers to the perennial and non-perennial streams and wetlands nominated in the Petition in this matter, and identified in Maps 1 and 2 and Tables 1 and 2 in Section II.B of the Petition. *See also* Pet’rs Ex. 5 (maps of nominated waters).

National Historical Park” as major strengths and assets of the Pecos area of San Miguel County.²

Residents also understand the importance of the tourist economy in the area, and identified campgrounds as an important asset — listing Jack’s Creek, in particular — as the “premier campground in Pecos Valley.”³

Residents’ “hopes and dreams” for the Pecos subarea include “that Pecos becomes a more prosperous community, stays clean and quiet,” gains a “stronger, growing tourism economy,” and places a “focus on resources.”⁴ The Village supports the nomination, as evidenced by its 2019 resolution in support of the designation. *See* Pet’rs Ex. 16.

Petitioner San Miguel County

Petitioner San Miguel County has a population of 27,201 according to the 2020 census. Residents of San Miguel County have ranked economic diversification and environmental protection among the top three issues of importance “for the future of San Miguel County.”⁵ Trash cleanup and historic preservation are also high on the list.⁶ Outstanding Water designation for the nominated waters would boost efforts related to all of these issues.

San Miguel County residents value the protection of natural resources in their long-term home, both for themselves and for future generations. Seventy percent of respondents to a survey conducted by the county indicated that they do not anticipate leaving San Miguel County, and an

² Architectural Research Consultants, Inc., San Miguel County, New Mexico: Pecos Subarea Plan (Draft) at II-4 (Sept. 11, 2018),

<http://cms6.revize.com/revize/sanmiguelcounty/Pecos%20subarea%20plan.pdf>.

³ *Id.* at II-4, II-5.

⁴ *Id.* at II-5, II-6.

⁵ Architectural Research Consultants, Inc., San Miguel County Comprehensive Plan Update: Report on Community Conversations and Community Survey (Draft) at 1-31 and 1-32 (Dec. 5, 2017),

<http://cms6.revize.com/revize/sanmiguelcounty/San%20Miguel%20County%20Comprehensive%20Plan%20Update%2012.7.2017.pdf>.

⁶ *Id.* at 1-32

additional ten percent stated that they anticipate staying at least another five to ten years.⁷

“Challenges and opportunities” identified over the next ten years included a need to enforce regulations, or otherwise address dumping of toxic materials and polluting of natural resources in the area.⁸

Preserving the cultural and environmental values and resources of the area for future generations was a priority issue for many residents, as were fracking and contamination of potable water, and river/acequia clean-up.⁹ And, the top three industries that residents wanted to see expand in San Miguel County were all related to environmental protection and economic diversification values: renewable energy, tourism, and outdoor recreation.¹⁰ The County supports the nomination, as evidenced by its 2019 resolution in support of the designation. *See* Pet'rs Ex. 16.

Petitioner Upper Pecos Watershed Association

UPWA was formed in 2006 under a grant from the New Mexico Environment Department Surface Water Quality Bureau. The grant funds were made available under provisions of the Clean Air and Water Act, Section 319. UPWA is incorporated as a 501(c)3 nonprofit, tax-exempt organization and is governed by a Board of Directors elected by its members.

The primary focus of the UPWA is to address non-point source pollution issues in the Pecos watershed. UPWA also undertakes to address other significant ecological, environmental, and other related problems within the Upper Pecos Watershed. UPWA holds annual Stakeholder Meetings which are open to the public and prospective members. The meetings are to educate

⁷ *Id.* at 1-31.

⁸ *Id.* at 1-9.

⁹ *Id.* at 1-31–1-32.

¹⁰ *Id.* at 1-33.

and inform all stakeholders of UPWA actions and progress, present information of general interest relating to the watershed, and to give stakeholders the opportunity to provide input on issues of concern to them.

Petitioner New Mexico Acequia Association

Petitioner New Mexico Acequia Association is a statewide, membership-based organization of acequias dedicated to protecting water and revitalizing agricultural traditions. The organization is governed by a federation of acequias, the Congreso de las Acequias, which unanimously supported protection of the Upper Pecos Watershed through ONRW designation by resolution in its 2019 statewide conference. *See* Pet'rs Ex. 16.

In addition, the New Mexico Acequia Commission, established by statute in 1993 to serve as a facilitator for communication between local acequia organizations and the state and federal governments, and to review plans and legislation that affect acequias and present its findings to the governor, supports ONRW protections for the Upper Pecos Watershed. *See* Pet'rs Ex. 16.

Petitioner Molino de la Isla Organics LLC

Petitioner Molino de la Isla Organics LLC is an organic farm created to promote and protect the acequias of Nuevo Mexico through organic agriculture, regional marketing, and consumer education for the socioeconomic benefit of the community. Molino de las Isla Organics grows crops that are irrigated by water from the Pecos River. The farm serves as only one example of many that rely on the clean water the Upper Pecos River Watershed provides.

III. EXTENSIVE OUTREACH WAS CONDUCTED LOCALLY AND STATEWIDE

UPWA has played a key role in informing the community about the Petition and obtaining community support for designating the waters of the Upper Pecos Watershed as

Outstanding Waters. We have been in touch with our members and the broader public regarding the ONRW nomination for the Upper Pecos Watershed through our monthly newsletter, which has kept the community informed about the process. Our commitment to keeping the public informed has been consistent, and we have given updates on the ONRW in over 18 issues of our newsletter. UPWA also used social media to draw attention to the importance and significance of the nomination.

We made an announcement on our website and social media when the original petition was filed in April 2020, and again when the current petition was filed on October 1, 2021. We have also created a form on our website through which community members can voice their support for the ONRW nomination. This campaign generated over 100 letters of support that were forwarded to the Water Quality Control Commission as public comments on the nomination. In addition, UPWA has helped provide content to a general website about Outstanding Waters in New Mexico.¹¹ The Upper Pecos Watershed ONRW Petition, Pecos-focused Outstanding Waters videos, and general information about the Petition is posted on this website. Petitioners and other watershed stakeholders and supporters have appeared in multiple videos about the Pecos Outstanding Waters Petition. One of these videos features local ranchers and farmers in the Upper Pecos Watershed.¹² Another video features several Petitioners discussing the outstanding values of the watershed and why ONRW protections are important.¹³ In addition, Ralph Vigil, Petitioner and owner of Molino de la Isla Organics LLC, appeared in a national television segment about ONRWs that was produced by PBS's "This American Land."¹⁴ See Pets.' Ex. 17 (links to videos).

¹¹ <https://ournmwaters.com/>.

¹² See <https://www.youtube.com/watch?v=zLXez6O-tSM>.

¹³ See <https://www.youtube.com/watch?v=ahUFRQPO7Q8&t=3>.

¹⁴ <https://thisamericanland.org/?episodes=outstanding-waters>.

Between UPWA's mailing list and social media subscribers, we have reached over 3,000 people. UPWA is committed to keeping our community informed about the Outstanding Waters nomination process, and will continue to do so. We have hosted two public meetings (pre-Covid), where the ONRW nomination was presented. These meetings were attended by over 200 people from the local area. In addition, UPWA board members attended the San Miguel County and Village of Pecos public meetings where their respective resolutions in support of ONRW nominations were presented and passed. Numerous members of the public attended and commented in support of these resolutions at these meetings. I also attended a Pecos Acequia Workshop hosted by the New Mexico Acequia Association where the ONRW nomination of the Upper Pecos was presented and discussed. The abundance of support we have received from members of the public, both locally and across the State, and even the nation, shows overwhelming public support for protecting the Upper Pecos Watershed as Outstanding Waters. *See Pets.' Ex. 16.*

IV. THIS PETITION HAS BROAD-BASED LOCAL, TRIBAL, AND STATEWIDE SUPPORT

Numerous state and local leaders have expressed their support for designating the waters of the Upper Pecos Watershed as ONRWs. Members of the New Mexico congressional delegation including Senators Martin Heinrich and Ben Ray Luján and Representative Teresa Leger Fernandez support ONRW protections in the Upper Pecos Watershed. *See Pets.' Ex. 16.* The Pueblo of Jemez, whose ancestors were sustained by the Pecos waters, supports the designation. *See Pets.' Ex. 16.* State leaders including state Senators Liz Stefanics and Peter Wirth, state Representative Brian Egolf, and former state Representatives Tomas Salazar and Joseph Sanchez support the ONRW protections. *See Pets.' Ex. 16.* Pecos area leaders and

organizations including the Pecos Business Association, Friends of the Pecos National Historic Park, Friends of the Santa Fe National Forest, and Pecos River Open Spaces support ONRW protections for the Upper Pecos Watershed as well. *See* Pets.' Ex. 16. A comprehensive list of letters of support is attached as Petitioners' Exhibit 16.

Support from these federal, tribal, and state leaders and community organizations demonstrates that they understand that protecting the exceptional waters of the Upper Pecos Watershed will not only benefit the local area, but will benefit the State of New Mexico.

This ends my testimony, which is accurate to the best of my knowledge.

S / LELA McFERRIN

3/08/2022

Lela McFerrin

Date

UPPER PECOS WATERSHED ASSOCIATION
78 S. Main Street
Pecos, NM 87552
(505) 757-3600

PETITIONERS' EXHIBIT

16

**RESOLUTIONS AND LETTERS OF SUPPORT FOR DESIGNATING WATERS OF THE
UPPER PECOS WATERSHED AS OUTSTANDING NATIONAL RESOURCE WATERS**

Resolutions in support:

The New Mexico Acequia Association
San Miguel County
Village of Pecos

Letters from the following elected officials, organizations, and business entities:

Jemez Pueblo

U.S. Senator Martin Heinrich
U.S. Senator Ben Ray Lujan
U.S. Representative Teresa Leger Fernandez

New Mexico Senator Liz Stefanics
New Mexico Representative Brian Egolf
New Mexico Senator Peter Wirth
Former New Mexico Representative Tomas Salazar
Former New Mexico Representative Joseph Sanchez

New Mexico Acequia Commission
Pecos Business Association
Friends of the Pecos National Historic Park
Friends of the Santa Fe National Forest
Pecos River Open Spaces
Santa Fe Conservation Trust
Santa Fe Watershed Association
Climate Advocate Voices Unidas
Defenders of Wildlife
New Mexico Wild
Amigos Bravos
American Rivers

91 additional letters and emails in support; many from Pecos landowners, businesses, and individuals

New Mexico Acequia Association Resolution

Resolution 2019-03

Opposing a Proposed Mining Operation in the Pecos Watershed and Supporting Strong Measures to Protect Water Quality

WHEREAS, on June 6, 2019 the Santa Fe National Forest announced that it had received a Plan of Operations from Comexico LLC (“Comexico”), the American subsidiary of New World Cobalt, an Australian company, to conduct mineral exploration on previously identified deposits in the Pecos/Las Vegas Ranger District;

WHEREAS, the New Mexico Energy Minerals and Natural Resources Department (EMNRD) has received an application from Comexico for mineral exploration in the Jones Hill area in the Pecos River Watershed;

WHEREAS, the Pecos River Watershed provides critical water resources to downstream communities, including municipal, domestic, and agricultural users and provides clean water to the numerous agriculturally and culturally significant acequia systems;

WHEREAS, the Pecos River is one of the longest, in-state originating rivers affecting communities from the headwaters near Pecos to the Gulf of Mexico,

WHEREAS, in 1991, runoff from a previous mine near the proposed Comexico site(s) sent toxic metals into the Pecos River, killing nearly 10,000 trout in the nearby fish hatchery;

WHEREAS, on January 28, 2019, the State Engineer ordered a moratorium in perpetuity on permitting and drilling new wells near the old mine site to protect human health because groundwater near the old mine is contaminated with several toxic metals;

WHEREAS, the cost of remediation of the old mine has cost New Mexico \$28 million;

WHEREAS, many farmers and ranchers who rely on acequias for irrigation water would suffer hardship from contamination if toxic metals were washed into the Pecos River from the Comexico mining sites or from mine tailings;

WHEREAS, clean water is essential for the health and wellbeing of acequia communities, including families, children, elders, and pregnant women, along the Pecos River for livestock, small-scale farming and ranching, organic gardening, and recreation,

WHEREAS, Outstanding National Resource Water (ONRW) protections outlined in the state water quality standards prohibit increased pollution to waters, do not affect existing uses traditional uses, and specifically exempt acequia operations from any additional requirements: "Acequia operation, maintenance, and repairs are not subject to new requirements because of ONRW designation." 20.6.2.A(3)(e) NMAC;

WHEREAS, farming and ranching traditions and other traditional uses depend on clean water and an ONRW can help to protect water quality and it should be implemented in such a way to

protect communities from polluting industries while ensuring that farming and livestock operations are not adversely affected,

WHEREAS, the Mining Act of 1872 has not been updated to effectively protect natural resources and does not allow public lands agencies to prohibit mining to protect clean water and for this reason it is widely considered to be outdated;

WHEREAS, the state mining regulations do not require notice to acequias of mining applications, the NMAA requested a hearing by the Mining and Minerals Division of EMNRD to consider the effects of the Comexico application on some fifty-five downstream acequias, the request for hearing was granted, and the hearing will be scheduled in the coming months;

NOW, THEREFORE, BE IT RESOLVED that the New Mexico Acequia Association opposes the proposed Comexico mining operations in the Pecos River Watershed;

BE IT FURTHER RESOLVED that the NMAA will commit to working with the New Mexico Acequia Commission and local acequias to conduct education and outreach to acequia parciantes about the potential impacts of mining on the Pecos River Watershed and on their farms and ranches and to provide comment and testimony in the regulatory process;

BE IT FURTHER RESOLVED that the NMAA supports a petition by San Miguel County and the Village of Pecos to pursue Outstanding National Resource Water (ONRW) protections for the threatened portion of the Pecos River and associated tributaries;

BE IT FURTHER RESOLVED that NMAA supports reform of the 1872 Mining Act including recent legislation such as the Hardrock Mining and Reform Act of 2019 introduced by Senator Udall and Senator Heinrich and the Hardrock Leasing and Reclamation Act of 2019 introduced by Representative Grijalva;

BE IT FURTHER RESOLVED that copies of this resolution will be forwarded to San Miguel County, the Village of Pecos, Cow Creek Regional Acequia Association, the Mining and Minerals Division of the NM Energy, Minerals, and Natural Resources Department, the NM Environment Department, NM State Legislative leadership, the New Mexico Acequia Commission, and Governor Michelle Lujan Grisham.



San Miguel County Resolution

Board of County Commissioners

County of San Miguel
State of New Mexico

SAN MIGUEL COUNTY
Pages: 2

I Hereby Certify that this Instrument was filed for record 11/14/2019 01:09:55 PM and was duly recorded as Instrument No. 201903571 of the Records of San Miguel County, NM.

Witness My Hand and Seal Of Office
Geraldine E. Gutierrez

Deputy _____
County Clerk, San Miguel, NM



Resolution 11-12-19-ONRW

Maria L. Martinez
Chairman - District 4

Harold M. Garcia
Vice-Chair - District 1

Janice C. Varela
Commissioner - District 2

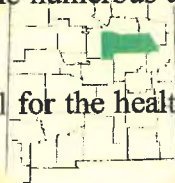
Max O. Trujillo
Commissioner - District 3

Chris A. Najar
Commissioner - District 5

Vidal Martinez, Ed.D.
County Manager

RESOLUTION IN SUPPORT OF PROTECTING OUR LOCAL WATERSHED FROM FUTURE DEGRADATION BY PETITIONING THE NEW MEXICO WATER QUALITY CONTROL COMMISSION TO DESIGNATE THE PECOS RIVER AS AN OUTSTANDING NATIONAL RESOURCE WATER.

WHEREAS, the Pecos River Watershed provides critical water resources to the communities of San Miguel County, including municipal, domestic, and agricultural users and provides clean water to the numerous ancient and agriculturally and culturally significant acequia systems;



WHEREAS, clean water is essential for the health and wellbeing of San Miguel County residents;

WHEREAS, many residents and visitors depend on the Pecos River Watershed for recreational activities such as fishing, camping, swimming, and hiking;

WHEREAS, the local economy is dependent on clean water to support recreation-based economic activities;

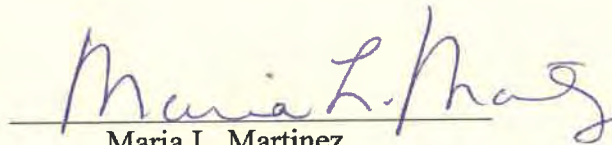
WHEREAS, Outstanding National Resource Water protections outlined in state water quality regulations prohibit new and increased pollution to waters designated as an Outstanding National Resource Water;

WHEREAS, Outstanding National Resource Water protections protect and do not inhibit traditional and historic uses of waters designated as an Outstanding National Resource Water;

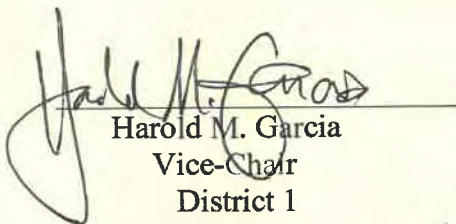
NOW, THEREFORE, BE IT RESOLVED BY SAN MIGUEL COUNTY that the County supports pursuing Outstanding National Resource Water protections for the Pecos River and associated tributaries from Dalton Canyon upstream.

BE IT FURTHER RESOLVED THAT, the County will join with other interested parties in petitioning the New Mexico Water Quality Control Commission to designate the upper portion of the Pecos River and associated tributaries as an Outstanding National Resource Water.

Passed and Approved on this 12 day of ~~November~~ 2019, by the Board of Commissioners of San Miguel County, New Mexico.



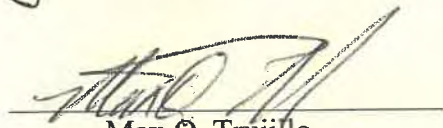
Maria L. Martinez
Chair
District 4



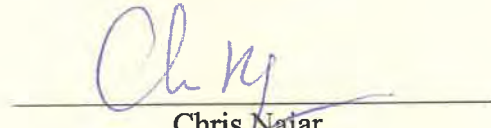
Harold M. Garcia
Vice-Chair
District 1



Janice Varela
Commissioner
District 2

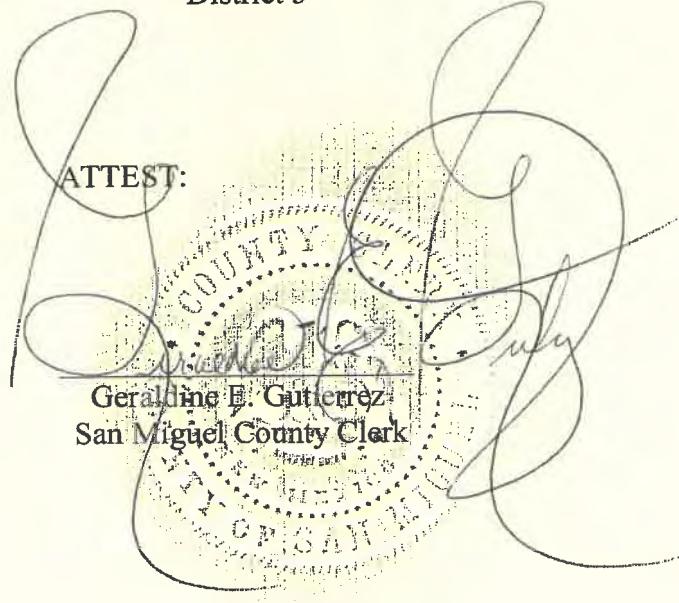


Max O. Trujillo
Commissioner
District 3



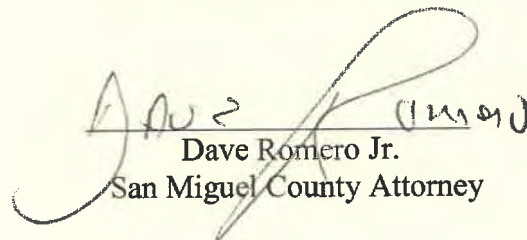
Chris Najar
Commissioner
District 5

ATTEST:



Geraldine E. Gutierrez
San Miguel County Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Dave Romero Jr.
San Miguel County Attorney

Village of Pecos Resolution

Resolution 2019-126

Resolution in support of Protecting Our Local Watershed from Future Degradation through Outstanding National Resource Water (ONRW) Protections and in support of Petitioning the New Mexico Water Quality Control Commission to Officially Designate the Pecos River as an ONRW.

Whereas, the Pecos River Watershed provides clean water to the communities of San Miguel County, including municipal, domestic, and agricultural users and provides clean water to the numerous ancient and agriculturally and culturally significant acequia systems; and,

WHEREAS, clean water is essential for the health and wellbeing of San Miguel County residents;

WHEREAS, many residents and visitors depend on the Pecos River Watershed for recreational activities such as fishing, camping, swimming, and hiking; and,

WHEREAS, the local economy is dependent on clean water to support recreation-based economic activities; and,

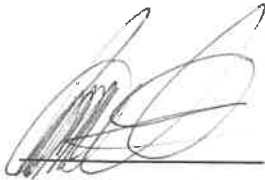
WHEREAS, Outstanding National Resource Water (ONRW) protections outlined in the state water quality standards prohibit new and increased pollution to waters; and,

WHEREAS, Outstanding National Resources Water (ONRW) protections protect and do not inhibit traditional and historic uses of the river; and,

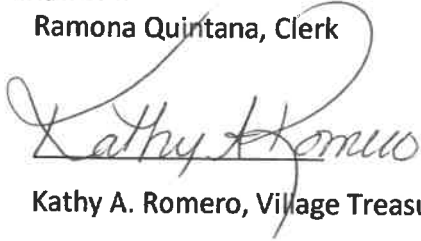
Now THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PECOS that the village supports pursuing Outstanding National Resource Water (ONRW) protections for the upper portion of the Pecos River and associated tributaries.

BE IT FURTHER RESOLVED THAT, the Village will join with other interested parties in petitioning the New Mexico Water Quality Control Commission to designate the Pecos River as a n Outstanding National Resource Water (ONRW).

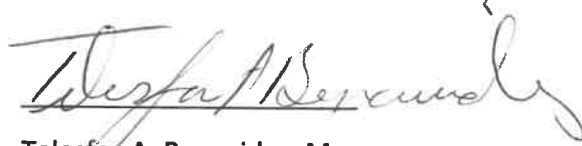
ATTEST:



Ramona Quintana, Clerk



Kathy A. Romero, Village Treasurer/Accountant



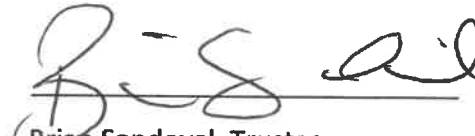
Telesfor A. Benavidez, Mayor



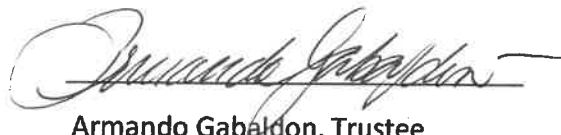
Herman Gallegos, Mayor Pro-Tem



Ralph Lopez, Trustee



Brian Sandoval, Trustee



Armando Gabaldon, Trustee



February 26, 2020

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite #South 2102
Santa Fe, New Mexico 87505

To Whom It May Concern:

I am submitting this formal letter of support to designate the Upper Pecos River as "Outstanding National Resource Waters" for the state of New Mexico. The Pueblo feels very strongly towards the need for protecting this pristine water resource. This stretch of the Pecos River is the lifeblood of the people and the ecosystems that are connected to this very special place on our Pecos ancestral homelands.

"Water is life" and we can't stress that enough! Our Pecos ancestors called the Pecos River *Tóqk'ô P'áqgee* which can be interpreted as Corn Cob River because its waters sustained the people and the corn that was planted by them up and down the Pecos River Valley or as we call it *Tóqk'ô P'áqwâamu*, Corn Cob River Valley.

Today, the descendants of the Pecos continue to visit the sacred shrines on the Pecos ancestral homeland including the upper Pecos Watershed and perform ceremonies using the sacred waters of the Pecos River. Many other tribal nations also use this cultural landscape and the waters of the Pecos River to perform their own ceremonies. We as Native Peoples see the sacredness of the water ecosystems that sustain life to all the birds and animals, plants and the aquatic life that humans greatly benefit from.

To ensure the protection needed for this precious water and the ecosystems for the future generations of all peoples that connect themselves to the Pecos River, Jemez Pueblo enthusiastically supports the efforts to have the Upper Pecos designated as Outstanding National Resource Waters.

Thank you for your efforts to protect the sacred waters of the Upper Pecos River. May your efforts and the efforts of your colleagues be blessed by Our Creator and may your lives be enriched with love and peace. If you have any questions or, if you wish to further discuss the support of the Pueblo, please do not hesitate to call me at (575) 834-7359.

Sincerely,

David M. Toledo
Governor

Elston Yepa
2nd Lt./Pecos Governor

Office of the Governor

4471 Highway 4, Box 100 • Jemez Pueblo • New Mexico • 87024

Congress of the United States
Washington, DC 20510

March 16, 2021

Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
Public.Facilitation@state.nm.us

Re: WQCC 20-18(R)

Dear Commissioners:

We write to you today as you consider the Outstanding National Resource Waters (ONRW) designation for the Upper Pecos Watershed. To deliver on the promise of clean water for future generations, you have the authority to designate our most treasured waters as Outstanding National Resource Waters (ONRWs). Upon hearing the testimony and the merits of the case for protection of this special watershed, we hope you will vote to support this effort.

We stand together with the Village of Pecos, San Miguel County, the New Mexico Acequia Association, the Upper Pecos Watershed Association, and Molino de la Isla Organics LLC on this petition. The iconic Upper Pecos watershed is the lifeblood of the region's economy, ecosystem and way of life. There are 55 acequias and traditional users in the watershed and they all rely on clean water. For generations, they have served as stewards of the river and lived by the values of "*Agua es vida*."

The Pecos Business Association (PBA) relies on clean water to attract visitors and support the local economy. Hunters and anglers spent a combined \$47 million in 2013 in San Miguel County. Fly fishing guides have named the Upper Pecos 6th among the "11 best places to fly fish in NM." Hunters enjoy hunting for mule deer, elk and other species.

The growing outdoor economy of the region also attracts hiking, backpacking and wildlife viewing. These days, the area is vital for our local families with children to get outside. In the midst of this pandemic, we value opportunities for our children to get away from screens and technology and instead perhaps catch a fish or hike in nature.

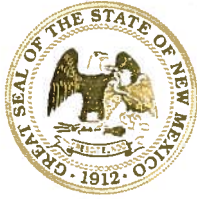
We support this this ONRW designation to protect traditional agriculture and a way of life for our children and grandchildren and ask you to please support this nomination.

Sincerely,

/s/ Martin Heinrich
MARTIN HEINRICH
Martin Heinrich
United States Senator

/s/ Ben Ray Luján
BEN RAY LUJÁN
Ben Ray Luján
United States Senator

/s/ Teresa Leger Fernandez
TERESA LEGER FERNANDEZ
Teresa Leger Fernandez
United States Representative



New Mexico State Senate

State Capitol
Santa Fe

COMMITTEES:

~~CHAIR:~~
• Conservation

MEMBER:
• Public Affairs

RECEIVED

APR 23 2021

WQCC

**SENATOR
ELIZABETH "LIZ" STEFANICS**

D - Bernalillo, Lincoln, San Miguel, Santa Fe,
Torrance & Valencia-39

P.O. Box 720
Cerrillos, NM 87010

Home: (505) 471-7643

Cell: (505) 699-4808

E-mail: liz.stefanics@nmlegis.gov

April 16, 2021

Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505

RE: NOMINATION OF THE WATERS OF THE UPPER PECOS WATERSHED AS
OUTSTANDING NATIONAL RESOURCE WATERS

Dear Commissioners,

I write to request that you support the petition to nominate the Upper Pecos watershed as Outstanding National Resource Waters (ONRWs).

The waters of the Upper Pecos Watershed are an important part of the Pecos community life – integral to fish, wildlife, wilderness, ecology, agriculture, and the economics of the area.

Fish and wildlife that travel from this nominated stretch to the tributaries and headwaters of Wilderness areas do not distinguish boundaries. Ecological and hydrological interconnectedness makes the nominated waters a significant attribute of the neighboring Pecos Wilderness.

One of the most effective ways to deliver on the promise of clean water for present and future generations is to designate our cleanest, most treasured waters as Outstanding National Resource Waters (ONRWs)

Agua es vida. Please protect our Upper Pecos watershed by voting to support the petition for ONRW designation.

Thank you.

Senator Elizabeth "Liz" Stefanics



State of New Mexico
House of Representatives
Santa Fe

BRIAN EGOLF
Speaker of the House
D - Santa Fe - 47

123 W. San Francisco Street
Second Floor
Santa Fe, NM 87501
Phone: (505) 986-4782
E-mail: brian.egolf@nmlegis.gov



COMMITTEES:
Judiciary
Printing and Supplies
Rules & Order of Business
Taxation & Revenue

INTERIM COMMITTEES:
Co-Chair: Legislative Council
Capitol Buildings Planning Commission
Public School Capital Outlay Oversight Task Force

August 6th, 2020

Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
Public.Facilitation@state.nm.us

Re: WQCC 20-18(R)

Dear Commissioners:

I am writing to you to express my support for the Outstanding National Resource Waters (ONRW) designation for the Upper Pecos Watershed. Such a designation would be one of the most effective ways to deliver on the promise of clean water for present and future generations.

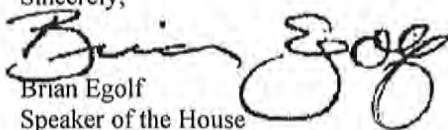
I am pleased to stand in solidarity with the New Mexico Acequia Association, San Miguel County, the Village of Pecos, the Upper Pecos Watershed Association, and Molino de la Isla Organics LLC in their efforts to protect this special watershed. These organizations and community leaders understand that traditional agriculture, organic food production, and other traditional uses of the Upper Pecos depend on clean and healthy water. I am told that there are currently 55 acequias and other traditional uses of the watershed.

The greater Pecos region relies on healthy waters to attract visitors that shop in locally owned stores and restaurants and spend money on recreation. Fly fishing guides have named the Upper Pecos 6th among the "11 Best Places to Fly Fish in New Mexico." The river is home to one of the few remaining populations of New Mexico's native Rio Grande cutthroat trout and the region supports an abundance of wildlife.

The outdoor recreation economy of Santa Fe also benefits from access to the iconic Pecos river. I know that many of my constituents in Santa Fe county cherish all that our neighboring Upper Pecos region has to offer, including hiking, backpacking, fishing, wildlife photography and birding. Our families and our New Mexico outdoor recreation industry rely—now more than ever—on a clean and healthy Upper Pecos watershed.

I respectfully ask you to support this nomination for ONRW designation. Thank you for your consideration and for your service to the State of New Mexico.

Sincerely,


Brian Egolf
Speaker of the House



New Mexico State Senate

State Capitol
Santa Fe

COMMITTEES:

VICE CHAIR:
• Committees' Committee

MEMBER:
• Conservation
• Judiciary

SENATOR PETER WIRTH

MAJORITY FLOOR LEADER
D-Santa Fe-25

708 Paseo de Peralta
Santa Fe, NM 87501-1923

Office: (505) 986-4727
E-mail: peter.wirth@nmlegis.gov

July 1, 2020

New Mexico Water Quality Control Commission
c/o Water Quality Control Commission Administrator
1190 St. Francis Drive, Suite # South 2102
Santa Fe, NM 87505

VIA Email: Cody.barnes@state.nm.us

RE: Case ID WQCC 20-18 ®

Dear Commissioners:

This letter is written in support of the petition to nominate the waters of the Upper Pecos River as "Outstanding National Resource Waters" under the Federal Clean Water Act. As the former chair of the Senate Conservation Committee, I am well-informed of the importance of protecting the state's water, one of our most valuable natural resources.

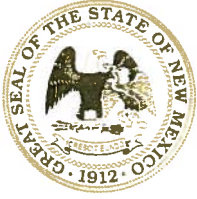
Keeping the waters of the Upper Pecos River clean in perpetuity, as proposed in the petition, will not only serve downstream residential, recreation, commercial and agricultural uses, but also ensure the integrity of critical habitats for native plants and animals. Clean, unpolluted rivers are essential to the success of future generations of New Mexicans. It is critical that appropriate action be taken to preserve these waters.

Therefore, I join the large coalition of community organizations, local governments and farmers in asking the Commission to safeguard water quality in the Upper Pecos River by nominating it as Outstanding National Resource Waters under the Federal Clean Water Act. Please let me know if I can be of assistance in your decision-making on this issue.

Thank you for your consideration.

Sincerely,

Peter Wirth
Senate Majority Leader



State of New Mexico
House of Representatives
Santa Fe

TOMÁS E. SALAZAR

D - San Miguel, Santa Fe & Torrance
District 70

Box 66
Las Vegas, NM 87701
Home Phone: (575) 421-2455
Cell Phone: (505) 429-2206
E-mail: tomas.salazar@nmlegis.gov

COMMITTEES:
Appropriations & Finance
Education
Enrolling & Engrossing - B

September 10, 2020

New Mexico Water Quality Control Commission
c/o Water Quality Control Commission Administrator
1190 St. Francis Drive, Suite # South 2102

Santa Fe, NM 87505

VIA Email: Cody.barnes@state.nm.us

RE: Case ID WQCC 20-18[®]

Dear Commissioners:

Via this communicate, I add my support to the petition filed to nominate the Upper Pecos River for designation as an "Outstanding National Resource Waters" (**ONRW**). House District 70, which I represent, includes most of San Miguel County. The District measures the Pecos River as one of its most significant resources and views its designation as an **ONRW** of extreme importance.

Keeping the waters of the Upper Pecos River pristine, will ensure that it can continue to be of beneficial value to the state of New Mexico by adding to New Mexico via: its domestic, municipal, industrial and agricultural uses, its exceptional recreational opportunities and its ecological diversity. This benefit will be permanently possible only if options are exercised to preserve the quality of its waters.

I respectfully request that the Commission protect the Upper Pecos River by supporting its nominations as an **ONRW** under the Federal Clean Water Act. Contact me if I can be of additional help.

Respectfully,



Tomas E. Salazar, NM State Representative HD 70



JOSEPH L. SANCHEZ

D-Colfax, Mora, Rio Arriba, San Miguel Counties
District 40

P. O. Box 481
Alcalde, NM 87511
Home Phone: (505) 235-8041
Email: joseph.sanchez@nmlegis.gov

COMMITTEES:

House Appropriations & Finance
House Local Government, Land Grants & Cultural Affairs
House Enrolling & Engrossing -B

INTERIM COMMITTEES:

Radioactive & Hazardous Materials
Advisory:
Science, Technology & Telecommunications
Designee:
Legislative Finance

September 18, 2020

WQCC Administrator
P.O. Box 5469
Santa Fe, NM 87502

Dear Commissioners,

As a resident of the Pecos region, we know that “agua es vida,” and the New Mexico’s Upper Pecos watershed is the lifeblood of our community. The waters of the Upper Pecos are clean and healthy today because of the long history of respect and stewardship for our land and water. Flowing into nearby acequias, the waters of the Upper Pecos are vital to local food and agriculture. There are currently 55 acequias and other traditional uses of the watershed.

But now, impacts from roads and extractive industries threaten our high-quality waters and our way of life. I support Outstanding National Resource Waters (ONRW) designation for the Upper Pecos Watershed because it protects current and traditional uses of the river from pollution from new sources.

Further, our local economy depends on clean water. Recreation brings millions of dollars to the area surrounding the nominated waters. In 2013, anglers alone spent over \$28 million towards fishing in San Miguel County. This contributed to 333 local jobs, \$11 million in labor income, and over \$2 million in state and local taxes.

Please protect our Upper Pecos watershed by voting to support the petition for ONRW designation. Thank you.

Sincerely,

Joseph Sanchez
NM State Representative
District 40

New Mexico Acequia Commission

HC74 Box 842 Pecos, New Mexico 87552
Chairman (505) 603-2879 molinodelaisla@gmail.com
www.nmacequiacommission.org

Attention to:
New Mexico Water Quality Control Commission

1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
public.facilitation@state.nm.us Re: WQCC 20-18(R)

Dear Commissioners:

We, the New Mexico Acequia Commission, add our support to the petition filed to nominate the Upper Pecos River for designation as an “Outstanding National Resource Waters” (**ONRW**). The New Mexico Acequia Commission represents the many Acequias that are dependent upon the Pecos River. We measure the Pecos River as a significant resource and view its designation as an **ONRW** of extreme importance.

Keeping the water of the Upper Pecos River pristine, will ensure that it can continue to be of beneficial use to New Mexico Acequias, agriculture, recreation, and ecological value. This benefit will be permanently possible only if options are exercised to preserve the quality of its waters.

We respectfully request that the New Mexico Water Quality Control Commission protect the Upper Pecos River by supporting its nomination as a **ONRW** under the Federal Clean Water Act.

Thank you,



Ralph Vigil Chairman
New Mexico Acequia Commission



PECOS BUSINESS ASSOCIATION
1801 NM HIGHWAY 63
TERERRO, NM 87573
WWW.PECOSNEWMEXICO.COM
505-470-5057

June 14, 2020

NM Water Quality Control Commission
PO Box 5469
Santa Fe, NM 87502-5469

RE: *Designation of Waters of the Upper Pecos Watershed as Outstanding National Resource Waters - WQCC 20-18 (R)*

Dear Commissioners:

The Pecos Business Association (PBA), is a New Mexico non-profit 501c3 Business League with just over 50 members in the Pecos Valley. We understand the important economic impact that a clean and healthy Pecos river means to our region. One of the most effective ways to deliver on the promise of clean water for present and future generations is to designate our cleanest, most treasured waters as Outstanding National Resource Waters (ONRWs).

Our residents and businesses rely on healthy waters to attract visitors. Indeed, hunters and anglers destined for San Miguel County spent a combined \$47 million in 2014. Fly fishing guides have named the Upper Pecos sixth among the “11 best places to fly fish in NM.” When anglers and hunters come into our communities, they contribute to our local economy which helps small businesses compete and thrive.

We support this ONRW designation and I ask you to please consider this nomination to ensure that our growing outdoor economy continues to flourish. If you have any questions, or need further information, please do not hesitate to contact us.

Sincerely,

Shelley Oram, Chair
Pecos Business Association

May 20, 2020

Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505

Attn: Cody Barnes
Case ID: **WQCC 20-18 (R)**



Dear Commissioners,

The Friends of Pecos National Historical Park and Friends of the Santa Fe National Forest are independent non-profit organizations dedicated to supporting and assisting the mission of the park and forest.

In the midst of piñon, juniper, and ponderosa pine woodlands of the Sangre de Cristo Mountains not far from Santa Fe, the remains of Indian pueblos stand as meaningful reminders of people who once prevailed. Pecos National Historical Park helps visitors explore the cultural exchange and geographic features that played such crucial roles in the rich history of the Pecos Valley.

We know that “agua es vida,” and the New Mexico’s Upper Pecos watershed is the lifeblood of our community. The waters of the Upper Pecos are clean and healthy today because of the long history of respect and stewardship for our land and water. Flowing into nearby acequias, the waters of the Upper Pecos are vital to local food and agriculture. There are currently 55 acequias and other traditional uses of the watershed.

But now, impacts from roads and extractive industries threaten our high-quality waters and our way of life. I support Outstanding National Resource Waters (ONRW) designation for the Upper Pecos Watershed because it protects current and traditional uses of the river from pollution from new sources.

I support this ONRW designation and I ask you to please support this nomination to ensure that our growing outdoor economy continue to flourish.

Thank you

William Zunkel

President of: 1) Friends of Pecos National Historical Park and 2) Friends of the Santa Fe National Forest

PS: As President of both organizations, I am well aware of the many miles of Pecos River running through our two entities which “book-end” the Village of Pecos and your letter expresses our concern.



pecos river open spaces

p.o. box 579 ribera, nm 87560 • www.pecosriveropenspaces.org • 575.421.3435

July 16, 2020

Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
cody.barnes@state.nm.us

RE: WQOC 20-18 (R)

Dear Commissioners,

Pecos River Open Spaces (PROS) is our 501 (C)3 and we have conserved 125 acres along the Pecos River in the Pecos Canyon in the vicinity of Ilfeld. The Santa Fe Conservation Trust holds these easements.

All 10 PROS board members voted to request that you please support the petition to designate the Upper Pecos watershed as Outstanding National Resource Waters. We are committed to conservation efforts for clean water and undeveloped lands.

Our conservation properties include the Pecos River and side canyons that remain wild for animal and plant habitat and are also enjoyed by local residents throughout the year. Members of this rural community visit these properties respectfully for hiking, swimming, kayaking and fishing. Wildlife do roam this area. Bear, mountain lions, foxes, eagles, great blue herons, and many species of owls and hawks are frequently sighted as they travel to drink and forage. This land is a treasure that enriches the river community of people, plants and animals. We ask that you support the effort to designate these lands Outstanding National Resource Waters.

Respectfully,



Susan Livermore susanctiron@gmail.com
PROS Board Member



March 7, 2022

Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505

Re: WQCC 21-51 (R) – Designation of Waters of the Upper Pecos Watershed as Outstanding National Resource Waters

Dear Commissioners,

On behalf of the Truchas Chapter of Trout Unlimited, I am writing to express our strong support for the petition to nominate the waters of the Upper Pecos Watershed as Outstanding National Resource Waters. These waters are incredibly important to our members who routinely fish the Pecos River and its tributaries and are committed to the preservation of its native and wild trout. It is our belief that approval of this petition will protect the clean water, native fish, and recreational values that are unique to this watershed.

As a resource to many for centuries, first as the ancestral home of Native Americans and later with Spanish settlers, the Pecos Watershed delivers life-giving water to the farmers and residents of the region now known as San Miguel County. It has provided a living for those who have worked the land, harvested its timber and unearthed its minerals. Today along its course, it's home to a number of long-standing families as well as more recent residents who have been captivated by its beauty.

Its waters, fish and aquatic life have weathered the wounds inflicted by mining and floods but, at great expense, have recovered remaining scarred but resilient. Lessons learned from these invasions have taught us of its fragility and the ongoing need for its protection, especially in a world increasingly impacted by climate change. Today as a recreational destination, it harbors an environment delivering spiritual and psychological restoration that also bolsters the local economy and can continue to do so for many years to come.

As a voice representing the Truchas Chapter of Trout Unlimited, we believe the Pecos Watershed and all its supporting tributaries from the USFS Dalton Fishing/Day Use Area upstream to its source should be designated an Outstanding National Resource Waters, protected in perpetuity, and we support the petition to the New Mexico Water Quality Control Commission to designate it as such.

Yours truly,

John Hanasack
Board President
Truchas Chapter of Trout Unlimited
Santa Fe, NM



March 1, 2022

Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505

Re: WQCC 21-51 (R) – Petition to Designate Surface Waters of the Upper Pecos Watershed as Outstanding National Resource Waters

Dear Commissioners,

On behalf of Trout Unlimited, a national coldwater conservation organization with over 300,000 members and supporters, I am writing to express our support for the petition to nominate the waters of the Upper Pecos Watershed as Outstanding National Resource Waters.

The Pecos River, its tributaries and surrounding wilderness area, is where much of northern New Mexico comes to fish. In fact, most of us learned how to fish on the Pecos. As a recreational asset, the watershed is staggering in its importance to the regional tourism economy, either by itself or as a complement to activities like rafting, mountain-biking, the Spanish and Indian Markets, the Balloon Fiesta, and the Santa Fe Opera. The Pecos River literally fills restaurants and books hotels. It sells not only camping gear and fishing tackle, but real estate as well.

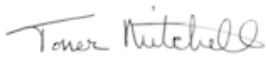
Of particular interest to Trout Unlimited, not to mention thousands of New Mexico anglers, is the watershed's importance to the restoration of our state fish, the Rio Grande cutthroat trout. Climate change is impacting water temperatures and seasonal fire regimes, elevating the urgency of establishing cutthroat populations in as many streams as possible, ideally in a network of protected surface waters within an ecologically-resilient watershed. As successful as New Mexico has been in its cutthroat restoration efforts, the state has a long way to go before the Pecos strain of the Rio Grande subspecies is out of danger. While two Pecos strain projects are currently being pursued on Willow Creek and a Cow Creek tributary, critical cutthroat restoration has yet to be completed on Panchuela, Jack's, Valdez, and Mora Creeks. Until these projects are implemented, the Pecos strain will likely lack the redundancy to withstand future environmental shifts promised by climate change. Any additional threats to the watershed, be it from hardrock mining or catastrophic fire, will underscore these restoration efforts.

In the interest of durable cutthroat trout restoration – and to preserve the watershed's value as a recreational resource – it makes abundant sense to protect the water quality throughout the upper Pecos basin. The economic reasons for this are obvious. Business transactions related to the watershed account for significant jobs, wages, and tax revenues in Santa Fe and San Miguel Counties. The Pecos River also provides drinking water to villages such as Pecos, San Ysidro, Villanueva. These communities

harbor several small businesses that provide services to the broad array of recreation taking place in the Pecos Canyon. And in light of consumers' growing preference for healthy, contaminant-free foods, demand for Pecos valley agricultural crops – grown with cold and clean Pecos River water - is on the rise throughout northern New Mexico.

The recent proposal to reopen mining in the Pecos watershed reminds us of how precious the Pecos is to our economy, our health, and our quality of life. It reminds us that quality of water is where it all begins. Soon New Mexico will have an opportunity to formally recognize the economic value of the upper Pecos watershed and commit to protecting its headwater streams through new water-quality designations by the Water Quality Control Commission. It's hard to see the wisdom in doing otherwise.

Sincerely,

A handwritten signature in dark ink, reading "Toner Mitchell". The signature is written in a cursive style with a large, stylized "T" and "M".

Toner Mitchell
Western Water and Habitat Program
Trout Unlimited
Santa Fe, NM



Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
cody.barnes@state.nm.us

6/30/2020

RE: WOCC 20-18 (R)

Dear Commissioners,

As a landowner of a conservation easements on the Pecos River, within the stretch of the proposed designation of ONRW, as well as downstream. The Santa Fe Conservation Trust, requests that you to please support the petition to nominate the Upper Pecos watershed as Outstanding National Resource Waters (ONRWs).

Our conservation property within the Upper Pecos Watershed permanently protects public access for recreation, the wildlife habitat, and the scenic view. The property contains the Pecos River, rock climbing outcrops and NM 63.

Recreation brings millions of dollars to the area surrounding the nominated waters. 65% of New Mexico residents participate in outdoor recreation each year

The river is home to one of the few remaining populations of New Mexico's native Rio Grande cutthroat trout. Additionally, these cold and clean waters are home to brown trout, rainbow trout, and brook trout, making it an excellent place for both fly and bait fishing. Fly fishing guides have named the Upper Pecos 6th among the "11 best places to fly fish in NM". Within the Pecos Canyon, the Pecos River is among NM's best cold-water fisheries. Indeed, a stretch of the nominated area includes state "Special Trout Waters". The NM Department of Game and Fish angler data ranges from 83,000-140,000 angler days in San Miguel County, the majority of which are on the Pecos River.

Fish and wildlife that travel from this nominated stretch to the tributaries and headwaters of Wilderness areas do not distinguish boundaries. Ecological and hydrological interconnectedness makes the nominated waters a significant attribute of the neighboring Pecos Wilderness. Wildlife



such as bear, mule deer and elk depend on undisturbed habitat corridors to migrate and forage, and of course, clean water to thrive. Please help promote recreation as an economic opportunity for the region while protecting this gem of a river for trout by supporting the ONRW designation for the Upper Pecos.

In 2013, anglers alone spent over \$28 million towards fishing in San Miguel County. This contributed to 333 local jobs, \$11 million in labor income, and over \$2 million in state and local taxes. In 2013, hunters destined for San Miguel County spent over \$18 million. This hunting activity contributed directly to 232 jobs, over \$7 million in labor income, and \$1.3 million in state and local taxes.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sarah Noss", written over a horizontal line.

Sarah Noss, Executive Director



1413 Second Street, Suite 3
Santa Fe, NM 87505
(505) 820-1696; fax 986-9132
andy@santafewatershed.org
santafewatershed.org



August 4, 2020

To: Commissioners, NM Water Quality Control Commission
1190 St. Francis Drive, Suite # South 2102 Santa Fe, NM 87505

Re: WQCC 20-18 ®

Dear Commissioners,

I write in support of the petition to nominate the waters of the Upper Pecos River as "Outstanding National Resource Waters" under the Federal Clean Water Act

The waters under consideration for this designation flow from the Santa Fe National Forest which captures, stores, filters, and slowly releases clean water. These waters are one of the greatest assets of current and future generations of New Mexicans.

In our state's plan for the future, water must be the number one concern as it supports all life and is the foundation of economic activity. Clean, unpolluted rivers are central to these goals. I support the Outstanding Waters designation for the Upper Pecos River because it protects current and traditional uses of the river from pollution from new sources.

Our state and local economy depends on clean water. Recreation brings millions of dollars to the area surrounding the nominated waters. In 2013 hunters and anglers destined for San Miguel County spent a combined \$47 million.

This Outstanding Waters petition has the potential to keep the clean waters of the Upper Pecos River clean in perpetuity, which will not only serve downstream residential, commercial, recreation and agricultural uses, but also ensure the integrity of critical habitats for native plants and wildlife.

I encourage you to please protect our Upper Pecos watershed by voting to support the petition for Outstanding Waters designation. Thank you.

Sincerely,

Andy Otto, Executive Director

Our River - Our Water - Our Future





To: Water Quality Control Commission Administrator

P.O. Box 5469

Santa Fe, NM 87502

Case ID Number: WQCC 20-18 (R)

RE: Letter in Support of Pecos Outstanding National Resource Water - Case ID WQCC 20-18 (R)

From: Climate Advocates Voces Unidas

518 Old Santa Fe Trail, Ste 1405

Santa Fe, NM 87505

Dear Commissioners,

CAVU's offices are located at the foot of the Sangre de Cristos in beautiful Santa Fe New Mexico. As most residents of this stunning landscape, we feel a strong connection to our natural environment. These are our mountains, our rivers, our watersheds, our mesas and our forests. Our backyard in the Santa Fe National Forest and the Pecos Wilderness are home to the streams we fish, the trails we hike, the back country we camp and hunt in. These areas not only provide recreational opportunities and an economic boost to nearby communities, they are the backbone of a diverse ecosystem and the lifeblood of a culture that depends on that ecosystem staying intact and healthy. We write today to express our fervent and strong support for leveraging Outstanding National Resource Waters (ONRW) designation as the best way to protect the Pecos for future generations.

CAVU's mission is to educate and engage individuals, communities, and leaders to take ownership of and action on climate-related issues in their communities. We are elated to be working alongside the active local leaders in Pecos who have petitioned the WQCC to protect the vital river in this way. ONRW designations are cited as an important tool for climate resiliency in New Mexico's first-ever interagency Climate Change Task Force report, released by Governor Michelle Lujan Grisham in November 2019.

The waters of New Mexico's Upper Pecos Watershed sustain and enrich the lives and livelihoods of all who live, work, and recreate there. These waters are among New Mexico's most outstanding aquatic resources for people, plants, and animals alike. For centuries, the watershed has supported thriving ecosystems and communities. For generations, the Upper Pecos supported the Pecos Pueblo peoples and to this day remains culturally significant to their descendants. The Upper Pecos supports a rich tradition of farming and ranching and other traditional uses, all of which depend on clean water. Thanks in part to a long history of respect and stewardship among those who call the area home, most of the waters of the Upper Pecos remain clean and healthy.



As New Mexicans' health, jobs, and communities are impacted by COVID-19, it is important now more than ever that the state safeguards the lifeblood of our communities. The global pandemic and crisis has highlighted many things, chief among them the critical need to diversify our economy. The crisis has hit the oil and gas industry, and as a major contributor to New Mexico's state budget, this will have major long-term and widespread impacts on our communities. One of the ways we can diversify our economy is to protect places like the Pecos.

As the second most-visited place in the state, Pecos's clean and clear waters and protected forests are a significant economic driver. Local users and visitors to the Pecos Canyon in the Upper Pecos Watershed spend money at local outfitters, stores, restaurants, and hotels. In 2013, anglers alone spent \$29 million in San Miguel County, while hunters spent more than \$18 million.

Outdoor recreation is a booming business in the Land of Enchantment, confirmed by the state legislature's creation of a new Outdoor Recreation Division of the New Mexico Economic Development Department in 2019. It is critical that New Mexico's outdoor recreation industry – and the local jobs it supports – can thrive once people emerge following the pandemic.

We support the Outstanding National Resource Waters designation for the Upper Pecos watershed and urge you to vote in support of the petition.

Sincerely,

Liliana Castillo
Deputy Director
Climate Advocates Voces Unidas



Southwest Program Office

210 Montezuma Avenue, Suite 210 | Santa Fe, New Mexico 87501 | tel 505.395.7330
www.defenders.org

April 6, 2021

Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505

Public.Facilitation@state.nm.us

Re: WQCC 20-18(R) - Upper Pecos Watershed Outstanding National Resource Water Designation

Dear Commissioners,

Defenders of Wildlife is a nonprofit organization with nearly 2.2 million members and supporters nationwide and 22,000 in New Mexico that is dedicated to the protection of all native animals and plants in their natural communities. Defenders is committed to protecting wildlife and habitat in the Southwest and has worked for years on issues in the Pecos Watershed. Our Southwest office is located in Santa Fe, New Mexico.

Defenders of Wildlife supports the petition, submitted by San Miguel County, Village of Pecos, New Mexico Acequia Association, Molino de la Isla Organics, and Upper Pecos Watershed Association, to protect the Upper Pecos Watershed, from Dalton Canyon upstream to the Wilderness Boundary, as Outstanding National Resource Waters.

Water is the basis of every healthy aquatic ecosystem. As water quality decreases, organisms are affected and ecosystem services may be lost. Aquatic biodiversity is affected by climate change, overexploitation, water pollution, habitat degradation, flow modification and exotic species invasion. Therefore protecting water quality is extremely important for aquatic biodiversity.

The cold and clean waters of the Upper Pecos watershed including the nominated 16 named streams and the 109 miles of ephemeral tributaries that feed these systems are home to the many trout species, special status plant species, and other important species for the economic and ecological health of the state. Many of the streams serve as some of the last remaining refuges for New Mexico's native Rio Grande cutthroat trout. In addition the 180 miles of streams included in this nomination provide a myriad of recreational opportunities including hiking, hunting, camping, and fishing.

The Upper Pecos watershed is among NM's best cold-water fisheries. Indeed, a stretch of the nominated area includes state "Special Trout Waters". The NM Department of Game and Fish angler data ranges from 83,000-140,000 angler days in San Miguel County, many of which are on the Pecos river.



January 13, 2022

Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
Pamela.Jones@state.nm.us

Re: WQCC 21-51(R) - Upper Pecos Watershed Outstanding National Resource Water Designation

Dear Commissioners,

New Mexico Wilderness Alliance (New Mexico Wild) supports the petition, submitted by San Miguel County, Village of Pecos, New Mexico Acequia Association, Molino de la Isla Organics, and Upper Pecos Watershed Association, to protect the Upper Pecos Watershed, from Dalton Canyon upstream to the Wilderness Boundary, as Outstanding National Resource Waters.

New Mexico Wild is committed to the protection of New Mexico's wildlands, waters, and wildlife. Clean water is an absolute imperative to our mission, and to the continued enjoyment of the spaces we care about. Additionally, New Mexico Wild is committed to the preservation of cultural and sacred sites, artifacts, and landscapes that are important to our pueblos and tribes. Water is life, and these ONRW designations are an important step in the right direction.

The cold and clean waters of the Upper Pecos watershed including the nominated 16 named streams and the 109 miles of ephemeral tributaries that feed these systems are home to the many trout species, special status plant species, and other important species for the economic and ecological health of the state. Many of the streams serve as some of the last remaining refuges for New Mexico's native Rio Grande cutthroat trout. In addition the 180 miles of streams included in this nomination provide a myriad of recreational opportunities including hiking, hunting, camping, and fishing.

The Upper Pecos watershed is among NM's best cold-water fisheries. Indeed, a stretch of the nominated area includes state "Special Trout Waters." The NM Department of Game and Fish angler data ranges from 83,000-140,000 angler days in San Miguel County, many of which are on the Pecos river.

Wilderness | Wildlife | Water

317 Commercial St. NE, Ste. 300, Albuquerque NM 87102 | 505.843.8696 | www.nmwild.org
0272

No. WQCC 21-51 (R) Pet'r's Ex. 16

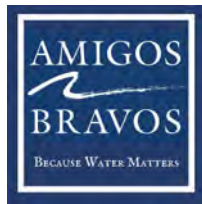


The communities downstream from the nominated area depend on the clean and clear flowing water of the Pecos to feed their acequias and water their livestock. Protecting the headwaters of the Pecos will benefit New Mexico immensely by ensuring that these downstream users will continue to receive clean water into the future.

I urge you designated the entire 180 miles of nominated waters as ONRWs.

Sincerely,

Logan Glasenapp
Staff Attorney
New Mexico Wild
logan@nmwild.org



WATER IS LIFE.
It's Our Duty to Protect It.

Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
Submitted via email to: Pamela.jones@state.nm.us

Re: Upper Pecos Watershed Outstanding Waters Designation, WQCC #21-51 (R)

Dear Commission:

As a statewide water conservation organization dedicated to protecting and restoring the waters of New Mexico, Amigos Bravos whole heartedly supports the designation of the Upper Pecos Watershed as Outstanding Waters (ONRW). The 16 named, 96 unnamed tributaries, and 16 wetlands are more than qualified to be designated Outstanding Waters.

The Upper Pecos Watershed has long been treasured by the people of New Mexico and the nominated waters exceed the required criteria for designation. Specifically, due to the large number of recreationally and ecologically significant species that are found in the nominated waters, combined with the fact that the nominated stretch of the Pecos River is the second most fished river stretch in the state- an indication of its exception recreational significance -the nominated waters meet two or more requirements for designation. In addition, the waters of the Upper Pecos Watershed are intricately tied to New Mexico's history, culture, and agricultural values. Protecting the nominated waters will benefit the state by protecting these values and protecting the economic benefits of one of the most popular fishing and hiking destinations in the state.

Amigos Bravos has been involved as a party in all previous New Mexico Outstanding Waters hearings and has long viewed Outstanding Waters protections as an important tool for ensuring that New Mexico's most treasured waters are protected for future generations. Please protect this special place by designating the 16 named streams, 96 unnamed tributaries, and 16 wetlands of the Upper Pecos Watershed as Outstanding Waters.

For the Rio,

Joe Zupan
Executive Director

Amigos Bravos | PO Box 238 | 114 Des Georges Place | Taos, NM 87571 | 575.758.3874



amigosbravos.org



facebook.com/amigosbravos



Twitter.com/amigosbravos1



instagram.com/amigosbravos



American Rivers
RIVERS CONNECT US®

February 15, 2022

Rachel Ellis
American Rivers
2107 N. 1st Street
Flagstaff, AZ 86004

Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
Pamela.Jones@state.nm.us

Re: WQCC 21-51(R) - Upper Pecos Watershed Outstanding National Resource Water Designation

Dear Water Quality Control Commissioners,

American Rivers supports the petition, submitted by San Miguel County, Village of Pecos, New Mexico Acequia Association, Molino de la Isla Organics, and Upper Pecos Watershed Association, to protect the Upper Pecos Watershed, from Dalton Canyon upstream to the Wilderness Boundary, as Outstanding National Resource Waters (ONRWs).

American Rivers believes a future of clean water and healthy rivers for everyone, everywhere is essential. Since 1973, we have protected wild rivers, restored damaged rivers, and conserved clean water for people and nature. With headquarters in Washington, D.C., and 300,000 supporters, members, and volunteers across the country, we are the most trusted and influential river conservation organization in the United States. Our Southwest River Protection Program utilizes a suite of strategies with diverse partners to inform, protect, and celebrate the long-term resilience of the most ecologically and culturally important rivers across New Mexico, Colorado, Utah, and Arizona.

The Pecos river and Upper Pecos watershed are conservation priorities for American Rivers. Indeed, the upper 20 miles of the Pecos is already designated as a Wild and Scenic River under the national Wild and Scenic Rivers Act, recognizing the river's outstandingly remarkable values. This petition extends ONRW's water quality protections to the stretch of the Pecos Wild and Scenic River outside of the Pecos Wilderness. ONRW designation complements and strengthens, but does not duplicate, water quality protections for the Pecos Wild and Scenic River. In fact, by increasing the reaches of protected rivers and streams through the proposed ONRW nominations, the invaluable Pecos Wild and Scenic River will have water quality protection at watershed scale.

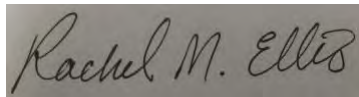
The cold and clean waters of the watershed, including the nominated 16 named streams and the 109 miles of ephemeral tributaries that feed these systems, are home to the many trout species, special status plant species, and other species important for the economic and ecological health of New Mexico. Many of the streams serve as some of the last remaining refuges for New

Mexico's native Rio Grande cutthroat trout and a stretch of the nominated area includes state "Special Trout Waters." The Upper Pecos watershed holds some of the state's best cold-water fisheries, which are increasingly critical to protect in the era of climate change.

The 180 miles of streams and 16 wetlands included in this nomination provide a myriad of recreational opportunities including hiking, hunting, camping, and fishing. Furthermore, the communities downstream from the nominated area depend on the clean and clear flowing water of the Pecos to feed their acequias and water their livestock. Protecting the headwaters of the Pecos will benefit New Mexico immensely by ensuring that these downstream users will continue to receive clean water into the future.

I urge you designate the entire nominated 180 miles of streams and 43 acres of wetlands as ONRWs.

Sincerely,

A handwritten signature in cursive script that reads "Rachel M. Ellis". The signature is written in dark ink on a light-colored, slightly textured background.

Swimming Hole, LLC
POB 579
Ribera, New Mexico 87560
christothoms@aol.com
505.470.0467

Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
cody.barnes@state.nm.us

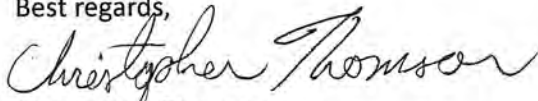
July 16, 2020

RE: WQOC 20-18 (R)

Dear Commissioners,

Every spring for the last 40 years, I have kayaked the Pecos River - sometimes the entire 145 miles from Cowles to the Santa Rosa Dam. I am lucky to observe a well-preserved river vitally connected to the communities and eco-systems through which it flows. Along the way, I see fancy out-of-state fly fishermen perfecting their art, bait fishermen striving to feed their families, families swimming and picnicking; elaborate acequia systems watering the fields; foxes, wolves, deer and bear drinking. The health of so many in our state is inextricably tied to the health of the Pecos River. Let's preserve it. Please support its Outstanding National Resource Waters designation.

Best regards,



Christopher Thomson
Manager - Swimming Hole LLC
President - Pecos River Open Spaces 501 (C)3
Landowner of 60 acres through which the Pecos River flows

From: [Peura, Alan, NMENV](#)
To: ["claudiajfloyd@gmail.com"](mailto:claudiajfloyd@gmail.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Friday, July 17, 2020 9:45:43 AM

Claudia:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Tuesday, July 14, 2020 10:27 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Claudia

Last
Name: Floyd

Email: claudiajfloyd@gmail.com

Paragraph As a resident of Pecos and a New Mexico citizen, I would like to add my
Text: voice to the efforts by the Upper Pecos Watershed Association, the Village of Pecos, San Miguel County, and others to designate portions of the Pecos River as "Outstanding National Resource Water" (ONRW). Recent threats from overuse, drought, climate change, and mining interests in the Pecos Canyon have created a critical situation that must be addressed as soon as possible. The upper Pecos River is an environmental gem, providing food, water, and habitat for birds and wildlife, recreation for our residents and tourists, and a stellar fishing experience for anglers. Its health is crucial to our water supply in Pecos and to ranchers, farmers, and residents with wells. The magnificent canyon that it flows through is a recreational destination par excellence. It is eminently deserving of the highest protection possible. Thank you!

From: [Peura, Alan, NMENV](#)
To: ntsapatsaris@gmail.com
Subject: RE: [EXT] WQCC 20-18(R)
Date: Friday, July 17, 2020 9:26:07 AM

Nicholas:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Tuesday, July 14, 2020 10:20 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R)

----- Original Message -----

Subject: WQCC 20-18(R)
From: Upper Pecos Watershed Association <upwa@pecoswatershed.org>
Date: Tue, July 07, 2020 2:09 pm
To: onrwsupport@pecoswatershed.org

First
Name: NICHOLAS

Last
Name: TSAPATSARIS

Email: ntsapatsaris@gmail.com

Paragraph As a member of the Upper Pecos Watershed Association and the conservation
Text: chair of the Truchas Chapter of Trout Unlimited, I am writing to support the
petition designating the upper Pecos watershed as outstanding national
resource water.

Those of us who spend time on the Pecos understand what an incredible
natural and recreational resource it is and that it is deserving of protection. In
our lifetimes, the upper Pecos had fallen victim to poor industrial mining
practices which lead to toxic and even poisonous conditions which was
threatening to the ecosystem. This resulted in a publicly financed cleanup
costing millions of dollars. Through the hard work of many citizens and
conservation groups the water quality was restored to its current pristine
quality. We need to ensure that it now stays that way.

From: [Peura, Alan, NMENV](#)
To: tsells1313@gmail.com
Subject: RE: [EXT] WQCC 20-18(R) - Letter of Support
Date: Friday, July 17, 2020 9:39:24 AM

Theresa:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Tuesday, July 14, 2020 10:24 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) - Letter of Support

First
Name: Theresa

Last
Name: Sells

Email: tsells1313@gmail.com

Paragraph I support the petition to designate the waters of The Upper Pecos
Text: Watershed as outstanding national resource waters.

July 22, 2020

Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505

Case ID: **WQCC 20-18 (R)**

Dear Commissioners,

As a local business owner, I understand the important economic impact that a clean and healthy Pecos river means to our region. One of the most effective ways to deliver on the promise of clean water for present and future generations is to designate our cleanest, most treasured waters as Outstanding National Resource Water (ONRW)

Local Business owners rely on healthy waters to attract visitors. Indeed, hunters and anglers destined for San Miguel County spent a combined \$47 million in 2013. Fly fishing guides have named the Upper Pecos 6th among the "11 best places to fly fish in NM". When anglers and hunters come into our communities, they contribute to our local economy which helps small businesses compete and thrive.

Fish and wildlife that travel from this nominated stretch to the tributaries and headwaters of Wilderness areas do not distinguish boundaries. Ecological and hydrological interconnectedness makes the nominated waters a significant attribute of the neighboring Pecos Wilderness.

One of the most effective ways to deliver on the promise of clean water for present and future generations is to designate our cleanest, most treasured waters as Outstanding National Resource Water (ONRW). Agua es vida. Please protect our Upper Pecos watershed by voting to support the petition for ONRW designation.

Thank you,

Betty Weseman

From: [Peura, Alan, NMENV](#)
To: maxgweber@gmail.com
Subject: RE: [EXT] WQCC 20-18(R)
Date: Friday, July 17, 2020 10:00:51 AM

Dear Max:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Tuesday, July 14, 2020 10:39 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R)

----- Original Message -----

Subject: WQCC 20-18(R)
From: Upper Pecos Watershed Association <upwa@pecoswatershed.org>
Date: Wed, July 08, 2020 9:22 am
To: onrwsupport@pecoswatershed.org

First
Name: Max

Last
Name: Weber

Email: maxgweber@gmail.com

Paragraph I have lived in the Pecos area for the last 30years and have long felt that the
Text: Pecos river and it's watershed is very special and needs to be protected as
much as possible.

From: [Peura, Alan, NMENV](#)
To: ["mary.wyattnm@gmail.com"](mailto:mary.wyattnm@gmail.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Friday, July 17, 2020 9:53:24 AM

Mary:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Tuesday, July 14, 2020 10:35 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

----- Original Message -----

Subject: WQCC 20-18(R)
From: Upper Pecos Watershed Association <upwa@pecoswatershed.org>
Date: Tue, July 07, 2020 8:26 pm
To: onrwsupport@pecoswatershed.org

First
Name: Mary

Last
Name: Wyatt

Email: mary.wyattnm@gmail.com

Paragraph I am in support of this petition to protect pecos canyon. I have lived in pecos
Text: for 36 years and support it being sustained. Thank you.

From: [Peura, Alan, NMENV](#)
To: ["janecarson@pawsonm.org"](mailto:janecarson@pawsonm.org)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Friday, July 17, 2020 9:51:36 AM

Amelia:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Tuesday, July 14, 2020 10:34 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

----- Original Message -----

Subject: WQCC 20-18(R)
From: Upper Pecos Watershed Association <upwa@pecoswatershed.org>
Date: Tue, July 07, 2020 5:28 pm
To: onrwsupport@pecoswatershed.org

First Name: Amelia

Last Name: Carson

Email: janecarson@pawsonm.org

Paragraph Text: Water is precious to New Mexicans. We cannot grow crops , fish or even
live without water.

It is our life blood. That is why the Upper Pecos
Watershed MUST be designated ONRW!!

Thank you, Amelia Jane Carson

From: [Peura, Alan, NMENV](#)
To: cassagnol.charles@gmail.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Friday, July 17, 2020 9:58:50 AM

Charles:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Tuesday, July 14, 2020 10:38 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

----- Original Message -----

Subject: WQCC 20-18(R)
From: Upper Pecos Watershed Association <upwa@pecoswatershed.org>
Date: Wed, July 08, 2020 6:54 am
To: onrwsupport@pecoswatershed.org

First
Name: Charles

Last
Name: Cassagnol

Email: cassagnol.charles@gmail.com

Paragraph The Pecos River contributes more to the economy, and quality of life than any
Text: other single feature in the town of Pecos and counties of: Mora, San Miguel, Guadalupe, De Baca, Chaves and Eddy counties. A polluted, contaminated Pecos River will reverse this contribution. No mine in the history of mining activity, a history going back to the 1800's, has ever operated as a clean mine. Nor can the amount of projected revenue or jobs contribute to any of the Pecos drainage communities balance or mitigate a contaminated Pecos River. An ORNW may prevent the establishment of a new mine in Pecos, for this reason I support designation of the Upper Pecos Watershed and an Outstanding National Resource Water.

From: [Peura, Alan, NMENV](#)
To: coachdugger@gmail.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Friday, July 17, 2020 9:43:36 AM

Doug:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Tuesday, July 14, 2020 10:26 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Doug

Last
Name: Dunkle

Email: coachdugger@gmail.com

Paragraph I am strongly in support of the adoption of the petition seeking the
Text: designation of the upper Pecos River watershed as Outstanding National
Resource Waters; thereby, protecting and improving the watershed, its
economy and its cultures.

From: [Peura, Alan, NMENV](#)
To: ["mcvickarg@gmail.com"](mailto:mcvickarg@gmail.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 12:00:23 PM

Dear Ginny:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:23 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Ginny

Last
Name: McVickar

Email: mcvickarg@gmail.com

Paragraph Having resided in the Pecos Canyon below La Posada for a large part of my
Text: life and living on the river I am highly concerned that any mining operation
should start up again. I fully support designating ON A PERMANENT BASIS
the upper Pecos Watershed Outstanding National Resource Waters with
PERMANENT protection.

From: [Peura, Alan, NMENV](#)
To: annakath@earthlink.net
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 1:13:54 PM

Anna:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:24 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: Anna

Last Name: Katherine

Email: annakath@earthlink.net

Paragraph Text: The Upper Pecos Watershed gives pleasure to so many people: fishing, hiking, camping. I have been camping here for 35 years. It is like stepping away from ordinary life into a timeless reality. I am continually grateful for its beauty and vitality. It is very important that a natural resource that nurtures so many, many people be protected.

From: [Peura, Alan, NMENV](#)
To: janicewalden123@gmail.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Friday, July 17, 2020 9:37:15 AM

Janice:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Tuesday, July 14, 2020 10:24 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Janice

Last
Name: Walden

Email: janicewalden123@gmail.com

Paragraph As a resident of Houston, Texas, I have visited the Upper Pecos River every
Text: 5 years or so since 1986. These gaps of visits have allowed me to witness
the slow degradation of precious headwaters for a river I experience in
Texas. Many times, I've stood at the mouth of the Pecos ending in the
Amistad Reservoir of Texas. I've straddled my legs over the stream that is
the Pecos' headwater in the Sangre de Cristo Mountains. The Upper Pecos
as a place and as a river has always been dear to my heart in personal
experience and in relevance for keeping wild, keeping fresh, and keeping
flowing. The Upper Pecos needs to be protected, and the ONRW will
provide appropriate standards for that protection. I ask that the WQCC
support this. Thank you.

From: [Peura, Alan, NMENV](#)
To: blair@elementalintegration.co
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 10:50:53 AM

Dear Blair:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:06 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Blair

Last
Name: Grey

Email: blair@elementalintegration.co

Paragraph I have been blessed to live in Pecos for 25 years. However I have also seen
Text: how this sacred watershed has been abused by mining as I live next to the
El Molina reclamation area and have to redrill my well due to the toxins in
the water. Please protect this sacred life force waterway for all... human
recreation, the precious wildlife and the rare plants we find at the end of
the Rockies. We must think of the future and not profit.
Thank you for protecting our sacred NM heritage

From: [Peura, Alan, NMENV](#)
To: jimbo.long@gmail.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Friday, July 17, 2020 9:47:59 AM

Jim:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Tuesday, July 14, 2020 10:31 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

----- Original Message -----

Subject: WQCC 20-18(R)
From: Upper Pecos Watershed Association <upwa@pecoswatershed.org>
Date: Tue, July 07, 2020 3:19 pm
To: onrwsupport@pecoswatershed.org

First
Name: Jim

Last
Name: Long

Email: jimbo.long@gmail.com

Paragraph I am a 40 year property owner in the upper Pecos valley and I fully support the
Text: petition to designate the waters of the upper Pecos watershed as an
outstanding national resource.

From: [Peura, Alan, NMENV](#)
To: klaykoon@charter.net
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Friday, July 17, 2020 9:32:36 AM

Karen:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Tuesday, July 14, 2020 10:22 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Karen

Last
Name: Koon

Email: klaykoon@charter.net

Paragraph I am excited to support the designation of the Pecos river as an Outstanding
Text: National Resource water. We have followed and appreciate all of the groups
activating for this designation. This valuable resource meets the criteria for the
ONRW. We love the Pecos River and the Pecos Wilderness and this beautiful
resource for wildlife and recreation needs to be protected for future
generations.

From: [Peura, Alan, NMENV](#)
To: mulachulasf@aol.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Friday, July 17, 2020 9:55:00 AM

Lisa:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Tuesday, July 14, 2020 10:35 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

----- Original Message -----

Subject: WQCC 20-18(R)
From: Upper Pecos Watershed Association <upwa@pecoswatershed.org>
Date: Tue, July 07, 2020 10:06 pm
To: onrwsupport@pecoswatershed.org

First
Name: Lisa

Last
Name: Burns

Email: mulachulasf@aol.com

Paragraph I support the designation of the upper Pecos watershed as a valuable
Text: outstanding national water resource. Our communities and downstream
communities depend on this resource. We should be having monsoon rains
right now. Due to climate change everything is so much drier. Wells are going
dry, arroyos are not running.
Please help the people that depend on this resource protect, our water.
Water. Is. Life.

From: [Peura, Alan, NMENV](#)
To: richard.wilhelm@gmail.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Friday, July 17, 2020 9:41:32 AM

Richard:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Tuesday, July 14, 2020 10:25 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Richard

Last
Name: Wilhelm

Email: richard.wilhelm@gmail.com

Paragraph Please designate the waters of the Upper Pecos Watershed as Outstanding
Text: National Resource Water (ONRW). This water is and always has been, a vital
resource for the communities that rely on it for agriculture or recreation, and
all New Mexicans.

From: [Peura, Alan, NMENV](#)
To: onrwsupport@pecoswatershed.org
Subject: RE: [EXT] WQCC 20-18(R)
Date: Friday, July 17, 2020 9:21:43 AM

Shelly:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Tuesday, July 14, 2020 10:20 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R)

----- Original Message -----

Subject: WQCC 20-18(R)
From: Upper Pecos Watershed Association <upwa@pecoswatershed.org>
Date: Tue, July 07, 2020 2:07 pm
To: onrwsupport@pecoswatershed.org

First Name: Shelley
Last Name: Warren
Email: slynnwarren@charter.net

Paragraph I strongly support designating the Pecos river as an Outstanding national
Text: resource water. The Pecos seems to meet the criteria and we need to protect the river sooner than later. We make frequent trips to the Pecos wilderness and enjoy taking our out of town visitors to see the beautiful river . The importance of the river to wildlife is critically important. This area needs to be protected for clean outdoor recreation for New Mexicans and visitors. And this designation should prevent questionable mining projects which could be devastating.

From: [Peura, Alan, NMENV](#)
To: susleilmore@gmail.com
Subject: RE: [EXT] WQCC 20-18(R)
Date: Friday, July 17, 2020 9:30:08 AM

Susan:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Tuesday, July 14, 2020 10:21 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R)

----- Original Message -----

Subject: WQCC 20-18(R)
From: Upper Pecos Watershed Association <upwa@pecoswatershed.org>
Date: Tue, July 07, 2020 2:11 pm
To: onrwsupport@pecoswatershed.org

First
Name: Susan

Last
Name: More

Email: susleilmore@gmail.com

Paragraph I join with my neighbors in supporting WQCC 20-18(R) Petition to Designate
Text: the Waters of the Upper Pecos Watershed as Outstanding National Resource Waters.

The Pecos Watershed is beautiful, beauty that is shared with everyone who wants to visit. The water in the Pecos River is the lifeblood of our community. We must protect the watershed to share it, to protect our water, to protect ourselves.

From: [Peura, Alan, NMENV](#)
To: ctc.seamster@gmail.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Friday, July 17, 2020 10:02:33 AM

Teresa:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Tuesday, July 14, 2020 10:39 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

----- Original Message -----

Subject: WQCC 20-18(R)
From: Upper Pecos Watershed Association <upwa@pecoswatershed.org>
Date: Wed, July 08, 2020 9:35 am
To: onrwsupport@pecoswatershed.org

First
Name: Teresa

Last
Name: Seamster

Email: ctc.seamster@gmail.com

Paragraph The Pecos River is the lifeblood of the Pecos community, the surrounding
Text: watersheds of Santa Fe and San Miguel Counties, and the thousands of
downstream farmers, residents and wildlife species from Pecos to the Texas
state line. Protecting the water quality of this vital New Mexico river system is
best achieved by designating the proposed segment as an Outstanding
National Resource Water.

From: [Peura, Alan, NMENV](#)
To: terryreed@aol.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Friday, July 17, 2020 9:35:03 AM

Terry:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Tuesday, July 14, 2020 10:23 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Terry

Last
Name: Reeder

Email: terryreed@aol.com

Paragraph Dear Water Quality Control Commission,

Text: I am recommending that you designate the Upper Pecos Watershed as Outstanding National Resource Water. We live in Santa Fe and spend at least a couple of days every month in the upper Pecos watershed area. It is the most pristine area in all of New Mexico. The hikes are wonderful. It is a spectacular scenic area that all of our family from all over the USA come to visit us and ask what days we are going visit. We all have our favorite spots there. We look so forward to seeing Elk, deer, and trout in the river. We have yet to see a bear, but know of others who have. Please help preserve this incredible area and the clean river. It is so important to be able to experience this beautiful and natural area with our younger generations.
Thank you. , Terry Reeder

From: [Peura, Alan, NMENV](#)
To: gail@realspeaking.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Friday, July 17, 2020 9:57:02 AM

Gail:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Tuesday, July 14, 2020 10:36 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

----- Original Message -----

Subject: WQCC 20-18(R)
From: Upper Pecos Watershed Association <upwa@pecoswatershed.org>
Date: Wed, July 08, 2020 5:24 am
To: onrwsupport@pecoswatershed.org

First
Name: Gail

Last
Name: Larsen

Email: gail@realspeaking.com

Paragraph Please protect water quality in the Upper Pecos Watershed. I join my voice
Text: with the community members, local governments, farmers, and ranchers in asking you as New Mexico Water Quality Control Commission (WQCC) to nominate portions of the Upper Pecos River Watershed as Outstanding National Resource Water (ONRW) under the Clean Water Act. This critical watershed supports agriculture and large outdoor recreational industries threatened by development and transportation, waste disposal, potential hard rock mining, and climate change.
We need more protection for our rivers and waters and places to play in and pray in
Thank you

From: [Peura, Alan, NMENV](#)
To: oldrzif@yahoo.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 10:42:22 AM

Dear Arnold:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:02 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Arnold

Last
Name: Atkins

Email: oldrzif@yahoo.com

Paragraph I certainly agree that the upper Pecos River watershed deserves the
Text: protection and care that designation as an Outstanding National Resource
Water brings. This is a watershed of historic and multiple use significance
which should be protected from damaging development or degradation of
any kind.

From: [Peura, Alan, NMENV](#)
To: ["baafix@earthlink.net"](mailto:baafix@earthlink.net)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 11:41:12 AM

Dear Barbara:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:17 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Barbara

Last
Name: Fix

Email: baafix@earthlink.net

Paragraph The Upper Pecos Watershed should be designated as outstanding National
Text: Resource Waters. It is the lifeblood of our natural and human community.
Please do the right thing.

From: [Peura, Alan, NMENV](#)
To: lakota77@earthlink.net
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 11:11:42 AM

Dear Bill:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:09 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name:	Bill
Last Name:	Zenger
Email:	lakota77@earthlink.net
Paragraph	The Pecos River is about as beautiful river as you can get and be
Text:	recognized as such.

From: [Peura, Alan, NMENV](#)
To: ["cmbarber@me.com"](mailto:cmbarber@me.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 11:39:45 AM

Dear Carol:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:16 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Carol

Last
Name: Maynard

Email: cmbarber@me.com

Paragraph I support the following petition: WQCC 20-18(R) PETITION TO DESIGNATE
Text: THE WATERS OF THE UPPER PECOS WATERSHED AS OUTSTANDING
NATIONAL RESOURCE WATERS

From: [Peura, Alan, NMENV](#)
To: ["clharrell505@gmail.com"](mailto:clharrell505@gmail.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 3:08:59 PM

Dear Christopher:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:32 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Christopher

Last
Name: Harrell

Email: clharrell505@gmail.com

Paragraph I support the designation of the upper Pecos Watershed as an Outstanding
Text: National Resource. I would hate to see our dear Pecos Wilderness turned
into a hard rock mining operation

From: [Peura, Alan, NMENV](#)
To: ["dnewmann@icloud.com"](mailto:dnewmann@icloud.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 1:18:28 PM

Dear Dana:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:26 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Dana

Last
Name: Newmann

Email: dnewmann@icloud.com

Paragraph I wish to protect water quality in the Upper Pecos Watershed by having the

Text: Upper Pecos Watershed officially designated as ONRW.

Thank you. DN

From: [Peura, Alan, NMENV](#)
To: ["billdebby@comcast.net"](mailto:billdebby@comcast.net)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 11:18:59 AM

Dear Deborah:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:11 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Deborah

Last
Name: Hunter

Email: billdebby@comcast.net

Paragraph PLEASE...we need more untouched land/water. We are all on this earth and

Text: in this together, let's not make money the priority over the environment.

Thank you,
Deborah Hunter

From: [Peura, Alan, NMENV](#)
To: ["dbshreeve@gmail.com"](mailto:dbshreeve@gmail.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 3:07:31 PM

Dear Denise:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:32 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: Denise

Last Name: Shreeve

Email: dbshreeve@gmail.com

Paragraph Text: I am in favor of this designation.

From: [Peura, Alan, NMENV](#)
To: ["feforee@icloud.com"](mailto:feforee@icloud.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 11:29:04 AM

Dear Elizabeth:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:15 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: elizabeth

Last
Name: foree

Email: feforee@icloud.com

Paragraph I support the WQCC20-18(R) petition to

Text: DESIGNATE THE WATERS OF THE UPPER PECOS WATERSHED AS
OUTSTANDING NATIONAL RESOURCE WATER (ONRW)

From: [Peura, Alan, NMENV](#)
To: ["libbymac3@icloud.com"](mailto:libbymac3@icloud.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 11:15:06 AM

Dear Elizabeth:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:09 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: elizabeth

Last
Name: maclaren

Email: libbymac3@icloud.com

Paragraph The Pecos Upper Watershed area is a gem close to Santa Fe and it is
Text: important to leave this area without the destruction a mine will bring to
the area.

I give my support to designating this area as a natural resource.

sincerely

Elizabeth Maclaren

2 Dovel Court

Santa fe

NM 87508

From: [Peura, Alan, NMENV](#)
To: ["candynfrank@gmail.com"](mailto:candynfrank@gmail.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 11:51:36 AM

Dear Frank:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:20 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Frank

Last
Name: Norris

Email: candynfrank@gmail.com

Paragraph Let's support protecting the Upper Pecos by designating the watershed as
Text: outstanding national resource waters.

From: [Peura, Alan, NMENV](#)
To: ["garystoller@yahoo.com"](mailto:garystoller@yahoo.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 11:24:17 AM

Dear Gary:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:14 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: Gary
Last Name: Stoller
Email: garystoller@yahoo.com

Paragraph I would like to add my name in support of the petition WQCC20-18 for the
Text: State of New Mexico to designate the waters of the Upper Pecos
Watershed as outstanding national resource waters.
Citizens of New Mexico cannot rely on the federal government to protect
to protect our beautiful natural environment and valuable water resources
from the onslaught of corporate destruction and degradation.
Sincerely,
Dr. Gary Stoller
1 Baya Court
Santa Fe, New Mexico, 87508

From: [Peura, Alan, NMENV](#)
To: gaylemarsh@me.com
Subject: RE: [EXT] WQCC 20-18(R) letter of Support
Date: Tuesday, July 21, 2020 2:46:50 PM

Dear Gayle:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:29 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) letter of Support

First Name: Gayle

Last Name: Marsh

Email: gaylemarsh@me.com

Paragraph Text: I support the protection of the Pecos Watershed!

From: [Peura, Alan, NMENV](#)
To: jerryatkin@aol.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 3:22:36 PM

Dear Gerald:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:39 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: GERALD

Last Name: ATKINSON

Email: jerryatkin@aol.com

Paragraph Text: As a person living in the Pecos River watershed, I support this petition.

From: [Peura, Alan, NMENV](#)
To: ["ibfurlong@gmail.com"](mailto:ibfurlong@gmail.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 11:42:47 AM

Dear Ingrid:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:18 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Ingrid

Last
Name: Furlong

Email: ibfurlong@gmail.com

Paragraph We need a greater focus now on preserving fresh water supplies. Especially
Text: here in the Southwest. It's time to focus on saving the planet, not
exploiting it.

From: [Peura, Alan, NMENV](#)
To: desertcat49@hotmail.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 10:45:49 AM

Dear James:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:03 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: James
Last Name: Wright
Email: desertcat49@hotmail.com

Paragraph Text:

My wife and I support the designation of the waters of the upper Pecos watershed as Outstanding National Resource Waters.

Mining in the Upper Peco River Watershed should not be allowed. The fishery will be destroyed by poison chemicals leaching into the Pecos River.

Regards,
Jim wright

From: [Peura, Alan, NMENV](#)
To: jmcvickar@gmail.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 11:59:04 AM

Dear Janet:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:23 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Janet

Last
Name: McVickar

Email: jmcvickar@gmail.com

Paragraph I wholeheartedly support this action to designate the Upper Pecos River
Text: and Watershed as an Outstanding National Resource Waters. I've spent
countless hours near, in, and around the Upper Pecos. I've been very
concerned about the potential effects of the proposed Comexico Mine on
these waters (echos of the old Terrero Mine and tailings echo in my head).
I'm also concerned about the river being both loved and abused to death in
recent months. Measures to protect these waters and the watershed are
critical to the survival of this fragile and beautiful land- and waterscape.

From: [Peura, Alan, NMENV](#)
To: ["secheron@gmail.com"](mailto:secheron@gmail.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 3:20:38 PM

Dear Jean:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:38 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Jean

Last Name: Lamuniere

Email: secheron@gmail.com

Paragraph Not only worthy, but also mature and thoughtful. As always, I hope that
Text: the people's cry will be heard.

From: [Peura, Alan, NMENV](#)
To: jdurlak@luc.edu
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 11:38:08 AM

Dear Joseph:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:16 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: Joseph

Last Name: Durlak

Email: jdurlak@luc.edu

Paragraph I m strongly in support of this petition to protect the upper Pecos
Text: water shed.

From: [Peura, Alan, NMENV](#)
To: ["jgiambalvo@pecosriverhome.com"](mailto:jgiambalvo@pecosriverhome.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 10:38:23 AM

Dear Joseph:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:00 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Joseph

Last
Name: Giambalvo

Email: jgiambalvo@pecosriverhome.com

Paragraph It is imperative that we protect the water quality of the Upper Pecos River
Text: Watershed. The high quality of the water that flows from this area is of critical importance to the people who live down stream who use it for both domestic and agricultural purposes. It is also a critical resource to the very valuable tourism industry of northern New Mexico. It is for these reasons that we urge you to designate the waters of the Upper Pecos Watershed as Outstanding National Resource Water.

From: [Peura, Alan, NMENV](#)
To: ["jgiambalvo@pecosriverhome.com"](mailto:jgiambalvo@pecosriverhome.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 10:38:23 AM

Dear Joseph:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:00 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Joseph

Last
Name: Giambalvo

Email: jgiambalvo@pecosriverhome.com

Paragraph It is imperative that we protect the water quality of the Upper Pecos River
Text: Watershed. The high quality of the water that flows from this area is of critical importance to the people who live down stream who use it for both domestic and agricultural purposes. It is also a critical resource to the very valuable tourism industry of northern New Mexico. It is for these reasons that we urge you to designate the waters of the Upper Pecos Watershed as Outstanding National Resource Water.

From: [Peura, Alan, NMENV](#)
To: ["jkwiliams24@gmail.com"](mailto:jkwiliams24@gmail.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 10:52:28 AM

Dear Judith:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:07 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Judith

Last
Name: Williams

Email: jkwiliams24@gmail.com

Paragraph This area is of critical importance to the area, partly because of water
Text: supply, the native trout, the scenic beauty of the area, and the sustenance
of small farmers.
We hike and fish in the area, and know it well.
Please do the right thing!

From: [Peura, Alan, NMENV](#)
To: ksweeney99@yahoo.com
Subject: RE: [EXT] WQCC 20-18(R)
Date: Tuesday, July 21, 2020 11:21:16 AM

Dear Karen:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:12 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R)

First Name: Karen
Last Name: Sweeney
Email: ksweeney99@yahoo.com
Paragraph I support the petition requesting designation of the Upper Pecos
Text: Watershed as Outstanding National
Resource Waters.
Karen Sweeney
16 Esquila Rd.
Santa Fe NM 87508

From: [Peura, Alan, NMENV](#)
To: kjbaker5910@gmail.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 3:12:16 PM

Dear Kathy:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:35 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: Kathy

Last Name: Baker

Email: kjbaker5910@gmail.com

Paragraph Text: Please protect the water quality of the Pecos.

From: [Peura, Alan, NMENV](#)
To: reilly.kevin.v@gmail.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 1:20:09 PM

Dear Kevin:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:26 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: Kevin

Last Name: Reilly

Email: reilly.kevin.v@gmail.com

Paragraph I support designating the Upper Pecos Watershed as Outstanding Natural
Text: Resource Waters.

From: [Peura, Alan, NMENV](#)
To: ["onrwsupport@pecoswatershed.org"](mailto:onrwsupport@pecoswatershed.org)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 10:31:46 AM

Dear Laurence:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 10:59 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Laurence

Last
Name: Moss

Email: lagmoss@telus.net

Paragraph The Upper Pecos River is a unique and treasured fishing and more generally
Text: Nature appreciation area for both its local residents and those of us who live
nearby in Santa Fe. Its quality needs to be protected for these essential human
needs.

From: [Peura, Alan, NMENV](#)
To: terraverde.louise@gmail.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 11:09:32 AM

Dear Louise:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:08 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Louise

Last
Name: Jensen

Email: terraverde.louise@gmail.com

Paragraph I live in the Upper Pecos watershed. Given the changing climate and future
Text: water shortages, mining operations have no place where life-depending
and increasingly scarce water supplies have any chance of contamination.
It's a matter of priorities. Without water we are dead. Without products of
mining, we are inconvenienced...and mining companies and their investors
are broke. Let's all begin to recognize the serious ness of the decisions we
are making regarding our resources.

From: [Peura, Alan, NMENV](#)
To: ["mvarela@farmersagent.com"](mailto:mvarela@farmersagent.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 3:19:21 PM

Dear Martin:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:37 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: Martin

Last Name: Varela

Email: mvarela@farmersagent.com

Paragraph Text: This designation is long over due!

From: [Peura, Alan, NMENV](#)
To: mkjsfnm@aol.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 2:43:24 PM

Dear Mary:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:28 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: Mary
Last Name: Johnson
Email: mkjsfnm@aol.com
Paragraph Text: I support keeping the waters of the Pecos river clean

From: [Peura, Alan, NMENV](#)
To: melanie@melaniewestphotography.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 10:34:30 AM

Dear Melanie:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:00 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Melanie

Last
Name: West

Email: melanie@melaniewestphotography.com

Paragraph Hello,

Text: Please nominate portions of the Upper Pecos River Watershed as
Outstanding National Resource Water (ONRW) under the Clean Water Act.
Thank you,
Melanie

From: [Peura, Alan, NMENV](#)
To: ["soundtripper177@gmail.com"](mailto:soundtripper177@gmail.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 11:50:08 AM

Dear Michael:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:19 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Michael

Last
Name: Davison

Email: soundtripper177@gmail.com

Paragraph We have precious few of treasures like the Pecos Canyon. It needs to be
Text: kept as natural as possible for all our benefits.

From: [Peura, Alan, NMENV](#)
To: ["nanking1224@earthlink.net"](mailto:nanking1224@earthlink.net)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 11:56:50 AM

Dear Nancy:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:22 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: nancy

Last
Name: king

Email: nanking1224@earthlink.net

Paragraph I think it is absolutely crucial that there is a designation of THE WATERS OF
Text: THE UPPER PECOS WATERSHED AS OUTSTANDING NATIONAL RESOURCE
WATER

From: [Peura, Alan, NMENV](#)
To: mhaydensf@comcast.net
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 11:46:01 AM

Dear Nolen:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:19 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Nolen

Last
Name: Hayden

Email: mhaydensf@comcast.net

Paragraph On our first trip to New Mexico as newly-marrieds in early 1966, my wife
Text: and I nearly froze to death camping next to the Pecos near Cowles. The
views were stunning, and the memory of that trip drew us back to New
Mexico over and over. We have owned property here since 1997 and have
lived in Santa Fe since 2009.

The Pecos valley, river, and wilderness are special places to us and to most
others who live near it. We hike there, ride bikes there, fish there, camp
there. Please protect the Pecos Watershed for its ability to provide
sustenance, memories and enjoyment to all who use it, now and for
generations to come.

From: [Peura, Alan, NMENV](#)
To: plojhu@gmail.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 10:47:36 AM

Dear Peter:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:04 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Peter

Last
Name: Olson

Email: plojhu@gmail.com

Paragraph I wish to convey my whole-hearted support for designating the upper
Text: Pecos River as an Outstanding Natural Resource Water. As a citizen of New Mexico living in the village of Pecos, I have spent countless hours with family members exploring the upper Pecos watershed on foot, by car, and on horseback. I have flyfished up and down the Pecos River and its tributaries, and hiked to many of the wonderful destinations in the Pecos Wilderness. Here is my message: the upper Pecos is a world-class natural area, a cultural and ecological treasure that is unique in all of America. It is priceless now, yet its value to New Mexicans (and to all Americans) will only grow with time. It deserves every bit of protection and every bit of care we can give it.

From: [Peura, Alan, NMENV](#)
To: ["rickbigham@sbcglobal.net"](mailto:rickbigham@sbcglobal.net)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 10:49:19 AM

Dear Rick:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:05 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: Rick

Last Name: Bigham

Email: rickbigham@sbcglobal.net

Paragraph Text:

As a resident of Glorieta, NM and the Pecos River valley I ask that you offer all protections possible , including an ONRW designation, to protect this resource.

Thank you,

Rick Bigham,

2 Loghouse Rd

Glorieta , NM 87535

From: [Peura, Alan, NMENV](#)
To: ["saralatar@gmail.com"](mailto:saralatar@gmail.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 11:54:54 AM

Dear Sara:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:22 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Sara

Last
Name: Morgan

Email: saralatar@gmail.com

Paragraph We need all possible sources of water in this area of hte country. Please
Text: respect our needs, our livihoods and our love or our lands!

From: [Peura, Alan, NMENV](#)
To: stanhollandnm@gmail.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 3:17:45 PM

Dear Stan:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:36 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: STAN

Last
Name: HOLLAND

Email: stanhollandnm@gmail.com

Paragraph i SUPPORT WQCC 20-18(R) PETITION TO DESIGNATE THE WATERS OF THE UPPER
Text: PECOS WATERSHED AS OUTSTANDING NATIONAL RESOURCE WATERS

|

From: [Peura, Alan, NMENV](#)
To: ["cestlevy@gmail.com"](mailto:cestlevy@gmail.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 11:22:50 AM

Dear Stephanie:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:13 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Stephanie

Last
Name: Levy

Email: cestlevy@gmail.com

Paragraph I support the designation of the Upper Pecos Watershed as ONRW. As a
Text: resident who lives within the dryer areas of the watershed, I understand
what a precious, valuable resource the Pecos River is and how many
people, animals, plants, and ecosystems rely on this resource. We must
protect it for the common good for future generations and prevent its
exploitation for the profit of a few. Grateful for this resource,
Stephanie Levy

From: [Peura, Alan, NMENV](#)
To: wesellsantafe@comcast.net
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 11:17:17 AM

Dear Sue:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:10 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Sue

Last
Name: Garfitt

Email: wesellsantafe@comcast.net

Paragraph The Pecos Watershed is irreplaceable, it is a natural resource to the entire
Text: are fauna flora and human habitat. Consider ecology and our very survival
over a few dollars going to support industrial gains

From: [Peura, Alan, NMENV](#)
To: ["sselbin@hotmail.com"](mailto:sselbin@hotmail.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 11:13:34 AM

Dear Susan:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:08 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name:	Susan
Last Name:	Selbin
Email:	sselbin@hotmail.com
Paragraph	Please protect water quality in the Upper Pecos Watershed by
Text:	designating it as outstanding national resource waters. Given our water situation, New Mexico must protect all water ways, lakes and rivers.

From: [Peura, Alan, NMENV](#)
To: tward3212@aol.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 3:10:39 PM

Dear Taylor:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:34 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Taylor

Last
Name: Ward

Email: tward3212@aol.com

Paragraph Please designate THE WATERS OF THE UPPER PECOS WATERSHED AS

Text: OUTSTANDING NATIONAL RESOURCE WATER (ONRW. 

|

From: [Peura, Alan, NMENV](#)
To: ["tessdegange@yahoo.com"](mailto:tessdegange@yahoo.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 11:25:48 AM

Dear Teresa:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:14 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Teresa

Last
Name: DeGange

Email: tessdegange@yahoo.com

Paragraph Protecting the quality of this water is not only detrimental to the lives that
Text: depend on it for drinking but also to all the wildlife that helps sustain this
planet.

From: [Peura, Alan, NMENV](#)
To: tomshreeve@gmail.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 2:45:11 PM

Dear Thomas:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:29 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: Thomas

Last Name: Shreeve

Email: tomshreeve@gmail.com

Paragraph Text: Once it is gone, pristine wilderness of this kind will never return.

From: [Peura, Alan, NMENV](#)
To: onrwsupport@pecoswatershed.org
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 10:29:06 AM

Dear William:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 10:57 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: William
Last Name: Anderson
Email: andarch@aol.com

Paragraph I wholeheartedly support the designation of the Upper Pecos River watershed
Text: as outstanding natural resource water (ONRW) under the Clean Water Act.
William J Anderson
2200 Willowick Road, Houston, TX 77027, and #13 Holy Ghost Canyon,
Tererro, NM

From: [Peura, Alan, NMENV](#)
To: ["papabear.romero@gmail.com"](mailto:papabear.romero@gmail.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 3:25:47 PM

Dear George:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:40 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: George
Last Name: Romero
Email: papabear.romero@gmail.com
Paragraph Text: I am in full support..!!!

From: [Peura, Alan, NMENV](#)
To: ["flyfishwithjs@hotmail.com"](mailto:flyfishwithjs@hotmail.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 3:27:21 PM

Dear Jarrett:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:41 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: Jarrett

Last Name: Sasser

Email: flyfishwithjs@hotmail.com

Paragraph These waters absolutely must be protected and taken care of at the
Text: highest level

From: [Peura, Alan, NMENV](#)
To: ["yogini850@gmail.com"](#)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 3:33:20 PM

Dear Laura:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:57 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Laura

Last Name: Stewart

Email: [yogini850@gmail.com](#)

Paragraph Please designate the waters of the upper Pecos Watershed as outstanding
Text: national resource waters.

From: [Peura, Alan, NMENV](#)
To: ["villagewolf@gmail.com"](mailto:villagewolf@gmail.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 3:31:54 PM

Dear Susana:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:42 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Susana

Last
Name: Villalobos

Email: villagewolf@gmail.com

Paragraph The Upper Pecos Watershed is in need of our protection—as do all our
Text: Sacred Waters. Please keep it clean and safe from all mining and fossil fuel
industries.

From: [Peura, Alan, NMENV](#)
To: ["jackcowden@yahoo.com"](mailto:jackcowden@yahoo.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 3:28:46 PM

Dear Jack:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:41 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: Jack
Last Name: Cowden
Email: jackcowden@yahoo.com
Paragraph Text: Please do this for the Pecos.

From: [Peura, Alan, NMENV](#)
To: kayh777@icloud.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 10:40:42 AM

Dear Catherine:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:01 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name:	Catherine McElvain
Last Name:	Harvey
Email:	kayh777@icloud.com
Paragraph Text:	Please protect the Pecos watershed. I support Designating the Waters of the Upper Pecos Watershed as Outstanding National Resource Water (ONRW)

From: [Peura, Alan, NMENV](#)
To: lbuchser@comcast.net
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 3:05:42 PM

Dear Linda:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:31 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Linda

Last
Name: Buchser

Email: lbuchser@comcast.net

Paragraph The outdated mining act allows companies to destroy natural areas with no
Text: real provision for cleaning up the mess at the companies expense. Added
to this, once destroyed, natural areas can never be brought back to their
original condition. Preserve the upper Pecos watershed for its benefits to
people and to wildlife!

From: [Peura, Alan, NMENV](#)
To: lindaburchfiel@gmail.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 2:41:32 PM

Dear Linda:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:27 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Linda

Last
Name: Burchfiel

Email: lindaburchfiel@gmail.com

Paragraph We need New Mexico's natural beauty in our lives, and also need the
Text: tourism dollars that the beauty brings. I urge you to designate the Upper
Pecos as Outstanding Natural Resource Waters.

From: [Peura, Alan, NMENV](#)
To: lwob@mac.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 1:16:55 PM

Dear Stephen:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:25 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Stephen

Last
Name: Schmidt

Email: lwob@mac.com

Paragraph I support the designation of the upper Pecos river watershed as an
Text: outstanding national waters. This watershed is an outstanding area of New
Mexico.

From: [Peura, Alan, NMENV](#)
To: ["clamuniere@gmail.com"](mailto:clamuniere@gmail.com)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 3:24:01 PM

Dear Carolyn:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:39 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: Carolyn

Last Name: Lamuniere

Email: clamuniere@gmail.com

Paragraph Text: Please preserve this important area.

From: [Peura, Alan, NMENV](#)
To: ["rossaclark@att.net"](mailto:rossaclark@att.net)
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 3:30:02 PM

Dear Ross:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 20, 2020 11:42 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name:	Ross
Last Name:	Clark
Email:	rossaclark@att.net
Paragraph	I support designating the waters of the upper pecos watershed as
Text:	ONRW.

From: [Peura, Alan, NMENV](#)
To: [Roark Griffin](#)
Subject: RE: [EXT] Pecos watershed support
Date: Wednesday, July 29, 2020 1:01:56 PM

Dear Roark:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

-----Original Message-----

From: Roark Griffin <roarkgriffin@yahoo.com>
Sent: Thursday, July 23, 2020 8:06 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] Pecos watershed support

I support the petition.

Sent from my iPad

From: [Peura, Alan, NMENV](#)
To: lemons.allison.k@gmail.com
Subject: RE: [EXT] [FWD: WQCC 20-18(R)]
Date: Wednesday, July 29, 2020 1:05:32 PM

Dear Allison:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 27, 2020 10:12 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] [FWD: WQCC 20-18(R)]

First
Name: Allison

Last
Name: Lemons

Email: lemons.allison.k@gmail.com

Paragraph I support the petition to have the waters of the Upper Pecos Watershed
Text: designated as Outstanding National Resource Waters and thereby protect the
water quality in that watershed.

From: [Peura, Alan, NMENV](#)
To: ["onrwsupport@pecoswatershed.org"](mailto:onrwsupport@pecoswatershed.org)
Cc: ["lizbessin@gmail.com"](mailto:lizbessin@gmail.com)
Subject: RE: [EXT] [FWD: WQCC 20-18(R)]
Date: Wednesday, July 29, 2020 1:08:18 PM

Dear Elizabeth:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 27, 2020 10:12 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] [FWD: WQCC 20-18(R)]

First
Name: Elizabeth

Last
Name: Bessin

Email: lizbessin@gmail.com

Paragraph Protect the waters of the Upper Pecos Watershed by making it an
Text: outstanding national resource. No drilling or mining allowed.

From: [Peura, Alan, NMENV](#)
To: bucklewspain@gmail.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Wednesday, July 29, 2020 1:12:11 PM

Dear James:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 27, 2020 10:13 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: James

Last Name: Bucklew

Email: bucklewspain@gmail.com

Paragraph It is so vital to protect this lovely water jewel ... recreation area for
Text: thousands of New Mexicans!

From: [Peura, Alan, NMENV](#)
To: jerreannstallcup@gmail.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Wednesday, July 29, 2020 1:14:16 PM

Dear Jerre:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 27, 2020 10:14 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name:	jerre
Last Name:	stallcup
Email:	jerreannstallcup@gmail.com
Paragraph	Please designate the Upper Pecos River watershed as outstanding
Text:	natural resource waters.

Ortiz, Melayna, NMENV

From: onrwsupport@pecoswatershed.org
Sent: Wednesday, August 19, 2020 10:47 AM
To: Public Facilitation, NMENV
Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: Bob

Last Name: Nordstrum

Email: bnordstr@unm.edu

Paragraph Text: Please add my support to designating the upper Pecos watershed as national water resources

Ortiz, Melayna, NMENV

From: onrwsupport@pecoswatershed.org
Sent: Wednesday, August 19, 2020 10:48 AM
To: Public Facilitation, NMENV
Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: Janus

Last Name: Herrera

Email: jeherrera3@gmail.com

Paragraph To Whom It May Concern:

Text: I am writing in support of the petition that was submitted on April 20, 2020 to the State of NM in order to maintain and preserve the water quality in the Upper Pecos Watershed. This beautiful part of our state is filled with diverse wildlife such as coyotes, beavers, deer, elk, and a variety of fish and water species. In addition, humans depend on the water quality for recreation, irrigation, and preservation of habitat. We are interconnected! I stand with the New Mexico Acequia Association, San Miguel County, the Village of Pecos, the Upper Pecos Watershed Association, and Molino de la Isla Organics in speaking out about the importance of this irreplaceable natural resource.

Thank you,
Janus Herrera

Ortiz, Melayna, NMENV

From: onrwsupport@pecoswatershed.org
Sent: Wednesday, August 19, 2020 10:49 AM
To: Public Facilitation, NMENV
Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: Marilyn
Last Name: Szydlowski
Email: mjmazgaj52@aol.com
Paragraph Please designate 14.1
Text: miles of the Pecos River and 56.2 miles of its tributaries
in the Upper Pecos Watershed as Outstanding National
Resource Waters (ONRWs) under the federal Clean Water Act! The watershed in that area is so key to
maintaining the landscape and the wildlife. Thank You..

Ortiz, Melayna, NMENV

From: onrwsupport@pecoswatershed.org
Sent: Wednesday, August 19, 2020 10:46 AM
To: Public Facilitation, NMENV
Subject: [EXT] WQCC 20-18(R) Letter of Support

First Name: Sarah

Last Name: Stout

Email: sarahclaudia.s@gmail.com

Paragraph Text: I fully support protecting the water quality of the Upper Pecos Watershed

From: [SawnieM Morris](#)
To: [Public Facilitation, NMENV](#)
Cc: SupportPecosONRW@pecoswatershed.org
Subject: [EXT] Protect the Pecos!
Date: Thursday, September 17, 2020 6:57:04 PM

Dear Commisioners,

I am writing in regard to WQCC 20-18 (R). In New Mexico, where water resources are scarce and precious, protecting the water quality of our rivers, streams and wetlands is essential. It is all the more critical as we face decreasing environmental protections at the federal level. The waters of the Upper Pecos are clean and healthy today because of the long history of respect and stewardship for our land and water. Flowing into nearby acequias, the waters of the Upper Pecos are vital to local agriculture. There are currently 55 acequias that depend on clean water in the Pecos.

Further, our local economy depends on clean water. Recreation brings millions of dollars to the area surrounding the nominated waters. In 2013, anglers alone spent over \$28 million towards fishing in San Miguel County. This contributed to 333 local jobs, \$11 million in labor income, and over \$2 million in state and local taxes.

Impacts from roads and extractive industries threaten many New Mexico high-quality waters and our way of life. I support Outstanding Waters (ONRW) designation for the Upper Pecos Watershed because it protects current and traditional uses of the river from pollution from new sources and I therefore urge the Water Quality Control Commission to grant the Pecos Outstanding Waters petition submitted by the group of local businesses, government, and citizens.

Please protect the Upper Pecos watershed by voting to support the petition for ONRW designation. Thank you.

--

Ms SawnieM Morris
sawnie@newmex.com

“If there is magic on this planet, it is contained in water.” — Loren Eiseley

From: [Peura, Alan, NMENV](#)
To: Rubio12@aol.com
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Tuesday, July 21, 2020 11:53:10 AM

Dear Abel:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura

Collaboration Coordinator

New Mexico Environment Department

1190 St. Francis Drive

Santa Fe, NM 87505

Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>

Sent: Monday, July 20, 2020 11:21 AM

To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>

Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: Abel

Last
Name: Rubio

Email: Rubio12@aol.com

Paragraph Please keep the Upper Pecos River Watershed as Outstanding National
Text: Resource Water (ONRW) under the Clean Water Act. This is critical watershed which supports agriculture and large outdoor recreation. I hike in the Pecos wilderness about once a month. It is a beautiful and pristine place. I live in Santa Fe, and enjoy taking family members and friends who visit often on great hikes in the Pecos trails. Not to mention the wonderful wildlife that make the Pecos wilderness and Pecos River their home. I very much support the Upper Pecos River Watershed as Outstanding National Resource Water (ONRW) under the Clean Water Act.
Thank you for protecting this precious resource.
Abel Rubio

From: [Peura, Alan, NMENV](#)
To: jransom@haverford.edu
Subject: RE: [EXT] WQCC 20-18(R) Letter of Support
Date: Wednesday, July 29, 2020 1:10:18 PM

Dear James:

Thank you for your comments, they will be entered into the record on this matter.

Best regards,

Alan Peura
Collaboration Coordinator
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505
Cell: 505-629-6302

From: onrwsupport@pecoswatershed.org <onrwsupport@pecoswatershed.org>
Sent: Monday, July 27, 2020 10:13 AM
To: Public Facilitation, NMENV <Public.Facilitation@state.nm.us>
Subject: [EXT] WQCC 20-18(R) Letter of Support

First
Name: James

Last
Name: Ransom

Email: jransom@haverford.edu

Paragraph I write in support of the WQCC20-18(R) Petition to designate the waters of
Text: the upper Pecos watershed as outstanding national resource waters. Born
in Las Vegas in 1940, I have enjoyed the recreational opportunities of the
once pristine upper Pecos watershed (hiking, camping, fishing) since before
I can remember.

For eighty years I have witnessed the steady and accelerating degradation
of the river and its environs. It is time to do everything we possibly can to
halt and indeed to reverse this process while these waters are still healthy
enough to save.

From: [Patricia Cardona](#)
To: [Public Facilitation, NMENV](#)
Cc: SupportPecosONRW@pecoswatershed.org
Subject: [EXT] WQCC 20-18 (R) Water Quality Administrator
Date: Wednesday, September 16, 2020 11:52:31 AM

Dear Commissioners,

As a resident of the Pecos region, we know that “agua es vida,” and the New Mexico’s Upper Pecos watershed is the lifeblood of our community. The waters of the Upper Pecos are clean and healthy today because of the long history of respect and stewardship for our land and water. Flowing into nearby acequias, the waters of the Upper Pecos are vital to local food and agriculture.

Food and agriculture are approximately 12 % of the economy of New Mexico. Many areas of the country are losing the capacity to grow their own food. Agriculture is a critical industry to preserve for our survival. The southern areas of this continent have substantial loss in their capacity to grow food because of severe droughts. This does not bode well for having food available and it is critical that we preserve agricultural areas in NM. There are currently 55 acequias and other traditional uses of the watershed. New Mexico, before COVID, had a weekly average of over 75,000 people a week seeking food assistance. The largest groups were seniors over 65 which were over 20 % of the population seeking assistance and over 30% were children seeking food assistance. It is important that we pay attention to what is happening to our capacity to feed ourselves in this state.

But now, impacts from roads and extractive industries threaten our high-quality waters and our way of life. I support Outstanding National Resource Waters (ONRW) designation for the Upper Pecos Watershed because it protects current and traditional uses of the river from pollution from new sources.

Further, our local economy depends on clean water. Recreation brings millions of dollars to the area surrounding the nominated waters. In 2013, anglers alone spent over \$28 million towards fishing in San Miguel County. This contributed to 333 local jobs, \$11 million in labor income, and over \$2 million in state and local taxes.

Please protect our Upper Pecos watershed by voting to support the petition for ONRW designation. Thank you.

Patricia Cardona

PETITIONERS' EXHIBIT

17

Video: "These Rivers Carry Our Stories: Outstanding Waters Protections in

Pecos" Available at: [https://www.youtube.com/watch?](https://www.youtube.com/watch?v=ahUFrQPO7Q8&t=3s)

[v=ahUFrQPO7Q8&t=3s](https://www.youtube.com/watch?v=ahUFrQPO7Q8&t=3s)

Video: "Outstanding National Resource Waters (ONRWs)" Available at:

<https://www.youtube.com/watch?v=zLXez6O-tSM>

Video: "This American Land: Outstanding Waters" Available at: [https://](https://thisamericanland.org/?episodes=outstanding-waters)

thisamericanland.org/?episodes=outstanding-waters

PETITIONERS' EXHIBIT

18

**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF PETITION FOR TO
DESIGNATE SURFACE WATERS OF THE UPPER
PECOS WATERSHED AS OUTSTANDING
NATIONAL RESOURCE WATERS**

No. WQCC 21-51 (R)

**Village of Pecos, San Miguel County, Upper Pecos
Watershed Association, New Mexico Acequia
Association, and Molino de la Isla Organics LLC.**

Petitioners.

**TESTIMONY IN SUPPORT OF PETITION BY
VINCENT E. TOYA**

I. INTRODUCTION AND QUALIFICATIONS

Dear Commissioners,

Good afternoon, my name is Vincent E. Toya. I serve as the 2nd Lt. Governor of Jemez Pueblo. The Pueblo of Jemez has spiritual and cultural connections to the Pecos area as our Pecos ancestors lived in this area since 1200. In 1838, the Pecos people migrated to Jemez Pueblo, and with this migration The Pecos Pueblo was merged with Jemez Pueblo by an Act of Congress in the 1930's. Along with the migration, The Pecos People brought their Governor cane, at which time Jemez Pueblo placed this cane with our secular leadership, instilling the 2nd Lt. Governor of Jemez Pueblo.

Consequently, I am speaking here today on behalf of our Jemez and Pecos Peoples to communicate our support for the protection of the Upper Pecos Watershed as an Outstanding National Resource Waters (ONRW). Pecos Pueblo, which translates to "the place above the water", is an ancestral pueblo for Pecos descendants who currently live at The Pueblo of Jemez.

The Pueblo feels strongly about the need for protecting this pristine water resource. This stretch of the Pecos River is the lifeblood of our people, and the ecosystems that are connected to this special place on our Pecos ancestral homeland is too precious not to conserve for future generations

II. TESTIMONY

Our Pecos ancestors called the Pecos River *Toqk'ô P'oeoegee* which can be interpreted as Corn Cob River because its waters sustained the people and the corn that was planted by them up and down the Pecos River Valley or as we call it *Tqk'ô P'oqowâamu*, Corn Cob River Valley.

Today, the descendants of the Pecos continue to visit the sacred shrines on the Pecos ancestral homeland including the upper Pecos Watershed and perform ceremonies using the sacred waters of the Pecos River. We as Jemez people see the sacredness of the water ecosystems that sustain life to all the birds and animals, plants and the aquatic life that humans greatly benefit from.

The waterways are our trail-ways and are part of our migratory stories. Clean water and the connectedness of water, land, and people, is critical and vital for our health and wellbeing. To ensure the wellbeing of future generations of peoples that connect themselves to the Pecos River, Jemez Pueblo and the descendants of Pecos Pueblo enthusiastically support designating the Upper Pecos watershed as an Outstanding Nation Resource Water (ONRW).

In closing, please accept The Pueblo of Jemez and the descendants of Pecos Pueblo's full support for this petition. May your efforts and the efforts of your colleagues be blessed by Our Creator and may your lives be enriched with love and peace.

Respectfully Submitted on this 25th day of February, 2022.

A handwritten signature in black ink, appearing to read "Vincent E. Toya", written over a horizontal line.

Vincent E. Toya, 2nd Lt. Governor
Pueblo of Jemez
P.O. Box 100
Jemez Pueblo, NM

PETITIONERS' EXHIBIT

19

**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF THE PETITION TO
PROPOSED AMENDMENTS TO 20.6.4.9 NMAC,
DESIGNATE SURFACE WATERS OF THE
UPPER PECOS WATERSHED AS
OUTSTANDING NATIONAL RESOURCE WATERS,**

No. WQCC 21-51 (R)

**Village of Pecos, San Miguel County, Upper Pecos
Watershed Association, New Mexico Acequia
Association, and Molino de la Isla Organics LLC,**

Petitioners.

**TESTIMONY IN SUPPORT OF PETITION BY
FRANK “PANCHO” ADELO**

I. INTRODUCTION AND QUALIFICATIONS

My name is Frank “Pancho” Adelo. I was born and raised in Pecos. My family has been in business providing goods and services to residents and visitors to Pecos Valley for the past 102 years. I currently own a convenience store and take-out restaurant. I own twelve acres of irrigated pasture/farmland on the Acequia del Molino adjacent to the river in the heart of the Village. I am also President of the Upper Pecos Watershed Association (“UPWA”), a Petitioner in this matter, and was its Vice President before that, since its inception in 2006. My resume is attached as Petitioners’ Exhibit 20. My testimony will address section 20.6.4.9.B NMAC, demonstrating that designation of the waters of the Upper Pecos Watershed as Outstanding National Resource Waters (“ONRWs” or “Outstanding Waters”) will benefit the State of New Mexico.

II. TESTIMONY

I was very fortunate to grow up next to one of New Mexico's premier trout fisheries. I was also fortunate to grow up in an era before cell phones and video games. In grade school my

close friends, Miguel Carrillo, Ricky Varela, Steve Sanchez, and I would ride our bikes to the river and fish. I caught my first fish behind the Pecos Benedictine Monastery. As soon as I could drive in 8th grade, after school I would get in my father's truck and race up the canyon to wet a line before dark. I took a keen interest in trout fishing and especially fly fishing.

I attended college in Western Massachusetts and received my degree in economics from the University of Massachusetts in Amherst. My flyrod accompanied me to Massachusetts. My first experience fishing in New England was on the Deerfield River. On this stream I became acutely aware that not all streams are of the same quality. Every pullout in the Deerfield River had a warning sign of the horns that signaled impending rise in water level. As I drove up the valley, I came across a gigantic structure, Yankee Rowe Nuclear power plant, America's third nuclear power plant and first large scale nuclear plant in the U.S. It was very striking because Western Massachusetts is fairly rural, and the Deerfield Valley is very picturesque. To see a structure of this enormity and this type in such a setting was quite perplexing. On another quest for trout, I drove up into New Hampshire. I came upon a stream that looked ideal for trout. I noticed the stream had a brownish tinge to it and was pretty much void of insect life. I found out that there was a paper mill upstream. Both experiences made me realize that river water quality, no matter the setting, is not always guaranteed.

When I returned home after college, I made it a point to preserve and conserve the Upper Pecos Watershed. Serving as President of UPWA is part of my work to protect this exceptional area.

a. About UPWA

UPWA was originally formed in 2006 by residents in the Pecos watershed who were concerned about environmental issues pertaining to the river. It is recognized as a 501(c)(3)

nonprofit organization and is overseen by a nine-member Board of Directors. UPWA's primary goals are to protect and improve the health of the watershed; address significant ecological, and environmental issues in the watershed; and preserve traditional and cultural uses and benefit the local economy.

The Pecos Canyon is a hot-spot for tourism from Santa Fe, Albuquerque, and surrounding areas in the summer and fall for camping, hiking, hunting, and fishing. One of the ways UPWA is trying to help environmental concerns is to address the overuse and abuse of the campgrounds and recreation areas within the watershed. To date, UPWA has been awarded over 14 Section 319 Grants from the U.S. Environmental Protection Agency, and has received approximately \$1.6 million for implementation, public outreach, and restoration work in the watershed.

UPWA was a leading advocate for the formation of the Pecos Canyon State Park, and collaborated with San Miguel County, the Village of Pecos, federal and state political representatives, the Pecos Business Association and other advocacy groups in favor of park legislation.

As another example of our efforts to protect the watershed, last year, the 2020 spring and summer season brought unprecedented numbers of visitors to Pecos Canyon with not a single public restroom open. UPWA acted swiftly, raised over \$5,000 in three days, and installed ten portable-toilets in the Canyon. This effort not only helped protect the environment from human waste but also helped Santa Fe National Forest and Pecos Canyon State Park.

Additionally, together with the Pecos Business Association, Pecos Canyon State Park, Santa Fe National Forest, Truchas Chapter Trout Unlimited, Roadrunner Gambler 505 and San Miguel County, we organized "Dia de Rio y Camino," a community road and river cleanup event

in October 2020. We had 139 volunteers come from as far away as Las Cruces, who drove by our office, and we handed out over 400 trash bags. Among our wonderful participants were students and teachers from Pecos Independent Schools and Santa Fe Prep.

b. About the Upper Pecos Watershed

The Upper Pecos Watershed is a part of the larger Rio Grande Basin, located in north-central New Mexico about ten to twenty miles east of Santa Fe. The area covered by our Watershed extends from the headwaters of the Pecos River and its upper tributaries in the Sangre de Cristo Mountains to the point where Interstate Highway 25 crosses the Pecos, below its confluences with Cow Creek and El Rito. Our watershed includes the communities of Pecos, Tererro, Cowles, Glorieta, Upper and Lower Colonias, North and South San Ysidro, Rowe, and San Jose. The Village of Pecos is the only incorporated municipality in the watershed.

The nominated part of the Upper Pecos Watershed covers 14.1 miles of the Pecos River and 56.2 miles of its tributaries.¹ Major tributaries of the Pecos River in the nominated part of the watershed include Carpenter Creek, Dalton Canyon Creek, Davis Creek, Holy Ghost Creek, Indian Creek, Jack's Creek, Macho Canyon Creek, Rio Mora, Sawyer Creek, and Panchuela Creek. The waters of the Upper Pecos Watershed, including the nominated part, support diverse wildlife, from mammals to amphibians and fish. The Pecos River contains one of the few remaining populations of New Mexico's native Rio Grande cutthroat trout. The nominated area is also a home to federally endangered species, such as Mexican Spotted Owl and Holy Ghost Ipomopsis. In addition, the nominated part of the Upper Pecos Watershed hosts many threatened

¹ The nominated part of the Upper Pecos Watershed includes the perennial and non-perennial streams and wetlands as nominated in the Petition, and identified in Maps 1 and 2 and Tables 1 and 2 in Section II. B. of the Petition. *See also* Pet'rs Ex. 5 (maps of nominated waters.)

species under State Wildlife Conservation Act, such as Mountain lily and peregrine falcon, to name a few.

Our community views the Upper Pecos Watershed as a whole, interconnected system. The Pecos River has raised generations of kids and continues to do so. There is nothing more relaxing than to sit by the river and just be. One of the best things to do is to throw rocks in the river, as a symbolic way of letting go of your worries. Pecos is a small community, but we all can agree that the river is our lifeblood.

You can go horseback riding in the wilderness for hours without meeting another person. Many people say that although they travelled the world they have never seen nor experienced anything like our magnificent Upper Pecos Watershed.

There is a lot of adventure packed into this area, in my opinion, more than in any other part of New Mexico. The history, the culture, the beauty and the diversity of the nominated region simply serve as a tremendous backdrop for all there is to experience and do here. Pecos is an ancient place with modern amenities, a village of small, family-owned lodges, restaurants, shops and guiding services.

For example, the Pecos National Historical Park (PNHP) is at our doorstep. The PNHP has consistently drawn visitors to the Pecos area. In 2020 they reported 36,695 visitors and in 2021 that number went up to 58,944. Additionally, the Santa Fe National Forest (SFNF) reported that between 2018 and 2021, 25,815 people camped at just 24 of their 118 campsites located in the nominated part of the Upper Pecos Watershed, and the average length of stay was 2.1 days. *See Table 1.*

Facility Utilization Summary Report SEASON: May-October	Year	Average length of stay	Number of Visitors	Visitor's Days Used
Panchuela (6 sites)	2021	1.69	1044	1790
FIELD TRACT (15 sites)	2021	2.11	2744	5892
	2020	2.1	2000	4232
	2019	2.17	1807	3790
	2018	2.38	92	192
HOLY GHOST GROUP AREA (1 site)	2021	2.17	886	1997
	2020	Closed for COVID		
	2019	2.33	913	2191
	2018	2.2	122	256
JACKS CREEK GROUP AREA (2 sites)	2021	2.42	842	2139
	2020	Closed for COVID		
	2019	2.05	1588	3216
	2018	1.5	80	120
TOTALS		2.1	12118	25815
<p>* <u>Number of Visitors</u>: Total number of people included in the reservations for the occupied sites during the reporting period.</p> <p>* <u>Visitor's Days used</u>: Number of visitors multiplied by the length of stay for each reservation within the reporting period.</p> <p>* Group Site numbers reduced in 2021 due in large part to ongoing pandemic.</p>				

Table 1: U.S. Forest Service Comprehensive Use Data 2018-2021.²

New Mexico Department of Game and Fish disclosed angler use data for Pecos River and associated tributaries was at 158,402 visitors between 2020-21. In 2020 the anglers, hikers, campers, bird watchers delivered \$87,277,812.03 in visitor spending in San Miguel County alone. Recreational tourism in the nominated area not only includes fishing, camping, and hiking, but birding, biking, nature photography, skiing, snowshoeing, tubing and snowmobiling as well.

² The U.S. Forest Service only had data for its reservable campsites. Thus, this table represents only 24 campsites out of a total of 118 in the nominated area. Email from Sidney Snyder, Forestry Technician, Santa Fe National Forest, to Upper Pecos Watershed Association (Feb. 15, 2022).

There is no doubt that the nominated part of the Upper Pecos Watershed is of exceptional recreational significance, but this area is also extremely important to our farmers. There are many local farms in the area, including many run by families, that rely on access to clean water from these rivers for crop irrigation, among other uses. In 2019, New Mexico generated around \$3.2 billion in agricultural cash receipts with the highest valued commodities being dairy products, specifically milk, cattle and calves, and miscellaneous crops. Agua es vida, and the waters and aquatic life of New Mexico's Upper Pecos Watershed sustain our farmers, ranchers, and anglers as they depend on the watershed for their livelihoods and way of life.

In short, the Upper Pecos Watershed, including the part nominated in the Petition, plays a vital role in contributing to our state's economy, recreational opportunities, and natural beauty. Protecting the nominated waters as ONRWs would benefit the state by preserving and enhancing these economic, recreational, and natural resources for present and future generations by preventing degradation of the high-quality waters that are the lifeblood of the Pecos region.

c. Community Support for Designating the Upper Pecos Watershed as ONRWs

UPWA has played a key role in obtaining and ensuring community support for designating the waters of the Upper Pecos Watershed as Outstanding Waters. We have been in touch with our members and the broader public regarding the ONRW nomination for the Upper Pecos Watershed through our monthly newsletter, which has kept the community informed about the process. UPWA also used social media to draw attention to understanding the importance and significance of the nomination.

We made an announcement on our website and social media when the original petition was filed in April 2020, and again when the current petition was filed on October 1st, 2021. When we originally filed the petition, we created a form on our website through which community members could voice their support for the ONRW nomination. This campaign generated over 100 letters of support which have been forwarded to the Water Quality Control Commission as public comments on the nomination. Between UPWA's mailing list and social media subscribers, we have reached over 3,000 people. UPWA is committed to keeping our community informed about the process and will continue to do so. We have hosted two public meetings (pre-Covid) where the ONRW nomination was presented. These meetings were attended by over 200 people from the local area. In addition, UPWA board members attended the San Miguel County and Village of Pecos public meetings where their respective resolutions in support of ONRW nominations were presented and passed. Numerous members of the public attended and commented in support of these resolutions at these meetings. The abundance of support we have received from members of the public, both locally, and across the State, and even the nation, has shown there is overwhelming public support for protecting the Upper Pecos Watershed as Outstanding Waters. *See* Petitioners' Exhibit 16.

d. Concluding Remarks

It is important to note that the Pecos River and its tributaries can still brag of its high-quality. Yes, we have an abandoned mine on the Pecos River, but because of the actions undertaken by the State and former owners of the mine, water quality in the Upper Pecos Watershed has improved over the past 30 years.

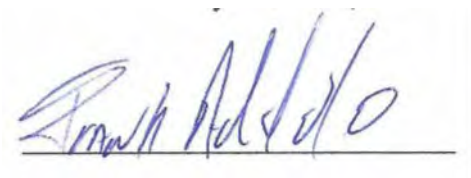
Also, in the past 30 years, the number of visitors to our watershed has increased. As noted earlier, in 2020 (and in large part, because of the pandemic), we saw a huge increase in the

number of visitors to our watershed, all seeking nature, all seeking peace, all seeking a high-quality river to enjoy, which the Pecos and its tributaries readily provide.

Let us imagine for a moment that you had to conduct a cost benefit analysis of some project effecting the water quality of the Upper Pecos Watershed. Part of that equation would quantify how many visitors the river sees, how much they spend getting to the river and enjoying it, and doing the multiplication. What that analysis cannot do, however, is to put a figure on the number of people who would not accept having a high-quality watershed to use and enjoy. In other words, how much would you have to pay people not to have a high-quality watershed to enjoy – whether it be for fishing, hunting, hiking, worshipping, biking, camping, farming, etc. In fact, any cost-benefit analysis would be disingenuous because what the Upper Pecos Watershed provides is priceless. You cannot put a price on much of what our high-quality watershed provides. Ask residents of the valley, or any of the visitors we have had in the valley, especially those who came last year to escape the pandemic, on their willingness to give up a high-quality watershed: they would never be able to quantify that.

With this being said, I urge you to support our nomination of the Upper Pecos Watershed for ONRW status. Such designation would be a huge benefit to not only our local community, but to the State as a whole and all who visit, work, and play in the Upper Pecos region for both the present and future generations.

This ends my testimony, which is accurate to the best of my knowledge.

A handwritten signature in blue ink, appearing to read "Frank Adelo", written over a horizontal line.

Frank "Pancho" Adelo

03/08/2022

Date

PETITIONERS' EXHIBIT

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RESUME

Franklin Adelo (Pancho)

P.O. Box 175

Pecos NM 87552

Cell 505 470 5429 Business 505 757 2620

E-mail panchoadelo@hotmail.com

Education Background:

St. Michael's High School Santa Fe NM. 1986

University of Massachusetts Amherst. Bachelor of Arts-Economics, 1991

Career Background:

Adelo Company, Pecos, NM. Assistant Manager/Hardware Inventory Manager 1991-1996

El Paseo Bar and Grill, Santa Fe, NM. Mixologist. 1996-1999

Pancho Inc. Pecos, NM. President, Retail Fuel and Convenience, Take Out Food and Catering 1998-Present.

Upper Pecos Watershed Association, Pecos NM. Non-Point Source Pollution mitigation and watershed quality community organization. Vice President 2006-2019, President 2019-Present.

Casa Adelo LLC, Pecos, NM. Partner, Residential Real Estate, 2010-Present

JS&F LLC, Pecos NM. Partner. Residential Real Estate, 2010-Present

PETITIONERS' EXHIBIT

21

**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF PETITION TO
DESIGNATE SURFACE WATERS OF THE
UPPER PECOS WATERSHED AS
OUTSTANDING NATIONAL RESOURCE WATERS,**

No. WQCC 21-51(R)

**Village of Pecos, San Miguel County, Upper Pecos
Watershed Association, New Mexico Acequia
Association, and Molino de la Isla Organics LLC,**

Petitioners.

DIRECT TESTIMONY OF PAULA GARCIA

I. QUALIFICATIONS AND INTRODUCTION

My name is Paula Garcia, and I am Executive Director of the New Mexico Acequia Association (“NMAA”). I am a rancher, farmer, and parciante of Acequia del Alto del Norte in the Mora Valley. I also serve as a Commissioner on the New Mexico Interstate Stream Commission. My resume is Petitioners’ Exhibit 22.

NMAA is a Petitioner in the petition to designate waters of the Upper Pecos Watershed as Outstanding National Resource Waters (“Outstanding Waters” or “ONRWs”). Thank you for this opportunity to explain why NMAA is a Petitioner and supports this critical designation. My testimony will address section 20.6.4.9.B NMAC, demonstrating that designation of waters of the Upper Pecos Watershed as ONRWs will benefit the State of New Mexico.

II. DESIGNATION WILL BENEFIT THE STATE

NMAA is a statewide, membership-based organization of acequias governed by a federation of acequias, the Congreso de las Acequias, which unanimously supports protection of the Upper Pecos Watershed through ONRW designation.

The mission of the NMAA is to protect water and our acequias, to grow healthy food for our families and communities, and to honor and preserve our cultural heritage. A primary means of

realizing our mission is through the conservation and protection of water for future generations of acequeros.

“Agua es vida.” The waters of New Mexico’s Upper Pecos Watershed are the lifeblood of the region’s acequia system, sustaining and enriching centuries-old acequias and farming and ranching traditions that depend upon clean water. Acequias depend upon clean water from the Upper Pecos Watershed to irrigate traditional crops and sustain vital cultural traditions.

Acequia systems provide a significant benefit to the State of New Mexico, both culturally and economically. Acequias have a long history of respect and stewardship of the waters of the Upper Pecos, which has resulted in the high water quality that these precious waters afford. Our intricate customs and traditions, our collective approach to water management, and our unique role in water governance has resulted in extensive empirical and cultural knowledge about the Pecos River and its tributaries. Based upon this knowledge, NMAA is compelled not only to support designating waters of the Upper Pecos Watershed as ONRWs, but to become a Petitioner in this important action before the Water Quality Control Commission.

One of the most effective ways to deliver on the promise of clean water and resilient watersheds for present and future generations is to designate the Upper Pecos Watershed waters as Outstanding Waters. ONRW designation will help ensure that the Upper Pecos Watershed remains clean and sustains present and future generations of parciantes. Importantly, ONRW designation will complement and enhance acequias’ traditional and historic uses of water, and we stand in strong support of this designation. Supporting and preserving New Mexico’s acequias and their parciantes’ ability to continue to feed their families and communities and preserve their centuries’ old way of life represents a significant benefit to New Mexico, its history, its multicultural landscape, and its commitment to preserving the family and cultural traditions of acequia life.

This ends my testimony, which is accurate to the best of my knowledge.



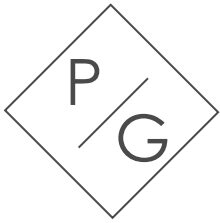
Paula Garcia

February 24, 2022

Date

PETITIONERS' EXHIBIT

22



PAULA GARCIA

paulagarcia0902@gmail.com | 505-231-7752

Summary

Dedicated and service-oriented community leader with extensive experience as a non-profit executive and local government official. Highly proficient, articulate, and conscientious public servant committed to improving community well-being and the lives of families in rural communities in New Mexico.

Skills

- Excellent ability to work with diverse communities in New Mexico.
- Highly experienced on issues of water, agriculture, and rural development.
- Service on state and national policy advisory boards.
- Effective advocate for rural communities for over two decades.
- Experience with the legislative process at local, state, and federal levels.
- Dedicated public servant as a local elected official and a non-profit executive.

Experience

Interstate Stream Commissioner, Appointed

07/2019 - Current

Interstate Stream Commission | Santa Fe, NM

- Appointed by Governor Michelle Lujan Grisham for a six year term.
- As Commissioner, serve to carry out the mission of the Interstate Stream Commission to protect New Mexico's water and ensure compliance with interstate water compacts.
- Perform all required duties including research and analysis on water policy as well as decisions about policy, litigation, and water infrastructure projects.

Executive Director

01/1998 - Current

New Mexico Acequia Association | Santa Fe, NM

- Led creation of Congreso de la Acequias, the statewide governing body of the New Mexico Acequia Association, and built a broad statewide membership base.
- Developed policy strategies resulting in the passage of significant water legislation with support of legislative leadership.
- Worked successfully with diverse organizations working on water issues and presented at numerous conferences.
- Initiated community education program for acequias to strengthen local self-governance which has benefited hundreds of acequias.
- Established innovative youth and farmer training projects to promote agricultural revitalization in rural communities.
- Created an extensive outreach program promoting the participation of minority farmers and ranchers in USDA programs.

Chairwoman, Mora County Commission, Elected

01/2011 - 12/2018

Mora County | Mora, NM

- Completed major public works projects with leadership, management skills, and ability to collaborate and secure resources.
- Enacted policies to protect land and water through ordinances and engaged in strategic litigation to defend public lands.
- Improved services in Mora County related to fire protection and emergency medical services,

including founding the Mora County Ambulance Service.

- Provided leadership in addressing rural development, infrastructure planning, natural resource, and economic development policy.

President and Board Member

01/2011 - 12/2018

New Mexico Counties | Santa Fe, NM

- Served as President of the Board and Chair of the Commissioner Affiliate comprised of all the County Commissioners in New Mexico.
- Provided leadership in developing federal and state policy recommendations.
- Worked on numerous policy committees including criminal justice, health care, tax, economic development, natural resources. Established the first Native American Committee.

Chairwoman and Member

06/2009 - 12/2015

USDA Minority Farmers Advisory Committee | Washington, DC

- Appointed by United States Department of Agriculture (USDA) Secretary Tom Vilsack during the Obama administration to advise on improving participation of minority farmers and ranchers in USDA programs. Served as first woman Chair during second term.
- Developed policy recommendations to address civil rights and minority participation in USDA programs.

Education and Training

University of New Mexico | Albuquerque, NM, United States

Studies in science, engineering and community and regional planning

Activities and Honors

University of New Mexico Presidential Scholar, 1989-1992

Housing and Urban Development Fellowship in Community Planning, 1997-1997

Member, New Mexico State Land Trust Advisory Board, Appointed by State Land Commissioner, 2002-2006

Member, New Mexico Water Trust Board, Appointed by Governor, 2002-2006

Member, Governor's Blue Ribbon Task Force on Water, Appointed by Governor, 2002-2010

Member of the Utton Resource Center at UNM Law School, 2000-2010

W.K. Kellogg Foundation Food and Society Plenary Speaker, 2006

Woman of the Year Award from the NM Commission on the Status of Women, 2010

Emerging Democratic Woman of Year from Emerge New Mexico, 2010

Latina of the Year by the Imagen Foundation and Dolores Huerta Foundation, 2010

Member, Los de Mora Growers Cooperative, 2018 - Present

Co-Owner, Garcia Family Farms, 2018 - Present

Executive Committee Member, Rio Grande Water Fund, 2018 - Present

PETITIONERS' EXHIBIT

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**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF THE PETITION TO
PROPOSED AMENDMENTS TO 20.6.4.9 NMAC,
DESIGNATE SURFACE WATERS OF THE
UPPER PECOS WATERSHED AS
OUTSTANDING NATIONAL RESOURCE WATERS,**

No. WQCC 21-51 (R)

**Village of Pecos, San Miguel County, Upper Pecos
Watershed Association, New Mexico Acequia
Association, and Molino de la Isla Organics LLC,**

Petitioners.

**TESTIMONY IN SUPPORT OF PETITION BY
RALPH VIGIL**

I. INTRODUCTION AND QUALIFICATIONS

My name is Ralph Vigil, and I am the owner of Molino de la Isla Organics, LLC, a small organic farm located in Pecos, New Mexico. I am one of the Petitioners supporting the nomination of the Waters of the Upper Pecos Watershed¹ as Outstanding National Resource Waters (“ONRW” or “Outstanding Waters”). I also serve as the chairman of the New Mexico Acequia Commission (“Acequia Commission”), and I have been a parciante on the Acequia del Molino, that gets its water from the Pecos River, all my life. My resume is Petitioner’s Exhibit 24.

My testimony will address section 20.6.4.9.B NMAC, demonstrating that, in my opinion, designation of the waters of the Upper Pecos Watershed as ONRWs will benefit the State of New Mexico.

¹ The term “Upper Pecos Watershed” refers to the perennial and non-perennial streams and wetlands as nominated in the Petition, and identified in Maps 1 and 2 and Tables 1 and 2 in Section II. B. of the Petition. *See also* Pet’rs Ex. 5 (maps of nominated waters).

II. TESTIMONY

I have been using water from the Upper Pecos River to irrigate my family's land and crops for my entire life. In 2008, I established the Molino de la Isla Organics, LLC, in Pecos, to grow healthy food for my community and teach kids about acequias and about other traditional practices, like saving seeds. I am now incorporating regenerative agricultural practices and adding cattle to my operation in order to improve the health of my soil while conserving more water. During the school year, I provide greens from my farm to the local schools while educating young people about acequias and healthy foods. I also work with community centers in the Pecos region to help them provide healthy, fresh, and local food for their communities. I have a community-supported agriculture program where people pay a set amount to receive weekly shares of produce from my farm. I am currently expanding my operations to include a pilot-project to supply fresh produce to the Senior Center in Pecos, and eventually, to senior centers across San Miguel County.

Water is everything — the only reason we survive here is because of water; the only reason anything survives here is because of water. Sound water policy must be the number one priority because our livelihoods, and our very lives, depend on clean water. Clean water is essential for my small business. I divert water from the Pecos River into the Acequia de Molino and then into my fields to grow crops. My family has always been involved with the acequias. My great, great, great, great grandfather was the first Hispanic territorial governor of New Mexico. He established these acequias. The acequia that I'm on, Acequia del Molino, was developed for a wheat mill and now I am irrigating with the clean water from Acequia del Molino to make a living. If the water in the Pecos River is not clean, my farm and business will suffer. Outstanding Waters protections will protect the future of my business and those of other

farmers and ranchers that depend on clean water from the Upper Pecos Watershed to water their fields and livestock.

There are dozens of acequias that the Pecos River feeds — from the Pecos Canyon, all the way to Fort Sumner. Acequias are intricately tied to the health of rivers. If the Pecos River suffers, our acequias suffer and vice versa. When you have active acequias, the river flows on and beneath the land. When I flood irrigate, those shallow aquifers are getting recharged and they then feed back into the river. The water is going from the river onto my fields and through the ground and going back out into the river. If the river is polluted, it brings contamination onto my lands and into my fields impacting my business and my way of life.

In May of 2005, I was appointed to the Acequia Commission and I currently serve as the Chairman of the Commission. The Acequia Commission was created in 1987 to advise the Governor, the New Mexico Interstate Stream Commission, and the U.S. Army Corps of Engineers on the criteria that should be used to determine priorities for rehabilitating acequias under a new federal funding program. The Acequia Commission was established by statute by the 1993 Legislature as an eleven-member commission serving four-year terms. The Acequia Commission is charged with serving as a facilitator for communication between local acequia organizations and the state and federal governments, reviewing plans or legislation that affect acequias, and presenting their findings to the Governor and the New Mexico Interstate Stream Commission. Acequia agriculture is beneficial to the state and makes a significant contribution to New Mexico's economy. Counties with the highest number of acequias make up about 40% of the total farms in the state.² According to the New Mexico Acequia Association, there are about

² USDA 2012 Census of Agriculture. Counties include: Rio Arriba, Taos, Mora, Lincoln, San Miguel, San Juan, Cibola, Grant, Sandoval. Note that county-level data also includes other agriculture.

640 acequias systems in New Mexico. The Acequia Commission has taken on many issues that are detrimental to our traditional way of life, and the right to clean water remains a top priority among the acequia community. Acequias are essentially a responsive water management system for an entire community to interact with the landscape and their neighbors in a way that is adaptable and responsive to current conditions. When it is a dry year, and there is less water, acequias provide a system to share and allocate water equitably, and during wet years the irrigated area can expand as water availability allows. Simply put, acequias provide a model for how we could, as a state, manage our water more equitably and sustainably in the future, and therefore, protecting acequias has a clear benefit to the state. In addition, protecting acequias is essential for maintaining the economic and cultural future of the state, and in-turn, protecting clean water is essential to protecting acequias. San Miguel County is considered by the New Mexico Acequia Association as one of the nine “acequia counties” in the state and has the second highest average market value produced per farm of those nine counties. The Pecos River is a major source of water for San Miguel County farms and protecting clean water in the Pecos River and its tributaries will benefit these farms immensely. In addition, protecting the water quality of the Pecos River headwaters will benefit many downstream communities and agricultural operations.

Acequias play an important role in providing food to our communities. Acequias maintain connections to our culture and history, recharge our aquifers, and provide habitat for plant life and ecosystems that are important for our luscious arid valleys. If it weren't for the extensions of the greenbelt that the acequias create, our valleys wouldn't be here. All this depends on clean water in the acequia — and, in-turn, throughout the watershed — to nourish our communities, lands, and wildlife. Acequias are an integral part of our landscape and they've

been here for hundreds of years. They run with the land and serve as the lifeblood of our communities. We have a saying: “El agua es vida” (“Water is life”). We can’t have clean water in our acequias without clean water in our rivers.

If the Upper Pecos Watershed isn’t healthy, we can’t get water to our acequias. That’s why I fight so hard for the work I do with acequias, because without clean water, we don’t have anything. Many things can be learned from acequia land use traditions. Most important is that, if we protect our water and our ability to grow food locally, we can become self-reliant as communities and self-sustaining as a state. Water used for agriculture nourishes our bodies and provides habitat for wildlife while filtering pollution and recharging the water table. Clean water benefits the fragile ecosystem that supports wildlife and people alike. Many people in traditional communities hunt and depend on wildlife for survival. Bees that pollinate our crops and food are dependent on water continuing to run through rivers and ditches. Our water should not be leveraged for short-term economic gain, but rather invested for long-term sustainability. Outstanding Water protections for the Upper Pecos Watershed is an example of protecting the long-term sustainability of the Pecos region. We must stand and fight to make sure that our water stays clean and connected to our lands.

Outstanding Waters protections for the Upper Pecos Watershed will protect and support traditional land uses, such as irrigating, farming, and ranching in the Pecos area. Many of my neighbors support these protections as a way to maintain clean water in the river so that we can continue to have clean water flowing in our acequias and clean water to sustain wildlife populations that we depend on for hunting. In addition, I appreciate that the state regulations governing ONRW designations do not add additional burdens on acequias. 20.6.4.8.A(3)(e) NMAC.

I see Outstanding Water protections as a way to protect my business by ensuring that the water stays clean and is not impacted from unwise land management practices such as out of control recreational and industrial impacts. At the same time, I see Outstanding Water protections as an opportunity to raise awareness about the need to engage in watershed restoration and education projects. In conclusion, as an acequia expert and small farmer, I see Outstanding Waters protections as critical for protecting the economic, cultural, and ecological health of the Upper Pecos Watershed, and the significant benefits that a clean and healthy watershed provides to the state and our local community.

This ends my testimony, which is accurate to the best of my knowledge.



Ralph Vigil

03/08/2022

Date

PETITIONERS' EXHIBIT

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Ralph A. Vigil

HC 74 Box 842 Pecos, NM 87552

505-603-2879

molinodelaisla@gmail.com

WORK EXPERIENCE

Owner/Farm Manager, Molino de la Isla Organics LLC, Pecos, NM 87552, March 2008 - Present

- planning finances and production to maintain farm progress against budget parameters;
- practical activities, e.g. driving tractors, operating machinery, feeding livestock, irrigating, harvesting, etc
- marketing the farm's products;
- buying supplies
- arranging the maintenance and repair of farm buildings, machinery, and equipment;
- planning activities for staff and volunteers mentoring and monitoring them;
- maintaining and monitoring the quality of yield, whether livestock or arable crops;
- understanding the implications of the weather and making contingency plans;
- making sure that products are ready for deadlines, such as deliveries and markets;
- ensuring that farm activities comply with government regulations;
- monitoring animal health and welfare;
- applying health and safety standards across the farm estate;
- monitoring and documenting all yields and land use to meet funding requirements;
- protecting the environment and maintaining biodiversity;
- keeping financial records up to date.

New Mexico Acequia Commission, Member, Santa Fe, NM, May 2005-Present

- Provide recommendations and assist the Governor, Legislature, Office of the State Engineer and Interstate Stream Commission and the United States Army Corps of Engineers in establishing acequia and community rehabilitation priorities and other acequia and community ditch matters.
- Serve as a facilitator for communication between acequia and community ditch associations and state and federal agencies.
- Review for Governor, Legislature, Secretary of Agriculture and the Interstate Stream Commission, and comment on, any plan or legislation affecting acequias or community ditches

Board of Directors, Upper Pecos Watershed Association (UPWA), 2007-2012

Utilize experience, communication and leadership skills, and personal and professional contacts, to support the primary goals of the UPWA as follows:

- Protect and improve the health of the Watershed
- Address significant ecological, and environmental issues in the Watershed
- Preserve traditional and cultural uses and benefit the local economy.

The UPWA is the Watershed's coordinator for all of the public and private entities with interests in the watershed; including the National Park Service, U. S. Forest Service, NM Department of the Environment, NM Department of Game and Fish, NM Departments of Parks, San Miguel County, Village of Pecos, advocacy groups, as well as the numerous private landowners in the watershed.

New Mexico Acequia Association, Real Estate Consultant, November 2008-April 2010

- Research and identify property owners along acequias in New Mexico, to create a legal document that will identify acequia easements and be recorded with the appropriate county, which in turn will update title searches during real estate transactions.
- Provide governance training on acequia easements to parciantes throughout the state.
- Provide non-legal advice to acequias dealing with Real Estate issues.
- Work with local, state, and federal governmental entities along with policymakers to help create policy that will protect acequia culture for generations to come.
- Create educational manuals that train acequias on real estate issues that can impact acequia communities.

New Mexico Acequia Commission, Chairman, Santa Fe, NM, September 2004-Present

- Provide recommendations and assist the Governor, Legislature, Office of the State Engineer and Interstate Stream Commission, and the United States Army Corps of Engineers in establishing acequia and community rehabilitation priorities and other acequia and community ditch matters.
- Serve as a facilitator for communication between acequia and community ditch associations and state and federal agencies.
- Review for Governor, Legislature, Secretary of Agriculture, and the Interstate Stream Commission, and comment on, any plan or legislation affecting acequias or community ditches

Sembrando Semillas Maestro, New Mexico Acequia Association, Santa Fe, NM, April 2008-2010

- Help to create and train a future generation of acequia farmers, ranchers, and community leaders.
- Help to facilitate agriculture and land-stewardship presentations, workshops, & experience in schools, farms, and other venues.

- Create, Implement and inspire resilient agricultural systems based on seed-saving, crop adaptation, and sound stewardship of the land, water, and biological resources in the landscape.
- Compare crops and cropping systems within and among fields in different areas.
- Document agricultural activities, knowledge, & traditions and create media for the conservation and expansion of agricultural consciousness.
- Help to create and train a future generation of farmers.
- Increase the area in cultivated land: more gardens, fields, and crops.
- Increase community and regional food security through the development of seed libraries that can also serve local food banks.

Associate Broker, Santa Fe Properties Santa Fe, NM, April 2002- December 2009

- Sold, for a fee, real estate owned by others.
- Obtained agreements from property owners to place properties for sale with real estate firms.
- Monitored fulfillment of purchase contract terms to ensure that they are handled in a timely manner.
- Compared a property with similar properties that have recently sold, in order to determine its competitive market price.
- Acted as an intermediary in negotiations between buyers and sellers over property prices and settlement details, and during the closing of sales.
- Maintained knowledge of real estate law, local economies, fair housing laws, and types of available mortgages, financing options and government programs.
- Checked work completed by loan officers, attorneys, and other professionals to ensure that it is performed properly.
- Arranged for the financing of property purchases.
- Appraised property values, assessing income potential when relevant.
- Maintained awareness of current income tax regulations, local zoning, building and tax laws, and growth possibilities of the area where a property is located.
- Arranged for title searches of properties being sold.
- Maintained a sales volume of \$4,000,000 or better per year.

Senior Appraiser, Santa Fe County Assessors Office, Santa Fe County, NM, May 1999-April 2002

- Collected, analyzed, and interpreted market and cost trends.
- Valued individual residential and commercial properties for property tax purposes in conformance with professional standards of the International Association of Assessing Officers and the laws of the State of New Mexico.
- Applied state laws that exempt certain properties and also allow for lower values for long-term residential property owners.

- Report to the property owner the value of his property through the Notice of Value in April annually.
- Defended the value placed on the property at the Valuation Protest Board in District Court.
- Supervised five field auditors and two clerks.

EDUCATION

2001 Dearborn Real Estate Institute New Mexico Licensed Real Estate Broker	Albuquerque, NM
2001 International Association of Assessing Officers New Mexico Certified Appraiser	Socorro, NM
2000 Santa Fe Community College New Mexico Registered Appraiser	Santa Fe, NM
1996 Pecos High School	Pecos, NM

PETITIONERS' EXHIBIT

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**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF THE PETITION TO
PROPOSED AMENDMENTS TO 20.6.4.9 NMAC,
DESIGNATE SURFACE WATERS OF THE
UPPER PECOS WATERSHED AS
OUTSTANDING NATIONAL RESOURCE WATERS,**

No. WQCC 21-51 (R)

**Village of Pecos, San Miguel County, Upper Pecos
Watershed Association, New Mexico Acequia
Association, and Molino de la Isla Organics LLC,**

Petitioners.

**TESTIMONY IN SUPPORT OF PETITION BY
JANICE VARELA**

I. INTRODUCTION

My name is Janice Varela, and I am a lifelong resident of Pecos, New Mexico. My resume is Petitioners' Exhibit 26. My testimony will address section 20.6.4.9.B NMAC, demonstrating that designation of the waters of the Upper Pecos Watershed as ONRWs will benefit the State of New Mexico.

I am the San Miguel County Commissioner representing District 2. I currently serve as Vice-Chair of the San Miguel County Commission. This is my second year in my second term. I won both elections by a landslide. The people of my district elected me because of my history and commitment to protecting land and water, the Pecos River, and the Upper Pecos Watershed. I work tirelessly with my community in taking action to protect water, including water rights. My hope is to improve our local economies by promoting our natural resources and recreational opportunities. By enacting protection of water quality, such as by designating the Upper Pecos Watershed as an Outstanding National Resource Water ("ONRW" or "Outstanding Water"), it will ensure that we have a sustainable future so that our river can thrive. As a planning and

zoning commissioner prior, I have advocated for protection of land use, waste management and planning.

II. ABOUT SAN MIGUEL COUNTY

San Miguel County, New Mexico was founded in 1852, named for San Miguel del Vado, and is comprised of a total land mass of 4,736 square miles, of which 4,716 square miles is land and 20 square miles is water. The Pecos River has its origin in the Pecos high country and the Gallinas River is a main tributary. Both rivers support life throughout this high-desert county. These rivers and the surrounding watershed provide water for agriculture, farming, and ranching, which has been a mainstay industry in the County since its inception. According to the U.S. Census, the population of the County was estimated to be 27,277 in July of 2019. Nearly 80 percent of residents in San Miguel County identify as Hispanic. The median household income in 2019 was \$30,946, with about 24 percent of our residents living in poverty.

Many of our residents have been in Pecos and San Miguel County for their entire lives, and for many generations. Pecos is more than a pretty place, it is our home, and unlike many people that I have encountered who have worked and moved from coast to coast, we cannot imagine living any place else. Neighbors take care of each other and many families still live together in extended households.

III. THE IMPORTANCE OF THE UPPER PECOS WATERSHED TO THE COUNTY'S LOCAL RESIDENTS, VISITORS, AND ECONOMIC HEALTH

Natural resources and their protection are critical for our people and wildlife, and are essential for continuation of our cultural farming and ranching practices. National protected areas in our County include: the Las Vegas National Wildlife Refuge, Pecos National Historical Park, and the Santa Fe National Forest. Our National Forest lands offer a plethora of opportunity to many recreationists, hunters, anglers and hikers. We are home to the Pecos Wilderness and a

Wild and Scenic section of the Pecos River. Our region provides over 100-miles of high-quality cold-water fishing. Holy Ghost Canyon in the Pecos is the only place on planet earth where the endangered flower, Holy Ghost Ipomopsis, grows. We are home to the federally protected Mexican Spotted Owl and native Rio Grande cutthroat trout. The Pecos River, and the Upper Pecos Watershed as a whole, hold special significance to the natives who have lived in Pecos all of their lives. Many residents rely on wildlife and fish to feed their families and proudly pass these hunting and fishing traditions on to the next generation. Culinary treasures abound in our forest as well; we gather herbs and medicine to heal ourselves. Piñon gathering and gathering of wild foods are still practiced and very important to our people and cultural survival.

IV. DESIGNATION OF THE WATERS OF THE UPPER PECOS WATERSHED IS WARRANTED AND WOULD BENEFIT THE COUNTY AND THE STATE

Without water, we cannot live. The saying goes: “*El agua es vida*, water is life.” No person or species can live without it. Our Pueblo ancestors moved here from places such as Chaco and Mesa Verde and other sites, no longer suited to sustain life without water.

In November 2019, I presented a resolution for adoption by the San Miguel County Commission stating our support for obtaining Outstanding Waters designation for our local river and its tributaries, the Upper Pecos Watershed. The resolution passed unanimously without controversy. My fellow Commissioners also recognize the importance of water and ensuring this vital local resource of ours is duly protected.

Designation of the waters of the Upper Pecos Watershed as an Outstanding Water will benefit our community by protecting the precious, high-quality water resources that are so important for recreational, agricultural, and economic activities for our residents and visitors alike. Our local economy is dependent on the health of our river, and Outstanding Waters protections will help our local economy and communities to thrive both now and into the future.

V. CONCLUSION

Growing up in the Pecos was a gift that has shaped who I am as a person and who I am as a community leader. My gift was being able to enjoy nature, swimming, fishing, camping, and gathering herbs and berries with my family. My wish is that this continues. My new role as grandmother is to share these gifts with my grandchildren and teach them the lessons that I learned in the woods. My father and his father were well-known fly anglers and considered the best in the village. My father's last words on his deathbed were "teach the boy to fish."

I support the designation of the waters of the Upper Pecos Watershed as Outstanding National Resource Waters and respectfully request that the Water Quality Control Commission grant Petitioners' request to designate the Upper Pecos Watershed as Outstanding Waters.

This ends my testimony, which is accurate to the best of my knowledge.



03/08/2022

Janice Varela

Date

PETITIONERS' EXHIBIT

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PROGRAM DIRECTOR SPECIALIZING IN LAND & WATER CONSERVATION
Program Strategy Development & Implementation ▪ Relationship Cultivation ▪ Leadership & Mentor Direction

Notable Accomplishments

- Elected in 2016 as San Miguel County Commissioner, Vice Chair 2018.
- New Mexico Association of Counties Board of Directors, elected in 2017-2019.
- Appointed to serve as Secretary on San Miguel County Planning and Zoning Commission in 2016 and served as a Commissioner since 2011 - 2016.
- Spearhead acequia community outreach throughout New Mexico and educated officials on compliance through facilitating regional and statewide meetings related to water rights and governance resulting in protection of community water rights.
- Research and assistance to legal team and elected acequia officials in defense of water rights in Pecos River adjudication lawsuit resulting in recognition and retention of water rights.
- Developed and delivered mining reform activity testimony at hearings and educated federal, congressional and state policy makers with legal amendment impact that resulted in New Mexico Mining Law in 1993.
- Partnered with environmental justice organizations and managed reporting and logistics to support Environmental Justice Listening Session that resulted in *A Report on Environmental Justice in New Mexico*.

Professional Experience

Luna Community College

Las Vegas, NM

STEM Advisor

02/2018-present

- Provide one on one student guidance and advisement on topics including regular degree audits, individual tutoring referrals, and completion goals.
- Assist in planning and implementation of student recruitment, retention, and placement efforts.
- Participate in assigned committees and in professional development.
- Collaborate with faculty and instructors to create and maintain a supportive and balanced system of academic instruction to ensure program goals.
- Assist students in completion of admissions and enrollment into LLC.
- Provide students information in reference to student support, including tutoring, study skills, note taking and other relevant services.
- Conduct ongoing research to maintain currency in designated field(s) of STEM.

New Mexico State Legislature House of Representatives

Santa Fe, NM

Legislative Assistant

01/2018 -02/2018

- Assisted members of the House of Representatives and staff in processing Capital Outlay Requests, proposed legislation and addressing public needs.
- Acted as liaison between public and members.
- Responsible for constituent services including preparation and mailing of letters and all correspondence.
- Researched issues, educated legislators and the public.

New Mexico Acequia Commission

Santa Fe, NM

Technical Consultant/Education Specialist

03/2016 – 5/31/17

- Analyzed infrastructure projects and recommended funding distribution to local acequias that achieved project funding initiatives and supported Infrastructure Capital Improvement Plan processes.
- Delivered U.S. Forest planned resolution correspondence and managed communications processes that effectively supported acequia community involvement in local Forest Service planning activities.
- Developed policy recommendations on water transfers and processed communications for state agencies that successfully communicated with communities.
- Prepared monthly activity reports utilizing Excel and Word and submitted data that effectively addressed community issues.

- Built and cultivated internal and external relationships and educated organizations and government agencies with statutory role and initiatives that increased community awareness and participation with NMAC meeting initiatives.
- Collaborated with Interstate Stream Commission and analyzed and recommended draft changes to ensure Regional Water Planning Efforts in the Jemez y Sangre and Mora, San Miguel, Guadalupe Regions initiatives are fully achieved.

New Mexico Acequia Association

Santa Fe, NM

Governance Education Specialist

01/2005 – 07/2015

- Mentored, coached and directed team of up to 3 Specialists and created bylaws, infrastructure planning and legislative capital requests that resulted in self-reliance and stronger local governance.
- Spearheaded bi-weekly strategy meetings and developed strategic bi-weekly planning meetings that reported and tracked grant progress deliverables.
- Facilitated and organized workshops and presented acequia governance and history that increased communication and informed elected officials.
- Partnered with acequia community board members and established by-laws that ensured water rights and water banking governance standards.
- Produced communication documents, including reports, fact sheets and opinion pieces that effectively supported policy proposals.
- Spearheaded acequia governance bodies and developed infrastructure presentations to support preparation, planning and Capital Outlay requests to present to New Mexico Legislators.
- Co-authored and edited Community Handbook and educated elected officials and community members that increased policies and procedures awareness and compliance.
- Collaborated with Executive Director and presented legislative policy initiatives to lawmakers for passage of laws for protection of New Mexico acequias.
- Engaged constituents and managed hearing processes that effectively supported New Mexico acequias and achieved funding for education and governance program and infrastructure projects.

The Great American Station Foundation /Director of Administration

Las Vegas, NM

Reconnecting America /Executive Associate to the President

10/1999 – 02/2004

- Mentored, directed and developed administrative assistant and managed office operations to effectively support national non-profit organizations working on transportation and community development.
- Partnered with Executive President and Board of Directors and managed official documents and records that effectively supported mission of national non-profit organization.
- Collaborated with national partners with the launch of the new Center for Transit Oriented Development.
- Coordinated regional efforts in northeastern New Mexico in partnership with the National Park Service to examine the feasibility of National Heritage Area designation for this area.
- Spearheaded the organization's efforts to assist local tri-county farmers in securing a location for summer market activities.
- Represented organizational mission and communicated public transportation and walkable city initiatives during state legislature that achieved grant funding for feasibility study.
- Managed Membership Program and proofed and edited grant funding proposals that increased fundraising donations.

Rio de las Gallinas Acequia Association

Las Vegas, NM

Adjudication Specialist and Paralegal

02/2004 – 05/2012

- Spearheaded grant administration processes and managed reports and schedules that effectively supported hydrologist and legal counsel with state adjudication defense of water rights on the Pecos River.
- Created acequia case files and updated land and irrigation history data that effectively communicated water rights processes.
- Created Access database and managed regional association contact data files that supported acequias disputed issues during legal court proceedings.
- Organized and coordinated logistics and presented activity reports during association meetings to ensure organizations initiatives achieved.

Rio de las Gallinas Acequia Association

Las Vegas, NM

Grant Administrator & Water Adjudication Specialist

09/1995 – 06/1999

- Lobbied for and administered Acequia and Community Ditch Fund (ACDF).
- Attended court hearings and prepared legal defense strategies that effectively supported adjudication hearings.
- Partnered with acequia associations and communicated processes to support Gallinas River Water Master and Office of State

- Engineer initiatives.
- Partnered with acequia commissioners, mayordomos and parciantes and defined irrigated land calculations that supported acequia claims.
- Prepared quarterly reports and communicated acequia concerns to Board of Directors to support legal defense and related activities.
- Analyzed GIS and Google Earth Maps and interpreted location and coordinates that supported infrastructure planning.

Education & Certifications

Western Center for Environment and Sustainability, Graduate Studies: Masters of Environmental Management
(Degree in progress) **Gunnison, CO**
Completed 2 semesters in 2014

New Mexico Highlands University **Las Vegas, NM**
Bachelor of Arts in Political Science degree **December 1998**
Minor: Environmental Science

Antioch University and Bartos Institute at United World College **Montezuma, NM**
Environmental Conflict Negotiation **July to December 2002**

Skills

PC Proficient: Microsoft Windows, Word, Excel, PowerPoint and Outlook, and various databases, including Access, ACT.

Bilingual English/Spanish- Fluent in speaking, writing and translation.

Affiliations

New Mexico Water Dialogue- Member **02/2010 – 2019**
Board of Directors – 2010 to present - Promote mission of the water dialogue "To promote the wise stewardship and assure the availability of water resources for future generations of New Mexicans." Participate in and follow Regional and State Water Planning.

Environmental Leadership Program (ELP) Fellow **Class of 2000**
The ELP Fellowship is an innovative national program designed to build the leadership capacity of the environmental field's most promising emerging professionals. My ELP Fellowship project in 2000, 2001 and 2002 was to mobilize my home Village of Pecos, NM, in a river stewardship program that continues.

Awards

Woman of the Year given by the Pecos Valley Community Foundation, Pecos, NM - 2010

Karl Souder Award given by New Mexico Environmental Law Center, Santa Fe, NM
The award honors individuals or organizations that have made a significant contribution to the protection of New Mexico's water. - 1994

PETITIONERS' EXHIBIT

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**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF THE PETITION TO
PROPOSED AMENDMENTS TO 20.6.4.9 NMAC,
DESIGNATE SURFACE WATERS OF THE
UPPER PECOS WATERSHED AS
OUTSTANDING NATIONAL RESOURCE WATERS,**

No. WQCC 21-51 (R)

**Village of Pecos, San Miguel County, Upper Pecos
Watershed Association, New Mexico Acequia
Association, and Molino de la Isla Organics LLC,**

Petitioners.

**TESTIMONY IN SUPPORT OF PETITION BY
TELESFOR "TED" BENAVIDEZ**

My name is Telesfor "Ted" Benavidez. I am the elected Mayor of the Pecos Village since March 6th, 2018. My testimony will address section 20.6.4.9.B NMAC, demonstrating that designation of the waters of the Upper Pecos Watershed as ONRWs will benefit the State of New Mexico.

I was born in Santa Fe and raised in Pecos. My parents bought a house in Pecos in 1960. I graduated from Pecos High School. I did my freshmen year at Highlands University of Las Vegas before I left for the Marine Corps.

As Mayor, I make sure the Village has water, sewer, fire department and ambulance services. I established protocols and opened direct lines of communication between the Village and higher echelons of law enforcement to address citizen complaints and to ensure a safer, more peaceful community and provide for the apprehension of the criminal element and address the pervasive illegal drug culture in the community. I work with teachers and kids from Pecos

Independent Schools.

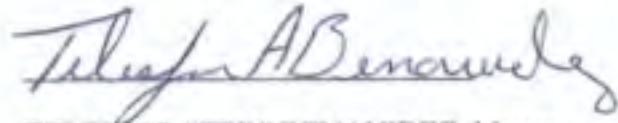
The waters of the Upper Pecos are among New Mexico's most treasured assets. Our river is what brings people to town to visit, which helps our economy. I believe that our river has one of the freshest waters in the State. Ensuring the waters of the Upper Pecos are protected for the benefit of current and future residents and visitors of Pecos Village is vital to the health of our community. There is not a summer that I do not go to the river for a picnic. I take my niece and nephew to collect river rocks in the shape of a heart. I know that other community members do the same. They go to the river to seek peace and quiet. Our kids swim in this river.

Without local tax increases to our community and with a minimal amount of debt, the current Pecos Village Administration has reached significant milestones to improve the quality of life of its citizens and provide for a safe, healthy, and prosperous community. We care about this river and the surrounding watershed so much, that we constructed 6.5-million-dollar Wastewater Treatment Facility.

The Village of Pecos encourages the New Mexico Water Quality Control Commission to grant Petitioners' request to designate the waters of the Upper Pecos Watershed as Outstanding National Resource Waters. Our river is one of the best water resources you can get. It is the lifeblood of our community, it fuels our economy, it is a place for us to go tubing in the summer and fishing year-round. A river like this is precious and needs to be protected to serve many generations to come.

This ends my testimony, which is accurate to the best of my knowledge.

Respectfully Submitted on this 10th day of March, 2022.

A handwritten signature in dark ink, reading "Telesfor A. Benavidez". The signature is fluid and cursive, with the first name "Telesfor" written in a larger, more prominent script than the last name "Benavidez".

TELESFOR "TED" BENAVIDEZ, Mayor
VILLAGE OF PECOS

P.O. Box 337

Pecos, NM 87552

505-757-6591

MayorT@villageofpecos.com