STATE OF NEW MEXICO
NEW MEXICO WATER QUALITY CONTROL COMMISSION

IN THE MATTER OF PETITION TO NOMINATE SEGMENTS OF RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK JEMEZ RIVER, SAN ANTONIO CREEK, AND REDONDO CREEK AS OUTSTANDING NATIONAL RESOURCE WATERS,	**WQCC No. 21-62 (R)**
OUTDOOR RECREATION DIVISION, NEW MEXICO DEPARTMENT OF ECONOMIC DEVELOPMENT,	
Petitioner.	

PETITIONER OUTDOOR RECREATION DIVISION'S NOTICE OF INTENT TO PRESENT TECHNICAL TESTIMONY

Petitioner Outdoor Recreation Division ("ORD") of the New Mexico Department of Economic Development hereby files its Notice of Intent to Present Technical Testimony in support of its Petition to Nominate Segments of the Rio Grande, Rio Hondo, Lake Fork, East Fork Jemez River, San Antonio Creek, and Redondo Creek as Outstanding National Resource Waters. In accordance with 20.6.1.202.A NMAC and the Scheduling Order, ¶ 2, in this matter, Petitioner provides the following information:

1. Identify the person for whom the witnesses will testify: Petitioner.

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

Petitioners identify the following witnesses:

Axie Reese Navas: Ms. Navas is Director of Petitioner ORD. Her qualifications, including a description of her educational and work background, are set forth in her resume, attached as Petitioner's Exhibit 3.

Joanna Hatt: Ms. Hatt is a Native Fish Biologist with the New Mexico Department of Game and Fish. Her qualifications, including a description of her educational and work background, are set forth in her resume, attached as Petitioner's Exhibit 29.

Robert R. Parmenter, Ph.D.: Dr. Parmenter is Division Chief of Science and Resource Stewardship at Valles Caldera National Preserve. His qualifications, including a description of his educational and work background, are set forth in his curriculum vitae, attached as Petitioner's Exhibit 31.

Nick Streit: Mr. Streit is the owner of Taos Fly Shop in Taos, New Mexico and the Reel Life in Santa Fe, New Mexico, and is an expert fly fisher and guide. His qualifications, including a description of his work background, are set forth in his testimony, attached as Petitioner's Exhibit 32.

Rachel Conn: Ms. Conn is Deputy Director of Amigos Bravos, a water conservation organization. Her qualifications, including a description of her educational and work background, are set forth in her resume, attached as Petitioner's Exhibit 34.

3. <u>If the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present</u>:

The hearing will be conducted by WebEx conference platform.

4. <u>Include a copy of the direct testimony of each technical witness in narrative form, and state the estimated duration of the direct oral testimony of that witness</u>:

Ms. Navas' testimony is attached as Petitioner's Exhibit 2, and her summary of testimony is anticipated to last 30 minutes.

Ms. Hatt's testimony is attached as Petitioner's Exhibit 28, and her summary of testimony is anticipated to last 30 minutes.

Dr. Parmenter's testimony is attached as Petitioner's Exhibit 30, and his summary of testimony is anticipated to last 15 minutes.

Mr. Streit's testimony is attached as Petitioner's Exhibit 32, and his summary of testimony is anticipated to last 10 minutes.

Ms. Conn's testimony is attached as Petitioner's Exhibit 33, and her summary of testimony is anticipated to last 15 minutes.

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

The text of Petitioner's recommended modifications to 20.6.4.9 NMAC is attached as Petitioner's Exhibit 1.

6. List and attach all exhibits anticipated to be offered by that person at the hearing:

All exhibits, and the Bates stamp number where they can be found, are listed below and attached. In addition, Petitioner has listed all Tables set forth in the testimonies and the Bates stamp number where they can be found.

Exhibit	Description	Bates Stamp No.
1	Petitioner's proposed amendments to 20.6.4.9 NMAC	0002
2	Testimony of Axie Reese Navas	0004
3	Resume of Axie Reese Navas	0050
4	Map of Rio Grande nomination	0053
5	Map of Rio Hondo and Lake Fork nominations	0055
6	Map of East Fork Jemez River, San Antonio Creek, and Redondo Creek nominations	0057
7	Chart of 20.6.4.9 NMAC criteria met by nominated waterbodies	0059
8-A 8-B 8-C 8-D 8-E	Water quality field data Water quality chemical data Monitoring locations Assessment rationale for 2020-2022 New Mexico § 303(d)/305(b) integrated list for nominated waterbodies Excerpts from 2020-2022 New Mexico § 303(d)/305(b) integrated list for nominated waterbodies	Exs. 8-A to 8-C filed separately as spreadsheets 0062 0082
9	Affidavits of publication for notice of ORD Petition:	

4	Federal and State Endangered and Threatened Animal Species	0205
5	Species of Greatest Conservation Need	0207
6	Special Status Plant Species	0211
7	Water Quality Standards for Nominated Waterbodies	0269

Respectfully submitted,

/s/ Tannis Fox
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Certificate of Service

I certify that a copy of the foregoing pleading was served by email to the following on May 13, 2022:

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PETITIONER’S EXHIBIT 1

PETITIONER'S PROPOSED AMENDMENTS TO 20.6.4.9.D NMAC

20.6.4.9 OUTSTANDING NATIONAL RESOURCE WATERS:

. . .

D. Waters classified as ONRWs: The following waters are classified as ONRWs:

. . .

(4) the Rio Grande from directly above the Rio Pueblo de Taos to the New Mexico-Colorado state border.

(5) the Rio Hondo from the Carson National Forest boundary to its headwaters; and Lake Fork creek from the Rio Hondo to its headwaters.

(6) the East Fork Jemez river from San Antonio creek to its headwaters; San Antonio creek from the East Fork Jemez river to its headwaters; and Redondo creek from Sulphur creek to its headwaters.

PETITIONER’S EXHIBIT 2

STATE OF NEW MEXICO
NEW MEXICO WATER QUALITY CONTROL COMMISSION

IN THE MATTER OF PETITION TO NOMINATE SEGMENTS OF RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK JEMEZ RIVER, SAN ANTONIO CREEK, AND REDONDO CREEK AS OUTSTANDING NATIONAL RESOURCE WATERS,	**WQCC No. 21-62 (R)**
OUTDOOR RECREATION DIVISION, NEW MEXICO DEPARTMENT OF ECONOMIC DEVELOPMENT,	
Petitioner.	

DIRECT TESTIMONY OF AXIE REESE NAVAS

I. BACKGROUND AND QUALIFICATIONS

My name is Axie Reese Navas. I am Director of the Outdoor Recreation Division ("ORD") within the New Mexico Economic Development Department ("EDD"), the Petitioner in this matter. The New Mexico Legislature established ORD during the 2019 regular session, and I was appointed as its first Director by Governor Michelle Lujan Grisham that same year. I have served in that capacity since my appointment.

As Director, I am responsible for directing and overseeing the operations of ORD, including working with the Governor and Secretary of EDD to establish and implement policy goals for the office; developing the annual budget; working with state lawmakers to pass the budget and bills related to ORD's mission; working with federal officials to advance outdoor recreation and public lands initiatives and access federal funding for New Mexico; and working with local communities, non-governmental organizations, and businesses to promote ORD's goals. I currently serve as Co-chair of the outdoor recreation industry's Confluence of States, a national coalition of state outdoor directors.

Prior to becoming Director of ORD, I was a journalist for almost ten years. As a journalist, I worked for various publications, including El Salvador's leading newspaper writing articles in Spanish, as well as *Outside*, a national magazine located in Santa Fe focused on the outdoors. I held various positions at *Outside*, include Executive Editor and Digital Editor Director.

I graduated from Northwestern University with a B.A. in Journalism and in Spanish.

My resume is Petitioner's Exhibit 3.

II. OVERVIEW OF NOMINATION

ORD's Petition, filed December 3, 2021, requests the New Mexico Water Quality Control Commission ("Commission") to designate 125.9 miles of segments of six streams – the Rio Grande, Rio Hondo, Lake Fork, East Fork Jemez River, San Antonio Creek, and Redondo Creek -- as Outstanding National Resource Waters ("ONRWs") pursuant to 20.6.4.9 NMAC. *See infra* Table 1 and Figures 4-6 (maps of nominated waters) and Petitioner's Exhibits 4-6 (maps of nominated waters). ONWR designation provides the highest level of water quality protection to surface waters in the state, prohibiting any degradation of water quality, with limited exceptions. 20.6.4.8.A(3) NMAC. The waters nominated in the Petition represent some of the most beloved waters in the state. All have exceptional recreational and ecological significance, among other outstanding attributes, and all deserve protection from pollution now and for the future.

These special waters are visited by locals who know the waters like the back of their hands, by New Mexicans from every part of the state, and by recreationists traveling from around the world. Visitors come from far and wide to these northern New Mexico streams to experience their singular beauty, and to hike, camp, fish, hunt, wade, raft, kayak, and bird and wildlife watch.

They travel to the Rio Grande Gorge and marvel at its 800-foot canyon walls, cut over millions of years. They hike along the Rio Hondo or Lake Fork as they make their way to the state's highest point, Wheeler Peak. And they cast their lines for trout in the East Fork of the Jemez, surrounded by the grandeur of the Valles Caldera.

Figure 1: Rio Grande Gorge

While today these waters attract recreationists of all types, these same waters have sustained the communities that surround them – human, animal, and plant – for thousands of years. And to this day, New Mexicans rely on these waters for drinking, irrigation, farming, ranching, and other traditional uses. Elias Espinoza, Mayordomo of the Acequia de San Antonio, which feeds from the Rio Hondo, writes that, "Our parciantes cherish our local rivers." Not only do the acequia association members irrigate with water from the Rio Hondo, "[w]e also know that our fellow parciantes on other acequias . . . depend on the Rio Hondo to irrigate food crops, pastures and livestock. We all depend on clean unpolluted waters from our local river for our

quality of life." Pet'r Ex. 35. Mr. Espinoza's reverence for the Rio Hondo is echoed by communities who live along that stream, Lake Fork, and the upper Rio Grande.

Figure 2: Lake Fork and Rio Hondo

While ONRW designation prevents waters from being degraded, the Commission's rules allow existing traditional uses, such as acequia operations and grazing, to continue in recognition of their value to the state. 20.6.4.8(3)(d), (e) NMAC. As President of the Lower Des Montes Neighborhood Association, Floyd Archuleta, put it: "We also understand that Outstanding National Resource Waters Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water." Pet'r Ex. 35.

Roughly 100 miles to the southwest of the Rio Hondo, the waters in and around the Valles Caldera National Preserve ("VCNP") hold the same significance for the Jemez Pueblo, Santa Clara Pueblo, the Village of Jemez Springs, and surrounding communities and acequia

associations. In his statement of support, Jemez Pueblo member and cultural leader Joseph "Brophy" Toledo writes, "Today, the descendants of Jemez Pueblo continue to regularly visit the Jemez headwaters, including the sacred shrines of the Valles Caldera and perform ceremonies using the sacred waters of the Jemez as well as the many tributaries that feed into the mainstem. The headwaters are a critical place for prayer and they are the source and root of all life in the watershed." *Id.* In support of protecting the East Fork Jemez River and San Antonio Creek, Santa Clara Pueblo states that, "these streams have long been considered part of our aboriginal territory and we remain in support of their ecological and cultural protection." *Id.*

High visitor numbers demonstrate these areas are world-class outdoor recreation destinations. *Outside* magazine has ranked the Taos Box, in the upper Rio Grande, as a top river run in North America.[1] Year round, tens of thousands of visitors flock to the iconic Valles Caldera where the East Fork Jemez River and San Antonio Creek rank among the top fly-fishing destinations in the state. New Mexico Department of Game and Fish ("NMDGF") Angler Data [Pet'r Ex. 18].

Figure 3: San Antonio Creek, East Fork Jemez River, and Redondo Creek

Protecting these surface waters translates into tangible economic gains for the surrounding communities and New Mexico as a whole. Numerous studies document the strong

[1] Cristina Opdahl et al., Into the Flow Zone, *Outside* (July 1, 2001), https://www.outsideonline.com/1849491/flow-zone.

link between public lands and a host of economic benefits -- from increased employment to higher incomes.[2] New Mexico's outdoor recreation industry is a powerhouse in the state's economy. In 2020, the outdoor recreation economy added $1.9 billion to the state's gross domestic product and directly employed almost 30,000 people.[3] New Mexico's outdoor economy is fueled in large measure by the popularity of rafting, fishing, hunting, kayaking, hiking, and camping -- activities that take place in and around the six exceptional waterbodies nominated in ORD's Petition.

Rivers and the riparian habitat they support contribute out of proportion to their size to species diversity. This is particularly true in the arid southwest where water is scarce. Between these six waterbodies, their clean waters provide habitat for many rare, range-restricted, and many special status species, including four species listed as endangered or threatened by the federal government, including the endangered southwestern willow flycatcher and threatened Mexican spotted owl, and 11 species listed as endangered or threatened by the State of New Mexico, including the bald eagle, peregrine falcon and Jemez Mountains salamander.

While these areas are cherished for their wild beauty, climate change, drought, and increased human activity threaten these ecosystems and increase the potential for degradation to these waters in the short and long term. To protect these waters' recreational, ecological, cultural,

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[2] *See, e.g.,* Headwaters Economics, Protected Lands and Economics: A Summary of Research and Careful Analysis on the Economic Impact of Protected Federal Lands (spring 2017), https://headwaterseconomics.org/wp-content/uploads/Protected_Lands_Economics.pdf; *see generally* Headwaters Economics, The Value of Public Lands (April 2017), https://headwaterseconomics.org/public-lands/public-lands-research/.

[3] U.S. Department of Commerce, Bureau of Economic Analysis, 2020-New Mexico Outdoor Recreation Satellite Account ("BEA Analysis 2020 NM"), https://apps.bea.gov/data/special-topics/orsa/summary-sheets/ORSA%20-%20New%20Mexico.pdf.

and economic significance, it is imperative that the state invest now to prevent injury and to preserve and promote their benefits by designating them as ONRWs.

Local support for ONRW designation abounds. Attached as Petitioner's Exhibit 35 are resolutions and letters from over 45 Pueblos, state legislators, local governments, acequia associations, land grants, schools, neighborhood associations, businesses, and nongovernmental associations that support the nominations. The Valles Caldera National Preserve, Taos Pueblo, Santa Clara Pueblo, Taos County, Town of Taos, Town of Red River, Village of Questa, Village of Taos Ski Valley, and Village of Jemez Springs all support ONRW status for waters that impact them. These communities understand that by preserving water quality in these streams, they protect their exceptional ecological, recreational, and cultural values, and enhance their economic value for now and the future.

These designations fit squarely within and further Governor Michelle Lujan Grisham's efforts to diversify the state's economy, build climate-change resiliency, and protect 30 percent of the state's lands and waters by 2030, as set forth in Executive Order 2021-052.[4] ORD has worked closely with the Governor's Office, and Governor Michelle Lujan Grisham supports all nominations.

Similarly, the New Mexico Environment Department ("NMED") supports all nominations.

At its heart, the commitment to protect these waters represents a commitment to New Mexico's future, a commitment to a new generation of New Mexicans who will recreate along these waters and who may even build their careers around protecting this precious resource. Take

[4] N.M. Exec. Order No. 2021-052, Protecting New Mexico's Lands, Watersheds, Wildlife and Natural Heritage (Aug. 25, 2021), https://www.governor.state.nm.us/wp-content/uploads/2021/08/Executive-Order-2021-052.pdf.

Estrella, a junior at Mesa Vista High School in Ojo Caliente, who joined ORD at the 2020 virtual Outdoor Economics Fall Forum. During the conference, Estrella described how she monitored water quality in the upper Rio Grande with River Source, a group that engages youth in watershed science and earned a 2020 Outdoor Equity Fund grant from the ORD. Estrella's work on the river opened her eyes to the importance of this resource and to the possibility of a profession protecting the state's waters, and she now aspires to be a hydrologist. Protecting New Mexico's scarce water resources is a state-level commitment to preserving our natural heritage and the shared future of all New Mexicans.

III. ORD NOMINATES SIX WATERBODIES, CONSISTING OF 125.9 MILES OF SURFACE WATERS, FOR ONRW DESIGNATION

Petitioner ORD requests the Commission to designate six waterbodies as ONRWs by amending 20.6.4.9.D NMAC as follows:

> **D. Waters classified as ONRWs:** The following waters are classified as ONRWs:
>
> . . .
>
> **(4)** the Rio Grande from directly above the Rio Pueblo de Taos to the New Mexico-Colorado state border.
>
> **(5)** the Rio Hondo from the Carson National Forest boundary to its headwaters; and Lake Fork creek from the Rio Hondo to its headwaters.
>
> **(6)** the East Fork Jemez river from San Antonio creek to its headwaters; San Antonio creek from the East Fork Jemez river to its headwaters; and Redondo creek from Sulphur creek to its headwaters.

As required by 20.1.6.202.A(5) NMAC, a copy of ORD's proposed amendments to 20.6.4.9.D NMAC is attached as Petitioner's Exhibit 1.

IV. ORD SATISFIED ALL PROCEDURES FOR THE NOMINATION

A. Required Procedures

Section 20.6.4.9.A NMAC sets forth the procedures for nominating ONRWs, which requires in the petition:

(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 of this section;

(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 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; 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.

Petitioner satisfied all procedures for this nomination, as set forth below.

B. <u>Maps of Surface Waters Nominated</u>

Section 20.6.4.9.A(1) NMAC requires a map of the surface waters nominated, including the location and proposed upstream and downstream boundaries. ORD has supplied three maps of the nominated waters which show the location and proposed upstream and downstream boundaries: Figure 4 below depicts the nominated stretch of the Rio Grande; Figure 5, the nominated stretches of Rio Hondo and Lake Fork; and Figure 6, the nominated stretches of the East Fork Jemez River, San Antonio Creek, and Redondo Creek (collectively, "Jemez Waters"). These maps are also attached as Petitioner's Exhibits 4, 5, and 6, respectively. Table 1 below describes the proposed upstream and downstream boundaries and identifies the mileage of each nominated segment. Petitioner satisfies the mapping requirement of 20.6.4.9.A(1) NMAC.

Table 1: Nominated Waterbodies

Waterbody	Segment Description	Length (miles)
Rio Grande	New Mexico-Colorado border to directly above confluence with Rio Pueblo de Taos	52.2
Rio Hondo	Headwaters to Carson National Forest boundary	10.0
Lake Fork	Headwaters to confluence with Rio Hondo	3.3
East Fork Jemez River	Headwaters to confluence with San Antonio Creek	22.1
San Antonio Creek	Headwaters to confluence with East Fork Jemez River	32.1
Redondo Creek	Headwaters to confluence with Sulphur Creek	6.2
Total		125.9

Figure 4: Map of Rio Grande Nomination

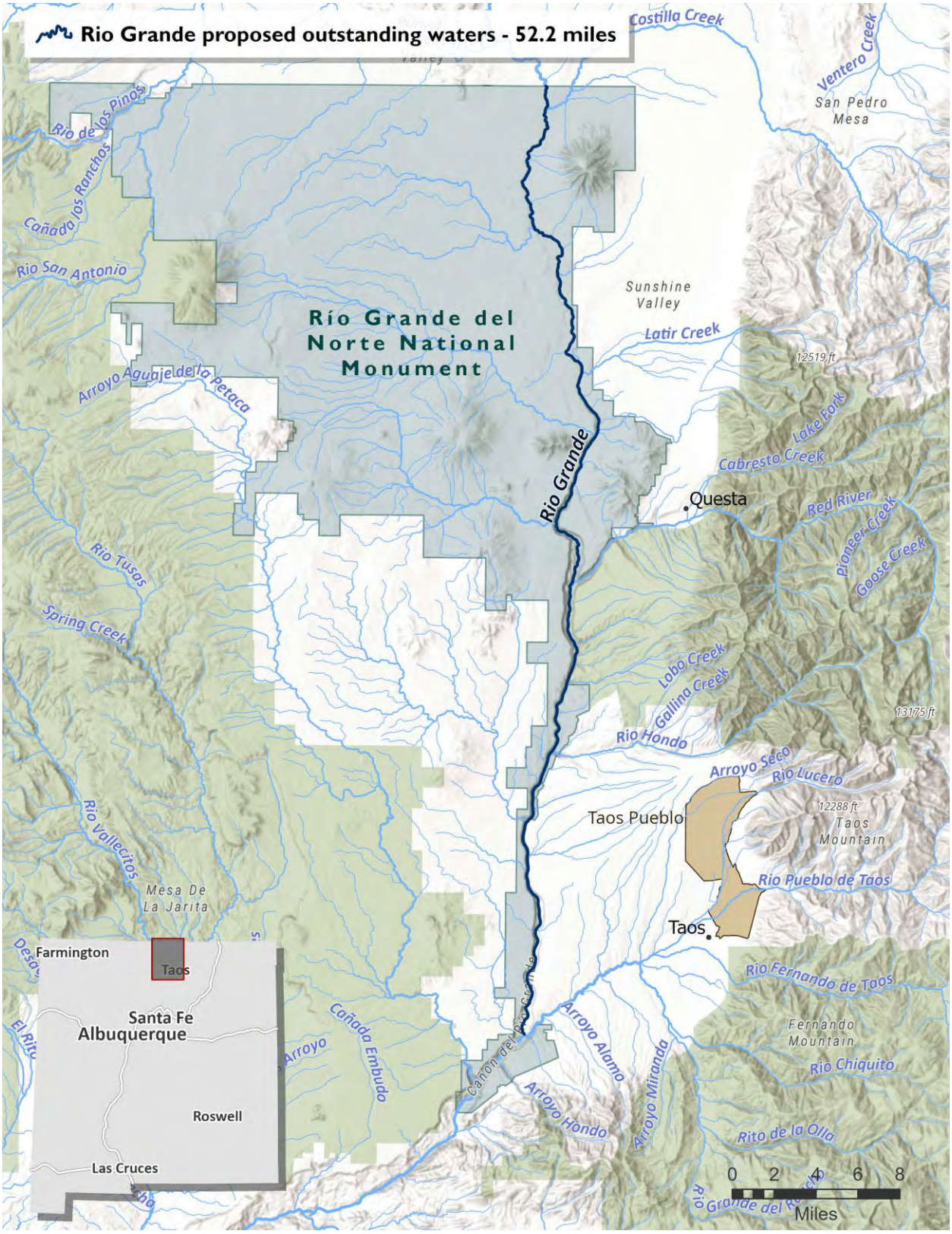
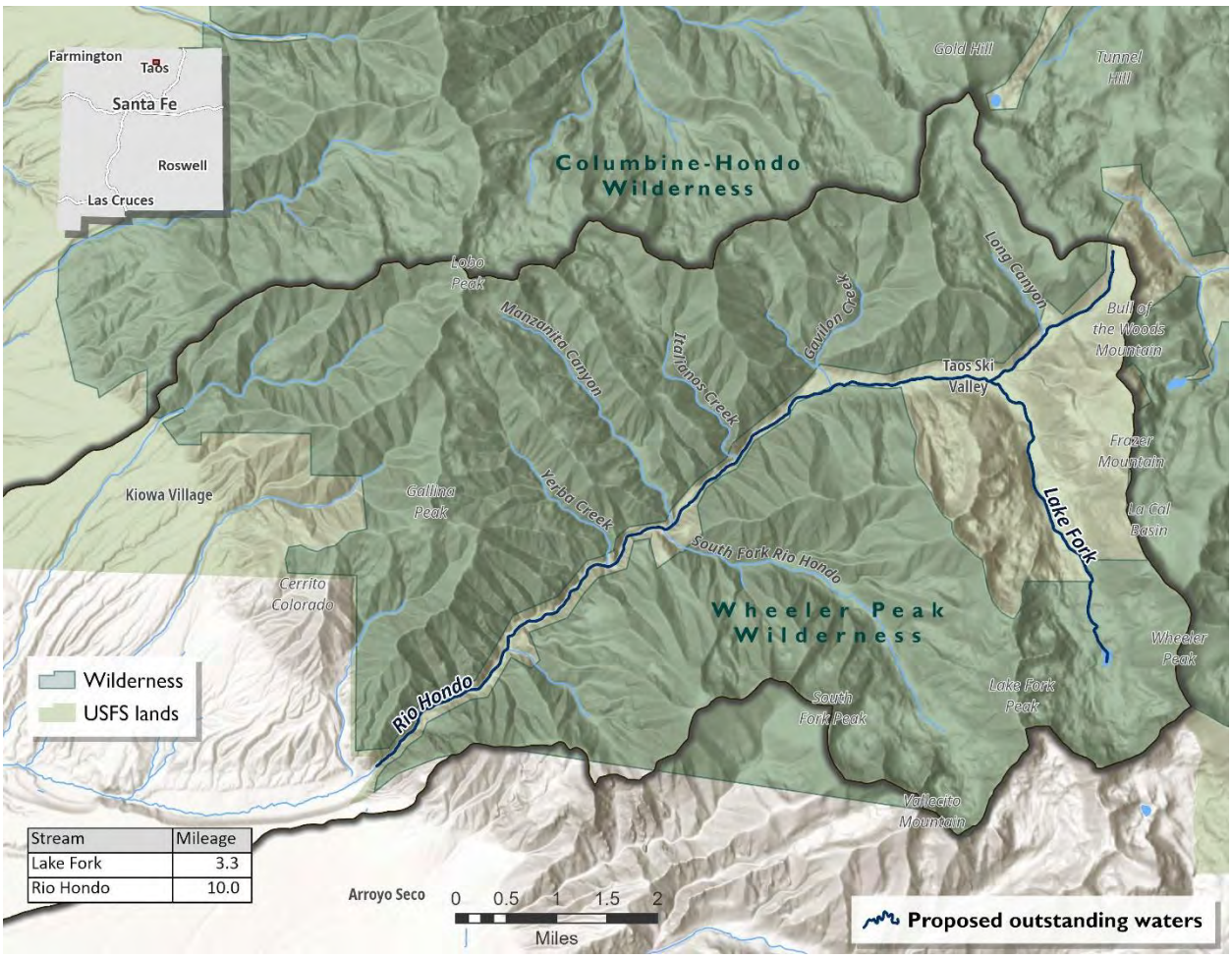
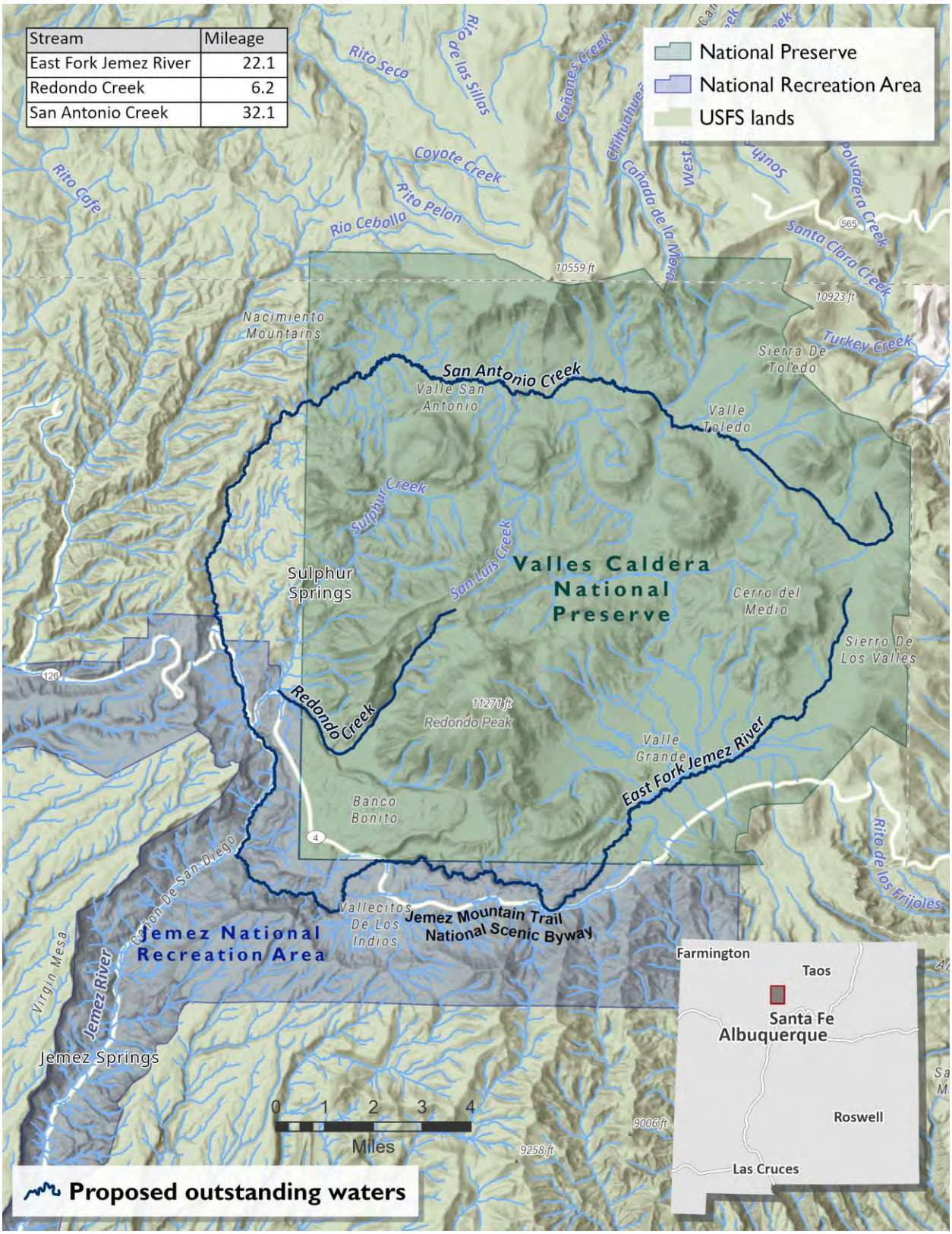


Figure 5: Map of Rio Hondo and Lake Fork Nominations



Stream	Mileage
Lake Fork	3.3
Rio Hondo	10.0

Figure 6: Map of East Fork Jemez River, San Antonio Creek, and Redondo Creek Nominations



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

A nomination 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 ONRW criteria listed in 20.6.4.9.B NMAC. 20.6.4.9.A(2) NMAC. Section 20.6.4.9.B NMAC requires that an ONRW designation is "beneficial to the state of New Mexico," and meets at least one criterion in 20.6.4.9.B(1)-(2) NMAC.

In the Petition and herein, ORD sets forth scientific evidence supporting all nominations, including evidence that:

- Designation of **all waters** is beneficial to the state, 20.6.4.9.B NMAC, as set forth below in Section V.H and throughout Petitioner's Notice of Intent;
- **All waters** have exceptional recreational significance, 20.6.4.9.B(2) NMAC, as set forth below in Section V.B;
- **All waters** have exceptional ecological significance, 20.6.4.9.B(2) NMAC, as set forth below in Section V.C;
- Certain waters are a significant attribute of a state special trout water or national monument, or part of a federal wild and scenic river, 20.6.4.9.B(1) NMAC, as set forth below in Section V.D, -E, and -F, respectively; and
- Certain waters meet the water quality standards required by 20.6.4.9.B(3) NMAC, as set forth below in Section V.G.

For the convenience of the Commission, Petitioner has prepared a chart setting forth each stream nominated and the criteria in 20.6.4.9.B NMAC that the stream, or a portion of the stream, meets. *See* Pet'r Ex. 7. A stream must meet **only one** criterion in 20.6.4.9.B(1)-(2) NMAC to be designated. Each stream nominated meets at least two of those criteria.

D. Water Quality Data to Establish Baseline

A nomination 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.[5] Testimony from Amigos Bravos Deputy Director Rachel Conn, set forth in Petitioner's Exhibit 33, explains that NMED provided ORD all available water quality data (provided in Petitioner's Exhibits 8-A to 8-E) for the nominated segments to satisfy this requirement.

E. Activities that Might Reduce Water Quality

A nomination must set forth activities that might contribute to the reduction of water quality in the proposed ONRW. 20.6.4.9.A(4) NMAC. A number of existing and potential activities that can generally effect waters in New Mexico could reduce water quality in the nominated waters, as discussed below.

1. Climate change and watershed health and function

As the climate warms, so do rivers and streams. High stream temperature is the most common water impairment in New Mexico, and is especially dangerous to aquatic life. Hotter water holds less 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 therefore the quality, quantity, and timing of stream flows. Erosion is expected to increase as a result of higher peak flows as well as from increased intensity and frequency of wildfires. In turn, sediment loads are expected to increase, affecting municipal water supplies and aquatic habitats.

Healthy watersheds buffer the impacts of disturbances such as fire, floods, drought, and other natural disruptions, and, in doing so, yield water of high quality farther downstream in the watershed. This resilience is especially noticeable when it's gone, as in the aftermath of

[5] This same data is used to satisfy the water quality criterion in 20.6.4.9.B(3) NMAC to establish an additional category of ONRW eligibility for the Rio Hondo and Lake Fork. *See* Conn Test. [Pet'r Ex. 33].

catastrophic fire or extensive defoliation and soil erosion. The vicious cycle of climate change and drought damage watershed health in many ways. Higher temperatures can both increase and impair plant transpiration. Reduced precipitation exacerbates this effect and, over time, such landscapes become denuded, either suddenly through fire or gradually through grazing and plant death. Bare soil is more vulnerable to erosion, which drops local water tables below plant root zones and causes further de-vegetation. Widespread bare soil is a major detriment to healthy watersheds, because it is vulnerable to erosion and consequent silting of streams, and, most importantly, because it has lost its ability to hold water and process its contaminants. From a water quality perspective, bare soil is a condition to be prevented or reversed in a watershed.

Healthy watersheds, by contrast, perform "ecosystem services" that boost resilience and adaptive capacity in the face of climate change. ONRW designation can help protect not only the waters of the nominated waterbodies but also the surrounding ecosystems and communities that rely on these waters.

2. <u>Wildfires</u>

Two devastating wildfires burned through the Jemez Mountains in 2000 and 2011, spanning over 200,000 acres in total and forcing evacuations in the area. The Cerro Pelado fire, which began April 22, 2022 seven miles east of Jemez Springs, is now burning. As of May 10, 2022, almost 42,500 acres in the Jemez Mountains have burned and the fire is only 11% contained. Surrounding U.S. Forest Service lands are closed, including VCNP.[6]

High-intensity wildfires can lead to increases in soil erosion when they burn through forests. Debris flow and soil erosion following wildfire can reduce water quality by increasing

[6] New Mexico Fire Information (May 10, 2002), https://nmfireinfo.com/2022/05/10/cerro-pelado-fire-update-may-10-2022/.

sediment load, resulting in increased turbidity, increased specific conductance, and changes in dissolved oxygen.[7] Ash and debris flow following wildfires can also have detrimental impacts on native fish populations.[8] Species resilience following these disturbance events may depend on maintaining habitat connectivity that provide refuge and critical dispersal corridors for aquatic species.[9] And, as discussed above, climate change exacerbates the threat of wildfires, and is expected to continue to do so throughout the Southwest in particular.

3. Development and transportation

Increased sediment loading from roads and development can impair water quality. The relationship between road building in formerly undisturbed areas and increased sediment yield in streams is well established. When impervious surfaces cover greater areas in a watershed, runoff quantity and velocity increases, which results in increased erosion and loading of sediment and other contaminants, such as metals and PCBs, attached to sediment. Any increase in sediment in streams affects inflow of oxygen, increases water temperature, and negatively impacts food availability. Not only do these factors decrease fish populations and increase fish stress, but they also degrade the fishing experience, reducing water clarity. 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 do not have the time or capacity to adapt.

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[7] J.K. Reale et al., The Effects of Catastrophic Wildfire on Water Quality Along a River Continuum, Freshwater Science 34:1426-1442 (2015).

[8] J.E. Whitney et al., Consecutive Wildfires Affect Stream Biota in Cold- and Warmwater Dryland River Networks, Freshwater Science 34:1510-1526 (2015) ("Whitney 2015"); J.E. Whitney et al., Metapopulation Analysis Indicates Native and Nonnative Fishes Respond Differently to Wildfire in a Desert Stream, Ecology of Freshwater Fishes 25:376–392 (2016) ("Whitney 2016").

[9] K.B. Gido et al., Pockets of Resistance: Response of Arid-Land Fish Communities to Climate, Hydrology, and Wildlife, Freshwater Biology 65:761-777 (2018); Whitney 2015; Whitney 2016.

4. Increased recreational use without proper management

Recreation is an essential part of what makes these rivers deserving candidates for ONRW designation. However, in order to ensure this exceptional recreational significance for future generations, recreation in the six waterbodies 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.

5. Waste disposal

Illegal dumping of trash and construction waste is a threat to water quality across much of New Mexico, including the nominated waters.

F. Additional Evidence to Substantiate Designation

A nomination may include additional evidence to substantiate such a 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. 20.6.4.9.A(5) NMAC.

The visitor economy is an engine for economic growth in New Mexico. Between 2015 and 2019, visitor spending grew over 18 percent and generated $7.4 billion in 2019.[10] Tourism-related employment totaled over 96,000 jobs in 2019, accounting for 8.6 percent of all jobs in our state while tourism generated $737 million in tax revenues for the state and local governments.[11] There is no doubt that the nominated waters contribute to local and regional economic growth, and the water quality protections that come with ONRW designation will only

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[10] Tourism Economics, LLC, Economic Impact of Visitors in New Mexico 2019, at 6, https://assets.simpleviewinc.com/simpleview/image/upload/v1/clients/newmexico/New_Mexico_Tourism_Economic_Impact_2019_Sharable_1ba22373-3304-4a56-89ab-102e365c4eae.pdf.

[11] *Id.* at 5, 31. While the visitor economy in New Mexico and other states took a hit as a result of the COVID pandemic, ORD anticipates the visitor and outdoor recreation economies in New Mexico will rebound.

enhance that economic growth of water-based activities. In 2020, boating and fishing were the second largest drivers of the New Mexico outdoor economy, generating $100.96 million for state gross domestic product, according to the U.S. Bureau of Economic Analysis.[12] These activities, which rely on clean, healthy rivers, continue to rise in popularity. The economic impact of boating and fishing in New Mexico grew by almost 27 percent between 2019 and 2020.[13] Tourism- and other outdoor-related jobs make up significant portions of the jobs in both Taos and Sandoval counties, where the nominated streams are located. In 2019, this sector constituted 29.6 percent of jobs in Taos County and 10.1 percent of jobs in Sandoval County.[14] According to the New Mexico Tourism Department, between 12 to 30 percent of visits to these regions include hiking, backpacking, and general nature enjoyment.[15] This speaks to the desire of visitors to these two counties to enjoy the stunning natural surroundings. In Sandoval County, recreation is the single biggest spending category, with visitors spending $77.9 million in 2019.[16] For Taos County, 2019 visitor spending on recreation reached almost $30 million, having increased steadily each year since at least 2013.[17]

In addition, jobs in small-scale agriculture have grown dramatically in both counties, pointing to additional economic potential and the need to preserve clean water for these local farms to sustain a healthy food supply and strong economic revenues. According to a 2018

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[12] BEA Analysis 2020 NM.
[13] *Id.*
[14] Kaitlin Dipaola, Tourism Economics, LLC, The Economic Impact of Tourism in New Mexico (2019), https://public.tableau.com/app/profile/kaitlin.dipaola/viz/NewMexico-2019/Story1?publish=yes.
[15] New Mexico Tourism Department data (Jan. 1, 2013 - Oct. 1, 2019).
[16] Kaitlin Dipaola, Tourism Economics, LLC, The Economic Impact of Tourism in New Mexico (2019), https://public.tableau.com/app/profile/kaitlin.dipaola/viz/NewMexico-2019/Story1?publish=yes.
[17] *Id.*

Headwaters Economics report, about 22 percent of land or 1.4 million acres in Taos County is set aside for agriculture. Nearly half of these farms are under livestock production and the remainder in crop production. Between 2001 and 2015, the farming sector added 358 jobs, an increase of more than 500 percent. "In an era of increasingly automated agricultural production, this substantial employment growth is highly unusual." Indeed, "[f]or Taos Pueblo residents and others with long agricultural practices in the area, a revitalization of agriculture is an economic opportunity but also an opportunity to remain connected with these cultural traditions," Headwaters Economics reports.[18]

In addition, I set forth evidence of the cultural significance of the waters nominated in Section V.H. Designation of these waters as ONRWs would recognize and affirm their cultural significance. Section V.B below demonstrates that designation will benefit recreation in the ONRW areas and Section V.C demonstrates designation will benefit the ecological systems in these areas. Finally, these nominations have broad-based support within the affected communities, as demonstrated in Section VI.

G. Publication of Petition in a Newspaper

The Commission's regulations require publication of notice of the ORD's 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. The Rio Grande, Rio Hondo, and Lake Fork are located within Taos County, and the Jemez Waters are located within Sandoval County. Attached as Exhibit 9 are affidavits of publication giving notice of ORD's Petition from the:

- *Taos News*, a newspaper of general circulation in Taos County, published November 25, 2021;

[18] Headwaters Economics, Economic Challenges and Opportunities in Taos County, New Mexico, at 13-15 (Jan. 2018), https://headwaterseconomics.org/wp-content/uploads/Taos_County_Economy.pdf.

- *Rio Rancho Observer*, a newspaper of general circulation in Sandoval County, published November 28, 2021; and
- *Albuquerque Journal*, a newspaper of general statewide circulation, published November 21, 2021.

ORD satisfied this notice requirement.

H. Notice Requirements for Hearing

There are various statutory and regulatory notice requirements for the hearing before the Commission on the Petition, all of which have been met:

- Section 14-4-5.2 of the State Rules Act requires notice of a proposed rulemaking to be published in the New Mexico Register 30 days before hearing and 20.1.6.201.A & B NMAC requires notice of a proposed rulemaking before the Commission to be published in the New Mexico Register 60 days prior to hearing. Petitioner's Exhibit 10 is a copy of notice of the hearing published in the New Mexico Register on March 22, 2022.

- Section 20.1.6.201.A & B NMAC requires notice of a proposed rulemaking before the Commission to be published in a newspaper of general circulation in the state and in a newspaper of general circulation in a specific geographic area affected 60 days prior to hearing. Attached as Exhibit 11 are affidavits of publication giving notice of the hearing in this matter in the:
    - *Albuquerque Journal*, a newspaper of general statewide circulation, published April 2, 2022;
    - *Taos News*, a newspaper of general circulation in Taos County, published April 14, 2022; and
    - *Rio Rancho Observer*, a newspaper of general circulation in Sandoval County, published April 10, 2022.

- Section 14-4A-4(A) of the Small Business Regulatory Relief Act requires notice of a proposed rule that may have an adverse effect on small business to be provided to the Small Business Regulatory Relief Commission at the same time as persons who have requested advance notice of rulemaking. Petitioner's Exhibit 12 is a copy of the April 25, 2022 notice to that commission and the commission's May 3, 2022 response that no findings were found.

- Sections 20.1.6.7.P(1) and 20.1.6.201.A NMAC require the Commission to post notice of a proposed rulemaking on its website. Petitioner's Exhibit 13 is a copy of the notice of the hearing from the Commission's website (accessed April 28, 2022).

- Sections 20.1.6.7.P(2) and 20.1.6.201.A NMAC require the Commission to post notice of a proposed rulemaking on the New Mexico sunshine portal. Petitioner's Exhibit 14 is a copy of the notice of the hearing published on the New Mexico sunshine portal.

- Sections 20.1.6.7.P(3) and 20.1.6.201.A NMAC require the Commission to make notice of a proposed rulemaking available to the applicable constituent agency's district, filed, and regional offices, if any. Petitioner's Exhibit 15 is a copy of the notice NMED gave to its district offices.

- Sections 20.1.6.7.P(4) and 20.1.6.201.A NMAC require the Commission to send notice of a proposed rulemaking to persons who have requested notice of rulemakings. Petitioner's Exhibit 16 is a copy of the notice the Commission gave to persons requesting notice of its rulemakings.

- Sections 20.1.6.7.P(7) and 20.1.6.201.A NMAC require the Commission to provide notice to the New Mexico Legislative Council Service ("LCS"). Petitioner's Exhibit 17 is a copy of the notice to LCS.

V. PETITIONER HAS SATISFIED THE CRITERIA FOR DESIGNATION

A. <u>Criteria for Designation</u>

Section 20.6.4.9.B NMAC sets forth the criteria for designating ONRWs:

> **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.

All waters nominated have exceptional recreational significance, and the Commission may designate them as ONRWs based on that criterion alone. **All waters**, as well, have exceptional ecological significance and may be designated based on that criterion alone. Many of the waters nominated also meet other criteria, and may be designated based on those criteria. *See* Pet'r Ex. 7 [chart showing criteria each stream meets].

B. Exceptional Recreational Significance

Streams are eligible for ONRW designation if they have exceptional recreational significance. 20.6.4.9.B(2) NMAC. Each stream nominated offers outstanding access to outdoor activities -- from fishing to rafting to hiking to hunting to wildlife watching – and each represents a top outdoor recreation destination in our state.

The whole of each stream segment nominated qualifies for this criterion. The boundaries of the stream segments are described in Table 1 above and shown on the maps in Figures 4, 5, and 6 above (and in Petitioner's Exhibits 4, 5, and 6).

1. Rio Grande

The upper Rio Grande, from the New Mexico-Colorado border in the north to the confluence with the Rio Pueblo de Taos, is one of the country's top outdoor destinations. The 52.2-mile stretch nominated, depicted in Figure 4, encompasses some of the best fishing, whitewater rafting, and hiking on the planet, attracting visitors from near and far year round. This segment of our state's iconic Rio Grande runs through the heart of Rio Grande del Norte National Monument, established by President Obama in 2013 to protect the awe-inspiring scenic, cultural, and ecological values that attract sightseers, anglers, and river-runners, and was one of the first river segments designated as Wild and Scenic under the Wild and Scenic Rivers Act. *See* Pet'r Ex. 26 [map of Rio Grande nomination depicting National Monument, Wild and Scenic, and Special Trout Waters segments].

This nominated segment has exceptional recreational value based on its extraordinary fishing, rafting and kayaking, visitor numbers, and the "Species of Economic and Recreational Importance" or "SERI" found in and around this segment, as identified by NMDGF. *See* NMDGF Angler Data [Pet'r Ex. 18]; Special Status Animal and Plant Lists [Ex. 19]; Rio Grande

NMDGF Environmental Review Tool ("ERT") [Pet'r Ex. 20].[19] Nick Streit, fly fishing shop owner in Taos and Santa Fe and expert fly fisher and guide provides testimony on the extraordinary fishing opportunities in this segment of the Rio Grande and the other nominated waters (except Redondo Creek) in Petitioner's Exhibit 34. NMDGF Native Fish Biologist Joanna Hatt provides testimony on the nine SERI in this stretch of the Rio Grande and the SERI in the other nominated waters in Petitioner's Exhibit 28.

During the 2020-21 NMDGF license year, almost 30,000 anglers fished this nominated stretch of river, accounting for almost 80,000 visitor days. NMDGF Angler Data [Pet'r Ex. 18][20]; Table 2 below. The number of anglers and visitor days represents a direct gauge of recreational activity in an area. For 2020-21, this stretch of the Rio Grande ranked fourth in the state for the number of anglers fishing in a stream and fifth for the number of visitor days to a stream, making the Rio Grande one of the most popular fishing streams in the state. According to NMDGF, the three most popular species of coldwater fish for anglers in the 2020-2021 license year were, in

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[19] Petitioner's Exhibit 19, the Special Status Animal and Plant Lists, identifies at risk and SERI species found within one mile of the banks of the nominated waters. The species are identified based on an ERT search conducted by NMDGF biologist Joanna Hatt, who is providing testimony on behalf of Petitioner in this proceeding, using NMDGF's Environmental Review Tool or ERT. In her testimony, Ms. Hatt explains use of the ERT, which identifies at risk and SERI species that may be found within a certain geographic area. *See* Pet'r Ex. 28 at § II. Petitioner's Exhibit 20 is the ERT results for the Rio Grande nominated segment. Petitioner provides ERT results for all six nominated stretches. *See* Pet'r Exs. 20-25.

[20] The methodology for collection of NMDGF's angler data is set forth in its New Mexico Angler Satisfaction Report 2020-2021 License Year. *See* NMDGF Fisheries Management Division, New Mexico Angler Satisfaction Report 2020-2021 License Year, at 3-5, https://www.wildlife.state.nm.us/download/fishing/survey/Angler-Satisfaction-Survey-2021.pdf.

In general, NMDGF solicits anglers annually to fill out a survey to gauge angler use and satisfaction and the survey data are summarized in a report. Based on the survey responses, NMDGF extrapolates the information to the greater population of anglers. The number of visitor days is the estimated total number of whole or partial days in which a water was fished. If, for example, an angler fished in East Fork Jemez River ten times and another fished once, the total fishing days would be 11.

descending order, rainbow, brown, and cutthroat trout, all of which inhabit this stretch of the upper Rio Grande.[21]

Table 2: New Mexico Department of Game and Fish Angler Data
(license year extends April 1, 2020 to March 31, 2021)

LICENSE YEAR	TOTAL ANGLERS	TOTAL VISITOR DAYS
RIO GRANDE (Gorge to above Pilar)		
2020	28981*	79764**

* For total anglers, Rio Grande segment ranked 4 in lotic waters (and 6 in all waters).
** For total visitor days, Rio Grande segment ranked 5 in lotic waters (and 9 in all waters).

RIO HONDO		
2020	1712	4897

EAST FORK JEMEZ RIVER		
2020	23059*	67226**

* For total anglers, East Fork Jemez ranked 6 in lotic waters (and 11 in all waters).
** For total visitor days, East Fork Jemez ranked 8 in lotic waters (and 15 in all waters).

SAN ANTONIO CREEK		
2020	13758*	32884**

* For total anglers, San Antonio Creek ranked 15 in lotic waters (and 25 in all waters).
** For total visitor days, San Antonio Creek ranked 15 in lotic waters (and 32 in all waters).

These Rio Grande waters are also famous for their whitewater rafting and kayaking. The Taos Box, a 17-mile segment of rowdy rapids coursing below the 800-foot black cliffs of the Rio Grande Gorge, was named one of the top 32 waterways in North America by *Outside* magazine.[22] "Since 1978, I've been privileged to guide thousands of visitors on southwestern rivers," says Steve Harris, founder of Far Flung Adventures, a rafting outfitter based in Taos County. "Everyone (including me) agrees that the Taos Box is one of the most fascinating and thrilling canyons on this planet." Outfitting businesses like Harris's rely for their livelihood on tourism, one of the best performing sectors in the New Mexico economy.

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[21] *Id.* at 9.
[22] Cristina Opdahl et al., Into the Flow Zone, *Outside* (July 1, 2001), https://www.outsideonline.com/1849491/flow-zone.

Figure 7: Rafting on the upper Rio Grande

Hikers, campers, bird watchers, and other nature lovers flock to this one-of-a kind region, where the rolling waters of the Rio Grande are a main attraction. One of the most visited recreation areas in the state, the Rio Grande Gorge area saw over 179,000 visits to trailheads, campgrounds, and picnic sites between October 2019 and September 2020, according to BLM.[23] "A truly wild world lies between [the Rio Grande's] ever-watching canyon walls; you are surrounded by nature in its rawest form, from quiet to chaotic," writes Taylor Streit, father of Nick Streit, and a renowned fly fisher and guide.[24]

[23] BLM Taos Field Office, BLM Recreation Management Info. System (Sept. 16, 2020).
[24] Taylor Streit, *Fly Fishing – Taos Santa Fe New Mexico* (2020).

2. Rio Hondo and Lake Fork

Beginning as high elevation tributaries in the Sangre de Cristo Mountains above Taos Ski Valley, the Rio Hondo and its tributary, Lake Fork, wind their way through one of New Mexico's most popular outdoor recreation destinations. Each year, thousands of hikers walk along these waters on their way to the state's highest point, the 13,159-foot summit of Wheeler Peak, and popular destinations like Gold Hill and Williams Lake. The Williams Lake Trail is one of the most popular hikes in the state. The trailhead begins near Lake Fork and parallels the stream.[25]

The Rio Hondo has exceptional recreational value based on its extraordinary fishing and the SERI found in and around the nominated segment, and Lake Fork has exceptional recreational value based on the SERI in and around that waterbody. *See* NMDGF Angler Data [Pet'r Ex. 18]; Special Status Animal and Plant Lists [Pet'r Ex. 19]; Rio Hondo ERT [Pet'r Ex. 21].

Trout fishing is popular in these streams. During 2020-21, the Rio Hondo saw over 1,700 anglers and almost 4,900 visitor days. NMDFG Angler Data [Pet'r Ex. 18]; Table 2. These anglers are also attracted to other recreational activities in the area, including hiking and birdwatching, all of which provide a diverse array of recreation opportunities in a small geographical area, adding to the area's recreational appeal. The cold, high-elevation waters of the Rio Hondo and Lake Fork are important to protecting populations of Rio Grande cutthroat trout,

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[25] Abigail Wise, 10 of the Best Hiking Trails in New Mexico, RootsRated (May 12, 2016), at https://rootsrated.com/stories/10-of-the-best-hiking-trails-in-new-mexico; Ashley Biggers, Ten Ultimate NM Hikes, New Mexico Magazine (May 1, 2016), https://www.newmexicomagazine.org/blog/post/10-ultimate-nm-hikes-96035/; Brian Heifferon, Hike to Williams Lake and Wheeler Peak, The Outbound, https://www.theoutbound.com/new-mexico/hiking/hike-to-williams-lake-and-wheeler-peak.

an important cultural icon. Both the Rio Grande cutthroat trout and the cutthroat trout inhabit the waters of the Rio Hondo and Lake Fork, and both are SERI. Special Status Animal and Plant Lists [Pet'r Ex. 19]; Pet'r Exs. 21, 22 [ERTs for Rio Hondo and Lake Fork, respectively].[26] Within one mile of the banks of the Rio Hondo and Lake Fork are also five terrestrial SERI: bighorn sheep, black bear, cougar, elk, and mule deer. Pet'r Exs. 19, 21, 22.

Figure 8: Fishing from the Rio Hondo

Figure 9: Hiking Lake Fork Trail

[26] Four tributary streams to the nominated stretch of the Rio Hondo are designated as Special Trout Waters by the NMDGF for their significance to native trout conservation. Yerba Creek, Italianos Creek, Gavilan Creek, and South Fork Rio Hondo are all designated as "Red Chile Waters" upstream from their confluences with the Rio Hondo. NMDGF, Special Trout Waters, https://www.wildlife.state.nm.us/download/fishing/maps/Special-Trout-Waters.pdf. Those four outstanding trout waters contribute to the region's overall recreational significance and ecological health. (These waters are not nominated in ORD's Petition.)

3. East Fork Jemez River, San Antonio Creek, and Redondo Creek

The East Fork Jemez River, San Antonio Creek, and Redondo Creek nominations are shown on Figure 6 and Petitioner's Exhibit 6 and total 60.4 miles. The East Fork Jemez River and San Antonio Creek are tributaries to the Jemez River and Redondo Creek is a tributary to Sulphur Creek, which flows into San Antonio Creek. These streams occur within the Valles Caldera National Preserve, the Jemez National Recreation Area ("JNRA"), or the Santa Fe National Forest, all extremely popular recreation areas in our state.

The caldera was formed about 1.25 million years ago from an enormous volcanic eruption that created the iconic 13-mile-wide circular depression so familiar to us. The sweeping and singular beauty of the caldera attracted approximately 76,000 visitors in recent years -- visitors who came to hike, camp, fish, hunt, horseback ride, cross-country ski, snowshoe, mountain bike, observe and photograph wildlife, and view the night skies.[27]

The Valles Caldera National Preserve supports nomination of the three waters within the preserve, and Robert R. Parmenter, Ph.D., Division Chief for Science and Resource Stewardship at VCNP, provides testimony in support of the nominated waters' exceptional recreational importance. *See* Pet'r Ex. 30.

The JNRA borders the Valles Caldera National Preserve at its southwest corner. The 57,650-acre JNRA, established in 1993, is one of only 40 Congressionally-established national recreation areas in the nation and is the only nation recreation area in New Mexico. Located in the Santa Fe National Forest, the boundaries of the JNRA incorporate nominated segments of the

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[27] Matt Dahlseid, Valles Caldera Celebrates 20th Anniversary as National Preserve, The Santa Fe New Mexican (Sept. 14, 2021), https://www.santafenewmexican.com/news/adventure/valles-caldera-celebrates-20th-anniversary-as-national-preserve/article_a8d5f70e-d8b6-11ea-9441-93c7e5a56543.html.

East Fork Jemez River and San Antonio Creek, and these waters and adjacent lands are the main attraction for recreationists. The JNRA features:

> Dramatic landscapes created by eons of gradual and cataclysmic geologic events provide breathtaking views. Sheer cliff faces, pock-marked tuff exposures, flat topped mesas, lush canyon bottoms, the Valle Grande and the domed peak of Redondo provide for a varied and vibrantly colored visual experience. . . . From a natural resource standpoint, the JNRA contains habitat for many wildlife and plant species, including some listed as threatened, endangered, or sensitive.[28]

The JRNA's outstanding scenic and ecological attributes attract nearly 1.6 million people each year to hike, picnic, view wildlife and scenery, fish, hunt, camp, rock climb, soak in hot and warm springs, horseback ride, cross-country ski, and drive for pleasure.[29] The U.S. Forest Service consults with Jemez Pueblo concerning cultural and religious sites. Camping, wildlife and scenery viewing, fishing, hunting, hiking, swimming, soaking in hot and warm springs, picnicking, rock climbing, horseback riding, cross-country skiing, and driving for pleasure – especially along state and national scenic byway State Road 4 -- are some of the more popular activities.

a. East Fork Jemez River

The East Fork Jemez River begins in the scenic Valle Grande of the Valles Caldera National Preserve. Flowing west through the preserve and lands managed by Santa Fe National Forest, the stream passes through a narrow canyon lined with volcanic cliffs and spruce-fir forests. In 1990, an 11-mile stretch of the East Fork Jemez River was designated as Wild and Scenic in recognition of its free-flowing character and recreational and ecological attributes. *See* Pet'r Ex. 27 [map of Jemez Waters nomination depicting Wild and Scenic, Special Trout Waters,

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[28] U.S. Department of Agriculture Forest Service, Santa Fe National Forest, Jemez National Recreation Area Management Plan at 2, https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5384293.pdf.
[29] *Id.*

National Preserve, and National Recreation Area segments]. There are numerous access sites along State Road 4, all of them popular destinations for hikers, picnickers, and those making day trips to the region from nearby urban centers like Albuquerque. Other access sites along State Road 4 are popular rock-climbing destinations.

The East Fork Jemez River has exceptional recreational value based on its outstanding fishing and the SERI found in and around the waterbody. *See* NMDGF Angler Data [Pet'r Ex. 18]; Special Status Animal and Plant Lists [Pet'r Ex. 19]; East Fork Jemez River ERT [Pet'r Ex. 23]. This stream is a wildly popular fishing destination, attracting over 23,000 anglers, fishing over 67,000 visitor days during 2020-21. The East Fork Jemez River ranks 6th in the state for the number of anglers fishing in streams and 8th in visitor days. NMDGF Angler Data [Pet'r Ex. 18]; Table 2. And the East Fork Jemez River is home to four SERI; elk, black bear, cougar, and mule deer. Special Status Animal and Plant Lists [Pet'r Ex. 19]; Pet'r Ex. 23.

Figure 10: Snowshoeing by the East Fork Jemez River

"The [Wild and Scenic corridor of the East Fork Jemez River] has long been a recreation destination for visitors from the region, as well as from around the country," writes the U.S. Forest Service in its East Fork Jemez Wild and Scenic River Management Plan.[30]

> Local users center their recreation activities around multi-generational family gatherings where there is water. For some, a hike along the Trail 137 is not complete without a relaxing dip in the natural pools at McCauley Warm Spring. Throughout the [Wild and Scenic river] corridor, day use is high in the summer months, and overnight use, both in developed sites and dispersed sites, occurs spring through autumn. Commonly observed activities include hiking, fishing, camping, photography and sightseeing. After snowfall, day use is again high when cross-country skiing, snowmobiling, tubing and snowshoeing are popular.[31]

According to the JNRA Management Plan, the trail along the "Wild section" of the East Fork Jemez River "is the District's most widely used trail."[32]

b. San Antonio Creek

San Antonio Creek begins in the Valles Caldera National Preserve, flowing in a westerly direction through large valleys before entering the Santa Fe National Forest and making a big turn to the south where it eventually joins the East Fork Jemez River to become the Jemez River near Battleship Rock.

San Antonio Creek has exceptional recreational value based on its outstanding fishing and the SERI found in and around the waterbody. *See* NMDGF Angler Data [Pet'r Ex. 18]; Special Status Animal and Plant Lists [Pet'r Ex. 19]; San Antonio ERT [Pet'r Ex. 24]. The creek is prized by anglers for its small, trout-filled waters and the chance to fish within the natural

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[30] U.S. Department of Agriculture Forest Service, Santa Fe National Forest, Jemez Ranger District, East Fork Jemez Wild and Scenic River Management Plan at 7 (May 2002), https://www.rivers.gov/documents/plans/jemez-plan.pdf.
[31] *Id.*
[32] U.S. Department of Agriculture Forest Service, Santa Fe National Forest, Jemez National Recreation Area Management Plan at 13, https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5384293.pdf.

beauty of the preserve. During the 2020-21 license year, over 13,700 anglers fished the stream over the course of more than 67,200 visitor days. The number of anglers fishing on the San Antonio ranked 15th for all streams in the state, and the number of visitor days ranked 15th overall, making it a top fishing destination in New Mexico. NMDGF Angler Data [Pet'r Ex. 18]; Table 2.

Figure 11: Fishing on San Antonio Creek

Abundant wildlife inhabit the area close to San Antonio Creek, attracting hunters and recreationists. Within one mile of the banks of the river, four SERI – black bear, cougar, elk, and mule deer – are found. Special Status Animal and Plant Lists [Pet'r Ex. 19]; Pet'r Ex. 24.

San Antonio Campground is adjacent to the San Antonio River, and is open from May through October. It was completely rebuilt and reopened in August 2010. A paved walking trail along the river provides access for fishing, and the campground offers easy driving access to recreational sites nearby, including the popular La Cueva Picnic Site, Spence Hot Spring

Trailhead, Battleship Rock Trailhead and other fishing sites along the San Antonio River. The San Antonio area is popular for a variety of outdoor recreation activities, including hiking, camping, wildlife and bird watching, and soaking in the natural hot springs that attest to the region's volcanic history.

c. Redondo Creek

Redondo Creek has exceptional recreational value based on SERI found close by, including black bear, cougar, elk, and mule deer. Special Status Animal and Plant Lists [Pet'r Ex. 19]; Redondo Creek ERT [Pet'r Ex. 25].

Redondo Creek is one of the most popular hiking areas in the Valles Caldera National Preserve. The creek is a beautiful stream, with easy hiking for families and accessible from State Road 4 or VCO2. VCO2 runs along the creek, and is popular with hikers, cyclists, and runners. From VCO2, the trail heads gently up a pretty valley as it follows Redondo Creek. It then skirts the edge of Redondo Meadows and passes through old geothermal drilling areas. The trail climbs quickly but briefly before turning south to contour along Redondo Peak, a resurgent lava dome and the highest point in the Valles Caldera at 11,258 feet. The trail ends at the very tranquil Mirror Pond.

Figure 12: Redondo Creek

Redondo Campground is accessed from the Jemez Mountain Trail that runs along Redondo Creek, and located between Redondo Creek and San Antonio Creek. The campground has over 60 camp sites, and is situated in a stand of Ponderosa pine interspersed with grass and wildflower meadows within the Jemez National Recreation Area.

Redondo Peak is sacred to various Pueblo peoples of New Mexico and therefore the area should be approached respectfully.

C. Exceptional Ecological Significance

Streams are eligible for ONRW designation if they have exceptional ecological significance. 20.6.4.9.B(2) NMAC. All streams nominated offer outstanding ecological value to our state. Ms. Hatt provides testimony in support of the ecological significance of the nominated waters in Petitioner's Exhibit 28, § IV.

D. State Special Trout Waters

Figure 13: Special Trout Water signage

A stream is eligible for ONRW designation if it is a significant attribute of a state Special Trout Water. 20.6.4.9.B(1) NMAC. The NMDGF manages a number of stream segments nominated by ORD as Special Trout Waters. These waters are generally among the best trout fishing waters in the state or are important to native trout conservation. The NMDGF manages waters to produce trophy-size trout, to improve conservation of native trout, and to enhance the overall trout population structure and density. Regulations are tailored to each water. The NMDGF has established three designations for Special Trout Waters: (1) Red Chile Water, with catch-and-release and tackle restrictions, and there is a Red Chile Water designation established

specifically to protect native Gila trout (*Oncorhynchus gilae*) and Rio Grande cutthroat trout; (2) Green Chile Water, with a two trout daily bag limit and tackle restrictions; and (3) Xmas Chile Water, with a two trout daily bag limit with any legal tackle.[33]

The Special Trout Waters nominated are listed below, along with maps that show their location within the nominated waters:

- Rio Grande: New Mexico-Colorado border to directly above confluence with Rio Pueblo de Taos (Xmas Chile) (52.2 miles) [Pet'r Ex. 26];
- San Antonio Creek: Headwaters to VCNP boundary downstream 2.0 miles to the San Antonio Hot Springs pedestrian bridge (Green Chile) (22.2 miles) [Pet'r Ex. 27];
- East Fork Jemez River: Headwaters to VCNP boundary (Green Chile) (10.4 miles) [Pet'r Ex. 27]; and
- Redondo Creek: Headwaters to VCNP boundary (Green Chile) (5.5 miles) [Pet'r Ex. 27].

See 19.31.4.11.A(4)(a)(ii) NMAC. Each of these Special Trout Waters qualifies on its own for ONRW designation because this criterion is met and because each satisfies the requirements in 20.6.4.9.A NMAC, as discussed above.

E. National Monument

A stream is eligible for ONRW designation if it is a significant attribute of a national monument. 20.6.4.9.B(1) NMAC. The 52.2-mile segment of the upper Rio Grande nominated in lies entirely within Rio Grande del Norte National Monument. *See* Pet'r Ex. 26 [map of Rio Grande nomination depicting National Monument, Wild and Scenic, and Special Trout Waters segments]; Table 1 (describing boundaries). There is no doubt that the Rio Grande, which has cut the 800-foot gorge that visitors from around the world come to see, is one of the most significant attributes of this national monument. Indeed, President Obama's 2013 proclamation establishing

[33] NMDGF, Special Trout Waters, https://www.wildlife.state.nm.us/download/fishing/maps/Special-Trout-Waters.pdf.

Rio Grande del Norte as a national monument begins with an image of the Rio Grande: "In far northern New Mexico, the Río Grande Wild and Scenic River flows through a deep gorge at the edge of the stark and sweeping expanse of the Taos Plateau."[34] The stunning array of ecological diversity found in the upper Rio Grande is integral to the national monument designation. This nominated segment of the Rio Grande qualifies on its own for ONRW designation because this criterion is met and because it satisfies the requirements in 20.6.4.9.A NMAC, as discussed above.

F. Wild and Scenic Rivers

A stream is eligible for ONRW designation if it is part of a Wild and Scenic river under the federal Wild and Scenic Rivers Act ("Act"). 20.6.4.9.B(1) NMAC. The Wild and Scenic

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[34] Presidential Proclamation -- Rio Grande del Norte National Monument (Mar. 25, 2013), https://obamawhitehouse.archives.gov/the-press-office/2013/03/25/presidential-proclamation-r-o-grande-del-norte-national-monument. The Proclamation reads:

> Deep within the gorge, . . . stands of willow and cottonwood thrive in riparian and canyon ecosystems that have been present since the river first appeared in the Río Grande Rift Valley. The river provides habitat for fish such as the Río Grande cutthroat trout as well as the recently reintroduced North American river otter. The Río Grande del Norte is part of the Central Migratory Flyway, a vital migration corridor for birds such as Canada geese, herons, sandhill cranes, hummingbirds, and American avocets. Several species of bats make their home in the gorge, which also provides important nesting habitat for golden eagles and numerous other raptor species, as well as habitat for the endangered southwestern willow flycatcher.
>
> Bald eagles roost above the river in winter and fly out over the Taos Plateau's sagebrush shrub habitat and native grasslands, which stretch for thousands of acres to the west. The vast plateau harbors a significant diversity of mammals and birds, from the eagles, hawks, falcons, and owls soaring above the plateau to the small mammals on which they prey. Many other bird species, including Merriam's turkey, scaled quail, mourning dove, mountain plover, and loggerhead shrike, can be seen or heard on the plateau. Large mammals, including the Rocky Mountain elk, mule deer, pronghorn, and Rocky Mountain bighorn sheep, find their winter homes on the plateau alongside a population of rare Gunnison's prairie dogs. The Río Grande del Norte also provides habitat for many species of predators, including the ringtail, black bear, coyote, red fox, cougar, and bobcat.

waters nominated include the entire 52.2-mile stretch of the Rio Grande and 11 miles of the East Fork Jemez River:

- Rio Grande: New Mexico-Colorado border to directly above confluence with Rio Pueblo de Taos (52.2 miles) [Pet'r Ex. 26], and
- East Fork Jemez River: from the Santa Fe National Forest Boundary to its confluence with San Antonio Creek (11 miles) [Pet'r Ex. 27].

To be designated, rivers must "possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values."[35] The requirements for Wild and Scenic designation resemble and reinforce the ONRW criteria for designation requiring "exceptional recreational or ecological significance." The two designations share similar, mutually reinforcing criteria.

The Rio Grande was one of the first eight rivers designated by Congress as Wild and Scenic when it passed the Act in 1968. At that time, Congress designated 55.7 miles, beginning at the New Mexico-Colorado border and extending downstream; 54.9 miles were designated as "wild" and 0.8 miles as "recreational." 16 USC § 1274(a)(4).[36] The whole of the segment of the Rio Grande nominated by ORD is designated as Wild and Scenic. *See* Pet'r Ex. 26.

In 1990, Congress designated the East Fork Jemez River, from the Santa Fe National Forest Boundary to its confluence with San Antonio Creek, as Wild and Scenic. 16 USC §

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[35] Waters are selected as "wild," "scenic," or "recreational." "Wild River Areas" are those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America. "Scenic River Areas" are those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads. "Recreational River Areas" are those rivers or sections of rivers 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).

[36] In 1994, Congress designated an additional 12.5 miles of the Rio Grande as Wild and Scenic because of its "scenic" values. 16 USC § 1274(a)(155).

1274(a)(155). This 11-mile segment is depicted on a map attached as Petitioner's Exhibit 27. Within that designation, the upper 2.0 miles are designated as "recreational," the middle 4.0 miles are "wild," and the lower 5.0 miles are "scenic."[37]

Figure 14: East Fork Jemez River

These segments of the Rio Grande and East Fork Jemez River qualify for ONRW designation because this criterion is met and because they satisfy the requirements in 20.6.4.9.A NMAC, as discussed above.

G. <u>Existing Water Quality</u>

A stream is eligible for ONRW designation if 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.

[37] National Wild and Scenic Rivers System, https://www.rivers.gov/rivers/jemez.php.

20.6.4.9.B(3) NMAC. The nominated segments of the Rio Hondo and Lake Fork fully meet these criteria, as discussed by Ms. Conn in her testimony. Pet'r Ex. 33.

H. Beneficial to State

To designate a surface water as an ONRW, the Commission must find that the designation is "beneficial" to the state. 20.6.4.9.B NMAC. The waters nominated are beneficial to the state for the reasons set forth above in Sections IV.F and V.A through V.G, for the reasons set forth in our other witnesses' testimony, and for the following additional reasons.

1. Outstanding cultural significance

a. Acequia life

The waters of the upper Rio Grande and Rio Hondo feed local acequias. Local acequias strongly support ONRW designation of the upper Rio Grande and Rio Hondo to protect their centuries-old way of life and the waters that sustain their lands, families, and communities. *See* Resolutions and Letters of Support [Pet'r Ex. 35]. The Rio Hondo, for example, feeds eight major acequias, including the San Antonio, Des Montes, and Rebalse. Combined, Rio Hondo acequias irrigate 1,678 acres of land, making its waters vital to local food systems, economies, and communities.[38] The Jemez River, which the Jemez Waters feed into, supports at least 14 acequias.[39]

Formalized with the Spanish and Mexican land grants, the acequias are a vital part of the land-based culture of Taos County. Intricate customs and traditions unique to each acequia continue in villages along the nominated waterbodies. These traditions include the communal work of keeping the ditches clean and flowing with clean water and the immense challenge of

[38] Taos Valley Acequia Association, https://www.taosacequias.org/rio-hondo.
[39] New Mexico Acequia Association, Acequia Community Spotlight: Jemez River Basin (Dec. 21, 2015), https://lasacequias.org/2015/12/21/acequia-community-spotlight-jemez-river-basin/.

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 and inextricably tied to the waters in this watershed. "Acequias are living monuments to the collective struggle to survive through reciprocity, cooperation and mutual aid in an arid and changing environment," Sylvia Rodríguez, a Taoseña, anthropologist, acequia commissioner and author of *Acequia: Water Sharing, Sanctity and Place*, wrote in the *Taos News*. "They enabled us to survive in the past, sustain us today, and if we maintain, fight for and honor them, they can prove even more important in the coming dark decades." [40]

The acequia associations that rely upon the upper Rio Grande, Rio Hondo, and Lake Fork strongly support this designation, and their letters of support are found in Exhibit 35, along with a letter of support from the New Mexico Acequia Commission.[41]

b. Pueblo traditions

The headwaters of the Jemez River have been home to Pueblo Peoples since time immemorial. "The Rio Jemez and its headwaters are the lifeblood of our people and the ecosystems that are connected to this very special place in our ancestral homelands since time immemorial. The Rio Jemez is the lifeblood to the winged, four-legged and finned first," says Jemez Pueblo cultural leader Toledo. *See* Statement by Joseph "Brophy" Toledo [Pet'r Ex. 35]. The waters that flow from the headwaters are considered culturally sacred and ceremonially precious. Clean water in the headwaters is essential for the cultural ceremonies that are

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[40] Sylvia Rodriguez, Acequias Are Living Monuments, *Taos News* (Oct. 24, 2020), https://www.taosnews.com/news/environment/acequias-are-living-monuments/article_9ad42bc4-686d-5b0b-aaa0-23ee05d39975.html.

[41] Letters of support are included from Acequia de la Plaza, Acequia de San Antonio, Acequia Madre del Rio Chiquito, Acequia Madre del Rio Lucero y Arroyo Seco, Atalaya Acequia, Des Montes Ditch Association, Embudo Valley Regional Acequia Association (representing ten acequias), and Rebalse Ditch Association.

performed both in the headwaters themselves and in the downstream Pueblo communities. The water from the headwaters feeds farms of the Jemez, Zia, and Santa Ana Pueblos with a vital water source. For Santa Clara Pueblo:

> Restoration of headwater stream, especially those within the range of native Rio Grande Cutthroat trout is an important goal for both Santa Clara Pueblo and the Valles Caldera National Preserve. As a direct neighbor to the East Fork Jemez, Sand Antonio Creek, and Rio de los Indios watersheds, and their direct connect with our ancestral lands, we strongly support the goal of conserving these watersheds.

See Ltr. from Gov. J. Michael Chavarria, Santa Clara Pueblo, to Commission (Mar. 8, 2021) [Pet'r Ex. 35]. Today, Pueblo Peoples continue to regularly visit the sacred shrines of the Jemez headwaters and perform ceremonies using the sacred waters of the nominated waters. For Pueblo Peoples, water is an equalizer that bonds and connects all beings. "We as Native Peoples see the sacredness of the water ecosystem that sustain life to all the birds and animals, plants and the aquatic life that humans greatly benefit from," says Mr. Toledo. [Pet'r Ex. 35].

Similarly, the waters of the Rio Grande, Rio Hondo, and Lake Fork have nourished Taos Pueblo since time immemorial. "For millennia, the Rio Grande has flowed through our area providing life giving water to many species including us humans and . . . has flowed with pristine and unpolluted sacred head waters," according to Taos Pueblo Warchief Fred Romero. "Our ancestors as well as our present-day people have benefited from the clean water with many blessings provide by the Rio Grande." Ltr. from Taos Pueblo Warchief Fred Romero to Commission (May 10, 2021) [Pet'r Ex. 35]. As to the Rio Hondo and Lake Fork, according to Warchief Romero, "This watershed was part of our Taos Pueblo ancestral homeland, and borders Taos Pueblo's Blue Lake Watershed. . . . The Rio Hondo and Lake Fork watershed area provide critical water for wildlife and for the communities below for agriculture through acequia irrigation." *Id.*

ONRW protection will ensure that the Pueblos' irrigation and cultural practices can continue, without additional requirements being placed on them, while prohibiting new pollution sources and increased pollution from existing sources.

VI. THE NOMINATIONS HAVE BROAD-BASED COMMUNITY SUPPORT

Over the last year, ORD has worked closely with governmental and nongovernmental partners, including NMDGF, Amigos Bravos, Trout Unlimited, New Mexico Wild, and The Pew Charitable Trusts, to develop the Petition in this matter and conduct outreach to the local communities that would be most impacted by the designations. In addition to reaching out to more than 45 Pueblos, state legislators, local governments, acequia associations, land grants, schools, neighborhood associations, and local businesses that have provided resolutions and letters of support, *see* Pet'r Ex. 35, ORD and its partners have consulted with or given presentations to the New Mexico Acequia Commission, New Mexico Acequia Association, Jemez Pueblo, Flower Hill Institute, Santa Ana Pueblo, Zia Pueblo, landowners in each watershed, U.S. Forest Service Jemez District Ranger, U.S. Forest Service Carson National Forest staff, and U.S. Bureau of Land Management. In addition, ORD and its partners have held community outreach meetings to provide information and answer questions on all nominations, including presenting to Jemez Walatowa farmers' group.

Local communities throughout the region in which the nominated waters are located, and which would be most impacted by the ONRW designations, strongly support the nominations. These supporters understand that "agua es vida," and that preserving our scarce water resources from pollution and degradation for now and the future best serves their communities. As the Village of Jemez Springs recognized, "The local economy is dependent upon clean water to support agriculture and recreation-based economic activities." Village of Jemez Springs, Res.

2020-10 (Oct. 21, 2020) [Pet'r Ex. 35]. Similarly Taos County, the Town of Taos, the Town of Red River, and the Village of Questa all recognize the importance of hiking, birding, boating, fishing, and camping in and around the upper Rio Grande, Rio Hondo, and Lake Fork to its local economy, and support those nominations. *See* Pet'r Ex. 35. The local communities most impacted request the Commission affirm the nominations in this Petition to protect these outstanding waters upon which they depend.

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

Axie Reese Navas — May 11, 2022

Axie Reese Navas — Date
Director
Outdoor Recreation Division
New Mexico Economic Development Department

PETITIONER’S EXHIBIT 3

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Valdez, NM 87580
970.390.4050
axie2020@gmail.com

Axie Reese Navas

I am a bilingual digital storyteller, policy advocate, and organizer with over a decade of experience in journalism. I specialize in outdoor policy and advocacy, with a deep understanding of the outdoor recreation economy, conservation, and public lands. I work for universal outdoor access.

EXPERIENCE

Founding Director, New Mexico State Government Division of Outdoor Recreation; Santa Fe, NM — September 2019 - Present

- Hired by Gov. Michelle Lujan Grisham to create New Mexico's first Outdoor Recreation Division within the State Economic Development Department;
- Grew office's annual operating budget by 375% YoY via legislative process;
- Crafted strategy and launched first-of-their-kind environmental, equity and climate justice grants and increased their legislative appropriations by 854% YoY;
- Successfully worked with state and federal lawmakers to pass budget and policy bills advancing public land and clean energy initiatives, including 2021 30x30 Executive Order;
- Supported 82 organizations through Outdoor Equity Fund to get over 25,700 youth outside;
- Crafted strategy and launched state's first outdoor recreation business accelerator and $10-million New Mexico Outdoor Venture Fund to invest in outdoor start-ups;
- Campaigned with conservation community to develop New Mexico's first permanent conservation and outdoor recreation access fund, built on $65 million of federal stimulus funding and $50-million general obligation bond legislation;
- Led grassroots campaign to designate 125 miles of New Mexico rivers as protected Outstanding National Resource Waters;
- Elected as Chair of national Confluence of States coalition of state outdoor directors;
- Led coalition of hundreds of constituents with the goal of diversifying the state's economy away from fossil fuel extraction and toward outdoor recreation and renewable energy.

Outside Magazine; Santa Fe, NM — January 2014 - August 2019

- **Digital Editorial Director, June 2018 - August 2019**
    - Created a digital strategy and vision for Outside Online built around inclusivity and advocacy that generated 25% uniques growth in 2019;
    - Led the website to its 2019 National Magazine Awards nomination, which deemed the site one of the top four in the country;
    - Managed 25 digital edit and social-media employees toward a goal of editorial excellence, developing their talents, and setting them up for professional success;
    - Executed content needs to hit all-time revenue goals in summer 2019;
    - Through creative storytelling, grew affiliate-link revenue to over $1 million annually in less than two years;
    - Pitched and executed over 16 RFP package ideas in 2019 that brought in a combined $1.7 million, with CPMs averaging over $20;
    - Grew traffic from newsletter network to all-time high of over 1.5 million visits per month, or 69% YoY growth;
    - Published punchy, ambitious longform that helped grow referral traffic by 338% YoY;

    - Through new partnerships with professional photographers, grew the size of Instagram following by 20%, to just shy of 1 million.

- **Executive Editor, June 2017 - June 2018**
    - Put in place lead-gen strategies to grow newsletter lists to all-time high of over 3.5 million; Created an award-winning editorial calendar for all digital properties; Developed a tracking system to achieve a 50/50 female/male byline split; Formalized analytics reporting across the company.

- **Senior Editor, June 2016 - June 2017**
    - Created bi-annual print Buyer's Guides and led these products to all-time revenue highs; Edited and wrote dozens of monthly stories and features; Pitched and executed high-impact package ideas.

- **Associate Digital Managing Editor, June 2015 - June 2016**
    - Managed a team of 10 editors and writers; Developed a 24-post daily Facebook schedule that grew traffic from that platform by over 100%; Through aggressive recruitment of top columnists, grew site traffic by 35% YoY.

- **Assistant Editor, January 2014 - June 2015**
    - Led Outside Online's Gear Channel and grew the vertical's traffic by 78%; Created the first Gear Channel newsletter (Gear Fix) with a 41% open rate.

Managing Editor, Blister Gear Review; Santa Fe, NM — May 2013 - December 2013

Developed and executed digital strategy for longform gear review website; Increased unique monthly visits by 78%, pageviews by 52%, and Twitter referrals by 315%; Built a newsletter program with a 49% open rate.

Reporter, *Tahoe Daily Tribune*; South Lake Tahoe, CA — May 2012 - May 2013

Covered land and water management policies and outdoor recreation industry; Reported and wrote up to 10 stories for print and the website per week; Reported and wrote an award-winning package on immigration.

Reporter, *La Prensa Gráfica*; San Salvador, El Salvador — November 2011 - May 2012

In Spanish, reported and wrote one to three stories per week for El Salvador's leading national newspaper; Published a six-page special series on gang violence in the city.

EDUCATION

Northwestern University, Evanston, IL — 2012

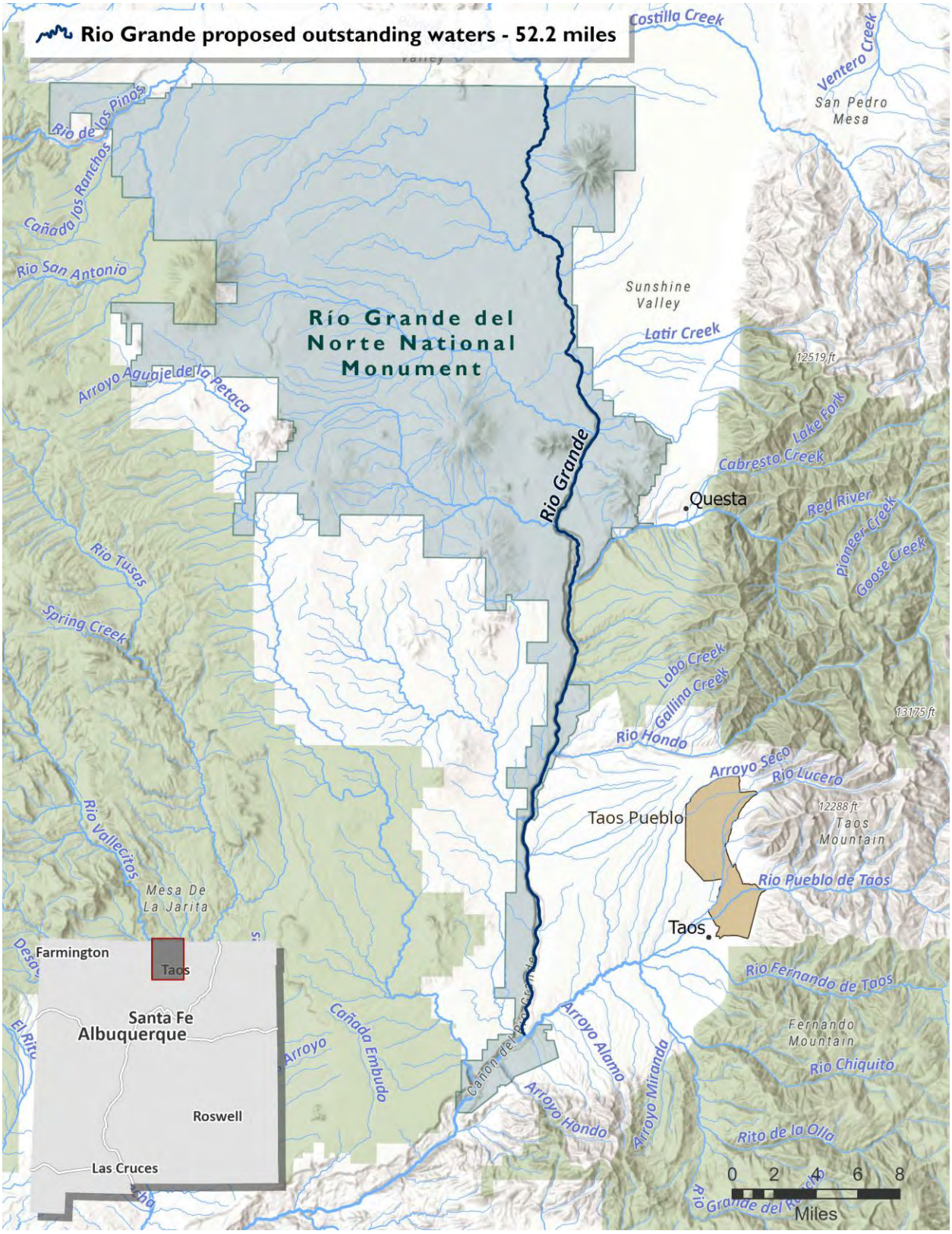
Bachelor's Degree in Journalism
Bachelor's Degree in Spanish
President of the Northwestern Cycling Team

Stanford University Law School, Online — 2020

Certificate in Essentials of Program Strategy and Evaluation

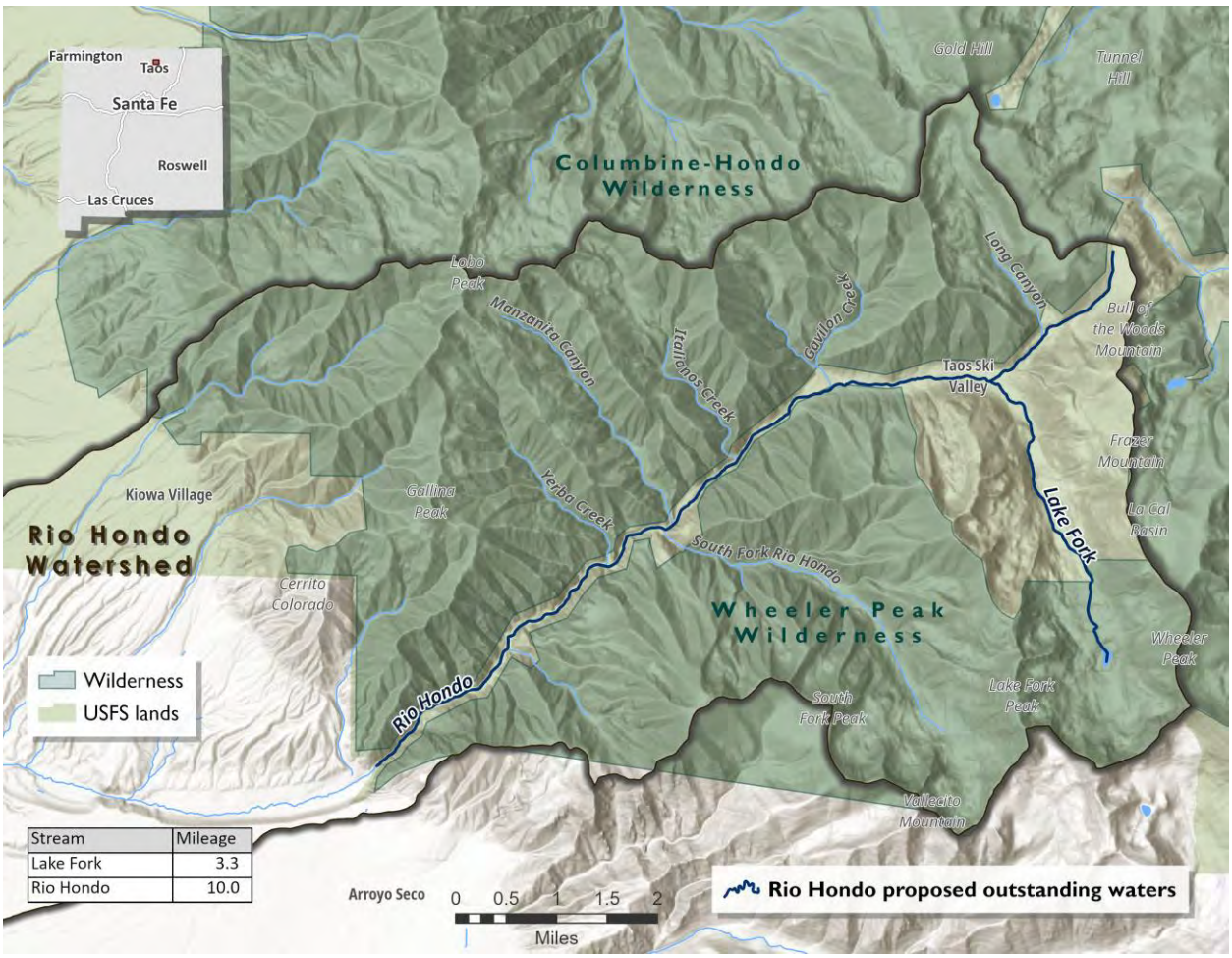
PETITIONER’S EXHIBIT 4

Map of Rio Grande Nomination



PETITIONER’S EXHIBIT 5

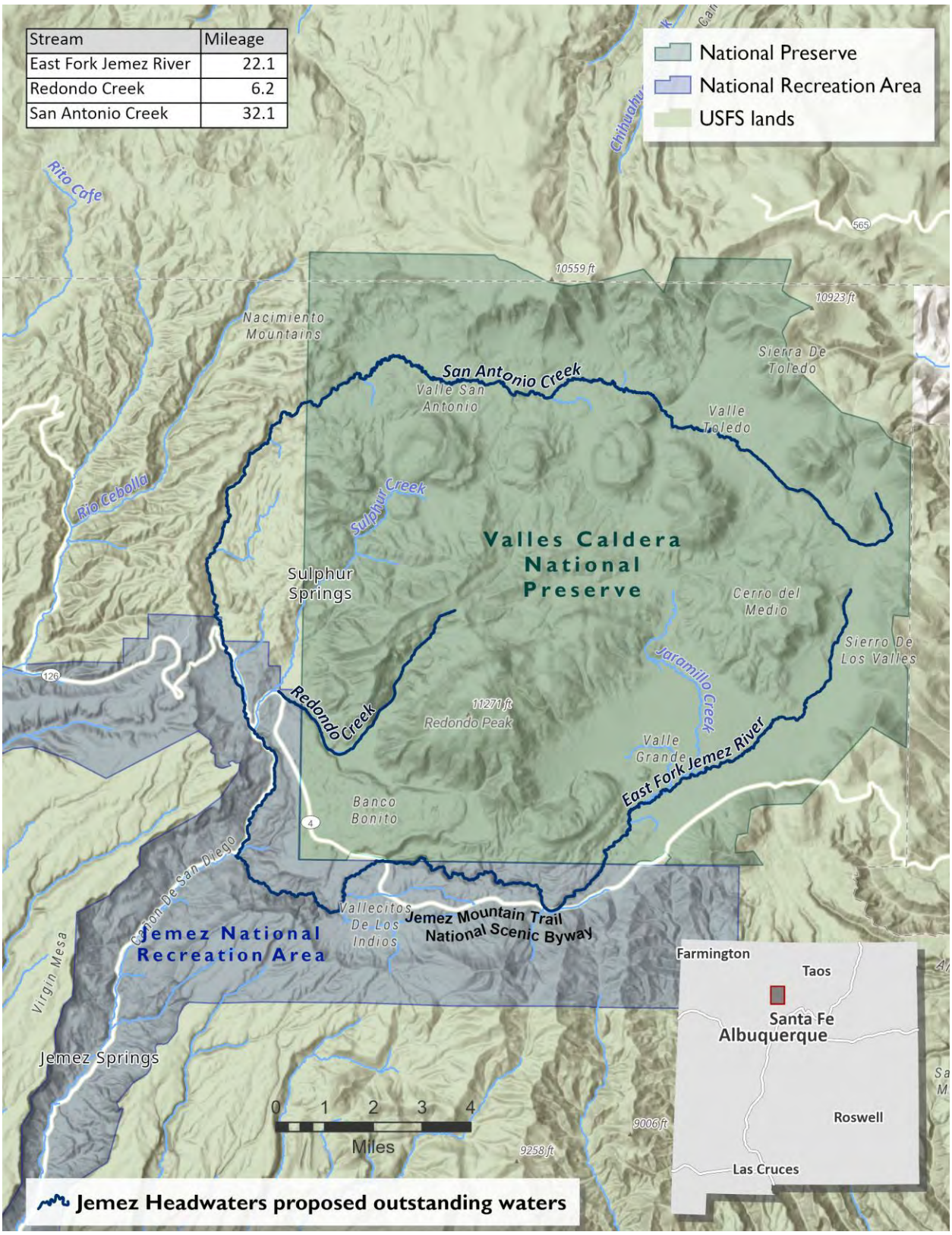
Map of Rio Hondo and Lake Fork Nominations



Stream	Mileage
Lake Fork	3.3
Rio Hondo	10.0

PETITIONER’S EXHIBIT 6

Map of East Fork Jemez River, San Antonio Creek, and Redondo Creek Nominations



PETITIONER’S EXHIBIT 7

ONRW NOMINATED WATERS

Green = criteria met (note: NM Benefit plus only one other criterion is required to satisfy 20.6.4.9.B NMAC)

	CRITERIA						
Nominated Waterbody	**NM Benefit**	**State Special Trout Waters**	**Wild and Scenic River**	**National Monument**	**Exceptional recreational significance**	**Exceptional ecological significance**	**Water quality = or > numeric criteria**
Rio Grande	Recreational benefit, ecological benefit, mitigate and adapt to climate change, historical and cultural significance, economic benefit (outdoor recreation/tourism, irrigation)	YES (entire nominated segment)	YES	YES (Rio Grande del Norte National Monument)	Fishing, rafting and kayaking, visitor numbers (for hiking, bird and wildlife watching, backpacking, camping, photography, bike riding, hunting), and 9 SERI 79,764 visitor (fishing) days (2020-21)	25 SGCN, 1 federal/state endangered, 4 state threatened, 3 special status plants	
Rio Hondo	Recreational benefit, ecological benefit, mitigate and adapt to climate change, historical and cultural significance, economic benefit (outdoor recreation/tourism, irrigation)				Fishing and 7 SERI (also has camping, hiking, horseback riding, hunting, bird watching, photography, backpacking, bike riding, rafting) 4,897 visitor (fishing) days (2020-21)	23 SGCN, 1 state endangered, 4 state threatened, 1 special status plants	YES (all water quality standards are met including aquatic life and human contact uses)
Lake Fork	Recreational benefit, ecological benefit, mitigate and adapt to climate change, historical and cultural significance, economic benefit (outdoor recreation/tourism, irrigation)				7 SERI (also has fishing, camping, hiking, horseback riding, hunting, bird watching, photography, backpacking, bike riding, rafting)	18 SGCN, 1 state endangered, 4 state threatened, 1 special status plant species	YES (all water quality standards are met including aquatic life and human contact uses)
San Antonio Creek	Recreational benefit, ecological benefit, mitigate and adapt to climate change, historical and cultural significance, economic benefit (outdoor recreation/tourism, irrigation)	YES (from San Antonio Hotsprings pedestrian bridge upstream to headwaters)			Fishing and 4 SERI (also has camping, hiking, horseback riding, hunting, wildlife and bird watching, photography, backpacking, bike riding, rafting) 32,884 visitor (fishing) days (2020-21)	31 SGCN, 2 federally/state endangered, 1 federally threatened, 4 state threatened, 3 special status plants	
East Fork Jemez River	Recreational benefit, ecological benefit, mitigate and adapt to climate change, historical and cultural significance, economic benefit (outdoor recreation/tourism, irrigation)	YES (within Valles Caldera National Preserve)	YES (Santa Fe National Forest boundary downstream to confluence with San Antonio Creek)		Fishing and 4 SERI (also has camping, hiking, horseback riding, hunting, wildlife bird watching, photography, backpacking, bike riding, rafting) 67,226 visitor (fishing) days (2020-21	31 SGCN, 1 federally/state endangered, 1 state endangered, 1 federally threatened, 4 state threatened, 3 special status plants	
Redondo Creek	Recreational benefit, ecological benefit, mitigate and adapt to climate change, historical and cultural significance, economic benefit (outdoor recreation/tourism, irrigation)	YES (within Valles Caldera National Preserve)			4 SERI (also has camping, hiking, horseback riding, hunting, fishing, bird watching, photography, backpacking, bike riding, rafting)	27 SGCN, 2 federally/state endangered, 1 state endangered, 1 federally threatened, 3 state threatened	

PETITIONER’S EXHIBITS 8-A, 8-B, and 8-C are Excel spreadsheets filed separately

PETITIONER’S EXHIBIT 8-D

HUC: 13020101 - Upper Rio Grande

Acid Canyon (Pueblo Canyon to headwaters)
AU:NM-97.A_002 WQS: 20.6.4.98

2010 Action: SWQB conducted a special survey from 2006-2007 on the Pajarito Plateau. These data were combined with available LANL and NMED DOE Oversite Bureau data collected from 2004 - 2008. Aluminum, copper, mercury, zinc, PCBs (for both human health and wildlife habitat), and adjusted gross alpha were determined to be causes of non support. The assessed data can be accessed at http://www.nmenv.state.nm.us/swqb/303d-305b/2010-2012/index.html. See also the Preface at the beginning of the 2010 - 2012 ROD for additional information on the Pajarito Plateau survey and data assessments.

2014 Action: All available 2004 to 2013 surface water quality data from priority watershed stations on the Pajarito Plateau were downloaded from Intellus and collated with SWQBs 2006-2007 Pajarito survey data. Final metal, PCB, and radionuclide assessment datasets were prepared, with preference given to more recent data following the steps noted in the Preface to the 2014 Integrated List. Concurrent hardness was calculated and used to determine the appropriate hardness-dependent metals criteria by sampling event. Copper (7/13 acute, 2/4 chronic [IR Cat 5C -- the two exceedences may have been mis-characterized as non-storm flow in the Intellus database]), PCBs (human health and wildlife habitat), and adjusted gross alpha were determined to be causes of non-support in this AU. The associated impairment listings were revised according to this re-assessment. All previous aluminum listings were carried over (IR Cat 5C) due to inadequate data to assess against newer hardness-dependent total recoverable aluminum criteria. Additional information on these assessment is available at: http://www.nmenv.state.nm.us/swqb/303d-305b/2014-2016/index.html.

2016 Action: As suspected and noted in 2014 ROD, two dissolved copper data points were originally mis-characterized as non-storm flow in the Intellus database. These two Water Type assignments in Intellus were corrected to indicate these were collected during storm events. Therefore, they were not assessed against chronic copper WQC, leading to 0/2 exceedences and the removal of the chronic copper impairment.

2018 Action: All available 2012-2017 surface water quality data from priority watershed stations on the Pajarito Plateau were downloaded from LANL's EIM database. Regarding stormwater sampling, the largest measured concentration for a specific parameter during any monitored storm event was included in the assessment dataset. There were 4/4 total rec. Al ALU exceedences, 16/16 dissolved copper ALU exceedences, 8/9 adjusted gross alpha LW exceedences, and 15/15 PCB WH exceedences at the station above Acid Canyon. Therefore, PCBs, gross alpha, copper, and aluminum (changed to total recoverable) remain. Specific impairments are noted as IR Cat 5B to acknowledge LANL's on-going discussions and research regarding applicable water quality standards on the Pajarito Plateau for these parameters.

Alamitos Creek (Rio Pueblo to headwaters)
AU:NM-2120.A_411 WQS: 20.6.4.123

2014 Action: USFS_NMSU data thermograph data from 2010-2011 continue to indicate full support for temperature (max temp 18.6 degrees C).

2010 Action: There were 0 of 4 exceedences of the interim turbidity numeric translator of 25 NTU. Therefore, this AU is noted as Full Support for turbidity.

2012 Action: A TMDL for temperature was prepared (2011).

2020 Action: Sampled as part of the URG 2017-2018 survey. Exceedences included 2/9 E. coli and 2/4 TR aluminum for both acute and chronic ALU. Level one and two sedimentation thresholds were exceeded. Thermograph data document continued temperature impairment. Therefore, temperature remains; and E. coli, sedimentation, and aluminum were added.

Lake Fork (Cabresto Creek to Cabresto Lake)
AU:NM-2120.A_707 WQS: 20.6.4.123

2020 Action: Sampled (limited, n=4, no metals data collected) as part of the URG 2017-2018 survey. No impairments were documented.

Lake Fork (Cabresto Lake to headwaters)
AU:NM-2120.A_708 WQS: 20.6.4.123

2020 Action: Sampled (limited, n=4, no metals data collected) as part of the URG 2017-2018 survey. No impairments were documented. A 2019 sedimentation survey and thermograph data do not indicate impairment.

Lake Fork Creek (Rio Hondo to headwaters)
AU:NM-2120.A_606 WQS: 20.6.4.123

2020 Action: Sampled as part of the URG 2017-2018 survey. No impairments were documented.

Latir Creek (Costilla Creek to headwaters)
AU:NM-2120.A_824 WQS: 20.6.4.123

2012 Action: This AU was surveyed during the 2009 Upper Rio Grande study. No impairments were found. There were 2 of 4 exceedences of the 2007 NMAC dissolved aluminum chronic criterion (87 ug/L), and no total aluminum data are available to determine exceedences of the applicable hardness-based 2011 NMAC chronic criteria. An AU Comment was added.

2020 Action: Sampled (limited, n=2) as part of the URG 2017-2018 survey. There were 1/2 chronic TR Al exceedences (need n>= 4 to list). No impairments were documented.

Little Costilla Creek (Comanche Creek to headwaters)
AU:NM-2120.A_840 WQS: 20.6.4.123

2014 Action: During the 2012 listing cycle, the conclusion that the benthic macroinvertebrate community was impaired due to data collected downstream of Embudo Creek was re-evaluated. This station is not representative of the AU because it is at the very upstream end. In addition, the cause of potential impairment to the benthic macroinvertebrate community (i.e., the response) has been identified as turbidity.

2020 Action: Sampled as part of the 2017-2018 Upper Rio Grande survey. This dual ALU stream reach remains listed for turbidity due to the absence of an applicable de-listing methodology, exceedences of the three through six day SEV turbidity thresholds, and 4/10 grab turbidity measurements > 50 NTU. There is no longer PCB fish consumption advisory that covers this AU. There are DDT and mercury consumption advisories.

Rio Grande (Red River to CO border)
AU:NM-2119_05 WQS: 20.6.4.122

1996 Action: Previously listed under "Rio Grande from Rio Pueblo de Taos to the NM-CO border" and listed for turbidity, stream bottom deposits and temperature. Only 1/37 (3%) samples collected from four stations in this reach exceeded the temperature criteria. Turbidity was 1/8(13%) at each of the four stations on this reach.

1998 Action: Temperature will be upgraded to Full Support. Turbidity will be listed on the 305(b) report as Full Support, Impacts Observed. The reach will continue to be listed on the 303(d) list as Partial Support for Stream Bottom Deposits.

2002 Action: This reach was sampled during the 2000 Upper Rio Grande 1 intensive survey. The dissolved oxygen standard (>=6.0 mg/L) was exceeded on 16 May at Station 7 (5.5 mg/L). Seven samples were taken during the 2000 study. The proportion of exceedences was such that this reach is Full Support Impacts Observed for dissolved oxygen. Seven of eight samples (maximum = 9.36) were outside the allowable pH range (6.6-8.8) at Station 7. Thus, this reach is listed as Non Support for pH. Seven of eight samples (maximum = 9.36) were outside the allowable pH range (6.6-8.8) at Station 7. Thus, this reach is listed as Non Support for pH. Benthic macroinvertebrates and pebble count data were collected to assess attainment of the narrative stream bottom deposit standard. Rio Grande at the CO border (Lobotos) was considered to be reference station. Therefore, stream bottom deposits will be removed as a cause of Non Support.

2004 Action: Elevated pH levels are often indicative of nutrient enrichment. The Nutrient Assessment Protocol was not completed in this area, so SWQB does not have adequate data to determine whether nutrient enrichment is occurring. SWQB is in the process of refining our Nutrient Assessment Protocol and determining nutrient criteria. This AU will be studied as part of that effort to determine whether nutrient enrichment is contributing to elevated pH levels in this AU. Therefore, this AU will be listed under Category 5C as needing additional information. TMDL was drafted for temperature (April 2004).

2006 Action: A TMDL was prepared for temperature.

2012 Action: This AU was surveyed during the 2009 Upper Rio Grande study. The maximum thermograph temperature at the station above the confluence with Red River was 22.7 degrees C, but the criterion (20 degrees C) was exceeded for > 6 hours for >3 consecutive days. pH sonde data exceeded the upper criteria limit (8.8) in 33.5% of measurements (maximum value 8.99). Therefore, temperature and pH remain listed as causes of non support.

2020 Action: Sampled as part of the URG 2017-2018 survey. There were 0/9 pH exceedences. Thermograph data document continued temperature impairment. There were 1/3 acute TR aluminum exceedences at the station above the Rio Grande (0/4 at the station at Chiflo). Therefore, temperature remains, and pH was removed. Aluminum was added as a parameter of concern.

Rio Grande (Rio Pueblo de Taos to Red River)
AU:NM-2119_00 WQS: 20.6.4.122

1996 Action: Previously listed under "Rio Grande from Rio Pueblo de Taos to the NM-CO border" and listed for turbidity, stream bottom deposits and temperature. Only 1/37 (3%) samples collected from four stations in this reach exceeded the temperature criteria. Turbidity was 1/8(13%) at each of the four stations on this reach.

1998 Action: Temperature will be upgraded to Full Support. Turbidity will be listed on the 305(b) report as Full Support, Impacts Observed. The reach will continue to be listed on the 303(d) list as Partial Support for Stream Bottom Deposits.

2012 Action: This AU was surveyed during the 2009 Upper Rio Grande study. No impairments were determined.

2020 Action: Sampled as part of the URG 2017-2018 survey. There were 2/5 pH exceedences. Thermograph data document temperature impairment. Therefore, temperature and pH (5C) were listed.

Rio Grande (Santa Clara Pueblo bnd to Ohkay Owingeh bnd)
AU:NM-2111_11 WQS: 20.6.4.114

1996 Action: This AU was previously lumped into "Rio Grande (non-pueblo Santa Clara to Embudo Creek) " prior to the 2010 list. See the 2012 version of the ROD for historical record.

2010 Action: This AU is a result of a split of "Rio Grande (non-pueblo Santa Clara to Embudo Creek)." This newly defined AU remains listed for turbidity, and PCBs in fish tissue because the current advisory extends from Cochiti Reservoir to Embudo Creek.

2012 Action: This AU was surveyed during the 2009 Upper Rio Grande study. No impairments were found. There were no sonde data available to re-assess for turbidity; therefore, the listing remains.

2020 Action: Sampled as part of the 2017-2018 Upper Rio Grande survey. Thermograph data document temperature impairment. This dual ALU stream reach remains listed for turbidity due to the absence of an applicable de-listing methodology, exceedences of the three through six day SEV turbidity thresholds, and 2/4 grab turbidity measurements > 50 NTU. Therefore, turbidity remains and temperature was added. There is no longer PCB fish consumption advisory that covers this AU. There is a fish consumption advisory for mercury.

Rio Grande del Rancho (R Pueblo de Taos to Rito de la Olla)
AU:NM-2120.A_501 WQS: 20.6.4.123

Rio Hondo (Lake Fork Creek to headwaters)
AU:NM-2120.A_607 WQS: 20.6.4.129

2020 Action: Sampled as part of the URG 2017-2018 survey. No impairments were documented.

Rio Hondo (Rio Grande to USFS bnd)
AU:NM-2120.A_600 WQS: 20.6.4.129

1996 Action: Previously listed for temperature, pH, total ammonia, and stream bottom deposits. The cumulative ratio of temperature over the last ten years is 0/74. The cumulative ratio of pH measurements over the last ten years is 0/73. The cumulative ratio of measurements for total ammonia over the past ten years is 0/78. The stream bottom deposits listing was for runoff from the ski area parking lot. BMPs have been put into place and the biological score for the station located immediately below the parking lot in a 1992 survey was 83% of the reference score. Stream bottom deposits should be removed as a cause of nonsupport. The nutrient listing is limited to one station, HON8, which is immediately below the WWTP. The biological assessment shows a high nutrient index at this station.

1998 Action: All previously listed parameters have been removed as causes of non-support. This reach has been removed from the 1998 303(d) list.

2002 Action: One value for pH (8.92) on 19 October at Station 28 was outside the allowable range (6.6-8.8). However, the proportion of exceedences was such that this reach is listed as Full Support Impacts Observed for pH. The temperature criterion (20?C) was exceeded twice at Station 28 (21.7?C on 31 July; 21.9?C on 01 August). Thus, this water body is in Partial Support of the temperature standard. A thermograph will need to be deployed to verify this listing and to generate data for temperature TMDLs if needed.

2006 Action: A TMDL was developed for temperature. WQS was changed to 20.6.4.129.

2010 Action: Amigos Bravos submitted data for assessment. The only E. coli data that met SWQB QA/QC requirements for assessment according to a review by the SWQB QA Officer were from 12/3/07 and 3/10/08 because these data met the required holding time according to the submitted sampling plan. There were 0 of 10 exceedences of the 235 cfu/100mL criterion for E. coli for data that met the required holding time. Therefore, E. coli is noted as Full Support.

2012 Action: This AU was surveyed during the 2009 Upper Rio Grande study. The maximum thermograph temperature at the station above the confluence with Rio Grande was 23.2 degrees C, and the criterion (20 degrees C) was exceeded for > 4 hours for >3 consecutive days. Amigos Bravos and SWQB e. coli data were combined and assessed. There were 3 of 59 exceedences of the 235 cfu/100 mL criterion. Therefore, e. coli remains full support, and temperature remains listed. HQCWAL may not be attainable in this reach given the elevation and topography.

2014 Action: 2011 grab data submitted by Amigos Bravos for DO, e. coli, SC, pH, and temperature from three sampling events do not document any exceedences of applicable WQC.

2020 Action: Sampled as part of the URG 2017-2018 survey. Thermograph data document continued temperature impairment.

Rio Hondo (South Fork Rio Hondo to Lake Fork Creek)
AU:NM-2120.A_602 WQS: 20.6.4.129

2006 Action: The WQS was changed from 20.6.4.123 to 20.6.4.129. A waste load allocation for nutrients was previously completed for the Rio Hondo in 1981. Recent stream surveys (2000-2004) have found that the Rio Hondo near the Village of Taos Ski Valley fully supports its designated uses. The Village of Taos Ski Valley has plans to increase their capacity and effluent discharge into the river so the SWQ developed a revised nutrient TMDL for this reach that defines a waste load allocation for the Village of Taos Ski Valley such that increased discharge from the waste water treatment plant will not cause violations of the water quality standards protecting the Rio Hondo.

2010 Action: Amigos Bravos submitted data for assessment. The only E. coli data that met SWQB QA/QC requirements for assessment according to a review by the SWQB QA Officer were from 12/3/07 and 3/10/08 because these data met the required holding time according to the submitted sampling plan. There were 0 of 2 exceedences of the 235 cfu/100mL criterion for E. coli at two stations for data that met the required holding time. Therefore, E. coli is noted as Not Assessed.

2012 Action: This AU was surveyed during the 2009 Upper Rio Grande study. No impairments were found.

2020 Action: Sampled as part of the URG 2017-2018 survey. No impairments were documented.

Rio Hondo (USFS bnd to South Fork Rio Hondo)
AU:NM-2120.A_601 WQS: 20.6.4.129

2014 Action: 2011 grab data submitted by Amigos Bravos for ammonia, DO, e. coli, SC, pH, and temperature from three sampling events do not document any exceedences of applicable WQC.

2020 Action: Sampled as part of the URG 2017-2018 survey. No impairments were documented.

Rio Medio (Rio Frijoles to headwaters)
AU:NM-2118.A_53 WQS: 20.6.4.121

2012 Action: This AU was surveyed during the 2009 Upper Rio Grande study. No impairments were found. There were 2 of 4 exceedences of the 2007 NMAC dissolved aluminum chronic criterion (87 ug/L), and no total aluminum data are available to determine exceedences of the applicable hardness-based 2011 NMAC total aluminum chronic criteria. An AU comment was added.

2020 Action: Sampled as part of the URG 2017-2018 survey. Thermograph data documented temperature impairment. Sonde data exceeded turbidity thresholds. There were 2/4 chronic ALU TR aluminum and 1/2 chronic dissolved lead exceedences. Therefore, temperature, turbidity, and aluminum were listed. Lead was noted as a parameter of concern.

AU:NM-2106.A_54 WQS: 20.6.4.108

2000 Action: TOC samples exceeded criteria 11/11 times. Turbidity samples exceeded criteria 3/7 times. TOC and turbidity will be listed as causes of non-support.

2002 Action: TMDLs for turbidity and TOC were developed. In 2002, The WQCC deleted the total organic carbon criterion (20.6.4.900C of NMAC) for the high quality coldwater fishery designated use. The TOC criterion was adopted in 1973. Before then, the water quality standards contained an ambient narrative criterion for combined COD/BOD. This criterion, adopted originally in 1967, stated that "materials in solution and in suspension which exert an oxygen demand, shall not be present in concentrations sufficient to reduce the dissolved oxygen in the stream to 50 percent of the saturation concentration or to 6.0 mg/l" for trout-producing and warm-water fish producing waters. In 1973, the Commission replaced this narrative criterion with the current numeric criterion for TOC, applicable to the high quality coldwater fishery designated use. Since then, this criterion has been rendered unnecessary. Over the years, the Commission has adopted use-specific and segment-specific dissolved oxygen criteria that offer a higher degree of protection than the TOC criterion. EPA considers the TOC criterion to be an artifact from an earlier time. Indeed, only one other state-Louisiana-still maintains a TOC criterion, and that number is used only as a discharge limitation for effluents and storm water discharges. TOC was removed as a cause of Non Support.

2008 Action: This AU was intensively surveyed during the Jemez (2005) watershed survey. The AU was determined to be non support for unidentified biological impairment according to the 2008 Assessment Protocols because the M-SCI score was 56 but the measured percent fines was only 17. All numeric segment-specific turbidity criteria were removed during the 2005 triennial review, and replaced with General Criteria 20.6.4.13.J. New assessment methods to determine turbidity impairment based on this new language are not yet available. SWQB will retain historic turbidity listings in the interim. Therefore, turbidity remains, and Benthic-Macroinvertebrate Bioassessments (Streams) was added as a cause of non support.

2010 Action: There were 1 of 7 exceedences of the interim turbidity numeric translator of 25 NTU. Therefore, this AU is noted as Full Support for turbidity.

2016 Action: This AU was sampled during the Jemez (2013) survey. There were 2/6 E. coli exceedences. The max thermograph temperature was 23.16 degrees C. Both nutrient causal and response indicators were present. Therefore, the observed effect of changes to the benthic macroinvertebrate community was replaced with temperature and nutrients as causes of impairment. E. coli was also added.

Clear Creek (San Gregorio Lake to headwaters)
AU:NM-2106.A_55 WQS: 20.6.4.108

2016 Action: This AU was sampled during the Jemez (2013) survey. Both nutrient causal and response indicators were present. There were 4/4 total recoverable aluminum chronic WQC exceedences. Therefore, nutrients and aluminum were added as cause of impairment.

East Fork Jemez (San Antonio Creek to VCNP bnd)

AU:NM-2106.A_13 WQS: 20.6.4.108

1996 Action: Previously named "Jemez River (East Fork)," this AU was split after the 2001 Valle Caldera survey. The entire AU was originally listed for nutrients, chlorine, and stream bottom deposits. There are two stations on this reach that were last sampled in 1987. For nutrients, no exceedences were found, thus indicating full support. For chlorine, station MRG106.011001 had an exceedence ratio of 1/1, full support, impacts observed.

1998 Action: Nutrients will be dropped from the list while chlorine will be added to the 305(b) report as full support, impacts observed. Stream bottom deposits were retained as causes of non-support.

2000 Action: The station evaluated for stream bottom deposits had less than 2% fines <2mm. Turbidity samples exceeded criterion 2/7 times. TOC exceeded its criterion 1/3 times. A new listing will be added for turbidity, and TOC will be added to the 305(b) report as FSIO.

2006 Action: Name change to VCNP boundary. All numeric segment-specific turbidity criteria were removed during the 2005 triennial review, and replaced with General Criteria 20.6.4.13.J. New assessment methods to determine turbidity impairment based on this new language are not yet available. SWQB will retain historic turbidity listings in the interim.

2008 Action: This AU was intensively surveyed during the Jemez (2005) watershed survey. The aluminum acute criterion was exceeded 3 of 9 times, and the chronic criterion was exceeded 9 of 9 times. The arsenic criterion was excceded 6 of 9 times. The temperature criterion was exceeded for >4 consecutive hours for >3 consecutive days. All numeric segment-specific turbidity criteria were removed during the 2005 triennial review, and replaced with General Criteria 20.6.4.13.J. New assessment methods to determine turbidity impairment based on this new language are not yet available. SWQB will retain historic turbidity listings in the interim. Therefore, turbidity remains, and aluminum, arsenic, and temperature were added as causes of non support.

2010 Action: There were 1 of 17 exceedences of the interim turbidity numeric translator of 25 NTU. Therefore, this AU is noted as Full Support for turbidity. TMDLs were prepared for temperature and arsenic (2009). Natural conditions contribute to high aluminum concentrations throughout the Jemez and impacts to aquatic life are unclear; WQS criteria are under review to identify appropriate/attainable levels.

2016 Action: This AU was sampled during the Jemez (2013) survey. The max thermograph temperature was 23.14 degrees C. There were 3/4 total recoverable aluminum chronic WQC exceedences. There were 0/4 arsenic exceedences. Therefore, temperature and aluminum remain, and arsenic was removed as a cause of impairment.

East Fork Jemez (VCNP to headwaters)

AU:NM-2106.A_10 WQS: 20.6.4.108

1996 Action: Previously named "Jemez River (East Fork)," this AU was split after the 2001 Valle Caldera survey.

2004 Action: This reach was intensively surveyed during the Valle Caldera 2001-2002 special study. Sonde and grab data indicate pH impairment, including 7/23 grab values, 61/297 September 2001 sonde values, and 92/193 July 2001 sonde values greater than 8.8. There were 0 of 17 exceedences of the dissolved oxygen criterion of 6.0 mg/L using grab

data. Percentages applied to sonde data indicate impairment, while the draft large DO dataset protocol indicates no impairment. Thermograph data from the USGS indicated 10 exceedences of the 23 degrees C. SWQB thermograph data indicated a max temperature of 28.3 degress C. Sonde data indicated 15% exceedence rate of turbidity. There were 17 of 19 exceedences of the chronic aluminum criterion of 0.087 mg/L. Therefore, turbidity will remain and temperature, dissolved oxygen, pH, and aluminum will be added as causes of non support. This reach will be listed as Category 5B because aluminum is naturally high in this watershed, and the sonde and grab DO data gave conflicting results. Also, these may indicate nutrient impairment. A TMDL was prepared for turbidity as part of the 2003 Jemez bundle TMDLs.

2006 Action: A TMDL was prepared for temperature. All numeric segment-specific turbidity criteria were removed during the 2005 triennial review, and replaced with General Criteria 20.6.4.13.J. New assessment methods to determine turbidity impairment based on this new language are not yet available. SWQB will retain historic turbidity listings in the interim.

2014 Action: Aluminum listing based on previous dissolved aluminum WQC. Additional data are needed to determine if this water is impaired for total recoverable aluminum prior to TMDL scheduling for this parameter.

2016 Action: This AU was sampled during the Jemez (2013) survey. Sonde data were provided by VCNP staff. Turbidity exceeded 23 NTUs for > 72 hours. The max thermograph temperature was 22.9 degrees C (4T3 19.97 C). Both nutrient causal and response variables were present. There were 2/4 and 3/4 total recoverable aluminum acute and chronic, respectively, WQC exceedences. Therefore, temperature was removed, DO and pH were replaced with nutrients, and aluminum and turbidity remains as causes of impairment. This AU was impacted by the 2011 Las Conchas fire.

Fenton Lake
AU:NM-2106.B_00 WQS: 20.6.4.108

2000 Action: Fenton Lake was characterized (in a report titled, New Mexico Clean Lakes Program, Classification Phase I, Final Report, September 1982) as having dissolved phosphorous and kjeldahl-N concentrations that were high during the summer relative to other lakes. Moderate temperature and dissolved oxygen stratification was observed. The algal population was dominated by blue-green algae. Chlorophyll concentrations declined dramatically by the time of fall sampling, as turnover was nearly complete. Phosphorus was the sole limiting nutrient for phytoplankton during all seasons. Although the data for this reservoir is dated, it is still listed in the State's 305(b) Report as impaired for total phosphorus, nuisance algae and siltation and therefore will be listed on the 303(d) List until new data are collected to either verify or refute the listing.

2002 Action: There is no longer a standard for total phosphorus for high quality coldwater fishery. Nusiance algae was replaced with Plant nutrients and Siltation was replaced with Bottom deposits to be consistent with the language in our narrative standards.

2006 Action: This reservoir was sampled in one time during summer 2005. Although there were no exceedences of any numeric criteria, one data point is not enough to determine designated use attainment. Therefore, this assessment unit is labeled "not assessed." Nutrient and sediment assessment protocols for lakes and reservoirs to determine impairment of NMs narrative water quality standards for these two parameters are under development. Therefore, there were no changes may to the listings as a result of the survey.

2002 Action: Revised name to remove portion under tribal jurisdiction.

2008 Action: This AU was intensively surveyed during the Jemez (2005) watershed survey. The aluminum chronic criterion was exceeded 5 of 22 times. The arsenic criterion for human health (9.0 ug/L) was exceeded 21 of 23 times. The boron criterion for irrigation (750 ug/L) was exceeded 6 of 24 times. A Level 2 nutrient assessment indicated nutrient impairment due to total nitrogen, and total phosphorus values above applicable numeric thresholds, as well as low dissolved oxygen. The AU was determined to be non support for unidentified biological impairment according to the 2008 Assessment Protocols because the M-SCI score was 43 but the measured percent fines was only 13. Therefore, aluminum, arsenic, boron, nutrients, and Benthic-Macroinvertebrate Bioassessments (Streams) were added as causes of non support. Arsenic occurs naturally in ground water in the Jemez watershed. A sonde should be deployed to confirm nutrient impairment (DO data was compromised during survey).

2010 Action: A sonde was re-deployed in 2008. The minimum DO measured was 5.35 mg/L with a saturation of 73.3%, leading to a conclusion of Non Support for dissolved oxygen. Even though the DO threshold was exceeded, multi-day sonde data from 2008 do not show large diurnal fluctuations typically associated with nutrient enrichment. The exceedences occurred on a single day (8/30/2008). The remainder of deployment, DO was between 6.05 - 8.12 mg/L and 78.5 - 107.3% saturation. Also, this reach of the Jemez River should be reclassified as coolwater (once that aquatic life designation is established in 20.6.4 NMAC) with a 5.0 mg/L DO criterion. Under such a designation, the long-term dataset would be in support of DO. Based on this evidence, the coolwater designation recommendation, and the fact that the chlorophyll a concentration was below the ecoregional threshold value, this reach was determined to be Fully Supporting for nutrients.This reach of the Jemez River should be reclassified as coolwater (once that aquatic life use is established in 20.6.4 NMAC) with a 5.0 mg/L criterion. Under such a designation, it would be in support of DO. Therefore, nutrients was removed and dissolved oxygen was added as a cause of non support. There were 10 of 24 exceedences of the interim turbidity numeric translator of 25 NTU with an M-SCI score of 42.68 (threshold of 56.70). Therefore, this AU is noted as Non Support for turbidity and Benthic-Macroinvertebrate Bioassessments (Streams) was removed. This AU will be listed under Category 5B to indicate the need for a WQ standard review. TMDLs were prepared for arsenic and boron (2009).

2016 Action: This AU was sampled during the Jemez (2013) survey. Turbidity thresholds were not exceeded. The max thermograph temperature was 29.6 degrees C. Both nutrient causal and response variables were present. There were 4/4 arsenic HH, and 1/4 total recoverable aluminum ALU exceedences. There were 2/5 exceedences of the boron irrigation WQC. There were 2/8 E. coli exceedences. Therefore, aluminum and turbidity were removed; DO was replaced with nutrients; temperature and E. coli were added; and boron and arsenic (HH) remain causes of impairment.

2020 Action: Re-assessed 2016 IR nutrient listing using current nutrient listing methodology. The measured TN median (2.19 mg/L) exceeded the applicable 0.42 mg/L threshold. The measured delta DO (5.43 mg/L) exceeded the applicable 5.02 threshold. Nutrients remains listed. Coolwater may be the attainable ALU - WQS review needed.

Jemez River (Rio Guadalupe to Soda Dam nr Jemez Springs)
AU:NM-2105.5_10 WQS: 20.6.4.107

1996 Action: Previously listed under "Jemez River from Rio Guadalupe to the confluence of the East Fork of the Jemez River and San Antonio Creek" and listed for turbidity, conductivity, plant nutrients, stream bottom deposits and chlorine. Data from four stations were used in the turbidity assessment. Station MRG105.009035 (3/6) was determined to be partially supported. All other stations were full support with 0/12 exceedences. Data for conductivity were available from only two stations. Station MRG106.009505 was partially supported with a 2/5 ratio. Station MRG106.009510 was 0/11 or full support for conductivity. Per the assessment protocol, two stations, MRG105.009035 and MRG105.009510, were 1/1 or Full Support, Impacts Observed for chlorine.

1998 Action: Chlorine was removed a cause of non-support. Turbidity, conductivity, plant nutrients and stream bottom deposits were retained as causes of non-support.

2000 Action: Turbidity exceeded its criterion 14/28 times; one station was used to evaluate stream bottom deposits, where 26 %fines <2mm were observed. WQS are currently being met for plant nutrients. The conductivity criterion was exceeded 0/28 times. Aluminum exceeded the acute criterion 2/4 times. TMDLs were prepared for turbidity and stream bottom deposits. A new listing will be added for metals (Al acute).

2002 Action: A TMDL was prepared for acute aluminum. The original assessment unit "Jemez River from Rio Guadalupe to the confluence of the East Fork of the Jemez River and San Antonio Creek" was split into two because they fall under two different water quality standard segments.

2006 Action: Name was changed during 2005 Jemez survey due to change in WQS 20.6.4.107.

2008 Action: This AU was intensively surveyed during the Jemez (2005) watershed survey. The aluminum chronic criterion was exceeded 5 of 9 times. The arsenic criterion for human health (9.0 ug/L) was exceeded 8 of 9 times, and the criterion for irrigation (100 ug/L) was exceeded 2 of 9 times. The boron criterion for irrigation (750 ug/L) was exceeded 4 of 9 times. A Level 2 nutrient assessment indicated nutrient impairment due to total nitrogen, total phosphorus, and chlorophyll a values above applicable numeric thresholds, as well as low dissolved oxygen. The AU was determined to be full support for sedimentation/siltation and non support for unidentified biological impairment according to the 2008 Assessment Protocols because the M-SCI score was 37 but the measured percent fines was only 17. The temperature criterion was exceeded for >6 consecutive hours for >3 consecutive days, with a maximum recorded temperature of 29.1 degrees C. All numeric segment-specific turbidity criteria were removed during the 2005 triennial review, and replaced with General Criteria 20.6.4.13.J. New assessment methods to determine turbidity impairment based on this new language are not yet available. SWQB will retain historic turbidity listings in the interim. Therefore, turbidity and aluminum remain, sedimentation/siltation was removed, and arsenic, boron, nutrients, temperature, and Benthic-Macroinvertebrate Bioassessments (Streams) were added as causes of non support. Arsenic occurs naturally in ground water in the Jemez watershed.

2010 Action: There were 12 of 40 exceedences of the interim turbidity numeric translator of 25 NTU with an M-SCI score of 36.90 (threshold of 56.70). Therefore, this AU is noted as Non Support for turbidity and Benthic-Macroinvertebrate Bioassessments (Streams) was removed. TMDLs were completed for arsenic, boron, plant nutrients, and temperature (2009). Natural conditions contribute to high aluminum concentrations throughout the Jemez and impacts to aquatic life are unclear; WQS criteria are under review to identify appropriate/attainable levels.

2016 Action: This AU was sampled during the Jemez (2013) survey. Turbidity exceeded 23 NTU for > 72 hours. The max thermograph temperature was 29.0 degrees C. Both nutrient causal and response variables were present. There were 4/4 and 2/4 arsenic human health ALU and irrigation, respectively, exceedences. There were 2/4 total recoverable aluminum ALU exceedences. There were 4/4 exceedences of the boron irrigation WQC. There were 2/8 E. coli exceedences. Therefore, all previous listings remain, and arsenic for irrigation uses and E. coli were added as causes of impairment.

2018 Action: Dissolved aluminum impairment changed to total recoverable aluminum per 2016 IR Assessment Rationale (formerly referred to as the "ROD").

2020 Action: Available TN, TP, and delta DO data were assessed for potential nutrient impairment. Although the delta DO LTD data (1.97 mg/L) did not exceed the applicable threshold of 5.02 mg/L, the applicable upper TN threshold was exceeded and the daily delta DO in the AU immediately downstream exceeded the threshold. Therefore, this AU remains listed for nutrients.

Jemez River (Soda Dam nr Jemez Springs to East Fork)
AU:NM-2106.A_00 WQS: 20.6.4.108

1996 Action: Previously listed under "Jemez River from Rio Guadalupe to the confluence of the East Fork of the Jemez River and San Antonio Creek" and listed for turbidity, conductivity, plant nutrients, stream bottom deposits and chlorine. Data from four stations were used in the turbidity assessment. Station MRG105.009035 (3/6) was determined to be partially supported. All other stations were full support with 0/12 exceedences. Data for conductivity were available from only two stations. Station MRG106.009505 was partially supported with a 2/5 ratio. Station MRG106.009510 was 0/11 or full support for conductivity. Per the assessment protocol, two stations, MRG105.009035 and MRG105.009510, were 1/1 or Full Support, Impacts Observed for chlorine.

1998 Action: Chlorine was removed a cause of non-support. Turbidity, conductivity, plant nutrients and stream bottom deposits were retained as causes of non-support.

2000 Action: Turbidity criterion was exceeded 14/28 times. Plant nutrient impairment was assessed using the draft Nutrient Assessment Protocol and draft Source Documentation Protocol; no impairments or exceedances of nutrient-related criteria were found. The HBI showed a calculated value of 4.84, which suggests good water quality with some organic pollution present. One station was used to assess stream bottom deposits, which was observed to have 26% fines <2mm; the aluminum criterion was exceeded with a 4-day average of 947 ug/L. Conductivity measurements did not exceed the criterion over 28 samples. A TMDL was developed to address turbidity and stream bottom deposits; a new listing will be added for metals (Al acute).

2002 Action: A TMDL was prepared for acute aluminum. The original assessment unit "Jemez River from Rio Guadalupe to the confluence of the East Fork of the Jemez River and San Antonio Creek" was split into two because they fall under two different water quality standard segments.

2006 Action: Name was changed during 2005 Jemez survey due to change in WQS 20.6.4.108.

2008 Action: This AU was intensively surveyed during the Jemez (2005) watershed survey. The aluminum chronic criterion was exceeded 4 of 8 times. The arsenic criterion for human health (9.0 ug/L) was exceeded 3 of 8 times, and the criterion for domestic water supply (2.3 ug/L) was exceeded 7 of 8 times. The AU was determined to be full support for sedimentation/siltation and non support for unidentified biological impairment according to the 2008 Assessment Protocols because the M-SCI score was 55 but the measured percent fines was only 19. The temperature criterion was exceeded for >4 consecutive hours for >3 consecutive days, with a maximum recorded temperature of 27.0 degrees C. Values of pH below the criterion range of 6.6-8.8 were measured via sonde 98.6 percent of the time, with a minimum pH of 6.32. All numeric segment-specific turbidity criteria were removed during the 2005 triennial review, and replaced with General Criteria 20.6.4.13.J. New assessment methods to determine turbidity impairment based on this new language are not yet available. SWQB will retain historic turbidity listings in the interim. Therefore, turbidity and aluminum remain, sedimentation/siltation was removed, and arsenic, temperature, pH, and Benthic-Macroinvertebrate Bioassessments (Streams) were added as causes of non support. Arsenic occurs naturally in ground water in the Jemez watershed. Based on data from stations above and below and other field observations, low pH appears to be the result of geothermal groundwater inputs. Only 1 of 22 grab sample pH values were below the 6.6 - 8.8 range.

2010 Action: There were 4 of 21 exceedences of the interim turbidity numeric translator of 25 NTU with an M-SCI score of 54.95 (threshold of 56.70). Therefore, this AU is noted as Non Support for turbidity and Benthic-Macroinvertebrate Bioassessments (Streams) was removed. A TMDL was prepared for arsenic (2009). Natural conditions contribute to high aluminum concentrations throughout the Jemez and impacts to aquatic life are unclear; WQS criteria are under review to identify appropriate/attainable levels.

2016 Action: This AU was sampled during the Jemez (2013) survey. There are no turbidity or pH (1/13 [min 6.56] grab exceedences) LTD to re-assess. The max thermograph temperature was 25.5 degrees C. There were 3/4 arsenic HH and DWS exceedences. There were 2/4 and 3/4 total recoverable aluminum acute and chronic, respectively, ALU exceedences. There were 2/7 E. coli exceedences. Therefore, arsenic, aluminum, pH, and turbidity remain; and E. coli was added as a cause of impairment.

2018 Action: Dissolved aluminum impairment changed to total recoverable aluminum per 2016 IR Assessment Rationale (formerly referred to as the "ROD").

2020 Action: Available TN, TP, and delta DO data were assessed for potential nutrient impairment. The delta DO LTD data (2.04 mg/L did not exceed the applicable threshold of 5.02 mg/L. This AU is full support for nutrients.

Jemez River (Zia Pueblo bnd to Jemez Pueblo bnd)
AU:NM-2105_75 WQS: 20.6.4.106

2008 Action: This AU was seasonally surveyed (n=3) during the Jemez (2005) watershed survey. The arsenic criterion for human health (9.0 ug/L) was exceeded 3 of 3 times. The boron criterion for irrigation (750 ug/L) was exceeded 2 of 3 times. Therefore, arsenic and boron were added as causes of non support. Arsenic occurs naturally in ground water in the Jemez watershed.

2010 Action: TMDLs were prepared for arsenic and boron (2009).

2016 Action: This AU was sampled during the Jemez (2013) survey. Arsenic (4/4 H and DWS) and Boron (3/4 DWS) data still indicate impairment. The max thermograph temperature was 36.25 degrees C. There were 2/7 E. coli exceedences. Level 2 sediment survey documented 95.2 percent sand and fines, and an LRBS of -2.12. Therefore, arsenic and boron remain; and temperature, sedimentation, and E. coli were added as causes of impairment.

2020 Action: The 2016 sedimentation listing is incorrect. The LRBS_NOR threshold for Xeric is -2.5. Therefore, the sedimentation listing was removed.

La Jara Creek (East Fork Jemez to headwaters)
AU:NM-2106.A_11 WQS: 20.6.4.108

2004 Action: This reach was intensively surveyed during the Valle Caldera 2001-2002 special study. There were 3 of 3 exceedences of the chronic aluminum criterion. Therefore, aluminum will be added as a cause of non support. This reach will be listed as Category 5B because aluminum is naturally high in this watershed.

2016 Action: This AU was sampled during the Jemez (2013) survey. There were 3/5 exceedences of the total rec. aluminum chronic ALU criterion. Therefore, aluminum remains a cause of impairment.

Redondo Creek (Sulphur Creek to headwaters)
AU:NM-2106.A_21 WQS: 20.6.4.108

1996 Action: Previously named "Redondo Creek (Sulphur Creek to headwaters)," this AU was split after the 2001 Valle Caldera survey. The entire AU was originally listed for partially supported for total phosphorus and fecal coliform. Data on this segment are very limited. Ten-year data are limited to one station (USGS 355223106371710)with two sampling events in 1996 and 1997. For total phosphorus, this station shows 0/2 samples greater than the criterion that indicates full support. For fecal coliform, there have been only two samples collected. The exceedences ratio of 1/2 will result in a listing of Full Support, Impacts Observed for fecal coliform.

1998 Action: Phosphorus was removed as a cause of non-support. As per the assessment protocol, the reach was upgraded to Full Support, Impacts Observed for fecal coliform and will be placed on the 305(b) list.

2000 Action: Total phosphorus criterion was exceeded 7/10 times; turbidity crtierion was exceeded 2/7 times; the criterion for HQCWF 82/1,796 times with a maximum temperature of 24C. A TMDL was developed to address total phosphorus; fecal coliform was added to the 305(b) report as FSIO; New listings will be added for turbidity and temperature.

2002 Action: The Nutrient Assessment protocol was performed June 2000. This reach was determined not be nutrient enriched following the level one nutrient assessment analysis. A summary of the nutrient assessment is in the administrative record.

number is used only as a discharge limitation for effluents and storm water discharges. TOC was removed as a cause of Non Support.

2006 Action: Name was changed during 2005 Jemez survey.

2008 Action: This AU was intensively surveyed during the Jemez (2005) watershed survey. A Level 2 nutrient assessment indicated nutrient impairment due to total nitrogen, total phosphorus, and chlorophyll a values above applicable numeric thresholds. The existing temperature impairment was confirmed (maximum temperature 27.2 degrees C). Therefore, temperature remains, and nutrients was added as a cause of non support.

2010 Action: There were 1 of 10 exceedences of the interim turbidity numeric translator of 25 NTU. Therefore, this AU is noted as Full Support for turbidity A TMDL was prepared for plant nutrients (2009).

2016 Action: This AU was sampled during the Jemez (2013) survey. The max thermograph temperature in the WPS Effectiveness Monitoring dataset was 25.2 degrees C. Both causal and response nutrient thresholds indicate continued nutrient impairment. Therefore, temperature and nutrients remain causes of impairment.

2018 Action: Long-term temperature data collected by the SWQB WPS Effectiveness Monitoring Program in 2017 at the station 3.4 km above Rio Cebolla confirm the temperature listing (max temp 25.8 C).

Rio Guadalupe (Jemez River to confl with Rio Cebolla)
AU:NM-2106.A_30 WQS: 20.6.4.108

1996 Action: Previously listed for conductivity, turbidity, stream bottom deposits and fecal coliform. Two stations from a 1987 survey were used in the assessment for conductivity. Station 08323000 was 1/1 for conductivity exceedences making it Full Support, Impacts Observed. Station MRG106.007501 was 2/11 or partially supported for conductivity. Turbidity measurements are available from one station. Station MRG106.007501 is Full Support, Impacts Observed (1/6) for turbidity. Fecal coliform data are also available from one station. Station MRG106.007501 has a 1/2 ratio of exceedences. Per the assessment protocol, this reach is Full Support, Impacts Observed for fecal coliform and turbidity.

1998 Action: Turbidity and fecal coliform were removed as causes of non-support. Conductivity and stream bottom deposits were retained as causes of non-support.

2000 Action: Conductivity criterion was exceeded 1/7 times; the turbidity criterion of 14NTU 2/7 times; stream bottom deposits were evaluated at 2 stations, the lower of which had a %fines value of 28%; fecal coliform was removed from the 1998-2000 303(d) list but remained listed in the 1998 305(b) report as FSIO; total phosphorus was exceeded 2/6 times; the 4-day average concentration of aluminum at the site was 262 ug/L, although there were no exceedances of the acute criterion. Aluminum (chronic) will be added as a cause of non-support; fecal coliform will remain in the 305(b) report as FSIO, and TMDLs were developed to address turbidity and stream bottom deposits.

2002 Action: A TMDL was prepared for chronic aluminum.

2008 Action: This AU was intensively surveyed during the Jemez (2005) watershed survey. The aluminum listing was confirmed (5 of 9 exceedences). A thermograph at the station above the Jemez River recorded a maximum temperature of 25.7 degrees C, while a thermograph at Porter Landing exceeded the criterion >4 consecutive hours for >3 consecutive days. The AU was determined to be full support for sedimentation/siltation impairment according to the 2008 Assessment Protocols because there was only 15% fines and the M-SCI score was 64. All numeric segment-specific turbidity criteria were removed during the 2005 triennial review, and replaced with General Criteria 20.6.4.13.J. New assessment methods to determine turbidity impairment based on this new language are not yet available. SWQB will retain historic turbidity listings in the interim. Therefore, aluminum and turbidity remain, temperature was added, and sedimentation/siltation was removed as a cause of non support.

2010 Action: There were 10 of 27 exceedences of the interim turbidity numeric translator of 25 NTU but an M-SCI score of 63.96 (threshold of 56.70). Therefore, this AU is noted as Full Support for turbidity A TMDL was prepared for temperature (2009). Natural conditions contribute to high aluminum concentrations throughout the Jemez and impacts to aquatic life are unclear; WQS criteria are under review to identify appropriate/attainable levels.

2016 Action: This AU was sampled during the Jemez (2013) survey. The max thermograph temperature was 24.8 degrees C. Turbidity LTD data were > 23 NTU for > 72 hours. There were > 15% SC exceedences in LTD data. Both causal and response nutrient thresholds were exceeded. There were 0/4 total rec. aluminum exceedences. Therefore, aluminum was removed; temperature remains; and turbidity, specific conductance, and nutrients were added.

2020 Action: Inadequate data to re-assess nutrient listing using current nutrient listing methodology (no LTD DO data available).

Rito de las Palomas (Rio de las Vacas to headwaters)
AU:NM-2106.A_43 WQS: 20.6.4.108

2008 Action: This AU was intensively surveyed during the Jemez (2005) watershed survey. The AU was determined to be impaired for temperature (maximum recorded temperature at NM 126 was 27.4 degrees C). The AU was determined to be impaired for sedimentation/siltation impairment according to the 2008 Assessment Protocols because the M-SCI score was 52 and there > 28% increase over reference in percent fines. Therefore, temperature and sedimentation/siltation were added as causes of non support.

2010 Action: There were 2 of 12 exceedences of the interim turbidity numeric translator of 25 NTU with an M-SCI score of 51.64 (threshold of 56.70). Therefore, this AU is noted as Non Support for turbidity. TMDLs were prepared for temperature and sedimentation/siltation (2009).

2016 Action: This AU was sampled during the Jemez (2013) survey. Sedimentation survey and sonde deployment (needed to assess turbidity and nutrients) did not occur during the 2013 survey due to intermittent flow. The max recorded temp was 21.6 degrees C. Therefore, temperature was removed as a cause of impairment, and sedimentation and turbidity remain. AU may not be perennial -- HP and WQS review needed.

Rito de los Indios (San Antonio Creek to headwaters)

50 percent of the saturation concentration or to 6.0 mg/l" for trout-producing and warm-water fish producing waters. In 1973, the Commission replaced this narrative criterion with the current numeric criterion for TOC, applicable to the high quality coldwater fishery designated use. Since then, this criterion has been rendered unnecessary. Over the years, the Commission has adopted use-specific and segment-specific dissolved oxygen criteria that offer a higher degree of protection than the TOC criterion. EPA considers the TOC criterion to be an artifact from an earlier time. Indeed, only one other state-Louisiana-still maintains a TOC criterion, and that number is used only as a discharge limitation for effluents and storm water discharges. TOC was removed as a cause of Non Support.

2008 Action: This AU was intensively surveyed during the Jemez (2005) watershed survey. The temperature impairment was confirmed (maximum recorded temperature at NM 126 was 25.6 degrees C). There are no new data regarding the sedimentation/siltation listing. A Level 2 nutrient assessment indicated nutrient impairment due to total nitrogen, total phosphorus, and chlorophyll a values above applicable numeric thresholds, as well as low dissolved oxygen (grab data). Therefore, temperature and sedimentation/siltation remain, and nutrients was added as a cause of non support.

2010 Action: There were 4 of 11 exceedences of the interim turbidity numeric translator of 25 NTU with no recent benthic macroinvertebrate data available. Therefore, this AU is noted as Non Support for turbidity (5C). A TMDL was prepared for plant nutrients (2009).

2016 Action: This AU was sampled during the Jemez (2013) survey. Sedimentation survey and sonde deployment (needed to assess turbidity and nutrients) did not occur during the 2013 survey due to intermittent flow. The max recorded temp was 23.14 degrees C. Therefore, temperature, sedimentation and turbidity remain causes of impairment. AU may not be perennial -- HP and WQS review needed.

2018 Action: Long-term temperature data collected by the SWQB WPS Effectiveness Monitoring Program in 2016 and 2017 at the station above Rio de las Vacas confirm the temperature listing (max temp 26.0 C).

San Antonio Creek (East Fork Jemez to VCNP bnd)
AU:NM-2106.A_20 WQS: 20.6.4.108

1996 Action: Previously named "San Antonio Creek (East Fork Jemez to headwaters)," this AU was split based on the 2001 Valle Caldera study and originally listed for total phosphorus, temperature, turbidity, chlorine, stream bottom deposits and fecal coliform. There are two stations on this reach that were last sampled in 1987. For turbidity, the ratio of exceedences at the two stations was 0/11 or full support. The total phosphorus ratio at station MRG106.010010 is 2/12 (17%) or partially supported and 1/6 or Full Support, Impacts Observed at station MRG106.100001. The exceedence ratio for temperature at station MRG106.010010 was 3/12 or partially supported and 0/6 or full support at station MRG106.100001. Fecal coliform data are available at station MRG106.010010 only. Two samples were collected in 1987 both of which were well under the criteria. Fecal coliform is full support for this reach. 1/1 sample for chlorine at station MRG106.010010 was above the criteria. As per the assessment, the reach is Full Support, Impacts Observed for chlorine.

1998 Action: Turbidity, chlorine and fecal coliform were removed from the list as causes of non-support. Phosphorus, temperature and stream bottom deposits were retained as causes of non-support.

2000 Action: Thermograph data from two locations had exceedances 201/3,592 times with a maximum temperature of 24.5C; the total phosphorus criterion was exceeded 0/15 times; stream bottom deposits were evaluated at 2 stations, with a maximum measured 12% fines <2mm and mean embeddedness 44%; TOC criterion was exceeded 1/3 times; turbidity criterion was exceeded 6/14 times over 2 stations. Temperature will be retained as a cause of non-support; a new listing will be added for turbidity; TOC will be added to the 305(b) report as FSIO.

2004 Action: Turbidity, chlorine and fecal coliform were removed from the list as causes of non-support. Phosphorus, temperature and stream bottom deposits were retained as causes of non-support.

2006 Action: Name change at VCNP boundary.

2008 Action: This AU was intensively surveyed during the Jemez (2005) watershed survey. The aluminum chronic criterion was exceeded 5 of 9 times. The arsenic criterion for domestic water supply (2.3 ug/L) was exceeded 5 of 9 times. The AU was determined to be non support for unidentified biological impairment according to the 2008 Assessment Protocols because the M-SCI score was 54 but the measured percent fines was only 16. The temperature criterion was exceeded for >4 consecutive hours for >3 consecutive days, with a maximum recorded temperature of 23.5 degrees C. All numeric segment-specific turbidity criteria were removed during the 2005 triennial review, and replaced with General Criteria 20.6.4.13.J. New assessment methods to determine turbidity impairment based on this new language are not yet available. SWQB will retain historic turbidity listings in the interim. Therefore, turbidity and temperature remain, and arsenic, aluminum, and Benthic-Macroinvertebrate Bioassessments (Streams) were added as causes of non support. Arsenic occurs naturally in ground water in the Jemez watershed.

2010 Action: There were 7 of 27 exceedences of the interim turbidity numeric translator of 25 NTU with an M-SCI score of 53.67 at the lower station (threshold of 56.70). Therefore, this AU is noted as Non Support for turbidity and Benthic-Macroinvertebrate Bioassessments (Streams) was removed. TMDL was prepared for arsenic (2009). Natural conditions contribute to high aluminum concentrations throughout the Jemez and impacts to aquatic life are unclear; WQS criteria are under review to identify appropriate/attainable levels. This AU may need to be split.

2016 Action: This AU was sampled during the Jemez (2013) survey. There were 2/4 and 4/4 total rec. aluminum acute and chronic, respectively, exceedences. There were 0/4 arsenic exceedences. The max thermograph temp was 24.9 degrees C. There are no sonde data at the bottom of the AU to re-assess turbidity. Therefore, turbidity, temperature, and aluminum remain, and arsenic was removed as a cause of impairment.

2018 Action: Long-term temperature data collected by the SWQB WPS Effectiveness Monitoring Program in 2017 at two stations confirm the temperature listing (max temp 26.9 C).

San Antonio Creek (VCNP bnd to headwaters)
AU:NM-2106.A_26 WQS: 20.6.4.108

2014 Action: SWQB WPS thermograph data from three stations and two years (2012 - 2013) still indicate temperature impairment.

2016 Action: This AU was studied during the Jemez (2013) survey. VCNP sonde data and SWQB Effectiveness Monitoring data were also assessed. The max thermograph temp was 26.5 degrees C. Both causal and response nutrient thresholds were exceeded. Turbidity was > 23 NTU for > 72 hours. There were 3/3 total rec. aluminum chronic WQC exceedences. Therefore, DO and pH were changed to nutrients, temperature was retained, and aluminum and turbidity were added. AU may not be perennial -- HP and WQS review needed.

2018 Action: Long-term temperature data collected by the SWQB WPS Effectiveness Monitoring Program in 2016 and 2017 at the VC02 bridge confirm the temperature listing (max temp 25.48 C).

San Gregorio Lake
AU:NM-2106.B_10 WQS: 20.6.4.134

2014 Action: This AU was included in a petition to classify or revise WQS for 62 lakes. Amendments were effective June 14, 2012 and EPA approved November 26, 2012. This AU was surveyed during the 2011 Puerco/Zuni survey. No impairments were found. The nutrient assessment was incomplete (n=1).

2016 Action: This AU was studied during the Jemez (2013) survey. Both causal (TP) and response (chl-a) nutrient thresholds were exceeded. Therefore, nutrients were added as a cause of impairment.

Sulphur Creek (Redondo Creek to headwaters)
AU:NM-2106.A_22 WQS: 20.6.4.124

1996 Action: Previously named "Sulphur Creek (Redondo Creek to headwaters)," this AU was split based on the 2001 Valle Caldera study. This reach has extreme pH violations. At two stations on this reach the cumulative pH exceedence ratio is 8/8. The cause of this is unknown but is most likely from natural causes. The exceedences ratio for temperature is 1/6 which will be listed as Full Support, Impacts Observed. No other concerns were noted on this reach.

1998 Action: The reach will be listed with pH as the cause of non-support.

2000 Action: Data outside of the pH criterion were measured 6/7 samples; Conductivity criterion was exceeded 3/8 times; turbidity criterion was exceeded 1/7 times. pH will remain listed and conductivity will be listed as causes of non-support; turbidity will be added to the 305(b) report as FSIO.

2004 Action: TMDLs were written for pH and conductivity as part of the 2003 Jemez TMDL bundle. A Use Attainability Analysis was submitted to EPA because the low pH values in this spring fed tributary are naturally occurring.

2006 Action: Sulphur Creek above Redondo Creek was broken out as a separate water quality standard segment (NMAC 20.6.4.124) as a result of unique, naturally low pH conditions, with a segment specific pH range of 2.0 to 9.0. The Sulphur Creek AU was split into two AUs at the VCNP boundary. The aquatic life use was changed from high quality coldwater to limited aquatic life, thus removing the specific conductance criterion. Therefore, pH and specific conductivity were removed as causes on non support and the associated TMDLs will be withdrawn.

PETITIONER’S EXHIBIT 8-E

Uses Abbreviation Key	
ColdWAL	Coldwater Aquatic Life
CoolWAL	Coolwater Aquatic Life
DWS	Domestic Water Supply
FC	Fish Culture
HQColdWAL	High Quality Coldwater Aquatic Life
IW Storage	Industrial Water Storage
IW Supply	Industrial Water Supply
IRR	Irrigation
IRR Storage	Irrigation Storage
LAL	Limited Aquatic Life
LW	Livestock Watering
MCWAL	Marginal Coldwater Aquatic Life
MWWAL	Marginal Warmwater Aquatic Life
MWS	Municipal Water Storage
PC	Primary Contact
PWS	Public Water Supply
SC	Secondary Contact
WWAL	Warmwater Aquatic Life
WH	Wildlife Habitat

Lake Fork (Cabresto Lake to headwaters)			AU IR CATEGORY	LOCATION DESCRIPTION	
			2	HUC: 13020101 Upper Rio Grande	
AU ID	**WQS REF**	**WATER TYPE**	**SIZE**	**ASSESSED**	**MONITORING SCHEDULE**
NM-2120.A_708	20.6.4.123	STREAM, PERENNIAL	4.69 MILES	2020	2025
USE	**ATTAINMENT**	**CAUSE(S)**	**FIRST LISTED**	**TMDL DATE**	**PARAMETER IR CATEGORY**
DWS	Not Assessed				
HQColdWAL	Fully Supporting				
IRR	Not Assessed				
LW	Not Assessed				
PC	Fully Supporting				
WH	Not Assessed				
AU Comment: None.					

Lake Fork Creek (Rio Hondo to headwaters)			AU IR CATEGORY	LOCATION DESCRIPTION	
			1	HUC: 13020101 Upper Rio Grande	
AU ID	**WQS REF**	**WATER TYPE**	**SIZE**	**ASSESSED**	**MONITORING SCHEDULE**
NM-2120.A_606	20.6.4.123	STREAM, PERENNIAL	4.04 MILES	2020	2025
USE	**ATTAINMENT**	**CAUSE(S)**	**FIRST LISTED**	**TMDL DATE**	**PARAMETER IR CATEGORY**
DWS	Fully Supporting				
HQColdWAL	Fully Supporting				
IRR	Fully Supporting				
LW	Fully Supporting				
PC	Fully Supporting				
WH	Fully Supporting				
AU Comment: None.					

Rio Grande (Ohkay Owingeh bnd to Embudo Creek)			AU IR CATEGORY	LOCATION DESCRIPTION	
			5/5C	HUC: 13020101 Upper Rio Grande	
AU ID	**WQS REF**	**WATER TYPE**	**SIZE**	**ASSESSED**	**MONITORING SCHEDULE**
NM-2111_10	20.6.4.114	RIVER	14.07 MILES	2020	2025
USE	**ATTAINMENT**	**CAUSE(S)**	**FIRST LISTED**	**TMDL DATE**	**PARAMETER IR CATEGORY**
IRR	Fully Supporting				
LW	Fully Supporting				
MCWAL	Not Supporting	Mercury - Fish Consumption Advisory	2020		5/5C
		DDT - Fish Consumption Advisory	2020		5/5C
		Turbidity	1998	6/2/2005	4A
PC	Fully Supporting				
PWS	Not Assessed				
WWAL	Not Supporting	DDT - Fish Consumption Advisory	2020		5/5C
WH	Fully Supporting				

AU Comment: TMDL for turbidity. Fish Tissue Advisory listings are based on NMs current fish consumption advisories for this water body. Per USEPA guidance, these advisories demonstrate non-attainment of CWA goals stating that all waters should be "fishable". Therefore, the impaired designated use is the associated aquatic life even though human consumption of the fish is the actual concern.

Rio Grande (Red River to CO border)			AU IR CATEGORY	LOCATION DESCRIPTION	
			4A	HUC: 13020101 Upper Rio Grande	
AU ID	**WQS REF**	**WATER TYPE**	**SIZE**	**ASSESSED**	**MONITORING SCHEDULE**
NM-2119_05	20.6.4.122	RIVER	29.2 MILES	2020	2025
USE	**ATTAINMENT**	**CAUSE(S)**	**FIRST LISTED**	**TMDL DATE**	**PARAMETER IR CATEGORY**
ColdWAL	Not Supporting	Temperature	2004	12/17/2004	4A
FC	Not Assessed				
IRR	Fully Supporting				
LW	Fully Supporting				
PC	Fully Supporting				
WH	Fully Supporting				

AU Comment: TMDL for temperature.

Rio Grande (Rio Pueblo de Taos to Red River)			AU IR CATEGORY	LOCATION DESCRIPTION	
			5/5A	HUC: 13020101 Upper Rio Grande	
AU ID	**WQS REF**	**WATER TYPE**	**SIZE**	**ASSESSED**	**MONITORING SCHEDULE**
NM-2119_00	20.6.4.122	RIVER	23.29 MILES	2020	2025
USE	**ATTAINMENT**	**CAUSE(S)**	**FIRST LISTED**	**TMDL DATE**	**PARAMETER IR CATEGORY**
ColdWAL	Not Supporting	pH	2020		5/5C
		Temperature	2020	2021 (est.)	5/5A
FC	Not Assessed				
IRR	Fully Supporting				
LW	Fully Supporting				
PC	Fully Supporting				
WH	Fully Supporting				

AU Comment: None.

Rio Grande (Santa Clara Pueblo bnd to Ohkay Owingeh bnd)			AU IR CATEGORY	LOCATION DESCRIPTION	
			5/5A	HUC: 13020101 Upper Rio Grande	
AU ID	**WQS REF**	**WATER TYPE**	**SIZE**	**ASSESSED**	**MONITORING SCHEDULE**
NM-2111_11	20.6.4.114	RIVER	0.69 MILES	2020	2025
USE	**ATTAINMENT**	**CAUSE(S)**	**FIRST LISTED**	**TMDL DATE**	**PARAMETER IR CATEGORY**
IRR	Fully Supporting				
LW	Fully Supporting				
MCWAL	Not Supporting	Mercury - Fish Consumption Advisory	2020		5/5C
		Temperature	2020	2021 (est.)	5/5A
		Turbidity	1998	6/2/2005	4A
PC	Fully Supporting				
PWS	Not Assessed				
WWAL	Fully Supporting				
WH	Fully Supporting				

AU Comment: TMDL for turbidity. Fish Tissue Advisory listings are based on NMs current fish consumption advisories for this water body. Per USEPA guidance, these advisories demonstrate non-attainment of CWA goals stating that all waters should be "fishable". Therefore, the impaired designated use is the associated aquatic life even though human consumption of the fish is the actual concern.

Rio Hondo (Lake Fork Creek to headwaters)			AU IR CATEGORY	LOCATION DESCRIPTION	
			1	HUC: 13020101 Upper Rio Grande	
AU ID	**WQS REF**	**WATER TYPE**	**SIZE**	**ASSESSED**	**MONITORING SCHEDULE**
NM-2120.A_607	20.6.4.129	STREAM, PERENNIAL	1.92 MILES	2020	2025
USE	**ATTAINMENT**	**CAUSE(S)**	**FIRST LISTED**	**TMDL DATE**	**PARAMETER IR CATEGORY**
DWS	Fully Supporting				
HQColdWAL	Fully Supporting				
IRR	Fully Supporting				
LW	Fully Supporting				
PC	Fully Supporting				
WH	Fully Supporting				
AU Comment: None.					

Rio Hondo (Rio Grande to USFS bnd)			AU IR CATEGORY	LOCATION DESCRIPTION	
			4A	HUC: 13020101 Upper Rio Grande	
AU ID	**WQS REF**	**WATER TYPE**	**SIZE**	**ASSESSED**	**MONITORING SCHEDULE**
NM-2120.A_600	20.6.4.129	STREAM, PERENNIAL	8.74 MILES	2012	2025
USE	**ATTAINMENT**	**CAUSE(S)**	**FIRST LISTED**	**TMDL DATE**	**PARAMETER IR CATEGORY**
DWS	Fully Supporting				
HQColdWAL	Not Supporting	Temperature	2002	12/17/2004	4A
IRR	Fully Supporting				
LW	Fully Supporting				
PC	Fully Supporting				
WH	Fully Supporting				
AU Comment: TMDL for temperature.					

Rio Hondo (South Fork Rio Hondo to Lake Fork Creek)			AU IR CATEGORY	LOCATION DESCRIPTION	
			1	HUC: 13020101 Upper Rio Grande	
AU ID	**WQS REF**	**WATER TYPE**	**SIZE**	**ASSESSED**	**MONITORING SCHEDULE**
NM-2120.A_602	20.6.4.129	STREAM, PERENNIAL	3.97 MILES	2020	2025
USE	**ATTAINMENT**	**CAUSE(S)**	**FIRST LISTED**	**TMDL DATE**	**PARAMETER IR CATEGORY**
DWS	Fully Supporting				
HQColdWAL	Fully Supporting				
IRR	Fully Supporting				
LW	Fully Supporting				
PC	Fully Supporting				
WH	Fully Supporting				
AU Comment: A protectiveTMDL was prepared for nutrients in 2005.					

Rio Hondo (USFS bnd to South Fork Rio Hondo)			AU IR CATEGORY	LOCATION DESCRIPTION	
			1	HUC: 13020101 Upper Rio Grande	
AU ID	**WQS REF**	**WATER TYPE**	**SIZE**	**ASSESSED**	**MONITORING SCHEDULE**
NM-2120.A_601	20.6.4.129	STREAM, PERENNIAL	4.54 MILES	2012	2025
USE	**ATTAINMENT**	**CAUSE(S)**	**FIRST LISTED**	**TMDL DATE**	**PARAMETER IR CATEGORY**
DWS	Fully Supporting				
HQColdWAL	Fully Supporting				
IRR	Fully Supporting				
LW	Fully Supporting				
PC	Fully Supporting				
WH	Fully Supporting				
AU Comment: None.					

East Fork Jemez (San Antonio Creek to VCNP bnd)			AU IR CATEGORY	LOCATION DESCRIPTION	
			5/5B	HUC: 13020202 Jemez	
AU ID	**WQS REF**	**WATER TYPE**	**SIZE**	**ASSESSED**	**MONITORING SCHEDULE**
NM-2106.A_13	20.6.4.108	STREAM, PERENNIAL	11.76 MILES	2016	2021
USE	**ATTAINMENT**	**CAUSE(S)**	**FIRST LISTED**	**TMDL DATE**	**PARAMETER IR CATEGORY**
DWS	Fully Supporting				
FC	Not Assessed				
HQColdWAL	Not Supporting	Aluminum, Total Recoverable	2016		5/5B
		Temperature	2008	9/15/2009	4A
IRR	Fully Supporting				
LW	Fully Supporting				
PC	Fully Supporting				
WH	Fully Supporting				

AU Comment: TMDLs for turbidity (2003). TMDLs for temperature and arsenic (2009). Natural conditions may contribute to high aluminum concentrations in the Jemez Mountains; aluminum criteria may need review to identify appropriate/attainable levels.

East Fork Jemez (VCNP to headwaters)			AU IR CATEGORY	LOCATION DESCRIPTION	
			5/5B	HUC: 13020202 Jemez	
AU ID	**WQS REF**	**WATER TYPE**	**SIZE**	**ASSESSED**	**MONITORING SCHEDULE**
NM-2106.A_10	20.6.4.108	STREAM, PERENNIAL	10.44 MILES	2016	2021
USE	**ATTAINMENT**	**CAUSE(S)**	**FIRST LISTED**	**TMDL DATE**	**PARAMETER IR CATEGORY**
DWS	Fully Supporting				
FC	Not Assessed				
HQColdWAL	Not Supporting	Aluminum, Total Recoverable	2016		5/5B
		Turbidity	1998	12/31/1999	4A
		Nutrients	2016	9/23/2016	4A
IRR	Fully Supporting				
LW	Fully Supporting				
PC	Fully Supporting				
WH	Fully Supporting				

AU Comment: Natural conditions may contribute to high aluminum concentrations in the Jemez Mountains; aluminum criteria may need review to identify appropriate/attainable levels.

La Jara Creek (East Fork Jemez to headwaters)			AU IR CATEGORY	LOCATION DESCRIPTION	
			5/5B	HUC: 13020202 Jemez	
AU ID	**WQS REF**	**WATER TYPE**	**SIZE**	**ASSESSED**	**MONITORING SCHEDULE**
NM-2106.A_11	20.6.4.108	STREAM, PERENNIAL	5.4 MILES	2016	2021
USE	**ATTAINMENT**	**CAUSE(S)**	**FIRST LISTED**	**TMDL DATE**	**PARAMETER IR CATEGORY**
DWS	Fully Supporting				
FC	Not Assessed				
HQColdWAL	Not Supporting	Aluminum, Total Recoverable	2016		5/5B
IRR	Fully Supporting				
LW	Fully Supporting				
PC	Fully Supporting				
WH	Fully Supporting				

AU Comment: Natural conditions may contribute to high aluminum concentrations in the Jemez Mountains; aluminum criteria may need review to identify appropriate/attainable levels.

Redondo Creek (Sulphur Creek to headwaters)			AU IR CATEGORY	LOCATION DESCRIPTION	
			5/5C	HUC: 13020202 Jemez	
AU ID	**WQS REF**	**WATER TYPE**	**SIZE**	**ASSESSED**	**MONITORING SCHEDULE**
NM-2106.A_21	20.6.4.108	STREAM, PERENNIAL	6.34 MILES	2016	2021
USE	**ATTAINMENT**	**CAUSE(S)**	**FIRST LISTED**	**TMDL DATE**	**PARAMETER IR CATEGORY**
DWS	Fully Supporting				
FC	Not Assessed				
HQColdWAL	Not Supporting	pH	2016		5/5B
		Turbidity	1998	6/2/2003	4A
		Temperature	2018	6/2/2003	4A
IRR	Fully Supporting				
LW	Fully Supporting				
PC	Fully Supporting				
WH	Not Assessed				

AU Comment: TMDL for turbidity, total phosphorus, and temperature. Previously split at the Valles Caldera Boundary, the upper (NM-2016.A_25) and lower AUs were merged back into this AU ID. AU may not be perennial -- HP and WQS review needed

San Antonio Creek (East Fork Jemez to VCNP bnd)			AU IR CATEGORY	LOCATION DESCRIPTION	
			5/5A	HUC: 13020202 Jemez	
AU ID	**WQS REF**	**WATER TYPE**	**SIZE**	**ASSESSED**	**MONITORING SCHEDULE**
NM-2106.A_20	20.6.4.108	STREAM, PERENNIAL	12.62 MILES	2016	2021
USE	**ATTAINMENT**	**CAUSE(S)**	**FIRST LISTED**	**TMDL DATE**	**PARAMETER IR CATEGORY**
DWS	Fully Supporting				
FC	Not Assessed				
HQColdWAL	Not Supporting	Aluminum, Total Recoverable	2016		5/5B
		Temperature	1998	6/2/2003	4A
		Turbidity	2006	6/2/2003	4A
IRR	Fully Supporting				
LW	Fully Supporting				
PC	Fully Supporting				
WH	Fully Supporting				

AU Comment: TMDL for turbidity and temperature (2003). TMDL for arsenic (2009). Natural conditions may contribute to high aluminum concentrations in the Jemez Mountains; aluminum criteria may need review to identify appropriate/attainable levels.

San Antonio Creek (VCNP bnd to headwaters)			AU IR CATEGORY	LOCATION DESCRIPTION	
			5/5B	HUC: 13020202 Jemez	
AU ID	**WQS REF**	**WATER TYPE**	**SIZE**	**ASSESSED**	**MONITORING SCHEDULE**
NM-2106.A_26	20.6.4.108	STREAM, PERENNIAL	19.5 MILES	2016	2021
USE	**ATTAINMENT**	**CAUSE(S)**	**FIRST LISTED**	**TMDL DATE**	**PARAMETER IR CATEGORY**
DWS	Fully Supporting				
FC	Not Assessed				
HQColdWAL	Not Supporting	Aluminum, Total Recoverable	2016		5/5B
		Nutrients	2016		5/5B
		Temperature	1998	6/2/2003	4A
		Turbidity	2016		5/5B
IRR	Fully Supporting				
LW	Fully Supporting				
PC	Fully Supporting				
WH	Fully Supporting				

AU Comment: TMDL for temperature (2003). Natural conditions may contribute to high aluminum concentrations in the Jemez Mountains; aluminum criteria may need review to identify appropriate/attainable levels. In addition, the low pH in this AU is likely contributing to increased metals concentrations. AU may not be perennial -- HP and WQS review needed.

Sulphur Creek (San Antonio Creek to Redondo Creek)			AU IR CATEGORY	LOCATION DESCRIPTION	
			5/5B	HUC: 13020202 Jemez	
AU ID	**WQS REF**	**WATER TYPE**	**SIZE**	**ASSESSED**	**MONITORING SCHEDULE**
NM-2106.A_27	20.6.4.108	STREAM, PERENNIAL	1.01 MILES	2016	2021
USE	**ATTAINMENT**	**CAUSE(S)**	**FIRST LISTED**	**TMDL DATE**	**PARAMETER IR CATEGORY**
DWS	Fully Supporting				
FC	Not Assessed				
HQColdWAL	Not Supporting	Temperature	2016		5/5B
		Turbidity	2010		5/5B
		Aluminum, Total Recoverable	2016		5/5B
		pH	2016		5/5B
IRR	Fully Supporting				
LW	Fully Supporting				
PC	Fully Supporting				
WH	Fully Supporting				

AU Comment: Natural conditions may contribute to high aluminum concentrations in the Jemez Mountains; aluminum criteria may need review to identify appropriate/attainable levels. In addition, the low pH in this AU is likely contributing to increased metals concentrations. HP needed -- this AU may not be perennial. pH applicable to 20.6.4.108 NMAC not attainable given naturally low pH in upstream AU.

Vallecito Ck (Jemez Pueblo bnd to Div abv Ponderosa)			AU IR CATEGORY	LOCATION DESCRIPTION	
			5/5A	HUC: 13020202 Jemez	
AU ID	**WQS REF**	**WATER TYPE**	**SIZE**	**ASSESSED**	**MONITORING SCHEDULE**
NM-2105.5_20	20.6.4.98	STREAM, INTERMITTENT	3.51 MILES	2016	2021
USE	**ATTAINMENT**	**CAUSE(S)**	**FIRST LISTED**	**TMDL DATE**	**PARAMETER IR CATEGORY**
LW	Fully Supporting				
MWWAL	Not Supporting	Arsenic, Dissolved	2016	2023 (est.)	5/5A
PC	Fully Supporting				
WH	Fully Supporting				

AU Comment: None.

Uses Abbreviation Key	
ColdWAL	Coldwater Aquatic Life
CoolWAL	Coolwater Aquatic Life
DWS	Domestic Water Supply
FC	Fish Culture
HQColdWAL	High Quality Coldwater Aquatic Life
IW Storage	Industrial Water Storage
IW Supply	Industrial Water Supply
IRR	Irrigation
IRR Storage	Irrigation Storage
LAL	Limited Aquatic Life
LW	Livestock Watering
MCWAL	Marginal Coldwater Aquatic Life
MWWAL	Marginal Warmwater Aquatic Life
MWS	Municipal Water Storage
PC	Primary Contact
PWS	Public Water Supply
SC	Secondary Contact
WWAL	Warmwater Aquatic Life
WH	Wildlife Habitat

PETITIONER’S EXHIBIT 8-D

AFFP
LEGAL 17540_ONRW PETITION

Affidavit of Publication

STATE OF NM }
COUNTY OF TAOS } SS

Gabrielle Sanchez, being duly sworn, says:

That she is Legal Advertising Representative of the The Taos News, a weekly newspaper of general circulation, printed and published in Colfax County, Rio Arriba County, Taos County, NM; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

November 25, 2021

That said newspaper was regularly issued and circulated on those dates.
SIGNED:

Gabrielle Sanchez

Subscribed to and sworn to me this 25th day of November 2021.

Mary Chavez

Mary Chavez, Notary Public, Taos County, NM

My commission expires: April 03, 2025

OFFICIAL SEAL
MARY CHAVEZ
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires 4-3-2025

LEGAL NO. 17,540.
LEGAL NOTICE

The Outdoor Recreation Division of the New Mexico Department of Economic Development ("Petitioner") provides public notice that it intends to file with the New Mexico Water Quality Control Commission a Petition to Nominate Surface Waters in the Upper Rio Grande, Rio Hondo, and Jemez Watersheds as Outstanding National Resource Waters ("Petition") pursuant to 20.6.4.9 NMAC. The Petition will include maps of the surface waters of the state, including the location and proposed upstream and downstream boundaries; a written statement and evidence based on scientific principles in support of the nomination, including specific reference to the applicable Outstanding National Resource Waters ("ONRW") criteria listed in 20.6.4.9.B NMAC, including the exceptional recreational and ecological significance of all waters nominated; water quality data to establish a baseline condition for the proposed ONRWs; a discussion of activities that might contribute to the reduction of water quality in the proposed ONRWs; and additional evidence to substantiate the designation, including a discussion of the benefit to the State of New Mexico. Pursuant to 20.6.4.9.A(6) NMAC, Petitioner gives notice of the Petition in this newspaper within the affected county of TAOS. For more information, please contact Outdoor Recreation Division Director Axie Navas at
Alexandra.navas@
state.nm.us
or visit
NMOutside.com
(LEGAL NO. 17,540; PUB. NOV. 24, 2021).

00010717 00045783

ALYSSA RENWICK
NM DEPT. ECONOMIC DEVELOPMENT
1100 S St. Francis Driv
Joseph M. Montoya Building
Santa Fe, NM 87505

LEGAL NOTICE

The Outdoor Recreation Division of the New Mexico Department of Economic Development ("Petitioner") provides public notice that it intends to file with the New Mexico Water Quality Control Commission a Petition to Nominate Segments of the Rio Grande, Rio Hondo, Lake Fork, East Fork Jemez River, San Antonio Creek, and Redondo Creek as Outstanding National Resource Waters ("Petition") pursuant to 20.6.4.9 NMAC. The Petition will include maps of the nominated surface waters, including the location and proposed upstream and downstream boundaries; a written statement and evidence based on scientific principles in support of the nomination, including specific reference to the applicable Outstanding National Resource Waters ("ONRW") criteria listed in 20.6.4.9.B NMAC, including the exceptional recreational and ecological significance of all waters nominated; water quality data to establish a baseline condition for the proposed ONRWs; a discussion of activities that might contribute to the reduction of water quality in the proposed ONRWs; and additional evidence to substantiate the designation, including a discussion of the benefit to the State of New Mexico. Pursuant to 20.6.4.9.A(6) NMAC, Petitioner gives notice of the Petition in this newspaper within the affected county of Sandoval. For more information please contact Axie Navas, Outdoor Recreation Division Director or visit www.nmoutside.com.

Observer: November 28, 2021

L T D M T L R O S

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO

County of Sandoval SS

Elise Rodriguez, the undersigned, authorized Representative of Rio Rancho Observer, 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 edition, for 1 time(s) on the following date(s):

11/28/2021

Official Seal
Christina White
Notary Public
State of New Mexico
My Commission Expires 4/10/22

Sworn and subscribed before me, a Notary Public, in and for the County of Sandoval and State of New Mexico this 29 day of November of 2021

PRICE $66.42

Statement to come at the end of month.

ACCOUNT NUMBER 1030560

The Outdoor Recreation Division of the New Mexico Department of Economic Development ("Petitioner") provides public notice that it intends to file with the New Mexico Water Quality Control Commission a Petition to Nominate Segments of the Rio Grande, Rio Hondo, Lake Fork, East Fork Jemez River, San Antonio Creek, and Redondo Creek as Outstanding National Resource Waters ("Petition") pursuant to 20.6.4.9 NMAC. The Petition will include maps of the surface waters nominated, including the location and proposed upstream and downstream boundaries; a written statement and evidence based on scientific principles in support of the nomination, including specific reference to the applicable Outstanding National Resource Waters ("ONRW") criteria listed in 20.6.4.9.B NMAC, including the exceptional recreational and ecological significance of all waters nominated; water quality data to establish a baseline condition for the proposed ONRWs; a discussion of activities that might contribute to the reduction of water quality in the proposed ONRWs; and additional evidence to substantiate the designation, including a discussion of the benefit to the State of New Mexico. Pursuant to 20.6.4.9.A(6) NMAC, Petitioner gives notice of the Petition in this newspaper of general statewide circulation. For more information, please contact Axie Navas, Outdoor Recreation Division Director or visit www.nmoutside.com.

Journal: November 21, 2021

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):

11/21/2021

Official Seal
Christina White
Notary Public
State of New Mexico
My Commission Expires: 4/10/22

Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 22 day of November of 2021

PRICE $66.54

Statement to come at the end of month.

ACCOUNT NUMBER 1030560

PETITIONER’S EXHIBIT 10

New Mexico Register / Volume XXXIII, Issue 6 / March 22, 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 RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK OF THE JEMEZ RIVER, SAN ANTONIO CREEK, AND REDONDO CREEK AS OUTSTANDING NATIONAL RESOURCE WATERS, NO. WQCC 21-62 (R)

The New Mexico Water Quality Control Commission ("Commission") will hold a public hearing on Tuesday, June 14, 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 Rio Grande, Rio Hondo, Lake Fork, East Fork of the Jemez River, San Antonio Creek, and Redondo Creek 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 New Mexico Environment Department ("NMED") Events Calendar at https://www.env.nm.gov/events-calendar/?trumbaEmbed=view%3Devent%26eventid%3D158027518 at least 30 days prior to the hearing.

The proposed amendments to 20.6.4.9 NMAC, as petitioned for by the Outdoor Recreation Division of the New Mexico Economic Development Department ("Petitioner"), and docketed as No. WQCC 21-62 (R), propose designation of certain surface waters of the Rio Grande, Rio Hondo, Lake Fork, East Fork of The Jemez River, San Antonio Creek, and Redondo Creek 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 January 19, 2022. 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. MDT on Friday, May 13, 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.

The Commission may make a decision on the proposed amendments at the conclusion of the hearing.

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. Parts 5 and 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, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kathryn Becker, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. You may also visit our website at https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

LA COMISIÓN DE CONTROL DE CALIDAD DEL AGUA DE NUEVO MÉXICO DA AVISO DE UNA 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 RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK DE JEMEZ RIVER, SAN ANTONIO CREEK Y REDONDO CREEK COMO AGUAS DE RECURSOS DESTACADOS NACIONALES, NÚM. WQCC 21-62 (R)

La Comisión de Control de Calidad del Agua de Nuevo México ("Comisión") celebrará una audiencia pública el martes, 14 de junio 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 Rio Grande, Rio Hondo, Lake Fork, East Fork de Jemez River, San Antonio Creek y Redondo Creek como Aguas de Recursos Destacados Nacionales. La Comisión iniciará su reunión mensual ordinaria a las 9:00 a.m. MDT, y al concluir los asuntos ordinarios comenzará la audiencia pública. La información para asistir a la audiencia virtual a través de la plataforma de conferencias WebEx estará disponible en el Calendario de Eventos del Departamento de Medio Ambiente de Nuevo México ("NMED") en https://www.env.nm.gov/events-calendar/?trumbaEmbed=view%3Devent%26eventid%3D158027518 al menos 30 días antes de la audiencia.

Las enmiendas propuestas a 20.6.4.9 NMAC, solicitadas por la División de Recreación al Aire Libre del Departamento de Desarrollo Económico de Nuevo México ("Solicitante"), y registradas con el número WQCC 21-62 (R), proponen la designación de ciertas aguas superficiales de Rio Grande, Rio Hondo, Lake Fork, East Fork de Jemez River, San Antonio Creek y Redondo Creek como Aguas de Recursos Destacados Nacionales ("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 comunicándose con Pamela Jones, administradora de la Comisión, 1190 S. St. Francis Drive, Santa Fe, NM 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 19 de enero de 2022. 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, presentar pruebas instrumentales 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 el nombre, la dirección, afiliación(es) y el historial académico y laboral;
4. Estimar la duración del testimonio directo de cada testigo;
5. Identificar todas las pruebas instrumentales que formen parte del Registro Administrativo y en el caso de pruebas instrumentales que no formen parte del Registro Administrativo deben adjuntar una copia;
6. Enumerar o poner a disposición todos los materiales técnicos en los que se basó cada testigo al hacer la declaración técnica de hecho u opinión contenida en su testimonio directo; y
7. Adjuntar un resumen del testimonio de cada testigo, indicando cualquier opinión u opininiones que vaya a ofrecer dicho testigo, y una explicación de la base de dicha opinión u opiniones.

La fecha límite para presentar avisos de intención a la administradora de la Comisión es el viernes, 13 de mayo de 2022, hasta las 5:00 p.m. MDT. 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 en 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.

La Comisión podrá tomar una decisión sobre las modificaciones propuestas al término de la audiencia.

Si alguna persona requiere asistencia, un intérprete o un dispositivo 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, NM, 87502, teléfono (505) 660-4305 o correo electrónico Pamela.Jones@state.nm.us. Los usuarios de TDD o TTY 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, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, tal y como exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinación de los esfuerzos de cumplimiento y de la recepción de las consultas relativas a los requisitos de no discriminación implementados por el 40 C.F.R. Partes 5 y 7, incluyendo el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; 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 la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o sobre cualquiera de los programas, políticas o procedimientos de no discriminación del NMED, puede comunicarse con Kathryn Becker, Non-Discrimination Coordinator (coordinadora de no discriminación), 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. Si cree que ha sido discriminado con respecto a un programa o actividad de NMED, puede ponerse en contacto con la coordinadora de no discriminación identificada más arriba o visitar nuestro sitio web en https://www.env.nm.gov/non-employee-discrimination-complaint-page/ para aprender cómo y dónde presentar una queja de discriminación. Para ver este y otros avisos públicos emitidos por la Oficina de Calidad de las Aguas Subterráneas en línea, vaya a: https://www.env.nm.gov/gwqb/public-notice/.

PETITIONER’S EXHIBIT 11

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO

County of Bernalillo SS

NEWMEXICOWATER QUALITYCONTROLCOMMISSIONNOTICEOF PUBLICHEARINGTOCONSIDERPROPOSED AMENDMENTSTO20649NMACSTANDARDSFORINTERSTATEANDINTRASTATE

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):

04/01/2022

David Montoya

Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 1 day of April of 2022

PRICE $1,059.07

Statement to come at the end of month.

ACCOUNT NUMBER 1010611

Official Seal
Christina White
Notary Public
State of New Mexico
My Commission Expires: 7/10/24

at Pamela.Jones@state.nm.us.

Commission may make a decision on the proposed amendments at the conclusion of the hearing.

ny 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, 02, telephone (505) 660-4305 or email Pamela.jones@state.nm.us. (TDD or TTY) users please access the number via the v Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

ED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and re- t of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX he Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, or if you believe that have been discriminated against with respect to a NMED program or activity, you may contact: Kathryn Becker, Non-Discination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd. rdinator@state.nm.us. You may also visit our website at s://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimina-

A COMISIÓN DE CONTROL DE CALIDAD DEL AGUA DE NUEVO MÉXICO DA AVISO DE UNA AUDIENCIA PÚBLICA RA CONSIDERAR LAS ENMIENDAS PROPUESTAS A 20.6.4.9 NMAC - NORMAS PARA AGUAS SUPERFICIALES INRESTATALES Y ESTATALES - DESIGNACIÓN DE LAS AGUAS DE RIO GRANDE, RIO HONDO, LAKE FORK, EAST RK DE JEMEZ RIVER, SAN ANTONIO CREEK Y REDONDO CREEK COMO AGUAS DE RECURSOS DESTACADOS NACIONALES, NUM. WQCC 21-62 (R)

Comisión de Control de Calidad del Agua de Nuevo Mexico ("Comisión") celebrará una audiencia pública el martes, 14 de de 2022, y continuará en los días siguientes según sea necesario, a través de la plataforma de videoconferencia WebEx. opósito de la audiencia es considerar las enmiendas a las Normas para Aguas Superficiales Interestatales y Estatales, 20.6. NMAC, Designación de Aguas de Rio Grande, Rio Hondo, Lake Fork, East Fork de Jemez River, San Antonio Creek y ondo Creek como Aguas de Recursos Destacados Nacionales. La Comisión iniciará su reunión mensual ordinaria a las 9:00 MDT, y al concluir los asuntos ordinarios comenzará la audiencia pública. La información para asistir a la audiencia virtual a s de la plataforma de conferencias WebEx estará disponible en el Calendario de Eventos del Departamento de Medio iente de Nuevo México ("NMED") en

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petición y las enmiendas propuestas están disponibles en el sitio web de la Comisión, en https://www.env.nm. pf/docketed-matters/. La petición también puede obtenerse electrónicamente comunicándose con Pamela Jones, nistradora de la Comisión, 1190 S. St. Francis Drive, Santa Fe, NM 87502, (505) 660-4305, o Pamela.Jones@state.nm.us.

CATION

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following date(s):

Official Seal
Christina White
Notary Public
State of New Mexico
My Commission Expires: 7/10/23

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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 – ESIGNATION OF WATERS OF THE RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK OF THE JEMEZ RIVER, SAN ANTONIO CREEK, AND REDONDO CREEK AS OUTSTANDING NATIONAL RESOURCE WATERS, NO. WQCC 21-62 (R)

ie New Mexico Water Quality Control Commission ("Commission") will hold a public hearing on Tuesday, June 14, 2022, and ntinuing on subsequent days, as necessary, via the WebEx video conferencing platform. The purpose of the hearing is to con- der amendments to the Standards for Interstate and Intrastate Surface Waters, 20.6.4.9 NMAC, Designation of Waters of the o Grande, Rio Hondo, Lake Fork, East Fork of the Jemez River, San Antonio Creek, and Redondo Creek as Outstanding Na- nal Resource Waters. The Commission will begin its regular monthly meeting at 9:00 a.m. MDT, and the public hearing will be- at the conclusion of its regular business. Information for attending the virtual hearing via the WebEx conferencing platform will available on the New Mexico Environment Department ("NMED") Events Calendar at

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least 30 days prior to the hearing.

ie proposed amendments to 20.6.4.9 NMAC, as petitioned for by the Outdoor Recreation Division of the New Mexico Economic evelopment Department ("Petitioner"), and docketed as No. WQCC 21-62 (R), propose designation of certain surface waters of e Rio Grande, Rio Hondo, Lake Fork, East Fork of The Jemez River, San Antonio Creek, and Redondo Creek as Outstanding ational Resource Waters ("ONRWs").

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

ie hearing will be conducted in accordance with the New Mexico Water Quality Act, NMSA 1978, § 74-6-6; the Rulemaking Pro- ıdures for the Water Quality Control Commission, 20.1.6 NMAC; and the Scheduling Order issued January 19, 2022. A copy of a Scheduling Order is available at https://www.env.nm.gov/opt/docketed-matters/ or may be obtained from the Commission Ad- inistrator at the address and phone number above. All interested persons will be given reasonable opportunity at the hearing to bmit relevant evidence, data, views, and arguments, orally or in writing, to introduce relevant exhibits and to examine witnesses stifying at the public hearing.

ersons desiring to present technical testimony at the hearing must file with the Commission a written notice of intent. The notice 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).

ie deadline for filing notices of intent is 5:00 p.m. MDT on Friday, May 13, 2022, to the Commission Administrator. Any member the general public may present non-technical public comment at the hearing or submit a non-technical written statement in lieu oral testimony before or at the hearing.

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

ie Commission may make a decision on the proposed amendments at the conclusion of the hearing.

any person requires assistance, an interpreter or auxiliary aid to participate in this process, please contact Pamela Jones, Com- ission Administrator, at least 14 days prior to the hearing date at P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 502, telephone (505) 660-4305 or email Pamela.jones@state.nm.us. (TDD or TTY) users please access the number via the ew Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

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LA COMISIÓN DE CONTROL DE CALIDAD DEL AGUA DE NUEVO MÉXICO DA AVISO DE UNA AUDIENCIA PÚBLICA ARA CONSIDERAR LAS ENMIENDAS PROPUESTAS A 20.6.4.9 NMAC - NORMAS PARA AGUAS SUPERFICIALES IN- TERESTATALES Y ESTATALES - DESIGNACIÓN DE LAS AGUAS DE RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK DE JEMEZ RIVER, SAN ANTONIO CREEK Y REDONDO CREEK COMO AGUAS DE RECURSOS DESTACADOS NACIONALES, NUM. WQCC 21-62 (R)

a Comisión de Control de Calidad del Agua de Nuevo México ("Comisión") celebrará una audiencia pública el martes, 14 de nio de 2022, y continuará en los días siguientes según sea necesario, a través de la plataforma de videoconferencia WebEx. propósito de la audiencia es considerar las enmiendas a las Normas para Aguas Superficiales Interestatales y Estatales, 20.6. 9 NMAC, Designación de Aguas de Río Grande, Rio Hondo, Lake Fork, East Fork de Jemez River, San Antonio Creek y edondo Creek como Aguas de Recursos Destacados Nacionales. La Comisión iniciará su reunión mensual ordinaria a las 9:00 m. MDT, y al concluir los asuntos ordinarios comenzará la audiencia pública. La información para asistir a la audiencia virtual a avés de la plataforma de conferencias WebEx estará disponible en el Calendario de Eventos del Departamento de Medio mbiente de Nuevo México ("NMED") en

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menos 30 días antes de la audiencia.

as enmiendas propuestas a 20.6.4.9 NMAC, solicitadas por la División de Recreación al Aire Libre del Departamento de esarrollo Económico de Nuevo México ("Solicitante"), y registradas con el número WQCC 21-62 (R), proponen la designación e ciertas aguas superficiales de Río Grande, Rio Hondo, Lake Fork, East Fork de Jemez River, San Antonio Creek y Redondo reek como Aguas de Recursos Destacados Nacionales ("ONRWs" por sus siglas en inglés).

a petición y las enmiendas propuestas están disponibles en el sitio web de la Comisión, en https://www.env.nm v/opt/docketed-matters/. La petición también puede obtenerse electrónicamente comunicándose con Pamela Jones, dministradora de la Comisión, 1190 S. St. Francis Drive, Santa Fe, NM 87502, (505) 660-4305, o Pamela.Jones@state.nm.us.

ntos de Reglamentación de la Comisión de Control de la Calidad del Agua, 20.7.9 NMAC, y la Orden de Programación
itida el 19 de enero de 2022. Una copia de la Orden de Programación está disponible en https://www.env.nm.
v/opf/docketed-matters/ o puede obtenerse de la administradora de la Comisión en la dirección y el número de teléfono men-
nados anteriormente. Todas las personas interesadas tendrán una oportunidad razonable en la audiencia para presentar prue-
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4. Estimar la duración del testimonio directo de cada testigo;
5. Identificar todas las pruebas instrumentales que formen parte del Registro Administrativo y en el caso de pruebas instrumentales que no formen parte del Registro Administrativo deben adjuntar una copia;
6. Enumerar o poner a disposición todos los materiales técnicos en los que se basó cada testigo al hacer la declaración técnica de hecho u opinión contenida en su testimonio directo; y
7. Adjuntar un resumen del testimonio de cada testigo, indicando cualquier opinión u opininiones que vaya a ofrecer dicho testigo, y una explicación de la base de dicha opinión u opiniones.

fecha límite para presentar avisos de intención a la administradora de la Comisión es el viernes, 13 de mayo de 2022, hasta
5:00 p.m. MDT. Cualquier miembro del público puede presentar comentarios públicos no técnicos en la audiencia o presentar
a declaración no técnica por escrito en lugar de un testimonio oral antes o durante la audiencia.

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

Comisión podrá tomar una decisión sobre las modificaciones propuestas al término de la audiencia.

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

NMED no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus pro-
amas o actividades, tal y como exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinación de los
fuerzos de cumplimiento y de la recepción de las consultas relativas a los requisitos de no discriminación implementados por el
C.F.R. Partes 5 y 7, incluyendo el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; la Sección 504 de la
y de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas de Educación de 1972,
a Sección 13 de las Enmiendas de la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta
bre este aviso o sobre cualquiera de los programas, políticas o procedimientos de no discriminación del NMED, puede
municarse con Kathryn Becker, Non-Discrimination Coordinator (coordinadora de no discriminación), New Mexico Environment
apartment, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.
. Si cree que ha sido discriminado con respecto a un programa o actividad de NMED, puede ponerse en contacto con la
ordinadora de no discriminación identificada más arriba o visitar nuestro sitio web en
tps://www.env.nm.gov/non-employee-discrimination-complaint-page/ para aprender cómo y dónde presentar una queja de
scriminación. Para ver este y otros avisos públicos emitidos por la Oficina de Calidad de las Aguas Subterráneas en línea, vaya
https://www.env.nm.gov/gwqb/public-notice/.

urnal: April 1, 2022

AFFP
LEGAL 17960_WQCC #21-62

Affidavit of Publication

STATE OF NM }
COUNTY OF TAOS } SS

Gabrielle Sanchez, being duly sworn, says:

That she is Legal Advertising Representative of the The Taos News, a weekly newspaper of general circulation, printed and published in Colfax County, Rio Arriba County, Taos County, NM; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

April 14, 2022

OFFICIAL SEAL
MARY CHAVEZ
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires 4-3-2025

That said newspaper was regularly issued and circulated on those dates.
SIGNED:

Gabrielle Sanchez

Subscribed to and sworn to me this 14th day of April 2022.

Mary Chavez

Mary Chavez, Notary Public, Taos County, NM

My commission expires: April 03, 2025

00010717 00048342

AXIE NAVAS
NM DEPT. ECONOMIC DEVELOPMENT
1190 St. Francis Drive
Suite N4050
Santa Fe, NM 87502

LEGAL NO. 17,960.
PUBLIC NOTICE

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 RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK OF THE JEMEZ RIVER, SAN ANTONIO CREEK, AND REDONDO CREEK AS OUTSTANDING NATIONAL RESOURCE WATERS, NO. WQCC 21-62 (R)

The New Mexico Water Quality Control Commission ("Commission") will hold a public hearing on Tuesday, June 14, 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 Rio Grande, Rio Hondo, Lake Fork, East Fork of the Jemez River, San Antonio Creek, and Redondo Creek 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 New Mexico Environment Department ("NMED") Events Calendar at
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at least 30 days prior to the hearing.

The proposed amendments to 20.6.4.9 NMAC, as petitioned for by the Outdoor Recreation Division of the New Mexico Economic Development Department ("Petitioner"), and docketed as No. WQCC 21-62 (R), propose designation of certain surface waters of the Rio Grande, Rio Hondo, Lake Fork, East Fork of The Jemez River, San Antonio Creek, and Redondo Creek 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 January 19, 2022. A copy of the Scheduling Order is available at
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The deadline for filing notices of intent is 5:00 p.m. MDT on Friday, May 13, 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

The Commission may make a decision on the proposed amendments at the conclusion of the hearing.

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).

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La Comisión de Control de Calidad del Agua de Nuevo México ("Comisión") celebrará una audiencia pública el martes, 14 de junio 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 Rio Grande, Rio Hondo, Lake Fork, East Fork de Jemez River, San Antonio Creek y Redondo Creek como Aguas de Recursos Destacados Nacionales. La Comisión iniciará su reunión mensual ordinaria a las 9:00 a.m. MDT, y al concluir los asuntos ordinarios comenzará la audiencia pública. La información para asistir a la audiencia virtual a través de la plataforma de conferencias WebEx estará disponible en el Calendario de Eventos del Departamento de Medio Ambiente de Nuevo México ("NMED") en

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Las enmiendas propuestas a 20.6.4.9 NMAC, solicitadas por la División de Recreación al Aire Libre del Departamento de Desarrollo Económico de Nuevo México ("Solicitante"), y registradas con el número WQCC 21-62 (R), proponen la designación de ciertas aguas superficiales de Rio Grande, Rio Hondo, Lake Fork, East Fork de Jemez River, San Antonio Creek y Redondo Creek como Aguas de Recursos Destacados Nacionales ("ONRWs" por sus siglas en inglés).

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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 19 de enero de 2022. Una copia de la Orden de Programación está disponible en
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La fecha límite para presentar avisos de intención a la administradora de la Comisión es el viernes, 13 de mayo de 2022, hasta las 5:00 p.m. MDT. 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 en 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

La Comisión podrá tomar una decisión sobre las modificaciones propuestas al término de la audiencia.

Si alguna persona requiere asistencia, un intérprete o un dispositivo 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, NM, 87502, teléfono (505) 660-4305 o correo electrónico Pamela.Jones@state.nm.us Los usuarios de TDD o TTY 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).

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https://www.env.nm.gov/non-employee-discrimination-complaint-page/
para aprender cómo y dónde presentar una queja de discriminación. Para ver este y otros avisos públicos emitidos por la Oficina de Calidad de las Aguas Subterráneas en línea, vaya a:
https://www.env.nm.gov/gwqb/public-notice/
(LEGAL NO. 17,960; PUB. APR. 14, 2022).

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO

County of Sandoval SS

NEWMEXICOWATER QUALITYCONTROLCOMMISSIONNOTICEOF PUBLICHEARINGTOCONSIDERPROPOSED AMENDMENTSTO20649NMACSTANDARDSFORINTERSTATEANDINTRASTATE

David Montoya, the undersigned, authorized Representative of Rio Rancho Observer, 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 edition, for 1 time(s) on the following date(s):

04/10/2022

OFFICIAL SEAL
Phyllis A. Santora
NOTARY PUBLIC - State of New Mexico
My Commission Expires 7-19-202

David Montoya

Phyllis A. Santora

Sworn and subscribed before me, a Notary Public, in and for the County of Sandoval and State of New Mexico this 11 day of April of 2022

PRICE $646.38

Statement to come at the end of month.

ACCOUNT NUMBER 1010611

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, 7502, telephone (505) 660-4305 or email Pamela.jones@state.nm.us. (TDD or TTY) users please access the number via the ew Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

MED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and reept of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the ivil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you ave any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, or if you believe that ou have been discriminated against with respect to a NMED program or activity, you may contact: Kathryn Becker, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. You may also visit our website at https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

LA COMISIÓN DE CONTROL DE CALIDAD DEL AGUA DE NUEVO MÉXICO DA AVISO DE UNA AUDIENCIA PÚBLICA PARA CONSIDERAR LAS ENMIENDAS PROPUESTAS A 20.6.4.9 NMAC - NORMAS PARA AGUAS SUPERFICIALES NTERESTATALES Y ESTATALES - DESIGNACIÓN DE LAS AGUAS DE RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK DE JEMEZ RIVER, SAN ANTONIO CREEK Y REDONDO CREEK COMO AGUAS DE RECURSOS DESTACADOS NACIONALES, NÚM. WQCC 21-62 (R)

a Comisión de Control de Calidad del Agua de Nuevo México ("Comisión") celebrará una audiencia pública el martes, 14 de unio 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 .9 NMAC, Designación de Aguas de Río Grande, Río Hondo, Lake Fork, East Fork de Jemez River, San Antonio Creek y Redondo Creek como Aguas de Recursos Destacados Nacionales. La Comisión iniciará su reunión mensual ordinaria a las 9:00 .m. MDT, y al concluir los asuntos ordinarios comenzará la audiencia pública. La información para asistir a la audiencia virtual a través de la plataforma de conferencias WebEx estará disponible en el Calendario de Eventos del Departamento de Medio ambiente de Nuevo México ("NMED") en https://www.env.nm.gov/events-calendar/?trumbaEmbed=view%3Devent%26eventid%3D158027518 al menos 30 días antes de a audiencia.

as enmiendas propuestas a 20.6.4.9 NMAC, solicitadas por la División de Recreación al Aire Libre del Departamento de Desarrollo Económico de Nuevo México ("Solicitante"), y registradas con el número WQCC 21-62 (R), proponen la designación de ciertas aguas superficiales de Río Grande, Río Hondo, Lake Fork, East Fork de Jemez River, San Antonio Creek y Redondo Creek como Aguas de Recursos Destacados Nacionales ("ONRWs" por sus siglas en inglés).

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

a 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 19 de enero de 2022. Una copia de la Orden de Programación está disponible en https://www.env.nm.gov/opl/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, presentar pruebas instrumentales pertinentes y para interrogar a los testigos que declaren en la audiencia pública.

CATION

EW 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 – SIGNATION OF WATERS OF THE RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK OF THE JEMEZ RIVER, SAN NTONIO CREEK, AND REDONDO CREEK AS OUTSTANDING NATIONAL RESOURCE WATERS, NO. WQCC 21-62 (R)

New Mexico Water Quality Control Commission ("Commission") will hold a public hearing on Tuesday, June 14, 2022, and tinuing on subsequent days, as necessary, via the WebEx video conferencing platform. The purpose of the hearing is to con- er amendments to the Standards for Interstate and Intrastate Surface Waters, 20.6.4.9 NMAC, Designation of Waters of the Grande, Rio Hondo, Lake Fork, East Fork of the Jemez River, San Antonio Creek, and Redondo Creek as Outstanding Na- al Resource Waters. The Commission will begin its regular monthly meeting at 9:00 a.m. MDT, and the public hearing will be- at the conclusion of its regular business. Information for attending the virtual hearing via the WebEx conferencing platform will available on the New Mexico Environment Department ("NMED") Events Calendar at s://www.env.nm.gov/events-calendar/?trumbaEmbed=view%3Devent%26eventid%3D158027518 at least 30 days prior to the aring.

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

e hearing will be conducted in accordance with the New Mexico Water Quality Act, NMSA 1978, § 74-6-6; the Rulemaking Pro- dures for the Water Quality Control Commission, 20.1.6 NMAC; and the Scheduling Order issued January 19, 2022. A copy of e Scheduling Order is available at https://www.env.nm.gov/opt/docketed-matters/ or may be obtained from the Commission Ad- nistrator at the address and phone number above. All interested persons will be given reasonable opportunity at the hearing to bmit relevant evidence, data, views, and arguments, orally or in writing, to introduce relevant exhibits and to examine witnesses stifying at the public hearing.

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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, ach a copy;
6. List or make available all technical materials relied upon by each witness in making statement of techni- l 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 wit- ss, and an explanation of the basis for such opinion(s).

e deadline for filing notices of intent is 5:00 p.m. MDT on Friday, May 13, 2022, to the Commission Administrator. Any member the general public may present non-technical public comment at the hearing or submit a non-technical written statement in lieu oral testimony before or at the hearing.

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esentative of Rio Rancho Observer, on oath blish legal notices or advertisements within the of 1937; that payment therefore has been made y of which is hereto attached, was published in wing date(s):

OFFICIAL SEAL
Phyllis A. Santora
NOTARY PUBLIC - State of New Mexico
My Commission Expires 7-19-2026

Phyllis A. Santora

in and

s

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 el nombre, la dirección, afiliación(es) y el historial académico y laboral;
4. Estimar la duración del testimonio directo de cada testigo;
5. Identificar todas las pruebas instrumentales que formen parte del Registro Administrativo y en el caso de pruebas instrumentales que no formen parte del Registro Administrativo deben adjuntar una copia;
6. Enumerar o poner a disposición todos los materiales técnicos en los que se basó cada testigo al hacer la declaración técnica de hecho u opinión contenida en su testimonio directo; y
7. Adjuntar un resumen del testimonio de cada testigo, indicando cualquier opinión u opiniones que haya a ofrecer dicho testigo, y una explicación de la base de dicha opinión u opiniones.

La fecha límite para presentar avisos de intención a la administradora de la Comisión es el viernes, 13 de mayo de 2022, hasta las 5:00 p.m. MDT. 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.

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Observer: April 10, 2022

PETITIONER’S EXHIBIT 12

Tannis Fox

From: Tannis Fox <fox@westernlaw.org>
Sent: Monday, April 25, 2022 3:41 PM
To: 'Nelson, Johanna, EDD'
Cc: 'Verheul, John, ENV'; 'Jones, Pamela, ENV'; 'Navas, Alexandra, EDD'
Subject: Notice of rulemaking before WQCC
Attachments: EDnotice_xxxiii06.pdf

Hello Ms. Nelson.

Pursuant to NMSA 1978, Section 14-4A-4 of the Small Business Regulatory Relief Act, the Outdoor Recreation Division of the New Mexico Department of Economic Development is providing the Small Business Regulatory Advisory Commission with notice of a rulemaking before the New Mexico Water Quality Control Commission in which ORD is petitioning to amend 20.6.4.9 NMAC (Standards for Interstate and Intrastate Surface Waters) and to nominate segments of the Rio Grande, Rio Hondo, Lake Fork, East Fork of the Jemez River, San Antonio Creek, and Redondo Creek as Outstanding National Resource Waters. A copy of the notice published in the New Mexico Register on March 22, 2022 is attached and can be found here: https://www.srca.nm.gov/nmac/nmregister/xxxiii/EDnotice_xxxiii06.html .

Please let me know if you have questions.

Thank you,

Tannis Fox | Senior Attorney | *she/ella*
Western Environmental Law Center
409 East Palace Avenue, Suite 2 | Santa Fe, New Mexico 87501
505.629.0732 | fox@westernlaw.org
www.westernlaw.org | *Defending the West*

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 RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK OF THE JEMEZ RIVER, SAN ANTONIO CREEK, AND REDONDO CREEK AS OUTSTANDING NATIONAL RESOURCE WATERS, NO. WQCC 21-62 (R)

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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 January 19, 2022. 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.

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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. Parts 5 and 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, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kathryn Becker, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. You may also visit our website at https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

LA COMISIÓN DE CONTROL DE CALIDAD DEL AGUA DE NUEVO MÉXICO DA AVISO DE UNA 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 RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK DE JEMEZ RIVER, SAN ANTONIO CREEK Y REDONDO CREEK COMO AGUAS DE RECURSOS DESTACADOS NACIONALES, NÚM. WQCC 21-62 (R)

La Comisión de Control de Calidad del Agua de Nuevo México ("Comisión") celebrará una audiencia pública el martes, 14 de junio 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 Rio Grande, Rio Hondo, Lake Fork, East Fork de Jemez River, San Antonio Creek y Redondo Creek como Aguas de Recursos Destacados Nacionales. La Comisión iniciará su reunión mensual ordinaria a las 9:00 a.m. MDT, y al concluir los asuntos ordinarios comenzará la audiencia pública. La información para asistir a la audiencia virtual a través de la plataforma de conferencias WebEx estará disponible en el Calendario de Eventos del Departamento de Medio Ambiente de Nuevo México ("NMED") en https://www.env.nm.gov/events-calendar/?trumbaEmbed=view%3Devent%26eventid%3D158027518 al menos 30 días antes de la audiencia.

Las enmiendas propuestas a 20.6.4.9 NMAC, solicitadas por la División de Recreación al Aire Libre del Departamento de Desarrollo Económico de Nuevo México ("Solicitante"), y registradas con el número WQCC 21-62 (R), proponen la designación de ciertas aguas superficiales de Rio Grande, Rio Hondo, Lake Fork, East Fork de Jemez River, San Antonio Creek y Redondo Creek como Aguas de Recursos Destacados Nacionales ("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 comunicándose con Pamela Jones, administradora de la Comisión, 1190 S. St. Francis Drive, Santa Fe, NM 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 19 de enero de 2022. 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, presentar pruebas instrumentales 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 el nombre, la dirección, afiliación(es) y el historial académico y laboral;
4. Estimar la duración del testimonio directo de cada testigo;
5. Identificar todas las pruebas instrumentales que formen parte del Registro Administrativo y en el caso de pruebas instrumentales que no formen parte del Registro Administrativo deben adjuntar una copia;
6. Enumerar o poner a disposición todos los materiales técnicos en los que se basó cada testigo al hacer la declaración técnica de hecho u opinión contenida en su testimonio directo; y
7. Adjuntar un resumen del testimonio de cada testigo, indicando cualquier opinión u opininiones que vaya a ofrecer dicho testigo, y una explicación de la base de dicha opinión u opiniones.

La fecha límite para presentar avisos de intención a la administradora de la Comisión es el viernes, 13 de mayo de 2022, hasta las 5:00 p.m. MDT. 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 en 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.

La Comisión podrá tomar una decisión sobre las modificaciones propuestas al término de la audiencia.

Si alguna persona requiere asistencia, un intérprete o un dispositivo 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, NM, 87502, teléfono (505) 660-4305 o correo electrónico Pamela.Jones@state.nm.us. Los usuarios de TDD o TTY 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, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, tal y como exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinación de los esfuerzos de cumplimiento y de la recepción de las consultas relativas a los requisitos de no discriminación implementados por el 40 C.F.R. Partes 5 y 7, incluyendo el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; 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 la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o sobre cualquiera de los programas, políticas o procedimientos de no discriminación del NMED, puede comunicarse con Kathryn Becker, Non-Discrimination Coordinator (coordinadora de no discriminación), 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. Si cree que ha sido discriminado con respecto a un programa o actividad de NMED, puede ponerse en contacto con la coordinadora de no discriminación identificada más arriba o visitar nuestro sitio web en https://www.env.nm.gov/non-employee-discrimination-complaint-page/ para aprender cómo y dónde presentar una queja de discriminación. Para ver este y otros avisos públicos emitidos por la Oficina de Calidad de las Aguas Subterráneas en línea, vaya a: https://www.env.nm.gov/gwqb/public-notice/.

Tannis Fox

From: Nelson, Johanna, EDD <Johanna.Nelson@state.nm.us>
Sent: Thursday, April 28, 2022 9:01 AM
To: fox@westernlaw.org
Cc: Verheul, John, ENV; Jones, Pamela, ENV; Navas, Alexandra, EDD; Painter, Westlee A, EDD
Subject: RE: [EXTERNAL] Notice of rulemaking before WQCC

Hello, Westlee Painter is the Admin for the SBRAC. I have forwarded her the information.

Thank you!

From: Tannis Fox <fox@westernlaw.org>
Sent: Monday, April 25, 2022 3:41 PM
To: Nelson, Johanna, EDD <Johanna.Nelson@state.nm.us>
Cc: Verheul, John, ENV <John.Verheul@state.nm.us>; Jones, Pamela, ENV <Pamela.Jones@state.nm.us>; Navas, Alexandra, EDD <Alexandra.Navas@state.nm.us>
Subject: [EXTERNAL] Notice of rulemaking before WQCC

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Hello Ms. Nelson.

Pursuant to NMSA 1978, Section 14-4A-4 of the Small Business Regulatory Relief Act, the Outdoor Recreation Division of the New Mexico Department of Economic Development is providing the Small Business Regulatory Advisory Commission with notice of a rulemaking before the New Mexico Water Quality Control Commission in which ORD is petitioning to amend 20.6.4.9 NMAC (Standards for Interstate and Intrastate Surface Waters) and to nominate segments of the Rio Grande, Rio Hondo, Lake Fork, East Fork of the Jemez River, San Antonio Creek, and Redondo Creek as Outstanding National Resource Waters. A copy of the notice published in the New Mexico Register on March 22, 2022 is attached and can be found here: https://www.srca.nm.gov/nmac/nmregister/xxxiii/EDnotice_xxxiii06.html .

Please let me know if you have questions.

Thank you,

Tannis Fox | Senior Attorney | *she/ella*
Western Environmental Law Center
409 East Palace Avenue, Suite 2 | Santa Fe, New Mexico 87501
505.629.0732 | fox@westernlaw.org
www.westernlaw.org | *Defending the West*

Tannis Fox

From: Painter, Westlee A, EDD <WestleeA.Painter@state.nm.us>
Sent: Tuesday, May 3, 2022 12:46 PM
To: fox@westernlaw.org
Subject: RE: [EXTERNAL] Notice of rulemaking before WQCC

Dear Ms. Fox.

Thank you for your proposed rule makings sent to the Small Business Regulatory Commission. At this time no findings were found with the proposed rules that were sent.

Please feel free to reach out if you have any questions.

Sincerely,
Ms. Westlee A. Painter
Executive Assistant to the Deputy Cabinet Secretary Jon Clark
Economic Development Department
Work: (505) 827-0300
Cell: (505) 470 – 9472
https://edd.newmexico.gov/

From: Nelson, Johanna, EDD <Johanna.Nelson@state.nm.us>
Sent: Thursday, April 28, 2022 9:00 AM
To: Painter, Westlee A, EDD <WestleeA.Painter@state.nm.us>
Subject: FW: [EXTERNAL] Notice of rulemaking before WQCC

From: Tannis Fox <fox@westernlaw.org>
Sent: Monday, April 25, 2022 3:41 PM
To: Nelson, Johanna, EDD <Johanna.Nelson@state.nm.us>
Cc: Verheul, John, ENV <John.Verheul@state.nm.us>; Jones, Pamela, ENV <Pamela.Jones@state.nm.us>; Navas, Alexandra, EDD <Alexandra.Navas@state.nm.us>
Subject: [EXTERNAL] Notice of rulemaking before WQCC

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Hello Ms. Nelson.

Pursuant to NMSA 1978, Section 14-4A-4 of the Small Business Regulatory Relief Act, the Outdoor Recreation Division of the New Mexico Department of Economic Development is providing the Small Business Regulatory Advisory Commission with notice of a rulemaking before the New Mexico Water Quality Control Commission in which ORD is petitioning to amend 20.6.4.9 NMAC (Standards for Interstate and Intrastate Surface Waters) and to nominate segments of the Rio Grande, Rio Hondo, Lake Fork, East Fork of the Jemez River, San Antonio Creek, and Redondo Creek as Outstanding National Resource Waters. A copy of the notice published in the

New Mexico Register on March 22, 2022 is attached and can be found here: https://www.srca.nm.gov/nmac/nmregister/xxxiii/EDnotice_xxxiii06.html .

Please let me know if you have questions.

Thank you,

Tannis Fox | Senior Attorney | *she/ella*
Western Environmental Law Center
409 East Palace Avenue, Suite 2 | Santa Fe, New Mexico 87501
505.629.0732 | fox@westernlaw.org
www.westernlaw.org | *Defending the West*

PETITIONER’S EXHIBIT 13

Events Calendar

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APR MAY JUN JUL AUG SEP OCT NOV DEC JAN

WQCC Monthly Meeting and Hearing on WQCC 21-62 Segments of Rio Grande, etc. ONRW

TUESDAY, JUNE 14, 2022, 9AM - 1PM

This is a regular monthly commission meeting: Agenda followed by a public hearing on:

WQCC 21-62(R) - Proposed Amendments to 20.6.4.9 NMAC - Standards for Interstate and Intrastate Surface Waters - Rio Grande, etc. ONRW

"Public notices of this hearing and other hearings are posted on the NMED Public Notices page."
"Testimony and other documents associated with the hearing will be posted on the NMED Docketed Matters page."

Location WebEx:
Contact Pamela.Jones@state.nm.us
Event type Public hearing

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OHSB RUST INVESTIGATION

Contact Us

Main Ph: 505-827-2855
800-219-6157

Headquarters Location
Harold Runnels Building
1190 St. Francis Dr.
Suite N4050
Santa Fe, NM 87505

PETITIONER’S EXHIBIT 14

SUNSHINE NM

Rule Hearing Search

Hearing Date:	Comments Deadline Date	Agency
All	All	Economic Development Department

Search

Return to Search Results

Proposed Rule Name:
DESIGNATION OF WATERS OF AS OUTSTANDING NATIONAL RESOURCE WATERS, WQCC 21-62 (R)
Agency:
Economic Development Department
Purpose:
THE PROPOSED AMENDMENTS TO 20.6.4.9 NMAC, AS PETITIONED BY THE OUTDOOR RECREATION DIVISION OF THE NEW MEXICO DEPARTMENT OF ECONOMIC DEVELOPMENT AND DOCKETED AS WQCC 21-62 (R), PROPOSE DESIGNATION OF WATERS OF THE RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK OF THE JEMEZ RIVER, SAN ANTONIO CREEK, AND REDONDO CREEK AS ONRWS
Summary:
DESIGNATION OF WATERS OF THE RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK OF THE JEMEZ RIVER, SAN ANTONIO CREEK, AND REDONDO CREEK AS ONRWS PURSUANT TO 20.6.4.9 NMAC
Administratives Codes:
WQCC 21-62 (R)
Rule Complete Copy :
THE PETITION AND PROPOSED AMENDMENTS ARE AVAILABLE ON THE WQCC'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, WQCC 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:
Click Here to access the Rule Explanatory Statement (https://www.srca.nm.gov/nmac/nmregister/xxxiii/EDnotice_xxxiii06.html)
Related New Mexico Register Publications:
Click Here to access Related New Mexico Publications (https://www.srca.nm.gov/nmac/nmregister/xxxiii/EDnotice_xxxiii06.html)
For any additional information or questions concerning this rule making or posting please contact:
PAMELA JONES, WQCC ADMINISTRATOR
pamela.jones@state.nm.us
505.660.4305
Last Updated Date
4/25/2022 3:59 PM

How to submit Comments:
MEMBERS OF THE PUBLIC MAY OFFER NON-TECHNICAL PUBLIC COMMENT AT THE HEARING AND/OR SUBMIT A NON-TECHNICAL WRITTEN STATEMENT AT OR BEFORE THE HEARING. WRITTEN COMMENTS REGARDING THE PROPOSED AMENDMENTS 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:
6/14/2022 5:00 PM

Hearing Date:
6/14/2022 9:00 AM

Public Hearing Location:
THE WEBEX VIDEO CONFERENCING PLATFORM ACCESSED AT https://www.env.nm.gov/events-calendar/?trumbaEmbed=view%3Devent%26eventid%3D158027518 (https://www.env.nm.gov/events-calendar/?trumbaEmbed=view%3Devent%26eventid%3D158027518)
6/14/2022 (9:00 AM -)
How to participate:
MEMBERS OF THE PUBLIC MAY OFFER NON-TECHNICAL PUBLIC COMMENT AT THE HEARING AND/OR SUBMIT A NON-TECHNICAL WRITTEN STATEMENT AT OR BEFORE THE HEARING. WRITTEN COMMENTS MAY BE ADDRESSED TO PAMELA JONES, WQCC ADMINISTRATOR, AT pamela.jones@state.nm.us (mailto:pamela.jones@state.nm.us), 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 Pamela.Jones@state.nm.us (mailto:Pamela.Jones@state.nm.us), NO LATER THAN MAY 13, 2022

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

File	File Name	File Type	Description
View Document (https://staienm.my.salesforce.com/sfc/p/4100000137C2/a/2M000001sogc/dUuFAhYhtS_IXMA5R7W5O2.QMT7zAekFXgU8zvLkyy8)	EDnotice_xxxiii06	PDF	

SUNSHINE NM

PETITIONER’S EXHIBIT 15

From:	Lemon, Shelly, ENV
To:	Kesler, Michael, ENV; Chavez, William, ENV; Root, Mary K, ENV
Cc:	Fullam, Jennifer, ENV; Verheul, John, ENV; Aranda, Diana, ENV; Barrios, Kristopher, ENV
Subject:	Rio Grande-Hondo-Jemez ONRW Hearing Notice to NMED District Offices
Date:	Monday, April 25, 2022 9:57:19 AM
Attachments:	2022-04-25 - SWQB - 21-62R ONRW RG-Hondo-Jemez - Hearing Notice District Managers.pdf

Hello,

I wanted to let the District Offices know that NM's Outdoor Recreation Division filed a petition to amend surface water quality regulations and the Water Quality Control Commission ("WQCC") granted a hearing on the matter. Pursuant to the State Rules Act (Section 14-4 NMSA 1978), we need to distribute rulemaking information and make it available in the agency's district, field, and regional offices. Since NMED offices have limited public access due to COVID-19, I am sending this information electronically to make you all aware in case somebody from the public contacts your office. **Please forward to field offices or appropriate staff, as needed.**

The Outdoor Recreation Division of the New Mexico Economic Development Department ("Petitioner") proposes designation of certain surface waters of the Rio Grande, Rio Hondo, Lake Fork Creek, East Fork of the Jemez River, San Antonio Creek, and Redondo Creek as Outstanding National Resource Waters ONRWs. The petition and proposed amendments are available online at https://www.env.nm.gov/opf/docketed-matters/, under WQCC's Docketed Matter 21-62(R).

The WQCC scheduled the public hearing for **June 14, 2022**, following the regularly scheduled WQCC public meeting and continuing thereafter as necessary via the WebEx online meeting platform.

Please see attached Hearing Notice (in English and Spanish) for more information.

If you or the public have any questions or would like additional information, feel free to contact Jennifer Fullam, John Verheul (both are copied on this email), or me.

Regards,
Shelly

Shelly Lemon
Chief - Surface Water Quality Bureau
New Mexico Environment Department
1190 S. St. Francis Dr, N2050
Santa Fe, NM 87505
Cell: (505) 470-5018
Pronouns: she/her

shelly.lemon@state.nm.us
https://www.env.nm.gov/surface-water-quality/

PETITIONER’S EXHIBIT 16

Tannis Fox

From: Jones, Pamela, ENV <Pamela.Jones@state.nm.us>
Sent: Tuesday, April 26, 2022 9:02 AM
To: abqcrs@gmail.com; ach121052@aol.com; albert366@msn.com; Alex Puglisi; Alyssa Richmond; areeves@mbssllp.com; asmacgregor@ci.santa-fe.nm.us; asreise@sandia.gov; bagallegos@cabq.gov; Bahar, Dana, ENV; bfaris@cabq.gov; billjeanie.olson@gmail.com; Brancard, Bill, EMNRD; ccns@nuclearactive.org; cdesaillan@nmelc.org; cdnylander@comcast.net; chcwc@hotmail.com; Christina Sheehan; collinska@cdm.com; communications@lasacequias.org; cwyant@plateautel.net; david@nmrealtor.com; dgberardelli@hotmail.com; dgboyer@sesi-nm.com; dgratson@envstd.com; Jordan, David; dml@lrpa-usa.com; ecole@lata.com; ejantz@nmelc.org; entranosa@aol.com; eriksg@westernlaw.org; etaylor@taylormccaleb.com; ggerholt@concho.com; Engel, Gretchen; hall@law.unm.edu; Hunter, Michelle, NMENV; irwinct@cdm.com; jaimiepark2@gmail.com; James Bearzi; jarends@nuclearactive.org; jatchley@zianet.com; Jennifer Pruett; jftrujillo505@gmail.com; Winchester, Jim; jmccaleb@taylormccaleb.com; jrosenblatt@las-cruces.org; kpalmer@nmelc.org; lamorena@lasacequias.org; lee.killinger@mosaicco.com; lemayeu@sandia.gov; lindsay@lindsaylovejoy.com; lrose@montand.com; Macias, Theresa, ENV; melissa.may@sanjuanswcd.com; Mike.Holder@hollyfrontier.com; mjensen@nmelc.org; MNeumann@energyfuels.com; mpf@stateside.com; NMENV-oogc; nmwgi@nmagriculture.org; oscarsimpson3@yahoo.com; paul.romero@wilsonco.com; pdcantu@hotmail.com; Purvy Mody; randy@nmlobbyist.com; rgallegos@lanl.gov; ronaldmascarenas@aol.com; serit@cybermesa.com; snixon@rodey.com; stuart.butzier@modrall.com; Susan McMichael; fox@westernlaw.org; Theresa.Ballaine@bhpbilliton.com; timothy.j.davis@nasa.gov; tubrown2000@yahoo.com; western@modrall.com; wilogonzales@yahoo.com
Cc: garrett@nmwild.org; sbuffett@gmail.com; Rachel Conn; Hatt, Joanna, DGF; Dan Roper; Verheul, John, ENV; Corral, Madai, ENV
Subject: WQCC 21-62 (R) - ORD ONRW
Attachments: 2022-04-25 - WQCC 21-62(R) ONRW RG-Hondo-Jemez.pdf

Good morning –

Please find attached the Notice of Public Hearing to Consider Proposed Amendments to 20.6.4.9 NMAC.

Pam Jones
Paralegal
Office of Public Facilitation
New Mexico Environment Department
1190 S. St. Francis
Santa Fe, NM 87505
(505) 660-4305 cell

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 RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK OF THE JEMEZ RIVER, SAN ANTONIO CREEK, AND REDONDO CREEK AS OUTSTANDING NATIONAL RESOURCE WATERS, NO. WQCC 21-62 (R)

The New Mexico Water Quality Control Commission ("Commission") will hold a public hearing on Tuesday, June 14, 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 Rio Grande, Rio Hondo, Lake Fork, East Fork of the Jemez River, San Antonio Creek, and Redondo Creek 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 New Mexico Environment Department ("NMED") Events Calendar at https://www.env.nm.gov/events-calendar/?trumbaEmbed=view%3Devent%26eventid%3D158027518 at least 30 days prior to the hearing.

The proposed amendments to 20.6.4.9 NMAC, as petitioned for by the Outdoor Recreation Division of the New Mexico Economic Development Department ("Petitioner"), and docketed as No. WQCC 21-62 (R), propose designation of certain surface waters of the Rio Grande, Rio Hondo, Lake Fork, East Fork of The Jemez River, San Antonio Creek, and Redondo Creek 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 January 19, 2022. 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. MDT on Friday, May 13, 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.

The Commission may make a decision on the proposed amendments at the conclusion of the hearing.

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. Parts 5 and 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, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kathryn Becker, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. You may also visit our website at https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

LA COMISIÓN DE CONTROL DE CALIDAD DEL AGUA DE NUEVO MÉXICO DA AVISO DE UNA 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 RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK DE JEMEZ RIVER, SAN ANTONIO CREEK Y REDONDO CREEK COMO AGUAS DE RECURSOS DESTACADOS NACIONALES, NÚM. WQCC 21-62 (R)

La Comisión de Control de Calidad del Agua de Nuevo México ("Comisión") celebrará una audiencia pública el martes, 14 de junio 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 Rio Grande, Rio Hondo, Lake Fork, East Fork de Jemez River, San Antonio Creek y Redondo Creek como Aguas de Recursos Destacados Nacionales. La Comisión iniciará su reunión mensual ordinaria a las 9:00 a.m. MDT, y al concluir los asuntos ordinarios comenzará la audiencia pública. La información para asistir a la audiencia virtual a través de la plataforma de conferencias WebEx estará disponible en el Calendario de Eventos del Departamento de Medio Ambiente de Nuevo México ("NMED") en https://www.env.nm.gov/events-calendar/?trumbaEmbed=view%3Devent%26eventid%3D158027518 al menos 30 días antes de la audiencia.

Las enmiendas propuestas a 20.6.4.9 NMAC, solicitadas por la División de Recreación al Aire Libre del Departamento de Desarrollo Económico de Nuevo México ("Solicitante"), y registradas con el número WQCC 21-62 (R), proponen la designación de ciertas aguas superficiales de Rio Grande, Rio Hondo, Lake Fork, East Fork de Jemez River, San Antonio Creek y Redondo Creek como Aguas de Recursos Destacados Nacionales ("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 comunicándose con Pamela Jones, administradora de la Comisión, 1190 S. St. Francis Drive, Santa Fe, NM 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 19 de enero de 2022. 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, presentar pruebas instrumentales 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 el nombre, la dirección, afiliación(es) y el historial académico y laboral;
4. Estimar la duración del testimonio directo de cada testigo;
5. Identificar todas las pruebas instrumentales que formen parte del Registro Administrativo y en el caso de pruebas instrumentales que no formen parte del Registro Administrativo deben adjuntar una copia;
6. Enumerar o poner a disposición todos los materiales técnicos en los que se basó cada testigo al hacer la declaración técnica de hecho u opinión contenida en su testimonio directo; y
7. Adjuntar un resumen del testimonio de cada testigo, indicando cualquier opinión u opininiones que vaya a ofrecer dicho testigo, y una explicación de la base de dicha opinión u opiniones.

La fecha límite para presentar avisos de intención a la administradora de la Comisión es el viernes, 13 de mayo de 2022, hasta las 5:00 p.m. MDT. 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 en 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

La Comisión podrá tomar una decisión sobre las modificaciones propuestas al término de la audiencia.

Si alguna persona requiere asistencia, un intérprete o un dispositivo 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, NM, 87502, teléfono (505) 660-4305 o correo electrónico Pamela.Jones@state.nm.us. Los usuarios de TDD o TTY 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, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, tal y como exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinación de los esfuerzos de cumplimiento y de la recepción de las consultas relativas a los requisitos de no discriminación implementados por el 40 C.F.R. Partes 5 y 7, incluyendo el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; 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 la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o sobre cualquiera de los programas, políticas o procedimientos de no discriminación del NMED, puede comunicarse con Kathryn Becker, Non-Discrimination Coordinator (coordinadora de no discriminación), 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. Si cree que ha sido discriminado con respecto a un programa o actividad de NMED, puede ponerse en contacto con la coordinadora de no discriminación identificada más arriba o visitar nuestro sitio web en https://www.env.nm.gov/non-employee-discrimination-complaint-page/ para aprender cómo y dónde presentar una queja de discriminación. Para ver este y otros avisos públicos emitidos por la Oficina de Calidad de las Aguas Subterráneas en línea, vaya a: https://www.env.nm.gov/gwqb/public-notice/.

PETITIONER’S EXHIBIT 17

Tannis Fox

From: Tannis Fox <fox@westernlaw.org>
Sent: Monday, April 25, 2022 3:02 PM
To: 'joanne.vandestreek@nmlegis.gov'
Cc: 'lcs@nmlegis.gov'; 'Verheul, John, ENV'; 'Jones, Pamela, ENV'; 'Navas, Alexandra, EDD'
Subject: Notice of Petition and Rulemaking before the WQCC
Attachments: EDnotice_xxxiii06.pdf

Hello Ms. Vandestreek,

I am writing to provide notice to the New Mexico Legislative Council Service ("LCS") of a petition to amend 20.6.4.9 NMAC (Standards for Interstate and Intrastate Surface Waters) and to nominate segments of the Rio Grande, Rio Hondo, Lake Fork, East Fork of the Jemez River, San Antonio Creek, and Redondo Creek as Outstanding National Resource Waters, which was filed by the Outdoor Recreation Division of the New Mexico Department of Economic Development with the New Mexico Water Quality Control Commission "WQCC)" and docketed as WQCC 21-62 (R). Notice of the rulemaking before the WQCC is attached to fulfill the requirement of distributing rulemaking information to LCS for distribution to appropriate interim and standing legislative committees. The notice was published in the March 22, 2022 issue of the New Mexico Register, and is available here: https://www.srca.nm.gov/nmac/nmregister/xxxiii/EDnotice_xxxiii06.pdf.

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

Thank you,

Tannis Fox | Senior Attorney | *she/ella*
Western Environmental Law Center
409 East Palace Avenue, Suite 2 | Santa Fe, New Mexico 87501
505.629.0732 | fox@westernlaw.org
www.westernlaw.org | *Defending the West*

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 RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK OF THE JEMEZ RIVER, SAN ANTONIO CREEK, AND REDONDO CREEK AS OUTSTANDING NATIONAL RESOURCE WATERS, NO. WQCC 21-62 (R)

The New Mexico Water Quality Control Commission ("Commission") will hold a public hearing on Tuesday, June 14, 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 Rio Grande, Rio Hondo, Lake Fork, East Fork of the Jemez River, San Antonio Creek, and Redondo Creek 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 New Mexico Environment Department ("NMED") Events Calendar at https://www.env.nm.gov/events-calendar/?trumbaEmbed=view%3Devent%26eventid%3D158027518 at least 30 days prior to the hearing.

The proposed amendments to 20.6.4.9 NMAC, as petitioned for by the Outdoor Recreation Division of the New Mexico Economic Development Department ("Petitioner"), and docketed as No. WQCC 21-62 (R), propose designation of certain surface waters of the Rio Grande, Rio Hondo, Lake Fork, East Fork of The Jemez River, San Antonio Creek, and Redondo Creek 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 January 19, 2022. 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. MDT on Friday, May 13, 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.

The Commission may make a decision on the proposed amendments at the conclusion of the hearing.

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. Parts 5 and 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, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kathryn Becker, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. You may also visit our website at https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

LA COMISIÓN DE CONTROL DE CALIDAD DEL AGUA DE NUEVO MÉXICO DA AVISO DE UNA 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 RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK DE JEMEZ RIVER, SAN ANTONIO CREEK Y REDONDO CREEK COMO AGUAS DE RECURSOS DESTACADOS NACIONALES, NÚM. WQCC 21-62 (R)

La Comisión de Control de Calidad del Agua de Nuevo México ("Comisión") celebrará una audiencia pública el martes, 14 de junio 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 Rio Grande, Rio Hondo, Lake Fork, East Fork de Jemez River, San Antonio Creek y Redondo Creek como Aguas de Recursos Destacados Nacionales. La Comisión iniciará su reunión mensual ordinaria a las 9:00 a.m. MDT, y al concluir los asuntos ordinarios comenzará la audiencia pública. La información para asistir a la audiencia virtual a través de la plataforma de conferencias WebEx estará disponible en el Calendario de Eventos del Departamento de Medio Ambiente de Nuevo México ("NMED") en https://www.env.nm.gov/events-calendar/?trumbaEmbed=view%3Devent%26eventid%3D158027518 al menos 30 días antes de la audiencia.

Las enmiendas propuestas a 20.6.4.9 NMAC, solicitadas por la División de Recreación al Aire Libre del Departamento de Desarrollo Económico de Nuevo México ("Solicitante"), y registradas con el número WQCC 21-62 (R), proponen la designación de ciertas aguas superficiales de Rio Grande, Rio Hondo, Lake Fork, East Fork de Jemez River, San Antonio Creek y Redondo Creek como Aguas de Recursos Destacados Nacionales ("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 comunicándose con Pamela Jones, administradora de la Comisión, 1190 S. St. Francis Drive, Santa Fe, NM 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 19 de enero de 2022. 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

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

La fecha límite para presentar avisos de intención a la administradora de la Comisión es el viernes, 13 de mayo de 2022, hasta las 5:00 p.m. MDT. 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 en 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.

La Comisión podrá tomar una decisión sobre las modificaciones propuestas al término de la audiencia.

Si alguna persona requiere asistencia, un intérprete o un dispositivo 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, NM, 87502, teléfono (505) 660-4305 o correo electrónico Pamela.Jones@state.nm.us. Los usuarios de TDD o TTY 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).

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PETITIONER’S EXHIBIT 18

NEW MEXICO DEPARTMENT OF GAME AND FISH ANGLER DATA
Feb. 22, 2022
(license years extend from April 1 to March 30 of next year)

LICENSE YEAR	TOTAL ANGLERS	TOTAL VISITOR DAYS
RIO GRANDE (Gorge to above Pilar)		
1998	13971	31988
1999	15907	34369
2000	10327	30200
2001	11171	29289
2002	14954	47171
2004	17085	47702
2008	6752	21232
2016	12531	32667
2017	16934	47924
2019	10716	69667
2020	28981*	79764**

* For total anglers, Rio Grande segment ranked 4 in lotic waters (and 6 in all waters).
** For total visitor days, Rio Grande segment ranked 5 in lotic waters (and 9 in all waters).

LICENSE YEAR	TOTAL ANGLERS	TOTAL VISITOR DAYS
RIO HONDO		
1998	425	2058
1999	2123	8326
2000	1044	3154
2001	1509	7686
2002	1460	11481
2004	1754	8238
2008	728	7698
2016	1916	7044
2017	2296	9746
2019	705	3357
2020	1712	4897

LICENSE YEAR	TOTAL ANGLERS	TOTAL VISITOR DAYS
EAST FORK JEMEZ RIVER		
1998	19507	46812
1999	14808	25686
2000	12208	36919
2001	10419	27716
2002	18337	58326
2004	11977	48785
2008	10014	37400
2016	14497	46934
2017	22948	65841
2019	11202	60084
2020	23059*	67226**

* For total anglers, East Fork Jemez ranked 6 in lotic waters (and 11 in all waters).
** For total visitor days, East Fork Jemez ranked 8 in lotic waters (and 15 in all waters).

LICENSE YEAR	TOTAL ANGLERS	TOTAL VISITOR DAYS
SAN ANTONIO CREEK		
1998	3105	8227
1999	1933	2736
2000	1678	4209
2001	1452	2738
2002	1189	3406
2004	2274	5041
2008	2540	9576
2016	8243	27410
2017	16915	48572
2019	7883	51392
2020	13758*	32884**

* For total anglers, San Antonio Creek ranked 15 in lotic waters (and 25 in all waters).
** For total visitor days, San Antonio Creek ranked 15 in lotic waters (and 32 in all waters).

PETITIONER’S EXHIBIT 19

SPECIAL STATUS ANIMAL AND PLANT SPECIES

Special status animal species lists generated February 11, 2022 through the New Mexico Game and Fish Department Environmental Review Tool (nmert.org)[1]

The project area extends one mile on each side of the identified stream segment. The stream segments used to generate each report are the same as those nominated.

Common Name	Scientific Name	USFWS (ESA)	NM (WCA)	NMDGF SGCN/SERI
RIO GRANDE				
northern leopard frog	*Lithobates pipiens*			SGCN
eared grebe	*Podiceps nigricollis*			SGCN
American bittern	*Botaurus lentiginosus*			SGCN
bald eagle	*Haliaeetus leucocephalus*		T	SGCN
peregrine falcon	*Falco peregrinus*		T	SGCN
mountain plover	*Charadrius montanus*			SGCN
boreal owl	*Aegolius funereus*		T	SGCN
black swift	*Cypseloides niger*			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
southwestern willow flycatcher	*Empidonax traillii extimus*	E	E	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

[1] *Legend:*
USFWS = U.S. Fish and Wildlife Service
ESA = Federal Endangered Species Act
NM = New Mexico
WCA = New Mexico Wildlife Conservation Act
NMDGF = New Mexico Department of Game and Fish
SGCN = Species of Greatest Conservation Need
SERI = Species of Economic and Recreational Importance
T = Threatened
E = Endangered

western bluebird	*Sialia mexicana*		SGCN
loggerhead shrike	*Lanius ludovicianus*		SGCN
brown-capped rosy-finch	*Leucosticte australis*		SGCN
cutthroat trout	*Oncorhynchus clarkii*		SERI
Rio Grande cutthroat trout	*Oncorhynchus clarkii virginalis*		SERI
brown trout	*Salmo trutta*		SERI
Rio Grande chub	*Gila pandora*		SGCN
spotted bat	*Euderma maculatum*	T	SGCN
American pika	*Ochotona princeps*		SGCN
Gunnison's prairie dog	*Cynomys gunnisoni*		SGCN
bighorn sheep	*Ovis canadensis canadensis*		SERI
black bear	*Ursus americanus*		SERI
cougar	*Puma concolor*		SERI
elk	*Cervus canadensis nelsoni*		SERI
mule deer	*Odocoileus hemionus*		SERI
pronghorn	*Antilocapra americana americana*		SERI

Common Name	Scientific Name	USFWS (ESA)	NM (WCA)	NMDGF SGCN/SERI
	RIO HONDO			
northern leopard frog	*Lithobates pipiens*			SGCN
American bittern	*Botaurus lentiginosus*			SGCN
peregrine falcon	*Falco peregrinus*		T	SGCN
white-tailed ptarmigan	*Lagopus leucura*		E	SGCN
mountain plover	*Charadrius montanus*			SGCN
boreal owl	*Aegolius funereus*		T	SGCN
black swift	*Cypseloides niger*			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*			SERI
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
Pacific marten	*Martes caurina*		T	SGCN
bighorn sheep	*Ovis canadensis canadensis*			SERI
black bear	*Ursus americanus*			SERI
cougar	*Puma concolor*			SERI
elk	*Cervus canadensis nelsoni*			SERI
mule deer	*Odocoileus hemionus*			SERI

Common Name	Scientific Name	USFWS (ESA)	NM (WCA)	NMDGF SGCN/SERI
	LAKE FORK			
northern leopard frog	*Lithobates pipiens*			SGCN
American bittern	*Botaurus lentiginosus*			SGCN
peregrine falcon	*Falco peregrinus*		T	SGCN
white-tailed ptarmigan	*Lagopus leucura*		E	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
pinyon jay	*Gymnorhinus cyanocephalus*			SGCN
Clark's nutcracker	*Nucifraga Columbiana*			SGCN
pygmy nuthatch	*Sitta pygmaea*			SGCN
western bluebird	*Sialia Mexicana*			SGCN
brown-capped rosy-finch	*Leucosticte australis*			SGCN
white-winged crossbill	*Loxia leucoptera*			SGCN
cutthroat trout	*Oncorhynchus clarkii*			SERI
Rio Grande cutthroat trout	*Oncorhynchus clarkii virginalis*			SERI
spotted bat	*Euderma maculatum*		T	SGCN
American pika	*Ochotona princeps*			SGCN
Pacific marten	*Martes caurina*		T	SGCN
bighorn sheep	*Ovis canadensis canadensis*			SERI
black bear	*Ursus americanus*			SERI
cougar	*Puma concolor*			SERI
elk	*Cervus canadensis nelsoni*			SERI
mule deer	*Odocoileus hemionus*			SERI

Common Name	Scientific Name	USFWS (ESA)	NM (WCA)	NMDGF SGCN/SERI
EAST FORK JEMEZ RIVER				
Jemez Mountains salamander	*Plethodon neomexicanus*	E	E	SGCN
northern leopard frog	*Lithobates pipiens*			SGCN
eared grebe	*Podiceps nigricollis*			SGCN
American bittern	*Botaurus lentiginosus*			SGCN
peregrine falcon	*Falco peregrinus*		T	SGCN
mountain plover	*Charadrius montanus*			SGCN
flammulated owl	*Otus flammeolus*			SGCN
Mexican spotted owl	*Strix occidentalis lucida*	T		SGCN
boreal owl	*Aegolius funereus*		T	SGCN
black swift	*Cypseloides niger*			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
gray vireo	*Vireo vicinior*		T	SGCN
brown-capped rosy-finch	*Leucosticte australis*			SGCN
Rio Grande sucker	*Catostomus plebeius*			SGCN
Rio Grande chub	*Gila pandora*			SGCN
Preble's shrew	*Sorex preblei*			SGCN
long-legged myotis	*Myotis voltans*			SGCN
spotted bat	*Euderma maculatum*		T	SGCN
American pika	*Ochotona princeps*			SGCN
Gunnison's prairie dog	*Cynomys gunnisoni*			SGCN
wrinkled marshsnail	*Stagnicola caperata*		E	SGCN
black bear	*Ursus americanus*			SERI
cougar	*Puma concolor*			SERI
elk	*Cervus canadensis nelsoni*			SERI
mule deer	*Odocoileus hemionus*			SERI

Common Name	Scientific Name	USFWS (ESA)	NM (WCA)	NMDGF SGCN/SERI
SAN ANTONIO CREEK				
Jemez Mountains salamander	*Plethodon neomexicanus*	E	E	SGCN
northern leopard frog	*Lithobates pipiens*			SGCN
eared grebe	*Podiceps nigricollis*			SGCN
American bittern	*Botaurus lentiginosus*			SGCN
northern goshawk	*Accipiter gentilis*			SGCN
peregrine falcon	*Falco peregrinus*		T	SGCN
blue grouse	*Dendragapus obscurus*			SGCN
mountain plover	*Charadrius montanus*			SGCN
flammulated owl	*Otus flammeolus*			SGCN
Mexican spotted owl	*Strix occidentalis lucida*	T		SGCN
boreal owl	*Aegolius funereus*		T	SGCN
black swift	*Cypseloides niger*			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
gray vireo	*Vireo vicinior*		T	SGCN
brown-capped rosy-finch	*Leucosticte australis*			SGCN
Rio Grande sucker	*Catostomus plebeius*			SGCN
Rio Grande chub	*Gila Pandora*			SGCN
spotted bat	*Euderma maculatum*		T	SGCN
American pika	*Ochotona princeps*			SGCN
Gunnison's prairie dog	*Cynomys gunnisoni*			SGCN
New Mexican meadow jumping mouse	*Zapus hudsonius luteus*	E	E	SGCN
black bear	*Ursus americanus*			SERI
cougar	*Puma concolor*			SERI
elk	*Cervus canadensis nelsoni*			SERI
mule deer	*Odocoileus hemionus*			SERI

Common Name	Scientific Name	USFWS (ESA)	NM (WCA)	NMDGF SGCN/SERI
REDONDO CREEK				
Jemez Mountains salamander	*Plethodon neomexicanus*	E	E	SGCN
northern leopard frog	*Lithobates pipiens*			SGCN
eared grebe	*Podiceps nigricollis*			SGCN
American bittern	*Botaurus lentiginosus*			SGCN
peregrine falcon	*Falco peregrinus*		T	SGCN
blue grouse	*Dendragapus obscurus*			SGCN
mountain plover	*Charadrius montanus*			SGCN
Mexican spotted owl	*Strix occidentalis lucida*	T		SGCN
black swift	*Cypseloides niger*			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
gray vireo	*Vireo vicinior*		T	SGCN
brown-capped rosy-finch	*Leucosticte australis*			SGCN
spotted bat	*Euderma maculatum*		T	SGCN
American pika	*Ochotona princeps*			SGCN
Gunnison's prairie dog	*Cynomys gunnisoni*			SGCN
New Mexican meadow jumping mouse	*Zapus hudsonius luteus*	E	E	SGCN
wrinkled marshsnail	*Stagnicola caperata*		E	SGCN
black bear	*Ursus americanus*			SERI
cougar	*Puma concolor*			SERI
elk	*Cervus canadensis nelson*			SERI
mule deer	*Odocoileus hemionus*			SERI

Special status plant species lists generated February 11, 2022 through the New Mexico Department of Game and Fish Environmental Review Tool (NMert.org)[2]

The project area extends one mile on each side of the identified stream segment. The stream segments used to generate each report are the same as those nominated.

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
	RIO GRANDE			
Taos springsparsley	*Cymopterus spellenbergii*			SS
ripley milkvetch	*Astragalus ripleyi*			SS
clipped wild buckwheat	*Eriogonum lachnogynum var. colobum*			SS
	RIO HONDO			
Taos springsparsley	*Cymopterus spellenbergii*			SS
	LAKE FORK			
alpine larkspur	*Delphinium alpestre*			SS
	EAST FORK JEMEZ RIVER			
Sapello Canyon larkspur	*Delphinium sapellonis*			SS
hooded ladies'-tresses	*Spiranthes romanzoffiana*			SS
giant helleborine orchid	*Epipactis gigantean*			SS
	SAN ANTONIO CREEK			
Sapello Canyon larkspur	*Delphinium sapellonis*			SS
hooded ladies'-tresses	*Spiranthes romanzoffiana*			SS

[2] *Legend:*
USFWS = U.S. Fish and Wildlife Service
NMAC = New Mexico Administrative Code
NMRPCS = New Mexico Rare Plant Conservation Strategy
SS = New Mexico Rare Plant Conservation Strategy Species

PETITIONER’S EXHIBIT 20

PROJECT INFORMATION

Project Title:	ONRW - Upper Rio Grande update 2022 (original area)
Project Type:	(NO PROJECT REVIEW) SPECIES LIST ONLY
Latitude/Longitude (DMS):	36.667587 / -105.687221
County(s):	TAOS
Project Description:	Tannis requested updated ERT lists for the ONRW petition.

REQUESTOR INFORMATION

Project Organization:	
Contact Name:	Joanna Hatt
Email Address:	Joanna.Hatt@state.nm.us
Organization:	NMDGF
Address:	One Wildlife Way, Santa Fe NM 87507
Phone:	505-476-8092

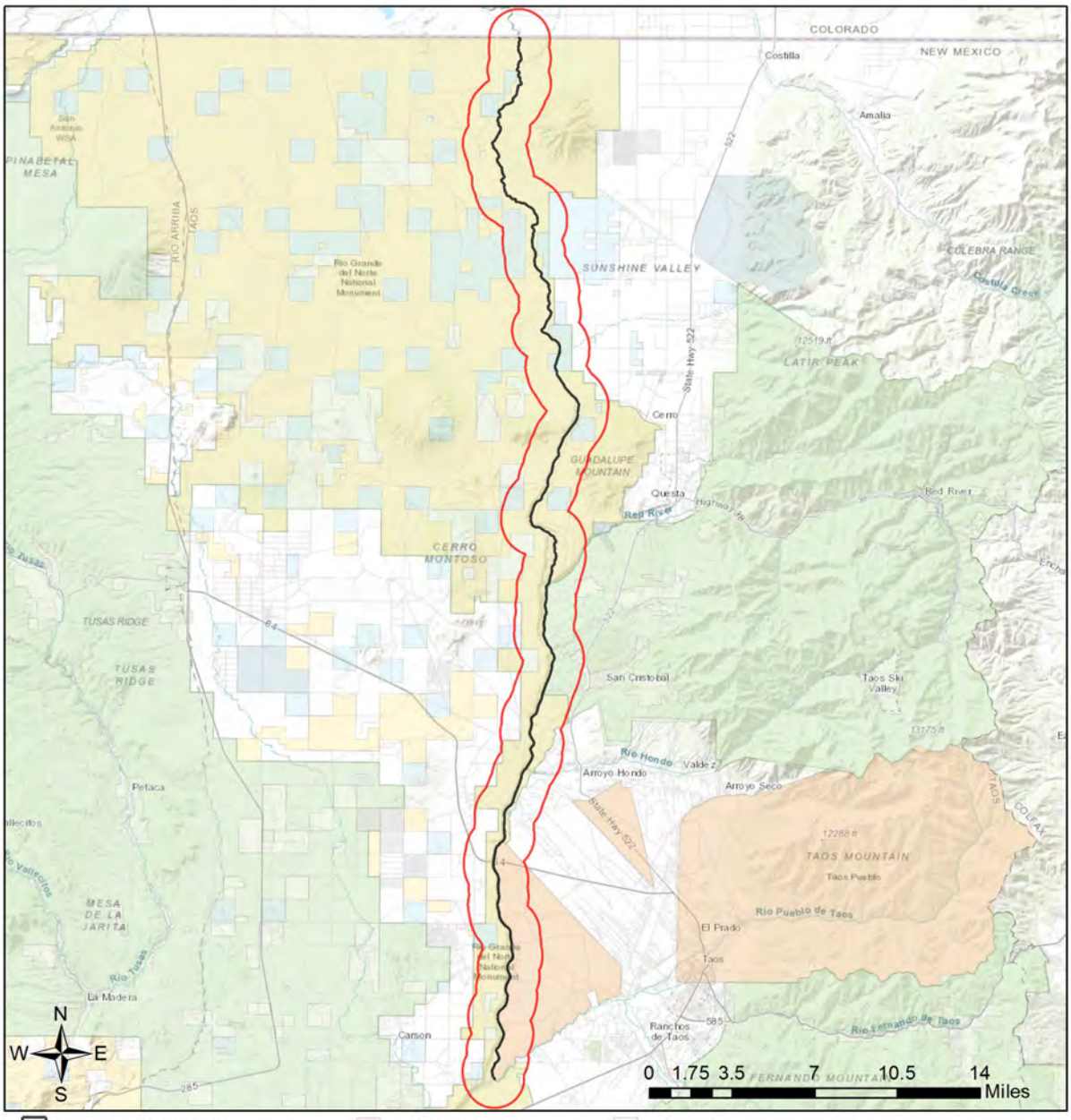
OVERALL STATUS

This report contains an initial list of recommendations regarding potential impacts to wildlife or wildlife habitats from the proposed project; see the Project Recommendations section below for further details. 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. A Department biologist will be in touch within 30 days if 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 asses 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.

ONRW - Upper Rio Grande update 2022 (original area)



- Project Boundary
- Buffered Project Boundary

NM_SurfaceOwnership_2016

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

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 2000 Meters of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
Eared Grebe	Podiceps nigricollis			SGCN
American Bittern	Botaurus lentiginosus			SGCN
Bald Eagle	Haliaeetus leucocephalus		T	SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
American Peregrine Falcon	Falco peregrinus anatum		T	SGCN
Mountain Plover	Charadrius montanus			SGCN
Boreal Owl	Aegolius funereus		T	SGCN
Black Swift	Cypseloides niger			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
Southwestern Willow Flycatcher	Empidonax traillii extimus	Endangered	E	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			SERI
Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SERI
Brown Trout	Salmo trutta			SERI
Spotted Bat	Euderma maculatum		T	SGCN
American Pika	Ochotona princeps			SGCN
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
Vivid Dancer	Argia vivida			SGCN
Bighorn Sheep	Ovis canadensis canadensis			SERI
Black Bear	Ursus americanus			SERI
Cougar	Puma concolor			SERI
Elk	Cervus canadensis nelsoni			SERI
Mule Deer	Odocoileus hemionus			SERI
Pronghorn	Antilocapra americana americana			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 2000 Meters of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
Taos Springsparsley	Cymopterus spellenbergii			SS
Ripley Milkvetch	Astragalus ripleyi			SS
Clipped Wild Buckwheat	Eriogonum lachnogynum var. colobum			SS

NMAC = New Mexico Administrative Code, NMRPCS = New Mexico Rare Plant Conservation Strategy, SS = NM Rare Plant Conservation Strategy Species

Project Recommendations

This report includes a preliminary species list that may be used during early stages of project or conservation planning. Even if this report indicates that your proposed project location would require a custom review from a biologist, **no review will be returned** until additional project details are provided. **To obtain a project review**, please submit additional details regarding the **type** of project, project **objectives**, anticipated project **duration**, **timing** of project construction, the composition and dimensions/quantities of **materials** that will be utilized for project implementation, any **equipment** that will be used, anticipated **ground disturbance** that will occur, wildlife surveys or observations that have occurred on or near the project site, and **any other relevant details** regarding potential effects of project activities on wildlife or wildlife habitat. **Photographs** of the project site are especially useful.

Although this project report may include management recommendations based on the project location, additional conservation measures may be needed. The Department can not fully assess potential effects and associated management recommendations until a **project type and description** have been submitted, and an appropriate **impact buffer** for that project type has been applied. Also, the species list within this report represents an estimation of special status species that could be present at the site of a small-scale project. Species lists for projects that occur across **broader geographic scales** (e.g., one or more counties, multiple habitat types) are more appropriately obtained from the **Department's Biota Information System of New Mexico (BISON-M) database**. Species lists generated by the ERT may contain modeled species distributions in order to predict species occurrences within areas that lack previous wildlife inventories or surveys. This list can be refined using occurrence-based information within BISON-M regarding wildlife-habitat relationships and biological needs for species that might be present within the project footprint.

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.

Burrowing owl is known to occur within or near your project area. Before any ground disturbing activities occur, the Department recommends that a preliminary survey be conducted between April and September, using the Department's burrowing owl survey protocol. Should burrowing owls be documented in the project area, please contact the Department or USFWS for further recommendations regarding relocation or avoidance of impacts.

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:

- 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.
- 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.

PETITIONER’S EXHIBIT 21

PROJECT INFORMATION

Project Title:	ONRW - Rio Hondo update 2022 (original area)
Project Type:	(NO PROJECT REVIEW) SPECIES LIST ONLY
Latitude/Longitude (DMS):	36.585763 / -105.493988
County(s):	TAOS
Project Description:	Tannis requested updated ERT lists for the ONRW petition.

REQUESTOR INFORMATION

Project Organization:	
Contact Name:	Joanna Hatt
Email Address:	Joanna.Hatt@state.nm.us
Organization:	NMDGF
Address:	One Wildlife Way, Santa Fe NM 87507
Phone:	505-476-8092

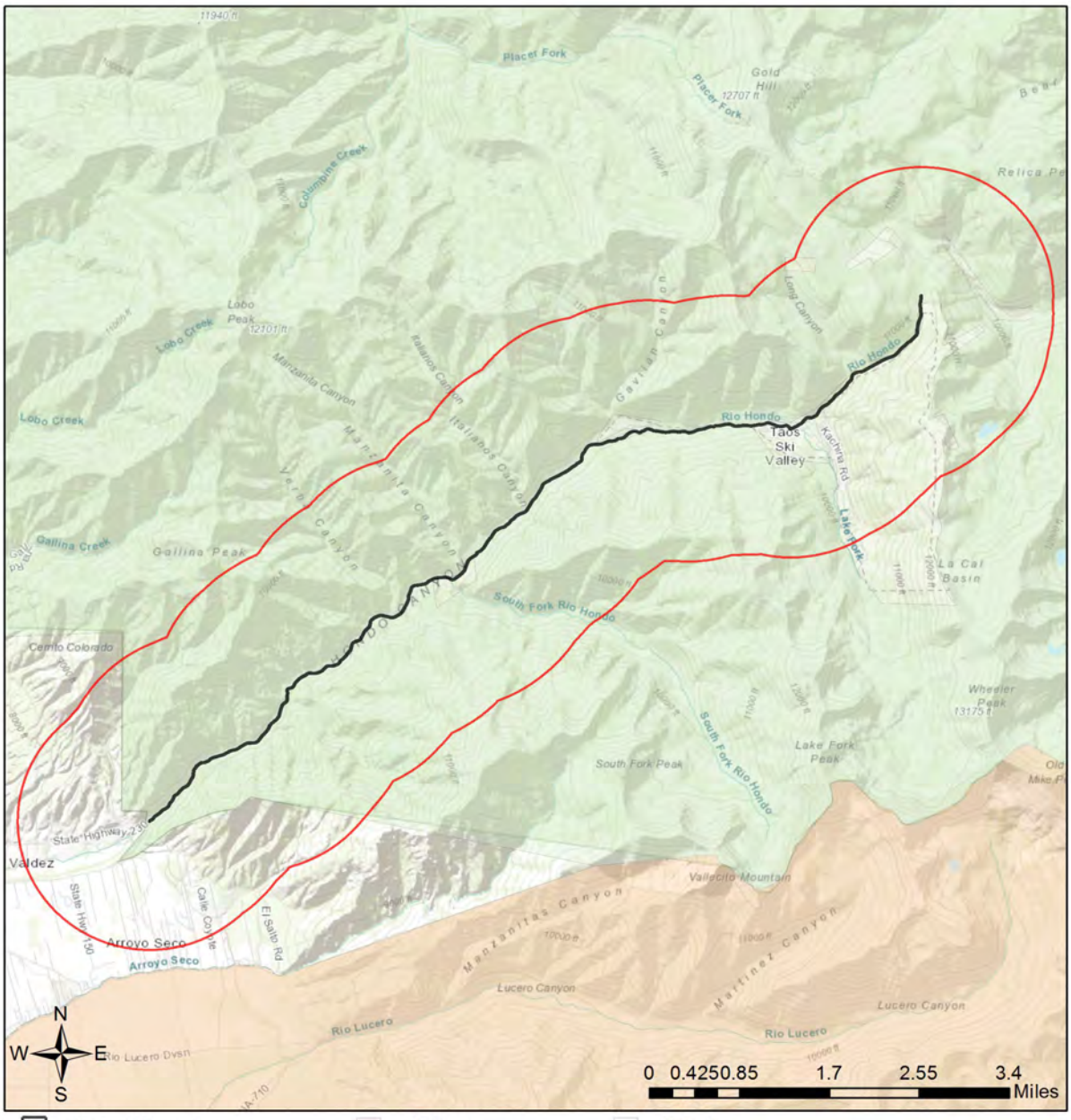
OVERALL STATUS

The information contained within this report comprises the recommendations of the New Mexico Department of Game and Fish (Department) for management and mitigation of proposed project impacts to wildlife and habitat resources; see the Project Recommendations section below for further details. No further consultation with the Department is required based on the project's location and, with implementation of mitigation measures described in the Project Recommendations section below, no adverse effects to wildlife or important habitats are anticipated. However, a Department biologist may be in touch within 30 days if they determine that further review is required.

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 asses 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.

ONRW - Rio Hondo update 2022 (original area)



Project Boundary
Buffered Project Boundary

NM_SurfaceOwnership_2016

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

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 2000 Meters of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
American Bittern	Botaurus lentiginosus			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
White-Tailed Ptarmigan	Lagopus leucura		E	SGCN
Mountain Plover	Charadrius montanus			SGCN
Boreal Owl	Aegolius funereus		T	SGCN
Black Swift	Cypseloides niger			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			SERI
Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SERI
Brook Trout	Salvelinus fontinalis			SERI
Spotted Bat	Euderma maculatum		T	SGCN
American Pika	Ochotona princeps			SGCN
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
Pacific Marten	Martes caurina		T	SGCN
Sangre De Cristo Pea-Clam	Pisidium sanguinichristi		T	SGCN
Bighorn Sheep	Ovis canadensis canadensis			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 2000 Meters of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
Brandegee Alpine Clover	Trifolium brandegeei			

NMAC = New Mexico Administrative Code, NMRPCS = New Mexico Rare Plant Conservation Strategy, SS = NM Rare Plant Conservation Strategy Species

Project Recommendations

This report includes a preliminary species list that may be used during early stages of project or conservation planning. Even if this report indicates that your proposed project location would require a custom review from a biologist, **no review will be returned** until additional project details are provided. **To obtain a project review**, please submit additional details regarding the **type** of project, project **objectives**, anticipated project **duration**, **timing** of project construction, the composition and dimensions/quantities of **materials** that will be utilized for project implementation, any **equipment** that will be used, anticipated **ground disturbance** that will occur, wildlife surveys or observations that have occurred on or near the project site, and **any other relevant details** regarding potential effects of project activities on wildlife or wildlife habitat. **Photographs** of the project site are especially useful.

Although this project report may include management recommendations based on the project location, additional conservation measures may be needed. The Department can not fully assess potential effects and associated management recommendations until a **project type and description** have been submitted, and an appropriate **impact buffer** for that project type has been applied. Also, the species list within this report represents an estimation of special status species that could be present at the site of a small-scale project. Species lists for projects that occur across **broader geographic scales** (e.g., one or more counties, multiple habitat types) are more appropriately obtained from the **Department's Biota Information System of New Mexico (BISON-M) database**. Species lists generated by the ERT may contain modeled species distributions in order to predict species occurrences within areas that lack previous wildlife inventories or surveys. This list can be refined using occurrence-based information within BISON-M regarding wildlife-habitat relationships and biological needs for species that might be present within the project footprint.

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.
- 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.

PETITIONER’S EXHIBIT 22

PROJECT INFORMATION

Project Title:	ONRW - Lake Fork update 2022 (original area)
Project Type:	(NO PROJECT REVIEW) SPECIES LIST ONLY
Latitude/Longitude (DMS):	36.579147 / -105.441478
County(s):	TAOS
Project Description:	Tannis requested updated ERT lists for the ONRW petition.

REQUESTOR INFORMATION

Project Organization:	
Contact Name:	Joanna Hatt
Email Address:	Joanna.Hatt@state.nm.us
Organization:	NMDGF
Address:	One Wildlife Way, Santa Fe NM 87507
Phone:	505-476-8092

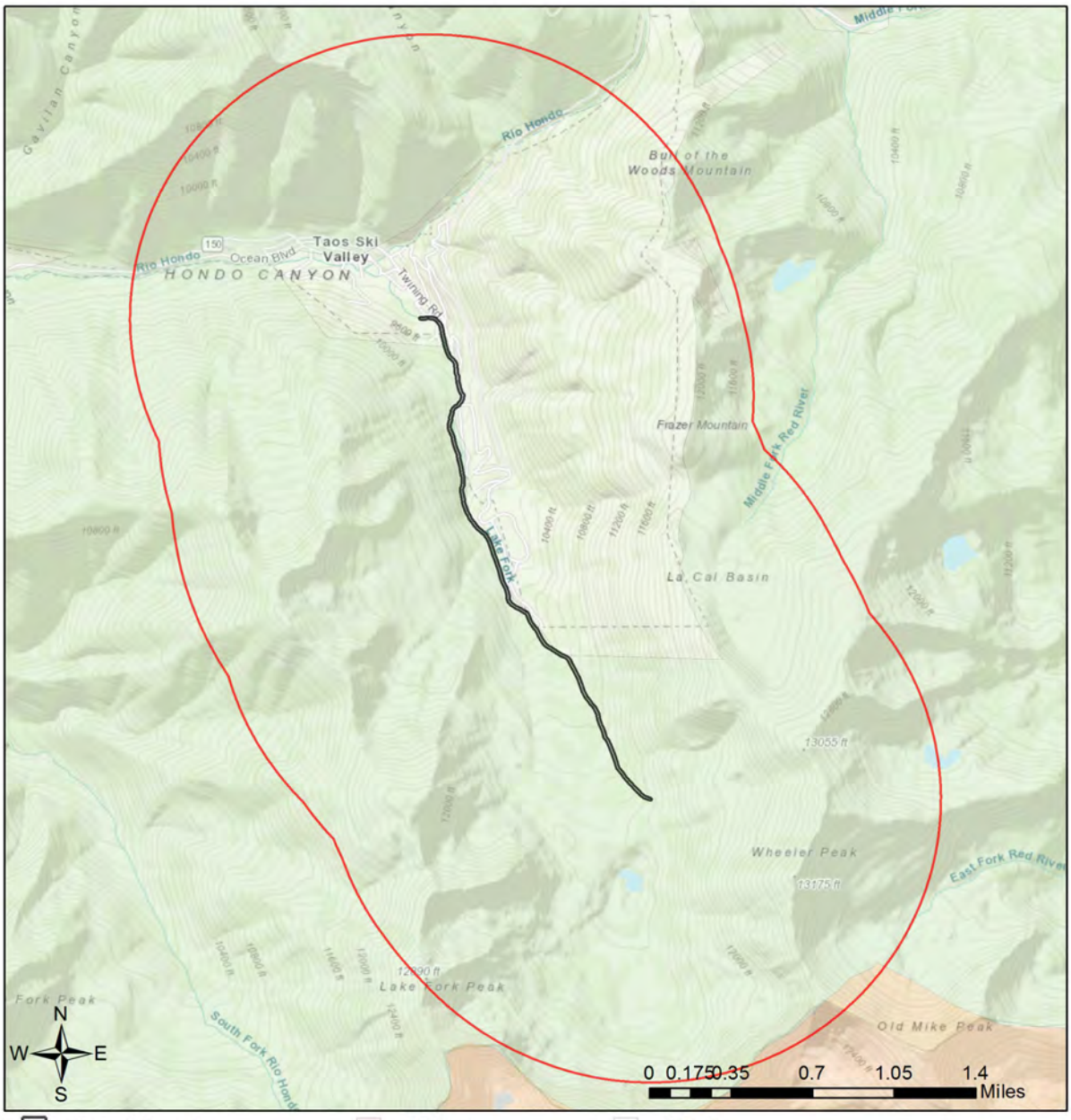
OVERALL STATUS

The information contained within this report comprises the recommendations of the New Mexico Department of Game and Fish (Department) for management and mitigation of proposed project impacts to wildlife and habitat resources; see the Project Recommendations section below for further details. No further consultation with the Department is required based on the project's location and, with implementation of mitigation measures described in the Project Recommendations section below, no adverse effects to wildlife or important habitats are anticipated. However, a Department biologist may be in touch within 30 days if they determine that further review is required.

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 asses 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.

ONRW - Lake Fork update 2022 (original area)



- Project Boundary
- Buffered Project Boundary

NM_SurfaceOwnership_2016

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

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 2000 Meters of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Northern Leopard Frog	Lithobates pipiens			SGCN
American Bittern	Botaurus lentiginosus			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
White-Tailed Ptarmigan	Lagopus leucura		E	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
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
White-Winged Crossbill	Loxia leucoptera			SGCN
Cutthroat Trout	Oncorhynchus clarkii			SERI
Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SERI
Spotted Bat	Euderma maculatum		T	SGCN
American Pika	Ochotona princeps			SGCN
Pacific Marten	Martes caurina		T	SGCN
Bighorn Sheep	Ovis canadensis canadensis			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 2000 Meters of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
Brandegee Alpine Clover	Trifolium brandegeei			
Alpine Larkspur	Delphinium alpestre			SS
Erect Blackened Sedge	Carex heteroneura var. brevisquama			

NMAC = New Mexico Administrative Code, NMRPCS = New Mexico Rare Plant Conservation Strategy, SS = NM Rare Plant Conservation Strategy Species

Project Recommendations

This report includes a preliminary species list that may be used during early stages of project or conservation planning. Even if this report indicates that your proposed project location would require a custom review from a biologist, **no review will be returned** until additional project details are provided. **To obtain a project review**, please submit additional details regarding the **type** of project, project **objectives**, anticipated project **duration**, **timing** of project construction, the composition and dimensions/quantities of **materials** that will be utilized for project implementation, any **equipment** that will be used, anticipated **ground disturbance** that will occur, wildlife surveys or observations that have occurred on or near the project site, and **any other relevant details** regarding potential effects of project activities on wildlife or wildlife habitat. **Photographs** of the project site are especially useful.

Although this project report may include management recommendations based on the project location, additional conservation measures may be needed. The Department can not fully assess potential effects and associated management recommendations until a **project type and description** have been submitted, and an appropriate **impact buffer** for that project type has been applied. Also, the species list within this report represents an estimation of special status species that could be present at the site of a small-scale project. Species lists for projects that occur across **broader geographic scales** (e.g., one or more counties, multiple habitat types) are more appropriately obtained from the **Department's Biota Information System of New Mexico (BISON-M) database**. Species lists generated by the ERT may contain modeled species distributions in order to predict species occurrences within areas that lack previous wildlife inventories or surveys. This list can be refined using occurrence-based information within BISON-M regarding wildlife-habitat relationships and biological needs for species that might be present within the project footprint.

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.
- 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".
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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.

PETITIONER’S EXHIBIT 23

PROJECT INFORMATION

Project Title:	ONRW - East Fork Jemez update 2022 (original area)
Project Type:	(NO PROJECT REVIEW) SPECIES LIST ONLY
Latitude/Longitude (DMS):	35.818029 / -106.532960
County(s):	SANDOVAL
Project Description:	Tannis requested updated ERT lists for the ONRW petition.

REQUESTOR INFORMATION

Project Organization:	
Contact Name:	Joanna Hatt
Email Address:	Joanna.Hatt@state.nm.us
Organization:	NMDGF
Address:	One Wildlife Way, Santa Fe NM 87507
Phone:	505-476-8092

OVERALL STATUS

This report contains an initial list of recommendations regarding potential impacts to wildlife or wildlife habitats from the proposed project; see the Project Recommendations section below for further details. 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. A Department biologist will be in touch within 30 days if 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.
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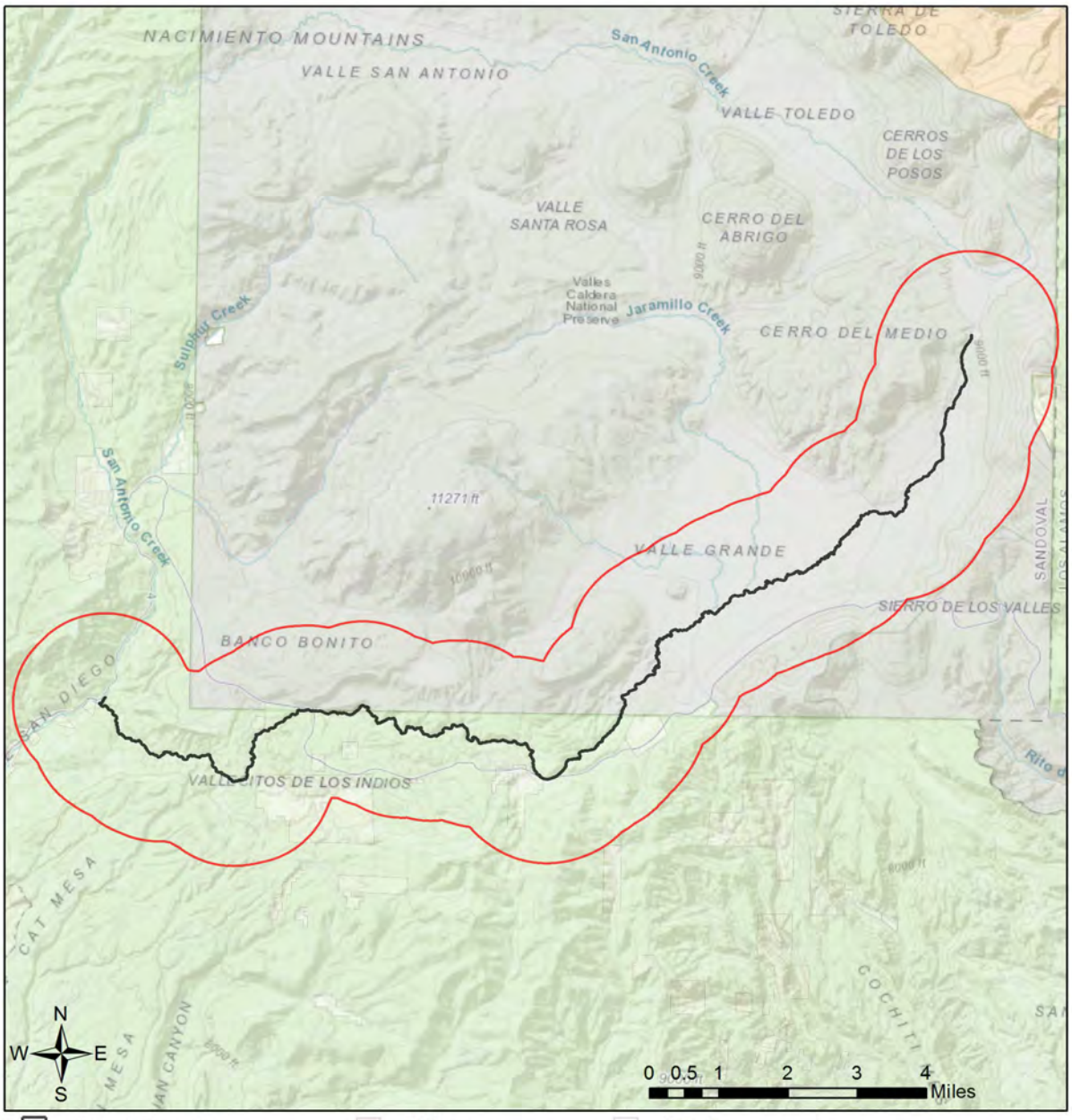
ONRW - East Fork Jemez update 2022 (original area)



- Project Boundary
- Buffered Project Boundary

NM_SurfaceOwnership_2016

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

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 2000 Meters of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Jemez Mountains Salamander	Plethodon neomexicanus	Endangered	E	SGCN
Northern Leopard Frog	Lithobates pipiens			SGCN
Eared Grebe	Podiceps nigricollis			SGCN
American Bittern	Botaurus lentiginosus			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Mountain Plover	Charadrius montanus			SGCN
Flammulated Owl	Otus flammeolus			SGCN
Mexican Spotted Owl	Strix occidentalis lucida	LT		SGCN
Boreal Owl	Aegolius funereus		T	SGCN
Black Swift	Cypseloides niger			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
Gray Vireo	Vireo vicinior		T	SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Rio Grande Cutthroat Trout	Oncorhynchus clarkii virginalis			SERI
Rio Grande Sucker	Catostomus plebeius			SGCN
Preble's Shrew	Sorex preblei			SGCN
Fringed Myotis	Myotis thysanodes			SGCN
Long-Legged Myotis	Myotis volans			SGCN
Spotted Bat	Euderma maculatum		T	SGCN
American Pika	Ochotona princeps			SGCN
American Pika	Ochotona princeps			SGCN
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
Wrinkled Marshsnail	Stagnicola caperata		E	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 2000 Meters of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
Sapello Canyon Larkspur	Delphinium sapellonis			SS
Giant Helleborine Orchid	Epipactis gigantea			SS
Hooded Ladies'-Tresses	Spiranthes romanzoffiana			SS

NMAC = New Mexico Administrative Code, NMRPCS = New Mexico Rare Plant Conservation Strategy, SS = NM Rare Plant Conservation Strategy Species

Project Recommendations

This report includes a preliminary species list that may be used during early stages of project or conservation planning. Even if this report indicates that your proposed project location would require a custom review from a biologist, **no review will be returned** until additional project details are provided. **To obtain a project review**, please submit additional details regarding the **type** of project, project **objectives**, anticipated project **duration**, **timing** of project construction, the composition and dimensions/quantities of **materials** that will be utilized for project implementation, any **equipment** that will be used, anticipated **ground disturbance** that will occur, wildlife surveys or observations that have occurred on or near the project site, and **any other relevant details** regarding potential effects of project activities on wildlife or wildlife habitat. **Photographs** of the project site are especially useful.

Although this project report may include management recommendations based on the project location, additional conservation measures may be needed. The Department can not fully assess potential effects and associated management recommendations until a **project type and description** have been submitted, and an appropriate **impact buffer** for that project type has been applied. Also, the species list within this report represents an estimation of special status species that could be present at the site of a small-scale project. Species lists for projects that occur across **broader geographic scales** (e.g., one or more counties, multiple habitat types) are more appropriately obtained from the **Department's Biota Information System of New Mexico (BISON-M) database**. Species lists generated by the ERT may contain modeled species distributions in order to predict species occurrences within areas that lack previous wildlife inventories or surveys. This list can be refined using occurrence-based information within BISON-M regarding wildlife-habitat relationships and biological needs for species that might be present within the project footprint.

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.

The proposed project occurs near an important bat area. This area may contain important bat roosting resources, such as caves or mines, that potentially could be affected by certain project activities. Follow the guidelines below to minimize disturbance to roosting bats.

- Avoid use of pesticides, firearms, open-flame torches, or heavy smoke-producing equipment, especially from April through September.
- If artificial lighting is need, use only light sources powered by batteries, or cyalume glow/light sticks. Keep the site clean by picking up refuse or materials from project lighting or operations whenever they are shut down.
- For any surface disturbing activities, the project footprint (including a 350 foot buffer) should avoid potential roost sites such as caves or mines, especially from April through July. Tree clearing activities and prescribed burns should include a minimum 0.5 mile buffer from any such features.
- If caves, mines, bridges, or other man-made structure suitable as potential bat roosts are encountered within the project area, they should not be entered during any time of year, and no roosting or hibernating bats should be contacted or disturbed. Report any dead or injured bats to the New Mexico Department of Game and Fish, who can facilitate contacts with other appropriate personnel.

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.
- 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.

PETITIONER’S EXHIBIT 24

PROJECT INFORMATION

Project Title:	ONRW - San Antonio Creek (upper) update 2022 (original area)
Project Type:	(NO PROJECT REVIEW) SPECIES LIST ONLY
Latitude/Longitude (DMS):	35.969401 / -106.529009
County(s):	SANDOVAL
Project Description:	Tannis requested updated ERT lists for the ONRW petition.

REQUESTOR INFORMATION

Project Organization:	
Contact Name:	Joanna Hatt
Email Address:	Joanna.Hatt@state.nm.us
Organization:	NMDGF
Address:	One Wildlife Way, Santa Fe NM 87507
Phone:	505-476-8092

OVERALL STATUS

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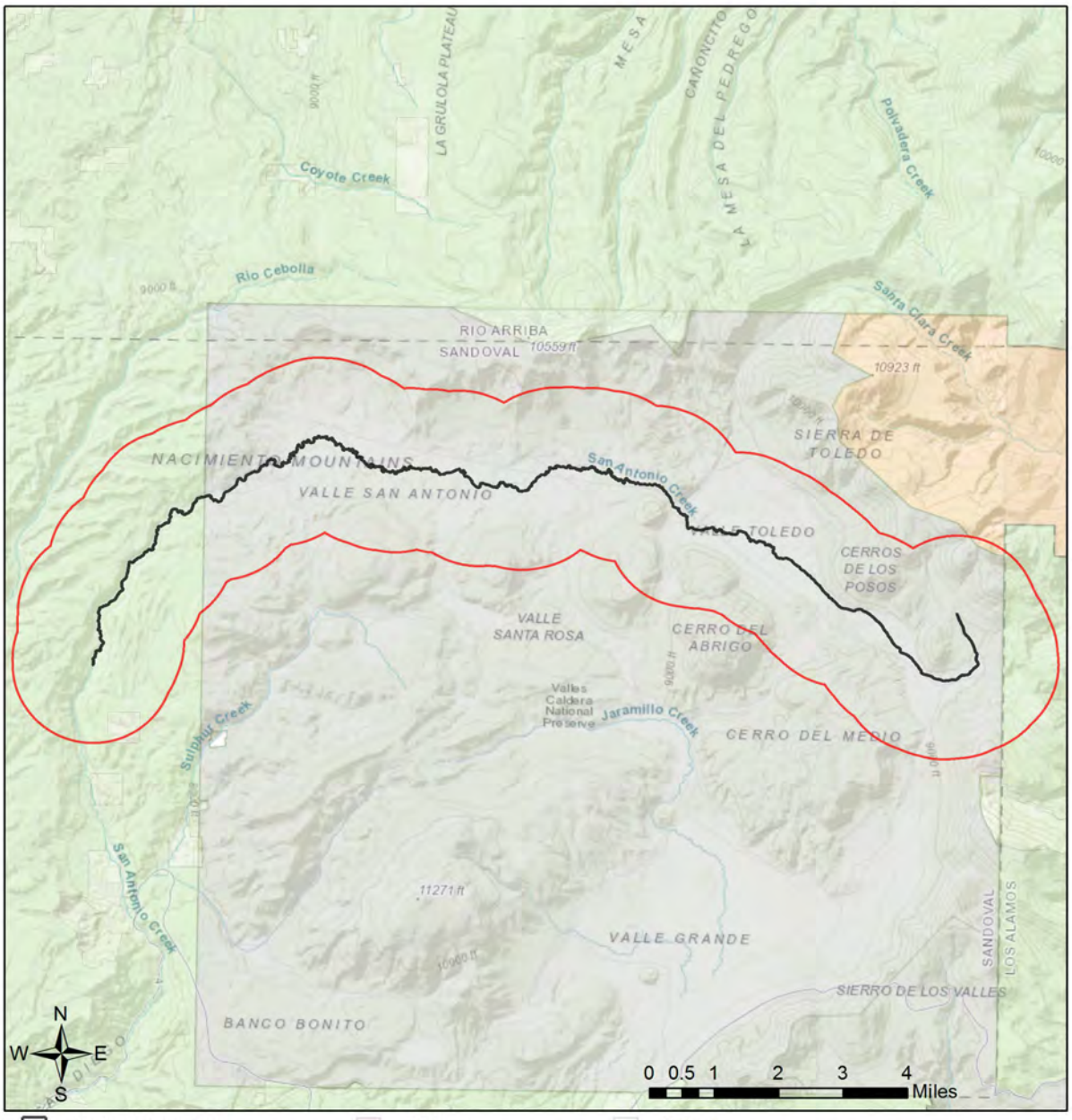
ONRW - San Antonio Creek (upper) update 2022 (original area)



- Project Boundary
- Buffered Project Boundary

NM_SurfaceOwnership_2016

- Bureau of Land Management
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Special Status Animal Species within 2000 Meters of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
Jemez Mountains Salamander	Plethodon neomexicanus	Endangered	E	SGCN
Western Toad	Anaxyrus boreas	PS	E	SGCN
Northern Leopard Frog	Lithobates pipiens			SGCN
Eared Grebe	Podiceps nigricollis			SGCN
American Bittern	Botaurus lentiginosus			SGCN
Northern Goshawk	Accipiter gentilis			SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
American Peregrine Falcon	Falco peregrinus anatum		T	SGCN
Blue Grouse	Dendragapus obscurus			SGCN
Mountain Plover	Charadrius montanus			SGCN
Flammulated Owl	Otus flammeolus			SGCN
Mexican Spotted Owl	Strix occidentalis lucida	Threatened		SGCN
Boreal Owl	Aegolius funereus		T	SGCN
Black Swift	Cypseloides niger			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
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Rio Grande Sucker	Catostomus plebeius			SGCN
Spotted Bat	Euderma maculatum		T	SGCN
American Pika	Ochotona princeps			SGCN
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Special Status Plant Species within 2000 Meters of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
Sapello Canyon Larkspur	Delphinium sapellonis			SS
Hooded Ladies'-Tresses	Spiranthes romanzoffiana			SS

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.
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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.

The proposed project occurs near an important bat area. This area may contain important bat roosting resources, such as caves or mines, that potentially could be affected by certain project activities. Follow the guidelines below to minimize disturbance to roosting bats.

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PROJECT INFORMATION

Project Title:	ONRW - San Antonio Creek (lower) update 2022 (original area)
Project Type:	(NO PROJECT REVIEW) SPECIES LIST ONLY
Latitude/Longitude (DMS):	35.892082 / -106.650562
County(s):	SANDOVAL
Project Description:	Tannis requested updated ERT lists for the ONRW petition.

REQUESTOR INFORMATION

Project Organization:	
Contact Name:	Joanna Hatt
Email Address:	Joanna.Hatt@state.nm.us
Organization:	NMDGF
Address:	One Wildlife Way, Santa Fe NM 87507
Phone:	505-476-8092

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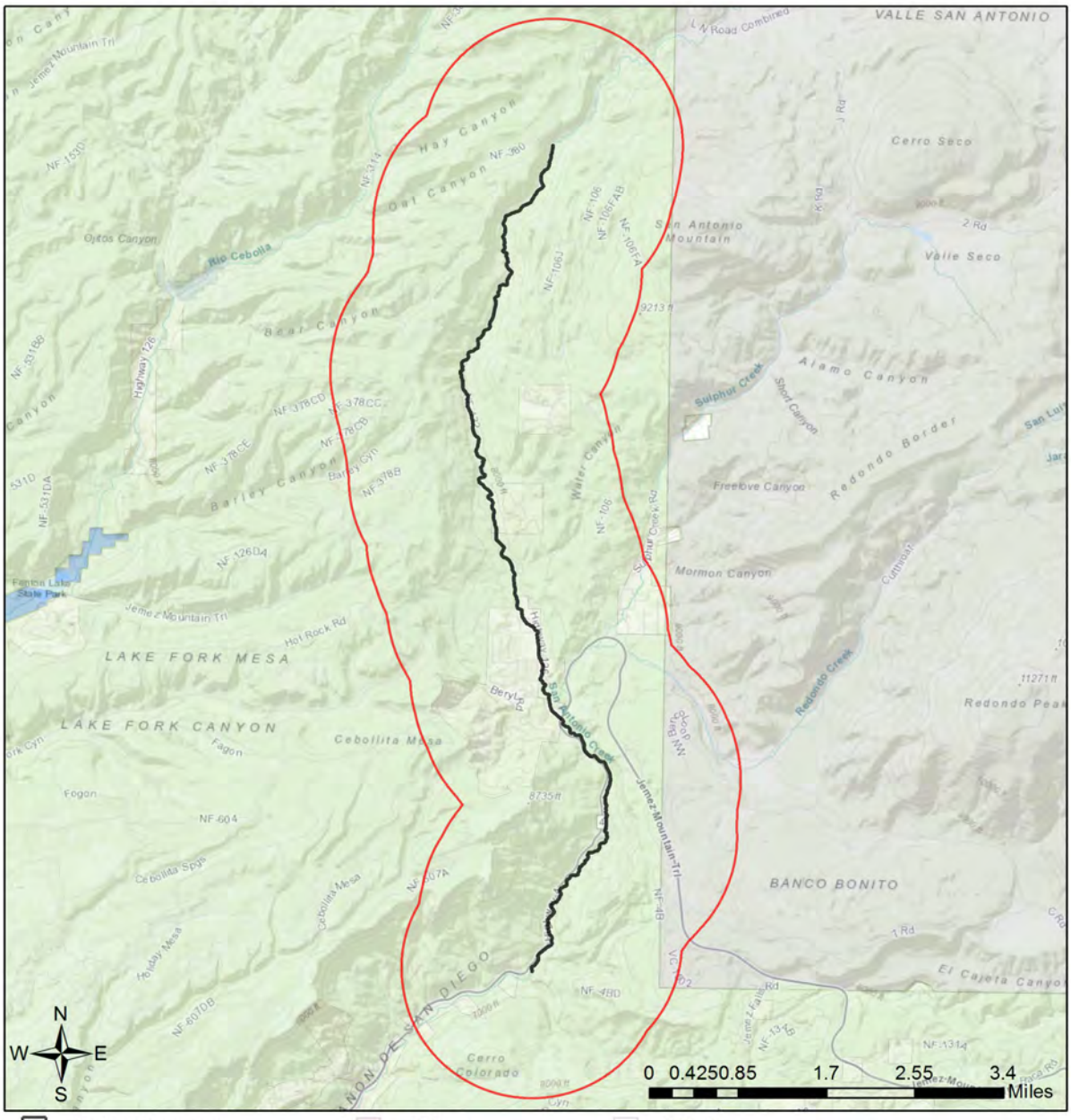

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Plant Conservation Strategy Species

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PETITIONER’S EXHIBIT 25

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Project Title:	ONRW - Redondo update 2022 (original area)
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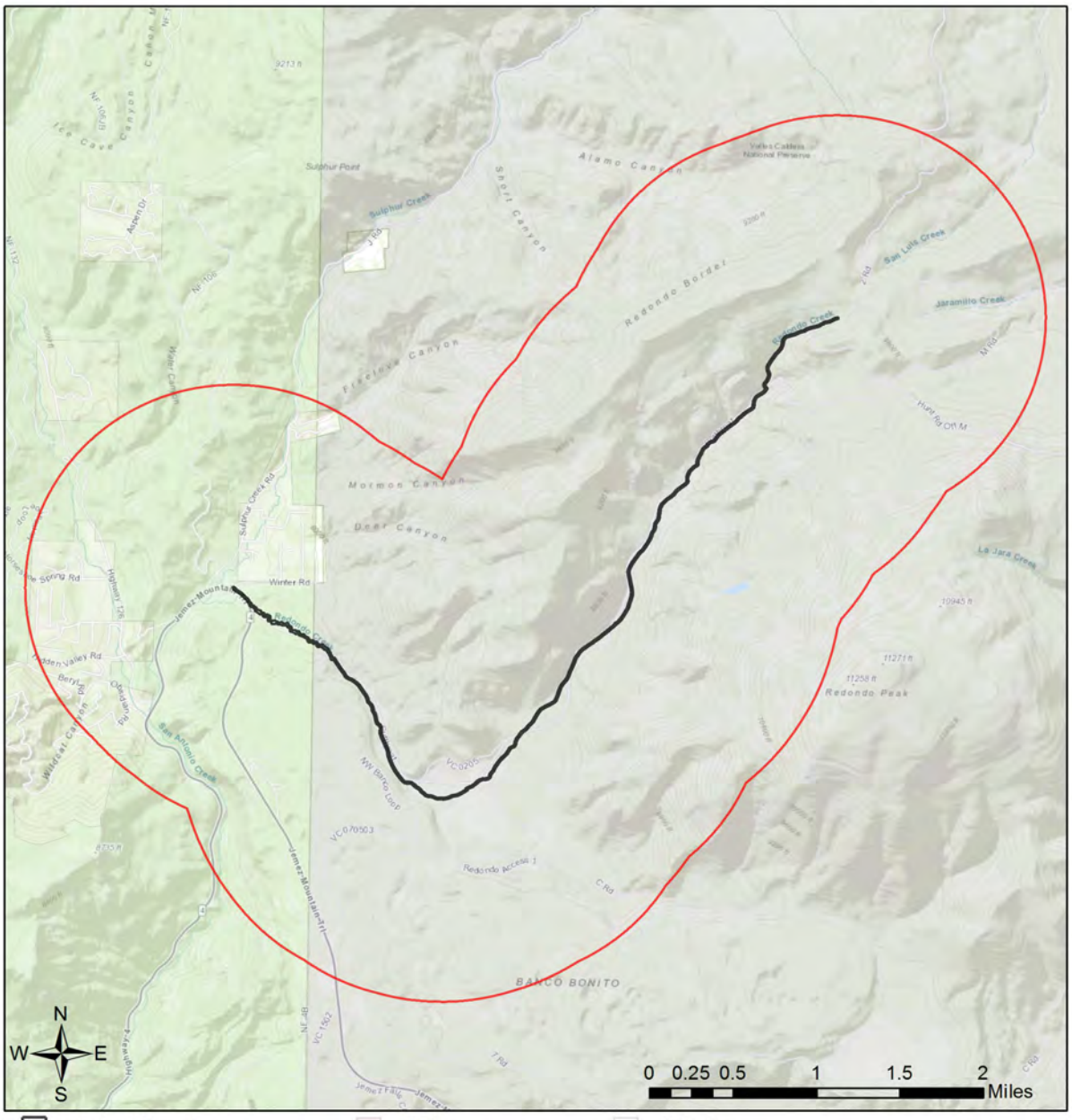

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Project Recommendations

This report includes a preliminary species list that may be used during early stages of project or conservation planning. Even if this report indicates that your proposed project location would require a custom review from a biologist, **no review will be returned** until additional project details are provided. **To obtain a project review**, please submit additional details regarding the **type** of project, project **objectives**, anticipated project **duration**, **timing** of project construction, the composition and dimensions/quantities of **materials** that will be utilized for project implementation, any **equipment** that will be used, anticipated **ground disturbance** that will occur, wildlife surveys or observations that have occurred on or near the project site, and **any other relevant details** regarding potential effects of project activities on wildlife or wildlife habitat. **Photographs** of the project site are especially useful.

Although this project report may include management recommendations based on the project location, additional conservation measures may be needed. The Department can not fully assess potential effects and associated management recommendations until a **project type and description** have been submitted, and an appropriate **impact buffer** for that project type has been applied. Also, the species list within this report represents an estimation of special status species that could be present at the site of a small-scale project. Species lists for projects that occur across **broader geographic scales** (e.g., one or more counties, multiple habitat types) are more appropriately obtained from the **Department's Biota Information System of New Mexico (BISON-M) database**. Species lists generated by the ERT may contain modeled species distributions in order to predict species occurrences within areas that lack previous wildlife inventories or surveys. This list can be refined using occurrence-based information within BISON-M regarding wildlife-habitat relationships and biological needs for species that might be present within the project footprint.

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.

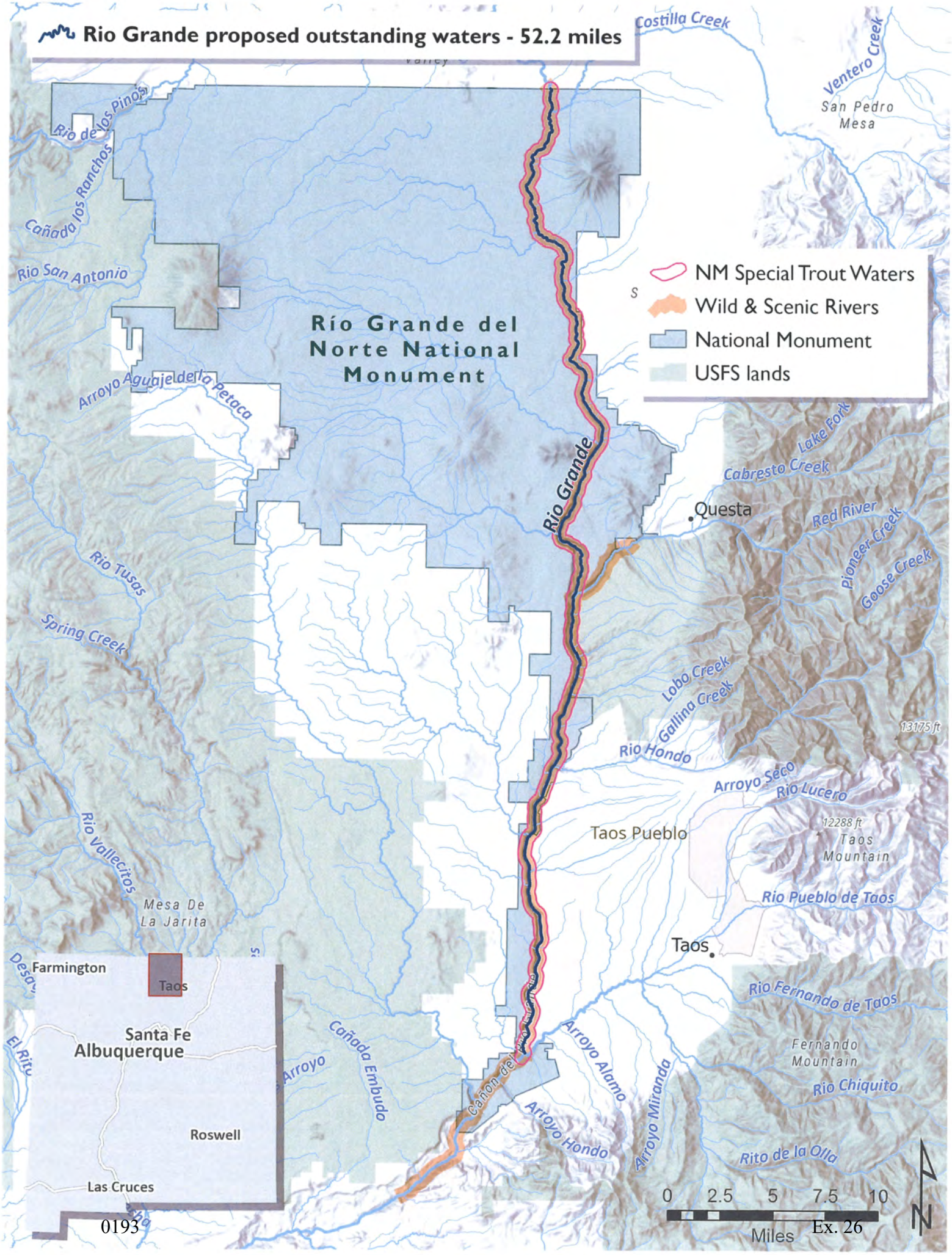
The proposed project occurs near an important bat area. This area may contain important bat roosting resources, such as caves or mines, that potentially could be affected by certain project activities. Follow the guidelines below to minimize disturbance to roosting bats.

- Avoid use of pesticides, firearms, open-flame torches, or heavy smoke-producing equipment, especially from April through September.
- If artificial lighting is need, use only light sources powered by batteries, or cyalume glow/light sticks. Keep the site clean by picking up refuse or materials from project lighting or operations whenever they are shut down.
- For any surface disturbing activities, the project footprint (including a 350 foot buffer) should avoid potential roost sites such as caves or mines, especially from April through July. Tree clearing activities and prescribed burns should include a minimum 0.5 mile buffer from any such features.
- If caves, mines, bridges, or other man-made structure suitable as potential bat roosts are encountered within the project area, they should not be entered during any time of year, and no roosting or hibernating bats should be contacted or disturbed. Report any dead or injured bats to the New Mexico Department of Game and Fish, who can facilitate contacts with other appropriate personnel.

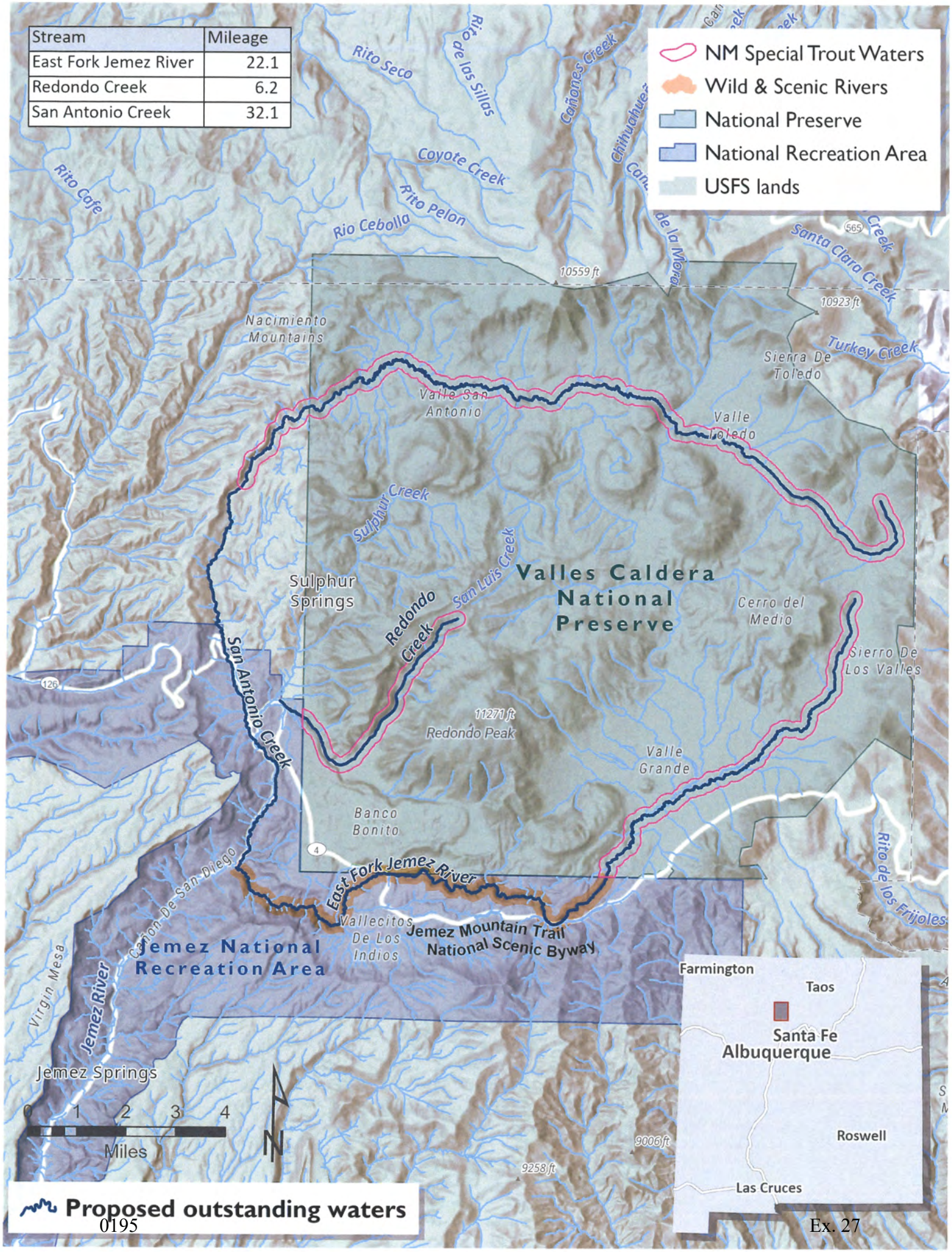
Disclaimers regarding recommendations:

- 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.
- 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.

PETITIONER’S EXHIBIT 26


Rio Grande proposed outstanding waters - 52.2 miles
NM Special Trout Waters
Wild & Scenic Rivers
National Monument
USFS lands
Río Grande del Norte National Monument
Rio Grande
Costilla Creek
Ventero Creek
San Pedro Mesa
Rio de los Pinos
Cañada los Ranchos
Rio San Antonio
Arroyo Aguaje de la Petaca
Lake Fork
Cabresto Creek
Questa
Red River
Pioneer Creek
Goose Creek
Rio Tusas
Spring Creek
Lobo Creek
Gallina Creek
13175 ft
Rio Hondo
Arroyo Seco
Rio Lucero
12288 ft
Taos Mountain
Taos Pueblo
Rio Vallecitos
Mesa De La Jarita
Rio Pueblo de Taos
Taos
Rio Fernando de Taos
Fernando Mountain
Rio Chiquito
Rito de la Olla
Arroyo Alamo
Arroyo Miranda
Arroyo Hondo
Cañada Embudo
Farmington
Taos
Santa Fe
Albuquerque
Roswell
Las Cruces
0 2.5 5 7.5 10
Miles
N

PETITIONER’S EXHIBIT 27


Stream | Mileage
East Fork Jemez River | 22.1
Redondo Creek | 6.2
San Antonio Creek | 32.1
NM Special Trout Waters
Wild & Scenic Rivers
National Preserve
National Recreation Area
USFS lands
Rito Seco
Rito de las Sillas
Cañones Creek
Chihuahuena
Coyote Creek
Rito Pelon
Rio Cebolla
Rito Cafe
Santa Clara Creek
10559 ft
10923 ft
Nacimiento Mountains
Turkey Creek
Sierra De Toledo
Valle San Antonio
Valle Toledo
Sulphur Creek
San Luis Creek
Valles Caldera National Preserve
Sulphur Springs
Redondo Creek
Cerro del Medio
Sierra De Los Valles
San Antonio Creek
11271 ft
Redondo Peak
Valle Grande
Banco Bonito
East Fork Jemez River
Rito de los Frijoles
Vallecitos De Los Indios
Jemez Mountain Trail National Scenic Byway
Jemez National Recreation Area
Virgin Mesa
Jemez River
Cañon De San Diego
Jemez Springs
0 1 2 3 4
Miles
9006 ft
9258 ft
Farmington
Taos
Santa Fe
Albuquerque
Roswell
Las Cruces
Proposed outstanding waters

PETITIONER’S EXHIBIT 28

STATE OF NEW MEXICO
NEW MEXICO WATER QUALITY CONTROL COMMISSION

IN THE MATTER OF PETITION TO NOMINATE SEGMENTS OF RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK JEMEZ RIVER, SAN ANTONIO CREEK, AND REDONDO CREEK AS OUTSTANDING NATIONAL RESOURCE WATERS,	**WQCC No. 21-62 (R)**
OUTDOOR RECREATION DIVISION, NEW MEXICO DEPARTMENT OF ECONOMIC DEVELOPMENT,	
Petitioner.	

DIRECT TESTIMONY OF JOANNA HATT

I. BACKGROUND AND QUALIFICATIONS

My name is Joanna Hatt, and I am currently a Native Fish Biologist with the New Mexico Department of Game and Fish ("NMDGF"). I have worked for NMDGF for five years in this capacity; my primary responsibilities are managing and conserving many of New Mexico's threatened and endangered fishes. Prior to this position, I served four years as a coordinator for two research laboratories dedicated to natural resource management. I have a breadth of experience working with many different taxa in my nearly 20-year career in biology, including birds, plants, mammals, invertebrates, and fish.

I have a Bachelor of Science from the Rubenstein School of Natural Resources from the University of Vermont in Burlington, Vermont, where I majored in Wildlife and Fisheries Biology, and a Master of Science from the Warnell School of Forestry and Natural Resources from the University of Georgia in Athens, Georgia, where I majored in Forest Resources.

Petitioner's Exhibit 29 is a copy of my resume.

II. SUMMARY OF TESTIMONY

In my testimony:

- I explain how the NMDGF Environmental Review Tool or "ERT" works and how the NMDGF applied it for this proceeding.

- I give my opinion that, in light of the aquatic SERI that inhabit the nominated streams and the terrestrial SERI that inhabit and are dependent upon the areas close to the nominated streams, all six nominated stream segments merit designation as Outstanding National Resources Waters ("ONRWs") based on their exceptional recreational value.

- I give my opinion that, in light of the threatened and endangered animal and plants species under federal and state law, the Species of Greatest Conservation Need or "SGCN" identified by the NMDGF, and the rare and endangered plant species identified by the Forestry Division of the New Mexico Energy, Minerals and Natural Resources Department ("EMNRD") that inhabit the nominated streams or areas close to the nominated stream, all six nominated stream segments merit designation as ONRWs based on their exceptional ecological value.

III. NMDGF ENVIRONMENTAL REVIEW TOOL

As part of assisting in the preparation of the Petition in this matter over the last year and to develop my testimony, I and other staff from NMDGF used the New Mexico Environmental Review Tool or "ERT", which is an interactive tool for conservation planning and review of important resources for wildlife and habitats. The ERT is a partnership that draws upon expertise in wildlife and information management from the http://www.wildlife.state.nm.us/NMDGF, Natural Heritage New Mexico, and NatureServe, and is found at https://www.nmert.org/. It provides conservation information on wildlife and habitat diversity, protected lands, and other natural resources, and allows users to submit proposed projects for review of potential impacts to special status species and their habitats in New Mexico.

To identify special status species in and around the six nominated stream segments, we conducted a targeted search of each nominated stream segment. The search identified species that may inhabit the area extending radially one-mile around the nominated segments. Inclusion

of a species within the designated search perimeter of a stream was based upon direct observation or a species distribution model. Therefore, it should be noted ERTs set forth a qualifying statement providing 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."

ERTs identify the following special status species:

- Animal species listed as endangered or threated under the federal Endangered Species Act, 16 U.S.C. §§ 1531 to 1544 ("ESA"),
- Animal species listed as endangered or threatened under 19.33.6.8 NMAC pursuant to the New Mexico Wildlife Conservation Act, NMSA 1978, §§ 17-2-37 to -46,
- Animal species identified by NMDGF as "Species of Greatest Conservation Need" or "SGCN" in NMDGF's State Wildlife Action Plan,[1]
- Animal species identified by NMDGF as "Species of Recreational or Economic Importance" or "SERI",
- Plant species listed endangered or threated under the ESA,

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[1] 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.

NMDGF, State Wildlife Action Plan for New Mexico at 11 (Nov. 22, 2016) ("NMDGF 2016"), https://www.wildlife.state.nm.us/download/conservation/swap/New-Mexico-State-Wildlife-Action-Plan-SWAP-Final-2019.pdf.

- Plant species listed as endangered under 19.21.2.9 NMAC pursuant to NMSA 1978, § 75-6-1, and

- Plant species listed as rare or endangered by the New Mexico Rare Plant Conservation Strategy by the Forestry Division of the New Mexico Energy, Minerals and Natural Resources Department ("EMNRD").[2]

I ran an updated ERT search on the nominated segments of each waterbody on February 11, 2022. Based on that search, I generated ERTs for each segment of the nominated waters:

- Rio Grande [Pet'r Ex. 20],

- Rio Hondo [Pet'r Ex. 21],

- Lake Fork [Pet'r Ex. 22],

- East Fork Jemez River [Pet'r Ex. 23]

- San Antonio Creek [Pet'r Ex. 24], and

- Redondo Creek [Pet'r Ex. 25].

I updated the Special Status Animal and Plant Species Lists, Petitioner's Exhibit 19, which is a comprehensive list of all special status species within one mile of the banks of the six nominated waters identified by the ERT.

III. EXCEPTIONAL RECREATIONAL IMPORTANCE

Streams are eligible for designation as Outstanding National Resource Waters ("ONRWs") if they have exceptional recreational significance. 20.6.4.9.B(2) NMAC. NMDGF designates aquatic and terrestrial species in New Mexico for their outstanding economic and recreational value. These "Species of Economic and Recreational Importance" or "SERI" are found in every stream segment nominated by the Outdoor Recreation Division. The nominated

[2] *See* EMNRD Forestry Division, New Mexico Rare Plant Conservation Strategy 2017 ("EMNRD Forestry Division 2017"), https://www.emnrd.nm.gov/sfd/wp-content/uploads/sites/4/NMRarePlantConsStrategy_Final_reduced.pdf.

waterbodies provide habitat for these species that generate recreation opportunities and recreation dollars for the state. SERI in each nominated water are identified in Petitioner's Exhibits 19-25, and summarized in Table 3 below.

The upper Rio Grande is home to three fish SERI – our state fish, the Rio Grande cutthroat trout (*Oncorhynchus clarkii virginalis*), cutthroat trout (*Oncorhynchus clarkii*) and brown trout (*Salmo trutta*). Six mammals designated as SERI are found within one mile of this stretch of the river's banks: the area hosts large populations of elk (*Cervus canadensis nelsoni*) and pronghorn (*Antilocapra americana americana*), as well as several other large mammal species, including bighorn sheep (*Ovis canadensis canadensis*), mule deer (*Odocoileus hemionus*), black bear (*Ursus americanus*), and cougar (*Puma concolor*). Table 3; Pet'r Exs. 19, 20.

Table 3: Species of Economic and Recreational Importance

STREAM	NUMBER OF SERI	SERI SPECIES
Rio Grande	9	cutthroat trout, Rio Grande cutthroat trout, brown trout, bighorn sheep, black bear, cougar, elk, mule deer, pronghorn
Rio Hondo	7	cutthroat trout, Rio Grande cutthroat trout, bighorn sheep, black bear, cougar, elk, mule deer
Lake Fork	7	cutthroat trout, Rio Grande cutthroat trout, bighorn sheep, black bear, cougar, elk, mule deer
East Fork Jemez River	6	Rio Grande cutthroat trout, brown trout, black bear, cougar, elk, mule deer
San Antonio Creek	5	brown trout, black bear, cougar, elk, mule deer
Redondo Creek	4	black bear, cougar, elk, mule deer

Both the Rio Hondo and Lake Fork provide habitat for the Rio Grande cutthroat trout, and cutthroat trout. Within one mile of the banks of both Rio Hondo and Lake Fork are five

terrestrial SERI: bighorn sheep, black bear, cougar, elk, and mule deer. Pet'r Exs. 19, 21, 22; Table 3.

The East Fork Jemez River, San Antonio Creek, and Redondo Creek (collectively, "Jemez Waters") support four SERI: elk, black bear, cougar, and mule deer. Pet'r Exs. 19, 23, 24, 25; Table 3. The East Fork Jemez River also provides habitat for the Rio Grande cutthroat trout and brown trout, and San Antonio Creek for brown trout.[3] Hunts in the region are highly sought after, according to NMDGF big game managers. The Valles Caldera, where the Jemez Waters originate, is an important movement corridor for elk in the Jemez population and is home to a healthy and productive elk population. Satisfaction ratings for these Game Management Unit 6B hunts are one of the highest in the state, and drew 250 hunters during the 2020 season.[4] The NMDGF also designates mature bull hunts on the Valles Caldera as "quality," meaning this is a better hunting area for elk than others.

Given the aquatic SERI that inhabit the nominated streams and the terrestrial SERI that inhabit the riparian areas close to the nominated streams and upon which they depend, it is my opinion that all six nominated stream segments merit designation as ONRWs based on their exceptional recreational value.

IV. EXCEPTIONAL ECOLOGICAL SIGNIFICANCE

Streams are eligible for ONRW designation if they have exceptional ecological significance. 20.6.4.9.B(2) NMAC. All streams nominated offer outstanding ecological value to our state. Wetland and riparian habitats comprise less than one percent of New Mexico's land

[3] While the trout species do not appear on the ERTs for the East Fork Jemez and San Antonio Creek, those species do inhabit those waters.
[4] NMDGF, 2020 New Mexico Elk Hunter Harvest Report, https://www.wildlife.state.nm.us/download/hunting/harvest/2020_2021-Elk-harvest-report.pdf.

area.[5] Yet more than 80 percent of all sensitive and specially classified vertebrate species in New Mexico require riparian habitat for some part of their life cycle.[6] Because of their high species diversity and vulnerability to multiple stressors, riparian and aquatic habitats represent exceptional ecosystems in our state and are vital areas to focus conservation efforts. Protecting and conserving wetland and riparian habitat and water quality in New Mexico is critical to maintain healthy, functioning ecosystems.

The whole of each stream segment nominated qualifies for this criterion. The boundaries of the stream segments are described in Table 1 and shown on the maps in Figures 1, 2, and 3 in the testimony of Axie Navas [Pet'r Ex. 2] (and in Petitioner's Exhibits 4, 5, and 6).

A. Rio Grande

By any measure, the upper Rio Grande segment nominated by Petitioner Outdoor Recreation Division possesses outstanding ecological values, beginning with the habitat it provides for birds. The Upper Rio Grande Gorge, from the New Mexico-Colorado border downstream 25 miles, is designated by the National Audubon Society as one of New Mexico's Important Bird Areas ("IBAs").[7] Designating IBAs is a global initiative to identify and conserve the most important places for bird populations. IBAs are distinct areas that provide essential habitat for one or more species in breeding, wintering, or migration.[8] The Upper Rio Grande Gorge is an IBA because it supports a great diversity of passerine birds, including the federally

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[5] T.E. Dahl, Wetlands losses in the United States, 1780s to 1980s. Report to the Congress, National Wetlands Inventory (1990).
[6] NMDGF 2016.
[7] Audubon Society, Important Bird Areas, Upper Rio Grande, New Mexico (May 2015), https://www.audubon.org/important-bird-areas/upper-rio-grande-gorge.
[8] Audubon Society, Important Bird Areas: A Valuable Tool for Protecting the Places Most Critical to Birds, https://wa.audubon.org/sites/default/files/ibas_policyuse.pdf.

and state endangered southwestern willow flycatcher (*Empidonax trailii extimus*), and its canyon walls provide habitat for hawks and eagles.[9]

Figure 14: Southwestern willow flycatcher

[9] Audubon Society, Important Bird Areas, Upper Rio Grande, New Mexico (May 2015), https://www.audubon.org/important-bird-areas/upper-rio-grande-gorge.

Table 4: Federal and State Endangered and Threatened Animal Species

STREAM	ENDANGERED UNDER ESA	THREATENED UNDER ESA	ENDANGERED UNDER NMWCA	THREATENED UNDER NMWCA
Rio Grande	southwestern willow flycatcher		southwestern willow flycatcher	bald eagle, peregrine falcon, boreal owl, spotted bat
Rio Hondo			white-tailed ptarmigan	peregrine falcon, boreal owl, spotted bat, Pacific marten
Lake Fork			white-tailed ptarmigan	peregrine falcon, boreal owl, spotted bat, Pacific marten
East Fork Jemez River	Jemez Mountains salamander	Mexican spotted owl	Jemez Mountains salamander, wrinkled marshsnail	peregrine falcon, boreal owl, gray vireo, spotted bat
San Antonio Creek	Jemez Mountains salamander, New Mexican meadow jumping mouse	Mexican spotted owl	Jemez Mountains salamander, New Mexican meadow jumping mouse	peregrine falcon, boreal owl, gray vireo, spotted bat
Redondo Creek	Jemez Mountains salamander, New Mexican meadow jumping mouse	Mexican spotted owl	Jemez Mountains salamander, New Mexican meadow jumping mouse, wrinkled marshsnail	peregrine falcon, gray vireo, spotted bat

The mixed habitat supports high species diversity. In addition to the federally and state endangered southwestern willow flycatcher, three bird species in the area are listed as state

threatened and 25 bird, mammal, and fish species have been identified as SGCN by NMDGF. Birds in the area that are state threatened and SGCN are the bald eagle (*Haliaeetus luecocephalus*), peregrine falcon (*Falco peregrinus*), and boreal owl (*Aegolius funereus*).[10] Other SGCN that inhabit the area include black swift (*Cypseloides niger*), olive-sided flycatcher (*Contopus cooperi*), and pinyon jay (*Gymnorhinus cyanocephalus*). The American dipper (*Cinclus mexicanus*) is found in this area, and is the only passerine in North America that forages under rushing streams, and therefore is sensitive to water pollution. *See* Tables 4, 5; Pet'r Ex. 19 [Special Status Animal and Plant Lists]; Pet'r Ex. 20 [Rio Grande ERT].

Continuous riparian corridors like the Rio Grande not only contribute to diversity of breeding species, they provide critical stopover habitat for birds migrating across the arid southwestern region.[11] These areas provide access to water, food resources, and vegetative cover from predators that are otherwise rare on the landscape. Proactive conservation of riparian corridors is vital to ensure habitat requirements for western neotropical migrant birds.

Recently reintroduced North American river otters (*Lontra canadensis*) have successfully established and reproduced within the upper Rio Grande, although the population remains small and genetically degraded.[12] Continued population growth and long-term success of this

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[10] *See* NMDGF 2016 at 14-19 for list of Species of Greatest Conservation Need.

[11] S.K. Skagen at al., Geography of Spring Landbird Migration Through Riparian Habitats in Southwestern North America, 107 The Condor 2, 212 (May 2005); J.D. Carlisle, Landbird Migration in the American West: Recent Progress and Future Research Directions, 111 The Condor 2, 211-225 (May 2009).

[12] J.J. Cox & S.M. Murphy, Demographic and Genetic Status of a Reintroduced River Otter Population in North-central New Mexico, Final report prepared for the Share with Wildlife Program, NMDGF, Santa Fe, NM, Agreement #171012 (2019); B. Long, River Otter Monitoring in the Upper Rio Grande Watershed in Northern New Mexico, October 14, 2008 Through January 21, 2010, Report submitted to NMDGF for Professional Service Contract 09 516 0000 00042 (2010); M. Savage & J. Klingel, Citizen Monitoring After an Otter Restoration (*Lontra Canadensis*) in New Mexico, USA, 32 IUCN Otter Specialist Group Bulletin 21–24 (2015).

population depends on adequate availability of prey and water quality.[13] Water quality may affect otters directly, through heavy metal accumulation in fish tissue, and indirectly through effects of turbidity on their ability to capture prey, and factors affecting prey abundance and health of fish and other aquatic animal populations.

The upper Rio Grande corridor provides important habitat for special status small mammal species, such as Gunnison's prairie dog (*Cynomys gunnisoni*) and spotted bat (*Euderma maculatum*), listed as threatened in New Mexico. Tables 4, 5; Pet'r Exs. 19, 20.

Table 5: Species of Greatest Conservation Need

STREAM	NUMBER OF SGCN	SGCN SPECIES
Rio Grande	25	northern leopard frog, eared grebe, American bittern, bald eagle, peregrine falcon, mountain plover, boreal owl, black swift, Lewis's woodpecker, red-headed woodpecker, Williamson's sapsucker, olive-sided flycatcher, southwestern willow flycatcher, bank swallow, pinyon jay, Clark's nutcracker, juniper titmouse, pygmy nuthatch, western bluebird, loggerhead shrike, brown-capped rosy-finch, Rio Grande chub, spotted bat, American pika, Gunnison's prairie dog
Rio Hondo	23	northern leopard frog, American bittern, peregrine falcon, white-tailed ptarmigan, mountain plover, boreal owl, black swift, 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,

[13] NMDGF, Feasibility Study: Potential for Restoration of River Otters in New Mexico (2006).

		American pika, Gunnison's prairie dog, Pacific marten
Lake Fork	18	northern leopard frog, American bittern, peregrine falcon, white-tailed ptarmigan, boreal owl, Lewis's woodpecker, red-headed woodpecker, Williamson's sapsucker, olive-sided flycatcher, pinyon jay, Clark's nutcracker, pygmy nuthatch, western bluebird, brown-capped rosy-finch, white-winged crossbill, spotted bat, American pika, Pacific marten
East Fork Jemez River	31	Jemez Mountains salamander, northern leopard frog, eared grebe, American bittern, peregrine falcon, mountain plover, flammulated owl, Mexican spotted owl, boreal owl, black swift, 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, gray vireo, brown-capped rosy-finch, Rio Grande sucker, Rio Grande chub, Preble's shrew, long-legged myotis, spotted bat, American pika, Gunnison's prairie dog, wrinkled marshsnail
San Antonio Creek	31	Jemez Mountains salamander, northern leopard frog, eared grebe, American bittern, northern goshawk, peregrine falcon, blue grouse, mountain plover, flammulated owl, Mexican spotted owl, boreal owl, black swift, 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, gray vireo, brown-capped rosy-finch, Rio Grande sucker, Rio Grande chub, spotted bat, American pika, Gunnison's prairie dog, New Mexican meadow jumping mouse
Redondo Creek	27	Jemez Mountains salamander, northern leopard frog, eared grebe, American

		bittern, peregrine falcon, blue grouse, mountain plover, Mexican spotted owl, black swift, 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, gray vireo, brown-capped rosy-finch, spotted bat, American pika, Gunnison's prairie dog, New Mexican meadow jumping mouse, wrinkled marshsnail

The upper Rio Grande provides habitat for native fish. The Rio Grande chub (*Gila pandora*), designated as a SGCN, is found in this reach of the Rio Grande.[14] As with mammals, this section of the Rio Grande is important to conservation of Rio Grande chub because it is one of only a handful of unfragmented reaches across their current distribution. Connectivity across long reaches of habitat offers resiliency for species by allowing for natural recolonization when local extirpation events occur. Other native fish species that occupy these waters include longnose dace (*Rhinichthys cataractae*) and Rio Grande cutthroat trout (*Oncorhynchus clarkii virginalis*). Our state fish, the Rio Grande cutthroat trout, is currently found in less than 10 percent of its native range and is listed as a species of concern by the U.S. Fish and Wildlife Service and a Sensitive Species by Region 3 of the U.S. Forest Service.[15]

[14] Rio Grande Chub and Rio Grande Sucker Conservation Team, Rio Grande Chub and Rio Grande Sucker Database (2020)("Rio Grande Chub and Rio Grande Sucker Conservation Team 2020") (data acquired August 2020).
[15] Sport Fish Restoration, USFWS, Rio Grande Cutthroat Trout (Oncorhynchus clarkii virginalis), https://westernnativetrout.org/wp-content/uploads/2018/03/RGCT_WesternNativeTroutStatusReport_UpdatedMay2016.pdf.

Figure 15: Rio Grande cutthroat trout

The upper Rio Grande corridor is home to array of diverse plant communities that include Arid West Interior Freshwater Emergent Marsh, Montane-Subalpine Wet Shrubland and Wet Meadow, Rocky Mountain Montane Riparian Forest, Rocky Mountain Subalpine-High Montane Meadow, Southwest Riparian Forest, Warm Desert Lowland Riparian Shrubland, and Warm-Desert Arroyo Riparian Scrub.[16]

The New Mexico Rare Plant Conservation Strategy has designated a portion of the upper Rio Grande as one of the highest ranking of the state's 133 Important Plant Areas. Important Plant Areas are locations that support a high diversity of sensitive plant species, or the last remaining locations of the state's most endangered plants, and represent high priority areas for

[16] E. Muldavin et al., New Mexico Riparian Habitat Map – NMRipMap, New Mexico Natural Heritage at the University of New Mexico, USFS Region 3, Missouri Resource Assessment Partnership at the University of Missouri, and Geospatial Technology and Applications Center of the US Forest Service, Salt Lake City, UT, nhnm.unm.edu/riparian/nmripmap (2020) ("Muldavin 2020"); NMDGF 2016.

management.[17] The upper Rio Grande contains habitat for several special status plant species, including Taos springsparsley (*Cymopterus spellenbergii*), Ripley's milkvetch (*Astragalus ripleyi*), and clipped wild buckwheat (*Eriogonum lachnogynum var. colobum*). *See* Table 6; Pet'r Exs. 19, 20.

Table 6: Special Status Plant Species

STREAM	SPECIAL PLANT STATUS SPECIES
Rio Grande	Taos springsparsley, Ripley's milkvetch, clipped wild buckwheat
Rio Hondo	Taos springsparsley
Lake Fork	alpine larkspur
East Fork Jemez River	Sapello Canyon larkspur, hooded ladies'-tresses, giant helleborine orchid
San Antonio Creek	Sapello Canyon larkspur, hooded ladies'-tresses, giant helleborine orchid

B. Rio Hondo and Lake Fork

Like the upper Rio Grande, the Rio Hondo and Lake Fork provide important habitat for terrestrial and aquatic wildlife. Nineteen special status bird species inhabit the area, including the state endangered white-tailed ptarmigan (*Lagopus leucurus*), the state threatened peregrine falcon and boreal owl, and SGCN like the black swift, olive-sided flycatcher, and Lewis's woodpecker (*Melanerpes lewis*). Tables 4, 5; Pet'r Ex. 19; Pet'r Exs. 21 [Rio Hondo ERT], 22 [Lake Fork ERT].

[17] EMNRD Forestry Division 2017.

Figure 16: White-tailed ptarmigan

The area also supports populations of Pacific marten (*Martes caurina*), listed as threatened in New Mexico, Gunnison's prairie dog, and the state threatened spotted bat, as well as several large mammal species such as elk, bighorn sheep, mule deer, black bear, and cougar. Tables 3, 4, 5; Pet'r Exs. 19, 21, 22.

Figure 17: Pacific Marten

The upper reaches of the Rio Hondo drainage support Rio Grande cutthroat trout as well as a thriving brown trout fishery. Instream habitat restoration in the Rio Hondo has resulted in increased trout productivity and use in this reach.[18]

Plant communities along the Rio Hondo and Lake Fork include Montane-Subalpine Wet Shrubland and Wet Meadow, Rocky Mountain Montane Riparian Forest, and Rocky Mountain Montane Shrubland.[19] The upper reaches of the Rio Hondo are also designated as one of the highest ranking of New Mexico's 133 Important Plant Areas.[20] This area provides habitat for special status plant species like alpine larkspur (*Delphinium alpestre)*. Table 6; Pet'r Exs. 19, 21, 22.[21]

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[18] E. Frey, NMDGF Sportfish Program Manager, pers comm.
[19] Muldavin 2020; NMDGF 2016.
[20] EMNRD Forestry Division 2017.
[21] The Rio Hondo and Lake Fork ERTs list brandegee alpine clover as a special status plant and the Lake Fork ERT lists erect blackened sedge; however, these plants are not listed as rare or endangered under the Rare Plant Conservation Strategy.

C. East Fork Jemez River, San Antonio Creek, and Redondo Creek

The waters in and around the Valles Caldera National Preserve constitute a major perennial watercourse in the southwest Jemez Mountains and provide much of the significant riparian habitat in the area. As such, they are conservation priorities. The NMDGF has designated the southern portion of the Jemez Mountains as one of 16 Conservation Opportunity Areas ("COAs") in the State Wildlife Action Plan.[22] COAs identify areas within the state that contain high biodiversity and superior potential for conserving Species of Greatest Conservation Need. These priority habitats are considered vital for conservation of wildlife in New Mexico and are home to 31 SGCN, the federally and state endangered Jemez Mountains salamander (*Plethodon neomexicanus*) and New Mexico meadow jumping mouse (*Zapus hudsonius luteus*), one federally threatened species, and four state threatened species. Tables 4, 5; Pet'r Exs. 19, 23 [East Fork Jemez River ERT], 24 [San Antonio Creek ERT], 25 [Redondo Creek ERT].

This area is also designated as an Important Bird Area by the Audubon Society. The Jemez Mountain/Valles Caldera IBA intersects portions of San Antonio and Redondo Creeks, and the East Fork Jemez River.[23] This area provides habitat for numerous rare and special status species, including the federally threatened Mexican spotted owl (*Strix occidentalis lucida*); the state threatened peregrine falcon, boreal owl, gray vireo (*Vireo vicinior*), and spotted bat. The many additional rare and SGCN species include northern goshawk (*Accipiter gentilis*), blue grouse (*Dendragapus obscurus*), eared grebe (*Podiceps nigricollis*), flammulated owl (*Otus flammeolus*), red-headed woodpecker (*Melanerpes erythrocephalus*), black swift, olive-sided

[22] NMDGF 2016.
[23] Audubon Society, Important Bird Areas, Valles Caldera/Jemez Mountains, New Mexico, https://www.audubon.org/important-bird-areas/valles-calderajemez-mountains.

flycatcher, American dipper, Lewis's woodpecker, and pinyon jay. Tables 4, 5; Pet'r Exs. 19, 23, 24, 25.

Other rare species live within this area. San Antonio and Redondo Creeks provide designated critical habitat for the federally and state endangered New Mexico meadow jumping mouse. Table 4; Pet'r Exs. 19, 24, 25. This species is an extreme habitat specialist that requires dense herbaceous vegetation adjacent to perennial streams. Of the 77 known populations of this species, 22 are scattered across New Mexico. Ten of the 22 known populations of this species within New Mexico occur within the Jemez Mountains Geographical Area, including recently discovered sites along San Antonio Creek and Redondo Creek.[24]

Figure 18: New Mexican jumping mouse

This area is designated critical habitat for the federally and state endangered Jemez Mountains salamander. Table 4; Pet'r Exs. 19, 23, 24, 25. This species is native and inhabits a restricted range within the high elevations of the Jemez Mountains. While the salamander does not require standing water, it does rely on cool moist soil and its distribution is likely constrained

[24] USFWS, Species Status Assessment Report for the New Mexico Meadow Jumping Mouse (*Zapus hudsonius luteus*) (Jan. 2020).

by soil moisture and pH. Water quality is important for survival of all amphibians and will also provide essential protections for this rare species.

Figure 19: Jemez Mountains salamander

The nominated waters provide important habitat for bats that depend on streams with high water quality, including the state threatened spotted bat, long-eared myotis (*Myotis evotis*), and long-legged myotis (*Myotis volan*s). These areas host healthy and productive populations of elk and mule deer, Table 3; Pet'r Exs. 23, 24, 25, and recent data indicate that the Valles Caldera is an important movement corridor for the Jemez populations of these species.[25]

[25] USGS, unpublished data.

Figure 20: Elk in Valles Caldera

The nominated waterbodies provide important habitat for aquatic wildlife, including native fish and invertebrates. Notably, the East Fork Jemez River and San Antonio Creek contain populations of Rio Grande chub and Rio Grande sucker (*Catostomus plebeius*). Table 5; Pet'r Exs. 19, 23, 24.[26] These species are designated both as SGCN and Sensitive Species by Region 3 of the U.S. Forest Service. Both Rio Grande chub and Rio Grande sucker have experienced range contractions in New Mexico and these waters support four of the 30 known populations of Rio Grande sucker.[27] Longnose dace are also present in these waters. The wrinkled marshsnail (*Stagnicola caperata*), found within the East Fork Jemez River area, is another range-restricted species within New Mexico and listed as endangered by the state. Table 4; Pet'r Exs. 19, 23, 25.

[26] Rio Grande Chub and Rio Grande Sucker Conservation Team 2020.
[27] *Id.*

This species occupies wet meadows and occurs in small isolated populations within New Mexico including Cerro La Jara in the Jemez Mountains.[28] This species is vulnerable to wetland habitat loss and water contamination.[29]

Plant communities within this area are a diverse assemblage of vegetation typical of the southern Rocky Mountain ecoregion. The area surrounding the nominated waters consists of Arid West Interior Freshwater Emergent Marsh, Montane-Subalpine Wet Shrubland and Wet Meadow, Rocky Mountain Montane Riparian Forest, Rocky Mountain Montane Shrubland, Rocky Mountain Subalpine-High Montane Meadow, Warm-Desert Arroyo Riparian Scrub, Warm and Cool Desert Alkali-Saline Wetland, and Southwest Riparian Forest.[30] The area is also designated as an Important Plant Area[31], and hosts a number of special status plant species, including Sapello Canyon larkspur (*Delphinium sapellonis*), giant helleborine orchid (*Epipactis gigantea*), and hooded ladies'-tresses (*Spiranthes romanzoffiana*). Table 6; Pet'r Exs. 19, 23, 24.

D. Conclusion

In my opinion, in light of the federally and state threatened and endangered animal and plants species, the SGCN, and the rare and endangered plant species that inhabit the nominated streams or areas close to the nominated streams, and these species' dependence on the streams, all six nominated stream segments merit designation as ONRWs based on their exceptional ecological value.

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

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[28] NMDGF, Threatened and Endangered Species of New Mexico, 2020 Biennial Review (Oct. 16, 2020) ("NMDGF 2020"), https://www.wildlife.state.nm.us/download/conservation/threatened-endangered-species/biennial-reviews/2020-Biennial-Review.pdf.
[29] D.W. Taylor, Endangered Species: Status Investigation of Mollusks of New Mexico, Professional Service Contract Nos. 519-69-01 and 519-69-01-A (1983); NMDGF 2020.
[30] Muldavin et al. 2020; NMDGF 2016.
[31] EMNRD Forestry Division 2017.

/s/ Joanna Hatt
Joanna Hatt
Native Fish Biologist
NMDGF

May 10, 2022
Date

PETITIONER’S EXHIBIT 29

Joanna L. Hatt

1 Wildlife Way, Santa Fe, NM 87507
(505) 476-8092; joanna.hatt@state.nm.us

EDUCATION

2013 **Master of Science (MS) – University of Georgia, Athens, GA**
Warnell School of Forestry and Natural Resources
Major: Forest Resources

2006 **Bachelor of Science (BS) – University of Vermont, Burlington, VT**
Rubenstein School of Natural Resources
Major: Wildlife and Fisheries Biology

Relevant Coursework:

Estimating Parameters of Fish & Wildlife Populations, Database Management, Advanced Spatial Analysis, Modeling the Effects of Climate Change on Animal Communities, Introduction to Program R, Principles of Wildlife Management, Environmental Problem Solving and Impact Assessment

EMPLOYMENT

Apr 2017–present **Native Fish Biologist, New Mexico Dept. of Game & Fish, Santa Fe, NM**
Supervisor: Bryan Bakevich, (505) 476-8058

- Led native fish management activities and implemented conservation actions for warm and cool water fishes of the Rio Grande, Pecos, and Canadian basins
- Conducted fieldwork in collaboration with partners to monitor populations of threatened and endangered aquatic species
- Created long-term conservation plans through development of interagency conservation agreements, species status assessments, and 10-year conservation strategies
- Administered grants and contracts, conducted analyses of monitoring data, composed annual reports and compliance documents
- Applied for, awarded, and managed >$150,000 in competitive grant funding

Sep 2016–Mar 2017 **Independent Contractor, Manomet, Inc., Manomet, MA**
Supervisor: Brad Winn, (508) 224-6521

- Collaborated in proactive conservation efforts through the documentation of the significance of Georgia coastal habitats to a diversity of shorebirds
- Obtained data from multiple associates and conducted population-level analyses on shorebird datasets spanning decades
- Produced a narrative detailing the qualifications of the Georgia Barrier Islands for consideration as a designated Landscape of Hemispheric Importance with the Western Hemisphere Shorebird Reserve Network

Jun 2013–Sep 2016 **Research Coordinator, University of Georgia, Athens, GA**
Supervisors: Robert Cooper, Ph.D., (706) 542-6066
Nathan Nibbelink, Ph.D., (706) 542-9853

- Provided technical, logistical, and analytical support for an assessment of the degree of fragmentation on stream connectivity for native fish of the southeastern US
- Conducted assessments of the current status of threatened/endangered aquatic and terrestrial organisms for multiple national parks
- Hired and mentored multiple interns and technicians
- Created sampling protocols and data sheets, led field research, and analyzed and interpreted biological data using ArcGIS, R, and WinBUGS
- Led an interagency study on the influence of the mesocarnivore population on a shorebird species of conservation concern, providing statewide management recommendations
- Conducted research and composed peer-reviewed manuscripts on the conservation and management of fish and wildlife, including population modeling and trend estimation
- Coordinated and supported activities associated with two active research laboratories including: preparing grant contracts, monitoring budgets, reporting to funding agencies, and maintaining lab supplies and equipment
- Presented results at meetings of professionals, local/regional non-profit groups, and agency employees

May 2010–2013 **Graduate Student/Lead Technician, University of Georgia, Athens, GA**
Advisors: Robert Cooper, Ph.D., (706) 542-6066
Jeffrey Hepinstall-Cymerman, Ph.D., (706) 583-8097

- Conducted original research on life-history theory and population dynamics of a migratory species
- Hired, trained, and supervised over 20 undergraduate students and technicians in fieldwork, data collection and analysis at the Coweeta Hydrologic Laboratory, Otto, NC
- Became versed in robust statistical methods to monitor populations and estimate trends
- Applied for and awarded >$15,000 in competitive grant funding
- Employed ArcGIS and Program R in data analysis and regularly organized and completed backups of long-term field data
- Worked long hours, entered/supervised entry of large quantities of data

Feb–Apr 2010 **Research Technician, The Smithsonian Institution, Washington, DC**
Supervisor: T. Scott Sillett, Ph.D., (202) 633-4213
Location: Santa Cruz Island, CA

- Found nests, banded, and bled nestling island scrub jays (*Aphelocoma insularis*) as part of a demography study
- Operated older 4-wheel drive vehicles on seasonal, primitive roads with minimal supervision
- Traversed rugged, remote terrain daily (up to 10 miles per day), often independently and in inclement weather

Sep–Nov 2009 **Field Technician, University of Southern Mississippi, Hattiesburg, MS**
Supervisor: Jaclyn Smolinsky, M.S., (601) 266-4394
Location: Gulf Shores, AL

- Netted and banded migratory songbirds, collected blood samples
- Conducted insect, fruit, and vegetation surveys
- Entered data on a daily basis and managed multiple databases

May–Aug 2009 **Colony Manager, Mass. Div. of Fisheries & Wildlife, Westborough, MA**
Supervisor: Carolyn Mostello, M.S., (508) 389-6372
Location: Buzzards Bay, MA

- Monitored nests of common terns (*Sterna hirundo*) and endangered roseate terns (*Sterna dougallii*), trapped/banded chicks and adults
- Identified dozens of marine fish species during foraging observations
- Supervised technicians, interns, and volunteers participating in monitoring activities
- Operated 200 HP, 22-foot outboard motor boat on open ocean with minimal supervision
- Entered, managed, and analyzed large quantities of data
- Composed annual species status report for USFWS to aid in the development of conservation and research/management priorities for a federally-listed species

Sep–May 2007–09 **Research Technician, University of Vermont, Burlington, VT**
Supervisor: J. Ellen Marsden, Ph.D., (802) 656-0684

- Employed gill nets to collect lake whitefish (*Coregonus clupeaformis*) for population assessment, identified and measured bycatch
- Operated a 25HP, 2-cycle outboard motor boat to set and pick nets
- Coordinated fieldwork, organized lab and field equipment, and managed lab operations
- Led a batch mark-recapture study of juvenile lake trout (*Salvelinus namaycush*), processed lab samples, and produced peer-reviewed manuscript of findings
- Generated literature review for a species population status assessment for publication

May-Aug 2006–2008 **Crew Leader, Wellesley College, Wellesley, MA**
Supervisor: Nick Rodenhouse, Ph.D., (781) 283-3357
Location: Hubbard Brook Experimental Forest, NH

-Trained and managed a large crew (12–14 people per year) for multiple field seasons, organized data collection and entry
- Found nests, banded, and bled adult and nestling black-throated blue warblers (*Setophaga caerulescens*) for a long-term demography study
- Evaluated habitat quality via vegetation, predator, and insect surveys
- Compiled an 80+ page manual of research protocols

Jan–Apr 2007 **Biological Science Technician, U.S. Geological Survey, Corvallis, OR**
Supervisor: Susan Haig, Ph.D., (541) 750-0981

- Served as a technical expert in data collection, analysis, and interpretation of biological data for shorebird movement study
- Captured, banded, bled, and affixed transmitters to a game species

- Tracked Wilson's snipe (*Gallinago delicata*) and triangulated locations using Yagi antennas and GPS
- Established and upheld positive working relationships with key stakeholders including private landowners, federal and state employees, and non-governmental organizations

SELECTED PUBLICATIONS

Osborne, M.J., J.L. Hatt, E.I. Gilbert, and S.R. Davenport. 2021. Still time for action: genetic conservation of imperiled South Canadian River fishes, Arkansas River Shiner (*Notropis girardi*), Peppered Chub (*Macrhybopsis tetranema*) and Plains Minnow (*Hybognathus placitus*). *Conservation Genetics* 22: 927–945. https://doi.org/10.1007/s10592-021-01374-x

Nibbelink, N.P. and J. Hatt. 2021. Introduction to GIS and GPS. In C. Shaffer, F. Dolins, J. Hickey, N. Nibbelink, & L. Porter (Eds.), GPS and GIS for primatologists: A practical guide to spatial analysis. Cambridge University Press, Cambridge, UK.

Cline, M.H., J.L. Hatt, M.J. Conroy, and R.J. Cooper. 2016. Experimental evidence for a phenotypic trait as an age-dependent intrasexual social signal between familiar individuals. *Animal Behaviour* 111: 319–327.

Hatt, J.L., L. Worsham, G. Sundin, G. Grossman, M. Mengak, and N. Nibbelink. 2016. Natural resource condition assessment for Gulf Islands National Seashore. Natural Resource Report NPS/GUIS/NRR—2016/1135. National Park Service, Fort Collins, Colorado.

Marsden, J.E., K.P. Kelsey, J.W. Riley, and J. Hatt. 2014. Evaluation of calcein for estimating abundance of lake trout alevins on a spawning reef. *North American Journal of Fisheries Management* 34: 270–275.

Cline, M.H., and J.L. Hatt. 2011. Idle lobster traps kill Blue Jays. *The Wilson Journal of Ornithology* 123: 181–183.

SELECTED PRESENTATIONS

- Rio Grande Chub and Sucker – NM Update. Rio Grande Chub and Rio Grande Sucker Rangewide Meeting, Santa Fe, NM. January 2022.
- Restoring Gray Redhorse populations in the Delaware River, NM. Desert Fishes Council annual meeting, Alpine, TX. November 2019.
- The last population of peppered chub and clues to its persistence. American Fisheries Society, AZ-NM Chapter annual meeting, Albuquerque, NM. February 2019.
- Methods in studies of avian ecology and conservation. Invited Lecture - Ecological Society of America, SEEDS program. Regional Field Trip. Coweeta Hydrologic Laboratory, Otto, NC. April 2016.
- An adaptive management approach to enhancing American oystercatcher productivity on the Georgia coast. The Waterbird Society Annual Meeting. Bar Harbor, ME. August 2015.
- Temporal influence of insect abundance on fledgling survival of Black-throated Blue Warblers in the Southern Appalachians. The Wildlife Society Annual Meeting. Portland, OR. October 2012.

SELECTED GRANTS & AWARDS

- Professional of the Year Award, AZ-NM American Fisheries Society Chapter (2021)
- National Fish and Wildlife Foundation Grant recipient (2018)
- Georgia Ornithological Society Bill Terrell Grant recipient (2011–2013)
- UGA Outstanding Teaching Assistant Award (2012)
- Lola Aiken Award in Natural Resources (2006)

PROFESSIONAL SOCIETIES

- American Fisheries Society
- Desert Fishes Council
- National Audubon Society
- The Wildlife Society

PETITIONER’S EXHIBIT 30

STATE OF NEW MEXICO
NEW MEXICO WATER QUALITY CONTROL COMMISSION

IN THE MATTER OF PETITION TO NOMINATE SEGMENTS OF THE RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK JEMEZ RIVER, SAN ANTONIO CREEK, AND REDONDO CREEK AS OUTSTANDING NATIONAL RESOURCE WATERS,	**WQCC No. 2021-62 (R)**
OUTDOOR RECREATION DIVISION, NEW MEXICO DEPARTMENT OF ECONOMIC DEVELOPMENT,	
Petitioner.	

DIRECT TESTIMONY OF ROBERT R. PARMENTER, PH.D.

I. BACKGROUND AND QUALIFICATIONS

My name is Robert R. Parmenter and I serve as Division Chief of Science and Resource Stewardship for Valles Caldera National Preserve ("VCNP"). I have served this capacity since 2014. Prior to this position, I served as

Director of the Scientific Services Division at VCVP since 2003. In 2015, the U.S. Department of Interior National Park Service ("NPS") assumed management of the 89,000 acre preserve. The Valles Caldera was established by Congress in 2000, and was originally managed by the Valles Caldera Trust.

As Division Chief, I oversee ecosystem management and forest, grassland, and wetland restoration; fire ecology; fisheries and wildlife management; climatic influences on plant and animal populations; predator-prey relationships of both vertebrates and invertebrates; and ecology of zoonotic diseases at VCNP.

I also currently serve as an Adjunct Associate Professor in the Department of Biology at University of New Mexico ("UNM"); a Research Associate in the Division of Arthropods and Division of Mammals at the Museum of Southwestern Biology at UNM; Adjunct Professor in

the Department of Wildland Resources at Utah State University; and Adjunct Graduate Faculty in the Department of Natural Resources Management at Texas Tech University.

I have a B.A. in Biology from Colorado College, a M.S. in Zoology from the University of Georgia, and a Ph.D. in Biology/Ecology from Utah State University.

My curriculum vitae is Petitioner's Exhibit 31.

II. OVERVIEW OF VALLES CALDERA

About 1.23 million years ago, an enormous volcanic eruption created the 13-mile wide circular depression we know as the Valles Caldera geologic formation. The volcanic crater lies within this now-dormant super-volcano in the Jemez Mountains in Northern New Mexico. Hot springs, cold springs, freshwater streams, sulphuric-acid fumaroles, and volcanic domes dot the caldera floor landscape.

The preserve is known for its huge mountain meadows, abundant wildlife, and meandering streams. Waters in the caldera, including the three nominated waters – San Antonio Creek, Redondo Creek, and East Fork Jemez River – are headwaters to the 50-mile Jemez River, which feeds into the Rio Grande.

Use of Valles Caldera dates back to the prehistoric times: spear points dating to 11,000 years ago have been discovered. A number of indigenous tribes frequented the caldera, often seasonally, for hunting game and gathering plants, and for quarrying obsidian used for spear and arrow points, which was traded by tribes across much of the Southern Rockies and Great Plains. Eventually, Spanish and Mexican settlers as well as tribes came to the caldera seasonally for livestock grazing. VCNP preserves the homeland of these ancestral native peoples and the area's rich ranching history.

III. EXCEPTIONAL RECREATIONAL SIGNIFICANCE OF NOMIMATED WATERS IN THE CALDERA

Given its singular beauty, wide open meadows, rolling hills, abundant plant and wildlife, numerous trails, and mountain streams, VCNP is one of New Mexico's most beloved recreation areas. In recent years, there are approximately 76,000 annual visitor contacts at the Entrance Station and Ranger Station with thousands of additional visitors entering through backcountry gates via hiking or mountain biking. The preserve issues up to 35 backcountry vehicle passes each day, along with over 1,600 daily fishing permits in 2021. While VCNP does not track the number of visitors to each stream in the preserve, our observation is that the streams in the caldera represent one of the most popular attractions for recreationists, anglers, and hunters, and the three streams nominated are three of the most visited streams in the preserve. San Antonio Creek is the most visited stream in the caldera, followed by the East Fork Jemez River, and Redondo Creek is the fifth most visited stretch (after Jaramillo Creek and Rito de los Indios).

A. <u>Exceptional Fishing in the East Fork Jemez River and San Antonio Creek</u>

Fishing in the East Fork Jemez River and San Antonio Creek is exceptional. From June 11 through December 31, 2021, VCNP issued a total of 1,657 fishing permits. And, again, while we do not track the number of anglers fishing at particular streams, from observation, the East Fork Jemez River and San Antonio Creek are two of our most fished reaches.

Figure 21: San Antonio Creek

There is excellent fishing for rainbow trout and brown trout in the East Fork and brown trout in Rio San Antonio. Indeed, in early surveys of the fisheries (2003), we found that these streams have one of the highest values of fish density (fish per meter of stream) and fish biomass (weight per meter of stream) of any streams in the western United States[1] The valle streams are challenging from anglers' point of view because the fish can see them in the open valle grasslands – so the anglers have to be "stealthy". However, the lack of trees and bushes next to the creeks avoids hang-ups of flies when casting.

The New Mexico Department of Game and Fish ("NMDGF") angler data from surveys confirms the immense popularity of the East Fork Jemez River and San Antonio Creek in which,

[1] 2003. Valles Caldera National Preserve 2003 Stream Surveys. Annual Report. Aquatic Consultants, Albuquerque, NM.

during the 2020-21 license year (April 1, 2020 to March 31, 2021), the East Fork Jemez River saw more than 67,200 visitor days and 23,000 anglers, and San Antonio Creek saw more than 32,800 visitor days and more than 13,700 anglers, indicating they are some of the most fished streams in the state. *See* Pet. Ex. 18.

B. Exceptional Recreational Opportunities in the East Fork Jemez River, San Antonio Creek, and Redondo Creek

All three nominated streams are highly popular recreation spots in the preserve and attract hikers, backpackers, wildlife and bird watchers, picnickers, mountain bikers, horseback riders, and wildlife photographers. The streams have easy access to visitors, as preserve public roads cross the San Antonio Creek in three locations, and the main preserve entrance road crosses the East Fork Jemez River in the Valle Grande. A hiking trail down to Hidden Valley (the point where the East Fork Jemez River leaves the Valle Grande) provides a popular short walk from the main entrance road.

Figure 22: East Fork Jemez River

III. EXCEPTIONAL ECOLOGICAL SIGNIFICANCE OF NOMINATED WATERS IN THE CALDERA

Each of the three nominated streams is critical to maintaining water resources and adjacent wetlands and fens. The valle streams including the East Fork and San Antonio contribute to water storage and water table maintenance, while the upland streams including Redondo Creek provide habitat for the endangered New Mexico meadow jumping mouse. The fact that the preserve conducts its livestock grazing program in a pair of upland pastures without any perennial streams ensures that jumping mouse habitat remains relatively undisturbed; in addition, the preserve's collaborating organizations have obtained numerous grants to restore willows and other woody riparian shrubs to the streams of the preserve, further enhancing jumping mouse habitat and preparing the way for eventual recolonization of beavers. NPS has collaborated for years with the New Mexico Environment Department, private contractors, and non-governmental organizations to restore wetlands along the valle streams and to stabilize streambanks and riparian areas along upland streams to help preserve the riparian areas and extraordinary wetland ecosystems.

Figure 23: New Mexico meadow jumping mouse

In addition, preserve staff have successfully reintroduced two species of native non-game fish to the San Antonio Creek (the Rio Grande chub and the Rio Grande sucker), both of which

are currently listed under the NMDGF Species of Greatest Conservation Need and are being considered for federal protection. Both species now have stable, reproducing populations in the San Antonio Creek and the East Fork Jemez River. Coupled with the fish reintroductions, preserve staff have also reintroduce the extirpated Northern Leopard Frog to the streams and wetlands of the preserve, and these frogs have dispersed in large numbers to the watersheds of San Antonio Creek, East Fork Jemez River and Redondo Creek.

IV. ACTIVITIES THAT MIGHT REDUCE WATER QUALITY

Potential threats to the nominated streams include:

- Climate warming, with reduced stream flows and increased water temperatures (although this is not yet observed in the monitoring data). In addition, there could be increased salinity and conductivity if stream discharge is reduced from climate warming. In the latter case, ground-water inputs to streams are higher in solutes, and could comprise a larger portion of stream discharge if rainfall or runoff is reduced.

- High-severity forest fires, with post-fire flash floods increasing soil erosion and water quality issues that accompany those events. Unfortunately, the Cerro Pelado Fire, which began April 22, 2022 just south of VCNP, has resulted in closure of VCNP and Bandelier National Monument. As of May 11, 2022, the fire has burned over 43,000 acres and is only 11% contained.[2] The cause of the fire is unknown, and it has encroached into the southwest boundary of the preserve. We are working around the clock monitoring the situation.

- Trespass cattle that break down stream banks and increase water turbidity and suspended solids from fecal materials.[3]

Designation of the nominated waters will help protect the water quality of these streams, and help keep them resilient against these threats.

[2] New Mexico Fire Information (May 11, 2022), https://nmfireinfo.com/2022/05/11/cerro-pelado-fire-update-may-11-2022/.

[3] We understand that, under state regulations at 20.6.4.8.A(3)(d) NMAC, existing land use activities such as grazing are allowed to continue so long as there are no new or increased discharges and the activities are controlled by best management practices ("BMPs"). Grazing is VCNP is subject to BMPs.

V. CONCLUSION

On behalf of NPS and VCNP, we support designation of the nominated segments of the East Fork Jemez River, San Antonio Creek, and Redondo Creek as Outstanding National Resource Waters. The designation will add another layer of protection to the health and vitality of those streams, and the abundant ecological resources they foster and outstanding recreational opportunities they provide.

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

/s/ Robert R. Parmenter — May 13, 2022

Robert R. Parmenter, Ph.D. — Date
Division Chief
Science and Resource Stewardship
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PETITIONER’S EXHIBIT 31

Professional Résumé

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1991-2003: Director, Sevilleta Research Field Station, University of New Mexico
1989-present: Associate Research Professor, University of New Mexico
1989-2003: Program Director/Senior Program Manager, Sevilleta Long-Term
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1984-1988: Assistant Professor, Research, Utah State University
1982-1984: Post-doctoral Associate, Department of Biology, Utah State University
1978-1982: Graduate Research/Teaching Assistant, Utah State University
1976-1978: Graduate Research Assistant, Ecology Center, University of Georgia
1975-1976: Emergency Medical Technician, Ambulance/ER, St. Mary's Hospital,
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1972, 1973 (summers): Clerk, United States Navy, Naval Air Systems Command,
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IV. Scientific Interests:

Ecosystem management and forest/grassland/wetland restoration; fire ecology; fisheries and wildlife management; climatic influences on plant and animal populations; disturbance and successional processes; plant-animal interactions; predator-prey relationships of both vertebrates and invertebrates; decomposition and nutrient cycling; ecology of zoonotic diseases.

V. Scientific Publications: (ORCID #0000-0002-2099-6824)

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109. Schubauer, J. P., and R. R. Parmenter. 1981. Winter feeding by aquatic turtles in a southeastern reservoir. *Journal of Herpetology*, 14:444-447.

110. Parmenter, R. R. 1980. Effects of food availability and water temperature on the feeding ecology of pond sliders (*Chrysemys s. scripta*). *Copeia*, 1980:503-514.

VI. Professional Service:

1. Ecological Society of America:
   (A) Associate Editor-in-Chief (Faunal Studies), "*ECOSPHERE*", 2015-present.
   (B) Subject Matter Editor, "*ECOSPHERE*", 2010-present.
   (C) Associate Editor, "*Frontiers in Ecology and the Environment*", 2007-present.
   (D) Member, ESA Rapid Response Team, 2012-2016.
   (E) Future Meetings Committee, 1999-2001.
   (F) Local Program Chairman, ESA National Meeting in Albuquerque, August, 1997.
   (G) ESA Officers Nominations Committee Member, 1995.
   (H) Chairman, Long-Term Studies Section, 1993-1995.

2. American Society of Mammalogists:
   (A) Committee member for Animal Care and Use in Research, 1997-1999.

3. National Science Foundation:
   (A) Advisor/reviewer to the National Ecological Observing Network (NEON) for Operations Review Panel, 2012-2016.
   (B) Review committee member for NEON small mammal and zoonotic disease program, 2013.
   (C) Advisor/consultant to NEON for Network Planning and Fundamental Surveillance Unit (FSU) design and development, 2007-2008.
   (D) Chairman, Workshop IV for Development of Biodiversity Observing Network (BON), 1999 (transformed into NEON after 2005).
   (E) NSF Ecology of Infectious Diseases Program, Review Panel Member, 2004-2006.
   (F) NSF Ecology Program, Review Panel Member. 1998-2000.
   (G) NSF Ecosystems Program, Review Panel Member. 1993-1996.
   (H) NSF Proposal Reviewer for (1) Oceanography Program, (2) Field Stations and Marine Biological Laboratories Program, (3) Population/Systematics Program, (4) Science & Technology Centers, (5) Geosciences Program.

4. Department of Agriculture:
   (A) Proposal Reviewer, USDA Ecosystems Research Program.
   (B) Committee Member, USDA Forest Service, Southwest Grazing and Assessment Committee, Mammals Section, 2001.

5. Community Service:
   (A) Advisory Board Member, Rio Grande Water Fund (2014-present).
   (B) Advisory Board Member, Southwestern Indian Polytechnic Institute (Bureau of Indian Education), Natural Resources Program (2014-present).
   (C) Member, Jemez Mountains Salamander Working Team (for species preservation).

6. Manuscript reviewer for the following scientific journals:
   American Journal of Tropical Medicine and Hygiene
   American Midland Naturalist
   Annales Zoologici Fennici
   Arid Land Research and Management
   Biodiversity and Conservation
   Biology and Fertility of Soils
   BioScience
   Coleopterists Bulletin
   Copeia
   Ecography
   Ecohealth
   Ecologia Austral
   Ecology
   Ecology Letters
   Ecological Applications
   Ecosphere
   Entomologica Fennica
   Environmental Entomology

Environmental Management
European Journal of Wildlife Research
Frontiers in Ecology and the Environment
Invasive Plant Science and Management
Journal of Applied Ecology
Journal of Arid Environments
Journal of Herpetology
Journal of Mammalogy
Journal of the North American Benthological Society
Journal of Rangeland Ecology and Management
Journal of Tropical Ecology
Journal of Wildlife Management
Nature - Education
Oecologia
Oikos
Pedobiologia
Plant Ecology
PLOS ONE (Biology)
Polar Biology
Prairie Naturalist
Proceedings of the Kansas Entomological Society
Proceedings of the National Academy of Sciences
Restoration Ecology
Southwestern Naturalist
Texas Journal of Science
Trends in Ecology & Evolution (TREE)
Western North American Naturalist

VII. Graduate student advisory committees, University of New Mexico:

Justin P. Dodd (Ph.D., Earth & Planetary Sciences)
Gerardo S. Azpiri (Ph.D., Biology)
Ana Davidson (Ph.D., Biology)
Robert Dello-Russo (Ph.D., Anthropology)
Sandra Brantley (Ph.D., Biology)
Charles Buxbaum (Ph.D., Biology)
Timothy Haarmann (Ph.D., Biology)
Yvonne McClellan (Ph.D., Biology)
Stephen Dwyer (Ph.D., Civil Engineering)
Steven Huckett (M.S., Biology)
Todd Thompson (M.S., Biology)
Michael Friggens (M.S., Biology)
Joslyn Garcia (M.S., Biology)
Jon Dunnum (M.S., Biology)
Kari Schmidt (M.S., Anthropology)
David Tinnin (M.S., Biology)
Luis Felipe Gonzales (M.S., Physics & Astronomy)

Martina Suazo (M.S., Biology)
Ryan Kelly (M.S., Water Resources)
Samantha Cordova (M.S., Biology)
Angela Gregory (Ph.D., Civil Engineering [Hydrology])
Sasha Escamilla (M.S., Biology)

Other universities:

Megan Friggens (Ph.D., Forestry Science, Northern Arizona University, Flagstaff)
Suzanne Gifford (M.S., Dept. Wildland Resources, Utah State University, Logan)
Lance Bernal (M.S., Dept. Natural Resources Management, Texas Tech University, Lubbock)
Josh Conver (M.S., School of Natural Resources & Environment, University of Arizona)
Mark Peyton (M.S., Dept. Natural Resources Management, Texas Tech University, Lubbock)
Monica Juarez (M.S., Environmental Sciences, University of Texas, San Antonio)
Andrea Russie (M.S., Environmental Sciences, University of Texas, San Antonio)
Michael Wine (Ph.D., Hydrology, New Mexico Tech University, Socorro)
Sharon Smythe (Ph.D., Dept. Natural Resources Management, Texas Tech University, Lubbock)
Kremer, Lauren (M.S., Dept. of Fisheries and Wildlife, New Mexico State University, Las Cruces)
Kara Gibson (Ph.D., School of Forestry, Northern Arizona University)
Leah White (M.S., Dept. of Fisheries and Wildlife, New Mexico State University, Las Cruces)
Colton Padilla (M.S., Dept. of Fisheries and Wildlife, New Mexico State University, Las Cruces)

VIII. Funded Research Grants (listed by funding agency):

A. NATIONAL SCIENCE FOUNDATION:

1. Ecological drivers of rodent-borne disease outbreaks: Trophic cascades and dispersal waves. 2003-2009. Amount: $1,746,268. Principal Investigators: Robert R. Parmenter, Terry L. Yates, V. M. Kenkre, Gregory Glass, James Mills, Darin Carrol, Kenneth Gage, and Michael Kosoy.

2. SGER: Invasion and establishment dynamics of West Nile Virus in the Rio Grande Valley of New Mexico, Colorado and Texas. 2003-2004. Amount: $49,999. Principal Investigators: Robert R. Parmenter, Gregory E. Glass, Rudy Bueno, and V. M. Kenkre.

3. Sevilleta LTER III: Long Term Ecological Research in a Biome Transition Zone. 2000-2006. Amount: $4,200,000. Principal Investigators: Clifford N. Dahm, James R. Gosz, Robert R. Parmenter, William T. Pockman, Blair O. Wolf, and Terry L. Yates.

4. Sevilleta LTER II: Biome-level constraints on population, community, and ecosystem responses to climate fluctuations. 1994-2000. Amount: $3,780,000. Principal Investigators: Bruce T.

Milne, James H. Brown, James W. Brunt, Clifford N. Dahm, Donald W. Duszynski, Ann S. Evans, David C. Lightfoot, Robert R. Parmenter, Paul M. Rich, Caleton S. White and Terry L. Yates.

5. Sevilleta LTER Supplement Grant Proposals (Equipment, REU, Schoolyard LTER):
   Supplement to Sevilleta Long Term Ecological Research. 1989-1990. Amount: $60,000.
   Supplement to Sevilleta Long Term Ecological Research. 1990-1991. Amount: $66,000.
   Supplement to Sevilleta Long Term Ecological Research. 1991-1992. Amount: $69,500.
   Supplement to Sevilleta Long Term Ecological Research. 1992-1993. Amount: $74,955.
   Supplement to Sevilleta Long Term Ecological Research. 1993-1994. Amount: $74,913.
   Supplement to Sevilleta Long Term Ecological Research. 1994-1995. Amount: $75,000.
   Supplement to Sevilleta Long Term Ecological Research. 1995-1996. Amount: $20,000.
   Supplement to Sevilleta Long Term Ecological Research. 1996-1997. Amount: $20,000.
   Supplement to Sevilleta Long Term Ecological Research. 1997-1998. Amount: $15,000.
   Supplement to Sevilleta Long Term Ecological Research. 1998-1999. Amount: $113,960.
   Supplement to Sevilleta Long Term Ecological Research. 1999-2000. Amount: $99,994.
   Supplement to Sevilleta Long Term Ecological Research. 2000-2001. Amount: $55,000.
   Supplement to Sevilleta Long Term Ecological Research. 2001-2002. Amount: $51,968.
   Intellectual Connectivity Supplement to Sevilleta LTER. 1999. Amount: $235,186.

6. Ecosystem Recovery Following Three Centuries of Livestock Grazing in Central New Mexico. 1992-1994. Amount: $25,245. Principal Investigators: R. R. Parmenter and J. R. Gosz.

7. Research Experiences for Undergraduates: Establishment of an REU Site with the Sevilleta LTER Program. 1991-1992. Amount: $49,600. Principal Investigators: J. R. Gosz and R. R. Parmenter.

8. Research Experiences for Undergraduates: Establishment of an REU Site with the Sevilleta LTER Program. 1992-94. Amount: $151,800. Principal Investigators: R. R. Parmenter, J. R. Gosz, A. S. Evans.

9. Research Experiences for Undergraduates: The REU Site Program with the Sevilleta LTER Program. 1995-98. Amount: $150,000. Principal Investigators: A. Evans, U. Shepard, and R. R. Parmenter.

10. Research Experiences for Undergraduates: The REU Site Program with the Sevilleta LTER Program. 1999-02. Amount: $120,000. Principal Investigators: R. R. Parmenter and J. R. Gosz.

11. Scientific Research Experiences for Minority Undergraduates in the Sevilleta LTER Program: Career Enhancement and Training in Environmental Biology. 1993-98. Amount: $245,000. Principal Investigators: R. R. Parmenter and J. W. Brunt.

12. Academic Research Infrastructure: Renovation and Replacement of Research and Research-Training Facilities in the Department of Biology, University of New Mexico. 1997. Amount: $960,000. UNM Cost-share: $2,300,000. Principal Investigators: T. L. Yates, R. R. Parmenter and H. Snell.

13. Undergraduate Mentorships in Environmental Biology (UMEB): Career Enhancement for Undergraduates in Environmental Biology. 2001-2005. Amount: $400,000. Principal Investigators: R. R. Parmenter and W. Gannon.

14. Small mammal – vegetation interactions in an alpine tundra ecosystem (Niwot Ridge): Rodent impacts on tundra plants and arthropods during episodes of food and shelter shortages. 1989-1991. Amount: $50,491. Principal Investigators: James A. MacMahon and Robert R. Parmenter.

15. A Study of Ecosystem Development of Newly Perturbed Sites on Mount St. Helens. 1984-1987. Amount: $734,996. Principal Investigators: Lawrence C. Bliss, Roger Del Moral, Fiorenzo C. Ugolini, John Edwards, Jerry Franklin, Eldon H. Franz (U. Washington), with Robert R. Parmenter and James A. MacMahon on subcontract to Utah State University for small mammal research.

NSF Field Station and Marine Laboratories facility development grants for the Sevilleta Research Field Station:

1. The Sevilleta Field Station: Development of a Regional Research Center in New Mexico. 1991. Amount: $140,000. UNM Cost-share: $700,000.

2. The Sevilleta Field Station: Laboratory Equipment for Ecological Research. 1992. Amount: $119,834. UNM Cost-share: $60,000.

3. The Sevilleta Field Station: Construction of a Desert-Plant Lath House and a Shop/Storage Building. 1993. Amount: $74,820. UNM Cost-share: $25,000.

4. The Sevilleta Field Station: Construction of a Library/Computer Center and Expansion of Housing for Visiting Researchers. 1994. Amount: $175,000. UNM Cost-share: $700,000.

5. The Sevilleta Field Station: Enhancements to Computation, Information, and Transportation. 1995. Amount: $123,120. UNM Cost-share: $61,560.

6. The Sevilleta Field Research Station: Expansion of Research and Educational Facilities for Multi-Organizational Environmental Programs. 1999. Amount: $150,888 (NSF) + $125,000 (TNC); Total = $275,888.

7. The Sevilleta Research Field Station: Development of a Long-Term Sample Processing Laboratory and Storage Facility. 2001-2003. Amount: $79,562. UNM Cost-share: $20,000.

8. The Sevilleta Research Field Station: Development of water resources and a wireless cloud for remote data acquisition. 2003-2005. Amount: $74,000. UNM Cost-share: $25,000.

B. NATIONAL PARK SERVICE:

1. Resilient Landscapes: Valles Caldera Resilient Landscapes Collaborative (Department of Interior, Office of Wildland Fire). 2015-2024. Amount: $11,330,000. Project leader: R. R. Parmenter.

2. The El Malpais National Monument: Survey of Biological Resources. 1992-1994. Amount: $90,000. Principal Investigators: R. R. Parmenter, J. R. Gosz, D. Bleakley, D. C. Lightfoot.

3. The Bandelier National Monument: Long-term Ecological Measurements of Biological Resources. 1992-1996. Amount: $17,264. Principal Investigators: R. R. Parmenter and D. C. Lightfoot.

4. The Pecos National Historical Park: A Survey of Vertebrate and Invertebrate Fauna. 1992-1994. Amount: $55,641. Principal Investigators: R. R. Parmenter and D. C. Lightfoot.

5. Ecosystem Recovery After Fire in a Mixed-Conifer Forest: The Arthropod Fauna of Bandelier National Monument. 1993-1994. Amount: $8,500. Principal Investigators: R. R. Parmenter and D. C. Lightfoot.

6. The Petroglyphs National Monument: Survey of Biological Resources. 1994-1996. Amount: $33,908. Principal Investigators: R. R. Parmenter, D. C. Lightfoot, and D. Bleakley.

7. Capulin Volcano National Monument: Survey of Listed Species. 1995-1998. Amount: $12,372. Principal Investigators: R. R. Parmenter and D. C. Lightfoot.

C. BUREAU OF LAND MANAGEMENT:

1. Joint Fire Science Program: Fire Regimes of Montane Grasslands of the Valles Caldera National Preserve, New Mexico. 2006-2011. Amount: $244,989. Principal Investigators: D. Falk, T. Swetnam, C. Allen, and R. Parmenter.

D. USDA FOREST SERVICE:

1. The Southwest Jemez Mountains Collaborative Forest Landscape Restoration Project (CFLRP). 2010-2019. Amount: $35,000,000, + $35,000,000 cost-share from Valles Caldera National Preserve and USDA Santa Fe National Forest. R. Parmenter as Team Leader for Science and Monitoring during the 10-year restoration project.

2. Application of daily MODIS remote sensing imagery to grassland fuels management in northern New Mexico. 2007-2008. Amount: $13,500, + $10,110 cost-share = $24,610. Principal Investigators: R. Parmenter and K. Benedict.

3. Responses of Wild Turkey (*Meleagris gallopavo*) to forest thinning and prescribed fire in northern New Mexico. 2007-2008. Amount: $21,740, + $52,187 cost-share = $73,927. Principal Investigator: R. Parmenter.

4. Ecosystem responses to prescribed fire and elk/cattle grazing in an upland watershed of the Middle Rio Grande Basin: Valles Caldera National Preserve. 2005-2008. Amount: $199,495 + $211,450 cost share = $410,945. Principal Investigators: R. Parmenter, C. Allen, C. Caldwell, R. DuBey, P. Ford, G. Jacobi, D. Moore, B. Pendleton, R. Pendleton, A. Steffen, J. Tsatsaros, C White.

5. Arthropod Community Development on the Mount St. Helens Volcano, 1980-1990: The ground-dwelling beetle fauna. 1990-1991. Amount: $2,700. CA-PNW90-695. Principal Investigator: R. R. Parmenter.

E. FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC):

1. The dynamics of small mammal populations and *Bartonella* infection in New Mexico. 2001-2003. Amount: $61,570. Principal Investigator: R. R. Parmenter. IPA for Mr. David Tinnin.

F. DEPARTMENT OF ENERGY: LOS ALAMOS NATIONAL LABORATORY:

1. Application of SPLASH hydrology model to soils in arid environments. 2002. Amount: $12,480. Principal Investigators: R. R. Parmenter and S. Martens.

G. DEPARTMENT OF ENERGY: SANDIA NATIONAL LABORATORY:

1. Scientific Research Experiences for Minority Undergraduates in the Sevilleta LTER Program: Career Enhancement and Training in Environmental Biology. 1993-98. Amount: $80,000 (Funds matched NSF Grant listed above).

H. DEPARTMENT OF DEFENSE, U.S. AIR FORCE:

1. Grassland Biodiversity After 50 Years of Livestock Exclusion on Kirtland Air Force Base. 1993-1994. Amount: $50,000. Principal Investigator: R. R. Parmenter.

2. An Ecosystem Survey of the Air Force Melrose Range, New Mexico: Floral and Faunal Biodiversity. 1993-1994. Amount: $60,000. Principal Investigator: R. R. Parmenter.

3. Development of a Geographical Information System for Cannon Air Force Base, Clovis, New Mexico. 1994-1996. Amount: $220,000. Principal Investigator: R. R. Parmenter.

I. DEPARTMENT OF DEFENSE, U.S. ARMY:

1. A Survey of Vegetation and Small Mammal Communities on the Dugway Proving Grounds, Utah. 1989. Amount: $15,000. Principal Investigators: R. R. Parmenter and N. E. West.

J. DEPARTMENT OF TRANSPORTATION:

1. Alternative Transportation Planning for Public Access and Use in the Valles Caldera National Preserve, New Mexico: Strategic Planning of a Low Volume Motorized Transportation System.

Federal Transit Authority, Alternative Transportation in Parks and Public Lands Program (ATPPL # DTFT60-09-X-00016). 2009-2011. Amount: $200,000. Project Leader: R. R. Parmenter.

2. Implementation of a Solar-powered Public Transportation System for Backcountry Visitation in the Valles Caldera National Preserve, New Mexico. Federal Transit Authority, Paul S. Sarbanes Transit in the Parks Program. 2012-2019. Amount: $545,000. Project Leader: R. R. Parmenter.

PETITIONER’S EXHIBIT 32

STATE OF NEW MEXICO
NEW MEXICO WATER QUALITY CONTROL COMMISSION

IN THE MATTER OF PETITION TO NOMINATE SEGMENTS OF THE RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK JEMEZ RIVER, SAN ANTONIO CREEK, AND REDONDO CREEK AS OUTSTANDING NATIONAL RESOURCE WATERS, **WQCC No. 2021-62 (R)**

OUTDOOR RECREATION DIVISION, NEW MEXICO DEPARTMENT OF ECONOMIC DEVELOPMENT,

Petitioner.

DIRECT TESTIMONY OF NICK STREIT

I. BACKGROUND AND QUALIFICATIONS

My name is Nick Streit. In 2004, my wife and I re-opened Taos Fly Shop, a full service year-round fly shop, in Taos. My father, Taylor Streit, originally opened the shop in 1980, but closed it in the late '80's, and we're pleased to revive the family business. In 2014, we purchased The Reel Life, a full service fly shop in Santa Fe. As owner, I manage both stores and guide fly fishing trips. Between the two shops, we employ 20-25 people. Like other fly shops, we sell New Mexico fishing licenses. In 2021, the Taos Fly Shop sold 2,213 licenses, bringing in $83,760 in revenue to the state. The Reel Life sold 698 licenses, bringing in $21,481 in revenue. Most of the anglers who purchased licenses were headed to one of the nominated waters.

I grew up in Taos fly fishing with my father, and am passionate about it. My father is a renowned fly fisher, and has fished and guided tours all over the world. I grew up fishing all over northern New Mexico, including on all of the streams nominated in the Petition before the Water Quality Control Commission (except Redondo Creek).

When I was 17, in 1998, I was fortunate to be chosen to be part of the Junior U.S. Fly Fishing Team. We traveled to Wales to compete in the world championships, and we came away with a medal – a silver – for the first time in U.S. fly fishing history.

I have guided fly fishing trips since I was a teenager, and have guided thousands of trips in northern New Mexico and around the country and world, including in Alaska and Argentina. I have developed curricula and taught fly fishing courses for Santa Fe Community College and the University of New Mexico. In addition to operating both the Taos Fly Shop and the Reel Life, I continue to guide trips 50 to 80 days a year.

II. EXCEPTIONAL RECREATIONAL SIGNIFICANCE OF NOMINATED WATERS AND BENEFIT TO THE STATE

The nominated segments of the Rio Grande, Rio Hondo, Lake Fork, East Fork Jemez River, and San Antonio Creek provide exceptional fishing, each in their own unique ways, and provide a great benefit to New Mexico by generating tourism dollars through the sale of fishing licenses, by keeping by fly shops like mine and others open, and by bringing in business to our local restaurants, places of lodging, and retail stores. Sale of fishing licenses for these waters provides substantial revenue for the New Mexico Game and Fish Department.

A. <u>East Fork Jemez and San Antonio Creek</u>

The nominated streams with headwaters in the Valles Caldera National Preserve, the East Fork Jemez River and San Antonio Creek, draw anglers spring through fall from all around the state and the nation. As shown in Petitioners' exhibit of angler data from the New Mexico Game and Fish Department, Exhibit 18, the East Fork Jemez River drew over 23,000 anglers during the 2020-2021 license year (6th highest for streams) while San Antonio Creek drew over 13,500 (15th highest). These streams attract fishers not only for their high quality rainbow and brown trout, but for the dramatic beauty of the Valles Caldera and exceptional wildlife viewing, including

herds of elk that can be regularly seen and heard. The East Fork Jemez River originates in the Caldera as a small stream and passes through the Jemez Mountains' most popular recreation area. San Antonio Creek meanders below the north rim of the Caldera and through mountain meadows. One advantage of these waters is that parts are more easily accessed for the mobility impaired.

Last year, during the six to eight months when we guide trips to the Caldera, The Reel Life guided 25 trips to the Caldera, including trips to the East Fork Jemez and San Antonio. We employ or contract with six guides in Santa Fe, and trips to the Caldera represents a substantial portion of our Santa Fe business. In a day, a guide makes $200 to $300, plus tips, and so these are good paying jobs.

In addition, I hunt, and some of the best elk hunting in the state is in the Caldera. The waters of the Caldera, including the nominated waters, are vital to maintaining the healthy elk population there.

B. <u>Rio Hondo and Lake Fork</u>

The Rio Hondo and Lake Fork are only 20 minutes from Taos, are very accessible for anglers and other recreationists living in and visiting the town. These streams provide a great getaway from the summer heat from Taos, which sit at a lower elevation. The pristine waters of the Rio Hondo and Lake Fork flow through bushier and more rugged terrain than in the Caldera, and the relative solace of fishing there is a draw. Last license year, the Rio Hondo saw almost 5,000 visitor days. *See* Pet r Ex. 18 [NMDGF angler data]. The fishing is superb in the Rio Hondo and Lake Fork, which are home to brown and Rio Grande cutthroat trout, the state fish. In fact, the Rio Hondo has a relic population of Rio Grande cutthroat trout. Popular hiking trails run along the streams, and the Rio Hondo has unimproved camp grounds. Last year, we had 26 guide

days with fly fishing trips to Rio Hondo or Lake Fork. In Taos, we employ or contract with 15 guides (not including me).

C. **Rio Grande**

The nominated segment of the Rio Grande is home to world class trout fishing. Healthy populations of brown and rainbow trout inhabit fast-moving waters that are surrounded by the steep, rugged, and dramatic canyon walls of the gorge. The high groundwater flow and canyon walls help keep the water temperature of the Rio Grande stable, and provide good habitat for fish, which can reach 20 inches. The dramatic scenery and abundant wildlife – big horn sheep, bear, elk – enhance the experience, and help attract anglers from all over the world. The Rio Grande also provides one of the only places in the state where anglers and other recreationists can see river otters at work. There's no question but that fishing on the Rio Grande is at the top of my list of places to fish. My father said it best in one of his books, *Fly Fishing – Taos Santa Fe New Mexico:* "Nick and I have been fortunate to travel to some of the world's best fly-fishing destinations, guiding from Alaska to Argentina, so people often ask us where our top place to fish is. The answer usually surprises them, because although other rivers and lakes in far-off lands have produced more and bigger trout, the Rio Grande -- when it is fishing well -- is still number one."

Fishing is year-round on the Rio Grande, and it's one of the most popular fishing streams in the state, with almost 29,000 angler days (5th in all streams) and over 79,500 visitor days (4th in all streams). *See* Pet'r Ex. 18 [NMDGF angler data]. Since January 2020, we have had 1,200 guide days on the Rio Grande, most of which were on the nominated segment. If it were not for the superb fishing on the Rio Grande, we would most likely be out of business.

III. THREATS TO STREAMS

I know first-hand that water pollution can devastate a stream and its ecosystem. My father had been fishing and guiding trips to the Red River, a tributary to the Rio Grande, since the 1960's. The fishing in the Red River pre-1980 was world class. While acid mine drainage from the molybdenum mine near Questa had been polluting ground and surface water in the area for decades, the Red River had held its own -- until there were intense ore extractions in the 1980's. Then suddenly the fish populations in the Red River declined to almost nothing. Fish in the Rio Grande were impacted too. Trout below the confluence with the Red River were unable to grow to any size because of the pollution from the Red River. It's been years of reclamation work that's cost millions of dollars, but fish have completely rebounded in the Rio Grande, and fishing there is better than it's ever been. With the mine closed and restoration work underway, the Red River has re-bounded as well, though it remains just a glimpse of it previous glory days.

Degradation of the Red River and the impact on the Rio Grande is a reminder of the potential threats to aquatic ecosystems and that we must work to protect our scarce surface water resources, especially the streams at issue before the Commission. The streams nominated in the Petition represent exceptional recreational areas for local communities and for the region, the nation, and beyond. I strongly support designation of them as Outstanding National Resource Waters in order to ensure that their water quality is not degraded over time, and that fly fishers like myself, my father, and my children can enjoy for years to come.

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

/s/ Nick Streit — May 11, 2022

Nick Streit — Date

PETITIONER’S EXHIBIT 33

STATE OF NEW MEXICO
NEW MEXICO WATER QUALITY CONTROL COMMISSION

IN THE MATTER OF PETITION TO NOMINATE SEGMENTS OF RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK JEMEZ RIVER, SAN ANTONIO CREEK, AND REDONDO CREEK AS OUTSTANDING NATIONAL RESOURCE WATERS,	**WQCC No. 21-62 (R)**
OUTDOOR RECREATION DIVISION, NEW MEXICO DEPARTMENT OF ECONOMIC DEVELOPMENT,	
Petitioner.	

DIRECT TESTIMONY OF RACHEL CONN

I. BACKGROUND AND 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 our three 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 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 and, in 2022, I provided technical testimony in support of the Upper Pecos Watershed ONRW nomination.

My resume is Petitioner's Exhibit 34.

II. SUMMARY OF TESTIMONY

In my testimony, I:

- Provide an overview of "ONRW" or "Outstanding Waters" protections, including nomination requirements and criteria;
- Explain that the Petitioner Outdoor Recreation Division ("ORD") has met the requirement in 20.6.4.9.A(3) NMAC to provide available water quality data on the nominated waterbodies;
- Explain that the water quality in the nominated segments of the Rio Hondo and Lake Fork meets the criteria in 20.6.4.9.B(3) NMAC, and is equal to or better than the numeric criteria for protection of aquatic life and contact uses and human health-organism only standards and the waters have not been significantly modified by human activities.

III. OUSTANDING WATERS FRAMEWORK

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).[1] In order to prevent degradation, each state or tribe is required to develop and implement "antidegradation" policy and procedures.

A. <u>Antidegradation Policy</u>

An antidegradation policy is the third component of all state and tribal water quality standards. Antidegradation policies fulfill one-half of the core objective of the Clean Water Act which is "to restore and **maintain** the physical, chemical and biological integrity of the Nation's waters."[2] To maintain the integrity of New Mexico's waters, the state's Antidegradation Policy and Implementation Plan is a part of the state's water quality standards at 20.6.4.8 NMAC.

[1] 40 C.F.R. § 131, Subpart B.
[2] 33 U.S.C. § 1251(a) (emphasis added).

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 surface 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 surface waters that meet or exceed water quality criteria, shifting the burden to the proponent of an activity to demonstrate that degradation caused by an 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 surface water made by the Commission of waters within specially-designated areas such as national parks or wilderness areas, for recreationally or ecologically important waters, or for high quality waters. Tier water waters differ from Tier 1 and Tier 2 waters which do not require an affirmative designation by the Commission. Tier 3 waters are Outstanding National Resource Waters.

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

B. <u>New Mexico's Outstanding Waters Protections</u>

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. Pending before the Commission is the ONRW nomination of the waters of the Upper Pecos Watershed in No. WQCC 21-51 (R).

With limited exceptions, once designated, no degradation of water quality is allowed in Outstanding Waters. Section 20.6.4.8.A(3) and -(4) NMAC sets forth requirements for protecting Outstanding Waters that include setting limits on temporary and short-term degradation necessary to accommodate public health, safety, and restoration activities. In addition, ONRW designation does not place additional requirements on acequias and existing land use activities, such as grazing, are allowed subject to use of best management practices. 20.6.4.8.A(3)(d), -(e) NMAC.

IV. WATER QUALITY DATA TO ESTABLISH BASELINE

An ONRW nomination 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.[3] The New Mexico Environment Department ("NMED") Surface Water Quality Bureau ("SWQB") is responsible for monitoring and protecting state water quality. The water quality standards that are applicable to the nominated river segments are included below:

[3] This same data is used to satisfy the water quality criteria in 20.6.4.9.B(3) NMAC to establish ONRW eligibility for the Rio Hondo and Lake Fork in Section IV below.

Table 7: Water Quality Standards for Nominated Waterbodies

Waterbody	Segment Description (NMAC)	Water Quality Standard (NMAC)
Rio Grande	(from the Rio Pueblo de Taos to the Colorado border)	20.6.4.122
Rio Hondo	(from the Carson National Forest boundary to headwaters)	20.6.4.129
Lake Fork	(from the Rio Hondo to headwaters)	20.6.4.123
East Fork Jemez River	(from San Antonio Creek to headwaters)	20.6.4.108
San Antonio Creek	(from Jemez River to headwaters)	20.6.4.108
Redondo Creek	(from Sulphur Creek to headwaters)	20.6.4.108

Available water quality data is set forth in Exhibits 8-A to 8-E, to establish baseline water quality. Water quality data include a variety of chemical, physical, and biological parameters, including:

- Basic field measurements, including dissolved oxygen, temperature, pH, Turbidity, salinity, and conductivity;
- Nutrients, including ammonia, nitrate+ nitrite, total kjeldahl nitrogen, total organic carbon, and total phosphorus;
- Ions, including hardness, total dissolved solids ("TDS)", and total suspended solids ("TSS)";
- Total coliform and E. coli;
- Dissolved metals, including aluminum, zinc, and lead;
- Total metals, including mercury and selenium;
- Habitat data, including channel dimensions and substrate characterizations; and
- Benthic macroinvertebrate populations and fish ecology.

ORD requested all available water quality data for the nominated river segments from NMED in the fall of 2020. In response, NMED emailed a data package to ORD on December 14, 2020. This package included water quality data for all nominated segments and, according to NMED, has not been updated since ORD filed its Petition on December 3, 2021. All data provided by NMED is included in Exhibits 8-A to 8-E. Specifically:

- Exhibit 8-A includes field data (dissolved oxygen, DOL, pH, temperature, specific conductance, salinity, flow condition, turbidity, and discharge) for all nominated segments.
- Exhibit 8-B includes chemical water quality data (dissolved metals, E.coli, total mercury, total aluminum, TDS, TSS, and total nutrients) for all nominated segments.
- Exhibit 8-C details the exact monitoring locations for all nominated segments.
- Exhibit 8-D is the Assessment Rationale for the 2020-2022 State of New Mexico Section 303(d)/305b Integrated List for all nominated segments.
- Exhibit 37-E is the relevant pages of the 2020-2022 State of New Mexico Section 303(d)/305(b) Integrated List that relate to all nominated segments.

These exhibits include baseline water quality data for all nominated segments. A summary of that data by watershed is included below.

A. Upper Rio Grande

The SWQB last monitored water quality in the upper Rio Grande as part of the Upper Rio Grande watershed survey in 2017-2018. All available water quality data, including chemical and physical water quality data, monitoring locations, and the assessment rationale history, for the upper Rio Grande is set forth in Exhibits 8-A to 8-E.

Based on the available and defensible water quality data, water quality is equal to or better than the numeric water quality criteria according to 20.6.4.122 NMAC, except for temperature for the segment of the Rio Grande from Rio Pueblo de Taos to the Colorado border and pH for the segment of the Rio Grande between Red River and Rio Pueblo de Taos.

B. Rio Hondo and Lake Fork

The SWQB last monitored water quality in the Rio Hondo and Lake Fork as part of the Upper Rio Grande watershed survey in 2017-2018. All available water quality data, including chemical and physical water quality data, monitoring locations, and the assessment rationale history, for the Rio Hondo and Lake Fork is set forth in Exhibits 8-A to 8-E.

Based on available and defensible water quality data, water quality is equal to or better than the numeric water quality criteria according to 20.6.4.129 NMAC for all of the nominated segment of the Rio Hondo and Lake Fork.

Figure 21: Rio Hondo

C. <u>East Fork Jemez River, San Antonio Creek, and Redondo Creek</u>

The SWQB monitored water quality in the East Fork Jemez River, San Antonio Creek, and Redondo Creek as part of the Jemez watershed survey in 2013. Additional temperature monitoring was conducted in San Antonio Creek and Redondo Creek in 2016 and 2017. All available water quality data, including chemical and physical water quality data, monitoring

locations, and the assessment rationale history, for the East Fork Jemez River, San Antonio Creek, and Redondo Creek is set forth in Exhibits 8-A to 8-E.

Based on the available and defensible water quality data, water quality is equal to or better than the numeric water quality criteria according to 20.6.4.108 NMAC for the nominated segments except for the following:

- East Fork Jemez River (VCNP to headwaters): turbidity, nutrients, aluminum;
- East Fork Jemez River (San Antonio Creek to VCNP): temperature, aluminum;
- San Antonio Creek (East Fork Jemez River to VCNP): temperature, turbidity, aluminum;
- San Antonio Creek (VCNP to headwaters): temperature, turbidity, nutrients, aluminum;
- Redondo Creek (Sulphur Creek to headwaters): temperature, nutrients.

IV. WATER QUALITY CRITERION FOR DESIGNATION

A stream is eligible for ONRW designation if 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(3) NMAC. The nominated segment of the Rio Hondo and Lake Fork fully meet this criterion.

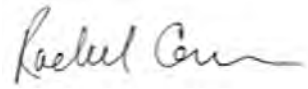
Figure 21: Lake Fork

There is one National Pollutant Discharge Elimination System permit that discharges into the Rio Hondo, which is the Village of Taos Ski Valley's wastewater permit #NM0022101. The Village of Taos Ski Valley has been apprised of the nomination and the implications for its wastewater discharges and has passed a resolution in support of the nomination. *See* Village of Taos Ski Valley Resolution No. 2021-447 (Oct. 27, 2020) [Pet'r Ex. 35].

The nominated segment of the Rio Hondo and Lake Fork meet the required numeric water quality standards and are listed as fully meeting the high quality coldwater aquatic life and primary contact designated uses. The water quality data for these two waterbodies is summarized in Exhibits 8-A to 8-E. Similarly, those waterbodies have not been modified by human activities

that substantially detracts from their value as a natural resource as demonstrated by the continued use by the public for fishing, recreating, and scenic viewing and by the lack of major diversions or impoundments. The Rio Hondo and Lake Fork qualify for ONRW designation because this criterion is met and because they satisfy the requirements in 20.6.4.9.A NMAC, as discussed in the testimony of Director Navas and others.

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



_____ 5/4/22

Rachel Conn
Deputy Director
Amigos Bravos

Date

PETITIONER’S EXHIBIT 34

RACHEL L. CONN
P.O. Box 238
Taos, NM 87571
Email: rconn@amigosbravos.org

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, Sevielleta 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.

PETITIONER’S EXHIBIT 35

RESOLUTIONS AND LETTERS OF SUPPORT FOR NOMINATIONS

Federal Government
Valles Caldera National Preserve

Pueblos
Santa Clara Pueblo
Taos Pueblo
Joseph "Brophy" Toledo

State Legislators
Representative Kristina Ortez, D-42

Local Governments
Taos County
Town of Red River
Town of Taos
Village of Jemez Springs
Village of Taos Ski Valley
Village of Questa

Acequias
New Mexico Acequia Commission
Acequia de la Plaza
Acequia de San Antonio
Acequia Madre del Rio Chiquito
Acequia Madre del Rio Lucero y Arroyo Seco
Atalya Acequia
Des Montes Ditch Association
Embudo Valley Regional Acequia Association (representing 10 acequias)
Rebalse Ditch Association

Land Grants
Arroyo Hondo Arriba Community Land Grant Association

Neighborhood Associations
Lower Des Montes Neighborhood Association
Stagecoach Neighborhood Association

Businesses
Taos Chamber of Commerce
Laguna Elk Ranch
Los Rios River Runners
MuddnFlood Mountain Shop
New Mexico River Outfitters Association
Pilar Yacht Club
Shed Rio
Taos Ski Valley
Taos Village Farm

NGOs
American Rivers
Amigos Bravos
Bosque Chapter Trout Unlimited
Caldera Action
Firewise USA
Enchanted Circle Trout Unlimited
Los Amigos de Valles Caldera
New Mexico Wild
New Mexico Wildlife Federation
River and Birds
Roots and Wings Community School
Taos Initiative for Life Together
Trout Unlimited New Mexico

Land Owners
Benjamin Green

RIO GRANDE NOMINATION

Pueblo Support

TAOS PUEBLO WARCHIEF

Office of Natural Resource Protection
P.O. Box 2596 Taos, New Mexico 87571
(575) 758-3883 FAX (575) 758-2706

NM Water Quality Control Commission
NM Environment Department
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505

May 10, 2021

Dear New Mexico Water Quality Control Commission,

Taos Pueblo Warchief Office hereby petitions that you designate the stretch of the Rio Grande from the Colorado State Line to Taos County Line as an Outstanding National Resource Water. For millennia, the Rio Grande has flowed through our area providing life giving water to many species including us humans and some time in memorial it has flowed with pristine and unpolluted sacred head waters. Our ancestors as well as our present-day people have benefited from the clean water with many blessings provided by the Rio Grande. This portion of the Rio Grande provides critical water to the communities in Taos County and below for agriculture through acequia irrigation. Today people from all over the world are drawn to recreate on this beautiful stretch of river, for hiking along it, they fish, they boat, they bird, they swim and they picnic. They also hold sacred ceremony. This river section is one of the most popular recreational areas in the state of New Mexico. Recreation in nature provides a way for people to strengthen their conscious connection with nature. The local economy of Taos County and Taos Pueblo depend on clean water to support recreation and tourism-based activities.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit new and increased pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate this specified section of the Rio Grande Wild and Scenic River as an Outstanding National Resource Water to benefit present and future generations and to honor Mother Earth.

Respectfully

Fred Romero
Taos Pueblo Warchief

RIO GRANDE NOMINATION

State Legislator Support

State of New Mexico
House of Representatives
Santa Fe

KRISTINA ORTEZ
D- Taos
District 42

246 Maria Luisa Loop
Taos, NM 87571
Home Phone: (575) 770-7792
Email: kristina.ortez@nmlegis.gov

COMMITTEES:
Chair: Enrolling & Engrossing - B
Energy, Environment & Natural Resources
State Government, Elections & Indian Affairs
INTERIM COMMITTEES:
Economic Development & Policy
Water & Natural Resources
Advisory:
New Mexico Finance Authority
Designee:
Revenue Stabilization & Tax Policy

April 20, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
Pamela.Jones@state.nm.us

Re: WQCC 21-62(R) – Outstanding Waters Designations for Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek)

Dear Water Quality Control Commissioners,

I write to express my support for the New Mexico Outdoor Recreation Division's petition to designate the Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek) as Outstanding Waters (ONRWs). These protections will ensure that water quality is maintained and protected into the future.

For generations local communities have depended on clean water in these important Northern New Mexico watersheds. The Rio Hondo in Taos County provides water to numerous acequias and ditches in the Hondo Valley. Importantly, Outstanding Waters designation supports and protects existing community uses, such as ranching and farming, while prohibiting pollution from new development and impacts. This designation will ensure that watershed stakeholders can continue to depend upon clean water for watering livestock and irrigating fields.

These waters are also critical to outdoor recreation and our economy in Northern New Mexico. For example, according to New Mexico Department of Game and Fish surveys, the nominated section of the Upper Rio Grande is one of the most popular river stretches for fishing in the state. Maintaining clean water in these watersheds is essential for supporting water-based recreation such as fishing, rafting, and swimming. All of these activities are critical components of our state's outdoor recreation economy and in turn designating these waters as Outstanding Waters is an important component of protecting and growing economic opportunities in New Mexico.

Please protect these waters by voting to designate them as Outstanding Waters (ONRWs).

Sincerely,

Kristina Ortez
New Mexico State Representative
District 4

RIO GRANDE NOMINATION

Local Government Support

TOWN OF RED RIVER
(575) 754-2277
www.redriver.org
100 East Main Street
PO Box 1020
Red River, NM 87558

Dear New Mexico Water Quality Control Commission,

The Town of Red River hereby petitions that you designate the stretch of the Rio Grande from the Colorado State Line to Taos County Line as an Outstanding National Resource Water. For millennia, the Rio Grande has flowed through our area providing life giving water to many species including us humans. For most of the time it has flowed with pristine and unpolluted. This portion of the Rio Grande provides critical water for the communities in Taos County and below for agriculture through acequia irrigation. Today people from all over the world are drawn to recreate on this beautiful iconic stretch of river. They hike along it, they fish, they boat, they bird, they swim, they camp and they picnic. This river section is one of the most popular recreational areas in the state of New Mexico. Recreation in nature provides a way for people to strengthen their conscious connection with nature. The local economy of Taos County and Taos Pueblo depend on clean water to support recreation and tourism-based activities.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate this specified section of the Rio Grande Wild and Scenic River as an Outstanding National Resource Water to benefit present and future generations, to reinforce our local tourism economy and to honor this extraordinary section of river,

Respectfully

Linda Calhoun

Linda Calhoun,
Mayor, Town of Red River

VILLAGE OF QUESTA
RESOLUTION NO. 2021-04

A RESOLUTION IN SUPPORT OF PROTECTING OUR LOCAL WATERSHED FROM FUTURE DEGRADATION BY PETITIONING THE NEW MEXICO WATER QUALITY CONTROL COMMISSION TO DESIGNATE THE UPPER RIO GRANDE AND RIO HONDO AS OUTSTANDING NATIONAL RESOURCE WATERS.

WHEREAS, the Rio Grande and Rio Hondo Watersheds provides clean water for residents and visitors who enjoy recreating in the watershed;

WHEREAS, the recreational uses of these watersheds such a fishing, camping, swimming, hiking, biking, snowmaking, and wildlife viewing depend on a clean and healthy watershed;

WHEREAS, these watersheds provide critical water resources to the communities in Northern New Mexico and provide clean water to the numerous agriculturally and culturally significant acequia systems;

WHEREAS, clean water is essential for the health and wellbeing of Questa residents;

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 THE GOVERNING BODY OF THE VILLAGE OF QUESTA that the Village supports pursuing Outstanding National Resource Water protections for the Upper Rio Grande from the state line with Colorado downstream the confluence with the Rio Pueblo de Taos and the Rio Hondo from the headwaters downstream to the USFS boundary at the mouth of the canyon and Lake Fork from the Wilderness boundary downstream to the confluence with the Rio Hondo.

PASSED, APPROVED AND ADOPTED IN REGULAR SESSION
THIS 9th DAY OF MARCH 2021.

APPROVED:

Mark Gallegos, Mayor

ATTEST:

Renee Martinez, CMC

VILLAGE OF QUESTA INCORPORATED SEAL

APPROVED AS TO FORM:

Village Attorney

TAOS COUNTY
VALERIE RAEL MONTOYA, CLERK
000452049
Book 1084 Page 680
1 of 1
04/12/2021 11:03 15 AM
BY TAMMYS

TAOS COUNTY
RESOLUTION 2021-16

SUPPORTING THE PROTECTION OF OUR LOCAL WATERSHED FROM FUTURE DEGRADATION BY PETITIONING THE NEW MEXICO WATER QUALITY CONTROL COMMISSION TO DESIGNATE THE UPPER RIO GRANDE AND RIO HONDO AS OUTSTANDING NATIONAL RESOURCE WATERS.

WHEREAS, the Rio Grande and Rio Hondo Watersheds provides clean water for residents and visitors who enjoy recreating in the watershed; and

WHEREAS, the recreational uses of these watersheds such a fishing, camping, swimming, hiking, biking, snowmaking, and wildlife viewing depend on a clean and healthy watershed; and

WHEREAS, these watersheds provide critical water resources to the communities in the Taos area and provide clean water to the numerous agriculturally and culturally significant acequia systems; and

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

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

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; and

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 the County supports pursuing Outstanding National Resource Water protections for the Upper Rio Grande from the state line with Colorado downstream the confluence with the Rio Pueblo de Taos and the Rio Hondo from the headwaters downstream to the USFS boundary at the mouth of the canyon and Lake Fork from the headwaters downstream to the confluence with the Rio Hondo.

PASSED, APPROVED AND ADOPTED, this 11th **day of** March **2021.**

BOARD OF COUNTY COMMISSIONERS
OF TAOS COUNTY, NEW MEXICO

Candyce O'Donnell

Candyce O'Donnell, Chairperson

Attest:

Valerie Montoya, Taos County Clerk

TAOS COUNTY CLERK RECORDER SEAL TAOS

Approved as to legal form:

Randy Autio, Contract County Attorney

VOTE RECORD:

J. Fambro	yes	no	abstain	absent
M. Gallegos	yes	no	abstain	absent
C. O'Donnell	yes	no	abstain	absent
D. Vigil	yes	no	abstain	absent
A. Brush	yes	no	abstain	absent

TAOS COUNTY CLERK RECORDER SEAL TAOS

Pascualito M. Maestas, Mayor

Councilmembers:
Nathaniel Evans
Darien D. Fernandez
Marietta S. Fambro
Corilia I. Ortega

Andrew Gonzales, Interim Town Manager

Taos Municipal Building
400 Camino de la Placita
Taos, New Mexico 87571

(575) 751-2000
Fax (575) 751-2026

Visit us on our Website at:
www.taosgov.com

April 14, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suit # South 2102
Santa Fe, New Mexico 87505

Dear Water Quality Control Commissioners,

As the Town Manager for the Town of Taos, and on behalf of Mayor Pacualito Maestas and Town Councilmembers, we support protecting the Rio Hondo and Upper Rio Grande as Outstanding Waters (ONRWs).

Outstanding Water Designation (OWD) will ensure the preservation of healthier living through outdoor access, preservation of our community's water uses, and ensure the safeguarding of these waterways from detrimental degradation, waste disposal, and overuse tied to the impacts of climate change. As a multi-cultural and multi-generational community and as lifelong Acequiero's, Acequiera's, farmers, and water conservationists we have for generations depended on upon the clean water the Rio Hondo and Rio Grande provide to sustain our livestock, agricultural crops, outdoor recreation but most importantly to feed and recharge our ancestral acequia systems. The OWD overall ensures protection of these extremely important watersheds and aligns with Gov. Michelle Lujan Grisham's commitment to place into conservancy the state's land and water.

The Town of Taos urges the commission to designate the Rio Hondo and Upper Rio Grande as outstanding waters. With kinds regards, I am

Sincerely,

Andrew F. Gonzales
Town Manager
Town of Taos, New Mexico

RIO GRANDE NOMINATION

Acequia Support

MICHELLE LUJAN
GRISHAM
GOVERNOR

RALPH VIGIL
CHAIRMAN
MARY MASCAREÑAS
VICE-CHAIRMAN

New Mexico Acequia Commission
HC74 Box 842 ♦ Pecos, NM 87552
Chairman (505) 603-2879 ♦ molinodelaisla@gmail.com
www.nmacequiacommission.org

March 16th, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
Pamela.Jones@state.nm.us

Re: Outstanding National Resource Waters (ONRW) Designations in New Mexico

Dear Water Quality Control Commissioners,

ONRW designation for New Mexico's precious water resources will support and protect existing community uses, such as ranching and farming, while prohibiting new pollution from impacting our watersheds. For centuries local acequia, and traditional use communities have depended on clean water in New Mexico's rivers to feed our crops, livestock, and livelihood. Traditional use communities are dependent on the water flowing through our rivers, and the quality of that water allowing us to continue our traditions, and survival of our way of life and our culture.

ONRW designations ensure that clean water will continue to flow downstream to the farmers, ranchers, and communities that depend on acequias to water their crops, gardens, and livestock. These protections will protect these traditional users from degraded water quality associated with new development and impacts.

For all the reasons listed above, the New Mexico Acequia Commission supports ONRW designations in New Mexico. We urge the Water Quality Control Commission to use their authority to designate waters as ONRWs when nominated waters meet the required criteria.

Respectfully,

Ralph Vigil, Chairman
New Mexico Acequia Commission

August 11, 2020

Dear New Mexico Water Quality Control Commission.

The Acequia Madre del Rio Lucero y Arroyo Seco hereby petitions that you designate the stretch of the Rio Grande that runs through Taos County (from the Colorado State Line to Taos County Line) as an Outstanding National Resource Water. This portion of the Rio Grande provides critical water for the communities in Taos County and below for agriculture through acequia irrigation. Today we locals, as well as people from all over the world are drawn to recreate (by fishing, swimming, picnicking, camping and boating) on this beautiful iconic stretch of river. This portion of the Rio Grande was designated as one of our nation's first Wild and Scenic Rivers. While this federal designation prohibits new development along the Rio Grande, it does not protect the water quality of the river. Today, this river section is one of the most popular recreational areas in the state of New Mexico. Recreation in nature provides another way for people to strengthen their conscious connection with the Earth.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate this specified section of the Rio Grande Wild and Scenic River as an Outstanding National Resource Water to benefit present and future generations, to sustain centuries old acequia irrigation traditions for parciantes downstream and to honor this extraordinary section of river.

Respectfully,

Chris Pieper, Ditch Commissioner and Secretary, Acequia Madre del Rio Chiquito

P.O. Box 342
Arroyo Seco, N.M
87514

Embudo Valley Regional Acequia Association
P.O. Box 26
Embudo, NM 87531
12 August 2020

New Mexico Water Quality Control Commission
1190 Saint Francis Drive, Suite South 2102
Santa Fe, New Mexico 87505

Re: Nomination for Outstanding National Resource Waters

To Whom It May Concern:

The Embudo Valley Regional Acequia Association, representing ten acequias in the Embudo Valley, hereby petition that you designate the stretch of the Rio Grande that runs through Taos County as an Outstanding National Resource Water. This portion of the Rio Grande provides critical water for the communities in Taos County and below for agriculture through acequia irrigation, including to some of our members.

Today we locals, as well as people from all over the world, are drawn to recreate (by fishing, swimming, picnicking, camping and boating) on this beautiful, iconic stretch of river. This portion of the Rio Grande was designated as one of our nation's first Wild and Scenic Rivers and is one of the most popular recreational areas in the state of New Mexico. While this federal designation prohibits new development along the Rio Grande, it does not protect the water quality of the river.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water, and protects, not inhibits, traditional and historic uses of the river.

We request now that you designate this specified section of the Rio Grande Wild and Scenic River as an Outstanding National Resource Water to benefit present and future generations, to sustain centuries-old acequia irrigation traditions for parciantes downstream and to honor this extraordinary section of a magnificent river

Respectfully,
Embudo Valley Regional Acequia Association

Joe Ciddio, Chair

Cedar Koons, Secretary

Dick Padberg, Treasurer

Lou Malchie, NMAA Representative

Acequia de la Plaza

August 20, 2020

Dear New Mexico Water Quality Control Commission,

The Acequia de la Plaza hereby petitions that you designate the stretch of the Rio Grande that runs through Taos County (from the Colorado State Line to Taos County Line) as an Outstanding National Resource Water. This portion of the Rio Grande provides critical water for the communities in Taos County and below for agriculture through acequia irrigation. Today people from all over the world are drawn to recreate on this beautiful iconic stretch of river. This portion of the Rio Grande was designated as one of our nation's first Wild and Scenic Rivers. While this federal designation prohibits new development along the Rio Grande, it does not protect the water quality of the river. Today, this river section is one of the most popular recreational areas in the state of New Mexico. Recreation in nature provides a way for people to strengthen their conscious connection with nature. The extraordinary Rio Grande is part of our "backyard" and it is an important landscape feature that enhances our local economy.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate this specified section of the Rio Grande Wild and Scenic River as an Outstanding National Resource Water to benefit present and future generations, to reinforce our local tourism economy, to sustain our acequia agricultural tradition, to sustain healthy outdoor recreation and to honor this extraordinary section of river,

Respectfully,

Peter K. Merscher

Peter Merscher,
Acequia de la Plaza
PO Box 295, Arroyo Hondo, NM 87513

August 21, 2020

Dear New Mexico Water Quality Control Commission,

The Acequia Madre del Rio Chiquito hereby petitions that you designate the stretch of the Rio Grande that runs through Taos County (from the Colorado State Line to Taos County Line) as an Outstanding National Resource Water. This portion of the Rio Grande provides critical water for the communities in Taos County and below for agriculture through acequia irrigation. Today we locals, as well as people from all over the world are drawn to recreate (by fishing, swimming, picnicking, camping and boating) on this beautiful iconic stretch of river. This portion of the Rio Grande was designated as one of our nation's first Wild and Scenic Rivers. While this federal designation prohibits new development along the Rio Grande, it does not protect the water quality of the river. Today, this river section is one of the most popular recreational areas in the state of New Mexico. Recreation in nature provides another way for people to strengthen their conscious connection with the Earth.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate this specified section of the Rio Grande Wild and Scenic River as an Outstanding National Resource Water to benefit present and future generations, to sustain centuries –old acequia irrigation traditions for parciantes downstream and to honor this extraordinary section of river,

Respectfully,

[Insert Title of Signor(s)], Acequia Madre del Rio Chiquito

Adam Romero PRESIDENT
TREASURER
SECRETARY

August 23, 2020

New Mexico Water Quality Control Commission:

The Atalaya Acequia hereby petitions that you designate the stretch of the Rio Grande that runs through Taos County (from the Colorado State Line to Taos County Line) as an Outstanding National Resource Water. This portion of the Rio Grande provides critical water for the communities in Taos County and below for agriculture through acequia irrigation. Today we locals, as well as people from all over the world are drawn to recreate (by fishing, swimming, picnicking, camping and boating) on this beautiful iconic stretch of river. This portion of the Rio Grande was designated as one of our nation's first Wild and Scenic Rivers. While this federal designation prohibits new development along the Rio Grande, it does not protect the water quality of the river. Today, this river section is one of the most popular recreational areas in the state of New Mexico. Recreation in nature provides another way for people to strengthen their conscious connection with the Earth.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate this specified section of the Rio Grande Wild and Scenic River as an Outstanding National Resource Water to benefit present and future generations, to sustain centuries–old acequia irrigation traditions for parciantes downstream and to honor this extraordinary section of river.

Respectfully,

Kenton Lewis, Atalaya Acequia President	Jules Epstein, Atalaya Acequia Treasurer	Jai Cross, Atalaya Acequia Secretary

REBALSE DITCH ASSOCIATION
P.O. BOX 730
EL PRADO, NM 87529

August 31, 2020

Dear New Mexico Water Quality Control Commission,

The Rebalse Ditch Association hereby petitions that you designate the stretch of the Rio Grande that runs through Taos County (from the Colorado State Line to Taos County Line) as an Outstanding National Resource Water. This portion of the Rio Grande provides critical water for the communities in Taos County and below for agriculture through acequia irrigation. Today people from all over the world are drawn to recreate on this beautiful iconic stretch of river. This portion of the Rio Grande was designated as one of our nation's first Wild and Scenic Rivers. While this federal designation prohibits new development along the Rio Grande, it does not protect the water quality of the river. Today, this river section is one of the most popular recreational areas in the state of New Mexico. Recreation in nature provides a way for people to strengthen their conscious connection with nature. The extraordinary Rio Grande is part of our "backyard" and it is an important landscape feature that enhances our local economy.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate this specified section of the Rio Grande Wild and Scenic River as an Outstanding National Resource Water to benefit present and future generations, to reinforce our local tourism economy, to sustain our acequia agricultural tradition, to sustain healthy outdoor recreation and to honor this extraordinary section of river.

Respectfully,

Dean Archuleta, Commissioner
Rebalse Ditch Association

Acequia de

San Antonio

2020 Commissioners

Mayordomo and President
Elias Espinoza

Secretary
Sylvia Rodríguez

Treasurer
Tibby Gold

P.O. Box 339
Valdez, NM 87580

September 4, 2020

Dear New Mexico Water Quality Control Commission:

September 4, 2020

Dear New Mexico Water Quality Control Commission:

The Acequia de San Antonio in Valdez petitions that you designate the stretch of the Rio Grande that runs through Taos County from the Colorado State Line to Taos County Line as an Outstanding National Resource Water. This portion of the Rio Grande provides critical water for the communities in Taos County and below for agriculture through acequia irrigation. Today people from all over the world are drawn to recreate on this beautiful iconic stretch of river. This portion of the Rio Grande was designated as one of our nation's first Wild and Scenic Rivers. While this federal designation prohibits new development along the Rio Grande, it does not protect the water quality of the river. Today, this river section is one of the most popular recreational areas in the state of New Mexico. Recreation on the river provides a way for people to strengthen their conscious connection with nature. The extraordinary Rio Grande is part of our "backyard" and it is an important landscape feature that enhances our local economy.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate this specified section of the Rio Grande Wild and Scenic River as an Outstanding National Resource Water to benefit present and future generations, to reinforce our local tourism economy, to sustain our acequia agricultural tradition, to sustain healthy outdoor recreation and to honor this extraordinary section of river.

Respectfully,

Elias Espinoza

Elias Espinoza, President and Mayordomo

Tibby Gold, Treasurer

Sylvia Rodríguez

Sylvia Rodríguez, Secretary

RIO GRANDE NOMINATION

Land Grant Support

August 24, 2020

Dear New Mexico Water Quality Control Commission,

The Arroyo Hondo Arriba Community Land Grant Association hereby petitions that you designate the stretch of the Rio Grande that runs through Taos County (from the Colorado State Line to Taos County Line) as an Outstanding National Resource Water. This portion of the Rio Grande provides critical water for the communities in Taos County and below for agriculture through acequia irrigation. Today people from all over the world are drawn to recreate on this beautiful iconic stretch of river. This portion of the Rio Grande was designated as one of our nation's first Wild and Scenic Rivers. While this federal designation prohibits new development along the Rio Grande, it does not protect the water quality of the river. Today, this river section is one of the most popular recreational areas in the state of New Mexico. Recreation in nature provides a way for people to strengthen their conscious connection with nature. The extraordinary Rio Grande is part of our "backyard" and it is an important landscape feature that enhances our local economy.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate this specified section of the Rio Grande Wild and Scenic River as an Outstanding National Resource Water to benefit present and future generations, to sustain acequia traditions and to honor this extraordinary section of river,

Respectfully,

David F. Arguello Ph.D.

Dr. David Arguello, Arroyo Hondo Arriba Land Grant Community Association Grant Association

P.O. Box 277
Arroyo Seco,
New Mexico 87514
575-776-2752
drsarguello@q.com

RIO GRANDE NOMINATION

Neighborhood Association Support

Stagecoach Neighborhood Association (SNA)

PO Box 1974, El Prado NM 87529

Aug 7, 2020

Dear New Mexico Water Quality Control Commission,

Stagecoach Neighborhood Association in Taos County hereby petitions that you designate the stretch of the Rio Grande from the Colorado State Line to Taos County Line as an Outstanding National Resource Water. This portion of the Rio Grande was designated as one of our nation's first Wild and Scenic Rivers. Portions of the Rio Grande Wild and Scenic River are adjacent by only a half to one mile from many of our homes in our neighborhood. As neighbors, we all cherish the Rio Grande for many reasons including our recreational pursuits which include hiking, fishing, boating, photography and *plein air* art. While this federal designation prohibits new development along the Rio Grande, it does not protect the water quality of the river. Today, this river section is also one of the most popular recreational areas in the state of New Mexico. Recreation in nature provides a way for people to strengthen their conscious connection with nature. The extraordinary Rio Grande is part of our "backyard" and it is an important landscape feature that enhances our local economy.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate this specified section of the Rio Grande Wild and Scenic River as an Outstanding National Resource Water to benefit present and future generations, to reinforce our local tourism economy and to honor this extraordinary section of river.

Respectfully,

Douglas Daubert

President, Stagecoach Neighborhood Association

September 3, 2020

Dear New Mexico Water Quality Control Commission,

The Lower Des Montes Neighborhood Association hereby petitions that you designate the stretch of the Rio Grande from the Colorado State Line to Taos County Line as an Outstanding National Resource Water. This portion of the Rio Grande provides critical water for the communities in Taos County and below for agriculture through acequia irrigation. Today people from all over the world are drawn to recreate on this beautiful iconic stretch of river. This portion of the Rio Grande was designated as one of our nation's first Wild and Scenic Rivers. While this federal designation prohibits new development along the Rio Grande, it does not protect the water quality of the river. Today, this river section is one of the most popular recreational areas in the state of New Mexico. Recreation in nature provides a way for people to strengthen their conscious connection with nature. The extraordinary Rio Grande is part of our "backyard" and it is an important landscape feature that enhances our local economy. We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.
We request now that you designate this specified section of the Rio Grande Wild and Scenic River as an Outstanding National Resource Water to benefit present and future generations, to reinforce our local tourism economy and to honor this extraordinary section of river.

Respectfully,

Floyd Archuleta, President,
Lower Des Montes Neighborhood Association
2 JMA Ranch Road, El Prado, NM 87529

RIO GRANDE NOMINATION

Local Business Support

New Mexico River
Outfitters Association
P.O. Box 608
Ranchos de Taos, NM 87557
office@losriosriverrunners.com
575.776.8854

August 8, 2020

Dear New Mexico Water Quality Control Commission,

The New Mexico River Outfitters Association hereby petitions that you designate the stretch of the Rio Grande from the Colorado State Line to Taos County Line as an Outstanding National Resource Water. This portion of the Rio Grande provides critical water for the communities in Taos County. People from all over the world are drawn to recreate on this beautiful iconic stretch of river. This portion of the Rio Grande was designated as one of our nation's first Wild and Scenic Rivers. While this federal designation prohibits new development along the Rio Grande it does not protect the water quality of the river. Today, this river section is one of the most popular recreational areas in the state of New Mexico. Each year river rafting companies alone guide approximately over 30,000 river adventurers down the Rio Grande for easy to highly technical rafting trips. Recreation in nature provides a way for people to strengthen their conscious connection with nature. Our businesses depend on clean water to support recreation and tourism-based activities related to this extraordinary stretch of the Rio Grande.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit new and increased pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate this specified section of the Rio Grande Wild and Scenic River as an Outstanding National Resource Water to benefit present and future generations, to reinforce our local tourism economy and to honor this extraordinary section of river.

Respectfully,

Francisco Guevara, President
NM River Outfitters Association

Dear New Mexico Water Quality Control Commission,

Shed Rio hereby petitions that you designate the stretch of the Rio Grande that runs from the Colorado State Line to the southern Taos County Line as an Outstanding National Resource Water. This extraordinary stretch of river provides essential water for communities in Taos County *and* below that is used for tourism, recreation, and agriculture and is vital to the ecological and economic wellbeing of our communities.

At Shed Rio, our way of life and livelihood is inseparable from the wellbeing of the Rio Grande and the excellent opportunities for tourism and recreation, such as boating, fishing, camping, and picnicking, that it provides. All of these things rely upon the waters of the Rio Grande remaining clean for present and future generations of humans, wildlife, and plants, and an Outstanding National Resource Waters designation can provide the protections necessary to do so.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water designations protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water, including irrigation and farming.

The Rio Grande is the lifeblood of many New Mexican communities, and has allowed people to thrive here for centuries. Keeping these waters clean is vital to ensuring that our communities thrive for centuries to come. Please help protect this invaluable resource for present and future generations by supporting the Outstanding National Resource Water designation for the specified section of the Rio Grande Wild and Scenic River.

Respectfully,

Malisa Braselle

Malisa Braselle

Shed Rio LLC

8/13/20

(575) 770-7245

August 14, 2020

Dear New Mexico Water Quality Control Commission,

Taos Village Farm hereby petitions that you designate the portion of the Rio Grande that runs through Taos County as an Outstanding National Resource Water. This extraordinary stretch of river provides essential water for communities in Taos County *and* below that is used for agriculture, tourism, and recreation, and is vital to the ecological and economic wellbeing of our communities.

At Taos Village Farm, clean water is at the heart of our way of life and livelihood, and we support the right of all communities - human, animal, and plant - in and downstream of Taos County to have access to the clean water and habitat that this section of the Rio Grande provides.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water designations protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

The Rio Grande is the lifeblood of many New Mexican communities, and has allowed people to thrive here for centuries. Keeping these waters clean is vital to ensuring that our communities thrive for centuries to come. We request now that you designate this specified section of the Rio Grande Wild and Scenic River as an Outstanding National Resource Water for the benefit of present and future generations.

With Respect,

Taos Village Farm

Pilar Yacht Club
2884 State Highway 68
Pilar, NM 87557

August 19, 2020

New Mexico Water Quality Control Commission
1190 Saint Francis Drive, Suite # South 2102
Santa Fe, New Mexico 87505

Re: Nomination for Outstanding National Resource Waters

Dear New Mexico Water Quality Control Commission,

Pilar Yacht Club hereby petitions that you designate the stretch of the Rio Grande that runs from the Colorado State Line to the southern Taos County Line as an Outstanding National Resource Water. This extraordinary stretch of river provides essential water for communities in Taos County *and* below that is used for tourism, recreation, and agriculture and is vital to the ecological and economic wellbeing of our communities.

At Pilar Yacht Club, our way of life and livelihood is inseparable from the wellbeing of the Rio Grande and the excellent opportunities it provides for tourism and recreation, such as boating, fishing, camping, and picnicking. All of these things rely upon the waters of the Rio Grande remaining clean for present and future generations of humans, wildlife, and plants, and an Outstanding National Resource Water designation can provide the protections necessary to do so.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water designations protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water, including recreation.

The Rio Grande is the lifeblood of many New Mexican communities, and has allowed people to thrive here for centuries. Keeping these waters clean is vital to ensuring that our communities thrive for centuries to come. Please help protect this invaluable resource for present and future generations by supporting the Outstanding National Resource Water designation for the specified section of the Rio Grande Wild and Scenic River.

Respectfully,

Rico Salazar

Rico Salazar, Owner
Pilar Yacht Club

NM Water Quality Control Commission
NM Environment Department
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505

August 26, 2020

Dear New Mexico Water Quality Control Commission,

As an outdoorsman who makes a living as an outdoor guide, I hereby petition that you designate the stretch of the Rio Grande from the Colorado State Line to Taos County Line as an Outstanding National Resource Water. This portion of the Rio Grande provides critical water for the communities in Taos County and below for agriculture through acequia irrigation. Today people from all over the world are drawn to recreate on this beautiful iconic stretch of river. This portion of the Rio Grande was designated as one of our nation's first Wild and Scenic Rivers. While this federal designation prohibits new development along the Rio Grande it does not protect the water quality of the river. Today, this river section is one of the most popular recreational areas in the state of New Mexico. Recreation in nature provides a way for people to strengthen their conscious connection with nature. The local economy of Taos County and Taos Pueblo depend on clean water to support recreation and tourism-based activities related to this extraordinary stretch of the Rio Grande.

I understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

I now request now that you designate this specified section of the Rio Grande Wild and Scenic River as an Outstanding National Resource Water to benefit present and future generations, to reinforce our local tourism economy and to honor this extraordinary section of river,

Respectfully
Marty Torres
Marty Torres,
Owner of Laguna Elk Ranch
PO Box 884
Taos, New Mexico

NM Water Quality Control Commission
NM Environment Department
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505

September 9, 2020

Dear New Mexico Water Quality Control Commission,

As the proprietor of a retail outdoor recreational equipment store in Taos, , I hereby petition that you designate the stretch of the Rio Grande from the Colorado State Line to Taos County Line as an Outstanding National Resource Water. This portion of the Rio Grande provides critical water for the communities in Taos County and below for agriculture through acequia irrigation. Today people from all over the world are drawn to recreate on this beautiful iconic stretch of river. This portion of the Rio Grande was designated as one of our nation's first Wild and Scenic Rivers. While this federal designation prohibits new development along the Rio Grande it does not protect the water quality of the river. Today, this river section is one of the most popular recreational areas in the state of New Mexico. Recreation in nature provides a way for people to strengthen their conscious connection with nature. The local economy of Taos County and Taos Pueblo depend on clean water to support recreation and tourism-based activities related to this extraordinary stretch of the Rio Grande.

I understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

I now request now that you designate this specified section of the Rio Grande Wild and Scenic River as an Outstanding National Resource Water to benefit present and future generations, to reinforce our local tourism economy and to honor this extraordinary section of river,

Respectfully
E J Lombard
Elana Lombard
MuddnFlood Mountain Shop
103 A Bent Street
Taos, NM 87571

TAOS COUNTY
CHAMBER OF COMMERCE

February 2, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
Pamela.Jones@state.nm.us

Re: WQCC 21-62(R) – Outstanding Waters Designations for Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek)

Dear Water Quality Control Commissioners,

Taos County Chamber of Commerce supports protecting the Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek) as Outstanding Waters (ONRWs). Protecting these waters will ensure that water quality is protected for generations to come.

Outstanding Waters designation for these ecologically and recreationally significant waters will support and protect existing community uses, such as ranching and farming, while prohibiting new pollution from impacting our watershed. For generations the local community has depended on clean water in the Rio Hondo, Upper Rio Grande, and Jemez watersheds to water livestock and feed acequia systems. This designation will ensure that clean water continues to flow downstream to these critical watershed stakeholders and protect these traditional uses from new development and impacts.

These waters are rich with ecological resources, and they also provide significant recreational opportunities for both New Mexicans and visitors alike.

In addition, Outstanding Water protections will help draw much needed attention for restoration, and water and fuel management projects throughout these watersheds. XXX supports the efforts to ensure the Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San

Antonio, East Fork Jemez River, and Redondo Creek) will continue to provide clean water to downstream communities and wildlife.

We urge the Commission to designate these waters as ONRWs.

Sincerely,

Lindsey Pfaff Bain

Lindsey Pfaff Bain
Executive Director
Taos County Chamber of Commerce
Mailing Address: P.O. Box 3649, Taos NM 87571
575-751-8800
lindsey@taoschamber.com
www.taoschamber.com

Shop Local: Shop Local NM - Taos County Chamber of Commerce, NM (taoschamber.com)

Taos County Chamber of Commerce MEMBERS make business better! ***The Taos County Chamber of Commerce exists to cultivate and sustain a healthy business environment.***

"The Taos County Chamber of Commerce was incorporated in 1962 and exists for the sole purpose of advancing our community's business, agriculture and commercial sectors through the building of entrepreneurial and economic growth."

April 30, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite S-2102
Santa Fe, New Mexico 87505

Re: WQCC 21-62(R) - Proposed Amendments to 20.6.4.9 NMAC – ONRW Protections for the Rio Grande and Rio Hondo

Dear Commissioners,

On behalf of Los Rios River Runners, I am writing to express our strong support for the petition to nominate the waters of the Rio Grande, Rio Hondo, Lake Fork, East Fork Jemez, San Antonio Creek, and Redondo Creek as Outstanding National Resource Waters (ONRWs).

I founded Los Rios River Runners 1978 to enable local residents and visitors to Santa Fe and Taos to experience the beauty and majesty of the river canyons of northern New Mexico. Over the past four decades, we have led the field in developing river rafting in northern New Mexico, highlighting the amazing rivers and canyons of northern New Mexico and creating employment opportunities tied directly to surface waters nominated in this petition.

Protecting these surface waters will translate into tangible economic gains for local businesses and communities. Numerous studies document the strong link between public lands and the economy – from increased job creation to higher incomes and increased revenue for local governments. New Mexico's outdoor recreation industry is a major contributor to the state's economy, and much of the industry relies on protected public lands and clean water. In 2019, the outdoor economy added $2.4 billion to the state's gross domestic product and directly employed over 35,000 people.

High visitor numbers demonstrate these areas are world-class outdoor recreation destinations. For example, *Outside* magazine has ranked the Taos Box, in the upper Rio Grande, as a top river run in North America and each year tens of thousands of visitors flock to the Valles Caldera National Preserve and surrounding public lands where San Antonio Creek and the East Fork Jemez River rank among the top fly-fishing destinations in the state. The proposed ONRW designations would provide an extra level of protection to these streams and rivers that are so important to our business and the communities where we live and work.

In summary, we strongly urge the Commission to designate these segments as Outstanding National Resource Waters. We believe that this extra protection will help preserve these waters for future generations and bolster the state's outdoor recreation economy.

Sincerely,

Francisco Guevara
President
Los Rios River Runners
Taos, NM 575-776-8854 losriosriverrunners.com whitewater@newmex.com

RIO GRANDE NOMINATION

NGO Support

Taos Initiative for Life Together
215 La Posta Rd.
Taos, NM 87571

August 17, 2020

New Mexico Water Quality Control Commission
1190 Saint Francis Drive, Suite # South 2102
Santa Fe, New Mexico 87505

Dear New Mexico Water Quality Control Commission,

Taos Initiative for Life Together (TiLT) hereby petitions that you designate the portion of the Rio Grande that runs through Taos County as an Outstanding National Resource Water (ONRW).

At TiLT, our motto is "Do unto those downstream as you would have those upstream do unto you", and ensuring that the water quality of the Rio Grande is protected for present and future generations of humans, wildlife, and plants is one of the most impactful ways of honoring this mission.

The Rio Grande provides essential water used for sustainable agriculture practices, as well as outstanding opportunities for connection with nature through recreation in and along the river. Of equal importance, innumerable species of wildlife and plants rely on having clean water in the Rio Grande for their survival. Protecting this section of the Rio Grande as an ONRW will not only benefit communities adjacent to this stretch of the river, but will aid communities downstream as well.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an ONRW. We also understand that ONRW designations protect and do not inhibit traditional and historic uses of water designated as an ONRW.

The Rio Grande is the lifeblood of many New Mexican communities, and has allowed people to thrive here for centuries. Keeping these waters clean is vital to ensuring that our communities thrive for centuries to come. We request now that you designate this specified section of the Rio Grande Wild and Scenic River as an Outstanding National Resource Water.

With Respect,

T WYNWARD

Todd Wynward, Founder & Executive Director
Taos Initiative for Life Together

roots & wings
COMMUNITY SCHOOL

August 27, 2020

Dear New Mexico Water Quality Control Commission,

Roots & Wings Community School (RWCS) hereby petitions that you designate the stretch of the Rio Grande from the Colorado State Line to the southern Taos County Line as an Outstanding National Resource Water.

RWCS immerses our students in the unique natural surroundings of Northern New Mexico to encourage them to be engaged, self-reflective, and active citizens with the compassionate behaviors that cultivate a connection to the unique agricultural and cultural heritage of Northern New Mexico. This heritage depends upon clean water, and protecting the water quality of our rivers and streams, including the Rio Grande, is a powerful way of honoring our mission and our students' futures.

The Rio Grande provides essential water used for sustainable agriculture practices through acequia irrigation, as well as opportunities for connection with nature through recreation in and along the river. Of equal importance, innumerable species of wildlife and plants rely on having clean water in the Rio Grande for their survival. Protecting this section of the Rio Grande as an Outstanding National Resource Water will not only benefit communities adjacent to this stretch of the river but will aid those downstream as well.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Resource Water. We also understand that the Outstanding National Resource Water designations protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

The Rio Grande is the lifeblood of many New Mexican communities and has allowed people to thrive here for centuries. Keeping these waters clean is vital to ensuring that our communities thrive for centuries to come. We request now that you designate this specified section of the Rio Grande Wild and Scenic River as an Outstanding National Resource Water.

With Respect,

Jon Orris

Jon Orris, Director
Roots & Wings Community School

Jon Orris, Director
Veronica Garcia, Office Manager

35 La Lama Rd.
HC 81 Box 22, Questa, NM 87556
575-586-2076/fax 575-586-2087

Rivers & Birds

Adventures in Learning.

NM Water Quality Control Commission
NM Environment Department
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505

September 14, 2020

Dear New Mexico Water Quality Control Commission,

Rivers & Birds, a Taos-based 501(c)(3) community organization based in Taos, hereby petitions that you designate the stretch of the Rio Grande from the Colorado State Line to Taos County Line as an Outstanding National Resource Water. For millennia, the Rio Grande has flowed through our area providing life giving water to many species including us humans. For most of the time it has flowed with pristine and unpolluted sacred water. In 1968 The United States, recognizing the extraordinary and unique character of the upper section of the Rio Grande in New Mexico, designated it as one of our nation's first Wild and Scenic Rivers. This portion of the Rio Grande provides critical water for the communities in Taos County and below for agriculture through acequia irrigation. Today people from all over the world are drawn to recreate on this beautiful stretch of river. They hike along it, they fish, they boat, they bird, they swim and they picnic. They hold sacred ceremony. This river section is one of the most popular recreational areas in the state of New Mexico. Recreation in nature provides a way for people to strengthen their conscious connection with nature. Our local economy of Taos County depends on clean water to support recreation, agriculture and tourism-based activities.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit new and increased pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate this specified section of the Rio Grande Wild and Scenic River as an Outstanding National Resource Water to benefit present and future generations to honor Mother Earth, and to sustain our historic traditional uses along this river by maintaining a high stand of water quality.

Respectfully,
Roberta Salazar, Executive Director

PO Box [illegible] Arroyo Seco NM 87514 Tel. [illegible] Email [illegible]

Enchanted Circle
Trout Unlimited

April 21, 2021

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite South 2102
Santa Fe, New Mexico. 87505

Dear Commission Members:

The Enchanted Circle Trout Unlimited (ECTU) chapter is writing to voice our support for the proposal by the New Mexico Outdoor Recreation Division and the New Mexico Department of Game and Fish to designate parts of the Rio Grande, Rio Hondo, and the Lake Fork as Outstanding National Resource Waters (ONRW).

ECTU is a volunteer run and lead non-profit organization, consisting of 80+ members, dedicated to preserving and improving trout fisheries and their watersheds in northern New Mexico. The proposed ONRW streams are very important to us and our members fish them often. We've worked to protect the Rio Grande cutthroat trout on the Rio Hondo's tributaries, and advocated for the designations of the Rio Grande del Norte National Monument and the Columbine-Hondo Wilderness. And while there are solid protections in place for the landscapes surrounding these waterways, the quality of water has no formal protection currently. We believe that water quality is not only important to the fish in these streams, but to all the downstream users from our acequia irrigated fields to the large municipalities of the middle Rio Grande valley. The proposed ONRW designations would provide an extra level of protection to these streams and rivers that are so important to us and the local communities.

In summary, we strongly urge the Commission to designate these segments of the Rio Grande, the Rio Hondo, and the Lake Fork as Outstanding National Resource Waters. ECTU members believe that this extra protection will help preserve these waters for future generations.

Sincerely,

Garrett Hanks

Board Member, Enchanted Circle Trout Unlimited

January 13, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
Pamela.Jones@state.nm.us

Re: WQCC 21-62(R) – Outstanding Waters Designations for Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek)

Dear Water Quality Control Commissioners,

New Mexico Wilderness Alliance (New Mexico Wild) supports protecting the Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek) as Outstanding Waters (ONRWs). Protecting these waters will ensure that water quality is protected for generations to come.

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.

Outstanding Waters designation for these ecologically and recreationally significant waters will support and protect existing community uses, such as ranching and farming, while prohibiting new pollution from impacting our watershed. For generations the local community has depended on clean water in the Rio Hondo, Upper Rio Grande, and Jemez watersheds to water livestock and feed acequia systems. This designation will ensure that clean water continues to flow downstream to these critical watershed stakeholders and protect these traditional uses from new development and impacts.

These waters are rich with ecological resources, and they also provide significant recreational opportunities for both New Mexicans and visitors alike.

Wilderness | Wildlife | Water
317 Commercial St. NE, Ste. 300, Albuquerque NM 87102 | 505.843.8696 | www.nmwild.org

In addition, Outstanding Water protections will help draw much needed attention for restoration, and water and fuel management projects throughout these watersheds. New Mexico Wild supports the efforts to ensure the Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek) will continue to provide clean water to downstream communities and wildlife.

We urge the Commission to designate these waters as ONRWs.

Sincerely,

Logan Glasenapp
Staff Attorney
New Mexico Wild
logan@nmwild.org

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 21-62(R) – Outstanding National Resource Waters Designations for Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek)

Dear Water Quality Control Commissioners,

American Rivers supports the Outdoor Recreation Division's petition to protect the following as Outstanding Waters (ONRWs): Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek). ONRW designation of these waters will ensure that water quality is protected for generations to come.

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. As such, American Rivers is invested in durable protections for these nominated waters in northern New Mexico.

ONRW designation of the 125.9 miles of nominated streams would recognize the recreational, cultural, and ecological significance of these six water bodies. Designation will support and protect existing community uses, such as ranching and farming, while prohibiting new pollution from impacting the watershed. For generations, the local community has depended on clean water in the Rio Hondo, Upper Rio Grande, and Jemez watersheds to water livestock and feed acequia systems. This designation will ensure that clean water continues to flow downstream to these critical stakeholders and protect these traditional uses from new development and impacts.

These waters are rich with ecological resources, and they also provide significant recreational opportunities for both New Mexicans and visitors alike. Indeed, within the petition's nominated waters, 52.2 miles of the Rio Grande and 11 miles of the East Fork Jemez River are already

designated under the national Wild and Scenic Rivers Act for their outstanding values. ONRW designation complements and strengthens, but does not duplicate, water quality protections for these Wild and Scenic Rivers. In fact, by increasing the reaches of protected rivers through the proposed ONRW nominations, these invaluable Wild and Scenic Rivers will have their water quality protected at watershed scale. In addition, ONRW protections will help draw much needed attention for restoration, and water and fuel management projects throughout these watersheds.

American Rivers enthusiastically supports the efforts to ensure the Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek) will continue to provide clean water to New Mexico's communities and wildlife.

Sincerely,

TROUT UNLIMITED NEW MEXICO

May 10, 2022

Water Quality Control Commission
1190 St. Francis Drive
Suite S-2102
Santa Fe, NM 87505

WQCC 21-62(R) - Proposed Amendments to 20.6.4.9 NMAC - Standards for Interstate and Intrastate Surface Waters - Rio Grande, etc. ONRW

Dear Commissioners,

I am writing this letter on behalf of the New Mexico Council of Trout Unlimited to demonstrate our support for the petition to nominate surface waters of the Rio Grande, Rio Hondo and Lake Fork, East Fork Jemez River, San Antonio Creek, and Redondo Creek as Outstanding Waters.

Our state council has approximately 1500 members, the majority of whom live in northern New Mexico and fish and recreate in these watersheds on a regular basis. Trout Unlimited, both on a national and local level, advocates for cold water conservation by protecting and restoring local watersheds and using scientific methods to improve streams and riparian areas to benefit trout fisheries and downstream water users.

The surface waters included in this petition rank among the top fishing destinations in New Mexico and are major drivers of our state's growing tourism and outdoor recreation industries. Clean water is an essential component of good fishing and healthy aquatic ecosystems, and of cultural importance to New Mexico's diverse communities. The protection of water quality in these rivers and streams is a sound investment in New Mexico's future and supported by a wide variety of stakeholders, including Tribes, local villages, water users, and recreationists.

Please support the New Mexico Outdoor Recreation Division's petition to designate these waters as outstanding.

Sincerely,

Harris Klein
New Mexico Council Chair
Los Ranchos, NM
hknm@comcast.net

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: Outstanding Waters Designations for Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez, River, and Redondo Creek) - WQCC 21-62(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 Rio Hondo, Lake Fork of the Rio Hondo, the Upper Rio Grande and Jemez River Headwaters.

These nominated waters have long been treasured by the people of New Mexico as exceptional recreational waters that draw residents and visitors alike from near and far to fish, boat, camp, hunt, and hike. The Upper Rio Grande is one of the most fished water segments in the state and the exciting white waters of the Rio Grande gorge provide world class rafting opportunities and support numerous white water rafting companies. San Antonio Creek and the East Fork of the Jemez flow through the Valles Caldera preserve providing recreational opportunities and supporting a rich variety of native species. The Rio Hondo and Lake Fork flow past Taos Ski Valley and the most popular hiking trail in the state. All of these nominated waters 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 some 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 the nominated waters of the Upper Rio Grande, Rio Hondo, Lake Fork, and Jemez headwatersby designating them 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

(505) 299-5404
3620 Wyoming Blvd NE Ste 222
Albuquerque, NM 87111
nmwildlife@nmwildlife.org

May 11, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
ATT: Pamela.Jones@state.nm.us

Re: WQCC 21-62(R) – Outstanding Waters Designations for Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek)

Dear Water Quality Control Commissioners,

The New Mexico Wildlife Federation strongly supports the pending outstanding waters designations for the Upper Rio Grande, the Lake Fork of the Rio Hondo and the headwaters of the Jemez River.

Founded in 1914 by pioneering conservationist Aldo Leopold, the NMWF is the state's oldest conservation

organization representing the interests of hunters, anglers, fish and wildlife.

The NMWF supports pending efforts by the New Mexico's Outdoor Recreation Division (ORD), within the Economic Development Department to protect the waters that drive our state's multi-billion dollar outdoor recreation economy.

The staff and membership of the NMWF know and cherish the waters covered by this pending ONRW application. We recognize that increased protection for these waters is integral to supporting our state's growing outdoor recreation economy and local communities.

If successful, this pending application would protect the water quality of these rivers in perpetuity for surrounding landowners and community members, acequias, hunters, anglers and birders. This protection will pay real dividends for surrounding communities and New Mexico as a whole, including increased job creation and increased tourism for generations to come.

The NMWF views it as critical for New Mexico to invest in environmental protection to preserve the waters' ecological, recreational, cultural, and economic value. This ONRW designation represents a public commitment to the future of these waters and to the communities that rely on them.

Thank you for your consideration of these comments. Please contact me with any questions and please keep me informed of action on this application.

Best Regards,

Jesse Deubel,
Executive Director, NMWF

RIO HONDO/LAKE FORK NOMINATION

Pueblo Support

TAOS PUEBLO WARCHIEF
Office of Natural Resource Protection
P.O. Box 2596 Taos, New Mexico 87571
(575) 758-3883 FAX (575) 758-2706

NM Water Quality Control Commission
NM Environment Department
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505

May 10, 2021

Dear New Mexico Water Quality Control Commission,

Taos Pueblo Warchief Office hereby petitions that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water. This watershed was part of our Taos Pueblo ancestral homeland, and borders Taos Pueblo's Blue Lake Watershed. Our ancestors as well as our present-day people have benefited from the clean water with many blessings provided by this watershed. The Rio Hondo and Lake Fork watershed area provide critical water for wildlife and for the communities below for agriculture through acequia irrigation. Today people from all over the world are drawn to recreate on this river. They hike along it, they fish, they bird, they swim and they picnic. The local economy of Taos County and Taos Pueblo depend on clean water in our rivers to support recreation and tourism-based activities as well.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit new and increased pollution to those waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water to benefit present and future generations and to honor Mother Earth,

Respectfully,

Fred Romero
Taos Pueblo Warchief

RIO HONDO/LAKE FORK NOMINATION

State Legislator Support

State of New Mexico
House of Representatives
Santa Fe

KRISTINA ORTEZ
D- Taos
District 42

246 Maria Luisa Loop
Taos, NM 87571
Home Phone: (575) 770-7792
Email: kristina.ortez@nmlegis.gov

COMMITTEES:
Chair: Enrolling & Engrossing - B
Energy, Environment & Natural Resources
State Government, Elections & Indian Affairs
INTERIM COMMITTEES:
Economic Development & Policy
Water & Natural Resources
Advisory:
New Mexico Finance Authority
Designee:
Revenue Stabilization & Tax Policy

April 20, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
Pamela.Jones@state.nm.us

Re: WQCC 21-62(R) – Outstanding Waters Designations for Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek)

Dear Water Quality Control Commissioners,

I write to express my support for the New Mexico Outdoor Recreation Division's petition to designate the Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek) as Outstanding Waters (ONRWs). These protections will ensure that water quality is maintained and protected into the future.

For generations local communities have depended on clean water in these important Northern New Mexico watersheds. The Rio Hondo in Taos County provides water to numerous acequias and ditches in the Hondo Valley. Importantly, Outstanding Waters designation supports and protects existing community uses, such as ranching and farming, while prohibiting pollution from new development and impacts. This designation will ensure that watershed stakeholders can continue to depend upon clean water for watering livestock and irrigating fields.

These waters are also critical to outdoor recreation and our economy in Northern New Mexico. For example, according to New Mexico Department of Game and Fish surveys, the nominated section of the Upper Rio Grande is one of the most popular river stretches for fishing in the state. Maintaining clean water in these watersheds is essential for supporting water-based recreation such as fishing, rafting, and swimming. All of these activities are critical components of our state's outdoor recreation economy and in turn designating these waters as Outstanding Waters is an important component of protecting and growing economic opportunities in New Mexico.

Please protect these waters by voting to designate them as Outstanding Waters (ONRWs).

Sincerely,

Kristina Ortez
New Mexico State Representative
District 4

RIO HONDO/LAKE FORK NOMINATION

Local Government Support

TOWN OF RED RIVER
(575) 754-2277
www.redriver.org
100 East Main Street
PO Box 1020
Red River, NM 87558

Dear New Mexico Water Quality Control Commission,

The Town of Red River hereby petitions that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water. Today people from all over the world are drawn to recreate on the beautiful Rio Hondo. They hike along it, they fish, they bird, they swim, they camp and they picnic. The local economy of Taos County and Taos Pueblo depend on clean water to support recreation and tourism-based activities.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water to benefit present and future generations and to honor Mother Earth,

Respectfully,

Linda Calhoun

Mayor Linda Calhoun,
Town of Red River

VILLAGE OF TAOS SKI VALLEY
RESOLUTION NO. 2021-447

A RESOLUTION IN SUPPORT OF PROTECTING OUR LOCAL WATERSHED FROM FUTURE DEGRADATION BY PETITIONING THE NEW MEXICO WATER QUALITY CONTROL COMMISSION TO DESIGNATE THE RIO HONDO AND LAKE FORK AS AN OUTSTANDING NATIONAL RESOURCE WATERS

WHEREAS, the Rio Hondo Watershed provides clean water for residents and visitors who enjoy recreating in the watershed;

WHEREAS, the recreational uses of the watershed such as fishing, camping, swimming, hiking, biking, snowmaking, and wildlife viewing depend on a clean and healthy watershed;

WHEREAS, the Rio Hondo Watershed provides critical water resources to the communities in the Taos area and provides clean water to the numerous agriculturally and culturally significant acequia systems;

WHEREAS, clean water is essential for the health and wellbeing of the Village of Taos Ski Valley residents;

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF TAOS SKI VALLEY that the Village supports pursuing Outstanding National Resource Waters protections for the Rio Hondo and Lake Fork;

BE IT FURTHER RESOLVED THAT, the Village will join as a petitioner with other interested parties in petitioning the New Mexico Water Quality Control Commission to designate the Rio Hondo and the Lake Fork as an Outstanding National Resource Waters.

PASSED, ADOPTED, AND APPROVED this 27th day of October, 2020.

MUNCIPAL GOVERNING BODY OF VILLAGE OF TAOS SKI VALLEY, NEW MEXICO

Christof Brownell, Mayor

ATTEST:

Ann Marie Wooldridge, Village Clerk

VILLAGE OF QUESTA
RESOLUTION NO. 2021-04

A RESOLUTION IN SUPPORT OF PROTECTING OUR LOCAL WATERSHED FROM FUTURE DEGRADATION BY PETITIONING THE NEW MEXICO WATER QUALITY CONTROL COMMISSION TO DESIGNATE THE UPPER RIO GRANDE AND RIO HONDO AS OUTSTANDING NATIONAL RESOURCE WATERS.

WHEREAS, the Rio Grande and Rio Hondo Watersheds provides clean water for residents and visitors who enjoy recreating in the watershed;

WHEREAS, the recreational uses of these watersheds such a fishing, camping, swimming, hiking, biking, snowmaking, and wildlife viewing depend on a clean and healthy watershed;

WHEREAS, these watersheds provide critical water resources to the communities in Northern New Mexico and provide clean water to the numerous agriculturally and culturally significant acequia systems;

WHEREAS, clean water is essential for the health and wellbeing of Questa residents;

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 THE GOVERNING BODY OF THE VILLAGE OF QUESTA that the Village supports pursuing Outstanding National Resource Water protections for the Upper Rio Grande from the state line with Colorado downstream the confluence with the Rio Pueblo de Taos and the Rio Hondo from the headwaters downstream to the USFS boundary at the mouth of the canyon and Lake Fork from the Wilderness boundary downstream to the confluence with the Rio Hondo.

PASSED, APPROVED AND ADOPTED IN REGULAR SESSION THIS 9th DAY OF MARCH 2021.

APPROVED:

Mark Gallegos, Mayor

APPROVED AS TO FORM:

Village Attorney

ATTEST:

Renee Martinez, CMC

VILLAGE OF QUESTA INCORPORATED SEAL

TAOS COUNTY
VALERIE RAEL MONTOYA, CLERK
000452049
Book 1084 Page 680
1 of 1
04/12/2021 11:03 15 AM
BY TAMMYS

TAOS COUNTY
RESOLUTION 2021-16

SUPPORTING THE PROTECTION OF OUR LOCAL WATERSHED FROM FUTURE DEGRADATION BY PETITIONING THE NEW MEXICO WATER QUALITY CONTROL COMMISSION TO DESIGNATE THE UPPER RIO GRANDE AND RIO HONDO AS OUTSTANDING NATIONAL RESOURCE WATERS.

WHEREAS, the Rio Grande and Rio Hondo Watersheds provides clean water for residents and visitors who enjoy recreating in the watershed; and

WHEREAS, the recreational uses of these watersheds such a fishing, camping, swimming, hiking, biking, snowmaking, and wildlife viewing depend on a clean and healthy watershed; and

WHEREAS, these watersheds provide critical water resources to the communities in the Taos area and provide clean water to the numerous agriculturally and culturally significant acequia systems; and

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

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

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; and

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 the County supports pursuing Outstanding National Resource Water protections for the Upper Rio Grande from the state line with Colorado downstream the confluence with the Rio Pueblo de Taos and the Rio Hondo from the headwaters downstream to the USFS boundary at the mouth of the canyon and Lake Fork from the headwaters downstream to the confluence with the Rio Hondo.

PASSED, APPROVED AND ADOPTED, this 16th **day of** March **2021.**

BOARD OF COUNTY COMMISSIONERS
OF TAOS COUNTY, NEW MEXICO

Candyce O'Donnell

Candyce O'Donnell, Chairperson

Attest:

Valerie Montoya, Taos County Clerk

Approved as to legal form:

Randy Autio, Contract County Attorney

VOTE RECORD:

J. Fambro	yes	no	abstain	absent
M. Gallegos	yes	no	abstain	absent
C. O'Donnell	yes	no	abstain	absent
D. Vigil	yes	no	abstain	absent
A. Brush	yes	no	abstain	absent

TAOS COUNTY CLERK RECORDER SEAL TAOS

Pascualito M. Maestas, Mayor

Councilmembers:
Nathaniel Evans
Darien D. Fernandez
Marietta S. Fambro
Corilia I. Ortega

Andrew Gonzales, Interim Town Manager

Taos Municipal Building
400 Camino de la Placita
Taos, New Mexico 87571

(575) 751-2000
Fax (575) 751-2026

Visit us on our Website at:
www.taosgov.com

April 14, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suit # South 2102
Santa Fe, New Mexico 87505

Dear Water Quality Control Commissioners,

As the Town Manager for the Town of Taos, and on behalf of Mayor Pacualito Maestas and Town Councilmembers, we support protecting the Rio Hondo and Upper Rio Grande as Outstanding Waters (ONRWs).

Outstanding Water Designation (OWD) will ensure the preservation of healthier living through outdoor access, preservation of our community's water uses, and ensure the safeguarding of these waterways from detrimental degradation, waste disposal, and overuse tied to the impacts of climate change. As a multi-cultural and multi-generational community and as lifelong Acequiero's, Acequiera's, farmers, and water conservationists we have for generations depended on upon the clean water the Rio Hondo and Rio Grande provide to sustain our livestock, agricultural crops, outdoor recreation but most importantly to feed and recharge our ancestral acequia systems. The OWD overall ensures protection of these extremely important watersheds and aligns with Gov. Michelle Lujan Grisham's commitment to place into conservancy the state's land and water.

The Town of Taos urges the commission to designate the Rio Hondo and Upper Rio Grande as outstanding waters. With kinds regards, I am

Sincerely,

Andrew F. Gonzales
Town Manager
Town of Taos, New Mexico

RIO HONDO/LAKE FORK NOMINATION

Acequia Support

MICHELLE LUJAN
GRISHAM
GOVERNOR

RALPH VIGIL
CHAIRMAN
MARY MASCAREÑAS
VICE-CHAIRMAN

New Mexico Acequia Commission
HC74 Box 842 • Pecos, NM 87552
Chairman (505) 603-2879 • molinodelaiala@gmail.com
www.nmacequiacommission.org

March 16th, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
Pamela.Jones@state.nm.us

Re: Outstanding National Resource Waters (ONRW) Designations in New Mexico

Dear Water Quality Control Commissioners,

ONRW designation for New Mexico's precious water resources will support and protect existing community uses, such as ranching and farming, while prohibiting new pollution from impacting our watersheds. For centuries local acequia, and traditional use communities have depended on clean water in New Mexico's rivers to feed our crops, livestock, and livelihood. Traditional use communities are dependent on the water flowing through our rivers, and the quality of that water allowing us to continue our traditions, and survival of our way of life and our culture.

ONRW designations ensure that clean water will continue to flow downstream to the farmers, ranchers, and communities that depend on acequias to water their crops, gardens, and livestock. These protections will protect these traditional users from degraded water quality associated with new development and impacts.

For all the reasons listed above, the New Mexico Acequia Commission supports ONRW designations in New Mexico. We urge the Water Quality Control Commission to use their authority to designate waters as ONRWs when nominated waters meet the required criteria.

Respectfully,

Ralph Vigil, Chairman
New Mexico Acequia Commission

August 11, 2020

Dear New Mexico Water Quality Control Commission,

The Acequia Madre del Rio Lucero & Arroyo Seco hereby petitions that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water. Our parciantes cherish our local rivers. Not only do we irrigate with river water from the Rio Chiquito but some of us fish, hike and camp along other local rivers like the Rio Hondo. We also know that our fellow parciantes from that area depend on the Rio Hondo to irrigate food crops, pastures and livestock. We all depend on clean unpolluted waters from our local river for our quality of life.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water to benefit present and future generations and to honor Mother Earth,

Respectfully,

Chris Pieper, Ditch Commissioner/Secretary, Acequia Madre del Rio Lucero y Arroyo Seco

P.O. Box 342
Arroyo Seco, NM
87514

Acequia de Atalaya

PO Box 257, Arroyo Hondo, NM 87513

August 17, 2020

New Mexico Water Quality Control Commission

1190 Saint Francis Dr

Suite #South 2102

Santa Fe, NM 87505

This letter supports the designation of the entirety of the Rio Hondo in Taos County as an "Outstanding National Resource Water" due to its exceptional recreational significance. This stream originates above the Taos Ski Valley and flows by four campgrounds in the Carson National Forest before emerging from the forest to supply vital waters to nine acequias in three rural Hispanic communities. The confluence of the Rio Hondo with the Rio Grande is a popular water sports area, administered by the local Bureau of Land Management office.

More than 200 years ago, the Acequia de Atalaya was dug to provide farming families in Arroyo Hondo with life-giving waters for their wells, animals, fields, orchards, gardens, and domestic uses. These waters continue to nourish healthy riparian vegetation, diverse aquatic and animal communities, and a rich cultural landscape. The presence of healthy clean water in the Rio Hondo allows our land-based communities to thrive while maintaining patterns of traditional and sustainable land use.

Therefore, we commissioners of the Acequia de Atalaya strongly urge the Water Quality Control Commission to grant the Rio Hondo the status of Outstanding National Resource Waters.

Sincerely,

Kent Lewis,	Jules Epstein,	Jai Cross,
President	Treasurer	Secretary

Acequia de la Plaza

August 21, 2020

New Mexico Water Quality Control Commission,

The Acequia de la Plaza hereby petitions that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water. Our parciantes cherish our local rivers. Not only do we irrigate with river water from the Rio Hondo but some of us fish, hike and camp along other local rivers like the Rio Hondo. We also know that our fellow parciantes from that area depend on the Rio Hondo to irrigate food crops, pastures and livestock. We all depend on clean unpolluted waters from our local river for our quality of life.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water to benefit present and future generations and to honor Mother Earth,

Respectfully,

Peter K. Merscher

Peter Merscher, Ditch Commissioner,
Acequia de la Plaza
PO Box 295 Arroyo Hondo, NM 87513

August 21, 2020

Dear New Mexico Water Quality Control Commission,

The Acequia Madre del Rio Chiquito hereby petitions that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water. Our parciantes cherish our local rivers. Not only do we irrigate with river water from the Rio Chiquito but some of us fish, hike and camp along other local rivers like the Rio Hondo. We also know that our fellow parciantes from that area depend on the Rio Hondo to irrigate food crops, pastures and livestock. We all depend on clean unpolluted waters from our local river for our quality of life.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water to benefit present and future generations and to honor Mother Earth,

Respectfully,

[Title of Signors], Acequia Madre del Rio Chiquito

PRESIDENT

Aaron Romero TREASURER

SECRETARY

REBALSE DITCH ASSOCIATION
P.O. BOX 730
EL PRADO, NM 87529

August 31, 2020

New Mexico Water Quality Control Commission,

The Rebalse Ditch Association hereby petitions that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water. Our parciantes cherish our local rivers. Not only do we irrigate with river water from the Rio Hondo but some of us fish, hike and camp along other local rivers like the Rio Hondo. We also know that our fellow parciantes from that area depend on the Rio Hondo to irrigate food crops, pastures and livestock. We all depend on clean unpolluted waters from our local river for our quality of life.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water to benefit present and future generations.

Respectfully,

Dean Archuleta, Ditch Commissioner,
Rebalse Ditch Association

Des Montes Ditch Association
P.O. Box 1194
El Prado, New Mexico 87529

September 2, 2020

New Mexico Water Quality Control Commission
1190 Saint Francis Dr.
Suite #South 2102
Santa Fe, NM 87505

To Whom It May Concern:

Please be advised that the Des Montes Ditch Association fully supports the application to designate the Rio Hondo as an **"Outstanding National Resource Water"**. The Des Montes Ditch Association manages the "**Cuchilla Ditch"** which is the first point of diversion off the Rio Hondo. This Ditch was constructed, in 1815 (as determined by the NM State Engineer) but more likely earlier (according to oral history). At minimum, the community of Des Montes has put to "beneficial use" the waters of the Rio Hondo for over 200 years, irrigating our farm lands and to replenishing the shallow aquifers that currently provide domestic wells for our community. The Cuchilla Ditch supplies water to the following acequias in the community of Des Montes; the Revalse Ditch, the Des Montes Ditch, the Llano Ditch and Mariposa Ditch, serving over 1,400 acres and over 250 residents.

The biggest threat to our water quality and quantity is uncontrolled growth in the watershed that feeds the Rio Hondo. Currently there are large scale commercial and residential development plans by Shopoff Realty Investments and the Taos Land and Cattle Company that stretches from the Bull of the Woods to the Forest Service boundary on the east. This area encompasses the entire water shed of the Rio Hondo.

While the Village of Taos Ski Valley is in the process of constructing a larger waste water treatment facility, this facility has in the past year exceeded the ammonia nitrate discharge levels into the Rio Hondo at minimum, three times last ski season (that we know of). Furthermore, this waste water treatment facility does not control contaminates that result from municipal and private residential construction, much less large scale condominiums and hotels. In addition, not all the commercial and residential building are hooked up to the Villages waste water treatment system. They operate independently, therefore there is no way to monitor any contaminates that reach the Rio Hondo from these sites.

Recently two hotels were constructed next to the banks of the Rio Hondo and the West Fork tributaries, in violation of US Environmental Protection Agency set back requirements, and perhaps those of the State of New Mexico. In a recent replacement of culverts on the Rio Hondo by the Village of TSV, sediment control structures were set in place on the Forest Service side of the project but not on the Village side of the river where a major hotel was being built at the same time. When we complained, we were told that enforcement of any violations to water quality standards would be handled out of Dallas, Texas. This is unacceptable to us residents below that relay on quality waters for agricultural and domestic purposes.

It is hoped that with such a designation, regulatory agencies will enforce existing regulations and ensure the water quality of the Rio Hondo is maintained. Therefore the Des Montes Ditch Commission as the

stewards of the water rights that belong to our parcientes support this application provided that we are made a partner to this application and that we be invited to meetings regarding this application and if successful to its implementation. We also request that we be informed of any and all actions that impact the Rio Hondo and the waters that belong to our parcientes on the Cuchilla Ditch System and the other 8 acequias that divert water from the Rio Hondo. The Des Montes Ditch Association is a political subdivision of the state, and therefore we believe that it is our right to be involved with and informed of any actions that affect our water source.

Thank you for your positive response to this application and request to be an active participant.

Respectfully Submitted:

The Des Montes Ditch Association

Dennis Johnson, President | Carlos D. Miera, Secretary | Subra Duncan, Treasurer

Acequia de

San Antonio

2020 Commissioners

Mayordomo and President
Elias Espinoza

Secretary
Sylvia Rodríguez

Treasurer
Tibby Gold

P.O. Box 339
Valdez, NM 87580

September 4, 2020

Dear New Mexico Water Quality Control Commission:

The Acequia de San Antonio in Valdez hereby petitions that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water. Our *parciantes* cherish our local rivers. Not only do we irrigate with river water from the Rio Hondo but some of us fish, hike and camp along other local rivers like the Rio Hondo. We also know that our fellow *parciantes* on other acequias along the depend on the Rio Hondo to irrigate food crops, pastures and livestock. We all depend on clean unpolluted waters from our local river for our quality of life.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water to benefit present and future generations and to honor Mother Earth,

Respectfully,

Elias Espinoza

Elias Espinoza, President and Mayordomo

Tibby Gold, Treasurer

Sylvia Rodríguez

Sylvia Rodríguez, Secretary

RIO HONDO/LAKE FORK NOMINATION

Land Grant Support

August 24, 2020

Dear New Mexico Water Quality Control Commission,

The Arroyo Hondo Arriba Community Land Grant Association hereby petitions that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water. Our residents cherish our adjacent Rio Hondo. Not only do we fish, hike and camp along this river, but we also water our livestock and irrigate our gardens and pasture from this river and watershed. We depend on clean unpolluted waters from this river for our quality of life.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water to benefit present and future generations and to honor Mother Earth,

Respectfully,

David F. Arguello Ph.D

Dr. David Arguello, President of the Arroyo Hondo Arriba Community Land Grant Association

P.O. Box 277
Arroyo Seco,
New Mexico 87514
505-776-2752
drsarguello@q.com

RIO HONDO/LAKE FORK NOMINATION

Neighborhood Association Support

September 3, 2020

Dear New Mexico Water Quality Control Commission,

The Lower Des Montes Neighborhood Association hereby petitions that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water. Our residents cherish our adjacent Rio Hondo. Not only do we fish, hike and camp along this river, but we also irrigate our gardens and pasture from this river and watershed. We depend on clean unpolluted waters from this river for our quality of life.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.
We request now that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water to benefit present and future generations and to honor Mother Earth.

Respectfully,

Floyd Archuleta
President of the Lower Des Montes Neighborhood Association
Lower Desmontes Neighborhood Association
2 JMA Ranch Road, El Prado, NM 87529

RIO HONDO/LAKE FORK NOMINATION

Local Business Support

New Mexico River
Outfitters Association
P.O. Box 608
Ranchos de Taos, NM 87557
office@losriosriverrunners.com
575.776.8854

August 8, 2020

Dear New Mexico Water Quality Control Commission,

The New Mexico River Outfitters Association hereby petitions that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water. This is an important tributary to the Rio Grande where the majority of our business takes place. Today people from all over the world are drawn to recreate on the beautiful Rio Hondo. They hike along it, they fish, they bird, they swim, they camp and they picnic. The local economy of Taos County depends on clean pristine water quality in this river and watershed to support recreation and tourism-based activities.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit new and increased pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water to benefit present and future generations and to honor Mother Earth,

Respectfully,

Francisco Guevara, President

NM River Outfitters Association

Dear New Mexico Water Quality Control Commission,

Shed Rio hereby petitions that you support the petition to nominate the Rio Hondo and Lake Fork Watershed as Outstanding National Resource Waters.

This watershed provides essential water for communities in Taos County *and* below that is used for tourism, recreation, and agriculture and is vital to the ecological and economic wellbeing of our communities. As a tributary to the Rio Grande, the Rio Hondo's cleanliness also impacts downstream businesses like ours that depend on the recreation and tourism opportunities that are only possible if the water quality of the Rio Grande is protected.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water designations protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

As outdoors enthusiasts and business owners, our way of life and livelihood depend upon the clean water and healthy habitat provided by this watershed. Please help promote economic opportunity for the region while protecting this gem of a watershed for present and future generations of people, wildlife, and our precious ecosystem by supporting the Outstanding National Resource Water designation for the Rio Hondo and Lake Fork Watershed.

Respectfully,

Marcos Aragon 8/13/20

Shed Rio LLC

(505) 316-4388

August 14, 2020

Dear New Mexico Water Quality Control Commission,

Taos Village Farm hereby petitions that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water.

At Taos Village Farm, our main goal is to help protect and preserve the historic agricultural character of the Taos Valley, and we are proud to provide rewarding jobs as part of Taos' diverse, self-sustaining economy. All of this is greatly impacted by the water quality of our local waterways. The streams and rivers of the Rio Hondo and Lake Fork Watershed provide essential water used for sustainable agriculture practices through acequia irrigation, as well as opportunities for tourism and recreation in and along the river - including fishing, hiking, and camping. Of equal importance, innumerable species of wildlife and plants rely on the clean water and habitat provided by the Rio Hondo and Lake Fork Watershed for their survival.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Resource Water. We also understand that Outstanding National Resource Water designations protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

The waters of the Rio Hondo and Lake Fork Watershed are essential to the way of life and wellbeing of many in Taos County, and have allowed people to thrive here for centuries. Keeping these waters clean is vital to ensuring that our communities thrive for centuries to come. We request now that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water to benefit present and future generations and to honor Mother Earth.

With Respect,

Taos Village Farm

NM Water Quality Control Commission
NM Environment Department
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505

September 9, 2020

Dear New Mexico Water Quality Control Commission,

As the proprietor of the retail outdoor recreational equipment shop, MuddnFlood, in Taos, I hereby petition that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water. Many of our customers cherish our adjacent Rio Hondo. Not only do we fish, hike and camp along this river, but we also irrigate our gardens and pasture from this river and watershed. We depend on clean unpolluted waters from this river for our quality of life.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Water. We also understand that Outstanding National Resource Water Protections protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

We request now that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water to benefit present and future generations and to honor Mother Earth.

Respectfully,

E Lombard.

Elana Lombard,
Proprietor of MuddnFlood
103 A Bent Street,
Taos, NM 87571

TAOS
SKITAOS.COM
PO Box 90
116 Sutton Place
Taos Ski Valley, NM 87525

October 20, 2021

Dear New Mexico Water Quality Control Commission,

Taos Ski Valley, Inc. hereby affirms its support for the petition put forth by the Outdoor Recreation Division (ORD) to designate the Rio Hondo and Lake Fork as Outstanding National Resource Waters (ONRWs).

Taos Ski Valley calls the unique natural surroundings of northern New Mexico home, with the Rio Hondo and the Lake Fork in the company's backyard. As the world's first and only certified B-Corporation ski resort, we are dedicated to a mission built upon principles of sustainability and social benefit. Supporting an effort to protect the water quality of the Rio Hondo and Lake Fork in perpetuity is a powerful way to honor that mission.

The Rio Hondo provides essential water for neighboring communities, including the Village of Taos Ski Valley, and acequias. It also offers a myriad of opportunities for nature connection through outdoor recreation – including for the many thousands of skiers and riders who come from all over the world to be part of the Taos Ski Valley experience. Protecting this portion of the river as an ONRW will not only benefit those adjacent to the waters but will also aid those downstream. It is a business investment for the greater Taos County and New Mexican community.

Keeping these waters clean is vital to ensuring that our communities, our outdoor recreation businesses, and our people thrive for centuries to come.

Sincerely,
TAOS SKI VALLEY, INC.

David Norden
CEO
DN/db

TAOS COUNTY
CHAMBER OF COMMERCE

February 2, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
Pamela.Jones@state.nm.us

Re: WQCC 21-62(R) – Outstanding Waters Designations for Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek)

Dear Water Quality Control Commissioners,

Taos County Chamber of Commerce supports protecting the Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek) as Outstanding Waters (ONRWs). Protecting these waters will ensure that water quality is protected for generations to come.

Outstanding Waters designation for these ecologically and recreationally significant waters will support and protect existing community uses, such as ranching and farming, while prohibiting new pollution from impacting our watershed. For generations the local community has depended on clean water in the Rio Hondo, Upper Rio Grande, and Jemez watersheds to water livestock and feed acequia systems. This designation will ensure that clean water continues to flow downstream to these critical watershed stakeholders and protect these traditional uses from new development and impacts.

These waters are rich with ecological resources, and they also provide significant recreational opportunities for both New Mexicans and visitors alike.

In addition, Outstanding Water protections will help draw much needed attention for restoration, and water and fuel management projects throughout these watersheds. XXX supports the efforts to ensure the Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San

Antonio, East Fork Jemez River, and Redondo Creek) will continue to provide clean water to downstream communities and wildlife.

We urge the Commission to designate these waters as ONRWs.

Sincerely,

Lindsey Pfaff Bain

Lindsey Pfaff Bain
Executive Director
Taos County Chamber of Commerce
Mailing Address: P.O. Box 3649, Taos NM 87571
575-751-8800
lindsey@taoschamber.com
www.taoschamber.com

Shop Local: Shop Local NM - Taos County Chamber of Commerce, NM (taoschamber.com)

Taos County Chamber of Commerce MEMBERS make business better! ***The Taos County Chamber of Commerce exists to cultivate and sustain a healthy business environment.***

"The Taos County Chamber of Commerce was incorporated in 1962 and exists for the sole purpose of advancing our community's business, agriculture and commercial sectors through the building of entrepreneurial and economic growth."

April 30, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite S-2102
Santa Fe, New Mexico 87505

Re: WQCC 21-62(R) - Proposed Amendments to 20.6.4.9 NMAC – ONRW Protections for the Rio Grande and Rio Hondo

Dear Commissioners,

On behalf of Los Rios River Runners, I am writing to express our strong support for the petition to nominate the waters of the Rio Grande, Rio Hondo, Lake Fork, East Fork Jemez, San Antonio Creek, and Redondo Creek as Outstanding National Resource Waters (ONRWs).

I founded Los Rios River Runners 1978 to enable local residents and visitors to Santa Fe and Taos to experience the beauty and majesty of the river canyons of northern New Mexico. Over the past four decades, we have led the field in developing river rafting in northern New Mexico, highlighting the amazing rivers and canyons of northern New Mexico and creating employment opportunities tied directly to surface waters nominated in this petition.

Protecting these surface waters will translate into tangible economic gains for local businesses and communities. Numerous studies document the strong link between public lands and the economy – from increased job creation to higher incomes and increased revenue for local governments. New Mexico's outdoor recreation industry is a major contributor to the state's economy, and much of the industry relies on protected public lands and clean water. In 2019, the outdoor economy added $2.4 billion to the state's gross domestic product and directly employed over 35,000 people.

High visitor numbers demonstrate these areas are world-class outdoor recreation destinations. For example, *Outside* magazine has ranked the Taos Box, in the upper Rio Grande, as a top river run in North America and each year tens of thousands of visitors flock to the Valles Caldera National Preserve and surrounding public lands where San Antonio Creek and the East Fork Jemez River rank among the top fly-fishing destinations in the state. The proposed ONRW designations would provide an extra level of protection to these streams and rivers that are so important to our business and the communities where we live and work.

In summary, we strongly urge the Commission to designate these segments as Outstanding National Resource Waters. We believe that this extra protection will help preserve these waters for future generations and bolster the state's outdoor recreation economy.

Sincerely,

Francisco Guevara
President
Los Rios River Runners
Taos, NM 575-776-8854 losriosriverrunners.com whitewater@newmex.com

RIO HONDO/LAKE FORK NOMINATION

NGO Support

Taos Initiative for Life Together
215 La Posta Rd.
Taos, NM 87571

August 17, 2020

New Mexico Water Quality Control Commission
1190 Saint Francis Drive, Suite # South 2102
Santa Fe, New Mexico 87505

Dear New Mexico Water Quality Control Commission,

Taos Initiative for Life Together (TiLT) hereby petitions that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water (ONRW).

At TiLT, our motto is "Do unto those downstream as you would have those upstream do unto you", and ensuring that the water quality of our local waterways is protected for present and future generations of humans, wildlife, and plants is one of the most impactful ways of honoring this mission. The Rio Hondo provides essential water used for sustainable agriculture practices, as well as opportunities for connection with nature through recreation - including fishing, hiking, and camping. Of equal importance, innumerable species of wildlife and plants rely on the clean water and habitat provided by the streams and rivers of this watershed for their survival. Protecting this watershed as an ONRW will not only benefit communities directly adjacent to these waterways, but will aid communities downstream as well.

We understand that Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an ONRWs. We also understand that ONRW designations protect and do not inhibit traditional and historic uses of water designated as an ONRW.

The waters of the Rio Hondo and Lake Fork Watershed are essential to the way of life and wellbeing of many in Taos County, and have allowed people to thrive here for centuries. Keeping these waters clean is vital to ensuring that our communities thrive for centuries to come. We request now that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water to benefit present and future generations and to honor Mother Earth.

With Respect,

Todd Wynward, Founder & Executive Director
Taos Initiative for Life Together

roots & wings
COMMUNITY SCHOOL

August 27, 2020

Dear New Mexico Water Quality Control Commission,

Roots & Wings Community School (RWCS) hereby petitions that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water.

RWCS immerses our students in the unique natural surroundings of Northern New Mexico to encourage them to be engaged, self-reflective, and active citizens with the compassionate behaviors that cultivate a connection to the unique agricultural and cultural heritage of Northern New Mexico. This heritage depends upon clean water, and protecting the water quality of our rivers and streams, including those within the Rio Hondo and Lake Fork Watershed, is a powerful way of honoring our mission and our students' futures.

The Rio Hondo provides essential water used for sustainable agriculture practices through acequia irrigation, as well as opportunities for connection with nature through recreation in and along the river - including fishing, hiking, and camping. Of equal importance, innumerable species of wildlife and plants rely on the clean water and habitat provided by the Rio Hondo and Lake Fork Watershed for their survival.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit *new and increased* pollution to waters designated as an Outstanding National Resource Water. We also understand that the Outstanding National Resource Water designations protect and do not inhibit traditional and historic uses of water designated as an Outstanding National Resource Water.

The waters of the Rio Hondo and Lake Fork Watershed are essential to the way of life and wellbeing of many in Taos County and have allowed people to thrive here for centuries. Keeping these waters clean is vital to ensuring that our communities thrive for centuries to come. We request now that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water to benefit present and future generations and to honor Mother Earth.

With Respect,

Jon Orris

Jon Orris, Director
Roots & Wings Community School

Jon Orris, Director
Veronica Garcia, Office Manager

35 La Lama Rd.
HC 81 Box 22, Questa, NM 87556
575-586-2076/fax 575-586-2087

Rivers & Birds

Adventures in Learning

NM Water Quality Control Commission
NM Environment Department
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505

September 14, 2020

Dear New Mexico Stream Water Quality Commission,

Rivers & Birds, a Taos-based 501(c)(3) conservation education organization, petitions that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water. New Mexico's Outstanding National Resource Waters Designations are extremely important in this desert state where less that one-half of one percent of New Mexico's land mass is open water. We must do everything we can to reinforce protections of our precious surface waters. The majority of water delivered to the Rio Grande within New Mexico comes from our high mountain tributaries in the northern part of the state. Eventually, we would like to see each one these major upper Rio Grande tributaries designated as an Outstanding National Resource Water. As we say in New Mexico, "Agua es Vida!" Let's protect our water, this limited life-supporting resource in New Mexico .

Over the past twenty years Rivers & Birds has taken thousands of local public school fifth-grade students in Taos County through our 9-day Watershed Learning Project where the children learn about water ecology and conservation through hands-on learning. As part of this program, students conduct water quality monitoring along the Rio Hondo. Our goal is to inspire students and their families to dedicate themselves as water stewards on this planet.

Rivers & Birds' headquarters is located near the Rio Hondo. We witness how important the Rio Hondo is for recreation as people fish, hike, camp, rock-climb, bird-watch and downhill ski along this river. Residents have homes, pastures and gardens situated along the Rio Hondo. This scenic, cascading, high-mountain upper tributary to the Rio Grande attracts thousands of tourists each year to its tumbling, ice-cold waters and to its headwater near one of the highest peaks in New Mexico.

We understand that the Outstanding National Resource Water protections outlined in the state water quality regulations prohibit new and increased pollution to

PO Box 513 Arroyo Seco, NM 87514 Ph 505.776.5200 Email: [illegible]

waters designated as an Outstanding National Resource Water. We also understand that Outstanding National Resource Water Designations protect and do not inhibit traditional and historic uses of designated waters.

We request now that you designate the Rio Hondo and Lake Fork Watershed as an Outstanding National Resource Water to benefit present and future generations and to honor Mother Earth and our centuries-old traditional uses of the Rio Hondo.

Respectfully,

Roberta Salazar,
Executive Director for Rivers & Birds

Enchanted Circle
Trout Unlimited

April 21, 2021

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite South 2102
Santa Fe, New Mexico. 87505

Dear Commission Members:

The Enchanted Circle Trout Unlimited (ECTU) chapter is writing to voice our support for the proposal by the New Mexico Outdoor Recreation Division and the New Mexico Department of Game and Fish to designate parts of the Rio Grande, Rio Hondo, and the Lake Fork as Outstanding National Resource Waters (ONRW).

ECTU is a volunteer run and lead non-profit organization, consisting of 80+ members, dedicated to preserving and improving trout fisheries and their watersheds in northern New Mexico. The proposed ONRW streams are very important to us and our members fish them often. We've worked to protect the Rio Grande cutthroat trout on the Rio Hondo's tributaries, and advocated for the designations of the Rio Grande del Norte National Monument and the Columbine-Hondo Wilderness. And while there are solid protections in place for the landscapes surrounding these waterways, the quality of water has no formal protection currently. We believe that water quality is not only important to the fish in these streams, but to all the downstream users from our acequia irrigated fields to the large municipalities of the middle Rio Grande valley. The proposed ONRW designations would provide an extra level of protection to these streams and rivers that are so important to us and the local communities.

In summary, we strongly urge the Commission to designate these segments of the Rio Grande, the Rio Hondo, and the Lake Fork as Outstanding National Resource Waters. ECTU members believe that this extra protection will help preserve these waters for future generations.

Sincerely,

Garrett Hanks

Garrett Hanks

Board Member, Enchanted Circle Trout Unlimited

January 13, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
Pamela.Jones@state.nm.us

Re: WQCC 21-62(R) – Outstanding Waters Designations for Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek)

Dear Water Quality Control Commissioners,

New Mexico Wilderness Alliance (New Mexico Wild) supports protecting the Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek) as Outstanding Waters (ONRWs). Protecting these waters will ensure that water quality is protected for generations to come.

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.

Outstanding Waters designation for these ecologically and recreationally significant waters will support and protect existing community uses, such as ranching and farming, while prohibiting new pollution from impacting our watershed. For generations the local community has depended on clean water in the Rio Hondo, Upper Rio Grande, and Jemez watersheds to water livestock and feed acequia systems. This designation will ensure that clean water continues to flow downstream to these critical watershed stakeholders and protect these traditional uses from new development and impacts.

These waters are rich with ecological resources, and they also provide significant recreational opportunities for both New Mexicans and visitors alike.

In addition, Outstanding Water protections will help draw much needed attention for restoration, and water and fuel management projects throughout these watersheds. New Mexico Wild supports the efforts to ensure the Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek) will continue to provide clean water to downstream communities and wildlife.

We urge the Commission to designate these waters as ONRWs.

Sincerely,

Logan Glasenapp
Staff Attorney
New Mexico Wild
logan@nmwild.org

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 21-62(R) – Outstanding National Resource Waters Designations for Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek)

Dear Water Quality Control Commissioners,

American Rivers supports the Outdoor Recreation Division's petition to protect the following as Outstanding Waters (ONRWs): Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek). ONRW designation of these waters will ensure that water quality is protected for generations to come.

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. As such, American Rivers is invested in durable protections for these nominated waters in northern New Mexico.

ONRW designation of the 125.9 miles of nominated streams would recognize the recreational, cultural, and ecological significance of these six water bodies. Designation will support and protect existing community uses, such as ranching and farming, while prohibiting new pollution from impacting the watershed. For generations, the local community has depended on clean water in the Rio Hondo, Upper Rio Grande, and Jemez watersheds to water livestock and feed acequia systems. This designation will ensure that clean water continues to flow downstream to these critical stakeholders and protect these traditional uses from new development and impacts.

These waters are rich with ecological resources, and they also provide significant recreational opportunities for both New Mexicans and visitors alike. Indeed, within the petition's nominated waters, 52.2 miles of the Rio Grande and 11 miles of the East Fork Jemez River are already

designated under the national Wild and Scenic Rivers Act for their outstanding values. ONRW designation complements and strengthens, but does not duplicate, water quality protections for these Wild and Scenic Rivers. In fact, by increasing the reaches of protected rivers through the proposed ONRW nominations, these invaluable Wild and Scenic Rivers will have their water quality protected at watershed scale. In addition, ONRW protections will help draw much needed attention for restoration, and water and fuel management projects throughout these watersheds.

American Rivers enthusiastically supports the efforts to ensure the Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek) will continue to provide clean water to New Mexico's communities and wildlife.

Sincerely,

TROUT UNLIMITED NEW MEXICO

May 10, 2022

Water Quality Control Commission
1190 St. Francis Drive
Suite S-2102
Santa Fe, NM 87505

WQCC 21-62(R) - Proposed Amendments to 20.6.4.9 NMAC - Standards for Interstate and Intrastate Surface Waters - Rio Grande, etc. ONRW

Dear Commissioners,

I am writing this letter on behalf of the New Mexico Council of Trout Unlimited to demonstrate our support for the petition to nominate surface waters of the Rio Grande, Rio Hondo and Lake Fork, East Fork Jemez River, San Antonio Creek, and Redondo Creek as Outstanding Waters.

Our state council has approximately 1500 members, the majority of whom live in northern New Mexico and fish and recreate in these watersheds on a regular basis. Trout Unlimited, both on a national and local level, advocates for cold water conservation by protecting and restoring local watersheds and using scientific methods to improve streams and riparian areas to benefit trout fisheries and downstream water users.

The surface waters included in this petition rank among the top fishing destinations in New Mexico and are major drivers of our state's growing tourism and outdoor recreation industries. Clean water is an essential component of good fishing and healthy aquatic ecosystems, and of cultural importance to New Mexico's diverse communities. The protection of water quality in these rivers and streams is a sound investment in New Mexico's future and supported by a wide variety of stakeholders, including Tribes, local villages, water users, and recreationists.

Please support the New Mexico Outdoor Recreation Division's petition to designate these waters as outstanding.

Sincerely,

Harris Klein
New Mexico Council Chair
Los Ranchos, NM
hknm@comcast.net

AMIGOS BRAVOS
Because Water Matters

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: Outstanding Waters Designations for Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez, River, and Redondo Creek) - WQCC 21-62(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 Rio Hondo, Lake Fork of the Rio Hondo, the Upper Rio Grande and Jemez River Headwaters.

These nominated waters have long been treasured by the people of New Mexico as exceptional recreational waters that draw residents and visitors alike from near and far to fish, boat, camp, hunt, and hike. The Upper Rio Grande is one of the most fished water segments in the state and the exciting white waters of the Rio Grande gorge provide world class rafting opportunities and support numerous white water rafting companies. San Antonio Creek and the East Fork of the Jemez flow through the Valles Caldera preserve providing recreational opportunities and supporting a rich variety of native species. The Rio Hondo and Lake Fork flow past Taos Ski Valley and the most popular hiking trail in the state. All of these nominated waters 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 some 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 the nominated waters of the Upper Rio Grande, Rio Hondo, Lake Fork, and Jemez headwatersby designating them 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

(505) 299-5404
3620 Wyoming Blvd NE Ste 222
Albuquerque, NM 87111
nmwildlife@nmwildlife.org

May 11, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
ATT: Pamela.Jones@state.nm.us

Re: WQCC 21-62(R) – Outstanding Waters Designations for Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek)

Dear Water Quality Control Commissioners,

The New Mexico Wildlife Federation strongly supports the pending outstanding waters designations for the Upper Rio Grande, the Lake Fork of the Rio Hondo and the headwaters of the Jemez River.

Founded in 1914 by pioneering conservationist Aldo Leopold, the NMWF is the state's oldest conservation

organization representing the interests of hunters, anglers, fish and wildlife.

The NMWF supports pending efforts by the New Mexico's Outdoor Recreation Division (ORD), within the Economic Development Department to protect the waters that drive our state's multi-billion dollar outdoor recreation economy.

The staff and membership of the NMWF know and cherish the waters covered by this pending ONRW application. We recognize that increased protection for these waters is integral to supporting our state's growing outdoor recreation economy and local communities.

If successful, this pending application would protect the water quality of these rivers in perpetuity for surrounding landowners and community members, acequias, hunters, anglers and birders. This protection will pay real dividends for surrounding communities and New Mexico as a whole, including increased job creation and increased tourism for generations to come.

The NMWF views it as critical for New Mexico to invest in environmental protection to preserve the waters' ecological, recreational, cultural, and economic value. This ONRW designation represents a public commitment to the future of these waters and to the communities that rely on them.

Thank you for your consideration of these comments. Please contact me with any questions and please keep me informed of action on this application.

Best Regards,

Jesse Deubel,
Executive Director, NMWF

JEMEZ WATERS NOMINATION

Federal Government Support

United States Department of the Interior

NATIONAL PARK SERVICE
VALLES CALDERA NATIONAL PRESERVE
P.O. Box 359
090 Villa Louis Martin
Jemez Springs, NM 87025

IN REPLY REFER TO:

October 29, 2020

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505

Dear Commission Members:

Valles Caldera National Preserve supports the proposal by the New Mexico Outdoor Recreational Division and the New Mexico Department of Game and Fish to designate segments of the East Fork Jemez River and San Antonio Creek within the preserve as "Outstanding National Resource Waters" in New Mexico. We do not take a position on the designation of any streams or waterways outside our jurisdiction.

As you may know, the preserve has been working for many years to restore its streams and wetlands and will continue to protect this important watershed for long-term environmental sustainability while pursuing innovative approaches to science-based adaptive management. Protecting the headwaters of the San Antonio Creek and East Fork Jemez River within the preserve as Outstanding National Resource Waters is consistent with the preserve's Congressional mandate to protect, preserve, and restore the fish, wildlife, watershed, natural, scientific, scenic, and recreational values of the area.

The preserve's approach to place-based and science-based land management, with a focus on innovation, works well within the context of Outstanding National Resource Water protections because of the focus on protecting water quality without prohibiting specific activities. As stewards of the land, we are aware of how watershed management measures in headwaters impact downstream ecosystems and communities, and we are committed to taking appropriate management actions that help ensure the headwaters of the Jemez Watershed flow clean and clear.

We thank the Commission for considering this proposal and stand ready to provide any additional information you may need during your review.

Sincerely,

Jorge Silva-Bañuelos
Superintendent

JEMEZ WATERS NOMINATION

Pueblo Support

SANTA CLARA
POST OFFICE BOX 580
(505) 753-7330
(505) 753-5375 Fax

INDIAN PUEBLO
ESPANOLA, NEW MEXICO
87532
OFFICE OF GOVERNOR

March 8, 2021

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, NM 87505

RE: Outstanding National Resource Waters – Letter of Support

Dear Commission Members,

Santa Clara Pueblo supports the proposal by the New Mexico Outdoor Recreational Division and the New Mexico Department of Game and Fish to designate segments of San Antonio Creek and the East Fork Jemez River as "Outstanding National Resource Waters" (ONRW) in New Mexico. The headwaters of these streams have been long considered part of our aboriginal territory and we remain in support of their ecological and cultural protection.

Restoration of headwater streams, especially those within the range of native Rio Grande Cutthroat trout, is an important goal for both Santa Clara Pueblo and the Valles Caldera National Preserve (VCNP). As a direct neighbor to the East Fork Jemez, San Antonio Creek, and Rio de los Indios watersheds, and their direct connection with our ancestral lands, we strongly support the goal of conserving these watersheds.

Santa Clara Pueblo has continually supported protection of these watersheds, most recently working through co-stewardship with an established Memorandum of Understanding with the VCNP, and with regional collaborative groups whom aim to maximize the vitality of these watersheds. We believe that ONRW designation of these steams will further support these efforts while enhancing the cultural and recreational value for all whom depend on them.

We thank you for considering our support and are available to provide additional information you may need in your review.

Sincerely,

James Naranjo Lt. Governor

J. Michael Chavarria, Governor

Statement by Joseph "Brophy" Toledo
Outstanding Water Designation on the Rio Jemez

As a Pueblo of Jemez Member, resident and Cultural Leader I feel very strongly about the need for protecting the Rio Jemez Watershed and its' tributaries. The Rio Jemez and its headwaters are the lifeblood of our people and the ecosystems that are connected to this very special place in our ancestral homelands since time immemorial. The Rio Jemez is the lifeblood to the winged, four-legged and finned first. While those without human voice and not voiceless, I represent their interest here today.

The Jemez Mountains are our cherished ancestral homelands and that waters that flow from this mountain are all considered culturally sacred and ceremonially precious to us. The waters flowing from the Valles Caldera and then down into the Rio Jemez mainstem are important to our wellbeing as they supply our farms and Jemez Pueblo with a precious water source. These protections ensure that irrigation practices can continue without any additional requirements while ensuring that new or increased pollution to the watershed is prohibited.

Today, the descendants of Jemez Pueblo continue to regularly visit the sacred shrines of the Valles Caldera and perform ceremonies using the sacred waters of the Jemez and San Antonio Rivers as well as the many tributaries that feed into them. Many other Tribal Nations also use this cultural landscape and the waters of the Jemez and San Antonio to perform their own ceremonies. We as Native Peoples see the sacredness of the water ecosystem 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 Jemez and San Antonio Rivers, Jemez Pueblo enthusiastically supports our and your efforts to have these rivers designated as Outstanding National Resource Waters.

Thank you for your efforts to protect the sacred waters of these rivers. May your efforts and the effort of your colleagues be blessed by Our Creator and may your lives be enriched with balanced health, wellbeing, love and peace.

JEMEZ WATERS NOMINATION

State Legislator Support

State of New Mexico
House of Representatives
Santa Fe

KRISTINA ORTEZ
D- Taos
District 42

246 Maria Luisa Loop
Taos, NM 87571
Home Phone: (575) 770-7792
Email: kristina.ortez@nmlegis.gov

COMMITTEES:
Chair: Enrolling & Engrossing - B
Energy, Environment & Natural Resources
State Government, Elections & Indian Affairs
INTERIM COMMITTEES:
Economic Development & Policy
Water & Natural Resources
Advisory:
New Mexico Finance Authority
Designee:
Revenue Stabilization & Tax Policy

April 20, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
Pamela.Jones@state.nm.us

Re: WQCC 21-62(R) – Outstanding Waters Designations for Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek)

Dear Water Quality Control Commissioners,

I write to express my support for the New Mexico Outdoor Recreation Division's petition to designate the Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek) as Outstanding Waters (ONRWs). These protections will ensure that water quality is maintained and protected into the future.

For generations local communities have depended on clean water in these important Northern New Mexico watersheds. The Rio Hondo in Taos County provides water to numerous acequias and ditches in the Hondo Valley. Importantly, Outstanding Waters designation supports and protects existing community uses, such as ranching and farming, while prohibiting pollution from new development and impacts. This designation will ensure that watershed stakeholders can continue to depend upon clean water for watering livestock and irrigating fields.

These waters are also critical to outdoor recreation and our economy in Northern New Mexico. For example, according to New Mexico Department of Game and Fish surveys, the nominated section of the Upper Rio Grande is one of the most popular river stretches for fishing in the state. Maintaining clean water in these watersheds is essential for supporting water-based recreation such as fishing, rafting, and swimming. All of these activities are critical components of our state's outdoor recreation economy and in turn designating these waters as Outstanding Waters is an important component of protecting and growing economic opportunities in New Mexico.

Please protect these waters by voting to designate them as Outstanding Waters (ONRWs).

Sincerely,

Kristina Ortez
New Mexico State Representative
District 4

JEMEZ WATERS NOMINATION

Local Government Support

ROGER SWEET
Mayor

DAVID RYAN
Mayor Pro-Tem

VILLAGE OF JEMEZ SPRINGS
Municipal Office

080 Jemez Springs Plaza
PO Box 269, Jemez Springs, NM 87025
Phone (575) 829-3540 • Fax (575) 829-3339
Christina Holder, Clerk/Treasurer
vclerk@jemezsprings-nm.gov
Emili Zapata, Administrative Assistant
Website: www.jemezsprings-nm.gov

MANOLITO SANCHEZ
Trustee
BOB WILSON
Trustee
DR. JULIETTE SWEET
Trustee

Resolution 2020-10

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

WHEREAS, the Headwaters of the Jemez (here defined as the East Fork of the Jemez, Redondo Creek, San Antonio Creek, and a portion of the main stem) provides clean water for residents and visitors who live and recreate in the watershed;

WHEREAS, the recreational uses of the watershed such a fishing, camping, swimming, hiking, biking, and wildlife viewing depend on a clean and healthy watershed;

WHEREAS, the Headwaters of the Jemez provides critical water resources to the communities in the Village of Jemez Springs area;

WHEREAS, clean water is essential for the health and wellbeing of the Village of Jemez Springs residents;

WHEREAS, the local economy is dependent on clean water to support agriculture and 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 THE VILLAGE OF JEMEZ SPRINGS that the Village supports pursuing Outstanding National Resource Water protections for the Headwaters of the Jemez in Sandoval County.

BE IT FURTHER RESOLVED THAT, the Village will join as a petitioner with the New Mexico Outdoor Recreation Division in petitioning the New Mexico Water Quality Control Commission to designate the Headwaters of the Jemez as an Outstanding National Resource Water.

PASSED, APPROVED & ADOPTED BY THE GOVERNING BODY OF THE VILLAGE OF JEMEZ SPRINGS ON THIS 21st DAY OF October, 2020.

Roger Sweet, Mayor

Attest:

Christina Holder, Clerk/Treasurer

JEMEZ WATERS NOMINATION

Acequia Support

MICHELLE LUJAN GRISHAM
GOVERNOR

RALPH VIGIL
CHAIRMAN
MARY MASCAREÑAS
VICE-CHAIRMAN

New Mexico Acequia Commission
HC74 Box 842 • Pecos, NM 87552
Chairman (505) 603-2879 • molinodelaisla@gmail.com
www.nmacequiacommission.org

March 16th, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
Pamela.Jones@state.nm.us

Re: Outstanding National Resource Waters (ONRW) Designations in New Mexico

Dear Water Quality Control Commissioners,

ONRW designation for New Mexico's precious water resources will support and protect existing community uses, such as ranching and farming, while prohibiting new pollution from impacting our watersheds. For centuries local acequia, and traditional use communities have depended on clean water in New Mexico's rivers to feed our crops, livestock, and livelihood. Traditional use communities are dependent on the water flowing through our rivers, and the quality of that water allowing us to continue our traditions, and survival of our way of life and our culture.

ONRW designations ensure that clean water will continue to flow downstream to the farmers, ranchers, and communities that depend on acequias to water their crops, gardens, and livestock. These protections will protect these traditional users from degraded water quality associated with new development and impacts.

For all the reasons listed above, the New Mexico Acequia Commission supports ONRW designations in New Mexico. We urge the Water Quality Control Commission to use their authority to designate waters as ONRWs when nominated waters meet the required criteria.

Respectfully,

Ralph Vigil, Chairman
New Mexico Acequia Commission

JEMEZ WATERS NOMINATION

Local Business Support

TAOS COUNTY
CHAMBER OF COMMERCE

February 2, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
Pamela.Jones@state.nm.us

Re: WQCC 21-62(R) – Outstanding Waters Designations for Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek)

Dear Water Quality Control Commissioners,

Taos County Chamber of Commerce supports protecting the Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek) as Outstanding Waters (ONRWs). Protecting these waters will ensure that water quality is protected for generations to come.

Outstanding Waters designation for these ecologically and recreationally significant waters will support and protect existing community uses, such as ranching and farming, while prohibiting new pollution from impacting our watershed. For generations the local community has depended on clean water in the Rio Hondo, Upper Rio Grande, and Jemez watersheds to water livestock and feed acequia systems. This designation will ensure that clean water continues to flow downstream to these critical watershed stakeholders and protect these traditional uses from new development and impacts.

These waters are rich with ecological resources, and they also provide significant recreational opportunities for both New Mexicans and visitors alike.

In addition, Outstanding Water protections will help draw much needed attention for restoration, and water and fuel management projects throughout these watersheds. XXX supports the efforts to ensure the Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San

Antonio, East Fork Jemez River, and Redondo Creek) will continue to provide clean water to downstream communities and wildlife.

We urge the Commission to designate these waters as ONRWs.

Sincerely,

Lindsey Pfaff Bain

Lindsey Pfaff Bain
Executive Director
Taos County Chamber of Commerce
Mailing Address: P.O. Box 3649, Taos NM 87571
575-751-8800
lindsey@taoschamber.com
www.taoschamber.com

Shop Local: Shop Local NM - Taos County Chamber of Commerce, NM (taoschamber.com)

Taos County Chamber of Commerce MEMBERS make business better! ***The Taos County Chamber of Commerce exists to cultivate and sustain a healthy business environment.***

"The Taos County Chamber of Commerce was incorporated in 1962 and exists for the sole purpose of advancing our community's business, agriculture and commercial sectors through the building of entrepreneurial and economic growth."

April 30, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite S-2102
Santa Fe, New Mexico 87505

Re: WQCC 21-62(R) - Proposed Amendments to 20.6.4.9 NMAC – ONRW Protections for the Rio Grande and Rio Hondo

Dear Commissioners,

On behalf of Los Rios River Runners, I am writing to express our strong support for the petition to nominate the waters of the Rio Grande, Rio Hondo, Lake Fork, East Fork Jemez, San Antonio Creek, and Redondo Creek as Outstanding National Resource Waters (ONRWs).

I founded Los Rios River Runners 1978 to enable local residents and visitors to Santa Fe and Taos to experience the beauty and majesty of the river canyons of northern New Mexico. Over the past four decades, we have led the field in developing river rafting in northern New Mexico, highlighting the amazing rivers and canyons of northern New Mexico and creating employment opportunities tied directly to surface waters nominated in this petition.

Protecting these surface waters will translate into tangible economic gains for local businesses and communities. Numerous studies document the strong link between public lands and the economy – from increased job creation to higher incomes and increased revenue for local governments. New Mexico's outdoor recreation industry is a major contributor to the state's economy, and much of the industry relies on protected public lands and clean water. In 2019, the outdoor economy added $2.4 billion to the state's gross domestic product and directly employed over 35,000 people.

High visitor numbers demonstrate these areas are world-class outdoor recreation destinations. For example, *Outside* magazine has ranked the Taos Box, in the upper Rio Grande, as a top river run in North America and each year tens of thousands of visitors flock to the Valles Caldera National Preserve and surrounding public lands where San Antonio Creek and the East Fork Jemez River rank among the top fly-fishing destinations in the state. The proposed ONRW designations would provide an extra level of protection to these streams and rivers that are so important to our business and the communities where we live and work.

In summary, we strongly urge the Commission to designate these segments as Outstanding National Resource Waters. We believe that this extra protection will help preserve these waters for future generations and bolster the state's outdoor recreation economy.

Sincerely,

Francisco Guevara
President
Los Rios River Runners
Taos, NM 575-776-8854 losriosriverrunners.com whitewater@newmex.com

JEMEZ WATERS NOMINATION

NGO Support

Caldera Action

Protecting a unique natural and cultural landscape
56 Hidden Valley Road, Santa Fe, NM 87505
www.caldera-action.org
(505) 982 4464

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite #South 2102
Santa Fe, NM 87505

June, 6, 2021

Caldera Action is a nonprofit organization whose work focuses on protecting the natural values of the Valles Caldera National Preserve and surrounding public lands. We support designating streams in the Valles Caldera National Preserve as Outstanding National Resource Waters proposal by the New Mexico Outdoor Recreational Division and the New Mexico Department of Game and Fish.

The Valles Caldera National Preserve offers a unique opportunity for those measuring and concerned about water quality from non-point sources. The Preserve was private property until 2000 and was affected by logging and livestock grazing for decades before federal purchase in 2000. The Valles Caldera Trust and then the National Park Service, have both ended logging and restricted livestock grazing. Off road vehicle recreation, a possible source of erosion, is not permitted in the Preserve. These are the land uses that could significantly affect water quality in the Valles Caldera.

The National Park Service has restricted livestock grazing to a limited area away from streams and they have undertaken restoration activities to address soil erosion caused by past land use. Thus, water quality in the Valles Caldera should be significantly better, over time, than that on streams on surrounding national forest lands where grazing and public uses that lead to soil erosion are ongoing.

Other than trespass cattle and erosion events associated with high severity wildfires such as the Las Conchas fire, we feel that the Valles Caldera offers the Outstanding Waters program a place where we are likely to see ongoing *improvement* of water quality. Grazing will cease in

most areas and wetland and watershed restoration work should see improved stream structure and a decline in sediment loads from past watershed damage.

We support the proposed Outstanding Waters designation and complement those who have worked to include the streams and rivers of the Valles Caldera National Preserve within this program. We hope that, over time, other streams in the Jemez Mountains will also be included so we can stabilize these waters and work toward improving water quality and quantity over time.

Tom Ribe
Executive Director

FIREWISE USA
Residents reducing wildfire risks

January 12, 2021

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505

Dear Water Quality Control Commissioners,

The Greater Eastern Jemez Wildland Urban Interface Corporation (GEJWUIC) -- a 501(c)(3), Firewise USA organization located in the Jemez Mountains -- supports the protection of the East Fork, San Antonio Creek and the Jemez River upstream from the Village of Jemez Springs as "Outstanding Waters" in New Mexico. GEJWUIC believes that protecting the San Antonio Creek, East Fork of the Jemez, and Jemez River as Outstanding Waters (ONRWs) will ensure protection of the Jemez River and tributaries for generations to come. We also urge the consideration of the expansion of ONRW designation in the future to the Guadalupe River.

Outstanding Waters protections will prohibit new pollution from impacting our watershed while supporting and maintaining existing community uses. Outstanding Water protections are appropriate for our community because water quality is protected but new development or activities, as long as water pollution doesn't result from the activity, are not stopped or limited.

In addition, Outstanding Water protections will help us draw much needed attention and funding support for restoration and fuel management projects throughout the watershed. As stewards of the land we are aware of how watershed management measures in headwaters impact downstream ecosystems and communities, and we support efforts to ensure clean and clear headwaters of the Jemez Watershed.

We urge the Commission to act in your authority under the New Mexico Water Quality Act to designate the Jemez River, San Antonio Creek and the East Fork of Jemez as Outstanding Waters.

Sincerely,

Harrison Jones

Harrison Jones, President
GEJWUIC

Los Amigos de Valles Caldera

Supporting the Valles Caldera National Preserve for present and future generations

February 22, 2021

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505

Dear Commission Members:

Los Amigos de Valles Caldera (Los Amigos) is the Friends group that supports the mission of the Valles Caldera National Preserve (preserve). One aspect of our support has been in the ecological restoration of wetlands and watersheds to promote biodiversity, improved fisheries, carbon sequestration and minimizing the occurrence and magnitude of wildfires. In this endeavor we have garnered support from grants to do this work.

Los Amigos supports the proposal by the New Mexico Outdoor Recreational Division and the New Mexico Department of Game and Fish to designate segments of the East Fork Jemez River and San Antonio Creek within the Valles Caldera National Preserve as "Outstanding National Resource Waters" (ONRW) in New Mexico. Protecting the headwaters of the San Antonio Creek and East Fork Jemez River within the preserve as ONRW is consistent with the preserve's Congressional mandate to protect, preserve and restore the fish, wildlife, watershed, natural, scientific, scenic and recreational values of the area.

Our Board thanks the Commission for consideration of this proposal. Let us know if you need any further information about our previous project work necessary for your review.

Sincerely,

Peggy Gautier

Peggy Gautier
Chair

PG/nw

P.O. Box 31952 ❧ Santa Fe, New Mexico 87594-1952 ❧ www.losamigosdevallescaldera.org

April 28, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite #South 2102
Santa Fe, NM 87505

Dear Commission Members

The Bosque Chapter of Trout Unlimited based in Albuquerque supports the proposed Outstanding National Resource Waters designation proposal by the New Mexico Outdoor Recreational Division and the New Mexico Department of Game and Fish for the East Fork Jemez River, Redondo Creek, and San Antonio Creek in the Jemez River watershed.

Trout Unlimited, both on a national basis and at the state level, advocates cold water conservation by protecting and improving watersheds. This approach includes stream improvements and riparian improvements based on scientific methods, as well as protections for high-quality trout fisheries and water quality.

The Bosque Chapter of Trout Unlimited has 600 members in the greater Albuquerque area and considers the trout streams of the Jemez River watershed as our home waters. We actively work on projects in the Jemez area including stream cleanups and partnering with the San Diego Cattlemen's Association in building fences to keep cattle out of the riparian areas of the Rio San Antonio, as well as partnering with them and the Nature Conservancy in drilling wells to improve the condition of grazing allotments. We also work with the US Forest Service, NM Department of Game and Fish and the US Fish and Wildlife Service to advance trout-friendly habitat projects in the watershed.

The Outstanding National Resource Waters designation of these rivers and streams will provide extra protection for these waterways to the benefit of current and future generations. The water challenges that exist in the Jemez watershed and the great value placed on these waters warrant these extra protections.

In conclusion, we strongly urge the Commission to designate San Antonio Creek, Redondo Creek, East Fork Jemez as Outstanding National Resource Waters. Trout Unlimited's Bosque Chapter believes that this protection will assist in our state's cold water conservation efforts, to the benefit of anglers and downstream water users alike.

Regards,

Harris Klein
President Bosque Chapter Trout Unlimited
hknm@comcast.net
(505) 974-0232

NEW MEXICO WILD

January 13, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
Pamela.Jones@state.nm.us

Re: WQCC 21-62(R) – Outstanding Waters Designations for Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek)

Dear Water Quality Control Commissioners,

New Mexico Wilderness Alliance (New Mexico Wild) supports protecting the Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek) as Outstanding Waters (ONRWs). Protecting these waters will ensure that water quality is protected for generations to come.

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.

Outstanding Waters designation for these ecologically and recreationally significant waters will support and protect existing community uses, such as ranching and farming, while prohibiting new pollution from impacting our watershed. For generations the local community has depended on clean water in the Rio Hondo, Upper Rio Grande, and Jemez watersheds to water livestock and feed acequia systems. This designation will ensure that clean water continues to flow downstream to these critical watershed stakeholders and protect these traditional uses from new development and impacts.

These waters are rich with ecological resources, and they also provide significant recreational opportunities for both New Mexicans and visitors alike.

In addition, Outstanding Water protections will help draw much needed attention for restoration, and water and fuel management projects throughout these watersheds. New Mexico Wild supports the efforts to ensure the Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek) will continue to provide clean water to downstream communities and wildlife.

We urge the Commission to designate these waters as ONRWs.

Sincerely,

Logan Glasenapp
Staff Attorney
New Mexico Wild
logan@nmwild.org

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 21-62(R) – Outstanding National Resource Waters Designations for Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek)

Dear Water Quality Control Commissioners,

American Rivers supports the Outdoor Recreation Division's petition to protect the following as Outstanding Waters (ONRWs): Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek). ONRW designation of these waters will ensure that water quality is protected for generations to come.

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. As such, American Rivers is invested in durable protections for these nominated waters in northern New Mexico.

ONRW designation of the 125.9 miles of nominated streams would recognize the recreational, cultural, and ecological significance of these six water bodies. Designation will support and protect existing community uses, such as ranching and farming, while prohibiting new pollution from impacting the watershed. For generations, the local community has depended on clean water in the Rio Hondo, Upper Rio Grande, and Jemez watersheds to water livestock and feed acequia systems. This designation will ensure that clean water continues to flow downstream to these critical stakeholders and protect these traditional uses from new development and impacts.

These waters are rich with ecological resources, and they also provide significant recreational opportunities for both New Mexicans and visitors alike. Indeed, within the petition's nominated waters, 52.2 miles of the Rio Grande and 11 miles of the East Fork Jemez River are already

designated under the national Wild and Scenic Rivers Act for their outstanding values. ONRW designation complements and strengthens, but does not duplicate, water quality protections for these Wild and Scenic Rivers. In fact, by increasing the reaches of protected rivers through the proposed ONRW nominations, these invaluable Wild and Scenic Rivers will have their water quality protected at watershed scale. In addition, ONRW protections will help draw much needed attention for restoration, and water and fuel management projects throughout these watersheds.

American Rivers enthusiastically supports the efforts to ensure the Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek) will continue to provide clean water to New Mexico's communities and wildlife.

Sincerely,

TROUT UNLIMITED NEW MEXICO

May 10, 2022

Water Quality Control Commission
1190 St. Francis Drive
Suite S-2102
Santa Fe, NM 87505

WQCC 21-62(R) - Proposed Amendments to 20.6.4.9 NMAC - Standards for Interstate and Intrastate Surface Waters - Rio Grande, etc. ONRW

Dear Commissioners,

I am writing this letter on behalf of the New Mexico Council of Trout Unlimited to demonstrate our support for the petition to nominate surface waters of the Rio Grande, Rio Hondo and Lake Fork, East Fork Jemez River, San Antonio Creek, and Redondo Creek as Outstanding Waters.

Our state council has approximately 1500 members, the majority of whom live in northern New Mexico and fish and recreate in these watersheds on a regular basis. Trout Unlimited, both on a national and local level, advocates for cold water conservation by protecting and restoring local watersheds and using scientific methods to improve streams and riparian areas to benefit trout fisheries and downstream water users.

The surface waters included in this petition rank among the top fishing destinations in New Mexico and are major drivers of our state's growing tourism and outdoor recreation industries. Clean water is an essential component of good fishing and healthy aquatic ecosystems, and of cultural importance to New Mexico's diverse communities. The protection of water quality in these rivers and streams is a sound investment in New Mexico's future and supported by a wide variety of stakeholders, including Tribes, local villages, water users, and recreationists.

Please support the New Mexico Outdoor Recreation Division's petition to designate these waters as outstanding.

Sincerely,

Harris Klein
New Mexico Council Chair
Los Ranchos, NM
hknm@comcast.net

AMIGOS BRAVOS
Because Water Matters

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: Outstanding Waters Designations for Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez, River, and Redondo Creek) - WQCC 21-62(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 Rio Hondo, Lake Fork of the Rio Hondo, the Upper Rio Grande and Jemez River Headwaters.

These nominated waters have long been treasured by the people of New Mexico as exceptional recreational waters that draw residents and visitors alike from near and far to fish, boat, camp, hunt, and hike. The Upper Rio Grande is one of the most fished water segments in the state and the exciting white waters of the Rio Grande gorge provide world class rafting opportunities and support numerous white water rafting companies. San Antonio Creek and the East Fork of the Jemez flow through the Valles Caldera preserve providing recreational opportunities and supporting a rich variety of native species. The Rio Hondo and Lake Fork flow past Taos Ski Valley and the most popular hiking trail in the state. All of these nominated waters 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 some 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 the nominated waters of the Upper Rio Grande, Rio Hondo, Lake Fork, and Jemez headwatersby designating them 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

(505) 299-5404
3620 Wyoming Blvd NE Ste 222
Albuquerque, NM 87111
nmwildlife@nmwildlife.org

May 11, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505
ATT: Pamela.Jones@state.nm.us

Re: WQCC 21-62(R) – Outstanding Waters Designations for Rio Hondo, Lake Fork of the Rio Hondo, Upper Rio Grande, and Jemez River Headwaters (Rio San Antonio, East Fork Jemez River, and Redondo Creek)

Dear Water Quality Control Commissioners,

The New Mexico Wildlife Federation strongly supports the pending outstanding waters designations for the Upper Rio Grande, the Lake Fork of the Rio Hondo and the headwaters of the Jemez River.

Founded in 1914 by pioneering conservationist Aldo Leopold, the NMWF is the state's oldest conservation

organization representing the interests of hunters, anglers, fish and wildlife.

The NMWF supports pending efforts by the New Mexico's Outdoor Recreation Division (ORD), within the Economic Development Department to protect the waters that drive our state's multi-billion dollar outdoor recreation economy.

The staff and membership of the NMWF know and cherish the waters covered by this pending ONRW application. We recognize that increased protection for these waters is integral to supporting our state's growing outdoor recreation economy and local communities.

If successful, this pending application would protect the water quality of these rivers in perpetuity for surrounding landowners and community members, acequias, hunters, anglers and birders. This protection will pay real dividends for surrounding communities and New Mexico as a whole, including increased job creation and increased tourism for generations to come.

The NMWF views it as critical for New Mexico to invest in environmental protection to preserve the waters' ecological, recreational, cultural, and economic value. This ONRW designation represents a public commitment to the future of these waters and to the communities that rely on them.

Thank you for your consideration of these comments. Please contact me with any questions and please keep me informed of action on this application.

Best Regards,

Jesse Deubel,
Executive Director, NMWF

JEMEZ WATERS NOMINATION

Land Owner Support

May 2, 2022

New Mexico Water Quality Control Commission
1190 Saint Francis Drive
Suite South 2102
Santa Fe, New Mexico. 87505

Re: WQCC 21-62(R) - Proposed Amendments to 20.6.4.9 NMAC

Dear Commissioners:

I write this letter in favor of designating the East Fork of the Jemez River, San Antonio Creek, and Redondo Creek in the Jemez Mountains as Outstanding Natural Resource Waters.

Water enables human culture in the southwestern United States. The only reason human beings have lived in the Jemez Mountains for the last fourteen thousand years is the presence of water. Water shaped this landscape. San Diego Canyon, where I live, was formed when the Jemez River breached the caldera rim and drained an ancient lake (the bed of which is now the expansive meadowlands in Valles Caldera). I moved to these mountains because of the creeks and rivers. I would like to see them protected with every tool available.

I live between mileposts 14 and 15 on Highway 4. The Jemez River flows less than one hundred yards from my home. My garden relies on the moisture in the soil in this small bosque bottomland along the river. I fish the river. I hike the river. I collect trash along the river. I have participated in conservation projects on the rivers and trails in these mountains: collecting garbage, building fences and barriers, constructing artificial beaver dams, maintaining trails, backpacking trout fingerlings to repopulate Frijoles Canyon, installing picnic benches. I try to be a good steward. I think these ONRW designations will help us all be good stewards for these rivers.

This is my home; these waters are my home waters, but they do not belong to me, or to my neighbors, alone. According to the New Mexico Constitution, the waters and the rivers belong to all New Mexicans. They are not just a local resource, they are a state resource. Like the forestlands that surround me, protected by the Santa Fe National Forest for all to enjoy, the natural resources of the Jemez Mountains are a national resource. We should use every tool available to protect them.

ONRW status will provide an extra level of protection for these Jemez Mountain streams that are so important to me. I welcome this new tool to prevent activities that threaten our streams and therefore help keep our waters clean and pure for those who come after us. I also think there are opportunities to designate other headwaters in the Jemez Mountains, especially Cebolla Creek and the many drainages on the Pajarito Plateau (especially those creeks and rivers that flow through the Dome Wilderness and Bandelier National Monument).

In summary, I strongly urge the Commission to designate these segments of the East Fork Jemez, San Antonio Creek, and Redondo Creek as Outstanding National Resource Waters. I believe that this extra protection will help preserve clean, cool mountain streams for future generations.

Sincerely yours,

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