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GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

September 20, 2024

Santa Fe National Forest, Supervisor's Office
11 Forest Lane
Santa Fe, NM 87508

RE: Hermit's Peak and Calf Canyon Burned Area Recovery NEPA Project, Initial Ideas of Recovery Work

Dear Pecos/Las Vegas Ranger District of the Santa Fe National Forest,

The New Mexico Environment Department-Surface Water Quality Bureau (SWQB) appreciates this opportunity to participate and provide public comments regarding post-fire recovery actions in the HPCC burned area. The SWQB has prepared the following comments:

Comment #1, Best Management Practices (BMPs): Forestry actions, including the removal of hazard trees and reducing the risk of future catastrophic wildfires, should be conducted with BMPs designed to protect water quality. For example, riparian and wetland buffer zones may help minimize potential adverse environmental effects, and removed dead or dying trees may be later used to support instream or floodplain restoration projects.

Comment #2, Clean Water Act (CWA) Sections 401, 402, and 404: A CWA Section 404 permit (<https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/Permitting-Overview/>) and CWA 401 Water Quality Certification (<https://www.env.nm.gov/surface-water-quality/dredgeandfillactivities/>) may be required for watershed restoration and other engineering activities located within waters of the United States. Construction activities that disturb 1-acre or more of ground surface may require a Construction General Permit (CGP) under CWA Section 402 and the National Pollutant Discharge Elimination System (NPDES) program (<https://www.epa.gov/npdes-permits/npdes-stormwater-program-region-6#cgp>).

Comment #3, SWQB funding programs: The SWQB is responsible for two (2) funding programs that can further support USFS Recovery Work: (1) the River Stewardship Program for improving water quality and stream habitat (<https://www.env.nm.gov/surface-water-quality/river-stewardship-program/>), and (2) the Clean Water Act Section 319 program for implementing water quality restoration projects that have been described in a watershed based plan. The watershed based plans for the HPCC burned area include the Upper Gallinas Watershed Based Plan, Sapello River Watershed Based Plan, and the Upper Pecos Watershed Based Plan which are available here: <https://www.env.nm.gov/surface-water-quality/wbp/>.

Sincerely,
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