

1. How supportive are you of NMED taking the steps needed to develop a state-led water quality permit program for surface waters in New Mexico?
 - a. Very supportive
2. Please share some thoughts on why you answered Question 1 as you did.
 - a. In New Mexico, our communities, our cultures, and our economies are all shaped by water. The Supreme Court's decision in *Sackett v. EPA* has made it abysmally clear that decisions on protecting our most precious resource must be made by those who know these waterways best. As NMED well knows, the decision in *Sackett* follows years of erosion of federal protections. We have greatly appreciated NMED's willingness to push back on decisions related to the definition of waters of the United States (WOTUS) in recent years that have disproportionately impacted New Mexico. These regulatory changes around definitions of WOTUS has created deep uncertainty for New Mexico businesses, as well as leaving far too many of our waterways vulnerable to pollution and degradation. Over half of the vertebrate species that occur in New Mexico utilize aquatic and riparian areas at some point in their life cycle and this number catapults to over 80% when examining the life cycles of "sensitive and specially classified" vertebrate species. These important habitats must be protected. The "relatively permanent" language expressed in the *Sackett* decision throws back into question the protection status of ephemeral and intermittent streams, which as Secretary Kenney rightly laid out in comments related to WOTUS rulemaking in 2019, "are fundamental to maintaining water quality and overall watershed function" and "cannot be scientifically isolated because the cumulative effects of these streams impact the hydrological, biogeochemical and ecological functioning of a watershed." We are in strong support of a state-led program that would enable the decisions on how to protect New Mexico's waterways to be made here in New Mexico.

Fundamentally, however, the *Sackett* decision is about wetlands. We urge NMED as part of this effort to consider additional protection for wetlands across the state. Although it is not yet known the full extent of the loss of protections for New Mexico's wetlands, initial reporting indicates it will be extensive. The "relatively permanent" language included in the *Sackett* decision goes even a step further than the 2020 Navigable Waters Protection Rule, which was of itself a radical re-interpretation of the Clean Water Act. New Mexico's wetlands are too important to lose and leaving these areas open to pollution and degradation, with the added threat of climate change, will result in significant loss. From the habitat they provide for a wide variety of species, to the role they play in climate regulation, improvement of water quality, natural flood control, and nutrient cycling, to the cultural and recreational value they add to our lives: New Mexico's wetlands are too critical to risk losing. We urge NMED to consider protections that would ensure no loss of function or area for our state's wetlands.

We also believe this state-led program will be an important mechanism for protecting New Mexico's closed basins. Although these areas lack connection to traditional navigable waters, they are nonetheless important and we hope NMED will investigate how to ensure these waters are protected for future generations.

3. From your perspective, what are the top three benefits of having a state-led water quality permit program for New Mexico surface waters? (Select three from list of answers below)
 - a. Local knowledge of NM's facilities and waters
 - b. Protection for all important surface waters
 - c. State-led enforcement
 - d. Other options:
 - i. Streamlined permitting process
 - ii. Compliance assistance available
 - iii. Not dependent on federal policies
 - iv. Other
4. What concerns or questions do you have about a state-led water quality permit program for New Mexico's surface waters?
 - a. In the 2023 legislative session we actively supported the \$680,000 appropriation to NMED regarding a surface water quality permitting program. We understand that setting up such a program will take time, as well as significant resource and capacity investments, but want to urge the agency to move forward as quickly as possible due to the urgency that the *Sackett* decision has created. We hope to continue to work with NMED to better understand what is needed and how we and our thousands of members across the state can play a supporting role.
5. What is the perspective you represent? (Pick the option that best characterizes your interest related to state water quality permits for surface water.)
 - a. Environmental organization
6. Do you currently have a surface water quality permit, often referred to as an NPDES permit?
 - a. No.
7. How would you like to receive updates and information? (Check all that apply.)
 - a. All (listed below)
 - i. NMED's listserv to your email address
 - ii. Attend virtual meetings
 - iii. Attend in-person meetings
 - iv. Updates on NMED's website
 - v. Updates on NMED's social media
 - vi. Other