

# New Mexico State Wetland Program Summary



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## Section A. Quick View

### Description of New Mexico's Wetlands

Wetlands cover about 482,000 acres (0.6 percent) of New Mexico; most are in the eastern and northern areas of the State. New Mexico's wetlands include forested wetlands, bottom-land shrublands, marshes, fens, alpine snow glades, wet and salt meadows, shallow ponds, and playa lakes. Riparian wetlands and playa lakes are especially valuable to migratory waterfowl and wading birds. The state is currently working on dividing wetlands into subclasses. The state is specifically concerned about drainage of lowland wetlands, which do not recover from being drained.

### State Definition of Wetlands

Wetlands are considered state waters, meaning all waters, including situated wholly or partly within or bordering upon the state, whether surface or subsurface, public or private, except private waters that do not combine with other surface or subsurface water.

In New Mexico's state surface water quality standards (<http://164.64.110.239/nmac/parts/title20/20.006.0004.htm>), wetlands are defined as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions in New Mexico." Wetlands that are constructed outside of a surface water of the state for the purpose of providing wastewater treatment and that do not impound a surface water of the state are not included in this definition.

### Historic Wetland Loss/Gain in New Mexico

Original Wetland Acreage	Remaining Wetland Acreage	Acreage Lost	% Lost
1,000,000	482,000	518,000	52%

**Detail:** New Mexico has revisited its wetland acreage data, finding that a significant number of acres were not originally mapped in the USFW 1989 Dahl Study of wetlands. Original wetland acreage was listed as 720,000 in the Dahl study. New Mexico's research has revised this number to approximately 1 million acres of wetlands, increasing the estimated loss of wetlands from 33% to 52%.

## Primary State Wetlands Web Page

<http://www.nmenv.state.nm.us/swqb/Wetlands/>

## State Wetland Program Plan

The New Mexico Department of Surface Water Quality Bureau (SWQB) Wetlands Program developed its first wetland program plan in 2003. This state's wetland program plan was updated in 2012, providing a plan to continue progress towards a "comprehensive and sustainable" Wetlands Program for New Mexico. To view the Plan, go to:

[http://water.epa.gov/type/wetlands/upload/new\\_mexico\\_wpp-2012.pdf](http://water.epa.gov/type/wetlands/upload/new_mexico_wpp-2012.pdf). New Mexico is currently working on an update of the plan.

## No Net Loss/Net Gain Goal

New Mexico has not formally adopted a "no net loss" goal.

## State Resources for Management of Wetlands (2014)

	Regulatory	Monitoring and Assessment	Wetland Water Quality Standards	Voluntary Restoration
<b>Agency</b>	NM Environment Department	NM Environment Department	NM Environment Department	NM Environment Department
<b>Source(s)</b>	401 cert program – 319 funds; Regulatory module for rapid assessment – EPA Wetland Program Development Grant	Wetland Program Development Grant	Wetland Program Development Grant	Wetland Program Development Grant; Legislature-approved state funds (River Stewards)
<b>Amount</b>	Information not available	Information not available	Information not available	Varies by year. In 2014, % of overall (\$2.3m budget for 4 years); in 2012 = \$1.5m; in 2013 = \$0
<b>Staffing</b>	0.55 FTE (Sum of 0.25 FTE+.05 FTE+.25 FTE)	1.5 FTE (Sum of 0.5 FTE+0.2FTE+0.25 FTE+0.65FTE)	0.45 FTE (Sum of 0.25 FTE+0.20 FTE)	0.93 FTE (Sum of 0.50 FTE+0.33 FTE+0.10 FTE)

## State Permitting Fees

State Permitting Fee	State Name
Yes/No	NO
Amount (range)	N/A
Agency	N/A

## Innovative Features:

- New Mexico Wetlands Action Plan
- Restoration Work

## **Models and Templates:**

(See above)

## **Section B. New Mexico's Regulatory Approaches**

### **How are New Mexico's Wetlands Regulated?**

New Mexico regulates wetlands through surface water quality management and §401 certification under the Clean Water Act (CWA). NMED's Surface Water Quality Bureau (SWQB) is responsible for the protection and management of the waters of the state, including wetlands. SWQB's Watershed Protection Section (WPS) coordinates all CWA §401 certification and §404 permits with the U.S. Army Corps of Engineers ("Corps"), as well as §319(h) activities in watersheds with Total Maximum Daily Loads or with assessed data.

The basic authority for water quality management in New Mexico is provided through the State Water Quality Act. This law establishes the Water Quality Control Commission (WQCC) and specifies its duties and powers. The commission is the state water pollution control agency for New Mexico for all purposes of the CWA and the Safe Drinking Water Act.

New Mexico also has agreements with Forest Management and Bureau of Land Management. Both agencies have representatives that meet with wetlands staff monthly and the partners hold an annual meeting.

### **Wetland Delineation**

<b>Delineation Method</b>	<b>YES</b>	<b>NO</b>	<b>Description</b>
Use State's Own Delineation Method		X	
Use Corps '89 Manual with Regional Supplements	X		
Other		X	

### **Evaluation Methodology:**

New Mexico uses the Corps Manual. For compensatory mitigation, the state uses a regulatory Rapid Assessment Method (RAM) and NatureServe wetland classifications.

### **Exempted Activities**

Comparable to federal exemptions.

### **Special Provisions for Agriculture and Forestry**

Comparable to federal provisions.

### **Penalties and Enforcement**

EPA conducts all enforcement activities for the state of New Mexico, including determining penalties.

### **Permit Tracking**

The State of New Mexico has not developed a system for tracking permits or mitigation.

### State General Permit (statewide vs. regional coverage)

State General Permit	Yes	No	Detail (Type of Permit)
Regional	X		
Statewide		X	

### Assumption of 404 Powers

Assumption Status	Yes	No	Detail
Assumed		X	
Working Toward Assumption		X	
Explored Assumption		X	

### Joint Permitting

New Mexico has a joint §404/401 permit with the Corps.

### Special Area Management Plans and Advanced Identification Plans

None. However, the state does have special certification for Outstanding Natural Resource Waters.

### Mitigation Policy

The Corps is responsible for mitigation in New Mexico. The State of New Mexico has no state guidelines, policies or legislation (beyond federal requirements) that outline mitigation requirements for permitted impacts to wetlands or streams. The Corps has recently revised their guidelines. Within the state, there is not a lot of mitigation activity, with not enough to enable the development of mitigation banks.

### Mitigation Database

The Corps manages data on mitigation through the national RIBITS database.

### Buffer Protection

Condition assessments require review of buffer condition (5-metric evaluation). Santa Fe' includes a 100-foot buffer component for wetlands and streams. They also prevent certain activities. Buffers are also considered in the establishment of grazing allotments, requiring the avoidance of riparian areas to reduce pressure on wetlands. Finally, the state is also looking into working with private landowners adjacent to public lands. Private land owner will be asked to voluntarily apply federal rules to private lands if they are adjacent to public lands in order to create a large buffer around public lands.

## Section C. Monitoring and Assessment

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### Agency Responsible for Wetland Monitoring and Assessment

In 2010, The New Mexico Environment Department Surface Water Quality Bureau developed a State of New Mexico Surface Water Quality 10-year Monitoring and Assessment Strategy. This document can be downloaded from: <http://www.nmenv.state.nm.us/swqb/MAS/monitoring/10-YearMonitoringPlan.pdf>.

The state does not have an associated monitoring and assessment budget and has only been able to do wetland monitoring and assessment through EPA Program Development Grants.

## Mapping/Inventory

New Mexico has a statewide GIS website on a variety of topics, serving multiple agencies. The state participated in NWI+ updates. The state is starting to work on mapping the Sacramento Mountain Range.

## State Wetland Mapping Information Portal

Forthcoming. Currently the state is working on an NWI update, but will have a link on its own website in the near future.

## Wetland Classification and Assessment

The state is currently working on several modules. They are currently working on Version 2.0 of their Mid-montane Field Manual.

## Statewide Monitoring Plan

Wetland water quality monitoring goals are included in the state's Wetland Program Plan:

[http://water.epa.gov/type/wetlands/upload/new\\_mexico\\_wpp.pdf](http://water.epa.gov/type/wetlands/upload/new_mexico_wpp.pdf)

## Overall Wetland Gain and Loss Tracking System

None.

**New Mexico's wetland monitoring and assessment program has the following characteristics:**

Level	None	Level 1	Level 2	Level 3
<i>New Mexico</i>		X (Mapping)	X (RAM)	X (IBI Development)

Type	None	IBI	Conditional	Functional
<i>New Mexico</i>		X	X (Not for all)	No functional assessment (but applying a suite of functions as a mapping element)

Frequency	None	Project Specific	Ongoing
<i>New Mexico</i>		X (Level 3 IBI)	Rapid Assessment Mapping

## National Wetland Condition Assessment (NWCA) Participation

NWCA Study Type	Yes	No
National Study	X	
State Intensification Study		X

## Section D. Wetland Water Quality Standards

New Mexico has not adopted wetland-specific water quality standards. However, the state's surface water quality standards (WQS) do apply to all state waters, which include wetlands. The New Mexico Administrative Code outlines numeric and narrative surface water quality standards, including both site-specific and use-specific criteria,

which are established by the WQCC to protect designated, existing, and attainable uses. State code does not identify separate designated uses or anti-degradation standards for wetlands, defaulting to designated uses and anti-degradation provisions for surface waters.

Click here to view New Mexico’s Standards for Interstate and Intrastate Surface Waters:

<http://www.nmcpr.state.nm.us/nmac/parts/title20/20.006.0004.htm>

The New Mexico Wetland Program Plan (last updated in 2012), indicates that the New Mexico Environment Department’s Surface Water Quality Bureau is in the process of:

- Developing wetlands narrative standards by subclass
- Developing appropriate wetland-specific designated uses for the riverine wetland subclass (only)
- Drafting water quality standards for mid-montane and lowland wetland subclasses
- Reviewing the state’s anti-degradation implementation policy to determine if additional language is needed to protect wetland functions, condition and hydrologic regime.

Type	None	Use Existing WQ Standards	In Process	Adopted	Future Direction
Wetland-specific Designated Uses		√	√		
Narrative criteria in the standards to protect designated wetland uses		√	√		
Numeric criteria in the standards based on wetland type and location to protect the designated uses		√			
Anti-degradation policy includes wetlands		√	√		

**Description:** New Mexico is participating in an ACWA project on wetland water quality standards; looking at models. New Mexico is considering looking at NWCA data from a statistical point of view to back up wetland water quality standards.

**Section E: Voluntary Restoration and Protection**

**Program Description**

New Mexico has operated a wetland restoration program (operated by the wetland program) since 2003. This program encourages volunteer participation in on-the-ground wetland restoration projects, and helps obtain funding for

projects. The restoration program is part of a larger initiative to improve the state’s watersheds and water quality. Funding for the program has come from nine separate EPA grants. The larger initiative employs a cost-share approach to further the state’s mitigation, restoration, and conservation efforts. SWQB provides funding for watershed groups (especially if the watershed plan includes an addendum for “wetland action plans”) to reduce TMDL pollutants in their watersheds and uses TMDL pollutant levels to prioritize sites for funding. New Mexico tribes serve as program partners whenever the opportunity arises. Additional restoration occurs under the 319 program as well.

The state’s wetland restoration program is part of a larger initiative to improve the state’s watersheds and water quality. The larger initiative employs a cost-share approach to further the state’s mitigation, restoration, and conservation efforts. Collaborators include ACOE, Forest Service, BLM, Game and Fish, Interstate Stream Committee, State Land Office, Local and Tribal government, and others. The state averages ~60 acres of voluntary restoration/year. Voluntary wetland restoration includes the restoration of buffers in New Mexico’s program.

**Types of Wetland Restoration Work Funded by the State:**

Type of Work	YES	NO	Description
Fund Wetland Restoration (may include easement agreements)	X		Wetlands program, 319 funding, stream stewards, Water Trust Board, Fish and Wildlife Programs
Private Land Restoration	X		Wetlands Program
Public Land Restoration	X		Wetlands Program; State provides 319 funding for watershed groups (information available on the WPS website)
Technical Assistance	X		
Tax Incentives		X	
Other			

**Wetland Program Goals**

New Mexico’s voluntary wetland restoration program sees to restore functions, rather than acreage. Restoration is focused on restoring ecological services of wetlands.

Effort	Nothing in the Works	Planning	In Progress	Complete
Program has a set of restoration goals				√
Coordinate with relevant agencies that outline restoration/protection goals and strategies and timeframes				√
Develop multi-agency body to coordinate restoration/ protection efforts	X Do not have multi-agency that makes decisions		However, the state does hold multi-agency roundtables	√
Set restoration goals based on agency objectives and available information				√

**New Mexico landowner guides/handbooks to assist with voluntary restoration efforts**

New Mexico offers a number of guides to assist with voluntary wetland restoration, which can be found at: <https://www.env.nm.gov/swqb/Wetlands/>. These include: Healthy Streamsides for Wetlands, Guide for Landowners, and Characterization and Restoration of Slope Wetlands in New Mexico.

**Section F. Innovative Education and Outreach**

All projects have an education and outreach component. They have advisory groups to RAMs, public meetings before RAMs are conducted, annual trainings on rapid assessment, outreach to watershed groups to show them how to use map projects, and workshops on the New Mexico Slope Methodology.

**Section G. Climate Change and Wetlands**

The state talks about climate change issues at state wetland roundtables and address targeted issues. Wildfires are viewed as a product of climate change. If fires burn old growth forests, then they will not come back with the same species. The state is also working with ranchers to allow vegetation to grow in order to sequester carbon. There is no statewide climate adaptation plan.

**Other Non-Climate Change Adaptation Efforts:**

**Section H. Integration Efforts**

Entity/Program Area	Yes/No	Description of the Connection	Contact for Follow-up
NPDES/Stormwater	YES	Part of 10-year plan to incorporate wetland objectives into NPS pollution abatement; 319 connections	
303(d)	NO		
305(b) Reports	YES	Updated by the Wetlands Section every 2 years	
TMDL	YES	SWQB provides funding for watershed groups to reduce TMDL pollutants in their watersheds and uses TMDL pollutant levels to prioritize sites for funding.	
Climate Change/ Climate Resiliency	YES	Targeted issues where climate has had an impact and there are possibilities to reduce that impact	
Land Use Planning/watershed planning	YES	SWQB also provides funding to watershed groups to develop wetland action plans that delineate goals for protection, restoration, mapping, monitoring and education.	
Flood/Hazard Mitigation	YES	River storage projects targeting fire issues with state funding	
Coastal Work	NO		
Other (Specify)	NO		



## State Wetland Program Development Continuum

Level of Completeness		Core Element 1: Regulation	Core Element 2: Monitoring & Assessment	Core Element 3: Wetland Water Quality Standards	Core Element 4: Voluntary Restoration
Mature Stage	High	X			X
Working on Implementation	↑				(Leaders in developing restoration methods and funding)
Working on Developing			X	X	
Early Stage	Low			(Outstanding natural waters and anti-degradation incl. wetlands)	

### Section J. State Wetland Program Contact Information

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 Coordinator, CWA § 401 Certification Program  
 New Mexico Environment Department  
 Surface Water Quality Bureau – Watershed Protection  
 1190 S. St. Francis Drive, N2067  
 Santa Fe, New Mexico USA 87505

### Section K. Useful Website Links for New Mexico

#### State Government Programs

1. Environment Department
  - a) Surface Water Quality Program
    - <http://www.nmenv.state.nm.us/swqb/Wetlands/>
    - i. Monitoring, Assessment & Standards Program  
<http://www.nmenv.state.nm.us/swqb/MAS/>
    - ii. Point Source Regulation Section  
<http://www.nmenv.state.nm.us/swqb/PSR/>
    - iii. Watershed Protection Section  
<http://www.nmenv.state.nm.us/swqb/wps/>
    - iv. Dredge-And-Fill Permits  
<http://www.nmenv.state.nm.us/swqb/404/>
    - v. River Ecosystem Restoration Initiative

- <http://www.nmenv.state.nm.us/swqb/RERI/>
- vi. Sedimentation/ Siltation Thresholds Development Plan  
<http://www.nmenv.state.nm.us/swqb/Sedimentation/>
- vii. NPDES Stormwater Permit Program  
<http://www.nmenv.state.nm.us/swqb/StormWater/>
- viii. Water Quality Standards  
<http://www.nmenv.state.nm.us/swqb/Standards/>
- ix. Wetlands Program
  - Wetland Action Plans  
<http://www.nmenv.state.nm.us/swqb/Wetlands/planning/>
  - Wetland Projects  
<http://www.nmenv.state.nm.us/swqb/Wetlands/projects/index.html>
- 1. Department of Game & Fish
  - a) Conservation Program  
<http://www.wildlife.state.nm.us/conservation/index.htm>
- 2. Department of Agriculture
  - a) Pesticide Compliance Section  
<http://www.nmda.nmsu.edu/pesticides/protecting-water-and-endangered-species/>
- 3. Energy, Minerals & Natural Resources Department  
<http://www.emnrd.state.nm.us/>
  - a) State Forestry Division
    - i. Forest Stewardship Program  
<http://www.emnrd.state.nm.us/SFD/ForestMgt/ForestStewardship.html>
  - b) State Parks Division  
<http://www.emnrd.state.nm.us/SPD/TrailsatStateParks.html>
- 4. Office of the State Engineer
  - a) Interstate Stream Commission  
[http://www.ose.state.nm.us/isc\\_index.html](http://www.ose.state.nm.us/isc_index.html)

## **Federal Government Programs**

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## **Other Organization Wetland Programs**

1. New Mexico Riparian Council  
<http://www.ripariancouncil.org/>
2. New Mexico Wildlife Federation  
<http://www.nmwildlife.org/>
3. University of New Mexico: Museum of Southwestern Biology
  - a) Natural Heritage New Mexico
    - i. New Mexico Rapid Assessment Method  
<http://nhnm.unm.edu/>
4. Santa Fe Botanical Garden
  - a) Leonora Curtin Wetland Preserve  
<http://www.santafebotanicalgarden.org/visit-us/leonora-curtin-wetland-preserve/>
5. New Mexico Highlands University: New Mexico Forest and Watershed Restoration Institute

- a) Forest and Watershed Health Information Clearinghouse  
<http://allaboutwatersheds.org/>