



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

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December 19, 2013

James Hogan  
Acting Chief  
Surface Water Quality Bureau  
New Mexico Environment Department  
Harold Runnels Building (N2056)  
P.O. Box 5469  
Santa Fe, NM 87502-5469

Dear Mr. Hogan: *James*

I am writing in response to Deborah Sarabia's October 18, 2013 request for technical review of the Surface Water Quality Bureau's (SWQB) use attainability analysis (UAA) for waters associated in the Pecos, Tularosa, Mimbres and Salt basins. I have completed my review and have outlined my findings below.

In developing this UAA, the SWQB relied on range of sources of information and utilized its recently developed Hydrology Protocol (NMED 2011). The SWQB's approach was to gather and review available data assessing hydrological, geomorphic, and biological indicators to determine if these waters are capable of supporting Clean Water Act (CWA) section 101(a)(2) goal uses as required by 40 CFR 131.10. The UAA assessed the following waters:

**Pecos River Basin**

Aqua Chiquita from Rio Peñasco to McEwan Canyon  
Grindstone Canyon from Grindstone Reservoir to headwaters

**Tularosa Closed Basin**

San Andres Canyon

**Mimbres Closed Basin**

San Vicente Arroyo from Mimbres River to Maudes Canyon

**Salt Closed Basin**

Sacramento River below Scott Able Canyon  
Scott Able Canyon

Based on its UAA, the SWQB staff determined that the waters in the Pecos, Tularosa and Mimbres Basins could not support CWA §101(a)(2) goal uses based on 40 CFR 131.10(g)(2). As part of my technical review, I considered all the supporting information from the Hydrology Protocol evaluation reported in the SWQB's UAA. The possibility of hydrologic modification from discharge, diversion and groundwater withdrawals were of particular interest. The supporting data indicated that although there are groundwater wells that are in proximity to some of these streams, and some water right declaration exist, neither are significant and do not appear

to alter in-stream hydrology. No other hydrologic features appear to enable these streams to support CWA §101(a)(2) goal uses. I consider the SWQB's recommendation that the designated uses and criteria identified in 20.6.4.97 NMAC to be appropriate for the following waters and are therefore technically approved:

**Pecos River Basin**

Aqua Chiquita from Rio Peñasco to McEwan Canyon  
Grindstone Canyon from Grindstone Reservoir to headwaters

**Tularosa Closed Basin**

San Andres Canyon

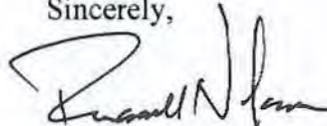
**Mimbres Closed Basin**

San Vicente Arroyo from Mimbres River to Maudes Canyon

Since this is not a final action by EPA, it is not subject to the outcome of consultation with the U.S. Fish and Wildlife Service under Section 7(a)(2) of the Endangered Species Act. During New Mexico's next triennial revision, the SWQB should propose modifications based on this UAA. Once adopted and submitted by the Water Quality Control Commission, EPA will make a final determination under §303(c) of the CWA.

I appreciate your and the SWQB staff's efforts in the development of this UAA. If you have any questions concerning this letter please call me at (214) 665-6646.

Sincerely,



Russell Nelson  
Regional Standards Coordinator

Enclosure

cc: Kristine Pintado  
Standards, Planning and Reporting Team  
Surface Water Quality Bureau

Deborah Sarabia  
Assessment and TMDL Team  
Surface Water Quality Bureau