

TECHNICAL SUPPORT DOCUMENT

EPA Technical Review of Use Attainability Analyses Supporting Amendments To The New Mexico's Standards For Interstate and Intrastate Surface Waters 20.6.4 NMAC

**The Perennial Reaches in Segments 20.6.4.803, 804 and
Proposed Segment 20.6.4.807 of the Mimbres River**

**U.S. EPA REGION 6
WATER QUALITY PROTECTION DIVISION**

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I. Introduction

Background

The purpose of this Technical Support Document (TSD) is to provide the results of the Environmental Protection Agency Region 6 technical review of the supporting discussion draft use attainability analyses (UAA) for the perennial reaches of the Mimbres River in existing segments 20.6.4.803, 804 and a new proposed segment 20.6.4.807 NMAC. The findings from this UAA for these segments of the Mimbres River are expected to be used by the New Mexico Environment Department (NMED) as a basis for proposed amendments to New Mexico's water quality standards in the current 2015 triennial revision or in a subsequent interim rulemaking.

The Region's technical review does not constitute a final action under §303(c) of the Clean Water Act (CWA), but is an interim action utilizing previously approved performance-based provisions (*See* 65 FR 24647, 24648 ((April 27, 2000))). This approach is intended to allow the state to make appropriate water quality management decisions for the water(s) identified above based on the findings outlined in this TSD prior to final submission to EPA by the New Mexico Water Quality Control Commission.

Chronology of Events

The Surface Water Quality Bureau (SWQB) initially developed a use attainability analysis (UAA) for the Mimbres River in March 2014 based on the SWQB's Air-Water Temperature Correlation for New Mexico streams using corroborative survey data from prior years (NMED/SWQB, 2011). A discussion draft was posted for public comment on April 1, 2014 as part of the state's 2013 Triennial Review. This 30 day public comment period ended April 30, 2014. An additional 30 days was requested on April 28, 2014 for review of the Triennial Public Draft, which included the Mimbres UAA draft, extending the review to May 30, 2014. No substantive comments were received regarding the Mimbres UAA and no public meetings were held concerning the UAA. However, physical copies were made available during a public meeting for the Upper Gila, San Francisco, and Mimbres TMDL bundle held on July 10, 2014 in Silver City, NM.

The SWQB provided a final draft UAA for the Region's technical review pursuant to section 20.4.6.15 C. NMAC on July 21, 2014. EPA provided informal comments to the SWQB on January 14, 2015 and continued discussions through informal communications. EPA provided informal comments on January 14, 2015 and received an informal response from NMED staff on April, 13, 2015. Region 6 is providing its technical determination on the final draft UAA in this TSD.

Summary of the Use Attainability Analysis Findings

The SWQB developed this UAA to allow a determination of the attainable aquatic life uses in segment 20.6.4.803 and 804 NMAC of the Mimbres River. Based on 2003 and 2009 temperature

datasets, the SWQB determined that the segment 20.6.4.804 should be modified, creating a new regulatory segment 20.6.4.807. This new segment would extend from Cooney Canyon to the headwaters of the Mimbres River, and include all perennial tributaries contained in the Subalpine Forrest ecoregion (23d) and retain the High Quality Coldwater (HQCW) aquatic life use (ALU) designation that applied to the original segment 20.6.4.804. This means that the original segment 20.6.4.804 will be redefined, running from Allie Canyon to the mouth of the Mimbres. Based on the same data, the SWQB also determined that HQCW ALU in the remaining original segment is not attainable and should be re-designated with a Coolwater (CW) ALU.

Although the 2009 survey data exhibited lower flows as compared to the 30 year mean (USGS), interannual variation in flows, and both the 2003 and 2009 temperature dataset suggest that the 29°C criteria associated with CW ALU is not attainable in segment 20.6.4.803. Based on these data, the SWQB determined that a segment-specific criterion of 30°C and that the CW ALU is more appropriate for segment 20.6.4.803.

II. EPA Review and Technical Determination

Consistent with the Clean Water Act (CWA) §101(a)(2), section 20.6.4.6 NMAC of the New Mexico surface water quality standards require that wherever attainable, water quality shall provide for the protection and propagation of fish, shellfish and wildlife and for recreation in and on the water. Also consistent with federal regulations at 40 CFR 131.10, the New Mexico standards at §20.6.4.15 NMAC provide for the development of a UAA by the SWQB or a 3rd party.

Review of Use Attainability Analysis Results

One of the most significant aspects of the SWQB's UAA is the discussion of the physical characteristics of the Mimbres River describing the correlation between ambient air and water temperatures using the SWQB's Air-Water Temperature Correlation (NMED/SWQB, 2011) protocol. The UAA provided a look at the historical and current biological assemblages to determine if the proposed ALU recommendations are appropriate for the portion of the Mimbres River under consideration. A discussion of these factors follows.

Study Area

The UAA provided an extensive description of the study area. The document describes the Mimbres as closed basin watershed in southwestern New Mexico (USGS HUC 13030202). The watershed spans several ecological zones as described in Figure 1 and Table 1 of the document. The Mimbres watershed drains approximately 5,140 square miles, and consists of approximately five perennial confluences or tributaries, with the mainstem being approximately 91 miles in length. The Mimbres River system traverses four Level IV Ecoregions; the Arizona/New Mexico Subalpine Forests (23d), the Montane Conifer Forests (23c), the Madrean Lower Montane Woodlands (23b), and the Chihuahuan Desert Grasslands (24b).

Precipitation in the Silver City Range, the Black Range and the Mimbres Mountains are the main source areas for flow in the Mimbres basin. The headwaters of the Mimbres originate with snowmelt and rainfall on the southwestern slopes of the Mimbres Mountains, the most southwestern part of the Black Range, which lies almost entirely within the Gila National Forest. The majority of the Mimbres valley is in privately held. The document noted that a five mile stretch of the Mimbres lies in a conservation easement held by The Nature Conservancy (TNC) for the protection of riparian zones as habitat for the Chiricahua leopard frog (*Lithobates chiricahuensis*), and is being managed to restore the natural flow regime, and promote recovery of aquatic habitat loss.

Restoration of flow regime in the TNC easement is notable because it speaks to one of the overarching questions of flow and its influence on in-stream temperature and ultimately use attainment. The question of whether surface diversions, groundwater withdrawal or other anthropogenic activities such as mining have or continue to alter in-stream conditions in the Mimbres is significant. The UAA notes that water use in the Mimbres basin includes both surface water diversions for agriculture and groundwater pumping for agriculture, mining, and municipal uses. Consumption of groundwater for irrigation peaked in 1979 at 72,725 Acre-Feet, but more recent data shows a continual decline in use, and is now less than half of the peak drawdown (28,170 Acre-Feet in 2005) (Cuddy *et al.*, 2011). However, basin-wide analysis shows continuing significant drawdown or loss, with an average 0.3 ft. well water level loss per year (Effati, 2014).

The UAA reports that the Mimbres once had the capability to occasionally flow all the way to Deming, NM and had vast floodplain wetlands (Clothier, 2014). However, more recent data shows that the Mimbres River surface flow ceases north of Deming and that the dry river bed periodically channels storm flow beyond the area where cessation of surface flow typically occurs, but doesn't give any historical context. The cessation of flow is at least partially due to vegetative type conversion from native grasslands to shrub land and non-native annuals over very large areas likely due to long-term grazing. Soil compaction and denudation of vegetation has increased the surface runoff coefficient in places and destabilized banks, resulting in many new arroyos (Clothier, 2013). These are not discussed as controllable factors in water yield, evapotranspiration rates, and reduced groundwater recharge, all of which may affect use attainment.

Geomorphology of the Mimbres Basin

The UAA provides a comprehensive description of the ecoregional setting in the Mimbres basin. The progression of the Mimbres River is from its headwaters in the Mimbres Mountains through narrow deep incised canyons with forested riparian zones where the waters are relatively cool, progressing from AZ/NM Subalpine Forests (23d) through Montane Conifer Forests (23c) to the Madrean Lower Montane Woodlands (23b). The transition from the defined incised canyons to a widening meandering active channel that may be occupied by flood waters during snowmelt and high flow storm events can significantly change the flow path of the middle to lower portions of the river, limiting persistent riparian shading to only a small percentage of the active channel.

Sediments in the middle to lower Mimbres were described as loose, porous, unconsolidated Quaternary alluvium containing gravels and sand that are many hundreds of feet thick in places (Heywood 2002). Given that the drainage classes listed for soils within the basin are all *well to excessively well drained*, meaning that water will rapidly be lost from the rooting zone, leaving little storage capacity, limiting plant growth (Table 4). These characteristics suggest that water temperatures through the middle to lower Mimbres will at times be higher, generally consistent with the data reported in the UAA.

Although the New Mexico WQS do not define or describe the term “assessment unit,” use of the AU is consistent with EPA guidance (USEPA, 2002). The AU as an implementation element is intended to help the SWQB to define where it places water quality assessment stations to best capture natural conditions and anthropogenic influences. Here, the SWQB has used geomorphic, stream channel, and riparian community features to establish AUs within the original regulatory segments to capture the changing topography and related influences to water quality. The SWQB is proposing to apply its findings by redefining existing regulatory segments in the upper reaches of the Mimbres consistent with its findings as reported in its UAA.

Historical/Current Aquatic Life in the Mimbres River

New Mexico’s has structured its aquatic life uses and criteria to protect the aquatic communities based on habitat requirements for individual species, reflecting generalized thermal categories protective of native fish species. The critical question to be answered is what the highest attainable aquatic life use that can be attained given the watershed characteristics and ambient air and water temperatures.

The SWQB looked at the thermal preferences of the biological assemblages, recognizing that is necessary to determine if the current biological assemblages define the Mimbres or if changes in the thermal regime may have selected for the current assemblage. EPA considers this question to be critical in determining what the attainable aquatic life use is and not simply characterizing the extant condition. To answer this, the SWQB looked at the historical assemblages that have been present in the Mimbres using periodic sampling records dating back to 1944 along much of the perennial reaches and historical data compiled by the University of New Mexico, Museum of Southwestern Biology (MSB/UNM, 2013). These records indicate that three to five species of fish can be considered native to the watershed. These include the beautiful shiner (*Cyprinella formosa*), the federally-listed Chihuahua chub (*Gila nigrescens*), Rio Grande sucker (*Pantosteus plebeius*) and fathead minnow (*Pimephales promelas*).

The SWQB reported that of these, the beautiful shiner has been recorded as extirpated (last encountered in a 1950 collection, Sublette et al., 1990) and that the fathead minnow was only recorded once in a more recent 1989 survey (MSB, 2013). The Rio Grande sucker and Chihuahua chub have been present continuously. All five of the native species are described as cool to warmwater species. While this tends to supports the SWQB’s premise that the Mimbres is not a coldwater river, there is no discussion of what factors may have resulted in three of these species (beautiful shiner, pupfish and fathead minnow) actual or likely expatriation, or why only one of these (beautiful shiner) is a dominant species in its native range (Table 5c), particularly the middle to lower Mimbres. In subsequent comments, the SWQB agreed that while thermal

preferences within the biological community are significant, their focus was on the physiochemical data to justify the proposed changes.

The reported presence of brown trout and Gila trout only being reported in the upper reaches above Cooney and McKnight Canyons suggests that a distinct thermal gradient exists in the upper reaches of segment 20.6.4.804 NMAC. This indicates that it would be appropriate to subdivide this segment. The most recent assessments indicates that the upper reaches of segment 20.6.4.804 NMAC can support a coldwater fishery but that the suitability of waters rapidly changes in the lower part of the segment. The statement that the persistence of coldwater species like the rainbow trout in segments that exceed temperature criteria for coldwater ALU support suggest that refugia exist, or that species like the rainbow trout may move in and out of less optimal habitat or are washed into these areas during high flow events is likely correct.

There is no discussion on the decline and expatriation of native species. The loss may be in response to changes in flow and its influence on in-stream temperature or the introduction of non-native species or possibly both. However, given that both the native fish species currently or historically found in the Mimbres basin and successful introduced species (rainbow trout and longfin dace) are all either coolwater or warmwater species tends to support the contention that a cool to warmwater uses are likely appropriate.

Attainability of Current Aquatic Uses and Temperature Criteria

The Mimbres River currently consists of two regulatory segments. Segment 20.6.4.804 NMAC is the upper segment, and is designated for high-quality coldwater ALU. Segment 20.6.4.803 NMAC is the lower segment and is designated for coldwater ALU. The temperature criteria that support New Mexico’s ALUs are as found in Table 2 of the SWQB’s UAA which has been reproduced below:

Table 2: Temperature Criteria (°C) for ALUs in New Mexico. Chronic temperature criteria (4T3, 6T3) are the temperatures not to exceed for a period of 4 or 6 hours on more than 3 consecutive days, respectively.

Criterion	High Quality Coldwater	Coldwater	Marginal Coldwater	Coolwater	Warmwater	Marginal Warmwater
4T3	20	-	-	-	-	-
6T3	-	20	25	-	-	-
T _{MAX}	23	24	29	29	32.2	32.2

Summary thermograph statistics for the most-recent (2009) survey and older (2003) survey data where provided to give a degree of confirmation of these water temperatures which are shown in the reproduction of **Tables 3a** and **3b**. These tables indicate that both the acute (T_{MAX}) and chronic (4T3, 6T3, as appropriate) temperature criteria were exceeded in the both segments 20.6.4.803 and 20.6.4.804 NMAC of the Mimbres river. The acute (T_{MAX}) and/or chronic (4T3, 6T3) criteria were exceeded at three separate stations during the 2009 sampling. These data are fairly consistent with sampling from 2003 at two of the three stations and sampled in 2009.

Multiple thermographs were reportedly deployed at one site in 2009. However, there is no indication of how many individual readings were taken at this or any other sample station, making it unclear what power the reported summary data have. Although these data suggest that the upper portion of segment 20.6.4.804 including the East Fork can support the HQCW designation, the relationship would be stronger if there was some indication of the power of the data.

Table 3a. Summary Statistics of Water Temperatures for the Mimbres River (2009)

Station ID	Location/Current Aquatic Life Designation (ALU)	Elevation	Reference date*	T _{MAX}	4T3	6T3
20.6.4.803	Coldwater ALU	(ft)		°C	°C	°C
45Mimbre062.7	Rancho del Rio	5,052	7/21/2009	23.3	NA	20.9
45Mimbre085.7	Royal John Bridge	5,453	7/27/2009	30.1	NA	24.1
45Gallin021.5	Gallinas Creek-Tributary of Mimbres	6,667		20.6	NA	17.4
20.6.4.804	High Quality Coldwater ALU					
45Mimbre109.0	Lower TNC Preserve on Mimbres	6,024	7/27/2009	24.6	24.6	NA
45McKnig011.9	McKnight Canyon-East Fork Mimbres	7,152		22.0	18.0	NA
45Mimbre127.4	Cooney Campground on Mimbres River	6,857		20.9	16.4	NA

Temperature readings in red indicate exceedence of the criterion, NA=Not Applicable, ND=No Data.

Table 3b. Summary Statistics of Water Temperatures for the Mimbres River (2003)

Station No.	Location/Current Aquatic Life Designation (ALU)	Elevation	Reference date	T _{MAX}	4T3	6T3
20.6.4.803	Coldwater ALU	(ft)		°C	°C	°C
45Mimbre062.7	Rancho del Rio	5,052	8/3/2003	29.1	NA	19.9
45Mimbre085.7	Royal John Bridge	5,453		ND	NA	ND
45Gallin021.5	Gallinas Creek-Tributary of Mimbres	6,667		ND	NA	ND
20.6.4.804	High Quality Coldwater ALU					
45Mimbre104.3	USGS Gage	5,920	8/1/2003	28.9	24.9	NA
45Mimbre109.0	Lower TNC Preserve on Mimbres	6,024	6/26/2003	29.7	22.5	NA
45Mimbre112.2	Upper TNC Preserve on Mimbres	6,155		18.6	16.7	NA
45McKnig011.9	McKnight Canyon-East Fork Mimbres	7,152		21.2	18.1	NA
45Mimbre127.4	Cooney Campground on Mimbres River	6,857		ND	ND	NA

Temperature readings in red indicate exceedence of the standard, NA=Not Applicable, ND=No Data.

As can be seen from both the 2003 and 2009 thermograph records, the upper TNC preserve, the East Fork of the Mimbres at McKnight canyon and Cooney Campground were fully supportive of the HQCW designation. The data from four thermograph stations that were deployed in 2009 from the lower TNC property north of the town of Mimbres, NM to the headwaters at Cooney Campground (45Mimbre127.4) were used to assess the HQCW ALU for segment 20.6.4.804 NMAC. The 2009 data indicate that at the Lower TNC preserve (45Mimbre109.0), there are exceedences of both the T_{MAX} and the 4T3 criteria. Although the USGS Gage station (45Mimbre104.3) located at the lower end of segment 20.6.4.804 NMAC was not measured in 2009, the temperature at this station exceeded the T_{MAX} during the 2003. This indicates that the Mimbres is not able to meet the HQCW ALU criteria for both acute and chronic temperatures. The Maximum Weekly Average Temperature (MWAT) calculated from 2009 thermograph data indicate that only three sites would meet current thermal limits; Gallinas Creek, McKnight Canyon and Cooney Campground. All of which are all low-order tributaries to the Mimbres.

New Mexico used its Air-Water Temperature Correlation tool to give an indication of air temperature influences on in-stream temperatures. This correlation tool, when compared with MWAT calculated from SWQB-deployed thermographs, allows for the calculation of chronic and acute temperature indices when and where data may not be available (NMED/SWQB, 2011). The SWQB then incorporated the MWAT index into this Correlation tool to gauge attainable conditions for fish communities. The Correlation tool uses actual recorded thermograph data and Parameter-elevation Regression on Independent Slopes elevation Model (PRISM) model data to predict air temperatures which can then be used to predict water temperatures. The regression correlation uses average air temperatures to estimate attainable temperature statistics such as MWAT, but can also be used to estimate TMAX and chronic temperature indices (4T3, 6T3).

In the UAA, NMED acknowledges that the Correlation tool is not appropriate in streams that receive significant groundwater inputs. No groundwater inputs have been reported for these segments. As the UAA notes, the advantage of the Correlation tool is that other than significant groundwater inputs, air temperature has the greatest influence on stream temperature. In response to EPA questions of what role continued agricultural or other drawdowns may have on use support in these lower elevations of the Mimbres, NMED staff noted that it would be reasonable to say that the continued drawdown for irrigation, power generation, and municipal uses could exacerbate stream temperatures, especially given the natural hydrology (shallow surface flow), but that it would be difficult to quantitate such contributions, particularly when other, non-anthropogenic factors are also in play in the area (*e.g.*, drought, fire, loss of snowpack). While some of the factors identified by NMED that may have affected hydrology are in fact anthropogenic, they are larger scale factors that would be difficult to assess without long-term data. EPA considers the use of the Correlation tool to be the preferred approach over a strictly hydrologic assessment in this instance because air temperatures, either modeled or measured, are more readily available and spatially representative than periodic and spatially limited stream temperature datasets.

The modeled MWAT, 4T3, 6T3 and T_{MAX} for Mimbres thermograph stations as well as the actual MWAT for the thermograph survey (2009) that was shown in Table 3c are reproduced below.

Table 3c. Air-Water Temperature Correlation-modeled criteria for the Mimbres River.

Station ID	Location	Current Aquatic Life Use	July Average Air Temp, °C (PRISM)	MWAT 2009 Thermograph data	MWAT Modeled	4T3 modeled	6T3 modeled	TMAX modeled
	20.6.4.803							
45Mimb062.7	Rancho del Rio	Coldwater	24.6	19.65	24.6	NA	26.6	31.3
45Mimb085.7	Royal John Bridge	Coldwater	23.5	21.47	23.5	NA	25.5	30.1
45Gall021.5	Gallinas Creek-Tributary of Mimbres	Coldwater	21.0	16.89	21.0	NA	22.9	27.4
	20.6.4.804							
45Mimb109.0	Lower TNC Preserve on Mimbres	High Quality CW	22.2	19.62	22.2	25.4	NA	28.7
45McKnig011.9	McKnight Canyon-East Fork Mimbres	High Quality CW	20.5	16.09	20.5	23.6	NA	26.9
45Mimb127.4	Cooney Campground on Mimbres River	High Quality CW	20.5	15.63	20.5	23.6	NA	26.9

Mimbres air temperature data for 2009 as well as the PRISM modeled air temperature were provided for comparison. The reported PRISM-modeled air temperatures were reported as being

within ± 1.6 degrees of the July average air temperature. This variation does not indicate a trend direction. NMED suggested that microclimate differences and model errors may account for small error being included in the projection, which may well be the case. The analysis of modeled MWAT, 4T3, 6T3 and TMAX for Mimbres thermograph stations as well as the actual MWAT for the thermograph survey (2009) indicates that:

- The HQCW uses may be attainable if July average air temperature is $\leq 18^{\circ}\text{C}$;
- MCW and CW uses may be attainable if July average air temperature is 18°C and $\leq 23^{\circ}\text{C}$; and
- Uses more restrictive than warmwater are generally not attainable if July average air temperature is $>23^{\circ}\text{C}$.

The Correlation-modeled MWAT values are similar to or exceed the 2009 thermograph data-calculated MWAT values. As discussed in the UAA, this suggests that the trend of higher modeled MWAT values (in all cases) may have occurred because of the long averaging period of the PRISM temperatures used in the model, leveling the modeled record. This, and interannual variation in the water temperature record from the 2009 thermograph-generated MWAT could lead to disagreement with the modeled MWAT. Further, bias in placement of the thermographs may also lead to lower values as compared to modeled values. None the less, both measured and modeled chronic (MWAT, 4T3, 6T3) and acute (T_{MAX}) temperature criteria suggest that the reach from Cooney canyon downstream to Upper TNC could not be expected to support HQCW ALUs and that it may be difficult to attain the CW ALU (Tables 3a and 3c). In the reach downstream of the Upper TNC (excluding the Gallinas Creek tributary), the 2009 thermograph and modeled temperature criteria suggest that the CW ALU is not attainable and the T_{MAX} suggests that the Cool to Warmwater ALU use is attainable.

EPA Determination

EPA Region 6 has completed its review of the NMED's March 2014 public discussion draft Use Attainability Analysis – Aquatic Life Uses for the Mimbres River in New Mexico. The proposed revisions to the New Mexico WQS include the following:

20.6.4.803 CLOSED BASINS - Perennial reaches of the Mimbres River downstream of the confluence with ~~Willow Springs~~ Allie canyon and all perennial reaches of tributaries thereto.

- A. Designated Uses:** coolwater aquatic life with a segment-specific temperature of 30°C , irrigation, livestock watering, wildlife habitat and primary contact.
- B. Criteria:** the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.
[20.6.4.803 NMAC - Rp 20 NMAC 6.1.2803, 10-12-00; A, 05-23-05; A, 12-01-10]

20.6.4.804 **CLOSED BASINS - Perennial reaches of the Mimbres River upstream of the confluence with Willow Springs Allie canyon upstream to Cooney canyon, and all perennial reaches of East Fork Mimbres (McKnight Canyon) below the fish barrier, and perennial reaches thereto.**

- A. Designated Uses:** irrigation, domestic water supply, coldwater aquatic life, livestock watering, wildlife habitat and primary contact.
- B. Criteria:** the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: ~~specific conductance 300 μ S/cm or less;~~ the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.804 NMAC - Rp 20 NMAC 6.1.2804, 10-12-00; A, 05-23-05; A, 12-01-10]

20.6.4.807 **CLOSED BASINS - Perennial reaches of the Mimbres river upstream of Cooney Canyon and all perennial reaches thereto, including perennial reaches of East Fork Mimbres river (McKnight Canyon) above the fish barrier.**

- A. Designated Uses:** irrigation, domestic water supply, high quality coldwater aquatic life, livestock watering, wildlife habitat and primary contact.
- B. Criteria:** the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 300 μ S/cm or less; the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.804 NMAC - Rp 20 NMAC 6.1.2804, 10-12-00; A, 05-23-05; A, 12-01-10]

Based on the review of the discussion draft UAA and additional supporting information provided by SWQB staff, Region 6 has determined that although some anthropogenic factors may be in play, the new and revised regulatory segment breaks are supported by the variation in ecological zone and associated ambient air temperatures. The revised ALU for segment 20.6.4.803 NMAC to Coolwater is supported and consistent with either 40 CFR 131.10(g)(1) or 131.10(g)(5). Based on these findings, EPA considers the Mimbres UAA to be technically approvable.

This technical approval presumes that some updates and modifications will be made prior to NMED publishing a final UAA document. The Region's technical approval does not constitute a final action under §303(c) of the Clean Water Act.

III. REFERENCES

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