

Mr. Ron Curry
Cabinet Secretary of New Mexico Environment Department
Harold Runnels Building
1190 Saint Francis Drive
Santa Fe, NM 87502



Dear Mr. Curry:

I would like to take this opportunity to tell you that I am particularly pleased to be able to inform you that we have completed our review of the recent amendments establishing the waters of the Valle Vidal as Outstanding National Resource Waters. As always, I would like to thank you for the efforts of the New Mexico Water Quality Control Commission (WQCC) and particularly the New Mexico Environment Department in the development of these amendments.

The Environmental Protection Agency's (EPA) review was of amendments to Section 9 of the *Standards for Interstate and Intrastate Surface Waters* 20.6.4.NMAC. These amendments were considered by the WQCC during a public hearing on December 13-14, 2005. The amendments were adopted by the WQCC on December 14, 2005. The amendments were certified by the Assistant Attorney General on February 6, 2006, and became effective as State law on February 16, 2006. The amendments were submitted to EPA on March 16, 2006, as required under federal regulations at 40 CFR 131.20(c). In today's action, EPA is approving these amendments. An explanation of the basis for EPA's decision is enclosed.

As I mentioned earlier, I appreciate both the Commission's and the Environment Department's efforts in the development of these amended standards. If you have any questions or concerns, please contact me at (214) 665-7101 or Russell Nelson of my staff at (214) 665-6646.

Sincerely,

Original Signed By Miguel I. Flores

Miguel I. Flores
Director
Water Quality Protection Division

Enclosure

cc: Denise Keehner, Director, SHPD
Amy Newman, Chief, RSTSSB
Lee Schroer, Office of General Counsel
Wally Murfee, USFWS, Acting Field Supervisor, Ecological Services Office,
Albuquerque, NM

**RECORD OF DECISION
FOR
EPA REVIEW OF**

**TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 6 WATER QUALITY
PART 4 STANDARDS FOR INTERSTATE AND INTRASTATE SURFACE
WATERS**

20.6.4.9 OUTSTANDING NATIONAL RESOURCE WATERS:

D. Waters classified as ONRWs: The following waters are classified as ONRWs:

(1) Rio Santa Barbara, including the west, middle and east forks from their headwaters downstream to the boundary of the Pecos Wilderness[-]; and

(2) the waters within the United States forest service Valle Vidal special management unit including:

(a) Rio Costilla, including Comanche, La Cueva, Fernandez, Chuckwagon, Little Costilla, Holman, Gold, Grassy, LaBelle and Vidal creeks, from their headwaters downstream to the boundary of the United States forest service Valle Vidal special management unit;

(b) Middle Ponil creek, including the waters of Greenwood Canyon, from their headwaters downstream to the boundary of the Elliott S. Barker wildlife management area;

(c) Shuree lakes;

(d) North Ponil creek, including McCrystal and Seally Canyon creeks, from their headwaters downstream to the boundary of the United States forest service Valle Vidal special management unit; and

(e) Leandro creek from its headwaters downstream to the boundary of the United States forest service Valle Vidal special management unit.

[20.6.4.9 NMAC - Rn, Subsections B, C and D of 20.6.4.8 NMAC, 05-23-05; A, 05-23-05; A, 07-17-05; A, 02-16-06]

This provision designates waters within the US Forest Service Valle Vidal Special Management Unit as Outstanding National Resource Waters (ONRW). In making this designation the State considered the general high quality and the exceptional ecological and recreational significance of the specified waters. The designation is consistent with the State's antidegradation policy in providing for and maintaining ONRWs. EPA has previously approved the State's antidegradation policy and determined that these amendments are consistent with the State's policy and the requirements of 40 CFR131.12(a)(3).

EPA Action:

The ONRW designation of waters within the US Forest Service Valle Vidal Special Management Unit an ONRWs is approved, pursuant to CWA § 303(c) and 40 CFR 131.12(a)(3).