233. The Commission rejects AB's proposal to replace "limited aquatic life" with "aquatic life" and to exclude the chronic criteria in Section 20.6.4.900.J for the reasons stated in Section 20.6.4.HH, and there is no reason to adopt the second proposal if the first is not adopted.

20.6.4.125 RIO GRANDE BASIN - Perennial reaches of San Pedro creek.

A. Designated Uses: coldwater aquatic life, irrigation, livestock watering, wildlife habitat and secondary contact.

B. Criteria:

(1) In any single sample: pH within the range of 6.6 to 8.8 and temperature 25°C (77°F) or less. The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses listed above in Subsection A of this section.

(2) The monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less; single sample 410 cfu/100 mL or less (see Subsection B of 20.6.4.14 NMAC).

[20.6.4.125 NMAC - N, XX-XX-05]

234. The Commission adopts this new segment for San Pedro Creek for the reasons set out above in paragraph 210, above; see Segment 111.

20.6.4.126 RIO GRANDE BASIN - Perennial portions of Cañon deValle from Los Alamos national laboratory (LANL) stream gage E256 upstream to Burning Ground spring, Sandia canyon from Sigma canyon upstream to LANL NPDES outfall 001, Pajarito canyon from Arroyo de La Delfe upstream into Starmers gulch and Starmers spring and Water canyon from Area-A canyon upstream to State Route 501.

A. Designated Uses: coldwater aquatic life, livestock watering, wildlife habitat and secondary contact.

B. Criteria:

(1) In any single sample: pH within the range of 6.6 to 8.8 and temperature 24°C (75.2°F) or less. The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses listed above in Subsection A of this section.

(2) The monthly geometric mean of E. coli bacteria 548 cfu/100 mL or less; single sample 2507 cfu/100 mL or less (see Subsection B of 20.6.4.14 NMAC).

[20.6.4.126 NMAC - N, XX-XX-05]

235. Both UC and NMED proposed to segment and adopt segment-specific standards for waters within or near LANL. The segments, set out now as segments 126, 127 and 128, are identical, but different designated uses and criteria were urged in this segment.

236. The Commission adopts this new segment to classify waters based upon an intensive study by the USFWS. The study supports the designated uses of coldwater aquatic life, wildlife habitat, secondary contact, and livestock watering. The aquatic life, wildlife habitat and recreation uses are required by CWA Section 101(a)(2) unless a UAA supports not designating them. For this segment, coldwater is the appropriate subcategory of aquatic life use because it is supported by the USFWS report and is consistent with the aquatic life use in adjacent Section 20.6.4.121, which includes tributaries of the Rio Grande in Bandelier National Monument (where high quality coldwater is the designated use). For this segment, secondary contact is the appropriate

subcategory of recreation because full-body contact in these small streams is unlikely and infrequent, and if it does occur the proposed criteria offer a proper level of protection. Finally, the uses of wildlife habitat and livestock watering are appropriate. The WQCC has historically presumed these uses for all unclassified surface waters. There is no question about wildlife using these streams. There also is evidence that livestock watering is an existing use. Laboratory publications acknowledge the presence of livestock on or adjacent to this segment, including horseback riding, cattle grazing and free-range chickens and dairy goats. The designation of livestock watering is based on both the existing use of these waters by livestock, as well as for the protection of downstream livestock watering uses.

237. The Commission rejects UC's proposal to designate just limited aquatic life because USFWS demonstrated that shellfish typically found in coldwater aquatic communities is present in these streams. The coldwater subcategory is intended for "the protection and propagation of fish, shellfish and wildlife." Accordingly, the presence of shellfish indicative of a coldwater aquatic community establishes an existing use, even in the absence of fish. In addition, the USFWS documented existing macroinvertebrate communities in all of these streams (except Water Canyon). These macroinvertebrate communities (except Sandia Canyon) compare favorably (only slightly impaired or full support - impacts observed) to Upper Los Alamos Canyon, a coldwater fishery at the time of the study. The USFWS also determined that eight species in Los Alamos and Pajarito Canyons (identified by NMED) were classified by the Idaho Department of Environmental Quality (DEQ) as preferring coldwater. Moreover, the Laboratory's invertebrate data included several species that prefer coldwater in Los Alamos, Pajarito, Sandia and Chaquehui Canyons. Finally, to the extent that the absence of fish is relevant to the subcategory designation, the term "existing use" has a broader meaning than "existing on this date". The absence of fish in 2003 is not the benchmark for designation of an aquatic life use.

238. The Commission rejects UC's proposal not to designate the livestock watering use on the basis that it is not an existing or attainable use because livestock are not permitted on Laboratory property and will not be in the foreseeable future, pointing to fencing and security patrols as evidence of an intent to exclude livestock. The evidence indicates that livestock continue to use

streams on Laboratory property despite UC's intent to exclude them; NMED has observed tracks, feces, wallows, and overgrazing, and has discussed the impacts of livestock grazing on surface water on Laboratory property with UC representatives. Accordingly, livestock watering is an existing use, and cannot be removed without a UAA.

239. At the hearing, UC suggested the streams in this segment could be divided between lower reaches used by livestock and upper reaches that are not used by livestock. It suggested that the division points could be based on "breaks in the slopes and positions of the springs." UC did not make any proposal to this effect, however, and the Commission will not adopt such a division after the hearing in the absence of an earlier proposal.

240. The Commission rejects UC's proposed dissolved oxygen (DO) criterion of 5 mg/l for Pajarito Canyon, Starmers Gulch and Water Canyon, and 4 mg/l for Canon de Vale and Sandia Canyon, and adopts NMED's proposed DO criterion of 6 mg/l for all waters in this segment in order to protect the designated use of coldwater aquatic life.

20.6.4.127 RIO GRANDE BASIN - Perennial portions of Los Alamos canyon upstream from Los Alamos reservoir and Los Alamos reservoir.

A. Designated Uses: coldwater aquatic life, livestock watering, wildlife habitat, irrigation and primary contact.

B. Criteria:

(1) In any single sample: pH within the range of 6.6 to 8.8 and temperature 20°C (68°F) or less. The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses listed above in Subsection A of this section.

(2) The monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less; single sample 410 cfu/100 mL or less (see Subsection B of 20.6.4.14 NMAC).

[20.6.4.127 NMAC - N, XX-XX-05]

241. The Commission adopts another new segment proposed by NMED and UC, for the same reasons as set out above in paragraphs 235-236. The proposed uses are appropriate, as discussed above. The only difference involves the designated use of primary contact, which is based on evidence of swimming in Los Alamos Reservoir.

242. The Commission has adopted NMED's proposed "aquatic life" designation elsewhere, so rejects UC's retention of the "fishery" designation.

20.6.4.128 RIO GRANDE BASIN - Ephemeral and intermittent portions of watercourses within lands managed by U.S. department of energy (DOE) within Los Alamos national laboratory, including but not limited to: Mortandad canyon, Cañada del Buey, Ancho canyon, Chaquehui canyon, Indio canyon, Fence canyon, Potrillo canyon and portions of Cañon de Valle, Los Alamos canyon, Sandia canyon, Pajarito canyon and Water canyon not specifically identified in 20.6.4.126 NMAC. (Surface waters within lands scheduled for transfer from DOE to tribal, state or local authorities are specifically excluded.)

A. Designated Uses: livestock watering, wildlife habitat, limited aquatic life and secondary contact.

B. Criteria:

(1) The use-specific criteria in 20.6.4.900 NMAC, except the chronic criteria for aquatic life are applicable for the designated uses listed in Subsection A of this section.

(2) The monthly geometric mean of E. coli bacteria 548 cfu/100 mL or less; single sample 2507 cfu/100 mL or less (see Subsection B of 20.6.4.14 NMAC).

(3) The acute total ammonia criteria set forth in section 20.6.4.900.K (Salmonids Absent) are applicable to this use.

[20.6.4.128 NMAC - N, XX-XX-05]

243. The Commission adopts another new segment proposed by NMED and UC, for the same reasons as set out above in paragraphs 235-236. The proposed uses are appropriate, as discussed above.

244. The Commission adopts UC's proposed acute total ammonia criteria for this segment in order to identify the applicable criteria.

20.6.4.129 RIO GRANDE BASIN - Perennial reaches of the Rio Hondo.

A. Designated Uses: domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and secondary contact**.**

B. Criteria:

(1) In any single sample: specific conductance 400 µmhos/cm or less, pH within the range of 6.6 to 8.8, total phosphorous (as P) less than 0.1 mg/L and temperature 20°C (68°F) or less. The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses listed above in Subsection A of this section.

(2) The monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less; single sample 410 cfu/100 mL or less (see Subsection B of 20.6.4.14 NMAC).

[20.6.4.129 NMAC - N, XX-XX-05]

245. The Commission adopts NMED's proposal to create a new segment and to restore the phosphorous criterion removed inadvertently in the 1998 triennial review. The designated uses and associated criteria have been carried forward from the original segment; see segment 123, above.

20.6.4.130 - 20.6.4.200: [RESERVED]

20.6.4.201 PECOS RIVER BASIN - The main stem of the Pecos river from the New Mexico-Texas line upstream to the mouth of the Black river (near Loving).

A. Designated Uses: irrigation, livestock watering, wildlife habitat, secondary contact[~~,~~] and warmwater [~~fishery~~]aquatic life.

B. [~~Standards~~]Criteria:

(l) In any single sample: pH [~~shall be~~] within the range of 6.6 to 9.0 and temperature [~~shall not exceed~~] 32.2°C (90°F) or less. The use-specific numeric [~~standards~~]criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses listed above in Subsection A of this section.

(2) [~~The monthly geometric mean of fecal coliform bacteria shall not exceed 200/100 mL; no single sample shall exceed 400/100 mL~~]The monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less; single sample 410 cfu/100 mL or less (see Subsection B of [~~20.6.4.13~~]20.6.4.14 NMAC).

(3) At all flows above 50 cfs: TDS [~~shall not exceed~~]20,000 mg/L or less, sulfate [~~shall not exceed~~]3,000 mg/L[~~,~~] or less and chloride [~~shall not exceed~~]10,000 mg/L or less.

[20.6.4.201 NMAC - Rp 20 NMAC 6.1.2201, 10-12-00; A, XX-XX-05]

246. The Commission adopts changes proposed by NMED and already described above.