STATE OF NEW MEXICO
BEFORE THE WATER QUALITY CONTROL COMMISSION

IN THE MATTER OF PETITION TO AMEND USE FOR LOWER DRY CIMARRON RIVER AND TO ESTABLISH WATER QUALITY STANDARDS FOR LAKES, 20.6.4 NMAC

WQCC 11-05 (R)

ORDER AND STATEMENT OF REASONS

This matter comes before the New Mexico Water Quality Control Commission ("WQCC") upon a petition filed by the New Mexico Environment Department ("NMED") proposing amendments to the State of New Mexico's Standards for Interstate and Intrastate Surface Waters ("Standards"), which are codified as Title 20, Chapter 6, Part 4 of the New Mexico Administrative Code (20.6.4 NMAC). A public hearing was held in Santa Fe, New Mexico on April 10, 2012. The WQCC heard technical testimony from NMED; no other party entered an appearance in this matter. Public comments were heard from one other interested party, a rancher who voiced concerns over water quantity on the Dry Cimarron. On April 10, 2012, the Commission, having familiarized itself with the record and heard technical testimony from NMED's witnesses, deliberated and decided to grant NMED's petition to amend the Standards by an affirmative vote of 13 to 0 for the reasons that follow:

PROCEDURAL HISTORY

1. A public meeting was held in Folsom, New Mexico on August 12, 2010 to discuss the portion of the petition related to the lower Dry Cimarron River. Bearzi at 9; NMED Exhibit 10.

2. A public meeting was held in Roswell, New Mexico on August 30, 2011, to discuss the portion of the petition related to establishing water quality standards for 62 lakes in the Rio Grande, Pecos, Canadian, Gila, San Juan and Little Colorado river basins. NMED Exhibit 12.

3. A public meeting was held in Santa Fe, New Mexico on August 24, 2011, to discuss the portion of the petition related to establishing water quality standards for 62 lakes in the Rio Grande, Pecos, Canadian, Gila, San Juan and Little Colorado river basins. NMED Exhibit 14.

4. Notice of the public meetings in Santa Fe and Roswell was sent to the New Mexico Environment Department's Surface Water Quality Bureau's (SWQB) e-mail distribution list, posted on the SWQB's website and distributed to media outlets via press releases. NMED Exhibit 12.

5. On August 10, 2011, NMED released a discussion draft of the proposal and opened a 30-day comment period. Bearzi at 10; NMED Exhibit 11.

6. On September 26, 2011, NMED filed its Petition to with the WQCC.

7. On November 16, 2011, the WQCC granted NMED's request for a hearing and appointed Ms. Felicia Orth as Hearing Officer in this proceeding.

8. Public notice of the hearing was published in the New Mexico Register, the Albuquerque Journal (a newspaper of general circulation in the state) and in six newspapers of general circulation located in areas affected by NMED's proposal. NMED Exhibit 16. Notice of the hearing was also sent to the WQCC's mailing list and the SWQB's mailing list. Notice was also published on the SWQB's website.

9. On Marcy 14, 2012, NMED provided a copy of the proposed amendments to the Small Business Regulatory Advisory Commission.

10. On April 10, 2012, a public hearing on NMED's Petition was held in Santa Fe, New Mexico. The WQCC heard technical testimony from NMED; no other party entered an appearance in this matter.

11. On April 10, 2012, the WQCC, having familiarized itself with the record and heard technical testimony from NMED's witnesses, deliberated and decided to grant NMED's Petition by an affirmative vote of 13 to 0.

LEGAL AUTHORITY

1. Under the New Mexico Water Quality Act ("WQA"), any person (including NMED) may at any time petition the Commission to adopt, amend or repeal a water quality standard. NMSA 1978, § 74-6-6.B. Water quality standards must be based on "credible scientific data and other evidence [and] shall include narrative standards and as appropriate, the designated uses of the waters and the water quality criteria necessary to protect such uses." NMSA 1978, § 74-6-4.D. "The standards shall at a minimum protect the public health or welfare, enhance the quality of water and serve the purposes of the Water Quality Act." *Id.*

2. "In making standards, the commission shall give weight it deems appropriate to all facts and circumstances, including the use and value of the water for water supplies, propagation of fish and wildlife, recreational purposes and agricultural, industrial and other purposes." *Id.*

3. Federal Clean Water Act regulations provide similar direction: "States adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act." 40 CFR § 131.2. Serving the purposes of the CWA means that "water quality standards should, wherever attainable, provide water quality for the protection and propagation of fish, shellfish and wildlife, recreation in and on the water, and agricultural, industrial, and other purposes including navigation." *Id.* A water quality standard "defines the goals for a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses." *Id.*

4. Water quality standards also establish water quality criteria that will protect the designated uses of a water body. These criteria must be based on robust scientific rationale and must contain sufficient parameters or constituents to protect the designated use. 40 CFR § 131.11(a).

5. Federal law requires that designated uses reflect the uses actually being attained. 40 CFR § 131.10(i). New Mexico and federal law prohibit the removal of designated uses if they are "existing uses." 20.6.4.15.A(2) NMAC; 40 CFR § 131.10(h). An existing use is "a use actually attained in a surface water of the state on or after November 28, 1975, whether or not it is a designated use." 20.6.4.7.E(3) NMAC. New Mexico's Water Quality Standards also mandate protection of existing uses.

The general and use-specific criteria apply to existing uses [20.6.4.13 20.6.4.900 NMAC] and the anti-degradation policy requires that the level of water quality necessary to protect existing uses must be maintained. 20.6.4.8.A(1) NMAC.

6. New Mexico's Water Quality Standards and federal regulation prohibit the removal of a designated use that is a CWA Section 101(a)(2) use unless a "Use Attainability Analysis" demonstrates that attaining the use is not feasible. 20.6.4.15.A(1) NMAC; 40 CFR § 131.10(j). Section 101(a)(2) of the Clean Water Act establishes as a national goal the achievement of a level of water quality that "provides for the protection and propagation of fish, shellfish and wildlife, and provides for recreation in and on the water." The corresponding designated uses in New Mexico are the primary contact use, the wildlife habitat use, and all aquatic life use subcategories except the limited aquatic life use. 20.6.4.7.P(5) NMAC (primary contact); 20.6.4.7.W(5) NMAC (wildlife habitat); 20.6.4.7.A(6) NMAC (aquatic life); 20.6.4.7.L(2) NMAC (limited aquatic life).

7. Federal law requires that water quality criteria must be sufficient to support the designated use. "Such criteria must be based on sound scientific rationale and must contain sufficient parameters or constituents to protect the designated use." 40 CFR § 131.11(a).

SUMMARY OF PROPOSED AMENDMENTS

I. Lower Dry Cimarron Proposal

NMED proposes changing the designated aquatic life use for the lower Dry Cimarron River, which is listed in the Water Quality Standards as 20.6.4.702 or Segment 702, from

coldwater aquatic life with a segment-specific maximum temperature criterion of 25°C (77°F) to coolwater. The coolwater aquatic life use has a 29°C (84°F) maximum temperature criterion. The lower Dry Cimarron River is located in Union County in northeastern New Mexico.

II. Lakes Proposal

NMED proposes to create new classified segments in the Water Quality Standards, exclusively for lakes. The proposed amendments create 19 new classified segments for 62 lakes that are currently either classified with streams or are unclassified. Each proposed segment contains one or more lakes. The proposal includes classifying for the first time many of the unique natural lakes of New Mexico. Small and large reservoirs, high-elevation natural lakes, and natural sinkhole lakes are represented in the proposal.

The lakes are located throughout the state in 6 different basins: the Rio Grande, Pecos, Canadian, Gila, San Juan and Little Colorado river basins.

STATEMENT OF REASONS

The WQCC hereby makes the following findings:

I. Lower Dry Cimarron Proposal

For the reasons set forth more fully below, the WQCC finds that NMED's proposal to change the designated aquatic life use for the lower Dry Cimarron River from coldwater aquatic life with a segment-specific maximum temperature criterion of 25°C (77°F) to coolwater aquatic life with a 29°C (84°F) maximum temperature criterion is well-taken and should be granted.

A. Description of the portion of the lower Dry Cimarron River subject to this proposal

The portion of the lower Dry Cimarron River at issue in this proposal is located in Union County in northeastern New Mexico. NMED Ex. 20. The segment is referred to in the Standards for Interstate and Intrastate Surface Waters ("Standards") as 20.6.4.702 NMAC, or Segment 702. It is described as: "Perennial portions of the Dry Cimarron river below Oak creek, and perennial portions of Long canyon and Carrizozo creeks. Total length for the Dry Cimarron River below Oak Creek, Long Canyon and Carrizozo Creeks is approximately 130 miles. The streams flow from an elevation of 6,000 feet at the Dry Cimarron and Oak Creek confluence to 4,300 feet at the eastern New Mexico border. They are located in the Southwestern Tablelands Ecoregion, which stretches from Kansas and eastern Colorado to southeastern New Mexico and western Texas. For the ecoregion, the land cover is mostly woodland and grassland; maximum July daily mean temperatures are in the middle to upper 30°C (80°F) range. NMED Ex. 18.

B. NMED's UAA demonstrates the coldwater aquatic life designation for the lower Dry Cimarron River is not appropriate because it is not an existing use, nor is it an attainable use.

In order to change a designated use or use subcategory to one with less stringent criteria, both the New Mexico and federal regulations require the change to be supported by a use attainability analysis ("UAA"). 20.6.4.15.A(1) NMAC; 40 CFR § 131.10(j). SWQB's UAA for Segment 702 is attached as NMED Ex. 26.

The UAA concludes that coolwater is the highest attainable aquatic life use, and that attainment of the coldwater aquatic life use is not feasible because of the first factor listed in 40 CFR § 131.10(g): Naturally occurring pollutant concentrations prevent the

attainment of the use. The pollutant is heat resulting from naturally occurring ambient air temperatures.

In reaching this conclusion, the UAA considered the following factors: (1) the native fish – both historically and presently – are warmwater and coolwater species; (2) the air-water temperature correlation for the lower Dry Cimarron watershed indicated that average July air temperatures result in attainable maximum stream temperatures in the range of 28 to 30°C, consistent with the coolwater aquatic life temperature criterion of 29°C (84°F), but significantly higher than the currently applicable criterion of 25°C (77°F); and, (3) modeling of stream shading and width-to-depth ratio and flow, which demonstrated that site-specific conditions could not be improved to attain the designated coldwater use and that such as use was therefore not attainable. In addition, UAA makes shows that the coldwater use is not an existing use because neither the existing nor the native fish are coldwater species, and the coldwater use is not attainable due to natural conditions.

Because the coldwater aquatic life designation for the lower Dry Cimarron River is not an existing use, nor is it an attainable use, the WQCC therefore grants NMED's proposal to change the designated aquatic life use for the lower Dry Cimarron River from coldwater aquatic life with a segment-specific maximum temperature criterion of 25°C (77°F) to coolwater aquatic life with a 29°C (84°F) maximum temperature criterion.

II. Lakes Proposal

For the reasons set forth more fully below, the WQCC finds NMED's proposal to create new classified segments in the Water Quality Standards, exclusively for lakes, is well-taken and should be granted.

A. Lake-specific water quality standards, as opposed to grouping lakes and streams together, are appropriate in light of the unique hydrological characteristics of lakes

Water quality standards apply to all surface waters of the state, including lakes and reservoirs. However, compared to rivers and streams, relatively few lakes - only 28 - are currently identified by name as classified waters in 20.6.4.101-899 NMAC. Instead, many lakes are included in broad geographic groups, such as "all perennial tributaries to the Rio Grande in Santa Fe County," while others are included in the description of a stream system. Still other lakes are covered only as "unclassified perennial waters" in 20.6.4.99 NMAC. The WQCC finds the inclusion of lakes in these groupings occurred without consideration of the characteristics of lakes in general or of specific lakes in particular. Accordingly, in light of the different hydrological characteristics of lakes and streams, the WQCC will grant NMED's proposal to create new classified segments in the Water Quality Standards exclusively for lakes.

NMED proposes to create three new segments exclusively for 36 high-elevation natural lakes: segment 133 for 23 lakes in the Rio Grande Basin, segment 222 for 8 lakes in the Pecos River Basin, and segment 313 for 5 lakes in the Canadian River Basin. All these lakes have similar ecological and physical characteristics. All are contained within Ecoregion 21, the Southern Rockies of the Xeric West. NMED Ex. 28. The lakes are located in the Sangre de Cristo mountains of northern New Mexico, and most are situated above 11,000 feet in elevation. *Id.* They are relatively small; the largest, Lake Katherine, is less than 12 acres in size. *Id.* The lakes are open to the public and most are accessible only on foot or horseback, and are minimally impacted by human activities. *Id.* Some of the lakes are in congressionally designated wilderness areas and have been designated as

Outstanding National Resource Waters ("ONRWs") by the Commission pursuant to 20.6.4.9 NMAC.

B. Lakes in the Rio Grande Basin

NMED proposes to create a new segment, "Segment 133," exclusively for 23 high elevation natural lakes in the Rio Grande Basin. The lakes are listed in Table 1 (below):

Table 1. Lakes in proposed segment 133

LAKE NAME	CURRENT WQS*	ELEVATION feet	SIZE acres
Bull Creek Lake	99	11460	0.8
Cow Lake	99	11290	0.6
Elk Lake	99	11835	0.7
Goose Lake	123	11640	6.0
Heart Lake	123	11490	4.3
Hidden Lake (Lake Hazel)	123	11280	3.6
Horseshoe Lake	123	11920	6.9
Horseshoe Lake (Alamitos)	123	11760	7.9
Jose Vigil Lake	121	11720	1.9
Lost Lake	99	11495	8.4
Middle Fork Lake	123	11500	8.3
Nambe Lake	121	11380	1.6
Nat Lake II	99	11500	0.7
Nat Lake IV	99	11700	0.6
No Fish Lake	123	11424	1.0
Pioneer Lake	123	11260	1.1
San Leonardo Lake	123	11340	3.5
Santa Fe Lake	121	11620	4.9
Serpent Lake	99	11740	1.0
South Fork Lake	123	11115	0.6
Trampas Lake (east)	123	11255	2.6
Trampas Lake (west)	123	11335	2.7
Williams Lake	123	11220	7.9

* "CURRENT WQS" refers to the currently applicable section of the water quality standards at 20.6.4.97-899 NMAC.

NMED proposes to adopt the same designated uses and criteria for all of the lakes in Segment 133. The proposed uses are high quality coldwater aquatic life, irrigation, domestic water supply, primary contact, livestock watering and wildlife habitat. The proposed numeric criteria are set forth in 20.6.4.900 NMAC, except for the following

segment-specific criteria: specific conductance 300 µS/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. The primary contact, livestock watering and wildlife habitat uses already apply to all 23 lakes. The high quality coldwater aquatic life, irrigation and domestic water supply uses; and the protective *E. coli* criteria, already apply to most of the lakes. The proposed specific conductance criterion already applies to six of the lakes.

In light of the similar ecological and physical characteristics of these lakes, the WQCC agrees with NMED's proposal to adopt the same designated uses and criteria for these similar lakes.

NMED proposes to create a new segment, "Segment 134," to contain nine small reservoirs in the Rio Grande basin. These reservoirs are currently classified, but not specifically named, in segment 108 (San Gregorio lake), segment 115 (Hopewell Lake), segment 119 (Canjilon lakes a, c, e and f) and segment 123 (Fawn Lakes). NMED proposes amendments to segments 108, 115 and 119 to exclude these reservoirs. Segment 123 does not need to be amended, because the segment description specifically excludes waters "included in other segments." The reservoirs are listed in Table 2 (below):

Table 2. Reservoirs in proposed segment 134

LAKE NAME	CURRENT WQS	ELEVATION feet	LAKE SIZE acres
Cabresto Lake	123	9340	15.7
Canjilon Lake a	119	10100	5.9
Canjilon Lake c	119	9800	3.0
Canjilon Lake e	119	9800	4.1
Canjilon Lake f	119	9780	2.3
Fawn Lake (east)	123	9000	1.3
Fawn Lake (west)	123	9000	0.8
Hopewell Lake	115	9765	16.1
San Gregorio Lake	108	9410	35.7

All nine reservoirs are contained within Ecoregion 21, the Southern Rockies of the Xeric West. NMED Ex. 28. They are located in the Jemez and Sangre de Cristo mountains and are situated at or above 9000 feet in elevation. *Id.* The lakes are in the Carson National Forest and open to the public for recreation. *Id.* San Gregorio Lake, the largest lake in the proposed segment, is a designated ONRW pursuant to 20.6.4.9 NMAC.

NMED proposes retaining the high quality coldwater aquatic life use. The proposed numeric criteria are set forth in 20.6.4.900 NMAC, except for the following segment-specific criteria: specific conductance 300 µS/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. NMED proposes retaining domestic water supply, irrigation, primary contact, livestock watering and wildlife habitat as designated uses. These uses already apply to all nine reservoirs. Fish culture is not a proposed designated use for segment 134.

In light of the similar ecological and physical characteristics of these lakes, the WQCC agrees with NMED's proposal to adopt the same designated uses and criteria for these similar lakes.

NMED proposes to create a new segment, "Segment 135," to contain Bluewater Lake. The lake is currently classified, but not specifically named, under segment 109. NMED proposes an amendment to segment 109 to exclude this lake. Bluewater Lake is a 610 acre reservoir located at an elevation of 7375 feet in Bluewater Lake State Park. NMED Ex. 28. It was created as an irrigation water supply, and the state park is a popular site for camping, fishing, boating and water skiing. *Id.*

NMED proposes retaining all designated uses currently applicable to segment 109, with the exception of fish culture. These uses are coldwater aquatic life, irrigation,

domestic water supply, primary contact, livestock watering and wildlife habitat. There is no fish culture on Bluewater Lake to support this designated use. The proposed numeric criteria are set forth in 20.6.4.900 NMAC, except for the following segment-specific criteria: phosphorus 0.1 mg/L or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less. The proposed phosphorus and *E. coli* criteria already apply under segment 109.

In light of Bluewater Lake's designated uses, the WQCC agrees with NMED's proposal to create a new segment with the above designated uses and criteria for Bluewater Lake.

C. Lakes in the Pecos River Basin

NMED proposes to create a new segment, "Segment 222," to include eight hig-elevation natural lakes in the Pecos River Basin. Lake Katherine is the largest at nearly 12 acres, and all are situated above 10,000 feet in elevation. NMED Ex. 28. They are currently either unclassified under section 99 or classified with other perennial waters in segment 217. The lakes are listed in Table 3 (below):

Table 3. Lakes in proposed segment 222

LAKE NAME	CURRENT WQS	ELEVATION feet	LAKE SIZE acres
Johnson Lake	217	11090	2.5
Lake Katherine	217	11742	11.8
Lost Bear Lake	99	11220	0.5
Pecos Baldy Lake	99	11480	5.6
Spirit Lake	99	10809	2.9
Stewart Lake	217	10232	4.2
Truchas Lake (north/upper)	99	11920	0.7
Truchas Lake (south/lower)	99	11870	2.6

The proposed designated uses and criteria are the same as those currently applicable to segment 217, with the exception of fish culture. These designated uses are coldwater aquatic life, domestic water supply, irrigation, primary contact, livestock

watering and wildlife habitat. The proposed numeric criteria are set forth in 20.6.4.900 NMAC, except for the following segment-specific criteria: specific conductance 300 µS/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. Fish culture is not an existing use on the lakes.

In light of the similar ecological and physical characteristics of these lakes, the WQCC agrees with NMED's proposal to adopt the same designated uses and criteria for these similar lakes.

NMED proposes to create a new segment, "Segment 223," to include Bonito Lake. The lake is currently classified, but not specifically named, in segment 209. NMED proposes an amendment to segment 209 to exclude Bonito Lake. The 39 acre lake is located on land owned by the city of Alamogordo and is adjacent to the Lincoln National Forest at 7377 feet in elevation. NMED Ex. 28. It was created by impounding the Rio Bonito. *Id.*

NMED proposes retaining the same designated uses as currently apply to segment 209. These designated uses are coldwater aquatic life, irrigation, domestic water supply, primary contact, livestock watering, wildlife habitat and public water supply. The proposed numeric criteria are set forth in 20.6.4.900 NMAC, except for the following segment-specific criteria: the specific conductance criterion of 1100 µS/cm; phosphorus 0.1 mg/L or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less to protect public health and the public water supply in accordance with 20.6.4.900.A NMAC.

In light of the specific uses and physical characters of Bonito Lake, the WQCC agrees to NMED's proposal to adopt the above designated uses and numeric criteria for Bonito Lake.

NMED proposes to create a segment, "Segment 224," for Monastery Lake. The lake is currently an unclassified perennial water under section 99. It is located near the village of Pecos at 7040 feet in elevation. NMED Ex. 28.

NMED proposes changing the aquatic life use from warmwater to coolwater. Measured summer temperatures are consistent with the coolwater criterion of 29°C. The proposed designated uses are coolwater aquatic life, primary contact, livestock watering and wildlife habitat. Monastery Lake is managed as a put-and-take trout fishery. The proposed numeric criteria are set forth in 20.6.4.900 NMAC, except for the following segment-specific criteria: the monthly geometric mean of *E. coli* bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less. The lake is open to the public, but swimming, boating and camping are not allowed.

In light of the specific use of the lake, the WQCC agrees to NMED's proposal to adopt the above designated uses and criteria for Monastery Lake.

NMED proposes to create a new segment, "Segment 225," for the Santa Rosa Reservoir. The 1500 acre lake is located in Santa Rosa State Park at 4710 feet in elevation. NMED Ex. 28. The dam is used for flood control, irrigation storage and sediment control. *Id.* The State Park manages camping, fishing and boating at the lake. *Id.* The reservoir is currently classified, but not specifically named, in segment 211, a section of the Pecos River that was classified before the reservoir existed. NMED

proposes an amendment to segment 211 to exclude the reservoir and designated uses better suited to lake conditions.

The proposed designated uses are coolwater aquatic life, irrigation, primary contact, livestock watering and wildlife habitat. NMED proposes changing aquatic life use from marginal warmwater to coolwater, because summer temperatures are consistent with the coolwater criterion of 29°C. There is no fish hatchery to support fish culture as a designated use. NMED also proposes eliminating the flow-quality salinity criteria because they do not apply to lake conditions. The proposed numeric criteria are set forth in 20.6.4.900 NMAC.

In light of the need for designated uses and criteria better suited for lake conditions, the WQCC agrees with NMED's proposal to adopt the above designated uses and criteria for the Santa Rosa Reservoir.

NMED proposes to create a segment, "Segment 226," for Perch Lake. The lake is the first of four segments for natural sinkhole lakes. NMED Ex. 28. It is a 2.8 acre sinkhole lake at 4595 feet in elevation. *Id.* The lake is used for recreation, including swimming and scuba diving. *Id.* It is currently an unclassified water covered under section 99.

NMED proposes changing the aquatic life use from warmwater to coolwater. Measured summer temperatures are consistent with the coolwater criterion of 29°C. The proposed retained designated uses are primary contact, livestock watering and wildlife habitat. The proposed numeric criteria are set forth in 20.6.4.900 NMAC, except for the following segment-specific criteria: the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less to protect public health.

NMED proposes to create a segment, "Segment 227," for Lea Lake. The lake is also a sinkhole lake, located in Bottomless Lakes State Park at 3450 feet in elevation. NMED Ex. 28. Lea Lake is the only sinkhole lake in the state park where swimming is allowed. *Id.* It is currently an unclassified water covered under section 99.

NMED proposes to retain the following designated uses: warmwater aquatic life, primary contact and wildlife habitat. Salinity is too high to support a recreational fishery or livestock watering. NMED proposes to remove the livestock watering use. It is not an existing use because livestock are not allowed in the state park. The proposed numeric criteria are set forth in 20.6.4.900 NMAC, except for the following segment-specific criteria: the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

NMED proposes to create a new segment, "Segment 228," for Cottonwood Lake and Devil's Inkwell. The lakes are two small sinkhole lakes in Bottomless Lakes State Park. NMED Ex. 28. Both are currently unclassified waters under section 99.

NMED proposes the coolwater aquatic life use because natural conditions allow recreational fishing and summer temperatures are consistent with the coolwater criterion of 29°C. Primary contact and wildlife habitat are also proposed designated uses. NMED also proposes removing the livestock watering use due to salinity and because livestock are not allowed in the state park. The proposed numeric criteria are set forth in 20.6.4.900 NMAC, except for the following segment-specific criteria: the monthly geometric mean of *E. coli* bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less. NMED proposes retaining the current *E. coli* primary contact criteria because swimming is not permitted in either lake.

NMED proposes to create a new segment, "Segment 229," for Mirror Lake. The 3.4 acre lake is located in Bottomless Lakes State Park. NMED Ex. 28. Mirror Lake is currently an unclassified water covered under section 99.

NMED proposes retaining the warmwater aquatic life, primary contact and wildlife habitat designated uses. Summer temperatures are consistent with the warmwater criterion of 32.2°C. NMED proposes to remove the livestock watering use due to salinity and because livestock are not allowed in the state park. The proposed numeric criteria are set forth in 20.6.4.900 NMAC, except for the following segment-specific criteria: the monthly geometric mean of *E. coli* bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less. NMED proposes retaining the current *E. coli* primary contact criteria because swimming is not permitted in either lake.

In light of the ecological and physical characteristics of these sinkhole lakes, the WQCC agrees with NMED's proposal to adopt the above designated uses and criteria for these four sinkhole lakes.

D. <u>Lakes in the Canadian River Basin</u>

NMED proposes to create a new segment, "Segment 313," to include five high-elevation natural lakes in the Canadian River Basin. Two of the lakes are in the Pecos wilderness and are ONRWs pursuant to 20.6.4.9 NMAC. NMED Ex. 28. The lakes are currently either unclassified perennial waters covered under section 99 or classified with other perennial waters in segments 307 or 309. NMED proposes amendments to segments 307 and 309 to exclude the lakes in proposed segment 313. The lakes are listed in Table 4 (below):

Table 4. Lakes in proposed segment 313

LAKE NAME	CURRENT WQS	ELEVATION feet	LAKE SIZE acres
Encantada Lake	99	10750	2.4
Maestas Lake	307	9951	3.0
Middle Fork Lake of Rio de la Casa	309	12000	1.5
North Fork Lake of Rio de la Casa	99	11810	2.0
Pacheco Lake	307	10865	5.0

NMED proposes retaining the designated uses from segment 309. The proposed designated uses are coldwater aquatic life, domestic water supply, irrigation, primary contact, livestock watering and wildlife habitat. The proposed numeric criteria are set forth in 20.6.4.900 NMAC, except for the following segment-specific criteria: the specific conductance criterion of 300 µS/cm; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

In light of the ecological and physical characteristics of the waters as high elevation natural lakes, the WQCC agrees with NMED's proposal to adopt the same designated uses and criteria for the lakes.

NMED proposes creating a new segment, "Segment 314," including north and south Shuree Ponds. The lakes are located within Carson National Forest at 9330 feet in elevation and are ONRWs pursuant to 20.6.4.9 NMAC. NMED Ex. 28. These reservoirs are currently classified, but not specifically named, in segment 309. NMED proposes an amendment to segment 309 to specifically exclude north and south Shuree Ponds.

The proposed designated uses and specific criteria are the same as those currently applicable to segment 309. These uses are coldwater aquatic life, irrigation, domestic water supply, primary contact, livestock watering and wildlife habitat. The temperature criterion for the high quality coldwater aquatic use is consistent with measured

temperatures. The proposed numeric criteria are set forth in 20.6.4.900 NMAC, except for the following segment-specific criteria: the specific conductance criterion of 500 µS/cm; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less to protect human health. The lakes are located on Forest Service land and are easily accessible to the public with two campgrounds located nearby.

In light of the above reasoning, the WQCC agrees with NMED's proposal to create a new segment for Shuree Ponds and adopt these designated uses and criteria.

NMED proposes to create a new segment, "Segment 315," for Eagle Nest Lake. The 1334 acre reservoir is located in Eagle Nest Lake State Park at 8200 feet in elevation. NMED Ex. 28. It supplies water to the Springer public water system. *Id.* Eagle Nest Lake is currently classified in segment 309 and specifically named as a public water supply. NMED proposes an amendment to segment 309 to exclude Eagle Nest Lake.

NMED proposes retaining the high quality coldwater aquatic life, irrigation, domestic water supply, primary contact, livestock watering, wildlife habitat and public water supply designated uses. The proposed numeric criteria are set forth in 20.6.4.900 NMAC, except for the following segment-specific criteria: the specific conductance criterion of 500 µS/cm; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less to protect public health and the public water supply pursuant to 20.6.4.900.A NMAC. Eagle Nest Lake is a long-established fishery with resident coldwater species of trout and salmon. The proposed designated uses and specific criteria are the same as those currently applicable to segment 309.

In light of the above reasoning, the WQCC agrees with NMED's proposal to create a new segment for Eagle Nest Lake and adopt these designated uses and criteria.

NMED proposes to create a new segment, "Segment 316," for Clayton Lake. The 148 acre lake is located in Clayton Lake State Park at 5200 feet in elevation. NMED Ex. 28. It was created as habitat for migratory waterfowl. *Id.* The National Audubon Society recognizes Clayton Lake as an Important Bird Area. *Id.* Clayton Lake is currently covered as an unclassified perennial water under section 99.

NMED proposes changing the aquatic life use from warmwater to coolwater. Measured summer water temperatures are consistent with the coolwater criterion of 29°C. The proposed numeric criteria are set forth in 20.6.4.900 NMAC, except for the following segment-specific criteria: the monthly geometric mean of *E. coli* bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less. NMED proposes retaining the *E. coli* criteria associated with low-frequency primary contact use, as more stringent criteria may not be attainable given the lake's importance as waterfowl habitat. In addition to the coolwater aquatic life use, NMED proposes retaining the primary contact, livestock watering and wildlife habitat designated uses.

In light of the lake's ecological and physical characteristics, the WQCC agrees with NMED's proposal to adopt these designated uses and criteria.

NMED proposes to create a new segment, "Segment 317," for Springer Lake. The 459 acre lake is located in northeastern New Mexico at 5900 feet in elevation. NMED Ex. 28. The lake was created to provide reliable water to farms and ranchers. *Id.* Springer Lake is currently covered as an unclassified perennial water under section 99.

NMED proposes changing the aquatic life use from warmwater to coolwater. Springer Lake contains a number of fish species. Measured summer water temperatures are consistent with the coolwater criterion of 29°C. NMED also proposes adding the irrigation use, which is an existing use by the Antelope Valley and Springer Ditch associations. The proposed numeric criteria are set forth in 20.6.4.900 NMAC, including the default *E. coli* criteria identified in section 900.D. Swimming is a common activity in Springer Lake. The proposed designated uses are coolwater aquatic life, primary contact, livestock watering and wildlife habitat.

In light of the lake's ecological and physical characteristics, the WQCC agrees with NMED's proposal to adopt these designated uses and criteria.

E. Lakes in the San Juan River Basin

NMED proposes to create a new segment, "Segment 410," for Jackson Lake. The 60 acre lake is located in northwestern New Mexico at 5488 feet in elevation. NMED Ex. 28. Jackson Lake was first created for irrigation, and the State later purchased the land area and lake. *Id.* The lake is currently covered as an unclassified perennial water under section 99.

NMED proposes changing the aquatic life use from warmwater to coolwater. Measured summer water temperatures are consistent with the coolwater criterion of 29°C, and the lake is home to a number of fish species. The proposed numeric criteria are set forth in 20.6.4.900 NMAC, except for the following segment-specific criteria: the monthly geometric mean of *E. coli* bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less. The designated purposes of the area are fishing and wildlife viewing.

Camping and swimming are not allowed. The proposed designated uses are coolwater aquatic life, primary contact, livestock watering and wildlife habitat.

In light of the lake's ecological characteristics, the WQCC agrees with NMED's proposal to adopt the above designated uses and criteria.

F. Lakes in the Little Colorado River Basin

NMED proposes to create a new segment, "Segment 453," for Quemado Lake. The 130 acre lake is located at 7630 feet in elevation. NMED Ex. 28. Recreational activities include camping, boating, picnicking and fishing. *Id.* It is currently covered as an unclassified perennial water under section 99.

NMED proposes changing the aquatic life use from warmwater to coolwater. Summer temperatures are consistent with the coolwater criterion of 29°C. The proposed designated uses are coolwater aquatic life, primary contact, livestock watering and wildlife habitat. NMED proposes increasing the protection for the primary contact use by applying the *E. coli* criteria identified in section 900.D. The proposed use-specific numeric criteria are set forth in 20.6.4.900 NMAC.

In light of the ecological characteristics of Quemado Lake, the WQCC agrees with NMED's proposal to adopt the above designated uses and criteria.

G. Lakes in the Gila River Basin

NMED proposes to create a new segment, "Segment 505," for Bill Evans Lakes. The 62 acre lake is located in southwestern New Mexico at 4800 feet in elevation. NMED Ex. 28. It was originally created to provide water for the Phelps Dodge Mining Company's Tyrone copper refining facility. *Id.* Water is pumped from the Gila River

300 feet below. *Id.* The lake is currently covered as an unclassified perennial water under section 99.

NMED proposes changing the aquatic life use to coolwater. Measured water temperatures are consistent with the coolwater criterion of 29°C. The lake currently has a designated use of warmwater aquatic life, but was assessed as marginal coldwater aquatic life, based on the presence of seasonally stocked trout. However, the measured summer temperature slightly exceeds the marginal coldwater criterion. NMED proposes that coolwater aquatic life use is the appropriate existing use. The proposed numeric criteria are set forth in 20.6.4.900 NMAC. NMED proposes increasing the protection for the primary contact use by applying the *E. coli* criteria identified in section 900.D. Recreational activities include fishing, boating, camping and hiking.

In light of the lake's ecological characteristics, the WQCC agrees with NMED's proposal to adopt the above designated uses and criteria.

ORDER

By an affirmative vote of 13 to 0, the proposed amendments to the Standards were approved by the WQCC. Title 20, Chapter 6, Part 4 of the New Mexico Administrative Code (20.6.4 NMAC) are to be amended as indicated in Exhibit B, with any appropriate corrections of formatting or other changes necessary to file these regulations with the New Mexico State Records Center. The regulatory change as described in this Order is hereby adopted, to be effective 30 days after filing with the State Records Center.

Butch Tongate

Butch Tongate, Commission Chair

This is an amendment to 20.6.4 NMAC, Sections 108, 109, 115, 119, 133-135, 209, 211, 217, 222-229, 307, 309, 313-317, 410, 453, 505 and 702, effective July 1, 2012.

20.6.4.108 RIO GRANDE BASIN - Perennial reaches of the Jemez river and all its tributaries above Soda dam near the town of Jemez Springs, except San Gregorio lake and Sulphur creek above its confluence with Redondo creek, and perennial reaches of the Guadalupe river and all its tributaries.

A. Designated Uses: domestic water supply, fish culture, high quality coldwater aquatic life, 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: specific conductance 400 µS/cm or less (800 µS/cm or less on Sulphur creek); the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less; and pH within the range of 2.0 to 8.8 on Sulphur creek.

[20.6.4.108 NMAC - Rp 20 NMAC 6.1.2106, 10-12-00; A, 05-23-05; A, 12-01-10; A, 07-01-12]

[**NOTE:** The segment covered by this section was divided effective 05-23-05. The standards for the additional segment are under 20.6.4.124 NMAC. The standards for San Gregorio lake are in 20.6.4.134 NMAC, effective 07-01-12]

20.6.4.109 RIO GRANDE BASIN - Perennial reaches of Bluewater creek excluding Bluewater lake and waters on tribal lands, Rio Moquino upstream of Laguna pueblo, Seboyeta creek, Rio Paguate upstream of Laguna pueblo, the Rio Puerco upstream of the northern boundary of Cuba, and all other perennial reaches of tributaries to the Rio Puerco, including the Rio San Jose in Cibola county from the USGS gaging station at Correo upstream to Horace springs excluding waters on tribal lands.

A. Designated Uses: coldwater aquatic life, domestic water supply, fish culture, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on La Jara creek.

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: phosphorus (unfiltered sample) 0.1 mg/L or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.109 NMAC - Rp 20 NMAC 6.1.2107, 10-12-00; A, 05-23-05; A, 12-01-10; A, 07-01-12]

[**NOTE:** The standards for Bluewater lake are in 20.6.4.135 NMAC, effective 07-01-12]

20.6.4.115 RIO GRANDE BASIN - The perennial reaches of Rio Vallecitos and its tributaries except Hopewell lake, and perennial reaches of Rio del Oso and perennial reaches of El Rito creek above the town of El Rito.

A. Designated Uses: domestic water supply, irrigation, high quality coldwater aquatic life, livestock watering, wildlife habitat and primary contact; public water supply on the Rio Vallecitos and El Rito creek.

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 µS/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.

[20.6.4.115 NMAC - Rp 20 NMAC 6.1.2112, 10-12-00; A, 05-23-05; A, 12-01-10; A, 07-01-12]

[**NOTE:** The standards for Hopewell lake are in 20.6.4.134 NMAC, effective 07-01-12]

20.6.4.119 RIO GRANDE BASIN - All perennial reaches of tributaries to the Rio Chama above Abiquiu dam, except Canjilon lakes a, c, e and f and the Rio Gallina and Rio Puerco de Chama north of state highway 96 and excluding waters on Jicarilla Apache reservation, and the main stem of the Rio Chama from the headwaters of El Vado reservoir upstream to the New Mexico-Colorado line. Some Cañones creek and Rio Chama waters in this segment are under the joint jurisdiction of the state and the Jicarilla Apache tribe.

A. Designated Uses: domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the Rio Brazos and Rio Chama.

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 500 µS/cm or less (1,000 µS or less for Coyote creek); the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.119 NMAC - Rp 20 NMAC 6.1.2116, 10-12-00; A, 05-23-05; A, 12-01-10; A, 07-01-12]

[**NOTE:** The standards for Canjilon lakes a, c, e and f are in 20.6.4.134 NMAC, effective 07-01-12]

20.6.4.133 RIO GRANDE BASIN - Bull Creek lake, Cow lake, Elk lake, Goose lake, Heart lake, Hidden lake (Lake Hazel), Horseshoe lake, Horseshoe (Alamitos) lake, Jose Vigil lake, Lost lake, Middle Fork lake, Nambe lake, Nat II lake, Nat IV lake, No Fish lake, Pioneer lake, San Leonardo lake, Santa Fe lake, Serpent lake, South Fork lake, Trampas lakes (east and west) and Williams lake.

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

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 µS/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.

[20.6.4.133 NMAC - N, 07-01-12]

20.6.4.134 RIO GRANDE BASIN - Cabresto lake, Canjilon lakes a, c, e and f, Fawn lakes (east and west), Hopewell lake and San Gregorio lake.

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

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 µS/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.

[20.6.4.134 NMAC - N, 07-01-12]

20.6.4.135 RIO GRANDE BASIN - Bluewater lake.

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

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: phosphorus (unfiltered sample) 0.1 mg/L or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.135 NMAC - N, 07-01-12]

[~~20.6.4.133~~] 20.6.4.136 - 20.6.4.200: [RESERVED]

20.6.4.209 PECOS RIVER BASIN - Perennial reaches of Eagle creek upstream of Alto dam to the Mescalero Apache boundary, perennial reaches of the Rio Bonito and its tributaries upstream of state highway 48 (near Angus) excluding Bonito lake, and perennial reaches of the Rio Ruidoso and its tributaries upstream of the U.S. highway 70 bridge near Seeping Springs lakes, above and below the Mescalero Apache boundary.

A. Designated Uses: domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat, public water supply 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 600 µS/cm or less in Eagle creek, 1,100 µS/cm or less in Bonito creek and 1,500 µS/cm or less in the Rio Ruidoso; phosphorus (unfiltered sample) less than 0.1 mg/L; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.209 NMAC - Rp 20 NMAC 6.1.2209, 10-12-00; A, 05-23-05; A, 12-01-10; A, 07-01-12]

[**NOTE:** The standards for Bonito lake are in 20.6.4.223 NMAC, effective 07-01-12]

20.6.4.211 PECOS RIVER BASIN - The main stem of the Pecos river from the headwaters of Sumner reservoir upstream to Tecolote creek excluding Santa Rosa reservoir.

A. Designated Uses: fish culture, irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) At all flows above 50 cfs: TDS 3,000 mg/L or less, sulfate 2,000 mg/L or less and chloride 400 mg/L or less.

[20.6.4.211 NMAC - Rp 20 NMAC 6.1.2211, 10-12-00; A, 05-23-05; A, 12-01-10; A, 07-01-12]
[**NOTE:** The standards for Santa Rosa reservoir are in 20.6.4.225 NMAC, effective 07-01-12]

20.6.4.217 PECOS RIVER BASIN - Perennial reaches of Cow creek and all perennial reaches of its tributaries and the main stem of the Pecos river from Cañon de Manzanita upstream to its headwaters, including perennial reaches of all tributaries thereto except lakes identified in 20.6.4.222 NMAC.

A. Designated Uses: domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river.

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 µS/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.
[20.6.4.217 NMAC - Rp 20 NMAC 6.1.2214, 10-12-00; A, 05-23-05; A, 12-01-10; A, 07-01-12]
[**NOTE:** The segment covered by this section was divided effective 05-23-05. The standards for the additional segments are under 20.6.4.220 and 20.6.4.221 NMAC.]

20.6.4.222 PECOS RIVER BASIN - Johnson lake, Katherine lake, Lost Bear lake, Pecos Baldy lake, Spirit lake, Stewart lake and Truchas lakes (north and south).

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

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 µS/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.
[20.6.4.222 NMAC - N, 07-01-12]

20.6.4.223 PECOS RIVER BASIN - Bonito lake.

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

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 1100 µS/cm or less; phosphorus (unfiltered sample) less than 0.1 mg/L; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.
[20.6.4.223 NMAC - N, 07-01-12]

20.6.4.224 PECOS RIVER BASIN - Monastery lake.

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

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 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.
[20.6.4.224 NMAC - N, 07-01-12]

20.6.4.225 PECOS RIVER BASIN - Santa Rosa reservoir.

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

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.
[20.6.4.225 NMAC - N, 07-01-12]

20.6.4.226 PECOS RIVER BASIN - Perch lake.

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

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.
[20.6.4.226 NMAC - N, 07-01-12]

20.6.4.227 PECOS RIVER BASIN - Lea lake.

A. **Designated Uses:** warmwater aquatic life, primary contact and wildlife habitat.

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.

[20.6.4.227 NMAC - N, 07-01-12]

20.6.4.228 PECOS RIVER BASIN - Cottonwood lake and Devil's Inkwell.

A. **Designated Uses:** coolwater aquatic life, primary contact and wildlife habitat.

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 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.

[20.6.4.228 NMAC - N, 07-01-12]

20.6.4.229 PECOS RIVER BASIN - Mirror lake.

A. **Designated Uses:** warmwater aquatic life, primary contact and wildlife habitat.

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 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.

[20.6.4.229 NMAC - N, 07-01-12]

[~~20.6.4.222~~] 20.6.4.230 - 20.6.4.300: [RESERVED]

20.6.4.307 CANADIAN RIVER BASIN - Perennial reaches of the Mora river from the USGS gaging station near Shoemaker upstream to the state highway 434 bridge in Mora, all perennial reaches of tributaries to the Mora river downstream from the USGS gaging station at La Cueva in San Miguel and Mora counties except lakes identified in 20.6.4.313 NMAC, perennial reaches of Ocate creek and its tributaries downstream of Ocate, and perennial reaches of Rayado creek downstream of Miami lake diversion in Colfax county.

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

B. **Criteria:** the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.307 NMAC - Rp 20 NMAC 6.1.2305.3, 10-12-00; A, 05-23-05; A, 12-01-10; A, 07-01-12]

20.6.4.309 CANADIAN RIVER BASIN - The Mora river and perennial reaches of its tributaries upstream from the state highway 434 bridge in Mora except lakes identified in 20.6.4.313 NMAC, all perennial reaches of tributaries to the Mora river upstream from the USGS gaging station at La Cueva, perennial reaches of Coyote creek and its tributaries, the Cimarron river and its perennial tributaries above state highway 21 in Cimarron except Eagle Nest lake, all perennial reaches of tributaries to the Cimarron river north and northwest of highway 64 except north and south Shuree ponds, perennial reaches of Rayado creek and its tributaries above Miami lake diversion, Ocate creek and perennial reaches of its tributaries upstream of Ocate, perennial reaches of the Vermejo river upstream from Rail canyon and all other perennial reaches of tributaries to the Canadian river northwest and north of U.S. highway 64 in Colfax county unless included in other segments.

A. **Designated Uses:** domestic water supply, irrigation, high quality coldwater aquatic life, livestock watering, wildlife habitat, and primary contact; and public water supply on the Cimarron river upstream from Cimarron[~~, on Eagle Nest lake~~] and on perennial reaches of Rayado creek and its tributaries.

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 500 µS/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.

[20.6.4.309 NMAC - Rp 20 NMAC 6.1.2306, 10-12-00; A, 7-19-01; A, 05-23-05; A, 12-01-10; A, 07-01-12]

[**NOTE:** The segment covered by this section was divided effective 05-23-05. The standards for the additional segment are under 20.6.4.310 NMAC. The standards for Shuree ponds are in 20.6.4.314 NMAC and the standards for Eagle Nest lake are in 20.6.4.315 NMAC, effective 07-01-12]

20.6.4.313 CANADIAN RIVER BASIN - Encantada lake, Maestas lake, Middle Fork lake of Rio de la Casa, North Fork lake of Rio de la Casa and Pacheco lake.

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

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 µS/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.

[20.6.4.313 NMAC - N, 07-01-12]

20.6.4.314 CANADIAN RIVER BASIN - Shuree ponds (north and south).

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

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 500 µS/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.

[20.6.4.314 NMAC - N, 07-01-12]

20.6.4.315 CANADIAN RIVER BASIN - Eagle Nest lake.

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

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 500 µS/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.

[20.6.4.315 NMAC - N, 07-01-12]

20.6.4.316 CANADIAN RIVER BASIN - Clayton lake.

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

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 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.

[20.6.4.316 NMAC - N, 07-01-12]

20.6.4.317 CANADIAN RIVER BASIN - Springer lake.

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

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.317 NMAC - N, 07-01-12]

[~~20.6.4.313~~] 20.6.4.318 - 20.6.4.400: [RESERVED]

20.6.4.410 SAN JUAN RIVER BASIN - Jackson lake.

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

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 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.

[20.6.4.410 NMAC - N, 07-01-12]

[~~20.6.4.410 - 20.6.450~~] 20.6.4.411 - 20.6.4.450: [RESERVED]

20.6.4.453 LITTLE COLORADO RIVER BASIN - Quemado lake.

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

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.453 NMAC - N, 07-01-12]

[~~20.6.4.453~~] 20.6.4.454 - 20.6.4.500: [RESERVED]

20.6.4.505 GILA RIVER BASIN - Bill Evans lake.

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

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.505 NMAC - N, 07-01-12]

[~~20.6.4.505~~] 20.6.4.506 - 20.6.4.600: [RESERVED]

20.6.4.702 DRY CIMARRON RIVER - Perennial portions of the Dry Cimarron river below Oak creek, and perennial portions of Long canyon and Carrizozo creeks.

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

B. Criteria:

(1) 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: [~~temperature 25°C (77°F) or less;~~] the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

(2) TDS 1,200 mg/L or less, sulfate 600 mg/L or less and chloride 40 mg/L or less.

[20.6.4.702 NMAC - N, 05-23-05; A, 12-01-10; A, 07-01-12]