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**IN THE MATTER OF PROPOSED AMENDMENTS TO SURFACE WATER  
QUALITY STANDARDS FOR DOG CANYON CREEK AND TECOLOTE CREEK, 20.6.4  
NMAC:**

**CONCISE EXPLANATORY STATEMENT**

In accordance with the authority vested in it by NMSA 1978, Section 74-6-4(D) to adopt water quality standards for surface and ground waters of the state, the New Mexico Water Quality Control Commission (the “Commission”) held a public hearing during the course of its regularly scheduled meeting on January 9, 2018 to amend Rule 20.6.4 NMAC, which sets forth standards for interstate and intrastate surface waters. Federal law requires that each state specify appropriate water uses to be achieved and protected. A state may change a designated use after conducting a use attainability analysis (“UAA”). The Surface Water Quality Bureau of the New Mexico Environment Department conducted UAAs to determine the most appropriate and protective aquatic life use for the perennial portions of Dog Canyon Creek in Otero County, New Mexico, and portions of Tecolote Creek in San Miguel County, New Mexico. The coldwater and high quality coldwater aquatic life uses are not attainable because naturally occurring pollutant concentrations, such as high water temperatures resulting from natural ambient air temperatures, prevent the attainment of the aquatic life use. The UAAs demonstrate that a coolwater aquatic life use is the most protective aquatic life use that is naturally attainable in these waters. To implement this standards change, it is necessary to amend 20.6.4.215 NMAC and 20.6.4.801 NMAC, and to adopt two new water quality segments: 20.6.4.230 NMAC (“Perennial reaches of Tecolote creek from I-25 to Blue creek.”); and 20.6.4.810 NMAC (“Perennial reaches of Dog Canyon creek.”). On January 16, 2018, the Commission issued an order and statement of reasons amending 20.6.4 NMAC. The order and statement of reasons “is the official version of the commission’s action” pursuant to 20.1.6.306(F) NMAC.

