



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

DEC 8 2005

Honorable Ruben Romero
Governor
Pueblo of Taos
P.O. Box 1846
Taos, NM 87571

Dear Governor Romero:

I am pleased to inform you that the U.S. Environmental Protection Agency Region 6 (EPA) has completed its review under Clean Water Act (CWA) §518 of the Pueblo of Taos' application for treatment in the same manner as a state under CWA §303(c) and §401, water quality standards and certification. The request for approval was received by EPA on June 10, 2003. Approval of the application for treatment in the same manner as a state means that the Tribe is eligible to administer the water quality standards program for waters within the areas covered by the application, and, pursuant to 40 CFR §131.4(c), is eligible to the same extent as a state for purposes of certifications under CWA §401.

EPA is approving the request for treatment in the same manner as a state for the waters within the Pueblo of Taos' Reservation covered by the application (including lands held by the United States in trust for the Pueblo of Taos identified on the maps submitted in the application as Tracts A and B and the Karavas Tract). There are nonmember-owned fee lands within the exterior boundaries of the Taos Reservation, including a portion of the Town of Taos. The Pueblo of Taos' application does not assert jurisdiction over the nonmember fee lands within the Taos Reservation for purposes of regulating water quality under the CWA, and EPA's approval is limited to the area included in the application.

Complete documentation of our review of the request for treatment in the same manner as a state can be found in the enclosure titled *Decision Document: Approval of Pueblo of Taos Application for Treatment in the Same Manner as a State (TAS) Under §303 and §401 of the Clean Water Act*. In making this decision, EPA received comments under 40 CFR §131.8(c)(3) from appropriate governmental entities and other interested parties regarding the Tribe's assertion of authority to regulate water quality for the areas covered by this application. A response to comments is included in the docket for this decision.

The Pueblo of Taos also submitted tribally-adopted water quality standards for EPA review and approval along with its application for treatment in the same manner as a state for CWA §303(c) and §401. EPA cannot approve an Indian tribe's water quality standards before a tribe has been approved for treatment in the same manner as a state for the water quality standards and §401 certification programs. Following this approval of the Pueblo of Taos for treatment in the same manner as a state, EPA will provide timely review of the Pueblo of Taos'

water quality standards, and any future revisions that the Tribe may adopt and submit for EPA approval. If approved, those Tribal standards would apply under §303(c) of the CWA to all surface waters covered by this approval of the Pueblo of Taos' application for treatment in the same manner as a state.

EPA looks forward to working with the Pueblo of Taos in implementing its water quality programs. If you have any questions or concerns, please contact me at (214) 665-7101 or contact Melinda Nickason of my staff at (214) 665-8059.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Miguel I. Flores". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Miguel I. Flores
Director
Water Quality Protection Division

Enclosure

cc: Robert Gomez, Director - Taos Pueblo Environmental Office