



February 11, 2016

Jeanine Townsend  
Clerk to the Board  
commentletters@waterboards.ca.gov  
Joe Serna Jr. - CalEPA Building  
1001 I Street, Sacramento

Re: State Water Resources Control Board Resolution Directing Staff to Develop Beneficial Uses Pertaining to Tribal Traditional and Cultural, Tribal Subsistence Fishing, and Subsistence Fishing.

Dear Ms. Townsend:

The undersigned organizations appreciate the opportunity to provide the State Water Resources Control Board (**SWRCB**) with the following comments in relation to the SWRCB's Draft Resolution Directing Staff to Develop Beneficial Uses Pertaining to Tribal Traditional and Cultural, Tribal Subsistence Fishing, and Subsistence Fishing (**Resolution**).

We are concerned with the SWRCB's actions in moving towards the adoption of this Resolution and the subsequent staff actions in defining new state-wide beneficial uses that will result in the amendment of water quality control plans throughout the state to accommodate these new beneficial uses.

First, we believe beneficial uses protected under water quality control plans should be developed locally. The Regional Water Quality Control Boards (**Regional Boards**) have the authority to designate beneficial uses to be protected under water quality control plans for the region the plan covers. This allows local participation in the development or amendment of water quality control plans to include beneficial uses impacted in that region and allows the beneficial use to be tailored to the unique conditions of the region.

Allowing Regional Boards to individually determine the proper beneficial uses to be protected under water quality control plans is also in line with the direction of the Legislature and Administration on water management. The Legislature recently passed the Sustainable

February 11, 2016

Page 2 of 3

Groundwater Management Act, which stresses local management and control of groundwater resources. Similarly, the Irrigated Lands Regulatory Program, CV-SALTS management program and TMDL projects are all regionally and/or locally driven. It is counter-intuitive for the SWRCB to create new state-wide beneficial uses when the focus of the Legislature and Administration has been on local control and management.

There has been no explanation or evidence that the lack of a state-wide designation has created issues or problems for these uses. We therefore do not see the necessity of directing staff to develop new state-wide beneficial uses at this time.

All water quality control plans must consider the beneficial uses of: (i) Aquaculture, (ii) Preservation of Biological Habitats of Special Significance; (iii) Cold Freshwater Habitat; (iv) Commercial and Sport Fishing, which includes human consumption of organisms; (v) Estuarine Habitat; (vi) Freshwater Replenishment; (vii) Marine Habitat; (viii) Migration of Aquatic Organisms; (ix) Shellfish Harvesting; and (x) Wildlife Habitat. We request the SWRCB provide a legal analysis of how these existing state-wide beneficial uses do not currently protect Indian Tribal traditional and cultural use, Indian Tribal subsisting fishing and individual subsistence fishing in each region of the state.

If these uses do need protection in one or more regions, we encourage the SWRCB to allow Regional Boards to determine necessity and scope of the beneficial use as Region 1 has already done.

The current drought has had a large impact on the state. In order to better manage our water resources we need to allow water policies to be tailored for the unique needs, issues and regions of California. We request that the SWRCB reject the Resolution and evaluate if new state-wide beneficial uses that would force changes to existing water quality control plans are needed in these uncertain and challenging times.

Sincerely,



Terry Gage  
California Agricultural Aircraft Association



Barry Bedwell  
California Fresh Fruit Association



Roger Isom  
California Cotton Ginners and Growers  
Associations  
Western Agricultural Processors Association



California Rice Commission



Joel Nelson  
California Citrus Mutual



Renee Pinel  
Western Plant Health Association

February 11, 2016

Page 3 of 3

cc: Felicia Marcus, Chair, State Water Resources Control Board;  
Frances Spivy-Weber, Vice Chair, State Water Resources Control Board;  
Tam M. Doduc, Member, State Water Resources Control Board;  
Steven Moore, Member, State Water Resources Control Board;  
Dorene D'Adamo, Member, State Water Resources Control Board