

Public Comment Summary and Central Coast Water Board Staff Responses: 2024 Triennial Review of the Water Quality Control Plan for the Central Coastal Basin

September 24, 2024

Central Coast Water Board staff (staff) received public comments from eight interested persons during the public comment period for the 2024 Triennial Review of the Water Quality Control Plan for the Central Coastal Basin (Basin Plan). The 45-day public comment period began June 24, 2024, and ended August 9, 2024. Staff reviewed all public comments received. Commenting organizations and a transcription of comments and staff responses to each comment are shown below, organized according to commenter and the order comments were received by staff.

Commenting Organizations:

	Organization	Document pages
1	Santa Ynez Band of Chumash Indians*	2 – 6
2	Santa Barbara County Flood Control District	6 – 10
3	San Luis Obispo Chapter of Surfrider Foundation	10 – 19
4	City of Morgan Hill, Environmental Programs	20 – 21
5	Santa Clara Valley Water District (Valley Water)	21 – 26
6	City of Gilroy, Stormwater	26 – 27
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8	United States Environmental Protection Agency (USEPA), Region 9	30 – 31

* The Santa Ynez Band of Chumash Indians provided verbal comments at the public outreach meeting and workshop on July 31, 2024. Staff have included paraphrased comments from notes taken during the workshop.

Comments and Staff Responses:

Comment Number	Comment Summary	Staff Response
1	Santa Ynez Band of Chumash Indians Comments	
1.1	<p>Zanja de Cota Creek historically flowed through the land where the Santa Ynez Band of Chumash Indians Reservation (Reservation) is located. Upstream activities impacted water quality and water quantity. Zanja de Cota Creek no longer flows through the Reservation and instead a well is relied upon. The water quality of the groundwater basin that the Reservation relies on, the Santa Ynez Upland Groundwater Basin, must be protected.</p>	<p>Staff acknowledges the concerns for reduced surface water flows and the protection of groundwater quality, especially of the Santa Ynez River Valley. The Central Coast Water Board has taken several actions and will continue to protect the water resources of the Santa Ynez River Valley and groundwater basins.</p> <p>The Basin Plan is the legal authority in place to protect groundwater quality of the Santa Ynez River Valley – Santa Ynez Uplands sub-aquifer (SYU sub-aquifer) with established water quality objectives. The SYU sub-aquifer water quality objectives are more stringent than California drinking water standards, therefore providing Santa Ynez communities, including the Reservation, additional level of protection of their water resources. In addition to the Basin Plan enforceable water quality objectives, the Central Coast Water Board has taken actions to address risks of groundwater degradation potentially due to onsite wastewater treatment systems in the SYU sub-aquifer with the incorporation of the State of California Onsite Wastewater Treatment System Policy (OWTS Policy) into the Basin Plan.¹ The OWTS Policy provided the flexibility for the Central Coast Water Board to approve the Santa Barbara County Local Agency Management Program (LAMP)</p>

¹ Basin Plan amendment incorporating the OWTS Policy, Resolution R3-2013-0005:
https://www.waterboards.ca.gov/centralcoast/water_issues/programs/septics/docs/item12_combined.pdf

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		<p>that requires more stringent wastewater treatment levels for septic systems overlying the SYU sub-aquifer. Other Santa Ynez River Valley regional plans and agencies are in place to protect groundwater quality, including the Santa Ynez Community Plan of 2009, the Santa Barbara County Integrated Regional Water Management Plan of 2013, and the Santa Ynez River Valley Groundwater Basin – Eastern Management Area Groundwater Sustainability Agency established in 2022.</p> <p>In accordance with the Sustainable Groundwater Management Act (SGMA) efforts that are underway to implement a framework for groundwater management in the Santa Ynez basins (see the Eastern Management Area Groundwater Sustainability Plan (GSP)² adopted in early 2022). These efforts include continuous monitoring and assessment of groundwater levels to avoid significant and unreasonable conditions caused by groundwater use that could lead to undesirable results, such as degraded water quality and depletion of interconnected surface water. Appropriate management actions to address these results may be implemented based on monitoring data and consideration of 2015 baseline conditions.</p> <p>Staff recommended prioritizing two proposals included in this Triennial Review that are also aligned with protection of the Santa Ynez basins. <i>Proposal</i></p>

² Eastern Management Area Groundwater Sustainability Plan (GSP): <https://www.santaynezwater.org/eastern-management-area-groundwater-sustainability-plan-2df1d8b>

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1.2	Zanja de Cota Creek surface waters are a water right of the Santa Ynez Band of Chumash Indians that is not being realized. Zanja de Cota Creek flow needs to be reestablished by decreasing upstream use. Additionally, or alternatively, an allocation of Lake Cachuma should be given to the Santa Ynez Band of Chumash Indians.	<p data-bbox="1136 269 1892 850"><i>10: Update Groundwater Basin Boundary Map and Table</i> and its overlap with <i>Proposal 24: Revisions for Table 3-6 Site-specific Groundwaters</i> could provide opportunity to address concerns. Staff recommended adding these proposals to the 2024 Priority List because they align with prioritization criteria and staff resources are available for their development. Additionally, <i>Proposal 11: Modify Groundwater Recharge Use Definition</i> to include maintenance of instream flows, riparian habitat, and wetland habitat could also provide opportunity to address concerns. Proposals included in the Triennial Review are simply a list of ideas for potential improvements to the Basin Plan and any proposal that is developed into a proposed Basin Plan amendment would be developed as part of a public process.</p> <p data-bbox="1136 873 1892 1414">In California, the State Water Resources Control Board (State Water Board) is the only agency with authority to administer water rights (see, e.g., California Water Code section 1707). The Basin Plan does, however, establish the water quality standards for each waterbody. Water quality standards include the designation of beneficial uses and water quality objectives to protect those uses. Proposals that support water quality standards related to the protection of Zanja De Cota Creek include <i>Proposal 3: Designate Tribal and Subsistence Fishing Beneficial Uses</i> to identify and designate Tribal Beneficial Uses to this waterbody, <i>Proposal 15: Develop and Establish Surface Water Flow Objectives</i> to protect the minimum flows necessary to</p>

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1.3	The Tribal Beneficial Uses need to be designated to waters within the Central Coast Water Board's region. There needs to be a clear path and process of designation to follow so that these designations can move forward.	<p data-bbox="1136 269 1864 448">maintain and protect fish passage and habitat connectivity, and <i>Proposal 11: Modify Groundwater Recharge Use Definition</i> to include maintenance of instream flows, riparian habitat, and wetland habitat support protection of water quality standards.</p> <p data-bbox="1136 467 1892 756">Staff recommended adding Proposal 3 to the 2024 Priority List because it aligns with prioritization criteria and staff resources are available to continue work already underway to engage with Tribes in the region, and State and Regional Water Board Tribal coordinators, to support TBU designations. Any Basin Plan amendment would be developed as part of a public process.</p> <p data-bbox="1136 776 1892 1393">Staff acknowledges the support for <i>Proposal 3: Designate Tribal and Subsistence Fishing Beneficial Uses</i> and the development of a clear path and process of designation. Staff recommended adding this proposal to the 2024 Priority. The Water Board recognize and value Tribes' Traditional Ecological Knowledge and historic experience with managing California's water resources since time immemorial. The State Water Board Office of Public Participation (OPP) is committed to improving communications and working relationships with California Native American Tribes to help advance decisions and policies that better protect California's waters. Staff currently attend monthly, tribal-led meetings with State and Regional Water Board TBU leaders to listen to tribal concerns related to TBU engagement. Staff intend to continue participating and coordinating</p>

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2	Santa Barbara County Flood Control District Comments	with OPP to remain current with their efforts to support TBU designations statewide. Staff will continue outreach and engagement with Tribes in the region and provide information and resources provided by OPP ³ to support TBU designations. This Basin Plan amendment would be developed as part of a public process.
2.1	<p>The Triennial Review process includes a criterion that staff should consider: <i>Does the proposal improve regulatory and program efficiency and/or effectiveness?</i> This is a very important objective. Currently, there is so much duplicative review between Regional Water Boards and California Dept of Fish and Wildlife (CDFW) jurisdiction in terms of waters of the state, riparian habitat, vegetation management, and protection measures. With state agency resources/funding/staffing constraints, the duplicative effort of two separate state agencies reviewing the same parameters results in delays, redundant work, waste of staff time and applicant time and resources, excessive fees, and a cumbersome administrative review process that produces more paperwork but does not produce any additional value or protection for natural resources. This fact has been widely recognized by various entities as demonstrated by previous efforts to “streamline” state permitting</p>	<p>Staff acknowledges the support for Central Coast Water Board regulatory and program efficiency and effectiveness. Whenever possible, the Central Coast Water Board works with and coordinates with its sister agencies to ensure efficiencies, fiscal responsibilities, and to lessen burdens on regulated entities.</p> <p>Proposals included in the Triennial Review are simply a list of ideas for potential improvements to the Basin Plan. All proposals on the list are evaluated pursuant to the stated criteria, including but not limited to improvement of regulatory and program efficiency and effectiveness, and prioritized accordingly. Any proposal that might be developed into a proposed Basin Plan amendment would be developed as part of a public process with the opportunity for public comment at that time.</p>

³ The State Water Board’s Office of Public Participation, Tribal Affairs page: https://www.waterboards.ca.gov/tribal_affairs/

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	<p>(HREA Habitat Restoration and Enhancement Act for example). The existence of such state-sponsored programs confirms that the state itself recognizes the overlapping and cumbersome jurisdictions of CDFW and Water Boards. In this agency's experience, the overlapping and nearly identical jurisdiction of CDFW and Water Board for waterways and riparian habitat regulations results in a duplicative, expensive, time-consuming process for all involved while producing 2 permits with coinciding measures and conditions that could be achieved through a single permit. The dual agency review is simply redundant and wasteful and does not produce any additional benefit. The Basin Plan Triennial review should focus on ways to streamline, delegate, and consolidate review with other state entities, especially in terms of riparian habitat, streambed alterations, or other activities that are already governed under another code of regulations. This would leave more Water Board time and resources for water-quality-specific work or efforts that are not already being reviewed and regulated by another state agency. There is an opportunity for broad, sweeping reform that would save tremendous agency staff time, funding, and resources while not impacting any waterway or riparian habitat protections (as they are already covered by CDFW). It is time to stop dancing around this issue and for the state agencies to start a process of streamlining and separation of roles, rather than introducing new, more complex</p>	

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	<p>regulations into this Triennial review. Riparian habitat regulations are already (and more appropriately) governed in the 1600 process by an agency with more expertise in plants/fish/wildlife/rare species (CDFW), while the Water Board's process should focus more on water quality and beneficial public uses of water, drinking water, groundwater, and water infrastructure management which is the Water Board's agency expertise. It is unreasonable to expect both CDFW and Water Board staff to both be experienced and effective at so much overlapping jurisdiction.</p>	
2.2	<p>Specific proposals in the Triennial Review do not improve regulatory and program efficiency and/or effectiveness and do not meet the stated criterion.</p>	<p>Please see response to comment 2.1</p>
2.3	<p>Proposal 18 is problematic. Central Coast watersheds are flashy, dynamic systems and there is growing consensus and understanding that sediment in waterways is an important resource, not a waste-discharge, and sediment dynamics are important to fluvial morphology, aquatic biota, and downstream resources such as lagoons, salt marshes and beaches. A single numeric target as a turbidity threshold is arbitrary and ignores the importance of sediment transport and the fact that turbidity is variable depending on watersheds and weather variations. One case study from Gabilan Creek should not be generalized to the scope of watersheds in the Central Coast region, which includes some major river watersheds as well as</p>	<p>Comment noted. Any proposal that might be developed into a proposed Basin Plan amendment would be developed as part of a public process with the opportunity for public comment at that time.</p>

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	small ephemeral tributaries. It will prove impossible to determine a natural turbidity level for these flashy, variable watersheds.	
2.4	<p>Proposal 35 is unnecessary and pre-decisional. The statement itself “<i>develop justification to increase the minimum filter strip</i>” is inappropriate; it appears that the Triennial Review has pre-determined that increasing the filter strip should be an objective, although no justification has been made to support the decision. The Proposal to “develop justification” after a decision has been made is problematic. Any attempt to broaden the filter strip requirements or expand the scope of Clean Water Act (CWA) jurisdiction regarding top-of-bank must recognize the jurisdictional limits of CWA relative to waters of the US and waters of the state. The scope-creep of CWA has frequently been subject to litigation and revision at state and federal levels and varies with each administration, creating a cumbersome, burdensome, and litigious process that wastes time and resources while doing little to protect natural resources. Any attempt to broaden CWA jurisdiction to filter strips or anything that might conceivably be argued as “upland” or non-waters of the state will be a regulatory dead-end and create more controversy and distraction than value. There are limits to CWA jurisdiction as specified in the way the law is written. Triennial review needs to recognize and</p>	<p>Comment noted. Proposal 35 is neither unnecessary nor pre-decisional, since it is simply a proposal, included because of input from interested persons and/or staff during and since the previous Triennial Review (2021). Preliminary List proposals are evaluated to determine if they increase the Basin Plan’s effectiveness as a regulatory instrument to protect water quality and align with the Central Coast Water Board and Basin Planning Program priorities. Any proposal that might be developed into a proposed Basin Plan amendment would be developed as part of a public process with the opportunity for public comment at that time.</p>

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	abide by those limits and not enable controversy with attempts to broaden jurisdictional boundaries.	
2.5	Proposal 46 is unnecessary and redundant for the reasons already stated. The goals should be revised to streamline and consolidate efforts with other existing state regulations so that multiple agencies are not wasting public funds to perform the same work and produce the same results, when one agency can fulfill this role.	Comment noted. Any proposal that might be developed into a proposed Basin Plan amendment would be developed as part of a public process with the opportunity for public comment at that time.
3	San Luis Obispo Chapter of Surfrider Foundation Comments	
3.1	Our Blue Water Task Force (BWTF) program volunteers have done weekly testing of 20 beach, estuary, and creek locations for bacterial contamination along the SLO Coast for over ten years. We are concerned that several beaches and estuaries frequently exceed state standards for bacterial contamination. While BWTF tests regularly and is finding impaired water quality at both Pismo Creek Estuary and SLO Creek Estuary, we are particularly concerned about the SLO Creek Watershed (SLOCW) carrying urban and agricultural pathogens to Avila Beach and its adjacent lagoon and Estuary. We have six testing sites between the SLO Creek Estuary and SLO Creek at the San Luis Bay Drive bridge just east of Hwy 101 (35.195862, -120.697032). Enterococcus tests at these six sites exceed state standards from 47% to 72% of the time.	Staff acknowledges the concern for human health and exposure to surface waters, enclosed bays, and estuaries with the Water Contact Recreation (REC-1) beneficial use that exceed bacteria water quality objectives for enterococci. The Central Coast Water Board amended the Basin Plan to incorporate a Total Maximum Daily Load (TMDL) and Implementation Plan for pathogens in San Luis Obispo Creek on December 3, 2004, after the creek was identified on California's 1996 303(d) list as impaired by pathogens due to exceedance of existing Basin Plan objectives. Section 4.9.4 of the Basin Plan, <i>TMDL for Pathogens in San Luis Obispo Creek</i> , includes a source analysis, source allocation, and an implementation plan for human, urban, and livestock sources that is subject to three-year reviews by permitting staff. Permitting staff are working with implementing parties to address impairments.

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3.2	We request the Central Coast Water Board (CCWB) to provide public information and progress reports on implementation of the best practices prescribed by the SLOCW section of the Basin Plan (Section 4.9.4), including measured results at SLO Creek Estuary and whether objectives for specific beneficial uses (Water Contact Recreation REC-1, section 3.3.2.2) are being actively measured and managed. Such an approach would likely require adding SLO Creek Estuary as the most downstream site in figure 4.9.4-1.	Staff acknowledges the support for revisiting section 4.9.4 of the Basin Plan, <i>TMDL for Pathogens in San Luis Obispo Creek</i> , and the request to evaluate implementation and progress. This comment is outside the scope of the Triennial Review but has been shared with TMDL Program and Stormwater Program staff for their consideration in prioritizing future program activities. Commenter was connected to staff in these programs during prior correspondence.
3.3	[We request the CCWB to] increase public education and outreach regarding sources of fecal coliform, associated health risks, including (a) actions individuals can take to reduce loading (b) the city and county public participation and outreach efforts must include identifying and promotion specific actions that responsible parties can implement to reduce pathogen loading from homeless encampments and other illegal campsites.	Please see response to comment 3.2.
3.4	[We request the CCWB to] develop and implement additional best practices comparable to those for other major watersheds on the Central Coast to address the issues of trash and pathogens from human waste at illegal camp sites including (a) require owners of land that contain homeless person and/or homeless encampments comply with the Human Fecal Material Discharge Prohibition, (b) require such owners to file a plan	Staff acknowledges the support for evaluating San Luis Obispo Creek watershed for a Human Fecal Material Discharge Prohibition under section 5.4.2.2 of the Basin Plan to improve water quality conditions related to REC-1 beneficial use and pathogen impairments. This proposal has been added to the 2024 Triennial Review as <i>Proposal 49: Evaluate San Luis Obispo Creek Watershed for a Human Fecal Material Discharge Prohibition and/or a Domestic</i>

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	for compliance and report progress toward complying with the plan.	<i>Animal Waste Discharge Prohibition.</i> This new proposal may be considered for development during future triennial reviews to evaluate San Luis Obispo Creek Watershed for a Human Fecal Material Discharge Prohibition.
3.5	[We request the CCWB to] report on progress toward adopting enforceable means (e.g., an ordinance) of reducing/ eliminating fecal coliform loading from pet waste.	Staff acknowledges the support for evaluating San Luis Obispo Creek watershed for a Domestic Animal Waste Discharge Prohibition under section 5.4.2.1 of the Basin Plan to improve water quality conditions related to REC-1 beneficial use and pathogen impairments. This proposal has been added to the 2024 Triennial Review as <i>Proposal 49: Evaluate San Luis Obispo Creek Watershed for a Human Fecal Material Discharge Prohibition and/or a Domestic Animal Waste Discharge Prohibition.</i> This new proposal may be considered for development during future triennial reviews.
3.6	[We request the CCWB to] implement strategies to reduce/ eliminate fecal coliform loading from wild animals inhabiting the tunneled area of the Creek.	The TMDL in section 4.9.4 of the Basin Plan for pathogens in San Luis Obispo Creek describes implementation for urban sources and wild animal waste management under the City of San Luis Obispo's National Pollutant Discharge Elimination System (NPDES) permit for municipal stormwater and requires the development and implementation of "strategies to reduce/ eliminate fecal coliform loading from wild animals inhabiting the tunnelized area of the Creek." This comment has been shared with the Stormwater Program staff implementing this permit.

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3.7	[We request the CCWB to] implement strategies to detect and eliminate illicit discharges (whether mistake or deliberate) of sewage to the Creek.	<p>The TMDL in section 4.9.4 of the Basin Plan for pathogens in San Luis Obispo Creek describes implementation for urban sources under the City of San Luis Obispo’s NPDES permit for municipal stormwater and the County of San Luis Obispo’s NPDES permit for municipal stormwater and requires the development and implementation of “strategies to detect and eliminate illicit discharges (whether mistaken or deliberate) of sewage to the Creek.” In addition, if the Central Coast Water Board is made aware of unauthorized discharges of untreated wastewater to waters of the state within the Central Coast region, the Central Coast Water Board evaluates and informs follow-up actions based on quantity, nature, and circumstances associated with the discharge and impacts to beneficial uses. The Central Coast Water Board follows a progressive enforcement approach and contemplates an escalating series of actions beginning with notification of violations and compliance assistance, followed by enforcement orders compelling compliance, and potentially a complaint for civil liabilities as appropriate and necessary.</p> <p>This comment has been shared with the Stormwater Program staff implementing this permit.</p>
3.8	[We request the CCWB to] maintain the sewage collective system (including later sewer lines), including identification of sewage leaks, the correction of sewage leaks, and prevention of sewage leaks.	The TMDL in section 4.9.4 of the Basin Plan for pathogens in San Luis Obispo creek describes an implementation that includes the NPDES permit for the City of San Luis Obispo’s Water Resources Recovery Facility that requires maintenance of “the

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3.9	[We request the CCWB to] develop and implement strategies to reduce/ eliminate fecal coliform loading from livestock grazing.	<p>sewage collection system, including identification of sewage leaks, the correction of sewage leaks, and prevention of sewage leaks.” In addition, if the Central Coast Water Board is made aware of unauthorized discharges of untreated wastewater to waters of the state within the Central Coast region, the Central Coast Water Board evaluates and informs follow-up actions based on quantity, nature, and circumstances associated with the discharge and impacts to beneficial uses. The Central Coast Water Board follows a progressive enforcement approach and contemplates an escalating series of actions beginning with notification of violations and compliance assistance, followed by enforcement orders compelling compliance, and potentially a complaint for civil liabilities as appropriate and necessary.</p> <p>This comment has been shared with the NPDES Program staff implementing this permit.</p>
		<p>The Water Boards do have strategies to address grazing and livestock sources, including the TMDL in section 4.9.4 of the Basin Plan for pathogens in San Luis Obispo Creek. Cal Poly has a TMDL Load Allocation for livestock sources along Brizzolari Creek and a Waste Discharge Requirement (WDR) permit for animal sources that requires grazing management and monitoring and reporting for specific measures that are taken to reduce fecal coliform loading from livestock. The effectiveness of TMDL and associated implementation strategies</p>

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		<p>have not been recently evaluated. Staff shared this comment with the TMDL Program staff for their consideration in future prioritization efforts.</p> <p>In 2014, the State and Regional Water Boards held public meetings to assess whether there could be improvements in efficiency and consistency by developing statewide standards for livestock grazing management, while recognizing regional differences. Stakeholders submitted a wide range of valuable comments. Existing non-regulatory efforts for implementation of best management practices (BMPs) were recognized as benefiting water quality but were also acknowledged to need updating based on current information and evaluation for effectiveness with the assistance of all stakeholders, and the Regional Water Boards. As part of this process, many commenters suggested that any livestock grazing management or regulatory strategy should take into consideration the regional differences in hydrology, topography, climate, and land use. The State Water Board concluded that the Regional Water Boards should work collaboratively with individual property owners, livestock grazing operators, and other interested stakeholders to determine which actions, including regulatory actions and effective non-regulatory efforts for BMP implementation, are best suited to protect water quality and the beneficial uses of waters from pollution. In addition, the State Water Board instructed staff to work with the University of California to update best management practices and</p>

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3.10	[We request the CCWB to] prioritize SLO Creek on the upcoming 303(d) list of impaired waterbodies.	<p>tools to effectively manage grazed lands for water quality. To that end, the University of California (UC) Rangelands has updated their Ranch Water Quality Planning Instructor’s Guide and Lesson Plan⁴ to include a wealth of new information discovered since the curriculum came out in 1995. The State Water Board has also drafted a statewide guidance document on managing water quality on grazed lands that references much of the guidance from UC Rangelands and the Natural Resources Conservation Service (NRCS). The State Water Board hopes to release this draft for public comment in the current fiscal year.</p> <p>Please also see response to comment 3.2.</p>
3.11	[We request the CCWB to] revisit and reevaluate the Pathogen TMDL for SLO Creek.	<p>This comment is outside the scope of the Triennial Review but has been shared with the Integrated Report Program staff working on the next update to the 303(d) List. The Water Board is currently soliciting data for the 2028 303(d) List assessment through October 23, 2024. Commenter was connected to staff in the Integrated Report Program during prior correspondence.</p> <p>Please see response to comment 3.2.</p>
3.12	[We request the CCWB to] revisit and reevaluate the NPS Control Program for SLOCW.	<p>Staff acknowledges the support for revisiting and reevaluating section 4.8 Nonpoint Source (NPS) Measures of the Basin Plan pertaining to the San Luis Obispo Creek watershed. This proposal has</p>

⁴UC Rangelands Ranch Water Quality Planning Instructor’s Guide and Lesson Plan: <https://rangelands.ucdavis.edu/ranchwaterqualityplanning/>

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3.13	[We request the CCWB to] develop separate e. coli and enterococcus TMDLs in SLO Creek estuary/ lagoon according to salinity levels.	been added to the Preliminary List. This comment has also been shared with the NPS Program staff.
3.14	[We request the CCWB to] develop water quality protections for all Marine Protected Areas (MPAs) on the Central Coast.	Staff acknowledges the support for water quality protections for Marine Protected Areas (MPAs). This comment is aligned with <i>Proposal 45: Establish State Water Quality Protection Areas</i> that could provide opportunity to address concerns if new MPAs are proposed and established. Staff recommended adding this proposal to the 2024 Priority List because it aligns with prioritization criteria. Proposals included in the Triennial Review are simply a list of ideas for potential improvements to the Basin Plan. Any proposal that might be developed into a proposed Basin Plan amendment would be developed as part of a public process with the opportunity for public comment at that time.
3.15	[We request the CCWB to] develop and establish surface water flow objectives and prioritize adequate creek flows for Central Coast Region waterbodies. Depletion of surface flows directly impacts nearly all beneficial uses of coastal streams and rivers as physical habitat is limited, water quality is degraded, and recreational uses are eliminated. We believe that this issue should be one of the Central Coast Regional Board's highest priorities. Best practices should be developed and implemented toward this end	Staff acknowledges the support for <i>Proposal 15: Develop and Establish Surface Water Flow Objectives</i> to protect the minimum flows necessary to maintain and protect fish passage and habitat connectivity.

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	including (a) coordinate with other State resources agencies and use existing models to identify specific waterbodies where beneficial uses are impaired by depleted flows, (b) urgently pursue development and implementation of flow objectives as one of its highest priorities.	
3.16	[We request the CCWB to] develop strategies to implement the State Nonpoint Source Management Plan initiated program objectives including (a) outreach, education, public participation, technical assistance, financial assistance, interagency coordination, demonstration projects, and regulatory activities such as imposing septic tank area prohibitions, (b) implement the 1990 Coast Zone Act Reauthorization Amendments as an enforceable Nonpoint Source Management Program to control land use and anthropomorphic activities impacts that have a significant effect on coastal waters.	Please see response to comment 3.12.
3.17	[We request the CCWB to] initiate and issue public progress reports on nonpoint source watershed pilot programs such as, (a) create a “San Luis Obispo Creek Riparian Task Force,” (b) implement a riparian corridor restoration project, (c) develop a watershed management program.	This comment is outside the scope of the Triennial Review but directly related to the implementation of the TMDL in section 4.9.4 of the Basin Plan for pathogens in San Luis Obispo Creek. This comment has been shared with TMDL, NPS, and Stormwater staff for their consideration in prioritizing future program activities.
3.18	[We request the CCWB to] establish a system for public reporting on progress toward development and implementation of the best management	Staff acknowledges the support for a system that makes reporting and implementation available to the public. Although a single centralized database and/or dashboard does not exist to share this type of

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	practices and strategies adopted and compliance with time schedule orders.	information, the Water Boards do have documents and data available. NPDES permitted facilities submit annual monitoring and reporting plans to staff that are available to the public via a Public Records Act Request (PRAR). ⁵ The GeoTracker ⁶ data management system contains records for various permitted facilities that are available to the public through a Google Maps Geographic Information Systems (GIS) interface. Water quality monitoring data is available on the internet from the California Environmental Data Exchange Network (CEDEN) ⁷ and the Central Coast Ambient Monitoring Programs (CCAMP) data navigator. ⁸ Water quality information is also available through several Central Coast Water Board tools: the Integrated Report map, ⁹ TMDL map, ¹⁰ TMDL report cards, ¹¹ and the Irrigated Lands Program (ILP) surface receiving water quality dashboard. ¹² Staff are also available to assist with specific questions.

⁵ Central Coast Water Board's Public Records Center page: https://www.waterboards.ca.gov/centralcoast/resources/public_records.html

⁶ GeoTracker: <https://geotracker.waterboards.ca.gov/>

⁷ CEDEN: <https://ceden.org/>

⁸ CCAMP data navigator: http://rdc-omega.mlml.calstate.edu/DNMSSQL/view_data.php?org_id=rb3

⁹ Central Coast Water Board's Integrated Report map: <https://gispublic.waterboards.ca.gov/portal/apps/webappviewer/index.html?id=6cca2a3a1815465599201266373cbb7b>

¹⁰ Central Coast Water Board's TMDL map: <https://gispublic.waterboards.ca.gov/portal/apps/webappviewer/index.html?id=8134c6fe464d42b5b82b05b0ff3066f7>

¹¹ Central Coast Water Board's TMDL report cards: https://www.waterboards.ca.gov/centralcoast/water_issues/programs/tmdl/report-cards.html

¹² Central Coast Water Board's ILP surface receiving water quality dashboard: https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/dashboard.html

Comment Number	Comment Summary	Staff Response
4	City of Morgan Hill, Environmental Programs Comments	
4.1	<p>We kindly request that the Proposal 2 Add and Designate Limited Water Contact Beneficial Use (LREC-1) be placed on the high priority list. Further, we ask that Llagas Creek (downstream of Chesbro Reservoir) and Uvas Creek (downstream of Uvas Reservoir) be designated with this use. Historical and recent field observations and evidence gathered while conducting creek monitoring throughout the season support the designation of these waterbodies with LREC-1. The current and historical water use for Llagas Creek (downstream of Chesbro Reservoir) and Uvas Creek (downstream of Uvas Reservoir) correspond to the LREC-1 definition included in Resolution 2018-0038 adopted by the State Water Resources Control Board on August 7, 2018. We ask the Central Coast Water Board to facilitate the process for this new designation to be implemented, as one of the main purposes of beneficial use designations in the Basin Plan is to facilitate the establishment of attainable qualitative and quantitative water quality objectives. The change of the beneficial use designation for the water bodies indicated above from REC-1 to LREC-1 is fundamental as it better aligns with current and historical uses. The above will also benefit our regional partners in the South County of Santa Clara – City of Gilroy, County of Santa Clara, and Valley Water. The incorporation of this</p>	<p>Staff acknowledges the support for <i>Proposal 2: Add and Designate Limited Water Contact Beneficial Use</i> to adopt the LREC-1 beneficial use and designate waterbodies with this use as appropriate. State Water Board Resolution 2018-0038 contains a definition for the LREC-1 beneficial use. This beneficial use definition is in effect statewide, regardless of its explicit inclusion in the Central Coast Water Board's Basin Plan. Waterbodies may be designated with the LREC-1 use where the recreational activities are limited due to physical conditions unrelated to water quality. A use attainability analysis (UAA) must be conducted to demonstrate that the REC-1 use is not feasible due to at least one of the six factors contained in 40 Code of Federal Regulations (CFR) section 131.10(g)(1)-(6), which do not include restricted access, so the information provided in the comment letter is not sufficient justification. A UAA may be performed for multiple waterbodies that satisfy the same factor(s) under 40 CFR section 131.10(g). Proposals included in the Triennial Review are simply a list of ideas for potential future amendments to the Basin Plan. Should a UAA be performed consistent with 40 CFR section 131.10(g), the commenter or any interested person could propose the amendment for inclusion on the Triennial Review list or to the Basin Plan unit of the Central Coast Water Board at a later date.</p>

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	new beneficial use designation as a priority proposal is vital to reach the main objective of the Basin Plan improvements (i.e., to increase the Basin Plan's effectiveness as a regulatory instrument to protect water quality).	
5	Santa Clara Valley Water District (Valley Water) Comments	
5.1	Valley Water supports Proposal 2 to add and designate the Limited Water Contact Beneficial Use (LREC-1). Many water bodies in our area exhibit seasonal and physical characteristics that make full REC-1 uses unachievable. For instance, we believe that Llagas Creek (below Chesbro Reservoir), Little Llagas Creek, and Uvas Creek, downstream of Uvas Reservoir, may have been inappropriately assigned the REC-1 beneficial use due to their intermittent flows. In such cases, de-designation or assigning the LREC-1 beneficial use may be more appropriate and reflective of the actual conditions. By recognizing the limitations of these water bodies, we can ensure that the beneficial use designations are more accurate and practical, preventing imbalanced, unnecessary, or potentially unachievable regulatory requirements.	Please see response to comment 4.1.
5.2	Valley Water has some reservations regarding Proposal 5, which seeks to designate selected groundwater basins with aquatic habitat or ecosystem support beneficial uses. We understand that this Proposal suggests conducting a Use Attainability Analysis (UAA) or a comparable	Comment noted. Proposals included in the Triennial Review are simply a list of ideas for potential future amendments to the Basin Plan. Any proposal that might be developed into a proposed Basin Plan amendment would be developed as part of a public

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	<p>analysis to evaluate the merit of this amendment, and therefore, there would be ample opportunity for input regarding potential issues. If the Llagas groundwater basin in Southern Santa Clara County were designated with aquatic habitat or ecosystem beneficial use, we would need to understand how this might impact our operations, particularly in relation to groundwater management and water quality objectives. The Sustainable Groundwater Management Act already requires Groundwater Sustainability Agencies like Valley Water to protect groundwater dependent ecosystems under threat of intervention by the State Water Resources Control Board. We suggest not proceeding with this Proposal as current state law already addresses this issue.</p>	<p>process with the opportunity for public comment at that time.</p>
<p>5.3</p>	<p>Valley Water supports Proposal 6 to de-designate beneficial uses for selected waterbodies, particularly those that are ephemeral or intermittent. For example, streams such as Llagas Creek (below Chesbro Reservoir) should be considered for de-designation of REC-1 and NAV uses. It is critical that beneficial uses are designated based on field verification and a thorough understanding of the waterbody's actual conditions. In the Upper Pajaro River Watershed, many creeks or reaches of creeks are ephemeral, very shallow even when flowing, and could never support REC-1 or NAV beneficial uses. This mis-designation has led to impairment listings for water bodies that are inherently incapable of meeting</p>	<p>Staff acknowledges the support for <i>Proposal 6: De-designate Beneficial Uses for Selected Waterbodies</i> and additional input regarding ephemeral or intermitted waterbodies and a streamlined approach to this process. Any proposal that might be developed into a proposed Basin Plan amendment would be developed as part of a public process with the opportunity for public comment at that time.</p>

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	<p>these standards, and unnecessarily generates work for the Central Coast Board and regulated entities. Therefore, in addition to de-designating selected water bodies, Valley Water recommends developing a streamlined approach to conducting Use Attainability Analyses (UAAs) for these waterbodies. This approach should be efficient and cost-effective, ensuring that the beneficial use designations are appropriately aligned with the physical and hydrological realities of the waterbodies. Valley Water is willing to collaborate by providing data that we have collected over the years to support these UAAs.</p>	
5.4	<p>Valley Water has concerns regarding Proposal 8, which seeks to designate all surface waters that percolate to groundwater as Groundwater Recharge (GWR) for beneficial use. While major creeks overlying the Llagas Subbasin already show groundwater recharge beneficial use in Table 2-1, we are cautious about the "all waterbodies" language in the Proposal that suggests constructed percolation ponds could also be included. This Proposal could potentially expand the GWR designation in ways that may have unintended consequences, such as triggering the need for National Pollutant Discharge Elimination System (NPDES) permits if used for recharge with purified recycled water, which may disincentivize potable reuse. We recommend that the language of this Proposal be carefully reviewed and refined before being considered as an amendment to the</p>	<p>Staff acknowledges the concerns for unintended consequences of <i>Proposal 8: Designate Surface Waters that Recharge Groundwater</i>. If prioritized, the Basin Plan amendment would be developed as part of a public process.</p>

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5.5	<p>Basin Plan to avoid broad and unintended applications that could negatively impact Valley Water's operations and become a barrier to potable reuse.</p> <p>Valley Water supports Proposal 10, which seeks to update the Groundwater Basin Boundary Map and Table to be consistent with the latest Department of Water Resources (DWR) standards. This alignment is a positive step toward ensuring that regulatory frameworks are up-to-date and reflective of current practices. However, we would like to flag that the "median objectives" in Table 3-6 for the Llagas Subbasin do not align with our observed data, which generally shows higher values. While the Central Coast Board is not currently proposing to update the Table 3-6 objectives, we are concerned that these values are unrealistic and could potentially impact us or others in the future. We recommend further investigation into the origin of these values and consideration of updates that more accurately reflect current conditions.</p>	<p>Staff acknowledges the support for <i>Proposal 10: Updated Groundwater Basin Boundary Map and Table</i> and concerns regarding corresponding water quality objective revisions. Staff recommended adding this proposal to the 2024 Priority List because it aligns with prioritization criteria and staff resources are available for its development. The Basin Plan amendment would be developed as part of a public process, and the commenter would be invited to submit comments on it at that time.</p>
5.6	<p>Valley Water has some concern regarding Proposal 11, which seeks to modify the definition of "Groundwater Recharge (GWR)" to include "maintenance of supply." The current definition in Section 2.2.5 of the Basin Plan describes groundwater recharge as being used for the purposes of future extraction, maintaining water quality, or halting seawater intrusion. Expanding</p>	<p>Staff acknowledges the legal concerns for <i>Proposal 11: Modify Groundwater Recharge Use Definition</i>. Any proposal that might be developed into a proposed Basin Plan amendment would be developed as part of a public process with the opportunity for public comment at that time.</p>

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	<p>this definition to include maintenance of supply to maintain a certain level of instream surface flows or habitat could be interpreted as an attempt to expand authority beyond existing law or create new law. We urge the Central Coast Board to carefully consider the implications of this Proposal and ensure that any Basin Plan amendments do not undermine existing law or seek to create new law.</p>	
5.7	<p>Valley Water supports Proposal 24, which would revise basin names and numbers in Table 3-6 to be consistent with DWR standards. We believe this is a positive step that will enhance the clarity and accuracy of the Basin Plan. However, similar to our concerns with Proposal 10, we would like to reiterate that the "median objectives" in Table 3-6 for the Llagas Subbasin do not align with our data. Given that these values are significantly different from what we observe, it is important that the Central Coast Board review and update these objectives to reflect current conditions accurately. We stand ready to collaborate and provide the necessary data to support this review process.</p>	<p>Staff acknowledges the support for <i>Proposal 24: Revisions for Table 3-6 Site-specific Groundwaters</i> and concerns regarding revisions to groundwater boundaries and/or names and associated water quality objectives. Staff recommended adding this proposal to the 2024 Priority List because it aligns with prioritization criteria and staff resources are available for its development. The Basin Plan amendment would be developed as part of a public process, and the commenter is invited to submit data and other information to the Central Coast Water Board at that time.</p>
5.8	<p>Valley Water acknowledges the intent of Proposal 34 to evaluate a mechanism that would ensure treated wastewaters are put to the highest practicable beneficial reuse. The Proposal's broad language leaves room for extensive interpretation. Currently, most wastewater in the southern part of Santa Clara County, under the jurisdiction of the</p>	<p>Staff acknowledges the support for water recycling (and the intent of <i>Proposal 34: Evaluate a Potential Mechanism to Require Water Recycling</i>) and concerns regarding highest practicable beneficial reuse and economic and technical constraints. Any proposal that might be developed into a proposed Basin Plan amendment would be developed as part</p>

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	<p>Central Coast Board, is used for reuse of some type. We would be concerned if this Proposal would impose additional reuse requirements during winter months when nonpotable demand is low. We also suggest that such a policy would be more effectively developed at the state level, where it can be approached through incentives rather than mandates. The state has already made significant strides in promoting indirect and direct potable reuse regulations, and any further advancements should align with these existing frameworks. Valley Water remains committed to supporting initiatives that promote sustainable water management, but we encourage a careful and measured approach to any new requirements, ensuring they are economically viable and technically feasible.</p>	<p>of a public process with the opportunity for public comment at that time.</p>
5.9	<p>Valley Water encourages the Central Coast Board to continue engaging with stakeholders throughout the Triennial Review process to ensure that the final Priority List reflects the diverse needs and priorities of the communities and ecosystems it serves.</p>	<p>Staff acknowledges the encouragement for stakeholder engagement and outreach. Staff will continue public notification via the Basin Planning Triennial Review email subscription list¹³ and encourages ongoing participation from interested persons throughout the Triennial Review public process, including the public hearing.</p>
6	<p>City of Gilroy, Stormwater Comments</p>	
6.1	<p>We kindly request that the Proposal 2 Add and Designate Limited Water Contact Beneficial Use (LREC-1) be placed on the high priority list.</p>	<p>Please see response to comment 4.1.</p>

¹³ To subscribe, go to the following website, enter your email address and select “Basin Planning Triennial Review” from the list of subscription topics: https://public.govdelivery.com/accounts/CAWRRCB/subscriber/new?qsp=central_coast

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	<p>Further, we ask that Llagas Creek (downstream of Chesbro Reservoir) and Uvas Creek (downstream of Uvas Reservoir) be designated with this use. Historical and recent field observations and evidence gathered while conducting creek monitoring throughout the season support the designation of these waterbodies with LREC-1. The current and historical water use for Llagas Creek (downstream of Chesbro Reservoir) and Uvas Creek (downstream of Uvas Reservoir) correspond to the LREC-1 definition included in Resolution 2018-0038 adopted by the State Water Resources Control Board on August 7, 2018. We ask the Central Coast Water Board to facilitate the process for this new LREC-1 designation to be implemented, as one of the main purposes of beneficial use designations in the Basin Plan is to facilitate the establishment of attainable qualitative and quantitative water quality objectives. The change of the beneficial use designation for the water bodies indicated above from REC-1 to LREC-1 is fundamental as it better aligns with current and historical uses. The above request will also benefit our regional partners in South County of Santa Clara namely City of Morgan Hill, County of Santa Clara, and Valley Water. The incorporation of this new beneficial use designation as a priority proposal is vital to reach the main objective of the Basin Plan improvements (i.e., to increase the Basin Plan's effectiveness as a regulatory instrument to protect water quality).</p>	

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7	City of Santa Cruz, Water Department Comments	
7.1	<p>Proposal 6: De-designate Beneficial Uses for Selected Waterbodies – Unit 304, Loch Lomond Reservoir SHELL. The City of Santa Cruz, as the owner and operator of Loch Lomond Recreation Area, supports removal of the SHELL beneficial use designation from Loch Lomond (Newell Creek) Reservoir. Loch Lomond reservoir does not contain any shellfisheries and, in addition, is a no body - contact drinking water supply reservoir that does not allow for shellfish harvesting.</p>	<p>Staff acknowledges the support for <i>Proposal 6: De-designate Beneficial Uses for Selected Waterbodies</i> to remove the Shellfish Harvesting (SHELL) beneficial use designation for Loch Lomond Reservoir. A use attainability analysis (UAA) must be conducted to demonstrate that the SHELL beneficial use is not feasible due to at least one of the six factors contained in 40 Code of Federal Regulations (CFR) section 131.10(g)(1)-(6). Should a UAA be conducted consistent with 40 CFR section 131.10(g), the commenter or any interested person could propose the amendment for inclusion on the Triennial Review list or to the Basin Plan unit of the Central Coast Water Board at a later date.</p>
7.2	<p>Proposal 23: Revisions for Table 3-5 Water Quality Objectives for Site-specific Surface Waters. The City of Santa Cruz supports the develop site-specific water quality objectives for turbidity and pathogen indicators extending 5-miles upstream of Santa Cruz City’s San Lorenzo River surface water diversion at Crossing Street to protect the primary drinking water source for the city. As indicated during previous basin plan review periods, the San Lorenzo River is the primary water source for the City of Santa Cruz. The city supports an increased focus on the Municipal and Domestic Supply (MUN) beneficial uses that are currently incorporated into the basin plan by way of lowering acceptable turbidity and pathogen levels for</p>	<p>Staff acknowledges the support for <i>Proposal 23: Revisions for Table 3-5 Water Quality Objectives for Site-specific Surface Waters</i> and specific input provided for the development of site-specific water quality objectives for turbidity and pathogen indicators extending 5-miles upstream of Santa Cruz City’s San Lorenzo River surface water diversion near Crossing Street to protect the primary drinking water sources for the City. This comment also supports the development of turbidity water quality objectives (aligned with <i>Proposal 18: Develop and Establish or Clarify Turbidity Water Quality Objectives for Aquatic Life</i>). The Central Coast Water Board would welcome any assistance the City of Santa Cruz could provide in developing the technical justification for the work.</p>

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	<p>reaches upstream of the City diversion near Crossing Street in the City of Santa Cruz with site specific objectives. For instance, using a turbidity objective of 15 NTU, which is in between the secondary MCL for turbidity of 5 NTU and the 25 NTU regional value, for 5 miles upstream of the diversion would be useful to regulate discharges in addition to helping meet annual load targets of the sediment TMDL. Winter water from the San Lorenzo is rapidly becoming more important to municipal use in terms of groundwater recharge projects. Having the pathogen and turbidity standards applied for this reach on a year-round basis will further protect MUN beneficial uses. It is our position that lowering the objective on pathogens upstream of the diversion would be warranted, especially given the challenges of enforcing the 5.4.2.2 prohibition on fecal matter discharge and the increased homeless population in the area.</p>	<p>Technical assistance with this project would help the Board prioritize the work to develop a proposed Basin Plan amendment.</p>
7.3	<p>Proposal 46: Develop Protections for Riparian Corridors. The City of Santa Cruz supports the development of protections for riparian corridors that includes building upon statewide and regional riparian and wetland policies such as Santa Cruz County code chapter 16.30, Riparian Corridor and Wetlands Protection, which aims to eliminate or minimize encroachment into the riparian corridors of Santa Cruz County to preserve, protect, and restore riparian corridors. The development of additional protections for riparian corridors could</p>	<p>Staff acknowledges the support for <i>Proposal 46: Develop Protection for Riparian Corridors</i> to build upon statewide and regional riparian and wetland policies and develop protections for riparian corridors. The Central Coast Water Board would welcome any assistance the City of Santa Cruz could provide in developing the technical justification for the work. Technical assistance with this project would help the Board prioritize the work to develop a proposed Basin Plan amendment.</p>

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	help to strengthen existing statewide and regional protections by implementing new standards for streamside development and with targeted implementation and enforcement in water supply and coho salmon recovery watersheds.	
8	United States Environmental Protection Agency (USEPA), Region 9 Comments	
8.1	EPA supports the projects listed in your issue descriptions.	Staff acknowledges the support for Preliminary List proposals.
8.2	Issue 21 acknowledges the recent revisions to the federal Water Quality Standards regulations at 40 CFR Section 131.20 by including an item to evaluate new or revised Clean Water Act (CWA) section 304(a) recommended criteria for incorporation into the Basin Plan as water quality objectives. EPA supports such an evaluation as a priority item. However, as we discussed earlier this week, to fully comply with 40 C.F.R. section 131.20, the Triennial Review must also include an explanation if the State does not adopt new or revised criteria for parameters for which EPA has published new or revised CWA section 304(a) criteria recommendations.	<p>Staff acknowledges the support for <i>Proposal 21: Revise Water Quality Objectives to be as Protective as Federal Criteria</i> and understand the requirement to explain any decision not to adopt new or revised CWA section 304(a) criteria.</p> <p>Although the proposal has not been developed into a proposed Basin Plan amendment and is not prioritized in this Triennial Review, staff have participated in the development of several statewide water quality objectives that do/will address some of the USEPA recommended criteria. Staff participates in the State’s Biostimulatory Substances Objectives workgroup efforts to develop water quality objectives for all waters of the state that will address the USEPA recommended aquatic life nutrient criteria. Staff recommended adding <i>Proposal 28: Update Reference to Maximum Contaminant Levels</i>, which addresses a subset of the CWA section 304(a) criteria, to the 2024 Priority List because it aligns with</p>

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8.3	<p>It is EPA's understanding that in the past, the State included recreational or sport fishing for consumption in freshwaters as part of the REC-1 use, while commercial and recreational/sport fishing for consumption in salt or marine waters was included in the COMM use. However, in 1993, the State clarified its definition of COMM to include commercial and recreational/sport fishing for consumption in both fresh and salt waters, while the REC-1 use would only include recreational fishing (and not specifically include consumption). This required some of the Regional Boards to fill a gap for REC-1 designated freshwaters, where recreational fishing for consumption had been a designated use and specifically, the COMM use would need to be added to these waters. Based on our discussion earlier this week, we understand that the Central Coast Basin Plan already has the COMM use in place for REC-1 waters where recreational/sport fishing for consumption had been a previously designated use.</p>	<p>prioritization criteria and staff resources are available for its technical and administrative development.</p> <p>Staff acknowledges and confirms the understanding that the Basin Plan designates the Commercial and Sport Fishing (COMM) beneficial use to surface waterbodies within the Central Coast region. All surface waters listed in Table 2-1 of the Basin Plan are designated the COMM beneficial use and in accordance with section 2.1 of the Basin Plan all surface waterbodies in the region that are not named in Table 2-1 are designated protection of recreation uses. <i>Proposal 9: Clarify Uses for Waterbodies Not Specifically Named in Table 2-1</i> would be developed into a Basin Plan amendment that clarifies the specific aquatic life and recreational beneficial uses that are designated to waterbodies not named in Table 2-1.</p>