



State of Utah

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Department of Agriculture and Food

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Deputy Commissioner

August 28, 2015

Walt Baker, Director
Division of Water Quality
Department of Environmental Quality
P.O. Box 144870
Salt Lake City, UT 84118-1107

Subject- Antidegradation Implementation Guidance

Dear Mr. Baker:

The Utah Department of Agriculture and Food (UDAF) has reviewed the Antidegradation Implementation Guidance documents. UDAF appreciates the opportunity to be involved in the process. UDAF is aware of the importance of this guidance. We understand how important it is to protect the state's water resources. The agricultural industry uses 80% of the water in the state.¹ Because of the high use and dependence on water, UDAF is interested in protecting water quality while at the same time maintain the use of water for agricultural purposes. Any changes made regarding water resources whether it is water allocation, or the classification of water quality has an effect on the agricultural industry. UDAF understands the need and responsibility to protect our water resource not just for use by individuals, but also to support the economy and the diverse ecosystems of the state. We appreciate the Division of Water Quality (DWQ) efforts, but UDAF does have some concerns with changes made to the guidance. We respect the work of the staff at DWQ and appreciate their dedication this project.

UDAF believes that more could be accomplished by working together with local entities. The changes to 5.3.2.3(5), Other Considerations, would remove the "consideration of the sensitivity of receiving water and its potential for overall improvements." The notes attached to this deletion indicate that the reasoning behind the removal is to avoid watershed planning. Watershed planning should be done during this process. Conservation Districts should be used as resources to help in the watershed planning. Conservation Districts are charged with protecting the soil, water, plants, animals, the air and other natural resources. Local Conservation District can become a liaison between land owners. It is much easier to gain local stakeholder buy-in when Conservation Districts are utilized.

¹ http://www.water.utah.gov/brochures/uws_broc.htm

In addition, under 2.2.3, Factors Considered to Decrease Protection of Surface Waters, there should be a method for reclassification based on previous misclassifications due to a limited understanding of the environmental conditions in the past. There are many examples of waters in the state having trout planted during in the 1970's that the natural state of the water cannot fully support, yet the water body is classified to support the trout. As our ability to understand the environment and ecosystems improves, there should be a mechanism in place to consider these factors and allow for proper classification to take place.

In 3.2, Level I Antidegradation Reviews, the guidance indicates that the existence and survival of a trout fishery "at some point after 1975" will be used as an "existing use" and the water will be classified according to that use. This is concerning as there have been years where conditions existed where cold water fisheries would have been able to survive, but these were abnormal years and does not represent the 'normal' state of the body of water. The water body has been misclassified. Decisions of classification should be made on scientific understanding of what the water body can support during the normal climate and ecological conditions.

UDAF is supportive of the new recommendations found in 2.2.1, Material to include with a Reclassification Nomination, that a petition has the "support of the local water quality planning authority and watershed advisory group." This group should include representation for the Conservation Districts in the watershed affected by the petition. Conservation Districts and the Utah Conservation Commission have the responsibility to conserve the water resources of the state. It is in everyone's interest for Conservation Districts and DWQ to work together.

We thank you for the opportunity to make comments on this guidance. We appreciate the efforts that are being made to protect the valuable resource of water. It is our hope that UDAF and DWQ will continue our relationship of working closely together to protect the states water.

Sincerely,



LuAnn Adams
Commissioner