

Thursday - April 12, 2012 8:58 AM

From: Vicky Whitney
To: Kurt Berchtold
CC: Joanne Schneider; Jonathan Bishop; Rik Rasmussen; Tom Howard;
kemmerer.john@epa.gov
Subject: RB 8 Rec 1 Objectives

Kurt,

Per your request State Board staff wanted to clarify the types of activities that are **not intended** to be covered by the beneficial use definition of contact recreations (REC-1). The current definition in your Basin Plan (and through-out the state) is:

*“Water Contact Recreation (**REC 1***) waters are used for recreational activities involving body contact with water where ingestion of water is reasonably possible. These uses may include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, whitewater activities, fishing and use of natural hot springs.”*

Some of the listed activities that may be covered under the definition can have overly broad interpretations. Two are particularly prone to misapplication since they cover a multitude of activities. They are “fishing” and “wading”. The key to interpretation of the activities is where “ingestion of water is reasonably possible”. Therefore at one extreme, fishing from the bank of a river or lake would be covered under the non-contact recreation beneficial use as well as the Commercial and Sports Fishing use (at least until the person falls into the water at which point they cease to fish and--hopefully--are now swimming). On the other extreme, fishing from a float tube in a river or lake would likely be covered under REC-1 as the fisherperson is likely to ingest water. Likewise wading can take various forms. Walking a dog along a very shallow creek and getting ones feet wet crossing the creek is not likely covered under the definition while a small child sitting in the middle of a low flow creek playing in the water is likely covered by the REC-1 definition. Again the key is the possible ingestion of water.

State Board Staff appreciates your willingness to consider not re-defining this core beneficial use definition on a regional basis at this time. We would encourage your staff to engage the Basin Planning roundtable and MCC to bring forward a proposal to examine the current definition to explore possibilities of clarifying the definition on a statewide basis.

I hope this email is helpful. Please let me know if you need anything further,

Vicky