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August 29, 2010

Jeffrey Shu
State Water Resources Control Board
San Francisco Regional Water Quality Control Board
Division of Water Quality
P.O. Box 100
1001 I Street
Sacramento, Ca. 95812-0100

Dear Mr. Shu,

Living Rivers Council is filing the attached comments by consulting fisheries biologist Patrick Higgins regarding Napa River flow and temperature impairment. The SWRCB needs to recognize the Napa River as temperature and flow impaired on the California 2012 updated 303d list and should include all flow impairment categories for which there is precedent: flow alteration, hydromodification, pumping and diversion. The support for such action is clearly justified in the attached and it is abundantly clear that the Napa River water quality problems cannot be abated nor beneficial uses guaranteed under the Clean Water Act restored without increasing cold water flows.

The clearest need is for the SWRCB WRD to enforce the law in the Napa River, particularly with regard to stopping illegal diversion, managing groundwater as if it were one with surface water (Winters et al. 1998, USFS 2007), and taking action on the hundreds of illegal impoundments discovered by the North Coast Instream Flow Study (Stetson Engineers, 2007). Steelhead and Chinook salmon in the Napa River would benefit greatly from such action and other beneficial uses such as recreation would also be revitalized.

Thank You,

Chris Malan
Manager, Living Rivers Council