Law Offices of
THOMAS N. LIPPE, APC

329 Bryant Street
Suite 3D
San Francisco, California 94107

Telephone: 415-777-5600
Facsimile: 415-777-9809
Email:lippelaw@sonic.net

October 20, 2008

Mike Napolitano
Environmental Scientist
San Francisco Bay Regional Water Quality Control Board
1515 Clay St # 1400
Oakland, CA 94612
mnapolitano@waterboards.ca.gov

Re: Proposed Basin Plan Amendment for the Napa River Sediment Total Maximum Daily Load

Dear Mr. Napolitano:

This office represents Living Rivers Council ("LRC"), a non-profit association, with respect to the proposed Basin Plan Amendment for the Napa River Sediment Total Maximum Daily Load ("TMDL"). I am writing to submit comments regarding the proposed TMDL on LRC's behalf. LRC objects to the Regional Board's adoption of the proposed TMDL on grounds that the Board has not complied with California Environmental Quality Act ("CEQA"), the Clean Water Act or the Porter-Cologne Water Quality Act. I attach herewith my May 7, 2008 comment letter to the State Water Resources Control Board and fully incorporate by reference said letter and all of its attachments. If you need a copy of any of the attachments to that letter, please let me know.

LRC also submits herewith letters dated October 19, 2008 from Dr. Robert Curry (Exhibit 9) and October 17, 2008 from Dennis Jackson (Exhibit 10), which are incorporated herein by reference.

Increased Peak Flows

1. LRC appreciates the fact that the revised TMDL includes a performance standard for "attenuating" increases in peak flows resulting from vineyard construction. Nevertheless, the "Actions" portion of Table 4.1 and the Staff Report (at page 80) contains disturbing indications that the Board may be prepared to accept, as criterion for whether peak flow increases are deemed "significant," a 10% to 15% above pre-project rates, a number derived from ongoing discussions within the Fish Friendly Farming Program. LRC objects to the use of this criterion for several reasons.

2. First, this criterion does not account for the changes in the watershed's peak flow response to storm events that result from the cumulative effects of past closely related projects. For example, in watersheds with a number of past projects developed before implementation of this criterion, peak