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SURFACE WATER PROGRAM

September 1, 2010

TO: SD Dept. of Environment and Natural Resources
Division of Environmental Services, Surface Water Quality Program
Joe Foss Building, 523 E./ Capitol Ave., Pierre, SD 57501-3181

FROM: Richard L. Fort, President, ACTion for the Environment
11307 Black Forest Road, Lead, SD 57754

RE: Sectiion 401 Water Quality Certification for the City of Spearfish

Dear Secretary of the DENR:

In response to your notification ACTion for the Environment wishes to go on record as opposed to this certification and to the continued operation of the power plant by the City of Spearfish. We do not, however, request a public hearing.

We do commend the City for negotiating with the Forest Service and improving their release plan. But it remains our position that even if the power plant is to be approved these releases are grossly inadequate.

We also have concluded that a graduated release system is too complicated to administer. We suggest that the simplest release mechanism would be simply to cut a 12 inch diameter circular hole near the bottom of the boarded section of the dam near the intake tunnel, and line this with metal to protect the board edges. This, according to an engineer we have consulted would produce a continous release of 10 cfs., the mininum amount of release for a good trout stream. This would flow not only to the Spearfish Intake but also to Split Rock. As we have proved that 8 cfs. is lost in the water line, this release would have little negative effect on any concerned parties and would have a greatly positive effect for the scenery and fishery.

But we still think the best solution is non approval of the power plant license.

Thank you for you attention to this.

Richard L. Fort

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