Spearfish Canyon Society

RECEIVED
SEP 23 2010
SURFACE WATER PROGRAM

The Society is a 501(c)(3) not-for-profit and a 509(a)(1) public charity.

Website
spearfishcanyonsociety.org

Office Address
1115. 3rd Street
Spearfish, SD 57783
605-722-8798
spearfishcanyon@spe.midco.net

Board of Trustees
Shane Sarver, Spearfish genetics professor/BHSU
Greg Young, Spearfish fish biologist
Les Voorhis, Belle Fourche author/photographer
Jerry Boyer, Spearfish conservationist/author

Donors
Black Hills Corporation
Western Governors Association
Ralph Kuykendall Memorial
Tony Dean Memorial
National Fish and Wildlife Foundation

September 22, 2010

South Dakota Department of Environment and Natural Resources
Division of Environmental Services
Surface Water Quality Program
Joe Foss Building
523 E. Capitol Avenue
Pierre, SD 57501-3181

Dear Secretary:

The Spearfish Canyon Society respectfully submits the following comments and requests in regards to the pending Section 401 Water Quality Certification for the City of Spearfish Hydroelectric Project.

The Society recognizes the efforts by the City, DENR, and USFS to enhance flows in the reach of Spearfish Creek immediately below the Maurice Diversion. The negotiated flow criteria do not reflect the flows recommended by the Delphi type instream flow evaluation, but will incrementally improve the coldwater fishery below Maurice.

The negotiated flow criteria specifically identify a release of 4cfs or less at Maurice during the period May 1 through September 30 to "ensure continued protection of all uses of the upstream and downstream reaches". Both the upstream and downstream reaches of Spearfish Creek as referenced in the Notice of Request dated August 24, 2010 acknowledge the "coldwater permanent fish life propagation" classification under ARSD 74:51:03:10. This classification includes flow based criteria for dissolved oxygen and temperature that must be maintained to avoid lethal conditions for coldwater fishes and other biota. This classification has the most restrictive flow based criteria of all the beneficial uses associated with the upstream and downstream reaches of the stream.

To ensure these flow based criteria are not compromised and negate the objective of the negotiated flow criteria, the Society requests the DENR and/or City to install a network of flow and temperature monitoring stations at appropriate locations in the upstream and downstream reaches of Spearfish Creek. The Society requests the installation of real-time monitoring stations in the downstream reach so that appropriate modifications to offstream diversions (downstream reach) can be made to maintain the flow-based water quality criteria. At the minimum, a real-time monitoring station should be installed at the Johnson Ranch site identified during the Delphi type instream flow study as the most sensitive site to flow reductions based on historical and anecdotal records of fish kills. Without monitoring and appropriate regulatory oversight of existing irrigation withdrawals the objective of the negotiated flow criteria will be impossible to achieve. Real time monitoring over a period of years may provide

Spearfish Canyon Society

the DENR with a data set that will allow for setting a threshold flow value that will maintain the flow based coldwater permanent water criteria.

The existing network of DENR water quality monitoring stations do not provide the coverage or real time information necessary to assure the downstream flow based water quality criteria are met due to the location in City Park and near the confluence of the Redwater River. These locations coupled with the the quarterly sampling frequency do not allow DENR to respond to changes in stream flow due to irrigation withdrawals that have in the past and will continue to create conditions for fish kills.

The very core of DENR responsibilities is to provide regulatory oversight so that SD Water Quality Standards and the associated beneficial use classifications are maintained. The Society request for monitoring of flow in Spearfish Creek along with appropriate DENR regulatory oversight of irrigation withdrawals in the downstream reach will allow the objectives of the negotiated flow criteria of the Section 401 Water Quality Certification to be achieved.

Thank you for the opportunity to comment.

Jerry J. Boyer, President