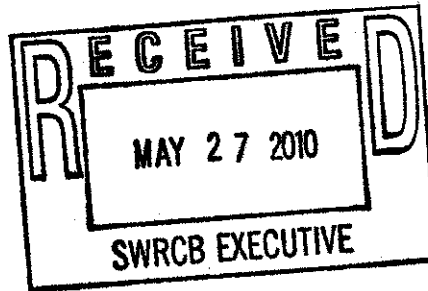


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May 26, 2010

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Via email: commentletters@waterboards.ca.gov

Re: Comment Letter - 2010 Integrated Report / Section 303(d) List
Do Not Delist San Vicente Creek, Santa Cruz County

Dear Board Members:

Thank you for this opportunity to comment on the 2010 Integrated report and Section 303(d) list. Our comments are offered on behalf of the Monterey Coastkeeper, The Otter Project, and our 3000 members and Board of Directors.

Thank you for generally following the Central Coast Regional Water Quality Control Board's lead and suggesting approval of their Report and List. Water quality on the Central Coast is not perfect and we learned that the harder we look, the more impairments we find.

While we applaud the Regional Board's efforts, we take very strong exception with the State Board's proposed delisting of San Vicente Creek in Santa Cruz County. Respectfully, we ask that San Vicente Creek remain listed for Sedimentation/Siltation.

We ask that the State Board respect both the data and the PROCESS. In this case logging interests submitted data long after the 45-day cutoff deadline for submissions and only 10-days before the Regional Water Quality Control Board meeting to vet the new listings (the new data is attributed to Ms. Jodi Frediani, but this is a typographic error). The Central Coast RWQCB found that the data was submitted far too late and that public review and response had been made impossible, perhaps even avoided. The RWQCB suggested that the logging company submit the data in a timely manner for the 2012 list.

The logging interests did not submit new data they personally collected, but submitted portions of known records from the Davenport Sanitation District. Critically, the records submitted are incomplete: "There are 5 months missing from this data set and they include July 2003, December 2003, April 2004, October 2006 and December 2006" (SWRCB LOE 30272). Four of these five months are critical wet months when exceedance is more likely. Data since February 2007 was also omitted.

Finding and submitting the missing data and submitting new data recorded since February 2007 has been made impossible because the deadline for submission is long past - deadlines honored by conservation and environmental communities but apparently disregarded by the logging interests.

Within the State Water Board's report there are additional points of reference that suggest a cautious approach:

- "The Davenport Sanitation District (DSD), which withdraws water from San Vicente Creek to serve the town of Davenport (adjacent to San Vicente Creek) has been unable to produce potable drinking water during periods of heavy rainfall due to high levels of turbidity" (SWRCB LOE 30272).
- "Habitat Typing data states that fifty-seven of the 70 pool tail-outs measured had [cobble] embeddedness rating greater than 50%" (LOE 1838).

The Monterey Coastkeeper believes San Vicente Creek is impaired for turbidity and sediment and a review of the complete dataset will indicate impairment. But for now, we believe LOE 1838 and LOE 1835 reflect data that was provided in a timely fashion and was available for public review. These lines of evidence strongly indicate impairment.

Process is important. The logging company has submitted incomplete data long after the data submission deadline. Public review was avoided. The Regional Board found that the existing data supported listing and suggested that the logging company submit data in a timely manner for the 2012 process. The incomplete data, without public review, has now been passed on to the State Board. We ask that you recognize that process and public review is important and that delisting can wait until the 2012 process is concluded.

San Vicente Creek is important because it supports listed populations of both steelhead and Coho salmon. Before 1906, San Vicente Creek was considered one of the Central Coast's premiere trout and salmon streams. In spite of barriers, sedimentation, and loss of the lagoon Coho and steelhead continue to return in modest numbers. With care and stewardship, San Vicente Creek can recover and contribute to the recovery of important species and can provide clean and clear drinking water.

We respectfully ask that the State Water Resources Control Board respect the public review and RWQCB process and find that the late submitted, incomplete data, be put to best use informing the 2012 listing process.

Sincerely,



Steve Shimek
Monterey Coastkeeper