

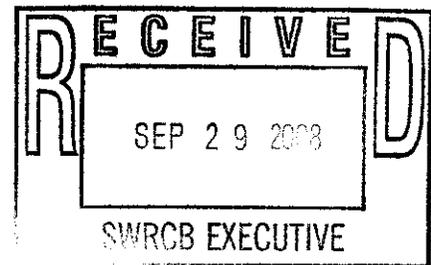
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September 29, 2008

VIA ELECTRONIC MAIL AND OVERNIGHT MAIL

Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, California 95814



Re: Factual Issues Regarding Bay-Delta

Dear Ms. Townsend:

The following comments are made on behalf of Stockton East Water District to the State Water Resources Control Board (State Water Board) Request for Written Input on Factual Issues regarding the Bay-Delta. The District asserts that there are a myriad of factors affecting the Delta and tributary fishery populations that have not been comprehensively reviewed. Serious factual issues exist as to other conditions, aside from flow in the rivers, which may be seriously affecting fishery populations. We believe the State Water Board should conduct evidentiary hearings on the following issues in order to understand all of the potential conditions that are affecting the fishery population in order to develop a comprehensive solution.

**Impacts of Ocean Conditions and Harvesting on Fishery Populations**

Since implementation of the 1995 Bay-Delta Water Quality Control Plan, millions of acre feet have been dedicated and released from upstream reservoirs for fishery purposes. It does not appear that flow alone will result in increasing fishery populations. The State Water Board should hold a hearing soliciting information regarding ocean conditions and its affect on fishery population.

Additionally, there should be a comprehensive review of local and ocean harvesting practices and the resulting affect on fishery populations. The experts in these fields should be called upon to produce both historical information and provide insight on the potential affects of climate change on ocean conditions.

### **Impacts of Non-Native, Imported Species on Delta Fishery Population**

Since implementation of the 1995 Bay-Delta Water Quality Control Plan, releasing water from upstream reservoirs has been the primary focus for increasing fishery populations. Clearly, this has not worked. The affects of the introduction of non-native species into the Bay-Delta has not been fully explored. The State Water Board should hold a hearing soliciting information regarding the state of non-native species in the Bay-Delta and the affect of these species on native fishery population. The experts in these fields should be called upon to produce both historical and current information on the affects these species are having on the native population. How are these non-native species affecting the availability of food? What is the magnitude of the affects predation is having on the native species?

### **Sources of Salinity to the Bay-Delta Estuary**

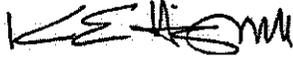
Finally, the State Water Board in undertaking a hearing on Southern Delta Salinity as described in the Strategic Workplan for the Bay-Delta. As part of hearing, there must be a thorough investigation of all sources of salt entering the Delta. Identification of the sources of salt is absolutely crucial for assigning responsibility for diluting the salts. For far too long New Melones Reservoir has been utilized as the sole dilution source. An investigation into all sources of salt entering the Delta must be conducted including identification of all drainage sources must be presented so that the State Water Board can move forward with assigning responsibility appropriately. This State Water Board cannot continue to disregard the Congressional directive contained in H.R. 2828 to reduce the use of New Melones Reservoir to meet the existing Bay-Delta water quality objectives. Congress authorized and the President of the United States signed legislation that expressly directs the Bureau of Reclamation, with the assistance of the State, to initiate and implement actions to achieve the Bay-Delta water quality objectives while reducing the demand on water from New Melones Reservoir for meeting these objectives.

As part of the hearing the State Water Board should also request that the Central Valley Regional Board provide all relevant information that it has developed to date on the sources of salt and the actions needed to impose salinity objectives upstream of Vernalis. The Central Valley Regional Board has been working on salinity objectives upstream of Vernalis since 1995 when this State Water Board directed the Regional Board to undertake that review. This information is critically important in order to properly assign responsibility.

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We appreciate the opportunity to comment on these very important issues.

Very truly yours,

A handwritten signature in black ink, appearing to read 'KEH' followed by a stylized flourish.

KARNA E. HARRIGFELD  
Attorney-at-Law

KEH:md

cc: Mr. Kevin Kauffman