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VIA ELECTRONIC MAIL AND U.S. MAIL  
[cdibble@dfg.gov](mailto:cdibble@dfg.gov)

Department of Fish and Game  
Attn: Chad Dibble – Water Branch  
1416 Ninth Street, 12<sup>th</sup> Floor  
Sacramento, California 95814

Re: Quantifiable Biological Objectives and Flow Criteria Report

Dear Mr. Dibble:

On behalf of Stockton East Water District (SEWD), we provide the following comments on the Quantifiable Biological Objectives and Flow Criteria for Aquatic and Terrestrial Species of Concern Dependent on the Delta (DFG Flow Criteria Report). This Draft report relies on the State Water Resources Control Board (State Water Board) Delta Flow Criteria Report and submittals from that process for its suggested aquatic flow criteria.

The State Water Board's Delta Flow Criteria proceeding was focused on Delta Outflow conditions and not specific instream flows needs from tributaries to the Delta. Because it was based on Delta Outflow, the wealth of specific instream flow science for the Eastside tributaries to the Delta was not included in the State Water Board proceedings. The Delta Outflow Criteria Report duly noted that it was hastily prepared and clearly stated that the flow criteria report has no precedence in any future proceeding and none of the determinations in the report had any regulatory or adjudicatory effect.

The DFG Flow Criteria Report fails to evaluate the many other significant factors that have contributed to the decline in the fishery other than flows, such as predation, introduction of non-native species, pollution, highly modified conditions in the Delta. These issues must be fully investigated and evaluated before numerical flow criteria can be proposed and implemented in the Delta and on any of the tributaries to the Delta.

SEWD has extensive scientific information regarding specific Eastside tributaries and, when or if, any future proceeding is conducted for the establishment of flow criteria on the Eastside tributaries will submit such information at that time. The flow criteria suggested in the DFG Flow Criteria Report are not supported by the best available science and cannot be the scientific foundation for any future proceeding as suggested by this report.

Should you have any questions, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'K E HARRIGFELD' with a stylized flourish at the end.

KARNA E. HARRIGFELD  
Attorney-at-Law

KEH:lac

cc: Kevin M. Kauffman (via email)