

**From:** Joseph\_Skorupa@fws.gov [mailto:Joseph\_Skorupa@fws.gov]  
**Sent:** Friday, October 28, 2011 4:31 PM  
**To:** Patricia Schifferle  
**Cc:** Thomas\_Maurer@fws.gov; William\_Beckon@fws.gov  
**Subject:** Re: Request for Photos from the 2008 HT Harvey Monitoring Report of Deformed Embryos at the GBP

Dear Ms. Schifferle,

A formal FOIA request will not be necessary. As I understand it from the letters you attached below, both SLDMWA and Panoche WD have implied that they would share with you the photos you are seeking if they possessed them, but they do not possess them. Accordingly, I have an opportunity to assist all parties equally by providing the photos to you and requesting that you please, in turn, provide them to SLDMWA and Panoche WD. This of course is all predicated on an assumption that the photos I am providing are indeed the photos you are seeking.

Results of the 2008 wildlife monitoring program for the San Joaquin River Water Quality Improvement Project were released in a July, 2009 report. As described on page 10 of the July, 2009, wildlife monitoring report, part of the normal monitoring protocol implemented by H.T. Harvey & Associates (hereafter H.T. Harvey) is to photograph each avian embryo that is examined. While I was employed in the Sacramento Office of FWS, those sets of photos were routinely forwarded to FWS along with the monitoring reports by Dr. Andy Gordus of H.T. Harvey (now employed by California Department of Fish & Game). Since I moved to the FWS office in Arlington, VA, I occasionally continue to receive the monitoring reports and accompanying photos, usually via my colleagues remaining in the Sacramento Office of FWS, but sometimes via an independent request to H.T. Harvey, as in this instance.

As you already noted, the narrative description of the condition of the embryo in question can be found on page 22 of the July, 2009, wildlife monitoring report. Also note that this embryo is identified in Table 4 on page 25 of the July, 2009, report as ID Number 04, Field Number S-03, from an egg collected May 23rd, 2008, and containing 74.6 ppm Se dw. The embryo was estimated to be at an incubation stage (age) of 17 days when the egg was collected.

As a separate transmission, I am going to forward to you the email from H.T. Harvey that I received with the photos as attachments. My understanding is that all the photos labeled 04 and 04A thru 04D are of the same specimen, the one documented in Table 4 of the July, 2009, wildlife monitoring report and described narratively on page 22. The photo labeled 06, also attached to the email I am separately forwarding to you, is presumably of the embryo listed as ID Number 06 in Table 4 of the July, 2009, report; a normal black-necked stilt embryo estimated to be at 20 days of incubation when the egg was collected and assessed as a normal embryo.

Lastly, I can confirm that the types of embryo deformities illustrated in photos 04 and 04A thru 04D are quite typical of what I have observed and documented in my own research examining black-necked stilt embryos from eggs containing similar concentrations of selenium. At egg exposures as high as 70-80 ppm Se dw, black-necked stilt embryos have about an 80% probability of being deformed based on 16 randomly sampled eggs in that exposure range that I have compiled records for (13 of the 16 eggs contained deformed embryos) during about the last 25 years.

If you have any further questions, please don't hesitate to contact me again.

Sincerely,

Joe

Joseph P. Skorupa, PhD  
Clean Water Act Biologist  
Environmental Contaminants Branch  
Division of Environmental Quality  
U.S. Fish and Wildlife Service  
4401 N. Fairfax Drive, Rm. 820  
Arlington, VA 22203

ph: (703)-358-2402  
fax: (703)-358-1800  
e-mail: joseph\_skorupa@fws.gov

**Patricia Schifferle <pacificadvocates@hotmail.com>**

To <Joseph\_Skorupa@fws.gov>

cc

10/28/2011 05:12 PM

Subject Request for Photos from the 2008 HT Harvey Monitoring Report of Deformed Embryos at the GBP

Dear Mr. Skorupa:

Attached you will find a letter sent by CWIN requesting copies of photos documenting the Kesterson effect embryos documented in the HT Harvey Monitoring Report to the USBR and SLDMWA for the Grassland Bypass Project. They indicate the photos do not exist. CWIN received a similar letter from a request to the Panoche Water District. Dennis Falaschi, general manager of the. Panoche Water District. If USFWS received copies of these photos we would appreciate a copy.

On behalf of a number of NGOs including, CWIN, CSPA, Friends of the River, Sierra Club California and Pacific Coast Federation of Fishermen Associations all a non-profit organization 501 (c)(3) corporation promoting the protection of California's natural resources and wildlife species we request copies of photos that document the embryos from page 22 of the SJRIP prepared by H.T. Harvey & Associates and provided to U.S. Fish and Wildlife Service and can be found in the possession of the U.S. Fish and Wildlife Service. If necessary we could submit this request more formally under the federal Freedom of Information Act, 5 U.S.C. 552.

The records being requested are all photos provided to US Fish and Wildlife Service employees that document the condition of the deformed embryo documented and reported in the text of page 22 and Table 4 in the 2008 SJRIP Monitoring Report. The text reports the selenium content of the egg with the deformed embryo was found to have greater than 70 parts per million of selenium. We understand photos were taken and these photos confirm that these are classic selenium-caused deformities.

The groups will use the information to help the public understand the current status of the Grassland Bypass Project and the reuse area along with impacts to fish and wildlife. The NGOs have extensive expertise regarding the operation and impacts of the federal Central Valley Project and the Endangered Species Act (ESA) and uses that proficiency to explain complicated Bureau of Reclamation and Service operations and actions to the public in pursuit of protection of water fowl, fish and aquatic species. In this particular case, we will synthesize the record we receive from the Service and explain to the public what has occurred regarding species impacted by selenium

contamination due to the discharge of polluted water to the reused area and watersheds within the project associated with the Grasslands Bypass Project.

Thank you for your assistance,

Patricia Schifferle