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THE STATE OF CALIFORNIA
BEFORE THE STATE WATER RESOURCES CONTROL BOARD
ADMINISTRATIVE HEARINGS OFFICE

IN THE MATTER OF: CALIFORNIA
DEPARTMENT OF WATER RESOURCES'
PETITIONS FOR CHANGE OF WATER
RIGHTS PERMITS 16478, 16479, 16481, AND
16482

DECLARATION OF DAVID HURLEY

Hearing Officer: Nicole L. Kuenzi

Introduction

1. My name is David Hurley. I am a native of Stockton, California with deep roots in the California Delta.

2. My great-grandfather, Guiseppe Busalacchi, moved to Stockton in 1917 to establish P. Busalacchi and Bros. Fish Market and commercial fishery. He was a native of St'Elia, Sicily who immigrated to San Francisco before moving through the Delta from Martinez, Collinsville, Rio Vista, and finally Stockton after the 1906 San Francisco Earthquake.

3. My grandfather, Frank Busalacchi, was born in San Francisco, and spent his teenage years in Rio Vista before moving to Stockton with his family.

4. My earliest remembrances of the California Delta were during our regular trips on my grandfather's boat for catfish accompanied by one of his brothers: Antonio, Phillip, Peter, Joseph, or Mario along with one of my many adult cousins. Being a young boy at the time, I was an audience for the many conversations on the state of the Delta prior to the closure of the commercial salmon fishery in 1957.

5. The Busalacchi family ran a commercial salmon tender in the Delta, and my grandfather ran the boat on a regular basis to bring deliveries of salmon to one of the 9 salmon canneries in Pittsburg or Martinez. He described their 50-foot launch so filled with salmon on the way to the cannery that they were taking water over the bow. He also described the end of the commercial salmon fishery and the devastating effect this had on the family business, resulting in both their launches – the 50-foot *Rio Vista* and the 45-foot *Solano* becoming obsolete. He attributed to demise of the salmon run to the building of the Friant Dam on the San Joaquin River earlier that decade, resulting in the river running dry for up to 60 miles. Toward the end of his life in 1989, he would say, referring to the Delta and its fishery, "It's not the same, I have seen the best of it." Growing up as his only grandson, my grandfather has been my inspiration for preserving what is left of the California Delta, the largest estuary on the west coast of North and South America.

6. For the past 25 years, I have been a freelance outdoor writer for various publications in northern California, including the USAfishing.com Hot Sheet, the Fresno Bee, the Fishsniffer Magazine, and Western Outdoor News. I am currently the Northern California Editor for Western

1 Outdoor News along with writing the Fresno Bee fishing report for over 20 years. Since February
2 2005, I have written over 3000 reports or columns on the California Delta.

3 **Decline of Delta Fisheries**

4 7. I previously addressed the State Water Board in 2017, and during the ensuing eight
5 years, not a single Delta Smelt, once the most abundant fish in the Delta, has been located by the
6 California Department of Fish and Wildlife's midwater trawl surveys. Both the recreational and
7 commercial salmon seasons were closed in 2023 and 2024 due to poor returns of Sacramento River
8 fall-run Chinook salmon, and a limited recreational season of two days was open statewide in 2025.
9 Longfin smelt was listed as "endangered" by the U.S. Fish and Wildlife Service in 2024, Green
10 Sturgeon are listed as "endangered," and white sturgeon are being studied for "threatened" status.
11 Sacramento River winter-run salmon are "endangered" and Sacramento River spring-run salmon are
12 "threatened" and quite possibly uplifted to endangered status. All fish populations in the Delta's
13 watershed have declined 95% since exports of water were increased above recommended levels.

14 8. Close to 50 years ago, my late professor then at Humboldt State University, Dr. John
15 Harper, said, "There has never been a case that is beneficial to a watershed of origin when water is
16 diverted to other locations." This certainly has been the case with the California Delta, and within
17 my short lifetime, particularly over the past decade, I have witnessed devastating changes to our
18 fisheries.

19 9. Within the past 20 years, I have witnessed the closure of numerous bait and tackle
20 shops in the Bay/Delta region due to the decreasing numbers of fishermen and the opportunity for
21 catching game fish. Participation in the annual Rio Vista Bass Derby, the oldest striped bass
22 tournament on the West Coast, has dropped precipitously. Since big striped bass have become
23 increasingly scarce, nearly all derbies have adopted a target-length instead of the largest fish. 83-
24 year-old George Wight of Oakley is one of the last living charter members of the California Striped
25 Bass Association, and his perspective sheds light on this situation. He said, "I first came to the West
26 Coast in the 1960's, and I have been fishing for striped bass in the Delta since then. In my lifetime, I
27 have seen the demise of both the striped bass and salmon, and there are two factors at the center of
28 this situation: increased water diversions and predation by sea lions. In the 60's and 70's, there was

1 no shortage of either species, it's hard for people to understand how good fishing used to be. A 30-
2 pound striper was a trophy where a 30-inch striper is now considered a trophy. Even 10 years ago, I
3 would routinely catch and release 15-pound striped bass in the shallows on topwater plugs or glide
4 baits. This isn't happening now."

5 10. The Foundations Sportsman's Club Original, aka 'Super Bowl' Sturgeon Derby was
6 discontinued in 2025 after over 40 years of existence, due to restrictions for harvest of white
7 sturgeon.

8 11. As the fisheries go, the associated bait and tackle shops are also becoming a thing of
9 the past. Dockside Bait in Pittsburg, C Biscuits in Vallejo, Ly's Fishing Goods in San Jose,
10 Leonard's Bait at Port Sonoma, Oyster Point Bait and Tackle in South San Francisco, Virgil's Bait
11 in Suisun City, Thorton Road Bait in Stockton, Norm's in Vallejo, and Hap's Bait in Rio Vista are
12 just a sampling of the bait shops that have closed their doors within the past 10 years, and these
13 shops have not reopened. Most other bait shops are hanging on by a thread of keeping their doors
14 open with the closure of salmon season along with restrictions on white sturgeon.

15 12. In addition to my grandfather, I was fortunate to be mentored by the founder of the
16 California Striped Bass Association, the late 'Jolly' Jay Sorensen. Through a period from 1970
17 through the 1990's, Sorensen guided over 300 days per year for striped bass and sturgeon. Currently,
18 there are few full-time guides on the Delta for striped bass or sturgeon as the six-pack boats spent
19 only part of their seasons in the Delta for striped bass or sturgeon, before heading to the San
20 Francisco Bay and the ocean in late spring through summer to remain a viable business. Fishing
21 guides in the upper Sacramento River have become even more scarce, leaving for greener pastures in
22 Oregon or northern California lakes with the demise of the salmon season. Even before the season
23 was closed in 2023, salmon fishing in the Sacramento River was extremely poor for several years
24 prior.

25 13. As a college student in the 70's, I worked as a deliveryman for the Arctic Ice
26 Company in Stockton. We had a specific route for the Delta islands, and I personally carried
27 thousands of pounds of ice on a routine basis to Delta marinas and businesses that no longer exist.
28 Herman and Helen's Marina west of Stockton off Eight Mile Road was a staple of the central Delta

1 along Uncle Bobby's Marina. Both businesses have been closed, and several other marinas are
2 experiencing declining business and empty berths with empty and disintegrating docks and
3 buildings.

4 14. The late Bill Jennings described what has been occurring in the California Delta as “A
5 death by 1000 cuts,” and clearly the Delta fisheries are hemorrhaging.

6 15. Based upon my observations within my lifetime and the actual hands-on experience of
7 writing fishing reports within the past 25 years, the Delta experience is in danger of extinction. The
8 Delta Conveyance Project is projected to take up to 22% more water out of the Delta when the
9 fisheries and related businesses are on life support.

10 16. As we move forward with any projected water project involving the California Delta,
11 there are two questions that must be answered: **Who benefits from the construction of the Delta**
12 **Conveyance Project?** and **Will another expensive water project in a long line of expensive**
13 **water projects solve our problems or do we need to look at alternatives?**

14 17. California has a lengthy history of removing water from one watershed to transfer it to
15 another region for domestic and agricultural use from Hetch Hetchy, the Owens River, and Lake
16 Pardee for municipal use in major cities to the Central Valley Project and State Water Project
17 primarily for agricultural use. Every major river in California except for the Smith in the far
18 northwest corner of the state has been dammed, and solution after solution has been attempted over
19 the past 120 years, but the bottom line is – **It is never enough.** Perhaps it is time to get off the
20 ‘Hamster Wheel’ of continuing to build expensive projects, only to set the stage for additional
21 projects in the future. The reality is that there is only so much water – the state has about 29 million
22 acre-feet of surface water available for use. Based on active water-rights records, a total of 153.7
23 million acre-feet a year is allocated in contracts to water districts, agricultural interests and
24 development. That’s 124.7-million-acre feet of paper water that doesn’t exist. The California Delta
25 provides 2/3rds of the state’s water, but the toll on its ecosystem has been dramatic.

26 18. Sorensen was also known to say, “The San Joaquin River runs the first 150 miles by
27 gravity, but it runs the last 200 miles by politics.” The California Delta is far more than a means to
28 an end for corporate agriculture to grow almonds or pistachios on impaired lands for export. It is a

1 unique and remarkable place. Sorensen also was known to sum up his feelings for the Delta, “This is
2 my Sistine Chapel, there are no two sunsets alike out here on the Delta.” His reverence for this
3 special place is shared by many, and to be able to share the feeling of watching the sun rise and the
4 fog lift off the water in the San Joaquin River, to hear the massive flocks of ducks, geese, and
5 sandhill cranes fly overhead in the fog, or listen to the coyotes howl off Decker Island at night are
6 experiences that should be preserved for generations. To sit on the anchor and have long
7 conversations with others while fishing with the legitimate opportunity to catch ‘the fish of a
8 lifetime’ is another experience to be preserved. Based upon what has taken place in the Delta’s
9 fisheries since water exports were ramped up in 2000, it is time to look at alternatives to ‘one more
10 expensive project’ to benefit few at the demise of a priceless ecosystem. The real question is: “Are
11 we the generation responsible for the extinction of California’s salmon, a species that have been on
12 Earth for nearly 50 million years, or sturgeon, a species that has existed for 200 million years, to
13 become extinct?”

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15
16 DATED: July 11, 2025

David E. Hurley

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