

## APPENDIX B

### ADDITIONAL EXPERT STATEMENTS

**Comments Submitted by Latham & Watkins LLP, April 1, 2009 – April 8, 2009 San Diego Regional Board Meeting, Item 13 - Poseidon Resources Corporation, Proposed Carlsbad Desalination Project (Order No. R9-2006-0065, NPDES No. CA0109223)**

#### Volume 1

Tab No.	Date	Description
1	3/31/09	<p>Raulli, J., Balleto, J. "Carlsbad Desalination Plant Fish Return Feasibility Analysis," Josph Raulli and John Balleto, ARCADIS U.S., Inc. March 31, 2009.</p> <ul style="list-style-type: none"><li>• Cabrillo Power I LLC Encina Power Station: Clean Water Act Section 316(b) Impingement Mortality and Entrainment Characterization Study: Effects on the Biological Resources of Agua Hedionda Lagoon and the Nearshore Ocean Environment. January 2008. <b>(Previously Submitted)</b></li><li>• Electric Power Research Institute (EPRI). Fish Protection at Cooling Water Intakes. TR-114013. December 1999. Palo Alto, California.</li><li>• 40 CFR 125.83</li><li>• Electric Power Research Institute (EPRI). Impingement and Entrainment Survival Studies: Technical Support Document. TR-1011278. 2005. Palo Alto, CA.</li><li>• USEPA. Development Document for Proposed Best Technology Available for Minimizing Adverse Environmental Impact of Cooling Water Intake Structures. EPA 440/1-74/015. 1973. Washington, DC.</li><li>• PSEG. Renewal Application New Jersey Pollutant Discharge Elimination System Permit for the Salem Generating Station, NJPDES No. NJ0005622, Section 4 – Comprehensive Demonstration Study. 2006. Newark, NJ</li><li>• Revised Flow, Entrainment and Impingement Minimization Plan Attachment 2 dated June 1, 2007. Submitted to the San Diego Regional Water Quality Control Board. <b>(Previously Submitted)</b></li><li>• John White and Morris Brehmer, Eighteen month evaluation of the Ristroph Traveling Screens, in Third National Workshop on Entrainment and Impingement Section 316(b)-Research and Compliance Loren Jensen (ed.) 1976, Ecological Analysts, Inc. Melville NY</li></ul>

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Tab No.	Date	Description
2	4/1/09	<p>Mayer, D.L., Nordby, C. "Wetlands Mitigation Credit for Potential Impingement, as Well as for Potential Entrainment," David L. Mayer, Tenera Environmental and Chris Nordby, Nordby Biological Consulting.</p> <ul style="list-style-type: none"> <li>• Larry G. Allen, <i>Seasonal Abundance, Composition, and Productivity of the Littoral Fish Assemblage in Upper Newport Bay, California</i>, 80 Fishery Bull. 769</li> <li>• Joy Zedler et al., <i>Primary Productivity in a Southern California Estuary, in Coastal Zone '78; Symposium on Technical, Env'l, Socioeconomic &amp; Regulatory Aspects of Coastal Zone Mgmtm.</i> 652 (ASCE, 1978)</li> <li>• Boesch, Donald F. and Turner, R. Eugene, <i>Dependence of Fishery Species on Salt Marshes: The Role of Food and Refuge</i>, 7 Estuaries and Coasts 463 (1984)</li> <li>• W. E. Odum, <i>Utilization of the Direct Grazing and Plant Detritus Food Chains by the Striped Mullet Mugil Cephalus</i>, MARINE FOOD CHAINS 222-40 (J. H. Steele ed.. 1970)</li> <li>• John M. Teal, "PSE&amp;G Renewal Application, Attachment G-2, Salem Generating Station," (Permit No. NJ00056222) (1999)</li> <li>• E.G. Brothers, "The comparative ecology and behavior of three sympatric California gobies. PhD dissertation. University of California San Diego (1975)</li> <li>• Christopher S. Nordby, <i>The Comparative Ecology of Ichthyoplankton Within Tijuana Estuary and in the Adjacent Nearshore Waters</i>, 79 (Nov. 29, 1982) (unpublished M.S. Thesis, San Diego State University)</li> <li>• Linda A. Deegan and Jeffrey E. Hughes, <i>Salt March Ecosystems Support of Marine Transient Species, in CONCEPTS AND CONTROVERSIES OF MARINE TRANSIENT SPECIES</i> 333 (Michael P. Weinstein &amp; Daniel A. Kreeger eds., 2000)</li> <li>• Cabrillo Power I LLC, Encina Power Station: Clean Water Act Section 316(b) Impingement Mortality and Entrainment Characterization Study: Effects on the Biological Resources of Agua Hedionda Lagoon and the Nearshore Ocean Environment, Appendix C, January 2008, Tenera Environmental Lafayette, CA <b><u>(Previously Submitted)</u></b></li> <li>• Christopher S. Nordby and Joy B. Zedler, <i>Responses of Fish and Macrobenthic Assemblages to Hydrologic Disturbances in Tijuana Estuary and Los Penasquitos Lagoon, California</i>. 14 Estuaries 80,85 (1991)</li> </ul>

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3	4/1/09	<p>Jenkins, S.A. "Note on Regional Board Staff Concerns Regarding Rainfall Effects on Impingement Sample Outliers per RWQCB Staff Report 27 March 09," Scott A. Jenkins.</p> <ul style="list-style-type: none"><li>• Chang, H., 2009 "Frequencies for Storm Events of January and February 2005," Dr. Howard Chang, March 19, 2009. <b>(Previously Submitted)</b></li><li>• Jenkins, S. A., 2009 "Statement Addressing Regional Board Staff Concerns regarding the Biological Data," Dr. Scott Jenkins, March 19, 2009. <b>(Previously Submitted)</b></li><li>• NOAA, 2009, "Verified Water Level Data" <a href="http://tidesandcurrents.noaa.gov/">http://tidesandcurrents.noaa.gov/</a> <b>(See Web Site for Data)</b></li><li>• Tenera Environmental, 2009, "EPS Field Data.xls" un-published salinity data during the Impingement and Entrainment Assessment</li></ul>