

**Roy L. Thomas, D.D.S.  
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STATE WATER RESOURCES  
CONTROL BOARD

2016 MAY 31 AM 11:13

DIV OF WATER RIGHTS  
SACRAMENTO

Barbara Evoy, Deputy Director  
Division of Water Rights  
State Water Resources Control Board  
P.O. Box 1000  
Sacramento CA 95812-0100

Dear Ms. Evoy,

Thank you for the opportunity to up-date my comments and to provide new Information concerning WR 2009-0060 (Carmel River CDO). Conditions related to the failed mitigation efforts for Carmel River Steelhead have worsened. The fish rearing facility run by Monterey Peninsula Water Management District is not planned to open and operate making this the third year fish will not be properly cared for. A very significant failure of mitigation of this listed species. The Endangered Species Act (ESA) requires that no actions that lead to "Take" be done or if nothing is done to prevent "Take" that too is a violation of ESA. This avoidance of "Take" applies to all people and agencies, including the actions of the State Water Resource Control Board. There are very few remaining Carmel River Steelhead.

For close to four years, including this year no steelheads have been moved over Los Padres Dam. The area above Los Padres is in the Ventana Wilderness, the best habitat left on the Carmel River. This is in spite of the fact the San Clemente Dam was removed. With no rearing facility, again, this year any young steelhead rescued this year will not have unoccupied habitat available. With the ladder camera on San Clemente Dam gone there is no way to verify the existence of any Carmel River Steelhead. There have been counts made on what is called a "Hydroacoustics Camera". The problem is that hundreds of steelhead sized fish have been observed in the lagoon. In the past these nonnative fish have been seen above the hydroacoustic camera location and can account for most, if not all the data. If more than ten steelhead had gone upstream, they should have been seen at the ladder trap at Los Padres.

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MPWMD has not produced and released mature smolts from their rearing facility in the last 3 years. There have been no steelhead over Los Padres the last 3 years. Both the wild run and mitigation release have produced very few if any smolts in 3 years. This means that to avoid extinctions, every adult and smolt is extremely valuable.

The fact that hundreds of predatory Stripped Bass have been seen and caught in the Carmel lagoon makes the chances for recovery without a lot more serious and successful mitigation almost impossible.

The Monterey Peninsula Water Management Dist. (MPWMD) senior fisheries biologists claim all their mitigation efforts have been successful. I firmly disagree. The major indicators of Mitigation success, after over exploitation of river flow, are the health of the Riparian plants and animals. The health of the steelhead, (Bufo Boreas Toad) Carmel Valley Toad, Lamprey, Hitch, Ducks, Herons, Red Legged Frog and many other Plants, Insects and thirsty Animals, have been greatly damaged with inadequate or no effective mitigation. Cal-Am needs to be required to hire an honest and independent Aquatic Ecologist to develop a new mitigation plan to prevent the extinction of the Carmel River Steelhead. The un-mitigated damage of the past 48 years of illegal diversion as well as the additional damage over the next 5 years could be the final "Nail in the Coffin" for Carmel River Steelhead.

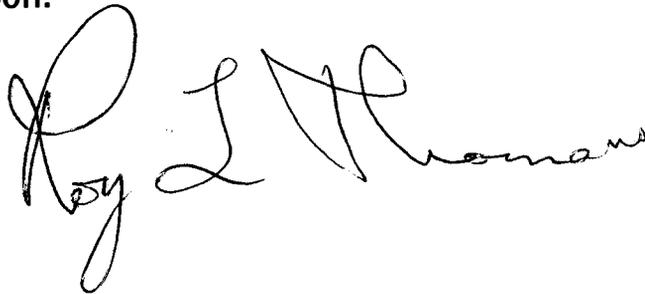
Additional Mitigation should include:

- 1.) Restore material bed load to the river from Las Padres to the sea.
- 2.) Remove the invasive striped bass that have invaded the lagoon and lower river.
- 3.) Operate only the lowest wells.
- 4.) Rescue all aquatic life forms and provide habitat for them.
- 5.) Require greater use of ground water from the Seaside Aquifer. Water to be restored after the new water supply is developed.
- 6.) Reinstate the wild Smolts to adult captive rearing project using genetically tested and proven wild Carmel River Steelhead. It is critical to preserve and protect the natural wild genetic diversities during the next 5+ year's extension of the illegal diversion with ongoing environmental damage.

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- 7.) Restore the habitat values of the greatly degraded Los Padres reservoir. It has high levels of toxic gasses.
- 8.) Build and upstream Fish Ladder capable of using 125 cubic/Ft./Sec. flow so steelhead and other aquatic species can migrate up or down over Los Padres dam.
- 9.) Mitigate or remove the rock and concrete walls confining the lower Carmel River. These walls eliminate edge habitat and encourage flooding and erosion.
- 10.) Find and test the genetic makeup of the last suspected Carmel River Wild Steelhead, protect and support a captive brood stock so that in 5 years or more when flowing water is allowed back in the Carmel River, there would be a chance to restore the true Carmel River gene pool.
- 11.) Pay pumping costs for cool well water to be released to the lagoon. This could provide a cool, fresh water refuge during the NO inflow period summer and fall. These are critical times for habitat in the lagoon.

Sincerely,

A handwritten signature in black ink that reads "Roy L. Thomas". The signature is written in a cursive style with a large, looped initial "R".

P.S. The fact that NO steelhead have been seen at the Ladder Trap at Los Padres Dam and zero have been moved to the upper water shed is a very bad sign for what is left of the wild steelhead population. It reflects very poorly the quality of mitigation efforts in the last 10 years.

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