



Carmel River Steelhead Association
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BRC/MJQ
 WR 2009-0060
 CDO

Board Meeting 7-19-16--Item 7
 California-American Water Company
 Deadline: 7/13/16 by 5:00pm

Mr. Matthew Quint
 State Water Resources Control Board
 Division of Water Rights
 P.O. Box 2000
 Sacramento, CA 95812-2000



STATE WATER RESOURCES CONTROL BOARD
 DIVISION OF WATER RIGHTS
 SACRAMENTO
 2016 JUL 12 AM 11:31

Via Fax (916-341-5400) and US mail

July 11, 2016

Re: Comments on Amended Application to Modify the State Water Resources Control Board's Water Order WR 2009-0060

Dear Mr. Quint:

On November 18, 2015 the Carmel River Steelhead Association (CRSA) wrote a letter to Barbara Evoy supporting the proposed extension of WO 2009-0060. While CRSA does basically still support the extension there have been changes that CRSA believes the State Board should know about and that now makes our support conditional.

CRSA believes that the rescuing of fish from drying parts of both the main-stem Carmel River and all of the Carmel River tributaries has been and will in the future be a key to recovering steelhead on the Carmel River. At the time of our November letter we were led to believe CRSA would receive a permit to rescue all of the tributaries and the Monterey Peninsula Water Management District (MPWMD) a separate permit to rescue the main-stem Carmel River. (Please note that CRSA has been trying to obtain a rescue permit since the early 2000s.) On March 21, 2016 CRSA received a letter from California Department of Fish and Wildlife denying our application to rescue stranded steelhead and even suggesting legal action against CRSA if we were to attempt rescues. To make matters even worse, from the wording of the CDFW letter, it appeared that no one would be allowed to rescue stranded steelhead on the Carmel River including MPWMD. While there are a lot of people working to resolve this issue, at this time neither CRSA nor MPWMD have a valid permit to rescue and relocate stranded steelhead.

CRSA fully realizes the SWRCB can do nothing to resolve this issue, but the fact is, if rescues are not allowed to happen the only salvation for steelhead would be to provide additional water to the river to minimize the need for rescues, and the only way more water could be provided would be by enforcing WO 2009-0060. If rescues are not able to occur CRSA will strongly oppose the extension of WO 2009-0060.

Another problem is striped bass have been seen in the Carmel River more than five miles from the ocean. While striped bass have been in the Carmel River Lagoon for several years, only last year and this year have people noticed the bass migrating up the river, with this year the bass migrating three times as far as last. Striped bass are a non-native predatory fish that could reduce all other efforts to protect steelhead. Again, CRSA realizes the State Water Resources Control Board

can do nothing about this problem, but CRSA wants to make you aware of yet another problem that could dramatically change the status of steelhead and CRSA's support for WO 2009-0060.

Another issue, and one the State Board can do something about, is the annual report on the status of steelhead. There was a meeting in your office in October between your staff and the parties trying to extend WO 2009-0060 which was to discuss the status of steelhead. During that meeting MPWMD presented a biased report which misrepresented the actual status of steelhead, with CRSA attempting to present a more realistic status report. At the end of the meeting it was decided that a group of three parties, with one being the NMFS South West Science Center (SWSC), would provide the State Board an annual report on the status of steelhead on the Carmel River. The latest version of the extension request has only the SWSC a party to the report. While CRSA has great respect for the SWSC, one cannot deny the adult steelhead numbers have gone down since the agencies have had complete control over management of steelhead. (Between 2000 and 2004 an average of 557 adult fish passed over San Clemente Dam. Between 2011 and 2015 an average of only 236 adult fish passed over San Clement Dam.) There are undoubtedly other factors in the reduction in fish count numbers, but considering the biased reporting of MPWMD and the failure of agencies to recover adult numbers, CRSA insists there be an independent party participating in the report – a party other than any state, federal or local agency.

As to the Effective Diversion Limits, CRSA can support the limit set at 8,310 rather than 7,990. While reducing the EDL does appear to be setting a tougher limit, in reality it will make no difference to the conditions for fish and will help the residents of the Peninsula.

Sincerely,



Brian LeNeve
President Carmel River Steelhead Association