

**California American Water Cease & Desist Order Hearing
Exhibit 1 – Testimony of Dr. Roy Thomas
For the Carmel River Steelhead Association**

State of California

Before the State Water Resources Control Board

**In the Matter of Hearing to Consider Monterey Peninsula Water Management District's
Petitions to Change Permits 7130B and 20808**

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES
SAN FRANCISCO
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Testimony of Dr. Roy Thomas

I started my undergraduate work as chemistry major at the University of California Santa Barbara as a sophomore. I changed majors to Zoology. I graduated with B.A in Zoology. I later earned a B.S and a D.D.S.

I have a life long interest in fish. I am a member of the American Fisheries Society and have contributed an essay that was published in the society journal. My essay was on Carmel River Steelheads very successful wild captive brood stock project on the Carmel River. I have conducted scientific research both as an undergraduate and graduate student.

The Carmel River Steelhead Association was formed in 1973 with the intent of saving the river and it's fish. The association is made up of conversationalists, sportsman and interested parties. The majority of members interested do not fish in the Carmel River. In the beginning the associates conducted river clean up and fish rescue events. I joined in 1974 and helped with a gabion project and fish rescues. We worked closely with the DFG and biologist Randy Bentine in the early years. We worked with the department to reduce the impact of illegal practices on the Carmel River such as poaching, snagging, dumping, 5937, violations, and trespasses on the waters of the people of California.

In the early 1980's we at CSRA started a pond-rearing project using rescue fish and private ponds. I ran these projects for 8 years with much success. The supervising DFG biologists said the fish we raised were the best looking smolts they had seen including those in the state hatcheries.

In 1987 I helped with the filing of a formal complaint against Cal Am water for taking the Carmel River underflow without benefit of water right. I was an expert witness concerning the Carmel River steelhead at the 2-week hearing that ended in order 95-10.

I was involved with the creation of the "Interim Relief Plan" for the Carmel River from 1987-1995 in which the MPWMD first full time fisheries biologist was hired and fish rescue equipment was selected.

I commented on all of the Carmel River dam EIR's as to fish passages and other fisheries issues. I commented on fishery issues in the 1990 water allocation plan and it's mitigation programs. With the rest of the Steelhead Association we lobbied the MPWMD board to implement the mitigation plans in a more timely manner and to actually build the fish rearing facility at San Clemente's Sleepy Hollow.

I have attended numerous proceedings of the California Salmon Steelhead and Trout Restoration Federation. I was a presenter at the 1999 Salmonid Restoration Federation Conference.

I have served on the Carmel River Advisory Committee of the MPWMD board. I am presently serving on the Comment Advisory Committee counseling ASR and Desalinization options.

My history on the Carmel River and its Steelhead is long. I have hiked the Carmel River's total length twice. For 30 years, rescuing stranded adults, smolts and young steelhead were part of my volunteer work. I managed the rearing of rescued fish as well as some hatchery hatched Carmel River fish for 8 years. I created and managed the wild smolts to adult brood stock for four years of the recent drought thus preserving the Carmel Rivers steelhead gene pool.

Few people, if any others, have the experience, dedication or knowledge of the Carmel River and it's Steelhead, as do I.

The ASR Project is directly connected to MPWMD's Water Right Permits 7130B and 20808. The ASR Project is directly connected to the Carmel River. The ASR Project will divert the winter flows in the Carmel River. The ASR Project is directly connected to the pumping in the Carmel River during the summer periods and while it is claimed that project will reduce pumping, I do not believe it. The ASR Project is directly connected to the illegal diversion of the people's water by the California American Water Company in the Carmel River. It is my understanding that about 11,000 acre-feet of water is illegally diverted by Cal-Am. It is my further understanding that the value of the people's water in the Carmel River is about \$1100 per acre-foot. Consequently the value of the water being illegally diverted has a value of about eleven (11) million dollars annually.

Consequently, the State Water Resources Control Board must amend Water Right Permits 7130B and 20808 and order mandatory daily surface flow requirements at all times below all points of diversion and pumping in the Carmel River to the Carmel River Lagoon to protect and improve all life stages of Carmel River Steelhead and their habitat in the Carmel River as required by California Fish & Game Code 5937.

As the President of the Carmel River Steelhead Association, in July of last year, I wrote and requested NOAA Fisheries to allow the CRSA to rescue Carmel River Steelhead from the Carmel River Lagoon because of the danger and harm to the steelhead from the river being dewatered. This request to rescue the steelhead was denied by NOAA Fisheries and many of the steelhead died.

The Carmel River Steelhead Association requested a local water treatment facility to release treated water into the Carmel River Lagoon to prevent harm and damage to the Carmel River Steelhead in the Carmel River Lagoon. This request was denied because of the CEQA regulatory process and more steelhead died.

The Carmel River Steelhead Association requested the Regional Water Quality Control Board to allow for the treated water from a local treatment plant to be diverted to the Carmel River Lagoon to prevent the Carmel River Steelhead from being harmed and damaged. The request was denied with a letter being forwarded to the State Water Resources Control Board. The SWRCB took no action on our request until noticing this hearing. More steelhead died.

Recently, the Carmel River Steelhead Association requested the California American Water Company to reduce pumping and provide surface flows into the river for the Carmel River Lagoon to prevent harm and damage to Carmel River Steelhead. Cal-Am did not respond to the CRSA request and we fear that steelhead will die this year from the same inaction.

Also recently, the Carmel River Steelhead Association requested the Monterey Peninsula Water Management District and Cal-Am to require reduced pumping this year and to provide surface flows into the river for the Carmel River Lagoon to prevent harm and damage to Carmel River Steelhead. Cal-Am did not respond to the CRSA request.

Based on my experience, I believe the state and federal regulatory agencies have not protected the Carmel River Steelhead species and their habitat in the Carmel River and in the Carmel River Lagoon. I again request that the SWRCB prevent Cal-Am's illegal diversions and dedicate the illegally diverted water to the Carmel River's endangered steelhead before the present illegal pumping kills the remnant steelhead population that I have spent so many years preserving.

**Roy Thomas, President
Carmel River Steelhead Association**