

Frank Emerson
501 Lighthouse Ave #6
Monterey, Ca. 93940

I would like to comment on the matter of a water right application to divert up to 1600 ac ft of Big Sur River water by El Sur Ranch and James Hill that was protested by our group, the Carmel River Steelhead Association.

By way of introduction I coordinate restoration projects and rescues of stranded steelhead in the Carmel River due to the complete de-watering of that river by overpumping of municipal and private wells. I need not remind you of the severity of conditions on the Carmel River that lead to the SWRCB Cease and Desist Order issued to Cal Am Water. I have been a volunteer with CRSA since 1996. I have been a Monterey Peninsula resident since 1970, aside from 6 years living in Alaska working in the fishing industry from 1980 until 1985. I have worked on commercial salmon fishing boats and as the foreman of a seafood processing facility in Kodiak, AK. Amongst many other duties, separating salmon by species was one of my management responsibilities. My qualifications in specie identification and 15 years working in the field of salmonid restoration in the Central California Coastal region is relevant to what I will testify to here. My work with restoration in the Carmel River is specifically, and very much related to the Big Sur River, that is the extreme effort currently underway by many Gov't and Non Gov' Agencies to prevent the extinction of Central California Coastal Steelhead, a Distinct Population as defined under the Endangered Species Act, a Federal Law.

I wish to make the parties of the water right application process aware of some unique observations about the Big Sur River that I, and other local residents, have personally experienced. While fishing in the Big Sur River, during the time period of 1973 through 1979 I had the opportunity to fish for trout and steelhead in the Big Sur River. I had many remarkable experiences there, such as witnessing a Mountain Lion chase a Great Blue Heron in the long estuarine section commonly called the Lagoon.

And while fishing the Lagoon in December during a storm, which briefly caused the river to rise, witnessing schools of thousands of fingerling size juvenile steelhead come downriver into the Lagoon.

But it was a cool September day in the early 1970's that was truly remarkable. I was walking along the Lagoon bank when I witnessed a 6 to 7 lb steelhead hiding under the overhanging willow trees that line the bank. I was somewhat stunned as it is commonly thought that steelhead in Coastal Rivers migrate upriver in the winter months only. I did fish for these "summer" or "early fall" steelhead. Over a two week period I caught six of these fish from 3 to 7 lbs. Very

silver exhibiting the bright coloration of a Wild Sea Run Steelhead. I observed sea lice by the anal fin, as only found on anadromous fish recently arrived in the river from the Sea. Quite clearly these were not planted rainbow trout. Obviously this was a separate run component of Big Sur River Steelhead. Consistent with summer run, they were very wild, and only bit a spinner lure cast to the same spot until triggering a strike. I released them all except one nice fish about 25 inches which I kept to eat. When cleaned it had the characteristic rich red meat of a sea run fish, very silver thick body and had sea lice by the tail. Also the body cavity contained medium size male sperm sacks consistent with a spawning age migrating adult steelhead.

I believe this run still exists. Due to today's fishing regulations you cannot fish in the Lagoon until December 1st, and only above a minimum flow requirement of 40 CFS, which according to the Ca Dept of Fish and Game is what is need for adequate steelhead habitat and migration needs. The Steelhead season, amongst other regulations, closes March 7th. So the late Spring and early Fall run steelhead are not encountered by anglers. Except in the case of the "spent" or already spawned steelhead sometimes caught when the season opens in December. These fish caught, and released, are often remarked upon by local anglers as having a bright red stripe and skinny body. Resident rainbow trout are generally symmetrical and fairly silver and spotted with a faint red line down the side, whereas a spent steelhead has a wide, very red stripe down the lateral line. Most likely these are steelhead that migrated up the river in the late summer or early fall, have spawned and are migrating to the Ocean after spawning.

Another unique habitat feature of the Big Sur River is also essential to the continued existence of this threatened, and already greatly depleted, steelhead species. Unlike other coastal rivers along the coast, the Big Sur has more stable summer base flow of cold water. This is due to the unique geology, hydrology and forestry of the Big Sur Watershed, The deep canyons and upper river tributaries provide a base summer flow, the Large Old growth Redwoods in the Big Sur and Molera State Parks provide shade which maintain cooler water temps that are the hallmark of good salmonid rearing habitat.

The amount of water diverted from the current permitted wells and developments along the river and in the watershed have already resulted in the ESA threatened status of steelhead, causing the population to be a shadow of it's historic size. I and others can attest to the steelhead population being much larger even 30 years ago. I personally observed schools of 75 to 100 steelhead in the pools by Big Sur Campground in the 1970's.

The SWRCB look no further than the severe impacts on the Carmel River, and the hardship to the community from overdrafting resulting in the Cease and Desist Order by you, to see the likely outcome of approving the El Sur Ranch application. I am quite sure that approving the Permit of Water Diversions that

the El Sur Ranch lawyers have applied for, to you the State Water Resources Control Board, will assuredly severely impact the Steelhead and many other fish species of the Big Sur River and the River Estuary. This will also be a negative impact to ESA Listed Tidewater Goby and Ca Red Legged Frog. If you, the SWRCB, permits this diversion you are permitting take of listed species. This will subject the people of the State of California to a loss of public trust resources and recreational fishing rights. One individuals desire to develop a pristine habitat to the detriment of the public trust and rights is not a good use of the State Resources and should not be a priority of the SWRCB.

I urge that you the Board recognize the existence of essential and critical habitat that will be threatened and harmed forever by the approval of this water diversion permit as requested by El Sur Ranch. The landowner has many other water sources and certainly more than enough for ranching on their property. The tremendous increase of diversion that this permit represents will forever and fundamentally change the hydrology of the Big Sur River basin.

Sincerely Yours,



Frank Emerson
Carmel River Steelhead Association