
State Water Resources Control Board

REVISED – COMMENT PERIOD EXTENDED

NOTICE OF PUBLIC MEETING AND RELEASE OF PRELIMINARY CHANGES TO DROUGHT EMERGENCY REGULATION FOR SCOTT RIVER AND SHASTA RIVER WATERSHEDS

As California heads into a third consecutive dry year, the State Water Resources Control Board (State Water Board) Division of Water Rights (Division) is considering the readoption of a drought emergency regulation to establish minimum instream flows and curtail water rights in the Scott River and Shasta River watersheds (Cal. Code Regs., tit. 23, §§ 875-875.9)¹. After evaluating the 2021 drought emergency regulation, the Division is proposing changes for 2022 that address feedback the Division received over the past year, including at the May 4, 2022 public meeting, improve implementation, and provide additional clarity. Preliminary changes to the **drought emergency regulation** include: (1) updates to the minimum flow requirements as **recommended** by the California Department of Fish and Wildlife; (2) extension of the inefficient livestock watering prohibition through March 31; (3) a new local cooperative solution option for inefficient livestock watering; and (4) other minor amendments to improve implementation of the regulation.

State Water Board staff will hold a virtual public meeting to provide information, answer questions, and solicit input related to **preliminary changes** to the drought emergency regulation. Details of the public meeting are as follows:

Wednesday, May 25, 2022

2:00 p.m. – 4:00 p.m.

Zoom Link:

<https://waterboards.zoom.us/j/95175826052?pwd=WHo5OHNzQjlxY1hkc0RBZXFHYUcwQT09>

You may also join the Zoom meeting by phone at: (669) 900-9128

Meeting ID: 951 7582 6052

Passcode: 318774

¹ The drought emergency regulation is titled Establishment of Minimum Instream Flow Requirements, Curtailment Authority, and Information Order Authority in the Klamath River Watershed.

It is possible that one or more members of the State Water Board will attend the meeting. A quorum of the State Water Board may be present at the meeting. However, no State Water Board action will be taken.

BACKGROUND

On May 10, 2021, Governor Newsom **declared a drought emergency** for 41 counties, including Siskiyou County, where accelerated action is needed to protect public health, safety, as well as the environment. The Scott River and Shasta River are important tributaries to the Klamath River, the second largest river in California. The Scott River and Shasta River watersheds are experiencing one of the most severe droughts on record. These rivers are crucial sources of water for Siskiyou County and have immense economic, ecological, and cultural importance. The Scott River and Shasta River watersheds provide water for agriculture, domestic users, the environment, fire protection, municipalities, Tribal Nations, and recreation.

On August 17, 2021, the State Water Board adopted a drought emergency regulation that went into effect on August 30, 2021, when it was approved by the Office of Administrative Law and filed with the Secretary of State (Cal. Code Regs., tit. 23, §§ 875–875.9). The drought emergency regulation provides the State Water Board with curtailment authority to protect minimum instream flows, establishes minimum health and safety and livestock watering exceptions, and limits inefficient diversions for livestock during the September through January timeframe. On September 9 and 10, 2021, the State Water Board issued curtailment orders in the Scott River and Shasta River watersheds to protect minimum instream flows. Since that time, curtailment of water rights has been managed adaptively to maintain minimum instream flows while maximizing water right diversions.

The current drought emergency regulation is set to expire in August 2022. However, due to ongoing drought conditions, staff is proposing to extend the emergency regulation one additional year. State Water Board staff plan to present proposed changes to the drought emergency regulation for consideration by the State Water Board at its June 21, 2022 meeting.

On March 28, 2022, Governor Newsom signed an executive order acknowledging the continued drought conditions throughout the state, extending the authorities and directives of the 2021 proclamations, and calling for increased conservation efforts (**2022 Drought Executive Order**). In light of the continued drought emergency conditions, State Water Board staff are soliciting comments on the extension of the drought emergency regulation for the Scott River and Shasta River watersheds, with amendments.

ADDITIONAL INFORMATION

For additional information on drought-related activities in the Scott River and Shasta River watersheds, please visit the State Water Board's **Scott River and Shasta River Drought Response website** (https://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/scott_shasta_rivers/). This website will be updated with related materials and information as available.

HOW TO RECEIVE UPDATES

If you would like to receive email updates about the Shasta River and Scott River watersheds drought effort, please **sign up** for the State Water Board's "Scott-Shasta Drought" email subscription list under "Water Rights" at:


https://www.waterboards.ca.gov/resources/email_subscriptions/

QUESTIONS AND COMMENTS

Please email questions regarding this notice and related efforts, and comments on the preliminary draft updated regulation to: ScottShastaDrought@waterboards.ca.gov or leave a message at our dedicated Scott River and Shasta River Drought phone line at: (916) 327-3113. **The deadline for comment submittal is 12:00 p.m. (noon) on**

Tuesday, May 31, 2022 ~~Friday, May 27, 2022.~~

Date May 26, 2022



Jeanine Townsend
Clerk to the Board