



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



September 14, 2021

Dustin Cooper
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SUBJECT: Letter Regarding Preliminary Emergency Regulation for Mill and Deer Creek Watersheds

Dear Dustin Cooper:

This letter is in response to the subject letter dated September 2, 2021, regarding Emergency regulations for Mill Creek and Deer Creek and a July 8, 2021 Public Records Act request regarding Deer and Mill Creeks. Your letter references the August 9, 2021 California Department of Fish and Wildlife (Department) letter sent to the State Water Resources Control Board (SWRCB) requesting drought emergency minimum instream flows for the protection of State and federally listed threatened Central Valley spring run Chinook salmon (*Oncorhynchus tshawytscha*), federally threatened Central Valley Steelhead (*O. mykiss*), fall and late-fall-run Chinook salmon and native endemic fish.

As our August 9, 2021, letter states, the Department is the Trustee Agency for California's fish, wildlife, and native plant resources. In our trustee capacity, we have jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitats necessary for biologically sustainable populations of those species. Therefore, during the current drought conditions that California is facing, the Department must act to protect fish and wildlife resources, in this case in the form of recommendations for drought emergency instream flows for Deer and Mill Creeks. In addition, the May 10, 2021, Emergency Drought Proclamation stated:

"To ensure critical instream flows for species protection in the Klamath River and Sacramento-San Joaquin Delta Watersheds, the Water Board and Department of Fish and Wildlife shall evaluate the minimum instream flows and other actions needed to protect salmon, steelhead, and other native fishes in critical streams systems in the State and work with water users and other parties on voluntary measures to implement those actions. To the extent voluntary actions are not sufficient, the Water Board, in coordination with the Department of Fish and Wildlife, shall consider emergency regulations to establish minimum drought instream flows."

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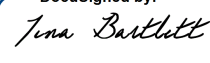
As your letter identifies, there have been previous discussions regarding instream flows with the Department, SWRCB, National Marine Fisheries Service, and Deer and Mill Creek water users regarding instream flow and drought conditions in 2021. These discussions included potential development actions and agreements for Deer and Mill Creek. Unfortunately, in the absence of any voluntary agreements with Deer and Mill Creek water users, the Department moved forward with our recommendations as required.

The Department continues to be available for future discussions regarding instream flow and voluntary agreements as requested by Deer and Mill Creek water users. However, until such time as protective instream flows are in place within Deer and Mill Creek, the Department will continue to act for the protection of fish and wildlife resources.

Public Records Acts (PRA) requests are handled through our Office of General Counsel, which has contacted you, and it is my understanding that as of September 10, 2021, over 700 documents have been released. Region 1 staff are working diligently to get documents ready for rolling release to you as soon as they are available.

The Department appreciates our relationship with Deer and Mill Creek water users and supports the ongoing work being completed including, but not limited to, the Department funded design and permitting for the Stanford Vina Ranch Irrigation Company Fish Passage and Screening Project and the Ward Dam Retrofit project that has had extensive support by Department staff. If you have any questions regarding this letter or would like to discuss voluntary agreements, please contact Environmental Program Manager Jason Roberts at Jason.Roberts@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Tina Bartlett, Regional Manager
Northern Region

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