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## State Water Resources Control Board

# NOTICE OF OPPORTUNITY FOR COMMENT: PRELIMINARY DRAFT DROUGHT EMERGENCY REGULATION FOR MILL CREEK AND DEER CREEK WATERSHEDS

On May 10, 2021, Governor Gavin Newsom extended the drought State of Emergency to cover 41 counties in California, including the Sacramento-San Joaquin Delta watershed, which includes the Mill Creek and Deer Creek watersheds in Tehama County. To ensure critical instream flows for species protection, the proclamation directs the State Water Resources Control Board (State Water Board) and California Department of Fish and Wildlife (CDFW) to evaluate minimum instream flows and other actions to protect salmon, steelhead, and other native fishes in critical systems in the watersheds in which a drought state of emergency was proclaimed and work with water users and other parties on voluntary measures to implement those actions. To the extent that voluntary actions are not sufficient, the State Water Board, in coordination with CDFW, is to consider emergency regulations to establish minimum drought instream flows.

In response to emergency drought conditions in the Mill Creek and Deer Creek watersheds, drought minimum instream flow information provided by CDFW and the National Marine Fisheries Service (NMFS) for these watersheds, and consultations with water users in the watersheds, State Water Board staff have prepared a [preliminary draft drought emergency regulation](#) for public comment.

Interested parties may provide written comments on the preliminary draft **by 12 noon on Wednesday, September 8, 2021**. Comments should be emailed to: [DWR-MillDeerDrought@waterboards.ca.gov](mailto:DWR-MillDeerDrought@waterboards.ca.gov).

### BACKGROUND

The watersheds of Mill Creek and Deer Creek, which are tributaries to the Sacramento River, are experiencing a second consecutive dry year, with precipitation approximately half of normal levels across the upper Sacramento River basin. Water Years 2020 and 2021 together are the second driest two-year period on record, and conditions are drier than during the previous drought years of 2014-2015.

Mill Creek and Deer Creek have been identified as priority watersheds for sustaining anadromous Central Valley spring-run Chinook salmon (CV SR Salmon) and California Central Valley Steelhead (CCV Steelhead), both threatened native fish species. The

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creeks also support Central Valley fall-run and late-fall-run Chinook salmon and endangered Sacramento River winter-run Chinook salmon. On June 30, 2021, and August 7, 2021, NMFS and CDFW, respectively, sent letters requesting that the State Water Board adopt an emergency regulation to provide drought emergency minimum flows on the creeks for salmon and steelhead.

The proposed emergency curtailment regulation will provide minimum passage flows for CV SR Salmon and CCV Steelhead on Mill Creek and Deer Creek during critical migratory periods, which are consistent with flow requirements adopted during the previous drought year of 2015. Additionally, the proposed regulation would provide for exceptions to curtailment for minimum human health and safety needs and would allow for voluntary local cooperative solutions in lieu of curtailment orders. To reduce the impacts of inefficient flood irrigation practices, the proposed regulation also establishes new limitations for domestic lawn irrigation consistent with California Code of Regulations, title 23, section 697.

### **ADDITIONAL INFORMATION**

For additional information on drought-related activities, please visit the State Water Board's [Drought website](#).<sup>1</sup> Information specific to drought-related efforts in Mill Creek and Deer Creek watersheds can be found on the State Water Board's [Mill Creek and Deer Creek Drought Response website](#)<sup>2</sup>, which can be found through the State Water Board's Drought website. 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 Mill Creek and Deer Creek watersheds drought effort, please sign up for the State Water Board's "Mill Deer Drought" email subscription list under "Water Rights" at [https://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe](https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe).

### **QUESTIONS**

Please email questions regarding this notice and related efforts to: [DWR-MillDeerDrought@waterboards.ca.gov](mailto:DWR-MillDeerDrought@waterboards.ca.gov).

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<sup>1</sup> URL: <https://www.waterboards.ca.gov/drought/>

<sup>2</sup> URL: [https://www.waterboards.ca.gov/drought/mill\\_deer\\_creeks/](https://www.waterboards.ca.gov/drought/mill_deer_creeks/)