



March 16, 2025

Assemblymember Water, Parks, and Wildlife Committee
 1020 N Street, Suite 160
 Sacramento, CA 95814

Re: AB 263 (Scott River, Shasta River, Watersheds) SUPPORT

Dear Chair Papan and Honorable Members of the Assembly Water Parks and Wildlife Committee:

The undersigned groups write in strong support of AB 263 (Rogers), which would allow the emergency regulations adopted by the State Water Resources Control Board (SWRCB) that are currently in place on the Scott and Shasta River Watersheds to remain in effect until permanent rules establishing and implementing long-term instream flow requirements are adopted.

Our groups represent environmental, environmental justice, tribal, and commercial fishing interests and are committed to ensuring California water resources are equitably managed for the benefit of all people and ecosystems. We also acknowledge the historic inequitable management of our water system has discounted and ignored important tribal cultural and economic uses of water and dependence on healthy aquatic ecosystems. This bill is critical to protecting salmon populations in the Scott and Shasta Rivers and, in turn, protecting keystone environmental species and critical resources for tribes and the fishing industry.

1. Instream Flows are Critical to Protecting Salmon

The Scott and Shasta Rivers are important tributaries to the Klamath River, the second largest river in California. These tributaries contributed heavily to the ability of the Klamath River watershed to historically support one of the largest salmon populations on the West Coast. Today, the Shasta River supports 20% of the Klamath basin's wild spawning fall-run Chinook population and the Scott River is one of the last coho salmon strongholds in California. However, unfettered surface and groundwater diversions in these tributaries have significantly degraded these important habitats, causing many of the basin's fisheries to decline substantially. In all but the wettest years, water levels in these Rivers falls well below what California's Department of Fish and Wildlife has determined to be bare minimum instream flows. Without immediate efforts to address low water flows several native fisheries that rely on the Scott and Shasta Rivers are at risk of extinction and this will have a ripple effect on the ecosystem and communities that rely on salmon.

Salmon are not only an ecologically vital keystone species, but they are also an essential resource and of cultural significance to Tribes in the Klamath River watershed, including the Yurok Tribe, Karuk Tribe, Quartz Valley Indian Reservation, and Hoopa Valley Tribe. Salmon populations support tribal subsistence, as well as traditional and ceremonial practices. However, in recent years, weak salmon populations have forced Tribes to severely restrict or close subsistence, commercial, and ceremonial fisheries. Salmon are also important to commercial ocean fisheries, an industry that generates hundreds of million dollars each year in economic impact and provide for local recreation and industry. Low levels of Chinook salmon in the Klamath River have resulted in commercial ocean fisheries closures – last year, salmon fishing was banned on the California coast, for only the second time in the history of the ocean salmon fishery, because of a major decline in fish populations after California's most dire three-year period on record (2020-22) and we are on the brink of a third year of closure.

2. The SWRCB Must Maintain Minimum Instream Flows on the Scott and Shasta Rivers

2025 marks the fourth consecutive year the Board has had to re-adopt emergency instream flow regulations in the Scott and Shasta River watersheds, emphasizing the importance of ongoing protections. Flow objectives are a vital action that balances many water uses, including protection of aquatic resources (like fisheries) and the human needs associated with municipal, agricultural, and other uses. These types of flow objectives align with Governor Newsom’s salmon priorities, as outlined in the Salmon Strategy, released in early 2024, which calls for the SWRCB to, “[b]y early 2024, commence work to establish minimum instream flows in the Scott and Shasta Rivers, working with local partners on locally driven solutions and coordinating on options for incentivizing the reduction of diversions and groundwater pumping.”¹ Moreover, the Board predicts that there could be alternate and extensive costs from failure to act, including the requirement to re-adopt emergency regulations on a yearly basis and potential litigation costs for failing to perform its legal duties in these watersheds.

In 2023, the Karuk Tribe and other parties filed a petition for rulemaking, requesting the Board establish minimum flows and other requirements for the Scott River. Early in 2024, other environmental and tribal groups filed a similar petition for the Shasta River. As a result, the Board has directed staff to initiate a process to begin the long-term flow setting process and has received funding through a 2024 Budget Change Proposal² for two permanent positions to support establishing and implementing long-term instream flow objectives in the Scott River and Shasta River Watersheds. However, it is estimated these regulations will not be finalized for three to five years and the emergency regulations are set to expire in early 2026.

It is critical we ensure minimum instream flows remain on the Scott and Shasta Rivers and therefore we strongly support AB 263 and urge your aye vote.

Sincerely,

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¹ <https://www.gov.ca.gov/wp-content/uploads/2024/01/Salmon-Strategy-for-a-Hotter-Drier-Future.pdf>

² 3940-032-BCP-2024-GB available at:

https://esd.dof.ca.gov/Documents/bcp/2425/FY2425_ORG3940_BCP7230.pdf

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