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**Lauren Bernadett**  
*California Water Law & Policy Director*

February 7, 2024

Assemblymember Chris Rogers  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94249-0002

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

Dear Assemblymember Rogers,

On behalf of Trout Unlimited (TU), the nation's largest and oldest non-profit organization dedicated to the conservation of coldwater fisheries and the habitat that supports them, I am writing in support of AB 263, which would provide that the most recent emergency regulations that the State Water Resources Control Board (Board) adopted for the Scott River and Shasta River watersheds (title 23 of the California Code of Regulations, sections 875-875.9) would remain in effect until the Board establishes permanent rules for instream flow requirements for the watershed.

The need to provide uninterrupted interim and long-term streamflow protection in both the Scott and Shasta Rivers cannot be overstated. Both streams are among the most productive salmon and steelhead watersheds in Northern California and can serve as crucial strongholds for these species in the face of warming climate conditions. The Scott River and Shasta River watersheds are tributaries to the Klamath River and have significant ecological value for anadromous fish, including fall-run Chinook, coho salmon, and steelhead. The tribal nations of the Klamath basin have relied on these fisheries as a food source and a central component of their religious and cultural identities since time immemorial. The Scott and Shasta Rivers were listed as impaired for temperature and adverse dissolved oxygen conditions beginning in the 1990's, and low flows contributed to the failure to meet objectives to protect the cold-water fishery. While multiple factors cause declines in anadromous fisheries, flows in key tributary streams like the Scott River and Shasta River contribute to declines by interfering with migration, incubation, rearing, food production, and recovery.

In 2021, after the California Department of Fish and Wildlife provided evidence to the Board that the Scott and Shasta Rivers did not meet minimum survival-level flows in many years, the Board adopted drought emergency minimum flows for both rivers. The Board has readopted emergency regulations almost annually since then, with a multi-month gap in emergency regulation coverage in 2023. The Board has repeatedly found that these minimum flows are required for fishery protection.

To meet the minimum flows required in the emergency regulations for the Shasta River, the Board imposed the deepest curtailments on water rights holders in 2022, and more limited curtailments in 2021, 2023, and 2024. During the gap in emergency regulation coverage in 2023, Shasta River flows sharply declined and dipped below the survival-level flows that would have been required under the emergency regulations. Without the emergency regulations in place, local coordination and diversion

**Trout Unlimited: America's Leading Coldwater Fisheries Conservation Organization**

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management did not maintain survival-level flows in the Shasta River. The Scott River also experiences improved conditions when emergency regulations establishing minimum flows are in place.

TU's position is that, ultimately, the Board needs to complete a scientifically rigorous rulemaking process to establish permanent water year-specific flow standards that fully protect native anadromous fish in the Scott River and Shasta River watersheds as soon as possible. We are encouraged to see that the Board has already taken steps and received funding to begin the rulemaking process. We urge the Board to prioritize that process, which includes important scientific research and public participation. However, until a permanent rule is in place, TU believes that AB 263 is the best approach to ensuring that there is no gap in minimum survival-level flow standards protecting the fisheries in the Scott and Shasta Rivers. Given the example of the sharp decline in Shasta River flows during the gap in emergency regulations in 2023, we believe that statutory or regulatory-level protection is needed to prevent harm to the fishery until the Board's permanent, comprehensive rulemaking is complete.

For the above reasons, TU supports AB 263 as an important measure to protect the Scott River and Shasta River watersheds fishery until the Board completes its permanent rulemaking.

Sincerely,

A handwritten signature in blue ink, appearing to read "L Bernadett", written over a horizontal line.

Lauren Bernadett  
California Water Law & Policy Director  
Trout Unlimited