



Assembly Bill 263 – Scott and Shasta River Instream Flows

Updated: January 21, 2025

Bill Summary

AB 263 would allow the emergency regulations 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.

These emergency regulations expire on an annual basis, providing a lack of stability for all residents of the Klamath Basin. Extending the temporary regulations until the SWRCB finalizes permanent regulations simply maintains a tenuous status quo. Without these protections, there would be less water in the Scott and Shasta Rivers, imperiling the delicate recovery of salmon populations.

Background

Western North America has been experiencing an ongoing and persistent drought over the past 20 years. Across California and within the Klamath Basin, the water years from 2013-2015 and 2020-2022 were some of the driest on record. Drought effects include lowered groundwater levels, earlier and prolonged tributary disconnections, declining fish populations, impeded salmonid migration, and impacts to water quality. Even after near to and slightly above average precipitation in the Scott River and Shasta River watersheds in water years 2022-2023 and 2023-2024, the Scott and Shasta Rivers continue to experience drought effects, and the salmon cohorts currently in and returning to these watersheds continue to be significantly suppressed by the successive drought cycles. Increases in weather extremes on a global and more local scale, as well as the extended drought conditions, exacerbate water challenges and heighten the risk of continued drought effects in the future.

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. However,

increasing surface and groundwater diversions in these tributaries have significantly degraded

important habitats, causing many of the basin's fisheries to decline substantially. 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 across multiple seasons.

Existing Law

Currently, California responds to drought years on an ad hoc basis. During the 2013-2016 drought, and again in 2021, the Governor used his authority to declare a state of emergency. These emergency declarations enabled a series of agency actions to respond to severely dry conditions, including the State Water Resources Control Board (Board) which is required to adopt emergency regulations under drought conditions.

Pursuant to that authority, the Board adopted WR-2025-0002 on January 7 2025, which provides for minimum in-stream flows in the Scott and Shasta Rivers. This went into effect on February 1, 2025, but is set to expire February 1, 2026.



Assemblymember Chris Rogers, 2nd Assembly District

Assembly Bill 263 – Scott and Shasta River Instream Flows

Updated: January 21, 2025

Once these regulations expire, 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. Absent permanent regulations to ensure minimum instream flows, the Board will have to rely on emergency regulations year after year, which provides little to no predictability for water users.

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. The recently released Salmon Strategy calls for the SWRCB to “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.”

For More Information:

Logan Pitts

logan.pitts@asm.ca.gov

916-319-2002

Support

Karuk Tribe (sponsor)

California Coastkeeper Alliance