

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER RIGHTS
AUGUST 15, 2023**

ITEM 8

SUBJECT

HEARING ON A PETITION FOR RULEMAKING TO SET MINIMUM FLOWS ON THE SCOTT RIVER. POTENTIAL BOARD DIRECTION REGARDING MINIMUM FLOWS ON BOTH THE SCOTT RIVER AND THE SHASTA RIVER.

DISCUSSION

On May 23, 2023, the State Water Resources Control Board (State Water Board or Board) received a [Petition for Rulemaking to Set Minimum Flows on the Scott River](#) (Petition) from the Karuk Tribe of California, Environmental Law Foundation, Pacific Coast Federation of Fishermen’s Associations, and Institute for Fisheries Resources (Petitioners). Per Government Code section 11340.7, the State Water Board is required to, within 30 days of receipt of the Petition, deny the Petition or schedule a hearing. On June 19, 2023, the State Water Board issued a [Notice](#) that a hearing would be held on the Petition at the State Water Board’s August 15, 2023, meeting and soliciting comments in response to the notice. Written comments on the Petition were due on July 20, 2023 and the Board received 30 unique comment letters, available upon request from the Board Clerk.

The Petition requests the State Water Board implement a permanent regulation setting minimum streamflow standards for the Scott River in all water years that are protective of salmonid population recovery, with appropriate monitoring, informational, and enforcement requirements, in order to address a long-term decline in Scott River fisheries. Further, the Petition notes the regulation should: (1) establish flows based on the California Department of Fish and Wildlife’s 2017 Flow Criteria study; (2) include mandatory monitoring and information reporting for compliance and model refinement; (3) include mandatory groundwater pumping limitations to maintain stream connection during the summer and fall; and (4) maintain a prohibition on inefficient livestock watering. The Petition provides a series of attachments with scientific information and analyses, as well as legal analysis and argument regarding the State Water Board’s authority and duty to address flows in the Scott River.

Comments on the Petition raise the issue of whether to similarly adopt instream flows on the Shasta River, as well.

POLICY ISSUE

In response to the Petition, at the close of the hearing, the Board may provide direction regarding establishing minimum instream flows on the Scott River. Additionally, the

Board may also provide direction regarding establishing minimum instream flows on the Shasta River.

FISCAL IMPACT

None.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

None.