
State Water Resources Control Board

NOTICE OF OPPORTUNITY TO COMMENT AND OF PUBLIC HEARING

ON A PETITION FOR RULEMAKING TO SET MINIMUM FLOWS ON THE SCOTT RIVER

**SUBMITTED BY THE KARUK TRIBE OF CALIFORNIA,
THE ENVIRONMENTAL LAW FOUNDATION,
THE PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATIONS,
AND THE INSTITUTE FOR FISHERIES RESOURCES**

NOTICE IS GIVEN that the State Water Resources Control Board (State Water Board or Board) will accept public comments on a Petition for Rulemaking to Set Minimum Flows on the Scott River (Siskiyou County).

Written comments must be submitted by no later than **12:00 noon on July 20, 2023**. Written comments must be submitted per the procedures in the "Submission of Written Comments" section of this public notice.

NOTICE IS ADDITIONALLY HEREBY GIVEN that the State Water Board will hold a public hearing to receive oral comments from interested parties and the general public on the Petition for Rulemaking to Set Minimum Flows on the Scott River (Petition). The hearing will be conducted as part of the August 15, 2023, State Water Board meeting. The location and start time of the Board meeting is provided below.

**Tuesday, August 15, 2023
9:30 AM**

Joe Serna Jr. CalEPA Headquarters Building
Coastal Hearing Room
1001 I Street, Second Floor
Sacramento, CA 95814

The agenda for the Board meeting will be available on the [Board's 2023 Board Schedule/Calendar webpage](#) no later than August 4, 2023.

VIDEO AND TELECONFERENCE PARTICIPATION

The public hearing will occur with an option for the public to participate in person or remotely. Below is information on how you may watch or actively participate in the meeting remotely.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

- Webcast (for those watching only): Live video and audio broadcasts of the public hearing are available for attendees that are solely interested in watching and not participating in the meeting. The broadcast will be available via the internet and can be accessed at the [CalEPA Public Meeting Live Webcasts page](#). Closed captioning is available.
- Video and teleconference participation (for those wishing to comment from a remote location): For members of the public who wish to comment via telephone or the remote meeting solution, additional information about participating will be available at least 10 days before the hearing on the [Remote Meeting webpage](#).

Additional information on the hearing and State Water Board meetings can be found at the [State Water Board's website](#).

BACKGROUND

On May 23, 2023, the Karuk Tribe of California, Environmental Law Foundation, Pacific Coast Federation of Fishermen's Associations, and Institute for Fisheries Resources (Petitioners) submitted to the State Water Board a Petition for Rulemaking to Set Minimum Flows on the Scott River in Siskiyou County (Petition). The Petition was submitted pursuant to the California Constitution, Article 1, Section 3, and Government Code Section 11340.6. The Petition seeks permanent stream flow requirements on the Scott River based on a California Department of Fish and Wildlife (CDFW) 2017 report.

In May 2021, the California Department of Fish and Wildlife submitted [a letter](#) to the State Water Board that provided a 2017 report, "Interim Instream Flow Criteria for the Protection of Fishery Resources in the Scott River Watershed, Siskiyou County" as the best available information on fishery flow needs for the Scott River. (This 2017 report is also included as Exhibit A of the Petition.) The May 2021 letter requested that the State Water Board initiate a flow-setting process on the Scott River based on the 2017 report, with the understanding that the flow-setting process would involve further information development. In June 2021, in light of worsening drought conditions, CDFW submitted a second letter that provided drought-emergency flows for the Scott and Shasta Rivers and requested that the State Water Board adopt an emergency regulation imposing such flows. On July 1, 2021, the Petitioners submitted a petition for emergency rulemaking on the Scott River.

In August 2021, the State Water Board adopted an emergency regulation implementing drought emergency minimum flows for the Scott and Shasta Rivers. The Board re-adopted the emergency regulation in June 2022, with minor amendments. The current emergency regulation expires on August 1, 2023.

DOCUMENT AVAILABILITY

The [Petition](#), with exhibits, is available on the [Scott River and Shasta River Watersheds Drought Response webpage](#).

SUBMISSION OF WRITTEN COMMENTS

The State Water Board will accept written comments on the Petition. Written comments must be received no later than **12:00 noon on July 20, 2023**. Please indicate in the subject line: “**Comment Letter – Petition for Rulemaking to Set Minimum Flows on the Scott River**”.

Email Submittals. Comment letters may be submitted electronically, if less than 15 megabytes in total size for any one email, to the Clerk to the Board via email to: commentletters@waterboards.ca.gov. If the file is greater than 15 megabytes in total size for any one email, the comment letter may be submitted by multiples emails, mail, hand delivery, or fax.

Mail/Hand Delivery/Fax. Hard copy letters and fax submittals should be addressed to:

Courtney Tyler, Clerk to the Board
State Water Resources Control Board
Box 100, Sacramento, CA 95812-2000 (mail)
1001 I Street, 24th Floor, Sacramento, CA 95814 (hand delivery)
(916) 341-5620 (fax)

Mail must be received (not postmarked) at the State Water Board office by the close of the comment period. All hand-delivered submittals must arrive and be date and time-stamped **prior to 12:00 noon on July 20, 2023**. Couriers delivering hard copies of comment letters must check-in with lobby security personnel who can contact the Clerk’s office at (916) 341-5611.

If you would like a copy of the written comments submitted on this subject, please sent a request to commentletters@waterboards.ca.gov identifying the subject listed above. Written comments will not be available until after the comment deadline.

PROCEDURAL MATTERS

The August 15, 2023, hearing will be focused on information and public comment; there will be no sworn testimony or cross-examination of participants. However, the State Water Board and its staff may ask clarifying questions. At the hearing, participants will be given an opportunity to provide oral comments. Participants will also be given an opportunity to summarize and supplement their written materials with oral presentations. To ensure a productive and efficient hearing in which all participants have an opportunity to participate, oral comments may be time limited. Presentation recommendations can be found on the [Board’s Presentations webpage](#). Commentors are encouraged to organize themselves for shared presentations.

PARKING AND ACCESSIBILITY

For directions to the Joe Serna, Jr. (CalEPA) Building and public parking information, please refer to the map on the State Water Board website at: <http://www.calepa.ca.gov/headquarters-sacramento/location/>.

The CalEPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5254 at least five working days prior to the meeting. TDD users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922.

All visitors to the CalEPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 15 minutes to receive security clearance.

CONTACT INFORMATION

Please direct questions about this notice, Petition, or hearing to Division of Water Rights staff by email to: ScottShastaDrought@waterboards.ca.gov or by leaving a phone message at: (916) 327-3113.

Date June 19, 2023



Courtney Tyler
Clerk to the Board