



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
West Coast Region  
650 Capitol Mall, Suite 5-100  
Sacramento, California 95814-4700

June 28, 2022

Ms. Eileen Sobeck  
Executive Director  
State Water Resources Control Board  
1001 I Street  
Sacramento, California 95814  
[Eileen.Sobeck@waterboards.ca.gov](mailto:Eileen.Sobeck@waterboards.ca.gov)

Re: Re-Adoption of Emergency Drought Regulations for Listed Salmonids during the California Drought for Mill and Deer Creeks in the California Central Valley

Dear Ms. Sobeck:

On October 4, 2021, the California Office of Administrative Law approved the State Water Resources Control Board's (SWRCB) emergency regulations for the curtailment of water diversion on Mill and Deer creeks, tributaries to the Sacramento River in Tehama County. The emergency regulations became effective starting October 15, 2021, and will remain in effect for up to one year. The SWRCB may repeal the regulations if conditions improve or re-adopt them if drought conditions persist.

As you know, drought conditions in the Central Valley have continued, with most of the Mill and Deer Creek watershed in a state of severe to extreme drought, according the June 23, 2022, U.S. Drought Monitor, <https://droughtmonitor.unl.edu/CurrentMap/StateDroughtMonitor.aspx?CA>. Mill and Deer creeks contain migration, spawning, and rearing habitat for some of the last remaining naturally-produced populations of State and Federally threatened Central Valley spring-run Chinook salmon (CV spring-run Chinook salmon) and Federally threatened California Central Valley steelhead (CV steelhead). The high extinction risk of these species is perpetuated by a number of risk factors including insufficient flows to support upstream and downstream migration of adult and juvenile fish. Continued drought conditions amplify these risks.

NOAA's National Marine Fisheries Service (NMFS) continues to support meeting drought emergency minimum flows and other fish passage improvements through voluntary actions. Over the past year NMFS has coordinated with water users in the Mill and Deer Creek watersheds and also the California Department of Fish and Wildlife to explore voluntary actions, such as fish passage improvement projects, but to date, these efforts have not yielded any commitments that would alleviate ongoing drought risk to anadromous salmonids. We are committed to working on voluntary actions and suggest that stakeholders in the watersheds pursue funding opportunities that are currently available through the Bipartisan Infrastructure



Law (Infrastructure Investment and Jobs Act). Up to \$65 million in funding is available through the NOAA Restoring Fish Passage through Barrier Removal Notice of Funding Opportunity, <https://www.fisheries.noaa.gov/grant/restoring-fish-passage-through-barrier-removal-grants>. This funding will support fish passage improvement projects that reopen migratory pathways and restore access to healthy habitat for fish around the country. NOAA will accept proposals with a federal funding request of between \$1 million and \$15 million total from non-federal partners over the award period. Applications for fiscal year 2022 are due by August 15, 2022.

Due to the continuing severe to extreme drought conditions, and ongoing risks to protected anadromous fish, we write this letter to encourage and support the SWRCB to re-adopt emergency regulations for Mill and Deer creeks.

Please direct questions regarding this letter to Howard Brown, Senior Policy Advisor, NMFS California Central Valley Area Office, at (916) 930-3608 or via e-mail at [Howard.Brown@noaa.gov](mailto:Howard.Brown@noaa.gov).

Sincerely,



Cathy Marcinkevage  
Assistant Regional Administrator  
California Central Valley Area Office

cc: ARN: 151422-WCR2021-SA0089

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