



COUNTY OF SISKIYOU

Board of Supervisors

P.O. Box 750 □ 1312 Fairlane Rd
Yreka, California 96097
www.co.siskiyou.ca.us

(530) 842-8005
FAX (530) 842-8013
Toll Free: 1-888-854-2000, ext. 8005

September 24, 2021

Erik Ekdahl
Deputy Director, Division of Water Rights
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812
LETTER SENT VIA EMAIL: Erik.Ekdahl@waterboards.ca.gov

Subject: State Water Resources Control Board (SWRCB) Curtailment Orders for the Scott and Shasta Rivers

Dear: Mr. Ekdahl,

The Siskiyou County Board of Supervisors (County) is writing this letter to express our strong opposition to curtailment letters issued to residential property owners and municipalities regarding the “*Scott River and Shasta River watershed emergency order (Cal. Code Regs., tit. 23, §§ 875-875.9)*”. Water extractions by these groups are those required to meet minimum health and safety needs, and imposing curtailment orders on them is a gross overreach by the SWRCB.

In the Scott Valley, calculations demonstrate that residential water use accounts for approximately 1% of all groundwater use throughout the entire Scott Valley Groundwater Basin. In addition, the emergency order expressly states that de minimis, water users are exempt from reporting requirements, and the SWRCB has previously categorized residential and municipal water users as de minimis. It is perplexing that these exempt water users would then be issued curtailment notices, and such an action demonstrates a poorly thought out and short-sited reaction to drought conditions. We are requesting that the SWRCB provide supporting documentation detailing the benefit that these curtailment orders will have on the Scott and Shasta river and their tributaries.

The Sustainable Groundwater Management Act (SGMA) was specifically designed to allow for local control over groundwater management; providing all communities with the ability to address short and long-term sustainable groundwater needs. The Siskiyou County Flood Control and Water Conservation District voluntarily became the Groundwater Sustainability Agency (GSA) for three of our four medium priority groundwater basins; and has worked diligently and collaboratively over the last four years to develop comprehensive Groundwater Sustainability Plans (GSP) for the Shasta and Scott Valley Groundwater Basins. The emergency regulations issued by the SWRCB, and specifically where the orders concern groundwater curtailment, conflict with the spirit and intent of SGMA by casting aside local control in exchange for a top down approach before GSA’s even have the opportunity to submit their final GSP’s for State review and approval. Such actions by the SWRCB will result in reluctance among local communities to work in a collaborative manner, and could put at risk the progress and implementation of beneficial actions outlined in the GSP’s. This will result in conflicts, both legal and societal, throughout the groundwater basins, providing little to no benefit for the environment, fisheries, agriculture and communities of need.

The County provided comments to the SWRCB (enclosed) expressing our concern and opposition to the emergency order, and provided a pathway to voluntary and collaborative approaches for addressing current and future drought conditions. The County is discouraged that these recommendations were not more seriously considered and we will continue to advocate for voluntary and collaborative efforts that create proactive and constructive results, rather than forced regulations.

Again, we are deeply concerned and in opposition to the SWRCB's curtailment orders for de minimis water users, which has caused angst among the community and deterioration of relationships with the SWRCB. We strongly encourage SWRCB to rescind all curtailment orders to residential and municipal users. We also invite SWRCB staff to attend a Siskiyou County Board of Supervisors meeting to provide clarity and supporting information regarding these curtailment orders, and justification for the models used to determine target flow requirements

We look forward to further discussions with your staff on how we can develop reasonable and common sense solutions to drought conditions. Please contact Siskiyou County Natural Resources Specialist Matt Parker at 530-842-8019 or mparker@co.siskiyou.ca.us.

Sincerely,

DocuSigned by:



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Ray A. Haupt, Chair

Board of Supervisors

cc: The Honorable Doug LaMalfa
The Honorable Dianne Feinstein
The Honorable Brian Dahle
The Honorable Megan Dahle
Chuck Bonham, Director, CDFW



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July 23, 2021

Eileen Sobeck, Executive Director
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Comments via Email ScottShastaDrought@waterboards.ca.gov

Subject: Comments re Draft Drought Emergency Regulation for the Scott River and Shasta River Watersheds

Ms. Sobeck:

Thank you for providing the opportunity to comment on the State Water Resources Control Board's (Water Board) Draft Drought Emergency Regulation for Scott River and Shasta River Watersheds. Siskiyou County is very concerned with the Water Board's proposal to impose emergency regulations for the Shasta and Scott Rivers, and we strongly encourage the State Board to work with landowners on voluntary actions during 2021 and into the future.

Already, irrigators and irrigation districts in both the Shasta and Scott watersheds have decreased deliveries and/or ceased irrigation for days and upwards of weeks to address drought conditions. Farmers and ranchers have chosen to fallow fields, plant less water intensive crops, and many have sold breeding livestock, which will take years to replace, if ever. Additionally, as the Water Board is aware, there have been very involved efforts over the last decade, through Safe Harbor and other similar agreements, to specifically increase water quantity and improve water quality for Klamath Watershed fisheries, yet many of the actions within these agreements have been delayed due to state regulations.

Siskiyou County is prepared to work with the Water Board to engage landowners and assist in developing and implementing projects and potential actions throughout the Shasta and Scott, which would provide benefits for 2021, but just as importantly, benefit the entire watershed well into the future. As the County has encouraged in the past, such endeavors would be best accomplished by collaborating with a group of water users representing both the Shasta and Scott valleys. The Water Board should view this current drought situation as an opportunity to more actively engage water users, as opposed to implementing a regulatory scheme which will further decrease collaborative relationships and restrict future solutions.

Examples of potential projects include a suite of safe harbors along the main-stem, and tributaries too, the Shasta and Scott Rivers which could dedicate instream flows and restore

riparian habitat, addressing both water quantity and water quality for salmon fisheries. Siskiyou County staff has been in coordination with the California Department of Fish Wildlife and will be applying for Proposition 1 grant funding to perform a feasibility study on the High Mountain Lakes, a project which would provide upwards of 3,500 acre-feet to the Scott River. In addition, Siskiyou County has been a proponent of supplementation initiatives and eyed egg injection, which could serve as a proactive tool to increase salmon populations. We welcome the opportunity to discuss these and other projects in depth with the Water Board, and we would be happy to organize a meeting with a broader group to coordinate.

To allow such voluntary actions to be completed in a timely and effective manner, irrigators will need assurances that the regulatory permits and authorizations needed to implement projects will be simplified and streamlined, which would remedy roadblocks that have hampered the progress of other like projects. Specifically, participants of Safe Harbor agreements in the Shasta Valley have faced obstacles in obtaining Endangered Species Act permits and consistency determinations for their beneficiary activities. It is difficult to persuade irrigators to dedicate the time and resources needed to participate in these actions, when it is anticipated that regulatory burdens created by the agencies for which they are receiving agreements from will diminish the effectiveness of such actions.

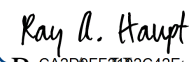
Siskiyou County has been discouraged over the lack of quantification for past and current efforts which are intended to improve the Klamath Watershed, and we invite ideas from the Water Board on an approach to recognize these benefits from a fisheries perspective. Doing so would not only tell us how projects have made an impact on the region, but what specific actions yield the greatest benefit, providing direction for where future resources and funding should be targeted.

Lastly, there is extensive unregulated use of water throughout Siskiyou County for illegal activities, which must be fully vetted to accurately identify and remedy, and it is our hope that the Water Board will prioritize assisting Siskiyou County in a remedy.

Siskiyou County believes that the issues we all face in the Klamath Watershed can be resolved through creative and collaborative solutions that provide for high quality, adequate amounts of water throughout the entirety of the Watershed system, and assure reliable and adequate irrigation supplies for agriculture. We look forward to the opportunity to work with the Water Board on voluntary actions for the Shasta and Scott Watersheds; please reach out with any questions or requests to Elizabeth Nielsen, Deputy County Administrator, at enielsen@co.siskiyou.ca.us or (530) 842-8012.

Sincerely,

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Ray A. Haupt, Chair
Board of Supervisors

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August 12, 2021

Eileen Sobeck, Executive Director
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
Comments via Email ScottShastaDrought@waterboards.ca.gov

Subject: Comments re Draft Drought Emergency Regulation for the Scott River and Shasta River Watersheds

Ms. Sobeck:

The Siskiyou County Board of Supervisors is responding to the State Water Resource Control Board's (Water Board) release of detailed draft emergency regulations for the Shasta and Scott River Watersheds, and we are also enclosing our July 23rd letter, which should be incorporated as part of this comment letter.

Siskiyou County disagrees with the Scott River recommended flows provided by the California Department of Fish and Wildlife (CDFW), which appear to be predicated on one outlying hydrological model. We propose that the Water Board factor in the University of California, Davis' (UCD) Scott Valley Hydrologic Model which outlines that CDFW's targets are not realistic based on the limited times that the target would be met, even during water shutoff's and unimpaired flow scenario runs. Dr. UCD model, developed over the last 12 years has been field calibrated and normalized using local well monitoring records, the model used by the Water Board is currently theoretical and un-calibrated. Please see Appendix 4A on the Scott Valley Groundwater Sustainability Plan for UCD's:

- <https://www.co.siskiyou.ca.us/naturalresources/page/scott-valley-gsp-chapters> or https://www.co.siskiyou.ca.us/sites/default/files/fileattachments/natural_resources/page/2733/2/appendix_4-a_management_scenario_results.pdf

As outlined in the County's July 23rd letter, we fully recognize and have discussed many times with several State departments the importance of voluntary actions to increase water quantity and improve water quality within the Shasta and Scott Watersheds. In fact, individuals and groups of irrigators have gone to great strides to voluntarily improve the watersheds and reduce water consumption; through voluntary water shutoffs during drought years, including the 2021 irrigation season, implementation of water efficiency infrastructure, and the completion of actions such as Safe Harbor Agreements. Those irrigators with riparian water rights have worked to improve habitat conditions, and we appreciate that State funding has been of great assistance for many of the actions outlined above.

However, we are very concerned that voluntary actions as described in the draft emergency regulations are limited to those that reduce water use by at least 30%, essentially eliminating many projects that

would save water and those aimed directly at improving water quality. As we all know, increasing water volume alone will not improve fish habitat, we must be able to lower temperatures in the tributaries and in the mainstem of the Scott and Shasta Rivers; the proposed regulations seem contrary to this stated goal. Many farmers and ranchers through the Shasta and Scott will never be able to reduce water use by 30%, with no credit given for the reductions already made, and remain a viable operation. A punitive action imposed upon struggling volunteers while not recognizing their efficiency already accomplished; will deter further cooperation in the watersheds.

The Water Board's most recent meetings regarding the draft emergency regulations appeared to understand how vital it is to provide for livestock watering, yet your August 6th release does not indicate such. *Section 875.3 Minimum Diversions for Livestock Watering* of the draft emergency regulations provide that livestock watering is only available "through means that do not result in seepage losses". How are those with unlined irrigation facilities expected to provide water for their livestock? This cannot be achieved in a few weeks as mandated. Livestock producers have already navigated this drought year by selling breeding livestock, some upwards of 400 head. Livestock retained are those essential to ensuring that their operation can function into the next year, and it will take years, if ever, to bring their ranches back to full operation. In addition, many ranchers irrigate through facilities that have some degree of seepage, and the proposed draft regulations, if implemented, would require that they sell off many, if not all, of their remaining herd. It is also important to note that some of the key projects in the Shasta Watershed Conservation Group Safe Harbor are those that line various irrigation facilities, however, CDFW has still not issued a consistency determination for the Safe Harbor Agreement.

A top priority for the Water Board should be the accounting of all actions that have occurred within the Shasta and Scott Watersheds to improve water quantity and quality. The proposed draft regulations do not account for any of these actions. How has the dedication of instream water rights from the Shasta Big Springs Ranch benefited the system? What benefits have all the voluntary actions provided? We cannot determine a successful path forward for improving these systems without full accounting and acknowledgment of past and current actions, and an understating of those that have been successful and those that have failed. It is discouraging to the County and our water users that actions taken by landowners have gone essentially unrecognized by agencies.

Of great concern to the County, is that the draft emergency regulations attempt to usurp the Sustainable Groundwater Management Act (SGMA), which was handed down to local entities specifically by the State for implementation and management. Siskiyou County, through its Flood Control and Water Conservation District, serves as the Groundwater Sustainability Agency for both the Shasta and Scott groundwater basins, and we have worked diligently with irrigators over the last three years to develop comprehensive Groundwater Sustainability Plans (GSPs) that are due to the Department of Water Resources in January 2022. The draft emergency regulations appear to relinquish that authority which was provided to the County, and instead negates the language and intent of the SGMA law.

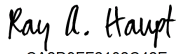
The Water Board appears to be re-describing schedules that are provided for by the Scott Valley Adjudication, and it is our understanding that the Water Board does not have the authority to do so. Please describe the Water Board's legal authority to re-describe these schedules?

Siskiyou County is still prepared to work with the Water Board to engage landowners and assist in developing and implementing projects and potential actions throughout the Shasta and Scott, which would provide benefits for 2021, but just as importantly, benefit the entire watershed well into the future. As the County has encouraged in the past, such endeavors would be best accomplished by collaborating with a group of water users representing both the Shasta and Scott valleys. The Water Board should view this current drought situation as an opportunity to more actively engage water users, as opposed to implementing a regulatory scheme which will further decrease collaborative relationships and restrict future solutions.

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