



COUNTY OF SISKIYOU

Board of Supervisors

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April 4, 2025

The Honorable Diana Papan
Chair, Assembly Water, Parks, and Wildlife Committee
1020 N Street, Room 160
Sacramento, CA 95814

Subject: AB 263 (Rogers) – Scott River: Shasta River: Watersheds – OPPOSE

Dear Chair Papan:

The Siskiyou County Board of Supervisors is writing to oppose AB 263, relating to the Scott River and Shasta River watersheds. This bill would provide that specified emergency regulations adopted by the State Water Resources Control Board (State Water Board) for the Scott and Shasta watersheds would remain in effect until the State Water Board adopted permanent rules establishing and implementing instream flow requirements for both rivers to support salmon populations. Water Code section 1508.5 provides authorization to the State Water Board to adopt emergency regulations during a declared drought emergency. The State Water Board first adopted emergency regulations requiring instream flows in the Scott and Shasta rivers in 2021 and has readopted them annually under Governor Newsom's May 10, 2021, drought proclamation. Governor Newsom's proclamation currently remains in place for Siskiyou County and the Klamath Basin. As reported by the U.S. Drought Monitor¹, the entirety of Siskiyou County is categorized as "None" on the drought intensity scale, which ranges from "None" to "D4 (Exceptional Drought)". Siskiyou has been categorized as "None" since early 2025, however, the drought proclamation has not been rescinded. In addition, the California Nevada River Forecast Center indicated that the Scott and Shasta watersheds have received well over 100% of average annual precipitation during the 2025 water year so far.

As has been addressed in letters of opposition by other entities and/or organizations, the proposed language in AB 263 would undermine efforts at the State Water Board to establish permanent regulations for these watersheds. The bill would circumvent public participation, which would undermine current local collaborative processes that are intended to incorporate all stakeholders. In addition, unlike "the established renewal process which requires an annual review of drought-related conditions, AB 263 has no firm end date or requirements that necessitate an updated inspection of drought findings in the Shasta River

¹ The U.S. Drought Monitor which is a collaborative effort between "the National Drought Mitigation Center at the University of Nebraska-Lincoln, the National Oceanic and Atmospheric Administration and the U.S. Department of Agriculture. Meteorologists and climatologists from the NDMC, NOAA and USDA take turns as the lead author of the map, usually two weeks a time."

or Scott River watersheds. This effectively places the Shasta River and Scott River watersheds into an indefinite curtailment that is no longer based on a drought-related emergency.”²

During the January 7, 2025, emergency regulation re-adoption hearing at the State Water Board, Board members acknowledged the need to transition from emergency regulations to the adoption of permanent regulations for the Scott and Shasta watersheds. AB 263 if implemented would unnecessarily delay this transition by removing the incentive for the State Water Board to take swift action. Permanent regulations, which follow an established process, are the proper mechanism for the State Water Board to develop scientifically sound measures that protect public trust resources while balancing the beneficial uses of water. This process also allows for broader public participation through the Administrative Procedure Act (APA), which is not required under the emergency regulatory authority in Water Code section 1058.5. Although the State Water Board often holds public hearings on emergency regulation adoption, the process lacks the transparency and public involvement afforded by the APA. AB 263 would eliminate this critical public engagement and likely delay the development of permanent regulations for the Scott and Shasta watersheds.

AB 263 could set a concerning precedent by allowing other interests in different watersheds to extend emergency regulations through legislation, bypassing the established process for renewing such regulations at the State Water Board. This would undermine the short-term nature of emergency regulations, which are intended to address urgent needs like drought and must be renewed annually. Permanently embedding an emergency regulation in state law contradicts its original purpose. Furthermore, the bill’s proposal to extend emergency curtailment without a clear end date would disrupt the annual renewal process, undermining efforts to create a long-term, comprehensive plan for supporting salmon and steelhead populations in the Klamath River tributaries. For years, local farmers, ranchers, Tribes, landowners, water rights holders, and environmental groups have been working collaboratively to develop this plan. However, when the sponsors of AB 263 petitioned the State Water Board in 2023 to initiate permanent rulemaking for instream flow regulations, the Board declined, citing concerns that such action could harm the ongoing collaborative process. If AB 263 becomes law, that process, which is vital to finding lasting solutions, could come to a halt.

For these reasons, we oppose AB 263, and we are also requesting your “NO” vote.

Sincerely,

Signed by:

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Nancy Ogren
 Chair, Board of Supervisors

² March 27, 2025, letter of opposition from San Francisco Water Power Sewer, on behalf of the San Francisco Public Utilities Commission and the City and County of San Francisco.

cc: Senator Megan Dahle
Assemblymember Heather Hadwick
Rural County Representatives of California
California State Association of Counties
Shaw Yoder Antwih Schmelzer & Lang
Siskiyou County Farm Bureau