



We Advocate Thorough Environmental Review

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TO: State Water Resources Control Board
Via email to ScottShastaDrought@waterboards.ca.gov

RE: Support for the Drought Emergency Regulations for Scott River and Shasta River

Date: July 23, 2022

Dear Water Board Members and Staff:

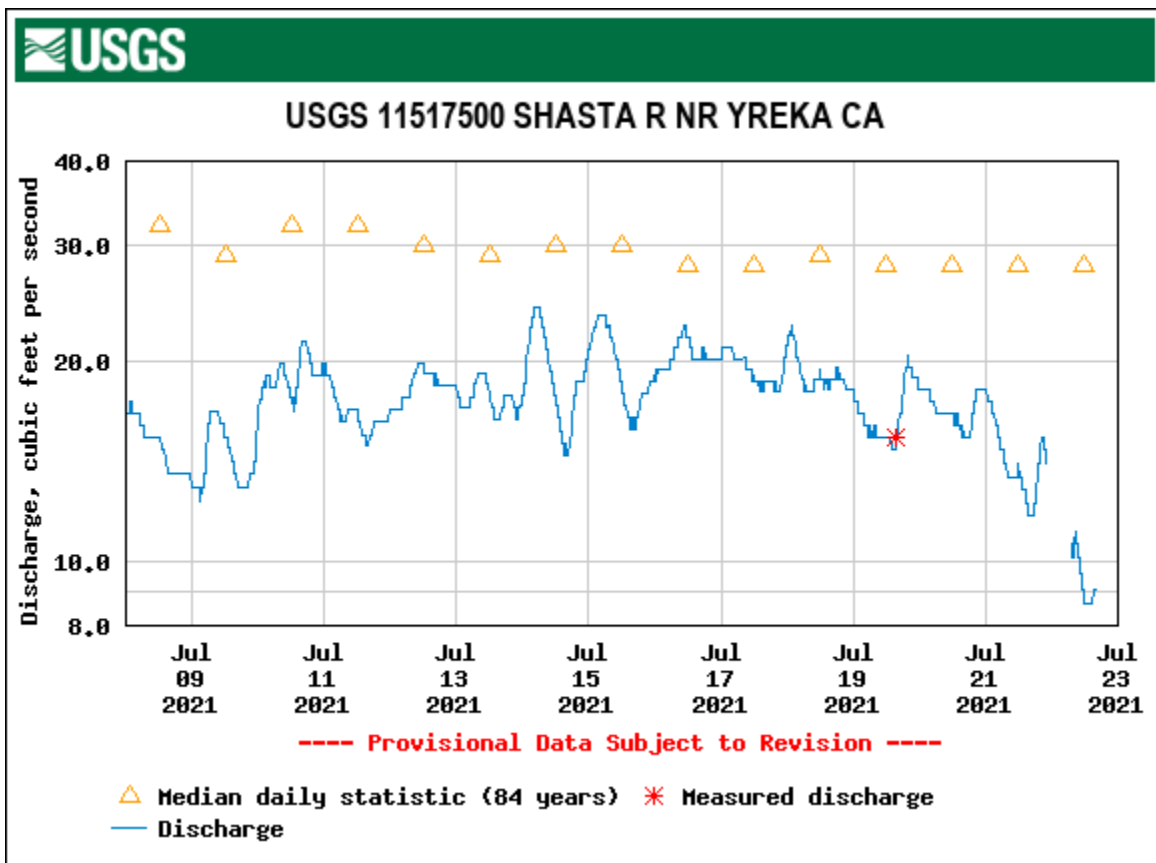
I am writing on behalf of We Advocate Thorough Environmental Review, a non-profit organization based in south Siskiyou County. As an organization representing community members who are very concerned with protecting the health of Mount Shasta’s watersheds, we are concerned about the dire state of the Shasta River during this unprecedented drought. In addition, I live in the upper reaches of the Shasta River watershed and thus feel I have a personal responsibility to speak up for the health of the Rivers. Since I am most familiar with issues in the Shasta River watershed, specific examples used here will mostly focus on the Shasta River. I have viewed the Public Hearings of July 1 and July 20 and have reviewed the draft emergency regulations and offer these comments.

- 1). We support the Draft Drought Emergency Regulations for the Scott River and Shasta River, including the minimum flows recommended by CDFW, and encourage their **immediate adoption and implementation**. Curtailments must begin without delay and include surface water diversions and groundwater extraction.
- 2). The regulations allow for voluntary actions to substitute for mandated curtailments, and the regulations outline application procedures for users/rights holders to propose such measures. **It must be clear that curtailments must not be delayed because of this application process.** In other words, curtailments must be implemented without delay: Once the minimum CDFW-recommended flow rates are obtained, curtailments can then be reduced as voluntary measures--after being thoroughly vetted by the application process--are implemented and proven to compensate for the curtailment by providing cold clear water to the rivers.

Several commenters at the public hearings support only voluntary measures. However, the record shows that at least 20 years of so called voluntary measures have not solved the problems of over-drafting of the rivers and the underlying aquifers, and in fact conditions have continued to worsen.

The Water Board issued a flyer to encourage voluntary water conservation in the Scott and Shasta River watersheds (received by this citizen on July 8, 2021). There is no evidence that any recent possible voluntary actions in response to the flyer have made an impact. In fact, flows on the Shasta River near

Yreka have remained well below the CDFW-recommended 50 cfs and appear to have plummeted over the last few days. (See figure below).



https://waterdata.usgs.gov/nwis/uv/?ts_id=16562&format=img_stats&site_no=11517500&begin_date=20210708&end_date=20210722

3). Curtailments must prioritize leaving cold, clear water in the rivers. The targeted fish species, and indeed the entire river ecosystem, require cold clear water. Any voluntary measures that are approved must result in cold clear water remaining in the rivers and tributaries. Water that is diverted and thereby warmed and polluted (e.g., irrigation tailwater) must not be returned to the river as a substitute for cold clear water.

4). Enforcement is crucial. Illegal water diversions must be stopped immediately. The Drought Emergency Regulations must be fully enforced. Any voluntary actions that are approved and implemented in lieu of curtailments must be monitored to ensure their effectiveness, and curtailments resumed if the voluntary actions are not effective. Mechanisms must be in place to ensure water generously donated to the river by one user is not simply diverted by someone else downstream.

5). Whereas these Drought Emergency Regulations are absolutely necessary to prevent the ecological demise of the Scott and Shasta Rivers this summer, they are no substitute for long-term (and long overdue) reforms in how the rivers are managed.

Insufficient stream flows are a problem for the Shasta River every year, not just this one. This is a result of the over-allocation of water rights going back to the 1932 adjudication, increases in unregulated and

unmonitored groundwater extraction, illegal diversions, increased frequency and severity of drought years, and the decades-long lack of attention to this mounting crisis by the agencies tasked with managing the rivers. The Water Board currently has authority under state and federal laws and policies (e.g., Endangered Species Act, Public Trust Doctrine, Reasonable Use Doctrine, the Shasta River TMDL) to develop, implement and enforce reforms. In addition, the laws and mechanisms for water allocation/adjudication and enforcement must be assessed and restructured to be consistent with these laws and to ensure permanent instream flows for the rivers.

In addition, these emergency efforts must be followed by a comprehensive assessment of the flaws/contradictions in current water law that result in over allocation of water rights and allow/promote wasteful use, water availability and demand, and future climate impacts. Whereas the needs of all “stakeholders” must be considered (farmers, ranchers, Indigenous Peoples, local municipalities, residents, commercial and recreational fishermen), **dedication of permanent instream flows for the perpetuation of healthy river ecosystems must be ensured.**

There can be no return to the status quo.

Sincerely,

A handwritten signature in black ink, appearing to read 'Geneva M. Omann', with a long horizontal flourish extending to the right.

Geneva M. Omann
Board of Directors
We Advocate Thorough Environmental Review