
THIRD READING

Bill No: AB 263
Author: Rogers (D), et al.
Amended: 9/3/25 in Senate
Vote: 21

SENATE NATURAL RES. & WATER COMMITTEE: 6-0, 6/10/25
AYES: Limón, Seyarto, Allen, Hurtado, Laird, Stern
NO VOTE RECORDED: Grove

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 56-17, 5/5/25 - See last page for vote

SUBJECT: Scott River: Shasta River: watersheds

SOURCE: California Coastkeeper Alliance, Karuk Tribe, and Yurok Tribe

DIGEST: This bill extends the operation of specified emergency regulations adopted by the State Water Resources Control Board (State Water Board) for the Scott River and Shasta River watersheds to January 1, 2031, or until the State Water Board adopts permanent rules establishing and implementing long-term instream flow requirements in the watersheds, whichever occurs first.

Senate Floor Amendments of 9/3/25 require the State Water Resources Control Board to provide updates on its progress towards developing permanent flow regulations for the Scott and Shasta Rivers.

ANALYSIS:

Existing law:

- 1) Authorizes the State Water Board to adopt emergency regulations during times of drought to enforce the reasonable use doctrine, promote water recycling or conservation, curtail diversions due to lack of water availability, or to require reporting on water use. Provides such emergency regulations are not subject to

review by the Office of Administrative Law (OAL) and may only remain in effect for one year. (Water Code (Wat. C.) §1058.5)

- 2) Provides the adoption, amendment, or repeal of an emergency regulation is not subject to review by OAL. An emergency regulation must still be filed with OAL and takes effect once such filing occurs. Requires the adopting agency to notify interested parties of the pending adoption of an emergency regulation at least five days before submitting the emergency regulation to OAL. (Government Code (Gov. C.) §11346.1)

This bill:

- 1) Extends the operation of specified emergency regulations adopted by the State Water Board for the Scott River and Shasta River watersheds to January 1, 2031, or until the State Water Board adopts permanent rules establishing and implementing long-term instream flow requirements in the watersheds, whichever occurs first.
- 2) Requires the State Water Board to provide annual public updates, including opportunities for public comment, on its progress towards developing permanent flow rules for the rivers.

Background

Scott and Shasta tributaries. The Scott and Shasta are important tributaries to the Klamath River, the second largest river in California. These rivers are crucial sources of water for Siskiyou County and have immense economic, ecological, and cultural importance. Siskiyou County is home to 43,500 people. The Scott and Shasta watersheds provide water for agriculture, domestic users, the environment, fire protection, municipalities, Tribal Nations, and recreation. Both rivers provide habitat for commercially significant and culturally important fall-run Chinook salmon, steelhead, and Coho salmon (listed as threatened under the federal Endangered Species Act (ESA) and California ESA).

These fisheries have declined substantially compared to historical levels. According to the State Water Board's *Finding of Emergency and Informative Digest: Proposed Scott River and Shasta River Watersheds Emergency Regulation* (Informative Digest), published January 2025, populations of Coho salmon in the Klamath River have declined between 52% and 95%; fall-run Chinook salmon populations have declined between 92% and 96%, spring-run Chinook salmon have declined 98%, and steelhead populations have declined 61%. In May 2021, the California Department of Fish and Wildlife (CDFW) recommended that the

State Water Board develop permanent flow standards to protect public trust resources on the Scott River; likewise, in July 2023, CDFW expressed support for the establishment of minimum flows for both the Scott and Shasta Rivers to protect fish populations against further decline.

Importance of fisheries to tribes. Salmon are an essential resource and of cultural significance to Tribes in the Klamath River watershed, including the Yurok Tribe, Karuk Tribe, Quartz Valley Indian Reservation, and Hoopa Valley Tribe. Salmon populations support tribal subsistence, as well as traditional and ceremonial practices. In recent years, Tribes have severely restricted or closed subsistence, commercial, and ceremonial fisheries. For example, since 2015 the Yurok Tribe has closed its commercial fishery all but one year to preserve fish runs. Additionally, Yurok Tribal leaders decided not to serve salmon at the Tribe's 2023 Klamath Salmon Festival, for the third time since 2016, because the Klamath River's forecasted fish run was one of the lowest on record. According to the *Informative Digest*, the elimination of traditional foods has had adverse impacts on the Karuk Tribe, including adverse health, social, economic, and spiritual effects.

Emergency drought regulations. On May 10, 2021, Governor Newsom declared a drought emergency for 41 counties, including Siskiyou County, where accelerated action was needed to protect public health, safety, as well as the environment. Due to the drought emergency, the State Water Board adopted emergency regulations setting minimum flows on the Scott and Shasta Rivers in August 2021 to protect fish and maintain water quality. These emergency regulations were readopted in 2022, 2024, and earlier this year (emergency regulations can remain in effect for up to one year). While Governor Newsom signed an executive order removing emergency drought provisions in many counties on September 5, 2024, the drought emergency in Siskiyou County remained in place due to continuing dry conditions in the region. On January 7, 2025, the State Water Board readopted an emergency regulation for the Scott and Shasta River Watersheds. The OAL approved the emergency regulation on January 27, 2025, and the emergency regulation will remain in effect through January 27, 2026, unless re-adopted or rescinded.

Economic impact of emergency regulations. According to the State Water Board's fiscal impact analysis of the *Informative Digest*, the estimated loss in revenue (income before expenses are subtracted) to municipal water suppliers from the proposed Emergency Regulation is estimated to be \$765,752 (\$1,629.26 per acre-foot of water multiplied by 470 acre-feet) for the expected-range scenario, \$972,668 (\$1,629.26 per acre-foot of water multiplied by 597 acre-feet) for the

extreme-drought scenario, and \$286,750 (\$1,629.26 per acre-feet of water multiplied by 176 acre-feet) for the above-average scenario. Out of an estimated total crop revenue of \$316,125,604, the loss in crop sales revenue in 2024 in the Scott and Shasta River watersheds is estimated to be \$5,994,000 for the expected-range scenario, \$10,014,122 for the extreme-drought scenario, and \$152,393 for the above-average scenario.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 9/3/25)

California Coastkeeper Alliance (co-source)
Karuk Tribe (co-source)
Yurok Tribe (co-source)
Amah Mutsun Tribal Band
Anchored in Trinidad
Audobon California
California Environmental Voters
California Native Plant Society, Alta Peak Chapter
California Sportfishing Protection Alliance
California Tribal Chairpersons' Association
CalWild
Center for Biological Diversity
Clean Water Action
Cleaneearth4kids.org
Communitiy Water Center
Defenders of Wildlife
Endangered Habitats League
Environmental Defense Fund, Incorporated
Environmental Law Foundation
Environmental Protection Information Center
Friends Committee on Legislation of California
Friends of the Eel River
Friends of the Inyo
Friends of the River
Friends of the Shasta River
Golden Gate Salmon Association
Green Policy Initiative
Humboldt Waterkeeper
Humboldt; County of
Inland Empire Waterkeeper

Karmic Action Retribution Management Agency
Los Angeles Waterkeeper
Mendocino Producers Guild
Mid Klamath Watershed Council
Monterey Coastkeeper
Mount Shasta Bioregional Ecology Center
National Parks Conservation Association
Native Fish Society
Northern California Tribal Chairperson's Association
Orange County Coastkeeper
Pacific Coast Federation of Fishermen's Associations
Planning and Conservation League
Resource Renewal Institute
San Diego Coastkeeper
Santa Barbara Channelkeeper
Save California Salmon
Shasta Waterkeeper
Sierra Club California
Sierra Nevada Alliance
South Yuba River Citizens League
The Fire Restoration Group
The Nature Conservancy
Trout Unlimited
Union of Concerned Scientists
Water Climate Trust
Watershed Research & Training Center
Wholly H2O
Yuba River Waterkeeper

OPPOSITION: (Verified 9/3/25)

Association of California Water Agencies
California Chamber of Commerce
California Farm Bureau Federation
California Municipal Utilities Association
Milk Producers Council
Regional Water Authority
San Francisco Public Utilities Commission
Scott Valley Agriculture Water Alliance
Siskiyou County Board of Supervisors
Siskiyou County Farm Bureau

Siskiyou Economic Development
Valley Ag Water Coalition
Western Growers Association

ARGUMENTS IN SUPPORT:

According to the author, “I’m proud to stand with the fisherfolk and Tribes of the North Coast to protect California’s fisheries. We have made tremendous strides to restore the salmon runs in the Klamath River but more must be done further upstream to ensure salmon populations can grow and flourish. This bill simply maintains the current status quo for the next 5 years, or until long term regulations are finalized, whichever occurs sooner. This legislation will protect some of the most critical salmon habitat in California and will complement the restoration efforts associated with Klamath dam removal. This a matter of survival for salmon, tribal residents, and the historic fishing industry that is a centerpiece of the North Coast’s unique culture.”

According to the Karuk Tribe, one of the cosponsors of the bill, if the emergency drought declaration is lifted and the emergency drought regulations expire, there will be “no flow protections while the [State] Water Board promulgates permanent regulations which could take years. While flows naturally are at their lowest during a drought, we note that flows in both the Scott and Shasta consistently dip below levels deemed to be the minimum necessary for fish survival even in average water years due to excessive diversions and groundwater pumping. Given the real risk of extinction, we cannot afford to not have flow regulations in place. AB 263 addresses this by ensuring the emergency regulations will stay in place until long-term regulations can be established.”

ARGUMENTS IN OPPOSITION:

Writing in opposition, California Farm Bureau, California Municipal Utilities Association, and Western Growers Association, among others, express concern that AB 263 “would establish in statute the continuation of the January 7, 2025, emergency order for the Scott and Shasta rivers regardless of regional hydrologic conditions, would undermine efforts at the State Water Board to establish permanent regulations for these watersheds, would circumvent public process protections in the Administrative Procedures Act (APA), would set a troubling precedent, and would undermine the current local collaborative process.” The coalition expresses concern that the bill “may unnecessarily prolong [the effort to move away from the emergency regulation process and toward adoption of permanent regulations for the Scott and Shasta watersheds] by removing the incentive for the State Water Board to act quickly.

The County of Siskiyou expressed similar concerns, arguing that AB 263 would “circumvent public participation, which would undermine current local collaborative processes that are intended to incorporate all stakeholders.” The County points out that “Governor Newsom’s proclamation currently remains in place for Siskiyou County and the Klamath Basin” even though “the entirety of Siskiyou County is categorized as ‘None’ on the drought intensity scale” according to the U.S. Drought Monitor. Also according to the letter, “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.”

ASSEMBLY FLOOR: 56-17, 5/5/25

AYES: Addis, Ahrens, Alvarez, Arambula, Ávila Farías, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Schiavo, Schultz, Sharp-Collins, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Alanis, Castillo, Chen, Davies, DeMaio, Dixon, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis

NO VOTE RECORDED: Aguiar-Curry, Bains, Ellis, Flora, Blanca Rubio, Solache

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9/6/25 10:24:25

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