

CONCURRENCE IN SENATE AMENDMENTS

AB 263 (Rogers)

As Amended September 3, 2025

Majority vote

SUMMARY

Provides that emergency regulations adopted by the State Water Resources Control Board (State Water Board) for the Scott River and Shasta River watersheds on January 27, 2025 shall remain in effect until January 1, 2031 or until the State Water Board adopts permanent rules establishing and implementing long-term instream flow requirements in those watersheds.

Senate Amendments

- 1) Require the State Water Board to provide annual updates, including opportunity for public comment, on its progress toward developing permanent regulations on the Scott and Shasta Rivers.
- 2) Make a technical correction so that the most current version of the emergency regulations (those adopted on January 27, 2025) will remain in place until January 1, 2031 or until permanent regulations are adopted by the State Water Board.
- 3) Add legislative findings and declarations.

COMMENTS

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 and 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 have been re-adopted four times since 2021 (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 re-adopted an emergency regulation for the Scott and Shasta River Watersheds. The Office of Administrative Law 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on January 27, 2025 and the emergency regulation will remain in effect through January 27, 2026, unless re-adopted or rescinded. This bill keeps these emergency regulations in effect for five years or until the State Water Board is able to adopt permanent regulations, whichever occurs sooner.

The Scott and Shasta rivers 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, 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 populations have declined 98%, and steelhead populations have declined 61%. In May 2021, the Department of Fish and Wildlife (DFW) recommended that the State Water Board develop permanent flow standards to protect public trust resources on the Scott River; likewise, in July 2023, DFW expressed support for the establishment of minimum flows for both the Scott and Shasta Rivers to protect fish populations against further decline.

Due to the impact of the 2020-23 drought on fish populations, the National Marine Fisheries Service closed the commercial and recreational ocean salmon fisheries from southern Oregon to the U.S.-Mexico border in 2023 and 2024. Similarly, the Fish and Game Commission closed the recreational salmon fishing season in the Klamath River Basin and Central Valley rivers in 2023 and 2024.

According to the Author

"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 until long-term regulations are finalized. 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 is a matter of survival for salmon, tribal residents, and the historic fishing industry that is a centerpiece of the North Coast's unique culture."

Arguments in Support

The Karuk Tribe is one of the co-sponsors of this bill and writes "Since time immemorial, Karuk People have subsisted on the bounty of the Klamath River and surrounding forests. Salmon are a cornerstone of Karuk culture. Our ceremonies celebrate the annual migration of salmon and the harvest and preservation of salmon are central to many community activities." The Karuk Tribe has worked for years to restore salmon on the Klamath River and its tributaries, including the Scott and Shasta Rivers because "the Shasta is the largest producer of wild Chinook salmon in the Klamath Basin; the Scott the largest producer of wild Coho salmon." The Karuk Tribe asserts this bill is necessary because the drought proclamation is likely to be lifted in the near future and the process to adopt permanent standards will take years, hence, leaving these important salmon runs unprotected. Finally, the Karuk Tribe states "while flows naturally are at their lowest during a drought, we note that flows in both 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."

Arguments in Opposition

The Siskiyou County Farm Bureau and others oppose this bill arguing that establishing "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 [...], would set a troubling precedent, and would undermine the current local collaborative process." Further, the Siskiyou County Farm Bureau maintains this bill will undermine existing collaborative efforts to develop a holistic plan for supporting salmon on these rivers and short-circuits public process and participation. Finally,

the Association of California Water Agencies asserts this bill establishes a "precedent for interests in other watersheds to extend emergency regulations through legislation rather than the current process to establish and renew emergency regulations at the State Water Board. This precedent could have negative impacts that extend emergency orders beyond their original intent and need."

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) By eliminating the need to annually dedicate staff time and expend resources to re-adopt emergency regulations, the State Water Board estimates cost savings of approximately \$2 million over five years (Water Rights Fund and General Fund).
- 2) The fiscal year 2024-25 budget allocated \$711,000 in ongoing funding (Water Rights Fund) for two permanent positions at the State Water Board to support establishing and implementing long-term instream flow objectives in the Scott River and Shasta River Watersheds.

VOTES:

ASM WATER, PARKS, AND WILDLIFE: 9-3-1

YES: Papan, Alvarez, Ávila Farías, Bennett, Boerner, Caloza, Hart, Celeste Rodriguez, Rogers

NO: Bains, Macedo, Tangipa

ABS, ABST OR NV: Jeff Gonzalez

ASM APPROPRIATIONS: 11-4-0

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

NO: Sanchez, Dixon, Ta, Tangipa

ASSEMBLY FLOOR: 56-17-6

YES: 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

NO: Alanis, Castillo, Chen, Davies, DeMaio, Dixon, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis

ABS, ABST OR NV: Aguiar-Curry, Bains, Ellis, Flora, Blanca Rubio, Solache

UPDATED

VERSION: September 3, 2025

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