

I.1 + I.2

**From:** Gary Falxa <garyfalxa@gmail.com>  
**Sent:** Monday, May 20, 2024 8:23 PM  
**To:** COB  
**Cc:** Gary Falxa  
**Subject:** Agenda items 24-913 and 24-914

**Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Dear Board of Supervisors,  
I live in Cutten and am writing to urge you to support AB 460 and AB 1337.

California's water laws are antiquated, and as written never anticipated the state's current demand for water or the ongoing climate change. As we face a hotter and drier climate and water shortages become increasingly common, the ability to curtail water rights in times of shortage is essential to maintaining a water rights system that is equitable for all users, while also protecting important natural resources, including the salmon that are so important in our county and its tribes.

I frequently recreate on the Klamath, Trinity and other rivers of our county, including steelhead fishing, boating and camping, and highly value them. As you know, Humboldt County's fishing industry (commercial and sport) depend on healthy rivers and natural resources. This is the second year that salmon fishing has been stopped due to small salmon populations. The ability to provide essential flows for populations of salmon and other fishes in times of drought is critical to their survival and recovery. Our state's current water laws need to ensure those essential flows.

Our state's water rights system is long overdue for an update to make it more equitable. These bills make modest changes to help us do that. They will help protect flows in the Klamath and other rivers in our county, as well as helping to protect the salmon that are the lifeblood of the tribes that have lived on the Klamath and Trinity rivers since time immemorial.

The Yurok and Karuk tribes strongly support these bills, and I ask you to do so also.

Thank you,  
Sincerely,

Gary Falxa  
Cutten, CA

I.1+2

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**From:** Nancy Reichard <reichardnancy@gmail.com>  
**Sent:** Monday, May 20, 2024 10:52 AM  
**To:** COB  
**Subject:** Agenda items 24-913 and 24-914

**Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

My name is Nancy Reichard, I am a resident of Arcata (for 50 years.)

I strongly urge the Board to support both AB 460 and AB 1337.

As California faces a hotter and drier climate and water shortages become increasingly common, the ability to curtail water rights is essential to maintaining a functional water rights system.

California's water rights system is over 100 years old and is in desperate need for an update to make it more equitable. These bills make modest changes to help us do that.

As you know, Humboldt County's local economy/fishing industry depend on healthy rivers and natural resources. This is the second year that salmon fishing has been banned due to the decline of the salmon population.

We need every tool possible to protect our instream flows.

Please support these two bills.

Sincerely,  
Nancy Reichard  
Arcata

## **Oral Comments on AB 460 -**

Hello, My name is Amber Jamieson, I am a resident of McKinleyville, and I am the water advocacy director for Environmental Protection Information Center or EPIC.

EPIC supports AB 460, which would provide the State Water Board with authority to halt illegal water users and increase penalties for water rights violations that harm downstream users, wildlife, and ecosystems.

California's water policies are outdated and need to be modernized in order to respond to a changing climate, increasingly frequent droughts, and water shortages combined with growing pressures on water use.

The Water Commission Act, which became effective in 1914, established the current permitting process that requires all post-1914 water rights to have permits while pre-existing water rights were grandfathered in and are not required to have permits. As a result, pre-1914 water rights are not in accordance with the California water code and largely exempt from regulation and curtailment during times of drought.

One example of how these outdated policies have affected our region occurred in 2022, when Shasta River irrigators turned on their pumps despite drought curtailment orders. The State Water Board issued a \$500 per day fine to the Shasta River Water Association, which amounted to about \$50 for each of the ~80 users in the association. Clearly, \$50/day is not an adequate deterrent for violating curtailment orders, and the irrigators therefore continued pumping and Shasta River flows plummeted by more than half overnight. If these folks faced \$10,000 per day for a violation, they would definitely be rethinking their actions and the drastic drop of instream flows would have been avoided.

Humboldt County's coastal geography puts us at the end of many of our region's rivers. Without support for and passage of these bills, our rivers will continue to be dewatered and inadequate penalties will continue to encourage illegal water use at the expense of downstream users, including endangered keystone salmon species that support entire ecosystems, communities and economies. The collapse of our once plentiful salmon runs has even resulted in complete commercial and recreational salmon fisheries closures for the last two years, which has had disproportionately negative impacts on tribal and fishing communities that depend on salmon for subsistence, ceremony, and a way of life.

I want to thank the board for placing this item on the agenda and on behalf of the 17,642 members and supporters of EPIC, I urge you to support AB 460 to provide the Water Board with the authority to halt illegal diversions, increase penalties for water rights violations, and to better prepare for a changing climate as our water resources have increasingly more pressure.

Thank you for your time and support on this important issue!

## **Oral Comments on AB 1337**

Hello, My name is Amber Jamieson, I am a resident of McKinleyville, and I am the water advocacy director for Environmental Protection Information Center or EPIC.

EPIC supports AB 1337, which would allow the State Water Board to regulate and enforce flows in a more fair, consistent and equitable manner by providing the Board with the authority to issue curtailment notices to all water rights holders during water shortages, (not just post-1914 water rights holders).

California's early water policies were largely put into place to encourage settlement and development in the West during a time when European settlers were colonizing and exterminating native peoples throughout the state and claiming ownership of lands, waters, and resources that had otherwise been sustainably managed by first peoples since time immemorial. Back when these laws were established, it was illegal for American Indians to vote and nearly impossible to own land, let alone claim water rights.

Since 1914, we have been operating under antiquated laws that perpetuate the "first in time, first in right" policies that prioritize water rights that were established pre-1914, rooted in bigotry, and ignored the rights and land stewardship of first peoples.

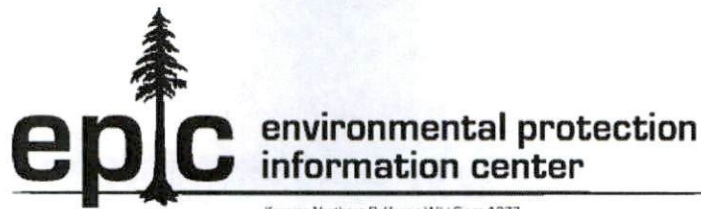
Ironically, water rights held in trust for tribes and fish have less rights than landowners with pre-1914 water rights, and those "senior" water rights holders are not leaving enough water for fish. For example, the Klamath National Forest has a right to stream flow outlined in the Scott River Decree, but the priority of other landowners' rights do not allow for adequate instream flows, and nearly every year, the Scott River watershed dries up and becomes disconnected, stranding and killing salmon. Once a salmon stronghold for the Klamath basin, Salmon runs on the Scott river are now on the brink of extinction.

Our current water policies are inadequate to protect the bare minimum flows necessary for fish survival, and the significant decline of anadromous fisheries that are integral to supporting entire ecosystems, communities and economies is having devastating effects. The collapse of the once plentiful salmon runs has even resulted in complete commercial and recreational salmon fisheries closures for the last two years, which has had disproportionately negative impacts on tribal communities that depend on salmon for subsistence, ceremony, and a way of life.

It is time to address the unjust water rights system and update antiquated water policies to allow for the Water Board to make informed and timely water management decisions and build a climate resilience for the state of California and all of its inhabitants.

On behalf of the 17,642 members and supporters of EPIC, I urge you to support AB 1337 to provide fair and equitable enforcement of water policies and to better prepare for a changing climate as our water resources have increasingly more pressure.

Thank you for your time, we appreciate the Board's consideration of this timely and very important item.



Keeping Northern California Wild Since 1977

May 20, 2024

Senate Natural Resources and Water Committee  
California State Senate  
State Capitol  
Sacramento, CA 95814

**RE: Support for AB 460 (Bauer-Kahan)**

Dear Chair Min and Honorable Members of the Senate Natural Resources and Water Committee,

The Environmental Protection Information Center (EPIC) supports AB 460. EPIC advocates for the science-based protection and restoration of Northwest California's forests, rivers, and wildlife with an integrated approach combining public education, citizen advocacy, and strategic litigation. We recognize that issues of social justice, human rights, and environmental justice are inextricably linked to our core mission to protect and restore our region's ecosystems.

California's water policies are outdated and need to be modernized in order to respond to a changing climate, increasingly frequent droughts, water shortages and growing pressures on water use. AB 460 would provide the State Water Board with authority to halt illegal water users and increase penalties for water rights violations that harm downstream users, wildlife, and ecosystems.

The Water Commission Act, which became effective in 1914, established the current permitting process that requires all post-1914 water rights to have permits while pre-existing water rights were grandfathered in and are not required to have permits. As a result, pre-1914 water rights are not in accordance with the California water code and largely exempt from regulation and curtailment during times of drought.

California's early water policies were largely put into place to encourage settlement and development in the West during a time when European settlers were colonizing and exterminating native peoples throughout the state and claiming ownership of lands, waters, and resources that had otherwise been sustainably managed by first peoples since time immemorial. Back when these laws were established, it was illegal for American Indians to vote and nearly impossible to own land, let alone claim water rights. Since 1914, we have been operating under antiquated policies that perpetuate the "first in time, first in right" policies that prioritize water rights that were established pre-1914, rooted in bigotry, and ignored the rights of first peoples.

Currently, water rights holders that violate terms or conditions of water use permits are subject to fines not to exceed \$500 for each day that the violation occurs. The state can issue a cease

and desist order, which can carry a maximum fine of \$10,000 per day (with a 20-day waiting period, which allows users to continue pumping for weeks without any recourse). These fines are not adequate to discourage violations from occurring, and are often calculated into water users' cost of doing business as they continue to illegally pump water. AB 460 would increase the amount of civil liability for the above-described violations to \$1,500 for each day in which the violation occurs and \$2,500 for each acre-foot of water diverted or used that amounted to the violation.

In 2022 Shasta River irrigators turned on their pumps despite drought curtailment orders. The State Water Board issued a \$500 per day fine to the Shasta River Water Association, which amounted to about \$50 for each of the ~80 users in the association. Clearly, \$50/day is not an adequate deterrent for violating curtailment orders, and the irrigators therefore continued pumping and the Shasta River flows plunged by over half in two days. If these folks faced \$10,000 per day for a violation, they would definitely be rethinking their actions and drastic instream flows would have been avoided.

These old policies and antiquated fines have resulted in wreckless and wasteful water use that has caused low flows and poor water quality conditions, resulting in the collapse of some of the most important resources of the state: salmon fisheries.

Current water policies are inadequate to protect the bare minimum flows necessary for fish survival, and the significant decline of anadromous fisheries that are integral to supporting entire ecosystems, communities and economies is having devastating effects. The collapse of the once plentiful salmon runs has even resulted in complete commercial and recreational salmon fisheries closures for the last two years, which has had disproportionately negative impacts on tribal communities that depend on salmon for subsistence, ceremony, and a way of life.

It is time to address the unjust water rights system and update antiquated water policies to allow for the Water Board to make informed and timely water management decisions and build climate resilience for the state of California and all of its inhabitants. On behalf of the 17,642 members and supporters of EPIC, we urge you to support AB 460 to provide the Water Board with the authority to halt illegal diversions, increase penalties for water rights violations, and to better prepare for a changing climate as our water resources have increasingly more pressure.

Please feel free to contact me if you have any questions.

Sincerely,



Amber Jamieson  
Water Advocacy Director  
Environmental Protection Information Center  
amber@wildcalifornia.org



May 20, 2024

Senate Natural Resources and Water Committee  
California State Senate  
State Capitol  
Sacramento, CA 95814

**RE: Support for AB 1337 (Wicks)**

Dear Chair Min and Honorable Members of the Senate Natural Resources and Water Committee,

The Environmental Protection Information Center (EPIC) supports AB 1337. EPIC advocates for the science-based protection and restoration of Northwest California's forests, rivers, and wildlife with an integrated approach combining public education, citizen advocacy, and strategic litigation. We recognize that issues of social justice, human rights, and environmental justice are inextricably linked to our core mission to protect and restore our region's ecosystems.

California's water policies are outdated and need to be modernized in order to respond to a changing climate, increasingly frequent droughts, water shortages and growing pressures on water use. AB 1337 would allow the State Water Board to regulate and enforce flows in a more fair, consistent and equitable manner by providing the Board with the authority to issue curtailment notices to all water rights holders during water shortages, (not just post-1914 water rights holders).

The Water Commission Act, which became effective in 1914, established the current permitting process that requires all post-1914 water rights to have permits while pre-existing water rights were grandfathered in and are not required to have permits. As a result, pre-1914 water rights are not in accordance with the California water code and largely exempt from regulation and curtailment during times of drought.

California's early water policies were largely put into place to encourage settlement and development in the West during a time when European settlers were colonizing and exterminating native peoples throughout the state and claiming ownership of lands, waters, and resources that had otherwise been sustainably managed by first peoples since time immemorial. Back when these laws were established, it was illegal for American Indians to vote and nearly impossible to own land, let alone claim water rights. Since 1914, we have been operating under antiquated policies that perpetuate the "first in time, first in right" policies that



prioritize water rights that were established pre-1914, rooted in bigotry, and ignored the rights of first peoples. These old policies have resulted in wreckless and wasteful water use that has caused low flows and poor water quality conditions, resulting in the collapse of some of the most important resources of the state: salmon fisheries.

Current water policies are inadequate to protect the bare minimum flows necessary for fish survival, and the significant decline of anadromous fisheries that are integral to supporting entire ecosystems, communities and economies is having devastating effects. The collapse of the once plentiful salmon runs has even resulted in complete commercial and recreational salmon fisheries closures for the last two years, which has had disproportionately negative impacts on tribal communities that depend on salmon for subsistence, ceremony, and a way of life.

It is time to address the unjust water rights system and update antiquated water policies to allow for the Water Board to make informed and timely water management decisions and build a climate resilience for the state of California and all of its inhabitants. On behalf of the 17,642 members and supporters of EPIC, we urge you to support AB 1337 to provide fair and equitable enforcement of water policies and to better prepare for a changing climate as our water resources have increasingly more pressure.

Please feel free to contact me if you have any questions.

Sincerely,



Amber Jamieson  
Water Advocacy Director  
Environmental Protection Information Center  
amber@wildcalifornia.org