

State Water Resources Control Board

REVISED DRAFT EMERGENCY CURTAILMENT AND REPORTING REGULATION FOR THE DELTA WATERSHED

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board or Board) will consider revision and re-adoption of the Emergency Curtailment and Reporting Regulation (emergency regulation) for the Sacramento-San Joaquin Delta (Delta) watershed on **Wednesday, July 20, 2022**. The emergency regulation, which first took effect on August 19, 2021, incorporates and relies upon the Board's updated [Water Unavailability Methodology](#) (methodology) to inform curtailment decisions as described in the [emergency regulation](#), and is effective for up to one year unless re-adopted.

WRITTEN PUBLIC COMMENTS

On April 19, 2022, the State Water Board released draft proposed revisions to the emergency regulation and methodology revisions and solicited public input on both in writing by May 19, 2022, and orally at a public workshop on May 12, 2022. Based on those comments, updates to the methodology and draft emergency regulation were developed. The current version of the [Draft Emergency Curtailment and Reporting Regulation](#) is hereby provided for further public review and comment in advance of the July 20, 2022 Board Meeting at which the Board will consider re-adoption of the emergency regulation as revised. The latest proposed emergency regulation includes sections applicable to multiple watersheds in the state, including the Delta, that were revised by the Board in May during the re-adoption of the emergency regulation for the Russian River watershed. The latest proposed regulation would continue to require water right holders in the Delta watershed to curtail their diversions when the State Water Board determines, based on the methodology and the best information available to the Board, that water is not available to serve their priority of right. The emergency regulation would also continue to allow limited exceptions to curtailment for specified uses such as meeting minimum human health and safety needs and to allow the Board to require that water right holders provide additional information related to their water diversion and use.

A June 27, 2022 updated [Water Unavailability Methodology](#) has also been posted. The April 19, 2022 version of the methodology did not include updates to Technical Appendix D. The June 27, 2022 version of the methodology includes updates to Appendix D. Any comments on Appendix D should be submitted by the comment deadline identified below. The State Water Board is not soliciting comments on other aspects of the methodology that have already been considered during the prior public comment process.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Written comments concerning this matter must be received by the State Water Board by 12:00 noon on Friday, July 8, 2022. Comments submitted are for the July 20, 2022, Board Meeting, during which the Board will consider revision and re-adoption of the emergency regulation. Written comments should be submitted electronically via email to commentletters@waterboards.ca.gov with a copy to Bay-Delta@waterboards.ca.gov. Please include the subject line, **“COMMENT LETTER – 7/20/22 BOARD MEETING: EMERGENCY REGULATION FOR THE DELTA WATERSHED.”**

BACKGROUND

California and the entire western United States continue to face a significant drought in the wake of one of the driest periods on record, driven by climate change and unprecedented hydrologic conditions, with water years 2020-2022 constituting the driest three-year period on record based on precipitation. Water supply in many parts of California, including the Delta watershed, is insufficient to meet demands and requires urgent action to ensure the protection of health, safety, and the environment.

On May 10, 2021, Governor Newsom issued a Proclamation of a State of Emergency due to drought in 41 counties, including those in the Delta watershed. To ensure protection of water needed for health, safety, and the environment, the May 10, 2021 Proclamation directed the State Water Board to consider adoption of an emergency regulation to curtail water diversions in the Delta watershed when water is not available at water right holders' priority of right and to protect releases of previously stored water.

On August 3, 2021, the State Water Board adopted an emergency regulation authorizing the curtailment of diversions when water is determined to be unavailable at a water right holder's or claimant's priority of right. (Cal. Code Regs., tit. 23, §§ 876–879.2.) The regulation was approved by the Office of Administrative Law and went into effect upon filing with the Secretary of State on August 19, 2021. The emergency regulation remains in effect for up to one year. The State Water Board plans to consider revision and re-adoption of this emergency regulation on July 20, 2022, in advance of the expiration date of the current regulation.

If re-adopted by the State Water Board, the emergency regulation will be submitted to the Office of Administrative Law for a public comment period, review, and requested approval. If approved, the re-adopted emergency regulation would become effective upon filing with the Secretary of State, anticipated by mid-August of 2022 and in advance of expiration of the current emergency regulation. If re-adopted and approved, the emergency regulation would remain in effect for up to one year but could be repealed if hydrologic conditions improve, or re-adopted again if drought conditions persist.

ADDITIONAL RESOURCES

For more information regarding drought in the Delta watershed, visit the [Delta Drought webpage](#). For information on other drought related activities, please visit the State Water Board's [Drought webpage](#). For further information regarding drought in the Delta watershed, it is also strongly encouraged that you subscribe to the Delta Drought list on


the [State Water Board's Email Lists webpage](#). Please note that, if re-adopted and approved, the draft emergency regulation will continue to require water users to subscribe to the Delta Drought list or to frequently visit the Board's Delta Watershed Drought Information webpage for updates.

CONTACT

If you have any questions regarding this notice or related efforts, you may send an email to Bay-Delta@waterboards.ca.gov or call the Delta Drought phone line at (916) 319-0960.

June 27, 2022

Date



Jeanine Townsend
Clerk to the Board