

Workshop: Draft Emergency Information Order Regulations for the Clear Lake Watershed

*October 19, 2023
Lakeport, CA*

*October 24, 2023
Virtual*



Division of Water Rights

Agenda

- **Welcome & Housekeeping**
- **State Water Board Staff Presentation:**
 - **Clear Lake Hitch Emergency**
 - **Emergency Information Order Regulations for the Clear Lake Watershed**
- **Public Comments and Questions**

Goals



Clarify purpose of emergency regulations



Describe emergency regulations



Answer questions

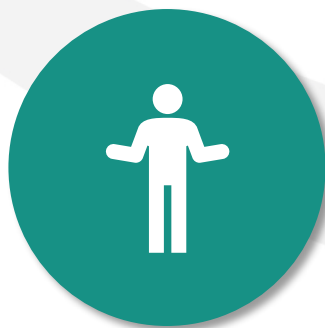


Collect public comments

Guidelines



**We're here
to listen**



**Respect different
perspectives**



**Stay on
point**

Questions We've Received

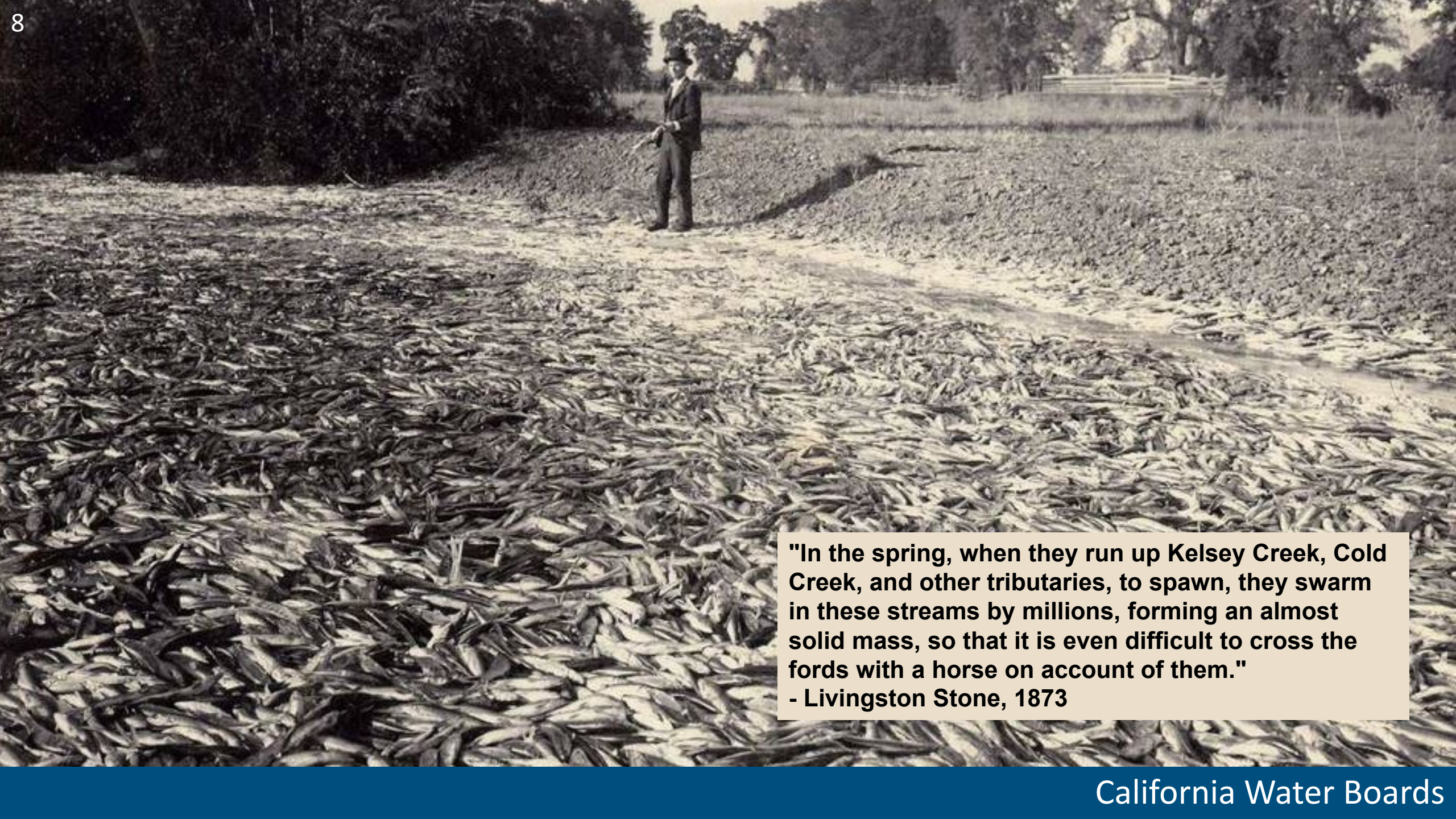
- Why is this data needed and how will this information be used?
- Why are the emergency regulations being considered now?
- Who is subject to the emergency regulations?
- What groundwater data will be requested?
- Can the current emergency regulations be changed before adoption?

What We Want to Know

- Your questions about the emergency regulations
- Your concerns with complying with the emergency regulations
- Types of water use you think should be excluded from the emergency regulations
- Other ideas and questions

About the Clear Lake Hitch

- **Large minnow**
(14 inches long, weighs a pound, six-year lifespan)
- **Found only in Clear Lake**
(and its tributary creeks)
- **Culturally & ecologically important**
(to local Tribes and the lake's food chain)
- **Spawns and rears in the Spring**
(juveniles need minimum 2-3 weeks to hatch & migrate)



**"In the spring, when they run up Kelsey Creek, Cold Creek, and other tributaries, to spawn, they swarm in these streams by millions, forming an almost solid mass, so that it is even difficult to cross the fords with a horse on account of them."
- Livingston Stone, 1873**

Hitch Population Decline

- Recognized by Tribal elders
- Documented by concerned citizens in early-2000s
- Rescues begin in 2014
- State “threatened” listing in 2014
- USGS surveys begin in 2017
 - 2022, surveys found six hitch – no juveniles

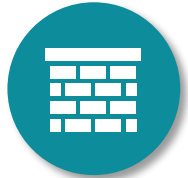


Potential Factors Impacting Hitch



Insufficient stream flows

drought impacts, surface diversions, groundwater pumping



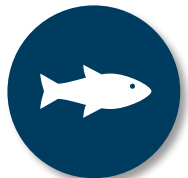
Flow barriers

culverts, stream bed alterations, dams, vegetation, garbage



Habitat degradation and reduction

mining, land use changes, levee development/flood control



Predation & competition with invasive species

bass, carp



Pollution

mercury, harmful algal blooms

Ongoing Collaboration

Lake County, Tribes, Community Groups, State Agencies, & Federal Agencies

- **Tribal Hitch Rescues**
- **Land Stewards Voluntary Conservation Plan**
- **Barrier removal studies and projects**
- Predation studies and removal projects
- Surface flow monitoring and gage installation
- Groundwater level monitoring
- Fish surveys
- Tribal Beneficial Use Designation
- Hitch Conservation Strategy
- Blue Ribbon Committee
- Middle Creek Restoration Plan
- Water rights compliance
- Voluntary action coordination
- Cannabis enforcement
- Federal listing evaluation
- Sediment transport and nutrient study
- Instream flow study
- Hitch behavior and habitat use study
- Water quality monitoring
- Harmful Algal Blooms study
- Mercury Total Daily Maximum Loads
- Groundwater-surface water study

Hitch Drought Emergency Timeline

December 2022 – Tribal Emergency Hitch Summit

February 2023 – Lake County Emergency Proclamation

February 2023 – Board's Voluntary Action Requests Begin

March 2023 – Governor's Drought Executive Order

Preliminary Data Analysis

Groundwater pumping may be impacting creek flows, but we need data to understand the magnitude and timing of potential impacts.

Current Data Sets

- **Tribal Environmental Departments:** Continuous groundwater and surface water monitoring in select portions of Adobe and Kelsey Creeks.
- **Groundwater Sustainability Agency:** Seasonal and monthly groundwater levels in Big Valley.
- **Community Members:** Hitch observations and frost protection timing.
- **State and Federal Agencies:** Past studies, geology, and stream gaging.
- **Division of Water Rights:** 2023 Adobe Creek stream gaging.

Preliminary Data Analysis

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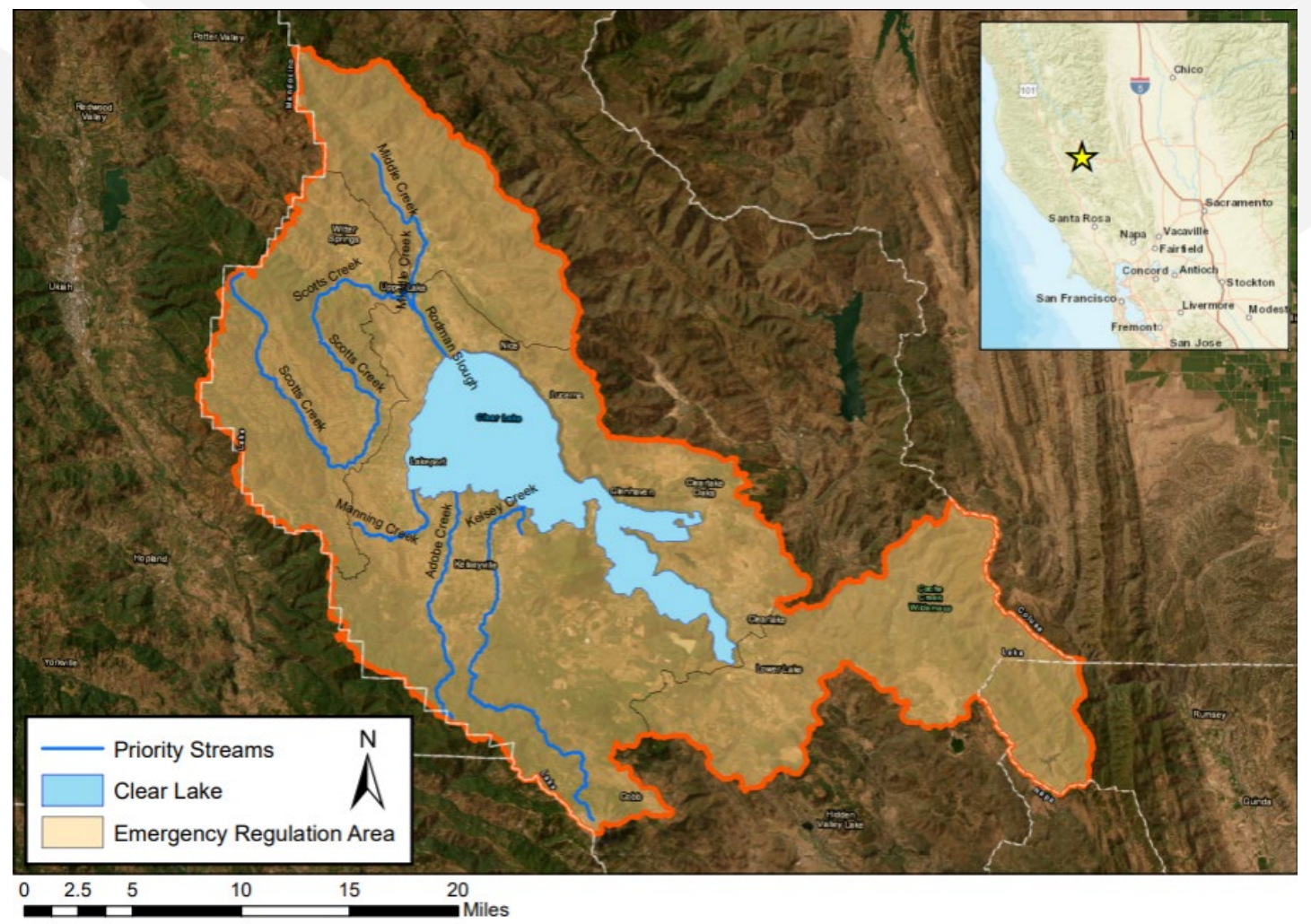
Data Challenges

- 1. Well locations are unknown:** The number, location, and production depth of wells is unknown, making it difficult to evaluate impacts and manage groundwater.
- 2. Groundwater level fluctuations are substantial:** There is evidence of seasonal and short-duration, widespread groundwater drops, but long-term continuous groundwater monitoring for the entire basin is needed to assess localized groundwater changes.
- 3. Groundwater-surface water relationship is unclear:** Depleted groundwater may be connected to increased flashiness and premature drying of creeks, but most groundwater monitoring is monthly (at best) and there is not enough stream gage data to understand the problem well.
- 4. Detailed subsurface and pump-test data are not available:** Accurate stream flows are challenging to model, especially for critical low-flows. Pump test data and well logs are needed.

Emergency Regulations Overview

Purpose

Gather information on water use in the Clear Lake Watershed to identify how groundwater pumping and surface diversions influence creek flows that are critical for hitch spawning and rearing.





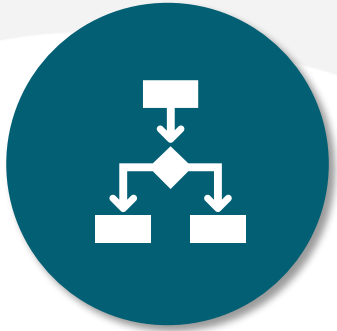
How it Works

- Emergency Regulations
- Information Order
- Response Deadline
- Penalties
- Expiration Date
- Alternative Reporting



Types of Information

- Groundwater well location and depth
- When, where, and how water is being used
- Volume and timing of diversions or extractions
- Basis of water right
- Parcel details
- Other relevant information



Information Order Process

- Orders would be sent through the mail.
- Letter would explain information needed and include a reporting deadline.
- Responses would be collected through an online platform.
- Staff would be available to assist.
- Failure to report could result in up to \$500/day penalty.



How We'll Use the Information

- Inform the Board's groundwater-surface water study
- Working with O'Connor Environmental for technical assistance
- Identify key areas where problems could emerge
- Support local collaboration and voluntary actions
- Plan projects
- Help focus time and resources

Emergency Regulations Timeline

Sep 5 – Oct 31, 2023:
Public Comment Period
Public Workshops

January 2024:
Issue Information
Order (tentative)



Sep 5, 2023:
Release Draft
Emergency Regulations

December 6, 2023:
Water Board Considers Adopting
Emergency Regulations (tentative)

Next Steps & Resources

Public Comment Deadline: October 31, 2023 @ noon

Email comments to ClearLakeHitch@waterboards.ca.gov

Contact us:

ClearLakeHitch@waterboards.ca.gov

Web Resources & Updates:

Clear Lake Hitch Webpage: waterboards.ca.gov/clearlakehitch

Email Subscription List: waterboards.ca.gov/resources/email_subscriptions/