

January 28, 2016



Felicia Marcus  
Chair  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

Delivered To: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

**Subject: Comments on Proposed Regulatory Framework**

Dear Chair Marcus:

The undersigned water suppliers are all agencies that are planning new drought resilient supplies for the future and believe we represent a very important perspective on the Water Board's deliberations over the staff proposed Regulatory Framework.

We want to first acknowledge the effective leadership the Governor and the Water Board has shown in managing the last few years of water shortages and taking this precautionary action for what could be a fifth consecutive year of this unprecedented drought. The severity of this drought and its effect on water supply availability for most Californians necessitated strong action on the part of the State to manage the immediate effects of a crisis and to prepare for continuation of these challenging conditions. Although our agencies have individually expressed strong views on specific elements of the proposed extended Emergency Regulation we have supported and appreciated the Water Board's role in promoting efficient water use and prudent water resources management. We believe that it is only through an effective partnership between local water suppliers and the State that California can successfully meet the challenge of water supply availability now and in the future.

This is the third multi-year statewide drought California has endured in the last 25 years. As water suppliers whose mission is to provide safe and reliable water to our communities we have learned something from every drought and we have made sure we are better prepared to face the next one.

The most important lesson is that the right approach to drought management is an all of the above approach to water resources management; aggressively conserve water **and** develop new drought resilient supplies. A strategy that is found in the Governor's Water Action Plan and expressed again by Governor Brown in this month's State of the State Address.

We appreciate the Water Board staff's recognition that additional credit for new drought resilient supplies is warranted by recommending that a water supplier's conservation target can be reduced by up to 8%. As representatives of water agencies planning to develop new drought resilient supplies we believe that despite that positive movement, there is still a fundamental problem in the staff proposal and a problem that goes far beyond the limited duration of the Extended Regulation. **We are deeply concerned by the precedent the Water Board is setting for future state action during drought and the effect that will have on locally elected policy makers as they consider expending ratepayer dollars on drought resilient water supply projects.** Such a precedent will create enormous uncertainty for those elected policy makers. Even with the increase to an 8% cap, in some areas 8% will be reached with currently eligible supplies thus creating no motivation to develop anything further.

We believe that the Water Board must keep its focus on the future and do everything it can to create policy that does not discourage the development of these much needed supplies. Therefore, we request that during the next 270 days the regulations include an alternate path to compliance with an agency's conservation target by giving full credit for drought resilient supplies while maintaining an 8% minimum reduction requirement. The public has overwhelmingly responded to the call to cutback water use over the last year thus no one expects a significant diminution in savings in the next 270 days. Our experience in the previous two droughts supports that conclusion. Having an alternate path will address the concerns over precedent and the loss of political will to move forward on these projects.

Beyond the scope of the next 270 days, we all must collectively learn the lessons of this particular drought. We request that the Water Board commit to a process of readdressing the manner in which the statewide conservation target is developed. Is it appropriate to develop one single target or should a target reflect an aggregate of local and regional targets? Water resources in California are managed and available at the regional and local levels. Water supply availability should be determined in a bottom up process where the availability of drought resilient supplies can be factored into a conservation target that also reflects the need to be efficient, especially during supply shortages.

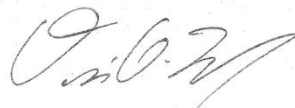
Finally, another lesson reinforced through the experience of three droughts over the last 25 years is that the public responds to water shortages in an overwhelmingly supportive manner. Once again, as in the previous two droughts we have seen extremely large reductions in water use. We owe it to the public we all serve to ask them to deal with an emergency when it is really an emergency. For that reason and to maintain our credibility with our public the Water Board should include specific quantifiable parameters that would deactivate the Emergency Regulation. We recommend that a combination of metrics tracked by DWR be used that reflect snowpack, major reservoir storage and State Water Project supply availability. Those are the only truly statewide metrics that indicate the need for statewide emergency regulation.

Thank you for this opportunity to provide comments on the proposed Regulatory Framework and for the Water Board's leadership during these very challenging times. We believe prudent and thoughtful water resources management benefits all Californians and we are prepared and ready to work in partnership with the Water Board and other state agencies to better achieve that goal.

Sincerely,



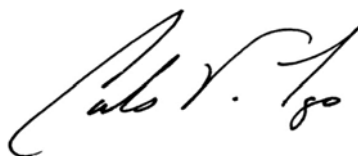
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Greg Thomas  
General Manager  
Rincon Del Diablo Municipal Water District



Carlos Lugo  
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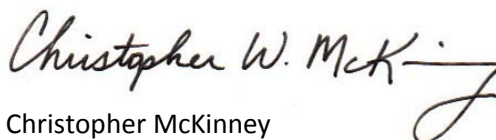
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