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Travis Air Force Base

# CITY OF FAIRFIELD

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Department of Public Works

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In the 20x2020 Water Conservation Plan Public Review Draft Workshop on Friday, May 29, 2009 there were a series of clarifying questions raised by Barbara Evoy of the State Water Resources Control Board. This letter hopes to provide clarification on the broad-based view on these issues.

In my brief notes, each of these questions did not have a consensus position in the comments that had been received by March 22, 2009. The questions were:

- 1) How should funding of involuntary (I believe she meant the Additional Measures) measures be handled?
- 2) In the area of conservation equity, should it be OK for some practices to be implemented in some locations and not in others?
- 3) And if my notes were correct, she asked about the consensus opinion on pairing water rights and “waste and unreasonable use” within the report.

I propose that the 20x2020 Agency Team look to the ACWA Policy Principles on Water Conservation and Water Use Efficiency that was adopted by vote in March 2009. These Policy Principles are supported by hundreds of organizations across the state. Please consider my remarks in light of the following guidance found in the introduction to the Policy Principles.

**“These Policy Principles are interdependent and each is an indispensable part of a comprehensive water use efficiency policy. These Policy Principles should be understood in reference to and in the context of the ACWA Blueprint and other applicable ACWA Policy Principles.”**

In light of the interdependence of all the principles, it is important to point out the principles that address these three questions directly.

## **INVOLUNTARY MEASURES and FUNDING**

First, Principle 5 highlights the critical role that local decision makers play in meeting regulatory and voter demands.

5. Local Management. **ACWA believes that water conservation and water use efficiency programs will only be successful if local water agencies, which are overseen by locally-elected officials, are responsible for designing and implementing them. Many water agencies in California face the prospect of diminishing supplies and growing demands, and they are accountable to their**

**customers and to regulatory agencies to make locally cost-effective decisions to provide reliable water supply in a manner that protects the environment. Water conservation and water use efficiency programs are indispensable tools in meeting these goals.**

This principle drives toward the point that “involuntary measures” that are outside of the context of local cost effectiveness and local accountability should not be imposed.

Second, Principle 7 points out that Incentives-Based Programs are strongly preferred to mandates.

**7. Incentive-Based Programs. Water conservation and water use efficiency programs that rely on incentives, such as conservation credit programs or pricing mechanisms, or model practices, will be far more effective and permanent than those based on the enforcement of mandates by the state or other entity.**

Third, the Policy Principles project a strong role in funding through State and Federal support.

**14. State and Federal Support. The state and federal governments should provide technical assistance where appropriate, financial assistance through bond funds, appropriations, and other sources to encourage water conservation and water use efficiency practices. ACWA supports removing regulatory and other constraints that unnecessarily impede local resource development and promote policies to encourage such development.**

## **CONSERVATION EQUITY**

The policy principles address the issue of conservation equity in the following manner.

First, from Principle 2,

**ACWA understands that a proposed 20 percent per capita water use reduction goal is an aggregate statewide goal.**

It is expected that different areas of the state will likely contribute more than others.

Second, from Principle 5,

**5. Local Management. ACWA believes that water conservation and water use efficiency programs will only be successful if local water agencies, which are overseen by locally-elected officials, are responsible for designing and implementing them. Many water agencies in California face the prospect of diminishing supplies and growing demands, and they are accountable to their customers and to regulatory agencies to make locally cost-effective decisions to provide reliable water supply in a manner that protects the environment.**

Local governments should be responsible for local decisions that meet the demands of the state government.

Third, from Principle 8,

**8. Basin-Wide Approach. Improvements in water use efficiency should be considered from a basin-wide perspective. Water use efficiency actions should focus on reducing irrecoverable water losses while reasonably supporting**

**beneficial uses in the basin. Water use efficiency actions that reduce recoverable losses should address and mitigate any redirected impacts within the basin. Water use efficiency measures may have both direct and indirect benefits, both in and out of the basin. Actions that reduce applied water use but do not result in net water supply benefits to the water basin may be justified if they can be shown to advance other local policy objectives, including stream flow, water quality, ecosystem restoration, energy, or flood control.**

Impacts of water conservation should be considered along with all other impacts in a basin. This may cause certain areas to engage in different levels of recycling and conservation.

And Fourth, from Principle 10, is the strongest language,

**10. One Size Does Not Fit All. Water conservation and water use efficiency programs must have the flexibility to adjust to widely varying local circumstances. One size does not fit all and a policy based on this premise will fail. ACWA opposes imposition of uniform statewide water use standards or water use reduction targets. Effective water conservation and water use efficiency programs must be responsive to local circumstances, including changing water supply sources, water uses and demands, and water reliability challenges.**

## **WATER RIGHTS**

The last segment, which discusses the different circumstances throughout the state, makes a strong case that “waste and unreasonable use” must be concluded on a localized basis, given many factors of consideration. State law prohibits waste and unreasonable use and the ACWA Principles support this position. It is important the interpretation of waste and unreasonable use continues to consider all impacts on a local agency and environment.

The separation of water rights from an entity is addressed in Policy Principle 9, 9. Protect Water Rights. **Implementation of water conservation and water use efficiency programs must be consistent with existing state law in that the act of conservation cannot be allowed to undermine the water rights of the entities implementing the water conservation or water use efficiency program, or interfere with existing water conservation or water use efficiency projects. State policy should affirm that undertaking aggressive water conservation and water use efficiency will preserve, not diminish, water rights. The intent of this principle is to ensure that water agencies and water users in the basin implementing water conservation and water use efficiency actions benefit from those actions and are not harmed by measures that may provide benefits outside the basin.**

Respectfully,

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