



CITY OF
FOLSOM
DISTINCTIVE BY NATURE



April 12, 2016

Jeanine Townsend
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Transmitted by email to: commentletters@waterboards.ca.gov

Re: 4/20/16 Public Workshop – Urban Water Conservation

Dear Ms. Townsend,

On November 13, 2015, Governor Brown issued Executive Order B-36-15 calling for an extension of urban water use restrictions until October 31, 2016, should drought conditions persist through January 2016. Executive Order B-36-15 also directed the State Water Resources Control Board (State Water Board) to consider modifications to the May 2015 Emergency Regulation as appropriate. On Wednesday, April 20, 2016, the State Water Board will conduct a public workshop to solicit input on potential adjustments to the February 2016 Emergency Regulation for Statewide Urban Conservation.

The City of Folsom (City) thanks the State Water Board for the opportunity to comment on potential adjustments to the February 2016 Emergency Regulation and possible State Water Board action in response to recent increases in precipitation and corresponding water supply improvements. We recognize both the challenge and the need of the State Water Board to consider water supply conditions throughout the state while assessing this historic drought. However, the City has the responsibility, on behalf of our water customers, to inform the State Water Board on the City's current water supply conditions, which are as follows:

- Folsom Reservoir, the primary water supply for the City and one of the key sources of water supply for the region, is well above average storage for April 1st, far exceeding storage levels during the emergency drought regulations.
- Water releases from Folsom Reservoir were as high as 20,000 cubic feet per second (cfs) to ensure the reservoir can serve its flood protection purpose.

- Folsom Reservoir, as an element of the Central Valley Project, must be operated in conjunction with Shasta and Oroville Reservoirs.
- Shasta and Oroville reservoirs have similar above average water storage levels and are also releasing water for flood control operations.
- The Sierra snowpack, which will fill and replenish Folsom Reservoir over the spring and summer, was at 87% of average on April 1, 2016. Similarly, the 8-Station Precipitation Index was at 123% of average on April 5, 2016.
- Through April 1, 2016, over 500,000 acre-feet of water was released from Folsom Reservoir to comply with flood control requirements.
- The United States Bureau of Reclamation announced a full contract allocation for the Central Valley Project municipal and industrial users in the American River Division.

As discussed in the City's letter dated January 28, 2016, the City supported modifications of the emergency regulations that allow for various adjustments to be calculated based on climate and growth. These adjustments recognized the inequitable burden that was placed on water customers in warmer regions of the state and areas of the state that experienced growth. While these adjustments offer modest relief for the City's conservation target (32 percent down to 28 percent), there is still an inequitable burden placed on the City that other areas of the state do not have. A mandatory 28 percent conservation target for the City, when local and regional water supplies are above historic average and the reservoir that serves water to the City has released water to maintain flood-control space, is not fair and equitable.

Given current water supply conditions for the City and the Sacramento region, the State Water Board must recognize, and adjust conservation regulations accordingly, for those areas of the state that there are no longer in a drought emergency. The state already has a tool in place for water conservation and water use efficiency through Senate Bill x7-7 (SB x7-7), which requires a 20 percent reduction in per capita water use by 2020. By rescinding the inequitable emergency water conservation requirements for the City, the State Water Board can still address water conservation and water use efficiency through SB x7-7.

As we have stated in earlier comments, the regulations additionally damage the City as a taking of the City's water rights. Notwithstanding these rights, the regulations require that the City leave water in Folsom Reservoir, which the Bureau of Reclamation then releases according to its own water rights, rules, and discretion. This conserved water is simply lost to the City and not available for future use. Through the State Water Board's regulations, that water is taken without compensation for others' use. Moreover, the regulations improperly interfere with the City's power as a charter city to operate and regulate its water supplies as a municipal affair. Although we appreciate the difficult position the State Water Board is in, the regulations simply do not account for the City's specific status as a charter city and its very senior water rights.

As part of the public workshop on urban water conservation, the State Water Board requested public input on the following questions.

1) What elements of the existing February 2016 Emergency Regulation, if any, should be modified and how so?

The mandatory nature of the water conservation requirements should be rescinded in areas of the state that are experiencing relatively normal or better hydrologic conditions. The focus in these areas of the state should return to long term improvements in water use efficiency and the requirements of SB x7-7.

2) How should the State Water Board account for regional differences in precipitation and lingering drought impacts, and what would be the methods of doing so?

The State Water Board should use available hydrologic data for each region to evaluate whether the drought still represents an “emergency” in a given region. This could be accomplished on a hydrologic region level as defined by the California Department of Water Resources (DWR). DWR publishes monthly water supply condition data in Bulletin 120 that is organized by hydrologic region and includes precipitation, snow water content, reservoir storage and current and forecasted runoff. The State Water Board can use this information to assess each hydrologic region and decide which regions are recovering and which regions are still experiencing severe drought conditions that would warrant emergency drought regulations.

3) To what extent should the State Water Board consider the reliability of urban water supplier supply portfolios in this emergency regulation?

The reliability of a water supplier’s portfolio should be the fundamental element in considering mandatory water conservation during drought. Unfortunately, it has been only minimally considered during the current drought emergency. While we would prefer a specific assessment of a water supplier’s conditions, considering the temporary and limited nature of the Emergency Regulation and the need for immediate action, submittal and evaluation of 411 different supply portfolios for reliability may not be a workable strategy to meet the State Water Board’s desire to address changing water supply conditions.

As part of the State Water Board’s Resolution No. 2016-0007, there was specific direction for State Water Board staff to “... *monitor and evaluate available data on precipitation, snowpack, reservoir storage levels, and other factors and report back to the Board in March and April, 2016, and, if conditions warrant, bring a proposal for rescission or adjustment of this regulation to the Board no later than the second regularly-scheduled May 2016 Board meeting.*” Based on the factors described above, the fair, equitable and right thing for the State Water Board to do is rescind the mandatory conservation requirements for the City. By using regional and local water supply conditions, the State Water Board staff will show that there are not emergency drought conditions for the City or the Sacramento region.

Thank you for the opportunity to comment on the draft text of emergency regulations and we look forward to hearing the Water Board's response to our comments. If you have any questions, please contact me at (916) 355-7201.

Sincerely,



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