

April 13, 2015

VIA Email: Jessica.bean@waterboards.ca.gov
Jessica Bean
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: Emergency Rulemaking regarding April 1, 2015, Executive Order

Dear Ms. Bean,

The Greater Eureka Chamber of Commerce (Chamber) is writing in support of the Humboldt Bay Municipal Water District (District) in its efforts to ensure that some flexibility is included in the coming Mandatory Water Conservation Regulations. The position of the Chamber is that because the District has a generous surplus of water that can be put to beneficial use, they should not only be granted flexibility, and exempted from mandatory conservation, but rather encouraged and assisted in expanding so that they may help supply our neighbors outside the District who are facing shortages, and perhaps even public health crises, as the drought continues through the coming dry season and into the future.

As we are sure the Board is aware, the District supplies water to seven jurisdictions: three local municipalities and four special services districts, as well as some retail customers, in and surrounding the greater Eureka area. Ruth Lake, the District's reservoir is presently full. Ruth Lake has filled to capacity each winter of the current drought, and has sufficient water in storage to supply its existing customer base for an estimated three to five years. Despite the length and severity of the ongoing drought, the District has not suffered any shortages, in contrast to most of California. The District is in the unique position of having an abundant surplus of water available. Given the surplus supply, we are concerned that unnecessarily mandating and enforcing the anticipated water conservation measures will have a negative economic impact on businesses, industries and institutions in the greater Eureka area and throughout the District. We encourage the Board to consider ways to allow the District to expand their use of the surplus and to thereby assist nearby drought-stricken communities.

No infrastructure exists at this time to deliver the District's surplus water to any areas beyond its boundaries. Water saved within the District through mandatory conservation cannot be subsequently put to drought relief or other beneficial uses; conserved water will remain unused and only maintain or increase the District's surplus. Entities that can demonstrate a surplus of water which cannot be put to other beneficial use, such as the Humboldt Bay Municipal Water District, should not be included in mandatory conservation. Rather, beneficial use of the District's surplus should be promoted and encouraged.

In this current prolonged statewide drought, so severe that it requires mandatory conservation throughout most of California, it is in our view, fortuitous that “our” District has such an abundant surplus. We are concerned that the District has not been allowed to amend the Place of Use of their water to accommodate selling or transferring it to neighboring municipalities, communities or Tribes, who may be likely to find themselves in need of water for the basic safety and health of the public in the very near-term, as this drought continues. We encourage the Board, as part of their emergency rulemaking, to encourage and support the District in their efforts to put their surplus water to beneficial use. Expansion of the District’s delivery system north along the coast, and south along the Eel River and the Highway 101 corridor, would put surplus water to beneficial use and provide drought relief for our neighbors.

The Greater Eureka Chamber of Commerce would like to respectfully request that the State Water Resources Control Board include flexibility in their mandatory conservation rulemaking and exempt the Humboldt Bay Municipal Water District from conservation. We also urge the Board to support and assist the District to help our neighboring communities during this drought and allow the surplus to be put to beneficial use.

Sincerely,

Don Smullin
Executive Director

cc: Governor Jerry Brown
State Senator Mike McGuire
State Assemblymember Jim Wood