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May 16, 2016

(5/18/16) Board Meeting- Item 10
Conservation Extended Emergency Reg
Deadline: 5/16/16 by 12:00 noon

Delivered by e-mail to: commentletters@waterboards.ca.gov
The Honorable Felicia Marcus, Chair
and Honorable Members of the State Water Resources Control Board
c/o Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor Sacramento, CA 95814



Subject: May 18, 2016 BOARD MEETING (Conservation Extended Emergency Regulation)

Dear Chair Marcus and Members of the Board:

The Bella Vista Water District (District) appreciates this opportunity to provide comments to the State Water Resources Control Board (State Water Board) on the staff's proposed Conservation Extended Emergency Regulation (Proposed Emergency Regulation), which would further amend and readopt the Emergency Regulation that was last amended and adopted on February 2, 2016. The Proposed Emergency Regulation was prepared by staff in response to comments received by the State Water Board at its April 20 workshop, and in response to the Governor's Executive Order B-37-16 (EO) directing the State Water Board to adjust and extend the emergency regulations for urban water conservation through the end of January 2017. The Proposed Emergency Regulation is intended to address the substantial rain and snow the State experienced from October 2015 through this March, which has significantly improved water supply conditions statewide and has provided welcomed drought relief, especially in Northern California.

The District appreciates the State Water Board's recognition of changed hydrologic conditions and the value of a supply reliability-based approach to the Emergency Regulation and a transition away from the previous demand reduction-based approach.

At the onset of the drought and in response to a greatly reduced supply from the Central Valley Project (CVP), the District adopted necessary and appropriate shortage measures to manage the limited supply. The District declared a water shortage emergency on February 27, 2014, prior to the State Board's adoption of emergency regulations, and implemented shortage measures in accordance with its Water Shortage Contingency Plan. In 2015, the drought worsened and the water supply allocations from the CVP were the lowest in the history of the project with a second successive year of 0% supply for agricultural use and only 25% of historical use allocated for all other municipal and industrial purposes. As a result and driven by necessity, the District's customers achieved one of the highest overall conservation rates in the state!

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Resilience is the ability [of a system] to cope with change. Resiliency and flexibility are both positive words in the context of water management, but they are not terms used to describe restriction only in one direction. Although the District generally supports the concept of a water supply self-certification for a one or two year future timeframe, given the hydrologic and water storage conditions as reflected by the current 100 percent CVP [North of Delta] supply allocation, we do not believe it is appropriate to establish a standard for the current water year that is based on the 3rd year of a historically severe drought! Such a requirement will unnecessarily harm the District (reduced water sales revenue) and its customers financially (loss of crops and/or landscaping and potential fines for exceeding their allotments) for yet another successive year despite an adequate water supply to a region within the area of origin.

Water management strategies vary across the state depending on a number of factors including priority, supply diversification, alternative supply options, local and regional storage, transfer and exchange options, etc. It is appropriate that local agencies evaluate their supply options, strategies and investment options within their region and circumstances. Although it makes sense for agencies with storage options to consider long term reservoir operations in order to optimize storage for drought mitigation, the District has no ability to store conserved water. Although carryover supply is an important water management concept and strategy, "rescheduling" as commonly practiced elsewhere within the CVP has been routinely denied to northern CVP Contractors by the U.S. Bureau of Reclamation. In other words, water conserved in the current year cannot be kept in storage and credited the following year as a drought mitigation strategy.

Recommended Modifications

The District recommends that the staff proposal be revised as follows:

- 1) Revise the self-certification timeframe and analysis to be for one or two years.
- 2) Provide additional time for compliance with the self-certification requirements. This will allow the District and other water agencies additional time to ensure that calculations are accurate.
- 3) Allow urban water suppliers that are unable to meet the June 22 deadline to comply with the self-certification requirements beginning in July, while still complying with their existing applicable conservation standard through June 2016, as provided for in Sec. 865. This alternative could be permitted on a case-by-case basis in consultation with staff, based on a showing of good cause.
- 4) Amend Sec. 864.5 (b) to calculate the conservation standard based on the first year, rather than the third year to reflect immediate emergency conditions rather than more speculative and highly conservative "worst case" conditions associated with the third year hydrology.
- 5) Amend Sec. 864.5(b)(2) to calculate potable water demand based on an average of three years including 2015, which is expected to better reflect likely water user demand in the face of continued drought conditions, as currently communicated by water suppliers, the State and the media.

Honorable Members of the State Water Resources Control Board
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Potential “Conservation Floor”

In its notice, the State Water Board staff requested that comments address the question of whether there should be a “conservation floor” (e.g., a minimum conservation level). The District is already well on its way to achieving the required “20 by 2020” conservation standard. The District opposes the further imposition of a “conservation floor” beyond the currently required 20% by 2020 except in the case of an immediate statewide emergency. For agencies that can quantitatively demonstrate water supply reliability for one or two more dry years, there is no need to require additional state-imposed emergency demand reduction levels over the coming months. The District does believe that water supply and drought planning is the responsibility of all public water systems, regardless of size.

Conclusion

We encourage the State Water Board to adopt the Proposed Emergency Regulation, with the incorporation of the District’s recommended modifications. The State Water Board can be assured the District will continue to promote efficient water use and implement appropriate local water supply and demand management programs.

Thank you for considering these comments.

Sincerely,



David J. Coxey
General Manager