



CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE



May 16, 2016

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

Transmitted by email to: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

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

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 May 9, 2016, Governor Brown issued Executive Order B-37-16 directing the State Water Board to extend the emergency regulations for urban water conservation through the end of January 2017.

The City of Folsom (City) thanks the State Water Board for the opportunity to comment on the proposed changes to the drought emergency water conservation regulations. With improved hydrologic conditions in the Sacramento region, the City appreciates the State Water Board's reasonable approach to providing local water suppliers with locally-developed conservation standards based upon each agency's specific circumstances. The proposed changes the State Water Board is considering recognize that water suppliers across the state have varying water needs based on climate differences, population growth, and access to other water supplies. The City opposes any "conservation floor" as this would undermine the purpose of the self-certification and the capital investments made by water agencies to develop locally resilient supplies.

The reliability of a water supplier's portfolio should be the fundamental element in considering mandatory water conservation during drought. For example, as the City's previous letters concerning the water conservation regulations have discussed, the City's water rights and contracts are sufficient to meet the City's demands during even very dry years, as long as the Bureau of Reclamation operates Folsom Reservoir to ensure that the water subject to those rights and contracts is physically present. Unfortunately, the

reliability of individual agencies' supplies has been only minimally considered under the current regulations.

In addition to recognizing the various water supplies of each agency across the state, the proposed changes to the drought emergency water conservation regulations promote investments in water supply reliability and resiliency. As noted by various water agencies across the state, significant financial investments have been made by water suppliers and their water customers to invest in alternative dry-year water supplies. By allowing water suppliers to utilize these investments, there is an opportunity to develop new local, drought-resilient water supplies such as potable wastewater reuse and desalination.

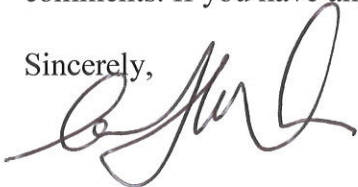
Recognizing individual agencies' water-supply reliability is necessary for conservation regulations to be consistent with law. As the City's previous letters have discussed, the conservation regulations were not consistent with California water law because they did not consider the seniority of the City's water rights. The existing regulations did not result in additional water storage for the City's use in any future drought conditions, given the way Folsom Reservoir is managed.

The City appreciates the State Water Board's movement toward conservation standards that are based on local circumstances. Under those regulations, the City would continue to exercise its rights to water under Water Code section 1011 to water that the City conserves. Among other things, this conserved water supply is important to the City's plans for serving its future needs.

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 allow water suppliers to define an individualized conservation standard through the self-certification process.

Thank you for the opportunity to comment on the draft text of the drought emergency conservation 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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cc: Felicia Marcus, State Water Resources Control Board Chair  
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Tam Doduc, State Water Resources Control Board Member  
Steven Moore, State Water Resources Control Board Member  
Dorene D'Adamo, State Water Resources Control Board Member  
John Woodling, Regional Water Authority  
Steve Miklos, City of Folsom Mayor