

Managing for Sustainability: Are you ready for permanent water rationing?

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Poised to seize control of water districts, the State plans to mandate permanent water conservation regulations while circumventing long standing water rights laws.

On November 30, 2016, in response to the governor’s Executive Order B-37-16, the State released its 72-page draft framework for using water more wisely, eliminating water waste, strengthening local drought resilience, and improving agricultural water use efficiency and drought planning. While this all may seem prudent on the surface, the devil is in the details.

The state-mandated regulatory approach is of concern to me. This approach represents a fundamental shift of control away from local water districts and their communities to state mandated permanent water conservation standards. The proposed recommendations in this framework are intrusive, inequitable, and cost prohibitive for water districts and their ratepayers. Long-term, these proposed standards would erode water rights, and adversely affect local control over land use decisions, wildlife and aquatic habitats, recreation, tourism, our economies and the quality of life people enjoy in this region. The new water-use standards have the potential to increase fire-prone vegetation, tree mortality and the risk of catastrophic fire in the Wildland Urban Interface (WUI) which characterizes the mountain counties region.

There will be new water-use standards including a water-use target methodology based on a calculated formula for all indoor water use (55 gallons per day, per person) and outdoor landscape based on data collected per parcel from Light Detection And Ranging (LiDAR) imaging systems. LiDAR imaging systems allow mapping professionals to examine both natural and manmade environments, including rural landscapes. Make no mistake, once fully implemented, targets and standards will be ratcheted downward for both indoor and outdoor usage by subsequent state mandates. Water districts will be required to calculate their unique water use targets based on customer household population, residential landscape area by parcel, landscape age, an applied evapotranspiration adjustment and other factors.

The State Water Resources Control Board (Water Board) will conduct a rulemaking process to establish permanent monthly reporting requirements by the water districts on water usage, amount of conservation achieved, and any enforcement efforts. Upon statutory authorization, water districts will be required to submit a Water Shortage Contingency Plan and conduct a 5-year Drought Risk Assessment every five years, and conduct and submit a water budget forecast annually to the State.

The current emergency water conservation regulation, which is in effect through February 2017, will be extended through November, 2017, based on supply conditions and water conservation levels. And, state agencies will seek amendments to existing codes through the Governor’s office and Legislature to implement recommendations outside their jurisdiction.

Californians can take full credit for willingly sacrificing landscape and adjusting habits to save water supply for another year. Education and messaging created a high level of public awareness and made consumers more mindful of our finite fresh water supply. Bottom line, consumers have learned to use water wisely without additional regulatory mandates.

In review of the 72-page framework report, several questions came to mind that I posed to state officials:

1. Why the need for permanent regulations on urban uses when 90% of the statewide water use comes from other uses?

2. Why not focus/fix the several other issues identified in the Water Action Plan 2016 that could increase water supply, thus lessening the urban and agricultural water demand issues?

3. Who or What gets the conserved water from any permanent conservation regulation?

4. Why does the state encourage local control, yet seeks to expand regulatory authority to execute the recommendations in the draft framework?

5. Why does the state plan to extend the “emergency regulations” another 270 days when most water agencies went through the exercise and satisfied the state’s “stress test” for reliable water supplies?

6. Why impose indoor and outdoor targets/standards on water agencies that have demonstrated responsible stewardship, invested for the future, and created a water supply portfolio that provides water reliability and resiliency for their ratepayers?

7. How will the state consider California Water Code Section 1011 as it applies to conserved water in this region?

8. How will “hardened demand”, created by the continued ratcheting and rationing, build resilience to future droughts, especially when the warming climate will increase water demand?

9. What is the cost in millions of dollars to the California taxpayer for the increment of water saved? Why not consider funding improvements to increase water supply for the next generation to thrive rather than only survive?

A primary MCWRA objective and goal is to assist the region in protecting water rights to ensure regional certainty for a reliable, sustainable water supply for its economic and environmental well-being for future generations. The State’s proposal goes to the heart of water right erosion. There are several longstanding state assurances that are paramount to this regions quality of life and should be honored unequivocally such that no state and/or federal agency exert regulatory authority to hinder or reallocate area-of-origin and/or watershed-of-origin water supplies that lays harm to the communities and eco-systems in the Mountain Counties Area.

Further, bureaucrats have not yet distinguished the diversity between urban and rural environments in their decision-making processes. Rural mountain environments, unlike urban environments, account for and promote open space, wildlife habitat, locally grown healthy food crops from small farm agriculture, livestock, carbon-free renewable hydropower energy, provide wildfire buffers, and support significant recreation and tourism not only from California, but from around the world.

The imposition of any sort of “water budget” conservation mandate in these “mountain rural communities” will damage their quality of life and rob the environment and wildlife of water classified as “urban water use”. All the water in this region, both indoors and outdoors not used by people or for the environmental needs of wildlife, landscape, and soil, moves down into the streams and creeks, providing beneficial uses to the valley floor, and replenishing the ground water aquifers.

The state would greatly benefit from a more comprehensive, strategic and holistic approach relying on local and regional water managers to manage water supply rather than by implementing permanent regulatory water-use standards. Water conservation and shortage regulations require social solutions at the local level.

The key to managing for water sustainability is to first seek to achieve that goal in the Mountain Counties region and manage water resources at the local level.

*Note: The November 14, 2016 Mountain Counties Water Resources Association letter to the State Water Resources Control Board can be found at* [*www.mountaincountieswater.com*](http://www.mountaincountieswater.com)