



South Tahoe Public Utility District

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December 8, 2016

The Honorable Felicia Marcus, Chair
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

The Honorable Mark Cowin, Director
California Department of Water Resources
California Department of Water Resources
P.O. Box 942836, Room 1115-1
Sacramento, CA 94236-0001

Dear Chair Marcus and Director Cowin:

The South Tahoe Public Utility District (District) appreciates the Governor's efforts to make water conservation a way of life for all Californians. In South Lake Tahoe, conservation and protection of the environment are core values of our community. For almost a decade, our customers have been committed to conservation by limiting outside watering to three days per week, and have participated in turf buy-back, appliance rebates, home water audits, and education programs. This is in spite of the fact that all of our water is from ground water, and the total water withdrawn from the ground water basin is roughly 25% of the average annual recharge.

Fundamentally, the District is opposed to any mandated reductions in water use that are not tied to the local supply condition of the agency. The South Tahoe community has invested in conservation and has kept the demand well within the limits of our supplies; and therefore, our community should not suffer from an arbitrary rationing of water for our homes and businesses. Water not utilized by the community can be assumed to provide base flow to surface waters and ultimately flow into Lake Tahoe, which is estimated to lose 450,000 acre-feet of water per year to evaporation. The roughly 8,000 acre-feet per year the local community consumes is literally a drop in the bucket. Given the District's water supply, we request that if this framework is implemented, an exception to mandatory water use reductions be implemented for agencies with local sustainable drought resilient water supplies.

Another of the District's fundamental concerns with the proposed framework is that there appears to be an underlying presumption that the State Water Resources Control Board (Water

Board) should have the authority to establish how much water our community is allowed to consume. Currently, only the Governor, the State Legislature, and the local water supply agency have the authority to impose water restrictions on a community outside of an actual physical water shortage. We strongly oppose this delegation of authority to the Water Board, as it greatly reduces the ability of Californians to have a voice in establishing the water quantity that will be available to their homes and businesses.

With respect to the specifics of the proposed framework, due to the robustness of our supply and our limited demand, we foresee no issues in proving the drought resilience of our supplies for a five-year period or for an additional dry year, although we perceive these reporting requirements as an unnecessary cost to our rate payers.

In addition to the fundamental concerns expressed above, the District has significant concerns with the proposed framework with regards to the water budget approach to establishing water use targets. Our concerns were incorporated and detailed in the October 18, 2016, comment letter submitted by Association of California Water Agencies (ACWA) and 63 agencies from around the state. We encourage development of alternative approaches to setting conservation targets and believe that the approaches established in SBX 7-7 are a good starting place for these alternatives.

The District is concerned that there are several unresolved issues with the proposed framework that are indicated to be resolved in the future by workgroups, and we have the following concerns specific to our area, these include water for snowmaking, high tourist population, and determining irrigated or irrigable area under the tree canopy.

Water for snow making: Our local ski resort is our largest water customer because they purchase water for snow making. The amount they utilize is entirely dependent on the weather conditions of a given winter. The resort's winter operation is the main driver for the local economy in winter. Given the normal variability of weather from one winter to the next, it is not possible to establish a consistent budget for this commercial customer. How will this unpredictable demand be factored into the proposed water budget for our community?

Tourist population: Estimates are that more than 50% of the single family residences within our service area are either vacation rentals or second homes. While these are our customers, they are not accounted for in the population of our community. If the budget for indoor residential water use will be determined by the population of our community, then how will this non-resident but residential water use be accounted for? Under the Emergency Drought Conservation Regulations, several agencies were initially penalized in the calculation of Residential Gallons Per Capita Day (RGPCD) for this scenario, and many impacted agencies developed their own measures to account for this situation. However, no consistent approach was developed or provided by the Water Board. How will this be consistently implemented across the state?

Irrigable or irrigated area under tree canopy: Virtually the entire South Lake Tahoe community is built within the forest, with the majority of homes and yards being under the tree canopy. No remote sensing technology has been proven to provide an accurate measure of the irrigable or irrigated area of a property in these conditions. No proposal has been put forth for

how these areas will be resolved, other than that a pilot study will be undertaken. Our expectation is that this pilot study will show that the remote sensing technology fails under these conditions. Once the technology fails, what alternative methodology is being proposed, and what cost will our rate payers be forced to bear to determine how their water use will be curtailed?

While we appreciate the efforts undertaken to allow for input on the proposed framework, and believe that Water Board and DWR staff have done an excellent job of soliciting input, the District is opposed to some of the fundamental tenants of the proposed framework and has significant concerns that have not been resolved during its development. We request that implementation of the framework be delayed until these concerns can be resolved.

Sincerely,

A handwritten signature in cursive script that reads "Richard Solbrig". The ink is black and the signature is fluid and connected.

Richard Solbrig, General Manager/Engineer

Cc. Senator Ted Gaines, Assembly Member Frank Bigelow