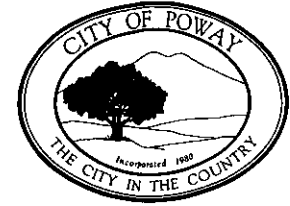


CITY OF POWAY

STEVE VAUS, Mayor
JIM CUNNINGHAM, Deputy Mayor
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JOHN MULLIN, Councilmember



January 5, 2016

Kathy Frevert
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA, 95814

Subject: Comments on Proposed Regulatory Framework

Dear Ms. Frevert,

Thank you for the opportunity to comment on the proposed extended emergency regulations. We appreciate the chance to provide our feedback as these regulations will shape the state's water future. The City of Poway strongly supports water conservation; however, the current emergency regulations need to reflect a more equitable approach in order to achieve the greatest long-term impacts. Please consider the following feedback while revising the regulations.

Climate Adjustment

The City of Poway strongly supports staff's recommendation for an adjustment based on the service area evapotranspiration. However, the categories proposed 4% reduction cap should be removed. This would more equitably acknowledge agencies who serve communities with higher evaporation rates. For example, under the proposed adjustments, both an agency with an evapotranspiration rate of 8.4 inches and an agency with a rate of 16.8 inches would receive a 4% credit. Clearly, the second agency faces a much greater challenge in conserving water given the higher evapotranspiration rate. At a minimum, a tiered system should be implemented.

Growth Adjustment

The City strongly supports a growth adjustment, but we oppose using the complicated formula as proposed. While the formula's factors are meant to accurately account for growth, they are based on complex data that requires a large amount of man power to collect. Additionally, some of the factors (such as 55 gallons per person, per day, and residential landscape area served by connections) don't accurately reflect our community's growth. We would propose a simplified formula based on more readily available data.

Drought Resilient Sources of Supply

The City strongly supports a one-to-one adjustment for developing new drought-resilient water supplies. After all, doing so will not only incentivize future local supply projects, but will result in long-standing, structural changes in our dependence on water resources. However, we do not support a cap on the credit for creating these new supplies. The San Diego region has proudly invested a substantial amount of money to build the Carlsbad Desalination Plant. The cap would undermine any incentive for future investments in drought-proof supplies. Ultimately, the cap disincentives water agencies from pursuing

long-term solutions to reoccurring drought conditions. Additionally, we believe that wholesale water providers should be able to distribute the credit for creating new water supplies amongst its member agencies as appropriate.

Commercial Agricultural Certification

We strongly support continuing the commercial agricultural certification without change. Limiting the certification to farms that make over \$1,000 unfairly punishes small producers. Growers often have lead times between the time they plant and the time they harvest their crops. In some cases this could be years. It would be very time consuming, if not impossible, for water providers to verify properties that fall under the US Department of Agriculture's definition of a farm.

Adjustment Cap

While we full heartedly support the state's continued efforts to conserve water, we ask that the adjustments to the regulations be as equitable as possible. Therefore, we do not support a 4% adjustment cap. Under the proposed cap, communities with two similar climates may receive the full 4% climate adjustment. But, the community that has also heavily invested in creating new drought-resistant water supplies will receive no further credit. Simply stated, that is not equitable. Furthermore, the adjustments cap disincentives future water supply investments because the benefit for doing so is small and does not correlate to the investment and water savings achieved.

We recognize there are legitimate reasons for these adjustments. It is incredibly important that modifications to the emergency regulations make it possible to meet conservation targets through a combination of conservation and the development of investment in new sustainable sources of water. A balanced and flexible approach will provide opportunities to pursue better long-term solutions for this drought and future droughts.

Sincerely,



Daniel Singer
City Manager

cc: General Manager, SDCWA