

**Natural Resources Defense Council
California League of Conservation Voters
Clean Water Action
Defenders of Wildlife
Food and Water Watch
Aerospace Cancer Museum of Education
Forests Forever
Heal the Bay
Pacific Coast Federation of Fishermen's Associations
Planning and Conservation League
StopWaste
The Bay Institute
Water4Fish**

June 23, 2009

The Honorable Jared Huffman, Chair
Assembly Water, Parks and Wildlife Committee
1020 N Street, Suite 160
Sacramento, CA 95814

RE: AB 261 (Dutton-Ducheny) — OPPOSE UNLESS AMENDED

Dear Assembly Member Huffman and Members of the Committee,

The undersigned groups are writing to express our opposition to SB 261, unless the bill is significantly amended as described below.

There is widespread agreement that effective policies to advance water efficiency are critical to California's economy and environment. All sectors must improve their water use efficiency as part of a coordinated approach to state water policy. While we appreciate the authors' engagement on these issues, we believe that the state needs a more comprehensive approach to water efficiency that includes meaningful efficiency requirements for **all** sectors of water use, including:

1) Appropriate levels of residential water use efficiency. For residential use, SB 261 sets an unacceptable threshold for defining "extraordinary water use efficiency," beyond which no plans are required. Specifically, that definition includes an indoor residential use of 70 gallons per capita daily, the level that an AWWA study found was the average national indoor water use in 1999. Equating average national use with extraordinary water use will not result in the necessary and readily available improvements in this area. Indeed, Arizona reports that current indoor water use in that state is 57 gallons per capita daily, and the Texas Water Development Board recommended a state target of 50 gallons per capita daily.

2) Requirements for commercial/industrial/institutional (CII) water use. The governor's call for a 20 percent reduction in per capita water use by 2020 cannot be met without meaningful contributions by all sectors, including residential and non-residential. SB 261 fails to include meaningful requirements for non-residential water use. Instead, SB 261 establishes a task force to develop suggested best management practices (BMPs) for the Commercial and Industrial (CII) sector. However, the bill would not require the adoption or implementation of these BMPs.

Ample research indicates that there is tremendous potential to save water in the non-residential sector, particularly since most water efficiency programs have traditionally focused on residential use. Indeed, the Metropolitan Water District has added to the budget for its CII program several times due to the tremendous demand for programs in this sector. CII, therefore, should be treated as an integral part of urban water conservation targets.

3) Requirements for agricultural water efficiency. SB 261 does not include agricultural water use efficiency requirements. California agriculture uses 80% of the state's developed water supply, and it is reasonable and necessary to require efficient use of those resources. A publicly vetted set of best management practices are already required for Central Valley Project (Federal) water contractors, and it is equitable to apply those same requirements to other agricultural water users in the state. Specifically, water measurement and pricing are fundamental to efficient water use, and should be required as foundational measures. If agricultural water suppliers find that additional measures are technically feasible and cost effective, they should be required to implement those measures. State law should be consistent with existing federal requirements for agricultural efficiency.

Other concerns

- *Efficiency vs. Supply Augmentation.* While water use efficiency can help reduce reliance on imported water supplies, the two are not the same thing. SB 261 conflates efficiency with any reductions in imported water supplies, which would diminish the amount of efficiency that is achieved. And some of the methods allowed in SB 261, such as capturing rainwater, can even be read to include new storage projects. Other methods included in the bill, such as desalination, are energy intensive and can have negative environmental impacts and should not be pursued if there are efficiency alternatives. We believe that water efficiency is the cheapest and most environmentally sensitive approach to meeting the state's water needs, and California should prioritize this approach, as the state has done for energy efficiency.
- *Task Force Voting Requirements.* The CII task force requires any recommendations of the task force to be endorsed by all members of the task force. This requirement is unlikely to yield meaningful policy recommendations.

- *Inconsistent Reporting Metrics.* While SB 261 correctly recognizes that "standardized data collection and analysis will provide the best means for tracking progress toward the statewide conservation goal," (Sect. 10661(h)) it also allows each reporting agency to "evaluate progress in implementing the plan by using the metrics it considers to be most appropriate for its circumstances." (Sect. 10631 (l)(5)). This approach is unlikely to produce the data quality necessary for the state to monitor progress and improve water management.

Unless these shortcomings are addressed, we urge Members to vote "NO" when the bill is heard in the Assembly Water Parks and Wildlife committee. Thank you for considering our views.

Sincerely,

Ronnie Cohen
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Dick Poole
Water4Fish

Kristin James
Heal the Bay

Cc: Water Parks and Wildlife Committee Members
Senator Bob Dutton
Senator Denise Ducheny