

# CALIFORNIA LEGISLATURE

## Senate

STATE CAPITOL  
SACRAMENTO, CALIFORNIA  
95814

May 7, 2015

The Honorable Edmund G. Brown, Jr.  
State Capitol, First Floor  
Sacramento, CA 95814

SUBJECT: Drought Conservation Efforts

Dear Governor Brown:

Thank you for your leadership in bringing water and conservation efforts to the forefront of California's policy priorities during this period of exceptional drought.

We appreciate your understanding of the importance of avoiding unnecessary and detrimental impacts to the economy.

Along with our Senate Democrat colleagues, we agree that it is imperative that state agencies and departments be required to follow the same requirements as mandated to all Californians. Local governments should also be encouraged to follow this same set of guidelines. It is the right thing to do.

It is also important that agencies can and should move more quickly to get bond funds out the door as soon as possible. When the voters approved Proposition 1 last year, they had an expectation that at least some of these funds would help us get through the current drought. You promised voters that Proposition 1 "secures our water future, keeps our family farms and businesses productive, and puts Californians to work building the new facilities we need to store, deliver, and treat water."

While we did not support many of the enforcement mechanisms that have been established through legislation and executive orders, we agree that the State Water Resource Control Board should continue to work to reduce illegal water diversions, particularly for illegal marijuana growing operations. At the same time however, the state should also honor its long-standing adherence to the water right priority system before curtailing any water rights.

We urge caution on any tiered water rate reform being contemplated in the wake of the San Juan Capistrano decision. We believe the San Juan Capistrano decision left plenty of room for tiered water rate structures to remain, provided they are done appropriately and are related to the cost of providing water. We also believe it was clear that this ruling allows water agencies to factor in the capital costs of

upgrades to their water system in determining the tiered rates. With all due respect, we hardly believe this ruling was the "straightjacket" that you suggested in the immediate aftermath of the decision.

As you know, agriculture has become the scapegoat of this drought and we appreciate the fact that you've pointed out to the media and others that California agriculture feeds the world and is not a habitual water waster, as some suggest. While water use efficiencies are important, and can always be achieved in any sector, we disagree with our Senate Democrat colleagues' contention that agriculture "can – and should – do more during the drought." Frankly, with zero allocations in many areas of the state and as much as one million acres going fallow this year, agriculture has suffered more than enough. Caution and careful consideration is strongly urged against empowering government to dictate crop rotation.

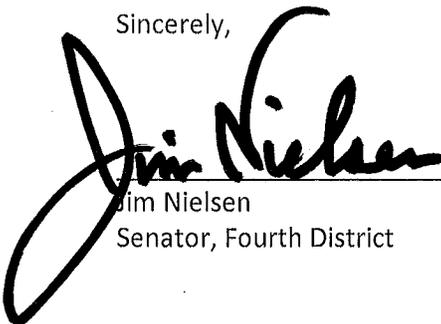
While we fully support conservation efforts and the use of more innovative technologies to efficiently use water, conservation is not enough. We need new sources of reliable, clean water. The construction of significant large surface storage projects is critical in planning for our state's water needs and we are watching closely the process at the water commission to ensure that the state maximizes the use of the \$2.7 billion that was provided in the bond for new water storage.

With that backdrop, last week, you presented a plan to "streamline environmental permitting for critical water supply projects...that focus on projects that increase local water supplies with limited environmental impacts." While we have yet to see any details of this plan, we urge you to support existing legislation, Senate Bill 127 (Vidak), that will provide a similar level of streamlined review for all water projects funded by the water bond that was provided for the new downtown Sacramento arena.

We understand the need to encourage conservation through penalties. We do not, however, agree with the last week's legislative proposal to "deputize staff to issue water conservation-related warning and citations" to issue "fines of up to \$10,000 per violation." Nor do we believe that allowing these penalties to be issued administratively is appropriate. While you characterize this as merely "speeding up an infraction process involving courts that were established in last year's emergency drought legislation," you are now talking about the potential for a \$10,000 violation, way beyond the bounds of infraction penalties. We are also extremely concerned, as we have been in the past regarding administrative penalty enforcement, about due process rights.

This drought is a true test of character for all Californians. And like you, we are optimistic that Californians can adapt to the drought and work together until it rains again. But in that spirit, we must also work together in government to develop projects, strategies, incentives, and only when necessary, penalties, that make sense, do not trample on longstanding private property rights, and help get us through this crisis without destroying our economy. We proved we could do that last year with the passage of the historic water bond. We urge you to continue to work in that same manner, and to do so without compromising the clearly defined intent of this bond.

Sincerely,



Jim Nielsen  
Senator, Fourth District



Bob Huff  
Senate Republican Leader



Jean Fuller  
Senate Republican Leader-elect



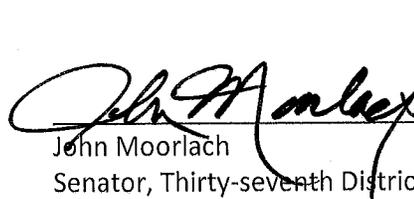
Patricia Bates  
Senator, Thirty-sixth District



Tom Berryhill  
Senator, Eighth District



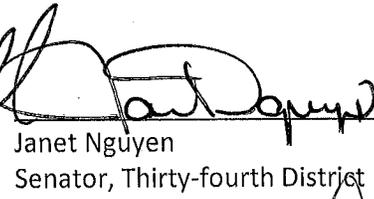
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Senator, First District



John Moorlach  
Senator, Thirty-seventh District



Mike Morrell  
Senator, Twenty-third District



Janet Nguyen  
Senator, Thirty-fourth District



Sharon Runner  
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Senator, Twenty-eighth District



Andy Vidal  
Senator, Fourteenth District