



June 4, 2024

Courtney Tyler, Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-2000  
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Subject: Comment Letter—Proposed Making Conservation a California Way of Life Regulation

Dear Honorable State Water Resources Control Board,

The Coachella Valley Regional Water Management Group (CVRWMG) includes Coachella Water Authority (CWA), Coachella Valley Water District (CVWD), Desert Water Agency (DWA), Indio Water Authority (IWA), Mission Springs Water District (MSWD), and Valley Sanitary District (VSD). The group represents a collaborative effort to implement the Coachella Valley Integrated Regional Water Management (CVIRWM) Plan to address the water resources planning needs of the Coachella Valley. The CVRWMG's Region is located in central Riverside County, within the Colorado River Funding Area.

The CVRWMG would like to express our appreciation for the opportunity to comment on the third draft of the Making Conservation a California Way of Life Regulation (Regulation). After reviewing the third draft of the proposed Regulation, we continue to have concerns (which we outlined in our previous letters) that have not been addressed. We believe our comments and recommendations make valuable contributions that increase the feasibility of compliance with the proposed Regulation. Specific comments and recommendations are provided below.

### **Feasibility**

In our previous letter, we requested a change to the LEF standard of 0.55 due to feasibility concerns. The CVRWMG is disappointed this was not addressed in the updated proposed Regulation. The CVRWMG is made up of agencies in an arid region with many disadvantaged communities (DACs) and water agencies in the region have expressed concerns about the feasibility of a residential outdoor 0.55 LEF standard. Achieving 0.55 LEF for 2040 will be a tremendous lift for many suppliers, and could still impose significant affordability challenges, particularly absent dedicated funding or technical assistance. The 0.55 LEF is based on design standards and many factors in the real world make striving for this level of efficiency impractical, especially for communities in the highest evapotranspiration zones in the state.

Similarly, we originally requested the inclusion of 20% irrigable non irrigated (INI) as irrigated and not as a buffer. Including the 20% INI as a buffer does not meet the intent of the legislation or conform with real-world conditions. This 20% should not be viewed as additional, but as an area that is being irrigated. The Department of Water Resources conducted a statistical analysis of outdoor water use, Landscape Area Measurement (LAM) and INI data. The data concluded that the INI area is being irrigated at one-fifth or 20% of the irrigable area.

We also continue to request that Effective Precipitation be removed from the final Regulation and outdoor standard. Landscapes are generally not designed to consider effective precipitation since it is highly variable in our region. Precipitation can percolate below the root zone of the plant negating its beneficial effect to that plant's watering needs. Additionally, precipitation is often not distributed evenly throughout suppliers' service areas. Some areas may receive precipitation and other areas none, making it difficult to apply one effective precipitation rate at the water supplier level.

We continue to request changes that recognize inherent data limitations and gaps. If the 20% INI buffer is not a permanent facet of all suppliers' budgets, the State should consider a Data Error Adjustment.

In Section 974, which addresses commercial, industrial, and institutional best management practices, the draft Regulation should replace "implement" with "offer" to recognize suppliers' appropriate authorities. Water agencies cannot feasibly implement programs against the will of, or without express consent from, their customers.

#### **Tree Provisions**

The third draft incorporates a new variance for tree canopies, however, as written we have concerns regarding implementation. We support ACWAs recommended changes to the Tree Variance so that it is feasible for water suppliers to utilize.

#### **Alternative Compliance**

We appreciate that the second draft Regulation modified alternative compliance pathways to be more accessible for suppliers facing large reductions. This path to compliance is an essential improvement for agencies facing the challenge of operating at the limits of their resources, while striving to meet the required objectives. The modified alternative compliance pathways will be based on the median household income (MHI) of the population served by suppliers, which will greatly benefit the many DACs in the Coachella Valley and in California.

#### **Collaboration**

We value the State Water Resources Control Board's commitment to working with all suppliers, non-governmental organizations, and other entities in drafting the Regulation. Collaboration plays a vital role in drafting the Regulation as it ensures diverse perspectives are considered, leading to more comprehensive and effective policies. We request the State Water Resources Control Board continue to work with all suppliers, non-governmental organizations, and other entities on addressing unclear or inconsistent language before the Regulation goes to Board.

Thank you again for providing an opportunity to comment. We look forward to continuing to work with you on this topic.

Sincerely,

A handwritten signature in black ink, appearing to read "Zoe Rdr".

Zoe Rodriguez del Rey  
On behalf of the Coachella Valley Regional Water Management Group  
Water Resources Manager  
Coachella Valley Water District

CVRWMG agency representatives:

Steve Johnson, Desert Water Agency  
Ron Buchwald, Valley Sanitary District  
Castulo Estrada, Coachella Water Authority  
Reymundo Trejo, Indio Water Authority  
Marion Champion, Mission Springs Water District