



Responding to the Governor's Drought State of Emergency Declaration: **Necessary (mostly), but Not Sufficient**

As almost every Californian knows by now, last week Governor Brown [declared](#) a drought State of Emergency. While PCL applauds the Governor for recognizing the severity of the drought and taking much-needed action, there are some provisions of his proclamation that raise concerns, including the limited suspension of some environmental laws to allow for more water transfers and releases.

As California struggles with the lowest recorded rainfall history, we have to decide if our response to this crisis will represent a 'business as usual' approach that continues our expensive and environmentally damaging 'pump-and-dump' approach to water; whether we focus on short-term 'fixes' to help us through our current emergency without needed long-term reforms; or if we instead take the opportunity to make fundamental changes to California's water policies. While PCL renews our call for a [new paradigm for water planning](#) in California, the Governor's proclamation, as important as it is, seems to instead be taking a more modest approach. While baby steps may be politically palatable, they will inevitably leave California wrestling with these same problems years and decades from now. Californians cannot continue to live in desert denial, and must instead embrace the opportunity to move towards a more sustainable and equitable water future to safeguard California's communities, economy and environment for generations to come.

Following is the Planning and Conservation League's assessment of what the Drought Declaration does and the critical pieces it misses. Due to understandable concerns over the Declaration's limited suspension of CEQA, we've also focused on how concerned we should be with these provisions.

THE DROUGHT DECLARATION, DECODED

Statewide Water Conservation Campaign

Through Directives 1-3, the declaration directs the Department of Water Resources and other state agencies to embark on a statewide water conservation campaign to build upon the existing [Save Our Water](#) campaign that will encourage Californians to reduce their water usage by 20 percent. Local water agencies are called upon to begin implementing their shortage contingency plans, while state agencies were directed to immediately implement water use reduction plans for all state facilities.



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What It Means

While embarking on such water conservation campaign and asking for a 20% reduction in water usage is a positive step, it simply does not go far enough in light of the realities of California's water situation. Californians consume, on average, 2-3 times the water used by people in most other parts of the world, despite the fact that the vast majority of us reside in semi-arid regions with limited local water supplies. To get serious about conservation, reductions must be mandatory, as many local agencies and municipalities are already pursuing, and 20% is simply not sufficient to ensure the long-term health of California's waters and communities. Moreover, the Declaration should acknowledge that an across-the-board reduction is a blunt instrument that will penalize those who already conserve water as well as low-income communities, while letting consumers and sectors that waste water off the hook comparatively.

California can and should look to Australia and many other countries that have turned their water limitation realities into action that seriously reduced water consumption. For more information on the steps California should be pursuing, see PCL Executive Director's Bruce Reznik's [blog](#) on the subject.

Directions to the State Drought Task Force

Through the Declaration's Directives 19 and 20, it directs the State's Drought Task Force, which was established in December and is comprised of the Department of Water Resources, State Water Resources Control Board, California Department of Food & Agriculture and Office of Emergency Services, to report to the Governor on a daily basis and engage in emergency planning around the drought.

What It Means

PCL supports the creation of the Drought Task Force, but we have not heard much from this group to date. It is our hope that this group will operate transparently, seeking community as well as technical input into their deliberations, and will work to address the foundational issues that have led to California's water crisis, and not just explore temporary fixes that will not meet the state's long-term water needs.

State Agency Drought Planning

Directives 10-18 require state agencies, including the Department of Water Resources, Department of Fish and Wildlife, , and the California Department of Forestry and Fire Protection, among others, to develop reports and recommendations and improve drought-related planning. This includes exploring the impacts of the drought on drinking water and groundwater levels, agricultural, threatened and endangered species, fishing, and climate forecasting.

Moreover, agencies are also directed to provide financial and technical resources to address critical shortages of drinking water, support impacted farmers, protect sensitive wildlife areas, address firefighting needs, safeguard the Delta, and protect other communities disproportionately impacted by the drought.

What It Means

PCL wholly supports improved planning and the release of technical and financial resources to provide the maximum protections possible to impacted communities, wildlife and other natural resources. We hope the agencies involved in planning will take a holistic and long-term look at how we can make California's water planning more sustainable and equitable.

Faster Funding

Directive 6 requires the Department of Water Resources and the Water Board to accelerate funding for water supply enhancement projects that can break ground this year and explore if existing unspent funds can be repurposed to enable near-term water conservation projects.

What It Means

PCL supports the accelerated release of funds to water supply enhancement projects, and we again ask these agencies to develop appropriate criteria to ensure that those funds be used for projects that enhance regional self-sufficiency and resiliency, and prioritize water conservation and efficiency, stormwater harvesting and graywater use, and water reclamation over more expensive and damaging options (such as open-ocean desalination or water transfers or storage). The funds should be developed and allocated in a manner that promotes transparency and accountability.

CEQA Suspension

Directive 9 of the Drought Declaration waives the California Environmental Quality Act (CEQA) (as well as Water Code section 13247, which we will not analyze here), for two other Directives, 5 and 8, which we will break down here.

Directive 5: The Water Board will immediately consider petitions requesting consolidation of the places of use of the State Water Project and Federal Central Valley Project, which would streamline water transfers and exchanges between water users within the areas of these two major water projects.

This is a rather strange directive from both a factual and a procedural standpoint. Water transfers between the State Water Project and the Federal Central Valley Project are unlikely to happen anytime soon, since neither has enough water to transfer. Due to the lack of water, this hardly seems like it will assist anyone during the drought. Further, short-term water transfers are *already* exempt from CEQA, if they are for less than a year. Finally, there is *already* a current temporary transfer allowed between the SWP and the CVP, approved on July 1, 2013 and continuing through spring 2014. Directive 5 therefore concerns us because it looks like it might apply beyond the duration of the drought, and exempt longer-term transfers when there is actually water. Our concerns would be assuaged if there were a sunset (a "rainset," says our Water Policy Advisor Jonas Minton) clearly in the drought declaration.

Directive 8. The Water Board will consider modifying requirements for reservoir releases or diversion limitations, where existing requirements were established to implement a water quality control plan. These changes would enable water to be conserved upstream later in the year to protect cold water pools for salmon and steelhead, maintain water supply, and improve water quality.

As with other responses to the drought, there's an urgency to Directive 8 that we understand. However, this drought did not come as a surprise (we're in year 3 and got a practice round nearly 40 years ago), so there is every reason we should engage in longer term planning that does have the benefit of environmental review when we have more time to look at the implications thoroughly. That it enables water conservation later in the year is not the same as guaranteeing this essential protection for native fish. Directive 8 still has some environmental oversight, but as with the entirety of the drought declaration, we'd like to see a rainset to this provision. And more than anything, California cannot continue its penchant for water planning by crises, where we fail to take needed long-term actions, and instead wait for emergencies to take action (which puts us in the uncomfortable position of needed to waive important oversight mechanisms due to the urgency of the situation).

There are understandable concerns, given the Governor's well-known disdain for CEQA and his strong desire to move forward with the Bay-Delta Conservation Plan (BDCP) as proposed, that these waivers are designed with a longer-term goal of enabling the 'twin tunnels' to be built faster and with less oversight. A rainset on these provisions would go a long way to ensuring that could not happen.