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[March 14, 2016]

California Water Commission
 Attention: Jennifer Marr
 901 P Street, Room 314
 P.O. Box 924836
 Sacramento, CA 94236

Re: Comments on Proposed Regulations for the California Water Commission's Water Storage Investment Program

[Dear Chair Byrne and Water Commissioners,]

Thank you for the opportunity to comment on the draft Water Storage Investment Program regulations (pursuant to Chapter 8 of Proposition 1). Unfortunately, we find the way in which climate science is currently included in the draft regulations to be highly problematic.

The draft regulations artificially truncate the analysis of climate impacts at mid-century while California has invested in developing climate change projections out to the end of the twenty-first century. The current approach could lead the Commission to fund water storage projects that will not be able to deliver public benefits for the lifetime of the project given the insufficient and incomplete analysis.

The draft regulations do not properly analyze climate change for the entire period over which public benefits can accrue. In particular, Section 6004 (a)(1)(C) asks project proponents to utilize climate projections that only depict conditions out to mid-century and states that: ***"After 2050, climate conditions shall be assumed to remain at 2050 conditions."***

We find this statement to be scientifically indefensible (see letter signed by a number of California's leading climate scientists). In fact, multiple studies find that climate impacts are likely to become more severe *after* mid-century. In addition, we find this statement to be inconsistent with existing laws. We provide summaries of these inconsistencies below.

Draft regulations inconsistent with Assembly Bill 1482

Assembly Bill 1482 added requirements for state agencies to plan for, and maximize, climate adaptation where applicable and feasible. (Assem. Bill No. 1482 (2015-2016 Reg. Sess.) § 2.) Pertinent to these regulations, drought resiliency related to climate change must be addressed. (Cal. Pub. Res. Code § 71154, subd. (e).)

Section 6004 (a) of these draft regulations ignores the mandates in AB 1482 by allowing the analysis of climate change and drought resiliency to stop at mid-century while project benefits continue to accrue as far into the future as the 2120s.

Draft regulations inconsistent with Executive Order B-30-15

Executive Order B-30-15, issued by Governor Brown, mandates that climate change be taken into account for planning and investment decisions. (Governor's Exec. Order No. B-30-15 (Apr. 29, 2015).) Again, Section 6004 (a) of these draft regulations is inconsistent with Executive Order B-30-15 by allowing for the analysis of climate change and drought resiliency to stop at mid-century while project benefits continue to accrue to the 2120s.

Draft regulations inconsistent with Water Code Section 79750 (b)

Finally, Water Code Section 79750 (b) appropriated money for the Water Storage Investment Program, but clearly stipulated that these funds could only support public benefits. While the draft regulations truncate the analysis of climate change impacts at mid-century, multiple scientific studies find that climate impacts are likely to become more severe *after* mid-century. By not requiring an analysis of climate change impacts after mid-century, project proponents may significantly overstate public benefits that can be provided by the project over its lifetime. Thus, Section 6004 (a) of these draft regulations violates Water Code Section 79750 (b) by not ensuring that funds go toward public benefits that could be credibly realized over the lifetime of the project.

We ask that you revisit these regulations and make changes to Section 6004 (a) in order to comport with science, and ensure that expensive investments in infrastructure projects are designed to deliver real public benefits that will protect the economy, health and safety of current and future Californians.

Sincerely,

A handwritten signature in black ink, appearing to read 'Juliet Christian-Smith', written in a cursive style.

Juliet Christian-Smith, Ph.D.
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Union of Concerned Scientists
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