



Citizens United for Resources and the Environment

**MEMORANDUM**

To: Riverside Board of Public Utilities

Cc: City Clerk for Public Record

From: Citizens United for Resources and the Environment, Inc.

Date: June 14, 2021

Re: **Urban Water Management Plan/Water Shortage Contingency Plan/Water Conservation Ordinance (the “Water Package”)**

cc Mayor  
City Council  
City Manager  
City Attorney  
ACMs  
DCM  
PU General Manager

Citizens United for Resources and the Environment (“CURE”), a 501(c)(3) appreciates the effort of RPU staff to provide increased public input prior to adopting the above three inter-related documents. The Urban Water Management Plan (“UWMP”), Water Shortage Contingency Plan (“WSCP”) and Water Conservation Ordinance (“Ordinance”) overlap and incorporate each other and will be referenced as the “Water Package”. Together, the Water Package outlines how RPU will manage its water over at least the next five years and possibly beyond including what steps are required to curtail water use if an actual shortage occurs. The Water Package is particularly relevant now, because the State of California likely will issue emergency orders concerning a statewide drought that frankly does not affect Riverside’s water rights or entitlements nor Riverside’s increased need to use water for the public benefit in adapting to climate changes including greater temptations and pollution.<sup>1</sup>

CURE believes that RPU staff in good faith is interested in addressing many of these issues but found itself complying with arguably arbitrary deadlines, staff reductions, and confusion over which department of the City is responsible for quarterbacking sustainability efforts. Though CURE appreciates RPU’s commitment to move the ball forward, that commitment is ephemeral until the City Council acts. Nor does the UWMP deadline of July 1, 2021, excuse the City from its obligations under the California Environmental Quality Act (“CEQA”) or the public trust doctrine. As such, and until there is more clarity on how the City intends to proceed including adoption of

---

<sup>1</sup> CURE urges the Board to request that City Council hold an actual workshop on June 22, 2021, to discuss these issues and to further educate the public. Remarkably, the matter currently is on consent and was posted even before the Board votes tonight - a habit of RPU staff that needs to stop. Not only does it arguably run afoul of the Brown Act, but it can also deter this Board from making amendments to documents already posted.



## Citizens United for Resources and the Environment

proposed amendments to the Water Package, CURE is submitting these documents for the administrative record.<sup>2</sup>

This submission raises six key points:

(1) The City is not mandated by state regulatory agencies to reduce its water consumption so long as that water is reasonably and beneficially used. Council should reaffirm the independence of our water rights under the California constitution regardless of what steps are undertaken voluntarily.

(2) Riverside has an affirmative responsibility under the common law, UWMP, and Riverside's Envision 2025 Strategic Plan to address how worsening climate impacts water management and irrigation demand. This includes evaluating how water can be reasonably and beneficially used to protect public health and the environment and NOT mandating reductions in outside watering until those impacts are identified and mitigated.

(3) RPU and the City should not adopt and cannot implement the water restrictions contemplated in the Water Package without CEQA review. The bald factual assertions in the Ordinance ostensibly exempting this project from CEQA are not supported by evidence explaining how this Water Package does not have a direct impact on the environment let alone a reasonably foreseeable one. To the contrary, Riverside's Department of Public Works, RPU, and the Office of Sustainability have documented the damage to tree canopies and to outdoor green spaces caused by the unnecessary reduction of water in 2015. And worsening climate is not in dispute. As recently as May 2021, the City Council received a detailed presentation by C-CERT concerning how climate change will worsen heat and air pollution and particularly so in poorer communities. The State of California indeed granted Riverside millions of dollars for tree planting to mitigate GHG emissions based on representations by city officials about the need to adapt to climate change. Ample evidence as well as common sense supports the inevitable conclusion that implementation of the Water Package will have the same adverse effect as in 2015, and likely worse, unless reductions and impacts are properly studied and mitigated.

(4) The WSCP and Ordinance are silent on what RPU staff uses to determine water availability in any given year - a key measurement for determining when the ordinance and water shortage contingency provisions are triggered as well as when a surplus exists for transferring water under various agreements. Staff needs to differentiate now between wet

---

<sup>2</sup> On June 2, 2021, CURE submitted proposed redline edits to the Urban Water Management Plan, correspondence between CURE and RPU staff, and a detailed chart comparing the RPU and San Diego Water Authority's handling of the climate requirements of the UWMP, all of which are incorporated herein.



water and paper water. Despite assurances that transfers into Norco and Western Municipal Water District will cease before any shortage contingencies are adopted, this is unclear.<sup>3</sup>

(5) RPU admits to losing approximately nine percent of its water entitlement through loss either in the pipes or at the meters which constitutes waste under California law and is costly to ratepayers. RPU should prioritize all investments in addressing the loss of potable water before spending any additional monies on recycled water or other regional recharge projects that net far less water at greater expense.

(6) During joint hearing before the City Council and RPU Board in 2017, staff agreed to begin adopting budget based rather than block rates which allow larger properties to sustain outdoor greenery without penalty.

1, **THE CITY MUST CONTINUE TO ASSERT ITS CONSTITUTIONALLY PROTECTED WATER RIGHTS AGAINST COOKIE CUTTER STATE MANDATES THAT DON'T APPLY**

Riverside didn't have a water shortage in 2015, and we will not have a shortage in the next five years.

The vast majority of Riverside's water comes from groundwater in the Bunker Hills Basin located to the north along the San Bernardino Mountains. These groundwater water rights were perfected by our forebearers prior to 1914, and were judicially adjudicated in 1969. In a Verified Petition protecting Riverside's water rights filed in 2015, Riverside stipulated to the following facts:<sup>4</sup>

1. Riverside has owned and operated a water utility providing its residents with potable and non-potable water since 1913.
2. Riverside currently imports no water from northern California and is wholly dependent upon local groundwater to serve the needs of its customers. In fact, Riverside is 'water independent' has at least a four-year supply of water in its groundwater basins, its groundwater basins are naturally recharged, and Riverside has no plans to import water to serve the needs of its customers.
3. Riverside has invested a significant amount of money and time to be water independent. Since 1913, Riverside acquired seven private water companies - mainly serving agricultural customers - who had significant rights to extract groundwater from local basins. The principal reason for acquiring four of those water companies was to assure that the water rights of those companies would be available for domestic, commercial, and

---

<sup>3</sup> Forcing Riversiders to curtail water use when water is available while transferring water to Norco and Western also negatively impacts the General Fund since RPU charges less to those agencies than its retail customers and does not include a General Fund or utility tax charge.

<sup>4</sup> The importance of a Verified Petition is that the facts are deemed admitted against the party verifying them.



## Citizens United for Resources and the Environment

industrial purpose when those service areas converted from agriculture to urban use. Riverside also has acquired shares in other private water companies, all of whom have similar ground water extraction rights.

4. Riverside primarily sources its water from an adjudicated groundwater basin, which is replenished naturally through precipitation. The water levels in that basin have remained stable over the past four years and are anticipated to remain stable. Basin water supplies are carefully monitored, and the basin hydrology is well understood. The basin is operated to maintain water levels between a minimum level and a maximum level to prevent local flooding. Riverside has at least a four-year supply of water in the basin. As a result of the unique adjudication which cannot be simply revised, any water that Riverside does not extract will sit in the basin and cannot be extracted or used by others.

5. Riverside truly is 'Water independent.'"

Verified Petition paragraphs 5-8, *City of Riverside v. State Water Resources Control Board*, Case no. 15 CECG 0769 (2015).

Though water rights are too complicated a topic to explain in depth here, it is important this Board and Council understand that a state agency cannot simply order Riverside to reduce its water usage. Moreover, Riverside reducing its water usage helps no one — least of all its own residents. Ratepayers in our City invested in water infrastructure and entitlements to which the public is entitled to use fully unless that water is being wasted - the only limitation under the California constitution. Nor can the State of California through regulation force Riverside to transfer water to third parties without compensation. The State Water Resources Control Board essentially "blinked" in response to Riverside's petition recognizing the limitations of its powers under these circumstances. Today, however, it is even more doubtful that the State Water Board would object if Riverside demonstrated that its water usage is directly linked to climate adaptation because addressing climate is an equally important - if not greater — goal of the State.

This is not to say that Riverside needs to file another lawsuit or get into a brawl with the State Water Board or the Department of Water Resources ("DWR") — agencies which, since 2015, have acknowledged the adverse impacts caused to trees and urban landscapes because of the "sledgehammer" approach of the emergency orders. Open communication with staff of DWR and the SWRCB will better educate them to the real-life issues facing this community and allow DWR and the State Water Boards to adjust future regulations to better balance conflicting state policies. The City does have a fiduciary obligation to assert our water rights and not to blindly reduce water to the detriment of the environment in response to drought regulations that don't apply to this area.



2. **RIVERSIDE HAS AN AFFIRMATIVE DUTY TO INCLUDE HOW WATER CAN BE MANAGED FOR CLIMATE ADAPTATION**

A. **Urban Water Management Statutes and Guidelines Require Specific Analysis of Climate**

In the UWMP, each urban water supplier is required to describe their service area; one of the things that must be included in this description is the climate of the area.<sup>5</sup> This was a change in the 2020 UWMP Guidebook; the 2015 UWMP Guidebook did not include guidance on climate considerations.<sup>6</sup> Several provisions of the California Water Code refer to climate change: sections 10608, 10609, 10610.2, 10630, 10631, 10635. Sections 10608, 10609, 10610.2, and 10630, set out the Legislature's intent in including climate considerations in a UWMP.<sup>7</sup> Section 10631 and 10635 include mandatory language for urban water suppliers (emphasis added)

Water Code Section 10631

A plan shall be adopted in accordance with this chapter that shall do all of the following [...]  
(b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a) providing supporting and related information, including all of the following:

(1) A detailed discussion of anticipated supply availability under a normal water year, single dry year, and droughts lasting at least five years, as well as more frequent and severe periods of drought, as described in the drought risk assessment. *For each source of water supply, consider any information pertinent to the reliability analysis*

---

<sup>5</sup> Cal. Wat. Code § 10631

<sup>6</sup> Cal. Wat. Code § 10630. Urban Water Management Plan Guidebook 2020 (hereinafter "Guidebook"), State of California Department of Water Resources, I-4-I-39 (2020), <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Urban-Water-Management-Plans/Draft-2020-UWMP-Guidebook.pdf>.

<sup>7</sup> See *id.* (listing the provisions in the California Water Code that contain climate considerations).

Cal. Wat. Code § 10608-09, 10610.2, 10630 ("The Legislature finds and declares all of the following: [...] (b) Growing population, climate change, ... make it essential that the state manage its water resources as efficiently as possible" ... "(a) (c) It is the intent of the Legislature that the following principles apply to the development and implementation of long-term standards and urban water use objectives: ... (2) Long-term standards and urban water use objectives should advance the state's goals to mitigate and adapt to climate change" ... "(a) The Legislature finds and declares all of the following: [...] (3) A long-term, reliable supply of water is essential to ... improving water use efficiency within the state's communities and agricultural production, and strengthening local and regional drought planning are critical to California's resilience to drought and climate change" ... "It is the intention of the Legislature, in enacting this part, to permit levels of water management planning commensurate with the numbers of customers served and the volume of water supplied, while accounting for impacts from climate change."



*conducted pursuant to Section 10635, including changes in supply due to climate change.*

Water Code Section 10635 (b). Every urban water supplier shall include, as part of its urban water management plan, a drought risk assessment for its water service to its customers as part of information considered in developing the demand management measures and water supply projects and programs to be included in the urban water management plan. The urban water supplier may conduct an interim update or updates to this drought risk assessment within the five-year cycle of its urban water management plan update. The drought risk assessment shall include each of the following: [...]

*(4) Considerations of the historical drought hydrology, plausible changes on projected supplies and **demands under climate change conditions**, anticipated regulatory changes, and other locally applicable criteria.*

[Emphasis added]. DWR offers several suggestions on what an urban water supplier should consider when including climate in their UWMP.

The City of Riverside also has published its own plans to achieve sustainability goals. The Envisions 2025 Strategic Plan states that the City intends to: “Maintain and conserve 30% of Riverside’s natural lands in green space including, but not limited to, agricultural lands and urban forests in order to protect and to restore Riverside’s rich biodiversity and accelerate the natural removal of carbon, furthering our community’s climate resilience.”<sup>8</sup> This action by Riverside comes on the heels of California Governor Gavin Newsom’s executive order issuing a goal for the state to conserve at least 30 percent of California’s land and coastal waters.<sup>9</sup>

Riverside has an affirmative duty to include climate considerations in their UWMP. Section 6.2 of the draft UWMP before this Board is a generic discussion of climate relying on a regional analysis of water availability rather than being tailored to the specific circumstances within the City. CURE has proposed an amendment to this language committing Riverside to taking the next step in measuring the actual water impacts and adaptation needed here through developing a baseline that measures temperature, pollution, health outcomes and carbon sequestration through available California Air Resource Board (“CARB”) models. CURE retained HDR, a nationally recognized

---

<sup>8</sup> See *Envision Riverside 2025*, City of Riverside Strategic Plan – 2020 Edition, [https://riversideca.gov/sites/default/files/COVID/City%20Strategic%20Plan\\_Spread%20Digital.pdf](https://riversideca.gov/sites/default/files/COVID/City%20Strategic%20Plan_Spread%20Digital.pdf) (last visited May 7, 2021) (listing the city’s strategic conservation plans for the following five years).

<sup>9</sup> See Cal. Exec. Order No. N-82-20 (detailing Governor Newsom’s goals to improve conservation in California).





environmental consulting firm, to provide a comparison to San Diego Water Authority's UWMP which quantified climate impacts more accurately. HDR also submitted a proposal that would help facilitate Riverside measuring its current baseline which, in turn, would permit the City to better evaluate what mitigation is needed to address climate. This work can be undertaken at reasonable cost if done collaboratively with RPU and the City's Office of Sustainability.

## **B. The Sovereign has a Duty to Manage its Natural Resources for the Benefit of the Public**

The concept of the sovereign state protecting its natural resources for the use of all its citizens stems from Ancient Roman times. See Institutes of Justinian \*434 2.1.1 (explaining that, “by the law of nature,” there are some things that belong to the public and that water is one such example). From this, English common law further developed the concept of the sovereign holding and protecting these natural resources on behalf of all its people. The sovereign protecting the water resources of its citizens evolved into what is now recognized in California as the public trust doctrine. See *Nat'l Audubon Soc'y v. Superior Court*, 33 Cal. 3d 419, 433–34 (1983) (describing how the concept of protecting natural resources developed). While this doctrine was initially created by California courts and was originally limited to tidelands, the public trust doctrine was eventually codified by the California legislature. See Cal. Water Code § 85023 (2010) (codifying the public trust doctrine within California law).

Under the California public trust doctrine, officials have an affirmative duty to take public resources (e.g., water) into account to the extent feasible when the decisions of these administrative bodies would impact those resources. See Dave Owen, *The Mono Lake Case, The Public Trust Doctrine, and the Administrative State*, 45 U.C. Davis L. Rev. 1099, 1101 (2012) (highlighting the impact of the public trust doctrine on administrative decisions). See also Regalia, *A New Water Law Vista: Rooting the Public Trust Doctrine in the Courts*, 108 Ky Law Journal (1019-2020).

In *Juliana v. U.S.*, 947 F.3d 1159, 1175 (9th Cir. 2020), the Ninth Circuit came close to recognizing that the government had an affirmative duty to address climate but concluded that the case was too broad, and the plaintiff could not show Article III repressibility. *Id.* at 1173 (explaining that redressability in this circumstance would mean that the court would have to “allocate political power and influence,” something the court did not have standards to guide in exerting this authority). There, a group of young people, nonprofit associations of young environmental activists and purported guardians of future generations brought action for declaratory and injunctive relief against the United States alleging that defendants continue to permit, authorize, and subsidize fossil fuel to their detriment. The Court dismissed the case holding that it lacked Article III jurisdiction because the alleged harm was so amorphous as to not be repressible. According to the Court: “Reluctantly, we conclude that such relief is beyond our constitutional power.



Rather the plaintiffs' impressive case for redress must be presented to the political branches of government.

The facts of *Juliani* were extremely broad, and the plaintiffs could not link government action to specific climate impacts. Here, any reduction of Riverside's water for irrigating trees and green spaces when ample water exists would directly impact climate as already documented by the City itself and could trigger substantive due process rights protected under the federal and state constitution.

### 3. **RIVERSIDE'S CLAIM THAT THE WATER PACKAGE IS EXEMPT FROM CEQA LACKS ANY FACTUAL OR EVIDENTIARY SUPPORT AND IS ERROR**

The City does not even take a stab at making proper CEQA findings in the Water Package except to blithely recite provisions in the CEQA Guidelines claiming an "exemption". In Section 7 of the Ordinance, the City concludes that "the Ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines "in that it will not result in a direct or reasonably foreseeable indirect physical change in the environment nor have a significant impact on the environment." (Ordinance at 4). Other than a blanket reference to staff reports, administrative record, and written and oral testimony, the City does not address any of the completely foreseeable consequences of reducing water usage as documented through its records following the 2015 cutbacks.

Can anyone really make this assertion with a straight face? In 2015, the City lost significant old growth along many of its public medians because of ceasing water use when staff has admitted there was ample water available as set forth in the Verified Petition referenced above. Numerous residents also lost trees and shrubs. The necessity to maintain green spaces and tree canopies to reduce heat and thus reduce electricity consumption is routinely cited by both RPU and the City in paying people to plant trees. In other words, if trees die, temperatures go up as does energy consumption. None of these reasonably foreseeable impacts are addressed. The lack of specific findings speaks volumes.

CEQA was enacted to advance four related purposes: to (1) inform the government and public about a proposed activity's potential environmental impacts; (2) identify ways to reduce, or avoid, environmental damage; (3) prevent environmental damage by requiring project changes via alternatives or mitigation measures when feasible; and (4) disclosure to the public the rationale for government approval of a project that may significantly impact the environment. Every CEQA analysis begins with the threshold question of whether the activity is a "project" as defined in Public Resources Code section 21065 and 21080. In *Union Medical Marijuana Patients, Inc. v. City of San Diego*, 7 Cal. 5th 1171 (2019), the California Supreme Court held that regardless of the





nature of a project, CEQA applies if it “may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” The *Medical Marijuana* court clarified that the analysis starts with a determination on whether an ordinance has the potential to impact the environment. “[A] proposed activity is a CEQA project if, by its general nature, the activity is capable of causing a direct or reasonably foreseeable indirect physical change in the environment. This determination is made without considering whether, under the specific circumstances in which the proposed activity will be carried out, these potential effects will actually occur.” *Id* at 1197 citing *Muzzy Ranch v. Solano County Airport Land Use Com*, 41 Cal. 4th 372 (2007)

Impacts resulting from adoption and implementation of the Water Package are far more obvious than those anticipated in *Medical Marijuana*. Here, there is no question nor any contrary evidence that outdoor water conservation in Riverside has a direct impact on the environment and on climate. The City’s reliance on section 15060(c)(2) and (c)(3) is entirely specious.

Nor is the project statutorily exempt. Subsection 15378 statutorily exempts:

- (1) proposals for legislation to be enacted by the State Legislature
- (2) Continuing administrative or maintenance activities such as purchases for supplies, personnel-related actions, general policy, and procedure making
- (3) The submittal of proposals to a vote of the people of the state
- (4) The creation of a government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potential significant impact on the environment.
- (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

CEQA Guideline section 15378. Given the record and lack of contrary substantial evidence, none of the exemptions in section 15378 apply.

Finally, the City absurdly claims that “The activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effort on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” *Id* at section 15061(b)(3).

CURE assumes that staff and this Board rely on its legal counsel to ensure that CEQA compliance occurs and may not be aware of this gross oversight. These findings, without evidence, are beyond the pale given the realities on the ground of what happened in 2015.



CURE understands that the RPU also feels compelled to complete the UWMP before the July 1, 2021, deadline; however, the City is not compelled to adopt the Ordinance or the Water Shortage Contingency Plan before then. The rush to push through all three items at the last minute and during COVID is not justified or required. In fact, CURE repeatedly has offered to directly request an extension from the Department of Water Resources and Secretary of Resources to provide Riverside additional time to properly complete these items - an extension that inevitably would be granted in light of Riverside's well-known ability to provide supply to its community.

**4. THE WATER PACKAGE IS VAGUE AS TO HOW RIVERSIDE DETERMINES WHEN THERE IS SHORTAGE OR SURPLUS**

After being forced to cut water supply in 2015, RPU sounded the alarm that excess water left in the Bunker Hill Basin could be "lost" based on non-use. As such, the decided to lease and wheel water to Western Municipal Water District and Norco at whole rates. According to Staff, these agreements are only triggered if there is a surplus of water. If a shortage exists, then the water must flow first to Riverside's customers though its entirely unclear if these provisions include water public benefit water for climate-related purposes.

Riverside has approximately 81,000 afy of "wet" water. After that, on paper, Riverside has up to 115,000 afy according to the UWMP comprised of "possible" recycled water and transfers from Metropolitan Water Agency. Though Riverside may increase its use of recycled water, that is not likely in the next five years. Further, if there is a drought declared, it is highly doubtful that MWD will be transferring water to Riverside.

CURE is urging staff to make clear what the baseline for surplus is so that the public is aware when water will be cut. This is critical not only for outdoor irrigation, but the Water Package also contemplates that the City will cease issuing water permits under certain circumstances. The public needs confirmation that, if a surplus is not declared, no water will flow to Western or Norco until after all Riverside's water needs are satisfied.

**5. RIVERSIDE MUST IMMEDIATE CORRECT THE NEARLY NINE PERCENT OF WATER LOSS IN ITS SYSTEM**

RPU has expended millions of dollars to identify new sources of water such as its recycled water system. Talk about the tail wagging the dog. Each year, staff acknowledges substantial loss in water. Whether that loss is occurring due to faulty meters or leaking pipes is not clear; however, what is clear is that RPU needs to focus on projects that capture Riverside water assets before it launches into new regional projects. CURE appreciates that RPU is going to begin conducting monthly water committee meetings to begin addressing what constitutes a waste of water and a significant loss of revenue to ratepayers.



Citizens United for Resources and the Environment

6. **RPU COMMITTED TO BUDGET BASED RATES AND HAS FAILED TO BEGIN THAT PROCESS**

Tied to maintaining green space and trees is the ability of larger property owners to afford water. In 2017, at the time rate increases were adopted, the City Council and RPU together agreed to undertake this transition. Nothing has occurred hence penalizing larger property owners shoe holed into block rates and thus discouraging proper maintenance of trees and shrubs benefiting all of Riverside.

**CONCLUSION**

CURE received the first draft of the Water Package on May 18, 2021. We hired technical consultants to assist in constructively responding and believe much progress has been made. We also have proposed revisions to Section 6.2.10 of the UWMP that would commit the City to undertake an analysis to genuinely measure the City's current climate baseline and to determine how heat, pollution and climate would benefit or be adversely impacted depending upon water supply. We urge that, in advance of the City Council approving this Water Package, those changes be made so that CURE has the confidence that RPU will in fact critically analyze the impacts of these documents before any implementation.

Regards,

/s/

Malissa Hathaway McKeith, Esq.

cc William Snape, III, Esq., Center for Biological Diversity  
Adam Keats, Esq.  
Jonas Minton, Planning and Conservation League  
Conner Everts, Southern California Water Alliance



Citizens United for Resources and the Environment

[curegroup.org](http://curegroup.org) (213) 300-3550 [malissacurepres@gmail.com](mailto:malissacurepres@gmail.com) 2873 Rumsey Dr. Riverside CA 92506

Date: 6-22-21  
Item No.: 7b and 7c



Citizens United for Resources and the Environment

CITIZENS UNITED FOR RESOURCES AND THE ENVIRONMENT ("CURE")  
PROPOSED AMENDMENT TO THE URBAN WATER MANAGEMENT PLAN SECTION 6.2.10  
June 22, 2021 Council Agenda

***"RPU recognizes the unique challenges and opportunities confronting the Riverside community as climate worsens, and Riverside has adopted a Strategic Plan to help adapt to these changing conditions. As part of these efforts, the City's Office of Sustainability and RPU will evaluate the current temperature, pollution and carbon sequestration benefits resulting from tree canopies, greenspaces and tributaries to the Santa Ana River. This evaluation will inform decision makers on what steps are needed to maintain or increase those climate assets and how increases or decreases in irrigation affect the environment. These efforts will assist in evaluating how water can be managed to adapt to climate changes and help inform the City's 2025 UWMP. Further, it will allow the City to prioritize areas where insufficient greening exists which typically occurs in disadvantaged areas."***

cc Mayor  
City Council  
City Manager  
City Attorney  
ACMs  
DCM  
PU General Manager



Citizens United for Resources and the Environment

## MEMORANDUM

To: Riverside Board of Public Utilities

Cc: City Clerk for Public Record

From: Citizens United for Resources and the Environment, Inc.

Date: June 14, 2021

Re: **Urban Water Management Plan/Water Shortage Contingency Plan/Water Conservation Ordinance (the “Water Package”)**

Citizens United for Resources and the Environment (“CURE”), a 501(c)(3) appreciates the effort of RPU staff to provide increased public input prior to adoption the above three inter-related documents. The Urban Water Management Plan (“UWMP”), Water Shortage Contingency Plan (“WSCP”) and Water Conservation Ordinance (“Ordinance”) overlap and incorporate each other and will be referenced as the “Water Package”. Together, the Water Package outlines how RPU will manage its water over at least the next five years and possibly beyond including what steps are required to curtail water use if an actual shortage occurs. The Water Package is particularly relevant now, because the State of California likely will issue emergency orders concerning a statewide drought that frankly does not affect Riverside’s water rights or entitlements nor Riverside’s increased need to use water for the public benefit in adapting to climate changes including greater temptations and pollution.<sup>1</sup>

CURE believes that RPU staff in good faith is interested in addressing many of these issues but found itself complying with arguably arbitrary deadlines, staff reductions, and confusion over which department of the City is responsible for quarterbacking sustainability efforts. Though CURE appreciates RPU’s commitment to move the ball forward, that commitment is ephemeral until the City Council acts. Nor does the UWMP deadline of July 1, 2021, excuse the City from its obligations under the California Environmental Quality Act (“CEQA”) or the public trust doctrine. As such, and until there is more clarity on how the City intends to proceed including adoption of

---

<sup>1</sup> CURE urges the Board to request that City Council hold an actual workshop on June 22, 2021, to discuss these issues and to further educate the public. Remarkably, the matter currently is on consent and was posted even before the Board votes tonight - a habit of RPU staff that needs to stop. Not only does it arguably run afoul of the Brown Act, but it can also deter this Board from making amendments to documents already posted.





## Citizens United for Resources and the Environment

proposed amendments to the Water Package, CURE is submitting these documents for the administrative record.<sup>2</sup>

This submission raises six key points:

(1) The City is not mandated by state regulatory agencies to reduce its water consumption so long as that water is reasonably and beneficially used. Council should reaffirm the independence of our water rights under the California constitution regardless of what steps are undertaken voluntarily.

(2) Riverside has an affirmative responsibility under the common law, UWMP, and Riverside's Envision 2025 Strategic Plan to address how worsening climate impacts water management and irrigation demand. This includes evaluating how water can be reasonably and beneficially used to protect public health and the environment and NOT mandating reductions in outside watering until those impacts are identified and mitigated.

(3) RPU and the City should not adopt and cannot implement the water restrictions contemplated in the Water Package without CEQA review. The bald factual assertions in the Ordinance ostensibly exempting this project from CEQA are not supported by evidence explaining how this Water Package does not have a direct impact on the environment let alone a reasonably foreseeable one. To the contrary, Riverside's Department of Public Works, RPU, and the Office of Sustainability have documented the damage to tree canopies and to outdoor green spaces caused by the unnecessary reduction of water in 2015. And worsening climate is not in dispute. As recently as May 2021, the City Council received a detailed presentation by C-CERT concerning how climate change will worsen heat and air pollution and particularly so in poorer communities. The State of California indeed granted Riverside millions of dollars for tree planting to mitigate GHG emissions based on representations by city officials about the need to adapt to climate change. Ample evidence as well as common sense supports the inevitable conclusion that implementation of the Water Package will have the same adverse effect as in 2015, and likely worse, unless reductions and impacts are properly studied and mitigated.

(4) The WSCP and Ordinance are silent on what RPU staff uses to determine water availability in any given year - a key measurement for determining when the ordinance and water shortage contingency provisions are triggered as well as when a surplus exists for transferring water under various agreements. Staff needs to differentiate now between wet

---

<sup>2</sup> On June 2, 2021, CURE submitted proposed redline edits to the Urban Water Management Plan, correspondence between CURE and RPU staff, and a detailed chart comparing the RPU and San Diego Water Authority's handling of the climate requirements of the UWMP, all of which are incorporated herein.



water and paper water. Despite assurances that transfers into Norco and Western Municipal Water District will cease before any shortage contingencies are adopted, this is unclear.<sup>3</sup>

(5) RPU admits to losing approximately nine percent of its water entitlement through loss either in the pipes or at the meters which constitutes waste under California law and is costly to ratepayers. RPU should prioritize all investments in addressing the loss of potable water before spending any additional monies on recycled water or other regional recharge projects that net far less water at greater expense.

(6) During joint hearing before the City Council and RPU Board in 2017, staff agreed to begin adopting budget based rather than block rates which allow larger properties to sustain outdoor greenery without penalty.

1, **THE CITY MUST CONTINUE TO ASSERT ITS CONSTITUTIONAL PROTECTED WATER RIGHTS AGAINST COOKIE CUTTER STATE MANDATES THAT DON'T APPLY**

Riverside didn't have a water shortage in 2015, and we will not have a shortage in the next five years.

The vast majority of Riverside's water comes from groundwater in the Bunker Hills Basin located to the north along the San Bernardino Mountains. These groundwater water rights were perfected by our forebears prior to 1914 and were judicially adjudicated in 1969. In a Verified Petition protecting Riverside's water rights filed in 2015, Riverside stipulated to the following facts:<sup>4</sup>

1. Riverside has owned and operated a water utility providing its residents with potable and non-potable water since 1913.

2. Riverside currently imports no water from northern California and is wholly dependent upon local groundwater to serve the needs of its customers. In fact, Riverside is 'water independent' has at least a four year supply of water in its groundwater basins, its groundwater basins are naturally recharged, and Riverside has no plans to import water to serve the needs of its customers.

3. Riverside has invested a significant amount of money and time to be water independent. Since 1913, Riverside acquired seven private water companies - mainly serving agricultural customers - who had significant rights to extract groundwater from local basins. The principle reason for acquiring four of those water companies was to assure that the water rights of those companies would be available for domestic, commercial, and

---

<sup>3</sup> Forcing Riversiders to curtail water use when water is available while transferring water to Norco and Western also negatively impacts the General Fund since RPU charges less to those agencies than its retail customers and does not include a General Fund or utility tax charge.

<sup>4</sup> The importance of a Verified Petition is that the facts are deemed admitted against the party verifying them.



## Citizens United for Resources and the Environment

industrial purpose when those service areas converted from agriculture to urban use. Riverside also has acquired shares in other private water companies, all of whom have similar ground water extraction rights.

4. Riverside primarily sources its water from an adjudicated groundwater basin, which is replenished naturally through precipitation. The water levels in that basin have remained stable over the past four years and are anticipated to remain stable. Basin water supplies are carefully monitored, and the basin hydrology is well understood. The basin is operated to maintain water levels between a minimum level and a maximum level to prevent local flooding. Riverside has at least a four-year supply of water in the basin. As a result of the unique adjudication which cannot be simply revised, any water that Riverside does not extract will sit in the basin and cannot be extracted or used by others.

5. Riverside truly is 'Water independent.'"

Verified Petition paragraphs 5-8, *City of Riverside v. State Water Resources Control Board*, Case no. 15 CECG 0769 (2015).

Though water rights are too complicated a topic to explain in depth here, it is important this Board and Council understand that a state agency cannot simply order Riverside to reduce its water usage. Moreover, Riverside reducing its water usage helps no one — least of all its own residents. Ratepayers in our City invested in water infrastructure and entitlements to which the public is entitled to use fully unless that water is being wasted - the only limitation under the California constitution. Nor can the State of California through regulation force Riverside to transfer water to third parties without compensation. The State Water Resources Control Board essentially "blinked" in response to Riverside's petition recognizing the limitations of its powers under these circumstances. Today, however, it is even more doubtful that the State Water Board would object if Riverside demonstrated that its water usage is directly linked to climate adaptation because addressing climate is an equally important - if not greater — goal of the State.

This is not to say that Riverside needs to file another lawsuit or get into a brawl with the State Water Board or the Department of Water Resources — agencies which since 2015 have acknowledged the adverse impacts caused to trees and urban landscapes because of the "sledgehammer" approach employed. Open communication with staff of DWR and the SWRCB will better educate them to the real-life issues facing this community and allow DWR and the State Water Boards to adjust future regulations to better balance conflicting state policies. The City does have a fiduciary obligation to assert our water rights and not to blindly reduce water to the detriment of the environment in response to drought regulations that don't apply to this area.



2. **RIVERSIDE HAS AN AFFIRMATIVE DUTY TO INCLUDE HOW WATER CAN BE MANAGED FOR CLIMATE ADAPTATION**

A. **Urban Water Management Statutes and Guidelines Require Specific Analysis of Climate**

In the UWMP, each urban water supplier is required to describe their service area; one of the things that must be included in this description is the climate of the area.<sup>5</sup> This was a change in the 2020 UWMP Guidebook; the 2015 UWMP Guidebook did not include guidance on climate considerations.<sup>6</sup> Several provisions of the California Water Code refer to climate change: § 10608, 10609, 10610.2, 10630, 10631, and 10635. § 10608, 10609, 10610.2, and 10630, set out the Legislature's intent in including climate considerations in a UWMP.<sup>7</sup> Section 10631 and 10635 include mandatory language for urban water suppliers (emphasis added)

Water Code Section 10631

A plan shall be adopted in accordance with this chapter that shall do all of the following [...] (b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a) providing supporting and related information, including all of the following:

(1) A detailed discussion of anticipated supply availability under a normal water year, single dry year, and droughts lasting at least five years, as well as more frequent and severe periods of drought, as described in the drought risk assessment. *For each source of water*

---

<sup>5</sup> Cal. Wat. Code § 10631

<sup>6</sup> Cal. Wat. Code § 10630. Urban Water Management Plan Guidebook 2020 (hereinafter "Guidebook"), State of California Department of Water Resources, I-4-I-39 (2020), <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Urban-Water-Management-Plans/Draft-2020-UWMP-Guidebook.pdf>.

<sup>7</sup> See *id.* (listing the provisions in the California Water Code that contain climate considerations). Cal. Wat. Code § 10608-09, 10610.2, 10630 ("The Legislature finds and declares all of the following: [...] (b) Growing population, climate change, ... make it essential that the state manage its water resources as efficiently as possible" ... "(a) (c) It is the intent of the Legislature that the following principles apply to the development and implementation of long-term standards and urban water use objectives: ... (2) Long-term standards and urban water use objectives should advance the state's goals to mitigate and adapt to climate change" ... "(a) The Legislature finds and declares all of the following: [...] (3) A long-term, reliable supply of water is essential to ... improving water use efficiency within the state's communities and agricultural production, and strengthening local and regional drought planning are critical to California's resilience to drought and climate change" ... "It is the intention of the Legislature, in enacting this part, to permit levels of water management planning commensurate with the numbers of customers served and the volume of water supplied, while accounting for impacts from climate change."



*supply, consider any information pertinent to the reliability analysis conducted pursuant to Section 10635, including changes in supply due to climate change.*

Water Code Section 10635 (b). Every urban water supplier shall include, as part of its urban water management plan, a drought risk assessment for its water service to its customers as part of information considered in developing the demand management measures and water supply projects and programs to be included in the urban water management plan. The urban water supplier may conduct an interim update or updates to this drought risk assessment within the five-year cycle of its urban water management plan update. The drought risk assessment shall include each of the following: [...]

*(4) Considerations of the historical drought hydrology, plausible changes on projected supplies and **demands under climate change conditions**, anticipated regulatory changes, and other locally applicable criteria.*

[Emphasis added]. DWR offers several suggestions on what an urban water supplier should consider when including climate in their UWMP.

The City of Riverside also has published its own plans to achieve conservation goals. The Envisions 2025 Strategic Plan states that the city intends to: “Maintain and conserve 30% of Riverside’s natural lands in green space including, but not limited to, agricultural lands and urban forests in order to protect and restore Riverside’s rich biodiversity and accelerate the natural removal of carbon, furthering our community’s climate resilience.”<sup>8</sup> This action by Riverside comes on the heels of California Governor Gavin Newsom’s executive order issuing a goal for the state to conserve at least 30 percent of California’s land and coastal waters.<sup>9</sup>

Riverside has an affirmative duty to include climate considerations in their UWMP. Section 6.2 of the draft UWMP before this Board is a generic discussion of climate relying on a regional analysis of water availability rather than being tailored to the specific circumstances within the City. CURE has proposed an amendment to this language committing Riverside to taking the next step in measuring the actual water impacts and adaptation here through developing a baseline that measures temperature, pollution, health outcomes and carbon sequestration through available California Air Resource

---

<sup>8</sup> See *Envision Riverside 2025*, City of Riverside Strategic Plan – 2020 Edition, [https://riversideca.gov/sites/default/files/COVID/City%20Strategic%20Plan\\_Spread%20Digital.pdf](https://riversideca.gov/sites/default/files/COVID/City%20Strategic%20Plan_Spread%20Digital.pdf) (last visited May 7, 2021) (listing the city’s strategic conservation plans for the following five years).

<sup>9</sup> See Cal. Exec. Order No. N-82-20 (detailing Governor Newsom’s goals to improve conservation in California).



Board (“CARB”) models. CURE retained HDR, a nationally recognized environmental consulting firm, to provide a comparison to San Diego Water Authority’s UWMP which quantified climate impacts more accurately. HDR also submitted a proposal that would help facilitate Riverside measuring its current baseline which, in turn, would permit the City to better evaluate what mitigation is needed to address climate. This work can be undertaken at reasonable cost if done collaboratively with RPU and the City’s Office of Sustainability.

## **B. The Sovereign has a Duty to Manage its Natural Resources for the Benefit of the Public**

The concept of the sovereign state protecting its natural resources for the use of all its citizens stems from Ancient Roman times. See Institutes of Justinian \*434 2.1.1 (explaining that, “by the law of nature,” there are some things that belong to the public and that water is one such example). From this, English common law further developed the concept of the sovereign holding and protecting these natural resources on behalf of all its people. The sovereign protecting the water resources of its citizens evolved into what is now recognized in California as the public trust doctrine. See *Nat’l Audubon Soc’y v. Superior Court*, 33 Cal. 3d 419, 433–34 (1983) (describing how the concept of protecting natural resources developed). While this doctrine was initially created by California courts and was originally limited to tidelands, the public trust doctrine was eventually codified by the California legislature. See Cal. Water Code § 85023 (2010) (codifying the public trust doctrine within California law).

Under the California public trust doctrine, officials have an affirmative duty to take public resources (e.g., water) into account to the extent feasible when the decisions of these administrative bodies would impact those resources. See Dave Owen, *The Mono Lake Case, The Public Trust Doctrine, and the Administrative State*, 45 U.C. Davis L. Rev. 1099, 1101 (2012) (highlighting the impact of the public trust doctrine on administrative decisions). See also Regalia, *A New Water Law Vista: Rooting the Public Trust Doctrine in the Courts*, 108 Ky Law Journal (1019-2020).

In *Juliana v. U.S.*, 947 F.3d 1159, 1175 (9th Cir. 2020), the Ninth Circuit came close to recognizing that the government had an affirmative duty to address climate but concluded that the case was too broad, and the plaintiff could not show Article III repressibility. *Id.* at 1173 (explaining that redressability in this circumstance would mean that the court would have to “allocate political power and influence,” something the court did not have standards to guide in exerting this authority). There, a group of young people, nonprofit associations of young environmental activists and purported guardians of future generations brought action for declaratory and injunctive relief against the United States alleging that defendants continue to permit, authorize, and subsidize fossil fuel to their detriment. The Court dismissed the case holding that it lacked Article III jurisdiction because the alleged harm was so amorphous as to not be repressible. According to the





Court: “Reluctantly, we conclude that such relief is beyond our constitutional power. Rather the plaintiffs’ impressive case for redress must be presented to the political branches of government.

The facts of *Juliani* were extremely broad, and the plaintiffs could not link government action to specific climate impacts. Here, any reduction of Riverside’s water for irrigating trees and green spaces when ample water exists would directly impact climate as already documented by the City itself and could trigger substantive due process rights protected under the federal and state constitution.

### 3. **RIVERSIDE’S CLAIMS THAT THE WATER PACKAGE IS EXEMPT FROM CEQA LACKS ANY FACTUAL OR EVIDENTIARY SUPPORT AND IS ERROR**

The City does not even take a stab at making proper CEQA findings in the Water Package except to blithely recite provisions in the CEQA Guidelines claiming an “exemption”. In Section 7 of the Ordinance, the City concludes that “the Ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines “in that it will not result in a direct or reasonably foreseeable indirect physical change in the environment nor have a significant impact on the environment.” (Ordinance at 4). Other than a blanket reference to staff reports, administrative record, and written and oral testimony, the City does not address any of the completely foreseeable consequences of reducing water usage as documented through its records following the 2015 cutbacks.

Can anyone really make this assertion with a straight face? In 2015, the City lost significant old growth along many of its public medians because of ceasing water use when staff has admitted there was ample water available as set forth in the Verified Petition referenced above and numerous residents lost trees and shrubs. The necessity to maintain green spaces and tree canopies to reduce heat and thus electricity bills also is routinely cited by both RPU and the City. In other words, if trees die, temperatures go up as does energy consumption. None of these reasonably foreseeable impacts are addressed. The lack of specific findings speaks volumes.

CEQA was enacted to advance four related purposes: to (1) inform the government and public about a proposed activity’s potential environmental impacts; (2) identify ways to reduce, or avoid, environmental damage; (3) prevent environmental damage by requiring project changes via alternatives or mitigation measures when feasible; and (4) disclosure to the public the rationale for government approval of a project that may significantly impact the environment. Every CEQA analysis begins with the threshold question of whether the activity is a “project” as defined in Public Resources Code section 21065 and 21080. In *Union Medical Marijuana Patients, Inc. v. City of San Diego*, 7 Cal. 5th 1171 (2019), the California Supreme Court held that regardless of the



nature of a project, CEQA applies if it “may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.”. The *Medical Marijuana* court clarified that the analysis as starting with a determination on whether an ordinance has the potential to impact the environment. “[A] proposed activity is a CEQA project if, by its general nature, the activity is capable of causing a direct or reasonably foreseeable indirect physical change in the environment. This determination is made without considering whether, under the specific circumstances in which the proposed activity will be carried out, these potential effects will actually occur.” *Id* at 1197 citing *Muzzy Ranch v. Solano County Airport Land Use Com*, 41 Cal. 4th 372 (2007)

The current situation with the Water Package is far less tenuous than here where there is no question nor any contrary evidence that outdoor water conservation in Riverside has a direct impact on the environment and on climate. The City’s reliance on section 15060(c)(2) and (c)(3) is entirely specious. Subsection 15378 statutorily exempts:

- (1) proposals for legislation to be enacted by the State Legislature
- (2) Continuing administrative or maintenance activities such as purchases for supplies, personnel-related actions, general policy, and procedure making
- (3) The submittal of proposals to a vote of the people of the state
- (4) The creation of a government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potential significant impact on the environment.
- (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

CEQA Guideline section 15378. Given the record and lack of contrary substantial evidence, none of the exemptions in section 15378 apply. Finally, the City absurdly claims that “The activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effort on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” *Id* at section 15061(b)(3).

CURE assumes that staff and this Board rely on its legal counsel to ensure that CEQA compliance occurs and may not be aware of this gross oversight. These findings, without evidence, are beyond the pale given the realities on the ground of what happened in 2015.

CURE understands that the RPU also feels compelled to complete the UWMP before the July 1, 2021, deadline; however, the City is not compelled to adopt the Ordinance or the Water Shortage Contingency Plan before then. The rush to push through all three items at the last minute and during COVID is not justified or required. In fact, CURE repeatedly has offered to directly request an extension from the Department



of Water Resources and Secretary of Resources to provide Riverside additional time to properly complete these items - an extension that inevitably would be granted in light of Riverside's well-known ability to provide supply to its community.

**4. THE WATER PACKAGE IS VALUE AS TO HOW RIVERSIDE DETERMINES WHEN THERE IS SHORTAGE OR SURPLUS**

After being forced to cut water supply in 2015, RPU sounded the alarm that excess water left in the Bunker Hill Basin could be "lost" based on non-use. As such, the decided to lease and wheel water to Western Municipal Water District and Norco at whole rates. According to Staff, these agreements are only triggered if there is a surplus of water. If a shortage exists, then the water must flow first to Riverside's customers though its entirely unclear if these provisions include water public benefit water for climate-related purposes.

Riverside has approximately 81,000 afy of "wet" water. After that, on paper, Riverside has up to 115,000 afy according to the UWMP comprised of "possible" recycled water and transfers from Metropolitan Water Agency. Though Riverside may increase its use of recycled water, that is not likely in the next five years. Further, if there is a drought declared, it is highly doubtful that MWD will be transferring water to Riverside.

CURE is urging staff to make clear what the baseline for surplus is so that the public is aware when water will be cut. This is critical not only for outdoor irrigation, but the Water Package also contemplates that the city will cease issuing water permits under certain circumstances. The public needs confirmation that, if a surplus is not declared, no water will flow to Western or Norco until after all Riverside's water needs are satisfied.

**5. RIVERSIDE MUST IMMEDIATE CORRECT THE NEARLY NINE PERCENT OF WATER LOSS IN ITS SYSTEM**

RPU has expended millions of dollars to identify new sources of water such as its recycled water system. Talk about the tail wagging the dog. Each year, staff acknowledges substantial loss in water. Whether that loss is occurring due to faulty meters or leaking pipes is not clear; however, what is clear is that RPU needs to focus on projects that capture Riverside water assets before it launches into new regional projects. CURE appreciates that RPU is going to begin conducting monthly water committee meetings to begin addressing what constitutes a waste of water and a significant loss of revenue to ratepayers.

**6. RPU COMMITTED TO BUDGET BASED RATES AND HAS FAILED TO BEGIN THAT PROCESS**



Citizens United for Resources and the Environment

Tied to maintaining green space and trees is the ability of larger property owners to afford water. In 2017, at the time rate increases were adopted, the City Council and RPU together agreed to undertake this transition. Nothing has occurred hence penalizing larger property owners shoe holed into block rates and thus discouraging proper maintenance of trees and shrubs benefiting all of Riverside.

#### CONCLUSION

CURE received the first draft of the Water Package on May 18, 2021. We hired technical consultants to assist in constructively responding and believe much progress has been made. We also have proposed revisions to Section 6.2.10 of the UWMP that would commit the City to undertake an analysis to genuinely measure the City's current climate baseline and to determine how heat, pollution and climate would benefit or be adversely impacted depending upon water supply. We urge that, in advance of the City Council approving this Water Package, those changes be made so that CURE has the confidence that RPU will in fact critically analyze the impacts of these documents before any implementation.

Regards,

/s/

Malissa Hathaway McKeith, Esq.

cc William Snape, III, Esq.  
Adam Keats, Esq.



Citizens United for Resources and the Environment

[curegroup.org](http://curegroup.org) (213) 300-3550 [malissacurepres@gmail.com](mailto:malissacurepres@gmail.com) 2873 Rumsey Dr. Riverside CA 92506

**Subject:** FW: [External] Re: Comments for the DRAFT UWMP (Item 21-1606)  
**Attachments:** Revised DRAFT UWMP Comments.docx; ATT00001.txt

-----Original Message-----

From: Seth Wilson <esethwilson@gmail.com>  
Sent: Monday, June 14, 2021 1:28 PM  
To: Arseo, Eva <EArseo@riversideca.gov>  
Cc: Pitchford, Phil <PPitchford@riversideca.gov>; Corbin, Todd <TCorbin@riversideca.gov>  
Subject: [External] Re: Comments for the DRAFT UWMP (Item 21-1606)

Please see attached comments for Today's Agenda Item #3, :

Keep Riverside healthy: Maintain healthy diet and exercise, wash your hands, and get vaccinated.  
[RiversideCA.gov/COVID-19](http://riversideca.gov/COVID-19)<<http://riversideca.gov/COVID-19>>



In June of 2015, the City Council adopted additional changes to the Water Conservation Ordinance. The changes included additional restrictions on irrigation water use and an updated enforcement policy. These changes should be reviewed and revised as newer understandings around the science of climate change are recognizing the importance of green infrastructure – especially the role of urban greening.

- A 2016 EPA Report<sup>1</sup> notes that green infrastructure improves climate resiliency and helps communities prepare for and manage climate change impacts through a number of strategies including:
  - Flood risk management,
  - Drought resiliency, by replenishing groundwater reserves to relieve stress on local water supplies and reduce the need to import potable water,
  - Reducing urban heat island effects which are significant in Inland Southern California,
  - Lowering building energy demands (RPU has a long-standing free tree program),
  - Reducing energy needed to manage water, both potable and non-potable through “fit-for-purpose” system design.
- A 2020 report by the Local Government Commission’s Mayors’ Commission on Climate Change<sup>2</sup> recommends Urban Greening and Forestry, and Sustainable Food Systems development, among others as strategies to ensure equity in mitigating climate change within marginalized and disadvantage communities.

The city of Los Angeles recognizes the importance of urban greening and is committed to increasing the tree canopy in areas of greatest need by at least 50% by 2028.<sup>3</sup> To achieve this goal, LA must rely on state water infrastructure which is much more sensitive to drought than Riverside. California is committed to urban greening as a carbon mitigation strategy and has committed \$156 million to its implementation. Obviously, these funds quickly go to waste without water to support this infrastructure.

Therefore, in the context of RPU’s UWMP, water needs to be budgeted for irrigation to support urban greening, and related infrastructure. As noted in previous comments on the draft plan, RPU’s future forecast for irrigation falls short of recognizing associated water use and is inconsistent with the 18.5% annual growth in irrigation water demand over the last 5 years. The plan does not highlight the use of budget based rates for efficient outdoor water use and rely on tiered rate structures that can actually harm the city in its urban greening efforts. The plan does not adequately address “fit-for-purpose” water infrastructure strategies that can lower irrigation cost – particularly in the northern and eastern areas of the city that could potentially re-access Gage Canal infrastructure. While the Plan recognizes the high percentage of low income

---

<sup>1</sup> [https://www.epa.gov/sites/production/files/2016-08/documents/gi\\_climate\\_charrettes\\_final\\_508\\_2.pdf](https://www.epa.gov/sites/production/files/2016-08/documents/gi_climate_charrettes_final_508_2.pdf)

<sup>2</sup> <https://www.lgc.org/wordpress/wp-content/uploads/2020/06/Mayors-Commission-on-Climate-Change-Final-Report.pdf>

<sup>3</sup> [https://plan.lamayor.org/sites/default/files/pLAn\\_2019\\_final.pdf](https://plan.lamayor.org/sites/default/files/pLAn_2019_final.pdf)

customers challenged with affordable water access, it does not specifically address social equity strategies in its development plans.

For these reasons, the UWMP should only be used to comply with DWR's "cookie-cutter" requirements for state acceptance and should not be used as a planning document the City in building sustainable, resilient and equitable green infrastructure.

Respectfully,  
Seth Wilson  
8492 Orchard Park Drive  
Riverside, CA 92508  
Ward 4



## Comparison of San Diego and Riverside 2020 UWMPs

This is a comparison of the Cities of San Diego and Riverside, realizing that San Diego is a much larger City than Riverside, that San Diego is a MWD wholesaler and Riverside is a retailer depending on groundwater supply (and thus is more water secure). Riverside also has additional health-related effects to address as a city due to adverse air quality, an inland/drier location and a hotter climate, so the City requires a different approach.

Focus Area	Topic	San Diego	Riverside	Opportunities for Riverside UWMP
Climate Change and Water Availability	1. Provides climate data and analysis. Clearly explains and depicts the effects of climate on local water supply.	2.2 Climate and Resiliency	Highly Limited.	<ul style="list-style-type: none"><li>Riverside provides climate data and discusses impacts of climate change, but more data on the anticipated temperature or precipitation changes could be presented. Cal-Adapt has some easy to export figures that could be helpful.</li><li>The quantified impact of how groundwater water supply could be affected by different climate change scenarios (for example the IPCC defined Representative Concentration Pathway 4.5 or 8.5 scenarios) could be helpful. If Riverside is already planning to estimate water demand using census data for their general plan update this could be included as a consideration.</li></ul>
	2. References and integration with Outside Plans to address risks of Climate Change, even if plan is in development: <ul style="list-style-type: none"><li>Climate Action Plan</li><li>Vulnerability Assessment (Resiliency Plan)</li><li>Basin-Wide Studies of Water Supply</li><li>References to Outside Studies of Climate Vulnerability to Water Suppliers (State Water Project)</li></ul>	Climate Action Plan (pg. 9, 10, 15, 23, 95)  Vulnerability Assessment (pg. 15, 84)  IRWM Basin Study (pg. 23)  Outside Studies (Section 6.8)	Section 1.3 makes general mention  Watershed IRWMP Study (pg. 3-6, 4-8, Section 6.2.10)	<b>Climate Action Plan</b> <ul style="list-style-type: none"><li>Prior plans include Riverside’s previous GHG Emissions Measures Report (2008) and a Green Action Plan (2007 and 2012) and were not mentioned nor was any update provided on progress made. Further water use reduction measures or goals to complete future climate change-related planning efforts could be included in plan updates with such an initiative possibly led in the future by the new Office of Sustainability.</li><li>At a minimum the metric-based sustainability goals that are planned for the 2025 City of Riverside Strategic Plan and the upcoming General Plan update will likely help to update targets for climate and water. Optimally the Sustainability Office could provide a dashboard for the City to publicly present these metrics and track them on an annual basis.</li></ul> <b>Vulnerability Assessment</b> <ul style="list-style-type: none"><li>Riverside does not quantify reductions in water supply due to climate change. This may be because the City receives most of its water from regional groundwater basins, and data are limited on how the impacts of climate change could impact water supply for recharge. Recharge has been evaluated in the Watershed IRWMP referenced in the Riverside UWMP.</li><li>In addition, since San Diego receives surface water, that City’s water supply is more sensitive to dry years. Riverside does not have as much short-term sensitivity assuming groundwater</li></ul>

				<p>levels stay the same over the long term, so a poor SWP delivery in any given year is not as large of a concern. Still, quantifying long term effects of climate change upon recharge may be of interest for planning for sustainable groundwater management.</p> <ul style="list-style-type: none"> <li>For Riverside, a vulnerability assessment could also be helpful to understand increases to water demand, as increased evapotranspiration and consumption related to increased temperatures could result in unsustainable groundwater withdrawals.</li> </ul>
	<p>3. Specific analysis for UWMP related to vulnerability of water supply or other risks associated with climate change:</p> <ul style="list-style-type: none"> <li>Downscaled (localized) global climate model analysis of water inflows</li> </ul>	Climate Change Section 6.8	<p>Climate Change Considerations Section 4.4</p> <p>No quantitative estimate of water inflow changes</p>	<ul style="list-style-type: none"> <li>San Diego's analysis assessed the anticipated change in flows from the SWP and Colorado River Aqueduct.</li> <li>The analysis for Riverside was extracted from the Upper Santa Ana River Watershed IRWMP. No quantitative estimate of water inflows for Bunker Hill Basin was provided. Also, no analysis of how upslope development will potentially impact water availability in Bunker Hill Basin.</li> </ul>
	4. Quantification of Greenhouse Gas Emissions and Performance Metrics for Energy and Greenhouse Gas	Energy Intensity Analysis Section 7	<p>Energy Intensity Analysis Section 7</p> <p>No GHG emissions quantification.</p>	<ul style="list-style-type: none"> <li>Riverside could quantify water-delivery related GHG emissions using a similar emissions factor to San Diego from the Riverside data that are already quantified and estimate total GHG emissions / intensity. Note this is standard for water energy nexus reporting.</li> </ul>
	5. Indicates and discusses the interrelationship of UWMP with sustainability planning, the General Plan, Community Plans, the Climate Action Plan (CAP), Resiliency Plan and references the County UWMP.	<p>Section 1.4. Related Water Policies and Plans</p> <p>Cross references complimentary goals from other plans such as the energy intensity goal in the City's CAP, a mandatory component of the UWMP.</p>	<p>Section 1.3 Stated that goals will be established in both the upcoming update to the General Plan and the 2025 Strategic Plan update.</p>	<ul style="list-style-type: none"> <li>(See Climate Action Plan bolded text above for thoughts on these goals and incorporating them with other documents).</li> </ul>

Water Use for Outside Irrigation of Urban Greenspaces / Parks	1. EJ, Equity Issues and Disadvantaged communities	<p>Sec 1.4.2 City General Plan. Discussion references a soon to be added Environmental Justice element.</p> <p>Sec. 1.4.3. CAP and Resiliency Plan. ...<i>"It also relates to social equity goals in the CAP by prioritizing communities of concern to ensure that investments and resources are prioritized for those with the greatest needs and vulnerabilities."</i></p>	Equitable goals mentioned in Section 1.3	<ul style="list-style-type: none"> <li>Public outreach, stakeholder identification, and other forms of communicating with the public to understand climate related risks to equitable outcomes should be specifically evaluated and measured within a Climate Action Plan and/or the upcoming 2025 Strategic Plan.</li> </ul>
	2. Reference to the climate benefits of vegetation, green spaces.	No	Mentioned in Section 4.2.3	<ul style="list-style-type: none"> <li>Describing and quantifying the environmental and social benefit of greenspace/trees using state accepted methods could be undertaken and would be helpful to evaluating tradeoffs for open space management. This could be highly beneficial to the City since urban greenspace is threatened through climate change yet provides one of the least expensive adaptation measures. Existing carbon sequestration in urban green spaces (soil and vegetation) is beneficial; also these areas provide shade, reduce local air temperatures and improve air quality by removing pollutants. An SROI (Sustainable Return on Investment) calculation would indicate the value of these benefits and allow a comparison of the associated costs.</li> </ul>
	3. Water uses or reductions to irrigated open spaces	<p>Sections 3.2, 4.3.1</p> <p>Water Shortage Contingency Plan</p>	Water Shortage Contingency Plan Table 8-2 (Parks)	<ul style="list-style-type: none"> <li>Both Riverside and San Diego use recycled water to irrigate open space and street landscaping. During shortages the Riverside WSCP mentions recycled water can also be used for washing equipment and construction, but it is unclear if there is a hierarchy between these uses during shortages, or a need to establish a priority for landscaping.</li> <li>San Diego through their Pure Water program plans to recycle water from wastewater to create drinkable water, which could increase availability of water in the city for landscaping. This represents a future source of potable water.</li> </ul>

**Subject:** FW: [External] Fwd: CURE redline from 05282021 document

**From:** Malissa Mckeith <[malissacurepres@gmail.com](mailto:malissacurepres@gmail.com)>  
**Sent:** Wednesday, June 2, 2021 4:47 PM  
**To:** Gause, Donesia <[DGause@riversideca.gov](mailto:DGause@riversideca.gov)>  
**Subject:** [External] Fwd: CURE redline from 05282021 document

Please include email only. Not the lengthy attached draft.

Malissa Hathaway McKeith  
Citizens United for Resources and the Environment, Inc. (CURE)  
[www.curegroup.org](http://www.curegroup.org)  
213-300-3550

Begin forwarded message:

**From:** Malissa Mckeith <[malissacurepres@gmail.com](mailto:malissacurepres@gmail.com)>  
**Date:** June 2, 2021 at 07:28:33 PDT  
**To:** Al Zelinka <[azelinka@riversideca.gov](mailto:azelinka@riversideca.gov)>  
**Subject:** Fwd: CURE redline from 05282021 document

FYI. Can we briefly discuss.

----- Forwarded message -----

**From:** Malissa Mckeith <[malissacurepres@gmail.com](mailto:malissacurepres@gmail.com)>  
**Date:** Wed, Jun 2, 2021 at 07:01  
**Subject:** CURE redline from 05282021 document  
**To:** Michael Plinski <[mplinski@riversideca.gov](mailto:mplinski@riversideca.gov)>, Todd Corbin <[TCorbin@riversideca.gov](mailto:TCorbin@riversideca.gov)>, Leo Ferrando <[lferrando@riversideca.gov](mailto:lferrando@riversideca.gov)>  
**CC:** Evans, Victoria <[Victoria.Evans@hdrinc.com](mailto:Victoria.Evans@hdrinc.com)>, Grant Ivison-Lane <[Grant.Ivison-Lane@hdrinc.com](mailto:Grant.Ivison-Lane@hdrinc.com)>

Attachment available until Jul 2, 2021

This is NOT for the record but to allow for some dialogue early today before you finalize for agenda draft. I would happy to speak to Leo and Mike today to go over some of them. (I'll send you a link because document is too large for this email)

Big Pcture - I cannot stress enough that this rewrite (though improved)

[Click to Download](#)

CURE REVISIONS AGAINT 05282021 REDLINE.docx  
40.5 MB

falls far short of recognizing how water will play a role in addressing climate. Section 6.2 is probably where it can and should be done but simply discusses large, expensive regional projects rather than acknowledge that RPU will undertake what is needed to measure existing carbon sequestration from green spaces, identify mechanisms for insuring local sustainability of those benefits, and expanding targeted water use where needed.

RPU and the City has a mandatory obligation to manage its resources to reduce climate impacts on its residence and water is a key component.

This is CURE's primary concern with the report though I do raise some other questions/comments.

I'll turn to the water shortage plan next and the ordinance. My primary concern there is that, in a drought, we have 81,000 afy + reliable water today. Perhaps we will augment that with recyclable water but that hasn't gone as planned and is extremely expensive. In a shortage, the SWP and WMWD will not be transferring water to Riverside. Those transfers make up that 115,000 afy estimate. My concern is this. In 2015, Riverside admittedly had plenty of water and did not need to conserve yet the City stopped watering medians, parks etc and we lost a lot of landscaping/trees/probably carbon benefits etc. all unnecessarily. We cannot have that happen again which is why we need an allocated amount of our supply designated to maintain green space.

Finally, why doesn't RPU acknowledge that one way to address reduced recharge is to not have developer pave over the forests above Bunker hill in the first place. A little bit of prevention is worth a pound of cure. We need to stop being ninnies on this issue and demand and support SBVMWD on purchasing up that acreage for conservation.

Thanks. Let me know what time you have to speak.

On Jun 1, 2021, at 3:29 PM, Malissa Mckeith <[malissacurepres@gmail.com](mailto:malissacurepres@gmail.com)> wrote:

<CURE-RPU UWMP Version Comparisonv2.docx>

Attached is a redline comparing your first and second versions. Lots of good updates I see; however, I'd like to read and edit and I cannot do that with the f-ing (aka frustrating) DRAFT watermark in the way. Can you put Draft in the header or trailer. It is ridiculous anyone would try to pawn this off as RPU's work product.

--

Malissa Hathaway McKeith  
Citizens United for Resources and the Environment, Inc. ("CURE")  
[www.curegroup.org](http://www.curegroup.org)  
213-300-3550

Keep Riverside healthy: Maintain healthy diet and exercise, wash your hands, and get vaccinated.

[RiversideCA.gov/COVID-19](http://RiversideCA.gov/COVID-19)



Board of Public Utilities meeting Date: 6-14-21  
Item No. 3

# URBAN WATER INSTITUTE NEWSLETTER

Provide timely, compelling, and diverse discussion of water policy, economics and resource management.



Term: Summer | Issue 14 | Date: June 1, 2021

## Drought Relief: Did You Know About Aloe?



The Aloe plant, originates from the Arabian Peninsula and is often used in outdoor landscaping.

It is well known for its ability to withstand drought conditions.

There are many varieties and people have cultivated the Aloe plant for agricultural and medicinal purposes.

This affordable and easy to grow plant is great for drought impacted regions.

## Conservation: Water Management Planning

### Don't Throw The Baby Out With The Bath Water

By **Malissa Hathaway McKeith**, Founder & President of Citizens United for Resources and the Environment, Inc., ("CURE")

With looming droughts and stricter mandates, agencies increasingly restrict irrigation without considering the vital role green spaces play in countering heat islands, air pollution, and climate.

California's water conservation goals frequently undermine efforts to keep communities "green".

In 2015, water restrictions killed old growth trees while residents were paid to plant trees as part of CARB-GHG programs. Such conflicting programs cost taxpayers millions and accomplish little. ... (see page two for more)



## Surviving Drought

### Drought Endurance At The Local Level

By Fernando Paludi, General Manager, Trabuco Canyon Water District

If you are a customer of Trabuco Canyon Water District (TCWD), or nearly any of the roughly 300 water agencies throughout Southern California that are ultimately plumbed to the Metropolitan Water District, you can be cautiously confident that the drought conditions now gripping most of our state and the southwest are not a cause for panic (at least not yet). That's due in large part to a lot of planning and investment in demand management and storage, not only by large regional agencies, but also at the local level where accountability is highest.

Take TCWD as an example. Located at the base of the Santa Ana Mountains in southeastern Orange County, TCWD is a relatively small provider of water, sewer and recycled water services to approximately 13,000 people, and yet is one of the only Orange County utilities that owns and operates treatment plants for drinking water, groundwater, and wastewater. ... (see page two for more)



## Conservation: Water Management Planning *(continued)*

*(from page one)* ... Many cities have adopted sustainability plans addressing climate adaptation which should be integrated into water management planning. Water Code section #10630 now requires agencies account for climate impacts for the first time.

The legislature declares that: “(2) Long-term standards and urban water use objectives should advance the state’s goals to mitigate and adapt to climate change.” Agencies should not limit this analysis to demands of traditional customers but should include how mitigating climate will be a separate water demand. Water agencies also are now required to address impacts to environmental justice communities and should specify how water can be leveraged to help improve health and quality of life.

Riverside patterned its sustainability plan on the Governor’s so-called 30/30 Executive Order committing to “[m]aintain and conserve 30 percent of Riverside’s natural lands in green space . . . to protect and restore Riverside’s rich biodiversity and accelerate the natural removal of carbon, furthering our community’s climate resilience.” Incorporating those principles into an UWMP requires first calculating the current contribution trees and green spaces make to reducing pollution, heat and carbon and then monetizing these public benefits to determine how much water is needed and how best to fund it.

DWR and CARB need more coordination to develop tools that would assist water agencies and communities in determining how water can be used as a public benefit for climate adaption and to provide grant monies to those agencies willing to spearhead these critical tasks.

*Malissa Hathaway McKeith is a longtime board member of UWI. For more information, please visit [www.curegroup.org](http://www.curegroup.org).*



**Planning In Action:** CURE is proposing an urban forest and climate innovation program (three proposed project renderings seen above) for the Riverside Unified School District to train the next generation in water management and resilience.

## Surviving Drought *(continued)*

*(from page one)* ... TCWD is proud of its efforts to reduce reliance on imported water. When available, seasonal groundwater is produced and filtered at the Trabuco Creek Wells Facility. The Robinson Ranch Wastewater Treatment Plant recycles 100% of the District’s sewage, producing on average 650,000 gallons of recycled water daily. This is blended with urban runoff that is recovered through a network of detention basins and lakes to help meet the irrigation needs of a major golf course and several large homeowners’ associations that would otherwise be supplied with imported water.

All told, the District meets on average a quarter of its total water demand through local sources. And beginning this fall, TCWD will enhance water use efficiency while improving customer service through the installation of over 4,000 residential smart meters that will provide near real-time consumption information and leak alerts to customers on their phone or tablet.

Through these reliability initiatives, Trabuco Canyon Water District is doing its part!

### DOVE LAKE - A WORKING RESERVOIR



The District preserves the water quality in Dove Lake through a series of air diffusers located throughout the lake working like aquarium sandstones.

The air diffusers are powered by air compressors that aerate the lake water helping to mix and maintain the water’s dissolved oxygen levels to prevent the growth of algae and other waterborne nuisances.

# ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



June 18, 2021

*VIA ELECTRONIC MAIL*

Honorable Mayor and City Council  
City of Riverside  
3900 Main St  
Riverside CA 92522  
<City\_clerk@riversideca.gov>

**Re: Comments on (1) Urban Water Management Plan; (2) Water Shortage Contingency Plan; (3) Water Ordinance: ("Water Package") Revised Agenda Items 7A and 7B (Afternoon Agenda, June 22, 2021)**

Dear Mayor Dawson and Council Members:

Endangered Habitat League (EHL) writes in support of the comments of Citizens United for Resources and the Environment, Inc. (CURE) in connection with the Water Package. For your reference, EHL is regional conservation group dedicated to ecosystem protection and sustainable land use, and is committed to wise management of water resources. We have worked for decades in Riverside County on environmental and planning initiatives, including the Multiple Species Habitat Conservation Plan (MSHCP).

Riverside is in a unique position to capitalize on its water assets as it has sufficient water to allocate a portion targeted to maintaining trees, green spaces, working urban landscapes and habitat in the Santa Ana River and adjacent tributaries. As a start, Riverside should undertake an analysis to measure the current benefits of Riverside's greenspace, and EHL supports CURE's recommendation that the Water Package be amended to affirmatively commit to these studies before any water restrictions are undertaken. Maintaining greenspaces directly benefit the public health of Riverside Residents, reduce temperatures and pollution and sequester carbon.

EHL also urges the City to evaluate the cost benefit of acquiring lands above the Rialto and Bunker Hill basin to maintain recharge. Currently, those properties are threatened by development which reduces inflows to the basins threatening Riverside's future water security. Purchasing land likely is far less expensive than building reclaim water systems and water basins because it ensures the natural flow continue.

EHL applauds the City for its adopting the Envision 2025 Strategic Plan identifying green spaces as a priority. Reconciling this Strategic Plan to the Urban Water Management Plan and Water Package accomplishes those ends and ensures that Riverside doesn't unnecessarily reduce water without first mitigating the consequences.

Thank you for considering our views.

Yours truly,

A handwritten signature in blue ink, appearing to read "Dan Silver", with a stylized, cursive script.

Dan Silver  
Executive Director

Date: 6-22-21  
Item No.: 7b and c

From: Malissa Mckeith <[malissacurepres@gmail.com](mailto:malissacurepres@gmail.com)>  
Date: Mon, Apr 26, 2021 at 3:55 PM  
Subject: Item 8 Public Comment  
To: Montjoy, Mary Helen <[MMontjoy@riversideca.gov](mailto:MMontjoy@riversideca.gov)>  
Cc: Corbin, Todd <[TCorbin@riversideca.gov](mailto:TCorbin@riversideca.gov)>

**Hi Mary:**

**Please circulate CURE's comments to the commissioners. This was submitted through the web but often individuals can't access. I appreciate your help.**

**TO THE RPU BOARD OF COMMISSIONERS:**

**In March 2021, Commissioners objected to creation of an ad hoc committee on water. While admitting that the Commission has had little policy role beyond operational and administrative issues, the Commission did not adopt a process for ensuring both it and the public play a greater role in policy decisions. Too frequently, staff proposes adopting agenda items with short deadlines so that the Commission is forced to vote without robust discussion.**

**Item 8 has significant implications for the City both legally and at a practice level. Similarly, the upcoming urban water management plan (UWMP) sets the foundation for water use decisions over the next five years but no workshops have been scheduled. Both the UWMP and the conservation plans/ordinances under consideration tonight interconnect and should be presented in tandem at a workshop to train new board members and ensure this Commission understands the trade offs before voting.**

**CURE repeatedly has encouraged the Commission to hold public workshops on significant water issues or, at a minimum, schedule water subcommittee meetings - the last one of which was held in NOVEMBER 2020, and before that TWO YEARS ago.**

**We request that Item 8 be continued for input at a board subcommittee level to discuss: (1) how linking municipal ordinances to state statutes may inadvertently succumb to SWRCB and DWR jurisdiction; (2) allow time to include language to ensure that this ordinance does not result in the loss of more tree canopies as occurred in 2015 (particularly city trees on street medians and parks); (3) clarify what is meant by "local sources"; (4) clarify whether the City will "claw back" water under the Western and Norco contracts before cutting usage; and (5) clarify how this ordinance can be reconciled with other goals of the Strategic Plan.**

**Unlike other cities in California, Riverside has excess water and is water independent. In 2015, our City sued the State to avoid involuntarily complying with conservation measures, because Riverside has senior water rights that we are entitled to reasonably and beneficially use under the California constitution. This proposed ordinance could be relied upon to claim that the City has changed that legal position and is now waiving those objections thus weakening our water rights.**

**Reducing water usage when Riverside itself has no shortage also impacts climate and pollution due to potential tree canopy loss resulting in increased heat island effect and requiring more electricity usage. This issue needs to be genuinely studied both in connection with Item 8 but longer term as part of the UWMP.**

**Staff's sometimes piecemeal approach to discussing water policy is precisely what this Commission complained about in March, and it should stop until the Commission itself adopts policy and addresses these issues in a meaningful fashion.**

Malissa Hathaway McKeith  
Citizens United for Resources and the Environment, Inc. ("CURE")  
[www.curegroup.org](http://www.curegroup.org)  
213-300-3550

cc Mayor  
City Council  
City Manager  
City Attorney  
ACMs  
DCM  
PU General Manager