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January 15, 2008

Governor Michael F. Easley
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

Dear Governor Easley:

As you well know, North Carolina is currently suffering from the worst drought in the state's history. Our organizations represent voters and residents across the state; we have supported conservation measures adopted by our local governments and have urged our members to go beyond these local measures to conserve water. We write to urge you to also work to address the longer term challenges posed by the drought.

Others have noted that this drought holds up a mirror to our future. The drought is, we hope, temporary – but the increasing pressure placed on our water supplies by our state's rapid growth is permanent. If we “muddle through” without reforming our water management policies, we will experience the challenges of this drought over and over again, with increasing frequency, even in years of average precipitation. On the other hand, with your leadership, this drought can serve as the crucible for a better statewide water management policy.

Three components of that policy should include:

Water use efficiency standards. Following the drought of 2002, the NC General Assembly enacted S.L. 2002-167, authorizing the state Environmental Management Commission (EMC) to adopt rules for water conservation during a drought. Yet, as local governments have seen in recent months, apart from seasonal declines in outdoor water use, it is extraordinarily hard to secure reductions in water use from residences and businesses. Droughts are the least effective time to begin conserving, since at that point, key decisions that affect demand – such as whether to install water efficient appliances, or use drought-tolerant landscaping – have already been made, and there are no painless cuts. We recommend that the Governor, House, and Senate look in the 2008 short session to mandate water use efficiency standards for new appliances and new construction. Over the long term, efficiency all the time will do much more than heroic conservation during droughts to build a sustainable future for North Carolina.

Linking growth decisions to water supplies. North Carolina currently requires drinking water systems to submit reports to the state Division of Water Resources (GS 143-355 l,m), and requires wastewater systems to plan ahead for capacity expansions. While these planning requirements are useful in encouraging more foresight, they do little to shape local decisions about growth and patterns of development. Too many communities are building now and ignoring or deferring fundamental questions about how to support that growth, exacerbating resource limits across the state. We recommend that the Governor, House, and Senate support changes to the city and county planning statutes to require that, before approving a new subdivision or major water consumer, a jurisdiction must find that there will be both adequate water supplies and adequate system capacity to meet increased demand during the drought of record.

Updating our water laws for the 21st century. North Carolina's water allocation law is a mishmash of common law, statutes and cumbersome administrative procedures whose ultimate objectives and interrelationships are ill-defined. The main thing that can be said about them is they possess an inherent bias that favors engineered solutions over standards for sustainable use. It is time for North Carolina to replace this patchwork with a comprehensive body of law that erases false distinctions between ground- and surface- water and between water quality and water quantity; confirms that the state's water is a public resource; regulates water withdrawals to protect in-stream, upstream, and downstream uses; ensures ecologically sound flows; provides certainty to communities and businesses; and encourages water systems to price their limited supplies wisely.

We have attached petitions from 3,041 residents of North Carolina supporting these proposals. Our groups look forward to continuing to work with the legislative Environmental Review Commission's water allocation study to promote these and related recommendations.

Two ideas underpin these recommendations. First, it is time for North Carolina to adopt comprehensive, state-level allocation policies that can help avert conflicts over allocation and prevent the economic distress that results from unexpected shortages. We need an active, science-based, and comprehensive state policy to guide and reconcile local water allocation and supply decisions. Second, our water allocation policy must be grounded in ecological realism. As a state, we have pushed up against the limit of water supplies we can tap without doing lasting damage to, and potentially decreasing the future yields of, our natural river systems, reservoirs, and aquifers. We urge you to keep these two themes – comprehensive state planning and ecological reality – at the core of your efforts to meet North Carolina's water allocation challenges.

We know from the experience of other states that it is far easier to fix water management problems sooner than later. The drought has highlighted flaws and gaps in our current policies. If we wait to act until growth makes those threats a constant source of conflict, our political system will have a much harder time reaching consensus on how to move forward. North Carolina still has abundant water most of the time, and an overhaul of our water laws could still result in win-win solutions for most interests. We stand ready to participate in such an overhaul.

Sincerely,

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