



**SIERRA
CLUB**

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Arizona Department of Water Resources
Attn: Sharon Scantlebury, Docket Supervisor
1802 W. Jackson St., Box 79
Phoenix, Arizona 85007
docketsupervisor@azwater.gov

Ms. Scantlebury:

Please accept these comments on behalf of the Grand Canyon (Arizona) Chapter of the Sierra Club, a passionate and dedicated group of individuals who are deeply committed to the protection and preservation of Arizona's natural resources, particularly our cherished waterways. Sierra Club is one of the nation's oldest and most influential grassroots organizations whose mission is "to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; and to educate and enlist humanity to protect and restore the quality of the natural and human environments." Sierra Club has more than 3.7 million members and supporters with 35,000 in Arizona as part of the Grand Canyon Chapter.

Thank you for the opportunity to provide comments on the Alternative Path to Designation of Assured Water Supply (ADAWS) concept.

The Arizona Department of Water Resources (DWR) website states, "The ADAWS rulemaking seeks to address challenges that some water providers face in pursuing a new Designation of 100-year Assured Water Supply (DAWS) under the current rules." Why are those providers facing challenges? They cannot demonstrate a 100-year water supply because adequate resources for such a designation do not exist. Shouldn't that indicate that it is appropriate to limit development in those areas? Officials across all levels of Arizona government frequently laud the 1980 Groundwater Management Act (GMA), yet just when it seems poised to actually safeguard the resources of our state, the regulatory response is to try to weaken the rules so that unsustainable development can continue.

The first provision of the ADAWS concept is that existing pumping and physical availability of water will be "grandfathered in," meaning that the fact that water was being pumped up until now will be taken as a demonstration that it is available. This is troublesome as it continues the "grandfathering in" of existing uses that was one of the failures of the GMA that has prevented Active Management Areas (AMAs) from reaching safe yield. ADAWS fails the first of the Governor's stipulations for the Governor's Water Policy Council when they were tasked with developing proposals: that any proposal must protect the strength and integrity of the Assured Water Supply Program. Similarly, a "groundwater allowance" will be provided to "help meet Consistency with Goal requirement," again undercutting the GMA. Proponents tout that the proposal requires that new water supplies will be used

for new development, with now 25% (the original proposal was 30%) of all new supplies being set aside to substitute the existing groundwater pumping, but the burden of "legacy pumping" (pumping that predates the GMA, was "grandfathered in," and thus was never required to be replenished) will be left to the Central Arizona Groundwater Replenishment District (CAGRDR) to replenish.

If areas unable to demonstrate a 100-year water supply are permitted to become Designated Providers through this new mechanism, suddenly all of the pumping within the service area, including "legacy pumping," would need to be replenished. This proposal allows municipalities becoming Designated Providers through this mechanism to join the CAGRDR, thus making the CAGRDR responsible for replenishment of all of that "legacy pumping," which it would be ill-positioned to do as there is no longer excess Central Arizona Project water, which was central to the CAGRDR functioning. While we have never supported the CAGRDR, we certainly do not support this new path that makes it even less sustainable. This proposal is more of the same old story when it comes to water management in Arizona: "grandfather in" all the unsustainable uses that got us in trouble in the first place, and then when the oft-touted GMA actually does what it is supposed to do and reins in new, reckless, and unsustainable development, make the CAGRDR responsible for addressing the impacts of growth. Rather than creating new loopholes to allow development in places with insufficient water, we should acknowledge the reality that we are subject to limited resources and allow the GMA to function.

We encourage you to scrap this approach and instead focus on what is truly sustainable in these arid lands.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandy Bahr". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Sandy Bahr
Chapter Director
Sierra Club – Grand Canyon Chapter