



Submitted to:

California Air Resources Board
1001 I Street
Sacramento, CA 95814

April 14, 2026

Re: Petition for Rulemaking to Add Dams and Reservoirs as Reporting Entities under the Mandatory Greenhouse Gas Reporting Regulation (March 25, 2026)

Chair Sanchez and Members of the Board:

We submit these comments on behalf of the more than 150 not-for-profit, community-owned utilities across 10 Western states, including California. Our members provide electricity and related utility services to millions of families, schools, farms, and businesses that have a direct interest in policies affecting electric reliability, affordability, hydropower, and water management infrastructure.

We oppose the March 25, 2026 petition filed by Tell the Dam Truth, Patagonia, and other organizations requesting that the California Air Resources Board (“CARB” or “Board”) initiate a rulemaking to add dams and reservoirs as reporting entities under the Mandatory Greenhouse Gas Reporting Regulation (“MRR”) and repeal the existing hydropower exemption.

The Petition should be denied. It does not provide a sound legal, scientific, or administrable basis for forcing dams and reservoirs into a facility-level reporting and verification program designed for materially different categories of emissions sources. The Petition asks CARB to treat highly variable, watershed-driven, and often uncontrollable biogenic and hydrologic processes as though they were conventional facility emissions, despite the fact that the Petition does not identify standardized methodologies, verification protocols, or source boundaries capable of supporting consistent reporting under the MRR. That is not a narrow refinement of the reporting rule. It is a basic change in what the rule is intended to do.

The Petition is also flawed as a matter of policy and public administration. It attempts to use the MRR to advance a broader argument against dams and hydropower while giving inadequate weight to the role reservoirs and hydropower facilities play in water management, drought response, flood control, electric reliability, and energy affordability. For community-owned utilities and the consumers they serve, those functions are not abstract. They affect the cost and reliability of essential service and the operational flexibility available to public serving entities responding to increasingly volatile hydrologic conditions.

California's climate challenge is not limited to emissions accounting viewed in isolation. It also includes drought resilience, stormwater capture, flood management, groundwater substitution, electric load impacts, and the affordability of basic utility service. The Petition fails completely to account for these considerations. Instead, Petitioners seek to force a complex and unsettled category of environmental flux into a mandatory reporting framework that was not built for it. If CARB wishes to support further study of reservoir related greenhouse gas dynamics, it may do so through research, statewide inventory development, or other appropriate accounting efforts. Only after such comprehensive assessment can it be determined how to uniformly report and subsequently impose uniform verification processes on any potential emissions. This cannot be accomplished through mandatory facility-level reporting under the MRR.

I. The Petition Does Not Fit the Structure or Purpose of AB 32 and the MRR

The Petition should be denied because the requested relief does not fit within the established purpose of Assembly Bill (AB) 32 (2006) and the MRR. AB 32 authorizes CARB to require the monitoring and reporting of greenhouse gas emissions from significant, identifiable, and regulated sources using methodologies that can generate reliable, comparable, and verifiable data. Consistent with that framework, the MRR has historically applied to facilities with reasonably clear source boundaries and accepted quantification methods, where emissions can be measured or estimated with sufficient confidence to support mandatory reporting and verification.

The Petition asks CARB to move well outside that framework. It would treat dams and reservoirs as reporting entities based on a broad range of biological, hydrologic, and ecosystem-driven processes, including surface flux, ebullition, downstream degassing, sediment decomposition, and claimed foregone sequestration. Those processes are not analogous to the combustion and industrial process emissions that form the core of the MRR. Nor are these emissions readily verifiable in a manner that meets the scientific certainty required by the MRR.

That distinction is important as a legal matter, not merely a technical one. A reporting regulation built around identifiable facility emissions should not – indeed, cannot – be expanded to assign facility-level reporting obligations for environmental processes that are heavily influenced by watershed conditions, climate, nutrient loading, seasonality, inflows, morphology, and other external variables outside the direct control of the owner or operator. The Petition seeks a rulemaking to impose obligations on dams and reservoirs without explaining how CARB could impose such obligations while preserving the core features that make the MRR a credible regulatory reporting program: definable source boundaries, consistent methods, comparable results, and meaningful verification.

In practical terms, the Petition asks CARB to transform a reporting rule designed for identifiable source categories into a mechanism for attributing complex ecosystem flux to specific facilities. Neither AB 32 nor the structure of the MRR requires that result, and CARB should not adopt it.

We do not contend that CARB lacks authority to examine or inventory reservoir related greenhouse gas dynamics; rather, the question presented by the Petition is whether the Mandatory Reporting Regulation is an appropriate, administrable, and legally sound vehicle for doing so. And the answer is that it is not.

II. The Petition Does Not Establish a Sufficient Scientific or Methodological Basis for Mandatory Facility-level Reporting

The Petition cites scientific literature suggesting that reservoirs can emit methane and carbon dioxide under certain conditions. That general point is not enough to support the rulemaking requested here.

The relevant question is not whether reservoir-related greenhouse gas flux can exist. The relevant question is whether CARB has a sufficiently settled scientific and methodological basis to require individual owners and operators of dams and reservoirs to report facility-level emissions under a mandatory state compliance program. And just as importantly, whether there are sufficient, scientifically rigorous and consistent verification processes that can be applied to verify such reporting. The Petition does not establish that foundation.

The literature on reservoir emissions reflects substantial variability across reservoir types, climatic regions, elevations, nutrient conditions, hydrologic regimes, and sampling periods. Many studies rely on seasonal or short duration measurements. Others depend on model-based extrapolations or inventory-oriented estimation methods designed for broadscale assessment rather than source-specific compliance reporting. That kind of literature may support continued research or statewide inventory work. It does not, by itself, however, establish an administrable basis for mandatory facility-level reporting.

The Petition also fails to provide sufficient data that would form the basis for implementing such a requirement in a fair and consistent way. The Petition fails to provide information on the basis for standardized methodologies to identify workable emission factors or monitoring protocols that could be applied across California facilities. This defect is further underscored when determining how that data would be verified. There is currently no basis to establish how reported values would be verified when results would turn on contested assumptions about seasonality, baseline conditions, reservoir purpose, and

measurement approach. The Petition fails to provide data sufficient to support standardized, facility-level reporting and verification under the MRR, and it neglects to explain how owners and operators could satisfy a reporting obligation where the science itself remains methodologically unsettled.

That is a serious defect. A mandatory reporting program is not a research framework. It requires standardized methods, consistent application, and defensible results. The Petition does not provide them.

III. The Petition Seeks to Use the MRR as a Vehicle for a Broader Anti-Dam and Anti-Hydropower Agenda

Petitioners state that granting the Petition "would raise awareness of dams and reservoirs' GHG emissions and help ensure that California regulators, policymakers, and the public have access to accurate and timely GHG data for these facilities." (Petition, p. 3) Although framed as a request for emissions reporting, the Petition is plainly aimed at more than neutral data collection. Its arguments seek to challenge hydropower's status as a low carbon resource, cast doubt on the continued legitimacy of dam and reservoir infrastructure, and position emissions reporting as a lever for future decisions about decommissioning, funding, and public policy.

CARB should view that move with caution. The MRR is a technical reporting rule. It is based on utilizing accurate and verifiable data. Imposing reporting on facilities based on unproven data with uncertain verifiability does not ensure access to "accurate and timely GHG data." Rather, it does the opposite aimed solely at advancing a pre-determined position. The MRR is not an appropriate tool for indirectly resolving broader political and policy disputes over dams, water storage, hydropower, or river management.

For community-owned utilities, that distinction matters. Public power depends on stable, credible, and administrable regulatory frameworks. Many community-owned utilities also depend on hydropower and associated water infrastructure for reliability, affordability, and system balancing. A reporting rule should not be converted into a policy instrument for recasting that infrastructure as presumptively harmful where the legal, scientific, and technical basis for doing so is weak.

The Board should deny the Petition and not lend the authority of the MRR to a petition which is specifically and strategically designed to move well beyond reporting and toward a broader campaign against dams and hydropower.

IV. The Petition Fails to Acknowledge the Essential Role of Reservoirs in California's Water and Energy Systems

California is managing a hydrologic system under increasing stress. Multi-year droughts, shrinking snowpack, more volatile runoff patterns, intense atmospheric river events, and elevated flood risk are not abstract projections. They are operating conditions that shape how water and electric systems must be planned and managed.

In that environment, dams and reservoirs remain essential infrastructure. They help capture episodic runoff, reduce flood risk, offset the decline in natural snowpack storage, manage seasonal and interannual variability, and support water deliveries for municipal, agricultural, environmental, and tribal purposes. Hydropower facilities tied to that infrastructure also provide important electric system benefits, including dispatchable generation, operational flexibility, and support for affordable service.

Turlock Irrigation District ("TID") provides a concrete example of why the Petition is misdirected. TID is a community owned public utility that provides both irrigation water and retail electric service in Central California. TID states that it delivers irrigation water through a gravity fed canal system serving approximately 150,000 acres of farmland, and that the Don Pedro Project was built primarily for irrigation water storage while also providing power generation and flood control benefits. That kind of multipurpose public infrastructure cannot be fairly or intelligently treated as though it were merely a conventional emissions source without disregarding the water supply, reliability, and public service functions it was built to perform.

The Petition largely ignores the importance of that system's role. The MRR includes multiple reporting requirements related to hydroelectric power but recognizes the broader role of these facilities. Conversely, the Petition seeks to isolate one claimed category of emissions and treats reservoirs primarily as climate harms without addressing the larger operational and public interest functions those facilities perform.

Although presented as a narrow reporting update, the Petition seeks to repeal existing MRR language that exempts hydropower facilities by reclassifying dams and reservoirs as reporting entities. In practice, that change would functionally eliminate the hydropower exemption and place multipurpose water and power infrastructure into a facility-level reporting regime for which the MRR was not designed. Regulatory classifications carry consequences, and designating dams and reservoirs as reportable emissions entities would inevitably influence public debate, policy advocacy, and future decisions regarding the operation and investment in critical water and hydropower infrastructure which is essential not only for reliability of the grid, but to also meet California's energy policy and emissions reduction goals.

V. The Petition Ignores Important Tradeoffs Between Surface Storage, Groundwater Reliance, and Electric Demand

The Petition also fails to confront an important system consequence: when surface storage is reduced, constrained, or discouraged, the burden often shifts elsewhere. In California, that frequently means greater groundwater pumping.

That substitution has real consequences. Groundwater pumping requires electricity, often at substantial levels and sometimes during already stressed periods. It can increase pressure on electric systems and contribute to additional emissions depending on the marginal resource serving load. It also contributes to groundwater overdraft, land subsidence, and long-term degradation of aquifer capacity.

For community-owned utilities, these are not theoretical concerns. Increased pumping can affect load shapes, planning conditions, system costs, and the affordability of electric service. For water users and local communities, it can also mean higher costs and reduced long term resilience.

The Petition seeks to categorize reservoirs as emissions liabilities without seriously addressing the climate, reliability, and affordability implications of pushing water management toward more energy intensive alternatives. A rulemaking that seeks to impose a requirement on dams and reservoirs based on methodologically unsettled science, and which ignores those important tradeoffs would be incomplete and potentially counterproductive, and quite frankly contrary to sound public policy.

VI. The Petition Would Impose Real Costs on Public Serving Entities Without Demonstrated Regulatory Benefit

The Petition also gives insufficient attention to the practical burdens that would follow from expanding the MRR to include dams and reservoirs. Public power utilities, irrigation districts, water agencies, and joint powers entities generally operate on a cost-of-service basis. New regulatory requirements do not remain on paper. They translate into real expenses borne by customers, ratepayers, and public institutions.

The requested reporting regime would likely require extensive technical study, consultant support, modeling, monitoring, verification, staff time, and legal review for facilities never

designed to operate as reporting entities under the MRR. Those costs could be significant, particularly for smaller public serving entities with limited budgets and competing obligations related to wildfire mitigation, dam safety, water system modernization, and other climate adaptation demands. The cost burden is further exacerbated by the fact that the science the reporting is based on is unsettled.

Just as importantly, the Petition does not identify a corresponding regulatory benefit that would justify those burdens. It does not show how the resulting data would be sufficiently reliable and comparable to support regulatory decision making. And it does not justify imposing new compliance costs where the science, methods, and mitigation pathways remain uncertain.

Transparency alone is not a sufficient justification for mandatory reporting where the reporting regime cannot produce consistent, verifiable, and decision relevant data capable of supporting regulatory use. “Transparent” data is of no use to decision makers or the state if it is inaccurate and unreliable.

For community-owned utilities and the consumers they serve, affordability remains a central concern. CARB has long recognized that cost effectiveness and equity are relevant parts of sound climate policy. The Petition does not satisfy either principle.

VII. If CARB Wishes To Study Reservoir Related Emissions Further, It Should Do So Through More Appropriate Mechanisms

Nothing in these comments suggests that CARB lacks the authority to study reservoir related greenhouse gas dynamics. But that does not mean the MRR is the right instrument.

If CARB concludes that additional work is appropriate, it has more appropriate options available to do so. Those could include targeted research, collaboration with academic institutions and resource agencies, statewide inventory development, or examination within broader ecosystem accounting or Natural and Working Lands frameworks. Those avenues are better suited to complex, variable, and context dependent environmental processes than a facility-level reporting rule that depends on standardization, comparability, and verification.

The Petition asks CARB to use the wrong tool for the wrong purpose. The Board should decline to do so.

Conclusion

The Petition should be denied. It does not provide a sound basis for expanding the MRR to dams and reservoirs, and it does not solve the threshold problems that such an expansion would create. The requested rulemaking would require CARB to treat complex and highly variable environmental processes as if they were conventional facility emissions even though the necessary legal fit, scientific standardization, and administrable reporting methods have not been established.

For community-owned utilities and the consumers they serve, the consequences are practical and immediate. Hydropower, reservoirs, and associated water infrastructure remain important to affordable and reliable electric service, drought resilience, flood management, and the stability of the broader systems on which California communities depend. CARB should not allow the MRR to be used to place that infrastructure into a regulatory category it does not fit, particularly where doing so would advance a broader policy campaign unrelated to the purposes of the MRR, rather than improve the integrity of the reporting program.

For California public power customers, these issues are direct and concrete. Community-owned utilities have an obligation to provide reliable service at the lowest reasonable cost while managing increasing pressures from wildfire mitigation, resource adequacy, transmission constraints, water stress, and broader climate adaptation requirements. A new reporting mandate that is scientifically unsettled, administratively burdensome, and disconnected from feasible emissions reduction pathways would add cost and uncertainty without improving service, resilience, or regulatory clarity.

If it is determined that further study is warranted, CARB can pursue it through research, inventory development, or other more appropriate mechanisms. It should not do so through mandatory facility-level reporting under the MRR.

For these reasons, we urge CARB to deny the Petition.

Respectfully submitted,

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