



California Association of Nurseries and Garden Centers

3947 Lennane Drive, Suite 150 — Sacramento, California 95834-1973
Phone (800) 748-6214 — Fax (916) 567-0505 — Website www.cangc.org

March 26, 2008

Attention: Judy Colvin
The Department of Water Resources
Office of Water Use Efficiency and Transfers
901 P Street, Room 313A
Sacramento, CA 95814

Dear Director Snow:

The California Association of Nurseries and Garden Centers (CANGC) appreciate the opportunity to comment on the proposed changes to the Model Efficient Landscape Ordinance.

At the outset we would like to support and concur with the comments submitted by Sarah West representing the California Sod Producers Association especially with regards to the technical aspects of calculating the ET factor.

It is the position of CANGC that establishing complicated formulas and ET factors is not the most effective way to realize water savings in landscapes. We have constantly supported the concept of tiered water rates to encourage water savings and efficiency. Tiered water rates that increase the cost of water as use exceeds a specified allotment have proven effective when utilized. The tiered rate system further incentivizes water users to educate themselves as to proper water use and efficiency which is at the core of meaningful water savings. Therefore we disagree with the comment in the Notice of Rulemaking under "Consideration of Alternatives" that there are no alternatives that would be as effective as the proposal.

Lowering the ET factor of the model ordinance will have the effect of limiting the use of certain plant material which will have an impact on nurseries that specialize in those plants namely turf and bedding plants. For this reason the finding in the Notice of Proposed Rulemaking that the regulation will have no impact on business is incorrect. Nurseries typically specialize in growing certain types of plant material. Some nurseries grow large specimen trees while others grow general ornamental plants and others specialize in growing bedding plants commonly known in the trade as color. This regulation will have a negative impact on those nurseries growing bedding plants and turf. To indicate otherwise is pure fantasy.

We also take issue with how DWR staff has carried out the provisions of this process. On the DWR website dedicated to the Model Efficient Water ordinance under the link "What DWR is doing" it indicates that it has already been determined that the ET factor is being lowered to .7 from .8. In the section after that statement it is indicated that the legislation calls for a survey to determine to what extent local water purveyors adopted and implemented the model ordinance of 1990. Having been present in those discussions clearly the purpose for the survey was to determine if a lowering of the ET factor was in order. The reason being that the original ordinance had an opt-out provision that allow water providers to make a finding that there was no need for them to adopt the ordinance. That is to say no one knows to what extent the existing ordinance is being utilized meaning lower water use may be accomplish just by mandating compliance with the existing ordinance without lowering the ET factor.

The handling of the survey provision substantiates what some of us representing industry have feared for some time. That certain interests had as a goal from the start to lower the ET factor regardless of facts or information that may lead to the conclusion that such a change may not be necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Falconer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert Falconer
Executive Vice President