



March 27, 2008

Judy Colvin
Office of Water Use Efficiency and Transfers
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

Re: Model Water Efficient Landscape Ordinance – Comments on Final Draft

Dear Ms. Colvin,

On behalf of the Natural Resources Defense Council (NRDC) and Sierra Club California, we are writing to express our strong support of, and provide comments on, the Department of Water Resources (DWR) plan to amend the Model Water Efficient Landscape Ordinance (MO).

California's limited water supply is threatened by increasing demand, climate change and natural disasters. It is imperative that the State act now to reduce water consumption. Governor Schwarzenegger has recently called for a 20 percent reduction in per capita water use statewide by 2020. Our organizations believe that an updated MO will be an important component in helping to achieve the Governor's goal.

The Landscape Task Force, established by the Legislature through AB 2717 (Laird 2004), found that over one-third of all urban water use is applied to landscapes, and that much of this is wasted. When a landscape or irrigation system is poorly designed or poorly maintained, or the landscape consists of plants not suited to the dry and often hot California climate, water demand increases as a result of excessive evaporation, leaks, and runoff. Water consumption can be greatly reduced with careful planning, good plant selection, efficient irrigation systems and good water management and maintenance practices. We commend DWR for taking action now to reduce our water use. In particular, we support the following:

Reduction of Evapotranspiration (ET) Factor to 0.7. The existing Model Ordinance establishes a water budget for new, non-single family projects. New landscapes must be designed within this budget. This annual water budget is based upon a climate indicator called the Reference Evapotranspiration rate, the size of the landscape, and an "Evapotranspiration Adjustment Factor" (ETAF). The ETAF takes into account plant water needs and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The plant water needs are based on an assumed mix of approximately 1/3 high, 1/3 medium, and 1/3 low water using plants. The existing MO contains an ETAF of .8.

The best available science reviewed in DWR's white paper: *Evapotranspiration Adjustment Factor*, December, 2007, shows that there have been vast improvements in irrigation technology, landscape design, and maintenance, which justify the reduction of ETAF to 0.7. The switch from 0.8 to 0.7 can be easily attained with minor improvements in irrigation efficiency. Many water agencies are already achieving an ETAF of less than 0.8, including Coachella Valley Water District, which has adopted an ET Factor 0.5, and Irvine Ranch Water District, which has adopted an ETAF of 0.6.

We support the proposed reduction in ETAF down to 0.7. Additionally, we feel that in the future, DWR may once again need to revise the ETAF in the MO. Under AB 1881 (Laird 2006) the California Energy Commission is required to establish performance standards and labeling requirements for a variety of landscape irrigation equipment by 2010. The setting of these performance standards should result in continued improvement of irrigation efficiency and, therefore allow the ETAF to be reduced even further while still maintaining the current allowable plant mix.

24" Setback. The current draft of the MO proposes that landscapes that are within 24 inches of nonpermeable hardscape, such as a sidewalk, need to be watered with drip or subsurface irrigation. We support this change in the MO because it will help to reduce wasteful and polluted runoff. Water agencies like Coachella already require drip irrigation or low volume flow on this 24" setback. This amendment will do much to reduce runoff and improve water quality.

We commend DWR for the changes proposed above. We do feel however, that the MO can go even further to reduce water use in the state. California can make great strides in reducing our water use by limiting the amount of high water use turf. We do not call for the prohibition of turf, but we do recommend that less turf be used in landscapes. Many local ordinances, such as Coachella, allow for up to 25% of a landscape to be turf. DWR should consider adopting similar guidelines in the model ordinance for non-recreational uses. We can use water more efficiently and still have esthetically pleasing landscapes.

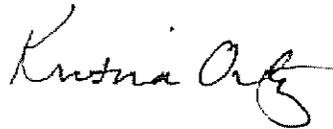
Compliance. The current draft of the MO proposes changes that would increase compliance and enforcement of landscape ordinances. Currently, discrepancies sometimes arise between the landscape irrigation design on paper and the actual in-ground installation of the system. While the current MO requires the responsible landscape contractor and landscape architect to certify compliance with the MO, this is sometimes done without an on-site inspection of the installed landscape.

The proposed MO clearly identifies the required elements and responsible parties during the design, installation and inspection of a landscape project in order to certify compliance with the ordinance. It states that an on-site irrigation audit must be performed by an independent third party as part of complying with the model ordinance. It requires coordination between the local planning agency and water purveyor from project inception to operation and maintenance.

After a landscape is certified, enforcement of the ordinance is necessary to insure efficient irrigation system operation and maintenance. For landscapes greater than one acre, the proposed MO requires that a landscape irrigation audit report be submitted every 5 years to the local agency. The proposed MO allows a local agency to administer penalties for non-compliance with the adopted landscape ordinance. These penalties include denying a Certificate of Occupancy until the landscape has been certified as complying with the ordinance, monetary fines, and the termination of water service. These changes are necessary to authorize a local agency to enforce the ordinance.

We thank you for amending the MO to reflect the best available science and research. We look forward to continuing to work with you to improve water use efficiency in California.

Sincerely,



Kristina Ortez
Policy Associate
Natural Resources Defense Council



Jim Metropulos
Senior Advocate
Sierra Club California

cc: Julie Ann Saare-Edmonds