

MWEO

From: Robert Dolezal [rdolezal@cangc.org]
Sent: Tuesday, December 30, 2008 2:31 PM
To: MWEO
Cc: Elaine Thompson; David H. Cox; Fujino, Dave
Subject: Comment on Proposed Modifications to the Model Water Efficient Landscape Ordinance CCR Title 23 sec. 490-495

IN RE: Proposed Modifications to the Model Water Efficient Landscape Ordinance CCR Title 23 Secs. 490-495

Dear Department of Water Resources,

The California Association of Nurseries and Garden Centers (CANGC) appreciates this opportunity to provide our comments to the above referenced ordinance.

Comment 045.1

We have thoroughly reviewed and researched the information provided pertaining to your intent to lower the ETAF from 0.8 to 0.7 and reject the data provided based on inconclusive process and scientific evidence to support the change. CANGC strongly urges the Department to avoid adoption of a 0.7 EATF and retain the 0.8 EATF until long-term scientific research in mature landscapes of mixed plantings validates any change to the EATF rating.

The 0.7 ETAF standard is simply too low to allow for maintenance of healthy mixed turf-shrub-tree landscapes in the full range of California climates and hardiness zones. We expect that the imposition of this standard will result in significant death of mature landscape trees and shrubs despite your best intentions, impairing the value of the landscapes for shade cooling, energy conservation, and beauty. Under the planned standard, Sacramento—the “City of Trees”—is likely destined to lose its namesake attribute.

We urge reconsideration of the model ordinance with respect to the following issues identified in the white paper:

1. **Definition of ETAF:** ETAF is not appropriately defined as a measure of the maximum amount of water that can be applied to a landscape; rather, it is the amount of water required to replace the water lost from an irrigated and planted surface due to combined evaporation and plant transpiration processes. Accordingly, all of the water in the ETo applied to the landscape except that lost to direct evaporation or wasted through runoff and sub-soil absorption is used by the plants for normal respiratory and phytomechanical processes. There is no minimum nor maximum implication, only the actual amount required to be applied to allow for the evaporation and transpiration that will net zero over the application time interval. The IE is an abstract coefficient that is subject to qualitative interpretation and adjustment depending on a variety of conditions, not a constant value, and certainly not one that can be mandated by an administrative law ruling. One may as well mandate that Pi be set at 3-1/7 rather than 3.14159..., as a matter of convenience to those performing arithmetic and geometric calculations.
2. **Study of actual landscapes not performed:** Task Force Recommendation 12 strongly suggested a three-year actual landscape study, while providing an administrative “out” to use the “best other data available.” CANGC strongly believes that study of actual *mature* landscapes is a necessary prerequisite to any attempt to set an EATF factor because it validates in a real landscape the applicability of the ET Adjustment Factor and assumptions of plant factors according to the rules cited in the present white paper. Note the emphasis of the word “mature.” The University of California study proposed to begin shortly envisions planting new landscapes and concluding prior to those landscapes becoming mature, and CANGC points out to the Department that this will not provide valid data for planning or regulatory compliance purposes. In any case, the results will not be available before the Department acts on the present regulation. Rather, the Department is proceeding on unsubstantiated assumptions made in 2005 and spotty municipal data provided under uncontrolled conditions in proposing change to the model ordinance in 2009. There is no urgency in the AB 1881 (2006) legislation to embody in regulation this change based on assumption, only a requirement to update the model ordinance. In fact, legal opinion suggests that the Department is going beyond the Task Force Recommendation by Laird Chapter 559 (2006) in adopting assumed values, not the recommended values. The best data available is the original

recommendation of 2005, an ETAF factor of 0.8.

3. **Anecdotal evidence based on carefully managed turfgrass in golf courses:** There is little evidence to suggest a reasonable parallel exists between homeowner-managed mixed landscape plantings and those of groomed and managed golf courses subject to daily inspection and care by landscape professionals trained in irrigation and plant health matters. The Department is building rules for casual gardeners wholly dependent on professional expertise.
4. **Substantial data irrelevant to ETo is presented in the white paper:** The issues of enhanced sprinkler design, weather-based controllers, garden design practices to conserve water, and irrigation equipment maintenance and calibration do not alter the ETo rates of the plants one iota. Accordingly, the ordinance should separate ETAF into its components if the Department wishes to address these irrigation efficiency elements, not bundle them into a confusing and qualitative false standard for ETAF. The model ordinance lacks transparency because these distinctions are all hidden behind the curtain of the ETAF factor requirement.
5. **Anecdotal citation of ordinance values for ETAF factors by municipalities is flawed:** Similarly, the citation of ETAF measures by various water agencies, cities, and districts only recites regulatory adoption, providing nothing by way of science to validate or justify the Department's adoption of a 0.7 ETAF rate. These agencies and municipalities potentially reflect mirroring of the model ordinance's own process rather than data independently developed according to actual experience or other valid basis.

CANGC strongly urges the Department to avoid adoption of a 0.7 EATF and retain the 0.8 EATF until long-term scientific research in mature landscapes of mixed plantings validates a change to the EATF rating. The other modifications of the model ordinance satisfy the legal requirements cited by the Department for acting by January 2009 and provide ample room for subsequent adjustments to the model ordinance when there is valid research to support an ETAF change.

On the opposite hand, early adoption of too-low an ETAF factor may result in widespread and consequential loss of residential landscapes, destroying the natural beauty of California's towns and cities, wasting energy, increasing greenhouse gas emissions, creating heat islands, and degrading the environment for our state's residents and its native species.

Respectfully submitted,

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Plan to Attend

Grower Summit - June 2, 2009
 at the Santa Ana Doubletree Hotel
California Grown Show - June 3, 2009
 at the Orange County Fairgrounds