

SOUTHLAND

SOD FARMS

Exclusive Growers of Genuine Marathon

June 24, 2015

Julie Saare-Edmonds
Senior Environmental Scientist
Department of Water Resources
1416 9th Street
Sacramento, CA 95814

Re: Model Water Efficient Landscape Ordinance Update 2015

Dear Ms. Saare-Edmunds,

First, let me object on the basis of process. We were among the drafters of the original MWELO (AB 325) in 1990. Turf production and maintenance is a large part of the landscape industry and as this Update has turned out, will suffer substantial economic hardship if the revised Model Ordinance is imposed. It is disconcerting that we were not asked to be among the stakeholders, especially in light of the fact that the public input process for the Model Ordinance has been abbreviated because of the Governor's Executive Order B-29-15, which eliminated opportunities to comment on the Model Ordinance under both the California Environmental Quality Act (CEQA) and the Administrative Procedure Act (APA). Who spoke for the functional, environmental and aesthetic values of turf? Who spoke for the majority of homeowners who consider their lawns an important part of their landscape?

Having said that, please enter these comments in the record regarding our position on the MWELO Update 2015.

The original 1990 MWELO was based on the six legislative findings that the Update recites in Section 490, Purpose. Turf is consistent with each of those findings and is particularly well suited to (4)(a) "that landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems." The original MWELO water budget was defined at 80% ET, just enough to achieve the legislative findings and maintain property owners freedom of plant choices. In 2008 the budget was lowered to 70% ET in a follow on effort by DWR (prompted by CUWCC) to discourage turf use.

In Section 490(b)(1) this Update goes beyond water efficiency by modifying the language stating the purpose as "promot(ing) the values and benefits of landscaping practices that integrate and transcend the conservation and efficient use of water." That statement embodies an entirely new concept designed to change landscape norms and one that extends beyond the scope of Executive Order B-29-15, which directed DWR to "increase water efficiency standards" – not to adopt an entirely new "transcendental" concept while circumventing CEQA and the APA.

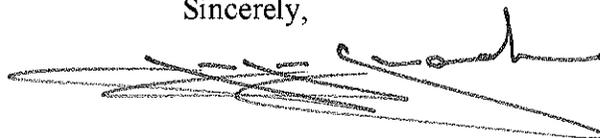
The implementation of DWR's transcendental concept is found in the change of the definition of the ET adjustment factor from 70% to 50% ET. The new 50% ET factor is based on an average plant factor of .425 ET. It is generally agreed that all season turf requires 80% ET, so the effect is to essentially regulate turf into a very minor feature of the landscape **contrary to existing preferences**. Furthermore, DWR expressly recognizes that the Model Ordinance's proposed water budget "does not provide enough water to permit the planting of turf" for non-residential landscaping.

It is apparent the intent of this Update is to **dictate** a new social norm throughout the State that defines landscapes without turf – again, without consideration of local preferences and conditions. We strongly object to the Department of Water Resources restriction of personal freedoms under any circumstances, particularly under the irrational premise of "transcendent" environmental benefits. For the record I have attached The Role of Turfgrasses in Environmental Protection and Their Benefits to Humans. We could argue the benefits of turf and its well-justified water use ad infinitum, but this has gone beyond an objective discussion of beneficial water use to the imposition of a new social norm based on the vision of a select few. Social policy should emanate from representatives of the people not the bureaucracy.

It is inconceivable that DWR has singled out homeowners to give up the freedom of their landscape choices to meet the challenge of the state's water shortage. Eliminating turf would have negligible impact on supply. As far as I know, DWR is not regulating what water is used for in the agricultural and industrial water sectors. We are certainly not arguing that DWR go there, just emphasizing that homeowner's lawns are being inexplicably singled out without a full consideration of the impacts of the revised Model Ordinance. We wonder whether this is an effort sponsored by the CUWCC to make permanent their member's subsidized turf removal landscapes paid for by hundreds of millions of ratepayer dollars. Do they fear that homeowners will return to their lawn preferences when drought consciousness fades?

By attempting to change the landscape norm this Update is not consistent with the findings of the State Legislature. The original MWEL0 was authorized with the intent to promote landscape water use *efficiency*. Efficiency is not a "transcendent" vision of a new social norm. It is an empirical calculation. This is regulatory overreach that goes far beyond what legislators envisioned. It will cost jobs, cause economic hardship, lower the quality of life, and most importantly infringe on personal freedoms. We respectfully request that DWR abandon this 2015 Update.

Sincerely,

A handwritten signature in black ink, appearing to read "Jurgen Gramckow", written over a horizontal line.

Jurgen Gramckow
President