

ALTSHULER BERZON LLP

ATTORNEYS AT LAW

177 POST STREET, SUITE 300
SAN FRANCISCO, CALIFORNIA 94108

(415) 421-7151

FAX (415) 362-8064

www.altshulerberzon.com

STEPHEN P. BERZON
HAMILTON CANDEE
EVE H. CERVANTEZ
BARBARA J. CHISHOLM
JEFFREY B. DEMAIN
JAMES M. FINBERG
EILEEN B. GOLDSMITH
CORINNE JOHNSON
MEREDITH A. JOHNSON
SCOTT A. KRONLAND
ANDREW KUSHNER
REBECCA C. LEE
DANIELLE E. LEONARD
STACEY M. LEYTON
AMANDA C. LYNCH
MATTHEW J. MURRAY
ZOE PALITZ
P. CASEY PITTS
DANIEL T. PURTELL
MICHAEL RUBIN
HUNTER B. THOMSON*
MEGAN WACHSPRESS
STEFANIE L. WILSON

FRED H. ALTSHULER
FOUNDING PARTNER EMERITUS

PETER D. NUSSBAUM
PARTNER EMERITUS

ELIZABETH VISSERS
FELLOW

*ADMITTED IN NEW YORK ONLY

November 15, 2019

Re: Model Water Efficient Landscape Ordinance – Failure to submit reports on implementation and enforcement, Cal. Code Regs. tit. 23, §495

Dear Public Official(s),

I write on behalf of the Natural Resources Defense Council (NRDC), which is a nonprofit public interest organization with more than 3 million members and activists, more than 400,000 of whom are Californians. We are writing to advise you that, based on our review of reports filed with the Department of Water Resources (DWR), your city or county has failed to comply with state regulations requiring the submission of annual reports to DWR regarding your jurisdiction's permit program for irrigated landscaping.

The Water Conservation in Landscaping Act, Gov't Code §§65591-65599, requires all cities and counties in California to adopt and enforce either the state's Model Water Efficient Landscape Ordinance (MWELo), Cal. Code Regs. tit. 23 §490 *et seq.*, or a local Water Efficient Landscape Ordinance (WELo) that is at least as effective in conserving water as MWELo. *See* Gov't Code §65597. Additionally, every city and county is required to file annual reports with DWR describing implementation and enforcement of either the MWELo or its WELo (as applicable). The requirements for these annual reports are set forth in Cal. Code Regs. tit. 23, §495(b)(1)-(12). DWR has sent letters reminding covered jurisdictions of these reporting requirements, including in November 2018 and June 2019.

NRDC has reviewed the reports that have been filed with DWR. This publicly available information¹ indicates that your city or county is out of compliance with the reporting requirements for one or more of the years 2015, 2016, 2017, and 2018. We urge you to prepare and submit complete and accurate reports to DWR regarding your jurisdiction's landscaping

¹ See <https://water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Model-Water-Efficient-Landscape-Ordinance>

permitting program. Please submit all missing reports to DWR by no later than Monday, December 9 through the department's official email portal at <WELO@water.ca.gov>, and concurrently provide a copy of the completed report(s) to NRDC at the following email address: <mweloreport@nrdc.org>.

Approximately half of California's drinking water is used outdoors, most for irrigating urban landscapes. Complete and accurate information on landscape permitting is important for maintaining reliable water supplies and planning for future needs. It also permits interested members of the public and organizations like NRDC to evaluate the potential need for additional water-saving measures. We urge you to file all missing annual reports without further delay.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B. J. Chisholm', with a long horizontal flourish extending to the right.

Barbara J. Chisholm