

Memorandum

To : The Conservancy
The Advisory Committee

Date: August 26, 2019

From :  Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Director

Subject: **Agenda Item 18: Consideration of resolution authorizing a grant of Proposition 1 Urban Creek funds to the Mountains Recreation and Conservation Authority for the Los Angeles River Environmental Flows Study Supplemental Analysis, County of Los Angeles.**

Staff Recommendation: That the Conservancy adopt the attached resolution authorizing a grant of Proposition 1 Urban Creek funds in the amount of \$250,000 to the Mountains Recreation and Conservation Authority for the Los Angeles River Environmental Flows Study Supplemental Analysis, County of Los Angeles.

Legislative Authority: Sections 33204, 33204.2, 33204.27 of the Public Resources Code.

Background: The Los Angeles River (River) has garnered considerable public attention and support for its restoration, environmental and recreational uses. The regulatory framework for river management is spread among multiple jurisdictions, making planning and implementation of changes challenging. While there have been, and continue to be, several different planning processes focusing on the river in some way, it is only recently that such efforts have focused on the water within the river channel, also referred to as instream flow.

The entities responsible for water and instream flow in the Los Angeles River include the State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards (collectively referred to as Water Boards). The Water Boards have invested heavily in ensuring water quality standards, while promoting water reuse and recycling. Increased reuse could result in a reduction of instream flow, potentially impacting the beneficial uses which the Water Boards must protect via established flow rates. When a Wastewater Treatment Plant seeks to reduce the amount of water they discharge into the river, and that reduction could reduce instream flow, they must file a wastewater change petition and obtain approval under Water Code Section 1211 (1211 petition) from the State Water Board. A key provision of the 1211 petition is to demonstrate that the reduced discharge will not unreasonably affect fish and wildlife, or other public trust resources.

Currently an instream flow study is being led by the State Water Resources Control Board (State Water Board), however, the scope of the study is limited in its analysis. Mountains Recreation and Conservation Authority (MRCA) staff have participated in scoping discussions and identified that the study would benefit from additional supplemental analysis related to ecology, habitat, and recreational uses of the river's instream flow, as well as the addition of a water quality analysis and modeling to predict adverse effects on wildlife and vegetation if flow regimes are reduced. The amount and management of instream flow has direct impacts on current and previous planning efforts by the Santa Monica Mountains Conservancy and the San Gabriel and the Rivers and Mountains Conservancy, hereafter referred to as the Conservancies. The grant request is for Proposition 1 Urban Creeks funds that the Conservancies jointly would allocate in the total amount of \$500,000 split evenly between the two Conservancies for the supplemental analysis project planning and design support of the Los Angeles River Flows Study.

Much of the water that flows in the River year-round is discharged from upstream water treatment plants. Due to the potential impacts of reduced flows to the River downstream of the Donald C. Tillman Water Reclamation Plant in Van Nuys and the Burbank Water Reclamation Plant in Burbank, collaboration between the Conservancies to engage and contribute to the Water Board's instream flow study of the River is beneficial for a comprehensive result of how reduced flows could impact ecological and recreational resources. Dischargers along the River regulated by the Water Boards, have submitted a 1211 petition for flow reduction associated with reuse. For this reason, the State Water Board has decided to pursue development of a collaborative case study for the River that will help develop a methodical, science-informed approach for evaluating future 1211 petitions and other proposals for water capture and/or reuse. The Southern California Coastal Water Research Project (SCCWRP) is the lead consultant facilitating the study for the Water Board.

In August 2018, the Conservancies engaged each other on how to supplement the Los Angeles River Environmental Flows Study to include analysis of existing and planned recreation and habitat resources for the River and recommended their respective joint powers authorities engage SCCWRP on a scope of work and budget for the supplemental analysis. In June 2019, the Conservancy authorized entering into an agreement with the RMC to initiate joint efforts on the Los Angeles River Environmental Flows Study supplemental analysis. The RMC made a corresponding authorization in April 2019.

The proposed Project would expand the State Water Board's current scope, with the MRCA and Watershed Conservation Authority (WCA) jointly pursuing funding towards supplementing the study. The proposed grant funds will be used to provide funding to SCCWRP to augment supplemental analysis, staff project planning and design, as well as an internal team of consultants to provide technical resources to the Project through research, analysis, and participation in the study.

Analysis - General Obligation Bond Law

The General Obligation Bond Law provides that bond funds may be used for the construction and acquisition of "capital assets." Capital assets include major maintenance, reconstruction, demolition for purposes of reconstruction of facilities, and retrofitting work that is ordinarily done no more often than once every 5 to 15 years or expenditures that continue or enhance the useful life of the capital asset (Government Code Section 16727 (a)). Capital assets also includes equipment with an expected useful life of two years or more, and tangible physical property with an expected useful life of 10 to 15 years. Section 16727 (a) also allows bond funds to be used for costs that are incidentally but directly related to construction or acquisition including costs for planning, engineering and other design work.

The activities that to be funded with this grant constitute planning of projects to protect land and water resources, protect and restore rivers, lakes and streams, their watersheds and associated land, water and other natural resources. Thus, the proposed activities fall within the definition of "capital assets" or are incidentally but directly related to acquisition or construction, and therefore are proper under the General Obligation Bond Law.

Scoring - Competitive Grant Program

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Please see the attached Proposition 1 grant analysis. Scoring under the Conservancy's Proposition 1 Guidelines results in the Los Angeles River Flows Supplemental Analysis Project Planning and Design project receiving 86 points (out of a possible 86; 61 minimum required), plus 4 out of 4 climate change value points, plus 20 out of 25 possible points under Additional Criteria. Total points: 110 (out of possible 115).

Consideration: The application from the Mountains Recreation and Conservation Authority is for \$250,000 of Proposition 1 Urban Creek funds, jointly allocated by the Conservancies. The RMC is providing matching funds to the WCA in the amount of \$250,000. The request will be for \$250,000 from each Conservancy, with matching funds for a total of \$500,000 split evenly between the two Conservancies.