MOUNTAINS RECREATION & CONSERVATION AUTHORITY
Los Angeles River Center & Gardens
570 West Avenue Twenty-six, Suite 100
Los Angeles, California 90065
Phone (323) 221-9944

MEMORANDUM

TO: The Governing Board

FROM: Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Officer

DATE: March 6, 2019

SUBJECT: **Agenda Item IX: Consideration of resolution authorizing a grant application to the Santa Monica Mountains Conservancy and the San Gabriel and the Rivers and Mountains Conservancy for Proposition 1 funds for Los Angeles River Environmental Flows Study, project planning and design, City of Los Angeles.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing a grant application to the Santa Monica Mountains Conservancy and the San Gabriel and the Rivers and Mountains Conservancy for Proposition 1 funds for Los Angeles River Environmental Flows Study, project planning and design, City of Los Angeles, in the amount of $500,000.

Background: Over the last few decades, 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 an effort focused on the water within the river channel, also referred to as instream flow. The proposed grant application is for funding to augment that study (described below) so that it would include analysis related to ecology, habitat, and recreational uses of the river's instream flow, and the addition of a water quality component. 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 will be made for Proposition 1 funding that the Conservancies jointly allocate.

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 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.

The conflicts between increased reuse and maintaining sufficient instream flows are challenging for various reasons. First, the tools and processes for determining flow requirements to protect beneficial uses are still in early stages of development. The State Water Board is currently funding development of the California Environmental Flows Framework (CEFF), a new two-tiered protocol for setting environmental flow criteria. Tier 1 involves defining ecologically protective flow ranges based on reference hydrology for nine general stream classes in the state. The Tier 2 approach, which is just starting, provides a framework to develop specific flow criteria, which may vary seasonally, to protect specific species, habitats, or beneficial uses. Development of the Tier 2 framework includes case studies demonstrating how watershed-specific analyses can be used to define flow targets for specific beneficial uses.

An second major are of conflict between increased reuse and maintaining sufficient instream flows is one of procedure. There is no established protocol for allocating flow requirements when there are multiple dischargers and/or water users on a single water body. The Los Angeles River has at least 100 point-source permitted dischargers and over 1,000 non-point source dischargers enrolled under the general industrial storm water permit, making it particularly complex to determine who is responsible for maintaining a minimum instream flow. This circumstance has already materialized in the Los Angeles River, where the City of Burbank's 1211 petition for flow reduction associated with reuse was protested by another city. The protest asked the State Water Board to forestall a decision on Burbank's petition until a comprehensive environmental analysis could be completed to determine how much water should remain in the river. Although some challenges have been addressed, the procedural concerns for equitable allocation of permission to reduce discharges for reuse remains.

The State Water Board has partnered with the Southern California Coastal Water Research Project (SCCWRP), an aquatic sciences research institute that works to improve management of aquatic systems in Southern California and beyond. SCCWRP's mission is built on conducting research and translating this science into actionable guidance and recommendations for management and policy. In 2018 the

State Water Board and SCCWRP developed a scope of work for a science-based study assessing flow needs and evaluating future 1211 petitions and other proposals for water capture, diversion and/or reuse. However, some areas of the full scope are not fully funded. The proposed grant application would allow these items to be completed, including:

Activity 4: Apply Environmental Flows Framework to quantify effects of flow modification on the Los Angeles River and evaluate management scenarios, as it pertains to ecology: habitat and birds (e.g. riparian only vs. riparian + marsh), as well as the effects of flow modification on recreational uses.

Augmenting Activity 4 with additional analysis, particularly in some of the key confluence and adjacent areas.

Addition of the water quality component to the study and evaluating management scenarios. This would include a water quality model for temperature, sediment, salinity, and metals.

Additional outreach to stakeholders as well as technical reviews of data in study by subject experts.

Consideration: The grant application will be for up to $250,000 from each Conservancy to total $500,000. The request will be made to both Conservancies for funding that they jointly allocate.

Fiscal Impact: If awarded, the subject grant will need to be added to the MRCA's fiscal year 2018-19 budget. There is no impact on the general fund. If the grant is not awarded, the work will not occur. The added scope is in agreement with the mission of the MRCA and the Conservancies.