

# Safe, Clean Water Program

## Regional Oversight Committee



### Meeting Minutes:

Thursday, October 29, 2020  
2:00pm - 4:30pm  
WebEx Meeting

### Attendees:

#### Committee Members Present:

Maria Mehranian (Cordoba Corp.)  
Diana Tang (City of Long Beach)  
Kristine Guerrero (League of Cities)  
Charles Trevino (Upper San Gabriel Valley  
Municipal Water District)  
Barbara Romero (City of Los Angeles) – Co-chair

Shelley Luce (Heal the Bay) – Co-chair  
Lauren Ahkiam (LAANE) – Vice-chair  
Carl Blum\* (LA County Flood Control District)  
Belinda Faustinos (Nature for All)  
Elva Yanez (Prevention Institute)

#### Committee Members Absent:

Irma Munoz\*  
(LA Regional Water Quality Control Board)

\*Non-voting members

See attached sign-in sheet for full list of attendees

### 1. Welcome and Introductions

Ms. Barbara Romero chaired the meeting, provided an overview of the agenda, and welcomed the Regional Oversight Committee (ROC) members and the public. The District conducted a rollcall of the ROC members and a quorum was confirmed.

The District conducted an overview of WebEx Event functionality and meeting protocols for both the ROC members and the public.

### 2. Approval of July 20, 2020 meeting minutes

The District displayed a copy of the meeting minutes from the previous meetings and the Chair invited discussion and comments.

Ms. Lauren Ahkiam noted an error with the prefix of her name.

Mr. Trevino moved to approve the July 20 meeting minutes with the noted revision and Ms. Faustinos seconded the motion. There was no discussion of the motion. District staff facilitated a rollcall vote. **The ROC voted to approve the meeting minutes (Ayes: 9, Nays: 0)**

### 3. Public Comment Period

The Chair reiterated the 4 methods available for public comment and the order they would typically be addressed (comments cards submitted in advance, WebEx raised hands, callers, and requests in chat box), and then asked the District to facilitate. Mr. Frary acknowledged that there were 3 comments (including 2 letters) submitted in advance (attached to these minutes). Mr. Frary noted that the 3 comment cards received pertained to Agenda Item 7 and recommended those be addressed at the next public comment period. Ms. Romero confirmed that the submitted comments would be held for Agenda Item 7.



---

No other requests for public comment were made during this agenda item.

#### **4. Committee Member and District Updates**

The Chair solicited any updates or announcements from the committee.

Ms. Jenny Newman, on behalf of Ms. Munoz with the Regional Water Quality Board, provided an update on the tentative regional MS4 permit which was released for public comment in August. The comment deadline is December 7<sup>th</sup>, 2020 and they are currently accepting comments on the tentative permit. They just had a workshop 2 weeks ago on the tentative permits and another workshop will be held on November 19, 2020 from 9:00 am to 12:00 pm. This workshop will be specifically about the monitoring and reporting requirements. Comments will be reviewed and addressed in December. The revised regional permits will likely be presented to the board for consideration in Spring 2021.

Ms. Luce thanked Ms. Newman for the update and noted the importance of receiving updates as many municipalities are looking to utilize Safe Clean Water Program (SCWP) funds to help meet their permit requirements. She noted that the SCWP should certainly be used to help meet permit requirements but should not be viewed as the only source of funding or as a reason to delay meeting water quality standards.

Mr. Frary stated that the WHAM committee has been meeting approximately monthly and a subcommittee was formed to focus on workforce development aspects. The WHAM committee recognizes and helps foster the need to leverage resources, develop partnerships, and encourage creative collaboration across sectors.

The Chair then confirmed there were no other committee member updates and called for the District updates. Mr. Frary shared that the Board of Supervisors approved all 9 Stormwater Investment Plans on October 13<sup>th</sup> and thanked the committee members and other stakeholders for their efforts. Mr. Frary provided a demonstration of the new Safe Clean Water Portal which displays funded projects, projects under consideration, applications, project benefits, and other statistics. Mr. Frary displayed the GIS Reference Map which allows WASC members or members of the public to view different data sets to help facilitate discussions and strategies related to Watershed Area needs and priorities. Lastly, Mr. Frary displayed the SCW Program Reporting Timeline which summarizes the key reporting deadlines that ensure accountability and stewardship of funds within the Program. Reporting will soon be able to be facilitated through the SCW Portal.

Mr. Frary noted that the Scopes of Work for the Regional Program Fund Transfer Agreements are due 45 days after board approval. Nearly half of the Municipal Fund Transfer Agreements have been executed and the remaining are underway. Matt noted that the year 2 Call for Projects closed on October 15<sup>th</sup> and provided a preliminary overview of the submittals. The District is currently in the process of conducting the completeness review and coordinating with the applicants to obtain any clarification necessary. The District has also initiated soliciting proposals from our as needed design consultants for the Projects Concepts that were awarded funding from the Technical Resources Program. Funding for the Watershed Coordinators was also approved as part of the SIPs. The first step is complete (and all proposers met minimum requirements), and the next step (review and scoring by the District evaluation committee) is expected to be completed in November. The final step will include interviews or presentations conducted in the public forum (i.e., a WASC meeting) for the WASCs to select their Watershed Coordinator(s). The WASCs will also be revisiting the chairs, receiving a presentation on the purpose and responsibilities of the WASC and voting to send all

# Safe, Clean Water Program

## Regional Oversight Committee



---

Infrastructure Program Project submittals to the scoring committee. The timeline and various resources/tools were referenced to facilitate the Year 2 regional process.

Ms. Faustinos recommended the District host a Webinar to assist committee members in utilizing the tools available.

### **5. Ex Parte Communication Disclosures (41:35)**

The Chair solicited ex parte communication disclosures.

Ms. Faustino and Ms. Ahkiam discussed the SCWP during Our Water LA (OWLA) meetings.

In August, Ms. Guerrero meet with Alex Paxton, Belinda Faustinos, and others to discuss the SCWP. She also met separately with various Public Works Directors to discuss the SCWP in late August.

### **6. Public Comment Period**

The Chair solicited public comment, starting with the comments submitted in advance.

Mr. Bruce Reznik spoke regarding OWLA's recommendations on allowing flexibility and funding discretion at the WASC level. If project proponents to can commit to the scope of work by finding outside funding, it eliminates the need to rescore projects. Mr. Reznik also recommended allowing the WASCs the opportunity to make de-minimis changes to a project, provided it would not significantly change the cost or score. He also noted that the staff memo did not discuss community benefits and how they relate to nature-based solutions, all of which is discussed in the submitted comment letter attached.

Ms. Tiffany Wong spoke to OWLA's recommendations to create a transparent and thoughtful framework for DAC projects and to increase accountability for meaningful engagement. OWLA's analysis suggested a lack of shared understanding for defining DAC investment and little to no community engagement. OWLA recommends a stronger definition of DAC benefits in which Projects should be located in a DAC and provide direct community investment benefit to DACs. Furthermore, she suggested that water quality and water supply benefits should not be counted as a DAC benefit since these are regional issues. Investing in DACs should include efforts to identify and meaningfully address DAC needs through engagement and should address displacement avoidance strategies. OWLA also agrees with the need for a scaled scoring criterion for community engagement.

Ms. Elva Yanez noted the importance of thorough discussion in developing DAC benefits and community engagement guidance. She strongly recommended leveraging expert support from local academic institutions and developing a solid framework for metrics and indicators.

Ms. Annalisa Moe thanked the District for its efforts to clarify the prioritization of nature-based solutions and for soliciting input through the listening sessions. In the short term, OWLA recommends the WASC be given more detailed guidance on nature-based solutions. More detailed recommendations as proposed by OWLA can be found in Attachment A of their attached comment letter. In the long term, OWLA recommends a change in definition for Nature Based solutions, particularly to differentiate between vegetated and non-vegetated measures with a preference for vegetated nature-based solutions. They also recommend the scoring criteria be reevaluated to incorporate the nature-based solution matrix and that additional points be allocated to nature-based solutions and community investments as well as require that a project receives points in each category in order to qualify for funding. They also agree with the need to better understand water supply benefits, and recommend to either adjust the threshold for water supply points or to elevate community investment points to allow



---

projects located in areas where water supply opportunities are limited, but that offer significant community investment benefits to compete for funding.

Ms. Renee Purdy conveyed, on behalf of Ms. Irma Munoz, how important it is to hear from communities about projects built in their neighborhoods and the fact that these projects are strengthening community wellbeing, and will be better taken care of with community input both upfront and throughout the entire project. She also noted the importance of the SCWP providing guidance about the expectations for community engagement.

Benjamin Shorofsky wanted to echo OWLA's comments and also raise the point that when reviewing the scoring, there is an opportunity to reevaluate DAC benefits and Water Supply while thinking about how smaller distributed projects without as many resources are viewed within the broader portfolio of projects that are approved each year.

### **7. ROC input for future program guidance and potential subcommittee(s)**

- a) Programming Partial Funding**
- b) Applying consistent Disadvantaged Community Benefits program policies**
- c) Strengthening Community Engagement and Support**
- d) Clarifying the prioritization of Nature-Based Solutions**
- e) Understanding Water Supply Benefits**

The Chair acknowledged the staff memo and asked the District to introduce the topics. Mr. Frary provided an overview of the memo, acknowledging that there are many areas that we are all seeking to develop and implement collaboratively, but there are 5 primary topics for which the District intends to create additional guidance at this time. The staff memo compiles the input received to date through prior document development processes, ROC meetings, stakeholder meetings, letters, board meetings, etc., as well as provides potential solutions/clarifications to explore. The intent is to allow everyone to understand, with confidence and trust, that the problems are understood, that guidelines are moving in the right direction, and to stress the importance of the timeline so that the guidance can go through public review and be implemented in the coming years. The District has already made modifications to the project module to request additional information and justification related to these topics. In this meeting, the primary goals are to obtain concurrence with the problem statements, ensure the guidelines are starting on the right path, and to capture any other headline comments on behalf of the ROC. The input from this meeting is intended to be used to craft more detailed program guidelines.

Ms. Romero asked about the expected timeframe to develop the programming guidelines. Mr. Frary responded that the District intends to take everything heard to date and initiate development of the programming guidelines immediately following this meeting so that the public review period could start in late 2020 and guidance could be adopted as early in 2021 as possible. This may allow for the guidance to be utilized and referenced by the steering committees for the end of this round of programming and by future applicants when the 3<sup>rd</sup> round of call for projects closes on July 31<sup>st</sup>, 2021.

Ms. Romero noted that she concurred with the problem statements in the staff memo, but felt the potential solutions were hit and miss. She felt that some topics may need additional discussion through a subcommittee or smaller working group.

Mr. Frary noted that formation of subcommittees is still an option, but it is not recommended by staff predominantly because of the timeline. In addition, should a majority be interested in participating in the subcommittee, the meetings would still need to be Brown Act compliant.

Ms. Luce stated that she appreciated the staff memo and acknowledged that it appeared to capture much of what was discussed. Ms. Luce also asked about the process for providing input and direction.

# Safe, Clean Water Program

## Regional Oversight Committee



---

Mr. Frary clarified that the Chief Engineer for the District has delegated authority to develop guidance documents. The guidance document is not required to undergo a public review period and would not need to be adopted by the Board, but the District intends to do so for consistency and to foster transparency, stewardship, and collaboration.

Ms. Yanez noted the importance of allowing the ROC and the public to review any guidance before being adopted. She also noted the importance of the issues and the need to provide a certain level of scrutiny.

Ms. Mehranian requested to discuss high level strengths and weaknesses of each topic. For example, by allowing partial funding, projects may take longer and therefore cost more.

Ms. Romero proposed discussing which topics the ROC was generally comfortable moving forward with and which topics may require additional discussion.

Mr. Trevino commended staff's efforts to bring some clarity to the issue and advocated for moving forward with the guidance staff has initiated.

Ms. Yanez agreed in the approach to move some topics forward but cautioned that moving too quickly with equity issues such as DAC and Community Engagement could shortchange marginalized communities. DAC and Community Engagement are not engineering problems, they are equity issues. Ms. Yanez recommended utilizing regional equity experts and taking the time needed to get it right.

Mr. Blum discussed the need to define the big picture and develop a comprehensive plan based on Watershed areas needs and then the other pieces will fall together. He recommended keeping things simple and moving forward, rather than looking at Project level criteria.

Ms. Guerrero agreed with the approach to move forward with items that the ROC can reach consensus on but does not support the formation of subcommittees. The committee is comprised of different viewpoints that should all be heard in the interest of balance and equity. The committee should also consider the need for adaptive management and changes to the guidelines as the program progresses.

Mr. Frary elaborated that there will continue to be built in processes that allow the ROC to reevaluate how the Program goals are being met. These processes will allow the ROC to continually inform the development of additional guidance. Also, each WASC committee has started with a re-centering discussion focused on the needs of each Watershed Area. There are also a few scientific studies that speak to Program metrics and the District is exploring focused efforts to address water quality, water supply, and community investment benefits and metrics with the applicants, including NGOs, academia, and others.

Ms. Tang wanted to echo Ms. Guerrero's recommendation to discuss key topics among the full committee. She also acknowledged the importance of getting started and implementing projects to provide safe, clean water to the voters.

Ms. Ahkiam requested clarification on the potential resolutions. Mr. Frary clarified that none of them have been adopted, but the guidance would likely be drafted to reflect one of the options shown based on input from the ROC.

Ms. Mehranian requested an extra session to summarize their thoughts. Ms. Romero would like to hear District's specific recommendations based on the feedback received to help narrow discussions, rather than different options. Ms. Luce noted that the aim of the ROC should be to come to a high-level consensus on these issues and provide recommendations, rather than provide input as individuals. Mr. Frary clarified that the staff memo is intended to just be the starting point to allow the District to compile



---

all input received and proceed with developing the guidelines and providing recommendations. Ms. Yanez was concerned that not all perspectives are being heard by not utilizing local equity experts and recommends a more cautious and methodical approach.

Ms. Faustinos recommended discussing each topic and quickly identifying each member's specific recommendations and establishing a ROC review process prior to the public review process.

Ms. Guerrero asked for clarification regarding securing other sources of funding. Mr. Frary clarified that the application now requests that applicants identify leveraged funds as well as level of confidence. The WASC would then have additional information if/when exercising the discretionary power to determine if the Project could be achieved successfully if awarded partial funding. These recommendations would be included in the final guidance. Ms. Luce strongly supported the 3<sup>rd</sup> bullet regarding partial funding which requires projects that request partial funding to achieve the same submitted scope and benefits using funding from another source or otherwise be programmed in such a way that re-scoring would not be required.

Mr. Frary noted two important nuances that distinguish SCWP from other funding sources; funding is provided in advance and there is an elaborate scoring criterion. The guidelines would aim to balance those nuances and find a path forward. He also noted the District's commitment to continue to learn and better the Program even after the "guidelines" have been adopted. Ms. Luce and Ms. Romero agreed that the District could move forward initiating the new guidelines, especially with the partial funding recommendations/procedures that appear to have consensus support in general.

Ms. Faustinos recommended the District consider interim guidance that won't impact the broader goals that the committee is trying to achieve.

Mr. Blum recommended the committee members and experts provide input to the District as early as possible, rather than waiting or proposed recommendations. He noted that the ROC's responsibility is not to focus out the details, but to oversee and ensure that the Program is moving in the right direction.

Mr. Mike Antos reiterated that the committee members have a distinct role to assist the Program in achieving its goals and to provide the clearest path to success for all the people participating in the Program. He noted the importance of separating personal interests from the role as a ROC committee member and providing the right contributions to the guidelines so that the Program can succeed.

### **8. Public Comment Period**

The Chair solicited any additional public comment.

Ms. Madelyn Glickfeld requested to make a comment in the chat but could not be reached during the public comment period.

No other requests for public comment were made during this agenda item.

### **9. Items for Next Agenda**

Mr. Frary stated that next meeting would include revisiting the Chairs, per the operating guidelines, and additional discussion of the programming guidelines as necessary, which will be discussed and coordinated with the Chairs. During a previous meeting, Mr. Blum also requested a discussion of baselines and metrics.

### **10. Meeting Adjourned**

Ms. Barbara Romero thanked the ROC members and public for their time and participation.

## Regional Oversight Committee - October 29, 2020

Regional Oversight Committee - October 29, 2020			
		Quorum Present	Items
Member Type	Member	Voting?	Items
			Approval of July 20, 2020 Meeting Minutes with modifications and revisions from Lauren Ahkiam
Voting Member	Maria Mehranian	x	
Voting Member	Barbara Romero	x	y
Voting Member	Diana Tang	x	y
Voting Member	Kristine Guerrero	x	y
Voting Member	Belinda Faustinos	x	y
Voting Member	Shelly Luce	x	y
Voting Member	Lauren Ahkiam	x	y
Voting Member	Elva Yanez	x	a
Voting Member	Charles Trevino	x	y
Non-Voting Member	Carl Blum	x	
Non-Voting Member	Irma Munoz		
Total Non-Vacant Seats	9	Yay (Y)	7
Total Voting Members Present	9	Nay (N)	0
		Abstain (A)	1
		Total	8
			Approved



## Attendees

### Regional Oversight Committee Meeting – October 29<sup>th</sup>, 2020

Safe Clean Water LA	Shelley Luce (she/her)	Bonnie Temple
Matt Frary (LACFCD)	Jason Fussel	Gregory Pierce
Melanie Morita-SCW	Dee Corhiran	Jud Warren
Barbara Romero	TRUC NGO	Hans Tremmel
Fernando Villaluna	ilene ramirez	Brad Wardynski
Carl Blum	Kelly Cook	
Charles	Kara Plourde	
Elva Yanez	Lauren Ahkiam	
Christine McLeod	Alex Paxton	
Lauro Alvarado	Susie Santilena	
Melanie Morita	Mercedes Passanisi	
Nick S	Paul Alva	
Mark Lombos	Simon Fowell	
Kristen Ruffell	Mackenzie Domann	
Renee Purdy	Aaron Chiang	
Joe Venzon	Sharon Gallant	
Diana Tang	Johanna Chang	
Thomas Love	Daritza Gonzalez	
A M	Alexander Tachiki	
Sheila Brice	wendy dinh	
Stephanie Tong - LACFCD	Gregor Patsch	
Mike Antos	shahram kharaghani	
TJ Moon	Jaime Sayre	
brett perry	Aric Torreyson	
Tavo Orozco	Oliver Cramer	
Cristian Duran	Daniel Livesey	
Annelisa Moe	Thuan Nguyen	
Sophie Freeman	Bruce Reznik	
Kristine Guerrero	Michelle Kim	
Belinda Faustinos	Benjamin Shorofsky	
Iwen T	Jenny Newman	
Deborah Bloome	Jill Sourial	
Sarah Diringer	Leslie Johnson	
Lonnie Chung	Jacqueline Mak	
Melissa Turcotte - LACFCD	Michael Omary	
Ariana Villanueva	Conor Mossavi	
Katie m	Kathleen McGowan	
Tiffany Wong	Madelyn Glickfeld	
Armando D'Angelo	Maria mehranian	
Liz Crosson	Bethany Bezak	
Blake Whittington	Rita Kampalath	
	Yue Shen	





October 28, 2020

Regional Oversight Committee Members  
Safe Clean Water Program

RE: Input to Item 7: ROC input for future program guidance and potential subcommittee(s)

Dear Committee Members & Staff:

OWLA is pleased to provide comments to the ROC as you consider some of the most critically important next steps in shaping this program to meet the water quality, water supply and community investments goals approved by the voters. We recognize that an update to the guidance is necessary given the issues identified by the Scoring and WASC committee members and other stakeholders including OWLA in the first round of funding. Given our broad engagement with the community, project proponents, committee members and other stakeholders we have developed these recommendations with robust input. Where appropriate we have added specific recommendations for both short and long term resolutions. OWLA is advancing an independent evaluation process through the end of the year and would appreciate the opportunity to collaborate on making necessary changes to the SCWP.

1. Programming Partial Funding

a. Overview of Problem

As highlighted in Staff Memo, a major area of frustration among Watershed Area Steering Committees (WASCs) was the inability to provide partial funding to projects. This was a particularly - and we believe unnecessarily - contentious issue in the Central Santa Monica Bay WASC as that group wrestled with potential funding for the Ballona Creek TMDL project. Due to the size of the 'ask', the project (which had widespread support among WASC members) could not be funded at the requested amount without running afoul of minimum requirements for DAC-benefitting projects. A simple solution - one which the applicant (City of Los Angeles) seemed open to - would have been to provide partial funding (up to the amount that would still allow the SIP to meet DAC requirements), with the City committing to raise additional funds to complete the project, either through local returns or outside funding. Yet, these proposals were constantly thwarted, with the alternative approach being an attempt to weaken DAC requirements to allow the project to inappropriately be considered a DAC-benefitting project (which would have seriously undermined that requirement of the SCWP). While these efforts

were stopped, none of this would have been needed if WASCs had greater flexibility around funding allocations. Moreover, while the CSMB WASC was perhaps the most extreme example of the negative consequences of not allowing flexibility, OurWaterLA heard similar concerns from our members in several other WASCs.

Moreover, the WASCs are exactly the venue to have these types of discussions. The 17-member committees - which are comprised of municipal and agency representatives, environmental and environmental justice advocates and a business seat - are supposed to be the forum where people with varied interests and expertise balance competing goals to develop a SIP that best meets the needs of the SCWP and local communities. Their job is undermined by the lack of flexibility awarded to them as they consider how each proposed project fits into a cohesive overall SIP.

One of the more common-sense changes that need to be made to the SCWP process, allowing greater funding flexibility at the WASC level is one of the few areas of agreement between OWLA and the nonprofit community, the League of Cities and project applicants, and the business community.

b. Potential Resolutions (Short/Long term)

In their memo, Staff lays out several proposed recommendations that could help address this problem. OWLA believes that perhaps the simplest, most direct short-term solution (which could be implemented even for the round 2 projects currently under consideration) would be to

“[r]equire a project that requests partial funding to achieve the submitted scope and benefits using funding from another source (including, but not limited to a cost share partner, grants, or SCW Municipal Program funds) and/or otherwise be programmed in such a way that re-scoring by the Scoring Committee would not be required.”

With the review process so compressed as-is, it is not likely viable to allow changes to funding amounts that would then require rescoring by the Scoring Committee.

Additionally, we would note that while the Staff Memo focuses solely on greater flexibility in funding, OWLA also believes that WASCs should be allowed to recommend de minimis changes to projects that will better achieve the goals of the SCWP as long as those changes are amenable to project applicants and are unlikely to change project scores so they would fall below the 60-point threshold. Such changes could include things like alterations to plant palettes to provide greater community benefits (e.g., more diversity, more natives), or improving community engagement plans. We believe such clarification could also be implemented immediately.

In the longer-term, we recommend the Regional Oversight Committee (ROC) as part of its biennial review, take a more comprehensive look at how much flexibility should be granted to WASCs to alter funding amounts and/or project elements to ensure SIPs best meet all the goals

of the SCWP; clear direction on how such flexibility should be employed; and possible process revisions to more easily allow such changes to take place.

## 2. Applying consistent Disadvantaged Community Benefits program policies

### a. Overview of Problem

As outlined in the Staff Memo, there is a need for clarifying what a DAC benefit is and the methodology for verifying claims. Despite 82% of Round 1 funds going to DAC projects, OWLA's independent analysis of the highest-scoring DAC project in each Stormwater Investment Plan found a lack of shared understanding and criteria for defining DAC investment. OWLA argues that investing in DACs must include efforts to (a) avoid or mitigate potential harms and (b) identify and meaningfully address DAC needs. This elevates process metrics to be as important as outcome metrics. However, in the select Round 1 DAC projects, project proponents cited varying criteria for DAC project qualification, failed to outline anti-displacement strategies, had little to no community engagement prior to application, and so could not identify DAC needs nor demonstrate project benefits are meeting DAC needs. There were also discussions during the application review and selection process on allowing projects to qualify as DAC projects after the fact. Without a clear framework for DAC projects, the SCWP risks funding projects that do not generate direct benefits to community members and create additional burdens in historically underinvested communities.

### b. Potential Resolutions

#### i. Short term

While we support clarifying DAC benefit criteria, the proposed criteria in the Staff Memo runs completely counter to the goals of the SCWP to provide a direct benefit to DACs. DAC projects should be located in a DAC and provide a direct benefit to members of that community, not upstream or downstream. Moreover, these benefits should align with the community investment benefits outlined in the SCWP scoring criteria, not water quality or water supply benefits that provide regional benefits. And while not as quantitative as what we are proposing in our long-term recommendations below, we do believe direction can and should be provided to WASCs that to classify a project as DAC-benefitting, the applicant must demonstrate a clear community need (e.g., flooding, excessive heat, poor air quality, park poor) that will be addressed by the project.

Project proponents should also be required to do more robust displacement avoidance planning for DAC projects. SCWP administrators may need to train applicants on the risks of displacement with stormwater projects and/or ask them to engage more thoroughly with anti-displacement experts before receiving SCWP funding.

OWLA supports greater verification of DAC benefits through quantitative tools and/or documentation of support from local community-based organizations and/or residents.

ii. Long term

Prior to Round 3 of SCWP funding allocation, OWLA recommends that the feasibility study and scoring criteria be re-evaluated to strengthen the DAC benefit framework. This must be done in conjunction with community stakeholders from DACs and community-based organizations representing DACs.

One such solution could be to integrate a methodology similar to the [California Climate Investments' evaluation approach](#) to ensure projects provide “direct, meaningful, and assured benefits to priority populations.”

- Step 1: Identify the Priority Population(s). Be located within a census tract identified as a disadvantaged community or low-income community, or directly benefit residents of a low-income household;
- Step 2: Address a Need. Meaningfully address an important community or household need for the disadvantaged community, low-income community, or low-income household; and
- Step 3: Provide a Benefit. Using the evaluation criteria, identify at least one direct, meaningful, and assured benefit that the project provides to priority populations. The benefit provided must directly address an identified need.

In this approach, applicants can identify a need through a number of methods: community engagement, documentation of support from local community-based organizations and/or residents, public data available in CalEnviroScreen, or a provided list of common needs for priority populations. SCWP projects that provide benefits that meet identified community needs should be awarded additional points.

Stakeholder discussions could also outline what types of benefits should count as DAC benefits and be integrated into the feasibility study and scoring criteria. For example, while the definition and discussion of DAC benefits has included mention of job creation, local hire, and living wages, there is no existing framework for outlining and evaluating that impact. Furthermore, OWLA argues that water quality and water supply benefits should not count as DAC benefits since this is a need in any community and should not be counted toward the 110% threshold. Greater emphasis should be placed on community investment benefits and nature-based solutions that ensure projects also boost the quality of life in DACs. This requires metrics for community investments benefits and nature-based solutions that are as clear and measurable as those for water quality and water supply. DAC projects could also be required to achieve a minimum number of points in these two scoring areas.

OWLA agrees that quantification of DAC benefit value for compliance with the 110% requirement is an issue that needs to be addressed. Quantification should be based on the

actual “portion” of the project providing DAC benefits. To reiterate, water quality and water supply benefits should not be counted toward this threshold.

### 3. Strengthening Community Engagement and Support

#### a. Overview of Problem

OWLA agrees with the problem statement in the Staff Memo that there needs to be a clearer definition of community support and requirements for community engagement both prior to application and during implementation. In our independent review previously mentioned, OWLA found that, despite the majority receiving a full score for local support, the select DAC projects had completed little to no community engagement prior to application. Most simply outlined planned community engagement which mainly consisted of informing community members with minimal opportunities for feedback or modification. Additionally, attached documentation of support was largely from elected officials and agency representatives rather than community-based organizations and/or residents. Stronger community engagement guidelines will ensure greater accountability of project proponents and build community trust in the SCWP program.

#### b. Potential Resolutions

##### i. Short term

OWLA encourages SCWP committees to utilize the [Spectrum of Community Engagement](#) to facilitate evaluation of community engagement in Round 2 project applications. Based on this tool, robust community engagement requires meaningfully integrating community-identified needs and assets into planning decisions and increasingly elevating community members as key decision-makers. Although not included in this tool, community expertise is critical throughout the life cycle of a project: understanding problems and conditions, developing and implementing the most impactful solutions, and evaluating outcomes and making necessary changes.

We also recommend requiring stricter guidelines for what documentation demonstrates local support, such as letters of support from local community-based organizations and/or residents and memoranda of understanding.

##### ii. Long term

We recommend embedding the Spectrum of Community Engagement into the program guidelines and scoring criteria to distinguish between different levels of community engagement rather than the all-or-nothing approach being used currently.

Community engagement requirements should encourage projects that not only inform and consult community members but that also involve, collaborate and defer to them, as outlined in the framework. Requirements should also be outlined for each project phase.

SCWP administrators should consider requiring applicants to submit community engagement plans that they will implement if they receive SCWP funding which outline the costs, the types of engagement pursued, and regular submission of evidence of engagement.

#### 4. Clarifying prioritization of Nature-Based Solutions

##### a. Overview of Problem

OWLA agrees with the problem statement in the Staff Memo that the SCWP program goal to “prioritize Nature-Based Solutions,” and the definition of Nature-Based Solutions (NBS), allows proponents and WASCs to each make separate judgements on some specifics of what counts as a NBS and whether NBS is being prioritized within the Program. Given that a solution proposed in the Staff Memo is to have project developers self-evaluate their Projects, to be reviewed by the Scoring Committee, we must also recognize the existing problem that, due to lack of metrics and clear guidance, it was very hard for applicants to self-score on NBS or for the Scoring Committee to issue a final score on NBS. Additionally, lack of metrics and clear guidance on NBS, as well as the lower points score allocated to NBS as a project benefit (15 out of a possible 110 points), disincentivizes the initial solicitation of projects that use vegetated nature based solutions.

##### b. Potential Resolutions

###### i. Short term

OWLA supports the resolution to annotate the NBS matrix to be used by the WASC, and we hope that the County will continue to solicit input from stakeholders as well as experts through additional listening sessions. If the County intends to have project developers self-evaluate their Projects, there must be improvements to ensure that the self-scoring process based on the NBS matrix is clear and straightforward, and that documentation is included to support the Scoring Committee’s review.

In addition to the WASCs incorporating this matrix-based NBS self-score for WASC consideration, WASCs should also be given more detailed guidance on each existing NBS scoring category to consider for weighing projects against each other for round 2 of SCWP funding allocation. This more detailed guidance, as proposed by OWLA, can be found in Attachment A. The County should conduct listening sessions to solicit stakeholder and expert input to refine this proposed guidance and distribute to the WASCs prior to deliberations for round 2 of SCWP funding allocation.

If the county intends to develop an additional document that connects the problems that the SCWP was developed to address and which “NBS project types” are typically associated with each, we request that the County also conduct listening sessions to solicit stakeholder and expert input in this process, and to take into consideration the innovative nature of NBS as a multi-benefit stormwater capture tool.

ii. Long term

OWLA recommends an amendment to the definition of NBS within the SCWP. Redlines edits to existing SCWP language on NBS is provided in Attachment B. Additionally the County should amend the definition to differentiate between vegetated and non-vegetated NBS, with a preference to prioritize vegetated NBS throughout the SCWP given the multiple benefits, including water quality benefits, that these types of vegetated projects can provide, and recognizing the reduction in overall project benefits when non-vegetated (i.e. nature mimicking) solutions are used.

Prior to round 3 of SCWP funding allocation, OWLA recommends that the SCWP Scoring Criteria be re-evaluated to incorporate the NBS matrix, vetted by stakeholders and experts, in a more official capacity. Looking back at the first round of funding allocation, we recognize that many good projects have been funded, but we have not yet seen projects that would qualify as a “best” project under the NBS Matrix, that maximize benefits and truly exemplify the SCWP. Therefore, we also recommend that the Scoring Criteria be re-evaluated to allocate additional points to NBS and Community Investments, so that these program goals can be considered on an equal footing with other programmatic goals. At a minimum, projects should be required to achieve a threshold score to include at least 5 points for Community Investment Benefits and 5 points for NBS.

5. Understanding Water Supply Benefits

a. Overview of Problem

The 2014 Los Angeles Basin Stormwater Conservation Study recognizes that the water supply potential through stormwater capture estimated by the year 2095 is relatively high for the Los Angeles and San Gabriel River Watersheds; relatively low for the Ballona Creek, South Santa Monica Bay, and Dominguez Channel Watersheds; and virtually nonexistent for the Malibu Creek and North Santa Monica Bay Watersheds. There is potential for diversion projects, but these are likely to be mainly grey infrastructure projects, which offer few community investment benefits. There is also potential for onsite reuse to offset the use of potable water, but in certain areas even projects that do utilize onsite reuse are unlikely to score well owing to the high threshold in the Scoring Criteria for a project to get water supply points.

b. Potential Resolutions (Short/Long term)



In order to allow distributed, nature-based, multi-benefit and community investment projects to have equal opportunity for funding through the Safe, Clean Water Program, we must re-evaluate the Scoring Criteria to either adjust the threshold for water supply points, or to elevate community investment benefit points. This will allow projects that are located in areas where water supply opportunities are limited, but that offer significant community investment benefits, to fairly compete for funding even if they are lacking water supply points.

## 6. Community Investment Benefits

### a. Overview of Problem

While not addressed in the Staff Memo, Community Investment benefits is another critical issue that needs to be addressed by the ROC (and which is so intertwined with Nature-Based Solutions, DAC Benefits, and Community Engagement that it is impossible to address the latter without also addressing the former).

Lack of measurable outcomes around Community Investment Benefits (CIB) made it very difficult for applicants to know what to take credit for when submitting feasibility studies, and equally challenging for the Scoring Committee to score and WASCs to properly evaluate proposed projects. Most applicants took credit for at least half of the available community investment benefits points, likely undermining the intent of these criteria.

One extreme example was ‘improved flood management’, which was claimed by virtually all applicants, with the mere rationale that *any* stormwater project helps with flood management to some extent. This is not aligned with the initial intent of the SCWP, which was to award points for projects that meaningfully address flood risk in communities heavily impacted by flooding. Without clear metrics, the various committees did their best to score and vet projects, but we expect many projects ended up receiving credit for somewhat dubious benefits. This not only results in funding of projects that don’t truly achieve the kinds of community benefits envisioned by the SCWP, but also ends up painting an overly rosy picture of what community benefits are being provided (which thus diminishes the urgency of correcting this problem).

### c. Potential Resolutions (Short/Long term)

OWLA acknowledges that staff has actually taken a number of near-term recommendations put forth by the Scoring Committee, adding greater specificity in the online application portal, and putting more onus on applicants to describe the need addressed and benefit being conferred. That said, we think it would be beneficial for the ROC to further and simply provide direction to the Scoring Committee and WASCs that to awarded CIB points, the applicant must clearly demonstrate the community need being addressed (e.g., flooding, excessive heat, poor air quality, lack of green space) as determined by relevant tools (e.g., CalEnviroScreen) and/or community input, and how the proposed project will address those needs (with quantification when possible).

In the longer-term, we believe there should be a reexamination of the scoring criteria for community benefits, informed by community input as well as expert review. Areas where improvements could/should be made include:

- Specific metrics should be developed for each proposed benefit (e.g., how much carbon needs to be sequestered to be awarded points);
- Revisiting whether CIB should be merged with (more measurable) Nature-Based Solutions section as these two concepts are so closely aligned (NBS is often the strategy to provide community benefits)

Thank you for the opportunity to submit comments on these issues. The OWLA core team is committed to improving the Safe Clean Water Program implementation process.

Sincerely,

OWLA Core Team: Heal the Bay, LAANE, LA Watekeeper, Nature for All, NRDC, Pacoima Beautiful, SCOPE, The Nature Conservancy, TreePeople

## Attachment A: Detailed Nature-based Solutions Scoring Criteria

The current project scoring criteria awards points for removal of impervious area; implementation of natural processes to protect, enhance, and/or restore green space; and utilization of natural materials. To differentiate projects, more specific criteria could be applied, as shown in blue:

(a) Removes Impermeable Area from Project (1 point per 20% paved area removed) = 5 points

- Points should be awarded based on the percentage of the project footprint that is converted from impermeable surface to *climate appropriate* vegetation

(b) Implements natural processes to slow, detain, capture, and absorb/infiltrate water in a manner that protects, enhances and/or restores habitat, green space and/or useable open space = 5 points

- Implementing natural processes may include:
  - Strategically protecting undeveloped mountains and floodplains;
  - Creating and restoring riparian habitat and wetlands;
  - Enhancing soil through composting, mulching, and tree and vegetation planting, with preference for native species; and
  - Utilizing spreading grounds; green streets; and planting areas with water storage capacity
- Where relevant, points should be awarded based on the percentage of project footprint covered by new, *native* vegetation (1 point per 10% of project covered by new, native vegetation)

(c) Utilizes natural materials such as soils and vegetation, prioritizing native vegetation and the establishment of plant communities to support a diversity of species = 5 points

- Points should be awarded based on the number of different/distinct newly planted native species across distinct types (groundcover, shrubs, and trees), with some flexibility in the number of native plant species depending on the size of the site.

## Attachment B: Redline Edits to SCWP NBS Language

Municipalities shall consider incorporation of Nature-based solutions (NBS) into their projects. NBS refers to the sustainable management and use of nature for undertaking socio-environmental challenges, including climate change, water security, water pollution, **wildlife habitat, biological diversity**, food security, human health, and disaster risk management. As this environmental management practice is increasingly incorporated into projects for the SCW Program, this guidance document may be expanded upon to further quantify NBS practices based on benefits derived from their incorporation on projects.

The SCW Program defines NBS as a Project that utilizes natural processes that slow, detain, infiltrate or filter Stormwater or Urban Runoff. These methods may include relying predominantly on soils and vegetation; increasing the permeability of Impermeable Areas; protecting undeveloped mountains and floodplains; creating and restoring riparian habitat, ~~and~~ wetlands, **and other native vegetation and wildlife habitat**; creating rain gardens, bioswales, and parkway basins; enhancing soil through composting, mulching; and, planting trees and vegetation, with preference for native species. NBS may also be designed to provide additional benefits such as sequestering carbon, supporting biodiversity, providing shade, **linking existing habitat areas, improving air quality, reducing urban heat island effects, sequestering carbon**, creating and enhancing parks and open space, **and other improvements to ~~ing~~-quality of life** for surrounding communities. NBS include Projects that mimic natural processes, such as green streets, spreading grounds and planted areas with water storage capacity. NBS may capture stormwater to improve water quality, collect water for reuse or aquifer recharge, or to support vegetation growth utilizing natural processes.



Date: October 28, 2020  
To: Matt Frary, LA County Flood Control District  
Regional Oversight Committee (ROC) of the Safe Clean Water Program  
From: Elva Yañez, ROC member  
Subject: Proposed FY 2021-2022 SIP Programming Guidelines

First, let me congratulate the Safe, Clean Water Program (SCWP) staff for their work on the draft framework and compiling the Ordinance and guidance language for each of the five elements included. This is helpful information and I know it involved a lot of work; thank you!

I wanted to share my feedback on the potential FY 2021-2022 SIP Programming Guidelines in writing given the large amount of critically important information we have to cover during this meeting. My comments focus specifically on elements 2 and 3: Applying consistent Disadvantaged Community Benefit policies and Strengthening community engagement and support.

### **Applying consistent DAC Community Benefit policies**

I would like to propose two supplementary approaches to this element that would influence both the criteria and options for verifying the DAC benefit:

#### **1. Develop a practical mapping tool to support consistent, evidence-based decision making for DAC benefits.**

The prototype mapping system that SCW has developed is a powerful tool that has the potential to be adapted for use by applicants in applying the DAC community benefit criteria and verifying the DAC benefit. Here's the map link: [Safe, Clean Water GIS Reference Map](#)

With this map as a starting point, it's possible to add layers showing DAC communities, other relevant social-economic data and the location of stormwater problems (associated with drainage or flooding, water quality, water supply, etc.). The resulting maps would provide a diverse range of stakeholders relevant data to assess the impact of a proposed project, make the case for a project, score an application or facilitate community engagement for a proposed project. The mapping system would generate evidence-informed data to pinpoint the areas of highest need within a DAC where targeted stormwater investments could be made.

With regard to rationale for this proposal, back when Measure W was being developed, many advocates, including my organization, were pushing for some kind of needs assessment similar to the comprehensive County park and recreation needs assessment. The Board and the SCW consultant felt that there wasn't enough time or money for such an ambitious undertaking, but the Board's commitment to developing something along the lines of this tool was included in Section 18.07.B.2.c. of the SWC Implementation Ordinance:

*"To facilitate compliance with the (110% DAC) requirement, the District will work with stakeholders and Watershed Coordinator(s) to utilize existing tools to identify high-priority geographies for water-quality improvement projects and other projects that create DAC Benefits within DACs to help inform WASCs as they consider project recommendations."*

#### **2. Leverage expert technical support from academic researchers specializing in water infrastructure investments, evaluation and equity.**

Metrics and indicators are necessary to effectively verify and measure DAC benefits—across the life span of a project: as part of an SCWP application, during the development of a project application, scoring an application, and evaluating the effectiveness of a project and the overarching SCW program. During the development of SCW program, both before and after the vote on Measure W, our

organization and others pushed for formal evaluation of the SCWP overall and the equity elements in particular. Since the DAC benefits are essentially the equity component of the SCW, I recommend bringing in Jon Christensen and Dr. Greg Pierce from UCLA's Luskin Center, who specialize in water infrastructure investments and equity, to help the SCWP develop a set of practical metrics and indicators to measure DAC benefits from both a qualitative and quantitative standpoint, and develop an evaluation framework for the entire SCWP. While this may take longer than the staff would like, this approach is in line with the Board's original intent when it included the Scientific Studies Program Implementation section in the Infrastructure Implementation portion of the Ordinance:

*"The Scientific Studies Program shall be administered by the District and, to the extent feasible, shall utilize independent research institutions or academic institutions to carry out Scientific Studies or to help design and peer review Scientific Studies carried out by other entities."*

Another important task that this team could help with is the development of framing and messaging for the DAC benefit that can be easily understood by stakeholders who may be confused by the DAC benefit and how they are calculated.

### **Strengthening Community Engagement and Support**

The SCW Implementation Ordinance specifies that community engagement will be undertaken by Municipalities as well as Watershed Coordinators as part of their program implementation work as well as part of the SCW public education program. Additionally, the Feasibility Study guidelines require applicants to develop engagement plans to solicit and incorporate stakeholder into proposed projects.

In light of the prioritization of community engagement by the Board and the ROC, as well as the linkages between community engagement and DAC benefits as well as the SCWP's implementation and educational programs, I believe that community engagement deserves the depth of attention that other technical aspects of the SCW Program have previously received. Simply reviewing the tools submitted collected by staff thus far is inadequate to fully and effectively develop a key equity element of the SCWP that will potentially be in place for decades or in perpetuity.

Given the specialized nature of community engagement work and the unique skill set involved in applying community engagement best practices to the technical field of stormwater management, I propose that the Flood Control District bring in another set of independent researchers to develop a best-practice focused community engagement framework for the entire SCWP program, and coordinate with the DAC/equity research team proposed above, to develop metrics and indicators for community engagement work across the life span of a project—from feasibility study to application, scoring and construction. I recommend inviting experts at [USC Equity Research Institute \(ERI\): Data and Analysis to Power Social Change](#) to conduct this work. ERI (formerly USC PERE) is a highly regarded research institution familiar with infrastructure investments in Los Angeles County. In 2018 EIR published the Measures Matter report focused on equitable implementation of LA County Measures A and M.

Thank you for your consideration of my feedback and recommendations regarding the proposed FY 2021-2022 SIP Programming Guidelines. While my proposals would not expedite finalization of the DAC and community engagement elements, the expertise I recommend we leverage to develop highly effective programs for the long haul will ensure that the Board's intentions for equitable stormwater infrastructure investments are fulfilled. The residents of the Flood Control District deserve nothing less.