

Safe, Clean Water Program

Regional Oversight Committee



Meeting Minutes:

Thursday, January 28, 2021
9:00am - 12:00pm
WebEx Meeting

Attendees

Committee Members Present:

Maria Mehranian (Cordoba Corp.)
Diana Tang (City of Long Beach)
Kristine Guerrero (League of Cities)
Barbara Romero (City of Los Angeles)
Irma Muñoz* (LA Regional Water Quality Control Board)
Shelley Luce (Heal the Bay)

Lauren Ahkiam (LAANE)
Carl Blum* (LA County Flood Control District)
Belinda Faustinos (Nature for All)
Elva Yañez (Prevention Institute)
Charles Trevino (Upper San Gabriel Valley Municipal Water District)

Committee Members Not Present:

None

*Non-voting members

See attached attendance sheet for full list of attendees

1) Welcome and Introductions

Shelley Luce, Co-chair of the Regional Oversight Committee (ROC), welcomed all attendees, called the meeting to order, and confirmed with LACFDC staff that quorum was established. She reiterated the purpose of the meeting and stated that LACFDC had invited Lisa Beutler as a facilitator for Item 7 discussions regarding water supply benefits and clarifying prioritization of Nature-Based Solutions (NBS). She also indicated the intent to switch the order of discussion in agenda item 7 such that NBS would be addressed first.

2) Public Comment Period

Matt Frary (District) noted receipt of 4 public comment cards for Agenda Item 7 and confirmed that these would therefore be addressed during Item 6.

3) Approval of December 15, 2020 Meeting Minutes

The District referenced the posted copy of the meeting minutes. Shelley Luce asked the committee members for comments or revisions.

Maria Mehranian made a motion to approve the meeting minutes. Elva Yañez seconded the motion. By roll call vote, the Committee unanimously voted to approve the meeting minutes.

4) Committee Member and District Updates

Shelley solicited any updates from Committee members. Upon none, she asked Matt to provide the District update. Matt reminded all of the Safe, Clean Water (SCW) Program Portal accessible on the program's webpage that allows users to explore and customize searches of currently funded projects and projects requesting funding in the current cycle. Regarding Transfer Agreements (TA), he indicated that Municipal TAs and annual plans are being received and disbursement of funds continue to be processed accordingly. Similarly, Regional TAs and Scopes of Work are being received in preparation for disbursements. All Watershed Area Steering Committees (WASCs) except Upper San Gabriel River have made their Watershed Coordinator (WC) selections to date and, upon confirmation of assignments and requirements, the District will be executing the contracts and on-boarding all WCs. The Scoring Committee has completed the scoring of all 62 projects and only 3 did not advance. Regarding Scientific

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Studies Program, an independent review panel is being assembled to provide an analysis and prepare standard scientific summaries for the WASCs to use as they develop the recommendations for the Stormwater Investment Plan (SIP).

The District noted that the two specific discussion items around water supply benefits and prioritization of NBS were going to be a key part of the future guidance for program implementation. He further noted the District's efforts to develop SCW Program metrics and monitoring, that the project is anticipated to be launched soon after the February ROC meeting, and that it will build upon ROC input. He added that the intent is also to account for some of the other parallel efforts related to water quality, water supply, and community investments. Belinda Faustinos asked about who would lead the contract and the District clarified DRP Engineering, Inc. was the anticipated consultant lead for the SCW Program metrics and monitoring project along with a diverse team of subconsultants and a comprehensive stakeholder advisory committee would be paramount to the process. Lauren Ahkiam and the District discussed how any progress to date within the metrics and monitoring efforts would help inform the biennial ROC hearings.

Carl Blum and the District discussed onboarding the WCs and the District affirmed there would be a standard process to onboard WCs as well as regular overarching coordination.

5) Ex Parte Communication Disclosures

Maria Mehranian participated in a presentation on MacArthur Park project design.

Elva Yañez noted to have had an ex parte communication with Supervisorial District 3 on Disadvantaged Communities (DACs) and community engagement.

Belinda Faustinos, Shelly Luce, and Lauren Ahkiam reported multiple meetings with the Our Water LA core team and individual team members. Belinda also had a meeting with Matt Frary on the topic of DACs and the upcoming ROC meeting.

6) Public Comment Period

Matt confirmed that there were 4 advance comments submitted and then additional comments would be heard as well. The North Santa Monica Bay WASC submitted a comment card and letter. In the absence of a representative, Matt Frary read the pertinent portions of the letter, which supported the need for additional guidance about prioritizing NBS, detailed the challenges related to water supply within their watershed, and supported consideration of amending scoring criteria for more flexibility regarding water supply benefits. (See attached public comment card.)

Kevin Kearney, member of the League of Cities and City Manager of Bradbury, presented a letter that included recommendations to develop separate criteria for NBS projects, revise criteria to include subsurface and subterranean infiltration in NBS for scoring purposes, and consider matrices like the one used for NBS for other goal driven solutions. (See attached public comment letter.)

Shona Ganguly, from The Nature Conservancy and Our Water LA, commented in support of vegetated or soil-based NBS for multi-benefit projects.

Sarai Jimenez, from The Nature Conservancy speaking on behalf of Our Water LA Coalition, advocated for NBS, revisions to scoring criteria regarding NBS and Community Investment Benefits, and amending the NBS definition to differentiate between vegetated and non-vegetated NBS.

Blake Whittington, from TreePeople and Our Water LA, commented in support of various types of water supply benefits and suggested adjusting the threshold for water supply benefits or increasing community investment points.

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Samantha Matthews, representing the San Gabriel Valley Council of Governments, indicated there was varied water supply and NBS potential by WASC, and is in support of additional SCWP guidelines.

Brittany Rivas, resident of the Lower Los Angeles River watershed area, commented in support of NBS and that NBS could create high-quality jobs for the community.

7) Discussion of focused topics re: upcoming Safe Clean Water Program guidance

The District reiterated the timeline and approach presented at the December meeting, which includes potential development of Interim Guidance, as able and appropriate, without a public review process. While Interim Guidance is intended to be available around the end of April 2021, complete consideration of the content in the January and February ROC meetings will be incorporated into 2022 Program Guidance, which will include outside experts, additional studies, and public review. The chair, the Districts, and the facilitator set up the conversation and the goal to achieve any predominance of thought amongst the ROC. Lisa Beutler summarized the ROC roles in developing guidance and answered questions to clarify that there are no voting items as well as to elaborate on the goal of predominance of thought.

Item 7 be was discussed before item 7a.

a) Understanding Water Supply Benefits

The District and Lisa Beutler summarized the workbook content developed to facilitate discussion.

Bruce Reznik from the Scoring Committee was requested to provide comment on behalf of the Scoring Committee (SC). Bruce indicated that the SC would benefit from additional guidance clarifying when/how to apply certain water supply projects points. He suggested requiring applicants to provide a letter from the recycling plant operator, etc. He noted in the long-term, NBS and certain water supply benefits may compete and that the ROC's biennial review may be an appropriate time to thoroughly review projects. He added that some projects may be unnecessarily overbuilt to achieve water supply points while claiming much of the funding.

Maria Mehranian commented that water supply requires understanding of the watershed area characteristics for scoring projects. She noted that, in the future, these aspects can be brought to the WASC by the WC.

Carl Blum commented that WCs and WASCs should be coordinated and proactive. He stated that scoring between projects is relative to other projects within a watershed and not across watersheds.

Shelly Luce and the District reminded all how the SCW Program encourages multiple benefit projects in that any difficulty in scoring one type of points should encourage an applicant to pursue other benefits and points in other categories.

Lauren Ahkiam commented in support of considering environmental water as water supply. The District highlighted potential unintended consequences from considering environmental water and pointed out a few key aspects of the workbook that were "new" compared to the Oct 2020 staff memo (e.g., clarity re: water supply benefit points not equaling water rights, and additional clarity re: first flush).

Barbara Romero commented in support of the "Potential creative water supply considerations" section on page 8 of the workbook, which mentions quantifying water supply benefits as the capacity to capture water rather than the water itself. She commented that early projects can be used as pilot studies to assess water supply benefits.

Lisa Beutler summarized that the concepts and intended approaches in the workbook seemed to be well received and there was predominance of thought that the District should proceed accordingly.

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b) Clarifying prioritization of Nature-Based Solutions (NBS)

The District and Lisa Beutler summarized the workbook content developed to facilitate discussion.

Elva Yañez asked Lisa Beutler to clarify the difference between the terms “predominance of thought” and “consensus”. Lisa Beutler replied that consensus indicates there is full agreement, whereas “predominance of thought” simply captures a widespread understanding of feedback.

Belinda Faustinos commented that the word “infrastructure” in the “Potential Principles” section on page 9 of the workbook should be updated to read “projects” because of the connotation. Carl Blum agreed. Irma Muñoz commented the word “infrastructure” is alienating for communities and has a connotation towards “gray” infrastructure. Kristine Guerrero suggested that “infrastructure” be defined in the workbook and that both words “programs” and “infrastructure” can be used. The District clarified that the word of concern was not part of the NBS definition but the SCWP Goals, affirmed the concerns, and clarified that the current discussion about additional guidance is focused on the idea that NBS can generally be used to achieve SCWP goals (rather than simply a goal in and of itself), which is certainly not confined to any limited connotation or interpretation of the word infrastructure.

Lauren Ahkiam asked if the workbook was proposing to shift how NBS would be evaluated. Matt Frary reiterated that the document seeks to establish a framework to beginning providing further clarification about NBS in future projects. He reminded all that the workbook is not a specific proposal from the District, and that future guidance is expected to come from the perspective of NBS as a means rather than an end. Carl Blum agreed with Matt Frary on using NBS as one tool to help achieve stormwater quality and other benefits. Belinda Faustinos cautioned that if the NBS metrics are defined as a portion of water supply, water quality, and community investment benefits, it would dilute its importance. Lauren cautioned against allowing projects to achieve NBS points without implementing substantial or verified NBS. The District clarified the guidance is the help standardize NBS interpretation. Elva Yañez suggested to clarify that multiple benefits are indeed achieved via NBS. Belinda Faustinos agreed with Lauren Ahkiam and Elva Yañez. The District and Beutler summarized the ROC generally agrees with the plan outlined and the District will be proceeding with more clarification.

The District summarized expectations for future guidance. Maria Mehranian commented that all projects should investigate using elements of NBS whether the project is completely nature-based or not. Belinda Faustinos commented that NBS should be authentically integrated (not just tack on things last minute to earn additional points).

Kristine Guerrero commented that she appreciated the process of reviewing NBS definitions for consistency but also restated that the applicability or opportunity for NBS may vary per WASC. Shelley Luce noted that she agreed with the language used in the ROC Workbook and suggested that the guidance should influence project designs to better and more consistently include NBS.

Bruce Reznik, the Chair of the Scoring Committee, agreed with Belinda Faustinos that current scoring criteria currently seems to make it possible for some projects to receive many points with minimal NBS. He affirmed the current guidance is difficult to enforce without clarity. Maria Mehranian asked Bruce Reznik if there could be more education on smart design so that projects with NBS are prioritized by developers. Bruce Reznik replied that the Scoring Committee highlights opportunities where a project can improve design and there is limited guidance on scoring and therefore they currently award points with discretion. Carl Blum suggested the Program consider encouraging selecting projects from a comprehensive long-term approach. Lauren Ahkiam commented that there is value in having design guidance that promotes projects that are designed using Nature-Based Solutions specific to each WASC’s needs. Carl Blum commented that the WCs and WASCs should consider WASC’s comprehensive needs and challenges to implement NBS unique their WASC.

Kristine Guerrero and Matt Frary discussed that the additional guidelines would help applicants during the self-evaluation process to identify opportunities to achieve NBS.

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Carl Blum commented that the WCs and WASCs should develop plans targeting WASC-specific issues that can be addressed with long-term approaches. Shelley Luce commented that some WASCs may be able to be more proactive in steering projects based on their committee, but that Unincorporated Los Angeles County has more resources that could potential be used by other as well to develop better quality plans. Carl Blum agreed with Shelley Luce that there are available resources, and suggested that WCs should compile and present the information to WASCs.

Irma Muñoz suggested documenting lessons learned to be shared between WASCs.

Elva Yañez suggested active promotion and education of Nature-Based Solutions to project applicants. Lauren Ahkiam commented that the WCs should cultivate a long-term pipeline for WASC projects and suggested a training session to educate applicants on WASC needs.

Barbara Romero commented there should be more quantifiable NBS thresholds and suggested referring to existing guidelines that the SCW Program can build on instead of building guidelines in their entirety. Shelley Luce commented there are some available tools that can be used to build guidelines.

Lisa Beutler summarized that the concepts and intended approaches in the workbook seemed to be well received and there was predominance of thought that the District should proceed accordingly.

8) Items for Next Agenda

At the next meeting, the ROC will discuss Disadvantaged Community Benefits and Community Engagement.

9) Meeting Adjourned

Shelley Luce thanked the ROC members and public for their time and participation and adjourned the meeting.

Attendees

Regional Oversight Committee Meeting – January 28, 2021

Alex Iglesias	Elva Yanez	Melanie (LACFCD) Morita
Alex Paxton	g b	Michael Scaduto
Alex Tachiki	Guadalupe Duran-Medina	Mike Antos
Annelisa Moe	Gustavo Orozco	Nick S
Aydin Pasebani	ilene Ramirez	Peter Massey
Azeneth Martinez	irma munoz	Renee Purdy
barbara romero	James Carlson	Safe Clean Water LA
Belinda Faustinos	Jason Casanova	Samantha Matthews
Bethany Bezak	Johanna Chang	Sarai Jimenez
Blake Whittington, TreePeople	Justin Jones - LACFCD	shahram Kharaghani
Brad Wardynski	katie m	Shahriar Eftekharzadeh
Brenda Ponton	Katy Young Yaroslavsky	Sharon Gallant
brett perry	Kelly Cook	Sheila Brice
Brittany Rivas	Kevin Kunz	Shelley Luce (she/her)
Bruce Reznik	Kevin Kearney	Shona Ganguly
Bryce Lee	Kirk Allen - LACFCD SCWP	Stephanie Tong - LACFCD
Caitlin Sims	Kristine Guerrero	Susie Santilena
Carl Blum	Lauren Ahkiam	Tiffany Wong
Carlos Moran	Lisa Beutler	Tom Love
Conor Mossavi	Lorena Matos	tony zampiello
Cung Nguyen	Madelyn Glickfeld	Wendy Dinh
Danielle Chupa	maria mehranian	Charles
David Dolphin	Maritsa DRA INC.	Drew
Deborah Bloome	Mark Johnson	Heather
Diana Tang	Matt Frary (LACFCD)	Leslie
Eileen Aduenda		



January 25, 2021

Matthew Frary
Principal Engineer
Safe Clean Water Program
Los Angeles County Public Works
900 S. Fremont Ave.
Alhambra, CA 91803

**Re: Comments and recommendations on the Safe Clean Water Program Draft Guidelines
Clarifying Prioritization of Nature Based Solutions**

Dear Mr. Frary:

On behalf of the Los Angeles County Division of the League of California Cities (Division), representing 86 cities in the county, we thank you and the Safe Clean Water Program (SCWP) staff for your work on the first round of project submissions and efforts to develop consistent and uniform guidelines for the next round of the Regional Program submissions. After working with numerous stakeholders over several years to help craft Measure W, the Division and its member cities are highly invested in maintaining the integrity of the SCWP and look forward to providing our feedback on the development of the updated guidelines.

Both the municipal and regional programs in the SCWP are especially critical today as cities deal with an estimated \$7 billion shortfall statewide as a result of the COVID-19 pandemic and response. The League of California Cities estimates that in the face of these budget shortfalls, nine out of 10 cities report they will have to cut staff or decrease city services to residents, and nearly 3 in 4 cities report they may have to take both actions¹. The SCWP is the only dedicated funding source outside of city general fund revenues designed to help meet the 2012 Multiple Separate Storm Sewer System Permit (MS4 Permit) requirements, which Los Angeles County Department of Public Works has estimated is to exceed \$20 billion countywide in capital costs alone, not including O&M. Given these realities, cities must use these funds with strict fiscal prudence and maximum benefit to our communities.

With this focus, we recommend that the SCWP staff consider the following comments and recommendations in the development of the NBS Guidelines:

Projects employing Nature Based Solutions (NBS) are very different from traditional treatment projects such as infiltration projects. The scoring criteria may place certain types or sizes of projects at a disadvantage and should remain flexible to projects. Projects utilizing NBS tend to treat lower volumes of water at a slower rate, when compared to traditional treatment systems, thus affecting their clean water throughput and economic effectiveness. In addition, ongoing maintenance on NBS projects is also likely to be very costly, which may impact resulting water

¹ [https://www.cacities.org/Images/Support-Local-Recovery-Business-Coalition-Fact-\(1\).aspx](https://www.cacities.org/Images/Support-Local-Recovery-Business-Coalition-Fact-(1).aspx)


quality improvement, if not properly maintained, in addition to the Safe Clean Water project score. An adjustment to the scoring criteria may help to address these challenges.

Recommendations:

- Develop separate criteria for NBS projects. NBS projects often need space and cannot be proposed in just any area and require readily available land, favorable adjacent site land uses and subsurface conditions, and must be properly maintained for them to be effective.
- Revise the criteria to recognize that subsurface/subterranean infiltration projects are part of NBS for scoring purposes.
- After a review of the SCWP NBS rating matrix, we suggest the development of similar matrices for other goal driven solutions, e.g. storm water capture to store, clean, reuse, and/or recharge groundwater basins, etc.

Again, the Los Angeles County Division appreciates the efforts of the SCWP staff on this program guidance. We look forward to its long-term success to improve water quality, water supply and public health benefits throughout Los Angeles County.

Sincerely,



Jennifer Quan
Executive Director
Los Angeles County Division
League of California Cities

Cc: Mark Pestrella, Director, Los Angeles County Flood Control District
Leslie Friedman-Johnson, CNRG California

North Santa Monica Bay Watershed Area Steering Committee

Date: December 23, 2020

To: Regional Oversight Committee
Safe, Clean Water Program

Matthew Frary
Los Angeles County Flood Control District

From: North Santa Monica Bay Watershed Area Steering Committee

Re: Comments on Framework for Potential Fiscal Year 2021-22 Stormwater Investment Plan Programming Guidelines

The North Santa Monica Bay (NSMB) Watershed Area Steering Committee (WASC) reviewed the October 19, 2020 memorandum to the Regional Oversight Committee on the preparation of potential Fiscal Year 2021-22 Stormwater Investment Plan Programming Guidelines (copy attached). Based on the collective input of WASC members and their experiences preparing the NSMB's Fiscal Year 2020-21 Stormwater Investment Plan, we would like to share the following comments related to each of the five elements identified for additional clarification.

1. Programming partial funding

Given the limited funding available to the NSMB, the WASC would benefit from the opportunity to approve partial funding for projects submitted for inclusion in its Stormwater Investment Plan. For the NSMB's Fiscal Year 2020-21 Stormwater Investment Plan, the only qualifying project application was for the Viewridge Stormwater Improvements Project, which requested \$2.9 million in funding. Unfortunately, the project proponent opted to withdraw the application because, if approved, it would have monopolized almost two years of funding for the NSMB.

By approving partial funding for qualifying projects, the WASC would be able to leverage a larger number of projects and distribute the limited funds more equitably. When approving partial funding for a project, the WASC would request assurance from the project proponent of the availability of an alternate source of funding or confirmation that the project is scalable, allowing for a smaller project with proportional benefits. If a partially funded project does not move forward as scheduled, the WASC would consider reallocating the funds to another project.

2. Applying Consistent Disadvantaged Community Benefits Policies

The NSMB has no disadvantaged census block groups shown on the Safe, Clean Water Project GIS map. However, the NSMB is a destination for many disadvantaged community residents who recreate in the region due to its beaches, trails, parks, campgrounds and

other visitor facilities. The Santa Monica Mountains National Recreation Area receives approximately 500,000 visitors annually, providing recreation opportunities and ecological connections for a diverse urban audience that includes individuals who reside in park-poor communities. The City of Malibu and its population of approximately 13,000 host up to 7.5 million beach visitors during a typical summer season.

Safe, clean water is essential to support these recreational experiences. Partnerships with non-governmental and community based organizations can support programs to ensure that these resources serve the region's disadvantaged communities. As a result, the NSMB WASC would encourage future consideration of investments in recreational resources and ecological connections that serve and benefit disadvantaged communities.

3. Strengthening Community Engagement and Support

The NSMB WASC recognizes the importance of strengthening community engagement and ensuring community support for the projects that are included in its Stormwater Investment Plan. Guidance on the expectations for both community engagement and support would be helpful to ensure that project proponents have a consistent understanding. Also, additional support is recommended to encourage public participation and engagement in WASC meetings.

4. Clarifying Prioritization of Nature-Based Solutions

The NSMB WASC supports the proposal to provide additional guidance on project elements that would qualify as nature-based solutions, and the process to be used by WASCs to ensure that nature-based solutions are prioritized in a consistent way.

5. Understanding Water Supply Benefits

Project proponents in the NSMB have experienced difficulties scoring points in the water supply benefit area due to the unique characteristics of the watershed. The volume of water supply generated by projects in the NSMB is significantly limited by scattered development near relatively small tributary waterbodies, the lack of permeable soils due to local geology, and the lack of a usable groundwater basin. Additionally, the scoring for the Water Supply Benefit area is heavily weighted on cost effectiveness. No water supply points are awarded for projects that produce less than 25 acre-feet at a unit cost of more than \$2,500 per acre-foot. In the NSMB, the smaller tributary areas yield projects that produce smaller volumes of water supply and result in a higher unit cost.

The NSMB WASC would support consideration of more flexible scoring criteria for the Water Supply Benefit. The criteria could be amended to provide points for projects in the NSMB with a higher per acre-foot cost, recognizing the difficulty of delivering projects with new water supply at \$2,500 or less per acre-foot. In addition, the criteria could also be adapted to provide points for projects in the NSMB that provide less than 25 acre-feet per year of water supply, recognizing the smaller volumes of water that will be captured with sparse, distributed development and relatively smaller tributary waterbodies.



Public Comment Form

Name:* Shona Ganguly Organization*: The Nature Conservancy
Email*: sganguly@tnc.org Phone*: 213-787-9415
Meeting: Regional Oversight Committee Date: 1/28/2021

LA County Public Works may contact me for clarification about my comments

*Per Brown Act, completing this information is optional. At a minimum, please include an identifier so that you may be called upon to speak.

Phone participants and the public are encouraged to submit public comments (or a request to make a public comment) to SafeCleanWaterLA@dpw.lacounty.gov. All public comments will become part of the official record.

Please complete this form and email to SafeCleanWaterLA@dpw.lacounty.gov by at least 5:00pm the day prior to the meeting with the following subject line: "Public Comment: [Watershed Area] [Meeting Date]" (ex. "Public Comment: USGR 4/8/20").

Comments

Nature-based solutions offer the greatest opportunity for multi-benefit projects, which is incredibly important when we face myriad challenges including stormwater pollution and the climate crisis. Even in cases when an efficient and highly specialized engineered solution may offer a slightly lower capital cost, we must consider full cost accounting. Especially during the socioeconomic crisis that we face today, every dollar that we spend must meet multiple needs – as many needs as possible. In order to provide the most benefits to our communities, we should start with natural and biodiversity supporting solutions and use them whenever possible. We can then take advantage of engineered solutions when necessary or beneficial to the community, but these gray solutions should not be the standard approach. When it comes to multi-benefit stormwater capture, each project must be made to fit the specifications of the location and it must be developed with the community – there is no standard approach, but natural solutions offer multiple benefits and a variety of project options that can be tailored to the specific needs of the community.

Safe, Clean Water Program Nature-Based Solutions guidelines should assist project proponents in determining where and how vegetated and biodiversity supporting nature-based solutions can be used. The guidelines should also offer guidance on solving underlying problems when using nature-based solutions, such as remediation of contaminated soils, poor percolation rates, and existence of underground utilities.



Public Comment Form

Name:* Sarai Jimenez Organization*: OurWaterLA
Email*: sarai.jimenez@tnc.org Phone*: (213) 787-9418
Meeting: ROC Date: 1/28/2021

LA County Public Works may contact me for clarification about my comments

*Per Brown Act, completing this information is optional. At a minimum, please include an identifier so that you may be called upon to speak.

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Comments

Hello,

I would like to request to give a public comment at the ROC Meeting tomorrow on January 28th, 2021.

Thank you for your time.

Best,
Sarai Jimenez