



Public Comment Form

Name:* Bob Blumenfield Organization*: Los Angeles City Council
Email*: myriam.lopez@lacity.org Phone*: 213-473-7003
Meeting: ULAR WASC Date: 3/2/2022

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

I hereby express my support for the City of Los Angeles Sanitation & Environment's (LA Sanitation) proposed multi-benefit LA River Green Infrastructure Project for funding consideration by the Safe, Clean Water Program's Regional Infrastructure Program. This project is located in the district I represent. The community would see tremendous benefit from this type of green infrastructure investment. The project would also help as the City meet its "Sustainable city pLAN" goals.

The locations for this project are within and adjacent to several Disadvantaged Community census tracts in the West San Fernando Valley. Due to historic lack of investment and attention to the importance of environmental infrastructure, the project's improvements to water quality by using nature-based solutions to remove bacteria, trash, and other pollutants will drastically improve the health and well-being of the local community.

Further, the much needed mobility and pedestrian-friendly amenities, including bike lanes, trees, and greenery will improve the usability of the area and combat the Heat Island Effect. I know such a project will also help inspire community members to be ambassadors of change and advocates of the Safe, Clean Water Program and the LA River.



Public Comment Form

Name:* David Bower

Organization*: BOWER LAW GROUP PC

Email*: dbower@bowerlawgroup.com

Phone*: 213-446-6652

Meeting: ULAR WASC

Date: 03/02/2022

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

David Bower, appearing on behalf of SEITec, an engineering firm that has presented a Plan for consideration under the Safe Clean Water Program, following the Feasibility Study Guidelines. I am here in an attempt to ensure that Proposition W, as codified in Chapters 16 and 18 of the LA County Flood Control District Code is followed.

Reviewing the proposals of the LADWP and SEITec, the superiority of SEITec's proposal seems stark. What is even more significant however is a letter from the LADWP which appears to be a strong-arm declaration of its claimed omnipotence to the detriment of the stakeholders and taxpayers under this Safe Clean Water Program.

The goal of my client, SEITec, is to provide a Proposal that fulfills the goals of the Safe Clean Water Program, as presented and passed by the citizens of this county under Proposition W. To fulfill its purpose, this committee must be allowed to consider all viable proposals from competent sources, without artificial limitations injected by advocates seeking to limit input rather than embracing innovative and cost saving ideas.

Private non-municipal Infrastructure Program Project Applicants, whose competitive processes bring innovative and transparent processes that solve environmental concerns in fiscally prudent ways must be considered in order to fulfill the goals of the Safe Clean Water Program.

Proposition W was drafted did so with the knowledge that opening up consideration of proposals from such companies as SEITec, would expand the possibilities of solving the problems of safe water shortages in Los Angeles County. Restricting input, as suggested in the LADWP's correspondence to this committee on February 2, 2022 runs contrary to the purpose of the Safe Clean Water Program, passed by the voters.

Thank you

A handwritten signature in blue ink, appearing to read "David Bower", written over a horizontal line.

BOWER LAW GROUP PC

David E. Bower
600 Corporate Pointe, Suite 1170
Culver City, CA 90230

Phone: 213-446-6652

Dir: 310-210-0605

Email: dbower@BowerLawGroup.com

February 28, 2022

VIA ELECTRONIC MAIL (see below)

Safe Clean Water Program Grant Administrator
County of Los Angeles Department of Public Works
Flood Control District
Attention: Upper Los Angeles River Watershed Area Steering Committee
900 South Fremont Avenue
Alhambra, California 91803

Re: North Hollywood Stormwater Capture Project
Upper Los Angeles River Watershed Area Steering Committee Meeting 3/2/22
My Client: SEITec

Dear Steering Committee Chairman:

My firm has been engaged by SEITec, an Engineering firm, bonded and licensed by the California Contractor's State License Board with a class A General Engineering License, with its home office located in Torrance, California.

In 2018, Los Angeles County voters passed Proposition W to fund projects, infrastructure, and programs to capture, treat, and recycle rainwater in Los Angeles. The Safe Clean Water Program, has been codified in Chapter 16 of the Los Angeles County Flood Control District Code¹.

The purpose of this Ordinance is to provide funding for "Programs and Projects to increase Stormwater and Urban Runoff capture and reduce Stormwater and Urban Runoff pollution in the District, including Projects and Programs providing a Water Supply Benefit, Water Quality Benefit, and Community Investment Benefit" §16.2. Chapter 16 of the Ordinance and its implementation sections in Chapter 18, clearly provide for consideration of non-municipal Infrastructure Program Project Applicants under chapter 16 and even provides for encouragement and technical assistance to such applicants. (see Chapter 18 §18.07 D2.b.) This implementation chapter also clearly sets forth guidelines to ensure diversity and efficiency in selection of methods of implementing the goals of the Ordinance to capture, treat, and recycle rainwater in an efficient manner following the guidelines promulgated under these Ordinance provisions. The Ordinance also provides for encouragement to consider Projects that include a Multi-Benefit element and Nature-Based Solutions (see §16.05C).

Of course, this ordinance also specifies the obvious need to follow State Conflicts of Interest's Laws, citing to Government Code §§1090 et seq and 87000 et seq and local conflicts of interest laws and guidelines. (§16.05 D.)

Pursuant to the Ordinance and within the Feasibility Study Guidelines, adopted on September 19, 2019, SEITec submitted a Proposal for this project that appears to provide the Water Supply benefits resulting in

¹ References herein are to Chapter 16 of this Code unless otherwise noted

2/28/22

100% compliance with the MS4 permit and fulfills all objectives of the Ordinance and follows the Feasibility Study Guidelines.

My client has shown me a letter that was presented to this committee by the Los Angeles Department of Water & Power (LADWP), dated February 2, 2022. This letter, signed by David R. Pettijohn of the LADWP contains several inaccurate statements that will be pointed out in my client's presentation to this committee and, for the sake of efficiency, will not be repeated here.

I will point out, what is obvious from reading the February 2, 2022, letter from the LADWP, that it points to absolutely no deficiency in the Plan submitted by SEITec but seems to pursue a tactic of claiming no one other than the LADWP can present proposals to this committee. Having read the case cited by the LADWP (*Los Angeles v. City of San Fernando* (1979) (Case No. 650079), it is clear that the judgment in the *LA v. San Fernando* case is simply irrelevant to the issues before this committee. Nothing in that judgment prohibits proposals from non-municipal Project Applicants from being considered. Given the clear language of the Safe Clean Water Program, SEITec's proposal deserves consideration. In addition, SEITec should be provided with assistance, as opposed to resistance, in presentation of their proposal. (See Ordinance §18.07D.2.b.)

That self-serving position, by the LADWP, is clearly contrary to the provisions in the Safe Clean Water Program. It is even more obvious that such a position, taken by the LADWP is inconsistent with the stated purpose of this Ordinance. Interested LADWP employees, as members of your board, should not take a position regarding this matter, given the adversarial nature of LADWP's letter of 2/2/22.

Consideration of SEITec's plan is especially important given what appears to be an innovative approach to reaching the goals of the Ordinance as stated above, by providing what appears to be a more environmentally prudent and cost effective solution to the stormwater reclamation issue.

This proposal, when compared to the proposal submitted by the LADWP, provides significantly more Water Supply benefits while resulting in 100% compliance with Ordinance goals and the goals of LASAN, which the LADWP solution fails to accomplish. The gravity diversion system proposed by SEITec lessens the environmental impact and does all of this at a third of the initial cost and a fraction of the yearly maintenance costs as proposed by the LADWP.

Providing a solution that is less than a third of the cost of initial construction and nearly 1/10th of the cost of yearly maintenance, is not a proposal that should be ignored, if this committee is seeking to fulfil its obligations to the taxpayers who are footing the bill.

In addition, the stated positions of the agencies charged with implementation, like LASAN, should be considered. Their Strategic Plan clearly provides their desire to work with small businesses in Los Angeles and a commitment to achieving the goals of the Ordinance:

Small Business Contracting

The team continued to promote gender and racial equity by promoting opportunities to businesses falling within the Minority-owned, Women-owned, LGBTQ-owned, and local small business enterprise categories. This year prior to the pandemic, LASAN's contracting professionals attended LA's Largest Mixer, an outreach event that brings information to small businesses and business professionals from across greater Los

2/28/22

Angeles in addition to two Accessing LA events, which provide networking and economic development opportunities to local businesses.

Safe Clean Water Program

As the lead agency for watershed management and water quality compliance programs in the City of Los Angeles, LA Sanitation & Environment continues to facilitate the rollout of the Safe Clean Water Program for the City's three watersheds - Upper Los Angeles River, Central Santa Monica Bay, and South Santa Monica Bay. The Safe Clean Water Program includes both regional and municipal elements.

On the municipal side, an estimated \$114 million is allocated to LA County's 87 cities. The City of Los Angeles will receive an estimated \$37 million annually to support important new and ongoing water quality programs and projects. On the regional level, an estimated \$142 million is allocated proportionally throughout LA County each year. To ensure the SCWP funds are properly administered, a Regional Oversight Committee, Scoring Committee and nine Watershed Advisory Steering Committees (WASCs) were established throughout the County to oversee the annual competitive project submittal and review process. LA Sanitation & Environment submitted 11 projects during the first round of Regional Call for Projects and adopted an ordinance to support this monumental opportunity to improve our water quality and transform our watershed for all to enjoy

(From LASAN Strategic Plan 2021-2022)

It is apparent that the proposal submitted by SEITec clearly meets and exceeds the goals of the ordinance as well as the stated goals within LASAN, not to mention that their proposal is consistent with the stated purposes of the Los Angeles Department of Recreation and Parks, which seeks to provide their services "in safe, attractive and well-maintained facilities that will reflect the public's needs and interests". See LADRP Strategic plan)

Dismissing a viable and more efficient plan at the insistence of the LADWP, who has not submitted a more competitive or more plausible plan, but simply states, incorrectly, that only the LADWP can propose a plan, would work a disservice to the taxpayers of this county.

Sincerely,



David E. Bower

Via email: ULAR WASC Committee Chair: Teresa Villegas, Teresa.villegas@lacity.org
SCW Program Administrator: Matthew Frary MFRARY@dpw.lacounty.gov
SCW Program: DPW-SafeCleanWaterLA SafeCleanWaterLA@dpw.lacounty.gov



Public Comment Form

Name:* Shahriar Eftekharzadeh Organization*: SEITec
Email*: Shahriar.Eftekharzadeh@seitecinc.com Phone*: 310 879 9376
Meeting: ULAR WASC Date: 03/02/2022

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

I am Dr. Shahriar Eftekharzadeh, president and CEO of SEITec. We are the non-municipal applicant for the N. Hollywood Stormwater Capture Project.

I am here to seek justification from LA Department of Water and Power, and LA Sanitation, for their opposition to our proposed Project. Enclosed letter provides SEITec's arguments.

Per responsibility vested in the SCW Program, ULAR WASC must require LADWP and LASAN to provide credible responses to the following questions to justify opposition to our proposed project:

- i. What are the technical and economic basis for LADWP's opposition?
- ii. Which specific features of the SEITec project does LADWP oppose?
- iii. Why is the LADWP-proposed project better?
- iv. Why did LARAP refuse to grant SEITec the use of the site?
- v. Why would LARAP support LADWP's project and not the SEITec project?
- vi. How is "Water Rights" relevant?
- vii. Why does LADWP oppose a project with such higher benefits and much lower costs?
- viii. Why would LADWP seek additional funds when the least-cost and fastest option to meet their goals is to support the SEITec-proposed project?
- ix. What City of Los Angeles process did SEITec fail to follow for its application?
- x. What exactly are the "*numerous concerns*" that LASAN has with the SEITec project, other than LADWP moving forward with the original project?

These are basic questions, which the SCW Program, SEITec, and the tax payers have the rights to know the answers to.

Thank you

March 1, 2022

ELECTRONIC MAIL (See Below)

Safe Clean Water Program Grant Administrator
County of Los Angeles Department of Public Works
Flood Control District
Attention: Upper Los Angeles River Watershed Area Steering Committee
900 South Fremont Avenue
Alhambra, California 91803

Dear Grant Administrator:

Subject: North Hollywood Stormwater Capture Project

This letter is to question the substance and merits of the enclosed letter dated 2/2/2022 by the Los Angeles Department of Water Power (LADWP) expressing opposition to our proposed North Hollywood Stormwater Capture Project.

This letter also questions the merits of the enclosed completed public comment form by LA Sanitation and Environment (LASAN) expressing that “...*the City of Los Angeles will not be supporting this proposal.*” on the basis that “*This project has failed to follow the City of Los Angeles' process.*”

This letter requests assistance from the SCW Program with obtaining the required letter of support from the City of Los Angeles for the project, on the basis of the facts presented herein.

A. LADWP letter dated 2/2/2022

The LADWP letter does not point to any specific technical issues with our proposed project and does not provide any merits for LADWP opposition. The only noted reason of potential substance for LADWP's opposition to our proposed project is the statement: “*..LADWP..(is) exploring other potential funding options...*” for its project, which did not receive funding last round. As described herein, this statement, along with the other statements made in the LADWP letter do not justify LADWP's opposition.

Given the significant consequences, LADWP's opposition to SEITec proposed project and insistence on their project, must be based on substantiated merits, which is lacking.

As with the LADWP project, the merits of the SEITec project have been fully reviewed and confirmed by the SCW Scoring Committee. A comparison of the two projects clearly demonstrates that our proposed project provides significantly more Water Supply benefits than the LADWP project while resulting in 100% compliance with the MS4 permit, which the LADWP solution fails to accomplish.

In addition, our proposed project is a gravity diversion scheme which minimizes open excavation. The project has a construction cost of \$68.2 Million and O&M cost of \$0.12 Million/year. In comparison, the LADWP scheme uses three pump stations and requires extensive open excavation. It has a construction cost of \$186.7 Million (3x) and O&M cost of \$1.3 Million/year (10x).

Therefore, LADWP's opposition to our project and preference for theirs does not appear to be justified based on merits. Given the critical decision-making responsibility vested in the SCW Program as custodian of the scarce and highly sought after public funds, intended for maximum public benefit, the matter requires SCW Program's swift and decisive action to obtain clear and unambiguous justification for LADWP's opposition.

As you are aware, SEITec has sent an email to Mr. David Pettijohn, who is the signatory to the LADWP letter, copied to senior City of Los Angeles and SCW Program officials, requesting clarification on the matter. However, SEITec has not received any response, and does not expect to receive any response based on past experience.

Therefore, SEITec respectfully requests that SCW Program inquire from LADWP about the technical and economic merits that justify their opposition to the SEITec project and preference for their project.

In particular, we request that LADWP respond to the following specific questions:

- i. What are the technical and economic reasons for LADWP's opposition to the SEITec project?
- ii. Which specific features of the SEITec project does LADWP oppose?
- iii. Which specific features of the LADWP project are preferable and justify seeking additional funds?

Also, SEITec has identified a number of factually incorrect and misleading statements in the LADWP letter. In particular:

"SEITec....., resubmitted the Project to the WASC for funding consideration this round, along with LADWP's feasibility study, without LADWP's authorization or support."

This statement is patently misleading as it contains the following falsehoods:

1. **SEITec resubmitted the (LADWP's) project** – SEITec did NOT resubmit LADWP' project. SEITec submitted an entirely different project, with completely different configuration, process, footprint, O&M requirements, electricity demand, benefits, and costs.

The primary objective of the LADWP's project, stated in their SCW Program application, is Water Supply. This is what their project has been "optimized" for, as documented in their application.

Consequently, the LADWP project is a Dry-Weather Project with a diversion (pumping) capacity of 150 cfs (50% of the 85th P. storm peak flow). The project captures up to about 100 ac-ft for a single 24-hr storm, which is about 80% of the wet-weather design storm mitigation volume. Therefore, the project does not accomplish full MS4 permit compliance, which is the SCW Program's foremost priority. The project has an average annual Water Supply benefit of about 1,200 ac-ft per year.

In contrast, SEITec project is a Wet-Weather Project optimized for Water Quality benefits. It has a diversion capacity of 320 cfs by gravity, slightly higher than the 85th P. storm peak flow. The project captures up to about 130 ac-ft in a single 24-hr storm, which is 100% of the wet-weather design storm mitigation volume. Therefore, the project accomplishes full MS4 permit compliance.

The higher diversion capacity of the SEITec project results in higher Water Supply benefits. The project has an average annual Water Supply benefit of about 1400 ac-ft per year.

2. **SEITec submitted LADWP's feasibility study** – SEITec did NOT submit LADWP's feasibility study. SEITec used a publicly available report, which was the DWP Feasibility Study Report, and utilized the public-domain data and information in it, primarily the Geotechnical Report. SEITec used this data and information to the benefit of the public and the SCW Program and prepared a unique and entirely different feasibility study for the SEITec-proposed project.
3. **SEITec does not have LADWP authorization** – Use of public-domain data and information does not require LADWP authorization.
4. **SEITec does not have LADWP support** – SEITec reached out repeatedly to LDWP for their support of the project, without any response.

In addition, SEITec has identified other statements in LADWP's letter that raise serious questions and concerns about the motivations of LADWP with regards to this project. In particular:

“Even if the WASC agrees to grant SEITec funds, SEITec will not be able to complete the project as proposed. The Los Angeles Department of Recreation and Parks (LARAP) has not granted SEITec permission to use the site on which the project is proposed.”

This statement raises the following questions:

- iv. Why did LARAP refuse to grant SEITec the use of the site?
- v. Why would LARAP support LADWP's project and not the SEITec project?

According to the projects' feasibility study reports, the LADWP project disturbs both the north and south park areas with 15.3 acres of open-excavation and 912,000 cubic yards of earthwork. In contrast, the SEITec project disturbs only the south park with relatively very small open-excavation area of 0.6 acres, and 150,000 cubic yards of earthwork. These figures make a compelling case for LARAP to support the SEITec project instead. They also raise the following additional question:

- vi. How does LARAP's support of LADWP's much more costly and impactful project serve LARAP's mission of serving the community?

SEITec reached out to LARAP requesting support and permission to use the site. However, LARAP made any support conditional upon support from LADWP and/or Los Angeles Bureau of Sanitation (LASAN). As is documented in our SCW Program application, neither LADWP nor LASAN responded to our repeated requests for support. The records of these communications are documented in our SCW Program application.

Another misleading statement in the LADWP letter is:

“SEITec does not have any legal right to capture stormwater in the Upper Los Angeles River Area and any attempt to do so would violate the City of Los Angeles' water rights.”

While the statement if factually correct, it is entirely irrelevant. The SEITec-proposed project is fully aligned with LADWP's stated objectives for its "Stormwater Capture Parks Program", which includes the LADWP proposed project. The SEITec proposed project serves the exact-same purpose as the LADWP project for this site and does not take away any water from LADWP.

The SEITec-proposed project captures stormwater for storage in LADWP's groundwater basin, which is exactly what LADWP wishes to accomplish with its Stormwater Capture Parks Program, the difference being that the SEITec project does this more efficiently and at much lower cost. Therefore, resorting to "Water Rights" as a reason to oppose the project has no merit and raises the following questions:

- vii. How is "Water Rights" a credible and relevant basis for LADWP's opposition to the SEITec-proposed project?
- viii. Why would LADWP oppose a project that replenishes the San Fernando groundwater basin with 1,400 ac-ft per year of captured stormwater, currently lost to the ocean, when LADWP is trying to maximize stormwater capture to replenish the same basin but can only accomplish 1,200 ac-ft per year replenishment at triple the cost at this site?

Furthermore, as a tax payer and an environmentally conscious citizen, I am alarmed by the statement in the LADWP letter:

"LADWP has since been exploring other potential funding options, including funding through the Governor's California Comeback Plan, which is aimed at supporting immediate drought response and long-term water resilience, including emergency drought relief projects to secure and expand water supplies."

This raises the following questions:

- ix. Why would LADWP seek additional funds when they could fully accomplish their Water Supply goals for this site as well as the SCW Program Water Quality compliance goals, without any additional funds, by merely supporting the SEITec-proposed project?
- x. Is the unnecessary spending of the State funds intended for *"immediate drought response.."* on the LADWP project responsible use of public funds?

SEITec contends that LADWP's opposition to the SEITec project is without merit and LADWP's insistence on its project is not in the best interest of the public and the SCW Program. Therefore, SEITec requests LADWP to fully explain its position by providing satisfactory answers to the above questions.

B. LASAN completed public comment form dated 2/2/222

LASAN objection to the project, as expressed in the completed comment form dated 2/2/2022, is:

"This project has failed to follow the City of Los Angeles' process..."

However, the only process that was in place at the time of the application, which LASAN identifies in the written public comments is:

“County's Guidance outlined in the Safe Clean Water Implementation Ordinance and page 4 of the Feasibility Study Guidelines:

“10. For non-municipal Project applicant/developer, an initial letter of support from the Municipality in which the Project is proposed that includes concurrence with the plan for operations and maintenance and the responsible party that has agreed to perform the operation and maintenance”

However, this is exactly the process that SEITec tried to follow. We communicated via email with Dr. Shahram Kharaghani providing our project plans and details requesting support for our proposed project while expressing its significantly higher benefits. The record of this communication is on page 62/589 of SEITec application. Unfortunately, LASAN never responded to our request. So the question is:

- xi. What City of Los Angeles process did SEITec project fail to follow?

Furthermore, LASAN's completed public comment expresses:

“The City of Los Angeles has numerous concerns with this application..”

However, LASAN does not provide any information about these concerns and only notes:

“...not least of which is that the Los Angeles Department of Water and Power is moving forward with the original North Hollywood Park Stormwater Capture Project that the ULAR WASC considered in the last funding round.”,

which is addressed under Part A of this letter. Therefore, the question for LASAN is:

- xii. What exactly are the “numerous concerns” that LASAN has with the SEITec project, other than LADWP moving forward with the original project?

Given that LASAN is refusing to support what the SCW Program's Scoring Committee has confirmed as a technically sound and highly beneficial project that; 1) provides full MS4 permit compliance as Water Quality benefits for a very large watershed in ULAR, 2) captures 1,400 ac-ft of stormwater per year as Water Supply benefits, and 3) provides extensive community investment benefits in a severe DAC area, all at 1/3 of the price tag of the LADWP project, LASAN is obliged to provide information and details about LASAN's “numerous concerns”, which result in LASAN's refusal to support this project.

SEITec contends that LASAN's refusal to support the SEITec project is not based on merits, and requests LASAN to fully explain its position by providing satisfactory answers to the above questions.

SEITec understands that the funding for this project is to be debated at the next ULAR WASC meeting scheduled on Wednesday, March 2, 2022, 2:00 – 4:00 pm. SEITec contends that ULAR WASC may not make a decision on the funding of the subject project, without having satisfactory responses from LADWP and LASAN to the questions raised in this letter. Therefore, SEITec requests ULAR WASC's immediate action to receive responses from LADWP and LASAN in an expeditious manner, in advance of the next ULAR WASC meeting, for transparent public discussion.

According to the Los Angeles County Flood Control District Code Chapter 18.07.D.2.b:

“The District...shall ... assist.. non-Municipal Project Applicants with obtaining letters of support from the applicable Municipality”,

Therefore, based on the arguments presented in this letter, SEITec respectfully requests the assistance of the SCW Program, with obtaining the required letter of support from the City of Los Angeles for this project.

Respectfully submitted,

SEITec



Shahriar Eftekharzadeh, PhD, PE
Principal Engineer

Encl.

1. LADWP letter dated 2/2/22
2. LASAN completed public comment form dated 2/2/222

Via email:

ULAR WASC Committee Chair: Teresa Villegas, Teresa.villegas@lacity.org

SCW Program Administrator: Matthew Frary MFRARY@dpw.lacounty.gov

SCW Program: DPW-SafeCleanWaterLA SafeCleanWaterLA@dpw.lacounty.gov

February 2, 2022

Safe Clean Water Program Grant Administrator
County of Los Angeles Department of Public Works
Flood Control District
Attention: Upper Los Angeles River Watershed Area Committee
900 South Fremont Avenue
Alhambra, California 91803

Dear Grant Administrator:

Subject: Opposition to Safe Clean Water Funding to SEITec for the North Hollywood
Park Stormwater Capture Project

This letter reiterates The Los Angeles Department of Water and Power's (LADWP) objections to the Upper Los Angeles River Watershed Area Steering Committee (WASC) funding considerations to SEITec for the North Hollywood Park Stormwater Capture Project (Project). As stated during the public comment period at the WASC's meeting on January 20, 2022, LADWP previously submitted the Project to the WASC for consideration during Round 2. The Project did not receive funding during that round, and LADWP has since been exploring other potential funding options, including funding through the Governor's California Comeback Plan, which is aimed at supporting immediate drought response and long-term water resilience, including emergency drought relief projects to secure and expand water supplies.

SEITec, an engineering design and contracting firm, resubmitted the Project to the WASC for funding consideration this round, along with LADWP's feasibility study, without LADWP's authorization or support. Even if the WASC agrees to grant SEITec funds, SEITec will not be able to complete the project as proposed. The Los Angeles Department of Recreation and Parks has not granted SEITec permission to use the site on which the project is proposed. Moreover, SEITec does not have any legal right to capture stormwater in the Upper Los Angeles River Area and any attempt to do so would violate the City of Los Angeles' water rights.

As set forth in the judgment entered by the Los Angeles Superior Court in *The City of Los Angeles v. City of San Fernando* (1979) (Case No. 650079), the City of Los Angeles has a prior and paramount right to all the surface waters of the


Safe Clean Water Program Grant Administrator
Page 2
February 2, 2022

Los Angeles River and native groundwater in the San Fernando Basin. It also has the right to store and recapture imported and reclaimed water in the Basin (the judgment is available on the Watermaster's website at ularawatermaster.com/public_resources/City-of-LA-vs-City-of-San-Fernando-et-al-JUDGMENT.pdf). LADWP manages and controls the City's water rights under the Los Angeles City Charter. Any diversion of stormwater in the Upper Los Angeles River Area that would diminish native flows to the Los Angeles River or recharge of the Basin would infringe on the City's water rights. This includes, without limitation, the diversion proposed by SEITec.

For the reasons above, we strongly urge the WASC to decline funding for the Project.

If you would like to discuss this letter further, please contact me at (213) 367-0899 and by email at, David.Pettijohn@LADWP.com, or Manuel Aguilar, Supervisor of Water Rights at, (213) 367-3465 and by email at, Manuel.Aguilar@ladwp.com.

Sincerely,
**David R.
Pettijohn**



David R. Pettijohn
cn=David R. Pettijohn, o=LADWP,
ou=Water Resources,
email=David.pettijohn@ladwp.com,
c=US
2022.02.02 10:05:41 -08'00'

David R. Pettijohn
Director of Water Resources

MA:lb

By email

c: Paul Liu
John Huynh
Manuel Aguilar



Public Comment Form

Name*: Michael Scaduto, P.E., ENV SP Organization*: LA Sanitation and Environment
Email*: michael.scaduto@lacity.org Phone*: (213) 485-3981
Meeting: ULAR WASC Date: 2/2/2022

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

Good afternoon, my name is Michael Scaduto and I am commenting as the acting Principal Engineer overseeing the City of Los Angeles' Safe Clean Water Implementation Division. I would like to inform the committee on the City of Los Angeles' process of acknowledging and supporting projects within our jurisdiction. That includes projects originating from our own City of Los Angeles departments, Council Offices, and from other organizations.

Within the City of Los Angeles, the Mayor's Office and City Council has established a Safe Clean Water Administrative Oversight Committee (AOC) which is tasked with the approval of projects within the City of Los Angeles that shall be submitted for regional funding consideration in each watershed area. Moving forward, the AOC will be tasked with providing letters of support or non-objection to projects and studies seeking funding within the City of Los Angeles' jurisdiction. This effort is in line with the County's Guidance outlined in the Safe Clean Water Implementation Ordinance and page 4 of the Feasibility Study Guidelines:

"10. For non-municipal Project applicant/developer, an initial letter of support from the Municipality in which the Project is proposed that includes concurrence with the plan for operations and maintenance and the responsible party that has agreed to perform the operation and maintenance" is required.

With that, we are requesting that the Los Angeles County Flood Control District (LACFCD) and Scoring Committee fully vet projects before they progress to the Watershed Area Steering Committees for funding consideration. In both the previous round and this current funding round, the City of Los Angeles has seen projects reach a Watershed Area Steering Committee (WASC) for funding consideration without the required support from the City of Los Angeles. This has caused, and continues to cause, undue discussion and confusion for this committee.

Having outlined the City of Los Angeles' approach, the City of Los Angeles has significant concerns on the North Hollywood Park Stormwater Capture Project application by SEITEC being considered by the ULAR WASC. This project has failed to follow the City of Los Angeles' process and the City of Los Angeles will not be supporting this proposal, nor has the City of Los Angeles approved any access to the publicly owned parcels, approved construction within the public right of way, or agreed to operation and maintenance responsibilities. The City of Los Angeles has numerous concerns with this application, not least of which is that the Los Angeles Department of Water and Power is moving forward with the original North Hollywood Park Stormwater Capture Project that the ULAR WASC considered in the last funding round. The City of Los Angeles would respectfully request that your committee give feedback to the Scoring Committee and LACFCD to request that a thorough completeness check of received applications is done before a WASC considers a project. This would ensure all proper approvals/documentation is contained within the application as outlined by the LACFCD's guidance documents and that the proposed project is feasible as claimed. This will relieve the ULAR WASC undue discussion.

It is the City of Los Angeles' intent to continue working collaboratively with this committee and the community in reaching our mutual goals of supporting water quality, water supply, and community enhancement projects. I thank this committee for their due diligence and their service to the entire watershed and appreciate your consideration.

To review the guidance documents and for more information, visit www.SafeCleanWaterLA.org