

CITY OF LOS ANGELES

CALIFORNIA



ERIC GARCETTI
MAYOR

Office of the
CITY CLERK

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HOLLY L. WOLCOTT
Interim City Clerk

When making inquiries relative to
this matter, please refer to the
Council File No.

June 27, 2014

To All Interested Parties:

Chief Legislative Analyst

I HEREBY CERTIFY that the City Council adopted the action(s), as attached, under
Council File No. 12-1909-S1, at its meeting held June 24, 2014.

City Clerk
io

cc: 8 Certified copies sent to Sacramento Representatives

Mayor's Time Stamp

2014 JUN 25 PM 2:14
CITY OF LOS ANGELES

City Clerk's Time Stamp

CITY CLERK'S OFFICE
2014 JUN 25 PM 2:13
CITY CLERK
BY _____
DEPUTY

SUBJECT TO THE CONCURRENCE OF THE MAYOR

COUNCIL FILE NO. 12-1909-S1

COUNCIL DISTRICT _____

COUNCIL APPROVAL DATE June 24, 2014

RE: CITY'S COMMENTS IN CONNECTION WITH THE BAY DELTA CONSERVATION PLAN

LAST DAY FOR MAYOR TO ACT JUL 07 2014
[10 Day Charter requirement as per Charter Section 231(h)]

DO NOT WRITE BELOW THIS LINE - FOR MAYOR USE ONLY

APPROVED

✓

*DISAPPROVED

*Transmit objections in writing pursuant to Charter Section 231 (h)

DATE OF MAYOR APPROVAL OR DISAPPROVAL 6/26/14

EG
MAYOR

RECEIVED
CITY CLERK'S OFFICE
JUN 26 PM 3:55
CITY CLERK
DEPUTY

ENERGY AND ENVIRONMENT COMMITTEE REPORT and RESOLUTION relative to the City's comments in connection with the Bay Delta Conservation Plan (BDCP).

Recommendations for Council action, initiated by Motion (Fuentes - Wesson) and SUBJECT TO THE CONCURRENCE OF THE MAYOR:

1. PRESENT and ADOPT the accompanying RESOLUTION to include in the City's 2013-14 State Legislative Program the submittal of the City's comments, attached to the Council file, to the appropriate state and federal lead agencies concerning the BDCP's draft plan, draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS), and draft implementing agreement as prepared by the Los Angeles Department of Water and Power (LADWP); and further AUTHORIZE the LADWP to submit said comments to the state and federal lead agencies, on behalf of the City, by the comment submittal deadline of July 29, 2014.

2. APPROVE the Draft Comment Letter attached to the June 12, 2014 LADWP report as amended, attached to the Council file.

Fiscal Impact Statement: None submitted by the LADWP. Neither the City Administrative Officer nor the Chief Legislative Analyst has prepared a financial analysis of this report.

Community Impact Statement: None submitted.

Summary:

On June 4, 2014, your Committee considered a Motion (Fuentes - Wesson) relative to requesting the LADWP, in conjunction with the Bureau of Sanitation (BOS) and the Office of Public Accountability/Ratepayer Advocate, to prepare comments in connection with the BDCP and associated EIR/EIS. According to the Motion, on December 9, 2013, the state's Natural Resources Agency and its federal partners announced the release of the proposed BDCP for formal public review and comment. The release consists of the draft Plan and the Draft EIR/EIS. The review of the draft Plan, and the associated environmental documents, is a key step toward the completion of the final plan.

The BDCP is a comprehensive habitat conservation plan that seeks to restore fish and wildlife species in the Delta and improve reliability of water supplies throughout the state. The BDCP plans to secure the state's water supply by building new water conveyance infrastructure and operating it in a manner that preserves the ecological health of the Delta. The BDCP also seeks to restore approximately 150,000 acres of habitat to address the Delta's environmental challenges. The cost to construct the proposed water conveyance system is estimated between \$14.5 billion to \$16 billion to be paid by primary water users. The primary water users include cities in the San Joaquin Valley, Santa Clara Valley and Southern California. The LADWP estimates that a typical single-family residential household in Los Angeles would see a \$3 per month increase in their water bill to pay for the construction of the proposed conveyance project. The cost for ecosystem restoration would be paid by a larger group of Delta beneficiaries; such as water exporters, recreational users, transportation/shipping interests, power providers and the general public. After consideration and having provided an opportunity for public comment, the Committee moved to continue this matter pending the receipt of the full LADWP report.

Subsequently, on June 18, 2014, the Committee considered a June 12, 2014 LADWP report and Resolution in response to the above Motion. Included with its report, the LADWP submitted a draft letter detailing the City's comments in regard to the BDCP. According to the LADWP, their report was prepared with input from the BOS and the Office of Public Accountability/Ratepayer Advocate.

The LADWP went on to state that at present, the City receives its domestic water supply from the City's own resources and purchases from the Metropolitan Water District of Southern California (MWD), including: 1) Eastern Sierra Nevada Watershed via the City-owned Los Angeles Aqueduct; 2) Sacramento-San Joaquin Delta (Delta) via the State Water Project's California Aqueduct (purchased from MWD); 3) Colorado River via the Colorado River Aqueduct (purchased from MWD); 4) local groundwater; 5) recycled water; and 6) water conservation. The combination of these sources plus conservation provides adequate, reliable water supplies to serve the City's needs.

However, local supplies and conservation alone are not enough to meet the water demands of the City. Even with significant investments in local water projects, imported supplemental water from the Delta and Colorado River will still be required to ensure reliability and buffer the effects of annual variations in precipitation statewide. In an average hydrological year, the City purchases approximately 52 percent of its water supply from the MWD, with about 44 percent coming from the Delta and about 8 percent coming from the Colorado River. This mix from the MWD is dictated primarily by the City's location within the MWD system. In dry years, purchased water typically makes up a much larger percentage of the City's water supply. For example, purchased water is expected to make up about 79 percent of the City's supply during the current dry year, with about 71 percent coming from the Delta. The LADWP, in collaboration with the BOS, is diligently working to reduce the City's reliance on purchased water from the Delta by implementing new and innovative local projects and programs as outlined in the City's 2010 Urban Water Management Plan (UWMP) and the City's 2006 Water Integrated Resources Plan (IRP).

The 2010 UWMP and the 2006 IRP identify increased investments in local water resource development including water conservation, water recycling, and stormwater capture- and to remediate contaminated groundwater. The plans set a course to cut the City's average dependency on purchased water in half by 2035 (LADWP is pursuing plans to accelerate this goal by ten years). These projects and programs are consistent with priorities outlined in the California Water Action Plan, issued by the Brown Administration in January 2014, and the 2009 Delta Reform Act, which states:

The policy of the State of California is to reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency.

The LADWP considers groundwater remediation, local resource development, and a reliable supply of water from the Delta to be critical and complementary in ensuring the City's overall current and future water supply reliability.

Next, the LADWP discussed the BDCP, stating that the BDCP is a comprehensive and strategic effort to fundamentally improve the State of California's (State) water supply reliability and restore the Delta ecosystem. The intent of the BDCP is not to take more water from the Delta, but to enhance the ecosystem and improve the reliability of existing supply investments. This strategy coincides with that of other utilities throughout the state who take imported water, including the City and County of San Francisco and the East Bay Municipal Utility District. Development of BDCP is a joint state and

federal effort led by the agencies responsible for the operation of the State Water Project (SWP) and Central Valley Project (CVP)- the Department of Water Resources (DWR) under the California Natural Resources Agency, and the Bureau of Reclamation (Reclamation) under the U.S. Department of the Interior, with guidance from the State and federal fish and wildlife agencies. As a result, the development process has been open and transparent, with multiple opportunities and options for public engagement and comment.

At the outset of the BDCP planning process, a planning agreement was executed, and a BDCP Steering Committee was established. This Steering Committee was a group of stakeholders and regulatory agencies that guided the development process. The steering committee included OWR, Reclamation, State Water Resources Control Board, U.S. Army Corps of Engineers, the State and federal fish and wildlife agencies, water agencies (including MWO), and environmental organizations, such as The Nature Conservancy and the Environmental Defense Fund. The draft BDCP and environmental documents are the result of more than seven years of collaboration between public water agencies, fish and wildlife agencies, nongovernmental organizations, agricultural interests, and the public.

BDCP will be both a 50-year Habitat Conservation Plan (HCP) developed to comply with the Federal Endangered Species Act (ESA), and a Natural Community Conservation Plan developed to comply with the California Endangered Species Act (CESA) and the California Natural Community and Conservation Planning Act. The US Fish and Wildlife Service and the National Marine Fisheries Service are responsible for implementing and enforcing the federal ESA. The California Department of Fish and Wildlife is responsible for administering the CESA. If approved by these agencies, BDCP will provide the permits needed to complete the proposed projects and activities to restore and protect the Delta's water supply, water quality, and ecosystem health. BDCP reflects a significant departure from the single-species approach used to address the Delta's ecological troubles in past decades. As a result of the single-species approach, federal and state regulators placed limits on SWP and CVP water deliveries to address the decline of native fish populations. These on-going limits have reduced Delta water supply by 20 to 30 percent and have challenged the ability of agencies across the State to meet the water needs of 25 million Californians and 3 million acres of farmland.

The BDCP proposes specific actions to reduce the physical impact of water diversions; align water operations to better reflect natural and seasonal flow patterns; restore and develop new Delta habitat; reconnect floodplains and restore riverbanks to a more natural state; and reduce environmental stressors, such as invasive species. A cornerstone of the BDCP strategy is the construction of a dual-conveyance water delivery system that would modernize SWP's aging water conveyance network while This proposed conveyance project would additionally reduce exposure to possible system interruption caused by the potential failure of aging levees due to sea level rise, climate change, land subsidence, and seismic events. By adding a water diversion point in the Sacramento River and establishing new operating criteria to improve water volume, water quality, timing, and salinity, along with other conservation measures, BDCP would improve native fish migratory patterns and habitat conditions and allow for greater operational flexibility. also addressing the needs of the Delta ecosystem.

Representatives from the Office of Public Accountability also provided an analysis of the BDCP, stating that the BDCP water conveyance facilities have been shown to be economically beneficial for the State by several studies. Additionally, they indicated that according to their analysis (attache in the June 12, 2014 LADWP report), that under a wide array of cost and water demand scenarios, the total BDCP is affordable to almost all City households.

This cost analysis also found that selective LADWP and City water policies can minimize the total costs of the interrelated BDCP and proposed Water Bond programs to Los Angeles households and businesses. Such policies could include: 1) maximizing cost-effective local water supplies to reduce City reliance on imported water supplies; 2) maximizing funding of local water programs (such as the cleanup of the San Fernando Valley groundwater contamination) from the proposed State Water Bond; 3) maximizing SWP and CVP water contractor participation in the BDCP conveyance facility costs; 4) minimizing the size of the proposed Water Bond programs not directly benefiting the City, such as for additional water storage that does not support SWP operations; 5) using the lowest-cost BDCP conveyance project alternative that can fulfill water ecosystem and conveyance essential requirements; and 6) maximizing Federal grants supporting the coequal Delta ecosystem improvements.

After consideration and having provided an opportunity for public comment, the Committee moved to recommend adoption of the Resolution to include in the City's 2013-14 State Legislative Program the submittal of the City's comments, attached to the Council file, to the appropriate state and federal lead agencies concerning the BDCP's draft plan, draft EIR/EIS, and draft implementing agreement as prepared by the LADWP and further authorize the LADWP to submit said comments to the state and federal lead agencies, on behalf of the City, by the comment submittal deadline of July 29, 2014. Additionally, the Committee recommended approval of the LADWP's Draft Comment Letter, as amended. This matter is now submitted to Council for its consideration.



Respectfully Submitted,

ENERGY AND ENVIRONMENT COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
FUENTES:	YES
BLUMENFIELD:	YES
LABONGE:	YES
HUIZAR:	YES
KORETZ:	YES

ARL
6/18/14

ADOPTED
JUN 24 2014
LOS ANGELES CITY COUNCIL

-NOT OFFICIAL UNTIL COUNCIL ACTS-

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal government body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, on December 9, 2013, the state's Natural Resources Agency announced the release of the proposed Bay Delta Conservation Plan (BDCP) for formal public review and comment, including the BDCP's draft plan and draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS); and

WHEREAS, the BDCP is a comprehensive habitat conservation plan that seeks to restore the ecosystem in the Sacramento-San Joaquin Delta (Delta) and improve reliability of water supplies delivered through the State Water Project; and

WHEREAS, the BDCP plans to secure the state's and the Los Angeles region's water supply by building new water conveyance infrastructure and operating it in a manner that restores the Delta's ecological health; and

WHEREAS, on April 25, 2014, a Motion (Fuentes – Wesson; CF# 12-1909-S1) was introduced requesting the Department of Water and Power, and specified City departments, to prepare comments relative to the draft plan and draft EIR/EIS for review and consideration prior to the state's June 13, 2014 comment submittal deadline; and

WHEREAS, on May 30, 2014, the state released the BDCP draft implementing agreement and extended the comment submittal deadline to July 29, 2014; and

WHEREAS, the Department of Water and Power has prepared comments on the BDCP's draft plan, draft EIR/EIS, and draft implementing agreement on behalf of the City; and

WHEREAS, the prepared comments seek to protect the interests of the City, ensuring that the co-equal goals of water supply reliability and ecosystem restoration are met in the Delta;

NOW, THEREFORE, BE IT RESOLVED, that by adoption of this Resolution, with the concurrence of the Mayor, the City of Los Angeles hereby includes its 2013-2014 State Legislative Program the submittal of the City's comments, as attached to the file (CF#12-1909-S1), to the appropriate state and federal lead agencies concerning the BDCP's draft plan, draft Environmental Impact Report/Environmental Impact Statement, and draft implementing agreement as prepared by the Department of Water and Power.

BE IT FURTHER RESOLVED, that the Department of Water and Power be authorized to submit the comments to the state and federal lead agencies, on behalf of the City, by the comment submittal deadline of July 29, 2014.

I CERTIFY THAT THE FOREGOING
RESOLUTION WAS ADOPTED BY THE
COUNCIL OF THE CITY OF LOS ANGELES
AT ITS MEETING OF JUN 24 2014
BY A MAJORITY OF ALL ITS MEMBERS.



HOLLY L. WOLCOTT
INTERIM CITY CLERK

BY 
DEPUTY