



Los Angeles
Department of
Water & Power

RESOLUTION NO. _____

BOARD LETTER APPROVAL


RICHARD F. HARASICK
Senior Assistant General Manager
Water System


MARTIN L. ADAMS
Chief Operating Officer


DAVID H. WRIGHT
General Manager

DATE: March 30, 2017

SUBJECT: LA Noria Waterwheel – Bending the River Back Into the City Project

SUMMARY

Metabolic Studio LLC (Metabolic Studio) intends to construct LA Noria Waterwheel to lift water from the Los Angeles River (LA River) and irrigate nearby parks as part of its *Bending the River Back Into the City Project* (Project). On Metabolic Studio's behalf, the Los Angeles Department of Public Works Bureau of Sanitation (LA Sanitation) intends to operate and maintain a rubber dam, inlet and outlet structures, and other components that will be used as part of the Project. The parties propose a Memorandum of Agreement (Agreement) to memorialize their respective rights and responsibilities. LADWP would be a party to the Agreement under City Charter Sections 671, 672(a), 673, and 677(c), but would not assume any financial, indemnity, or other obligations.

City Council approval is required under City Charter Section 373.

RECOMMENDATION

It is recommended that the Board of Water and Power Commissioners (Board) adopt the attached Resolution approving the Agreement.

ALTERNATIVES CONSIDERED

LADWP did not consider project alternatives because it is Metabolic Studio's project.

FINANCIAL INFORMATION

LADWP will not assume any financial, indemnity, or other obligations under the Agreement.

BACKGROUND

The Project includes the installation of the LA Noria Waterwheel (a replica of the waterwheels used by Angelenos during the mid-19th Century) between North Broadway and North Spring Street bridges, and the installation of a rubber dam in the LA River approximately 8 feet high and 190 feet across. When inflated, the rubber dam will cause water to pool for a distance of approximately 1,600 – 1,800 feet. Diverted water will turn the waterwheel, flow through treatment and disinfection systems, and be conveyed as irrigation supply to local public lands. Water not used for irrigation will be returned to the LA River.

Metabolic Studio anticipates hosting its ground breaking ceremony for the Project with participation by the City's elected leaders on April 15, 2017.

Due to time-sensitive operational needs, an Executive Directive No. 4 waiver was requested by the Mayor's Office. A Chief Administrative Officer Report will be provided for City Council review prior to final consideration of this item.

PUBLIC AGENCY PARTICIPATION

LA Sanitation will operate and maintain the rubber dam, inlet and outlet structures, and other components on behalf of and at Metabolic Studio's expense. LA Sanitation will only operate the rubber dam during periods of dry weather, and will deflate the dam in advance of any regional precipitation so as not to impede flood control.

Additionally, the Los Angeles Bureau of Engineering (BOE) is designing a conveyance system at Metabolic Studio's expense to distribute the water to the nearby public lands. Metabolic Studio intends to enter into agreements with the City of Los Angeles (City) and the state agencies relating to the delivery of Title 22 compliant water to nearby public lands.

LADWP'S POSSESSION, MANAGEMENT, AND CONTROL OF CITY'S WATER ASSETS

The City owns a prior and paramount pueblo right to the surface waters of the LA River, which dates back to the founding of the Pueblo de Los Angeles. The City also holds superior rights to the reclaimed water it discharges from its water treatment plants.

City Charter Section 672 grants the Board possession, management, and control of the City's water assets, which include the City's water rights, as well as "all the lands, rights-of-way, sites, facilities and property used for the capture, transportation, distribution and delivery of water for the benefit of the City, its inhabitants and its customers."

Additionally, Section 677(c) grants the Board the power "to supply and distribute reclaimed water to consumers served by the City within its limits. . . ."

LICENSE TO DIVERT WATER

The State Water Resources Control Board of California (SWRCB), Division of Water Rights issued Permit No. 21342 to Lauren Bon of Metabolic Studio (Bon Permit), providing a right to divert and use up to 0.22 cubic feet per second of water from the LA River, up to a maximum of 106 acre feet per year, to irrigate the 42.5 acres of land specified in the license.

Ms. Bon's water rights are junior to the City's prior and paramount pueblo water rights and the City's rights to reclaimed water from its water treatment plants. Her rights also are subject to the availability of flows. As the City develops other uses for its rights to flows in the river, Ms. Bon will be required to cease diverting water if flows in excess of the City's needs diminish and become unavailable.

AGREEMENT BETWEEN AND AMONG LADWP, LA SANITATION, AND METABOLIC STUDIO

LADWP, LA Sanitation, and Metabolic Studio intend to enter into the Agreement relating to the installation, operation, and maintenance of the dam. LADWP would participate in the Agreement pursuant to the City Charter. It would not assume any financial or indemnity obligations under the Agreement. The Agreement expressly states that the City holds prior and paramount rights water rights, and requires Metabolic to comply with the Bon Permit and all applicable laws and regulations.

ENVIRONMENTAL DETERMINATION

BOE served as lead California Environmental Quality Act (CEQA) agency. It prepared a Mitigated Negative Declaration (MND), and approved a notice of determination (NOD)

on March 5, 2014. The NOD included mitigation measures and a mitigation reporting and monitoring program, which were conditions of approval.

LADWP is a responsible agency whose discretionary approval in establishing an agreement for the obligations of each party for the Project. The Board has reviewed and considered the information contained the MND, pursuant to Section 15050(b) of the CEQA guidelines.

CITY ATTORNEY

The Office of the City Attorney reviewed and approved the Resolution and Agreement as to form and legality.

ATTACHMENTS

- Resolution
- Agreement
- Bon Permit