



RESOLUTION NO. _____

BOARD LETTER APPROVAL

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RICHARD F. HARASICK
Senior Assistant General Manager
Water System

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

MARTIN L. ADAMS
General Manager and Chief Engineer

DATE: August 26, 2020

SUBJECT: Bending the River Back Into the City Project

SUMMARY

Metabolic Studio LLC, (Metabolic Studio) intends to construct a Waterwheel as part of the Bending the River Back into the City Project (Project). The Project proposes to divert Los Angeles River (LAR) water to irrigate local public lands such as recreational parks.

LADWP, Los Angeles Department of Public Works Sanitation and Environment (LASAN), and Metabolic Studio are desirous to enter into a Memorandum of Agreement (Agreement) regarding the operation and maintenance of the Project, and to memorialize their respective rights and responsibilities. LADWP is party to the Agreement, but will 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

In July 2017, LADWP, LASAN, and Metabolic Studio entered into a 2017 Memorandum of Agreement regarding the operation and maintenance of a rubber dam, and appurtenant structures to divert LAR water as part of the Project. The Board approved the 2017 Memorandum of Agreement on April 4, 2017. The Project has since been revised to utilize a low-flow diversion with an inlet pipeline buried beneath the LAR channel instead of the rubber dam concept.

The Project includes the installation of a Waterwheel which is similar to the waterwheels used by Angelenos during the mid-19th Century between North Broadway and North Spring Street bridges, and utilizing a low-flow diversion with inlet pipeline buried beneath the channel to lift LAR water. Water for the LAR will turn the waterwheel and immediately be returned to the river, with a small amount diverted for treatment, storage, and distribution as irrigation supply to local public lands.

Public Agency Participation

LASAN will operate and maintain the diversion, inlet pipeline, outlet structure and appurtenances on behalf of and at Metabolic Studio's expense.

Additionally, the Los Angeles Department of Public Works Bureau of Engineering has designed and constructed a conveyance system at Metabolic Studio's expense to distribute the water. Metabolic Studio intends to enter into agreements with the City and 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 Public Agency Participation

The City owns a prior and paramount pueblo right to the surface waters of the LAR, 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, 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 LAR, 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 LADWP, LASAN, and Metabolic Studio

LADWP, LASAN, and Metabolic Studio intend to enter into the Agreement relating to the installation, operation, and maintenance of the low-flow diversion and appurtenances. 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.

In accordance with the Mayor’s Executive Directive No. 4, the City Administrative Officer’s (CAO) Report was approved on August 3, 2020.

ENVIRONMENTAL DETERMINATION

Determine item is exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15060(c)(2). In accordance with this section, an activity is not subject to CEQA if it will not result in a direct or reasonably foreseeable indirect physical change in the environment. Entering into a Memorandum of Agreement will not result in any physical change in the environment; therefore, the proposed action is not subject to CEQA. Any future projects would go through a separate environmental analysis as required by CEQA.

CITY ATTORNEY

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

ATTACHMENTS

- Resolution
- Agreement
- CAO Report