

Memorandum

To : The Conservancy
The Advisory Committee

Date: February 24, 2013

From : 
Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Director

Subject: **Agenda Item 13: Consideration of resolution authorizing a grant of Proposition 50 Funds to the Nature Conservancy for the Los Angeles River Revitalization and Restoration Study.**

Staff Recommendation: That the Conservancy adopt the attached resolution authorizing a grant of Proposition 50 funds to the Nature Conservancy in the amount of \$280,000 for the Los Angeles River Revitalization and Restoration Study.

Legislative Authority: Section 33204.2(a) of the Public Resources Code provides that the conservancy may award grants to nonprofit organizations.

Background: Though the Los Angeles River is now confined to a narrow channel, the areas adjacent to the channel have considerable restoration potential. Before a restoration plan can be proposed, more must be learned about the current status of the habitat within and adjacent to the soft-bottom portion of the Los Angeles River.

The proposed project is a science effort to identify biologically significant restoration opportunities along a section of the 11-mile soft-bottom portion of the Los Angeles River. This feasibility study will map the existing species in the focus area and determine the status of the habitat, which will result in an understanding of the Los Angeles River's biodiversity and available opportunities to bolster native specific and enhance the ecosystem.

Please see the attached grant application and supporting materials from the Nature Conservancy for further details.

Analysis - Proposition 50 and the Common Ground Plan

Chapter 10, Section 79570 of the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50), allocates funds for the "purpose of protecting coastal watersheds, including, but not limited to, acquisition, protection, and restoration of land and water resources and associated planning, permitting and administrative costs." Section 79570(c) of the Act specifically allocates funding to the Santa Monica Mountains Conservancy "for protection of the Los Angeles River watershed upstream of the northernmost boundary of the City of Vernon pursuant to Division 23(commencing with Section 33000) of the Public

Resources code.” Section 79508 provides that watershed protection activities shall be consistent with the *San Gabriel and Los Angeles River Watershed and Open Space Plan (Common Ground)*.

The proposed project constitutes watershed protection activities in the Upper Los Angeles River watershed. The study site is within the Upper Los Angeles River watershed and is consistent with the Proposition 50 definition of protection. The project shall contain elements to protect and restore rivers, lakes and streams, their watersheds and associated land, water and other natural resources.

The project is consistent with the *San Gabriel and Los Angeles Rivers Watershed and Open Space Plan* as required by Section 79508 of the Water Code. *The San Gabriel and Los Angeles Rivers Watershed and Open Space Plan*, also known as and hereinafter referred to as the "Common Ground" plan, was jointly developed by the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy and the Santa Monica Mountains Conservancy. The purpose of the plan is to “articulate a vision for the future of the San Gabriel and Los Angeles Rivers Watersheds” and “provide a framework for future watershed and open space planning.” The plan outlines a holistic approach to watershed protection and development, organized by a set of Guiding Principles. These broad principles are designed to accommodate the varying priorities and needs of projects in the region.

Analysis - General Obligation Bond Law

The General Obligation Bond Law provides that bond funds may be used for the construction and acquisition of "capital assets." Capital assets include major maintenance, reconstruction, demolition for purposes of reconstruction of facilities, and retrofitting work that is ordinarily done no more often than once every 5 to 15 years or expenditures that continue or enhance the useful life of the capital asset (Government code Section 16727 (a)). Capital assets also includes equipment with an expected useful life of two years or more, and tangible physical property with an expected useful life of 10 to 15 years. Section 16727 (a) also allows bond funds to be used for costs that are incidentally but directly related to construction or acquisition including costs for planning, engineering and other design work.

The activities that the Nature Conservancy proposes to fund with this grant constitute planning of land acquisitions and improvement projects to protect land and water resources, protect and restore rivers, lakes and streams, their watersheds and associated land, water and other natural resources. Thus, the proposed activities fall within the definition of “capital assets” or are incidentally but directly related to acquisition or construction, and therefore are proper under the General Obligation Bond Law.

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