

**DATE:** January 22, 2018

**TO:** RMC Governing Board

**FROM:** Mark Stanley, Executive Officer

**SUBJECT:** Item 10: Consideration of a resolution authorizing the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy Proposition 1 Lower LA River Grant Program

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**PROGRAM AREA:** All

**RECOMMENDATION:** That the RMC approve a resolution authorizing the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC) Proposition 1 Lower LA River Grant Program.

**BACKGROUND:** On September 28, 2015 the RMC approved grant program guidelines which provided for project applications to be submitted for funding consideration using Proposition 1 as the main funding source. As of November 2017, 18 of the 20 projects that were recommended for funding have been approved by the Board and are currently active RMC Grants. The total amount for those grants is \$20,261,564, including \$4,830,575 from Section 79735 (a).

Proposition 1 section 79735 (a) has a specific allocation of one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, for projects to protect and enhance an urban creek, as defined in subdivision (e) of Section 7048, and its tributaries pursuant to Division 22.8 (commencing with Section 79508). This amount was evenly split between the Santa Monica Mountains Conservancy and the Rivers and Mountains Conservancy for river related projects.

This action allows the RMC to create a competitive grant program specific to the Lower LA River, using the \$50 million funding available for river related projects. The RMC anticipates that projects identified in the Lower LA River Revitalization Master Plan will be submitted as part of this program, with some consideration given to projects that are not identified in the plan, but are located within the Lower LA River corridor including tributaries to the Lower LA River.

### **LOWER LOS ANGELES RIVER REVITALIZATION PLAN**

With the imminent approval of the Lower Los Angeles River Revitalization Plan, developed collaboratively by a 39-member working group, the County of Los Angeles (Department of Public Works), local community stakeholders, the Offices of Supervisor Solis (1<sup>st</sup> District), Ridley-Thomas (2<sup>nd</sup> District), and Hahn (4<sup>th</sup> District), and the Rivers and Mountains Conservancy, there exists a strategic opportunity to deploy the Lower Los Angeles River Proposition 1 funding allocation within the parameters of the Revitalization Plan.

The Lower LA River Revitalization Plan, authorized by Assemblymember Anthony Rendon's Assembly Bill 530 (AB 530), had the goal of creating a Working Group to develop a Master Plan for the Lower LA River. This was an unprecedented river-specific Plan for the Lower 19 miles of the LA River, from the City of Vernon to Long Beach. Completed over a 2-year time frame, this Master Plan scheduled for finalization and approval in March 2018, resulting in over 145 projects identified along the Lower LA River, including three (3) Signature Projects located in South Gate, Cudahy and Long Beach. In addition, the plan contains river specific templates that cities can use

as a guide for projects along each section of the Lower LA River. Templates include guiding statements for affordable housing, bridges crossing, public art installations, cultural venue locations and trails for hiking and bicycling. Unlike other natural resource planning documents, this effort paid attention to public health, community stabilization strategies, workforce development and support for locally-owned businesses.

The Plan and projects were identified through a robust community engagement effort as well as by the 39 members of this Working Group with the involvement of elected officials from each of the 13 Southeast Cities in the Gateway region including the cities of Bell, Bell Gardens, Cudahy, Downey, Huntington Park, Long Beach, portions of Los Angeles, Lynwood, Maywood, Paramount, South Gate and Vernon. The unique aspect about the Working Group is that in addition to city representation, the group also has representatives from non-governmental organizations (NGOs) representing public health, environmental justice, recreation, land conservation, habitat restoration, watershed management, and the private business sector. The plan can be found at [www.lowerlariver.org](http://www.lowerlariver.org) along with meeting materials from the beginning of the revitalization plan process.

Although several project sites are in public right of way, many project locations require a combination of acquisition and project planning to fully realize the completion of the project. It is expected that as local municipalities update their general plans and urban greening plans, they will prioritize the implementation of the locations identified within the plan.

### **LOWER LA RIVER GRANT SUB-PROGRAM**

A key strategy of the plan is to coordinate planning efforts that can leverage funding sources such as Prop. 1 to maximize implementation approaches that will fully realize the benefits of the revitalization plan.

Each project is to be evaluated base on merit to satisfy the criteria set forth by the RMC Prop 1 grant guidelines and the ability to meet standards presented in the Lower LA River Revitalization plan. Staff recommends the Conservancy hold public information meeting in February to highlight the funding opportunities and provide a briefing on evaluation criteria. The Conservancy will start accepting proposals for Lower Los Angeles River projects on March 1, 2018.

Staff, as leader of facilitation process for the Lower Los Angeles River Revitalization Plan process, recommends the grant program include funding for all phases of development, land acquisition, project development, project implementation (construction), and consider funding for creation of a "Green" incubator project.

Eligible projects for funding are to follow the outline of the project area as defined in the Lower LA River Revitalization Plan, which is within one mile of the banks of the Lower Los Angeles River and the tributaries of Rio Hondo River and Compton Creek.

The LA River sub-grant program is to include, but not be exclusive to, the following funding line items in accordance with Prop. 1 and subsequent grant program allowances. There are six total categories identified in the grant program.

1. *Acquisition Fund*

- Fund to support land purchases recommended within the Lower LA River Revitalization Plan. Approximately 20% is recommended for this category.

2. *Enhancement Fund: Small Starts*

- Competitive funding for river adjacent enhancement projects ready for implementation costing under \$1 million. Approximately 10% is recommended for this category.

3. *Enhancement Fund: Planning*

- Funding to support planning-related applications connected to the revitalization plan. Approximately 10% is recommended for this category.

4. *Matching Fund*

- Provide a monetary match for public-private partnerships projects that will benefit the long-term revitalization of the Lower LA River. Project are not subject to identification in the Lower LA River Revitalization Plan. Approximately 10% is recommended for this category.

5. *Construction Fund*

- Funding to support construction projects related to the revitalization plan. Approximately 34% is recommended for this category.

6. *Green Incubator Fund*

- Approximately 16% is recommended for this category. While not called out specifically in the revitalization plan, the Rivers Green Incubator project will serve as a base and catalyst for the implementation of the plan by building capacity, providing coordination, and facilitating collaboration by and for all community stakeholders. The Green Incubator will have the potential to provide funding for a river adjacent, RMC managed, site to support housing:
  - A “green innovator-in-residence” entrepreneurship
  - A STEM/Citizen Scientists Academy for local youth
  - Local green and environmental justice non-profits

The RMC anticipates working collaboratively with educational partners from school districts to universities, river advocates and coalitions, and social enterprise organizations to articulate a program curriculum and schedule.

The goal is to allocate \$8 million a portion of Prop. 1 and other funding sources towards this endeavor. The funding would cover acquisition of a site and related build-out expenses.

**FISCAL INFORMATION:**

Proposition 1 funding for these projects will be allocated from the following sections of Proposition 1, under statute:

79731 (f): San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, the sum of thirty million dollars (\$30,000,000) and section 79735 (a) of the funds authorized by Section 79730, one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, for projects to protect and enhance an urban creek, as defined in subdivision (e) of Section 7048, and its tributaries pursuant to Division 22.8 (commencing with Section 79508....

Additional funding sources will be used as they become available.

**LEGISLATIVE AUTHORITY AND RMC ADOPTED POLICIES/AUTHORITIES:** The Rivers and Mountains Conservancy (RMC) statute provides in part that:

Section 32602: There is in the Resources Agency, the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, which is created as a state agency for the following purposes:

- (a) To acquire and manage public lands within the Lower Los Angeles River and San Gabriel River watersheds, and to provide open-space, low-impact recreational and educational uses, water conservation, watershed improvement, wildlife and habitat restoration and protection, and watershed improvement within the territory.
- (b) To preserve the San Gabriel River and the Lower Los Angeles River consistent with existing and adopted river and flood control projects for the protection of life and property.
- (c) To acquire open-space lands within the territory of the conservancy.

Section 32604: The conservancy shall do all of the following:

- (a) Establish policies and priorities for the conservancy regarding the San Gabriel River and the Lower Los Angeles River, and their watersheds, and conduct any necessary planning activities, in accordance with the purposes set forth in Section 32602.
- (b) Approve conservancy funded projects that advance the policies and priorities set forth in Section 32602.
- (d) To provide for the public's enjoyment and enhancement of recreational and educational experiences on public lands in the San Gabriel Watershed and Lower Los Angeles River, and the San Gabriel Mountains in a manner consistent with the protection of lands and resources in those watersheds.

Section 32614: The conservancy may do all of the following:

- (b) Enter into contracts with any public agency, private entity, or person necessary for the proper discharge of the conservancy's duties, and enter into a joint powers agreement with a public agency, in furtherance of the purposes set forth in Section 32602.
- (e) Enter into any other agreement with any public agency, private entity, or person necessary for the proper discharge of the conservancy's duties for the purposes set forth in Section 32602.
- (f) Recruit and coordinate volunteers and experts to conduct interpretive and recreational programs and assist with construction projects and the maintenance of parkway facilities.

Further, Section 32614 provides that: The conservancy may do all of the following:

- (g) Undertake, within the territory, site improvement projects, regulate public access, and revegetate and otherwise rehabilitate degraded areas, in consultation with any other public

agency with appropriate jurisdiction and expertise, in accordance with the purposes set forth in Section 32602. The conservancy may also, within the territory, upgrade deteriorating facilities and construct new facilities as needed for outdoor recreation, nature appreciation and interpretation, and natural resources protection. The conservancy may undertake those projects by itself or in conjunction with another local agency; however, the conservancy shall provide overall coordination of those projects by setting priorities for the projects and by ensuring a uniform approach to projects. The conservancy may undertake those projects with prior notification to the legislative body of the local agency that has jurisdiction in the area in which the conservancy proposes to undertake that activity.

Section 32614.5:

- (a) The conservancy may award grants to local public agencies, state agencies, federal agencies, and nonprofit organizations for the purposes of this division.
- (b) Grants to nonprofit organizations for the acquisition of real property or interests in real property shall be subject to all of the following conditions:
  - (1) The purchase price of any interest in land acquired by the nonprofit organization may not exceed fair market value as established by an appraisal approved by the conservancy.
  - (2) The conservancy approves the terms under which the interest in land is acquired.
  - (3) The interest in land acquired pursuant to a grant from the conservancy may not be used as security for any debt incurred by the nonprofit organization unless the conservancy approves the transaction.
  - (4) The transfer of land acquired pursuant to a grant shall be subject to the approval of the conservancy and the execution of an agreement between the conservancy and the transferee sufficient to protect the interests of the state.
  - (5) The state shall have a right of entry and power of termination in and over all interests in real property acquired with state funds, which may be exercised if any essential term or condition of the grant is violated.
  - (6) If the existence of the nonprofit organization is terminated for any reason, title to all interest in real property acquired with state funds shall immediately vest in the state, except that, prior to that termination, another public agency or nonprofit organization may receive title to all or a portion of that interest in real property, by recording its acceptance of title, together with the conservancy's approval, in writing.
- (c) Any deed or other instrument of conveyance whereby real property is acquired by a nonprofit organization pursuant to this section shall be recorded and shall set forth the executor interest or right of entry on the part of the state.

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RESOLUTION 2018-02

RESOLUTION OF THE SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MOUNTAINS CONSERVANCY (RMC) AUTHORIZING THE SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MOUNTAINS CONSERVANCY PROPOSITION 1 LOWER LA RIVER GRANT PROGRAM

WHEREAS, The legislature has found and declared that the San Gabriel River and its tributaries, the Lower Los Angeles River and its tributaries, and the San Gabriel Mountains, Puente Hills, and San Jose Hills constitute a unique and important open space, environmental, anthropological, cultural, scientific, educational, recreational, scenic, and wildlife resource that should be held in trust to be preserved and enhanced for the enjoyment of, and appreciation by, present and future generations; and

WHEREAS, The people of the State of California have enacted the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (“Proposition 1”) and

WHEREAS, the State of California has authorized an expenditure of funds from Proposition 1, the Water Quality, Supply, and Infrastructure Improvement Act of 2014 to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy for capital outlay and local assistance multi-benefit grants for ecosystem and watershed protection and restoration projects; and

WHEREAS, The RMC may award grants to local public agencies, state agencies, federal agencies, and nonprofit organizations for the purposes of Division 22.8 the Public Resources Code; and

WHEREAS, The proposed project meets an objective of the California Water Action Plan for more reliable water supplies, restoration of important species and habitat, more resilient and sustainably managed water infrastructure; and

WHEREAS, The proposed project meets the goals of reducing greenhouse gas emissions consistent with AB 32; and

WHEREAS, The proposed project is consistent with the San Gabriel and Los Angeles River Watershed and Open Space Plan; and

WHEREAS, The proposed project protects land and water resources; and

This action is exempt from the environmental impact report requirements of the California Environmental Quality Act (CEQA); and NOW

*Therefore be it resolved that* the RMC hereby:

- 1 FINDS that this action is consistent with the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy Act and is necessary to carry out the purposes and objectives of Division 22.8 of the Public Resources Code.
- 2 FINDS that the Proposition 1 RMC Grant Program is consistent with the Water Quality,

- 3 Supply, and Infrastructure Improvement Act of 2014 (“Proposition 1”), which provides funds for the RMC grant program.
- 4 FINDS the proposed project meets at least one of the purposes of Proposition 1.
- 5 FINDS the proposed project meets at least one of the three objectives of the California Water Action Plan.
- 6 FINDS that the proposed action is consistent with the San Gabriel and Lower San Gabriel and Los Angeles River Watershed and Open Space Plan as adopted by the Rivers and Mountains Conservancy;
- 7 FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.
- 8 ADOPTS the staff report and recommendation dated January 22, 2018.
- 9 AUTHORIZES the Executive Officer to execute a Proposition 1 Lower LA River Grant Program.

~ End of Resolution ~

Passed and Adopted by the Board of the  
SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MOUNTAINS  
CONSERVANCY on January 22, 2018.

Motion \_\_\_\_\_ Second: \_\_\_\_\_

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Abstentions: \_\_\_\_\_

\_\_\_\_\_  
Frank Colonna, Chair

ATTEST: \_\_\_\_\_  
David Edsall, Jr.  
Deputy Attorney General

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