

**DATE:** October 15, 2018

**TO:** RMC Governing Board

**FROM:** Mark Stanley, Executive Officer

**SUBJECT:** Item 9: Consideration of resolution approving a funding source amendment grant to the Watershed Conservation Authority for the River Wilderness Park Entry Project (RMC 14001)

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**AREA:** Rivers and Tributaries/Urban Core

**PROJECT TYPE:** Development

**JURISDICTION:** County of Los Angeles

**PROJECT MANAGER:** Joseph Gonzalez

**RECOMMENDATION:** That the RMC authorizes a funding source amendment to the Watershed Conservation Authority for the River Wilderness Entry Project (RMC14001).

**PROJECT DESCRIPTION:** Watershed Conservation Authority requested an advance of \$150,000 in November 2014. These advanced funds were expected to be spent within 30 days per RMC advance expenditure rules on project management and consultant services. WCA requested another advance in the amount of \$124,295 shortly thereafter and also expected to spend these funds for project activities. Between December 2014 and March 2018, the Authority spent \$140,208.02 leaving a remaining balance of total advanced funds of \$134,086.98. The balance of \$134,086.98 remain well passed the expenditure period and are being returned to the RMC.

The funds were initially advanced from Proposition 40 and Proposition 84 appropriations from Budget Years 2002 and 2007, respectively. Both of which have been liquidated and closed since June 2017. Consequently, once the funds are returned to the State, these returned funds must be spent within 60 days or be subjected to tax and arbitrage issues. Since WCA will be unable to spend the totality of these funds within 60 days, the funding source needs to be amended in order for WCA to complete the project. Proposition 1 funding was identified as an appropriate funding source to replace the returned funds.

The project delay was due to the complexity of entitlements related primarily to roadway improvements in Caltrans Highway 39 Right of Way including construction of roundabout and obtaining easements to extend Municipal utility services to the park. This process includes coordination with the City of Azusa, CalTrans, Southern California Edison, Azusa Light and Water, and LA County Public Works.

WCA received a grant augmentation and timeline extension at the July 9<sup>th</sup>, 2018 RMC board meeting to complete a three-step design implementation strategy separating park amenities and overlook from the ATP/roundabout feature. The design contract with consultant was amended and work is ready to restart to complete the overlook and park entry improvement Construction Documents for permit submittal, bid-award and construction.

This grant funds the preparation construction documents necessary to obtain permits and construct the park entry features to fulfill the RWP Master Plan vision to restore the natural character of the site and to integrate sustainable features, watershed management and best management practices. The RWP entry improvements includes the development of bio-swales, funded through a Prop 1 RMC grant which supports increased water quality and natural hydrological function. Other park elements include native plants, walking paths, river overlooks, a children's nature-based play area, restrooms, picnic areas, open air pavilion and trail connection and terminus for the SGR regional trail. A conceptual design for a future welcome center is included in the plan set deliverable (Exhibit A: Vicinity Plan; Exhibit B: RWP Entry Improvements Conceptual Plan).

**BACKGROUND:** The River Wilderness Park is located along the San Gabriel River (SGR) at the gateway to the San Gabriel Mountains National Monument. The original grant to the WCA was awarded March 24, 2014 in the amount of \$455,998 to complete construction documents for the River Wilderness Park Entry, also known as the Canyon Inn Property which was acquired by the WCA in 2008. WCA received a grant increase of \$74,956 at the July 2018 Board meeting to a total not to exceed grant amount of \$540,954 to implement a staged construction strategy.

To date, \$2,508,242 of the estimated cost of \$6,495,000 has been secured. Staff continues to pursue other grant opportunities and will apply to those for which the project can be competitive.

Summary update of Milestones completed to date include:

**Construction Funding**

- Secured \$299,862.00 River Parkway Grant (2016) to Construction Overlook and Trail Improvements
- Secured \$997,000.24 LA County Prop A Grant (2014) to Construct Children's Adventure Play Area and Pavilion
- Secured \$1,000,000 RMC Prop 1 Award (2017) Arroyos Development
- Secured \$211,380 California Conservation Corps ATP funds to support trail development and implementation of pedestrian amenities
- Pending ATP Round 4 award (2018) for Hwy 39 roundabout; that Los Angeles County Department of Public Works submitted and will implement on WCA's behalf.

**Construction Documents**

- Set 60% complete; in progress to 90% to submit to Permit Agencies

**FISCAL INFORMATION:** The River Wilderness Park Entry project amends its funding through a \$406,867.02 grant from Proposition 84, Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 and a \$134,086.98 grant from Proposition 1, Water Quality, Supply, and Infrastructure Improvement Act of 2014. The total project cost for the River Wilderness Park Entry project is \$540,954.

Funding for this project will be allocated from the following Proposition 84 allocations:

75050. The sum of nine hundred twenty eight million dollars (\$928,000,000) shall be available for the protection and restoration of rivers, lakes and streams, their watersheds and associated land, water, and other natural resources in accordance with the following schedule:.... (g) The sum of seventy two million dollars (\$72,000,000) shall be available for projects within the watersheds of the Los Angeles and San Gabriel Rivers according to the following schedule: (1) \$36,000,000 to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy pursuant to Division 22.8 (commencing with Section 32600).....

75060. The sum of five hundred forty million dollars (\$540,000,000) shall be available for the protection of beaches, bays and coastal waters and watersheds, including projects to prevent contamination and degradation of coastal waters and watersheds, projects to protect and restore the natural habitat values of coastal waters and lands, and projects and expenditures to promote access to and enjoyment of the coastal resources of the state, in accordance with the following schedule:.... (3) To the Rivers and Mountains Conservancy.....\$15,000,000.

Funding for this project will be allocated from the following Proposition 1 allocations:

Funding for this project will be allocated from Chapter Six (6) 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).

This is an amendment to Resolution 2014-04 adopted by the RMC Board on March 24, 2014, Resolution 2017-12 adopted by the RMC Board on June 26, 2017, and Resolution 2018-16 by the RMC Board on July 9, 2018.

**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.

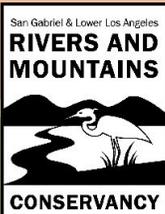
Further, Section 32614 provides that: The conservancy may do all of the following:

- (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.



# San Gabriel & Lower Los Angeles Rivers and Mountains Conservancy Territory





# RIVER WILDERNESS PARK ENTRY IMPROVEMENTS

October 15, 2018 – Item 9

RESOLUTION NO. 2018-20

RESOLUTION OF THE SAN GABRIEL AND LOWER LOS ANGELES RIVERS  
AND MOUNTAINS CONSERVANCY (RMC) APPROVING A FUNDING SOURCE  
AMENDMENT TO THE WATERSHED CONSERVATION AUTHORITY FOR THE RIVER  
WILDERNESS ENTRY PROJECT (RMC 14001)

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 Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, which provides funds for the RMC grant program; 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 Applicant has submitted a project which is consistent with the purposes of Division 22.8 of the Public Resources Code and the Bond Act; 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

WHEREAS, The grantee has requested a grant from Proposition 1, Section 79731 (f) and Section 79735 (a) of the Water Code; and

WHEREAS, 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 grant is consistent with the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, which provides funds for the RMC grant program.
3. FINDS that the Proposition 1 RMC Grant Program is consistent with the Water Quality, 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 dated October 15, 2018, approving a fund source amendment to the Watershed Conservation Authority for the River Wilderness Park Entry Project (RMC 14001)
9. AUTHORIZES a grant amendment to the Watershed Conservation Authority for the River Wilderness Entry project amending its funding through a \$406,867.02 grant from Proposition 84 and a \$134,086.98 grant from Proposition 1 (RMC 14001).

~ End of Resolution ~

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

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

Resolution 2018-20

Passed and Adopted by the Board of the  
SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MOUNTAINS  
CONSERVANCY on October 15, 2018

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Frank Colonna, Chair

ATTEST:

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David Edsall  
Deputy Attorney General