



Public Comment Form

Name:* Shahriar Eftekhazadeh Organization*: SEITec
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Meeting: ULAR WASC Date: 02/02/2022

LA County Public Works may contact me for clarification about my comments

*Per Brown Act, completing this information is optional. At a minimum, please include an identifier so that you may be called upon to speak.

Phone participants and the public are encouraged to submit public comments (or a request to make a public comment) to SafeCleanWaterLA@dpw.lacounty.gov. All public comments will become part of the official record.

Please complete this form and email to SafeCleanWaterLA@dpw.lacounty.gov by at least 5:00pm the day prior to the meeting with the following subject line: "Public Comment: [Watershed Area] [Meeting Date]" (ex. "Public Comment: USGR 4/8/20").

Comments

I am Dr. Shahriar Eftekhazadeh, president and CEO of SEITec. We are a non-municipal applicant and our project presentation is on the Agenda today.

The County SCW Program sets "Encourage innovation and ... new technologies .." (18.04.H) as a goal and invites non-municipal applicants to propose. However, we face an uphill battle competing with municipal applicants, with outsized representation and influence, plus a de facto veto power through refusing the required letter of support.

This was our experience last round with our Ballona Creek Project, which despite its clear advantages was voted down in favor of the municipal applicant.

SEITec is now facing déjà vu with our N. Hollywood Park Project. Noted by the Scoring Committee as an innovative gravity solution, the wet-weather project provides 100% compliance plus more than 1300 AF/Y water supply benefits. Compared with the municipal applicant's conventional dry-weather pumped scheme, voted down last round for excessive cost, it has 1/3 of the capital cost and 1/10th of the O&M cost. However, the municipal applicant has refused us the letter of support and has spoken publicly against our project!

Per the County code "Infrastructure Program funds shall be prioritized and spent on Projects that, ..., assist in achieving compliance ..." (16.05.D.1.i). So, the ULAR WASC must prioritize our Project on this basis alone.

Also, the Program Ordinance directs "The District... to assist.. non-Municipal Project Applicants with obtaining letters of support from the applicable Municipality" (18.07.D.2.b). Therefore, it is incumbent upon the ULAR WASC to assist SEITec in this regard.

The SCW Program is a unique opportunity that needs District's resistance against special interest and support for innovation to succeed.

Thank you



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Comments

February 2, 2022

Safe Clean Water Program Grant Administrator
County of Los Angeles Department of Public Works
Flood Control District
Attention: Upper Los Angeles River Watershed Area Committee
900 South Fremont Avenue
Alhambra, California 91803

Dear Grant Administrator:

Subject: Opposition to Safe Clean Water Funding to SEITec for the North Hollywood
Park Stormwater Capture Project

This letter reiterates The Los Angeles Department of Water and Power's (LADWP) objections to the Upper Los Angeles River Watershed Area Steering Committee (WASC) funding considerations to SEITec for the North Hollywood Park Stormwater Capture Project (Project). As stated during the public comment period at the WASC's meeting on January 20, 2022, LADWP previously submitted the Project to the WASC for consideration during Round 2. The Project did not receive funding during that round, and LADWP has since been exploring other potential funding options, including funding through the Governor's California Comeback Plan, which is aimed at supporting immediate drought response and long-term water resilience, including emergency drought relief projects to secure and expand water supplies.

SEITec, an engineering design and contracting firm, resubmitted the Project to the WASC for funding consideration this round, along with LADWP's feasibility study, without LADWP's authorization or support. Even if the WASC agrees to grant SEITec funds, SEITec will not be able to complete the project as proposed. The Los Angeles Department of Recreation and Parks has not granted SEITec permission to use the site on which the project is proposed. Moreover, SEITec does not have any legal right to capture stormwater in the Upper Los Angeles River Area and any attempt to do so would violate the City of Los Angeles' water rights.

As set forth in the judgment entered by the Los Angeles Superior Court in *The City of Los Angeles v. City of San Fernando* (1979) (Case No. 650079), the City of Los Angeles has a prior and paramount right to all the surface waters of the

Safe Clean Water Program Grant Administrator
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Los Angeles River and native groundwater in the San Fernando Basin. It also has the right to store and recapture imported and reclaimed water in the Basin (the judgment is available on the Watermaster's website at ularawatermaster.com/public_resources/City-of-LA-vs-City-of-San-Fernando-et-al-JUDGMENT.pdf). LADWP manages and controls the City's water rights under the Los Angeles City Charter. Any diversion of stormwater in the Upper Los Angeles River Area that would diminish native flows to the Los Angeles River or recharge of the Basin would infringe on the City's water rights. This includes, without limitation, the diversion proposed by SEITec.

For the reasons above, we strongly urge the WASC to decline funding for the Project.

If you would like to discuss this letter further, please contact me at (213) 367-0899 and by email at, David.Pettijohn@LADWP.com, or Manuel Aguilar, Supervisor of Water Rights at, (213) 367-3465 and by email at, Manuel.Aguilar@ladwp.com.

Sincerely,

David R. Pettijohn
Director of Water Resources

MA:lb

By email

c: Paul Liu
John Huynh
Manuel Aguilar