Workbook

Safe, Clean Water Program

Regional Oversight Committee

Public Comment

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

Please complete the Comment Card Form available on the Safe, Clean Water website and email to SafeCleanWaterLA@pw.lacounty.gov by at least 5:00pm the day prior to the meeting.

Date: January 28, 2021
Time: 9:00am to 12:00pm
Location: WebEx Meeting

Safe, Clean Water Program

Regional Oversight Committee

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Time: 9:00am to 12:00pm
Location: WebEx Meeting*

Meeting Goals

Identifying where predominance of thought (common ground or high-level agreement) exists across the ROC, along with details and extent as applicable, regarding core principles/needs for associated upcoming program guidance.

Agenda

1. Welcome and Introductions (and review WebEx function and protocols)
2. Public Comment Period
3. Approval of December 15, 2020 meeting minutes
4. Committee Member and District Updates
5. Ex Parte Communication Disclosures
6. Public Comment Period
7. Discussion of focused topics re: upcoming Safe Clean Water Program guidance
    a) Understanding Water Supply Benefits
    b) Clarifying prioritization of Nature-Based Solutions
8. Items for Next Agenda
9. Meeting Adjourned

* Join via WebEx Events (recommended)
https://lacountydpw.webex.com/lacountydpw/onstage/g.php?MTID=e2425c82b36bc5fbd5490cc715736f910

Event number: 146 785 6308
Event password: scwp

Join by phone - +1-213-306-3065 United States Toll (Los Angeles) or +1-408-418-9388 United States Toll, Access code: 146 933 6558

Next meeting: February 25, 2021, 9am to 12pm

ROC Role

The primary role of the Regional Oversight Committee (ROC) is to assess and make recommendations to the Board of Supervisors, who serve as the elected leaders of the Flood Control District, regarding whether the Safe, Clean Water (SCW) Program Goals are being achieved. While this does not explicitly include reviewing/developing policy, predominance of thought from the ROC is a valuable input for the District's efforts to provide implementation guidance for all involved parties.

There are two primary mechanisms for the ROC to provide policy and Program guidance recommendations:

1) Through recommendations/feedback about annual Stormwater Investment Plans (SIP) provided to Watershed Area Steering Committees (WASCs) and the Board
2) Through the biennial reporting and hearing process

SCW Program District staff provide support for both mechanisms as part of adaptively managing the Program, including releasing iterative guidance as available and able. In developing guidance documents, Program staff seek to understand the predominance of thought within the ROC regarding certain known topics of interest (first outlined in the October 2019 staff memo to the ROC).

During the January 28 workshop, the ROC is asked to explore and identify any areas of common ground and/or determine the potential to move towards a predominance of thought (POT) among its members. In this effort, the ROC is acting as a collective body rather than as individual advocates for discrete perspectives. More specific details from individual ROC members, as individual or representative stakeholders, would be anticipated during future public comment periods.

Common Acronyms and Terms

2022 Program Guidance	The targeted program guidance to be available by 4/30/22 (for facilitation of Regional Program Implementation year 4) and incorporate more comprehensive consideration of ROC's Jan/Feb input, along with: • Additional input from appropriate experts • Public Review period comments [during which ROC members could comment more specifically to own interests] • ROC meeting to review and respond to public comments • Adoption by Chief Engineer (to facilitate Regional Year 4) This document may be further updated or expanded upon in the future as part of the LACFCD adaptive management of the SCWP.
TA	Transfer Agreement

Interim Guidance	The targeted program guidance to be available by 4/30/21 and incorporate any short-term guidance and clarifications, as able, to help facilitate Regional Program Implementation Year 3.
Nature-Based Solution (NBS)	In the SCWP, a NBS is a Project that utilizes natural processes that slow, detain, infiltrate or filter stormwater or urban runoff. These methods may include, among other things: • Relying predominantly on soils and vegetation • Increasing the permeability of impermeable areas • Protecting undeveloped mountains and flood plains • Creating and restoring riparian habitat and wetlands • Creating rain gardens, bioswales, and parkway basins • Enhancing soil through composting, mulching, and planting trees and vegetation, with preference for native species
Predominance of Thought (POT)	Predominance of Thought (POT) refers to views of the ROC that are the general view (or common ground) of the ROC regarding areas of guidance and/or recommendations.
ROC	Regional Oversight Committee
SCW / SCWP	Safe, Clean Water Program
SIP	Stormwater Investment Plan
Water Supply Benefits	Activities that increase the amount of locally available water supply, provided there is a nexus to Stormwater or Urban Runoff pollution. Activities may include but are not limited to: • Reuse and conservation practices • Diversion of stormwater or urban runoff to a sanitary sewer system for direct or indirect water recycling • Increased groundwater replenishment or available yield • Offset of potable water use
WASC	Watershed Area Steering Committee

Discussion Topic 1 – Understanding Water Supply Benefits

Background

Issue Statement

Water Supply Benefits are a key element of the Safe, Clean Water Program (SCWP) but not all watershed areas or cities necessarily have equal potential to implement Projects with Water Supply Benefits. In addition, varying opinions remain about the interpretation of Water Supply Benefits in relation to certain types of activities that may result in such a benefit.

Given the overall multi-benefit philosophy, project proponents and stakeholders recognize challenges in delivering certain categories of benefits. While a lesser opportunity in one category may promote the development of another, it's understood that additional guidance may be warranted. As an example, the hydrology and size of each watershed area is different, and projects in some regions can more easily achieve groundwater storage of large volumes of water. Other watershed areas or municipalities have programmatic or comprehensive approaches to consider, meaning that any one project may provide small or no Water Supply Benefits until future projects are constructed. Therefore, there is an additional focus on development of other components of proposed projects. There is a desire for additional guidance related to ways of evaluating the Water Supply Benefit.

Definition of Water Supply Benefits

Activities that increase the amount of locally available water supply, provided there is a nexus to Stormwater or Urban Runoff pollution. Activities may include but are not limited to:

- Reuse and conservation practices
- Diversion of stormwater or urban runoff to a sanitary sewer system for direct or indirect water recycling
- Increased groundwater replenishment or available yield
- Offset of potable water use

Feasibility Study Guidelines Provisions

Feasibility studies must demonstrate that captured or diverted water would not otherwise be captured downstream of a project site to avoid double counting of Water Supply Benefits.*

*Footnote – Projects that temporarily capture water that is already captured downstream may currently be submitted/scored to receive Water Supply Benefit points, as applicable, but with the acknowledgment that the District intends to further evaluate actual value added in capturing onsite and/or allowing downstream capacity to remain.

Discussion

1. To what extent is there a need to refine the interpretation of "Water Supply Benefits" for the purpose of creating program guidance? What, if anything, should be refined?

2. Some have suggested that the addition of strategies and outcomes for policy areas would improve the program guidance. Following are a list of some potential strategies or principles for consideration based on what LACFCD has heard from the ROC and others to date. What is your assessment of the sample options?

Potential Principles for Upcoming Program Guidance

Areas of Potential Common Ground/ Predominance of Thought	Discussion
Because the ability to provide a benefit to the region's water supply is not equal in all Watershed Areas—not all have large volumes of runoff during storms or don't have hydrogeologic conditions that allow surface infiltration to managed aquifers—the goal of increasing regional drought preparedness through increased water supply could be evaluated with relative water supply potential in mind.	Short-term? Ideal/long-term? Potential options to encourage water supply benefits in all Watershed Areas may include ways to scale the score of the project relative to the water supply potential and as related to the other projects in consideration within that Watershed Area.
Consideration should be given to adjacent or interacting projects where one project may impact the other but currently is not, or cannot, be fully accounted for in the application and review process.	Short-term? Ideal/long-term?
Clarification on the application of first flush and dry-weather flows.	Short-term? Ideal/long-term?

Areas of Potential Common Ground/ Predominance of Thought	Discussion
The value of capturing on-site and/or allowing downstream capacity to remain, even if not creating "new water" should be explored in the understanding that new rights and new credits are not typically established through the scoring of SCWP Water Supply points.	Short-term? Ideal/long-term?
OTHER?	Short-term? Ideal/long-term?

Discussion

1. Considering the above, what are the areas of common ground among the ROC members?

2. What would increase the degree of common ground?

Future Guidance

Several areas have been identified where there may be need for additional clarification on how to score and evaluate Water Supply Benefits. Following are two topics to be potentially augmented.

- *Future guidance for Water Supply Benefits*
- *Potential creative water supply considerations*

Potential Guidance for Water Supply Benefits	Discussion
• Projects claiming future Water Supply Benefits that rely on future integrated projects to be implemented. • Projects within Watershed Areas where it is believed that 100% of Stormwater runoff is	What is your assessment of the need, opportunity, and proposed details for such additional clarifications?

Potential Guidance for Water Supply Benefits	Discussion
captured/recharged or accounted for in management agreements. • Projects that may have no opportunity for Stormwater capture/recharge as "supply." • How to calculate first flush flows and apply benefits for projects capturing such flows. • If/how environmental water could be counted toward Water Supply Benefit and the associated trade-offs.	What, if anything, is missing?

Potential creative water supply considerations	Discussion
• Guidance/clarifications to avoid any water right implications. • Clarifying the interpretation and application of water supply benefits, potentially as the capacity to capture water, rather than the water itself (but still in conjunction with the expected amounts that might be available to capture in the future).	What is your assessment of the need, opportunity, and proposed details for such additional clarifications? What, if anything, is missing?

Discussion Topic 2 – Clarifying Prioritization of Nature-Based Solutions

Issue Statement

One SCWP program goal is to "prioritize Nature-Based Solutions (NBS)." The NBS definition allows proponents and Watershed Area Steering Committees (WASCs) to each make separate judgements on some specifics of what counts as a NBS and whether NBS is being prioritized within the Program.

Some suggest that, in line with the matrix of NBS Best Management Practices included with the Fund Transfer Agreements, a standard vocabulary and additional guidance to improve the interpretation, utilization, and prioritization of NBS may be useful.

Nature-Based Solution

A Project that utilizes natural processes that slow, detain, infiltrate or filter Stormwater or Urban Runoff. These methods may include:

- relying predominantly on soils and vegetation;
- increasing the permeability of Impermeable Areas;
- protecting undeveloped mountains and floodplains;
- creating and restoring riparian habitat and wetlands;
- creating rain gardens, bioswales, and parkway basins; and
- enhancing soil through composting, mulching, and planting trees and vegetation, with preference for native species.

Nature-Based Solutions may also be designed to provide additional benefits such as sequestering carbon, supporting biodiversity, providing shade, creating and enhancing parks and open space, and improving quality of life for surrounding communities.

Nature-Based Solutions include Projects that mimic natural processes, such as green streets, spreading grounds, subsurface infiltration, and planted areas with water storage capacity.

Potential Principles for Upcoming Program Guidance

One of the goals of the SCWP is to *prioritize use of Nature-Based Solutions*. NBS can, in turn, further other programmatic goals (Ordinance Section 18.04) as well, including to:

- *Invest in infrastructure that provides multiple benefits.*
- *Improve public health by preventing and cleaning up contaminated water, increasing access to open space, providing additional recreational opportunities, and helping communities mitigate and adapt to the effects of climate change through activities such as increasing shade and green space.*
- *Improve water quality and contribute to attainment of water-quality requirements.*
- *Increase drought preparedness by capturing more Stormwater and/or Urban Runoff to store, clean, reuse, and/or recharge groundwater basins.*

- *Promote green jobs and career pathways.*
- *Encourage innovation and adoption of new technologies and practices.*

The SCWP Ordinance states that NBS includes both vegetated strategies (e.g. creation of habitat, installation of shrubs and trees) and non-vegetated, nature-mimicking practices (e.g. use of permeable pavement, subsurface infiltration facilities).

Areas of Potential Common Ground/ Predominance of Thought	Application
The application of NBS in program implementation should emphasize the multiple benefits provided using NBS, rather than simply the presence of NBS strategies, with a focus on realizing the program goals outlined above. This refines the intent of NBS for the project developer and the WASC away from the basic presence of NBS strategies and toward achievement of benefits.	Implementation of this approach would require demonstration that benefits, including Water Supply Benefits, Water Quality Benefits, and Community Investment Benefits, have been provided using NBS, where applicable, as the implementation strategy. This approach is intended to maintain flexibility between WASCs to emphasize specific Program Goals as priorities, depending on the conditions in that Watershed Area.

Discussion

1. To what extent do you agree that implementation of NBS supports the other identified Program Goals?

2. Other than wordsmithing, are there any significant gaps or red flags related to this approach?

Future guidance objectives

The District seeks to achieve multiple objectives in the Round 3 Interim Guidance and the 2022 Program Guidance. The first elements of guidance are expected to:

1. Establish common terminology across the region and facilitate Regional Program applicants in crafting projects for submission.
2. Seek consistency across WASCs in determining which project types and attributes count as “NBS.”
3. Define a more robust and consistent process for WASCs to review and discuss NBS when considering recommendations.

4. Provide additional detail about what "prioritization" of NBS looks like (re: both planning and evaluating projects), while allowing for flexibility between Watershed Areas when needed.

Based on information from stakeholders and technical reviewers, the following types of sample approaches and policies may assist in creating clarity regarding how NBS could be implemented and the ways in which potential solutions could be evaluated.

Consistency Across WASC's re: NBS Project Types and Attributes

Areas of Potential Common Ground/ Predominance of Thought	Application
Per the Ordinance definition, NBS project attributes include: 1. Undeveloped natural areas (forests, wetlands, etc.) 2. Detention basins/stormwater ponds 3. Bioswales, green streets, or rain gardens 4. Underground infiltration facilities 5. Permeable pavement to replace impermeable surfaces	The baseline for Round 3 Interim Guidance
Sample Processes from October 2020 staff memo	
Annotate the Nature-Based Solutions matrix (already included in Fund Transfer Agreements and referenced in the Projects Module).	Ensure consistent use of terminology and clarify categories to improve effective and standardized use of the matrix when crafting and discussing Projects
Develop an additional document that connects the problems that the SCWP was developed to address [and SCWP goals] and which "NBS project types" are typically associated with each.	Map challenges to solutions to assist project developers and WASCs in expanding their design thinking and decision-making, as well as in messaging why selected solutions may be most prudent.

Discussion

1. To what extent do you believe that these supplemental processes would adequately clarify NBS in the short and long-term and allow for consistent interpretation across WASCs?

Processes to Review and Evaluate NBS

Ensuring consistency in processes to review and evaluate the application of NBS and the associated benefits in each SIP will require additional data from project developers. This is currently envisioned to happen through new versions of the Projects Module (additional

information fields already added), refined review/inquiries by the Scoring Committee, and via a template for review by the WASCs.

Potential Processes	Application
Incorporate the NBS matrix into WASC project evaluation, with an additional layer that incorporates benefits	Project developers would input data into the Projects Module and self-evaluate their Projects through an NBS filter using the matrix. After the Scoring Committee confirms the NBS evaluation, WASCs can incorporate it as one of the considerations for weighing projects against each other.

Discussion

1. To What Extent do the potential processes provide a workable approach in the short-term and/or long-term? Are there other processes you would suggest, especially for the ideal program?

2. What are options to ensure that NBS projects advancing Program Goals are competitive for funding in current decision-making processes?

3. What additional approaches to advance NBS could advance Program Goals?

Prioritizing NBS Implementation

Prioritizing the implementation of NBS is envisioned to take place at several levels:

- Clarifying what constitutes an NBS project (currently in Transfer Agreements), with additional detail expected in Interim Guidance and/or 2022 Program Guidance.
- Refining review and evaluation of those projects to ensure NBS projects advancing SCWP Program Goals are competitive (WASCs are already asked to prioritize NBS, with more detail expected in Round 3 guidance)
- Evaluating completed projects via reporting and progress tracking (already taking place)
- Cultivating a robust pipeline of NBS projects while recognizing that there may also be cases where a non-NBS alternative may be preferential, if justified.

Discussion

1. How can the District cultivate a robust pipeline of competitive NBS projects?
2. What other methods can/should the District employ to prioritize NBS?