



COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

October 08, 2013

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

63 October 8, 2013

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**RORY M. SHAW WETLANDS PARK PROJECT
(A.K.A. STRATHERN WETLANDS PARK PROJECT)
PROJECT PARTNERSHIP AGREEMENT
(SUPERVISORIAL DISTRICT 3)
(3 VOTES)**

SUBJECT

This action is to execute a Project Partnership Agreement with the City of Los Angeles Department of Water and Power for the design and construction of a recycled water pipeline as a component of the Rory M. Shaw Wetlands Park Project (a.k.a. Strathern Wetlands Park Project) and to adopt the Addendum to the Sun Valley Watershed Management Plan Program Environmental Impact Report.

IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

1. Certify that the Addendum to the previously certified final Environmental Impact Report for the Sun Valley Watershed Management Plan has been completed in compliance with the California Environmental Quality Act and reflects the independent judgment and analysis of the Los Angeles County Flood Control District and find that the Board has reviewed and considered the information contained in the Addendum and the final Environmental Impact Report.
2. Approve a Project Partnership Agreement with the City of Los Angeles Department of Water and Power providing for the inclusion of a recycled water line in the Rory M. Shaw Wetlands Park Project and instruct the Chairman of the Board to sign the Agreement on behalf of the Los Angeles County Flood Control District.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On June 29, 2004, the Los Angeles County Flood Control District adopted the Sun Valley Watershed Management Plan (SVWMP) and the SVWMP Program Environmental Impact Report (PEIR). The SVWMP identified 18 Best Management Practice projects that focus on flood protection, increased water conservation, improved water quality, increased habitat restoration, and enhanced recreational opportunities. In recent years, the Los Angeles County Flood Control District (LACFCD) has completed construction of two projects from the SVWMP: Tuxford Green Multiuse Project and the Sun Valley Park Drain and Infiltration System Project.

Efforts are currently underway for the implementation of a third project from the SVWMP, the Rory M. Shaw Wetlands Park Project. This project will convert a 46-acre, construction debris landfill into a multipurpose wetlands park. The project will feature a storm drain system and detention pond for stormwater capture, a wetlands area for stormwater treatment, and recreational open space. The treated stormwater runoff will be pumped to existing underground infiltration basins at the adjacent Sun Valley Park for groundwater recharge.

The project includes a 4.75-mile storm drain system from Sheldon Street to the detention pond at the wetlands park. In November 2005 the Los Angeles Department of Water and Power (LADWP) adopted the Integrated Resources PEIR, which identifies a proposed recycled water line from the Valley Steam Plant along the same alignment as the storm drain system. The enclosed Agreement will allow for the inclusion of the proposed recycled water line in the design and construction of the storm drain system from Sheldon Street to the wetlands park. The recycled water line infrastructure will convey Title 22 treated water to the wetlands park to be used for irrigation.

The adopted PEIR did not consider the recycled water line component of the Rory M. Shaw Wetlands Park Project. An Addendum to the PEIR was prepared to refine the Project Scope, discuss an alternative storm drain alignment, and include the recycled water line in the project description. Approval of the recommended actions will certify the Addendum to the PEIR.

The project name has changed from Strathern Wetlands Park Project to Rory M. Shaw Wetlands Park Project. The Park has been dedicated in memory of Rory M. Shaw, an engineer with the City of Los Angeles who lost his life during the 2005 storms in a sink hole on Tujunga Avenue adjacent to Strathern Pit. Moving forward, all documents and communication regarding the project will refer to the project as the Rory M. Shaw Wetlands Park Project (a.k.a. Strathern Wetlands Park Project).

The purpose of the recommended action is to certify the Addendum to the Final PEIR and to the Chairman of the Board of Supervisors, on behalf of the LACFCD, to execute the enclosed Project Partnership Agreement (Agreement No. WR-12-1049) with the LADWP for the inclusion of a recycled water line in the Rory M. Shaw Wetlands Park Project.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1), Fiscal Responsibility (Goal 2), and Integrated Services Delivery (Goal 3) by developing partnerships to effectively leverage our resources and using a collaborative effort to implement the project. The project is a collaborative partnership that will provide multiple benefits for the residents by creating improvements in the areas of flood protection, water conservation, water quality, recreation, and ecosystem restoration.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund. The LADWP will reimburse the LACFCD up to \$8,529,600 for the construction of the recycled water line.

Funding for this project is included in the Fiscal Year 2013-14 Flood Control District Fund Budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The enclosed Addendum has been reviewed and approved as to form by County Counsel.

ENVIRONMENTAL DOCUMENTATION

On June 29, 2004, Agenda Item No. 108, the Board approved the environmental document for this project, which was included in the SVWMP. The PEIR found that on the basis of the whole record before the Board that the significant adverse effects of the project have either been reduced to an acceptable level or are outweighed by the specific considerations of the project as outlined in the Findings of Fact and Statement of Overriding Considerations in accordance with the provisions of the California Environmental Quality Act. In accordance with Sections 15162 and 15164(b) of the Guidelines for the California Environmental Quality Act, an Addendum to the PEIR was prepared since there are only minor technical changes or additions that do not result in any new significant effect on the environment not included in the previously adopted PEIR. The changes are identified in the enclosed Addendum.

Upon the Board's certification of the Addendum to the PEIR, Public Works will file a Notice of Determination for the revisions to the PEIR in accordance with Section 21152(a) of the California Public Resources Code and pay the required filing and processing fees with the County Clerk in the amount of \$75.

The location of the documents and other materials constituting the record of the proceedings upon which the Board's decision is based in this matter is with the County of Los Angeles Department of Public Works, Programs Development Division, 900 South Fremont Avenue, 11th Floor, Alhambra, CA 91803. The custodian of such documents and materials is Mr. Ed Dingman, County of Los Angeles Department of Public Works.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no negative impact on current services.

Approval of the recommended actions will benefit the LACFCD by providing a means of collaborating with the LADWP to effectively manage resources in the underserved community of Sun Valley.

CONCLUSION

Please return one adopted copy of this letter and an executed copy of the enclosure to the Department of Public Works, Watershed Management Division.

The Honorable Board of Supervisors

10/8/2013

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Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The signature is written in a cursive, flowing style.

GAIL FARBER

Director

GF:GH:sw

Enclosures

c: Chief Executive Office (Rita Robinson)
County Counsel
Executive Office

**LOS ANGELES COUNTY
DEPARTMENT OF PUBLIC WORKS**

**ADDENDUM TO A PROGRAM ENVIRONMENTAL IMPACT REPORT
SUN VALLEY WATERSHED MANAGEMENT PLAN**

SUBJECT: Preparation of an Addendum to a Program Environmental Impact Report (PEIR) in compliance with the Implementation of the California Environmental Quality Act (CEQA), Section 15164.

PROJECT: The project proposes to convert a former 46-acre engineered, inert landfill into a multipurpose wetlands park. The project will feature a detention pond that will provide the capacity to store up to 400 acre-feet of runoff collected from the upstream tributary area and reduce flooding in the surrounding areas. The project will also feature a 10-acre wetland that will provide a sustainable habitat for various plant and animal species; and a natural water treatment system for removing pollutants from the collected stormwater runoff. The project will include approximately 15 acres of open space and recreational areas.

The project will include construction of a 4.5-mile storm drain system that will capture and convey runoff from the 929-acre tributary area and deliver it to the detention pond within the Strathern Wetlands Park. If the detention pond reaches its storage capacity, the outlet from the storm drain to the detention pond will be closed so as to prevent the detention pond from overflowing. Accordingly, while the storm drain will be large enough to convey a maximum flow rate of 990 cubic feet per second, the design capacity of the storm drain will be limited by the capacity of the detention pond (400 acre-feet).

The storm drain will be constructed along Glenoaks Boulevard and Tuxford Street. From the intersection of Tuxford Street and San Fernando Road, the storm drain will connect to Tujunga Avenue at Penrose Street following a revised route from that proposed in the PEIR as shown in Exhibit A.

The project also includes a 1,200 feet transfer pipeline that will convey the treated runoff from the wetlands to the adjacent Sun Valley Park for groundwater recharge. In addition, the project will include a 2.75-mile recycled water line that will connect to an existing recycled water line located at the Los Angeles Department of Water and Power Valley Generating Steam Plant and terminate downstream at the Strathern Wetlands Park Project to supply the park facilities with Title 22 recycled water for year-round irrigation.

The recycled water line will be constructed within the trench for the storm drain along Glenoaks Boulevard and Tuxford Street. However, the recycled water line will separate from the storm drain at Tuxford Street at San Fernando Road. The recycled water line will follow an independent alignment along San Fernando Road and Penrose Street and rejoin the trench for the storm drain at Penrose Street and Tujunga Avenue.

Alternatively, the storm drain may be constructed along the San Fernando Road and Penrose Street route to Tujunga Avenue as proposed in the Sun Valley Watershed Management Plan Environmental Impact Report (EIR). The recycled water line would then be entirely within the trench of the storm drain route.

LOCATION:

The proposed project is located in the Sun Valley Community of the City of Los Angeles. The site can be found on the U.S. Geological Survey 7.5 Minute Van Nuys topographic quadrangle in Township 2 North, Range 14 West, Sections 19, 20, 29, 30, 31, and 32.

**APPROVED
PROJECT
DESCRIPTION:**

The Strathern Wetlands Park Project is composed of the approved Strathern Pit and Storm Drain components of the Sun Valley Watershed Management Plan.

The Strathern Pit component proposed to convert an existing 46-acre construction debris landfill located in the northeast corner of Tujunga Avenue and Strathern Street into a stormwater retention and treatment area and park. The primary objective of the Strathern Pit component is to capture stormwater runoff collected from the upstream industrial drainage area to alleviate flooding in the vicinity of the Tuxford Avenue and San Fernando Road intersection. It is also designed to provide a water conservation benefit through the reuse of stormwater. Runoff would be temporarily stored in a detention pond, routed through a wetlands for natural treatment of pollutants, and used for industrial purposes, or pumped along a new 14,000 feet transfer pipeline to the Tujunga Spreading Grounds for groundwater recharge. This plan component will also provide up to 30 acres of green space, including park land and wildlife habitat for the community.

The Storm Drains component proposed to construct up to 13.6 miles of drain to collect stormwater runoff from the upstream tributary area and convey it to various project components while minimizing flooding in the streets. The drain will be aligned along Glenoaks Boulevard, Tuxford and Penrose Streets,

San Fernando Road, and Tujunga Avenue.

The project components included excavation and grading activities for construction of a park, detention pond and wetlands, storm drains to collect surface water from the streets, a pump station, flood control appurtenances, and recreational facilities such as a restroom and concessions building.

DATE OF
PROJECT
APPROVAL:

Original PEIR approved June 29, 2004.

PUBLIC
AGENCY
APPROVING
PROJECT:

County of Los Angeles Board of Supervisors

BACKGROUND
INFORMATION:

The primary objective of the Watershed Management Plan is to manage stormwater runoff to reduce local flooding. Other objectives are to increase water conservation, increase recreational opportunities, increase wildlife habitat, improve water quality, provide additional environmental benefits of energy conservation, air quality improvement and solid waste management, and increase multiple agency cooperation. The Plan is composed of multiple components located throughout the 4.4 square miles area of the Sun Valley Watershed in the communities of the City of Los Angeles, North Hollywood, and Sun Valley. The area is not served by a comprehensive underground storm drain system, and is subject to frequent flooding. It is also noted, that the City of Los Angeles adopted their Integrated Resource Plan Program EIR (PEIR) on November 14, 2006, which addressed expansion of the Tillman Water Reclamation Plant to upgrade its recycled water treatment processes and to construct additional recycled water distribution lines, including the one involved in this Addendum. The Integrated Resource Plan PEIR addressed the environmental issues associated with the recycled water line at a Program Level. The project level environmental impacts of the recycled water line construction are satisfactorily addressed for the Integrated Resource Plan PEIR by the analysis for this Addendum.

ADDITIONAL
INFORMATION
AND TECHNICAL
CHANGES:

This Addendum to the Sun Valley Watershed Maser Plan PEIR is necessary to address the incorporation of the recycled waterline, rerouting a 0.4-mile segment of the storm drain, and construction of 1,200 feet of transfer pipeline. An updated initial study was conducted with respect to criteria of the 2012 CEQA Guidelines and Sun Valley Watershed Management Plan PEIR checklist.

The initial study and checklist analysis indicate that minor technical changes to the PEIR for the environmental factors shown below are necessary for these Project Scope changes. The remaining environmental factors discussed in the PEIR are unaffected by the changes.

1. Air Quality: The short-term construction impacts on air quality in the area remained significant after mitigation (PEIR, page 4.1-12). However, the project contribution to air quality impacts is reduced as a result of the reduction in the length of the transfer line for recycled water and the reduction in the length of 0.4-mile segment of storm drain that is rerouted on a direct route diagonally along Tujunga Avenue instead of along San Fernando Boulevard and Penrose Street. The construction of recycled waterline is predominantly in the same trench excavated for the storm drain and will have minimal impacts to air quality. The construction of the 1,200 feet of transfer pipeline will not have significant impacts on air quality. Accordingly, there is no change to the previous analysis or conclusions.
2. Biological Resources: The impacts of the Storm Drain and Recycled Waterline portion of the proposed project are adequately addressed in Section 4.2.6.1 – Biological Resources Construction Impacts (General Impact on Habitat and Wildlife) of the Sun Valley Watershed Management Plan Program EIR. Due to the low value of the habitats present and the limited amount of the wildlife potentially impacted, construction impacts on these habitats and wildlife would be less than significant.

Biological Studies done for PEIR Mitigation Measure B-2 Design Phase for Strathern Wetlands Park have not identified any high value native vegetation or habitats in the project area including special status wildlife, wetlands, or riparian vegetation. Per PEIR Mitigation Measures B-4 and B-5, preconstruction surveys will be conducted per agency protocols for special status species. If such species are discovered, mitigation measures will be implemented

and U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife (CDFW) will be consulted per existing Mitigation Measures B-2 and B-4. The impact would be less than significant.

The following Mitigation Measures B-2, B-4, and B-5 are from the Sun Valley Watershed Management Plan Program EIR and have not been changed as part of this Addendum. No additional mitigation measures are required.

Mitigation Measure B-2

Prior to construction of Vulcan Gravel Processing Plant, Sheldon Pit, Cal Mat Pit, and Strathern Pit, the sites will be surveyed in accordance with agency protocols at the appropriate time of the year for the presence or absence of high-value native vegetation and habitats, including special status vegetation and wetland or riparian vegetation. If high-value vegetation/habitat types are identified, the proposed facilities will be designed and/or sited to avoid or minimize disturbance and loss of the vegetation and habitats during construction. However, depending on the location of sensitive resources at the sites, if any, project redesign that avoids the biological resources while still meeting the flood control objective of the project component may be infeasible. For example, the large size of the stormwater retention/infiltration basins proposed for the gravel pit sites might preclude complete avoidance of sensitive biological resources. Therefore, if avoidance is not feasible, the following will be implemented:

- (a) If a high-value vegetation type will be unavoidably impacted by project construction, the vegetation and associated topsoil will be removed, salvaged or mulched, and stockpiled separately. Following the completion of project construction, the stockpiled topsoil will be replaced and stockpiled vegetation will be replanted (or replaced if mulched) on the site of origin or on another adjacent location as appropriate, under the direction of a qualified biologist. Retention and reapplication of stockpiled topsoil and vegetation will be supplemented with onsite restoration and/or rehabilitation of the same vegetation type at a ratio of 1:1, at minimum, as appropriate and biologically feasible; or
- (b) If postconstruction restoration and/or rehabilitation locations cannot be identified onsite, then appropriate and biologically feasible locations identified within other component sites shall be expanded to accommodate additional restoration to meet the 1:1 ratio, at minimum; or

- (c) If appropriate and biologically feasible restoration and/or rehabilitation for the impacted high-value vegetation type cannot cumulatively be identified within the project component sites, and conditions on the site(s) are appropriate and biologically feasible for a different high-value vegetation type on the site, restoration and/or rehabilitation of this vegetation type may be substituted at a ratio of 1:1, at minimum.
- (d) Each acre of created wetlands that requires maintenance (e.g., sediment removal), and will be used to mitigate impacts to existing wetlands in (a) through (c) above, will be used for mitigation at a ratio of 2:1.
- (e) The postconstruction native vegetation restoration will be conducted under the direction of a qualified biologist. Where possible, restoration and/or rehabilitation will be consistent with, or a supplement to, any approved Reclamation Plan approved for any of these component sites.
- (f) If wetland or riparian vegetation within the waters of the U.S. will be unavoidably impacted by project construction, U.S. Army Corps of Engineers will be consulted regarding permits required under Clean Water Act Section 404. All necessary Federal and State approvals (including coordination with CDFW and CEQA review) will be obtained prior to the implementation of construction activities.

Mitigation Measure B-4

Prior to construction of Vulcan Gravel Processing Plant, Sheldon Pit, Cal Mat Pit, and Strathern Pit components, onsite field surveys will be conducted at the appropriate time of the year (approximately mid-April to mid-June) to confirm the potential for special status plant and wildlife species to occur on these sites:

- Plants - southern tarplant, San Fernando Valley spineflower, slender-horned spineflower, Los Angeles sunflower, Nevin's barberry, Plummer's mariposa lily, mesa horkelia, and Davidson's bush mallow.
- Wildlife - silvery legless lizard and southwestern pond turtle, orange-throated whiptail, San Diego horned lizard, least Bell's vireo, coastal California gnatcatcher, and San Diego black-tailed jackrabbit

If the potential is confirmed for one or more special status species to occur, a qualified biologist will conduct focused surveys for those species in accordance with appropriate survey protocols at the appropriate time of the year. If any special status species are identified during the focused surveys, the proposed facilities will be designed and/or sited to avoid or minimize disturbance and loss of the species during construction. However, depending on the location of sensitive resources at the sites, if any, project redesign that avoids the biological resources while still meeting the flood control objective of the project component may be infeasible. Therefore, if avoidance is not feasible, restoration and/or rehabilitation as described in Mitigation Measure B-2 will be implemented. Additionally, if impacts on a Federal or State-listed threatened or endangered species cannot be avoided, U.S. Fish and Wildlife Service and/or CDFW will be consulted regarding permits required under Federal Endangered Species Act and/or California Endangered Species Act. All necessary Federal and State approvals shall be obtained prior to the implementation of construction activities that would impact a Federal or State-listed threatened or endangered species.

Mitigation Measure B-5

If feasible, project activities with the potential to disturb native and nonnative vegetation and manmade nesting structure shall take place outside of the breeding season, (which generally runs from March 1 to August 31 and as early as February 1 for some raptors) for birds protected by the Migratory Bird Treaty Act (MBTA). If project activities must occur during the breeding season of birds covered by the MBTA, then beginning 30 days prior to construction, weekly bird surveys shall be arranged. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of clearance/construction work at the site. If a bird covered by the MBTA is detected on the site, then the nesting activity will be monitored to ensure that construction activities do not occur within 300 feet of the nest (500 feet for raptors) until the juvenile birds have fledged and no further nesting attempts are initiated.

3. Cultural Resources: Cultural site investigations in accordance with PEIR Mitigation Measure C-5 identified four structures that are over 50 years old on the site including a house converted to office space, a shed, a control room, and a conveyor belt. The significance of the structures were evaluated for listing in the California Register of Historic Resources using the criteria described in Section 15064.5(a) of the CEQA guidelines. The evaluation of the structures concluded that there was not any

historic eligibility under any of the four California Register of Historical Resources criteria and that the subject property does not appear to be a historic resource for CEQA purposes.

The following mitigation measures are from the Sun Valley Watershed Management Plan PEIR and have not been changed as a part of this Addendum. No additional mitigation measures are required.

Mitigation Measure C-2

On the first day of subsurface work, if any, at Strathern, Cal Mat, and Sheldon Pits, a professional monitor qualified in historical archaeology shall be present to assess whether further monitoring might be warranted.

Mitigation Measure C-3

If previously unknown cultural resources are discovered in the course of excavation for project construction at any project site, the construction inspector shall have the authority and responsibility to halt construction until a qualified archaeologist can evaluate the significance and distribution of the materials and identify future activities needed. If the cultural material discovered is determined to be of potential archaeological significance, the investigation and future activities shall be conducted in consultation with culturally affiliated Native American or other parties, as necessary.

Mitigation Measure C-4

If human remains are discovered in the course of excavation for project construction, the Los Angeles County Coroner shall be contacted and provisions of CEQA Guidelines Section 15064.5 would be followed.

Mitigation Measure C-5

During the design phase of Strathern, Cal Mat, and Sheldon Pits, the County of Los Angeles Department of Public Works will conduct onsite surveys to determine presence of original machinery, refuse and/or structures that date from the period of concern. If any are found, Public Works will evaluate whether they are a historical resource using the criteria described in Section 15064.5(a) of the CEQA Guidelines. If any equipment and/or structures at Strathern, Sheldon, or Cal Mats Pits are determined to be a historical resource, Public Works will:

- Incorporate the artifact into design of the project component,
or

- Remove and relocate the artifact to an appropriate location (i.e., museum, public library, or school), or
 - Document with photographs and engineering drawings
4. Greenhouse Gases: The project impact on greenhouse gas emissions contributions to global climate change were not evaluated in the 2004 Sun Valley Watershed Master Plan PEIR. In 2010, the CEQA Guidelines for analysis of project environmental impact were updated to include a project's impact on global climate change. A quantitative analysis conducted using the URBEMIS 2007 model calculated that the project's generation of greenhouse gases does not exceed the 2008 adopted interim significance threshold of the South Coast Air Quality Management District for stationary sources.
 5. Traffic: Due to the short-term construction duration (less than 10 days) the 1,200-foot transfer pipeline will have less than significant traffic impacts on Cantara Street and Fair Avenue. The construction of the recycled waterline will be predominantly, if not entirely, in the same trench as the proposed storm drain will not add significant impacts to traffic. Construction of the storm drain along the revised alignment from the intersection of Tuxford Street and San Fernando Road to Tujunga Avenue will move major construction off of San Fernando Road and Penrose Street. Therefore, traffic impacts on residents would be reduced by the revised alignment and considered less than significant.
 6. Growth Inducing Impact: The City of Los Angeles Integrated Resource Plan Program PEIR evaluated program level impacts of implementing the City's wastewater, runoff, and recycled water programs to meet its 2020 water needs. Included in the program evaluation was the expansion of the Tillman Water Reclamation Plant to upgrade recycled water treatment processes and to construct additional recycled water distribution lines in the Sun Valley area. The PEIR evaluated growth inducing impacts of expanded recycle water use. The proposed treatment capacities of expansion were based on population projection, did not remove existing barriers to growth, and would result in recycled water use to offset current potable water use. The expansion was not expected to result in a potable water surplus that could induce population growth. Significant growth inducing impacts were not anticipated.

FINDING:

The project level components evaluated by the Sun Valley Watershed Master Plan PEIR checklist and CEQA Guidelines are

minor technical changes or additions as discussed in CEQA Guidelines, Section 15164. The proposed recycled waterline, storm drain realignment, and 1,200 feet of transfer pipeline, do not constitute a substantial change in the proposed project, do not substantially change the circumstances under which the project is proposed, and do not raise to the level of significant new information that would have triggered either a subsequent or supplemental EIR as discussed in Public Resources Code Section 21166 or CEQA Guidelines Sections 15162 and 15163. The proposed realignments and added recycled waterline will comply with all previously identified feasible mitigation measures. Therefore, the project will not result in additional significant impacts that would require preparation of a subsequent EIR or supplement to the Sun Valley Watershed Management Plan PEIR.

ADDENDUM

PREPARATION: This Addendum to the Sun Valley Watershed Master Plan PEIR was prepared by Public Works, Programs Development Division. The contact person is Mr. Edward Dingman at (626) 458-3933. This Addendum was completed on January 28, 2013.

CS:sw

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AGREEMENT NO. WR-12-1049 BY AND BETWEEN
THE LOS ANGELES DEPARTMENT OF WATER AND POWER AND
THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT FOR ADDING
RECYCLED WATER PIPELINES IN THE STRATHERN WETLANDS PARK
PROJECT

This AGREEMENT is made, entered into, and executed as of this 8th day of October, 2013, by and between the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic (hereinafter referred to as LACFCD) and the LOS ANGELES DEPARTMENT OF WATER AND POWER (hereinafter referred to as LADWP), a municipal corporation and a proprietary department of the City of Los Angeles.

WITNESSETH

WHEREAS, LACFCD is a body corporate and politic, operating under the provisions of the LACFCD Act; and

WHEREAS, LADWP is a proprietary department of the City of Los Angeles, municipal corporation, duly created, organized and existing under the laws of the State of California (see Cal., Const. Article XI, Sec. 5) and its City Charter duly adopted at a special municipal election held; and

WHEREAS, the use of recycled water in Southern California is desirable to reduce the dependency upon imported supplies, and to increase the overall reliability of water supplies to the region and, more specifically, Los Angeles; and

WHEREAS, LACFCD proposes to design and construct the Strathern Wetlands Park Project, which includes a 4.7-mile underground storm drain system (hereinafter referred to as PROJECT) in Sun Valley, California, as generally depicted in Exhibit A; and

WHEREAS, LACFCD proposes to provide for the construction of a recycled waterline in the public right of way (hereinafter referred to as PURPLE PIPE), also as generally depicted in Exhibit A, in conjunction with PROJECT to establish the conveyance necessary to supply Title 22 Recycled Water for irrigation of the Strathern Wetlands Park; and

WHEREAS, LACFCD and LADWP desire to enter into this AGREEMENT in order to establish the design, construction, operation, maintenance, and financial obligations of each party, in regard to PURPLE PIPE;

NOW, THEREFORE, in consideration of the mutual performance by LACFCD and LADWP of their respective obligations herein contained, LACFCD and LADWP hereby agree as follows:

78053

SECTION I

LADWP AGREES:

- A. To prepare the one hundred percent (100 percent) design plans, bid schedule, and specifications for PURPLE PIPE, at no cost to LACFCD, for inclusion with the one hundred percent design plans and specifications for PROJECT.
- B. To obtain and incorporate LACFCD's comments on the 60, 90, and 100 percent design plans and specifications for construction of PURPLE PIPE prior to completion of the design plans, bid schedule, and specifications.
- C. After LACFCD awards a construction contract for PROJECT and PURPLE PIPE, to review any request for change orders submitted by LACFCD's construction contractor related to the construction of PURPLE PIPE, and notify LACFCD of LADWP's approval thereof, or if it does not so approve, the reasons therefor, within ten (10) business days of receipt of the request. LADWP's approval of any request for change order shall not be unreasonably withheld.
- D. Within fourteen (14) days of LADWP's receipt of the written notice that PURPLE PIPE is complete; as referenced in Section II, subsection H, to notify LACFCD that LADWP approves the construction work for PURPLE PIPE or, if it does not so approve, the reasons therefor. LADWP's approval of the construction work for PURPLE PIPE shall not be unreasonably withheld.
- E. To make changes or modifications to final plans and specifications for PURPLE PIPE necessitated by unforeseen or foreseeable field conditions encountered during construction.
- F. Upon completion of construction of PURPLE PIPE and LADWP's approval thereof, to assume ownership and all operation and maintenance responsibilities for PURPLE PIPE, at LADWP's sole cost and expense.
- G. To reimburse LACFCD for the construction costs of PURPLE PIPE via the payment of quarterly (every three months) progress payments. The total construction cost, which includes all construction-related items, is not to exceed \$8,529,600; however, LADWP acknowledges and agrees that the actual construction costs may exceed this estimate due to higher construction bids, bid protests, rebidding of the project, change orders due to unforeseen conditions, construction delays due to, among other things, requests for information during construction and/or plan revisions. Should the actual construction cost exceed \$8,529,600, the Agreement shall be

modified in writing with the signature of both parties in the manner originally executed.

- H. To be included as a project partner or coapplicant in LACFCD's pursuit of local, State, and/or Federal grant fund opportunities for PROJECT involving recycled water.

SECTION II

LACFCD AGREES:

- A. To review the 60, 90, and 100 percent design plans and specifications prepared by LADWP for construction of PURPLE PIPE and provide comments to LADWP, as appropriate.
- B. To include the construction of a 24-inch diameter Ductile Iron (DI) PURPLE PIPE, as generally depicted in Exhibit A, in accordance with the design plans and specifications prepared by LADWP for PURPLE PIPE in the construction contract for the PROJECT. PURPLE PIPE will be constructed from the Strathern Wetlands Park to the existing recycled water pipeline located on Glenoaks Boulevard approximately 1,200 feet north of Truesdale Street. The length of PURPLE PIPE is estimated to be 16,500 linear foot.
- C. To advertise PURPLE PIPE for construction bids in conjunction with PROJECT; to award and administer the construction contract; and to act on behalf of LADWP in negotiations pertaining thereto.
- D. To require LACFCD's construction contractor to name LADWP as an additional insured on the contractor's liability insurance, general, and auto liability insurance policies.
- E. To obtain all necessary utility clearances required for construction of PURPLE PIPE.
- F. To submit requests for information and change orders related to PURPLE PIPE from LACFCD's construction contractor to LADWP for review and approval prior to acceptance and incorporation of said changes in the scope of the construction contract.
- G. To submit quarterly invoice(s) with an accounting of the actual costs incurred by LACFCD during the preceding quarter in connection with PURPLE PIPE.
- H. To provide LADWP with a written notice when the construction of PURPLE PIPE is substantially complete (Notice of Substantial Completion

of Purple Pipe). If, within the time specified in Section I, subsection D, LADWP notifies LACFCD that it does not approve the construction work for PURPLE PIPE and the reasons for its failure to approve the construction work, LACFCD shall make a good faith and reasonable effort to address and resolve LADWP's reasons for not approving the construction work, and shall thereafter send LADWP a subsequent Notice of Substantial Completion of Purple Pipe, which subsequent Notice shall be subject to Section I, subsection D.

- I. Upon completion of construction of PURPLE PIPE and PROJECT, to provide approved asbuilts plans to LADWP.
- J. To provide LADWP, within one hundred and twenty (120) calendar days after completion of PROJECT, a final accounting for the construction and contract administration costs associated with PURPLE PIPE.
- K. To apply for local, State and/or Federal grant funding opportunities for PROJECT involving recycled water.
- L. To include PURPLE PIPE as a line item in all grant applications when seeking local, State, and/or Federal grant funding for construction of PROJECT.
- M. In the event that LACFCD receives grant funding for PROJECT, LACFCD shall reimburse LADWP the amount of grant funding that is attributable to the construction of PURPLE PIPE.

SECTION III

IT IS MUTUALLY UNDERSTOOD AND AGREED:

- A. Prior to implementing any activities that would be considered a project under the California Environmental Quality Act for PURPLE PIPELINE, LACFCD and LADWP will ensure that appropriate documentation is completed and approved.
- B. LADWP and LACFCD shall have no financial obligation to each other under this AGREEMENT, except as herein expressly provided.
- C. LACFCD shall have the right to reject all bids after notifying LADWP and may readvertise PROJECT if LACFCD deems such action is in the best interest of LACFCD.
- D. During construction of PROJECT and PURPLE PIPE, LACFCD shall furnish an inspector or other representative to perform the functions of an inspector. LADWP may also furnish, at no cost to LACFCD, an inspector

or other representative to inspect construction of PURPLE PIPE. Said inspector shall cooperate and consult with each other. LACFCD inspector shall be the only inspector with power to direct the contractor. LADWP inspector shall not issue any directive(s) to the contractor, but shall work through LACFCD inspector.

- E. LADWP shall make progress payments to LACFCD for costs relating to PURPLE PIPE described in this AGREEMENT. LACFCD agrees to submit invoices to LADWP for review, and if concurred, LADWP agrees to pay those invoices within (60) days of receipt.
- F. This AGREEMENT shall be effective on date it is executed by the last party to sign and will expire by its own operation ten (10) years after execution, unless sooner terminated by mutual written agreement by all parties. All work described in Sections (1) and (2) above shall be completed prior to the expiration of this AGREEMENT.
- G. This Mutual Indemnification states parties' intent as to allocation of responsibilities and costs, resulting from negligence and willful misconduct of either party.
 - i. LACFCD shall defend LADWP from and against claims and lawsuits coming against LADWP resulting from LACFCD's negligence or willful misconduct in performing its responsibilities under this AGREEMENT or resulting from the negligence or willful misconduct of LACFCD's construction contractor in connection with the construction of PROJECT or PURPLE PIPE. LACFCD shall pay all sums of money finally adjudicated against LADWP resulting from LACFCD's negligence or willful misconduct or resulting from the negligence or willful misconduct of LACFCD's construction contractor.
 - ii. LADWP shall defend LACFCD from and against claims and lawsuits coming against LACFCD resulting from LADWP's negligence or willful misconduct in performing its responsibilities under this AGREEMENT. LADWP shall pay all sums of money finally adjudicated against LACFCD resulting from LADWP's negligence or willful misconduct.
- H. Each party shall make all reasonable efforts to keep costs within the budgeted amounts and neither party shall be obligated to provide additional funding toward the completion of work called for by this AGREEMENT, except as provided above, or unless otherwise mutually agreed to by the parties.

- I. Both parties acknowledge and agree that each was represented by legal counsel during the negotiation and execution of this AGREEMENT. Both parties agree that in any action to enforce the terms of this AGREEMENT, each party shall be responsible for its own attorneys' fees and costs.
- J. This AGREEMENT shall be construed in accordance with and governed by the laws of the State of California.
- K. Neither party hereto shall assign any rights or delegate any duties hereunder without the prior written consent of the other party. This AGREEMENT shall be binding on and inure to the benefit of the successors and permitted assigns of the parties.
- L. LACFCD shall have no obligation in regards to the relocation, alteration, or modification of PURPLE PIPE, once installed, or any cost or expense related thereto, necessitated by future street improvements, realignments, or reconstruction.

SECTION IV

NOTICES:

All notices provided under this AGREEMENT must be in writing and, unless otherwise provided herein, shall be deemed validly given on the date either: (1) personally delivered to the address indicated below; or (2) on the third business day following deposit, postage prepaid, using certified mail, return receipt requested, in any U.S. Postal mailbox or at any U.S. Post Office; or (3) on the date of transmission by facsimile to the facsimile number provided below. All notices, demands, or requests shall be addressed to the following:

LADWP: Director of Water Engineering and Technical Services
Los Angeles Department of Water and Power
111 North Hope Street, Room 1336
Los Angeles, CA 90012
Fax: (213) 367-3775

LACFCD: Ms. Gail Farber
Director of Public Works
County of Los Angeles
Department of Public Works
P.O. Box 1460
Alhambra, CA 91802-1460
Fax: (626) 457-1526

IN WITNESS WHEREOF, the said LACFCD, by order of its Board of Supervisors, has caused this AGREEMENT to be subscribed by the Chairman of the said Board and the seal of said LACFCD to be affixed hereto and attested by the Executive Officer of the Board of Supervisors.

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic

By *Mark Ridley-Thomas*
Chairman, Board of Supervisors

ATTEST:

SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles



By *Antia*
Deputy

I hereby certify that pursuant to
Section 25103 of the Government Code,
delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

JOHN F. KRATTLI
County Counsel

By *Antia*
Deputy

By *M. J.*
Deputy

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES


63 OCT 08 2013

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

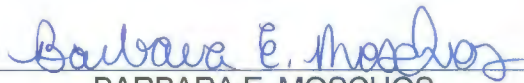
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IN WITNESS WHEREOF, the parties thereto have executed this Agreement executed by its duly authorized representatives.

DEPARTMENT OF WATER AND POWER
OF THE CITY OF LOS ANGELES BY
BOARD OF WATER AND POWER COMMISSIONERS
OF THE CITY OF LOS ANGELES

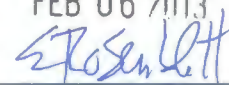
By: 
RONALD O. NICHOLS
General Manager

Date: 3/28/13

And: 
BARBARA E. MOSCHOS
Secretary

AUTHORIZED BY RES. 013 202
MAR 05 2013

APPROVED AS TO FORM AND LEGALITY
CARMEN A. TRUITANICH, CITY ATTORNEY

FEB 06 2013

BY ERIC ROSENBLATT
DEPUTY CITY ATTORNEY