



RESOLUTION NO. \_\_\_\_\_

**BOARD LETTER APPROVAL**

*John A. Smith Jr.*  
John A. Smith Jr. (Jan 3, 2025 13:26 PST)

**JOHN A. SMITH, JR.**  
Chief Administrative Officer

A handwritten signature in black ink, appearing to read "Quiñones", is positioned above a horizontal line.

**JANISSE QUIÑONES**  
Chief Executive Officer and Chief Engineer

**DATE:** December 10, 2024

**SUBJECT:** Memorandum of Agreement Between Los Angeles Department of Water and Power and California Department of Fish and Wildlife for Staff Allocation for a Total Estimated Cost of \$2,158,168.82 for a Four-Year Term

**SUMMARY**

LADWP is proposing to enter into a Memorandum of Agreement (MOA) with the California Department of Fish and Wildlife (CDFW). As part of the MOA, LADWP will provide funding to CDFW to hire and support dedicated staff to perform expedited reviews of permit applications submitted by LADWP for capital improvement, operations, and maintenance projects. The MOA will support a total of two full-time CDFW staff level positions, and two part-time supervisor level positions.

The total estimated cost for the MOA term of four years is \$2,158,168.82. An advance payment of \$502,844.44 is required to fund the first year of the MOA. Payment for subsequent years will be determined and agreed upon by LADWP and CDFW on an annual basis.

City Council approval is not required.

**RECOMMENDATION**

It is recommended that the Board of Water and Power Commissioners adopt the attached Resolution authorizing the MOA with CDFW.

**ALTERNATIVES CONSIDERED**

Not entering into the MOA with CDFW will result in no substantive improvements in the timeline for the processing of LADWP permit applications submitted to CDFW. LADWP

will continue to experience delays in the review of project permit applications and the issuance of necessary approvals that are required from CDFW, due to CDFW's staffing shortages and resource constraints.

## **FINANCIAL INFORMATION**

Payment of the MOA funds would be allocated through the Water System and Power System project budgets.

The MOA is for a term of four years with a total estimated cost of \$2,158,168.82. An advance payment of \$502,844.44 is required to fund the first year of the MOA. Payment for subsequent years will be determined and agreed upon by LADWP and CDFW on an annual basis.

## **BACKGROUND**

LADWP undertakes numerous projects each year to provide safe and reliable water and electrical service to over 1.5 million customers within its 472 square-mile service area. These projects can consist of new proposed capital projects or routine operation and maintenance of existing facilities and often require permits, agreements, environmental reviews, consultations, or other actions from CDFW.

At this time, LADWP staff have identified an expected 25 projects that will require coordination with and/or approval from CDFW over the next four years, and involve major capital improvements, critical facility maintenance, and renewable energy development. Specifically, these projects will fall under the jurisdiction of two CDFW offices, the South Coast Region 5 Office (Region 5) which includes Los Angeles County, and the Inland Deserts Region 6 Office (Region 6) which includes Inyo and Mono Counties. Additional projects and activities requiring coordination with CDFW are likely to arise during the term of the MOA, due to unanticipated Department needs that require expeditious CDFW review.

CDFW has limited resources and cannot support LADWP's projects in the time frame required to meet LADWP's objectives without supplemental staff resources. By authorizing the MOA and paying the initial advance sum of \$502,844.44, CDFW will be able to hire two dedicated staff, one each for Region 5 and Region 6, to work solely on the expedited review, processing, and issuance of permits and authorizations for LADWP projects. LADWP will continue to fund subsequent years of the MOA on an annual basis for the four-year term of the agreement, or until the MOA is terminated.

## **ENVIRONMENTAL DETERMINATION**

Determine item is exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15060(c)(2). In accordance with this section, an activity is not subject to CEQA if it will not result in a direct or reasonably foreseeable indirect physical change in the environment. The approval of the MOA with CDFW to provide funding for

dedicated staff to support the expedited review of LADWP permit applications will not result in any physical change in the environment; therefore, the proposed action is not subject to CEQA. All projects reviewed by CDFW shall comply with applicable CEQA requirements prior to receiving approval and moving forward.

### **CITY ATTORNEY**

The Office of the City Attorney reviewed and approved the Resolution and MOA as to form and legality.

### **ATTACHMENTS**

- Resolution
- MOA