

November 6, 2014

Mr. Samuel Unger, Executive Officer
Ginachi Amah, Water Resources Control Engineer
Los Angeles Regional Water Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013
Via email: Samuel.Unger@waterboards.ca.gov; Ginachi.Amah@waterboards.ca.gov

RE: Tentative Resolution No. R14-0XX on the *Recreational Use Reassessment (RECUR)* of the *Engineered Channels of the Los Angeles River Watershed*

Dear Mr. Unger,

Thank you for the opportunity to submit comments to the Los Angeles Regional Water Quality Control Board (“Regional Board”) regarding the Tentative Resolution No. R14-0XX to retain the current beneficial use designations of the engineered channels of the Los Angeles River Watershed. Los Angeles Waterkeeper (“Waterkeeper”) has been engaged in efforts to improve the water quality of the entire Los Angeles River watershed for over two decades through advocating for the adoption of TMDLs and stronger water quality permits to protect the River, and pursuing Clean Water Act citizen suit enforcement actions to eliminate sources of pollution to the River.

Los Angeles Waterkeeper strongly supports the staff’s recommendation to adopt the Tentative Resolution to retain the existing recreational beneficial use designations of the engineered channels of the Los Angeles River and tributaries. We appreciate the effort put forth by the Regional Board staff in conducting the *Recreational Use Reassessment of the Engineered Channels of the Los Angeles River Watershed* (“RECUR”). However, after close review of the RECUR Report, we feel the methodology of the recreational use assessment is flawed and the results do not fully represent the historic, current and potential for recreational use of the Los Angeles River Watershed. Consequently, the data collected during the RECUR assessment is not suitable or sufficient to downgrade or revise the recreational beneficial uses in any section of the Los Angeles River, including the engineered channels. More importantly, we believe using RECUR to downgrade beneficial uses of the River would impede efforts to improve water quality for recreational use sets a bad precedent during a time when there is increasing momentum to revitalize the Los Angeles River and tributaries. For these reasons, further discussed in our previous written comments¹ and below, we believe removing beneficial uses of any segment of the River would be unfounded and counterproductive.

¹ Waterkeeper incorporates herein by reference its previous comment to the Regional Board, dated March 14, 2014, regarding the *Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed* Technical Report.

The RECUR report, while useful, is not representative of current recreational use of the Los Angeles River and tributaries and therefore does not provide a credible basis for Use Attainability Analysis (UAA). The RECUR study's sample size is too small and limited in duration to capture all beneficial uses of the Los Angeles River Watershed. During the 18-month data collection period an average of six site visits were made to each of the 31 tributaries to observe recreational use and administer recreational use questionnaires, totaling only twelve hours on average spent at each river segment. Also, most of the site visits during the reconnaissance stage were conducted between the winter months of November 2010 and February 2011 when outdoor recreation is at its lowest and when recreational uses may vary from those of other months of the year. Due to the very narrow timeframe of the visits, the monitoring data collected only captures a fraction of the recreational uses occurring in and along the River and is inconclusive at best. Further, although the questionnaires collected during site visits were meant to capture current and historic use of the river segments, for most tributaries no questionnaire data whatsoever was obtained. Such unrepresentative and inconclusive data should not be used for the purpose of removing use designations.

One conclusion that can be drawn from the RECUR surveys is that a desire to enter and use the river exists. Several of the survey respondents of the site visit questionnaire clearly indicated a desire to use the River for activities including swimming and wading if the integrity of the water quality could be assured. RECUR Report at 44. The timing of the data collection period also occurred prior to public outreach and the launch of significant projects to revitalize segments and areas along the Los Angeles River. Even during the three years since RECUR was initiated, significant changes to how Angelenos view the River have occurred due to the huge success of the "Paddle the River" program. Positive public perception and interest of the River has continued to grow. It is likely that more Angelenos view the River as a recreational space now than when the RECUR surveys were conducted, and therefore the study should not be used to influence Basin Plan decision making.

Furthermore, the public's desire for improving recreational access to the Los Angeles River is amply demonstrated by the passing of SB 1201, which added public access for recreation as one of the key goals for the management of the Los Angeles River by the Los Angeles County Flood Control District. Moreover, several non-profit organizations, including Waterkeeper, and municipalities, along with federal agencies including the USEPA and Army Corps of Engineers, have been working to restore urban rivers in the region to provide greater access and recreational opportunities to urban residents and visitors. USEPA's designation of the Los Angeles River as one of seven watersheds in the nation to participate in the Urban Waters Federal Partnership and the City of Los Angeles' adoption of the Los Angeles River Revitalization Master Plan are further examples of the many ongoing efforts to enhance recreational use of the River. This speaks to the importance of urban waterways, and in particular the Los Angeles River. Re-designating engineered channels of the Los Angeles River watershed to downgrade the recreational beneficial use at this time could set a bad precedent and incentivize limiting access

and channelizing more segments of the water body at a time when public sentiment is to remove concrete and increase recreational opportunities.

Lastly, we are very concerned that removing beneficial use designations of the engineered channels of the Los Angeles River would impact water quality of the entire watershed. USEPA regulations direct states to take into consideration the water quality standards of downstream waters and shall provide for the attainment and maintenance of the water quality standards of downstream waters. 40 CFR 131.10(b). Relaxing water quality standards of secondary and primary tributaries to the River would directly impact the water quality of downstream segments. From a regulatory and human health standpoint it does not make sense to give protections to lower portions of the River while allowing pollutants to flow freely just upstream.

We acknowledge the efforts by the Los Angeles Regional Water Quality Control Board to study and document recreational use along the Los Angeles River and its tributaries. However, due to the study's limitations, the RECUR assessment is not suitable or sufficient to downgrade or revise the beneficial use designations currently in place. To afford the appropriate protection to the Los Angeles River and allow the plans for restoration and increased recreational access to the River to come into full fruition, Waterkeeper strongly supports the recommendation from the Regional Board staff to not pursue changes to the beneficial use designations of the Los Angeles River and tributaries. We urge the Regional Board to adopt the Tentative Resolution not to pursue any Basin Plan Amendments that would re-designate the recreational beneficial uses for any section of the River.

Waterkeeper commends the Regional Board's continued efforts to restore river functions and habitat, improve water quality, and promote riverside recreation as we feel these actions best serve the environment and the community. We thank you for this opportunity to provide comments. If you have any questions, please contact us at (310) 394-6162.

Sincerely,



Lara Meeker, MESM
Watershed Program Manager
Los Angeles Waterkeeper