Appendix

Comments on the:

December 26, 2013 Draft Recreational Use Re-evaluation of the Engineered Channels of the Los Angeles River Watershed – Part I

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Ginachi Amah, D.Env
Basin Planning Program
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, #200
Los Angeles CA 90013

March 10, 2014

Dear Ms. Amah:

EPA Region 9 appreciates the opportunity to comment on the draft report "Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed". The report consists of information regarding recreational activities, present and past (as much as possible), planned future recreational opportunities, accessibility to the water bodies, and flow. The methodology for gathering the information on recreational activities is meticulous, and the results are presented well in the report. The information regarding planned future recreational opportunities included in the report is thorough and well framed. Accessibility to the various water bodies is well-described. Finally, flow data are extensive, covering a reasonable time period and presented in a manner that successfully describes the flow regime for a given water body at various times of the year. EPA understands that the report was not intended to include conclusions or recommendations.

EPA applauds the thoroughness of Regional Board staff in acquiring and presenting the information included in this report and believes that the Regional Board is headed in the right direction for assessing recreational uses in the engineered channels of the Los Angeles River Watershed. If you have any questions, please feel free to contact me at (415) 972-3522.

Sincerely,

Suesan Saucerman

Suesan Saucerman

Biologist, WTR-2

Friends of the Los Angeles River

March 13, 2014

Mr. Samuel Unger, Executive Officer
Los Angeles Regional Water Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

Comments on the December 2013 Draft Recreational Use Reassessment of the Engineered Channels of the Los Angeles River Watershed Technical Report (Draft Report)

Dear Mr. Unger,

Friends of the Los Angeles River (FoLAR) appreciates the opportunity to provide comments to the Los Angeles Regional Water Quality Control Board (the Board) on the Draft Report. We had the opportunity to assist in the assessment underlying the Report, and also are pleased that the Report referenced earlier studies and plans by FoLAR and other governmental and nongovernmental organizations. We commend the Board staff for undertaking the difficult task of addressing existing recreational attributes of the main stem of the River and its numerous tributaries, recognizing that the staff had to conduct this with limited resources and extensive use of volunteers.

We understand that it is the Board's intention to use the Report, once it is finalized, as the basis for a decision as to whether or not there should be a downgrading of the present REC-1 category for the River and its tributaries. FoLAR's concern is that any diminution in the current REC-1 designation would be detrimental to the future of the River because of it could result in weakening of water quality standards, and diminish or discourage the many ongoing efforts to improve recreational uses dependent on the quality of the water. Any such action must be based on the best possible analysis.

Since our inception, FoLAR has advocated that "fishable and swimmable" should be the long-term goal of all policies related to the River. As noted in the Draft Report this is consistent with, and effectively in implementation of, the federal goal expressed in Section 101(a)(2) of the Clean Water Act. FoLAR has been advocating for increased and improved recreational use of the Los Angeles River and its immediate environs for more than 25 years. Our long-standing view has been that the River has the potential over time to greatly enhance opportunities for

recreation along its entire length and many, if not all, of the River's tributaries. We believe that this will improve the quality of life for the diverse communities in the vicinity of the river and its tributaries, many of which are poorly served by existing recreational opportunities.

To further this objective as well as educate the public about the River, FoLAR over the years has conducted extensive educational programs to bring people to the river, including programs with local schools, cleanups, tours and other activities. We have also conducted studies of fish and wildlife, and recreation and use, which the Draft Report references. A range of other organizations have been similarly supportive. In substantial part because of this work, there is now much greater public appreciation of the opportunities offered by the river system, and, equally important, accelerating public use of the River.

Any change in current policies which would detract from achieving the goals of fishable and swimmable, as embodied in the REC-1 designation, could significantly diminish the extensive work to create future recreational opportunities. The Draft Report states that certain "stakeholders indicated a strong desire for this issue to be prioritized for the Los Angeles River watershed." (pp. 1) These stakeholders do not appear to be specifically mentioned, but we are not aware of any River-focused nongovernmental interest group which has expressed a desire to reduce in any way the water quality standards for the River through a change in beneficial use designation.

Our specific concerns and recommendations follow.

1. By Identifying only areas of current recreational use and access, the Draft Report fails to identify numerous stretches of river and tributary with recreational potential

Both the USEPA Guidance for conducting a use reassessment and the rapidly evolving public and policy perspective on recreational use of the River and tributaries requires a forward-looking analysis. Since 2010 we have witnessed the policies of state, local and federal agencies with management responsibility for the River change from one of almost pure exclusion of the public's right to access the river, to a rapidly evolving recognition that the River represents a unique and substantial opportunity to improve recreational opportunities in a region deficient in this regard. The following illustrate the rapid change which has occurred.

- *2010 - USEPA.* A seminal action was the USEPA's determination that the River is a Traditional Navigable Waterway for purposes of the Federal Clean Water Act.[1] This determination was based substantially on the potential of the River to support future recreational activity (p. 35).[2] A change in the recreational us designation of the river would be inconsistent with the USEPA findings. While a change in designation would not necessarily eliminate recreational uses of the River, it could significantly constrict the recreational potential which underlies the USEPA findings, and could eliminate attainability of the fishable and swimmable goals

[1] United States Environmental Protection Agency, Region IX Special Case Involving the Los Angeles River, California, As A Traditional Navigable Waterway, July 1,2010
[2] Id, pp. 35.

- *2011- Los Angeles City* . Based in part on the USEPA TNW determination, FoLAR initiated a study of recreational access and use, and in 2011 released a report of its study and recommendations for recreational and educational use.[3] As noted in the report, we regarded this as only the first step in moving forward with River-related recreation, using the river assets as they currently stood at the time as the basis for initial recreation programs. In that report we recommended that three recreational use zones be established based on existing conditions: the Sepulveda Basin segment, the Glendale Narrows from Betty Davis Park to the confluence with the Arroyo Seco, and the estuary at Long Beach.

  Shortly thereafter, the Los Angeles City Council through its Ad Hoc River Committee accepted the concept of recreational zones for those areas in its jurisdiction, and in 2011 and 2012 an initial program focused on kayaking was established in the Sepulveda Basin. In 2013 a pilot program for full recreational use opened in the Glendale Narrows. These are pilot programs for limited segments of the River and we expect these will continue to be expanded, and other use zones added.

- *2012 - California Legislative Policy* In 2012, the governor signed FoLAR-proposed legislation, SB 1201 sponsored by Senator Kevin DeLeon, which established public use of the River for recreation and educational purposes as one of the three guiding policies for management of the River.[4] Action by a state agency which would lessen the potential for recreational use of the river is contrary to the legislative policy of SB 1201.

There has been wide public acceptance of these policies. The kayaking programs offered in both the Sepulveda Basin and the Glendale Narrows have been oversubscribed. As the Draft Report notes, numerous other uses increased significantly in the Glendale Narrows when this segment was opened for general recreational access and use in Summer 2013. This pilot program is being converted to a permanent program for this year, and will be expanded in the future.

Public opportunity to use the River has received significant media attention. There is every indication that as the public learns about and appreciates the River's recreational opportunities, and as the programs move beyond the pilot stage to permanent recreational features, use will continue to increase dramatically with pressure to increase the areas available for recreation.

This is particularly true with the River's potential accessibility to numerous disadvantaged communities. An example of this future potential is the stretch of River near downtown Los Angeles, where substantial preliminary work has been done to open up the river to the current

[3] Friends of the Los Angeles River, Recommendations for Near-Term Recreational Access and Use of the Los Angeles River, January 2011.
[4] , SB 1201, August 28, 2012. an act to amend Section 2 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to the Los Angeles River.

Piggyback Railroad Yard which would vastly change the recreational dynamic of this stretch of the River.[5]

Future plans, such as he Piggyback Yard, those embodied in the Los Angeles River Master Plan, the Corps of Engineers ARBOR Study and Report, and numerous proposals of other organizations for new river parks, river access, and recreation, as well as multiple use projects for storm water cleanup and parks, will lead to increasing use of the River's recreational opportunities. While the Reassessment lists some of these proposals, it does not evaluate what effect these will have on future recreational use, and it seems to dismiss areas which are not currently accessible from its consideration of future recreational potential. The fact that many segments of the River currently are "box channel", fenced or otherwise impede public access to the River at the present time itself should not be interpreted as an indicator of the long term recreational of the river as the Draft appears to assume.

In this regard, the Draft Report is in fact helpful in understanding the long-term recreational potential. For example, the survey work done and the accompanying photographs show that a number of segments of tributary pass through or adjacent to recreational or open areas. While at present most of these are inaccessible box channel, they are amendable to being opened in the future, much as is being proposed in sections of the main stem. The is also significant potential, bolstered by pending proposals, to install stormwater and urban runoff collection and passive treatment features to improve water quality while at the same time enhancing recreational uses.[6] Success breeds success, and over a longer term there will be numerous other opportunities created along the river and its tributaries, much as currently exist in sections of the Arroyo Seco and are being developed for Compton Creek. This added recreational potential needs to be evaluated in the reassessment.

To do this, the final Report should determine those segments of the River and its tributaries with future recreation potential by (1) reviewing current River projects with a recreation component which are either under construction or financed [7]; (2) evaluating each proposal included in current river improvement plans; and (3) assessing each area identified in the Draft Report adjacent to or near the river or a tributary which has the potential for future recreational use, either on its own or as an area amenable to storm water treatment with recreation as a coincidental benefit.[8]

2. The Draft Report lacks the methodical analysis required to determine whether a potential use is attainable.

USEPA guidance suggests that surveys of the type used by the staff are appropriate to support a reassessment. However, it must go further. While the Draft presents a snapshot of the uses observed at the time of the survey, it lacks the analysis needed to make it an adequate decision

[5] See http://www.piggybackyard.org/
[6] See, for example, Community Conservation Solutions, http://www.conservationsolutions.org/largwt.html
[7] Village Gardeners, http://thevillagegardeners.org/growpress/?page_id=10
[8] See, Community Conservation Solutions Green Solution Project as a potential methodology for site identification, http://www.conservationsolutions.org/greensolution.html.

document as envisioned by USEPA guidance. In particular, the Draft Report falls short of an adequate Use Attainability Analysis (UAA). In the words of the Draft Report (p. 8), quoting USEPA, "UAAs are meant to assess what is attainable, it is not simply about documenting the current water quality condition and use (although documenting current conditions is often part of the analysis)" Further, per USEPA requirements and as discussed in the Draft Report a change in beneficial use designation or adoption of a subcategory of use must be based on a structured scientific assessment of the factors affecting the attainment of the use. [9]

This suggests a level of analysis which is simply missing from the Draft Report. The Draft Report does not meet the standard for a UAA, primarily because it does not systematically evaluate the potential for future recreational uses, and for other reasons as discussed below. The extensive work which went into Draft Report can form the basis for an analysis of potential future uses. The Draft cites USEPA guidance for certain principals which must go into a UAA when considering future uses, including plans to put the water to such future use, the potential to put the water to such future use, and the public desire to put the water to such future use. The guidance makes it clear that the potential recreational uses cannot be determined from a one-time snapshot of current uses, particularly one that will be quickly outdated as the public use of the River increases.

These deficiencies should be corrected in any final report in order to provide an adequate basis for the Board to make a determination whether or not the REC-1 designation should be recategorized or subcategorized, either for segments of the main stem or for its tributaries. *The Report should be expanded to include (1) the potential for expanding existing uses into additional locations (2) the potential for adding additional uses, and (3) an evaluation of whether the potential recreational uses are attainable both by type of use and geographic reach. A scientifically accepted methodology should be used to determine whether the use is attainable.*

3. Segmenting the River and its principal tributaries into different recreational beneficial uses or subcategories seems illogical and counterproductive.

The Draft Report takes as a working assumption that the past redesignation of the upper reach of Ballona Creek to a lower beneficial use standard could provide a model for partial or complete redesignation of the recreational beneficial uses of the River and its tributaries. We fail to understand how this would work in practice. As we understand this assumption, this could lead to one segment or reach being designated REC-1, while other segments might be designated as either REC-2 or a recreational use subcategory, or potentially eliminated from recreational use. The Draft does not explain how this would be accomplished, nor does it explain how it would work in practice in a system as complex as the River and its tributaries.

The River and its tributaries constitute a single river system. What flows into the River's headwaters or from other tributaries for the most part travels the length of the River and empties at the Long Beach estuary. If the tributary water is contaminated, that contamination reaches lower reaches of the tributaries and main stem and the sea.

[9] 40 CFR Section 131.g

The USEPA in its TNW determination ascertained that recreational uses occur throughout all 6 reaches of entire main stem of the River, with sufficient flows to sustain such uses. In short, it views the river as a continuum. The river system must be viewed as a whole, recognizing that contamination in one segment of the river system will eventually flow to other sections. This includes not only the main stem of the river, but the tributaries. If a higher level of pollution is allowed in an upstream segment, it will eventually contaminate the downstream sections.

A change in beneficial uses to a lower, less protected category may well result in lower water quality standards for the segment of river which is recategorized. This could occur, for example, in the upstream segment of a tributary or in a section of the main stem. However, these may be upstream or adjacent to a segment which retains its REC-1 status. The effect of this would be to potentially have one segment with a lower water quality standard flowing into a segment which must have a higher standard. The effective result would be for the section with a lower standard to contaminate downstream segments which must be held to a higher standard for REC-1 purposes. We know of no control mechanisms which would enable fragmented standards of this type to be maintained while protecting water contact recreational uses in this segments where it is allowed.

The final report should reflect this reality, and it needs to explain how fragmented recreational uses would work in practice considering the potential for varied water quality standards.

We strongly urge that the Board conduct the additional analysis discussed above, prepare a revised draft, and circulate the new draft for comments before proceeding to a decision on any recategorizing of the recreation beneficial use of the River.

Again, thank you for the opportunity to comment. We would be please to discuss these comments.

Sincerely yours,

Lewis MacAdams
President

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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March 13, 2014

IN REPLY PLEASE
REFER TO FILE: WM-9

Mr. Samuel Unger, P.E., Executive Officer
California Regional Water Quality
Control Board – Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Attention Ms. Ginachi Amah

Dear Mr. Unger:

COMMENT LETTER – TECHNICAL REPORT, RECREATIONAL USE REASSESSMENT (RECUR) OF THE ENGINEERED CHANNELS OF THE LOS ANGELES RIVER WATERSHED

The Los Angeles County Flood Control District and the County of Los Angeles appreciate the opportunity to provide comments on the technical report, *Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed.* Enclosed are our comments for your review and consideration.

If you have any questions, please contact me at (626) 458-4300 or ghildeb@dpw.lacounty.gov or your staff may contact Ms. Angela George at (626) 458-4325 or ageorge@dpw.lacounty.gov.

Very truly yours,

GAIL FARBER
Director of Public Works

Gary Hildebrand

GARY HILDEBRAND
Assistant Deputy Director
Watershed Management Division

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Enc.

cc: County Counsel (Judith Fries)

COMMENTS OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT AND THE COUNTY OF LOS ANGELES

The Los Angeles County Flood Control District (LACFCD) and the County of Los Angeles (County) appreciate the opportunity to provide comments on the draft technical report *Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed*, dated December, 2013 (draft RECUR report). The LACFCD and the County have long supported recreational use of our region's waterways. We along with other stakeholders have completed many projects over the years within our engineered channels and other stormwater management facilities that provide recreation for millions of County residents. Bikeways, greenways, wetlands, and parks, can be found along many miles of channels.

The inherent conditions of engineered channels must be recognized when identifying recreational uses that can be safely and appropriately assigned to these channels. The LACFCD and the County have raised concerns about the appropriateness of certain recreational use designations for engineered channels, in particular for water contact recreation (REC-1). In 2010, in response to stakeholders' input, the Regional Board initiated a re-evaluation of the designated REC-1 and REC-2 uses in engineered channels of the Los Angeles River system. We commend the Regional Board's effort in conducting this study.

Recognizing its importance, the LACFCD actively participated in and supported the study from the onset by providing Regional Board staff access to the flood control channels, providing transportation and other logistical support during field reconnaissance, providing historical flow data from gauging stations, collecting flow data where gauging stations were not present, participating in the study's coordinating committee, and providing input into the work plan. We look forward to our continued involvement in the process.

The Los Angeles River Watershed is approximately 834 square miles of which a majority (60%) is heavily urbanized. Nearly all of the stream channels in the urbanized areas were engineered during the last century to provide critical flood protection. Although many reaches of the flood control system currently provide recreation and/or support recreational opportunities, we believe the study provides much evidence that certain reaches, especially those in the upper tributaries, are not suitable, in particular, for water contact recreation. Therefore, we recommend revisions to the current beneficial use designations for these reaches. Details of our analysis are presented in Attachments A through C of this comment letter.

The completion of the draft RECUR report is timely because it will assist the public and the Board to prioritize the needs of the watershed. We urge the Regional Board to consider the appropriate Basin Plan amendments soon so that municipalities and other dischargers can focus limited resources on appropriate and effective water quality management in support of the appropriate recreational uses for waterways in the Los Angeles River Watershed.

I. SPECIFIC COMMENTS ON THE DRAFT RECUR REPORT

This section discusses specific concerns regarding the information presented in the draft RECUR report. These concerns can be broken down into three areas and are discussed below.

a. Concerns About Use Survey Results

During the course of our review, we found several instances where the reliability of the use survey data collected from respondents of recreational use questionnaires may be inaccurate. This information should be given less weight than the other more concrete assessment criteria employed by the study, such as physical condition or configuration of the channel, accessibility, water depth, and direct observation of uses during the use survey. Below are specific reaches where the use survey results, obtained from survey respondents, are of concern.

(i) **Dunsmore Canyon** – "Table 5-2.4" on page 132 (this is a clerical error; the correct label should be "Table 5-5.3") of the draft RECUR report indicates "wading" was observed once in Dunsmore Canyon based on information collected from a single survey respondent. This result appears to be erroneous given the physical configuration of Dunsmore Canyon (see photo), which is fully fenced with vertical walls, as well as the fact that there is no public access to the creek, which together make entering this area very difficult. Finally, according to Figure 5-5.2 and the accompanying table on page 120, the water depth in Dunsmore Canyon during the study period is very low, ranging from 0" to 1.2". Given the walls,

the lack of access and the lack of water, wading is not an activity that can take place in this channel.

(ii) **Burbank Western Channel** – Table 5-4.4 of the draft RECUR report indicates “wading” was observed twice in Burbank Western Channel based on information collected from survey respondents. This result appears questionable given the physical configuration of Burbank Western Channel (see photo) which is fully fenced with vertical walls. There is no public access to the channel, making entering this area very difficult, and trespassing is prohibited. Given the walls and the lack of access, wading is an activity that cannot take place in this channel.

(iii) **Tujunga Wash** - Table 5-4.4 of the draft RECUR report indicates “fishing” was observed in Tujunga Wash based on information obtained from one survey respondent. This information appears questionable considering the water depth in the channel (maximum of 5.76”, which is unlikely to support "fishable" fish) and the fencing around the channel preventing public access.

(iv) **Santa Anita Wash** - Table 5-3.4 of the draft RECUR report indicates “fishing” was observed in Santa Anita Wash based on information obtained from one survey respondent. This information appears questionable due to the lack of water (mean depth of 1.14”) and access. Santa Anita Wash is fully fenced throughout (except a small stretch at the outlet of the channel to Peck Road Park Lake) and there is no public access point that would allow fishing inside the channel.

b. Concerns About Tributary Reach Segments

The draft RECUR report sometimes combines study results for multiple reaches within a channel, even though these reaches are designated as separate water bodies in the Basin Plan. This can be problematic when each reach exhibits distinct characteristics, such as in the cases of Rio Hondo, Arroyo Seco, and Verdugo Wash, as discussed below. Therefore, for water bodies that have multiple reaches, as defined in the Basin Plan, we recommend that all reaches be evaluated separately.

The Regional Board should also consider redefining reaches for a water body that exhibits distinct characteristics in different parts of what is currently defined as a single reach in the Basin Plan. Reach redefinition may be needed for some channels, such as Compton Creek as discussed below.

(i) Rio Hondo Channel – While Rio Hondo Channel is designated as three distinct reaches in the Basin Plan, the draft RECUR report does not distinguish the information collected from each reach. Because each of the three reaches exhibits different flow and physical characteristics, the results for each reach should be shown separately. In particular, the reaches below the spreading ground (Reach 1 and Part of Reach 2) are typically dry for most of the year due to the spreading ground and Whittier Narrows Dam upstream.

(ii) Arroyo Seco and Verdugo Wash – Like Rio Hondo, these two tributaries also have more than one reach as designated in the Basin Plan. To allow for a reach by reach analysis, we recommend that the results be separated by reach.

(iii) Compton Creek – The Basin Plan currently identifies Compton Creek as a single reach. However, the Creek in reality has two distinct segments, each exhibiting its own, unique characteristics. The upper portion of Compton Creek is fully concrete-lined with vertical walls and fences on both sides, preventing access to the channel. The lower portion of the Creek is soft bottom with trapezoidal sides and no fencing. The flow conditions also vary between the upper and lower portions, with negligible

flows in the upper portion and some flows in the lower portion. Given their distinct physical and flow characteristics, we recommend that Compton Creek be separated into two reaches in the Basin Plan through a reach reclassification, and be given separate beneficial use designations.

(a) Upper Compton Creek

(b) Lower Compton Creek

c. Miscellaneous Issues

We note additional corrections as discussed below.

(i) Bull Creek – Although Bull Creek was surveyed during the reconnaissance, results for Bull Creek appear to have been omitted from the draft RECUR report. Please verify.

(ii) Pacoima Wash – Page 113 of the draft RECUR report states that "flow [of Pacoima Wash] … is significantly influenced by discharges from the Burbank Water Reclamation Plant". This appears to be incorrect. The Burbank Water Reclamation Plant does not discharge into Pacoima Wash. Also, on page 117, the sentence that states "Fishing was the only REC-1 activity reported by the respondents" is incorrect, because fishing was not recorded in Table 5-4.4 for Pacoima Wash.

(iii) High-Flow Suspension – The analysis of flow presented in the draft RECUR report appears to include year-round flow data, including storm events. The flow hydrographs and the associated flow summary tables for the various water-bodies

were created based on data collected between 2000 and 2012. The analysis does not take into account the high-flow suspension periods. The high-flow suspension, as adopted by the Regional Board in 2003 (Resolution No. 2003-010), suspends recreational beneficial uses in engineered channels during unsafe wet weather conditions, which was defined as "*days with rainfall greater than or equal to 0.5 inch and the 24 hours following the end of the 0.5 inch or greater rain event*." Therefore, the flow information presented in the draft RECUR report is misleading because most of the flows recorded took place during periods when recreational uses are not applicable or suspended. We recommend that the flow depths presented in the report be revised to be reflective of the actual flow conditions outside of the high-flow suspension periods.

(iv) Recent State Water Board Action – Subsequent to the completion of the draft RECUR report, the State Water Board approved revisions to the recreational standards for inland fresh surface waters in the Santa Ana region (Resolution No. 2014-0005). Those revisions included the removal of REC-1 and REC-2 use designations for certain engineered flood control channels like the channels that are the subject of the draft RECUR report and explained how the REC-1 and REC-2 beneficial use designations should be applied to activities such as hiking, fishing, and wading. A brief summary of the findings and conclusion reached by the Santa Ana Regional Board and the State Water Board is provided in Appendix D of this letter. We recommend that a reference to the State Water Board's Resolution No. 2014-0005 be added to the section 2.5 of the draft RECUR report, reflecting the findings therein.

II. RECOMMENDATIONS FOR REVISING THE BASIN PLAN BASED ON THE FINDINGS OF THE DRAFT RECUR REPORT

This section and associated Attachments A through C provide recommendations for revising the Basin Plan based on the findings of the draft RECUR report. As outlined in the original work plan, the RECUR project's end goal is to remove, refine, or confirm the current designations. The study provides sufficient evidence to revise or remove certain recreational beneficial use designations, especially in the upper tributaries. We appreciate the Regional Board's consideration of these recommendations and look forward to working with staff to implement these important steps.

Our proposed beneficial use changes are consistent with the following EPA-established factors for removing or subcategorizing beneficial uses as defined in 40 CFR §131.10(g):

a. Natural, ephemeral, intermittent, or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating state water conservation requirements to enable uses to be met.

b. Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water-body to its original condition or to operate such modification in a way that would result in the attainment of the use.

These same factors have been used in the past to revise recreational beneficial uses for water bodies in the Los Angeles Region. In 2003, the Regional Board used these factors to suspend recreational uses in engineered channels during unsafe wet weather conditions (Resolution No. 2003-010). In 2005, the State Water Board used these same factors to revise recreational beneficial uses for Ballona Creek reaches based on the findings of a use attainability analysis conducted by the Regional Board. The revision for Ballona Creek led to the removal of the REC-1 use from Reach 1 and the replacement of REC-1 by Limited REC-1 for Reach 2 of the creek (Resolution No. 2005-0015).

The use of these factors to revise recreational beneficial uses has not been limited to the Los Angeles Region. In 2012, the Santa Ana Regional Board adopted a Basin Plan Amendment that, among other things, (1) suspends recreational beneficial uses in engineered channels during unsafe wet weather conditions, (2) revises REC-1 designations based on the results of a use attainability analysis, and (3) re-defines REC-1 and REC-2 beneficial uses to be consistent with USEPA's definition of "primary contact recreation" and "secondary contact recreation", respectively (Resolution No. R8-2012-0001). These Amendments were approved by the State Water Board in January 2014 (Resolution No. 2014-0005).

In making our recommendations (contained in Attachments A through C), we relied entirely upon the draft RECUR report. We used the general criteria shown in Table 1 as a first step in determining whether the current designated use should be removed, subcategorized, or kept unchanged. For reaches where user survey results are questionable, as discussed previously, we recommend putting less weight on those results. It is essential that the beneficial use designations be accurate.

The general criteria in Table 1 are intended to provide some degree of consistency during the preliminary assessment; then, in some circumstances other factors were considered before a final recommendation is made. For example, application of the general criteria would indicate replacing the current Intermittent REC-1 designation for Los Angeles River Reach 4 with Limited Rec-1 (i.e. vertical sides, concrete bottom, fully fenced, no REC-1 use observed, no plans for future recreational use). However, because Los Angeles River Reach 4 directly discharges into Reach 3 and the Glendale Narrows, which is the location of the Los Angeles River Recreational Zone Pilot Project, we believe it is appropriate to keep the current Intermittent REC-1 designation for Reach 4.

Table 1. General Basis for Recommended Action

	Category 1 (Recommend Removal of REC-1)	**Category 2** (Recommend Subcategorization to Limited REC-1)	**Category 3** (Recommend No Change from Current Designation)
Physical Condition	Vertical sides, concrete bottom	Trapezoidal sides	Trapezoidal sides, soft bottom
Access	Fully fenced, no access	Limited access	Fully accessible
Water Depth	Little or no flow	Low to moderate flow	Moderate flow
Recreational Activities	Little or none observed	Limited use observed	Currently designated as Existing use or use routinely observed
Plan for Future Recreational Use	No plans	Plans under consideration or under development	Plans existing

The proposed revisions to the Basin Plan beneficial use table are provided in Attachment A. Attachment B is a map illustrating the recommended changes. Finally, Attachment C contains detailed justifications for the beneficial use changes for each reach. These recommended changes only apply to REC-1 use designations.

We appreciate the Regional Board's consideration of these recommended changes.

Attachment A

Summary of Proposed Changes for
REC-1 Beneficial Use Designations
in LA River Watershed

Summary of Proposed Revisions to REC-1 Beneficial Use Designations in the Basin Plan

Waterbody Name	Reach	Current REC-1	Recommendation*		
			Revision	REC-1	LREC-1
Los Angeles River to Estuary	Reach 1	Es	No Change	Es	
Los Angeles River	Reach 2	Es	No Change	Es	
Los Angeles River	Reach 3	E	No Change	E	
Los Angeles River	Reach 4	E	No Change	E	
Los Angeles River	Reach 5	E	No Change	E	
Los Angeles River	Reach 6	E	No Change	E	
Compton Creek (upper)**		Es	Remove		
Compton Creek (lower)		Es	Remove or Subcategorize		Es
Wilson Canyon Creek (below Wilson Canyon Debris Basin)**		Em	Remove		
Rio Hondo (LAR to Santa Ana Fwy)	Reach 1	Pm	Remove Subcategorize		Pm
Rio Hondo (Santa Ana Fwy to Whittier Narrows Dam)	Reach 2	Im	Remove or Subcategorize		Im
Rio Hondo (above Whittier Narrows Dam)	Reach 3	Im	No Change	Im	
Alhambra Wash		Pm	Remove		
Rubio Wash		Im	Remove		
Eaton Wash (below dam)		Im	Remove		
Arcadia Wash (lower)		Pm	Remove		
Santa Anita Wash (lower)		Pm	Remove		
Sawpit Wash		Im	Remove		
Arroyo Seco (LAR to Holly St.)	Reach 1	I	Remove or Subcategorize		I
Arroyo Seco (Holly St. to Devil's Gate Dam)	Reach 2	Im	Remove or Subcategorize		Im
Verdugo Wash	Reach 1	Pm	Remove		
Verdugo Wash	Reach 2	Pm	Remove		
Halls Canyon Channel		Im	Remove		
Snover Canyon		Im	Remove		
Pickens Canyon		Im	Remove		
Shields Canyon		Im	Remove		
Dunsmore Canyon Creek		I	Remove		
Burbank Western Channel		Pm	Remove		
La Tuna Canyon Creek		Im	Remove		
Tujunga Wash		Pm	Remove		
Lopez Canyon Creek		Im	Remove		
Haines Canyon Creek		Im	Remove		
Pacoima Wash		Pm	Remove or Subcategorize		Pm
May Canyon Creek		I	Remove		
Bull Creek		Im	Remove		
Caballero Creek		Im	Remove		
Aliso Canyon Wash		Im	Remove		
Limeklin Canyon Wash		Im	Remove		
Browns Canyon Wash		Im	Remove		
Arroyo Calabasas		Pm	Remove		
Dry Canyon Creek		Im	Remove		
Bell Creek		Im	Remove		
Dayton Canyon Creek		I	Remove		

E: Existing beneficial use; **P**: Potential beneficial use; **I**: Intermittent beneficial use

(m) Access prohibited by Los Angeles County Department of Public Works in the concrete-channelized areas.

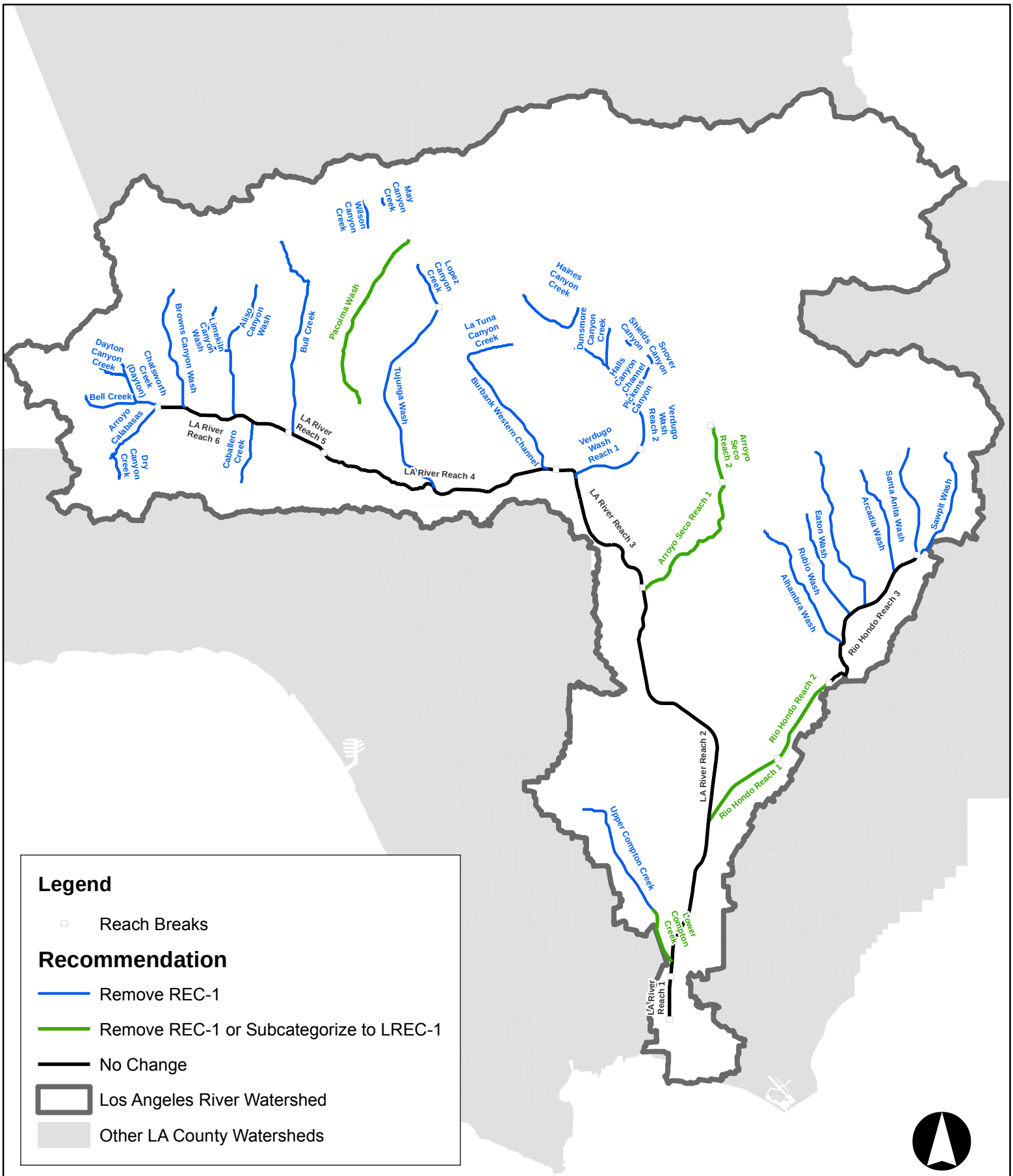
(s) Access prohibited by Los Angeles County DPW.

* The recommended changes would only apply to REC-1 uses; REC-2 uses would remain unchanged

** Newly proposed reach to distinguish an engineered section from a natural or soft-bottom section.

Attachment B

A Map Summarizing
Recommended REC-1 Beneficial Uses
for Los Angeles River Watershed



Los Angeles River Watershed Engineered Channels and Recommended REC-1 designations

Attachment C

Detail Justifications for
the Proposed Beneficial Use Changes

Category 1*

Water-bodies where REC-1 beneficial use designations should be removed

Category Criteria:

- No direct access to the channel
- Vertical concrete channel walls
- No flow or low water depth
- No REC-1 activity observed or reported
- Current designation is either intermittent or potential**
- State Water Board Resolution No. 2014-0005

Summary of Justification:

The reaches presented in this section are a mix of primary and secondary tributaries to Los Angeles River. Though these engineered channels may be visually accessible from bike paths or parks, they are rectangular (vertical walls with concrete lining) with fence on both sides for public safety; therefore, there is no direct access to the water. Moreover, average water depths observed in most of these channels are less than 2 inches during dry weather. A REC-1 use activity was reported for some of the channels; however, considering the configuration of the channels and the fences restricting direct contact with the water in the channel, those survey results were considered unreliable.

* The blue box corresponds to the channels identified with blue lines in the map provided in Attachment B

** Compton Creek is an exception because it is currently designated as "existing" REC-1 use. However, as discussed in our comment letter, Compton Creek requires reclassifying the creek into two reaches due to the distinct physical features between the upper and lower parts of the creek, and the current "existing" use designation should only be applicable to the lower reach which has natural bottom and pubic access.

Upper Compton Creek (Concrete Lined)

Recommendation

Remove Existing REC-1

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No REC-1 uses
  - None observed or reported during survey

Compton Creek at Clovis (upstream). The channel daylights at Main Street between 107th and 108 Streets and continues (~6 miles) until the 91 fwy where rectangular shape transitions to trapezoidal.

Wilson Canyon Creek

Recommendation

Remove Intermittent REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
  - Most of the channel is underground
- No or limited flow
  - Debris Basin upstream
  - Water depth: 0.5-1.9 in.
- No REC-1 uses
  - None observed or reported during survey
  - No future plans

Wilson Canyon Creek at Newton St. (upstream). Concreted portion runs from Wilson Canyon Debris Basin for 7,500 feet before it goes underground for 8,000 feet. The drain daylights right before the confluence with Pacoima Wash.

Arroyo Calabasas

Recommendation

Remove Potential REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Water depth: 0.2-3.0 in.
- No REC-1 uses
  - None observed or reported during survey

Arroyo Calabasas at Fallbrooks (downstream). The channel begins at Valley Circle Blvd. in Woodland Hills, and flows to its confluence with Bell Creek where the LA River begins.

Dry Canyon Creek

Recommendation

Remove Intermittent REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Water depth: 0.1-2.0 in.
- No REC-1 uses
  - None observed or reported during survey
  - No future plans

Dry Canyon Creek at Ave San Luis (downstream). Tributary to Arroyo Calabasas.

Limekiln Canyon Wash

Recommendation

Remove Intermittent REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Water depth: 0.3-1.6 in.
  - Debris Basin upstream and downstream
- No REC-1 uses
  - None observed or reported during survey
  - No future plans

Limekiln Canyon Wash at Plummer St. (downstream). The channel begins at Limekiln Debris Basin and drains to Wilbur Debris Basin.

Browns Canyon Wash

Recommendation

Remove Intermittent REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Water depth: 0.1-2.3 in.
- No REC-1 uses
  - None observed or reported during survey*
  - No future plans

*Fishing, swimming, wading and kayaking were reported by a survey respondent; however, as noted in the RECUR report, these activities may have only been observed in the upstream natural portion of the creek.

Browns Canyon Wash at Nordoff (downstream). Concrete portion of the channel begins north of Rinaldi St. and drains to LA River Reach 6.

Caballero Creek

Recommendation

Remove Intermittent REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Water depth: 0.4-3.0 in.
- No REC-1 uses
  - None observed or reported during survey

Caballero Creek at Ventura Blvd. (downstream). The concrete channel begins at Rosita St. in Tarzana and drains to LA River Reach 6.

Aliso Canyon Wash

Recommendation

Remove Intermittent REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Water depth: 0.3-4.0 in.
  - Debris Basin upstream
- No REC-1 uses
  - None observed or reported during survey
  - No future plans

Aliso Canyon Wash upstream of its confluence with LA River Reach 6 (upstream). The channel begins at Aliso Debris Basin, drains into Wilbur Debris Basin and continues into LA River Reach 6.

Bell Creek

Recommendation

Remove Intermittent REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Debris Basin upstream
  - Water depth: 0.1-1.5 in.
- No REC-1 uses
  - None observed or reported during survey

Bell Creek at Fallbrook (downstream). The concrete channel begins at Bell Creek Debris Basin and drains to LA River Reach 6.

Dayton Canyon Creek

Recommendation

Remove Intermittent REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
  - Underground channel
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Debris Basin upstream
  - Water depth: 0.1-1.0 in.
- No REC-1 uses
  - None observed or reported during survey
  - No future plans

Dayton Canyon Creek (Chatsworth Creek) at Saticoy (upstream). Tributary to Bell Creek. Of the 1.3 mile stretch before its confluence with Chatsworth Creek, 0.5 miles is underground.

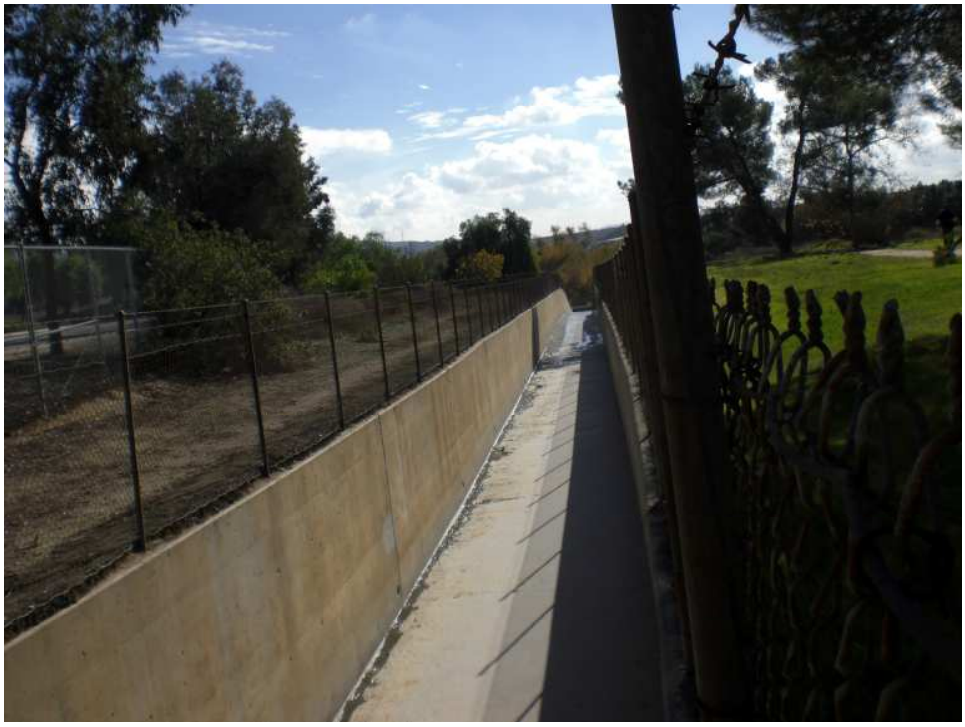
Lopez Canyon Creek

Recommendation

Remove Intermittent REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Debris basin upstream
  - Water depth: 0.1-0.6 in.
- No REC-1 uses
  - None observed or reported during survey
  - No future plans



Lopez Canyon Channel at Stonehurst Ave. (downstream; Hanson Dam downstream). Hanson Dam Park on the right of the channel fence. The channel starts from Lopez Canyon Debris Basin and drains to Hanson Dam.

Haines Canyon Creek

Recommendation

Remove Intermittent REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Dam upstream
  - Water depth: 0.1-1.1 in.
- No REC-1 uses
  - None observed or reported during survey
  - No future plans

Haines Canyon Creek at Pinewood Ave. (upstream). The channel begins at Haines Dam and drains to the natural portion of Tujunga Wash.

Dunsmore Canyon Creek

Recommendation

Remove Intermittent REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Debris Basin upstream
  - Water depth: 0-1.0 in.
- No REC-1 uses
  - None observed or reported during survey*
  - No future plans

*Wading was reported by a survey respondent; however, given the physical features of the channel, wading is not an activity that can occur in this channel (see page 2 of our comment letter).

Dunsmore Canyon Creek at Dunsmore Park (downstream) 500 feet upstream of its confluence with Verdugo Wash.

Burbank Western Channel

Recommendation

Remove Potential REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Debris Basin upstream
  - Water depth: 2.2 in.
- No REC-1 uses
  - None observed or reported during survey*
  - No future plans

*Wading was reported by one survey respondent; however, given the physical features of the channel, wading is not an activity that can occur in this channel (see page 3 of our comment letter).

Burbank Western Channel at Lamar St. (downstream). The channel headwater is the confluence of La Tuna Canyon Channel and a minor channel. Burbank Western Channel drains to the upstream boundary of LA River Reach 3.

Verdugo Wash Reach 1

Recommendation

Remove Potential REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Debris Basin upstream
  - Water depth: 1.7 in.
- No REC-1 uses
  - None observed or reported during survey

Verdugo Wash Reach 1 at Mountain St. (upstream). The channel picks up the flow from Reach 2 at Canada Blvd. near Verdugo Blvd. and Town St. and drains into LA River Reach 3.

Verdugo Wash Reach 2

Recommendation

Remove Potential REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Water depth: 1.7 in.
- No REC-1 uses
  - None observed or reported during survey

Verdugo Wash Reach 2 at uppermost concrete portion (facing downstream; photo taken inside of the channel accessed via a maintenance ramp) before the channel goes underground near the 210 freeway. The channel drains to Verdugo Debris Basin and continue to drain downstream to Reach 1 at Canada Blvd. near Verdugo Blvd. and Town St.

Alhambra Wash

Recommendation

Remove Potential REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Water depth: 2.7 in.
- No REC-1 uses
  - None observed or reported during survey
  - No future plans

Alhambra Wash at San Gabriel Blvd. (downstream). Tributary to Rio Hondo Reach 3.

Rubio Wash

Recommendation

Remove Intermittent REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Water depth: 0.5 in.
- No REC-1 uses
  - None observed or reported during survey
  - No future plans

Rubio Wash at Mission St. (upstream). Tributary to Rio Hondo Reach 3.

Eaton Wash

Recommendation

Remove Intermittent REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Dam upstream
  - Water depth: 1.0 in.
- No REC-1 uses
  - None observed or reported during survey
  - No future plans

Eaton Wash at Huntington Dr. (upstream). Eaton Wash begins at Easton Dam and drains to Rio Hondo Reach 3.

Arcadia Wash

Recommendation

Remove Potential REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Water depth: 1.2 in.
- No REC-1 uses
  - None observed or reported during survey
  - No future plans

Arcadia Wash at Duarte Ave. (upstream). Underground drain receiving flow from Auburn and Bailey Debris Basins daylights at approximately 6,500 ft south (beginning of Arcadia Wash). Arcadia Wash drains to Rio Hondo Reach 3.

Santa Anita Wash (lower)

Recommendation

Remove Potential REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Dam upstream
  - Water depth: 1.1 in.
- No REC-1 uses
  - None observed or reported during survey*

*Fishing was reported by one survey respondent; however, given the physical features of the channel, fishing is not an activity that can occur in this channel (see page 3 of our comment letter).

Santa Anita Wash at Liveoak St. (upstream). The channel begins at Santa Anita Dam and drains to Peck Road Park Lake. The rectangular channel transitions to a trapezoidal channel less than half a mile before draining into the lake.

Sawpit Wash

Recommendation

Remove Intermittent REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Debris Basin upstream
  - Water depth: 2 in.
- No REC-1 uses
  - None observed or reported during survey
  - No future plans

Sawpit Wash at Shroed St. (facing downstream). The channel begins at Sawpit Debris Basin and drains into Peck Road Park Lake.

La Tuna Canyon Creek

Recommendation

Remove Intermittent REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Debris Basin upstream
  - Water depth: 0 in.
- No REC-1 uses
  - None observed or reported during survey
  - No future plans

La Tuna Canyon Creek at Morning Glory St. (facing upstream). The channel begins from La Tuna Debris Basin and drains into Burbank Western Channel.

Tujunga Wash

Recommendation

Remove Potential REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Debris Basin upstream
  - Spreading ground upstream
  - Water depth: 2.1 in.
- No REC-1 uses
  - None observed or reported during survey*

*Fishing was reported by one survey respondent; however, fishing is not an activity that can occur in this channel (see page 3 of our comment letter).

Tujunga Wash at Vanowen Blvd. (downstream). Greenway to the right of fenced-off channel. The channel begins at Hanson Dam and drains to LA River Reach 4.

May Canyon Creek Channel

Recommendation

Remove Intermittent REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
  - Most of the channel is underground
- No or limited flow
  - Debris Basin upstream
  - Water depth: 0-0.24 in.
- No REC-1 uses
  - None observed or reported during survey
  - No future plans

May Canyon Creek Channel at Egbert St. (upstream). Concreted portion runs from May Canyon Debris Basin for approximately 1,950 feet before it goes underground for 7,100 feet. The channel daylights right before discharging to Pacoima Wash.

Bull Creek

Recommendation

Remove Intermittent REC-1 use

Justification based on RECUR study findings (Recon only)

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Debris Basin upstream
  - Water depth: not reported
- No REC-1 uses
  - Not reported

Bull Creek at Plummer Ave. (downstream).

Pickens Canyon Creek

Recommendation

Remove Intermittent REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Debris Basin upstream
  - Water depth: 0-0.24 in.
- No REC-1 uses
  - None observed or reported during survey
  - No future plans

Pickens Canyon Creek at Mayfield Ave. (downstream). Concreted portion begins at Pickens Canyon Debris Basin and drains into Verdugo Wash Reach 2.

Shields (Eagle) Canyon Creek

Recommendation

Remove Intermittent REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Debris Basin upstream
  - Water depth: 0-0.6 in.
- No REC-1 uses
  - None observed or reported during survey
  - No future plans

Shields Canyon Creek Channel at Miller Ave. (upstream). Concreted portion of the channel begins from Shields Canyon Debris Basin to Eagle Debris Basin. The channel continues to Verdugo Wash below Eagle Debris Basin.

Halls Canyon Creek

Recommendation

Remove Intermittent REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Debris Basin upstream
  - Water depth: 0-1.32 in
- No REC-1 uses
  - None observed or reported during survey
  - No future plans

Halls Canyon Creek at Cross St. (facing downstream). The channel begins from Halls Debris Basin and drains to Verdugo Debris Basin.

Snover Canyon Creek

Recommendation

Remove Intermittent REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls
  - Concrete lined
- No Access to the water
  - Fence on both sides
- No or limited flow
  - Debris Basin upstream
  - Water depth: 0-0.12 in.
- No REC-1 uses
  - None observed or reported during survey
  - No future plans

Snover Canyon Creek at Los Amigos St. (facing upstream). The channel begins from Snover Debris Basin and drains into natural part of Halls Canyon Creek above Halls Debris Basin.

Category 2*

Water-bodies where REC-1 beneficial use designations should be removed or replaced with Limited REC-1 designations

Category Criteria:

- Limited access to the channel
- All or mostly trapezoidal channel walls
- Low flow or insufficient water depth (less than 4 inches)
- Limited REC-1 activities observed or reported
- State Water Board Resolution No. 2014-0005

Summary of Justification:

The reaches presented in this section are primary tributaries to Los Angeles River. These engineered channels have trapezoidal walls for the whole or most of the reach, providing the public with a reasonably safe access to the water. However, average water depths observed in these channels are less than 4 inches during dry weather. During the RECUR study, no or very few recreational activities were observed or reported. Considering that the downstream reaches of these channels are designated with REC-1 use and the extent and frequency of recreational uses currently taking place at these channels are low, the designation of REC-2 or Limited REC-1 for these channels is appropriate.

* The green box corresponds to the channels identified with green lines in the map provided in Attachment B.

Lower Compton Creek (Soft Bottom)

Recommendation

Remove Existing REC-1 use or replace with Existing Limited REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Concrete lined
- No REC-1 uses
  - None observed or reported during survey

Compton Creek just upstream of its confluence with LA River Reach 2 (upstream). The trapezoidal section begins at the 91 fwy and drains to the LA River Reach 2 (~2.5 miles).

Rio Hondo Reach 1

Recommendation

Remove Potential REC-1 use or replace with Potential Limited REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Concrete lined
- No or limited flow*
  - Water depth: 2.1 in
  - Spreading grounds upstream
- Few REC-1 uses observed

*Due to the presence of the spreading grounds at Reach 2, this section of the channel is consistently dry during dry weather.

Rio Hondo (dry channel on the right) at its confluence with LA River (upstream). Reach 1 begins at the Santa Ana Freeway and drains to LA River Reach 2.

Rio Hondo Reach 2

Recommendation

Remove Intermittent REC-1 use or replace with Intermittent Limited REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Concrete lined
- No or limited flow
  - Water depth: 2.1 in
  - Spreading grounds present
- Few REC-1 uses observed

Rio Hondo Reach 2 just downstream of the spreading grounds (upstream). Reach 2 begins from the Whittier Narrows Dam to the Santa Ana Freeway.

Pacoima Wash

Recommendation

Remove Intermittent REC-1 use or replace with Intermittent Limited REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Concrete lined
  - Channel goes underground in places
- No Access to the water
  - Fenced and locked gates to the service roads
- No or limited flow
  - Water depth: 1.7 in.
  - Dam upstream
  - Spreading ground upstream
- No REC-1 uses
  - None observed or reported during survey

Pacoima Wash at Saticoy (downstream). The channel begins downstream of Lopez Flood Control Basin and goes underground for 3.5 miles before it reaches LA River Reach 4.

Arroyo Seco Reach 1

Recommendation

Remove Intermittent REC-1 use or replace with Intermittent Limited REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls (some sections)
  - Concrete lined
- Limited flow
  - Water depth: 3.5 in.
  - Dam upstream
- Few REC-1 uses*

*Few wading, swimming, fishing and kayaking were reported by survey respondents; however, such activities may only occur under rare occasions due to very limited flow in the channel.

Arroyo Seco Reach 1 with a bike path next to a low flow (downstream). The 7-mile reach begins at Holly St. in Pasadena as a rectangular channel for 2 miles and transition to trapezoidal from San Pazqual Ave. to its confluence with Los Angeles River Reach 2.

Arroyo Seco Reach 2

Recommendation

Remove Intermittent REC-1 use or replace with Intermittent Limited REC-1 use

Justification based on RECUR study findings

- Unsafe Condition
  - Vertical walls (some sections)
  - Concrete lined
- Limited flow
  - Water depth: 3.5 in.
  - Dam upstream
- Few REC-1 uses were reported

Arroyo Seco Reach 2 at the Brookside Golf Course (upstream). The channel begins below Devils Gate Dam and flow to Arroyo Seco Reach 1 at Holly St. Of the 2.3 mile reach, the downstream 0.5 miles is a rectangular channel.

Attachment D

Summary of State Water Board
Resolution No. 2014-0005

Summary of State Water Board and Santa Ana Regional Board Findings and Recommendations

I. Dedesignation of Uses

State Board Resolution No. 2014-0005 affirmed basin plan amendments removing the REC-1 designations for (a) the tidal prism of the Greenville-Banning Channel; (b) the tidal prism of the Santa Ana-Delhi channel; (c) Reach 2 of the Santa Ana – Delhi Channel; and (d) Reach 1a of Temescal Creek. The resolution affirmed basin plan amendments removing the REC-1 and REC-2 designations for (a) Reach 1 of the Greenville-Banning Channel; (b) Reach 1 of the Santa Ana-Delhi Channel; (c) Reach 1b of Temescal Creek; and (d) Reach 1 of Cucamonga Creek.

The Santa Ana Regional Board adopted these basin amendments based on the findings of a use attainability analyses (UAAs) conducted for each of the water bodies at issue. Those UAAs, approved by the State Board and supported by EPA (See EPA comment letter dated November 14, 2013), addressed the same elements of 40 C.F.R. § 131.10 as addressed in the draft report, indicating that the draft report is the equivalent to and also could be treated as a UAA.

In this regard, the UAA conducted for the tidal prism of the Greenville-Banning Channel found that the REC-1 use could not occur in the prism because flood control modifications and, at times, low flow conditions precluded attainment of those uses. The UAA described the tidal prism as a concrete-lined box flood control channel, 60-feet wide with vertical walls that are 25-feet high. Public access is prohibited by law and prevented by chain link fencing and locked gates throughout its entire length. The prism is dominated by tidal flows from the Santa Ana River Tidal Prism. Water depths were found to be generally shallow. Based upon these characteristics, the UAA found that the REC-1 use could not occur in the tidal prism because flood control modifications and, at times, low flow conditions preclude attainment of these uses. Photographic evidence, surveys and interviews confirmed this conclusion.

The UAA for the tidal prism of the Santa Ana-Delhi Channel also found that flood control modifications precluded attainment of REC-1 use. The UAA described the tidal prism as a heavily eroded, earthen or rip-rap lined flood control channel except for the

upper half of the western bank, which is a concrete lined. The UAA noted that public access was prohibited by law and prevented by chain link fencing and locked gates. During dry weather, flows in prism are predominantly tidal and urban nuisance flows. Based on these characteristics, the UAA concluded that the REC-1 use cannot occur in this area because flood control modifications preclude attainment of the use. Photographic evidence, surveys and interviews also confirmed this conclusion.

The UAA for Reaches 1 and 2 of the Santa Ana-Delhi Channel described this channel as "generally characterized by alternating segments of open, concrete-lined, vertical walled channel (3.75 miles in total) and channel with earthen bottom and either earth of rip-rapped side slopes (1.15 miles in total). Reach 1 includes two closed, concrete-lined culverts that run under roadway, commercial and industrial areas. Public access is prohibited by law and prevented by chain-link fencing and locked gates throughout the length of these reaches. During dry weather conditions, flows in the channel are typically less than approximately eight inches and contained in a low-flow channel/swale. The UAA concluded that REC-1 and REC-2 uses cannot occur in Reach 1 and REC-1 uses cannot occur in Reach 2 because the low-flow conditions and flood control modifications preclude attainment of these uses. This conclusion was also supported by photographic, survey, and interview evidence.

The UAA for the Greenville-Banning Channel, Reach 1 was similar. The UAA described Reach 1 of the Greenville-Banning Channel as a man-made concrete-lined flood control conveyance which, for most of its length is 60-feet wide with vertical walls that are 20-feet high. (There is a short 0.2 mile section at the upper most end of the reach that has steep trapezoidal walls.) Public access is prohibited by law and prevented by chain link fencing and locked gates. Based on this, the UAA concluded that REC-1 and REC-2 uses cannot occur in the channel because low-flow conditions and flood control modifications preclude attainment of these issues. Photographic evidence, surveys and interviews confirmed this conclusion.

The UAA for Temescal Creek reached the same conclusion. The UAA proposed dividing Reach 1 into Reach 1A and 1B. Reach 1A is described in the UAA as 0.5 miles of rip-rap lined, trapezoidal channel and 2.5 miles of concrete trapezoidal channel 14 feet in height. Reach 1B is described as 3 miles of concrete rectangular channel with

14-foot high vertical walls. Flow depth in Reach 1A is under 0.5 feet 90 percent of the time and flow depth in Reach 1B is under 0.5 feet 98 percent of the time. In both reaches, dry weather flows are contained in a relatively narrow depression in the centerline of the channel. Public access is prohibited by law and both reaches are fenced throughout their length with locked access gates. Based on these conditions, the UAA concluded that Reach 1A should be not be designated REC-1 and that Reach 1B should not be designated REC1 or REC-2. Photographic evidence, field surveys and interviews confirmed that REC-1 activity did not occur in Reach 1A or 1B.

The UAA for Cucamonga Creek Reach 1 also reached the same conclusion. The UAA described this part of the creek as a concrete-lined flood control channel. During typical dry weather conditions, the upper half is less than an inch deep. The lower half is typically less than nine inches deep as water spreads across a 75-foot wide concrete channel. Public access is prohibited by law and prevented by chain link fencing and locked gates throughout the entire 15-mile length reach. Vertical or steep trapezoidal concrete walls also preclude access. Photographic evidence, field surveys and interviews indicated that neither REC-1 nor REC-2 was occurring. Based on this, the UAA concluded that Reach 1 of the Cucamonga Creek Flood Control Channel should be not designated REC-1 or REC-2 because natural, ephemeral, intermittent and low flow conditions, and extensive hydrologic flood control modifications preclude such uses.

As noted, State Board Resolution No. 2014-0005 affirmed all of these conclusions.

II. Clarification of Application of REC-1 and REC-2 Designations

State Board Resolution No. 2014-0005 also approved revisions to the beneficial use definitions in which it was made clear that the definition of REC-2 beneficial uses is functionally-equivalent to that described by USEPA as “secondary contact recreation” and that “relatively brief incidental or accidental water contact that is limited primarily to the body extremities (e.g., hands or feet) is generally deemed REC-2 because ingestion is not considered reasonably possible.”

The resolution further approved basin plan amendments explaining how the REC-1 and REC-2 beneficial use designation should be applied to hiking, fishing, and wading. The amendments to the Santa Ana Region basin plan stated that:

> "[I]t is important to apply USEPA's recommended criteria for primary contact recreation only where ingestion of water is reasonably possible. For example, fly-fishing in the middle of a stream or fishing from a float tube would be considered REC-1 activities as it is likely that the person fishing may ingest water. On the other hand, fishing from a riverbank or lake dock is more appropriately deemed REC-2 activity because ingestion, while conceivable, is not considered reasonably possible. Similarly, walking beside or crossing through a shallow creek and getting ones feet wet is also not considered water contact recreation (REC-1). This activity is more akin to beachcombing, a recognized "non-contact recreation" (or REC-2) activity. It is not reasonably possible to ingest appreciable quantities of water by merely touching or being splashed by the water.
>
> . . .
>
> In summary, some forms of wading and fishing are considered REC-1 because immersion is likely and ingestion is reasonably possible. Other forms of wading and fishing, involving only limited incidental or accidental water contact (primarily to hands and feet) are considered REC-2 because immersion is unlikely and ingestion is not reasonably possible."

See Santa Ana Regional Board Resolution No. R8-2012-0001, Attachment 1, p. 5.

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March 6, 2014

Mr. Samuel Unger, Executive Officer
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Via email: samuel.unger@waterboards.ca.gov; Ginachi.Amah@waterboards.ca.gov

Re: *Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed* Technical Report

Dear Mr. Unger,

On behalf of Heal the Bay, we submit the following comments to the Los Angeles Regional Water Quality Control Board ("Regional Board") on the *Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed* Technical Report ("RECUR").

We acknowledge the Regional Board's efforts in gathering information and data for the Los Angeles River system, as this is an important step in cataloguing historic, current, and future recreation in the Los Angeles River and its tributaries. At this point, the RECUR study is helpful in reaffirming already designated recreational beneficial uses along the waterway. However, the study is not adequate for informing the Regional Board on delisting or redesignating recreational beneficial use decisions.

The RECUR study has several significant shortcomings. For instance the short period of time during which the study was conducted does not allow for adequate characterization of how the public views and uses the waterway. 21 site visits, the greatest number of site visits for a single monitoring location, is simply not sufficient for this complete analysis. Further, numerous revitalization efforts and milestones have occurred since data collection was completed. Because of this, we strongly believe the RECUR study should not be used to amend the *Water Quality Control Plan Los Angeles Region* ("Basin Plan").

Timing of RECUR Does Not Align with Current Revitalization Efforts Occurring Along the Los Angeles River and its Tributaries

I. Federal, Regional, and Local Revitalization Efforts are Not Reflected in the RECUR Study

RECUR does not represent all of the recent efforts that federal, regional, and local entities have taken to pave the way for the revitalization of the Los Angeles River and its tributaries, as much has occurred since the study's December 2012 data collection completion date.

Over the past seven years, numerous efforts have been accomplished to kick-start the transformation of the waterway. This includes the USEPA designating the Los Angeles River as one of seven pilot watersheds in the nation to be included in the Urban Waters Federal Partnership, which serves to revitalize urban waterways in under-served communities, the designation of the Los Angeles River and

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its tributaries as navigable waters of the United States, Senate Bill 1201 establishing the Los Angeles River as a river instead of just a flood control channel, and the City of Los Angeles adoption of the Los Angeles River Revitalization Master Plan. While data collection for RECUR may have occurred during the same time as these revitalization efforts, some community and stakeholder actions did not occur until after the study was completed. On a regular basis new projects are being pursued along the River that are capable of providing enormous environmental, economic, and social benefits, including further incentivizing recreation in the River. Because RECUR data collection ended in December of 2012, it is possible entities currently pursuing revitalization projects were not represented in the study.

Possible basin planning actions stemming from the RECUR study have the potential to undermine many of the efforts currently underway to transform the River into a healthy riverine ecosystem. Using the RECUR study to amend the Basin Plan does not compliment the efforts federal, regional, and local entities have taken to improve the waterway and provide multiple benefits to surrounding communities.

II. Timing and Duration of RECUR Data Collection does not Capture All Beneficial Uses

The RECUR study was initiated to inform decisions on beneficial use designations along stretches of the Los Angeles River and its tributaries. Although the purpose of the study is an accepted regulatory approach, the methodology used for data collection is not, as timing and duration of data collection is inadequate.

The RECUR study 18-month data collection period occurred before most public outreach efforts and projects were launched for revitalization along the Los Angeles River. Public perception of the River has dramatically shifted since the original data collection period ended. More Angelenos are now viewing the River as a recreational space in contrast to a flood control channel. This is important because the timing of data collection fails to capture this marked change. Furthermore, RECUR has inherent limitations, as it only represents a snapshot in time of recreation occurring along the river and may not capture all current uses. For example, Heal the Bay staff has observed bathers in the Compton Creek, yet the presented study results indicate no observed or reported water contact recreation occurred along this reach.

Field observations were recorded at sites during two hour windows over the study period. Thus, observations can be influenced by a myriad of factors such as access locations, time of day, time of year, and river flow. For instance if a site was visited ten times, only twenty hours of possible recreation are captured by the study. This is less than one percent of available daylight recreational opportunity for a site over the entire study period. In the small window of time each site was observed, it is nearly impossible to capture the true extent of recreational uses.

RECUR collected recreational data through field and online surveys to expand the breath of the study. Although the intent of these surveys was to gather more robust recreational data along the waterbody, the distribution of online surveys was extremely limited and didn't target all stakeholders. Furthermore, the sample size was too small to be representative of recreational user of the waterbody. A total of 438 surveys were completed (296 field, 142 online) for the study. With a population of nearly 10 million people in Los Angeles County, this is extremely small.

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Flow depth analysis was conducted for River reaches. The degree of recreational use along the waterway may vary depending on river flow depth. It is unclear if site visits in the study captured this variability in flow depth. Does the Regional Board have corresponding flow depths for each reach's site visits in the study? It is important that a wide range of flow depths was observed during site visits to ensure all beneficial use supporting conditions were monitored at each location.

The RECUR study fails to capture all possible recreational uses along the River and its tributaries. Identifying this shortcoming is extremely important as RECUR could be used to delist or de-designate recreational beneficial uses along the waterway, ultimately shaping water quality standards. A study used for this purpose must adequately represent the recreational activities that actually occur in these waters. RECUR does not meet this critical threshold.

III. Recreational Data Collected for Tributaries of the Middle and Upper Los Angeles River Should Not be Used for the Study

The RECUR study should not attempt to reach conclusions for Pickens Canyon Channel, Halls Canyon Channel, Shields Canyon Channel, Las Tunas Canyon Channel, Haines Canyon Channel, May Canyon Channel, Wilson Canyon Creek, Bells Creek, Arroyo Calabasas, Caballero Creek, Dayton Canyon Creek, Dry Canyon Creek, and Limekiln Canyon Creek. Monitoring at these locations is inadequate. The study states that "In the absence of recreational facilities with public access…all site visits were to the instream monitoring sites from July 2010 to December 2012. No recreation was observed at these monitoring sites. Also, no surveys were obtained." It does not appear these locations were representative of areas where the greatest potential for public access or recreational activities occur. Recreational monitoring along these reaches should have been conducted at locations were potential public access or recreation was greatest, not where the City and County of Los Angeles were able to collect instream flow monitoring data. Therefore, recreational data collected along these reaches is incomplete and should be omitted from the study.

RECUR Sets Bad Precedent for Engineered Channels and Water Quality Standards

Engineered channels are commonly surrounded by obstacles prohibiting recreation such as locked gates and fences. If RECUR were to be used to influence de-designation of River stretches, this would set poor precedent for water quality standards protection in engineered channels and could incentivize channelization. This is a slippery slope as governing entities could start engineering more rivers and streams in an effort to have less protective water quality standards. This contradicts the current movement occurring around the revitalization of Los Angeles River. Furthermore, once stretches of the Los Angeles River have been delisted or de-designated, it is extremely difficult to reverse the decision.

RECUR will Create Dissimilar Water Quality Standards along Connected Stretches of the Los Angeles River and its Tributaries

RECUR has the potential to remove recreational uses along certain stretches of the Los Angeles River and its tributaries, thus creating less regulatory oversight within these areas. If this occurs, upstream reaches of the waterbody could have less stringent water quality standards compared to downstream reaches. This dissimilar water quality regulatory framework can lead to increased impairments as upstream, less regulatory controlled areas, flow into more protected downstream areas. Creating a

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piecemeal water quality regulatory framework is not protective of public health and should not be pursued by the Regional Board.

****

The RECUR study could greatly limit the amount and degree of revitalization projects occurring along the Los Angeles River and its tributaries. Los Angeles River revitalization plans focus on enhancing surrounding environments, thus increasing recreational opportunities along the waterbody. The Regional Board should acknowledge these revitalization efforts and work with groups to protect existing and potential beneficial uses, not remove them. Delisting or redesignating beneficial uses would result in less stringent water quality standards for parts of the river with recreation potential, therefore creating fewer incentives to enhance them in revitalization plans.

We acknowledge the efforts by the Los Angeles Regional Water Quality Control Board for the RECUR study, as it is a step in cataloguing beneficial uses along the Los Angeles River and its tributaries. However, the study is greatly limited in its ability to inform decision making, as it does not capture the current revitalization movement occurring in the waterway, has flawed methodology, and sets poor precedent for water quality standards in engineered channels. Due to the limitations of the RECUR study, it should not be pursued to inform future basin planning changes. Thank you for this opportunity to provide comments and if you have any questions please contact us at (310) 451-1500.

Sincerely,

Peter Shellenbarger, MESM
Science and Policy Analyst, Water Quality
Heal the Bay

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March 13, 2014

Mr. Sam Unger
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Attention: Dr. Ginachi Amah

Dear Mr. Unger:

TECHNICAL COMMENTS ON THE REPORT ENTITLED "RECREATIONAL USE REASSESSMENT (RECUR) OF THE ENGINEERED CHANNELS OF THE LOS ANGELES RIVER WATERSHED"

On December 23, 2013, the California Water Quality Control Board Los Angeles Region (Regional Board) released a technical report entitled *Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed.* The Bureau of Sanitation (Bureau), City of Los Angeles appreciates the opportunity to provide technical comments and recommendations to the Regional Board on the RECUR report.

The support provided by stakeholders for the RECUR study shows the importance that recreational uses have on water quality-related initiatives in the Los Angeles River watershed. The City of Los Angeles has invested considerable resources to support efforts to increase recreational opportunities along the Los Angeles River, most notably the Los Angeles River Revitalization Master Plan and our support as local sponsor of the United States Army Corps of Engineers' Los Angeles River Ecosystem Restoration Feasibility Study. This report helps to optimize the allocation of resources to support community and recreational use of the river while maintaining its flood protection role. In this regard the Bureau appreciates the report's review and consideration of existing and proposed restoration and revitalization plans in the Los Angeles River.

The *RECUR* study also provided data that confirm the existing recreational uses, especially in the LA River main stem and various primary tributaries. The collected data also highlights the uniqueness of the different segments and tributaries in the Los Angeles River. These unique characteristics include existing conditions, accessibility, water depth, and other inherent physical conditions. Understanding the segment and tributaries' characteristics, as well as the beneficial uses are critical, so that limited public resources can be efficiently directed to where there is the greatest impact and best support to beneficial uses.

SPECIFIC COMMENTS ON THE TECHNICAL REPORT

The Bureau appreciates the effort by Regional Board staff to generate the RECUR technical report, and its use of a scientific approach in developing guidance, policies and regulation in protection of beneficial uses.

The following comments are provided to facilitate improvements to the RECUR technical report:

- **Expand and include more discussion on the proposed and future revitalization efforts in the Los Angeles River:** The report identified and discussed existing revitalization efforts, as well as proposed plans. It would be helpful if the report also provides a methodology on how the revitalization efforts and proposed plans have been considered in the reassessment process, as well as discussion on possible steps to ensure that present and future revitalization efforts will not be impacted by any beneficial use re-designation. Including such information would ensure that existing and proposed revitalization efforts in the Los Angeles River are adequately considered and protected.

- **Any further analysis of RECUR should clearly distinguish between the tributaries and the main stem:** given the extensive efforts to increase public recreational access to the main stem Los Angeles River, the RECUR process should clearly distinguish between the primary and secondary tributaries to the Los Angeles River. One potential exception is Reach 6 of the Los Angeles River – as noted in the report; Reach 6 has unique characteristics compared to the other main stem reaches. By distinguishing between the tributaries and main stem, it would be possible to more efficiently direct resources toward the City's revitalization and restoration efforts along the main stem Los Angeles River. Conversely, a use re-designation particularly for certain secondary tributaries may provide more options for natural and green solutions, such as vegetative swales, and tree wells, rather than low-flow-diversions, and thereby contribute also to visual river enjoyment.

- **Observed and reported uses should be clearly distinguished in the report:** the RECUR process used a multi-pronged approach to data collection regarding the existence of recreational uses. The direct evidence of such uses – "observed" uses – should be given extra weight in the weight of evidence approach. For example, please revise Table 5-8.1 through 5-8.7 to provide separate columns for observed and reported uses. While survey information was critical to the RECUR study, when reporting uses it is possible that survey respondents do not fully understand the *definition* of recreational uses and/or do not know the *boundaries* of the various waterbodies.

- **Physical conditions could provide a technical and objective basis for evaluating recreational uses:** the physical conditions of the tributaries play a significant role in determining the viability of downstream recreational activity. For example, vertical-walled and fenced channels greatly limit current and future recreational opportunities. However, perhaps the most important metric is *water depth*. Even where access is available, extremely low water depths can prevent attainment of recreational uses. Physical conditions provide a unifying, objective factor for determining whether uses are supported. The Bureau would appreciate the opportunity to work with Regional Board staff to analyze available water depth data to assess whether a low depth "threshold" may support the RECUR decision-making process. Under such a threshold, similar to the High Flow Suspension, the recreational uses could be applied and/or temporarily suspended when conditions are supportive/not supportive. If future restoration efforts resulted in deeper water that supported recreational uses, then suspended uses could be automatically applied without a lengthy process to re-evaluate the beneficial uses.

The City's LAR Revitalization Plan suggests some secondary tributaries for future study or restoration. The Bureau feels RECUR supports the City's LAR revitalization efforts by confirming existing uses of the main stem, and we encourage the Regional Board to conduct further analysis of the report based on the above comments.

CONCLUSIONS

The RECUR technical report is a compilation of much-needed information on waterbodies in the Los Angeles River watershed, and provides better understanding of the LA River for more efficient water quality planning efforts and more effective beneficial use protection and enhancement . The Bureau appreciates the Regional Board's efforts to lead the RECUR efforts, and looks forward to working together on these issues as the process moves forward.

If you have any questions regarding the Bureau's comments, please contact Ms. Donna Chen at (213) 485-3928.

Sincerely,

SHAHRAM KHARAGHANI, Ph.D., P.E., BCEE
Program Manager

SK:DC
WPDCR9106

cc: Renee Purdy, California Regional Water Quality Control Board – Los Angeles Region
Deborah Smith, California Regional Water Quality Control Board – Los Angeles Region
Deborah Weintraub, Bureau of Engineering
Carol Armstrong, Bureau of Engineering
Adel Hagekhalil, Bureau of Sanitation
Shahram Kharaghani, Bureau of Sanitation

Heal the Bay

The RIVER PROJECT

CLEAN WATER ACTION

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URBAN SEMILLAS

GOLDEN ROAD BREWING

LA CONSERVATION CORPS

STUDIO CITY RESIDENTS ASSOCIATION
Your Advocate for Studio City

Save LA River Open Space

San Fernando Valley Audubon Society

Audubon CALIFORNIA

PASADENA AUDUBON

February 28, 2014

Mr. Samuel Unger, Executive Officer
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Via email: samuel.unger@waterboards.ca.gov; Ginachi.Amah@waterboards.ca.gov

Re: *Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed* Technical Report

Dear Mr. Unger,

On behalf of the undersigned groups, we submit the following comments to the Los Angeles Regional Water Quality Control Board ("Regional Board") regarding the *Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed* Technical Report ("RECUR"). We appreciate the effort that Regional Board staff and volunteers have put forth along the Los Angeles River to identify current and future recreational uses; however, we do not believe the data collected should be used to delist or redesignate stretches of the water body.

Currently, numerous groups are pursuing revitalization projects along the Los Angeles River and its tributaries in an effort to enhance beneficial uses of the River. These efforts have been supported on state and federal levels, such as through the adoption of Senate Bill 1201 that encourages additional use of the River and through the designation of the Los Angeles River by USEPA as one of seven pilot watersheds in the nation to be included in the Urban Waters Federal Partnership that serves to revitalize urban waterways in under-served communities. Using RECUR to delist or redesignate stretches of the water body does not reflect currently underway or yet to be planned revitalization projects along the Los Angeles River and its tributaries. We are extremely concerned that the study has the potential to undermine efforts capable of providing enormous environmental, economic, and social benefits to the County.

Further, RECUR's limited 18-month data collection period only captures a fraction of the time when recreational uses could be occurring. This is highlighted by the fact that NGOs have observed recreational uses in areas that the RECUR study deems no uses occurring. Also, the study occurred before most public outreach efforts and projects were launched for revitalization along the water way. Public perception of the River has dramatically shifted since the original data collection period ended. Because of this, the timing of data collection for RECUR fails to capture this marked change in public perception, ongoing revitalization efforts, and the actual uses that are currently occurring. Therefore, RECUR should not be used to influence recreational beneficial use decisions in the future.

We urge the Regional Board to not pursue any Basin Plan amendments to beneficial uses of the Los Angeles River and its tributaries, unless they are adding uses. Current revitalization efforts occurring along the water way has changed how Angelinos view and use the River. The Regional Board should be working towards protecting recreational uses along the River, not removing them.

Thanks you for this opportunity to comment, if you have any concerns please don't hesitate to contact us.

Sincerely,

Peter Shellenbarger
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Heal the Bay

Kirsten James
Science and Policy Director, Water Quality
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Melanie Winter
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Laurel Brooks
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Alan Dymond
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Save LA River Open Space

*signatory represents her or himself as an individual

CALLEGUAS CREEK

A COOPERATIVE STRATEGY FOR
RESOURCE MANAGEMENT & PROTECTION

March 14, 2014

Ginachi Amah
Los Angeles Regional Water Quality Control Board
320 W. Fourth St., Suite 200
Los Angeles, CA 90013

Submitted via e-mail to: Ginachi.Amah@waterboards.ca.gov

Subject: Comments on the Technical Report titled "*Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed*"

Dear Ms. Amah:

The Stakeholders Implementing TMDLs in the Calleguas Creek Watershed appreciate Regional Board's efforts to review beneficial use designations, currently, the "*Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed*" (Technical Report). We remain interested in recreational beneficial use designations. You may recall, during the 2011 triennial review, we provided comments to your agency requesting that Basin Planning activities conducted in Los Angeles County be considered for Ventura County where applicable. In particular, we requested a reevaluation of recreational uses similar to those, then underway, in the Los Angeles River and engineered channels in Los Angeles County.

We support the Regional Board's employing the Use Attainability Analysis (UAA) process. We believe the UAA process is applicable to the Calleguas Creek and its tributaries, and is an essential method for thoroughly evaluating surface waters. Conducting UAAs would support decision making towards improving water quality. The EPA's approach, "...to look at a suite of factors such as whether the water body is actually being used for primary contact recreation, existing water quality, water quality potential, access, recreational facilities, location, proximity to residential areas, safety

considerations, and physical conditions of the water body in making any use attainability decision (USEPA, 1994)," would certainly apply to Calleguas Creek.

As you continue to process the data from the Technical Report we would encourage your agency to consider some points. We encourage the Regional Board to consider how reaches are defined, and whether certain reaches should be redefined based upon the data found in the Technical Report. The categories for recreational uses are broad, and may not be suited to local conditions and specific uses, so we encourage the Regional Board to consider designating subcategories of a beneficial use as a better fit for a particular reach. We also encourage the Regional Board to ascertain that "ingestion of water is reasonably possible" before concluding that a reach is designated REC-1.

The Stakeholders strongly support the use of this Technical Report to develop modifications to the Basin Plan. We appreciate your consideration of these comments as you conduct the next steps in this process. Please contact me if you have any questions related to our comments.

Respectfully submitted,

Lucia McGovern
Chair, Stakeholders Implementing TMDLs in the Calleguas Creek Watershed

Ventura County Watershed Protection District

PUBLIC WORKS AGENCY
JEFF PRATT
Agency Director

February 13, 2014

Tully Clifford, Director
Watershed Protection District

Gerhardt Hubner
Water/Environmental Resources

Karl Novak
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Peter Sheydayi
Design/Construction

Sergio Vargas
Planning/Regulatory

Ginachi Amah
California Regional Water Quality Control Board
Los Angeles Region
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SUBJECT: COMMENTS ON THE DRAFT TECHNICAL REPORT "RECREATIONAL USE RE-EVALUATION OF THE ENGINEERED CHANNELS OF THE LOS ANGELES RIVER WATERSHED"

We have reviewed the December 2013 draft technical report, "Recreational Use Re-evaluation of the Engineered Channels of the Los Angeles River Watershed" and appreciate the opportunity to comment on the report. The Ventura County Watershed Protection District strongly supports the efforts of the Los Angeles Regional Water Quality Control Board (Regional Board) to reconsider the application of recreational beneficial uses in the region, and more specifically, in the engineered channels of the Los Angeles River system. We submit the following comments and recommendations for consideration by the Regional Board.

Comment No. 1: Reducing bacteria loads to current wet weather water quality objectives in engineered channels is often very costly, with little benefit to public health. It is essential to avoid spending money where the benefits are non-existent or very small, and to focus and prioritize actions where the benefit to public health is greatest. However, prioritization and efforts towards cost-effective protection of human health are difficult when water bodies have designated recreational uses that do not reflect actual current and planned future recreational uses. This is the case with the current blanket REC-1 designated uses in the Los Angeles River Watershed and other watersheds in the region.

Recommendation No. 1: We strongly support the re-evaluation of designated recreational uses in engineered channels in order to improve the accuracy of designated recreational uses in the Basin Plan.

Comment No. 2: The draft technical report clearly indicates that portions of the Los Angeles River system do not have existing REC-1 uses, and in addition REC-1 uses are severely inhibited by low-flow conditions, hydrologic modifications, and access restrictions. Therefore, we urge the Regional Board to make the appropriate changes and remove REC-

1 beneficial uses for tributaries to the Los Angeles River main stem where REC-1 uses have not been observed and are not immediately planned for. In addition, we feel a new REC-2 sub-category would be appropriate for water bodies where observed, reported, and planned recreational activities do not include contact with water (walking, running, biking) and/or where contact with water is extremely unlikely due to access restrictions (fencing, vertical channel walls). Bacteria objectives for such REC-2 sub-category should be established at appropriate lower levels compared to current REC-2 objectives.

Recommendation No. 2: We urge the Regional Board to remove REC-1 beneficial uses for many tributaries to the Los Angeles River main stem and consider sub-categorization of REC-2 designated uses where contact with water is extremely unlikely or non-existent.

Comment No. 3: The results of this recreational use re-evaluation study is useful for prioritizing bacteria load reduction strategies in engineered channels in the Los Angeles River system. Data presented in the draft report indicate that the frequencies of a number of recreational activities differed between water bodies with the same designated recreational uses. It is expected that this will remain even after future changes in designated uses related to this study. However, a comprehensive comparison of frequencies of recreational activities between water bodies was not presented in the draft report. Therefore, we suggest the Regional Board explicitly include such assessment in their final technical report, i.e. ranking of water bodies by observed and reported existing REC-1 and REC-2 use activities. In addition, we believe it would be appropriate for the Regional Board to allow and support consideration of the frequency of recreational activities for prioritizing implementation of bacteria load reduction strategies in engineered channels.

Recommendation No. 3: We propose the Regional Board present a more detailed comparison of frequent recreational activities between water bodies and support prioritization of bacteria load reduction strategies in engineered channels based on the frequency of recreational activities.

Comment No. 4: Current freshwater bacteria objectives are based on different indicator organisms: *E. coli* for REC-1 and fecal coliforms for REC-2. However, there is no scientific rationale for using different indicator organisms. Indeed, the Regional Board adopted amendments to the Basin Plan (R10-005) to remove fecal coliform objectives for REC-1 and LREC-1 in order to "remove unnecessary regulatory and monitoring requirements" and maintain consistency with EPA's recommendations, but did not update REC-2 standards at the same time. Therefore, it would be appropriate to amend the Basin Plan to remove the current fecal coliform standards and include equally protective *E. coli* standards for REC-2 recreational uses. In the case of any future changes in designated recreational beneficial uses, such action will guarantee a continuous record of *E. coli* monitoring data for a given water body while reducing the cost of monitoring for water bodies with REC-1 and REC-2 designated uses.

Recommendation No. 4: We propose that the Regional Board update its Basin Plan bacteria objectives for REC-2 to include only *E. coli* water quality objectives in order to be consistent with EPA's recommendations.

Thank you for the opportunity to provide comments on the draft technical report "Recreational Use Re-evaluation of the Engineered Channels of the Los Angeles River Watershed." Should you have any questions, please contact me at (805) 654-5051 or via email at Gerhardt.hubner@ventura.org.

Sincerely,

Gerhardt J. Hubner
Deputy Director

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February 24, 2014

Mr. Samuel Unger, Executive Officer
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

Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed Technical Report

Dear Mr. Unger:

The Santa Monica Mountains Conservancy (Conservancy) commends the Los Angeles Regional Water Control Board (Regional Board) for starting a water quality evaluation process in the Los Angeles River Watershed by conducting the Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed Technical Report. We appreciate the opportunity to provide comment and respectfully submit this letter to share our experience, concerns and aspirations for the future recreational uses of the Los Angeles River and its tributaries. We appreciate the time and efforts the Regional Board has expended to work with the community and prepare the RECUR study. We have reviewed the report in detail and we are providing comments in support of maintaining REC-1 for the Los Angeles River and its tributaries.

Experience

The Conservancy and a joint powers partner, the Mountains Recreation & Conservation Authority (MRCA), have been revitalizing the Los Angeles River system for more than 20 years by building park projects along the River, enhancing access to the River, developing regional plans to promote the social and ecological benefits of the River system, providing recreation and education programs to connect people to the River, and most recently by managing the first Los Angeles River Pilot Recreation Zone (Rec Zone) in Reach 3. In just four (4) months approximately 3,000 people enjoyed kayaking down the River in the Rec Zone (Reach 3).

The Conservancy has invested approximately $70 Million in building parks along the Los Angeles River and its tributaries to fulfill our mission to strategically buy back, preserve, protect, restore, and enhance treasured pieces of Southern California to form an interlinking system of urban, rural and river parks, open space, trails and wildlife habitats that are easily accessible to the general public. Since 1980, the Conservancy has preserved over 70,000 acres of parkland in both wilderness and urban settings, and has improved more than 114 public recreational facilities throughout Southern California. As an institute at the forefront of science-based open space preservation and habitat restoration in the second largest metropolis in the nation, our park building and planning are guided by key planning documents:

- *Santa Monica Mountains Comprehensive Plan (1979)*
- *Rim of the Valley Trail Corridor Master Plan (1990)*
- *Common Ground from the Mountains to the Sea, San Gabriel and Los Angeles River Watershed and Open Space Plan (2001)*
-

The Common Ground plan sets goals for the Conservancy's work, chief among them is the creation of River Parkways along the Los Angeles, San Gabriel, and Rio Hondo Rivers and their tributaries. River Parkways are defined as "a continuous ribbon of open space, trails, active and passive recreation areas, and wildlife habitat" (page 3).

The nature education programming funded by the Conservancy serves thousands of children and their families. These programs include public campfire programs at pocket parks along the River, 12-week Junior Ranger Programs with community-based partners, field trips for local schools and organizations, and interpretive programs for all ages. One pre-school program is even called "Mommy, the River and Me." The popularity of these programs, serving an audience that is both local and regional, illustrates a widespread interest and engagement on the part of the public.

These efforts have been supported on state and federal levels, such as through the adoption of Senate Bill 1201 that encourages additional use of the River and through the designation of the Los Angeles River by USEPA as one of seven pilot watersheds in the nation to be included in the Urban Waters Federal Partnership that serves to revitalize urban waterways in under-served communities. Maintaining a REC-1 designation for the Los Angeles River and its tributaries is also aligned with the President's America's Great Outdoors initiative, the Presidential Proclamation regarding the 20th Anniversary of the Executive Order 12898 on Environmental Justice and the First Lady's Let's Move program.

Concerns

Using RECUR to delist or redesignate stretches of the water body does not reflect currently underway or yet to be planned revitalization projects along the Los Angeles River and its tributaries. We are extremely concerned that the study has the potential to undermine efforts capable of providing enormous environmental, economic, and social benefits to the County.

While there was only one (1) survey respondent for Compton Creek (page 56), we wanted to reiterate that based on our experience working along the Compton Creek, the multi-purpose path is being used by many for walking, bicycling, outdoor education programs and cleanups. Public feedback on current uses of Compton Creek can be found in planning studies such as the Compton Creek Regional Garden Park Master Plan (2006) and the Compton Creek Trail System Equestrian Recommendations (July 2013). Moreover, the community gave feedback on current and potential uses of the Creek during the planning process for the newly opened (November 2013) Compton Creek Natural Park at Washington Elementary, located along the Creek at 941 West Cressey, Compton, CA 90222. The park provides enhanced access to the Creek. A Compton Creek Outdoor Classroom is also located along the Creek on the campus of Compton High School. The eco-club conducts creek related programs in the pocket park during the school year.

Similarly, Reach 1 of the River was found to have fair access and little recreational use (page 42), despite it being the longest reach of the mainstem, at 16 miles. Its length is four times the length of most of the other reaches, and should have received four times as many site visits, but didn't. The Rivers and Mountains Conservancy (RMC) actively funds projects in this area and should be consulted for additional usage numbers.

This kind of disparity between the RECUR study and the reality of usage underscores the importance for the Regional Board to conduct ongoing monitoring of the conditions of our River system, but also to include monitoring that has been done by others, in order to truly represent beneficial uses.

It should also be noted that MRCA is developing a recreation trail and several water treatment parks along the Pacoima Wash per the Pacoima Wash Vision Plan (2011). 8th Street Park will be opened in 2014 and El Dorado Park is currently being planned. The Conservancy has contributed funds to develop Aliso Park at the confluence of Aliso Canyon Wash and the Los Angeles River.

Aspirations

We urge the Regional Board to not pursue any Basin Plan amendments to beneficial uses of the Los Angeles River and its tributaries, unless they are adding uses. Existing beneficial use should be maintained, "whether or not they have been attained, in order to implement state mandates or goals" (page 5 of RECUR). Per 40 CFR 131.10 (h), the State is prohibited from removing designated uses if it is a recreational use as defined by 40 CFR 131.3, unless a use requiring more stringent criteria is added; or such uses will be attained by implementing effluent limits required under section 301(b) and 306 of the Act and by implementing cost-effective and reasonable best management practices (BMP). The River Parkway projects the Conservancy funds are such cost-effective BMPs. Tujunga Wash Greenway project is a 1.2 mile stream restoration that uses a gravity-fed, natural system to infiltrate and treat stormwater before entering the Tujunga Wash. During a year with average rainfall, as much as 325,000 gallons of water per day will flow through the naturalized streambed and can produce enough groundwater to provide 760 families with drinking water for an entire year. As mentioned earlier, the Conservancy is at the forefront of revitalizing Los Angeles' waterways into River Parkways with dozens of projects currently in the planning and construction phases.

Current revitalization efforts occurring along the water way have changed how Angelinos view and use the River. The Regional Board should be working towards protecting recreational uses along the River, not removing them.

Thank you for this opportunity to comment, if you have any concerns please don't hesitate to contact Rorie Skei at (310) 589-3200, extension 112 or skei@smmc.ca.gov, or Melissa Guerrero at (323) 221-9944, extension 130 or melissa.guerrero@mrca.ca.gov.

Sincerely,

LINDA PARKS
Chairperson

cc: Kirsten James, Heal the Bay

CITY OF BURBANK
150 N THIRD STREET, P.O. BOX 6459, BURBANK, CALIFORNIA 91510-6459

PUBLIC WORKS DEPARTMENT

February 28, 2014

Ginachi Amah
Los Angeles Regional Water Quality Control Board
320 W. Fourth St., Suite 200
Los Angeles, CA 90013

Submitted via e-mail to: Ginachi.Amah@waterboards.ca.gov

Subject: Comments on the Technical Report titled "*Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed*"

Dear Ms. Amah:

The City of Burbank (City) appreciates efforts the Regional Board's staff has taken to initiate a review of the beneficial use designations in the watershed described in the Technical Report titled "*Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed*" (referred to herein as the Technical Report). The City actively participated in the development of the Los Angeles River Bacteria Total Maximum Daily Load (TMDL), during which the City expressed a concern regarding the need to evaluate whether the recreational beneficial uses are existing and attainable uses as defined in the Code of Federal Regulations (CFR). The TMDL acknowledged the concern via the requirement to conduct a re-evaluation of recreational uses in the LA River.

As you are aware, the City provided staff resources to conduct use surveys of the Burbank Western Channel (BWC). We applaud your efforts to engage Permittees to conduct the necessary leg work to support the evaluation of uses and we will continue to support future evaluations to the extent our resources allow. Furthermore, we look forward to the implementation of the next steps related to the use of the information contained in the Technical Report. We are particularly interested in the designations related to the BWC and concrete lined tributaries in general that are currently and for the foreseeable future inaccessible for recreational uses due to safety concerns. Additionally, with the City's continued efforts to effectively prohibit non-stormwater discharges and an increased focus on capturing dry weather flows via low impact development and the Enhanced Watershed Management Plan, water levels in the tributaries are expected to decrease from already relatively low levels (typically less than two inches in the BWC). The tributaries are different than the mainstem of the LA River for numerous reasons and should be considered in their own context.

The City agrees with the Regional Board's consideration of the 2006 USEPA memorandum titled "*Improving the Effectiveness of the Use Attainability Analysis Process.*" Use Attainability

Analysis (UAAs) and reconsideration of uses are an existing, and underutilized, component of the water quality standards process. As indicated in the Technical Report, a UAA is intended to result in accurate use designations and that there is nothing wrong with changing designated uses after completion of a UAA. Based on the information contained within the Technical Report, action is critical to ensure that limited public resources are focused on protecting recreational uses where they can and do occur.

The City appreciates the opportunity to provide several comments below that we believe will support improvements to the Technical Report:

- Tributaries in the watershed are often relatively long with access limited to only a portion of the waterbody. The BWC is over 14 miles long (not the six miles noted in the Technical Report) and is contained in a concrete channel with vertical walls and chain link fencing for the majority of those miles. At one point, the BWC flows underground for over a quarter mile under the Interstate 5 freeway. The only access point that does not entail illegally climbing over a fence or utilizing locked gates and ladders intended for official uses is at the confluence of the BWC and the LA River. Given the length of tributaries such as the BWC and limited access, future consideration of the existence and attainability of uses may warrant splitting up the waterbodies based on where uses can and do occur.
- The City is concerned regarding the accuracy and weight given to the use questionnaires. In reviewing the Technical Report, it is noted that two of three respondents indicated that they had observed wading in the BWC. Based on our knowledge of the BWC, the only access point in the area where the questionnaire was submitted is at the confluence of the BWC and the LA River. Given the information provided in the Technical Report it is unclear if the respondents were indicating the wading was occurring at this point or some other point in the BWC. Results of questionnaires should be considered in the context of actual observations and if future questionnaires are solicited a map should be presented and the actual location of use should be identified.
- The goal of the assessment noted on Page 1 of the Technical Report include determining 1) whether physical conditions were conducive to supporting rec uses and 2) the potential of supporting recreational uses in the future. Based on the efforts to observe uses, it appears appropriate to note an additional goal of evaluating the level of use and how safe/appropriate the use of a location would be.
- In evaluating the designation of uses the language in REC-1 definition regarding "where ingestion of water is reasonably possible" should be thoroughly considered. The flow and depth information contained in the Technical Report will be important in the next steps. Reconsideration of the REC-1 language may be appropriate given the low water depths (typically less than 2 inches) observed in tributaries such as the BWC.
- Page 8 of Technical Report refers to EPA's tools for managing designated uses and notes two California specific examples. Recreational use re-evaluations have been conducted in other states and consideration of those efforts would provide additional context and background for the RECUR efforts. For example, the state of Kansas conducted a comprehensive statewide evaluation of recreational uses. Please consider adding additional examples.

- Numerous references are provided for statements in the Technical Report. Please add page numbers to references where possible. For example, USEPA's 1994 Water Quality Standards Handbook is referenced in numerous places in the Technical Report, but the Handbook is 900 pages long inclusive of appendices making it difficult for reviewers to find the actual referenced information.

The City appreciates your consideration of our comments and strongly supports efforts to incorporate the findings into appropriate modifications to the Basin Plan. Please contact me if you have any questions related to our comments. We would be happy to meet or talk with your staff prior to the scheduled hearing to take action based on the Technical Report to discuss these issues further.

Respectfully submitted,

Daniel Rynn, P.E.
Assistant Public Works Director
City of Burbank

cc: City Attorney's Office (Joe McDougall)

Construction Industry Coalition on Water Quality

March 14, 2014

Ginachi Amah, D.Env
Basin Planning Program
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, #200
Los Angeles CA 90013

Via Email: Ginachi.Amah@waterboards.ca.gov

RE: Comments on the Draft Technical Report for the Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed

Dear Dr. Amah:

The Construction Industry Coalition on Water Quality (CICWQ) is submitting comments concerning the Recreational Use Reassessment of the Engineered Channels of the Los Angeles River Watershed (RECUR).

CICWQ is an education, research, and advocacy 501(c)(6) non-profit group representing builders and trade contractors, home builders, labor unions, landowners, and project developers. Our membership is comprised of members of four major construction and building industry trade associations in southern California: The Associated General Contractors of California, Building Industry Association of Southern California, Engineering Contractors Association, and Southern California Contractors Association, as well as the United Contractors located in San Ramon. Collectively, members from these associations build much of the transportation, public and private infrastructure, and land development projects in California.

For many years, our coalition of building and construction industry professionals has advocated for a thorough and updated assessment of beneficial use conditions of waterways throughout southern California, including a complete re-analysis of the Los Angeles Basin Plan in light of the highly variable and episodic nature of stormwater runoff.

We are supportive of the Regional Board's efforts to conduct Use Attainability Analyses (UAAs) and to better understand the recreational use potential of the engineered channels of the Los Angeles River Watershed with the express purpose of identifying and characterizing those channel segments that do not support recreational uses now, nor would support such uses (REC-1) in the future. As these areas are identified through the UAA, we would hope that the Regional Board would then apply water quality standards for the protection of appropriate beneficial uses in those channel segments, and recognize the flood control value they serve in protecting life and property. Applying inappropriate

water quality standards to beneficial uses that do not exist, nor ever will exist, is unsound public policy, especially in light of the flexibility municipalities need in order to comply with bacteria total maximum daily load regulations. We believe the majority of dischargers agree that certain recreational use designation changes would make bacteria TMDL compliance more possible, and that the UAA process should lead to changing inappropriate beneficial use designations. Therefore, we look forward to detailed recommendations regarding potential modifications to recreational beneficial uses in the engineered channels of the Los Angeles River watershed.

If you have any questions or want to discuss the content of our comment letter, please feel free to contact me at (951) 781-7310, ext. 210, (909) 525-0623, cell phone, or mgrey@biasc.org.

Respectfully,

_____

Mark Grey, Ph.D.
Technical Director
Construction Industry Coalition on Water Quality

March 14, 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: *Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed* Technical Report

Dear Mr. Unger,

Thank you for the opportunity to submit comments to the Los Angeles Regional Water Quality Control Board ("Regional Board") regarding the *Recreational Use Reassessment of the Engineered Channels (RECUR) of the Los Angeles River Watershed* Technical Report ("RECUR Report"). Los Angeles Waterkeeper ("Waterkeeper") has been engaged in efforts to improve the water quality of the entire Los Angeles River watershed for more than two decades through advocating for the adoption of TMDLs to protect the River, working to strengthen water quality permits and pursuing Clean Water Act citizen suit enforcement actions to eliminate all source of pollution to the River.

We have firsthand experience working in the Los Angeles River and recognize that the River's watershed with its 837 stream miles, many of which have been significantly altered and are impacted daily by human activities, is both complex and vast. For this reason, we appreciate the effort put forth by the Regional Board staff and volunteers to survey the recreational use of the River. However, after closely reviewing the RECUR Report, we feel that 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 water body.

More importantly, given the current momentum around revitalizing the Los Angeles River and the ongoing efforts to improve the River's water quality pursuant to TMDLs and NPDES permits, any further reconsideration of recreational uses in order to reduce the River's water quality protections is not only untimely and counterproductive, but will in fact be a significant step backwards and away from the goal of a vibrant, "fishable and swimmable" Los Angeles River.

In sum, the RECUR Report, while useful, does not meet the requirements of 40 C.F.R. § 131.10 and EPA guidance, and cannot support the removal or downgrading of the REC-1 beneficial use designation that is currently in place for the Los Angeles River Watershed. We urge the Regional

Board to abandon the effort to amend the beneficial uses for the Los Angeles River. Instead, the Regional Board and all stakeholders should use precious public resources to protect and improve water quality and ensure the River is safe for recreation now and in the future.

1. **The RECUR Report is not representative of current recreational use of the River and tributaries and does not provide a credible basis for Use Attainability Analysis (UAA).**

The RECUR Report's assessment of the recreational use of the Los Angeles River cannot support a decision to remove or revise the recreational beneficial uses for any River segments because:

First, the RECUR study's sample size is too small and limited in duration. During an 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 questionnaires to those recreating in the respective tributaries. Each site visit lasted two hours. Twelve hours on average, or 42 hours at most, spent at each river segment over a year and half period is not enough time to fully assess the recreational use of that segment. For three of the tributaries the recreational use was assessed based on a single site visit during the reconnaissance stage between the winter months of November 2010 and February 2011 when outdoor recreation is lowest. Due to the very narrow timeframe of the visits, the monitoring data collected only captures a fraction of the time and space that recreation could be occurring and is inadequate for a credible UAA. Further, although the questionnaires collected during the site visits were meant to capture current and historic use of the river segments, for most tributaries no questionnaire data whatsoever was obtained.

Our review of the results of the data collection period show the greatest amount of recreational use of river segments where the most data was collected and the least amount of recreational use on river segments where the least amount of study time was spent. It is therefore indeterminate whether more time spent monitoring for recreational use would give different results. The data is inconclusive at best and should not be used to make determinations of current use designations.

Second, while the web-based survey on KCET's website attempted to cast a wider net in order to attract a larger number of people to the recreational use survey, the survey questions did not provide the level of resolution necessary to specifically address the engineered channels or tributaries of the Los Angeles River that were assessed by the RECUR Study. For example, without providing a list of tributaries or a labeled map of the watershed, it cannot be expected that the KCET survey question "What areas (parts) of the Los Angeles River do you visit?" could prompt a response at the level of detail required for the assessment of the recreational use of individual tributaries and engineered channels.[1] From our experience, even veteran river enthusiasts and Waterkeeper volunteers may not know the specific or proper name of a wash or channel they regularly visit. It is therefore very likely that the names of individual washes or channels are also unknown to the general public regardless of their use of them. Consequently,

[1] http://www.kcet.org/socal/departures/production-notes/la-river-2/how-do-you-use-the-los-angeles-river.html

the KCET Survey results may not in fact adequately represent the survey participants' recreational use of the various segments of the Los Angeles River. Another significant issue with the KCET Survey and the RECUR assessment in general is that it cannot be used to assess use of fenced off channels where access is severely limited and prohibited. Considering the public's likely concerns that any recreation in such fenced off channels may be potentially illegal, the KCET Survey's expectation that survey takers will voluntarily report accessing fenced off channel segment is simply unrealistic. Once again, this underlines the limited use and reliability of the KCET Survey as a tool to evaluate the current and future recreational use of the Los Angeles River.

One conclusion that can be drawn from the RECUR surveys is that a desire to enter and use the river facilities exists. Several of the survey respondents indicated clearly 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.

Finally, during the reconnaissance period Regional Board staff also assessed the physical conditions and access of the engineered channels of the Los Angeles River and tributaries. In this assessment, RECUR Report incorrectly states that the Arroyo Seco is concrete lined the entire length below Devil's Gate Dam, encompassing Reach 1 and Reach 2. RECUR Report at 63. In the fall of 2013 Los Angeles Waterkeeper volunteers conducted a survey of trash in a natural section of Reach 1 of lower Arroyo Seco as part of a Bight Regional Monitoring study of urban rivers. Conducting the survey entailed wading in the natural river bottom and water contact. Volunteers listed the access to this natural river segment as "easy", and observed worn foot paths and people along the river bank in the adjacent Arroyo Seco Park. The City of Pasadena's Arroyo Seco Trail Map also shows established trails weaving around this section of the Arroyo Seco river bottom. It is unclear whether any site visits or observational surveys were conducted at this location along the Arroyo Seco during RECUR.

2. Current Beneficial Uses designations for the Los Angeles River should be maintained to support the planned and unplanned revitalization projects which have the potential to dramatically change the appearance and use of the Los Angeles River.

The RECUR Report relies heavily on current physical conditions of the Los Angeles River and existing access limitations to various River segments to evaluate current and potential recreational use. In an attempt to glean the future recreational use of the River, the RECUR Report evaluates several formal plans for revitalization of the River. Neither the River's current conditions nor the official plans for its restoration, however, are sufficient to gauge future recreational use or availability for such use of channelized River segments and do not warrant removing or downgrading beneficial uses of entire segments of the Los Angeles River watershed. *See Water Quality Standards Handbook: Second Edition*. Report No. EPA-823-8-94-005a. August, 1994 (physical factors cannot be the sole basis for determining attainability of recreational uses). Simply put, the lack of access or the lack of an official plan to restore such access cannot be used as a proxy of public desire to use the Los Angeles River for water contact recreation.

In fact, the public's desire for increasing and 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. Existing watershed management plans and revitalization plans for the Los Angeles River and several tributaries list increased access, removal of concrete and improved recreational opportunities as key objectives. Efforts to enhance recreational use of the River are further supported by USEPA designation of the Los Angeles River one of seven watersheds in the nation to participate in the Urban Waters Federal Partnership "which improves coordination among federal agencies and collaboration with community-led revitalization efforts to foster reconnection of urban communities with their waterways." RECUR Report at 46.

Even during the three years since RECUR was initiated significant changes to how Angelinos view the River have occurred due to the huge success of the "Paddle the River" program. Thousands of Angelinos and visitors queued up to paddle the river in the first year of the program. This speaks to the importance of urban waterways and the public's desire to recreate in the River. Delisting or re-designating engineered channels of the Los Angeles River watershed 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 recreation opportunities.

3. Removing or revising recreational beneficial uses of segments of the Los Angeles River will result in water quality degradation for the entire River watershed

Lastly, we are very concerned that the RECUR Report will be used as the basis to relax regulatory oversight and allow increased pollution to portions of the River. Section 131.10 of Title 20 of the Code of Federal Regulations directs 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. Relaxing water quality standards of secondary and primary tributaries to the River will 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.

In evaluating the RECUR Report, the Regional Board should weigh the reports findings against the growing desire and efforts to restore streams and increase the recreational use of urban water bodies. To afford maximum protection to the Los Angeles River and allow the plans for restoration and increased recreational access to the River to come into full fruition, we urge to Regional Board 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

Boards' support to restore river functions and habitat, improve water quality, and promote riverside recreation as we feel these actions best serve the environment and community.

Thank you for this opportunity to provide comment on the *Recreational Use Reassessment of the Engineered Channels (RECUR) of the Los Angeles River Watershed* Technical Report. We ask that you consider the aforementioned concerns. If you have any questions, please contact us at (310) 394-6162.

Sincerely,

Lara Meeker, MESM
Watershed Program Manager
Los Angeles Waterkeeper

Tatiana Gaur
Senior Attorney
Los Angeles Waterkeeper

CITY OF SIGNAL HILL

2175 Cherry Avenue • Signal Hill, CA 90755-3799

14 March 2014 VIA EMAIL

Dr. Ginachi Amah
California Regional Water Quality Control Board,
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Subject: Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed

Dear Dr. Amah:

I am submitting comments on behalf of the City of Signal Hill regarding the Los Angeles Regional Water Quality Control Board's Technical Report, *Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed*. These comments are based on review of the December 2013 Draft, the Power Point presentation by the Regional Water Board dated December 5, 2013, and previous comment letters submitted by Flow Science on November 9, 2010 on behalf of the Cities of Signal Hill and Downey and by Richard Watson & Associates on November 9, 2010 on behalf of the Coalition for Practical Regulation.

The City of Signal Hill remains concerned about some of the elements of the work plan for the RECUR projects. Our concerns are reflected by the issues raised in the Flow Science comment letter and the Richard Watson & Associates comment letter. The City agrees with the USEPA statement cited on page 7 of the report that "Getting the uses right requires both a useful set of designated uses and an effective process for conducting credible and defensible UAAs." The extensive research included in the December 2013 Draft *Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed* provides the information necessary to prepare "credible and defensible" Use Attainability Analyses (UAAs), and we encourage you to do so.

We appreciate the thorough approach the Regional Water Board has taken to gather the information needed to prepare UAAs. By incorporating field reconnaissance; visual observation, photo documentation, and on-site user surveys regarding recreational use; data collection and analysis; a web-based recreational use survey; review of plans for future recreational opportunities; and consideration of recent recreational development, the Board has ensured that it has an understanding of the recreational uses of the engineered channels of the watershed.

We further appreciate that your Board has taken into consideration that some modifications to recreational use designations could provide greater flexibility for compliance with the Bacteria TMDL. Signal Hill, along with other cities in the watershed, works hard to comply with TMDL and permit regulations. Certain recreational use designation changes would, indeed, make Bacteria TMDL compliance more possible. Finally, we appreciate that the Regional Water Board is taking the common sense approach of not considering modifications where there is no specific indication of future development of a recreational opportunity. The Regional Water Board's consideration of public access, channel configuration and fencing – which relate to public safety – as well as water depth and other considerations, is a sound basis on which to support changing beneficial uses.

Thank you for the opportunity to provide these comments.

Sincerely,

Charlie Honeycutt
Deputy City Manager

Flow Science Incorporated
723 E. Green St., Pasadena, CA 91101
(626) 304-1134 • FAX (626) 304-9427

November 9, 2010

California Regional Water Quality Control Board, Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Attention: Renee Purdy
Ginachi Amah

Subject: **Comments on *Los Angeles River Recreational use Re-Evaluation (RECUR) Draft Work Plan*, dated October 18, 2010**
FSI 037033

Dear Ms. Purdy and Dr. Amah,

Flow Science, on behalf of the Cities of Signal Hill and Downey, appreciates the opportunity to submit comments on the above-referenced work plan to re-evaluate recreational uses in the Los Angeles River Watershed. Flow Science appreciates the responsiveness of the Regional Board to stakeholder concerns in initiating a project to re-evaluate beneficial uses within the Los Angeles River watershed.

Flow Science provided a number of documents to Regional Board staff in a letter dated September 27, 2010, that we ask be considered both as part of the development of this work plan and when results from the planned study are interpreted and used to guide future actions.

Flow Science has several general comments regarding the draft work plan. These are detailed below, and are followed by suggestions for additions to or modifications of the Field Sheets and User Surveys that are attached to the draft work plan.

1. **The work plan should be revised to clearly state the goals and objectives of the project, and stakeholders should be included in the process to develop the work plan.**

As noted in verbal comments made by us and by others at the both the September 27, 2010, and October 26, 2010, meetings, the goals and objectives of the current project are unclear. For example, Dr. Amah stated in the October 26 meeting that the project has been expanded to include a re-evaluation of REC-2 uses and of the mainstem of the Los Angeles River, but this isn't stated in the work plan. Similarly, Dr. Amah stated in meetings that the purpose of the current work plan is to gather information that Regional Board staff will use to develop recommendations for additional study and potential future

use attainability analyses (UAAs) that may be part of a subsequent work phase to change the designations of water bodies within the Los Angeles River watershed. Again, this is not stated in the work plan, and the criteria for moving to subsequent phases of analysis are not provided. We respectfully suggest that the following information be clearly stated in the work plan:

- Goals and objectives for the current project
- Additional planned phases that will occur subsequent to the current project (to include, but not be limited to, development of recommendations for UAA development; extension of analyses to non-engineered channels; evaluations of the impacts of beneficial uses together with water quality objectives)
- Decision criteria to be applied by Regional Board staff to data from this study

There were also several areas of discussion at both meetings that appear to remain unresolved, and concerns that Regional Board staff were, by default, making policy decisions that should be brought before the Regional Board members. For example, there was a significant amount of discussion about what constitutes an "existing use." Several stakeholders asserted that the presence of people within the channel, but not in contact with the water, did not necessarily indicate that REC-1 was an "existing use" of the water body. Similarly, several stakeholders asserted that the isolated occurrence of an activity within a water (e.g., a single person bathing within a reach on only one occasion) did not necessarily indicate that REC-1 is an "existing use" of the water body. Flow Science recommends that these issues and others discussed within this letter be addressed in the next version of the work plan, and that Regional Board staff accept additional comments on the next version of the work plan.

In order for the results of the study to be meaningful and widely accepted, there needs to be broad agreement (not necessarily consensus) on the information needed to meet the goals and objectives of the study, and on how this study fits in with other potential future components or phases. The work plan should collect such data as all parties believe to be necessary to answer the questions to be addressed by the current study, and to support future phases of work. Note that this does not mean that all parties shall agree upon the meaning or interpretation of those data, only that data collection should be inclusive enough to provide the information the stakeholders believe necessary for Regional Board members to make informed, reasoned policy decisions.

2. The work plan should clearly define key terms.

As noted in Comment 1, there has been significant disagreement amongst stakeholders regarding the meaning of terms associated with beneficial uses, including recreational beneficial uses. We request that the work plan be expanded to list and define key terms, including (but not limited to) the following:

- REC-1

- REC-2
- LREC-1
- Existing
- Intermittent
- Potential and the closely related term "probable future"
- The factors used in considering a UAA (i.e., (40 C.F.R. § 131.10(g))

We request that the work plan include both the current Basin Plan or Regional Board definitions for these terms and also discussion about inconsistencies between definitions (e.g., potential v. probable future) and citations from USEPA or SWRCB/RWQCB policy and guidance regarding the legal meaning of each of these terms (e.g., what constitutes an "existing" use). This discussion is necessary in order to make sure that the work plan will gather information necessary to distinguish between REC categories, to properly recommend additional evaluations, and to support future potential changes in uses.

3. The work plan should reference key passages of SWRCB Order WQO 2005-004, In the Matter of Own Motion Review of Failure to Modify Recreational Use Standards for BALLONA CREEK

On page 1 and on page 8 of the draft work plan, Regional Board staff describe tasks to review plans for future recreational uses (probable future uses), but do not list the criteria that will be used to determine what constitutes a potential use. Of particular relevance is SWRCB Precedential Order WQO 2005-004. At the October 26, 2010, meeting, Regional Board staff implied that the Regional Board is not bound by this ruling and does not need to follow its requirements. However, Order WQO 2005-004 contains information that bears on the work plan.

For example, the Order cites 40 C.F.R. §§ 131.3(e) and 131.10 as defining existing uses as "uses that have actually occurred in the water body since November 28, 1975" (p. 6). Furthermore, referring to 63 Fed. Reg. 36741-36806 (July 7, 1998) at 36756, the Order states,

> "U.S. EPA's current view is that...the states should consider other important factors [i.e., beyond physical factors such as water depth, flow, or velocity], in conjunction with physical factors, in determining whether the use is attainable. These include the water's actual use, access, recreational facilities, location, safety consideration, the water body's physical conditions and quality, and other relevant factors."

In describing the approach of Regional Board staff in preparing a UAA to support removal of REC-1 designations from the upper two reaches of Ballona Creek, the Order states that staff considered the following factors as relevant to the failure to attain REC-1 uses: "...in addition to the low water levels, the hydrologic modifications, fencing,

prohibitions on public access, lack of available recreational facilities, and lack of evidence of any water contact" (p. 8).

Board staff also considered the potential for the creek to be restored to its original condition, and thereby to support REC-1 use. However, they concluded that, "absent significant changes in land use in the watershed, it was not feasible to restore the creek to its original condition. Since the creek was channelized in the 1930s, the area surrounding the creek has been built-up and become highly urbanized. Absent an alternative flood control strategy, the Ballona Creek watershed is dependent on the creek's flood control function to prevent flood damage to the surrounding developed areas" (p. 8).

In evaluating the rejection of Board staff recommendations by the Los Angeles Regional Board, the Order states that "uncontroverted evidence in the record indicates that a fully-realized REC-1 use associated with swimming does not exist in Ballona Creek's two upper reaches...there is no evidence in the record that it is feasible to restore either reach to attain full REC-1 use pertaining to swimming-related activities at least within the next several decades." (p. 13). The Order also notes that the final Ballona Creek Watershed Management Plan (Sept. 2004)—which envisions restoration of the creek over a period of several decades—"does not change this conclusion" (p.13), finding further (at p. 14) that "No projects are proposed or contemplated that address primary contact recreation in Ballona Creek. Nothing in the management plan [for Ballona Creek] indicates that this use will be feasible in the near future." The State Board's Order noted that these types of changes require "extensive time, planning, funding, and construction. They are likely to occur over very long time periods." (at p. 13) These considerations should be added to the current work plan.

4. The work plan should establish requirements for the use of volunteer labor in data collection and channel characterization.

Data collected to support the current study must be collected in a uniform, consistent manner such they are of high quality and reliable. Most stakeholders in attendance at the October 26, 2010, meeting agreed that it was necessary to establish clear guidelines and expectations of volunteer labor, and to provide clear guidance and training for volunteers who planned to assist in data collection efforts. The work plan should be revised to include a section describing in detail the planned use of volunteer labor, the expectations of those collecting data, the training to be provided to data collectors, and any legal concerns related to the conduct of the studies. The work plan should include a detailed outline of the topics to be covered during training and worksheets or training materials to be distributed to volunteers. Finally, a signed certification should be required in order for volunteer-collected data to be used within the study (i.e., the volunteers should certify that the data are true and accurate).

In addition, the Regional Board should consider and specify legal requirements for data collection. For example, SWRCB counsel advised the Storm Water Quality

Standards Task Force (Santa Ana Region) that any photographs taken during surveys should be taken from a distance such that individuals cannot be identified. The Regional Board should also provide guidance regarding entering the channel and obtaining necessary permits or permissions to enter restricted-access channels or private property. Guidance should be provided to facilitate volunteer safety during data collection (e.g., deploying volunteers in pairs, providing guidance about approaching individuals in or near channels, entering the channel, safe procedures during wet weather conditions or during darkness).

5. Extend study to non-engineered channels

Flow Science requests that the Regional Board extend this evaluation of recreational uses to non-engineered channels within the Los Angeles River watershed, as many of the same considerations apply to non-engineered channels. For example, dry season water levels are frequently only a few inches deep in non-engineered channels, precluding swimming, and high flow conditions resulting from storm events generally result in flow conditions that make recreational uses unsafe. If this is to be a subsequent study phase, this should be stated clearly within the work plan.

6. Specific comments on work sheets

Flow Science also has specific comments on the worksheets included as attachments with the draft work plan. These comments are based on our experience with the Storm Water Quality Standards Task Force (Santa Ana Region) and upon the definitions of beneficial uses. In addition, some of the suggested additions are related to the assumptions underlying the epidemiological studies that form the basis for the REC-1 water quality objectives (e.g., observations of swimmers with wet hair).

Suggested additions to Field Sheet (1) Reconnaissance worksheet:

- Channel description should note channel dimensions and characteristics (e.g., height of vertical walls, height and slope of trapezoidal channels)
- Reach descriptions should be provided in both common language (e.g., in reference to street crossings or bridges) and as coordinates (latitude and longitude)
- Access to channel should be noted
    - Is the channel fenced?
    - Is fencing intact?
    - Is access restricted by gates? Are gates closed always, sometimes, at time of visit?
    - Do ladders extend into channel? At what intervals?
- Any signage regarding access should be photographed and documented (e.g., signs stating that channel access is illegal, or is illegal under certain conditions)

- Aesthetic conditions at time of visit(s):
  - Does water contain algae, trash, etc.?
  - Any odor?
- Specify locations for future observations
  - Indicate bridges, bike paths, etc. where subsequent surveys/observations can be made
  - Indicate the minimum number of locations from which observations must be made using Field Sheet (2)

Suggested additions to Field Sheet (2) Use Survey:

- Note odor/aesthetics during observations (algae, trash)
- For people observed in channel, include entries for the following:
  - Number of people observed to be in contact with the water?
  - Number of children observed to be in contact with the water?
  - Number of people/children in channel but not in contact with water?
  - For those in contact with the water, is hair wet? Are they in swimsuits or wetsuits?
- Describe weather and conditions during observation period: air temperature, sunny/rainy, windy?
- Describe flow conditions during observation (e.g., flow in low-flow channel only, high flows following storm events, no flow observed)
- Require photos of observed contact
- For list of people engaged in the listed activities, add boxes to note whether people engaged in those activities are in contact with the water or not, and add space to describe the contact. For fishing, add two (or three) separate categories to clarify likelihood of contact (e.g., fishing from bridge or other structure, fishing from channel edge, fishing with contact (wading) with water?)

Suggested additions to User Survey:

- Do you contact the water?
- Do you swim in the water?
- Do you bathe in the water?
- Suggest deleting question 6 (What other recreational activities have you observed in and around the river/creek/stream?), as observations received second- or third-hand are often not reliable.
- Suggest deleting question 10 (What is your perception of the water quality in this river/creek/stream?), as this question is likewise not objective

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Thank you for the opportunity to provide comments. Please contact me if you have any questions.

Sincerely,

Susan C. Paulsen

Susan C. Paulsen, Ph.D., P.E.
Vice President and Senior Scientist

RICHARD WATSON & ASSOCIATES, INC.
Urban & Regional Planning

09 November 2010 VIA EMAIL

Dr. Ginachi Amah
California Regional Water Quality Control Board,
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Subject: Re-evaluation of Recreational Uses in the Engineered Channels of the Los Angeles River Watershed

Dear Dr. Amah:

I am submitting comments regarding the Los Angeles Regional Board's Draft Work Plan for the Los Angeles River Recreational Use Re-evaluation Project. These comments are based on review of the Draft Work Plan, a partial Transcript of Proceedings of the Regional Board Meeting/Hearing of July 9, 2010, the Porter-Cologne Water Quality Control Act, the Clean Water Act (CWA), State Board Order No. 2005-0004, and my letter of 27 September 2010, with which I submitted additional documents for reference during the workshop on the Re-evaluation of Recreational Uses in Engineered Channels of the Los Angeles River Watershed.

The Fundamental Purpose of the Draft Work Plan Must Be Revised To Be Consistent With EPA Direction on Designating Existing Beneficial Uses.

The approach set forth in the Draft Work Plan appears to be counter to the approach envisioned under the Clean Water Act (CWA) for protecting "**existing uses**," which are defined in the federal regulations as "**those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards.**" (40 CFR § 131.3(e).) Specifically, the Draft Work Plan does not focus on determining whether the presently designated "existing uses" in the Basin Plan for the Los Angeles River are "**uses actually attained in the water body on or after November 28, 1975**," and whether the "intermittent" or "potential" designated uses should, in fact, be designated as such, in light of the physical and environmental characteristics of the water segments. This determination is critical. Instead, the Draft Work Plan appears to be designed to merely develop evidence to support all of the designated uses that are presently set forth in the Basin Plan, including each of the presently designated "potential" beneficial uses.

For example, based on language in the existing Basin Plan, the Draft Work Plan proposes to confirm the propriety of the "potential" designated uses based on a mere "public desire" to use

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the water body for a recreational purpose, or based on some undefined "potential" to put the water to such a use. The Draft Work Plan also proposes to justify the designated uses in the Basin Plan based on "anecdotal" accounts of usage, and further goes so far as to propose confirming a use based on the existence of "graffiti" or "homeless encampments" in the water body, as well as the presence of a mere "potential access point" such as a "break in fencing" or "ladders." (See, Draft Work Plan, p. 12 – Field Sheet 1 Reconnaissance.) The existence of a "ladder" or a "break in the fence" to enter an engineered channel, rather than being used to justify a use designation, indicates illegal, non-permitted entry to the channel; in the case of graffiti, it indicates vandalism. These are not uses in the waterbody. These factors should instead be used as clear evidence of physical features that would justify delisting the use.

Accordingly, the Re-evaluation process should entail evaluating the legal propriety of the "existing" use designations (which must include evaluating the "uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards"), and should include an evaluation of both the practical and legal propriety of designating "potential" and/or "intermittent" uses for the various segments of the LA River. To evaluate the currently designated uses solely to determine whether there is any evidence to support the prior "use" determinations, and without evaluating whether the evidence legally and factually justifies designating the "existing," "potential" or "intermittent" uses in the Basin Plan, would be contrary to the spirit and intent of the CWA, the Porter-Cologne Act, and the Regional Board's July 9, 2010 direction to conduct the use re-evaluation in the first instance.

In fact, the process laid out in the Draft Work Plan is directly contrary to the process described by USEPA in a Proposed Rule on "Water Quality Standards Regulation" for designating "existing uses" under the CWA. (63 Fed. Reg. 36741-36757, submitted as an attachment to my letter dated 27 September 2010.). For example, in describing the process for designating an "existing use" under the CWA, in its Proposed Rule, EPA included a lengthy discussion of the intent of its regulations governing "existing uses" (40 CFR 131.1(e)), including an example scenario involving whether a water body posted with "No Swimming" signs should have an "existing use" designation of "swimming." The following discussion in EPA's Proposed Rule is particularly relevant to the recreational use Re-evaluation being undertaken for engineered channels in the Los Angeles River Watershed:

> 3. **Existing Uses**
>
> **The existing use determination is, therefore, site-specific and decisions should consider water quality and other limiting factors such as the physical habitat specific to a particular water body.** A few examples may help illustrate the issue. A somewhat common existing use question applies to primary contact recreation: If a few people on a few occasions "swim" in a water body that does not have the quality or physical characteristics to support swimming, is this an existing use, even if the water body is posted "no swimming" due to bacterial contamination and

> lacks the physical features to actually support swimming? A straightforward answer to this question is that "swimming" is not an existing use because the present (or past) condition does not support that use. **This conclusion is based on the very limited actual "use" and, more importantly, the lack of suitable water quality and physical characteristics that would support a recreational swimming use now or in the future (as determined by the water quality requirements and recreational swimming considerations, including safety considerations, in the State or Tribal classification system for a primary contact recreation).**
>
> A question has been raised as to how to interpret the regulation in the context of this example. One could determine that because the water body is not suitable for swimming, and has not been since 1975, primary contact recreation is not an existing use. Alternatively, one could determine primary contact recreation to be an existing use because the water body was actually used for swimming, even though the use was occasional and water quality and physical characteristics were not acceptable to support such a use. **EPA believes the first alternative is the better interpretation of Agency regulations and guidance in this example, because the use is not established and the water quality and other factors would appear to prohibit actually attaining a recreational swimming use.**
>
> (63 Fed. Reg. 36741, 36752-53; *also see* California Water Code [CWC] § 13241(b) requiring a consideration of the "environmental characteristics" of the water body when developing water quality standards.)

EPA's interpretation of the "existing use" regulations (40 C.F.R. 131.3(e)), and the purpose and process to be followed when designating "existing uses" under the CWA, should be followed, and a similar approach designed within the Draft Work Plan so as to develop designated uses that are consistent with the CWA and State law, as well as the Regional Board's direction of July 9, 2010.

Accordingly, the primary approach set forth in the Draft Work Plan should be substantially revised to be consistent with the EPA's interpretation of the process under the CWA regulations. Rather than the Draft Work Plan proposing a process that appears to be designed to merely justify all of the presently designated recreational uses for the Los Angeles River and its tributaries, including for the engineered flood control channels, the Draft Work Plan should set forth a process to access the "**physical characteristics that would support a recreational swimming use**," including evaluating **"the lack of suitable water quality"** to support the use, along with an evaluation of whether the water segment at issue contains or **"lacks the physical features to actually support"** swimming or other recreational use in the water body.

"Physical features," such as whether the water segment: (1) is an engineered channel; (2) is concrete-lined (as much of the Los Angeles River system is, including all of Reaches 1 and 2); (3) is fenced to prevent access because of the dangers of recreating in the water; (4) is posted "Do Not Enter," or "Keep Out" or with other similar language showing that it is unlawful or dangerous to recreate in the particular water segment; (5) contains steep concrete sides so that access itself would be dangerous or would not support the proposed use; (6) is in an area that would not be aesthetically appealing to recreate (e.g., in the heart of a downtown with freeways, train tracks, fencing and graffiti surrounding the water body); or (7) contains an insufficient quantity of water to support the use, along with other physical and environmental characteristics, should be evaluated. The approach to the re-evaluation suggested in these comments is supported by EPA's interpretation of the federal regulations, as well as by the Porter-Cologne Water Quality Control Act, and thus should be incorporated into the Draft Work Plan in place of the currently proposed Re-evaluation process.

The approach proposed in these comments is also supported by the Use Attainability Analysis provisions in the federal regulations, which allow states to "remove a designated use which is not an existing use . . . if the state can demonstrate" any one or more of the following factors, among others:

> (1) Naturally occurring pollutant concentrations prevent the attainment of the use; or
> (2) Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use ...; or
> (3) Human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place; or
> (4) Dams, diversions or other types of hydrologic modifications preclude the attainment of the use ...; or
> (6) Controls more stringent than those required by sections 301(b) and 306 of the Act would result in substantial and widespread economic and social impact.
> (40 C.F.R. § 131.10(g).)

Accordingly, rather than expending significant resources to determine through "anecdotal" information or through "User Surveys" inquiring as to a person's perception of the quality of the water, or because of the existence of "graffiti" or "ladders" in the water body, whether the "use" is supportable for the water segment at issue, the Re-evaluation should consider these and other "physical features" and "environmental characteristics" to objectively determine the propriety of the designated use. For example, as a means of confirming the existence of a "use," the Draft Work Plan should more realistically consider such features as "graffiti" or a "ladder" as evidence showing that the "physical characteristics" do not support the designated recreational use.

The use of "ladders," rather than proving proper access, proves access is prohibited, and thus proves that the "physical characteristics" of the water body contradict using the water for recreational purposes. No unlawful use of a water body should be a designated "use" of the water body since to do so would, a) be contrary to EPA's interpretation of the CWA regulations, and, b) appear to approve and thus encourage dangerous and unsafe uses of the water. The Regional Board should not engage in *de facto* confirmation of the propriety of an unlawful or dangerous use of a flood control channel, or of any other water body.

Instead, the Draft Work Plan should set forth a process designed to document the "physical features" of the water, and if those physical features or environmental characteristics confirm that it is either illegal, dangerous, or otherwise aesthetically undesirable to be recreating in water segments, this information alone should be sufficient to revise the use designation. This analysis is further consistent with the Use Attainability provisions under federal regulations (40 CFR 131.10(g)), as well as the process for properly designating "existing uses," regardless of "whether or not they are included in the water quality standards." (40 CFR § 131.3(e).)

Similarly, the use Re-evaluation should not be based on anecdotal information or otherwise on unreliable User Surveys that document an individual's perception of the quality of the water in engineered channels, rather than on an analysis of the physical features of the water or on whether the actual quality of the water would be appropriate to support the use. The approach recommended in these comments, if followed, would necessitate substantial changes not only to the Reconnaissance Fact Sheets and User Surveys, but also to a majority of the text of the Draft Work Plan, including substantial changes to the purpose of the Field Monitoring and Data Information sections, as well as the Data Collection and Analysis portions of the Draft Work Plan.

The Draft Work Plan Must Be Revised To Be Consistent with the Purpose of the Re-Evaluation Requested by the Regional Board on July 9, 2010.

It should not be overlooked that the Re-evaluation process was initiated at the request of the Regional Board itself at a hearing on July 9, 2010, because of the Board's concerns over the significant economic burden on the cities and on the public at large to achieve the water quality objectives necessary to support the designated uses.

In the Board deliberations at the July 9 hearing on the Los Angeles River Bacteria TMDL, the Board appeared to require that Staff conduct a thorough evaluation of the currently designated uses of all portions of the LA River, specifically including the concrete-lined portions, and to evaluate whether recreating in the River would be dangerous or aesthetically desirable, as well as to consider the enormous economic burden of converting the existing engineered portions of the River into a typical river. For example, Chair Lutz commented on the need for the Re-evaluation Study in part, as follows:

> CHAIR LUTZ: When we talk about the L.A. River and it being Rec-1, it encompasses the entire river, but we do have portions that are concrete and prohibited from people to be in through the flood channel. So --
>
> ***
>
> CHAIR LUTZ: But that's where we want to start going with these studies is really looking at that aspect of it. You know, I think Ms. Diamond has made a comment in the last couple days, twice to me, about L.A. River. Great cities have rivers, and yeah, they do.
>
> Right now we have a great flood channel, so to make it a river is a different situation, and it's going to take something to make that happen. But in the interim, when it is still concrete or portions of it, and **I think that's where I really feel we need to focus this is, portions of this are concrete and they are prohibited from people to be in because the Flood Channel, who owns it, directs it, prohibits, and that just a fact.**
>
> (July 9, 2010 Transcript of Bacteria TMDL, 142:12-15 & 143:5-17.)

Subsequently, Chair Lutz explained, in the following strong terms, her concerns with the economic impacts of attempting to achieve the bacteria TMDL for the LA River:

> CHAIR LUTZ: I do have a few comments I'd like to make. I think Mr. Blois said exactly what I wanted to say. I'm not real thrilled that we're having to do a TMDL at this point that is so costly. I absolutely want clean water, absolutely; however, I'm disappointed that there's no other way to do this where it doesn't cost money.
>
> Yesterday I sort of went on a dissertation about the cities and the counties and the funding, and I have to repeat it here. We are in extraordinary economic times right now. We have been for a couple of years.
>
> **These cities do not have this money, and I think it just – it needs to be said point blank, they don't have the money.** Be it $5 billion, be it $500 billion, be it $5 million, they don't have it.
>
> These are cities that have been cutting their budgets, letting go of staff, closing down facilities, closing programs. My own city has lost 24 staff members. We've lost 15 percent of our staff members in the last year-and-a-half due to budget cuts. A million dollars year that keeps coming back, and it's the gift that just keeps coming and these things aren't going away.

> And something else that doesn't get addressed is that we have a state that's in a severe deficit problem as well, and they're not going to fix it in the next year or two years, and because they're in this severe problem, they reach their hand out and they take money from the cities and the counties.
>
> So this is a severe problem, and, yes, there is 25 years to meet this, but there's studies that have to be done, and those just don't happen. They cost money. The funding that the cities have been putting together to make the metals studies has been scraping and clawing to get it together to fund these studies.
>
> So I – it – it bothers me tremendously when people who don't have to write the check and people who don't understand the financing say it just – you just – it's something you have to do. It – it is something we have to do. It's not something that the municipality and the counties are going to figure out how to do.
>
> (July 9, 2010 Transcript of Bacteria TMDL, 171:6 – 172:20.)

The Board's direction only further supports the need to focus the Draft Work Plan on the physical and environmental characteristics of the water body itself, the issues of access, the lawfulness of the activity, and the other practical problems with recreating in the engineered and concrete-lined portions of the River. (See, CWC § 13241 requiring a consideration of the "environmental characteristics" of the water body in issue, when developing water quality standards.)

The Draft Work Plan Should Focus on the "Uses" Attained "in the Water Body" Itself, Rather Than on Adjacent Land Uses.

Given that the Draft Work Plan is designed to evaluate "recreational uses" in the engineered channels of the Los Angeles River Watershed, and in light of the definition of "existing uses" in the federal regulations, i.e., "uses actually attained in the water body," the Draft Work Plan should similarly focus on the recreational uses "in the water body," rather than on other uses of the land surrounding the water body. Bacteria is a perfect example of the importance of focusing the study on the use "in the water body," rather than on uses surrounding the LA River. The concern with bacteria levels is primarily one of recreating "**in the water body,**" and not on biking or jogging along the banks of the water body, with the aesthetic nature of the water body, rather than the quality of the water itself, being the central concern with uses adjacent to the waters. As such, although surrounding uses of adjacent property are somewhat relevant for purposes of determining the proper use designations for the water segment at issue, they are, by no means, controlling and should not be given equal weight to the need to evaluate the uses "in the water body" itself.

The Draft Work Plan Should Account for the Possibility That the Superior Court's Decision In the *Arcadia Case* Is Upheld and That the "Potential Use" Designations May Need To Be Deleted.

The Draft Work Plan should also allow for sufficient flexibility to account for the possibility that the Superior Court's Decision in the City of Arcadia et al. v. State Water Resources Control Board, et al., case, OCSC Case No. 06CC02974, Fourth Appellate District, Division 3, Case No. G041545 (hereinafter the "Arcadia Case.") is upheld, and in particular that the Superior Court's Decision involving deleting the "potential" use designations in the existing Basin Plan, will be affirmed. The Draft Work Plan contains a number of provisions designed to evaluate the existence of "potential" beneficial uses, as defined in the Basin Plan, but such an analysis may not only become unnecessary, it may further become legally prohibited if the Superior Court's Writ of Mandate is affirmed on appeal.

Accordingly, the Draft Work Plan should account for this possibility, and should provide for an alternative approach for evaluating the propriety of the "potential" use designations in the Basin Plan for the Los Angeles Region. This alternative approach should be spelled out in the Draft Work Plan and should provide for a process for evaluating whether any of the presently designated "potential" uses can, or should be, properly designated as "probable future" uses, and if not, for the removal of such "potential use" designations.

Even if the Decision in the *Arcadia* Case Is Not Largely Upheld, the "Potential Use" Designation in the Basin Plan Should Be Revised.

Alternatively, even if the Superior Court's decision in the Arcadia Case is not upheld, the Basin Plan's description of the factors to be considered when designating "potential" uses, should itself be evaluated, and revised. The process set forth in the Draft Work Plan, as presently written, appears to be designed to make a record to justify the presently designated "potential" use in the Basin Plan. For example, the Draft Work Plan, as presently drafted, would evaluate the propriety of a "potential use" designation based merely on the "public desire to put the water to such future use," or the mere "potential to put the water to such a use." (Draft Work Plan, p. 1.) This approach is not only inconsistent with the requirements under state and federal law (see, e.g., CWC §§ 13000 and 13241(a), and CWA, 33 U.S.C. § 1313(c)(2)(A) [water quality standards are to be developed based on the "use and value" of the water body]), but is also contrary to the direction provided by the Regional Board at the July 9, 2010 hearing on the bacteria TMDL, where there, the Regional Board expressed the need for Board Staff to evaluate the propriety of the currently designated uses in the Basin Plan, including specifically the propriety of use designations for concrete-lined flood control channels.

Of course, it would be arbitrary to re-evaluate the uses in the Basin Plan, only to fail to revise designated uses because of language in the very Basin Plan that is proposed to be reviewed and modified. As such, if "potential uses" are to remain in the Basin Plan, at a minimum, the factors which go into designating a "potential use" must be evaluated and revised. Accordingly, the

Basin Plan's present description of what constitutes a "potential use," as discussed on page 1 of the Draft Work Plan, needs to be evaluated and revised as well.

The primary purpose of the use Re-evaluation is to consider appropriate revisions to the use designations, which revisions should obviously include modifications to constraints in the Basin Plan that are not legally required and that would prevent or otherwise limit the review and revision process envisioned by the Regional Board on July 9, 2010.

Further, the present approach in the Basin Plan for designating "potential" beneficial uses appears to be contrary to State Board Order No. 2005-0004. In State Board Order No. 2005-0004, the State Board determined that the LA Regional Board had improperly refused to remove a "potential" REC-1 (i.e., swimming) use designation for Ballona Creek's two upper reaches (consisting of concrete channels that are fenced to prevent public use). Although the State Board conceded it was "possible" these reaches could someday be restored to a condition that would permit swimming, it found that since there was no evidence it was "feasible" to attain such uses in the near future, the use designations were inappropriate. (Order No. 2005-004, p. 7.) The State Board explained its reasoning for overturning the Regional Board's prior refusal to down-grade the referenced "potential" REC-1 use, as follows:

> The record indicates that the creek was converted to a concrete-lined flood control channel many years ago. Since then, the surrounding area has become highly urbanized. [] [R]estoring the creek's use for full REC-1 uses associated with swimming would require **substantial changes in existing land use patterns. These types of changes require extensive time, planning, funding, and construction. They are likely to occur over very long time periods.**
> (Order No. 0005-0004, p. 13.)

The State Board's reasoning in down-grading the potential "REC-1" use for Ballona Creek is particularly applicable to the Los Angeles River and its tributaries and to the Regional Board Staff's focus on protecting mere "potential" uses as presently defined in the Basin Plan. Specifically, because as of this date, the Los Angeles River Revitalization Master Plan, and all other similar revitalization plans for the LA River, will require "substantial changes in existing land use patterns," as well as "extensive time, planning, funding, and constructions," all of which, if such events ever occur, will "occur over long time periods." None of the "potential use" designations for the LA River appear to be appropriate at this time. The Los Angeles River and most of its tributaries were converted to concrete-lined flood control channels many years ago. Since that time, the surrounding areas have become highly urbanized, and restoring the engineered channels for full REC-1 uses associated with swimming would require substantial changes in existing land use patterns. Any such changes are, as noted above, likely to occur over very long periods of time.

This same concern with designating uses for an existing flood control channel to accommodate the future implementation of a long-term revitalization plan, was specifically discussed by Chair Lutz at the July 9, 2010 hearing, with Ms. Lutz's direction to Staff being to accept the fact that "right now we have a great flood control channel" and that portions of the LA River "are concrete" and people are "prohibited" from being in the channel, and "that's just a fact." (Bacteria TMDL July 9, 2010 transcript, p. 143:10-17.)

Accordingly, on top of the need for the designated "existing uses" to be re-evaluated to determine whether such "existing uses" were "actually attained in the water body on or after November 28, 1975," in light of State Board Order No. 2005-0004, as well as the Regional Board's direction at the hearing on the Bacteria TMDL on July 9, 2010, the "potential" and "intermittent" use designations in the Basin Plan should similarly be reevaluated and revised, taking into account the physical and environmental characteristics of the water body segments.

In addition, as noted in my letter dated 27 September 2010, the State Water Board's assessment of Regional Board action with respect to the Staff-proposed modifications to recreational use standards for Ballona Creek, and its assessment of Ballona Creek Watershed Management Plan, provide guidance on how the proposed uses in engineered channels in the Los Angeles River Watershed should be conducted. Further, the State Water Board's discussion of its directive to Regional Boards that they initiate basin plan amendment procedures whenever they conclude that designated uses do not exist and are not likely to exist in the future is particularly relevant to the current project.

The Draft Work Plan for the Los Angeles River Recreational Use Re-evaluation should be thoroughly rewritten to be consistent with the preceding comments, as well as with EPA's direction on designating beneficial uses and the Regional Board's direction to Staff at the July 9, 2010 hearing on the Los Angeles River Bacteria TMDL. The Draft Work Plan should also account for the possibility that the Superior Court's decision in the Arcadia Case is upheld, and that "potential" use designations may need to be deleted. A revised Draft Plan should be brought back to the RECUR Committee for discussion at our next meeting. Thank you for the opportunity to provide these comments.

Sincerely,

RICHARD WATSON & ASSOCIATES, INC.

Richard Watson, A.I.C.P.
On Behalf of the Coalition for Practical Regulation (CPR)

ARROYO SECO FOUNDATION

Comments on Recreational Use Assessment of the Engineered Channels of the Los Angeles Watershed (RECUR)

March 14, 2014

Page 49 — The Los Angeles River Ecosystem Restoration Integrated Feasibility Report	• Alternatives 13, 16, and 20 all include restoration of the Arroyo Seco Confluence. The Arroyo Seco is included in the study area from the confluence one mile north to Pasadena Avenue. • USACE has also been conducting a separate study, the Arroyo Seco Watershed Ecosystem Restoration Feasibility Study, since 2002 focusing on the urbanized Arroyo Seco from Hahamongna Watershed Park in Pasadena to near the Confluence with the Los Angeles River in Northeast Los Angeles. Three documents have been released to date: the 2002 Reconnaissance Study, the 2005 Project Management Plan, and the 2011 Feasibility Scoping Meeting Documentation. We encourage the Regional Board to take these documents into consideration as well.
Page 63 — 5.2.3 Arroyo Seco	• The Arroyo Seco flows through the City of Los Angeles as well as the other cities named. • The Arroyo Seco is not lined with concrete the entire length of Reaches 1 and 2; there are two sections, each about 0.5 miles, where the stream channel is natural was never concretized. The first runs from the foot of Devil's Gate Dam to the northern edge of Brookside Golf Course. The second starts 350 feet south of Holly Street and ends under the Colorado Street Bridge in Pasadena's Central Arroyo.
Pages 63-64 — Physical Conditions	• The channel has a trapezoidal configuration from the confluence with the Los Angeles River one mile upstream to Pasadena Avenue. From there it changes to a vertical configuration upstream to Avenue 45. At that point, it returns to a trapezoidal configuration upstream to San Pascual Avenue, where it again changes to a vertical configuration upstream to the end of the engineered channel, at the Colorado Street Bridge in Pasadena.
Page 64 — Accessibility	• The unpaved multi-use trail continues north under the Colorado Street Bridge to Arroyo Boulevard south of Holly Street. It allows direct access to the soft bottom creek in Pasadena's Central Arroyo.
Page 69 — Plans for future Recreational Use of the Arroyo Seco	• The final version of the Arroyo Seco Watershed Assessment was released in May 2011. The full document with appendices can be found at http://www.arroyoseco.org/documents/watershed-assessment-final.pdf. • The City of Pasadena adopted a comprehensive Arroyo Seco Master Plan in 2003 for the six miles of the Arroyo within city boundaries, detailing future recreation uses of the stream and canyon.

Sincerely,

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Amah, Ginachi@Waterboards

From: Joyce Dillard <dillardjoyce@yahoo.com>
Sent: Friday, February 28, 2014 2:51 PM
To: Amah, Ginachi@Waterboards
Subject: Comments to LA Recreational Use Re-Evaluation RECUR Draft Work Plan due 2.28.2014

RECUR is part of the expanding Economic Development for the Hotel and Tourism industry and Sports and Entertainment industry.

Missing are the Land Use planning tools including Community Plans and Specific Plans such as CASP Cornfield-Arroyo Specific Plan.

SEA Significant Ecological Areas should be reviewed as Ecosystem Restoration issues contribute to a healthy watershed. US Army Corps LA River Ecosystem Feasibility Study.

LARRMP LA River Revitalization Master Plan is a land use document as there is no jurisdiction by the City of Los Angeles over the river as a waterbody.

Watermasters responsibilities need to be taken into consideration such as the Upper LA River Watermaster and the DWR Department of Water Resourcees for the Central Basin Municipal Water District.

California Department of Public Health and the LA County Department of Public Health should be consulted. CDC Centers for Disease Control should also be consulted.

Department of Homeland Security, Federal Railroad Administration and any other appropriate Federal agency should be consulted for issues of transportation and pipeline issues.

Earthquake faults run through the river and should be taken into consideration. Quick sand issues need to be identified as they are a historical problem.

Underground or channeled utilities need to be identified.

Emergency Services should be reviewed as to Staffing, Equipment and Funding.

Responsible Parties for liability issues should be identified.

Metropolitan Water District intake of State Water Project deliveries and the chemicals stored for processing should be identified. There are Public Safety issues due to explosion and fire.

Birds and wildlife need to be assessed for human contact and potential disease. Vector Control should be consulted.

TMDLs have a mitigation responsibility from the permittees. TMDL reduction needs to be re-assessed as to Responsible Parties and liability.

Sediment flows and fire effects should be taken under consideration.

Equestrian usage should be considered for REC use.

Metabolic Studio is planning a Water Wheel called Bending the River Back into the City. This is not a public works project yet the private developer plans to extract water from the LA River and reuse it as irrigation for a State Park.

We find the use of the LA River troubling. Private parties should not be allowed to extract water from the river for an art project. There is no adjudication in the groundwater basin and issues of water rights is not being addressed.

The project is in a fault zone. No building is allowed in a fault zone.

The property is currently owned by the Metropolitan Transportation Agency and part of the Midway Yard access. Federal railroad regulations are not taken into consideration. Metabolic Studio has no site control.

Sale of property would need to go through a surplus property procedure.

Without site control, this becomes an issue of fraud. If approved, this can be a precedent setting issue for private use of a public asset.

As you review REC issues, please consider who has site control, who has the liability and who has the responsibility for Federal regulation compliance.

Joyce Dillard
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