



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,

A handwritten signature in black ink that reads "Lara Meeker".

Lara Meeker, MESM
Watershed Program Manager
Los Angeles Waterkeeper

A handwritten signature in black ink that reads "Tatiana K. Gaur".

Tatiana Gaur
Senior Attorney
Los Angeles Waterkeeper