



1444 9th Street
Santa Monica CA 90401

ph 310 451 1500
fax 310 496 1902

info@healthebay.org
www.healthebay.org

October 31, 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

Re: *Tentative Resolution R14-0XX: Retaining the Current Recreational Beneficial Use Designations of the Engineered Channels of the Los Angeles River Watershed*

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 tentative resolution R14-0XX: *Retaining the Current Recreational Beneficial Use Designations of the Engineered Channels of the Los Angeles River Watershed* (“Tentative Resolution”). Heal the Bay is an environmental organization with over 15,000 members dedicated to making Southern California coastal waters and watersheds safe, healthy, and clean for people and aquatic life.

Heal the Bay strongly supports staff’s recommendation to retain the current recreational beneficial use designations in the engineered channels of the Los Angeles River and its tributaries. We acknowledge the Regional Board’s efforts in gathering information and data for the Los Angeles River watershed, as this is an important step in cataloguing historic, current, and future recreation in the Los Angeles River and its tributaries. The *Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed* Report (“RECUR”) is helpful in reaffirming already designated recreational beneficial uses along the waterway. However as discussed below and outlined in previous testimony and written comments^{1,2}, using RECUR to remove designated recreational beneficial uses is inappropriate and would set bad precedent for engineered channels and water quality standards, create dissimilar water quality standards along connected stretches of the Los Angeles River and its tributaries, and greatly diminish current and future revitalization efforts along the Los Angeles River and its tributaries. The engineered channels of the Los Angeles River and its tributaries are a valuable recreational resource, and the recreational beneficial use designations for these channels are appropriately established and justified.³ **Thus, we support the Regional Board’s Tentative Resolution to retain current recreational beneficial use designations of engineered channels of the Los Angeles River Watershed.**

Recreational beneficial uses and opportunities of the Los Angeles River Watershed are likely to increase in the future from recent federal, regional, and local revitalization efforts. USEPA’s designation of the Los Angeles River as a navigable water of the United States, Senate Bill 1201 establishing Los Angeles River

¹ Heal the Bay. *Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed Technical Report*. Submitted March 6, 2014.

² Heal the Bay et al. *Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed Technical Report*. Submitted February 28, 2014.

³ California Regional Water Quality Control Board Los Angeles Region. *Tentative Resolution No. R14-0XX: Retaining the Current Beneficial Use Designations of the Engineered Channels of the Los Angeles River Watershed*.



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as a river instead of a flood control channel, and the City of Los Angeles' adoption of the Los Angeles River Revitalization Master Plan are a few of the many efforts that will enhance the Los Angeles River in coming decades. These efforts will not only transform how the Los Angeles River looks and functions, but will also provide a suite of benefits to the region (social, economic, aesthetic, flood, environmental, etc.). Using RECUR to remove designated recreational beneficial uses does not compliment federal, regional, and local actions to improve the waterway and can significantly undermine potential benefits these actions can produce.

Further, the timing and duration of RECUR does not capture all beneficial uses of the Los Angeles River Watershed. The 18-month data collection period used for the study occurred before most public outreach efforts and projects launched for revitalization along the Los Angeles River. Public perception of the River has dramatically shifted since the original data collection period ended and more Angelinos are now viewing the River as recreational space in contrast to a flood control channel. Moreover, the study only captures a snapshot in time of recreation occurring along the River and may not capture all current uses.⁴ Therefore, the study should not be used to influence Basin Plan decision making.

There is strong public desire to keep the current recreational beneficial uses of the Los Angeles River and its tributaries. As you may recall, numerous stakeholders⁵ submitted comments on RECUR Part I expressing concerns with diminution of current recreational beneficial use designation of the watershed. Several of the groups are intimately involved in revitalization projects along the watershed. Removing designated recreational beneficial uses may create fewer incentives for stakeholders to pursue revitalization projects and subsequently expand recreational uses. It may also create fewer incentives to improve water quality in the region as less stringent water quality standards would be established for River reaches. Removing designated recreational beneficial uses does not align with the current revitalization movement occurring around the Los Angeles River and its tributaries and should not be pursued.

Lastly, removing designated recreational beneficial uses from Los Angeles River and its tributaries does not follow the Board's own vision and water quality goals for the Los Angeles River as noted in staff recommendations from draft *Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los Angeles River Watershed, Part II: Assessment and Recommendations* technical report. In addition, at the December 5, 2013 Los Angeles Regional Water Quality Control Board meeting, board members discussed how removing recreational beneficial use designations would not align with current efforts the Board is taking to enhance the watershed. Furthermore, the Board acknowledged the ongoing efforts entities have taken to revitalize Los Angeles River and its tributaries—a component that is grossly underrepresented in RECUR due to the timing of data collection.

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. Due to the limitations of the RECUR study, we strongly support the recommendation from staff that the Regional Board should not pursue

⁴ 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.

⁵ Heal the Bay, Friends of the Los Angeles River, The River Project, Clean Water Action, Seventh Generation Advisors, Presente.org, Urban Semillas, Golden Road Brewing, LA Conservation Corps, Studio City Residents Associated, Save LA River Open Space, San Fernando Valley Audubon Society, California Audubon, Pasadena Audubon, Los Angeles Waterkeeper, and Santa Monica Mountains Conservancy.



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changing existing recreational beneficial use designation along the Los Angeles River and its tributaries. We urge the Regional Board to follow staff recommendations to retain the current recreational beneficial use designations in the engineered channels of the Los Angeles River and its tributaries and adopt the Tentative Resolution as proposed.

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

Kirsten James, MESM
Science and Policy Director, Water Quality
Heal the Bay