



California Regional Water Quality Control Board

Los Angeles Region

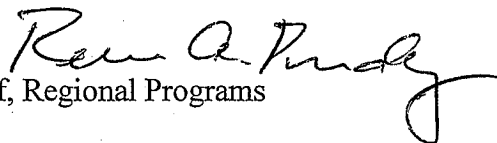


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Arnold Schwarzenegger
Governor

TO: Interested Persons

FROM: Renee Purdy 
Section Chief, Regional Programs

DATE: August 31, 2010

SUBJECT: NOTICE OF WORKSHOP ON THE RE-EVALUATION OF
RECREATIONAL USES IN THE ENGINEERED CHANNELS OF THE LOS
ANGELES RIVER WATERSHED

This notice is to inform interested persons that the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is initiating a project to re-evaluate the recreational beneficial use designations for all engineered channels within the Los Angeles River watershed. An Informational Workshop will be held on:

***Monday, September 27, 2010 at 10:00 a.m.
at the Junipero Serra Building
Carmel Room, 1st Floor
320 W. 4th Street
Los Angeles, California 90013***

Regional Board Staff will solicit stakeholder participation in the re-evaluation process, as well as input on the Regional Board's approach as presented at the workshop. You may contact Dr. Ginachi Amah at (213) 576-6685 or gamah@waterboards.ca.gov if you have any questions regarding this matter. Please bring the foregoing to the attention of any persons known to you who would be interested in this matter.

Background

Many waterways in the Los Angeles Region have been engineered to reduce the incidence of flooding in urbanized areas by conveying stormwater runoff to the ocean as efficiently as possible. These waterways are usually lined, at the bottom and/or on the sides, with rip-rap or concrete. These modifications create life-threatening "swift-water" conditions during and immediately following storm events, making it unsafe for recreational activities in, or in proximity to, such waterbodies. In addition, the vertical walls and/or steep-sided slopes of these

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channels, often in conjunction with restrictive fencing, usually limit, to varying degrees, direct access to channelized creeks and streams for the purpose of recreational use. Furthermore, many of these channels have minimal flows and low water levels in the dry periods that occur throughout the year. Given these conditions, the appropriateness of assigning the water contact recreation (REC-1) use to engineered channels with the conditions described above is often questioned by a number of stakeholders throughout the region. Concerns have also been expressed regarding the potential for such beneficial use designations to encourage recreational activities in areas that are unsafe.

At the same time, counties and cities, along with non-profit organizations have been working to restore urban rivers in the region to provide greater recreational opportunities to urban residents and visitors. Thus, in addressing recreational use issues in engineered channels, the Regional Board must balance stakeholder concerns regarding the appropriateness of such uses, against growing stakeholder desire to restore streams and increase the recreational uses in many waterbodies to support some of the same uses.

The Regional Board addressed the issue of water contact recreation during unsafe conditions through a categorical suspension of the recreational beneficial uses and associated bacteria objectives in engineered channels during unsafe wet weather conditions (Resolution No. 2003-10). Also, in response to the concern that limited accessibility and low-flow conditions in engineered channels cannot support a REC-1 designated use, the Regional Board has previously re-evaluated recreational uses under such conditions, on a case-by-case basis. To date, one such re-evaluation has occurred in Ballona Creek and Estuary. This resulted in the removal of the potential REC-1 use for Reach 1 of Ballona Creek, and the development and designation of a sub-category of REC-1 (Limited REC-1) for Reach 2 of the creek (State Board Resolution No. 2005-0015). These models can be used to look at other waterbodies.

More recently, many stakeholders indicated a strong desire for this issue to be prioritized, and as a result, the re-consideration of the application of REC-1 and REC-2 beneficial uses in specific instances was selected as one of the projects to be addressed during the 2008-10 Triennial Review period (Resolution No. 2010-001). Such reconsiderations will involve re-evaluating, where appropriate, recreational beneficial uses for engineered channels with conditions that may not be conducive to fully supporting their REC-1 designation. Evaluations would be conducted with the recognition that existing beneficial uses¹ cannot be removed and downstream uses must be protected. They will also be conducted in conformance with federal regulations at 40 CFR 131.10(g) as well as US EPA's guidelines for conducting use attainability analyses and developing and assigning subcategories of a designated use. Staff will begin this effort with a re-evaluation of the recreational uses of the waterbodies of the Los Angeles River watershed since

¹ Existing uses are those uses that have been present in the waterbody on or after November 28, 1975, or those where water quality has been sufficient to support such uses on or after November 28, 1975.

the Regional Board received repeated stakeholder requests for such an action in this watershed during the recent development of the Los Angeles River Bacteria TMDL.

In July 2010, USEPA made the determination that the Los Angeles River was a Traditional Navigable Water based on the results of an analysis contained in the report titled "*Special Case Evaluation Regarding Status of the Los Angeles River as a Traditional Navigable Water.*" In this report, USEPA determined that uses such as kayaking, which is a REC-1 use, occur along the main stem (Reaches 1 through 6) of the river and that flows exist in the river through the "vast majority" of the year to support such uses. The report also acknowledges the increased potential for probable future REC-1 use, based on the Los Angeles River Revitalization Plan which supports the provision of enhanced opportunities for safe public access to the water. The assessment of the recreational uses of the Los Angeles River Reaches 1 through 6 will therefore focus on evaluating the magnitude and frequency of these existing uses in order to determine whether or not sub-categorization of the REC-1 use should be considered.

However, in the absence of similar analyses and determinations for the tributaries of the Los Angeles River, a use attainability analysis (UAA) will be conducted for those tributaries that are channelized. The goal of the proposed UAAs is to confirm or determine actual existing uses of these waterbodies, as well as their potential probable future uses.