

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

Resolution No. R14-0XX

**Retaining the Current Recreational Beneficial Use Designations of the Engineered
Channels of the Los Angeles River Watershed**

December 4, 2014

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) finds that:

1. Section 101(a)(2) of the federal Clean Water Act sets a national interim goal wherever attainable, of water quality that provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water, which was to be achieved by July 1, 1983.
2. Section 131.10(a) of title 40 of the Code of Federal Regulations directs each State to specify appropriate water uses to be achieved and protected. The classification of the waters of the State must take into consideration the use and value of water for public water supplies, protection and propagation of fish, shellfish and wildlife, recreation in and on the water, agricultural, industrial and other purposes including navigation.
3. Also, State and federal laws mandate the periodic review and, if necessary, update of Basin Plans. Specifically, section 303(c)(1) of the Clean Water Act requires that a State's water quality standards (which include beneficial uses and water quality objectives) be reviewed at least once every three years – a process known as a triennial review.
4. The *Water Quality Control Plan for the Los Angeles Region* (Basin Plan) is the Los Angeles Water Board's master water quality control plan for the coastal watersheds of Los Angeles and Ventura counties. The Basin Plan designates beneficial uses of waters of the State; establishes water quality objectives to protect those beneficial uses, prevent nuisance, and maintain high quality waters; and describes implementation programs to achieve water quality objectives.
5. The national "fishable/swimmable" goal established in section 101(a)(2) of the Clean Water Act has formed the broad basis for the beneficial use designations of surface waters throughout California. In addition to this consideration, the Los Angeles Water Board conducted comprehensive reviews of existing data and solicited input from stakeholders in the early 1970s and again in the early 1990s to determine the existing and potential beneficial uses of surface waters in the Los Angeles Region. These efforts formed the bases for the beneficial use designations assigned to surface waters in the Basin Plan. Since protection of beneficial uses is one of the principal drivers for the application of water quality objectives to the region's water bodies, the designation of beneficial uses has broad consequences for the actions of the Los Angeles Water Board to fulfill its mission to preserve and enhance water quality in the region for present and future generations.

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6. The beneficial uses of ground and surface waters in the Los Angeles Region are established in Chapter 2 of the Basin Plan. Recreational uses are contained in Table 2-1a of the Basin Plan and include: water contact recreation (REC-1), limited contact recreation (LREC-1), and non-contact recreation (REC-2). Virtually all surface waters in the Los Angeles Region have REC-1 and REC-2 designations. Such uses can be classified as existing (present in the waterbody since 1975), intermittent (present in the waterbody when water is present, for streams with intermittent flows), or potential (indicates the waterbody could potentially support the beneficial use).
7. The main-stem of the Los Angeles River flows for 55 miles from the Santa Monica Mountains at the western end of the San Fernando Valley to the Long Beach Harbor and into the Pacific Ocean. The entire river system includes a total stream length of 837.62 miles, approximately 205 miles of which are engineered channels. These engineered channels have been lined (at the bottom and/or on the sides) with rip-rap or concrete and, in most cases, straightened, with the intent of reducing flood risk by transporting storm water as efficiently as possible to the ocean. These modifications can create life-threatening “swift-water” conditions during and immediately following storm events, making it unsafe for recreational activities in, or in proximity to, the engineered channels during these events.
8. In 2003, the Los Angeles Water Board adopted an amendment to the Basin Plan to suspend the recreational beneficial uses and associated bacteria water quality objectives in certain engineered channels in Los Angeles County during defined wet weather conditions (Resolution No. R03-10). This amendment to the Basin Plan addressed concerns raised by some representatives of the regulated community regarding the appropriateness of recreational use designations in such waterbodies during unsafe wet weather conditions.
9. During past triennial reviews, representatives of the regulated community have urged the Los Angeles Water Board to reconsider the suitability of water contact recreation use designations in engineered channels where there is restricted access and there are characteristically low flows in the channels. It has been the Board’s approach to address such concerns on a case-by-case basis, as it did with the Ballona Creek Use Attainability Analysis conducted in 2002. However, as part of the 2008-2010 Triennial Review, the Board directed staff to make the re-evaluation of recreational uses in the Los Angeles Region’s engineered channels a priority (Resolution No. R10-001). The Board further directed staff to begin this re-evaluation process in the Los Angeles River watershed, since the Board had recently adopted a Total Maximum Daily Load (TMDL) for bacteria in the Los Angeles River watershed, which is designed to protect the water contact recreational uses of the Los Angeles River and its tributaries.
10. From September 2010 through December 2013, Los Angeles Water Board staff conducted a comprehensive assessment of the recreational uses of all the engineered channels in the Los Angeles River system. This involved field reconnaissance, coordinated field monitoring events, web-based and in-person surveys, review of relevant studies, reports and watershed and sub-watershed management plans, compilation and analysis of water depth data, collaboration with interested persons and agencies, and consideration of on-going revitalization efforts to improve or provide recreational opportunities in these river channels.

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11. Interested persons and agencies were kept involved throughout the process. Los Angeles Water Board staff conducted a public workshop in September 2010 to inform stakeholders of the initiation of the assessment process. Stakeholders were encouraged to participate and a number of agencies and volunteers assisted with various elements of the process. In addition, stakeholders were kept informed through a stakeholder workshop in April 2012, as well as during updates to the Board in October 2011, July 2012, and December 2013.
12. The assessment period coincided with a multitude of significant regulatory and planning activities related to the recreational uses and opportunities of the Los Angeles River watershed, which were taken into consideration during this evaluation process. Some of these include:
 - a. In July 2010, the U.S. Environmental Protection Agency (U.S. EPA) confirmed that the main-stem of the river is a “Traditional Navigable Water” capable of supporting water contact activities such as kayaking for most of the year. In reaching that conclusion, U.S. EPA considered a number of factors including the ability of the Los Angeles River under current conditions of flow and depth to support navigation by watercraft; the history of navigation by watercraft on the river; the current commercial and recreational uses of the river; and plans for future development and use of the river which may affect its potential for commercial navigation. U.S. EPA determined that available evidence on each of those factors indicates that the Los Angeles River main-stem possesses the physical characteristics and past, present, or future use for navigation consistent with a “Traditional Navigable Water.”
 - b. In June 2011, the Urban Waters Federal Partnership led by the U.S. EPA, the Department of the Interior, and the U.S. Department of Agriculture selected the Los Angeles River Watershed as one of seven pilot locations nationally to receive support to reconnect urban communities, particularly those that are overburdened or economically distressed, with their waterways by improving these waterways and promoting their economic, environmental and social benefits.
 - c. In 2012, Governor Brown signed Senate Bill 1201, directing the Los Angeles County Flood Control District to provide for “public use of navigable waterways under the district’s control that are suitable for recreational and educational purposes.”
 - d. U.S. Army Corps of Engineers’ issuance of permits for water contact recreational activities in certain reaches of the main-stem and the development of a series of water contact recreation programs along the river.
 - e. In 2014, the U.S. Army Corps of Engineers completed a feasibility study for the Los Angeles River Revitalization Master Plan, which would restore and revitalize certain areas along the Los Angeles River, and selected a project alternative to receive federal funding, which will significantly enhance recreational use of the river.
13. The recreational use assessment was conducted in a manner that was mindful of the shared public goal of supporting recreation in all of the region’s waters, as envisioned in Clean Water Act section 101(a)(2). The objective of the Board’s assessment was to obtain and evaluate information on historical use, define current conditions and use, and assess additional opportunities for future use based on current conditions and local restoration and revitalization plans. This process was conducted by Board staff and supported by significant contributions from stakeholders.
14. In December 2013, Los Angeles Water Board staff released a draft of the technical report titled “Recreational Use Reassessment (RECUR) of the Engineered Channels of the Los

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Angeles River Watershed” (RECUR Report), which contained the results of the recreational use assessment of the Los Angeles River system’s engineered channels. Interested persons and agencies were invited to submit comments on the draft report, including potential actions to be taken by the Los Angeles Water Board relative to the current recreational use designations in light of the report’s findings and any pertinent information not included in the draft report relevant to recreational uses of the engineered channels. A 64-day public comment period was provided. The draft report was revised as appropriate in response to comments with a focus on adding relevant information that was not initially included in the report and correcting any erroneous information.

15. A Staff Report, which forms Part II of the RECUR Report and is titled “Assessment and Staff Recommendation,” was developed based on the results of the RECUR Report, stakeholder comments on the report, on-going regulatory and project development related to the support and development of recreational opportunities in these engineered channels, and regional water quality goals.
16. The Los Angeles Water Board has reviewed and considered the RECUR Report, Staff Report, and related stakeholder comments. With these considerations, along with the current climate of urban river revitalization reflective of a strong public desire to put these engineered channels to greater recreational use, and the Board’s long-standing support of a fully revitalized Los Angeles River, the Board has concluded that the current recreational beneficial use designations of the engineered channels remain appropriately established and supported. Accordingly, no modifications to these use designations in the Basin Plan are warranted at this time.
17. The Los Angeles Water Board retains the current recreational beneficial use designations of the engineered channels of the Los Angeles River system in light of the documented past, present and future uses, including the potential for a greater magnitude and extent of recreational opportunities in and along the river system. This conclusion is fully consistent with the Los Angeles Water Board’s long-standing goal of achieving the fundamental “fishable/swimmable” goal of the Clean Water Act, wherever possible. This determination is also fully supportive of the current momentum towards urban river revitalization, which is fueled by the efforts of federal agencies including the U.S. EPA and U.S. Army Corps of Engineers, the City and County of Los Angeles, and other local agencies and non-profit organizations.
18. Interested persons and agencies were provided an opportunity to participate in the recreational use reevaluation of the engineered channels of the Los Angeles River. A draft of the RECUR Report was released for a 64-day public comment period on December 26, 2013. The draft tentative resolution and draft Staff Report were released for a 30-day public comment period on October 6, 2014. On December 4, 2014, the Los Angeles Water Board held a public meeting to consider adoption of this resolution retaining the recreational beneficial use designations of the Los Angeles River watershed’s engineered channels. The public had an opportunity to provide oral comments during the meeting. The Board responded to written and oral comments received from the public on the draft tentative resolution and the draft Staff Report.

THEREFORE, BE IT RESOLVED THAT:

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1. Upon considering the RECUR Report, Staff Report, stakeholder comments, and the Los Angeles River revitalization efforts, the Los Angeles Water Board hereby retains the current recreational beneficial use designations of the engineered channels of the Los Angeles River system in light of the documented past, present, and potential and probable future uses. The engineered channels of the Los Angeles River are a viable recreational resource and the current recreational beneficial use designations for these channels remain appropriately established and supported. Accordingly, modifications to the current beneficial use designations in the Basin Plan are not warranted at this time.
2. All current recreational beneficial use designations, including the corresponding classifications of existing, potential, and intermittent, as established in Table 2-1a of the Basin Plan, shall be retained for all engineered channels within the Los Angeles River watershed.
3. The Los Angeles Water Board will, within the extent of its ability, put its full support behind efforts to revitalize the Los Angeles River and its tributaries in order to increase the magnitude and extent of opportunities for recreation in and on the water, while still protecting other beneficial uses supported by these waterbodies.
4. The Los Angeles Water Board recognizes that many of the region's major waterways have significant engineered portions. The Board further recognizes that proposals to remove or modify beneficial use designations of these waters based on their characteristics as engineered channels should take into account the potential for such actions to further limit the water resources available to the public for recreation. The Los Angeles Water Board will, if and where deemed appropriate, continue to encourage and support proposals and/or actions geared towards enhancing the beneficial uses of these modified waterways.
5. This determination does not preclude any future reconsideration of beneficial use designations for the Los Angeles River system or any other waterbody in the Los Angeles Region.
6. A copy of this resolution and the supporting RECUR Report and Staff Report shall be transmitted to the State Water Resources Control Board and the U.S. EPA.

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of the resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on December 4, 2014.

Samuel Unger, P.E.
Executive Officer

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