



**RECOMMENDATIONS FOR
NEAR-TERM RECREATIONAL ACCESS AND USE
OF THE LOS ANGELES RIVER**



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CONTENTS

- I. INTRODUCTION..... 1
- II. CURRENT USES..... 3
- III. USER SAFETY 5
- IV. SIGNAGE AND EDUCATION 8
- V. PERMITTING AND ENFORCEMENT 10
- VI. SUSTAINABILITY 12
- VII. COMMUNITY RESOURCES 15

I. INTRODUCTION

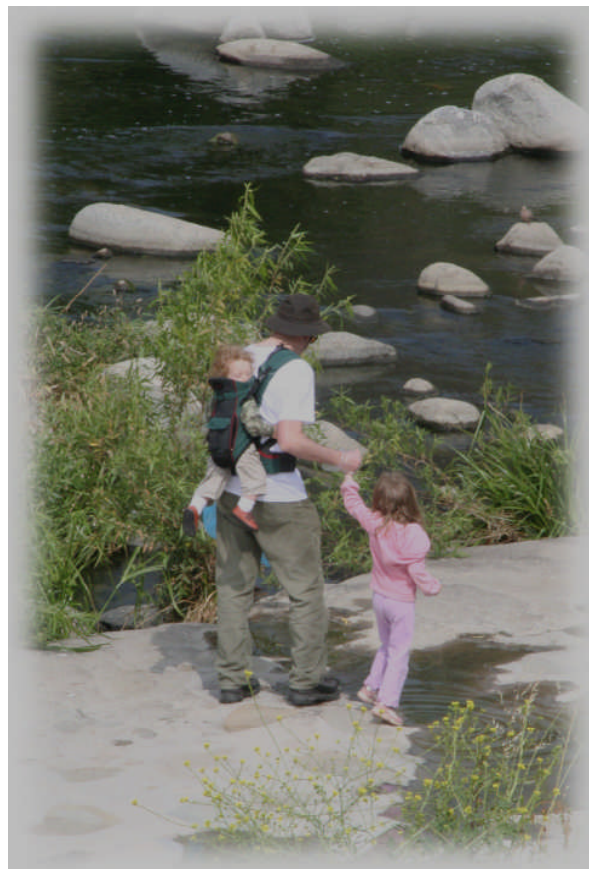
For 25 years, Friends of the Los Angeles River has advocated on behalf of the users of the River for enhanced recreational opportunities. We are now witnessing rapidly increasing public interest in and actual recreational use of the Los Angeles River. This, coupled with the U.S. Environmental Protection Agency's designation last July of the L. A. River as 'traditional navigable waters' based upon a number of criteria (with an emphasis on recreation), make this a critical time for the River. While we believe the River currently can and should be available to the public for various activities, there are significant impediments. Prompt action is required to address access and use of the River to assure the public interest is fully accommodated.

To this end we have convened a team of natural resource and environmental attorneys, experienced environmental and community leaders, and River experts, drawing upon the experience of those on the team and other individuals and organizations in the community. This team has reviewed the current public uses of the River with a particular focus on the issues associated with River access. Our purpose is to make recommendations for consideration by the key government agencies, with the intent of opening a dialogue through which we can craft a workable policy that will satisfy the agencies' concerns while providing for the needs of the general public, consistent with both the natural and man-made nature of this unique River. As part of our review, we have also looked at the revitalization plans for the Los Angeles River, the current policies and legal authorities of the responsible agencies, underlying historic and legal precedent applicable to rivers, and the 'traditional navigable waters' designation. Underlying our recommendations is the fundamental right of the public to access the River for recreational purposes, a right which should be no different than the public's right to access any other navigable water of the United States as supported by a substantial body of law including provisions of the California Constitution.

Our overall recommendation for the long term is a policy of open public access and use of the entire Los Angeles River, compatible with essential safety considerations. In the near term, the policy should recognize current realities and focus on those sections of the River which are already used extensively: the Sepulveda Basin, the Glendale Narrows/Elysian Valley, and the River estuary at Long Beach. We urge the U.S. Army Corps of Engineers, the City of Los Angeles, Los Angeles County's Flood Control District, and the City of Long Beach to adopt a clear, comprehensive, uniform set of policies for recreational access and use of these River sections.

While our initial focus is on these three segments of the River, we would emphasize that other segments may be amenable to near term uses and should not necessarily be excluded. For the longer term, the access and use principles adopted in the near term should be applied to the entire River.

This paper sets out the principal current uses of the River, our recommendations for continued use, and agency actions we believe are needed so that the public can continue to access the River safely and knowledgeably.



II. CURRENT USES

Current Situation

The Los Angeles River presents an array of currently-available recreational and educational opportunities. Increasingly, the public recognizes this and is taking advantage of the River for multiple purposes. To better understand the current uses, we have spoken with a number of individuals and groups, some responsible for organized events (such as River educational tours), others who have participated in studies (such as the FoLAR 2008 Fish Study), and still others who use the River on their own.

Discussion

The following table lays out what we believe are currently the principal recreational and educational uses of the River. There may be other uses which are practiced and acceptable; for example, it was noted that there is skateboarding on the trapezoidal walls of the channel in certain sections, as well as bicycling in the channel itself. It's not intended that additional uses are to be excluded and, where appropriate, they should be addressed and/or included with those that we have listed in this document.

We attempted to determine whether existing agency policy allows each use by reviewing agency statements of policies, correspondence and studies, and permits and permit applications. These include the U.S. Army Corps of Engineers, Los Angeles District; the Los Angeles County Flood Control District; and the City of Los Angeles.

We concluded that for most uses the access policies are not clear, and may be inconsistent. For example, we have found instances where an activity may be allowed to proceed for a period of time but then may be followed by a prohibitory enforcement action. Also, it is frequently unclear whether a permit is required for a particular activity, either by individuals or groups.

Policies which address the public's right to access the Los Angeles River should address the reality that there are particularities to the Los Angeles River's current configuration that require that use be discouraged in certain sections. The sectioning of areas acceptable for public access and use requires that the management agencies have clear rules and enforceable policies and in order not add to confusion. For instance, the approximately 10-mile River section containing the large vertical walls ("box" style), which pose the greatest danger, needs unmistakably clear warning signs at the start (the Sepulveda Dam), at the end (Bette Davis Park), and at other Main Entrance/Exit Areas along that stretch.

We then identified those sections of the River where each use appears to see the most activity. The River sections of most immediate and substantial recreational interest are the Sepulveda Basin area, the Glendale Narrows and the River estuary at Long Beach. Each of these is advantageous for recreational and other access uses because of several important factors:

channel construction and neighboring parks and roads facilitate access; the trapezoidal construction in these areas, with reasonable precautions, facilitates access to and carrying out of the activities; the unpaved river bottom has allowed for substantial vegetative growth, bird habitat and feeding, and fisheries development — in short, unique segments of urban biodiversity; the River section is adjacent to communities which are in great need of enhanced recreational opportunities. From the increased use that has been witnessed, it is clear that these pressures will only continue to grow.

Recommendations

For each use we made a general recommendation whether — and under what conditions — a use should be allowed in the three segments of the River.

Type of Current Use	Currently Allowed?	Area of River	Permit Currently Required?	Recommendation
Major events (e.g., River cleanups)	Yes	General	Yes	Allow, subject to permitting
Education/classes/tours	Policy unclear	General	For large events	Allow, permitting for large events only
Biking (on approved paths)	Yes	Where available	No	No change
Swimming/wading	No	GN/SB/LB	No	Potential future use, subject to water quality and safety studies.
Canoeing/kayaking	Policy unclear	General	Unclear	Allow subject to safety requirements
Fishing	Policy unclear	GN/SB/LB	Unclear	Allow, subject to DFG & safety requirements
Horseback riding in channel	Policy unclear	GN/EV/LB	No	Allow, subject to safety requirements
Hiking, bird watching in channel	Policy unclear	GN/SB/LB	No	Allow, subject to safety requirements
Performances, art work	Policy unclear	General	Unclear	Allow, subject to permitting

GN-Glendale Narrows; SB-Sepulveda Basin Area; LB-Long Beach Estuary.

Recreation Use Zones. We suggest, for management and public education purposes, the creation of designated ‘recreational use zones’ for each of the main areas: Long Beach Estuary, the Glendale Narrows/Elysian Valley, and the Sepulveda Basin. These would be marked using the suggestions we make in Section IV, Signage and Education. That is, the specific activities for each zone would be marked with signage, including marked geographical limits on activities.

The remainder of this document examines what we believe are the key issues which must be addressed in the near future so the public can safely use and knowledgeably access the River for these activities.

III. USER SAFETY

Because of the structure of the Los Angeles River flood control system, we recognize that safety is a primary concern with use of the River, particularly in association with storm events. This applies to uses where there may be incidental water contact as well as those which involve the river banks and adjacent paths and parks.

Current Situation

While we have found no clear written statement of the current policy regarding safety, there seem to be two notions put forth by agencies charged with river management duties. One is the occasional statement that, categorically, use of the River for activities which might involve any water contact is prohibited or not advisable. The second is the notion that any use of the River or its immediate environs should be restricted to the “dry season.” In our view, these are not workable approaches to safety and do not, in fact, result in a safer environment.

Discussion

Firstly, the reality is that the River is being used, use is increasing, and as the word spreads, recreational use will continue to expand. An outright prohibition is destined to fail (absent a massive new enforcement effort, which will be extremely unpopular) and, as pointed out below, does not serve the needs of the public. At our current juncture, to put the focus on keeping people away from the River is misguided, as it doesn't mesh with the on-the-river reality.

Secondly, the notion that any use of the River and/or its immediate environs should be restricted to the “dry season” fails to address the source of the problem (and therefore creates an unsafe environment instead of a safer one). Rainfall and potentially major flow variations are a natural part of any river system, even those which are somewhat controlled by releases from upstream dams or other impoundments. This, as a general rule, does not result in seasonal or other long-term closures of a river for recreation. With an average of 35 rainfall days per year in Los Angeles, 92% of the year is, essentially, the “dry season,” which makes the current “wet season/dry season” policy inadequate.

The “wet season/dry season” policy for the Los Angeles River does not address the source of the risk in a way that is useful and protective to the public, creates the illusion that some periods are completely safe. On the one hand rainfall occurs on some days in the “dry season, and, on the other, dry periods during the wet season will, regardless of warnings, result in public use of the River.

The public can best be protected with a year-round safety and warning system, and improved education.

Recommendations

The public will be best served by a combination of visual and broadcasted warning systems. The warning systems would go into effect immediately upon National Weather Service

advisories for any type of rainfall storm event, and any type of River activities would be immediately suspended. These would remain in effect until the River has returned to levels that are safe for access and use, after which normal River activities would resume, assuming no further storms are predicted. This preemptively strengthens and supports the existing post-storm services provided by the Los Angeles City Fire Department's Swiftwater Rescue.

- 1) "Flag warning." This would involve posting of unmistakably obvious flag warnings at access points for each of the Recreational Use Zones and at key potential entrances of the River. Warnings would go up at least 24 hours in advance of a forecast event.
- 2) Broadcasts via the NOAA All-Hazards Warning broadcast system, via the internet by intergovernmental local agencies, and a phone number which can provide 24/7 River recreational status, and possibly an internet-broadcast warning system such as is used for "Red Flag" fire danger alerts. Regarding the latter, this same number could have a running 5-day forecast to indicate future storm activity for those wishing to plan activities.

Specific Safety Considerations, by Type of Use

These recommendations would apply to both permitted group and individual recreational users.

1) *Hiking, Fishing, Birding (and other access on foot)*

- Standard river safety signage at key access points (e.g., Yoga Park, Balboa Park, Elysian Valley parks), including dog leash laws
- Safety signage on all water depth three feet and higher
- Some seasonal limitations (to be determined) necessary to protect wildlife habitat during breeding season

2) *Horseback Riding.*

- River safety signage at key access points (e.g., stables in North Atwater, Equestrian Center near Bette Davis Park, etc.), including horse-specific laws and warnings
- Allow in-channel use where there is historically established access and suitable conditions
- Some seasonal limitations (to be determined) necessary to protect wildlife habitat during breeding season
- Existing access signage at tunnel in Glendale Narrows should be maintained and enhanced as needed

3) *Kayaking and Canoeing*

- Standard river safety signage at key access points for each Recreational Use Zone, including boating-specific laws and warnings.
- Markings or barriers to designate any kayaking limitations.

- Boaters required to wear Coast Guard-approved flotation life vests at all times and comply with other safety requirements for their craft.
- Some seasonal limitations (to be determined) necessary to protect wildlife habitat during breeding season

4) General Safety Considerations

- Permitted Group Activities. See Section V: Permitting & Enforcement.
- Recreational Use Hours. Darkness poses a risk, and recreational hours should be posted at key access and use points. The hours should be coordinated with local agency hours for riverside parks.



IV. SIGNAGE AND EDUCATION

Improved signage and public education are top priorities which should be put in place as soon as possible, given the current use of the Los Angeles River and the likely increase in river-oriented activities. The overall objective is to assure that, as fully as possible, those accessing the River for recreational purposes are educated with regard to the permissible uses, the risks in using the River, and requirements for use.

Current Situation

Well-designed uniform signage is the best low-cost means to inform the public. Current signage, however, is inadequate. Signage is often nonexistent and, where it does exist can be confusing. There is no uniformity, and for a variety of reasons where signs do exist they generally are not helpful to those seeking to use the River for recreational purposes. For example, the following signs posted, in one segment of the Glendale Narrows, can be read to limit recreational access and use. The “anti-loitering” message of the first seems to prohibit River activity, and the second, a flip sign which is a useful concept, was displayed when there was no imminent storm event.



Beyond signage, we believe that ongoing public education is important, and can be implemented at relatively low costs. Groups such as FoLAR provide specific educational programs about the River to Los Angeles school children. Others offer tours of various sections of the River, which have been well-received by the community. These serve to educate the community about the history, current situation and potential future for the River, and with additional support can be expanded to provide information about recreational opportunities as well as guidance on safety and restrictions.

Recommendations

1) *Signage*

- a) We strongly urge that there be a commitment to installation of basic and uniform signs during the first half of 2011 in the three Recreation and Use Zones. At a minimum, signs should be posted at main entrance/exit areas and special cautionary areas.

- b) Signs should be adequate to educate those entering the River area about acceptable uses, restrictions due to health and safety concerns, the warning systems, and any risks specific to a particular section of the River (such as water depth and currents).
- c) Signs should be multi-lingual as appropriate considering the neighboring community, and should include any special considerations which may be warranted for a particular stretch of the River. Signs that are graffiti-resistant and easy to clean will be important as a maintenance concern.
- d) Obvious markers should be used to delineate the acceptable limits of activities. For example, this could be a system of bright colored buoys across the River combined with signage.
- e) Signs should avoid the laundry list of “Don’ts” frequently found, for example, at public beaches. It’s important to convey the message that the public is entitled to and welcome to use the River as long as they use it responsibly, both in terms of protecting the River environment as well as accepting the potential risks that are a part of all rivers and water bodies, both man-made and natural.

2) *Education*

- a) Develop a central ‘go-to’ website for Los Angeles River recreation that is the definitive authority for educating the public. This would describe those activities which are permitted, identify recreational locations, and provide general advice and answer questions for potential users, including maps and access points.
- b) Encourage the expansion of school programs and River educational tours by facilitating access for these activities.
- c) Assist motivated educational organizations with funding and other needed resources.
- d) Develop an LA River Brochure (or other handouts) that can be used in connection with educational programs and enforcement. These would be distributed at public information locations, such as the Griffith Park and other ranger stations and recreation offices. The brochure would describe the River environment, permissible activities, limitations, and related information about use of the River.
- e) Update Swiftwater Rescue’s educational curriculum and mission to better respond to the on-river realities, and support them in finding funding for programs that will educate the public, especially riverside youth, in safe ways to access the River.

V. PERMITTING AND ENFORCEMENT

Current Situation

Access and use of the River by the general public for approved activities is a fundamental right which members of the public should be able to exercise without the need for a permit or approval as they do for other public lands or waters, subject to reasonable and necessary restrictions, while themselves bearing the risk of these activities. At present, permitting is handled either by the Corps of Engineers or the LACFCD. There are no standard written permitting procedures available to the public, and only those with substantial past permitting experience seem to know the non-transparent process. Enforcement responsibility is unclear, and appears to be handled ad hoc by a number of local law enforcement agencies absent an overall policy.

Discussion

Those who have done substantial event or activity permitting note that permit approval has been unpredictable in terms of where the application needs to be filed, how it is processed, the criteria under which it might be granted or denied, and the time it takes from filing to receipt of the permit (if it is even granted). Lack of responsiveness to permit requests is not infrequent.

The situation regarding enforcement of activities near or on the River is also unclear and appears to be widely inconsistent in two principal respects. The first is the question: "Who is in charge and on what basis is enforcement exercised?". At some locations and times, local law enforcement agencies such as the Los Angeles Police Department or Los Angeles Park Rangers may issue citations, using "loitering" or other vague regulations as the basis for a citation. The second is: "What activities receive citations?". For example, from time to time members of the public have reported being cited for fishing but with no notice that this is not allowed. It has also been reported that court enforcement of citations under these circumstances is virtually nonexistent. In a recent incident, after waiting months before receiving educational tour approval from the Corps of Engineers, the tour group was then ordered out of the River area by the Los Angeles Police Department. This situation is unfair to public users, and can appear to be like periodic harassment rather than consistent enforcement of bona fide River-related regulations.

Recommendations

- 1) *Permitting.*
 - a) Permitting should be required for specific events primarily when either the large size of a group, the geographic extent of the event, or the particular nature of an activity dictate that reasonable conditions and procedures for safety of the group are met. Permitting should serve also to lightly regulate the impact of larger numbers of users and give responsible agencies sufficient advance notice of the proposed activity.

Routine, ongoing educational activities, such as school classes and tours involving a moderate number of participants, should not require specific event permits.

- b) Prior approval should occur when necessary through a transparent and simple to use permitting process. We recommend designating a lead agency or office for all River-related permitting. This office should have a public desk which is readily accessible during normal business hours. If need be, this agency/office will coordinate with other public agencies as part of a standard review and approval process. .
- c) A single permit application should suffice in all cases through a user-friendly standardized permit application form. This should be available for filling out online. A complete application should be approved within a short time from the date of filing, with one to two weeks sufficing absent extraordinary conditions.
- d) Any application fee must be reasonable, considering that there may be financial constraints for some applicants. Permit fees should be directed to support River-related activities, and should be waived for educational activities.

2) *Enforcement*

- a) Enforcement must be oriented toward public education and signage. Enforcement authorities must be able to point to clearly delineated permissible activities and related requirements when either advising users about a particular activity or issuing citations.
- b) There should be a clear delineation of enforcement authority and responsibility. We suggest consideration of a lead agency to coordinate enforcement actions, with uniform guidelines which would apply to all River jurisdictions.
- c) Consider use of a warning citation for first time offenders as an educational tool. Enforcement authorities can carry copies of the LA River Brochure discussed in Section IV and distribute them in connection with any enforcement warning.
- d) Coordinate closely with the California Department of Fish and Game for enforcement of fishing license requirements.



VI. SUSTAINABILITY

Longer-term sustainability of recreational and other uses will depend on a number of factors. Three of these are highlighted below, as it is important that these receive adequate focus as recreational access and use continues and increases.

The ultimate objective of FoLAR and other River advocates, as well as the primary policy objective of the federal Clean Water Act and those federal and state agencies subject to that Act, is to achieve and sustain the CWA's "fishable/swimmable" goal (protection and propagation of fish, shellfish, and wildlife, and recreation in and on the water). These uses are to be designated for all waters, unless it is demonstrated that it is impractical to meet them; only where the "downgrading" process has been followed can these uses be excluded from the designated uses for a body of water.¹ The RWQCB's Los Angeles Basin Plan designates recreation, wildlife, and warm freshwater habitat as existing beneficial uses for the Los Angeles River, along with potential water supply uses.

Current Situation

Water Quality

The water quality of the Los Angeles River is affected by numerous factors. The most unusual characteristic — one which makes it unique — is that the year-round flow is primarily (about 72%) from three water treatment plants. The water coming from these plants has been treated to high level tertiary standards prior to discharge to the River (leaving these treatment plants, it is drinking-water quality). The balance of the flow, except during storm events, is from groundwater infiltration and from about 120 storm drains which may discharge wastes of different types, such as yard runoff and road contamination, even when there is no rainfall.

Because of habitat and water quality degradation, the Los Angeles Regional Water Quality Control Board has added much of the River and many of its tributaries to the state/federal list of impaired water bodies, the §303(d) list. The Clean Water Act stipulates that water bodies on the §303(d) list are required to develop total maximum daily loads (TMDLs), with the goal of achieving water quality objectives in the receiving water body. Thus far, TMDL standards for the River have been set for trash and metals, and the RWQCB is developing the TMDL for bacteria. The Regional Board's stated goal in establishing the TMDL for indicator bacteria in Los Angeles River Watershed is to protect the water contact recreation beneficial uses.

Recreation is designated a beneficial use as either REC 1, water contact recreation such as swimming², or REC 2, recreation not normally involving water contact, such as boating.³ The

¹ Down grading is a process established by USEPA whereby an agency with water quality jurisdiction can determine that a particular beneficial use is not appropriate

² REC-1 (water contact recreation) is a beneficial use, defined in the Basin Plan, and designated as either "Existing," "Potential," or "Intermittent" for all water bodies in the Region. REC-1 is defined in the Basin Plan as "[U]ses of water for recreational activities involving body contact with

RWQCB is now considering whether to add a new category, limited contact recreation (LREC 1) for the Los Angeles River.⁴

Wildlife

Protecting wildlife, in all its forms, will be an ongoing concern. The open nature of the River upriver from the Sepulveda Dam, the unpaved bottom of the Glendale Narrows, and a similar situation in the estuary resulted in gradual growth of trees and other vegetation, and creation of shifting sandbars and islands, which have attracted fish, birds and other wildlife. There is only limited information on this unique urban riparian habitat. The September 2008 FoLAR Fish Study identifies the extent of this resource in the Glendale Narrows. A 1993 study by the Natural History Museum of Los Angeles County found abundant bird life and fish, and noted substantial fishing in the 'living' greener sections such as the Glendale Narrows, including multiple species of fish in the River itself, and ocean species such as halibut caught in the estuary.

Human Environment

Protecting the human environment, too, will be an ongoing concern. Channelization of the River brought benefits to adjacent landowners and developers. Riverside areas which had been heavily damaged in the floods of the 19th and 20th century were, for practical purposes, now safe for building of homes and commercial establishments. While development of areas such as Atwater Village and Elysian Valley preceded channelization, the risks of ownership and expansion to the River's edge were greatly reduced if not eliminated altogether. Recreational use of the River needs to consider the possible impacts on these areas, particularly parking and traffic.

Discussion

It is expected that the Los Angeles RWQCB over time will refine its regulations for control of discharges into the Los Angeles River to meet the TMDL for bacteria and other pollutants, with the objective of protecting and sustaining existing, designated beneficial uses of the River, including recreation, wildlife and habitat. This should result in continuing improvement in water quality over time.

water, where ingestion of water is reasonably possible. These uses include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, white water activities, fishing, or use of natural hot springs" (p. 2-2).

³ REC 2 Non-contact water recreation. Uses of water for recreational activities involving proximity to water, but not normally involving body contact with water, where ingestion of water is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.

⁴ LREC-1 (limited contact recreation) is a beneficial use defined as "Uses of water for recreational activities involving body contact with water, where full REC-1 use is limited by physical conditions such as very shallow water depth and restricted access and, as a result, ingestion of water is incidental and infrequent" (State Board Resolution No. 2005-0015)

Recommendations

- 1) River-based recreational activities will need to be kept in sync with RWQCB designations for recreational, wildlife and habitat beneficial uses. The agencies and interested public groups should continue to work closely with the RWQCB in the process for implementing and updating the Basin Plan, establishing TMDLs and evaluating beneficial uses.
- 2) Focusing initially on the three proposed Recreation Use Zones, obtain improved baseline information on the wildlife habitat of the River and immediately adjacent areas, including birds, mammals, reptiles and amphibians, and sensitive plant-related issues, particularly native vs. invasive species, and threatened or endangered plants. The initial focus should be to commission reports from biologists and other knowledgeable experts on sensitive wildlife habitat, particularly threatened or endangered species and seasonal concerns, particularly nesting.
- 3) Conduct regular monitoring of sensitive habitat to determine whether recreational uses are resulting in any significant adverse impacts which might require mitigation. Based on the studies and monitoring, establish any necessary mitigating measures, such as restriction or temporary closure of in-channel habitat to protect habitat and nesting.
- 4) Determine the most likely points for access in the Recreation Use Zones, such as locations in Sepulveda Recreation Areas, Atwater Village, Marsh Park and Golden Park. Evaluate potential community or neighborhood concerns, such as automobile traffic and parking, foot traffic, and noise, considering potential levels of use of each area.
- 5) Consider an initial policy of directing access to locations where there are existing public parking lots or ample street parking, such as the Atwater Village parks east of the River, Griffith Park, Bette Davis Park and Sepulveda recreation area. Consider use of a River access parking permit which could be purchased on an annual basis

VII. COMMUNITY RESOURCES

There are numerous organizations which have expertise related to our recommendations. We suggest that these be deployed based on the particular proposed actions in support of the access and use policies. These, include but should not be limited to the following:

Water Quality

- Heal the Bay
- Natural Resources Defense Council
- Santa Monica Baykeepers
- Surfriders Foundation

Educational Programs

- FoLAR
- The River Project
- Urban Semillas
- Algalita Foundation

Plant and Wildlife and Habitat

- TreePeople
- Natural History Museum of Los Angeles County
- FoLAR
- Northeast Trees
- Audubon Society
- Trout Unlimited

Boating

- L.A. River Expeditions (Green business)
- American Canoe Association.

Equestrian Activities

- The Equestrian Center (Bette Davis Park)

Community and Neighborhood Concerns

- Local Neighborhood Councils

Bicycling

- Los Angeles County Bicycle Coalition