



May 5<sup>th</sup>, 2015

Metropolitan Water District  
700 N Alameda Street  
Los Angeles, CA 90012

**RE: WDR for Soft-Bottom Channel Maintenance Workgroup**

Dear Ms. Nye and Mr. Unger,

Friends of the Los Angeles River (FoLAR) would like to thank the Regional Water Quality Control Board (RWQCB) for the opportunity to be a part of the Waste Discharge Requirement (WDR) development process. The opportunity to discuss FoLAR's vision to protect, preserve and enhance the L.A. River's natural and historic heritage is very much appreciated.

In thinking about our priorities and concerns about the L.A. River Watershed broadly and earthen-bottom channels specifically, we (FoLAR) have some concerns about the structure, agenda, and process of the WDR workgroup meetings as called for by the motion of Board Member Maria Mehranian. If the intention of these workgroup meetings truly is to gather meaningful input from agency and NGO stakeholders to ensure the WDR permit is meeting Clean Water Act Section 401 certification and improve the permit process, some changes need to be made to ensure these intentions are being met.

There are five points of concern that we would like to bring to the Regional Board Staff's attention:

**1. Lack of LARWQCB Board Member representation**

The RWQCB called for these working groups so that stakeholders can have a more active role in changing the language of the WDR permit. At the February 12 Regional Board meeting, a board subcommittee was established to be involved with the working group.

Here is the motion taken from the minutes of the Feb. 12<sup>th</sup> meeting:

**"Board member Maria Mehranian moved that the Board establish 1 person sub-Committee (Maria Camacho) and directed staff to engage stakeholders during the one-year · permit term."**

**What we propose:**

The language of the motion implies that both Maria and the directed staff are to engage stakeholders during this one year term. Maria Camacho, as the sub-committee member, should be in attendance to these work group meetings. Board member representation at the meetings is crucial to ensure accountability and collaboration between regulatory agencies and NGO stakeholders. Without their presence, NGOs have little assurance that the RWQCB will address our comments and concerns.

**FoLAR**

570 W. Ave 26 Suite 250 Los Angeles, CA 90065-1047

Tel: 323-223-0585

[www.folar.org](http://www.folar.org)

E-mail: [contact@folar.org](mailto:contact@folar.org)



## 2. Lack of specific goals and metrics for working group meetings

Board Members, notably Madelyn Glickfield, expressed concern that vegetation maintenance was still being handled using mechanical clearing, a practice that does not foster habitat protection or potential recreational benefits.

If we don't set specific goals for these meetings it will be much more difficult to achieve meaningful progress in developing a WDR permit that recognizes new policies and regulations designed to improve improved habitat and further recreational and beneficial uses of our soft-bottom reaches.

### **What we propose:**

Actionable Items: The RWQCB Staff should provide actionable items on agenda for each meeting that are designed to achieve the goals of an improved WDR permit that recognizes new policies and regulations.

Diverse and sustained participation at each meeting: We would like the RWQCB Staff to recognize that two useful metrics in measuring the level of effective participation in these work group meetings are 1.) A diverse range of stakeholders, and 2.) Sustained participation of stakeholders throughout the permit process.

## 3. Lack of Sister Agencies involvement in working group meetings

State agencies who have mandates to improve water quality, protect riparian habitat, restore coastal habitat are either not being solicited or not giving input into the WDR permit language.

### California Fish and Wildlife:

The Mission of the Department of Fish and Wildlife is to manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public.

Related Project: Headworks Ecosystem Restoration

### Mountains, Recreation and Conservation Authority:

The MRCA is dedicated to the preservation and management of local open space and parkland, watershed lands, trails, and wildlife habitat.

Related Project: Pacoima Wash Greenway

### Rivers and Mountains Conservancy:

Our mission is to preserve open space and habitat in order to provide for low-impact recreation and educational uses, wildlife habitat restoration and protection, and watershed improvements within our jurisdiction.

### California Coastal Conservancy:

The health of California's human communities and natural habitats depends on their resilience — their ability to rebound from adverse conditions. Protecting our forests, wetlands, creeks, and other natural areas will help nature buffer the effects of extreme weather, sea level rise, rising temperatures, drought, and wildfire. The Conservancy is working with communities to plan now for climate change and carry out projects that reduce potential damage through nature-based strategies. These projects reduce greenhouse gases, diminish hazards to harbors and ports, and make coastal communities and natural lands more resilient to a changing environment.

Related Project: Compton Creek Ecosystem Restoration

To our knowledge, all four of the above State Agencies have not been included, participated, or considered in the WDR permit or development guidelines. These agencies have valuable information that can inform the new language of this WDR permit and stakeholders should be given the opportunity to hear how their mandates to improve habitat and open space in these soft bottom reaches can be incorporated into the permit. Historically, LACFCD WDR permit work has made it prohibitive, either because of cost or physical scouring of the channel, for these agencies and conservancies to invest real dollars into rehabilitating soft-bottom reaches such as reach 25. A meeting should be set aside to give these agencies a chance to explain their regulatory jurisdiction over the reaches.

**What we propose:**

The sister agencies mentioned above should be invited to future meetings; and a meeting should be set aside for these agencies so that we can understand the stake they have in these soft-bottom reaches. Just as LACFCD and ACoE presented how they are required to manage these reaches during the first two working group meetings, other state agencies who also have stake in the soft-bottom reaches should get a chance to explain their work. These sister agencies need to be involved in the discussion to ensure that the permit language no longer hinders these agencies' ability to complete the projects they are mandated to do.

**4. Lack of clarity on how permit is meeting 401 certification standards**

Similarly, we feel it is important the LARWQCB clarify its mandates and directives, as well as the policies enacted to meet those responsibilities, to stakeholders. The 401 certification program of the Clean Water Act (CWA) is there to ensure processes that the regional board permits from LACFCD and ACE comply with sections 301, 302, 303, 306, & 307. We need to understand what those sections are and how the WDR permit on the table is in compliance with those Guidelines.

**What we propose:**

The LARWQCB Staff should get an opportunity to present on, not only the 401 certification and how this permit should be in compliance with its guidelines, but how they are complying with Clean Water Act mandates. This could take place during a future meeting where NGOs or sister state agencies are presenting.

**5. WDR workgroup meeting timetable is insufficient to generate meaningful and effective changes to permit.**

We need to ensure the agenda allows for all parties (sister state agencies and NGOs) to express their stake in the permit so that a more effective dialogue can occur and we can make meaningful changes to the WDR permit. It is inappropriate to begin discussing the specifics of the feasibility studies without first allowing all stakeholder parties a chance to provide clarity on their involvement with these reaches.

**We propose the following 2 changes to the agenda:**

- 1.) A meeting dedicated to state agencies presenting their stake in soft-bottom reaches.
- 2.) A meeting dedicated to NGOs to presenting their stake in soft-bottom reaches.

Just as the County and the Corp had the opportunity to explain the maintenance plans they have to follow and the models and metrics they use, State Agencies and NGOs should have the same opportunity.

Below is an example of additions we would like to see:

<b>Proposed Schedule</b>	
<b>Date</b>	<b>Topic</b>
Wednesday, May 20, 2015	NGOs Present/RWQCB Staff Present/Discuss agenda changes
Wednesday, June 24, 2015	State Agencies Present
Wednesday, July 23, 2015	Los Angeles Watershed Feasibility Study
Wednesday, August 26, 2015	San Gabriel Watershed Feasibility Study
Thursday, September 24, 2015	Malibu Creek/Dominguez Channel Feasibility Study
Wednesday, October 21, 2015	Review of the Previous Meetings
Thursday, November 19, 2015	Santa Clara River Feasibility Study

FoLAR would like to restate our appreciation for everything that the RWQCB Staff has done in preparing the meetings. We want these working groups to be successful and we want our attendance to be a valuable use of everyone's time. We have two hopes for this working group: 1.) that the WDR permit language will be improved in a way that takes into account more than the reaches being flood control channels, and 2.) that it will improve the relationship between regulatory agencies and NGOS/stakeholders. Historically, this relationship has been adversarial and confrontational, and we truly appreciate that the relationship is becoming one more focused on collaboration. Thank you, again, for providing us a forum where this collaboration can occur. With the suggestions we are proposing here, we hope to ensure that this collaboration happens in the most efficient and meaningful way.

Thank you in advance for these considerations,

Lewis MacAdams  
Founder/President  
Friends of the Los Angeles River

Sincerely,



Lewis MacAdams  
President/Founder