

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

JUL 6 2010

OFFICE OF THE
REGIONAL ADMINISTRATOR

Colonel Mark Toy
District Engineer, Los Angeles District
U.S. Army Corps of Engineers
P.O. Box 532711
Los Angeles, California 90053-2325

Dear Colonel Toy:

This letter transmits the Clean Water Act (CWA) jurisdictional determination for the Los Angeles River. On August 17, 2008, EPA's Assistant Administrator for Water designated the Los Angeles River as a "Special Case" as defined by the EPA-Corps 1989 Memorandum of Agreement (MOA) regarding coordination on matters of geographic jurisdiction. Pursuant to the MOA, designation of the "Special Case" made EPA responsible for determining the extent to which the Los Angeles River was protected as a "water of the United States." Specifically, EPA analyzed the river's status as a "Traditional Navigable Water," one of several categories of jurisdictional waters under the Act.

We conclude that the mainstem of the Los Angeles River is a "Traditional Navigable Water" from its origins at the confluence of Arroyo Calabasas and Bell Creek to San Pedro Bay at the Pacific Ocean, a distance of approximately 51 miles.

In reaching this conclusion, Region 9 and Headquarters staff 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. Available evidence on each of these factors indicates that the Los Angeles River mainstem possesses the physical characteristics and past, present, or future use for navigation consistent with a "Traditional Navigable Water." This analysis is summarized in the enclosed document, "Special Case Evaluation regarding the Status of the Los Angeles River, California, as a Traditional Navigable Water." Please let me know if you would like to receive the underlying data and analyses.

This report constitutes the position of the federal government on the CWA jurisdictional status of the mainstem of the Los Angeles River, and its transmittal concludes the "Special Case" process. If you have any questions, please contact me at (415) 947-8702 or Jason Brush, Chief of the Wetlands Office, at (415) 972-3483.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jared Blumenfeld".

Jared Blumenfeld
Administrator, EPA Region 9

Enclosure

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