



SPECIAL PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT**

BUILDING STRONG®

Corps Case No.: SPL-2006-00437-AOA

Project Manager: Aaron O. Allen, Ph.D. (805) 585-2148 Aaron.O.Allen@usace.army.mil

The purpose of this Special Public Notice is to announce that the Los Angeles District, U.S. Army Corps of Engineers (Corps) has decided to accept and expend funds contributed by Los Angeles County (hereafter referred to as the "County"; described in a previous public notice dated July 1, 2013, as the "County of Los Angeles Department of Public Works"). The funds would be used to expand Corps resources available to evaluate and process the County's permit applications. Though the County would receive more expeditious reviews of their permit applications, the Corps would ensure that regulatory permit decision-making remains impartial and that all applicable procedural and substantive requirements of the DA permit application review process remain unchanged. The decision to accept funds is in response to the large complexity of upcoming DA permit applications submitted by the County (e.g., permit applications for long-term maintenance and sediment management activities), and the need to devote significant staff time to these applications in order to ensure the County and the public are best served throughout the permit evaluation process. The decision to accept funds does not constitute any endorsement or implied consent to the County; rather, it will enable Corps Regulatory Staff to devote the attention required to these applications, in both a more timely and thorough manner, benefiting both the County and the public.

Colonel Kimberly M. Colloton, Commander of the Corps Los Angeles District has determined that acceptance and expenditure of such funds would be in accordance with Section 214 of the *Water Resources Development Act of 2000* (WRDA 2000, Public Law 106-541 as amended by Public Law 108-137). The Memorandum documenting this decision is attached.

On July 1, 2013, the Los Angeles District circulated the initial Special Public Notice announcing our preliminary intent to accept and expend such funds, and stated that we had initiated funding discussions with the County. The July 2013 Special Public Notice also discussed the kind of activities for which funds would be expended, and the safeguarding procedures which would be used to ensure that the funds will not impact impartial decision making. Those procedures include the following:

- All final permit decisions for cases where these funds are used must be reviewed

at least one level above the normal decision-maker, unless the decision-maker is the District Commander. For example, if the decision-maker were the Regulatory North Coast Branch Chief, then the decision-maker for that permit action would be raised to the Regulatory Division Chief.

- All final permit decisions for cases where these funds are used will be made available on the Los Angeles District Regulatory web page.
- The Los Angeles District will not eliminate any procedures or evaluations that would otherwise be required for that type of project and permit application under consideration.
- The Los Angeles District must comply with all applicable laws and regulations.
- Contributed County funds will not be expended for supervisory or management review of staff-generated permit decision recommendations. Also, funds would not be used for processing administrative appeals of any decisions on County permit applications. If County funds are used to hire contractors in support of the Corps permit evaluation process, such contractor products will be drafts only and be reviewed by Corps regulatory program employees, before they are utilized in support of any Corps permit decision.

Copies of the relevant documents related to this decision to accept County funds, as well as any permit decisions in the future, which were evaluated by County-funded Corps staff, can be viewed at the Corps regulatory web page at <http://www.spl.usace.army.mil/regulatory>.

For additional information please call Aaron O. Allen of my staff at 805-585-2148 or via e-mail at Aaron.O.Allen@usace.army.mil . This public notice is issued by the Chief, Regulatory Division.



Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT

WWW.SPL.USACE.ARMY.MIL



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO
ATTENTION OF

CESPL-RG

23 August 2013

MEMORANDUM FOR THE RECORD

SUBJECT: Acceptance of Funds Contributed by Los Angeles County, a Non-Federal Public Entity

1. References:

a. Section 214 of the Water Resources Development Act (WRDA) of 2000 (Public Law 106-541), as amended by Public Law 111-315.

b. Memorandum, (CECW), 1 October 2008, Subject: Implementation Guidance for Section 2002 of the Water Resources Act of 2007 (Regulatory Program Funds Contributed by Non-Federal Entities).

2. The sunset clause for Section 214 of WRDA 2000, as amended, is 31 December 2016. This authority may be extended or made permanent.

3. The purpose of this memorandum is to document my decision to enter into an agreement to accept and expend funds contributed by Los Angeles County, for a period of three years, to expedite evaluation of permit applications under consideration of our Regulatory Division in accordance with ref. 1a and 1b. The duration of the agreement may be extended by written, mutual agreement of the parties.

4. On 7 December 2005, Los Angeles County Department of Public Works forwarded a letter to Colonel Alex C. Dornstauder requesting that the Corps, Regulatory Division establish a Regulatory Project Manager position under Section 214 of WRDA to prioritize County of Los Angeles Department of Public Works permit applications. In March and April 2006, the Corps issued a public notice and completed a decision document to accept funds from the Los Angeles County Department of Public Works, but completion of the final Section 214 WRDA Agreement was delayed. Due to the substantial amount of time that had elapsed since the issuance of the initial public notice for the proposed Los Angeles County Section 214 WRDA agreement, on 1 July 2013, the Los Angeles District circulated another Special Public Notice regarding the intent to accept and expend such funds. The comment period for the above Special Public Notice closed on 15 July 2013 and no comments were received from the public regarding the proposed Los Angeles County Section 214 WRDA agreement.

CESPL-RG

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5. In consideration of the performance of previous Section 214 WRDA agreements, I have carefully reviewed the Los Angeles County's request and the recommendation of the Regulatory Division. I have determined that acceptance and expenditure of funds from the Los Angeles County will not adversely impact the impartial decision-making with respect to Regulatory permit applications, either substantially or procedurally. Adequate safeguards are in place for accounting, reviewing, reporting, and publicizing actions performed with these funds. The funding program will better serve the public interest through more cost-effective processing of permit applications, enhanced evaluation capability, and a streamlined permit processing system. Our capacity to evaluate permit applications from applicants not party to this funding agreement will not be adversely affected. Accordingly, I find that acceptance and expenditure of funds from Los Angeles County is appropriate and is in accordance with ref. 1a.

6. An informational public notice shall be issued to advise the public of my decision.

7. The point of contact is Aaron O. Allen, Chief, North Coast Branch of my Regulatory Division, at 805-585-2148.



KIMBERLY M. COLLOTON, PMP
COL, EN
Commanding