



# SPECIAL PUBLIC NOTICE

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

**BUILDING STRONG®**

**Corps Case No.:** SPL-2013-00774-AOA

**Project Name:** Metropolitan Water District of Southern California WRDA Agreement

**Project Manager:** Aaron O. Allen, Ph.D. (805) 585-2148 [Aaron.O.Allen@usace.army.mil](mailto: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 the Metropolitan Water District of Southern California (hereafter referred to as the "District"). The funds would be used to expand Corps resources available to evaluate and process the District's permit applications. Though the District 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 Department of the Army 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 District (e.g., permit applications for replacing and or rehabilitating aging infrastructure and long-term maintenance activities for existing facilities), and the need to devote significant staff time to these applications in order to ensure the District 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 District; 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 District 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 November 8, 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 District. The November 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 District 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 District permit applications. If District 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 District funds, as well as any permit decisions in the future, which were evaluated by District-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](mailto: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.

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

[WWW.SPL.USACE.ARMY.MIL](http://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

19 December 2013

MEMORANDUM FOR THE RECORD

SUBJECT: Acceptance of Funds Contributed by Metropolitan Water District of Southern California, 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 Metropolitan Water District of Southern California (Metropolitan Water District), 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.

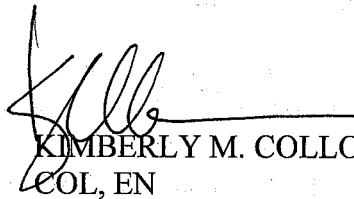
4. On 18 October 2013, Metropolitan Water District forwarded a letter to the Los Angeles District Engineer requesting that the Corps, Regulatory Division establish a Regulatory Project Manager position under Section 214 of WRDA 2000, as amended, to prioritize Metropolitan Water District permit applications. On 8 November 2013, the Los Angeles District circulated a Special Public Notice regarding the intent to accept and expend funds under Section 214 of WRDA 2000, as amended, for Metropolitan Water District permit applications. The comment period for the above Special Public Notice closed on 9 December 2013 and two comment letters were received from the public regarding the establishment of the proposed Metropolitan Water District funding agreement. One comment was a general letter from FEMA dated 12 November 2013 that indicated activities in flood zones must comply with various federal requirements. The FEMA letter made no specific reference to the proposed acceptance and expenditure of funds under Section 214 of WRDA 2000, as amended, and therefore no response was required. However, the Corps provided a copy of the comment letter to Metropolitan Water District to facilitate future compliance with FEMA requirements. The second comment was from Mr. Bob

Stevenson, a private citizen that has an interest in the Coyote Creek watershed located in both Los Angeles and Orange counties. In his E-mail dated 15 November 2013, Mr. Stevenson provides detailed information concerning past projects and plans for the Coyote Creek watershed and indicates that the Corps, Regulatory Division should use both WRDA and non-WRDA money to acquire undeveloped land in the Coyote Creek watershed. As stated in our public notice, the use of WRDA funds is limited to activities related to Metropolitan Water District Section 404 permit applications and, as a result, the WRDA funds cannot be used to acquire undeveloped land in the Coyote Creek watershed. Mr. Stevenson's E-mail made no other specific reference to the use and expenditure of funds under Section 214 of WRDA 2000, as amended, and therefore no additional response is warranted.

5. In consideration of the performance of previous funding agreements, I have carefully reviewed the Metropolitan Water District's request and the recommendation of the Regulatory Division. I have determined that acceptance and expenditure of funds from the Metropolitan Water District 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 Metropolitan Water District 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 of the North Coast Branch of my Regulatory Division, at 805-585-2148.



KIMBERLY M. COLLOTON, PMP  
COL, EN  
Commanding