



FINAL SPECIAL PUBLIC NOTICE

APRIL 15, 2002

**US Army Corps
of Engineers®**

LOS ANGELES DISTRICT

INTENT TO PUBLISH PUBLIC NOTICES ON THE INTERNET

On December 20, 2001, in a Special Public Notice assigned Corps File No. 200200272-PJF, the Regulatory Branch of the U.S. Army Corps of Engineers, Los Angeles District (the Corps) announced our intentions to modify our current procedures for the publication and dissemination of Public Notices. Public Comment on our proposed changes was solicited between December 20, 2001 and January 31, 2002. The referenced Special Public Notice can be viewed at <http://www.spl.usace.army.mil/regulatory/pn/200200272.pdf>

Currently, we are announcing, via this Final Special Public Notice, the upcoming implementation of these changes. Specifically, we will limit the publications of Public Notices to the Internet, with an associated Notice of Publication sent via electronic mail. Exceptions to this procedure will be made for a limited number of individuals and agencies, subject to our discretion, which will continue to receive hard copies by mail. In addition, property owners adjacent to proposed projects will receive a paper Notice of Publication via regular mail. The transition to these new publication procedures will be implemented in several phases, as described below.

The changes to the publishing and dissemination of Public Notices detailed below will occur in the entire Los Angeles District geographic region, which comprises Los Angeles (including Catalina Island), Ventura, Santa Barbara, Inyo, San Bernardino, Imperial, Riverside, Orange, San Diego, and portions of Kern, Mono, and San Luis Obispo counties in the State of California, and the entire State of Arizona. These changes would reduce costs and delays associated with the reproduction and dissemination of tens of thousands of paper copies of Public Notices by regular mail annually.

The Public Notice procedural modification will be implemented as follows:

Phase I (ended): The Corps distributed, on paper by regular mail, a Special Public Notice to all individuals and agencies on all of our Public Notice recipient lists, regarding our intention to modify our procedures for the distribution of Public Notices in several phases, subject to public and agency comment. The public comment period was December 20, 2001 through January 31, 2002. Comments received and our responses to those comments are detailed below.

Phase II (current): Following our review of all comments provided, and no fewer than 30 days prior to our implementation of the proposed changes, the Corps is issuing, on paper via regular mail, a Final Special Public Notice to all individuals and agencies to announce our final decision concerning changes to the Public Notice distribution process. This serves as our final notification to the regulated public prior to implementation. Implementation (of the remaining Phases III and IV) will begin on or after May 15, 2002.

Phase III: For a period not to exceed one year from the date of this Final Special Public Notice, or until May 15, 2003 at the latest, all individuals and organizations on our Public Notice mailing list and located in the pertinent geographic area will receive, by regular mail, a brief printed notification announcing the posting of any new Public Notice on the Internet. This mailed notification will facilitate the transition from our current Public Notice distribution process to our desired electronic distribution process. This mailing will include, at a minimum, the following information:

1. The name/title of the proposed activity
2. The name of the applicant and/or agent
3. The location of the proposed activity
4. The Public Notice comment period
5. The Internet address for the Public Notice
6. A telephone number and e-mail address at the Corps Los Angeles District Regulatory Branch that can be used to report technical errors or request a paper copy of the subject Public Notice, by fax or by U.S. mail, on a case-by-case basis (see item 7 below for consideration for paper copies on a permanent basis), at least 15 days prior to the culmination of the comment period.
7. An Internet web site, e-mail address, and street address where all interested parties can make requests to continue receiving paper copies of Public Notices by regular mail on a permanent basis.
8. An Internet web site where all interested parties should register their contact information for our new electronic mailing lists, or request removal from our contact lists.

In addition, this brief mailing would serve to alert all commenting individuals and agencies of their responsibility to submit current contact information for our electronic Public Notice mailing lists prior to the conclusion of this one-year transitional phase, Phase III (which has a conclusion date of May 15, 2003). In addition, interested parties are encouraged to indicate on which distribution list(s) they would like to be included. If no indication is made, the default will be to leave interested parties on their existing lists. The distribution list choices are as follows:

- 1) General (all of Corps Regulatory program standard and Special Public Notices)
- 2) Southeastern California (San Bernardino, Riverside, and Imperial Counties)
- 3) Los Angeles County (including Santa Catalina Island)
- 4) Ventura County
- 5) Santa Barbara County
- 6) San Luis Obispo County
- 7) Mono County
- 8) Inyo County
- 9) Orange County
- 10) San Diego County
- 11) Southern/Eastern Arizona (Apache, Cochise, Graham, Greenlee, Navajo, Pima, Pinal, and Santa Cruz Counties)
- 12) Central Arizona (Gila, Maricopa, and Yavapai Counties)
- 13) Western Arizona (Coconino, La Paz, Mohave, and Yuma Counties)
- 14) Outer Continental Shelf

As individuals register their new electronic contact information, they will be removed from our existing hard copy Public Notice distribution list, and will henceforth receive *only* the electronic Notices of Publication.

Phase IV (Implementation): After Phase III has elapsed (following May 15, 2003), the publishing of Public Notices will be limited to the Internet, with the associated Notices of Publication sent via electronic mail. Again, an exception will be made for adjacent property owners and for a limited list of individuals and agencies, subject to the discretion of the Los Angeles District Regulatory Branch. Those granted an exception will continue to receive paper copies of the Public Notices for specified reasons. Individuals or agencies may make a request to be placed on this limited exceptions list at any time. **Therefore, after the anticipated implementation date of May 15, 2003, if an interested party is *not* considered an exception due to specific reasons, is *not* an adjacent property owner for a proposed project, and is *not* on our new electronic contact list, the interested party will not receive printed Public Notices or Notices of Publication in any form.**

Public Notices will be published at <http://www.spl.usace.army.mil/regulatory>, an existing Los Angeles District Regulatory site where Public Notices currently open for comment are available for viewing.

Public Comment in Response to Special Public Notice 200200272-PIE:

Following our December 20, 2001 Special Public Notice, the Corps Regulatory Branch Los Angeles District received a total of 23 comments. Following is a summary of these comments and our responses:

Approximately 13 comments supporting our proposed changes were received. Approximately 13 comments were sent in order to provide the Corps with new or updated electronic contact information. These comments were noted.

For various reasons, approximately four individuals or agencies requested to continue receiving paper copies of Public Notices during and following our implementation of this process. These reasons will be considered and decisions made on a case-by-case basis; the requesting agencies can expect to be contacted regarding our decision.

Finally, we received approximately eight comments, which contained both support for the change in procedure and suggestions or concerns regarding hardware, software, digital format, and database security used for this new procedure. Specifically, the following suggestions or concerns were raised: (1) a text-based format was recommended for our e-mail Notification of Publication, (2) a PDF format was recommended for our web-published Public Notice documents, (3) a concern regarding the security of our electronic contact information database and the dissemination of viruses was expressed, (4) the question of whether or not verification of receipt of our e-mail Notification will be sought was raised, (5) the question of whether a commenter can receive the Public Notices via e-mail was asked, (6) a concern about the ability of our existing Corps servers to handle the increased access was expressed, (7) a concern was expressed regarding the frequency with which commenting Federal agencies update their contact information (in order to ensure efficiency and reduce the frequency of extension requests), and (8) another Corps district's experience with a similar process was relayed.

Our response to these substantive comments is as follows: (1) the Corps Regulatory Branch Los Angeles District intends to send our e-mail Notifications in a text-based format; (2) the Corps intends to continue publishing our Public Notice documents and associated graphics on our Internet web site in PDF format, as we do currently; (3) the Corps intends to adequately protect the electronic contact list database, including measures such as limiting access to this database, and prohibiting the use of personal electronic mail and any other applications which may compromise the security of the computer which supports this database; (4) the Corps does not intend to verify the receipt of any electronic Notices of Publication sent to the regulated public, since we do not currently seek verification of the receipt of our paper copies of public Notices sent via regular U.S. mail; (5) the Corps will not disseminate Public Notices as attachments in electronic mail documents because many electronic mail

programs have restrictions on the size of the documents that can be received and/or have limits on the net size of all files that can be stored within an electronic mailbox; (6) the Corps intends to ensure that our servers can handle the anticipated increased access load, including frequent monitoring of such capacity, and we will provide contact information on our website for reporting any problems, including those related to such access; (7) the Corps anticipates that our change to electronic Notification and Internet publication of Public Notices will significantly reduce those delays associated with the paper distribution of Public Notices to commenting Federal agencies, as well as reduce the frequency of loss or misplacement of documents; (8) the San Francisco District comment is noted.

For further information, contact Priya Jean Finnemore, Project Manager, Regulatory Branch (213) 452-3287. This public notice is issued by the Chief, Regulatory Branch.