



**US Army Corps
of Engineers®**

SPECIAL PUBLIC NOTICE

DECISION TO ACCEPT FUNDS FROM
THE COUNTY SANITATION DISTRICT No. 2

LOS ANGELES DISTRICT

Public Notice Date: October 10, 2008

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The purpose of this Special Public Notice is to announce that the District Commander, Los Angeles District, U.S. Army Corps of Engineers (Corps) has decided to accept and expend funds contributed by the County Sanitation District No. 2 of Los Angeles County (hereafter referred to as the “District”; described in previous public notice dated September 5, 2008, as “Sanitation Districts of Los Angeles County”). 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 DA permit application review process remain unchanged. The decision to accept funds is in response to the large complexity of upcoming Department of the Army permit applications submitted by the District, 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 of District proposed projects; rather, it will enable Corps Regulatory staff to devote the attention required to these applications, in both a timelier and more thorough manner, benefiting both the District and the public.

On September 5, 2008, the Corps circulated an initial Special Public Notice announcing its preliminary intent to accept and expend such funds from the District. This Special Public Notice discusses the types 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.

No comments were received in response to the September 2008 Special Public Notice, and therefore none were considered.

Colonel Thomas H. Magness, Commander of the Corps' Los Angeles District carefully considered the District's request and the recommendation of the Corps' Regulatory Division, finding that acceptance and expenditure of funds from the District is appropriate. Col. Magness determined that acceptance of funds will not adversely impact impartial decision-making with respect to regulatory permit applications, either substantively or procedurally. 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. The Corps' capacity to evaluate permit applications from applicants not party to this funding agreement would not be adversely affected.

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