



SPECIAL PUBLIC NOTICE

DECISION TO ACCEPT FUNDS FROM THE STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION TO EXPEDITE PERMIT APPLICATION REVIEW

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

BUILDING STRONG®

Public Notice No.: SPL-2014-00188-SJH

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This Special Public Notice announces the decision of the District Commander of the U.S. Army Corps of Engineers' Los Angeles District (Corps), to continue accepting and expending funds contributed by the California Department of Transportation ("Caltrans") under a new 5-year Memorandum of Agreement (MOA) between Caltrans and the Corps in order to expedite processing of Caltrans' Department of the Army (DA) permit applications.

On April 29, 2014, the Los Angeles District Commander 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 No. 106-541 111-120), as amended by Public Law 111-315.

Section 214 of the *Water Resources Development Act of 2000* (WRDA 2000, Public Law No. 106-541 111-120), as amended by Public Laws 111-315 and 113-121 (see below), authorizes the Secretary of the Army, after public notice, to accept and expend funds contributed by a non-Federal public entity to expedite the evaluation of a permit of that entity related to a project or activity for a public purpose under the jurisdiction of the Department of the Army. The Secretary of the Army has delegated this responsibility to the Chief of Engineers and his authorized representatives, including the Commander of the Los Angeles District, U.S. Army Corps of Engineers. This authority to accept funds from non-Federal public entities to expedite the processing of permits was made permanent by the passage of the Water Resources Reform and Development Act of 2014 (Public Law No. 113-121) on June 10, 2014.

Currently, the Los Angeles District accepts and expends funds from Caltrans in accordance with an existing MOA, which is set to expire September 30, 2014. The new MOA, effective October 1, 2014 through September 30, 2019, would allow the Corps to continue to accept and expend these funds during that 5-year period.

Procedures to be used to ensure impartial decision-making: To ensure the funds will not impact impartial decision-making, the following procedures would apply:

(a) The Corps will ensure that the evaluation of permits carried out using funds accepted from Caltrans are reviewed at least one level above the decision maker, unless the decision maker is the District Commander. For example, if the decision maker is the Chief of the Regulatory Division, then the reviewer would be the District Commander.

(b) The Corps will ensure that all final permit decisions carried out using accepted funds from Caltrans are made available to the public, including on the Internet at:
<http://geo.usace.army.mil/egis/f?p=340:9:0::NO>

(c) The Corps will utilize the same procedures for decisions that would otherwise be required for the evaluation of permits for similar type projects or activities not carried out using funds accepted from Caltrans.

(d) The Corps will comply with all applicable laws and regulations.

(e) The Corps will only expend funds accepted from Caltrans to provide priority review of permit applications, and will not use them to carry out a review of the evaluation of permits, as required under (a) above.

Consideration of Comments: From March 17, 2014 through April 1, 2014, the Los Angeles District circulated a Special Public Notice announcing the Commander's preliminary intent to accept and expend such funds. The Special Public Notice discussed the kinds of activities for which funds would be expended and solicited comments from the general public. No comments were received.

Information concerning WRDA section 214, including documents referenced in this notice, may be found on our Los Angeles District website at www.spl.usace.army.mil/organizations/cespl-co/regulatory/WRDA.html. If you have questions or need additional information, please contact Senior Regulatory Project Manager Stephanie Hall, our Caltrans liaison, at (213)452-3410, or by email at stephanie.j.hall@usace.army.mil.



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.