



**US Army Corps
of Engineers®**

SPECIAL PUBLIC NOTICE

DECISION TO ACCEPT FUNDS FROM
SAN BERNARDINO COUNTY

LOS ANGELES DISTRICT

Public Notice Date: August 21, 2006

Corps Contact: David J. Castanon
Chief, Regulatory Branch
(213) 452-3406
david.j.castanon@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 San Bernardino County (County). The funds would be used to expand Corps resources available to evaluate and process the Department of the Army (DA) permit applications within the County of San Bernardino. 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 number of DA permit applications submitted by the County, 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 more thorough manner, benefiting both the County and the public.

Colonel Alex C. Dornstauder, 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 June 16, 2006, 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 June 16, 2006 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 Branch Chief, then the decision-maker for that permit action would be raised to the Construction-Operations 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>.