



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Sponsor:
Yuba Water Agency

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**Sacramento District
Permit Application No. SPK-2025-00498**

SUBJECT:

This Public Notice announces the preliminary intent of the U.S. Army Corps of Engineers, Sacramento District (Corps) to accept funds contributed by the Yuba Water Agency (YWA) to expedite processing of their permit applications subject to a series of limitations below.

Section 214 of the Water Resources Development Act of 2000 (WRDA 2000, Public Law No. 106-541 111-120) as amended, provides:

(a) The Secretary of the Army, after public notice, may accept and expend funds contributed by non-Federal public entities, railroad, and utility companies to expedite the evaluation of permits under the jurisdiction of the Department of the Army.

(b) In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decision making with respect to permits, either substantively or procedurally.

The Secretary of the Army has delegated this responsibility to the Chief of Engineers and his authorized representatives, including the Commander of the Sacramento District, U.S. Army Corps of Engineers.

How the Corps would expend the funds: The Corps Regulatory and Section 408 programs are funded as a congressionally appropriated line item in the annual Federal budget. Additional funds received by the YWA would be used to augment the budget of the Corps in accordance with the provisions of Section 214 of WRDA 2000, as amended. The Corps Regulatory and Section 408 programs would establish a separate account to track the receipt and expenditure of the funds under their respective authorities.

Activities for which funds would be expended: Funds would be expended primarily on the labor and overhead of Corps personnel engaged in processing requests under both the Regulatory (Section 404) and Section 408 programs for the Yuba Water Agency (YWA). Such activities could include, but are not limited to: development of regional general permits and regulatory letters of permission; application completeness reviews; jurisdictional determinations; site visits; preparation and distribution of public notices; preparation of correspondence; interagency and tribal coordination; consultation with other agencies; public interest reviews; analysis of alternatives; compensatory mitigation proposal reviews; preparation of environmental assessments; preparation of permit decision documents, and engineering reviews and supporting documentation for Section 408 requests.

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) All final permit decisions for cases where these funds are used must undergo at least one level of supervisory review above the Project Manager prior to the decision maker's signature. If the District Commander is the decision maker, no additional review is required.

(b) All final permit decisions for applications where these funds are expended will be made available on the Corps Headquarters web page.

(c) The Corps will not eliminate any procedures or decisions that would otherwise be required for that type of project and permit application under consideration.

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

(e) Funds will only be expended to provide priority review of the participating non-Federal entity's permit applications.

Impacts to Corps Programs: We do not expect priority review of the YWA's projects to negatively impact the Regulatory or Section 408 programs or to increase the time for permit evaluations or permission requests of other projects since additional staff will be hired to augment this priority review.

Consideration of Comments: The Corps is soliciting comments from the public, Federal, State and local agencies and officials, and other interested parties. Comments will be made part of the record, and they will be considered in determining whether it would be in the public interest to proceed with this action. If the Sacramento District Commander determines, after considering public comments, that the acceptance and expenditure of the funds is in compliance with Section 214 of WRDA 2000 as amended, the Corps will implement the act through a signed memorandum of agreement and accept funds from the Sites Project Authority. A second public notice will be issued regarding the final decision on this matter.

SUBMITTING COMMENTS: Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Michael Nepstad, (916) 557-7262, Michael.G.Nepstad@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Sacramento District, Attention: Michael Nepstad, 1325 J Street, Sacramento, California 95814-2922. Please refer to the Department of the Army number (SPK-2025-00388) in your comments on or before **9 September 2025**.

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this proposal. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information, please contact Michael Nepstad, (916) 557-7262, Michael.G.Nepstad@usace.army.mil.