



MARK PESTRELLA, Director

**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS**

"To Enrich Lives Through Effective and Caring Service"

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ADOPTED

IN REPLY PLEASE
REFER TO FILE

January 21, 2020

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

26 January 21, 2020

CELIA ZAVALA
EXECUTIVE OFFICER

Dear Supervisors:

**TRANSPORTATION CORE SERVICE AREA
AMENDMENT FOR COST RECOVERY AGREEMENT FOR VARIOUS
SPECIAL USE PERMITS WITH THE UNITED STATES FOREST SERVICE
(SUPERVISORIAL DISTRICTS 3 AND 5)
(3 VOTES)**

SUBJECT

Delegate authority to the Director of Public Works or his designee to enter into an amendment to extend the Cost Recovery Agreement for an additional 10-year term to reimburse the United States Forest Service for its costs to process applications for special use permits submitted by Public Works on behalf of Los Angeles County, Los Angeles County Flood Control District, and Los Angeles County Waterworks Districts for the use of various sites within the United States Forest Service's jurisdiction.

IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, THE GOVERNING BODY OF THE LOS ANGELES COUNTY WATERWORKS DISTRICTS, AND THE GOVERNING BODY OF LOS ANGELES COUNTY:

1. Find that the proposed actions are not a project under the California Environmental Quality Act for the reasons stated in this Board letter and the record.
2. Delegate authority to the Director of Public Works or his designee to enter into Amendment 1 to extend the Cost Recovery Agreement between the United States Forest Service and Los Angeles County, Los Angeles County Flood Control District, and Los Angeles County Waterworks Districts, to January 31, 2030, and make payments up to \$120,000 each year, subject to adjustments

by the United States Forest Service based on actual time spent.

3. Delegate authority to the Director of Public Works or his designee to increase the payment to the United States Forest Service up to an additional \$30,000, for a total of, up to \$150,000 each year, and up to the total maximum amount of \$1,500,000 over the 10-year term to cover any excess hours required for processing or monitoring pursuant to Federal laws.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will delegate authority to the Director of Public Works or his designee to enter into an amendment to extend the Cost Recovery Agreement (Amendment 1), in a form approved by County Counsel, with the United States Forest Service to January 31, 2030.

Public Works on behalf of Los Angeles County, Los Angeles County Flood Control District, and Los Angeles County Waterworks Districts has entered into permits, or may apply for future permits, for the right to use and maintain land, owned and controlled by the Forest Service in the Angeles National Forest. These existing permits are for various purposes, including roads, flood control facilities, waterworks facilities, and other uses.

On July 20, 2010, the Board authorized the Director of Public Works or his designee to enter into a cost recovery agreement with the Forest Service to pay fees associated with permits for various purposes.

Future activities requiring Forest Service authorization will include applications for construction projects, maintenance activities, and permit renewals or amendments. The Forest Service incurs the cost to process the applications, oversee, and manage these permits.

Pursuant to a recent Federal law, the Forest Service is now required to recover all costs upfront that it incurs to review current special-use permits and submitted applications; conduct environmental analyses; application authorizations; and to issue permits. The Forest Service estimates the processing costs for collective applications by Public Works to be approximately \$120,000 annually or a total of \$1,200,000 over the 10-year term.

In addition, Public Works is requesting to increase the payment up to \$30,000, for a total of up to \$150,000 per year, if excess hours are needed to process the permits.

Implementation of Strategic Plan Goals

The County Strategic Plan directs the provision of Strategy 11.3, Make Environmental Sustainability Our Daily Reality. The recommended Board actions will support these goals by allowing Public Works to improve and maintain facilities on behalf of the County and various special districts in the Angeles National Forest in a timely and effective matter.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The estimated cost of the proposed Amendment 1 is \$120,000 annually or a total of \$1,200,000 over the 10-year term. In addition, the recommendation allows the entities to increase the annual payment of \$120,000 up to \$30,000 for a maximum of \$150,000 per year, if excess hours are

needed to process the permits. Sufficient funding is available in various Public Works Fiscal Year 2019-20 Budgets to cover the fees for the first year of the proposed Amendment 1. Funds to finance the remaining term will be requested through the annual budget process.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On July 20, 2010, Item 20, the Board authorized the Director to enter into a cost recovery agreement with the Forest Service to pay fees associated with permits for various purposes, including roads, flood control facilities, waterworks facilities, and other uses on behalf of the County, Los Angeles County Flood Control District, and Los Angeles County Waterworks Districts.

The agreement compensates the Forest Service for providing permit management, environmental analyses, and project authorization services for applications submitted by Public Works on behalf of Los Angeles County, Los Angeles County Flood Control District, and Los Angeles County Waterworks Districts to operate and maintain specified facilities in the Angeles National Forest. The agreement contains the following provisions:

- Fees for the first year to be paid quarterly and subsequent estimated processing fees to be paid within 30 days from billing.
- Statement of actual costs to be provided annually by the Forest Service. Overpayment or underpayment to be refunded or paid annually.
- An appeal process for the County to follow when it disputes the processing fee determined by the Forest Service's authorized officer. The dispute resolution process does not extend beyond the immediate supervisor of the Forest Service's authorized officer.
- The amended agreement will expire in January 2030 and may be cancelled by either party at any time.

ENVIRONMENTAL DOCUMENTATION

The recommended actions are not subject to CEQA because they are activities that are excluded from the definition of a project by Section 21065 of the Public Resources Code and Section 15378(b) of the State CEQA Guidelines. The proposed actions would create a government funding mechanism that does not involve any commitment to a specific project that may result in a potentially significant physical impact on the environment.

For new permit applications, the proposed projects will be evaluated for compliance with CEQA. Additionally, the Forest Service will require environmental analysis under Federal laws for all new applications to be prepared under its supervision.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The agreement will enhance Public Works' ability to receive Forest Service approval of activities that involve the construction, operation, and/or maintenance of specified types of facilities in the Angeles National Forest. Maintenance activities performed by Public Works are carried out under existing special use permits with the Forest Service for the various types of facilities currently in place.

CONCLUSION

Please return one adopted copy of this letter to Public Works, Transportation Planning and Programs Division.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Pestrella". The signature is fluid and cursive, with the first name "Mark" and last name "Pestrella" clearly distinguishable.

MARK PESTRELLA

Director

MP:DBM:ec

Enclosures

c: Chief Executive Office (Chia-Ann Yen)
County Counsel (Julia Weissman)
Executive Office

Auth ID: LAR981202
Contact ID: LAR9812
Use Code: 561

FS-2700-23 (v. 10/09)
OMB No. 0596-0082

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
AMENDMENT
FOR

COST RECOVERY AGREEMENT
#10MJ-11050151221
Amendment#: 1

This amendment is attached to and made a part of the first cost recovery agreement dated 08/09/2010 for projects issued to L.A. DEPARTMENT OF PUBLIC WORK on special use permit dated 04/01/1997 which is hereby amended as follows:

Up to \$120,000 as required each year for continued work projects and agreement extended to 01/01/2030.

This Amendment is accepted subject to the conditions set forth herein, and to conditions n/a to n/a attached hereto and made a part of this Amendment.

COUNTY OF LOS ANGELES
Acting on behalf of the Los Angeles County
Flood Control District and the Los Angeles County
Waterworks Districts

By: _____
Deputy Director
Department of Public Works

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

USDA – FOREST SERVICE

By: _____
Deputy

JEROME E. PEREZ
FOREST SUPERVISOR

Date

Date

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