

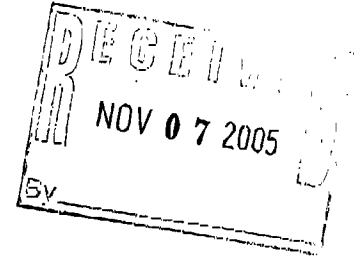


DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

November 2, 2005

REPLY TO
ATTENTION OF:

Office of the Chief
Regulatory Branch



Browning-Ferris Industries of California
Attn: Frank Kiesler
14747 San Fernando Road
Sylmar, California 91342

Dear Mr. Kiesler:

Reference is made to your request of October 28, 2005 to amend Permit No. 2003-00408-AOA which authorized you to permanently impact 3.41 acres of waters of the United States, including 1.01 acres of wetlands, for discharges of fill material for the construction of flood control facilities and the placement of liner for the disposal of waste material associated with the Sunshine Canyon Landfill Extension project in an unnamed tributary to Bull Creek near San Fernando, Los Angeles County, California.

The Corps recognizes that Browning Ferris Industries of California (BFI) has been working for over two years with the City of Los Angeles Department of Water and Power to restore a portion of Chatsworth Reservoir as compensatory mitigation for the Sunshine Canyon Landfill Closure and Extension projects. The Corps understands that the City of Los Angeles Department of Water and Power has relocated the proposed mitigation site to another area in Chatsworth Reservoir, which has resulted in a fairly extensive delay in the implementation of the required mitigation. However, almost two years have elapsed without initiation of the required compensatory mitigation, which is not consistent with the Corps current mitigation policy. As a result, if the required compensatory mitigation is not initiated by December 31, 2006, the Corps will have to evaluate the temporal loss of physical and biological functions associated with the Landfill Extension project and increase the acreage of required mitigation. In addition, without substantial progress in the implementation of the proposed mitigation at Chatsworth Reservoir by April 2006, the Corps will have to seriously consider relocating the mitigation site to another area in either the Los Angeles River or the Santa Clara River watersheds. To help facilitate the proposed mitigation at Chatsworth Reservoir, the Corps would like to receive monthly updates documenting the progress in implementing the required mitigation and would suggest that a meeting be held between the Corps, BFI and the City of Los Angeles in January 2006 to resolve any remaining land disposition issues associated with the required conservation easement. To meet the required December 31, 2006 mitigation implementation date, the Corps has made the following changes to Permit Number 2003-00408-AOA.

Special Conditions Number One and Five for Permit Number 2003-00408-AOA are hereby modified to the following:

1) The permittee shall compensate for permanent impacts to 3.41 acres of waters of the United States, including 1.01 acres of wetlands, by restoring and enhancing at least 12 acres of riparian and wetland habitat within Chatsworth Reservoir. Prior to March 1, 2006, the permittee shall provide a conceptual mitigation plan for the restoration site at Chatsworth Reservoir. Prior to July 1, 2006, the permittee shall submit to the Corps a final mitigation plan consistent with the Los Angeles District Habitat Mitigation and Monitoring Proposal Guidelines, dated April 2004. The permittee shall obtain final written approval of their mitigation plan from the Corps by July 31, 2006. Once the Corps has approved the final mitigation plan, the permittee shall implement all the terms and conditions stipulated in the approved plan in full. The permittee shall initiate restoration and enhancement activities as stipulated in the approved mitigation plan for Chatsworth Reservoir no later than December 31, 2006.

5) By December 31, 2006, the permittee shall either record a conservation easement or covenant, which shall run with the land, obligating the permittee, their successor or assigns to maintain the 12-acre preservation and enhancement area as natural open space in perpetuity, or provide other documentation that provides the Corps with legal assurances that the 12-acre mitigation area will be preserved in perpetuity. The permittee shall receive written approval from the Corps of this easement/covenant or other documentation prior to it being finalized and recorded.

The terms and conditions of Permit No. 2003-00408-AOA, except as changed herein, remain in full force and effect.

Please note that a copy of this letter is being forwarded to U.S. Fish and Wildlife Service, Attn: Ms. Diane Noda, 2493 Portola Road, Suite B, Ventura, California 93003; U.S. Environmental Protection Agency, Attn: Mr. Tim Vendlinski, Supervisor, Wetlands Regulatory Office (WTR-8), 75 Hawthorne Street, San Francisco, California 94105; California Department of Fish and Game, Attn: Charles Raysbrook, 4949 View Ridge Ave., San Diego, California 92123.

Sincerely,



David J. Castanon
Chief, Regulatory Branch