



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

CESAM RD-M
Public Notice No. SAM-2020-00185-MNS

September 15, 2020

SPECIAL PUBLIC NOTICE

FINAL NOTICE OF ACCEPTANCE AND EXPENDITURE OF STATE FUNDS CONTRIBUTED BY THE MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

TO WHOM IT MAY CONCERN: This Public Notice announces the Mobile District of the U.S. Army Corps of Engineers (USACE) has signed a Memorandum of Agreement with the Mississippi Department of Marine Resources (MDMR) to accept and expend funds contributed by MDMR, a non-Federal public agency, to dedicate personnel to process their Department of the Army (DOA) permit applications, subject to the limitations. Federal authority allows the MDMR to apportion part of their annual funds for the purpose of expediting permit reviews. The funds would be accepted pursuant to the authority of 33 U.S.C. § 2352 (Section 214 of the Water Resources Development Act of 2000, as amended). This authority also allows the USACE to accept and expend these funds for the same purpose.

On May 22, 2020, the Mobile District Commander determined that acceptance and expenditure of such funds would be in accordance with Section 214 of the WRDA of 2000 as amended by the Water Resources Reform.

On February 21, 2020, the Mobile District circulated a Public Notice providing notice of our intent to accept and expend such funds, and that we had initiated discussions with MDMR. The Public Notice identified the kind of activities for which funds would be expended for and the safeguarding procedures which would be used to ensure that the funds will not affect impartial decision-making. Those safeguarding procedures include:

- a. The review will comply with all applicable laws and regulations.
- b. Any procedures or decisions that would otherwise be required for a specific type of project or permit under consideration cannot be eliminated; however, process improvements that are developed can be shared in order for all members of the regulated public to benefit.
- c. In cases where funds provided to the USACE by MDMR are used, all final permit decisions and decision documents including reporting nationwide and general permit verifications, will be reviewed and approved in writing by at least one level

above the decision maker, unless the decision maker is the District Commander. The one-level-above review must be a position that is not partially or fully funded by the same funding entity.

- d. All jurisdictional determinations (preliminary or approved) made on projects where funds are used will have documentation that a non-funded Regulator conducted a review of the determination.
- e. All final permit decisions, including all reporting nationwide and general permit verifications, made for projects where these funds are used will be made available and updated monthly on the Mobile District Regulatory Division webpage.
- f. Funds will not be used for enforcement activities.

Copies of the initial February 21, 2020 Public Notice and this Public Notice are available on the Mobile District Regulatory website at:

<https://www.sam.usace.army.mil/Missions/Regulatory/Public-Notices/>

For additional information about our Regulatory Program, please visit our web site at <http://www.sam.usace.army.mil/Mission/Regulatory.aspx>

MOBILE DISTRICT
U.S. Army Corps of Engineers