



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

February 21, 2020

PUBLIC NOTICE

PROPOSAL TO ACCEPT AND EXPEND STATE FUNDS CONTRIBUTED BY THE MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Mississippi Department of Marine Resources

TO WHOM IT MAY CONCERN: This Public Notice announces the Mobile District's proposal to accept and expend State funds contributed by the Mississippi Department of Marine Resources (MDMR). Federal authority allows the MDMR to apportion part of their annual funds for the purpose of expediting permit reviews. The authority also allows the U.S. Army Corps of Engineers (USACE) to accept and expend these funds for the same purpose. 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).

With the additional funds, the Mobile District would hire additional Regulatory staff to work on MDMR proposed and/or funded projects and permit applications. The District would establish a separate account for the MDMR funding to track receipt and expenditure of funds. The District Regulatory staff would charge their time against the respective account when they performed work on MDMR proposed and/or funded projects. The USACE Regulatory Program is funded as a congressionally appropriated line item in the annual Federal budget. Additional funds received from non-Federal public entities would be used in accordance with the provisions of the above authorities to prioritize and more expeditiously review and process MDMR proposed and/or funded projects.

The funds would allow more expedited exchange of concerns and information between the USACE, MDMR and other agencies, including initiation of such dialogs prior to the submission of the application. This early and continuing dialog is expected to enable MDMR and entities receiving MDMR funding to incorporate these concerns in the project design and application submittals. Under the proposed process of efficient decision making, the USACE would be obtaining information early in the process and prior to the submission of an application.

After submittal of the application, it is expected that this early involvement would result in a shortening of the time between application and the permit decision. The permit decision itself would not be affected by the funds and this process. The USACE decision whether to issue or deny the permit is and would continue to be based on USACE

regulations, the analysis of the proposed project, the applicant's submittals, comments from the public (where applicable) and other pertinent information.

Funds would mainly be expended on the salaries of Mobile District Regulatory Project Managers performing permit evaluation activities for MDMR proposed projects. Work would include, but is not limited to: review of jurisdictional determinations/verifications, permit applications, project alternatives, ecological surveys, environmental documents, mitigation plans, functional assessments, project meetings, compliance, field investigations, interagency meetings and programmatic initiatives.

To ensure impartial decision making, all final permit decisions for cases where these funds are used would be reviewed by at least one level above the normal decision maker. The Mobile District will use established guidance to determine the appropriate level of the decision maker and higher level review.

The Mobile District does not expect this method of permit review of MDMR proposed and/or funded projects to negatively impact the Districts' Regulatory Program or to increase the processing time for other permit evaluations. With the addition of personnel dedicated to work on MDMR proposed and/or funded projects, current Regulatory staff would be able to devote their resources to non-MDMR projects.

Following the close of this Public Notice, the Mobile District Commander will determine whether or not acceptance and expenditure of funds as described above is in compliance with the above authorities and the public interest is better served through cost-effectiveness, enhanced evaluation capability, streamlined permit processing or other appropriate justification. A final Public Notice will be issued announcing the decision. No new Public Notices will be issued if it is necessary to increase funds, provided the purpose remains the same.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2020-00185-MNS** and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Regulatory Division, Mississippi Branch, **Mr. Munther Sahawneh**.

All Comments should be received no later than 30 days from the date of this Public Notice. If you have any questions concerning this publication, you may contact the project manager at (251) 694-3782, or email at **Munther.n.sahawneh@usace.army.mil**. Please refer to the above Public Notice number.

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