



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, MOBILE DISTRICT 218  
SUMMIT PARKWAY, SUITE 222  
HOMEWOOD, ALABAMA 35209

CESAM-RD

August 10, 2020

**SPECIAL PUBLIC NOTICE  
U.S. ARMY CORPS OF ENGINEERS**

**FINAL NOTICE OF ACCEPTANCE AND EXPENDITURE OF STATE FUNDS  
CONTRIBUTED BY THE ALABAMA DEPARTMENT OF TRANSPORTATION**

TO WHOM IT MAY CONCERN: This Public Notice announces that the Mobile District of the U.S. Army Corps of Engineers (USACE) has signed a Memorandum of Agreement with the Federal Highways Administration (FHWA) and Alabama Department of Transportation (ALDOT) to accept and expend funds contributed by ALDOT, a non-Federal public agency, to expedite the processing of their Department of the Army (DA) permit applications, subject to limitations. Two Federal authorities, Section 214 of the Water Resources Development Act (WRDA) of 2000 as amended (33 U.S.C. § 2352), and Title 23 U.S. Code Section 139(j) (Efficient Environmental Reviews for Project Decision-making) allow ALDOT to apportion part of their annual federal transportation-aid funds for the purpose of expediting permit reviews. These authorities allow USACE to accept and expend these funds for the same purpose. The locations of these projects within Alabama fall under the jurisdictional areas of two different USACE Districts (Mobile and Nashville) where the POC will be located in the Mobile District. The Mobile District will handle all aspects of permit review and decision making on permit applications from FHWA or ALDOT, to include signature authority for the entire State of Alabama, unless other arrangements are made on a case-by-case basis.

On September 9, 2019, 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 and Development Act of 2014, and Title 23 U.S. Code Section 139(j).

On January 7, 2016, 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 ALDOT. 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 ALDOT 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 January 7, 2016 Public Notice and this Public Notice are available on the Mobile District Regulatory website at:  
<https://www.sam.usace.army.mil/Missions/Regulatory/Mobile-WRDA-214/> and  
<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/Missions/Regulatory.aspx>.

**MOBILE DISTRICT  
U.S. Army Corps of Engineers**