



**US Army Corps
of Engineers**
St Paul District

PUBLIC NOTICE

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ACCEPTANCE OF FUNDS FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION

The purpose of this Special Public Notice is to inform the general public that the U.S. Army Corps of Engineers (Corps), St. Paul District has decided to accept and expend funds contributed by the Minnesota Department of Transportation (MnDOT). The funds would be used to expedite processing of MnDOT Department of the Army (DA) permit applications.

On 14 April 2014, the St. Paul District Corps of Engineers issued a public notice announcing its preliminary intent to accept funds contributed by MnDOT to expedite processing of MnDOT Department of the Army (DA) permit applications.¹ Section 214 authorizes the Secretary of the Army to accept and expend funds contributed by a non-Federal public entity, following a public notice, to expedite the evaluation of permit applications of that entity related to a project or activity for a public purpose under the jurisdiction of the Department of the Army. In doing so, the Secretary must ensure that the use of such funds will not impact impartial decision-making with respect to permits, either substantively or procedurally. The Secretary of the Army has delegated this responsibility to the Chief of Engineers and his authorized representatives, including District Commanders of the U.S. Army Corps of Engineers.

The St. Paul District received no comments in response to the public notice regarding acceptance of funds from MnDOT.

The St. Paul District's acceptance of funds is expected to expedite the processing of MnDOT Department of the Army (DA) permit applications in accordance with the provisions of Section 214. Funds will be expended primarily on the direct labor and overhead of Corps Regulatory personnel evaluating MnDOT's DA permit applications.

To ensure that the funds will not impact impartial decision-making, the following procedures will apply:

- a. In cases where funds provided to the Corps by MnDOT are used, all final permit decisions, including reporting general permit verifications, will be reviewed and signed by at least one level above the decision maker, unless the decision maker is the District Commander.
- b. All documents involved in the decision making process must be reviewed and signed by the one-level-above reviewer as defined above.

¹ That public notice encompasses two §214 Memorandums of Agreement (MOA) between the Corps and MnDOT. As it pertains to the acceptance of funding from MnDOT, both MOA's are substantively identical. However, the Federal Highway Administration (FHWA) is also a party to one of the MOA's and, in the body of that MOA, consents to MnDOT's use of federal funding provided by FHWA for the purpose of providing funds to the Corps under §214.

- c. All jurisdictional determinations made on projects where funds are used must have documentation that a non-funded Regulator reviewed and agreed with the determination.
- d. All final permit decisions, including all reporting general permit verifications, for cases where these funds are used will be made available and updated monthly on an appropriate web page in an area separate from any other final actions, clearly identifiable as being for projects funded through this authority.
- e. 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.
- f. The Corps must comply with all applicable laws and regulations.
- g. Funds will not be expended for the review of the decision maker's decision.
- h. Funds will not be used for enforcement or compliance activities.

In light of the above facts, the St. Paul District Commander has determined that acceptance and expenditure of funds contributed by MnDOT to expedite processing of MnDOT's permit applications is in the general public's interest.

For additional information, please contact Chad Konickson at (651) 290-5364.

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