



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

# PUBLIC NOTICE

**Comment Period Begins: 02 JUN 2023**

**Comment Period Ends: 16 JUN 2023**

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The purpose of this Special Public Notice is to inform the general public that the St. Paul District of the U.S. Army Corps of Engineers (District) has decided to accept and expend funds contributed by Great River Energy, a Minnesota cooperative corporation, and Minnesota Power, collectively referred to throughout this notice as the Minnesota Utility Partners. The funds will be used to expedite processing of the Minnesota Utility Partners Department of the Army (DA) permit applications pursuant to Clean Water Act Section 404 (13 U.S.C. 1344) and/or Rivers and Harbors Act Section 10 (33 U.S.C. 403).

On 10 March 2023, the District issued a public notice announcing its preliminary intent to accept funds contributed by the Minnesota Utility Partners to expediate processing of the Minnesota Utility Partners DA permit applications. Section 214 of the Water Resources Development Act of 2000 (WRDA 2000, Public Law No. 106-541), as amended, authorizes the Secretary of the Army, after public notice, to accept and expend funds contributed by a non-Federal public entity, public-utility company, natural gas company, or railroad carrier to expedite the evaluation of a permit of that entity related to a project or activity for a public purpose under the jurisdiction of the Department of the Army. The authority to accept and expend funds under Section 214 has been delegated from the Secretary of the Army to District and Division Commanders, including the Commander of the St. Paul District, U.S. Army Corps of Engineers.

The District received no comments in response to the public notice regarding acceptance of funds from the Minnesota Utility Partners.

The District's acceptance of funds is expected to expediate the processing of the Minnesota Utility Partners DA permit applications in the St. Paul District in accordance with the provisions of Section 214. Funds will be expended primarily on the direct labor and overhead of Corps personnel evaluating DA permits.

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

- a. All final permit/permission decisions, including general permit verifications, will be reviewed and signed by at least one level above the decision-maker.
- b. All documents involved in the decision-making process must be reviewed and signed by the one-level-above reviewer as defined above.
- 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/permission decisions, including all general permit verifications, for cases where these funds are used will be made available and updated monthly on the District's 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 District must comply with all applicable laws and regulations.
- g. Funds will not be expended for the decision maker's review of material or final decisions.
- h. Funds will not be used for enforcement activities.

## **Regulatory Division**

In light of the above facts, the St. Paul District Commander has determined that acceptance and expenditure of funds contributed by the Minnesota Utility Partners to expediate processing of DA permits is in the general public's interest.

For additional information, please contact Ben Orne at (651) 290-5280.