



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

PUBLIC NOTICE

Comment Period Begins: 14 FEB 2023

Comment Period Ends: 01 MAR 2023

In Reply Refer To: Ryan Malterud

Phone: (651) 290-5286

E-mail: ryan.m.malterud@usace.army.mil

The purpose of this Special Public Notice is to inform the general public that the Saint Paul District of the U.S. Army Corps of Engineers (St. Paul District) and the Chicago District of the U.S. Army Corps of Engineers (Chicago District) have decided to accept and expend funds contributed by the Milwaukee Metropolitan Sewerage District (MMSD). The funds will be used to expedite processing of MMSD's 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) and Section 408 Program (33 U.S.C. 408) requests for permission

On 07 November 2022, the St. Paul District and Chicago District issued a public notice announcing their preliminary intent to accept funds contributed by MMSD to expedite processing of MMSD's DA permit applications and Section 408 permission requests. 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 Commanders of the St. Paul District and Chicago Districts, U.S. Army Corps of Engineers.

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

The St. Paul District and Chicago District's acceptance of funds is expected to expedite the processing of MMSD's DA permit applications in the St. Paul District and Section 408 permissions requests in the Chicago 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 and 408 permissions.

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 applicable 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 St. Paul District and Chicago District must comply with all applicable laws and regulations.

Regulatory Division

- 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.

In light of the above facts, the St. Paul District and the Chicago District Commanders have determined that acceptance and expenditure of funds contributed by MMSD to expediate processing of DA permits and 408 permissions is in the general public's interest.

For additional information, please contact Ryan Malterud at (651) 290-5286.