



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

# PUBLIC NOTICE

**Issued:** May 4, 2018

**In Reply Refer To:** Desiree Morningstar

**Phone:** (651) 290-5342

**E-mail:** [desiree.l.morningstar@usace.army.mil](mailto:desiree.l.morningstar@usace.army.mil)

## ACCEPTANCE OF FUNDS FROM UTILITY PARTNERS

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 Regulatory branch (St. Paul District) has decided to accept and expend funds contributed from American Transmission Company, LLC (ATC) and the WEC Energy Group (including We Energies, Wisconsin Public Service Corporation, Minnesota Energy Resources Corporation, and the Wisconsin River Power Company), collectively referred to throughout this notice as the Utility Partners. The funds would be used to expedite processing of the Utility Partners Department of the Army (DA) permit applications.

On 8 February 2017, the St. Paul District issued a public notice announcing its preliminary intent to accept funds contributed by the Utility Partners to expedite processing of the Utility Partners DA permit applications. Section 214 of the Water Resources Development Act (Section 214) of 2000, as amended, authorizes the Secretary of the Army to accept and expend funds contributed by public-utility companies, following a public notice, to expedite the evaluation of permit applications of that entity. 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 one comment letter in response to the public notice regarding acceptance of funds from the Utility Partners. We have considered the content of that comment as part of our final decision.

The St. Paul District acceptance of funds is expected to expedite the processing of Utility Partners DA permit applications in accordance with the provisions of Section 214. Funds will be expended primarily on the direct labor and overhead of St. Paul District Regulatory personnel evaluating the Utility Partners 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 St. Paul District by the Utility Partners 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.
- 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.

## Operations - Regulatory

- 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 the Utility Partners to expedite processing of Utility Partners permit applications is in the general public's interest.

For additional information, please contact Desiree Morningstar at (651) 290-5342.



Chad Konickson  
Chief, Regulatory Branch