



**US Army Corps  
of Engineers** ®  
Charleston District

## **SPECIAL PUBLIC NOTICE**

DECISION TO ACCEPT FUNDS FROM THE  
SOUTH CAROLINA STATE PORTS AUTHORITY

**PUBLIC NOTICE NO:** SAC 2014- 01012  
**PUBLIC NOTICE DATE:** January 11, 2015  
**CORPS CONTACT:** Travis Hughes  
Chief, Special Projects Branch  
(843) 329-8044  
[Travis.G.Hughes@usace.army.mil](mailto:Travis.G.Hughes@usace.army.mil)

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The purpose of this Special Public Notice is to announce that the Charleston District, U.S. Army Corps of Engineers (Corps) has decided to accept and expend funds contributed by the SC State Ports Authority (SCSPA) to expedite processing of SCSPA's Department of the Army (DA) permit applications, pursuant to 33 U.S.C.2352 (Section 1006, Water Resources Reform and Development Act of 2014 (WRRDA 2014); 128 Stat. 1193; Public Law No. 113-121 [H.R.3080]). A Cooperative Agreement between the Corps and the SCSPA addresses the acceptance and expenditure of funds pursuant to Section 1006 of WRRDA 2014. These funds would be used to increase Corps resources available to evaluate and process the SCSPA's Department of the Army permit applications. Though the SCSPA would generally receive more expeditious reviews of their permit applications, the Corps would ensure that regulatory permit decision-making remains impartial and that all applicable procedural and substantive requirements of the DA permit application review process remain unchanged.

The decision to accept funds is in response to the success of a similar agreement with the SC Department of Transportation, the number and complexity of DA permit applications that continue to be submitted by the SCSPA, and the ongoing need to devote significant staff time to these applications to ensure the SCSPA and the public are best served throughout the permit evaluation process. The decision to enter into an agreement to accept funds does not constitute any endorsement or implied consent to Port permit applications; rather, it enables Corps staff to devote the attention required

to these applications, in a more timely and more thorough manner, benefitting both the SCSPA and the public.

Lieutenant Colonel John T. Litz, Commander of the Corps' Charleston District has determined that acceptance and expenditure of additional funds would be in accordance with WRRDA 2014. The Memorandum for Record documenting this decision is attached. On September 19, 2014, the Charleston District circulated the initial Special Public Notice that discussed the types of activities for which funds would be expended, and the safeguarding procedures that would be used to ensure that the funds will not impact the Corps' ability to make impartial decisions. These procedures include the following:

- All final permit decisions must be reviewed by at least one level above the decision maker, unless the decision maker is the District Commander.
- All final permit decisions for cases where these funds are used will be made available on the Charleston District's Regulatory web page.
- The Charleston District will not eliminate any procedures or decisions that would otherwise be required for that type of project and permit application under consideration.
- The Charleston District will comply with all applicable laws and regulations.
- Funds will only be expended to expedite processing of permits for SCSPA's permit applications, and will not slow down evaluation of other permits.
- Funds will not be expended for supervisory or management review of documents prepared by the SCSPA funded Regulatory Project Manager.

Supervisory or management review of decision documents that are prepared by WRRDA funded staff members will be reviewed and/or signed by the Special Projects Branch Chief, who is one level higher than the Regulatory Project Manager assigned to evaluate the SCSPA's permit applications, the Regulatory Division Chief or the District Commander.

With other similar agreements, the Charleston District has noted improved responsiveness, while maintaining program integrity, by having staff available to answer questions and to evaluate these applications, on both small projects and on large projects involving more rigorous National Environmental Policy Act review. The funding program will better serve the public interest through more cost effective processing of Department of the Army permit applications, enhanced evaluation capability, and a stream-lined permit processing system. In addition, Our capacity to evaluate permit applications from applicants not associated with the funding agreement will not be adversely affected.

Copies of the relevant documents related to this decision to accept and expend SCSPA funds under this 5-year Cooperative Agreement, as well as any final permit decisions evaluated by Corps staff using such funds, can be viewed on the Charleston District's Regulatory web page at <http://www.sac.usace.army.mil/Missions/Regulatory/WaterResourcesDevelopmentAct>.