



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

## **SPECIAL PUBLIC NOTICE**

PROPOSAL TO ACCEPT FUNDS FROM THE  
SOUTH CAROLINA STATE PORTS AUTHORITY

**PUBLIC NOTICE NO:** SAC 2014- 01012  
**COMMENT PERIOD:** September 19, 2014 - October 6, 2014  
**PROJECT MANAGER:** Travis Hughes (843) 329-8044

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### **Applicant**

South Carolina State Ports Authority  
Mr. James I. Newsome, III  
President and Chief Executive Officer  
Post Office Box 22287  
Charleston South Carolina 29413

### **Location**

South Carolina State Ports Authority projects throughout South Carolina.

### **Activity**

This Special Public Notice announces the preliminary intent of the District Commander, Charleston District, to accept funds 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; 128 Stat. 1193; Public Law No. 113-121 [H.R.3080]).

This Special Public Notice also solicits comments from the general public on the subject of acceptance and expenditure of funds contributed by SCSPA to expedite the evaluation of DA permit applications.

**Comments should be mailed to:**

**US Army Corps of Engineers, Charleston District  
Regulatory Division  
ATTN: Travis Hughes  
69A Hagood Avenue  
Charleston, South Carolina 29403**

**Background Information:** Section 214 of the Water Resources Development Act of 2000 (WRDA 2000) allowed the Secretary (of the Army), after public notice, to accept and expend funds contributed by non-federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army. In doing this, the Secretary must ensure that the use of funds accepted will not impact impartial decision making with respect to permits, either substantively or procedurally.

Non-federal public entities are comprised of state and local governmental agencies and Indian tribal governments. They include, but are not limited to, local transportation agencies, port authorities, flood and storm water management agencies, and governmental economic development agencies.

Section 1006 of Water Resources Reform and Development Act (WRRDA), enacted after being signed by the President on June 10, 2014, eliminated the sunset date from the Section 214 authority for non-Federal public entities.

**How the Charleston District would expend funds:** The Corps of Engineers' regulatory program is funded as a congressionally appropriated line item in the annual Federal budget. Additional funds received from SCSPA would be used to augment the Charleston District regulatory budget in accordance with the provisions of WRRDA. The Charleston District would establish a separate account to track receipt and expenditure of the funds. A Charleston District regulatory employee would charge their time against the respective account when they do work related to permit actions for SCSPA.

**Activities for which funds will be expended:** Funds would mainly be expended on the salary and overhead of a Regulatory Project Manager performing the expedited processing activities for SCSPA. Such activities would include, but not limited to, the following: pre-application meetings, jurisdictional delineations, site visits, public notice preparation, preparation of correspondence, conduct of public interest reviews, preparation of draft permit decisions, preparation and/or review of Environmental Impact

Statements and Environmental Assessments, coordinate and provide training on natural resource issues and permits, organize and/or attend meetings, organize and/or participate in conference calls, etc. SCSPA funds would not be expended for a Corps' supervisors review of project manager's work, other components of the Charleston District, or other persons in the decision-making chain of command. SCSPA funding will not be used for enforcement activities.

**Procedures to be used to ensure impartial decision-making:** To ensure funds received from a non-Federal, public entity will not impact impartial decision-making, the following procedures, mandated from Headquarters, US Army Corps of Engineers, would apply to all cases using funds provided by SCSPA:

- 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 the funds will be made available on the 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 provide priority review of SCSPA's permit applications.
- Funds will not be expended for the review of the decision maker's decision.

**The benefits SCSPA would receive from their funds:** In general, the workload of the Charleston District has increased over the past five years. Section 1006 of WRRDA is designed to enable the Charleston District to expedite the processing of certain public projects. SCSPA can expect their permit applications to receive expedited handling by the Charleston District, and to the degree that the Charleston District considers it appropriate, SCSPA can set priorities among their pending permit applications. As a result of SCSPA's funding, SCSPA will have a dedicated Project Manager with expertise in Port issues, better availability for site visits and meetings, and overall streamlined permit processing.

**Impacts to the Regulatory Program:** This method of expediting the permit review of SCSPA projects should not negatively impact the Charleston District's Regulatory Program or increase the waiting time for permit evaluations that are not subsidized by funds contributed by non-Federal public entities. The remaining workload for non-funding entities should actually be reduced. We expect the benefits of implementing this program to translate into an enhanced evaluation capability for all participants.

**Consideration of Comments:** This Special Public Notice has a 15-day comment period. Following the review of comments received, the Charleston District will determine if acceptance and expenditure of funds is in compliance with WRRDA. If the District Commander determines, after considering public comments, that acceptance and expenditure of the funds is in compliance with WRRDA and is not otherwise contrary to the general public interest, the Charleston District will proceed to accept and expend such funds from SCSPA. Funds will be accepted only if the public interest is better served through cost-effectiveness, enhanced evaluation capability, streamlined permit processing, or other appropriate jurisdiction. A final public notice will be issued regarding the District Commander's decision. Beyond that, no new public notice will be issued if participating Non-Federal public entities increases the amount of funds previously furnished, provided that the purpose remains the same.

**Submission of Comments:** Comments on implementing WRRDA will be accepted and made part of the record, and they will be considered in determining whether it would be in the best public interest to proceed with this administrative practice. Comments should refer to the *Proposed Acceptance of Funds from SCSPA* and the date of this Special Public Notice, and should reach this office no later than the expiration date of this public notice.

For more information, please call Travis G. Hughes at 843-329-8044.