



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

SPECIAL PUBLIC NOTICE

DECISION TO ACCEPT FUNDS FROM THE
SOUTH CAROLINA DEPARTMENT OF COMMERCE

PUBLIC NOTICE NO: SAC-2016-01440
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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 South Carolina (SC) Department of Commerce to expedite processing of Department of the Army (DA) permit applications submitted by SC Department of Commerce and/or its co-permittees, 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 5-year Cooperative Agreement between the Corps and the SC Department of Commerce 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 DA permit applications submitted by SC Department of Commerce and/or its co-permittees. Though the SC Department of Commerce would generally receive more expeditious reviews of their and/or their co-permittees DA permit applications, the Corps would ensure that DA 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 SC Department of Commerce and/or its co-permittees, and the ongoing need to devote significant staff time to these applications to ensure the SC Department of Commerce and the public are best served throughout the DA permit evaluation process. The decision to enter into an agreement

to accept funds does not constitute any endorsement or implied consent to SC Department of Commerce's and/or its co-permittees' DA 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 SC Department of Commerce and the public.

Lieutenant Colonel Jeffrey Palazzini, Commander of the Corps' Charleston District has determined that acceptance and expenditure of funds would be in accordance with WRRDA 2014. The Memorandum For Record documenting this decision is attached. On September 20, 2016, 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 SC Department of Commerce's and/or its co-permittees' permit applications, and will not slow down evaluation of other permits.
- Funds will not be expended for the review of the decision maker's decision.

Supervisory or management review of decision documents that are prepared by WRRDA funded staff members will be reviewed and/or signed by either the Special Projects Branch Chief, who is one level higher than the Regulatory Project Manager assigned to evaluate the SC Department of Commerce's and/or its co-permittees' DA permit applications, or 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 DA permit applications, enhanced evaluation capability, and a streamlined permit processing system. In addition, our capacity to evaluate DA 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 SC Department of Commerce funds under the 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>.