



REPLY TO
ATTENTION OF

Operations Division
Regulatory Branch

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

December 23, 2013

SPECIAL PUBLIC NOTICE

**ANNOUNCING A COOPERATIVE AGREEMENT BETWEEN
THE US ARMY CORPS OF ENGINEERS AND
LAKE CHARLES HARBOR AND TERMINAL DISTRICT**

This Public Notice announces the proposed intent of the U. S. Army Corps of Engineers (USACE), New Orleans District, to accept and expend funds for the purpose of providing expedited reviews of permit applications and program issues for the Lake Charles Harbor and Terminal District (LCHTD) within the boundaries of the USACE New Orleans District in the State of Louisiana.

LCHTD typically presents various permit requests for work in Waters of the United States, including jurisdictional wetlands, throughout the TCHTD jurisdictional area, which requires authorizations pursuant to Sections 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899. An expected increase in capital investment projects to upgrade various Port facilities and to construct additional facilities and services within their coverage area will require an anticipated increase in necessary permits from the USACE. In all, the request for permits on five to seven large scale projects, and perhaps more, is projected to be submitted within the next two to three years. To support the growth along the Calcasieu Ship Channel in an expedient manner, LCHTD wishes to enter into an agreement with the New Orleans District to contribute funds to expedite the evaluation of permits pursuant to the guidelines promulgated under Section 214 of the Federal Water Resources Development Act of 2000 ("WRDA").

A Cooperative Agreement is being developed by the USACE New Orleans District and the LCHTD in anticipation of acceptance of such funds. The funds may be used by the Corps for salaries, associated benefits, actual burdened overhead rates, and reimbursable travel expenses, all for the purpose of expediting permit evaluation activities and programmatic issues.

Such permit evaluation activities would include, but are not limited to, the following: application completeness review, jurisdictional determinations, site visits, preparation of public notices, public hearings, preparation of correspondence, meetings (with the applicant, internal entities, agencies and general public), coordination concerning endangered species and cultural resources, public interest reviews, analysis of alternatives, compensatory mitigation proposal reviews including the establishment of mitigation plans, the preparation of environmental assessments and permit decision documents, data entry, and clerical responsibilities.

If any of the LCHTD/non-federal entity funds are fully expended and/or are not renewed, the entity's remaining priority permit applications would be handled like those of any other non-participant, in a manner decided by the assigned Regulatory personnel and his/her supervisor. To ensure the funds will not impact impartial decision-making, the following procedures would apply:

- a. All final permit decisions for cases where these funds are used must be reviewed at least by one level above the decision maker, unless the decision maker is the District Commander.
- b. All final permit decisions for cases where these funds are used will be made available on the New Orleans District's web page.
- c. The Corps will not eliminate any procedures or decisions that would otherwise be required for that type of project and permit application under consideration.
- d. The Corps will comply with all applicable laws and regulations.
- e. Funds will only be expended to provide priority review of the participating non-Federal entity's permit applications and programmatic issues.

We do not expect priority review of LCHTD projects to negatively impact the New Orleans District's Regulatory Program, or to increase the time for permit evaluations of other projects, since additional staff will be hired to augment this priority review.

The Corps is soliciting comments from the public, Federal, State and local agencies, and officials, and other interested parties. Comments will be made part of the record, and they will be considered in determining whether it would be in the Public interest to proceed with this action. If the District Commander determines, after considering public comments, that the acceptance and expenditure of the funds is in compliance with the authorities listed above and is not otherwise contrary to the general public interest, the New Orleans District will implement and accept the funds from the entity identified above. A second public notice will be issued regarding the District Commander's final decision on this matter.

Interested parties may submit, in writing, any comments concerning this proposal. Comments should refer to this Special Public Notice, and be forwarded by the comment due date, which is **January 6, 2014**. Comments must be sent to the U.S. Army Corps of Engineers, New Orleans District, Regulatory Branch, ATTN: Martin S. Mayer, Post Office Box 60267, New Orleans, Louisiana 70160-0267.

If you have any questions, please contact Martin S. Mayer by telephone at (504) 862-2255 or by email at: martin.s.mayer@usace.army.mil.


Martin S. Mayer
Chief, Regulatory Branch