



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

REPLY TO
ATTENTION OF

Operations Division
Regulatory Branch

February 3, 2013

SPECIAL PUBLIC NOTICE

**ANNOUNCING A PROPOSED COOPERATIVE AGREEMENT BETWEEN THE US
ARMY CORPS OF ENGINEERS AND PLAQUEMINES PARISH GOVERNMENT**

This Public Notice announces the proposed intent of the U. S. Army Corps of Engineers (USACE), New Orleans District (MVN), to accept and expend funds for the purpose of providing expedited review of permit applications and programmatic issues for Plaquemines Parish Government (PPG) within the boundaries of MVN.

PPG typically presents various permit requests for work in Waters of the United States, including jurisdictional wetlands, which require authorization 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 available funds to PPG via sources such as the RESTORE Act, Deepwater Horizon claims and litigation and Gulf of Mexico Energy Security Act will augment and provide long term funding for on-going restoration and protection initiatives by PPG. It is anticipated that such funding will in turn increase the number of permit applications submitted by PPG to MVN for work in jurisdictional waters. PPG estimates at least 9 permit applications will be submitted for restoration/protection projects during the next 12-36 months. To support their desire to protect Parish resources and residents in an expedient manner, PPG wishes to enter into an agreement with MVN to contribute funds to allow for the expedited evaluation of permit applications pursuant to the guidelines promulgated under Section 214 of the Federal Water Resources Development Act of 2000 ("WRDA").

A Cooperative Agreement will be developed between MVN and PPG in anticipation of acceptance of such funds. The funds may be used by MVN 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 PPG funds are fully expended and/or are not renewed, the 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 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 MVN's web page.
- c. MVN will not eliminate any procedures or decisions that would otherwise be required for that type of project and permit application under consideration.
- d. MVN will comply with all applicable laws and regulations.
- e. Funds will only be expended to provide priority review of PPG's permit applications and programmatic issues.

We do not expect priority review of PPG projects to negatively impact MVN'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.

MVN 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, MVN 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 **February 17, 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