



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT  
7400 LEAKE AVE  
NEW ORLEANS, LA 70118-3651

January 29, 2024

Regulatory Division  
Eastern Evaluation Branch

### **SPECIAL PUBLIC NOTICE**

## **ANNOUNCING A PROPOSED COOPERATIVE AGREEMENT BETWEEN THE U.S. ARMY CORPS OF ENGINEERS AND PLAQUEMINES PORT HARBOR AND TERMINAL DISTRICT**

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

PPHTD has identified several critical projects that may require a Department of Army permit under Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344) and/or Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 USC 403). To achieve their strategic objectives, PPHTD wishes to enter into an agreement with CEMVN's Regulatory Division to contribute funds to allow for the expedited evaluation of permit applications in accordance with the guidelines in Section 214 of the Federal Water Resources Development Act of 2000 (Public Law 106-541) and amended (33 USC 2352).

If a decision is made to enter this arrangement, a Cooperative Agreement would be developed between CEMVN and PPHTD in anticipation of acceptance of such funds. The funds may be used by CEMVN for employee 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, environmental justice screening, public interest reviews, National Environmental Policy Act compliance, analysis of alternatives, compensatory mitigation proposal reviews including the establishment of mitigation plans, the preparation of permit decision documents, data entry, and clerical responsibilities.

If any of the PPHTD funds are fully expended and/or 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 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 CEMVN's web page.
- c. CEMVN will not eliminate any procedures or decisions that would otherwise be required for that type of project and permit application under consideration.
- d. CEMVN will comply with all applicable laws and regulations.
- e. Funds will only be expended to provide priority review of PPHTD permit applications and programmatic issues.

CEMVN does not expect priority review of PPHTD projects to negatively impact the Regulatory Program, or to increase the time for permit evaluations of other projects, since additional staff may be hired to augment this priority review. Should the amount of funds initially provided by PPHTD change, a new public notice will not be required if the purpose remains the same.

CEMVN 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, CEMVN 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 27, 2024**. Comments may be sent via email (preferred) to Brad LaBorde at [brad.laborde@usace.army.mil](mailto:brad.laborde@usace.army.mil) or sent via traditional mail to the U.S. Army Corps of Engineers, New Orleans District, Regulatory Branch, ATTN: Brad LaBorde, 7400 Leake Avenue, New Orleans, Louisiana 70118.

More information about PPHTD can be found at their website:  
<https://www.portofplaquemines.com/>

If you have any questions, please contact Brad LaBorde by telephone at (504) 862-2225 or by email at [brad.laborde@usace.army.mil](mailto:brad.laborde@usace.army.mil).

Martin S. Mayer  
Chief, Regulatory Branch