



**US Army Corps
of Engineers.**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil

Special Public Notice

EVALUATOR:	Mr. Charles Allred
PHONE NO.:	(601) 631-5546
FAX NO.:	(601) 631-5459
E-MAIL:	Charles.R.Allred@usace.army.mil
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EXPIRATION DATE:	December 24, 2008

This Public Notice announces the proposed intent of the U.S. Army Corps of Engineers (USACE), Vicksburg District to accept and expend State and/or Federal highway funds for the purpose of providing expedited reviews of permit applications and program issues for the Mississippi Department of Transportation (MDOT) and the Federal Highway Administration (FHWA) within the boundaries of the USACE Mobile, Memphis, New Orleans, Nashville and Vicksburg Districts in the State of Mississippi.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) P.L. 109-59 requires that the United States Department of Transportation (USDOT) and Federal resource agencies urge state departments of transportation to seek Title 23 (23 CFR-Highways) reimbursement funding to facilitate the development and implementation of environmental streamlining. Pursuant to Chapter 1 of Title 23 USC, the FHWA is able to approve a request by MDOT to provide funds for a program to provide expedited review. MDOT presents a large number of permit requests for work in Waters of the United States, including jurisdictional wetlands, throughout the State of Mississippi, which requires authorizations pursuant to Sections 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899.

A Cooperative Agreement (CA) has been prepared by the Vicksburg District, the Federal Highway Administration, and the Mississippi Department of Transportation in anticipation of acceptance of such funds. The funds may be used by the Corps for salaries, associated benefits, actual burdened overhead rate, and reimbursable travel expenses, all for the purpose of expediting permit evaluation activities and programmatic issues.

Such permit evaluation activities would include, but not be limited to, the following: application completeness review, jurisdictional determinations, site visits, preparation of public notices, public hearings, preparation of correspondence, meetings (with the non-Federal entity, applicants, agencies and general public), coordination concerning endangered species and cultural resources, public interest review, analysis of alternatives, compensatory mitigation proposal reviews including the establishment of mitigation banks, and the preparation of environmental assessments and permit decision documents.

If any of the non-federal entity funds are fully expended and are not renewed, an 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 Vicksburg 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 application and programmatic issues.

We do not expect priority review of the non-federal entity's projects to negatively impact the Vicksburg 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 Vicksburg 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. Comments must be sent to the U.S. Army Corps of Engineers, Vicksburg District, Regulatory Branch, ATTN: Charles R. Allred, Jr., 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

If you have any questions, please contact Charles R. Allred by telephone at (601) 631-5546 or by email at: Charles.R.Allred@usace.army.mil.



Michael F. McNair, R.F.
Chief, Regulatory Branch
Vicksburg District