



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: July 13, 2016  
Comment Deadline: August 12, 2016

## **Wilmington District proposal to accept and expend North Carolina Department of Transportation funds for expediting permit review on transportation projects.**

This Public Notice announces the intent of the U.S. Army Corps of Engineers (USACE), Wilmington District, to accept and expend funds contributed by the North Carolina Department of Transportation (NCDOT). The funds will be accepted pursuant to any of the following authorities:

1. Section 214 of the Water Resources Development Act (WRDA) of 2000, as amended, codified at 33 U.S.C. § 2352.
2. North Carolina General Statutes Chapter 136, (NCGS §136)
3. Intergovernmental Cooperation Act (31 U.S.C. 6505)

NCDOT has a number of highway projects the USACE reviews under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. The funds would be used to streamline evaluation of NCDOT applications within the state of North Carolina.

USACE's regulatory program is funded as a congressionally appropriated line item in the annual federal budget. Additional funds received from non-Federal public entities would be used to supplement the Wilmington District regulatory budget in accordance with the provisions of WRDA. The Wilmington District would establish a separate account for the NCDOT funding to track receipt and expenditure of funds. With the additional funds, Wilmington District would hire additional employee(s) to work on NCDOT applications. The staff would be located within North Carolina.

Funds would mainly be expended on the salaries and overhead of Regulatory Project Manager(s) performing expedited evaluation activities for NCDOT. Work would include, but is not limited to, review of project alternatives, ecological surveys, environmental documents, mitigation plans, functional assessments, participation in project/interagency meetings, field investigations, programmatic initiatives, etc. Funds will not be used for enforcement activities.

The acceptance and expenditure of funds from NCDOT will not impact impartial decision making with respect to application review and any final permit decision, either substantially or procedurally. All reviews will continue to comply with all applicable laws and regulations. All final permit decisions and decision documents will be reviewed by a responsible official, at least one level above the decision maker and not funded by the same funding entity. Any NCDOT mitigation banking instruments will be signed by

the Regulatory Division Chief, a non-funded position. Additionally, all jurisdictional determinations (preliminary and approved) will have documentation that a review has been completed by a non-funded regulator.

The Wilmington District does not expect this method of expediting permit review of NCDOT projects to negatively impact the Wilmington District's regulatory program or to increase the waiting time for other permit evaluations. With the addition of Wilmington District personnel dedicated to work on NCDOT projects, the current Regulatory Project Managers with the Wilmington District will be in a better position to handle the current workload.

Following the close of this Public Notice, the USACE will determine if acceptance of funds will proceed. If the USACE determines, after considering comments, the acceptance of funds is in compliance with the above Acts, the Wilmington District will proceed with accepting the funds and issue a final Public Notice announcing that decision.

Written comments pertinent to this proposal, as outlined above, will be received by the Wilmington District, until 5pm, August 12, 2016. Comments should be submitted to Mr. Monte Matthews at 3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587 or (919) 554-4884 x31.