Public Notice

U.S. Army Corps of Engineers
Pittsburgh District

In Reply Refer to Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Date: February 1, 2006

Special Public Notice No. 06-4 Closing Date: February 21, 2006

Please address all comments and inquiries to: U. S. Army Corps of Engineers, Huntington District, ATTN: CELRH-OR-F, 502 Eighth Street, Huntington, West Virginia 25701-2070, Phone 304-399-5710, Public Notice No. 06-4

This Public Notice announces the intent of the Huntington District to accept and expend funds contributed by the West Virginia Department of Transportation (WVDOT) in conjunction with the Federal Highway Administration (FHWA). The funds would be accepted pursuant to any of the following authorities:

1. §17-2A-8 (28) of the West Virginia State Code;
2. Intergovernmental Cooperation Act (31 U.S.C. 6505);
3. Section 214(a) of the Water Resources Development Act (WRDA) of 2000 (P.L. 106-541), subsequently extended by Section 114 of the Energy and Water Appropriations Bill, (P.L. 108-137), and by Section 1 of P.L. 109-99; and
4. The Transportation Equity Act for the 21st Century (TEA-21) (P.L 105-178), as amended by the TEA 21 Restoration Act (P.L 105-206 and/or The Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (P.L. 109-59).

WVDOT has a number of highway projects the U.S. Army Corps of Engineers (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 WVDOT applications within the state of West Virginia. The Huntington District and the Regional Headquarters office of the USACE have coordinated with the Pittsburgh District concerning the proposed agreement between the USACE, WVDOT and the FHWA.

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 Huntington District regulatory budget in accordance with the provisions of WRDA and/or TEA 21. The Huntington District would establish a separate account for the WVDOT funding to track receipt and expenditure of funds. Huntington District regulatory staff would charge their time against the respective account when they performed work on WVDOT projects. With the additional funds, Huntington District would hire additional employee(s) to work on WVDOT applications. The staff would be primarily located in Huntington, WV.

Funds would mainly be expended on the salaries and overhead of Regulatory Project Manager(s) performing expedited evaluation activities for WVDOT. Work would include, but is not limited

to, review of project alternatives, ecological surveys, environmental documents, mitigation plans functional assessments, etc; participation in project meetings, field investigations and interagency meetings; programmatic initiatives; etc. Funds may also be expended to hire contractors to perform select duties such as site investigations and administrative duties.

To assure impartial decision making, all final permit decisions for cases where these funds are used would be reviewed by at least one level above the decision maker, unless the decision maker is the Commander of the Huntington District. For example, the project manager may prepare the recommendation for the permit decision, his or her Section Chief may be the permit decision maker, but then the permit decision would be reviewed by the Branch Chief.

The Huntington District does not expect this method of expediting permit review of WVDOT projects to negatively impact the Huntington District's regulatory program or to increase the waiting time for other permit evaluations. With the addition of Huntington District personnel dedicated to work on all WVDOT projects, the current Regulatory Project Managers within the Huntington and Pittsburgh Districts will be able to devote their resources to non-highway projects.

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

Comments should reach the Huntington District office no later than the expiration date of this Public Notice. Comments should be directed to:

U.S. Army Corps of Engineers
Huntington District ATTN: OR-FN
502 Eighth Street
Huntington, WV 25701

If you have any questions concerning this notice, please contact Mr. Mark A. Taylor, of the Huntington District at (304) 399-5710.

FOR THE DISTRICT ENGINEER:

Michael J. Cummings, Jr.
Chief, Regulatory Branch