



# 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: January 24, 2008

Notice No. 08-8

Subject: Use of State and Federal Highway Funds for Section 404 and Section 10 Permit Review

This notice is to inform the public that the Baltimore, Philadelphia, and Pittsburgh Districts, U.S. Army Corps of Engineers have entered an agreement with the Pennsylvania Department of Transportation (PennDOT) to accept funds from a non-Federal agency in accordance with Section 214 of the Water Resources Development Act and Section 600.1 and Section 600.2 of Safe, Accountable, Flexible, Efficient Transportation Equity Act; A Legacy for Users (SAFETEA-LU). The purpose of the agreement is to expedite and streamline programmatic and project specific authorizations related to state and Federal transportation projects in the Commonwealth of Pennsylvania.

On February 6, 2007, the Corps Districts issued a public notice regarding this agreement. The notice can be viewed at: <http://www.nab.usace.army.mil/Regulatory/PublicNotice/SPN/spn07-013.pdf>. The public notice described the operation of the agreement and legal authority. Comments received from PennDOT were resolved through development of the final agreement. The funding agreement may be viewed at: <http://www.nab.usace.army.mil/Regulatory/Permit/WRDA-Projects.htm>. Projects affected by this funding agreement may be viewed at <http://www.nab.usace.army.mil/Regulatory/Permit/WRDA-Projects.pdf>.

On January 8, 2008, the Corps District Commanders approved this agreement and certified its compliance with applicable Federal laws and regulations. The agreement and supporting standard operating procedures are effective immediately.

Any questions related to this matter may be directed to Mr. John Gible, Baltimore District, at (717) 249-9457.

FOR THE DISTRICT ENGINEER:

//SIGNED//  
Scott A. Hans  
Chief, Regulatory Branch

## MEMORANDUM FOR FILES

Subject: Memorandum of Agreement to Accept Funding from the Pennsylvania Department of Transportation

1. In accordance with Section 214 of the Water Resources Development Act (WRDA) and Sections 600.1 and 600.2 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act; A Legacy for Users (SAFETEA-LU), the Pennsylvania Department of Transportation (PennDOT), with approval from the U.S. Federal Highway Administration, has entered into an agreement with the U.S. Army Corps of Engineers to provide funding for expedited and streamlined review of project specific and programmatic issues related to Department of the Army authorizations for work in Waters of the U.S, including jurisdictional wetlands. This agreement and standard operating procedures are provided as Enclosure 1.
2. The purpose of this memorandum is to document the decision by the Corps Districts to accept and expend funds from the non-Federal agency.
3. Funding will be used to hire additional staff and to provide for existing staff to be dedicated to review of PennDOT projects. The agreement will not affect the Corps District's ability to provide scheduled service to the general public, as there will be no reduction in available staff or changes in allotment of staff time to accommodate PennDOT requirements. Additional resources will be dedicated to expediting and stream-lining transportation related projects only, thus reducing costs to PennDOT in planning and permitting. Environmental concerns should benefit through early coordination and preapplication review provided through this agreement.
4. Funding will be received by the Baltimore District, the Lead Corps District in Pennsylvania, and will be dispersed in accordance with the MOA to the Philadelphia and Pittsburgh Districts. To ensure compliance with applicable laws, regulations, and guidance, the Corps Districts will:
  - a. Provide strict accounting of expedited funds relative to affected work products in accordance with PennDOT requirements and USACE fiscal regulation.
  - b. Ensure that permit decisions are consistent with all current and applicable environmental laws, regulations, and guidance.
  - c. Coordinate expenditures of funds and streamlined service through the Lead Corps District, and regularly apprise affected agencies and the public of program success through scheduled reporting and coordination.

CELRP-OP-F

SUBJECT: Memorandum of Agreement to accept funding from the Pennsylvania Department of Transportation

5. With these assurances, as outlined in the funding agreement and supporting standard operating procedures, the funding agreement meets the requirements of Federal law and guidance from Corps Headquarters.
  
6. In summary, it is my determination that the subject agreement to accept funding from the Pennsylvania Department of Transportation by the Baltimore, Philadelphia, and Pittsburgh Districts will provide net public benefits in terms of expenditure of public funds and environmental protection; and will not adversely affect public service or compromise environmental regulation.

//SIGNED//

Scott A. Hans

Chief, Regulatory Branch