Public Notice

U.S. Army Corps of Engineers
Baltimore District

Date February 6, 2007

Special Public Notice # SPN-07-13

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

This public notice announces a proposal by the Baltimore District, Philadelphia District, and Pittsburgh District of the U.S. Army Corps of Engineers to accept and expend State and/or Federal highway funds for the purpose of providing expedited review of permit applications and program issues for the Pennsylvania Department of Transportation ("PennDOT") and Pennsylvania Turnpike Commission.

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 Federal Highway Administration is able to approve a request by PennDOT to provide funds for a program to provide expedited review. PennDOT presents a large number of permit applications for work in Waters of the U.S., including jurisdictional wetlands, throughout the Commonwealth of Pennsylvania, which require Department of the Army authorizations pursuant to Sections 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act and/or Section 103 of the Marine Sanctuaries Protection Act.

Consequently, in accordance with Federal law, to expedite and streamline the review of Department of the Army authorizations cost-shared funding is proposed to be accepted by the three listed Corps Districts to provide expedited, streamlined review of PennDOT and Pennsylvania Turnpike Commission permit applications. The Corps is sanctioned to accept such funding under Section 214 of the Water Resources Development Act (WRDA) of 2000 (Public Law 106-541), as amended. A draft Memorandum of Agreement has been prepared by the parties in anticipation of acceptance of such funds. The funds may be used by the Corps for salaries and associated benefits, technical equipment, contract services, and to pay reasonable travel expenses, all for the purpose of expediting project specific and programmatic issues. The MOA may be finalized following successful review of the comments received from this notice.

Following the close of this Public Notice the Baltimore District Commander will determine whether or not acceptance and expenditure of funds is in compliance with the authorities listed above; and if the public interest is better served by the terms and conditions of this agreement. The Baltimore District does not expect that this agreement, if finalized, would adversely affect the review time of other applications. A Final Public Notice will be issued announcing the Commander's decision.

Comments should be received at the Baltimore District Office no later than March 8, 2007. Comments should be directed to U.S. Army Corps of Engineers, Attn: Mr. John Gibble, Regulatory Branch, P.O. Box 1715, Baltimore, Maryland 21203, or submitted electronically to Mr. John Gibble at john.gibble@usace.army.mil.

Paul Wentlandfer

for Margaret Gaffney-Smith
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Baltimore District