



**US Army Corps  
of Engineers**  
Louisville District ®

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# Public Notice

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Public Notice No.

LRL-2015-558

Open Date:

24 Aug 2015

Close Date:

23 Sep 2015

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Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville District

ATTN: Ms. Pam Loeffler, CELRL-OPF-S

P.O. Box 59

Louisville, Kentucky 40201-0059

Phone: (502) 315-6693

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This Public Notice announces the Louisville District proposal to accept and expend State funds contributed by the Kentucky Transportation Cabinet (KYTC). The funds would be accepted pursuant to any of the following authorities:

1. Section 214 of the Water Resources Development Act (WRDA) of 2000, as amended (P.L. 106-541);
2. Title 23 U. S. Code Section 139(j) (Efficient Environmental Reviews for Project Decisionmaking)

The KYTC is anticipating an overall increase in the need for U.S. Army Corps of Engineers (Corps) reviews and permit authorizations under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. The funds would expedite the exchange of concerns and information between the Corps, KYTC and other agencies, including initiation of such dialogs prior to the submission of the application. This early and continuing dialog is expected to enable KYTC to incorporate these concerns in the project design and application submittals. Under the proposed process of efficient transportation decision making, the Corps would be obtaining information early in the process and prior to KYTC's submission of an application.

After submittal of the application, it is expected that this early involvement would result in a shortening of the time between application and the permit decision. The permit decision itself would not be affected by the funds and this process. The Corps' decision whether to issue or deny the permit is and would continue to be based on Corps' regulations, the analysis of the proposed project, KYTC's submittals, comments from the public (where applicable) and other information. The Corps' 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 in accordance with the provisions of the above authorities to prioritize and more expeditiously review and process KYTC projects. With the additional funds, the District would hire additional Regulatory staff to work on KYTC proposals and permit applications. The District would establish a separate account for the KYTC funding to track receipt and expenditure of funds. The District Regulatory

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staff would charge their time against the respective account when they performed work on KYTC projects.

Funds would mainly be expended on the salaries and overhead of Regulatory Project Managers performing expedited evaluation activities for KYTC. Work would include, but is not limited to: review of jurisdictional determinations/verifications, permit applications, project alternatives, ecological surveys, environmental documents, mitigation plans, functional assessments, project meetings, compliance, field investigations, interagency meetings and programmatic initiatives. Funds may also be expended to hire contractors to perform select duties such as site investigations and administrative duties.

To ensure impartial decision making, all final permit decisions for cases where these funds are used would be reviewed by at least one level above the reviewer. The District will use established guidance to determine the appropriate level of the decision maker and higher-level review.

The District does not expect this method of expediting permit review of KYTC projects to negatively impact the District's Regulatory Program or to increase the processing time for other permit evaluations. With the addition of personnel dedicated to work on KYTC projects, current Regulatory staff would be able to devote their resources to non-highway projects.

Following the close of this Public Notice, the Louisville District Commander will determine whether or not acceptance and expenditure of funds as described above is in compliance with the above authorities and the public interest is better served through cost-effectiveness, enhanced evaluation capability, streamlined permit processing or other appropriate justification. A final Public Notice will be issued announcing the decision. No new Public Notices will be issued if it is necessary to increase funds, provided the purpose remains the same.

Comments should reach the District office, no later than the expiration date of this Public Notice. **Comments should be directed to: U.S. Army Corps of Engineers; Louisville District ATTN: OPF-S Ms. Pam Loeffler; P.O. Box 59; Louisville, KY; 40201-0059.**

If you have any questions concerning this notice, please contact Ms. Loeffler of the Louisville District at (502) 315-6692.