US Army Corps
of Engineers
Portland District

Special Public Notice

Port of Kalama's Funding of Corps under the Water Resources Development Act

Regulatory Branch
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Issue Date: June 16, 2009

Name: WRDA Funded Position

The purpose of this Special Public Notice is to inform the general public that the Portland District, U.S. Army Corps of Engineers (Portland District) has decided to accept and expend funds contributed by the Port of Kalama. The funds will be used to expedite processing of Department of the Army (DA) permit applications submitted by this port facility.

On June 12, 2009, the Portland District Commander determined that acceptance and expenditure of such funds would be in accordance with Section 214 of the *Water Resources Development Act of 2000* (WRDA 2000, Public Law No. 106-541). A series of procedural safeguards has been adopted to ensure that use of the funds will not impact impartial decision-making, and they include the following:

- In cases where funds are used, all final permit decisions, including all reporting nationwide, general, and regional permit verifications, must be reviewed and signed by at least one level above the decision maker, unless the decision maker is the District Commander. For example, if the decision maker is the Chief, Regulatory Branch, then the reviewer would be the Chief, Operations Division. Team Leaders are appropriate one level-above-reviewers provided signature authority has been delegated to the project manager level. In accordance with all national policy and guidance, Districts are encouraged to delegate signature authority to the lowest appropriate level.

- All documents involved in the decision making process (e.g., decision document and permit instrument, if applicable) must be reviewed and signed by the one-level-above reviewer as defined above.

- All jurisdictional determinations made on projects where funds are used must have documentation that a non-funded, Regulator reviewed and agreed with the determination (e.g., peer review). This review does not need to be a field review.

- All final permit decisions, including all reporting nationwide, general, and regional permit verifications, for cases where these funds are used will be made available and

updated monthly on the District's web page in an area separate from any other final actions, clearly identifiable as being for projects funded by and through this authority.

- Any procedures or decisions that would otherwise be required for a specific type of project or permit under consideration cannot be eliminated; however, process improvements that are developed can be shared in order for all members of the regulated public to benefit.

- The Corps must comply with all applicable laws and regulations.

- Funds will not be expended for the review of the decision maker's decision. If contracts are used to develop decision documents, such decision documents must be drafts only and be reviewed and adopted by the Corps before the permit decision is made.

- Funds will not be used for enforcement activities. Funding may be used for compliance activities including monitoring of mitigation sites.

On March 4, 2009, the Portland District circulated a Special Public Notice announcing our preliminary intent to accept and expend such funds, and stated that we had initiated funding discussions with the Port of Kalama.

> *Those discussions have been finalized, and this public entity will be a participating agency.*

The March 4, 2009, Special Public Notice also discussed the kind of activities for which funds would be expended and the safeguarding procedures which would be used to ensure that the funds will not impact impartial decision making. Finally, the Special Public Notice solicited comments from the general public. No comments were received.

The Portland District point of contact for this public notice is Mr. Shawn Zinszer, who can be reached at (503) 808-4380.