



US Army Corps
of Engineers
Seattle District

Special Public Notice

Regulatory Branch
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Public Notice Date: December 5, 2014
Expiration Date: January 4, 2015

**SUBJECT: WRDA Agreement with
Snohomish County**

The purpose of this Special Public Notice is to inform the general public that the U.S. Army Corps of Engineers (Corps), Seattle District has decided to accept and expend funds contributed by Snohomish County, Washington, a non-Federal public entity. The funds would be used to expedite processing of Snohomish County's Department of the Army permit applications.

On November 21, 2014, the Seattle District Commander determined that acceptance and expenditure of such funds would be in accordance with Section 214 of the Water Resources Development Act (WRDA) of 2000, as amended [WRDA 214 requirements, as amended by the Water Resources Reform and Development Act of 2014, are now codified under 33 U.S.C 2352].

On July 22, 2014, the Seattle District circulated the initial Special Public Notice announcing our preliminary intent to accept and expend such funds, and stated that we had initiated funding discussions with Snohomish County. The July 2014 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 decisionmaking. Those procedures include:

- a. All final permit decisions for cases where these funds are used must be reviewed at least by one level above the normal decisionmaker, unless the decisionmaker is the District Commander. For example, if the decisionmaker is the Chief, Regulatory Branch, then the reviewer would be the Chief, Operations Division.
- b. All final permit decisions for cases where these funds are used will be made available on the web.
- c. The Seattle District will not eliminate any procedures or decisions that would otherwise be required for that type of project and permit application under consideration.
- d. The Seattle District must comply with all applicable laws and regulations.
- e. Funds will only be expended to expedite the final decision on the permit application. Funds will not be expended for the review of the decisionmaker's decision. If contracts are used to develop decision documents, such decision documents must be drafts only, for review and adoption, as appropriate, by Corps Regulatory program employees, before the decision is made.

The July 22, 2014, initial Special Public Notice indicated that, in addition to accepting funds to expedite Regulatory Program processing of permits, funds could also be accepted from these entities to expedite processing of Section 408 authorizations for modifications to Corps projects. Should such a request arise in the future, the Seattle District Planning Branch would execute a separate Memorandum of Agreement with the entity, and, separately from the Regulatory Branch, receive and track funds contributed by the entity for expedited Section 408 review, and make that final permit decision available to the public in a common format, including on the Internet.

Copies of the July 2014 Special Public Notice, this Special Public Notice, and the memorandum documenting the Seattle District's decision to accept and expend funds under the WRDA authority are available from the Seattle District Regulatory Branch at the letterhead address or on the Seattle District website at: <http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory.aspx>, click on "Water Resources Development Act Sec. 214."