



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
100 WEST OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401-3604

August 31, 2022

Regulatory Division

PUBLIC NOTICE
Savannah District

**DECISION TO ACCEPT FUNDS FROM THE GEORGIA POWER COMPANY (GPC) TO
EXPEDITE APPLICATION REVIEW**

This Public Notice announces the decision of the U.S. Army Corps of Engineers, Savannah District (Savannah District) to accept and expend funds from the GPC to expedite processing of their Department of the Army (DA) permit applications. This decision follows a previous public notice issued by the Savannah District on July 7, 2022, that solicited public comment on the aforementioned funding arrangement.

No comments were received in response to the aforementioned initial public notice. The Savannah District Commander has determined that acceptance and expenditure of such funds would be appropriate in accordance with Section 214 of the Water Resources Development Act of 2000, (WRDA 2000, Public Law No. 106-541), as amended.

Section 214 of WRDA 2000, as amended and codified at 33 U.S.C. 2352, authorizes the Secretary of the Army, after public notice, to accept and expend funds contributed by public-utility companies to expedite the evaluation of permits of that company related to a project or activity for a public purpose under the jurisdiction of the Department of the Army. The authority to accept and expend funds under Section 214 has been delegated from the Secretary of the Army to District and Division Commanders, including the Commander of the Savannah District, U.S. Army Corps of Engineers. GPC is eligible to provide funds to the Corps under Section 214 as a public utility company.

The Savannah District is implementing the provisions of Section 214 of WRDA 2000, as amended with GPC through a signed memorandum of agreement (MOA) that will be posted on the Corps Headquarters website at:

<https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Section-214/>.

Procedures to ensure impartial decision-making: To ensure the funds will not impact impartial decision-making, the District has incorporated the following procedures into the funding agreement:

- (a) All final permit decisions where funds were used for the permit review process will be reviewed and approved in writing by a Corps official that is at least one level above the typical Corps decision-maker. Funds accepted under the agreement will not be expended for review of such decisions by supervisors or other Corps officials in the decision-making chain of command. Additionally, the one-level-above reviewer must hold a position that is not partially or fully funded by GPC for at least one year.
- (b) Instruments for mitigation banks or in-lieu fee programs proposed for review by the funding entity will be signed by the District Regulatory Division Chief, an equivalent, or a higher-level position that is not funded by any funding agreement.
- (c) All preliminary jurisdictional determinations (JDs) and approved JDs where funds are used to complete the JD will have documentation in the administrative record that a non-funded Corps District Regulatory Program staff member conducted a review of the determination. This review does not require a field review. For those approved JDs that require coordination with the U.S. Environmental Protection Agency, additional internal review will not be required.
- (d) The Corps will not use funds accepted under this agreement to conduct enforcement activities; this includes, but is not limited to, the resolution of non-compliance issues.
- (e) The Corps must comply with all applicable laws and regulations and will not eliminate any procedures or decisions that would otherwise be required for the type of project and permit application under consideration.
- (f) To ensure transparency, the Corps will ensure all final permit decisions carried out using funds accepted from the GPC will be made available to the public on the Corps Headquarters' website at: <https://permits.ops.usace.army.mil/orm-public#>.

Additional information concerning Section 214 of WRDA 2000, as amended may be found on the Corps Headquarters website at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Section-214/>. If you have questions or would like additional information, please contact Mr. Jason D. O'Kane at (912) 652-5276, or email at jason.d.okane@usace.army.mil.