



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS LOS ANGELES DISTRICT
915 WILSHIRE BOULEVARD, SUITE 1109
LOS ANGELES, CALIFORNIA 90017-3489

**THIRD AMENDED AND SUPERSEDED
MEMORANDUM OF AGREEMENT
BETWEEN THE
ARIZONA DEPARTMENT OF TRANSPORTATION,
FEDERAL HIGHWAY ADMINISTRATION, ARIZONA DIVISION OFFICE
AND
THE UNITED STATES ARMY CORPS OF ENGINEERS'
LOS ANGELES DISTRICT
CONCERNING FUNDING FOR THE DEPARTMENT OF THE ARMY PERMIT
PROCESS ON PRIORITY FEDERAL-AID HIGHWAY PROJECTS**

THIS THIRD AMENDED AND SUPERSEDED MEMORANDUM OF AGREEMENT ("THIRD AMENDED MOA") is entered into as of this day 5 of August, 2022, between the U.S. Army Corps of Engineers' Los Angeles District (hereinafter the "Corps"), Federal Highway Administration, Arizona Division Office (hereinafter the "FHWA"), and the Arizona Department of Transportation (hereinafter the "ADOT"), collectively, referred to herein as the "Parties."

RECITALS

WHEREAS, the Parties entered into a Memorandum of Agreement ("Original MOA") effective June 18, 2012, concerning funding for the Department of the Army permit process on priority Federal-aid highway projects; and

WHEREAS, the Parties amended and superseded the Original MOA in its entirety ("AMENDED MOA"), effective March 18, 2013, to modify the terms and extend the duration of the Original MOA; and

WHEREAS, the Parties amended and superseded the AMENDED MOA in its entirety ("SECOND AMENDED MOA"), effective September 20, 2017, to modify the terms and extend the duration of the Original MOA; and

WHEREAS, the Parties wish to amend and supersede the SECOND AMENDED MOA in its entirety; and

WHEREAS, the Corps has regulatory jurisdiction over certain activities occurring in waters of the United States, including wetlands; and

WHEREAS, because of federal transportation funding increases under the Fixing America's Surface Transportation Act, Public Law 114-94, and the Bipartisan Infrastructure Law, Public Law 117-58, ADOT substantially increased the number of

transportation projects the Corps must review pursuant to 33 U.S.C. 1344 (Section 404 of the Clean Water Act of 1972 ("CWA")), as amended and 33 U.S.C. 403 (Section 10 of the River and Harbor Act of 1899 ("RHA")); and

WHEREAS, ADOT is assuming FHWA responsibility for carrying out approvals for federally funded highway projects under the Responsibility for Categorical Exclusions (23 U.S.C. 326) and the Surface Transportation Project Delivery Program (23 U.S.C. 327). With this assignment of federal environmental review responsibility, ADOT is responsible for complying with all applicable federal environmental laws, regulations, Executive Orders and policies, and will be solely legally responsible for environmental decisions made on all projects assigned to ADOT under these programs; and

WHEREAS, the Corps has indicated that, due to staff resource constraints, it is currently unable to provide ADOT with priority review for permitting decisions for the increased number of federally funded transportation projects pursuant to its responsibilities; and

WHEREAS, ADOT desires the Corps to increase its level of early involvement during the project planning and development process, so that final Corps reviews will not constitute an unexpected delay in ADOT project implementation; and

WHEREAS, the Assistant Secretary of the Army (Civil Works), by memorandum dated January 19, 2018, has authorized the District and Division Engineers of the Corps to accept and expend funds contributed by non-Federal public entities subject to certain limitations; and

WHEREAS, 23 U.S.C. 139(j) [Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)], allows ADOT to furnish federal transportation funds from FHWA to the Corps to expedite the processing of environmental documents for permit decisions for priority federally funded transportation projects; and

WHEREAS, this THIRD AMENDED MOA is intended to (1) enable the Parties to fully consider, address, and protect environmental resources early in the development of proposed transportation actions; (2) avoid conflicts late in project development through close coordination during early transportation planning and development stages; (3) provide sufficient information to the Corps for timely analysis of project effects and to assist ADOT and FHWA in developing appropriate mitigation measures; (4) maximize the effective use of limited Corps personnel resources by focusing attention on projects that would most affect aquatic resources; (5) provide a mechanism for expediting project coordination when necessary; and (6) provide procedures for resolving disputes in this resource partnering effort; and

WHEREAS, the FHWA has indicated and agrees that the State's apportioned federal transportation funds can be used to support this THIRD AMENDED MOA; and

WHEREAS, the SECOND AMENDED MOA is set to expire September 30, 2022; and

WHEREAS, \$817,544.38 has been expended under the terms of the SECOND AMENDED MOA through July 20, 2022, leaving a balance of approximately \$58,827.99 in available funds.

NOW, THEREFORE, the Parties agree as follows:

AGREEMENT

Article I. PURPOSE AND AUTHORITIES

A. This THIRD AMENDED MOA is entered into by the Parties for the purpose of establishing the responsibilities of the Parties relative to priority review of projects using federal transportation funds with the goal of achieving timely design and implementation of highway improvements while also assuring such design and implementation is sensitive to the protection of aquatic resources for which the Corps is responsible for under Federal statute and regulation.

B. ADOT enters into this THIRD AMENDED MOA pursuant to Arizona Revised Statute section 28-401 and other relevant Arizona law and 23 U.S.C. 139(j) (Section 6002 of SAFETEA-LU).

C. The Corps enters into this THIRD AMENDED MOA pursuant to 23 U.S.C. 139(j) (Section 6002 of SAFETEA-LU).

D. FHWA enters into this THIRD AMENDED MOA pursuant to 23 U.S.C. 139(j) (Section 6002 of SAFETEA-LU).

Article II SCOPE OF WORK

A. Activities that the Corps may pursue under this THIRD AMENDED MOA are restricted to actions taken under Corps regulatory authority that will expedite and improve permitting and review processes for designated priority projects using federal transportation funds under design or contemplated by ADOT in accordance with the mandates of 23 U.S.C. 139(j) to facilitate environmental review in less than the customary time necessary for such review. Said processing shall include a full consideration of all relevant and applicable environmental laws and regulations. In no way shall it be construed or implied that the Parties intend to abrogate by entering into this THIRD AMENDED MOA any obligations or duties to comply with applicable Federal or state laws, regulations, guidance, policies and procedures. Use of such funds will not affect the impartial decision-making of the Corps either substantively or procedurally.

B. The Corps' Regulatory Program is funded as a Congressionally appropriated line item in the annual Federal budget. ADOT will provide the Corps with funds from FHWA in accordance with 23 U.S.C. 139(j). The Corps will provide staffing resources dedicated to expediting permit evaluation-related services, as described in Article II.D, below, for ADOT-designated priority projects to support efficient decision-making related to projects under design or contemplated by ADOT.

C. The Corps will establish a separate internal financial account to track receipt and expenditure of the funds associated with its review of priority projects using federal transportation funds under design or contemplated by ADOT. The Corps Regulatory personnel will charge their time and expenses against the account when they perform work to either expedite permit evaluation related requests designated by ADOT as a priority or undertake other programmatic efforts to support efficient decision-making related to ADOT's permitting needs. Corps Regulatory personnel will focus on permit applications prioritized by ADOT; however, if no or less than three projects are designated by ADOT as a priority, Corps regulatory personnel will then work on other programmatic efforts and assist with staff training for ADOT.

D. Funds from FHWA and contributed by ADOT hereunder will be expended by the Corps to defray the costs of Corps Regulatory personnel (including salary, associated benefits, overhead and travel expenses) and other costs in order to expedite the evaluation of priority permit applications designated by ADOT for projects using federal transportation funds. Such activities will include, but not be limited to, the following: jurisdictional determinations; site visits; travel; federal register preparation; public notice preparation and distribution; public hearings; preparation of correspondence; public interest review; preparation and review of environmental documentation; meetings with ADOT, FHWA and resource agencies; training for ADOT and FHWA employees, partners and contractors; and any other permit evaluation related responsibilities that may be mutually agreed upon.

E. The list of priority permit applications provided to the Corps may allow and shall identify instances where the Corps may expend funds to have other Corps personnel (e.g., Planning Division or Engineering Division staff) perform specific duties related to expedited evaluation of priority permit applications. Such duties may include, but not be limited to, training; site visits; providing independent technical peer review or other technical assistance, including the development of programmatic or analytical tools; preparing and providing technical materials, including environmental documentation; Geographic Information Systems (GIS)-related services; and meeting coordination and facilitation for the purpose of expediting ADOT-designated priority permit applications. However, the Corps shall receive prior approval from the ADOT Agreement Representative for any duties requiring more than one (1) day of work that will be performed by other Corps personnel.

F. If federal transportation funds provided by ADOT are expended and not replenished, any remaining priority permit applications will be handled like those of any permit applicant.

Article III. INTERAGENCY COMMUNICATIONS

To provide for consistent and effective communication between the Parties, each party will appoint a Principal Representative to serve as its central point of contact on matters relating to this THIRD AMENDED MOA. Additional representatives may also be appointed to serve as points of contact on specific actions or issues. Each party will issue a letter to the other parties designating their Principal Representative within fifteen (15) calendar days of THIRD AMENDED MOA execution. The letters received from each party will be included in **Attachment E**. The Principal Representative for each party may be changed upon written notification to the other parties, and this change would not necessitate a formal amendment to this THIRD AMENDED MOA.

Article IV. RESPONSIBILITIES OF THE PARTIES

A. The services provided by the Corps under this THIRD AMENDED MOA shall be performed by appropriately qualified personnel within projected funding levels provided by ADOT. For designated priority projects using federal transportation funds, the Corps shall use the funds provided to defray the costs of salaries and associated benefits and to reimburse travel expenses in order to:

1. Expedite the review of priority projects using federal transportation funds as designated by ADOT in accordance with the purpose, terms, and conditions of this THIRD AMENDED MOA. The Corps shall not redirect resources from, or otherwise postpone, other non-priority projects under design or contemplated by ADOT through the standard Corps review process.

2. Maintain a single focal point of contact at the Corps for general coordination with ADOT, arranging pre-application meetings, submittal of Department of the Army permit applications, and other requests for regulatory action.

3. Actively participate in scoping, planning, and project development meetings and field reviews, when requested by ADOT or FHWA, to identify critical issues, key decision points, and potential conflicts as early as possible. Participation includes sharing, when appropriate, the most current information to ensure that good transportation decisions result. The level of participation will be determined by the project's relative priority, as identified by ADOT, as well as the Corps' current and projected workload of priority projects and activities.

4. Participate with other federal, state, and local agencies in the concurrent and proactive review of transportation projects and provide any concurrences or recommendations, as appropriate. The level of participation will be determined by the project's relative priority, as identified by ADOT, as well as the Corps' current and projected workload of priority projects and activities.

5. Participate in transportation planning meetings, their related activities, and the review of the environmental elements of any planning documents, as requested. The level of participation will be determined by the project's relative priority, as identified by ADOT, as well as the Corps' current and projected workload of priority projects and activities.

6. As appropriate, use a coordinated process to review draft and final environmental impact statements and other environmental documents, and provide timely agency comments.

7. Explore potential programmatic permitting approaches to facilitate reduced processing time.

8. Provide quarterly status updates on Corps decisions or pending actions that will affect ADOT.

9. Perform other related priority tasks, such as early project scoping/coordination as requested by ADOT and agreed to by the Corps.

10. Review application packages for completeness and notify the applicant within the timeline specified in the performance measures in **Attachment A** if application is incomplete for priority projects contemplated by ADOT.

11. Provide periodic CWA section 404 training for ADOT and FHWA employees, partners, consultants, and contractors.

12. Attend periodic application status meetings with ADOT or FHWA as necessary.

13. Provide ADOT with quarterly accounting records of actual account of expenditures for salaries, benefits, travel and indirect costs as drawn against advance state payment in support of work contemplated by this THIRD AMENDED MOA.

B. ADOT shall provide funding as outlined in Article VI to fund Corps personnel for the purpose of timely review of designated priority projects using federal transportation funds and other identified activities. To facilitate the Corps' reviews and activities, ADOT shall:

1. Identify individual projects and other activities requiring priority involvement by the Corps under this THIRD AMENDED MOA. The list of designated priority projects will be reviewed and revised by ADOT as necessary.

2. Actively engage the Corps Regulatory Project Manager in scoping, planning, and project development through various means, including, but

not limited to, meetings, field visits, conference calls, video teleconferencing, and electronic correspondence.

3. Provide adequate information regarding projects and other specific activities. Provide sufficient information and time to the Corps, on projects requiring authorization by standard individual permit, for the timely determination of project purpose statements and range of alternatives, analysis of project effects, determination of the least environmentally damaging practicable alternative, and development of appropriate mitigation measures. Upon request, provide supplemental information necessary to assure that the Corps can effectively accomplish the tasks listed in Article IV.A. above.

4. In consultation with the Corps, recommend realistic timelines for the Corps' involvement.

5. Maintain a single focal point of contact at ADOT for general coordination with the Corps, arranging pre-application meetings, submittal of Department of the Army permit applications, and other requests for regulatory action.

6. Attend periodic application status meetings with the Corps, as necessary.

7. Participate, to the extent allowable, and in training provided by the Corps pursuant to Article IV.A.10 above.

8. Program a project using federal transportation funds to track costs contemplated by this THIRD AMENDED MOA.

9. Provide advance payments as contemplated by this THIRD AMENDED MOA.

C. FHWA shall:

1. Approve programming a project using federal transportation funds to accomplish the work contemplated by this THIRD AMENDED MOA at the applicable federal-aid reimbursement rate.

2. Within three (3) days after receiving an invoice from ADOT, reimburse ADOT for the total amount of Federal share payable for any project programmed (including advance payments) to support this THIRD AMENDED MOA.

3. In the event FHWA fails to fulfill the obligations set forth in this THIRD AMENDED MOA or withdraw its proposed plans for whatever reason, the FHWA shall, subject to the availability of funds, be responsible for all costs incurred by the ADOT up to the time of withdrawal, unless the reason for the FHWA failure or cancellation is due to ADOT's failure to comply with its obligations hereunder.

Article V. PERFORMANCE MEASURES

A. ADOT and the Corps have agreed to a set of performance measures to monitor activities under this THIRD AMENDED MOA. These performance measures are included as **Attachment A** to this THIRD AMENDED MOA and incorporated herein by reference.

B. These performance measures may be revised by mutual agreement of ADOT and the Corps without necessitating a formal amendment to this THIRD AMENDED MOA.

Article VI. FUNDING

A. The THIRD AMENDED MOA shall initially be funded by the \$58,827.99 that ADOT has on deposit with the Corps in Fund Auth/CO: COA1393 and Fund Acct. L1194522, which is the balance remaining from the SECOND AMENDED MOA. On October 1, following execution of the MOA, the Corps will invoice ADOT seeking an advance payment in the amount equal to the quarterly total indicated in **Attachment B**, subject to the yearly revision as outlined in Paragraph D of this article. Invoices shall be submitted by the Corps in the same manner as provided in Paragraph B of this article. Payment shall be made within a reasonable period of time after ADOT receives the invoice (not to exceed thirty (30) calendar days). Payments by ADOT are to be made by check, wire transfer, or electronic funds transfer as follows:

1. For checks, the payment shall be made payable to the "USAED Los Angeles, FAO" and mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Attn: EROC:L1
5722 Integrity Drive
Millington, TN 38054

2. For electronic funds transfers, payment shall be made in accordance with Standard Operating Procedure ("SOP") UFC 08 (**Attachment C**).

3. For wire transfers, payment shall be made in accordance with SOP UFC 07 (**Attachment D**). Paragraph 4a of this SOP refers to this THIRD AMENDED MOA instead of a Project Cooperation Agreement.

B. At the end of the quarter in which the Corps received the advance payment specified in Article VI.A. above and at the end of the quarter thereafter while this THIRD AMENDED MOA remains in effect, the Corps will invoice ADOT for an advance payment for the next quarter in the amount equal to the quarterly total indicated in **Attachment B**, subject to yearly revisions as outlined in Paragraph D of

this article. Payment shall be made within a reasonable period of time after ADOT receives the invoice (not to exceed thirty (30) calendar days) in the same manner as provided in Article VI.A. above. Invoices shall be submitted by the Corps to:

Kris Gade, PhD
Arizona Department of Transportation
Environmental Planning
205 S. 17th Avenue; Mail Drop EM02
Phoenix, AZ 85007

C. If the Corps' actual costs for providing the agreed upon level of service will exceed the amount of funds available, the Corps will notify ADOT prior to fund exhaustion of the incremental amount of funds needed to defray the remaining anticipated costs.

D. No later than July 31, 2023, and July 31 of each subsequent year that this THIRD AMENDED MOA remains in effect, the Corps and ADOT will discuss the Corps' anticipated costs to be incurred for the next Federal fiscal year, including any step-increase and locality adjustments. Revisions agreed to by ADOT and the Corps will be incorporated into a revised budget estimate, without necessitating a formal revision or amendment to this MOA.

E. The Corps will carry over any unexpended and unobligated funds from year to year. In the event any funds remain unexpended and unobligated when this THIRD AMENDED MOA is terminated or expires, the Corps will refund such unexpended and unobligated funds to ADOT.

Article VII. APPLICABLE LAWS

The applicable statutes, regulations, directives, and procedures of the United States will govern this THIRD AMENDED MOA and all documents and actions pursuant to it. Unless otherwise required by law, all expediting of permit applications undertaken by the Corps will be governed by Corps regulations, guidance, policies and procedures.

Article VIII. DISPUTE RESOLUTION

In the event of a dispute, the Parties agree to use their best efforts to resolve the dispute in an informal fashion through consultation and communication, or other forms of non-binding alternative disputes resolution mutually acceptable to the Parties. The Parties agree that, in the event such measures fail to resolve the dispute, they shall proceed in accordance with applicable Federal law.

Article IX. PUBLIC INFORMATION

Justification and explanation of FHWA and/or ADOT programs or projects before other agencies, departments and offices will not be the responsibility of the Corps. The Corps may provide, upon request from ADOT or the FHWA, any assistance necessary to support justification or explanations of activities conducted under this THIRD AMENDED MOA. In general, the Corps is responsible only for public information regarding Corps Regulatory activities. ADOT and/or FHWA will give the Corps advance notice before making formal, official statements regarding Corps activities funded under this THIRD AMENDED MOA.

Article X. AMENDMENT, MODIFICATION AND TERMINATION

A. This THIRD AMENDED MOA may be modified or amended only by written, mutual agreement of the Parties.

B. Any Party may terminate this THIRD AMENDED MOA without cause upon a thirty (30) day written notice to the other Parties. In the event of termination, ADOT will continue to be responsible for all costs incurred by the Corps in performing expedited environmental permit review services up to the time of notice and for the costs of closing out any ongoing contracts in support of the provision of services by the Corps under this THIRD AMENDED MOA.

C. Within sixty (60) calendar days of termination, or the expiration of the THIRD AMENDED MOA, the Corps shall provide ADOT with a final statement of expenditures. Within sixty (60) calendar days after submittal of the Corps' final statement of expenditures, the Corps, subject to availability of funds, shall remit to ADOT any unobligated or unexpended funds.

Article XI. MISCELLANEOUS

A. This THIRD AMENDED MOA will not affect any pre-existing or independent relationships or obligations between the Parties.

B. The Corps' participation in this THIRD AMENDED MOA does not imply endorsement of projects under design or contemplated by ADOT nor does it diminish, modify, or otherwise affect Corps statutory or regulatory authorities.

C. If any provision of this THIRD AMENDED MOA is determined to be invalid or unenforceable, the remaining provisions will remain in force and unaffected to the fullest extent permitted by law and regulation.

D. This THIRD AMENDED MOA, including any documents incorporated by reference or attachments thereto, constitute the entire agreement between the Parties. All prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged herein and shall be of no further force or effect.

E. Every obligation of ADOT under this MOA is conditioned upon the availability of funds appropriated or allocated for the fulfillment of such obligations. If funds are not allocated and available for the continuance of this MOA, this MOA may be terminated by ADOT at the end of the period for which the funds are available. No liability shall accrue to ADOT in the event this provision is exercised, and ADOT shall not be obligated or liable for any future payments as a result of termination under this paragraph.

Article XII. EFFECTIVE DATE AND DURATION

A. This THIRD AMENDED MOA and any amendments will become effective on the date of signature by the last Party, and the signing and dating of the Determination Letter by the Arizona State's Attorney General. ADOT shall provide written notice to the Corps and FHWA of the occurrence of the latter event. Unless amended or modified pursuant to Article X.A., this THIRD AMENDED MOA shall remain in force until whichever of these events occurs first: 1) September 30, 2027; or 2) the THIRD AMENDED MOA is terminated pursuant to Article X.B.

INWITNESS WHEREOF, the Arizona Department of Transportation, acting by and through its authorized officer, the State Engineer, the U.S Army Corps of Engineers, acting by and through its authorized officer, the District Engineer, and the Federal Highway Administration, acting by and through its authorized officer, the Division Administrator, executes this THIRD AMENDED MOA.

ARIZONA DEPARTMENT OF TRANSPORTATION

DocuSigned by:



Steve Boschen, P.E.

Division Director

Infrastructure Delivery and Operations Division

Date: 8/5/2022

A.G. Contract No. P001 2022 000920 (ADOT MOA 22-0008540), an Agreement between public agencies, the Arizona Department of Transportation and Los Angeles District of the United States Army Corps of Engineers, has been reviewed pursuant to A.R.S. § 28-401 and A.R.S. § 11-952, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona. No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

By Susan Davis Date 8-4-22
Assistant Attorney General

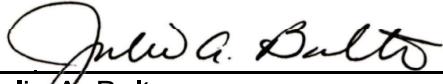
**FEDERAL HIGHWAY ADMINISTRATION,
ARIZONA DIVISION OFFICE**



Karla S. Petty
Division Administrator

Date: August 5, 2022

**U.S. ARMY CORPS OF ENGINEERS,
LOS ANGELES DISTRICT**



Julie A. Balten
Colonel, U.S. Army
Commanding

Date: 3 August 2022

Attachment A

Performance Measures

For the measures listed below, ADOT and the Corps are expected to achieve the identified objective, for those projects designated as a priority by ADOT, unless ADOT and Corps have mutually agreed to extend the timeframe.

Performance Objective	Performance Measure
When appropriate and for projects contemplated by ADOT, ADOT will utilize Engineering (ENG) Form 6082, ENG Form 4345, or the Regional General Permit (RGP) 96 Pre-Construction Notification (PCN) Form to ensure a complete Department of the Army permit application is received, which in turn is expected to expedite the Corps' permit review process.	ADOT shall use the appropriate ENG form or RGP 96 PCN form at least 90% of the time.
Upon initial receipt of a permit application, the Corps will notify the applicant within fifteen (15) calendar days if additional information is necessary to deem the application complete.	The Corps shall provide such notification within the stated time frame at least 85% of the time.
RGP 96 Pre-Construction Notifications will be processed within fourteen (14) days of a complete package, with the exception of those that are delayed due to a 408 permission requirement or the absence of Section 7 of the Endangered Species Act (ESA) consultation(s) or Section 106 of the National Historic Preservation Act (NHPA) consultation(s).	The Corps shall meet the stated objective at least 90% of the time.
Nationwide Permits will be processed within forty-five (45) calendar days of a complete PCN, with the exception of those that are delayed due to a 408 permission requirement or the absence of CWA Section 401 certification, Section 7 of the ESA consultation(s); or Section 106 of the NHPA consultation(s).	The Corps shall meet the stated objective at least 90% of the time.
Standard Individual Permits will be processed within sixty (60) days of a complete application, with the exception of those that are delayed due to: a 408 permission requirement, absence of CWA Section 401 certification; Section 7 of the ESA consultation(s); Section 106 of the NHPA consultations; untimely submittal of information or comments from ADOT; an extended comment period for the public notice; and/or other environmental review processes with statutory time frames (e.g., Environmental Impact Statement).	The Corps shall meet the stated objective at least 90% of the time.

Attachment B

Corps' Budget Estimate

	Federal Fiscal Year 2023		
	<i>(Oct 1, 2022 - Sept 30, 2023)</i>		
Labor Costs:	Hours	Rate	Cost
Contract Management (GS-12)	50	\$122	\$6,119
Internal/External Outreach/Presentation (GS-11/12)	8	\$122	\$979
EIS as Cooperating Agency (GS-11/12)	20	\$122	\$2,448
Standard Permit (GS-11/12)	110	\$122	\$13,462
Modify Standard Permit (GS-11/12)	10	\$122	\$1,224
Nationwide/Regional General Permit (GS-11/12)	500	\$122	\$61,191
Re-verify NWP/RGP/PGP (GS-11/12)	20	\$122	\$2,448
Jurisdictional Determination (GS-11/12)	80	\$122	\$9,791
Permit compliance (w/site visit) (GS-11/12)	100	\$122	\$12,238
No Permit Required Letter (GS-11/12)	4	\$122	\$490
Pre-Application Meeting (GS-11/12)	10	\$122	\$1,224
Pre-Application Coordination (GS-11/12)	160	\$122	\$19,581
Administrative/Clerical Support (GS-6/7)	90	\$72	\$6,496
Supervisory oversight (GS-13/14)	208	\$182	\$37,857
Office of Counsel Support (GS-13/14)	8	\$182	\$1,456
Cultural Resources Specialist Support (GS-11/12)	24	\$122	\$2,937
Subtotal Labor Costs			\$179,939
Direct Costs:			
Transportation/GSA Vehicle (Annual)	1	\$1,000	\$1,000
Temporary Duty (TDY)/Travel (per trip)	1	\$400	\$400
Subtotal Direct Costs			\$1,400
Total:		Annual:	\$181,339
		Quarterly:	\$45,335

Rate Calculations	Federal Fiscal Year 2023		
	<i>estimated 4.6% COLA increase</i>		
	GS-6/7	GS-11/12	GS-13/14
Fully Burdened Hourly Rate	\$72	\$122	\$182

	GS-6/7	GS-11/12	GS-13/14
Current fully burdened Hourly Rate as of 1-JUL-2022:	\$69	\$117	\$174

Position and GS Level
GS-6/7 Administrative/Clerical
GS-11/12 Regulatory Project Manager/Cultural Resources Specialist
GS-13/14 Branch Chief/Section Chief
GS-13/14 Attorney/Office of Counsel

Note: These estimates are based on the average workload from the previous 5 years. Expenses are subject to change based on actual workload that occurs during the fiscal year.

Attachment C

EFT SOP

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
FINANCE CENTER
5722 INTEGRITY DRIVE
MILLINGTON TENNESSEE 38054-5005

CEFC-FD
SOP No. UFC-08

1 June 2004
Revised 1 April 2006

STANDING OPERATING PROCEDURES
ELECTRONIC FUNDS TRANSFERS TO THE CORPS

1. **PURPOSE.** To Standing Operating Procedure (SOP) provides procedures for utilizing Electronic Funds Transfer (EFT) and the Automated Clearing House (ACH) networks in lieu of mailing a check for payment to the Corps.
2. **APPLICABILITY.** The provisions of this SOP apply to the USACE Finance Center (UFC) and activities supported by the UFC.
3. **REFERENCE.** SOP No. UFC-03, Collection/Deposit Procedures.
4. **PROCEDURES.** When a Corps customer wishes to use EFT or ACH processes to transfer of cash contributions in lieu of mailing a check to the UFC, the enclosed procedures must be followed to ensure accurate and timely credit for the funds transferred.
 - a. The customer must notify the supported activity F&A Officer or Project Manager in advance of the pending cash transfer. **The customer's notification should include the date of the transfer, amount, type of transfer (CCD+ or CTX format), and any other known data that will be used to identify the transfer.** The customer's financial institution will transfer the funds via the ACH network using the Cash Concentration or Disbursement Plus (CCD+) or Corporate Trade Exchange (CTX) formats of transactions. The required data elements for these types of transactions are provided in the enclosures.
 - b. Upon notification from the customer or the Project Manager of the pending EFT, the supported activity F&A Officer must enter a Collection Receiving Officer Voucher (ROV) in CEFMS. All EFT collection vouchers must be submitted to the UFC Disbursing Division using Form UFC-DISB-1 (available at: <http://fc.ufc.usace.army.mil/forms/a-ufcdisb1.pdf>). There should only be one EFT transaction per ROV and no other transactions should be attached to an ROV established for EFT purposes.

c. In addition to the enclosed format instructions, the F&A Officer or the Project manager must also provide the following information to the customer for the EFT transfer:

- (1) The District/Division/Laboratory/RBC two-digit EROC
- (2) The CEFMS ROV number
- (3) The Advance Account or Local Cost Share Number

5. **Ca\$hLink II Agency Access System.** Ca\$hLink II is an on-line U.S. Treasury system that allows the UFC to access and confirm our deposit information the next working day after the EFT is posted. The UFC monitors the Ca\$hLink II system daily. Upon verification of the EFT transfer in Ca\$hLink II, the UFC will certify the ROV and confirm the deposit. Funds will be available immediately after the deposit confirmation.

The UFC will not require any additional documentation from the supported activity or the customer provided all required documentation identified above is provided. **If an EFT transaction is received via Ca\$hLink II that cannot be identified, it will be rejected back to the sender.** Before rejecting an EFT, the UFC will research and try to determine the proper supported activity and CEFMS account to update. For those EFT transactions rejected by the UFC, the financial institution (bank) that initiated the EFT will notify the customer (sender) of the rejected transaction.

6. **CHANGES.** Refer all discrepancies, comments or questions regarding this SOP to the Chief, Disbursing Division, Directorate of Finance (CEFC-FD) 901-874-8648.

FOR THE DIRECTOR:

Encls



SHIRLEY L. AUTRY
Deputy Director, Finance

U.S. ARMY CORPS OF ENGINEERS FINANCE CENTER
Electronic Funds Transfer
Customer Implementation Data Sheet

ACH CCD+ Format

DATA Element Name	Contents	Size	Position
*Record Type Code	6	1	01-01
*Transaction Code	22	2	02-03
*Receiving ABA	05103670	8	04-11
*Check Digit	6	1	12-12
*Account Number	220025	17	13-29
Payment Amount	Amount of Payment (\$\$\$\$cc)	10	30-39
Identification Number	Optional	15	40-54
*Receiver Name	USACE Finance Center	22	55-76
** Discretionary Data	EROC Code of Corp Office	2	77-78
Addenda Indicator	1 (addenda present)	1	79-79
Trace Number	Assigned by Remitter's Bank	15	80-94

ADDENDA RECORD FORMAT

DATA Element Name	Contents	Size	Position
*Record type Code	7	1	01-01
*Addenda Type Code	05	2	02-03
*** Payment Related Data	ROV #/Account #;EROC	80	04-83
Sequence Number	Addenda number starting at 0001	4	84-87
Addenda Trace Number	Same as the last 7 numbers of the detail trace number	7	88-94

* Data remains same for every transaction

** EROC Code of Corps District

*** Data supplied by Corps District to Customer - If data is not present, transaction will be rejected

U.S. ARMY CORPS OF ENGINEERS FINANCE CENTER
Electronic Funds Transfer
Customer Implementation Data Sheet

ACH CTX Format

DATA Element Name	Contents	Size	Position
*Record Type Code	6	1	01-01
*Transaction Code	22	2	02-03
*Receiving ABA	05103670	8	04-11
*Check Digit	6	1	12-12
*Account Number	220025	17	13-29
Payment Amount	Amount of Payment (\$\$\$\$cc)	10	30-39
Identification Number	Optional	15	40-54
Number of Addenda	Number of Addenda Records attached	4	55-58
*Receiver Name	USACE Finance Center	22	59-74
Reserved	Blank	2	75-76
** Discretionary Data	EROC Code of Corp Office	2	77-78
Addenda Indicator	1 (addenda present)	1	79-79
Trace Number	Assigned by Remitter's Bank	15	80-94

ADDENDA RECORD FORMAT

DATA Element Name	Contents	Size	Position
*Record Type Code	7	1	01-01
*Addenda Type Code	05	2	02-03
*** Payment Related Data	ROV #/Account #; EROC	80	04-83
Sequence Number	Addenda number starting at 0001	4	84-87
Addenda Trace Number	Same as the last 7 numbers of the detail trace number	7	88-94

* Data remains same for every transaction

** EROC Code of Corps District

*** Data supplied by Corps District to Customer - If data is not present, transaction will be rejected

Attachment D

SOP for Wire Transfer of Funds

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
FINANCE CENTER
5722 INTEGRITY DRIVE
MILLINGTON TENNESSEE 38054-5005

CEFC-FD
SOP No. UFC-07

1 June 2004
Revised: 1 April 2006

STANDING OPERATING PROCEDURE
WIRE TRANSFER OF FUNDS

1. **PURPOSE.** This Standing Operating Procedure (SOP) provides procedures to follow in order to deposit funds into an advance account or a cost sharing account through use of Wire Transfer.

2. **APPLICABILITY.** This SOP applies the USACE Finance Center (UFC) and activities supported by the UFC.

3. **REFERENCE.** SOP No. UFC-03, Collection/Deposit Procedures.

4. **PROCEDURES.** When a customer wishes to use wire transfer procedures to transfer funds to the Corps, the enclosed wire transfer procedures must be followed to ensure accurate and timely credit for funds transferred.

a. The customer must notify the supporting F&A Officer in advance of a transfer providing the date of the transfer, amount and the applicable Project Cooperation Agreement (PCA) number or advance account number the funds are intended for. The sponsor must wire the funds through the Federal Reserve Bank of New York using a Type 1000, Structured Third Party Funds Transfer Message to transfer the funds to the UFC. The data needed by the customer's sponsor bank is provided as enclosure 1.

b. When notification from the customer is received by the F&A Officer, a Collection Receiving Office Voucher (ROV) must be created in CEFMS. All wire transfer collection vouchers must be submitted to the UFC Disbursing Division using the UFC-DISB-6 Form (enclosure 2). The supported F&A Officer must ensure that all information on the form is provided and forwarded to the UFC arriving in advance of the transfer. There should only be one wire transfer for each ROV.

5. **Ca\$hLink II Agency Access System.** Ca\$hLink II is an on-line U.S. Treasury system that allows the UFC to access and confirm our deposit information the next working day after the wire transfer is posted. The UFC monitors the Ca\$hLink II system daily. Upon verification of the wire transfer in Ca\$hLink II, the UFC will certify the ROV and confirm the deposit. Funds will be available immediately after the deposit confirmation.

The UFC will not require any additional documentation from the supported activity or the customer provided all required documentation identified above is provided. **If a wire transfer is received via Ca\$hLink II that cannot be identified, it will be rejected back to the sender.** Before rejecting a wire transfer, the UFC will research and try to determine the proper supported activity and CEFMS account to update. For those wire transfers rejected by the UFC, the financial institution (bank) that initiated the transfer will notify the customer (sender) of the rejected transaction.

6. **CHANGES.** Refer all discrepancies, comments or questions regarding this SOP to the Chief, Disbursing Division, Directorate of Finance (CEFC-FD) 901-874-8648.

FOR THE DIRECTOR:



SHIRLEY L. AUTRY
Deputy Director, Finance

Encls

TYPE 1000, STRUCTURED THIRD PARTY FUNDS TRANSFER MESSAGE
(Information Provided by Customer when Making Transfer)

KEY FIELDS - 1000 FUNDS TRANSFER

FIELD NAME	LENGTH	VALUE
Receiver-dfi#	9	021030004 (Standard)
Type-subtype-code	4	1000
Sender-dfi #	9	Sender ABA-number (Bank Routing No.)
Sender-ref-#	16	Filled by sender (Use PCA No.)
Amount	18	Use dollar sign, commas, and decimal point
Sender-dfi-info	80	Filled by sender
Receiver-dfi-info	80	TREAS NYC/CTR/BNF=/AC-00008736

NOTE: THE RECEIVER-DFI-INFO FIELD IS OF CRITICAL IMPORTANCE. IT MUST APPEAR IN THE PRECISE MANNER SHOWN TO ALLOW FOR THE AUTOMATED PROCESSING AND CLASSIFICATION OF THE FUNDS TRANSFER MESSAGE.

Free-text-line-1	80	Filled in by sender
Free-text-line-1	80	Filled in by sender
Free-text-line-1	80	Filled in by sender

WIRE TRANSFER ONLY

RECEIVING VOUCHER ROUTING SLIP

Date Receiving Voucher Entered Into CEFMS: _____

Authorized Collector's Name: _____

District: _____

PCA#, Advance Account Number, Local Cost Share Number: _____

Sponsor Name: _____

CEFMS Receiving Voucher Number: _____

Date of Transfer: _____

Amount of Transfer: _____

If you have any questions please contact the Disbursing Division at (901) 874-8432.

Attachment E

Principal Representative Designation Letters