

SPECIAL PUBLIC NOTICE

Emergency Permit Processing Procedures

October 13, 2011

US Army Corps of Engineers®

Los Angeles District
Regulatory Division

Department of the Army authorization, through a Corps permit, is required to conduct regulated activities within waters of the United States. This requirement holds even in emergency situations. Regulations at 33 Code of Federal Regulations (CFR) 325.2(e)(4) provide for the implementation of expedited processing procedures for the review, coordination, and decision making for Corps permit applications during emergency situations. Permit decisions may be made in a matter of hours or days depending upon the urgency of the situation.

In response to specific requests from the regulated public, including situations which pose a threat to human life or property, the District Engineer (DE) must determine whether an emergency permit response is warranted. If so, the DE must recommend appropriate special permitting procedures to the Division Engineer, who will instruct the DE as to further processing of such applications. Division Engineers are authorized to approve special processing procedures in emergency situations, though even in such situations, reasonable efforts must be made by District staff to receive comments from interested Federal, State, and local agencies, and the affected public. The DE's determination of appropriate mitigation requirements for activities authorized under emergency procedures may be deferred if necessary, as dictated by the circumstances of an emergency situation.

In many cases, responses to emergency situations that require a Corps permit may be authorized expeditiously through a variety of general permits, including Nationwide Permits (NWPs) and Regional General Permits (RGPs). In the Los Angeles District, RGP 63 was established to address emergency situations in which the work would result in minimal effects to the environment. This permit authorizes discharges of dredged or fill material into waters of the United States, including wetlands, and/or work or structures in navigable waters of the United States for necessary repair and protection measures associated with an emergency situation. An "emergency situation," for purposes of RGP 63, is present where there is a clear, sudden, unexpected, and imminent threat to life or property demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property or essential public services (i.e., a situation that could potentially result in an unacceptable hazard to life or a significant loss of property if corrective action requiring a permit is not undertaken immediately).

The applicant must notify the DE as early as possible and shall not begin the activity until notified by the DE that the activity may proceed under this RGP including any site-specific special conditions imposed by the District Engineer. The notification should be in writing and include the following information:

1. The name, address, and telephone number of the applicant and the designated point of contact and their address and telephone number;
2. The location of the proposed project in detail, including the identification of the waterbody(ies), UTM or latitude/longitude coordinates, and a copy of a U.S. Geologic Survey (USGS) topographic map, Thomas Guide map, or hand-drawn location map with suitable landmarks. The information should have sufficient detail to clearly indicate the location and extent of the project, as well as detailed directions to the site;
3. A brief description of the nature of the situation (i.e., how the situation demonstrates the “clear, sudden, unexpected, and imminent threat to life or property”) and the severity of the threat;
4. A description of methods anticipated to be used to rectify the situation (“field engineering” is not an adequate description). Plans, drawings or sketches depicting the area to be directly affected by dredging and filling activities, and other aquatic areas indirectly affected by project activities (such as dewatering, stream diversion, access routes, etc.), cross sections showing details of construction, and a short narrative describing how the work is to be completed should be provided as a minimum; and
5. A brief description of the project area’s existing conditions and anticipated impacts resulting from the proposed work (quantity and location of dredge or fill material deposited or excavated, removal of significant vegetation, loss of habitat, etc.).

A complete copy of RGP 63, including all of its terms and conditions may be viewed at:
http://www.spl.usace.army.mil/regulatory/RGP63_2003.pdf.

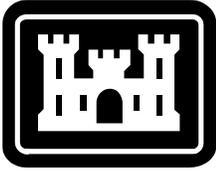
The applicant must notify the Corps Regulatory Division by telephone, facsimile, delivered written notice or other alternative means as early as possible and shall not begin the activity until notified by the DE or Corps Regulatory staff that the activity may proceed under this RGP. The Corps recognizes there are rare situations where imminent and dire threats to life may occur necessitating action before a Corps permit can be secured. In such circumstances, notification must be made to the Corps as soon as feasible. For more information about emergency procedures, please contact the Regulatory project manager responsible for the geographic area in which you are located. A list of project managers and their areas of responsibility may be viewed at
<http://www.spl.usace.army.mil/regulatory/contact.htm>.

Regulatory Division:

(213) 452-3425 (telephone)

(213) 452- 4196 (fax)

For additional information about this notice, please contact Crystal L. M. Huerta of my staff at (805) 585-2143. This public notice is issued by the Chief, Regulatory Division.



US Army Corps of Engineers®

Emergency Permit Processing Procedures

13 October 2011

Los Angeles District
Regulatory Branch

Do I need a permit to do work in an emergency situation?

Department of the Army authorization, through a Corps permit, is required to conduct regulated activities within waters of the United States. This requirement holds even in emergency situations. 33 Code of Federal Regulations (CFR) 325.2(e)(4) provides for the implementation of expedited processing procedures for the review, coordination, and decision making associated with Corps permit applications during emergency situations. Permit decisions may be made in a matter of days or hours depending upon the urgency of the situation.

How does the Corps respond to requests for emergency authorization?

In response to specific requests from the regulated public, including situations which pose a threat to human life or property, the District Engineer (DE) must determine whether an emergency permit response is warranted. If so, the DE must recommend appropriate special permitting procedures to the Division Engineer, who will instruct the DE as to further processing of such applications. Division Engineers are authorized to approve special processing procedures in emergency situations, though even in such situations, reasonable efforts must be made to receive comments from interested Federal, State, and local agencies, and the affected public. The DE's determination of appropriate mitigation requirements for activities authorized under emergency procedures may be deferred if necessary, as dictated by the circumstances of an emergency situation.

In many cases, responses to emergency situations that require a Corps permit may be authorized very quickly through a variety of General Permits, including Nationwide Permits and Regional General Permits (RGPs). In the Los Angeles District, RGP 63 was established to address emergency situations in which the work would result in minimal effects to the environment. This permit authorizes discharges of dredged or fill material into Waters of the United States, including wetlands, and/or work or structures in Navigable Waters of the United States for necessary repair and protection measures associated with an emergency situation. An "emergency situation," for purposes of RGP 63, is present where there is a clear, sudden, unexpected, and imminent threat to life or property demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property or essential public services (i.e., a situation that could potentially result in an unacceptable hazard to life or a significant loss of property if corrective action requiring a permit is not undertaken immediately).

How do I apply for authorization under RGP 63?

The applicant must notify the DE as early as possible and shall not begin the activity until notified by the DE that the activity may proceed under this RGP including any site-specific special conditions imposed by the District or Division Engineer. The notification should be in writing and include the following information:

1. The name, address, and telephone number of the applicant and the designated point of contact and their address and telephone number;
2. The location of the proposed project in detail, including the identification of the waterbody(ies) (this should include a copy of a U.S. Geologic Survey [USGS] topographic map, Thomas Guide map, or hand-drawn location map with suitable landmarks; the map should have sufficient detail to clearly indicate the location and extent of the project, as well as detailed directions to the site);
3. A brief, but clear, description of the imminent threat to life or property and the proposed project's purpose and need;
4. A description of methods anticipated to be used to rectify the situation ("field engineering" is not an adequate description. Plans, drawings or sketches showing the area to be impacted, cross sections showing details of construction, and a short narrative describing how the work is to be completed should be provided as a minimum); and
5. A brief description of the project area's existing conditions and anticipated impacts resulting from the proposed work (amount of dredge or fill material, removal of significant vegetation, loss of habitat, etc.).

A complete copy of RGP 63, including all of its terms and conditions may be viewed at:

http://www.spl.usace.army.mil/regulatory/RGP63_2003.pdf

Whom should I contact in an emergency?

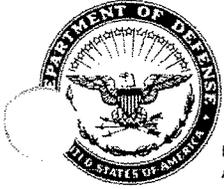
The applicant must notify the Corps by telephone, facsimile, delivered written notice or other alternative means as early as possible and shall not begin the activity until notified by the DE or Corps Regulatory staff that the activity may proceed under this RGP. The Corps recognizes there are rare situations where imminent and dire threats to life may occur necessitating action before a Corps permit can be secured. In such circumstances, notification must be made to the Corps prior to, during, or immediately after such work occurs.

Regulatory Division:

(213) 452-3425 (telephone)
(213) 452- 4196 (fax)

Emergency Management Branch:

(213) 452-3441 (telephone)



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
SOUTH PACIFIC DIVISION, CORPS OF ENGINEERS
333 Market Street, Room 923
San Francisco, California 94105-2195

8 JAN 2007

CESPD-PDS-O

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: South Pacific Division Program Guidance Letter O-98-01, Emergency Authorizations

1. References:

a. Memorandum, CESPD-RP-C, 14 Jan 2004, subject: South Pacific Division Program Guidance Letter O-98-01, Emergency Authorizations.

b. Memorandum, South Pacific Division, U.S. Fish & Wildlife Service, and National Marine Fisheries Service, 9 Aug 2004, subject: Procedures for Flooding Events and Other Emergencies.

c. Memorandum, CESPD-PDS-O, 22 Dec 2005, subject: South Pacific Division Regional Standard for Signature Authority for Regulatory Products.

2. References 1.a. and 1.b. are still relevant and applicable to all districts and field offices within the South Pacific Division (SPD) and are hereby extended until 31 December 2010.

3. Reference 1.c. delegated authority to authorize the use of emergency procedures in accordance with 33 CFR Part 325.2(e)(4) to SPD's Regulatory Program Manager.

4. The appropriate contacts, current office symbols and telephone in priority order follow:

a. Regulatory Program Manager, CESPD-PDS-O, (415) 977-8030, fax -8129. Alternate: Administrative Appeals Review Officer, CESPD-PDS-O, (415) 977-8035.

b. Team Leader, Operations & Regulatory Community of Practice, CESPD-PDS-O, (415) 977-8050.

c. Chief, Programs Support Division, CESPD-PDS, (415) 977-8171.

d. Director, Regional Programs, CESPD-PD, (415) 977-8019.

e. Deputy Division Engineer, CESPD-DD, (415) 977-8002.

SUBJECT: South Pacific Division Program Guidance Letter O-98-01, Emergency Authorizations

f. Division Engineer, CESPД-DE, (415) 977-8001.

FOR THE COMMANDER:

A handwritten signature in black ink, appearing to read 'M. C. Charlton', written in a cursive style.

MARK C. CHARLTON
Chief, Programs Support Division

DISTRIBUTION:
CESPD-3

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
South Pacific Division
333 Market Street
San Francisco, California 94105

DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
California/Nevada Operations
2800 Cottage Way, W-2606
Sacramento, California 95825

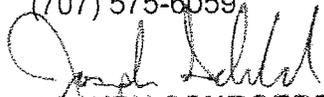
DEPARTMENT OF COMMERCE
NOAA FISHERIES SERVICE
Southwest Region
501 West Ocean Blvd, #4200
Long Beach, California 90802

**MEMORANDUM FOR ALL DISTRICT COMMANDS IN SOUTH PACIFIC
DIVISION and ALL FIELD OFFICE SUPERVISORS IN CALIFORNIA &
NEVADA**

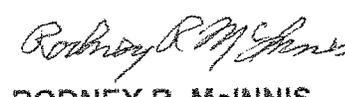
SUBJECT: Procedures for Flooding Events and Other Emergencies

DATE: AUG - 9 2004

1. In preparation for flooding events in the western United States, all Corps of Engineers districts in the South Pacific Division (SPD), and U.S. Fish & Wildlife Service (FWS) and NOAA Fisheries (National Marine Fisheries Service, NMFS) field offices in California and Nevada, should review the appropriate regulations and regional guidance for responding to emergency situations. Under no circumstance should any agency representative delay or obstruct an emergency response where human life is at stake.
2. 33 CFR 325.2(e)(4) describes emergency procedures for the Corps of Engineers Regulatory Program, whereas, 50 CFR 402.05 describes emergencies for Endangered Species Act consultation purposes. Supplemental regional guidance for processing emergency authorizations was reissued in Jan 2004 (SPD PGL O-98-01).
3. Corps of Engineers headquarters issued additional emergency permit procedures guidance in Dec 1997, which is still applicable.
4. Finally, several districts previously issued Regional General Permits that authorized emergency and recovery actions associated with the 1997-98 El Nino weather events. These and other RGP's for emergency repair work were developed in close cooperation with the FWS and NMFS. We strongly recommend that each district and field office do likewise in preparation for emergency situations.
5. Contacts for additional information are Wade Eakle (SPD) at (415) 977-8030, John Engbring (FWS/CNO) at (916) 414-6464, and Patrick Rutten (NMFS) at (707) 575-6059.


JOSEPH SCHROEDEL
BG U.S. Army
Division Commander


STEVE THOMPSON
Manager, California/
Nevada Operations


RODNEY R. McINNIS
Acting Regional
Administrator



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
SOUTH PACIFIC DIVISION, CORPS OF ENGINEERS
333 Market Street, Room 923
San Francisco, California 94105-2195

CESPD-RP-C (1145)

14 JAN 2004

MEMORANDUM FOR

Commander, U.S. Army Engineer District, Albuquerque
Commander, U.S. Army Engineer District, Los Angeles
Commander, U.S. Army Engineer District, Sacramento
Commander, U.S. Army Engineer District, San Francisco

SUBJECT: South Pacific Division Program Guidance Letter O-98-01, Emergency Authorizations

1. References:

a. Memorandum, CESPD-CM-O, 27 Dec 2000, subject: South Pacific Division Program Guidance Letter O-98-01, Emergency Authorizations.

b. Memorandum, CECW-OR, 28 Feb 2001, subject: Emergency Permit Procedures in California.

c. Memorandum, SPD and U.S. Fish & Wildlife Service, 29 Jan 2001, subject: Emergency Procedures for 2000-01 Winter Flooding Events.

d. Memorandum, CECW-OR, 11 Dec 1997, subject: Emergency Permit Procedures.

2. Reference 1.a. is still relevant and applicable to all districts and field offices within the South Pacific Division (SPD) and is hereby extended until 31 December 2005 unless sooner revoked or modified.

3. With the recent USACE 2012 reorganization of SPD, the appropriate contacts, office symbols, and telephone numbers in priority order follow:

a. Regulatory Program Manager, CESPD-RP-C, (415) 977-8030, fax -8047. Alternate: Administrative Appeals Review Officer, CESPD-RP-C, (415) 977-8035.

b. Chief, Civil Works Integration Division, CESPD-RP-C, (415) 977-8230.

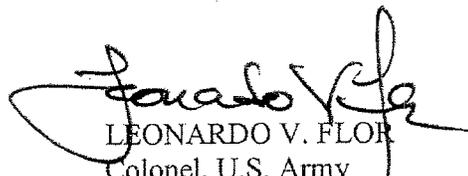
c. Director, Regional Programs, CESPD-RP, (415) 977-8019.

d. Deputy Division Engineer, CESPD-DD, (415) 977-8002.

e. Division Engineer, CESPD-DE, (415) 977-8001.

SUBJECT: South Pacific Division Program Guidance Letter O-98-01, Emergency Authorizations

4. References 1.b., 1.c., and 1.d. are also still applicable and provide relevant guidance in SPD in addition to Reference 1.a.



LEONARDO V. FLOR
Colonel, U.S. Army
Acting Division Commander



DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CECW-OR

28 FEB 2001

MEMORANDUM FOR COMMANDER, SOUTH PACIFIC DIVISION

SUBJECT: Emergency Permit Procedures in California

1. We have reviewed the current situation in the State of California regarding their electrical supply and production problems. The White House February 16, 2001, Memorandum for the Secretaries of Defense, the Interior, Agriculture, and Commerce and the Administrator of the Environmental Protection Agency concerning this issue provides: "The Federal Government should make every effort to work with California and to help its citizens. I hereby direct all relevant Federal agencies to expedite Federal permit reviews and decision procedures with respect to siting and operation of power plants in California. All actions taken must be consistent with statute and ensure continued protection of public health and the environment while preserving appropriate opportunities for public participation."
2. Based on the above White House Memorandum, you are instructed to use the provisions of 33 CFR 325.2 (e)(4) "Emergency procedures" where the circumstances of a particular permit requirement meet the definition of "emergency" set forth in that provision. Examples of activities that would qualify for emergency permit procedures include pipelines that supply increased oil for electrical production facilities, energy distribution facilities, and energy production facilities, such as electrical generating facilities.
3. As directed by the White House, permits for activities that are necessary to address shortfalls in electrical supply and production in the State of California should be expedited. Furthermore, districts should utilize to the maximum extent possible, appropriate regulatory procedures that expedite permit decisions for such activities. The emergency permit procedures in Corps regulations address the need for appropriate federal, state, local agency and affected public involvement. In addition to the availability of the emergency permitting process, districts will maximize the use of nationwide and regional general permits for these activities.

FOR THE COMMANDER:

A handwritten signature in cursive script, appearing to read "Charles M. Hess".

CHARLES M. HESS
Chief, Operations Division
Directorate of Civil Works

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

February 16, 2001

MEMORANDUM FOR THE SECRETARY OF DEFENSE
THE SECRETARY OF THE INTERIOR
THE SECRETARY OF AGRICULTURE
THE SECRETARY OF COMMERCE
THE ADMINISTRATOR OF THE ENVIRONMENTAL
PROTECTION AGENCY

SUBJECT: Expediting Federal Decisions Relating to the Siting and Operation of Power Plants in California

Governor Davis of California has directed State and local agencies to expedite the review and licensing of new power generation facilities, and he has requested that Federal agencies do the same.

The Federal Government should make every effort to work with California and to help its citizens. I hereby direct all relevant Federal agencies to expedite Federal permit reviews and decision procedures with respect to the siting and operation of power plants in California. All actions taken must be consistent with statute and ensure continued protection of public health and the environment while preserving appropriate opportunities for public participation.

GEORGE W. BUSH

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
South Pacific Division
333 Market Street
San Francisco, California 94105

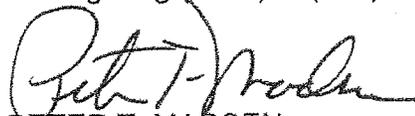
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
California/Nevada Operations Office
2800 Cottage Way, Suite W-2606
Sacramento, California 95825

MEMORANDUM FOR ALL DISTRICT COMMANDS IN SOUTH PACIFIC
DIVISION and ALL FIELD OFFICE SUPERVISORS IN CALIFORNIA & NEVADA

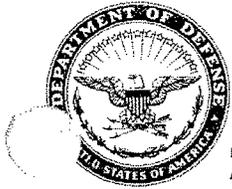
SUBJECT: Emergency Procedures for 2000-01 Winter Flooding Events

DATE: 29 JAN 2001

1. In preparation for any winter flooding events in the western United States, all Corps of Engineers districts in the South Pacific Division and Fish & Wildlife Service field offices in California and Nevada should review the appropriate regulations and regional guidance for responding to emergency situations.
2. 33 CFR 325.2(e)(4) describes emergency procedures for the Corps of Engineers Regulatory Program, whereas, 50 CFR 402.05 describes emergencies for Endangered Species Act consultation purposes. Supplemental regional guidance for processing emergency authorizations was issued in Mar 1995 (SPD PGL O-95-01) with subsequent corrections and extensions (SPD PGL O-98-01) issued in Jan 1998, Feb 1998, and Dec 2000.
3. Corps of Engineers headquarters issued additional emergency permit procedures guidance in Dec 1997, which is still applicable as we approach the winter wet season.
4. Also, several districts previously issued Regional General Permits that authorized emergency and recovery actions associated with the 1997-98 El Nino weather events. These and other RGP's for emergency repair work were developed in close cooperation with the FWS and National Marine Fisheries Service. We strongly recommend that each district and field office do likewise in preparation for the winter rains.
5. Contacts for additional information are Wade Eakle (SPD) at (415) 977-8030 and John Engbring (CNO) at (916) 414-6464.


PETER T. MADSEN
Brigadier General, U.S. Army
Division Commander


MICHAEL J. SPEAR
Manager, California/Nevada
Operations



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
SOUTH PACIFIC DIVISION, CORPS OF ENGINEERS
333 Market Street, Room 923
San Francisco, California 94105-2195

CESPD-CM-O

27 December 2000

MEMORANDUM FOR: Commander, Albuquerque District, ATTN: CESPA-OD-R
Commander, Sacramento District, ATTN: CESPCK-CO-R
Commander, San Francisco District, ATTN: CESPND-OD-R
Commander, Los Angeles District, ATTN: CESPL-CO-R

SUBJECT: South Pacific Division Program Guidance Letter O-98-01, Emergency Authorizations

1. Please reference Program Guidance Letter (PGL) O-98-01, issued 1 January 1998 and corrected 25 February 1998 which extended the guidance provided by PGL O-95-01 until 31 December 2000. This guidance is still applicable to all Districts and field offices within the South Pacific Division (SPD) and is hereby extended until 31 December 2003.
2. With the recent restructuring of SPD, the appropriate contacts, office symbols, and telephone numbers in priority order follow:
 - a. Regulatory Program Manager, CESPD-CM-O, (415) 977-8030, fax (415) 977-8039/8047. Alternate: Administrative Appeals Review Officer, CESPD-CM-O, (415) 977-8035.
 - b. Office of Counsel, CESPD-OC, (415) 977-8214/8211.
 - c. Chief, Operations Division, CESPD-CM-O, (415) 977-8054.
 - d. Director, Civil Works & Management, CESPD-CM, (415) 977-8238.
 - e. Deputy Division Engineer, CESPD-DD, (415) 977-8002.
 - f. Division Engineer, CESPD-DE, (415) 977-8001.
3. This guidance expires on 31 December 2003 unless sooner revoked or modified.

PETER T. MADSEN
Brigadier General, U.S. Army
Commanding



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
SOUTH PACIFIC DIVISION, CORPS OF ENGINEERS
333 Market Street, Room 923
San Francisco, California 94105-2195

CESPD-ET-C

25 February 1998

MEMORANDUM FOR: Commander, Albuquerque District, ATTN: CESPA-OD-R
Commander, Sacramento District, ATTN: CESPCK-CO-R
Commander, San Francisco District, ATTN: CESPN-CO-R
Commander, Los Angeles District, ATTN: CESPL-CO-R

SUBJECT: South Pacific Division Program Guidance Letter O-98-01, Emergency Authorizations

1. Please reference SPD's Program Guidance Letter (PGL) O-98-01, issued 1 January 1998 which extended the guidance provided by PGL O-95-01 until 31 December 2000. The following additional comments and corrections are provided:

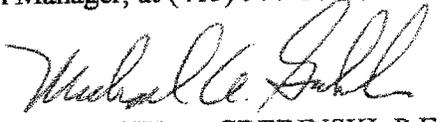
a. The referenced guidance applies to all actions requiring notice, i.e., individual permits and nationwide permits requiring a preconstruction notification (PCN). Those nationwide permits not requiring PCN's are not subject to the requirements of the PGL since there is no modification to normal procedures. The authorizations provided for in 33 CFR Part 325.2(e)(4) are departures from the usual procedures for review, coordination, and decision-making.

b. Paragraph 3.d. of PGL O-95-01 has a typographical error. "3.a." in the last sentence should read "3.c." which requires a written request for variance from normal procedures.

c. A typographical error also occurs in subparagraph 3.e(vi). "3.b." should read "3.d."

2. The above should clarify the intent of the referenced PGL's. The basis for this guidance is to assure compliance with the provisions of 33 CFR Part 325.2(e)(4) and to provide the necessary records to support actions taken during significant emergency events, such as the El Nino storm-related floods of 1998 in California. Additionally, my intent is to clarify that "emergency permits" do not exist; "emergency procedures" are provided for by regulation. In every case the Corps of Engineers is required to provide assurances that sensitive environmental resources and public interest concerns are considered even in times of emergency.

3. If you or your Regulatory Branch staff has any questions, please feel free to contact Mr. Wade L. Eakle, my Regulatory Program Manager, at (415) 977-8030.


MICHAEL A. GREBINSKI, P.E.
Chief, Construction-Operations
Division

DEPARTMENT OF THE ARMY
SOUTH PACIFIC DIVISION, CORPS OF ENGINEERS
333 Market Street, Room 1002E
San Francisco, California 94105-2195

CONSTRUCTION-OPERATIONS DIVISION
PROGRAM GUIDANCE LETTER
PGL O-98-01

1 January 1998

Expires 31 December 2000
REGULATORY
Emergency Authorizations - Procedures for
The Regulatory Program

1. Purpose: To provide guidance with respect to submission of requests for implementation of Emergency Procedures under the provisions of 33 CFR Part 325.2(e)(4).

2. Applicability: This guidance is applicable to all District and field offices within the South Pacific Division and is effective 1 January 1998.

3. Guidance:

a. CESPD PGL O-95-01 issued on 27 March 1995 and expiring on 31 December 1997, is hereby extended until 31 December 2000, with the following changes:

1. The correct South Pacific Division office responsible for the receipt of faxed or e-mailed requests is CESPD-ET-C (Regulatory Program Office) [Paragraph 3.c].

2. The appropriate South Pacific Division contacts in priority order are (Paragraph 4.b):

a. Regulatory Program Manager, CESPD-ET-C, (415) 977-8030

b. Chief, Construction-Operations Division, CESPD-ET-C, (415) 977-8031

c. Office of Counsel, CESPD-OC, (415) 977-8211

d. Director, Engineering & Technical Services, CESPD-ET, (415) 977-8019

e. Deputy Division Engineer, CESPD-DD, (415) 977-8002

CESPD-ET-C

SUBJECT: Emergency Authorizations - Procedures for The Regulatory Program

f. Division Engineer, CESPD-DE, (415) 977-8001

4. This guidance expires on 31 December 2000 unless sooner revoked or modified.



Attachment: CESPD PGL O-95-01

J. RICHARD CAPKA
Brigadier General, U.S. Army
Commanding



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CECW-OR

13 1 DEC 1997

MEMORANDUM FOR ALL MAJOR SUBORDINATE COMMANDS, AND DISTRICT
COMMANDS

SUBJECT: Emergency Permit Procedures

1. The purpose of this memorandum is to provide a concise description of emergency procedures available under the U.S. Army Corps of Engineers Regulatory Program. This memorandum may be distributed as public information about these procedures.
2. Pursuant to 33 CFR 325.2(e)(4), emergency situations are defined as those in which an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship would result if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures.
3. In response to specific requests from the regulated public, or in response to situations which generally pose a threat to human life or property, the district engineer must determine whether an emergency permit response is warranted. If so, the district engineer must explain the situation and recommend appropriate special permitting procedures to the division engineer, who will instruct the district engineer as to further processing of such applications.
4. In response to recommendations from district engineers, division engineers are authorized to approve special processing procedures in emergency situations, in order to authorize necessary actions requiring permits more quickly than the normal permitting procedures would allow.
5. Even in emergency situations, reasonable efforts will be made to receive comments from interested Federal, State, and local agencies, and the affected public. The district engineer's determination of appropriate mitigation requirements for individual activities authorized under emergency procedures may be deferred if that is necessary, as dictated by the exigent circumstances of an emergency situation. Neither the solicitation of comments, nor the determination of mitigation requirements should ever delay the emergency authorization of urgently needed work to respond to an emergency situation. In extreme emergencies, district engineers may immediately authorize, or authorize after-the-fact, activities that must proceed without delay to protect life and/or property. This may include oral authorization where necessary. Coordination and any public notice of the activity in such situations could be after-the-fact, if the emergency response so requires.

CECW-OR

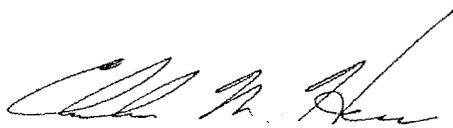
SUBJECT: Emergency Permit Procedures

6. In situations where there are predicted events that are expected to result in the need for emergency permitting by the Corps, advance measures should be taken. For example, in preparation for the expected weather anomalies with the 1997/1998 El Nino, the districts in the South Pacific Division are issuing regional general permits that will cover most emergency and recovery actions. The districts are also providing the flood control agencies with 24-hour phone numbers (pagers) for communication with the Corps Regulatory Program. This is essential to provide access for the most probable permit applicants during emergency situations.

7. In order to inform all interested parties of the implementation of an emergency permit process, as detailed in 33 CFR 325.2(e)(4), the district engineer must publish appropriate notice of any special procedures authorized, and of the rationale supporting those procedures, as soon as practicable. In cases of extreme emergency, this could be after-the-fact.

8. In summary, the focus of the emergency permit procedures is to confirm that, when an emergency situation occurs, the district should fulfill as many standard procedural requirements as are reasonably allowed by the emergency situation, but the district will not delay a timely response because of any standard procedural requirement. Furthermore, during an emergency situation, the district will insure that there is immediate access to appropriate district personnel.

FOR THE COMMANDER:



CHARLES M. HESS
Chief, Operations, Construction
and Readiness Division
Directorate of Civil Works

DISTRIBUTION:
(SEE PG 3)

CESPD PGL O-95-01

DEPARTMENT OF THE ARMY
SOUTH PACIFIC DIVISION, CORPS OF ENGINEERS
630 Sansome Street, room 1219
San Francisco, California 94111-2206

CONSTRUCTION-OPERATIONS DIVISION
PROGRAM GUIDANCE LETTER
PGL O-95-01

27 March 1995

Expires 31 December 1997
REGULATORY
Emergency Authorizations - Procedures for
The Regulatory Program

1. Purpose: To provide guidance with respect to submission of requests for implementation of Emergency Procedures under the provisions of 33 CFR Part 325.2(e)(4).
2. Applicability: This guidance is applicable to all district offices within the South Pacific Division and is effective NLT 31 March 1995.
3. Guidance:
 - a. 33 CFR Part 325.2(e)(4) provides for implementation of significantly modified procedures for the review, coordination and decision making with respect to permit applications in emergency situations that "... would result in an unacceptable hazard to life, a significant loss of property or an immediate, unforeseen and significant economic hardship...".
 - b. It must be understood that there is no such thing as an "Emergency Permit"; the regulations make no provision for issuing an "Emergency Permit" however that term might be defined. The regulation requires that "... even in an emergency situation..." reasonable efforts will be made to coordinate with Federal, state and local agencies and the affected public.
 - c. Except in the most urgent of situations, requests for authority to use special processing procedures will be signed by the District Engineer or his Deputy. The request shall be submitted in writing via LAN or FAX transmission addressed to Commander, South Pacific Division, ATTN: CESPD-CO (Regulatory). Copies may be sent to other Division elements (i.e. Office of Counsel, Deputy Commander etc.) at the District's discretion.

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d. The District will make reasonable efforts to obtain the views and comments with respect to the proposed action from the appropriate Federal, state and local agencies as well as the affected public. Records of these contacts and the District's evaluation will be part of the written recommendation required by 3.a. above.

e. As a minimum, the following information is to be provided to the Division Engineer:

- (i) Applicant's name, address and telephone number (or the applicant's agent)
- (ii) Application number
- (iii) Location of the proposed activity
- (iv) Description of the proposed activity including schematic drawings of sufficient detail to describe the work proposed.
- (v) The District's assessment of the circumstances justifying the use of special procedures.
- (vi) Record copies of the contacts described in paragraph 3.b. above.
- (vii) Any special conditions appropriate to the proposed activity as determined by the District Engineer and/or recommended by other commenting agencies.
- (viii) Statement regarding conformance with state water quality certification requirements and/or coastal zone management requirements, when applicable.

f. In cases of extreme urgency requiring, in the District Engineer's opinion, immediate response and follow on action, the above information may be relayed via telephone to CESPD-CO-R with written follow-up via electronic transmission within 24 hours. Verbal reports should be well organized and succinct in format to facilitate full and complete understanding of the situation.

4. Additional Information:

a. The Division will provide written response within 12 hours of the receipt of the District's request provided all of the essential information is available. In cases of extreme urgency, approvals with any appropriate conditions, will be provided verbally followed by written confirmation.

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b. In the event of emergencies occurring after normal working hours, over a weekend or during holidays the District personnel involved will attempt to contact appropriate Division contacts in priority order as follows:

- (i) Regulatory Program Manager, CESPD-CO-R
- (ii) Director, Construction-Operations Division, CESPD-CO
- (iii) Deputy Division Engineer, CESPD-DE-D
- (iv) Division Engineer, CESPD-DE

The names and telephone numbers will be made available to District Regulatory Branch Chiefs and updated as required.

c. In accordance with the regulation, the District will issue a Public Notice detailing any special procedures authorized and their rationale within 30 days of the date of the Division Engineer's authorization to use expedited processing procedures. This notice will be circulated to the appropriate Federal, state and local agencies and the affected public as defined in 33CFR325.3(a)(1 thru 8).

5. This guidance expires on 31 December 1997 unless sooner revoked or modified.

FOR THE COMMANDER:



THEODORE E. DURST
Regulatory Program Manager
Construction-Operations Division