



SPECIAL PUBLIC NOTICE

EMERGENCY PROCESSING PROCEDURES

November 12, 2001

US Army Corps of Engineers®

Los Angeles District
Regulatory Program

On December 27, 2000 the U.S. Army Corps of Engineers South Pacific Division, by memorandum, provided guidance, which extended their previously issued January 1, 1998 Program Guidance Letter, PGL 0-98-01, to December 2003. PGL 0-98-01 addresses the submission of requests for implementation of Emergency Procedures under the provisions of 33 Code of Federal Regulations (CFR) Part 325.2(e)(4). A prior memorandum dated February 25, 1998 had extended the guidance of PGL 0-98-01 to December 31, 2000. These documents are attached and provided to advise all interested parties of the special processing procedures developed by the South Pacific Division. These procedures must be followed when requesting implementation of expedited procedures.

33 CFR 325.2(e)(4) provides for the implementation of expedited processing procedures for the review, coordination, and decision making of Corps permit applications during emergency situations. This part also defines an "emergency" as a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship 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.

Even in emergency situations, Department of the Army authorization through a Corps permit is required to conduct regulated activities within the Corps' regulatory jurisdiction. The Corps does not issue "emergency permits," but does implement significantly modified procedures to evaluate permit applications during emergency situations. Permit decisions are generally made in a matter of days or hours depending upon the urgency of the situation.

In many cases, responses to emergency situations which require a Corps permit can also be authorized very quickly through a variety of General Permits. One category of General Permits is the set of Nationwide Permits. Another category is Regional General Permits (RGP). In the Los Angeles District, RGP63 was established specifically to address emergency situations where the work would result in minimal environmental effects. A copy of the terms and conditions of RGP63 can be viewed at: http://www.spl.usace.army.mil/co/regulatory/RGP63_permit.pdf:

For more information please contact the Regulatory project manager responsible for the geographic area in which you are located. A list of Corps project managers and their areas of responsibility can be viewed at: <http://www.spl.usace.army.mil/co/regulatory/phonedir.html>.

This Notice is being issued by the Chief, Regulatory Branch.



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: CESPK-CO-R
Commander, San Francisco District, ATTN: CESPN-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
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.

CESPD-CO (27 March 1995)

SUBJECT: Emergency Operations - Procedures for The Regulatory Program

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.

RECEIVED
CESPD-CO (27 March 1995)

SUBJECT: Emergency Operations - Procedures for The Regulatory Program

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