

MEMORANDUM FOR RECORD

SUBJECT: Section 408 permit application waiver request to allow deviation from H&H Policy Memorandum No. 16 titled Channel Improvement Construction Limitations

1. Reference: U.S. Army Corps of Engineers, Los Angeles District, Hydrology and Hydraulics Branch Policy Memorandum No. 16, titled Channel Improvement Construction Limitations.
2. Purpose: The purpose of this Memorandum for Record (MFR) is to identify the minimum requirements needed when a waiver request is submitted to consider deviation from H&H Policy Memorandum No. 16 titled Channel Improvement Construction Limitations.
3. Discussion: The Hydrology and Hydraulics Branch of Corps of Engineers, Los Angeles District (CESPL-EDH) asks all Section 408 permit Applicants to comply with requirements detailed in the H&H Policy Memorandum No.16. However, CESPL-EDH understands that there will be cases where waiver from the policy might be necessary and allowable due to various reasons. For such a case, the Applicant, defined as the local non-Federal sponsor responsible for O&M (Local Sponsor), shall submit a waiver request to the Corps' Section 408 Permit Coordinator. Should the Applicant be a third party not associated with the O&M, the third party applicant will coordinate with the Local Sponsor and get their approval and submit the waiver request through the Local Sponsor. The waiver request should cover at least the following points;
 - a. Clearly state the reason (or reasons) behind requesting the waiver, and explain why the work cannot be conducted at a different time and what the consequences are if the work is delayed due restrictions detailed in the H&H Policy Memorandum No. 16.
 - b. Taking into consideration that maintaining the full capacity of the channel is still required during rain events even when a waiver is provided, the Applicant shall provide a weather monitoring plan and an emergency safety plan to evacuate staff, equipment and materials from the channel. Also, an explanation on how they will restore the full capacity of the channel and prevent the channel from damage, due to their construction activities, in a storm event at least 24 hours before the start of any event shall be provided.
 - c. Clearly indicate the time window that the waiver is requested for, and provide the original construction schedule, and the revised construction schedule in case of approving the waiver with changes highlighted.

SUBJECT: Section 408 permit application waiver request to allow deviation from H&H Policy Memorandum No. 16 titled Channel Improvement Construction Limitations

d. A confirmation from the Applicant that this waiver does not cause any design change to the Section 408 Activity and the approved construction and environmental documents.

e. Qualitative risk assessment to life safety and potential adjacent property damage.

4. This MFR applies to the both versions of the H&H Policy No.16; the one that is specifically written for California State, dated April 2008 and the one that is specifically written for Arizona State, dated Feb. 2014.

5. It should be noted that submitting the waiver request does not guarantee approval from the policy automatically. Each request will be evaluated on a case by case basis based on the potential associated risks and a decision will be made by (CESPL-EDH) accordingly.

RENE VERMEEREN, P.E., D.WRE
Chief, Hydrology & Hydraulics Branch
Corps of Engineers, Los Angeles District