



Special PUBLIC NOTICE

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

BUILDING STRONG®

Emergency Processing Procedures 07 November 2022

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. Corps 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 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 DE. 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:

https://www.spl.usace.army.mil/Portals/17/docs/regulatory/RGP/RGP63_Permit_19Nov2018.pdf?ver=2018-11-19-173731-523

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.

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



Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps’ administration of its regulatory program.

U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT

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U.S. Army Corps of Engineers

Los Angeles District Regulatory Division

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. Corps regulations (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 hours or days 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 more 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:

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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;
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The California Section 401 Water Quality Certification for RGP 63 on non-tribal Land can be viewed at:
https://www.spl.usace.army.mil/Portals/17/docs/regulatory/RGP/RGP63_California401.pdf?ver=2018-11-16-171951-537

The Arizona 401 Water Quality Certification for RGP 63 non-Tribal Land can be viewed at:
https://www.spl.usace.army.mil/Portals/17/docs/regulatory/RGP/RGP63_Arizona401.pdf?ver=2018-11-16-171936-417

Who should I contact in an emergency?

The applicant must notify the Corps Los Angeles District 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.
