



DEPARTMENT OF THE ARMY

MISSISSIPPI VALLEY DIVISION, CORPS OF ENGINEERS

P.O. BOX 80

VICKSBURG, MISSISSIPPI 39181-0080

REPLY TO
ATTENTION OF:

CEMVD-PD-OD


29 August 2017

MEMORANDUM FOR Commander, New Orleans District, ATTN: CEMVN-OD-S

SUBJECT: Request for Emergency Permit Procedures

1. Reference memorandum, CEMVN-OD-S, 28 August 2017, subject as above (encl).
2. Concur in your request as described in the above-referenced memorandum. You are authorized to implement emergency procedures.
3. My point of contact is Ms. Tonya Acuff, (601) 634-5821, or Tonya.L.Acuff@usace.army.mil.

Encl


DENNIS O. NORRIS, P.E.
Chief, Operations and Regulatory
Division

MEMORANDUM FOR Commander, Mississippi Valley Division, ATTN: CEMVD-PDKM/
Ms. Tonya Acuff, P.O. Box 80, Vicksburg, MS 39181-0080

SUBJECT: Request for Emergency Permit Procedures

1. Extensive damage to public and private infrastructure and facilities is anticipated as a result of Hurricane Harvey, which made landfall as a Category 4 storm near Port Aransas, Texas, on August 25, 2017. While onshore intensity has diminished, the storm continues to generate significant rainfall across southern Texas and Louisiana, resulting in widespread flooding. President Trump has issued an emergency declaration in five parishes in southwestern Louisiana, with a high potential for more parishes within the State to be added due to the slow movement by the storm. Initiation of response and recovery operations is expected immediately upon safe ingress to affected areas by personnel. Because New Orleans District is rich in waters and wetlands, much of the repair work will likely occur in wetlands and other waters of the U.S.

Due to the expanse of wetlands and the extent of damage, we expect an increase in requests for permits under Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act for relief, cleanup, and temporary/permanent repair of flood damaged roads, bridges, culverts and other facilities directly related to the disaster. Due to the nature of the expected corrective actions, some regulated work will need to be undertaken within a time period less than the normal standard process timeframes.

2. Pursuant to 33 CFR 325.2(e)(4), MVN requests approval to implement special processing procedures for emergency situations. These special procedures would be used to process emergency permits for reconstruction and repair work resulting from the event. We believe this is necessary to protect the safety of the public and/or unforeseen economic hardship if permits are not rapidly evaluated and processed. I emphasize that this authority is requested to address only those activities directly related to this specific storm event.

3. We propose that, to the maximum extent possible, activities will be processed pursuant to the New Orleans District Regional General Permits (RGP) and Programmatic General Permits (PGP) that are currently in effect, and the Nationwide Permit (NWP) program. For those activities that cannot reasonably be processed under a RGP, PGP, or NWP, we propose the following evaluation procedures:

- a. Emergency permit requestors will provide a basic description of the specific situation, proposed work, location, and the approximate amount of waters and/or wetlands to be impacted, via telephone, fax, or email to the New Orleans District Regulatory Branch.
- b. Emergency permit requests will be carefully screened by the appropriate Regulatory Section Chief, who will determine if the proposed activity is an emergency situation that cannot await the time necessary for processing a standard individual permit.
- c. Upon verification that the proposed activity is eligible for emergency permitting procedures, the Regulatory Project manager will forward project information to the representatives of the Federal and State permit review and certifying agencies.

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- d. The District will coordinate all activities with State and Federal agencies via e-mail or telephone to establish a file record. Comments will be taken by telephone if agreeable to the agency, and will be immediately documented by notes.
 - e. Agency comments will be requested within 12 hours of the notification. Accelerated review and issuance of Section 401 Water Quality Certifications and CZMA Coastal Use Permits will be requested as appropriate. If possible, an emergency permit decision will be made by the New Orleans District within 24-48 hours of the request.
 - f. Any emergency permit granted will be considered a temporary authorization that will be conditioned to require the permittees to submit a site restoration plan or permit application with plans to maintain the work, within 30 days of emergency approval, or once the imminent threat has diminished.
4. We are in the process of contacting the appropriate Federal, State, local and/or tribal agencies regarding the coordination process described above.
 5. We are also pursuing the possibility that the Federal and State permit review and certifying agencies establish a POC for all requests under these emergency permit procedures.
 6. Appropriate measures will be taken to notify the public of these emergency procedures if approved.
 7. Implementation of the above procedures is considered essential to the effective administration of our permit program in the areas impacted by the flood event. I believe this process will be of considerable benefit to the public and will protect our valuable water and wetland resources in the New Orleans District. I am requesting authorization to implement these emergency procedures under the provisions of 33 CFR 325.2(e)(4) for a period not to exceed 180 days.
 8. If there is any additional information required or if there are questions regarding this process, please contact Mr. Martin S. Mayer, Chief of the Regulatory Branch, at (504)862-2255.

Digitally signed by



Date: 2017.08.28 16:23:00 -0500

MICHAEL N. CLANCY
COL, EN
Commanding