

JUN 20 2012



Reply to
Attention of:

DEPARTMENT OF THE ARMY
SOUTHWESTERN DIVISION, CORPS OF ENGINEERS
1100 COMMERCE STREET, Suite 831
DALLAS, TEXAS 75242-1317

CESWD-PDO

Cwd
PER 01 JUN 2012

MEMORANDUM FOR

Commander, Fort Worth District
Commander, Galveston District
Commander, Little Rock District
Commander, Tulsa District

SUBJECT: Updated Southwestern Division Emergency Section 404/10 Permit Authorization Procedure

1. Reference Final Rule for Regulatory Program of the Corps of Engineers, 33 CFR 320-330, 13 November 1986.
2. The purpose of this memorandum is to update individual contact information for emergency permitting procedures for the Southwestern Division as described in 33 CFR 325.2(e)(4) of the referenced rule.
 - a. Prior to use of emergency procedures, alternative means for authorizing the work should be considered. For example, exemptions for certain types of emergency work are provided for in 33 CFR 323.4. The nationwide permits authorize certain types of work that may be necessary in emergency situations. Letters of permission or regional general permits may also provide for timelier permit decisions necessary for emergency work.
 - b. The requesting district office should have sufficient knowledge of a particular situation to determine if a true emergency exists, or if an applicant is merely attempting to avoid normal permit review procedures. An emergency situation is one that meets the definition contained in 33 CFR 325.2(e)(4). An emergency situation necessitates that work be performed near the time of the cause and/or discovery of the problem or need. Actions that require several months to plan and/or fund are not considered emergencies for purposes of the Regulatory Program.
 - c. The district must make an effort to coordinate with the appropriate state and Federal agencies and obtain their comments on the project prior to requesting authorization for emergency procedures from the Southwestern Division. However, as described in 33 CFR 325.2(b)(ii), if a certifying agency does not respond to a valid request within a specified timeframe, the district engineer may consider the certification waived. It is equally important to complete an environmental assessment, a decision document and a public notice on the action(s) as soon as possible after the Division makes a decision on the emergency procedures request. The district completes and files these documents.

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3. The enclosed procedures are to be used when requesting expedited permit review in emergency situations. To expedite Southwestern Division approval or disapproval of the use of emergency procedures, it is essential for the district to provide complete and accurate information on the project. In addition, the district must provide a brief discussion of the consequences of denial of the emergency procedures request.

4. Should you have additional questions regarding the procedure or this memorandum, please contact Ms. Vicki Dixon, Regulatory Program Manager, CESWD-PDO, 469-487-7037, vicki.g.dixon@usace.army.mil.

Encl



CHARLES H. KLINGE
Colonel, EN
Acting Commander

CF:

CECW-OR (w/encl)

CESWD-RBR (w/encl)

CESWD-ZC (w/encl)

CESWF-PER-R (w/encl)

CESWG-PE-R (w/encl)

CESWL-RD (w/encl)

CESWT-RO (w/encl)

SOUTHWESTERN DIVISION (SWD) GUIDELINES
FOR REQUESTING USE OF EMERGENCY PERMIT PROCEDURES ON ACTIONS
UNDER THE AUTHORITY OF SECTION 404 OF THE CLEAN WATER ACT AND
SECTION 10 OF THE RIVERS AND HARBORS ACT OF 1899

1. The following information is required for each emergency permit procedure request and must be sent to the Operations and Regulatory Division (CESWD-PDO) by the requesting district prior to SWD approval.

- a. Name of Applicant.
- b. Location of Work. Provide a vicinity map marking the location of the project.
- c. Description of the Work. Provide a description of the project and a sketch, if possible.
- d. Cause of Emergency. Describe when and how the emergency situation occurred.
- e. Urgency of Work. Explain anticipated impacts on life and property if emergency procedures are not used.
- f. Time to Complete the Emergency Work. Estimate when the work will begin and how long it will take to complete the work.
- g. Coordination. Attempt to contact the appropriate Federal and state agencies and provide a summary of each agency comments on the emergency work. If the district recommended action differs from an agency's comments, the district needs to provide an explanation.
- h. Recommended Action. Provide recommendations on the procedures to be used and how these procedures differ from normal permit review procedures.

2. During normal working hours, requests for use of emergency permit procedures, including the information in paragraphs 1.a.-1.h. above, will be faxed or e-mailed to CESWD-PDO. Use the email addresses listed below. The district should notify CESWD-PDO by telephone (469-487-7037, 7061, 7060, or 7059) of the pending request. Following SWD review of the request by the Chief of Operations and Regulatory Division, CESWD-PDO, the district will be advised by telephone and email whether emergency procedures have been approved for the work. This verbal notification will be followed by written confirmation signed by the Director of the Programs Directorate (CESWD-PD) and emailed to the district.

3. During non-workdays and after normal business hours, emergency authorization requests will be made by telephone, if necessary. The required project information outlined above will be provided verbally and the SWD representative contacted will make a decision based on that information. On the next workday, the district will either fax the required information to the attention of SWD-PDO at 469-487-7189 or email it to the following individuals: vicki.g.dixon@usace.army.mil, andrea.l.murdock-mcdaniel@usace.army.mil, and ray.s.russo@usace.army.mil. The Division will confirm its decision as specified in paragraph 2, above.

4. For emergency authorization requests after work hours and on non-workdays, the district will contact SWD staff in the following order until a response is received:

Mr. Raymond Russo, Acting Director, Programs Directorate, ray.s.russo@usace.army.mil, black berry phone: 214-263-8107.

Ms. Andrea Murdock-McDaniel, Chief, Operations and Regulatory Division, Programs Directorate, andrea.l.murdock-mcdaniel@usace.army.mil, black berry phone: 214-578-5928/cell phone: 830-310-3710.

Ms. Vicki Dixon, Regulatory Program Manager, vicki.g.dixon@usace.army.mil, black berry phone: 214-679-0943/home phone: 817-860-8564/cell phone: 817-690-8564.

Mr. Theodore (Ted) Kerr, Deputy Chief, Operations and Regulatory Division, theodore.e.kerr@usace.army.mil, home phone: 972-606-1352; black berry phone: 214-912-1704.

Mr. Elliott Carman, SWD Regulatory Appeal Review Officer, elliott.n.carman@usace.army.mil, black berry phone: 214-802-3213/home phone: 469-728-1567.