



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

CESAM-RD

17 October 2017

**SPECIAL PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS**

**EMERGENCY PERMIT PROCEDURES
FOR THE STATES OF ALABAMA AND MISSISSIPPI
WITHIN THE BOUNDARIES OF THE MOBILE DISTRICT**

TO WHOM IT MAY CONCERN: In accordance with 33 CFR Part 325.2(e)(4), emergency procedures are being initiated for authorization of work in wake of **Hurricane Nate**, affecting areas within the regulatory boundaries of the U.S. Army Corps of Engineers (USACE), Mobile District, South Atlantic Division. **This emergency procedure is for local, State and Federal agencies, and utility companies (electrical, phone, and pipelines, including natural gas distribution systems). In addition, road and railroad transportation emergency projects are included.** This emergency permit procedure will expire **14 April 2018 unless modified or rescinded prior to that date.**

Authority: Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC 1344) and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 (33 USC 1413).

By regulation, “an emergency” is defined 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. These emergency procedures are being put in place to save lives and property and to restore infrastructure.

Use of this Emergency Permitting Procedure is allowed if the following procedures are followed:

1. BEFORE WORK COMMENCES the applicant must obtain approval under this Emergency Permit. The USACE will determine whether or not the proposed action is an emergency situation based on information the applicant provides. **No work may proceed without written USACE authorization.** The following information must be provided to the Mobile District Office:

A. Name, mailing address and day-time phone number of responsible party (having legal interest to perform the work). Agent representing the applicant must provide written verification of their designation as agent.

B. Work Description:

(1) The description of work must include an explanation of the nature and circumstance of the emergency.

(2) The project description must include all proposed new work and any work completed and/or begun without prior written authorization from the USACE.

(3) Dredging: Provide area (square feet) of area to be dredged, dredge depth and estimated cubic yards of material to be dredged. Provide location of disposal area and retention method of dredged material.

(4) Filling of Wetlands: Provide area (square feet) of area to be filled, type of wetlands or other waters of the US, and estimated cubic yards of material that will be placed in wetlands or other waters of the US. Provide type and source of fill material and retention method.

(5) Legible Site Plan showing proposed work area. Construction drawings, if available, are to be provided.

(6) Vicinity Map showing the work area: street address, city, county, state, include Section, Township, and Range, river mile (if applicable), etc.

C. Statement from applicant acknowledging the following:

(1) All mitigation, as required by USACE, would be performed.

(2) The work would be performed in a manner that would avoid and minimize impact to waters of the US, including wetlands to the maximum extent practicable.

(3) Should historic or cultural resources be discovered during the work, all work would immediately cease, and the USACE and State Historic Preservation Officer would be immediately notified.

(4) No impacts would occur to threatened or endangered federally-listed species under the Endangered Species Act.

(5) The work would be completed in an expeditious manner.

(6) In areas of temporary wetland fill, the impacted area would be restored as near as possible to pre-emergency conditions.

2. Information must be provided to the following address:

Department of the Army
Mobile District, U.S. Army Corps of Engineers
Attention: CESAM-RD - Emergency Procedures
P. O. Box 2288
Mobile, AL 36628-0001

Via email (Mississippi): Allison.F.Monroe@usace.army.mil

(Alabama): joy.b.earp@usace.army.mil

Via fax: 251-694-3692

3. AFTER APPROVED EMERGENCY WORK IS COMPLETE, the permittee must submit the following information to the USACE:

- A. Description of completed work.
- B. Number of acres of waters of the United States and/or wetlands impacted.
- C. As-built drawings.

4. TO THE MAXIMUM EXTENT POSSIBLE, THE DISTRICT WILL TAKE THE FOLLOWING ACTIONS:

- A. Coordinate with Tribal, State and Federal resource agencies
- B. Solicit public comments
- C. Conduct an alternatives analysis
- D. Prepare a focused, concise and timely Environmental Assessment

5. Authorization granted under emergency permitting procedure does not convey any property rights or exclusive privileges. It does not authorize any injury to the property or rights of others or obviate the need to obtain other Federal, state, or local authorizations required by law. In addition, it does not authorize interference with any existing or proposed Federal project.

6. Applications made under these Emergency Procedures must be received within 180 days from the above date of this document. Work authorized under these procedures, including removal of all temporary fill, must be completed within 180 days from the date the work is authorized, unless a longer period is justified on a case-by-case basis. The procedures may be modified, suspended, or revoked if these activities are found to be contrary to the public interest.

7. Most permitting will likely be accomplished through the USACE Nationwide Permit (NWP) Program. For example, maintenance for the repair, rehabilitation, or replacement of any previously authorized structure may be authorized under NWP#3. Additionally, repair of uplands damaged by discrete events may be authorized under NWP#45.

If you have any questions concerning this publication, you may contact, for Alabama: Ms. Joy B. Earp via e-mail at joy.b.earp@usace.army.mil or by telephone at (251) 694-4611. For Mississippi: Mrs. Allison Monroe via e-mail at Allison.F.Monroe@usace.army.mil or by telephone at (251) 690-3228. Please refer to the Special Public Notice for Emergency Permit Procedures.

For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/RD/reg, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT
U.S. Army Corps of Engineer