



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SOUTHWESTERN DIVISION
1100 COMMERCE STREET
DALLAS, TX 75242-1317

CESWD-ZA

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Updated Southwestern Division Emergency Section 404/10 Procedures

1. Reference - Regulatory Program of the Corps of Engineers, 33 CFR Part 320-330, 13 November 1986.
2. The purpose of this memorandum is to update individual contact information for emergency procedures for the Southwestern Division (SWD), as described in 33 CFR § 325.2(e)(4) of the referenced rule, and to continue to expedite the decision on use of these procedures by delegating that decision to the SWD Chief, Operations and Regulatory Division.
 - a. Prior to use of emergency procedures, alternative means for authorizing the work will be considered by the district. For example, exemptions for certain types of emergency work are provided for in 33 CFR § 323.4. The nationwide permits also authorize certain types of work that may be applicable for emergency situations. Letters of permission or regional general permits may also provide acceptable options for permit decisions related to emergency work.
 - b. The requesting district office must 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 SWD. 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 SWD authorizes emergency procedures. The district is responsible for completing and filing these documents.
3. The enclosed procedures are to be used when requesting expedited permit review in emergency situations. To expedite SWD approval or disapproval of the use of emergency procedures, it is essential for the district to provide complete and

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Authorization Procedure

accurate information on the proposed 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 these procedures or this memorandum, contact Mr. Scott Kelly, Regulatory Program Manager, CESWD-PDO, 469-487-7037 or scott.c.kelly@usace.army.mil.



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Encl

PAUL E. OWEN, P.E.
Brigadier General, USA
Commanding

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SOUTHWESTERN DIVISION (SWD) GUIDELINES
FOR REQUESTING USE OF EMERGENCY PROCEDURES FOR PERMIT 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 procedure request and must be sent to the Operations Division (CESWD-PDO) by the requesting district in order for SWD to make a decision on use of these procedures.

- a. Name of Applicant and contact information.
- 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 or drawing, 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. Document attempts to contact the appropriate Federal and state agencies and provide a summary of each agency's comments on the emergency work. If the district's recommended action differs from an agency's comments, the district needs to provide an explanation.
- h. Recommended Action. Provide district recommendations on the procedures to be used and how these procedures differ from normal permit review procedures.

2. During normal working hours, requests to use emergency procedures, including the information in paragraphs 1.a.-1.h., above, will first be e-mailed to CESWD-PDO. The district will then immediately notify CESWD-PDO by both email then by telephone (469-487-7059, 7037, 7056, or 7061) of the pending request. Following SWD review of the request by the Chief of Operations 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 Chief of Operations Division (CESWD-PDO), and emailed to the district.

3. If necessary, during non-workdays and after normal business hours, requests to use emergency procedures may be made by telephone. The required project information outlined in paragraphs 1.a. – 1.h. 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 email the required information to the attention of SWD-PDO at the following addresses: scott.c.kelly@usace.army.mil, and

andrea.l.murdock-mcdaniel@usace.army.mil. The Division will confirm its decision as specified in paragraph 2, above.

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

a. Mrs. Andrea Murdock-McDaniel, Chief, Operations Division, Programs Directorate, andrea.l.murdock-mcdaniel@usace.army.mil, government cell: 214-578-5928;

b. Mr. Scott Kelly, Regulatory Program Manager, scott.c.kelly@usace.army.mil, government cell: 469-216-7764; personal cell: 817-360-7099;

c. Ms. Constance Williams, Deputy Chief, Operations and Regulatory Division, constance.h.williams@usace.army.mil, government cell: 214-803-4033;

d. Mr. Elliott Carman, SWD Regulatory Appeal Review Officer, elliot.n.carman@usace.army.mil, government cell: 214-802-3213.