



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
2488 EAST 81ST STREET  
TULSA, OKLAHOMA 74137-4290

**Emergency Procedures For  
U.S. Army Corps of Engineers  
Department of the Army Permits  
Tulsa District Regulatory Office**

This guidance addresses emergency situations where permits are required from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899, including those associated with work stoppages as a result of alleged violations of Section 404 and/or Section 10. Section 404 involves the discharge of dredged or fill material into waters of the U.S. including wetlands. Section 10 involves work/structures in, over, under or affecting course, location, capacity, or condition of navigable waters of the U.S.

**Emergency Situations**

Section 404/10 permitting situations

1. Normal situations – The permit applicant proceeds with project permitting following standard procedures.
2. Special situations – The permit applicant has a project with special considerations. For these types of situations, an accelerated permitting process may be possible through case-by-case justification with the Corps.
3. Emergency situations – These are very serious situations that could result in the loss of life, the loss of property, and/or a significant economic hardship if steps to remedy the situation are not immediately pursued. This may include emergencies due to a natural disaster (e.g., flood, hurricane, earthquake, etc.) or a catastrophic (sudden and complete) failure of a facility due to an external cause (e.g., a bridge collapse). Emergency authorizations can be typically completed in 3 days or less.

The Corps addresses the permitting process for emergency situations in its regulations [See 33 CFR 325.2(e)(4)]. The Corps regulations define an “emergency” 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.” In emergency situations the Corps has special processing procedures to expedite standard permit issuance. The Corps also uses alternative permitting procedures, such as general permits and letters of permission, when appropriate, to expedite processing of permit applications for emergencies.

The Corps office should be **contacted immediately** when an emergency situation

has been identified. Even in an emergency situation, reasonable efforts will be made by the Corps to receive comments from interested federal, state, and local agencies, and the affected public. Also, a public notice of any special procedures authorized and the corresponding rationale will be appropriately published by the Corps as soon as practicable.

Flooding and hurricanes are an example of emergency situations caused by a natural disaster. The Regulatory Office has clarified permitting procedures for dealing with the cleanup and repair caused by these events. Additional information can be found on the following website:

<https://www.swt.usace.army.mil/Missions/Regulatory/Flood-Recovery-and-Repair-Activities-in-the-Tulsa/>.

Another example of a potential emergency situation would be safety issues associated with work stoppage as a result of an alleged violation of Section 404 and/or Section 10, including the issuance of a cease and desist order (C&D) by the Corps. If a C&D is issued on a project already under construction, the stoppage of construction activities for entire project site (including work in uplands) where the alleged violation occurred could result in a safety situation that would be considered an emergency using the above Corps definition [33 CFR 325.2(e)(4)]. In situations where emergencies occur, where a violation is involved, the Corps may decide it would not be appropriate to stop the unauthorized work. Therefore, in such situations, the Corps at its discretion, would allow work to continue, subject to appropriate limitations and conditions, as prescribed, while the alleged violation is being resolved [See 33 CFR 326.3 (c)(4)]. Initial corrective measures to address the safety concerns may also be specified by the Corps [See 33 CFR 326.3 (d)(1)]. However, in all cases, it is important for the permittee/applicant to contact the appropriate Corps representative.

### Specific Emergency Procedures Guidance

Permit applicants should follow the steps below to streamline Corps permit acquisition and expedite response to emergency situations.

1. Determine if an emergency exists or potentially exists by using Corps definition at 33 CFR 325.2 (e)(4). An “emergency is “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.”
2. If the situation is an emergency under the Corps definition, immediately contact the Tulsa District using the following contacts:
  - Primary Contact: Chief, Regulatory Office (918) 669-7400 (Mr. Andrew Commer)
  - Alternate Contacts: Supervisors Mr. Edward Parisotto or Mr. Michael Ware (918-

669-7400)

- Second Alternate Contact: Emergency Management/Security Office (918) 669-7326

*Note: The Tulsa District may determine that emergency work may be quickly permitted by an alternative permitting procedure, (e.g., letter of permission or general permit) that would require minimal or no additional information or coordination.*

3. Follow-up the telephone contact as soon as possible with written documentation (submission accepted via fax or email) to document the emergency and provide required information to the Tulsa District. The following information is the minimum necessary for the Corps to proceed:
  - name of applicant
  - location of work (vicinity map showing location)
  - description of work/project including basic dimensions and drawings. The drawings may be approximations and do not have to be to scale or be detailed engineering drawings.
    - cause of emergency (describe when and how the emergency occurred)
    - urgency of work (describe why the situation is an emergency using Corps definition and explain what would happen if emergency permitting procedures are not used) would not be completed for several months, it would not normally be considered an emergency by the Corps.

The following list includes state agencies that may require additional coordination:

- a. Oklahoma: Oklahoma Department of Environmental Quality, Oklahoma Archeological Survey, and Oklahoma Historical Society;
- b. Texas: Texas Commission on Environmental Quality, Texas Parks and Wildlife Department, and Texas Historical Commission.

Provide a summary of each agency's comments on the proposed work.

*Note: An alternative permitting procedure may require some resource agency coordination, but in some cases not to the extent listed above. Follow case-by-case guidance provided by the Corps.*

4. Corps will evaluate the information provided by the permit applicant and proceed under an alternative permitting procedure, if appropriate, or an emergency procedure if an alternative procedure does not apply. If an emergency procedure is followed, the permit applicant should proceed according to Corps direction in providing additional information or taking immediate action, as necessary. Once the Corps receives adequate information, it will develop the final emergency permitting procedure and complete the permit action, normally within one day. The permit applicant must ensure that the work requiring Corps authorization does not continue until the Corps provides such authorization.

In summary, a permit applicant should contact immediately the Tulsa District Regulatory Office upon identifying a situation meeting the Corps definition of an emergency when the work either 1) requires a Section 404 and/or 10 Permit, and a permit has not been obtained or 2) has a Section 404 and/or 10 permit, but the activity is not in compliance with the terms and conditions of that permit.

#### **FOR FURTHER INFORMATION CONTACT**

U.S. Army Corps of Engineers  
Tulsa District, Regulatory Office  
2488 E. 81st Street  
Tulsa OK 74137-4290

Telephone: 918-669-7400

Fax: 918-669-4306

Email: [CESWT-RO@usace.army.mil](mailto:CESWT-RO@usace.army.mil)

Web: <http://www.swt.usace.army.mil/Missions/Regulatory.aspx>