



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: Special Public Notice

Date: June 13, 2019

Comments Due: N/A

TO WHOM IT MAY CONCERN: The purpose of this public notice is to provide guidance and a summary of exemptions and permits which may be required for the protection and repair of existing flood damaged structures, damaged land areas, and damaged fills under the authority of Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

In response to the severe flooding and other storm-related damages in the Little Rock District, it is anticipated that municipalities and owners of damaged property will want to conduct repair activities immediately and in the near future. A Department of the Army (DA) Section 404 Clean Water Act permit may be required for dredging or placing fill in waters of the United States, including rivers, lakes, streams, creeks, and wetlands. A DA Section 10 of the Rivers and Harbors Act permit may be required for work or structures in or affecting the course, condition or capacity of navigable waters of the United States. However, many of the permits have scopes of work and thresholds which allow you to accomplish your project without delay.

Division Engineers are authorized to approve special processing procedures in emergency situations. An emergency is defined as a situation that 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 (33 CFR 325.2(e)(4)). For more information regarding emergency authorizations, contact the USACE Little Rock District Regulatory Division by email at ceswl-regulatory@usace.army.mil or by telephone at (501) 324-5295.

For any activities that are not emergency protective measures (i.e., permanent work or final reconstruction), all regular permitting and regulatory processes apply. Therefore, communities should keep long-term recovery requirements in mind as they move through the initial construction stages of emergency protective measures. This public notice provides a brief summary of existing regulations which may streamline authorization for many activities within waters of the United States including repair and maintenance of existing facilities, bank stabilization, repair of upland areas, minor fills, and minor dredging. *Clearing and removal of floating debris, such as tree trunks and limbs and trash, from around culverts, bridge crossings, boat docks or retaining walls, provided no material removed is placed permanently in a water of the U.S., does not require a permit.*

Depending upon the size and location of your proposed work, you may be required to complete an application for our review prior to authorization of your project, which includes compliance with the Endangered Species Act and Section 106 of the National Historic Preservation Act. Please note that Department of the Army permits do not authorize any damage to private property, invasion of property rights, or any infringement of Federal, state, or local laws or regulations.

Exemptions

Certain activities that result in a discharge of dredged or fill material may not require Section 404 authorization. Examples of activities meeting this exemption may include maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, bridge abutments or approaches, and transportation structures, provided there is no change in the lines, grades or character of the original features. See 33 CFR 323.4 for more information.

Nationwide Permits

Under Section 404(c) of the Clean Water act, a Nationwide Permit (NWP) is a type of general permit which authorizes a category of activities throughout the nation. These permits are valid only if the conditions applicable to the permits are met. If the conditions cannot be met, a regional or individual permit will be required. The current NWPs are available here:

<https://www.swl.usace.army.mil/Missions/Regulatory/Types-of-Permits>. A very brief summary of a few of the NWPs follows:

Repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill. This NWP also authorizes the removal of accumulated sediment and debris.

Bank stabilization activities necessary for erosion control or prevention.

Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways).

Minor discharges not to exceed 25 cubic yards below the plane of the ordinary high water mark.

Minor dredging of no more than 25 cubic yards below the plane of the ordinary high water mark.

Discharges of dredged or fill material into all waters of the United States for activities associated with the restoration of upland areas damaged by storms, floods, or other discrete events.

For Further Information

More information is available on our website at

<https://www.swl.usace.army.mil/Missions/Regulatory> or by contacting us by telephone at (501) 324-5296; by email at ceswl-regulatory@usace.army.mil; or by postal mail at U.S. Army Corps of Engineers, Little Rock District, Attention: CESWL-RD, P.O. Box 867, Little Rock, Arkansas 72203.

NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices, please advise us so that your name can be removed from the mailing list.