



**US Army Corps  
of Engineers®**  
New England District  
**696 Virginia Road  
Concord, MA 01742-2751**

# PUBLIC NOTICE

**Issue Date: August 30, 2011  
Phone: (978) 318-8335, (978) 318-8338**

---

## **PUBLIC INFORMATION ANNOUNCEMENT HURRICANE IRENE STORM DAMAGE REPAIR**

On August 28, 2011, winds, storm surge and flooding from Hurricane/Tropical Storm Irene resulted in severe flooding and other storm related damages in the six New England states. As a result, State and Federal disaster declarations were made throughout the region. It is anticipated that owners of damaged property will want to conduct repair activities in the near future. This advisory is intended to inform property owners of the U.S. Army Corps of Engineers (Corps) permit requirements for storm damage repairs proposed within the boundaries of the New England District of the U.S. Army Corps of Engineers.

The Corps has Federal jurisdiction over activities that include dredging or construction in or over navigable waters of the United States, certain excavation activities and the placement of dredged or fill material into waters of the United States (including wetlands), and work affecting the course, location, condition or capacity of such areas. Such activities may require a Department of the Army permit, in accordance with 33 CFR 320-332. Please note that waters of the United States also include intermittent streams, natural drainage courses, and wetlands that meet applicable Federal criteria, regardless of their size.

We expect that most activities needed to remediate storm damage would not be subject to regulation under the exemptions found at 33 CFR 323.4(a)(2). In accordance with 33 CFR 323.4(a)(2), any discharge of dredged or fill material that may result from any of the following activities is not prohibited by or otherwise subject to regulation under Section 404 of the CWA: "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. Maintenance does not include any modification that changes the character, scope, or size of the original fill design." Emergency reconstruction must occur within a reasonable period of time after damage has occurred in order to qualify for this exemption. You are advised to contact us to determine if your proposed activity falls under this exemption.

Most other work in waters of the United States would likely qualify for one of our state general permits. A general permit is an authorization that is issued on a regional basis for a category or categories of activities that are similar in nature and do not cause more than minimal individual and cumulative adverse environmental effects. General permits substantially reduce the time needed by the Corps to process applications, allowing adequate control of minor construction while avoiding the lengthier processing required to issue an Individual Permit. There is one

## CENAE-R

general permit for each of the six New England states. To see a copy of the general permit for your state, go to <http://www.nae.usace.army.mil/Regulatory> >> State General Permits/Permitting >> State General Permits.

If you intend to undertake any repair work in waters of the United States under the authorization of a general permit, please thoroughly review the terms and conditions of the general permits and note that some activities require written authorization prior to commencement of work. **It is imperative that the conditions and the management practices be followed explicitly.** If you are uncertain that the activity you propose qualifies for the exemption or a general permit you are advised to contact our New England District Regulatory Office prior to the commencement of work. Also note that just because a condition cannot be met does not necessarily mean that the activity cannot be authorized; in those cases a formal application will have to be made to the Corps for authorization by Individual Permit.

The general permits apply only to Department of the Army regulatory programs. Please note that authorization by a Corps general permit does not obviate the need for state or local permits, or other federal permits as required by law. It is recommended that you check with your state and local governments in addition to any other federal agency that may have jurisdiction over your project.

In cases where proposed work does not qualify for the exemption or a general permit, and the situation would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action is not undertaken within a time period less than the normal time needed to process a permit application under standard procedures, the District can process an application for a permit under emergency procedures, as stated in 33 CFR 325.2(e)(4). You are required to contact us if you feel your activity qualifies for the emergency procedures.

We recommend that you retain for your records a copy of permits, photographs, drawings, surveys, etc., for the structures or fill being repaired, replaced or rehabilitated and/or any other documentation showing that the structure or fill was serviceable immediately prior to the storm damage that occurred, or at the time the work was done.

For additional information regarding Corps permit requirements, please contact our New England District office at (978) 318-8335 or (978) 318-8338. For more information on New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil/Regulatory/>.

  
Jennifer L. McCarthy  
Chief, Regulatory Division

**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**

---

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_