



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

# PUBLIC NOTICE

**Date:** September 7, 2021  
**File Numbers:** NAE-2021-02366 and  
NAE-2021-02288  
**In Reply Refer To:** Greg Penta  
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## EMERGENCY PERMITTING PROCEDURES FOR TROPICAL STORM HENRI AND HURRICANE IDA

We published a public notice announcing emergency procedures for Tropical Storm Henri on August 31, 2021. Shortly after Tropical Storm Henri arrived, on September 1, 2021, Hurricane Ida began impacting the States of Connecticut and Rhode Island and the Commonwealth of Massachusetts. Due to the two events occurring so close together, it may be difficult to associate storm damage to one event. Therefore we are publishing this public notice to advise the public that the U.S. Army Corps of Engineers (USACE), New England District, will initiate the following combined emergency permitting procedures in response to conditions resulting from storm damage associated with Tropical Storm Henri and Hurricane Ida in the States of Connecticut and Rhode Island and the Commonwealth of Massachusetts, including lands within the boundaries of Native American Indian reservations. These are the same emergency procedures that were announced for Tropical Storm Henri on August 31, 2021.

These alternate procedures will be utilized until February 22, 2022.

1. In accordance with 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. The storm damage may increase the number of requests for permits under Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act in waters of the U.S. for activities related to this storm event.
3. Some permitting may be accomplished through available general permits. For those actions that do not qualify for authorization under the terms and conditions of available general permits or cannot be reasonably processed to alleviate unacceptable hazards mentioned above, the following procedures will be used:
  - a. USACE will review emergency permitting requests to determine if there is truly an emergency situation associated with the request.

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b. If the action is determined to be an emergency, USACE will send descriptions of the proposed action to representatives from each of the resource/commenting agencies, including the state agencies responsible for Section 401 Water Quality Certification and Coastal Zone Management Federal consistency, if required, and the appropriate Tribes for actions in their area of concern.

c. Federal agencies are assured that their referral prerogatives under Section 404(q) remain in full force and effect and will be honored.

d. Resource agency and Tribal comments, as well as State Section 401 Water Quality Certifications and concurrence with Coastal Zone Management consistency certifications, will be requested within 12 hours of the notification and, if possible, a permit decision will be made within 24-48 hours of the request.

e. Requests will be discussed by telephone or email with the agency or Tribal representative, if necessary, and comments will be taken by telephone or email, if agreeable to the agency, and will be immediately documented by notes and followed by emailed written comments to the maximum possible extent.

4. If additional information is needed, please contact Greg Penta, Regulatory Division, U.S. Army Corps of Engineers, at [gregory.r.penta@usace.army.mil](mailto:gregory.r.penta@usace.army.mil) or (978) 318-8862.

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



Tammy R. Turley  
Chief, Regulatory Division

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If you would prefer not to continue receiving Public Notices by email, 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).