Section 404 compliance for WSDOT emergency projects

August 2022

Follow these instructions for declared emergency projects that involve work in waters under the Corps jurisdiction.

Check with your Corps liaison if you think the work may be exempt from Section 404 permit requirements.

If the work can be covered under a non-reporting Nationwide Permit (a Pre-construction Notification [PCN] isn’t needed), you do not need to notify the Corps of the project. A project may be non-reporting if there is no effect for ESA/EFH, and 106.

Use the Wetlands & other waters webpage if you need help determining jurisdiction, Nationwide permit coverage, and application requirements.

When you learn about the emergency & have an idea of the fix

Call the Corps. Be prepared to tell the Corps where the project is located and what work will take place in jurisdictional waters.

Call a Corps permitting liaison:

- Sandra Manning, (360) 407-6912, sandra.l.manning@usace.army.mil
- Susan Buis, (206) 316-3037, susan.w.buis@usace.army.mil
- Jenn Lang, (206) 764-6071, jennifer.w.lang@usace.army.mil
- Nicole Evans, (206) 764-6184, nicole.t.evans@usace.army.mil

If none of the liaisons answer the phone and work must start immediately, call a Corps manager:

- Jacalen Printz – Corps Seattle District Section Chief
  - During business hours - (206) 764-6901
  - After business hours - (206) 715-7968

If the liaisons or Corps managers do not answer the phone, leave a message on their voicemail and send an email to the liaisons at ESOPermittingliaisons@WSDOT.WA.GOV.

Within 24-hours of the phone call & before starting work

As soon as the information is available, and within 24-hours of calling the Corps, use the email template below to provide the necessary details to the 404 and 401 permitting liaisons. Replace the [italicized text] with the details for your project.

Attach to the email:

- WSDOT’s Emergency Declaration.
- Photos depicting the nature of the emergency if the liaison hasn’t received them previously.
- Drawings of the proposed repair.
Email template

To: ESOPermittingliaisons@WSDOT.WA.GOV

Cc: the Regional Environmental Manager (REM), Liaison Permitting Program Manager (Steph.Jackson@wsdot.wa.gov), and other project staff as necessary.

Subject: Project name followed by the type of work and “emergency notification”. Include the permit number in the subject line if you have one.

Body:

**Notifying Agency:** WSDOT [Region]

**Contact:** [name, usually the REM and the coordinator], [phone], [email]

**Location of work:** [SR and MP], [County], Lat [Latitude], Long [Longitude]

**Waterbodies in the vicinity:** [List and describe where work is in relation. For example, “Below OHWM of River River” or “In wetland on north side.”]

**Emergency:** [Explain what happened to cause the emergency, when, and why it is an emergency.]

**Project description:** [Explain the scope of work, relationship of the proposed work to existing structures or fill, fill impact area, and quantity estimates.]

**Schedule:** [When will/did work begin, estimate when it will be finished]

In response, the Corps liaison will:

1. Review the notification information.

2. Authorize work to proceed if it meets the Corps definition of an emergency, has been minimized to reduce impact to waters, and meets the conditions of a NWP.

3. Send the Services, tribes, and state agencies a request for recommendations to minimize effects from emergency response. This is separate from the notification requirements for WSDOT to the Services and coordination with tribes/state agencies. It is part of the Corps’ obligations as a federal agency.

**Apply for permit coverage**

Submit an application in accordance with the conditions from the Corps’ authorization to proceed. For most emergencies involving bank stabilization, culvert repair/replacement, or temporary work in wetlands, use the Maintenance Pre-construction Notification (PCN) form (DOCX 58KB). If the scope of work is complex, check with the permit liaisons to see if the Maintenance PCN is appropriate or if you should use another format instead.