

FRAGO 9 (Regulatory Program Activities Furlough) to OPERATION ORDER 2013-65 (USACE Operations in the Absence of Appropriations)

Add. Appendix M USACE HQ and District Regulatory Web page announcement regarding the shutdown.

Beginning October 15, 2013, all U.S. Army Corps of Engineers Regulatory offices will shut down due to the absence of available federal appropriations. During the shutdown, Regulatory offices will be unable to evaluate individual permit applications, pre-construction notifications (PCNs) for nationwide permit (NWP) or regional general permit authorizations, or requests for jurisdictional determinations. Work on these actions will resume when Regulatory offices reopen.

During this time, should an emergency activity need to be conducted in waters or wetlands that requires a Department of the Army authorization under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899, please call Jane Hicks, Regulatory Division Chief, at 415-503-6771.

Those applying for NWP authorizations are reminded that proposed NWP activities that require PCNs must wait 45 days before beginning the NWP activity (see 33 CFR 330.1(e)). Please note that certain NWP PCNs require a written response from the Army Corps of Engineers before beginning the NWP activity. These include:

- NWP activities that might affect listed species or designated critical habitat under the Endangered Species Act
- NWP activities that have the potential to cause effects to historic properties
- Activities authorized by NWPs 21, 49, and 50

These NWP PCNs will not be processed until Regulatory offices reopen. Please see NWP general condition 18 (endangered species), and NWP general condition 20, (historic properties) for additional information.

Prospective applicants should ensure all proposed NWP activities comply with all terms and conditions, including regional conditions. They must also obtain other required authorizations, such as Clean Water Act Section 401 water quality certification or waiver if the proposed activity involves a discharge into waters of the United States, or Coastal Zone Management Act consistency concurrence or presumption of concurrence, if the proposed activity occurs in the coastal zone, prior to conducting NWP activities. Regional conditions that have been imposed on the 2012 NWPs are provided online at each Regulatory office Web site.

Continue to check this Web page for updates on the shutdown of Regulatory offices.