CELRB-TD-R Date: 27 Sep 2004

MEMORANDUM FOR LTC Timothy B. Touchette, Buffalo District Commander

SUBJECT: Addition of Monroe and Niagara Counties to previously activated Emergency Regional Permit No. 99-000-1, Remediation of Storm Damage.

1. Emergency Regional Permit No. 99-000-1 was activated on September 7, 2004. In response to rainfall related damage received from the remnants of Hurricane Frances, this most recent activation included the following, affected counties: Broome, Schuyler, Steuben, Allegany, Cattaraugus, Chautauqua, Erie, Herkimer, Livingston, Ontario and Oneida.

2. Request that you immediately include Monroe and Niagara counties to the list of affected counties. These two counties also received storm damage related to the rainfall event mentioned above.

3. Please indicate your approval below.

4. Fact sheet attached.

Attachment

THOMAS C. SWITALA
Regulatory Branch Chief

Approved: Timothy B. Touchette Date: 30 Sept 04

TIMOTHY B. TOUCHETTE
LTC, EN
Commanding

US Army Corps
of Engineers®
Buffalo District

27 Sept 2004

FACT SHEET

Title/Name: Emergency Regional Permit 99-000-1

Project Description: On 28 December 1999, District Commander LTC Mark D. Feierstein issued Regional Permit (RP) 99-000-1. The permit authorizes dredging in navigable waters and the discharge of dredged or fill material, including those discharges associated with excavation activities, into waters of the United States to facilitate the remediation of sites that were damaged as a result of major storm events. The permit is activated by the District Commander as needed in response to these major storm events. This action was processed under a full public interest review including Federal and State Resource agencies and the general public. All comments were considered under this review and incorporated, as necessary to further safeguard the environment. This effort culminated after eight months.

Purpose: This RP was developed in support of Buffalo District Initiative No. 11 – Build Our Emergency Response Capability. The purpose of this regional permit was to reduce paperwork and improve efficiency without compromising environmental values or the needs and welfare of the general public.

Location: Waters of New York State located within the Buffalo District jurisdiction.

Authority: Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act

Past Use: The RP was activated on 12 Aug 2003 until 1 Dec 2003 in response to major storms occurring in July-August 2003. The RP was issued 24 times during this period. The RP was again activated on 1 June 2004 with an expiration date of 31 Aug 2004 due to a series of storm events occurring in May 2004. Affected counties included Allegany, Cattaraugus, Chautauqua, Erie, Livingston, Ontario, Oneida, Herkimer, and Steuben. The RP was issued 18 times to-date, however, final numbers for this activation are not yet complete.

Current Status: The RP was activated on 1 Sep 2004 with an expiration of 31 Oct 2004 due to a major storm event occurring on 30 Aug 2004 that caused severe damage within Broome, Schuyler and Steuben Counties. Since that time, additional counties have been identified for inclusion within the affected area. On 7 Sep 2004, in anticipation of forecasted rainfall events associated with the remnants of Hurricane Frances (9 and 10 Sep 2004), the affected area was expanded to included Allegany, Cattaraugus, Chautauqua, Erie, Herkimer, Livingston, Ontario and Oneida counties. Since the inclusion of the counties identified above, Monroe and Niagara Counties have also asked for inclusion on the Emergency Regional permit due to storm-related damages from the remnants of Hurricane Frances. The activation period expires 31 Dec 2004, for all affected counties. Applicants will have one year from the date of activation to complete work. Other counties may be added in the future as the need is identified.

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