



US Army Corps
of Engineers®
Walla Walla District

Special Public Notice

SUBJECT: **EMERGENCY PROCEDURES FOR PERMITTING IN NORTHERN IDAHO RELATED TO DECEMBER 2025, MARCH 2026 FLOODING – Informational Brief**

ISSUE DATE: **April 13, 2026**

SUMMARY: The U.S. Army Corps of Engineers, Walla Walla District, (Corps) is issuing this public notice to inform members of the public of Section 404 of the Clean Water Act (33 USC 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403). The Corps administers the permitting process for activities resulting in a discharge of dredged and fill material in waters of the United States under Section 404 and when activities occur over, in, or under a navigable water under Section 10. This public notice explains when the Corps has jurisdiction over work or activities, what types of Department of Army (DA) permits or exemptions are available, and how to apply for those permits.

Specific emphasis is on emergencies and the special processing procedures for emergency activities in response to the December 2025 Flood Events in Northern Idaho, and March 2026 Flood Events in North Central Idaho. The use of emergency procedures for activities in response to these or similar events expires on August 9, 2026.

Per 33 CFR 325.2(e)(4), Division engineers are authorized to approve special processing procedures in emergency situations. 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. In emergency situations, the district engineer will explain the circumstances and recommend special procedures to the division engineer who will instruct the district engineer as to further processing of the application. Even in an emergency situation, reasonable efforts will be made to receive comments from interested Federal, state, and local agencies and the affected public. Also, notice of any special procedures authorized and their rationale is to be appropriately published as soon as practicable.

AUTHORITIES: Section 404 of the Clean Water Act (33 USC 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403).

REGULATED WATERS: Under the provisions of Section 404, a DA permit is required for temporary and/or permanent discharges of dredged or fill material into waters of the United States, including wetlands. Generally, DA permits are required under Section 10 for structures and/or work in or affecting navigable waters of the United States. Navigable waters in Northern Idaho include:

- Clark Fork River: Mouth upstream to River Mile 4.0

- Kootenai River: Bonners Ferry to the Canadian border
- Lake Pend Oreille: Albeni Falls Dam to elevation 2062.5 National Geodetic Vertical Datum (NGVD)
- Pack River: Mouth upstream to River Mile 1.5
- Pend Oreille River: Idaho-Washington border upstream to Albeni Falls Dam

EMERGENCY AUTHORIZATION PROCEDURES & PERMIT OPTIONS: Prior to use of emergency procedures, alternative means for authorizing the work will be considered by the district. If you believe your proposed activities may impact waters of the United States, you should contact the Corps as soon as possible so that we can help determine what permitting is appropriate or if a permit is required.

Certain activities do not result in a discharge of dredge or fill material. Clearing and removal of floating debris, such as tree trunks and limbs and trash, from around culverts, bridge crossings, boat docks or retaining walls, does not require a permit provided no material that is removed is placed permanently in a water of the U. S.

Certain activities that result in a discharge of dredge or fill material may not require Section 404 authorization as they are considered exempt activities. Examples of activities meeting an exemption may include 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, provided there is no change in the footprint, grades or character of the original features. Exemptions are also available for the construction or maintenance of farm or stock ponds and ditches and construction of temporary sedimentation basins. See 33 CFR 323.4 (<https://www.ecfr.gov/current/title-33/section-323.4>) for more information.

In many cases, responses to emergency situations that require a Corps permit may be authorized expeditiously through a variety of general permits, including Nationwide Permits (NWP) and Regional General Permits (RGPs). In the case of emergency situations there are a variety of possible permitting options. Possible permits that might be applicable in emergency situations are:

1. NWP 3 - Maintenance
2. NWP 13 - Bank Stabilization
3. NWP 33 - Temporary Construction, Access, and Dewatering
4. NWP 14 – Linear Transportation Projects
5. NWP 45 – Repair of Uplands Damaged by Discrete Events
6. Individual Permits – Standard Permits or Letters of Permission

If you believe your proposed activities may impact waters of the United States, including wetlands, you should contact the Corps as soon as possible so that we can help determine what permitting is appropriate or if a permit is required.

The Corps can be contacted in emergency situations by phone, email, through the Regulatory Request System, mail or by physically dropping off the documents at a Corps Regulatory

office. The contact information for the Coeur d' Alene Regulatory Office is included at the bottom of this Public Notice. Telephone or verbal contact needs to be followed with some form of written communication. Email, U.S. mail, or other written communication are acceptable.

The following list of required information is intended to give the Corps enough information to make substantive initial comments on the proposed emergency work. This list is not exhaustive and more information may be required. If you are unable to provide all of the below, provide as much information as you can initially and then follow up with the Corps as needed.

PROJECT INFORMATION: As a part of the review process, the Corps needs certain information from applicants.

1. **Contact Information:** Name, address, telephone number, and email address (if available) of the landowner and the person (contractor, agent, etc.) responsible for the work if other than the landowner.
2. **Project Location:** Street address or other description including section, township, range, county, and latitude/longitude in decimal degrees for all locations of work. Locations can also be shown on a map. This should include identification of the affected water(s).
3. **Nature of the Emergency, Urgency and Timing of Work:** A description of the nature of the imminent threat to life or property and purpose and need for the proposed activity. Estimate when the work will begin and how long it will take to complete the work.
4. **Project Description:** A description of the work proposed to rectify the emergency situation, include all proposed new work and any work completed and/or begun without prior written authorization from the USACE.
 - a. The purpose and need for the project.
 - b. Type, composition, and volume of fill and/or excavated material. Source or borrow site location for fill material.
 - c. Length, width, and depth of fill material and/or excavation area.
 - d. Disposal site(s) for the fill and/or excavated material.
 - e. Types of equipment to be used.
 - f. Impacts to wetlands, streams, or other waters of the U.S. in square feet or acres.
5. **Drawings, Maps, and/or Project Plans:** A set of drawings (hand drawn or computer generated) with dimensions of the work showing:
 - a. A plan or top view of the project area(s), staging area(s), and access point(s), clearly identifying types and locations of structures/impacts, along with dimensions, and approximate extents of aquatic resources, to include the ordinary high-water mark (OHWM) of waters and boundaries of wetlands, within the project area. A sketch can be made of the project location identified on an aerial map, including the disposal site locations for material to be removed (if any).
 - b. A typical cross-section or side/profile view(s) to scale of the existing stream channel and the proposed structures, including dimensions (length, width and height of the structures or work), and the location of the OHWM.
6. **Photographs:** Pre-construction photographs of the project area.
7. **Permit Type:** Identify the specific type of permit requested, if known.
8. **Endangered Species & Critical Habitat:** Identify any federally listed Endangered Species, and any designated critical habitat in the project area. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS or their web page at <https://ipac.ecosphere.fws.gov/>.
9. **Historic & Cultural Resources:** Identify any historic properties or cultural resources in the project area.

OTHER APPLICABLE LAWS: Use of these procedures does not obviate the requirement to comply with all applicable laws and regulations.

- **Section 401 of the Clean Water Act:** Water quality certification is a necessary component of any Corps permit. Depending on the location of the activity, the responsible regulatory agency may be the State water quality agencies, Tribes, or the U.S. EPA.
- **Historic Properties:** All activities authorized by the Corps must comply with Section 106 of the National Historic Preservation Act.
- **Endangered Species:** All activities authorized by the Corps must comply with Section 7 of the Federal Endangered Species Act.
- **Tribal Rights:** All activities authorized by the Corps must not cause more than minimal adverse effects on Tribal rights, including treaty rights, protected Tribal resources, and Tribal lands.

COMPENSATORY MITIGATION: Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal. Activities accomplished under emergency situations sometimes requires that compensatory mitigation be provided prior to and/or after-the-fact to offset unavoidable adverse impacts. This determination will be made on a case-by-case basis.

CONTACT INFORMATION: The Corps' Regulatory Program has three (3) offices in Idaho. In emergency situations, applications can be submitted through the Regulatory Request System, emailed, mailed, or hand delivered; additional information can be relayed over the phone or through email.

If you have any questions regarding the emergency procedures for permitting or need to notify the Corps of an emergency situation, please contact us via:

Email:

cenww-rd-cda@usace.army.mil

Phone Number: (986) 810-0175

Mailing Address:

U.S. Army Corps of Engineers
Walla Walla District
Coeur d'Alene Regulatory Office
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814

Regulatory Request System (<https://rrs.usace.army.mil/rrs>)

RRS is an online application portal that allows the public to submit requests. RRS allows the public to submit individual and general permit applications; requests for jurisdictional determinations and pre-application meetings; report suspected unauthorized activities (anonymously if desired) and now, **on-line and immediate confirmation** that unregulated activity does not require a USACE permit.