



DEPARTMENT OF THE ARMY  
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS  
4101 JEFFERSON PLAZA NE  
ALBUQUERQUE, NM 87109-3435

August 6, 2014

**FREQUENTLY ASKED QUESTIONS**  
**Regional General Permit (RGP NM-West TX-14-02, SPA-2014-00174-LCO) for**  
**Sediment and Debris Removal Activities that Lower the Risk of Flood Impacts**

**1. What is the purpose of RGP NM-West TX-14-02?**

*RGP NM-West TX-14-02 is a 'general permit' that is available to local, state, federal and tribal agencies for sediment and debris removal activities in streams damaged by wildfire and flooding in order to lower risks of future flooding. General permits provide an expedited process for approval of projects that have minimal individual and cumulative environmental impacts.*

**2. What types of activities can be authorized under RGP NM-West TX-14-02?**

*This RGP authorizes sediment and debris removal activities in waters of the United States undertaken by local, state, tribal, or federal government agencies that lower the risk of flood impacts in watersheds damaged by wildfire and other significant disturbances such as flooding. Authorized activities include restoring flow conveyance/channel geometry to pre-flood event dimensions by removing accumulated sediment and debris, associated sloping and stabilization of vertical banks to prevent collapse, and temporary access roads associated with the removal activity.*

*Activities are limited to 1,500 linear feet as measured along the bank. A waiver of the 1,500 linear feet limit may be granted in severely flood damaged watersheds where aquatic functions in the subject channel have been severely compromised by sediment/debris accumulation or in other areas where the applicant demonstrates the project results in no more than a minimal impact.*

*Documentation must be provided which verifies the proposed work will not increase pre-event channel capacity. In areas where no pre-event data is available, the applicant must provide a basis for determining the pre-event channel capacity.*

*Levee building is not an authorized activity under the RGP. Dredged sediment may not be discharged within the 100 year base flood elevation (BFE), as defined by FEMA. If the 100 year BFE data is not available, then sediment discharges must adhere to a 100 foot setback from the closest stream bank as identified by the bank top crest elevation. Construction of bank top levees using dredged sediment is not authorized except where sediment is used to repair levees damaged by the depositional event using the same cross sectional dimensions and footprint present at the time of the depositional event. Appropriate measures must be taken to maintain floodplain connectivity to minimize downstream flood impacts.*

*This RGP **does not** authorize flood control or emergency work in advance of permit verification.*

**3. What is the difference between the RGP NM-12-01, “Repair and Protection Activities in Emergency Situations” and RGP NM-West TX-14-02?**

*RGP NM-12-01 may be used to permit an emergency activity during, or immediately after an emergency, such as wildfires or flooding, that cannot be planned for in advance. RGP NM 12-01 is intended to address SUDDEN, UNEXPECTED, AND IMMINENT threats to life or property and allows the minimum work necessary to alleviate the immediate emergency.*

*RGP NM-West TX-14-02 is limited to sediment and debris removal, and is intended for projects that require advance planning. For example, sediment removal activities planned in advance of annual monsoon rains to restore a stream to its pre-flood capacity may be appropriately permitted under this RGP. These activities are not an ‘unexpected’ emergency, but may be necessary to lower risks of future flood impacts.*

**4. What is the timeframe for applying for permit coverage under RGP-NM-West TX-14-02?**

*The time frame to apply for permit coverage for flood/fire related sediment removal activities is two years following the precipitating event. The two year time limit may be extended in limited circumstances. Permitted activities must be completed within one year of project authorization unless an extension is granted.*

**5. When should the Corps be notified regarding the proposed activity?**

*The applicant should notify the Corps as early as possible. For example, if FEMA funding is being sought for the project, notification should be provided to the Corps concurrently with the FEMA funding request.*

**6. What information must be included in the permit application?**

*RGP NM-West TX-14-02 specifies the information required (called a preconstruction notification or PCN). That information can be found in Section 2. Notification/Communication: part (b) Contents of Notification.*

**7. Where do I send the Pre-Construction Notification (PCN)?**

*Attn: NM/TX Branch Chief via mail/electronic mail at:  
U.S. Army Corps of Engineers  
Albuquerque District  
Regulatory Division, CESPARD  
4101 Jefferson Plaza NE  
Albuquerque, NM 87109  
[CESPA-RD-NM@usace.army.mil](mailto:CESPA-RD-NM@usace.army.mil)  
[CESPA-RD-TX@usace.army.mil](mailto:CESPA-RD-TX@usace.army.mil)*

**8. In addition to providing project information to the Corps, what other agencies must be notified?**

*For projects on non-tribal lands in New Mexico, the New Mexico Environment Department (NMED) must confirm that the project will not have a negative impact on water quality. The applicant must therefore provide a copy of the Pre-Construction Notification directly to the NMED Surface Water Quality Bureau, and obtain confirmation prior to commencing work. The Corps and NMED work together closely to ensure that projects are certified quickly and efficiently. Please contact:*

*New Mexico Environment Department- SWQB  
1190 South St. Francis Drive  
PO Box 5469, Santa Fe, NM 87502  
505-476-3017  
[Abraham.Franklin@state.nm.us](mailto:Abraham.Franklin@state.nm.us)*

*For projects on non-tribal lands in Texas, water quality certification has been provided for Tier I projects, projects less than 1,500 LF or 3 acres. For Tier II projects, projects greater than 1,500 LF or 3 acres, the applicant must apply for individual Water Quality Certification and must provide a copy of the Pre-Construction Notification directly to the TCEQ:*

*Texas Commission on Environmental Quality  
401 Coordinator  
MSC-150  
P.O. Box 13087  
Austin, Texas 78711-3087  
512-239-4596  
[401certs@tceq.texas.gov](mailto:401certs@tceq.texas.gov)*

*For projects on tribal lands, water quality certification must be obtained from the appropriate tribal authority or EPA. This information is provided in Condition 9 of the permit.*

**9. Where can I find more information on RGP NM-West TX-14-02?**

<http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits/RGP.aspx>