



US Army Corps
of Engineers®

PUBLIC NOTICE

Memphis District

Emergency Processing Procedures for Activities Subject to Executive Order 14156 (National Energy Emergency)

This notice is to advise the public that the U.S. Army Corps of Engineers (USACE), Memphis District has established special emergency processing procedures in accordance with 33 CFR § 325.2(e)(4) for the National Energy Emergency established by Executive Order (E.O.) 14156, Declaring a National Emergency, which was issued on January 20, 2025, under the President's legal authorities, including the National Emergencies Act (50 U.S.C. 1601 et seq) and Section 301 of Title 3, United States Code. These special emergency processing procedures have been established pursuant to Sec. 4 of E.O. 14156 for activities associated with the identification, siting, production, transportation, refining, and generation of domestic energy sources, including energy infrastructure, that require Department of the Army authorization under Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and/or Section 103 of the Marine Research, Protection, and Sanctuaries Act of 1972, as amended. **These alternate procedures will be utilized until E.O. 14156 is rescinded.**

1. In accordance with 33 CFR Part 325.2(e)(4), "an emergency" is defined as 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.
2. To the maximum extent possible, eligible activities will be processed using the existing general permits program, to include both nationwide permits (NWP) and regional general permits (RGP). More specifically, potential applicable NWPs may include, but are not limited to, NWP-3, for Maintenance of any previously authorized structure; NWP-12, for Oil and Gas Pipeline Activities; NWP-17, for Hydropower Projects; NWP-21, Surface Coal Mining Activities; NWP-25, for Structural Discharges; NWP-44, Mining Activities; NWP-49 for Coal Remining Activities; NWP-50, for Underground Coal Mining Activities; and NWP-57, for Electric Utility Line and Telecommunications Activities. These activities would be accomplished under the authorities of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

3. For those actions which do not qualify for authorization under the terms and conditions of a general permit, the Memphis District will review eligible activities through individual permits, including a letter of permission (LOP) or standard individual permit (SIP), as applicable. Reasonable efforts tailored to the energy emergency will be made by district regulatory personnel to explain the rationale for the procedures and to receive comments from interested federal, state, and local agencies, Tribes, and the affected and interested public.
4. The Memphis District will follow the special emergency processing procedures outlined in E.O. 14156 for its Area of Responsibility (AOR), as coordinated with and implemented by the respective lead districts: Arkansas (Little Rock District), Illinois (Rock Island District), Kentucky (Louisville District), Mississippi (Vicksburg District), Missouri (Kansas City District) and Tennessee (Nashville District), as detailed in Attachments 1-6.
5. If you have any questions concerning these special emergency processing procedures, please contact Mr. Gregg Williams, Regulatory Division Chief at (901) 544-0736 or gregg.w.williams@usace.army.mil. If additional information is needed, please contact the Memphis District Regulatory Division, U.S. Army Corps of Engineers, as provided at the following link: <https://www.mvm.usace.army.mil/About/Offices/Regulatory/>.

MEMPHIS DISTRICT
U.S. Army Corps of Engineers

Attachments:

Attachment 1. Arkansas
Attachment 2. Illinois
Attachment 3. Kentucky
Attachment 4. Mississippi
Attachment 5. Missouri
Attachment 6. Tennessee

**Attachment 1 – District Implementation of Special Emergency Processing
Procedures Under Executive Order (EO) 14156 in Arkansas for Section 10 of the
Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act
Authorizations**

1. Confirm whether the activity meets the criteria for an energy-related emergency per the EO.
2. Assign ORM2 identification number, using appropriate naming convention, and request additional information, if necessary.
3. Determine the appropriate type of Department of the Army (DA) authorization for the proposed activity: NWP, RGP, PGP, LOP, or SIP.
4. When entering the permit action in ORM2, make sure that under the permit-type tab (Nationwide Permit [NWP], Regional General Permit [RGP], Programmatic General Permit [PGP], Letter of Permission [LOP], or Standard Individual Permit [SIP]), you scroll to the bottom, expand the “additional items” section, and next to “24. Emergency event” click the drop down and select appropriate option (“EO 14156”).
5. Complete as much of the initial data entry as possible, such as:
 - a. Contact Information-Name, address, email address, and telephone numbers of the property owner(s), the prospective permittee (project proponent), the consultant, and/or the agent, the entity responsible for project operation, maintenance, and monitoring;
 - b. Location-Provide city, county, state, waterway name, latitude and longitude. Provide a vicinity map marking the location of the project;
 - c. A description of the proposed activity and its purpose; and
 - d. Other items such as aquatic resources and jurisdictional determination.
6. Determine whether the proposed activity may require a Section 408 permission. If so, coordinate with the Section 408 program.
7. Add appropriate sub actions to ORM2, such as:
 - a. Applicant Information Request
 - b. Section 7 of Endangered Species Act
 - c. Section 106 of the National Historic Preservation Act
 - d. Tribal coordination/consultation
 - e. Section 401 Water Quality Certification
 - f. Internal Corps Coordination
 - g. Coordinate with Applicant/Agent
 - h. Coordinate with External Agency (such as Wild and Scenic Rivers Act consultation, state natural resource agencies)

8. Significant Impact. Provide a summary of any consultations with the Council on Environmental Quality (CEQ) in the event the emergency response would result in significant environmental impact, and justification that the activity proposed is the minimum necessary to control the immediate impacts of the emergency in accordance with CEQ guidance on emergencies, including CEQ Memorandum, Emergencies and the National Environmental Policy Act Guidance, 14 September 2020.

9. Permit Processing and Documentation:

- a. GP. If the energy activity would satisfy the terms and conditions of an NWP, RGP, or PGP, then you must prepare the Corps Regulatory Headquarters' template (HQ template) documentation memorandum and verification letter required for an NWP, RGP or PGP; or
- b. LOP. If the energy activity will be authorized by an LOP, then you must prepare the HQ template combined decision document for LOPs and an authorization letter; or
- c. SIP. Should the division engineer authorize the use of special procedures, the district engineer or his designee may issue an Individual Standard Permit. The HQ template combined decision document for a standard permit and DA permit form shall be used. In cases of imminent and substantial endangerment to the health or welfare of a person or a significant loss of property, the district engineer or his/her designee shall first provide the list of the special conditions by e-mail, which the prospective permittee shall acknowledge by return e-mail as being acceptable. Thereafter, the district engineer or his/her designee may provide verbal authorization with any appropriate special conditions, followed by written authorization the next business day; and
- d. The documentation for GPs, LOPs, and SIPs, should include summaries of comments received from the appropriate federal, state and local agencies, tribes, and the public and the district's evaluation of those comments. Activities authorized by GPs might not have involved coordination with other entities.

10. Timing. Districts must issue written authorizations for activities under special emergency procedures within 30 business days, unless extenuating circumstances arise. This is contingent upon receiving a complete application or pre-construction notification and fulfilling the requirements of Section 106 of the National Historic Preservation Act, Section 7 of the Endangered Species Act, and other relevant laws and regulations.

11. After-the-fact permits. A potential safety issue could occur as a result of work stoppage in response to an alleged violation of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899 and/or Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended. In these situations, the district engineer may allow work to continue (subject to appropriate limitations and conditions) while the alleged violation is being resolved [See 33 CFR §§ 326.3 (c)(4) and (d)(1)]. Initial corrective measures to address the safety concerns may also be specified by the district engineer. In addition, generally work can continue in

upland areas (away from the alleged violation and in those areas of waters of the U.S. where the ongoing work is in compliance with an existing Corps' permit).

12. Permittee's responsibility. After approved emergency activities requiring DA authorization have been completed, the district may require the permittee, through a permit condition, to submit the following information to the Corps:

- a. Description of completed work including any required restoration or mitigation activities;
- b. Delineation of the amount and location of acres of aquatic resources impacted; and
- c. As-built drawings.

Attachment 2

Implementation of Special Emergency Processing Procedures Under E.O. 14156 in Illinois for Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act Authorizations

1. Confirm whether the activity meets the criteria for an energy-related emergency per the E.O.
2. Assign ORM2 identification number, using appropriate naming convention, and request additional information, if necessary.
3. Determine the appropriate type of Department of the Army (DA) authorization for the proposed activity: NWP, RGP, PGP, LOP, or SIP.
4. When entering the permit action in ORM2 under the permit-type tab (Nationwide Permit [NWP], Regional General Permit [RGP], Programmatic General Permit [PGP], Letter of Permission [LOP], or Standard Individual Permit [SIP]), at the bottom of the page expand the “additional items” section and at item 24., “Emergency event”, click the drop down and select appropriate option (“E.O. 14156”).
5. Complete as much of the initial data entry as possible, such as:
 - a. Contact Information-Name, address and telephone number of the property owner(s), the prospective permittee (project proponent), the consultant, and/or the agent, the entity responsible for project operation, maintenance, and monitoring;
 - b. Location-Provide city, county, state, waterway name, latitude and longitude. Provide a vicinity map marking the location of the project;
 - c. A description of the proposed activity and its purpose; and
 - d. Other items such as aquatic resources and jurisdictional determination.

6. Determine whether the proposed activity may require a Section 408 permission. If so, coordinate with the Section 408 program.

7. Add appropriate sub actions to ORM2, such as:

- a. Applicant Information Request
- b. Section 7 of Endangered Species Act
- c. Section 106 of the National Historic Preservation Act
- d. Tribal coordination/consultation
- e. Section 401 Water Quality Certification
- f. Coastal Zone Management Act consistency determination
- g. Internal Corps Coordination
- h. Coordinate with Applicant/Agent
- i. Coordinate with External Agency (such as Wild and Scenic Rivers Act consultation, state natural resource agencies)

8. Significant Impact. Provide a summary of all consultations with the Council on Environmental Quality in the event the emergency response results in significant environmental impact and provide a justification that the activity proposed is the minimum necessary to control the immediate impacts of the emergency in accordance with CEQ guidance on emergencies, including CEQ Memorandum, Emergencies and the National Environmental Policy Act Guidance, 14 September 2020.

9. Permit Processing and Documentation:

- a. GP. If the energy activity satisfies the terms and conditions of an NWP, RGP, or PGP, prepare the Corps Regulatory Headquarters' template (HQ template) documentation memorandum and verification letter required for an NWP, RGP or PGP; or
- b. LOP. If the energy activity will be authorized by an LOP, prepare the HQ template combined decision document for LOPs and an authorization letter; or
- c. SIP. Should the division engineer authorize the use of special procedures, the district engineer or his designee may issue an Individual Standard Permit. The HQ template combined decision document for a standard permit and DA permit form shall be used. In cases of imminent and substantial endangerment to the health or welfare of a person or a significant loss of property, the district engineer or his/her designee shall first provide the list of the special conditions by e-mail, which the prospective permittee shall acknowledge by return e-mail as being acceptable. Thereafter, the district engineer or his/her designee may provide verbal authorization with any appropriate special conditions, followed by written authorization the next business day; and
- d. The documentation for GPs, LOPs, and SIPs, should include summaries of comments received from the appropriate federal, state and local agencies, tribes, and the public and the district's evaluation of those comments. Activities authorized by GPs might not have involved coordination with other entities.

10. Timing. Districts must issue written authorizations for activities under special emergency procedures within 30 business days upon receiving a complete application or pre-construction notification and fulfilling the requirements of Section 106 of the National Historic Preservation Act, Section 7 of the Endangered Species Act, and other relevant laws and regulations, unless extenuating circumstances arise. In such cases, authorization will be provided as soon as possible after the MSC commander approves proceeding with emergency procedures.

11. After-the-fact permits. A potential safety issue could occur as a result of work stoppage in response to an alleged violation of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899 and/or Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended. In those situations, the district engineer may allow work to continue (subject to appropriate limitations and conditions) while the alleged violation is being resolved [See 33 CFR §§ 326.3 (c)(4) and (d)(1)]. Initial corrective measures to address the safety concerns may also be specified by the district engineer. In addition, generally, work can continue in upland areas (away from the alleged violation) and in those areas of waters of the U.S. where the ongoing work is in compliance with an existing Corps' permit.

12. Permittee's responsibility. After approved emergency activities requiring DA authorization have been completed, the district may require the permittee, through a permit condition, to submit the following information to the Corps:

- a. Description of completed work including any required restoration or mitigation activities;
- b. Delineation of resources, including the amount in acres impacted; and
- c. As-built drawings and current site photographs.

Attachment 2 – Applicant Submittals

The applicant must provide the following information to the respective District Office via the District's office's email or via the Regulatory Request System:

a. Name of responsible party (having legal interest to perform the work) and day-time phone number and email. Agent representing the applicant must provide written verification of their designation as agent.

b. Work Description:

i. The description of work must include an explanation of the nature and circumstance of the emergency and why the proposed actions are necessary to control the immediate impacts of the emergency;

ii. The project description must include all proposed new work, and any work completed and/or begun without prior written authorization from the Corps;

iii. Dredging: Provide area (square feet) of area to be dredged and estimated cubic yards of material to be dredged. Provide location of disposal area and retention method of dredged material;

iv. Filling of Waters and Wetlands: Provide area (square feet) of area to be filled, type of waters or wetlands, and estimated cubic yards of material that will be placed in waters or wetlands. Provide type and source of fill material and retention method;

v. Legible Site Plan showing proposed work area: Construction drawings, if available, are to be provided;

vi. Vicinity Map showing the work area: Street address, city, county, state, include Section, Township, and Range, etc.;

vii. GIS shapefiles of project site plan, waters of the United States impact boundaries;

viii. Statement from applicant acknowledging the following:

- 1) They will perform all mitigation required by Corps;
- 2) The work would be performed in a manner that would avoid and minimize impact to waters of the United States to the maximum extent practicable;
- 3) Should the permittee discover any previously unknown historic, cultural or archaeological remains and artifacts while accomplishing the activity authorized by the Corps, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places;
- 4) Description of the potential impacts that may occur to species federally listed as threatened or endangered under the Endangered Species Act, or to designated critical habitat;
- 5) The work would be completed in an expeditious manner; and
- 6) In areas of temporary aquatic resource fill, the impacted area would be restored as near as possible to pre-emergency conditions.
- 7) If the work may result in a discharge into waters of the United States, the project proponent will seek water quality certification or a waiver from the appropriate certifying authority.
- 8) If the work will affect a coastal use or resource, the project proponent will request coastal zone consistency concurrence from the appropriate coastal management agency.

Attachment 3 - Other Agency Regulations Relevant to Emergency Permitting

50 CFR part 402 – Interagency Cooperation—Endangered Species Act of 1973, as Amended

§ 402.05 Emergencies.

(a) Where emergency circumstances mandate the need to consult in an expedited manner, consultation may be conducted informally through alternative procedures that the Director determines to be consistent with the requirements of sections 7(a)-(d) of the Act. This provision applies to situations involving acts of God, disasters, casualties, national defense or security emergencies, etc.

(b) Formal consultation shall be initiated as soon as practicable after the emergency is under control. The Federal agency shall submit information on the nature of the emergency action(s), the justification for the expedited consultation, and the impacts to endangered or threatened species and their habitats. The Service will evaluate such information and issue a biological opinion including the information and recommendations given during the emergency consultation.

See Chapter 8 of the Services' ESA Section 7 Consultation Handbook (1998) for more information on section 7 consultations for emergency situations.

36 CFR part 800 – Protection of Historic Properties

§ 800.12 Emergency situations

(a) Agency procedures. The agency official, in consultation with the appropriate SHPOs/THPOs, affected Indian tribes and Native Hawaiian organizations, and the Council, is encouraged to develop procedures for taking historic properties into account during operations which respond to a disaster or emergency declared by the President, a tribal government, or the Governor of a State or which respond to other immediate threats to life or property. If approved by the Council, the procedures shall govern the agency's historic preservation responsibilities during any disaster or emergency in lieu of §§ 800.3 through 800.6.

(b) Alternatives to agency procedures. In the event an agency official proposes an emergency undertaking as an essential and immediate response to a disaster or emergency declared by the President, a tribal government, or the Governor of a State or another immediate threat to life or property, and the agency has not developed procedures pursuant to paragraph (a) of this section, the agency official may comply with section 106 by:

(1) Following a programmatic agreement developed pursuant to § 800.14(b) that contains specific provisions for dealing with historic properties in emergency situations; or

(2) Notifying the Council, the appropriate SHPO/THPO and any Indian tribe or Native Hawaiian organization that may attach religious and cultural significance to historic properties likely to be affected prior to the undertaking and affording them an opportunity to comment within seven days of notification. If the agency official determines that circumstances do not permit seven days for comment, the agency official shall notify the Council, the SHPO/THPO and the Indian tribe or Native Hawaiian organization and invite any comments within the time available.

(c) Local governments responsible for section 106 compliance. When a local government official serves as the agency official for section 106 compliance, paragraphs (a) and (b) of this section also apply to an imminent threat to public health or safety as a result of a natural disaster or emergency declared by a local government's chief executive officer or legislative body, provided that if the Council or SHPO/THPO objects to the proposed action within seven days, the agency official shall comply with §§ 800.3 through 800.6.

(d) Applicability. This section applies only to undertakings that will be implemented within 30 days after the disaster or emergency has been formally declared by the appropriate authority. An agency may request an extension of the period of applicability from the Council prior to the expiration of the 30 days. Immediate rescue and salvage operations conducted to preserve life or property are exempt from the provisions of section 106 and this part.

Appendix C to 33 CFR Part 325

14. Emergency Procedures

The procedures for processing permits in emergency situations are described at 33 CFR 325.2(e)(4). In an emergency situation the district engineer will make every reasonable effort to receive comments from the SHPO and the ACHP, when the proposed undertaking can reasonably be expected to affect a potentially eligible or designated historic property and will comply with the provisions of this Appendix to the extent time and the emergency situation allows.

40 CFR Part 121 – State Certification of Activities Requiring a Federal License or Permit

Emergency situations are not addressed by EPA's current water quality certification regulations, except for a brief discussion in the preamble to EPA's September 27, 2023, final rule:

During pre-proposal outreach on this rulemaking, some stakeholders found the pre-filing meeting request requirement to be essential to an efficient certification process, while others expressed concern about the mandatory 30-day “waiting period” between the pre-filing meeting request and the certification request, particularly in emergency permit situations. Stakeholders suggested that EPA should add flexibility to the process and give certifying authorities the ability to waive the pre-filing meeting request (e.g., for smaller and less complex projects and emergencies). In response to pre-proposal input, the Agency proposed to retain a pre-filing meeting request provision with modifications to provide certifying authorities the flexibility to waive or shorten this requirement. [88 FR 66572]

15 CFR Part 930 – Federal Consistency with Approved Coastal Management Programs

Subpart C-Consistency for Federal Agency Activities - § 930.32

(b) A Federal agency may deviate from full consistency with an approved management program when such deviation is justified because of an emergency or other similar unforeseen circumstance (“exigent circumstance”), which presents the Federal agency with a substantial obstacle that prevents complete adherence to the approved program. Any deviation shall be the minimum necessary to address the exigent circumstance. Federal agencies shall carry out their activities consistent to the maximum extent practicable with the enforceable policies of a management program, to the extent that the exigent circumstance allows. Federal agencies shall consult with State agencies to the extent that an exigent circumstance allows and shall attempt to seek State agency concurrence prior to addressing the exigent circumstance. Once the exigent circumstances have passed, and if the Federal agency is still carrying out an activity with coastal effects, Federal agencies shall comply with all applicable provisions of this subpart to ensure that the activity is consistent to the maximum extent practicable with the enforceable policies of management programs. Once the Federal agency has addressed the exigent circumstance or completed its emergency response activities, it shall provide the State agency with a description of its actions and their coastal effects.

Attachment 3: Special Emergency Processing Procedures for Energy-Related Activities in Kentucky under Executive Order (E.O.) 14156

1. PURPOSE: These special emergency processing procedures will be implemented in Kentucky to authorize energy related activities requiring Department of the Army (DA) authorization under Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, for energy and critical minerals identification, development, production, transportation, refining, and generation capacity under E.O. 14156, Declaring a National Energy Emergency.

2. AUTHORITY: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), Section 404 of the Clean Water Act (33 U.S.C. § 1344) and/or Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. § 1314)

3. REFERENCES:

- a. Executive Order 14156 “Declaring a National Energy Emergency” signed 20 January 2025 (90 Fed. Reg. 8433-8437)
- b. 33 CFR § 325.2(e)(4) – Emergency procedures
- c. CECW-CO Standard Operating Procedures for the United States Army Corps of Engineers Regulatory Program, December 2024
- d. CECW-OR Emergency Permit Procedures, 11 December 1997
- e. 50 CFR Part 402 – Interagency Cooperation—Endangered Species Act of 1973, as Amended, specifically 50 CFR § 402.05 – Emergencies
- f. CEQ Memorandum, Emergencies and the National Environmental Policy Act Guidance, 14 September 2020
- g. 36 CFR § 800.12 - Emergency Situations
- h. Appendix C to 33 CFR Part 325, Paragraph 14. Emergency Procedures
- i. 50 CFR part 600, subpart K – Essential Fish Habitat Consultation under the Magnuson-Stevens Act.
- j. 40 CFR Part 121 – State Certification of Activities Requiring a Federal License or Permit

- k. 15 CFR Part 930 – Federal Consistency with Approved Coastal Management Programs
- l. DPM CW 2018-06, Designation of a Lead USACE District for Permitting of Non-USACE Projects Crossing Multiple Districts or States, 15 May 2018
- m. DPM CW 2018-10, Strategy for Synchronization of the Regulatory and 408 Programs, dated August 17, 2018

2. BACKGROUND:

- a. Executive Order 14156, “Declaring a National Energy Emergency” issued 20 January 2025, includes the following statements:

Sec. 1. Purpose. The energy and critical minerals (“energy”) identification, leasing, development, production, transportation, refining, and generation capacity of the United States are all far too inadequate to meet our Nation’s needs.

Sec. 2. Emergency Approvals. (a) The heads of executive departments and agencies (“agencies”) shall identify and exercise any lawful emergency authorities available to them, as well as all other lawful authorities they may process, to facilitate the identification, leasing, siting, production, transportation, refining, and generation of domestic energy resources, including, but not limited to, on Federal lands. ...

Sec. 3. Expediting the Delivery of Energy Infrastructure. (a) To facilitate the Nation’s energy supply, agencies shall identify and use all relevant lawful emergency and other authorities available to them to expedite the completion of all authorized and appropriated infrastructure, energy, environmental, and natural resources projects that are within the identified authority of each of the Secretaries to perform or to advance. ...

Sec. 4. Emergency Regulations and Nationwide Permits under the Clean Water Act...and Other Statutes Administered by the Army Corps of Engineers. (a) Within 30 days from the date of this order, the heads of all agencies, as well as the Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works shall (i) identify planned or potential actions to facilitate the Nation’s energy supply that may be subject to emergency treatment pursuant to the regulations and nationwide permits promulgated by the Corps, or jointly by the Corps and EPA, pursuant to section 404 of the Clean Water Act, 33 U.S.C. 1344, section 10 of the Rivers and Harbors Act of March 3, 1899, 33 U.S.C. 403, and section 103 of the

Marine Protection Research and Sanctuaries Act of 1972, 33 U.S.C. 1413 (collectively, the "emergency Army Corps permitting provisions"); and (ii) shall provide a summary report, listing such actions, to the Director of the Office of Management and Budget ("OMB"); the Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works; the Assistant to the President for Economic Policy; and the Chairman of the Council on Environmental Quality (CEQ). Such report may be combined, as appropriate, with any other reports required by this order.

(b) Agencies are directed to use, to the fullest extent possible and consistent with applicable law, the emergency Army Corps permitting provisions to facilitate the Nation's energy supply.

Sec. 8. Definitions.... (a) The term "energy" or "energy resources" means crude oil, natural gas, lease condensates, natural gas liquids, refined petroleum products, uranium, coal, biofuels, geothermal heat, the kinetic movement of flowing water, and critical minerals, as defined by 30 U.S.C. 1606 (a)(3)...

- i. Per 30 U.S.C. 1606 (a)(3), The term "critical mineral" means any mineral, element, substance, or material designated as critical by the Secretary under subsection (c). The term "critical mineral" does not include— (i) fuel minerals; (ii) water, ice, or snow; (iii) common varieties of sand, gravel, stone, pumice, cinders, and clay.*
- b. 33 CFR § 325.2(e)(4), states: 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.*
- c. Standard Operating Procedures for the United States Army Corps of Engineers Regulatory Program December 2024 supports each division developing emergency procedures, as well as essential points of contact.*

6. PROCEDURES

a. The districts will fulfill as many standard procedures at 33 CFR § 325.2(a) as are reasonably tailored to the energy emergency situation, but the districts will not delay a timely response because of any standard procedures. Enclosure 1 provides District special processing procedures.

b. Public notices.

- i. For activities requiring standard individual permits, reasonable efforts tailored to the energy emergency will include a **15-day public notice comment period** to explain the rationale for the procedures and to receive comments from interested federal, state, and local agencies, tribes, and the affected and interested public.
- ii. Should a standard individual permit be required for the energy-related activity requiring DA authorization, a public notice will be distributed as soon as practicable to notify all interested federal, state, and local agencies, tribes, and the affected/interested public of the Corps' decision to move forward with processing the proposed action under special emergency processing procedures established for the purposes of E.O. 14156. The notice will identify the special procedures and their rationale. Agencies may include, but are not necessarily limited to, the U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), U.S. Environmental Protection Agency (USEPA), Tribal Historic Preservation Offices, State Historic Preservation Office (SHPO)s, the Advisory Council on Historic Preservation (ACHP), state resource agencies, and tribal natural or cultural resource agencies.

c. Water quality certification.

- i. Section 401(a) of the Clean Water Act and 33 CFR § 325.2(b)(1)(ii) preclude the Corps district from issuing a permit until Section 401 water quality certification has been obtained or has been waived, or if water quality certification has been denied. If the activity requiring DA authorization is not eligible for a general permit where water quality certification has been granted (with or without conditions) or waived for the issuance of that general permit, an individual water quality certification is required to be obtained or waived. A waiver may be deemed to have occurred if the certifying authority has not granted or denied water quality certification prior to the end of the established reasonable period of time (RPOT) for the water quality certification request. For the purpose of emergency permitting, **a standard RPOT of 25 days** will be requested.
- ii. 40 CFR § 121.6(b) - The federal agency and the certifying authority may jointly agree in writing to the RPOT for the certifying authority to act on the

request for certification, provided the RPOT does not exceed one (1) year from the date that the request for certification was received. Such written agreements may establish categorical reasonable periods of time.

- iii. 40 CFR § 121.6(c) - If the federal agency and the certifying authority do not agree in writing on the length of the RPOT, the reasonable period of time shall be six (6) months.
- iv. For an activity that requires a water quality certification or waiver, if water quality certification has not been issued or waived for the issuance of a general permit, the district may issue a provisional notification instructing them to provide a copy of the water quality certification or waiver to the district for the general permit decision. If the emergency activity requires an individual permit and water quality certification or waiver is required, the district may issue a provisional notification instructing them to provide a copy of the water quality certification or waiver to the district for the individual permit decision.

d. Endangered Species Act (ESA) Section 7.

- i. If the district engineer determines an emergency energy related action may affect a listed species or designated critical habitat, the district will coordinate with the USFWS and/or NMFS (depending on which listed species or designated critical habitat may be affected) to ascertain measures which will ensure that the emergency actions are not likely to result in a take of a species or jeopardize the continued existence of the listed species or destroy or adversely modify critical habitat in the manner provided for in 50 CFR 402.05. The term emergency is defined in the USFWS's and NMFS's section 7 consultation regulations at 50 CFR § 402.05(a) as "...situations involving acts of God, disasters, casualties, national defense or security emergencies, etc."
- ii. Pursuant to 50 CFR § 402.05(b), "formal consultation shall be initiated as soon as practicable after the emergency is under control. The Federal agency shall submit information on the nature of the emergency action(s), the justification for the expedited consultation, and the impacts to endangered or threatened species and their habitats." Information submitted by the Corps will include:

A description of the emergency energy-related action and why it was needed;

Justification for the expedited consultation prior to implementation of the action; and

Impacts of the action on listed species or critical habitat.

- iii. If formal consultation is required, as soon as practicable after the emergency is under control, the action agency initiates formal consultation with the USFWS and/or the NMFS if listed species or designated critical habitat have been adversely affected. Although formal consultation occurs after the response to the emergency, procedurally it is treated like any other formal consultation.
- iv. If, after the district coordinates with the USFWS and/or the NMFS to obtain recommendations to minimize the effects of the emergency response action listed species or their critical habitat, and the district determines the emergency response action may affect, but is not likely to adversely affect listed species or their critical habitat, the section 7 consultation process can be completed if the USFWS and/or the NMFS issue a written concurrence for the “may affect, not likely to adversely affect” determination. That written concurrence may be dependent on the district including measures to minimize effects to listed species and designated critical habitat as permit conditions in the DA authorization.

For adverse effects to listed species and designated critical habitat, at the conclusion of consultation USFWS and/or NMFS will provide their opinion on the effects of the emergency action on listed species and critical habitat.

e. National Historic Preservation Act Section 106.

- i. The Advisory Council on Historic Preservation has provided information regarding the Section 106 emergency procedures identified in 36 CFR § 800.12(b) for emergency actions declared under the *E.O. 14156*.
 - 1) Agencies should follow the emergency procedures included in agreement documents if a project already had executed an agreement document under Section 106.
 - 2) Agencies should follow 36 CFR § 800.12(b)(2) where there is not existing agreement document, which would require agency notification to the ACHP, SHPO/THPO, and Tribes/NHO with an opportunity to comment within **seven (7) days**. The ACHP would support additional time to comment should the schedule allow. (Note: 36 CFR § 800.12(b)(2) further states the following: “If the agency official determines that circumstances do not permit seven days for comment, the agency official shall notify the Council, the SHPO/THPO and the Indian tribe or Native Hawaiian organization and invite any comments within the time available.”)

- 3) The ACHP has extended the use of 36 CFR § 800.12(b)(2) throughout the duration of the above-mentioned E.O., until its rescinded.
- 4) Section 110(f) of the National Historic Preservation Act which addresses National Historic Landmarks would still require agencies to avoid actions that would harm National Historic Landmarks and include the National Park Service in the process.

ii. *Appendix C to 33 CFR Part 325*

14. Emergency Procedures

The procedures for processing permits in emergency situations are described at 33 CFR § 325.2(e)(4). In an emergency situation the district engineer will make reasonable efforts tailored to the emergency to receive comments from the SHPO, the THPOs and the ACHP, when the proposed undertaking can reasonably be expected to affect a potentially eligible or designated historic property and will comply with the provisions of this Appendix to the extent time and the emergency situation allows.

iii. *36 CFR Part 800 – Protection of Historic Properties*

§ 800.12 Emergency situations

- 1) Agency procedures. The agency official, in consultation with the appropriate SHPOs/THPOs, affected Indian tribes and Native Hawaiian organizations, and the Council, is encouraged to develop procedures for taking historic properties into account during operations which respond to a disaster or emergency declared by the President, a tribal government, or the Governor of a State or which respond to other immediate threats to life or property. If approved by the Council, the procedures shall govern the agency's historic preservation responsibilities during any disaster or emergency in lieu of §§ 800.3 through 800.6.
- 2) Alternatives to agency procedures. In the event an agency official proposes an emergency undertaking as an essential and immediate response to a disaster or emergency declared by the President, a tribal government, or the Governor of a state or another immediate threat to life or property, and the agency has not developed procedures pursuant to paragraph (a) of this section, the agency official may comply with section 106 by:
 - a) Following a programmatic agreement developed pursuant to § 800.14(b) that contains specific provisions for dealing with historic properties in emergency situations; or

- b) Notifying the Council, the appropriate SHPO/THPO and any Indian tribe or Native Hawaiian organization that may attach religious and cultural significance to historic properties likely to be affected prior to the undertaking and affording them an opportunity to comment within **seven days** of notification. If the agency official determines that circumstances do not permit seven days for comment, the agency official shall notify the Council, the SHPO/THPO and the Indian tribe or Native Hawaiian organization and invite any comments within the time available.
- 3) Local governments responsible for section 106 compliance. When a local government official serves as the agency official for Section 106 compliance, paragraphs (a) and (b) of this section also apply to an imminent threat to public health or safety as a result of a natural disaster or emergency declared by a local government's chief executive officer or legislative body, provided that if the Council or SHPO/THPO objects to the proposed action within **seven (7) days**, the agency official shall comply with 36 CFR §§ 800.3 through 800.6.
- 4) Applicability. This section applies only to undertakings that will be implemented within 30 days after the disaster or emergency has been formally declared by the appropriate authority. An agency may request an extension of the period of applicability from the Council prior to the expiration of the 30 days.

f. Tribal consultation and the Corps' tribal trust responsibilities.

- i. The Corps' Regulatory Program recognizes the sovereign status of American Indian Tribal Governments (federally recognized American Indian Tribes), and our obligation for meaningful consultation on a government-to-government basis. The Corps is committed to fulfilling our nation's trust responsibility to federally recognized American Indian Tribes in accordance with the United States Constitution, Treaties, Presidential Executive Orders, statutes, and the Supreme Court decisions that gave rise to and define that responsibility.
- ii. Many different statutes, regulations, executive orders, and federal policies direct federal agencies to consult with federally recognized American Indian Tribes including the NHPA, as amended. Section 106 of the NHPA, 54 U.S.C. § 306108 and its implementing regulations at 36 CFR Part 800, requires federal agencies to take into account the effects of projects they carry out, license, or financially assist (undertakings) on historic properties and provide the ACHP a reasonable opportunity to comment on those undertakings. The NHPA also requires that, in carrying out its responsibilities under the Section 106 of the NHPA review process, a

federal agency must consult with any federally recognized American

Indian Tribe that attaches religious and cultural significance to historic properties that may be affected by the agency's undertakings, 54 U.S.C. § 302706 (b). An accountable process to interact with federally recognized American Indian Tribes is mandated in Executive Order 13175, Presidential Memorandum on Tribal Consultation, Presidential Memorandum on Strengthening Nation-to-Nation Relationships, 26 January 2021, and Corps' Tribal Consultation Policy dated 5 December 2023.

- iii. The Corps must document all efforts to initiate and carry out consultation with federally recognized American Indian Tribes under Executive Order 13175 and the Corps' Tribal Consultation Policy. Such documentation, in the form of correspondence, telephone logs, e-mails, etc., should be included in the agency's official Section 106 of the NHPA administrative record. The Corps should also keep notes so that the consultation record documents the content of consultation meetings, site visits, and phone calls in addition to information about dates and who participated. Doing so allows agencies and consulting parties to review proceedings and correct any errors or omissions, thus facilitating better overall communication.
- iv. While federally recognized American Indian Tribes are included on the Public Notice distribution list, government-to-government consultation involves steps specific to that form of consultation, and thus public notices are insufficient means to initiate government-to-government consultation.

As reasonable and practicable, the following information will be included when providing project information to federally recognized American Indian Tribes for comment: A copy of the public notice or agency coordination package, the pre-construction notification or permit application, project plans (potential project footprint(s), staging area(s), access road(s), and/ or project alignment(s)), purpose to be served by the proposed project, and any other relevant information such as a cultural resource assessments and/or surveys. Additional information should include a timeline for the review process, points-of-contact, and hyperlinks to any information that may be available online.

- g. 408 permissions. DPM CW 2018-10 directs the USACE Regulatory and Section 408 programs to synchronize their reviews under their respective authorities, in order to be responsive to Administration priorities and support efforts toward streamlined federal environmental reviews.

**Enclosure 1 – District Implementation of Special Emergency Processing
Procedures Under E.O. 14156**

1. Confirm whether the activity meets the criteria for an energy-related emergency per the E.O.
2. Assign ORM2 identification number, using appropriate naming convention, and request additional information, if necessary.
3. When entering the permit action in ORM2, make sure that under the permit-type tab (Nationwide Permit [NWP], Regional General Permit [RGP], Programmatic General Permit [PGP], Letter of Permission [LOP], or Standard Individual Permit [SP]), you scroll to the bottom, expand the “additional items” section, and next to “24. Emergency event” click the drop down and select appropriate option (“E.O. 14156”).
5. Determine the appropriate type of Department of the Army (DA) authorization for the proposed activity: NWP, RGP, PGP, LOP, or SP.
6. Complete as much of the initial data entry as possible, such as:
 - a. Contact Information-Name, address and telephone numbers of the property owner(s), the prospective permittee (project proponent), the consultant, and/or the agent, the entity responsible for project operation, maintenance, and monitoring;
 - b. Location-Provide city, county, state, waterway name, latitude and longitude. Provide a vicinity map marking the location of the project;
 - c. A description of the proposed activity and its purpose; and
 - d. Others such as aquatic resources and jurisdictional determination.
7. Determine whether the proposed activity may require a Section 408 permission. If so, coordinate with the Section 408 program.
8. Add appropriate sub actions to ORM2, such as:
 - a. Applicant Information Request
 - b. Section 7 of Endangered Species Act
 - c. Section 106 of the National Historic Preservation Act
 - d. Tribal coordination/consultation
 - e. Section 401 Water Quality Certification
 - f. Coastal Zone Management Act consistency determination
 - g. Essential Fish Habitat consultation

- h. Internal Corps Coordination
- i. Coordinate with Applicant/Agent
- j. Coordinate with External Agency (such as Wild and Scenic Rivers Act consultation, state natural resource agencies)
- k. Others?

9. Significant Impact. Provide a summary of any consultations with the Council on Environmental Quality in the event the emergency response would result in significant environmental impact, and justification that the activity proposed is the minimum necessary to control the immediate impacts of the emergency in accordance with CEQ guidance on emergencies, including CEQ Memorandum, Emergencies and the National Environmental Policy Act Guidance, 14 September 2020.

10. Permit Processing and Documentation:

- a. GP. If the energy activity would satisfy the terms and conditions of an NWP, RGP, or PGP, then you must prepare the Corps Regulatory Headquarters' template (HQ template) documentation memorandum and verification letter required for an NWP, RGP or PGP; or
- b. LOP. If the energy activity will be authorized by an LOP, then you must prepare the HQ template combined decision document for LOPs and an authorization letter; or
- c. SP. Should the division engineer authorize the use of special procedures, the district engineer or his designee may issue an Individual Standard Permit. The HQ template combined decision document for a standard permit and DA permit form shall be used. In cases of imminent and substantial endangerment to the health or welfare of a person or a significant loss of property, the district engineer or his/her designee shall first provide the list of the special conditions by e-mail, which the prospective permittee shall acknowledge by return e-mail as being acceptable. Thereafter, the district engineer or his/her designee may provide verbal authorization with any appropriate special conditions, followed by written authorization the next business day; and
- d. The documentation for GPs, LOPs, and SPs, should include summaries of comments received from the appropriate federal, state and local agencies, tribes, and the public and the district's evaluation of those comments. Activities authorized by GPs might not have involved coordination with other entities.

11. Timing. Districts must issue written authorizations for activities under special emergency procedures within 30 business days, unless extenuating circumstances arise. In such cases, authorization will be provided as soon as possible after the MSC commander approves proceeding with emergency procedures. This is contingent upon receiving a complete application or pre-construction notification and fulfilling the

requirements of Section 106 of the National Historic Preservation Act, Section 7 of the Endangered Species Act, and other relevant laws and regulations.

12. After-the-fact permits. A potential safety issue could occur as a result of work stoppage in response to an alleged violation of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899 and/or Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended. In these situations, the district engineer may allow work to continue (subject to appropriate limitations and conditions) while the alleged violation is being resolved [See 33 CFR §§ 326.3 (c)(4) and (d)(1)]. Initial corrective measures to address the safety concerns may also be specified by the district engineer. In addition, generally work can continue in upland areas (away from the alleged violation and in those areas of waters of the U.S. where the ongoing work is in compliance with an existing Corps' permit).

13. Permittee's responsibility. After approved emergency activities requiring DA authorization have been completed, the district may require the permittee, through a permit condition, to submit the following information to the Corps:

- a. Description of completed work including any required restoration or mitigation activities;
- b. Delineation of the amount and location of acres of aquatic resources impacted; and
- c. As-built drawings.

Attachment 4: Implementation of Special Emergency Processing Procedures Under E.O. 14156 for the State of Mississippi

1. Confirm whether the activity meets the criteria for an energy-related emergency per the E.O.
2. Assign ORM2 identification number, using appropriate naming convention, and request additional information, if necessary.
3. When entering the permit action in ORM2, make sure that under the permit-type tab (Nationwide Permit [NWP], Regional General Permit [RGP], Programmatic General Permit [PGP], Letter of Permission [LOP], or Standard Individual Permit [SIP]), you scroll to the bottom, expand the “additional items” section, and next to “24 or 34. Emergency event” click the drop down and select appropriate option (“E.O. 14156?”).
5. Determine the appropriate type of Department of the Army (DA) authorization for the proposed activity: NWP, RGP, PGP, LOP, or SIP.
6. Complete as much of the initial data entry as possible, such as:
 - a. Contact Information-Name, address and telephone numbers of the property owner(s), the prospective permittee (project proponent), the consultant, and/or the agent, the entity responsible for project operation, maintenance, and monitoring;
 - b. Location-Provide city, county, state, waterway name, latitude and longitude. Provide a vicinity map marking the location of the project;
 - c. A description of the proposed activity and its purpose; and
 - d. Other pertinent information such as aquatic resources and jurisdictional determination.
7. Determine whether the proposed activity may require a Section 408 permission. If so, coordinate with the Section 408 program.

Vicksburg District’s 408 coordinator reports to the Operations Division, but Regulatory staff will work with the 408 coordinator to synchronize and prioritize reviews. Nashville District’s 408 coordinator reports to the Regulatory Division, which helps synchronize and prioritize reviews. Memphis District’s 408 coordinator reports to the Engineering & Construction Division but Regulatory staff will work with the 408 coordinator to synchronize and prioritize reviews. Mobile District’s 408 coordinator reports to the Planning and Environmental Division but Regulatory staff will work with the 408 coordinator to synchronize and prioritize reviews.
8. Add appropriate sub actions to ORM2, such as:
 - a. Applicant Information Request

- b. Section 7 of Endangered Species Act
- c. Section 106 of the National Historic Preservation Act
- d. Tribal coordination/consultation
- e. Section 401 Water Quality Certification
- f. Coastal Zone Management Act consistency determination
- g. Essential Fish Habitat consultation
- h. Internal Corps Coordination
- i. Coordinate with Applicant/Agent
- j. Coordinate with External Agency (such as Wild and Scenic Rivers Act consultation, state natural resource agencies)

9. Significant Impact. Provide a summary of any consultations with the Council on Environmental Quality in the event the emergency response would result in significant environmental impact, and justification that the activity proposed is the minimum necessary to control the immediate impacts of the emergency in accordance with CEQ guidance on emergencies, including CEQ Memorandum, Emergencies and the National Environmental Policy Act Guidance, 18 December 2024.

10. Permit Processing and Documentation:

- a. GP. If the energy activity would satisfy the terms and conditions of an NWP, RGP, or PGP, then you must prepare the Corps Regulatory Headquarters' template (HQ template) documentation memorandum and verification letter required for an NWP, RGP or PGP; or
- b. LOP. If the energy activity will be authorized by an LOP, then you must prepare the HQ template combined decision document for LOPs and an authorization letter; or
- c. SIP. Should the division engineer authorize the use of special procedures, the district engineer or his designee may issue an Individual Standard Permit. The HQ template combined decision document for a standard permit and DA permit form shall be used. In cases of imminent and substantial endangerment to the health or welfare of a person or a significant loss of property, the district engineer or his/her designee shall first provide the list of the special conditions by e-mail, which the prospective permittee shall acknowledge by return e-mail, as being acceptable.
- d. The documentation for GPs, LOPs, and SIPs, should include summaries of comments received from the appropriate federal, state and local agencies, tribes, and the public and the district's evaluation of those comments. Activities authorized by GPs might not have involved coordination with other entities.

11. Timing. Districts must issue written authorizations for activities under special emergency procedures within 30 business days, unless extenuating circumstances arise. In such cases, authorization will be provided as soon as possible after the MSC

commander approves proceeding with emergency procedures. This is contingent upon receiving a complete application or pre-construction notification and fulfilling the requirements of Section 106 of the National Historic Preservation Act, Section 7 of the Endangered Species Act, and other relevant laws and regulations.

12. After-the-fact permits. A potential safety issue could occur as a result of work stoppage in response to an alleged violation of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899 and/or Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended. In these situations, the district engineer may allow work to continue (subject to appropriate limitations and conditions) while the alleged violation is being resolved [See 33 CFR §§ 326.3 (c)(4) and (d)(1)]. Initial corrective measures to address the safety concerns may also be specified by the district engineer. In addition, generally work can continue in upland areas (away from the alleged violation and in those areas of waters of the U.S. where the ongoing work is in compliance with an existing Corps' permit).

13. Permittee's responsibility. After approved emergency activities requiring DA authorization have been completed, the district may require the permittee, through a permit condition, to submit the following information to the Corps:

- a. Description of completed work including any required restoration or mitigation activities;
- b. Delineation of the amount and location of acres of aquatic resources impacted; and
- c. As-built drawings.

Attachment 5 – District Implementation of Special Emergency Processing Procedures Under E.O. 14156 in Missouri for Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act Authorizations

1. Confirm whether the activity meets the criteria for an energy-related emergency per the E.O.
2. Assign ORM2 identification number, using appropriate naming convention, and request additional information, if necessary.
3. Determine the appropriate type of Department of the Army (DA) authorization for the proposed activity: NWP, RGP, PGP, LOP, or SIP.
4. When entering the permit action in ORM2, make sure that under the permit-type tab (Nationwide Permit [NWP], Regional General Permit [RGP], Programmatic General Permit [PGP], Letter of Permission [LOP], or Standard Individual Permit [SIP]), scroll to the bottom, expand the “additional items” section, and next to “24. Emergency event” click the drop down and select appropriate option (“E.O. 14156”).
5. Complete as much of the initial data entry as possible, such as:
 - a. Contact Information-Name, address and telephone numbers of the property owner(s), the prospective permittee (project proponent), the consultant, and/or the agent, the entity responsible for project operation, maintenance, and monitoring;
 - b. Location-Provide city, county, state, waterway name, latitude and longitude. Provide a vicinity map marking the location of the project;
 - c. A description of the proposed activity and its purpose; and
 - d. Other items such as aquatic resources and jurisdictional determination.
6. Determine whether the proposed activity may require a Section 408 permission. If so, coordinate with the Section 408 program.
7. Add appropriate sub actions to ORM2, such as:
 - a. Applicant Information Request
 - b. Section 7 of Endangered Species Act
 - c. Section 106 of the National Historic Preservation Act
 - d. Tribal coordination/consultation
 - e. Section 401 Water Quality Certification
 - f. Internal Corps Coordination
 - g. Coordinate with Applicant/Agent
 - h. Coordinate with External Agency (such as Wild and Scenic Rivers Act consultation, state natural resource agencies)

8. Significant Impact. Provide a summary of any consultations with the Council on Environmental Quality in the event the emergency response would result in significant environmental impact, and justification that the activity proposed is the minimum necessary to control the immediate impacts of the emergency in accordance with CEQ guidance on emergencies, including CEQ Memorandum, Emergencies and the National Environmental Policy Act Guidance, 18 December 2024.

9. Permit Processing and Documentation:

- a. GP. If the energy activity would satisfy the terms and conditions of an NWP, RGP, or PGP, then you must prepare the Corps Regulatory Headquarters' template (HQ template) documentation memorandum and verification letter required for an NWP, RGP or PGP; or
- b. LOP. If the energy activity will be authorized by an LOP, then you must prepare the HQ template combined decision document for LOPs and an authorization letter; or
- c. SIP. The HQ template combined decision document for a standard permit and DA permit form shall be used. In cases of imminent and substantial endangerment to the health or welfare of a person or a significant loss of property, the district engineer or his/her designee shall first provide the list of the special conditions by e-mail, which the prospective permittee shall acknowledge by return e-mail as being acceptable. Thereafter, the district engineer or his/her designee may provide verbal authorization with any appropriate special conditions, followed by written authorization the next business day; and
- d. The documentation for GPs, LOPs, and SIPs, should include summaries of comments received from the appropriate federal, state and local agencies, tribes, and the public and the district's evaluation of those comments. Activities authorized by GPs might not have involved coordination with other entities.

10. Timing. The District will reach a written decision on whether to authorize activities subject to this SOP within 30 business days, unless extenuating circumstances arise. This is contingent upon receiving a complete application or pre-construction notification and fulfilling the requirements of Section 106 of the National Historic Preservation Act, Section 7 of the Endangered Species Act, and other relevant laws and regulations.

11. After-the-fact permits. A potential safety issue could occur as a result of work stoppage in response to an alleged violation of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899 and/or Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended. In these situations, the district engineer may allow work to continue (subject to appropriate limitations and conditions) while the alleged violation is being resolved [See 33 CFR §§ 326.3 (c)(4) and (d)(1)]. Initial corrective measures to address the safety concerns may

also be specified by the district engineer. In addition, generally work can continue in upland areas (away from the alleged violation and in those areas of waters of the U.S. where the ongoing work is in compliance with an existing Corps' permit).

12. Permittee's responsibility. After approved emergency activities requiring DA authorization have been completed, the district may require the permittee, through a permit condition, to submit the following information to the Corps:

- a. Description of completed work including any required restoration or mitigation activities;
- b. Delineation of the amount and location of acres of aquatic resources impacted; and
- c. As-built drawings.

Attachment 6 – District Implementation of Special Emergency Processing Procedures Under E.O. 14156 in Tennessee

1. Confirm whether the activity meets the criteria for an energy-related emergency per the E.O.
2. Assign ORM2 identification number, using appropriate naming convention, and request additional information, if necessary.
3. When entering the permit action in ORM2, make sure that under the permit-type tab (Nationwide Permit [NWP], Regional General Permit [RGP], Programmatic General Permit [PGP], Letter of Permission [LOP], or Standard Individual Permit [SIP]), you scroll to the bottom, expand the “additional items” section, and next to “24. Emergency event” click the drop down and select appropriate option (“E.O. 14156”?).
5. Determine the appropriate type of Department of the Army (DA) authorization for the proposed activity: NWP, RGP, PGP, LOP, or SIP.
6. Complete as much of the initial data entry as possible, such as:
 - a. Contact Information-Name, address and telephone numbers of the property owner(s), the prospective permittee (project proponent), the consultant, and/or the agent, the entity responsible for project operation, maintenance, and monitoring;
 - b. Location-Provide city, county, state, waterway name, latitude and longitude. Provide a vicinity map marking the location of the project;
 - c. A description of the proposed activity and its purpose; and
 - d. Others such as aquatic resources and jurisdictional determination.
7. Determine whether the proposed activity may require a Section 408 permission. If so, coordinate with the Section 408 program.
8. Add appropriate sub actions to ORM2, such as:
 - a. Applicant Information Request
 - b. Section 7 of Endangered Species Act
 - c. Section 106 of the National Historic Preservation Act
 - d. Tribal coordination/consultation
 - e. Section 401 Water Quality Certification
 - f. Coastal Zone Management Act consistency determination

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- g. Essential Fish Habitat consultation
- h. Internal Corps Coordination
- i. Coordinate with Applicant/Agent
- j. Coordinate with External Agency (such as Wild and Scenic Rivers Act consultation, state natural resource agencies)
- k. Others?

9. Significant Impact. Provide a summary of any consultations with the Council on Environmental Quality in the event the emergency response would result in significant environmental impact, and justification that the activity proposed is the minimum necessary to control the immediate impacts of the emergency in accordance with CEQ guidance on emergencies, including CEQ Memorandum, Emergencies and the National Environmental Policy Act Guidance, 14 September 2020.

10. Permit Processing and Documentation:

- a. GP. If the energy activity would satisfy the terms and conditions of an NWP, RGP, or PGP, then you must prepare the Corps Regulatory Headquarters' template (HQ template) documentation memorandum and verification letter required for an NWP, RGP or PGP; or
- b. LOP. If the energy activity will be authorized by an LOP, then you must prepare the HQ template combined decision document for LOPs and an authorization letter; or
- c. SIP. Should the division engineer authorize the use of special procedures, the district engineer or his designee may issue an Individual Standard Permit. The HQ template combined decision document for a standard permit and DA permit form shall be used. In cases of imminent and substantial endangerment to the health or welfare of a person or a significant loss of property, the district engineer or his/her designee shall first provide the list of the special conditions by e-mail, which the prospective permittee shall acknowledge by return e-mail as being acceptable. Thereafter, the district engineer or his/her designee may provide verbal authorization with any appropriate special conditions, followed by written authorization the next business day; and
- d. The documentation for GPs, LOPs, and SIPs, should include summaries of comments received from the appropriate federal, state and local agencies, tribes, and the public and the district's evaluation of those comments. Activities authorized by GPs might not have involved coordination with other entities.

11. Timing. Districts must issue written authorizations for activities under special emergency procedures within 30 business days, unless extenuating circumstances arise. In such cases, authorization will be provided as soon as possible after the MSC commander approves proceeding with emergency procedures. This is contingent upon receiving a complete application or pre-construction notification and fulfilling the

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requirements of Section 106 of the National Historic Preservation Act, Section 7 of the Endangered Species Act, and other relevant laws and regulations.

12. After-the-fact permits. A potential safety issue could occur as a result of work stoppage in response to an alleged violation of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899 and/or Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended. In these situations, the district engineer may allow work to continue (subject to appropriate limitations and conditions) while the alleged violation is being resolved [See 33 CFR §§ 326.3 (c)(4) and (d)(1)]. Initial corrective measures to address the safety concerns may also be specified by the district engineer. In addition, generally work can continue in upland areas (away from the alleged violation and in those areas of waters of the U.S. where the ongoing work is in compliance with an existing Corps' permit).

13. Permittee's responsibility. After approved emergency activities requiring DA authorization have been completed, the district may require the permittee, through a permit condition, to submit the following information to the Corps:

- a. Description of completed work including any required restoration or mitigation activities;
- b. Delineation of the amount and location of acres of aquatic resources impacted; and
- c. As-built drawings.