



US Army Corps
of Engineers®

PUBLIC NOTICE

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Wilmington District

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

The purpose of this notice is to advise the public that the United States (U.S.) Army Corps of Engineers, Wilmington 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, 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 in accordance with Sec. 4 of 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, 33 USC §408 (Section 408), and/or Section 103 of the Marine Research, Protection, and Sanctuaries Act of 1972, as amended. For the reasons stated in Sec. 1 of EO 14156, the President has found that these activities 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 permitting procedures. **These alternate procedures will be utilized until EO 14156 is rescinded.**

1. In accordance with 33 CFR 325.2(e)(4), 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 permit application under standard procedures.

2. Most permitting will likely be accomplished through the nationwide permit (NWP) program. For example, all aspects of the construction, maintenance, repair, and removal of oil and natural gas pipelines and associated facilities may be authorized via NWP #12. These activities would be accomplished under the authorities of Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, 33 USC

§408 (Section 408) and/or Section 103 of the Marine Research, Protection, and Sanctuaries Act of 1972, as amended.

3. For those actions which do not qualify for authorization under the terms and conditions of the NWP program, the following procedures will be used:

a. Requests for expedited permits associated with the identification, siting, production, transportation, refining, and generation of domestic energy sources, including energy infrastructure, will be reviewed to determine if there is truly an emergency situation associated with the request as defined by E.O. 14156.

b. Descriptions of the proposed action will be transmitted to representatives from each of the commenting agencies, including the State agencies responsible for Section 401 Water Quality Certification and Coastal Zone Management Consistency if required.

c. The District will make a permit decision after considering/addressing any comments submitted by the agencies. It is anticipated that this process can be finalized within 30-business days for most actions.

4. The purpose of this public notice is to announce the establishment of the special emergency processing procedures for the purposes of E.O. 14156 and provide information to the public about those special emergency processing procedures. If you have any questions concerning these special emergency processing procedures, please contact Mr. Tommy Fennel, Regulatory Division Chief at (910) 251-4952 or tommy.e.fennel@usace.army.mil. If additional information is needed, please contact the appropriate Regulatory Office within the Wilmington District Regulatory Division, U.S. Army Corps of Engineers, as provided at the following link:

<https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Contact/>