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U.S. ARMY CORPS OF ENGINEERS

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Frequently Asked Questions and Answers Implementation of EO 14156 (Declaring a National Energy Emergency)

Q1: How do I know if I need a permit to do work that qualifies under EO 14156 (Declaring a National Energy Emergency)?

A1: Department of Army (DA) authorization through a USACE permit is required to conduct regulated activities within areas subject to Corps jurisdiction. This is true even in emergency situations. The Code of Federal Regulations at 33 CFR 325.2(e)(4) provides for the implementation of processing procedures for the review, coordination, and decision making associated with USACE permit applications during an emergency. If you have questions about whether your proposed work requires USACE authorization, please contact the USACE district regulatory office for your area. You can find contact information for your local district office at <https://rrs.usace.army.mil/>

If you have questions about whether your proposed work qualifies under EO 14156 as an activity to facilitate the Nation's energy supply, we suggest referring to the "Definitions" section in Section 8 of EO 14156 setting forth the definition of "energy supply" and related terms, and consulting with the USACE district regulatory office for your area.

Q2: How does the implementation of the EO change the way USACE would normally evaluate a proposed permit request?

A2: USACE districts will be using existing permitting vehicles to evaluate the proposed energy supply activities under the EO. Under emergency procedures, the coordination efforts with federal, state, and Tribal partners for comment are tailored to the particular energy supply emergency situation that the activity under the permit application is planned to address. This can be informed by information from permit applicants such as timelines setting forth the steps, approvals, and logistics they must complete before they can initiate the work necessary to address their energy supply situation, and any interim steps in that process that would be facilitated by having a Corps authorization for work.

Q3: What indicators will be used to determine if a proposed energy supply activity is to be processed under emergency procedures?

A3: District regulatory professionals will determine if an application complies with the criteria in EO 14156 and our emergency processing procedures.

Q4: Will emergency procedures apply to applications currently under review or only to future permit applications for energy supply activities?

A4: These procedures will apply to any pending applications and future applications that meet the criteria of the emergency event as described in EO 14156.

Q5: Does USACE know how many permit applications could be processed using the emergency procedures?

A5: No, we cannot speculate on the number of applications that may be processed using emergency procedures as that will be dependent on the number of requests submitted by the public that meet the criteria of the emergency event as described in EO 14156.

Q6: Why is USACE standing up these emergency procedures for energy-related activities? I thought the emergency procedures were just used for hurricanes and floods and other natural disasters.

A6. Executive Order (EO) 14156, signed by President Trump on January 20, 2025, declared a National Energy Emergency based upon the finding that the United States' insufficient energy production, transportation, refining, and generation constitutes an unusual and extraordinary threat to our Nation's economy, national security, and foreign policy. The EO further directed USACE and all other federal agencies to use "emergency Army Corps permitting provisions" to fully facilitate the nation's energy supply, to the fullest extent possible and consistent with applicable law. USACE is developing these emergency procedures to comply with and implement the EO in a manner consistent with our regulations at 33 CFR 325.2(e)(4). USACE will implement these emergency procedures for permit applications that it determines meet the terms of EO 14156 and therefore represent an energy supply 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.

Q7. Why doesn't USACE just use the normal permit processing procedures to review and permit these energy-related activities?

A7. In EO 14156, President Trump declared a National Energy Emergency and directed USACE and other agencies to identify, exercise, and use lawful emergency authorities available to facilitate the identification, leasing, siting, production, transportation, refining, and generation of domestic energy resources. Moreover, EO 14156 specifically directed USACE and other agencies to 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 USACE, or jointly by USACE 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"). USACE implementing regulations for its regulatory program include a process to develop emergency procedures, found at 33 CFR 325.2(e)(4). This effort will facilitate the delivery to the Nation of energy infrastructure, critical minerals, and related energy activities to the fullest extent possible and consistent with applicable law.

Q8. Will these emergency procedures replace general permits and standard individual permits?

A8. No. USACE will continue to use both general and standard permits to authorize the proposed activities that meet the EO criteria and are processed under the emergency procedures. Use of emergency procedures does not obviate legal requirements to comply with all applicable laws and regulations. Consequently, compliance with other laws such as the National Environmental Policy Act, Endangered Species Act, the National Historic Preservation Act, and others are still required. Coordination of these reviews will be subject to the emergency declared under EO 14156.

Q9. How will the public know when USACE begins using these emergency procedures?

A9. USACE district and division offices will publish public notices on their websites when the emergency processing procedures for their respective regions have been developed and approved. The district offices will also publish notices announcing that emergency procedures will be applied to the processing of specific permit applications. Go to <https://rrs.usace.army.mil/> to find information for your area.

For questions on the FAQs, please contact Doug Garman, HQ Public Affairs at doug.m.garman@usace.army.mil, or Joe McMahan, HQ Regulatory at joseph.a.mcmahan@usace.army.mil.

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