

Expedited Wetland Permitting/U.S. Army Corp of Engineers: 690 Permits Reclassified as Energy Emergencies (Including 3 Arkansas Projects)



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Pursuant to Executive Order 14156, the United States Army Corp of Engineers (“Corps”) has reclassified 690 Clean Water Act Section 404 Wetland Permits as Emergency Actions.

Executive Order 14156 is entitled “Declaring a National Energy Emergency” and directs agencies such as the Corp and the United States Federal Wildlife Services to utilize their existing emergency regulations to approve certain energy projects based on a proposed National Emergency.

The reclassification of Emergency Actions potentially results in an expedited review.

The Arkansas Projects listed include:

- Pulaski County (I-440 Arkansas River Bridges Pipe Support Repair and Painting)
- Jefferson County (Plum Bayou Southern Project)
- Benton County (BWRPWA-Benton CO, PCN Transmission Line)

The Center for Biological Diversity (“CBD”) sent a notice of violation to the United States Department of Defense threatening litigation for alleged violations of the Clean Water Act and Endangered Species Act. The organization argues that:

... in issuing Executive Order 14156, you have unlawfully solicited Federal Agencies to willfully ignore their obligations under both of these bedrock Federal Environmental Laws, including by directing U.S. Army Corp of Engineers (“Army Corp”) and other Federal Agencies to use the Army Corp’s Emergency Permitting Provisions to Unlawfully “Facilitate the Nation’s Energy Supply.”

CBD further argues that none of the reclassified permits meet the criteria for emergency permitting

A copy of the CBD news release can be found [here](#).

A copy of the Notice can be found [here](#).

The 690 permits can be found [here](#).