



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

CECW-CO-R

JUN 14 2017

MEMORANDUM THRU Shelly Finke, Office of Information Management, Washington Headquarters Service/Executive Services Directorate/Directives Division

FOR Vlad Dorjets, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, 725 17th Street, NW, Washington, D.C. 20503.

SUBJECT: Request for Emergency Processing

1. I am writing to request emergency processing, under 5 CFR 1320.13, of the collection of information described in this memorandum. The U.S. Army Corps of Engineers (Corps) requests OMB approval to collect information under the Corps Regulatory Program through voluntary submissions that are made using its form ENG 4345 and similar joint, federal and state forms. Form ENG 4345 is titled, Application for Department of the Army Permit, and it bears OMB Control Number 0710-003, which expired on 30 September 2015. Approval of these collections of information will reduce the administrative burden on the public in applying for all types of Corps authorizations, including individual permits and Nationwide Permits. Also, these collections sometimes require follow-on communications to clarify information that applicants have provided on the forms. To reduce the number of follow-on communications to applicants requesting Nationwide Permit authorization for their activities, the Corps seeks approval to collect information on its proposed form ENG 6082, titled Nationwide Permit Pre-Construction Notification. Proposed form 6082 would collect information specifically required to evaluate Nationwide Permit applications under the Corps Regulatory Program.

2. The Corps Regulatory Program regulates activities in navigable waters of the United States under three statutes. First, under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401 and 403) the Corps may permit activities that alter the course, condition, and capacity of navigable waters. Second, under Section 404 of the Clean Water Act (33 U.S.C. 1344) the Corps may permit discharges of dredged or fill material into waters of the United States. Third, under Section 103 of the Marine Protection Sanctuaries Act (33 U.S.C. 1413) the Corps may permit the transport of dredged material for disposal into ocean waters. Persons proposing to conduct these activities must obtain permits from the Corps, and to obtain those permits they must submit information to the Corps for the permit evaluation process. The required information can be submitted on form ENG 4345 or on joint, federal and state forms that are designed to provide required information to multiple agencies using one form only.

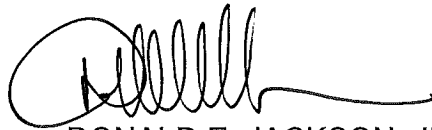
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Follow-on communications are required to obtain clarifying information for about twenty percent of applications, and these communications occur telephonically, through outreach efforts, and by similar means.

3. Activities authorized under the above three authorities fulfill myriad needs for our Nation. Permits are granted to develop infrastructure; to transport goods and services; for the construction of housing, commercial buildings, and industrial facilities; for the conduct of agricultural activities, commercial and recreational navigation, and public safety activities; and for environmental restoration and maintenance, among other activities. These activities are conducted by private landowners, businesses, non-governmental organizations, state and local governments, and other entities. Moreover while supporting economic development, the permitting process protects aquatic and other valuable natural resources. The Corps must continue without delay to collect the information that is necessary to fulfill its statutory authorities over the permitting of activities within its jurisdiction. If it is unable to make these collections, the Corps will need to halt the processing of permit applications by its Regulatory Program. Halting the processing of permit applications would result in incalculable public harm, primarily to the economic activities of the Nation. As an example, in Fiscal Year 2016 alone the Corps received 79,000 permit applications and issued 58,000 written authorizations.

4. For these reasons, the Corps seeks emergency processing of the collections of information described in this memorandum. The Corps requests that OMB approve these collections as soon as reasonably possible and waive publication of an emergency notice under 5 CFR 1320.13(d). During the 90 day period of emergency collection, the Corps will continue to undertake the steps necessary for approval of its information collection package under 5 CFR Part 1320.

5. Please accept this request for approval of emergency collections and please do not hesitate to contact Jennifer Moyer, at (202) 761-4598 if you need additional information.



DONALD E. JACKSON, JR., P.E.
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Deputy Commanding General
for Civil and Emergency Operations