



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
441 G STREET NW
WASHINGTON, D.C. 20314-1000

CECW-PC

April 17, 2020

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Public Participation for the Civil Works Program during the Coronavirus (COVID-19) Public Health Emergency

1. Reference Memorandum, subject as above, dated 3 April 2020 from ASA(CW) directing the U.S. Army Corps of Engineers (USACE) to immediately establish interim alternative public participation procedures for the Civil Works and Regulatory programs during the COVID-19 public health emergency.
2. Guidance specific to the USACE Regulatory Program is found in Annex O to OPORD 2020-10 (USACE Response to COVID-19).
3. All public meetings site visits, project delivery team meetings, National Environmental Policy Act (NEPA) scoping and public review meetings, and National Historic Preservation Act consultations should be transitioned to virtual meetings, postponed, or cancelled, as determined by the respective USACE District Commander. Virtual meetings may be conducted using online meeting/collaboration tools, webinars, teleconference, social media, or email as deemed appropriate.
4. As required under E.O. 13175, *Consultation and Coordination with Indian Tribal Governments* and the USACE Tribal Consultation Policy, all requests for Government-to-Government consultation will be honored, if virtual government-to-government consultation can be conducted and is deemed mutually appropriate by the respective District Commander and Tribal leader. Requests by Tribal governments to postpone Government-to-Government consultation, can be honored as determined by the respective District Commander. USACE recognizes Tribes are sovereign governments that are focusing their resources to deal with and respond to COVID-19.
5. Federal Register, public notices and public comment request letters soliciting comments on Civil Works proposed actions will inform the public about the alternative participation procedures and how to obtain materials on the USACE district/project website and through the mail. Federal Register, public notices and public comment request letters will provide appropriate contact information that may include phone numbers, email, website and mailing addresses.
6. Members of the public will be encouraged to submit written comments by email in accordance with established timeframes unless otherwise determined by the District Commander. However, regular or paper mail will be acceptable, especially for

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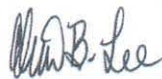
communities and individuals that may not have access to the Internet such as disadvantaged and remote communities.

a. Permitting timeframes established under Executive Order (E.O.) 13807 and Section 1005 of the Water Resources Reform and Development Act of 2014 among the lead, cooperating agencies and project sponsor(s) should be maintained unless otherwise agreed to by those entities.

b. If a District Commander is considering an extension of a Civil Works timeline, the proposed extension will be reported to the HQUSACE Chief of Planning and Policy who must provide concurrence with the proposed course of action in advance of the timeline extension being granted.

c. If the extension has been approved by HQUSACE and the NEPA document is an Environmental Impact Statement (EIS), an official notification will need to be sent to the Environmental Protection Agency at EIS-Filing@epa.gov in order to change their EIS record. Official notification may be a signed letter on agency letterhead by an appropriate approving official or a copy of the agency's published Federal Register public notice.

7. Questions regarding this memorandum should be directed to Julie Alcon, Environmental Team Lead, Office of Water Project Review, at (202) 302-5864 or julie.a.alcon@usace.army.mil.



ALVIN B. LEE
Director of Civil Works

Encl

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DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON, DC 20310-0108

SACW

3 April 2020

MEMORANDUM FOR THE COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Public participation for the Civil Works and Regulatory Programs during the Coronavirus (COVID -19) public health emergency

1. The United States Army Corps of Engineers (USACE) shall immediately establish interim alternate public participation procedures for the Civil Works and Regulatory programs during the COVID-19 public health emergency. The following will be guiding principles:

a. USACE shall consider the health and safety of USACE employees, federal, state and local stakeholders, and the general public during the conduct of all Civil Works planning and Regulatory Program activities to include Regulatory Program enforcement and compliance activities.

b. All public meetings to include, pre-application meetings, site visits, and project delivery team meetings, should be transitioned to virtual meetings, postponed, or cancelled, as deemed appropriate by the respective USACE District Commander.

c. For Regulatory Program permit actions and any required analysis under the National Environmental Policy Act, alternative means of public engagement will be implemented, as deemed appropriate by the respective USACE District Commander, and documented in public participation plans. Virtual meetings may be conducted using online meeting / collaboration tools, tele-conference, social media, or email, as appropriate.

d. Regulatory Program public notices soliciting comment on permit applications and Federal Register notices for Regulatory Program and Civil Works actions will inform the public about the alternative participation procedures and how to obtain materials on the USACE district/project website or through the mail. Public notices and Federal Register notices will provide appropriate contact information that may include phone numbers, email, web site, and mailing addresses.

e. Members of the general public will be encouraged to submit written comments in accordance with established timeframes unless otherwise modified by the District Commander.

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f. Timelines established in existing law and regulation should not be modified unless the USACE District Commander determines extending the timelines is the only way to receive meaningful public input.

g. Project information, including, but not limited to, scoping materials, draft NEPA documents, and comment solicitation requests will be available on district websites. This includes materials normally presented at public meetings.

h. District Commanders will ensure that resource agencies and cooperating agencies are aware of these alternative public participation procedures and request their cooperation in meeting current or newly established timelines.

2. Interim procedures shall be effective immediately and in effect until rescinded in writing.

3. Point of contact for question on these procedures is Ms. Stacey Jensen, (703) 695-6791.



R.D. JAMES
Assistant Secretary of the Army
(Civil Works)

CF:
DCG-CEO, USACE
DCW, USACE