

**Healthy Gulf | 350 New Orleans | Alabama Rivers Alliance | Alliance for Affordable Energy  
Atchafalaya Basinkeeper | Audubon Mississippi | Bayou City Waterkeeper  
Carrizo Comecrudo Tribe of Texas | Center for Biological Diversity  
Center for International Environmental Law (CIEL) | Citizens Against Widening the Industrial Canal  
Climate Reality | CLIMB CDC | Coalition Against Death Alley | Coalition to Restore Coastal Louisiana  
Collins Law Group | Deep South Center for Environmental Justice | Defenders of Wildlife  
Dog River Clearwater Revival | Earthworks | EIP | Endangered Habitats League | Environment Texas  
Farmworker Association of Florida | Friends of the Everglades | Gulf Coast Center for Law & Policy  
Honor the Earth | Justice & Beyond | Levees.Org | Louisiana Bucket Brigade | M-W & Associates  
Mississippi River Collaborative | MS Chapter Sierra Club | No Waste Louisiana  
North Gulfport Community Land Trust | Operation HomeCare | Pearl Riverkeeper | Public Citizen  
RESTORE | Rio Grande International Study Center | Risestjames  
San Antonio Bay Estuarine Waterkeeper | Save RGV | Shorecombers LLC | Sierra Club  
Sierra Club Miami Group | SPROUT | Surfrider Foundation - Texas Coastal Bend Chapter  
Texas Campaign for the Environment | The Peninsula of Mobile | Turtle Island Restoration Network  
WildEarth Guardians**

March 26, 2020

Assistant Secretary R. D. James  
Office of the Assistant Secretary of the Army (Civil Works)  
108 Army Pentagon  
Washington, DC 20310-0108  
rickey.d.james.civ@mail.mil

Dear Assistant Secretary James,

We are a diverse group of 51 conservation, environmental, social justice, community, and climate justice organizations representing thousands of Gulf State residents. We write to call upon you to require all Civil Works and Regulatory programs to hold open all active comment periods at least 60 days beyond the lifting of any National Emergencies and States of Emergency declared by states within each district or President Donald Trump in response to the COVID-19 pandemic.<sup>1</sup> Further, no new non-essential, proposed, or revised rules or regulations, nor environmental permits should be issued or finalized until Emergency declarations responding to the COVID-19 pandemic have been lifted. Gulf residents have enough to worry about without the potential of agency action or projects in their areas that could further impact their air, water, communities, and health.

As you are aware, public participation is a central hallmark of each of the National Environmental and Policy and Clean Water acts, and the notice, comment, and public hearing process has become the primary vehicle by which the public has been afforded an opportunity to make their view on new rulemakings and permits

---

<sup>1</sup> A National Emergency was declared on March 13, 2020 and States of Emergency were declared on the following dates: Texas: March 13, 2020 | Louisiana: March 11, 2020 | Mississippi: March 14, 2020 | Alabama: March 13, 2020 | Florida: March 9, 2020

known to agency decision-makers. Indeed Section 553 of the Federal Administrative Procedures Act enshrines these processes by requiring a robust public process. We do not believe that the legal requirements for a full and accessible public input process can be met under current circumstances. Without this opportunity for public participation, we risk lower-quality rules and permits, as well as a process that lacks sufficient public accountability and legitimacy.

The arrival of the COVID-19 pandemic threatens to deprive members of the public of the opportunity to meaningfully participate in open rulemakings and permit decisions. Community members throughout the Gulf South and the United States are being forced to socially distance, close businesses, and avoid face-to-face contact with friends, families, and civic organizations. This drastically reduces their ability to monitor open rulemakings and permit decisions. A person's receipt of notice and his or her opportunity to comment constitute the greatest part of constitutionally acceptable due process in federal and state administrative law frameworks. Delaying final agency decisions and keeping active public comment periods open or continuing them until these stakeholders are able to resume normal operations will ensure that affected communities are able to meaningfully participate in rulemakings and permit decisions.

It goes without saying that public hearings should be postponed until pandemic conditions have cleared. However, such postponement only makes sense if the accompanying agency decisions are delayed and associated public comment periods remain open. Further, moving to online-only public hearings is not an acceptable option. Far too many Gulf community members do not have easy access or training when it comes to live streaming, group chats, video conferencing, etc. Relying solely on this type of technology will disenfranchise some of the Gulf South's most vulnerable and at-risk communities.

The ongoing threat of the COVID-19 pandemic requires that we all do our part to protect ourselves and fellow community members against unnecessary risks of exposure to this deadly disease. As Assistant Secretary of the U.S Army Corps Civil Works, it is your duty to ensure our opportunities for participatory governance remain properly balanced against the critical demands we now face to protect public health.

We appreciate your thoughtful attention to these requests.

Sincerely,

Matt Rota  
Healthy Gulf  
PO Box 2245  
New Orleans, LA 70176  
[matt@healthygulf.org](mailto:matt@healthygulf.org)

350 New Orleans  
Alabama Rivers Alliance  
Alliance for Affordable Energy  
Atchafalaya Basinkeeper  
Audubon Mississippi  
Bayou City Waterkeeper  
Carrizo Comecrudo Tribe of Texas  
Center for Biological Diversity

Center for International Environmental Law (CIEL)  
Citizens Against Widening the Industrial Canal  
Climate Reality  
CLIMB CDC  
Coalition Against Death Alley  
Coalition to Restore Coastal Louisiana  
Collins Law Group  
constituent  
Deep South Center for Environmental Justice  
Defenders of Wildlife  
Dog River Clearwater Revival  
Earthworks  
EIP  
Endangered Habitats League

Environment Texas  
Farmworker Association of Florida  
Friends of the Everglades  
Gulf Coast Center for Law & Policy  
Healthy Gulf  
Honor the Earth  
Justice & Beyond  
Levees.Org  
Louisiana Bucket Brigade  
M-W & Associates  
Mississippi River Collaborative  
MS Chapter Sierra Club  
No Waste Louisiana  
North Gulfport Community Land Trust  
Operation HomeCare  
Pearl Riverkeeper

Public Citizen  
RESTORE  
Rio Grande International Study Center  
Risestjames  
San Antonio Bay Estuarine Waterkeeper  
Save RGV  
Shorecombers LLC  
Sierra Club  
Sierra Club Miami Group  
SPROUT  
Surfrider Foundation - Texas Coastal Bend Chapter  
Texas Campaign for the Environment  
The Peninsula of Mobile  
Turtle Island Restoration Network  
WildEarth Guardians

CC:

Brig. Gen. Paul E. Owen, Southwestern Division Commander, Paul.e.owen@usace.army.mil  
Maj. Gen. Mark Toy, Mississippi Valley Division Commander, richard.m.toy@usace.army.mil  
Maj. Gen. Diana M. Holland, South Atlantic Division Commander, Diana.m.holland@usace.army.mil  
Col Timothy R. Vail, Galveston District Commander, Timothy.r.vail@usace.army.mil  
Col. Kenneth N. Reed, Ft. Worth District Commander, Kenneth.n.reed@usace.army.mil  
Col. Robert A. Hilliard, Vicksburg District Commander, Robert.a.hilliard@usace.army.mil  
Col. Stephen Murphy, New Orleans District Commander, Stephen.F.Murphy@usace.army.mil  
Col. Sebastien P. Joly, Mobile District Commander, sebastien.p.joly@usace.army.mil  
Col. Andrew Kelly, Jacksonville District Commander, Andrew.d.kelly@usace.army.mil  
Andrea Walke, Office of the Assistant Secretary of the Army for Civil Works, andrea.e.walker.civ@mail.mil