



SECTION 408 PERMISSION EMERGENCY PERMISSION CHECKLIST

**United States Army Corps of Engineers, Los Angeles
District (USACE-SPL)**

Emergency Procedures for USACE-SPL 408 Permission Requests

Determine if an emergency exists or potentially exists

- Requester shall fill out the Permit Inquiries Checklist and email the check list to: SPLPermitInquiries@usace.army.mil
Visit <https://www.spl.usace.army.mil/Missions/Permitting/> for additional information. Please mention it is an emergency request in the Permit Inquiries Checklist. The email subject line should contain the project name or location and emergency request.
- Requester will be notified by email if a Section 408 Permission is needed, and if Regulatory Permits are needed. The 408 Coordinator and Regulatory Division would attempt to respond within 1 to 2 business days, if practicable. If a Section 408 Permission is required, work should not be started until the submittals have been provided, as described below.

Processing an emergency section 408 permission.

- Neither the District Commander, the Section 408 Decision Maker, nor the Section 408 Coordinator shall declare an emergency on behalf of a 3rd party requester for a Section 408 Permission request.
- If a Section 408 Permission is required, then following documents will be required prior to issuance of a 408 permission:
 - A declaration of emergency written by the President, a tribal government, the Governor of a State, local government's chief executive officer or legislative body. (Please see appendix A).

Without a proper emergency declaration, an emergency Section 408 Permission cannot be processed.

- If the alteration request is within operation and maintenance responsibilities of local (non-Federal) sponsor, then the Requester will be local (non-Federal) sponsor, and the local (non-Federal) sponsor shall submit a signed application form and a no objection letter on behalf of the any other 3rd party applicant. If the alteration request is within SPL operation & maintenance boundaries, the 3rd party applicant will submit

signed application directly to SPL, however a No objection letter will be required from local (non-Federal) sponsor.

- Requester shall submit adequate information to develop an emergency permission package. Such information may include conceptual plans, calculations, environmental, or any other document to make a risk-based decision for the Section 408 permission.
- Requester shall submit any existing environmental documents related to proposed alteration. Such documentation may include cultural resource report, biological resources report or pre-construction surveys, environmental assessment, CEQA documents, if available.
- Requester shall have an archaeological monitor onsite during ground disturbing activities. A monitoring report shall be submitted upon construction completion.
- If there is a potential for federally listed threatened and endangered species or their habitat to occur in the vicinity of the emergency activities, a biological monitor shall conduct pre-construction surveys and monitor onsite activities. A monitoring report shall be submitted upon construction completion.
- Requester shall submit any easement, title report, and real estate agreement, if available.

Based on the above submitted items, the Agency Official (408 Decision Maker or their designees with delegated authority) determines if the Section 408 Request addresses a response to an immediate threat to life and property and decides to use emergency procedures per EC 1165-2-220.

- The Agency Official (SPL 408 Decision Maker or their designee) shall notify the Council, the SHPO/THPO, and Indian tribes with 7 days to provide comment.
- If no responses are received from Council (ACHP), the SHPO/THPO, or Indian tribes, then USACE will consider Section 106 compliance complete for the emergency Section 408 Request; however, regular Section 106 compliance needs to be conducted following the eventual receipt of a full cultural resources report.

Within 120 days from completion of the emergency activities the following documents are required:

- Requester shall submit post construction as-builts plans.

- Requester shall prepare and submit a complete cultural resources report documenting the effects of the action on potential historic properties and coordination with tribes utilizing the approved template.
- Requester shall prepare and submit a complete biological resources report documenting the effects of the action on federally listed threatened and endangered species.
- For activities that do not meet the 33 USC 2349 sec 1005(b) (WRDA 2014) Categorical Exclusions in Emergencies, the Requester shall prepare a draft Environmental Assessment utilizing the approved template.

If the Requester cannot meet the timeline for document submittals, an extension may be requested. If the requester does not submit the documentation in a timely manner, the emergency 408 permission will be revoked.

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION
OFFICE OF THE STATE FIRE MARSHAL**

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SACRAMENTO, CA 94244-2460
(916) 568-3800
Website: www.fire.ca.gov



December 24, 2022

Rafi Talukdar
915 Wilshire Blvd.
Los Angeles, CA 90017

Subject: Emergency Situation, Requested Approval of Section 408 Permit for Kinder Morgan

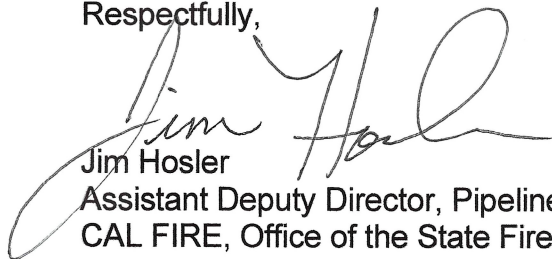
On December 24, 2022, an emergency exists at the San Gabriel River, in the cities of Bellflower and Cerritos of Los Angeles County. A pipeline failure has occurred which is threatening critical infrastructure and state commerce due to interruption of the petroleum fuel supply chain supporting California National Guard, California international airports, and the people of California.

The Office of the State Fire Marshal, Pipeline Safety Division, is declaring that an emergency situation exists, and that expedited permit approvals for a section 408 US Army Corps of Engineers be granted for Kinder Morgan (KM) to perform excavations of their existing pipeline and right away next to the San Gabriel River.

Currently, Kinder Morgan's pipeline is shut down and purged for safety of the environment and public. If not repaired within five (5) days from the date of this letter, the emergency will have impacts to California's safety. This line supplies fuels to emergency services such as law enforcement, fire, and medical, which would have negative impacts to the welfare of the public. Additionally, it serves as the main conduit for fuels for the United States Armed Services. This pipeline also supports two (2) international airports and extended downtime will cause disruptions to commercial air travel services.

Please contact me with concerns at (562) 302-2524.

Respectfully,



Jim Hosler
Assistant Deputy Director, Pipeline Safety Division
CAL FIRE, Office of the State Fire Marshal

cc: Wendy Collins, Assistant State Fire Marshal, CAL FIRE - OSFM
Pam Lovasz, Chief, Engineering Division, US Army Corps of Engineers
Michael Massone, Assistant Director Response Operations, Cal OES
Dustin Hubbard, Director, Western Region, PHMSA
Danielle Stevens, Compliance Manager, Kinder Morgan