



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVE.
NEW ORLEANS LA 70118-3651

March 26, 2025

Regional Planning and
Environmental Division South
Environmental Compliance Branch

**TO INTERESTED PARTIES
PUBLIC NOTICES PURSUANT TO 33 USC 408
PERMISSIONS TO ALTER U.S. ARMY CORPS OF ENGINEERS
PROJECTS**

The U.S. Army Corps of Engineers (USACE), New Orleans District (District) has constructed, and continues to construct, numerous civil works projects within its geographical area of responsibility in the southern portion of Louisiana. The District receives numerous requests each year from private interests and local and state agencies for permission to perform activities that would affect or alter these USACE civil works projects. When requests are received, they are evaluated to determine if the proposed alteration would impair the usefulness of the USACE project or be injurious to the public interest. Engineering Circular (EC) 1165-2-220, titled *Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 U.S. Code (USC) 408*, provides guidance to process such requests. The EC is available at:

<https://www.mvn.usace.army.mil/Missions/Section-408/Public-Notices/>.

Because issuance of permission to alter a USACE project is a federal action, it is subject to National Environmental Policy Act (NEPA), 42 U.S.C. §4321, et seq., compliance.

EC 1165-2-220, Paragraph 10.a., states that, in order to simplify the review process for Section 408 requests, USACE districts may develop "categorical permissions" for proposed alterations that are similar in nature and have similar impacts.

The District is updating the Final Programmatic Environmental Assessment #556, Categorical Permissions to Alter U.S. Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408, dated October 2017, to evaluate the environmental impacts of proposed new and revised categories of requested alterations to determine whether those actions may appropriately be designated as categorical permissions. Designation of a type of proposed action as a categorical permission would continue to allow expedited NEPA review of the proposed action to validate application of the categorical permission and to identify and specify any special conditions that may apply on a site-specific basis. If validated, this expedited review would result in preparation of a Memorandum for Record documenting the use of the categorical permission in lieu of preparation of an

¹ Available at <https://www.mvn.usace.army.mil/Missions/Section-408/Public-Notices/>.

Environmental Assessment or Environmental Impact Statement. If approved by the District Commander, categorical permissions would be applicable to certain categories of requests to alter Federal flood control and flood risk reduction projects and navigation projects within the boundaries of the District.

This Supplemental Programmatic Environmental Assessment (SPEA) evaluates “a suite of ongoing, proposed, and reasonably foreseeable actions that share a common geography or timing, such as multiple activities within a defined boundary”. The purpose of this SPEA is to develop categorical permissions as described in EC 1165-2-220 to cover potential alterations that are similar in nature, have similar impacts that would not individually or cumulatively impact the usefulness of the USACE project(s), have any significant effect on the human environment, or be injurious to the public interest. If approved, the respective categorical permissions will be reviewed on a regular basis to ensure that, based on on-going experience, those types of activities continue to not impair the usefulness of the applicable USACE project(s), not be injurious to the public interest, and have only minimal environmental impacts, and that circumstances have not changed that would impact the analyses and conclusions reached in this document.

This document provides the necessary information to fully address the potential environmental impacts of implementing categorical permissions for Section 408 as required under the NEPA of 1969, as amended (42 USC 4321 et seq.); and USACE Engineer Regulation (ER) 200-2-2 (33 CFR 230) (USACE, 1988). ER 200-2-2 contains the USACE’s procedures for implementing NEPA.

The no-action alternative (Alternative 1) and three revisions or additional individual alternatives or types of actions (Alternatives 7,15, & 16) have been evaluated for qualification as categorical permissions. Under the no action alternative, the District would continue utilizing the existing Categorical Permission process that’s in place. The current process has been valuable in streamlining the review process of the Section 408 requests. The types of actions that are proposed as categorical permissions or revisions of existing categorical permissions that have been evaluated are:

- Alternative 7 - Revision of Categorical Permission for Bank Stabilization and Erosion Control Features
- Alternative 15 - Categorical Permission for Minor Dredging (New Alternative)
- Alternative 16 - Concrete Slope Pavement (New Alternative)

The District receives numerous requests for activities that could alter constructed or authorized USACE civil works projects. These requests range from simple utility crossings of USACE levees to requests for large alterations that traverse civil works projects, including navigation channels maintained by the USACE. Due to the large volume of requests, the simple nature of most of the requests, and the cost and effort involved, the publication of notices in newspapers has been determined to be an impractical method for informing the public. Likewise, the development and maintenance

of a postal mailing list, and the postal mailing of a public notice for every request has also been determined to be impractical.

To inform the public and to solicit public comment on Section 408 permission requests, the District will provide public notices for Environmental Assessments via the District's home page on the internet at:

<https://www.mvn.usace.army.mil/Missions/Section-408/Public-Notices/>.

Public notices will be posted as they become available and the public will have a minimum of 15 calendar days from the date of posting to comment. On the website, interested parties can choose to receive email notifications when new public notices are issued. The name and contact information for the District's point-of-contact will be provided, and comments may be provided via email or postal mail. The web-site is active at this time.

The District will evaluate requests for Section 408 permissions using several factors and by making several determinations. The benefits which reasonably may be expected to accrue from the proposed actions must be compared against their reasonably foreseeable detriments. Some, but not all, of the determinations to be made are:

1. Potential to impair the usefulness of the project. The review team will determine if the proposed alteration would limit the ability of the USACE project to function as authorized, or if it would compromise or change any authorized project conditions, purposes or outputs.
2. Potential for the proposed alteration to be injurious to the public interest. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, fish and wildlife habitats, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, public use, and recreation. This determination will consider information received from interested parties.
3. Environmental compliance. A decision on a Section 408 request is a Federal action, and therefore subject to the NEPA and other environmental compliance requirements. While ensuring compliance is the responsibility of USACE, the requester is responsible for providing all information that the District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, and policies. The District will work with the requester to determine the required information, which will be scaled to the likely impacts of the proposed alteration.

Please provide comments within 30 days of the date of this notice. Comments and questions may be addressed to Ms. Samantha Martin at (504) 862-2207, or by email at Samantha.C.Martin@usace.army.mil, or by postal mail at the address on the letterhead.



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