



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS, LOUISIANA 70118

May 9, 2017

Regional Planning and
Environmental Division South
Environmental Compliance Branch

TO INTERESTED PARTIES
PUBLIC NOTICE PURSUANT TO 33 USC 408
AND THE NATIONAL ENVIRONMENTAL POLICY ACT
PERMISSIONS TO ALTER US ARMY CORPS OF ENGINEERS PROJECTS
CATEGORICAL PERMISSIONS

The US Army Corps of Engineers (USACE), New Orleans District, is responsible for issuing public notices and permissions pursuant to Section 14 of the Rivers and Harbors Act of 1899, codified as 33 USC 408 (Section 408). Section 408 authorizes the Secretary of the Army to grant permission for the alteration or occupation or use of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. This public notice addresses categorical permissions, which are types of actions that would neither individually nor cumulatively cause more than minor impacts to the environment or the engineering integrity of a USACE project. The New Orleans District is proposing to designate various types of actions as categorical permissions. Once designated, these actions will be given an abbreviated and expedited environmental review for National Environmental Policy Act compliance under the USACE's Section 408 review procedures as detailed in Engineering Circular (EC) 1165-2-216. Designation of an action as a categorical permission does not alter the engineering or real estate review or the internal agency technical review of a Section 408 request, nor does it affect the separate review and permitting process under the USACE Section 10/404/103 regulatory program. The USACE's Section 408 compliance review only applies to proposed actions, or the parts of proposed actions, that would occur within the lands and real property interests identified and acquired for USACE projects and to lands available for USACE projects under the navigation servitude.

The current procedural guidance requires USACE districts to make diligent efforts to involve the public in the decision-making process for all requests that could alter a USACE project. For the purposes of Section 408 Categorical Permission determinations, this public notice will serve as the method of advising interested parties of the New Orleans District's proposal to designate certain actions as categorical permissions. The New Orleans District will prepare a programmatic environmental assessment in accordance with the National Environmental Policy Act to address the environmental effects of various types of actions proposed as categorical permissions. The District Commander would then decide if the signing of a finding of no significant

impact is appropriate to designate specific categorical permissions. Concurrent with the preparation of the environmental assessment, the New Orleans District will assess the actions proposed as categorical permissions for their potential to adversely alter or affect USACE projects from engineering and functional perspective.

The following proposed alternatives will be evaluated in the programmatic environmental assessment. These actions are preliminarily expected to have insignificant to minor adverse environmental effects to lands within USACE project boundaries, and they are not expected to cause adverse engineering or operational issues with USACE projects as long as there are constructed according to engineering criteria developed by the New Orleans District. Installation, repair, replacement, modifications or removal of these items would be included.

Alternative 1 – No categorical permissions (No-Action)

No action is defined as not designating any categorical permissions, and obtaining the NEPA compliance for each request individually by application of a categorical exclusion under ER 200-2-2, preparation of an EA and signing of a FONSI, or preparation of an EIS and signing of a record of decision. All requests to alter USACE projects would be evaluated on a case-by- case basis to determine if the alteration would impair the usefulness of the USACE project or be injurious to the public interest. This alternative would not meet the purpose and need of developing categorical permissions to simplify the Section 408 review process as described in EC 1165-2-216.

Alternative 2 – Categorical permission for pipeline crossings of levees, floodwalls, navigation channels, and dredged material disposal areas, including horizontal directional drills, open cuts, ramp-overs, and floodwall penetrations

This alternative would establish a categorical exclusion for pipeline crossings of levees, floodwalls, and navigation channels, and actions that are similar in nature. This alternative does not apply to requests for new, long distance pipelines crossing multiple USACE navigation and flood risk reduction projects. The alternative would apply to the large number of requests the New Orleans District receives for pipelines connecting industrial facilities located along navigation channels to docks and wharves where products are loaded or unloaded from barges and ships. Common requests include new pipelines, additional pipelines using existing pipe racks, and replacement pipelines. Often, the requests include both a pipeline crossing of a levee/floodwall and a dock or wharf along the adjacent navigation channel. Occasionally, a short access road or levee ramp may also be proposed to provide access to the pipeline corridor between the levee and the river. Minor access roads are categorically excluded in Engineering Regulation (ER) 200-2-2.

A large variety of industrial chemicals, are transported in these pipelines, although requests for pipelines to carry cooling water, drainage water, and drinking water are

also received. Most requests of this type are for pipelines associated with facilities located along major shipping channels, especially the Mississippi River between Baton Rouge and Venice, Louisiana, and along the Calcasieu River and Pass project in southwest Louisiana. There are hundreds of pipeline crossings of the Mississippi River Levees downstream from Baton Rouge. Requests for this type of action along the Mississippi River would typically alter three Federal navigation projects; the Mississippi River Levees, the Mississippi River Channel Stabilization project, and the Mississippi River Ship Channel project. The area of effect considered in the Section 408 review is normally from the landside toe of the Mississippi River levee to the end of the dock or wharf in the Mississippi River.

Other requests under this alternative are for horizontal directional drills beneath USACE projects. Several requests have been received to replace a portion of an existing pipeline beneath a navigation channel due to unsafe conditions of the existing pipeline. Conditions requiring a horizontal direction drill may include corrosion of the existing pipeline, exposure of the pipeline due to scour and erosion of the channel, or proactive replacement at the end of pipeline's service life. Usually, the entrance and exit points for the directional drills are outside of the USACE project boundary and there is no surface disturbance or expression of the work within the USACE project. Horizontal directional drills for new pipeline crossings are also included in this alternative.

Alternative 3 - Categorical permission for utility lines including fiber optic, water, natural gas, and electricity, both aerial and underground, including associated structures and support poles

This alternative would establish a categorical permission for utility lines including fiber optic, water, waste water natural gas, and electricity, both aerial and underground, including associated structures and support poles, and actions that are similar in nature. The New Orleans District receives a large number for requests for installation and replacement of utility lines. Typically, the requests are for crossing of a levee or floodwall, and less commonly, the crossing of a navigation channel. Horizontal directional drilling is the most commonly requested method for the placement of fiber optic, water and natural gas lines. Usually, the entrance and exit points for the directional drills are outside of the USACE project boundary and there is no surface disturbance or expression of the work within the USACE project. Large-diameter water lines, such as those used for municipal water supply, sewage treatment intakes and discharges, industrial equipment cooling typically use the ramp-over method or the bridge-over method for crossing levees. For crossing floodwalls, either the bridge-over or penetration method is typically used. Aerial placement on poles or towers is the most commonly requested method for installing electrical lines. This categorical exclusion is applicable to electrical lines for residential, commercial, and industrial uses, but is not meant for long distance, high voltage transmission lines affecting multiple USACE projects, or for proposals requiring new corridors through USACE project lands.

Alternative 4 - Categorical permission for bulk material conveyor systems

This alternative would establish a categorical permission for bulk material conveyor systems, including associated support structures, and actions that are similar in nature. The New Orleans District has received several requests for bulk product conveyor systems along the Mississippi River. Types of materials that are moved with the conveyors include coal, grain, bauxite (aluminum ore), fertilizer, and various other manufactured products. These systems allow materials to be transferred between ships and barges on a navigation channel and nearby storage facilities or industrial plants. There are normally docks or wharves associated with the conveyor systems. Along the Mississippi River, a levee and paved road typically run parallel to the river bank. In such situations, the conveyor system crosses the levee and road overhead, supported on steel structures, with sufficient clearance provided for vehicles to travel along the crown of the levee for levee maintenance and inspection. The area of review for the Section 408 request is normally from the land-side toe of the levee to the outer edge of the dock, wharf, or associated mooring pilings.

Alternative 5 - Categorical permission for culverts, drainage pipes, and drainage ditches

This alternative would establish a categorical permission for culverts, drainage pipes, and drainage ditches, and actions that are similar in nature. The New Orleans District has not processed any Section 408 requests for this type of activity, however it is likely that such requests will occur on lands associated with USACE flood risk reduction and navigation projects.

Alternative 6 - Categorical permission for vehicle and pedestrian bridges

This alternative would result in a categorical permission for alterations that include construction, replacement, modification, or removal of vehicle or pedestrian bridges, or actions that are similar in nature. The New Orleans District has received two requests for bridge projects. One request is for a new bridge across the Gulf Intracoastal Waterway where no bridge currently exists. The other request is for demolition of an existing, historically-significant bridge and replacement with a new bridge. Neither of these requests would qualify for a categorical permission under this alternative because of extraordinary circumstances associated with them. The first example has a large scope and impacts that require consideration, while the second example has impacts to a significant cultural resource and possible issues with disturbance of existing contaminated soils and sediments. The requests under this alternative that would be covered under this alternative include primarily bridge replacements, bridge maintenance, modifications, and removals with no extraordinary conditions. The New Orleans District has not received any such requests, but anticipates receiving such requests because of the large number of bridges crossing USACE navigation and flood risk reduction projects in south Louisiana.

Alternative 7 - Categorical permission for bank stabilization and erosion control features

This alternative would result in a categorical permission for alterations that include bank stabilization and erosion control features, or actions that are similar in nature. The surface soils and sediments that make up coastal Louisiana is mostly alluvial sediment carried downstream by the Mississippi and other rivers and reworked since the last Ice Age. This material is generally highly erodible and bank and shoreline erosion is an all too common problem along navigation channels and natural waterways. The most common method for addressing shoreline erosion is armoring bank lines and shorelines with quarry stone. Another common method is placing quarry stone a short distance out from the shoreline to form a dike, often referred to as a foreshore dike. This method is used when geotechnical and other conditions, such as expected wave energy allow, and when avoidance of direct impacts the shoreline is a priority. In some documented cases, enough suspended sediment has been captured in the stilled water behind such dikes that the shoreline naturally extends itself out to the foreshore dike. Other materials that may be used for shoreline erosion is articulated concrete mattress, poured concrete, broken concrete (rip-rap), and earthen material excavated from nearby areas or hauled from remote locations. Dredging to provide access for barges is sometimes necessary. Bulkheads are not included in this alternative since they are primarily designed to allow vessels to moor adjacent to developed land.

Alternative 8 - Categorical permission for bulkheads, docks, wharfs, mooring pilings and dolphins

This alternative would result in a categorical permission for bulkheads, docks, wharves, and mooring pilings and dolphins (piling clusters), or actions that are similar in nature. The New Orleans District receives numerous Section 408 requests for the types of actions included in this alternative. Requests for new construction and repair, modification, expansion, and removal of existing structures are all common. It is common for these actions to be combined with actions covered under other alternatives, such as pipelines and bulk product conveyors. These types of actions are usually located along the major navigation channels in New Orleans District, including the Calcasieu River, Atchafalaya River, Mississippi River, and Gulf Intracoastal Waterway. These actions always include the installation of pilings. Steel, treated wood, and pre-stressed concrete are the materials typically used for load-bearing pilings. Sheet pilings used for constructing bulkheads are usually constructed of these same materials, or occasionally vinyl or manufactured composite material.

Alternative 9 - Categorical permission for barge fleeting operations in channels with existing barge fleeting operations

This alternative would result in a categorical permission for alterations that include barge fleeting operations in channels with existing barge fleeting operations, or actions that are similar in nature. Barge fleeting is a common practice along navigation channels, especially near facilities where large numbers of barges are loaded and

unloaded, such as grain elevators, refineries, and chemical plants. Barge fleeting is the temporary mooring and storage of barges while awaiting loading, unloading, or transport elsewhere. There are dozens of permitted barge fleeting operations in the Mississippi River within the New Orleans District, and the District has received several requests for new fleeting operations and expansion or modification of existing operations. Permitted barge fleeting also occurs on other navigation channels within the New Orleans District, although to a much lesser degree. Depending on the location of the fleeting operation, barges can be tied to pilings, dolphins (piling clusters), mooring buoys anchored to the channel bottom, or anchors embedded in the channel bank. The primary concerns expressed about barge fleeting by interested parties in response to Section 408 public notices have been related to navigation safety. The location of barge fleeting and the responsibility of the operators to securely moor their barges have been the main concerns. Any Section 408 requests for barge fleeting that generate substantive navigation safety concerns would not be processed via a categorical permission under this alternative. Safety concerns would be considered an extraordinary circumstance, requiring a more detailed NEPA analysis, and potentially denial of the request.

Alternative 10 - Categorical permission for cattle guards and fences

This alternative would result in a categorical permission for alterations that include cattle guards and fences, or actions that are similar in nature. Actions that could be considered similar in nature include typical ranching features, including stock pens, corrals, watering troughs, hay barns, etc. These types of activities are normally not allowed on USACE fee-owned properties, but are allowed on lands where the USACE or the non-Federal project sponsor holds an easement. The underlying landowner or their lessee is allowed to conduct normal ranching operations as long as those operations do not conflict with the USACE project's authorized purposes. The New Orleans District has received a small number of requests that could be covered under this alternative.

Alternative 11 - Categorical permission for trails, signage, lighting, and other similar operational, recreational, and decorative features

This alternative would result in a categorical permission for alterations that include trails, signage, lighting, and other similar operational, recreational, and decorative features, or actions that are similar in nature. The New Orleans District has received a small number of requests that could be covered under this alternative, specifically trails on levee crowns and associated signage.

Alternative 12 - Categorical permission for seismic surveys and soil investigations, including borings, piezometers, and inclinometers

This alternative would result in a categorical permission for alterations that include seismic surveys or geotechnical investigations including geotechnical borings, installation of piezometers and inclinometers, or actions that are similar in nature.

These types of activities normally have a very small and temporary footprint. Any permissions granted for such activities would require filling of any holes with earthen material or grout. Construction activities for borings usually involve the use of truck-mounted drill rigs. Any spoil material from these activities would be graded onto nearby lands, used for other project purposes, or disposed of offsite.

Alternative 13 - Levee ramps and crossings

This alternative would result in a categorical permission for levee ramps and crossings for pedestrians or vehicles, and access roads or actions that are similar in nature. The New Orleans District has received several requests for levee ramps, and requests that include levee ramps. Only ramps proposed to be constructed with earthen material, and those that conform to the standard engineering criteria would be considered under this alternative. Structural ramps would require a more detailed environmental review. Ramps that are seldom used are sometimes built with no surfacing other than earth, whereas often-used ramps are usually surfaced with crushed limestone or gravel, or paved with asphalt. Access roads may be included in requests for ramps. Minor access roads are categorically excluded in ER 200-2-2.

Alternative 14 - Categorical permission for alterations that meet engineering requirements and environmental conditions

This alternative would result in categorical permissions for Alternatives 2 through 13. Categorical permissions would only be applied to requests when it has been determined that the alterations would not impair the usefulness of the USACE project (engineering requirements) or be injurious to the public interest (environmental conditions). Proposed alterations may include one or more of the activities described for these alternatives. This alternative would meet the purpose and need of efficiently processing Section 408 requests in most situations because it would provide NEPA compliance for the types of proposed alterations that are frequently requested and typically only result in no more than minor environmental impacts.

Upon completion of the programmatic environmental assessment and finding of no significant impact, and upon completion of engineering reviews, requests for Section 408 permissions to alter USACE projects would be evaluated to determine if they fit under one or more of the categories in the list above. Those that fit into one or more of the categories would be examined to determine if any extraordinary circumstances are present that would disqualify the request from qualifying for a categorical permission. The request would be further examined to determine if any site-specific special conditions may apply to minimize effects on the environment or to the USACE project. Upon inclusion of applicable special conditions, the Section 408 permission would be granted. If the request for Section 408 permission does not fit into one of the categorical permission categories, an environmental assessment would be prepared for proposed actions expected to have less than significant impacts, or an environmental

impact statement will be prepared for proposed actions expected to cause significant impacts.

Please provide comments within 30 days of the date of this notice. Comments and questions may be addressed to Mr. Richard Boe at (504) 862-1505, or by email at richard.e.boe@usace.army.mil, or by postal mail to Mr. Boe at the address on the letterhead.

A handwritten signature in blue ink that reads "Marshall K. Harper". The signature is written in a cursive style.

Marshall K. Harper
Chief, Environmental Planning Branch