



**US Army Corps
of Engineers**
Vicksburg District

ISSUE DATE: 03/11/25

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PUBLIC NOTICE

**U.S. Army Corps of Engineers
Vicksburg District**

U.S.C. Chapter 33, Section 408 Permission Evaluation

MVK-2025-146

REQUESTOR: (EXP Energy Services, Inc., ATTN: Mr. Michael Aubele)

INTRODUCTION & PROJECT LOCATION:

The authority to grant permission for temporary or permanent alterations of any U.S. Army Corps of Engineers (USACE) federally authorized civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. 408 (Section 408). The applicant is requesting permission to directionally bore a 12-inch diameter carbon dioxide pipeline beneath the Red River Right Bank Levee and Red River operated and maintained by the Red River Levee and Drainage District and USACE, respectively. The approximate coordinates for the location of this activity are latitude 32.197611° N, longitude -93.473314° W.



Figure 1: Proposed Section 408 Project Map



PROJECT DESCRIPTION:

Section 408 authorizes USACE to grant permission for the alteration or occupation or use of the project if USACE determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The proposed request involves directionally boring a 12-inch diameter carbon dioxide pipeline beneath the Red River Right Bank Levee and Red River.

EVALUATION:

The decision whether to grant the requested permission for project modification under Section 408 is based on several factors which are outlined in Engineering Circular (EC) 1165-2-220, *Policy and Procedural Guidance for Processing Requests to Alter U.S. Army Corps of Engineers Civil Works Projects Pursuant to Section 408*. The decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. Review of the request for modification will be reviewed by a District technical review team considering the following factors:

1. *Impair the Usefulness of the Project Determination.* The review team will determine if the proposed alteration would limit the ability of the federally authorized project to function as authorized, or if it would compromise or change any authorized project conditions, purposes, or outputs. The decision whether to approve a request for modification would be based on a determination of no impairments.
2. *Injurious to the Public Interest Determination.* Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Evaluation of the probable impacts that the proposed alteration to the USACE project may have on the public interest requires a careful weighing of all those factors that are relevant in each case. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest.



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3. *Environmental Compliance.* A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements, including the National Historic Preservation Act and the Endangered Species Act. While ensuring compliance is the responsibility of the District, the requestor is providing all information the District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and ordinances.

PUBLIC INTEREST REVIEW:

The purpose of this notice is to solicit comments from the public regarding this Section 408 Permission Evaluation. Comments received within 14 days of this publication will be used in the evaluation of potential impacts of the proposed action on important resources. All comments will be considered in preparing environmental documentation pursuant to NEPA. USACE has jurisdiction under 33 USC 408, only over the specific activities that have the potential to alter existing USACE projects. Please limit comments to the area of the alteration to the federally authorized civil works project described herein. Comments may be submitted to Neal Lewis at Neal.Lewis@usace.army.mil and should be received by March 25, 2025.

SUMMARY:

It should be noted that materials submitted as part of the Section 408 request become part of the public record and are thus available to the public under the procedures of the Freedom of Information Act (FOIA). Individuals may submit a request to obtain materials under FOIA or make an appointment to view the project file with the Vicksburg District Corps of Engineers, Office of Counsel.

This public notice is not a paid advertisement and is for public information only. Issuance of this notice does not imply Corps of Engineers endorsement of the project as described.

Sincerely,

Neal P. Lewis, P.E.
Chief, Flood Control
& Hydropower Section
408 Coordinator