



## DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS  
4155 CLAY STREET  
VICKSBURG, MISSISSIPPI 39183-3435

REPLY TO  
ATTENTION OF

CEMVK-DE

JUN 29 2016

MEMORANDUM FOR Operations Division (CEMVK-OD)

SUBJECT: Categorical Permissions for Alterations to Civil Works Projects

### 1. References:

- a. Rivers and Harbors Act of 1899 (codified in 33 U.S.C. § 408).
- b. EC 1165-2-216. (Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408), 30 September 2015.
- c. DR 1130-2-530 (District Maintenance Standards, Procedures, and Guidelines on Modifications to Projects), 17 December 2006 (Best Management Practices).
- d. Vicksburg District Procedural Review Plan Pursuant to 33 U.S.C. § 408, 6 June 2016.

### 2. Authority.

a. Reference 1.a authorizes U.S. Army Engineer District commanders to grant permission to use, occupy, and alter federally-constructed civil works projects. These activities are collectively referred to in this memo as "alterations."

b. Pursuant to paragraph 6(s) of reference 1.b., categorical permission may be granted for alterations that are similar in nature, have similar impacts, and are appropriate in scope and scale for approval through a simplified process.

3. Overview. This memo grants categorical permission for specifically enumerated alterations to civil works projects located within the Vicksburg District, and prescribes simplified procedures for determining whether proposed alterations qualify for categorical permission. Alterations categorically permitted by this memo must also be permitted, licensed, authorized, or approved as required by other applicable federal, state, and local law.

4. Categorical Permissions. By virtue of the authority conferred on District Engineers by reference 1.b, categorical permission is hereby granted for the following alterations, the nature and extent of which satisfy (i.e., do not exceed, deviate, abrogate, or vitiate)

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applicable terms and conditions in reference 1.c, as noted, below, and that do not, for any reason, adversely affect the integrity or function of a civil work or contravene the public interest, as per reference 1.a:

a. Construction, erection, installation, fabrication, or placement of:

(1) Fences, as described on page 9;

(2) Aerial utility crossings, as described on pages 9-10;

(3) Hydraulic directional drilling, as described in Appendix B;

(4) Buried utility crossings, temporary or permanent, as described in Appendix C;

(5) Roads and ramps, as described in Appendix C; and

(6) Cattle gaps, as described in Appendix C.

b. Maintenance, repair, and rehabilitation of prior alterations; provided, such maintenance, repair, or rehabilitation does no more than restore a previously approved improvement, structure, element, component, or feature to its authorized, pre-existing dimensions, character, or condition.

#### 5. Eligibility Assessment Procedure.

a. A simplified procedure will be used to determine whether proposed alterations, by virtue of their scope, scale, and foreseeable impacts on civil works projects, are categorically permitted by this memo. The purpose of the procedure is to establish whether proposed alterations qualify for categorical permission as per paragraph 4, above. If so, no further analysis is required.

b. Requests for permission to use, occupy, or alter federally-constructed civil works projects will be examined to determine whether proposed alterations are eligible for categorical permission.

(1) The Lead Engineer assigned to review a request will determine whether a proposed alteration reasonably meets all relevant requirements for categorical permission set forth in paragraph 4, above. In performing this limited, threshold assessment, the Lead Engineer will consult with subject matter experts in the Regulatory Branch, the Office of Counsel, the Real Estate Division, and any other Office as may be necessary or appropriate, to determine whether all relevant requirements have been or, with suitable modifications to the proposal, can be met.

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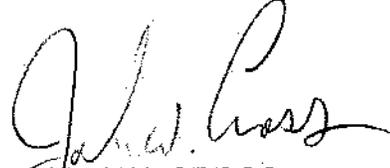
(2) A proposed alteration does not qualify for categorical permission if it is not categorically excluded from environmental impact analysis under the National Environmental Policy Act and USACE guidance implementing same.

(3) If the Lead Engineer assigned to review a request determines, after conferring with pertinent subject matter experts, that a proposed alteration (or a proposed alteration, as modified) *does* reasonably meet all relevant requirements for categorical permission, the Lead Engineer will recommend to the 408 Coordinator that the requestor be informed that the proposed alteration is categorically permitted. If the 408 Coordinator concurs, a letter will be prepared, for signature by the Chief of the Operations Division, informing the requestor of same. A copy of the permission letter and of the request will be sent to the Levee Safety Officer for information.

(4) If the Lead Engineer assigned to review a request determines, after conferring with pertinent subject matter experts, that a proposed alteration *does not* reasonably meet all relevant requirements for categorical permission, the request will be processed according to reference 1.d.

6. Public Participation. Per paragraph 6(s) of reference 1.b, public participation in the establishment of categorical permissions will be invited in two ways: this memo will be posted on the Vicksburg District public website (<http://www.mvk.usace.army.mil/Missions/CivilWorks/PeerReviewPlans.aspx>); and, this memo will be emailed to all levee boards and levee districts in the Vicksburg District. I will review all comments received within 30 days (of posting or of receipt) with a view to determining what revisions to this memo, if any, should be made. If I determine that revisions to this memo should be made, a revised version will be posted on the Vicksburg District public website and will be emailed to all levee board and districts.

7. Revision and Termination. Annually, or as necessary, the 408 Coordinator will meet with the Chief of the Engineering and Construction Division, or another designated person; the Chief of the Operations Division, or another designated person; and, the District Counsel, or another designated person; along with any others chosen by them, to review the categorical permissions granted and eligibility assessment procedure established by this memo. In the event that revisions to or termination of this memo is recommended by them, the 408 Coordinator will prepare a memo to the District Engineer regarding same.

  
JOHN W. CROSS  
COL, Corps of Engineers  
Commanding

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