



Public Notice

**US ARMY CORPS
OF ENGINEERS**
St. Louis District
Gateway to Excellence

Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-OD-R
1222 Spruce Street
St. Louis, Missouri 63103-2833

Permission No.
OD-R-15-009
Public Notice Date
January 05, 2016
Expiration Date
February 05, 2016

Postmaster Please Post Conspicuously Until:

REQUEST FOR PERMISSION TO MODIFY A U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER SECTION 408

Interested parties are hereby notified that an application has been received for a Department of the Army Section 408 permission for certain work near federally constructed flood protection projects of the United States, as described below and shown on the attached maps.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers Public Notice number shown above and must reach this office no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
Readiness Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Ed Rodriguez

REQUESTER: Dakota Access Pipeline LLC, Attention: Ms. Monica Howard, Director of Environmental Sciences, Energy Transfer

LOCATION: The St. Louis District Office is currently evaluating specific segments of the pipeline that cross the Illinois River navigable channel at Milepost (MP) 901, Coon Run Levee, McGee Creek Levee, and the Carlyle Lake flowage easement.

PROPOSED ACTION: Dakota Access Pipeline LLC is proposing to construct an 1,134-mile, 30-inch diameter pipeline system to carry up to 570,000 barrels per day of U.S. light sweet crude from Bakken and Three Forks production region of North Dakota through the states of North Dakota, South Dakota, Iowa and Illinois terminating at a crude oil hub near Patoka, Illinois, with various potential points of destination along the pipeline. The pipeline crosses four states within the boundaries of three U.S. Army Corps of Engineers Districts (Omaha District, Rock Island District, and St. Louis District). The St. Louis District Office is currently evaluating two segments of the pipeline that cross beneath the Illinois River navigable channel at Milepost (MP) 901 and adjacent levee systems such as Coon Run Levee and McGee Creek Levee. The third segment under review is a pipeline that crosses beneath the Carlyle Lake flowage easement. All of the pipeline segments that lie within the St. Louis District boundary lines are proposed to be buried. The requester is proposing to perform

horizontal direction drillings (HDD) to cross beneath the three locations.

LOCATION MAPS AND DRAWINGS: See Attachments 1 and 2.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Ed Rodriguez, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8568. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to edward.c.rodriguezrobles@usace.army.mil.

REGULATORY AUTHORITY: This request will be reviewed according to the provisions of Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408). The compliance determination for any Section 10/404/103 permit decision associated with the proposed alteration is separate from and will not be included in this compliance determination.

EVALUATION: The decision whether to grant the requested permission for project modification under Section 408 will be based on several factors. That 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 requests for modification will be reviewed by a U.S. Army Corps of Engineers 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 project to function as authorized, or 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 U.S. Army Corps of Engineers project may have on the public interest requires a careful weighing of all those factors that are relevant in each particular 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.
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. While ensuring compliance is the responsibility of USACE, the requester is providing all information that the St. Louis District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and ordinances. NEPA and other analysis completed to comply with the other environmental statutes (e.g. Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the US Army Corps of Engineers project. The scope of analysis for the NEPA and environmental compliance evaluations for the Section 408 review is limited to the area of

alteration and those adjacent areas that are directly or indirectly affected by the alteration. The requester is preparing an Environmental Assessment (EA) document that will include potential impacts limited to the Illinois River navigable channel crossing, two levee systems and the Carlyle Lake flowage easement. The St. Louis District will thoroughly evaluate and approve such document.

4. Environmental Impact Statement. A preliminary determination has been made that an environmental impact statement is not required for the proposed work.
5. Technical Analysis. The St. Louis District is working closely with the requestor to ensure that all technical plans, maps, drawings, specifications are provided and complete. A District-led Agency Technical Review (ATR) is being conducted to determine any potential adverse impacts to the US Army Corps of Engineers flood protection system.

SOLICITATION OF COMMENTS: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition or deny a permission for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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 general public under the procedures of the Freedom of Information Act (FOIA). Individuals may submit a written request to obtain materials under FOIA or make an appointment to view the project file at the St. Louis District Corps of Engineers, Office of Counsel.

Interested parties wishing to comment on the proposed activity must do so in writing no later than **FEBRUARY 5, 2016**. It is presumed that all parties receiving this notice will wish to respond to this public notice; therefore, a lack of response will be interpreted as meaning that there is no objection to the project as described.

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.

FOR THE DISTRICT COMMANDER:

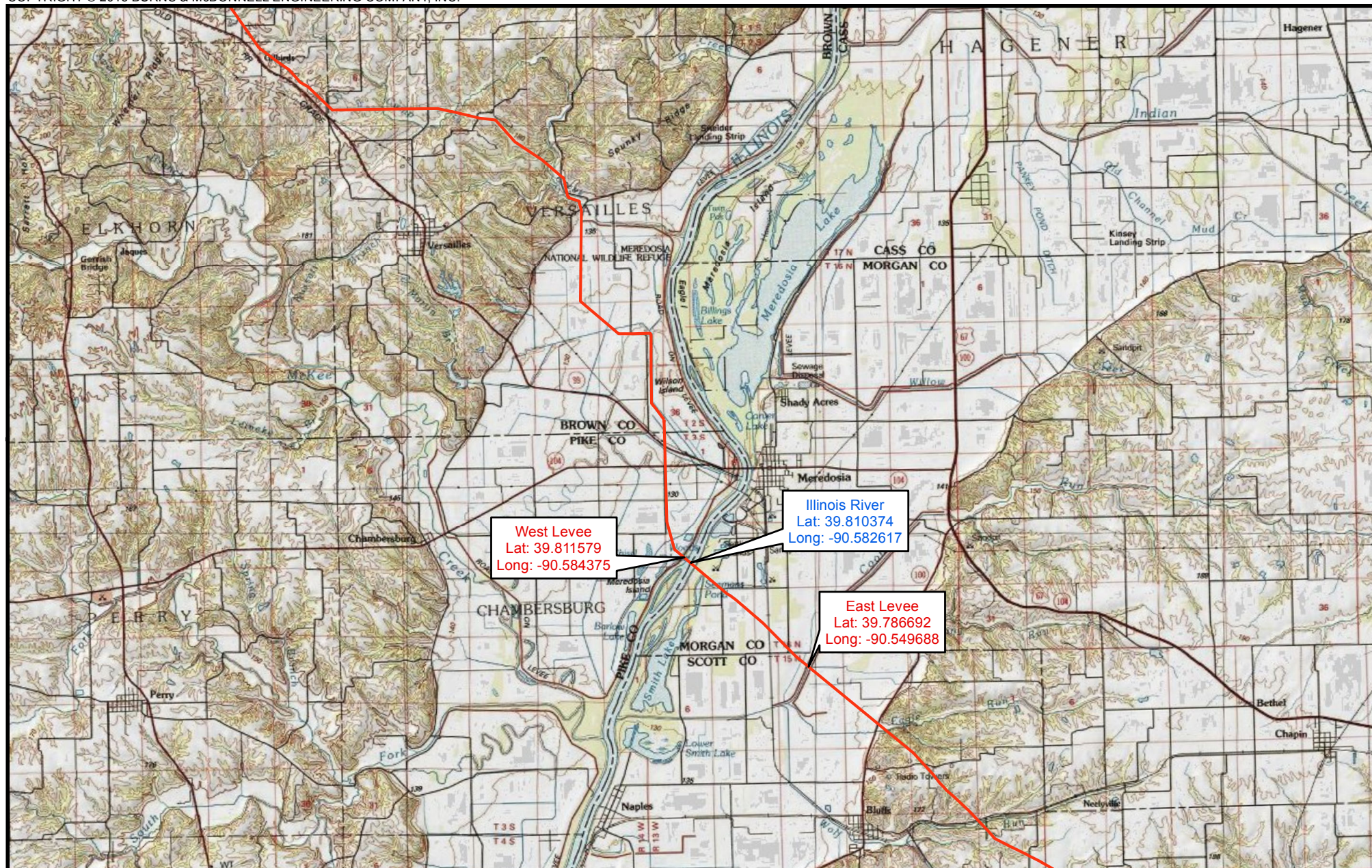
ORIGINAL SIGNED

MATTHEW J.HUNN, P.E.
Chief, Readiness Branch

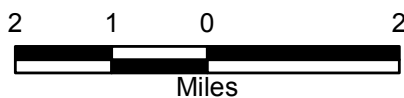
Attachments

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.



— Proposed Pipeline



Dakota Access Pipeline Project
 Dakota Access, LLC
 Section 408 Review Area
 Illinois River and Protection Levees

