**US Army Corps
of Engineers** ®

Memphis District

PUBLIC NOTICE

U.S. Army Corps of Engineers
Memphis District

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

TITLE: Section 408 Permission Evaluation for Consolidated Grain and Barge Company – Boothspoint, Dyersburg, Dyer County, Tennessee.

INTRODUCTION: 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 and codified in 33 USC 408. The Consolidated Grain and Barge Company (CGB) at Boothspoint near Dyersburg, Dyer County, Tennessee, has requested to repair and support the barge access system at their facility on the eastern Mississippi Riverbank, near river mile 839 (Figure 1).

Figure 1. Location of proposed updated barge access system at River Mile 839, Dyer County, Tennessee.

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 Mississippi River Channel Improvement Project, the federally authorized civil works project proposed for alteration, provides for channel improvement to increase flood carrying capacity and reduce flood heights, to stabilize alignment and prevent bank caving that would destroy the main line levees, and to provide an aligned navigation channel. The proposed request involves full removal of the existing, unused barge access system and installation of a new barge access system, which includes two 24-inch diameter pipe piles with ½ inch wall, and a new 72-inch diameter monopile with ½ inch wall; all pipes will utilize minimum embedment depth. An existing cell will also be re-banded.

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. The scope of analysis for the NEPA and environmental compliance evaluations for the Section 408 review should be limited to the area of alteration and those adjacent areas that are directly or indirectly affected by the alteration. The proposed alterations meet the criteria of Nationwide Permit 39, pursuant to the Federal Register, Volume 86, Number 8, dated 13 January 2021. Federally listed rare, threatened, and endangered species coordination is ongoing through the Memphis District (MVM) Regulatory Division. CGB has also submitted an application for an Alteration of Aquatic Resources Permit to the Tennessee Department of Environmental Quality. As the proposed Section 408 alteration is within the USACE project footprint, no known historic properties would be affected. The decision on this Section 408 request is being analyzed in accordance with NEPA and is limited to the Section 408 boundaries described herein.

PUBLIC INTEREST REVIEW: The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties. Comments received within 15 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 and those adjacent areas that are directly or indirectly affected by the alteration to the federally authorized civil works project described herein. **Comments may be submitted to Kristina.L.Mitchell@usace.army.mil and should be received by September 6, 2023.**

Sincerely,

Edward P. Lambert
Chief, Environmental Compliance Branch
Regional Planning and Environmental Division South