



**US Army Corps
of Engineers** ®
Memphis District

ISSUE DATE: January 25, 2024

EXPIRATION DATE: February 9, 2024

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 Missouri Department of Conservation Hornersville Swamp Conservation Area Parking Lot at Elk Chute, Dunklin County, Missouri.

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 Missouri Department of Conservation (MDC) has requested a Section 408 Permission Evaluation to build a parking area on the northeastern side of Hornersville Swamp Conservation Area (Figure 1).

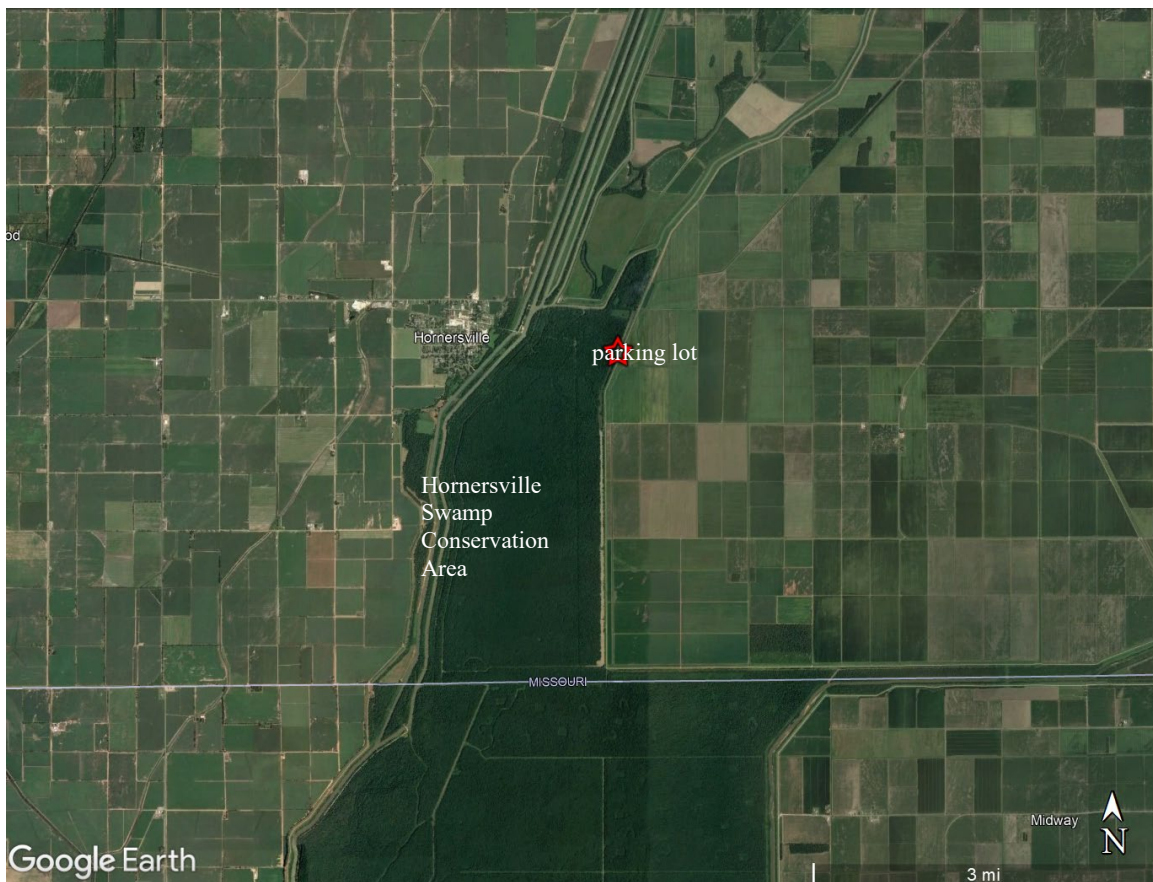


Figure 1. Location of proposed parking area at Hornersville Swamp Conservation Area, in Dunklin County, Missouri.

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 and Tributaries system, the federally authorized civil works project proposed for alteration, provides for managing flood risks to lands outside of the levees from floodwaters of the Mississippi River. Federal responsibility extends 15 feet from the landside berm and 40 feet from the riverside toe of the levee (Figure 2). The proposed request involves establishment of a gravel parking lot for public use near the northern end of the Elk Chute Drainage District levee at the east side of Hornersville Swamp CA. Currently, recreationists park along the top and side of the levee to access Hornersville Swamp CA. This project proposes to construct a 4,900-square foot parking lot for users. The parking lot is proposed to be built in the footprint of an existing railroad bed where tracks and other improvements are no longer present. Fill areas in the project range from approximately zero to seven feet. The fill is expected to move toes of slopes approximately 30 feet north (measured from northern slope toe) and approximately 25 feet south (measured from southern slope toe). Grades will tie into existing grades with slopes of 3H:1V.

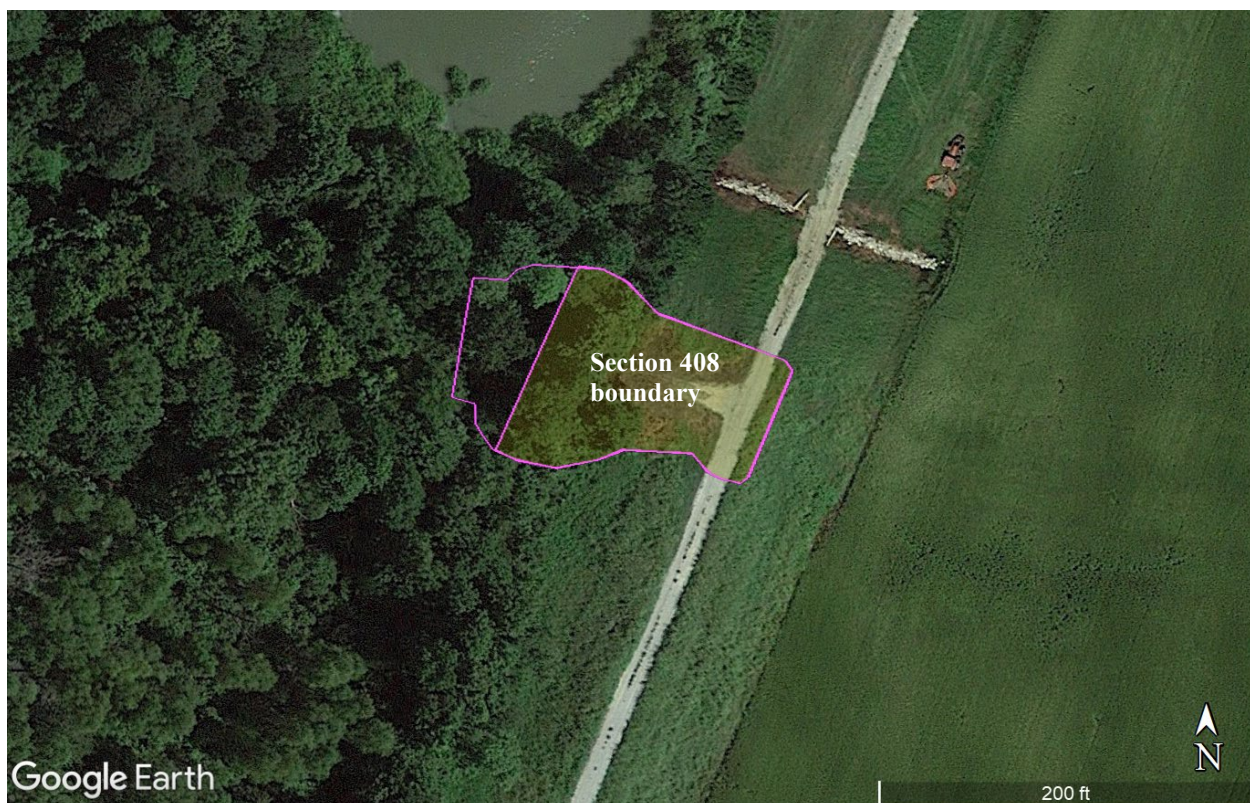


Figure 2. Section 408 boundary within proposed construction area for the parking area at Hornersville Swamp Conservation Area, in Dunklin County, Missouri.

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. MDC has applied for Nationwide Permit 42 (Recreational Facilities) from the Memphis USACE Regulatory Branch who is currently conducting environmental compliance evaluations and preliminary determinations by reviewing the proposed work of the entire footprint of this project for (1) impacts to wetlands pursuant to the Clean Water Act, Section 404(b)(1), (2) effects to threatened and endangered species or their critical habitats pursuant to the Endangered Species Act, Section

7, and (3) effects to known historic properties pursuant to the National Historic Preservation Act, Section 106. 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; Indian Tribes; and other interested parties. Comments received within 15 days of this publication would be used in the evaluation of potential impacts of the proposed action on important resources. All comments would 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 February 9, 2024.**

Sincerely,

A handwritten signature in black ink, appearing to read "Mark R. Smith", with a long horizontal flourish extending to the right.

Mark R. Smith
Chief, Environmental Compliance Branch,
Regional Planning and Environmental Division South