



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

ISSUE DATE: April 15, 2024

EXPIRATION DATE: April 29, 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 Entergy Power Pole Replacements, Cross County, Arkansas.

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. Entergy has requested a Section 408 Permission Evaluation to replace three transmission poles which support an overhead powerline that crosses over Straight Slough northwest of Parkin, Cross County, Arkansas (Figure 1).



Figure 1. Location of power pole replacement at Straight Slough, Cross County, Arkansas.

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 St. Francis Basin Project, the federally authorized civil works project proposed for alteration, provides for managing flood risks to lands in the alluvial valley in northeastern Arkansas and southeast Missouri. Federal responsibility extends 15 feet from the landside berm and 40 feet from the riverside toe of the levee. The proposed request involves replacing three wooden transmission pole structures with three steel, single pole transmission structures. The poles will support an overhead 161-kilovolt powerline which crosses Straight Slough and the levee east of Straight Slough. Holes will be drilled for the new poles within 10 feet of the existing structures, and holes will be backfilled with the same fill that was removed to install the poles.

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. Entergy has requested a Section 408 evaluation on the proposed action from the Memphis District, and the environmental compliance branch is currently conducting a preliminary determination by reviewing the proposed work of the footprint of this project that may affect USACE interests for (1) effects to threatened and endangered species or their critical habitats pursuant to the Endangered Species Act, Section 7, and (2) effects to known historic properties pursuant to the National Historic Preservation Act, Section 106. Impacts to wetlands pursuant to the Clean Water Act, Section 404, are not anticipated for this project. 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 April 29, 2024.**

Sincerely,



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