



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

ISSUE DATE: August 2, 2019

EXPIRATION DATE: August 17, 2019

**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 Sho Me Technologies, Mississippi 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. Sho Me Technologies has requested to install a one and a half inch high-density polyethylene (HDPE) orange conduit for approximately 25 miles from Denton, Missouri to Dell, Arkansas (Figure 1).

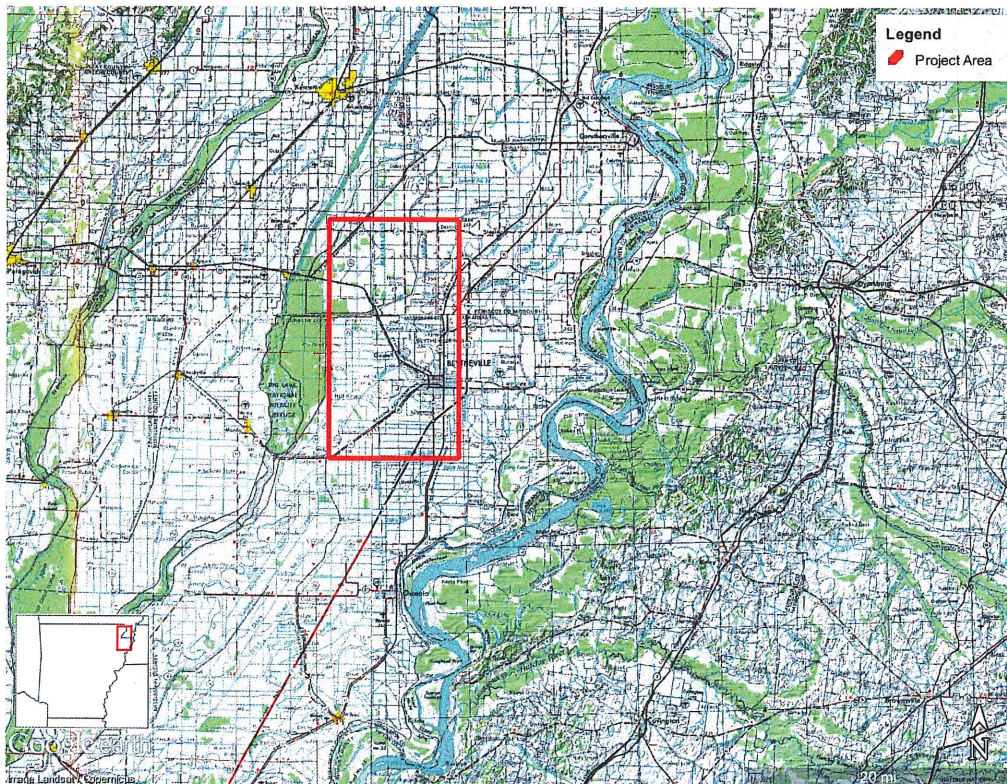


Figure 1. Location of proposed Sho Me Technologies fiber optic cable installation from Denton, Missouri to Dell, Arkansas.

**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 the alluvial valley in southeast Missouri and northeastern Arkansas. Federal responsibility extends 15 feet from the landside berm and 40 feet from the riverside toe of the levee. The proposed request involves the installation of a one and a half inch HDPE orange conduit along an existing utility right of way for approximately 25 miles from Denton, Missouri to Dell, Arkansas to provide fiber optic cable to the Dell Power Plant. In doing so, the proposed conduit would cross flood control features of the St. Francis Basin at eight locations (six ditches and two levees). When crossing ditches, the conduit would be installed, through boring, at a depth of 10 feet below the bottom of the ditch. When crossing levees, the conduit would be placed on top of the existing levee and then covered with 30 inches of 80 percent compacted fill at a 3.9:1 slope and 90 percent to the road base, with seven inches of one inch crushed stone. All disturbed areas would be seeded and mulched with a fescue, rye, and wheat blend.

**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. As the proposed project would not result in fill material being placed into any wetlands or waters of the U.S., a Section 404(b)(1) permit is not required from USACE Regulatory Branch. Similarly, a Water Quality Certification would not be required from the states of Arkansas or Missouri. Additionally, as the proposed Section 408 alteration is within the USACE project footprint, no known historic properties would be effected. Furthermore, the proposed Section 408 alteration was determined to have no effect on threatened or endangered species or their critical habitat pursuant to the Endangered Species Act. 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 [joshua.m.koontz@usace.army.mil](mailto:joshua.m.koontz@usace.army.mil) and should be received by August 17, 2019.**

Sincerely,



Edward P. Lambert  
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Regional Planning and Environmental Division South