



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

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EXPIRATION DATE: March 04, 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 Arkansas Department of Transportation State Highway 135 Drainage Ditch No.1 Crossing, Poinsett 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. The Arkansas Department of Transportation (ArDOT) has requested to replace six existing State Highway 135 bridges with new bridges and replace one existing bridge with a box culvert between Tyronza and just north of Rivervale, Poinsett and Craighead Counties, Arkansas (Figure 1). Three bridge designs have been completed to date with plans to construct them in the near future. The remaining bridges and culvert plans will be finalized and provided for public comment and review at a later time. This particular Section 408 Permission Evaluation is for the Drainage Ditch No. 1 crossing near Alto, Arkansas (Figure 2).

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 for managing flooding within the St. Francis River Basin. The proposed request involves removing the old State Highway 135 bridge across Drainage Ditch No. 1 in Poinsett County, Arkansas. ArDOT is proposing to replace the existing bridge structure with a 149-foot prestressed concrete girder unit on concrete filled steel shell pile. The replacement bridge is expected to be immediately adjacent and upstream to the existing bridge (Figure 3). The proposal also includes demolition of the existing bridge structure with substructure components removed to a minimum depth of 2 feet below subgrade or final ground surface, unless deeper removal is necessary to avoid new construction activities.

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

Section 408 Permission Evaluation for Arkansas Department of Transportation Site 3, Poinsett County, Arkansas.

those adjacent areas that are directly or indirectly affected by the alteration. The proposed project is also being evaluated by the Memphis District Regulatory Branch to determine if it meets criteria set forth in Nationwide Permit 14, Linear Transportation Projects. Compliance with Section 106 of the National Historic Preservation Act is being analyzed as part of the permit evaluation. The proposed Section 408 alteration was determined to have no effect on the threatened black rail, threatened piping plover, endangered pondberry and threatened red knot, and to not likely adversely affect the endangered fat pocketbook mussel and endangered scaleshell mussel, 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 kevin.r.pigott@usace.army.mil and should be received by March 04, 2024.**

Sincerely,

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

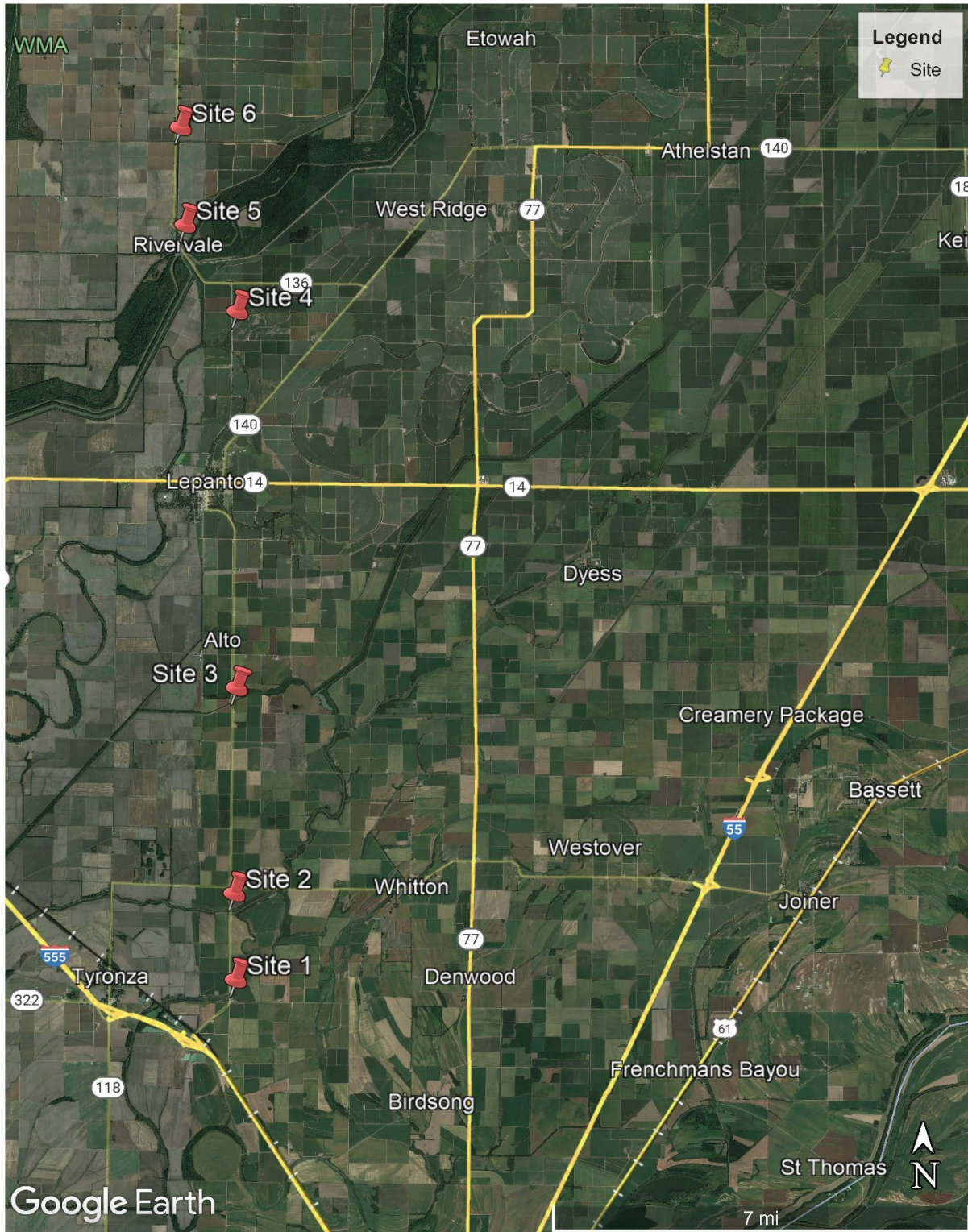


Figure 1. Section 408 Permission Evaluation for Arkansas Department of Transportation, Highway 135 Bridge Replacements, Craighead and Poinsett County, Arkansas.

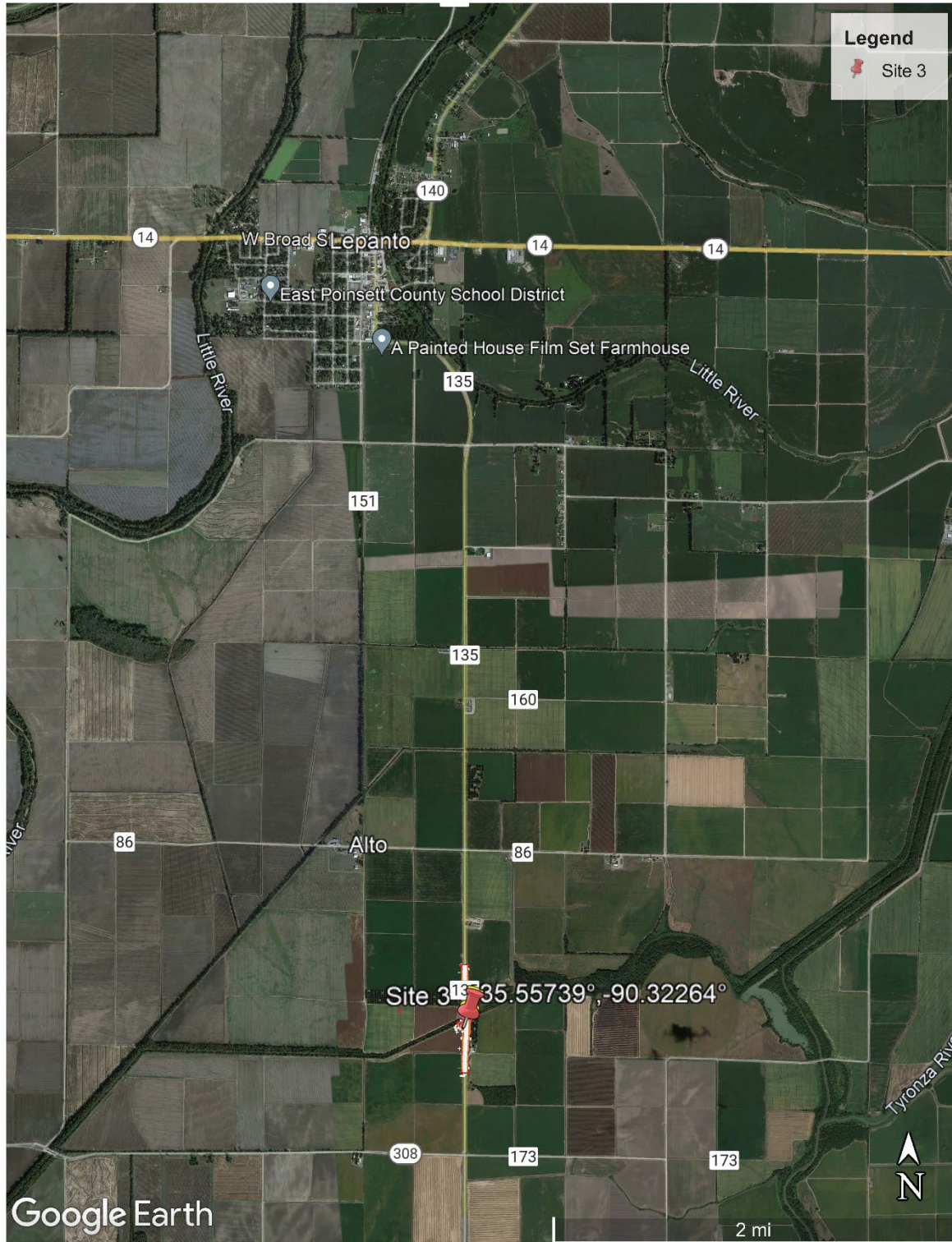


Figure 2. Location of proposed Arkansas Department of Transportation State Highway 135 bridge replacement over Drainage Ditch No. 1, Pinsett County, Arkansas.

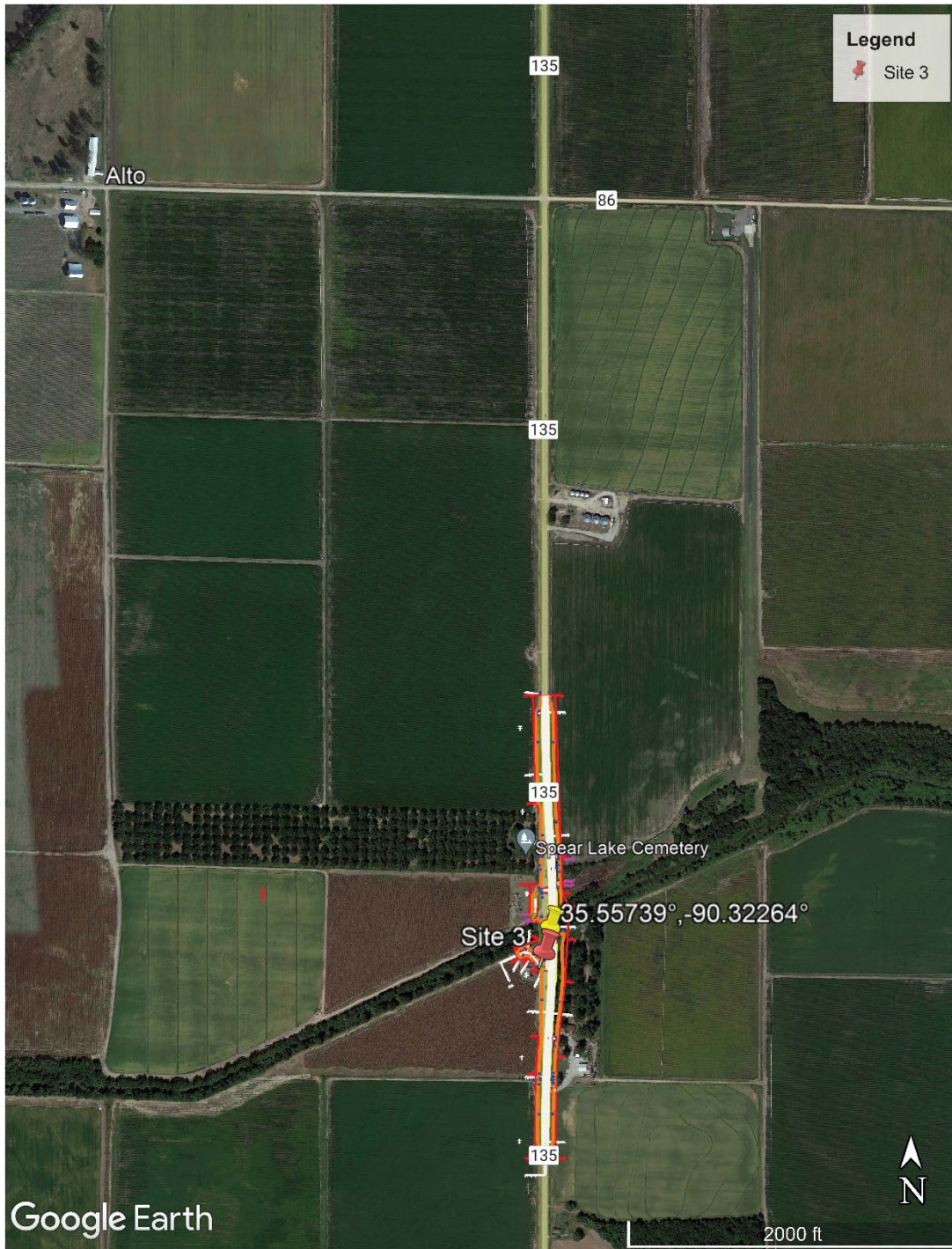


Figure 3. Proposed detail of Arkansas Department of Transportation State Highway 135 bridge replacement over Drainage Ditch No. 1, Poinsett County, Arkansas.