



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

**ISSUE DATE: July 24, 2018**

**EXPIRATION DATE: August 8, 2018**

## **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 Lawfield & Lawfield, LLC near Marston, New Madrid 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. Lawfield & Lawfield, LLC is proposing to install a new entrance for property access (access ramp off of the levee) located on the eastern side of County Road 431 (St. Francis Levee) near levee station 1/0+0 (Figure 1).



Figure 1. Proposed Section 408 project location for Lawfield & Lawfield, LLC.

**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 Levee, 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 each levee toe, land and riverside. The proposed request involves the installation of a new entrance for property access. No excavation would occur below the existing grade.

**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, further coordination regarding Section 401 of the Clean Water Act would not be required from the State of 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 [Andrea.L.Carpenter@usace.army.mil](mailto:Andrea.L.Carpenter@usace.army.mil) and should be received by August 8, 2018.**

Sincerely,



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