



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

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2026**

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 Consolidated Grain and Barge Company (CGB) to renew an existing dredging permit.

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. CGB has requested permission to renew an existing dredging permit. This will allow CGB to remove approximately 950 cubic yards of material annually, which will be placed in the mainstream of the Mississippi River in Fulton County, KY. (Figure 1).



Figure 1. Location of proposed dredging and disposal sites in Fulton County, Kentucky

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 authorized federal project at this location is the Mississippi River Channel Improvement. The federal project provides for channel improvement to increase the flood carrying capacity and reduce flood heights, to stabilize alignment and prevent bank caving that would destroy the main line levees, and to provide an aligned navigation channel. The authorized channel dimensions are 12 feet in depth and 300 feet in width. Dredging is often required to maintain the navigation channel. The project includes continued maintenance and pre-maintenance dredging, as required.

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. TDOT 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 footprint of the proposed work and potential effects to USACE interests.

A list of potential threatened or endangered species possibly in the project area was created on 9 January 2026 utilizing the Information for Planning and Consulting (IPaC) tool provided by the United States Fish and Wildlife Service (USFWS). The proposed Section 408 alteration was determined to have the following effects on threatened or endangered species or their critical habitats in the project area, pursuant to the Endangered Species Act:

Common Name	Binomial	Status	Effect Determination
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered	No effect
Indiana Bat	<i>Myotis sodalis</i>	Endangered	No effect
Pallid Sturgeon	<i>Scaphirhynchus albus</i>	Endangered	No effect
Fat Pocketbook Mussel	<i>Potamilus capax</i>	Endangered	Not likely to adversely affect
Alligator Snapping Turtle	<i>Macrochelys temminckii</i>	Proposed Threatened	No effect
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened	No effect

Concurrence with these effect determinations was requested from the USFWS, pursuant to the Endangered Species Act.

The USACE Memphis District Archaeologist has determined that the proposed activities have no potential to cause effect to historic properties, pursuant to Section 106 of the National Historic Preservation Act. There are no known properties within the project area or surrounding areas and the existing project site has previously been disturbed by prior construction.

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 robert.w.prebeck@usace.army.mil and should be received by February 13th, 2026.**

Sincerely,

Mark R. Smith

Chief, Environmental Compliance Branch
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