



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

ISSUE DATE: March 15, 2022

EXPIRATION DATE: March 29, 2022

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 J. Allen Rowland Trust, Replacement of Existing Erosion Control Structure, Stoddard 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. J. Allen Rowland Trust has requested to replace an existing rusted erosion control structure to the St. Francis River near the town of Fisk, Stoddard County, Missouri (Figure 1). This structure crosses a St. Francis levee section and without replacement, the structure is in danger of failing and creating erosion and sedimentation problems.

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. The proposed project will replace the existing 24-inch erosion control structure that is rusting with a similar 24-inch erosion control structure (Figure 2). The approximate 76-foot-long pipe will be placed approximately 1.5 feet above typical St. Francis River levels.

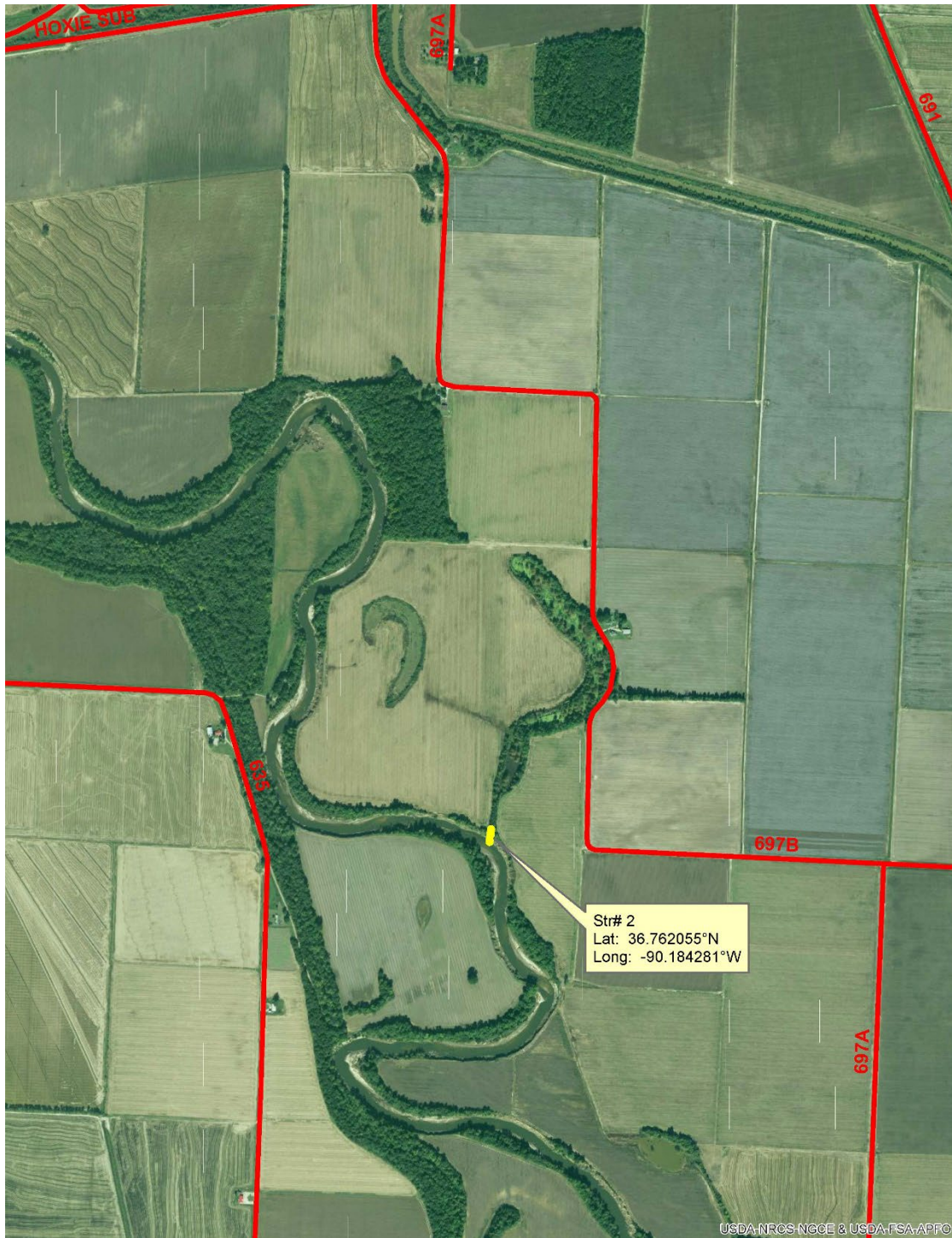


Figure 1. Location of proposed erosion control structure, Stoddard County, Missouri.

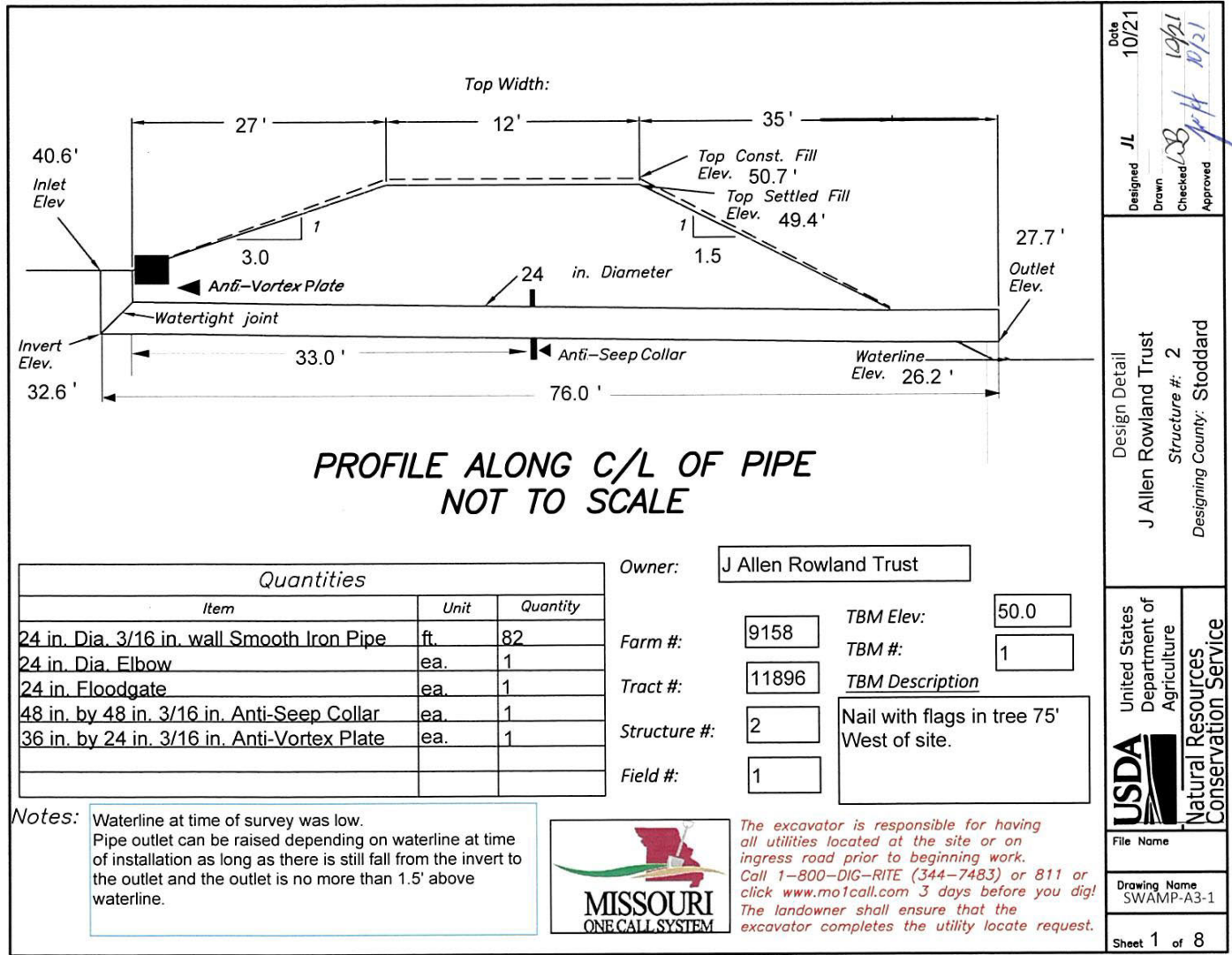


Figure 2. Approximate design of proposed erosion control structure, Stoddard County, Missouri.

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. Additionally, as the proposed Section 408 alteration is within the USACE project footprint, no known historic properties would be affected. 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 proposed action falls under Nationwide Permit Number 3, Maintenance, which permits the repair, rehabilitation, or replacement of previously authorized and currently serviceable structures or fills; thus, a separate state water quality certification is not required. No extraordinary circumstances or situations exist that would dictate the need to prepare an environmental assessment or an environmental impact statement, as identified in 32 CFR § 651.29(b). 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 29, 2022.**

Sincerely,



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