

ISSUE DATE: November 21, 2019

EXPIRATION DATE: December 6, 2019



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

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 Heartland Asphalt Materials, 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. Heartland Asphalt Materials has requested to install a dolphin immediately adjacent to an existing dolphin and then replace the older dolphin due to safety concerns with the older dolphin located along the western bank of the Mississippi River Mile 888, New Madrid County, Missouri (Figure 1).

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 Channel Improvement Project, the federally authorized civil works project proposed for alteration, 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 proposed request involves replacing the middle of three dolphin structures at the Heartland Asphalt facility in New Madrid, Missouri that has degraded over time to the extent that it is structurally unsound. The new river dolphins, measuring 60 inches in diameter will be driven into the riverbed to a depth of approximately 30 to 35 feet (Figure 2).

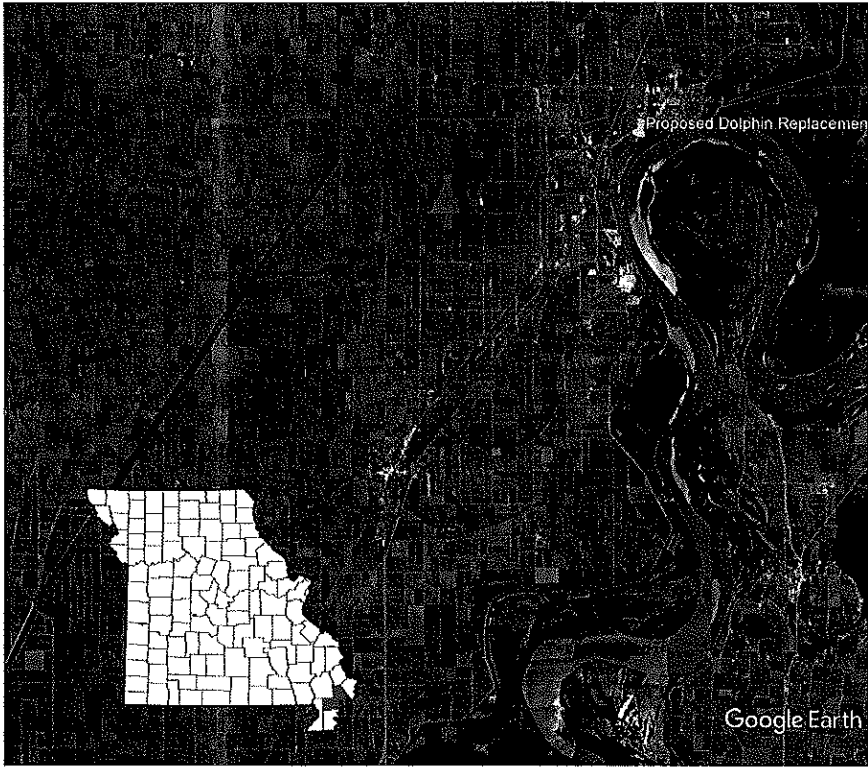


Figure 1. Location of proposed Heartland Asphalt Materials proposed dolphin replacement near the city of New Madrid, Missouri at River Mile 888, New Madrid County, Missouri.



Figure 2. Location of proposed dolphin replacement, Heartland Asphalt Facility, New Madrid, 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. As the proposed project would occur within Waters of the U.S., a Nationwide Permit No. 3 and Section 10 permit request (MVM 2019-284) is currently being processed by USACE, Memphis District (MVM), Regulatory Branch. This public notice will constitute dissemination of these permits as well as notification of the Section 408 review. Based on best available information, the USACE determination is that the project will have no adverse effect on federally listed rare, threatened, or endangered species. This application is being coordinated with the U.S. Fish and Wildlife Service through the MVM Regulatory Branch permit request.

Additionally, as the proposed Section 408 alteration is within the USACE project footprint, no known historic properties would be effected. 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 Mark.Smith@usace.army.mil and should be received by December 6, 2019.**

Sincerely,



Edward P. Lambert

Chief, Environmental Compliance Branch,
Regional Planning and Environmental Division South