



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

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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 the Cotton Belt Levee District to pave existing road on top of the Mississippi River Levee from the levee ramp at end of Arkansas Highway 20 Spur to Levee Station 13, then turn to the river side of the levee and into a proposed container yard. The activity will take place in Phillips 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 Cotton Belt Levee District has requested permission to pave a portion of the Mississippi River Levee (Figure 1).



Figure 1. Location of levee paving in Phillips County, AR.

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 federal project being altered is the Mississippi River Levee. This project provides for managing flood risks to lands outside of the levees from floodwaters of the Mississippi River. Federal responsibility extends 15 feet from the landside berm and 40 feet from the riverside toe of the levee.

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. The Cotton Belt Levee District 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 by on 18 May 2026 by utilizing the Information for Planning and Consulting (IPaC) tool provided by the United States Fish and Wildlife Service. 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
Eastern Black Rail	<i>Laterallus jamaicensis ssp.jamaicensis</i>	Threatened	No effect
Piping Plover	<i>Charadrius melodus</i>	Threatened	No effect
Ivory-billed Woodpecker	<i>Campephilus principalis</i>	Endangered	No effect
Rufa Red Knot	<i>Calidris canutus rufa</i>	Threatened	No effect
Alligator Snapping Turtle	<i>Macrochelys temminckii</i>	Proposed Threatened	No effect
Pallid Sturgeon	<i>Scaphirhynchus albus</i>	Endangered	No effect
Fat Pocketbook Mussel	<i>Potamilus capax</i>	Endangered	No effect
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened	No effect
Pondberry	<i>Lindera melissifolia</i>	Endangered	No effect

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 June 3rd, 2026.**

Sincerely,

Mark R. Smith

Chief, Environmental Compliance Branch
Regional Planning and Environmental Division
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