



**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 power line construction across the Right Hand Chute of the Little River.

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 Arkansas Electric Cooperative Corporation (AECC) has requested permission to install new powerlines across the Right Hand Chute of the Little River in Poinsett County, AR (Figure 1).



Figure 1. Location of proposed power line construction in Poinsett 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 St. Francis Basin Project was authorized by the Flood Control Act, 15 May 1928 and controls the floods along the St. Francis and Little Rivers and passes these floodwaters safely into the Mississippi River. The proposed request involves the construction of new powerlines across the Right Hand Chute of the Little River.

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. AECC 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 proposed work of the footprint of this project that may affect USACE interests.

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:

Eastern Black Rail (*Laterallus jamaicensis ssp.jamaicensis*): No effect

Piping Plover (*Charadrius melodus*): No effect.

Rufa Red Knot (*Calidris canutus rufa*): No effect.

Fat Pocketbook (*Potamilus capax*): No effect.

Scaleshell Mussell (*Leptodea leptodon*): No effect.

Alligator Snapping Turtle (*Macrochelys temminckii*): No effect.

Monarch Butterfly (*Danaus plexippus*): No effect.

Pondberry (*Lindera melissifolia*): No effect.

The USACE Memphis District Archaeologist has determined that the proposed activities would cause no effects to known historic properties, pursuant to Section 106 of the National Historic Preservation Act. The area has been previously surveyed and there are no known properties within the project area or surrounding areas.

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 14 February 2025.**

Sincerely,

Mark R. Smith

Chief, Environmental Compliance Branch
Regional Planning and Environmental Division South