



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

**ISSUE DATE: 14 January 2025**

**EXPIRATION DATE: 30 January 2025**

**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 Hwy 42 bridge replacement along the St. Francis River, Cross 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 Arkansas Department of Transportation (ArDOT) has requested permission to replace an existing bridge on Highway 42 at Coldwater in Cross County, AR (Figure 1).



Figure 1. Location of proposed bridge replacement in Cross 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 River Project, the federally authorized civil works project proposed for alteration, involves maintaining the original St. Francis River channel to manage flood risks along the St. Francis as part of the St. Francis Basin Project and passage of these floodwaters safely into the Mississippi River. Federal maintenance is performed only when the cross-sectional area of the channel decreases below the minimum required to pass the design flow. The proposed request involves the construction of a new bridge on same alignment.

**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. ArDOT 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. The United States Fish and Wildlife Service concurred with these determinations on July 15, 2024:

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

Fat Pocketbook (*Potamilus capax*): Not likely to adversely affect.

Piping Plover (*Charadrius melodus*): Not likely to adversely affect.

Pondberry (*Lindera melissifolia*): Not likely to adversely affect.

Rufa Red Knot (*Calidris canutus rufa*): Not likely to adversely affect.

The ArDOT Environmental Division conducted an environmental review of the proposed project area, and it was determined that no known historic properties would be affected.

The proposed project is being evaluated by the Little Rock District Regulatory Branch of the U.S. Army Corps of Engineers to determine if it meets criteria set forth in Nationwide Permit 14, Linear Transportation Projects. NWP 14 would fulfill requirements under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act. Arkansas has issued a Section 401 water quality certification for NWP 14. 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](mailto:robert.w.prebeck@usace.army.mil) and should be received by 30 January 2025.**

Sincerely,

Mark R. Smith

Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South