



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

ISSUE DATE: 30 January 2025

EXPIRATION DATE: 14 February 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 excavating of a levee, placing pipe in the levee, and backfilling over the pipe. Construction will take place on the Little River Headwater Diversion Levee.

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. Waters Engineering, Inc. has requested permission to excavate a portion of the Little River Headwater Diversion Levee to install an eight-inch pipe and then to backfill over the levee. The construction will take place in Scott County, MO (Figure 1).

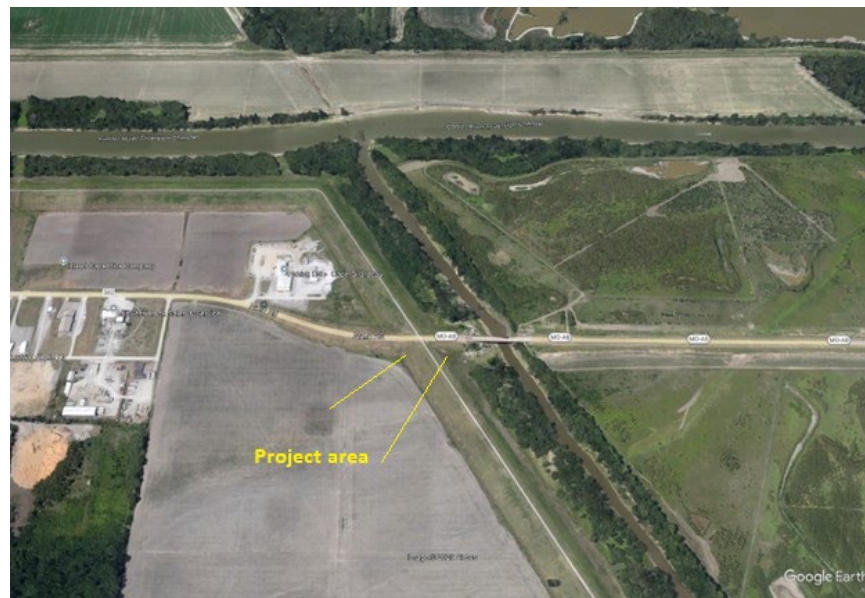


Figure 1. Location of proposed construction in Pemiscot County, MO.

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 Project, the federally authorized civil works project proposed for alteration, The federal 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 15 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. 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:

Gray Bat (*Myotis grisescens*) – no effect.

Indiana Bat (*Myotis sodalis*) – no effect.

Tricolored Bat – proposed endangered (*Perimyotis subflavus*) – no effect.

Alligator Snapping Turtle – proposed threatened (*Macrochelys temminckii*) – no effect.

Monarch Butterfly – proposed threatened (*Danaus plexippus*) – 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