



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

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EXPIRATION DATE: 10 April 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 installation of fiber optic cable via aerial and underground methods along multiple locations within

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. Uplink, LLC is requesting to place fiber optic cable along several sections of river levee within Phillips County, AR. The federally authorized project being altered is the Mississippi and White Rivers Below Helena Levee System, which is part of the Mississippi River and Tributaries Project. The federal project at this location involves managing flood risks beginning just north of Helena, AR and extending along the west bank of the Lower Mississippi River to its confluence with the White River. Federal responsibility extends 15 feet from the toe of the riverside and landside of the levee. There are various locations proposed for this work – figures 1-3 denote approximate locations within Phillips County, AR.



Figure 1: Project location #1 – Phillips County, AR

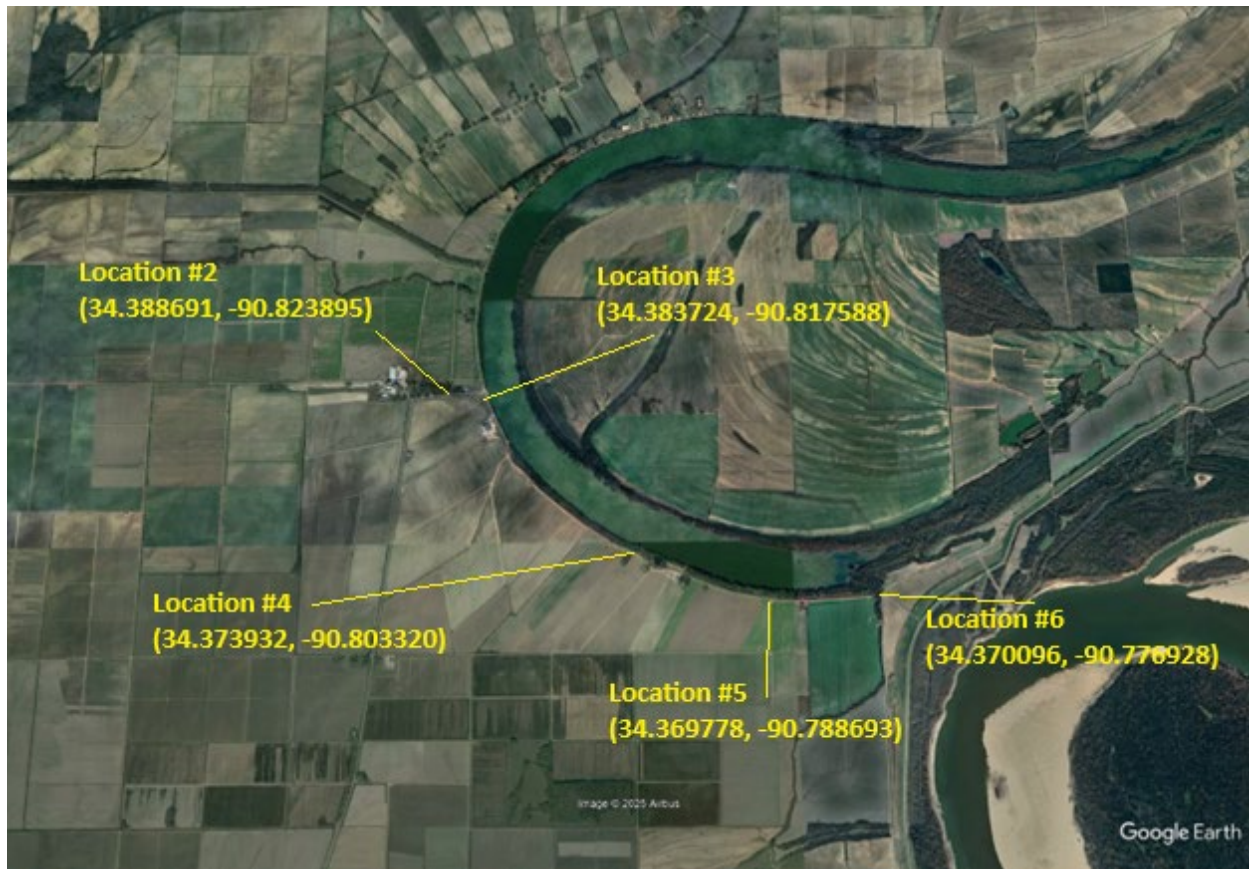


Figure 2: Project locations #2 through #6 – Phillips County, AR



Figure 3: Project location #7 – 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. Fiber optic cable will be installed underground along the levee system from location #2 to location #7. Cable will be placed via aerial installation in location #1.

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. Uplink, LLC 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.

A list of potential threatened or endangered species possibly in the project area was created on 20 March 2025 utilizing the Information for Planning and Consulting (IPaC) tool provided by the United States Fish and Wildlife Service (USFWS). 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:

All seven locations share the following threatened or endangered species:

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
Rufa Red Knot	<i>Calidris canutus rufa</i>	Threatened	No effect
Ivory-billed Woodpecker	<i>Campephilus principalis</i>	Endangered	No effect
Alligator Snapping Turtle	<i>Macrochelys temminckii</i>	Proposed Threatened	No effect
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened	No effect
Pondberry	<i>Lindera melissifolia</i>	Endangered	No effect

Location #7 also includes these additional threatened or endangered species:

Common Name	Binomial	Status	Effect Determination
Fat Pocketbook Mussel	<i>Potamilus capax</i>	Endangered	No effect
Pallid Sturgeon	<i>Scaphirhynchus albus</i>	Endangered	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 10 April 2025.**

Sincerely,

Mark R. Smith

Chief, Environmental Compliance Branch
Regional Planning and Environmental Division South