



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

**ISSUE DATE: May 29, 2020**

**EXPIRATION DATE: June 13, 2020**

**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 Associated Electric Cooperative, Inc., New Madrid Power Plant, New Madrid County, Missouri.

**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. Associated Electric Cooperative, Inc. has requested a Section 408 Permission Evaluation to complete four projects in New Madrid County, Missouri (Figure 1).

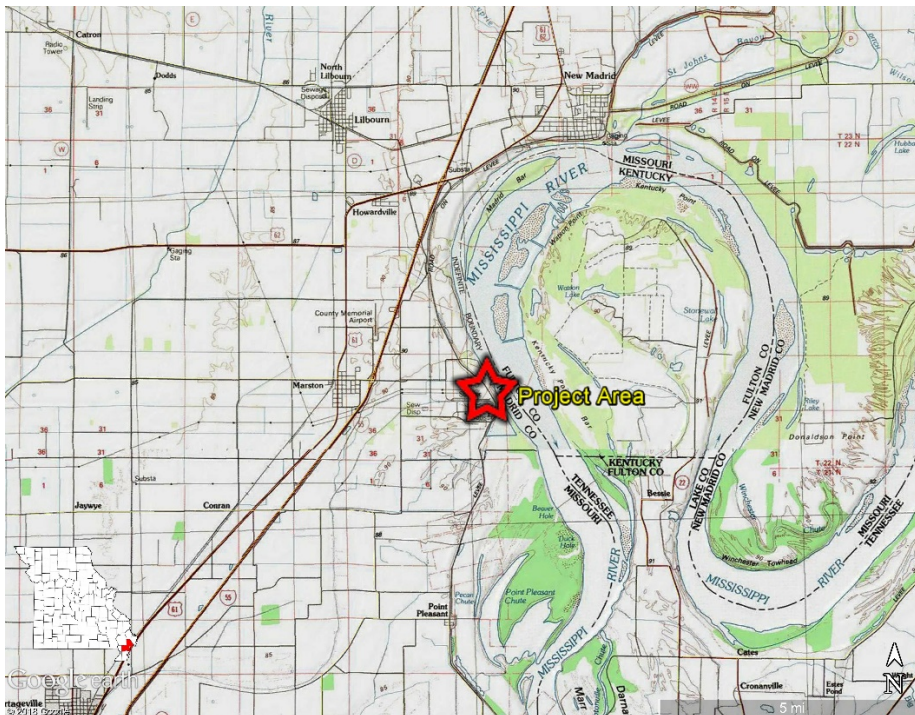


Figure 1. Location of Associated Electric Cooperative, Inc. proposed Coal Pile Upgrades, New Madrid County, Missouri.

**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 and Tributaries system, the federally authorized civil works project proposed for alteration, 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. The proposed request involves four projects within USACE levee proximity associated with Coal Pile Upgrades that are necessary to maintain compliance with the facility's National Pollutant Discharge Elimination System Permit. These four projects are: 1) Lined Pond Closure, 2) Coal Pile Upgrades, 3) Pond 004 Closure and Reconfiguration, and 4) Projects Soil Borrow. The lined pond closure will include grading existing CCR (coal combustion residuals) within the lined pond to provide positive surface drainage that complies with the CCR Rule. The coal pile upgrades include installing a bottom liner to improve cleaning and maintenance. Pond 004 closure will entail removing the accumulated CCR material and contaminated soils. Once these are removed, protective soil will be installed, the perimeter berm will be raised to match the levee, a clay splitter dike will be installed and the northern half of the pond will be filled with soil for future CCR use. Throughout the Pond 004 closure and reconfiguration all activities are to occur within the limits of previously constructed elements. No material will be placed on the river side of the levee. Projects regarding the borrow soil will include creating two soil borrow ramps against the western slope of the levee. These ramps will allow access from borrow area C to the Lined Pond. The ramps will be removed once construction has been completed.

**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. As the proposed project would not result in fill material being placed into any wetlands or waters of the U.S., a Section 404(b)(1) permit is not required from USACE Regulatory Branch. Similarly, a Water Quality Certification would not be required from the State of Missouri. Additionally, as the proposed Section 408 alteration is within the USACE project footprint, no known historic properties would be effected. Furthermore, the proposed Section 408 alteration was determined to have no effect on threatened or endangered species or their critical habitat pursuant to the Endangered Species Act. 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; Native American Tribes; and other interested parties. Comments received within 15 days of this publication will be used in the evaluation of potential impacts of the proposed action on important resources. All comments will 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 [jennifer.hiltonsmith@usace.army.mil](mailto:jennifer.hiltonsmith@usace.army.mil) and should be received by June 13, 2020.**

Sincerely,

A handwritten signature in blue ink that reads "Edward P. Lambert". The signature is written in a cursive style with a long horizontal stroke at the end.

Edward P. Lambert  
Chief, Environmental Compliance Branch,  
Regional Planning and Environmental Division South