



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

**ISSUE DATE:** December 1, 2021

**EXPIRATION DATE:** December 17, 2021

## **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 Delta Heritage Trail State Park, Desha 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. Delta Heritage Trail State Park is proposing to complete Phase VIII development of the Delta Heritage Trail project near Snow Lake in Desha County, Arkansas (Figure 1).

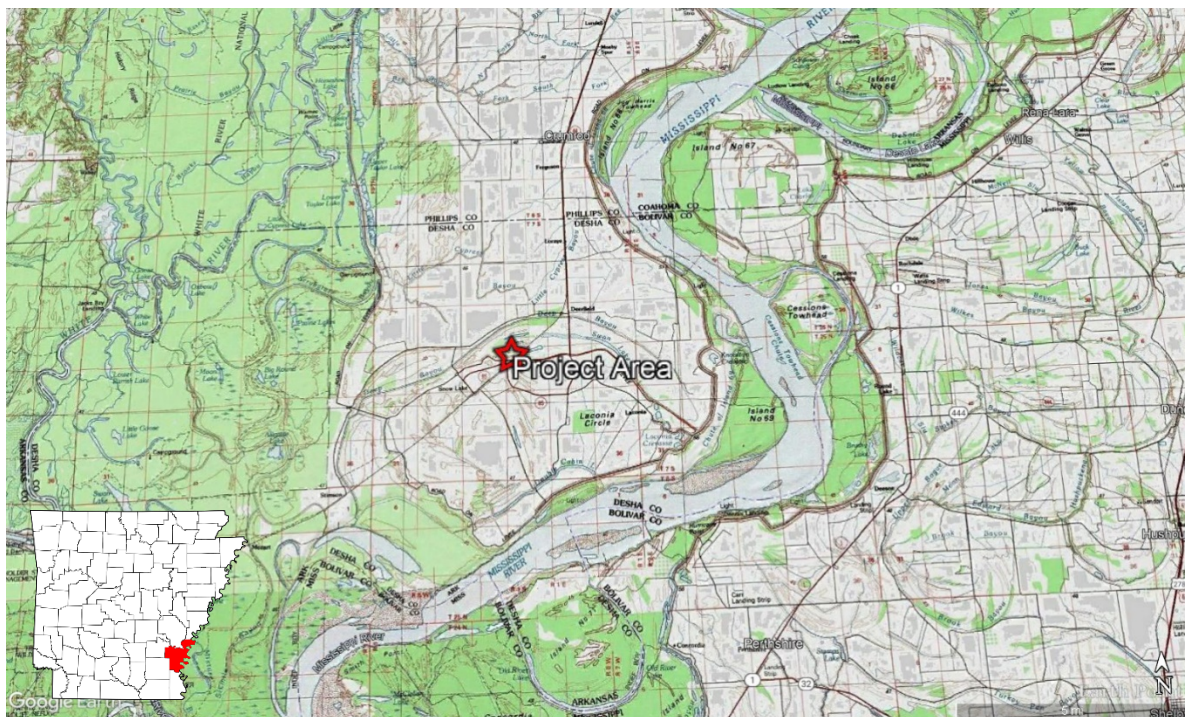


Figure 1. Location of proposed Delta Heritage Trail, Desha County, Arkansas.

**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, 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 project will follow the existing railroad ballast alignment which crosses the Laconia Circle Levee (Figure 2). The project will include compaction and leveling of existing railroad ballast, the addition of 6 inches of new aggregate base and 4 inches of crushed stone trail surfacing. Additionally, a 12-foot long by 10-foot wide section along the Laconia Circle Levee will be paved with asphalt and gates will be installed (Figure 3).



Figure 2. Location of proposed Delta Heritage Trail improvements along the Laconia Circle Levee, Desha County, Arkansas.





Figure 3. Profile of proposed Delta Heritage Trail improvements, Desha County, Arkansas.

**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 States of Arkansas. Additionally, as the proposed Section 408 alteration is within the USACE project footprint, no known historic properties would be affected. 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 December 17, 2021.**

Sincerely,

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

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