



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

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EXPIRATION DATE: October 25, 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 Highway 77 Bridge Replacements, Mississippi 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 a Section 408 Permission Evaluation to complete the replacement of multiple bridges in Mississippi County, Arkansas (Figure 1).

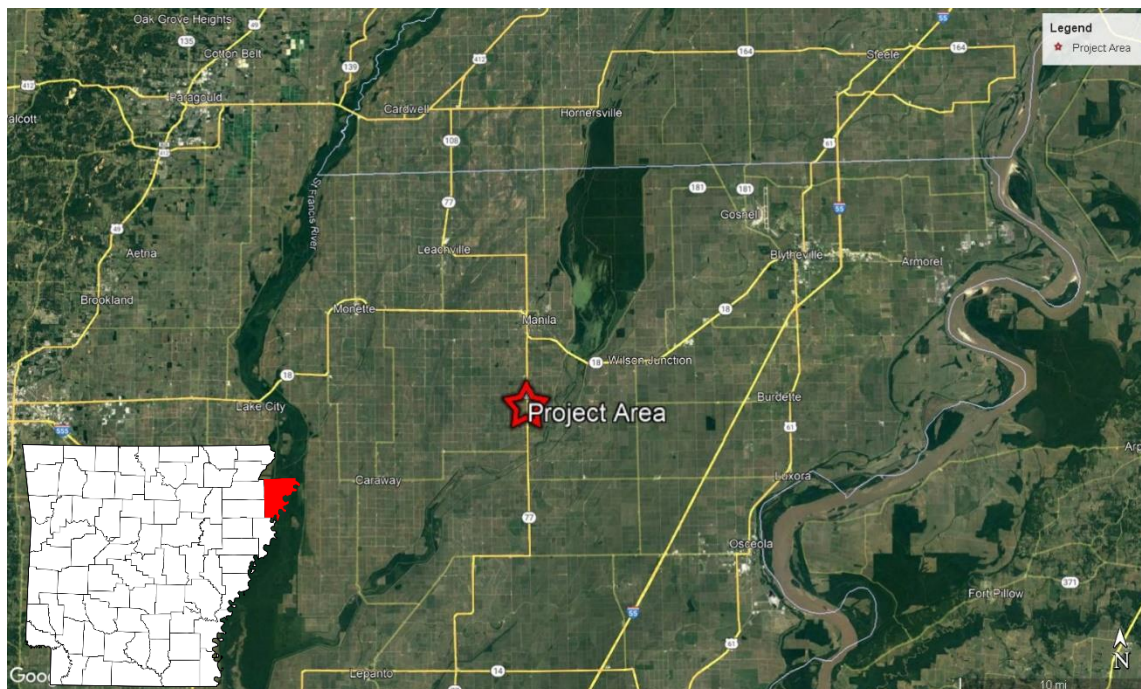


Figure 1. Project area of proposed bridge replacements, Mississippi County, Arkansas.

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 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 purpose of this project is to replace multiple bridges along Highway 77, west of Osceola in Mississippi County, Arkansas (Figure 2). The proposed project is part of a larger ArDot project that includes repair of bridge and culvert structures on multiple highways. The Little Rock District Corps of Engineers has coordinated the clearance of this project (ArDOT Project Number 100955) with the appropriate agencies.

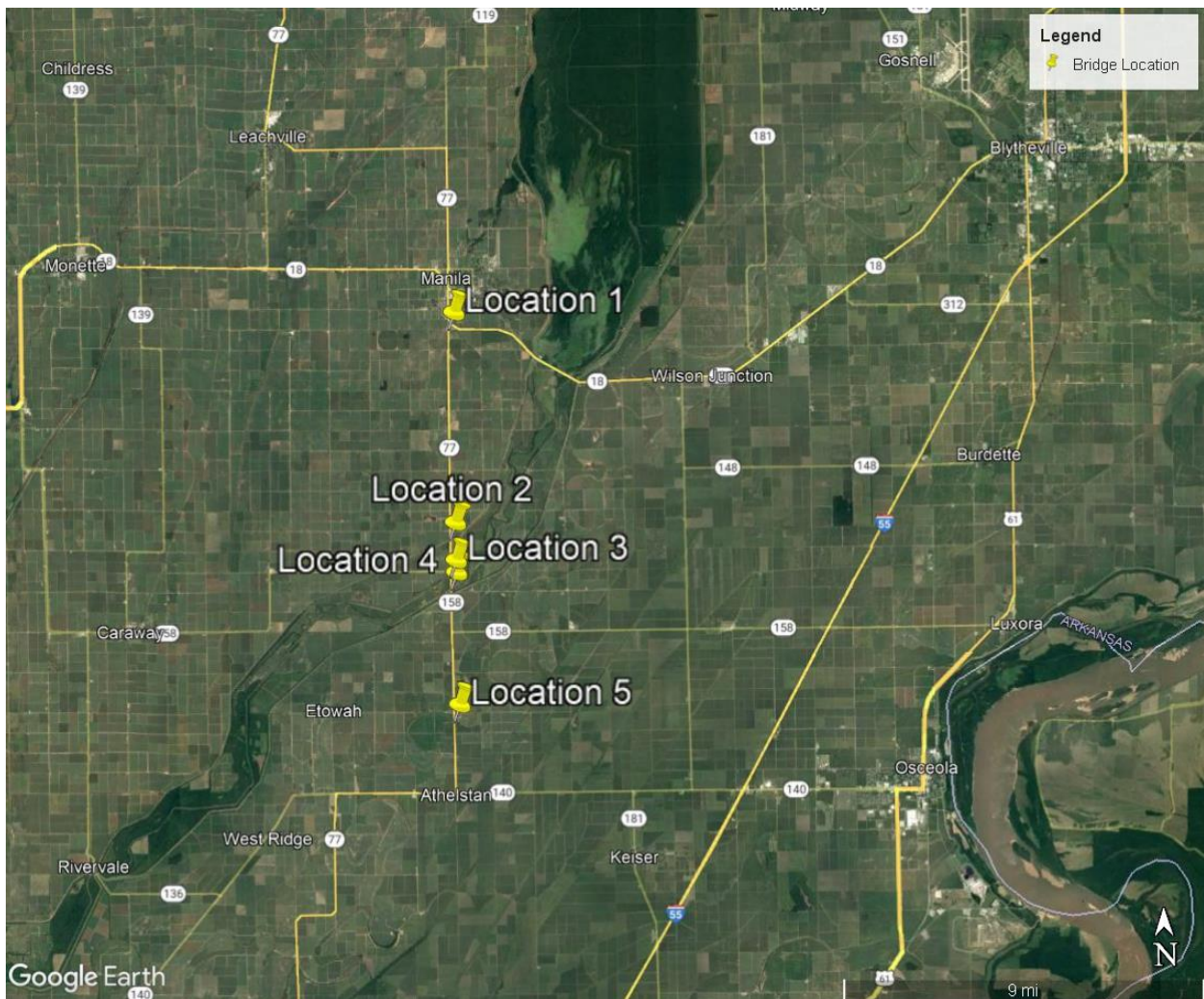


Figure 2. Proposed locations of bridges to be repaired along highway 77, Mississippi County, Arkansas.

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. The proposed project meets criteria set forth in Nationwide Permit 14, Linear Transportation Projects. Additionally, the Little Rock District Corps of Engineers coordinated the proposed project with the Arkansas Historic Preservation Program, which concurred with the finding that no known historic properties would be affected. The following federally listed species were identified as potentially occurring in the project area: Eastern Black Rail (*Laterallus jamaicensis* ssp. *jamaicensis*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Fat Pocketbook (*Potamilus capax*), and Scaleshell Mussel (*Leptodea leptodon*). Based on the lack of habitat and distance to known occurrences of species, it was determined that the proposed project would have no effect on the Eastern Black Rail, Piping Plover, Red Knot, and Scaleshell Mussel. Based on the limited habitat being affected, negative results from the mussel survey, highly disturbed environment, and distance to known species occurrences, it was determined that the proposed project may affect but is not likely to adversely affect the Fat Pocketbook. This determination was coordinated with the US Fish and Wildlife Service (USFWS) by the Little Rock District. The USFWS concurred with this determination. 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 and should be received by October 25, 2021.**

Sincerely,



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