



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

**ISSUE DATE: December 2, 2022**

**EXPIRATION DATE: December 16, 2022**

**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 Hickman-Nucor Steel Wastewater Line Installation/Update, 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. Nucor Steel in Hickman, Arkansas, is proposing to update their existing 8-inch wastewater pipeline with a 10-inch pipeline (Figure 1). This pipeline will run parallel to the existing pipeline and cross through the Mississippi River Levee (Figure 2). This Section 408 project is one part of a larger Regulatory action encompassing the upgrade to the entire pipeline east of the levee (Mississippi River side), including the outfall structure.

**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. The proposed request involves excavating into the existing fill that was placed over the levee for the previously laid pipe to install a new 10-inch Standard Dimension Ratio 11 High Density Polyethylene (HDPE) pipeline. The installed pipeline will run parallel to the existing pipeline, which crosses through the Mississippi River Levee (Figure 3). The existing 8-inch pipeline will be left in place. The updated pipeline will tie into an existing 10-inch pipeline that begins on the east (river) side of the levee and proceeds to the existing outfall. The pipeline will be buried with a minimum of three feet of cover over the crossing, with no disturbance to the levee or road profile (Figure 4). All disturbed surfaces will be returned to their previous state, including the use of similar fill material as already exists in the levee.

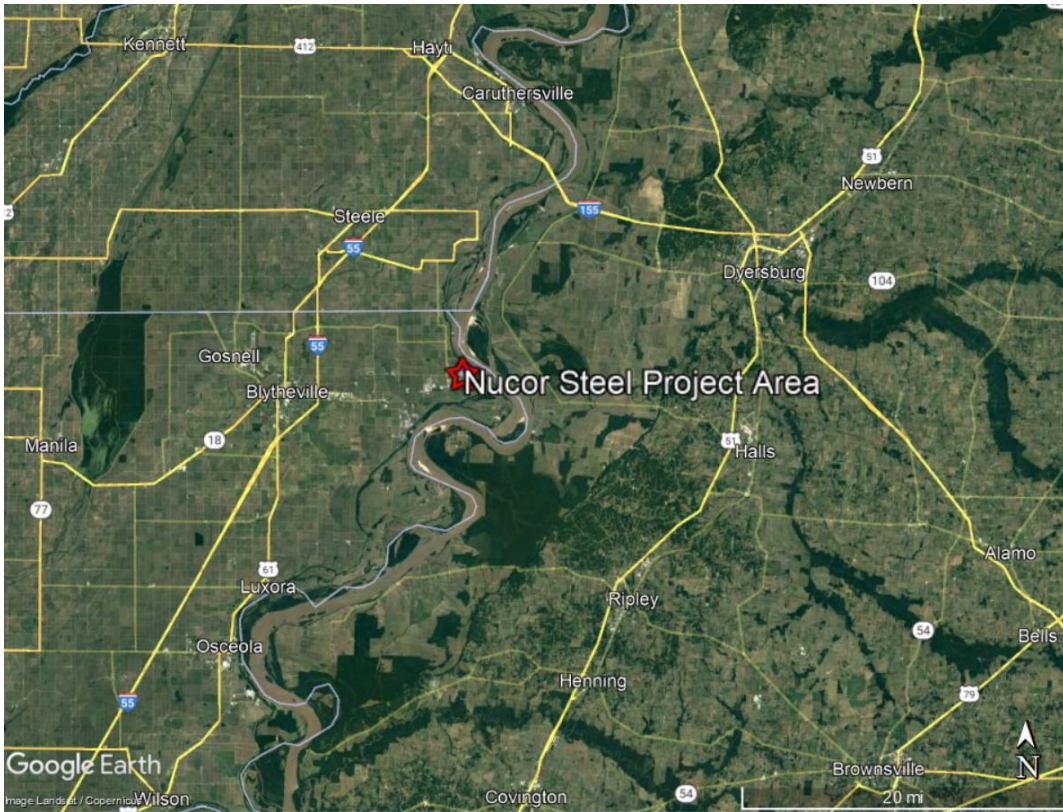


Figure 1. Proposed Section 408 project location for Nucor Steel Wastewater Pipeline Update at Mississippi County, Arkansas.

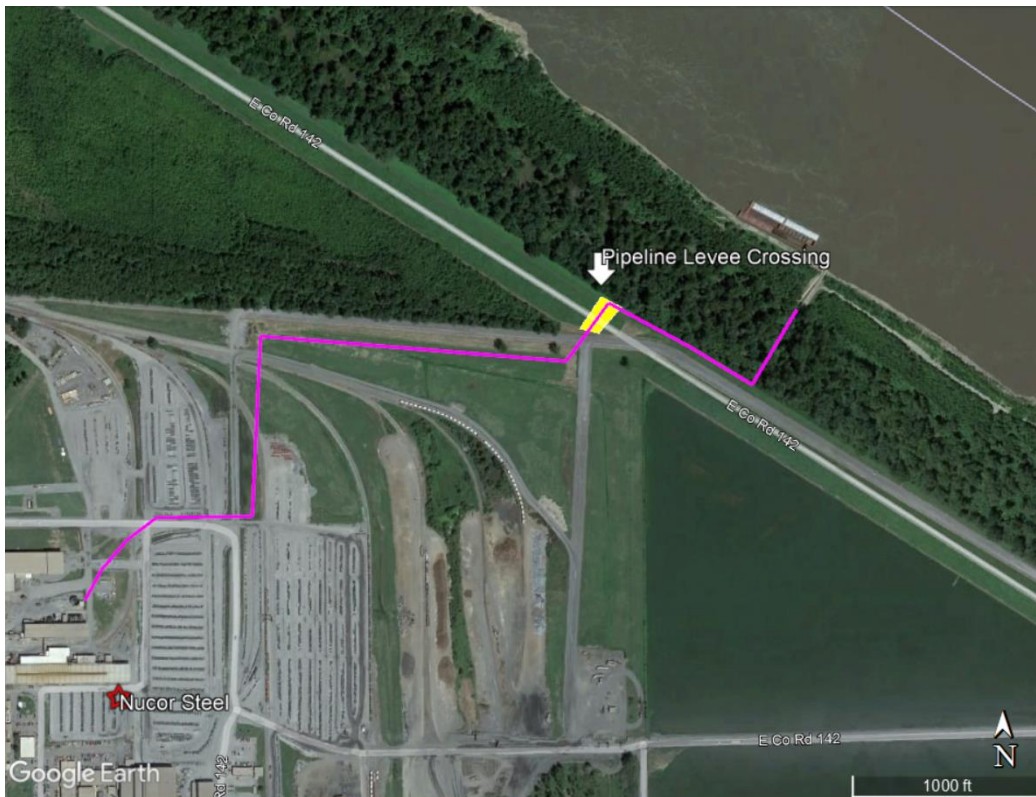


Figure 2. Proposed Nucor Steel Wastewater Pipeline crossing at Mississippi River Levee, Mississippi County, Arkansas.

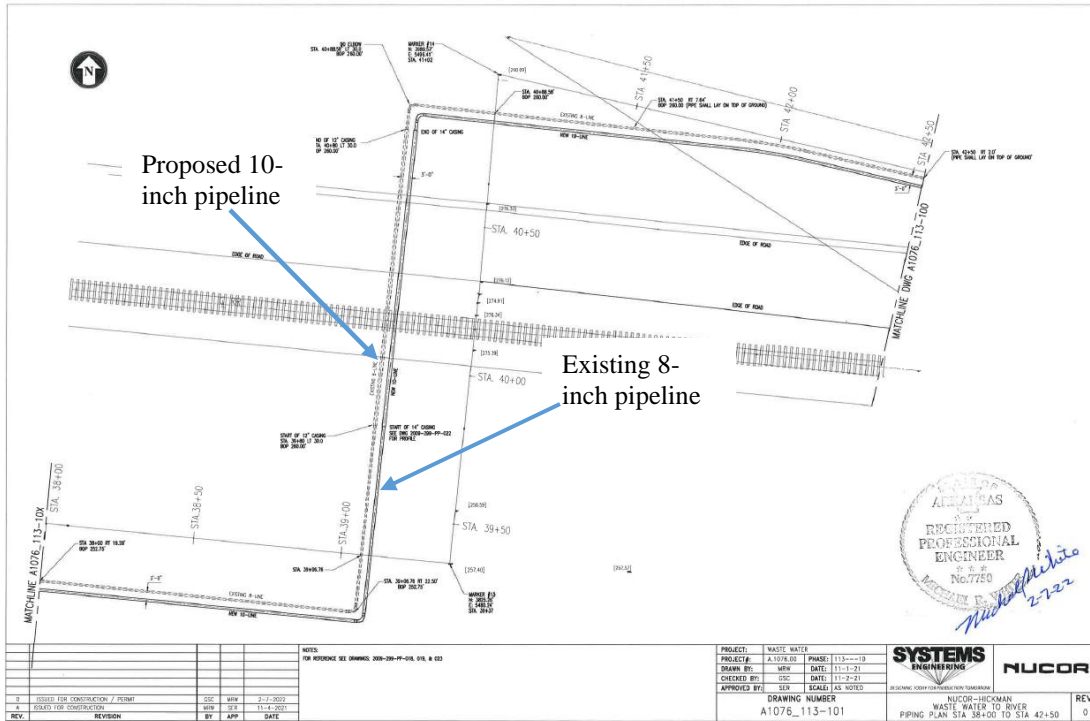


Figure 3. Routes for existing 8-inch pipeline and proposed 10-inch pipeline crossing at Mississippi River Levee for Nucor Steel Wastewater Pipeline Update, Mississippi County, Arkansas.

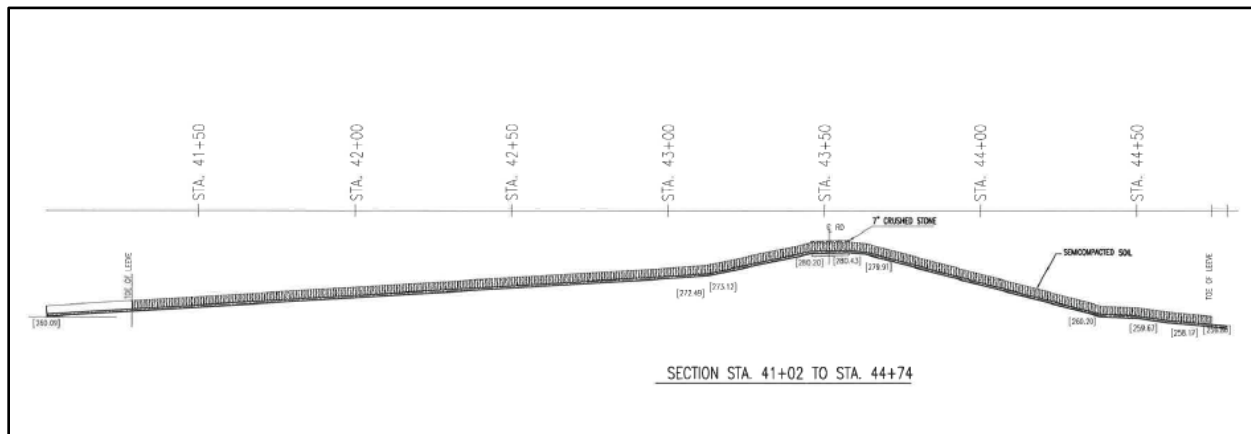


Figure 4. Profile of Mississippi River Levee and proposed 10-inch HDPE pipeline crossing for Nucor Steel Wastewater Pipeline update, Mississippi County, Arkansas. The installed pipeline will follow the existing levee and road profile.

**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 7, Outfall Structures and Associated Intake Structures. For the pipeline installation east of the levee, alongside the levee toe and to the

outfall structure, Memphis USACE Regulatory Branch is coordinating compliance with the Endangered Species Act and the Bald and Golden Eagle Protection Act, as well as reviewing the Section 404(b)(1) permit for proposed wetland impacts. The proposed Section 408 alteration is within the USACE project footprint, so no known historic properties would be affected. 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 [Kristina.L.Mitchell@usace.army.mil](mailto:Kristina.L.Mitchell@usace.army.mil) and should be received by December 16, 2022.**

Sincerely,



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