



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

ISSUE DATE: June 7, 2022

EXPIRATION DATE: June 21, 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 Helm Fertilizer Terminal, Phillips 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. Southern Bell Telephone Co. is proposing to place 500 feet of 2-inch pipe across the levee near West Helena, AR to supply fiber service to the Helm Fertilizer Terminal on the Helena Harbor on the Mississippi River, Phillips County, Arkansas (Figure 1).

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 (MRT), 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 toe and 40 feet from the riverside toe of the levee. The proposed request would involve placing 500 feet of 2-inch pipe containing fiber cable across the levee following guidance provided by USACE. The track of the placement is shown in Figure 2. The placement of the pipe would be under the surface of the levee and any disturbed areas would be re-seeded and mulched as needed.

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. The Arkansas Department of Environmental Quality issued a state water quality certification in March 2017 for the re-issuance of the Nationwide Permits as it applies to water within the state.

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 Mark.Smith@USACE.ARMY.MIL and should be received by June 21, 2022.**

Sincerely,



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

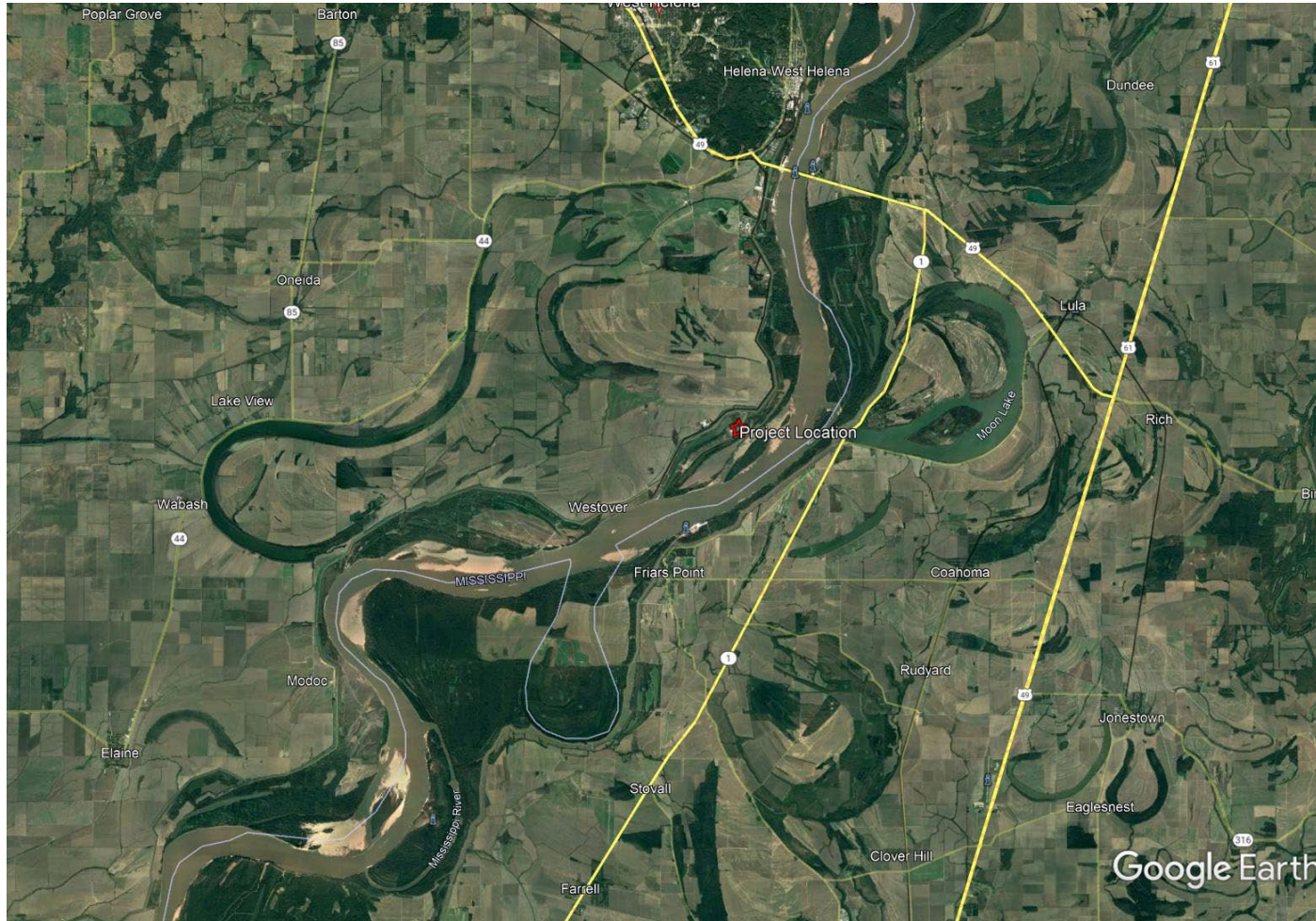


Figure 1. Proposed Section 408 project location for Southwestern Bell fiber cable installation to Helm Fertilizer Terminal, Helena Harbor, Phillips County, Arkansas.

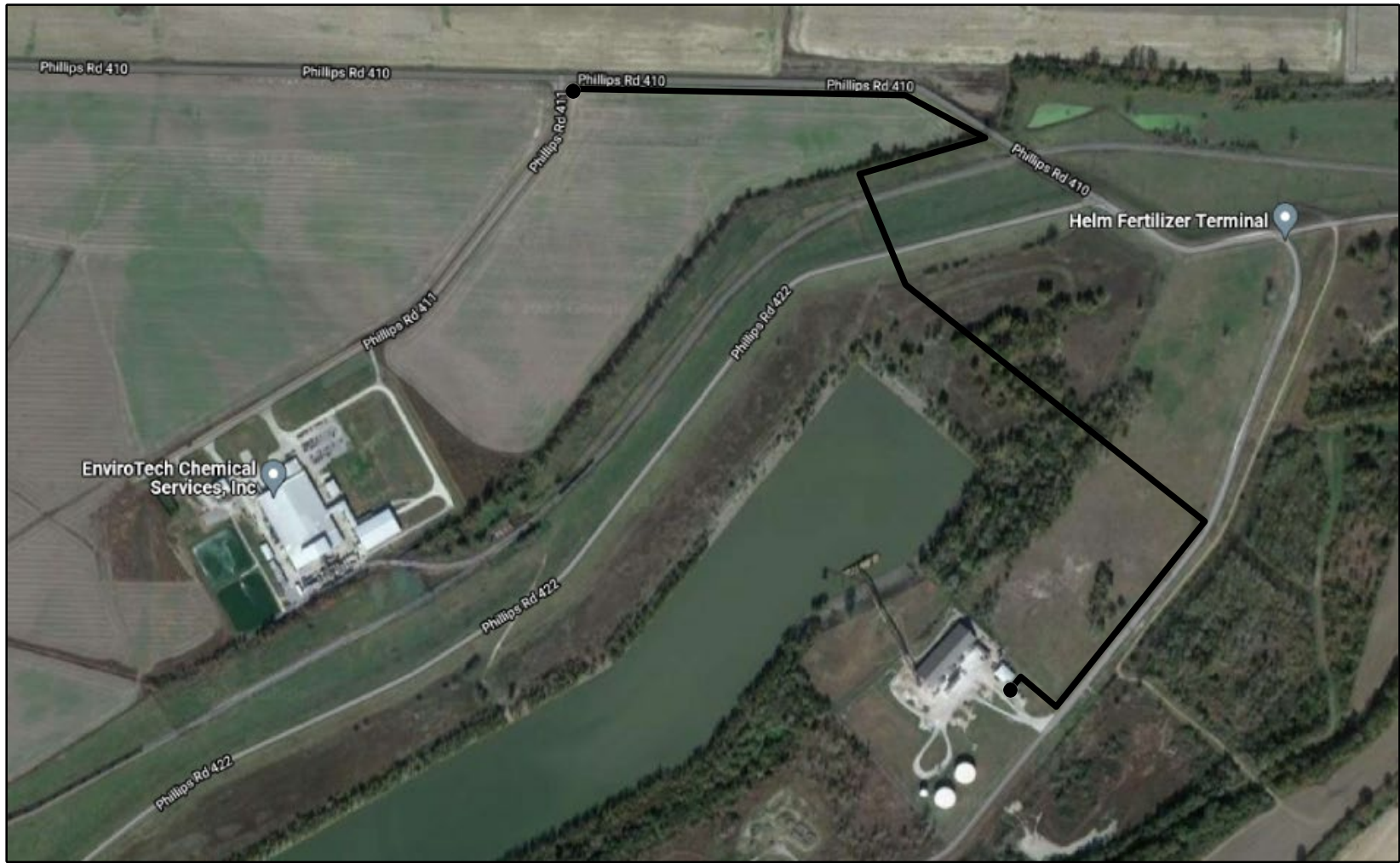


Figure 2. Proposed Section 408 project fiber cable alignment to Helm Fertilizer Terminal, Helena Harbor, Phillips County, Arkansas.