



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

ISSUE DATE: February 14, 2022

EXPIRATION DATE: March 1, 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 Desoto County Regional Utility Authority, Desoto County, Mississippi.

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 Desoto County Regional Utility Authority has requested to install an effluent force main from the Johnson Creek Wastewater Plant to the Mississippi River, Desoto County, Mississippi (Figure1).

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 and the Mississippi River Channel Improvement program, the federally authorized civil works projects proposed for alteration, provide for managing flood risks and safe navigation of the Mississippi River. The proposed request involves the installation of a 16,750-foot effluent force main from the Johnson Creek Wastewater Plant to the Mississippi River. The proposed effluent force-main would be located upon, and/or intersect, the Mississippi River Levee and articulated concrete mattress.

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 alterations are encompassed in the permit request (MVM 2015-090) processed by USACE, Memphis District, Regulatory Branch. The proposed project meets criteria set forth in Nationwide Permits 7 and 58. The Mississippi Department of Environmental Quality issued a state water quality certification for the re-issuance of the Nationwide Permits as is applies to water within the state. The proposed project meets the conditions contingent to the re-issuance. 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.

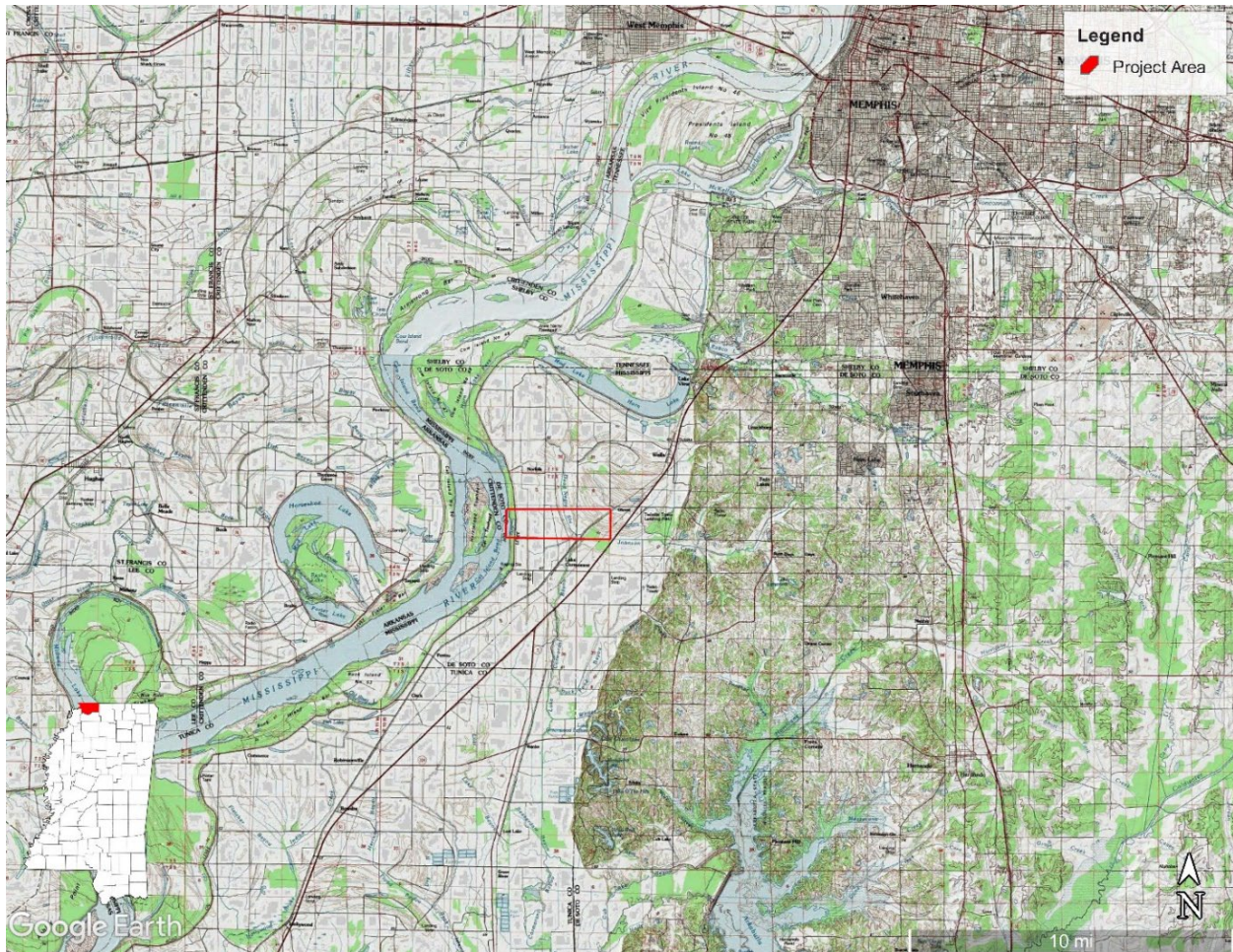


Figure 1. Location of proposed Desoto County Regional Utility Authority effluent force main, Desoto County, Mississippi.

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 joshua.m.koontz@usace.army.mil and should be received by March 1, 2022.**

Sincerely,

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