



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

**ISSUE DATE: November 8<sup>th</sup>, 2024**

**EXPIRATION DATE: November 25<sup>th</sup>, 2024**

**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 U.S. 62 bridge replacement along the St. Francis River, Dunklin County, Missouri.

**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 Missouri Department of Transportation (MODOT) has requested permission to remove and replace an existing bridge on U.S. Highway 62 over the St. Francis River in Dunklin County, Missouri and Clay County, Arkansas (Figure 1)



Figure 1. Location of proposed bridge replacement in Dunklin County, MO and Clay County, AR.

**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 St. Francis River Basin Levee Project, the federally authorized civil works project proposed for alteration, provides for managing

flood risks along the St. Francis as part of the St. Francis Basin Project. Federal responsibility extends 15 feet from the toe of the riverside and landside of the levee. The proposed request involves the removal of an existing US 62 Bridge over the St. Francis City Levee (in Clay County, AR) and the St. Francis River Levee (in Dunklin County, MO) and construct a new bridge on same alignment. Project would construct 2:1 rock fill on some slopes to minimize grading, impact to wetlands, and impact to levees.

**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. MODOT has requested a Section 408 evaluation on the proposed action from the Memphis District, and the environmental compliance branch is currently conducting a preliminary determination by reviewing the proposed work of the footprint of this project that may affect USACE interests. Compliance with Section 106 of the National Historic Preservation Act (NHPA) is currently being analyzed by MODOT as part of the permitting evaluation. Pursuant to 36 CFR 800.3(a)(1), USACE is deferring to MODOT for the determination recommendation based upon the findings of their 106 review. The proposed Section 408 alteration was determined to have no significant effect on threatened or endangered species or their critical habitats, pursuant to the Endangered Species Act.

The proposed project is being evaluated by the Memphis District Regulatory Branch of the U.S. Army Corps of Engineers to determine if it meets criteria set forth in Nationwide Permit 14, Linear Transportation Projects. This permit fulfills requirements under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act. Arkansas and Missouri have issued Section 401 water quality certifications for this permit. 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; Indian Tribes; and other interested parties. Comments received within 15 days of this publication would be used in the evaluation of potential impacts of the proposed action on important resources. All comments would 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 [robert.w.prebeck@usace.army.mil](mailto:robert.w.prebeck@usace.army.mil) and should be received by November 25<sup>th</sup>, 2024.**

Sincerely,

SMITH.MARK.  
R.1219443621

Digitally signed by  
SMITH.MARK.R.1219443621  
Date: 2024.10.24 12:51:35

Mark R. Smith  
Chief, Environmental Compliance Branch,  
Regional Planning and Environmental Division South