



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

ISSUE DATE: July 26, 2018

EXPIRATION DATE: August 9, 2018

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 BASF Corporation, Crittenden 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. BASF Corporation has requested to install a waterline over the right descending bank of the Mississippi River Mainline Levee near levee baseline station 150/40+96 in Crittenden County, Arkansas (Figure 1).

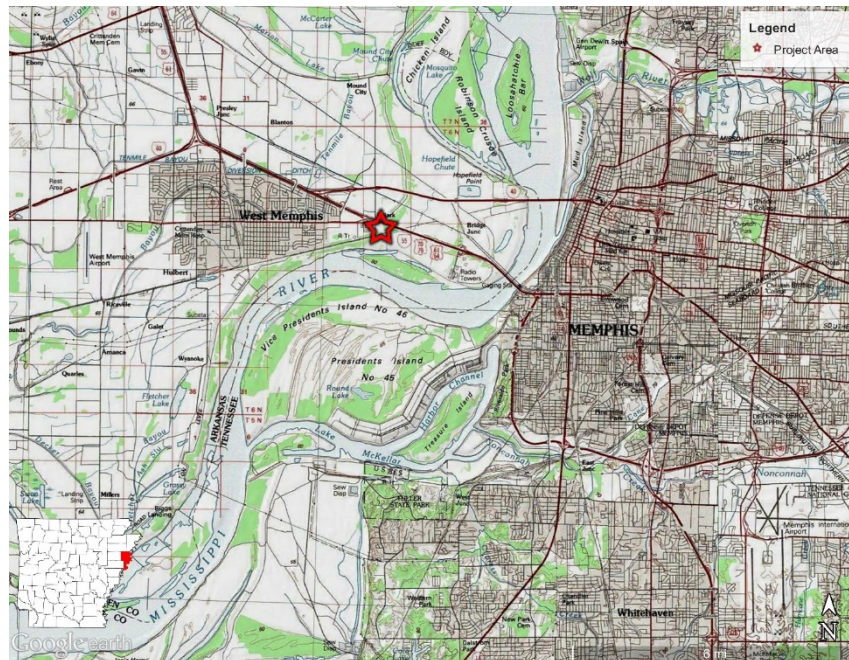


Figure 1. Location of proposed BASF Corporation proposed waterline installation over the Mississippi River Mainline levee, Crittenden County, Arkansas.

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 proposed request involves installing an approximate 8 inch high-density polyethylene waterline over the existing levee. A 3 foot minimum gravel covering would be added to ensure necessary freeze protection for the waterline and would be properly graded to maintain existing vehicle path access. Additionally, the levee slopes would be seeded/mulched to prevent erosion.

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. Although not within the federal right-of-way, approximately 0.06 acres of wetlands would be impacted by the installation of boring pits to bring the waterline over the levee. However, the proposed project meets criteria set forth in Nationwide Permit 12, Utility Line Activities. The Arkansas Department of Environmental Quality issued a state water quality certification in March 2017 for the re-issuance of the Nationwide Permit 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 effected. 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 Pamela.D.Lieb@usace.army.mil and should be received by August 9, 2018.**

Sincerely,

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