



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

**ISSUE DATE:** July 29, 2019

**EXPIRATION DATE:** August 28, 2019

**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 Cargill, Inc., Lake County, Tennessee.

**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 10 of the Rivers and Harbors Act of 1899 and codified in 33 USC 408. Cargill, Inc. has requested to remove the existing barge cell and associated structures at the Cargill, Inc. facility along the left descending bank of the Mississippi River, near River Mile 871, in Lake County, Tennessee (Figure 1). The proposed project includes a survey of the area, removal of all structural steel from the barge cell to the river bank, demolition of the concrete cap on the sheet pile barge cell and cutting the existing structures near the waterline. Additionally, rip-rap may be placed over top of the existing structures to prevent soil erosion.

**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 Channel Improvement, the federally authorized civil works project proposed for alteration, provides for channel improvement to increase the flood carrying capacity and reduce flood heights, to stabilize alignment and prevent bank caving that would destroy the main line levees, and to provide an aligned navigation channel. The proposed request involves the demolition of the existing Cargill, Inc. facility and placement of rip-rap to prevent soil erosion.

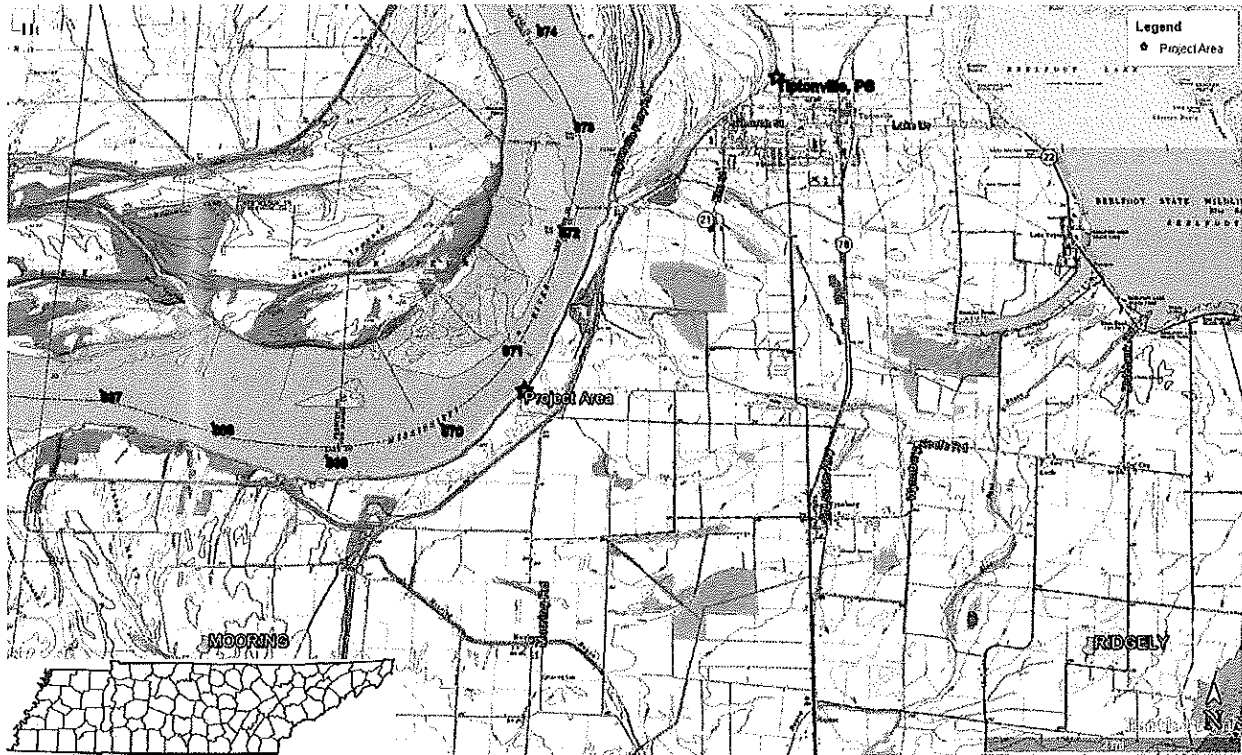


Figure 1. Proposed Section 408 project location for Cargill, Inc., Lake County, Tennessee.

**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 meet the criteria of Nationwide Permit 3, pursuant to the Federal Register, Volume 82, Number 4, dated 06 January 2017. As the proposed project would occur within the Waters of the U.S., a Section 404(b)(1) and Section 10 permit request is currently being processed by USACE, MVM Regulatory Branch. Accordingly, an Alteration of Aquatic Resources Permit would not be required from the State of Tennessee. 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 25, 2019.**

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Lambert", with a large, sweeping flourish extending to the right.

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