



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Randy Richardson
Memphis & Shelby County Port
Commission

Published: July 24, 2025
Expires: August 23, 2025

**Memphis District
Permit Application No. MVM-2025-188**

TO WHOM IT MAY CONCERN: The Memphis District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) **and/or** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Randy Richardson
Memphis & Shelby County Port Commission
1115 Riverside Boulevard
Memphis, TN 38106

AGENT: Andrew Rike
Harbor Environmental, Inc.
5800 Evergreen Drive
Little Rock, AR 72205

WATERWAY AND LOCATION: The project would affect waters of the United States and navigable waters of the United States within McKellar Lake. The mouth of McKellar Lake is located on the left descending bank of the Mississippi River at River Mile 726. The project/review area is located at Latitude 35.1017° and Longitude -90.0888°; in Memphis, Shelby County, Tennessee (Southwest Memphis, TN, AR, 1:24,000 quad, 2022, USGS).

EXISTING CONDITIONS: The project area is an existing loading facility within McKellar Lake. The west dock is a fixed dock, and the east dock is a floating barge dock. During the recent low water conditions in McKellar Lake and the Mississippi River, it was difficult and at times not possible to unload barges at the facility.

PROJECT PURPOSE:

Basic: To remove accumulated sand and sediments from in front of the Memphis & Shelby County Port Commission docks to allow access for continued operations.

Overall: To hydraulically dredge accumulated materials in front of the Memphis & Shelby County Port Commission docks and dispose of the dredged material in approved upland locations. This permit would allow continued dredge maintenance when needed for continued operation of the docks.

PROPOSED WORK: The applicant requests authorization to remove accumulated sand and other sediments from the bed of McKellar Lake in front of the docks. This will allow continued access to the docks by barges. The total cut associated with the Fixed Dock is to be 4,524 cy, with no cut to occur below 174' MSL. The dredged area of the Fixed Dock will be approximately 350' long by less than 150' wide centered on the dock. The total cut associated with the floating dock dredge is to be 27,971 cy, with no cut to occur below 165' MSL. The dredged area of the Floating Dock will be approximately 600' long by less than 175' wide centered on the dock. The distance from the dock structure to the edge of the dredge box will not exceed 200'. Sediment will be hydraulically dredged, and dredged material will be placed in the Treasure Island disposal site. If any non-sediment material is encountered, including metal or wood refuse and debris, this material will be extracted and disposed of in a licensed landfill.

If authorized, maintenance dredging could be completed as needed for the duration of the permit.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Best management practices will be implemented to minimize the potential risk for adverse water quality and natural resources impacts.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: The activity would only return the impacted areas to operational depths and is not creating a potential for adverse impacts to water quality or natural resources.

CULTURAL RESOURCES: The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that should historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) be present within the Corps' permit area, the proposed activity requiring the DA permit (the undertaking) is a type of activity that has no potential to cause an effect to an historic property.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full

consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project will not affect any listed species or critical habitat.

There are five federally listed species that are known to have ranges that include the project area.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered
Alligator snapping turtle	<i>Macrochelys temminckii</i>	Proposed threatened
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened
Pallid sturgeon	<i>Scaphirhynchus albus</i>	Endangered
Fat pocketbook	<i>Potamilus capax</i>	Endangered

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The USACE is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by USACE.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

NAVIGATION: The proposed project is being evaluated by the USACE Memphis District Navigation Operations Project Manager and Chief of River Engineering for any impairment to the federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the Tennessee Department of Environment and Conservation.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

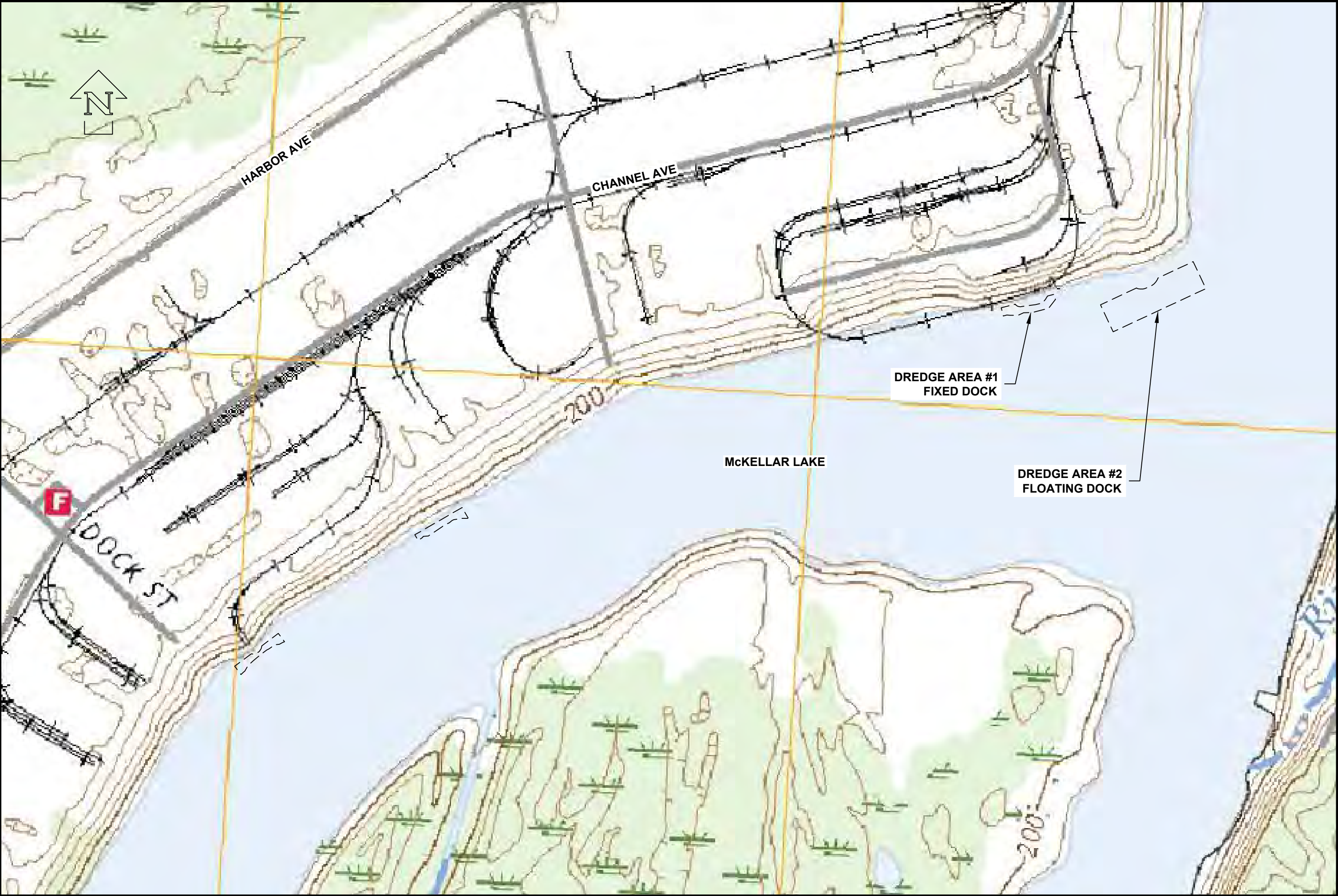
COMMENTS: The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Memphis District will receive written comments on the proposed work, as outlined above, until August 23, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Jonathan Wilson at Jonathan.w.wilson@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Memphis District,

Attention: Jonathan Wilson, 167 North Main Street Room B-202 Memphis, Tennessee 38103. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

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MEMPHIS & SHELBY COUNTY PORT COMMISSION		MEMPHIS, TENNESSEE	
SHELBY		COUNTY	
DREDGING PERMIT AREAS - TOPO			
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