



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Two LLC

Published: August 6, 2025
Expires: September 5, 2025

**Memphis District
Permit Application No. MVM-2025-198**

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: Scott Arnold IV
Two LLC
P.O. Box 369
West Memphis, AR 72303

AGENT: Findley Frazer
Frazer Environmental Consulting, LLC
4646 Poplar Ave, Suite 535
Memphis, TN 3811

WATERWAY AND LOCATION: The project would affect waters of the United States and navigable waters of the United States associated with Mississippi River. The project/review area is located at the end of South 8th Street (Across Levee) on the right descending bank of the Mississippi River at River Mile 729 in Section 19, Township 6N, Range 9E; at Latitude 35.124185 and Longitude -90.168889; in West Memphis, Crittenden County, Arkansas (Attachment 1).

EXISTING CONDITIONS: The proposed activity is located on the west bank of the Mississippi River. There are existing loading facilities located immediately upstream and approximately 550 feet downstream of the project location.

PROJECT PURPOSE: The stated purpose is to increase the applicant's ability to move either loaded or unloaded product barges away from the offloading process on the existing dock.

Basic: The basic purpose is to place two spud barges in the Mississippi River for loading and unloading product barges.

Overall: The overall purpose is to place loading/offloading barges in the Mississippi River to facilitate additional loading and unloading capacity at an existing facility.

PROPOSED WORK: The applicant requests authorization to place fill material into approximately 0.19 acres below the ordinary high water mark of the Mississippi River in order to construct two access roads and place two spud barges in the Mississippi River in order to receive and/or place product onto product barges. The barges would be moved riverward or landward as needed to accommodate fluctuating river levels; details are shown on Attachment 2.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: There are minimal impacts to the Mississippi River with this activity. The applicant has placed the spud barges in such a location as to avoid and or minimize any potential hazard to navigation within the Mississippi River.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: The proposed project and limited fill do not contribute to the ecological degradation of the Mississippi River. The banks of the river throughout this entire property are currently fortified with concrete revetments and large rip-rap placed by the US Army Corps of Engineers. The project will only clear the minimum amount of vegetation along the bank required for the stone haul roads. The project will not cause greater than de minimis degradation and will not violate water quality criteria for uses designated in Mississippi River or cause the degradation of waters of the State.

CULTURAL RESOURCES: The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes and other interested parties.

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 and 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 within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed in Table 1. No other ESA-listed species or critical habitat will be affected by the proposed action.

Table 1:

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered
Pallid Sturgeon	<i>Scaphirhynchus albus</i>	Endangered
Fat Pocketbook	<i>Potamilus capax</i>	Endangered
Pondberry	<i>Linderea Melissifolia</i>	Endangered
Eastern Black Rail	<i>Laterallus jamaicensis ssp. jamaicensis</i>	Threatened
Piping Plover	<i>Charadrius melodus</i>	Threatened
Rufa Red Knot	<i>Calidris canutus rufa</i>	Threatened
Alligator Snapping Turtle	<i>Macrochelys temminckii</i>	Proposed Threatened
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The U.S. Army Corps of Engineers 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 structure or activity is located in the vicinity of a federal navigation channel and will be evaluated by USACE to determine potential effects.

SECTION 408: The applicant will require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would alter, occupy, or use a Corps Civil Works project.

This notice also serves to solicit information from the public to inform USACE's evaluation and review under 33 USC 408.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the Arkansas Department of Environmental Quality.

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 September 5, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Joanna Neu at Joanna.k.neu@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Memphis District, Attention: Joanna Neu, 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.



THE 8TH STREET PROPERTY OF TWO LLC
PROPERTY IN THE EAST 1/2 OF THE EAST
1/2 OF SECTION 19, TOWNSHIP 6 NORTH,
RANGE 9 EAST OF THE 5TH PRINCIPAL
MERIDIAN IN THE CITY OF WEST MEMPHIS,
CRITTENDEN COUNTY, ARKANSAS.

PROPERTY LINE

NORTHING=293388.1994
EASTING=1860121.8560

NORTHING=293204.1910
EASTING=1860333.3838

280' OFFSET

LIMITS OF
HIGH WATER
OPERATION

LIMITS OF
LOW WATER
OPERATION

MISSISSIPPI RIVER S

PROPOSED 30'
WIDE GRAVEL
LAYER RAMP

AREAS OF
DISTURBANCE
= 0.19 ACRES

PROPOSED 30'
WIDE GRAVEL
LAYER RAMP

LIMITS OF
HIGH WATER
OPERATION

LIMITS OF
LOW WATER
OPERATION

ALIGNMENT #2 S

ALIGNMENT #1

PROPERTY LINE

TOPO PLAN S

NORTHING=292704.0811
EASTING=1859388.2604

NORTHING=292521.8560
EASTING=1859601.4323

280' OFFSET



FISHER ARNOLD
ENGINEERS | ARCHITECTS | CONSULTANTS | PLANNERS

TWO LLC PROPERTY
WEST MEMPHIS AR

FA PROJ. NO.:
TWOLLCAR.0001ST
DATE: 7-15-2025

SHEET: S

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