



US Army Corps
of Engineers®

PUBLIC NOTICE

Applicant:
Hugh Hagood
MMC Materials Inc.

Published: April 16, 2025
Expires: May 16, 2025

Memphis District
Permit Application No. MVM-2019-070

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: Hugh Hagood
MMC Materials Inc.
133 New Ragsdale Road
Madison, Mississippi 39110

AGENT: Findley Frazer
Frazer Environmental Consulting, LLC
4646 Poplar Avenue, Suite 535
Memphis, Tennessee 38111

WATERWAY AND LOCATION: The project would affect navigable waters of the United States associated with Mississippi River. The project/review area is located at the far northern end of McKellar Lake at River Mile 7.3 along the left-descending bank in Memphis, Shelby County, Tennessee. The approximate latitude and longitude of the project are N35.1081°, W90.0819°, respectively. The project area is located on the Southwest Memphis, Tennessee, USGS topographic quadrangle and is shown on the attached location map (Figure 1).

EXISTING CONDITIONS: The proposed activity is located within McKellar Lake which is an existing slack water harbor with numerous facilities that are similar in nature to the proposed.

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

Basic: To place an offloading barge in McKellar Lake.

Overall: To place an offloading barge in McKellar Lake to facilitate additional loading and unloading capacity at an existing facility.

PROPOSED WORK: The applicant requests authorization to place a 54' x 235' spud barge in McKellar Lake to serve as a docking slip for aggregate product barges that are delivered to the site. Coordinates for each of the spud barge's four corners are listed below:

Corner	Northing	Easting
NE	N 35.107146°	W 90.081769°
NW	N 35.107173°	W 90.081990°
SE	N 35.106414°	W 90.081885°
SW	N 35.106442°	W 90.082109°

The location of the proposed spud barge is shown on Figure 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 is no impact to any natural resources with this activity. The applicant has placed the spud barge in such a location as to avoid and or minimize any potential hazard to navigation within McKellar Lake.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required. The activity will not cause any fill within wetlands or waters of the United States and will not result in the net loss of function of wetlands or waters of the United States.

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 within the boundary 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.

NAVIGATION: Based on the Tennessee State Plane coordinates provided by the applicant, the waterward edge of the proposed structure is approximately 200 feet away from the near bottom edge of the McKellar Lake federal channel.

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

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 not been verified by Corps personnel.

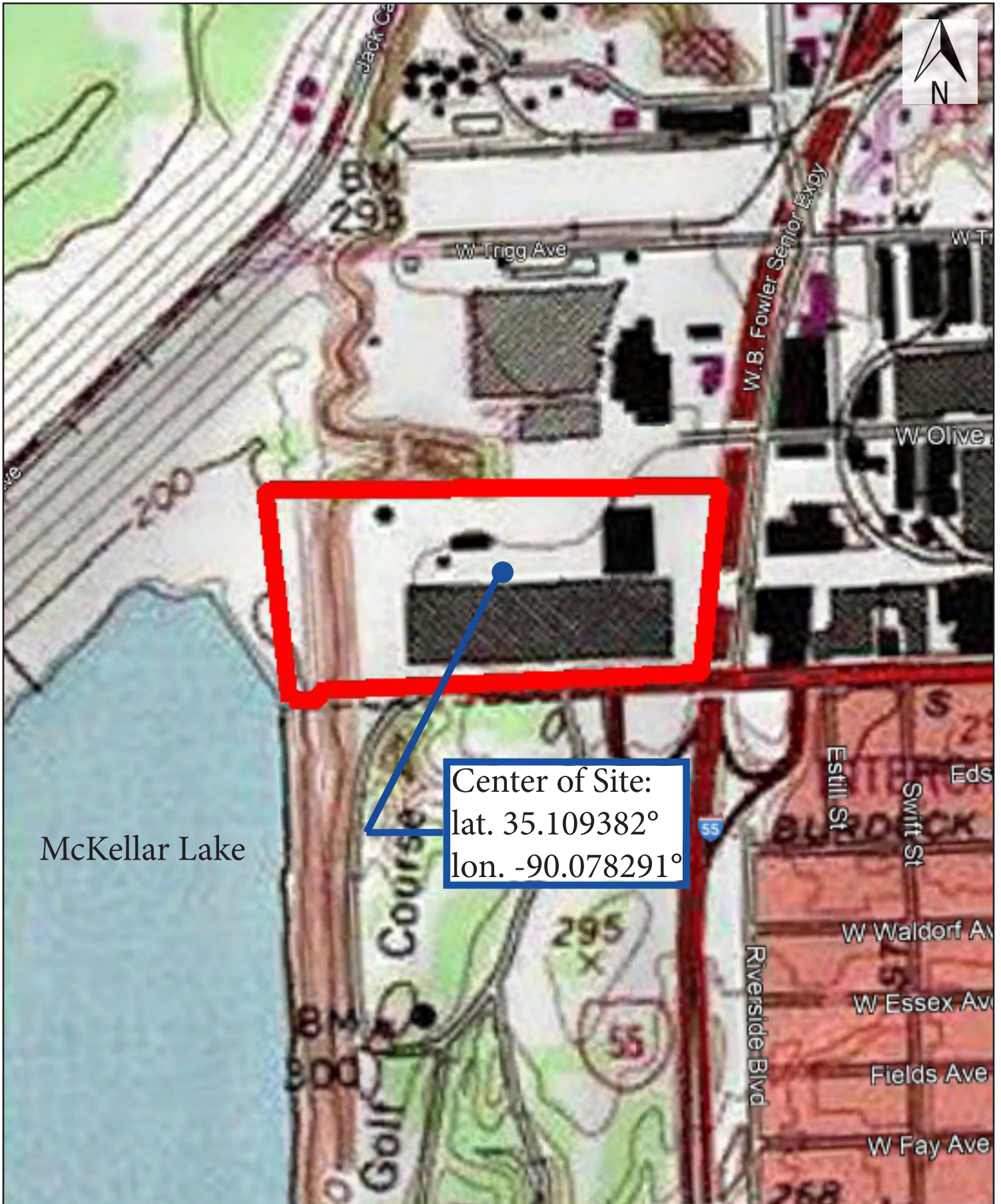
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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 May 16, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Mitch Elcan at james.m.elcan@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Memphis District, Attention: Mitch Elcan, 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.



Center of Site:
 lat. 35.109382°
 lon. -90.078291°

