

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2006-10 (JKN)

**NOTICE DATE:
December 21, 2023**

**EXPIRATION
DATE:**
Attn: Postmaster,
Please Post Until  **January 20, 2024**

Public Notice U.S. Army Corps of Engineers

AUTHORITY: Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army (DA) Permit under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. The authority to grant permission for temporary or permanent alterations of any U.S. Army of Corps of Engineers federally authorized civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899 and codified in 33 USC 408.

APPLICANT:

Valero Refining Company – Tennessee, LLC.
Attn: James Stegall
1 Valero Way
San Antonio, TX 78249
(210) 345-3206

PURPOSE: According to the applicant, the primary purpose of the project is to ensure adequate draft to allow vessels to moor safely at the existing barge docks. Valero is requesting authorization to dredge a limited portion of the Corps of Engineers-maintained waterway, as indicated on the plans, should the Corp of Engineers scheduled dredge cycle not line-up with Valero's needs. Valero does not intend on taking over maintenance responsibility of this area from the Corp of Engineers.

LOCATION: The project site is located at 35.086253°N, -90.089639°W in Shelby County, Tennessee, as shown on the attached map (Attachment 1). Disposal areas include Treasure Island Disposal Area and Western Dredge Receiving Area (Attachment 2).

DESCRIPTION OF WORK: The proposed project is to dredge 45,000 cubic yards of sediment at Valero's existing barge docks at their Memphis facility on McKellar Lake (Attachment 3). The maintenance dredge area will cover dredging under the existing barge docks as well as in front of the docks to allow adequate draft for approaching vessels to safely moor. Dredging will be accomplished by either: cutterhead dredge and pumped to the Treasure Island disposal area, or mechanical bucket and placed on a barge and transferred to the Western Dredge Receiving Area. Additionally, Valero is proposing the addition of a barge dolphin along their fender line to aid vessels in maintaining safe mooring when the flowrate from Nonconnah Creek increases after heavy local rains.

AVOIDANCE/MINIMIZATION: Only those areas necessary for safe vessel operation are being proposed for dredging.

MITIGATION: The applicant did not propose compensatory mitigation for the project.

WATER QUALITY CERTIFICATION: The Clean Water Act (CWA) Section 401 Water Certification Improvement Rule (Certification Rule, 40 CFR 121), effective November 27, 2023, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope for CWA Section 401 certification by the certifying authority shall evaluate whether the activity will comply with applicable water quality requirements. The certifying authority's evaluation is limited to the water quality-related impacts from the activity subject to the federal license or

permit, including the activity's construction and operation. The applicant is solely responsible for requesting certification and providing required information to the certifying agency. In accordance with Certification Rule part 121.12, the Corps of Engineers will notify the U.S. Environmental Protection Agency (EPA) Administrator when it has received a DA Permit application and the related certification. The EPA Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA Permit may not be issued pending the conclusion of the EPA Administrator's determination of effects on neighboring jurisdictions. The applicant is responsible for requesting certification and providing required information to the certifying agency.

ENDANGERED SPECIES: The project area is within the consultation zone of the Pallid Sturgeon according to the Tennessee Standard Local Operating Procedures for Endangered Species (SLOPES) agreement. The Memphis District will follow the Tennessee SLOPES agreement and consult with the United States Fish and Wildlife Service as needed. Any additional information that is received within the applicable comment period will be considered prior to making a final decision.

CULTURAL RESOURCES: In compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, the Memphis District will identify and evaluate potential effects of the proposed action on historic properties through consultation with federal, state, and local agencies, federally-recognized American Indian Tribes, the public, and other interested parties.

FLOODPLAIN: In accordance with 44 CFR Part 60 (Floodplain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Floodplain administrators should review the proposed public notice and notify this office of any floodplain development permit requirements.

PUBLIC INTEREST REVIEW: The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the 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 project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic 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.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; federally recognized 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 of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on 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 and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ENVIRONMENTAL JUSTICE: In accordance with E.O. 12898, E.O. 14008, and E.O. 14096, the Corps of Engineers will specifically consider the effects of the proposed action on communities with environmental justice concerns, including economically disadvantaged communities, communities of color, and other socioeconomic groups that could be disproportionately affected by environmental and other effects. As part of our environmental justice

review, the Corps of Engineers seeks additional information from the public, community leaders, local officials and others regarding issues of environmental justice as related to the proposed action.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision. If a public hearing is held, it will be for the purpose of obtaining additional information that we could not otherwise obtain through a public notice process; not to inform the public about the specific details of the project in greater detail than what is found in this notice. This is not a Corps of Engineers project. We are not a proponent nor are we an opponent of the project. We are merely the permitting authority of Section 404 and Section 10 permits required by our office.

COMMENTS: To request additional information or provide comments on this notice, please contact Joanna Neu using the information below:

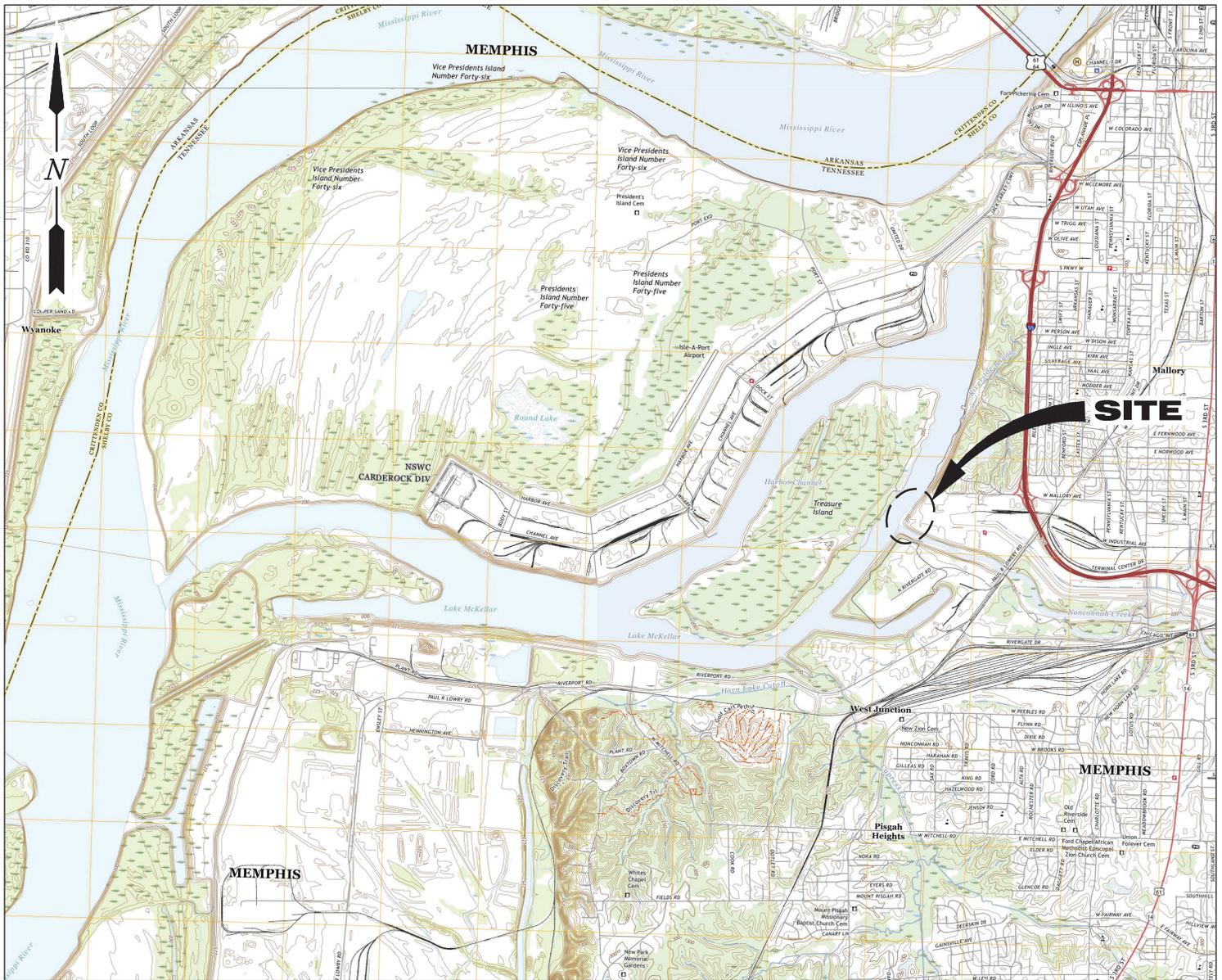
U.S. Army Engineer District - Memphis
ATTN: Joanna Neu
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: joanna.k.neu@usace.army.mil
Phone: (901) 544-0731

Comments may be sent via mail or email. The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments must be received by the expiration date listed on page one of this notice.

For Final Individual Permits actions in the Memphis District, go to the following link: <https://www.mvm.usace.army.mil/About/Offices/Regulatory/Public-Notices/> . Using the Filter by District drop down box, select MVM-Memphis District, then select the year and month (information will populate in the table below). All pending individual permits can be located by selecting the "Pending IP" tab above. All of the environmental documents and statements of findings supporting issuance or denial of the permit decisions are available upon written request and where applicable, upon the payment of administrative fees. They are also available at the Memphis District, Regulatory Division office for examination.

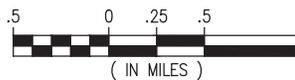
Gregg W. Williams
Chief
Regulatory Division

Attachments

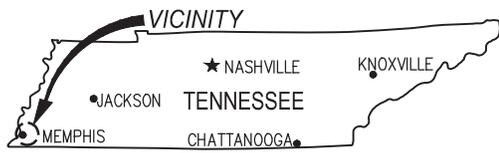


VICINITY MAP

SCALE: 1"=1 MILE



SHELBY COUNTY
LAT. 35° 05' 07" N
LONG. 90° 05' 25" W



AREA MAP

GENERAL NOTES

1. STRUCTURES MUST BE MARKED/LIGHTED IN ACCORDANCE WITH U.S. COAST GUARD REGULATIONS.
2. IN ORDER TO ENSURE THE SAFETY OF ALL PARTIES, THE PERMITTEE SHALL CONTACT TENNESSEE 811, 1-800-351-1111 A MINIMUM OF 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION (DIGGING, DREDGING, JETTING, ETC.) OR DEMOLITION ACTIVITY, OR ENTER INFORMATION ONLINE AT, WWW.TENN811.COM.
3. TOPOGRAPHIC SURVEY WAS PERFORMED UTILIZING RTK GPS BY LANIER & ASSOCIATES ON OCTOBER 4, 2022 AND IS SUPPLEMENTED BY 2017 USGS LIDAR DATA.
4. HYDROGRAPHIC SURVEY WAS PERFORMED UTILIZING ELECTRONIC POSITIONING AND DEPTH EQUIPMENT BY EMC ON OCTOBER 20, 2022.
5. ALL ELEVATIONS ARE EXPRESSED IN FEET AND TENTHS AND REFERENCED TO NAVD88 (GEOID 18), UNLESS NOTED OTHERWISE.
6. THE AREA SHOWN ON THE DRAWING IS SUBJECT TO SILTING. THE ACTUAL ELEVATIONS FOLLOWING THE DATE OF THE SURVEY MAY DIFFER FROM THE ELEVATIONS SHOWN.

JEFFERY T. MAZZANTI P.E.
TN PE #122685

PRELIMINARY - FOR PERMITTING PURPOSES ONLY, NOT FOR CONSTRUCTION

REV
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LANIER & ASSOCIATES
CONSULTING ENGINEERS, INC.

LA: EF-1120 TX: F-2981
VF-185 LSF-10194817

NEW ORLEANS • BEAUMONT • CORPUS CHRISTI • HOUSTON • MANDEVILLE

VALERO REFINING COMPANY
MEMPHIS TENNESSEE

**PROPOSED MAINTENANCE DREDGING
VICINITY MAP, AREA MAP & NOTES**

DATE	SEP. '23
DESIGN	ETW
DRAWN	ADG
CHECK	JDM
JOB NO	12650
SHEET No.	
	1 OF 6



PROPOSED DISPOSAL SITE LOCATIONS



JEFFERY T. MAZZANTI P.E.
TN PE #122685

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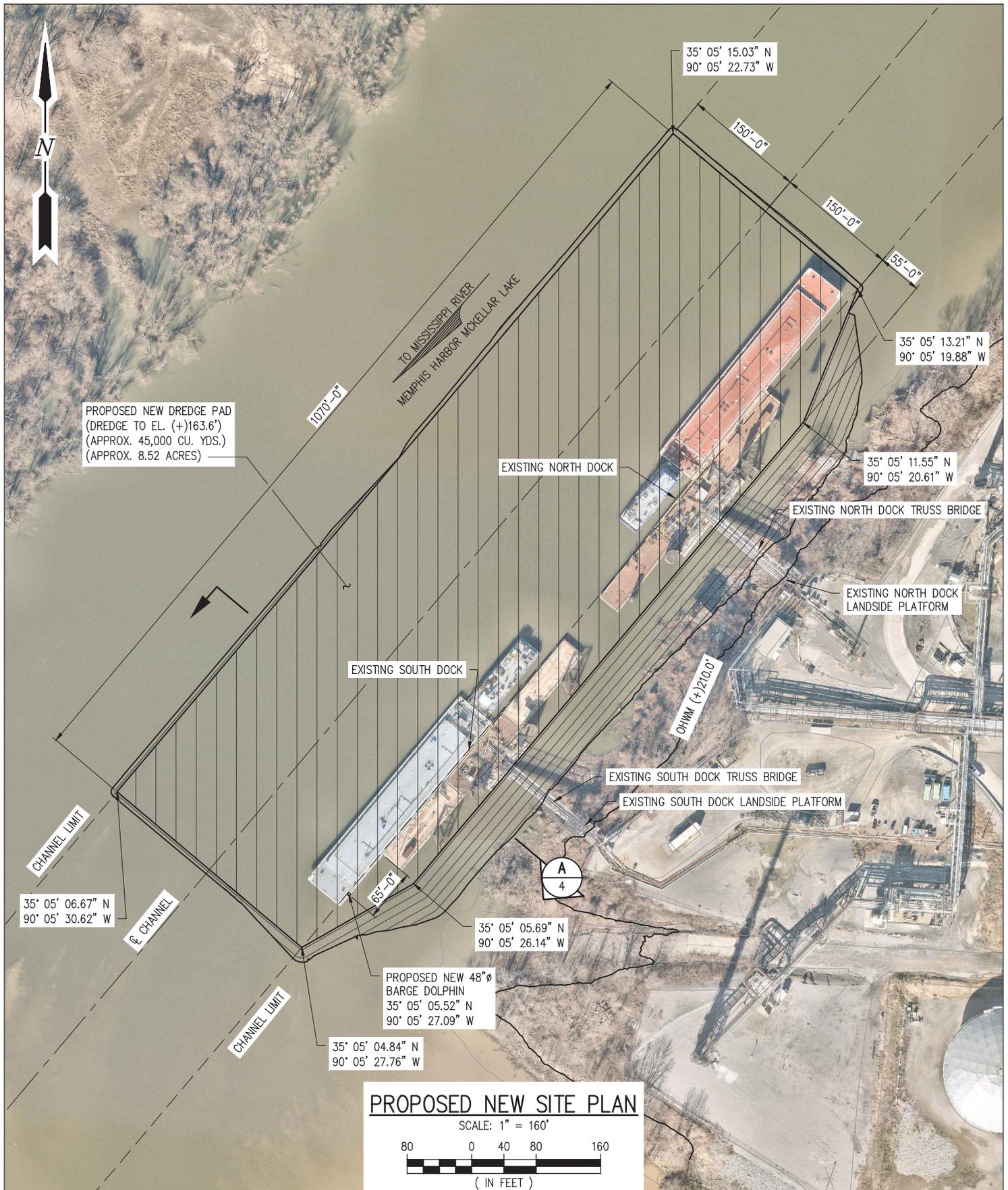
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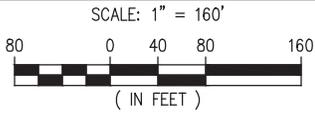
VALERO REFINING COMPANY
MEMPHIS TENNESSEE

**PROPOSED MAINTENANCE DREDGING
PROPOSED DISPOSAL SITE LOCATIONS**

DATE	SEP. '23
DESIGN	ETW
DRAWN	ADG
CHECK	JDM
JOB NO	12650
SHEET No.	6 OF 6



PROPOSED NEW SITE PLAN



JEFFERY T. MAZZANTI P.E.
TN PE #122685

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MEMPHIS

VALERO REFINING COMPANY

TENNESSEE

PROPOSED MAINTENANCE DREDGING
PROPOSED NEW SITE PLAN

DATE	SEP. '23
DESIGN	ETW
DRAWN	ADG
CHECK	JDM
JOB NO	12650
SHEET No.	
	3 OF 6