PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR RENEWAL OF REGIONAL GENERAL PERMIT (RGP) NO. 71, VANDENBERG HARBOR V-33 MAINTENANCE DREDGING

Public Notice/Application No.: SPL-2007-00689-JWM
Project: Vandenberg Air Force Base V-33 Harbor Maintenance Dredging RGP
Comment Period: August 31, 2012 to October 1, 2012
Project Manager: John Markham; 805-585-2150; John.W.Markham@usace.army.mil

Applicant
Tom Devenoge
Vanderberg Air Force Base
30 CES/CEA
1028 Iceland Avenue
Vandenberg Air Force Base, California 93437

Contact
Luanne Lum
(805) 606-5299
luanne.lum@us.af.mil

Location
Vandenberg V-33 Harbor, located in the Pacific Ocean on Vandenberg Air Force Base, California. (at: latitude 34.5554° north, longitude -120.6094° west).

Activity
To periodically dredge up to 10,000 cubic yards of accumulated sediment from an approximately 3.5-acre area of Vandenberg Air Force Base (VAFB) V-33 Harbor to a maximum depth of -10 feet mean lower low water (MLLW), plus a maximum 2 foot overdredge depth over a five-year period (see attached drawings). For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that support the Corps' decision-making process, All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued or denied under Section 10 of the River and Harbor Act of 1899 and Section 404 of the Clean Water Act. Comments should be mailed to:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
VENTURA FIELD OFFICE
ATTN: SPL-2007-00689-JWM
2151 ALESSANDRO DRIVE, SUITE 110
VENTURA, CALIFORNIA 93001

Alternatively, comments can be sent electronically to: John.W.Markham@usace.army.mil

Evaluation Factors

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

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 benefit, 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 the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers 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 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.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. The current 401 certification issued for the maintenance dredging program by the Central Coast Regional Water Quality Control Board on July 27, 2007 is set to expire on July 27, 2017 (no. 34207WQ12).

Coastal Zone Management- The applicant has certified that the proposed activity would comply with and would be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan. The current consistency determination issued for the maintenance dredging program by the California Coastal Commission on September 30, 2008 is set to expire on September 30, 2013 (Negative Determination no. 048-08).).

Essential Fish Habitat- An analysis of Essential Fish Habitat (EFH) was prepared in support of the *Final Environmental Assessment for Harbor Activities Associated with the Delta IV/Evolved Expendable Launch Vehicle (EELV) Program* (U.S. Air Force, 2001), including maintenance dredging activities. The Corps issued a Public Notice for the establishment of this Regional General Permit (No. 71) on June 22, 2007. In a letter to the Corps dated August 15, 2007, the National Marine Fisheries Service (NMFS) indicated that the proposed maintenance dredging would adversely affect EFH for at least 18 federally managed fish species within the Coastal Pelagics and Pacific Groundfish Fisheries Management Plans (FMPs). In addition, NMFS indicated that the proposed project occurs within kelp canopy habitat, which is designated as a habitat area of particular concern (HAPC) for various federally managed fish species within the Pacific Groundfish FMP. Lastly, NMFS concluded that the proposed maintenance dredging program may adversely affect kelp, as well as EFH prey species that forage on infaunal and bottom-dwelling organisms.

Pursuant to section 305 (B)(4)(A) of the Magnuson-Stevens Fishery Conservation and Management Act, NMFS provided three conservation recommendations to avoid, mitigate, or otherwise offset adverse effects to EFH. The recommendations were: 1) implement the mitigation plan[1] no later than spring 2008 to minimize the temporal losses associated with the 2001 kelp habitat impact and if not implemented, the Air Force should account for the temporal losses and augment the amount of kelp mitigation; 2) conduct pre- and post-project kelp surveys, and if impacts exceed the previous 0.27-acre impact within the dredge footprint, the Air Force should mitigate for the additional loss; and, 3) if kelp impacts occur outside the dredge footprint from vessel operations, the Air Force should monitor

[1] *Kelp Mitigation Plan for Harbor Activities Associated with the Delta IV Program at Vandenberg Air Force Base,* United Launch Alliance, September 2002, revised April 2007).

the recovery to ensure kelp canopy recovery within two years, and any impacts after that period should be mitigated.

With respect to conservation recommendation nos. 1 and 2, in July 2009 the applicant placed approximately 150 tons of 1.5- to 3-foot-diameter boulders within the 0.4-acre "breakwater bed" of the Harbor (outside of the dredging footprint) to provide hard substrate for kelp recruitment, as discussed in section 3.2.2 of the mitigation plan. Surveys conducted in March 2010 identified 1.05 acres of kelp canopy in the project area, indicating a 0.34-acre increase within the breakwater bed (*Comparison of Kelp Canopy at the Point Arguello Boathouse between January 2008 and March 2010*, Chambers Group, March 2010). In response to the 2010 survey results, NMFS concluded in a June 8, 2010 letter to the applicant "Consistent with section 3.2.3 of the Kelp Mitigation Plan for Harbor Activities Associated with the Delta IV Program at Vandenberg Air Force Base, NMFS believes no further mitigation is necessary." With respect to conservation recommendation no. 3, the applicant confirms that no additional kelp impacts have occurred from vessel operations outside the dredge footprint.

The proposed dredging would directly impact the epibenthic and benthic organisms present in soft-bottom habitat within the approximately 3.5-acre dredge footprint. These invertebrate organisms are an important food source for many fish species, including the managed species of the Pacific Groundfish FMP. However, in this circumstance, similar food sources are presumed to be available for these fish species in the immediate vicinity of the proposed dredge area. In addition, the epibenthic and benthic communities are expected to rapidly recolonize the affected area following each dredging event.

The proposed dredging activities (including return water during dewatering) are also expected to result in a temporary, localized increase in suspended sediments and associated water column turbidity. If severe enough, this condition may may contribute to: 1) a decrease in dissolved oxygen concentrations due to nutrient enrichment; 2) a decrease in light penetration and cause a general decline in aquatic primary productivity; 3) clogging of the respiratory and feeding apparatuses of fish and filter-feeding invertebrates; 4) altering fish distribution and behavior; and/or, 5) the deposition of sediment and burial of benthic and immobile epibenthic organisms. In order to reduce turbidity-related effects of each dredging event upon the breakwater bed mitigation area, the applicant proposes to install a turbidity curtain at the border between the dredge area and the breakwater bed mitigation area. Based upon the results of water and sediment sampling results during the 2001 and 2002 dredging operations and subsequent concurrence from the Central Coast Regional Water Quality Control Board staff, the applicant has determined that additional water quality monitoring or controls are not necessary.

Based upon this information, it is my initial determination that the proposed dredging program activity may result in temporary adverse effects upon EFH and/or federally managed fisheries in California waters, but would not have a substantial nor permanent adverse impact upon these resources. My final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NOAA Fisheries. If I do not receive written comments (regular mail or e-mail) within the 30-day notification period, I will assume concurrence by NOAA Fisheries.

Endangered Species- The U.S. Fish and Wildlife Service (USFWS) released a Biological Opinion (BO) (no. 1-8-99-F-27) on August 9, 2001 regarding the potential adverse effects of the EELV program, including the harbor dredging and maintenance re-dredging, upon the following six federally listed species: 1) unarmored threespine stickleback *(Gasterostereus aculeatus williamsonii)*, 2) tidewater goby (*Eucyclogobius newberryi*), 3) brown pelican (*Pelecanus occidentalis*), 4) California red-legged frog (*Rana aurora draytonii*), 5) western snowy plover (*Charadrius alexandrinus nivosus*), and, 6) southern sea otter (*Enhydra lutris nereis*). With the exception of the southern sea otter and

brown pelican, these species are not expected to occur within the proposed dredge footprint or its vicinity, but rather within or in the vicinity of other work areas associated with the EELV program. While the brown pelican was recently de-listed (November 2009), southern sea otter remains federally threatened.

With respect to southern sea otter, the terms and conditions of the BO require the applicant to monitor for the presence and disturbance of this species during dredging operations. Monitoring of marine mammals during prior dredging and other harbor activities indicates that sea otters have not been disturbed by the activities in the area to date. Monitoring of sea otters will continue to be done in accordance with the August 2001 BO and the NMFS 2012 Incidental Harassment Authorization. In addition, the BO anticipates that the lights at the wharf will be illuminated prior to dusk and turned off after dawn to minimize startle effects to animals in the area. It is not anticipated that dredging activities will take place after dark, however, the contractor will adhere to this lighting protocol should lights be necessary. In a letter to the applicant dated October 25, 2002, the USFWS stated that the proposed increase in dredging frequency (to 1-2 times per year) would not require reinitiation of formal consultation. There have been no updates to the BO since this letter was issued.

On January 14, 2009, black abalone *(Haliotis cracherodii)* was listed as endangered under the Endangered Species Act (74 Federal Register [FR] 1937) and critical habitat for this species was designated on October 27, 2011 (76 FR 208). The rocky intertidal habitats and coastal marine waters offshore of VAFB were included in this designation. The applicant is currently in coordination with NMFS in support of section 7 consultation for effects of the proposed dredging program upon this species and its designated critical habitat.

Cultural Resources- The proposed project involves the renewal of an existing dredging program, which involves the dredging, transporting and re-use of dredged material. There are no proposed changes to the location or aerial extent of each of these activities. Archaeological site CA-SBA-1542, which is eligible for listing on the National Register of Historic Places, is located near the harbor and access road, but outside the boundary of proposed project activities. Based upon this information, the Corps has determined that the proposed renewal of this dredging program would have no effect upon CA-SBA-1542, and otherwise has "no potential to adversely affect" any additional, previously identified cultural resources. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. With this Public Notice, the Corps is seeking comment from the State Historic Preservation Office or other interested parties regarding these determinations. A copy of this Public Notice will be distributed to the Native American Heritage Commission (NAHC) as well as Tribal representatives designated by the NAHC.

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 public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material in to a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, vegetated shallows, coral reefs). In this circumstance,

because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to dredge the V-33 Harbor on VAFB to its design depth of -10 feet MLLW, plus a 2-foot over-dredge depth, in order to accommodate a fully-loaded EELV vessel.

Additional Project Information

Background-

Boeing conducted the initial harbor dredging in September 2001. At the time, very little data existed to accurately determine the rate of sedimentation. Based on some simple assumptions, Boeing estimated that maintenance re-dredging would be required every two to three years, but qualified that re-dredging would be performed as necessary to ensure the safe operation of the Delta Mariner (EELV delivery vessel) in the harbor. Dredging did not occur during years that launch hardware was not scheduled to be delivered. A summary of volumes dredged, dredge depth, disposal location, and contaminants of concern is included below:

Table 1: Dredge Volume and Sampling History

Dredging Year	Total Volume Dredged (cubic yards)	Dredge Depth	Contaminants of Concern	Disposal Location
2001	16,000	10 Feet MLLW + 2 Ft	None	Upland: Space Launch Complex 6
2002	1,500	10 Feet MLLW + 2 Ft	None	Upland: Point Pedernales
2009	2,665	10 Feet MLLW + 2 Ft	None	Upland: Point Pedernales
2011	5,000	10 Feet MLLW + 1 Ft	None	Upland: Point Pedernales

After completion of the initial dredging in October of 2001, Boeing performed two comprehensive harbor bathymetric surveys. The objective of these studies was to develop a more accurate prediction of the required frequency of maintenance dredging. The first survey was done in early March 2002, and the second in late July 2002. These surveys showed a build-up of sediment in the area directly in front of the wharf out to at least 75 feet from the face of the wharf. Further out, there was very little build-up in the center of the cross-sectional cuts, but there was some accumulation at the toe of the slopes that form the dredge footprint northern and southern boundaries. The sedimentation rate was uneven across the site with build-up greatest at the face of the dock.
Based upon these and subsequent surveys (2004 and 2006), the applicant concluded that the sedimentation rate in the harbor is highly variable, dredging could be required annually, or even twice in some years, depending on sediment circulation patterns and launch schedule requirements.

Project description-

As with the former dredging program, the proposed program would be authorized for a five-year period. Similarly, maintenance dredging of the harbor would be performed in the same dredge footprint and with the same equipment and methods as used during prior events. Specifically, each dredging event would consist of the following steps:

1) Installation of a turbidity curtain between the dredging area and the breakwater kelp bed to protect the kelp;
2) Mounting of a clamshell bucket on a dock-mounted crane, and subsequent dredging of harbor within approximately a 70-foot-radius from the dock face;
3) If necessary, a longer boom can be added to the crane, in combination with a smaller bucket, in order to remove small amounts of sediment within approximately a 200-foot-radius of the dock;
4) If additional dredging is required that falls outside of the reach of the dock-mounted crane, a crane with a clamshell bucket would be placed on a small barge in the harbor, powered by tugboat or skiff, and then:
    a. Dredged sediment would be placed onto a separate barge;
    b. When the sediment barge is fully loaded, it would be pushed to the dock by the tugboat and unloaded onto the dock using the dock-mounted crane;
5) All sediment would be temporarily placed on the dock for de-watering (several days duration);
6) Return water would be directed back to harbor using k-rail diversions (no containment);
7) Dried sediment would be loaded and transported to the (former) Point Pedernales quarry via existing access roads to restore the site to its original topographic contours.

Similar to the prior dredging program, dredging would only be required during years that launch hardware is scheduled to be delivered and harbor depths are found to be equal to or less than -10 MLLW, the maximum anticipated dredging frequency would be twice per year, and the minimum would be every two to four years. With respect to dredge volumes, the existing RGP allows for up to 5,000 cubic yards of sediment to be removed per year. However, based upon the high variability of sedimentation within the harbor (e.g., 7,500 cubic yards observed in 2011) and in the frequency of dredge events, the applicant has determined that 5,000 cubic yards is not adequate for all anticipated dredge events, especially since there may be several years in between dredge activities. Therefore, the applicant is requesting this amount to be increased to 10,000 cubic yards per year for the renewed dredging program. Under the proposed, renewed dredging program, the duration of work is estimated between 20 and 45 days, and is largely dependent upon the amount and location of accumulated material.

The applicant would be required to submit a Sediment Analysis Report (SAR) to the South Coast Dredged Material Management Team (SC-DMMT) for review and approval a maximum of three years from the date of prior sediment testing[2]. The content of the SAR would be consistent with the *Sampling and Analysis Plan, Vandenberg Air Force Base Harbor Dredged Material Evaluation* (SAP), dated May 14, 2012. The SAP was approved by the SC-DMMT on June 27, 2012.

Proposed Mitigation– The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

---

[2] This time limit may be reduced given the occurrence of any event that may cause the introduction of pollutants, and remains at the discretion of the South Coast Dredged Material Management Team.

Avoidance:

1) Use of existing access roads to avoid potential adverse effects upon cultural resources, including CA-SBA-1542.

Minimization:

1) Dredging would only be required during years that launch hardware is scheduled to be delivered, and the pre-dredge bathymetric survey indicates that harbor depth is equal to or less than -10 MLLW;
2) Re-testing of previously tested or dredged areas would be required after three years from the date of prior sediment sampling, and would only occur following review and approval of test results by the South Coast Dredged Material Management Team;
3) Dredging would occur only within the portion of the harbor identified as "dredge footprint" with this Notice;
4) Maximum dredge depth would be -10 MLLW, plus a maximum 2 foot overdredge depth;
5) Survey for southern sea otter within the dredge footprint and its vicinity immediately prior to and during each dredge event, and initiation of additional minimization measures (e.g., temporary cessation of work) as necessary;
6) NMFS-approved biologist(s) would conduct pre- and post-dredging surveys for black abalone on the breakwater immediately before and after the next dredging event to observe potential effects upon this species;
    a. Depending on results, future surveys may be required until mutual agreement between NMFS and the applicant has been reached regarding the impacts of dredging upon this species;
    b. During dredge operations, if black abalone are found within the dredging footprint, project activities would be suspended until the applicant completes formal consultation with NMFS;
7) Use of turbidity curtains to minimize potential adverse effects upon the existing mitigation site;
8) Restrict use of harbor lighting and dredge operations between dusk and dawn hours to minimize potential adverse effects upon marine mammals;
9) Use of existing disposal site to minimize potential adverse effects upon the environment and to restore the (former) Point Pedernales quarry to original topographic contours;

Compensation:

Based upon the successful implementation of the kelp mitigation plan for the former dredging program, the applicant does not currently propose additional compensatory mitigation.

Alternatives- Pursuant to the National Environmental Policy Act (NEPA) (40 C.F.R. 1502.14[a]), Federal agencies shall evaluate a range of reasonable alternatives to a proposed action that will avoid or minimize adverse effects of these actions upon the quality of the human environment.

Additionally, when proposed impacts fall within Clean Water Act jurisdiction, alternatives must be evaluated pursuant to the Clean Water Act Section 404(b)(1) Guidelines (Guidelines) (40 CFR 230). Except as provided under Section 404(b)(2), no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. The term practicable means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

The following alternatives to the proposed project have been identified and will be evaluated by the Corps, pursuant to NEPA and the Guidelines:

1) No Federal Action;
2) Reduced Dredge Volume (e.g., 5,000 cubic yards per year);
3) Alternative Disposal Location(s) (e.g., beach nourishment).

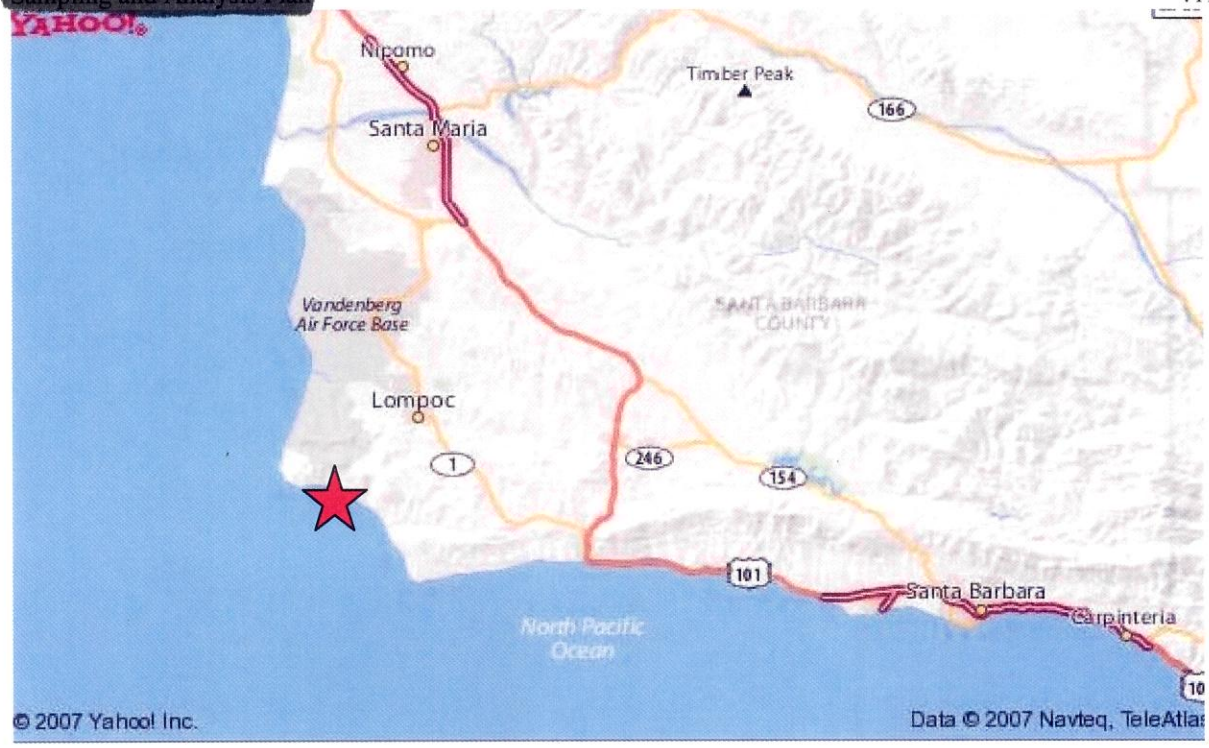
For additional information please call John Markham of my staff at 805-585-2150 or via e-mail at John.W.Markham@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.

Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT
DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
VENTURA FIELD OFFICE
2151 ALESSANDRO DRIVE, SUITE 110
VENTURA, CALIFORNIA 93001

WWW.SPL.USACE.ARMY.MIL



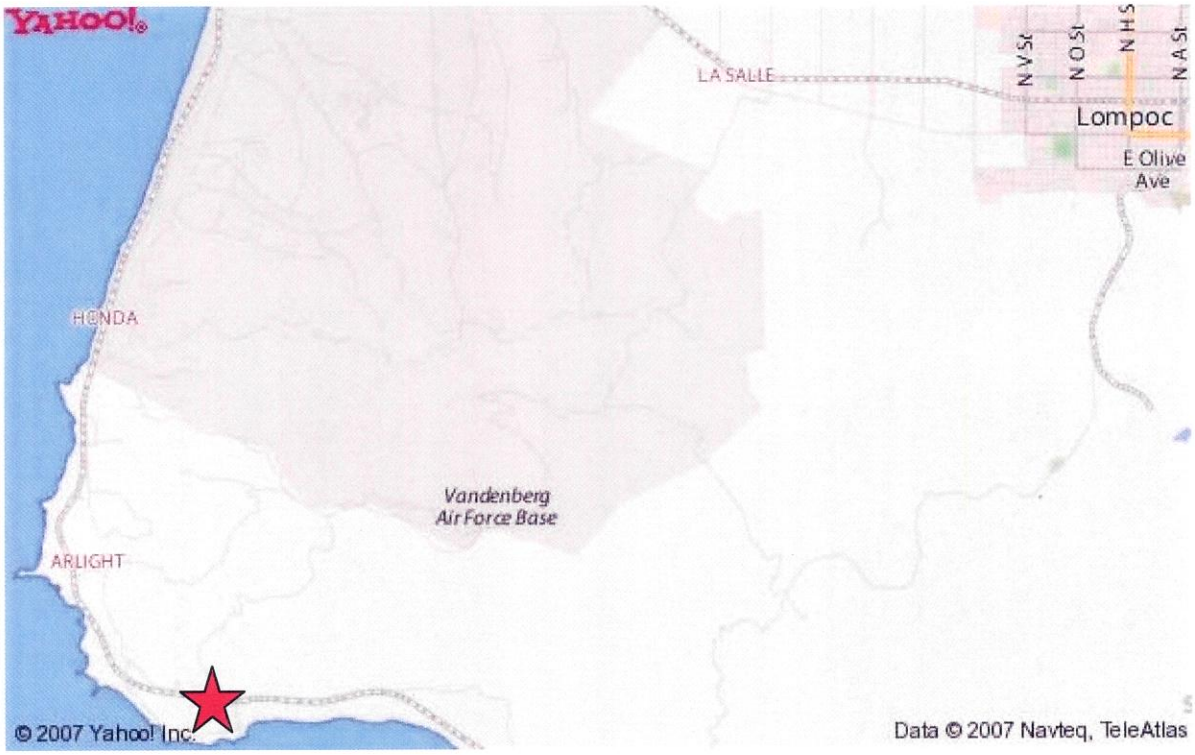
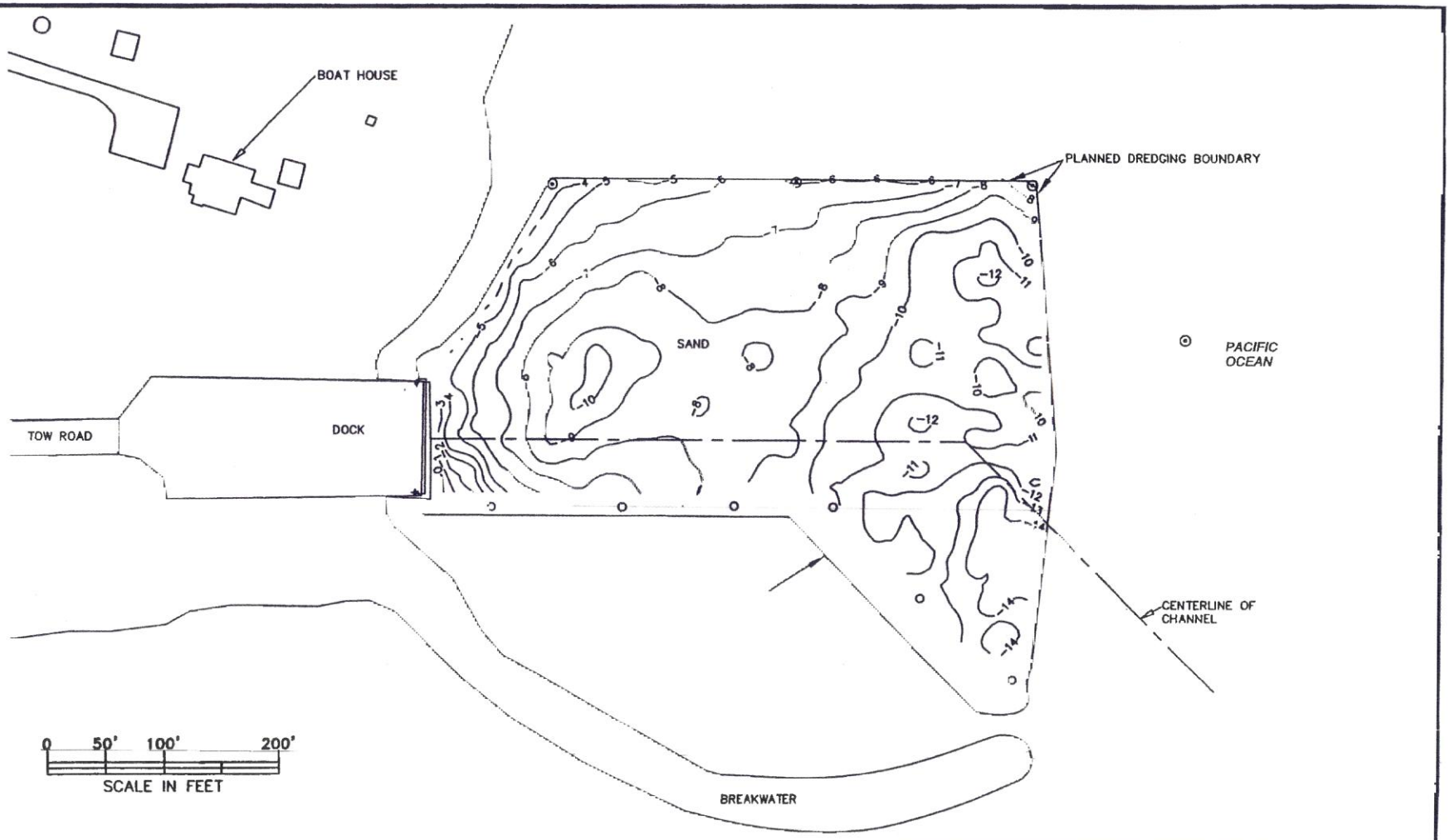


Figure 1: Vicinity Map, VAFB Harbor Maintenance Dredging, 2006


Legend
Harbor Dredge Area
Black Abalone
Meters
0
55
110
220



⊙ Channel Marker Buoy

o Mooring Dolphin

Contour Lines are 1998 Water Depths (feet below MLLW)

ENSR

FIGURE 1

EXTENT OF HARBOR DREDGING

Vandenberg Air Force Base

California

DRAWN: M. SCOP	DATE: 5/9/2001	PROJECT NO. 4523-454	REV.
FILE NO. 4523454D	CHK BY: B. Ho		

United Launch Alliance

Route to Dredge Spoils Disposal Site