



# PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS  
LOS ANGELES DISTRICT

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## APPLICATION FOR PERMIT Vandenberg Harbor Maintenance Dredging

**Public Notice/Application No.:** SPL-2022-00504-TS

**Project:** Vandenberg Harbor Maintenance Dredging

**Comment Period:** October 20 through November 21, 2022

**Project Manager:** Theresa Stevens; (805) 585-2146; [theresa.stevens@usace.army.mil](mailto:theresa.stevens@usace.army.mil)

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### Applicant & Contact

Darryl York  
U.S. Space Force  
1028 Iceland Avenue  
Vandenberg SFB, California 93437

### Location

Pacific Ocean southwest of the city of Lompoc, Santa Barbara County, CA (latitude: 34.5551 / longitude: -120.6092).

### Activity

To conduct maintenance dredging, dewatering, and upland disposal at Point Pedernales in association with U.S. Space Force national security mission (see attached exhibits). For more information see Additional Project Information section below.

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### Submittal of Public Comments

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached exhibits. 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 supports 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, issued with special conditions, or denied under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act.

**Please do not mail printed documents, including comments on this public notice to any Regulatory staff. Instead, your comments should be submitted electronically to: [theresa.stevens@usace.army.mil](mailto:theresa.stevens@usace.army.mil). Should you have any questions or concerns about the Corps' proposed action or our comment period, you may contact Theresa Stevens directly at (805) 585-2146.**

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.

### **Evaluation Factors**

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 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 any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps prior to permit issuance.

**Coastal Zone Management**- The applicant certified the proposed activity would comply with and would be conducted in a manner 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 (CCC) the project is consistent with the State's Coastal Zone Management Plan. The CCC concurred with the applicant's Negative Determination (CCC File No. ND-0032-22, letter dated August 17, 2022).

**Essential Fish Habitat**- The applicant consulted with NOAA Fisheries under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) on essential fish habitat and managed fishery species complexes, including Habitat Areas of Particular Concern (HAPC). NOAA Fisheries concurred with the applicant's determination that the project would not adversely affect EFH, HAPC, or managed species provided the minimization measures are implemented (NOAA concurrence date September 2, 2022). The Corps reviewed the information provided by the applicant and determined additional consultation under Section 305(b)(2) of the MSA is not required at this time.

**Cultural Resources**- The latest version of the National Register of Historic Places (NRHP) has been consulted and the dredging and disposal sites are not listed; however, archaeological site CA-SBA-1542 is eligible for listing on the NRHP and is located near the Vandenberg Harbor and the access road, but outside the boundaries of the proposed dredging and disposal activities. The applicant is the lead federal agency, and in accordance with section 106 of the National Historic Preservation Act, is required to update its historic properties effects determination prior to permit renewal. The applicant determined the proposed action would have no effect on historic properties. The Corps reviewed the information provided by the applicant and determined additional consultation under section 106 of the National Historic Preservation Act is not required at this time. This review constitutes the extent of cultural resources investigations by the District Engineer, who is otherwise unaware of the presence of such resources.

**Endangered Species**- The applicant determined the proposed action may affect but is not likely to adversely affect federally listed threatened or endangered species and designated critical habitats, and consulted with the U.S Fish and Wildlife Service (FWS) and NOAA Fisheries. The FWS and NOAA Fisheries concurred with the applicant's determinations (FWS Programmatic Biological Opinion dated December 12, 2015; NOAA Fisheries letter dated February 21, 2022 and email dated September 2, 2022). The Corps reviewed the information provided by the applicant and determined additional consultation under the Endangered Species Act is not required at this time. This review constitutes the extent of biological resources investigations by the District Engineer, who is otherwise unaware of the presence of such resources.

**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 into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). 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 maintain adequate depth/draft for vessels used to return space launch equipment to the base which supports the space launch missions and national security objectives.

### **Additional Project Information**

**Baseline information-** The U.S. Space Force (applicant) has been conducting maintenance dredging in a 3.5-acre area of the harbor since 2001. In 2007 the applicant applied for and obtained Regional General Permit No. 71 (RGP) for this maintenance dredging program (Corps File No. SPL-2007-00689). This RGP was reauthorized in 2012 and 2017 as allowed under existing regulations. The dredging area has supported marine resources (kelp beds and eelgrass beds); however, these resources have been affected by maintenance dredging. The applicant mitigated for impacts to these resources in areas not affected by dredging, immediately adjacent to the dredging footprint. Dredged sediment is placed on the adjacent wharf and contained by sandbags or similar barrier materials which allow for the stockpiled sediment to dewater and dry out until it is hauled to Point Pedernales for disposal. Return water from this contained area flows back into the harbor waters and is considered a regulated discharge under Section 404 Clean Water Act regulations. The applicant is required to periodically test the sediment prior to dredging (i.e., bulk chemistry and grain size); this has been done several times in the past in accordance with the requirements of the Inland Testing Manual (1998). To date, the sediment has been characterized as sand sized particles with low levels of chemical constituents, and has been deemed suitable for disposal at Point Pedernales by the Southern California Dredged Material Management Team (SC-DMMT). The dredged sediment has not shown potential for bioaccumulation of contaminants.

**Project description-** The applicant has requested a 10-year Standard Individual Permit (SIP) which would authorize periodic dredging of a 3.5-acre area to maintain an approximate depth of -10 feet mean lower low water (MLLW) plus a 2-foot overdredge allowance for a maximum depth of -12 feet MLLW, stockpile dredged sediment on the wharf for dewatering, and dispose of the sediment at an upland quarry site located at Point Pedernales. The applicant proposes to dredge and dispose up to 10,000 cubic yards of sediment annually. The proposed project also includes removal of kelp from the dredge footprint (via cutting) and mooring dolphin washing. Kelp that is removed will be hauled to a compost/green waste or reuse facility or taken offshore and placed in deeper marine waters. The applicant has prepared a Sampling and Analysis Plan (SAP) which will be reviewed by the interagency SC-DMMT in advance of a permit decision; and proposes to utilize this SAP for the

duration of this 10-year permit when sediment re-testing is required. Applicant-proposed water quality protections and other minimization measures are described below.

The applicant has proposed the following measures to protect water quality and minimize impacts on aquatic resources during dredging, dewatering, and disposal activities:

- Install a turbidity curtain between the dredging area and the breakwater kelp bed to protect the kelp, eelgrass, and black abalone.
- Use of a clamshell bucket on a dock-mounted crane to dredge an approximately 70-foot radius area adjacent to the dock face.
- If necessary, a longer boom would be added to the dock mounted crane, in combination with a smaller clamshell bucket to remove small amounts of sediment from an approximately 200-foot radius area.
- If necessary, a barge mounted crane and clamshell bucket would be used to dredge areas that fall outside the reach of the dock-mounted crane. The barge would be powered by a tugboat or skiff and dredged sediment would be placed on a separate barge. The separate barge would be pushed to the dock by the tugboat and unloaded onto the dock using the dock-mounted crane and bucket to a designated dewatering site.
- Dredged sediment would be temporarily stockpiled (several days) in a designated area of the dock for dewatering.
- Return water from the stockpile would be directed back to the harbor using K-rail diversions.
- Dried sediment would be loaded and transported to the former Point Pedernales quarry via existing access roads. Disposal of sediment at this site would restore the site to its original topographic contours.
- Following the sediment test results, the applicant is required to submit a sediment sampling analysis report (SAPR) to the SCDMMT for review and approval prior to dredging.
- The dredge contractor will maintain a spill response plan and spill control materials on site. The contractor will implement Best Management Practices to avoid spills. All fueling will be done away from the edge of the dock.
- If work is to be done at night, lights will be turned on at dusk, and left on until after dawn, to avoid startling animals in the area.
- Marine mammal monitoring will take place in accordance VSFb NOAA Fisheries Letter of Authorization and monitoring requirements.

Proposed Mitigation– The requirement for 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:

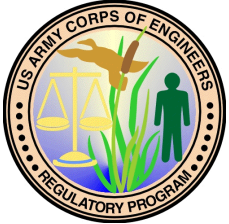
**Avoidance:** The applicant would restrict dredging activities to the existing 3.5 acre maintenance dredging footprint and existing depth.

**Minimization:** See above project description and water quality protection measures.

**Compensation:** As described above, the initial impact to kelp and eelgrass beds in the dredge footprint have been mitigated. No additional compensatory mitigation has been proposed.

**Proposed Special Conditions:** The Corps will include standard special conditions related to sediment testing, dredging, and dredged material disposal in the final permit. Additional special conditions may be included to address comments on this public notice from resource agencies and/or the public.

For additional information please contact Theresa Stevens of my staff at (805) 585-2146 or via e-mail at [theresa.stevens@usace.army.mil](mailto:theresa.stevens@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.

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