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**CDP 3-20-0127 (MONTEREY MUNICIPAL WHARVES' STRUCTURAL  
MAINTENANCE PROGRAM)  
NOVEMBER 6, 2020 HEARING  
EXHIBITS**

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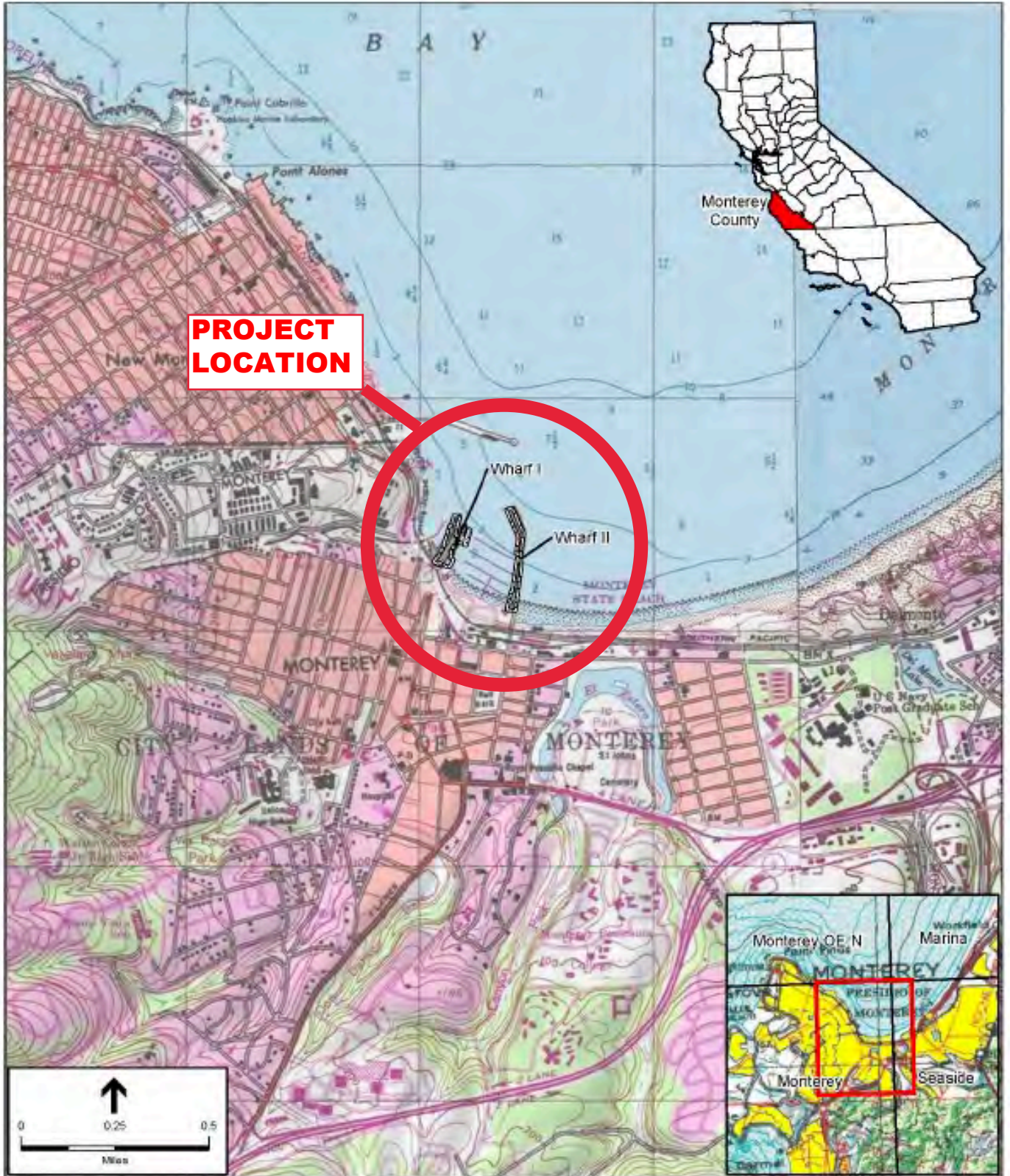
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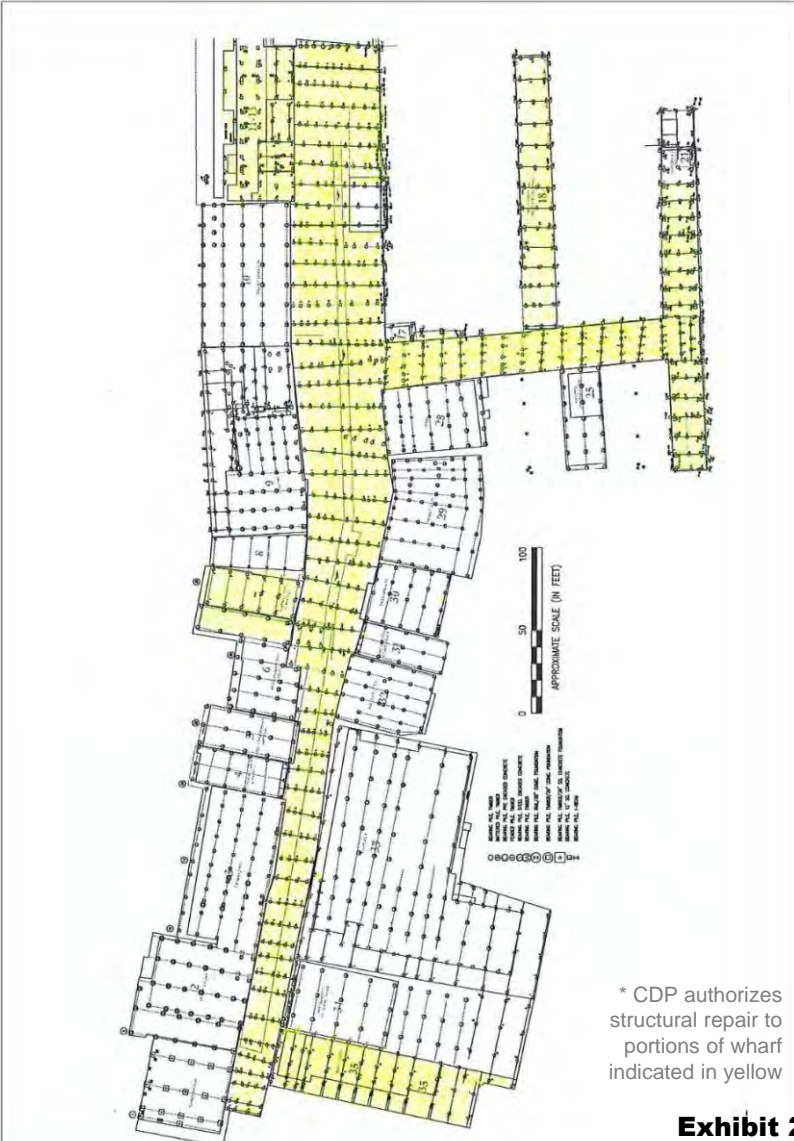
**Exhibit 6: Proposed Construction Staging Areas**



Satellite image of Wharf 1



City Managed Structures (indicated in yellow)



\* CDP authorizes structural repair to portions of wharf indicated in yellow



**AVOIDANCE, MINIMIZATION AND/OR MITIGATION MEASURES – MONTEREY MUNICIPAL WHARVES I AND II STRUCTURAL MAINTENANCE PROGRAM**

<i>Measure</i>	<i>Source</i>
<p><b>Mitigation Measure BIO-1: Pile Driving</b> (<i>This measure is superseded by pile driving avoidance and minimization measures included in the Revised Biological Assessment (see below).</i>)</p>	CEQA MND, January 21, 2020
<p><b>Mitigation Measure BIO-2: Black Abalone Surveys</b></p> <p>Before maintenance activities may occur within rocky, or other hardscape, intertidal portions of the Program area, a qualified biologist will visually survey the existing habitat to determine if black abalone are present. Rocky, intertidal habitat is uncommon within the Program area and is primarily confined to portions of the Wharf I nearshore environment. Additionally, all piles scheduled for removal, sleeving or other maintenance work will be visually inspected before work begins to ensure no black abalone are present on the pile. If water visibility is too low to accurately assess the presence of black abalone in intertidal habitat or on support piles from a boat, divers will be used to complete the survey. If black abalone are observed, the qualified biologist shall notify and consult with NMFS before relocating the abalone to nearby suitable habitat.</p>	CEQA MND, January 21, 2020
<p>Pre-construction <b>surveys for black abalone</b> will occur prior to maintenance activities within rocky, or other hardscape, intertidal portion of the Program area and results reported to NMFS PRD.<sup>1</sup></p> <ul style="list-style-type: none"> <li>• These surveys will be conducted no more than 30-days prior to construction activities on Wharf I or II in-water structures, and will expire one year from the survey date.</li> <li>• All piles scheduled for removal or repair work will be visually inspected by a NMFS qualified biologist to ensure no black abalone are present.</li> <li>• If future surveys indicate the presence of black abalone on in-water structures to be repaired or replaced, the City will temporarily suspend activities within the marine environment and notify NMFS to discuss Section 7 consultation requirements.</li> <li>• If water visibility is too low to accurately assess the presence of black abalone in intertidal habitat or on support piles from a boat, divers will be used to complete the survey.</li> <li>• If black abalone are observed, the qualified biologist shall notify and consult with NMFS PRD before starting construction activities that could impact individuals found.</li> </ul>	NMFS Concurrence Letter and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response, January 30, 2020
<p>The City proposes to conduct <b>abalone surveys</b> prior to each upcoming cycle of repairs, and to map any abalone habitat within and immediately adjacent to the proposed activities. The City is pursuing a contract with Tenera Environmental to conduct black abalone surveys. Following contracting, the City will submit the proposed abalone survey methods to the CCC, and, if appropriate, will include a conceptual proposal for relocation methods and locations. However, because of the long-term nature of the overall program and the lack of certainty surrounding future cycles of repairs, the City does not expect that submittal of a detailed Mitigation Plan for the entire Program Area is appropriate at this time. Instead, if abalone are observed within or adjacent to the proposed work area(s) under a designed cycle of repairs, and relocation is deemed necessary, a Mitigation Plan that identifies specific relocation methods and locations will be prepared and submitted to the CCC at that time. The City intends to schedule maintenance events to avoid sensitive black abalone life cycle periods, to the extent practicable, and with more specific guidance provided by Tenera.</p>	City response to CCC May 13, 2020 request for information re: CDP Application No. 3-20-0127 (August 28, 2020)

<sup>1</sup> Susan Wang at [Susan.Wang@noaa.gov](mailto:Susan.Wang@noaa.gov), 562-980-4199 (NMFS Protected Resources Division)

<p><b>Mitigation Measure BIO-3: Jurisdictional Water and Water Quality</b></p> <p>In order to avoid and/or minimize potential impacts to jurisdictional waters and water quality, including Program activities that would be conducted in or over waters, the following standard construction best management practices (BMPs) would be implemented by Program participants (the City and/or legal tenants on the wharves), to prevent releases of construction materials or hazardous materials and to avoid other potential environmental impacts:</p> <ul style="list-style-type: none"> <li>• Deteriorated <b>timber piles</b> will be repaired to the extent practicable. Where repair is not feasible, deteriorated timber piles will be replaced with new ACZA<sup>2</sup> – treated timber piles (or approved equivalent). New timber piles will be encapsulated with a continuous polymer coating to prevent leaching of treatment into the environment.</li> <li>• All repairs will be designed using <b>materials</b> that follow local, California, and national environmental regulations; this includes the use of concrete, cementitious grout, and epoxy specifically chosen for marine/in-water applications.</li> <li>• No debris, rubbish, creosote-treated wood, soil, silt, sand, cement, concrete, or washings thereof, or other <b>construction-related materials or wastes, oil, or petroleum products</b> shall be allowed to enter into jurisdictional waters or placed where it would be subject to erosion by rain, wind, or waves and enter into jurisdictional waters. Staged construction materials with the potential to be eroded/entrained during a rainfall event will be covered every night and during any rainfall event (if applicable). All construction material, wastes, debris, sediment, rubbish, trash, fencing, etc., will be removed from the wharves on a regular basis during work, and thoroughly at completion of each repair cycle. Debris will be transported to an authorized upland disposal area.</li> <li>• <b>Floating booms</b> shall be used to contain any accidental debris discharged into waters, and any debris shall be removed as soon as possible, and no later than the end of each workday. If feasible, personnel in workboats within the work area will immediately retrieve such debris for proper handling and disposal. Non-buoyant debris discharged into waters shall be recovered (by divers) as soon as possible after discharge.</li> <li>• Protective measures will be utilized to <b>prevent accidental discharges</b> of oils, gasoline, or other hazardous materials to jurisdictional waters during fueling, cleaning, and maintenance of equipment.</li> <li>• <b>Well-maintained equipment</b> will be used to perform construction work, and, except in the case of failure or breakdown, equipment maintenance will be performed off-site. Crews will check heavy equipment daily for leaks, and if leaks are discovered it will be immediately contained and use of the equipment will be suspended until repaired. The source of the leak will be identified, material will be cleaned up, and the cleaning materials will be collected and properly disposed.</li> <li>• <b>Vehicles and equipment used during the course of construction will be serviced onsite.</b> On-site fueling of marine equipment will comply with U.S. Coast Guard requirements. Smaller equipment, such as generators, welding machines, and hand tools will be fueled using fuel tanks, hoses, and fuel cans. Fueling locations will be inspected after fueling to document that no spills have occurred. Any spills will be cleaned up immediately.</li> <li>• The construction contractor shall have a <b>spill contingency plan</b> for hazardous waste spills into the Monterey Harbor. The plan shall include maintaining floating booms and absorbent materials in an on-site spill response kit, to enable rapid recovery of hazardous wastes.</li> <li>• All <b>hazardous materials</b> will be stored in containers designed to provide adequate containment. Short-term laydown of hazardous materials for immediate use will be permitted with appropriate spill prevention measures.</li> <li>• Machinery or construction materials not essential for project improvements shall not be allowed at any time in <b>jurisdictional waters, including the intertidal zone.</b> The construction contractor shall be responsible for checking and observing daily tide and current reports.</li> </ul>	<p>CEQA MND, January 21, 2020</p> <p>Revised Biological Assessment, January 2020</p>
<p><b>Mitigation Measure CUL-1.</b> Maintenance activities over the life of the Program will be executed in conformance with the <b>Secretary of the Interior’s Standards.</b></p>	<p>CEQA MND, January 21, 2020</p>

<sup>2</sup> ACZA is ammoniacal copper zinc arsenate.

<p><b>Mitigation Measure CUL-2.</b> The historical resources identified above shall be monitored for vibration during construction activities that require the use of impact hammers or other equipment with the potential to cause vibration above the threshold of 0.20 inches per second (ips) peak particle velocity (PPV). A small (typically ~3,000 lb) 'drop-hammer' would be used during construction, to drive replacement wood piles into the sandy substrate below the wharves. No more than 5 piles shall be installed per day, each of which would require approximately 300 impact hammer strikes per pile to install. Furthermore, contractors would be required to utilize a wood pile-driving cushion block (located between the impact hammer and the pile) in order to attenuate (reduce) the force of the impact hammer on the pile. This measure will reduce the noise and vibration that is translated from the pile to the substrate below, and indirectly to the wharves which sit atop the sandy substrate. Vibration monitors will be installed on buildings prior to these construction activities, and checked periodically at the discretion of the qualified professional, to determine if vibration impacts are occurring. If construction vibration levels exceed 0.20 ips PPV, construction shall be halted and other feasible construction methods shall be employed to reduce the vibration levels below the damage threshold. All measurements will be recorded and kept on file with other Program documents.</p>	<p>CEQA MND, January 21, 2020</p>
<p><b>Mitigation Measure CUL-3: Archaeological Monitoring Plan and Post-Review Discovery Plan</b></p> <p>Prior to construction, a Secretary of the Interior-qualified archaeologist with expertise in California archaeology shall develop an archaeological resources training program for all construction and field workers involved in ground-disturbing activities that details the recognition and importance of archaeological resources, and establishes accidental discovery procedures should archaeological resources be encountered during construction.</p> <p>For repair or replacement of the Wharf I foundations for the concessions nearest to the shore (Concessions 1 and 2), a Secretary of the Interior-qualified archaeologist or supervised archaeologist shall prepare an Archaeological Monitoring Plan (AMP) and a Post-Review Discovery Plan (PRDP). The AMP and PRDP will outline protocol for archaeological monitoring and the steps to follow in the event of a discovery. The AMP will also provide details for an archaeologically sensitive area (ASA) where no ground disturbance or project staging would occur including staging or access in the vicinity of the known prehistoric archaeological resource.</p> <p>If cultural materials are encountered during Program implementation, all construction activities within 100 feet shall halt and the City of Monterey shall be notified. A Secretary of the Interior-qualified archaeologist shall inspect the find within 24 hours of discovery. If the find is determined to be potentially significant, the archaeologist, in consultation with the City of Monterey and the culturally-affiliated Native American group(s) shall determine whether preservation in place is feasible. Consistent with PRC Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, the archaeologist, in consultation with the City of Monterey and the culturally-affiliated Native American group(s), shall prepare and implement a detailed treatment plan. Treatment of unique archaeological resources shall follow the applicable requirements of PRC Section 21083.2. Treatment for most resources would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the goal of recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the Program. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals.</p>	<p>CEQA MND, January 21, 2020</p>
<p><b>Mitigation Measure CUL-4: Inadvertent Discovery of Human Remains</b></p> <p>In the event of discovery or recognition of any human remains during construction activities, such activities within 100 feet of the find shall cease until the Monterey County Coroner has been contacted to determine that no investigation of the cause of death is required. The Native American Heritage Commission (NAHC) will be contacted within 24 hours if it is determined that the remains are Native American. The NAHC will then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the City of Monterey for the appropriate means of treating the human remains and any grave goods.</p>	<p>CEQA MND, January 21, 2020</p>
<p><b>Mitigation Measure NOI-1: Construction Activity Restrictions</b></p> <p>The Program sponsor shall limit all extreme noise-generating construction activities to 8:00 a.m. to 5:00 p.m., Monday through Friday. No pile driving or other extreme noise generating activity is permitted on Saturdays, Sundays, and holidays.</p>	<p>CEQA MND, January 21, 2020</p>

The avoidance and minimization measures specific to **pile driving activities** have been developed in accordance with the majority of the measures outlined in the 2018 USACE/NMFS NLAA Program criteria, in order to reduce Program effects on sensitive resources. Avoidance and minimization measures that will reduce Program noise effects include the following:

- Pile removal and/or replacement will be conducted in general accordance with the 2018 Corps/NMFS NLAA Program criteria, e.g.:
- Piles will be removed by direct pull, where possible\*.
- Piles that cannot be pulled will be cut at least two feet below the mudline\*.
- A "soft start" technique will be implemented during all impact hammer pile driving, at the start of each period of impact hammer pile driving or after a break in impact hammer driving of 30 minutes or more, to give fish an opportunity to vacate the area\*. A "soft start" would consist of an initial set of three strikes made by the hammer at 40 percent energy, followed by a 1-minute waiting period, then two subsequent three-strike sets, before initiating continuous driving\*. A soft start will only be implemented if no sea otters are present within the 30-meter exclusion zone described below.
- A wood cushion block would be utilized during impact hammer pile installation, to attenuate noise levels\*.
- As a measure to be confirmed during informal Section 7 consultation with NMFS<sup>3</sup>, Program participants (the City and/or legal tenants on the wharves) will monitor marine mammal presence during all pile installation activities (impact hammer or hydraulic jetting). Marine mammal monitoring will include, at a minimum, the following conditions:
  - A 100-meter sea turtle and whale exclusion zone will be maintained around each pile installation location\*. Work activities will be halted if a whale or sea turtle is observed within 100 meters of the pile driving activity and resume only after the animal has been gone for a minimum of 15 minutes\*.
  - A 50-meter pinniped (seals and sea lions) monitoring zone will be established around each pile installation location (note: a 50-meter zone well exceeds the zone of calculated potential hydroacoustic impacts to fish and marine mammals from impact hammer installation of timber piles, as shown in Tables 8-3 and 8-5 [of the Revised BA], respectively).
    - If pinnipeds are observed within the 50-meter monitoring zone the on-site biological monitor will use their discretion as to whether the animal is in immediate danger from project activities. If the monitor determines that the animal is at risk, pile installation will cease until the animal leaves the monitoring zone or the monitor determines in-water work no longer poses an immediate threat.
    - If the pinniped refuses to leave the monitoring zone and/or begins to interfere with maintenance activities, the biological monitor may attempt to deter this behavior. Consistent with Section 101(a)(4) of the MMPA, pinnipeds that are at risk of damaging public property or pose a threat to personal safety may be non-lethally deterred from such activities by a government entity.<sup>4</sup>
    - Deterrence will be accomplished in a minimally invasive manner, consistent with NOAA guidance, and may consist of the following:<sup>5</sup>
      - Barriers and exclusion devices (e.g., fencing)
      - Noise makers (e.g., horns)
      - Visual repellents (e.g., flags, lights, human presence)
      - Physical contact (e.g., water spray)

Revised Biological Assessment, January 2020

NMFS Concurrence Letter (for those measures denoted with an asterisk [\*] per footnotes herein)

<sup>3</sup> NMFS issued a Concurrence Letter, pursuant to Section 7 of the Endangered Species Act, on January 30, 2020. The measures included in the Revised Biological Assessment, as provided herein, are more protective than those stipulated in the Concurrence Letter; the Revised Biological Assessment measures that were stipulated in the NMFS Concurrence Letter are denoted with an asterisk (\*) herein.

<sup>4</sup> NOAA, 2018. Detering Pacific Harbor Seals, California Sea Lions, Northern Fur Seals, Eastern U.S. Stock of Steller Sea Lions, and Northern Elephant Seals. October 2018.

<sup>5</sup> NOAA, 2018. Potential Methods for Detering Pacific Harbor Seals, California Sea Lions, Northern Fur Seals, Eastern U.S. Stock of Steller Sea Lions, and Northern Elephant Seals. October 2018.



<ul style="list-style-type: none"> <li>- A 30-meter sea otter monitoring zone will be established around each pile installation location. Work activities will be halted if a sea otter is observed within 30 meters of the pile driving activity and resume only after the animal has left the monitoring zone (as with the 50-meter zone, 30-meters exceeds the maximum modeled extent of hydroacoustic impacts from pile installation, see Table 8-5 [of the Revised BA]).</li> <li>- A qualified biological monitor(s) would be located at the best vantage point(s) in order to properly see as much of the monitoring zones as possible*.</li> <li>- During all observation periods, the monitor(s) will use binoculars and the naked eye to search continuously for marine mammals*<sup>6</sup>.</li> <li>- If the monitoring zones are obscured by fog or poor lighting conditions, pile installation at that location will not be initiated until that zone is visible. Should such conditions arise while installation is underway, the activity would be paused*<sup>7</sup>.</li> <li>- The monitoring zones around the pile will be monitored for the presence of marine mammals 30 minutes before, during, and 15 minutes after any pile driving activity*<sup>8</sup>.</li> </ul>	
<p>Prior to proposed SMP repairs that include impact hammer installation of piles, the City will prepare and submit a proposal for a <b>Hydroacoustic Testing Plan (HTP)</b>, for CCC approval. The HTP would be implemented to inform the final selection of appropriate Marine Mammal Monitoring Zone(s) based on empirical pile driving results (including typical background noise) for this specific location and for the specific pile types proposed under the SMP. The HTP would be conducted during the initial day (or days, if several pile types are being utilized) of the first round of impact hammer pile installation activities only. Once conducted, the results and recommendations would be applicable to the remainder of the term of SMP authorization, unless bathymetry or significant changes to the wharves or other surrounding in-water structures (such as the breakwater or seawall) occur. The HTP would include the following information at a minimum:</p> <ul style="list-style-type: none"> <li>• Type of equipment to be used</li> <li>• Baseline information to be recorded (such as weather, waves, etc.)</li> <li>• Distance(s) from piles where monitoring would be conducted</li> <li>• Monitoring methods</li> </ul>	<p>City response to CCC May 13, 2020 request for information re: CDP Application No. 3-20-0127 (August 28, 2020)</p>
<p>If, following implementation of an HTP (see above), these <b>[Marine Mammal Monitoring] zones</b> are observed to be insufficiently protective of these respective hearing groups, they will be extended as to be maximally protective.</p>	<p>City response to CCC May 13, 2020 request for information re: CDP Application No. 3-20-0127 (August 28, 2020)</p>
<p>The City or their designated environmental compliance consultants will ensure the appropriate number of <b>marine monitor(s)</b> are utilized during Program in-water activities, based upon the location(s) of proposed work and any potential visual obstructions to clear sight lines for the monitoring zone(s).</p>	<p>City response to CCC May 13, 2020 request for information re: CDP Application No. 3-20-0127 (August 28, 2020)</p>

<sup>6</sup> The NMFS Concurrence Letter dated January 30, 2020 includes 'and sea turtles' at the end of this measure.

<sup>7</sup> The NMFS Concurrence Letter dated January 30, 2020 has alternate language at the end of this measure, which stipulates: "...the activity will cease until visibility improves" instead of "the activity would be paused."

<sup>8</sup> The NMFS Concurrence Letter dated January 30, 2020 includes 'and sea turtles' in this measure.

<p>The City would prepare and submit a <b>Hydroacoustic Monitoring Plan</b> to CCC and NMFS at least 4 weeks prior to proposed SMP program pile installation activities. The City would conduct and submit the results of pre-construction eelgrass and black abalone surveys to CCC and the appropriate wildlife agencies at least 4 weeks prior to proposed in-water SMP program activities.</p>	<p>City response to CCC September 22, 2020 request for information re: CDP Application No. 3-20-0127 (September 24, 2020)</p>
<p>The below A&amp;M measures are specific to <b>hydraulic jetting of replacement fender and/or guide piles</b> within the coarse-grained sandy substrate of the Harbor, as typically utilized by the City, in order to minimize short-term turbidity and other potential Program effects on sensitive resources:</p> <ul style="list-style-type: none"> <li>Hydraulic jetting of fender and/or guide piles would be limited to those situations in which natural settling is either not feasible or not practicable for the City to accomplish necessary maintenance replacements*.</li> <li>A professional diver would be present to conduct and observe all hydraulic jetting pile installation activities underwater; the diver would ensure the pile is placed in the correct location, as well as guide the pile into the substrate and to the proper depth*.</li> <li>The diver would ensure the amount of time the water pump is actively jetting is limited to the minimum duration necessary, to limit jetting the duration of jetting disturbance to that time during which pile is being effectively installed. The diver would also control the placement and location of hydraulic jetting, to ensure that substrate disturbance is physically limited to the area necessary to successfully install the pile*.</li> </ul>	<p>Revised Biological Assessment</p> <p>NMFS Concurrence Letter (for those measures denoted with an asterisk [*]), and CEQA MND</p>
<p>Prior to any <b>hydraulic jetting</b> proposed under the SMP, the City will prepare a map(s) of the proposed jetting location(s), and will conduct marine habitat surveys to map the location(s) of any observed sensitive species in and around the areas of proposed jetting. If a recent survey/mapping effort has already been conducted and addresses the area(s) of proposed jetting, a new survey may not be required; this determination should be made by a qualified biologist and in coordination with the wildlife agencies.</p> <p>If proposed jetting activities would be within 50 meters of any recently-observed sensitive species (per California Eelgrass Mitigation Policy guidance), the City would either delay jetting activities until future surveys determine sensitive species absence, or the City would utilize silt curtains (or other appropriate turbidity containment methods) during hydraulic jetting activities, as appropriate for the local environment (including observed sediment grain size).</p> <p>Finally, if determined appropriate based on the above, the City will consider the alternative use of steel pipe piles (to replace piles); steel pipe piles can, in some situations and limited applications, be dropped and allowed to sink in place under their own weight, and then filled with concrete (as described in the Program Description of the CCC permit application, page 27).</p>	<p>City response to CCC May 13, 2020 request for information re: CDP Application No. 3-20-0127 (August 28, 2020)</p>
<p>Prior to starting work, all construction workers at the project areas will attend a <b>Construction Worker Environmental Awareness Training and Education Program</b> developed and presented by either the lead biologist, an appointed qualified biologist, and/or the qualified biological monitor (1 person total). The training program will include information on federal- and state-listed species with the potential to be encountered, as well as other special-status wildlife and sensitive natural communities that may be encountered during construction activities. The training will include: information on special-status species' life history and legal protections; the A&amp;M measures its contractors have committed to implementing to protect special-status species and sensitive natural communities; reporting requirements and communication protocols; and specific measures that each worker will employ to avoid "take" of special-status species.</p>	<p>Revised Biological Assessment, January 2020</p>
<p>For <b>in-water work</b>, the City will implement, as necessary, the <i>California Eelgrass Mitigation Policy and Implementation Guidelines</i> (NOAA NMFS, 2014), including implementing the following measures:</p> <ul style="list-style-type: none"> <li>Prior to in-water work, proposed in-water work areas will be visually checked for the presence of eelgrass; if eelgrass is observed, a full pre-construction eelgrass survey will be conducted in the vicinity of in-water activities no more than 30 days prior to the start of in-water activities during the eelgrass growing period, and pursuant to the NOAA NMFS 2014 Guidelines.</li> </ul>	<p>CEQA MND, January 21, 2020</p>

<ul style="list-style-type: none"> <li>• If eelgrass is observed, it will be mapped and avoided; if avoidance is not possible, impacts and mitigation will be conducted in coordination with the California Department of Fish and Wildlife (CDFW).</li> <li>• All positive survey results will be sent to CDFW.</li> </ul>	
<p><b>Pre-construction eelgrass surveys</b> will be conducted prior to each upcoming cycle of repairs, to map the extent of eelgrass habitat within and immediately adjacent to the proposed activities. Pre-construction surveys will identify any areas that are occupied by eelgrass and should be avoided during maintenance activities. Surveys would be conducted from atop wharf decks and/or from a small boat, assuming good visibility; divers and underwater surveys are not required. Pre-construction surveys will be conducted in accordance with the CEMP guidelines, and completed during the active eelgrass growth period (April through October) whenever feasible. Per CEMP guidance, surveys conducted early in the growing season (e.g., April) may only be considered accurate for 60 days following the survey, because eelgrass beds may expand during the summer; if surveys are completed at the end of or outside of the growing season, the results are considered valid until the resumption of the next growing season.</p>	<p>City response to CCC May 13, 2020 request for information re: CDP Application No. 3-20-0127 (August 28, 2020)</p>
<p>In order to provide additional protections for those <b>sensitive species</b> with the potential to be present at the project site during different times of the year, and as discussed during our project team call on August 6, 2020, the attached table (Attachment G) presents a sensitive species calendar, including the City's targeted construction window, and avoidance and/or minimization measures that should be implemented during construction. This table should facilitate ease of interpretation of this information by the City, wharf tenants, and/or program construction contractors, throughout the life of the Program.</p>	<p>City response to CCC May 13, 2020 request for information re: CDP Application No. 3-20-0127 (August 28, 2020)</p>
<p>In order to avoid and/or minimize potential SMP impacts to the <b>[Monterey Bay National Marine] Sanctuary</b>, construction crews need to properly anchor or tether equipment to the east side of Wharf II (which is within Sanctuary boundaries), to prevent equipment from accidentally sinking within or floating away within the Sanctuary, and that the appropriate list of BMPs should be included to minimize construction-related impacts and to prevent accidental spills or discharges of construction debris in and around the Sanctuary.</p>	<p>City response to CCC May 13, 2020 request for information re: CDP Application No. 3-20-0127 (August 28, 2020)</p>
<p><b>Nesting birds and their nests</b> shall be protected during construction by use of the following measures:</p> <ol style="list-style-type: none"> <li>1) A qualified wildlife biologist shall conduct pre-construction nesting surveys during the avian nesting breeding season (February 15 to September 1) within 7 days prior to construction. Surveys shall be performed extending 300 feet from the project work area to locate any active passerine (perching bird) nests and within 500 feet to locate any active raptor (bird of prey) nests.</li> <li>2) If active nests are located during the pre-construction nesting bird surveys, the qualified wildlife biologist shall evaluate if the schedule of construction activities could affect the active nests and the following measures shall be implemented based on their determination: <ol style="list-style-type: none"> <li>a) If construction is not likely to affect the active nest, construction may proceed without restriction.</li> <li>b) If it is determined that construction may affect the active nest, the qualified biologist shall establish a no-disturbance buffer around the nest(s) and all project work would halt within the buffer until a qualified biologist determines the nest is no longer in use. Typically, these buffer distances are up to 300 feet for passerines and 500 feet for raptors; however, the buffers may be adjusted downward for some species, or if an obstruction, such as a building, is within line-of-sight between the nest and construction activities.</li> <li>c) Modifying nest buffer distances, allowing certain construction activities within the buffer, and/or modifying construction methods in proximity to active nests shall be done at the discretion of the qualified biologist and in coordination with the City, who would notify CDFW. Necessary actions to remove or relocate an active nest(s) shall be coordinated with the City and approved by CDFW.</li> <li>d) Any work that must occur within established no-disturbance buffers around active nests shall be monitored by a qualified biologist. If adverse effects in response to project work within the buffer are observed and could compromise the nest, work within the no-disturbance buffer(s) shall halt until the nest occupants have fledged.</li> <li>e) Any birds that begin nesting within the project site and survey buffers amid construction activities shall be assumed to be habituated to construction-related or similar noise and disturbance levels and no work exclusion zones shall</li> </ol> </li> </ol>	<p>CEQA MND, January 21, 2020</p>

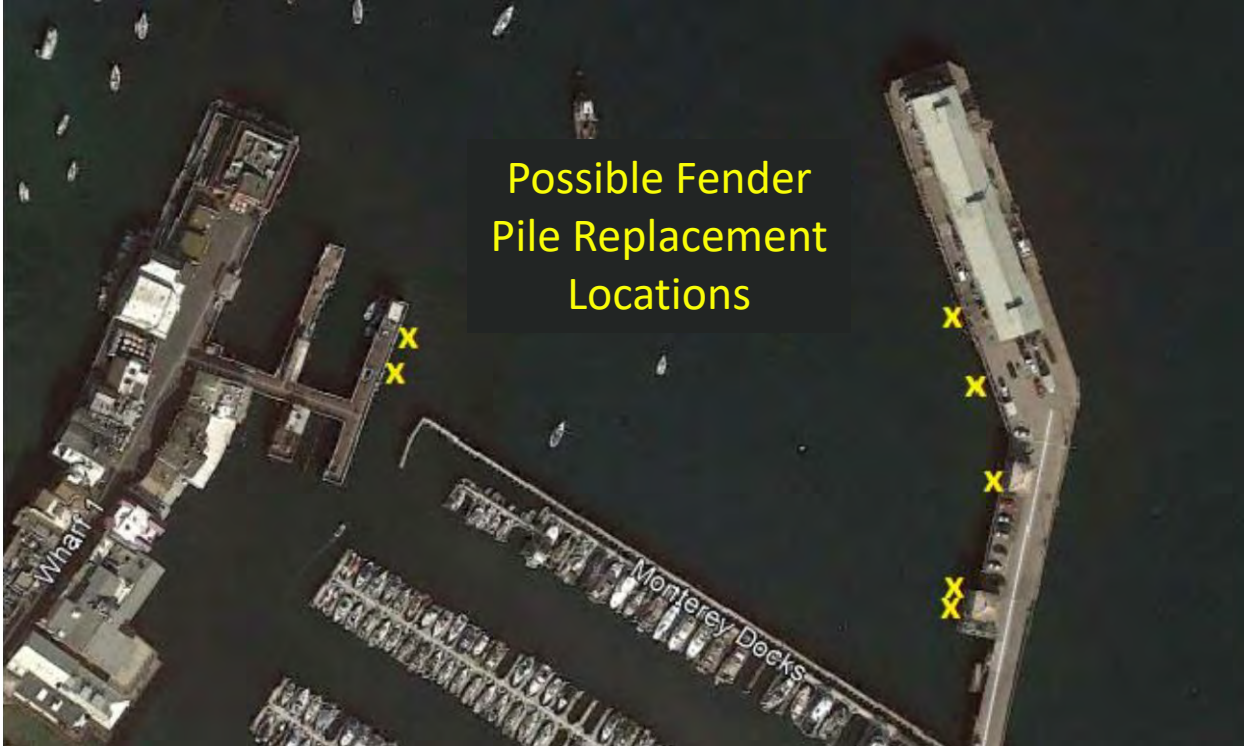
<p>be established around active nests in these cases; however, should birds nesting nearby begin to show disturbance associated with construction activities, no-disturbance buffers shall be established as determined by the qualified wildlife biologist.</p>	
<p>The following <b>BMPs, as proffered by the CCC and edited to be applicable to the Monterey Wharves 1 and 2 SMP</b>, will be implemented by the City and their contractors and incorporated into the project documents. <i>Note: Measures shown in green italics are specific to pile installation, and as such are not applicable and will not be incorporated into the first round of repairs (or 'Cycle #1'), as no piles will be installed during this first round of repairs. Measures shown in green italics will be included in future project documents, should those future activities include pile installation.</i></p> <p><b>1. Responsibilities for Use of Preservative-Treated Wood for Piles and Over-water Structures.</b> The contractor shall comply with the following best management practices for the use of preservative-treated wood ("treated wood") in over-water structures:</p> <p>A. The wood preservative selected for use shall minimize the impact on coastal water quality and the aquatic environment.</p> <p><i>B. Preservative-treated Douglas fir piles shall only be used for repair and replacement, or to visibly blend, and/or structurally integrate with, existing over-water structures.</i></p> <p>C. Decking shall consist of wood-alternative materials or ACZA-preserved lumber. Alternatives to preserved woods, such as concrete, steel, fiberglass, or naturally decay resistant wood species, shall be prioritized over the use of chemically-treated wood.</p> <p><i>D. All treated wood piles, and, where feasible, treated wood structural members, shall be wrapped in, or coated with, water-tight, UV resistant material to prevent leaching of wood-preservative chemicals into the water column, and to prolong the life of the piles and structural timbers. For piles, protection shall extend two feet below the mudline and two feet above OHW, at a minimum, and wrappings shall be secured with corrosive resistant banding or self-tapping screws. Coatings and/or sealants used shall be products that are inert after they have cured and dried. No coal-tar sealants or coal tar treated wood shall be used unless coated or wrapped with an inert material or product to isolate it from the marine environment.</i></p> <p><i>E. Design features, such as a protective wearing surfaces or bumpers, shall be installed on fender piles and floating dock pilings, where appropriate, to resist abrasion and preserve the pile-wrap or coating.</i></p> <p>F. The amount of preservative used for treating piles shall be the minimum specified by the American Wood Protection Associate to effectively protect the piles. Wood treated to the standards for a higher Use Category (i.e., with a higher preservative retention level) than is necessary for that component shall not be used.</p> <p>G. Treated wood and treated wood debris shall be stored a minimum of 50 feet from coastal waters, drainage courses, and storm drain inlets. The treated wood and treated wood debris shall be stored on impervious pavement or an impervious tarp, and covered during rain events.</p> <p>H. If treated wood is sanded or sawcut during demolition, installation, or maintenance, all sawdust and debris generated shall be contained and removed.</p> <p><i>I. In order to minimize water quality impacts, piles installations shall prioritize driven or hammered methods. If a water-jetting method is utilized, silt curtains shall be installed in the work area to contain turbidity where coastal resources, such as benthic communities or eelgrass, may be at risk.</i></p>	<p>City response to CCC May 13, 2020 request for information re: CDP Application No. 3-20- 0127 (August 28, 2020)</p>
<p><b>2. Responsibilities for Use of Coatings, Construction and Repair of Bulkheads and Overwater Structures.</b> The contractor shall comply with the following best management practices for the use of corrosion coatings, and repair of bulkheads and overwater structures:</p> <p>A. Coatings and sealants shall be composed of products that are inert after they have cured and dried. Fusion Bonded Epoxy, HDPE, and polyurea products are recommended. No coal tar-based sealants shall be used unless they are themselves coated or wrapped with an inert product to isolate them from the marine environment.</p>	<p>City response to CCC May 13, 2020 request for information re: CDP Application No. 3-20- 0127 (August 28, 2020)</p>

<p>B. Installation and application of epoxy, resin, or cementitious grout/fill shall be conducted when predicted weather and ocean conditions allow effective control and full containment and will remain dry until cured, in order to prevent any leaching of uncured treatment materials into coastal waters. It is preferable to perform the work in dry conditions (low tide) or off-site in a controlled-environment manufacturing facility, wherever feasible.</p> <p>C. All cleaning and preparation of surfaces shall use wet vacuum techniques, containment booms or heavy mesh containment netting so that any debris, chips, dust, dirt, and fine particles are collected and disposed of in a location where they will not enter coastal waters.</p> <p>D. Preparation of corroded concrete by chipping, v-notching, or demolition shall be conducted while using a wet vacuum or similar technique so that any debris, dust, and fine particles are collected and disposed of in a location where they will not enter coastal waters. Dip nets shall be on-site and used to retrieve debris if it accidentally falls into the water.</p> <p>E. Methods to contain any leaks or spills of treatment materials during application shall be planned in advance, and any necessary equipment or supplies shall be readily accessible onsite. Any leaks or spills of anti-corrosion coatings, epoxy fillers, and waterproofing sealants shall be immediately cleaned up.</p> <p>F. All pressure-injection and gravity-feed applications of epoxy, resin, or cementitious materials shall be closely monitored visually to ensure that these materials do not leak or spill into coastal waters during application.</p> <p>G. Coatings and waterproofing sealants used in the field shall be carefully applied by brush or roller to limit application to the immediate surfaces intended for protection, and to prevent drips or spills into coastal waters.</p> <p>H. All anti-corrosion coatings, epoxy fillers, and waterproofing sealants shall be properly stored and contained so that these products will not leak or spill, or otherwise enter the coastal environment.</p> <p><i>I. Piles installations shall prioritize driven or hammered methods, if feasible, in order to minimize water quality impacts. Vibratory hammer method shall be prioritized over impact hammer methods. However, if an impact hammer is used, pile driving shall use a soft-start/ramping up BMP with hammer strikes that begin at approximately 40 to 60 percent energy levels with no less than a one-minute interval between each strike for a five-minute period. If a water-jetting method is utilized, silt curtains shall be installed in the work area to contain turbidity where coastal resources, such as benthic communities or eelgrass, may be at risk.</i></p> <p><i>J. Removal of existing piles shall observe the following conditions, where applicable:</i></p> <ol style="list-style-type: none"> <li><i>1. Work shall occur during favorable tidal, ocean, and weather conditions that will enhance the ability to remove, to the maximum extent, the full length of the pile and any associated debris generated during demolition.</i></li> <li><i>2. Piles and debris shall be placed directly into a vessel/container suitable for transport off-site.</i></li> <li><i>3. Degraded pile sections that cannot be recovered from the substrate shall be cut at the deepest feasible elevation to maximize partial-retrieval.</i></li> <li><i>4. All used piles and debris shall be removed to an offsite, authorized disposal site. Sediment adhered to the removed pile shall be removed from coastal waters.</i></li> <li><i>5. Piles shall be removed slowly and handled carefully to minimize turbidity. Vibratory extraction shall be prioritized over direct-pull methods, where feasible, in order to limit disturbance.</i></li> </ol>	
<p><b>3. Responsibilities for Building Concrete Foundations: Piles and Bulkheads.</b> The contractor shall comply with the following best management practices for constructing poured-in-place piles or constructing concrete foundations underwater:</p> <p>A. Dewatering the work area for concrete foundation work using a caisson or other barrier shall be prioritized. The site shall remain dewatered until the concrete is sufficiently cured to prevent any significant increase in the pH of adjacent waters.</p> <p>B. If dewatering is not feasible, the tremie method may be used to construct concrete structures in-water or underwater. Displaced waters shall be pumped off and collected in a holding tank. The collected waters shall then be tested for pH. If the pH is greater than 8.5, the water shall be neutralized with sulfuric acid until the pH is between 8.5 and 6.5. This pH-balanced water can then be returned to the sea if allowed by Fish and Game Code, or disposed of offsite per legal requirements. Solids that settle out during the pH balancing process shall not be discharged to the marine environment and must be disposed of offsite per legal requirements.</p>	<p>City response to CCC May 13, 2020 request for information re: CDP Application No. 3-20-0127 (August 28, 2020)</p>

**4. Construction Plan.** Construction shall comply with the following.

- A. All areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to minimize construction encroachment on the tidelands and to have the least impact on public access and the marine environment.
- B. For the land side of a construction site, silt fences, or equivalent measures, shall be installed at the site perimeter to prevent construction-related runoff and/or sediment from entering coastal waters. For the water side of a construction site, turbidity curtains shall be used to contain sediment where coastal resources, such as benthic communities or eelgrass, may be at risk.
- C. All work shall be performed during favorable tidal, ocean, wind, and weather conditions that will enhance the ability to contain and remove, to the maximum extent feasible, construction and demolition debris.
- D. Tarps or other devices shall be used to capture debris, sawdust, particulates, oil, grease, rust, dirt, and spills to protect the quality of coastal waters.
- E. Floating booms shall be used to contain debris if discharged into coastal waters, and any debris discharged will be removed as soon as possible but no later than the end of each day.
- F. Unless specifically authorized, all work shall take place during daylight hours and lighting of tidelands and water areas is prohibited.
- G. Construction work or equipment operations below the mean high water line shall be minimized to the maximum extent feasible, and, where possible, limited to times when tidal waters have receded from the authorized work areas.
- H. All construction materials shall be properly stored and contained so that these products will not spill or otherwise enter the coastal environment.
- I. Construction (including but not limited to construction activities, and materials and/or equipment storage) shall be prohibited outside of the defined construction, staging, and storage areas.
- J. Equipment washing, refueling, and/or servicing shall not take place on the tidelands or over-water structures to eliminate the possibility that pollutants may enter coastal waters.
- K. Bulkhead and over-water construction projects that will use heavy equipment for more than 30 days shall use biodegradable hydraulic fluid and biodiesel, if available, as an alternative to petroleum products.
- L. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the tidelands).
- M. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- N. A copy of the design drawings, including these BMPs, shall be kept at the construction job site at all times and all persons involved with the construction shall be briefed on its content and meaning prior to commencement of construction.
- O. The Coastal Commission's District Office shall be notified at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

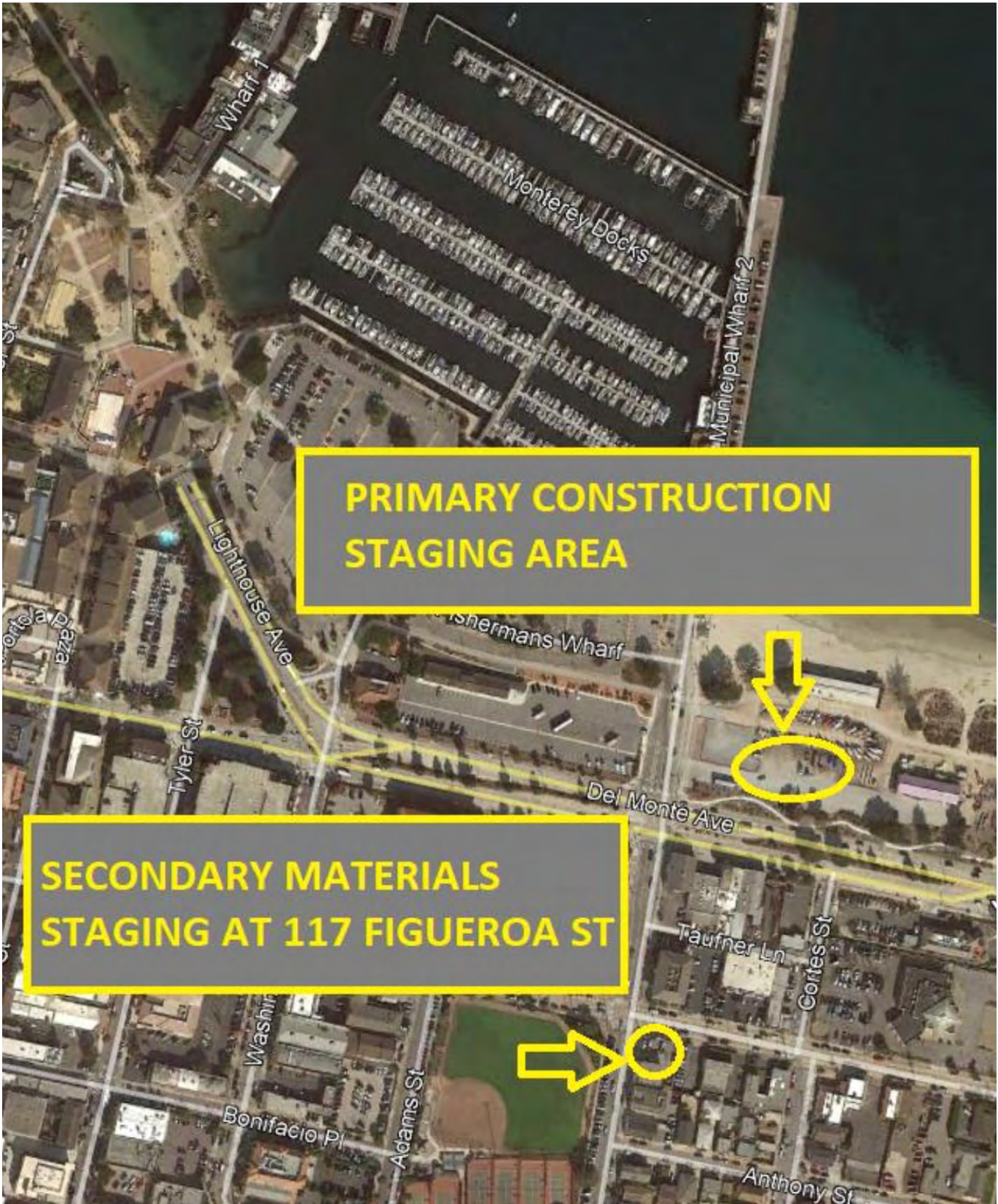
City response to CCC May 13, 2020 request for information re: CDP Application No. 3-20-0127 (August 28, 2020)



Possible Fender  
Pile Replacement  
Locations



Approximate location  
of eelgrass patch(es)  
(not continuous eelgrass bed)



**PRIMARY CONSTRUCTION STAGING AREA**

**SECONDARY MATERIALS STAGING AT 117 FIGUEROA ST**