

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

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NE-0001-22 (USACE)

May 12, 2022

EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Proposed Placement Area Site Map](#)

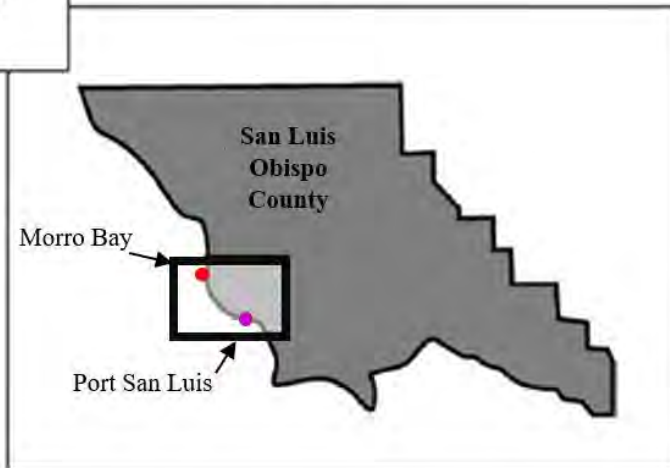
[Exhibit 3 – Corps Letter and Briefing Memo](#)

[Exhibit 4 – Mitigation Measures](#)

Exhibit 1



Regional Vicinity



Local Vicinity

Exhibit 2

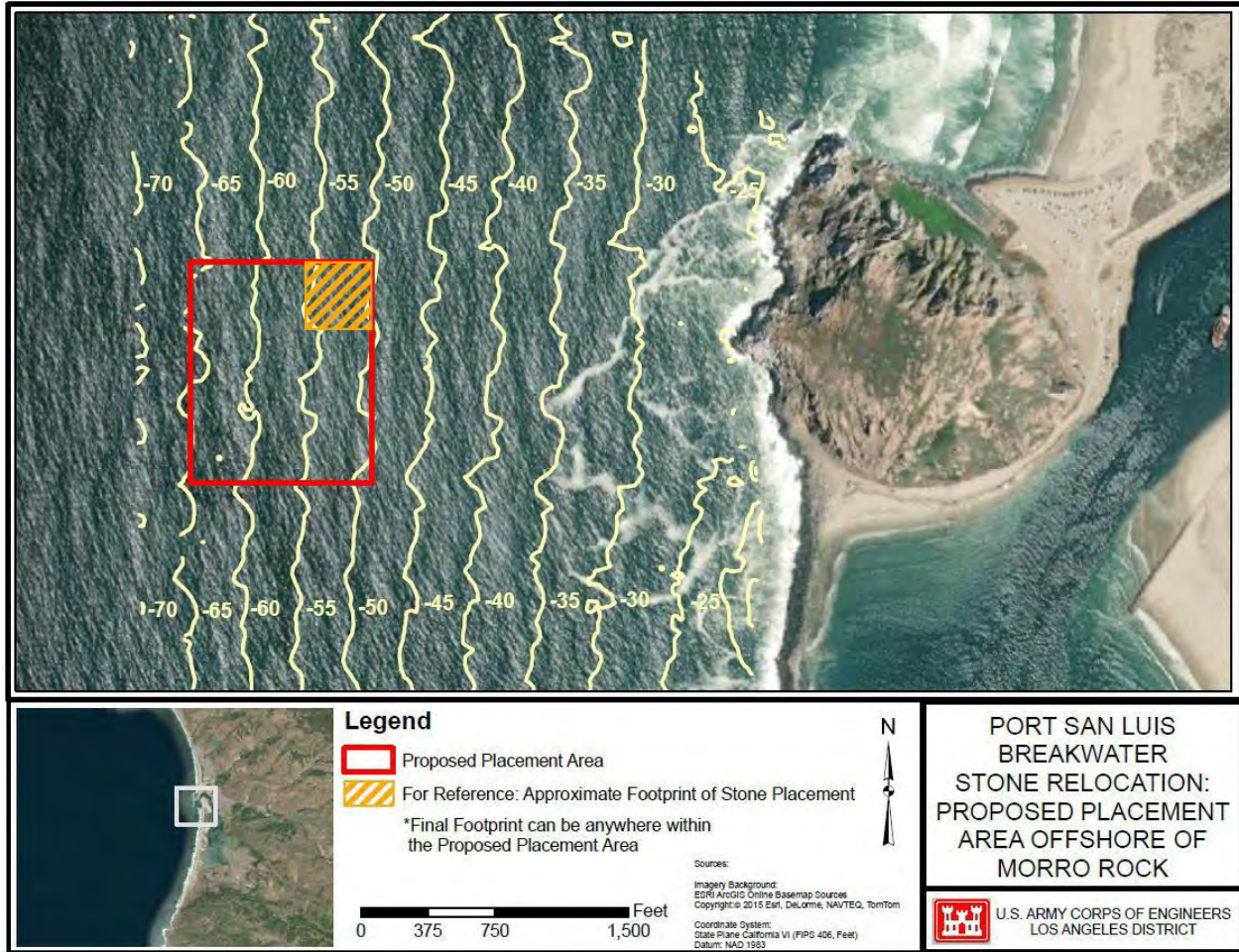




Exhibit 3

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT
915 WILSHIRE BOULEVARD, SUITE 1109
LOS ANGELES, CALIFORNIA 90017-3409

April 11, 2022

Mr. John Ainsworth
Executive Director
California Coastal Commission
Attention: Mr. Cassidy Teufel
455 Market Street, Suite 300
San Francisco, CA 94105

Dear Mr. Ainsworth:

The U.S. Army Corps of Engineers (Corps) submits this cover letter, modification briefing memo, and enclosures in support of our request for a modification to the Coastal Consistency Determination for the Port San Luis (PSL) Breakwater Repair (CD-0002-21) to relocate up to 10,000 tons of existing PSL Breakwater stone that may be displaced by repair activities. The Corps has evaluated the proposed project modification and has determined it remains consistent to the maximum extent practicable with the enforceable policies of the California Coastal Management Program pursuant to section 307(c) of the Coastal Zone Management Act of 1972, as amended.

Your timely review of the enclosed package is appreciated. Please keep us informed of any concerns and when we may expect your staff's review and concurrence. Placement on the May 2022 California Coastal Commission's meeting agenda would allow us to maintain the current schedule for these necessary repairs.

Thank you for your attention to this document. If you have any questions, please contact Ms. Gabrielle Dodson, Environmental Coordinator, at (213) 800-1025, or email: Gabrielle.Z.Dodson@usace.army.mil.

Sincerely,

Maricris Lee

Maricris Lee
Deputy Chief, Planning Division

Enclosure



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT
915 WILSHIRE BOULEVARD, SUITE 1109
LOS ANGELES, CALIFORNIA 90017-3409

CESPL-PD

8 April 2022

MEMORANDUM FOR California Coastal Commission, 455 Market Street Suite
300, San Francisco, CA 94105
Attention: Mr. Cassidy Teufel & Ms. Alexis Barrera

**SUBJECT: Modification to Coastal Consistency Determination for the Port
San Luis Breakwater Repair (CD-0002-21) Briefing Memo**

Per recent discussions between California Coastal Commission (CCC) and U.S. Army Corps of Engineers Los Angeles District (Corps) staff, this information is provided to support a request for modification to the Coastal Consistency Determination (CD) for the Port San Luis (PSL) Breakwater Repair (CD-0002-21). In February 2021, the Corps prepared a CD for the Operation and Maintenance Port San Luis Breakwater Repair Project, San Luis Obispo County, California. The CD addressed all aspects of the breakwater repairs that were identified at that time. The Corps received CCC concurrence with that determination on April 16, 2021. Subsequent to the CCC concurrence and finalization of the 2021 Environmental Assessment (Final EA, USACE, 2021) the Corps determined that the breakwater repair may generate up to 10,000 tons of displaced existing PSL Breakwater stone, which will be replaced by larger quarry stone meeting present design standards.

Constructed at the turn of the last century, most of the Port San Luis Breakwater was built with stone quarried from Morro Rock, a recognized sacred site for both the Chumash and Salinan Tribes. As part of the tribal consultation process for the Port San Luis Breakwater repair, the Corps was informed by the yak tityu tityu yak tiñini - Northern Chumash Tribe and the Northern Chumash Tribal Council that the rock maintains its sacredness despite its removal from Morro Rock. Based on input from the consulting tribes, further adverse effects to the stone could only be avoided by either retaining the unity of the translocated stone by keeping it in the breakwater or by relocating the stone back to Morro Rock where it would be placed in a unified manner in the waters adjacent to Morro Rock. At one point, the Corps was considering placing displaced stone that could not be placed back in the breakwater, in the nearshore waters closer to PSL. However, having reviewed the environmental and safety constraints and coordinating with the Chumash Tribes, it was determined to be environmentally and culturally preferable to relocate the displaced stone back to Morro Rock where it would be placed in waters between -50 and -65 feet MLLW directly west of Morro Rock.

This culturally driven placement of displaced stone was not addressed in the initial CD and thus this request for modification to the CD is being submitted to provide additional information on the modification to the project and to identify all additional measures the Corps intends to implement for the displaced stone relocation. All other aspects of the project and commitments previously addressed in the February 2021 CD remain unchanged and are incorporated here by reference. This submitted supplement addresses only the displaced stone placement activities.

In some instances, environmental measures that were incorporated in the initial CD or other consultations and authorizations are applicable to the displaced stone placement as well as the work at the PSL Breakwater. As a result, the applicable commitments are summarized in this

document with the stone placement location being added to the description for clarity. In other circumstances measures that are typically incorporated in the project construction plans and specifications have relevance to CZMA consistency. For this reason, these measures are highlighted in this documentation, but are considered project elements as opposed to new conditions as they pertain equally to both the construction that was initially analyzed and stone placement in this supplemental material. In addition, a Supplemental EA is being completed. Consultation has been completed with the National Marine Fisheries Service (NMFS) pursuant to the Magnuson-Stevens Fishery Conservation and Management Act with concurrence on the action as proposed received from NMFS on March 25, 2022. The Corps developed the proposed action in consultation with the yak tityu tityu yak tiłhini - Northern Chumash Tribe and the Northern Chumash Tribal Council. The two consulting Tribes are in support of the proposed action. The Corps also invited the Santa Ynez Band of Chumash Indians; Barbareno/Ventureno Band of Mission Indians; Salinan Tribe of Monterey, San Luis Obispo Counties; Xolon-Salinan Tribe; and the Coastal Band of the Chumash Nation to consult on the proposed action; however, to date, they have declined to consult or have deferred to the two consulting Tribes. The Corps has determined that the proposed project would result in no adverse effect and is in the process of consulting with the State Historic Preservation Officer (SHPO).

The attached documentation provides a summary of the additional work and an analysis of how the added project element of displaced stone placement is consistent with requirements of the Coastal Zone Management Act of 1972 (CZMA) and does not alter the Corps' original conclusion regarding the consistency of the project. For ease of CCC use we have extracted a summary of the environmental commitments applicable to the displaced stone placement in this memorandum.

Summary of Applicable Environmental Commitments:

Environmental commitments previously described for the PSL Breakwater Repair project remain unchanged and can be referenced in Section 5.0 of the 2021 Final EA (USACE 2021) and February 2021 CD. Applicable environmental commitments will be incorporated into the project plans and contract specifications for the proposed project modification, as follows:

1. The Marine Mammal Monitoring Plan for the project work will be expanded to include the construction activities involving placement of the displaced PSL Breakwater stone at the Proposed Placement Area near Morro Rock.
2. All minimization and avoidance measures committed to under the previous Section 7 Consultation and 2021 Final EA (USACE 2021) would apply to the proposed project modification and will be adopted at the Proposed Placement Area and during related construction activities. Specifically:

An on-site qualified marine mammal monitor will be on-site at all times during stone placement activities at the Proposed Placement Area west of Morro Rock. A 50-meter safety zone for southern sea otters will be established for this project. Should a sea otter come within 50 meters of the construction activities, operations will be halted until the sea otter leaves the designated safety zone.

3. Consistent with the IHA issued by NMFS for construction activities within PSL Harbor the following measures will be adopted at the Proposed Placement Area and during related construction activities:

A qualified marine mammal monitor will be on-site at all times during stone placement activities at the Proposed Placement Area west of Morro Rock. A 200-meter safety zone for marine mammal species (with the exception of the Southern sea otter) will be established for this project. Should a marine mammal species come within 200 meters of the construction activities, operations will be halted until the marine mammal leaves the designated safety zone.

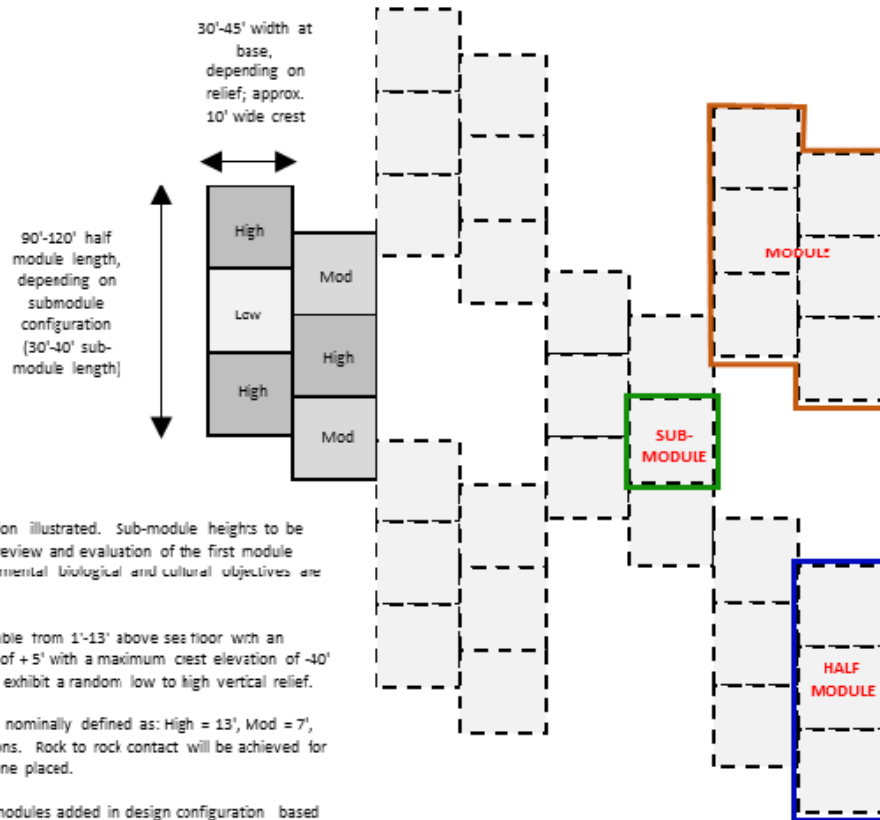
4. As-built survey requirements for the project will be modified to include requirements for an as-built of the Stone Placement Site off Morro Rock. The as-built survey will document the site elevations and surface topology using interferometric sidescan sonar, or multi-beam sonar technologies. Bathymetric surface data shall be provided at a grid spacing not coarser than 1.5 x 1.5 feet in order to effectively evaluate site topology and elevational relief across the placement site. The "as-built" surveys will also be made available to NMFS, CDFW, Coastal Commission, Morro Bay Harbor Department, USCG, as well as NOAA's Office of Coast Survey for future updates to navigational charts.
5. The Contractor's Spill Prevention and Response Plan required under the project plans and specifications will be modified to include the construction activities involving placement of the displaced PSL Breakwater stone at the Proposed Placement Area.
6. Marine discharge prohibitions including spills, sewage, ballast water, and other discharges will be incorporated into the Contractor's Spill Prevention and Response Plan, excepting discharges associated with normal vessel bilge pumping for safe vessel operations, or emergency dewatering of vessels.
7. The project will remain in compliance with the amended Water Quality Certification No. 34021WQ04 issued to the Corps for the PSL Breakwater Repair Project.

The attachment to this memorandum includes Supplemental Information in Support of Request for Modification to the Coastal Consistency Determination for the Port San Luis Breakwater Repair (CD-0002-21), which also includes a Subtidal Habitat Survey report, a Possible Wave and Transport Impact Analysis report, and the NMFS EFH concurrence. The Corps requests concurrence that the additional element to the PSL Breakwater Repair Project to include displaced breakwater stone relocation near Morro Rock remains consistent to the maximum extent practicable with the enforceable policies of the California Coastal Management Program pursuant to section 307(c) of the Coastal Zone Management Act of 1972, as amended.

Attachment:

1. **Supplemental Information in Support of Request for Modification to the Coastal Consistency Determination for the Port San Luis Breakwater Repair (CD-0002-21)**

Port San Luis Breakwater Stone Relocation Configuration



- 1) Typical Module Configuration illustrated. Sub-module heights to be directed by Corps following review and evaluation of the first module placement to ensure environmental biological and cultural objectives are being achieved.
- 2) Sub-module height is variable from 1'-13' above sea floor with an allowable upward tolerance of +5' with a maximum crest elevation of -40' MLLW so that the structures exhibit a random low to high vertical relief.
- 3) Module target heights are nominally defined as: High = 13', Mod = 7', Low = 1' feet at peak elevations. Rock to rock contact will be achieved for a minimum of 85% of the stone placed.
- 4) Contiguous connected modules added in design configuration based on the volume of rock relocated with additional modules being added in a progression following the numbered units.

Conceptual layout for cultural repatriation project

Exhibit 4

5.0 ENVIRONMENTAL COMMITMENTS

Based on the information available to LAD and recommendations of public agencies, the following environmental commitments have been identified to minimize potential environmental impacts. Applicable environmental commitments would be incorporated into the project plans and contract specifications.

Water Quality (WQ)

- WQ-1: The Contractor shall stay within the boundaries of the identified construction zones.
- WQ-2: There would be no dumping of fill or material outside of the designated placement sites or within any adjacent aquatic community.
- WQ-3: Construction vehicles and equipment would be continuously examined for leaking fluids.
- WQ-4: Litter, petroleum products, cleaning agents, wash down waters, and other toxic or oxidizable materials would be prevented from entering marine waters.
- WQ-5: Water quality monitoring for compliance purposes would occur during sediment excavation and sediment placement activities.
- WQ-6: Turbidity, dissolved oxygen, light transmittance, pH, salinity, and temperature would be monitored during sediment excavation and sediment placement activities.
- WQ-7: If turbidity and/or dissolved oxygen exceed water quality criteria during excavation and placement activities, conditions would be evaluated, and modifications would be made to operations to get turbidity and/or dissolved oxygen back into compliance.

Biological Resources

- BR-1: The Contractor shall keep construction activities under surveillance, management, and control to minimize interference with and disturbance to fish and wildlife.
- BR-2: Stockpiling of construction materials on shore shall be confined to authorized staging/storage area(s). Staging and stockpile areas shall be restored to their original condition after construction is complete.
- BR-3: Any kelp beds will be avoided by construction equipment, vessels, and personnel. Contractor will not transit, place or drag anchors, spuds, cable, chains, guide wires, or other objects in or through canopy kelp beds.
- BR-4: An on-site qualified biological monitor will be on-site at all times during construction activities in Port San Luis Harbor, including mobilization and demobilization activities. The Biological Monitor will have the authority to halt operations if Marine Mammal Species and/or Black Abalone are at risk of injury or harassment from operations.

- BR-5: A 50-meter safety zone for Southern sea otters will be established for this project. Should a sea otter come within 50 meters of the construction activities, operations will be halted until the sea otter leaves the designated safety zone.
- BR-6: Operators of construction equipment shall not harass any marine mammal, bird, or fish in the project area, with the exception of the three marine mammal species for which Level B take is authorized under the conditions detailed in the Incidental Harassment Authorization issued to the Corps for the PSL Breakwater Repair Project (BR-8).
- BR-7: In the unlikely event of an interaction with a marine mammal, the Contractor will immediately cease all operations and immediately contact the Corps biologist and Corps Contracting Officer. The Corps biologist will immediately notify and coordinate with the National Marine Fisheries Service (NMFS) Stranding Coordinator, Mr. Justin Viezbicke at 562-980-3230 Justin.Viezbicke@noaa.gov or Mr. Justin Greenman at 562-980-3264 Justin.Greenman@noaa.gov, the IHA POCs, and the USFWS and CDFW POCs for Southern Sea Otters before proceeding with repair work.
- BR-8: All conditions of the Incidental Harassment Authorization issued to the Corps for the PSL Breakwater Repair Project by the NMFS Office of Protected Resources Division will be followed (see IHA for complete details of all conditions and requirements set forth under the issued IHA, see Appendix B).
- Level B take has been authorized for the following three marine mammal species: Pacific harbor seal, Steller sea lion, and California sea lion. For these three species a 10-meter IHA shutdown zone will be implemented.
 - For all other marine mammal species (except the Southern sea otter, see BR-5) a 200-meter shutdown zone will be implemented.
- BR-9: Minimization and avoidance measures to reduce impacts to eelgrass and surfgrass proposed in the Eelgrass Mitigation and Monitoring Plan in Support of The Port San Luis Breakwater Repairs (Merkel & Associates March 2021, see Appendix B) will be implemented.
- BR-10: The Corps will conduct pre- and post-construction eelgrass surveys in accordance with the CEMP, surfgrass surveys, and canopy kelp surveys.
- BR-11: The Corps will mitigate the impacts to eelgrass in accordance with the CEMP at a 1.2:1 mitigation ratio, mitigation plan details can be found in the Eelgrass Mitigation and Monitoring Plan in Support of the Port San Luis Breakwater Repairs, (Merkel & Associates March 2021, see Appendix B).
- BR-12: The Corps will implement the Pilot Surfgrass Translocation detailed in the Eelgrass Mitigation and Monitoring Plan in Support of The Port San Luis Breakwater Repairs (Merkel & Associates March 2021, see Appendix B).
- BR-13: Prior to sediment placement activities taking place the Contractor will place self-centering buoys every 50 ft along the eelgrass margin near the placement site to protect adjacent eelgrass while scows are positioning for placement. Buoys will be placed a minimum of 25 ft away from the margin of the eelgrass bed. The self-centering buoys will be protected, replaced, and maintained as needed to ensure that they remain in place

at the boundaries of the eelgrass beds.

BR-14: The following black abalone minimization and avoidance measures will be implemented:

- An additional black abalone survey would be conducted when adequate low tides and safe sea state conditions allow during 2021 or 2022 prior to breakwater repair construction commencing to confirm no black abalone are present.
- A qualified black abalone biologist would be on-site during construction to periodically survey the breakwater structure to ensure no black abalone are present or are in harm's way. The biologist will utilize low tide events to survey sections prior to the section being repaired, and observe rocks being removed for resetting to the maximum extent possible. Due to safety constraints it will not be possible to access rock removal locations directly due to the destabilization of the surrounding rock. An average of approximately, one 75 – 100 ft section of breakwater would be repaired per week.
- Should black abalone be observed within the PSL breakwater repair area, work will cease in that immediate area and Section 7 Endangered Species Act consultation would be immediately initiated with the NMFS.

Air Quality and Noise (AQN)

AQN-1: Trucks and construction equipment would be properly maintained in order to minimize release of diesel and hydrocarbon effluent into the atmosphere. The Contractor would comply with all air quality standards, including those regarding emissions, fuel use and fuel consumption. Appropriate measures would be taken to reduce fugitive dust caused by operations. Vehicle speed of all land transport equipment within the staging area would be kept at a minimum to avoid the formation of dust clouds and to ensure safety for the public.

AQN-2: The Contractor would be required to follow all applicable requirements of the Port San Luis Harbor District air permit issued from the SLOCAPCD. Otherwise, the Contractor must obtain a separate air permit from the SLOCAPCD or the California Air Resources Board (CARB) prior to commencement of work, pay all associated fees, and follow all permit requirements.

AQN-3: Activities and operations on unpaved areas should be minimized to the extent feasible during high wind events to minimize fugitive dust.

AQN-4: Noise levels of the rockwork operation shall not exceed the limits established by the Port San Luis's Harbor, City of Avila Beach, or San Luis Obispo County noise ordinance(s). If, for any reason, double or triple-shifts are utilized, the contractor shall obtain any necessary permits or exemptions from the Port San Luis Harbor, City of Avila Beach, or San Luis Obispo County.

AQN-5: Trucks and construction equipment would be properly maintained and scheduled in order to minimize unsafe and nuisance noise effects to sensitive biological resources, residential areas, and the socio-economic environment.

AQN-6: Sensitive receptors along potential haul routes, such as residential areas, schools,

hospitals, convalescent homes, and churches would be avoided whenever possible.

AQN-7: Crane brakes shall be maintained to reduce any loud and unnecessary noise.

AQN- 8: Construction related vehicles and equipment shall continue to meet State, county and local requirements regarding emissions, noise, and weight capacity.

AQN-9: If reasonable complaints are received from local residents, the contractor shall implement additional measures to reduce these impacts. Specific measures shall be identified in coordination with the Corps' Contracting Officer.

AQN-10: If double or triple-shifts are utilized, the contractor shall obtain any necessary permits or exemptions from the Port San Luis Harbor, City of Avila Beach, or San Luis Obispo County.

AQN-11: The Contractor would need to ensure all construction engines and equipment are in compliance with the California Air Resources Board (CARB) Commercial Harbor Craft Regulation (CHC Reg). See attached CARB CHC Regulation weblink <https://ww2.arb.ca.gov/our-work/programs/commercial-harbor-craft/chc-regulatory-documents>. A propulsion or auxiliary engine is covered by the CHC Reg, and a portable engine is covered by the CARB Portable Engine Registration Program (PERP) or a San Luis Obispo County Air Pollution Control District (SLOCAPCD) permit. The Contractor would need to ensure air permits for all construction engines and equipment are obtained from the CARB or SLOCAPCD. A SLOCAPCD point of contact is Mr. Vince Kirkhuff at SLOCAPCD phone number (805) 781-5912 and SLOCAPCD work email vkirkhuff@co.slo.ca.us.

AQN-12: The Contractor would need to ensure all construction engines and equipment are in compliance with the SLOCAPCD Construction Permit Requirements, as applicable.

AQN-13: If the Contractor chooses an Apple Valley Quarry option as the primary source of stone for the breakwater repair, the requirements of Mojave Desert Air Quality Management District (MDAQMD) Rule 403 may be applicable, and a Dust Control Plan (DCP) may be required if the in-land quarry selected requires transport via unpaved roads. A MDAQMD Rules and Regulations weblink is <https://www.mdaqmd.ca.gov/rules/overview>. MDAQMD point of contacts are Mr. Alan De Salvio at MDAQMD phone number (760) 245-1661, extension 6726, or Mr. Bertrand Gaschot at (760) 245-1661, extension 4020.

Land Use and Recreation (LUR)

LUR-1: The Contractor shall provide maximum public access to roads, streets and highways that might be utilized for hauling and construction. If possible, large-scale truck trips would be limited to off-peak commute periods. The Contractor would be responsible for obtaining the necessary permits from and/or creating a transportation management plan for the CALTRANS prior to commencement of work, pay all associated fees, and follow all permit requirements.

LUR-2: Transport of oversized or over weight vehicles on State highways would need a CALTRANS Transportation Permit.

LUR-3: The Contractor would, to the extent possible, limit large scale truck trips of materials and equipment to off peak commute periods and avoid sensitive receptor areas, schools, hospitals, convalescent homes, residential areas, and churches.

LUR-4: Sea-based equipment must be marked in accordance with USCG and local Harbor Patrol provisions. The Contractor would need to notify the Commander, USCG District, at least 2 weeks before the start of activity or 30 days before if buoys are to be placed.

This notification shall include the following:

- a. The size and type of equipment that would be performing the work.
- b. Name and radio call sign for working boats.
- c. Telephone number for on-site contact with project engineer.
- a. The schedule for completing the project.

Furthermore, the Contractor would need to notify the USCG and local Harbor Patrol of any hazards to navigation.

LUR-5: The Contractor shall move equipment upon request by USCG and Harbor Patrol law enforcement and rescue personnel.

LUR-6: Should land-based staging/storage construction equipment areas (contractor laydown areas) be required at Port Hueneme/Port of Hueneme, Ventura County, they would be designated on land that has been developed (i.e., paved), and/or already designated for such purposes.

LUR-7: In-field coordination will occur between the Contractor, the USCG, and the local Harbor Patrol.

Cultural Resources (CR)

CR-1: Some of the original stone was quarried from Morro Rock, which is sacred to the Chumash Indians. All existing stone shall be treated in a respectful manner that minimizes breakage, and all existing stone material, both broken and whole, shall be retained on or adjacent to the breakwater. The Contractor will not remove any existing stone or segments of stone from Port San Luis or the Port San Luis Breakwater.

CR-2: In the event that previously unknown cultural resources, including human remains, are encountered during the project, all ground disturbing activities within 200 feet of the discovery shall cease immediately and a Corps archaeologist notified. Work shall not resume in the area surrounding the discovery until the Corps has met the requirements of 36 CFR 800.13 and re-authorizes project construction.

XI. Mitigation Measures to Protect Marine Mammals and Their Habitat: *The availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, their habitat, and their availability for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance.*

Provided below is a summary of the avoidance and minimization measures and best management practices (BMPs) that will be implemented.

- A marine mammal monitor (a trained biologist with experience identifying and monitoring marine mammal species expected to be present in PSL) pre-approved by the Corps and NMFS will monitor for marine mammals 30 minutes prior to the start of construction activities (including prior to construction related vessels and barges mobilizing/starting up for the day), during construction activities, and 30 minutes after the completion of construction activities. A monitoring plan will be implemented as described in Section 13. This plan includes specific procedures in the event a mammal is encountered and reporting requirements.
- The Corps will conduct Marine Mammal Training for all construction personnel and the marine mammal monitors that will cover the following: marine mammal identification, clear explanation of responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.
- The Corps will implement a soft-start procedure at the beginning of the work day. The objective of a soft-start is to provide a warning and/or give animals in close proximity to construction activities a chance to leave the area prior to operating at full capacity thereby, exposing fewer animals to visual disturbances, and underwater and airborne sounds that may elicit a startle response. A soft start procedure will be used at the beginning of each day, crews will slowly approach the work site creating a visual disturbance allowing animals in close proximity to construction activities a chance to leave the area prior to stone resetting or new stone placement.
- The marine mammal monitor will scan the waters for 30 minutes before and during all construction activities. If any species for which take is not authorized are observed within the immediate work area during or 30 minutes before work commences, the observer(s) will immediately notify the on-site supervisor, and require that work either not initiate or temporarily cease until the animals have moved outside of the area of potential effect (breakwater area immediately adjacent to crane-equipped barge and buffer area 300 feet along breakwater on either side of the crane-equipped barge).
- Direct physical interaction with marine mammals will be avoided during construction activities. If a marine mammal comes within 10 meters of such activity, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions, as necessary to avoid direct physical interaction.
- If rock setting is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the shutdown zone or 15 minutes have passed without redetection of the animal.
- Breakwater construction associated equipment and vessels will not travel at speeds greater than 8 knots within PSL Harbor.

XIII. Monitoring and Reporting: *The suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species, the level of taking or impacts on populations of marine mammals that are expected to be present while conducting activities and suggested means of minimizing burdens by coordinating such reporting requirements with other schemes already applicable to persons conducting such activity. Monitoring plans should include a description of the survey techniques that would be used to determine the movement and activity of marine mammals near the activity site(s) including migration and other habitat uses, such as feeding.*

- The Corps will designate a NMFs-approved biologically trained on-site marine mammal monitor to carry out the monitoring and reporting. The Corps will include the following minimum qualifications for marine mammal monitors:
 - Advanced education in biological science, wildlife management, mammalogy or related fields (Bachelor's degree or higher is preferred).
 - Visual acuity in both eyes (correction is permissible) sufficient to discern moving targets at the water's surface with ability to estimate target size and distance. Use of binoculars or spotting scope may be necessary to correctly identify the target.
 - Experience and ability to conduct field observations and collect data according to assigned protocols (this may include academic experience).
 - Experience or training in the field identification of marine mammal species expected to occur in PSL and identification of behaviors.
 - Writing skills sufficient to prepare a report of observations. Reports should include such information as number, type, and location of marine mammals observed; their behavior in the area of potential sound effects during construction; dates and times when observations and in-water construction activities were conducted; dates and times when in-water construction activities were suspended because of marine mammals, etc.
 - Ability to communicate orally, by radio, or in-person with project personnel to provide real time information on marine mammals observed in the area, as needed.
- A marine mammal monitor will be placed at the best vantage points practicable (from the construction barges, breakwater, or independent monitoring vessel).
- The Corps will conduct one pinniped monitoring survey, and any other observed marine mammal species (by species and age class if possible) present on the PSL breakwater and immediate surrounding area within 1 week prior to commencing work (including mobilization activities) at the PSL breakwater (see below for minimum requirements and data to be collected during survey and monitoring efforts).
- During construction the marine mammal monitor will scan the waters for 30 minutes prior, during, and 30 minutes after construction activities (excavation of sediment, stone resetting and placement of new stone) have completed.
- If weather or sea conditions restrict the marine mammal monitor's ability to observe, or become unsafe for monitoring, construction will cease until conditions allow for monitoring to resume.
- Stone resetting and new stone placement will only occur during daylight hours from sunrise to sunset when it is possible to visually monitor marine mammals.
- If the Corps or its contractors discover an injured or dead marine mammal species in the action area, regardless of known cause:

- The Corps will immediately report the incident to the Office of Protected Resources (OPR) (PR.ITP.MonitoringReports@noaa.gov), NMFS and to the NMFS West Coast California Regional Stranding Network (Justin Viezbicke/Justin Greenman) as soon as feasible. If the death or injury was clearly caused by the specified activity, the Corps must immediately cease the specified activities until NMFS OPR is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of this IHA. The Corps must not resume their activities until notified by NMFS.
- Reporting of the incident must include the following:
 - Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable)
 - Species identification (if known) or description of the animal(s) involved
 - Condition of the animal(s) (including carcass condition if the animal is dead)
 - Observed behaviors of the animal(s), if alive
 - If available, photographs or video footage of the animal(s)
 - General circumstances under which the animal was discovered
- If any species for which take is not authorized are observed within the area of potential effects during or 30 minutes prior to excavation of sediment, stone resetting, or new stone placement, the marine mammal monitor will immediately notify the on-site supervisor, and require that these construction activities either not initiate or temporarily cease until the animals for which take is not authorized have moved outside of the area of potential effect.
- The marine mammal monitor will monitor for marine mammals and have the authority to implement shutdown/delay procedures when applicable (in the unlikely and unexpected event an animal is in a location that would result in a Level A take, or a species not covered for Level B incidental take under this IHA is present within the vicinity that could result in take).
- During construction at the PSL breakwater, a final report will be provided to the NMFS.
 - These reports will provide dates, time, tidal height, maximum number of pinnipeds on the breakwater and any observed disturbances (detailing marine mammal species and behavior(s)). The Corps also will provide a description of construction activities at the time of observation, any mitigation actions that were implemented, and an assessment of the implementation and effectiveness of the mitigation measures.
- At a minimum, the following information will be collected on the marine mammal monitor's observation forms during all survey and monitoring events.
 - Monitor's name performing the survey/monitoring
 - Date and time that survey and construction activities begin and end.
 - Construction activities occurring during each observation period.
 - Weather parameters (e.g., percent cover, visibility).
 - Sea state/tidal conditions [e.g., sea state, tidal state (incoming, outgoing, slack, low, and high)].
 - Upon observation of a marine mammal the following information will be recorded:
 - Monitor who sighted animal and monitor's location

- Activity at time of sighting
- Time of sighting
- Identification of the animal (e.g., genus/species, lowest possible taxonomic level, or unidentified), monitor's confidence in identification, and the composition of the group if there is a mix of species
- Distance and bearing of each marine mammal observed to the construction activity for each sighting
- Estimated number of animals (min/max/best)
- Estimated number of animals by cohort (adults, juveniles, neonates, group composition, etc.)
- Animal's closest point of approach and estimated time spent within the harassment zone
- Description of any marine mammal behavioral observations (e.g., observed behaviors such as feeding or traveling), including an assessment of behavioral responses to the activity (e.g., no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching)
- Disturbance must be recorded according to NMFS' three-point pinniped disturbance scale
- Note other human activity in the area not associated with the project activities.
- Note in behavioral observations, to the extent practicable, if an animal has remained in the area during construction activities. Therefore, it may be possible to identify if the same animal or different individuals are being taken.
- Monitor will note observation of tagged animals and pertinent information regarding species, age class, and sex to the maximum extent possible.
- Collected data will be compiled following the completion of construction and submitted to the NMFS within 90 days of completion of construction at the PSL breakwater.
- Post-construction surveys will document the pinniped use of the PSL breakwater.