



**US Army Corps
of Engineers®**

**INCIDENTAL HARASSMENT AUTHORIZATION (IHA)
ONE-YEAR RENEWAL REQUEST
FOR
OPERATIONS AND MAINTENANCE (O&M) PORT SAN LUIS HARBOR
BREAKWATER REPAIRS
SAN LUIS OBISPO COUNTY, CALIFORNIA**

**Submitted by:
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**Submitted to:

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The U.S. Army Corps of Engineers, Los Angeles District (Corps) requests a one-year Renewal IHA for the Port San Luis (PSL) Breakwater Repair Project. Construction commencement was delayed in 2022 due to a combination of contracting delays and sea state conditions that resulted in unsafe working conditions. In addition, weather delays during construction further slowed repair work progress during the 2022 construction season. As a result, the Contractor was not able to complete the repair work before the weather turned unsafe and the seasonal work window closed. As a result, the Corps is requesting this Renewal IHA to allow for the completion of the remaining breakwater repairs to be performed and completed during the 2023 work season.

The proposed project involves focused repair work on the most heavily damaged 1,420 feet of the structure located on the distal end between Stations 4+00 and 18+20. During the 2022 construction season the following work was completed: (1) excavation of shoaled sediment adjacent to the leeward side of the breakwater was completed to create adequate depths for barges and other vessels to access the breakwater for the repair work, (2) repair of 450 feet of the breakwater from station 4+00 to 8+50. The remaining breakwater repair work would occur during the 2023 work season and involve completing the remaining 970 feet of repairs from station 8+50 to 18+20. There have been no changes to the action plan and the remaining work would be identical to that conducted in 2022 and as described and analyzed in the initial IHA application submission for the PSL Breakwater Repair Project. All mitigation and monitoring measures will remain the same. The work in 2023 would commence as early as April 15th, however due to seasonal sea state conditions work would much more likely commence in May or June and could continue through November 30th, 2023. The remaining work period duration is anticipated to be 4 to 5 months, including delays due to weather and equipment maintenance.

A preliminary monitoring report showing the results of the required monitoring to date has been previously submitted. The Level B take in 2022 was well short of the authorized harassment under the issued IHA (Table 1). However, as the work progresses it will be encroaching on breakwater haulout areas more heavily utilized by California sea lions as previously described and analyzed in the initial IHA application submission. As such the 2023 Level B harassment is expected to increase from the 2022 observed Level B harassment takes, but still be within authorized levels. The Corps has estimated the take for the 2023 work season based on the averaged daily observed takes during the 2022 work season (Table 2) and based on the take estimates requested by species in the initial IHA application (Table 3). The take estimates requested in the initial IHA application were conservative estimates for daily takes, due to the unpredictable nature of animals in the wild the Corps took the most conservative approach when calculating the Level B take estimates that may result from the PSL breakwater repair construction activities by assuming that every animal is flushed and displaced from the entire PSL breakwater everyday throughout the duration of the construction period. The take for the 2023 work season is expected to be greater than the estimates in Table 2 and below the estimates in Table 3 for the following reasons; as work progresses in the 2023 work season it will be encroaching on breakwater haulout areas more heavily utilized by California sea lions, however as observed during the 2022 work season the take estimate requests in the

initial IHA proved to be very conservative as every animal was not flushed and displaced from the entire PSL Breakwater daily during the 2022 work season. The 2023 take estimates were calculated based on the most conservative estimate for a 2023 work season in order to account for all the maximum number of working days; assumptions were a 5 month work period duration, 6 day work week, and did not account for weather or equipment maintenance delays thus the actual working days are expected to be less than the 162 working days used for the 2023 take estimates.

Table 1. 2022 Level B Harassment Take Levels

Common Name	Authorized Level B Harassment	2022 Level B Harassment Observed (over 80 working days)	2022 Takes as % of Authorized Takes
Harbor seal	1,797	10*	0.55%
Steller sea lions	3,355	0	
California sea lion	52,557	593	1.11%

*Unknown was attributed to Harbor seal as it was the lowest authorized take level

Table 2. 2023 Work Season Level B Harassment Take Estimates Based on 2022 Observed Takes

Common Name	Authorized Level B Harassment	2022 Level B Harassment Observed Averaged per Day (over 80 working days)	2023 Estimated Level B Harassment (over 162 working days)	2023 Takes as % of Authorized Takes
Harbor seal	1,797	0.125	21	1.17%
Steller sea lions	3,355	0	0	
California sea lion	52,557	7.4125	1,201	2.29%

Table 3. 2023 Work Season Level B Harassment Take Estimates Based on Take Estimates requested in initial IHA Application Submission

Common Name	Authorized Level B Harassment	Take Estimates Requested in Initial IHA Application Submission	2023 Estimated Level B Harassment (over 162 working days)	2023 Takes as % of Authorized Takes
Harbor seal	1,797	10.33	1,674	93.16%
Steller sea lions	3,355	19.28	3,124	93.11%
California sea lion	52,557	302.05	48,933	93.10%