

# ELKHORN SLOUGH NATIONAL ESTUARINE RESEARCH RESERVE

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**Elkhorn Slough  
National Estuarine  
Research Reserve**

July 6, 2023

Kimberly Damon-Randall  
Director, Office of Protected Resources  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910

## **Subject: Incidental Harassment Authorization Renewal Request for Phase III of the Elkhorn Slough Tidal Marsh Restoration Project, Monterey County, California**

On behalf of the California Department of Fish and Wildlife (CDFW), we are writing to request a renewal of the Incidental Harassment Authorization (IHA) for Phase III of the Elkhorn Slough Tidal Marsh Restoration Project (project). The current IHA was issued by your office on September 16, 2022 and is valid through September 15, 2023.

As described in the original IHA application, the project will restore 28.6 acres of tidal marsh at the Seal Bend Restoration Area. Project activities to restore hydrologic function include raising the subsided marsh plain, maintaining or re-excavating existing tidal channels, and restoring marsh plain, ecotone, and native grassland habitat within a borrow/upland buffer area. The IHA application indicated work at Seal Bend would begin as early as September 2022. However, notably wet weather in the winter of 2022 and spring of 2023 delayed the ability for the construction contractor to mobilize to the site. In addition, the presence of a heron rookery along the primary access route to the site restricted the ability for the contractor to mobilize equipment during the nesting season, which further delayed the start of work.

Construction at the Seal Bend Restoration area began on February 21, 2023, and was discontinued after 3 days due to extreme wet weather conditions. Construction resumed on June 12, 2023, and to date has included establishment of a haul route from the upland borrow area to the restoration area and partial construction of a containment berm adjacent to the existing dairy that is to the south and east. A one-year renewal will allow all remaining work to be completed, including completion of containment berms; placement of fill material in the subsided marsh; excavation of tidal channels and fill of remnant borrow ditches; removal of the containment berms and connection to Elkhorn Slough; and restoration of the borrow area into an ecotone band.

All aspects of activities covered under the renewal will be identical to those described in the 2021 IHA request. Specifically:

*The Elkhorn Slough National Estuarine Research Reserve  
is managed by the California Department of Fish and Wildlife in cooperation with the National Oceanic and Atmospheric Administration*



- The same heavy equipment and construction methods will be used to access and complete work at the restoration area.
- The timing for work will be the same – i.e., continuous, as site conditions allow.
- All monitoring and mitigation measures required in the Initial IHA will be implemented during the renewal period.
- The renewal will not impact the previous analyses of the effects of take on harbor seals.
- The total duration of construction will be the same as that anticipated in the Initial IHA – up to 12 months.

A marine mammal monitor has observed construction activities during each of the 15 days that heavy equipment has operated onsite. The marine mammal monitor has been located at a high elevation area, north of the existing dairy, that provides line-of-site view of the restoration area. No construction-related disturbances of marine mammals have been recorded to date. These preliminary monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized in the IHA for the restoration effort at Seal Bend.

We look forward to working with you through the renewal process.

Best,

*Monique Fountain*

Monique Fountain  
Tidal Wetland Project Director