



Kris Battleson
HSE Manager, Richmond Refinery

February 23, 2024

Jessica Taylor
National Marine Fisheries Service
Office of Protected Resources,
1315 East-West Highway
F/PR1 Room 13805
Silver Spring, MD 20910

**Chevron Richmond Refinery Long Wharf Maintenance & Efficiency Project
Request for IHA renewal**

Dear Ms. Taylor,

Chevron Products Company (Chevron) is constructing the Richmond Refinery Long Wharf Maintenance and Efficiency Project (LWMEP) (Project) in San Francisco Bay, California. Pile-driving activities related to the Project are covered under an Incidental Harassment Authorization (IHA) for the 2023/2024 construction period through May 31, 2024, issued in May 2023 by the National Oceanic and Atmospheric Administration - National Marine Fisheries Service, Office of Protected Resources. The purpose of this correspondence is to request a one-year renewal of the IHA, for the period June 1, 2024 to May 31, 2025, per Section 8 of the current IHA.

The covered Project activities to be conducted under this requested renewal are removal of the temporary steel template piles analyzed in the 2023 IHA and are identical to the activities described therein. All mitigation and monitoring requirements and incidental take estimates for the remaining piles would be unchanged.

Project Status

The 2023 IHA authorized incidental harassment of marine mammals related to the impact and vibratory driving of concrete and steel piles and vibratory removal of steel piles. All piles authorized in the current IHA were expected to be installed/removed during the 2023 in-water work window from June 1 to November 30, 2023. However, installation of the concrete piles required a higher level of effort than anticipated. While the concrete piles were installed within the work window, the temporary piles could not be removed before November 30. Chevron sought approval from NMFS to remove the piles, using vibratory methods, before the current IHA expires on May 31, however NMFS stated that would require reinitiation of formal consultation under Section 7 of the Endangered Species Act, which would not be completed before the opening of the work window and would thus not be useful to expedite the removal of the temporary piles.

At the time of the IHA application, it was thought that 12 piles would be needed to support the template. After further design assessment, only 10 piles were needed and installed. This leaves 10 piles to be removed in the June 1 to November 30, 2024 construction window. The remaining number of piles by diameter and approximate time for installation/removal is provided in Table 1.

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Table 1. Pile Diameters and Estimated Time for Pile Removal in 2024.

Pile Type	Pile Driver Type	Number of Piles	Number Removed per Day	Approximate Number of Days
36-inch steel pipe piles	Vibratory	10	2-3	4-6

2023 Marine Mammal Monitoring Results

Marine mammal monitoring was conducted in 2023 per the conditions of the IHA. The purpose of the monitoring effort was to document and prevent/minimize Level A and/or Level B take of Pacific harbor seal (*Phoca vitulina*), California sea lion (*Zalophus californianus*), harbor porpoise (*Phocena phocena*), northern elephant seal (*Mirounga ongulirostris*), Gray Whale (*Eschrichtius robustus*), northern fur seal (*Callorhinus ursinus*), and bottlenose dolphin (*Tursiops truncatus*). During pile driving, protected species observers recorded Level B take of marine mammals in accordance with the IHA requirements.

Harbor seals (*Phoca vitulina*) and California sea lions (*Zalophus californianus*) were the only marine mammal species commonly observed during the construction season, with a few harbor porpoise (*Phocoena phocoena*) observations along the west side of the wharf on a few occasions outside of active driving times.

Table 2. IHA Authorized Incidental Take and Documented Take by Species in the 2023 Construction Window.

Species	Authorized Level A Take	Documented 2023 Level A Take	Authorized Level B Take	Documented 2023 Level B Take
Pacific harbor seal	0	0	7,110	10
California sea lion	0	0	30	2
Harbor porpoise	0	0	30	0
Bottlenose dolphin	0	0	32	0
Gray Whale	0	0	2	0
Northern elephant seal	0	0	10	0
Northern Fur Seal	0	0	10	0

The monitoring results presented in Table 2 show that the Project resulted in zero Level A takes and a small number of Level B takes (relative to the authorized take) of Pacific harbor seal and California sea lion in 2023. To date, the Project has operated well below the allowable take level in the 2023 IHA, and Chevron does not anticipate any changes in construction through the 2024 in-water work window that may increase the rate or likelihood of take to marine mammals.

Request

Because the anticipated period of construction extends past the expiration of the current IHA, Chevron is requesting a renewal of the current IHA. In accordance with Section 8 of the current IHA, this renewal request is being provided more than 60 days prior to the current IHA expiration.

Marine mammal monitoring results have indicated that Level B takes have been below the allowable threshold for the previous construction window. No changes in the currently permitted construction activities are planned for the Project. Based on the 2023 take occurrences (Table 2), the remaining Level B incidental take authorized by the 2023 IHA would be sufficient to cover the 2024 pile removal activities, and no additional take would need to be authorized. Marine mammal monitoring measures would remain the same as conducted in 2023. Chevron therefore requests a one-year renewal of the current IHA to continue LWMEP construction from June 1, 2024 to May 31, 2025.

We look forward to working with you on the IHA renewal. Please contact Bill Martin (william.martin1@chevron.com; 510-963-2518) with any questions regarding this request.

Sincerely,

A handwritten signature in black ink, consisting of the letters 'K' and 'B' followed by a horizontal line.

Kris Battleson
HSE Manager

cc: John Greenfield, Chevron
Maureen Dunn, Chevron
Lisa Duncan, Chevron