

San Diego Unified Port District

CEQA and COASTAL DETERMINATIONS and NOTICE OF APPROVAL

Project: Right of Entry License Agreement to National Oceanic and Atmospheric Administration for Installation of Water Level and Tsunami Sensor
Location(s): 1000 N. Harbor Drive, San Diego, CA 92101
Parcel No.(s): 018-036
Project No.: 2016-145a
Applicant: Eric White, National Oceanic and Atmospheric Administration, 7600 Sand Point Way, Seattle, WA 98115
Date Approved: November 22, 2016 Revised: January 5, 2018

Project Description

The proposed project is a Right of Entry License Agreement (ROELA) to the National Oceanic and Atmospheric Administration (NOAA) to enter upon certain property located at Broadway Pier in San Diego, California. The land proposed for use under this ROELA would be used by NOAA, its authorized agent(s), and contractor(s) for the purpose of installation and maintenance of a Water Level and Tsunami Sensor and associated equipment. The purpose of the proposed work would be permanent relocation of the current instruments located on the Navy Pier, as well as ingress and egress in support of those activities. The site currently contains the following equipment:

- An approximately 2-foot(ft)-long by 1-ft-wide by 1-ft-high sensor and aluminum frame mounted onto the side of the concrete deck of the pier;
- An approximately 17-inch(in)-wide by 21.5-in-long by 72-in-high aluminum stand mounted to the pier deck with an approximately 24-in-tall antenna mounted to the top; and
- A 24.5-in-wide by 45-in-long cabinet, which contains electronics which collect and send the data, as well as 12-volt batteries to power the equipment.

Work proposed under the ROELA for permanent relocation of the instruments would include:

- Upgrade of the electronics of the existing facilities;
- Mount an approximately 2-ft-long by 1-ft-wide by 1-ft-high backup sensor and aluminum frame onto the side of the concrete deck of the pier;
- Mount an approximately 17-in-wide by 21.5-in-long by 72-in-high aluminum stand to the pier deck;
- Mount a 24.5-in-wide by 45-in-long backup cabinet to the stand, which would contain electronics which collect and send the data, as well as 12-volt batteries to power the equipment; and
- Install cable and conduit between existing and backup instrumentation.

Construction of the work allowed under this ROELA is anticipated to commence in April, 2018 and would take approximately five days to complete. It is anticipated that construction of the proposed project would generate an average of approximately two vehicle trips per day. Vehicle trips would be associated with delivery of construction materials and transport of construction workers. Due to its nature and limited scope, construction of the proposed project would generate a minor amount of vehicle trips and would require limited use of construction equipment. Finally, the Applicant would be responsible for complying with all applicable federal, state, and local laws regarding construction demolition debris, hazards and hazardous materials, and stormwater.

The ROELA commenced on December 7, 2016 and is anticipated to terminate on November

30, 2018, or upon completion of the work, whichever occurs earlier. The ROELA may be terminated by the District as a matter of right or without cause at any time upon providing twenty-four (24) hours' written notice to NOAA of such termination.

The following categorical determinations are based on the project submittal and all project information known to the District as of the date of this determination.

CEQA DETERMINATION

Based upon the above description, the project is determined to be Categorical Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities) and/or 15306 (Information Collection) and Sections 3.a (4) and/or 3.f of the District's *Guidelines for Compliance with CEQA* because the project is the installation of a Water Level and Tsunami Sensor for the purpose of conducting scientific research that would involve no expansion of use beyond that previously existing and would not result in a serious or major disturbance to an environmental resource. Sections 3.a (4) and 3.f of the District's CEQA Guidelines are as follows:

- 3.a. Existing Facilities (SG § 15301) (Class 1): Includes operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:
 - (4) New and renewed short-term tenancy agreements which do not result in change in the existing use. This exemption does not apply to any new development associated with the activities of the tenant. This exemption is also inapplicable if the cumulative impact of continuing the existing use or conditions in the same place, over time, is significant.

AND/OR

- 3.f. Information Collection (SG § 15306) (Class 6): Includes basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be for information gathering purposes, or as part of a study leading to an action which has not yet been approved, adopted or funded.

The Categorical Exemptions listed above are appropriate for the proposed project because it is the installation of a Water Level and Tsunami Sensor for the purpose of conducting scientific research that would involve no expansion of use beyond that previously existing, would not result in a serious or major disturbance to an environmental resource, and would not result in a significant cumulative impact due to the continuation of the existing use. The District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

Pursuant to CEQA Guidelines Section 15062, a 35-day statute of limitations for this CEQA exemption shall apply from the date a Notice of Exemption is posted with the San Diego County Clerk, or a 180-day statute of limitations for this CEQA exemption shall apply if no Notice of Exemption is filed.

The proposed project complies with Section 87 of the Port Act, which allows for the construction, reconstruction, repair, maintenance, and operation of public buildings public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses. The Port Act was enacted by the California Legislature and is consistent with the Public

Trust Doctrine. Consequently, the proposed project is consistent with the Public Trust Doctrine.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN

The project is located in Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified Port Master Plan. The Port Master Plan land and water use designations within the limits of the proposed project are Park/Plaza, Marine Terminal, and Terminal Berthing. The project conforms to the certified Port Master Plan because it is the installation of a Water Level and Tsunami Sensor for the purpose of conducting scientific research consistent with the existing certified land and water use designations. The project would not change the use of the site nor would it interrupt or expand the existing conforming use of the site.

CATEGORICAL DETERMINATION

The above project proposes the installation of a Water Level and Tsunami Sensor for the purpose of conducting scientific research that would involve no expansion of use beyond that previously existing and would not result in a serious or major significant disturbance to an environmental resource. This project is consistent with the existing certified land and water use designations and is Categorically Excluded under Sections 8.a and/or 8.e of the *District's Coastal Development Permit Regulations*, as follows:

- 8.a. Existing Facilities: The operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing.


AND/OR

- 8.e. Information Collection: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major significant disturbance to an environmental resource.

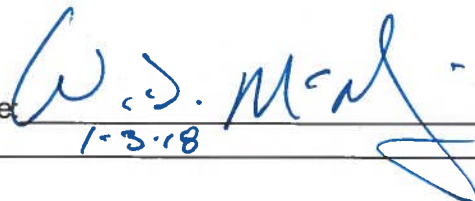
Pursuant to California Coastal Act Section 30717, there is a 10-working-day period to appeal this "Coastal Act Categorical Determination of Exclusion" to the California Coastal Commission.

RANDA CONIGLIO
President/CEO

Determination by:
Cameron McLeod
Assistant Planner
Development Services

Signature: 
Date: 1/5/2017

Deputy General Counsel

Signature: 
Date: 1-3-18