

San Diego Unified Port District

CEQA and COASTAL DETERMINATIONS
and
NOTICE OF APPROVAL

Project: Right of Entry and Use Permit to the United States of America National Oceanic and Atmospheric Administration for Green Sea Turtle Research
Location(s): 990 Bay Boulevard, Chula Vista, CA 91910
Parcel No.(s): 003-003, 033-008, and 800-002
Project No.: 2017-153
Applicant: Dr. Jeffrey Seminoff, Leader, Marine Turtle Ecology & Assessment Program, United States of America, National Oceanic and Atmospheric Administration, 8901 La Jolla Shores Drive, La Jolla, CA 92307
Date Approved: September 12, 2017

Project Description

The proposed project is a Right of Entry and Use Permit (ROE) to the United States of America, National Oceanic and Atmospheric Administration (Permittee), its authorized agent(s), contractor(s), and volunteer(s) to enter upon that certain property located at 990 Bay Boulevard in Chula Vista, California. The area proposed for use under this ROE would be used by the Permittee, its authorized agent(s), contractor(s), and volunteer(s) for the purpose of conducting scientific research on green sea turtles (*Chelonia mydas*) that would be captured in nearby waters of San Diego Bay, as well as ingress and egress in support of those activities. Research efforts would include the weighing, measuring, and photographing of turtles, as well as the collection of biological samples from, and attachment of telemetry tracking devices to, each captured turtle. Animals would be offloaded onto the jetty shore from a National Marine Fisheries Service research vessel and, upon completion of scientific data collection, released into San Diego Bay waters from the jetty shoreline. Basic scientific equipment to perform the research would be transported via vehicle to and utilized on the proposed project site. A generator would be used on the proposed project site to provide lighting in the evenings. Ingress and egress in support of the activities listed above would be limited to the hours of 8 a.m. to 12 a.m. on Monday to Friday of each week. The Permittee would be responsible for compliance with all laws and regulations associated with the activities on or in connection with the above-described premises, including stormwater and water quality. Due to its nature and limited scope, the proposed project would generate a minor amount of vehicle trips, and, in turn, would not result in significant impacts, including, but not limited to, air quality, greenhouse gas emissions, noise, or traffic.

The ROE is anticipated to commence on September 27, 2017, on a month-to-month holdover basis, with the holdover period expiring no later than July 16, 2020. The ROE may be terminated by the District or Permittee as a matter of right or without cause at any time upon providing thirty (30) days' written notice to the other party of such termination.

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

CEQA DETERMINATION

Based upon the above description, the proposed project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land), and/or 15306 (Information Collection) and Sections 3.a (4), 3.d (6), and/or 3.f of the District's Guidelines for

Compliance with CEQA because the proposed project is an ROE for the purpose of conducting scientific research that would involve no expansion of use beyond that previously existing, would have no permanent effects on the environment, and would not result in a serious or major disturbance to an environmental resource. Sections 3.a (4), 3.d (6), 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 exception 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.d. Minor Alterations to Land (SG § 15304) (Class 4): Includes minor alterations in the condition of land, water and/or vegetation not involving removal of mature, scenic trees, including, but not limited to:

- (6) Minor temporary use of land having negligible or no permanent effects on the environment.

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 an ROE for the purpose of conducting scientific research that would involve no expansion of use beyond that previously existing, would have no permanent effects on the environment, 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.

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 7, Chula Vista Bayfront, which is delineated on Precise Plan Map Figure 19 of the certified Port Master Plan. The Port Master Plan land and water use designations within the limits of the proposed project are Open Space, Park/Plaza, Street, Promenade, Habitat Replacement, and Open Bay. The project conforms to the certified Port Master Plan because it is an ROE 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 significantly expand the existing conforming use of the site.

CATEGORICAL DETERMINATION

The above project proposes an ROE for the purpose of conducting scientific research that will involve no expansion of use beyond that previously existing and will not result in a serious or major significant disturbance to an environmental resource. This project is consistent with existing certified land use designations and is Categorically Excluded under Sections 8.a, 8.d, 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, including but not limited to:

AND/OR

- 8.d. Minor Alterations to Land: Minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of mature, scenic trees, including but not limited to:
 - (5) Minor temporary uses of land and water having negligible or no permanent effects on the environment, including festivals, boating activities, parades, and running or bicycle events.


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.

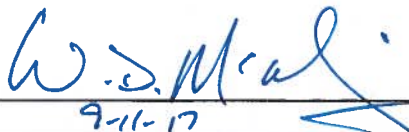
Pursuant to California Coastal Act Section 30717, there is a 10-working-day period to appeal this "Coastal Act Categorical Determination of Exclusion" to the California Coastal Commission.

RANDA CONIGLIO
President/CEO

Determination by:
Cameron McLeod
Assistant Planner
Development Services

Signature: 
Date: 9/12/2017

Deputy General Counsel

Signature: 
Date: 9-11-17