

San Diego Unified Port District

**CEQA and COASTAL DETERMINATIONS
AND
NOTICE OF APPROVAL**

Project: Right of Entry License Agreement to NOVA Services for Soil Sampling at Embarcadero Marina Park South
Location(s): 200 Marina Park Way, San Diego, CA 92101
Parcel No.(s): 191-062
Project No.: 2017-209
Applicant: Bryan Miller-Hicks, Senior Geologist, NOVA Services, 4373 Viewridge Avenue, Suite B, San Diego, CA 92123
Date Approved: January 4, 2018

Project Description

The proposed project is a Right of Entry License Agreement (ROELA) to NOVA Services (Licensee) for soil sampling at Embarcadero Marina Park South in the City of San Diego, California. The area proposed for use under this ROELA would be used by the Licensee and the Licensee's authorized agent(s) and contractor(s) for the purpose of drilling soil borings to allow for soil sampling as well as ingress and egress in support of those activities. Furthermore, the Licensee would be responsible for abiding by and conforming to all laws and regulation associated with the activities on or in connection with the above described premises, including hazards and hazardous materials and stormwater.

Work to complete the proposed project would include the following:

- Drill approximately six soil borings of approximately two inches in diameter to a depth of approximately 30 to 50 feet to test soil resistance;
- Drill approximately one soil boring of approximately eight inches in diameter to a depth of approximately 50 feet to extract soil samples at selected intervals for environmental analytical testing;
- Contain the soil and groundwater generated during drilling;
- Disposal of the extracted material at an off-site waste disposal facility, after characterization and profiling;
- Backfill the borings with bentonite.

It is anticipated that the ROELA would commence on January 20, 2018, and terminate on March 16, 2018, or upon completion of work, whichever occurs first. The work would take place over the course of approximately two 7-hour working days. As stated above, the activities allowed under this ROELA would not increase operations above what currently exists at the site.

The following categorical determinations are based on the ROELA 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 Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15304 (Minor Alterations to Land) and 15306 (Information Collection) and Sections 3.d. (6), 3.d. (7), and 3.f. of the District's *Guidelines for Compliance with CEQA* because the project is an ROELA for the purpose of drilling of soil borings to allow soil sampling that would not involve the removal of mature, scenic trees, and would not result in serious or major disturbance to an environmental

resource. Section 3.d. (6), 3.d. (7), and 3.f of the District's CEQA Guidelines are as follows:

3.d. Minor Alterations to Land (SG § 15304) (Class 4): Includes minor alternations 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.
- (7) Minor trenching and backfilling where the surface is restored.

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 Exemption listed above is appropriate for the proposed project because it is an ROELA for the purpose of drilling of soil borings to allow soil sampling that would not involve the removal of mature, scenic trees, and would not result in serious or major disturbance to an environmental resource. 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 site is located in Planning District 3, Center City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified Port Master Plan. The Port Master Plan land use designations within the limits of the proposed project are Park/Plaza and Promenade. The project conforms to the certified Port Master Plan because it is an ROELA for the purpose of drilling of soil borings to allow soil sampling consistent with the existing certified land use designations. The project would not change the use of the site nor will it interrupt or expand the existing conforming use of the site.

CATEGORICAL DETERMINATION

The above project proposes the issuance of an ROELA for the purpose of drilling of soil borings to allow soil sampling that will involve no expansion of use beyond that previously existing. This project is consistent with the existing certified land use designations and is Categorically Excluded under Section 8.d. and 8.e. of the District's *Coastal Development Permit Regulations*,

as follows:

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:

(6) Minor trenching or backfilling where the surface is restored.

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

Deputy General Counsel

Signature: CMcLeod.
Date: 1/4/2018.

Signature: W.S. McLeod.
Date: 1-4-18