

San Diego Unified Port District

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

Project: Ocean Connectors Eco Tours
Location(s): Bayfront Park, 980 Marina Way, Chula Vista, CA 91910;
Pepper Park, 3299 Tidelands Avenue, National City, CA 91950; and
North Embarcadero, 990 N. Harbor Drive, San Diego, CA 92101
Parcel No.(s): Various
Project No.: 2018-113
Applicant: Frances Kinney, The Ocean Foundation, 1320 19th Street NW, Washington, DC
20036
Date Approved: June 13, 2018

Project Description

The proposed project is Ocean Connectors Eco Tours, an environmental education series, which would take place in the cities of Chula Vista, National City, and San Diego, California. The District would provide sponsorship in the form of District funding for the series. The series would involve approximately 25 events, including kayaking, whale watching, bird watching, and nature walks, focused on environmental education. Each event would have an admission fee for attendees. Each event would have an approximate duration of less than one day. The series would have an anticipated attendance of approximately 350 people. Parking would be available nearby at parking facilities and on surface streets.

The following categorical determinations are based on the applicant's 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 proposed project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15304 (Minor Alterations to Land) and/or 15323 (Normal Operations of Facilities for Public Gatherings) and Section 3.d (6) of the District's *Guidelines for Compliance with CEQA* because it is a temporary event that would not involve the removal of mature, scenic trees, would not have any permanent effects on the environment, and would consist of the normal operations of existing facilities for public gatherings. Section 3.d. (6) of the District's CEQA Guidelines and CEQA Guidelines Section 15323 are as follows:

- 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

Normal Operations of Facilities for Public Gatherings (SG § 15323) (Class 23): Consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purposes of this section, "past history" shall mean that the same or similar kind of activity has been occurring for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. Facilities included within this exemption include, but are not limited to, racetracks, stadiums, convention centers, auditoriums, amphitheatres, planetariums, swimming pools, and amusement parks.

The Categorical Exemptions listed above are appropriate for the proposed project because it is a temporary event that would not involve the removal of mature, scenic trees, would not have any permanent effects on the environment, and would consist of the normal operations of existing facilities for public gatherings. 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 portions of the project located within the Coastal Development Permit (CDP) jurisdiction of the District are located in Planning District 3, Centre City Embarcadero, delineated on Precise Plan Figure 11, Planning District 4, Tenth Avenue Marine Terminal, delineated on Precise Plan Map Figure 13, and Planning District 7, 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 Bay, Park/Plaza, Promenade, and Terminal Berthing. The project conforms to the certified Port Master Plan because it is a temporary event that would draw the public to the San Diego Bay thereby encouraging recreational opportunities and promoting public access along the waterfront.

CATEGORICAL DETERMINATION

The above project proposes a temporary event that would not involve the removal of mature, scenic trees or have any permanent effects on the environment. This proposed project is consistent with the existing certified land and water use designations and is Categorically Excluded under Section 8.d (5) 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:
 - (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 bicycling events.

For the portion of the proposed project located outside of the District's CDP jurisdiction, additional approvals may be required from other agencies.

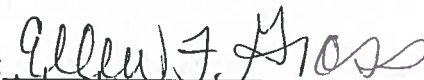
Pursuant to California Coastal Act Section 30717, there is a 10-working-day period to appeal this "Coastal Act Categorical Determination of Exclusion" to the California Coastal Commission.

RANDA CONIGLIO
President/CEO

Determination by:
Cameron McLeod
Assistant Planner
Development Services

Signature: 
Date: 6/13/18

Assistant
Deputy General Counsel

Signature: 
Date: 6/13/18
Page 2 of 2