

San Diego Unified Port District

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

Project: Right of Entry to Poseidon Water, LLC for a Geotechnical Investigation at Otay River Floodplain and Pond 15
Location(s): San Diego and Chula Vista, California
Parcel No.(s): 033-008, 034-002
Project No.: 2018-221
Applicant: Stan Williams, Poseidon Water, LLC 5780 Fleet Street, Suite 140, Carlsbad, CA 92008.
Date: January 9, 2019

Project Description

The proposed project is a Right of Entry License Agreement (ROELA) to Poseidon Water, LLC (Licensee), its authorized agent(s) and contractor(s) to enter upon that certain property located at the former SDG&E power station (west of Bay Boulevard) and (property east adjacent of Pond 20 former salt pond (north of Palm Avenue and west of Boundary Avenue), to access Pond 15 and the Otay River Floodplain which are both in the jurisdiction of the South San Diego Bay Unit of the National Wildlife Refuge. The area proposed for use under this ROELA would be used by the Licensee, its authorized agent(s), and contractor(s) for the purpose of performing a geotechnical investigation. In addition, the ROELA would provide ingress and egress of the Licensee. Furthermore, the Licensee would be responsible for abiding by and conforming to all laws and regulations 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:

Otay River Flood Plain

- Advance up to six soil borings within the floodplain to approximately 10 feet below existing grade and one soil boring to a depth of approximately 20 feet below existing grade. Collection and analyses of composite samples and discrete soil samples from each boring would occur.
- Limited geotechnical reconnaissance and surficial sampling along the south slope of the Bayshore Bikeway and Otay River would be performed. Reconnaissance work would include visual site observations and surficial soil sampling, which would be done by hand.
- Visual surface observations, supplemented with localized shovel excavations and/or hand augers, would be conducted in and around areas that appear to be previous salt deposits based on existing aerial imagery. The purpose is to determine the extent and depth of surficial salt crust in the area. Extents would be marked by stakes in the field and surveyed.

Work performed at the Otay River Flood Plain as described above would occur within the jurisdiction of the South San Diego Bay Unit of the National Wildlife Refuge. Ingress and egress from the Otay River Flood Plain would occur on District tidelands from the Pond 20 former salt pond site, accessed

by Boundary Avenue.

Pond 15

- Up to five borings would be performed along the perimeter dike of Pond 15. The borings would be advanced using mud rotary techniques, to an estimated 50 feet below the existing ground surface. Soil samples would be collected and analyzed.
- Limited geotechnical reconnaissance and surficial sampling of the existing containment dike located at the former SDG&E power station site would be performed. Reconnaissance would include visual site observations and surficial soil sampling.
- Explorations would be performed within Pond 15 from a drill rig positioned on a small barge. Explorations would be a combination of up to three soil borings advanced by mud rotary drilling methods, each advanced to a depth of approximately 50 feet below the existing mudline. Soil samples would be collected and analyzed.

A drill rig positioned on a small barge and its associated equipment for the geotechnical investigation would be deployed by crane from the former SDG&E power station site to the Pond 15 location. The crane would be onsite for approximately one day to place the barge in Pond 15, and would return to the site for one additional day to remove the barge and associated equipment.

The ROELA is anticipated to commence in January 2019 and terminate in February 2019, 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 Licensee of such termination.

The following categorical determinations are based on the ROELA and all project information known to the District as of the date of this determination. As a portion of the project is located outside of the District's jurisdiction, additional approvals may be required from other agencies for the proposed project.

CEQA DETERMINATION

Based upon the above description, the project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15306 (Information Collection) and Section 3.f of the District's *Guidelines for Compliance with CEQA* because the project is a ROELA to perform a geotechnical investigation that would not result in a serious or major disturbance to an environmental resource. Section 3.f of the District's CEQA Guidelines is as follows:

- 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 a ROELA to perform a geotechnical investigation that would not result in a serious or major disturbance to an environmental resource.

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.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN

The project site 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 use designations within the limits of the proposed project are habitat replacement and park plaza. The project conforms to the certified Port Master Plan because it is a ROELA to perform a geotechnical investigation consistent with the existing certified land use designation. 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 ROELA associated with the geotechnical investigation at the Otay River Flood Plain site is located in an area that has not been incorporated into the Port Master Plan and is therefore not within the District's coastal development permitting jurisdiction. The project site is within the coastal development permitting jurisdiction of the California Coastal Commission (CCC). On December 17, 2018, CCC staff confirmed via email communication, a determination that the proposed project does not constitute 'development' as defined in Section 30106 in the Coastal Act.


Further, the portion of the ROELA for activities at the former SDG&E power station site would not result in a serious or major significant disturbance to an environmental resource. This project is consistent with the existing certified land use designation and is Categorically Excluded under Section 8.e of the *District's Coastal Development Permit Regulations*, as follows:

- 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.

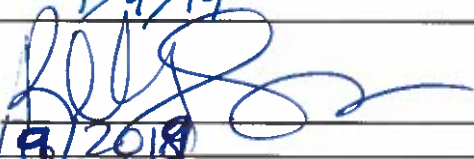
Pursuant to California Coastal Act Section 30717, there is a 10-working-day period to appeal this "Coastal Act Categorical Determination of Exclusion" to the California Coastal Commission.

RANDA CONIGLIO
President/CEO

Determination by:
Ashley Wright
Senior Planner
Planning Department

Signature: 
Date: 1/9/19

Deputy General Counsel

Signature: 
Date: 1/9/2019