

San Diego Unified Port District

CEQA and COASTAL DETERMINATIONS and NOTICE OF APPROVAL

Project: Amendment No. 1 to Agreements with FMF Pandion, Rick Engineering Co., and Tetra Tech, Inc. for As-Needed Stormwater Management Services
Location(s): San Diego, Coronado, National City, Chula Vista, and Imperial Beach California
Parcel No.(s): Various
Project No.: 2019-0210
Applicant: Christian Braun, Senior Environmental Specialist, Environmental Protection, Planning and Green Port, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101
Date Approved: January 9, 2020

Project Description

The proposed project is a first amendment to existing agreements between San Diego Unified Port District (District) and FMF Pandion, Rick Engineering Co., and Tetra Tech, Inc. to provide as-needed stormwater management services at various District locations. This first amendment to the existing agreements proposes to increase the aggregate agreement amount by \$750,000, from a total of \$750,000 to \$1,500,000. The amendments will also extend the length of the agreement by one year, from June 30, 2021 to June 30, 2022; the original agreements commenced on January 22, 2018. Services will include expert professional and technical support related to the Municipal Permit, the District JRMP, the General Construction Permit, and the General Industrial Permit. More specifically, services may include, but may not be limited to: assistance drafting District documents; review of best management practices (BMPs); conduct site and facility stormwater inspections; conduct stormwater or other water quality sampling and analysis; provide training and education outreach; and assistance with database management.

The following categorical determinations are based on the agenda sheet 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 Sections 15301 (Existing Facilities) and 15306 (Information Collection), and Sections 3.a (7), 3.a (12), and 3.f of the District's *Guidelines for Compliance with CEQA* because it is an amendment to an agreement for stormwater management services that would involve no expansion of use beyond that previously existing. Sections 3.a (7), 3.a (12), and 3.f of 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 and private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:

- (7) Existing facilities used to provide electric power, natural gas, sewerage, or other public utility service; and

(12) Maintenance of existing landscaping, native growth, and water supply reservoirs.

- 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 amendment to an agreement for stormwater management services that would involve no expansion of use beyond that previously existing. 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 Board action complies with Section 87 of the Port Act, which allows for 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 Board action is consistent with the Public Trust Doctrine.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN

The project is located within multiple of the District's planning districts. The Port Master Plan land and water use designations within the limits of the proposed project may include, but are not limited to, Open Space, Park/Plaza, Harbor Services, Commercial Recreation, and/or Promenade. The project conforms to the certified Port Master Plan because it is amendments to existing agreements for stormwater management services consistent with the existing certified land use designations. The project would not change the uses of the sites nor would it interrupt or expand the existing conforming uses of the sites.

CATEGORICAL DETERMINATION

The above project proposes amendments to agreements for stormwater management services that would 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 Sections 8.a (2), 8.a (3), and 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:

(2) Public and private utilities used to provide electric power, natural gas, sewer, or other utility services; and

(3) Streets, sidewalks, gutters, bicycle and pedestrian paths, and similar facilities.

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:
Maggie Weber
Senior Planner
Planning Development

Signature: Maggie Weber
Date: 09-16-20

Deputy General Counsel

Signature: [Signature]
Date: 4/15/20