

San Diego Unified Port District
CEQA and COASTAL DETERMINATIONS
and
NOTICE OF APPROVAL

Project: EConcrete: Interlocking Tidal Pool System
Location(s): Harbor Island
Parcel No.(s): 005-013, 005-003, 007-001, and 007-030
Project No.: 2019-065C
Applicant: Ron Margalit, EConcrete Inc., 311 West 85th Street, Suite 3, New York, NY, 10024
Date: July 31, 2020

Project Description

The proposed project is a three-year pilot project that would replace portions of an existing riprap revetment at two installation sites on Harbor Island with biologically-enhanced concrete units interlocking into a tidal pool system (tidal pool system). The two installation sites are located on Harbor Island Park, on the western peninsula of Harbor Island. The tidal pool system is designed to create water retaining elements which are absent in most urban waterfronts. The tide pools would provide shoreline stabilization while simultaneously creating a well-defined local ecosystem that mimics natural rock pools typical to rocky coasts, as well as increase local biodiversity and biological productivity. Each site would consist of the replacement of approximately 12 feet wide by 74 feet long area of riprap stones, for a total square footage of approximately 888 square feet per site. A five-foot buffer would be provided in each direction of the installation site, for total project area of approximately 2,686 square feet spread amongst the two installation sites. Each installation site is positioned to be intermittently submerged by the tide and therefore, would not encroach into public park space.

The production of the precast tidal pool units would be completed off-site at a local concrete manufacturer. The removal of the existing riprap stones and the installation of the tidal pool units would be completed by a crane, which would be placed on top of a barge. The main barge, where the crane would be located, is 46 feet by 150 feet in area. An accompanying deck barge, with an area of 33 feet by 120 feet, would be used to transport the precast units on and off the main barge. The main barge would be positioned perpendicular to the shoreline as close to the existing riprap revetment as the tides would allow. The deck barge with the precast units would be alongside the main barge, also located perpendicular to the shoreline. Installation of the tidal pool system would occur over a three-week period and work would occur five days per week and would require approximately seven (7) construction workers.

The existing riprap stones within the footprint of the two installation sites would be removed by crane (positioned on the main barge), with the exception of leaving a few stones in place to lock in and support the foundation of the tidal pool system. The crane would remove the riprap using a clam bucket or grapple. All removed riprap stones would be placed on the deck barge for transport to a dump truck that would transfer the stones to an approximately 2,700 square-foot fenced area that would be used as a storage area for the removed riprap; the proposed storage area is located in the empty lot south of the Harbor Police Administrative Building, on the south side of Liberator Way, directly north of Harbor Island East. Upon removal of the existing riprap stones, the tidal pool system would be placed at each site with the use of a lifting crane (positioned on the main barge) and would ultimately be kept in place in part due to the heavy weight of each unit (approximately 3,500 pounds), as the units greatly outweigh the surrounding revetment stones that have remained stable since the revetment's original installation. Additionally, the tide pool system is designed in a way that makes each unit interlocking, which further contributes to stability.

Ecological and structural stability monitoring would take place every six months post deployment for two years in order to evaluate the viability of the tidal pool system as ecological armoring replacement to traditional riprap stones. If monitoring efforts show the tidal pool system to be a viable replacement to traditional riprap, the system may remain for their design life, which is at a minimum 50 years. In the event that monitoring efforts conclude that the tidal pool system has not been successful, the units would be removed by the Applicant and replaced with the preexisting revetment stones stored just south of the Harbor Police Administrative Building during the project duration. Removal and installation would be conducted in a similar method to the initial tidal pool system installation.

The project would require a Tideland Use and Occupancy Permit (TUOP) to EConcrete Inc. for the use of approximately 2,686 square feet of tidelands area located at the water's edge at two locations on Harbor Island, and the approximately 2,700 square-foot fenced area that would be used as a storage area for the removed riprap stones in the empty lot located south of the Harbor Police Administrative Building, on the south side Liberator Way, directly north of Harbor Island East. It is anticipated that the TUOP would have a total term of three years, commencing late Summer 2020. The TUOP may be terminated by the Executive Director of the Port District or their duly authorized representative, or Applicant/Tenant as a matter of right and without cause at any time upon the giving of thirty days' notice in writing to other party of such termination. A "Blue Economy Agreement" by and between the District and EConcrete Inc. is also proposed, and other similar agreements may also be required.

The pilot project requires a U.S. Army Corps of Engineers (ACOE) pre-certified Nationwide Permit #13 Bank Stabilization (issued on June 9, 2020), and a Regional Water Quality Control Board Clean Water Act Section 401 Water Quality Certification (issued on July 2, 2020), as part of the entitlement process. Additionally, the Applicant would be responsible for complying with all applicable federal, state, and local laws regulating construction demolition debris, noise, and stormwater. No eelgrass resources are known to occur within the project area. Consistent with the ACOE Nationwide Permit, the main barge will be stabilized with two 2-foot diameter spuds (steel shafts) and a pre-construction eelgrass survey will be completed prior to commencement of construction activities to identify potential eelgrass and unvegetated areas present in the nearshore adjacent to the shoreline. This survey and on-site observations will be used to inform where the spuds can be deployed in order to avoid impacts to existing eelgrass that may be present in the nearshore beneath the barge outside the perimeter of the project area. Once the spuds have been deployed, the barge will not be re-positioned or rotated. It is estimated that the barge will require three positioning's per site to accommodate the work, prior to which the spuds will be lifted.

The following categorical determinations are based on the 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 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15304 (Minor Alterations to Land), and/or 15306 (Information Collection) and Sections 3.a (1), 3.b(1), 3.d(1)(2), and/or 3.f of the District's *Guidelines for Compliance with CEQA* because the pilot project involves the removal and temporary storage of existing revetment stones to be replaced with the installation of biologically-enhanced concrete units interlocking into a tidal pool system. Sections 3.a (1), 3.b (1), 3.d (1)(2), 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:

- (1) Repair maintenance or minor alteration of existing mooring facilities, floats, piers, piles, wharves, bulkhead, revetment, buoys, or similar structures; marine terminal facilities; airport facilities; and commercial industrial or recreational facilities.

AND/OR:

3.b Replacement or Reconstruction (SG § 15302) (Class 2): Includes replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site and will have substantially the same purpose and capacity as the structure being replaced. This exemption includes, but is not limited to:

- (1) Replacement or reconstruction of mooring facilities, piles, floats, piers, wharves, marine ways, bulkhead, revetment, buoys, or similar structures where the new structure will be on essentially the same site as the structure replaced and will have substantially the same size, purpose and capacity as the structure replaced.

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:

- (1) Filling of earth on previously disturbed land with material compatible with the natural features of the site.
- (2) Minor placement of revetment or other shore protection structures on eroded shoreline to protect the public safety, public or private structures or facilities, or to provide or reestablish bank alignment.

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 environmental resources. 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 pilot project because the project involves the removal and temporary storage of existing revetment stones to be replaced with the installation of biologically-enhanced concrete units interlocking into a tidal pool system that would involve negligible or no expansion of use beyond that previously existing, would have substantially the same purpose and capacity as the structure being replaced, does not involve removal of mature or scenic trees, and does not result in a serious or major disturbance to environmental resources. The project would not result in any significant cumulative impacts due to the minor impacts of the installation and monitoring, as well as the small number of employees. Further, there would no dredging or fill impacts and the project would not cause any disturbance to sensitive species or habitat. 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) because the project is not located in an area that would impact an environmental resource of hazardous or critical concern, would not have cumulative impact of successive projects of the same type in the same place, would not have a significant effect on the environment due to unusual circumstances,

is not within a highway officially designated as a state scenic highway, is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code, and would not cause a substantial adverse change in the significance of a historical resource.

The proposed project complies with Section 87 of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operations of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation. The Port Act was established by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed project is consistent with the Public Trust Doctrine.

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 proposed project is located in Planning District 2, Harbor Island/Lindbergh Field, which is delineated in Precise Plan Map Figure 9 of the certified Port Master Plan. The Port Master Plan land use designation for the installation sites is Commercial Recreation and Industrial Business Park for the storage site. The proposed project conforms to the certified Port Master Plan because it would provide shoreline stability and temporary storage area, consistent with the existing certified land use designations. The project would not change the land use designations of the sites nor would it interrupt existing conforming uses of the site.

CATEGORICAL DETERMINATION

The above project involves the removal and temporary storage of existing revetment stones to be replaced with biologically-enhanced concrete units interlocking into a tidal pool system that would involve negligible expansion of use beyond the existing uses, have substantially the same purpose and capacity as the structure replaced, and would not result in a serious or major significant disturbance to an environmental resource. This project is consistent with the existing certified land use designations and is Categorically Excluded under Sections 8.a (10), 8.b (3), 8.d (3), 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 topographic features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:

(10) Repair, maintenance, or minor alteration of existing mooring facilities, floats, piers, bulkhead, revetment, buoys, or similar structures.

AND/OR

8.b. Replacement or Reconstruction: Replacement or reconstruction of existing structures and facilities where the new structure will be located essentially on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

(3) Replacement, stabilization, or reconstruction or mooring facilities, floats, piers, bulkhead,

revetment, shoreline protection, buoys, or similar structures.

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 limited to:

(3) Filling of earth into previously excavated land with material compatible with the nature features of the site.

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:
Maggie Weber
Senior Planner
Planning Department

Signature: Maggie Weber
Date: Jul 27, 2020

Deputy General Counsel

Signature: Rebecca Harrington
Date: Jul 27, 2020