



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

Project: Replacement of Piles for the Floating Upweller System by the Port of San Diego at Tuna Harbor
Location: Tuna Harbor, 600 Embarcadero, San Diego, CA 92101
Parcel No.: 018-000
Project No.: 2019-083
Applicant: Joan Siao, Engineering Construction, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101
Date Approved: May 15, 2019

PROJECT DESCRIPTION

The proposed project would involve replacement of the pile system for the Floating Upweller System (FLUPSY) at Tuna Harbor by the Port of San Diego (Applicant) in the city of San Diego, California. The FLUPSY, installed in 2017, is located at the end of Dock #2 and operates as a shellfish aquaculture nursery. Due to a recent series of strong storm events and wave action, one of two existing pile guides that support the FLUPSY has sustained significant and irreversible damage. Replacement of both piles is required to provide an adequate structural support system. During project scoping, an additional damaged pile was discovered laying on the seabed, which creates a navigational and safety hazard. Work to specifically complete the proposed project would involve the following:

- Removal of two (2) approximately 73-foot (ft)-long by 20-inch (in)-wide octagonal concrete piles and associated pile collars;
- Removal of one (1) approximately 30-ft-long by 20-inch (in)-wide octagonal concrete pile from the seabed; and
- Engineering, procurement, and installation of three (3) 60-ft-long by 14.78-in-wide by 15.5-in-deep steel H-piles (W14x145) and associated pile collars.

The removal and replacement of the pile support system would not result in any increase in overwater coverage (see Table 1 below) or fill (see Table 2 below).

Table 1. Project Features Over-Water Coverage Comparison

Project Component	Existing (sq ft)	Proposed (sq ft)	Change (sq ft)
Pile Supports	10.94	10.50	-0.44
Piles	6.90	0.90	-6.00
Total Overwater Coverage	17.84	11.40	-6.44

Table 2. Project Features Fill Comparison

Project Component	Existing (sq ft)	Proposed (sq ft)	Change (sq ft)
Piles	6.90	0.90	-6.00
Total Fill	6.90	0.90	-6.00

The Project would involve in-water work during both demolition and constructions phases. The in-water work would be conducted from a barge and the FLUPSY. The piles would be installed utilizing vibration and impact hammers. The Project is covered under the U.S. Army Corps of Engineers Regional General Permit 72 for Dock/Wharf/Pier/Pile Maintenance, which requires the Applicant implement best management practices including:

- Pre-construction Caulerpa taxifolia and eelgrass surveys;
- Restrictions on pile driving activities relating to the presence of Federally listed green sea turtles or marine mammals within a 500-meter radius of the project site; and
- Restrictions on in-water construction durations and water turbidity during California least tern nesting season (April 1 to September 15).

Construction of the proposed project is anticipated to commence June 2019 and would take approximately two (2) months to complete. It is anticipated that approximately four (4) vehicle trips per day would be generated at the peak of project construction. Vehicle and truck trips would be associated with the delivery of materials, removal of demolition debris, and transport of construction workers. Staging would take place on G Street Mole.

Due to its nature and limited scope, construction of the proposed project would generate a minor amount of vehicle trips and would require limited use of equipment. Therefore, impacts related to air quality, greenhouse gas emissions, and transportation and traffic are not anticipated to occur. Additionally, the Applicant would be responsible for complying with all applicable federal, state, and local laws regarding construction demolition debris, hazards and hazardous materials, and stormwater.

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.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CATEGORICAL DETERMINATION

Categorical Exemptions: SG §15301, Class 1/Section 3.a: Existing Facilities; and/or SG §15302, Class 2/Section 3.b: Replacement or Reconstruction

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.

The proposed project is determined to be Categorically Exempt pursuant to the CEQA Guidelines and the Sections of the District's *Guidelines for Compliance with CEQA* as identified above. These are appropriate for the proposed project because it would consist of replacement of an existing pile system that would involve no expansion of use beyond that previously existing, would be located on the same site, and would have the same purpose and capacity as the structure being replaced. 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.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN CONSISTENCY

Planning District: 3 - Centre City Embarcadero (Precise Plan Figure 11)

Water Use Designation: Commercial Fishing Berthing

The proposed project conforms to the certified Port Master Plan because it would consist of replacement of an existing pile system, consistent with the existing certified Water 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

Categorical Exclusions: Section 8.a: Existing Facilities; and/or Section 8.b: Replacement or Reconstruction

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:

- (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 of mooring facilities, floats, piers, bulkhead, revetment, shoreline protection, buoys, or similar structures.

The proposed project is determined to be Categorically Excluded pursuant to the Sections of the District's *Coastal Development Permit Regulations* as identified above. These are appropriate for the proposed project because it would consist of replacement of an existing pile system that would involve no expansion of use beyond that previously existing, would be located on the same site, and would have the same purpose and capacity as the structure being replaced.

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.

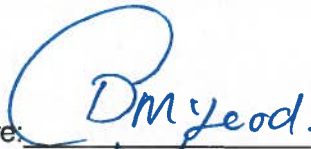
CALIFORNIA PUBLIC TRUST DOCTRINE

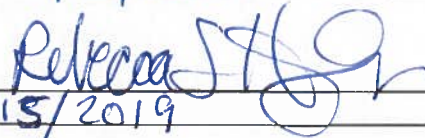
The proposed project complies with Section 87.(a)(1) of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed project is consistent with the Public Trust Doctrine.

RANDA CONIGLIO
President/CEO

Determination by:
Cameron McLeod
Assistant Planner
Development Services

Deputy General Counsel

Signature: 
Date: 5/15/2019

Signature: 
Date: 5/15/2019