



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

**Project:** Fender System Replacement by San Diego Unified Port District at Tuna Harbor  
**Location:** Fish Harbor Pier, Tuna Wharf Way, San Diego, CA 92101  
**Parcel No.:** 018-000 and 018-043  
**Project No.:** 2019-089  
**Applicant:** Eric Guerreiro, Capital Project Manager I, Engineering-Construction, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101  
**Date Approved:** June 5, 2019

**PROJECT DESCRIPTION**

The proposed project would involve fender system replacement along the north side of Fish Harbor Pier at Tuna Harbor by the Port of San Diego (Applicant) in the city of San Diego, California. The Fish Harbor Pier, constructed in the early 1980's, is used by commercial fishermen and visitors. Due to damage and deterioration, a fender system on the north side of the pier requires replacement of a section of chocks and wales. Work to specifically complete the proposed project would include:

- Replacement of wales measuring in total approximately 50-feet (ft)-long by 12-inches (in)-wide by 12-in-high; and
- Replacement of chocks measuring in total approximately 50-ft-long by 12-in-wide by 10-in-high.

The removal and replacement of the chocks and wales would not result in any increase in overwater coverage (see Table 1 below).

**Table 1. Project Features Over-Water Coverage Comparison  
(in square feet (sq ft))**

Project Component	Existing (sq ft)	Proposed (sq ft)	Change (sq ft)
Chocks	49	49	0
Wales	38	38	0
<b>Total Water Coverage</b>	<b>87</b>	<b>87</b>	<b>0</b>

Construction of the proposed project is anticipated to commence June 2019 and would take approximately three (3) months to complete.

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.

- (9) Restoration or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards of public health and safety or permit requirements, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood

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.

- (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 fender system that would involve no expansion of use beyond that previously existing, would not result in a significant cumulative impact due to the continuation of the existing use, would consist of the replacement of an existing structure, and would be located on the same site and have substantially 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)

Land and Water Use Designations: Commercial Fishing; and Commercial Fishing Berthing

The proposed project conforms to the certified Port Master Plan because it would involve the replacement of an existing fender system, consistent with the existing certified Land and Water use designations. 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.

- (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 Categorical 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 fender system that would involve no expansion of use beyond that previously existing, and would be located on the same site and 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**

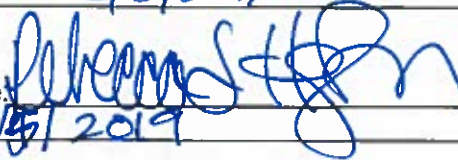
The proposed project complies with Section 87.(a)(1) of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, 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  
Associate Planner  
Development Services

Deputy General Counsel

Signature:   
Date: 6/5/2019

Signature:   
Date: 6/5/2019