



CEQA and COASTAL DETERMINATIONS
and
NOTICE OF APPROVAL

Project: Right of Entry License Agreement to San Diego Air Pollution Control District for Air Monitoring Equipment at the Tenth Avenue Marine Terminal
Location: Tenth Avenue Marine Terminal, 1800 Crosby Rd, San Diego, CA 92101
Parcel No.: 020-025
Project No.: 2019-141
Applicant: Robert J. Kard, Director, San Diego Air Pollution Control District, 10124 Old Grove Road, San Diego 92131
Date Approved: September 9, 2019

PROJECT DESCRIPTION

The proposed project is a Right of Entry License Agreement (ROELA) to the County of San Diego Air Pollution Control District (Licensee) to enter certain property located at Tenth Avenue Marine Terminal in the city of San Diego, California. The area proposed for use under this ROELA is currently used for shore power equipment and is proposed to be used for the purpose of installation of air quality monitoring equipment, inspection, maintenance, repair, removal, and to conduct readings and collect data generated from air monitoring equipment data (Work), provided, however, that no activities or improvements of the Licensee shall interfere with the existing site operations and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance.

It is anticipated that the ROELA would have a total term of approximately five (5) years, 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 thirty (30) days written notice to Licensee of such termination. The monitoring equipment would include four (4) samplers, one (1) wind speed/direction sensor, and one communication antennae and would be installed for approximately five years. Installation of the equipment is anticipated to be completed in one day.

Due to its nature and limited scope, construction of the proposed project would generate a minor amount of vehicle and truck trips and would require limited use of construction equipment. Vehicle and truck trips would be associated with transport of inspectors and equipment. Therefore, no impacts would occur. Any disturbed surfaces would be restored to pre-project conditions. 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.

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 §15304, Class 4/Section 3.d: Minor Alterations to Land; and SG §15306, Class 6/Section 3.f: Information Collection

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:

(6) Minor temporary use of land having negligible or no permanent effects on the environment.

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 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 proposed project is determined to be Categorical 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 the issuance of a ROELA for the installation and operation of air monitoring equipment that would not involve the removal of mature, scenic trees and would not result in a serious or major disturbance to an environmental resource. 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: 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13)

Land Use Designation: Marine Terminal

The proposed project conforms to the certified Port Master Plan because it would consist of the issuance of a ROELA for the installation and operation of air monitoring equipment, consistent with the existing certified Land use designation. The proposed 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.d: Minor Alternations to Land; and Section 8.f: Inspections

- 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 not limited to:
- (5) Minor temporary uses of land and water having negligible or no permanent effects on the environment, including festivals, boating activities, parades, and running or bicycling events.

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.

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 the issuance of a ROELA for the installation and operation of air monitoring equipment that would not involve the removal of mature, scenic trees and would 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.

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:
Michael Paul
Assistant Planner
Development Services

Deputy General Counsel

Signature: Michael Paul
Date: 9-9-19

Signature: W.S. Neal
Date: 9-5-19