



## CEQA and COASTAL DETERMINATIONS and NOTICE OF APPROVAL

Project: Bay-Wide Oyster and Mussel Abundance and Density Study  
Location: Within San Diego Bay, at following four approximate locations:  
 La Playa Trail, Shelter Island, City of San Diego  
 E Street Marsh, City of Chula Vista  
 Chula Vista Wildlife Refuge, City of Chula Vista  
 Grande Caribe, Silver Strand

Parcel No.: Various  
Project No.: 2020-033  
Applicant: Tim Barrett, Senior Environmental Specialist, Environmental Conservation, San Diego Unified Port District; 3165 Pacific Highway, San Diego, CA 92101 (District)  
Date Approved: April 1, 2020

### **PROJECT DESCRIPTION**

The proposed project entails performing field studies to assay intertidal oyster and mussel abundance and density throughout the San Diego Bay. The project includes the measurement of oyster recruitment by the installation of concrete tiles in the areas listed above, under project location. The District intends to determine answers to the following: 1) the total estimated Bay-Wide abundance of native oysters; 2) the densities of each native oyster species at sites of varying intertidal habitat throughout the San Diego Bay and extent of density change over time; and 3) the strength of oyster recruitment during the Summer 2020 reproductive season and its comparison to previous years. To answer these questions, the District will undertake the following study activities, between March and September 2020.

To estimate Bay-Wide abundance, the District's contractor (Contractor) will quantify density of oysters across an intertidal gradient, ensuring representation of multiple habitat types including mudflat, cobble, riprap, seawalls, and chain-link fence. After quantifying densities, known estimates of surface area of the Bay and habitat type will be used to estimate total oyster abundance, with the assumption that average measured densities per habitat type are good representative densities for each habitat type throughout the Bay. The contractor will plan to survey habitats including mudflats, cobble fields, riprap armored shoreline, seawalls and existing fence structure(s) within San Diego Bay.

To quantify density within each site (see attached graphics for locations), the Contractor will survey during low tides of -0.5 feet mean lower low water (MLLW) or lower. At each site, Contractor will lay out five 30 meter-by-two meter transects parallel to the water line across tidal elevations ranging from approximately -0.5 feet MLLW to +4 feet MLLW. On each transect, Contractor will randomly generate X- and Y-*coordinate* values along the transect and place a total of 10 quadrats (0.5 meter-by-0.5 meter) above or below the transect line for a total of 50 quadrats surveyed per site. On seawall and fence habitat, Contractor will modify the survey technique by determining the survey range from the bottom of the wall to the highest visible oyster, randomly placing quadrats with respect to height. For each quadrat, Contractor will record the species identification, size (maximum length, in millimeters), and number of each oyster and mussel species within the 0.25-square meter quadrat area. Contractor will use a global positioning system (GPS) unit for receiving position corrections to record both the position and elevation of the species, in real time. At each site's quadrats, Contractor will place a GPS pole into the approximate center of the quadrat and record the tidal elevation in feet North American Vertical Datum (NAVD). Upon completion of field work, survey data will be reviewed for quality and elevation converted from feet NAVD to feet MLLW. As an alternative to use of GPS data, tidal elevations will be estimated using a rotary laser. This laser would allow calculations of tidal elevation by the difference in height from each quadrat, to the height at the water's edge, at a specified time period. From this information, a prediction relating to tidal elevations is possible by using the nearest National Oceanic and Atmospheric Administration (NOAA) measurement station relative to each survey site.

After counting oysters in quadrats, the Contractor will place a gridded 0.25-square meter quadrat in the same location to determine substratum availability using a point-contact technique and will identify the substratum first encountered under a probe tip.

In mid-March to late April 2020, measurement of oyster recruitment will occur, by the Contractor's deployment of concrete tiles at the four listed project locations within the Bay. At each of the sites, five PVC monitoring *Ts* will be deployed, each at two tidal elevations (zero feet MLLW and +2 feet MLLW). Each monitoring *T* will hold two suspended tiles, one horizontal and one vertical to the substratum. The tiles will be left in place through early September 2020, when the Contractor will collect and return them to the California State University Fullerton (CSUF) laboratory. Each recruitment tile will then be photographed from true vertical, examined macroscopically, and all oysters will be identified and counted using external and internal shell characters. The photographs will be archived and will allow for future determination of presence or absence, as well as enumeration of the percentage cover of other sessile species (such as mussels, barnacles, and tunicates). All activities associated with the proposed project, including placement of both tiles and GPS poles, would not be located within or impact, eelgrass beds.

Field studies for abundance and density will be completed by mid-June 2020. Data will be analyzed and summarized in a technical memo report delivered by mid-July 2020. The report will include methods and results, as well as a discussion of population density changes through time of both native and non-native oyster species. The report will describe any suggested design modifications and/or lessons learned that may be applied to future living shoreline projects. A second report will be prepared following completion of the recruitment studies and delivered by mid-December 2020.

The following schedule is proposed:

Activity	Work Period
Deployment of all 2020 Oyster Recruitment Tiles	March-April 2020
Survey work – 2020 Oyster Abundance, Density	May - June 2020 <ul style="list-style-type: none"> <li>• May 24-28 (5 days)</li> <li>• June 6-10 (5 days)</li> <li>• June 22-26 (5 days)</li> </ul>
Data Analysis and Final Report – 2020 Oyster Abundance, Density	June - July 2020
Collection, Counting, Data entry of Oyster Recruitment Tiles 2020	September - October 2020
Data Analysis and Final Report – Oyster Recruitment 2020	December 2020

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, no impacts, including those related to air quality, greenhouse gas emissions, and transportation, are anticipated to result from implementation of the proposed project. Furthermore, the District 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 §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.e. Information Collection (SG § 15306) (Class 6): Includes basic data collection, research, experimental management, and resource evaluation activities that 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 that has not yet been approved, adopted, or funded.

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 installation of small new equipment and small structures and the project's purpose is for basic data collection/research/experimental management/resource evaluation activities that 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 the 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 Districts: 1 - Shelter Island/La Playa (Precise Plan Figure 4); 8 - Silver Strand South (Precise Plan Figure 21); and 7 - Chula Vista Bayfront (Precise Plan Figure 19)

Water Use Designations: Open Bay/Water; Open Space; Park/Plaza; and Wetlands

The proposed project conforms to the certified Port Master Plan because it would involve the study and measurement of native oyster and mussel recruitment by the installation of concrete tiles in the areas listed above. Those activities are consistent with the existing certified Water Use designations. The proposed project would not change the use of the sites nor would it interrupt or expand the existing conforming uses of the sites.

### ***CATEGORICAL DETERMINATION***

Categorical Exclusions: Section 8.d: Minor Alterations to Land; and Section 8.e: Information Collection

8.d. Minor Alterations of Land (or Water): Minor public or private alterations in the condition of land water, and/or vegetation that 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 that do not result in a serious or major significant disturbance to an environmental resource.

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 involve negligible or no change of existing use of the water.

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.

For the portion of the proposed project located outside of the District's CDP jurisdiction, additional approvals may be required from other agencies.

**CALIFORNIA PUBLIC TRUST DOCTRINE**

The proposed project complies with Section 87.(a)(7) of the Port Act, which allows for the establishment and maintenance of those lands for open space, ecological preservation, and habitat restoration. 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:  
Dennis Campbell, AICP  
Senior Planner  
Planning

Signature: Dennis Campbell  
Date: Apr 6, 2020

Deputy General Counsel

Signature: Rebecca Harrington  
Date: Apr 6, 2020