



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

Project: Maintenance Dredging by Southwestern Yacht Club at Shelter Island
Location: 2702 Qualtrough Street, San Diego, CA 92106
Parcel No.: 019-001
Project No.: 2020-038
Applicant: Scott Bernet, Southwestern Yacht Club, 2702 Qualtrough Street, San Diego, CA 92106
Date Approved: Dec 9, 2021

PROJECT DESCRIPTION

The proposed project would involve maintenance dredging within the waterside portion of the Southwestern Yacht Club (Applicant) leasehold and the beneficial reuse of the sand along the near shore area at La Playa Beach located in Shelter Island, San Diego. Over the past several years, the silting of sand has decreased the water depth in front of the hoist and sailing area limiting access for boaters.

Work to specifically complete the proposed project would consist of annual maintenance dredging of up to 2,000 cubic yards of material per year over the next ten years (for a total of 20,000 cubic yards) to a 5-foot depth (includes overdepth) Mean Low Lower Water, across an area of approximately 6530 square feet. Material would be removed by a long reach excavator with a 1 cubic yard bucket that would be located on a spud barge. Material would be loaded onto a second ramp barge with a capacity of 400 cubic yards. Once full, the material barge would be pushed to La Playa Beach, the ramp would be lowered and a wheel loader with a 2.5 cubic yard bucket would spread the material along the near shore area at La Playa Beach located at the foot of Kellogg Street. The material would be spread to match the existing contours and shoreline. All dredging operations would be from the water, and no landside work would be required. As such, no dredge material would be transported by truck.

The dredged material is suitable for beneficial reuse and meets the Tier 1 Exclusionary Criteria of Inland Testing Material of the Army Corp of Engineers (ACOE) because it is 95 percent sandy and pursuant to the ACOE's requirements additional tiered testing is not required. The proposed project would occur under a ACOE Nationwide Permit ACOE Nationwide Permit No.2019-00566-RRS and Letter of Permission authorization for the Nationwide permit authorization.

The project would include the following project features implemented during each dredging effort:

- Conduct a pre-construction survey of the project area for *Caulerpa taxifolia*. The results of that survey shall be furnished to the Corps Regulatory Division, NOAA Fisheries, and the California Department of Fish and Wildlife (CDFW) prior to initiation of work in navigable waters. In the event that *Caulerpa* is detected within the project area, the Permittee shall not commence work until such time as the infestation has been isolated, treated, and the risk of spread is eliminated as confirmed in writing by the Corps Regulatory Division, in consultation with NOAA Fisheries and CDFW;
- Conduct a pre-construction eelgrass survey in accordance with the requirements of the California Eelgrass Mitigation Policy (CEMP) by a qualified biologist, prior to initiation of construction activities on the site. This survey must include both aerial and density characterization of the beds. If eelgrass is found during the pre-dredging survey, a post-dredging survey must be performed by a qualified biologist within 30 days following project completion to quantify any unanticipated losses to eelgrass habitat;
- Conduct post-construction eelgrass monitoring surveys with any loss addressed through conformance with the CEMP;
- Implement appropriate standard best management practices (BMPs) to ensure that toxic materials, silt, debris, or excessive eroded materials do not enter the waters of the U.S.;
- Establish safety flag perimeter of the beneficial reuse area during disposal activities.

- Line ramp barge with K-rail and sand bags to ensure time for material to de-water;
- Utilize silt curtains during dredging operation to limit the extent of turbidity. The silt curtain would be deployed at a continuous length and maintained fully surrounding active dredging, loading, and/or desilting discharges to contain sediment to the immediate dredge area and to protect other areas from sediment drift; and
- An on-site qualified biologist shall be designated to monitor construction activities within or adjacent to waters of the United States and/or State to ensure compliance with the permit and Certification requirements. The biologist shall be given the authority to stop all work on-site if a violation occurs or has the potential to occur. Records and field notes of the biologist's activities shall be kept on-site and made available to review.

Construction is anticipated to commence annually in late-April and last for approximately 20 days. Due to its limited scope, construction of the proposed project would not generate vehicle trips and would therefore not result in any significant impacts including, but not limited to, air quality, greenhouse gas emissions, noise, or transportation and traffic. Furthermore, the project applicant would be responsible for complying with all applicable local, state, and federal laws regulating hazards and hazardous materials, noise, water quality, and storm water.

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 Exemption: SG §15301, Class 1/Section 3.a: Existing Facilities; and SG §15304, Class 4/Section 3.d: Minor Alterations to Land

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:

- (2) Periodic maintenance dredging which involves negligible or no expansion of the existing water use areas or facilities.

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:

- (3) Minor dredging projects resulting in negligible or no change in the existing type of benthic habitat, limited to dredging depths remaining within the existing boundaries of either intertidal, shallow, or deep subtidal benthic regimes.

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. This is appropriate for the proposed project because it would consist of minor, periodic maintenance dredging, involving no expansion of the existing water use area or facilities, no removal of mature, scenic trees, and negligible change in the existing type of benthic 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).

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: 1 - Shelter Island/La Playa (Precise Plan Figure 4)

Water Use Designation: Recreational Boat Berthing; and Open Bay/Water

The proposed project conforms to the certified Port Master Plan (PMP) because it would consist of maintenance dredging within an existing leasehold boundary and beneficial reuse of the dredged material, consistent with the existing certified water use designations. The project would not change the use of the sites nor would it interrupt or expand the existing conforming use of the sites.

CATEGORICAL DETERMINATION

Categorical Exclusion: Section 8.a: Existing Facilities; and Section 8.d: Minor Alterations to Land

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:

- (11) Periodic maintenance dredging which involves negligible or no enlargement of the existing facility.

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 not limited to:

- (7) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable local, state, and federal regulatory agencies.

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 maintenance dredging within an existing leasehold boundary and beneficial reuse of the dredged material deposited in a spoil area authorized by all applicable regulatory agencies, that would involve no enlargement of the existing facility and would not include the removal of mature, scenic trees.

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)(6) of the Port Act, which allows for the establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities, and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses, including, but not limited to, snack bars, cafes, restaurants, motels, launching ramps, and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways, and landscaped areas. 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.

JOE STUYVESANT
President/CEO

Determination by:
Cameron McLeod
Associate Planner
Development Services

Signature: Cameron McLeod
Date: Dec 9, 2021

Deputy General Counsel

Signature: Rebecca Harrington
Date: Dec 9, 2021