



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

Project: Sediment Sampling by the City of San Diego at the Laurel Hawthorn Embayment
Location: San Diego Bay, West of West Hawthorne Street and North Harbor Drive, and South of West Laurel Street and North Harbor Drive, San Diego, CA 92101
Parcel No.: 017-026
Project No.: 2020-046
Applicant: Cara Nager, Stormwater Environmental Specialist III, City of San Diego, 9370 Chesapeake Drive, Ste. 100, M.S. 1900, San Diego, CA 92123
Date Approved: Mar 18, 2021

PROJECT DESCRIPTION

The proposed project would involve sediment sampling in response to Investigative Order R9-2019-0040 (IO) for the 84-inch stormwater conveyance system outfall in Laurel Hawthorn Embayment (LHE) by the City of San Diego (Applicant) in the City of San Diego, California. Work to specifically complete the proposed project would involve surficial sediment samples collected at specified locations to characterize sediment quality for benthic community protection at approximately twenty-three (23) locations. At each proposed sediment sampling location two collection techniques will be used to characterize LHE sediments: (1) grab samples, and (2) core samples, consistent with the requirements of the IO. A marine sampling vessel will be utilized to deploy equipment to collect samples at the proposed in-bay sampling locations. Sampling and analysis of legacy chemicals in fish tissue collected along three trawl transects within the LHE, as well as water column samples, will be used to evaluate the human health protection aspect of the California Sediment Quality Objectives (SQOs). Bay sampling is anticipated to occur in the summer of 2021 and would take approximately one (1) week 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, significant impacts related to air quality, greenhouse gas emissions, and transportation and traffic are not anticipated to occur. Furthermore, 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)

In accordance with CEQA the City of San Diego, as Lead Agency, analyzed the proposed project and prepared an Environmental Determination. The Environmental Determination identified that the project is determined to be Categorically Exempt pursuant to CEQA Guidelines Sections 15306 (Information Collection), 15307 (Actions by Regulatory Agencies for Protection of Natural Resources), 15308 (Actions by Regulatory Agencies for Protection of the Environment), and 15309 (Inspections) because it involves sediment and bay sampling in accordance with an IO that would not result in a major disturbance to an environmental resource, would consist of information collection, is an action taken by a regulatory agency authorized by state or local law to assure the maintenance, restoration, or enhancement of natural resources where the regulatory process involves procedures for protection of the environment, and would check for performance of an operation, or quality, health, or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation, or adulteration of products. Pursuant to CEQA Guidelines Section 15381, the District is a Responsible Agency because the project is being carried out by the City on District Tidelands. The District has considered the Environmental Determination and finds that it is sufficient for the project and that the project is exempt pursuant to the exemptions specified in the City's Environmental Determination. Issuance of this Categorical Determination is not separate a "project" for CEQA purposes but are simply an additional governmental approval required to implement a previously approved project. (CEQA Guidelines § 15378(c); Van de Kamps Coalition v. Board of Trustees of Los Angeles Comm. College

Dist. (2012) 206 Cal.App.4th 1036.) Accordingly, the proposed project is merely a step in furtherance of the original project for which environmental review was performed, and no further environmental review is required.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN CONSISTENCY

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

Water Use Designations: Specialized Berthing; Boat Anchorage; and Boat Navigation Corridor

The proposed project conforms to the certified Port Master Plan because it would involve sediment and bay sampling in accordance with an IO, consistent with the existing certified Water use designations. 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.e: Information Collection; and Section 8.f: Inspections

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.

AND/OR

8.f. Inspection: Activities limited to inspection, checking or performance or quality of an operation, examining the health and safety of a project, or related activities.

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 consists of sediment and bay sampling in accordance with an IO, would not result in a serious or major significant disturbance to an environmental resource, would be limited to inspection, checking or performance or quality of an operation, examining the health and safety of a project, or related activities.

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)(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.

JOE STUYVESANT
President/CEO

Determination by:
Michael Paul
Assistant Planner
Development Services

Signature: Michael Paul
Date: Mar 18, 2021

Deputy General Counsel

Signature: Chris Burt
Date: Mar 18, 2021