



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

Project: Soil Borings by San Diego Wood Preserving Company at National City Bayfront
Location: 1313 Bay Marina Drive, National City, CA 91950; and
 2250 and 2300 Tidelands Ave, National City, CA 91950 between the BNSF Right-of-Way and Pepper Oil Company Leasehold
Parcel No.: Various
Project No.: 2020-104
Applicant: Jay Jones, Environmental Navigation Services, Inc., P.O. Box, 231026, Encinitas, CA 92023-1026
Date Approved: October 20, 2020

PROJECT DESCRIPTION

The proposed project would involve investigative soil borings by Environmental Navigation Services as an authorized agent on behalf of San Diego Wood Preserving Company (Applicant) in the City of National City, California. Work to specifically complete the proposed project would involve soil borings to evaluate subsurface soil conditions at three (3) properties: the Pepper Oil Company (POC) Leasehold; Marine Group Boat Works (MGBW) Leasehold; and San Diego Unified Port District (District) property located between the BNSF right-of-way and POC Leasehold. Approximately twenty-four (24) borings would be conducted at MGBW, ten (10) borings would be conducted at POC, and eleven (11) borings would be conducted within District property; the maximum number of borings would not exceed fifty-five (55) total and would be to a maximum depth of 40 feet (ft) below ground surface (bgs) using push-probe and continuous coring sampling methods. All borings would be sealed and site surfaces would be restored to their existing condition after completion of the sampling. Construction of the proposed project is anticipated to occur in Winter 2020 and would take approximately six (6) weeks 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 proposed project also includes a Right of Entry License Agreement (ROELA) to Environmental Navigation Services (Licensee) to enter certain property located in the City of National City, California. The area proposed for use under this ROELA would be used by the Licensee and their authorized agent(s) and contractor(s) for the purpose of onsite push-probe drilling and testing of soil borings, as well as ingress and egress in support of those activities. No new development, construction, or increase in the size of the area is proposed or authorized as part of the ROELA.

It is anticipated that the ROELA would have a term of approximately three (3) months, or upon completion of work, whichever occurs earlier. The ROELA may be terminated by the District as a matter of right and without cause at any time upon providing twenty-four (24) hours' notice in writing to the Licensee of such termination.

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.

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 consists of investigative soil borings and would result in no permanent effects on the environment, would not involve the removal of mature, scenic trees, and is for the purpose of basic data collection activities which 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: 5 - National City Bayfront (Precise Plan Figure 15)

Land Use Designation: Marine Related Industrial

The proposed project conforms to the certified Port Master Plan because it consists of investigative soil borings, 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 Alterations to Land; and Section 8.e: Information Collection

- 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.

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 consists of investigative soil borings, 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

Signature: Michael Paul
Date: Oct 20, 2020

Deputy General Counsel

Signature: Chris Burt
Date: OCT 20, 2020