



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

Project: Right of Entry Permit to United States of America National Oceanic and Atmospheric Administration for Green Sea Turtle Research
Location: 990 Bay Boulevard, Chula Vista, CA 91910
Parcel No.: 033-003, 033-008, and 800-002
Project No.: 2020-109
Applicant: Dr. Jeffrey Seminoff, Project Manager, NOAA National Marine Fisheries Service, 8901 La Jolla Shores Drive, San Diego, CA 92037
Date Approved: September 30, 2020

PROJECT DESCRIPTION

The proposed project is a Right of Entry Permit (ROE) to the United States of America National Oceanic and Atmospheric Administration (Permittee), its authorized agent(s), contractor(s), and volunteer(s) to enter certain property located at 990 Bay Boulevard in Chula Vista, California. The area proposed for use under this ROE would be used by the Permittee and their authorized agent(s) and contractor(s) for the purpose of conducting scientific research on green sea turtles (*Chelonia mydas*) that are captured in nearby waters of San Diego Bay; research efforts including weighing, measuring, and photographing of turtles as well as collection of biological samples from, and attachment of telemetry tracking devices to, each captured turtle; offloading of animals onto the jetty shore from a National Marine Fisheries Service research vessel and upon completion of scientific data collection, released into San Diego Bay waters from the jetty shoreline; as well as ingress and egress in support of those activities from the hours of 8 a.m. to 12 a.m. on weekdays. Basic scientific equipment to perform the research will be transported via vehicle to and utilized on the Premises. A generator will be used on the Premises to provide lighting in the evenings. The Permittee will be responsible for compliance with all laws and regulations associated with the activities on or in connection with the above-described Premises, including stormwater and water quality. Due to its nature and limited scope, the proposed project will generate a minor amount of vehicle trips, and, in turn, will not result in significant impacts, including, but not limited to, air quality, greenhouse gas emissions, noise, or traffic.

It is anticipated that the ROE would have a total term of approximately five (5) years, or upon completion of the work, whichever occurs earlier. The ROE 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 Permittee 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 §15301, Class 1/Section 3.a: Existing Facilities; and SG §15306, Class 6/Section 3.f: Information Collection

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:

- (4) New and renewed short-term tenancy agreements which do not result in change in the existing use. This exemption does not apply to any new development associated with the activities of the tenant. This exception is also inapplicable if the cumulative impact of continuing the existing use or conditions in the same place, over time, is significant.

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 a renewal of a ROE permit for the purposes of information collection of green sea turtles, would involve no expansion of use beyond that previously existing, and is for the purpose of basic data collection and research 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: 7 - Chula Vista Bayfront (Precise Plan Figure 19)

Land and Water Use Designations: Open Space; Park/Plaza; Promenade; Habitat Replacement; Open Bay/Water; and Streets

The proposed project conforms to the certified Port Master Plan because it would involve a renewal of a ROE permit for the purposes of information collection of green sea turtles, consistent with the existing certified Land and 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

The proposed project would renew an existing real estate agreement through issuance of a ROE. The proposed project does not allow for "development" as defined in Section 30106 of the California Coastal Act, or "new development" pursuant to Section 1.a. of the District's Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or categorical exclusion is not required.

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:
Michael Paul
Assistant Planner
Development Services

Signature: Michael Paul
Date: Sep 30, 2020

Deputy General Counsel

Signature: Chris Burt
Date: Sep 30, 2020