



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

Project: Right of Entry License Agreement to Mitsubishi Cement Corporation for Soil Borings at Tenth Avenue Marine Terminal
Location: Tenth Avenue Marine Terminal, 1800 Crosby Road, San Diego, CA 92101
Parcel No.: Various
Project No.: 2020-118
Applicant: Ryan Barnett, Project Manager, Mitsubishi Cement Corporation, 151 Cassia Way, Henderson, NV 89014
Date Approved: Apr 12, 2021

PROJECT DESCRIPTION

The proposed project would involve investigative soil borings by Mitsubishi Cement Corporation (MCC; Applicant) in the City of San Diego, California. Work to specifically complete the proposed project would involve drilling of four (4) bore holes to a depth of six and one half (6.5) feet (ft) deep, one (1) bore hole to a depth of 90 ft., collect soil and groundwater samples for environmental and geotechnical testing, backfill of the borings with grout, and restoration of asphalt surface. Construction of the proposed project is anticipated to occur in Spring 2021 and would take approximately three (3) days 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 would also include a Right of Entry License Agreement (ROELA) to the Applicant (Licensee) to enter certain properties located in the City of San Diego, California. The areas proposed for use under this ROELA would be used by the Licensee and the Applicant's authorized agent(s) and contractors(s) for the purpose of drilling four shallow bore holes and one deep bore hole to gather additional information and conduct research regarding the soil character on or near the project site in order to evaluate potential separate and/or additional project costs, which will enable MCC to further analyze project components and their corresponding costs, as well as ingress and egress in support of those activities. No new construction or increase in size of the area is proposed or authorized as part of the ROELA.

It is anticipated that the ROELA would have a total term of approximately one year, or upon completion of the 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 a ROELA for 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: 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13)

Land Use Designation: Marine Terminal

The proposed project conforms to the certified Port Master Plan because it would involve a ROELA for 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 a ROELA for 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.

J. STUYVESANT
President/CEO

Determination by:
Michael Paul
Assistant Planner
Development Services

Signature: Michael Paul
Date: Apr 12, 2021

Deputy General Counsel

Signature: Rebecca S. Harrington
Date: Apr 12, 2021