



CEQA and COASTAL DETERMINATIONS and NOTICE OF APPROVAL

Project: ecoSPEARS Pilot Project at America's Cup Harbor and Harbor Island East Basin
Location: America's Cup Harbor, Harbor Island East Basin
Parcel No.: 003-058, 003-059, 007-029
Project No.: 2020-129
Applicant: ecoSPEARS, Inc. 309 Cranes Roost Blvd, Suite 2000, Altamonte Springs, FL 32701
Date Approved: Nov 16, 2020

PROJECT DESCRIPTION

The proposed project is a pilot demonstration of a polychlorinated biphenyls (PCB) remediation technology at America's Cup Harbor and Harbor Island East Basin in the City of San Diego. The project would use approximately 30 square feet of submerged area on existing tenant leaseholds in America's Cup Harbor and approximately 30 square feet of submerged area on existing tenant leaseholds in Harbor Island East Basin. The purpose of the project is to demonstrate the effectiveness of the Sorbent Polymer Extraction and Remediation System (SPEARS) to extract PCBs from contaminated sediment through installation of the SPEARS. A "Blue Economy Agreement" by and between the District and ecoSPEARS, Inc. (ecoSPEARS) is currently in place, and other similar agreements may also be required. ecoSPEARS would be responsible for acquiring necessary right of entry permits from the existing tenants at the America's Cup Harbor and Harbor Island East Basin locations where the SPEARS would be installed.

The proposed project would require the placement of ecoSPEARS' in-situ soil remediation technology, SPEARS, at two locations in San Diego Bay: Harbor Island's East Basin and America's Cup Harbor. The SPEARS are plastic spikes filled with gravel and ethanol solution. The plastic SPEARS spikes absorb PCBs from the aquatic environment, from both porewater and sediment, like a sponge. When absorbed by the SPEARS, PCBs continue to migrate through the plastic and further dissolve into the ethanol solution. The SPEARS are placed throughout hexagonal mats, which are 31 inches across and are made of a conventional geosynthetic membrane. Each mat is approximately three (3) square feet in area and incorporates two-inch x two-inch square cutouts throughout to allow for proper exchange between the water column and sediment. A combination of 26 12-inch SPEARS would be placed in each mat.

Each location would consist of three mat clusters. The mat clusters at the Harbor Island East Basin would be placed at a water depth of approximately 15 feet. The mat clusters at America's Cup Harbor would be placed at a water depth of approximately 20 feet. Each mat cluster is composed of three (3) mats and the three (3) mats within each cluster would be placed within a few feet of each other. In total, 18 mats would be deployed, nine (9) mats in Harbor Island's East Basin and nine (9) mats in America's Cup Harbor, and 468 SPEARS would be deployed (264 at each location).

The SPEARS deployment process would require the use of a boat equipped with a davit arm and an electric winch, which would allow a Vibecore Plate to be lowered in the water down to the sediment layer to deploy the mats into the sediment. An on-board GPS unit would be used to record the exact coordinates where each mat would be placed. Once the SPEARS are installed, the Vibecore Plate would automatically eject the mat and the Vibecore Plate would be raised back to the surface and into the boat. During deployment, an underwater camera would be used to inspect positioning and installation of the mat and anchor. Prior to installation, the camera would also be used to ensure that no eelgrass is present at the area of deployment. In addition, a third-party pre-construction eelgrass survey would be conducted prior to deployment to ensure that the SPEARS would not be placed on eelgrass.

Once in place, each mat would also be anchored via a secondary conventional marine anchor, to prevent the mats from being washed away with shifting currents. One (1) anchor would be positioned approximately six (6) feet away from each mat, totaling nine (9) anchors at each location. Each anchor would contain a small subsurface buoy that would float two (2) feet above the sediment and would serve as a locator for the mats as well as provide an access point for surface retrieval of the SPEARS.

The SPEARS retrieval process would require the use of a boat equipped with a davit arm and an electric winch. An underwater camera on an extending pole would be used with previously recorded GPS coordinates to locate the mats. The pole with a custom gaff and an underwater camera would be used to hook and capture the retrieval line to pull mats from the seafloor. After removal, the SPEARS would be processed at an offsite laboratory facility. It would take approximately six (6) days to install and remove the SPEARS and mats and up to four (4) people onsite for the installation and removal.

Post-treatment sediment sampling would be completed after the six-month deployment to establish concentrations within the sediment and porewater after the SPEARS deployment. Sediment sampling would involve collecting core samples through coring two (2) feet deep on a triangular grid at each of the sites where the SPEARS were deployed. Samples collected during sampling would be sent to a facility off-Tidelands for processing, sampling, and internal analysis by ecoSPEARS, as well as third-party analysis.

The pilot project requires a U.S. Army Corps of Engineers pre-certified Nationwide Permit #5 Scientific Measurement Devices, and a Regional Water Quality Control Board nationwide pre-certified permit notification #5 Notice of Intent as part of the entitlement process, which would be obtained prior to the proposed project start date. Furthermore, the applicant would be responsible for complying with all applicable federal, state, and local laws regulating construction demolition debris, noise, 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.

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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, including, but not limited to:

- (6) Minor temporary use of land having negligible or no permanent effects on the environment.

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 environmental resources. 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 Categorical Exemptions listed above are appropriate for the proposed project because the project involves the installation of SPEARS for remediation of PCBs and sediment sampling; includes minor temporary use of land having negligible or no permanent effects on the environment and would also collect data and information on environmental factors and conditions around the proposed project. It would not result in any significant cumulative impacts due to impacts of the Project, and would not result in a serious or major disturbance to an environmental resource. Further, there would be no dredging or fill impacts and the project would not cause any disturbance to sensitive species or 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) because the project is not located in an area that would impact an environmental resource of hazardous or critical concern, would not have cumulative impact of successive projects of the same type in the same place, would not have a significant effect on the environment due to unusual circumstances, is not within a highway officially designated as a state scenic highway, is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code, and would not cause a substantial adverse change in the significance of a historical resource.

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 Districts: 1 - Shelter Island/La Playa (Precise Plan Figure 4); and 2 - Harbor Island/Lindbergh Field (Precise Plan Figure 9)

Water Use Designations: Recreational Boat Berthing; Sportfishing Berthing; and Specialized Berthing

The proposed project conforms to the certified Port Master Plan because it furthers Planning Goals XIII and XI identified in Section II of the Port Master Plan. The project furthers Goal XIII, which identifies the District will enhance and maintain the bay and tidelands as an attractive physical and biological entity by facilitating a tideland environment free of hazards to the health of the people of California. The project also furthers Goal XI, which identifies the District will protect, preserve, and enhance natural resources, including natural plant and animal life in the bay as an ecological necessity and a valuable resource. The project would not change the water use designation of the site nor would it interrupt existing conforming uses of the site.

CATEGORICAL DETERMINATION

Categorical Exclusions: Section 8.a: Existing Facilities; 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, including but not limited to:

- (5) Minor temporary uses of land and water having negligible or not permanent effects on the environment, including festivals, boating activities, parades, and running or bicycling events.

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 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 involves the installation of SPEARS for the remediation of PCBs and sediment sampling and would involve minor temporary use of water having negligible or no permanent effects on the environment; 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)(7) of the Port Act, which allows for the establishment and maintenance of tidal and submerged 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:
Lily Tsukayama
Associate Planner
Planning

Signature: Lily Tsukayama
Date: Nov 16, 2020

Deputy General Counsel

Signature: Chris Burt
Date: Nov 16, 2020