



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

Project: Right of Entry License Agreement to United States Border Patrol for Camera Installation at Chula Vista Bayfront
Location: 950 Marina Way, Chula Vista, CA 91910
Parcel No.: 032-011
Project No.: 2021-004A
Applicant: Matthew Philpott, Supervisory Border Patrol Agent - Intel, Technical Operations Unit, United States Border Patrol, 610 West Ash Street #1200, San Diego, CA 92101
Date Approved: Sep 20, 2021

PROJECT DESCRIPTION

The Project, as proposed by the United States Border Patrol (USBP) San Diego Technical Operations (Applicant/Licensee), would include the maintenance (including repair or replacement, if required) and operation of an existing USBP security camera that is installed on a light pole adjacent to the Harbor Police Chula Vista South Bay Substation.

A previous Coastal Act Categorical Determination of Exclusion (Project No. 2021-004) and Right of Entry License Agreement (ROELA) (SDUPD Doc No. 72263) were issued previously for the installation of the security camera. The proposed Project would require a new ROELA granted to the applicant for site access to perform maintenance work. It is anticipated that the new ROELA would have a total term of approximately three (3) years. 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 Permittee of such termination.

Due to its nature and limited scope, the maintenance of the existing USBP security camera would generate insignificant 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 comply with all applicable 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)

CATEGORICAL DETERMINATION

Categorical Exemption: SG §15301, Class 1/Section 3.a: Existing Facilities

3.a. Existing Facilities (SG § 15301) (Class 1): consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

- f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices.

The proposed project is determined to be Categorically Exempt pursuant to the CEQA Guidelines and the Sections of the District's *Guidelines for Compliance with CEQA* as identified above because the current proposal consists of the maintenance and operation of an existing USBP security camera that is attached to an existing light pole which would not result in expansion of the existing use. 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 Use Designation: Park/Plaza

The proposed project conforms to the certified Port Master Plan because the maintenance of an existing USBP security camera would not change the use of the site; interrupt or expand the existing conforming use of the site; and detract from the existing certified Land Use Designation designation.

CATEGORICAL DETERMINATION

Categorical Exclusions: Section 8.a: Existing Facilities; and Section 8.e: Information Collection

8.a. Existing Facilities: The 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.

The proposed project is determined to be Categorically Excluded pursuant to the Sections of the District's *Coastal Development Permit Regulations* as identified above because it consists of the operation and maintenance of an existing USBP security camera, which would not result in expansion of the existing use.

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)(6) of the Port Act, which allows for the establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities, and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses, including, but not limited to, snack bars, cafes, restaurants, motels, launching ramps, and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways, and landscaped areas. 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:
Michelle Chan
Senior Planner
Development Services

Signature: Michelle Chan
Date: sep 20, 2021

Deputy General Counsel

Signature: Christopher Burt
Date: sep 20, 2021