



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

Project: Maritime Clean Air Strategy (MCAS)
Location: Various
Parcel No.: Various
Project No.: 2021-120
Applicant: Larry Hofreiter, Program Manager, Planning, Planning and Environment, District
Date Approved: October 12, 2021

PROJECT DESCRIPTION

In 2019, the Board of Port Commissioners (Board) adopted a resolution authorizing Port staff to update the Port's 2007 Clean Air Program to align with State programs, develop District-related strategies, and identify projects that would reduce emissions and improve air quality. This update has evolved into the proposed project, the Maritime Clean Air Strategy (MCAS), which is a planning document that identifies long and near-term goals and policies, and identifies potentially feasible strategies and measures, to help reduce emissions while promoting maritime operations.

The MCAS provides a framework for the Port to assist in identifying future projects and initiatives in the near and long-term to improve health through cleaner air for all who live, work, and plan on and around San Diego Bay. Near-term goals and objectives aim to be achieved by June 30, 2026, whereas long-term goals and objectives aim to be achieved by 2030. Near-term goals will help accelerate the deployment of zero emission technologies and build confidence in the marketplace. One of the near-term objectives includes a commitment to complete a comprehensive update to the MCAS in 2025, that will include more specificity for year 2030, when more information is known. Goals and objectives are tied to the seven maritime emission sources (cargo handling equipment, harbor craft, ocean-going vessels, trucks, rail, shipyards, and Port fleet) and stakeholder priorities (public health, community enrichment, and enabling).

Emission reduction goals and objectives are tied to a 2019 Maritime Emissions Inventory (included as Appendix A of the MCAS), which serves as a baseline.

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

Based upon the above description, the proposed project is determined to be Exempt pursuant to CEQA Guidelines Section 15262 (Feasibility and Planning Studies) and Section 2.a. of the District's *Guidelines for Compliance with CEQA*. Section 2.a. of the District's CEQA Guidelines is as follows:

- 2.a. Feasibility and Planning Studies (SG § 15262): A project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR or negative declaration but does require consideration of environmental factors. This section does not apply to the adoption of a plan that will have legally binding effect on later activities.

The proposed project is determined to be Exempt pursuant to the CEQA Guidelines and the Section of the District's *Guidelines for Compliance with CEQA* as identified above. This is appropriate for the proposed project because it is a planning document to be utilized in or to guide possible future actions for which the Board has not approved, adopted, or funded. No further action under CEQA is required.

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

The proposed MCAS would affect all ten of the District’s planning districts as the air we breath does not observe boundaries. The proposed MCAS generally conforms to the certified Port Master Plan because it is consistent with and further several of the Planning Goals identified in the Port Master Plan including Goals I, II, VIII, and XI. Goal I identifies that the District will provide for the present use and enjoyment of the bay and tidelands so as to maintain options and opportunities for future use and enjoyment. Goal II identifies that the District will administer tidelands so as to provide the greatest economic, social, and aesthetic benefits to present and future generations. Goal VIII identifies that the District will enhance and maintain the bay as an attractive physical and biological entity. Finally, Goal XI identifies that the District will protect, preserve, and enhance natural resources, including natural plant and animal life in the Bay as a desirable amenity, and ecological necessity, and a valuable and usable resource.

CATEGORICAL DETERMINATION

The proposed project is a planning document that identifies the District’s goals for reducing maritime emissions and improving air quality in and around San Diego Bay. The proposed project will not result in a serious or major disturbance to an environmental resource or have any significant effects on the environment. This proposed project does not require issuance of a Coastal Development Permit (CDP) because it does not propose “development” as defined in Section 30106 of the California Coastal Act, or “new development” pursuant to Section 1.a of the District’s CDP Regulations.

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.

For the portion of the proposed project located outside of the District’s CDP jurisdiction, additional approvals may be required from other agencies.

CALIFORNIA PUBLIC TRUST DOCTRINE

The proposed project complies with Section 87 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.

JOE STUYVESANT
President/CEO

Determination by:
Maggie Weber
Senior Planner
Planning and Environment

Deputy General Counsel

Signature: Maggie Weber

Date: oct 13, 2021

Signature: Christopher Burt

Date: oct 13, 2021