



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

Project: Sediment Sampling by Solar Turbines at the Laurel Hawthorne Embayment
Location: San Diego Bay, West of West Hawthorne Street and North Harbor Drive, and South of West Laurel Street and North Harbor Drive, San Diego, CA 92101
Parcel No.: 017-026
Project No.: 2021-033
Applicant: James Garegnani, Facility Director, Solar Turbines Inc., 2200 Pacific Hwy, San Diego, CA 92101
Date Approved: Jun 29, 2021

PROJECT DESCRIPTION

The proposed project would involve sediment sampling in response to Investigative Order R9-2019-0039 (IO) for four (4) stormwater conveyance drain outfalls in Laurel Hawthorn Embayment (LHE) by Solar Turbines Inc. (Tenant) in the City of San Diego, California. The information collected from the investigation will be shared between both Solar Turbines and General Dynamics (IO R9-2019-0041) for their respective IO's issued by the San Diego Regional Water Quality Control Board. Work to specifically complete the proposed project would involve surficial sediment samples collected at specified locations to characterize sediment quality for benthic community protection at approximately twenty-four (24) locations. Collection techniques would include the following: 1) Sediment Core Samples; 2) Benthic Sediment Quality Objectives (SQO) Samples; 3) Water Column Samples; 4) Fish Samples; and (5) Invertebrate Samples, consistent with the requirements of the IO's. A marine sampling vessel would be utilized to deploy equipment to collect samples at the proposed in-bay sampling locations. Sampling and analysis of legacy chemicals in fish and invertebrate tissue collected along trawl transects within the Laurel Hawthorn Embayment, as well as water column samples, will be used to evaluate the human health protection aspect of the sediments. The sediment investigation is anticipated to commence in Summer 2021 and would take approximately three (3) months 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 Tenant would be responsible for complying with all applicable federal, state, and local 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 Exemptions: SG §15306, Class 6/Section 3.f: Information Collection; and SG §15308, Class 8/Section 3.h: Actions by Regulatory Agency for Protection of the Environment

- 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.

AND/OR

- 3.h. Actions by Regulatory Agency for Protection of the Environment (SG § 15308) (Class 8): Includes actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

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. These are appropriate for the proposed project because it would involve sediment and bay sampling in accordance with IO's, is for the purpose of basic data collection and resource evaluation 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: 3 - Centre City Embarcadero (Precise Plan Figure 11)

Water Use Designations: Specialized Berthing; Boat Anchorage; and Boat Navigation Corridor

The proposed project conforms to the certified Port Master Plan because it would involve sediment and bay sampling in accordance with IO's, consistent with the existing certified 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

Categorical Exclusions: Section 8.e: Information Collection; and Section 8.f: Inspections

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.

AND/OR

8.f. Inspection: Activities limited to inspection, checking or performance or quality of an operation, examining the health and safety of a project, or related activities.

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 consists of sediment and bay sampling in accordance with IO's, would not result in a serious or major significant disturbance to an environmental resource, would be limited to inspection, checking or performance or quality of an operation, examining the health and safety of a project, or related activities.

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 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.

J. STUYVESANT
President/CEO

Determination by:
Michael Paul
Assistant Planner
Development Services

Signature: Michael Paul
Date: Jun 29, 2021

Deputy General Counsel

Signature: Rebecca Harrington
Date: Jun 29, 2021