



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

**Project:** Right of Entry to USGS Western Ecological Research Center for Surveying and Trapping at Chula Vista Bayfront  
**Location:** J Street Boat Launch, 980 Marina Way, Chula Vista, CA 91910;  
 Chula Vista Bayfront Park, Chula Vista, CA 91910  
**Parcel No.:** Various  
**Project No.:** 2021-055  
**Applicant:** Amy Vandergast, Research Geneticist, USGS Western Ecological Research Center, San Diego Field Station, 4165 Spruance Road, Suite 200, San Diego, CA 92101  
**Date Approved:** May 18, 2021

**PROJECT DESCRIPTION**

The proposed project is a Right of Entry (ROE) to the USGS Western Ecological Research Center (Permittee) to enter certain properties located in the City of Chula Vista, California. The area proposed for use under this ROE would be used by the Permittee and their authorized agent(s) and contractor(s) for the purpose of conducting standardized marsh bird call-broadcast surveys and trapping of Light-footed Ridgway's Rails, as well as ingress and egress in support of those activities. No new development, construction, or increase in the size of the area is proposed or authorized as part of the ROE.

It is anticipated that the ROE would have a total term of four (4) months. The ROE may be terminated by the District or by Permittee as a matter of right and without cause at any time upon providing twenty-four (24) hours' notice in writing to the other party 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.

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**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

***CATEGORICAL DETERMINATION***

Categorical Exemption: SG §15301, Class 1/Section 3.a: Existing Facilities; and SG §15306, Class 6/Section 3.f: Information Collection

3.a. Existing Facilities (SG § 15301) (Class 1): Includes 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, including but not limited to:

- (4) New and renewed short-term tenancy agreements which do not result in change in the existing use. This exemption does not apply to any new development associated with the activities of the tenant. This exception is also inapplicable if the cumulative impact of continuing the existing use or conditions in the same place, over time, is significant.

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 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 consists of a ROE for surveying, trapping, and information collection, would involve no expansion of use beyond that previously existing, and 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: 7 - Chula Vista Bayfront (Precise Plan Figure 19)

Land and Water Use Designations: Commercial Recreation; Wetlands; Industrial Business Park; Park/Plaza; and Habitat Replacement

The proposed project conforms to the certified Port Master Plan because it would involve a ROE for surveying, trapping, and information collection, consistent with the existing certified Land and 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.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, including but not limited to:

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 consists of a ROE for surveying, trapping, and information collection, would involve no expansion of use beyond that previously existing, 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.

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.(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: May 18, 2021

Deputy General Counsel

Signature: Chris Burt  
Date: May 18, 2021