



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

Project: Destination Medicare Fireworks - USS Midway
Location: USS Midway, 910 N Harbor Dr, San Diego, CA
Parcel No.: 018-097
Project No.: 2021-088
Applicant: Destination Medicare, Julie Andrews, office@fireworksamerica.com
Date Approved: Jul 15, 2021

PROJECT DESCRIPTION

The proposed project (event permit application No. P-0010789) is for an approximately 10 minute fireworks display on August 5, 2021 by Destination Medicare in the City of San Diego, California. The fireworks will launch from a barge adjacent to the U.S.S. Midway and will display over San Diego Bay. The net weight of fireworks is approximately 92 pounds with up to 276 shells with a size no larger than five inches. Therefore, the proposed fireworks display event (temporary event) is in accordance with the location, duration and size requirements of the San Diego Unified Port District Fireworks Display Event Ordinance (Fireworks Ordinance). Additionally, the Applicant is required to comply with other Fireworks Ordinance requirements related to fireworks chemical composition and packaging, best management practices for fireworks display event preparation, discharge and clean-up, event transportation and parking management, as well as compliance with the San Diego Water Board General Permit, compliance with other required permits and compliance with applicable laws. The fireworks display event is not located within a mile of any federally or state-listed avian species nesting colonies nor is the launch site located in shallow water with the potential for eelgrass to occur, so Fireworks Ordinance requirements related to protection of sensitive species and habitat, and eelgrass avoidance and mitigation, would not apply.

Due to its nature and limited scope, implementation of the proposed project would generate a minor amount of vehicle trips and would require limited use of equipment. Therefore, impacts related to air quality, greenhouse gas emissions, and transportation and traffic are not anticipated to occur. Furthermore, the Applicant would be responsible for complying with the Fireworks Ordinance and all applicable federal, state, and local laws regarding 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 §15304, Class 4/Section 3.d: Minor Alterations to Land

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:

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

The proposed project is determined to be Categorically 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 would result in no permanent effects on the environment, and would not involve the removal of mature, scenic trees. 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)

Land and Water Use Designations: Commercial Recreation and Specialized Berthing

The proposed project conforms to the certified Port Master Plan because it is for a temporary fireworks event. The fireworks launching site is from a barge adjacent to the U.S.S. Midway but due to its temporary nature (one day) and limited footprint, the event would not preclude the use of the site for commercial recreation (specifically a museum) and/or specialized berthing (location of barge) and therefore is consistent with the existing certified land and water use designations. The proposed project would not change the use of the site as a museum nor would it interrupt or expand the existing conforming uses of the site.

CATEGORICAL DETERMINATION

Categorical Exclusion: Section 8.d: Minor Alterations to Land

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 limited to:

- (5) Minor temporary uses of land and water having negligible or no permanent effects on the environment, including festivals, boating activities, parades, and running or bicycling events

The proposed project is determined to be Categorically Excluded pursuant to the Section of the District's *Coastal Development Permit Regulations* as identified above. This is appropriate for the proposed project because it would not involve the removal of mature, scenic trees and would have negligible or no effect on the environment.

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)(5) of the Port Act, which allows for the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses. 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:
Megan Hamilton
Planner
Development Services

Signature: M Hamilton
Date: Jul 15, 2021

Deputy General Counsel

Signature: Rebecca Harrington
Date: Jul 15, 2021