



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

Project: Shelter Island Yacht Basin Dissolved Copper TMDL Temporary Pause of In-Water Hull Cleaning  
Location: 32.71432, -117.22862  
Parcel No.: Various  
Project No.: 2021-102  
Applicant: San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101  
Date Approved: Oct 13, 2021

**PROJECT DESCRIPTION**

The San Diego Unified Port District (Applicant) proposes to conduct a pilot study to temporarily pause in-water hull cleaning (IWHC) activities for vessels with copper-based paint in the Shelter Island Yacht Basin (SIYB) for an eight-week period to explore the relationship between IWHC activities and water quality conditions. In 2005, the San Diego Regional Water Quality Control Board (RWQCB) set a Dissolved Copper Total Maximum Daily Load (TMDL) for the Shelter Island Yacht Basin (SIYB) with a target 76 percent reduction of copper loading by 2022. The RWQCB attributed approximately 98 percent of all copper loading to SIYB to copper-based antifouling paints applied to the hulls of recreational boats. Passive leaching of copper from boat hulls and IWHC of the copper-based antifouling paints were identified as the primary mechanisms for the copper loading into the water.

During the proposed pilot study, IWHC activities would be paused during the eight-week period. This would involve a proposed amendment to Article 4.14 of the District Code, "Regulation of In-Water Hull Cleaning," to implement the temporary pause. Water quality samples would be collected weekly throughout the SIYB in three phases: four weeks prior to the pilot study, during the eight-week pilot study, and four weeks following the pilot study. The water quality samples would be analyzed to measure dissolved and total copper concentrations in SIYB. The proposed pilot study is anticipated to occur Winter 2021/2022 (approximately mid-December 2021 – mid-February 2022).

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, 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 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.

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**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

***CATEGORICAL DETERMINATION***

Categorical Exemptions: SG §15301, Class 1/Section 3.a: Existing Facilities; SG §15304, Class 4/Section 3.d: Minor Alterations to Land; 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.a. Existing Facilities (SG § 15301) (Class1): 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.

AND/OR

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.

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.

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 study is determined to be Categorical 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 no expansion of use beyond that previously existing and would not result in a significant cumulative impact due to the continuation of the existing use, would result in no permanent effects on the environment, would not involve the removal of mature, scenic trees, is for the purpose of basic data collection/research/experimental management/resource evaluation activities which would not result in a serious or major disturbance to an environmental resource, and includes actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment. The District has determined none of the six exceptions to the use of a categorical exemption apply to this study (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: 1 - Shelter Island/La Playa (Precise Plan Figure 4)

Water Use Designation: Recreational Boat Berthing

The proposed study conforms to the certified Port Master Plan because it would involve a temporary pause in IWHC activities and water quality sampling to explore the relationship between IWHC activities and water quality within recreational marinas consistent with the existing certified Water use designation. In addition, the proposed study is consistent with two of the certified Port Master Plan's Planning Goals: VIII The Port District Will Enhance And Maintain The Bay And Tidelands As An Attractive Physical And Biological Entity and X The Quality Of Water In San Diego Bay Will Be Maintained At Such A Level As Will Permit Human Water Contact Activities. The proposed study would not change the use of the site nor would it interrupt or expand the existing conforming uses of the site.

### ***CATEGORICAL DETERMINATION***

Categorical Exclusions: Section 8.a: Existing Facilities; Section 8.d: Minor Alterations to Land; 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 not expansion of use beyond that previously existing.

AND/OR

- 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 or mature, scenic trees.

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 study is determined to be Categorical 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 involve negligible or no expansion of use beyond that previously existing, would not involve the removal of mature, scenic trees, 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.

**CALIFORNIA PUBLIC TRUST DOCTRINE**

The proposed study 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 shed, 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:  
Lily Tsukayama  
Associate Planner  
Planning

Signature: Lily Tsukayama  
Date Oct 13, 2021

Deputy General Counsel

Signature: Christopher Burt  
Date Oct 13, 2021