



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

Project: 2021-142 ROE to Austal USA for Access to District's Impound Vessel Storage Parcel
Location: 1313 Bay Marina Drive, National City, CA
Parcel No.: 026-027
Project No.: 2021-142
Applicant: Bill Rebarick, Vice President, Austal USA, 100 Austal Way, Mobile, AL 36602
Date: Dec 1, 2021

PROJECT DESCRIPTION

The proposed project is the issuance of a Rights of Entry Permit to Austal USA for traversing on or through the Premises for access to the Port District's impound vessel storage parcel and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance.

It is anticipated that the ROE would have a total term of four years, ending 6/30/2025. 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.

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 the project 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; the project would consist of the issuance of a Rights of Entry Permit to Austal USA for traversing on or through the Premises for access to the Port District's impound vessel storage parcel and for no other purpose whatsoever; the project would have substantially the same purpose and capacity; the project 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).

CALIFORNIA COASTAL ACT

PORT MASTER PLAN CONSISTENCY

Planning District: 5 - National City Bayfront (Precise Plan Figure 15)

Land and Water Use Designations: Marine Related Industrial; Specialized Berthing

The proposed project conforms to the certified Port Master Plan because it would involve the issuance of a Rights of Entry Permit to Austal USA for traversing on or through the Premises for access to the Port District's impound vessel storage parcel and for no other purpose whatsoever, 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 uses of the site.

CATEGORICAL DETERMINATION

Categorical Exclusions: Section 8.a: Existing Facilities; 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

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 the project because it consists of a ROE for access to and through District Port property; no physical changes to the project site are proposed or approved, also the project would not involve the removal of mature, scenic trees.

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)(2) of the Port Act, which allows for all commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities. 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:
Peter Eichar, AICP
Senior Planner
Development Services

Deputy General Counsel

Signature: Peter Eichar
Date: Dec 1, 2021

Signature: Rebecca Harrington
Date: Dec 1, 2021