



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

Project: Right of Entry Permit to Scripps Institute of Oceanography for Sediment Sampling across San Diego Bay

Location: Shelter Island West; Harbor Island East; and Harbor Island West

Parcel No.: Various

Project No.: 2022-019

Applicant: Natalie Grayson, Regents of the University of California Scripps Institute of Oceanography, nagrayso@ucsd.edu, (858) 361-3807

Date Approved: Mar 24, 2022

PROJECT DESCRIPTION

The purpose of the proposed research project is to gain a basic understanding of sediment microbial communities and how they are impacted by pollution in San Diego Bay. The Applicant would access several points in Shelter Island and Harbor Island previously used by researchers for similar projects approved by the District. Sediment samples would be collected using her hands and placed into small 100-gram falcon tubes, where they would be later examined in a lab. Sample collection would commence quarterly and occur over the course of one (1) day.

A Right of Entry (ROE) permit would be issued to Natalie Grayson (Grantee) to enter certain District properties located in the city of San Diego, California. The area proposed for use under this ROE would be used by the Grantee and their authorized agent(s) and contractors(s) for the purpose of research, 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 approximately one (1) year, or upon completion of the work, whichever occurs earlier. The ROE may be terminated by the District as a matter of right and without cause at any time upon providing twenty-four (24) hours' notice in writing to the Grantee 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 §15306, Class 6/Section 3.f: Information Collection

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 Section of the District's *Guidelines for Compliance with CEQA* as identified above. This is appropriate for the proposed project because it consists of a ROE permit for the purpose of basic data collection and research 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 Districts: 1 - Shelter Island/La Playa (Precise Plan Figure 4) and 2 - Harbor Island/Lindbergh Field (Precise Plan Figure 9)

Land and Water Use Designations: Park/Plaza; Open Space; Open Bay/Water; and Recreational Boat Berthing

The proposed project conforms to the certified Port Master Plan because it would involve issuing a ROE permit for the purpose of research 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 Exclusion: Section 8.e: Information Collection

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 Section of the District's *Coastal Development Permit Regulations* as identified above. This is appropriate for the proposed project because it consists of a ROE permit for the purpose of basic data collection and research which would not result in a serious or major 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.

JOE STUYVESANT
President/CEO

Determination by:
Lillian Mattes
Assistant Planner
Development Services

Signature: Lillian Mattes
Date: Mar 24, 2022

Deputy General Counsel

Signature: Rebecca Harrington
Date: Mar 24, 2022


Certificate Of Completion

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Document Pages: 2	Signatures: 2
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