

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

Project: Right of Entry License Agreement for San Diego Bay Nonnative Sea Lavender Mapping and Control
Location: Wetlands areas throughout District Tidelands
Parcel No.: Various
Project No.: 2022-025A
Applicant: Eileen Maher, Director, Environmental Conservation, Port of San Diego, 3165 Pacific Hwy, 92101
Date: 10/02/2023

PROJECT DESCRIPTION

The proposed project is a Right of Entry License Agreement (ROELA)/ Right of Entry (ROE) to SageVinje Biological (Licensee/Grantee) to enter certain properties located in wetlands areas throughout District Tidelands. The area proposed for use under this ROELA/ROE would be used by the Licensee/Grantee and their authorized agent(s) and contractors(s) for the purpose of mapping and removing two species of invasive, non-native sea lavender: *Limonium ramosissimum* (Algerian sea lavender) and *Limonium durisculum* (European sea lavender). Ingress and egress would also be included in the ROELA/ROE in support of those activities.

The proposed project is part of a joint effort between the U.S. Fish and Wildlife Service, San Diego Bay National Wildlife Refuge (NWR), Tijuana Slough NWR, U.S. Department of the Navy, California Department of Parks and Recreation, USS Midway, CalTrans, and the District (collectively referred to as the Partners) to map the extent of these sea lavenders throughout San Diego Bay and conduct control efforts for removal. This joint effort began in Summer 2022, and if the Partners can continue to secure funding, anticipate an additional four years to continue to map and remove these invasive, non-native sea lavenders. Additional partners may join the Partners as the effort continues. To remove sea lavenders, the Licensee/Grantee would use solarization or tarping, which involves covering the sea lavenders with thick, black landscape plastic for a duration of time (estimated to be approximately 2-5 months, depending on the density of the sea lavender in the area). Tarping or solarization can result in nearly 100% mortality and elimination of the sea lavender plants and their seed banks, and native species recruitment or recovery has shown positive results after tarping, with some results increasing native plant cover after the solarization or tarping treatment. Sea lavenders are currently known to occur at the D Street Fill (Chula Vista), former power plant site (Chula Vista), J Street marsh (Chula Vista), Chula Vista Wildlife Reserve (Chula Vista), and Emory Cove (Coronado), and sea lavender removal treatments would begin at these locations. As the mapping effort continues, if additional sea lavender is identified throughout San Diego Bay, removal would occur in those areas as well. For example, in the first year of the effort, identified patches of the sea lavender species were identified on properties managed by other jurisdiction or agencies that are off District Tidelands, but are being included as a part of this joint removal effort. The mapping of the sea lavenders is anticipated to be conducted through Geographic Information Systems technology, however the Partners may conduct field surveys on their respectively managed lands (i.e., District staff would conduct surveys on District Tidelands) to contribute data to the mapping effort.

It is anticipated that the ROELA/ROE would have a total term of approximately five (5) years, or upon completion of the work, whichever occurs earlier. The ROELA/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 Licensee/Grantee of such termination.

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 Grantee/Licensee 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.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CATEGORICAL DETERMINATION

Categorical Exemptions: SG §15304, Class 4/Section 3.d: Minor Alterations to Land; SG §15306, Class 6/Section 3.f: Information Collection; and SG §15307, Class 7/Section 3.g: Actions by Regulatory Agencies for Protection of Natural Resources

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.g. Actions by Regulatory Agencies for Protection of Natural Resources (SG § 15307) (Class 7): Includes actions taken by regulatory agencies to assure the maintenance, restoration or enhancement of a natural resource where the regulatory process involves procedures for the protection of the environment. Construction activities are not included in this exemption.

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 involves minor alterations in the condition of land, water, and/or vegetation that would not involve the removal of mature, scenic trees; involves basic data collection, research, experimental management, and/or resource evaluation activities which would not result in a serious or major disturbance to an environmental resource, and it involves actions taken by regulatory agencies to assure the maintenance, restoration or enhancement of a natural resource where the regulatory process involves procedures for the protection of the environment. 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: 7 - Chula Vista Bayfront (Precise Plan Figure 19); 9 - South Bay Saltlands (Precise Plan Figure 23)

Land and Water Use Designations: Habitat Replacement; Park/Plaza; Wetlands; and Estuary

The areas of known invasive, non-native sea lavenders are identified above. As mapping proceeds, additional areas of sea lavenders may be identified and removal may occur at such locations. The

proposed project, regardless of location, conforms to the certified Port Master Plan because it would involve the mapping and removal of invasive, non-native sea lavenders throughout San Diego Bay consistent with the existing certified Section II Planning Goal XI: *The Port District Will Protect, Preserve, and Enhance Natural Resources, Including Natural Plant and Animal Life in the Bay as a Desirable Amenity, an Ecological Necessity, and a Valuable and Usable Resource*. The proposed project would not change the use(s) of the site(s) nor would it interrupt or expand the existing conforming uses of the site.

CATEGORICAL DETERMINATION

Categorical Exclusions: Section 8.d: Minor Alterations to Land; and Section 8.e: Information Collection

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.

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 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.

For portions 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.

RANDA CONIGLIO
Acting President/CEO

Determination by:
Lily Tsukayama
Senior Planner
Planning

Signature: _____
Date: 10/02/2023

Assistant/Deputy General Counsel

Signature: _____
Date: 10/02/2023