



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

Project: Partial Rudder and Propeller Removal at the U.S.S. Midway
Location: 910 North Harbor Drive, San Diego, CA 92101
Parcel No.: 018-097
Project No.: 2022-077
Applicant: Len Santiago, Chief Engineer, U.S.S. Midway Museum, 910 North Harbor Drive, San Diego, CA 92101
Date Approved: Sep 14, 2022

PROJECT DESCRIPTION

The proposed project would involve the partial removal of rudders and propellers by the U.S.S. Midway Museum (Applicant) in the city of San Diego, California, in order to alleviate excessive structural stress to the stern of the ship during low tide. Work to specifically complete the proposed project would involve the removal of ten (10) out of the eighteen (18) existing propeller blades and two (2) existing rudders, which are located approximately 10-12 feet below the lower portion of the ship.

The proposed project would require underwater divers, deck barges, and associated work vessels. One (1) YC Material Storage barge would contain a small crane, diamond wire saw equipment and serve as storage for removed pieces. One (1) Derick barge (DB) would be used during heavy lifts. There would be two (2) tugs required to assist with the delivery and retrieval of the two (2) aforementioned barges. Additionally, there would be one (1) dive vessel, where all dive operations would be performed, and one (1) small work skiff used to transport personnel on and off barges. The equipment required to complete the proposed project includes metal cutting and welding equipment, associated support equipment such as air, power, and supplies, and the use of a crane to lift removed pieces out of the water with associated rigging frames lift.

All proposed work and required staging would take place within the Applicant's leasehold and on the barges. There would be no impacts to harbor operations nor the general public. The U.S.S. Midway Museum is to remain open to the public throughout the duration of the project. The proposed project would not require the use of any public parking spaces, and there are no anticipated odor and noise impacts to neighboring tenants. Construction of the proposed project is anticipated to occur in approximately October 2022, and would take approximately eight (8) weeks to complete, with ongoing removal as needed.

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.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CATEGORICAL DETERMINATION

Categorical Exemption: SG §15301, Class 1/Section 3.a: Existing Facilities

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:

- (6) Demolition and removal of individual structures listed in the subsection except where the structures are of historical, archaeological, or architectural significance. These include,

but are not limited to, commercial, industrial, airport, or marine terminal structures or facilities if designed for an occupancy load of 30 persons or less, and not in conjunction with the demolition of improvements on an entire site. Examples are warehouses, sheds, miscellaneous work buildings, piers, floats, piles, marine ways, electrical, mechanical, or utility systems, railroad improvements, dilapidated vessels, navigation aids, or similar related structures.

- (9) Restoration or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards of public health and safety or permit requirements, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood.

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 critical repairs to the stern of the ship that 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 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 would involve critical repairs to the stern of the ship 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.a: Existing Facilities

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, including but not limited to:

- (4) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health, safety, District policy, or as required by contractual conditions;
- (9) Demolition and removal of individual small structures, except where structures are of historical, archaeological, or architectural significance.

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 critical repairs to the stern of the ship that would involve negligible or no expansion of use beyond that previously existing.

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 of those 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:
Lillian Mattes
Assistant Planner
Development Services

Signature: Lillian Mattes
Date: Sep 14, 2022

Deputy/Assistant General Counsel

Signature: Rebecca Harrington
Date: Sep 14, 2022