



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

Project: Investigation of Sediment Pollutants in San Diego Bay, Tenth Avenue Marine Terminal by the San Diego Unified Port District
Location: Tenth Avenue Marine Terminal, 1800 Crosby Road, San Diego, 92101
Parcel No.: Various
Project No.: 2022-078
Applicant: Jennifer Parker, Senior Associate, Windward Environmental, LLC, 200 1st Avenue West, Suite 500, Seattle, Washington 98119
Date Approved: Oct 10, 2022

PROJECT DESCRIPTION

The proposed project would involve sediment sampling in response to Investigative Order R9-2022-0040 (IO) by the San Diego Unified Port District (District) in the city of San Diego, California. The information collected from the investigation will be shared between both the District and the City of San Diego for their respective IO's issued by the San Diego Regional Water Quality Control Board. The most recent order supplements several past investigative orders, including sampling efforts which were completed in the same area in 2018 and 2019 as a part of Investigative Order R9-2017-0081. The District is the Lead Agency for this project and involves the City of San Diego as a Responsible Agency because of their previous ownership of Tenth Avenue Marine Terminal and presence of their municipal separate storm sewer system (MS4) outfalls that discharge surface runoff into the investigation area.

The objective of IO R9-2022-0040 is to (1) determine if the sediments within and adjacent to the Bay Investigative Area (IA) meet the narrative Sediment Quality Objectives (SQOs) that protect beneficial uses designated for San Diego Bay; and (2) identify areas within and adjacent to the Bay Investigative Area (IA) that need to be cleaned up. The IO requires the District and City to develop and submit two documents: (1) an SQO Assessment Work Plan (SQO Work Plan) and (2) a SQO Assessment Report (SQO Report). The purpose of the SQO Work Plan is to describe how the City and District will answer the following study questions included in the IO:

1. Do the pollutant concentrations in sediment within and adjacent to the Bay IA meet the narrative SQO that protects the Aquatic Life – Benthic Community beneficial uses in the Sediment Quality Provisions?
2. Do the pollutant concentrations in sediment within and adjacent to the Bay IA meet the narrative SQO that protects the Human Health beneficial uses in the Sediment Quality Provisions?
3. Do the pollutant concentrations in sediment within and adjacent to the Bay IA meet the narrative SQO that protects the Wildlife and Resident Fish beneficial uses in the Sediment Quality Provisions?
4. Where are the areas within and adjacent to the Bay IA that do not meet the narrative SQOs?

Work required to address the IO would involve the collection of surface water, surface sediment, and fish tissue samples at sampling locations which are preidentified in the Work Plan. There are a total of twelve (12) surface sediment sampling locations that will be analyzed as a part of this IO (Figure 3-7 of the Work Plan). The 2022 surface sediment sampling locations were selected as a result of the data collected from the 2018 IO. There are two (2) out of the twelve (12) total surface sediment locations, SS02 and SS06, that are not located within the CDP jurisdiction of the District and require a determination from the California Coastal Commission. A portion of the northern and southern target areas for fish collection are also located within the CDP jurisdiction of the California Coastal Commission. All proposed water samples would occur within areas incorporated into the Port Master Plan. All sampling locations would be accessed by boat, and coordination with Port tenants would be conducted as necessary for right-of-entry permissions. All collected samples would be used for analysis at an off-Tidelands facility.

Sampling Analysis Plan

Surface sediment samples will be collected from 12 locations within the Bay Investigative Area (IA) and analyzed for chemistry, toxicity, and benthic taxonomy. Five surface sediment samples from the northern Tenth Avenue Marine Terminal (TAMT) subarea, and seven from the southern subarea will be collected.

Surface sediment samples collected from a boat will be collected from the 0- to 5-cm depth interval using a pneumatic grab sampler.

Fish tissue samples from two target species, spotted sand bass (*Paralabrax maculatofasciatus*) and topsmelt (*Atherinops affinis*) will be collected from throughout the northern and southern TAMT subareas. Fish tissue collection will be accomplished either by angling (e.g., rod and reel) or by using a cast/throw net, surface water will be collected by deploying a Niskin bottle sampler into the water column to the target depth, and surface sediment will be collected using a pneumatic grab sampler. All fish captured using the methods outlined above will be placed in decontaminated bins filled with site water. Large target fish will be killed using the method outlined by the US Environmental Protection Agency (USEPA 2000) (i.e., a sharp blow to the base of the skull with a club or metal rod). This method will be used solely for the purpose of killing fish, and care will be taken to keep the club or rod clean to prevent sample contamination. Smaller fish will be killed by placing them in a clean bag on ice, as recommended by USEPA (2000). All fish will be inspected carefully to ensure that their skin has not been damaged by the sampling equipment, and any damage or abnormalities will be noted on the specimen tally form.

Three surface water samples will be collected each from the northern and southern TAMT subareas and will be co-located with fish and sediment sampling locations to the extent feasible. Surface water samples will be collected from 1 to 2 m above the sediment surface using a Teflon-lined Niskin bottle sampler deployed from a boat.

Prior to the commencement of work, in-water access would be coordinated with tenants as necessary for right-of-entry permissions, such as Pacific Maritime Group and Crowley Marine Services. The terms of the lease with each of the tenants allows for temporary access to their leasehold in order to conduct IO's issued by regulatory agencies. The week before sampling activities commence, the San Diego San Diego Harbor Police and the U.S. Coast Guard (USCG) will be notified of the planned field activities. The investigative work is anticipated to commence in approximately Summer of 2023 and would take approximately three (3) months to complete.

Due to its nature and limited scope, 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 District 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 §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.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 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 it would involve sediment and bay sampling, in accordance with the Investigative Order, for the purpose of basic data collection, research, and resource evaluation activities 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 District: 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13)

Water Use Designations: Terminal Berthing and Specialized Berthing

The portion of the proposed project located within the Coastal Development Permit (CDP) jurisdiction of the District conforms to the certified Port Master Plan because it would involve sediment and bay sampling, in accordance with the Investigative Order, consistent with the existing certified 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.e: Information Collection and Section 8.f: Inspections

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.

AND/OR

8.f. Inspection: Activities limited to inspection, checking or performance or quality of an operation, examining the health and safety of a project, or related activities.

The portion of the proposed project located within the Coastal Development Permit (CDP) jurisdiction of the District 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 result in a serious or major significant disturbance to an environmental resource and would be limited to inspection, checking or performance or quality of an operation, examining the health and safety of a project, or related activities.

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: Oct 10, 2022

Deputy/Assistant General Counsel

Signature: Rebecca Harrington
Date: Oct 10, 2022