



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

Project: Investigative Potholing by BAE Systems in Tenth Avenue Marine Terminal
Location: 2145 East Belt Street, San Diego, CA 92101
Parcel No.: 021-015
Project No.: 2022-102
Applicant: Lydia Pellecer, Environmental Manager, BAE Systems, 2205 E Belt Street, San Diego, CA 92113
Date Approved: Feb 6, 2023

PROJECT DESCRIPTION

The proposed project would involve investigative potholing by BAE Systems (Applicant) in the city of San Diego, California. The Applicant would conduct potholing to identify the location of existing utilities. Approximately four (4) potholes would be needed for this project, three in asphalt and one in a sidewalk panel that will be patched or replaced after the work is complete. The locations of the potholes will be marked out approximately three (3) days in advance of potholing. Temporary patches will be installed at the end of each workday, and permanent patches will be installed when the work is complete.

Staging for this project will be a 14' x 100' work area in the southern shoulder of East Belt Street. Two lanes of traffic will likely be maintained on East Belt Street while shifting traffic around the work area.

This project will also include the issuance of a Right of Entry License Agreement (ROELA). The area proposed for use under this ROELA is to be used only and exclusively for the purpose of investigative potholing, resurfacing of potholing areas, and ingress and egress to complete this work. It is anticipated that the ROELA will have an approximate term of three (3) months.

Construction of the proposed project is anticipated to occur in early 2023 and would take approximately two (2) weeks to complete. 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 Exemptions: SG §15304, Class 4/Section 3.d: Minor Alterations to Land

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, including, but not limited to:

(7) Minor trenching and backfilling where the surface is restored

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 would have 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).

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)

Land Use Designation: Marine Related

The proposed project conforms to the certified Port Master Plan because it would involve investigative potholing consistent with the existing certified land use designation. 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.d: Minor Alterations to Land

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, including but not limited to:

- (6) Minor trenching or backfilling where the surface is restored

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 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)(4) of the Port Act, which allows for the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in this section. 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:
Abigail Haynam
Assistant Planner
Development Services

Signature: Abigail Haynam
Date: Feb 6, 2023

Deputy/Assistant General Counsel

Signature: Rebecca Harrington
Date: Feb 6, 2023