



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

Project: Agreements with WSP USA Environment and Infrastructure, Inc., Weston Solutions, Inc., and Dudek for As Needed Environmental Analytical Services
Location: San Diego, Coronado, National City, Chula Vista, and Imperial Beach California
Parcel No.: Various
Project No.: 2023-062
Applicant: Stephanie Bauer, Program Manager, Planning & Environment, Environmental Protection, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101
Date Approved: 05/11/2023

PROJECT DESCRIPTION

The proposed project is the issuance of new agreements between San Diego Unified Port District (District) WSP USA Environment and Infrastructure, Inc., Weston Solutions, and Dudek consulting firms to provide as-needed environmental analytical services at various District locations. The agreements propose a total aggregate amount of \$3,000,000 for a term commencing on May 9, 2023 through May 8, 2028. Services may include but are not limited to:

- technical assistance with the Jurisdictional Runoff Management Program’s (JRMP) education and outreach program, commercial and industrial facility inspections, stormwater conveyance system inspections, and development/ redevelopment project review;
- monitoring and technical support for the Shelter Island Yacht Basin Copper Total Maximum Daily Load (TMDL) and the Shelter Island Shoreline Park Bacteria TMDL;
- technical assistance with Investigative Orders issued by the Regional Water Quality Control Board (RWQCB);
- technical assistance with the development and implementation of the District’s compliance plan to address state-wide trash stormwater regulations;
- technical assistance on updates to the Marine Terminals Stormwater Program and program assessment;
- dry and wet weather stormwater sampling and analysis; and
- monitoring and technical support for Blue Economy Incubator Program and Aquaculture projects.

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 §15301, Class 1/Section 3.a: Existing Facilities; SG §15304, Class 4/Section 3.d: Minor Alterations to Land; SG §15306, Class 6/Section 3.f: Information Collection SG §15307, Class 7/Section 3.g: Actions by Regulatory Agencies for Protection of Natural Resources and SG §15308, Class 8/Section 3.h: Actions by Regulatory Agency for Protection of the Environment

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:

- (7) Existing facilities used to provide electric power, natural gas, sewerage, or other public utility service.

(12) Maintenance of existing landscaping, native growth, and water supply reservoirs.

AND/OR

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.

AND/OR

3.h Actions by Regulatory Agencies 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 the protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

The proposed agreements are determined to be Categorical 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 agreements because they involve no expansion of use beyond that previously existing, no permanent effects on the environment, provide data collection, research, resource evaluation activities, and potentially responding to requests from regulatory agencies which would not result in a serious or major disturbance to an environmental resource. The District has determined none of the five exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2). No further action under CEQA is required.

The proposed project complies with Section 87 of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operations of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation. The Port Act was established by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed project is consistent with the Public Trust Doctrine.

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); 2 - Harbor Island/Lindbergh Field (Precise Plan Figure 9); 3 - Centre City Embarcadero (Precise Plan Figure 11) 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13) 5 - National City Bayfront (Precise Plan Figure 15) 6 - Coronado Bayfront (Precise Plan Figure 17) 7 - Chula Vista Bayfront (Precise Plan Figure 19) 8 - Silver Strand South (Precise Plan Figure 21) 9 - South Bay Saltlands (Precise Plan Figure 23) and 10- Imperial Beach Oceanfront (Precise Plan Figure 25)

Land and Water Use Designations: All.

The proposed project conforms to the certified Port Master Plan because it would involve the services within the agreement are consistent with the existing certified Land and Water use designations. Further, activities included under the proposed project would not change the uses of the sites where activities may take place, nor would they interrupt or expand the existing conforming uses of those sites.

CATEGORICAL DETERMINATION

Categorical Exclusions: Section 8.a: Existing Facilities; Section 8.d: Minor Alterations to Land; Section 8.e: Information Collection; and Section 8.f: Inspections

- 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:
- (2) Public and private utilities used to provide electric power, natural gas, sewer, or other utility services; and
 - (3) Streets, sidewalks, gutters, bicycle and pedestrian paths, and similar facilities.

AND/OR

- 8.d Minor Alterations to Land: Minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of mature, scenic trees, including but not limited to:
- (4) Minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;

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.

AND/OR

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

The proposed agreements are 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 the agreements for environmental analytical services would involve no expansion of use beyond those 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)(1) of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operations of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation.. 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:

Lisa Madsen
Senior Planner, Planning & Environment

Rebecca Harrington
Assistant/Deputy General Counsel

Signature: *Lisa Jennifer Madsen*
Date: 05/11/2023

Signature: *Rebecca Harrington*
Date: 05/11/2023