



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

Project: Memorandum of Understanding between the District and the City of San Diego, City of Oceanside, and County of Orange to Work Collaboratively on a Regional Harbor Monitoring Program

Location: Baywide

Parcel No.: Various

Project No.: 2023-066

Applicant: Kelly Tait, Program Manager, Planning and Environment, Environmental Protection, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101

Date Approved: 05/09/2023

PROJECT DESCRIPTION

The proposed project would include the District (Applicant) working collaboratively with other regional partners on the Regional Harbor Monitoring Program (RHMP) to evaluate the status and trends of water, sediments, and aquatic life in the region's harbors, including San Diego Bay. In 2003, under § 13225 of the CA Water Code, the San Diego Regional Water Quality Control Board issued a requirement to the District, Cities of San Diego and Oceanside (Cities), and the County of Orange (County) to coordinate and develop a RHMP to assess conditions and trends in the quality of water, sediments, and aquatic life in San Diego Bay, Mission Bay, Oceanside Harbor, and Dana Point Harbor. As a result, the District, Cities, and County have been working cooperatively to effectively and efficiently develop and implement the RHMP. Water and sediment monitoring and sampling that would occur as a part of the RHMP would provide data to evaluate the status and trends in water and sediments in the region's harbors, including San Diego Bay, via measurements in areas such as but not limited to: chemistry, toxicity, benthic community analyses, and biodiversity. As a part of the project, the District would also enter into an MOU with the Cities and County, which would enable the agencies to continue to share consultant costs related to project planning, monitoring, data analysis, and reporting.

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 §15306, Class 6/Section 3.f: Information Collection

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.

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 is for the purpose of basic data collection/research/experimental management/resource evaluation activities, including providing data to evaluate the status and trends in water and sediments in San Diego Bay via measurements in chemistry, toxicity, benthic community analyses, and biodiversity, 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 Districts: Various

The proposed project conforms to the certified Port Master Plan because it would involve Regional Harbor Monitoring Program and to evaluate the status and trends of water, sediments, and aquatic life in the region’s harbors, pursuant to section 13225 of the California Water Code. This activity is consistent with the existing certified Water use designations. The proposed project would not change the use of the San Diego Bay, nor would it interrupt or expand any existing conforming uses of the Bay. In addition, the proposed project is consistent with Section II: Planning Goals in the certified Port Master Plan, including “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.”

CATEGORICAL DETERMINATION

Categorical Exclusion: Section 8.e: Information Collection;

8.e. Information Collection: 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.

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 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 the portion of the proposed project located outside of the District’s Coastal Act approval authority, 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 the District to undertake the establishment and maintenance of those lands for open space, ecological preservation, and habitat restoration, for public trust purposes. 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:
Lily Tsukayama
Senior Planner
Planning

Signature: 
Date: 05/10/2023

Assistant/Deputy General Counsel

Signature: 
Date: 05/10/2023