



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

Project: Fireworks on the 4th of July by the City of Imperial Beach
Location: Imperial Beach Municipal Fishing Pier, Imperial Beach, CA 91932
Parcel No.: 061-022
Project No.: 2023-094
Applicant: Shannon Bullock, Parks & Recreation Director, City of Imperial Beach, 825 Imperial Beach Boulevard, Imperial Beach, CA 91932; (619) 423-8285
Date Approved: 06/16/2023

PROJECT DESCRIPTION

The proposed project (event permit application No. P-0016020) is for an approximately 18-minute fireworks display on the Fourth of July, which will take place at the Imperial Beach Municipal Fishing Pier (Pier) in the city of Imperial Beach, California. The fireworks would launch from a location on the Pier, and the event does not require construction of any temporary or permanent on-land support facilities. There would be no admission fee for the event, and anticipated attendance would be approximately 80,000 people. Parking would be available at the parking lots on Elkwood Avenue and Seacoast Drive, as well as adjacent streets. The net weight of fireworks is approximately 450 pounds with up to 574 shells with a size no larger than 8-inches. Therefore, the proposed fireworks display event (temporary event) is in accordance with the location, duration and size requirements of the San Diego Unified Port District Fireworks Display Event Ordinance (Fireworks Ordinance). Additionally, the Applicant is required to comply with other Fireworks Ordinance requirements related to fireworks chemical composition and packaging, protection of sensitive species and habitat, best management practices for fireworks display event preparation, discharge and clean-up, event transportation and parking management, as well as compliance with the San Diego Water Board General Permit, compliance with other required permits and compliance with applicable laws. The launch site is not located in shallow water with the potential for eelgrass to occur. Therefore, Fireworks Ordinance requirements related eelgrass avoidance and mitigation would not apply.

As described in the Coastal Act Categorical Determination of Exclusion issued April 20, 2023, a Right of Entry (ROE) to the City of Imperial Beach allows for staging and production of the proposed event (Project No. 2023-020). The ingress and egress in support of the event shall commence at 8:00 p.m. on July 3, 2023 and terminate at 8:00 a.m. on July 5, 2023, or upon completion of above-mentioned staging and production, whichever occurs earlier.

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

The proposed project is not a separate “project” for CEQA purposes but is a subsequent discretionary approval related to an approved project. (CEQA Guidelines § 15378(c); Van de Kamps Coalition v. Board of Trustees of Los Angeles Comm. College Dist. (2012) 206 Cal.App.4th 1036.) The project was analyzed in a Final Environmental Impact Report (Final EIR) for the San Diego Bay and Imperial Beach Oceanfront Fireworks Display Events Project (SCH No. 2015081013; UPD EIR-2015-115, Clerk’s Document No. 66738). On May 25, 2017, by Resolution No. 2017-075, the Board certified the Final EIR, adopted the Findings of Fact and Statement of Overriding Considerations, and a Mitigation Monitoring Reporting Program. Accordingly, the proposed project is merely a step in furtherance of the original project for which environmental review was performed and no further environmental review is required.

Additionally, none of the conditions described in CEQA Guidelines Section 15162(a) have occurred and thus based on the review of the entire record, the District finds that the proposed project would not require further environmental review and no supplemental or subsequent CEQA has been triggered.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN CONSISTENCY

Planning District: Imperial Beach Oceanfront (Precise Plan Figure 25)

Land and Water Use Designations: Commercial Recreation; Sportfishing Berthing; and Open Bay/Water

The proposed project conforms to the certified Port Master Plan because it is a temporary event and will draw the public to Imperial Beach oceanfront thereby encouraging recreational opportunities and promoting public access along the waterfront 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.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:

- (5) Minor temporary uses of land and water having negligible or no permanent effects on the environment, including festivals, boating activities, parades, and running or bicycling events

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 is a temporary event that would not involve the removal of mature, scenic trees and would have negligible or no effect on the environment.

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: 06/16/2023

Senior Deputy General Counsel

Signature: John Carter
Date: 06/16/2023