

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

Project: Habitat Friendly Shoreline Structures at Sweetwater Channel and Memorandum of Understanding with the City of San Diego  
Location(s): Sweetwater Channel  
Parcel No.(s): 028-001 and 028-015  
Project No.: 2023-119  
Applicant: Timothy Barrett, Program Manager, Planning and Environment Division, 3165 Pacific Hwy, San Diego, CA 92101  
Date Approved: October 10, 2023

Project Description

The proposed project would involve the San Diego Unified Port District (District) entering into a Memorandum of Understanding (MOU) with the City of San Diego to replace portions of an existing riprap shoreline revetment along Sweetwater Channel with habitat-friendly shoreline structures that create ecological value and resiliency while maintaining the necessary structural protection currently in place.

Through the District's Blue Economy Incubator, in March 2021, the District successfully completed a nature-based climate solution, pilot project along Harbor Island using EConcrete COASTALOCK interlocking tide pool units made from biologically enhanced concrete as an alternative solution to traditional armored shorelines. This project included the removal of approximately 160 linear feet of existing traditional riprap rock revetment with the installation of a hybrid solution that increased local biodiversity, productivity, and ecosystem services while continuing to provide the equivalent shoreline stabilization required for the area. Semiannual post-construction monitoring has occurred since installation and shows promising results exceeding initial expectations. Algae, shellfish and other marine life are creating a richer, diverse, and natural community with a lower ratio of invasive to native species among the COASTALOCK units compared to traditional riprap.

In April 2020, higher than normal rainfall within a short period led to a failure in the City of San Diego's (the City) wastewater collection system, resulting in a sanitary sewer overflow (SSO) discharge of 11.23 million gallons directly into the Sweetwater River connecting to San Diego Bay. The San Diego Regional Water Quality Control Board (Regional Board) determined that this discharge was in violation of Clean Water Act section 301 and Water Code section 13376, as well as a violation of the Statewide General Order and the Regional General Order.

The City and the Regional Board reached a settlement agreement wherein the City will fund a Supplemental Environmental Project (SEP) that replaces approximately 1,000 linear feet of existing rock revetment along the Sweetwater Channel shoreline with an alternative sustainable shoreline that increases biodiversity and habitat value, improves water quality, and provides additional ecosystems services while maintaining the necessary structural protection currently in place.

To facilitate the settlement agreement with the Regional Board, the City proposed a project for the installation of an eco-engineered sustainable shoreline along the Sweetwater Channel. The Sweetwater Channel Sustainable Shoreline SEP is informed by the success of the District's prior EConcrete COASTALOCK pilot project at Harbor Island. The proposed location within the Sweetwater Channel is in proximity to significant recreational uses including Pepper Park and Pier 32 marina, on the northern edge of the channel, and marsh habitat along the southern edge of the channel. The SEP scope of work includes the design, planning and environmental review, construction and two years of post-

construction monitoring to evaluate biological establishment. To implement this project, staff is requesting the Board of Port Commissioners (Board) authorize the District to enter into a MOU, which details the responsibilities, budget, tasks, and deliverables necessary to complete the project. The City would fund the project for \$2,600,000. The District shall not be required to incur any cost or spend any of its own funds to plan, design, permit, procure, construct, install, and/or monitor the Sustainable Shoreline, as the MOU includes the reimbursement of staff time. The MOU would be effective until September 30, 2027.

The proposed project site is located along the existing armored shoreline of Sweetwater Channel in San Diego Bay. The proposed sustainable shoreline structures would be designed to create water retaining elements which are absent in most urban waterfronts. The proposed project, consisting of habitat-friendly shoreline structure units, would provide shoreline stabilization while simultaneously creating a well-defined local ecosystem that mimics natural rocky intertidal habitat, increasing local biodiversity and biological productivity. The site would consist of the replacement of approximately 1,000 linear feet of the existing riprap armored shoreline. A five-foot buffer would be provided in each direction of the installation site and included as part of the total project area. The installation site would be positioned to be intermittently submerged by the tide and, therefore, would not encroach into public park space.

The production of the habitat-friendly structure units would be completed off-site. The removal of the existing riprap stones and the installation of the habitat-friendly shoreline structure units could be completed either waterside or landside. Installation of the tidal pool system would occur over several weeks within acceptable low tide windows. Work would occur five days per week and would require approximately seven (7) construction workers.

If installed waterside, construction would likely involve a crane operated from a barge off the shoreline. The barge would avoid existing eelgrass and would be secured in place to avoid disturbance to the channel and not impede upon navigational rights. If installed landside, construction would likely involve a crane operated from the top of the existing shoreline slope with appropriate project limits demarcated with fencing. This may involve temporarily diverting public access during the installation period. Some temporary sidewalk detours may be provided to maintain public access during the installation period.

The existing riprap stones within the footprint of the installation site would be removed likely by crane from either waterside or landside, with the exception of leaving a few stones in place to lock in and support the foundation of the newly-placed sustainable shoreline structures. The crane would likely remove the riprap using a clam bucket or grapple, as determined by the contractor.

All removed riprap stones would be removed from the project area and transported off-site to an upland location. Upon removal of the existing riprap stones, the new sustainable shoreline structures would be placed within the shoreline footprint likely with the use of a lifting crane.

Ecological and structural monitoring would take place every six months post-deployment for two years to evaluate the performance of the habitat friendly shoreline structures as an ecological armoring alternative to traditional riprap stones.

The project requires a U.S. Army Corps of Engineers (ACOE) pre-certified Nationwide Permit #13 Bank Stabilization, and a Regional Water Quality Control Board Clean Water Act Section 401 Water Quality Certification, as part of the entitlement process. Additionally, the Applicant would be responsible for complying with all applicable federal, state, and local laws regulating construction and demolition debris, noise, and stormwater. No eelgrass resources are known to occur within the project area. If construction occurs waterside, all operations will require avoidance of eelgrass habitat and a pre-construction eelgrass survey would be completed prior to commencement of construction activities to

identify potential eelgrass and unvegetated areas present in the nearshore adjacent to the shoreline, consistent with the ACOE Nationwide Permit requirements. This survey and on-site observations would be used to inform construction method and operations in order to avoid impacts to existing eelgrass that may be present in the nearshore outside the perimeter of the project area.

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.

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## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

### ***CATEGORICAL DETERMINATION***

Categorical Exemptions: SG §15301, Class 1/Section 3.a: Existing Facilities; SG §15302, Class 2/Section 3.b: Replacement or Reconstruction; SG §15304, Class 4/Section 3.d: Minor Alterations to Land and SG §15306, Class 6/Section 3.f: Information Collection

- 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

AND/OR:

- 3.b. Replacement or Reconstruction (SG § 15302) (Class 2): Includes replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site and will have substantially the same purpose and capacity as the structure being replaced.

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 environmental resources. 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 Sections of the District's *Guidelines for Compliance with CEQA* as identified above. These are appropriate for the proposed project because it involves the authorizing an MOU with the City for the removal of existing rip rap or revetment stones to be replaced with the installation of habitat-friendly structure units that would involve negligible or no expansion of use beyond that previously existing, would have substantially the same purpose and capacity as the structure being replaced, does not involve removal of mature or scenic trees, and does not result in a serious or major disturbance to environmental resources. The project would not result in any significant cumulative impacts due to the minor impacts of the installation and monitoring, as well as the small number of employees. Further, there would no dredging or fill impacts and the project would not cause any disturbance to sensitive species or habitat. 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: 5 - National City Bayfront (Precise Plan Figure 15); and 7 - Chula Vista Bayfront (Precise Plan Figure 19)

Land and Water Use Designations: Recreational Boat Berthing; Open Bay/Water; Boat Navigation Corridor; Park/Plaza; and Estuary

The proposed project conforms to the certified Port Master Plan because it would involve authorizing an MOU with the City for the replacement of existing rip rap or revetment stones with habitat-friendly structure units 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. In addition, the proposed project is consistent with Section II Planning Goals in the certified Port Master Plan, including Goal VIII "The Port District will enhance and maintain the Bay and Tidelands as an attractive physical and biological entity" and Goal 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 Exclusions: Section 8.a: Existing Facilities; Section 8.b: Replacement or Reconstruction; Section 8.d: Minor Alterations to Land; and Section 8.e: Information Collection

- 8.a. Existing Facilities: The operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographic features, involving negligible or no expansion of use beyond that previously existing

AND/OR

- 8.b. Replacement or Reconstruction: Replacement or reconstruction of existing structures and facilities where the new structure will be located essentially on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced

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 the removal of mature, scenic trees

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.

The proposed project 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 involve negligible expansion of use beyond the existing uses, have substantially the same purpose and capacity as the structure replaced, would not involve the removal of mature, scenic trees, and 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.

If there are portions of the proposed project that are 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)(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.

RANDA CONIGLIO  
Acting President/CEO

Determination by:  
Dennis Campbell  
Program Manager  
Planning Department

Signature:   
Date: 10/11/2023

Deputy General Counsel

Signature:   
Date: 10/11/2023