

Project: Wake Measurement Equipment for the Seaport Redevelopment  
Location: 849 W Harbor Dr., San Diego, CA 92101  
 (Please see attached Figure 1 for locations)  
Parcel No.: 018-061, 104-105, 018-151, 018-060, 018-000  
Project No.: 2023-163  
Applicant: Kathy Breedlove on behalf of 1HWY1, LLC  
Date Approved: December 5<sup>th</sup>, 2023

**PROJECT DESCRIPTION**

The request involves the installation of seven boat-wake/ tide-level monitoring gauges (8-inches in length, 1-inch in diameter) around the proposed Seaport San Diego Waterfront Development Project Site. Six of the gauges will be secured to the various piles just below the water surface of the historical low spring-tide water line, with the combination of ratchet straps, and zip ties. One gauge is proposed to be attached to an existing private navigation aid buoy near seaport village. The seven gauges and their locations are generally described below in Table 1:

**Table 1- Seaport San Diego Wake Monitoring Gauges**

Gauges	General Location	Fixed / Buoy	Duration
1	Pile under the promenade between Navy Pier & G St. Pier	Fixed	3 years
2	Pile on the Chesapeake Fish Co. Pier (In Tuna Harbor)	Fixed	3 years
3	Outer end pile on the NW corner of Tuna Harbor (Bait Boats)	Fixed	3 years
4	Cement pile on the outer edge of middle dock (Tuna Harbor)	Fixed	3 years
5	Outer SW corner pile on the SW pier of Tuna Harbor	Fixed	3 years
6	32.70°N, 117.17°W Private navigational aid at Seaport Village	Buoy	3 years
7	Outer Pile of the Embarcadero Marina Park North viewing pier	Fixed	3 years

The attached Figure 1 site plan indicates the general location of the seven proposed gauges. Gauges will be installed and subsequently serviced from a small watercraft. Servicing consists of manual data collection from the gauge and will commence within the first 30 days. Subsequently, every 60 to 90 days the gauges will be serviced. Gauge 6 shall require a private navigational permit through the United States Coast Guard Pacific Area (Sector San Diego) if utilizing a new buoy.

Due to its nature and limited scope, the installation of the proposed request 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. No hazardous materials will be utilized for the proposed project. Furthermore, the Applicant/Licensee would be responsible for complying with all applicable federal, state, and local laws regarding construction demolition debris, hazards and hazardous materials, and stormwater.

The proposed project requires a Right of Entry License Agreement (ROELA) to the MOFFATT & NICHOL, a Corporation, (Licensee). The area proposed for use under this ROELA would be used by the Licensee and their authorized agent(s) and contractors(s) for the installation of seven boat-wake/ tide-level monitoring gauges around the proposed Seaport San Diego Waterfront Development Project Site.

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: CEQA Guidelines Section 15301(C) (Class 1 & Class 6) /District Guidelines for Compliance with CEQA Section 3.a(1): Existing Facilities, and Section 3.f:

- 3.a. Existing Facilities: 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:
- (1) Repair, maintenance or minor alteration of existing mooring facilities, floats, piers, piles, wharves, bulkhead, revetment, buoys, or similar 8 36294 structures; marine terminal facilities; airport facilities; and commercial industrial, or recreational facilities.
- 3.f. 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. 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 Categorical 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 request, because it would involve basic boat wake data collection with the utilization of seven temporary gauges that are small in nature. Furthermore, the District has determined that 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: 3 – Centre City Embarcadero  
 Land Use Designations: Specialized Berthing, Commercial Fishing Berthing & Boat Navigation Corridor

The proposed request conforms to the certified Port Master Plan because it would involve basic boat wake data collection. The proposed project would not change the use of the site, nor would it interrupt or expand the existing conforming uses of the site. The gauges are small in nature and will be temporarily installed for up to three years.

***CATEGORICAL DETERMINATION***

Categorical Exclusions: Section 8.a(10): Existing Facilities & Section 8(e) Information Collection:

- 8a(10) Repair, maintenance, or minor alteration of existing mooring facilities, floats, piers, bulkhead, revetment, buoys, or similar structures;
- 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 Categorical Excluded pursuant to Section 8a(10) of the District's *Coastal Development Permit Regulations* as identified above. This is justifiably appropriate for the proposed request, because the boat wake monitoring gauges are small in nature and will be temporarily installed for up to three years.

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 request complies with Section 87.(a)(1) of the Port Act as follows:

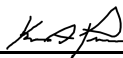
- (a)The tide and submerged lands conveyed to the district by any city included in the district shall be held by the district and its successors in trust and may be used for purposes in which there is a general statewide purpose, as follows:

(1) For the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation 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 seven small boat wake monitoring gauges are consistent with the Public Trust Doctrine.

RANDA CONIGLIO  
Acting President/CEO

Determination by:  
Kevin Parker, AICP  
Senior Planner  
Development Services

Signature:   
Date: 12/05/2023

Deputy/Assistant General Counsel

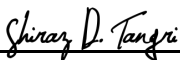
Signature:   
Date: 12/04/2023

Figure 1 - Site Plan

