



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

Project: Maritime Museum of San Diego Dolphin Replacement
Location: 1492 N Harbor Drive, San Diego, CA 92101
Parcel No.: 017-021
Project No.: 2024-022
Applicant: David Wachtel, Project Architect, Tucker Sadler, 2044 First Ave. Suite 300, San Diego, CA 92103, (858) 354-0417
Date: 04/22/2024

PROJECT DESCRIPTION

The proposed project is for the removal and replacement in-kind of two (2) existing mooring dolphins within the waterside facilities of the Maritime Museum of San Diego located at 1492 N. Harbor Drive adjacent to the North Embarcadero Promenade. The project site comprises of a museum, historic vessels, and marine structures supporting the mooring of the vessels. The applicant is proposing to remove the two mooring dolphins that have exceeded their operational lifespan and replace them in-kind in an immediately adjacent location. The new mooring dolphins would match the current dimensions (14'0" X 14'6") and materials of the existing dolphins to be removed. Demolition and construction would commence in or around spring/summer of 2024. The estimated schedule for the construction and demolition would require approximately 1 week for pile driving, 3 to 4 weeks for construction of the concrete pile caps, and 2 weeks for demolition. Specific work to complete the proposed project would include the following:

Replace in-kind the two mooring dolphins of identical size and structure:

1. Utilizing the work barge and vibratory pile driving methods, drive four steel piles into the seabed in an adjacent location just to the northwest of the existing piles
2. Form and pour the concrete pile caps and place them on the piles once they are of appropriate strength

Demolition of the two existing mooring dolphins:

1. Position the work barge
2. Sever the octagonal concrete pile deck of each dolphin
3. Remove the pile caps from the existing four 1'6" diameter steel piles supporting each dolphin (total of 8 piles)
4. Utilizing a crane attached to the accompanying work barge, remove the four steel piles supporting each dolphin from the seabed. The piles would be removed in full. Upon the chance that the pile breaks below the mudline during removal, this section of the submerged pile would remain in place.
5. Remove the demolished materials via the barge

The equipment during construction would be staged within the Maritime Museum current leasehold and upon completion of the proposed project, the equipment would be removed from the project site. Construction during this project would not result in any disruptions to public access and would not involve rerouting public from the waterfront promenade.

The project would comply with the District's Best Measurement Practices (BMP) Construction Plan to avoid and/or minimize water quality impacts, including but not limited to BMPs, such as, the implementation of silt curtains, having spill kits and cleanup materials available at all locations of pile driving and regular and frequent site inspections for illicit connections, dumping, or discharges. Noise impacts would be avoided or minimized through adherence to Section 4.5 of the District's Best Management Practices and Environmental Standards for Overwater Structural Repair and Maintenance Activities for Existing Port Facilities Conducted by the San Diego Unified Port District (District 2019). Additionally, to avoid impacts to marine-dependent birds, if work were to occur during the bird breeding season (i.e., February 15th – September 15th) a biological qualified biologist, approved by the District,

would perform a marine dependent nesting bird survey within 500 feet of the noise-generating activity one week prior to the start of construction utilizing heavy equipment. If a nest were observed, work would be delayed until the nest is no longer active. If work could not be delayed, a buffer would be established and there would be additional noise attenuation requirements

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: CEQA Guidelines Section 15302 (Class 2)/District Guidelines for Compliance with CEQA Section 3.b: Replacement or Reconstruction

- 3.b. Replacement or Reconstruction: 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. This exemption includes but is not limited to:
- (1) Replacement or reconstruction of mooring facilities, piles, floats, piers, wharves, marine ways, bulkhead, revetment, buoys, or similar structures where the new structure will be on essentially the same site as the structure replaced and will have substantially the same size, purpose and capacity as the structure replaced.

The proposed project is determined to be Categorically Exempt pursuant to the CEQA Guidelines and the Section(s) of the District's *Guidelines for Compliance with CEQA* as identified above because the proposed project consists of replacement of existing mooring facilities where the new structure will be located on the same site and have substantially the same purpose and capacity as the structure being replaced. 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 District: 3 - Centre City Embarcadero (Precise Plan Figure 11)

Land Use Designation: Commercial Recreation

The proposed project conforms to the certified Port Master Plan because it would involve removal and replacement of mooring dolphins consistent with the existing certified Land Use designation(s). 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.b: Replacement or Reconstruction

- 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, including but not limited to:
- (3) Replacement, stabilization, or reconstruction of mooring facilities, floats, piers, bulkhead, revetment, shoreline protection, buoys, or similar structures.

The proposed project is determined to be Categorically Excluded pursuant to the Section(s) of the District's *Coastal Development Permit Regulations* as identified above because the proposed project

consists of the replacement of existing mooring facilities where the new structure will be located on the same site and have substantially the same purpose and capacity as the structure being replaced.

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)(2) of the Port Act, which allows for all commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities. 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:
Kelly Cunningham
Assistant Planner
Development Services

Signature: *Kelly Cunningham*
Date: 04/22/2024

Assistant/Deputy General Counsel

Signature: *Shiraz D. Tangri*
Date: 04/19/2024