



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

Project: Underwater Sound Assessment from Crowley Tugs  
Location: Tenth Avenue Marine Terminal, extending from the end of Crosby Pier  
Parcel No.: 021-001  
Project No.: 2024-031  
Applicant: Jesse Spence, President, Noise Control Engineering LLC, 85 Rangeway Rd,  
Building 2 Floor 2, Billerica, MA 01890  
Date Approved: 04/05/2024

**PROJECT DESCRIPTION**

The proposed project is for the temporary installment of equipment off Crosby pier at Tenth Avenue Marine Terminal in the city of San Diego, California. The purpose of the proposed project is to measure underwater sound produced by Crowley tugs to assess differences between a conventionally fueled tug and a battery-operated tug. The proposed project would also include issuance of a Right of Entry (ROE) permit to enter upon the project site to allow for the proposed testing.

The proposed project would specifically involve the placement of a hydrophone and hydrophone stand on the seafloor, attached to a hydrophone cable that would extend approximately 100 meters from the end of Crosby pier to the edge of the shipping lane. Equipment would consist of one (1) hydrophone, one (1) hydrophone stand, one (1) hydrophone cable, and computers; associated equipment would be expected to have an insignificant footprint. The hydrophone cable is less than 1/2 inch in diameter; the hydrophone and hydrophone stand have an expected footprint of approximately 1 foot by 1 foot; and computers would be temporarily located at the end of the pier to collect data measured by the hydrophone. There would be no fixed moorings or permanently installed structures. All equipment would be installed in the morning and retrieved in the evening during days of testing. The proposed project is anticipated to occur starting May 1, 2024, and would take approximately two (2) days to complete testing.

The area proposed for use under this ROE would be used by the Applicant and their authorized agent(s) and contractors(s) for the purpose of installing temporary equipment for underwater sound testing, as well as ingress and egress in support of those activities. It is anticipated that the ROE would have a total term of approximately two months, or upon completion of the work, whichever occurs earlier. The ROE may be terminated by the District as a matter of right and without cause at any time upon providing twenty-four (24) hours' notice to Applicant of such termination.

Due to its nature and limited scope, construction of the proposed project 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. Furthermore, the Applicant would be responsible for complying with all applicable federal, state, and local laws regarding construction demolition debris, hazards and hazardous materials, and stormwater.

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 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 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 project because it proposes temporary noise testing for the purpose of basic data collection and research 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 District: 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13)

Water Use Designation: Terminal Berthing

The proposed project conforms to the certified Port Master Plan because it would involve noise testing from tug use for the purpose of basic data collection and research consistent with the existing certified Water use designation. 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.e: Information Collection

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 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.

## **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:  
Davin Cox  
Assistant Planner  
Development Services

Signature:   
Date: 04/05/2024

Deputy//Assistant General Counsel

Signature:   
Date: 04/05/2024