



CEQA and COASTAL DETERMINATIONS
and
NOTICE OF APPROVAL

Project: San Diego Bay/SD Bay National Wildlife Refuge *Caulerpa prolifera* Infestation Eradication Project

Location: Various and outside the San Diego Unified Port District jurisdictional boundary and inside the Coastal Commission permitting jurisdiction, for that area described shown on Figure 1 below (see green dots on graphic)

Parcel No.: Various

Project No.: 2024-053

Applicants: **San Diego Unified Port District** (District), 3165 Pacific Highway San Diego CA 92101;
Marine Taxonomic Services, Ltd. (MTS), 920 Rancheros Drive Suite F-1 San Marcos CA 92069; and
Merkel & Associates, Inc. (M&A), 5434 Ruffin Road San Diego CA 92123
US Fish & Wildlife Service, San Diego National Wildlife Refuge Complex, 1080 Gunpowder Point Drive Chula Vista CA 91910

Date: May 1, 2024

PROJECT DESCRIPTION

The Port of San Diego and the Southern California *Caulerpa* Action Team, including member agencies California Department of Fish and Wildlife, the Santa Ana and San Diego Regional Water Quality Control Boards, California Coastal Commission, NOAA's National Marine Fisheries Service, and U.S. Fish and Wildlife Service are mobilizing a response to a new discovery of the invasive algae (seaweed) *Caulerpa prolifera* in the San Diego Bay National Wildlife Refuge, in the San Diego Bay. During monitoring surveys, the new discoveries occurred on both April 18, and April 20, 2024. This non-native seaweed can take over natural habitats, disrupting the ecosystem and displacing native plants and the animals that rely on them. Invasions have happened in several locations in southern California, as well as across the globe. It is illegal in California to possess, sell, or transport any seaweed in the in genus *Caulerpa*. The Southern California *Caulerpa* Action Team is preparing a Rapid Response Eradication Plan to address the immediate need to remove this invasive species. It is critical that the response begin immediately to prevent additional spread, and to minimize the cost of the response effort while the infestation site is still small. It is fortunate that the Southern California *Caulerpa* Action Team and the eradication teams are already in place and active; regional authorizations and funding sources are being sought. The Rapid Response Eradication plan includes the following components:

- **Control of Infestation Site-** To prevent disturbance by boat anchors and boat wakes the affected boat slip will be controlled through coordination with the site homeowner's association and slip occupant. Additional visual exclusion markers will be deployed if necessary.
- **Localized Eradication Level Survey** - An intensive diver survey will be conducted within the affected area. Divers will locate, record, and map any *Caulerpa prolifera* found. The current coverage estimate is 23 square meters.
- **Localized Removal** – The *Caulerpa prolifera* will be covered by trained divers with a sealed barrier that will kill the algae by exclusion from light, oxygen, and circulation. This method has been successfully used in the past at three other *Caulerpa* infestation sites.
- **Post Removal Surveys** – Diver surveys will be conducted both immediately following removal and over a longer timeframe to help ensure the species is completely removed and does not repopulate the area.
- **Broad Area Surveys** – Diver surveys will occur in surrounding areas of San Diego Bay to ensure other areas have not been invaded.

The summarized work will occur generally within the area delineated on Figure 1 below, within the San Diego Bay National Wildlife Refuge and may be performed outside of this expanded area located within the Coastal Commission's jurisdictional boundaries, as depicted in Figure 1.

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.



Figure 1. Location of *Caulerpa prolifera* within The San Diego Bay National Wildlife Refuge

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CATEGORICAL DETERMINATION

Categorical Exemption: SG §15307, Class 7/Section 3.g: Actions by Regulatory Agencies for Protection of Natural Resources; and SG §15308, Class 8/Section 3.h: Actions by Regulatory Agency for Protection of the Environment

3.g. Actions by Regulatory Agencies for Protection of Natural Resources (SG § 15307) (Class 7): Includes actions taken by regulatory agencies to assure the maintenance, restoration or enhancement of a natural resource where the regulatory process involves procedures for the protection of the environment. Construction activities are not included in this exemption.

AND/OR

3.h. Actions by Regulatory Agency for Protection of the Environment (SG § 15308) (Class 8): Includes actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

The proposed project is determined to be Categorical 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 *Caulerpa prolifera* can take over natural habitats, disrupting the ecosystem and displacing native plants and the animals that rely on them. Further, this species grows very quickly, at one centimeter-per-day and has the potential to swiftly overtake native species in the project area. Invasions have happened in several locations in southern California, as well as across the globe. The project applicants must rapidly remove this invasive species and it is critical that the response begin immediately to prevent additional spread, and to minimize the cost of the response effort while the infestation site is still small.

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

The project site for the *Caulerpa prolifera* eradication described above is located in an area that has not been incorporated into the Port Master Plan and is therefore, not within the District's coastal development permitting jurisdiction. The project site is within the coastal development permitting jurisdiction of the California Coastal Commission (CCC) and approval of the project must be obtained from that agency. As such, it is anticipated that since the eradication methods planned for use will match those of the eradication efforts for the find at the Coronado Cays, the Coastal Commission may issue a waiver of coastal permitting, based on the Coastal Act, Section 30611. However, at this time, the Coastal Commission has not made a final determination about the most appropriate method for permitting the *Caulerpa prolifera* eradication.

For this area that is located outside of the District's CDP jurisdiction, additional approvals may be required from other agencies.

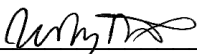
CALIFORNIA PUBLIC TRUST DOCTRINE

The proposed project complies with Section 87.(a)(7) of the Port Act, which allows for the establishment and maintenance of those lands for open space, ecological preservation, and habitat restoration.


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:
Lesley Nishihira
Assistant Vice President
Planning

Signature: 
Date: 05/02/2024

Deputy General Counsel

Signature: 
Date: 05/01/2024