



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

Project: Tidelands Use and Occupancy Permit to Marine Spill Response Corporation for Equipment Storage and Barge Berthing
Location: Tenth Avenue Marine Terminal, 1800 Crosby Road, San Diego, CA 92101, and Tuna Lane, San Diego, CA 92132 and National City Marine Terminal, 1685 Bay Marina Drive, National City, CA 91950
Parcel No.: Various
Project No.: 2024-059
Applicant: Marine Spill Response Corporation, 702 National Court #1, Richmond, CA 94804
Date Approved: 06/26/2024

PROJECT DESCRIPTION

The proposed project is a renewal Tidelands Use and Occupancy Permit (TUOP) to Marine Spill Response Corporation (Tenant) for their continued use of approximately 600 square feet of tideland area at the Tenth Avenue Marine Terminal (TAMT) in the city of San Diego (Location A), and approximately 2,400 square feet of water area/berth space known as Slip Nos. 327 and 328, in addition to two parking spaces located at Tuna Harbor Drive Basin adjacent to G Street Mole, in the city of San Diego (Location B), and approximately 720 square feet of tideland area at the National City Marine Terminal in the city of National City (Location C). The areas proposed for use under this TUOP will be used only and exclusively for the following: Location A and Location C shall be used only and exclusively for the purpose of equipment storage used in connection with the Tenant's operations to respond to oil emergencies and for no other purpose whatsoever and Location B shall be used only and exclusively for the purpose of berthing a shallow water barge and a small boom boat and for no other purpose whatsoever. The TUOP will also authorize the Tenant to be designated two parking spaces within the existing permit area located at Tuna Harbor Drive Basin adjacent to G Street Mole; no public parking spaces will be removed as part of this TUOP. In addition, the TUOP will prohibit the Tenant from storing materials and/or performing vessel repair maintenance work at the slips, floats, or docks in the water or at the parking spaces. The Tenant will be responsible for compliance with all laws and regulations associated with the activities on or in connection with the above-described premises, and in all uses thereof, including those regulating air quality and stormwater. No new development or construction is proposed or authorized as part of this TUOP. The areas are currently and are proposed to be used exclusively for the purposes of Marine Terminal, Commercial Fishing, and Commercial Fishing Berthing.

The TUOP will commence on July 1, 2024, and terminate on June 30, 2028, for a total term of four (4) years. The TUOP may be terminated by the Executive Director of District or his duly authorized representative, or Tenant, as a matter of right and without cause at any time upon the giving of thirty (30) days' notice in writing to other party of such termination.

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 Exemption: SG §15301, Class 1/Section 3.a: Existing Facilities

- 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, including but not limited to:
 - (4) New and renewed short-term tenancy agreements which do not result in change in the existing use. This exemption does not apply to any new development associated with the

activities of the tenant. This exemption is also inapplicable if the cumulative impact of continuing the existing use or conditions in the same place, over time, is significant.

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 is a renewal TUOP for equipment storage and barge berthing that would involve no expansion of use beyond that previously existing and would not result in a significant cumulative impact due to the continuation of the existing use. 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: 3 - Centre City Embarcadero (Precise Plan Figure 11); 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13); and 5 - National City Bayfront (Precise Plan Figure 15)

Land and Water Use Designations: Commercial Fishing; Commercial Fishing Berthing; and Marine Terminal

The proposed project conforms to the certified Port Master Plan because it is a renewal TUOP for equipment storage and barge berthing consistent with the existing certified land and water use designations. The proposed project would not change the uses of the sites nor would it interrupt or expand the existing conforming uses of the sites.

CATEGORICAL DETERMINATION

Categorical Exclusion: Section 8.a: Existing Facilities

8.a. Existing Facilities: The 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.

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 is a renewal TUOP for equipment storage and barge berthing consistent with the existing certified land and water use designations.

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)(1) of the Port Act, which allows 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 proposed project is consistent with the Public Trust Doctrine.

RANDA CONIGLIO
Acting President/CEO

Determination by:
Betsy Viramontes

Signature: Betsy Viramontes

Assistant Planner
Development Services

Date: 06/26/2024

Deputy General Counsel

Signature: *Shiraz D. Tangri*
Date: 06/26/2024