



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

Project: Tidelands Use and Occupancy Permit for MarineLabs Data Systems Pilot Project
Location: Near Campbell Cap (32.702457, -117.161065)
 Coronado Cays South of East Island (32.621732, -117.129490)
 Chula Vista (32.635195, -117.113405)
 Embarcadero near Hornblower Pier (32.722889, -117.173630)
 Harbor Island, Between eConcrete installations (32.724654, -117.207704)
 Shelter Island (32.712435, -117.226732)
 Imperial Beach Pier (32.578016, -117.138756)
Parcel No.: Various
Project No.: 2025-036
Applicant: Scott Beaty, CEO, MarineLabs Data Systems, Inc., 801 Travis Street, Houston, TX
 77002; (778) 817-1198
Date Approved: May 6, 2025

PROJECT DESCRIPTION

The proposed pilot project would involve a Tidelands Use and Occupancy Permit (TUOP) for the use of water area to install smart buoy technology on approximately 5 new buoys and 5 existing United States Coast Guard (USCG) buoys located in San Diego Bay (approximately 7 square feet of water area per buoy). The proposed pilot project would include the installation of CoastAware sensors, in which the Applicant (MarineLabs Data Systems dba MarineLabs) would develop, test, and validate a tailored coastal intelligence service and subscription platform for various District monitoring applications. It is anticipated that the project and corresponding TUOP would have a minimum term of two (2) years, with the opportunity to extend upon District review and approval. The TUOP may be terminated by the District or the Applicant as a matter of right and without cause at any time upon providing thirty-day notice in writing to the other party of such termination. A “Blue Economy Agreement” by and between the District and the Applicant is also proposed, and other similar agreements may also be required.

The CoastAware sensors provide real-time coastal intelligence to inform maritime safety and operations. It features coastal domain awareness and climate resilience data from fleets of rugged, cell and satellite network connected marine wind/wave/camera sensor nodes. CoastAware can assist with vessel and vessel wake monitoring by leveraging high resolution buoy data, Automated Identification System (AIS) data, and machine learning algorithms to detect and attribute vessel wake events to individual vessels and vessel types. CoastalAware sensors use Artificial Intelligence (AI) forecasting and weather modelling to provide hyper-local and accurate 10-day weather, wind and wave forecasts. The subscription platform allows for successful customization and integration for District applications including real-time updates, customizable alerts and dashboards, and adjustment of sensor location to better suit data needs. As soon as the sensors are in the water, tested and activated, the data is delivered to the District customized subscription platform. The District is specifically interested in utilizing CoastAware technology to identify and measure the time, height and power level of vessel wakes. Data collected on passing vessels can assist the District in identifying what kinds of vessels and users are contributing to erosion from vessel wakes on sensitive areas, such as the Chula Vista Wildlife Reserve, and measure overall vessel traffic in a given area.

Prior to sensor and buoy deployment, the Applicant would conduct a site inspection to review proposed private buoy locations and confirm the bathymetry in the area. Site inspections are performed on a small vessel, and previous bathymetry surveys are used to assess the bottom conditions. Following deployment of new buoys and sensors, land-based cameras and supportive equipment may be installed to verify data collected. All sensor calibration would be completed during deployment, and any maintenance and updates can be completed remotely.

CoastAware sensors can be installed on private buoys or on existing USCG operated Aids to Navigation (AToNs) buoys. In coordination with the District and the USCG, a total of five (5) AToNs would be selected

for sensor installation, with one buoy to be located in each of the four (4) ecoregions in San Diego Bay. The fifth AToN location would be located offshore. Please see Exhibit A for the San Diego Bay ecoregions and the existing AToNs in San Diego Bay that will be considered for CoastAware installation. There are seven (7) proposed private buoy locations that are being considered in San Diego Bay; ultimately five (5) of those locations would be selected for private buoy deployment. Thus, the number of private buoys to be deployed would not exceed five (5) total. No eelgrass resources are known to occur at any of the potential locations. The seven (7) locations for potential private buoy deployment are the following:

- 1) Near Campbell Cap (32.702457, -117.161065)
- 2) Coronado Cays South of East Island (32.621732, -117.129490)
- 3) Chula Vista (32.635195, -117.113405)
- 4) Embarcadero near Hornblower Pier (32.722889, -117.173630)
- 5) Harbor Island, Between eConcrete installations (32.724654, -117.207704)
- 6) Shelter Island (32.712435, -117.226732)
- 7) Imperial Beach Pier (32.578016, -117.138756)

New private buoys would be installed using a combination of weights, rope, chain and marine attachments to secure the unit to the Bay. Please see Exhibit B for an example of a mooring layout. It is anticipated that a 16.5 lb Bruce Anchor and 150 lb clumps mass anchor would be used to secure the unit to the seafloor. Private buoys generally have a movement radius of 100 m but can be kept to a smaller footprint in shallower water. The sensor packages would be mounted to the top of either the private buoys or the existing USCG AToNs using four bolts. The floats are made of marine grade polymers. The sensor packages are made of aluminum, silica based solar panels, and electrical components which are sealed inside the housing. The standard float package is 0.9m in diameter. Each deployment takes approximately 2-8 hours depending on the depth, proximity to the coastline, weather conditions and other local factors. The deployment team would use a small deployment vessel (under 40') and consist of five crew members.

The Applicant would 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 stormwater and hazardous materials, as well as acquiring necessary permits from relevant resource agencies, such as the California Coastal Commission, Army Corps of Engineers, and Regional Water Quality Control Board, including the necessary real estate or access agreements, or coastal development permitting for the proposed project sites that are not within the District's permitting or coastal jurisdiction.

The areas proposed for use under this TUOP are proposed to be used only and exclusively for the purpose of analyzing the feasibility of the proposed pilot project and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. The Applicant would 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 stormwater and hazardous materials. No new development, construction, or increase in the size of the property is proposed or authorized as part of the TUOP.

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 15301 (Class 1)/District Guidelines for Compliance with CEQA Section 3.a: Existing Facilities; CEQA Guidelines Section 15303 (Class 3)/District Guidelines for Compliance with CEQA Section 3.c: New Construction or Conversion of Small Structures; CEQA Guidelines Section 15304 (Class 4)/District Guidelines for Compliance with CEQA Section 3.d: Minor Alterations to Land; CEQA Guidelines Section 15306 (Class 6)/District Guidelines for Compliance with CEQA Section 3.f: Information Collection; and CEQA Guidelines Section 15311 (Class 11)/District Guidelines for Compliance with CEQA Section 3.i: Accessory Structures

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:

- (1) Repair, maintenance or minor alteration of existing mooring facilities, floats, piers, piles, wharves, bulkhead, revetment, buoys, or similar structures; marine terminal facilities; airport facilities; and commercial industrial, or recreational facilities.

AND/OR

3.c. New Construction or Conversion of Small Structures (SG § 15303) (Class 3): Includes construction of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and conversion of existing small structures from one use to another with minor modifications to the exterior of the structure.

AND/OR

3.d. Minor Alterations to Land (SG § 15304) (Class 4): Includes minor alterations in the condition of land, water and/or vegetation not involving removal of mature, scenic trees, including, but not limited to:

- (6) Minor temporary use of land having negligible or no permanent effects on the environment.

AND/OR

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.

AND/OR

3.i. Accessory Structures (SG § 15311) (Class 11): Includes construction, or placement of minor structures accessory to (appurtenant to) existing facilities, including:

- (1) Construction or placement of minor mooring facilities, floats, buoys or similar structures accessory to (appurtenant to) existing commercial, industrial or institutional facilities.

The proposed project is determined to be Categorically 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 it involves a TUOP for the use of water area to install smart buoy technology on approximately 5 new buoys and 5 existing USCG buoys located in San Diego Bay which would involve no expansion of use beyond that previously existing, would consist of the installation of small new equipment and facilities on small structures, would result in no permanent effects on the environment, would not involve the removal of mature, scenic trees, and is for the purpose of 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 Districts: 1 - Shelter Island/La Playa (Precise Plan Figure 4); 2 - Harbor Island/Lindbergh Field (Precise Plan Figure 9); 3 - Centre City Embarcadero (Precise Plan Figure 11); 7 - Chula Vista Bayfront (Precise Plan Figure 19); and 8 - Silver Strand South (Precise Plan Figure 21)

Water Use Designations: Open Bay/Water; Ship Navigation Corridor; Boat Navigation Corridor; and

Estuary

The portion of the proposed project located within the District's Coastal Act approval authority conforms to the certified Port Master Plan because it would involve a TUOP for the use of water area to install smart buoy technology on approximately 5 new buoys and 5 existing USCG buoys located in San Diego Bay consistent with the existing certified Water use designations. 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 Exclusions: Section 8.a: Existing Facilities; Section 8.c: New Construction or Conversion of Small Structures; Section 8.d: Minor Alterations to Land; and Section 8.e: Information Collection

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, including but not limited to:

- (10) Repair, maintenance, or minor alteration of existing mooring facilities, floats, piers, bulkhead, revetment, buoys, or similar structures

AND/OR

8.c. New Construction or Conversion of Small Structures: Construction and location of limited numbers of new, small facilities or structures and installation of small, new equipment and facilities, involving negligible or no change of existing use of the property, including but not limited to:

- (3) Accessory structures, including, but not limited to, on-premise signs, small parking lots, fences, walkways, swimming pools, miscellaneous work buildings, temporary trailers, small accessory piers, minor mooring facilities, buoys, floats, pilings, or similar structures; and seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar structures

AND/OR

8.d. Minor Alterations to Land: Minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of mature, scenic trees, including but not limited to:

- (5) Minor temporary uses of land and water having negligible or no permanent effects on the environment, including festivals, boating activities, parades, and running or bicycling events

AND/OR

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 portion of the project located within the Coastal Act approval authority of the District is determined to be Categorically Excluded pursuant to the Sections of the District's *Coastal Development Permit Regulations* as identified above. These are appropriate for the proposed project because it would involve a TUOP for the use of water area to install smart buoy technology on approximately 5 new buoys and 5 existing USCG buoys located in San Diego Bay which would involve negligible expansion of use beyond that previously existing, would involve no change of existing use of the property, would not involve the removal of mature, scenic trees, and 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.

For the portion of the proposed project located outside of the District's Coastal Act approval authority, additional approvals may be required from other agencies.

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.

SCOTT CHADWICK
President/CEO

Determination by:

Lillian Mattes
Associate Planner
Planning

Signature: Lillian Mattes
Date: 5/7/2025

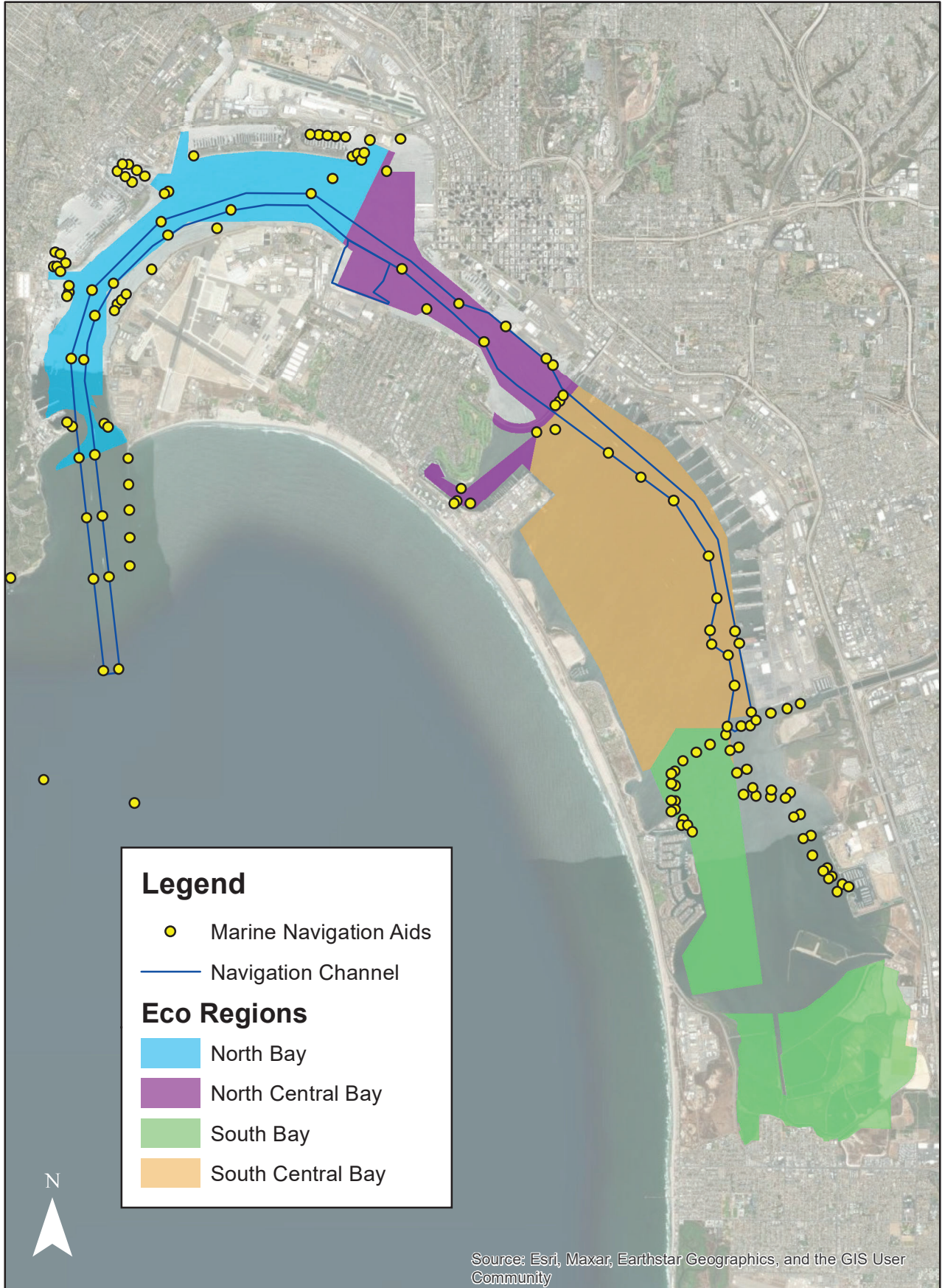
Deputy/Assistant General Counsel

Signature: Shiraz Tangri
Date: 5/7/2025

Attachment(s):

- Exhibit A – San Diego Bay Ecoregions and Existing USCG Aids to Navigation Buoys
- Exhibit B – Example Mooring Layout for Private Buoy

Exhibit A



Mooring Layout

In general, the total length of the mooring is between two to three times the water depth at high tide. The figure below illustrates a mooring configuration for approximately 50-75 feet of water and relatively low currents.

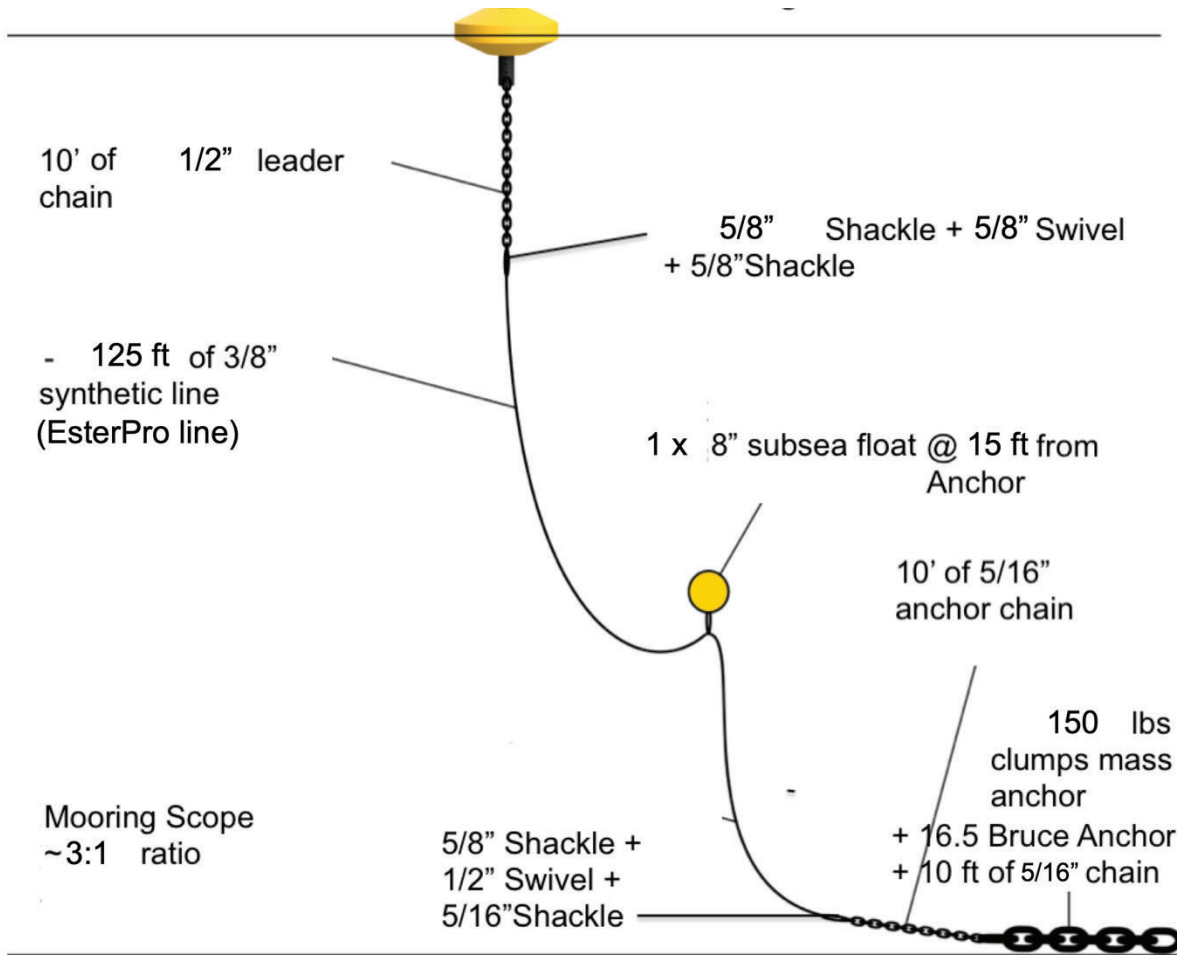


Figure: Mooring layout