

## San Diego Unified Port District

### CEQA and COASTAL DETERMINATIONS and NOTICE OF APPROVAL

Project: Searles Valley Rail Tie Replacement at Shiploader Berth 10-7  
Location(s): Tenth Avenue Marine Terminal, 1800 Crosby Road, San Diego, CA 92101  
Parcel No.(s): 020-037  
Project No.: 2018-032  
Applicant: David Goins, Director – Distribution Services, Searles Valley Minerals Operations, Inc.,  
13200 Main Street, Trona, CA 93562  
Date Approved: March 13, 2018

#### Project Description

The proposed project involves the removal and replacement of approximately 392 rail ties and associated pavement adjacent to the traveling shiploader structure at Berth 10-7 on the Tenth Avenue Marine Terminal (TAMT) in the City of San Diego. Currently, the traveling shiploader structure travels on an existing rail system along Berth 10-7. The existing rail system is supported by wooden rail ties and asphalt concrete (AC) pavement, of which the wooden rail ties have deteriorated beyond repair. For continued safety and operation of the rail system, the proposed project would involve removal of the existing 392 wooden rail ties and AC pavement and replacement with new wooden rail ties and pavement. Work to specifically complete the proposed project would include the following:

- Removal of 1,135 square feet of AC pavement adjacent to existing rail system.
- Removal of 392 wooden rail ties (each rail tie is 6 inches high by 9 inches wide by 6 feet long) along approximately 448.5 linear feet of rail.
- Installation of 1,135 square feet of pavement adjacent to existing rail system (800 square feet of Portland Concrete (PC) pavement and 335 square feet of AC pavement).
- Installation of 392 wooden rail ties (each rail tie is 6 inches high by 9 inches wide by 6 feet long) along approximately 448.5 linear feet of rail.

It is anticipated that construction of the proposed project would begin in Spring 2018 and have a total construction period of approximately 4 weeks. During construction, it is anticipated that up to twenty construction staff (e.g. construction project manager, construction superintendent, equipment operators and labor workers) would be required. Due to its nature and limited scope, construction of the proposed project would generate approximately eight truck trips (two truck trips to deliver the rail ties, two truck trips to haul out removed rail ties/construction demolition debris, and four truck trips associated with concrete pavement processing). Construction of the proposed project would also generate up to 40 vehicle trips associated with the transport of construction workers. Adequate parking for the construction workers is available at the Searles Valley Minerals office on the TAMT.

The storage of the new rail ties would be contained within the designated laydown area within the TAMT's existing fenced work area which is located adjacent to where the rail tie and pavement replacement would occur. Construction equipment to be utilized includes a backhoe, forklift, ballast compactor, and roller/loader. Construction activities to remove the existing rail ties would require the temporary removal of the existing rail track. Once existing rail ties are removed and replaced with the new rail ties, the ballast (gravel/coarse stone used to form the bed of a railroad track) would be compacted down to provide stability for the rail ties and pavement. The existing rail track would then be reconnected and the new pavement poured. The Tenant would be responsible for compliance with all laws and regulations associated with the activities on or in connection with the above-described premises.

The following categorical determinations are based on all project information known to the District as of the date of this determination. Furthermore, the Project is responsible for complying with all applicable

federal, state, and local laws regulating construction demolition debris, hazards and hazardous materials, noise, and stormwater.

### **CEQA DETERMINATION**

Based upon the above description, the project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and/or 15302 (Replacement or Reconstruction) and Section 3.a.(1) and Section 3.b.(2) of the District's *Guidelines for Compliance with CEQA* because the project would provide repair and replacement of the existing rail ties and pavement with the same type of rail ties and pavement to allow for the continued operation of the marine terminal facility. Section 3.a.(1) and Section 3.b.(2) of the District's CEQA Guidelines are as follows:

- 3.a. Existing Facilities (SG § 15301) (Class 1): Includes operation, repair, maintenance, or minor alteration of existing public and 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.
- 3.b. Replacement or Reconstruction (SG § 15302) (Class 2): 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:
  - (2) Replacement or reconstruction of marine terminal facilities, and marine-oriented commercial, industrial, and public and commercial recreational facilities, including buildings, piers, piles, wharves, marine ways; railroads; airport facilities, runways, taxiways, aprons, and ancillary structures to those facilities; electrical and mechanical systems and equipment; where the new structure will be on essentially the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

The Categorical Exemption listed above is appropriate for the proposed project because it is a replacement of existing wooden rail ties and pavement with same number and square footage of rail ties and pavement. The replacement of the rail ties and pavement would involve no expansion of use beyond that previously existing. In addition, the proposed project would be located on the same site as the rail system replaced and would have the same purpose and capacity of the existing rail system.

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.

The proposed project complies with Section 87 of the Port Act, which allows for all visitor-serving 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.

### **CALIFORNIA COASTAL ACT**

#### **PORT MASTER PLAN**

The project site is located in Planning District 4, Tenth Avenue Marine Terminal, which is delineated on Precise Plan Map Figure 13 of the certified Port Master Plan. The Port Master Plan land use designation within the limits of the proposed project is Marine Terminal. The project conforms to the certified Port Master Plan because it would allow for the continued operation/maintenance of a marine

terminal facility (e.g. the rail system supporting the traveling shiploader). The project would not change the use of the site nor would it interrupt or expand the existing conforming use of the site.

**CATEGORICAL DETERMINATION**

The above project proposes the repair and replacement of existing rail ties and pavement that would involve no expansion of use beyond that previously existing. This project is consistent with the existing certified land use designation and is Categorically Excluded under Section 8.a. of the District's *Coastal Development Permit Regulations*, as follows:

- 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.

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.

RANDA CONIGLIO  
President/CEO

Determination by:  
Kelly Czechowski  
Senior Planner  
Development Services

Signature: K. Czechowski  
Date: 3/8/18

Deputy General Counsel

Signature: W.S. M... [Signature]  
Date: 3-8-18