

JAN 13 2020

2020010240

Notice of Exemption
Appendix E

BY **K. BAKER**
DEPUTY

CEQA Guidelines

To: ■ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

■ San Diego County Recorder/County Clerk
1600 Pacific Highway, Suite 260
San Diego, CA 92101-2480

From: (Public Agency)
*San Diego Unified Port
District
Planning & Green Port
3165 Pacific Highway
San Diego, CA 92101*

Project Title: Tideland Use and Occupancy Permit to Rentunder Holding AB for a Drive-In Boatwash Demonstration Pilot Project

Project Location – Specific: District's Transient Boat Mooring Facility (located near Harbor Police Headquarters on Shelter Island)

Project location – City: San Diego 92101

Project Location – County: San Diego

Description of Nature, Purpose, and Beneficiaries of Project:

The proposed pilot project is a Tideland Use and Occupancy Permit (TUOP) to Rentunder Holding AB (Tenant) to use and occupy approximately 1,198 square feet of berth space, located at the District's Transient Boat Mooring Facility located near the District's Harbor Police Headquarters on Shelter Island (See Exhibit A) for a drive-in boatwash (Boatwash) for a two-year term commencing on February 1, 2020 and ending on January 31, 2022. The District's Board authorized the Boatwash through the Blue Economy Incubator in June 2017 to evaluate the use of an enclosed basin and mechanical brushes as a potential alternative to current in-water hull cleaning practices. The TUOP was approved administratively consistent with the direction of the Board.

The Boatwash incorporates a phased implementation approach: Phase 1, which occurred from July 2018 through March 2019¹, was used to evaluate water quality during a set of controlled hull cleaning events, while Phase 2 would explore longer term water quality evaluations as anticipated with operational business practices. Phase 2 would include operational adjustments, new technologies, and/or water quality sampling adjustments based on the findings provided by Phase 1. The proposed TUOP is for Phase 2 of the project, which would span approximately an 18-month period within the TUOP's two-year term. The TUOP may be terminated by the Executive Director of the District or their duly authorized representative, or Tenant as a matter of right and without cause at any time upon providing thirty days notice in writing to other party of such termination.

The Boatwash measures approximately 60-feet long by 20-feet wide and consists of a basin comprised of thick, strong, heavy-duty plastic kept in place by a rigid metal framework. The Boatwash cleans boat hulls with mechanical scrubbers housed within the footprint of the basin and framework. Cleaning boats in this manner serves to remove all organic growth effectively for both motor and sailboats up to 53 feet in length. The washing process is conducted by floating each boat into the Boatwash, closing the gate to enclose the basin, turning on the scrubbers and brushing for approximately 30 minutes. After the washing process the boat is let out through a

¹ Phase 1 was approved by the Board and a CEQA and Coastal determination was completed on June 20, 2017.

gate in the basin. The boat hull is cleaned purely by mechanical brushing. No chemicals or additives are used before, during, or after the washing process.

The Boatwash has a closed system where the marine growth removed from the boat is collected in the basin where it forms sediment. This sediment is manually removed and disposed of as a regulated waste. The residue sinks to the bottom of the basin due to the weight of the sediment. The gate remains closed throughout the cleaning process and is only lowered as much as is needed for the boat to exist and then is promptly closed to keep sediment contained. The basin would be cleaned every three months or after approximately 1,500 washes by using a suction pump and/or a diver to remove the debris. The debris is collected and deposited as regulated waste. The Boatwash would be maintained yearly, including lubrication of axles, a visual inspection, replacement of hydraulic motors and hoses if needed, replacement of brushes approximately every 2,000 washes, replacement of oil filters, and replacement of hydraulic oil if needed.

This system would require one operator daily to monitor the operation for the duration of the pilot. Truck trips for the project would be limited to transport of the daily operator since the Boatwash is already installed. No eelgrass is known to be present at the site, and therefore, the Boatwash would not result in any significant impacts to known biological resources. In October 2017, the Army Corp of Engineers (ACOE) issued Nationwide Permit #5 "Scientific Measurement Devices" for the Boatwash, which is pre-certified by the Regional Water Quality Control Board (RWQCB) for the 401 Water Quality Certification. As part of the 401 Certification, a Sampling and Analysis Plan (SAP) was submitted to the RWQCB.

Name of Public Agency Approving Project: *San Diego Unified Port District (SDUPD)*

Name of Person or Agency Carrying Out Project: Christian Braun, Planning and Green Port, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101, (619) 686-6470

Exempt Status: (Check one): ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ Categorical Exemption:
☐ Statutory Exemption. State code number:

Reason why project is exempt: Based upon the above description, the proposed project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), 15306 (Information Collection), and/or 15311 (Accessory Structures), and Sections 3.a(1), 3.c(1)(2), 3.f, and/or 3.i(1) of the District's *Guidelines for Compliance with CEQA* because the proposed project would involve negligible expansion of use beyond that previously existing, would involve the installation of small new equipment and facilities in small structures, would not result in a serious or major disturbance to an environmental resource, would collect water quality data, and would involve minor modifications to the accessory structure.

Sections 3.a (1), 3.c (1)(2), 3.f, and 3.i(1) 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 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. Examples of this exemption include:

- (1) Commercial, industrial, recreational and marine-oriented mooring facilities or structures if designed for an occupant load of 30 persons or less, if not constructed in conjunction with the building of two or more such structures;
- (2) Accessory (appurtenant) structures and mechanical equipment including, but not limited to, garages, sheds, railway spur tracks, pilings, temporary trailers, industrial equipment enclosures, fences, parking, on-site roadways, walkways and health and safety devices.

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 environmental resources. 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.

Lead Agency Contact Person and telephone number: Maggie Weber, 619-686-6598

Signature: Maggie Weber **Date:** 1-13-20 **Title:** Senior Planner

- ☒ Signed by Lead Agency
☐ Signed by Applicant

Date received for filing at OPR/Clerk:

Governor's Office of Planning & Research

JAN 16 2020

STATE CLEARINGHOUSE

FILED IN THE OFFICE OF THE COUNTY CLERK

San Diego County on JAN 13 2020

Posted JAN 13 2020 Removed

Returned to agency on

Deputy K. Baker

K. BAKER



San Diego County



Transaction #: 4402281
Receipt #: 2020017971

Ernest J. Dronenburg, Jr.
Assessor/Recorder/County Clerk
1600 Pacific Highway Suite 260
P. O. Box 121750, San Diego, CA 92112-1750
Tel. (619) 237-0502 Fax (619) 557-4155
www.sdarcc.com

Cashier Date: 01/13/2020
Cashier Location: SD

Print Date: 01/13/2020 9:23 am

Payment Summary

Total Fees	\$150.00
Total Payments	\$150.00
Balance:	\$0.00

Payment

VITALCHEK PAYMENT	\$150.00
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Total Payments	\$150.00
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Miscellaneous Items

FISH & WILDLIFE FEES

Fees:	Fish & Wildlife County Administrative Fee	\$50.00
Total Fees Due:		\$50.00

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Total Fees Due:		\$50.00

Grand Total - All Documents:	\$150.00
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State of California - Department of Fish and Wildlife

2020 ENVIRONMENTAL FILING FEE CASH RECEIPT

DFW 753.5a (Rev. 12/10/19) Previously DFG 753.5a

RECEIPT

37-2020- 0026

STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY

SAN DIEGO UNIFIED PORT DISTRICT PLANNING & GREEN PORT

LEAD AGENCY EMAIL

DATE

01/13/2020

COUNTY/STATE AGENCY OF FILING

San Diego County

DOCUMENT NUMBER

2020-0026

PROJECT TITLE TIDELAND USE AND OCCUPANCY PERMIT TO RENT UNDER HOLDING AB FOR A DRIVE-IN BOATWASH
DEMONSTRATION PILOT PROJECT

PROJECT APPLICANT NAME

CHRISTIAN BRAUN

PROJECT APPLICANT EMAIL

PHONE NUMBER

(619) 686-6470

PROJECT APPLICANT ADDRESS

3165 PACIFIC HIGHWAY

CITY

SAN DIEGO

STATE

CA

ZIP CODE

92101

PROJECT APPLICANT (Check appropriate box)

☐ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☒ Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,343.25	\$	
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,406.75	\$	
<input type="checkbox"/> Certified Regulatory Program document (CRP)	\$1,136.50	\$	

☐ Exempt from fee☒ Notice of Exemption (attach)☐ CDFW No Effect Determination (attach)☐ Fee previously paid (attach previously issued cash receipt copy)

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	
<input checked="" type="checkbox"/> County documentary handling fee		\$	\$50.00
<input type="checkbox"/> Other		\$	

PAYMENT METHOD:

☐ Cash ☒ Credit ☐ Check ☐ Other 021192

TOTAL RECEIVED \$ \$50.00

SIGNATURE

X Kimberly Baker

AGENCY OF FILING PRINTED NAME AND TITLE

San Diego County

KIMBERLY BAKER

, Deputy