

Notice of Exemption
Appendix E

CEQA Guidelines

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

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

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

Project Title: Best Management Practices and Environmental Standards for Overwater Structural Repair and Maintenance Activities Conducted by the San Diego Unified Port District

Project Location – Specific: Various docks and piers

Project location – City: Chula Vista, Coronado, Imperial Beach, National City, and San Diego

Project Location – County: San Diego

Description of Nature, Purpose, and Beneficiaries of Project:

The proposed project establishes standard administrative procedures, best management practices, and environmental standards (Standards) for activities authorized by US Army Corps of Engineers (ACOE) Regional General Permit (RGP) No. 72 (Permit No. SPL-2006-01690-RRS), which enables the District to perform routine maintenance of existing in and overwater structures within the jurisdictional boundaries of the District including docks, wharves, piers, and piles. The Standards shall not be applicable for the construction of new facilities. Establishing these Standards precedes the District's efforts to renew RGP No. 72, which is scheduled to occur prior to the current authorization expiring on November 21, 2019. Subsequent work that is, and will continue to be, covered under RGP 72 includes: routine maintenance of docks, wharves, piers, and piles on tidelands both in San Diego Bay and in the Pacific Ocean at the Imperial Beach Pier; like-for-like repair or replacement of damaged and broken wooden, concrete and/or plastic pier and fender piles, as needed; and like-for-like repair or replacement of blocks, camel logs, installation of marine fenders, and other ancillary items, as needed. The Standards address how to conduct and monitor in-water construction activities that may increase turbidity, including, without limitation, pile removal and installation via jetting, impact hammer and various vibratory methods, to ensure water quality standards are not exceeded. Implementation of the Standards are intended to protect natural resources and the environment, in particular water quality, of the San Diego Bay and the Pacific Ocean during the in-water construction performed by the District that is and will continue to be identified and authorized as part of the ACOE RGP No. 72.

The proposed Standards include but are not limited to:

- **Design Review.** A design team comprised of the District's engineering, planning, and environmental departments shall consider project design concepts, the presence or absence of contaminated sediment within the proposed project work area, as well as feasible construction practices and procedures that reduce and/or avoid the potential for turbidity during construction.

F I L E D

Ernest J Dronenburg, Jr. Recorder County Clerk

JUN 20 2019

BY C. TERAV
 DEPUTY

- **Water Quality Monitoring by District.** Water quality monitoring will be conducted a minimum of once per week by District staff (or a designated consultant) during construction activities with the potential to increase turbidity at the project site to verify that applicable water quality standards for pH, dissolved oxygen, and turbidity are not exceeded. During weekly monitoring, parameters will be measured at the project site after pile driving activities have been underway for at least one hour, and at a reference site located outside of the construction area and not impacted by the construction.
- **Water Quality Monitoring by Contractor.** The contractor shall conduct daily visual water quality monitoring and compile into a daily report to be submitted monthly to the District, which identifies any visible turbidity plumes, oil or sheens, floating debris, or other issues associated with project construction activities. Daily visual monitoring will be conducted a minimum of one hour after commencement of construction activities with the potential to cause sediment disturbance.
- **Construction BMPs.** These practices shall be required for any and all routine repairs and maintenance activities conducted by the District that involve overwater structures, such as piers, docks, and wharves with the potential to increase turbidity. These practices include:
 - o **Pile Jetting.** Prior to pile jetting, the contractor shall first "stab" the pile into the bottom substrate to advance it through the upper layer of soft sediment and then jet the pile to reduce sediment disturbance during jetting operations. Sediment displacement during jetting shall be controlled by reducing volume and velocity where feasible.
 - o **Silt Curtains.** Silt curtains are required for all construction activities involving pile driving, pile removal, and/or additional activities with potential to increase turbidity. Silt curtains will be maintained in proper working order during all in-water work; the bottom of the curtains shall be weighted to lessen the tendency to move in response to currents. The silt curtain must restrict the surface visible turbidity plume within the area of construction and must control and contain the migration or re-suspended sediments. Any torn, damaged, loosened, dislocated, gaping, or otherwise ineffectively functioning sections of the silt curtain identified during routine inspections shall be promptly repaired or replaced by the contractor, as necessary, to maintain the required performance standards.
 - o **Acoustic Zone of Influence (ZOI).** Pile driving activity shall not exceed the sound level threshold for marine life injury. If the ZOI has not been previously determined for a project site, the District and/or a biological monitor hired by the District will conduct monitoring of sound pressure levels during vibratory impact hammer pile driving to verify the ZOI. Once the ZOI is determined, a qualified Biological Monitor will continuously monitor the ZOI during pile driving activities to observe any marine mammals or turtles that approach or enter the ZOI. The qualified Biological Monitor shall be given the authority to stop all work on-site and shall do so if a marine mammal or sea turtle enters the ZOI or could be impacted by construction noise.

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

Name of Person or Agency Carrying Out Project: Eileen Maher, Planning and Green Port, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101, (619) 686-6532

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: The guidance document is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities), 15307 (Actions by Regulatory Agencies for Protection of Natural Resources), 15308 (Actions by Regulatory Agencies for Protection of the Environment) and/or Sections 3.a.(1), 3.g. and 3.h. of the District's *Guidelines for Compliance with CEQA* because the guidance document proposes routine maintenance of existing docks, wharves, piers, and piles and would protect natural resources and the environment. Sections 3.a.(1), 3.g. and 3.h. 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.

AND/OR

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 Agencies 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.

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

Signature: Maggie Weber Date: 6.20.19 Title: Senior Planner

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR/Clerk:

STATE CLEARINGHOUSE
 JUNE 20 2019
 Governor's Office of Planning & Research

FILED IN THE OFFICE OF THE COUNTY CLERK

San Diego County on JUN 20 2019

Posted JUN 20 2019 Removed _____

Returned to agency on _____

Deputy C. TERA