



State of California - Department of Fish and Wildlife
2023 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (Rev. 01/01/23) Previously DFG 753.5a

RECEIPT NUMBER: 37-11/17/2023-0850
STATE CLEARING HOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY SAN DIEGO UNIFIED PORT DISTRICT	LEAD AGENCY EMAIL	DATE 11/17/2023
COUNTY/STATE AGENCY OF FILING SAN DIEGO	DOCUMENT NUMBER 37-2023-0850	

PROJECT TITLE
TIDELANDS USE AND OCCUPANCY PERMIT FOR HYPERKELP PILOT PROJECT

PROJECT APPLICANT NAME GRAEME RAE, PHD, HYPERKELP CEO, HYPERKELP INC	PROJECT APPLICANT EMAIL	PHONE NUMBER 714-315-2792
PROJECT APPLICANT ADDRESS 1064 N. EL CAMINO REAL	CITY ENCINITAS	STATE CA
		ZIP CODE 92024

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)	\$3,839.25	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)/(ND)	\$2,764.00	\$	0.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,305.25	\$	0.00

- 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	\$	0.00
<input checked="" type="checkbox"/> County documentary handling fee		\$	50.00
<input type="checkbox"/> Other		\$	0.00

PAYMENT METHOD:

Cash
 Credit
 Check
 Other

TOTAL RECEIVED \$ 50.00

SIGNATURE X	AGENCY OF FILING PRINTED NAME AND TITLE San Diego County Clerk, CARLOS TERAN, Deputy
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Payment Reference #: AUTH #092941



SAN DIEGO COUNTY CLERK
CEQA FILING COVER SHEET

FILED
Nov 17, 2023 09:47 AM
JORDAN Z. MARKS
SAN DIEGO COUNTY CLERK
File # 2023-000935
State Receipt # 37111720230850

THIS SPACE FOR CLERK'S USE ONLY

Complete and attach this form to each CEQA Notice filed with the County Clerk

TYPE OR PRINT CLEARLY

Project Title

TIDELANDS USE AND OCCUPANCY PERMIT FOR HYPERKELP PILOT
PROJECT

Check Document being Filed:

- Environmental Impact Report (EIR)
- Mitigated Negative Declaration (MND) or Negative Declaration (ND)
- Notice of Exemption (NOE)
- Other (Please fill in type):

<p>FILED IN THE OFFICE OF THE SAN DIEGO COUNTY CLERK ON <u>November 17, 2023</u></p> <p>Posted <u>November 17, 2023</u> Removed _____</p> <p>Returned to agency on _____</p> <p>DEPUTY _____</p>

Filing fees are due at the time a Notice of Determination/Exemption is filed with our office. For more information on filing fees and No Effect Determinations, please refer to California Code of Regulations, Title 14, section 753.5.

Notice of Exemption

CEQA Guidelines Appendix E

To:	■ Office of Planning and Research 1400 Tenth Street, Room 121 Sacramento, CA 95814	From:	(Public Agency) <i>San Diego Unified Port District Development Services Department 3165 Pacific Highway San Diego, CA 92101</i>
	■ <i>San Diego County Recorder/County Clerk 1600 Pacific Highway, Suite 260 San Diego, CA 92101-2480</i>		

Project Title: Tidelands Use and Occupancy Permit for HyperKelp Pilot Project
Project Location – Specific: Mouth of San Diego Bay, west of Zuniga Point; Shelter Island, tied to a dock near La Playa Anchorage; Former A-8 Anchorage, west of National City Marine Terminal; South Bay, west of Chula Vista Wildlife Refuge; Imperial Beach, anchored offshore of Imperial Beach Pier
Project location – City: San Diego, National City, Chula Vista, Imperial Beach
Project Location – County: San Diego

Description of Nature, Purpose, and Beneficiaries of Project: The proposed pilot project would involve a Tidelands Use and Occupancy Permit (TUOP) for the use of water area to deploy five buoys (approximately ten square feet of water area per buoy) for the proposed smart buoy technology. The proposed pilot project would include the Kelp Smart Buoy (the hardware) and Ocean Data as a Service dashboard (the software), in which the Applicant (HyperKelp) would develop, test, and validate a tailored smart buoy platform for various District monitoring applications. It is anticipated that the TUOP would have a minimum term of two years. The TUOP may be terminated by the District or Tenant 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 Kelp Smart Buoy supports advanced acoustic, photographic, video, and other real time sensor feeds. It features a rugged solar array that generates power, is waterproof, and open water tested. The aim of the proposed pilot project is to develop, validate, and deploy custom sensor data payloads that enable real time and remote monitoring of a target set of parameters important for District monitoring activities, including dissolved copper concentrations, underwater noise levels, atmospheric carbon dioxide concentrations, and water quality. Upon successful customization and integration, the smart buoy platform would be field validated at approximately five deployment sites during the term of the TUOP. During this deployment phase, through a series of remote updates, the Applicant would continue to work with the District's subject matter experts to expand and optimize the system's sensing capabilities to achieve the relevant accuracy requirements set for the monitoring parameters. Each of the proposed locations could have a combination of the following types of sensors, including but not limited to: Underwater Noise, Chlorophyll A, Dissolved Copper, Dissolved Oxygen, Oceanographic, Turbidity, pH, Temperature, Salinity, and Atmospheric CO2.

Installation and removal of the buoy systems from the project locations would require approximately one day for each buoy (five days total). The project locations would be accessed by a small boat or via floating dock for the Shelter Island location for buoy installation, maintenance, and removal. A maximum of two people would be required to deploy, and later remove, the buoy system at the beginning and end of the pilot project at each of the project locations.

The sensors would be located inside the buoys and the buoys would be floating at the surface, with a rope that connects from the buoy to an anchor, with the exception of Shelter Island, where it would be tied to a dock near La Playa Anchorage. Generally, the same buoy system would be installed at each location. The four buoy locations utilizing an anchor, would be connected to up to two 50-pound steel anchors (one cubic foot each) that would be placed on the seafloor. Most mooring setups would use nylon to connect to the anchor, but chains may be utilized.

In total, the buoy system would have an approximate total radius of up to ten square feet at the surface and a bottom radius of three to four feet for the steel anchors on the seafloor.

The Applicant would return to each deployment site by vessel on a monthly basis to carry out sensor calibration, hardware repairs, replacements, and diagnostic tests as needed. The Applicant would continue to communicate with the District to identify desired customizations to the "Ocean Data as a Service" dashboard interface, an Application Programming Interface (API), and on-edge software hosted by the buoys. The Applicant would receive feedback from the District on success of payloads at the halfway mark (approximately twelve months after deployment). Feedback may include potential swapping of payloads to display different data collection, changes to the dashboard, or removing payloads that may not provide value. Throughout the deployment period, the Applicant would provide the District with "Ocean Data as a Service" dashboard services. This collection of data products would include historic measurements of target parameters collected on an hourly basis by each of the deployed buoys in the fleet. The Applicant would also provide an API that enables the District to add fleet data into its existing databases in real time. Over the course of the pilot project, the Applicant anticipates this pilot project to consist of approximately 118,000-197,000 data points collected by the sensors of atmospheric carbon dioxide concentrations, dissolved copper concentrations, water quality parameters, and underwater sound spectra.

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 area proposed for use under this TUOP is 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.

Name of Public Agency Approving Project: San Diego Unified Port District (SDUPD)
Name of Person or Agency Carrying Out Project: Graeme Rae, PhD, HyperKelp CEO, HyperKelp Inc., 1084 N. El Camino Real, Encinitas, CA, 92024 **714-315-2792**

- 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 Exemptions: *Existing Facilities (SG § 15301) (Class 1), New Construction or Conversion of Small Structures (SG § 15303) (Class 3), and Minor Alterations to Land (SG § 15304) (Class 4) Information Collection (SG § 15306) (Class 6), and Accessory Structures (SG § 15311) (Class 11)*
 - Statutory Exemption. State code number: _____

Reason Why Project is Exempt: 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), 15304 (Minor Alterations to Land), 15306 (Information Collection), and 15311 (Accessory Structures) of the District's Guidelines for Compliance with CEQA because it would result in

no permanent effects on the environment, and would not involve the removal of mature, scenic trees and is for the purpose of basic data collection/research/experimental management/resource evaluation activities 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). Section 3.b (2) of the District's CEQA Guidelines is 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.

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.

Lead Agency Contact Person and Telephone Number: Sureena Basra, (619) 936-4515

Signature:  Date: 11/15/2023 Title: Senior Planner

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR/Clerk:

San Diego County



Transaction #: 7495278
Receipt #: 2023406460

JORDAN Z. MARKS
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.gov

Cashier Date: 11/17/2023
Cashier Location: SD

Print Date: 11/17/2023 9:47 am

Payment Summary

Total Fees	\$50.00
Total Payments	\$50.00
Balance:	\$0.00

Payment

VITALCHEK PAYMENT \$50.00

Total Payments \$50.00

Filing

CEQA - NOE FILE #: 2023-000935 Date: 11/17/2023 9:47AM Pages: 4

State Receipt # 37-11/17/2023-0850

Fees: Fish & Wildlife County Administrative Fee \$50.00

Total Fees Due: \$50.00

Grand Total - All Documents: \$50.00