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August 7, 2026
Project No: 25-18259

Thomas Moylan, Marine Operations Manager
Center for Coastal Marine Sciences at California Polytechnic State University
San Luis Obispo, California 93407
Via email: tmoylan@calpoly.edu

Subject: Cal Poly Pier Maintenance and Improvement Plan CEQA Categorical Exemption Memorandum

Dear Mr. Moylan:

This memorandum provides an analysis to support the determination by the California Polytechnic State University, San Luis Obispo (Cal Poly; lead agency) that the proposed Cal Poly Research Pier Maintenance and Improvement Plan (hereafter referred to as the "proposed project") is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of Title 14 of the California Code of Regulations. This memorandum provides an evaluation of the project's consistency with the requirements for a Class 1 Categorical Exemption (CE) for existing facilities.

Introduction

Section 15301 of Title 14 of the California Code of Regulations and of the State CEQA Guidelines states that a Class 1 CE is applicable to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration to existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Sections 15301(a) through (p) provide a non-inclusive list of example projects that are eligible for coverage under a Class 1 CE. The key consideration is whether the project involves "negligible or no expansion of use." Among the examples listed in the CEQA Guidelines under this exemption is the restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety.

State CEQA Guidelines Sections 15300.2(a) through (f) provides a list of specific exceptions for which, if applicable, a Class 1 CE may not be used. These exceptions are as follows:

- **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

- **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Project Location

The Cal Poly Pier (Pier) is located off Avila Beach Drive in San Luis Obispo County, California, extending approximately 3,175 feet over state tidelands in San Luis Obispo Bay. The Pier is located within the Coastal Zone between the shoreline facilities of Port San Luis to the west and the community of Avila Beach to the east. The Pier is within the tidelands of Port San Luis Harbor District, which has a State Tidelands Grant for the tidelands of San Luis Obispo Bay. Figure 1 shows the project site in a regional context and Figure 2 shows the project site at its local scale.

Project Background

The Pier was constructed in 1984 by Union Oil Company of California (Unocal) and donated to Cal Poly in 2001. The Pier is currently owned and managed by Cal Poly and operates under Coastal Development Permit (CDP) 3-01-015 as the Center for Coastal Marine Sciences (CCMS). The Pier is a shore-based marine research facility supporting Cal Poly and visiting researchers.

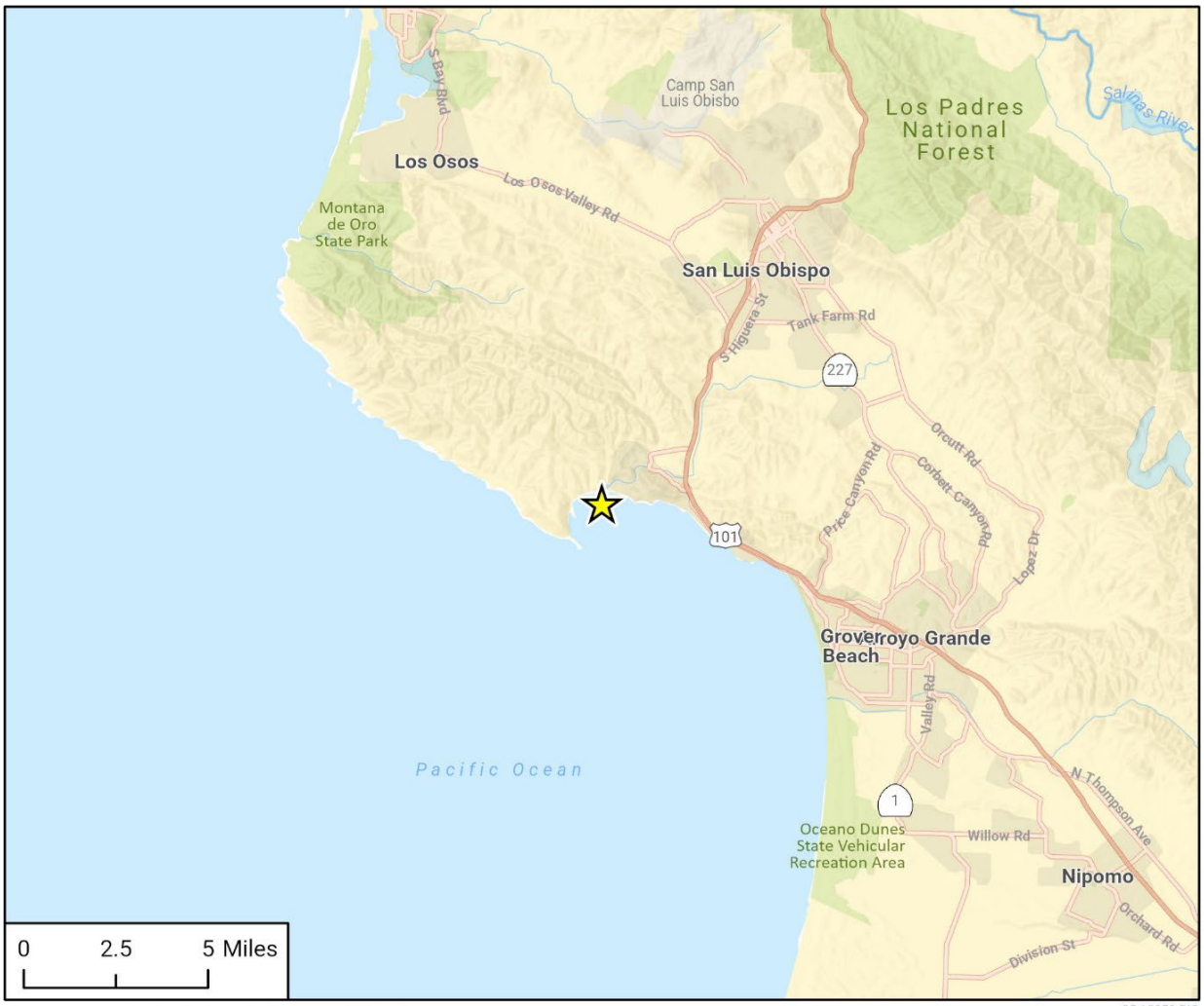
The Pier was rebuilt in 1984 following storm damage and consists of 112 pile bents supporting a steel/concrete superstructure with a widened-end platform and supported by 256 steel pipe piles embedded in the seafloor. Piles are cathodically protected and wrapped in the tidal/surf zone. Five anchor towers are spaced along the Pier, reinforced with steel bracing both above and below the water. The Pier includes buildings, utilities (sewer, domestic water, firewater), lighting, and a Flowing Seawater Facility to support research and education.

Based on recent inspections and engineering studies, the below-water elements of the Pier are satisfactory; above-water steel is generally fair, but piles in the splash zone above existing wraps are in poor condition and deteriorating due to corrosion associated with coating failure. Therefore, repair and replacement of components of the Pier's steel elements, the Pier shoreline interface, and existing utilities are required to enhance safety and extend the service life of the Pier.[1]

The Port San Luis Harbor District adopted a Notice of Exemption (NOE) for operations and maintenance activities at the Pier in 2020 (Resolution 20-06). The 2020 NOE included Pier painting, removal of obsolete oil pipeline, utility upgrades, pile wrap repair and replacement, and seawall repair and replacement. Seawall repairs covered by the 2020 NOE are ongoing; other maintenance activities identified in the 2020 NOE, as well as additional maintenance requirements identified in the latest inspections and engineering studies, have not been initiated and are still required.

[1] Brady and Associates. 2026. Cal Poly Pier Long Term Maintenance and Improvement Plan.

Figure 1 Regional Project Location



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Map created by Rincon Consultants, Inc., 2026.

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Fig 1 Regional Location

Project Location

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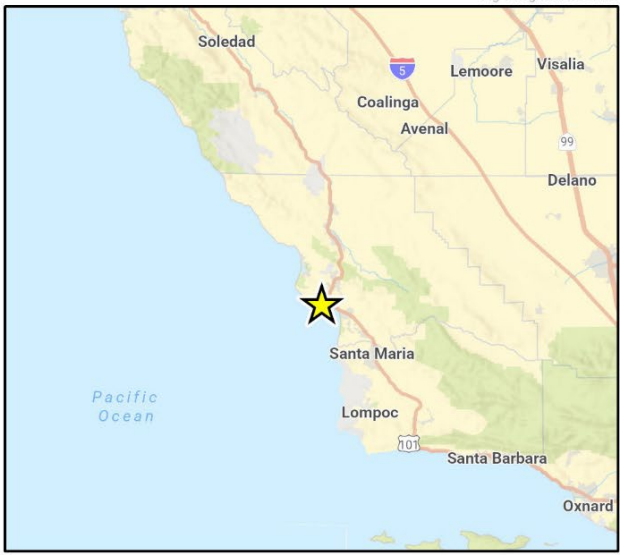

Figure 2 Project Site Location

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Additional data provided by NOAA, 2026.

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Fig X Project Location

Project Description

The proposed project includes a phased program of repair and maintenance activities over a ten-year period. Phase 1 would implement integrated maintenance and repair activities at the Pier landing and nearshore Pier bents to stabilize the existing shoreline protection system, protect the Pier abutment and nearshore piles, and improve access for ongoing Pier maintenance. The work would occur within and immediately adjacent to the existing disturbed revetment and Pier footprint, generally under and adjacent to the Pier landing, where the existing rock revetment has lost its original profile due to displacement and spreading of armor stone into the intertidal area. Specifically, Phase 1 activities would include:

- Removal of legacy petroleum pipelines to facilitate equipment access and reduce long-term maintenance constraints;
- Rehabilitation of the existing rock revetment; and
- Repair, replacement, and extension of protective pile coatings and pile wrap systems on nearshore Pier piles.

The purpose of Phase 1 is to restore the protective function of existing coastal infrastructure rather than expand the Pier footprint or intensify use. The proposed work would maintain and protect the existing educational and marine research facility and would support continued safe use of the Pier for coastal-dependent research and education. Figure 3 illustrates the project work areas for the repair activities.

Phase 2 consists of ongoing repair, maintenance, rehabilitation, and replacement-in-kind activities throughout the existing Pier facility over a 2- to 10-year period. No in-water work is proposed as part of Phase 2. Activities would occur within the existing Pier footprint and would maintain the operational function, safety, and structural integrity of the existing facility. Specifically, Phase 2 activities would include:

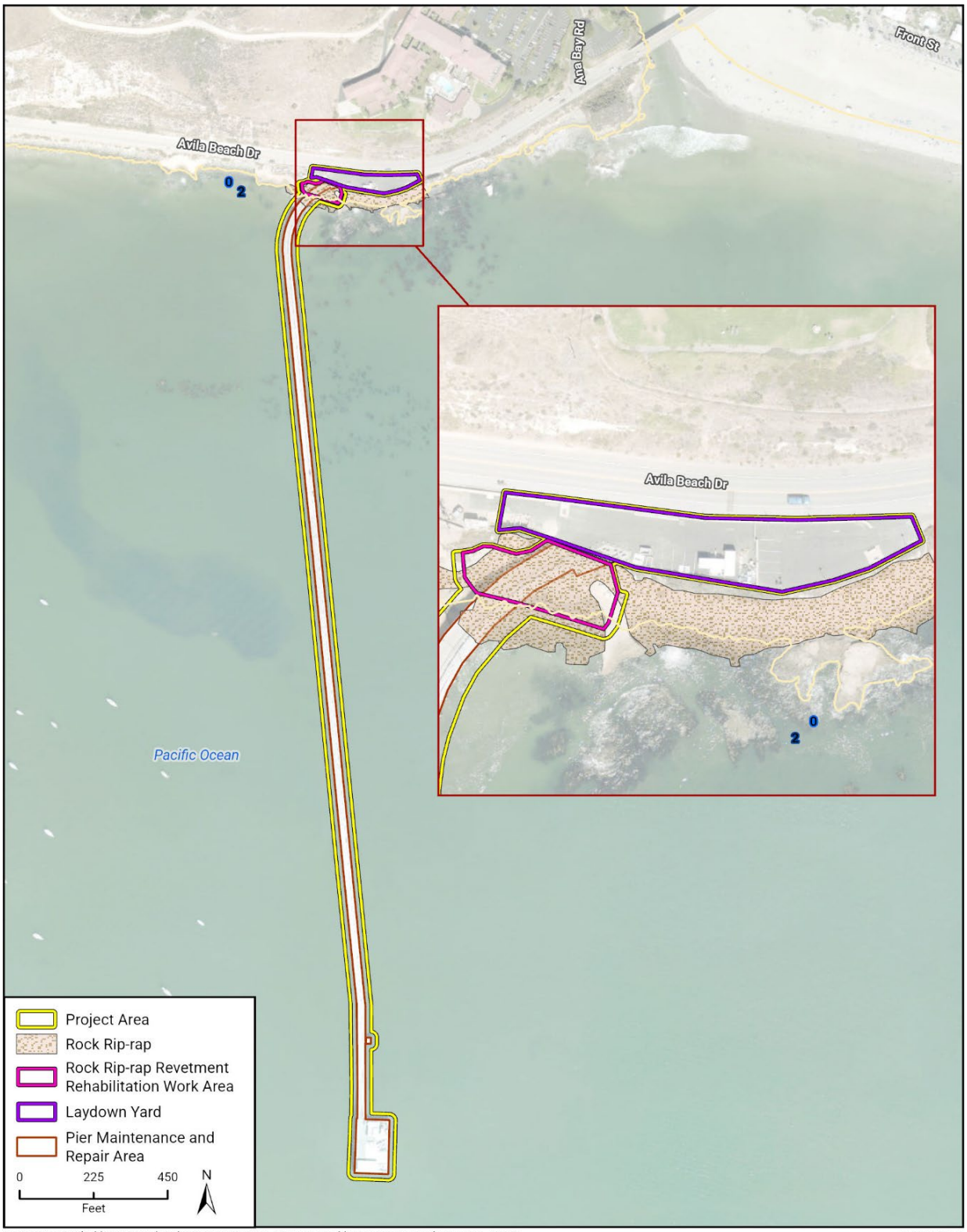
- Continued removal of incremental sections of the approximately 16,000 linear feet of existing abandoned petroleum lines along the Pier trestle and below the loading platform. Testing, cleaning, hazardous waste transport and safe disposal, and patch deck penetrations would occur as needed.
- Superstructure coating, including surface preparation, over-coat strategy where existing coating adheres, and structural spot repairs as revealed during coating preparation.
- Relocation and replacement of wet utilities including sewer, domestic water, and firewater outside of girders and rail with stainless supports.
- Replacement of electrical equipment, including transformers, distribution components, cable trays, conduits, wiring, and lighting systems.

Construction

Construction of Phase 1 would be scheduled during late spring through early fall work windows as feasible to reduce exposure to winter storm events and minimize construction-related environmental risk. These activities are proposed to be implemented concurrently because temporary movement or removal of existing rock would be required to access the nearshore piles and because pipeline removal would improve access for construction equipment and future maintenance.

Pipeline removal would be limited to the extent necessary to support Phase 1 access and maintenance activities. Pipeline segments would be tested, cleaned, cut, removed, transported, and disposed of in accordance with applicable hazardous materials and waste management requirements. Any deck penetrations or support connections affected by removal would be patched or stabilized as needed to maintain Pier safety and structural integrity.

Figure 3 Project Work Areas



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Additional data provided by NOAA, 2026.

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Fig 2 Project Area and Biological Study Area

Revetment rehabilitation would be confined to the existing disturbed footprint affecting approximately 2,650 square feet (0.06 acres) within a work area of approximately 5,300 square feet (0.12 acres). Reconstruction is required due to degradation of the existing revetment profile and loss of effective crest height resulting from progressive stone displacement into the intertidal zone. Additional imported stone will be required to restore the revetment to its previous design profile and protective function because a portion of the existing armor stone has been displaced beyond recoverable limits. Work will involve limited excavation and placement of rock within the existing revetment footprint and intertidal zone, including keyway excavation into native material and placement of engineered rock armor. The proposed revetment work would not construct a new shoreline protection structure in an unarmored area. Rather, it would repair and restore the existing revetment within the previously disturbed shoreline protection footprint to maintain the function of the existing Pier landing and protect existing coastal-dependent infrastructure

Pile protection repairs would include cleaning deteriorated coating and corrosion products from existing steel pile surfaces, preparing steel surfaces in accordance with applicable coating and corrosion protection specifications, applying corrosion-inhibiting materials, and installing a marine-grade pile wrap system. Piles with minor tears or localized damage to existing wraps that do not require full replacement would be repaired using marine-grade patching materials, protective wrap, and stainless steel bands. Missing or failed wraps would be replaced. All removed material, deteriorated coatings, loose debris, and construction waste would be collected and disposed of at appropriate upland facilities. This system provides sealed, inert corrosion protection and does not alter structural footprint, use, or intensity. These repairs are consistent with maintenance and preservation of an existing coastal-dependent structure and do not expand the footprint or introduce new uses.

No pile driving, vibratory hammers, blasting, or large-scale dredging is proposed. Construction activities would be short-term, localized, and limited to the existing Pier, revetment, and associated maintenance footprint. Access to the shoreline and work areas immediately under and adjacent to the Pier including rock rehabilitation would be performed using medium sized, mechanized equipment placed on the shoreline using a crane located in the parking lot or on the Pier. Equipment, materials and parking will be staged in the parking lot.

To support Phase 2 activities, access to topside Pier work areas and underlying infrastructure will be performed from the Pier deck using a suspended work platform or mobile crane. Equipment and materials including powered hand tools will be lowered down to a suspended work platform by powered equipment (crane) or non-powered (ropes or cables) to individual work areas, as appropriate.

Operation

Following implementation of the proposed project, the Pier would continue to operate in the same manner as the existing condition. The proposed project would not increase operational capacity, expand public access, introduce new uses, or alter the function of the existing educational and marine research facility. The proposed project would maintain and preserve existing infrastructure to support continued safe operation of the Pier.

Project Design Features: Avoidance and Minimization Measures

The following Avoidance and Minimization Measures (AMMs) would be incorporated into the project design to avoid and minimize the project's potential to result in environmental impacts. These measures may be revised or superseded through coordination with regulatory agencies, including National Marine Fisheries Service (NMFS), California Coastal Commission (CCC), California Department of Fish and Wildlife (CDFW), United States Fish and Wildlife Service (USFWS), and/or United States Army Corps of Engineers (USACE), to comply with permit requirements.

AMM-1 General Construction Measures

To avoid and/or minimize potential impacts associated with construction activities, public access, and worker safety, the following measures will be implemented during all phases of project construction:

- Construction activities will be scheduled, to the extent feasible, during the late spring through early fall period to avoid adverse weather conditions and the harbor seal pupping season (March through May).
- The contractor will review marine weather and ocean condition forecasts daily prior to initiating construction activities. Construction activities occurring over water or along the shoreline will be postponed, modified, or suspended when forecasted conditions could result in unsafe working conditions, increased turbidity, material loss, or other risks.
- Construction activities will be conducted in a manner that minimizes interference with public access to the Pier and beach areas adjacent to the project site.

AMM-2 Material Containment and Debris Management

To avoid and/or minimize potential impacts to water quality, marine habitats, and public resources from construction debris and material loss, the following measures will be implemented during all overwater and shoreline construction activities:

- Heavy-duty debris containment netting or other equivalent containment systems will be installed beneath active work areas where tools, construction materials, removed structural components, paint chips, concrete fragments, or other debris could enter marine waters.
- Floating containment booms, netting, or similar containment devices will be deployed around active work areas.
- Containment systems will be inspected daily and maintained in good working condition throughout construction. Accumulated debris will be removed at the end of each workday or more frequently as necessary to prevent materials from entering marine waters.
- If construction debris enters the water despite implementation of containment measures, the contractor will immediately suspend work activities to retrieve the material as soon as it is safe and feasible to do so.
- Construction waste and debris will be collected, stored in appropriate containers, and disposed of at approved disposal or recycling facilities.

AMM-3 Lead-Safe Surface Preparation and Coating

Lead-safe work practices are required due to the presence of lead-based coatings identified in prior environmental site assessments of the Pier. The following measures will be implemented during all applicable surface preparation, coating removal, and maintenance activities:

- All surface preparation and coating removal activities will be conducted in accordance with applicable federal, state, and local regulations governing lead-based paint management, hazardous materials handling, worker safety, and environmental protection.
- Negative-pressure containment systems, vacuum recovery systems, or other equivalent containment measures will be utilized, where feasible, to prevent the release of paint chips, dust, and other coating debris into the environment.
- All vacuum systems utilized for coating removal and cleanup activities will be equipped with High Efficiency Particulate Air (HEPA) filtration or equivalent technology.
- Work platforms, equipment, and containment structures will be regularly inspected and cleaned to prevent the accumulation and release of paint chips, dust, or other hazardous materials.
- Waste materials generated during coating removal activities will be characterized, stored, transported, and disposed of in accordance with applicable hazardous waste regulations.

- An air quality and debris monitoring plan will be prepared and implemented during coating removal activities. The monitoring plan will establish action thresholds, corrective actions, and stop-work triggers, and follow up procedures to address any release of coating debris or exceedance of performance standards.

AMM-4 Water Quality Protection and Spill Prevention

To avoid and/or minimize potential impacts to water quality, jurisdictional waters, and marine habitats, the following measures will be implemented throughout construction:

- All applicable permits, authorizations, and approvals related to dewatering, water discharge, and water quality protection will be obtained prior to initiation of construction activities.
- Wash water, concrete slurry, paint removal residue, coating waste, and other liquid or semi-liquid waste generated during construction activities will be contained, collected, and properly disposed of at approved facilities.
- Spill prevention and response supplies, including absorbent materials and spill response kits, will be maintained on site and readily available at all times during construction activities.
- Any spill, leak, or release of hazardous materials will be contained, cleaned up, and reported in accordance with applicable regulatory requirements.
- Surface preparation, coating application, and similar activities will be scheduled to avoid exposure of uncured coatings or treatment materials to tidal inundation, wave action, or other marine conditions that could result in discharge to coastal waters.

AMM-5 Construction Noise and Vibration Reduction

To avoid and/or minimize potential impacts from construction-generated noise and vibration on nearby sensitive receptors, marine wildlife, and recreational users, the following measures will be implemented during construction activities:

- Construction activities will be limited to daytime hours consistent with applicable permit requirements and local regulations.
- All construction equipment and vehicles will be equipped with properly functioning mufflers and maintained in accordance with manufacturer specifications.
- Unnecessary equipment idling will be prohibited and equipment not actively in use will be shut down whenever practicable.
- Although pile driving is not proposed as part of the project, a soft-start approach will be utilized for rip rap rehabilitation. Soft-start procedures will consist of gradually increasing activity levels at the beginning of work to allow marine wildlife the opportunity to voluntarily move away from the area.

AMM-6 General Biological Resource Protection Measures

To avoid and/or minimize potential impacts to marine biological resources, special-status species, and sensitive marine habitats, the following measures will be implemented during project construction:

- Divers will minimize contact with the seafloor, submerged structures, benthic habitats, and attached marine organisms to the maximum extent feasible.
- Prior to initiation of in-water activities each day, a qualified biologist will survey the project site for marine mammals, sea turtles, and other sensitive marine species. If a marine mammal, sea turtle, or other sensitive species is observed within or immediately adjacent to the active work area, the qualified biologist may delay initiation of work or temporarily halt construction activities until the animal has voluntarily moved away from the area.

- Prior to placement of riprap or other materials within or adjacent to marine habitat, a qualified biologist will survey the project site for the presence of eelgrass and other sensitive marine vegetation communities.
- If eelgrass is identified within or adjacent to the project site, avoidance buffers of approximately 10 to 25 feet, or as otherwise required by the resource agencies, will be established around eelgrass beds.
- Construction equipment, anchors, vessels, materials, and staging activities will be prohibited within eelgrass beds and designated eelgrass avoidance areas.
- Artificial lighting utilized during nighttime or low-light construction activities will be minimized to the greatest extent feasible and will be directed downward and shielded to avoid unnecessary illumination of marine waters and adjacent habitats.

AMM-7 Worker Environmental Awareness Program

Prior to initiation of construction activities (including staging and mobilization), all personnel associated with project construction will attend a WEAP training, conducted by a qualified biologist, to aid workers in recognizing marine mammals, black abalone, surfgrass beds, and other protected biological resources that may occur in the project site. This program will include identification of protected species with potential to occur within the project site, a description of the regulatory status and general ecological characteristics of sensitive marine resources, and a review of the limits of construction and the measures required to avoid and/or minimize impacts to biological resources within and around the project site.

A fact sheet conveying this information will be prepared for distribution to all contractors, their employers, and other personnel involved with construction. All employees will sign a form provided by the qualified biologist to document that they have attended the WEAP and understand the information presented to them. The crew foreman will be responsible for ensuring crew members adhere to the guidelines and restrictions designed to avoid or minimize impacts to protected biological resources. If new construction personnel are added to the project, the crew foreman will ensure that the new personnel receive the WEAP training before starting work.

AMM-8 Best Management Practices to Protect Water Quality and Coastal Marine Resources

The following Best Management Practices (BMPs) will be implemented within the project site to avoid and/or minimize potential impacts to water quality, jurisdictional waters, and other coastal marine resources.

- All vehicles, equipment, and vessels will be properly maintained in good working condition and free of leaks. The contractor will prevent oil, petroleum products, or any other pollutants from entering the Pacific Ocean. When vehicles or equipment are stationary, mats or drip pans shall be placed beneath them to contain potential fluid leaks.
- No construction debris will be allowed to enter the Pacific Ocean. A floating containment boom, netting, or functional equivalent shall be placed around all active portions of the project site during construction where pier coatings, portions of removed utility pipelines, or other debris could enter the water. For any work on or beneath the pier deck where construction discards or other materials could fall into the water, heavy-duty mesh containment netting will be maintained below the work areas. The floating boom and net shall be cleared daily or as often as necessary to prevent accumulation of debris.
- Adequate spill prevention and response equipment will be maintained on site and readily available to ensure minimal impacts to the Pacific Ocean. Any construction-related spills or leaks will be stopped as soon as possible. The contaminated area will be cleaned, and any contaminated materials properly disposed. For all spills, the project foreman or other designated liaison will notify Cal Poly immediately.

- All trash will be disposed of daily in closed containers and all construction material, debris, vessels, vehicles, equipment, and trash shall be removed from the project site following project completion.
- Areas of temporary disturbance will be minimized to the extent practicable. Staging and laydown areas will be limited to sites that are unvegetated and previously disturbed (e.g., the existing Cal Poly Pier parking lot).
- BMPs (e.g., fiber rolls, sand bags, straw bales) will be installed around the laydown/staging area as necessary to prevent the discharge of any debris, sediment, or pollutants to the Pacific Ocean.
- BMPs for the removal of lead-based coatings will be utilized to ensure that all Federal and State safety and environmental regulations are upheld.
- Prior to any construction activity along the shoreline, temporary construction fencing will be installed to delineate the eastern and western limits of the construction area to prevent any construction activity from encroaching into adjacent habitat or beach areas. Construction fencing will be installed above the high tide line, securely staked, and maintained in good condition during the entire shoreline construction phase of the project.
- Work will occur during daylight hours and artificial lighting will not be utilized for project activities.
- Construction and maintenance activities will be conducted so as to minimize, to the greatest extent possible, any interference with public access to beach areas adjacent to the project site.
- Divers performing in-water work (e.g., pier pile protection repairs) will use only hand tools and will minimize any incidental disturbance to benthic marine habitat.

AMM-9 Measures to Protect Black Abalone and Critical Habitat

To avoid and/or minimize potential impacts to black abalone and black abalone critical habitat during shoreline construction activities, the following measures will be implemented:

- A qualified biologist will be on site to visually monitor the project site during all shoreline construction activities that occur within black abalone critical habitat (i.e., rock rip-rap revetment rehabilitation).
- The qualified biologist will conduct daily clearance surveys within the work area prior to any rock rip-rap revetment rehabilitation activities that occur below MHHW. The biologist will survey all rocky intertidal portions of the work area for the presence of black abalone prior to the commencement of work each day. If any black abalone individuals are observed, work in the rock rip-rap revetment rehabilitation area will stop, Cal Poly, NMFS, and CDFW will be immediately contacted, and a plan for avoiding direct impacts to black abalone will be developed and approved by the resource agencies prior to the recommencement of rock revetment rehabilitation work.
- All rock rip-rap revetment rehabilitation work will occur above the 0 ft MLLW contour line, within the work area outlined in the Coastal Engineering Report (Figure 2. Site Plan) prepared for the project (ENGEO 2026) and/or any subsequent project site plans prepared prior to construction. The limits of the rock rip-rap revetment rehabilitation work area will be visually delineated to ensure that construction activities do not encroach into intertidal or subtidal habitat that contains critical habitat PBFs for black abalone. Installation of construction fencing within the intertidal zone is likely infeasible, so other methods of delineating the limits of the work area that are appropriate to the site conditions (e.g., buoys, booms) may be required.
- Construction methods will be utilized within the rock rip-rap revetment rehabilitation work area to minimize disturbance to intertidal habitat and nearshore water quality to the greatest extent feasible and to ensure that rocks being moved for revetment rehabilitation do not roll seaward beyond the limits of the work area.

AMM-10 Measures to Protect Marine Mammals and Sea Turtles

To avoid and/or minimize potential impacts to any marine mammal and sea turtle species that might be present within or near the project area during in-water construction activities, the general NOAA guidelines for marine wildlife protection will be followed. Additionally, the following measures will be implemented:

- Any project-related vessels will comply with speed limits and no-wake restrictions within Port San Luis. If a project vessel encounters a sea turtle or marine mammal, the vessel will slow down, operate at no-wake speed and be put in neutral to let the individual pass. Vessels will remain a minimum of 150 feet away from marine mammals that are in the water (to the greatest extent feasible) and a minimum of 150 feet from seals and sea lions hauled out on rocks or other structures.
- The rock rip-rap revetment rehabilitation work will occur outside of the harbor seal pupping season (March-May).
- A qualified biologist will be on site (either observing from the shoreline or pier) to visually monitor the project site and vicinity for the presence of marine mammals during all rock rip-rap revetment rehabilitation construction activities.
- A Marine Mammal Monitoring Plan will be developed for the project that will detail all avoidance measures and monitoring requirements for marine mammals and sea turtles. These may include noise buffers, stop-work requirements, harbor seal pupping season exclusions, and biological monitoring and reporting details. The Biological Monitoring Plan will be approved by the necessary resource agencies prior to the commencement of project activities.

AMM-11 Preconstruction Survey for Nesting Birds

If project activities occur during the nesting bird season (February 1 to September 15), the following measures will be implemented to reduce impacts to special-status bird species and other migratory and nesting birds protected by CFGC and the MBTA.

- A preconstruction nesting bird survey will be conducted by a qualified biologist no more than seven days prior to initiation of project activities. The survey will be conducted within all proposed project work areas where project activities are expected to occur within seven days and will include a 250-foot buffer for passerines and seabirds and a 500-foot buffer for raptors. The survey will be conducted by a biologist familiar with the identification of avian species known to occur in the region and should focus on potential nesting habitat on pier infrastructure. If project activities halt for at least seven days, or are planned to occur in areas that have not yet been surveyed, then an additional preconstruction nesting bird survey will be conducted prior to the reinitiation of construction activities and/or initiation of construction activities in new areas.
- If active nests are found during the preconstruction survey(s), an appropriate avoidance buffer (typically 250 foot for passerine species and 500 feet for raptors) will be determined and demarcated by the avian biologist with high visibility material.
- All project personnel will be notified as to the existence of the avoidance buffers and to avoid entering or working within buffers while the nest is active.
- A qualified avian biologist will conduct weekly spot checks to monitor any active nests observed during the preconstruction survey(s), to ensure that buffers are sufficient and project activities are not impacting nesting behavior; and to determine when the young have fledged and/or the nest is no longer active.
- Encroachment into nest exclusion buffers will occur only at the discretion of the qualified avian biologist. A qualified biologist will be on site to visually monitor any active nests during all project activities conducted within the nest exclusion buffer. project activities will not occur within the buffer(s) without the biological monitor present until the avian biologist has confirmed that breeding/nesting is complete and the young are no longer utilizing the nest.

Exemption Analysis

Suitability of Use of Categorical Exemption

The project qualifies for a CE under CEQA. Public Resources Code Section 21084 requires the CEQA Guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and that are, therefore, exempt from CEQA (see Chapter 19, Sections 15301 through 15333 of the CEQA Guidelines). Categorically exempt projects under CEQA fall into several distinct categories; Class 1 applies to the project.

Section 15301 – Existing Facilities

Class 1 projects consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The key consideration is whether the project involves negligible or no expansion of use. Examples include but are not limited to restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood.

Phase 1 of the proposed project involves the repair and maintenance of existing structural elements of the Pier. These activities would preserve the existing function and integrity of the Pier, reduce future corrosion-related damage, and avoid more extensive future repairs. Phase 2 of the project would implement a multi-year maintenance and repair program to restore essential Pier infrastructure, reduce erosion- and corrosion-related risks, protect public safety and water quality, and maintain regulatory compliance. These activities would support continued research and educational use of the Pier and improve long-term operational safety, including removal of legacy oil pipelines required for safe access. As such, the project involves the operation, repair, maintenance, and minor alteration of existing public structures and facilities involving negligible expansion of existing or former use. Therefore, the project meets the qualifications of the Class 1 categorical exemption described in Section 15301(d) of the CEQA Guidelines.

Discussion of CEQA Guidelines 15300.2 Exceptions

Projects that are consistent with the categorical exemptions identified in CEQA Guidelines Sections 15301 through 15333 are not automatically exempt from CEQA review. Section 15300.2 (Exceptions) of the CEQA Guidelines outlines the cases in which projects that would normally be exempt from CEQA review would not be exempt. These exceptions are as follows:

a. **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

b. **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

c. **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

d. **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

e. **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

f. **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The following sections address each one of the potential exceptions and demonstrate that none apply to the proposed project.

15300.2(a) **Location**. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies.

This project qualifies for a Class 1 exemption; therefore, this exception does not apply to the proposed project.

15300.2(b) **Cumulative Impact**. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

Construction activities associated with Phase 1 would be temporary and short-term. Construction activities associated with Phase 2 would occur over a two- to 10-year period, but work would occur intermittently at discrete locations as needed rather than simultaneously over the longer term. Maintenance activities at the Pier previously evaluated under the Port San Luis Harbor District's 2020 NOE are related to the proposed project and are both similar in nature and limited in scope. Collectively, these activities represent ongoing maintenance of an existing facility rather than successive projects resulting in incremental change and impacts. In addition, there are no major reasonably foreseeable future projects within the geographic scope of the Pier and coastal areas that would result in a cumulatively significant impact in combination with the proposed project. Therefore, no significant cumulative impacts would result from successive projects in the same place over time, and this exception does not apply to the proposed project.

15300.2(c) **Significant Effect**. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The circumstances of the proposed project are not considered unusual because: (1) the project consists of repair, maintenance, rehabilitation, and replacement-in-kind activities at an existing Pier; (2) the proposed work would occur within the existing Pier, revetment, and associated maintenance footprint; (3) activities such as removal of obsolete pipelines, revetment rehabilitation, pile coating and wrap repairs, utility upgrades, and structural maintenance are typical infrastructure preservation activities undertaken to address deterioration and extend the service life of existing facilities; and (4) construction activities would be temporary, localized, and conducted using conventional construction equipment and methods with no pile driving, vibratory hammering, blasting, or dredging. Accordingly, the project does not involve unusual circumstances. Therefore, this exception does not apply to the proposed project.

15300.2(d) **Scenic Highways**. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The closest officially designated state scenic highway is the portion of State Route 1 that begins at the intersection of Highland Drive and Santa Rose Street in the City of San Luis Obispo and extends northward. This designated scenic highway is located approximately nine miles north of the Pier. Therefore, this exception does not apply to the proposed project.

15300.2(e) **Hazardous Waste Sites**. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

A search of the Department of Toxic Substances Control EnviroStor database and the State Water Resources Control Board GeoTracker database was conducted in July 2026. The project site is not located on or within 0.25 mile of any active hazardous waste site.[2] The project site is located approximately 100 feet from 3223 Avila Beach Drive, which is a Cleanup Program Site identified on the GeoTracker database; cleanup has been completed the case was closed as of May 2009.[3] Therefore, this exception does not apply to the proposed project.

15300.2(f) **Historical Resources**. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The Cal Poly Pier was constructed in 1984 and does not meet the 45-year age requirement to be considered a historical resource. As such, the Pier does not qualify as a historical resource as defined by CEQA. Therefore, the project would not result in a substantial adverse change in the significance of a historical resource, and this exception does not apply to the proposed project.

Determination

Based on this analysis, the proposed project meets the qualifications of the Class 1 (15301 - Existing Facilities) categorical exemption and is exempt from CEQA pursuant to CEQA Guidelines Article 19.

Sincerely,
Rincon Consultants, Inc.

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Chris Bersbach, MESM
Director of Environmental Planning

[2] Department of Toxic Substances Control. 2026 EnviroStor Database. https://www.envirostor.dtsc.ca.gov/public/ (accessed July 2026).
[3] State Water Resources Control Board. 2026. GeoTracker Database. https://geotracker.waterboards.ca.gov/ (accessed July 2026).