

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION AUTHORIZING CAPTAIN BRIAN VANDERSPEK AS A U.S. COAST GUARD LICENSED SAN DIEGO HARBOR PILOT TO PERFORM PILOTING SERVICES FOR THE NAVIGATION OF VESSELS ENTERING, LEAVING, AND SHIFTING WITHIN SAN DIEGO BAY**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1; and

WHEREAS, the San Diego Bay Pilots Association (SDBPA) provides pilotage services and navigational assistance for large, ocean-going vessels entering, shifting within, and leaving San Diego Bay; and

WHEREAS, the SDBPA are comprised of District-authorized Pilots and provide pilotage services in an independent capacity, not as officers, employees, agents, or independent contractors of the District; and

WHEREAS, the Board of Port Commissioners (BPC) regulates harbor pilots and pilotage rules pursuant to Ordinance 1603; and

WHEREAS, the rules, fees and regulations pertaining to pilots and pilotage are set forth in The Port of San Diego Tariff No. 1-G; and

WHEREAS, Section XIII, Item 0790, subpart (a) of the Port Tariff provides for the Board to designate the person or persons authorized to perform pilot services at the Port of San Diego, as well as establish the number of pilots that are required for public convenience and necessity; and

WHEREAS, the SDBPA is currently comprised of four full-time licensed San Diego Bay Harbor Pilots that serve the needs of ocean-going vessels that are calling at the District's maritime terminals; and

WHEREAS, the SDBPA recently changed ownership and management structure and details of these changes are described under the Discussion Section of the corresponding agenda sheet on file with the Office of the District Clerk; and

WHEREAS, the SDBPA is recommending changing from a current four-pilot rotation to a five-pilot rotation to accommodate current and increasing pilotage needs in San Diego Bay; and

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WHEREAS, Captain Brian Vanderspek was selected and is being recommended by the San Diego Bay Pilots Association for BPC approval to join the SDBPA as a full-time San Diego Harbor Pilot; and

WHEREAS, the San Diego Pilotage Advisory Council, comprised of maritime stakeholders in San Diego Bay, confirmed that Captain Vanderspek has met all relevant criteria as set forth in the Training, Professional Development and Oversight Program for Pilots at the Port of San Diego; and

WHEREAS, the proposed Board action, including without limitation authorizing Captain Brian Vanderspek as a U.S. Coast Guard licensed San Diego Harbor Pilot to perform piloting services within San Diego Bay, does not constitute a project under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because there is not a potential to result in a direct or indirect physical change in the environment. Therefore, the proposed Board action is not subject to CEQA and no further action under CEQA is required; and

WHEREAS, the proposed Board action complies with Sections 21 and 35 of the Port Act, which allow the Board to pass resolutions; and to do all acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine; and

WHEREAS, the proposed Board action does not allow for development, as defined in Section 30106 of the California Coastal Act, or new development, pursuant to Section 1.a. of the District's Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or an exclusion finding is not required; and

WHEREAS, staff is recommending that the BPC authorize Captain Vanderspek as a Licensed San Diego Harbor Pilot.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District (BPC), as follows:

1. The BPC finds the facts recited above are true and further finds that it has jurisdiction to consider, approve and adopt the subject of this Resolution.

2. Based on the entire record available to the BPC and the findings set forth in this Resolution, the BPC finds that the action, including without limitation authorizing Captain Brian Vanderspek as a U.S. Coast Guard licensed San Diego Harbor Pilot to perform piloting services within San Diego Bay, does not constitute a project under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because there is not a potential to result in a direct or indirect physical change in

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the environment. Therefore, the proposed Board action is not subject to CEQA and no further action under CEQA is required.

3. The BPC hereby authorizes Captain Brian Vanderspek as a U.S. Coast Guard licensed San Diego Harbor Pilot to perform piloting services within San Diego Bay.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 13th day of August 2024, by the following vote: