

DRAFT

RESOLUTION 2020-xxx

**RESOLUTION ADOPTING A FIRST ADDENDUM TO
THE FINAL MITIGATED NEGATIVE DECLARATION
FOR THE B STREET SHORE POWER PROJECT
AND AUTHORIZING STAFF TO FILE A NOTICE OF
DETERMINATION**

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 I (Port Act); and

WHEREAS, in response to the varied power connection needs of cruise ships, such as port and starboard connections, the District proposes the addition of a new shore power connection point at the B Street Cruise Ship Terminal's southern berth (Additional South Berth Shore Power Connection Point at the B Street Cruise Ship Terminal (CST) Project (proposed Project)); and

WHEREAS, the proposed Project advances electrification efforts to meet the California Air Resources Board's (CARB) At-Berth Regulation by implementing Oceangoing Vessel Objective 2A of the District's Maritime Clean Air Strategy (MCAS) which improves air quality by significantly reducing Diesel Particulate Matter emissions from ships-at-berth; and

WHEREAS, the proposed Project includes the following components: the installation of one (1) shore power ground switch; approximately 80 linear feet of under-deck conduit; and, shore power outlet equipment as well as pulling conductors through approximately 750 linear feet of previously constructed duct bank along the south berth and the newly built under-deck conduit; and

WHEREAS, Best Management Practices (BMPs) would be implemented for the below deck work to ensure materials and equipment do not enter San Diego Bay; and

WHEREAS, upon Board of Port Commissioners (BPC) authorization, construction is expected to begin in October 2024 and be completed by January 2025; and

WHEREAS, a Final Mitigated Negative Declaration (Final MND) for the B Street Shore Power Project (SCH #2009111064; Resolution No. 2010-07; Clerk Document No. 69487) was adopted by the BPC on January 5, 2010; and

WHEREAS, the proposed Project will not result in an increase in capacity and would not enable more than two ships to be connected to shore power, as originally analyzed by the adopted Final MND; and

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WHEREAS, the Final MND addressed the proposed modifications necessary to install shore power equipment at B Street Pier and Broadway Pier CSTs so that cruise ships berthing at B Street Pier or Broadway Pier can use electrical power from the shore rather than their engines while at berth; and

WHEREAS, the District has determined that the adopted Final MND has continuing informational value with respect to the proposed Project and that none of the conditions in CEQA Guidelines Section 15162, requiring preparation of a subsequent or supplemental MND or Environmental Impact Report, have occurred; and

WHEREAS, in accordance with Section 15164, a First Addendum to the Final MND has been prepared as: 1) no substantial changes are proposed to the Project; 2) no substantial changes have occurred with respect to the circumstances under which the Project is undertaken that require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects; and 3) no new information of substantial importance has come to light that (a) shows the Project will have one or more significant effects not discussed in the MND, (b) identifies significant impacts would be substantially more severe than those analyzed in the MND, (c) shows that mitigation measures or alternatives previously found not to be feasible are now feasible and would reduce significant impacts, or (d) shows that mitigation measures or alternatives which are considerably different from those analyzed in the adopted MND would substantially reduce one or more significant effects on the environment; and

WHEREAS, if the BPC approves any discretionary action to carry out the proposed Project, staff will file a Notice of Determination pursuant to CEQA Guidelines Section 15094; and

WHEREAS, the Final MND for the B Street Shore Power Project and the First Addendum to the Final MND for the Additional South Berth Shore Power Connection Point at B Street Cruise Ship Terminal Project were provided to the Board via a Board Memorandum dated September 5, 2024; and

WHEREAS, the Final MND and First Addendum to the Final MND can be accessed on the District's website at: <<https://www.portofsandiego.org/public-records/port-updates/notices-disclosures/ceqa-documents>>; and

WHEREAS, the Final MND and First Addendum to the Final MND are, by this reference, incorporated into this Resolution as if fully set forth herein; and

WHEREAS, having reviewed and considered all the materials made available to the BPC, including, but not limited to, the Final MND and First

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Addendum to the Final MND, the staff reports and all the evidence in the record of the proceedings with respect to the proposed project, the BPC took the actions hereinafter set forth below; and

WHEREAS, the BPC considered the actions at a duly noticed meeting held on September 10, 2024, at which the BPC reviewed and considered all materials made available to the BPC regarding the proposed Project.

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

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

2. The BPC finds and determines that the applicable provisions of CEQA, the CEQA Guidelines and the District Guidelines have been duly observed in conjunction with said hearing and the considerations of this matter and all of the previous proceedings related thereto.

3. The BPC has independently reviewed, analyzed, and considered the Final MND and First Addendum to the Final MND and the whole record before it, and finds and determines, on the basis of the whole record before the BPC, that:

- a. The Final MND is complete and adequate in scope and is of continuing informational value with respect to the proposed Project;
- b. Some changes or additions to the Final MND are necessary and the preparation of an addendum to the Final MND documents that none of the conditions in CEQA Section 21166 and CEQA Guidelines Section 15162, triggering preparation of a Subsequent MND, has occurred;
- c. The proposed Project is within the scope of the Final MND and there will not be any new or more significant impacts not previously identified in the Final MND, and the analysis for the proposed Project is adequate and appropriate;
- d. First Addendum to the Final MND has been prepared in accordance and compliance with CEQA Guidelines Section 15164;
- e. The BPC has fully reviewed and considered the information in First Addendum to the Final MND prior to making a decision to approve the proposed Project;

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- f. First Addendum to the Final MND reflects the District's independent judgment and analysis;
- g. The Project is consistent with the Public Trust Doctrine, as the Project complies with Section 87 of the Port Act which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed action is consistent with the Public Trust Doctrine,

4. The First Addendum to the Final MND is hereby adopted in relation to the subject of this Resolution.

5. Pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075, the Clerk of the BPC shall cause a Notice of Determination to be filed with the Clerk of the County of San Diego and the State Office of Planning and Research.

6. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15074(c), the location and custodian of the documents and other materials which constitute the record of proceedings on which this Resolution is based is the District Clerk, San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92101.

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 10th day of September 2024, by the following vote: