

FILE NUMBER: 2025-093

DATE: Tuesday, April 15, 2025

SUBJECT: Port of San Diego July 4, 2025 Big Bay Boom Fireworks Show

DESCRIPTION: A) Update Presentation regarding the July 4, 2025 Big Bay Boom Fireworks Show and B) Resolution Authorizing the District to Grant Indemnity to Vendors and Hold the Same Harmless Associated with the July 4, 2025 Big Bay Boom Fireworks Show Subject to the District's President & Chief Executive Officer's Review and Approval and General Counsel's Concurrence

EXECUTIVE SUMMARY:

The District has been the proud title sponsor of the Big Bay Boom Fireworks Show (Big Bay Boom) since its inception over 23 years ago. The Big Bay Boom is a free public event that brings an estimated 400,000 people to the waterfront to celebrate the country's Independence Day. The most recent economic impact report estimated that in 2024, the Big Bay Boom generated an economic impact of \$100 million, as well as \$22 in tenant revenue for every dollar the District provided in sponsorship.¹ The District also benefits from the promotional impact of the event's media exposure, which includes a two-hour program on Fox 5.

Due to growing concerns about the potential adverse impacts fireworks may have on the environment, the California Coastal Commission (Coastal Commission) required the event organizer to obtain a Coastal Development Permit (CDP) for this year's Big Bay Boom on July 4, 2025. The Coastal Commission voted unanimously to approve the event's CDP on February 6, 2025, which authorizes the Big Bay Boom for the next two years (Attachment A – Notice of Intent to Issue Coastal Development Permit). The CDP requires additional noise, water, and biological monitoring of the event, which will serve to update and strengthen the best management practices and environmental mitigation measures established in the District's Fireworks Display Ordinance.² The CDP also requires the District to prepare a Drone Implementation Study to assess how a drone show or a drone show combined with fireworks could either complement or replace fireworks after the 2026 Big Bay Boom, which will celebrate the nation's 250th Independence Day on July 4, 2026.

On March 25, 2025, District staff was notified that the San Diego Armed Services YMCA (ASYMCA) would no longer be serving in the capacity of the event organizer. Due to importance of the Big Bay Boom to the Port of San Diego and the region, District staff initiated steps to organize this year's event in lieu of the ASYMCA. Staff intends to enter into agreements with the following vendors: HP Purdon and Company for production support services; Pyro Spectaculars, Inc. for fireworks production; Pacific Maritime Group, Inc. for barges in support of the fireworks production; and ASYMCA for fundraising services (collectively, Vendors). Staff is requesting that the Board grant indemnity to vendors and hold the vendors harmless associated with the July 4, 2025 Big Bay Boom for services related to the production of the event, subject to the Port's President & Chief Executive Officer's approval and General Counsel's concurrence. As with prior Big Bay

Boom Firework Shows, support from Parks and Recreation, the Harbor Police, General Services, and Planning and Environmental teams and consultants will be necessary to ensure compliance with the District's Fireworks Display Ordinance and the CDP issued for the event.

RECOMMENDATION: Adopt a Resolution Authorizing the District to Grant Indemnity to Vendors and Hold the Same Harmless for the July 4, 2025 Big Bay Boom Fireworks Show Subject to the District's President & Chief Executive Officer's Review and Approval and General Counsel's Concurrence.

FISCAL IMPACT:

The Parks & Recreation department will allocate the \$315,000 for sponsorship funding in its FY 2025 non-personnel expense budget to cover the anticipated upfront payments required by the event vendors. However, based on the amount of projected fundraising that will be paid to the District, there will be no new additional fiscal impact to the District. Once the total amount of donations is known, a future budget amendment will be presented to the Board to allocate this year's donations for the FY 2026 Big Bay Boom.

COMPASS STRATEGIC GOALS:

The Big Bay Boom is viewed by an estimated 400,000 people from District tidelands on the waterfront of San Diego Bay, as well as from upland off-tidelands locations, and is viewed via live telecast locally and shown on TV stations in Los Angeles, Sacramento, Fresno, and Bakersfield. Big Bay Boom spectators view the festivities from the District's parks and public spaces along the waterfront and from private and commercial vessels on the bay. A variety of District tenant businesses benefit from this signature event.

The Big Bay Boom supports the District's mission to be a provider of waterfront activation, economic vitality, and community benefit through water and land recreation.

This agenda item supports the following Strategic Goals.

- A Port that the public understands and trusts.
- A vibrant waterfront destination where residents and visitors converge.
- A Port with a healthy and sustainable bay and its environment.
- A financially sustainable Port that drives job creation and regional economic vitality.

DISCUSSION:

Background

The Big Bay Boom has thrilled people along the San Diego waterfront for over 23 years. It is an annual event that celebrates the nation's Independence Day every Fourth of July and it serves as the District's largest activation event. The show consists of fireworks discharged simultaneously from four barges located in north San Diego Bay near Seaport Village, the Embarcadero, Harbor Island, and Shelter Island, synchronized with themed

music broadcast by a local radio partner. The event lasts for approximately 20 minutes and is the largest fireworks show on the west coast.

In May 2017, the Board certified a Final Environmental Impact Report (FEIR)³ for fireworks display events and adopted an accompanying Fireworks Display Ordinance to reduce the potential impacts fireworks have on the environment. These two documents imposed a broad range of requirements and mitigation measures on fireworks shows, including the Big Bay Boom. For example, the FEIR determined that by limiting the size of overlapping events on the Fourth of July, potential air quality impacts would be less than significant. Similarly, the Fireworks Display Ordinance places limitations on the types of fireworks and requires cleanup crews to gather floating debris after the event and the next morning, which reduces impacts to avian species and water quality. For more information about the District's regulatory requirements for fireworks, please see the Final EIR Mitigation Monitoring Reporting Plan (Attachment B) and excerpts from the District's Fireworks Display Ordinance (Attachment C).

In addition to these requirements, a qualified biologist monitors the California least terns nesting at the San Diego International Airport during the Big Bay Boom. The past four years of reporting have shown no significant impact from the show on California least tern behavior. The Big Bay Boom is also subject to regulatory oversight by the San Diego Regional Water Quality Control Board (SDRWQCB). The most recent August 30, 2024, annual report to the SDWQCB certified there were no violations under order No. R9-2022-0002, NPDES Permit No. CAG99002, which requires water and sediment quality monitoring.

In the past, the Parks & Recreation department has administered permitting for the Big Bay Boom, as well as sponsorship of the event in accordance with BPC Policy No. 771 – Tidelands Activation Programs (TAP). In conjunction with staff in Harbor Police, Homeland Security, General Services, Development Services, Environmental Conservation, Environmental Protection, and Planning, Parks & Recreation staff ensure that the event complies with the District's Fireworks Display Ordinance and with the environmental mitigation measures identified in the certified FEIR. Authorization from the Coastal Commission is also required because the fireworks are launched from four barges that are located outside the District's CDP permitting jurisdiction.

Historically, the Coastal Commission has determined that the Big Bay Boom was exempt from needing to obtain a CDP, and it would provide the related documentation to the event organizer in August or September of the year prior to the event. The event organizer would submit this documentation to the District as part of their application for a fireworks display permit and request for TAP sponsorship. However, the Coastal Commission modified their permitting of fireworks shows last fall to require CDPs with enhanced conditions and no longer allow exemptions for fireworks events.

Coastal Commission Requirements for the 2025 and 2026 Big Bay Boom Firework Shows

On August 26, 2024, Coastal Commission staff notified the ASYMCA that the Coastal Commission had become increasingly concerned with the potential impacts of fireworks

shows on sensitive biological resources and water quality. In January 2025, District staff worked closely with the ASYMCA and Coastal Commission staff to identify special conditions that could be included in the Big Bay Boom's CDP. These conditions are in addition to what is required by the District's Fireworks Display Ordinance and the SDRWQCB's water monitoring requirements and are intended to complement current regulations to further reduce potential impacts of fireworks on the environment. The primary commitments resulting from those discussions include the following:

1. The District would be listed as a co-applicant with the ASYMCA on the Big Bay Boom CDP Application.
2. The District would permit no more than 7,698 pounds of fireworks in the City of San Diego in calendar year 2025, which yields a 15% reduction of pounds that are currently allowed (e.g., 9,056 pounds) in the Fireworks Display Ordinance in 2025, and no more than 7,245 pounds in calendar year 2026, which yields a 20% reduction. (Attachment D – Annual Fireworks Pounds in San Diego – 15% and 20% Reductions).
3. Nesting bird surveys of active California least tern nesting sites and noise monitoring would be conducted at the San Diego International Airport.
4. Water quality monitoring and periodic debris surveys and clean-up, conducted by qualified persons on the mornings of July 5th and 6th in 2025, and July 5th and 6th in 2026, of the San Diego Bay sea floor within the anticipated fireworks debris discharge zone, subject to safe diving conditions.
5. The District would initiate a drone implementation study that evaluates (1) public safety, (2) potential environmental impacts, and (3) a timeframe to implement a show on Independence Day as an alternative to the Big Bay Boom Fireworks Show, or in addition to a reduced scale fireworks show for the Big Bay Boom proposed to take place after July 2026.

On February 6, 2025, the Coastal Commission unanimously approved a two-year Coastal Development Permit (CDP 6-24-0806) for the Big Bay Boom for July 4, 2025 and July 4, 2026. The Coastal Commission's approval is a testament to the dedicated efforts of District staff team to reduce environmental impacts associated with fireworks and provides an opportunity for the Big Bay Boom to remain a signature event for the region while aligning with evolving environmental considerations.

It is worth noting that throughout the Coastal Commission hearing, several environmental groups provided public comment, voicing strong support for a transition away from fireworks due to their environmental impacts. Coastal Commissioners echoed these sentiments, with some expressing their belief that fireworks should no longer be used to produce large-scale waterfront celebrations in California.

The Coastal Commission's directive for a drone implementation study represents a shift in expectations for the long-term sustainability of such events and was encouraged by several of the participating environmental groups. While no immediate changes are required for this year or next year's event, it's clear the Drone Implementation Study will guide future discussions on potential alternatives for 2027 and beyond.

July 4, 2025 Big Bay Boom Fireworks Show

On March 25, 2025, ASYMCA notified District staff that it would no longer be serving in the capacity of the event organizer. Due to the importance of the Big Bay Boom to the Port of San Diego and the region, District staff initiated steps to organize this year's event.

Staff intends to enter into agreements with the following vendors: HP Purdon Company for production support services; Pyro Spectaculars, Inc. for fireworks production; Pacific Maritime Group, Inc. for barges in support of the fireworks production; and, ASYMCA for fundraising services. As part of their agreements to produce the event, these vendors may require the contracting party to indemnify and hold harmless against any losses associated with the Big Bay Boom. Board Policy No. 110 requires action by the Board to authorize the District to grant indemnification and hold third-parties harmless for certain agreements, like the ones with the vendors except the ASYMCA, which is a non-profit organization. Therefore, staff is requesting authorization from the Board to grant indemnity to the vendors associated with the July 4, 2025 Big Bay Boom Fireworks Show, subject to review and approval by the District's President & Chief Executive Officer with the General Counsel's concurrence

As with prior Big Bay Boom Firework Shows, support from the Harbor Police, General Services, and Planning and Environmental teams and consultants will be necessary to ensure compliance with the District's Fireworks Display Ordinance and the CDP issued for the event.

Conclusion

The Big Bay Boom Fireworks Show is a significant and cherished San Diego tradition that benefits the Port of San Diego and the region. In order to ensure the 2025 event takes place, District staff has initiated steps to organize this year's event in lieu of the ASYMCA and has prepared agreements with the vendors necessary to produce the July 4, 2025 Big Bay Boom Fireworks Show. Staff recommends the Board grant indemnity to vendors associated with the July 4, 2025 Big Bay Boom subject to the review and approval by the District's President and Chief Executive Officer with the General Counsel's concurrence for services related to the production of the event.

General Counsel's Comments:

The Office of the General Counsel has reviewed this agenda sheet and attachments, as presented to it, and approves the same as to form and legality.

Environmental Review:

The proposed Board action, including without limitation authorizing the District to grant indemnity vendors associated with the July 4, 2025 Big Bay Boom Fireworks Show, was adequately analyzed in the Final Environmental Impact Report (FEIR) for the San Diego Bay and Imperial Beach Oceanfront Fireworks Display Events Project (UPD#EIR-2015-115; SCH #2015081013, Clerk Document No. 66738) prepared and certified by the District on May 25, 2017 (Resolution No. 2017-075). The proposed project is not a

separate project for CEQA purposes but is a subsequent discretionary approval related to a previously approved project. (CEQA Guidelines § 15378(c); Van de Kamps Coalition v. Board of Trustees of Los Angeles Comm. College Dist. (2012) 206 Cal.App.4th 1036.) Additionally, pursuant to CEQA Guidelines Sections 15162 and 15163, and based on the review of the entire record, including without limitation, the FEIR, the District finds and recommends that the proposed Board action does not require further environmental review as: 1) no substantial changes are proposed to the project and no substantial changes have occurred that require major revisions to the previous FEIR due to the involvement of new significant environmental effects or an increase in severity of previously identified significant effects; and 2) 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 previous FEIR, (b) identifies significant impacts more severe than those analyzed in the previous FEIR, (c) shows that mitigation measures or alternatives are now feasible that were identified as infeasible and those mitigation measures or alternatives would reduce significant impacts, or (d) shows mitigation measures or alternatives which are considerably different from those analyzed in the previous FEIR would substantially reduce one or more significant effects on the environment. Because none of these factors have been triggered, pursuant to CEQA Guidelines §15162(b), the District has determined no further analysis or environmental documentation is necessary. Accordingly, the proposed Board action is merely a step in the furtherance of the original project for which environmental review was performed and no supplemental or subsequent CEQA has been triggered, and no further environmental review is required.

The proposed Board action complies with Section 87 of the Port Act, which allows for the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses. 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.

The project site is within the coastal development permitting jurisdiction of the California Coastal Commission. As such, on February 6, 2025, the CCC approved Coastal Development Permit No. 6-24-0806 for development consisting of conducting a fourth of July fireworks show approximately 20-minutes in duration from four barges with eight support boats located in San Diego Bay. A Notice of Intent to Issue Permit was issued by California Coastal Commission on February 13, 2025 explaining that the CDP will become effective once the Applicants have fulfilled each of the “prior to issuance” Special Conditions. The proposed Board action is consistent with the CDP. No additional action under the California Coastal Act is required at this time.

Diversity, Equity and Inclusion Program:

Not Applicable.

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Attachment(s):

Attachment A: Notice of Intent to Issue Coastal Development Permit
Attachment B: Final EIR Mitigation Monitoring Reporting Plan for the San Diego Bay and Imperial Beach Oceanfront Fireworks Display Project
Attachment C: Excerpts from the San Diego Unified Port District Fireworks Display Event Ordinance No. 2892
Attachment D: Annual Fireworks Pounds in San Diego – 15% and 20% Reductions

Endnotes

¹ 2024 San Diego Big Bay Boom Economic Impact Report. Prepared for Armed Services YMCA. Prepared by BW Research.

² Ordinance 2892 Establishing the “San Diego Unified Port District Fireworks Display Event Ordinance” as Article 14 of the San Diego Unified Port District Code to Govern Existing and Proposed Fireworks Displays. Passed and adopted May 25, 2017.

³ Port of San Diego Final Environmental Impact Report. San Diego Bay and Imperial Beach Oceanfront Fireworks Display Events Project. (May 2017). UPD #EIR-2015-115; SCH #2015081013.