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RESOLUTION 20xx-xxx

RESOLUTION FINDING THE FOLLOWING BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING BUT NOT LIMITED TO CEQA GUIDELINES SECTIONS 15301, 15303, 15304, 15306 AND 15311 AND AUTHORIZING AN AGREEMENT UNDER THE DISTRICT'S BLUE ECONOMY INCUBATOR WITH MARINELABS DATA SYSTEMS, INC. FOR A TWO-YEAR PILOT PROJECT TO VALIDATE ITS COASTAL INTELLIGENCE DATA SYSTEM FOR PORT ENVIRONMENTAL AND SECURITY APPLICATIONS FOR AN AMOUNT NOT TO EXCEED $300,000. FUNDING FOR THE PROPOSED PILOT PROJECT IS INCLUDED IN THE APPROVED FY2025 ECONOMIC RECOVERY PROGRAM BUDGET.

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, (Port Act); and

WHEREAS, Section 21 of the Port Act authorizes the Board of Port Commissioners (Board) to pass all necessary ordinances and resolutions for the regulation of the District; and

WHEREAS, the District's Blue Economy Incubator (BEI) assists in the creation, development and scaling of new Blue Economy business ventures in and around San Diego Bay and the program acts as a launch pad for sustainable aquaculture and Port-related blue tech ventures by removing barriers to early-stage companies and providing key assets and support services focused on pilot project facilitation; and

WHEREAS, pilot project proposals are reviewed following a four-step cross-departmental due diligence process, culminating in a staff recommendation to the BPC; and

WHEREAS, the review and selection process balances each proposal's potential social and environmental benefit, alignment with the District's core mission and Public Trust obligation, as well as potential financial return on investment; and

WHEREAS, to date, the District has approved the launch of ten (10) pilot projects, and a reinvestment in seaweed aquaculture, with projects ranging from shellfish nursery operations; copper remediation technology; a drive-in Boatwash; a smart marina application; a marine debris removal vessel; seaweed aquaculture;

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bio-enhancing shoreline armoring; a new approach to soil remediation in marine environments, a real-time field-testing sensor device for stormwater monitoring, and a smart buoy platform tailored for various port monitoring applications; and

WHEREAS, staff is now recommending the BPC authorize an incubator agreement with MarineLabs Data Systems, Inc. (MarineLabs) for a pilot project to validate its coastal intelligence data system for port environmental and security applications for a total amount not to exceed $300,000 for two years; and

WHEREAS, in exchange for District's funding and other assistance, MarineLabs will pay District a revenue share consisting of various percentages of gross revenue over time up to a maximum $2,000,000; and

WHEREAS, there is no fiscal impact caused by approval of this action as funding for the proposed pilot project is included in the approved FY 2025 Economic Recovery Program (ERP) budget and funds required for future fiscal years will be budgeted in the appropriate fiscal year, subject to Board approval upon adoption of each fiscal year's budget; and

WHEREAS, the proposed Board action, including without limitation authorizing an agreement with MarineLabs Data Systems, Inc. to begin a two year pilot project to validate its coastal intelligence data system for Port environmental and security applications in an amount not to exceed $300,000, is Categorically Exempt pursuant to 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), and Sections 3.a. (1), 3.c., 3.d. (6), 3.f., 3.i. (1) of the District's Guidelines for Compliance with CEQA because the project involves a Tidelands Use and Occupancy Permit for the use of water area to install smart buoy technology on approximately 5 new buoys and 5 existing USCG buoys located in San Diego Bay which would involve no expansion of use beyond that previously existing, would consist of the installation of small new equipment and facilities on small structures, would result in no permanent effects on the environment, would not involve the removal of mature, scenic trees, and is for the purpose of research which would not result in a serious or major disturbance to an environmental resource; and

WHEREAS, 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); and

WHEREAS, the proposed Board action complies with Section 87.(a)(1) of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operations 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; and

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WHEREAS, 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, for the forementioned reasons, District staff recommends that the Board authorize staff to enter into a two-year agreement with MarineLabs Data Systems, Inc. for a pilot project to validate its coastal intelligence data system for port environmental and security applications for a total amount not to exceed $300,000.

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

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

2.   Based on the entire record available to the Board and the findings set forth in this Resolution, the Board finds that the action, including authorizing an Agreement Under the District's Blue Economy Incubator with MarineLabs Data Systems, Inc. is 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), and Sections 3.a. (1), 3.c., 3.d. (6), 3.f., 3.i. (1) of the District's Guidelines for Compliance with CEQA because the project involves a Tidelands Use and Occupancy Permit for the use of water area to install smart buoy technology on approximately 5 new buoys and 5 existing USCG buoys located in San Diego Bay which would involve no expansion of use beyond that previously existing, would consist of the installation of small new equipment and facilities on small structures, would result in no permanent effects on the environment, would not involve the removal of mature, scenic trees, and is for the purpose of research which would not result in a serious or major disturbance to an environmental resource.

3.   That the Executive Director or his designated representative is hereby authorized and directed on behalf of the San Diego Unified Port District to enter into an agreement with MarineLabs Data Systems, Inc. to begin a two-year pilot project in an amount not to exceed $300,000.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

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By: Assistant/Deputy General Counsel

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PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 6th day of May 2025, by the following vote: