

DRAFT**RESOLUTION 20xx-xxx**

RESOLUTION (A) FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING WITHOUT LIMITATION CEQA GUIDELINES SECTIONS 15301 AND 15302; AND (B) ACCEPTING THE \$5,550,000 FROM THE AMERICA'S MARINE HIGHWAY GRANT PROGRAM ADMINISTERED BY THE US DEPARTMENT OF TRANSPORTATION (USDOT) MARITIME ADMINISTRATION (MARAD) AND ALLOCATING \$9,700,000 IN MATCH FROM THE ECONOMIC RECOVERY PROGRAM (ERP) FOR A TOTAL OF \$15,250,000 FOR THE WEST COAST M-5 COASTAL CONNECTOR PROJECT

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, the Board of Port Commissioners (BPC) adopted BPC Policy No. 110 to establish a policy governing the processing and administration of public projects, consulting and service agreements, the purchasing of supplies, materials and equipment, and grants; and

WHEREAS, in January 2021, the District, in partnership with the California Department of Transportation (CALTRANS), the Oregon Shipping Group, and the Port of Bellingham (Bellingham), submitted a route designation request to the US Department of Transportation (USDOT) Maritime Administration (MARAD) for the West Coast M-5 Coastal Connector (M-5); and

WHEREAS, in the summer of 2021, MARAD notified the District and Bellingham of the approval of the M-5; and

WHEREAS, in June 2022, District staff submitted a grant application to the US DOT America's Marine Highway (AMH) grant program in partnership with Bellingham; and

WHEREAS, this grant application requested a total of \$14,000,000 in AMH grant funds (\$6,000,000 for the District, and \$8,000,000 for Bellingham), with a match of \$11,200,000 (\$9,700,000 from the District, and \$1,500,000 from Bellingham); and

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WHEREAS, on October 6, 2022, MARAD awarded \$5,550,000, a portion of the application request, to the District for berth repairs at the National City Marine Terminal (NCMT); and

WHEREAS, since the award announcement, District and MARAD staff have completed National Environmental Policy Act (NEPA) review and negotiated the terms of the grant agreement; and

WHEREAS, this agenda item will accept \$5,550,000 in grant funds and allocate \$9,700,000 in match funding previously approved by the Board on October 12, 2021 (File 2021-0349, Resolutions 2021-132 and 2012-133) as part of the Economic Recovery Program (ERP); and

WHEREAS, any additional or unanticipated project funding will be included in the appropriate fiscal year, subject to BPC approval; and

WHEREAS, the proposed BPC action, including without limitation accepting \$5,550,000 from the America's Marine Highway (AMH) Grant Program, allocating \$9,700,000 in match from the Economic Recovery Program for the West Coast M-5 Coastal Connector Project, and increasing the District's FY 2026 Major Maintenance Program Budget by \$5,550,000 for the Structural Repairs at NCMT Berth 24-11 Project, is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction) and Sections 3.a.(1) and 3.b.(2) of the District's Guidelines for Compliance with CEQA because the project would consist of structural repairs to Berth 24-11 that would involve the replacement/reconstruction of an existing structure, would be located on the same site as the structure replaced, and would have substantially the same purpose and capacity; 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) as the project was previously determined to be exempt from CEQA on September 26, 2022, and, therefore, no further action under CEQA is required; and

WHEREAS, the proposed BPC action 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; and

WHEREAS, the proposed BPC action is consistent with the Port Act and, accordingly, the Public Trust Doctrine; and

WHEREAS, the proposed BPC action is considered excluded development

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pursuant to Sections 8.a.(10)(12) (Existing Facilities) and 8.b.(3) (Replacement or Reconstruction) of the District's Coastal Development Permit Regulations because the project would consist of structural repairs to Berth 24-11 that would be located essentially on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced; and

WHEREAS, a categorical determination of exclusion and notice of approval was previously issued for this project on September 26, 2022 and became effective 10 working days after notification to California Coastal Commission staff, since no appeals were received, therefore, issuance of a Coastal Development Permit or subsequent exclusion is not required for the proposed Board action; and

WHEREAS, staff recommends the BPC adopt a resolution (1) finding the BPC action exempt under CEQA, including but not limited to, CEQA Guidelines Sections 15301 and 15302; and (2) accepting \$5,550,000 from the AMH Grant Program administered by the USDOT MARAD and allocating \$9,700,000 in match from the ERP for a total of \$15,250,000 for the West Coast M-5 Coastal Connector Project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners 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. Based on the entire record available to the BPC and the findings set forth in this Resolution, the BPC finds that the actions, including without limitation a resolution accepting \$5,550,000 from the America's Marine Highway Grant Program administered by the US Department of Transportation (USDOT) Maritime Administration (MARAD) and allocating \$9,700,000 in match from the Economic Recovery Program (ERP) for a total of \$15,250,000 for the West Coast M-5 Coastal Connector Project, are categorically exempt pursuant to California Environmental Quality Act (CEQA) Sections 15301 (Existing Facilities) and 15302 (Replacement Reconstruction) and pursuant to Sections 3.a.(1) and 3.b.(2) of the District's Guidelines for Compliance with CEQA.

3. Based on the entire record available to the BPC and the findings set forth in this Resolution, the Executive Director or their designated representative is hereby authorized and directed on behalf of the San Diego Unified Port District to accept \$5,550,000 from the America's Marine Highway Grant Program administered by the US Department of Transportation (USDOT) Maritime Administration (MARAD) and allocate \$9,700,000 in match from the Economic

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Recovery Program for a total of \$15,250,000 for the West Coast M-5 Coastal Connector Project.

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 15th day of July 2025, by the following vote: