

**DRAFT**

**RESOLUTION 20xx-xxx**

**RESOLUTION FINDING THE BOARD ACTIONS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING WITHOUT LIMITATION CEQA GUIDELINES SECTIONS 15301, 15302, 15303 AND 15311 FOR THE FY24 PORT SECURITY GRANT PROGRAM**

**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**, the Port Security Grants Program (PSGP) is a Department of Homeland Security (DHS) – Federal Emergency Management Agency (FEMA) grant program that provides federal funds to support maritime transportation infrastructure security activities; and

**WHEREAS**, the District and the Harbor Police Department (HPD) have multiple projects funded by this program each year; and

**WHEREAS**, the District has benefited from this program by using grant funds to purchase equipment, fund disaster and recovery training, and implement infrastructure projects that increase facility security; and

**WHEREAS**, in 2023, HPD received a quote of \$1,100,000 to replace the existing fire training simulator and quote was used to submit an FY23/24 Equipment Outlay budget; and

**WHEREAS**, in the Fiscal Year (FY) 24 funding round, HPD was awarded \$825,000 on September 23, 2024, in grant funding through the DHS, PSGP to fund a new training simulator; and

**WHEREAS**, with the original FY23 quote of \$1,100,000 dollars, HPD and the District would need to provide \$275,000 to fund the total purchase; and

**WHEREAS**, on May 1, 2025, the District issued Request for Proposals (RFP) 25-19MA “Fire/Tactical Training Simulator Including Removal of Current Simulator, Installation of New Simulator and Training.” The District notified 1,192

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vendors of the opportunity. One (1) bid was received. Marine Group Boatworks LLC. dba Marine Group Boatworks submitted a responsive bid at \$1,505,602.20 which included \$968,974.20 for the purchase of the simulator and \$536,628 for removal, installation and training. Due to material, labor, and overall cost inflation, the RFP total was \$405,602.20 more than the FY23 quote of \$1,100,000; and

**WHEREAS**, staff recommend the BPC accept FY24 PSGP grant funds of \$968,974.20 and partially funded through the FY24 Port Security Grant Program; and

**WHEREAS**, the proposed BPC action, including without limitation, (1) a resolution selecting and authorizing a purchase agreement with Marine Group Boatworks LLC. dba Marine Group Boatworks for an amount not to exceed \$968,974.20 and partially funded through the FY24 Port Security Grant Program, are Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15303 (New Construction or Conversion of Small Structures), and 15311 (Accessory Structures) and/or Sections 3.a., 3.b.(2), 3.c.(2), and 3.i.(2) of the District's Guidelines for Compliance with CEQA; and

**WHEREAS**, the proposed BPC actions comply 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 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 Board actions are considered excluded development pursuant to Sections 8.a. (Existing Facilities), 8.b. (Replacement or Reconstruction), and 8.c.(3) (New Construction or Conversion of Small Structures) of the District's Coastal Development Permit Regulations because the project would consist of (a) accepting funds and authorizing design and implementation of four security-related project components, and (b) accepting funds and strictly authorizing design of one additional project component on Tidelands; and

**WHEREAS**, if the BPC approves this action, District staff would notify California Coastal Commission (CCC) staff in accordance with Coastal Act Section 30717; and

**WHEREAS**, the approval would become effective after the 10th working day after notification to CCC staff, unless an appeal is filed with the CCC within that time limit; and

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**WHEREAS**, staff recommends the BPC (1) adopt a resolution finding the BPC action exempt under CEQA, including, but not limited to, CEQA Guidelines Sections 15301, 15302, and 15311 and/or Sections 3.a., 3.b.(2), 3.c.(2), and 3.i.(2) of the District's Guidelines for Compliance with CEQA; (2) authorize acceptance of the FY24 PSGP award in the amount of \$2,637,000, allocating a cost match of \$862,500 budgeted in the FY25 District budget; (3) authorize the District to enter into an agreement with DHS and FEMA; and (4) authorize amending the District's FY25 budget accordingly.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Port Commissioners (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. Based on the entire record available to the BPC and the findings set forth in this Resolution, the BPC finds that (1) a Resolution accepting the FY24 PSGP award in the amount of \$968,974.20, and authorizing the District to enter into a service agreement with Marine Group Boatworks; are exempt pursuant to CEQA Guidelines Sections 15301, 15302, 15303, and 15311 and/or Sections 3.a., 3.b.(2), 3.c.(2), and 3.i.(2) of the District's Guidelines for Compliance with CEQA.

3. The BPC finds that none of the exceptions to the use of a categorical exemption apply (CEQA Guidelines Section 15300.2).

4. The BPC finds that the action complies with Section 87 of the Port Act, which allows for all visitor-serving commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities.

5. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed BPC action is consistent with the Public Trust Doctrine.

6. The BPC finds that the proposed BPC actions are considered excluded development pursuant to Sections 8.a. (Existing Facilities), 8.b. (Replacement or Reconstruction), and 8.c.(3) (New Construction or Conversion of Small Structures) of the District's Coastal Development Permit Regulations because the project would consist of security-related projects on Tidelands that would involve no expansion of use beyond that previously existing, would consist of the installation of small equipment on existing HPD and marine terminal facilities, and would involve the replacement and maintenance of existing equipment.

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7. Subject to BPC approval of this Action, District staff would notify California Coastal Commission (CCC) staff in accordance with Coastal Act Section 30717, whereby the approval would become effective after the 10th working day after notification to CCC staff, unless an appeal is filed with the CCC within that time limit.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

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By: Assistant/Deputy General Counsel

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 9<sup>th</sup> day of December 2025, by the following vote: