

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY
GOVERNOR

GAVIN NEWSOM.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
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February 13, 2025

Permit Application Number: **6-24-0806**

NOTICE OF INTENT TO ISSUE PERMIT

(Upon satisfaction of special conditions)

THE SOLE PURPOSE OF THIS NOTICE IS TO INFORM THE APPLICANT OF THE STEPS NECESSARY TO OBTAIN A VALID AND EFFECTIVE COASTAL DEVELOPMENT PERMIT ("CDP"). A Coastal Development Permit for the development described below has been approved but is not yet effective. Development on the site cannot commence until the CDP is effective. In order for the CDP to be effective, Commission staff must issue the CDP to the applicant, and the applicant must sign and return the CDP. **Commission staff cannot issue the CDP until the applicant has fulfilled each of the "prior to issuance" Special Conditions.** A list of all the Special Conditions for this permit is attached.

The Commission's approval of the CDP is valid for two years from the date of approval. To prevent expiration of the CDP, you must fulfill the "prior to issuance" Special Conditions, obtain and sign the CDP, and commence development within two years of the approval date specified below. You may apply for an extension of the permit pursuant to the Commission's regulations at Cal. Code Regs. title 14, section 13169.

On February 06, 2025, the California Coastal Commission approved Coastal Development Permit No. **6-24-0806** requested by **San Diego Unified Port District & Armed Services Young Men's Christian Association (YMCA)** subject to the attached conditions, for development consisting of: **Conduct a fourth of July fireworks show approx. twenty minutes in duration from four barges with eight support boats located in San Diego Bay.,** more specifically described in the application filed in the Commission offices. **Commission staff will not issue the CDP until the "prior to issuance" special conditions have been satisfied.**

The development is within the coastal zone at **San Diego Bay, San Diego, San Diego County (APN: N/A)**

If you have any questions regarding how to fulfill the "prior to issuance" Special Conditions for CDP No. 6-24-0806, please contact the Coastal Program Analyst identified below.

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Sincerely,

Dr. Kate Huckelbridge
Executive Director

DocuSigned by:
Alexander Llerandi
633E996CE0CA4B3...

Alexander Llerandi
Coastal Program Analyst

cc: Commissioners/File

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this Notice and fully understands its contents, including all conditions imposed.

Date	Permittee

Please sign and return one copy of this form to the Commission office at the above address.

STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, then permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any condition will be

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resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission and affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. **Duration and Scope of Permit.** This coastal development permit, as conditioned, shall authorize only:
 - a. The "Big Bay Boom" events to take place on July 4, 2025, and July 4, 2026; and
 - b. Set-up and timely removal of all temporary development associated with the event. Set-up activities shall begin no earlier than June 30, 2025, and take-down shall conclude no later than July 6, 2025, for the 2025 event. The same timeframe for set-up and take-down timelines shall be utilized for the July 2026 event.
 - c. BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant agrees that if they wish to implement a future Big Bay Boom event or similar fireworks show in 2027 or later, the applicant shall submit a complete coastal development permit application for the event by no later than September 15th of the year prior to when the event will occur. The coastal development permit application shall include a comprehensive analysis of all potential alternatives to the use of fireworks that would minimize or avoid adverse impacts to habitat, wildlife, and water quality, including but not limited to the alternative of drone shows.
 - d. The Big Bay Boom Event shall be subject to the environmental mitigation measures and best practices required in the "Port of San Diego's Fireworks Display Ordinance No. 2892," as well as the Mitigation Monitoring and Reporting Program (MMRP) included in the "Port of San Diego's Final Environmental Impact Report for San Diego Bay and Imperial Beach Oceanfront Fireworks Display Event's Project San Diego,"

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both of which were adopted by the Board of Port Commissioners on May 25, 2017.

- e. BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the Port of San Diego shall initiate an implementation study for a future drone show(s) and unmanned aerial vehicle (UAV) operations on Port Tidelands evaluating (1) public safety, (2) potential environmental impacts, and (3) a time frame for implementation of a show to activate the Port Tidelands on Independence Day as an alternative to the Big Bay Boom Fireworks Display, or in addition to a reduced scale fireworks show. For the purpose of evaluating the implementation of such shows, said study shall specifically include comparisons to a range of previously executed drone shows such as:
- a. October 23, 2024, Kansas City, MO
 - b. April 22, 2024, Petco Park San Diego
 - c. November 28, 2024, Mansfield, TX
 - d. September 3, 2024, San Francisco
 - e. May 1, 2024, Anaheim
 - f. July 4, 2024, Tahoe City
 - g. Uluru, Australia (ongoing)

The study parameters and methodology shall be submitted to the Executive Director for review and written approval prior to the initiation of the study. A completed Implementation Study shall be required in future applications for the Big Bay Boom fireworks display for any shows proposed to take place after July 2026.

- f. The Port of San Diego's Fireworks Display Ordinance No. 2892 authorizes the Port of San Diego to issue permits for up to forty-seven (47) fireworks display events annually in the City of San Diego, provided the cumulative total does not exceed 9,056 pounds of fireworks per year. This is an aggregated total based on the shows authorized in the Fireworks Display Ordinance, which places additional size limitation on each individual show. The Port of San Diego has agreed to limit the number of fireworks permits to ensure the cumulative total of fireworks

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pounds does not exceed 7,698 pounds in calendar year 2025, resulting in a 1,358-pound reduction of the fireworks pounds authorized under the ordinance, and does not exceed 7,245 pounds in calendar year 2026. All reductions in firework weight shall be from events launched from barges or other watercraft in coastal waters. This coastal development permit does not authorize any other fireworks displays, the applicants of which shall separately obtain review of Coastal Act consistency from the relevant agency(ies) with jurisdiction.

- g. At least 24 hours before each event in 2025 and 2026, the Port of San Diego shall implement sound monitoring to capture data at sensitive receptor locations, such as the active California least tern nesting sites described in **Special Condition No. 6**. The intent is to better understand the noise levels at these sites during the July 4, 2025, and July 4, 2026, Big Bay Boom Fireworks Display events.

The permittee shall undertake development in accordance with the approved plans. Any proposed change of event activities shall be reported to the Executive Director. No changes to the event activities shall occur without a new Commission CDP, unless the Executive Director determines that no new permit is legally required.

2. Other Agency Approvals.

AT LEAST TEN WORKING DAYS PRIOR TO THE COMMENCEMENT OF EACH EVENT, the permittee shall submit to the Executive Director for review and approval evidence of all permits, permissions, or approvals granted for the proposed temporary event, as applicable, from local, state, and federal authorities.

The permittee shall inform the Executive Director of any changes to the current approved project required by any of the relevant agencies. Such changes shall not be incorporated into the project until the permittee obtains a new Commission CDP, unless the Executive Director determines that no new permit is legally required.

3. Fireworks Limitations.

AT LEAST 30 DAYS PRIOR TO THE COMMENCEMENT OF THE FIREWORKS EVENT, the permittee shall submit, for the review and written approval of the Executive Director, evidence that the fireworks display will comply with the following fireworks limitations:

- a) **Fireworks.** The permittee shall select and use fireworks that do not use plastic outer casings. The inner components of the fireworks shall be

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made with biodegradable materials. Fireworks produced with pyrotechnic formulas which replace perchlorate with other oxidizers and propellants that burn cleaner, produce less smoke, and reduce pollutant waste loading to surface waters shall be used.

- b) **Wire Pollution Prevention.** Wires from the electric match placed in the fireworks shall be secured to avoid strain (such as wrapped around nails that are on the racks, tied to the racks, or tied to the mortar) to prevent wires from being pulled out and falling into the water. Wire cables connected to computer firing equipment modules shall also be properly secured to ensure they remain on the barge during the fireworks display event.
- c) **Aerial Salute Limitations.** The total number of aerial "salute" shells or devices used in the fireworks event shall not exceed six (6) percent of the total number of aerial shells or special effect pyrotechnic devices combined. Aerial "salute" shells/devices shall not be launched or detonated until the last five minutes of the fireworks display.
- d) **All Labels and Wrapping Removed.** All plastic and aluminum labels and wrappings shall be removed from all aerial shells and special effect pyrotechnic devices and properly disposed of prior to use and before they are launched or detonated. The use of aluminum labels and wrappings on aerial shells and special effect pyrotechnic devices shall be minimized to the greatest extent feasible, and only when necessary to comply with safety protocols.
- e) **Prohibited Devices.** Aerial shells or special effect pyrotechnic devices that include plastic outer casing, ignition wires, or non-biodegradable inner components of the shell/device are prohibited.
- f) **Duration of Display.** The fireworks display shall be limited to no longer than 20 minutes.

The permittee shall undertake development in conformance with the above fireworks limitations. Any proposed changes to the approved fireworks restrictions shall be reported to the Executive Director. No changes to the approved fireworks restrictions shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

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4. Fireworks Best Management Practices Plan.

BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the permittee agrees to comply with the submitted Fireworks Best Management Practices (BMPs) Plan (**Exhibit 3**). The permittee shall undertake development in conformance with the Fireworks BMPs Plan. Any proposed changes to the approved Plan shall be reported to the Executive Director. No changes to the approved Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Clean-up and Restoration of Shoreline and Adjacent Ocean Waters Plan.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a Clean-up and Restoration Plan. The Final Plan shall comply with the following requirements:

IMMEDIATELY FOLLOWING THE EVENT, all event waste and firework debris in the event area and around the fireworks launch site shall be recovered and properly disposed of. The permittee shall periodically inspect the potentially affected area as well as adjacent bay waters and bay bottom following the conclusion of the fireworks event to locate any remaining event waste and firework debris including, but not limited to, all firework detritus. All such waste and debris found shall be properly disposed of. Collection efforts shall continue until fifty percent (50%) of the net explosive firework weight (shipping manifest weight of the aerial shells and special effect pyrotechnic devices prior to use) has been retrieved. If the permittee is unable to collect 50% of the net explosive firework weight, the permittee shall collect alternative marine debris in the vicinity of the event to account for the difference in expected debris and implement additional water quality measures to undertake. More specifically, the permittee shall ensure compliance with the following containment, search, and clean-up procedures:

- a) Immediate effective containment and prompt removal of any firework debris that falls onto the barge during the fireworks display;
- b) Immediately after the safety perimeter around the barge is lifted (at approximately fifteen (15) to twenty (20) minutes after the conclusion of the fireworks display), surface clean-up of any floating firework debris

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within the entire anticipated fireworks debris fallout zone using a boom or other debris collection device; and

- c) Subject to safe diving conditions, periodic debris surveys and clean-up, conducted by qualified persons on the mornings of July 5, 2025, and July 6, 2025, and July 5, 2026, and July 6, 2026, of the San Diego Bay bottom within the anticipated fireworks debris discharge zone, and the shoreline areas within the anticipated fireworks debris discharge zone. If diving conditions are determined to be unsafe on the specified dates the permittee shall report the status of the conditions to the Executive Director.
- d) If the debris collection does not collect at least 50% of the net explosive weight, the permittee shall identify a water quality improvement project in the San Diego Bay watershed, preferably within the Coastal Zone, that addresses copper-impaired discharges flowing into the Bay, to which the permittee shall either contribute staff, funding, or both.

The permittee shall undertake development in accordance with the approved plans. Any proposed change of event activities shall be reported to the Executive Director. No changes to the event activities shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

6. Nesting Bird Surveys and Protection Plan.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a Nesting Bird Survey and Protection Plan. The final plan shall comply with the following requirements:

AT LEAST THIRTY DAYS PRIOR TO THE COMMENCEMENT OF EACH EVENT, the permittee shall retain the services of a qualified biologist(s) to conduct nesting bird species surveys of active California Least Tern nesting sites at the San Diego International Airport. The qualified biologist(s) at each nesting site shall have at least one season of experience observing California least terns at the nesting grounds and experience deploying and maintaining wildlife acoustic monitoring devices. The permittee shall submit the name and qualifications of the consulting qualified biologist(s), as well as a Bird Survey and Monitoring Plan, for the review and written approval of the Executive Director. All project construction and operations shall be carried out consistent with the following requirements:

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- a) The Bird Survey and Monitoring Plan shall have the primary goal of recording any observed behaviors and tern or egg loss at the site reasonably related to event impacts. The Plan shall include the details of the specific dates, times, locations, and methods of the surveys. The permittee's qualified biologist(s) shall monitor bird behavior, the number of nests, adults, chicks, fledglings, and eggs, any observed tern predators or other potential disturbances and noise levels prior to, during, and after the event. Noise monitoring shall be designed to capture ambient and event noise levels. The nests shall not be removed or disturbed. The monitor(s) shall be present during all significant event activities (i.e., those with potential noise impacts) to observe any direct or indirect disturbance to nesting birds from event-related noise. The applicant may submit an ambient noise study, AT LEAST THIRTY DAYS PRIOR to the event and for the review and written approval of the Executive Director, to evaluate an alternative noise criterion that may be appropriately applied, in the case that the criterion is higher than 65 dB. If event-related noise exceeds a peak level of 65 dB (or the alternative appropriate threshold) at the nest site(s), sound mitigation measures such as sound shields, blankets around smaller equipment, modification of amplified music or speaker volume levels, re-direction and of loud sound sources, and other such approaches shall be employed, to the maximum extent feasible. Should the 65 dB (or the appropriate alternative) threshold be exceeded, the permittee shall notify the Executive Director of the efficacy of the sound mitigation measures in the Bird Monitoring Report required in **Special Condition No. 7(b)**.

The permittee shall undertake development in accordance with the approved plans. Any proposed change of event activities shall be reported to the Executive Director. No changes to the event activities shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

7. Pre- and Post-Event Monitoring Report Plan.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a Pre- and Post-Event Monitoring Report Plan. The final plan shall comply with the following requirements:

WITHIN 30 DAYS OF THE CONCLUSION OF THE EVENT, the permittee shall submit a Pre- and Post-Event Monitoring Report, prepared by a qualified

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biologist/resource specialist(s), to the Executive Director for review and approval. The Report shall, at a minimum, include:

a) **Marine Wildlife Monitoring Report**

- i. A record and description of any marine wildlife injuries, including serious injuries and mortalities, observed in the vicinity of the impact area of the event during the debris containment, search, and clean-up efforts required by **Special Condition 5**. Monitoring for injury, including serious injury and mortality, of marine wildlife such as pinnipeds (sea lions and seals), cetaceans (dolphins and whales), and turtles shall occur no later than the morning after the fireworks event, and shall occur for no less than 30 minutes;
- ii. An analysis of the data collected at the subject 2025 and 2026 events, indicating whether, and to what extent, the event had an impact, if any, on marine wildlife.

b) **Bird Monitoring Report**

- i. Nesting site conditions and observed tern behaviors per the Bird Survey and Monitoring Plan (as required in **Special Condition No. 6**) seven (7) days prior to the fireworks display, with observations to occur for no less than 30 minutes;
- ii. A record and description of all adults and active bird nests with eggs, chicks, or fledglings observed in the monitoring area of the event immediately prior to the fireworks display (i.e., on July 3, 2025, and July 3, 2026), during the fireworks, immediately afterwards, and on the day thereafter. All surveys shall include monitoring for changes in nesting bird behavior, including flight, drop, stun, nest abandonment, and return to nests, and shall occur for no less than 30 minutes in each instance. Video footage of the nesting sites may be used to supplement and aid in data collection;
- iii. A record and description of all bird injuries, including serious injuries and mortalities, observed in the vicinity of the monitoring area of the event. Monitoring for injuries, including serious injury and mortality, shall occur no later than the morning after the fireworks event, and shall occur for no less than 30 minutes;

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- iv. The quantification and range of ambient and event noise levels recorded using acoustic monitoring devices from all monitoring sites, including the time and date of recordings, likely source(s) and mapped location of recorded noise, and an analysis of recorded noise data with regards to noise impacts on nesting avian species available in the scientific literature and observed bird behaviors or tern loss; and
- v. An analysis of the data collected at the subject 2025 and 2026 events, indicating whether, and to what extent, the events had an impact, if any, on nesting avian species.

c) Water Quality Monitoring Report

- i. Quantification of toxic pollutants of concern that may leach from fireworks, found in the affected bay water column, including, but not limited to, arsenic, barium, cadmium, chromium, cobalt, copper, lead, mercury, molybdenum, nickel, potassium, selenium, silver, thallium, tin, titanium, vanadium, zinc, nitrate, bis-phthalate, total phosphorous, sulfur, and perchlorate.
- ii. Quantification and qualification of the debris recovered and removed upon conclusion of the fireworks event, found (i) floating on the water surface or within the water column, (ii) atop the bay bottom, (iii) within bay bottom sediments, (iv) strewn on the beach, and (v) scattered on the shoreline. The report shall include the expected volume and types of debris versus what was collected during the required cleanup measures.
- iii. An analysis of the data collected at the subject 2025 event, as well as from past events, indicating whether, and to what extent, the event had an impact, if any, on water quality and pollutant levels. In addition to the proposed water sampling methods, the permittee may employ a water quality (auto)sampler directly attached to the fireworks barge to collect real-time data. The analysis shall assess the impacts to water quality by comparing it to water quality standards and thresholds established by the relevant resource agencies.

The permittee shall undertake development in accordance with the approved plans. Any proposed change of event activities shall be reported to the Executive Director. No changes to the event activities shall occur without a Commission amendment to

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this coastal development permit unless the Executive Director determines that no amendment is legally required.

8. Assumption of Risk, Waiver of Liability and Indemnity

BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the permittee acknowledges and agrees (i) that the approved development involves potentially hazardous activities; (ii) to assume the risks to the permittee and property that may be affected by this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

9. Liability for Costs and Attorney's Fees.

BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the permittee agrees to reimburse the California Coastal Commission in full for all Coastal Commission costs and attorneys' fees including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys' fees that the Coastal Commission may be required by a court to pay, which the Coastal Commission may incur in connection with the defense of any action brought by a party other than the permittee or its authorized agents against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval, issuance, and implementation of this CDP. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.