

DRAFT

RESOLUTION 20xx-xxx

**RESOLUTION AUTHORIZING THE DISTRICT TO
GRANT INDEMNITY TO THE VENDORS
ASSOCIATED WITH THE JULY 4, 2026 BIG BAY
BOOM FIREWORKS SHOW**

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 District has been the proud title sponsor of the Big Bay Boom Fireworks show (Big Bay Boom) since its inception over 24 years ago; and

WHEREAS, 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; and

WHEREAS, the event is the largest fireworks show on the west coast consisting 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; and

WHEREAS, 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; and

WHEREAS, the District also benefits from the promotional impact of the event's media exposure, which includes a 2-hour program on Fox 5; and

WHEREAS, due to growing environmental concerns, the California Coastal Commission (Coastal Commission) required issuance of a Coastal Development Permit (CDP) for last year's Big Bay Boom event on July 4, 2025; and

WHEREAS, on February 6, 2025, the Coastal Commission unanimously approved CDP No. 6-24-0806, which authorized the Big Bay Boom on July 4, 2025 and July 4, 2026; and

WHEREAS, the CDP requires additional noise, water, and biological monitoring of the event, which updates and strengthens the best management practices and environmental mitigation measures established in the District's Fireworks Display Ordinance; and

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WHEREAS, similar to last year, the District plans to enter into service agreements directly with several vendors to produce the event; and

WHEREAS, staff plans 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 the San Diego Fleet Week Foundation for fundraising services (collectively Vendors); and

WHEREAS, as part of their agreements to produce the event, these Vendors require the contracting party to indemnify and hold harmless against any losses associated with the Big Bay Boom event; and

WHEREAS, Board Policy No. 110 requires action by the Board of Port Commissioners (BPC) to grant indemnity when the District enters into agreements with third parties; and

WHEREAS, staff is requesting authorization from the Board to grant indemnity to the vendors associated with the July 4, 2026 Big Bay Boom event; and

WHEREAS, as with prior Big Bay Boom events, staff from multiple departments will work to ensure compliance with the District's Fireworks Display Ordinance and the CDP issued for the event; and

WHEREAS, the environmental impacts of the July 4, 2026 Big Bay Boom event 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); and

WHEREAS, the requested indemnity provision in the contractual agreements to produce the July 4, 2026 Big Bay Boom event is not a separate project for CEQA purposes but is a subsequent discretionary approval related to a previously approved project pursuant to CEQA Guidelines Section 15378(c); and

WHEREAS, the proposed BPC action is consistent with CEQA Guidelines Section 15162, as no new significant environmental effects or substantial changes have occurred, and therefore no further environmental review is required; and

WHEREAS, the proposed BPC action complies with Section 87 of the Port Act and is consistent with the Public Trust Doctrine.

NOW, THEREFORE BE IT RESOLVED by the BPC that:

1. The District is authorized to grant indemnity to Vendors and hold them harmless for services related to the July 4, 2026 Big Bay Boom Fireworks Show,

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subject to review and approval by the President & Chief Executive Officer and concurrence by General Counsel.

2. The President & Chief Executive Officer, with General Counsel's concurrence, is authorized to execute all agreements and documents necessary to implement this resolution.

3. This action is a subsequent discretionary approval related to a previously approved project pursuant to CEQA Guidelines Section 15378(c); consistent with CEQA Guidelines Section 15162, no further environmental review is required.

4. The action complies with Section 87 of the Port Act. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the action is consistent with the Public Trust Doctrine.

5. The action is consistent with Coastal Development Permit No. 6-24-0806, approved by the California Coastal Commission on February 6, 2025. No additional action under the California Coastal Act is required at this time.

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 9th day of December 2025, by the following vote: