

**FILE NUMBER: 2025-235**

**DATE:** Tuesday, December 9, 2025

**SUBJECT: Trust Lands Use Plan**

**DESCRIPTION: Conduct Public Hearing for the Trust Lands Use Plan for the Submerged Lands and Tidelands Granted to the District through Senate Bill 507: A) Adopt a Resolution Adopting the “Trust Lands Use Plan” Mitigated Negative Declaration/ Initial Study and Directing the Filing of a Notice of Determination; and B) Adopt a Resolution Approving the “Trust Lands Use Plan” Port Master Plan Amendment and Errata, and Directing its Filing with the California Coastal Commission for Certification**

**EXECUTIVE SUMMARY:**

On January 1, 2020, Senate Bill (SB) 507 was enacted, which granted in trust certain submerged lands and tidelands in and around San Diego Bay (Bay) to San Diego Unified Port District (District) management from the California State Lands Commission (CSLC). *The newly granted area is predominantly water area within the Bay, including approximately 7,900 acres of submerged lands and approximately 100 acres of tidelands (land area).*

One requirement of the legislation is for the District to prepare a Trust Lands Use Plan (TLUP) for the newly granted area (TLUP Area). Per SB 507, the TLUP should describe any proposed development, preservation, or other use of this area. Based on the legislation and further confirmation from CSLC staff, the TLUP has been prepared as a Port Master Plan Amendment (PMPA), pursuant to Section 30711 of the California Coastal Act (Coastal Act), as a PMPA will include the required contents of the TLUP. Once certified by the California Coastal Commission (CCC), the TLUP PMPA will provide the District with coastal permitting authority over the granted area. The TLUP only addresses the newly granted area and does not address the submerged lands and tidelands included in the District’s jurisdiction prior to 2020.

To prepare the Final Draft TLUP (Attachment A), the District has prepared previous drafts of the plan to solicit stakeholder and public feedback throughout the process. These drafts include the TLUP Discussion Draft (July 2023), Draft TLUP (September 2023), and Revised Draft TLUP (February 2025). An Errata to the Final Draft TLUP (Attachment D) has been prepared to include minor clarifying revisions since its publication on November 6, 2025.

The District, as the lead agency under the California Environmental Quality Act (CEQA), prepared an Environmental Initial Study Checklist and Mitigated Negative Declaration (collectively, MND) for the TLUP which discussed potentially significant effects of the TLUP on the environment and identified mitigation measures that would avoid or minimize these effects to a less-than-significant level. The Draft MND and Revised Draft TLUP were available for an approximately 30-day public review period, which concluded at 5:00 p.m. on Thursday, March 27, 2025. Staff received six comment letters on the Draft MND

and Revised Draft TLUP. The comments did not raise any new significant environmental issues not already analyzed in the Draft MND, and therefore, pursuant to Section 15073.5 of the CEQA Guidelines, recirculation of the Draft MND was not required. The comment letters and responses to all written comments received during public review are included in the Final MND (Attachment B). Staff prepared the Final Draft TLUP, which includes revisions based on the comments received during the 30-day public review period.

Pursuant to the Coastal Act, a public hearing on the Final Draft TLUP is required prior to Board approval. A Notice of Completion of the Final Draft TLUP and proposed public hearing have been published and distributed consistent with applicable Coastal Act requirements. If approved by two-thirds vote of the Board, pursuant to Section 19 of the San Diego Unified Port District Port Act, the Final Draft TLUP will be submitted to CCC staff for processing for certification pursuant to the Coastal Act.

Staff recommends that the Board conduct a public hearing and adopt a resolution to adopt the Final MND and the Mitigation Monitoring and Reporting Program (MMRP) (see Section 5 of Attachment B), and direct filing of the Notice of Determination with the County Clerk and State Clearinghouse. Staff further recommends that the Board adopt a resolution approving the Final Draft TLUP and direct the filing of same with the CCC for certification.

The discussion in this staff report is divided into the following sections:

- I. Trust Lands Use Plan Background
- II. Evolution of the Trust Lands Use Plan
- III. Mitigated Negative Declaration
  - A. Public Review Comment Themes
  - B. Assembly Bill 52 – Tribal Cultural Resources Consultation
- IV. Amendment to Port Master Plan
- V. Timeline and Next Steps

### **RECOMMENDATION:**

A) Adopt a resolution adopting the “Trust Lands Use Plan” Mitigated Negative Declaration/ Initial Study and directing the filing of a Notice of Determination; and B) Adopt a resolution approving the “Trust Lands Use Plan” Port Master Plan Amendment and Errata, and directing its filing with the California Coastal Commission for certification.

### **FISCAL IMPACT:**

Funds for this expenditure are budgeted for in the Planning department’s FY 2026 Professional Services expense account (#620100). Funds required for future fiscal years will be budgeted for in the appropriate fiscal year and account subject to Board approval upon adoption of each fiscal year’s budget.

### **COMPASS STRATEGIC GOALS:**

This agenda item supports the following Strategic Goal(s).

- A Port that the public understands and trusts.
- A thriving and modern maritime seaport.
- A vibrant waterfront destination where residents and visitors converge.
- A Port with a healthy and sustainable bay and its environment.
- A Port with a comprehensive vision for Port land and water uses integrated to regional plans.
- A Port that is a safe place to visit, work and play.
- A financially sustainable Port that drives job creation and regional economic vitality.

## **DISCUSSION:**

### **Section I – Trust Lands Use Plan Background**

On January 1, 2020, SB 507 became effective, which granted in trust certain submerged lands and tidelands in and around the Bay to District management from the CSLC. *The newly granted area is predominantly water area within the Bay, including approximately 7,900 acres of submerged lands and approximately 100 acres of tidelands (land area).* In addition to granting these submerged lands and tidelands to the District's management, the legislation also includes the following: (1) at the end of every fiscal year, requires the District to transfer to the CSLC a specified amount of the revenues generated within the SB 507 granted area; and (2) requires the District to prepare and submit a Trust Lands Use Plan to the CSLC, by January 1, 2024. While this item focuses on the preparation of the Trust Lands Use Plan, District staff would like to note that since SB 507 became effective, staff has coordinated with the CSLC and lessees, within the granted area, to transfer the existing leases to District management (since they were previously between the CSLC and the lessee), and as previously stated, to submit the required annual revenue payment.

Per SB 507, the TLUP should describe any proposed development, preservation, or other use of the granted area. The TLUP must be submitted to the CSLC on or before January 1, 2024, and thereafter, the District must submit for CSLC approval any proposed changes or amendments to the TLUP. Based on the legislation and further confirmation from CSLC staff, the TLUP is being prepared as a PMPA, pursuant to Section 30711 of the Coastal Act, as a PMPA will include the required contents of the TLUP. Once certified by the CCC, a PMPA will also provide the District with coastal permitting authority over the granted area.

To prepare the TLUP, staff is following an approach that mirrors the Integrated Planning process utilized for the Port Master Plan Update (PMPU). The TLUP reflects relevant components in the adopted PMPU: Baywide goals, objectives, and policies within the six elements (Water and Land Use, Mobility, Ecology, Safety & Resiliency, Environmental Justice, and Economics); water and land use designations and use types; and development standards applicable to the TLUP Area. The TLUP also includes new goals, objectives, policies, and water and land use designations and use types relevant to the newly granted area, as well as site-specific planned improvements, development standards, and water and land use maps for the four new Planning Districts (North Bay, North Central Bay, South Central Bay, and South Bay). The boundaries of the TLUP's

new Planning Districts follow the ecoregions identified in the joint U.S. Navy and District Integrated Natural Resources Management Plan.

The TLUP only addresses the newly granted area and does not address the submerged lands and tidelands included in the District's jurisdiction prior to 2020. Based on input from stakeholders, the TLUP identifies current uses that should be preserved, protected, and maintained; proactively addresses potentially competing uses or activities; and creates opportunities to improve, enhance and/or expand some uses in a balanced way.

## **Section II – Evolution of the Trust Lands Use Plan**

There have been four iterations of the TLUP since SB 507 became effective: TLUP Discussion Draft (July 2023), Draft TLUP (September 2023), Revised Draft TLUP (February 2025), and Final Draft TLUP (November 2025). These versions are discussed in more detail below.

### *TLUP Discussion Draft*

On July 20, 2023, the TLUP Discussion Draft was published for a 30-day public review period. A “discussion draft” provides the opportunity for stakeholders and the public to provide initial feedback and comments, prior to any mandated public review periods (e.g., CEQA), and to encourage discussion with the District and staff on the draft plan. Staff received 22 comment letters on the TLUP Discussion Draft.

### *Draft TLUP*

The Draft TLUP was prepared based on comments received and stakeholder discussions on the TLUP Discussion Draft. Additionally, in order to make the review of the revised version of the document as reader-friendly as possible, staff posted a track-changes version of the document on the District's webpage to ensure revisions were easy to discern and understand. Based on Board direction and feedback, the Draft TLUP was submitted to the CLSC in October 2023, which satisfied the requirement in SB 507 to submit a TLUP to the CSLC prior to January 1, 2024.

### *Revised Draft TLUP*

The Revised Draft TLUP was prepared based on additional comments received and stakeholder discussions since the Draft TLUP was published. The Revised Draft TLUP served as the basis of the project description to analyze the plan under the CEQA. The Revised Draft TLUP was published as an appendix to the Draft MND on February 21, 2025, and was available for an approximately 30-day public review period, which concluded on March 27, 2025. To continue to make the revisions easy to discern, staff prepared a track-changes version of the Revised Draft TLUP to show text additions and deletions between the Draft TLUP and the Revised Draft TLUP. Please refer to Section III of this report to see the themes of the comments received on the Revised Draft TLUP and MND.

### *Final Draft TLUP*

The Final Draft TLUP (Attachment A) was prepared based on the comments received during public review of the Revised Draft TLUP and associated CEQA document (see Section III of this report for more information on the MND). The Final Draft TLUP was made available on the District's webpage on November 6, 2025, when the Notice of

Completion for the PMPA was published. Similar to the prior drafts, staff prepared a track-changes version of the Final Draft TLUP, which shows text additions and deletions between the Revised Draft TLUP and the Final Draft TLUP.

#### *Final Draft TLUP “Errata”*

After the November 6, 2025 publication of the Final Draft TLUP, staff noted the need for minor clarifying revisions. An Errata, titled “Final Draft TLUP (version published November 6, 2025) Errata” was prepared and is attached to this staff report (Attachment D).

#### *Public Outreach and Stakeholder Engagement*

The importance of public outreach and stakeholder engagement is a key component to this planning process. Throughout the TLUP effort, staff has held focused discussions with organizations, agencies, lessees, and other Bay stakeholders to obtain input on the process, potential opportunities, and key considerations. Please also see the attached TLUP Public Outreach and Stakeholder Engagement Summary (Attachment D). As of the publication of this staff report, staff has held 33 focused discussions with stakeholders, presented the TLUP to the Board two (2) times (not including the December 9, 2025 presentation), and presented to the CSLC one (1) time. Staff will continue to engage with the public and stakeholders as the TLUP progresses through the CCC review and certification process.

#### **Section III – Mitigated Negative Declaration**

The MND for the TLUP (UPD #MND-2025-016, SCH #2025020759) (Attachment B) has been prepared in accordance with the requirements of CEQA (Public Resources Code, Section 2100, et seq.), the State CEQA Guidelines (CA Code of Regulations, Title 14, Division 6), and the District’s CEQA Guidelines.

As the CEQA lead agency, the District prepared an Environmental Initial Study Checklist (Attachment A to the MND, which is Attachment B to this staff report) for the TLUP, to identify any potentially significant environmental effects resulting from TLUP implementation. After completing the Environmental Initial Study Checklist, staff determined that implementation of the TLUP:

- 1) would not result in potentially significant environmental effects to the following environmental resource areas: aesthetics, agriculture and forestry resources, energy, hazards and hazardous materials, land use and planning, mineral resources, population and housing, transportation, utilities and service systems, and wildfire; and
- 2) would result in potentially significant environmental impacts to air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, noise, public services, recreation, and tribal cultural resources; however, these environmental effects would be reduced to less than significant with the application of future project-specific mitigation measures. These mitigation measures are listed in the MMRP of the MND (Section V of Attachment B) and would be implemented by the proponents of applicable future, site-specific projects proposed within the TLUP Area.

### *A. Coastal Act Consistency*

The Final MND analyzed the Revised Draft TLUP's consistency with the Coastal Act, within the Land Use and Planning Section. The analysis showed that the TLUP is consistent with all applicable sections of the Coastal Act. For further detail, please see Section IV – Amendment to Port Master Plan, below.

### *B. Public Review Comment Themes*

The Draft MND, which included the Revised Draft TLUP, was available for an approximately 30-day public review period that concluded at 5 p.m., on Thursday, March 27, 2025. Staff received six comment letters relating to both the Draft MND and Revised Draft TLUP. Comments were submitted by two State agencies, one local agency, two organizations, and one business/tenant. The comments did not raise any new significant environmental issues not already analyzed in the Draft MND, or provide any evidence that the MND's environmental analysis was inadequate. Therefore, pursuant to the CEQA Guidelines, Section 15073.5, recirculation of the Draft MND was not required. The comment letters received and the District responses to those comments, are included in the Final MND (Attachment B). Common themes of the submitted comments include:

- Comments and recommendations addressing potential impacts associated with aquaculture operations
- Recommendations to revise specific mitigation measures for potential impacts to biological resources, including potential impacts to special-status species
- Suggestions to revise or clarify certain policies in the TLUP
- Comments regarding potential impacts on archaeological resources
- Requests for clarification on the applicability of certain mitigation measures
- Requests to revise or clarify the characterization of bait barges in the TLUP

Comments received on the Revised Draft TLUP led to minor additions or revisions to clarify or correct existing text in the plan, as presented in the Final Draft TLUP.

On November 24, 2025, the Final MND was published on the District's TLUP webpage, approximately two weeks before the scheduled December 9, 2025, Board meeting to consider adoption of the Final MND and approval of the Final Draft TLUP.

### *C. Assembly Bill 52 – Tribal Cultural Resources Consultation*

Assembly Bill (AB) 52 (2014) requires generally that CEQA lead agencies preparing an MND or an Environmental Impact Report (EIR) for a discretionary project must consult with applicable Native American Tribes. The consultation aims to obtain tribal information on tribal cultural resources that could be affected by a specific project. The lead agency must request tribal consultation early in the discretionary review process and although required by CEQA, consultation is considered separate from the CEQA public review process. This early consultation allows for tribal input in the project design so that when applicable, project design changes may occur that avoid or lessen impacts to possible tribal cultural resources.

The District began the TLUP AB 52 consultation process in February 2025, and offered consultation to the 13 San Diego County Tribes that are traditionally affiliated with the District's geographic jurisdiction. Of the 13 Tribes contacted, the Manzanita Band of the Kumeyaay Nation (Manzanita Band) requested AB 52 consultation. On March 26, 2025, District staff met with a representative from the Manzanita Band to review the TLUP in more detail. On July 7, 2025, the Manzanita Band provided a written comment letter.

Common themes of that letter included:

- Recommendations for acknowledgement of Tribal lands and protection of Tribal cultural resources on Tidelands
- Recommendations for meaningful collaboration between the District and Tribes
- Recommendations for opportunities to enhance environmental management and public education to honor Tribal nations and practices

Comments from the Manzanita Band led to minor additions or revisions to clarify text in the plan, as presented in the Final Draft TLUP.

On November 12, 2025, staff met with the Manzanita Band to discuss the District responses and to obtain further Tribal input. At that meeting, it was agreed that the District had responded to the Tribe's comments and that upon the Manzanita Band's final review of the District's written responses may agree to close the AB 52 consultation process. On November 13, 2025, District staff followed up with the final response letter to the Manzanita Band, which detailed the District's responses to each comment, and explained where some of the Tribe's comments had been addressed in the TLUP and which ones were too broad to necessitate direct revisions to the TLUP (see Attachment B to the Final MND, which is also Attachment B to this staff report). On November 21, 2025, the Manzanita Band formally agreed to the District's responses, which then closed the AB 52 consultation process.

#### **Section IV – Amendment to Port Master Plan**

The Final Draft TLUP has six Elements: Water and Land Use, Mobility, Ecology, Safety and Resiliency, Environmental Justice, and Economics. Each of these elements contains goals, objectives, and policies that apply throughout the TLUP Area. In addition to the six Elements, the TLUP also includes TLUP Area Development Standards, that establish requirements for the physical development of sites in the TLUP Area, specifically addressing Recreation Open Space and Activating Features Standards, View Standards, Structure Height Standards, and Wayfinding Signage Standards.

Additionally, the Final Draft TLUP includes a chapter devoted to the Planning Districts. Planning District is the term used to describe distinct geographic areas within and around the Bay. The TLUP Area is divided into four planning districts with boundaries that conform closely to established ecoregion boundaries from the Integrated Natural Resources Management Plan. Within each Planning District, there are specific Special Allowances, Planned Improvements, and Development Standards.

When viewed holistically and in combination, the contents of the Final Draft TLUP, including the Elements, TLUP Area Development Standards, and the Planning Districts'

Setting, Vision, Planned Improvements, and Development Standards demonstrate consistency with the applicable policies of the Coastal Act. The TLUP has been prepared in accordance with the requirements of the Coastal Act, and in alignment with the Port Act and Public Trust Doctrine, and specifically with the contents required by Section 30711 of the Coastal Act listed below:

*Section 30711 Preparation, adoption and contents of plan*

- (a) *A port master plan that carries out the provisions of this chapter shall be prepared and adopted by each port governing body, and for informational purposes, each city, county, or city and county which has a port within its jurisdiction shall incorporate the certified port master plan in its local coastal program. A port master plan shall include all of the following:*
- (1) The proposed uses of land and water areas, where known.*
  - (2) The projected design and location of port land areas, water areas, berthing, and navigation ways and systems intended to serve commercial traffic within the area of jurisdiction of the port governing body.*
  - (3) An estimate of the effect of development on habitat areas and the marine environment, a review of existing water quality, habitat areas and quantitative and qualitative biological inventories, and proposals to minimize and mitigate any substantial adverse impact.*
  - (4) Proposed projects listed as appealable in Section 30715 in sufficient detail to be able to determine their consistency with the policies of Chapter 3 (commencing with Section 30200) of this division.*
  - (5) Provisions for adequate public hearings and public participation in port planning and development decisions.*
- (b) *A port master plan shall contain information in sufficient detail to allow the commission to determine its adequacy and conformity with the applicable policies of this division.*

Public Hearing Required Pursuant to California Coastal Act

A public hearing on the Final Draft TLUP is required, pursuant to the Coastal Act, prior to Board approval. A Notice of Completion and Public Hearing for the TLUP was published on Thursday, November 6, 2025, in the San Diego Daily Transcript, in accordance with Section 30712 of the Coastal Act. This provides the required minimum 30- to a maximum 90-day notice to agencies and the public that the District proposes to approve the TLUP. If approved by the Board, the Final Draft TLUP would be submitted to the Coastal Commission for processing.

**Section V– Timeline and Next Steps**

The summary below shows the major phases and timeline of the TLUP process, including next steps:

- **Drafting the TLUP (*Completed 2025*)**  
 The TLUP was drafted to mirror the PMPU where applicable and include new goals, objectives, policies, and water and land use designations and use types relevant to the newly granted area, as well as site-specific planned improvements. This included the preparation of:

  - TLUP Discussion Draft (*July 2023*)
  - Draft TLUP (*September 2023*)
  - Revised Draft TLUP (*February 2025*)
  - Final Draft TLUP (*November 2025; in consideration for Board approval as a part of this Board item*)
  
- **Submission of Draft TLUP to California State Lands Commission (CSLC) (*Completed 2023*)**  
 A requirement of SB 507 was to submit a TLUP to CSLC by January 1, 2024. As directed by the Board in September 2023, District staff presented and submitted the Draft TLUP to CSLC in October 2023.
  
- **California Environmental Quality Act (CEQA) Environmental Review (*Anticipate being completed as a part of this Board item*)**  
 Prior to requesting the Board’s approval of the Final Draft TLUP, staff has conducted the required environmental review for the document pursuant to CEQA. For the TLUP, staff prepared an MND pursuant to CEQA to analyze the potentially significant effects of the TLUP on the environment and identify mitigation measures that would avoid or minimize these effects to a less-than-significant level.
  
- **California Coastal Commission Certification (*Next Step*)**  
 If the Board approves the MND and the Final Draft TLUP, it will be processed for “California Coastal Commission Certification,” with subsequent approval actions to occur during public meetings, including the Board’s acceptance of the TLUP as certified by the Coastal Commission, and then the Coastal Commission’s approval of the Board’s acceptance of the certified TLUP.
  
- **Submission to CSLC for Final Approval (*Next Step*)**  
 Once the TLUP is certified by the Coastal Commission, staff will submit it to CSLC for final approval, per SB 507, which states “The district shall then submit to the State Lands Commission for its approval any proposed changes to, or amendment to, the trust lands use plan.”

All phases have or will involve public input, stakeholder outreach, and agency coordination throughout.

**General Counsel’s Comments:**

The Office of the General Counsel has reviewed this staff report and the attachments as presented to it and approves them as to form and legality.

## **Environmental Review:**

The proposed Board actions complete the CEQA process for the proposed project as detailed previously, in Section III of this Discussion.

The proposed Board actions comply with Section 87 of the Port Act, which allows for the establishment and maintenance of trust lands for the uses described in the TLUP, including open space, ecological preservation, and habitat restoration. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed project is consistent with the Public Trust Doctrine.

## **Diversity, Equity, and Inclusion Program:**

This agenda sheet has no direct DEI impact on District workforce or contract reporting, at this time.

### **PREPARED BY:**

Lily Tsukayama  
Principal Planner, Planning

Dennis Campbell  
Principal Planner, Planning

Jolie Gobler  
Planner I, Planning

### **Attachment(s):**

Attachment A: Final Draft TLUP

Attachment B: Final Mitigated Negative Declaration

Attachment C: TLUP Public Outreach and Stakeholder Engagement Summary (as of 11/19/2025)

Attachment D: Final Draft TLUP "Errata"