

FINAL MITIGATED NEGATIVE DECLARATION

Trust Lands Use Plan

November 2025

~~DRAFT~~ FINAL

Mitigated Negative Declaration/Initial Study for the Trust Lands Use Plan

(UPD #MND-2025-016; SCH #2025020759)

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~~February~~ November 2025

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LIST OF ABBREVIATIONS

BPC	Board of Port Commissioners
CCA	California Coastal Act
CCC	California Coastal Commission
CCP	Caulerpa Control Protocol
CDFW	California Department of Fish and Wildlife
CEMP	California Eelgrass Mitigation Policy
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CSLC	California State Lands Commission
District	San Diego Unified Port District
Everingham	Everingham Bros. Bait Company, Inc.
HACCP	hazard analysis and critical control point
INRMP	integrated natural resources management plan
ITP	incidental take permit
MMRP	mitigation monitoring and reporting program
MND/IS	Mitigated Negative Declaration and Initial Study
NMFS	National Marine Fisheries Service
PD	planning district
PMP	port master plan
PMPA	port master plan amendment
RWQCB	regional water quality control board
SCIC	South Coastal Information Center
SCP	scientific collecting permit
SDAPCD	San Diego Air Pollution Control District
TLUP Area	submerged lands and tidelands granted to the District through SB 507
TLUP	Trust Lands Use Plan

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EXECUTIVE SUMMARY

This ~~Draft~~ Final Mitigated Negative Declaration and Initial Study (MND/IS) has been prepared for the proposed Trust Lands Use Plan (TLUP). The TLUP sets a comprehensive vision for the San Diego Unified Port District's (District's) management of the approximately 8,000 acres of tidelands and submerged lands granted under Senate Bill 507 (SB 507 – Atkins 2019) and as chaptered in Section 5.7 to the San Diego Unified Port District Act (Port Act). Collectively, these tidelands and submerged lands comprise the TLUP Area.

This ~~Draft~~ Final MND/IS has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.), the implementing regulations, the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000, et seq.), and the District's CEQA Guidelines. Specifically, this Final MND/IS meets the requirements of CEQA Guidelines Sections 15070 and 15071, among others, and District CEQA Guidelines Section V. The attached Environmental Initial Study Checklist (Attachment A) meets the requirements of CEQA Guidelines Section 15063 and District CEQA Guidelines Section IV. Combined, the MND/IS fulfills CEQA's content requirements by providing a project description; a description of the environmental setting, thresholds of significance, potential environmental impacts, and mitigation measures for any significant effects; discussion of consistency with plans and policies; and names of the document preparers.

The District is the lead agency pursuant to CEQA Guidelines Section 15367 because the District manages the TLUP Area as a trustee of the state.

ES.1 PROJECT DESCRIPTION

As discussed in detail in Section 2, "Project Description," the TLUP sets a comprehensive vision for the District's management of the approximately 8,000 acres of tidelands and submerged lands granted under SB 507. As trustee for these public lands, the Board of Port Commissioners (BPC) and District staff manage a diverse array of activities within dynamic cities and the region. The TLUP governs the use, design, improvement, and preservation of these public trust lands. The TLUP only addresses the submerged lands and tidelands granted to the District through SB 507 (TLUP Area) and does not address the submerged lands and tidelands included in the District's ~~ownership and~~ jurisdiction, prior to 2020.

The TLUP establishes specific goals, objectives, policies, and standards to: (1) direct future use of SB 507-granted trust lands including development, preservation and other uses; (2) facilitate a diverse range of uses and activities including, but not limited to, safe navigation, commerce, fisheries, and recreation; (3) provide a broad range of proposed public improvements; and (4) promote environmental stewardship of Tidelands. As a planning document, the TLUP does not specify or authorize individual projects or site-specific developments. Instead, it offers a planning vision, guidance, and standards that will govern any potential future development within the TLUP boundaries.

ES.2 PROPOSED FINDING

The Environmental Initial Study Checklist prepared for the TLUP (see Attachment A) found that implementation of the TLUP would not result in potentially significant impacts on the following resources 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.

Impacts on the following resource areas were shown to be potentially significant:

- air quality,
- biological resources,
- cultural resources,
- geology and soils,
- greenhouse gas emissions,
- hydrology and water quality,
- noise,
- public services,
- recreation, and
- tribal cultural resources.

Mandatory measures to mitigate these effects, which are listed in Section 5, "*Mitigation Monitoring and Reporting Program,*" would be implemented by future site-specific projects proposed within the TLUP Area, to reduce the impacts to below a level of significance.

COMMENTS RECEIVED ON THE DRAFT MND/IS AND RESPONSES

All comment letters received on the Draft MND/IS in response to a 35-day public review period have been organized by agency, organization, and individual according to date received. The District received six comment letters on the Draft MND/IS during the public review period that began on February 21, 2025 and closed on March 27, 2025. Each of the comment letters received during the public comment period were alphabetically and numerically coded to facilitate identification and tracking (Table RTC-1).

The letters are divided into individual comments, with each comment containing a single theme, issue, or concern. Individual comments and the responses to them were assigned corresponding numbers. The comment number consists of two parts. The first part is an alphabetical letter identifier that is assigned to a comment letter and the second identifier is the comment number. For example, Comment A-1 is the first comment of the first comment letter identified as "A." Comment A-2 would be the second comment identified in Letter A, and so on.

Table RTC-1 Comment Letters Received on Draft MND

Letter	Commenter	Date of Letter
	State Agencies	
A	California Department of Fish and Wildlife Craig Shuman, D. Env, Marine Regional Manager	March 25, 2025
B	California Coastal Commission Melody Lasiter, Coastal Planner	March 27, 2025
	Local Agencies	
C	City of Imperial Beach Meagan Openshaw, Community Development Department Director	March 27, 2025
	Organizations	
D	San Diego County Archaeological Society James W. Royle, Jr., Chairperson, Environmental Review Committee	February 24, 2025
E	San Diego Bird Alliance Muriel Spooner, Conservation Committee Co-chair James A. Peugh, Conservation Committee Co-chair William E. Tippets, Board Member, Southwest Wetlands Interpretive Association Michael McCoy, President, Southwest Wetlands Interpretive Association Pamela Heatherington, ECO San Diego	March 26, 2025
	Businesses	
F	Everingham Bros. Bait Company, Inc. Ryan Waterman, Attorney at Law for Roy R. Everingham Jr., President	March 27, 2025

State Agencies

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Marine Region
1933 Cliff Drive, Suite 9
Santa Barbara, CA 93109
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Direc

Letter A

March 25, 2025

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TRUST LANDS USE PLAN
MITIGATED NEGATIVE DECLARATION
SCH #2025020759

Dear Mr. Campbell:

The California Department of Fish and Wildlife (Department) received a Mitigated Negative Declaration (MND) from the San Diego Unified Port District (District) for the Trust Lands Use Plan (TLUP, Project), pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

DEPARTMENT ROLE

A-1

The Department is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, section 711.7, subd. (a) & 1802; Pub. Resources Code, section 21070; CEQA Guidelines section 15386, subd. (a).) The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, section 1802.) Similarly for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. The Department is also responsible for

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Conserving California's Wildlife Since 1870

marine biodiversity protection under the Marine Life Protection Act in coastal marine waters of California, and ensuring fisheries are sustainably managed under the Marine Life Management Act.

A-1 cont.

DEPARTMENT PERMITTING

The Department and the California Fish and Game Commission oversee and regulate aquaculture activities in the state under the authority provided by the Fish and Game Code and Title 14 of the California Code of Regulations. Section 235 of Title 14, California Code of Regulations requires the owner of each aquaculture facility that is used for the controlled growing and harvest of aquatic plants and animals in the state to register annually with the Department. Additional approvals required from the Department for aquaculture operations include importation permits for most live plant or animal species sourced from out of state (Cal. Code Regs, tit. 14, section 236), and broodstock collection permits for take of aquatic plants or animals for use as broodstock for aquaculture purposes (Cal. Code Regs, tit. 14, section 243). The Department may prohibit an aquaculture operation or the culturing of any species at any location where it is determined it would be detrimental to adjacent native wildlife (Fish & G. Code, section 15102). The Department encourages the District and prospective aquaculture operators within the South Central Bay Planning District to engage with the Department to ensure the culture species and operation plans will not detrimentally impact native wildlife.

A-2

PROJECT DESCRIPTION SUMMARY

Proponent: San Diego Unified Port District

Objective: The objective of the TLUP is to set a comprehensive vision for the District's management of the approximately 8,000 acres of tidelands and submerged lands granted under Senate Bill 507. The TLUP is a planning document, therefore, it does not specify or authorize individual projects or site-specific developments. Alternatively, the TLUP offers a planning vision, guidance, and standards that will govern any potential future development within the TLUP boundaries. The TLUP governs the use, design, improvement, and preservation of these public trust lands and establishes specific goals, objectives, policies, and standards to:

1) Direct future use of the Senate Bill 507-granted trust lands including future development, preservation and other uses;
2) Facilitate a diverse range of uses and activities including, but not limited to, safe navigations, commerce, fisheries, and recreation;
3) Provide a broad range of proposed public improvements; and
4) Promote environmental stewardship of tidelands.

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The TLUP is comprised of planning districts grouped by geographical areas in San Diego Bay which include water use designations, special allowances, planned improvements, and development standards. The four planning districts and the proposed future developments for each district discussed in the MND are as follows:

1) North Bay Planning District: Potential expansion of bait barges, baitfish storage, and associated vendor operations.

2) North Central Bay Planning District: Routine maintenance of the San Diego-Coronado Bay Bridge and pipelines which are existing uses and activities.

3) South Central Bay Planning District: Shellfish and seaweed aquaculture.

4) South Bay Planning District: Shoreline restoration or other shoreline adaptation strategies, if needed, to address coastal flooding on the Bayshore Bikeway and the development of seating, public art, signage, etc. in the Recreation Open Space area.

A-3 cont.

Location: The Project site is located within San Diego Bay waters (7,903 acres of submerged lands) and tidelands (99 acres of land in the South Bay Planning District).

BIOLOGICAL SIGNIFICANCE

Discussion and Comment: San Diego Bay waters support many resident and migratory fish and special status wildlife such as seabirds, marine mammals, and sea turtles. Important marine plants such as eelgrass (*Zostera marina*) support those fish and wildlife species and may be present throughout shallow coastal environments in the San Diego Bay. Eelgrass is important as fish nursery habitat and supports juvenile and adult fish. San Diego Bay waters also support commercially and recreationally important fish and invertebrate species such as California halibut (*Paralichthys californicus*), California spiny lobster (*Panulirus interruptus*), barred sand bass (*Paralabrax nebulifer*), white seabass (*Atractoscion nobilis*), sea cucumbers (*Parastichopus* spp.), and the Northern anchovy (*Engraulis mordax*), which is an important forage fish.

Intertidal flats and salt marsh throughout San Diego Bay also provide important foraging habitat for shorebirds, including special-status species such as Western snowy plover (*Charadrius nivosus nivosus*), light-footed Ridgway's rail (*Rallus obsoletus levipes*), and Belding's savannah sparrow (*Passerculus sandwichensis beldingi*). Sandy beaches and coastal dunes along the edges of San Diego Bay provide nesting habitat for California least tern (*Sternula antillarum*) and Western snowy plover. Coastal scrub communities in the terrestrial area surrounding the Bay provide nesting and foraging habitat for sensitive species such as coastal California gnatcatcher (*Polioptila californica*).

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COMMENTS AND RECOMMENDATIONS

The Department offers the comments and recommendations below to assist the District in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife resources.

Individual Projects and Site-Specific Developments

Comments: The Department understands that the TLUP is a planning document that offers a planning vision, guidance, and standards that will govern any potential future development within the TLUP boundaries. Therefore, the TLUP does not specify or authorize individual projects or site-specific developments. Additionally, site-specific design elements and associated impact-specific mitigation are not analyzed in high resolution within the MND.

Recommendations: The Department recommends that the MND note that all proposed future individual projects and site-specific developments within the TLUP area will be fully analyzed in subsequent CEQA documents. The future CEQA documents should include site-specific design elements, analyze project-specific impacts, and include impact-specific mitigation.

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Native Eelgrass Impacts

Comments: Eelgrass is present throughout the bay, including within the TLUP North Bay Planning District area where the construction of overwater structures may occur and within the South Central Bay Planning District where installation and operation of aquaculture facilities may occur. Native eelgrass species create large beds beneficial for fish habitat and have been identified as special aquatic sites and given protections by the Clean Water Act. The Magnuson-Stevens Fishery Conservation and Management Act identifies eelgrass as a Habitat Area of Special Concern. Additionally, the importance of eelgrass protection and restoration, as well as the marine ecological benefits of eelgrass, is identified in Pub. Resources Code section 35630. The Department uses the California Eelgrass Mitigation Policy (CEMP) (NOAA 2014, Attachment 1), developed by the National Marine Fisheries Service (NMFS), for guidance on surveying eelgrass, avoiding and minimizing impacts to eelgrass, assessing eelgrass impacts, eelgrass mitigation measures and compensation, and for identifying appropriate eelgrass mitigation and donor sites.

Recommendations: The Department recommends that the District develops plans to avoid and minimize potential impacts to eelgrass to the maximum extent feasible if eelgrass beds or patches are identified within or adjacent to the project area. Future projects with construction and/or installation activities within the TLUP area should be developed consistent with the CEMP to avoid and minimize disturbance, damage, and losses of eelgrass. This includes avoiding impacts to eelgrass associated with construction of overwater structures; bottom disturbances; construction turbidity; sedimentation, shading, and falling debris; and shading and anchoring within eelgrass habitat associated with construction barges and vessels.

The Department appreciates that the MND included a mitigation measure (MM-BIO-01) to conduct comprehensive pre- and post-construction eelgrass surveys consistent with the CEMP if any unavoidable eelgrass impacts, such as shading from overwater coverage, occur. Additionally, according to MM-BIO-01, the

A-6

Department appreciates that any impacts to eelgrass will be mitigated for using guidance described within the CEMP. A-6 cont.

If eelgrass harvest and transplanting is required for mitigation, a Scientific Collecting Permit (SCP) from the Department will be required prior to harvest and transplanting activities. The SCP may include permit conditions such as donor eelgrass surveys, submittal of an eelgrass harvest and transplant plan, limits on number of turions collected, methods for collection and transplanting, notification of activities, and reporting requirements. Please visit the Department's SCP webpage for more information: https://wildlife.ca.gov/Licensing/Scientific-Collecting. A-7

Fisheries Impacts

Comments: The Department is concerned that the TLUP's shellfish and seaweed aquaculture operations in the South Central Bay Planning District could impact numerous commercial and recreational fisheries. Adverse impacts could result from the loss of accessible fishing area, loss or damage of fishing gear from snagging on infrastructure, navigational hazards, degradation of habitat, and effects on wild populations. The South Central Bay Planning District is located within Essential Fish Habitat for various federally managed fish species within the Pacific Coast Groundfish Fishery Management Plan (FMP), Coastal Pelagic Species FMP, and FMP for U.S. West Coast Fisheries for Highly Migratory Species under the Magnuson-Stevens Fishery Conservation and Management Act. The site is also located within potential habitat and fishing areas for state-managed fisheries, such as California halibut (*Paralichthys californicus*), spiny lobster (*Panulirus interruptus*), Northern anchovy (*Engraulis mordax*), barred sand bass (*Paralabrax nebulifer*), white seabass (*Atractoscion nobilis*), and sea cucumbers (*Parastichopus* spp.). A-8

Recommendations: The Department recommends that future CEQA analyses for proposed aquaculture operations in the TLUP include a detailed analysis of commercial and recreational fisheries that focus on impacts to both federally and state managed fisheries, species, and associated habitats. The fisheries analyses should be described in detail in the future CEQA analyses, including any outreach to the fishing community. The CEQA analyses should also include discussion of mitigation measures.

Aquaculture Impacts

Comments: Aquaculture facilities could impact wildlife in a variety of ways such as entanglement, behavioral changes, displacement of native species, and altering the genetic composition of wild populations. The Department is concerned about potential entanglement of marine mammals, sea turtles, and birds associated with activities and gear, particularly buoy and grow ropes, for the TLUP's proposed aquaculture operations in the South Central Bay Planning District. As the MND noted, the protected marine mammal and sea turtle species found in San Diego Bay could be at risk of entanglement due to the aquaculture operations. Seabirds may A-9

also become entangled when feeding. Aquaculture operations also have the potential to alter species behavior and use of the TLUP area for feeding, breeding, and migration.

The Department is also concerned with the potential for cultured shellfish and seaweed species to naturalize outside of cultivation areas and impact native marine species. Although no culture species are identified in the MND or TLUP, several commonly cultivated species in California, including the Pacific oyster, are non-native species that have the potential to naturalize outside of cultivation areas and impact native marine species. Over the past two decades, the Pacific oyster has colonized all the San Diego County estuarine systems (Crooks et al. 2015). In San Diego Bay, monitoring trends since 2013 reveal substantial increases in non-native Pacific oyster densities and indicate now-regular recruitment (Wolfe et al. 2024). Rising temperatures have been linked to this increase in density and the potential to displace native species and modify habitat has become a management concern (Herbert et al. 2012; Herbert et al. 2016). As sea temperature rises, spawning events in San Diego Bay may become more frequent and result in further colonization of non-native cultured species.

Seaweed aquaculture in California waters is a nascent industry with many unknowns in potential impacts to native wildlife. Seaweed aquaculture has the potential to increase the competition for light among other autotrophic organisms, including pelagic phytoplankton and benthic macroalgae. Similarly, competition for nutrients may also be increased. A reduction in the abundance of phytoplankton during the growing season was observed at a large-scale kelp farm in China (Shi et al., 2011). Changes in primary productivity can have consequential impacts on marine food webs. Farmed kelp material that escapes the aquaculture facility may also interact with wildlife. Kelp may break or detach from aquaculture gear or release reproductive material into the environment with potential adverse impacts. Interbreeding between hatchery-raised individuals and wild individuals can potentially alter the genetic composition of wild populations, which can cause a loss of genetic diversity and fitness in wild populations and alter ecosystem function. Additionally, if kelp fragments escaping the farm carry pathogens, parasites, or non-native species, there are additional risks to adjacent wild populations.

A-9 cont.

Recommendations: The Department appreciates that the District has committed to preparing and implementing measures (MM-BIO-02) to minimize risks to marine wildlife by including mitigation plans for essential fish habitat, benthic impacts, and green sea turtle entanglement hazards. The Department recommends that future CEQA analyses for proposed projects within the TLUP and Aquaculture Mitigation plans developed under MM-BIO-2 address all potential impacts to wild fish populations and other marine wildlife that may result from interactions with the proposed aquaculture operation.

The CEQA analyses should discuss how the proposed project will avoid, minimize, and respond to wildlife interactions, including entanglement and release of farmed

shellfish and seaweed material, which have the potential to significantly impact marine resources. The Department recommends that the District consult with NMFS regarding any other necessary avoidance and mitigation measures to reduce impacts to marine mammals and sea turtles. The Department recommends that the CEQA analyses discuss how aquaculture gear will withstand storm events and include protocols for regular inspection of infrastructure to prevent entanglements and marine debris.

The CEQA analyses should detail measures to address the impacts of shading and increased competition of light among other autotrophic organisms and release of farmed shellfish or seaweed material. The Department recommends that Aquaculture Mitigation Plans developed under MM-BIO-2 incorporate avoidance, minimization, and mitigation measures to reduce the potential for naturalization of cultured species.

A-9 cont.

Changes to Water Quality and Hydrodynamics

Comments: The proposed TLUP aquaculture operations may result in changes to oceanographic conditions that could impact marine resources. Possible changes in hydrodynamics caused by aquaculture facilities may exacerbate impacts due to nutrient enrichment and/or lead to changes in sedimentation and larval transport and dispersal. In an area of high-density suspended kelp and bivalve aquaculture in China, He et al. (2022) found that alterations in onshore currents, upwelling, and water exchange led to a significant reduction in nutrient supply. However, most research on this topic has occurred in nearshore environments. There is a need to better understand the hydrodynamic effects of San Diego Bay aquaculture facilities and how these effects may lead to changes in the transport of nutrients, sediment, and larvae.

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Recommendations: The Department recommends the future CEQA analyses for proposed aquaculture operations in the TLUP evaluate potential impacts to oceanographic conditions including water quality, benthic conditions, and hydrodynamics that may be caused by the project's development. The project applicant should describe best management practices that will minimize waste and water quality impacts. To best track changes to oceanographic conditions and the benthic community, the Department recommends that the implementation of ongoing monitoring that includes baseline assessments of habitat and ocean conditions in the area prior to construction. The applicant should consult with the Department and other resource agencies when developing monitoring plans.

Invasive Species and Disease Transmission

Comments: The Department is concerned about possible introduction of invasive species and/or pathogens resulting from the proposed TLUP aquaculture operations. Aquaculture gear and equipment may also facilitate introduction or spread of

A-11

invasive species that require habitat with three-dimensional structure or hard substrate.

Recommendations: The Department recommends the future aquaculture projects within the TLUP develop and maintain a Hazard Analysis and Critical Control Point (HACCP) plan detailing measures to detect and control aquatic invasive species and pathogens at the facility. The HACCP plan should include methods to prevent the introduction of aquatic invasive species into the facility and operational practices that prevent the spread of aquatic invasive species within and outside the facility as well as a detailed monitoring plan. A comprehensive HACCP is critical to the protection of State resources from invasive species and disease transmission. A-11 cont.

Monitoring and Oversight

Comments: A strong monitoring program is key to the preservation of marine resources and the success of any marine aquaculture project, including for any proposed aquaculture project within the TLUP.

Recommendations: The Department recommends that comprehensive monitoring and reporting plans be established for future aquaculture projects within the TLUP. The plans should include, but not be limited to, regular independent monitoring to assess proper gear functioning and required maintenance, impacts to fish and wildlife resources, water quality impacts, changes to hydrodynamics and sediment deposition, benthic and substrate impacts, and introduction/transport of pathogens and invasive species. The plans should also include procedures for marine debris management (with unique marking/branding of all aquaculture gear with contact information) and rapid reporting of entanglement events. The Department recommends working with state and federal resource agencies to include in the plan detailed adaptive management strategies to determine trigger points that, when reached, require consultation and corrective actions to avoid negative impacts. A-12

Invasive Species Impacts

Comments: Disturbance of the bottom sediments from construction and anchoring may redistribute non-native species that compete with native species. This could cause widespread adverse impacts to eelgrass and marine ecology. The invasive alga *Caulerpa taxifolia* is listed as a federal noxious weed under the U.S. Plant Protection Act and while deemed eradicated in 2006 is monitored for potential future emergence. Another invasive alga species found recently in Newport Bay and San Diego Bay is *Caulerpa prolifera*, which is also a potential threat to growth and expansion of native eelgrass beds and other native algae. *Caulerpa prolifera* can grow as deep as 50 meters and appears to be more tolerant of low light environments than most other macroalgae. Additionally, since all *Caulerpa* species pose a serious risk in harming native marine life, Fish and Game Code Section 2300 was amended in 2023 so that no person shall sell, possess, import, transport, transfer, release alive in the state, or give away without consideration all species of A-13

the genus *Caulerpa*, with the exception of bona fide scientific research upon authorization by the Department.

Recommendations: Prior to any bottom-disturbing construction activities such as anchoring onto the San Diego Bay floor, the Department recommends conducting pre-construction *Caulerpa spp.* surveys to identify potential existence of invasive *Caulerpa spp.* in accordance with the Caulerpa Control Protocol https://media.fisheries.noaa.gov/2021-12/caulerpa-control-protocol-v5.pdf (October 2021). Any sightings of *Caulerpa spp.* should be reported within 24 hours to the Department (Caulerpa@wildlife.ca.gov), and NMFS at 562-980-4037 (nmfs.wcr.caulerpa@noaa.gov).

A-13 cont.

Shoreline Adaptation Strategies

The TLUP proposes ECO Policy 1.1.19 to ensure that the District prioritizes the use of nature-based solutions composed of natural or sustainable materials that increase shoreline biodiversity and coastal resiliency. Examples of nature-based adaptation strategies included in the TLUP include, but are not limited to, living shorelines, beneficial reuse of sediment and sand replenishment, and habitat restoration. The MND notes that shoreline restoration and other shoreline adaptation strategies are included within the TLUP to address coastal flooding on the Bayshore Bikeway in the South Bay Planning District. Additionally, the South Central Bay District's vision includes increased conservation through restoration, living shorelines, and other efforts that enhance habitat, water quality, and coastal resiliency. The Department understands that the TLUP is a planning document, so no individual nature-based projects are specified within the MND. The Department anticipates providing additional comments related to shoreline adaptation strategies for the CEQA analyses for proposed aquaculture operations in the TLUP and looks forward to coordinating with the District.

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Special-Status Plant Impacts

Comments: The MND provides a compendium of special-status terrestrial plant species known to occur in the Project region. Several CESA-listed species were identified as having a low or moderate potential to occur on the Project site, including: coastal dunes milk-vetch (*Astragalus tener* var. *titi;* CESA endangered; ESA endangered; California Rare Plant Rank (CRPR) 1B.1), salt marsh bird's-beak (*Chloropyron maritimum* ssp. *maritimum*; CESA endangered; ESA endangered; CRPR 1B.2), and Orcutt's spineflower (*Chorizanthe orcuttiana*; CESA endangered; ESA endangered; CRPR 1B.2). While TLUP is a planning document and does not identify individual Project impacts nor site-specific development, the MND incorporates Mitigation Measure BIO-3 (MM-BIO-3) to provide mitigation framework for potential impacts to special-status terrestrial plants. The measure includes focused surveys for special-status plant species during the appropriate bloom period. If special-status species are detected, the MND currently requires a Conceptual Restoration Plan; this Plan includes relocation and seed collection for the purposes

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of off-site compensatory mitigation, as well as a post-relocation management and monitoring requirement.

The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to sensitive plant species, as studies have shown that these efforts are experimental in nature and largely unsuccessful. Research shows that even under optimal conditions, transplantation was effective in only 15% of cases studied (Fiedler, 1991). Additional research (Howald, 1996) highlights the challenges associated with transplanting rare species, including the stress caused by digging, transport, replanting, the lack of reliable and scientifically tested methods for safely handling and relocating plants, and the potential disruption of existing population dynamics when introducing individuals to a new area that may already be at carrying capacity.

A-15 cont.

Given that transplanting rare plants to new locations often has limited success, should the Port pursue these methods as mitigation for sensitive plant species, the MND or any Project-specific CEQA documents should provide strong evidence to demonstrate the feasibility of the proposed mitigation for the species affected. If translocation is determined to be feasible for a particular species, a Translocation Plan should be developed and provided to the Wildlife Agencies for review and comment. The Plan should include provisions for what will occur in the event the mitigation fails. In the probable scenario that translocation is not feasible, based on the life history of the species, then compensatory mitigation should be pursued. This mitigation should include seed collection, a five-year monitoring and management component, and be accompanied by an in-perpetuity land protection instrument (i.e., a conservation easement) and a non-wasting endowment.

Furthermore, the Department considers adverse impacts to a species protected by CESA, for the purposes of CEQA, to be significant without mitigation. Take of any endangered, threatened, or candidate species that results from the project is prohibited, except as authorized by state law (Fish & G. Code, sections 2080, 2085). Consequently, if the Project or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from the Department may include an incidental take permit (ITP) or a consistency determination (CD) in certain circumstances, among other options (Fish and G. Code sections 2080.1, 2081, subds. (b),(c)). Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required in order to obtain a CESA Permit. The Project-specific CEQA document must address all Project impacts to CESA-listed species and specify a mitigation monitoring and reporting program that will meet the requirements of an ITP. The biological mitigation monitoring and reporting proposals should be of

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sufficient detail and resolution to satisfy the requirements for a CESA ITP. The Project proponent must also ensure adequate dedicated funding (e.g., a non-wasting endowment) to implement and monitor the success criteria of the measures (Fish and G. Code section 2081).

Recommendations: The Department recommends that MM-BIO-3 in the MND be updated to include the following changes, indicated in ~~strikethrough~~ and **bold**: Focused surveys shall be conducted to determine the presence/absence of federally and/or state listed plant species, or CRPR 1B.1 or 1B.2 species previously observed, or with high or moderate potential to occur. For species that can only be reliably detected during specific blooming periods, focus**ed** surveys ~~may need to~~ **will** be conducted during those periods to determine presence/absence. **If CESA or ESA listed plant species are identified in the Project area, the Wildlife Agencies (the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service) shall be notified. If the Project may result of take of any CESA endangered, threatened, or candidate plant species, the project Proponent shall seek appropriate take authorization under CESA prior to implementing the Project.** If ~~these~~ **sensitive** species occur within the proposed construction, access, staging, or stockpiling areas of a future project, one of two ~~equally suitable~~ options shall be implemented:

1. Construction areas shall be modified to avoid direct impacts to mapped sensitive plant species. **If special-status plants are detected, the Project biologist shall flag individual plants and/or install temporary fencing around populations of sensitive plants. Best Management Practices shall include worker education, to ensure that all impacts to sensitive plants are avoided.**

A-16 cont.

If impacts to sensitive plant species cannot be feasibly avoided, then:

2. Compensatory mitigation for impacts to sensitive plants shall include:

A. Implement**ation of** an approved Conceptual Restoration Plan or acquisition of mitigation credits**, which shall be approved by the Wildlife Agencies prior to implementation. The Conceptual Restoration Plan shall** ~~that~~ provide~~s~~ one or more of the following measures**, if determined to be feasible**:

i. Impacted plants would be salvaged and relocated; **if translocation is selected, the Project-specific CEQA document and Conceptual Restoration Plan shall provide strong evidence to demonstrate the feasibility of the proposed mitigation for the species affected. If translocation is determined not to be feasible, compensatory mitigation shall be pursued, which will include seed collection, a five-year monitoring and management component, and be accompanied by an in-perpetuity land protection instrument (i.e., a conservation easement) and a non-wasting endowment.**

ii. Seeds from impacted plants would be collected for use at an off-site location;

iii. Off-site habitat that supports the species impacted shall be enhanced and/or supplemented with seed collected on site; and/or

iv. Comparable habitat supporting the species at an off-site location shall be preserved.

B. Mitigation that involves relocation, enhancement, or transplanting sensitive plants may be conducted in combination with other habitat mitigation (e.g., wetlands HMMP) and shall include the following:

i. Conceptual planting plan, including grading and temporary irrigation if necessary to create appropriate habitat conditions to support the species;

ii. Planting specifications (e.g., seed source, soil suitability, container size);

iii. Monitoring program including success criteria (e.g., a minimum number of sensitive plant individuals, a minimum percent cover of native species, a maximum percent cover of non-native species); and

iv. 5-year post construction maintenance and preservation plan (e.g., sensitive plant monitoring, adaptive management actions).

v. Provisions for what will occur in the event the mitigation fails.

A-16 cont.

California Least Tern

Comments: The MND indicates that California least tern have a high potential to occur in the TLUP area. The California least tern was listed as endangered in 1970 under the authority of the Federal ESA, designated as fully protected in 1970, and listed as endangered in 1971 under the authorities of CESA. As a fully protected species, take cannot be authorized for least tern and impacts must be fully avoided. California least tern exhibit high nest site fidelity from year to year (Atwood and Massey 1988). Construction and noise-generating activities within 500 feet of known nest sites should not overlap the beginning of nesting season, as they could preclude terns from returning to the nesting site. Mitigation Measure BIO-4 (MM BIO-4) provides mitigation framework for future Projects under the TLUP which may impact bird species, including measures specific to California least tern. While the Department appreciates inclusion of the mitigation framework to guide future Projects, we recommend several revisions to ensure that impacts to California least tern are avoided.

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Recommendations: To avoid take of California least tern, the Department recommends that MM-BIO-4 in the MND be amended to include the following changes, indicated in ~~strikethrough~~ and **bold**:

For California least terns specifically:

- Noise generating activities shall be conducted outside of the California least tern nesting season (September 16th to March 31st).
- If the nesting season cannot be avoided and the project is within 500 feet of ~~a~~ **suitable** nest**ing habitat**, then **a California least tern monitoring and avoidance plan shall be prepared for review and approval by the California Department of Fish and Wildlife and the US Fish and Wildlife Service (collectively the Wildlife Agencies), prior to the beginning of construction activities. The plan shall include, at a minimum:** California least tern pre-construction nest surveys~~,~~ **and** nest monitoring.~~, and~~ **A 500-foot buffer and/or** sound and visual barriers shall be implemented prior to the beginning of construction activities**. The buffer and/or barriers shall be** subject to District approval, ~~which may~~ **and shall** include consultation with ~~USFWS~~ **the Wildlife Agencies** ~~where appropriate~~, including as part of any required permit application by the project proponent. **Noise levels shall not exceed 60 dBA or pre-construction ambient levels, whichever is higher, as measured from the edge of the 500-foot buffer. A biological monitor shall be on site during all noise-generating activities.**
- **If the Project area is within 0.5 miles of a known nesting site, construction activities shall not overlap with the beginning of nesting season (April 1), as construction noise may prevent California least terns from returning to known nest sites.**
- When construction activities will occur within ~~500 feet~~ **0.5 miles** of suitable California least tern nesting habitat, a qualified biologist shall conduct surveys prior to activity initiation.
- If a nest is detected, **the Wildlife Agencies shall be notified, and** a 500-foot buffer shall remain in place until the nest has fledged or is no longer active. No loud construction activities **or human disturbance** shall occur within the 500-foot buffer.
- The qualified biologist shall remain on-site during all construction activities that occur within, or adjacent to, nesting habitat for California least tern during the nesting season to ensure compliance with the 500-foot buffer and to modify or stop work in accordance with this mitigation measure. **If California least tern behavior modification or nest abandonment is observed within, or outside of, the buffer area, work shall be halted and the Wildlife Agencies shall be notified.**

A-17 cont.

Light-footed Ridgway's Rail

Comments: The MND identifies a high potential for light-footed Ridgway's rail (rail) to occur within the TLUP area, particularly in coastal salt marsh habitat. Rail is both ESA and CESA-listed endangered, as well as a state fully protected species. Given rail's reliance on high-quality salt marsh habitat for breeding and foraging, any project that alters or disturbs these areas might result in impacts such as nest abandonment,

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loss of eggs, reduced health and vigor, or loss of young rails. Habitat loss and degradation remain the primary threats to rails, as coastal salt marshes have experienced severe declines due to urbanization, hydrological alterations, and rising sea levels (Zembal et al. 2023). MM BIO-4 incorporates measures specific to rail within the mitigation framework for future TLUP Projects which may impact sensitive bird species. Rails are highly dependent on vocal communication for territory defense and mate attraction, making them particularly susceptible to acoustic disturbances that could mask their calls, increase stress levels, or increase vulnerability to predation (Zembal et al. 2014). Studies have shown that anthropogenic noise can decrease avian reproductive success, leading to decreased numbers of fledglings and smaller clutch sizes (Halfwerk et al. 2011). Due to rail's vulnerability to disturbance, the Department recommends that construction adjacent to rail habitat be avoided during nesting season. Given rail's strong nesting site fidelity, construction and noise generating activities within 500 feet of potential habitat should not overlap the beginning of breeding season (March 15), as disturbances during this time could preclude successful pairing and nesting. The Department recommends that future projects in the TLUP either improve or avoid altering wetland habitat which may support the species. The Department recommends revising the rail-specific measures in MM BIO-4 and incorporating into the MND as an independent mitigation measure, to ensure that impacts to rail are fully avoided. Additionally, any proposed mitigation should include a long-term monitoring program to assess rail presence, reproductive success, and habitat conditions post-project implementation.

A-18 cont.

Recommendations: To avoid impacts to light-footed Ridgway's rail, the Department recommends that MM-BIO-4 in the MND be amended to include the following changes, indicated in ~~strikethrough~~ and **bold**:

For light-footed Ridgway's rail specifically:

- Noise generating activities within 500 feet of suitable nesting habitat (i.e., coastal salt marsh) shall be conducted outside of the light-footed Ridgway's rail nesting season (September 16th to March 14th).
- If the nesting season cannot be avoided, a minimum of three focused pre-construction surveys shall be conducted within suitable habitat on separate days, to determine the presence of Ridgway's rails in or adjacent to the project impact area. Surveys shall begin a maximum of 7 days prior to performing project construction and one survey will be conducted the day immediately prior to performing project construction. **Surveys shall be conducted by a qualified biologist, approved by the Wildlife Agencies. The biologist resume shall demonstrate previous experience surveying for light-footed Ridgway's rail and identifying calls and detections following the most recent protocols (e.g.**

U.S. Fish and Wildlife Service survey protocols[2]), including utilizing playback calls. Results of the surveys shall be provided to the Wildlife Agencies prior to the start of Project construction.

- Before each day of work begins in or within 500 feet of coastal salt marsh habitat, the qualified biologist shall survey the construction area to determine if Ridgway's rails have entered the area. If any rails are found within the survey area, the biologist shall either stop noise-generating work or, if feasible, direct construction personnel to begin in an area more than 500 feet from the rails.
- **If rails are detected, noise levels within the 500-foot buffer shall not exceed 60 dBA or pre-construction ambient noise levels, as measured from the edge of the buffer.**
- If a nest is detected, a 500-foot buffer shall remain in place until the nest has fledged or is no longer active. No loud construction activities **or noise levels exceeding 60 dBA** shall occur within the 500-foot buffer.
- **For Projects which occur within 500 feet of suitable nesting habitat, construction activities shall not overlap the beginning of nesting season (March 15), as construction noise may prevent light-footed Ridgway's rail from pairing with a mate.**
- The qualified biologist shall remain on-site during all construction activities that occur within, or adjacent to, nesting habitat for light-footed Ridgway's rail during the nesting season to ensure compliance with the 500-foot buffer and to modify or stop work in accordance with this mitigation measure. **Work shall halt immediately if any modifications in light-footed Ridgway's rail behavior is observed, or if a nest is abandoned, and the Wildlife Agencies shall be notified.**
- **For any projects which occur within 500 feet of occupied rail habitat, a long-term monitoring program shall be prepared to assess rail presence, reproductive success, and habitat conditions post-project implementation. The program shall be approved by the Wildlife Agencies.**

A-18 cont.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, section 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

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[2] California Ridgway's (Clapper) Rail Survey Protocol | FWS.gov

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by the Department. Payment of the environmental document filing fee is required for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, section 753.5; Fish & G. Code, section 711.4; Pub. Resources Code, section 21089.)

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CONCLUSION

The Department appreciates the opportunity to comment on the MND to assist the District in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Leslie Hart, Environmental Scientist at R7CEQA@wildlife.ca.gov.

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Sincerely,

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Marine Regional Manager

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Tristan Evert, Senior Environmental Planner
Ascent Environmental

ATTACHMENTS

Attachment 1: NMFS. 2014. California Eelgrass Mitigation Policy, National Marine Fisheries Service.

A-21 cont.

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Letter A California Department of Fish and Wildlife

Craig Shuman, D. Env, Marine Regional Manager
March 25, 2025

Response to Comment A-1

The District appreciates the California Department of Fish and Wildlife's (CDFW's) interest in the TLUP and participation in the public review process for the Draft MND. As discussed on page 35 of the Environmental Initial Study Checklist (Attachment A of the Final MND), "CDFW is the State agency that manages native fish, wildlife, plant species, and natural communities for their ecological value and their benefits to people. CDFW oversees the management of marine species through several programs, some in coordination with National Marine Fisheries Service (NMFS) and other agencies." The comment is introductory in nature and does not raise a specific environmental issue or address the adequacy or conclusions of the Draft MND. Therefore, no further response is required.

Response to Comment A-2

The comment states that CDFW oversees and regulates aquaculture activities in the state and encourages the District and prospective aquaculture operators in the South Central Bay Planning District (i.e., PD13) to engage with CDFW to ensure that native wildlife is not detrimentally affected. The District appreciates CDFW's explanation of its regulatory authority over aquaculture activities in the state and, as indicated in mitigation measure MM-BIO-2, the project proponent of an aquaculture project would be required to coordinate with the appropriate agencies (i.e., agencies with jurisdictional authority) on any future aquaculture projects that may be proposed within San Diego Bay to reduce the potential impacts on essential fish habitat, benthic species, and the potential entanglement of green sea turtles to less than significant and to ensure all required permits are obtained by the appropriate regulatory agencies. The comment does not raise a specific environmental issue or address the adequacy or conclusions of the Draft MND. Therefore, no further response is required.

Response to Comment A-3

The comment provides a summary description of the TLUP, its objectives, and its location. The comment does not raise a specific environmental issue or address the adequacy or conclusions of the Draft MND. Therefore, no further response is required.

Response to Comment A-4

The District acknowledges that CDFW is providing comments and recommendations to assist the District in identifying and/or mitigating the TLUP's significant, or potentially significant, direct, and indirect impacts on fish and wildlife resources. To the extent the comment relates to the existing biological resources condition, the District would like to point the commenter to the Environmental Initial Study Checklist (Attachment A of the Final MND), which provides a detailed discussion of the existing conditions related to biological resources in Section 1.1.4, "Environmental Setting," of Attachment A. The comment is informational in nature and does not address the adequacy or conclusions of the Draft MND. The specific comments raised following this introduction are listed separately, along with the District's individual responses.

Response to Comment A-5

The comment indicates an understanding that the TLUP is a planning document that provides a planning vision, guidance, and standards that will apply to future projects within its boundaries. The comment acknowledges that the TLUP does not specify or authorize individual projects or site-specific developments and the MND's analysis and mitigation are not analyzed at a project-specific level. The comment recommends that the MND note that all proposed future individual projects within the TLUP area will be fully analyzed in subsequent CEQA documents that include site-specific design elements, analyze project-specific impacts, and include impact-specific mitigation.

The text requested by the commenter is already provided in Section 1.1, Purpose of a Negative Declaration/Mitigated Negative Declaration, on page 1-1 of the Draft MND. As stated, "[t]he TLUP, if approved, would not include the approval of any site-specific development projects. Any future projects proposed within the TLUP Area would be

subject to project-level environmental review once proposed. Relevant guidance for subsequent environmental review is provided under State CEQA Guidelines Sections 15152, 15162-15164, and 15168." Additionally, a variation of this explanation is provided under Section 2.1, "Overview," on page 3 of the Draft MND. As stated on page 2-1 of the Draft MND, "[s]pecial allowances, planned improvements, and development standards in the TLUP are analyzed in this MND/IS at a programmatic level using reasonable assumptions. The TLUP, if approved, would not include the approval of any site-specific development projects. Any future projects within the TLUP Area would be subject to project-level environmental review once specific developments are proposed." Therefore, no changes to the MND are required in response to this comment.

Response to Comment A-6

The comment notes that CDFW uses the California Eelgrass Mitigation Policy (CEMP) for guidance on surveying eelgrass, avoiding and minimizing impacts to eelgrass, assessing eelgrass impacts, eelgrass mitigation measures and compensation, and for identifying appropriate eelgrass mitigation and donor sites. The comment recommends that the District develops plans to avoid and minimize potential impacts on eelgrass to the maximum extent feasible for future TLUP projects and states that future projects should be developed consistent with the CEMP to avoid and minimize disturbance, damage, and losses of eelgrass. The comment acknowledges that mitigation measure MM-BIO-1 would require impacts on eelgrass to be mitigated using guidance provided in the CEMP. The comment does not raise any further environmental issues and does take issue with the adequacy or conclusions of the Draft MND. Therefore, no further response is required.

Response to Comment A-7

The comment indicates that a scientific collecting permit (SCP) is required from CDFW for eelgrass harvesting and transplanting activities. The District is aware of the SCP requirement and requires that its contractors have the required SCP. The District expects future projects to comply with all applicable regulations and follow all laws in place at the time a future project is going through the entitlement process.

Response to Comment A-8

The comment recommends that future CEQA analyses for proposed aquaculture operations in the TLUP include a detailed analysis of commercial and recreational fisheries that would focus on impacts on both federally and state managed fisheries, species, and associated habitats, include any outreach to the fishing community, and include a discussion of mitigation measures. The District refers the commenter to MM-BIO-2 of the Draft MND, which requires the project proponent to prepare an Aquaculture Operations Plan (previously identified as Aquaculture Mitigation Plan) in coordination with the appropriate regulatory and resource agencies, as well as the District, and implement the plan during project design and operation of the future aquaculture facility. The Aquaculture Operations Plan, at a minimum, must mitigate for potential impacts on essential fish habitat, benthic species, and the potential entanglement of green sea turtles. In addition, the project proponent of a future aquaculture operation is required to obtain all applicable permits from the appropriate regulatory agencies, which may include permit requirements that differ from the mitigation requirements outlined in MM-BIO-2. In such cases, the measures outlined in MM-BIO-2 mitigation measure shall be superseded by applicable agency permit requirements and shall not be in addition to the requirements of those permits. Therefore, any requirements identified through the applicable permitting process must be implemented by the project proponent. Consequently, because MM-BIO-2 includes provisions to ensure any future aquaculture project proposals must obtain all required permits from the appropriate regulatory agencies and at a minimum must prepare an Aquaculture Operations Plan with specific performance criteria identified in MM-BIO-2, the District has determined that biological resource impacts as it relates specifically to the TLUP's implementation regarding aquaculture would be less than significant.

Response to Comment A-9

Please see the District's response to comment A-8. As discussed in that response, MM-BIO-2 requires preparation of an Aquaculture Operations Plan that, at a minimum, must mitigate for potential impacts on essential fish habitat, benthic species, and the potential entanglement of green sea turtles. Moreover, MM-BIO-2 would require the project proponent of a future aquaculture operation to obtain all applicable permits from the appropriate regulatory agencies and conform to formal consultation recommendations outlined by NMFS. As indicated in MM-BIO-2, where

permit requirements may differ from the mitigation requirements outlined in MM-BIO-2, the measures outlined in MM-BIO-2 mitigation measure shall be superseded by agency permit requirements and shall not be in addition to the requirements of those permits. Therefore, any requirements imposed by the appropriate regulatory agency(ies) during the applicable permitting process, must be implemented by the project proponent. Consequently, because MM-BIO-2 includes provisions to ensure any future aquaculture project proposals obtain all required permits from the appropriate regulatory agencies and at a minimum must prepare an Aquaculture Operations Plan with the specific performance criteria identified in MM-BIO-2, the District has determined that biological resource impacts, as it relates specifically to the TLUP's implementation regarding aquaculture, would be less than significant under CEQA.

Response to Comment A-10

Please see the District's response to comment A-8. As discussed in that response, MM-BIO-2 requires preparation of an Aquaculture Operations Plan that, at a minimum, must mitigate for potential impacts on essential fish habitat, benthic species, and the potential entanglement of green sea turtles. Specific to benthic species, the project proponent must prepare an operations plan that is informed by best available science and practices to evaluate various benthic impacts as affected by the species, and culture methods utilized, the size of the aquaculture facility, and accumulation of materials such as pseudofeces, shell debris, and gear. The mitigation plan must include evaluation of the seabed beneath and adjacent to the facility for benthic ecosystem health and an adaptive management strategy that responds to negative indicators of benthic health as described in the monitoring plan to appropriately reduce the density of accumulated materials, as necessary. MM-BIO-2 requires site-specific BMPs to be developed and implemented during construction and operation of the aquaculture facility to lessen or eliminate potential benthic impacts.

In addition, the MND proposes MM-WQ-1, which would require water quality monitoring of aquaculture operations. Prior to the District's approval of an aquaculture project, the project proponent shall use the best available science to (1) develop an aquaculture water quality monitoring plan consistent with the requirements of the Aquaculture Operations Plan (i.e., MM-BIO-2) and (2) identify site-specific BMPs to be implemented during operation of the aquaculture facility to lessen or eliminate potential water quality impacts. The water quality monitoring plan would include an existing conditions report and an outline of water quality monitoring parameters and objectives as issued by relevant permitting authorities and resource agencies. Throughout the duration of the project's operations, the project proponent must comply with relevant permit conditions issued by permitting authorities and must implement the water quality monitoring plan, as issued, reviewed, and approved by the appropriate regulatory and resource agencies in coordination with the District, which shall ensure water quality is not impaired by the proposed aquaculture operation. If at any time during this monitoring, the water quality exceeds the operational permit conditions, the project proponent is required to immediately notify the relevant permitting authorities and the District, and identify specific actions that would eliminate the water quality impairments, subject to approval by the relevant permitting authorities and the District. Moreover, approved BMPs must include a regular monitoring, reporting, and site inspection program, as issued through operational permit conditions by relevant permitting authorities and resource agencies, to ensure that the operations comply with BMPs related to the specific type of aquaculture being implemented.

Finally, both MM-BIO-2 and MM-WQ-1 would require the project proponent of a future aquaculture operation to obtain all applicable permits from the appropriate regulatory agencies. As indicated in both mitigation measures, where permit requirements may differ from the mitigation requirements outlined in the respective measures, the measures outlined in MM-BIO-2 and/or MM-WQ-1 would be superseded by agency permit requirements and would not be in addition to the requirements of those permits. Therefore, any requirements imposed by the appropriate regulatory agency(ies) through the applicable permitting process, such as additional monitoring requirements beyond that which are required by MM-BIO-2 and MM-WQ-1, must be implemented by the project proponent. Consequently, because MM-BIO-2 and MM-WQ-1 include provisions to ensure that any future aquaculture project proposals obtain all required permits from the appropriate regulatory agencies and, at a minimum, must prepare an Aquaculture Operations Plan (i.e., MM-BIO-2) and perform water quality monitoring (i.e., MM-WQ-1), the District has determined that the TLUP's implementation as it relates to future aquaculture projects would be less than significant under CEQA.

Response to Comment A-11

Please see the response to Comments A-8, A-9, and A-10. As indicated in those responses, the project proponent is required to prepare the Aquaculture Operations Plan in coordination with the appropriate regulatory agencies, which would be implemented during project design and operation of the future aquaculture facility. In addition, the project proponent of a future aquaculture operation is required to obtain all applicable permits from the appropriate regulatory agencies, which may include permit requirements that differ from the mitigation requirements outlined in MM-BIO-2. In such cases, the measures outlined in MM-BIO-2 shall be superseded by agency permit requirements and shall not be in addition to the requirements of those permits. Therefore, any requirements imposed by the appropriate regulatory agency(ies) through the applicable permitting process must be implemented by the project proponent. Consequently, because MM-BIO-2 includes provisions to ensure any future aquaculture project proposals must obtain all required permits from the appropriate regulatory agencies and at a minimum must prepare an Aquaculture Operations Plan with specific performance criteria identified in MM-BIO-2, the District has determined that biological resource impacts as it relates specifically to the TLUP's implementation regarding aquaculture would be less than significant under CEQA.

Response to Comment A-12

Please see the District's response to comments A-8, A-9, A-10, and A-11. As discussed in those responses, MM-BIO-2 requires preparation of an Aquaculture Operations Plan that, at a minimum, must mitigate for potential impacts on essential fish habitat, benthic species, and the potential entanglement of green sea turtles. MM-WQ-1 would require water quality monitoring of aquaculture operations, which would need to be compatible with the Aquaculture Operations Plan (i.e., MM-BIO-2) and identify site-specific BMPs to be implemented during operation of the aquaculture facility to lessen or eliminate potential water quality impacts. Both MM-BIO-2 and MM-WQ-1 would require the project proponent of a future aquaculture operation to obtain all applicable permits from the appropriate regulatory agencies. As indicated in both mitigation measures, where permit requirements may differ from the mitigation requirements outlined in the respective measures, the measures outlined in MM-BIO-2 and/or MM-WQ-1 would be superseded by agency permit requirements and would not be in addition to the requirements of those permits. Therefore, any requirements imposed by the appropriate regulatory agency(ies) through the applicable permitting process, such as additional monitoring requirements beyond that which are required by MM-BIO-2 and MM-WQ-1, must be implemented by the project proponent. Consequently, because MM-BIO-2 and MM-WQ-1 include provisions to ensure that any future aquaculture project proposals obtain all required permits from the appropriate regulatory agencies and, at a minimum, must prepare an Aquaculture Operations Plan (i.e., MM-BIO-2) and perform water quality monitoring (i.e., MM-WQ-1), the District has determined that the TLUP's implementation as it relates to future aquaculture projects would be less than significant under CEQA.

Response to Comment A-13

The District is aware of the risk posed by Caulerpa Spp. and, along with the U.S. Navy, prepared the Integrated Natural Resources Management Plan (INRMP), which requires Caulerpa surveys for activities disturbing Bay substrates, as part of the USACE permitting process (U.S. Navy and District 2013, page 4-65).

The Draft MND includes an overview of the Caulerpa Control Protocol (CCP), which is described in *Biological Resources*, Section 1.4.2 of the Draft MND and explains that the CCP establishes measures to prevent the spread of invasive Caulerpa species in California's marine environments and references that the introduction, possession, sale, and transport of Caulerpa species are strictly prohibited in California under Section 2300 of the California Fish and Game Code. The Draft MND also discusses requirements for project proponents to conduct CCP surveys in marine and estuarine environments, where suitable habitat for Caulerpa may occur before beginning any bottom-disturbing activities, or in-water construction. These surveys must be performed by qualified marine biologists following methods approved by appropriate regulatory agencies. As stated in the Draft MND, if Caulerpa is detected, all work in the affected area must cease immediately, and the infestation must be eradicated under the guidance of the appropriate regulatory agencies. Reporting is required by the CCP and includes specific deadlines for surveys, notification of agencies, and agency feedback. The Draft MND also provides an overview of Fish and Game Code Division 3, Chapter 3.5, Section 2300.

Because preconstruction Caulerpa spp. surveys would occur prior to any disturbance of bottom sediments per the INRMP and CCP, no additions have been made to MM-BIO-2.

Response to Comment A-14

The District appreciates CDFW's interest in future nature-based solutions for coastal resiliency and increased shoreline biodiversity. The District will notify interested stakeholders when future projects are proposed.

Response to Comment A-15

Please see revisions to MM-BIO-3 related to special-status plants. Please note that the District does not have authority to place permanent land protection instruments, or in perpetuity requirements, on District Tidelands. The District, as the State's trustee, holds the lands in trust for the benefit of the public in accordance with the Public Trust Doctrine. The Public Trust Doctrine does not permit permanent restrictions on public land. However, the California Coastal Act and San Diego Unified Port Act provide guidance on the development and implementation of the Port Master Plan, which provides water and land use designations on District Tidelands and includes policies to protect and enhance public trust water and land uses. The TLUP is an amendment to the Port Master Plan and includes water and land use designations, such as the Conservation/Intertidal (approximately 2,201 acres or 28% of the proposed water use designation area) and Conservation Open Space (approximately 94 acres or 95% of the proposed land use designation area), that are designed to allocate areas on Tidelands for wildlife habitat conservation. Moreover, Open Bay (approximately 4,079 acres or 51% if the proposed water use designation area) identifies natural habitat purposes under this designation. In addition, Chapter 3.3, Ecology Element of the TLUP provides policies designed to conserve and protect sensitive wildlife habitat within the Bay. Please also see response to Comment A-16.

Response to Comment A-16

The District is aware that "take" of any endangered, threatened, or candidate species would be considered a significant impact without mitigation and also understands that take authorization issued by CDFW is required for CESA-listed species. Please see the discussion of the CESA and CDFW's regulatory role in Biological Resources, Section 1.4.2, Regulatory Setting. In addition, the District has reviewed CDFW's suggested revisions related to CESA-listed species provided for MM-BIO-3 and has added clarifications to MM-BIO-3, including specifying required steps if a CESA or ESA listed plant species is identified within the project area of a future project. However, as indicated in response to Comment A-15, the District may not place permanent land protection instruments, such as in perpetuity, on public trust lands, but has provided water and land uses along with several policies designed to preserve, protect, and enhance wildlife habitat in the TLUP area. In addition, the District has modified CDFW's suggestion related to provisions "in the event mitigation fails" to "provisions for adaptive management to ensure the success of mitigation." These changes do not constitute substantial new information, as defined by State CEQA Guidelines Section 15073.5. Therefore, recirculation of the Draft MND is not required.

Response to Comment A-17

The District is aware that California least tern is a fully protected species and "take" of California least tern would be considered a significant and unavoidable impact, pursuant to CEQA. The District has a long-established program dating back to the 1980s that is designed to protect California least tern nesting colonies around San Diego Bay. California least tern nesting sites around Bay include the San Diego International Airport, D Street Fill, Naval Station North Island, north and south Delta Beaches, the Salt Works, and Chula Vista Wildlife Reserve. The District also monitors for and coordinates with environmental organizations and stakeholders to identify any new nesting sites around the bay, but no additional nesting sites for California least tern have been identified for decades. These efforts over the last approximately 35 years have formed not only the best protection against unauthorized take of this sensitive species, but also established the best available science relating to the California least tern within the San Diego Bay, an urbanized environment.

Regarding the known nesting sites, the District coordinates with other agencies, such as the San Diego Regional Airport Authority, Zoological Society of San Diego (San Diego Zoo), San Diego Natural History Museum, U.S. Navy, and U.S. Fish and Wildlife Service (USFWS) National Wildlife Refuge staff, regarding California least tern nesting activities each year. The District and Refuges partner to conduct California least tern nesting site preparations at the D St Fill by conducting 1) mechanical scraping of the site to reduce vegetation; 2) manually removing non-native invasive plants; 3) pruning back vegetation to reduce cover and potential raptor perches; and 4) placing decoys and ceramic tiles for chick shelters. Additionally, predator management is routinely conducted by personnel of the U.S. Department of Agriculture Wildlife Services. The nesting sites are monitored from mid-March through September by qualified biologists. In the most recent

annual report (2024), California least terns were observed from April 16th through September 4th. Twenty-two nests were established from May 17th to July 5th and at least 10 young are estimated to have fledged from the sites. Details are provided in the annual report on each of the nesting sites, for the duration of the nesting season.

The District, in coordination with qualified wildlife biologists with experience monitoring and protecting the California least tern, prepared mitigation measure MM-BIO-4. This mitigation measure includes requirements, based on the data collected over the last several decades on the California least tern nesting colonies on District Tidelands. Implementation of MM-BIO-4 would ensure that future, site-specific TLUP-related projects are sufficiently buffered from nesting sites and do not create noise and/or other forms of disturbance that could adversely affect these sites and the species. Please note that at the San Diego International Airport, California least terns nest successfully approximately 200 feet from the terminus of the main take-off runway, which may suggest that within the San Diego Bay region, this species may not be as sensitive to the effect of high levels of sound and noise, as the comment suggests.

In sum, the on-going annual nesting site preparation, removal of potential predator perches, and daily monitoring of the California least tern colonies helps to ensure the long-term protection and survival of the species, within the San Diego Bay. Coupled with MM-BIO-4, which has been designed based on extensive field experience with California least tern on District Tidelands, the District believes there is no potential for "take" of California least tern as a result of future projects that are implemented consistent with the TLUP. This conclusion is based on the best available science within the San Diego Bay region established by the District and its partners over the last approximately 35 years; thus, no additional modifications to MM-BIO-4 are necessary.

Response to Comment A-18

The District is aware that the light-footed Ridgway's Rail is a fully protected State species and both ESA and CESA-listed as endangered (see pages 29, 30 and 39 of Attachment A, Environmental Checklist). The District, in cooperation with the Living Coast Discovery Center, San Diego Zoo, and Sea World San Diego biologists, oversee a propagation and reintroduction program designed to enhance and protect Ridgway's rail nesting sites, which are located in south San Diego Bay. The Living Coast Discovery Center summarized the 2024 breeding season for the light-footed Ridgway's rails propagation and reintroduction program in their December 2024 report. Two pairs produced 22 chicks that were released at various marshes in North San Diego County, and some were retained to be future breeding parents.

The District, in coordination with qualified wildlife biologists with experience monitoring and protecting Ridgway's rail, prepared mitigation measure MM-BIO-4. This mitigation measure includes requirements, based on the data collected over several years on the Ridgway's rail nesting sites. Implementation of MM-BIO-4 would ensure that future, site-specific TLUP-related projects are sufficiently buffered from nesting sites and do not create noise and/or other forms of disturbance that could adversely affect these sites and the species.

In sum, the on-going annual propagation program for the Ridgway's rail helps to ensure the long-term protection and survival of the species within southern California and San Diego Bay. Coupled with MM-BIO-4, the District believes there is no potential for "take" of Ridgway's rail as a result of future projects that are implemented consistent with the TLUP. No additional modifications to MM-BIO-4 are proposed.

Response to Comment A-19

The District concurs with this comment and will continue to report the special-status species and natural communities detected during project surveys to the CNDDB.

Response to Comment A-20

The District is aware of the required filing fee and, consistent with the requirements set forth in Section 711.4 of the Fish and Game Code, will pay the filing fee once the Notice of Determination is provided to the County Clerk's office for posting.

Response to Comment A-21

The District appreciates the CDFW's interest in the TLUP and its participation in the public review process for the Draft MND. The comment does not raise a specific environmental issue or address the adequacy or conclusions of the Draft MND. Therefore, no further response is required.

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY GAVIN NEWSOM, *GOVERNOR*

CALIFORNIA COASTAL COMMISSION

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Letter B

March 27, 2025

San Diego Unified Port District
Attn: Dennis Campbell
Planning Department
TLUP@portofsandiego.org
(Sent by email)

Subject: Coastal Commission Staff Comments on Revised Draft Trust Land Use Plan and Mitigated Negative Declaration February 2025

Dear Dennis Campbell:

California Coastal Commission (Commission) staff appreciate the opportunity to review and provide preliminary comments on the Revised Draft Trust Land Use Plan (TLUP) and Mitigated Negative Declaration dated February 2025 for the San Diego Unified Port District (District). Notice of availability of the PMPU PEIR was received by email on February 21, 2025. The TLUP, which will be an amendment to the Port of San Diego Port Master Plan (PMP), establishes specific goals, objectives, policies, and standards to addresses the approximately 8,000 acres of submerged lands throughout the San Diego Bay and 99 acres of land area in the South Bay planning district granted to the Port through Senate Bill 507. B-1

PORT MASTER PLAN AMENDMENT REQUIREMENTS

California Code of Regulations Title 14, Section 13636 requires that port master plan amendments be certified in the same manner as port master plans. Section 30711 of the Coastal Act requires a port master plan to contain information in sufficient detail to allow the Commission to determine its adequacy and conformity with the Coastal Act and outlines key components for port master plans, including 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 the Coastal Act; and B-2

(5) provisions for adequate public hearings and public participation in port planning and development decisions.

The San Diego Unified Port District is subject to the policies in Chapter 8 of the Coastal Act, except for areas mapped as wetland, estuary, or recreation areas in the Coastal Plan and appealable projects listed in Section 30710 which are governed by Chapter 3 policies. The entire water area under the jurisdiction of the Port of San Diego is mapped as an estuary and wetland and is therefore governed by Chapter 3 policies.

Amendments to port master plans must also meet these standards. Importantly, unlike local coastal programs, the Commission cannot suggest modifications to port master plans; they must be approved or denied as submitted. Therefore, close coordination is necessary to ensure consistency with the Coastal Act during the TLUP process.

B-2 cont.

RELATIONSHIP TO Port Master Plan Update

The Port is currently undergoing a full update and replacement of the certified Port Master Plan (excluding the National City Bayfront and Chula Vista Bayfront planning districts), Port Master Plan Update (PMPU) PMP-6-PSD-24-0001-1, which has been submitted for Commission review. The format of the TLUP is largely the same as the PMPU, with various elements including water and land use, mobility, ecology, safety and resiliency, environmental justice, economics, as well as development standards and a glossary. It is unclear if two separate Port Master Plans would be maintained, or whether the TLUP will be integrated into the PMPU. Given the overlapping goals, policies, and procedures, and designations, we recommend that only the new TLUP planning districts be added to the pending PMPU and the rest of the standards and elements, etc. be contained in a single document. Commission staff have been collaborating with Port staff to recommend various changes be integrated into the PMPU for consistency with the Coastal Act, and these recommendations apply equally to the TLUP. If not consolidated as a single document, Commission staff's comments on the policies contained in the PMPU should be incorporated into future revisions of the TLUP. Similarly, any modifications to the PMPU that are certified by the Commission should be incorporated into the TLUP as appropriate.

B-3

LACK OF SPECIFICITY TO PROTECT COASTAL RESOURCES

As stated above, Section 30711 requires a port master plan amendment to contain information in sufficient detail to allow the Commission to determine its adequacy and conformity with the Coastal Act. However, the TLUP lacks sufficient specificity to adequately protect coastal resources. As discussed in our communications regarding the PMPU, the currently certified PMP describes existing conditions and future development envisioned for each planning district in far more detail; however, the TLUP does not carry forward a similar level of detail. For example, and as discussed below, the vision for each of the planning districts indicate that future coastal flooding adaptation strategies are envisioned; however, it is not clear what the existing conditions are regarding shoreline protection and flooding or what types of strategies may be proposed, and there isn't policy language to address scope and scale of future projects. Another example is regarding the

B-4

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land area in the South Bay Planning District; as written, it is unclear the current use of the subject area or if any changes are proposed to the current conditions. B-4 cont.

AQUACULTURE

The TLUP promotes a large expansion of aquaculture uses within the bay and would allow aquaculture as a primary use in 6,279.97 acres of the 8,003 acres of coastal waters to be incorporated into the PMP and as a secondary use in 81.03 acres of coastal waters. This area is in addition to the draft PMPU allowances which include aquaculture as a primary use in 1,1017 acres of coastal waters and as a secondary use in 539 acres of 1,930 acres of coastal waters incorporated into that planning document. The Port's Shellfish and Seaweed Aquaculture Program, which is not part of the TLUP or PMPU, further identifies three specific in-water locations for aquaculture to occur which total 1,295 acres including 270 acres of open ocean area west of Imperial Beach and included in the PMPU, 80 acres west of National City known as the former A-8 Anchorage and included in the TLUP, and 945 acres of nearshore open ocean area at Zuniga Shoals which is outside of the Port's jurisdiction. The expansion of aquaculture proposed by the Port in these three documents would be on a scale that is significantly larger than the operational footprint of aquaculture activities in all of California combined which was estimated to be less than 500 acres in 2020[1]. As such, it is important that the TLUP and PMPU include policies to ensure that aquaculture is expanded in a way that is consistent with the Coastal Act in order to protect coastal resources. B-5

Three sections of the Coastal Act specifically address aquaculture. Coastal Act Section 30222.5 states that "oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use." Section 30411 provides that "[t]he Legislature finds and declares that salt water or brackish water aquaculture is a coastal-dependent use which should be encouraged to augment food supplies and to further the policies set forth in Chapter 4 (commencing with Section 825) of Division 1 [of the California Public Resources Code]." Additionally, aquaculture is included as one of the limited allowable uses for placement of fill in coastal waters and estuaries under Section 30233.

Regarding the placement of fill under Section 30233, aquaculture projects shall be permitted in coastal waters so long as there are no less environmentally damaging feasible alternatives and feasible mitigation measures have been provided to minimize any substantial environmental impacts. To ensure compliance with Section 30233, additional policy language must be added to (1) require the study of alternatives and (2) require feasible mitigation measures be implemented. To protect coastal resources, we recommend that feasible mitigation measures require, at minimum, that eelgrass be avoided, cultivated species be limited to those approved by CDFW for use in San Diego Bay, and that monitoring requirements include third party, independent monitoring to assess impacts to habitat and native species that may occur as a result of increased aquaculture, as monitoring and self-reporting carried out by applicants or project B-6

[1] According to the California Department of Fish and Wildlife's May 2020 Aquaculture Information Report

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proponents can raise questions about bias, transparency, and the defensibility of the results. B-6 cont.

Please also provide reasoning for the selection of a fixed 15-ft ecological buffer from sensitive habitat areas described in ECO Policy 1.1.8. B-7

Finally, if PD 13.2 is intended to allow an aquaculture project to move forward at the A-8 anchorage without a future PMPA, additional information will be needed to determine the project's consistency with the Coastal Act including site location and size, amount of fill, and species to be cultivated. As indicated above, projects identified in the PMP must contain information in sufficient detail to allow the Commission to determine its adequacy and conformity with the Coastal Act. Given that the proposed TLUP only provides a high-level description of future plans for aquaculture operations, we suggest the inclusion of policy language that states a future PMP amendment will be necessary once project design is more developed and prior to the implementation of a project at this site. B-8

CONSERVATION/INTERTIDAL ALLOWABLE USES

As indicated in our PMPU comment letters, the Wetland and Estuary water use designations of the certified PMP are proposed to be replaced with a water use designation of Conservation/Intertidal in the TLUP and PMPU. However, the Conservation/Intertidal water use description is vague and lacks the protections provided for in the existing Wetland and Estuary water use designations, which limit allowable uses in wetlands to restoration, nature study, or similar resource dependent activities, and allowable uses in estuaries to boating facilities, intake and outfall lines, restoration work, nature study, aquaculture, or resource-dependent activities. This provides protection for wetlands or estuaries and, as such, these water uses should be included in the PMPU as described in the certified PMP. Alternatively, the Conservation/Intertidal water use designation description should be modified to be consistent with the "Wetland" water use designation, which is the most protective of the currently certified water use designations. B-9

CHAPTER 3.1 - WATER AND LAND USE ELEMENT

- Revise WLU Policy 1.1.3 to allow secondary uses only if primary uses are determined to be not in demand. B-10
- Revise WLU Policy 2.4.1 to also identify no net loss of conservation open space, consistent with the PMPU. B-11

CHAPTER 3.3 - ECOLOGY ELEMENT

- Revise ECO Policy 1.1.3(2) to clarify that the mitigation bank would be an "approved, certified mitigation bank in San Diego Bay". Other banks outside of San Diego Bay should rank similarly as #5 and have a clear nexus with the project. B-12

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- Revise ECO Policy 1.1.5 to:
    - Identify that ecological buffers are required to be provided around "wetland and other sensitive habitats" and not only "saltmarsh wetland" since buffers are required around all sensitive habitats or special-status wildlife.
    - Remove the “quality of habitat” as a factor in the width of the buffer as the quality of habitat is not a factor in receiving protection under the Coastal Act.
    - Delete section “a” which allows a site-specific analysis to reduce the buffer to 50 feet with an evaluation of current habitat that is degraded, non-functioning, poor quality, or located adjacent to development since a 100-foot buffer can provide valuable water quality and protections in these instances. Instead, any reduction of buffer size should be based on features, use, and protective measures included in the planned development and include an explanation why a reduced buffer will not impact the nearby wetland.
    - Revise “b” to add that an adequate buffer shall be accommodated as redevelopment or intensification occurs.

B-13

- Revise ECO Policy 1.1.5 to identify that development shall be implemented to protect the health and survival of threatened or endangered “individuals” and not “species.”

B-14

- Revise ECO Policy 1.1.9 to prohibit the planting invasive species throughout the Port District and not only in landscaped areas.

B-15

- Revise ECO Policy 1.1.10 to extend the lighting protections to areas adjacent to water and require it to be the minimum necessary.

B-16

- Revise ECO Policy 1.1.19 regarding nature-based solutions to add "and where they do not interfere with or replace nearshore, coastal, or marine habitat or function" after "where feasible and applicable."

B-17

COASTAL FLOODING ADAPTATION STRATEGIES

Each of the four planning districts indicate in the vision that “future efforts to enhance coastal resiliency through coastal flooding adaptation strategies are also envisioned.” However, as describe it is unclear what the Port envisions, and more information is needed to describe what these strategies may entail before staff can comment on consistency with the Coastal Act.

B-18

PD 11: NORTH BAY

- Please describe what is meant by “vendor operations supporting fishing industries in (PD11.1). Note that new uses in water should be coastal dependent.

B-19

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PD 12: NORTH CENTRAL BAY

- Describe what is meant by routine maintenance activities referenced in PD12.1 and PD 12.2. B-20

PD 13: SOUTH CENTRAL BAY

- Why is PD 13.2 shown under coastal access improvements?

  "PD13.2 Support the development of shellfish and seaweed aquaculture operations at the former A-8 anchorage." B-21

- Provide a map showing the location of the former A-8 anchorage since it is referenced in two policies. B-22

PD 14: SOUTH BAY

- Please indicate what the existing use of the land area is in this subdistrict and describe if that use would it change upon implementation of the TLUP. B-23

Thank you for your consideration of the comments included above. Please note that these comments are preliminary and Commission staff will provide additional, more detailed comments as time allows for a more comprehensive review. Also, please note that these comments have been submitted on the part of staff and the Commission itself would be the ultimate decision-making body. We look forward to continuing our coordination with District staff. If you have any questions, please do not hesitate to contact me at the above office. B-24

Sincerely,

Melody Lasiter
Coastal Planner

Letter B California Coastal Commission

Melody Lasiter, Coastal Planner
March 27, 2025

Response to Comment B-1
The District appreciates the CCC's interest in the TLUP and participation in the public review process for the Draft MND. The comment is introductory in nature and does not raise a specific environmental issue or address the adequacy or conclusions of the Draft MND. Therefore, no further response is required.

Response to Comment B-2
The District will continue to coordinate with CCC as part of the TLUP process. The comment does not raise a specific environmental issue or address the adequacy or conclusions of the Draft MND. Therefore, no further response is required.

Response to Comment B-3
The TLUP is being prepared as a separate port master plan amendment from the PMPU port master plan amendment, which is currently being processed by CCC staff. The TLUP Area had not been granted to the District's management when the PMPU was being prepared, thus the TLUP and PMPU are separate planning documents that would necessitate separate port master plan amendments. Additionally, the TLUP is mandated by legislation and must stand on its own regardless of the status of the PMPU. As noted by the commenter, the TLUP mirrors applicable goals, objectives, policies, and standards from the PMPU, and District staff have been incorporating applicable PMPU revisions based on comments received by the CCC and other stakeholders into the TLUP, and vice-versa. The District aims to make the two documents as consistent as possible. Once certified, the TLUP would be maintained as a volume of the port master plan and may ultimately be incorporated into the certified PMPU at a future date.

Response to Comment B-4
The District disagrees with the comment. When the TLUP is considered as a whole and integrated plan, and not only by citing individual chapters and sections, it provides enough detail to show compliance with the CCA. The TLUP includes visions, planned improvements, special allowances, and development standards for each of the planning districts within the TLUP Area. Together with the goals, objectives, and policies of the Elements chapters and the TLUP Area Development Standards, the TLUP provides the required contents of Section 30711 of the Coastal Act. Furthermore, any future projects within the TLUP Area would be subject to project-level environmental review once specific developments are proposed.

The comment provides the example of the visions for each planning district that indicate that future coastal flooding adaptation strategies are envisioned for that area. It is important to note that the visions explicitly state that coastal flooding adaptation strategies should be "in accordance with applicable TLUP policies and standards, including but not limited to: Chapter 3.1 Water and Land Use Element (e.g., Tables 3.1.2 and 3.1.3) and policies within Chapter 3.3 Ecology Element, ECO Goal 1 and Chapter 3.4 Safety and Resiliency Element, SR Goal 3." Additionally, Table 3.1.5, "Description of Allowable Use Types in the WLU Element," defines Coastal Flooding Adaptation Strategies and provides examples. The planning district visions should be interpreted together with the relevant standards, descriptions, and policies in the TLUP.

The comment also states that it is unclear the current use of the land area in the South Bay Planning District or if any changes are proposed to the current conditions. The Existing Setting for South Bay Planning District, which includes the vision and the water and land use designations, describes what currently exists and what is envisioned for the planning district. Figure PD14.2 shows the water and land use designations in this planning district. Please refer to Table 3.1.3, Table 3.1.4, and Table 3.1.5 in the Water and Land Use Element for allowable use types for land use designations, descriptions of the land use designations, and descriptions of allowable uses. The proposed changes to the land area are described in the planned improvements (5.14.1(E)-I "Landside Access") for this planning district and are consistent with the water and land use designations. These include planned improvements that are related to the segment of the Bayshore Bikeway that is within this planning district, and the area designated as Recreation Open Space located west of the 7th Street terminus. Any future project within the TLUP Area must be consistent with the

water and land use designations and other relevant policies and would be subject to project-level environmental review once specific developments are proposed.

Response to Comment B-5

Aquaculture is an allowable use in the Conservation/Intertidal and Open Bay/Water water use designations, and as a secondary use in the Industrial Deep-Water Berthing water use designation. However, it is not the District's intention that the entire acreage of these water use designations would be dedicated solely to aquaculture. These water use designations also allow for various other uses, including but not limited to berthing and mooring, short-term public docking, transient docking and mooring, coastal flooding adaptation strategies, and environmental remediation. The Public Trust Doctrine guides how the District manages submerged lands and tidelands and requires that all categories of modern Public Trust uses—commerce, environmental stewardship, fisheries, navigation, and recreation–have equal footing. One use is not favored over another. Thus, the District must balance many different use types within Tidelands and not permit only one use type, like aquaculture, throughout all submerged lands or tidelands.

Furthermore, there are multiple policies in the TLUP Mobility Element that ensure that development on submerged lands does not prevent vessels from navigating safely in the Bay. For example, Mobility Policy 2.3.3 requires appropriate distances between development on submerged land and the federal navigation channel, and Mobility Policy 2.3.6 requires that development on submerged lands and associated operations, and vessel berthing shall not inhibit safe access for vessels traversing to and from designated berthing areas, navigation areas, or Open Bay/Water designated areas. These policies would help ensure that aquaculture operations would not obstruct navigation in the Bay and would not comprise the entirety of a water use designation.

Lastly, the TLUP is a long-range planning document intended to guide future development in the TLUP Area. The TLUP, if approved, would not include the approval of any site-specific development projects. Any future aquaculture projects within the TLUP Area would be subject to project-level environmental review and approvals once specific developments are proposed.

Response to Comment B-6

The TLUP, if approved, would not include the approval of any site-specific development projects. Any future projects proposed within the TLUP Area would be subject to project-level environmental review once proposed, which would include, if necessary, the study of alternatives and the implementation of feasible mitigation measures. Additionally, the comment recommends that feasible mitigation measures require, at a minimum, that eelgrass be avoided. Mitigation measure MM-BIO-1 would require impacts on eelgrass to be mitigated using guidance provided in the CEMP.

The comment further recommends that cultivated species be limited to those approved by CDFW for use in San Diego Bay. As indicated in mitigation measure MM-BIO-2, the project proponent of an aquaculture project would be required to coordinate with the appropriate agencies (i.e., agencies with jurisdictional authority) on any future aquaculture projects that may be proposed within San Diego Bay to reduce the potential impacts on essential fish habitat, benthic species, and the potential entanglement of green sea turtles to less than significant and to ensure all required permits are obtained by the appropriate regulatory agencies. Further ECO Policy 2.1.4 states: "Aquaculture, as interpreted by the California Department of Fish and Wildlife, is encouraged in the TLUP Area **using species and sustainable practices in accordance with California Department of Fish and Wildlife** that do not degrade surrounding natural resources and minimize substantial environmental impacts. Future aquaculture operations may be subject to additional regulatory requirements, such as project- or site-specific monitoring and reporting." (emphasis added)

Lastly, the comment recommends that monitoring requirements include third party, independent monitoring to assess impacts to habitat and native species that may occur as a result of increased aquaculture. Aquaculture monitoring efforts are driven by individual operational permits issued by the U.S. Army Corps of Engineers and the Regional Water Quality Control Board. Furthermore, future aquaculture projects in the TLUP Area would be required to comply with MM-BIO-2 which requires project proponents to develop an Aquaculture Operation Plan in coordination with the appropriate resource agencies and the District which would include, among other components, a monitoring plan that evaluates the seabed beneath and adjacent to the facility for benthic ecosystem health and a reporting program to provide data on any observed entanglement of wildlife. The District anticipates that these

monitoring and reporting programs would be conducted in a transparent, un-biased manner with defensible results. Requiring project proponents to contract third party, independent monitoring is neither necessary nor feasible. It would also hinder the equitability of aquaculture operations in the TLUP Area as independent monitoring is costly and may pose a barrier to entry for smaller businesses.

Response to Comment B-7

The 15-ft ecological buffer between aquaculture and sensitive habitat areas is an industry standard used at established aquaculture facilities in California. Recent studies have also shown that there are co-benefits of aquaculture to sensitive habitats, like eelgrass beds, due to the ecosystem services aquaculture provides. Therefore, it is possible that expansion of the sensitive habitat into the 15-foot buffer may occur. As such, ECO Policy 1.1.9 (formerly ECO Policy 1.1.8) has been revised to clarify that should the sensitive habitat expand into the 15-foot buffer, the aquaculture operation need not relocate to maintain the 15-foot buffer. Revisions are as follows:

> ECO Policy 1.1.~~8~~9 In-water aquaculture operations shall establish a fixed 15-feet ecological buffer from sensitive habitat areas as determined by a pre-construction survey. A reduced buffer may be allowed pursuant to a site-specific analysis. If the boundary of the sensitive habitat expands into the established fixed buffer, the aquaculture operations would not be required to relocate to maintain the fixed buffer.

Response to Comment B-8

The District disagrees that a future PMPA would be necessary at the time that an aquaculture project is proposed at the former A-8 Anchorage. The TLUP identifies aquaculture as an allowable use type at the former A-8 anchorage, which is designated as Open Bay/Water. In addition, "aquaculture" is identified as a use that may be permitted in open coastal waters, wetlands, estuaries, and lakes in Section 30233 of the California Coastal Act. Therefore, if the TLUP is certified as a PMPA, an aquaculture project at A-8 anchorage would be consistent with the TLUP and a future PMPA would not be required.

Furthermore, as explained in Response to Comment B-4, when the TLUP is considered as a whole and integrated plan, and not only by citing individual chapters and sections, it provides enough detail to show compliance with the CCA. For example, PD13.2, referenced in the comment, supports the development of shellfish and seaweed aquaculture operations at the former A-8 anchorage. However, this Planned Improvement should not be interpreted on its own, and should be interpreted together with the relevant standards, descriptions, and policies of the TLUP, such as ECO Policy 2.1.4 on aquaculture species, practices, impacts, and regulatory requirements.

Response to Comment B-9

Section 30233(c) of the Coastal Act states that in addition to the other provisions of Section 30233, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands shall be limited to very minor incidental public facilities, restorative measures, nature study, and already developed parts of south San Diego Bay. The TLUP describes Conservation/Intertidal as, "Water areas primarily reserved for the management of habitat, wildlife conservation, and environmental protection. This designation allows scientific research, education and other uses that support environmental protection and restoration" (WLU Table 3.1.4). The allowable use types for Conservation/Intertidal proposed in the TLUP include aquaculture, coastal flooding adaptation strategies, environmental remediation, habitat management and wildlife conservation, mitigation bank, scientific and environmental research, and marine technology (as a secondary use) (WLU Table 3.1.2). These uses are consistent with Section 30233(c) as they are limited to activities that maintain or enhance the functional capacity of the Conservation/Intertidal water area. It is the District's understanding that the Coastal Act serves as the standard of review for the consideration of a port master plan amendment certification. The District views the Conservation/Intertidal water use designation as consistent with the Coastal Act.

Response to Comment B-10

The comment provides suggested revisions to WLU Policies 1.1.3 and 2.4.1 of the TLUP's Water and Land Use Element. The District believes that this concern is already addressed through the existing language of 3.1.5 Allowable Use Regulations in section 2.b. This section states that, "A secondary use may be developed only after, or concurrently

with, development of a primary use unless a plan for different phasing of all the primary and secondary uses in a cohesive development is approved by the District." Thus, a secondary use cannot be developed without the consideration of a primary use.

Response to Comment B-11

The District appreciates the suggested revision to WLU Policy 2.4.1 of the TLUP's Water and Land Use Element. WLU Policy 2.4.1 has been revised as follows:

WLU Policy 2.4.1 There shall be no net loss of Conservation/Intertidal and Conservation Open Space acreage throughout Tidelands.

Response to Comment B-12

The District appreciates the suggested revision to ECO Policy 1.1.3 of the TLUP's Ecology Element. ECO Policy 1.1.3 has been revised as follows:

Future development adjacent to conservation areas and other sensitive habitats shall:

a. Be coordinated, sited, and designed to avoid impacts where feasible or where legally required; if avoiding impacts is not feasible, or avoidance is not legally required, mitigate impacts in the following order of preference:
    1. On-site;
    2. In an approved, certified mitigation bank in San Diego Bay;
    3. In the same ecoregion within the Bay;
    4. Elsewhere in the Bay; or
    5. In the same watershed of the Coastal Zone or in an approved, certified mitigation bank that is not within San Diego Bay but has a service area that includes San Diego Bay;
b. Require biological monitoring as determined by the District and/or in consultation with the ~~wildlife~~ resource agencies; and
c. When affecting disturbed sensitive habitat areas, restoration or enhancement must occur to the greatest extent feasible.

Response to Comment B-13

The District appreciates the suggested revisions to ECO Policy 1.1.5 of the TLUP's Ecology Element and has incorporated them into the revised ECO Policy 1.1.5. The District did not remove section (a) of the policy, as suggested, but revised it based on the comment provided. Furthermore, a new policy (ECO Policy 1.1.6) has been added to the TLUP to address the suggestion that ecological buffers be identified not only around saltmarsh wetland. The revisions are as follows:

ECO Policy 1.1.5 Landside development shall establish and maintain ecological buffers of 100 feet between the landside development and a saltmarsh wetland to preserve and protect the wetland habitat for the anticipated life of the development. The precise width of the buffer is to be based on the location and type of habitat~~, and quality of habitat~~. Exceptions to the width of ecological buffers are as follows:

a. A reduced buffer to a minimum of 50 feet may be allowed pursuant to a site-specific analysis in coordination with the wildlife agencies. ~~The site-specific analysis may include evaluation of current habitat that is degraded, nonfunctioning, of poor quality; or located immediately adjacent to existing development.~~ The site-specific analysis must demonstrate that the development will not impact the adjacent habitat and water quality and may include evaluation of the type of development, site features, and proposed protective measures~~.~~; or

b. An ecological buffer shall not be required for wetland areas in an urbanized area if such buffer would cause displacement or removal of existing development. However, a buffer shall be accommodated as redevelopment or intensification occurs.

ECO Policy 1.1.6 Landside development shall establish and maintain ecological buffers of 100 feet between the landside development and a sensitive habitat with special-status wildlife to preserve and protect the sensitive habitat for the anticipated life of the development. The precise width of the buffer is to be based on the location and type of habitat. Exceptions to the width of ecological buffers are as follows:

a. A reduced buffer to a minimum of 50 feet may be allowed pursuant to a site-specific analysis in coordination with the wildlife agencies. The site-specific analysis must demonstrate that the development will not impact the adjacent habitat and water quality and may include evaluation of the type of development, site features, and proposed protective measures~~.~~; or

b. An ecological buffer shall not be required for sensitive habitat that support special-status wildlife in an urbanized area if such buffer would cause displacement or removal of existing development. However, a buffer shall be accommodated as redevelopment or intensification occurs.

Response to Comment B-14

The comment provides a suggested revision to ECO Policy 1.1.5 of the TLUP's Ecology Element. The comment seems to be referring to ECO Policy 1.1.8 (formerly ECO Policy 1.1.7). Both the federal Endangered Species Act (ESA) and California Endangered Species Act (CESA) define their purpose as the conservation of species and their habitat. The protection of individuals is neither practical nor ecologically meaningful. Therefore, no change has been made to this policy.

Response to Comment B-15

The comment provides suggested revisions to ECO Policy 1.1.9 (now ECO Policy 1.1.10) of the TLUP's Ecology Element, which has been revised as follows:

> ECO Policy 1.1.~~9~~10 Planting of invasive plant species shall be prohibited ~~in landscaped areas~~. Development that contains landscaped areas with existing invasive species shall not continue to maintain these invasive species and shall prepare a plan to remove the invasive species.

Response to Comment B-16

The comment provides suggested revisions to ECO Policy 1.1.10 (now ECO Policy 1.1.11) of the TLUP's Ecology Element, which has been revised as follows:

> ECO Policy 1.1.1~~0~~11 If ~~D~~development above the water, adjacent to water, or adjacent to sensitive habitat areas includes lighting, then that development ~~should~~ shall use the minimum amount of lighting necessary and would be required to use ecologically sensitive lighting that is shielded and directed away from the water ~~or~~ and sensitive habitat areas, sensor activated, and of the lowest possible color temperature that also meets public safety requirements.

Response to Comment B-17

The comment provides suggested revisions to ECO Policy 1.1.19 (now ECO Policy 1.1.20) of the TLUP's Ecology Element. The intent of the policy is to prioritize the implementation of nature-based solutions that provide a net increase in shoreline biodiversity and coastal resiliency. If the District were to incorporate the suggested revision, the policy would effectively rule out most nature-based solutions from implementation. The District understands that habitat function can be difficult to measure and there is a possibility that any nature-based solution could lead to some level of interference with, or replacement of, existing habitat. However, the suggested revision does not acknowledge the net environmental or ecological benefit that many of these solutions may offer. Incorporating this suggested revision would inadvertently hinder the implementation of future nature-based solutions, which would be inconsistent with the State's acceptance of nature-based solutions as a priority, as discussed in Statewide planning documents including the CCC SLR Policy Guidance (2024), the CCC's September 2025 Draft Guidance on Nature-Based Adaptation Strategies, and the CCC's September 2025 Draft 2026-2030 Strategic Plan.

In such cases where there could be potential interactions with coastal habitat through the implementation of nature-based solutions, the District would coordinate with the applicable resource agencies, consider the various tradeoffs, and include measures to reduce or manage any habitat interference or replacement.

Response to Comment B-18

Please refer to Response to Comment B-4. The planning district visions should be interpreted together with the relevant standards, descriptions, and policies in the TLUP.

Response to Comment B-19

The comment requests a description of what is meant by "vendor operations supporting fishing industries in PD11.1" and states that new uses in water should be coastal dependent. "Vendor operations supporting fishing industries" in PD11.1 describes the existing bait barge in the North Bay Planning District.

Response to Comment B-20

Routine maintenance activities refer to routine repair of maintenance of docks, wharves, piers, and piles within navigable waters, like-for-like repair or replacement of damaged and broken wooden, concrete, and/or plastic pier and fender piles, as needed; and like-for-like repair or replacement of pier, decks, deck boards, blocks, camel logs, installation of marine fenders, Best Management Practices/Environmental protection measure work items, and other ancillary items, as needed. Regarding utility line maintenance, routine maintenance refers to like-for-like replacement with minor deviations for design, seismic, and safety standards. Routine maintenance activities would not lead to an intensification of an existing use.

Response to Comment B-21

Section PD13.2 has been revised as follows:

> *5.13.1(D)-II ~~Coastal Access~~ Aquaculture Facilities*
>
> PD13.2 Support the development of shellfish and seaweed aquaculture operations at the former A-8 anchorage.

Response to Comment B-22

The location of the former A-8 anchorage has been added to Figure PD13.1 in the Final Draft TLUP.

Response to Comment B-23

Please refer to Response to Comment B-4. The Existing Setting for South Bay Planning District, which includes the vision and the water and land use designations, describes what currently exists and what is envisioned for the planning district. In Planning District 14, the existing land area includes a portion of the Bayshore Bikeway, the land areas within the USFWS Refuge, and open space. The planned improvements in Planning District 14 would maintain most of the land uses (the Bayshore Bikeway is designated as Recreation Open Space and the land area within the USFWS Refuge is designated as Conservation Open Space) as they currently exist with the exception of the open space area, which could be developed into passive park space (designated as Recreation Open Space). The District collaborated with the City of Imperial Beach and the USFWS on the land use designations, planned improvements, and special allowances for this planning district.

Response to Comment B-24

The District appreciates the CCC's interest in the TLUP and participation in the public review process for the Draft MND. The comment does not raise a specific environmental issue or address the adequacy or conclusions of the Draft MND. Therefore, no further response is required.

Local Agencies

Letter C

City of Imperial Beach, Californi

COMMUNITY DEVELOPMENT DEPARTMENT

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 628-1356 Fax: (619) 424-4093

March 27, 2025

Port of San Diego
3165 Pacific Highway
San Diego, CA 92101

Subject: Port of San Diego Revised Draft Trust Lands Use Plan February 2025

Dear Mr. Campbell:

The City of Imperial Beach appreciates the opportunity to review and provide comment on the Port of San Diego Revised Draft Trust Lands Use Plan and Mitigated Negative Declaration. This letter is to provide comment and support for the planning policies that the Port of San Diego has proposed for the South Bay Planning District (Planning District 14). The policies have been drafted in a manner that aligns with the City of Imperial Beach's vision and goals to enhance recreational and coastal access opportunities along the San Diego Bayfront in a sustainable manner that will protect and enhance the coastal wetland area.

We look forward to continuing collaborating with the Port of San Diego on future project and planning efforts for the south end of San Diego Bay that will enhance recreational uses, transportation corridors for coastal access, and environmental habitat areas.

If you have any questions or comments, please contact me at (619) 628-2381 or mopenshaw@imperialbeachca.gov.

C-1

Sincerely,

Meagan Openshaw
Community Development Department Director

Letter C City of Imperial Beach

Meagan Openshaw, Community Development Department Director
March 27, 2025

Response to Comment C-1

The District appreciates the City's interest in the TLUP and participation in the public review process for the Draft MND. The City's support for the TLUP is noted and has been included in the record for consideration by the BPC. The comment does not raise a specific environmental issue or address the adequacy or conclusions of the Draft MND. Therefore, no further response is required.

Organizations

Letter D

San Diego County Archaeological Society, Inc.

Environmental Review Committee

February 24, 2025

To: Mr. Dennis Campbell, Program Manager
Planning Department
Port of San Diego
3165 Pacific Highway
San Diego, California 92101

Subject: Mitigated Negative Declaration
Trust Lands Use Plan

Dear Mr. Campbell:

I have reviewed the subject DMND on behalf of this committee of the San Diego County Archaeological Society.

Based on the DMND posted on the Port District's website, the mitigation measures as proposed are comprehensive except that they do not address treatment of any potential subsurface objects or features. Certainly, most of the underwater portions of the bay have been subjected to various impacts, although much of that occurred more than 50 years ago and is thus potentially historic. Which areas potentially hold any of those objects or features? How will they be located and evaluated? Magnetometer or acoustic surveys? Divers? D-1

One area of possible concern is around Ballast Point, the site of the Spanish Fort Guijarros (site SDI-12000), whaling stations, a lighthouse complex, and Fort Rosecrans. While the area closest to the shore is outside the TLUP, the possibility of resources outside the navigation channel but in the TLUP area may need to be addressed at some point in time. Note that the Navy recently had out for public review a proposal to possibly plant eelgrass in that area. D-2

Thank you for the opportunity to submit our comments on this DMND. D-3

Sincerely,

James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
File

P.O. Box 81106 San Diego, CA 92138-1106 (858) 538-0935

Letter D San Diego County Archaeological Society

James W. Royle, Jr., Chairperson, Environmental Review Committee
February 24, 2025

Response to Comment D-1

The Draft MND included the results of a records search from the South Coastal Information Center (SCIC) conducted on September 12, 2024. This records search would assist in identifying recorded cultural resources within the TLUP Area, as well as within an eighth-of-a-mile buffer from the TLUP Area. As stated in Section 1.5.1, "Environmental Setting," of the Draft MND, the record search revealed that 69 previously recorded cultural resources are located within an eighth-of-a-mile from the TLUP Area. Additionally, a total of ten previously recorded cultural resources have been identified within the TLUP Area, of which five are archaeological sites (one historic-age and four precontact) and five are historical (or intact built environment) features. Thus, all recorded cultural resources within the TLUP Area have been identified and disclosed in the Draft MND (see pages 49 and 50 of the Environmental Initial Study Checklist).

Moreover, even if previously unknown underwater cultural resources were present within the TLUP Area, implementation of the TLUP would not involve any activities that would have the potential to disturb these resources. As discussed on page 53 of the Environmental Initial Study Checklist (Attachment A of the Draft MND), the planned improvements identified in the TLUP that would be within water (e.g., expansion of existing bait barges, maintenance of the San Diego-Coronado Bay Bridge and related transbay pipelines) would not result in any dredging that could disturb buried archaeological resources, if present, nor would the TLUP involve any new dredging not already conducted, as part of existing navigational channel maintenance. Although the TLUP would allow for maintenance dredging of the federal navigation corridor, this is an existing activity that the TLUP would allow to continue and would not represent a change in existing conditions. Therefore, implementation of the TLUP would not result in any impacts on underwater cultural resources, and no changes to the mitigation measures identified in the Draft MND for cultural resources impacts are required in response to this comment.

Response to Comment D-2

As discussed in Response to Comment D-1, the Draft MND included a records search from the SCIC to identify recorded cultural resources. The SCIC records search identified the Fort Guijarros site within the previously mentioned eight-of-a-mile search buffer, but outside of the TLUP Area. As stated in Response to Comment D-1, implementation of the TLUP would not involve any activities that would have the potential to disturb underwater and/or buried archaeological resources, if present, including any portion of the Fort Guijarros site that may be present within the Bay. In addition, the TLUP, if approved, would not include the approval of any site-specific development projects. Any future projects proposed within the TLUP Area would be subject to a project-level environmental review once proposed, which could include the completion of an updated records search at that time, if necessary. Therefore, no changes to the MND are required in response to this comment.

Response to Comment D-3

The District appreciates the San Diego County Archaeological Society's interest in the TLUP and participation in the public review process for the Draft MND. The comment does not raise a specific environmental issue or address the adequacy or conclusions of the Draft MND. Therefore, no further response is required.

Letter E

March 26, 2025

Dennis Campbell
San Diego Unified Port District
Planning Department
P.O. Box 120488
San Diego, CA 92112-0488
TLUP@portofsandiego.org

RE: UPD #MND-2025-016

Dear Mr. Campbell:

The San Diego Bird Alliance (SDBA), formerly called San Diego Audubon Society, is a 3,000+ member non-profit organization with a mission to foster the protection and appreciation of birds, other wildlife, and their habitats through education and study, and to advocate for a cleaner, healthier environment. We have been involved in conserving, restoring, managing, and advocating for wildlife and their habitats in the San Diego region since 1948.

We appreciate the opportunity to comment on the Mitigated Negative Declaration for the Trust Land Use Plan (TLUP). We are submitting these comments in collaboration with Southwest Wetlands Interpretive Association and ECOSanDiego. We fully support the WLU Policy 2.4.1 statement in favor of "no net loss of wetlands," as well as the ECO Policy 1.1.15 stated intent to strive for a net increase of wetlands since wetland habitat is critical for the survival of so many species with whom we share these precious resources.

In our specific policy comments and recommendations below, we are seeking clarification and closer adherence to the Port's stated "no net loss" of wetlands position. Additionally, we seek a commitment to preserving habitat for threatened species through data-based policies and clearly delineated restrictions against known threats to continued existence of these species. Please note that previous comments to the draft TLUP were provided to the Port District on Aug 8, 2023.

E-1

The following comments and recommendations refer to these Draft MND TLUP February 2025 sections:

MM-BIO-1 Items 2.b and 2.c (pgs. 43-44)
MM-BIO-3.1.B (pg. 45)

RE: UPD #MND-2025-016 - Page 2

MM-BIO-4 (pgs. 46-47)
MM-BIO-5 (pgs. 47-48)

E-1 cont.

Regarding MM-BIO-1 Item 2.b and 2.c (pgs. 43-44):

Comment: Item 2.b states that mitigation may be "Restore or create an amount of wetland or eelgrass habitat within San Diego Bay equivalent to the project's net increase in overwater coverage….." However, restoring existing wetlands or eelgrass still results in a net loss. The wording should be changed to state a requirement for creating a net increase in the amount of wetlands or eelgrass habitat.

E-2

Item 2.c states that if a suitable wetlands mitigation bank within the coastal zone is not available, the project will purchase salt marsh wetlands or overwater coverage mitigation. Presumably, the suitable wetland bank refers to the proposed Pond 20 bank. However, this statement does not limit acquisition to only San Diego Bay. Historically, there have been huge losses of wetlands in San Diego Bay; therefore, no offsite mitigation should be allowed. There may be Ecological Opportunity Areas within the bay where the Port could allow restoration/enhancement that would qualify as a mitigation measure.

Recommendation: Projects that develop within the District's public trust lands must be fully mitigated within its trust lands. Therefore, MM-BIO-1.2.C should be revised to state that "all mitigation must occur within San Diego Bay."

E-3

Regarding MM-BIO-3.1.B (pg. 45):

Comment: This item states that translocation of special status plant species may be necessary. However, while that phrasing may assume that the translocation will be sufficient to be accounted as "mitigation," the current text is not adequate. It should state that the translocation for any special status plant species must be a net benefit, not merely replacement.

Recommendation: This mitigation measure must be revised to state, "Mitigation that involves relocation, enhancement, or transplanting sensitive plants may be conducted in combination with other habitat mitigation (e.g., wetlands HMMP) to provide a net benefit for the species, and shall include the following…."

E-4

Regarding MM-BIO-4 (pg. 46-47):

Comment: This section addresses the potential disturbance to nesting marine dependent avian species and is intended to avoid modifying nesting behavior and avoid noise disturbances that would affect these species. This section allows for "mitigation" during breeding season if construction during that time "cannot be avoided." However,

E-5

there is no explanation regarding what type of "unavoidable" scenarios would allow construction to occur during the known breeding seasons of these species of birds. Clearly stated guidance is needed to truly mitigate negative consequences, and any special circumstances for allowing construction near these species needs to be clearly defined. It is the San Diego Bird Alliance's and our collaborators' position that the only legitimate special circumstances for allowing human-caused harm to at-risk and protected species would be mitigation of (potential) damage to critical infrastructure or human life due to national security interests or weather-related natural disasters. E-5 cont.

Biologist Qualifications: The qualifications for the biologist performing the surveys and providing ongoing oversight during any construction projects should be more specifically stated to include expertise regarding the sensitive species in this area, which include California Least Tern (CLTE), Ridgway's Rail (RIRA), Western Snowy Plover (SNPL), Elegant Tern (ELTE), and Black Skimmer (BLSK). E-6

At-risk Elegant Terns (ELTE) and Black Skimmers (BLSK): ELTE and BLSK should be included, as they nest in such large aggregates and are especially sensitive to disturbances such that any disruption to these breeding colonies at the wrong time can have disastrous consequences to the existing population. Disturbance early on in the breeding cycle may cause abandonment of active nests and the deaths of chicks and eggs. The May 2021 drone incident at Bolsa Chica when thousands of ELTE abandoned their colony due to a one-time disruption is an example of potential effects of construction near a colony. The at-risk birds subsequently nested on barges where a large number of chicks trying to fledge fell off the barges and drowned despite the efforts of volunteers and International Bird Rescue staff. This type of incident must be avoided. E-7

Federally Threatened Western Snowy Plover: Special instructions are given for endangered CLTE and RIRA, but there is no mention of Federally Threatened Western Snowy Plovers (WSP), which are also known to nest in the area covered by the TLUP, in particular, the Saltworks. WSP numbers in this area are small but very important, and any loss will be intolerable. This oversight needs to be corrected. E-8

Nesting Season Disturbance Buffer Zones: The measures to be implemented during nesting season should include all of these species and would need to cover the time period of March 31 to October 15, according to the timing from local species records. Per MM-BIO-4, surveys for these species are to occur seven days prior to start of construction, and if they are present, a 500 foot buffer is to be established with a qualified biologist remaining onsite to monitor the birds. However, a compilation of research data assembled by Kathi Borgmann, Ph.D., supports a larger buffer than the 500 foot buffer proposed. Research demonstrates that Snowy Plovers and CLTEs will flush at 500 feet to foot traffic, and their response to construction noise and activity would logically be greater, so a larger buffer would be warranted. The agreed recommendation based on copious ornithological research is 820 feet (250m) to accommodate the most sensitive species. Flexibility regarding these bird species will be important to prevent any unnecessary losses. The pre-construction surveys by a E-9

well-qualified biologist will determine if a 500 foot buffer will suffice to protect nesting birds in certain circumstances, or if 820 feet is required.

Recommendation: This mitigation measure must be revised to clearly outline what situations would require and allow construction and noise disturbance to nesting birds that are dependent on the marine and coastal environment to successfully reproduce during the nesting season period of March 31 to October 15. These situations should be restricted to only emergency scenarios of national security interests or weather-related disasters. Western Snowy Plovers must be included in the list of special instructions. The recommended buffer zone should be increased to 820 feet to accommodate the most sensitive species. Surveys performed by a biologist with species-relevant expertise should be made public and include all information regarding the nesting species, including what stage of breeding is observed.

E-9 cont.

Regarding MM-BIO-5 (pgs. 47-48):

Comment: This section addresses "no net loss." One of the stated means to achieve that goal is "preservation." However, merely preserving (presumably another area of the same sensitive wetlands that is being impacted) is not sufficient. And the mitigation is not specifically restricted to occurring within SD Bay. Preservation by itself is not sufficient to qualify as mitigation, as the Port's commitment is no net loss, and preservation does not uphold this commitment. The following item needs to be clarified: MM-BIO-5 commits to "…Provide No-Net Loss of Wetlands and Compensate for Permanent Loss. Implement: (1) habitat creation, restoration, enhancement, and preservation (only appropriate if the site is currently unprotected per the Port District's public trust obligations) through an approved Habitat Mitigation and Monitoring Plan (HMMP): or (2) acquisition of approved mitigation credits at approved mitigation banks or in-lieu fee programs, including any Port of San Diego Environmental Mitigation Property, within the appropriate portion of the Coastal Overlay Zone, as applicable. Both mitigation options (1) and (2) outlined below are equally suitable as compensatory mitigation methods."

E-10

Recommendation: This measure must be revised to state that preservation by itself is not sufficient to qualify as mitigation per the Port's commitment to no net loss, which preservation does not provide, and that all mitigation shall occur within San Diego Bay. Because the Bay has sustained large historical losses in acreage, offsite/out-of-bay compensation is not appropriate or acceptable.

As environmental and wildlife advocates, we appreciate the opportunity to provide the above recommendations for clarifying and strengthening the language of the Port of San Diego's Draft MND to the TLUP. The Port's mandate to manage the extraordinary natural resources of San Diego Bay, while balancing the needs and desires of many competing constituencies, is certainly challenging. Now more than ever, with continually changing environmental conditions and potential regulatory changes, in addition to the existing threats to already endangered species who cannot protect themselves, local

E-11

RE: UPD #MNND-2025-016 - Page 5

agencies like the Port of San Diego, along with allied groups of environmental advocates, must do everything in our power to sustain and protect all species who call San Diego's waters and wetlands home. E-11 cont.

Sincerely,

Muriel Spooner, Conservation Committee Co-chair, San Diego Bird Alliance

James A. Peugh, Conservation Committee Co-chair, San Diego Bird Alliance

William E. Tippets, Board Member, Southwest Wetlands Interpretive Association

Michael McCoy, President, Southwest Wetlands Interpretive Association

Pamela Heatherington, ECO San Diego

Letter E San Diego Bird Alliance, Southwest Wetlands Interpretive Association, ECO San Diego

Muriel Spooner, Conservation Committee Co-chair, San Diego Bird Alliance
James A. Peugh, Conservation Committee Co-chair, San Diego Bird Alliance
William E. Tippets, Board Member, Southwest Wetlands Interpretive Association
Michael McCoy, President, Southwest Wetlands Interpretive Association
Pamela Heatherington, ECO San Diego
March 26, 2025

Response to Comment E-1

The comment notes that previous comments on the TLUP Discussion Draft were provided on August 8, 2023. The comments provided on August 8, 2023, included suggested revisions to policies in the TLUP Discussion Draft, as well as broad support for the ecology-focused policies included in the TLUP Discussion Draft. Most of the suggested revisions from this letter were incorporated into subsequent drafts of the TLUP. One of the comments from the August 8, 2023, letter stated that the proposed 15-foot buffer for in-water aquaculture operations may not be adequate to prevent impacts to eelgrass. Please see Response to Comment B-7 for further explanation and justification of this buffer. In addition, that comment also stated that aquaculture operations could introduce or facilitate invasive species that could attract waterbirds. Please see Response to Comments A-11 and A-12 for an explanation of how MM-BIO-2 as well as implementation of any requirements imposed by the appropriate regulatory agency(ies) through the applicable permitting process would address this potential issue.

The commenter's support for WLU Policy 2.4.1 and ECO Policy 1.1.15 (now ECO Policy 1.1.16) is noted and has been included in the record for consideration by the BPC. The comment is introductory in nature does not raise a specific environmental issue or address the adequacy or conclusions of the Draft MND. Therefore, no further response is required. The specific comments raised following this introduction are listed separately, along with the District's individual responses.

Response to Comment E-2

The comment recommends that the wording should be revised to require creating a net increase in the amount of wetlands or eelgrass habitat. MM-BIO-1 is proposed to address impacts associated with the loss of open water habitat from increased overwater coverage in the Bay. MM-BIO-1 is not intended to mitigate for the loss of wetlands, but would allow for the restoration or creation of wetlands or eelgrass habitat to offset the net increase in overwater coverage. MM-BIO-1 item 2.B provides for a 1:1 mitigation ratio when over-water coverage of open water habitat is mitigated through the creation of wetlands and a 1.2:1 mitigation ratio when mitigated through the creation of eelgrass habitat. Because of the high productivity and ecosystem functions of wetlands/eelgrass habitat, restoration or creation of wetlands at a 1:1 mitigation ratio, or eelgrass at a 1.2:1 mitigation ratio, to mitigate for impacts from overwater coverage would fully offset any loss of and associated loss of open water habitat. If pre- versus post-construction eelgrass surveys, as required by MM-BIO-1, determine that overwater structures will shade and impact eelgrass, then mitigation for the loss of eelgrass will be conducted pursuant to the CEMP mitigation ratio based on the amount of impacted eelgrass. Thus, MM-BIO-1 would provide for the restoration or creation of wetlands or eelgrass habitat even though MM-BIO-1 is proposed to address impacts associated with the loss of open water habitat. Accordingly, MM-BIO-1 item 2.B, if selected for implementation, would result in a net increase in wetland or eelgrass habitat compared to existing conditions.

Moreover, the TLUP includes several policies to protect, preserve, enhance, and restore sensitive habitats and wetlands. ECO Policy 1.1.5 requires a buffer between landside development and saltmarsh wetlands to preserve and protect the wetland habitat for the anticipated life of the development. ECO Policy 1.1.16 seeks to achieve a net increase of wetland habitat acreage throughout the Bay from implementation of the TLUP. ECO Policy 1.1.20 requires the District to prioritize the use of nature-based solutions composed of natural or sustainable materials that increase shoreline biodiversity and coastal resiliency, including but not limited to living shorelines and wetland and coastal habitat restoration, where feasible and applicable.

Therefore, no changes to the MND are required in response to this comment.

Response to Comment E-3

The comment states that no offsite mitigation should be allowed due to historical losses of wetlands in the bay. However, as discussed under CEQA Guidelines Section 15126.2: "An EIR shall identify and focus on the significant effects of the proposed project on the environment." It is not the purpose of CEQA to address existing environmental deficiencies, such as the "historical losses of wetlands in the Bay," meaning wetlands that have been lost or diminished in the past and not a result of the proposed TLUP. (See *Watsonville Pilots Association v. City of Watsonville (2010) 183 Cal.App.4th 1059* ["The FEIR was not required to resolve the [existing] overdraft problem, a feat that was far beyond its scope"].) As such, the TLUP is not required to mitigate for historical losses of wetlands in the Bay, contrary to the assertions in the comment.

In addition, as indicated in response to Comment E-2, MM-BIO-1 is proposed to address impacts associated with the loss of open water habitat from increased overwater coverage in the Bay. MM-BIO-1 is not intended to mitigate for the loss of wetlands, but would allow for the purchasing of saltmarsh wetland or overwater coverage credits to offset the net increase in overwater coverage. Thus, should the option to purchase saltmarsh wetland credits be selected for implementation under MM-BIO-1, it would result in a net increase in wetlands compared to existing conditions.

Finally, regarding the commenter's assertion that development projects within the District's public trust lands must be fully mitigated within its trust lands, ECO Policy 1.1.3 of the TLUP outlines the District's order of preference for mitigating offsets to sensitive habitat within Tidelands areas. Notably, ECO Policy 1.1.3 has been updated in the Final Draft TLUP to provide further clarification regarding the District's preference for mitigating sensitive habitat impacts. As stated in the revised policy, the order of preference for mitigation is as follows:

1. On-site;
2. In an approved, certified mitigation bank in San Diego Bay;
3. In the same ecoregion within the Bay;
4. Elsewhere in the Bay; or
5. In the same watershed of the Coastal Zone or in an approved, certified mitigation bank that is not within San Diego Bay but has a service area that includes San Diego Bay.

As demonstrated in ECO Policy 1.1.3, the District's preference for mitigation of sensitive habitat impacts is within San Diego Bay, preferably on-site. However, even if on-site mitigation is not feasible, the preferences of the subsequent three mitigation options are still all within San Diego Bay. The last and least preferred mitigation option is mitigating in the same watershed of the Coastal Zone or in an approved, certified mitigation bank that is not within San Diego Bay but has a service area that includes San Diego Bay. The first four options must be infeasible before the fifth and final option is available. For the reasons described above, no changes to the MND are required in response to this comment.

Response to Comment E-4

The comment asserts that mitigation involving the translocation for any special status plant species must be a net benefit. However, as instructed under CEQA Guidelines Section 15126.4(a)(4)(B), "[a] mitigation measure must be 'roughly proportional' to the impacts of the project (See *Dolan v. City of Tigard, 512 U.S. 374 [1994])*. Where the mitigation measure is an ad hoc exaction, it must be 'roughly proportional" to the impacts of the project. (*Ehrlioch v. City of Culver City [1996] 12 Cal.4th 854*.) Consequently, CEQA does not require projects to mitigate for impacts beyond what would be caused by the project. Thus, the commenter's suggestion to revise MM-BIO-3 item 1.B to require that the translocation of any special status plant species must be a net benefit is not supported by the requirements of CEQA. However, MM-BIO-3 has been revised in response to comments received to require provisions for adaptive management to ensure the success of mitigation involving relocation, enhancement, or transplanting sensitive plants. Please see revisions to MM-BIO-3 in the Final MND.

Response to Comment E-5

In circumstances where there is a threat to human life or other property, separate emergency authorization processes are available to the District under CEQA and other applicable regulations (e.g., CWA). However, CEQA (along with other state and federal legislation protecting listed species) does not require that project activities authorized by an MND and occurring during an avian breeding season be limited only to emergency situations if sufficient mitigation can be provided to reduce the impacts below significance. Although it is the District's preference to avoid construction activities near potential nesting habitat during the breeding season when feasible, project schedules are complex and often require availability of specialized staff, materials, and specific weather conditions, such that avoidance of avian breeding seasons is not always feasible. In such cases, MM-BIO-4 as currently proposed in the MND provides adequate steps to avoid significant impacts to avian species through the requirement of pre-construction surveys and adequate buffers if active nests are detected. Therefore, no changes to the MND are required in response to this comment.

Response to Comment E-6

As stated in MM-BIO-4, the qualified biologist, which would be approved by the District, must have at least three years of demonstrated field experience monitoring sensitive species in the Southern California coastal environments. The District agrees that specific experience monitoring sensitive avian species in Southern California coastal environments is an important qualification. Therefore, MM-BIO-4 has been revised to specifically indicate that experience monitoring sensitive avian species in Southern California coastal environments is required, which would include the species identified in the comment, such as California least tern, Ridgway's rail, Western snowy plover, elegant tern, and black skimmer.

Response to Comment E-7

The comment requests the addition of elegant terns and black skimmers to the list of species addressed in MM-BIO-4. The Draft MND includes MM-BIO-4 to address potential construction-related noise impacts on foraging and nesting of sensitive avian species within the TLUP Area. As indicated in MM-BIO-4, this mitigation measure would be required for any projects within the TLUP Area that the District determines have the potential to disturb sensitive nesting marine dependent avian species during construction, which would include the species identified in the comment. If the survey detects nesting behavior or active nests, the project biologist shall establish a no-disturbance buffer around each nest site, based on species identified, to avoid disturbance or destruction of the nest until after the nesting season or a qualified biologist determines that the nest is no longer active. The size and constraints of the no-disturbance buffer shall be determined by the qualified biologist and included in the letter report documenting the survey results. Accordingly, elegant terns and black skimmers would be afforded with the protections specified in MM-BIO-4 and the buffer size will be based on the professional opinion of the qualified biologist, which would take into account the best available science. Therefore, no changes to the MND are required in response to this comment.

Response to Comment E-8

The comment requests the addition of Western snowy plover to the list of species addressed in MM-BIO-4. As indicated in response to Comment E-7, MM-BIO-4 would be required for any projects within the TLUP Area that the District determines have the potential to disturb sensitive nesting marine dependent avian species during construction, which would include Western snowy plover. Accordingly, Western snowy plover would be afforded the protections specified in MM-BIO-4 should the project-specific environmental review identify the potential for impacts on sensitive avian species. Therefore, no changes to the MND are required in response to this comment.

Response to Comment E-9

The comment suggests that the avian nesting season extend through October 15th; however, September 15th is a generally recognized end-of-season date for nesting of the species described and has been utilized by resource agencies in the region with precedent in previously approved CEQA documents within San Diego County. In response to the comment, the start of the general nesting season date has been defined in the measure and is earlier than the date suggested in the comment of March 31st (i.e., March 1st). Regarding the portion of the comment related to buffer requirements, see response to Comment E-7. As indicated in that response and stated in MM-BIO-4, the size and constraints of the no-disturbance buffer shall be determined by the qualified biologist based on the results of the

preconstruction survey. Therefore, the existing mitigation requirement is adequate for the protection of sensitive avian species during the breeding season and no related revisions to MM-BIO-4 are required.

Regarding the commenter's request to make all surveys performed under MM-BIO-4 public, this information is currently available to the public via email request at customerservicecenter@portofsandiego.org.

Response to Comment E-10

This comment raises similar concerns as Comment E-3 related to mitigating for all impacts within San Diego Bay. As indicated in the response to that comment, ECO Policy 1.1.3 of the TLUP outlines the District's order of preference for mitigating impacts on sensitive habitat within Tidelands areas, which would include wetlands. Per ECO Policy 1.1.3, the District's preference for mitigation of sensitive habitat impacts is within San Diego Bay, preferably on-site. However, even if on-site mitigation is not feasible, the preferences of the subsequent three mitigation options are still all within San Diego Bay. Moreover, MM-BIO-5 states that, "Wetland mitigation required as part of any federal (404) or state (1601/1603/coastal development permit) wetland permit shall supersede and shall not be in addition to any mitigation identified in the CEQA document for those wetland areas covered under any federal or state wetland permit." Thus, the final determination on the appropriate mitigation ratio and method for wetlands impacts would be made by the appropriate regulatory agencies and would supersede any requirements in MM-BIO-5. The measure does not state that preservation would be utilized to meet the project's no-net-loss requirement, but instead specifies that a mitigation ratio of 1:1 must be provided as establishment/re-establishment to compensate for impacts and meet this requirement. Establishment and re-establishment mitigation types are recognized by federal, state, and local regulatory agencies as suitable for achieving no-net-loss.

In addition, it is not the purpose of CEQA to address existing environmental deficiencies, such as the "historical losses of wetlands in the Bay," meaning wetlands that have been lost or diminished in the past and not a result of the proposed TLUP. (See *Watsonville Pilots Association v. City of Watsonville (2010) 183 Cal.App.4th 1059* ["The FEIR was not required to resolve the [existing] overdraft problem, a feat that was far beyond its scope"].) As such, the TLUP is not required to mitigate for historical losses of wetlands in the Bay.

Therefore, no changes to the MND are required in response to this comment.

Response to Comment E-11

The District appreciates the San Diego Bird Alliance's, Southwest Wetlands Interpretive Association's, and ECO San Diego's interest in the TLUP and participation in the public review process for the Draft MND. The comment does not raise a specific environmental issue or address the adequacy or conclusions of the Draft MND. Therefore, no further response is required.

Businesses

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Letter F

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March 27, 2025

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VIA ELECTRONIC MAIL
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San Diego Unified Port District
Attn: Dennis Campbell
Planning Department
P.O. Box 120488
San Diego, CA 92112-0488

RE: Everingham Bros. Bait Company, Inc.'s Comments on the Revised Draft Trust Lands Use Plan and Mitigated Negative Declaration, UPD #MND-2025-016

To Whom It May Concern:

I write on behalf of Everingham Bros. Bait Company, Inc. ("Everingham"), owner and operator of the bait barges located in the proposed North Bay Planning District of San Diego Bay, in response to the San Diego Unified Port District's ("Port") Revised Draft Trust Lands Use Plan ("TLUP") and Mitigated Negative Declaration ("MND").

Since 1951, Everingham has been a fixture in the North Bay area, providing live bait to San Diego's commercial and private sportfishing fleets 24 hours per day, 7 days per week, 364 days of the year.[1] The operation includes three bait barge locations: San Diego Bay, Mission Bay and Dana Point Wharf, which leak live fish into the surrounding waters as the bait boxes are designed to let the tide move through them. Everingham maintains a fleet of four commercial fishing vessels that catch and deliver live bait, such as sardines, anchovies, and mackerel, often daily to its bait barges in the Bay. Everingham is clearly visible in Fig. PD11.1 of the TLUP, and Fig. 2-3 of the MND.

In 2017, NOAA Fisheries calculated that the economic value of the California sportfishing industry alone represented $794.7 million in sales from fishing trips with a $2.48 billion total sales impact. (Attachment 1, NOAA Fisheries, West Coast Recreational Fisheries, at p. 2.) While the local economic impact of San Diego's commercial and recreational fishing industry is not readily available, it is certain that Everingham is a critical part of this important economic driver for the region.

F-1

[1] Annually, Everingham is only closed from 4 pm Christmas Eve until 4 am the day after Christmas.

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Everingham's most recent lease with the State Lands Commission ("SLC"), which was entered into prior to the SLC's grant of this area of the Bay to the Port, expired on February 20, 2024. Everingham has been operating as a holdover tenant since that date and has requested a new lease be entered with the Port. To Everingham's understanding, negotiations on a new lease have been put on hold until the TLUP process is finalized.

F-1 cont.

In light of Everingham's long history and desire for continued partnership, it submits these comments with an interest in maintaining its cooperative, long-term presence in the Bay.

I. THE USE DESIGNATION FOR THE BAIT BARGE SHOULD RECOGNIZE AND PROTECT ITS HISTORIC, COMMERCIAL, AND RECREATIONAL VALUE

Special use designations are often implemented where a unique use arises that warrants special attention. Here, the TLUP explains that "special allowances" identified in the TLUP provide "specific details on allowable uses, conditions, or operations in specific locations on Tidelands," and they are "intended to address unique situations." (MND, p. 316 of the PDF.)[2]

The MND carries forward the TLUP's decision to use the "Open Bay / Water" as the "water use designation" for the area where the Everingham bait barge is located. (MND, p. 29, Figure 2-4.) Bait barges are permitted in this water use designation area as "special allowance PD11.1," which allows "[u]ses related to operation and maintenance of the baitfish storage, bait barges and vendor operations supporting the fishing industries . . . within existing lease boundaries." (*Id*. at p. 31.)

F-2

The characterization of the bait barge as a "special" allowance does not accurately reflect Everingham's historic presence in the North Bay, and which is arguably not "unique" as the Port is expressly required to protect the "economic, commercial, and recreational importance of fishing activities." (Pub. Res. Code, § 30234.5; see also TLUP, WLU Objective 5.3.) In fact, the bait barge has been the only use to occupy this area of the North Bay since at least 1935.

In addition, a special allowance designation fails to acknowledge the environmental benefits the bait barge provides, including foraging for fish, birds, marine mammals, and other sea creatures that congregate around the bait boxes, which—over Everingham's 70+ year history—has created a vibrant ecosystem that supports both the sportfishing industry and marine life in the Bay.

The Port should instead identify the Everingham bait barges on the Planning District 11 map (see MND, Fig. 2-4, and TLUP, Fig. 11.2) and create a "Live Bait" use category in the North Bay that corresponds to the existing leasehold boundaries defined in Exhibit A of Everingham's most recent lease with the SLC, which is attached hereto as Attachment 2.

[2] All further page references to the MND are to the page numbers of the PDF.

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II. THE MND FAILS TO ADEQUATELY ESTABLISH THE ENVIRONMENTAL SETTING WITH RESPECT TO THE BAIT BARGE

Under the California Environmental Quality Act ("CEQA"), the MND must describe the existing environmental setting, including the existing physical conditions in the area that will be affected by the proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. (14 Cal. Code Regs. ("CEQA Guidelines"), §§ 15063(d)(2), 15360; *Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1192-94 [environmental setting in initial study sufficient where it described existing site conditions, existing facilities, and existing recreational uses].)

Yet the MND describes the environmental setting of the North Bay (Planning District 11) as follows:

> The North Bay Planning District is located in the northern portion of San Diego Bay beginning east of the Pacific Ocean, residing between Shelter Island and Harbor Island to the north and North Island Naval Air Station to the south. Planning District 11 is bisected by the Federal Navigation Channel that runs west to east through the planning district. Figure 2-3 provides the North Bay Planning District location and context.

F-3

(MND, p. 26.) In addition, the Everingham bait barge is shown in the overhead picture of the North Bay Planning District in Figure 2-3, but is removed from the Water Uses map in Figure 2-4. (*Id*. at pp. 27, 29.) These descriptions and figures fail to clearly identify where the Everingham bait barge is located, how it is utilized, how long it has been there, and how important it is to the fishing industry and local economy. Thus, it is unclear whether the existing bait barge and its historic use were considered in developing the environmental setting.

For example, the bait boxes provide a significant foraging resource for fish, birds, marine mammals, and other sea creatures, and have thereby created a meaningful and beneficial aquatic habitat around the bait barge. In addition, Everingham has allowed commercial and sportfishing industries to thrive in San Diego for decades by operating as one of the only sources of live bait available 24/7, nearly every day of the year. According to the Port's own data, the tourism and commercial industry of the Port, which includes commercial and sport fishing, added $5.6 billion to San Diego County's economy in fiscal year 2023.[3]

These descriptions and figures fail to comply with CEQA because—without a full and fair statement of the environmental setting—it is not possible for the MND to accurately evaluate the environmental impacts associated with implementing the TLUP in the North Bay, particularly as it relates to the

[3] https://www.portofsandiego.org/about-port-san-diego/economic-impact

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existing bait barge. The MND should be revised to reflect the benefits offered by Everingham in the environmental baseline and to ensure their protection when future projects arise under the TLUP. F-3 cont.

III. THE MND CONTAINS INFEASIBLE OR INEFFECTIVE MITIGATION MEASURES THAT SHOULD BE REVISED

Under CEQA, a MND must include mitigation measures ("MMs") to avoid any potentially significant effects. (CEQA Guidelines, § 15071(e).) Here, the MND lists a number of MMs intended to be applied to TLUP areas going forward. The particular MMs discussed below, however, should be removed or modified because they are infeasible or otherwise ineffective. F-4

A. Air Quality Mitigation

MM-AQ-4 requires, in part, for "short-term construction projects . . . and longer-term operations, such as marine vessels used in aquaculture operations," (1) the use of Tier 4 equipment or better where commercially available within 200 miles of the project site, beginning in 2026; and (2) the use of renewable diesel fuel for certain equipment. (MND, pp. 52-53.) Similarly, MM-AQ-2 requires the use of Tier 4 equipment and renewable diesel fuel for construction of future projects. (*Id*. at p. 51.)

By requiring such equipment and fuel, these MMs improperly conclude that all future "TLUP-consistent projects" will cause significant air quality impacts. The Port does not have enough information on specific projects at this point to reach such a conclusion, and is instead speculating as to hypothetical future impacts. F-5

The MND states: "Taken individually, these types of activities typically result in minimal emissions that are far below relevant thresholds. However, there is a possibility that multiple projects could overlap on a single day, and it is possible that the sum of these overlapping activities could result in emissions that exceed SDAPCD thresholds. Therefore, mitigation is proposed to ensure that emissions are mitigated to a level below thresholds. (MND, p. 97.)

CEQA does not require mitigation for speculative impacts. (CEQA Guidelines, § 15145.) Thus, these MMs should be modified to allow individual projects the opportunity to present evidence to the Port—at the time specific project approval is sought—that they will not cause significant air quality impacts, and thus, no mitigation would be required.

Nevertheless, Everingham is in the process of upgrading its bait barge generators from Tier 3 to Tier 4 engines (two of three barges have already transitioned), and re-powering all of its commercial fishing vessels to have Tier 3 engines in accordance with California Air Resources Board ("CARB") and San Diego Air Pollution Control District ("SDAPCD") regulations. CARB and SDAPCD regulations are the exclusive standard for marine vessels and, therefore, the Port lacks authority to impose different standards. (Health & Saf. Code, § 39002.) Thus, the air quality MMs should be modified to remove any F-6

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requirements that are preempted by CARB or SDAPCD regulations, such as the reference to "longer-term operations" in MM-AQ-4. F-6 cont.

In addition, despite its decades of operational experience, Everingham is not presently aware of any commercially available source of renewable diesel. Moreover, the requirement to search as far as 200 miles from its operations for diesel fuel would impose an unreasonable and significant cost upon Everingham. F-7

Even if such diesel fuel was available, there is no nexus between these MMs and avoiding significant impacts from the proposed TLUP. The broad language of these MMs suggests that they would apply to Everingham's existing equipment and operations, which are already part of the existing baseline. (See e.g., MND, MM-AQ-4, p. 52 ["Prior to commencement of waterside construction or activities within the TLUP Area that require the use of marine vessels . . . any harbor craft . . . for use during any in-water work shall meet the following criteria . . ."].) CEQA only authorizes the lead agency to require changes to, and avoid impacts from, activities involved in a project it approves; this does not include the existing environmental baseline. (See CEQA Guidelines, § 15041(a).) Thus, CEQA does not authorize the Port to impose these MMs on Everingham's existing equipment and operations and the MMs should be modified to clarify their application to only proposed TLUP projects that seek Port approval in the future. F-8

B. Biological Resources Mitigation

MM-BIO-1 requires that any loss of open water habitat from a future project must be mitigated. (MND, p. 53.) Should Everingham seek to expand its operations in the future, as contemplated by the MND (e.g., *id*. at p. 113), this requirement would not give Everingham the opportunity to demonstrate that the bait barges actually provide co-benefits to fish and other marine flora and fauna, and do not damage open water habitat. All of the bait boxes at Everingham's barges leak live fish as the boxes are designed to let the tide move through them. For at least 90 years, this circumstance has created an aquatic habitat around the bait barges.

MM-BIO-1 risks eliminating these benefits by requiring a future project undertaken by Everingham to reduce any occupation of open water habitat, despite the co-benefits associated with the live bait operation. MM-BIO-1 should be modified to allow an individual project the opportunity to present evidence to the Port—at the time specific project approval is sought—that it will not cause significant impacts to open water habitat, and thus no mitigation would be required. Alternatively, this MM could be modified to clarify that the bait boxes associated with the barge presents a unique water scenario which adds significant benefit to the open water habitat and therefore should be maintained. F-9

C. Water Quality Mitigation

As defined in the TLUP (and incorporated by the MND): F-10

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> "Aquaculture" means that form of agriculture devoted to the propagation, cultivation, maintenance, and harvesting of aquatic plants and animals in marine, brackish, and fresh water. "Aquaculture" does not include species of ornamental marine or freshwater plants and animals not utilized for human consumption or bait purposes that are maintained in closed systems for personal, pet industry, or hobby purposes, however, these species continue to be regulated under . . . the Fish and Game Code.

(MND, p. 474.)

In general, the MND appears to speak to "aquaculture" in the context of future shellfish and seaweed aquaculture. (See e.g., MND, pp. 38, 54.) However, the above definition of "aquaculture" leaves the MND unclear as to whether MM-WQ-1, and other requirements relating to "aquaculture," would apply to Everingham's operations.

First, Everingham seeks clarification as to whether use of the word "aquaculture" in the context of the MND is intended to apply to its operations.

F-10 cont.

Second, if so, as noted above, CEQA only authorizes the lead agency to require changes to, and avoid impacts from, activities involved in a project it approves. (See CEQA Guidelines, § 15041(a).) As part of the environmental setting, Everingham's operations cannot be required to mitigate for existing operations.

F-11

Third, MM-WQ-1 speaks to application of site-specific best management practices ("BMPs") to lessen or eliminate potential water quality impacts. Everingham already employs BMPs and operates under the SLC lease agreement. If the Port confirms an intent to include Everingham's live bait activities within the TLUP's definition of "aquaculture," then MM-WQ-1 should be amended to allow the project applicant to demonstrate its existing compliance.

F-12

IV. THE MND FAILS TO ESTABLISH CONSISTENCY WITH THE COASTAL ACT

Under the California Coastal Act of 1976 ("Coastal Act"), public agencies are required to assist the state in protecting, maintaining, and enhancing the overall quality of the coastal zone environment, and maximizing public recreational opportunities in the coastal zone. (Pub. Res. Code, §§ 30001.5, 30003.) In particular, the Coastal Act requires that public agencies "recognize[] and protect[]" "[t]he economic, commercial, and recreational importance of fishing activities." (*Id*. at § 30234.5.)

F-13

The MND states it is consistent with Section 30234.5 of the Coastal Act because the Port "intends to support commercial and recreational fishing. The economic, commercial, and recreational importance of fishing activities is described in ECON Policy 2.3.11 through ECON Policy 2.3.17 of the Economics Element." (MND, p. 196.)

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Despite these statements and policies, there is hardly any mention of bait barges, and no mention of Everingham in the MND, upon which the entire San Diego fishing industry has relied since 1951. The MND must be modified to expressly recognize the bait barge, identify its historic presence in the North Bay and the significant benefits it provides to the ecological habitat and commercial industry of the Bay, and create a "Live Bait" use designation for that area of the North Bay. Such modifications would improve the ability to evaluate the project's consistency with the Coastal Act by more thoroughly and accurately identifying the economic, commercial, and recreational fishing activities that presently exist and that the Port is responsible for protecting. F-13 cont.

V. CONCLUSION

Everingham appreciates the opportunity to provide these focused comments on the TLUP and MND. For the reasons discussed above, Everingham respectfully requests that the Port modify the TLUP and MND to ensure that Everingham can continue to operate in the Bay, in a cost-effective and environmentally beneficial manner, as it has done for the past 74 years. F-14

If the Port is interested in learning more about Everingham and its significance to the community, please do not hesitate to contact me at rwaterman@bhfs.com or 619-702-7569.

Sincerely,

Ryan Waterman /SC

Ryan Waterman

Attachments

cc: Roy R. Everingham Jr., President, Everingham Bros Bait Co. (via electronic mail)

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ATTACHMENT 1

NOAA Fisheries, West Coast Recreational Fisheries (2017)

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NOAA Saltwater Recreational Fisheries Snapshot

NOAA FISHERIES

West Coast Recreational Fisheries

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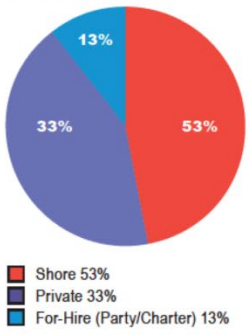
The West Coast offers diverse fishing opportunities for saltwater recreational anglers. Out on the water, anglers aboard private and for-hire vessels can wet their lines in pursuit of tuna, salmon, and many groundfish such as rockfish and lingcod. Along the shore and on piers, anglers can try their hand at state-managed species like surfperches, kelp bass, bonito, and barracuda. Most West Coast fishing trips take place at beaches, banks, and jetties along the shore, where anglers catch a variety of inshore and coastal pelagic species. Fishing trips targeting tuna and other offshore species play an important role in supporting coastal economies across the West Coast. NOAA Fisheries works closely with the Pacific Fishery Management Council and the Pacific States Marine Fisheries Commission and their member states to provide diverse and sustainable recreational fishing opportunities now and into the future.



POPULAR RECREATIONAL SPECIES

State	2017 Species	HARVESTED RELEASED	Total Catch (number of fish)
CALIFORNIA	Vermilion rockfish		605,000
	Lingcod		554,000
	Chinook salmon		67,000
	Yellowfin tuna		14,000
	Bluefin tuna		11,000
OREGON	Black rockfish		445,000
	Coho salmon		40,000
	Albacore		16,000
	Pacific Halibut		14,000
	Chinook salmon		6,000
WASHINGTON	Black rockfish		212,000
	Coho salmon		84,000
	Chinook salmon		38,000
	Albacore		30,000
	Pacific Halibut		12,000

FISHING TRIPS BY MODE ON THE WEST COAST



Source: FEUS 2017

U.S. Department of Commerce | National Oceanic and Atmospheric Administration | National Marine Fisheries Service

West Coast | NOAA Saltwater Recreational Fisheries Snapshot

Economic Impacts of Recreational Fishing

CALIFORNIA	OREGON	WASHINGTON
Fishing Trip and Durable Goods Expenditures: **$1.77B**	Fishing Trip and Durable Goods Expenditures: **$343.4M**	Fishing Trip and Durable Goods Expenditures: **$1.02B**
Total Sales Impacts: **$2.48B**	Total Sales Impacts: **$364.17M**	Total Sales Impacts: **$1.20B**
Total Jobs: **19,750**	Total Jobs: **3,548**	Total Jobs: **9,533**
Impacts From Fishing Trips Sales: **794.7M** Jobs: **6,311**	Impacts From Fishing Trips Sales: **$138.21M** Jobs: **1,390**	Impacts From Fishing Trips Sales: **$434.65M** Jobs: **3,219**
Durable Good Impacts: **$1.69B**	Durable Good Impacts: **$225.96M**	Durable Good Impacts: **$763.66M**
Durable Good Jobs: **13,439**	Durable Good Jobs: **2,158**	Durable Good Jobs: **6,314**

Source: FEUS, 2017



In 2017
1.3 million anglers took
5.8 million fishing trips, spending
$3.1 billion on trips and durable goods



Angler with vermilion rockfish

Diving Deeper



PACIFIC ROCKFISH: OUT OF THE DEPTHS

In recent decades, recreational anglers targeting Pacific rockfish have been constrained by depth-based closures, reduced bag limits, seasonal closures, and other limitations due to severely low rockfish populations. Long life histories and late maturity meant that rockfish species required longer times to rebuild. As these species rebuilt, new methods were pioneered by recreational anglers to target healthy stocks while avoiding rebuilding stocks (e.g., long-leader gear) and to increase the use of descending devices to increase survivability of released rockfish. These joint efforts between the recreational fishing community and managers have helped rockfish populations rebuild faster than previously projected, and anglers are now reaping the rewards. Depth-based closures have been reduced or eliminated, seasons are longer, and bag limits have been increased. With continued science-based management, and collaboration and cooperation among the angling community, the future of these rockfish populations and opportunities for angling are bright. Learn more about catch and release best practices by visiting https://www.fisheries.noaa.gov/national/resources-fishing/catch-and-release-best-practices.

LEARN MORE

For more information visit: www.fisheries.noaa.gov/west-coast

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ATTACHMENT 2

State Lands Commission Lease – Legal Description Of Property

33146682

EXHIBIT A

W 26622

LAND DESCRIPTION

Two parcels of submerged land lying in the bed of San Diego Bay, County of San Diego, State of California, described as follows:

LEASE PARCEL A

A parcel of submerged land lying in the bed of San Diego Bay, County of San Diego, State of California, described as follows:

BEGINNING at a point lying N 9°57'22" E 5,080.39 feet from NGS monument Road 2 (PID DC1690); thence the following four (4) courses:

1) N 75°54'49" W 435.36 feet;
2) N 5°27'02" E 986.49 feet;
3) S 49°54'54" E 535.37 feet;
4) S 6°13'21" W 747.66 feet to the POINT OF BEGINNING.

Excepting therefrom any portion lying within the grant to the United States pursuant to Chapter 81, Statutes of 1897.

LEASE PARCEL B

A 280 foot wide strip of submerged land lying in the bed of San Diego Bay, County of San Diego, State of California, lying 50 feet northerly of and 230 feet southerly of the following described line:

BEGINNING at 32.721726° North Latitude 117.194753° West Longitude; thence along a line to 32.721619° North Latitude 117.192334° West Longitude and being the terminus of said line.

The sidelines of said strip shall be prolonged or shortened so as to terminate at a line perpendicular to the beginning and terminus of said line.

The BASIS OF BEARINGS of this description is the North American Datum of 1983.

END OF DESCRIPTION

Prepared 10/22/2013 by the California State Lands Commission Boundary Unit.



Letter F Everingham Bros. Bait Company, Inc.

Everingham Bros. Bait Company, Inc.
Ryan Waterman, Attorney at Law for Roy R. Everingham Jr., President
March 27, 2025

Response to Comment F-1

The comment is introductory in nature does not raise a specific environmental issue or address the adequacy or conclusions of the Draft MND. Therefore, no further response is required. However, it is important to note that the TLUP process is separate from the negotiations between the District and Everingham for a new lease and the TLUP process has not affected these negotiations. The specific comments raised following this introduction are listed separately, along with the District's individual responses.

Response to Comment F-2

The TLUP defines special allowances as unique topical or site-specific situations. This designation does not negate the historic presence of the bait barge in the North Bay, the importance of the bait barge in supporting fishing activities, nor its potential environmental benefits. The intention of characterizing the bait barge as a special allowance is to allow for the continued operation of the existing bait barge without allowing for the development of new bait barges across the Bay. Furthermore, PD11.1 allows for the expansion of existing lease boundaries and uses of the bait barge. Should the District create a "Live Bait" use category that corresponds to Everingham's existing leasehold, as the comment suggests, a port master plan amendment would be required if the bait barge were to expand.

Response to Comment F-3

Regarding the portion of the comment stating that the Everingham Bait barge is shown on Figure 2-3 but not Figure 2-4, Figure 2-3 is the aerial view of the North Bay Planning District and was revised to identify this bait barge within the Planning District. This was also revised in the Final Draft TLUP. Further Figure 2-4 shows the proposed TLUP Water and Land use Designations for that Planning District. The Everingham bait barge is neither a water nor land use designation in the TLUP; rather, it is an existing facility that is located within an area designated by the TLUP, within the Open Bay/Water Designation. As such and contrary to the comment, the bait barge was not "removed" from Figure 2-4, but rather it is not specifically depicted because it is not a separate TLUP water or land use designation.

Moreover, the TLUP is a long-range planning document and, as stated on page 1 of the Draft MND, special allowances, planned improvements, and development standards in the TLUP were analyzed in the Draft MND at a programmatic level using reasonable assumptions. The TLUP, if approved, would not include the approval of any site-specific development projects. Any future projects proposed within the TLUP Area would be subject to a project-level environmental review once proposed. Relevant guidance for subsequent environmental review is provided under State CEQA Guidelines Sections 15152, 15162-15164, and 15168. Accordingly, the Draft MND included an appropriate level of detail for a programmatic analysis of potential environmental impacts from implementation of the TLUP. Nonetheless, in response to this comment, the description of the environmental setting for the North Bay Planning District on page 16 of the Draft MND has been revised to include mention of the existing bait barge. Please see the revisions and clarifications provided in the Final MND and Final Draft TLUP. This change does not constitute substantial new information, as defined by State CEQA Guidelines Section 15073.5. Therefore, recirculation of the Draft MND is not required prior to consideration for a decision by the BPC.

Response to Comment F-4

The comment claims that the mitigation measures from the MND, described in the comments below, should be removed or modified because they are infeasible or otherwise ineffective. However, the claim that the mitigation measures are "infeasible or otherwise ineffective," does not include any substantiation with specific details or specific examples, to which the District may respond. Refer to responses to Comments F-5 through F-12, below, which respond to specific comments related to the adequacy of the Draft MND's mitigation measures. As demonstrated in the responses below, the Draft MND's mitigation measures are feasible, effective, and prepared in accordance with CEQA requirements.

Response to Comment F-5

As stated in Response to Comment F-3, special allowances, planned improvements, and development standards in the TLUP were analyzed in the Draft MND at a programmatic level, using reasonable assumptions. Because the location, timing, and design of future projects within the TLUP Area are unknown at this time, the Draft MND determined that the potential for multiple projects implemented under the TLUP to overlap on a single day was a reasonable possibility and, thus, would have the potential to generate emissions in exceedance of San Diego Air Pollution Control District (SDAPCD) thresholds. Accordingly, mitigation measures were proposed in the Draft MND to address this potentially significant impact, including MM-AQ-5, which requires the preparation of a project-specific air quality technical report. However, in response to the specific concerns raised in the comment, MM-AQ-1 through MM-AQ-5 have been revised to clarify the applicability of the mitigation measures to individual future projects implemented under the TLUP. See the revisions and clarifications provided in the Final MND. This change does not constitute substantial new information, as defined by State CEQA Guidelines Section 15073.5. Therefore, recirculation of the Draft MND is not required.

Response to Comment F-6

Regarding the commenter's claim that the District lacks authority to impose different standards than those imposed by CARB, the District is the lead agency under CEQA. As stated in CEQA Guidelines Section 15041, "Authority to Mitigate," "[a] lead agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment, consistent with applicable constitutional requirements such as the 'nexus' and 'rough proportionality' standards established by case law (Nollan v. California Coastal Commission (1987) 483 U.S. 825, Dolan v. City of Tigard, (1994) 512 U.S. 374, Ehrlich v. City of Culver City, (1996) 12 Cal. 4th 854.)." SDAPCD has established thresholds for regional and local air quality. Projects that would exceed the applicable air quality thresholds are required to incorporate feasible mitigation measures to reduce project emissions to levels below the thresholds. (Note, for projects that cannot lower emissions below the applicable air quality thresholds, a significant and unavoidable impact would occur, and preparation of an environmental impact report with findings and a statement of overriding considerations would be required.) If the BPC approves the TLUP and adopts the Final MND, and if the TLUP is subsequently certified by the CCC and implemented, then a project proposed within the TLUP Area would be required to comply with CEQA, through a project-specific environmental review, which must consider and apply the applicable mitigation measures identified in the TLUP's mitigation monitoring reporting program (MMRP). The air quality mitigation measures incorporated into the TLUP's MMRP are designed to reduce emissions from future projects to below SDAPCD's air quality thresholds. No changes to the MND are warranted in response to this comment

Response to Comment F-7

Contrary to the assertions in the comment, the Draft MND does not include a requirement to travel up to 200 miles in search of renewable diesel fuel. The commenter is confusing the requirement to acquire and use clean harbor craft and dredgers, which requires a search of available equipment within 200 miles of the project site for the duration of all activities, which includes other Southern California ports. If no clean harbor craft and dredgers are available within 200 miles, then the project proponent shall prioritize use of equipment that is maintained and properly tuned in accordance with manufacturers' specifications. In addition, should the project proponent be unable to locate renewable diesel or a renewable diesel delivery company able to service project vehicles, then evidence must be provided to the District demonstrating infeasibility. It should be noted that the Jankovich Company offers renewable diesel at the Tenth Avenue Marine Terminal and can be delivered via pipeline at the terminal or remotely by barge.

Response to Comment F-8

As pointed out by the commenter, CEQA does not apply to existing uses or activities, only projects, as defined in CEQA Guidelines Section 15378. Accordingly, lead agencies only have authority to mitigate for activities meeting the definition of a project under CEQA (see CEQA Guidelines Section 15041[a]). None of the mitigation measures identified in the Draft MND would apply to Everingham's existing operation, which does not meet the definition of a project under CEQA. No changes to the MND are required in response to this comment.

Response to Comment F-9

As indicated in response to Comment F-3, the potential impacts of special allowances, planned improvements, and development standards in the TLUP were analyzed in the Draft MND at a programmatic level, using reasonable assumptions, and mitigation measures were identified that may be applicable to future projects within the TLUP Area. The TLUP, if approved, would not include the approval of any site-specific development projects, including an expansion of the bait barge. Any future projects proposed within the TLUP Area would be subject to a project-level environmental review once proposed. At the time of project-specific environmental review, evidence may be presented to the District to demonstrate whether any expansion of the bait barge would not result in impacts on open water habitat that would otherwise require the implementation of MM-BIO-1. For example, the evaluation of project-specific impacts associated with a live bait barge expansion could include a detailed analysis that illustrates the corresponding marine benefits of such a bait barge operation, which could potentially avoid, minimize, or reduce any related adverse impacts. Any such evaluation would need to be supported by substantial evidence and accepted by the District, as well as any Federal and/or State agencies with permitting responsibilities over a live bait barge expansion. Therefore, no changes to the MND are required in response to this comment.

Response to Comment F-10

The comment requests clarification about whether the definition of aquaculture related to the MND, would apply to Everingham's operations. The term "aquaculture" as it is defined and used in the TLUP applies to future shellfish and seaweed aquaculture and not bait barge operations, as they do not involve growing or cultivating aquatic plant or animal species. Therefore, mitigation measures identified in the Draft MND for potentially significant aquaculture-related impacts, including MM-BIO-2 and MM-WQ-1, as well as the TLUP requirements addressing aquaculture, would not apply to Everingham's bait barge operations. Therefore, no changes to the MND are required in response to this comment.

Response to Comment F-11

The comment notes that CEQA only authorizes the lead agency to require changes to, and avoid impacts from, activities involved in a project it approves.

The comment raises similar concerns as Comment F-8; refer to Response to Comment F-8. No changes to the MND are required in response to this comment.

Response to Comment F-12

As noted in Response to Comment F-10, the Everingham bait barge is not considered an aquaculture use, as defined in the TLUP. Therefore, MM-WQ-1 would not apply to Everingham's bait barge operations. No changes to the MND are required in response to this comment.

Response to Comment F-13

As noted in Response to Comment F-2, the Draft MND's description of the environmental setting for the North Bay Planning District (page 16) has been revised to include the existing bait barge. Please see the revisions and clarifications provided in the Final MND and Final Draft TLUP. However, because the TLUP is a long-range planning document, the level of detail requested by the commenter regarding the existing bait barge is not appropriate or necessary, to provide an adequate programmatic analysis of potential environmental impacts from TLUP implementation. Rather, the Draft MND includes a level of detail necessary to analyze the environmental impacts that would likely occur if the TLUP is approved and implemented. This does not include approval and implementation of any individual development projects or the continuation of existing uses within the TLUP. In addition, the comment raises similar concerns as Comment F-2 regarding the creation of a "Live Bait" use designation; refer to the Response to Comment F-2.

Response to Comment F-14

The District appreciates Everingham's interest in the TLUP and participation in the public review process for the Draft MND. The comment does not raise a specific environmental issue or address the adequacy or conclusions of the Draft MND. Therefore, no further response is required.

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1 INTRODUCTION

1.1 PURPOSE OF A NEGATIVE DECLARATION/MITIGATED NEGATIVE DECLARATION

Public Resources Code (PRC) Section 21064 defines a "Negative Declaration," as a well written statement briefly describing the reasons that a proposed project will not have a significant effect on the environment and does not require the preparation of an environmental impact report.

PRC Section 21064.5 defines a "Mitigated Negative Declaration," as a negative declaration prepared for a project when the initial study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur; and (2) there is no substantial evidence in light of the whole record before the lead agency that the project, as revised, may have a significant effect on the environment.

PRC Section 21068 defines a significant effect on the environment as a substantial or potentially substantial adverse change in the environment. PRC Section 21082.2(a) requires the lead agency to determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record.

The District has prepared an Environmental Initial Study Checklist to address the potential environmental effects associated with the TLUP pursuant to the requirements of CEQA, the State CEQA Guidelines, and the District's CEQA Guidelines. Specifically, the Environmental Initial Study Checklist meets the requirements of CEQA Guidelines Section 15063 and the District's CEQA Guidelines Section IV. The Environmental Initial Study Checklist includes a discussion of the TLUP's effects on the existing environment. Issue areas identified as having potentially significant impacts are discussed further and include mitigation measures that would reduce potential impacts to "Less Than Significant With Mitigation Incorporated." See Chapter 3 for the Environmental Initial Study Checklist.

Special allowances, planned improvements, and development standards in the TLUP are analyzed in this MND/IS at a programmatic level using reasonable assumptions. The TLUP, if approved, would not include the approval of any site-specific development projects. Any future projects proposed within the TLUP Area would be subject to project-level site-specific environmental review once proposed. Relevant guidance for subsequent environmental review is provided under State CEQA Guidelines Sections 15152, 15162-15164, and 15168.

1.2 PROJECT PROPONENT

The project proponent is the San Diego Unified Port District.

1.3 PROJECT LOCATION

The TLUP Area consists of approximately 7,903 acres of submerged lands (water designated area) within San Diego Bay and approximately 99 acres of Tidelands (land designated area) granted to the District from the California State Lands Commission pursuant to SB 507. Figure 1-1 shows the boundaries of the TLUP Area.



Source: Adapted by Ascent in 2024.

Figure 1-1 Regional Location

2 PROJECT DESCRIPTION

2.1 OVERVIEW

The proposed TLUP[1] sets a comprehensive vision for the District's management of the approximately 8,000 acres of tidelands and submerged lands granted under Senate Bill 507 (SB 507 – Atkins 2019) and as chaptered in Section 5.7 to the Port Act. As trustee for these public lands, the BPC and District staff manage a diverse array of activities within five dynamic cities and the region. The TLUP governs the use, design, improvement, and preservation of these public trust lands. The TLUP only addresses the submerged lands and tidelands granted to the District through SB 507 (TLUP Area). It ~~and~~ does not address the submerged lands and tidelands included in the District's ~~ownership and~~ jurisdiction, prior to 2020, which are addressed in the District's certified Port Master Plan (PMP).

The TLUP establishes specific goals, objectives, policies, and standards to: (1) direct future use of SB 507-granted trust lands including future development, preservation and other uses; (2) facilitate a diverse range of uses and activities including, but not limited to, safe navigation, commerce, fisheries, and recreation; (3) provide a broad range of proposed public improvements; and (4) promote environmental stewardship of Tidelands.

Development of the TLUP was a cooperative planning effort with adjacent jurisdictions and regional, state, and federal agencies. The TLUP is aligned with the California Public Trust Doctrine and the District's responsibilities as discussed in Chapter 1 of the TLUP.

Chapter 3 of the TLUP includes six elements, which align with the elements proposed in the Final Draft Port Master Plan Update (PMPU)[2] approved by the BPC on February 28, 2024, and which is currently pending certification by the California Coastal Commission.

The six elements include:

- Water and Land Use Element,
- Mobility Element,
- Ecology Element,
- Environmental Justice Element,
- Economics Element, and
- Safety and Resiliency Element.

Chapter 4 of the TLUP also proposes development standards for the TLUP Area, which establish requirements for the physical development of property. Issues covered include standards for Recreation Open Space and activating features, view standards, height standards, and sign standards.

The TLUP adds four additional planning districts (PDs) to the District's jurisdiction, which are logically grouped by geographical areas and provide the vision, water use designations (including land use designations for PD14), special allowances, planned improvements, and development standards. The boundaries of the planning districts follow the boundaries of the four ecoregions of the Bay included in the INRMP. The four planning districts are as follows:

- PD11 – North Bay Planning District,
- PD12 – North Central Bay Planning District,
- PD13 – South Central Bay Planning District, and
- PD14 – South Bay Planning District.

Special allowances, planned improvements, and development standards in the TLUP are analyzed in this MND/IS at a programmatic level using reasonable assumptions. The TLUP, if approved, would not include the approval of any site-

[1] The TLUP is the proposed project under CEQA, consistent with the definition of a "discretionary project" provided under CEQA Guidelines Section 15357.

[2] References to the "PMPU" throughout this document refer to the Final Draft Port Master Plan Update, which was adopted by the Board of Port Commissioners (BPC) in February 2024 and, at the time of this analysis, is currently under review by the California Coastal Commission (CCC). The PMPU, which is an amendment to the currently certified Port Master Plan (PMP), must be certified by the CCC before it is considered final.

specific development projects. Any future projects within the TLUP Area would be subject to project-level site-specific environmental review once specific developments are proposed.

2.2 PROJECT BACKGROUND AND PURPOSE

The District was created in 1962 by the California State Legislature to manage and hold in trust certain tidelands and submerged lands within and around the San Diego Bay (or Bay). When this statutory grant took effect, State lands within the Bay that had been previously granted to the Cities of Chula Vista, Coronado, National City, and San Diego were transferred to the District. By subsequent action in 1990, tidelands and submerged lands along the Pacific Ocean previously granted to the City of Imperial Beach were also transferred to the District. The lands granted to the District are commonly referred to as Tidelands because they are located below the historic mean high tide line. Over time, the District has also acquired additional upland parcels and has been granted other land through exchanges. These properties are also part of the District's jurisdiction and considered to be a part of Tidelands and subject to the Tidelands Trust.

The District is governed by the seven-member BPC, which comprises appointees by the city councils of the District's Member Cities. These are the cities that conveyed the San Diego Bay granted lands to the District, and each city appoints one commissioner, except for the City of San Diego, which appoints three commissioners.

The District oversees a unique mix of water and land uses, including industrial uses and public safety, commercial recreation and visitor-serving uses, public facilities, and recreational and natural resource areas. The District issues leases for tenant businesses, and thereby, manages a diverse real estate portfolio that generate revenues to support the District's public services, including its various public amenities and the provision of coastal access around San Diego Bay.

On January 1, 2020, SB 507 became effective, adding Section 5.7 to the San Diego Unified Port District Act (Chapter 67 of the First Extraordinary Session of the Statutes of 1962), relating to tidelands and submerged lands, and making an appropriation thereof. The ~~P~~passage of SB 507 authorized the following:

- Granted~~s~~, in trust, to the District additional tidelands and submerged lands held by the State within the San Diego Bay, previously under the jurisdiction of the California State Lands Commission (CSLC), subject to certain terms and conditions.
- Required~~s~~ the District to transfer to the CSLC revenues generated on the lands granted, as specified, as existing law established the Bank Fund in the State Treasury and continuously appropriates moneys in the fund to the CSLC for expenditure for specified purposes related to land management, the preservation of open space, habitat for plants and animals, and public access.
- Required~~s~~ the District to submit to the CSLC by January 1, 2024, a trust lands use plan describing any proposed development, preservation, or other use of the trust lands, and to, thereafter, submit to the CSLC for its approval any proposed changes to, or amendment to, the trust lands use plan. The bill would authorize the CSLC to consider whether the Port Master Plan meets the requirements of, and may be considered, a trust lands use plan for the trust lands granted pursuant to SB 507.

The TLUP only addresses the newly granted area (i.e., the TLUP Area) and does not address the submerged lands and tidelands included in the District's ~~ownership and~~ jurisdiction, prior to 2020. After assessing existing conditions in the TLUP Area and conducting preliminary stakeholder engagement to better understand how the area is used, District staff presented a framework to the BPC in April 2023, for the development of the TLUP. A "Discussion Draft" of the TLUP was released on July 21, 2023, for a 30-day public review period, and 22 comments were received. Of the 22 comment letters received, two (2) were from agencies, three (3) were from organizations, one (1) was from a business or tenant, and 16 were submitted by individuals. Common themes of the submitted comments include:

- clarification on the SB507 granted lands transfer and boundaries of the transfer,
- clarification on management responsibilities within the TLUP area,
- clarification on the relationship between the TLUP and the PMPU and other Port plans,

- requests to enhance environmental stewardship policies and narratives,
- requests to encourage more nature-based shoreline solutions, and
- comments that are outside the scope of the TLUP or SB 507.

After revising the Discussion Draft based on the comments received, District staff prepared the "pre-submittal Draft TLUP" and received BPC direction on September 12, 2023, to submit the TLUP to the CSLC and commence environmental review. The "Draft TLUP" was presented to the CSLC on October 9, 2023, during its ~~their~~ regularly scheduled commission meeting. The CSLC acknowledged the submittal of the Draft TLUP, satisfying the legislative requirement to submit a trust lands use plan prior to January 1, 2024. The most recent Draft TLUP, with revisions, is included as Appendix A of this MND/IS. Upon conclusion of environmental review for the TLUP, District staff will request the BPC to approve a Final Draft TLUP and to submit it to CCC for certification as a Port Master Plan Amendment. Pursuant to the SB 507 legislation, any changes made to the TLUP during environmental review and/or CCC processing must be approved by the CSLC.

2.3 PROPOSED TLUP DESCRIPTION

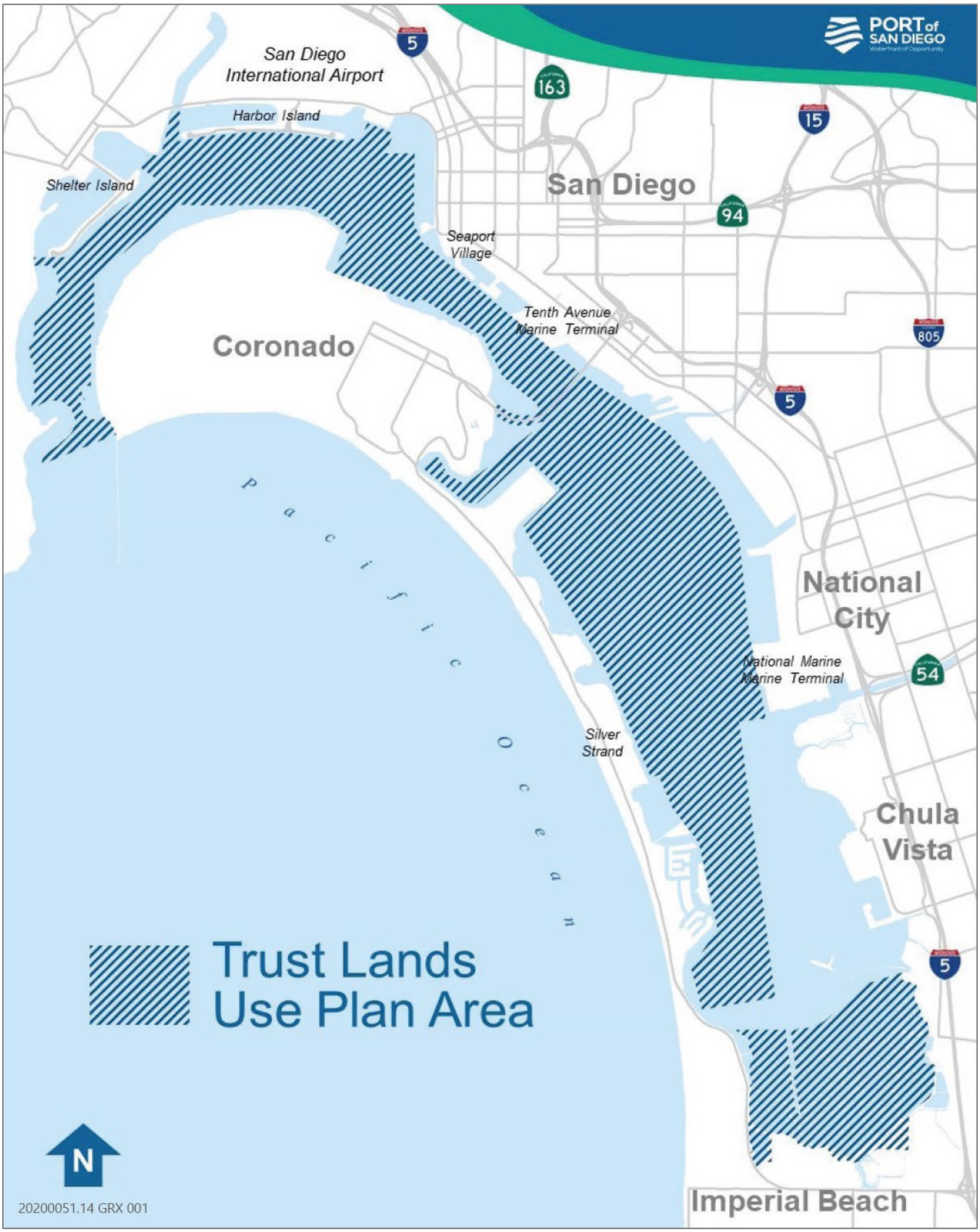
The TLUP sets a comprehensive vision for District management of the tidelands and submerged lands granted under SB 507 and as chaptered in Section 5.7 to the Port Act. The TLUP proposes goals, objectives, policies, and standards that would direct future use of trust lands including development, preservation and other uses, facilitate a diverse range of uses and activities including, but not limited to, safe navigation, commerce, fisheries, and recreation, provide a broad range of proposed public improvements, and promote environmental stewardship of Tidelands. As stated above, the TLUP only addresses the TLUP Area, which consists of approximately 8,000 acres of submerged lands and tidelands granted to the District through SB 507, and does not address the submerged lands and tidelands included in the District's ~~ownership and~~ jurisdiction, prior to 2020. Figure 2-1 shows the boundaries of the TLUP Area.

The TLUP includes six chapters and a glossary. Below is a brief summary of each chapter:

- **Chapter 1, Introduction:** The Introduction provides an overview of the District's mission, the legislative background on the formation and governance of the District, the characteristics and boundaries of the TLUP Area, and the legislative framework of the Coastal Act, the Public Trust Doctrine, and the Port Act.
- **Chapter 2, User Guide:** The User Guide provides an overview of the content within the TLUP, how to navigate the document, and provides guidance for use of supporting technical data.
- **Chapter 3, Elements:** The elements in the TLUP contain goals, objectives, and policies that apply throughout the TLUP Area. The elements also provide the policy foundation and direction for the future development and planned improvements that are contemplated in each planning district. Each element includes a set of goals that are broad statements guiding action, and subsequent objectives and policies to support each goal in achieving that vision into the future.[3] The TLUP includes six elements and the order of the elements in this document does not reflect a prioritization of one element, goal, objective, or policy over another. All elements have equal standing.
- **Chapter 4, TLUP Area Development Standards:** The TLUP Area Development Standards establish requirements for the physical development of a site. They address details of how development may occur on individual development sites and provide standards for quality design that enliven and enrich the Tidelands experience for businesses, workers, and visitors.[4]

[3] The TLUP defines a "goal [as] a broad statement that guides action, in accordance with the District's vision for the TLUP Area"; an "objective [as] a statement of a desired end"; and a "policy [as] a rule or guidance for a course of action that indicates how an objective will be achieved." (TLUP, Chapter 2, Page 14)

[4] Most of the area included in the TLUP comprises submerged lands. Planning District 14: South Bay is the only planning district of the four planning districts in the TLUP that includes land area.



Source: Image provided by Port of San Diego in 2023.

Figure 2-1 Trust Lands Use Plan Area

- **Chapter 5, Planning Districts:** The TLUP Area is divided into four planning districts that group the TLUP Area into identifiable and functional units. Planning district boundaries conform closely to established ecoregion boundaries, as identified in the INRMP.

  The Planning Districts provide the basis for the specific improvements identified for each of the planning districts. Each planning district section includes the following, where applicable:

  - An overview of the planning district's setting and the District's vision for that planning district;
  - Special allowances for unique topical or site-specific situations;
  - Improvements to enhance mobility, land-based public access, and coastal access, including the identification of projects falling under the appealable category pursuant to Coastal Act Section 30715;
  - Standards that provide planning district-specific requirements for uses, activation, management, and development to supplement the element policies.
  - A table summarizing water and land use acreages;
  - A water and land use map, or maps, that identify designated water uses and land uses; and
  - Views and walkways maps, where applicable, identifying the general location of Scenic Vista Areas and walkways.
- **Chapter 6, ~~Plan~~ TLUP Implementation and Development Conformance:** Chapter 6 provides guidance for ~~plan~~ TLUP implementation and interpretation, including requirements related to development consistency with the TLUP, nonconforming uses and developments, variances from TLUP Area and Planning District Development Standards, and initiation of a port master plan amendment (PMPA). As required by the Coastal Act, the TLUP also includes a description of the District's public hearing process, which may be applicable to various stages of the development process.

The environmental analysis provided in this MND/IS focuses on the reasonably foreseeable environmental changes that would occur if the TLUP is approved and implemented. Of particular focus are the element-related policies set forth in Chapter 3, the TLUP Area development standards set forth in TLUP Chapter 4, and the planning districts' visions, special allowances, planned improvements, and specific development standards set forth in TLUP Chapter 5. A full copy of the latest draft TLUP is available for review in Appendix A of this MND/IS.

2.3.1 Proposed Elements

As noted above, the TLUP contains six elements that set goals, objectives, and policies that provide the foundation and direction for the development and improvements contemplated in each planning district (i.e., PDs 11-14). The element policies are intended to help achieve the goals and the objectives of the TLUP by prescribing guidance for development that aligns with the District's mission and obligations under the Coastal Act, Public Trust Doctrine, and Port Act.

The following list is a general summary of the focus for each of the six elements:

- **Water and Land Use Element:** Guides growth and development throughout the TLUP Area by establishing water and land use designations and a diverse range of corresponding allowable uses, emphasizing the importance of coastal access.
- **Mobility Element:** Enhances the network of waterside and landside mobility connections for the movement of goods and the movement of people across the TLUP Area.
- **Ecology Element:** Establishes policies to enhance, protect, conserve, and restore natural resources and healthy environments in the TLUP Area.
- **Safety and Resiliency Element:** Guides the protection and sustainability in the TLUP Area through public safety and security, emergency preparedness, and resilience to climate change.
- **Environmental Justice Element:** Establishes policies to provide disadvantaged communities with equitable opportunities to access and enjoy the TLUP Area and to participate in District outreach and decision making.

- **Economics Element:** Supports the economic vitality of the region through financial sustainability, thriving businesses, and a growing and diverse economic portfolio.

Furthermore, the policies in all the elements are intended to be balanced with each other and with the District's management responsibilities under the Coastal Act, Public Trust Doctrine, and Port Act. As an example, many of the policies proposed in the TLUP support and promote coastal-dependent uses while also integrating public coastal access. Together the elements promote the District's long-term vision, provide direction for physical development and the protection of resources, and guide decisions regarding the District's future.

WATER AND LAND USE ELEMENT

The purpose of the Water and Land Use Element is to guide future water and land uses and development on Tidelands. Specifically, this element establishes a balanced range of complementary uses that are intended to support the District's role as a steward of Tidelands. The Water and Land Use Element has been developed in conformance with the Coastal Act and the Port Act (which is rooted in the Public Trust Doctrine) and was created to meet the District's goal of protecting priority uses, which have been established in part based on their functional dependency to the water. The Water and Land Use Element establishes water and land use designations and corresponding allowable uses in each designation. The goals, objectives, and policies included in this element support:

- honoring the unique relationship between the diverse character of Tidelands and the water;
- implementing the requirements of the Port Act and Coastal Act; and
- improving the public's access to, and experience on, Tidelands and the water.

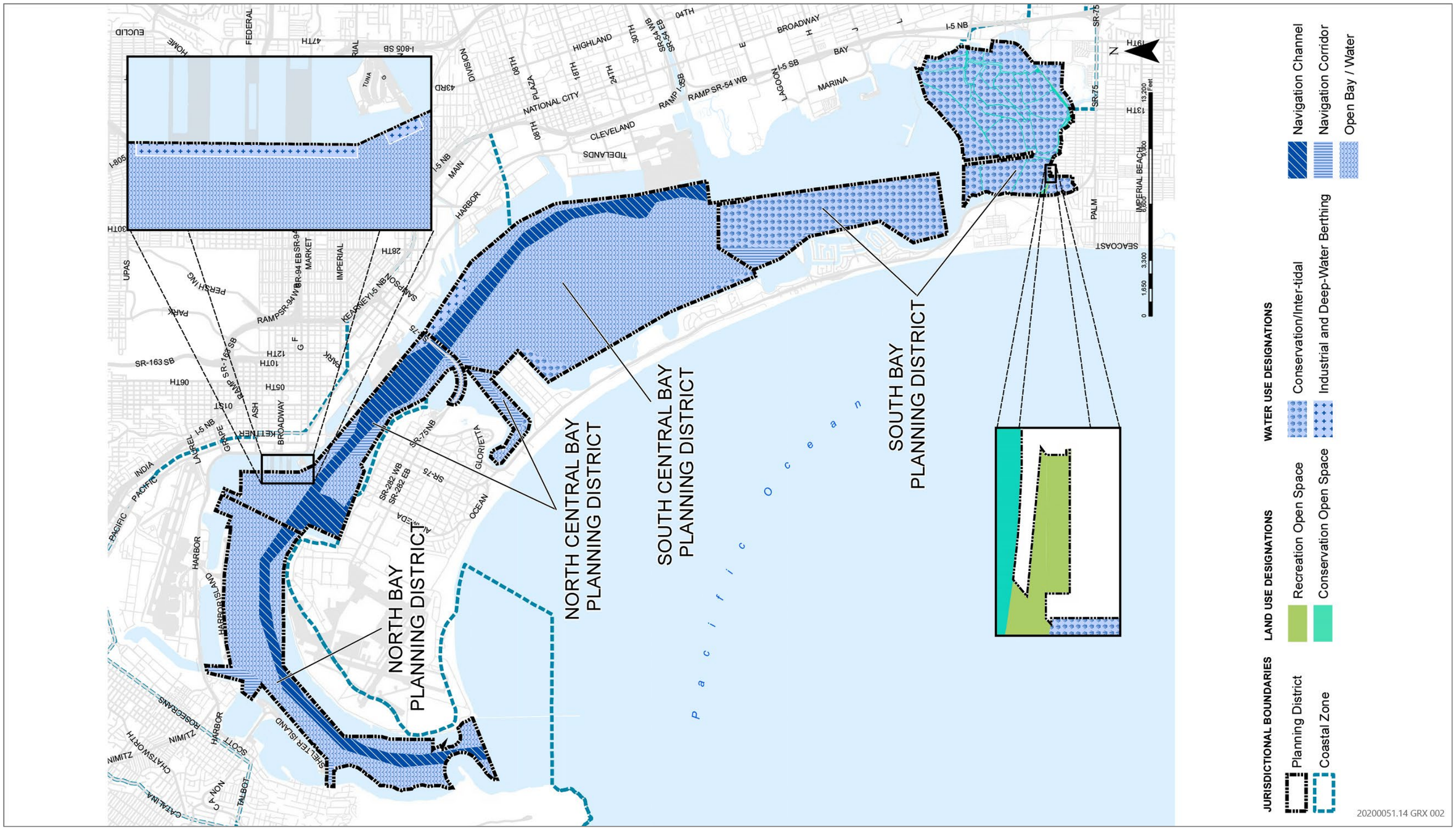
The goals, objectives, and policies contained in this element provide a framework for the District to:

- provide a diversity of water and land uses,
- enhance coastal access throughout Tidelands,
- retain and expand priority coastal uses,
- provide coastal and landside improvements, and
- encourage coordination with agency stakeholders.

These concepts are reflected in the Water and Land Use Element's seven goals, with objectives and policies to support each goal.

Water and Land Use Designations

The TLUP proposes the establishment of seven water and land use designations to ensure that a wide variety of uses are properly located throughout the TLUP Area and that appropriate space is provided for each use. The TLUP also ensures that each use is appropriately sited based on character and compatibility with other adjacent uses. Each water and land use designation includes a number of allowable use types, which are permitted within each designation. The TLUP also provides a greater level of detail about these uses in Chapter 5, "Planning Districts," particularly relating to more specific development requirements at the planning district level of review. Figure 2-2 provides a map of the water and land use designations in the TLUP area, and Table 2-1 describes each of the proposed water and land use designations in detail with the associated acreages.



Source: Image provided by Port of San Diego in 2023.

Figure 2-2 TLUP Water and Land Use Designations (Proposed)

Table 2-1 TLUP Water and Land Use Designation Descriptions and Coverage Area[1] (Proposed)

Use Designation	Description	Acres
Water Use		
Conservation/ Intertidal	Water areas primarily reserved for the management of habitat, wildlife conservation, and environmental protection. This designation allows scientific research, education and other uses that support environmental protection and restoration. This designation is complementary to land use designations of Conservation Open Space, Open Bay/Water, and Recreational Open Space, which may involve public access points or piers where appropriate. Marine Technology permitted as a secondary use in this designation must be consistent with California Coastal Act Section 30233.	2,201.21
Federal Navigation Channel	Water areas primarily dedicated to water navigation. This designation encompasses the coastal waterway that was constructed and is maintained by the U.S. Army Corps of Engineers (USACE). The waterway is a necessary transportation system that serves economic and national security interests. The Federal Navigational Channel primarily serves as a critical waterway for deep-water vessels.	1,176.03
Industrial and Deep-Water Berthing	Water areas primarily dedicated to ship berthing directly adjacent to berths. This designation supports the Marine Terminal, Visitor-Serving Marine Terminal, and Maritime Services and Industrial land use designations, with functional dependencies on direct access to, or association with, deep-water berthing and allows other supporting primary and secondary water uses or facilities.	81.03
Navigation Corridor	Water areas primarily devoted to the maneuvering of vessels.	366.53
Open Bay/ Water	Water areas adjoining shoreline recreation areas, boat and nonmotorized launch facilities, transient docking, water-based transfer points, public access points, public fishing piers, public vista areas, and other public recreational facilities. Multiple uses of Open Bay/Water areas for recreation and for natural habitat purposes are possible under this designation.	4,078.76
	Subtotal – Water Uses	*7,903.57*
Land Use		
Conservation Open Space	Land and open space primarily reserved for the management of habitat and wildlife conservation and environmental protection. This designation supports the Conservation/Intertidal and Open Bay/Water use designations. This designation allows scientific research, education, and other uses that support environmental protection and restoration.	94.19
Recreation Open Space	Land areas primarily for visitor-serving, public open spaces that provide public access, public views, activating features, or access to coastal areas. Active and passive uses are allowed in the Recreation Open Space designation, unless otherwise location-specific requirements are stated in Chapter 5, *Planning Districts* of the TLUP. This designation is complementary to the Recreational Berthing, Conservation/Intertidal, and Open Bay/Water use designations.	5.24
	Subtotal – Land Uses	*99.43*
	Total – Water and Land Uses	**8,003**

[1] The water and land use designation descriptions and associated acreages provided in this table correspond with TLUP Table 3.1.4*, Description of Water and Land Use Designations*., and Table 3.1.1, *TLUP Water and Land Use Acreages*, respectively.

Allowable Use Regulations

Tables 3.1.2 and 3.1.3 of the TLUP identify the use types allowed across the TLUP Area according to the water or land use designations. The allowable use types (both water and land) are organized into Public Trust categories (i.e., commerce, environmental stewardship fisheries, navigation, and recreation) in accordance with WLU Policy 1.1.6. Table 3.1.4 of the TLUP provides a description of the designation's character (also provided in Table 2-1 of this Chapter) and Table 3.1.5 provides further detail about specific uses (e.g., facilities, structures, or operations) that are allowed within the corresponding water and land use designations. The TLUP's glossary contains additional definitions for specific terms referenced in Table 3.1.5 and should be consulted for further interpretation.

To allow flexibility for development and concurrently provide greater certainty to the prioritization and protection of certain uses, the proposed "Allowable Use Types" (for both water and land) are identified as primary uses, secondary uses, or not permitted uses, as further described below, with the intent for the primary uses to take precedent over secondary uses consistent with WLU Policy 1.1.3.

1. **Primary Use:** The preferred and dominant use in a water or land use designation. The primary use(s) for which land or a building is or may be intended, occupied, maintained, arranged, or designed.
2. **Secondary Use:** Secondary uses complement primary uses identified in a water and land use designation but are not the preferred use and should not dominate any development site or impede, interfere, or create conflicts with the functionality of the priority primary use. The following requirements apply to secondary use developments and are summarized from Section 3.1.5 of the TLUP.
    a. Secondary uses are limited to 25 percent of the total development area on a development site.
    b. A secondary use may be developed only after, or concurrently with, development of a primary use unless a plan for different phasing of all the primary and secondary uses in a cohesive development is approved by the District; and
    c. Secondary uses shall be sited in a manner that reserves a minimum of 75 percent of functional ground floor water/shoreline frontage for primary uses.
3. Refer also to Section 3.1.8, Secondary Use Calculations, of the TLUP for standards and protocols for assessing secondary uses.
4. **Not Permitted Use:** Uses that are not allowed in a water or land use designation.
5. Additional use types that are currently not listed as a primary use or secondary use in any water or land use designation may be permitted, if compatible with the associated water or land use designation. They must also be an allowed Public Trust use.

MOBILITY ELEMENT

The purpose of the Mobility Element is to provide direction for the maintenance, enhancement, accessibility, and integration of the travel options to, from, and throughout the TLUP Area. This element reinforces the District's vision of providing an interconnected mobility network that supports a range of travel modes, while also being flexible and adaptable to the future demands of pedestrians, transportation, transit, parking, cargo, freight, and the U.S. military. Specifically, the focus of this element is to:

- encourage the implementation of new, and the improvement and expansion of existing mobility networks to provide users with diverse travel options, including transit, on both water and land;
- provide efficient marine terminals as cargo connection points to maintain a sustainable freight network; and
- continue coordination with the Department of Defense to support and maintain the Strategic Port designation.

These three concepts are reflected in the Mobility Element's goals, objectives, and policies. The policies complement those in other elements of the TLUP, particularly those relating to protecting and providing physical access throughout the TLUP Area. Section 3.2.2, Background, provides additional information and context regarding the District's commitment to enhanced circulation and mobility.

Proposed mobility modes throughout Tidelands facilitate three key types of movement: the movement of people, goods, and U.S. military forces. These types of movement use both water and land. The District collaborates with adjacent jurisdictions, the airport, and the regional, state, and federal planning agencies for the planning of accessways that provide access to and from Tidelands. The District also serves an important role as a Strategic Port and, when needed, is responsible for the movement of military assets.

Proposed policies in this element are focused on achieving objectives that include: the maintenance, enhancement, and expansion of the modes of travel available to people on the water and land (M Objective 1.1); providing clean, modern, and efficient transfer points at the District's marine terminals for goods movement between water and land (M Objective 2.1); providing a sustainable cargo network (M Objective 2.2); providing for safe navigation (M Objective 2.3); supporting and maintaining transportation facilities that enable the operation of the Strategic Highway Network (M Objective 3.1); and supporting and maintaining access to strategic assets located on Tidelands (M Objective 3.2).

ECOLOGY ELEMENT

As a trustee of public lands, the District is responsible for safeguarding its natural resources and the public's access to nature. The purpose of the Ecology Element is to identify goals, objectives, and policies that serve to enhance, conserve, and restore natural resources and foster a healthy environment. The balance between the natural environment and the built environment is a key consideration in protecting the ecological health and natural resources of the Bay and on Tidelands. The Ecology Element furthers the District's commitment in the protection of natural resources and ecological health of Tidelands by building on applicable environmental laws and existing District policies and programs to guide future planning and development. The element focuses on:

- Healthy and diverse ecosystems,
- A clean environment, and
- Collaborative stewardship.

The goals, objectives, and policies presented in this element demonstrate the District's commitment as a steward of the environment and its role in supporting a healthy and sustainable ecosystem through:

- requirements for future development adjacent to or otherwise near environmentally sensitive areas;
- protection, enhancement, and conservation of biologically diverse resources;
- pollution prevention and improving the quality of the land, water, and air; and
- enhanced collaboration with local partners on shared priorities.

Proposed policies in this element are focused on achieving objectives that include enhancing, conserving, restoring, and maintaining biodiversity in Tideland areas (ECO Objective 1.1); protecting and enhancing water quality to support swimmable, fishable, and biologically productive waters (ECO Objective 2.1); improving fill, soil, and sediment quality (ECO Objective 2.2); preventing pollution from entering the Bay (ECO Objective 2.3); reducing levels of toxic air contaminants and criteria pollutants (ECO Objective 3.1); partnering with regional agencies on shared priorities (ECO Objective 4.1); and increasing awareness about the ecology of Tidelands (ECO Objective 4.2).

SAFETY AND RESILIENCY ELEMENT

The Safety and Resiliency Element establishes goals, objectives, and policies to ensure that the District is prepared to respond to natural and human-caused hazards and fulfill its responsibilities to protect and maintain critical infrastructure, public assets, and coastal access. The focus of this element is public safety and security, emergency preparedness and recovery, and climate resiliency. This element highlights the District's commitment to safety and resiliency throughout the TLUP Area by:

- creating and maintaining safe access to and within Tidelands and the Bay;
- enhancing safety and security features through design and use of the public realm and development;
- collaborating with adjacent jurisdictions and other partners within the region to effectively mitigate, prepare for, respond to, and recover from emergencies; and
- applying an adaptive management approach to mitigate, prepare for, respond to, and recover from human-caused and natural hazards through an iterative cycle of planning, monitoring, evaluating, and adapting.

Proposed policies in this element are focused on achieving objectives that include establishing and maintaining safe access to, from, and throughout Tidelands (SR Objective 1.1); enhancing physical security capabilities (SR Objective 1.2); maintaining public safety through law enforcement, fire safety, and emergency medical services (SR Objective 1.3); enhancing District Homeland Security capabilities (SR Objective 1.4); providing for the preparation and carrying out of plans for the protection of persons and property in the TLUP Area in the event of an emergency (SR Objective 2.1); reducing GHG emissions and support pathways toward carbon neutrality throughout the Tidelands (SR Objective 3.1); effective planning, monitoring, research, and adaptation to improve coastal resiliency (SR Policy 3.2); applying adaptive

management to reduce the risk of marine and coastal resource climate impacts (SR Objective 3.3); and collaborating with partner agencies and adjacent disadvantaged communities to effectively monitor, assess, plan, and adapt for future hazards, including climate-related impacts in and around San Diego Bay (SR Objective 3.4).

ENVIRONMENTAL JUSTICE ELEMENT

The Environmental Justice Element is centered on coastal access, outreach and public participation, and a healthy environment. It establishes goals, objectives, and policies to ensure that disadvantaged communities are afforded equitable opportunity to access on Tidelands, participate in District planning and public involvement processes, and enjoy a healthy environment through:

- improved mobility and transit linkages from adjacent disadvantaged communities throughout Tidelands and additional free and lower cost recreational opportunities;
- greater opportunities to participate in the District's planning and decision-making processes;
- reduced pollution in disadvantaged communities to improve those communities' quality of life; and
- enhanced collaboration locally and regionally, as well as deepening relationships with indigenous communities, so that disadvantaged communities near Tidelands and adjacent areas are cleaner and thriving places to work, live, and play.

Proposed policies in this element are focused on achieving objectives that include promoting a diverse range of mobility options for accessing Tidelands (EJ Objective 1.1); providing recreational opportunities that are safe and accessible (EJ Objective 1.2); increasing coastal access and recreational opportunities near disadvantaged communities (EJ Objective 1.3); increasing awareness about the District and Tidelands (EJ Objective 2.1); providing meaningful engagement opportunities for disadvantaged and indigenous communities to participate in the District's planning and public involvement processes (EJ Objective 2.2); increasing awareness of disproportionate environmental impacts on adjacent disadvantaged communities and the potential to disproportionate environmental impacts on relevant indigenous communities and tribes (EJ Objective 2.3); minimizing land use conflicts between industrial, working waterfront uses and historical adjacent residential uses (EJ Objective 3.1); and advancing clean air and water programs and strategies (EJ Objective 3.2).

ECONOMICS ELEMENT

The Economics Element is centered on financial sustainability, thriving businesses, a dedicated workforce, and a growing and diverse economic portfolio. It establishes goals, objectives, and policies to ensure that the District supports the economic vitality of the District and the region, with an emphasis on promoting equity and the Tidelands economy. The policies in this element emphasize the District's commitment through:

- continued strengthening of public and private partnerships;
- exploration of innovative financing mechanisms;
- provision of infrastructure to support businesses on Tidelands; and
- encouraging a diverse suite of uses and businesses to operate on Tidelands, which can support local and regional economic prosperity.

Proposed policies in this element are focused on achieving objectives that include supporting and nurturing long-term development partnerships (ECON Objective 1.1); exploring a diverse suite of self-sustaining revenue sources for reinvestment in the District's Public Trust obligations (ECON Objective 1.2); providing infrastructure to support existing and future industry needs, as well as the environment (ECON Objective 2.1); ensuring the District maintains its Strategic Port designation (ECON Objective 2.2); retaining and encouraging a diverse mix of coastal-dependent and supporting coastal-related industries and businesses (ECON Objective 2.3); encouraging recreational activities and coastal-enhancing industries that help create a vibrant waterfront (ECON Objective 2.4); creating and maintaining programs and services that address the needs of the District's business community (ECON Objective 2.5); encouraging participation in the TLUP Area from a diverse suite of businesses (ECON Objective 2.6); and attracting and supporting innovative and emerging coastal-dependent industries (ECON Objective 3.1).

2.3.2 TLUP Area Development Standards

The TLUP Area Development Standards establish requirements for the physical development of property. They provide standards for design that enlivens and enriches the TLUP Area experience for visitors, businesses, and workers, and will be used to implement new development in a manner that is consistent with the surrounding pattern and character of development. The TLUP Area Development Standards specifically address the following topic areas:

- Recreation Open Space and Activating Features Standards,
- View Standards,
- Structure Height Standards, and
- Wayfinding Signage Standards.

TLUP Area Development Standards apply consistently across the TLUP Area, to development in all planning districts, except where specifically noted in a subdistrict development standard. In addition to compliance with the TLUP Area Development Standards, all development is required to conform to the subdistrict development standards described in Chapter 5, Planning Districts.

2.3.3 Proposed Planning Districts

The TLUP Area is divided into planning districts, and the boundaries of these identifiable and functional units conform closely to established ecoregion boundaries (see Figure 2-2, above). Together, these planning districts represent the TLUP Area. This chapter includes a section devoted to each planning district, and each of the sections includes introductory information on the following items:

1. Existing Setting
2. Location and Context Map
3. Water and Land Use Acreages
4. Water and Land Use Map
5. Coastal Access: Views and Pathways Map (where applicable)

Discussions of each planning district are organized as follows:

1. Vision – describes the long-term vision and character for the subdistrict.
2. Special Allowances – consistent with TLUP WLU Goal 2 (Chapter 3.1, Water and Land Use Element), addresses unique situations for the planning district.
3. Planned Improvements – appealable and non-appealable development (as defined by Section 30715 of the Coastal Act) or improvements are identified for each planning district. Planned improvements are organized under landside access and coastal access subheadings. Additional discussion is provided in Chapter 5 of the TLUP.
4. Development Standards – provide requirements for development, including size, location, siting, and orientation of the required public realm features, buildings, and structures.[5]

[5] All development in each planning district would be required to comply with the planning district's Development Standards, as well as the standards identified in TLUP Chapter 4, *TLUP Area Development Standards*. The planning district development standards may be an extension of, or a supplement to, a specific element policy, or a standard identified in TLUP Chapter 4, *TLUP Area Development Standards*. Accordingly, planning district development standards may refer to, and therefore, receive guidance from, a specific element policy, or standard in TLUP Chapter 4, *TLUP Development Standards*. Where an exception to a standard identified in TLUP Chapter 4, *TLUP Development Standards* is applicable to a specific location, it is noted in the relevant planning district standard.

The following sections summarize the vision, special allowances, planned improvements, and development standards for each planning district. Depending on the characteristics of a specific planning district, there may not be applicable Special Allowances, Planned Improvements, or Development Standards.

In addition, future development that is not currently anticipated in the planned improvements or the planning district's vision may still occur. Such development would need to be consistent with the water or land use designation for the proposed development site, as described in Table 3.1.4, *Description of Water and Land Use Designations*, of the TLUP, as well as the goals, objectives, and policies of the TLUP, baywide development standards, and the development standards established for each planning district, which by extension would be consistent with the Port Act and CCA.

As a planning document, the TLUP does not automatically authorize or approve any site-specific projects identified within the TLUP. Additional details regarding the timing, location, and design of future projects are not available to facilitate a project-level impact analysis at this time; therefore, this MND evaluates the potential physical changes to the environment associated with the TLUP at a programmatic level. The environmental review of future site-specific development projects implemented under the authority of the TLUP will be performed in accordance with the State CEQA Guidelines, Article 5 *Preliminary Review of Projects and Conduct of Initial Studies*.

PLANNING DISTRICT 11: NORTH BAY

Environmental Setting

The North Bay Planning District is located in the northern portion of San Diego Bay beginning east of the Pacific Ocean, residing between Shelter Island and Harbor Island to the north and North Island Naval Air Station to the south. Planning District 11 is bisected by the Federal Navigation Channel that runs west to east through the planning district. Existing uses within the North Bay Planning District include a bait barge, with baitfish storage, and vendor operations supporting the commercial and recreational fishing industries. Figure 2-3 provides the North Bay Planning District location and context.

Vision

The vision for the North Bay Planning District is to provide safe, unobstructed navigation for water-going vessels entering or exiting San Diego Bay. The North Bay Planning District has a strong water-landside connection to a variety of recreational, sportfishing, commercial fishing, and maritime vessel berthing and moorings just outside of the planning district's boundaries. Through an integrated network of navigation channels and navigation corridors, water-going vessels can safely navigate to and from berthing and mooring areas located on District Tidelands.

With the variety of adjacent land uses and broad range of local, state, and federal agencies with neighboring authority in Planning District 11, the District envisions continued collaboration to ensure safe navigation and management of complementary uses. Future efforts to enhance coastal resiliency through coastal flooding adaptation strategies are also envisioned in this planning district and should be in accordance with applicable TLUP policies and standards, including but not limited to: Chapter 3.1, "Water and Land Use Element," (e.g., Tables 3.1.2 and 3.1.3) and policies within Chapter 3.3, "Ecology Element," ECO Goal 1 and Chapter 3.4, "Safety and Resiliency Element," SR Goal 3.

Proposed Water Use Designations

Proposed water designations for PD11, as well as the proposed acreages of each, are provided in Table 2-2.[6] As shown, proposed water use designations would include Federal Navigation Corridor, Navigation Corridor, and Open Bay/Water. The proposed water and land use map for PD11 is provided as Figure 2-4.

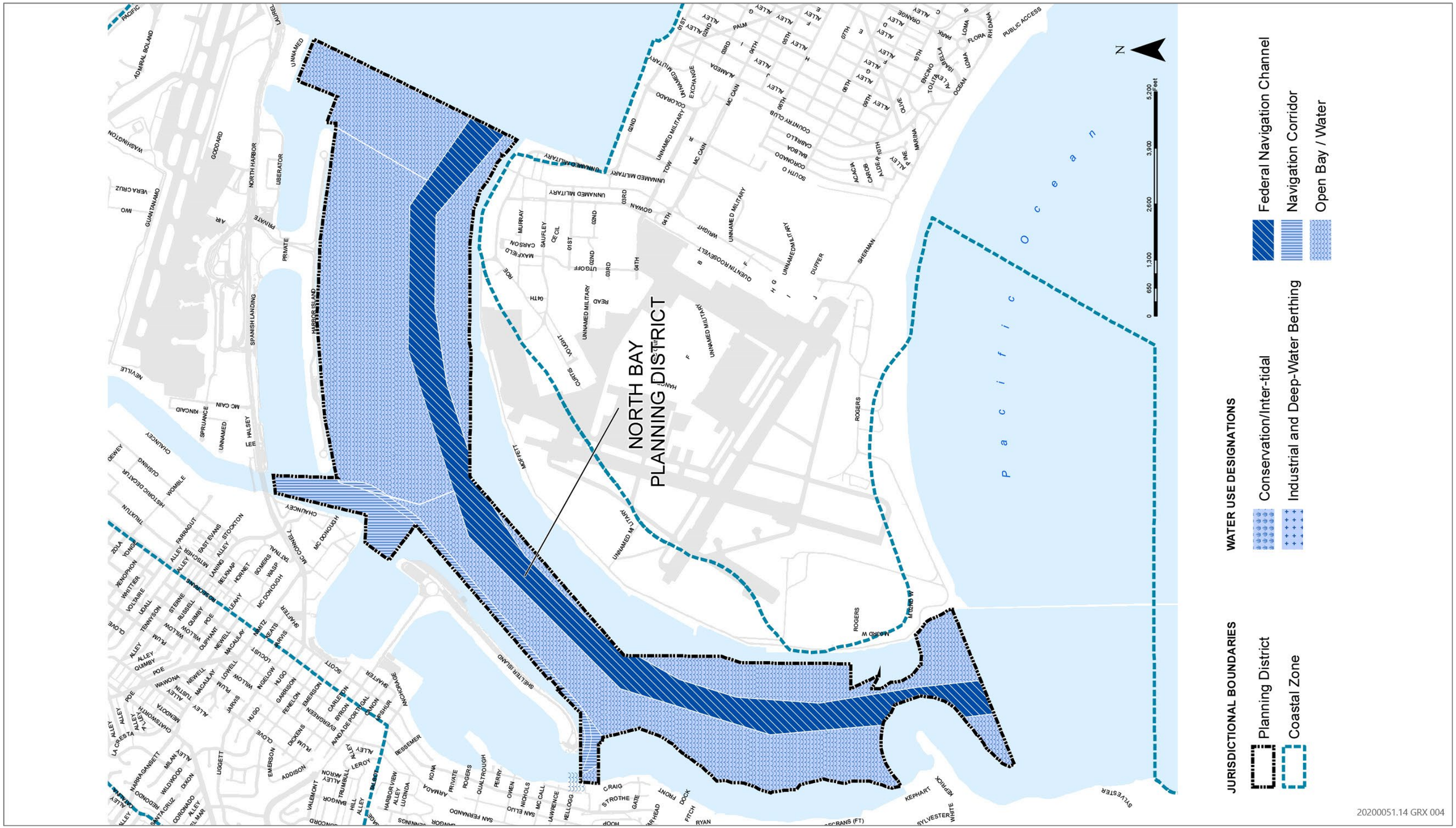
[6] There are no proposed land use designations in PD11.



Source: Image provided by Port of San Diego in 2023.

Figure 2-3 PD11: North Bay Planning District Location and Context

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Source: Image provided by Port of San Diego in 2023.

Figure 2-4 PD11: North Bay Planning District: Water Uses

Table 2-2 North Bay Planning District Water Use Acreages

Water Uses	Acres
Federal Navigation Channel	343.15
Navigation Corridor	90.78
Open Bay/Water	1,083.44
Total Water Uses	1,517.37

Special Allowances

The following special allowances, consistent with WLU Goal 2 (Chapter 4.1, "Water and Land Use Element"), address unique situations in the North Bay Planning District.

PD11.1 Uses related to operation and maintenance of the baitfish storage, bait barges and vendor operations supporting the fishing industries (including commercial, sport, and recreational) shall be permitted within the existing lease boundaries. Expansion of existing lease boundaries and uses, or additional baitfish storage, bait barges and vendor operations supporting fishing industries, may be permitted.

Planned Improvements

Landside Access

There are no landside access improvements planned for the North Bay Planning District.

Coastal Access

There are no coastal access improvements planned for the North Bay Planning District.

Development Standards

All of the TLUP's Chapter 4, *TLUP Area Development Standards* are applicable in the North Bay Planning District.

PLANNING DISTRICT 12: NORTH CENTRAL BAY

Environmental Setting

The North Central Bay Planning District is located in San Diego Bay beginning from the northern boundary of the City of Coronado to the west and Laurel Street to the east, extending south to incorporate the San Diego-Coronado Bay Bridge (or Coronado Bridge). Planning District 12 is bisected by the Federal Navigation Channel that runs north to south through the planning district. Figure 2-5 provides the North Central Bay Planning District location and context.

Vision

The vision for the North Central Bay Planning District is to provide a safe and efficient transbay connection for water-going vessels. Through continued maintenance of the Federal Navigation Channel, navigation corridors, and deep-water berthing, all vessel types are provided safe passageway to the Embarcadero and Working Waterfront from around San Diego Bay. Future efforts to enhance coastal resiliency through coastal flooding adaptation strategies are also envisioned in this planning district, and should be in accordance with applicable TLUP policies and standards, including but not limited to: TLUP Chapter 3.1, "Water and Land Use Element," (e.g., Tables 3.1.2 and 3.1.3) and policies within TLUP Chapter 3.3, "Ecology Element," ECO Goal 1 and TLUP Chapter 3.4, "Safety and Resiliency Element," SR Goal 3.



Source: Image provided by Port of San Diego in 2023.

Figure 2-5 PD12: North Central Bay Planning District Location and Context

Proposed Water Use Designations

Proposed water use designations for PD12 as well as the proposed acreages of each water use designation are provided in Table 2-3.[7] As shown, proposed water use designations would include Conservation/Inter-tidal, Federal Navigation Channel, Industrial and Deep-Water Berthing, Navigation Corridor, and Open Bay/Water. The proposed water use designation map for PD12 is provided on Figure 2-6.

Table 2-3 North Central Bay Planning District Water Use Acreages

Water Uses	Acres
Conservation/Inter-tidal	6.13
Federal Navigation Channel	454.07
Industrial & Deep-Water Berthing	17.25
Navigation Corridor	162.29
Open Bay/Water	506.30
Total Water Uses	1,146.04

Special Allowances

The following special allowances, consistent with WLU Goal 2 (TLUP Chapter 4.1, "Water and Land Use Element"), address unique situations in the North Central Bay Planning District.

PD12.1 Routine maintenance activities supporting the safety and functionality of the Coronado Bridge shall be allowed.

PD12.2 Routine maintenance activities or improvements supporting the safety and functionality of transbay pipelines or telecommunication lines shall be allowed.

PD12.3 Short-term or transient docking for recreational vessels may be allowed temporarily in areas designated as Navigation Corridor that are directly adjacent to piers, wharves, or other infrastructure that support vessel docking.

Planned Improvements

Landside Access

There are no landside access improvements planned for the North Central Bay Planning District.

Coastal Access

There are no coastal access improvements planned for the North Central Bay Planning District.

Development Standards

All of the TLUP's Chapter 4, *TLUP Area Development Standards* are applicable in the North Central Bay Planning District.

PD12.4 Development on submerged lands shall avoid placing structures (including anchors or moorings) on transbay pipelines or telecommunication lines.

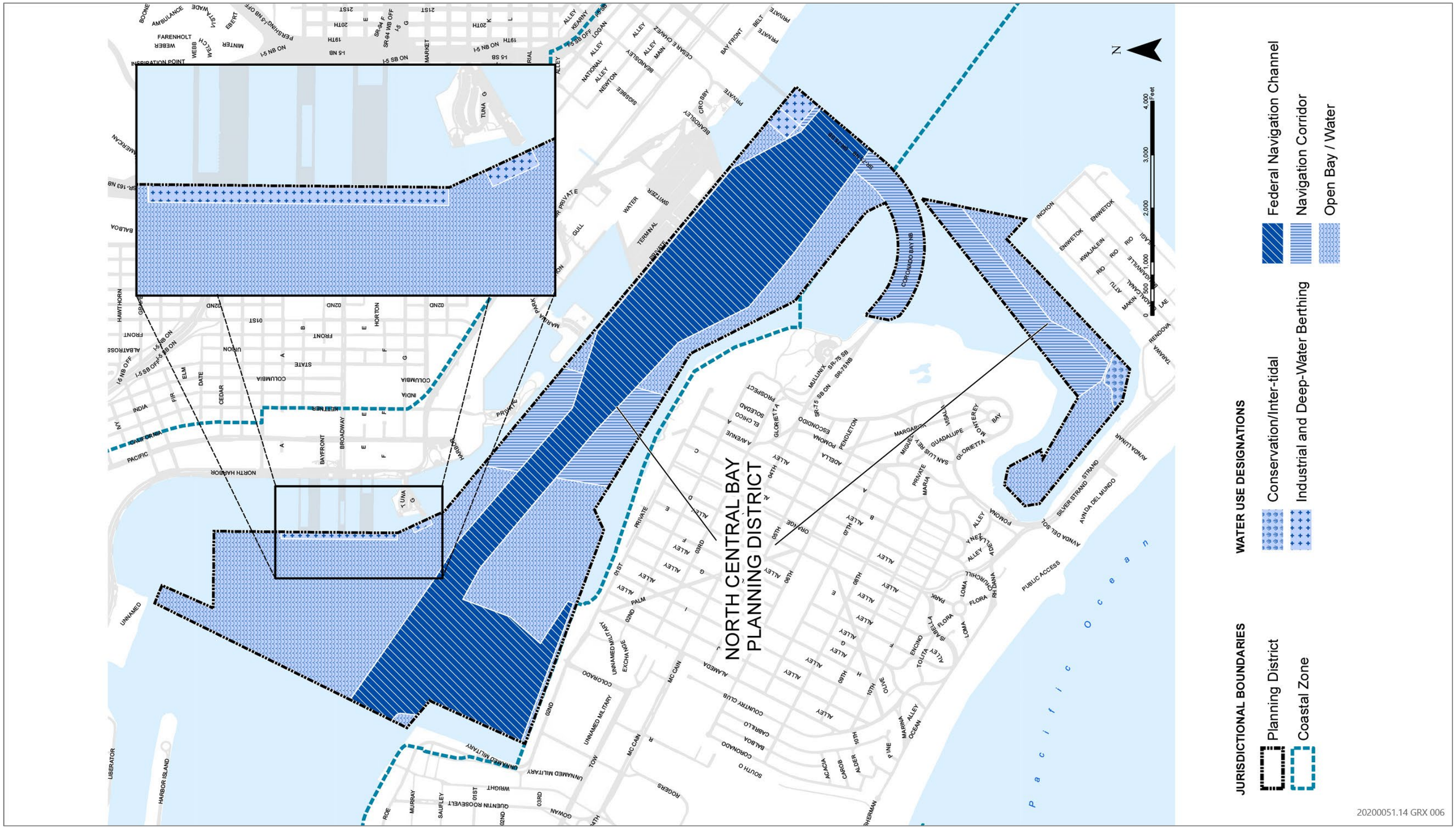
PLANNING DISTRICT 13: SOUTH CENTRAL BAY

Environmental Setting

The South Central Bay Planning District is located in the south central portion of San Diego Bay beginning from the Coronado Bridge to the north and extending south to the National City Marine Terminal. The Federal Navigation Channel runs north to south through the planning district in close proximity to the Working Waterfront. Figure 2-7 provides the South Central Bay Planning District location and context.

[7] There are no proposed land use designations in PD12.

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Source: Image provided by Port of San Diego in 2023.

Figure 2-6 PD12: North Central Bay Planning District Water Use Designation



Source: Image provided by Port of San Diego in 2023.

Figure 2-7 PD13: South Central Bay Planning District Location and Context

Vision

The vision for the South Central Bay Planning District is of a waterway focused on recreational opportunities as San Diego Bay transitions from industrial and commercial uses to the north and the U.S. Fish and Wildlife Service Refuge to the south. Within the South Central Bay Planning District, opportunity exists for restoration and enhancement of environmental resources, as well as increased conservation through restoration, living shorelines, and other efforts that enhance habitat, water quality, and resiliency. This planning district encompasses one of the widest portions of the Bay and as such, opportunities for lateral exploration and enjoyment of the southern waters abound. Future efforts to enhance coastal resiliency through coastal flooding adaptation strategies are also envisioned in this planning district and should be in accordance with applicable TLUP policies and standards, including but not limited to: TLUP Chapter 3.1, "Water and Land Use Element," (e.g., Tables 3.1.2 and 3.1.3) and policies within TLUP Chapter 3.3, "Ecology Element," ECO Goal 1 and TLUP Chapter 3.4, "Safety and Resiliency Element," SR Goal 3.

Proposed Water and Land Use Designations

Proposed water and land use designations for PD13, as well as the proposed acreages of each, are provided in Table 2-4.[8] As shown, proposed water use designations would include Conservation/Inter-tidal, Federal Navigation Channel, Industrial and Deep-Water Berthing, Navigation Corridor, and Open Bay/Water. The proposed water use designation map for PD13 is provided on Figure 2-8.

Table 2-4 South Central Bay Planning District Water Use Acreages

Water Uses	Acres
Conservation/Inter-tidal	79.53
Federal Navigation Channel	378.81
Industrial & Deep-Water Berthing	63.78
Navigation Corridor	17.31
Open Bay/Water	2,489.02
Total Water Uses	3,028.46

Special Allowances

The following special allowances, consistent with WLU Goal 2 (TLUP Chapter 4.1, "Water and Land Use Element"), address unique situations in the South Central Bay Planning District.

PD13.1 At the former A-8 anchorage, Industrial and Deep-Water Berthing shall be considered as a secondary use.

Planned Improvements

Landside Access

There are no landside access improvements planned for the South Central Bay Planning District.

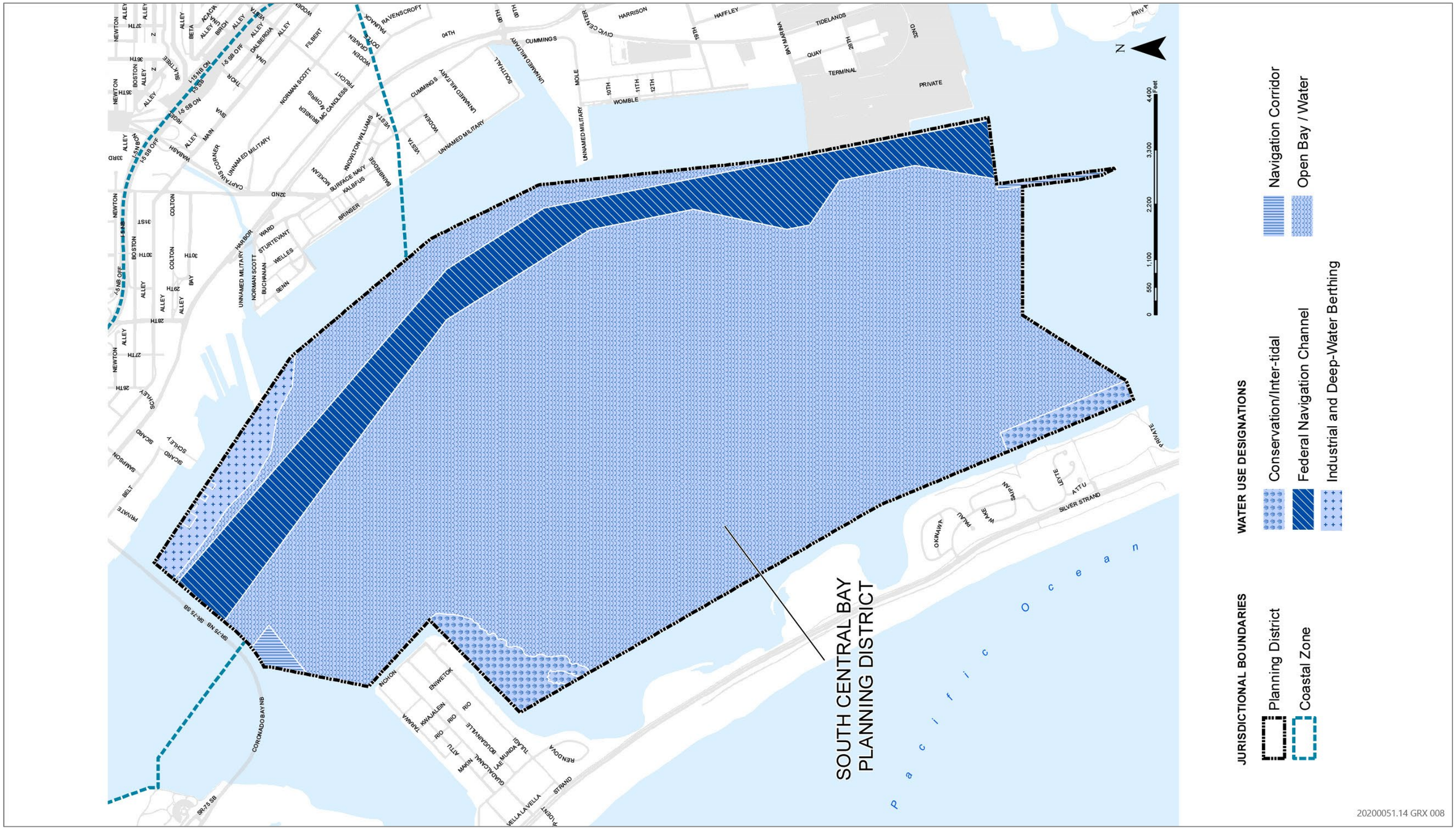
Coastal Access

PD13.2 Support the development of shellfish and seaweed aquaculture operations at the former A-8 anchorage.

Development Standards

All of the TLUP's Chapter 4, *TLUP Area Development Standards* are applicable in the South Central Bay Planning District.

[8] There are no proposed land use designations in PD13.



Source: Image provided by Port of San Diego in 2023.

Figure 2-8 PD13: South Central Bay Planning District Water Use Designation

PLANNING DISTRICT 14: SOUTH BAY

Environmental Setting

The South Bay Planning District is located in the southern portion of San Diego Bay. This planning district is divided into two sections: a northwestern portion located east of Planning District 9: Silver Strand in the PMPU and north of Planning District 7: South Bay in the PMPU; and a southern portion that sits south of and around Planning District 7 in the PMPU: South Bay. The most southern edge abuts the boundaries of the City of Imperial Beach and the City of San Diego. Figure 2-9 provides the South Bay Planning District location and context.

With the exception of a small area near the Coronado Cays and the Bayshore Bikeway to the south, the majority of the South Bay Planning District encompasses the United States Fish and Wildlife's South Bay Unit of the San Diego Bay National Wildlife Refuge (Refuge). The Refuge supports a variety of migratory shorebirds and wintering waterfowl. A unique component of the natural environment within the South Bay Planning District are the former and current solar salt evaporation ponds used to produce salt. These ponds, occupying approximately 1,060 acres, consist of diked open water cells with differing levels of salinity, provide roosting habitat for a variety of migratory birds, nesting habitat for a variety of ground nesting birds, supplemental foraging habitat for various shorebirds, and foraging habitat.

Vision

The vision for the South Bay Planning District is to continue protecting a rich diversity of endangered, threatened, migratory, and native species and their habitats in the midst of a highly urbanized coastal environment. The public will continue to be provided with the opportunity to observe birds and wildlife in their native habitats and to enjoy and connect with the natural environment. Planned improvements are intended to enhance coastal access consistent with this District's character. Coastal resilience efforts to address projected sea level rise should balance the needs of the adjacent communities with the District's Public Trust obligations, including the integration of opportunities to restore and enhance the ecosystem, provide additional recreational opportunities without impacting native habitats or disturbing nesting birds, and preserve coastal access including existing nature trails. Future efforts to enhance coastal resiliency through coastal flooding adaptation strategies are also envisioned in this planning district and should be in accordance with applicable TLUP policies and standards, including but not limited to: Chapter 3.1, "Water and Land Use Element," (e.g., Tables 3.1.2 and 3.1.3) and policies within Chapter 3.3, "Ecology Element," ECO Goal 1 and Chapter 3.4, "Safety and Resiliency Element," SR Goal 3.

Proposed Water and Land Use Designations

Proposed water and land use designations for PD14, as well as the proposed acreages of each, are provided in Table 2-5. As shown, proposed water use designations would include Conservation/Inter-tidal and Navigation Corridor. In addition, Recreation Open Space and Conservation Open Space are proposed as the land use designations. The proposed water and land use designation map for PD14 is provided as Figure 2-10.

Table 2-5 South Bay Planning District Water and Land Use Acreages

Water Uses	Acres
Conservation/Inter-tidal	2,115.55
Navigation Corridor	96.15
Subtotal – Water Uses	*2,211.70*
Land Uses	**Acres**
Conservation Open Space	94.19
Recreation Open Space	5.24
Subtotal – Land Uses	*99.43*
Total – Water and Land Uses	**2,311.13**

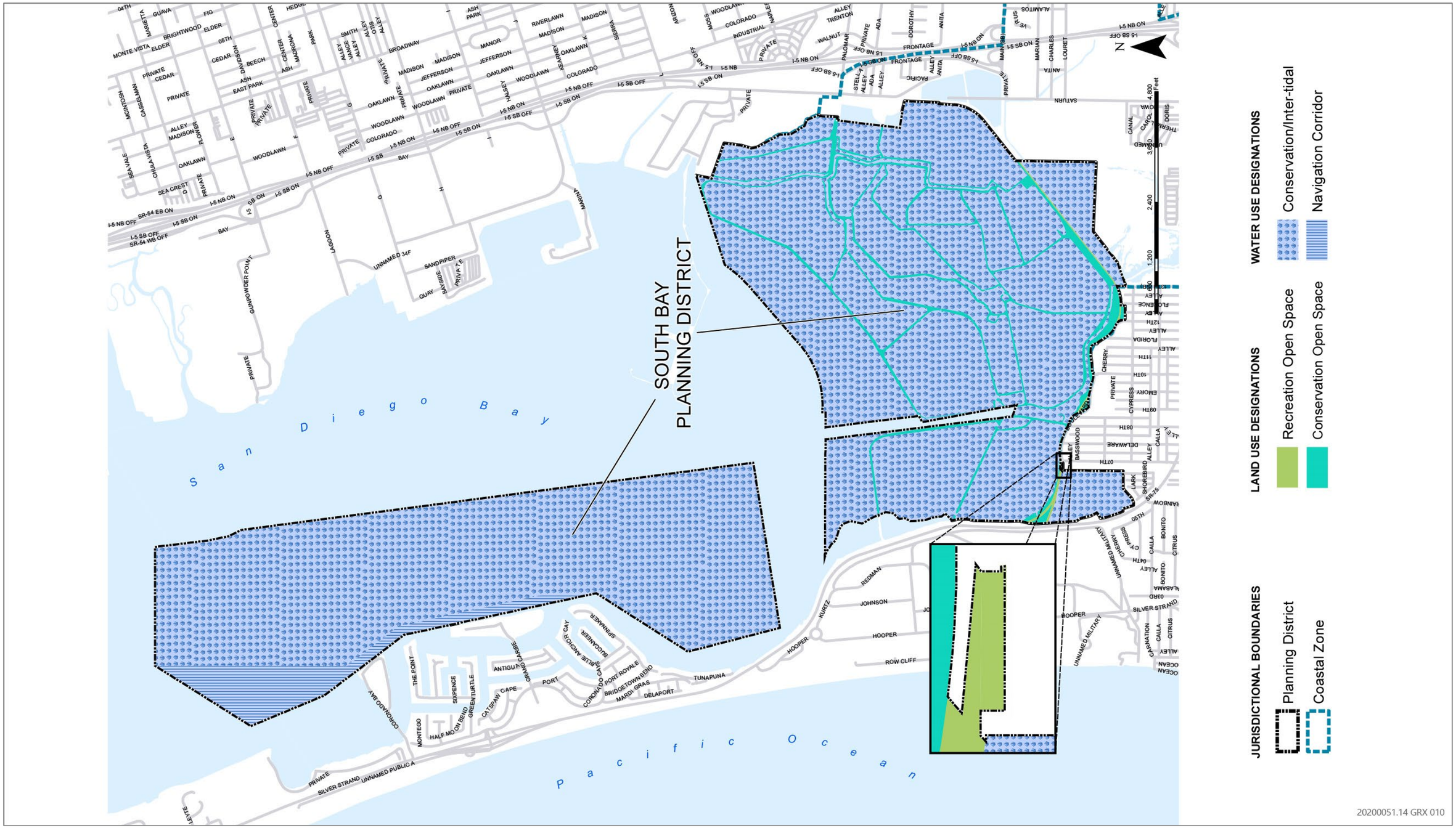
Coastal Access Map

Figure 2-11 provides additional information to illustrate the planned improvements and public realm standards related to coastal access, including views, and pathways in the planning district.



Source: Image provided by Port of San Diego in 2023.

Figure 2-9 PD14: South Bay Planning District Location and Context



Source: Image provided by Port of San Diego in 2023.

Figure 2-10 PD14: South Bay Water and Land Use Designation



Source: Image provided by Port of San Diego in 2023.

Figure 2-11 PD14: South Bay Planning District – Coastal Access: Views and Pathways

Special Allowances

The following special allowances, consistent with WLU Goal 2 (TLUP Chapter 4.1, "Water and Land Use Element"), address unique situations in the South Bay Planning District.

PD14.1 Salt ponds may continue to operate, but not expand, within the Refuge, as approved by the U.S. Fish and Wildlife Service.

PD14.2 If the Bayshore Bikeway is removed from its existing location north of the Bayside Elementary School, the affected area shall be allowed to transform and integrate into the adjacent habitat.

PD14.3 All proposed activities or features within the Refuge shall be consistent with the approved comprehensive conservation plan (or the governing management plan for the Refuge) and must be approved by the U.S. Fish and Wildlife Service.

Planned Improvements

Landside Access

Bayshore Bikeway

PD14.4 Coordinate with adjacent jurisdictions and applicable resource agencies to support climate resiliency projects that promote habitat restoration or preserve or enhance public access through design and implementation of natural shoreline sea level rise adaptation strategies.

PD14.5 The Bayshore Bikeway shall be operated and maintained by the agency in which each segment occurs, following approved or adopted licensing agreements.

PD14.6 If coastal flooding causes any segment(s) of the Bayshore Bikeway multi-use path unsuitable for public use by creating health and safety risks, or if it results in the need to protect natural resources, the following shall apply:

a. Maintain the multi-use path in place, and then, if necessary, coordinate with adjacent jurisdictions and applicable resource agencies to address coastal flooding; and

b. If shoreline restoration is necessary and it would be feasible to preserve continuous use of the multi-use path, incorporate natural materials or nature-based shoreline adaptation strategies into the restoration and other improvements.

Recreation Open Space

PD14.7 Coordinate with adjacent jurisdictions to enhance the Recreation Open Space land use located west of the 7th Street terminus, with minimal activating features, including additional seating, public art, and informational and interpretive signage.

Coastal Access

There are no coastal access improvements planned for the South Bay Planning District.

Development Standards

In addition to TLUP Chapter 4, *TLUP Area Development Standards*, the following standards apply to development in the South Bay Planning District. The standards provide requirements for the size, location, siting, and orientation of required public realm features or buildings and structures.

Public Realm Standards

Recreation Open Space, a component of the public realm, supports or facilitates social interaction and is used for active and passive activities. Refer to WLU Goal 3 (TLUP Chapter 3.1, *Water and Land Use Element*) for additional guidance related to Recreation Open Space. The following standards apply to all Recreation Open Space in PD14.

PD14.8 Prohibit restrooms within Recreation Open Space areas in this planning district.

PD14.9 Preserve scenic vista areas in accordance with the requirements of Chapter 4, TLUP Area Development Standards, in the following locations as generally depicted in Figure PD14.3:

a. View of the Bay and Refuge, within the Recreation Open Space area between 7th Street and the Flamingo Trail; and

b. View of the Bay and Refuge, along the Bayshore Bikeway approximately north of the Florence Street terminus.

2.3.4 ~~Plan~~ TLUP Implementation and Development Conformance

The TLUP represents the District's long-range vision for future growth and development on Tidelands and future programs and implementation actions must be consistent with the TLUP.[9] This chapter of the TLUP explains the parameters for interpretation and potential amendments, as well as the interplay between Chapter 3, *Elements*, Chapter 4, *TLUP Area Development Standards*, and Chapter 5, *Planning Districts,* of the TLUP. Together, these items provide a collective road map for determining conformance with the TLUP.

2.3.5 Potential Permits and Approvals Required

Table 2-6 provides a summary list of the potential permits and approvals that would be required.

Table 2-6 List of Potential Permits and Approvals

Potential Permits and Approvals	San Diego Unified Port District	California Coastal Commission	California State Lands Commission
Adoption of the Mitigated Negative Declaration	X		
Adoption of Mitigation Monitoring and Reporting Program	X		
Approval and Adoption of the Final Draft TLUP (as a PMPA)	X		
Certification of the TLUP PMPA		X	
Final Adoption of CCC-Certified TLUP PMPA	X		
CCC Executive Director Acceptance of Final Adoption of TLUP PMPA		X	
Final Approval of the TLUP			X

[9] Consistency and conformance with the TLUP would only be required if it is certified by the CCC and approved by the Board.

3 ENVIRONMENTAL SETTING

The TLUP Area consists of approximately 7,903 acres of submerged lands (water designated area) within San Diego Bay and approximately 99 acres of tidelands (land designated area) granted to the District from the CSLC pursuant to SB 507. While the waters of the Bay are calm due to the enclosed and protected nature of the Bay, it is a busy waterway with a high level of activity associated with commercial, maritime, and recreational boating activities in the north and central portions of the Bay. South Bay includes conservation and intertidal areas, including the San Diego Bay National Wildlife Refuge. The southern end of San Diego Bay includes intertidal zones such as tidal mudflats and coastal salt marshes.

The surrounding land uses and setting are predominately urban in character with the remaining areas generally consisting of open space and/or conservation areas. The urbanized areas include a range of development from high-density commercial uses to undeveloped recreation open space areas. Additionally, much of the urbanized area within the District's Tidelands is leased to developers and operators and was developed through the issuance of coastal development permits.

The environmental setting for each planning district is provided within the preceding pages of this chapter. For additional environmental setting information, please see the environmental settings provided for each resource area included in Attachment A, "Environmental Initial Study Checklist."

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4 ENVIRONMENTAL ANALYSIS

4.1 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The Environmental Initial Study Checklist (Attachment A) evaluated the potential environmental impacts of the TLUP and determined that the TLUP would result in potentially significant impacts without mitigation related 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. These impacts would be mitigated to below a level of significance with the incorporation of the measures listed in Table 5-1. A full analysis/discussion of these issue areas is provided in the attached Environmental Initial Study Checklist.

Mandatory measures to mitigate these effects, which are listed in Section 5, *Mitigation Monitoring and Reporting Program,* would be implemented by future projects associated with the TLUP to reduce the impacts to below a level of significance.

4.2 EFFECTS FOUND NOT TO BE SIGNIFICANT

Based on the Environmental Initial Study Checklist completed for the TLUP (see Attachment A), the following effects were found not to be significant (less than significant or no impact): 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. A full analysis/discussion of these issue areas is provided in the attached Environmental Initial Study Checklist. ~~N~~ Therefore, no mitigation is required for these resources.

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5 MITIGATION MONITORING AND REPORTING PROGRAM

The ~~Draft~~ Final Mitigation Monitoring and Reporting Program for the TLUP is included in Table 5-1.

Table 5-1 ~~Draft~~ Final Mitigation Monitoring and Reporting Program for the Trust Lands Use Plan

Mitigation Measure	Responsible Party	Mitigation Timing
Air Quality		
MM-AQ-1: Implement Best Management Practices During Construction of All Future TLUP-Consistent Projects. The project proponent shall implement the following measures during construction of future projects within the TLUP Area, subject to verification by the District. ▶ The proponent shall limit all diesel-powered construction-related equipment~~, drayage,~~ and haul/delivery truck idling times by shutting down equipment when not in use and reducing the maximum idling time to less than 5 minutes. The project proponent shall install signage that is clearly worded regarding the limitation on idling time at the delivery and/or loading areas, if applicable. ▶ The project proponent shall verify that all construction equipment used on-site is maintained and properly tuned in accordance with manufacturers' specifications. Prior to the commencement of construction activities using diesel-powered vehicles or equipment, the project proponent shall verify that all vehicles and equipment have been checked by a certified mechanic or a mechanic experienced with such equipment, and determined to be running in proper condition prior to admittance onto the project site. The project proponent shall submit a report by the certified mechanic or a mechanic experienced with such equipment, of the condition of the construction vehicles and equipment to the District prior to commencement of their use. ▶ The project proponent shall submit evidence of the use of diesel emission reduction measures, including truck idling time violations, to the District through regular reporting, with the first report due thirty days from the date of commencement of construction and each subsequent report due exactly 30 days thereafter, until construction is completed, noting all violations with relevant identifying information of the vehicles and drivers in violation of these measures.		
MM-AQ-2: Implement Diesel Emission-Reduction Measures During Construction of ~~All~~ Future TLUP-Consistent Projects that Exceed Applicable San Diego Air Pollution Control District (SDAPCD) Air Quality Thresholds. To reduce emissions during construction of future projects within the TLUP Area that would exceed applicable SDAPCD thresholds, as determined through MM-AQ-5, the project proponent shall implement the following measures during construction of the project, and shall provide verification to the District, prior to the project proponent shall submit a list of equipment to be used and the equipment's specifications (model year, engine tier, horsepower) to the District to ensure the construction equipment is consistent with the following requirements. No changes shall be made to the list of equipment without the District's prior approval. Within 30 days after the completion of construction, the project proponent/operator and/or its contractor(s) shall provide written evidence to the District that the construction was consistent with the following requirements. ▶ For all construction activities, equip all off-road diesel equipment engines over 25 horsepower with EPA Nonroad Tier 4 or cleaner engines unless EPA Nonroad Tier 4 construction equipment is not commercially available (defined below) within 100 miles of the project site. The project proponent shall submit written evidence to the District prior to commencement of construction activities that EPA Nonroad Tier 4 or cleaner equipment shall be used, or that EPA Nonroad Tier 4 or cleaner equipment is not available for use during the entire duration of that project's construction period ~~beyond 2025~~. The provided evidence shall include details of the project proponent's effort to secure EPA Nonroad Tier 4 or cleaner equipment, including suppliers contacted and their responses, subject to the District's concurrence.		

Mitigation Measure	Responsible Party	Mitigation Timing
~~▶ Use renewable diesel fuel in all heavy-duty off-road diesel-fueled equipment. Renewable diesel fuel must meet the most recent ASTM D975 specification for Ultra Low Sulfur Diesel and have a carbon intensity no greater than 50 percent of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.~~ ▶ Use zero- or near-zero-~~-~~emission~~s~~ off-road (non-road) equipment in lieu of diesel- or gasoline-powered equipment where such zero- or near-zero-emission equipment is commercially available. Commercially available means available within 100 miles, for purchase or lease by the project proponent or any contractors that may be retained by the project proponent. ▶ Use diesel particulate filters (or the equivalent) if permitted under manufacturer's guidelines for on-road and off-road diesel equipment, unless equipment is already equipped with a diesel particulate filter (or the equivalent).		
MM-AQ-3: Implement Fugitive Dust Control During Construction of ~~All~~ Future Landside TLUP-Consistent Projects. During construction of a future project within the TLUP Area that would require grading of or otherwise disturb land, the project proponent shall implement the following dust control measures that go beyond SDAPCD Rule 55. The project proponent shall submit evidence of its compliance with the following fugitive dust reduction measures to the District, within 90 days after the completion of construction. ▶ Water the grading areas, if any, at a minimum of three times daily to minimize fugitive dust. ▶ Stabilize graded areas, if any, immediately after grading, to minimize fugitive dust. ~~▶ Apply chemical stabilizer or pave the last 100 feet of internal travel path within the construction site prior to public road entry.~~ ▶ Install wheel washers adjacent to a paved apron prior to vehicle entry on public roads. ▶ Remove any visible track-out into traveled public streets within 30 minutes of occurrence. ▶ Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred. ▶ Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads. ▶ Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling. ▶ Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 mph. ▶ Cover/water onsite stockpiles of excavated material. ▶ Enforce a 15-mph speed limit on unpaved surfaces. ▶ Sweep up any dirt and debris spilled onto paved surfaces immediately to reduce resuspension of particulate matter caused by vehicle movement. Clean approach routes to construction sites daily for construction-related dirt in dry weather. ~~▶ Hydroseed, landscape, or develop as quickly as possible all disturbed areas and as directed by the District and/or SDAPCD to reduce dust generation.~~ Should non-compliance with any of the measures listed above occur, the project proponent shall correct the violation immediately and shall notify the District within five days from the day the violation occurred.		
MM-AQ-4: Use Modern Harbor Craft and Dredgers. Prior to commencement of waterside construction or new or expanded long-term operational activities within the TLUP Area that require the use of marine vessels, the project proponent shall ensure that any harbor craft, including but not limited to tugboats, pusher tugs, tow boats, work boats, crew and supply boats, and dredgers for use during any in-water work shall meet the following criteria: ~~▶ For all activities through 2025, ensure all equipment is Tier 3 or better (cleaner).~~		

Mitigation Measure	Responsible Party	Mitigation Timing
▶ ~~For all activities after 2025, e~~Ensure all equipment is alternatively fueled or electrically powered. If alternatively fueled or electrically powered equipment ~~that emits less emission than Tier 4 or better (cleaner)~~ is not commercially available (defined in MM-AQ-~~3~~2), then the project proponent shall ensure all equipment is EPA Marine or Nonroad Tier 4 or better (i.e., cleaner). ▶ ~~Use renewable diesel fuel in all heavy-duty off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for Ultra Low Sulfur Diesel and have a carbon intensity no greater than 50 percent of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.~~ This measure applies to short-term construction projects, such as dredging, and longer-term operations, such as marine vessels used in aquaculture operations (e.g., when a new discretionary action is required and a potential impact related to air quality may occur). If clean harbor craft and dredgers are not available within 200 miles of the project site for the duration of all activities, the project proponent shall prioritize use of equipment that is maintained and properly tuned in accordance with manufacturers' specifications. The project proponent shall document and submit evidence to the District prior to commencement of waterside activities that tugboats, survey vessels, and dredgers meeting the above tiering requirements or better standards are not available for use during the duration of all in-water activities, which shall be subject to the District's concurrence and approval. Regardless of the equipment used, the project proponent shall verify that all equipment has been checked by a mechanic experienced with such equipment and determined to be running in proper condition prior to admittance into the project area. The project proponent shall submit a report prepared by the mechanic experienced with such equipment of the condition of the vehicles and equipment to the District prior to commencement of their use.		
MM-AQ-5: Project-Level Environmental Reviews. If a future project within the TLUP Area would have the potential to result in a project-specific air quality ~~significant~~ impact~~s that were not identified and mitigated in the TLUP Environmental Checklist~~, then the District shall require the project proponent to prepare an air quality technical report that analyzes all phases of project construction and operations. If a project's air quality technical report determines that construction or operations emissions exceed the SDAPCD threshold(s), the project proponent shall be required to implement ~~site~~project-specific mitigation measures to avoid or reduce emissions to SDAPCD thresholds, including mitigation measures described in **MM-AQ-1** through **MM-AQ-4** if applicable. Where mitigation measures are required, the District shall ~~identify~~ incorporate these measures into the project-specific ~~level environmental~~ CEQA document and associated ~~include them in a~~ mitigation monitoring and reporting program ~~for the individual development project~~.		
Biological Resources		
MM-BIO-1: Implement Overwater Coverage Mitigation in Coordination with the Appropriate Resource Agencies and the District to Compensate for Loss of Open Water Habitat. Prior to approval of a future project that may result in the loss of open water habitat, the project proponent shall implement the following: 1. During site-specific environmental review and as required by applicable laws and regulations, the project proponent shall consult with the appropriate resource agencies regarding mitigation of impacts associated with loss of beneficial uses from overwater coverage and loss of open water habitat function. The project proponent shall secure all applicable permits for the mitigation of overwater coverage prior to commencement of waterside construction. One or more of the appropriate resource agencies may require additional or greater mitigation than specified under options 2.A, 2.B, 2.C, 2.D, and 2.E of this mitigation measure (see below). 2. For impacts that the District determines are significant, a future project proponent shall implement one of the following mitigation options~~, or a combination thereof~~. These options provide the minimum mitigation for overwater coverage impacts. One or more of		

Mitigation Measure	Responsible Party	Mitigation Timing
the appropriate resource agencies may require additional or greater mitigation than specified in this mitigation measure. A. Remove an amount of existing overwater coverage within San Diego Bay that is equivalent to the project's net increase in overwater coverage. This would replace the area affected by a project at a 1:1 mitigation ratio, subject to the District's review and approval. B. Restore or create an amount of wetland or eelgrass habitat within San Diego Bay equivalent to the project's net increase in overwater coverage at a suitable location within San Diego Bay, at a 1:1 ratio for wetlands and a 1.2:1 ratio for eelgrass consistent with the CEMP, which would offset the net increase in overwater coverage by improving the habitat structure and primary productivity at the restoration site. The restoration or creation of wetland or eelgrass habitat shall require the project proponent to prepare a mitigation plan for the District's review and approval. The mitigation plan at a minimum shall include a description of the restoration site, mitigation requirements, planting plan (e.g., transplant sites, donor sites, reference site), restoration methods (e.g., plant collection or purchase, transplant units), timing of the restoration work, and a monitoring program to include a mitigation success criteria. The District or its designee shall secure all applicable permits for the mitigation project and all applicable District Real Estate agreements for the mitigation site, prior to commencement of construction. Additionally, all fill materials proposed for discharge into San Diego Bay for the development of the mitigation site shall meet the requirements of the USACE's Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S. – Testing Manual (Inland Testing Manual). C. If a suitable mitigation bank within the Coastal Zone that is not yet available, becomes available in the future, prior to construction of the future project, the project proponent shall purchase saltmarsh wetland or overwater coverage credits to offset the net increase in overwater coverage. D. For overwater coverage, the project proponent shall retain a qualified biologist to conduct eelgrass surveys per the CEMP to determine potential impacts to eelgrass from construction. ~~The qualified biologist must have at least four years of university training in marine biology or a related science and/or have at least three years of demonstrated field experience monitoring sensitive species in the Southern California marine environment. A qualified biologist with more than 10 years of experience monitoring for sensitive marine species in Southern California shall oversee the monitoring work.~~ E. If pre- versus post-construction eelgrass surveys determine that overwater structures will shade and impact eelgrass, then mitigation for the loss of eelgrass will be conducted pursuant to the CEMP mitigation ratio based on the amount of impacted eelgrass.		
MM-BIO-2: Develop an Aquaculture ~~Mitigation~~ Operations Plan in Coordination with the Appropriate Resource Agencies and the District ~~to Minimize the Potential for Degraded Essential Fish Habitat, Potential Benthic Impacts, and Entanglement of Green Sea Turtles~~. Prior to the District's approval of future aquaculture operations involving shellfish or seaweed, the project proponent shall prepare and submit to the District for review,~~approval~~ an Aquaculture ~~Mitigation~~ Operations Plan (Plan), which shall be subject to District approval. The project proponent shall prepare the Aquaculture ~~Mitigation~~ Operations Plan in coordination with the appropriate regulatory and resource agencies, as well as the District, and shall implement the ~~program~~Plan during project design and operation of the future aquaculture facility. In addition, the project proponent of a future aquaculture operation shall obtain all applicable permits from the appropriate regulatory agencies and conform to formal consultation recommendations outlined by the National Marine Fisheries Services (NMFS), which may include permit requirements that differ from the mitigation requirements outlined below. In		

Mitigation Measure	Responsible Party	Mitigation Timing
such cases, the measures outlined in this mitigation measure shall be superseded by agency permit requirements and shall not be in addition to the requirements of those permits. 1. Mitigation for Impacts on Essential Fish Habitat: A. The project proponent shall prepare ~~a mitigation plan~~the Plan, in coordination with the District, that is informed by best available science and practices to evaluate the size of the aquaculture facility, the filtration rates and biomass of any cultured shellfish species, the mean phytoplankton biomass and production, and the tidal flushing rates of the facility location to determine potential impacts on organic particulate matter food resources. The ~~mitigation p~~Plan shall include: i. An adaptive management strategy that accommodates cultivated shellfish density as necessary without significantly affecting food resources available to other organisms in the Bay. 2. Mitigation for Benthic Impacts: A. The project proponent shall prepare ~~a mitigation plan~~the Plan, in coordination with the District, that is informed by best available science and practices to evaluate various benthic impacts as affected by the species, and culture methods utilized, the size of the aquaculture facility, accumulation of materials such as pseudofeces, shell debris, and gear. The ~~mitigation p~~Plan shall contain the following elements: i. A monitoring plan that evaluates the seabed beneath and adjacent to the facility for benthic ecosystem health. ii. An adaptive management strategy that responds to negative indicators of benthic health as described in the monitoring plan to appropriately reduce the density, as necessary. Site-specific BMPs are to be developed and implemented during construction and operation of the aquaculture facility to lessen or eliminate potential benthic impacts. 3. Mitigation for Entanglement Hazards: A. The project proponent shall prepare ~~a mitigation plan~~the Plan, in coordination with the District, that is informed by best available science and practices to evaluate any proposed aquaculture facility relative to entanglement hazards to sensitive species and the green sea turtle in particular. The materials utilized by the facility, and the methods of connection to surface markers and the seafloor, shall all be considered. i. A design plan shall be developed and evaluated relative to the best available science that illustrates how the proposed structures minimize the risk of entanglement to wildlife and the green sea turtle in particular. ii. A reporting program shall be developed to provide data on any observed entanglement by wildlife. An adaptive facility management strategy shall be identified that highlights actions to be taken if a sensitive species is identified to be entangled. iii. Signage shall be provided along the perimeter of the facility to provide contact information that the public can use to report any sighting of wildlife found injured or entangled within San Diego Bay.		
MM-BIO-3: Detect Special-Status Terrestrial Plant Species and Develop Conceptual Restoration Plan for Translocation/Salvage. Focused terrestrial biological surveys shall be conducted by a qualified biologist, defined as a professional biologist with at least three years of demonstrated field experience surveying for special-status plant species in the Southern California coastal environments, to determine the presence/absence of federally and/or state listed plant species, or CRPR 1B.1 or 1B.2 species previously observed, or with high or moderate potential to occur. For species that can only be reliably detected during specific blooming periods, focused surveys ~~may need to~~ will be conducted during those periods to determine presence/absence. If CESA or ESA listed plant species are identified in the project area, the Wildlife Agencies (CDFW and USFWS) shall be notified. If the project may result in the take of any endangered,		

Mitigation Measure	Responsible Party	Mitigation Timing
threatened, or candidate plant species, the project proponent shall seek appropriate take authorization under CESA or ESA prior to implementing the project. If ~~these~~ sensitive species occur within the proposed construction, access, staging, or stockpiling areas of a future project, one of two ~~equally suitable~~ options shall be implemented: 1. Construction areas shall be modified to avoid direct impacts to mapped sensitive plant species. If special-status species are detected, the project biologist shall flag individual plants and/or install temporary barriers around populations of sensitive plants. Best management practices (BMPs) shall include worker education to ensure that all impacts on sensitive plants are avoided. 2. If impacts on sensitive plant species cannot be feasibly avoided, then compensatory mitigation for impacts to sensitive plants shall include: A. Implementation of an approved Conceptual Restoration Plan or acquisition of mitigation credits, either of which shall be approved by the Wildlife Agencies prior to implementation. The Conceptual Restoration Plan shall ~~that~~ provide~~s~~ one or more of the following measures, if determined feasible: i. Impacted plants would be salvaged and relocated; If translocation is selected, the project-specific CEQA document and Conceptual Restoration Plan shall provide substantial evidence to demonstrate the feasibility of the proposed mitigation for species affected. If translocation is determined not to be feasible, compensatory mitigation shall be pursued; ii. Seeds from impacted plants would be collected for use at an off-site location; iii. Off-site habitat that supports the species impacted shall be enhanced and/or supplemented with seed collected on site; and/or iv. Comparable habitat supporting the species at an off-site location shall be preserved. B. Mitigation that involves relocation, enhancement, or transplanting sensitive plants may be conducted in combination with other habitat mitigation (e.g., wetlands HMMP) and shall include the following: i. Conceptual planting plan, including grading and temporary irrigation if necessary to create appropriate habitat conditions to support the species; ii. Planting specifications (e.g., seed source, soil suitability, container size); iii. Monitoring program including success criteria (e.g., a minimum number of sensitive plant individuals, a minimum percent cover of native species, a maximum percent cover of non-native species); and iv. 5-year post construction maintenance and preservation plan (e.g., sensitive plant monitoring, adaptive management actions). v. Provisions for adaptive management to ensure the success of mitigation.		
MM-BIO-4: Implement Construction Measures to Avoid or Reduce Impacts on Sensitive Nesting and Coastal Habitat-Dependent Avian Species. For TLUP projects that the District determines have the potential to disturb sensitive nesting and coastal ~~marine~~ dependent avian species, the District shall ensure that nesting bird behavior is not modified during construction activities and that noise levels do not exceed ambient conditions such that effects to these species would occur. The project proponent shall implement the following measures during construction: ▶ During the nesting season for sensitive avian species (March 1st to September 15th) with the potential for impacts to occur ~~at the~~ from construction ~~site~~ activities, the project proponent shall retain a qualified biologist approved by the District to perform a nesting bird survey within 500 feet of the noise-generating construction activity. The qualified biologist must have at least ~~four years of university training in biology or a related science and/or have at least~~ three years of demonstrated field experience monitoring sensitive avian species in the Southern California coastal environments. The nesting season survey		

Mitigation Measure	Responsible Party	Mitigation Timing
shall occur 1 week prior to the start of construction ~~utilizing heavy equipment~~ and, if nests are found, the qualified biologist shall perform a survey once per week during ~~construction until use of~~ noise-generating construction activities ~~heavy equipment ceases~~ to ensure that construction activities do not disturb ~~natural~~ nesting behavior ~~of species present~~. Specific criteria for California least tern and light-footed Ridgway's rail are included at the end of this mitigation measure. ▶ The project proponent shall submit the pre-construction nesting season survey to the District for review and approval of the survey and the buffer area, defined below, if any, prior to the commencement of ~~these~~ noise-generating construction activities at the project site. ▶ The nesting surveys shall consist of a thorough inspection of the project area by a qualified biologist(s). The survey shall occur between sunrise and 12:00 p.m., when birds are most active. The qualified biologist(s) shall prepare and submit to the District a letter report documenting the results of the survey. If there is a delay of more than 7 days between when the nesting bird survey is performed and noise-generating construction activities begin, the qualified biologist shall re-survey to confirm that no new nests have ~~been~~ established. ▶ If the survey detects nest~~s~~ing behavior, the project proponent shall establish a no-disturbance buffer around each nest site, based on species identified, to avoid disturbance or destruction of the nest until after the nesting season or a qualified biologist determines that the nest is no longer active. The size and constraints of the no-disturbance buffer shall be determined by the qualified biologist (typically 300 to 500 feet) and included in the letter report documenting the survey results. ~~▶ The qualified biologist shall establish a baseline ambient sound level by measuring ambient sound levels during the time of day that the work is expected to occur. The monitoring distance from the nest shall be chosen to determine the noise levels present at the nest, without causing disturbance to the sensitive species.~~ ▶ If sensitive avian species begin nesting within 500 feet of noise-generating construction activities~~and the sensitive species' behavior is modified~~, the qualified biologist shall establish a baseline ambient sound level by measuring sound levels at ~~a distance~~the buffer's edge without disturbing the sensitive species during a representative construction day. The qualified biologist shall monitor ~~those~~any present nests daily during construction activities, until after the nesting season or a qualified biologist determines that the nest is no longer active. Sound levels at nest sites shall not exceed 10 A-weighted decibels (dBA) above ambient levels. If the monitoring shows sound levels more than 10 dBA above the baseline ambient levels (representative construction noise included), and the species behavior is modified, the qualified biologist shall recommend noise barriers if needed and have the authority to halt or modify construction activity to ensure the behavior of sensitive nesting avian species is not altered by construction noise. ▶ If the above noted sound thresholds are exceeded, the project proponent shall implement actions recommended by the qualified biologist and approved by the District to reduce sound levels to within thresholds. ▶ If the qualified biologist determines that noise cannot be attenuated, noise-generating activities must cease until such time that adequate noise attenuation is achieved, or nesting is complete. For California least terns specifically: ▶ Noise generating activities shall be conducted outside of the California least tern nesting season (September 16th to March 31st). ▶ If the nesting season cannot be avoided and the project is within 500 feet of a nest, then California least tern pre-construction nest surveys, nest monitoring, and a 500-foot buffer ~~sound and visual barriers~~ shall be implemented prior to the beginning of construction activities~~.~~. The buffer shall be subject to District approval, which may include consultation		

Mitigation Measure	Responsible Party	Mitigation Timing
with ~~USFWS~~ the Wildlife Agencies where appropriate, including as part of any required permit application by the project proponent. If noise-generating construction activities would occur within 500 feet of a known nesting site, a biological monitor shall be onsite during noise-generating activities to ensure that noise levels do not exceed 65 dBA or pre-construction ambient levels, whichever is higher, at the edge of the nesting colony. ▶ When construction activities will occur within 500 feet of suitable California least tern nesting habitat, a qualified biologist shall conduct pre-construction surveys ~~prior to activity initiation~~. ▶ If a nest is detected, a 500-foot buffer shall remain in place until the nest has fledged or is no longer active. No loud construction activities shall occur within the 500-foot buffer. ▶ The qualified biologist shall remain on-site at the edge of the nesting colony during all construction activities that occur within the 500-foot buffer for~~, or adjacent to,~~ nesting habitat for California least tern during the nesting season. The biologist is empowered ~~to ensure compliance with the 500-foot buffer and~~ to modify or stop work in accordance with this mitigation measure. If California least tern behavior modification or nest abandonment is observed, work shall halt and the Wildlife Agencies shall be notified. For light-footed Ridgway's rail specifically: ▶ Noise generating activities within 500 feet of suitable nesting habitat (i.e., coastal salt marsh dominated by cordgrass) shall be conducted outside of the light-footed Ridgway's rail nesting season (September 16th to March 14th). ▶ If the nesting season cannot be avoided, a minimum of three focused pre-construction surveys shall be conducted within suitable habitat on separate days, to determine the presence of Ridgway's rails in or adjacent to the project impact area. Surveys shall begin a maximum of 7 days prior to performing project construction and one survey will be conducted the day immediately prior to performing project construction. Surveys shall be conducted by a qualified biologist with the appropriate USFWS-approved survey permit for light-footed Ridgway's rail. The qualified biologist shall follow the most recent protocols (e.g., USFWS survey protocols), including utilizing playback calls. ▶ Before each day of work begins in or within 500 feet of coastal salt marsh habitat, the qualified biologist shall survey the construction area to determine if Ridgway's rails have entered the area. If any rails are found within the survey area, the biologist shall either stop noise-generating work or, if feasible, direct construction personnel to begin in an area more than 500 feet from the rails.~~;~~ ▶ If Ridgway's rails are detected and noise-generating construction activities would occur within 500 feet of occupied habitat, noise monitoring shall be conducted to ensure that levels do not exceed 65 dBA or pre-construction ambient levels, whichever is higher, within 500 feet of the occupied habitat. ▶ If a nest is detected, a 500-foot buffer shall remain in place until the nest has fledged or is no longer active. No noise levels exceeding 65 dBA or pre-construction ambient levels, whichever is higher, ~~loud construction activities~~ shall occur within the 500-foot buffer. ▶ The qualified biologist shall remain on-site during all construction activities that occur within the 500 buffer~~, or adjacent to,~~ of a nest~~ing habitat~~ for light-footed Ridgway's rail during the nesting season to ensure compliance with the 500-foot buffer and to modify or stop work in accordance with this mitigation measure. Work shall halt immediately if any modifications in light-footed Ridgway's rail behavior is observed.		
MM-BIO-5: Develop a Conceptual Mitigation Plan in Coordination with the Appropriate Resource Agencies and the District to Provide No-Net Loss of Wetlands and Compensate for Permanent Loss. Implement: (1) habitat creation, restoration, enhancement, and/or preservation through an approved Habitat Mitigation and Monitoring Plan (HMMP): or (2) acquisition of approved mitigation credits at approved mitigation banks or in-lieu fee programs, including any Port of San Diego Environmental Mitigation Property, within the		

Mitigation Measure	Responsible Party	Mitigation Timing
appropriate portion of the Coastal Overlay Zone, as applicable. Both mitigation options (1) and (2) outlined below are equally suitable as compensatory mitigation methods. Wetland mitigation required as part of any federal (404) or state (1601/1603/coastal development permit) wetland permit shall supersede and shall not be in addition to any mitigation identified in the California Environmental Quality Act (CEQA) document for those wetland areas covered under any federal or state wetland permit. 1. An HMMP shall be prepared in accordance with the District standards and definitions for creation, restoration, enhancement, and preservation. The HMMP must achieve no-net-loss of wetlands by including at least a 1:1 ratio of establishment/re-establishment for all areas of significant impacts to wetlands. When proposed mitigation involves habitat establishment, re-establishment, and/or enhancement, the HMMP shall include the following information: ▶ Conceptual planting plan including planting zones, grading, and irrigation, as necessary; ▶ Seed mix/planting palette; ▶ Planting specifications; ▶ Monitoring program including success criteria; and ▶ Long-term maintenance and preservation plan. 2. For mitigation which involves habitat acquisition, the HMMP shall include the following: ▶ Location of proposed acquisition; ▶ Description of the biological resources to be acquired, including support for the conclusion that the acquired habitat mitigates for the specific maintenance impact; and ▶ Documentation that the mitigation area would be adequately preserved and maintained. Allocation of mitigation site credits, including at any Port of San Diego Environmental Mitigation Property, shall include the following: ▶ Location of approved mitigation site; ▶ Description of the mitigation credits to be acquired, including that the acquired habitat mitigates for the specific impact; and ▶ ~~Documentation of the c~~Credits that are associated with a mitigation bank that has been approved by the appropriate Resource Agencies.		
Cultural Resources		
MM-CUL-1: Alteration of Historical Resources in Accordance with SOI Standards. Any improvements related to the maintenance of the San Diego-Coronado Bay Bridge or activities within the Western Salt Company Salt Works Historic District that have the potential to adversely affect the resources' historical significance shall be designed to comply with Secretary of Interior (SOI) Standards for the Treatment of Historic Properties (SOI Standards), and thereby, avoid any impacts that could cause an adverse change in the significance of a historical resource ~~(USDI NPS 2020)~~. The project proponent shall retain an SOI-qualified architectural historian or historic architect (approved by the District) to identify the applicable SOI Standards, assist in the project design, review the design plans, and provide a written report to the District assessing the design plans' compliance with the applicable SOI Standards. The District shall review the report and confirm the design plans' compliance with the applicable SOI Standards. The project proponent shall adhere to the design plan approved by the District. This will ensure that alterations to the historical resource are implemented in accordance with the SOI Standards and that the historical resource retains sufficient character-defining features to express its historical significance.		
MM-CUL-2: Conduct an Archaeological Resource Assessment for Landside Planned Improvements. Once specific details are known about future individual landside planned		

Mitigation Measure	Responsible Party	Mitigation Timing
improvements associated with the TLUP, a future project level analysis shall be completed to determine if archaeological resources may be present under the soil. The project proponent shall retain an SOI-qualified and Register of Professional Archaeologists (RPA) certified archaeologist to prepare an Archaeological Resources Assessment (ARA), which shall be submitted to the District for its review and approval. The ARA is a preliminary inquiry into the potential for archaeological resources being present on site and will assist the District in determining if a future project may or may not have an effect on archaeological sites that are historical resources or unique archaeological resources, per State CEQA Guidelines Section 15064.5(c)(1-4) and PRC Section 21083.2(g). The ARA shall be completed according to the following steps: 1. **Desktop Analysis.** The ARA shall define an appropriate archaeological study area for the proposed project, and research the study area to determine its sensitivity for subsurface archaeological resources. Research shall include but is not limited to reviewing the prehistoric archaeological sensitivity analysis under Archaeological Resources in Section 4.4.2 of the PMPU PEIR, a records search, and a review of historic maps such as Sanborn fire insurance maps, and U.S. Geological Survey (USGS) topographic maps, and Tax Factor 1928-1929 aerial photos. The ARA shall make recommendations regarding the need for further archaeological studies to be completed. If the ARA shows to the District's satisfaction that the study area consists entirely of fully developed fill with no undisturbed land, or entirely of land with little or no potential for subsurface prehistoric or historic archaeological resources preserved within depositional context, no field survey, additional study, or measures for protecting archaeological resources that are historical resources, or qualify as a unique archaeological resource, would be necessary. A brief ARA memo shall serve as documentation of the findings. Based on the information and recommendations provided in the ARA memo, if further archaeological studies are required, the project proponent shall take one or more of the following sequential actions, which are determined by the District to be necessary to avoid or reduce the proposed project's impacts on archaeological resources that are historical resources, or qualify as a unique archaeological resource, to a level below significance: A. **Archaeological Survey.** If the ARA finds that the study area contains previously identified prehistoric or historic archaeological resources preserved in depositional context, undeveloped land with undisturbed or minimally disturbed surface soils, or historic archaeological resource potential based on historic map research, the project proponent will retain an SOI-qualified archaeologist (approved by the District) to conduct a preconstruction archaeological resources field survey of the project area. B. **Archaeological Testing and Evaluation.** If the District determines that the resource cannot be avoided through project design, the SOI-qualified archaeologist retained by the project proponent shall implement an evaluative subsurface testing program to determine the resource boundaries within the project area, assess the site's eligibility for listing in the NRHP and CRHR, or for its potential to be a unique archaeological resource, and assess the integrity of the resource, all subject to verification and approval from the District. The testing and evaluation program shall be used to determine whether the site is a historical resource or unique archaeological resource. The Secretary of the Interior's (SOI)-qualified archaeologist shall prepare an archaeological survey evaluation report (ASER) at the conclusion of the field survey and evaluative subsurface testing program. The ASER will conform with the California Office of Historic Preservation (OHP) recommended contents and format for cultural resources reports. The report shall be submitted to the District for review and, upon the District's determination that the report is satisfactory, shall be deposited at the SCIC. If the District determines the site is not a historical resource or a unique archaeological resource, the effects of the project on the resource shall not be considered a significant effect on the environment and need not be considered further in the CEQA process, per State CEQA Guidelines Section 15064.5(c)(4).		

Mitigation Measure	Responsible Party	Mitigation Timing
C. **Preservation in Place.** Preservation in place is the preferred manner of mitigating impacts on archaeological historical resources and unique archaeological resources. If the District determines the site is a historical resource or unique archaeological resource, and the project can be designed to avoid the historical resource or unique archaeological resource, preservation in place may be accomplished by, but not limited to: planning construction to avoid the resource; incorporating sites within parks, greenspace, or open space; covering the site with chemically stable soil prior to construction; or deeding the site into a permanent conservation easement, per State CEQA Guidelines Section 15126.4(b)(3)(A) – (B) and PRC Section 21083.2(b).		
D. **Archaeological Data Recovery.** If the District determines the site is a historical resource, preservation in place is not possible, and data recovery is the only feasible mitigation, an archaeological Data Recovery Plan (DRP) will be designed to record and remove scientifically important data that would otherwise be destroyed through construction-related ground disturbance, per State CEQA Guidelines 15126.4(b)(3)(C). The DRP and data recovery fieldwork will be completed prior to the start of project construction. After the archaeological data recovery fieldwork is complete, the SOI-qualified archaeologist retained by the project proponent shall prepare an archaeological data recovery report. The report will conform with the OHP recommended contents and format for cultural resources reports. The report shall be submitted to the District for review and, upon the District's determination that the report is satisfactory, shall be deposited at the SCIC. Any artifacts collected during data recovery will be curated at the San Diego Archaeological Center, at the project proponent's expense. Per State CEQA Guidelines Section 15126.4(b)(3)(D), if the District determines that testing or studies already completed have adequately recovered the scientifically important information from and about the archaeological or historical resource, data recovery will not be required, provided that the determination is documented and that the studies are deposited with the SCIC.		
E. **Archaeological Construction Monitoring.** In the event the District determines that archaeological construction monitoring is necessary in order to mitigate the potential for project construction (including geotechnical borings) to impact as-yet unknown archaeological resources, then the project proponent shall retain an SOI-qualified archaeologist, approved by District. The District may require a Native American monitor to also be present during ground-disturbing construction activities. The District may utilize a monitor qualified to monitor both archaeological and tribal cultural resources. During project-specific environmental review, the approved SOI-qualified archaeologist shall prepare and submit to the District for approval an archaeological monitoring and discovery plan (AMDP). The AMDP shall describe the project, archaeological sensitivity of and known archaeological resources in the project area, monitor qualifications, monitoring and discovery procedures, roles and responsibilities, and reporting. Upon completion of archaeological construction monitoring, a final monitoring report shall be prepared in conformance with the OHP's guidelines for the preparation of cultural resources management reports and will be deposited at the SCIC. Any diagnostic artifacts collected during archaeological construction monitoring will be curated at the San Diego Archaeological Center, at the project proponent's expense. If an artifact is determined to be a tribal cultural resource, the District shall consult with the applicable Native American tribes to determine the appropriate treatment of the artifact.		
2. **Unanticipated Discovery Procedures.** For those projects where there is the potential for encountering unknown archaeological resources, if an unanticipated discovery of an archaeological resource occurs during construction of a project, construction-related ground disturbance would be diverted or temporarily halted until the SOI-qualified archaeologist and/or Native American monitor can assess if it is a historical resource, or a unique archaeological resource, or has tribal cultural significance. The District, based on information provided by the SOI-qualified archaeologist or Native American monitor (for		

Mitigation Measure	Responsible Party	Mitigation Timing
tribal cultural resources), would determine the significance of the discovered resources in accordance with PRC 21083.2(i) and State CEQA Guidelines Section 15064.5(f). For archaeological resources, significance would be based on the results of evaluative archaeological testing completed by the SOI-qualified archaeologist and applying the criteria for listing in the CRHR, per State CEQA guidelines Section 15064.5(a)(1-4) and identifying unique archaeological resources per Section 21083.2 of the PRC. For tribal cultural resources, the significance would be based on the opinion of the Native American monitor, consistent with PRC Section 21074 related to a potential tribal cultural resource. For cultural resources determined by the District to be a historical resource or a unique archaeological resource, the SOI-qualified archaeologist shall prepare a Research Design and Data Recovery Program, which shall mitigate impacts in accordance with State CEQA Guidelines Section 15126.4(b)(3) and Section 15064.5(f), and the project proponent would be required to retain an SOI-qualified archaeologist for continuous archaeological monitoring, until the completion of ground-disturbing construction activities in the vicinity of the unanticipated discovery. 3. **Discovery of Possible Human Remains.** In the event possible human remains are discovered, the qualified archaeologist and/or Native American monitor shall inform the District and simultaneously inform participating Native American Tribes of the find. No further disturbance shall occur in the area of the find until the County Medical Examiner has made the necessary findings as to origin. If the human remains are to be taken offsite for evaluation, they shall be accompanied by a participating Native American monitor. If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the District or its representative in order to determine proper treatment and disposition of the remains. The qualified archaeologist shall notify local Native American Tribes of the identification of human remains. The immediate vicinity where the Native American human remains are located shall not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations has been conducted, as required by Public Resources Code Section 5097.98. In all cases, Public Resources Code §5097.98, CEQA §15064.5, and Health & Safety Code §7050.5 shall be followed if human remains are discovered.		
Geology and Soils		
MM-GEO-1: Require Paleontological Sensitivity Screening and Monitoring in Areas of Sensitivity in the South Bay Planning District. Prior to approval of a future project in the South Bay Planning District (PD14), a paleontological and geologic resource sensitivity screening analysis shall be performed. The paleontological resource sensitivity screening shall examine whether the proposed development would include ground disturbance with the potential to encounter undisturbed soils and whether the development is located on a site (or sites) underlain by Bay Point Formation, and meets one or more of the following conditions: (1) construction would involve ground disturbance of a fossil recovery site or within 100 feet of a mapped fossil recovery site, or (2) construction would require over 1,000 cubic yards of excavation and depth of excavation exceeding 10 feet. The Paleontological Sensitivity Screening analysis will be subject to the District's review and approval and no development shall proceed until the Paleontological Sensitivity Screening analysis is deemed acceptable to the District. If the proposed development meets either or both of the above-stated criteria, the project proponent shall retain a Qualified Paleontologist, whose retention shall be subject to the review and approval of ~~approved by~~ the District, who shall conduct paleontological monitoring during all ground-disturbing activities. The paleontological monitoring required by this mitigation measure shall include the following measures: ▶ The project proponent shall retain a Qualified Paleontologist, approved by the District. A "Qualified Paleontologist" shall be defined as an individual: (i) who has a M.S. or Ph.D. in paleontology, or geology; (ii) who also has demonstrated familiarity with paleontological procedures and techniques; (iii) who is knowledgeable in the geology and paleontology		

Mitigation Measure	Responsible Party	Mitigation Timing
of San Diego County~~;~~ and (iv) who has worked as a paleontological monitor within San Diego County for at least 1 year. ▶ The Qualified Paleontologist shall attend the preconstruction meeting(s) to consult with the grading and excavation contractors or subcontractors concerning excavation schedules, paleontological field techniques, and safety issues. ▶ The Qualified Paleontologist or Paleontological Monitor shall be on site, on a full-time basis, during ground-disturbing activities that occur 10 feet or more below ground surface, to inspect exposures for contained fossils. The Paleontological Monitor shall work under the direction of the project's Qualified Paleontologist. A "Paleontological Monitor" shall be defined as an individual selected by the Qualified Paleontologist who has experience in monitoring excavation and the collection and salvage of fossil materials. ▶ If fossils are discovered on a development site, the Qualified Paleontologist shall recover them and temporarily direct, divert, or halt grading to allow recovery of fossil remains. ▶ The Qualified Paleontologist shall be responsible for the cleaning, repairing, sorting, and cataloguing of fossil remains collected during the monitoring and salvage portion of the mitigation. ▶ The Qualified Paleontologist shall deposit and donate prepared fossils, along with copies of all pertinent field notes, photos, and maps, in a scientific institution with permanent paleontological collections, such as the San Diego Natural History Museum, approved by the District. Curation costs of the fossils shall be paid for by the project proponent. ▶ Within 30 days after the completion of excavation and pile-driving activities, a final data recovery report shall be completed by the Qualified Paleontologist and submitted to the District for review and approval. The final report shall document the results of the mitigation and shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils.		
Greenhouse Gas Emissions		
Implement **MM-AQ-1**, **MM-AQ-2**, and **MM-AQ-4**, as described for Impact-AQ-1 in Section 1.3, "Air Quality."		
Hydrology and Water Quality		
MM-WQ-1: Conduct Water Quality Monitoring of Aquaculture Operations. Prior to the District's approval of an aquaculture project, the project proponent shall use the best available science to (1) develop an aquaculture water quality monitoring plan consistent with the requirements of the ~~Shellfish~~ Aquaculture ~~Mitigation~~ Operations Plan and (2) identify site-specific BMPs to be implemented during operation of the aquaculture facility to lessen or eliminate potential water quality impacts. The project proponent shall submit the siting study, monitoring plan, and BMPs to the District for review and approval. The water quality monitoring plan shall include an existing conditions report, an outline of water quality monitoring parameters and objectives as issued by relevant permitting authorities and resource agencies. Throughout the duration of the project's operations, the project proponent shall comply with relevant permit conditions issued by permitting authorities and shall implement the water quality monitoring plan, as issued, reviewed, and approved by the appropriate regulatory and resource agencies in coordination with the District, which shall ensure water quality is not impaired by the proposed aquaculture operation. If at any time during this monitoring, the water quality exceeds the operational permit conditions, the project proponent shall immediately notify the relevant permitting authorities and the District, and shall immediately identify specific actions that would eliminate the water quality impairments, approved by the relevant permitting authorities and the District. Approved BMPs shall include a regular monitoring, reporting, and site inspection program, as issued through operational permit conditions by relevant permitting authorities and resource agencies, to ensure that the operations are in compliance with BMPs related to the specific type of aquaculture being implemented.		

Mitigation Measure	Responsible Party	Mitigation Timing
In addition, the project proponent of a future aquaculture operation shall obtain all applicable permits from the appropriate regulatory agencies, which may include permit requirements that differ from the mitigation requirements outlined above. In such cases, the requirements outlined in this mitigation measure shall be superseded by agency permit requirements and shall not be in addition to the requirements of those permits.		
Noise		
MM-NOI-1: Prohibit Exterior Construction Activities Outside of the Permitted Construction Hours. During construction of a future project consistent with the TLUP, the project proponent shall not conduct typical exterior construction activities during the prohibited hours based on the city in which the construction site is located. Also, material or equipment deliveries and collections shall be prohibited during these hours to the extent feasible unless otherwise allowed by the noise ordinance of the city where the project is located. Except for construction personnel specifically working on interior construction tasks within a completed building shell, construction personnel shall not start construction equipment on the job site during the prohibited hours.		
MM-NOI-2: Implement General Best Practices for Construction Noise Abatement. During construction of a future project consistent with the TLUP, the project proponent shall require all contractors to adhere to the following noise abatement measures: ▶ All construction equipment and vehicles using internal combustion engines will be equipped with mufflers; air-inlet silencers where appropriate; and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. ▶ All mobile or fixed construction equipment used on the project that is regulated for noise output by a local, State, or Federal agency will comply with such regulation while in the course of project activity. ▶ All construction equipment will be properly maintained and serviced. ▶ All construction equipment will be operated only when necessary and will be switched off when not in use, and stationary construction equipment shall be located as far from sensitive receptors as possible. ▶ Construction employees will be trained in the proper operation and use of the equipment to avoid careless or improper operation of equipment that could increase noise levels. ▶ Construction site speed limits will be established and enforced during the construction period. ▶ The use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning purposes only. ▶ The contractor will provide advance written notification of construction activities to residences within 300 feet of the construction site for projects that do not include pile driving, and to residences within 700 feet of the construction site for projects that include pile driving. Notification will include a brief overview of the proposed construction activity and its purpose and schedule. It also will include the name and contact information of the project manager or representative responsible for resolving any noise concerns.		
Public Services		
Implement **MM-AQ-1** through **MM-AQ-5** as described in Section 1.3, "Air Quality." Implement **MM-BIO-1** through **MM-BIO-5** as described in Section 1.4, "Biological Resources." Implement **MM-CUL-1** and **MM-CUL-2** as described in Section 1.5, "Cultural Resources." Implement **MM-GEO-1** as described in Section 1.7, "Geology and Soils." Implement **MM-NOI-1** and **MM-NOI-2** as described in Section 1.13, "Noise."		

Mitigation Measure	Responsible Party	Mitigation Timing
Recreation		
Implement **MM-AQ-1** through **MM-AQ-5** as described in Section 1.3, "Air Quality." Implement **MM-BIO-1** through **MM-BIO-5** as described in Section 1.4, "Biological Resources." Implement **MM-CUL-1** and **MM-CUL-2** as described in Section 1.5, "Cultural Resources." Implement **MM-GEO-1** as described in Section 1.7, "Geology and Soils." Implement **MM-NOI-1** and **MM-NOI-2** as described in Section 1.13, "Noise."		
Tribal Cultural Resources		
Implement **MM-CUL-2** as described in Section 1.5, "Cultural Resources."		

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6 FINDINGS

The TLUP would not result in potentially significant adverse impacts related to 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. With the incorporation of mitigation measures and the adoption of the mitigation monitoring and reporting program, the project would have no significant impact on the environment with respect 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.

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7 DOCUMENTATION

The attached Environmental Initial Study Checklist (see Attachment A) and additional appendices provide documentation in support of the above findings.

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8 REFERENCES

References for the Mitigated Negative Declaration and the Environmental Initial Study Checklist are included at the end of the Environmental Initial Study Checklist (Attachment A).

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9 CERTIFICATION

The ~~Draft~~ Final Mitigated Negative Declaration and supporting documents are on file with and may be reviewed during regular business hours in the Office of the District Clerk of the San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92101. The District administration offices are open Monday through Thursday and every other Friday from 8:00 a.m. to 5:00 p.m.

Prepared by:	February 21, 2025	
	Date	Dennis Campbell, Program Manager, Planning
Draft Report:	February 21, 2025	
	Date	Lesley Nishihira, Assistant Vice President, Planning
Final Report:	November 24, 2025	
	Date	Lesley Nishihira, Assistant Vice President, Planning

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Attachment A

Environmental Initial Study Checklist

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Appendices

Appendix A ~~Revised~~ Final Draft Trust Lands Use Plan
Appendix B Special-Status Species Lists

LIST OF ABBREVIATIONS

2021 Regional Plan	San Diego Forward: The 2021 Regional Plan
AB	Assembly Bill
AFY	acre-feet per year
ALUCP	airport land use compatibility plan
AMDP	archaeological monitoring and discovery plan
ARA	archaeological resources assessment
ASCE	American Society of Civil Engineers
ASER	archaeological survey evaluation report
Bay	San Diego Bay
BMP	best management practice
BPC	Board of Port Commissioners
C&D	Construction and Demolition
CAA	federal Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAFE	corporate average fuel economy
CAL FIRE	California Department of Forestry and Fire Projection
Cal/OSHA	California Division of Occupational Safety and Health
Cal-Am	California American Water Company
CalGreen	California Green Building Standards Code
CAP	climate action plan
CARB	California Air Resources Board
CBC	California Building Code
CCA	California Coastal Act
CCAA	California Clean Air Act
CCC	California Coastal Commission
CCP	Caulerpa Control Protocol
CDFW	California Department of Fish and Wildlife
CDP	Coastal Development Permit
CEC	California Energy Commission
CEMP	California Eelgrass Mitigation Policy
CERP	community emissions reduction program
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CH_4	methane
CMP	congestion management program
CNEL	community noise equivalent level
CO	carbon monoxide
CO_2e	carbon dioxide equivalent
COC	contaminant of concern

CRHR	California Register of Historical Resources
CSLC	California State Lands Commission
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	decibel
dBA	A-weighted sound level
DEHQ	County of San Diego Department of Environmental Health and Quality
diesel PM or DPM	particulate matter contained in diesel exhaust
DOC	California Department of Conservation
DOT	U.S. Department of Transportation
DRP	data recovery plan
DTSC	California Department of Toxic Substances Control
EDD	State of California Employment Development Department
EFH	essential fish habitat
EPA	U.S. Environmental Protection Agency
ESA	federal Endangered Species Act
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zone
FIRM	Flood Insurance Rate Map
FR	Federal Register
GHG	greenhouse gas
GWP	global warming potential
HMD	Hazardous Materials Division
HMMP	habitat mitigation and monitoring plan
HPD	San Diego Harbor Police Department
HU	hydrologic unit
JRMP	jurisdictional runoff management program
LCI	California Office of Land Use and Climate Innovation
L_{eq}	equivalent continuous sound level
L_{max}	maximum sound level
LRMOSP	Long-Term Resource Management Options Strategic Plan
MBTA	Migratory Bird Treaty Act
MCAS	Maritime Clean Air Strategy
mgd	million gallons per day
MLD	most likely descendant
MLLW	mean lower-low water
MMPA	Marine Mammal Protection Act

$MMTCO_2e$	million metric tons of carbon dioxide equivalent
MRZ	Mineral Resource Zone
MS4	municipal separate storm sewer system
MT	metric ton
$MTCO_2e$	metric tons of carbon dioxide equivalent
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NAS	Naval Air Station
NEHRP	National Earthquake Hazards Reduction Program
NHTSA	National Highway Traffic and Safety Administration
NO_2	nitrogen dioxide
NOAA	National Oceanic and Atmospheric Administration
NOLF	Naval Outlying Landing Field
NO_X	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
O3	ozone
OGVs	ocean-going vessels
OHP	California Office of Historic Preservation
OSHA	Occupational Safety and Health Act
Pb	lead
PDP	priority development project
PLWTP	Point Loma Wastewater Treatment Plant
PM	particulate matter
PM_{10}	respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less
$PM_{2.5}$	fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less
PMPA	port master plan amendment
PMPU	Port Master Plan Update
Porter-Cologne Act	Porter-Cologne Water Quality Control Act of 1969
PPV	peak particle velocity
PUD	City of San Diego's Public Utilities Department
RAQS	San Diego Regional Air Quality Strategy
Regional Bike Plan	*Riding to 2050, the San Diego Regional Bike Plan*
RES	San Diego Association of Governments Regional Energy Strategy
RMS	root-mean-square
ROG	reactive organic gases
Salt Works Historic District	Western Salt Company Salt Works Historic District

SANDAG	San Diego Association of Governments
SB	Senate Bill
SBWRP	South Bay Water Reclamation Plant
SCIC	South Coastal Information Center
SDAB	San Diego Air Basin
SDAPCD	San Diego Air Pollution Control District
SDC	Seismic Design Category
SDG&E	San Diego Gas & Electric Company
SDIA	San Diego International Airport
SGMA	Sustainable Groundwater Management Act
SIP	state implementation plan
SO_2	sulfur dioxide
SOI Standards	Secretary of Interior Standards for the Treatment of Historic Properties
SOI	Secretary of Interior
SPCC	Spill Prevention Control and Countermeasure
SPL	sound pressure level
SSMP	Sewer System Management Plan
SSO	Sanitary Sewer Overflow
State	State of California
SWPPP	storm water pollution prevention plan
SWQMP	storm water quality management plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
TLUP	Trust Lands Use Plan
TMDL	total maximum daily load
Tribe	California Native American Tribe
USACE	U.S. Army Corps of Engineers
USCG	U.S. Coast Guard
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
UWMP	urban water management plan
UWMPA	Urban Water Management Planning Act
VdB	vibration decibels
VHFHSZ	very high fire hazard severity zone
VMT	vehicle miles traveled
VOC	volatile organic compound
Water Authority	San Diego County Water Authority
WDR	waste discharge requirement
WQIP	water quality improvement plan

1 ENVIRONMENTAL CHECKLIST

PROJECT INFORMATION

1. Project Title: Trust Lands Use Plan (TLUP)
2. Lead Agency Name and Address: San Diego Unified Port District
   3165 Pacific Highway, San Diego, California 92101
3. Contact Person and Phone Number: Dennis Campbell, (619) 686-7218
4. Project Location: The TLUP Area consists of approximately 7,903 acres of submerged lands (water designated area) within San Diego Bay and approximately 99 acres of tidelands (land designated area) granted to the District from the California State Lands Commission pursuant to Senate Bill (SB) 507.
5. Project Sponsor's Name and Address: San Diego Unified Port District
   3165 Pacific Highway, San Diego, California 92101
6. Port Master Plan Designation: The TLUP Area has not been incorporated into the certified Port Master Plan. The TLUP would provide water and land use designations for the TLUP Area, which would include Conservation/Inter-tidal, Federal Navigation Channel, Industrial & Deep-Water Berthing, Navigation Corridor, Open Bay/Water, Conservation Open Space, and Recreation Open Space. The District will process a Port Master Plan Amendment for the TLUP.
7. Zoning: N/A. See Port Master Plan Designations above.
8. Description of Project: *(Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)*

   On January 1, 2020, SB 507 became effective and granted in trust certain submerged lands and tidelands in and around San Diego Bay (Bay) to the San Diego Unified Port District (District) management from the California State Lands Commission (CSLC). The newly granted lands consist predominantly of water area within the Bay, including approximately 7,903 acres of submerged lands and approximately 99 acres of tidelands (land area).

   To comply with SB 507, the District prepared a "Discussion Draft" of the TLUP, released on July 21, 2023, for a 30-day public review period. The District staff received 22 comments on that draft. After incorporating the feedback, the District staff prepared the "Draft TLUP" in September 2023 and a "Revised Draft TLUP" was released in February 2025. The current version of the Draft TLUP is included in this MND as Appendix A.

   In accordance with SB 507, the TLUP is required to outline any proposed development, preservation, or other uses of the area. As confirmed by the CSLC staff, the TLUP will be prepared as a port master plan amendment (PMPA) to the currently certified Port Master Plan (PMP), pursuant to Section 30711 of the California Coastal Act (CCA). The PMPA will include all required contents of the TLUP. It should be noted that there is no provision or requirement in the CCA mandating that all future amendments to a certified PMP must be amended simultaneously. Rather, the CCA allows for portions of a certified PMP to be amended individually (see Public Resources Code Sections 30715, 30716). Once certified by the California Coastal Commission (CCC), the TLUP PMPA will grant the District coastal permitting authority over the designated area. The TLUP exclusively addresses the newly granted area and does not pertain to the submerged tidelands and tidelands under the District's ownership and jurisdiction prior to 2020.

   The TLUP is a water and land use plan intended to guide development within the TLUP Area. If certified by the CCC and approved by the CSLC, the District can implement or facilitate the implementation of the TLUP. The TLUP provides comprehensive policy guidance for future projects, establishes TLUP Area-wide development standards, and delineates water and land use designations with their corresponding allowable uses. Furthermore,

the TLUP divides the SB507-granted submerged lands into four Planning Districts, aligned with the four ecoregions identified in the District's Integrated Natural Resources Managed Plan. Each Planning District includes a vision, special allowances (where applicable), potential future planned improvements (where applicable), and district-specific development standards. The TLUP specifically addresses the submerged lands and tidelands granted to the District's management through Senate Bill 507 (Atkins, 2019).

The District developed the Draft TLUP by building upon the foundation established by the Final Draft Port Master Plan Update's (PMPU's) Integrated Planning process. Since the PMPU[1] process has taken a comprehensive, Baywide approach to planning for development in and around San Diego Bay, the District mirrored applicable PMPU policies in the Draft TLUP. Additionally, the TLUP includes new policies and planning districts tailored to the newly granted area. For background, the PMPU was adopted by the Board on February 28, 2024, and submitted to the CCC for certification. The PMPU is currently undergoing CCC processing, in accordance with the California Coastal Act.

The TLUP reflects relevant components of the PMPU currently under review by the California Coastal Commission. Relevant components include: Baywide goals, objectives, and policies within 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 Planning Districts follow the ecoregions identified in the joint U.S. Navy and District Integrated Natural Resources Management Plan. Based on input from stakeholders and users of the Bay, 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.

9. Surrounding Land Uses and Setting: The District's land use authority extends over Tidelands ("District Tidelands" or "Tidelands" are terms used to describe the District's jurisdiction) areas within five adjacent municipalities: Chula Vista, Coronado, Imperial Beach, National City, and San Diego. The District's property includes a wide range of land uses, including maritime, visitor-serving commercial, industrial, public recreation, and habitat areas. The surrounding land uses and setting are predominately urban in character with the remaining areas generally consisting of open space and/or conservation areas. The urbanized areas include a range of development from high-density commercial uses to undeveloped recreation open space areas. Additionally, much of the urbanized area is leased to developers and operators and was developed through the issuance of coastal development permits. The area granted to the District's management pursuant to SB 507 primarily comprises submerged lands within San Diego Bay, with approximately 99 acres of land-based tidelands included in the granted area in the South Bay Planning District (PD14).

10. Other public agencies whose approval is required: (e.g., permits, financing approval, or participation agreement)
    - California Coastal Commission – Certification of the PMPA
    - California State Lands Commission – Approval of any proposed changes or amendments to the TLUP since initial submittal of the Draft TLUP

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

[1] References to the "PMPU" throughout this document refer to the Final Draft Port Master Plan Update, which was adopted by the Board of Port Commissioners (BPC) in February 2024, and at the time of this analysis, is currently under review by the California Coastal Commission (CCC). The PMPU, which is an amendment to the currently certified Port Master Plan (PMP), must be certified by the CCC before it is considered final.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

No California Native American tribes traditionally or culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages. Where checked below, the topic with a potentially significant impact will be addressed in an environmental impact report.

☐ Aesthetics	☐ Agriculture and Forest Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology / Soils	☐ Greenhouse Gas Emissions	☐ Hazards / Hazardous Materials
☐ Hydrology / Water Quality	☐ Land Use / Planning	☐ Mineral Resources
☐ Noise	☐ Population / Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities / Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance
	☐ None	☒ None with Mitigation Incorporated

DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project could not have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

☒ I find that although the proposed project COULD have a significant effect on the environment, there WILL NOT be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

☐ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

	February 21, 2025
Signature	Date
Lesley Nishihira	Assistant Vice President
Printed Name	Title
San Diego Unified Port District	
Agency	

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
    a) Earlier Analysis Used. Identify and state where they are available for review.
    b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
    c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
    a) the significance criteria or threshold, if any, used to evaluate each question; and
    b) the mitigation measure identified, if any, to reduce the impact to less than significance.

1.1 AESTHETICS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
I. Aesthetics.				
Except as provided in Public Resources Code section 21099 (where aesthetic impacts shall not be considered significant for qualifying residential, mixed-use residential, and employment centers), would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

1.1.1 Environmental Setting

The TLUP Area includes approximately 7,903 acres of water area in San Diego Bay (Bay) and approximately 99 acres of land (located in the proposed South Bay Planning District) granted to the District pursuant to SB 507. While the waters of the Bay are calm due to the enclosed and protected nature of the Bay, it is a busy waterway with a high level of activity associated with commercial, maritime, and recreational boating activities. Except for the land area in PD 14 (South Bay), views of the TLUP Area consist almost entirely of the open waters of the Bay. In general, views of watercraft, ranging from small recreational craft to large vessels, such as container and general cargo vessels as well as U.S. naval vessels, are present primarily within foreground and middleground views, while the San Diego-Coronado Bay Bridge and views of the developed and urbanized shorelines of Coronado, the Point Loma peninsula, or Downtown San Diego comprise background views (depending on the perspective). In PD14, the Bayshore Bikeway provides views of south San Diego Bay, which consists of open water, areas of marshy land, and various salt ponds.

The existing, adopted Port Master Plan (PMP) designates vista areas that are defined as, "points of natural visual beauty, photo vantage points, and other panoramas." Because the water and land that comprise the TLUP Area were granted to the District after adoption of the current PMP, there are no PMP-designated vista areas in any of the TLUP planning districts. The TLUP proposes two scenic vista areas in PD 14 (South Bay).

1.1.2 Discussion

a) Have a substantial adverse effect on a scenic vista?

Less-Than-Significant Impact. The TLUP defines a scenic vista area as "an area of visual public access providing scenic views from publicly accessible points on Tidelands as depicted on the Planning District Coastal Access: Views and Pathways figures." The only two scenic vista areas identified in the TLUP are located in PD14 (South Bay) (see Figure

PD14.3.). However, there are also numerous areas in the vicinity of the TLUP Area that are considered scenic vistas, which are identified in the PMP as "vista areas" and the PMPU as "scenic vista areas." The TLUP includes policies (e.g., WLU Policy 3.2.1, WLU Policy 3.2.2), TLUP Area Development Standards (Section 4.2, *View Standards*, followed by subsections 4.2.1, *Standards for Scenic Vista Areas*, and 4.2.2, *Standards for View Protection*), and planning district-specific standards (i.e., PD14.9) to preserve scenic vista areas and the physical access to these areas.

Planned improvements, consistent with the TLUP, would include the potential expansion of bait barges, baitfish storage, and associated vendor operations in PD11 (North Bay); routine maintenance of the San Diego-Coronado Bay Bridge and pipelines, which are activities in PD12 (North Central Bay); shellfish and seaweed aquaculture in PD13 (South Central Bay); and shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway as well as the development of minimal activating features (e.g., seating, public art, signage) in the Recreation Open Space area in PD14 (South Bay). In addition to the planned improvements identified in the TLUP, any future projects within the TLUP Area would need to be consistent with the TLUP's applicable water and land use designations, policies, development standards, planning district special allowances, and visions. As such, implementation of the TLUP's proposed policies (e.g., WLU Policy 3.2.1 and 3.2.2), TLUP Area Development Standards (i.e., Section 4.2), and PD14-specific development standards for scenic vista areas (i.e., PD14.9) would ensure potential future planned improvements and other future projects would not have a substantial adverse effect on a scenic vista. Therefore, impacts on scenic vistas would be **less than significant**.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Less-Than-Significant Impact. Scenic highways are highways, or segments of highways, that have been designated by the State of California (State) as containing views of outstanding scenic quality, striking views, flora, geology, or other unique natural attributes (Caltrans 2008). The only State-designated scenic highway within the vicinity of the planning area is a 9-mile segment of State Route (SR)-75 as it crosses the San Diego–Coronado Bay Bridge and continues through Coronado and down the Silver Strand, terminating at the city limits of Imperial Beach (the segment of SR-75 that travels through Coronado and connects the bridge and the Silver Strand is an eligible state scenic highway but is not officially designated as such) (District 2023).

Specifically, from the 200-foot-tall SR-75/San Diego-Coronado Bay Bridge views of the San Diego Bay are expansive in all directions. Scenic resources within the viewshed of this designated scenic highway include the Bay and the skyline of Downtown San Diego. It should be noted, however, that the bridge is only open to motor vehicles, there are no pullouts for viewing, and stopping on the bridge is prohibited by law. Also, the bridge has a speed limit of 50 miles per hour and a concrete guardrail that limits the view in lower profile vehicles.

Scenic resources visible from the Silver Strand segment of SR-75/Silver Strand Boulevard include foreground views of narrow strips of sandy waterfront areas, middle-ground views of the open waters of the Bay, and background views of the Downtown San Diego skyline; as well as wide sandy beaches in foreground views to the west, with glimpses of the Pacific Ocean stretching to the horizon in the background. Cranes and vessels of the Tenth Avenue Marine Terminal are also visible to the east (District 2023).

Planned improvements proposed in the TLUP would be limited to the potential expansion of bait barges, baitfish storage, and associated vendor operations in PD11 (North Bay); routine maintenance of the San Diego-Coronado Bay Bridge and pipelines which are existing uses and activities in PD12 (North Central Bay); shellfish and seaweed aquaculture in PD13 (South Central Bay); and shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway and the development of minimal activating features (e.g., seating, public art, signage) in the Recreation Open Space area in PD14 (South Bay). In addition to the planned improvements identified in the TLUP, any future projects within the TLUP Area would need to be consistent with the TLUP's applicable water and land use designations, policies, development standards, planning district special allowances, and visions. Given the limited amount of physical changes that would potentially result as an indirect consequence of the TLUP's implementation, no scenic resources would be damaged or removed to implement any of these changes. Therefore, the TLUP's potential impact on scenic resources viewed from designated state scenic highways would be **less than significant**.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less-Than-Significant Impact. The TLUP Area is located within San Diego Bay, which is within an urbanized area of San Diego County. Applicable regulations that govern scenic quality within the California Coastal Zone include the CCA. Specifically, future projects that are considered to be "appealable development" as defined in the CCA must be consistent with the Chapter 3 policies of the CCA, including policies that address visual access to the coastal zone. Section 30251 states: "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance…[and] [p]ermitted development shall be sited and designed…to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas."

Additionally, the District's Coastal Development Permit (CDP) regulations include application requirements for both non-appealable and appealable developments. As part of the CDP application review process, applicants are required to provide "a description of the proposed development sufficient to determine whether the project complies with the certified Port Master Plan." (District CDP Regulations, Sections 10(a)(1) and 11(a)(1).) As part of the CDP approval process, PMP consistency findings are required (District CDP Regulations, Sections 10(c)(1)(c) and 11(c)(1)(c)). This includes review of projects for consistency with the PMPU, and its implementing goals and policies.

The TLUP proposes policies consistent with the PMPU. Moreover, planned improvements, consistent with the TLUP, would be limited to the potential expansion of bait barges, baitfish storage, and associated vendor operations in PD11 (North Bay); routine maintenance of the San Diego-Coronado Bay Bridge and pipelines, which are proposed activities in PD12 (North Central Bay); potential shellfish and seaweed aquaculture in PD13 (South Central Bay); and shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway as well as the development of minimal activating features (e.g., seating, public art, signage) in the Recreation Open Space area in PD14 (South Bay). Implementation of the TLUP's proposed goals, objectives, and policies, along with anticipated planned improvements identified in the TLUP, would not have the potential to conflict with Section 30251 of the CCA or the policies of the PMP/PMPU. Therefore, impacts related to a conflict with applicable regulations governing scenic quality would be **less than significant**.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less-Than-Significant Impact. There are two typical types of light intrusion in the TLUP Area and its surroundings. First, light emanates from the interior of structures and passes out through windows. Second, light projects from exterior sources, such as street, security, and landscape lighting, as well as flood lighting for overnight offloading work at the marine terminals and nighttime work at the shipyards located outside of and adjacent to the TLUP Area. *Light spillover* is typically defined as the presence of unwanted or misdirected light on properties adjacent to the property being illuminated. Light spillover can be a nuisance to adjacent areas and can diminish views of the clear night sky.

Glare is described as the distraction, discomfort, or impairment of vision caused by extreme contrasts in the field of vision, where light sources such as sunlight, lamps, luminaries, or reflecting surfaces are excessively bright in relation to the general brightness of surroundings. Glare also results from sunlight reflecting off flat building surfaces, with glass typically contributing the highest degree of reflectivity. A primary source of existing daytime glare within the TLUP Area is sunlight reflecting off the open waters of the Bay and Pacific Ocean. Glare from horizontal water surfaces is most prevalent in the early and late portions of the day when reflected sunlight is most likely to affect viewers.

To prevent light spillover and daytime glare from non-natural sources, the TLUP includes ECO Policy 1.1.12~~1~~ and ECO Policy 3.1.2. ECO Policy 1.1.12~~1~~ states that if development above the water, adjacent to water, or adjacent to sensitive habitat areas includes lighting, then that development ~~should~~ shall use the minimum amount of lighting necessary and would be required to use ecologically sensitive lighting that is shielded and directed away from the water or sensitive habitat areas, sensor activated, and of the lowest possible color temperature that also meets public safety

requirements. ECO Policy 3.1.2 requires that permittees implement clean air action measures, which may include: (a) efficient buildings design features; (b) vehicles, vessels, and advanced technologies powered by alternative fuels or electric powered; (c) parking management programs; (d) alternative transportation programs; (e) energy efficient lighting; and (f) native tree planting and landscaping.

Adherence to these policies would ensure that potential future projects, including the planned improvements within the TLUP Area, would not create a new source of substantial light or glare that would adversely affect day or nighttime views of the area. This impact would be **less than significant**.

Required Mitigation Measures

The TLUP would not result in significant impacts associated with aesthetics. Therefore, no mitigation measures are required.

1.2 AGRICULTURE AND FOREST RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
II. Agriculture and Forest Resources.				
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.				
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

1.2.1 Environmental Setting

The majority of the TLUP Area consists of water and, consequently, does not contain designated farmland or agricultural resources. According to the California Department of Conservation (DOC) Farmland Mapping and Monitoring Program, the approximately 99 acres of land within the TLUP Area is classified as "Other Land" and "Urban and Built-Up Land" and does not contain Prime Farmland or Farmland of Statewide Importance (DOC 2024a). Additionally, no portions of the TLUP Area or adjacent parcels are zoned for agricultural use or under Williamson Act contract (DOC 2024b). Furthermore, there are no areas within or adjacent to the TLUP Area that are zoned forestland or timberland.

1.2.2 Discussion

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. As stated previously, the majority of the TLUP Area consists of water (submerged lands), and therefore does not contain designated farmland or agricultural resources. In addition, the land within the TLUP Area is classified as "Other Land" and "Urban and Built-Up Land" by DOC under its Farmland Mapping and Monitoring Program (DOC 2024a). There are no designated agricultural lands located within the TLUP Area, and the lands located adjacent to the TLUP Area are classified as "Urban and Built-up Land" by the California DOC (DOC 2024a). Therefore, the project would not result in the conversion of prime farmland, unique farmland, or farmland of statewide importance to non-agricultural uses, and no impact would occur.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The majority of the TLUP Area consists of water and therefore does not contain designated farmland or agricultural resources. In addition, the TLUP Area, including the land area, is not zoned for agricultural use and does not include any land under a Williamson Act contract (DOC 2024b). Therefore, the proposed TLUP would not conflict with existing zoning for agricultural use or a Williamson Act contract, and no impact would occur.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. No land zoned as forestland or timberland exists within the boundaries of the TLUP Area, nor does the TLUP propose the rezoning of forest land, timberland, or timberland zoned timber land production. Therefore, no impact would occur.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. As previously discussed, the TLUP Area is not zoned for forest land and would not convert forest land to non-forest use. Therefore, no impact would occur.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

No Impact. No agricultural land, forestland, or timberland exists within or near the study area that could be converted from Farmland to nonagricultural use or from forestland to non-forest use. Surrounding lands are classified as "Other" and "Urban and Built-up Land" and do not contain agricultural or forest land uses. Implementation of the TLUP would not involve changes to the existing environment that could result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. Therefore, no impact would occur.

Required Mitigation Measures

The TLUP would not result in significant impacts associated with agricultural or forestry resources. Therefore, no mitigation measures are required.

1.3 AIR QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
III. Air Quality.				
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied on to make the following determinations.				
Are significance criteria established by the applicable air district available to rely on for significance determinations?	☒ Yes		☐ No	
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☒	☐	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

1.3.1 Environmental Setting

The TLUP Area is within the San Diego Air Basin (SDAB), which encompasses all of San Diego County and is under the jurisdiction of the San Diego Air Pollution Control District (SDAPCD). The SDAB is bordered by the Pacific Ocean to the west, the South Coast Air Basin to the north, the Salton Sea Air Basin to the east, and the U.S.–Mexico border to the south. The ambient concentrations of air pollutant emissions are determined by the amount of emissions released by the sources of air pollutants and the atmosphere's ability to transport and dilute such emissions. Natural factors that affect transport and dilution include terrain, wind, atmospheric stability, and sunlight. Therefore, existing air quality and odor conditions in the area are determined by such natural factors as topography, meteorology, and climate, in addition to the amount of emissions released by existing air pollutant sources.

AMBIENT AIR QUALITY

Criteria Air Pollutants

The federal Clean Air Act (CAA) and the California Clean Air Act (CCAA) require all areas of California to be classified as attainment, nonattainment, or unclassified with respect to the National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS). The federal and state governments have established NAAQS and CAAQS, respectively, for six criteria pollutants: ozone (O_3), carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), and particulate matter (PM), which consists of respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less (PM_{10}) and fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less ($PM_{2.5}$). O_3 is considered a regional pollutant because its precursors affect air quality on a regional scale. Pollutants such as CO, NO_2, SO_2, and Pb are considered local pollutants that

tend to accumulate in the air locally. PM is both a local and a regional pollutant. The primary criteria pollutants of concern generated by the project are O_3 precursors (reactive organic gases [ROG] and nitrogen oxides [NO_X]).

All criteria pollutants can have human health and environmental effects at certain concentrations. The ambient air quality standards for these pollutants are set to protect public health and the environment within an adequate margin of safety (CAA Section 109). Epidemiological, controlled human exposure, and toxicology studies evaluate potential health and environmental effects of criteria pollutants, and form the scientific basis for new and revised ambient air quality standards.

A brief description of the source and health effects of criteria air pollutants is provided below in Table 1.3-1.

Table 1.3-1 Sources and Health Effects of Criteria Air Pollutants

Pollutant	Sources	Acute[1] Health Effects	Chronic[2] Health Effects
Ozone (O_3)	Secondary pollutant resulting from reaction of ROG and NO_X in presence of sunlight. ROG emissions result from incomplete combustion and evaporation of chemical solvents and fuels; NO_X results from the combustion of fuels	Increased respiration and pulmonary resistance; cough, pain, shortness of breath, lung inflammation	Permeability of respiratory epithelia, possibility of permanent lung impairment
Carbon monoxide (CO)	Incomplete combustion of fuels; motor vehicle exhaust	Reduced capacity to pump oxygenated blood; headache, dizziness, fatigue, nausea, vomiting, death	Permanent heart and brain damage
Nitrogen dioxide (NO_2)	Combustion devices (e.g., boilers, gas turbines, and mobile and stationary reciprocating internal combustion engines), industrial processes, and fires	Coughing, difficulty breathing, vomiting, headache, eye irritation, chemical pneumonitis or pulmonary edema; aggravation of existing heart disease leading to death	Chronic bronchitis, emphysema, decreased lung function
Sulfur dioxide (SO_2)	Combustion devices (e.g., boilers, gas turbines, and mobile and stationary reciprocating internal combustion engines), industrial processes, sewage, wastewater treatment, and fires	Irritation of eyes, nose, throat, and lungs, acute respiratory effects, difficulty in breathing for children, increased asthma symptoms, aggravation of existing heart disease leading to death	Chronic bronchitis, emphysema
Respirable particulate matter (PM_{10}), Fine particulate matter ($PM_{2.5}$)	Fugitive dust, soot, smoke, mobile and stationary sources, construction, fires and natural windblown dust, and formation in the atmosphere by condensation and/or transformation of SO_2 and ROG	Breathing and respiratory symptoms, aggravation of existing respiratory and cardiovascular diseases, premature death	Alterations to the immune system, carcinogenesis
Lead	Metal processing, piston-engine aircraft or other vehicles operating on leaded fuel	Reproductive/developmental effects (fetuses and children)	Numerous effects including neurological, endocrine, and cardiovascular effects

Notes: NO_X = oxides of nitrogen; ROG = reactive organic gases, used interchangeably with volatile organic compounds (VOC) in CEQA documents.

[1] "Acute" refers to effects of short-term exposures to criteria air pollutants, usually at fairly high concentrations.

[2] "Chronic" refers to effects of long-term exposures to criteria air pollutants, usually at lower, ambient concentrations.

Source: CARB 2023.

Attainment Area Designations

The CAA and the CCAA require all areas of California to be classified as attainment, nonattainment, or unclassified with respect to the NAAQS and the CAAQS. Under the CAA and the CCAA, both the California Air Resources Board (CARB) and the U.S. Environmental Protection Agency (EPA) use ambient air quality monitoring data to designate the attainment status of an air basin relative to the CAAQS and NAAQS for each criteria air pollutant. The purpose of these designations is to identify those areas with air quality problems and thereby initiate planning efforts for

improvement. The three basic designation categories are "nonattainment," "attainment," and "unclassified." "Unclassified" is used in an area that cannot be classified based on available information as meeting or not meeting the standards. The SDAB is currently classified as a Nonattainment Area with respect to the 1-hour ozone CAAQS and the 8-hour ozone CAAQS and NAAQS (SDAPCD 2024). Additionally, the SDAB is also classified as a Nonattainment Area with respect to the $PM_{2.5}$ and PM_{10} CAAQS. Attainment designations for the SDAB are shown in Table 1.3-2 for each criteria pollutant.

Table 1.3-2 Ambient Air Quality Standards and Current SDAB Attainment Status

Pollutant	Averaging Time	California (CAAQS)[a,b]		National (NAAQS)[c]	
		Standards	SDAB Attainment Status	Standards - Primary[b,d]	SDAB Attainment Status
Ozone (O_3)	1-hour	0.090 ppm (180 µg/m^3)	Nonattainment	—	—
	8-hour	0.070 ppm (137 µg/m^3)	Nonattainment	0.070 ppm (137 µg/m^3)	Nonattainment
Carbon monoxide (CO)	1-hour	20 ppm (23 mg/m^3)	Attainment	35 ppm (40 mg/m^3)	Attainment
	8-hour	9 ppm[f] (10 mg/m^3)	Attainment	9 ppm (10 mg/m^3)	Attainment
Nitrogen dioxide (NO_2)	Annual arithmetic mean	0.030 ppm (57 µg/m^3)	Attainment	53 ppb (100 µg/m^3)	Attainment
	1-hour	0.18 ppm (339 µg/m^3)	Attainment	100 ppb (188 µg/m^3)	Attainment
Sulfur dioxide (SO_2)	24-hour	0.04 ppm (105 µg/m^3)	Attainment	—	—
	3-hour	—	Attainment	—	—
	1-hour	0.25 ppm (655 µg/m^3)	Attainment	75 ppb (196 µg/m^3)	Attainment
Respirable particulate matter (PM_{10})	Annual arithmetic mean	20 µg/m^3	Attainment	—	—
	24-hour	50 µg/m^3	Nonattainment	150 µg/m^3	Unclassified/Attainment
Fine particulate matter ($PM_{2.5}$)	Annual arithmetic mean	12 µg/m^3	Nonattainment	12 µg/m^3	Unclassified/Attainment
	24-hour	—	—	35 µg/m^3	Unclassified/Attainment
Lead [e]	Calendar quarter	—	—	1.5 µg/m^3	Attainment
	30-Day average	1.5 µg/m^3	Attainment	—	—
	Rolling 3-Month Average	—	—	0.15 µg/m^3	Attainment
Hydrogen sulfide	1-hour	0.03 ppm (42 µg/m^3)	Unclassified	No national standards	
Sulfates	24-hour	25 µg/m^3	Attainment		
Vinyl chloride [e]	24-hour	0.01 ppm (26 µg/m^3)	Unclassified		
Visibility-reducing particulate matter	8-hour	Extinction of 0.23 per km	Unclassified		

Notes: µg/m^3 = micrograms per cubic meter; km = kilometers; ppb = parts per billion; ppm = parts per million (by volume).

[a] California standards for ozone, carbon monoxide, SO_2 (1- and 24-hour), NO_2, particulate matter, and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

[b] Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based on a reference temperature of 25 degrees Celsius (°C) and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.

[c] National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic means) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration in a year, averaged over 3 years, is equal to or less than the standard. The PM_{10} 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu g/m^3$ is equal to or less than 1. The $PM_{2.5}$ 24-hour standard is attained when 98 percent of the daily concentrations, averaged over 3 years, are equal to or less than the standard.

[d] National primary standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.

[e] CARB has identified lead and vinyl chloride as toxic air contaminants with no threshold of exposure for adverse health effects determined. This allows for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

Source: CARB 2016; SDAPCD 2024.

TOXIC AIR CONTAMINANTS

Toxic air contaminants (TACs) are a defined set of airborne pollutants that may pose a present or potential hazard to human health. A TAC is defined as an air pollutant that may pose a hazard to human health or cause or contribute to an increased likelihood of serious illness or mortality. TACs are usually present in minute quantities in the ambient air; however, their high toxicity may pose a threat to public health even at low concentrations.

A wide range of sources, including stationary industrial sources and mobile sources like ocean-going vessels (OGVs), harborcraft, trucks, and passenger vehicles, emit TACs. The health effects associated with TACs are quite diverse and generally are assessed locally, rather than regionally. TACs can cause long-term health effects such as cancer, birth defects, neurological damage, asthma, bronchitis, or genetic damage. Exposure to TACs may also result in short-term acute effects such as eye watering, respiratory irritation, coughing, running nose, throat pain, or headaches.

According to the *California Almanac of Emissions and Air Quality* (CARB 2013), most of the estimated health risks from TACs can be attributed to relatively few compounds, the most important being particulate matter contained in diesel exhaust (diesel PM). Diesel PM differs from other TACs in that it is not a single substance, but rather a complex mixture of hundreds of substances. Although diesel PM is emitted by diesel-fueled internal combustion engines, the composition of the emissions varies depending on engine type, operating conditions, fuel composition, lubricating oil, and whether an emissions control system is being used. In addition to diesel PM, the TACs for which data are available that pose the greatest existing ambient risk in California are benzene, 1,3-butadiene, acetaldehyde, carbon tetrachloride, hexavalent chromium, para-dichlorobenzene, formaldehyde, methylene chloride, and perchloroethylene.

Diesel PM poses the greatest health risk among these 10 TACs mentioned. Based on receptor modeling techniques, CARB estimated the average statewide cancer risk associated with diesel PM concentrations to be 360 excess cancer cases per million people in the year 2020 (CARB 2000:15). Overall, statewide emissions of diesel PM are forecasted to decline by 71 percent between 2000 and 2035 (CARB 2013:3-8).

SENSITIVE RECEPTORS

The impact of air pollutant emissions on sensitive members of the population is a special concern. Sensitive receptors are defined as locations where pollutant-sensitive members of the population may reside or where the presence of air pollutant emissions could adversely affect use of the land. CARB has identified the following people as the most likely to be affected by air pollution: children younger than 14, the elderly older than 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as *sensitive receptors* (CARB 2005). Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder-care facilities, elementary schools, and parks. Most health studies indicate that health effects are strongest within 1,000 feet of emission sources (CARB 2005).

The TLUP Area consists almost entirely of San Diego Bay waters. While there are no residential uses within the TLUP Area, there are various sensitive receptors in the vicinity, including residential, school, and recreational uses (e.g., parks, promenades, and bikeways).

1.3.2 Regulatory Setting

FEDERAL

Clean Air Act and National Ambient Air Quality Standards

The CAA was first enacted in 1963 and has been amended numerous times in subsequent years (1967, 1970, 1977, and 1990). The CAA establishes the NAAQS and specifies future dates for achieving compliance. The CAA also mandates that each state submit and implement a state implementation plan (SIP) for local areas not meeting those standards. The plans must include pollution control measures that demonstrate how the standards will be met. Because the Port of San Diego is within the SDAB, it is in an area designated as nonattainment for certain pollutants that are regulated under the CAA.

The 1990 amendments to the CAA identify specific emission-reduction goals for areas not meeting the NAAQS. These amendments require both a demonstration of reasonable progress toward attainment and incorporation of additional sanctions for failure to attain or meet interim milestones. The sections of the CAA that would most substantially affect the development of the proposed project include Title I (Nonattainment Provisions) and Title II (Mobile-Source Provisions).

Title I provisions were established with the goal of attaining the NAAQS for criteria pollutants. Table 1.1-6 shows the NAAQS currently in effect for each criteria pollutant. The NAAQS were amended in July 1997 to include an 8-hour standard for O_3 and adopt a standard for $PM_{2.5}$. The 8-hour O_3 NAAQS was further amended in October 2015.

STATE

Clean Air Act

The California CAA, signed into law in 1988, requires all areas of the state to achieve and maintain the CAAQS by the earliest practical date. The CAAQS incorporate additional standards for most of the criteria pollutants and set standards for other pollutants recognized by the state. In general, the California standards are more health protective than the corresponding NAAQS. California has also set standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles. Table 1.1-6 shows the CAAQS currently in effect for each criteria pollutant.

CARB and local air districts bear responsibility for achieving California's air quality standards, which are to be achieved through district-level air quality management plans that would be incorporated into the SIP. In California, EPA has delegated authority to prepare SIPs to CARB, which, in turn, has delegated that authority to individual air districts. CARB traditionally has established state air quality standards, maintaining oversight authority in air quality planning, developing programs for reducing emissions from motor vehicles, developing air emission inventories, collecting air quality and meteorological data, and approving SIPs.

The California CAA substantially adds to the authority and responsibilities of air districts. The California CAA designates air districts as lead air quality planning agencies, requires air districts to prepare air quality plans, and grants air districts authority to implement transportation control measures. The California CAA also emphasizes the control of "indirect and area-wide sources" of air pollutant emissions. The California CAA gives local air pollution control districts explicit authority to regulate indirect sources of air pollution and to establish traffic control measures.

Toxic Air Contaminants Regulations

California regulates TACs primarily through the Tanner Air Toxics Act (Assembly Bill [AB] 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588). The Toxic Air Contaminant Identification and Control Act

(AB 1807) created California's program to reduce exposure to air toxics. AB 2588 supplements the AB 1807 program by requiring a statewide air toxics inventory, notification of people exposed to a significant health risk, and facility plans to reduce these risks. In August 1998, CARB identified particulate emissions from diesel-fueled engines as TACs. In September 2000, CARB approved a comprehensive diesel risk reduction plan to reduce emissions from both new and existing diesel-fueled engines and vehicles. As an ongoing process, CARB reviews air contaminants and identifies those that are classified as TACs. CARB also continues to establish new programs and regulations for the control of TACs, including DPM, as appropriate. Among the programs and strategies CARB has developed to reduce diesel emissions for various sources, many are applicable to sources that are present at the Port, including off-road sources (cargo-handling equipment, locomotives, construction equipment), on-road trucks (drayage trucks), and marine vessels (harbor craft, OGVs, and shore power).

AB 617, signed into law in 2017, established the Community Air Protection Program (CAPP), which requires new community-focused and community-driven action to reduce air pollution and improve public health in communities that experience disproportionate burdens from exposure to air pollutants. In 2018, the Portside Environmental Justice Neighborhoods Community (Portside Community) was nominated by SDAPCD and selected by CARB as a monitoring community. The Portside Community consists of Barrio Logan, west National City, Sherman Heights, and Logan Heights. The SDAPCD will implement the CAPP in San Diego County, which will eventually lead to additional pollution monitoring and additional requirements through the following: accelerated installation of pollution controls on industrial sources like oil refineries, cement plants, and glass manufacturers; expanded air quality monitoring within communities; increased penalties for violations of emissions control limits; and greater transparency and improved public access to air quality and emissions data through enhanced online web tools. The AB 617 Steering Committee includes local stakeholders, technical and scientific experts, and members of local industry. In December 2019, CARB selected the Portside Community for a community emissions reduction program (CERP). The purpose of the CERP is to focus and accelerate new actions that go beyond existing State and regional programs to provide direct reductions in air pollution emissions and exposure within the Portside Community. The CERP was presented in two phases. Phase I includes actions that have been fully developed and supported by all jurisdictions or organizations that have an implementation role. The Phase I Draft CERP was released in September 2020. The Phase II CERP was finalized by SDAPCD in July 2021 and includes 11 goals and 39 actions to achieve these emission reductions. Goals include reducing TAC emissions in the community, supporting electric freight truck infrastructure and upgrades, quantifying health risk from port and non-port activities, establishing health risk reduction goals, and implementing actions to achieve those goals (SDAPCD 2021b). The Portside Community's CERP was adopted by CARB's governing board in October 2021 (CARB 2021).

Note that the Portside Community boundary extends into the TLUP Area. The boundaries of PD13 (South Central Bay) and PD14 (South Bay) areas overlap with the westernmost boundary of the Portside Community. The water use designations within PD13 (South Central Bay) include Conservation/Inter-tidal, Navigation Corridor, and Federal Navigation Channel. Water use designations within PD14 (South Bay) include Conservation/Inter-tidal and Navigation Corridor.

REGIONAL

San Diego Unified Port District Plans and Programs

The PMP is the governing land use document for physical development within the District; however, there are also other District programs that apply to air quality, and the District's Climate Action Plan has co-benefits to air quality. The District developed the Green Port Program to support the goals of the Green Port Policy, which was adopted in 2008. The Green Port Program supports resource conservation, waste reduction, and pollution prevention. The Clean Air Program provides a framework for the District's commitment to reducing air emissions, through which control measures have been implemented to reduce air emissions, building upon regulatory and voluntary efforts.

Maritime Clean Air Strategy

The Maritime Clean Air Strategy (MCAS) is a strategic planning document, identifying goals and objectives that are consistent with the Board's and District's vision of health equity and a clean, sustainable, and modern seaport. The

MCAS is intended to guide future decision-making and provide a planning framework for potential future actions that may be implemented to achieve the goals and objectives identified in the MCAS.

The MCAS identifies a vision of "Health Equity for All" and sets an ambitious overarching goal of 100 percent Zero Emissions Trucks and Cargo Handling Equipment by 2030, and also includes shorter term goals and objectives (through 2030). To reach the vision and overarching goal, the MCAS identifies ways of reducing emissions for the seven maritime-related emission sources (cargo handling equipment, commercial harbor craft, shipyards, heavy-duty trucks, Port fleet, OGVs, and rail) as well as three additional stakeholder priorities (community enrichment, public health, and enabling actions).

The underlying intent of the MCAS is to reduce air pollutants and improve air quality in and around the working waterfront/portside communities. Along with the ambitious overarching goal of 100 percent Zero Emissions Trucks and Cargo Handling Equipment by 2030, the MCAS includes goals for harbor craft (transitioning ferries and assist tugs to zero or near-emission technologies), the Port's fleet (transition motor vehicles beginning in 2022, beginning transition of emergency vehicles and equipment [forklifts and lawn maintenance equipment] to zero emissions), and seeks opportunities to advance lower emitting solutions for marine vessels and OGVs (expand vessel speed reduction and shore power).

Community Emissions Reduction Plan

The CERP contains detailed information and strategies that are intended to reduce both air pollution emissions and community exposure to air pollution in the Community of Portside Environmental Justice Neighborhoods (Portside Community).

The goals in the CERP are aspirational and are intended to guide the community members, businesses, organizations, and government agencies partnering in the implementation of this CERP to support health and environmental justice in the Portside Community. While there might not be a clear path to reach some of these goals, the goals identify the direction in which the community wants to go to achieve emission reductions beyond regulatory requirements. As technology evolves and data continues to be collected, the goals in the CERP may be adjusted (SDAPCD 2021b).

The CERP was presented in two phases. Additional details on the CERP's phasing are provided under the discussion of "Toxic Air Contaminants Regulations," above. CERP goals include reducing TAC emissions in the community, supporting electric freight truck infrastructure and upgrades, quantifying health risk from Port and non-Port activities, establishing health risk reduction goals, and implementing actions to achieve those goals (SDAPCD 2021b). The Portside Community's CERP was approved by CARB's governing board in October 2021 (CARB 2021).

San Diego Air Pollution Control District Plans, Rules, and Regulations

Local air pollution control districts have the primary responsibility for the development and implementation of rules and regulations designed to attain the NAAQS and CAAQS, as well as the permitting of new or modified sources, development of air quality management plans, and adoption and enforcement of air pollution regulations. SDAPCD is the local agency responsible for the administration and enforcement of air quality regulations in San Diego County.

Regional Air Quality Strategy and State Implementation Plan

CARB, SDAPCD, and the San Diego Association of Governments (SANDAG) are responsible for developing and implementing the clean air plan for attainment and maintenance of the ambient air quality standards in the SDAB. The San Diego Regional Air Quality Strategy (RAQS) outlines SDAPCD's plans and control measures designed to attain and maintain the state standards, while San Diego's portions of the SIP are designed to attain and maintain federal standards. The RAQS was initially adopted in 1991 and is updated on a triennial basis. The RAQS was updated in 1995, 1998, 2001, 2004, and 2009, and in 2016. The 2022 RAQS was approved by the SDAPCD board on March 9, 2023 (SDAPCD 2023).

The RAQS does not directly address the state air quality standards for PM_{10} or $PM_{2.5}$, although some RAQS strategies indirectly result in benefits to PM_{10} and $PM_{2.5}$. SDAPCD has also developed the air basin's input to the SIP, which is required under the federal CAA for areas that are out of attainment of air quality standards. The 2016 Eight-Hour O_3 Attainment Plan (2016 SIP) addresses the requirements for attaining the 2008 8-hour O_3 NAAQS. The 2020 Plan for

Attaining the National Ozone Standards (2020 SIP) addresses the requirements for attaining the 2008 and 2015 8-hour O_3 NAAQS. Both the RAQS and SIP demonstrate the effectiveness of CARB measures (mainly for mobile sources) and SDAPCD's plans and control measures (mainly for stationary and area-wide sources) for attaining the O_3 NAAQS. The SIP is also updated on a triennial basis. SDAPCD adopted its attainment plan and Reasonable Available Control Technology Demonstration for the 2008 8-hour O_3 NAAQS. In addition, the *Measures to Reduce Particulate Matter in San Diego County* report (SDAPCD 2005) proposes measures to reduce PM emissions and recommends measures for further detailed evaluation and, if appropriate, future rule development (or non-regulatory development, if applicable), adoption, and implementation in San Diego County, to attain PM CAAQS.

Air Toxics "Hot Spots" Program

The SDAPCD implements CARB's Air Toxics "Hot Spots" Program locally. The program requires facilities emitting toxic substances to quantify emissions, identify impacted areas, notify individuals exposed to elevated risks, and then develop and implement strategies to reduce potential significant risks. SDAPCD produces an annual report, which summarizes the latest results regarding emission estimates, the results of local health risk assessments, and the current status of public notifications and risk reduction requirements. The latest report is for the years 2019 and 2020 (SDAPCD 2021a). Approximately 3,000 facilities within the county are required to comply with the program, including NASSCO.

SDAPCD Rules and Regulations

SDAPCD is responsible for establishing and enforcing local air quality rules and regulations that address the requirements of federal and state air quality laws. The proposed project may be subject to the following SDAPCD rules, and others, during construction.

- **Regulation 2, Rule 20.2—New Source Review Non-Major Stationary Sources:** establishes Air Quality Impact Analysis (AQIA) Trigger Levels, which set emission limits for non-major new or modified stationary sources.
- **Regulation 2, Rule 20.3—New Source Review Major Stationary Sources and Prevention of Significant Deterioration Stationary Sources**: establishes AQIA Trigger Levels, which set emission limits for major new or modified stationary sources or Prevention of Significant Deterioration stationary sources. Major sources are defined in Regulation 8 as sources that emit 100 tons per year of PM_{10}, SO_X, CO, and lead; and 50 tons per year of NO_X and volatile organic compounds (VOC) in federal O_3 nonattainment areas.
- **Rule 50—Visible Emissions:** establishes limits for the opacity of emissions within the SDAPCD. The proposed project is subject to Rule 50(d)(1) and (6) and should not exceed the visible emission limitation.
- **Rule 51—Nuisance:** prohibits emissions that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public; endanger the comfort, repose, health, or safety of any such persons or the public; or cause injury or damage to business or property.
- **Rule 52—Particulate Matter:** establishes limits for the discharge of any particulate matter from nonstationary sources.
- **Rule 54—Dust and Fumes:** establishes limits for the amount of dust or fume discharged into the atmosphere in any 1 hour.
- **Rule 55—Fugitive Dust Control:** sets restrictions on visible fugitive dust from construction and demolition projects.
- **Rule 67—Architectural Coatings:** establishes limits to the VOC content for coatings applied within the SDAPCD.
- **Rule 67.7—Cutback and Emulsified Asphalts:** establishes general provisions and limits to the VOC content for asphalt materials applied within the SDAPCD.
- **Regulation 8, Rules 1200–1210:** establishes rules and procedures governing new, relocated, or modified emission units that may increase emissions of one or more TAC. While the project is not necessarily subject to the requirements of this regulation, the risk assessment guidelines and procedures published as part of this regulation are used in the health risk assessment herein.

1.3.3 Discussion

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less-Than-Significant Impact. A conflict with an applicable air quality plan could occur if implementation of the TLUP would be inconsistent with the growth projections assumed in the RAQS and SIP or if it would conflict with their overarching goals and strategies, or if it would conflict with or obstruct implementation of the goals and objectives of the District's MCAS or CERP actions.

Progress toward attainment of the NAAQS and CAAQS is based on emissions budgets identified in the RAQS and SIP. An emissions budget identifies the emissions level necessary for meeting emission reduction milestones, attainment, or maintenance demonstrations. This budget considers existing conditions, planned growth based on SANDAG's growth projections (which include District growth), and air quality control measures implemented by SDAPCD. The RAQS and SIP utilize SANDAG growth forecasts and CARB mobile source forecasts to develop emissions reduction measures necessary for attaining the NAAQS and CAAQS. The SANDAG model used for projecting population, housing, and job growth in the county considers the demographic, economic, and land use data from all relevant planning documents, including the existing PMP.

The TLUP identifies limited planned development and would not result in a substantial increase in air pollutants, result in growth beyond SANDAG's growth forecast, or include any policies that would conflict with air quality control measures implemented by SDAPCD. Planned improvements would include the potential expansion of bait barges, baitfish storage, and associated vendor operations in PD11 (North Bay); routine maintenance of the San Diego-Coronado Bay Bridge and pipelines, which are activities in PD12 (North Central Bay); shellfish and seaweed aquaculture in PD13 (South Central Bay); and shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, and the development of minimal activating features (e.g., seating, public art, signage) in the Recreation Open Space area in PD14 (South Bay).

Emissions would result from the use of equipment, marine vessels, and trucks that are used to construct these improvements. However, these planned improvements are limited in scope and scale and emissions from these improvements would be minimal and limited to the short durations of construction activities. For example, the time and equipment needed to transport and install an expansion of bait barges in PD11 would be minor and limited to minor amounts of equipment and truck activity. Similarly, landside activities related to shoreline restoration or other shoreline adaptation strategies in PD14, while not known at this time, would likely require use of construction equipment. On-going maintenance activities in PD12 for the San Diego-Coronado Bay Bridge and associated pipelines are existing activities and would continue as a planned improvement in the TLUP. Finally, aquaculture in PD13 would result in minimal emissions related to marine vessels used to tend and harvest shellfish and seaweed crops. However, the usage of marine vessels would be limited in duration. Additionally, any future projects within the TLUP Area would need to demonstrate consistency with the TLUP's applicable water and land use designations, policies, development standards, planning district special allowances, and visions. None of these foreseeable activities would create development that would increase population or employment that would result in growth beyond SANDAG's growth forecast.

Therefore, the TLUP would not conflict with the RAQS or SIP. Additionally, the TLUP does not propose any maritime industrial or cargo operations and does not include any proposed activities within PMP PD4 (Tenth Avenue Marine Terminal); therefore, the MCAS and CERP would not apply to any of the planned improvements identified in the TLUP. Impacts would be less than significant.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less Than Significant with Mitigation Incorporated. The CEQA Guidelines state that the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the significance determination of whether a project would violate or impede attainment of air quality standards. Attainment status for

each pollutant is assigned for the entire air basin. In San Diego, the SDAB is defined as "all of San Diego County" (see 17 CCR 60110). Therefore, the current attainment status for the entire San Diego region, which includes nonattainment status for ozone NAAQS and ozone CAAQS, PM_{10} CAAQS, and $PM_{2.5}$ CAAQS, applies to the entire county.

Construction and operation of future planned improvements identified in the TLUP would result in minimal emissions that would be far below relevant thresholds. For example, activities associated with operation of expanded bait barges, baitfish storage, and associated vendor operations in PD11 (North Bay), routine maintenance of the San Diego-Coronado Bay Bridge and pipelines in PD12 (North Central Bay), and shellfish and seaweed aquaculture in PD13 (South Central Bay) may result in emissions from equipment, worker vehicles, trucks for deliveries and export, as well as from marine vessels, but these emissions would be limited to the duration of each project. Emissions for individual projects would be temporary and the total duration would vary from project to project. Construction emissions can vary substantially from day to day depending on the level of activity, the specific type of operation, and~~, for~~ dust or prevailing weather conditions.

Taken individually, these types of activities typically result in minimal emissions that are far below relevant thresholds. However, there is a possibility that multiple projects could overlap on a single day, and it is possible that the sum of these overlapping activities could result in emissions that exceed SDAPCD thresholds. Therefore, mitigation is proposed to ensure that emissions are mitigated to a level below thresholds. Therefore, after mitigation, construction of planned improvements identified in the TLUP would not violate an air quality standard or contribute substantially to an existing or projected air quality standard. Therefore, when combined with contributions of nonattainment pollutant emissions of past, present, and probable future projects, the TLUP's contribution of nonattainment pollutants would be less than cumulatively considerable during construction.

As previously discussed, the TLUP would not propose specific physical development and would not directly result in any construction or operational air quality emissions. However, future potential activities within the TLUP Area that are consistent with the TLUP's applicable water and land use designations, policies, development standards, planned improvements, planning district special allowances, and visions, such as the potential expansion of bait barges, baitfish storage, and associated vendor operations in PD11 (North Bay); the potential for temporary deep water berthing for commercial fishing vessels, commercially operated passenger vessels, and research vessels at a proposed one-acre area west of the Pierhead Line at the G Street Mole, and the continued deep water berthing of cruise ships, harbor craft, and research vessels at an approximately six-acre area west of the B Street Pier, Broadway Pier, and Navy Pier in PD12 (North Central Bay); and the potential shoreline restoration or other shoreline adaptation strategies and development of minimal activating features (e.g., seating, public art, signage) in the Recreation Open Space area in PD14 (South Bay) may indirectly result in a cumulatively considerable net increase of a criteria pollutant, for which the project region is non-attainment under an applicable federal or state ambient air quality standard, such as ozone levels under NAAQS and CAAQS. This impact would be potentially significant (**Impact-AQ-1**) and mitigation measures are required.

To mitigate this potentially significant impact, implementation of **MM-AQ-1** through **MM-AQ-5** is required to reduce emissions from construction and operational equipment. **MM-AQ-1** requires construction best practices (e.g., maintaining construction equipment in proper working condition, minimizing idling time, and promoting measures to reduce construction worker commute trips), **MM-AQ-2** requires all off-road equipment to ~~use renewable diesel and~~ meet EPA Nonroad Tier 4 emissions standards, depending on when construction occurs. **MM-AQ-3** requires dust control (e.g., watering) to limit fugitive dust emissions from construction activities. **MM-AQ-4** requires all harbor craft or dredgers used to construct or operate~~d~~ TLUP-related projects to ~~use renewable diesel and~~ meet applicable EPA Marine or Nonroad Tier~~ 3 or~~ 4 or better (i.e., cleaner) emissions standards, or use zero-emission equipment, depending on when the activity occurs and the availability of equipment. **MM-AQ-5** requires future project proponents to document and track activities and emissions to ensure that projects do not exceed daily thresholds individually or in combination with other projects being implemented as part of the TLUP. These measures require reporting to the District and changes to the overall construction schedule if emissions exceed thresholds. These measures would reduce all emission types and, although emission reductions cannot be quantified, they are likely to be small in scale. Implementation of **MM-AQ-1** through **MM-AQ-5** would ensure that emissions remain below thresholds and this impact (**Impact-AQ-1**) would be **less than significant with mitigation incorporated**.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less-Than-Significant Impact. CARB defines sensitive receptors as children, elderly, asthmatics, and others who are at heightened risk of negative health outcomes due to exposure to air pollution. Sensitive receptor locations may include hospitals, schools, daycare centers, and other such locations (CARB 2024). Diesel particulate matter (DPM), which is classified as a carcinogenic TAC by CARB, is the primary exhaust pollutant of concern with regard to health risks to sensitive receptors. Diesel-powered vehicles, equipment, and vessels emit DPM that could potentially expose nearby sensitive receptors to pollutant concentrations. Prolonged exposure to DPM can increase the risk of cardiovascular, cardiopulmonary, and respiratory disease, and lung cancer. Consistent with CARB rulemaking, the discussion below focuses on DPM (CARB 2018).

Typical construction projects result in minimal DPM emission-related health effects, as construction is temporary and transient in nature. While larger construction projects, such as larger infrastructure projects or high-rise hotels, particularly those with substantial earthwork, may result in elevated emissions and associated pollutant concentrations, especially if construction occurs near existing residential, school, or other sensitive uses, there are no such uses proposed as part of the TLUP. Construction and operation of potential future projects within the TLUP Area that are consistent with the TLUP's applicable water and land use designations, policies, development standards, planned improvements, planning district special allowances, and visions would result in minimal emissions that would be far below relevant thresholds. For example, activities associated with operation of expanded bait barges, baitfish storage, and associated vendor operations in PD11 (North Bay), routine maintenance of the San Diego-Coronado Bay Bridge and pipelines in PD12 (North Central Bay), and shellfish and seaweed aquaculture in PD13 (South Central Bay) may result in emissions from equipment, worker vehicles, trucks for deliveries and export, as well as from marine vessels, but these emissions would be limited to the duration of each project. Such projects would be short-term in nature, and any associated emissions and pollutant concentrations would be temporary and much less than the 30- or 70-year exposure period typically used to estimate lifetime cancer risks (OEHHA 2015). Although specific details needed to assess construction-related emissions at individual locations are not available at this time, construction DPM levels associated with future buildout of the TLUP are expected to be minimal. Construction at any single site would be short term and transitory, result in minimal emissions, and occur at distances not expected to expose sensitive receptor locations to substantial pollutant concentrations.

Operation of potential future projects within the TLUP Area that are consistent with the TLUP's applicable water and land use designations, policies, development standards, planned improvements, planning district special allowances, and visions would have a minimal increase in activities that would have the potential to expose sensitive receptors to substantial pollutant concentrations. For example, there would be little to no DPM emissions associated with operation of expanded bait barges, baitfish storage, and associated vendor operations in PD11 (North Bay). Routine maintenance of the San Diego-Coronado Bay Bridge and pipelines, which are activities in PD12 (North Central Bay) are existing activities and therefore would not represent new emissions. Shellfish and seaweed aquaculture in PD13 (South Central Bay) may have diesel emissions from vessels using diesel engines (if applicable), but would have limited operational time and would be far removed from sensitive receptors; and shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway and the development of minimal activating features (e.g., seating, public art, signage) in the Recreation Open Space area in PD14 (South Bay) would have little to no DPM emissions during the operational phase. As such, impacts from the emission of DPM during construction would be **less than significant**.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less-Than-Significant Impact. According to CARB's *Air Quality and Land Use Handbook*, land uses associated with odor complaints typically include sewage treatment plants, landfills, recycling facilities, and manufacturing (CARB 2005). Odor impacts on residential areas and other sensitive receptors, such as hospitals, daycare centers, and schools, warrant the closest scrutiny, but consideration should also be given to other land uses where people may congregate, such as recreational facilities, work sites, and commercial areas. Because the water and land uses proposed under the TLUP would not allow for the development of these types of odor-generating uses, foreseeable

development proposed under the TLUP would not have the potential to emit odors during construction or operation. Furthermore, no portion of the TLUP Area is within or near the Tijuana River Valley and its associated pollution issues, including sewage, resulting in known regional odor impacts; thus, because the TLUP would not create odor causing emissions and the TLUP Area is not within or near the Tijuana River Valley, the TLUP would not exacerbate existing odor within the Tijuana River Valley area. Therefore, this impact would be **less than significant**.

Required Mitigation Measures

For **Impact-AQ-1:**

MM-AQ-1: Implement Best Management Practices During Construction of All Future TLUP-Consistent Projects. The project proponent shall implement the following measures during construction of future projects within the TLUP Area, subject to verification by the District.

- The proponent shall limit all diesel-powered construction-related equipment~~, drayage,~~ and haul/delivery truck idling times by shutting down equipment when not in use and reducing the maximum idling time to less than 5 minutes. The project proponent shall install signage that is clearly worded regarding the limitation on idling time at the delivery and/or loading areas, if applicable.
- The project proponent shall verify that all construction equipment used on-site is maintained and properly tuned in accordance with manufacturers' specifications. Prior to the commencement of construction activities using diesel-powered vehicles or equipment, the project proponent shall verify that all vehicles and equipment have been checked by a certified mechanic or a mechanic experienced with such equipment, and determined to be running in proper condition prior to admittance onto the project site. The project proponent shall submit a report by the certified mechanic or a mechanic experienced with such equipment, of the condition of the construction vehicles and equipment to the District prior to commencement of their use.
- The project proponent shall submit evidence of the use of diesel emission reduction measures, including truck idling time violations, to the District through regular reporting, with the first report due thirty days from the date of commencement of construction and each subsequent report due exactly 30 days thereafter, until construction is completed, noting all violations with relevant identifying information of the vehicles and drivers in violation of these measures.

MM-AQ-2: Implement Diesel Emission-Reduction Measures During Construction of ~~All~~ Future TLUP-Consistent Projects that Exceed Applicable San Diego Air Pollution Control District (SDAPCD) Air Quality Thresholds. To reduce emissions during construction of future projects within the TLUP Area that would exceed applicable SDAPCD thresholds, as determined through **MM-AQ-5**, the project proponent shall implement the following measures during construction of the project, and shall provide verification to the District, prior to the project proponent shall submit a list of equipment to be used and the equipment's specifications (model year, engine tier, horsepower) to the District to ensure the construction equipment is consistent with the following requirements. No changes shall be made to the list of equipment without the District's prior approval. Within 30 days after the completion of construction, the project proponent/operator and/or its contractor(s) shall provide written evidence to the District that the construction was consistent with the following requirements.

- For all construction activities, equip all off-road diesel equipment engines over 25 horsepower with EPA Nonroad Tier 4 or cleaner engines unless EPA Nonroad Tier 4 construction equipment is not commercially available (defined below) within 100 miles of the project site. The project proponent shall submit written evidence to the District prior to commencement of construction activities that EPA Nonroad Tier 4 or cleaner equipment shall be used, or that EPA Nonroad Tier 4 or cleaner equipment is not available for use during the entire duration of that project's construction period~~ beyond 2025~~. The provided evidence shall include details of the project proponent's effort to secure EPA Nonroad Tier 4 or cleaner equipment, including suppliers contacted and their responses, subject to the District's concurrence.

- ~~Use renewable diesel fuel in all heavy-duty off-road diesel-fueled equipment. Renewable diesel fuel must meet the most recent ASTM D975 specification for Ultra Low Sulfur Diesel and have a carbon intensity no greater than 50 percent of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.~~
- Use zero- or near-zero-~~-~~emission~~s~~ off-road (non-road) equipment in lieu of diesel- or gasoline-powered equipment where such zero- or near-zero-emission equipment is commercially available. Commercially available means available within 100 miles, for purchase or lease by the project proponent or any contractors that may be retained by the project proponent.
- Use diesel particulate filters (or the equivalent) if permitted under manufacturer's guidelines for on-road and off-road diesel equipment, unless equipment is already equipped with a diesel particulate filter (or the equivalent).

MM-AQ-3: Implement Fugitive Dust Control During Construction of ~~All~~ Future Landside TLUP-Consistent Projects. During construction of a future project within the TLUP Area that would require grading of or otherwise disturb land, the project proponent shall implement the following dust control measures that go beyond SDAPCD Rule 55. The project proponent shall submit evidence of its compliance with the following fugitive dust reduction measures to the District, within 90 days after the completion of construction.

- Water the grading areas, if any, at a minimum of three times daily to minimize fugitive dust.
- Stabilize graded areas, if any, immediately after grading, to minimize fugitive dust.
- ~~Apply chemical stabilizer or pave the last 100 feet of internal travel path within the construction site prior to public road entry.~~
- Install wheel washers adjacent to a paved apron prior to vehicle entry on public roads.
- Remove any visible track-out into traveled public streets within 30 minutes of occurrence.
- Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred.
- Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads.
- Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling.
- Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 mph.
- Cover/water onsite stockpiles of excavated material.
- Enforce a 15-mph speed limit on unpaved surfaces.
- Sweep up any dirt and debris spilled onto paved surfaces immediately to reduce resuspension of particulate matter caused by vehicle movement. Clean approach routes to construction sites daily for construction-related dirt in dry weather.
- ~~Hydroseed, landscape, or develop as quickly as possible all disturbed areas and as directed by the District and/or SDAPCD to reduce dust generation.~~

Should non-compliance with any of the measures listed above occur, the project proponent shall correct the violation immediately and shall notify the District within five days from the day the violation occurred.

MM-AQ-4: Use Modern Harbor Craft and Dredgers. Prior to commencement of waterside construction or new or expanded long-term operational activities within the TLUP Area that require the use of marine vessels, the project proponent shall ensure that any harbor craft, including but not limited to tugboats, pusher tugs, tow boats, work boats, crew and supply boats, and dredgers for use during any in-water work shall meet the following criteria:

- ~~For all activities through 2025, ensure all equipment is Tier 3 or better (cleaner).~~
- ~~For all activities after 2025, e~~Ensure all equipment is alternatively fueled or electrically powered. If alternatively fueled or electrically powered equipment ~~that emits less emission than Tier 4 or better (cleaner)~~ is not commercially

available (defined in MM-AQ-~~3~~2), then the project proponent shall ensure all equipment is EPA Marine or Nonroad Tier 4 or better (i.e., cleaner).

- ~~Use renewable diesel fuel in all heavy-duty off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for Ultra-Low Sulfur Diesel and have a carbon intensity no greater than 50 percent of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.~~

This measure applies to short-term construction projects, such as dredging, and longer-term operations, such as marine vessels used in aquaculture operations (e.g., when a new discretionary action is required and a potential impact related to air quality may occur). If clean harbor craft and dredgers are not available within 200 miles of the project site for the duration of all activities, the project proponent shall prioritize use of equipment that is maintained and properly tuned in accordance with manufacturers' specifications. The project proponent shall document and submit evidence to the District prior to commencement of waterside activities that tugboats, survey vessels, and dredgers meeting the above tiering requirements or better standards are not available for use during the duration of all in-water activities, which shall be subject to the District's concurrence and approval. Regardless of the equipment used, the project proponent shall verify that all equipment has been checked by a mechanic experienced with such equipment and determined to be running in proper condition prior to admittance into the project area. The project proponent shall submit a report prepared by the mechanic experienced with such equipment of the condition of the vehicles and equipment to the District prior to commencement of their use.

MM-AQ-5: Project-Level Environmental Reviews. If a future project within the TLUP Area would have the potential to result in a project-specific air quality ~~significant~~ impact~~s that were not identified and mitigated in the TLUP Environmental Checklist~~, then the District shall require the project proponent to prepare an air quality technical report that analyzes all phases of project construction and operations. If a project's air quality technical report determines that construction or operations emissions exceed the SDAPCD threshold(s), the project proponent shall be required to implement ~~site~~ project-specific mitigation measures to avoid or reduce emissions to SDAPCD thresholds, including mitigation measures described in MM-AQ-1 through MM-AQ-4 if applicable. Where mitigation measures are required, the District shall ~~identify~~ incorporate these measures into the project-specific ~~level environmental~~ CEQA document and associated ~~include them in a~~ mitigation monitoring and reporting program ~~for the individual development project~~.

1.4 BIOLOGICAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
IV. Biological Resources.				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☒	☐	☐

1.4.1 Environmental Setting

The information contained in this section is summarized from the PMPU Final PEIR and has been updated as necessary to reflect existing conditions during the preparation of this analysis.

SAN DIEGO BAY SETTING

The TLUP Area consists of approximately 7,903 acres of San Diego Bay waters (submerged lands), as well as 99 acres of land in the South Bay Planning District (PD14). Most of these areas fall within the overall footprint of San Diego Bay, or are directly adjacent to the Bay. San Diego Bay is a nearly enclosed, naturally formed embayment. The Bay was formed from the alluvial floodplains of the Otay, Sweetwater, and San Diego Rivers, and was historically shallow. The redirection and

channelization of the San Diego River beginning in the 1940s, along with multiple dredging and channel-deepening projects, primarily between 1914-1971, have resulted in deep waters in the northern and central portions of the Bay (with deepest waters of 59 feet occurring at the mouth of the Bay), transitioning to shallow waters (less than 3 feet) at the southern end of the Bay (U.S. Navy and District 2013). The San Diego Bay Integrated Natural Resources Management Plan (INRMP), jointly prepared by the U.S. Navy and the District, divides the Bay into multiple habitat definitions based on depth including: deep subtidal (< -20 feet mean lower-low water [MLLW]), moderately deep subtidal (-12 to -20 feet MLLW), shallow subtidal (-2.2 to -12 feet MLLW), and intertidal (-2.2 to +7.8 feet MLLW) (Figures 4.3-1 through 4.3-8). Currently, deep subtidal and moderately deep subtidal waters account for more than 50 percent of total Bay surface area (U.S. Navy and District 2013). In contrast, shallow subtidal habitat accounts for approximately 28 percent of Bay surface area, primarily in south San Diego Bay. Intertidal habitat currently accounts for only 7 percent of the Bay surface area.

The habitats of San Diego Bay are generally reflective of its water depth and the presence and/or absence of shoreline structures. More than 70 percent of the shoreline (45.4 miles out of a total 64.4 miles) of San Diego Bay is currently armored (U.S. Navy and District 2013). Armoring is primarily rock riprap, but also includes vertical bulkhead walls, boat launch ramps, earthen dikes, and wharves. Additionally, there are over 130 acres of surface structures (e.g., piers, docks) within the Bay that currently shade intertidal and subtidal waters. More recently, the Port has started to replace traditional shoreline armoring with nature-based shoreline improvements. The majority of the lands in the northern and central portions of the Bay are developed with a mix of commercial, recreational, and military uses.

South San Diego Bay has less shoreline development relative to the northern and central portions of the Bay. As such, much of the shoreline is "soft" and composed of native sand and mud substrate. Common south Bay habitats include southern coastal salt marsh, intertidal, mudflats, salt flats, and southern coastal foredune.

The dominant vegetated subtidal habitat throughout San Diego Bay is common eelgrass (*Zostera marina*) (Merkel & Associates, Inc. 2014). The most recent baywide eelgrass survey, completed in 2023, found 2,595 acres of eelgrass (represented by two species, common eelgrass and Pacific eelgrass [*Zostera pacifica*]). This accounts for approximately 17 percent of the eelgrass present in California (NAVFACSW and District 2023). The majority of eelgrass present in San Diego Bay occurs in the southern portion of the Bay due to the predominantly shallow nature of the south Bay. However, eelgrass is found where depths and conditions are suitable in all areas of San Diego Bay.

Salt marshes currently cover approximately 800 acres of the Bay, with most of this habitat composed of a network of marshes that form a non-contiguous patchwork in the south Bay. The marine habitats of San Diego Bay currently support several sensitive avian species, marine mammals, and reptiles. Habitats and sensitive species within the San Diego Bay and the area surrounding it are described further below under the various habitat headings.

The TLUP Area portion of the San Diego Bay consists predominantly of open bay, subtidal, intertidal zones, marshlands, developed salt flats, and additional marshes. PD11 (North Bay) primarily features an open bay with minor intertidal regions near the shoreline boundary. PD12 (North Central Bay) is also largely open bay, containing a small intertidal zone in Glorietta Bay. In PD13 (South Central Bay), there are additional areas of intertidal near the Naval Amphibious Base and along the Silver Strand; otherwise, PD13 consists of open bay. PD14 (South Bay) includes conservation and intertidal areas where the TLUP overlaps with the San Diego Bay National Wildlife Refuge (Refuge), as well as conservation open space and recreation open space areas. This area is characterized by generally shallow subtidal zones set aside for conservation purposes; however, there are also salt ponds still in operation within the Refuge. Further south within PD14, at the southern end of San Diego Bay, intertidal zones include tidal mudflats and coastal salt marshes.

There are a few small upland areas within PD14 that feature minimal coastal scrub and herbaceous cover. Additionally, there is a small amount of low-quality upland habitat suitable for dune and scrub species along berms in the salt marshes and along the edges of PD14.

More information about the existing bay habitats and the surrounding habitats is provided below.

BAY HABITATS

Subtidal Unvegetated Soft Bottom

The INRMP differentiates between shallow and deep subtidal habitat based on the biological values of these habitats (U.S. Navy and District 2013). Deep and moderately deep habitats maintain similar biological functions, while shallow habitat has the potential to support greater primary productivity and overall greater diversity of habitats and ecological communities. Within the Bay, unvegetated soft-bottom habitat consists of sand, soft muds, and silt. Loose rubble is often found overlying the soft sediment along the edge of the hard shoreline revetments.

Typical invertebrate species that inhabit these areas include burrowing bivalves (*Chione* spp., *Macoma nasuta*), the amphipod (*Grandidierella japonica*), bay ghost shrimp (*Neotrypaea* spp.), burrowing anemones (*Harenactis attenuata*), sabellid worms (Family Sabellidae), and tube-dwelling anemones (Family Cerianthidae). Other species typical of other non-vegetated areas of Southern California bays and harbors include sponges (Phylum Porifera), nudibranchs (Order Nudibranchia) and navanax (*Navanax inermis*), sea hare (*Aplysia californica*), and bivalves including the invasive, nonnative Asian mussel (*Musculista senhousia*). Fish species typical of soft-bottom habitat of San Diego Bay include round stingray (*Urobatis halleri*), topsmelt (*Atherinops* affinis), kelp pipefish (*Sygnathus* californiensis), giant kelpfish (*Heterostichus rostratus), arrow* goby (*Clevelandia ios*), shiner perch (*Cymatogaster aggregata),* dwarf perch (*Micrometrus minimus),* and spotted sand bass (*Paralabrax maculatofasciatus*) (VRG 2022).

Subtidal Vegetated Habitat

The vegetated, shallow subtidal habitat of San Diego Bay is dominated by eelgrass (Merkel & Associates, Inc. 2014). Additionally, small amounts of widgeon grass (*Ruppia maritima*) occur in the warmer, shallow flats of south San Diego Bay. The baywide eelgrass survey updated in 2023 indicated 2,595 acres of eelgrass is present within the Bay (NAVFACSW and District 2023). Vegetated subtidal habitats are an essential component of Southern California's coastal marine environment. Eelgrass beds function as an important habitat for a variety of invertebrate, fish, and avian species. For many species, eelgrass beds are an essential biological habitat component for at least a portion of their life cycles, providing resting and feeding sites along the Pacific Flyway for avian species, and nursery sites for numerous species of fish. Eelgrass beds may be interspersed with red algae such as *Gracilaria verrucosa* and green algae, including *Ulva* spp. Typical fish species associated with eelgrass include pipefish (*Syngnathus* spp.), kelpfish (Family Clinidae), and surfperch (Family Embiotocidae).

Open Bay

The water column represents the largest habitat of San Diego Bay and the nearshore coastal area. This habitat is dominated by schooling fish species including topsmelt, northern anchovy (*Engraulis mordax*), and deepbody anchovy (*Anchoa compressa*). Pacific mackerel (*Scomber japonicus*) is common within San Diego Bay. The occurrence of these species in open water is important to several species of piscivorous birds including pelicans, terns, loons, grebes, cormorants, and mergansers. These fish also provide an important forage base for numerous species of marine mammals.

Intertidal/Shallow Subtidal Riprap

As previously stated, an estimated 70 percent of the shoreline of San Diego Bay is armored, primarily with rock riprap, to form a sloped revetment. Typical species observed along riprap include native oyster (*Ostrea lurida*), nonnative Pacific oyster (*Crassostrea gigas*), barnacles (*Balanus* spp.), mussels (*Mytilus* spp.), tubed serpulid worms (Family Serpulidae), and tunicates such as *Styela plicata*. Crevices support cryptic fish such as bay blenny, and invertebrates that include spiny lobster (*Panulirus interruptus*), rock crab (*Cancer* spp.), and shore crabs (*Pachygrapsus crassipes* and *Hemigrapsus oregonensis*). Riprap supports a variety of algal species including *Egregia menziesii*, *Ulva* spp., *Ceramium* spp., *Dictyota* spp., *Laurencia* spp., and *Enteromorpha* spp.. Invasive algae include *Sargassum* spp. and *Undaria pinnatifida*. Fish species typically found along subtidal portions of riprap are abundant and vary from the mouth of the Bay, which has more oceanic conditions, to protected marinas in the central and southern portions of the Bay. Species include opaleye (*Girella nigricans*), senoritas (*Oxyjulus californica*), garibaldi (*Hypsypops rubicundus*), rockfish (*Sebastes* spp.), spotted sand bass, and giant kelpfish (*Heterostichus rostratus*). Other structure-associated fish species

likely to occur along this habitat include salema (*Xenistius californiensis*), juvenile black croaker (*Cheilotrema saturnum*), sargo (*Anisotremus davidsonii*), barred sand bass, and black surfperch (*Embiotoca jacksoni*) (U.S. Navy and District 2013).

Intertidal Flats

This habitat includes mudflats, that occur intertidally, typically along the unarmored shorelines of south San Diego Bay. Intertidal mudflats also occur in narrow bands along riprap shorelines in quiescent areas and marinas of the Bay. This habitat provides an interface with open waters of the Bay, bringing tidal exchange to adjacent marshlands and serving as outlets for stormwater runoff, nutrients, and sediment supply to the Bay. Intertidal flats are dominated by invertebrates that inhabit the sediments, providing a low-tide foraging area for shorebirds, including threatened Western snowy plover (*Charadrius nivosus nivosus*). As tides rise, the flats become forage habitat for fish, dabbling waterfowl, and piscivorous birds. Common avian species along intertidal flats include sandpipers (*Calidris* spp.), willet (*Tringa semipalmata*), marbled godwit (*Limosa fedoa*), dowitchers (*Limnodromus* spp.), plovers (Family Charadriidae), eared grebe (*Podiceps nigricollis*), and scaup (*Aythya* spp.). Fish species that forage on tidal flats during high tides include mullet (*Mugil cephalus*), California halibut (*Paralichthys californicus*), and bat ray (*Myliobatis californica*).

Sandy Beach and Dunes

This habitat includes coastal and bay sandy beach and dune environments that are located along narrow fringes between subtidal and supratidal habitats within areas of higher wave energy. The sandy beach and dune habitat within the proposed TLUP Area is present in small sections of bayside dune habitat on the west side of San Diego Bay, such as on the shore of Grand Caribe Shoreline Park, which is affected by tides and may provide suitable habitat for sensitive vegetation and plant species. In the TLUP Area, PD 13 and 14 also contain bayside dune habitat.

Marshes

Coastal salt marsh habitat primarily occurs in south San Diego Bay, as a series of noncontiguous remnants of once broader estuarine environments and restored wetlands. This fragmentation, along with channelization and redirection of rivers and creeks that historically drained into marshlands, and the threat of sea level rise, puts the remaining marshes at risk of decline. Many of the marshes in south San Diego Bay occur along unarmored shorelines. There are multiple areas that support salt marsh habitats across San Diego Bay. This system of marshes strengthens overall ecosystem functionality as shorebirds and other species may depend on resources across multiple marshes. Although the total area of salt marsh habitat in the TLUP may be limited, it has significant value when combined with salt marsh habitats across San Diego Bay.

Marsh habitat provides important biological, water quality, and shoreline protection functions. Coastal salt marsh habitat is dominated by salt-tolerant vegetation including pickleweed (*Sarcocornia* and *Salicornia* spp.) and cordgrass (*Spartina foliosa*) that provides foraging habitat for numerous birds and nesting habitat for several sensitive avian species, particularly the Federally and State-listed light-footed Ridgway's rail (*Rallus obsoletus levipes*) and the State-listed Belding's savannah sparrow (*Passerculus sandwichensis beldingi*).

Upland Transition and Upland Areas

As mentioned previously, the majority of shoreline within San Diego Bay is armored. However, upland transition areas, particularly along unarmored shorelines, provide important foraging, roosting, and nesting habitat for birds. Among the most important upland transitional areas are sand dunes and beaches adjacent to, and protected by, intertidal flats and marshes, which are primarily present in the southern section of San Diego Bay. Sand dunes could provide suitable nesting habitat for sensitive avian species such as the California least tern (*Sternula antillarum*) and Western snowy plover. Other upland and transitional habitats adjacent to baylands include coastal sage scrub established within historic bay fills around the periphery of the tidal flats in the southern end of the Bay and along the Bay-side edges of the Silver Strand, which could provide nesting and foraging habitat for species such as coastal California gnatcatcher (*Polioptila californica*). These areas are partly adjacent to PD14 which is part of the TLUP.

Urban/Developed

The urban/developed landscape is the predominant habitat for the terrestrial environments within many of the proposed planning districts. Urban developed landscapes are mostly composed of manicured lawns, ornamental landscaped vegetation, sidewalks, pavement, and buildings. While this setting is not ideal habitat for most wildlife species, a number of common bird species including, but not limited to, red-tailed hawk (*Buteo jamaicensis*), house finch (*Haemorhous mexicanus*), mourning dove (*Zenaida macroura*), house sparrow (*Passer domesticus),* American crow (*Corvus brachyrhynchos*), and Anna's hummingbird (*Calypte anna)* can be found in these settings. Light poles and towers within parking lots on Tidelands and mature trees closer to San Diego Bay provide nesting habitat for piscivorous species like the osprey (*Pandion haliaetus* – on light towers), black-crowned night heron (*Nycticorax nycticorax*), snowy egret (*Egretta thula*), and great blue heron (*Ardea herodias).*

WETLANDS AND SENSITIVE HABITATS

Wetland habitats are present primarily as coastal salt marsh, as noted above. Freshwater, brackish marsh, and riparian scrub do not occur within areas described under the TLUP.

Eelgrass is a rooted aquatic plant that inhabits shallow, soft-bottom habitats in quiet waters of bays and estuaries as well as sheltered coastal areas. It can form dense beds that provide substrate, food, and shelter for a variety of marine organisms. The majority of eelgrass is found in the southern portion of the Bay at depths of -4 to -6 feet MLLW or shallower and typically in water less than 20 feet deep, with light availability being the primary limiting factor for distribution and growth. Eelgrass beds are considered "special aquatic sites" under the Clean Water Act (CWA). Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, eelgrass is designated as Essential Fish Habitat for various Federally managed fish species within the Pacific Coast Groundfish and Pacific Coast Salmon Fisheries Management Plans (PFMC 2024a, 2024b). Eelgrass is also considered a habitat area of particular concern for various species within the Pacific Coast Groundfish Fisheries Management Plan. Similar to marshes, eelgrass provides important functions such as nutrient transformation, shoreline protection, carbon sequestration, and sediment stabilization.

WILDLIFE CORRIDORS, MIGRATION ROUTES, AND NURSERIES

The presence of undeveloped shorelines and the various salt marshes around the Bay help connect species across local regions where they occur. For instance, wildlife species may use riparian, salt marsh, and beaches as corridors, if there is minor human disturbance in the area.

The open waters of the Bay as well as the southern portions of the Bay provide stopover habitat for migrating waterfowl and shorebirds. San Diego Bay and the Imperial Beach shoreline, like all of California, are located within the Pacific Flyway. This important migration route is used by multiple avian species to connect breeding and wintering habitats. Whale species such as the humpback whale and California gray whale have migratory routes that occur along the California coast. Whales typically do not enter the Bay, but California gray whales are often observed in nearshore waters close to the coastline.

Although less well understood than other migratory species, Eastern Pacific green sea turtles are residents of south Bay. Green sea turtle individuals have been tracked between the south Bay and known nesting sites in Mexico. This indicates that the south Bay provides important habitat for the green sea turtle. As noted above, eelgrass is plentiful in San Diego Bay and is an important forage species for the green sea turtle. The importance of San Diego Bay to the green sea turtle is reflected in a recent proposed rule by the National Oceanic and Atmospheric Administration (NOAA) Fisheries to designate San Diego Bay as critical habitat of the green sea turtle.

The Bay provides nursery habitat for many species of fish and invertebrates that leave the Bay during adult life stages. Many species, such as California halibut and spiny lobster, find refuge as juveniles within eelgrass habitat. Multiple bird species nest in habitats found within the Bay and adjacent habitats. Species such as Belding's savannah sparrow, California least tern, Western snowy plover, and Ridgway's rail are all special-status species that nest in open spaces, sandy dune habitat, or within salt marsh habitats found within or along the fringes of the Bay.

SPECIAL-STATUS SPECIES

Special-status species are those plants or animals that have been officially listed, proposed for listing, or are candidates for listing as threatened or endangered under provisions of the federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA), protected under the Marine Mammal Protection Act (MMPA), as well as any animal species listed as a species of special concern or fully protected by the State, and plants listed on the California Rare Plant Ranking. Sensitive species also include species listed by local or regional jurisdictions.

A query of the California Natural Diversity Database and a California Native Plant Society Inventory of Rare and Endangered Plants in the La Jolla, La Mesa, Point Loma, National City, and Imperial Beach U.S. Geological Survey (USGS) 7.5-minute quadrangles were conducted to identify sensitive biological resources within and in the vicinity of the TLUP Area. A review of the query and search results, documented species ranges, and habitat within the TLUP Area identified 18 special-status plant species with a potential to occur within the TLUP Area based on presence of suitable natural habitat, primarily coastal salt marsh and limited sections of coastal scrub (CNDDB 2024; CNPS 2024). A total of 41 special-status wildlife species were indicated as either known to occur or potentially occurring within the TLUP Area. Specific details of special-status species with the potential to occur in the TLUP Area are provided in Appendix B.

1.4.2 Regulatory Setting

FEDERAL

Coastal Zone Management Act of 1972

The U.S. Congress recognized the importance of meeting the challenge of continued growth in the coastal zone by passing the Coastal Zone Management Act in 1972. The act, administered by NOAA's Office of Ocean and Coastal Resource Management, provides for management of the nation's coastal resources and balances economic development with environmental conservation.

The Coastal Zone Management Act outlines two national programs. The National Coastal Zone Management Program includes 34 coastal programs that aim to balance competing water and land issues in the coastal zone. The National Estuarine Research Reserve System creates field laboratories that provide a greater understanding of estuaries and how humans affect them. The overall program objectives of the act are to "preserve, protect, develop, and where possible, to restore or enhance the resources of the nation's coastal zone."

The Coastal Zone Management Act ensures that development projects in coastal areas are designed and sited in a manner that is consistent with coastal zone land uses, maximizes public health and safety, and ensures that biological resources (e.g., wetlands, estuaries, beaches, and fish and wildlife and their habitat) within the coastal zone are protected. The California Coastal Commission enforces the Coastal Zone Management Act by certifying that any proposed project is consistent with the California Coastal Act of 1976 (as amended). The enforceable policies of the Coastal Zone Management Act are found in Chapter 3 of the California Coastal Act.

Rivers and Harbors Act (Section 10)

Pursuant to Section 10 of the Rivers and Harbors Act, the U.S. Army Corps of Engineers (USACE) is authorized to regulate any activity within or over any navigable water of the United States. Rivers and Harbors Act Section 10 jurisdiction is defined as "those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use, to transport interstate or foreign commerce" (33 Code of Federal Regulations 322). The San Diego Bay is considered traditional navigable water regulated under Section 10 of the Rivers and Harbors Act; therefore, any future work activities proposed within or over any navigable waters would require Section 10 compliance and coordination with USACE.

Federal Endangered Species Act

Species listed as endangered and/or threatened by the U.S. Fish and Wildlife Service (USFWS) are protected under Section 9 of the ESA, which forbids any person to "take" an endangered or threatened species. Take is defined in Section 3 of the act as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." The U.S. Supreme Court ruled in 1995 that the term "harm" includes destruction or modification of habitat. Sections 7 and 10 of the Act may authorize "incidental take" for an otherwise lawful activity (a development project, for example) if it is determined that the activity would not jeopardize survival or recovery of the species. Section 7 applies to projects where a federally listed species is present and there is a federal nexus, such as a CWA Section 404 permit (e.g., impacts on waters of the United States) that is required. Section 10, requiring an incidental take permit, applies when a federally listed species is present, but there is no Federal nexus.

Magnuson-Stevens Fishery Management and Conservation Act

Federal agencies must consult with NOAA Fisheries on actions that may adversely affect essential fish habitat (EFH). EFH is defined as those "waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." NOAA Fisheries encourages streamlining the consultation process using review procedures under the National Environmental Policy Act, Fish and Wildlife Coordination Act, the CWA, and/or the federal ESA provided that documents meet requirements for EFH assessments under Section 600.920(g). EFH assessments must include (1) a description of the proposed action, (2) an analysis of effects, including cumulative effects, (3) the Federal agency's views regarding the effects of the action on EFH, and (4) proposed mitigation, if applicable.

Marine Mammal Protection Act

The MMPA of 1972 prohibits, with certain exceptions, the take of marine mammals in U.S. waters and by U.S. citizens on the high seas, and the importation of marine mammals and marine mammal products into the United States. Congress passed the MMPA based on the following findings and policies: (1) some marine mammal species or stocks may be in danger of extinction or depletion as a result of human activities, (2) these species of stocks must not be permitted to fall below their optimum sustainable population level (depleted), (3) measures should be taken to replenish these species or stocks, (4) there is inadequate knowledge of the ecology and population dynamics, and (5) marine mammals have proven to be resources of great international significance.

The MMPA was amended substantially in 1994 to provide for: (1) certain exceptions to the take prohibitions, such as for Alaska Native subsistence, and for permits and authorizations for scientific research; (2) a program to authorize and control the taking of marine mammals incidental to commercial fishing operations; (3) preparation of stock assessments for all marine mammal stocks in waters under U.S. jurisdiction; and (4) studies of pinniped-fishery interactions. Additionally, under the 1994 amendments to the MMPA, harassment is statutorily defined as any act of pursuit, torment, or annoyance that:

- Has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or
- Has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavior patterns, including, but not limited to migration, breathing, nursing, breading, feeding, or sheltering but which does not have the potential to injure a marine mammal or marine mammal stock in the wild (Level B harassment).

NOAA Fisheries and USFWS administer the MMPA. Project activities that may result in Level A or B harassment, injury, or mortality would require consultation with NOAA Fisheries and USFWS under the MMPA.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA), first enacted in 1918, provides for protection of international migratory birds and authorizes the Secretary of the Interior to regulate the taking of migratory birds. The MBTA provides that it is unlawful, except as permitted by regulations, to pursue, take, or kill any migratory bird, or any part, nest, or egg of any such bird. Under the MBTA, "take" is defined as "to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities." A take does not include habitat destruction or alteration, if there is not a

direct taking of birds, nests, eggs, or parts thereof. The current list of species protected by the MBTA can be found in 50 Code of Federal Regulations (CFR) 10.13. The list includes nearly all birds that are native to the United States.

Clean Water Act

The Federal Water Pollution Control Act Amendments of 1972, commonly known as the Clean Water Act (33 United States Code 1251–1376), as amended by the Water Quality Act of 1987, is the major Federal legislation governing water quality. The purpose of the CWA is to "restore and maintain the chemical, physical, and biological integrity of the nation's waters." Discharges into waters of the United States are regulated under CWA Section 404. waters of the United States include: (1) all navigable waters (including all waters subject to the ebb and flow of the tide); (2) all interstate waters and wetlands; (3) all other waters, such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, or natural ponds; (4) all impoundments of waters mentioned above; (5) all tributaries to waters mentioned above that are considered relatively permanent; (6) the territorial seas; and (7) all wetlands adjacent to waters mentioned above with continuous surface connection. Important applicable sections of the CWA are discussed below.

- Section 401 requires an applicant for any federal permit that proposes an activity that may result in a discharge into waters of the United States (as defined by the navigable water protection rule) to obtain certification from the State that the discharge will comply with other provisions of the CWA. Certification is provided by the respective regional water quality control board (RWQCB). A Section 401 certification from the San Diego RWQCB would be required for future projects if a Section 404 permit and/or Rivers and Harbor Act (Section 10) permit are required.
- Section 404 provides for USACE issuance of permits for discharge of dredged or fill material into waters of the United States by Permits typically include conditions to minimize impacts on water quality. Common conditions include: (1) USACE review and approval of sediment quality analysis before dredging; (2) a detailed pre- and post-construction monitoring plan that includes disposal site monitoring; and (3) requiring compensation for loss of waters of the United States.

California Eelgrass Mitigation Policy

The National Marine Fisheries Service (NMFS) is an office of the NOAA and is responsible for the stewardship of the nation's ocean resources and their habitat. NMFS developed the California Eelgrass Mitigation Policy (CEMP) in order to establish and support a goal of protecting eelgrass and its habitat functions (NMFS 2014). The CEMP includes guidance on defining eelgrass habitat, surveying, mapping, assessing impacts, avoiding and minimizing impacts on eelgrass, and mitigation options. Avoidance and minimization measures included within the CEMP relate to turbidity, shading, circulation, and nutrient and sediment loading impacts. Mitigation options include comprehensive management plans, in-kind mitigation, mitigation banks and in-lieu-fee programs, and out-of-kind mitigation.

NMFS has provided this policy to other State and Federal agencies, including the California Department of Fish and Wildlife (CDFW), as guidance for handling project-related impacts on eelgrass habitat.

Caulerpa Control Protocol

The Caulerpa Control Protocol (CCP) establishes measures to prevent the spread of invasive Caulerpa species in California's marine environments. Caulerpa species are non-native, fast-growing marine algas that poses significant threats to native ecosystems by displacing native vegetation and altering habitats. The introduction, possession, sale, and transport of Caulerpa species are strictly prohibited in California under Section 2300 of the California Fish and Game Code.

The CCP requires project proponents to conduct surveys in marine and estuarine environments where suitable habitats for Caulerpa may occur before beginning any construction or development activities. These surveys must be performed by qualified marine biologists following methods approved by CDFW and NMFS. If Caulerpa is detected, all work in the affected area must cease immediately, and the infestation must be eradicated under guidance from regulatory agencies.

The CCP is jointly enforced by NMFS and CDFW, often in collaboration with local agencies, to ensure compliance and protect California's coastal ecosystems. The implementation of the CCP aligns with the goals of the California Coastal Act and the California Endangered Species Act by safeguarding critical habitats from ecological harm caused by invasive species.

National Wildlife Refuge System Administration Act of 1966

The National Wildlife Refuge System Administration Act of 1966 consolidated the various categories of lands, administered by the Secretary of the Interior through USFWS, into a single National Wildlife Refuge System. The act establishes a unifying mission for the Refuge System, a process for determining compatible uses of refuges, and a requirement for preparing comprehensive conservation plans. The act states, first and foremost, that the mission of the National Wildlife Refuge System be focused singularly on wildlife conservation. In addition, the Refuge Administration Act identifies six priority wildlife-dependent recreation uses, clarifies the Secretary's authority to accept donations of money for land acquisition, and place restrictions on the transfer, exchange, or other disposal of lands within the Refuge System (NOAA 2012).

San Diego Bay National Wildlife Refuge Final Comprehensive Conservation Plan and Environmental Impact Statement

The San Diego Bay National Wildlife Refuge is managed by USFWS as part of the National Wildlife Refuge System. A Comprehensive Conservation Plan is prepared pursuant to the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997. USFWS manages the Sweetwater Marsh and South San Diego Bay Units of the San Diego Bay NWR in accordance with the approved August 2006 Comprehensive Conservation Plan. The Comprehensive Conservation Plan provides long-range guidance on refuge management through its vision, goals, objectives, and strategies. The Comprehensive Conservation Plan also provides a basis for a long-term adaptive management process including implementation, monitoring progress, evaluating and adjusting, and revising plans accordingly (USFWS 2006).

STATE

California Endangered Species Act; Fully Protected Species

The CESA establishes the policy of the State to conserve, protect, restore, and enhance threatened or endangered species and their habitats. The CESA mandates that State agencies should not approve projects that would jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. For projects that affect both a State- and Federally listed species, compliance with the Federal ESA will satisfy the CESA if the CDFW determines that the Federal incidental take authorization is consistent with the CESA under California Fish and Game Code Section 2080.1. For projects that would result in a take of a State-only listed species, the project proponent must apply for a take permit under Section 2081(b).

Also, California Fish and Game Code Sections 3511, 4700, 5050, and 5515 prohibit take or possession of fully protected species. Incidental take of fully protected species may be authorized only under an approved Natural Communities Conservation Plan.

California Fish and Game Code

Other sections of the California Fish and Game Code establish the Fish and Game Commission, as authorized by Article IV, Section 20, of the Constitution of the State of California. The Fish and Game Commission is responsible, under the provisions of Sections 200–221, for regulating the take of fish and game, not including the taking, processing, or use of fish, mollusks, crustaceans, kelp, or other aquatic plants for commercial purposes. However, the Fish and Game Commission does regulate aspects of commercial fishing, including fish reduction; shellfish cultivation; take of herring, lobster, sea urchins, and abalone; kelp leases; leases of State water bottoms for oyster allotments; aquaculture operations; and other activities. These resource protection responsibilities involve the setting of recreational and commercial fishing seasons, bag and size limits, and methods and areas of take, as well as prescribe the terms and conditions under which permits or licenses may be issued or revoked by CDFW. The Fish and Game

Commission also oversees the establishment of wildlife areas and ecological reserves and regulates their use and sets policy for CDFW.

Sections 3503, 3503.5, 3505, 3800, and 3801.6 of the Fish and Game Code protect all native birds, birds of prey, and all nongame birds, including their eggs and nests, that are not already listed as fully protected and that are naturally present within the state. Section 3503.5 specifically states that it is unlawful to take, possess, or destroy any raptors (e.g., hawks, owls, eagles, falcons), including their nests or eggs.

CDFW is the lead State agency that manages native fish, wildlife, plant species, and natural communities for their ecological value and their benefits to people. CDFW oversees the management of marine species through several programs, some in coordination with NMFS and other agencies.

The CEMP is administered by NMFS and CDFW. The effects of a project on any surrounding eelgrass beds and any compensatory mitigation would be addressed under the CEMP.

California Coastal Act

The California Coastal Act of 1976 recognizes California ports, harbors, and coastline beaches as primary economic and coastal resources and as essential elements of the national maritime industry. Decisions to undertake specific development projects, where feasible, are to be based on consideration of alternative locations and designs in order to minimize any adverse environmental impacts. The California Coastal Act is implemented by the CCC. The District's currently adopted Port Master Plan was certified by CCC on January 21, 1981, and subsequently amended.

Fish and Game Code Division 3, Chapter 3.5, Section 2300

All species of the genus Caulerpa are regulated in the state of California under CDFG Code Division 3, Chapter 3.5 Section 2300. No person shall sell, possess, import, transport, transfer, release alive in the state, or give away without consideration the saltwater algae of the Caulerpa species: *taxifolia, cupressoides, mexicana, sertulariodes, floridana, ashmeadii, racemosa, verticillata, and scapelliformis*.

Assembly Bill 1334

It is illegal to possess, sell, or transport *Caulerpa taxifolia* in California. Signed into law in 2001, the Assembly Bill 1334 (Harman), prohibits the possession, sale, and transport of *Caulerpa taxifolia* throughout California. This bill also establishes the same restrictions on several other species of the genus Caulerpa that are similar in appearance and are believed to be potentially invasive.

LOCAL

San Diego Port District Port Master Plan

Through implementation of the PMP, the District maintains authority over tidelands and submerged lands conveyed in trust to the District by the California legislature. Any amendments to the PMP are first reviewed and adopted by the Board of Port Commissioners and then certified by the California Coastal Commission, thereby allowing the District to issue coastal development permits for projects within its jurisdiction. The PMP provides for protection of biological resources and states that the District will remain sensitive to the needs of, and will cooperate with, other communities and other agencies in Bay and tideland development.

San Diego Bay Integrated Natural Resources Management Plan

The San Diego Bay INRMP is a long-term strategy sponsored by two of the major managers of San Diego Bay: the U.S. Navy and the District. Its intent is to provide direction for the good stewardship that natural resources require while also supporting the ability of the Navy and District to meet their missions and continue functioning within the Bay. The core strategies of the plan are to (1) manage and restore habitats, populations, and ecosystem processes; (2) plan and coordinate projects and activities so that they are compatible with natural resources; (3) improve information sharing, coordination, and dissemination; (4) conduct research and long-term monitoring that supports

decision-making; and (5) put in place a Stakeholder's Committee and Focus Subcommittees for collaborative, ecosystem-based problem-solving in pursuit of the goal and objectives.

The San Diego Bay INRMP also includes objectives related to the eradication of invasive species in the Bay. Specifically, Objective 4.4.1 calls for the minimization of the harmful ecological, economic, and human health impacts of aquatic invasive species in San Diego Bay. The primary sources of invasive species within San Diego Bay are ballast water and hull fouling (See Section 2.6.7.3 of the INRMP), Table 2-47 of the INRMP lists the invasive marine species found in San Diego Bay.

Port of San Diego Environmental Mitigation Property (BPC Policy No. 735)

The Board of Port Commissioners (BPC) Policy 735 establishes a policy for the allocation of environmental mitigation property within District Tidelands. Environmental mitigation property refers to land, water area, natural or constructed habitats, credit for the removal of shading over open water, or other assets, held in trust by the District and that could be used to offset the environmental impacts of projects. The District recognizes the demand for mitigation property within Tidelands for capital development projects and major maintenance pursuant to the District's land-use obligation (as defined in Section 4 of the San Diego Unified Port District Act). The District also recognizes that the demand for environmental mitigation property for non-District funded projects is increasing. It is the policy of the District that property suitable for mitigation, which is held in trust by the District, will be retained for District-funded capital development and major maintenance projects. Due to the limited area of mitigation property available to the District, each project requiring mitigation shall be evaluated through an administrative procedure as described in BPC Policy No. 735 to ensure that environmental mitigation property is only used for the most appropriate project. Further, unused mitigation land and new mitigation opportunities on District Tidelands that are not encumbered by a project will be under the control of the District and will be added to the District's accounting of available mitigation property. New mitigation land or credits will be managed in accordance with the District's administrative policy for use of District Environmental Mitigation Property.

Chula Vista Bayfront Master Plan Natural Resources Management Plan

The Chula Vista Bayfront Master Plan (CVBMP) Natural Resources Management Plan (NRMP) is a comprehensive framework designed to protect and enhance natural resources within the Chula Vista Bayfront area while facilitating sustainable development. The NRMP identifies and outlines strategies to manage sensitive habitats, wildlife species, and water resources to balance environmental preservation with urban development.

The NRMP emphasizes the conservation of habitats such as tidal wetlands, mudflats, and upland areas that support diverse native species, including several sensitive and special-status species. The plan integrates habitat restoration and enhancement efforts, including creating new wetland habitats, restoring degraded areas, and implementing buffer zones to minimize human and development impacts.

The NRMP is implemented in coordination with state and federal resource agencies, including CDFW, USFWS, and NMFS. Its strategies align with other regulatory frameworks, such as the California Endangered Species Act and the California Coastal Act, ensuring the integration of environmental stewardship into the overall development of the Chula Vista Bayfront area.

1.4.3 Discussion

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?

Less Than Significant with Mitigation Incorporated. The TLUP Area consists of both marine and upland habitats. Proposed planned improvements included within the TLUP include the potential expansion of bait barges, baitfish storage, and associated vendor operations in PD11 (North Bay); routine maintenance of the San Diego-Coronado Bay

Bridge and pipelines which are existing uses and activities in PD12 (North Central Bay); shellfish and seaweed aquaculture in PD13 (South Central Bay); and shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway and the development of minimal activating features (e.g., seating, public art, signage) in the Recreation Open Space area in PD14 (South Bay). In addition, TLUP includes ECO Policy 2.2.4, which promotes the beneficial reuse of safe and clean dredged sediments or other potential sediment sources~~ the beneficial reuse of safe and clean dredged sediments or other potential sediment sources~~.

Construction and operation of future projects within the TLUP Area that are consistent with the TLUP's applicable water and land use designations, policies, development standards, planned improvements, planning district special allowances, and visions would have the potential to result in substantial direct and indirect adverse effects on sensitive habitat and special-status species. Potentially significant impacts and mitigation are addressed below, for both special-status marine and terrestrial biological resources.

Marine Biological Resources

San Diego Bay, which includes the TLUP Area, contains various marine habitats including intertidal flats, intertidal/shallow subtidal, subtidal unvegetated soft bottom, subtidal vegetated habitat, open bay, sandy beaches and dunes, coastal salt marsh, coastal dunes, and salt flats (District 2023). The marine habitats within the TLUP Area support sensitive or special-status species, such as green sea turtles, which have been documented in south San Diego Bay, as well as marine mammals and fishes. Additionally, eelgrass is present throughout San Diego Bay, including the TLUP Area, which provides a habitat and nursery habitat functions for native aquatic life (District 2017).

The TLUP proposes planned improvement PD11.1, which would allow for the potential expansion of existing lease boundaries and uses, or additional bait barges, baitfish storage, and associated vendor operations supporting the fishing industry in PD11. Because these uses are anchored to the Bay floor, construction associated with this planned improvement would not require pile driving or other substantial underwater noise-generating activities, such as hammering and drilling, that would result in construction-induced noise impacts on marine resources. Similarly, construction of this planned improvement would not result in substantial sediment disturbance, other than the initial disturbance from the anchors settling onto the Bay floor, that could increase turbidity because construction would not involve pile driving, pile removal, or dredging. Additionally, because any bait barge expansion would occur in deeper parts of the Bay, there would not be any potential for construction vessels to accidentally contact with bottom substrate or result in propeller wash in shallow water.

However, the potential expansion of bait barges, baitfish storage, and associated vendor operations could involve new or expanded overwater structures that would potentially create additional shading and reduce open water habitat and associated foraging area. These overwater coverage and shading impacts could occur during both construction and operation of this planned improvement. Additional overwater coverage could lead to lower eelgrass productivity due to shading if the overwater coverage is above eelgrass. However, given the depth of the Bay where a potential bait barge expansion would occur under PD11.1, implementation of this planned improvement would not result in any shading of eelgrass. Temporary overwater coverage from barges and other construction vessels during waterside construction of proposed planned improvement PD11.1 could temporarily impact California least tern and other fish-foraging species by limiting available open water area for foraging. While temporary, this impact would be potentially significant in cases where vessels do not move and cover productive nearshore waters for extended periods of time (i.e., greater than 30 days during the California Least Tern nesting season). Additionally, the installation and use of overwater structures would result in a permanent reduction of potential open water foraging habitat for California least tern and other sensitive fish-foraging species. Collectively, overwater coverage impacts from construction and operation of planned improvement PD11.1 would be potentially significant (**Impact-BIO-1**). Mitigation would be necessary to ensure no net loss of open water habitat. Overwater cover from permanent structures can be mitigated in-kind if feasible, or out-of-kind if in-kind options are not available. Mitigation measure **MM-BIO-1** includes a variety of suitable options for mitigating impacts associated with **Impact-BIO-1**. These options can be implemented ~~either individually or in combination,~~ as may be required through consultation with applicable resource agencies during permitting processes to offset impacts from permanent overwater coverage. In-kind options include removal of existing overwater coverage at a 1:1 mitigation ratio at other locations in San Diego Bay to offset overwater coverage for any future project consistent with the TLUP, and/or withdrawal of credits from the

District's shading credit program in accordance with BPC Policy 735, if approved by the District and resource agencies. Out-of-kind mitigation measures include creation or restoration of wetlands at a 1:1 ratio or eelgrass habitat at a mitigation ratio specified in the CEMP to improve fisheries and associated wildlife beneficial uses in consultation with regulatory agencies identified above, and/or contribution to an approved mitigation bank or suitable in-lieu fee program. Implementation of **MM-BIO-1** would reduce potential permanent overwater coverage impacts (**Impact-BIO-1**) to less than significant.

The TLUP proposes planned improvement PD13.2, which would allow for potential future aquaculture operations involving cultivation of shellfish and seaweed at the former A-8 anchorage, located in PD13 (South Central Bay). Aquaculture, particularly shellfish and seaweed aquaculture, offer multiple co-benefits, such as fisheries enhancement, ecosystem restoration, bioremediation, carbon sequestration, and habitat enhancement and otherwise improving water quality by removing particulates and increasing ecosystem productivity. Notably, shellfish aquaculture has been shown to perform a similar ecological function as other structured habitats such as eelgrass, generating increased benthic and epibenthic invertebrate abundance, an ecological benefit that is also recognized by NMFS.

However, if viewed in the context of available fish habitat and forage, shellfish operations compete with natural populations of fish and invertebrates that consume plankton and organic particles and limit foraging opportunities for coastal pelagic fish species. For example, Pacific sardine and northern anchovy feed on the same small planktonic organisms that shellfish would feed on. Therefore, the introduction of shellfish for the purpose of aquaculture could impact essential fish habitat and associated managed species through the potential reduction of foraging opportunities. Additionally, benthic impacts of shellfish aquaculture can result from the presence of gear and equipment, shell debris, and the accumulation of pseudofeces or fouling organisms due to natural processes and dependent upon aquaculture methods (District 2023).

Additionally, aquaculture facilities have the potential to result in impacts on green sea turtles. Aquaculture facilities such as oyster and mussel farms utilize structures that could lead to entanglement of green sea turtles. The "sock" material used to farm mussels is similar to netting that could be an entanglement hazard. Similarly, some oyster aquaculture methods utilize "grow-out bags" that can be suspended or mounted in floating structures.

Collectively, these impacts would be potentially significant **(Impact-BIO-2)**. To mitigate this potentially significant impact, **MM-BIO-2** requires future project proponents to develop and implement an Aquaculture ~~Mitigation~~ Operations Plan that includes specific requirements for addressing potential impacts on essential fish habitat, benthic communities, and green sea turtles from aquaculture operations. Implementation of **MM-BIO-2** would reduce potential aquaculture impacts (**Impact-BIO-2**) to less than significant.

The impact on recently proposed critical habitat for the green sea turtle would be less than significant. The former A-8 anchorage does not currently support eelgrass; thus, this critical forage component for the green sea turtle is absent in this portion of PD13 where aquaculture may occur. The lack of eelgrass as forage would mean that green sea turtles would only interact with the aquaculture facilities when transiting into and out of South San Diego Bay, which is mitigated by **MM-BIO-2**. Seaweed cultivation could attract green sea turtles that might forage directly on cultivated algae or on drift pieces of algae in the water column or those that sink to the seafloor. This would be a potentially beneficial outcome if the entanglement hazards are properly managed pursuant to **MM-BIO-2**. Otherwise, the presence of the facilities is not likely to disturb the movements of green sea turtles and, therefore, the potential impact on green sea turtle movement and their proposed critical habitat is less than significant.

Additionally, the TLUP proposes ECO Policy 1.1.8~~7~~ to ensure development adjacent to habitat areas occupied by threatened or endangered species will comply with the federal and California Endangered Species Acts; ECO Policy 1.1.20~~8~~ to ensure that the District prioritizes the use of nature-based solutions composed of natural or sustainable materials that increase shoreline biodiversity and coastal resiliency; and ECO Policy 2.1.4 to encourage aquaculture that uses species and sustainable practices approved by CDFW and that do not degrade surrounding natural resources and minimize substantial environmental impacts. While these proposed policies would help reduce potential adverse effects on candidate, sensitive, or special-status species, for the reasons described above, **MM-BIO-1** and **MM-BIO-2** are required to reduce impacts on marine biological resources (**Impact-BIO-1** and **Impact-**

BIO-2, respectively) to less-than-significant levels. Therefore, impacts would be **less than significant with mitigation incorporated**.

Terrestrial Biological Resources

The terrestrial areas surrounding San Diego Bay, which includes portions of the TLUP Area, contain sandy beaches and dunes, coastal salt marsh (in upland transitional zones), coastal dunes, upland tidal transitions, and upland areas, including coastal scrub communities (District 2023). The terrestrial habitats within the TLUP Area could potentially support sensitive or special-status species, such as light-footed Ridgway's rail and Belding's savannah sparrow, which have been documented in south San Diego Bay, as well as other avian and special-status plant species.

The TLUP proposes minor planned improvements for recreation facilities in the South Bay Planning District, which include shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, as well as the development of minimal activating features (e.g., seating, public art, signage) in the Recreation Open Space area in PD14. While most of the activating features would be within areas previously disturbed and with limited footprint size, any disturbance to coastal wetland habitats (see Impact-BIO-5 under Section 1.4.3 (c) below) would potentially impact special-status plant species, if present. Any potential loss of individual special-status plants would be potentially significant (**Impact-BIO-3**). Depending on the rarity of the species, habitat-based mitigation may be suitable to reduce impacts to less than significant. However, for species that are state-listed or federally listed and/or have a California Rare Plant Rank (CRPR) of 1B.1, 1B.2, species-specific mitigation would be required to reduce impacts to less than significant. Mitigation measure **MM-BIO-3** includes requirements to conduct ~~at least one~~ focused surveys for terrestrial special-status plants during their appropriate blooming period to determine if they are present within a proposed impact area (some perennial species may be detected outside of the blooming period, at the discretion of the qualified biologist). If CESA or ESA listed plant species are identified in the project area, the Wildlife Agencies (CDFW and USFWS) shall be notified. If the project may result in the take of any endangered, threatened, or candidate plant species, the project proponent shall seek appropriate take authorization under CESA or ESA prior to implementing the project. If terrestrial special-status plant individuals are observed within the proposed construction, access, staging, or stockpiling areas of a future project, one of two options would be implemented. First, construction areas could be modified to avoid direct impacts to mapped sensitive plant species. If impacts on sensitive plant species cannot be feasibly avoided, then compensatory mitigation for impacts to sensitive plants would be implemented and would include implementation of an approved Conceptual Restoration Plan or acquisition of mitigation credits. As part of the Conceptual Restoration Plan~~and would be directly impacted~~, ~~the~~ any individual plants that would be directly impacted would be salvaged and relocated or seeds from the species would be collected to be cultivated and established in a suitable off-site location. These salvage activities may occur in combination with the other habitat mitigation (e.g., for wetlands ~~(~~[i.e., coastal salt marsh]~~)~~ described in **MM-BIO-5**), such that salvaged or re-cultivated individuals may be installed within the habitat mitigation area. Implementation of **MM-BIO-3** would reduce impacts on special-status plant species to **less than significant with mitigation incorporated**.

Potential construction activities within the TLUP Area that generate noise above ambient levels, could affect the foraging and nesting of coastal habitat-dependent, special-status avian species that rely on these habitats, including coastal salt marsh and sandy dunes, such as light-footed Ridgway's rail and California least tern, as well as other sensitive avian species. These potential impacts on sensitive avian species would be potentially significant (**Impact-BIO-4**). To mitigate this potentially significant impact, **MM-BIO-4** requires that construction activities with the potential to directly or indirectly impact these species be scheduled outside their respective breeding seasons (i.e., April 1st to September 15th for California least tern and March 15th to September 15th for light-footed Ridgway's rail). If the breeding season cannot be avoided, pre-construction nest surveys ~~will~~ would be required. Should any nests be identified, monitoring, along with the potential to implement a 500-foot buffer ~~visual/sound barriers~~ depending on the project activity location relative to the nest, would be required. Implementation of **MM-BIO-4** would reduce impacts to sensitive nesting and coastal habitat-dependent avian species to **less than significant with mitigation incorporated**.

The TLUP proposes ECO Policy 1.1.8~~7~~ to ensure development adjacent to habitat areas occupied by threatened or endangered species will comply with the federal and California Endangered Species Acts and ECO Policy 1.1.20~~8~~ to

ensure that the District prioritizes the use of nature-based solutions composed of natural or sustainable materials that increase shoreline biodiversity and coastal resiliency. While these proposed policies would help reduce potential adverse effects on candidate, sensitive, or special-status species, for the reasons described above, MM-BIO-3, MM-BIO-4, and MM-BIO-5 are required to reduce impacts on terrestrial biological resources to less than significant with mitigation incorporated.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?

Less-Than-Significant Impact. The TLUP Area includes sensitive natural communities, including coastal salt marsh and eelgrass. Eelgrass beds are both the primary biologically important habitat associated with submerged soft-bottom substrate in San Diego Bay and are managed by NMFS. Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, eelgrass is designated as Essential Fish Habitat for various Federally managed fish species within the Pacific Coast Groundfish and Pacific Coast Salmon Fisheries Management Plans (PFMC 2024a, 2024b~~2008~~). Eelgrass is also considered a habitat area of particular concern for various species within the Pacific Coast Groundfish Fisheries Management Plan. Eelgrass beds are also considered "special aquatic sites" under the CWA. Although eelgrass is present throughout San Diego Bay, including the TLUP Area, none of the planned improvements identified in the TLUP would occur in shallow water where eelgrass habitat is present. Regardless, any future project that would occur in the San Diego Bay would be required to confirm eelgrass is not present. Evidence would be provided by conducting an eelgrass survey (i.e., MM-BIO-1) prior to construction activities to ensure the resource would not be impacted.

Additionally, the TLUP proposes several policies to ensure the successful preservation of sensitive habitat, including eelgrass. For example, ECO Policy 1.1.2 requires the District to prioritize and pursue opportunities for the protection, conservation, creation, restoration, and enhancement of sensitive habitats and State or federally listed coastal species. In addition, ECO Policy 1.1.3, 1.1.5 through 1.1.9~~8~~, 1.1.12~~1~~ through 1.1.26~~5~~, and 2.1.4 are all policies designed to protect and, in some cases, expand sensitive habitat within the TLUP Area. Because future projects within the TLUP Area would be subject to these proposed policies, along with the limited number of planned improvements, the identification of ecological opportunity areas, and extensive areas designated for Conservation/Inter-tidal water uses or Conservation Open Space land uses in the TLUP (e.g., approximately 96% of PD14 [South Bay] is designated as Conservation/Inter-tidal or Conservation Open Space), potential impacts on sensitive natural communities would be less than significant.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less Than Significant with Mitigation Incorporated. USACE considers coastal salt marshes below the ordinary high tide line as wetland waters of the U.S. Coastal salt marshes are present within the TLUP Area along the unarmored shorelines of south San Diego Bay, particularly in the South Bay Planning District (PD14). This coastal salt marsh habitat primarily occurs as a series of noncontiguous remnants of once broader estuarine environments and restored wetlands. The coastal salt marsh habitats present along the shoreline of south San Diego Bay are considered to have high biological, physical, and chemical functions for marine life (District 2017). The TLUP proposes the Conservation/Inter-tidal water use designation to preserve the existing wetlands. The TLUP also proposes several policies to protect, preserve, enhance, and restore sensitive habitats and wetlands, including the following.

- ECO Policy 1.1.2 requires the District to prioritize and pursue opportunities for the protection, conservation, creation, restoration, and enhancement of sensitive habitats.
- ECO Policy 1.1.5 requires a buffer between landside development and saltmarsh wetlands to preserve and protect the wetland habitat for the anticipated life of the development.

- ECO Policy 1.1.7~~6~~ states that development within wetland buffers should be limited to minor passive recreational uses, such as outlooks, and/or spur-trails, with fencing, or other improvements deemed necessary to protect the habitat, and should be located in portions of the buffer area farthest from the habitat (e.g., upper (upland) half of the buffer area).
- ECO Policy 1.1.15~~4~~ requires the District to identify locations throughout the Bay that could support habitat enhancement, restoration, creation, and protection to benefit sensitive habitats.
- ECO Policy 1.1.16~~5~~ seeks to achieve a net increase of wetland habitat acreage throughout the Bay from implementation of the TLUP.
- ECO Policy 1.1.17~~6~~ requires the District to identify various ecological opportunity areas within water use designations that have shallow subtidal or intertidal habitat that may benefit from additional restoration or enhancement, or additional nature-based solutions including shoreline stabilization.
- ECO Policy 1.1.20~~19~~ requires the District to prioritize the use of nature-based solutions composed of natural or sustainable materials that increase shoreline biodiversity and coastal resiliency, including but not limited to living shorelines and wetland and coastal habitat restoration, where feasible and applicable.
- ECO Policy 1.1.23~~2~~ allows for restoration of historic losses of natural habitat acreages to be a part of sea level rise adaptation and mitigation strategies.
- ECO Policy 1.1.25~~24~~ requires the District to strive to conserve and enhance intertidal and subtidal habitat.
- ECO Policy 1.1.26~~25~~ requires the District to pursue opportunities to create, preserve, enhance or restore intertidal and subtidal habitats in areas that have historically been impacted by development.

Moreover, the vision for PD14 (South Bay), which is where the wetlands are located within the TLUP Area, states "Protect, enhance, and restore open water, coastal wetlands, and native upland habitat to benefit the native fish, wildlife, and plant species while providing coastal access." To achieve this vision, approximately 92 percent of PD14 is proposed as Conservation/Inter-tidal, which is the water use designation applied to "water areas primarily reserved for the management of habitat, wildlife conservation, and environmental protection." However, while implementation of the TLUP would provide conservation protections for state and/or federally protected wetlands (including, but not limited to, coastal salt marsh) through the policies listed above, permanent direct impacts could occur to limited sections of these habitats through shoreline restoration or other shoreline adaptation strategies and the development of minimal activating features (e.g., seating, public art, signage) in the Recreation Open Space area in PD 14. This loss of coastal salt marsh area, if it were to occur, would potentially result in a significant impact (**Impact-BIO-5**). Mitigation would be necessary to ensure no net loss of wetlands. Permanent impacts on wetland habitat can be mitigated in-kind if feasible, or potentially out-of-kind if in-kind options are not available. Mitigation measure **MM-BIO-5** includes a variety of suitable compensatory mitigation credit options for mitigating impacts associated with **Impact-BIO-5**. These options can be implemented either individually or in combination, as may be required through consultation with applicable resource agencies during permitting processes to offset impacts from future planned improvements in the TLUP Area. In-kind options include either establishing/re-establishing coastal wetlands at an off-site location or purchasing mitigation credits at an approved mitigation bank or suitable in-lieu fee program at a minimum 1:1 mitigation ratio to ensure no-net loss of wetland habitat. If approved by the District and resource agencies, out-of-kind mitigation may also be utilized to meet some or all of the mitigation requirements for impacts provided that the out-of-kind wetland habitat is of equal or higher biological value to the wetland habitat proposed to be impacted at a minimum 1:1 ratio to ensure no-net loss occurs. Implementation of **MM-BIO-5** would reduce potential permanent impacts to coastal wetlands (**Impact-BIO-5**) to less than significant with mitigation incorporated. The compensatory mitigation ratios provided herein for direct impacts on regulated aquatic resources represent the minimum required to ensure no net loss of aquatic function following project implementation. Final compensatory mitigation programs will be determined in consultation with the resource agencies during their respective permitting processes.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less Than Significant with Mitigation Incorporated. The waterside portions of the TLUP Area within San Diego Bay provide resources necessary to support resident and migratory species that spend a portion of their lifecycle within the Bay. These habitats, such as shallow water, eelgrass, and wetlands, provide refuge and forage for numerous species. As discussed under IV(a) and (b), eelgrass is present in the TLUP Area, which provides nursery habitat for many commercially and recreationally important finfish and shellfish (Heck et al. 2003). Additionally, areas within the waterside portions of the TLUP Area provide habitat for protected marine wildlife species, such as green sea turtles and several marine mammals. Furthermore, the TLUP Area occurs along the Pacific Coast Flyway, which is a major migratory bird route. San Diego Bay is an important stopover area and provides feeding grounds for birds during their migration. The Bay also provides important nesting grounds for several special-status birds. As discussed under items (a) and (b), none of the planned improvements identified in the TLUP would occur in shallow water where eelgrass habitat is present. Planned improvements PD12.1 and PD12.2, which include routine maintenance of the San Diego-Coronado Bay Bridge and transbay pipelines (which are existing activities) in PD12, and planned improvement PD14.7, which includes the development of minimal activating features (e.g., seating, public art, signage) in the Recreation Open Space area in PD14, would not be expected to interfere with (1) any movement of any native resident, migratory fish, or wildlife species, or (2) with established native resident or migratory wildlife corridors, or (3) impede the use of native wildlife nursery sites.

However, the potential expansion of the bait barge, baitfish storage, and associated vendor operations in PD11 associated with planned improvement PD11.1 would potentially result in temporary and permanent overwater coverage, which in turn could reduce open water habitat and associated foraging area for resident and migratory species. Additionally, the introduction of aquaculture in PD13 associated with planned improvement PD13.1 could impact essential fish habitat and associated managed species through the potential reduction of foraging opportunities. As such, implementation of these planned improvements (i.e., expansion of bait barges, baitfish storage, and associated vendor operations in PD11 and shellfish and seaweed aquaculture in PD13) could directly or indirectly impact these nursery sites, which would be a potentially significant impact (Impact-BIO-1 and Impact-BIO-2). Therefore, as stated under Section 1.4.3(a), mitigation measures MM-BIO-1 and MM-BIO-2 would be required and would reduce these impacts to less than significant. Furthermore, the TLUP includes ECO Policy 1.1.254, which requires the District to strive to conserve and enhance intertidal and subtidal habitat in an effort to reduce fragmentation, improve habitat functionality and create a connected network of intertidal and subtidal habitat throughout the TLUP Area. Accordingly, Impact-BIO-1 and Impact-BIO-2 would be reduced to less than significant with mitigation incorporated.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less-Than-Significant Impact. Local policies protecting biological resources on District Tidelands are provided in the PMP and PMPU. As demonstrated in Table 1.11-1 of Section 1.11, "Land Use and Planning," below, the TLUP incorporates many of the same protective policies and none of the TLUP policies would conflict with the PMP or PMPU. Therefore, impacts would be less than significant.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Less Than Significant with Mitigation Incorporated. The applicable habitat conservation or natural community conservation plans, as well as local land use plans, policies, ordinances, or regulations adopted for the purpose of protecting biological resources, include the San Diego Bay INRMP (U.S. Navy and District 2013). The District and the U.S. Navy Southwest Division jointly maintain and implement the INRMP, a long-term collaborative strategy for managing natural resources in San Diego Bay and the primary means by which the U.S. Navy and the District jointly

plan natural resources work in San Diego Bay. The INRMP does not carry regulatory authority, but rather is a guide to better, more cost-effective decisions by those involved with the Bay. It includes objectives and policy recommendations to guide planning, management, conservation, restoration, and enhancement of the Bay ecosystems.

The INRMP catalogues the plant and animal species around the Bay and identifies habitat types with the purpose of ensuring the long-term health, recovery, and protection of San Diego Bay's ecosystem in concert with economic, Naval, recreational, navigational, and fisheries needs. The overall goal of the INRMP is to provide direction for the good stewardship that natural resources require, while supporting the ability of the Navy and District to achieve their missions and continue functioning within San Diego Bay.

The INRMP identifies ecosystem management strategies for the Bay's natural resource values viewed in a whole-ecosystem context and seeks opportunities to better institutionalize the guiding principles of ecosystem management for San Diego Bay. These strategies consist of the following:

- Maintain and improve the sustainability and native biodiversity of ecosystems.
- Administer with consideration of ecological units and time frames.
- Support sustainable human activities.
- Develop priorities and reconcile conflicts.
- Develop coordinated approaches to ecosystem health through partnerships.
- Rely on the best science and data available.
- Use benchmarks to monitor and evaluate outcomes.
- Apply adaptive management.

The goals, objectives, and policies of the TLUP do not conflict with the INRMP objectives related to conservation and enhancement, nor with the management strategies detailed in the plans. In fact, those objectives and policies, many of which are listed above in Section 1.4.3 (a) through (d), strongly support the preservation and proper management of biological resources in the TLUP Area. The District is responsible for, and committed to, safeguarding its natural resources and the public's access to nature, which is further highlighted in the Ecology Element. The goals, objectives, and policies of the Ecology Element seek to enhance, conserve, and restore natural resources and foster a healthy environment by avoiding development in environmentally sensitive areas and promoting ways to improve existing natural resources within the TLUP Area.

However, as discussed in Section 1.4.3 (a), (b), and (d), planned improvements identified in the TLUP would have the potential to result in significant biological resource impacts prior to mitigation. Such impacts would have the potential to conflict with the INRMP's objectives. With the implementation of mitigation measures **MM-BIO-1** through **MM-BIO-5**, the planned improvements identified in the TLUP would be consistent with the INRMP and would not result in a conflict. Therefore, impacts would be **less than significant with mitigation incorporated**.

Required Mitigation Measures

With implementation of the following mitigation measures, potentially significant impacts on biological resources would be reduced to less than significant.

For **Impact-BIO-1**:

MM-BIO-1: Implement Overwater Coverage Mitigation in Coordination with the Appropriate Resource Agencies and the District to Compensate for Loss of Open Water Habitat. Prior to approval of a future project that may result in the loss of open water habitat, the project proponent shall implement the following:

1. During site-specific environmental review and as required by applicable laws and regulations, the project proponent shall consult with the appropriate resource agencies regarding mitigation of impacts associated with loss of beneficial uses from overwater coverage and loss of open water habitat function. The project proponent

shall secure all applicable permits for the mitigation of overwater coverage prior to commencement of waterside construction. One or more of the appropriate resource agencies may require additional or greater mitigation than specified under options 2.A, 2.B, 2.C, 2.D, and 2.E of this mitigation measure (see below).

2. For impacts that the District determines are significant, a future project proponent shall implement one of the following mitigation options~~, or a combination thereof~~. These options provide the minimum mitigation for overwater coverage impacts. One or more of the appropriate resource agencies may require additional or greater mitigation than specified in this mitigation measure.

   A. Remove an amount of existing overwater coverage within San Diego Bay that is equivalent to the project's net increase in overwater coverage. This would replace the area affected by a project at a 1:1 mitigation ratio, subject to the District's review and approval.

   B. Restore or create an amount of wetland or eelgrass habitat within San Diego Bay equivalent to the project's net increase in overwater coverage at a suitable location within San Diego Bay, at a 1:1 ratio for wetlands and a 1.2:1 ratio for eelgrass consistent with the CEMP, which would offset the net increase in overwater coverage by improving the habitat structure and primary productivity at the restoration site. The restoration or creation of wetland or eelgrass habitat shall require the project proponent to prepare a mitigation plan for the District's review and approval. The mitigation plan at a minimum shall include a description of the restoration site, mitigation requirements, planting plan (e.g., transplant sites, donor sites, reference site), restoration methods (e.g., plant collection or purchase, transplant units), timing of the restoration work, and a monitoring program to include a mitigation success criteria. The District or its designee shall secure all applicable permits for the mitigation project and all applicable District Real Estate agreements for the mitigation site, prior to commencement of construction. Additionally, all fill materials proposed for discharge into San Diego Bay for the development of the mitigation site shall meet the requirements of the USACE's Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S. – Testing Manual (Inland Testing Manual).

   C. If a suitable mitigation bank within the Coastal Zone that is not yet available, becomes available in the future, prior to construction of the future project, the project proponent shall purchase saltmarsh wetland or overwater coverage credits to offset the net increase in overwater coverage.

   D. For overwater coverage, the project proponent shall retain a qualified biologist to conduct eelgrass surveys per the CEMP to determine potential impacts to eelgrass from construction. ~~The qualified biologist must have at least four years of university training in marine biology or a related science and/or have at least three years of demonstrated field experience monitoring sensitive species in the Southern California marine environment. A qualified biologist with more than 10 years of experience monitoring for sensitive marine species in Southern California shall oversee the monitoring work.~~

   E. If pre- versus post-construction eelgrass surveys determine that overwater structures will shade and impact eelgrass, then mitigation for the loss of eelgrass will be conducted pursuant to the CEMP mitigation ratio based on the amount of impacted eelgrass.

For **Impact-BIO-2**:

MM-BIO-2: Develop an Aquaculture ~~Mitigation~~ Operations Plan in Coordination with the Appropriate Resource Agencies and the District. Prior to the District's approval of future aquaculture operations involving shellfish or seaweed, the project proponent shall prepare and submit to the District for review,~~approval~~ an Aquaculture ~~Mitigation~~ Operations Plan (Plan), which shall be subject to District approval. The project proponent shall prepare the Aquaculture ~~Mitigation~~ Operations Plan in coordination with the appropriate regulatory and resource agencies, as well as the District, and shall implement the ~~program~~Plan during project design and operation of the future aquaculture facility. In addition, the project proponent of a future aquaculture operation shall obtain all applicable permits from the appropriate regulatory agencies and conform to formal consultation recommendations outlined by the National Marine Fisheries Services (NMFS), which may include permit requirements that differ from the mitigation

requirements outlined below. In such cases, the measures outlined in this mitigation measure shall be superseded by agency permit requirements and shall not be in addition to the requirements of those permits.

1. Mitigation for Impacts on Essential Fish Habitat:

    A. The project proponent shall prepare the Plan~~a mitigation plan~~, in coordination with the District, that is informed by best available science and practices to evaluate the size of the aquaculture facility, the filtration rates and biomass of any cultured shellfish species, the mean phytoplankton biomass and production, and the tidal flushing rates of the facility location to determine potential impacts on organic particulate matter food resources. The ~~mitigation p~~Plan shall include:

        i. An adaptive management strategy that accommodates cultivated shellfish density as necessary without significantly affecting food resources available to other organisms in the Bay.

2. Mitigation for Benthic Impacts:

    A. The project proponent shall prepare ~~a mitigation plan~~the Plan, in coordination with the District, that is informed by best available science and practices to evaluate various benthic impacts as affected by the species, and culture methods utilized, the size of the aquaculture facility, accumulation of materials such as pseudofeces, shell debris, and gear. The ~~mitigation p~~Plan shall contain the following elements:

        i. A monitoring plan that evaluates the seabed beneath and adjacent to the facility for benthic ecosystem health.

        ii. An adaptive management strategy that responds to negative indicators of benthic health as described in the monitoring plan to appropriately reduce the density, as necessary. Site-specific BMPs are to be developed and implemented during construction and operation of the aquaculture facility to lessen or eliminate potential benthic impacts.

3. Mitigation for Entanglement Hazards:

    A. The project proponent shall prepare ~~a mitigation plan~~the Plan, in coordination with the District, that is informed by best available science and practices to evaluate any proposed aquaculture facility relative to entanglement hazards to sensitive species and the green sea turtle in particular. The materials utilized by the facility, and the methods of connection to surface markers and the seafloor, shall all be considered.

        i. A design plan shall be developed and evaluated relative to the best available science that illustrates how the proposed structures minimize the risk of entanglement to wildlife and the green sea turtle in particular.

        ii. A reporting program shall be developed to provide data on any observed entanglement by wildlife. An adaptive facility management strategy shall be identified that highlights actions to be taken if a sensitive species is identified to be entangled.

        iii. Signage shall be provided along the perimeter of the facility to provide contact information that the public can use to report any sighting of wildlife found injured or entangled within San Diego Bay.

For **Impact-BIO-3**:

MM-BIO-3: Detect Special-Status Terrestrial Plant Species and Develop Conceptual Restoration Plan for Translocation/Salvage. Focused terrestrial biological surveys shall be conducted by a qualified biologist, defined as a professional biologist with at least three years of demonstrated field experience surveying for special-status plant species in the Southern California coastal environments, to determine the presence/absence of federally and/or state listed plant species, or CRPR 1B.1 or 1B.2 species previously observed, or with high or moderate potential to occur. For species that can only be reliably detected during specific blooming periods, focused surveys ~~may need to~~ will be conducted during those periods to determine presence/absence. If CESA or ESA listed plant species are identified in the project area, the Wildlife Agencies (CDFW and USFWS) shall be notified. If the project may result in the take of any endangered, threatened, or candidate plant species, the project proponent shall seek appropriate take authorization under CESA or ESA prior to implementing the project. If ~~these~~ sensitive species occur within the

proposed construction, access, staging, or stockpiling areas of a future project, one of two ~~equally suitable~~ options shall be implemented:

1. Construction areas shall be modified to avoid direct impacts to mapped sensitive plant species. If special-status species are detected, the project biologist shall flag individual plants and/or install temporary barriers around populations of sensitive plants. Best management practices (BMPs) shall include worker education to ensure that all impacts on sensitive plants are avoided.

2. If impacts on sensitive plant species cannot be feasibly avoided, then compensatory mitigation for impacts to sensitive plants shall include:

    A. Implementation of an approved Conceptual Restoration Plan or acquisition of mitigation credits, either of which shall be approved by the Wildlife Agencies prior to implementation. The Conceptual Restoration Plan shall ~~that~~ provide~~s~~ one or more of the following measures, if determined feasible:

        i. Impacted plants would be salvaged and relocated; If translocation is selected, the project-specific CEQA document and Conceptual Restoration Plan shall provide substantial evidence to demonstrate the feasibility of the proposed mitigation for species affected. If translocation is determined not to be feasible, compensatory mitigation shall be pursued;

        ii. Seeds from impacted plants would be collected for use at an off-site location;

        iii. Off-site habitat that supports the species impacted shall be enhanced and/or supplemented with seed collected on site; and/or

        iv. Comparable habitat supporting the species at an off-site location shall be preserved.

    B. Mitigation that involves relocation, enhancement, or transplanting sensitive plants may be conducted in combination with other habitat mitigation (e.g., wetlands HMMP) and shall include the following:

        i. Conceptual planting plan, including grading and temporary irrigation if necessary to create appropriate habitat conditions to support the species;

        ii. Planting specifications (e.g., seed source, soil suitability, container size);

        iii. Monitoring program including success criteria (e.g., a minimum number of sensitive plant individuals, a minimum percent cover of native species, a maximum percent cover of non-native species); and

        iv. 5-year post construction maintenance and preservation plan (e.g., sensitive plant monitoring, adaptive management actions).

        v. Provisions for adaptive management to ensure the success of mitigation.

For **Impact-BIO-4**:

MM-BIO-4: Implement Construction Measures to Avoid or Reduce Impacts on Sensitive Nesting and Coastal Habitat-Dependent Avian Species. For TLUP projects that the District determines have the potential to disturb sensitive nesting and coastal ~~marine~~ dependent avian species, the District shall ensure that nesting bird behavior is not modified during construction activities and that noise levels do not exceed ambient conditions such that effects to these species would occur. The project proponent shall implement the following measures during construction:

- During the nesting season for sensitive avian species (March 1st to September 15th) with the potential for impacts to occur ~~at the~~ from construction ~~site~~ activities, the project proponent shall retain a qualified biologist approved by the District to perform a nesting bird survey within 500 feet of the noise-generating construction activity. The qualified biologist must have at least ~~four years of university training in biology or a related science and/or have at least~~ three years of demonstrated field experience monitoring sensitive avian species in the Southern California coastal environments. The nesting season survey shall occur 1 week prior to the start of construction ~~utilizing heavy equipment~~ and, if nests are found, the qualified biologist shall perform a survey once per week during ~~construction until use of~~ noise-generating construction activities ~~heavy equipment ceases~~ to ensure that

construction activities do not disturb ~~natural~~ nesting behavior ~~of species present~~. Specific criteria for California least tern and light-footed Ridgway's rail are included at the end of this mitigation measure.

- The project proponent shall submit the pre-construction nesting season survey to the District for review and approval of the survey and the buffer area, defined below, if any, prior to the commencement of ~~these~~ noise-generating construction activities at the project site.
- The nesting surveys shall consist of a thorough inspection of the project area by a qualified biologist(s). The survey shall occur between sunrise and 12:00 p.m., when birds are most active. The qualified biologist(s) shall prepare and submit to the District a letter report documenting the results of the survey. If there is a delay of more than 7 days between when the nesting bird survey is performed and noise-generating construction activities begin, the qualified biologist shall re-survey to confirm that no new nests have ~~been~~ established.
- If the survey detects nests~~ing behavior~~, the project proponent shall establish a no-disturbance buffer around each nest site, based on species identified, to avoid disturbance or destruction of the nest until after the nesting season or a qualified biologist determines that the nest is no longer active. The size and constraints of the no-disturbance buffer shall be determined by the qualified biologist (typically 300 to 500 feet) and included in the letter report documenting the survey results.
- ~~The qualified biologist shall establish a baseline ambient sound level by measuring ambient sound levels during the time of day that the work is expected to occur. The monitoring distance from the nest shall be chosen to determine the noise levels present at the nest, without causing disturbance to the sensitive species.~~
- If sensitive avian species begin nesting within 500 feet of noise-generating construction activities~~and the sensitive species' behavior is modified~~, the qualified biologist shall establish a baseline ambient sound level by measuring sound levels at ~~a distance~~the buffer's edge without disturbing the sensitive species during a representative construction day. The qualified biologist shall monitor ~~those~~any present nests daily during construction activities, until after the nesting season or a qualified biologist determines that the nest is no longer active. Sound levels at nest sites shall not exceed 10 A-weighted decibels (dBA) above ambient levels. If the monitoring shows sound levels more than 10 dBA above the baseline ambient levels (representative construction noise included), and the species behavior is modified, the qualified biologist shall recommend noise barriers if needed and have the authority to halt or modify construction activity to ensure the behavior of sensitive nesting avian species is not altered by construction noise.
- If the above noted sound thresholds are exceeded, the project proponent shall implement actions recommended by the qualified biologist and approved by the District to reduce sound levels to within thresholds.
- If the qualified biologist determines that noise cannot be attenuated, noise-generating activities must cease until such time that adequate noise attenuation is achieved, or nesting is complete.

For California least terns specifically:

- Noise generating activities shall be conducted outside of the California least tern nesting season (September 16th to March 31st).
- If the nesting season cannot be avoided and the project is within 500 feet of a nest, then California least tern pre-construction nest surveys, nest monitoring, and a 500-foot buffer ~~sound and visual barriers~~ shall be implemented prior to the beginning of construction activities~~,~~. The buffer shall be subject to District approval, which may include consultation with ~~USFWS~~ the Wildlife Agencies where appropriate, including as part of any required permit application by the project proponent. If noise-generating construction activities would occur within 500 feet of a known nesting site, a biological monitor shall be onsite during noise-generating activities to ensure that noise levels do not exceed 65 dBA or pre-construction ambient levels, whichever is higher, at the edge of the nesting colony.
- When construction activities will occur within 500 feet of suitable California least tern nesting habitat, a qualified biologist shall conduct pre-construction surveys ~~prior to activity initiation~~.

- If a nest is detected, a 500-foot buffer shall remain in place until the nest has fledged or is no longer active. No loud construction activities shall occur within the 500-foot buffer.
- The qualified biologist shall remain on-site at the edge of the nesting colony during all construction activities that occur within the 500-foot buffer for~~, or adjacent to,~~ nesting habitat for California least tern during the nesting season. The biologist is empowered ~~to ensure compliance with the 500-foot buffer and~~ to modify or stop work in accordance with this mitigation measure. If California least tern behavior modification or nest abandonment is observed, work shall halt and the Wildlife Agencies shall be notified.

For light-footed Ridgway's rail specifically:

- Noise generating activities within 500 feet of suitable nesting habitat (i.e., coastal salt marsh dominated by cordgrass) shall be conducted outside of the light-footed Ridgway's rail nesting season (September 16th to March 14th).
- If the nesting season cannot be avoided, a minimum of three focused pre-construction surveys shall be conducted within suitable habitat on separate days, to determine the presence of Ridgway's rails in or adjacent to the project impact area. Surveys shall begin a maximum of 7 days prior to performing project construction and one survey will be conducted the day immediately prior to performing project construction. Surveys shall be conducted by a qualified biologist with the appropriate USFWS-approved survey permit for light-footed Ridgway's rail. The qualified biologist shall follow the most recent protocols (e.g., USFWS survey protocols), including utilizing playback calls.
- Before each day of work begins in or within 500 feet of coastal salt marsh habitat, the qualified biologist shall survey the construction area to determine if Ridgway's rails have entered the area. If any rails are found within the survey area, the biologist shall either stop noise-generating work or, if feasible, direct construction personnel to begin in an area more than 500 feet from the rails.~~;~~
- If Ridgway's rails are detected and noise-generating construction activities would occur within 500 feet of occupied habitat, noise monitoring shall be conducted to ensure that levels do not exceed 65 dBA or pre-construction ambient levels, whichever is higher, within 500 feet of the occupied habitat.
- If a nest is detected, a 500-foot buffer shall remain in place until the nest has fledged or is no longer active. No noise levels exceeding 65 dBA or pre-construction ambient levels, whichever is higher, ~~loud construction activities~~ shall occur within the 500-foot buffer.
- The qualified biologist shall remain on-site during all construction activities that occur within the 500 buffer~~, or adjacent to,~~ of a nest~~ing habitat~~ for light-footed Ridgway's rail during the nesting season to ensure compliance with the 500-foot buffer and to modify or stop work in accordance with this mitigation measure. Work shall halt immediately if any modifications in light-footed Ridgway's rail behavior is observed.

For **Impact-BIO-5**:

MM-BIO-5: Develop a Conceptual Mitigation Plan in Coordination with the Appropriate Resource Agencies and the District to Provide No-Net Loss of Wetlands and Compensate for Permanent Loss. Implement: (1) habitat creation, restoration, enhancement, and/or preservation through an approved habitat mitigation and monitoring plan (HMMP): or (2) acquisition of approved mitigation credits at approved mitigation banks or in-lieu fee programs, including any Port of San Diego Environmental Mitigation Property, within the appropriate portion of the Coastal Overlay Zone, as applicable. Both mitigation options (1) and (2) outlined below are equally suitable as compensatory mitigation methods.

Wetland mitigation required as part of any federal (404) or state (1601/1603/coastal development permit) wetland permit shall supersede and shall not be in addition to any mitigation identified in the CEQA document for those wetland areas covered under any federal or state wetland permit.

1. An HMMP shall be prepared in accordance with the District standards and definitions for creation, restoration, enhancement, and preservation. The HMMP must achieve no-net-loss of wetlands by including at least a 1:1 ratio of establishment/re-establishment for all areas of significant impacts to wetlands.

When proposed mitigation involves habitat establishment, re-establishment, and/or enhancement, the HMMP shall include the following information:

- Conceptual planting plan including planting zones, grading, and irrigation, as necessary;
- Seed mix/planting palette;
- Planting specifications;
- Monitoring program including success criteria; and
- Long-term maintenance and preservation plan.

2. For mitigation which involves habitat acquisition, the HMMP shall include the following:
   - Location of proposed acquisition;
   - Description of the biological resources to be acquired, including support for the conclusion that the acquired habitat mitigates for the specific maintenance impact; and
   - Documentation that the mitigation area would be adequately preserved and maintained.

   Allocation of mitigation site credits, including at any Port of San Diego Environmental Mitigation Property, shall include the following:
   - Location of approved mitigation site;
   - Description of the mitigation credits to be acquired, including that the acquired habitat mitigates for the specific impact; and
   - ~~Documentation of the c~~Credits that are associated with a mitigation bank that has been approved by the appropriate Resource Agencies.

1.5 CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
V. Cultural Resources.				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☒	☐	☐
c) Disturb human remains, including those interred outside of formal cemeteries?	☐	☒	☐	

1.5.1 Environmental Setting

A record search was conducted through the South Coastal Information Center (SCIC) on September 12, 2024, to identify recorded cultural resources within the TLUP Area as well as an eighth-mile buffer. The SCIC maintains the California Historical Resource Information System database for San Diego County and keeps a record of all reported cultural resource studies and findings within the county. The record search revealed that 69 previously recorded cultural resources are located within an eighth-mile of the TLUP Area. Additionally, a total of ten previously recorded cultural resources have been identified within the TLUP Area, of which five are archaeological sites (one historic-age and four precontact) and five are historical (or intact built environment) features.

ARCHAEOLOGICAL SITES

Site P-37-004360 is a precontact camp, spanning more than 50 acres. In May 2002, the State Office of Historic Preservation concurred that the site is eligible for the National Register of Historic Places (NRHP); therefore, the site is also listed on the California Register of Historical Resources (CRHR) and is a resource under CEQA.

Site P-37-012270 is a shell midden with flakes. This site has not been evaluated for eligibility; however, it may be evaluated and found eligible at a future date. Therefore, the site is treated as a potential resource for purposes of this analysis.

Site P-37-026584 is the remnants of the Western Salt Company Salt Works Narrow Gauge Railroad crossing. It has been previously evaluated and recommended eligible for listing on the NRHP and the CRHR, and therefore is a resource under CEQA.

Site P-37-031061 is a large precontact/ethnohistoric shellfish processing camp, possible habitation site, and artifact scatter with human remains covering approximately 67 acres. It has been previously evaluated and recommended eligible for listing on the NRHP and the CRHR and is therefore a resource under CEQA.

Site P-37-032634 is a small ceramic scatter, with one granitic milling stone fragment surrounded by fire affected rock fragments. This site has not been evaluated for eligibility, however, it may be evaluated and found eligible at a future date. Therefore, the site is treated as a potential resource for purposes of this analysis.

HISTORICAL FEATURES

Feature P-37-013073, the Coronado Railroad, has been previously evaluated and recommended not eligible for inclusion on the NRHP or CRHR. Therefore, it is not a resource under CEQA and will not be discussed further.

Feature P-37-016282 is the San Diego–Coronado Bay Bridge and has been evaluated by the California Department of Transportation (Caltrans). Caltrans determined that the bridge is eligible for NRHP listing with State Historic Preservation Officer (SHPO) concurrence and is therefore a resource under CEQA.

Feature P-37-026577 is the Western Salt Company Salt Works Pump House. This building has been previously evaluated and recommended eligible for listing on the NRHP and the CRHR and is therefore a resource under CEQA.

Feature P-37-026582 is the Western Salt Company Salt Works Historic District (Salt Works Historic District). The Salt Works Historic District consists of eighteen condensation ponds and fourteen crystallization ponds divided by man-made earthen levees. The site includes all the necessary buildings, structures, and land necessary for the operation of the Salt Works. It has been previously evaluated and recommended eligible for listing on the NRHP and the CRHR and is therefore a resource under CEQA.

Feature P-37-028299 is the Naval Station piers. They have been previously evaluated and recommended not eligible for inclusion on the NRHP or CRHR. Therefore, it is not a resource under CEQA and will not be discussed further.

1.5.2 Regulatory Setting

FEDERAL

National Historic Preservation Act Section 106

Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR) 800, as amended in 1999), require that Federal agencies and entities that they fund or license consider the effects of their actions on properties that are listed in the NRHP, or that may be eligible for such listing. To determine whether an undertaking could affect NRHP-eligible properties, cultural resources, including historical and architectural properties, must be inventoried and evaluated. Although compliance with Section 106 is the responsibility of the lead Federal agency, others can conduct the work necessary to comply.

The Section 106 review process consists of four steps.

- Initiate the Section 106 process by establishing the undertaking, developing a plan for public involvement, and identifying other consulting parties.
- Identify historic properties (resources that are eligible for inclusion in the NRHP) by determining the scope of efforts, identifying cultural resources in the area potentially affected by the project, and evaluating resources' eligibility for NRHP inclusion.
- Assess adverse effects by applying the Section 106 criteria of adverse effect to identified historic properties.
- Resolve adverse effects by consulting with the SHPO and other consulting agencies, including the Advisory Council on Historic Preservation if necessary, to develop an agreement that addresses the treatment of historic properties.

National Register of Historic Places

The NRHP is the nation's master inventory of known historic properties. It is administered by the National Park Service in conjunction with the SHPO. The NRHP includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, State, or local level. The NRHP criteria and associated definitions are outlined in National Register Bulletin 15, *How to Apply the National Register Criteria for Evaluation* (U.S. Department of the Interior, National Park Service 1988). The following is a summary of Bulletin 15.

Resources (structures, sites, buildings, districts, and objects) more than 50 years of age can be listed in the NRHP provided they meet the evaluative criteria described below. However, properties less than 50 years of age that are of exceptional importance or are contributors[2] to a district, and that also meet the evaluative criteria, can be included in the NRHP as well.

The NRHP includes four criteria under which a structure, site, building, district, or object can be considered sufficiently significant for listing on the NRHP.

A. Resources associated with events that have made a significant contribution to the broad patterns of history.

B. Resources associated with the lives of persons significant in our past.

C. Resources that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

D. Resources that have yielded or may likely yield information important in prehistory or history.

Resources can be listed individually in the NRHP or as contributors to a historic district.

When nominating a resource to the NRHP, one must evaluate and clearly state the significance of that resource to American history, architecture, archaeology, engineering, or culture. A resource can be individually significant if it meets any of the above-stated criteria; only one criterion needs to be met for the eligibility of the resource to be considered.

A resource may be considered eligible for listing on the NRHP if it meets one or more of the above-stated criteria for significance and possesses integrity. Historic properties must retain their integrity to convey their significance. Although the evaluation of integrity is sometimes a subjective judgment, it must always be grounded in an understanding of the resource's physical features and how they relate to its significance. The NRHP recognizes seven aspects or qualities, listed below, that define integrity.

- **Location:** the place where the historic property was constructed or the place where the historic event occurred.
- **Design:** the combination of elements that create the form, plan, space, structure, and style of a property.
- **Setting:** the physical environment of a historic property.
- **Materials:** the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
- **Workmanship:** the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
- **Feeling:** a property's expression of the aesthetic or historic sense of a particular period of time.
- **Association:** the direct link between an important historic event or person and a historic property.

To retain historic integrity, a resource should possess several of the above-stated aspects. The retention of specific aspects of integrity is essential for a resource to convey its significance. When the integrity of a resource is being evaluated, the resource should also be considered in comparison to similar properties; such comparison may be important for determining physical features that are essential to reflect the significance of a historic context.

[2] A *contributor* is a building, site, structure, or object that adds to the historic associations or historic architectural qualities for which a property is significant. The contributor was present during the period of significance, relates to the documented significance of the property, possesses historic integrity, provides important information about a period, or independently meets the NRHP criteria. A *non-contributor* does not add to the historic associations or historic architectural qualities because it was not present during the period of significance; has experienced alterations, disturbances, additions, or other changes; or does not independently meet the NRHP criteria.

STATE

California Environmental Quality Act and Public Resources Code Section 5024.1 (California Register of Historical Resources)

CEQA requires public agencies to evaluate the implications of their project(s) on the environment and includes significant historical resources as part of the environment. According to CEQA, a project that causes a *substantial adverse change* in the significance of a *historical resource* or a *unique archaeological* resource has a significant effect on the environment (State CEQA Guidelines Section 15064.5, PRC Section 21083.2).

CEQA defines a substantial adverse change as follows.

- Physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired (State CEQA Guidelines Section 15064.5(b)(1)).
- Demolition or material alteration of the physical characteristics that convey the resource's historical significance and justify its designation as a *historical resource* (State CEQA Guidelines Section 15064.5(b)(2)(A)).

A historic resource is considered significant if it meets the definition of a historical resource or unique archaeological resource.

Health and Safety Code 7050.5/Public Resources Code 5097.9

Health and Safety Code 7050.5 addresses the protection of human remains discovered in any location other than a dedicated cemetery and makes it a misdemeanor for any person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law, except as provided in PRC Section 5097.99. It further states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined that the remains are not subject to the provisions concerning investigation of the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in PRC Section 5097.98. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact the Native American Heritage Commission (NAHC) by telephone within 24 hours. Whenever the NAHC receives notification of a discovery of Native American human remains from the county coroner, it shall immediately notify those people it believes to be the Most Likely Descendants of the deceased Native American. The descendants may inspect the site of the discovery and make recommendations on the removal or reburial of the remains. Per PRC Section 5097.94, the NAHC has the ability to identify and catalog places of known graves and cemeteries of Native Americans and may mediate discussions between landowners and known Native American descendants relating to the treatment and disposition of Native American burials, skeletal remains, and items associated with Native American burials.

California Government Code Section 6254 (r) and 6254.10

California Government Code Sections 6254(r) and 6254.10 of the California Public Records Act were enacted to protect archaeological sites from unauthorized excavation, looting, or vandalism. Section 6254(r) explicitly authorizes public agencies to withhold information from the public relating to "Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission." Section 6254.10 specifically exempts from disclosure requests for "records that relate to archaeological site information and reports, maintained by, or in the possession of the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another State agency, or a local agency, including the records that the agency obtains through a consultation process between a Native American tribe and a State or local agency."

1.5.3 Discussion

a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

Less Than Significant with Mitigation Incorporated. The SCIC records search revealed three historical resources, the Western Salt Company Salt Works Pump House, the Salt Works Historic District, and the assumed-eligible San Diego-Coronado Bay Bridge. The pump house and historic district are encompassed by the United States Fish and Wildlife's South Bay Unit of the San Diego Bay National Wildlife Refuge. The San Diego–Coronado Bay Bridge is located in the North Central Bay Planning District (PD12), while the remainder are in South Bay Planning District (PD14). Planned improvement PD12.1 identified in the TLUP would involve routine maintenance activities supporting the safety and functionality of the San Diego–Coronado Bay Bridge, which are existing uses and activities. The TLUP does not allow for~~propose~~ any substantial changes to the San Diego–Coronado Bay Bridge that would affect its integrity for potential designation. Routine maintenance activities carried out consistent with PD12.1 would be similar to existing routine maintenance activities at the San Diego–Coronado Bay Bridge in order to maintain its safety and functionality. Nonetheless, these maintenance activities could result in substantial changes to the San Diego–Coronado Bay Bridge that could affect its integrity for potential designation as a historical resource, which would be considered a potentially significant impact. Similarly, planned improvements PD14.5 and PD14.6 identified in the TLUP would involve maintenance activities at the Bayshore Bikeway. These activities would not include the demolition of any buildings, levees, or ponds that are contributors to the significance of the historic district or the pump house. Nevertheless, these activities could result in substantial changes to the historic district and pump house that could affect its integrity for designation as a historical resource, which would be considered a potentially significant impact (**Impact-CUL-1**). The implementation of mitigation measure **MM-CUL-1** would ensure any modifications would not adversely affect the historical integrity of the Western Salt Company Salt Works Pump House, the Salt Works Historic District, or the San Diego-Coronado Bay Bridge by requiring maintenance to occur in accordance with Secretary of Interior (SOI) Standards for the Treatment of Historic Properties (SOI Standards). With the implementation of **MM-CUL-1**, this impact would be reduced to **less than significant with mitigation incorporated**.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less Than Significant with Mitigation Incorporated. The SCIC records search revealed five archaeological resources within the project site. Three precontact archaeological resources (P-37-031061, P-37-032634, and P-37-012270) are located in the Conservation/Intertidal use designation, which is designated for habitat, wildlife conservation, and environmental protection. Additionally, only a small portion of P-37-012270 overlaps the TLUP Area. The historic-era archaeological resource (P-37-026584) is located within the Salt Works Historic District and would not be subject to future project activities.

A majority of the TLUP Area consists of submerged lands. The planned improvements identified in the TLUP that would be within water (e.g., expansion of existing bait barges, maintenance of the San Diego-Coronado Bay Bridge and related transbay pipelines) identified in the TLUP would not result in any dredging that could disturb buried archaeological resources, if present. However, the TLUP Area includes approximately 99 acres of land in the South Bay Planning District (PD14), a portion of which would be designated as Conservation Open Space and the remainder as Recreation Open Space. Located within this area is the precontact archaeological resource P-37-004360. Planned improvements for this land area include shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway and the development of minimal activating features, including additional seating, public art, and information and interpretive signage in the area west of the 7th Street terminus. Implementation of these planned improvements could include construction involving earth moving activities or other forms of ground disturbance that could damage and cause a substantial adverse change in the significance of P-37-004360 or have the potential for inadvertent discovery of currently unrecorded archaeological resources (**Impact-CUL-2**). However, potential impacts on archaeological resources would be reduced to **less than significant with mitigation incorporated** with the implementation of mitigation measure **MM-CUL-2**, which requires the performance

of feasible, professionally accepted, and legally compliant procedures to avoid, move, record, or otherwise treat the archaeological resources appropriately.

c) Substantially disturb human remains, including those interred outside of formal cemeteries?

Less Than Significant with Mitigation Incorporated. The SCIC records search revealed one burial location at Site P-37-031061. This archaeological resource is in the Conservation/Inter-tidal water use designation within PD14, which is designated for habitat, wildlife conservation, and environmental protection. The vast majority of the TLUP Area primarily consists of water and is not anticipated to contain human remains. Planned improvements involving ground disturbance within PD14 include shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway and the development of minimal activating features (e.g., seating, public art, signage). Given prior development and disturbance in this area, it is unlikely to contain human remains in areas that could be disturbed by planned improvements. Additionally, Health and Safety Code Section 7050.5 and State CEQA Guidelines Section 15064.5(e) describe the process to be followed in the event human remains are discovered during project implementation. In the event of discovery of human remains during ground-disturbing activities for future development projects, no further disturbance shall occur until the San Diego County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. However, given there is a record of a known burial in the vicinity of the planned improvements in PD14, a potentially significant impact would occur if existing regulations protecting human remains are not followed (Impact-CUL-3). Therefore, MM-CUL-2 includes steps to ensure human remains, if encountered, are treated in accordance with State CEQA Guidelines Section 15064.5(e), Health and Safety Code Section 7050.5, and PRC Section 5097.98. Therefore, impacts associated with the disturbance of human remains would be less than significant with mitigation incorporated.

Required Mitigation Measures

For Impact-CUL-1:

MM-CUL-1: Alteration of Historical Resources in Accordance with SOI Standards. Any improvements related to the maintenance of the San Diego-Coronado Bay Bridge or activities within the Western Salt Company Salt Works Historic District that have the potential to adversely affect the resources' historical significance shall be designed to comply with Secretary of Interior (SOI) Standards for the Treatment of Historic Properties (SOI Standards) and thereby avoid any impacts that could cause an adverse change in the significance of a historical resource ~~(USDI NPS 2020)~~. The project proponent shall retain an SOI-qualified architectural historian or historic architect (approved by the District) to identify the applicable SOI Standards, assist in the project design, review the design plans, and provide a written report to the District assessing the design plans' compliance with the applicable SOI Standards. The District shall review the report and confirm the design plans' compliance with the applicable SOI Standards. The project proponent shall adhere to the design plan approved by the District. This will ensure that alterations to the historical resource are implemented in accordance with the SOI Standards and that the historical resource retains sufficient character-defining features to express its historical significance.

For Impact-CUL-2 and Impact-CUL-3:

MM-CUL-2: Conduct an Archaeological Resource Assessment for Landside Planned Improvements. Once specific details are known about future individual landside planned improvements associated with the TLUP, a future project level analysis shall be completed to determine if archaeological resources may be present under the soil. The project proponent shall retain an SOI-qualified and Register of Professional Archaeologists (RPA) certified archaeologist to prepare an archaeological resources assessment (ARA), which shall be submitted to the District for its review and approval. The ARA is a preliminary inquiry into the potential for archaeological resources being present on site and will assist the District in determining if a future project may or may not have an effect on archaeological sites that are historical resources or unique archaeological resources, per State CEQA Guidelines Section 15064.5(c)(1-4) and PRC Section 21083.2(g).

The ARA shall be completed according to the following steps:

1. **Desktop Analysis.** The ARA shall define an appropriate archaeological study area for the proposed project, and research the study area to determine its sensitivity for subsurface archaeological resources. Research shall include but is not limited to reviewing the prehistoric archaeological sensitivity analysis under Archaeological Resources in Section 4.4.2 of the PMPU PEIR, a records search, and a review of historic maps such as Sanborn fire insurance maps, and USGS topographic maps, and Tax Factor 1928-1929 aerial photos. The ARA shall make recommendations regarding the need for further archaeological studies to be completed. If the ARA shows to the District's satisfaction that the study area consists entirely of fully developed fill with no undisturbed land, or entirely of land with little or no potential for subsurface prehistoric or historic archaeological resources preserved within depositional context, no field survey, additional study, or measures for protecting archaeological resources that are historical resources, or qualify as a unique archaeological resource, would be necessary. A brief ARA memo shall serve as documentation of the findings.

   Based on the information and recommendations provided in the ARA memo, if further archaeological studies are required, the project proponent shall take one or more of the following sequential actions, which are determined by the District to be necessary to avoid or reduce the proposed project's impacts on archaeological resources that are historical resources, or qualify as a unique archaeological resource, to a level below significance:

   A. **Archaeological Survey.** If the ARA finds that the study area contains previously identified prehistoric or historic archaeological resources preserved in depositional context, undeveloped land with undisturbed or minimally disturbed surface soils, or historic archaeological resource potential based on historic map research, the project proponent will retain an SOI-qualified archaeologist (approved by the District) to conduct a preconstruction archaeological resources field survey of the project area.

   B. **Archaeological Testing and Evaluation.** If the District determines that the resource cannot be avoided through project design, the SOI-qualified archaeologist retained by the project proponent shall implement an evaluative subsurface testing program to determine the resource boundaries within the project area, assess the site's eligibility for listing in the NRHP and CRHR, or for its potential to be a unique archaeological resource, and assess the integrity of the resource, all subject to verification and approval from the District. The testing and evaluation program shall be used to determine whether the site is a historical resource or unique archaeological resource. The SOI-qualified archaeologist shall prepare an archaeological survey evaluation report (ASER) at the conclusion of the field survey and evaluative subsurface testing program. The ASER will conform with the California Office of Historic Preservation (OHP) recommended contents and format for cultural resources reports. The report shall be submitted to the District for review and, upon the District's determination that the report is satisfactory, shall be deposited at the SCIC. If the District determines the site is not a historical resource or a unique archaeological resource, the effects of the project on the resource shall not be considered a significant effect on the environment and need not be considered further in the CEQA process, per State CEQA Guidelines Section 15064.5(c)(4).

   C. **Preservation in Place.** Preservation in place is the preferred manner of mitigating impacts on archaeological historical resources and unique archaeological resources. If the District determines the site is a historical resource or unique archaeological resource, and the project can be designed to avoid the historical resource or unique archaeological resource, preservation in place may be accomplished by, but not limited to: planning construction to avoid the resource; incorporating sites within parks, greenspace, or open space; covering the site with chemically stable soil prior to construction; or deeding the site into a permanent conservation easement, per State CEQA Guidelines Section 15126.4(b)(3)(A) – (B) and PRC Section 21083.2(b).

D. Archaeological Data Recovery. If the District determines the site is a historical resource, preservation in place is not possible, and data recovery is the only feasible mitigation, an archaeological data recovery plan (DRP) will be designed to record and remove scientifically important data that would otherwise be destroyed through construction-related ground disturbance, per State CEQA Guidelines 15126.4(b)(3)(C). The DRP and data recovery fieldwork will be completed prior to the start of project construction. After the archaeological data recovery fieldwork is complete, the SOI-qualified archaeologist retained by the project proponent shall prepare an archaeological data recovery report. The report will conform with the OHP recommended contents and format for cultural resources reports. The report shall be submitted to the District for review and, upon the District's determination that the report is satisfactory, shall be deposited at the SCIC. Any artifacts collected during data recovery will be curated at the San Diego Archaeological Center, at the project proponent's expense. Per State CEQA Guidelines Section 15126.4(b)(3)(D), if the District determines that testing or studies already completed have adequately recovered the scientifically important information from and about the archaeological or historical resource, data recovery will not be required, provided that the determination is documented and that the studies are deposited with the SCIC.

E. Archaeological Construction Monitoring. In the event the District determines that archaeological construction monitoring is necessary in order to mitigate the potential for project construction (including geotechnical borings) to impact as-yet unknown archaeological resources, then the project proponent shall retain an SOI-qualified archaeologist, approved by District. The District may require a Native American monitor to also be present during ground-disturbing construction activities. The District may utilize a monitor qualified to monitor both archaeological and tribal cultural resources. During project-specific environmental review, the approved SOI-qualified archaeologist shall prepare and submit to the District for approval an archaeological monitoring and discovery plan (AMDP). The AMDP shall describe the project, archaeological sensitivity of and known archaeological resources in the project area, monitor qualifications, monitoring and discovery procedures, roles and responsibilities, and reporting. Upon completion of archaeological construction monitoring, a final monitoring report shall be prepared in conformance with the OHP's guidelines for the preparation of cultural resources management reports and will be deposited at the SCIC. Any diagnostic artifacts collected during archaeological construction monitoring will be curated at the San Diego Archaeological Center, at the project proponent's expense. If an artifact is determined to be a tribal cultural resource, the District shall consult with the applicable Native American tribes to determine the appropriate treatment of the artifact.

2. Unanticipated Discovery Procedures. For those projects where there is the potential for encountering unknown archaeological resources, if an unanticipated discovery of an archaeological resource occurs during construction of a project, construction-related ground disturbance would be diverted or temporarily halted until the SOI-qualified archaeologist and/or Native American monitor can assess if it is a historical resource, or a unique archaeological resource, or has tribal cultural significance. The District, based on information provided by the SOI-qualified archaeologist or Native American monitor (for tribal cultural resources), would determine the significance of the discovered resources in accordance with PRC 21083.2(i) and State CEQA Guidelines Section 15064.5(f). For archaeological resources, significance would be based on the results of evaluative archaeological testing completed by the SOI-qualified archaeologist and applying the criteria for listing in the CRHR, per State CEQA guidelines Section 15064.5(a)(1-4) and identifying unique archaeological resources per Section 21083.2 of the PRC. For tribal cultural resources, the significance would be based on the opinion of the Native American monitor, consistent with PRC Section 21074 related to a potential tribal cultural resource. For cultural resources determined by the District to be a historical resource or a unique archaeological resource, the SOI-qualified archaeologist shall prepare a Research Design and Data Recovery Program, which shall mitigate impacts in accordance with State CEQA Guidelines Section 15126.4(b)(3) and Section 15064.5(f), and the project proponent would be required to retain an SOI-qualified archaeologist for continuous archaeological monitoring, until the completion of ground-disturbing construction activities in the vicinity of the unanticipated discovery.

3. **Discovery of Possible Human Remains.** In the event possible human remains are discovered, the qualified archaeologist and/or Native American monitor shall inform the District and simultaneously inform participating Native American Tribes of the find. No further disturbance shall occur in the area of the find until the County Medical Examiner has made the necessary findings as to origin. If the human remains are to be taken offsite for evaluation, they shall be accompanied by a participating Native American monitor. If the remains are determined to be of Native American origin, the most likely descendant (MLD), as identified by NAHC, shall be contacted by the District or its representative in order to determine proper treatment and disposition of the remains. The qualified archaeologist shall notify local Native American Tribes of the identification of human remains. The immediate vicinity where the Native American human remains are located shall not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations has been conducted, as required by Public Resources Code Section 5097.98. In all cases, Public Resources Code §5097.98, CEQA §15064.5, and Health & Safety Code §7050.5 shall be followed if human remains are discovered.

1.6 ENERGY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
VI. Energy.				
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

1.6.1 Environmental Setting

GENERAL SETTING

California relies on a regional power system composed of a diverse mix of natural gas, petroleum, renewable, hydroelectric, and nuclear generation resources.

Petroleum: Petroleum products (gasoline, diesel, jet fuel) are consumed almost exclusively by the transportation sector, and account for almost 99 percent of the energy used in California by the transportation sector, with the rest provided by ethanol, natural gas, and electricity (Bureau of Transportation Statistics 2024). Between 2015 and 2023, approximately 160 billion gallons of gasoline and diesel fuel were purchased in California (California Department of Tax and Fee Administration 2024). Gasoline and diesel fuel sold in California for motor vehicles is refined in California to meet specific formulations required by CARB (EIA 2018).

Natural Gas: Natural gas consumption in California is dominated by the electrical sector (32 percent), industrial sector (31 percent), residential sector (23 percent), and commercial sector (13 percent). Approximately 60 percent of California households use natural gas for home heating (EIA 2024).

Electricity and Renewables: California's three large investor-owned utilities (Pacific Gas & Electric Company, San Diego Gas & Electric Company [SDG&E], and Southern California Edison) collectively served 52 percent of their retail electricity sales with renewable power in 2022, Additionally, the California Energy Commission's (CEC's) Energy Efficiency Action Plan (CEC 2019) focuses on energy efficiency savings in new and existing buildings and reducing greenhouse gas (GHG) emissions and provides strategy recommendations for realizing these goals. The 2019 Energy Efficiency Action Plan is separated into three goals that drive energy efficiency: doubling energy efficiency savings by 2030, removing and reducing barriers to energy efficiency in low-income and disadvantaged communities, and reducing GHG emissions from the buildings sector.

Electric and natural gas services in San Diego County are provided by SDG&E, a subsidiary of Sempra Energy. SDG&E operates electricity and natural gas infrastructure in the county, including power lines, power plants, pipelines, and substations. As of 2022, SDG&E procured 44.8 percent of its electricity from eligible renewable sources (CEC 2024).

Alternative Fuels: Conventional gasoline and diesel may be replaced (depending on the capability of the vehicle) with many alternative transportation fuels (e.g., biodiesel, hydrogen, electricity, and others). Use of alternative fuels is encouraged through various statewide regulations and plans (e.g., Low Carbon Fuel Standard, AB 32 Scoping Plan). California has a growing number of alternative fuel vehicles through the joint efforts of CEC, CARB, local air districts, federal government, transit agencies, utilities, and other public and private entities. As of July 2024, California contained over 18,000 alternative fueling stations (AFDC 2024).

1.6.2 Regulatory Setting

FEDERAL

Federal Energy Policy Regulations

The Energy Policy and Conservation Act of 1975 established nationwide fuel economy standards to conserve oil. Under this act, the National Highway Traffic and Safety Administration (NHTSA), is responsible for revising existing fuel economy standards and establishing new vehicle economy standards. The Corporate Average Fuel Economy program was established to determine vehicle manufacturer compliance with the government's fuel economy standards. Three Energy Policy Acts have been passed, in 1992, 2005, and 2007, to reduce dependence on foreign petroleum, provide tax incentives for alternative fuels, and support energy conservation.

STATE

Warren-Alquist Act

The 1974 Warren-Alquist Act established the California Energy Resources Conservation and Development Commission, now known as the CEC. The creation of the act occurred as a response to the State legislature's review of studies projecting an increase in statewide energy demand, which would potentially encourage the development of power plants in environmentally sensitive areas. The act introduced State policy for siting power plants to reduce potential environmental impacts, and additionally sought to reduce demand for these facilities by directing CEC to develop statewide energy conservation measures to reduce wasteful, inefficient, and unnecessary uses of energy. Conservation measures recommended establishing design standards for energy conservation in buildings that ultimately resulted in the creation of the Title 24 Building Energy Efficiency Standards (California Energy Code), which have been updated regularly and remain in effect today. The act additionally directed CEC to cooperate with the California Office of Land Use and Climate Innovation (LCI), the California Natural Resources Agency, and other interested parties in ensuring that a discussion of wasteful, inefficient, and unnecessary consumption of energy is included in all environmental impact reports required on local projects.

State of California Energy Action Plan

CEC is responsible for preparing the State Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The current plan is the 2003 California Energy Action Plan (2008 update). The plan calls for the State to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators in implementing incentive programs for zero-emission vehicles and addressing their infrastructure needs; and encouragement of urban design that reduces vehicle miles traveled (VMT) and accommodates pedestrian and bicycle access.

Transportation-Related Regulations

EPA and NHTSA have issued rules to reduce GHG emissions and improve corporate average fuel economy (CAFE) standards for light-duty vehicles for model years 2017 and beyond (77 Federal Register [FR] 62624). NHSTA's CAFE standards have been enacted under the Energy Policy and Conservation Act since 1978. This national program requires automobile manufacturers to build a single light-duty national fleet that meets all requirements under both federal programs and the standards of California and other states. The purpose of this program is to increase fuel economy and limit vehicle emissions, including CO_2 emissions, of cars and light-duty trucks (77 FR 62630).

Various regulatory and planning efforts are aimed at reducing dependency on fossil fuels, increasing the use of alternative fuels, and improving California's vehicle fleet. Senate Bill (SB 375 aligns regional transportation planning efforts, regional GHG emission reduction targets, and land use and housing allocation. CARB, in consultation with the

metropolitan planning organizations, provides each affected region with reduction targets for GHGs emitted by passenger cars and light trucks in their respective regions for 2020 and 2035.

Pursuant to AB 2076 (Chapter 936, Statutes of 2000), CEC and CARB prepared and adopted a joint agency report in 2003, Reducing California's Petroleum Dependence. Included in this report are recommendations to increase the use of alternative fuels to 20 percent of on-road transportation fuel use by 2020 and 30 percent by 2030, significantly increase the efficiency of motor vehicles, and reduce per capita VMT (CEC and CARB 2003).

AB 1007 (Chapter 371, Statues of 2005) required CEC to prepare the State Alternative Fuels Plan to increase the use of alternative fuels in California.

Renewable Energy Regulations

The State has passed legislation requiring the increasing use of renewables to produce electricity for consumers. California utilities are required to generate 33 percent of their electricity from renewables by 2020 (SB X1-2 of 2011); 52 percent by 2027 (SB 100 of 2018); 60 percent by 2030 (also SB 100 of 2018); and 100 percent by 2045 (also SB 100 of 2018).

LOCAL

Port of San Diego Climate Action Plan

The Port of San Diego Climate Action Plan (CAP) was adopted in December 2013 and includes an inventory of existing (2006) and projected emissions in 2020, 2035, and 2050, as well as strategies to meet the District's goal of reducing annual GHG emissions to 25 percent below 2006 levels by 2035 (District 2013). To achieve the District's goals, the CAP details various GHG reduction measures related to transportation and land use, alternative energy generation, energy conservation, waste reduction, water conservation, and recycling. These GHG reduction strategies and measures included in the CAP support meeting the statewide goals set forth in AB 32.

The District's CAP meets the criteria listed in Section 15183.5 of the State CEQA Guidelines by providing reduction targets that align with statewide goals. However, the CAP does not cover construction activities. A critical aspect of having a CAP that fits the criteria within State CEQA Guidelines Section 15183.5 is having reduction targets that align with statewide goals. Because the District's reduction targets outlined in the CAP parallel the State's commitment in AB 32, and align with statewide goals to reduce GHG emissions, the CAP is consistent with AB 32. While the District's CAP includes a long-term 2035 goal, it does not include post-2020 reduction quantification. Therefore, the CAP cannot be used as a qualified plan for reduction of GHG emissions pursuant to Section 15183.5 of the CEQA Guidelines for projects with a post-2020 buildout date. Because project construction is not expected to commence until 2023, the CAP is not used to assess the significance of the project's GHG emissions.

San Diego Association of Governments Regional Energy Strategy

SANDAG Regional Energy Strategy (RES) serves as an energy policy blueprint for the region through 2050. It established long term goals in eleven topic areas including energy efficiency, renewable energy, distributed generation, transportation fuels, land use and transportation planning, border energy issues, and the green economy. Using the strategies as guiding principles and taking into consideration the myriad of policy measures recommended across the energy topics, six early actions were identified to focus on in the near term. These include building retrofit programs, financing programs, energy savings at government buildings and in communities, land use and transportation strategies that reduce energy use and GHG emissions, electric vehicle and alternative fueling infrastructure, and use of reclaimed water. In 2014, a technical update of the RES was completed to inform development of San Diego Forward: The Regional Plan. This technical update demonstrates progress toward attaining the RES goals, updates existing conditions and future projections data, and recommends priorities for moving forward. The RES is not an adopted plan or policy document; rather it is a strategy framework that was accepted by the SANDAG Board of Directors. As such, it does not represent a state or local plan for renewable energy or energy efficiency. However, it is included here for completeness as it is a local resource focused on energy.

1.6.3 Discussion

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less-Than-Significant Impact. Planned improvements identified in the TLUP would have minimal energy needs. The expansion of bait barges, baitfish storage, and associated vendor operations would have minor electrical needs associated with construction and operation. Fuel use for bait delivery would be similar to existing conditions. The routine maintenance of the San Diego-Coronado Bay Bridge, transbay pipelines, and telecommunication facilities would continue existing activities and would not increase energy demand. Potential future aquaculture operations in PD13 would have minimal energy needs, mainly for marine vessels harvesting and caring for the shellfish and seaweed. The shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway and development of minimal activating features (e.g., seating, public art, signage) in PD14 would have energy needs during construction and minimal energy needs (e.g., security lighting) once operational. However, construction would be minor (consisting of grading and paving a multi-modal path), and the energy demand from such construction would also be minor.

In addition to the limited energy demand from planned improvements discussed above, the TLUP would also implement several policies designed to further reduce energy demand. For example, SR Policy 3.1.2 would require permittees of development to deploy renewable energy technology to improve energy reliability and economic resilience, where feasible. SR Policy 3.1.4 would require the District to continue to coordinate with TLUP Area tenants and adjacent local businesses to reduce resource consumption and promote sustainable operations. SR Policy 3.1.5 would require the District to promote the innovative use of "green" design for new or retrofitted Tidelands' buildings, structures, and facilities. Lastly, SR Policy 3.1.6 would require development to include water conservation strategies to save water and energy onsite, where feasible.

Given the limited new demand for energy and the implementation of energy reducing policies, implementation of the TLUP would not result in the wasteful, inefficient, or unnecessary consumption of energy resources. Impacts would be less than significant.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency

Less-Than-Significant Impact. As indicated in Section 1.6.3 (a), the planned improvements identified in the TLUP would have minimal energy demand and policies required by the TLUP would further reduce energy demand, including SR Policy 3.1.2, 3.1.4, 3.1.5, and 3.1.6. Consequently, the TLUP would not conflict with or obstruct implementation of a state or local plan for renewable energy or energy efficiency. This impact would be less than significant.

Required Mitigation Measures

The TLUP would not result in significant impacts associated with energy. Therefore, no mitigation measures are required.

1.7 GEOLOGY AND SOILS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
VII. Geology and Soils.				
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

1.7.1 Environmental Setting

GEOLOGY AND GEOLOGIC HAZARDS

The TLUP Area is within the Peninsular Ranges Geomorphic Province. The province encompasses an area that extends approximately 900 miles from the Transverse Ranges and the Los Angeles Basin south to the southern tip of Baja California. The province varies in width from approximately 30 to 100 miles. In general, the province consists of

rugged mountains underlain by Jurassic metavolcanic and metasedimentary rocks, and Cretaceous igneous rocks of the southern California batholith.

The Peninsular Ranges Province is traversed by a group of sub-parallel faults and fault zones trending roughly northwest. Several of these faults are considered active. The Rose Canyon, Elsinore, San Jacinto, and San Andreas faults are active fault systems located northeast of the TLUP Area; the Coronado Bank, San Diego Trough, and San Clemente faults are active faults located west of the TLUP Area. Major tectonic activity associated with these and other faults within the regional tectonic framework consists primarily of right-lateral, strike-slip movement. As such, there is potential for ground rupture due to faulting in the TLUP Area. Other hazards associated with seismic activity include strong ground motion, liquefaction, lateral spreading, and seismically induced settlement. Seismically induced ground motion is the ground shaking that occurs during an earthquake. Because the TLUP Area is within a seismically active region, the entire TLUP Area is susceptible to strong ground motion.

The TLUP Area consists almost entirely of submerged lands, with approximately 99 acres of land area located in the South Bay Planning District (PD14). This land area is underlain by artificial fill (Qaf) and old paralic deposits (Qop_6) (Ninyo & Moore 2020). According to geologic mapping, the landside portion of the TLUP Area within the City of San Diego is designated as having a high liquefaction potential (Hazard Category 31), while the portion within the City of Coronado has not been evaluated or mapped for geologic hazards (Ninyo & Moore 2020); however, it is anticipated that this area would similarly have a high liquefaction potential.

Lateral spread of the ground surface during an earthquake usually takes place along weak shear zones that have formed within a liquefiable soil layer. Because lateral spreading is a secondary seismic effect of liquefaction, and the landside portion of the TLUP Area has a high potential for liquefaction, there is a potential for lateral spreading to occur in this portion of the TLUP Area.

Based on a review of geologic mapping, no landslides or indications of deep-seated landsliding were noted underlying the landside portion of the TLUP Area (CGS 2015). Moreover, landslides are not anticipated to be a concern based on the relatively flat topography of the landside portion of the TLUP Area.

SOILS

Soils underlying the landside portion of the TLUP Area include Huerhuero loam 2 to 9 percent slopes (HrC), Huerhuero-Urban land complex 2 to 9 percent slopes (HuC), lagoon water (LG-W), and Grangeville fine sandy loam 0 to 2 percent slopes (GoA), all of which have moderate erosion potential (Ninyo & Moore 2020). Expansive soils generally result from specific clay minerals that have the capacity to shrink or swell in response to changes in moisture content. Shrinking or swelling of foundation soils can lead to damage to foundations and engineered structures, including tilting and cracking. Clayey fill soils, alluvium, marine deposits, or old paralic deposits may also be moderately expansive. It is anticipated that expansive soils are present throughout the landside portion of the TLUP Area.

UNIQUE PALEONTOLOGICAL RESOURCES AND GEOLOGIC FEATURES

Paleontological resources (fossils) are the remains and/or traces of prehistoric life and represent an important and nonrenewable natural resource. Fossil remains are found in the geologic units (i.e., formations) within which they were originally buried. Fossils or fossil deposits are generally regarded as older than 11,700 years, the generally accepted temporal boundary marking the end of the last late-Pleistocene glacial event and the beginning of the current period of climatic amelioration of the Holocene. For planning purposes, paleontological resources can be thought of as including not only actual fossil remains and traces, but also the localities where those fossils are collected and the geologic units containing the localities. A fossil collection locality is the combined geographic and stratigraphic context of fossils—the place on the Earth and stratum (deposited during a particular time in Earth's history) from which the fossils were collected. Localities themselves may persist for decades, in the case of a fossil-bearing outcrop that is protected from natural or human impacts, or may be temporarily exposed and ultimately destroyed, as is the case for fossil-bearing strata uncovered by erosion or construction.

As noted above, the landside portion of the TLUP Area is underlain by artificial fill (Qaf) and old paralic deposits (Qop_6). Artificial fill deposits result from human construction, mining, or quarrying activities and include compacted engineered and non-engineered fill. The specific unit of old paralic deposits within the TLUP Area (i.e., Qop_6) is associated with the Bay Point Formation, a geological stratum consisting of nearshore marine and lagoonal deposits of the Pleistocene age (approximately 85,000 to 500,000 years old). The deposits of the Bay Point Formation are situated atop the Nestor terrace (approximately 120,000 years old) with the exception of the Sweetwater District where the deposits are undivided (San Diego Natural History Museum 2017).

A search of the documented fossil collection localities completed, as part of the PMPU Final PEIR, identified a total of 112 fossil collection localities present within the PMPU area and a 0.25-mile buffer (San Diego Natural History Museum 2017). Because the PMPU area is landward of the TLUP planning districts, the records search completed as part of the PMPU Final PEIR covers areas beyond those that would otherwise be covered if measuring 0.25-mile from the TLUP planning districts. These localities produced trace fossils (e.g., sponge borings in shell, worm borings in shell and matrix, and worm tubes), and fossilized impressions of plants (e.g., calcareous algae and vascular plants), marine invertebrates (e.g., foraminifers, bryozoans, corals, chitons, snails, clams, mussels, oysters, scallops, tusk shells, ostracods, crabs, shrimp, barnacles, sea urchins, and sand dollars), marine vertebrates (e.g., sharks, skates, rays, bony fish, and whales), and terrestrial vertebrates (e.g., frogs, snakes, birds, rodents, horses and mammoths) (San Diego Natural History Museum 2017). Based on the City of San Diego's CEQA Significance Determination Thresholds (2022~~16~~),[3] artificial fill has no paleontological sensitivity and Bay Point Formation is assigned a high paleontological sensitivity.

In addition, San Diego County defines a unique geologic feature as "a site that exhibits distinctive characteristics, is exclusive to the region, or provides a key piece of geologic information important in the study of geology or geologic history" (County of San Diego 2011). Examples may include unique rock outcrops (e.g., natural bridge), type localities of named geologic formations (e.g., type locality of Scripps Formation in the sea cliffs north of Scripps Institute of Oceanography), information-rich geologic exposures (e.g., cliff face exposing faulted sedimentary layers), or unique landform (e.g., Round Mountain in Jacumba Valley, which represents a volcanic plug) (County of San Diego 2011). Per the general and community plans for the adjacent cities, no unique geologic features have been identified as occurring within or adjacent to the TLUP Area.

1.7.2 Regulatory Setting

FEDERAL

National Earthquake Hazards Reduction Act

In October 1977, the U.S. Congress passed the Earthquake Hazards Reduction Act to reduce the risks to life and property from future earthquakes in the United States. To accomplish this, the act established the National Earthquake Hazards Reduction Program (NEHRP). The mission of NEHRP includes improved understanding, characterization, and prediction of hazards and vulnerabilities; improved building codes and land use practices; risk reduction through post-earthquake investigations and education; development and improvement of design and construction techniques; improved mitigation capacity; and accelerated application of research results. The NEHRP designates the Federal Emergency Management Agency (FEMA) as the lead agency of the program and assigns several planning, coordinating, and reporting responsibilities.

National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) permit program, authorized by Section 402(p) of the federal Clean Water Act, controls water pollution by regulating point sources, such as construction sites and industrial operations that discharge pollutants into waters of the United States. NPDES permits are issued by states that have

[3] The City of San Diego's paleontology thresholds were developed in consultation with the San Diego Natural History Museum based on expert opinion of qualified paleontologists and, therefore, are appropriate for general use.

obtained EPA approval to issue permits or by EPA Regions in states without such approval. California is fully authorized to issue NPDES permits and are described below.

STATE

Alquist-Priolo Earthquake Fault Zoning Act

California's Alquist-Priolo Act (PRC 2621 et seq.) was enacted by the State of California in 1972. The act's primary purpose is to prohibit the construction of structures intended for human occupancy across the traces of active faults and strictly regulates construction in the corridors along active faults. It also defines criteria for identifying active faults, giving legal weight to terms such as "active," and establishes a process for reviewing building proposals in and adjacent to active faults. In addition, the Alquist-Priolo Act requires the State Geologist to establish regulatory zones, known as "earthquake fault zones," around the surface traces of active faults and to issue appropriate maps to assist cities and counties in planning, zoning, and building regulation functions. Maps are distributed to all affected cities and counties for the controlling of new or renewed construction and are required to sufficiently define potential surface rupture or fault creep. The State Geologist is charged with continually reviewing new geologic and seismic data and revising existing zones and delineating additional earthquake fault zones when warranted by new information. According to the Alquist-Priolo Act, before a project can be permitted, cities and counties shall require a geologic investigation, prepared by a licensed geologist, to demonstrate that buildings will not be constructed across active faults. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back. Although setback distances may vary, a minimum 50-foot setback is required.

Under the Alquist-Priolo Act, faults are zoned, and construction along or across them is strictly regulated if the faults are considered "sufficiently active" and "well-defined." A fault is considered sufficiently active if one or more of its segments or strands shows evidence of surface displacement during Holocene time (defined for the purposes of the act as within the last 11,000 years). A fault is considered well-defined if its trace can be clearly identified by a trained geologist at the ground surface or in the shallow subsurface, using standard professional techniques, criteria, and judgment.

International Building Codes

Development and building design standards, implemented through the California Building Code (CBC), require the proposed project to comply with appropriate seismic design criteria in the International Building Code, adequate drainage facility design, and preconstruction soils and grading studies. Seismic design standards have been established to reduce many of the structural problems occurring because of major earthquakes. In 1998, the code was revised as follows.

- Upgrade the level of ground motion used in the seismic design of buildings.
- Add site amplification factors based on local soils conditions.
- Improve the way ground motion is applied in detailed design.

California Building Code

The California Code of Regulations, Title 24 (California Building Code or CBC) applies to all applications for building permits. The CBC (also called the California Building Standards Code) has incorporated the International Building Code, which was first enacted by the International Conference of Building Officials in 1927 and has been updated approximately every 3 years since that time. The current version of the CBC became effective on January 1, 2023. Building codes provide minimum standards regulating a number of aspects of construction that are relevant to geology and geologic hazards. Title 24, Part 2 of the CBC provides building codes and standards for the design and construction of structures in California. The CBC requires, among other things, seismically resistant construction and foundation and soil investigations prior to construction. The CBC also establishes grading requirements that apply to excavation and fill activities, and requires the implementation of erosion control measures.

The purpose of the CBC is to establish minimum standards to safeguard the public health, safety, and general welfare through structural strength, means of egress, and general stability by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all building and structures within its jurisdiction. In addition, the CBC contains necessary California amendments, which are based on the American Society of Civil Engineers (ASCE) Minimum Design Standards 7-05. ASCE 7-05 provides requirements for general structural design and includes means for determining earthquake loads as well as other loads (flood, wind, etc.) for inclusion into building codes. The provisions of the CBC apply to the construction, alteration, movement, replacement, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout California.

The earthquake design requirements of the CBC take into account the occupancy category of the structure, site class, soil classifications, and various seismic coefficients, which are used to determine a Seismic Design Category (SDC) for a project. The SDC is a classification system that combines the occupancy categories with the level of expected ground motions at the site and ranges from SDC A (very small seismic vulnerability) to SDC E/F (very high seismic vulnerability and near a major fault). Design specifications are then determined according to the SDC. Any future projects within the TLUP Area would be required to comply with the CBC, including Part 2, Volume 2, Chapter 18, Soils and Foundations, which outlines the minimum standards for structural design and construction. This includes the preparation of geotechnical evaluations, which, among other requirements, include a record of the soil profile, regulation of active faults in the area, recommendations for foundation type and design criteria that address issues, as applicable, such as (but not limited to) bearing capacity of soils, provisions to mitigate the effects of expansive soils, liquefaction, settlement, and varying soil strength. Section 1803.1.1.3 of Chapter 18 states that if a building department, or other appropriate enforcement agency, determines that recommended action(s) presented in the geotechnical evaluations are likely to prevent structural damage, the approved recommended action(s) must be made a condition to the building permit (Section 1803.1.1.3 of Chapter 18).

The CBC also provides standards for various aspects of construction, including but not limited to excavation, grading, and earthwork construction; preparation of the site prior to fill placement, specification on fill materials and fill compaction and field testing; retaining wall design and construction, foundation design and construction; and seismic requirements. It includes provisions to address issues such as (but not limited to) construction on expansive soils, liquefaction potential, and soil strength loss. The CBC sets seismic design requirements based on seismic risk categories, which are associated with a structure's occupancy category (i.e., structures that represent low hazard to human life, structures that represent substantial hazard to human life, structures designated as essential facilities based on the proposed use), and a structure's seismic risk category (i.e., the severity of the design earthquake ground motion and specific soil properties at the site). In accordance with California law, project design and construction would be required to comply with provisions of the CBC. Local agencies must ensure that development in their jurisdictions complies with guidelines contained in the CBC. Cities and counties can, however, adopt building standards beyond those provided in the code.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act of 1990 (PRC Sections 2690–2699.6) is intended to reduce damage resulting from earthquakes. While the Alquist-Priolo Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including strong ground shaking, liquefaction, and seismically induced landslides. Its provisions are similar in concept to those of the Alquist-Priolo Act: the State is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other corollary hazards; and cities and counties are required to regulate development within mapped seismic hazard zones.

Under the Seismic Hazards Mapping Act, permit review is the primary mechanism for local regulation of development. Under PRC Section 2697, cities and counties must require, prior to the approval of a project located in a seismic must zone, a geotechnical report defining and delineating any seismic hazard. Each city or county shall submit one copy of each geotechnical report, including mitigation measures, to the State Geologist within 30 days of its approval.

Construction General Permit (Order 2009-0009-DWQ as amended by Order 2010-0014-DWQ and Order 2012-006-DWQ)

As authorized by the Clean Water Act, the NPDES Permit Program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Point sources are discrete conveyances such as pipes or man-made ditches. Examples of pollutants include, but are not limited to, rock, sand, dirt, and agricultural, industrial, and municipal waste discharged into waters of the United States. See section 122.2 of 40 Code of Federal Regulations for the definitions of point source, pollutant, and water of the United States.

The NPDES Program is a federal program which has been delegated to the State of California for implementation through the State Water Resources Control Board and the nine Regional Water Quality Control Boards, collectively Water Boards. In California, NPDES permits are also referred to as waste discharge requirements (WDRs) that regulate discharges to waters of the United States.

Construction activities that disturb 1 acre or more of land must obtain coverage under the State Water Resources Control Board (SWRCB) Construction General Permit (Order 2009-0009-DWQ as amended by Order 2010-0014-DWQ and Order 2012-006-DWQ). Under the terms of the permit, applicants must file complete and accurate Notice of Intent and Permit Registration Documents with SWRCB. Applicants must also demonstrate conformance with applicable construction best management practices (BMPs) and prepare a construction storm water pollution prevention plan (SWPPP) containing a site map that shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns. BMPs include but are not limited to silt fences, straw wattles, sediment traps, gravel sandbag barriers. The Construction General Permit requires dischargers to consider good housekeeping measures for construction materials, waste management, vehicle storage & maintenance, landscaping materials, and potential pollutant sources. Dischargers are also required to consider measures to reduce erosion such as but not limited to, covering disturbed areas with mulch, temporary seeding, soil stabilizers, binders, fiber rolls or blankets, temporary vegetation, and permanent seeding. Sediment control BMPs must be considered by dischargers as secondary means of preventing storm water contamination. Sediment control BMPs could include but are not limited to silt fences or straw wattles. Lastly, the discharger is required by the Construction General Permit to manage run-on and runoff from a project site using measures such as but not limited to installing berms or other temporary diversions.

California Public Resources Code

Section 5097.5 of PRC addresses paleontological resources and states that “no person shall knowingly and willfully excavate, upon, or remove, destroy, injure, or deface” any “vertebrate paleontological site, including fossilized footprints, or any other paleontological feature situated” on public lands without the “express permission of the public agency having jurisdiction over the lands.” Violation of this section is a misdemeanor.

As used in PRC Section 5097.5, “public lands” means lands owned by or under the jurisdiction of the State or any city, county, district, authority, or public corporation, or any agency thereof. Consequently, public agencies are required to comply with PRC Section 5097.5 for their own activities, including construction and maintenance, as well as for permit actions (e.g., encroachment permits) undertaken by others.

LOCAL

The implementation of landside planned improvements identified in the TLUP would be required to obtain grading and construction permits from the jurisdictions in which they are located, which includes the cities of San Diego, Imperial Beach, and Coronado. Therefore, the following city ordinances would apply to the landside planned improvements within the TLUP Area.

City of San Diego Municipal Code

Chapter 14, Article 2, Division 1: Grading Regulations

Earthwork activities, including grading, are regulated by the City of San Diego Municipal Code, Chapter 14, Article 2, Division 1, which provides standards for slope stability, protection of property, erosion control, water quality, and landform preservation and to protect the public health, safety, and welfare of persons, property, and the environment. The following sections are related to geology and soils and apply to future projects within PD14 of the TLUP Area (i.e., where land-based projects may occur).

Section 142.0130: Development Standards for Grading

All *grading* shall be designed and performed in conformance with applicable City Council policies and the standards established in the Land Development Manual.

Section 142.0131: Geotechnical Report Requirements

All *grading* shall be designed to incorporate the recommendations of any required *geotechnical reports*.

All *geotechnical reports* shall be prepared in accordance with the standards established in the Lands Development Manual and the City of San Diego Technical Guidelines for Geotechnical Reports.

Section 142.0135: Grading Within the *Special Flood Hazard Area*

Grading within the *Special Flood Hazard Area* shall comply with Chapter 14, Article 2, Division 2 (Drainage Regulations) and Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

Section 142.0146: Erosion, Sedimentation, and Water Pollution Control

All *grading* work shall incorporate erosion and siltation control measures in accordance with Chapter 14, Article 2, Division 4 (Landscape Regulations) and the standards established in the Land Development Manual.

All *development* shall be conducted to prevent erosion and stop sediment and pollutants from leaving the work site. The property owner is responsible to implement and maintain temporary and permanent erosion, sedimentation, and water pollution control measures to the satisfaction of the City Manager, whether or not such measures are a part of approved plans. The property owner shall install, monitor, maintain, and revise these measures, as appropriate, to ensure their effectiveness. Controls shall include measures outlined in Chapter 14, Article 2, Division 2 (Storm Water Runoff Control and Drainage Regulations) that address the *development's* potential erosion and sedimentation impacts.

Section 142.0148: Protection of Adjacent Properties and Public Rights-of-Way

During *grading*, the property owner shall take all necessary measures to protect adjacent property and public rights-of-way from damage that may result from the work. The property owner shall provide *fences* or barricades needed to eliminate any hazard to the public in their normal use of the property or *public right-of-way* as follows:

Where a temporary excavation is adjacent to an existing developed public right-of-way or other public property and the slope gradient is 50 percent (2 horizontal feet to 1 vertical foot) or steeper or the height of the *excavation* is more than 6 feet, temporary *fences* or barricades shall be provided adjacent to the *excavation* satisfactory to the City Engineer. The *fences* or barricades shall be constructed and maintained as long as the hazard resulting from the *excavation* exists.

Where a permanent *excavation* is adjacent to an existing developed *public right-of-way* or other public property and the slope gradient is 50 percent (2 horizontal feet to 1 vertical foot) or steeper, the height of the *excavation* is more than 6 feet, and the top of the slope is within 10 feet of the *public right-of- way*, the property owner shall construct a permanent, 4-foot-high *fence* adjacent to the *public right-of-way*, satisfactory to the City Engineer.

The City Engineer may modify the requirements of this section where it is evident that the *grading* work will present no hazard to the adjacent property or *public rights-of-way*.

Section 142.0151: Paleontological Resources Requirements for Grading Activities

Paleontological resources monitoring shall be required in accordance with the General Grading Guidelines for Paleontological Resources in the Land Development Manual for any of the following:

- *Grading* that involves 1,000 cubic yards or greater, and 10 feet or greater in depth, in a High Resource Potential Geologic Deposit/Formation/Rock Unit; or
- *Grading* that involves 2,000 cubic yards or greater, and 10 feet or greater in depth, in Moderate Resource Potential Geologic Deposit/Formation/Rock Unit; or
- *Grading* on a fossil recovery site or within 100 feet of the mapped location of a fossil recovery site.

If paleontological resources, as defined in the General Grading Guidelines for Paleontological Resources, are discovered during *grading*, notwithstanding Section 142.0151(a), all *grading* in the area of discovery shall cease until a qualified paleontological monitor has observed the discovery, and the discovery has been recovered in accordance with the General Grading Guidelines for Paleontological Resources.

Chapter 14, Article 5, Division 18: Additions and Modifications to Chapter 18 of the California Building Code

(a) Chapter 18 of the California Building Code is adopted by reference with modifications and additions pursuant to Sections 145.0105 and 145.0106 of the Land Development Code.

(b) Section 1803 is adopted by reference with modifications and additions pursuant to Sections 145.0105 and 145.0106 of the Land Development Code.

(c) Section 1801, Section 1802, and Sections 1804 through 1810 are adopted by reference without change pursuant to Section 145.0103 of the Land Development Code.

Chapter 12, Article 9, Division 2: Building Permit Procedures

Section 129.0201: Purpose of Building Permit Procedures

The purpose of these procedures is to establish the process for review of Building Permit applications for compliance with the minimum standards necessary to safeguard life or limb, public health, property, and welfare. The intent of these procedures is to review the proposed design, construction methods, and type and quality of materials used for new construction or for construction involving existing structures.

Section 129.0202: When a Building Permit Is Required

(a) No structure regulated by the Land Development Code shall be erected, constructed, enlarged, altered, repaired, improved, converted, permanently relocated or partially demolished unless a Building Permit has first been obtained from the Building Official, except as exempted in Sections 129.0202(b) and 129.0203.

Section 129.0206: Who May Prepare Plans for Building Permits

If plans or other material submitted are not prepared by an architect or engineer licensed by the State of California, the Building Official may require the applicant to demonstrate that State law does not require the material to be prepared by a licensed architect or engineer. The Building Official may require plans, computations, and specifications to be prepared by an architect or engineer licensed by the State of California, in circumstances where preparation by a licensed professional is not required by State law.

Section 129.0210: Plan Review Procedures

The application, plans, specifications, and other data filed by an applicant for a Building Permit shall be reviewed by the Building Official. The plans may be reviewed by other departments of the City to verify compliance with any other applicable provisions of the Municipal Code.

City of Coronado Municipal Code

Title 70, Chapter 70.20: California Building Code

The City of Coronado has adopted the California Building Code, 2019 Edition, California Code of Regulations, Title 24, Part 2, Volumes 1 and 2 as published by the California Building Standards Commission based on the International Building Code, as the City Building Code for the purpose of prescribing regulations in the City of Coronado for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of building and structures or any appurtenances connected or attached to such buildings or structures within this jurisdiction.

70.20.020 Appendices

The City of Coronado has adopted the California Building Code Appendix J: Grading.

City of Imperial Beach

Title 15, Chapter 15.06: Building Code

Except as provided in Chapter 15.02 (Administrative Code) and Chapter 15.06, the City of Imperial Beach has adopted the 2019 California Building Code (Part 2 of Title 24 of the California Code of Regulations) as the Building Code of the City of Imperial Beach.

Title 15, Chapter 15.54: Grading Permits and Plans

This chapter provides grading requirements to address slope stability, protection of property, erosion control, and water quality and to protect the public health, safety, and welfare of persons, property, and the environment.

Section 15.54.030: Grading Permit

No grading, including clearing of vegetative matter, shall be done until all necessary environmental clearances are secured and reviewed by the city for the work listed in this section. The following work shall require a grading permit:

A. Any grading within open space easements or city-owned open space;

B. Any grading required for the restoration of unauthorized grading;

C. Any grading within the one hundred-year floodplain;

D. Any grading as a condition of approval of a discretionary permit, including subdivision maps, parcel maps, conditional use permits or other discretionary approvals;

E. Any grading that includes any of the following:

   1. Excavation or fill that results in a slope with a gradient of twenty-five percent or greater (four horizontal feet to one vertical foot) and for which the depth or height at any point is more than three feet measured vertically at the face of the slope from the top of the slope to the bottom of the slope;

   2. Excavation or fill for which the depth or height at any point from the lowest grade to the highest grade at any time during the proposed grading is more than eighteen inches measured vertically;

   3. Excavation or fill greater than fifty cubic yards;

   4. Grading for which the graded area is more than one acre.

Section 15.54.110: Lot Grading - Safety Precautions

A. If, at any stage of work for which an approved grading plan, or a grading permit, is required, the city engineer determines that authorized grading is likely to endanger any public or private property or result in the deposition of debris on any public way or interfere with any existing drainage course, the city engineer may specify and require reasonable safety precautions to avoid the danger. The permittee may be responsible for removing excess soil and debris deposited upon adjacent and downstream public or private property resulting from his/her grading operations. Soil and debris shall be removed and damage to adjacent and downstream property

repaired, as directed by the city engineer. Erosion and siltation control shall require temporary or permanent siltation basins, energy dissipaters, or other measures as field conditions warrant, whether or not such measures are a part of approved plans. Cost associated with any work outlined in this section shall be incurred by the permittee.

B. No off-site work will be required when, in the opinion of the city engineer, the permittee has properly implemented and maintained erosion control measures and the deposition of soil and debris or erosion on adjacent properties is the direct or indirect result of actions of the downstream property owner.

Municipal Stormwater Permit (Order No. R9-2013-0001 as amended by Order Nos. R9-2015-001 and R9-2015-0100)

The Municipal Stormwater Permit (Order No. R9-2013-0001, as amended by Order Nos. R9-2015-001 and R9-2015-0100) is an NPDES permit that requires the owners and operators of Municipal Separate Storm Sewer Systems (MS4s) within the San Diego region to implement management programs that limit discharges of pollutants and non-stormwater discharges to and from their MS4. The Municipal Stormwater Permit requires the District and other "co-permittees" to develop watershed-based water quality improvement plans (WQIPs) and jurisdictional runoff management programs (JRMPs). The Municipal Stormwater Permit emphasizes watershed program planning and program outcomes. The intent of the permit is to enable each jurisdiction to focus its resources and efforts to:

- Reduce pollutants in stormwater discharges from its MS4,
- Effectively prohibit non-stormwater discharges to its MS4, and
- Achieve the interim and final WQIP numeric goals.

San Diego Bay Watershed Water Quality Improvement Plan

The Municipal Stormwater Permit requires development of the San Diego Bay WQIP. The purpose of the WQIP is to guide municipal stormwater permit co-permittees, including the District, via its JRMP, toward improving water quality in MS4 discharges and receiving waters. In the WQIP, priorities and goals are established, and each jurisdiction identifies strategies to assist in attaining the goals. This approach establishes the foundation that the District uses to develop and implement its JRMP. The District implements the WQIP in collaboration with other local agencies that have jurisdiction within the San Diego Bay Watershed Management Area, which comprises three HUs: Pueblo San Diego, Sweetwater, and Otay.

San Diego Unified Port District Jurisdictional Runoff Management Program

Under the Municipal Stormwater Permit, each jurisdiction is required to have a JRMP. In addition, each co-permittee prepares and submits an annual report that describes program implementation and strategies to reduce the discharge of pollutants of concern to the MS4 and receiving waters to the maximum extent practicable.

The District's JRMP has been developed to meet the conditions of the Municipal Stormwater Permit and to assist the District in achieving the goals identified in the WQIP. District-specific WQIP-based strategies have been incorporated into the JRMP. The JRMP's focus is on controlling stormwater discharges to the MS4, with the overall goal of achieving improvements in receiving water quality. The District has developed a list of BMPs that are applicable to all persons, activities, and operations occurring on District Tidelands, and the JRMP utilizes District-specific jurisdictional activities and watershed-based strategies. Enforcement of the JRMP helps to prevent stormwater pollutants from entering local storm drains and, ultimately, San Diego Bay.

As part of the District's JRMP, a *BMP Design Manual* was developed to provide guidelines for incorporating permanent post-construction BMPs into new and redevelopment projects. The *BMP Design Manual* identifies the required source-control and site-design BMPs to eliminate or reduce pollutants in stormwater runoff for all projects. For priority development projects (PDPs), the *BMP Design Manual* also describes pollutant-control BMPs that must be incorporated into the site design and, where applicable, addresses potential hydromodification impacts from changes in flow and sediment supply. The *BMP Design Manual* is applicable for both tenant- and District-sponsored major maintenance or capital improvement projects, as required by the Municipal Stormwater Permit.

Moreover, the Municipal Stormwater Permit (Provision E.4) requires the District to implement a Construction Management program in accordance with the strategies in the San Diego Bay Watershed WQIP in addition to core permit requirements. The core permit requirements include a project approval process that ensures appropriate BMPs are attached to conditions of approval for construction projects as well as ongoing construction site inventory updates and tracking and inspection. In addition, the District is required to establish minimum BMPs that include the following categories: Project Planning, Non-Stormwater Management, Good Housekeeping/Waste Management, Erosion Control, Sediment Control, and Run-on and Run-off Control.

If a project is not subject to the Construction General Permit (Order 2009-0009-DWQ, as amended by Order 2010-0014-DWQ and Order 2012-006-DWQ), a Construction BMP Plan is required pursuant to the JRMP. The Construction BMP Plan includes many of the same elements as a standard SWPPP except for most post-construction BMPs and a monitoring plan. The Construction BMP Plan applies to construction projects with less than 1 acre, but greater than 100 square feet of land disturbance, as well as construction projects that occur over water. District approval is required on all SWPPPs and Construction BMP Plans prior to any work beginning on a project.

San Diego Unified Port District Code, Article 10

District Code, Article 10—the San Diego Unified Port District Stormwater Management and Discharge Control Ordinance—prohibits the deposit or discharge of any chemicals or waste into the Tidelands or San Diego Bay and makes it unlawful to discharge pollutants directly into the non-stormwater, or indirectly into the stormwater, conveyance system. Article 10 also requires the implementation of BMPs, stormwater plans, and other measures, as appropriate to control the discharge of pollution to Tideland or receiving waters. Where enforcement is required to maintain compliance, the District will use its enforcement authority established by Article 10. Article 10 of the code enables the District, including District inspectors, to prohibit discharges and require BMPs, so that discharges on Tidelands do not cause or contribute to water quality problems. Article 10 establishes enforcement procedures to ensure that responsible dischargers are held accountable.

1.7.3 Discussion

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)

Less-Than-Significant Impact. The TLUP Area is within a seismically active region of Southern California. Active faults within and in the vicinity of the TLUP Area include the Rose Canyon Fault Zone, which runs under San Diego Bay; the Point Loma Fault Zone, which includes northwest to southeast-trending faults; and the La Nacion Fault Zone, which consists of a series of parallel to subparallel, west dipping normal faults (District 2023).

The TLUP Area consists almost entirely of submerged lands, with approximately 99 acres of land area located in PD14, a portion of which would be designated as Conservation Open Space and the remainder as Recreation Open Space. Potential planned improvements within the landside portion of the TLUP Area would be limited to the shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, and potential development of minimal activating features, including additional seating, public art, and information and interpretive signage in the area west of the 7th Street terminus. Construction associated with these planned improvements would be minimal and would not include any activities that would have the potential to result in direct or indirect substantial adverse effects involving the rupture of a known earthquake fault. In addition, reasonably foreseeable projects occurring within the TLUP Area would not include any structures intended for human occupancy. Furthermore, the TLUP includes SR Policy 1.1.4, which requires compliance with the seismic safety standards of all applicable seismic provisions and criteria in the most recent version of the CBC and applicable municipal codes and

the incorporation of siting and design techniques to address any such geologic hazards. Compliance with these regulations would preclude construction of future projects within the TLUP Area from occurring within an active fault and causing a fault to rupture or slip. Therefore, this impact would be **less than significant**.

ii) Strong seismic ground shaking?

Less-Than-Significant Impact. As discussed under Section 1.7.3 (a)(i), the TLUP Area is within a seismically active region of Southern California and in the vicinity of several active faults. However, the planned improvements identified in the TLUP do not include any future development that would have the potential to result in direct or indirect substantial adverse effects involving strong seismic ground shaking. In addition, planned improvements identified in the TLUP would not include any structures intended for human occupancy. Furthermore, the TLUP includes SR Policy 1.1.4, which requires future development to be compliant with the seismic safety standards of all applicable seismic provisions and criteria in the most recent version of CBC and applicable municipal codes and the incorporation of siting and design techniques to address any such geologic hazards. As such, while future projects and future users may experience strong seismic ground shaking, either as a result of a fault rupture or simply as a result of being within a seismically active region, mandatory compliance with applicable laws and regulations and consistency with TLUP SR Policy 1.1.4 would ensure that any future construction that occurs within the TLUP Area would not exacerbate existing conditions involving earthquake or strong seismic ground shaking and directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death. Therefore, this impact would be **less than significant**.

iii) Seismic-related ground failure, including liquefaction?

Less-Than-Significant Impact. Although geologic mapping indicates that potentially liquefiable soils may be present at the 99 acres of landside area, potential future projects within the landside portion of the TLUP Area would need to demonstrate consistency with the TLUP's applicable land use designations, policies (e.g., TLUP includes SR Policy 1.1.4), development standards, planning district special allowances, and visions. Furthermore, the TLUP only identifies a couple landside planned improvements, which includes shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, and the potential development of minimal activating features, including potential seating, public art, and information and interpretive signage in the area west of the 7th Street terminus. These planned improvements would not include any structures intended for human occupancy.

Moreover, consistent with TLUP SR Policy 1.1.4, landside structures would be required to comply with Chapter 18, Soils and Foundations, of the CBC. Chapter 18 requires the preparation of geotechnical evaluations that include, among other requirements, a record of the soil profile, evaluation of active faults in the area, and recommendations for foundation type and design criteria that address issues, as applicable, such as (but not limited to) bearing capacity of soils and provisions to mitigate the effects of expansive soils, liquefaction, settlement, and varying soil strength. As such, liquefiable soil conditions would be adequately addressed through compliance with the CBC. Compliance with these regulations as well as the TLUP's water and land use designations, policies, development standards, planning district special allowances, and visions would ensure that planned improvements along with any future projects proposed within the TLUP Area would not directly or indirectly cause potential substantial adverse effects involving seismic-related ground failure. Therefore, this impact would be **less than significant**.

iv) Landslides?

No Impact. Landslide activity generally occurs in areas that lack vegetation and have steep slopes. As discussed above, the TLUP Area consists almost entirely of submerged lands, with approximately 99 acres of land area located in PD14 that would be designated as Conservation Open Space or Recreation Open Space. The topography of the land area in PD14 is relatively flat and is not adjacent to any steep slopes that could be susceptible to landslides. Furthermore, no landslides have been mapped within or adjacent to the landside portion of the TLUP Area (CGS 2015). For these reasons, planned improvements along with any future projects proposed within the TLUP Area that would be consistent with the TLUP's water and land use designations, policies, development standards, planning

district special allowances, and visions would not directly or indirectly cause potential substantial adverse effects involving landslides. Therefore, **no impact** would occur.

b) Result in substantial soil erosion or the loss of topsoil?

Less-Than-Significant Impact. The potential planned improvements within the landside portion of the TLUP Area would be limited to shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, and potential development of minimal activating features, including additional seating, public art, and information and interpretive signage in the area west of the 7th Street terminus. Construction associated with these planned improvements and any other future projects proposed within the TLUP Area that would be consistent with the TLUP's water and land use designations, policies, development standards, planning district special allowances, and visions would be subject to applicable federal, state, and local regulations addressing soil erosion. Construction activities associated with future projects that would disturb one acre or more of land would be required to comply with the NPDES Construction General Permit adopted by SWRCB. Permit conditions require the preparation and implementation of a SWPPP, which must describe the site, the facility, erosion and sediment controls, runoff water quality monitoring, means of waste disposal, implementation of approved local plans, control of construction sediment and erosion control measures, maintenance responsibilities, and non-stormwater management controls. Additionally, planned improvements and/or future projects that may be proposed consistent with the TLUP's water and land use designations, policies, development standards, planning district special allowances, and visions that would disturb less than one acre would be required to prepare and implement a construction BMP plan. These plans would identify BMPs to address erosion and sedimentation at the individual project site during construction activities. Furthermore, construction activities associated with future projects would be required to comply with District Code, Article 10—the San Diego Unified Port District Stormwater Management and Discharge Control Ordinance. Temporary BMPs, such as silt fences, straw waddles, sediment traps, gravel sandbag barriers, or other effective BMPs, would be required to control runoff and erosion during construction activities. Implementation of erosion and sediment control BMPs would prevent substantial soil erosion and sedimentation from exposed soils. Therefore, this impact would be **less than significant**.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Less-Than-Significant Impact. The topography of the land area in PD14 is relatively flat and is not adjacent to any steep slopes that could be susceptible to landslides. In addition, underlying geologic formations within San Diego County have a low potential of subsidence, and there are no historical records of subsidence events in San Diego County (County of San Diego 2023). Although geologic mapping indicates that potentially liquefiable soils may be present in landside portion of the TLUP Area, planned improvements would be limited to shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, and the potential development of minimal activating features within the Recreation Open Space area, including additional seating, public art, and information and interpretive signage in the area west of the 7th Street terminus. In addition, none of the planned improvements included in the TLUP would include any structures intended for human occupancy. Furthermore, construction of future planned improvements and/or future projects proposed within the TLUP Area consistent with the TLUP's water and land use designations, policies, development standards, planning district special allowances, and visions would be required to comply with the current provisions of the CBC. Compliance with these regulations would ensure that the reasonably foreseeable projects within the TLUP Area would not directly or indirectly result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse from being located on a geologic unit or soil that is unstable. Therefore, this impact would be **less than significant**.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?

Less-Than-Significant Impact. Expansive soils are fine-grained soils (generally high-plasticity clays) that can undergo a significant increase in volume with an increase in water content, as well as a significant decrease in volume with a

decrease in water content. Changes in the water content of highly expansive soils can result in severe distress for structures constructed on or against the soils. Table 18-1-B of the Uniform Building Code illustrates a classification for expansive soils utilizing an expansion index and the associated potential for expansion. As discussed above, the only land area within the TLUP boundaries is approximately 99 acres in PD14, a portion of which would be designated as Conservation Open Space and the remainder as Recreation Open Space. Potential planned improvements within these land areas would be limited to shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, and the potential development of minimal activating features within the Recreation Open Space area, including additional seating, public art, and information and interpretive signage in the area west of the 7th Street terminus. In the event expansive soils are present, design and construction of planned improvements and/or future projects proposed consistent with the TLUP's water and land use designations within PD14 would be required to comply with the current structural design provisions of Part 2, Volume 2, Chapter 18, Soils and Foundations, of the CBC, which are enforced by the local municipalities (e.g., City of San Diego, City of Imperial Beach) during the building permit process. Building codes provide minimum standards regulating several aspects of construction that are relevant to geology and geologic hazards. These include excavation, grading, and fill placement; foundations; and mitigation of soil conditions such as expansive soils. Additionally, construction would be required to adhere to the applicable city's municipal code, which would identify earthwork activity restrictions through the building permit entitlement process. As such, because building design and construction of future development would be required to comply with the applicable regulations, implementation of the TLUP would not cause a potential direct or indirect risk to life or property from being located on expansive soil. Therefore, this impact would be **less than significant**.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact. No septic tanks or alternative wastewater disposal systems would be required for any future projects associated with the TLUP. Therefore, **no impact** would occur.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant With Mitigation Incorporated. As discussed in Section 1.7.1, the landside portion of the TLUP Area is underlain by artificial fill and old paralic deposits associated with the Bay Point Formation. Based on the City of San Diego's CEQA Significance Determination Thresholds, artificial fill has no paleontological sensitivity and Bay Point Formation is assigned a high paleontological sensitivity. The primary type of activities that may directly destroy a unique paleontological resource or site are ground-disturbing activities. Activities that indirectly destroy unique paleontological resources or sites or unique geologic features typically include creating access to a previously undeveloped area that increases visitation, potentially allowing for rock or fossil hunting, which would not occur during construction or operation of future development projects associated with the TLUP.

Planned improvements identified in the TLUP, within the landside portion of the TLUP Area, involving ground disturbance would be limited to shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, and the potential development of minimal activating features within the Recreation Open Space area, including additional seating, public art, and information and interpretive signage in the area west of the 7th Street terminus. Implementation of these planned improvements could include construction activities involving earthwork. Additionally, other future projects within the TLUP Area that would be consistent with the TLUP's water and land use designations, policies, development standards, planning district special allowances, and visions may be proposed and would potentially include earthwork. Per the City of San Diego's CEQA Significance Determination Thresholds (City of San Diego 2022), which were developed based on consultation with paleontologists from the San Diego Natural History Museum, construction activities in areas underlain by Bay Point Formation have the potential to cause significant direct impacts on paleontological resources or sites when they require over 1,000 cubic yards of excavation and depth of excavation exceeding 10 feet, or require any amount of grading on a fossil recovery site or within 100 feet of a mapped fossil recovery site. Because the specific details of

future planned improvements are unknown at this time, there is a potential that construction activities in PD14 could require 1,000 cubic yards or more of excavation exceeding depths of 10 feet in areas underlain by the Bay Point Formation. Therefore, the TLUP has the potential to result in future construction activities that could directly cause significant impacts on unique paleontological resources or sites, and impacts would be potentially significant (**Impact-GEO-1**).

With the implementation of **MM-GEO-1**, impacts on unique paleontological resources (**Impact-GEO-1**) would be reduced to a less-than-significant level because future site-specific projects would be required to screen for excavation quantities and paleontological sensitivity. The required monitoring of any ground-disturbing activities and the related paleontological resource recovery procedures would minimize the potential to affect a unique paleontological resource or site. Therefore, impacts would be **less than significant with mitigation incorporated**.

Required Mitigation Measures

With implementation of the following mitigation measures, potentially significant impacts on paleontological resources would be reduced to less than significant.

For **Impact-GEO-1**:

MM-GEO-1: Require Paleontological Sensitivity Screening and Monitoring in Areas of Sensitivity in the South Bay Planning District. Prior to approval of a future project in the South Bay Planning District (PD14), a paleontological and geologic resource sensitivity screening analysis shall be performed. The paleontological resource sensitivity screening shall examine whether the proposed development would include ground disturbance with the potential to encounter undisturbed soils and whether the development is located on a site (or sites) underlain by Bay Point Formation, and meets one or more of the following conditions: (1) construction would involve ground disturbance of a fossil recovery site or within 100 feet of a mapped fossil recovery site, or (2) construction would require over 1,000 cubic yards of excavation and depth of excavation exceeding 10 feet. The Paleontological Sensitivity Screening analysis will be subject to the District's review and approval and no development shall proceed until the Paleontological Sensitivity Screening analysis is deemed acceptable to the District.

If the proposed development meets either or both of the above-stated criteria, the project proponent shall retain a Qualified Paleontologist, whose retention shall be subject to the review and approval of ~~approved by~~ the District, who shall conduct paleontological monitoring during all ground-disturbing activities. The paleontological monitoring required by this mitigation measure shall include the following measures:

- The project proponent shall retain a Qualified Paleontologist, approved by the District. A "Qualified Paleontologist" shall be defined as an individual: (i) who has a M.S. or Ph.D. in paleontology, or geology; (ii) who also has demonstrated familiarity with paleontological procedures and techniques; (iii) who is knowledgeable in the geology and paleontology of San Diego County; and (iv) who has worked as a paleontological monitor within San Diego County for at least 1 year.
- The Qualified Paleontologist shall attend the preconstruction meeting(s) to consult with the grading and excavation contractors or subcontractors concerning excavation schedules, paleontological field techniques, and safety issues.
- The Qualified Paleontologist or Paleontological Monitor shall be on site, on a full-time basis, during ground-disturbing activities that occur 10 feet or more below ground surface, to inspect exposures for contained fossils. The Paleontological Monitor shall work under the direction of the project's Qualified Paleontologist. A "Paleontological Monitor" shall be defined as an individual selected by the Qualified Paleontologist who has experience in monitoring excavation and the collection and salvage of fossil materials.
- If fossils are discovered on a development site, the Qualified Paleontologist shall recover them and temporarily direct, divert, or halt grading to allow recovery of fossil remains.
- The Qualified Paleontologist shall be responsible for the cleaning, repairing, sorting, and cataloguing of fossil remains collected during the monitoring and salvage portion of the mitigation.

- The Qualified Paleontologist shall deposit and donate prepared fossils, along with copies of all pertinent field notes, photos, and maps, in a scientific institution with permanent paleontological collections, such as the San Diego Natural History Museum, approved by the District. Curation costs of the fossils shall be paid for by the project proponent.
- Within 30 days after the completion of excavation and pile-driving activities, a final data recovery report shall be completed by the Qualified Paleontologist and submitted to the District for review and approval. The final report shall document the results of the mitigation and shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils.

1.8 GREENHOUSE GAS EMISSIONS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
VIII. Greenhouse Gas Emissions.				
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☒	☐	☐

1.8.1 Environmental Setting

Certain gases in the earth's atmosphere, classified as GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the earth's atmosphere from space. Most solar radiation passes through GHGs; however, infrared radiation is absorbed by these gases. As a result, radiation that otherwise would have escaped back into space is instead "trapped," resulting in a warming of the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on earth.

Prominent GHGs contributing to the greenhouse effect are CO_2, methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. GHG emissions contributing to global climate change are attributable, in large part, to human activities associated with on-road and off-road transportation, industrial/manufacturing, electricity generation by utilities and consumption by end users, residential and commercial onsite fuel usage, and agriculture and forestry. It is "extremely likely" that more than half of the observed increase in global average surface temperature from 1951 to 2010 was caused by the anthropogenic increase in GHG concentrations and other anthropogenic forcing together (IPCC 2014:5).

Climate change is a global problem. GHGs are global pollutants because even local GHG emissions contribute to global impacts. GHGs have long atmospheric lifetimes (one to several thousand years) and persist in the atmosphere long enough to be dispersed around the globe. Although the lifetime of any particular GHG molecule is dependent on multiple variables and cannot be determined with any certainty, it is understood that more CO_2 is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, and other forms of sequestration (IPCC 2013:467).The three primary GHGs discussed when quantifying GHG emissions in the context of climate change include CO_2, CH_4, and N_2O. Emissions of these gases are converted to a comparable unit by multiplying each non-CO_2 gas by their global warming potential (GWP), reporting emissions in terms of carbon dioxide equivalent (CO_2e). These equivalencies are typically represented as million metric tons of CO_2e ($MMTCO_2e$) and metric tons of CO_2e ($MTCO_2e$). CH_4, for example, with a GWP of 25, can trap 25 times as much heat in the atmosphere as the same quantity of CO_2, thus the heat trapped in the atmosphere by one metric ton (MT) of CH_4 is equivalent to that trapped by 25 metric tons of CO_2 or 25 $MTCO_2e$. This conversion to CO_2e allows consideration of all gases in comparable terms and makes it easier to communicate how various sources and types of GHG emissions contribute to global climate change.

A GHG inventory is a quantification of all GHG emissions and sinks[4] within a selected physical and/or economic boundary. GHG inventories can be performed on a large scale (e.g., for global and national entities) or on a small scale (e.g., for a particular building or person). Although many processes are difficult to evaluate, several agencies have developed tools to quantify emissions from certain sources. At the State level, CARB prepares regular GHG

[4] A GHG sink is a process, activity, or mechanism that removes a GHG from the atmosphere.

inventory updates for a defined set of gases that contribute to climate change. In 2020, the statewide total quantity of GHGs emitted was 369 $MMTCO_2e$/year (CARB 2022a). At the local level, total GHG emissions in San Diego ~~c~~County during 2016 was 2.6 $MMTCO_2e$/year (SANDAG 2021). Like the Federal and State governments, the District conducts periodic GHG inventories to assess its progress in reducing emissions and meeting its climate change goals. Sources throughout the District's jurisdiction that generate GHG emissions include tenant facilities (e.g., hotels, marinas, boatyards), maritime activity (e.g., the movement of goods and people associated with marine terminal operations), and Port operations (e.g., District-owned building energy consumption and fleet activity). Based on the District's most recent GHG inventory, total GHG emissions in the District's jurisdiction was 504,554 $MTCO_2e$ in 2016 (District 2018).

1.8.2 Regulatory Setting

STATE

Statewide GHG Emission Targets and the Climate Change Scoping Plan

Reducing GHG emissions in California has been the focus of the State government for nearly two decades. GHG emission targets established by the State Legislature include reducing statewide GHG emissions to 1990 levels by 2020 (AB 32 of 2006) and reducing them to 40 percent below 1990 levels by 2030 (SB 32 of 2016). Executive Order S-3-05, signed by former Governor Arnold Schwarzenegger, calls for statewide GHG emissions to be reduced to 80 percent below 1990 levels by 2050. This target was superseded by AB 1279, which codifies a goal for carbon neutrality and the reduction of emissions by 85 percent below 1990 levels by 2045. These targets are in line with the scientifically established levels needed in the United States to limit the rise in global temperature to no more than 2 degrees Celsius, the warming threshold at which major climate disruptions, such as super droughts and rising sea levels, are projected; these targets also pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius (United Nations 2015).

On December 16, 2022, CARB adopted the *Final 2022 Scoping Plan for Achieving Carbon Neutrality* (Scoping Plan) (CARB 2022b), which traces the State's pathway to achieve its carbon neutrality and an 85 percent reduction in 1990 emissions goal by 2045 using a combined top-down, bottom-up approach under various scenarios. It identifies the reductions needed by each GHG emission sector (e.g., transportation [including off-road mobile source emissions], industry, electricity generation, agriculture, commercial and residential, pollutants with high global warming potential, and recycling and waste) to achieve these goals.

LOCAL

San Diego Unified Port District Green Port Program

The District developed the Green Port Program to support the goals of the Green Port Policy, which was adopted in 2008. The Green Port Program was designed to achieve environmental sustainability goals at the Port, including those related to water, energy, air, waste management, sustainable development, and sustainable business practices. The District and SDG&E have also established a partnership to increase energy efficiency and reduce overall energy consumption. SDG&E currently allocates a portion of funds collected from utility customers to energy efficiency programs with local governments. The District uses some of those funds to develop energy efficiency education programs, track energy consumption, perform energy audits, and implement energy retrofits. The District's energy efficiency programs benefit employees, tenants, and the general public.

San Diego Unified Port District Climate Action Plan

As noted above, CARB encourages local governments to adopt a reduction goal for emissions from municipal operations and move toward establishing similar goals for community emissions that parallel the state's commitment to reducing GHG emissions (CARB 2008). The District adopted a CAP in December 2013 that includes an inventory of existing (2006) and projected emissions in 2020, 2035, and 2050 and identifies the District's GHG reduction goals as well as measures to be implemented to support meeting the statewide reduction goals set forth in AB 32 (i.e., 1990

levels by 2020). Port-wide 1990 emissions were not quantified because of gaps in activity data; instead, a base year of 2006 was used to calculate the reductions needed at the Port to reach 1990 levels by 2020. Consistent with AB 32 targets, a 10 percent reduction target (471.3 million $MTCO_2e$ in 2006 and estimated 426.6 million $MTCO_2e$ in 1990 statewide) was used as the Port-wide reduction target for 2020.[5]

Sources throughout the District's jurisdiction that generate GHG emissions include tenant facilities (e.g., hotels, marinas, boatyards), maritime activities (e.g., the movement of goods and people associated with marine terminal operations), and Port operations (e.g., District-owned building energy consumption and fleet activity). The CAP's 2020 projections and reduction targets (1990 levels) for each activity are based on growth projections specific to each tenant and activity type. For example, the CAP assumes a 5 percent annual growth in lodging-related uses between 2006 and 2020. Therefore, the CAP and its reduction targets are specific to the District's geography, type, intensity of uses, and future projected conditions. Table 1.8-1 provides the CAP's 2006 baseline, projected future (2020) GHG emissions, projected future (2020) GHG emissions with implementation of state measures, and future GHG emissions targets (i.e., 1990 levels) for the Port as a whole. To achieve the requisite reductions, the CAP includes various reduction measures related to transportation and land use, alternative energy generation, energy conservation, waste reduction and recycling, and water conservation and recycling.

A critical aspect of having a CAP that fits the criteria within State CEQA Guidelines Section 15183.5 is having reduction targets that align with statewide goals. The CAP's reduction targets parallel the state's commitment to reducing GHG emissions in AB 32 but go even farther by identifying targets for a specific location, based on projected emissions specific to the Port's geographic location as well as specific activity types and their associated sources. Therefore, because the CAP targets align with statewide goals, the CAP is consistent with AB 32.

Table 1.8-1 GHG Emissions by Emission Sector Shown in the CAP ($MTCO_2e$ per year)

Sector	2006 Existing	2020 Business as Usual	2020 with State Measures
Electricity	173,192	208,231	147,133
Natural Gas	135,516	152,803	152,534
On-Road Transportation	314,870	410,069	317,708
Off-Road Transportation	172,929	233,528	207,268
Water Use	13,166	14,630	10,406
Waste	16,757	20,439	20,439
Total Emissions	**826,429**	**1,039,700**	**855,489**
2020 Target	**—**	**745,695**	

Source: District 2013 (page 12).

Since the adoption of the CAP, more refined data and updated methodologies have become available to estimate GHG emissions. CARB guidance states that it is good practice to recalculate historic emissions when methods are changed or refined (CARB 2022a). Given this, a recalibration of the 2006 baseline was deemed vital to tracking progress toward 2020 goals. This 2006 recalibration was included in the Port's 2016 updated inventory, which was based on more locally specific and comprehensive datasets.

The 2016 inventory update provides emissions from the same sectors included in the CAP (i.e., electricity, natural gas, on- and off-road transportation, water use, waste). Table 1.8-2 provides a comparison of the recalibrated 2006 baseline and emissions generated during 2016. Total GHG emissions produced by all tenant, maritime, and Port activities in 2016 were estimated to be 507,823 $MTCO_2e$, which is 13 percent below the revised 2006 baseline (or 73,856 $MTCO_2e$). This decrease in emissions is due to several factors, including fewer calls from ocean-going vessels, reduced berthing durations, increased fuel economy for on-road vehicles, decreases in natural gas consumption, and

[5] The CAP also includes projected emissions and some reduction policies to achieve the reduction target of 25 percent less than 2006 baseline levels by 2035 but does not yet quantify those reductions.

a decrease in the SDG&E electricity emission factor. The 2016 inventory is approximately 2.0 percent of total regionwide GHG emissions (relative to SANDAG's most recent inventory of 2016).[6]

Table 1.8-2 Comparison of Recalibrated 2006 Baseline and Calendar Year 2016 Emissions ($MTCO_2e$ per year)

Sector	Revised 2006	2016 Inventory
Electricity	117,526	101,381
Natural Gas	162,556	137,183
On-Road Transportation	136,619	124,957
Off-Road Transportation	132,571	113,812
Water Use	13,169	9,144
Waste	19,239	21,346
Total Emissions	**581,680**	**507,823**
2020 Target	**523,512**	
Change from CAP 2006 Due to Recalibration	*(244,749)*	N/A

Source: District 2018.

1.8.3 Discussion

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less-Than-Significant Impact. The process known as the "greenhouse effect" keeps the atmosphere near the Earth's surface warm enough for the successful habitation of humans and other life forms. GHGs include CO_2, CH_4, N_2O, perfluorinated carbons, sulfur hexafluoride, and hydrofluorocarbons, in addition to water vapor. These six gases are also identified as GHGs in Section 15364.5 of the CEQA Guidelines.

Increases in fossil fuel combustion and deforestation have exponentially increased concentrations of GHGs in the atmosphere since the Industrial Revolution. Rising atmospheric concentrations of GHGs in excess of natural levels enhance the greenhouse effect, which contributes to global warming of the Earth's lower atmosphere. This warming induces large-scale changes in ocean circulation patterns, precipitation patterns, global ice cover, biological distributions, and other changes to the Earth system that are collectively referred to as *climate change*.

GHGs are global pollutants, unlike criteria air pollutants and TACs. Criteria air pollutants and TACs occur locally or regionally, and local concentrations respond to locally implemented control measures. However, the long atmospheric lifetimes of GHGs allow them to be transported great distances from sources and become well mixed, unlike criteria air pollutants, which typically exhibit strong concentration gradients away from point sources. GHGs and global climate change represent cumulative impacts; that is, GHG emissions contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change.

GHG emissions during construction generally result from equipment vehicles associated with building construction and equipment associated with waterside construction. However, the planned improvements identified in the TLUP are limited in scope and scale. For example, the time and equipment needed to transport and install an expansion of bait barges in PD11 would be minor and the associated GHG emissions would be minimal. Similarly, landside construction in PD14 related to the potential shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway and development of minimal activating features would be minor construction that would involve limited site preparation including soil compaction, and a minor amount of paving. On-going maintenance activities in PD12 for the San Diego-Coronado Bay Bridge and associated pipelines are existing activities and would continue as a planned improvement in the TLUP; no new GHG emissions would be

[6] GHG emissions in the San Diego region in 2016 were 26 million $MTCO_2e$ (SANDAG 2021).

associated with these activities. Finally, aquaculture in PD13 would result in minimal GHG emissions related to marine vessels used to tend and harvest shellfish and seaweed crops.

In addition to the limited GHG emissions from planned improvements discussed above, the TLUP would also implement several policies designed to reduce GHG emissions or offset emissions. For example, SR Policy 3.1.2 would require permittees of development to deploy renewable energy technology to improve energy reliability and economic resilience, where feasible. SR Policy 3.1.3 would require the District to explore innovative carbon sequestration potential with partner agencies within the region to offset GHG emissions. SR Policy 3.1.4 would require the District to continue to coordinate with TLUP Area tenants and adjacent local businesses to reduce resource consumption and promote sustainable operations. SR Policy 3.1.5 would require the District to promote the innovative use of "green" design for new or retrofitted Tidelands' buildings, structures, and facilities. SR Policy 3.1.6 requires development to include water conservation strategies to save water and energy on-site, where feasible.

Given the limited amount of activities that would generate GHGs within the TLUP Area as a result of the planned improvements and the policies designed to further reduce GHG emissions through conservation and offsets, GHG emissions would not be substantial. Therefore, GHG emissions associated with implementation of the TLUP would be less than significant.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Significant with Mitigation Incorporated. As noted under Section 1.8.3 (a), planned improvements identified in the TLUP would have limited GHG emissions associated with their potential future implementation. Moreover, the TLUP includes goals, objectives, and policies designed to support implementation of GHG-reducing technologies. As stated on page 57 of the Revised Draft TLUP:

> "The goals, objectives, and policies in this TLUP are intended to support the implementation of new mobility-related technology (e.g., electrification and zero/near-zero emission vehicles) and associated infrastructure improvements (e.g., charging infrastructure). Consistent with State and District goals, a shift from higher fossil fuel-emitting power to lower-emitting or zero-emitting sources will occur as this TLUP is implemented. In addition to this TLUP, the District is preparing for this shift through the development of other sustainability and maritime clean air strategies."

Additionally, many of the policies of the TLUP would assist with the reduction of GHG emissions over the plan's lifetime. A few such policies include:

- M Policy 1.1.4 Through CDPs issued by the District, permittees shall advance as part of development the implementation of zero-emission, when feasible, and near-zero emission technologies and supportive infrastructure improvements for passenger-related oceangoing vessels and harbor craft that facilitate the movement of people in alignment with District sustainability and maritime clean air strategies.
- M Policy 1.1.10 Through CDPs issued by the District, permittees shall advance as part of development the implementation of zero-emission passenger-related mobility options, when feasible, and near-zero-emission mobility options and supportive infrastructure improvements for the movement of people in alignment with District sustainability and maritime clean air strategies.
- M Policy 2.2.2 Through CDPs issued by the District, permittees shall advance as part of development the implementation of zero-emission, when feasible, and near-zero-emission goods movement mobility options and maritime equipment, and supportive infrastructure improvements, in alignment with District sustainability and maritime clean air strategies.
- M Policy 2.2.4 Through CDPs issued by the District, permittees shall advance as part of development the implementation of zero-emission, when feasible, and near-zero emission technologies and supportive infrastructure improvements for freight-related oceangoing vessels and harbor craft in alignment with District sustainability and maritime clean air strategies.

- SR Policy 3.1.1 The District shall encourage, support, and plan to deploy net zero carbon emission projects and technologies in the TLUP Area.
- SR Policy 3.1.2 Permittees of development shall deploy renewable energy technology to improve energy reliability and economic resilience, where feasible.
- SR Policy 3.1.3 The District shall explore innovative carbon sequestration potential with partner agencies within the region to offset GHG emissions.
- SR Policy 3.1.4 The District shall continue to coordinate with TLUP Area tenants and adjacent local businesses to reduce resource consumption and promote sustainable operations.
- SR Policy 3.1.5 The District shall promote the innovative use of "green" design for new or retrofitted Tidelands' buildings, structures, and facilities.
- SR Policy 3.1.6 Development shall include water conservation strategies to save water and energy on-site, where feasible.
- EJ Policy 3.2.3 Through CDPs issued by the District, permittees shall pursue electrification of marine terminal and working waterfront operations, including drayage trucks, prioritizing the facilities adjacent to Portside Communities, to reduce reliance on fossil fuels from mobile and portable sources, in alignment with related State and District goals.
- ECON Policy 2.3.2 The District and permittees shall coordinate the investment in improvements to marine terminal and maritime industrial operations that improve functionality and efficiency through modernization of terminal infrastructure and equipment, including electrification that supports optimization of cargo movement and reduces emissions.

However, during construction activities associated with the planned improvements, mitigation measures would be required to ensure specific reduction measures identified within the District's 2013 CAP and CARB's 2022 Scoping Plan were implemented (Impact-GHG-1). MM-AQ-1 requires construction best practices (e.g., maintaining construction equipment in proper working condition, minimizing idling time, and promoting measures to reduce construction worker commute trips), MM-AQ-2 requires all off-road equipment to ~~use renewable diesel and~~ meet EPA Nonroad Tier 4 emissions standards, depending on when construction occurs, and MM-AQ-4 requires all harbor craft or dredgers used to construct or operate projects within the TLUP Area to ~~use renewable diesel and~~ meet EPA Marine or Nonroad Tier ~~3 or~~ 4 or better (i.e., cleaner) emissions standards, or use zero-emission equipment, depending on when the activity occurs and the availability of equipment. Implementation of these mitigation measures is required to ensure consistency with the District's CAP and CARB's 2022 Scoping Plan. Therefore, the TLUP's policies combined with implementation of MM-AQ-1, MM-AQ-2, and MM-AQ-4 would reduce impacts related to the potential conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases (i.e., District CAP and CARB's 2022 Scoping Plan) to **less than significant with mitigation incorporated**.

Required Mitigation Measures

For Impact-GHG-1:

Implement MM-AQ-1, MM-AQ-2, and MM-AQ-4, as described for Impact-AQ-1 in Section 1.3, "Air Quality."

1.9 HAZARDS AND HAZARDOUS MATERIALS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
IX. Hazards and Hazardous Materials.				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☐	☒

1.9.1 Environmental Setting

According to the California Department of Toxic Substances Control's (DTSC's) Envirostor database, there are no known contamination sites located within the TLUP's land area. The closest site is approximately 2,100 feet to the east of the approximately 5-acre Recreation Open Space area (Public Works Corporate Yard [Case #37470001]). The site is in the evaluation phase (as of 2004) and no potential contaminants of concern (COCs) are described (DTSC 2024). Additionally, Geotracker identifies three closed sites in the relative same location. Two of the three sites are identified as the City of Imperial Beach Public Works Yard. Case #T06019730174 identifies the potential COCs as waste oil (motor, hydraulic, and lubricating) and the contaminated media as soil. The case was closed as of March 1, 2005 (SWRCB 2024a). Case #T0608192615 identifies the contamination as gasoline. The case was closed on November 4, 1993 (SWRCB 2024b). Case #T0608157066 is located at the Bayside Elementary School. The potential COC is not

identified, but Geotracker does indicate that the contamination media was soil. The case was closed on March 24, 1992 (SWRCB 2024c).

1.9.2 Regulatory Setting

FEDERAL

Federal Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act Amendments

The federal Toxic Substances Control Act (1976) and the Resource Conservation and Recovery Act of 1976 (RCRA) established a program, which is administered by EPA, to regulate the generation, transport, treatment, storage, and disposal of hazardous waste. Under RCRA regulations, hazardous wastes must be tracked from the time of generation to the point of disposal. The RCRA program also establishes standards for hazardous waste treatment, storage, and disposal units, which are intended to have hazardous wastes managed in a manner that minimizes present and future threats to the environment and human health. At a minimum, each generator of hazardous waste must register and obtain a hazardous waste activity identification number. If hazardous wastes are stored for more than 90 days or treated or disposed of at a facility, any treatment, storage, or disposal unit must be permitted under the RCRA. The RCRA was amended in 1984 by the Hazardous and Solid Waste Act, which affirmed and extended the "cradle to grave" system of regulating hazardous materials.

Department of Transportation Hazardous Materials Regulations (49 CFR 100-185)

U.S. Department of Transportation (DOT) Hazardous Materials Regulations (49 CFR 100–185) cover all aspects of hazardous materials packaging, handling, and transportation. Parts 107 (Hazard Materials Program), 130 (Oil Spill Prevention and Response), 172 (Emergency Response), 173 (Packaging Requirements), 177 (Highway Transportation), 178 (Packaging Specifications), and 180 (Packaging Maintenance) would all apply to goods movement to and from the project site.

Enforcement of these DOT regulations is shared by each of the following administrations under delegations from the Secretary of the DOT:

- Research and Special Programs Administration is responsible for container manufacturers, reconditioners, and retesters and shares authority over shippers of hazardous materials.
- Federal Highway Administration enforces all regulations pertaining to motor carriers.
- Federal Railroad Administration enforces all regulations pertaining to rail carriers.
- Federal Aviation Administration (FAA) enforces all regulations pertaining to air carriers.
- U.S. Coast Guard (USCG) enforces all regulations pertaining to shipments by water.

Spill Prevention Control and Countermeasure Plans (40 CFR 112.7)

Spill Prevention Control and Countermeasure (SPCC) plans are required for facilities in which construction and removal operations involve oil in the vicinity of navigable waters or shorelines. SPCC plans ensure that facilities implement containment and other countermeasures that would prevent oil spills from reaching navigable waters. SPCC plans are regulations administered by EPA. Preparation of an SPCC Plan is required for projects that meet three criteria: (1) the facility must be non-transportation-related, or, for construction, the construction operations involve storing, using, transferring, or otherwise handling oil; (2) the project must have an aggregate aboveground storage capacity greater than 1,320 gallons or completely buried storage capacity greater than 42,000 gallons; and (3) there must be a reasonable expectation of a discharge into or upon navigable waters of the United States or adjoining shorelines. For construction projects, for criterion (1), 40 CFR 112 describes the requirements for implementing SPCC plans. The following three areas should clearly be addressed in a SPCC plan:

- Operating procedures that prevent oil spills;

- Control measures installed to prevent a spill from reaching navigable waters; and
- Countermeasures to contain, clean up, and mitigate the effects of an oil spill that reaches navigable waters.

U.S. Coast Guard 33 CFR and 46 CFR

USCG, through Title 33 (Navigation and Navigable Waters) and Title 46 (Shipping) of the CFR, is the federal agency responsible for vessel inspection, marine terminal operations safety, coordination of federal responses to marine emergencies, enforcement of marine pollution statutes, marine safety (such as navigation aids), and operation of the National Response Center for spill response, and is the lead agency for offshore spill response. USCG implemented a revised vessel-boarding program in 1994 designed to identify and eliminate substandard ships from U.S. waters. The program pursues this goal by systematically targeting the relative risk of vessels and increasing the boarding frequency on high risk (potentially substandard) vessels. The relative risk of each vessel is determined through the use of a matrix that factors the flag of the vessel, owner, operator, classification society, vessel particulars, and violation history. Vessels are assigned a boarding priority from I to IV, with priority I vessels being the potentially highest risk and priority IV having relatively low risk.

Emergency Planning and Community Right-To-Know Act (42 U.S.C. 11001 et seq.)

The Emergency Planning and Community Right-to-Know Act was enacted by Congress as the national legislation on community safety in 1986, as Title III of the Superfund Amendments and Reauthorization Act. This law was designated to help local communities protect public health, safety, and the environment from chemical hazards. To implement this act, Congress required each state to appoint a State Emergency Response Commission. The State Emergency Response Commissions are required to divide their states into Emergency Planning Districts and to name a Local Emergency Planning Committee for each district. The act provides requirements for emergency release notification, chemical inventory reporting, and toxic release inventories for facilities that handle chemicals.

Occupational Safety and Health Act of 1970

The Occupational Safety and Health Act (OSHA) establishes the framework for safe and healthful working conditions for working men and women by authorizing enforcement of the standards developed under the act. The act also provides for training, outreach, education, and assistance related to establishing a safe working environment. Regulations defining safe standards have been developed for general industry, construction, maritime, recordkeeping, and agriculture. A major component of the act is the requirement that employers implement the OSHA Hazard Communication Standard to provide information to employees about the existence and potential risks of exposures to hazardous substances in the workplace. As part of the Hazard Communication Standard, employers must:

- obtain material safety data sheets from chemical manufacturers that identify the types and handling requirements of hazardous materials used in given areas;
- make the material safety data sheets available to their employees;
- label chemical containers in the workplace;
- develop and maintain a written hazard communication program; and
- develop and implement programs to train employees about hazardous materials.

OSHA standards specific to hazardous materials are listed in 29 CFR 1910 Subpart H. Safety and health regulations pertaining to construction are listed in 29 CFR 1926 Subpart H.

STATE

Cortese List

California Government Code 65962.5 (commonly referred to as the *Cortese List*) includes hazardous waste facilities and sites listed by DTSC, Department of Health Services lists of contaminated drinking water wells, sites listed by the

SWRCB as having underground storage tank leaks or a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites with a known migration of hazardous waste/material.

California Health and Safety Code (Hazardous Waste Control Act)

DTSC, a department of the California Environmental Protection Agency, is the primary agency in California for regulating hazardous waste, cleaning up existing contamination, and finding ways to reduce the amount of hazardous waste produced in California. DTSC regulates hazardous waste primarily under the authority of the federal RCRA and the California Health and Safety Code (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5, also known as the Hazardous Waste Control Act). Division 20, Chapter 6.5, of the California Health and Safety Code identifies hazardous waste control regulations pertaining to transportation, treatment, recycling, disposal, enforcement, and the permitting of hazardous waste. Division 20, Chapter 6.10, identifies regulations applicable to the cleanup of hazardous materials releases. Title 22, Division 4.5, contains environmental health standards for the management of hazardous waste, as well as standards for the identification of hazardous waste (Chapter 11), and standards that are applicable to transporters of hazardous waste (Chapter 13).

Environmental Health Standards for the Management of Hazardous Waste (California Code of Regulations Title 22, Division 4.5, Section 66001 et seq.)

The Environmental Health Standards for the Management of Hazardous Waste (22 CCR 66001 et seq.) establish requirements for the management and disposal of hazardous waste in accordance with the provisions of the state Hazardous Waste Control Act and federal RCRA.

California Code of Regulations, Title 8 – Industrial Relations

Title 8 of the California Code of Regulations, Section 1532.1 is a rule developed by the federal OSHA in 1993 and adopted by the state of California. Occupational safety standards exist in federal and state laws to minimize worker safety risks from both physical and chemical hazards in the workplace. The federal OSHA and the California Division of Occupational Safety and Health (Cal/OSHA) are responsible for ensuring worker safety in the workplace. Cal/OSHA assumes primary responsibility for developing and enforcing standards for safe workplaces and work practices. These standards would be applicable to both construction and operation of the proposed project. Title 8 includes regulations pertaining to hazard control (including administrative and engineering controls), hazardous chemical labeling and training requirements, hazardous exposure prevention, hazardous material management, and hazardous waste operations.

Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (California Health and Safety Code, Chapter 6.11, Sections 25404-25404.9)

The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the environmental and emergency response programs and provides authority to the Certified Unified Program Agency (CUPA). The CUPA for San Diego County is the County of San Diego Department of Environmental Health and Quality (DEHQ) Hazardous Materials Division (HMD), which has the responsibility and authority for implementing and enforcing the requirements listed in Chapter 6.5 (commencing with Section 25100), Chapter 6.67 (commencing with Section 25270), Chapter 6.7 (commencing with Section 25280), Chapter 6.95 (commencing with Section 25500), and Sections 25404.1 and 25404.2, including the following:

- Aboveground Petroleum Storage Act Requirements for SPCC Plans. Facilities with a single tank or cumulative aboveground storage capacities of 1,320 gallons or greater of petroleum-based liquid product (e.g., gasoline, diesel, lubricants) must develop an SPCC plan. An SPCC plan must be prepared in accordance with the oil pollution prevention guidelines in 40 CFR 112. This plan must describe the procedures, methods, and equipment needed at the facility to prevent discharges of petroleum from reaching navigable waters. A registered professional engineer must certify the SPCC plan, and a complete copy of the plan must be maintained on site.
- California Accidental Release Prevention Program. This program requires any business that handles more than threshold quantities of an extremely hazardous substance to develop a risk management plan. The Risk

Management Plan is implemented by the business to prevent or mitigate releases of regulated substances that could have offsite consequences through hazard identification, planning, source reduction, maintenance, training, and engineering controls.

- Hazardous Materials Business Plan/Hazardous Materials Inventory Statements. Hazardous Materials Business Plans contain basic information regarding the location, type, quantity, and health risks of hazardous materials and/or waste. Each business must prepare a Hazardous Material Business Plan if that business uses, handles, or stores a hazardous material and/or waste or an extremely hazardous material in quantities greater than or equal to the following:
  - 55 gallons for a liquid;
  - 500 pounds for a solid;
  - 200 cubic feet for any compressed gas; or
  - Threshold planning quantities of an extremely hazardous substance.
- Hazardous Waste Generator Program. This program regulates businesses that generate any amount of hazardous waste. Proper handling, recycling, treating, storing, and disposing of hazardous waste are key elements to this program.
- Tiered Permitting Program. This program regulates the onsite treatment of hazardous waste.
- Underground Storage Tank Program. This program regulates the construction, operation, repair, and removal of underground storage tanks that store hazardous materials and/or waste.

California Labor Code (Division 5, Parts 1 and 7)

California Labor Code regulations ensure appropriate training regarding the use and handling of hazardous materials and the operation of equipment and machines that use, store, transport, or dispose of hazardous materials. Division 5, Part 1, Chapter 2.5, ensures that employees who handle hazardous materials are appropriately trained and informed about the materials. Division 5, Part 7, ensures that employees who work with volatile flammable liquids are outfitted with appropriate safety gear and clothing.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (embodied in the California Water Code) of 1969 (Porter-Cologne Act) is California's statutory authority for the protection of water quality. Under the Porter-Cologne Act, the state must adopt water quality policies, plans, and objectives that protect its waters for the use and enjoyment of the people. Under the California Water Code, the State of California is divided into nine regions governed by RWQCBs that, under the guidance and review of the SWRCB, implement and enforce provisions of the California Water Code and the CWA. The TLUP Area is in Region 9, the San Diego Region, and governed by the San Diego RWQCB (see also Section 1.10, "Hydrology and Water Quality").

Chapter 5, Enforcement and Implementation, Section 13304 Cleanup and Abatement, of the California Water Code outlines the RWQCB or SWRCB's authority to order cleanup and abatement efforts to an entity that has discharged waste or has allowed the discharge of waste to waters of the state, or threatens to create a condition of pollution (California Water Code, Chapter 5, Section 13304).

A cleanup and abatement order issued by the SWRCB or RWQCB may require the cleanup of waste or abatement of the effects of waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts. California Water Code Section 13267, Investigations, inspections, outlines the RWQCB's authority to issue an investigative order. The RWQCB, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action related to a plan or discharge requirements, may investigate the quality of waters within the region. The RWQCB can require that responsible parties investigate the discharge or threatened discharge of toxic pollutants.

State Water Resources Control Board Resolution Number 92-49 and 68-16

SWRCB Resolution Number 92-49 – Policies and Procedures for the Investigation and Cleanup and Abatement of Discharges Under Section 13304 was adopted by the SWRCB in 1992. The resolution contains policies and procedures for the RWQCBs to follow for the oversight and regulation of investigations and cleanup and abatement activities for all types of discharges as described in Section 13304 of the California Water Code (described above). Resolution No. 92-49 also provides the requirements of establishing and maintaining a site's containment zone.

SWRCB Construction General Permit (Order 2009-0009-DWQ, amended by Order 2010-0014-DWQ and Order 2012-006-DWQ)

Construction activities that disturb 1 acre or more of land must obtain coverage under the SWRCB NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) (Order 2009-0009-DWQ, as amended by Order 2010-0014-DWQ and Order 2012-006-DWQ). Under the terms of the permit, applicants must file complete and accurate Notice of Intent and permit registration documents with the SWRCB. Applicants must also demonstrate conformance with applicable construction BMPs and prepare a construction SWPPP, containing a site map that shows the construction site perimeter; existing and proposed buildings; lots; roadways; stormwater collection and discharge points; general topography, both before and after construction; and the drainage patterns across the project site. The Construction General Permit also includes requirements for site water quality monitoring if the project meets certain Risk Level thresholds.

The SWPPP includes measures to eliminate or reduce pollutant discharges and describes the implementation and maintenance of BMPs to control stormwater and other runoff during and after construction. The SWPPP is required to include a menu of BMPs to be selected and implemented based on the phase of construction and the weather conditions to effectively control erosion, sediment, and other construction-related pollutants to meet the Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology standards. Erosion control BMPs are designed to prevent erosion, whereas sediment controls are designed to trap sediment once it has been mobilized.

Water Quality Control Plans

The preparation and adoption of water quality control plans (basin plans) is required by the California Water Code (Section 13240) as prescribed by the CWA. Section 303 of the CWA requires states to adopt water quality standards that "consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses." According to Section 13050 of the California Water Code, basin plans consist of a designation or establishment of beneficial uses to be protected, water quality objectives to protect those uses, and a program of implementation needed for achieving the objectives for the waters within a specified area. Because beneficial uses, together with their corresponding water quality objectives, can be defined per federal regulations as water quality standards, basin plans are regulatory references for meeting the state and federal requirements for water quality control.

The Water Quality Control Plan for the San Diego Basin (Basin Plan), which was adopted by the San Diego RWQCB in 1994 and updated in 2021, designates the Beneficial Uses and Water Quality Objectives for water bodies under its jurisdiction (San Diego RWQCB 2021).

LOCAL

RWQCB Municipal Stormwater Permit (Order No. R9-2013-0001)

The Municipal Stormwater Permit (Order No. R9-2013-0001 as amended by Order Nos. R9-2015-001 and R9-2015-0100) is an NPDES Permit issued that requires the owners and operators of municipal separate storm sewer systems (MS4s) within the San Diego region to implement management programs to limit discharges of pollutants and non-stormwater discharges to and from their MS4 from all phases of development. The Municipal Stormwater Permit requires the District and other "copermittees" to develop watershed-based Water Quality Improvement Plans. The Municipal Stormwater Permit emphasizes watershed program planning and program outcomes. The intent of the permit is to enable each jurisdiction to focus its resources and efforts to:

- reduce pollutants in stormwater discharges from its MS4,
- effectively prohibit non-stormwater discharges to its MS4, and
- achieve the interim and final Water Quality Improvement Plan numeric goals.

San Diego County Code, Title 6, Division 8

San Diego County Code of Regulatory Ordinances under Title 6, Division 8, Chapters 8 through 11 establish the HMD as the local CUPA. The HMD is responsible for the protection of public health, safety, and the environment and inspects businesses or facilities that handle or store hazardous materials, generate hazardous waste, generate medical waste, and own or operate underground storage tanks. HMD also administers the California Accidental Release Prevention Program and the Aboveground Petroleum Storage Act Program, and provides specialized instruction to small businesses through its Pollution Prevention Specialist. HMD has the authority under state law to inspect facilities with hazardous materials or hazardous waste and, in cases where a facility is in non-compliance with the applicable state law or regulations, take enforcement action.

Projects are required to notify HMD regarding the use, handling, release (spills), storage, and/or disposal of hazardous materials and hazardous waste in accordance with existing state law and County ordinance. The notification is the initial step in the HMD permitting process, which requires businesses that handle or store hazardous materials, are part of the California Accidental Release Prevention Program, generate or treat hazardous wastes, generate or treat medical waste, store at least 1,320 gallons of aboveground petroleum, or own and/or operate underground storage tanks to obtain and maintain a Unified Program Facility Permit. The online notification must be done using the State of California Environmental Reporting System by the applicant/permittee requesting a permit and submitted within 30 days.

San Diego Unified Port District, Article 10

The District's Article 10, the Port Stormwater Management and Discharge Control Ordinance, prohibits the deposit or discharge of any chemicals or waste to the tidelands or San Diego Bay and makes it unlawful to discharge pollutants directly into non-stormwater or indirectly into the stormwater conveyance system.

1.9.3 Discussion

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less-Than-Significant Impact. Construction activities for landside planned improvements, such as shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, and the development of minimal activating features (e.g., additional seating, public art, signage) in PD14, may involve the temporary use of common hazardous materials such as petroleum-based substances (cleaners, solvents, fuels, lubricants, and oils), as well as metals and other construction materials. Generally, standard construction materials do not include acutely hazardous materials, and inadvertent releases of hazardous materials on construction sites are typically localized and would be cleaned up in a timely manner. The transport, use, and disposal of construction-related hazardous materials would be required to comply with applicable regulations such as RCRA (40 CFR 260-299), DOT Hazardous Materials Regulations (49 CFR 100–185) Parts 107, 130, 172, 173, 177, 178, and 180; Title 8 and Title 22 of the CCR; and California Labor Code Division 5, Parts 1 and 7. Also, the transport, use, and disposal of such materials would be subject to regulatory agency oversight and inspection, including by the applicable fire departments (storage) and County of San Diego DEHQ. Further, potential releases of hazardous substances during construction would be addressed through the Emergency Planning and Community Right-To-Know Act, which is administered in California by the State Emergency Response Commission, the Hazardous Material Release Response Plans and Inventory Law, and the California Hazardous Waste Control Law, which would govern proper containment, spill control, and disposal of hazardous waste generated during construction. Construction BMPs would be implemented as part of a SWPPP as required by the statewide NPDES Construction General Permit for projects

disturbing one acre or more. Required construction BMPs are designed to reduce potential adverse effects on the general public and the environment. The SWPPP includes measures to eliminate or reduce pollutant discharges and describes the implementation of BMPs to control stormwater and other runoff during construction. BMPs include, but are not limited to:

- Control erosion and sedimentation associated with construction-related surface disturbance.
- Establish a dedicated area for fuel storage and refueling activities that includes secondary containment protection measures and spill control supplies.
- Follow manufacturer's recommendations on use, storage and disposal of chemical products used in construction.
- Avoid overtopping construction equipment fuel gas tanks.
- During routine maintenance of construction equipment, properly contain and remove grease and oils.
- Properly dispose of discarded containers of fuels and other chemicals.

Requirements of the Construction General Permit also include the preparation of a spill prevention and response plan which is incorporated into the SWPPP. The spill prevention and response plan includes BMPs to reduce chances of spills, and to catch spills as soon as they happen, and procedures to stop and clean-up spills correctly. BMPs could include, but are not limited to, secondary containment for storage of liquid materials, use of correct labels for all materials, use of catch basin filtration, and/or stockpiling of spill cleanup materials near storage area for hazardous materials.

These regulations, and the oversight provided by the local CUPA (County DEHQ), USCG, the San Diego RWQCB, DTSC, California Highway Patrol, and Caltrans, given authority under these aforementioned regulations, would prevent or minimize potential impacts related to hazards to the public or the environment through the routine transport, use, storage, or disposal of hazardous materials.

The operation of future planned improvements and potential development consistent with the TLUP's water and land use designations, policies, development standards, planning district special allowances, and visions may use some common hazardous materials, such as petroleum-based substances for mechanical and motorized equipment, vessels, and vehicles; and solvents, lubricants, and cleaners for facility maintenance. The transport, storage, use, and disposal of these hazardous materials would be regulated by the applicable oversight agencies and regulations, including the local CUPA (County DEHQ), DOT Hazardous Materials Regulations, DTSC, USCG, San Diego RWQCB, California Highway Patrol, and Caltrans.

Because compliance with these existing regulations is mandatory and there are oversight steps in place provided by the appropriate regulatory agencies, including permitting and inspection by various hazardous materials regulatory agencies (i.e., DOT, DTSC, USCG, County DEHQ, San Diego RWQCB, California Highway Patrol, and Caltrans), impacts would be **less than significant**.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?

Less-Than-Significant Impact. As discussed under Section 1.9.3 (a), there are numerous hazardous materials and hazardous waste laws and regulations that apply to the routine transport, use, and disposal of hazardous materials associated with future planned improvements and projects proposed consistent with the TLUP's water and land use designations, policies, development standards, planning district special allowances, and visions. However, existing contamination currently capped with soil or sediment could be accidentally released into the environment if disturb by construction activities. Of the planned improvements identified in the TLUP, only the ground disturbance associated with the potential shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, and development of minimal activating features (e.g., additional seating, public art, signage) would have the potential to disturb existing soils. According to the DTSC's Envirostor database, there are no known contamination sites located within the landside portion of the TLUP Area. The closest site is

approximately 2,100 feet to the east of an approximately 0.15-acre Recreation Open Space area (i.e., where the development of minimal activating features could occur) (Public Works Corporate Yard [Case #37470001]). The site is in the evaluation phase (as of 2004) and no potential COCs are described (DTSC 2024). Additionally, Geotracker identifies three closed sites in the relative same location. Two of the three sites are identified as the City of Imperial Beach Public Works Yard. Case #T06019730174 identifies the potential COCs as waste oil (motor, hydraulic, and lubricating) and the contaminated media as soil. The case was closed as of March 1, 2005 (SWRCB 2024a). Case #T0608192615 identifies the contamination as gasoline. The case was closed on November 4, 1993 (SWRCB 2024b). Case #T0608157066 is located at the Bayside Elementary School. The potential COC is not identified, but Geotracker does indicate that the contamination media was soil. The case was closed on March 24, 1992 (SWRCB 2024c). Therefore, given the distance between the potential area of soil disturbance and the known contamination sites, all of which are closed sites, there is no potential for ground disturbance associated with the planned improvements or other future projects within the TLUP Area consistent with the TLUP to encounter known soil contamination. Impacts related to creating a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment would be **less than significant**.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less-Than-Significant Impact. There are several schools within 0.25 miles of the TLUP Area, including Child Development Center Naval Base Point Loma, Cabrillo Elementary School, Patrick Wade Child Development Center, Bayside Elementary School, Silver Strand Elementary School, BRC Preschool. As discussed under Section 1.9.3 (a) and (b), planned improvements identified in the TLUP, as well as future projects consistent with the TLUP's proposed water and land uses would not result in significant impacts related to creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment. These potential impacts would be avoided through mandatory compliance with federal, state, and local regulations, which have oversight steps in place provided by the appropriate regulatory agencies. As such, impacts related to emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school would be **less than significant**.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less-Than-Significant Impact. As discussed under Section 1.9.3 (b), ground disturbance associated with the planned improvements identified in the TLUP or other future projects within the TLUP Area consistent with the TLUP would not encounter any sites identified on Geotracker or Envirostor, both of which represent sites complied pursuant to Government Code Section 65962.5. Therefore, planned improvements would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and impacts would be **less than significant**.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

Less-Than-Significant Impact. The TLUP Area is located within two miles of the San Diego International Airport, Imperial Beach Airport, and Naval Air Station North Island. However, planned improvements identified in the TLUP would not require extensive construction or loud activities, such as pile driving. In addition, the planned improvements would not reach heights that would potentially interfere with air traffic control and pose a risk to air navigation. Furthermore, the TLUP includes: SR Policy 1.1.5, which states that development within an airport land use

compatibility plan (ALUCP) defined safety compatibility zone shall be sited and designed to minimize the risk of personal injury to people and damage to property in the air and on the ground, consistent with ALUCP requirements; SR Policy 1.1.6, which states that the District shall restrict development of any project that would cause hazards to air navigation and restrict future uses that may impact airport operations or not meet State or federal aviation standards; and SR Policy 1.1.7, which states that permittees shall coordinate as appropriate, with FAA on proposed developments (structures and temporary equipment) that meet the notification criteria as defined by Code of Federal Regulations Title 14, Part 77. Therefore, impacts related to an airport-related safety hazard or excessive noise for people residing or working in the project area would be **less than significant**.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less-Than-Significant Impact. None of the planned improvements identified in the TLUP would impair an adopted emergency response plan or emergency evacuation plan. Planned improvements are located within the San Diego Bay or along the Bay shoreline and would not require long-term closure of any roadways or impede emergency response vehicles on their way to emergencies. Evacuations would still be able to occur when construction and/or operation of any of the planned improvements are underway. In addition, the TLUP includes several policies addressing emergency response and evacuation. These policies include, but are not limited to, SR Policy 2.1.1, which states that the District shall maintain and direct its permittees to maintain emergency disaster mitigation, preparation, response, and recovery capabilities; SR Policy 2.1.2, which states that the District shall maintain emergency response and recovery processes and plans and periodically update these processes and plans, as appropriate, in preparation for future hazard conditions; and SR Policy 2.1.3, which states that the District shall coordinate with regional, State, and federal partners to create, maintain, and update the District's emergency operations plan, as needed. Other applicable TLUP policies include SR Policy 2.1.4, 2.1.5, and 2.1.6. Impacts related to the potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan would be **less than significant**.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

No Impact. The TLUP Area is comprised almost entirely of submerged lands, consisting of only approximately 99 acres of land area. The landside portion of the TLUP Area is within a local responsibility area and is not designated by California Department of Forestry and Fire Projection (CAL FIRE) as a Very High, High, or Moderate Fire Hazard Severity Zone (FHSZ) (CAL FIRE 2024). The nearest lands classified as a state responsibility area and a Very High FHSZ includes land along the Otay River, approximately 8 miles east of the landside portion of the TLUP Area (CAL FIRE 2024). The immediate vicinity of the TLUP Area is almost entirely developed, and there are no wildlands or large areas of natural vegetation. The TLUP Area includes open space and natural vegetation areas, for example the coastal habitat in the South San Diego Bay, but this area does not present a wildfire hazard risk, as shown in CAL FIRE's FHSZ maps. Therefore, planned improvements associated with the TLUP would not expose people or structures to significant risk of loss, injury, or death involving wildland fires. **No impact** would occur.

Required Mitigation Measures

The TLUP would not result in significant impacts associated with hazards and hazardous materials. Therefore, no mitigation measures are required.

1.10 HYDROLOGY AND WATER QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
X. Hydrology and Water Quality.				
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☒	☐	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) Result in substantial on- or offsite erosion or siltation;	☐	☐	☒	☐
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
iv) Impede or redirect flood flows?	☐	☐	☒	☐
v) Exacerbate flooding risk or severity stemming from future sea level rise?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

1.10.1 Environmental Setting

SURFACE WATER HYDROLOGY

The TLUP Area is within the jurisdiction of the San Diego RWQCB. The San Diego Region is divided into 11 hydrologic units (HUs) for administrative purposes. Each of the HUs flows from elevated regions in the east to lagoons, estuaries, or bays in the west and exhibit similar water quality characteristics and issues. The TLUP Area is within the San Diego Bay Watershed, in the Pueblo San Diego HU (908.00) and Otay HU (910.00). The Pueblo San Diego HU is the smallest

HU in San Diego County and covers approximately 60 square miles of predominantly urban landscape in the cities of San Diego, La Mesa, Lemon Grove, and National City. Approximately 75 percent of the watershed is developed. Major water features in the Pueblo San Diego HU include Chollas Creek, Paleta Creek, and San Diego Bay (Project Clean Water 2022). The Pueblo San Diego HU has no central stream system and instead consists primarily of a group of relatively small local creeks and pipe conveyances, many of which are concrete-lined and drain directly into San Diego Bay. The Pueblo San Diego HU contains three hydrologic areas: Point Loma (908.1), San Diego Mesa (908.2), and National City (908.3).

The Otay HU is the second largest of the three San Diego Bay HUs, consisting of approximately 98,500 acres of land. The Otay HU contains four major water bodies, including the Upper and Lower Otay Reservoirs, Otay River, and San Diego Bay; however, there is one central creek that collects and conveys the majority of the watershed's surface runoff (Project Clean Water 2022). The Otay HU contains three hydrologic areas: Coronado (910.1), Otay Valley (910.2), and Dulzura (910.3).

SURFACE WATER QUALITY

Water quality in the San Diego Bay is influenced by processes and activities that take place within the Pueblo San Diego HU. The creeks in the watershed are highly affected by urban runoff, such as contaminants from roadways, industry, and other urban sources. Contaminants found in San Diego Bay include chlorinated hydrocarbons, toxic components of petroleum hydrocarbons, PAHs, PCBs, heavy metals, and organotins (i.e., organic compounds with one or more tin atoms) such as tributyltin. The most significant sources of pollutants affecting the beneficial uses of San Diego Bay are urban and agricultural runoff, resource extraction, septic systems, and marinas and boating activities (Project Clean Water 2022).

Tidal exchange in San Diego Bay controls the flushing of contaminants, salt and heat balance, and residence time of water. The ebb and flow of tides mix ocean and San Diego Bay waters. Tides produce currents, which induce changes in salinity, and alternately expose and wet portions of the shoreline. Tidal flushing and mixing are important for dispersing pollutants, maintaining water quality, and moderating water temperature that has been affected by exchange with the atmosphere or heating. Tidal flushing and currents affect water quality in north-central San Diego Bay. Water quality also is influenced locally by freshwater inflows.

Beneficial Uses

The San Diego RWQCB, which establishes region-wide and water-body-specific beneficial uses in the San Diego Basin Plan, has set numeric and narrative water quality objectives for several pollutants as well as parameters for specific surface waters in its region. The beneficial uses for surface waters in each planning district are shown in Table 1.10-1.

Table 1.10-1 Beneficial Uses for Surface Waters or Water Bodies with the Potential to Be Affected by the TLUP

	Planning District(s)	Designated Beneficial Uses
San Diego Bay	PD11, PD12, PD13, PD14	Industrial service supply; navigation; contact recreation; non-contact recreation; commercial and sport fishing; preservation of biological habitats of special significance; estuarine habitat; wildlife habitat; rare, threatened, or endangered species; marine habitat; fish migration; fish spawning; and shellfish harvesting
Otay River	PD14	Industrial service supply (potential use), contact water recreation (potential use), agricultural supply, non-contact recreation, warm freshwater habitat, wildlife habitat, preservation of rare, threatened, or endangered species

Source: San Diego RWQCB 2021.

Water Quality Impairments and Total Maximum Daily Loads

Section 303(d) of the CWA requires that the states make a list of waters that are not attaining standards after technology-based limits are put into place. For waters on this list ("303(d) List"), the states must develop total maximum daily loads (TMDLs). A TMDL is a calculation of the loading capacity of a specific pollutant that can be assimilated by a water body without impairing its designated beneficial uses. The current 303(d) list for California is

the 2024 Integrated Report adopted by the SWRCB on February 6, 2024. Table 1.10-2 identifies the water bodies with 303(d)-listed impairments within the TLUP Area.

Table 1.10-2 303(d)-Listed Impairments for Water Bodies within the TLUP Area

Reach	303(d)-Listed Impairments	Source	Estimated TMDL Completion
San Diego Bay	PCBs	Contaminated sediments, dredging, historic land management activities, illegal dumping, spills, urban runoff/storm sewers	2019
	PAHs	Unknown	2025
	Mercury	Atmospheric deposition, contaminated sediments, historic land management activities, urban runoff	2027
San Diego Bay Shoreline, near Coronado Bridge	Benthic Community Effects	Unknown	2019
	Sediment Toxicity	Unknown	2019
San Diego Bay Shoreline, between Sampson and 28th Streets	Copper	Unknown	2015
	Mercury	Major Industrial Point Source	2013
	PAHs	Unknown	2013
	PCBs	Major industrial point source, urban runoff/storm sewers, unknown point and nonpoint sources	2013
	Zinc	Unknown	2013

TMDL = total maximum daily load; PCBs = polychlorinated biphenyls; PAHs= polycyclic aromatic hydrocarbons.

Source: SWRCB 2022.

GROUNDWATER

Groundwater is the water found underground in the cracks and spaces in soil, sand, and rock. It is stored in and moves slowly through geologic formations of soil, sand, and rocks called aquifers. For the most part, groundwater within the region occurs in alluvial aquifers, residuum (crystalline bedrock that has weathered in place), aquifers composed of semi-consolidated or consolidated sediments, and fractured crystalline rock. Sources of groundwater recharge in the region include creeks, precipitation, discharges from treatment plants, underflow from dams, and return flow. Groundwater throughout the TLUP Area is directly tied to the San Diego Bay and has a high salt content making it unsuitable for consumption.

STORM SURGES, STORM TIDES, TSUNAMIS, AND SEICHES

Storm surge is an abnormal rise of water generated by a storm, over and above the predicted astronomical tides. Storm surge should not be confused with *storm tide,* which is defined as the water level rise due to the combination of storm surge and the astronomical tide. This rise in water level can cause extreme flooding in coastal areas, particularly when storm surge coincides with normal high tide (NOAA n.d.).

A *tsunami* is a series of extremely long-period waves caused by a large and sudden displacement of the ocean, usually the result of an earthquake below or near the ocean floor. A *seiche* is an oscillation of the surface of an enclosed body of water. Seiches may be triggered by strong winds, changes in atmospheric pressure, earthquakes, tsunamis, or tides.

The TLUP planning districts are within and adjacent to San Diego Bay, which includes areas of semi-enclosed water basins. According to maps prepared by the California Department of Conservation, the TLUP Area is entirely within the tsunami hazard zone (DOC 2009). In addition, the large water body of the Bay experiences tidal changes and, therefore, may encounter flooding from storm surges and storm tides. In sum, the TLUP planning districts are within or adjacent to areas that may encounter storm surges, storm tides, tsunamis, and seiches.

FLOOD HAZARDS

FEMA has mapped zones of anticipated flooding using base flood elevations for 100-year flood events, as presented on the agency's Flood Insurance Rate Maps (FIRMs). A majority of the TLUP Areas consists of submerged lands and open water of San Diego Bay, which are not assigned a flood hazard designation. However, the landside portion of the TLUP Area is within areas that are subject to 100-year flood events (identified as 1 percent Annual Chance Flood Hazard Zones) and moderate flood hazard areas, which are between the base flood and 500-year flood (identified as 0.2 percent Annual Chance Flood Hazard Zones) (District 2023).

1.10.2 Regulatory Setting

FEDERAL

Federal Emergency Management Agency Regulations

FEMA administers the National Flood Insurance Program to provide subsidized flood insurance to communities that comply with FEMA regulations, which limit development in floodplains. FEMA also prepares FIRMs that identify which land areas are subject to flooding. These maps provide flood information and identify flood hazard zones in the community. The design standard for flood protection is established by FEMA. FEMA's minimum level of flood protection for new development is the 100-year flood event, also described as a flood that has a 1-in-100 chance of occurring in any given year. In addition, FEMA has developed requirements and procedures for evaluating earthen levee systems and mapping the areas affected by those systems. Levee systems are evaluated for their ability to provide protection from 100-year flood events, and the results of this evaluation are documented in the FEMA Levee Inventory System. Levee systems must meet minimum freeboard standards and must be maintained according to an officially adopted maintenance plan. Other FEMA levee system evaluation criteria include structural design and interior drainage.

Clean Water Act (33 USC 1251–1387)

The primary goals of the CWA are to restore and maintain the chemical, physical, and biological integrity of the nation's waters and to make all surface waters fishable and swimmable. EPA is the lead federal agency responsible for water quality management. The CWA of 1972 (33 USC 1251–1387) is the primary federal law that governs and authorizes water quality control activities by EPA as well as the states. The federal CWA of 1977 (33 USC 1251 et seq.), which amended the federal Water Pollution Control Act of 1972, established the basic structure for regulating discharges of pollutants into the waters of the United States (not including groundwater). Under the CWA, it is unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a NPDES permit is obtained and implemented within compliance. In addition, the CWA requires the states to adopt water quality standards for receiving water bodies and to have those standards approved by EPA. Water quality standards consist of designated beneficial uses for a particular receiving water body (e.g., wildlife habitat, agricultural supply, fishing), along with water quality criteria necessary to support those uses. The proposed project would be required to comply with the CWA, as discussed in the subsections below.

Section 303: Impaired Water Bodies (303(d) list) and Total Maximum Daily Loads

Under Section 303(d) of the CWA, the SWRCB is required to develop a list of impaired water bodies that do not meet water quality standards (promulgated under the National Toxics Rule or the CTR) after the minimum technology-based effluent limitations have been implemented for point sources. Lists are to be priority ranked for development of a TMDL. A TMDL is a calculation of the total maximum amount of a pollutant that a water body can receive on a daily basis and still safely meet water quality standards. The California RWQCBs and EPA are responsible for establishing TMDL waste-load allocations and incorporating improved load allocations into water quality control plans, NPDES permits, and WDRs. Section 305(b) of the CWA requires states to assess the status of water quality conditions and submit a report every 2 years. Both CWA requirements are addressed through development of a 303(d)/305(b) Integrated Report, which will provide both an update to the 303(d) list and a 305(b) assessment of

statewide water quality. The SWRCB developed a statewide 2014 and 2016 California Integrated Report that was based on the Integrated Reports from each of the nine RWQCBs. The 2014 and 2016 California Integrated Report was approved by the SWRCB on October 3, 2017, and EPA issued its final decision and approval of the California 303(d) list on April 6, 2018.

Section 401: Water Quality Permits

Under Section 401 of the CWA, an applicant proposing to conduct any activity that may result in any discharge into waters of the United States must first obtain a Section 401 Water Quality Certification from the appropriate state agency, stating that the discharge is consistent with the state's water quality standards and criteria. In California, the authority to grant a water quality certification or waive the requirement is delegated by the SWRCB to the nine RWQCBs. A Section 401 Water Quality Certification is required for any activities requiring a Section 404 permit to discharge dredged or fill material into waters of the United States. In addition, an applicant under Section 10 of the Rivers and Harbor Act must also obtain a Section 401 Water Quality Certification.

Section 402: National Pollutant Discharge Elimination System Permits

Section 402(p) of the CWA was amended in 1987 to require EPA to establish regulations for permitting municipal and industrial (including active construction sites) stormwater discharges under the NPDES permit program. The NPDES program requires all industrial facilities and municipalities of a certain size that discharge pollutants into waters of the United States to obtain a permit. Stormwater discharges in California are commonly regulated through general and individual NPDES permits, which are adopted by the SWRCB or RWQCBs and administered by the RWQCBs. EPA requires NPDES permits to be revised to incorporate waste-load allocations for TMDLs when the TMDLs are approved (40 CFR 122).

NPDES permits generally identify effluent and receiving water limits for allowable concentrations and/or mass emissions of pollutants contained in a discharge; prohibitions on discharges that were not specifically allowed under the permit; and provisions that describe required actions to be taken by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, toxicity testing or other activities.

Section 404: Permits for Dredged or Fill Material

Under Section 404, USACE and EPA regulate the discharge of dredged and fill materials into waters of the United States. These waters are defined primarily as navigable waterways or water features (including wetlands) that have a significant nexus to navigable waters. Project sponsors must obtain authorization from USACE for all discharges of dredged or fill materials into waters of the United States before proceeding with a proposed activity. Individual Section 404 permits may be issued only for a least environmentally damaging practicable alternative. Compliance with CWA Section 404 requires compliance with several other environmental laws and regulations. USACE cannot issue an individual permit or verify the use of a general permit until the requirements of the National Environmental Policy Act of 1969, Endangered Species Act, Coastal Zone Management Act, and National Historic Preservation Act have been met. In addition, no permit can be issued or verified until a water quality certification, or waiver of certification, has been issued pursuant to CWA Section 401. Section 404 of the CWA provides for the issuance of dredge/fill permits by the USACE. Permits are typically conditioned to minimize impacts on water quality.

Section 10, Rivers and Harbors Act of 1899

The Rivers and Harbors Act is the primary Federal law regulating activities that may affect navigation on the nation's waterways. Section 10 of the Rivers and Harbors Act grants USACE control over obstructions to navigable waters of the United States and gives USACE exclusive authority to approve construction of smaller structures, such as wharves, and bulkheads, as well as dredging and filling operations.

STATE

Porter-Cologne Water Quality Control Act

The Porter-Cologne Act is California's statutory authority for the protection of water quality. Under the Porter-Cologne Act, the State must adopt water quality policies, plans, and objectives that protect its waters for the use and

enjoyment of the people. Under the California Water Code, the State of California is divided into nine regions, which are governed by RWQCBs that, under the guidance and review of the SWRCB, implement and enforce provisions of the California Water Code and the CWA. The planning area is in Region 9, the San Diego region, and is governed by the San Diego RWQCB.

The Porter-Cologne Act also requires waste dischargers to notify the RWQCBs of their activities through the filing of "Reports of Waste Discharge" and authorizes the SWRCB and RWQCBs to issue and enforce WDRs, NPDES permits, Section 401 water quality certifications, and other approvals.

Section 13050 of the California Water Code defines what is considered pollution, contamination, or nuisance. Briefly defined, pollution means an alteration of water quality such that it unreasonably affects the beneficial uses of water. Contamination means an impairment of water quality to the degree that it creates a hazard to public health. Nuisance is defined as anything that is injurious to health, offensive to the senses, or an obstruction to use of a property, affecting a considerable number of people.

SWRCB Construction General Permit (Order 2009-0009-DWQ, amended by Order 2010-0014-DWQ and Order 2012-006-DWQ)

Construction activities that disturb one acre or more of land must obtain coverage under the SWRCB NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) (Order 2009-0009-DWQ, as amended by Order 2010-0014-DWQ and Order 2012-006-DWQ). Under the terms of the permit, applicants must file complete and accurate Notice of Intent and permit registration documents with the SWRCB. Applicants must also demonstrate conformance with applicable construction BMPs and prepare a construction SWPPP, containing a site map that shows the construction site perimeter; existing and proposed buildings; lots; roadways; stormwater collection and discharge points; general topography, both before and after construction; and the drainage patterns across the project site. The Construction General Permit also includes requirements for site water quality monitoring if the project meets certain Risk Level thresholds.

The SWPPP includes measures to eliminate or reduce pollutant discharges and describes the implementation and maintenance of BMPs to control stormwater and other runoff during and after construction. The SWPPP is required to include a menu of BMPs to be selected and implemented based on the phase of construction and the weather conditions to effectively control erosion, sediment, and other construction-related pollutants to meet the Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology standards. Erosion control BMPs are designed to prevent erosion, whereas sediment controls are designed to trap sediment once it has been mobilized.

Public Resources Code Section 71204.5 (Ballast Water Management)

The State's Ballast Water Management regulation for vessels operating within the Pacific Coast Region is promulgated by the California State Lands Commission, pursuant to PRC Section 71204.5. The regulation established a Pacific Coast Region, defined essentially as coastal waters ranging from the Aleutian Islands to the tip of Baja California. It became effective on March 22, 2006. Vessels taking ballast from ports within this region and traveling on coastal voyages must perform a coastal exchange at a minimum distance of 50 miles out and 200 meters deep prior to discharge in California. Vessels arriving from outside an Exclusive Economic Zone, and therefore outside of the Pacific Coast Region, are still required to perform a mid-ocean exchange (at a minimum distance of 200 miles out and a minimum of 2,000 meters deep) prior to discharging into California waters.

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA) was enacted to better manage groundwater supplies in the state and directs local agencies (e.g., cities, counties, and water agencies) to adopt Groundwater Sustainability Plans for high- and medium-priority groundwater basins to ensure their long-term sustainability. In San Diego County, the California Department of Water Resources has designated three of the county's basins as medium-priority and one basin as critically overdrafted. The three medium-priority groundwater basins include the San Diego River Valley, San Luis Rey Valley, and San Pasqual Valley Groundwater Basins, while the Borrego Valley is designated as critically overdrafted. These groundwater basins are all subject to Groundwater Sustainability Plan requirements of the SGMA.

Within the TLUP area, the Mission Valley Groundwater Basin is identified as very low priority and the Coastal Plain of San Diego Groundwater Basin is identified as low priority.

LOCAL

Water Quality Control Plan

The preparation and adoption of water quality control plans (Basin Plans) is required by the California Water Code (Section 13240) as prescribed by the CWA. Section 303 of the CWA requires states to adopt water quality standards that "consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses." According to Section 13050 of the California Water Code, Basin Plans consist of a designation or establishment of beneficial uses to be protected, water quality objectives to protect those uses, and a program of implementation needed for achieving the objectives for the waters within a specified area. Because beneficial uses, together with their corresponding water quality objectives, can be defined per federal regulations as water quality standards, the Basin Plans are regulatory references for meeting the state and federal requirements for water quality control.

The Water Quality Control Plan for the San Diego Basin (Basin Plan), which was adopted by the San Diego RWQCB in 1994 and updated in 2021, designates the Beneficial Uses and Water Quality Objectives for water bodies under its jurisdiction (San Diego RWQCB 2021). The TLUP Area is within the San Diego RWQCB's jurisdiction and would be required to comply with the Basin Plan.

Municipal Stormwater Permit (Order R9-2013-001 as amended by Orders R9-2015-001 and R9-2015-0100)

The Municipal Stormwater Permit (Order R9-2013-0001 as amended by Orders R9-2015-0001 and R9-2015-0100) is a NPDES permit that requires the owners and operators of MS4s within the San Diego Region to implement management programs to limit discharges of pollutants and non-stormwater discharges to and from their MS4 during all phases of development. The Municipal Stormwater Permit requires the District and other "copermittees" to develop watershed based Water Quality Improvement Plans (WQIP). The intent of the Municipal Stormwater Permit is to enable each jurisdiction to focus its resources and efforts to:

- Reduce pollutants in stormwater discharges from its MS4,
- Effectively prohibit non-stormwater discharges to its MS4, and
- Achieve the interim and final Water Quality Improvement Plan (WQIP) numeric goals.

San Diego Bay Watershed Water Quality Improvement Plan

The Municipal Stormwater Permit requires development of the San Diego Bay WQIP. The purpose of the WQIP is to guide the municipal stormwater permit co-permittees, including the District, via its Jurisdictional Runoff Management Program (JRMP), toward improving water quality in MS4 discharges and receiving waters. In the WQIP, priorities and goals are established, and each jurisdiction identifies strategies to assist in attaining the goals. Numeric goals established in the WQIP may include multiple criteria and/or indicators designed to measure reasonable progress towards addressing the highest priority water quality conditions identified for the watershed management area. This approach establishes the foundation that the District uses to develop and implement its JRMP. The District implements the WQIP in collaboration with other local agencies that have jurisdiction within the San Diego Bay Watershed Management Area, which comprises three HUs: Pueblo San Diego, Sweetwater, and Otay. Note that the Sweetwater HU is located outside of the TLUP Area.

Jurisdictional Runoff Management Program

Under the Municipal Stormwater Permit, each jurisdiction is required to have a JRMP, which includes a component that addresses issues related to construction activities and a component that addresses issues related to existing development, and which requires co-permittees to establish adequate enforcement authority, develop education/outreach, and conduct monitoring. In addition, each co-permittee prepares and submits an annual report

that describes program implementation and strategies to reduce the discharge of pollutants of concern to the MS4 and receiving waters to the maximum extent practicable.

The District's JRMP has been developed to meet the conditions of the Municipal Stormwater Permit and to assist the District in achieving the goals identified in the WQIP. District-specific WQIP-based strategies have been incorporated into the JRMP. The JRMP's focus is on controlling stormwater discharges to the MS4, with the overall goal of achieving improvements in receiving water quality. The District has developed a list of BMPs that are applicable to all persons, activities, and operations occurring on District Tidelands, and the JRMP utilizes District-specific jurisdictional activities and watershed-based strategies. Enforcement of the JRMP helps to prevent stormwater pollutants from entering local storm drains and, ultimately, the San Diego Bay.

Moreover, the Municipal Stormwater Permit (Provision E.4) requires the District to implement a Construction Management program in accordance with the strategies in the San Diego Bay Watershed WQIP in addition to core permit requirements. The core permit requirements include a project approval process that ensures appropriate BMPs are attached to conditions of approval for construction projects as well as ongoing construction site inventory updates and tracking and inspection. In addition, the District is required to establish minimum BMPs from the following categories: Project Planning, Non-Stormwater Management, Good Housekeeping/Waste Management, Erosion Control, Sediment Control, and Run-on and Run-off Control.

As part of the District's JRMP, a BMP design manual was developed to provide guidelines for incorporating post-construction BMPs into new and priority redevelopment projects. The BMP design manual identifies the required source-control and site-design BMPs to eliminate or reduce pollutants in stormwater runoff. For PDPs, the BMP design manual also describes pollutant-control BMPs that must be incorporated into the site design and, where applicable, addresses potential hydromodification impacts from changes in flow and sediment supply. The BMP design manual is applicable for both tenant- and District-sponsored major maintenance or capital improvement projects, as required by the Municipal Stormwater Permit.

The District has developed a list of pollution prevention BMPs outlined in the JRMP that are applicable to industrial and commercial facilities on District tidelands as required by the Municipal Stormwater Permit. Because pollution prevention BMPs eliminate pollutants at their source, they are a preferred means of preventing discharge of priority pollutants into the receiving waters. The list of pollution prevention BMPs includes the following:

- Keep waste containers covered or lids closed (trash).
- Minimize outdoor storage (trash, metals).
- Capture, contain, and/or treat wash water (bacteria, metals).
- Conduct employee training (bacteria, trash, metals).

In addition, Table 7-4 of the JRMP provides an extensive list of minimum BMPs for commercial and industrial facilities (District 2025~~1~~). Categories of BMPs include general operations and housekeeping, non-stormwater management, waste handling and recycling, outdoor material storage, outdoor drainage from indoor activity, outdoor parking, vehicles and equipment, education and training, overwater activity, and outdoor activity and operation.

JRMP Enforcement Authority – District Code, Article 10

District Code, Article 10—the San Diego Unified Port District Stormwater Management and Discharge Control Ordinance—prohibits the deposit or discharge of any chemicals or waste into the Tidelands or San Diego Bay, and makes it unlawful to discharge pollutants directly into the non-stormwater, or indirectly into the stormwater conveyance system. Article 10 also requires the implementation of BMPs, stormwater plans, and other measures, as appropriate to control the discharge of pollution to Tideland or receiving waters. The District uses its enforcement authority established by Article 10. Article 10 satisfies the provision of the Municipal Stormwater Permit that requires each co-permittee to establish, maintain, and enforce adequate legal authority within its jurisdiction to control pollutant discharges into and from its MS4 through statute, ordinance, permit, contract, order, or similar means.

San Diego Unified Port District, Ordinance No. 2681 (In-Water Hull Cleaning Regulations)

The District adopted in-water hull cleaning regulations to reduce or eliminate copper pollution caused by in-water hull cleaning activities in San Diego Bay. Ordinance No. 2681 requires the use of BMPs for all in-water hull cleaning on recreational or commercial boats and requires permits for all hull cleaning businesses.

San Diego Harbor Safety Plan

The San Diego Harbor Safety Plan is designed to provide mariners who use the waters of San Diego Bay with an up-to-date guide to critical navigation issues to enhance vessel safety, with the ultimate goal of pollution prevention and protection of the region's valuable resources. This plan has been developed by the San Diego Harbor Safety Committee, as mandated in the California Oil Spill Prevention and Response Act of 1990 (Government Code Sections 8574.1 et seq.). The goals of the act are to improve the prevention, removal, abatement, response, containment, cleanup, and mitigation of oil spills in the marine waters of California. The act and its implementing regulations (California Code of Regulations Title 14, Sections 800–802) created harbor safety committees for the major harbors of California to "plan for the safe navigation and operation of tankers, barges, and other vessels within each harbor" by preparing "a harbor safety plan, encompassing all vessel traffic within the harbor."

1.10.3 Discussion

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Less Than Significant with Mitigation Incorporated. The TLUP serves as a long-term planning blueprint for future projects and activities within the TLUP Area. Planned improvements, as well as projects and activities consistent with the water or land use designations identified in the TLUP may occur in the future. However, approval of the plan would not directly result in any specific construction project.

Limited in-water construction would potentially occur as a result of the planned improvements and any future projects proposed consistent with the applicable water and land use designations, policies, development standards, planning district special allowances, and visions identified in the TLUP. For example, the potential expansion of bait barges, baitfish storage, and associated vendor operations in PD11 would require assembly of the expansion of the floating structures, but would not require piles for support, which would avoid sediment disturbance in the Bay. Shellfish and seaweed aquaculture in PD13 would also not require extensive construction as it consists primarily of enclosures positioned at or near the surface. Proposed routine maintenance of the San Diego-Coronado Bay Bridge and pipelines, which are activities in PD12, are a continuation of existing uses and not anticipated to require new construction beyond what is needed for continued maintenance. In addition, shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, and the development of minimal activating features (e.g., seating, public art, signage) in the Recreation Open Space area in PD14 (South Bay) would not result in any in-water construction activities, but would require landside construction to use BMPs to ensure stormwater runoff during the construction phase does not adversely affect the San Diego Bay's water quality.

Whether a SWPPP (over 1 acre) through a Construction General Permit with RWQCB or a construction BMP plan (under 1 acre) in compliance with the District's JRMP is required for landside construction, a variety of construction BMPs would be required to be implemented throughout the various construction phases in order to protect water quality. At a minimum, BMPs would include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The construction SWPPP or construction BMP plan would specify properly designed, centralized storage areas that keep these materials away from rain and associated runoff. When grading is conducted during the rainy season, the primary BMPs selected would focus on erosion control (i.e., keeping sediment in place) and then on sediment control (i.e., keeping sediment on site). Measures would include a range of stormwater control BMPs: for example, installing erosion control such as silt fences, staked fiber rolls, and geofabric to prevent silt runoff to storm drains or waterways. Topsoil and backfill would be stockpiled, protected, and replaced at the conclusion of construction activities. Disturbed soil would be revegetated as soon as possible with native vegetation consistent with ECO Policy 1.1.10~~9~~.

It is possible that fill in the Bay may occur per ECO Policy 2.2.4, which promotes the beneficial reuse of safe and clean dredged sediments or other potential sediment sources. Specifically, clean sediment from dredging operations (unrelated to the TLUP) may be applied to Tidelands' beaches or wetland areas, where needed and with required regulatory agency approval, as a sea level rise adaptation strategy or natural resource management practice. However, ECO Policy 2.2.2 requires remediation and restoration efforts to be implemented in a manner that maximizes ecological benefits, including water quality, ecosystems, and the public use of the TLUP Area in a manner consistent with the San Diego Unified Port District Act (Port Act). In addition, ECO Policy 2.2.3 requires that development does not result in degradation beyond regulatory or legal limits for fill, soil, and sediment quality and shall minimize exposure of adjacent communities to fill, soil, and sediment-based environmental contamination.

Once operational, these planned improvements along with future projects and activities proposed consistent with the TLUP's applicable water and land use designations, policies, development standards, planning district special allowances, and visions would have minimal impacts on water quality. However, copper has been a standard ingredient in antifoulant hull paints for many decades and leaches into the water, which has led to water quality impairments in several planning districts. 303(d)-listed impairments for dissolved copper are present within PMPU PD1 (Shelter Island Yacht Basin and America's Cup Harbor), PD2 (West Harbor Island and East Harbor Island), PD3 (Marriott Marina), PD9 (Coronado Cays), and PD10 (Glorietta Bay), all of which are attributed to copper paint leaching from vessel hulls. There is currently only one TMDL in place to address copper impairments, which is at the Shelter Island Yacht Basin. It is reasonably foreseeable that additional vessels using antifoulant copper-based paint for vessel hulls would potentially contribute to the existing copper impairments and may worsen the existing condition. Copper loading to these water bodies results from both the passive leaching of antifoulant copper-based paints as well as in-water hull cleaning of these types of paints.

Water quality pollution from passive leaching of antifoulant copper-based paints is being reduced through the current use of lower leach rate or non-copper alternative paints, regulations for which were made effective in 2018. Additionally, however, water quality impacts from vessel maintenance and cleaning (including both top-side and in-water hull maintenance and cleaning) can be avoided or lessened by using non-toxic cleaning products, minimizing or eliminating toxic cleaning agents, and implementing practices that prevent or reduce opportunities for toxic products to contact surface water.

The TLUP includes policies to reduce any impacts from copper-based paints. Specifically, ECO Policy 2.1.6 requires the District to implement initiatives to reduce copper loads from recreational vessels to protect marine life in and around the Bay, whereas ECO Policy 2.1.7 requires the District to encourage the use of alternative, non-copper-based antifouling paints. Lastly, ECO Policy 2.1.8 requires in-water hull cleaning of copper-based antifouling paints to be conducted in a manner that does not cause or contribute to a condition of nuisance or water quality impairment.

Aquaculture, particularly shellfish and seaweed aquaculture, offers multiple co-benefits, such as fisheries enhancement, ecosystem restoration, bioremediation, carbon sequestration, and habitat enhancement and otherwise improving water quality and ecosystem productivity. Aquaculture within the TLUP Area (notably PD13 as a planned improvement) allows for the cultivation of shellfish and seaweed. Depending on the type of aquaculture operations proposed, the primary potential causes of water quality degradation include temporary and limited turbidity caused during anchoring aquaculture infrastructure to the bay floor, as well as biological oxygen demand, and therefore significant water quality impacts may occur during operation prior to mitigation (Impact-WQ-1). Aquacultural operations would be subject to water-quality regulations including Section 401 of the CWA. In addition to compliance with applicable laws and regulations, MM-WQ-1 would minimize impacts by requiring future aquaculture projects that may have significant impacts to (1) ~~conduct a siting study to predict potential water quality impacts due to physical factors such as reduced flushing as well as any potential operational impacts, (2)~~ develop an aquaculture water quality monitoring plan consistent with the requirements of the Shellfish Aquaculture Mitigation Plan, and (~~3~~2) identify site-specific BMPs to be implemented during operation of the aquaculture facility to lessen or eliminate potential water quality impacts. With implementation of MM-WQ-1, impacts would be less than significant with mitigation incorporated.

As such, planned improvements identified in the TLUP as well as future projects consistent with the water and land uses of the TLUP are not anticipated to substantially increase turbidity (with mitigation incorporated) or require new

dredging not already conducted as part of existing navigational channel maintenance. Thus, the potential to disturb any possibly contaminated sediments would be less than significant.

Future landside operations associated with planned improvements as well as projects and activities consistent with the water or land use designations identified in the TLUP, such as the development of minimal activating features (e.g., seating, public art, signage) in the Recreation Open Space area in PD14 (South Bay) would be required to comply with the District's Stormwater Management and Discharge Control Ordinance (i.e., Article 10) and the JRMP, which include specific requirements for all development and redevelopment activities and the ongoing operation of municipal (e.g., parks, parking), commercial, and industrial facilities. The District's Article 10 also specifically requires pollutant control BMPs for all PDPs, which includes future projects proposed consistent with the TLUP. Projects considered a PDP would be required to implement pollutant control BMPs, following the hierarchy described in the District's *BMP Design Manual* (retention, partial retention with biofiltration, biofiltration, or flow-through). Stormwater pollutant control BMPs are engineered facilities that are designed to retain (i.e., intercept, store, infiltrate, evaporate, and evapotranspire), biofilter, and/or provide flow-through treatment of stormwater runoff generated on the project site. Additionally, a post-construction storm water quality management plan (SWQMP) must be prepared for all projects to identify the project-specific site design and source control BMPs (all projects) and pollutant control BMPs (for PDPs). The development planning requirements ensure that future development will incorporate structural design features to protect stormwater quality. In addition, once built and operational, facilities are subject to a suite of operational BMPs required within the JRMP that serve as pollution prevention measures. Implementation of site-specific BMPs, in accordance with the applicable JRMPs, would filter potential pollutants from runoff prior to discharge into receiving waters.

In addition to the existing water quality regulations in place, the TLUP includes several protective policies designed to reduce water pollution and improve Bay water quality over time. For example, ECO Objective 2.1 states: Protect and enhance water quality to support swimmable, fishable, and biologically productive waters. Policies in support of this objective include:

- ECO Policy 2.1.1 The District shall prioritize and pursue opportunities for the protection and enhancement of water quality.
- ECO Policy 2.1.2 The District shall maintain water quality in alignment with California Coastal Act Section 30231.
- ECO Policy 2.1.3 Waste management strategies shall be implemented throughout the TLUP Area, including as part of development, with a focus on reducing trash entering waterways.
- ECO Policy 2.1.5 The District shall continue to conduct, or require permittees to conduct, long-term monitoring of water, sediment, eelgrass, birds, and marine life in the Bay.
- ECO Policy 2.1.6 The District shall implement initiatives to reduce copper loads from recreational vessels to protect marine life in and around the Bay.
- ECO Policy 2.1.7 The District shall encourage the use of alternative, non-copper-based antifouling paints.
- ECO Policy 2.1.8 In-water hull cleaning of copper-based antifouling paints shall be conducted in a manner that does not cause or contribute to a condition of nuisance or water quality impairment.
- ECO Policy 2.1.9 Sewerage pump out facilities shall be accessible and available for use by the public either in fixed locations or through a mobile pump out service.
- ECO Policy 2.1.10 Sewerage pump out facilities shall be required in new recreational marina developments.

The TLUP also includes ECO Objective 2.2, which seeks to improve fill, soil, and sediment quality. Policies designed to achieve this objective include:

- ECO Policy 2.2.1 The District shall prioritize and pursue opportunities for the protection and enhancement of sediment quality.

- ECO Policy 2.2.2 Remediation and restoration efforts shall be implemented in a manner that maximizes ecological benefits, including water quality, ecosystems, and the public use of the TLUP Area in a manner consistent with the Port Act.
- ECO Policy 2.2.3 Development shall not result in degradation beyond regulatory or legal limits for fill, soil, and sediment quality and shall minimize exposure of adjacent communities to fill, soil, and sediment-based environmental contamination. Also, refer to ECO Policy 2.3.3.
- ECO Policy 2.2.4 Through CDPs issued by the District, permittees shall, to the extent feasible and as allowed by regulations, promote beneficial reuse of safe and clean dredged sediments or other potential sediment sources to be used to restore, enhance, and create wetlands and eelgrass habitat, consistent with California Coastal Act Section 30233(b).

Lastly, ECO Objective 2.3 strives to prevent pollution from entering the Bay. Policies that contribute to this objective include:

- ECO Policy 2.3.1 Owners and operators of stormwater conveyances in the TLUP Area shall comply with the municipal stormwater permit (MS4) and other legal requirements to minimize pollution impacts in the Bay.
- ECO Policy 2.3.2 Educational information shall be provided to the public and tenants regarding natural resources protection, runoff or increased runoff flows, and pollution prevention measures to minimize or reduce impacts on water and sediment quality.
- ECO Policy 2.3.3 In the event proposed development disrupts shoreline fill or Bay sediment, the development project shall remove the contaminated fill or appropriately contain and remediate the fill in a manner consistent with applicable requirements.
- ECO Policy 2.3.4 Permittees shall implement measures to prevent pollution impacts and adverse impacts from runoff flows from all development and maintenance activities.
- ECO Policy 2.3.5 Development projects located in areas identified as impaired under Section 303(d) of the Clean Water Act shall implement measures to protect and improve water quality.

Therefore, with MM-WQ-1, implementation of the TLUP would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality from implementation of the planned improvements or future projects and activities that are proposed consistent with the TLUP's water and land use designations as well as its protective policies. Impact-WQ-1 would be less than significant with mitigation incorporated.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less-Than-Significant Impact. None of the planned improvements identified in the TLUP would increase demand for groundwater supplies or create substantial impervious surface area to a degree that would interfere with groundwater recharge. As such, implementation of the TLUP would have no potential to impede the sustainable groundwater management plan and impacts would be less than significant.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) Result in substantial on- or off-site erosion or siltation;

Less-Than-Significant Impact. Erosion is a group of natural processes, including weathering, dissolution, abrasion, corrosion, and transportation, by which material is worn away from the Earth's surface. Siltation is sediment suspended in stagnant water or carried by moving water, which often accumulates on the bottom of rivers, bays, and

other bodies of water—which is known as sedimentation. The only land area present in the TLUP Area is an approximately 99-acre area in PD14. Grading and site preparation associated with shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, and the development of minimal activating features (e.g., seating, public art, signage) in the Recreation Open Space area in PD14 (South Bay) could expose soils to the erosional forces of wind and water during storm events, potentially resulting in erosion and sedimentation on and off the planning districts, and result in the discharge of silt into the Bay in the absence of regulatory requirements.

To minimize the potential for erosion from water and wind, as well as siltation from runoff into the Bay, future construction activities proposed consistent with the land use designation Recreation Open Space in PD14 that would disturb more than one acre of land would be required to comply with the Construction General Permit, which would require development and implementation of a SWPPP by a Qualified SWPPP Developer. The SWPPP would be reviewed and approved by the District, and subject to review by the RWQCB, and would identify what construction BMPs would be implemented in order to protect stormwater runoff and include a monitoring plan for measuring BMP effectiveness. BMPs are required to be inspected regularly by a Qualified SWPPP Practitioner. The Qualified SWPPP Practitioner monitors the construction activities to ensure the BMPs listed in the SWPPP are implemented and performing as anticipated. For projects under 1 acre of land, construction activities would still need to comply with the District's JRMP, which requires preparation of a Construction BMP Plan that would be subject to review and approval by the District, and review by the RWQCB. The Construction BMP Plan requires the same construction BMPs as a SWPPP but does not include as many post-construction BMPs. Projects that would disturb less than one acre, but more than 100 square feet, would need to prepare and implement a Construction BMP Plan.

In either case—a SWPPP or a Construction BMP Plan—the District would require the project applicant to implement a variety of construction BMPs throughout the various construction phases in order to protect water quality. The construction SWPPP or Construction BMP Plan would specify properly designed, centralized storage areas that keep these materials away from rain and associated runoff. When grading is conducted during the rainy season, the primary BMPs selected would focus on erosion control (i.e., keeping sediment in place) and then on soil control (i.e., keeping soil on site). Measures would include a range of stormwater control BMPs: for example, installing erosion control such as silt fences, staked fiber rolls, and geofabric to prevent silt runoff to storm drains or waterways. Topsoil and backfill would be stockpiled, protected, and replaced at the conclusion of construction activities. Disturbed soil would be revegetated as soon as possible with native vegetation consistent with ECO Policy 1.1.10.~~9~~

Therefore, because construction activities are already regulated by existing laws, regulations, and District programs (e.g., Construction General Permit, District's JRMP, Dewatering Permit) and the District has specific water quality best practices during construction activities, as listed in the JRMP and subject to District approval, substantial soil erosion or topsoil loss would not occur during construction activities. Impacts from erosion and siltation during construction activities would be **less than significant**.

Once operational, the impervious surface area associated with planned improvements in PD14 would be similar to existing conditions as the planned improvement would involve shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, and the development of minimal activating features such as seating and artwork. Consequently, the amount of stormwater runoff entering the Bay would be similar to existing conditions. Therefore, implementation of the TLUP would result in erosion and siltation impacts that would be **less than significant**.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

iv) Impede or redirect flood flows?; or

v) Exacerbate flooding risk or severity stemming from future sea level rise?

Less-Than-Significant Impact. Impacts associated with increasing the rate or amount of surface runoff, creating or contributing runoff water in exceedance of stormwater drainage capacity or providing substantial additional sources of polluted runoff, impeding or redirecting flood flow, and exacerbating flooding risk or severity from future sea level rise is discussed below.

Planned improvements and future projects and activities proposed consistent with the TLUP's water and land use designations in PD14 are not expected to adversely affect the existing stormwater drainage system capacity, provide substantial additional sources of polluted runoff, impede or redirect flood flow, or exacerbate the effects of future sea level rise (SLR). During construction, the District requires project proponents to implement BMPs in accordance with the Construction General Permit and/or the District's JRMP to ensure the drainage system stays operational and is not altered significantly from the existing condition, which would ensure water volumes and velocities would be accommodated from construction-related water use and during a storm event. Construction-related impacts would be less than significant.

Once operational, planned improvements and future projects would be required to comply with the District's JRMP and Article 10, including the implementation of post-construction BMPs through the preparation and implementation of a project-specific SWQMP. Any future projects that modify the existing onsite drainage in PD14 would implement site design, source control, and pollutant control BMPs consistent with the District's JRMP and *BMP Design Manual*. Site design and source control BMPs are the minimum management practices, control techniques, and design and engineering methods to be included in the planning design for all projects to reduce the discharge of pollutants from the development. Priority Development Projects must also implement pollutant control BMPs. Implementation of site design, source control, and pollutant control BMPs would not only result in a reduction in pollutants discharged from the project site, but also would reduce stormwater runoff generated by the project site. Future projects and activities would generally discharge directly to San Diego Bay after processing through operational BMPs and would not result in flooding off site due to the nature of the receiving Bay waters (i.e., not a typical channel with bed and banks subject to erosion or overtopping). Operation-related impacts would be less than significant.

Additionally, none of the TLUP's planned improvements would exacerbate flooding as a result of future SLR. Specifically, the expansion of floating bait barges in PD11 and the introduction of aquaculture in PD13 would be naturally resilient to rising sea levels given their floating and suspended characteristics. Maintenance on the San Diego–Coronado Bay Bridge, which would occur in PD12, would have no potential to exacerbate SLR as it is simply intended to ensure safety and continued functionality of the San Diego–Coronado Bay Bridge. Lastly, planned improvements in PD14 involving the development of minimal activating features such as seating and artwork as well as continued maintenance of the Bayshore Bikeway would not exacerbate flooding as a result of future SLR. Further, the planned improvement that involves shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway would enhance SLR resiliency in the area and have no potential to exacerbate SLR.

Finally, the TLUP is a long-range plan that includes several policies, along with broader objectives, designed to improve coastal resiliency. These include:

- SR Policy 3.2.1 The District shall participate in research and continue to conduct monitoring that supplements its knowledge of projected coastal climate impacts and potential strategies to adapt to these impacts.

- SR Policy 3.2.2 The District shall encourage pilot and demonstration projects that provide effective and innovative SLR adaptation and coastal resiliency approaches.
- SR Policy 3.2.3 The District shall create and periodically update an SLR adaptation plan that:
  a. Considers best available science and applicable regional, State, and federal adaptation planning guidance;
  b Builds upon previous analyses of coastal hazards that are caused or exacerbated by projected SLR;
  c. Provides recommendations for adapting existing structures and facilities, coastal access, recreational areas, coastal-dependent development, contaminated sites, and other infrastructure and coastal resources to projected SLR conditions,
  d. Explores the potential for nature-based SLR adaptation strategies and identify areas that could integrate innovative natural resource protection, enhancement, and restoration solutions while providing appropriate SLR resilience;
  e. Identifies alternative opportunities or plans for adapting to coastal hazards such as but not limited to: balance or realignment of natural habitat and the built environment, softening hardened shoreline structures, restoring or enhancing submerged habitats for coastal resiliency, or replacing in-kind public recreation areas, accessways, and other Public Trust resources that could be lost due to inundation or damage associated with SLR;
  f. Establishes a monitoring protocol and requirements for evaluating SLR impacts on all Tidelands uses over time;
  g. Establishes a schedule for performing future Tideland's SLR vulnerability assessments;
  h. Includes an environmental justice component that addresses how development may affect potential flooding and inundation related to sea level rise in adjacent disadvantaged communities; and
  i. Includes an outreach and engagement process that would be focused on collaborative adaptation planning with adjacent disadvantaged communities.
- SR Objective 3.3 Apply adaptive management to reduce the risk of marine and coastal resource climate impacts
- SR Policy 3.3.2 The District shall require permittees to site and design development to avoid impacts from coastal hazards from projected SLR considering the anticipated life of the development, where feasible.
  a. If coastal hazards cannot be completely avoided, the District shall require planning, designing, and implementation of adaptation strategies, that:
    1. Address the hazards over the anticipated life of the development;
    2. Protect coastal resources, public access, and recreational facilities, And
    3. Minimize risks to life and property to the maximum extent feasible.
- SR Policy 3.3.3 Permittees of coastal-dependent port structures and supportive coastal related development that are essential to maritime functions, public safety, and security may implement shoreline protective devices or other adaptation strategies for the protection from, or accommodation of, coastal hazards.

Several additional TLUP policies address SLR, coastal hazards, adaptation, and resiliency, including SR Polices 3.3.4 through 3.3.14 and SR Policies 3.4.1 through 3.4.7. As such, the TLUP would not exacerbate the potential flooding risk or severity of future SLR. SLR-related impacts would be **less than significant**.

For the reasons described above, planned improvements and future projects consistent with the TLUP's applicable water and land use designations, policies, development standards, planning district special allowances, and visions would not increase the rate or amount of surface runoff, exceed stormwater drainage system capacity, provide substantial additional sources of pollutants, impede or redirect flood flows, or exacerbate flooding risk or severity stemming from future sea level rise. As such, impacts would be **less than significant**.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less-Than-Significant Impact. The TLUP Area is within a designated tsunami hazard zone. Seiches would also be possible given the Bay geography and associated peninsulas, which act as semi-enclosed water bodies. While it is reasonably foreseeable that inundation from a tsunami or flooding could occur within the landside portion of the TLUP Area, future planned improvements and projects that are consistent with the TLUP's water and land uses would not significantly exacerbate the risk of pollutant release because no pollutants would be stored in the area due to the nature of the planned improvements (e.g., passive park uses). Therefore, impacts related to the risk of releasing pollutants due to project inundation in flood hazard, tsunami, or seiche zones would be **less than significant**.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less-Than-Significant Impact. None of the planned improvements identified in the TLUP or any future projects or activities proposed consistent with the TLUP's applicable water and land use designations, policies, development standards, planning district special allowances, and visions would have the potential to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Please see the analysis provided under Section 1.10.3(a) for an explanation of how water quality would not be significantly impacted by implementation of the TLUP. In addition, please see Section 1.10.3(b) for an explanation of how groundwater would not be adversely affected by implementation of the TLUP. Therefore, this impact would be **less than significant**.

Required Mitigation Measures

For **Impact-WQ-1:**

MM-WQ-1: Conduct Water Quality Monitoring of Aquaculture Operations. Prior to the District's approval of an aquaculture project, the project proponent shall use the best available science to (1) develop an aquaculture water quality monitoring plan consistent with the requirements of the ~~Shellfish~~ Aquaculture ~~Mitigation~~ Operations Plan and (2) identify site-specific BMPs to be implemented during operation of the aquaculture facility to lessen or eliminate potential water quality impacts. The project proponent shall submit the monitoring plan and BMPs to the District for review and approval. The water quality monitoring plan shall include an existing conditions report, an outline of water quality monitoring parameters and objectives as issued by relevant permitting authorities and resource agencies. Throughout the duration of the project's operations, the project proponent shall comply with relevant permit conditions issued by permitting authorities and shall implement the water quality monitoring plan, as issued, reviewed, and approved by the appropriate regulatory and resource agencies in coordination with the District, which shall ensure water quality is not impaired by the proposed aquaculture operation. If at any time during this monitoring, the water quality exceeds the operational permit conditions, the project proponent shall immediately notify the relevant permitting authorities and the District, and shall immediately identify specific actions that would eliminate the water quality impairments, approved by the relevant permitting authorities and the District.

Approved BMPs shall include a regular monitoring, reporting, and site inspection program, as issued through operational permit conditions by relevant permitting authorities and resource agencies, to ensure that the operations are in compliance with BMPs related to the specific type of aquaculture being implemented.

In addition, the project proponent of a future aquaculture operation shall obtain all applicable permits from the appropriate regulatory agencies, which may include permit requirements that differ from the mitigation requirements outlined above. In such cases, the requirements outlined in this mitigation measure shall be superseded by agency permit requirements and shall not be in addition to the requirements of those permits.

1.11 LAND USE AND PLANNING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XI. Land Use and Planning.				
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

1.11.1 Environmental Setting

Existing water uses in the TLUP Area include the open waters of San Diego Bay, shipping and boat navigation corridors, and industrial berthing. Existing land uses within the TLUP Area include a portion of the Bayshore Bikeway and adjacent upland areas.

1.11.2 Regulatory Setting

FEDERAL

Coastal Zone Management Act of 1972

The U.S. Congress recognized the importance of meeting the challenge of continued growth in the coastal zone by passing the Coastal Zone Management Act in 1972. The act, administered by NOAA Office of Ocean and Coastal Resource Management, provides for management of the nation's coastal resources and balances economic development with environmental conservation.

The Coastal Zone Management Act outlines two national programs. The National Coastal Zone Management Program includes 34 coastal programs that aim to balance competing water and land issues in the coastal zone. The National Estuarine Research Reserve System creates field laboratories that provide a greater understanding of estuaries and how humans affect them. The overall program objectives of the act are to "preserve, protect, develop, and, where possible, restore or enhance the resources of the nation's coastal zone."

The Coastal Zone Management Act ensures that development projects in coastal areas are designed and sited in a manner that is consistent with coastal zone land uses, maximizes public health and safety, and ensures that biological resources (e.g., wetlands, estuaries, beaches, fish and wildlife and their habitat) within the coastal zone are protected. The enforceable policies of that document are found in Chapter 3 of the California Coastal Act of 1976 (as amended). The CCC enforces the Coastal Zone Management Act by certifying that a proposed project is consistent with the California Coastal Act.

STATE

California Coastal Act

The CCA of 1976 governs land use planning for the entire coastal zone of California. The CCA includes policies for public access to the coast, recreation, marine environment, land resources, development, and SLR. The CCC enforces the Coastal Zone Management Act by certifying that a proposed project is consistent with the California Coastal Act. Pursuant to the California Coastal Act and the CCC Sea Level Rise Policy Guidance document (2018), projects in the California Coastal Zone must address SLR and resiliency of the project and coastal resources.

There are four categories of development on Tidelands in the coastal zone: appealable, non-appealable, excluded, and emergency. The types of development listed in Section 30715 of Chapter 8 of the CCA are considered appealable development and are subject to Chapter 3 (titled "Coastal Resources Planning and Management Policies") of the CCA. For appealable development, a port master plan must include policies that ensure consistency with both Chapters 3 and 8 of the CCA. Appealable projects as defined in the CCA include:

- Developments for the storage, transmission, and processing of liquefied natural gas and crude oil in such quantities as would have a significant impact upon the oil and gas supply of the state or nation or both the state and nation. A development which has a significant impact shall be defined in the master plans.
- Wastewater treatment facilities; except for those facilities which process wastewater discharged incidental to normal port activities or by vessels.
- Roads or highways not principally intended for internal circulation within port boundaries.
- Office and residential buildings not principally devoted to the administration of activities within the port; hotels, motels, and shopping facilities not principally devoted to the sale of commercial goods utilized for water-oriented purposes; commercial fishing facilities, and recreational small craft marina related facilities.
- Oil refineries.
- Petrochemical production plants.
- Dredging required for the maintenance of developments specified above.

For appealable development, the District Board issues a CDP, which may be appealed to the CCC by the applicant, an interested party, or two CCC commissioners.

In addition, development located on wetlands, estuaries, or "existing recreation areas," as delineated in the original 1975 Coastal Plan (Coastal Plan–delineated development), must also comply with Chapter 3 even if the proposed development is not the type listed in Section 30715 (see Section 1.3.1(A), Coastal Initiative - Proposition 20 (1971)7. All other types of development that do not qualify for an exclusion from a CDP or an emergency CDP are non-appealable and need not seek approval of the CCC after certification of a port master plan. However, a port master plan must include policies that ensure that such developments are consistent with Chapter 8. All development and associated CCA approvals, whether appealable or non-appealable, must be consistent with the certified port master plan. Adjacent jurisdictions must, for informational purposes, incorporate the certified port master plan into their own local coastal programs.

California Public Trust Doctrine

The Public Trust Doctrine is a common law doctrine that provides that public lands and waters are held by the State or its delegated trustee for the benefit of all of the people of California. All tidelands and submerged lands granted or ungranted, as well as navigable rivers, sloughs, etc., are covered under the Public Trust Doctrine. The Public Trust Doctrine, as overseen by CSLC, restricts the types of water and land uses allowed on public lands, including within the District's jurisdiction. The Public Trust Doctrine is an evolving doctrine, but generally limits the uses of sovereign lands to waterborne commerce, navigation, fisheries, open space, water-oriented recreation, ecological habitat protection, or other recognized public trust purposes. While Public Trust uses originally focused upon navigation, commerce, and fisheries, Public Trust uses have been interpreted to include a broad array of uses such as fishing, hunting, bathing,

[7] In 1972, the State of California adopted a Coastal Initiative (Proposition 20) that established temporary regional coastal commissions and one statewide commission. These commissions were tasked with preparing a coastal plan with coastal policy and planning recommendations for the State. The Coastal Plan was certified in 1975, and many of these recommendations were brought forward into the Coastal Act, including the establishment of CCC. Part IV of the 1975 Coastal Plan provided specific policy recommendations to each region, with accompanying maps (refer to Figure 1.2 of the PMPU, *San Diego Region Map from 1975 Coastal Plan*) that identify various landmarks and coastal resources. Chapter 8 (titled "Ports") of the Coastal Act describes these maps as a resource for identifying wetland, estuary, and recreation areas in the coastal zone. The San Diego region map is still used in coastal development permitting today for the District because all development proposed in the identified wetlands, estuary, and recreation areas on Figure 1.2 of the PMPU must comply with policies in Chapters 3 and 8 of the Coastal Act.

swimming, boating, anchoring, and general recreation. Trust lands may be devoted to purposes unrelated to the trust if such purposes are incidental to and accommodate trust uses.

Port Act

The Port Act (Appendix 1 of the California Harbor and Navigation Code) was adopted in 1962. Through the Port Act, the State of California delegated its authority to the District to own, manage and control certain tidelands and submerged waters. Specifically, the District was established for the development, operation, maintenance, control, regulation, and management of the tidelands and lands underlying the inland navigable waters of San Diego Bay. Under the Port Act, the District was granted broad police powers. The Port Act requires the District to exercise its land management authority and powers over (1) the tidelands and submerged lands granted to the District and (2) any other lands conveyed to or acquired by the District by any city or the County of San Diego or acquired by the District. The Port Act grants the District exclusive police power over property and development in its jurisdiction. Section 19 of the Port Act requires that the board "shall draft a master plan for harbor and port improvement and for the use of all of the tidelands and submerged lands which shall be conveyed to the district pursuant to the provisions of this act."

In addition, Section 87, part (a), of the Port Act defines allowable uses that may occur on tidelands. These include harbors and all necessary structures or appliances necessary, or convenient, for the promotion and accommodation or commerce and navigation; commercial and industrial uses; airport, heliport, or other aviation facilities, including runways, terminal buildings, roadways, etc.; highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, etc.; public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, and golf courses; small boat harbors and marinas, aquatic playgrounds and similar recreational facilities, snack bars, cafes, restaurants, motels, launching ramps, storage sheds, boat repair facilities, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, pedestrian ways, and landscaped areas. Accordingly, under the Port Act, the PMP is the mechanism that dictates where such allowable uses are to be located and how they will be improved.

LOCAL

San Diego Unified Port District Port Master Plan

The Port Act, adopted in 1962, gives the District authority for the development, operation, maintenance, control, regulation, and management of the tidelands and lands underlying the inland navigable waters of San Diego Bay. The District's currently certified PMP is the guiding land use policy document for all areas under the District's jurisdiction. The PMP was developed consistent with the Public Trust Doctrine and in accordance with the provisions of the California Coastal Act. Under the PMP, the District has permitting authority and the ability to issue coastal development permits.

Goals in the certified Port Master Plan that are applicable to the TLUP include the following:

- Goal I: Provide for the present use and enjoyment of the bay and tidelands in such a way as to maintain options and opportunities for future use and enjoyment.
- Goal II: The Port District, as trustee for the people of the State of California, will administer the Tidelands so as to provide the greatest economic, social, and aesthetic benefits to present and future generations.
- Goal III: The Port District will assume leadership and initiative in determining and regulating the use of the bay and tidelands.
    - Encourage industry and employment generating activities which will enhance the diversity and stability of the economic base.
    - Encourage private enterprise to operate those necessary activities with both high and low margins of economic return.

- Goal IV: The Port District, in recognition of the possibility that its actions may inadvertently tend to subsidize or enhance certain other activities, will emphasize the general welfare of statewide considerations over more local ones and public benefits over private ones.
  - Develop the multiple purpose use of the tidelands for the benefit of all the people while giving due consideration to the facts and circumstances related to the development of tideland and port facilities.
  - Foster and encourage the development of commerce, navigation, fisheries, and recreation by the expenditure of public monies for the preservation of lands in their natural state, the reclamation of tidelands, the construction of facilities, and the promotion of its use.
  - Encourage non-exclusory uses on tidelands.
- Goal V: The Port District will take particular interest in and exercise extra caution in those uses or modifications of the Bay and Tidelands, which constitute irreversible action of loss of control.
  - Bay fills, dredging and the granting of long-term leases will be taken only when substantial public benefit is derived.
- Goal VII: The Port District will remain sensitive to needs, and cooperate with adjacent communities and other appropriate governmental agencies in Bay and Tideland development.
  - The Port District will attempt to avoid disproportionate impact on adjacent jurisdictions both in benefits and any possible liabilities, which might accrue through bay and tideland activities.
- Goal VIII: The Port District will enhance and maintain the bay and tidelands as an attractive physical and biological entity.
  - Each activity, development and construction should be designed to best facilitate its particular function, which function should be integrated with and related to the site and surroundings of that activity.
  - Views should be enhanced through view corridors, the preservation of panoramas, accentuation of vistas, and shielding of the incongruous and inconsistent.
  - Establish guidelines and standards facilitating the retention and development of an aesthetically pleasing tideland environment free of noxious odors, excessive noise, and hazards to the health and welfare of the people of California.
- Goal X: The quality of water in San Diego Bay will be maintained at such a level as will permit human water contact activities.
  - Insure through lease agreements that Port District tenants do not contribute to water pollution.
  - Cooperate with the Regional Water Quality Control Board, the County Health Department, and other public agencies in a continual program of monitoring water quality and identifying the source of any pollutant.
  - Adopt ordinances and take other legal and remedial action to eliminate sources of pollution.
- Goal XI: The Port will protect, preserve, and enhance natural resources, including natural plant and animal life in the Bay as a desirable amenity, an ecological necessity, and a valuable and usable resource.
  - Identify existing and potential assets.
  - Keep appraised of the growing body of knowledge on ecological balance and interrelationships.
  - Administer the natural resources so that impacts upon natural resource values remain compatible with the preservation requirements of the public trust.

The certified Port Master Plan specifies that industrial activities on tidelands should meet the following objectives and criteria, which are applicable to the TLUP:

- Be located in convenient proximity to other industrial areas and to living areas from which there are interconnecting transit and thoroughfare routes.
- Provide sites that are economical to develop and adequate for main buildings, accessory storage, off-street loading, off-street parking, and buffer strips.
- Be designed to meet performance standards adequate to avoid nuisances, thereby insuring compatibility with surrounding uses.
- Be limited to industrial uses which have a definite need for the availability of utilities, direct access to railroads and major thoroughfares, and the proximity of either airport or water frontage.
- Provide substantial benefits to both local economic needs and to the regional hinterland.

San Diego Unified Port District Port Master Plan Update

On February 28, 2024, the Board of Port Commissioners adopted a comprehensive update to its existing PMP and certified the associated Final PEIR. The PMPU provides the official goals and planning policies, as well as water and land uses, for development and conservation of the District lands, tidelands, and submerged lands (collectively, Tidelands or District Tidelands) that comprise the PMPU area. The PMPU would implement the approximately 30-year planning vision by identifying allowable water and land uses and providing policies that address the following six Elements in eight of the District's 10 planning districts. The PMPU is currently under review by the CCC.

San Diego International Airport Land Use Compatibility Plan

The San Diego International Airport ALUCP is a guiding document for development of the airport and surrounding areas in a manner that protects public health, safety, and welfare. As designated in the ALUCP, portions of the TLUP Area (PD11 and PD12) are within the Airport Influence Area for the San Diego International Airport (SDIA) (SDCRAA 2025: Exhibit 1-1). Within the TLUP Area, PD11, PD12, and a portion of PD13 are within the Airspace Protection Area boundary for SDIA (SDCRAA 2025: Exhibit 4-1), which is the boundary for which airspace protection and overflight policies and standards apply. The Airspace Protection Area boundary is based on the outermost edges of the FAA airspace protection boundary pursuant to Federal Aviation Regulations, Part 77 and the approach surfaces for both runway ends defined by the criteria in FAA Order 8260.3F.

San Diego Bay Integrated Natural Resources Management Plan

The San Diego Bay INRMP is a long-term strategy, sponsored by the U.S. Navy and the District, that is intended to provide direction for the good stewardship of natural resources, while also supporting the ability of the U.S. Navy and District to meet their missions and continue functioning within the San Diego Bay (U.S. Navy and District 2013). The stated goal of the INRMP is "to ensure the long-term health, restoration, and protection of San Diego Bay's ecosystem in concert with the bay's economic, Naval, navigational, recreational, and fisheries needs." Table 1-5 of the INRMP summarizes the INRMP objectives. The INRMP objectives that are applicable to the project include the following:

- Objective 4.3.7: Artificial Shoreline Structures. Through engineering solutions, minimize the use of shoreline stabilization structures that impact or replace natural intertidal habitats, and maximize the value and function that necessary artificial structures contribute to the bay ecosystem.
- Objective 5.1.2: Sustainable Resource Use and Development. Sustain natural resources and Port and Navy institutional missions into the future without decline to natural resource assets or compromising the ability to grow those assets, by enabling innovation in planning, design, project management, and implementation.
- Objective 5.2.1: Dredge and Fill Projects. Conduct necessary dredging and dredge disposal in an environmentally and economically sound manner.

- Objective 5.2.2: Ship and Boat Maintenance. Manage the maintenance of boats and ships in San Diego Bay in a manner that achieves significantly improved water and sediment quality, healthier marine organisms, and economic good sense.
- Objective 5.2.3: Shoreline Construction. Seek improved habitat value of developed shorelines and marine structures and their functional contribution to the ecosystem.
- Objective 5.2.4: Water Surface Use and Shoreline Disturbance. Properly balance the various surface uses of the bay as a navigable waterway and associated shorelines with conservation priorities for waterbirds and shorebirds.
- Objective 5.3.2.1: Industrial. Reduce and minimize stormwater pollutants harmful to the bay's ecosystem from entering the bay from watershed users.
- Objective 5.4.1: Remediation of Contaminated Sediments. Ensure that San Diego Bay finfish and shellfish are safe to eat, that the food web is not adversely altered and that risks are minimized to recreational and commercial water contact users from the effects of contaminated sediment.
- Objective 5.4.2: Oil Spill Prevention and Clean Up. Prevent spills of oil and other hazardous substances, and ensure the effectiveness of prevention and response planning.
- Objective 5.5: Cumulative Effects. Minimize adverse cumulative effects on habitats and species of the bay ecosystem.

1.11.3 Discussion

a) Physically divide an established community?

No Impact. The project involves the approval of the TLUP as a land use plan to guide the comprehensive vision of the District's management of the tidelands and submerged lands granted to the District under SB 507. The TLUP Area is comprised almost entirely of submerged lands, consisting of only 99 acres of land area. The landside portion of the TLUP Area would consist of Conservation Open Space and Recreation Open Space in the South Bay Planning District (PD14).

Planned improvements identified in the TLUP are limited to the potential expansion of bait barges, baitfish storage, and associated vendor operations in PD11 (North Bay); routine maintenance of the San Diego-Coronado Bay Bridge and pipelines which are existing uses and activities in PD12 (North Central Bay); shellfish and seaweed aquaculture in PD13 (South Central Bay); and the development of minimal activating features (e.g., seating, public art, signage) in the Recreation Open Space area in PD14 (South Bay). The TLUP does not propose the construction of any physical barriers or require any road closures that would disrupt access within the established communities of the surrounding area. Therefore, the TLUP would not physically divide an established community. Further, any future projects proposed consistent with the TLUP's water and land use designations and policies would be located within the TLUP Area and would not expand beyond the boundaries of the TLUP Area or expand into adjacent communities. Therefore, no impact would occur.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less-Than-Significant Impact. The project involves the adoption of the TLUP as a PMPA to the currently certified PMP, which is the guiding land use policy document for all areas under the District's jurisdiction. Consistent with SB 507, the District has prepared the TLUP to administer the tidelands and submerged lands granted to the District by the CSLC. The TLUP is subject to CSLC approval before it could be implemented, and the PMPA is subject to certification by the CCC before becoming part of the PMP. As indicated in Table 1.11-1, the TLUP is consistent with both the CCA and the PMP, and therefore meets the requirements of SB 507.

The Public Trust Doctrine is ever-evolving, but trust uses generally include waterborne commerce, navigation, fisheries, open space, water-oriented recreation, ecological habitat protection, and other recognized public trust purposes. While public trust uses originally focused upon navigation, commerce, and fisheries, they have been interpreted to include a broad array of uses such as fishing, hunting, bathing, swimming, boating, anchoring, and general recreation. Trust lands may be devoted to purposes unrelated to the trust if such purposes are incidental to and accommodate trust uses. Although the Public Trust Doctrine is not a plan, policy, or regulation adopted for the purposes of avoiding or mitigating an environmental effect, discussion of the doctrine is included in this analysis to demonstrate its role in developing acceptable water and land uses in the TLUP. The TLUP Water and Land Use Element, which is intended to guide the future water and land uses and development on Tidelands and was prepared in conformance and consistent with the CCA, Public Trust Doctrine, and Port Act.

In February 2024, the Board of Port Commissioners adopted the Final Draft PMPU and certified the associated Final PEIR. The PMPU provides the official goals and planning policies, as well as water and land uses, for development and conservation of the District lands, tidelands, and submerged lands that comprise the PMPU area. The Draft TLUP mirrors relevant components proposed in the PMPU: Baywide goals, objectives, and policies within 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 Draft 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 addition of these new planning districts, including the development standards and planned improvements that guide them, provide for a contiguous and cohesive approach to managing District Tidelands. As such, the TLUP complements and is consistent with the PMPU.

For the reasons described above and as demonstrated in Table 1.11-1, the TLUP would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be **less than significant**.

Table 1.11-1 TLUP Consistency with Relevant Goals, Objectives, and Policies

Goal, Policy, Objective	TLUP Consistency
California Coastal Act, Chapter 3, Coastal Resources Planning and Management Policies	
Section 30210. In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.	**Consistent.** As discussed in Chapter 2 of this MND/IS, the Draft TLUP includes policies and planned improvements that would improve mobility, provide recreational open space area, and enhance coastal access in the TLUP Area. Development would include wayfinding signage consistent with Chapter 4, "TLUP Area Development Standards," of the Draft TLUP and other District signage guidelines. Additionally, the Ecology Element of the Draft TLUP contains policies that would protect sensitive natural resources, including ECO Policy 1.1.1 through ECO Policy 4.2.1 (see Section 1.4, "Biological Resources").
Section 30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.	**Consistent.** The TLUP would maintain existing landside public access by planning for the continued operation of the Bayshore Bikeway.
Section 30212. (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.	**Consistent.** In accordance with WLU Goal 3 and associated policies, the TLUP would enhance access to the water (or to the coast) and to the public realm through the implementation of planned improvements that would enhance and maintain proximate connections to the water for the public and priority coastal uses. As outlined in WLU Policy 2.2.1, the District and its permittees would implement planned improvements and special allowances to facilitate public health, safety, and welfare and provide public

Goal, Policy, Objective	TLUP Consistency
(b) For purposes of this section, "new development" does not include: (1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610. (2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure. (3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure. (4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure. (5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach. As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure. (c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.	coastal access and enjoyment of the waterfront. The Draft TLUP would require the District and its permittees to provide public coastal access in conjunction with future development projects and improvements. In addition, the proposed TLUP includes approximately 99 acres of land that would be designated as Conservation Open Space or Recreation Open Space in the South Bay Planning District (PD14). Within the landside portion of the TLUP Area, planned improvements would include maintenance of the Bayshore Bikeway and the development of minimal activating features (e.g., seating, public art, signage). Therefore, the TLUP would ensure the provision of public access from the nearest public roadway to the shoreline and along the coast.
Section 30212.5. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.	**Consistent.** In accordance with Mobility Element Objective 1.1 and associated policies, the District would maintain, enhance, and expand the modes of travel available to people on the water and on land. Policies include coordination with transportation agencies to explore opportunities to expand accessible transit access, and to plan, design, and implement improvements to the Tidelands mobility networks so that a variety of users can access the public realm. Furthermore, the TLUP does not propose any water or land uses or planned improvements that would increase the demand for parking on Tidelands, such that overcrowding or overuse of a single area by the public would occur.
Section 30213. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.	**Consistent.** WLU Goal 6 and associated objectives and policies would expand the collection of lower-cost visitor and recreational facilities available to the public. These include facilities such as parks and waterside amenities such as public fishing piers, launch areas for motorized and nonmotorized watercraft, and overnight accommodations. As discussed in the Environmental Justice Element of the Draft TLUP, development would provide a range of free and lower-cost recreational facilities throughout Tidelands that are accessible to disadvantaged communities. Additionally, the District—or through CDPs issued by the District—would maintain and, where feasible, expand free and lower-cost recreational facilities, such as recreational fishing, parks, or viewing piers, on Tidelands adjacent to Portside and Tidelands Border Communities.

Goal, Policy, Objective	TLUP Consistency
	In accordance with the Economics Element, the District would continue to reinvest lease revenues to support financing and maintenance of public improvements in alignment with CCA obligations, including lower-cost visitor serving and recreational facilities such as parks, promenades, public piers, and public art.
Section 30214. (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics. (2) The capacity of the site to sustain use and at what level of intensity. (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter. (b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution. (c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.	**Consistent.** The landside portion of the TLUP Area is relatively flat, and topographic and geologic site characteristics would not hinder public access (see Section 1.7, "Geology and Soils"). Chapter 4 of the TLUP establishes the development standards for Recreation Open Space and activating features, and planned improvements included in Chapter 5 of the TLUP identify requirements for the provision or enhancement of public access and recreational areas (see Chapter 5, PD14). In accordance with WLU Policy 4.2.2, activating features within Recreation Open Space areas would be commensurate with the intensity of land uses within the permittee's development site. Fragile natural resources exist within the southern portion of the TLUP Area (see Section 1.4, "Biological Resources"). The TLUP would not increase public access opportunities in these sensitive areas; rather, it would maintain existing public access along the Bayshore Bikeway. In addition, as discussed in Section 1.4, the implementation of mitigation measures would ensure these natural resources are protected. Furthermore, ECO Policy 1.1.3 requires future development adjacent to conservation areas and other sensitive habitats to be coordinated, sited, and designed to avoid impacts where feasible or where legally required. If avoiding impacts is not feasible, or avoidance is not legally required, impacts must be mitigated.
Section 30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.	**Consistent.** As discussed in WLU Objective 1.2, the TLUP would identify each water and land use's functional dependency to the water, consistent with the CCA priorities (coastal-dependent, coastal-related, and coastal-enhancing). As discussed in WLU Policy 1.3.1, the District would prioritize allowable uses based on their location and functional dependency to the coast.
Section 30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.	**Not Applicable.** The TLUP Area neither contains nor is adjacent to oceanfront land.
Section 30222. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.	**Consistent.** There are no private residential properties within the TLUP Area and no privately owned land. In addition, as identified in WLU Policy 5.1.3, all development shall be located, designed, and constructed to give highest priority to the use of existing land space in harbors for coastal-dependent port purposes, including, but not limited to, navigational facilities, shipping industries, commercial

Goal, Policy, Objective	TLUP Consistency
	fishing, sportfishing, maritime commerce, and necessary support and access facilities.
Section 30222.5. Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.	**Not Applicable.** The TLUP Area neither contains nor is adjacent to oceanfront land.
Section 30223. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.	**Consistent.** The proposed TLUP would include landside development that would support coastal recreational uses. Specifically, Planned Improvement PD14.6 and PD14.7 would involve coordinating with adjacent jurisdictions and applicable resource agencies to address coastal flooding at the Bayshore Bikeway (if needed) and the development of minimal activating features (e.g., seating, public art, signage), respectively, in PD14. Additionally, as stipulated in WLU Objective 1.2, the TLUP identifies each land use's functional dependency to the water, consistent with the CCA priorities (coastal-dependent, coastal-related, and coastal-enhancing). Further, as discussed in WLU Policy 1.3.1, the District has prioritized allowable uses based on their location and functional dependency on the coast.
Section 30224. Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.	**Consistent.** The TLUP does not propose any changes in recreational boating opportunities in the TLUP Area or District Tidelands. Additionally, the proposed TLUP would not interfere with existing water transportation routes (i.e., the ferry and water taxi) or the navigational channels of other users of the Bay.
Section 30230. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.	**Consistent.** Marine resources within the TLUP Area would potentially be impacted by implementation of the TLUP; however, implementation of mitigation measures would ensure that species of special biological or economic significance are protected (see Section 1.4, "Biological Resources"). In addition, the goals, objectives, and policies of the Ecology Element are devoted to the enhancement, conservation, restoration, and maintenance of biological resources, including through the establishment of buffers around sensitive habitat and wetland enhancement. The District would prioritize and pursue opportunities for the protection, conservation, creation, restoration, and enhancement of sensitive habitats and State or Federally listed coastal species (ECO Policy 1.1.2); establish and maintain ecological buffers around sensitive habitats (ECO Policy 1.1.5); and identify locations throughout the Bay that could support habitat enhancement, restoration, and protection (ECO Policies 1.1.1~~3~~4, 1.1.1~~5~~6, 1.1.2~~3~~4, and 1.1.2~~4~~5). Furthermore, ECO Policy 1.1.3 requires future development adjacent to conservation areas and other sensitive habitats, such as riparian habitats and natural streams, to be coordinated, sited, and designed to avoid impacts where feasible or where legally required. If avoiding impacts is not feasible, or avoidance is not legally required, impacts must be mitigated. Mitigation measures have been identified to reduce any impacts the TLUP may have on sensitive habitats to less than significant levels (see Section 1.4).
Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain	**Consistent.** The Ecology Element of the TLUP identifies goals, objectives, and policies that focus on healthy ecosystems, a clean

Goal, Policy, Objective	TLUP Consistency
optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.	environment, and collaborative stewardship. ECO Policy 1.1.3 requires future development adjacent to conservation areas and other sensitive habitats, such as riparian habitats and natural streams, to be coordinated, sited, and designed to avoid impacts where feasible or where legally required. If avoiding impacts is not feasible, or avoidance is not legally required, impacts must be mitigated. As discussed in Section 1.10, "Hydrology and Water Quality," TLUP policies would reduce potential impacts from water quality violations by prioritizing the protection and enhancement of water quality (ECO Policy 2.1.1), committing to implementing initiatives to reduce copper loads from recreational vessels (ECO Policy 2.1.6) encouraging the use of alternative non-copper based antifouling paints (ECO Policy 2.1.7), committing to prioritizing and pursuing opportunities for the protection and enhancement of sediment quality (ECO Policy 2.2.1), reinforcing compliance with the MS4 permits and other legal requirements to minimize pollution impacts (ECO Policy 2.3.1), implementing measures to prevent pollution impacts and adverse impacts from runoff flows from all development and maintenance activities (ECO Policy 2.3.4), and implementing measures to protect and improve water quality from development projects located in areas identified as impaired under Section 303(d) of the Federal Clean Water Act (ECO Policy 2.3.5). Additionally, mitigation measures have been identified to ensure that implementation of the TLUP would not adversely affect water quality and the marine environment (see Section 1.4, "Biological Resources," and Section 1.10).
Section 30232. Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.	**Consistent.** The TLUP does not propose any new or expanded oil, gas, petroleum facilities, or other new or expanded activities involving hazardous substances. Further, future development under the TLUP would be required to comply with all applicable regulations regarding spill prevention and handling of hazardous materials (see Sections 1.9, "Hazards and Hazardous Materials," and 1.10, "Hydrology and Water Quality"). In addition, the District maintains an Emergency Operations Plan to address both natural and human-caused hazards and disasters, which would enable effective containment and cleanup for any accidental spills that may occur.
Section 30233. (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: (l) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities. (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps. (3) In open coastal waters, other than wetlands, including streams, estuaries, lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that would provide public access and recreational opportunities.	**Consistent.** The TLUP does not identify any planned improvements that would specifically require diking, filling, or dredging. However, the TLUP would allow for continued maintenance dredging of the existing federal navigation channel. Additionally, per the Ecology Element, clean sediment from dredging operations (unrelated to the TLUP) may be applied to Tideland beaches or wetland areas, where needed and with required regulatory agency approval, as a sea level rise adaptation strategy or natural resource management practice. Furthermore, the TLUP proposes planned improvements such as supporting development of shellfish and seaweed aquaculture operations (PD13, South Central Bay) and potential shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway (PD14, South Bay). These potential actions would be consistent with the permitted uses identified in CCA Section 30233.

Goal, Policy, Objective	TLUP Consistency
(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines. (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas. (6) Restoration purposes. (7) Nature study, aquaculture, or similar resource dependent activities.	
(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.	**Consistent.** The TLUP does not identify any planned improvements that would specifically require dredging. Although the TLUP would allow for maintenance dredging of the federal navigation corridor, this is an existing activity that the TLUP would allow to continue. In addition, ECO Policy 2.3.3 requires proposed development that would disrupt shoreline fill or Bay sediment to remove the contaminated fill or appropriately contain and remediate the fill in a manner consistent with applicable requirements.
(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California," shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division. For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where the improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.	**Consistent.** Except for 99 acres of land area, a portion of which would be designated for Conservation Open Space and the remainder as Recreation Open Space, the water uses in PD14 located at the southern end of San Diego Bay would be designated for Conservation/Intertidal and Navigation Corridor uses. Any potential projects proposed within an existing wetland or estuary within the TLUP Area would be consistent with the allowable use types within the Conservation/Inter-tidal or Conservation Open Space TLUP designations. Based on future CEQA review, if the final design of a future project, consistent with the TLUP, would have the potential to result in any alteration of coastal wetlands, it would be required to implement **MM-BIO-5** to replace wetlands at a minimum of a 1:1 ratio (i.e. no net loss), which also acknowledges that regulatory agencies may have additional limitations. Implementation of mitigation measures would reduce the TLUP's potential impacts on sensitive habitats to less than significant (See Section 1.4, "Biological Resources").
(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.	**Not Applicable.** The TLUP would not involve development on a watercourse and would not implement erosion control or flood control facilities on a watercourse.
Section 30234. Facilities serving the commercial fishing and recreational boating industries shall be protected, and where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.	**Consistent.** As detailed in ECON Policy 2.1.1, the District would maintain a mix of water and land uses that meet the need of established Tidelands industries and provide opportunities for emerging Public Trust–consistent uses. Additionally, ECON Policy 2.3.11 states that the District would coordinate with commercial fishing, recreational fishing, and sportfishing operations to identify and prioritize facility improvements that benefit the fishing business community.
Section 30234.5. The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.	**Consistent.** The District intends to support commercial and recreational fishing. The economic, commercial, and recreational

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	importance of fishing activities is described in ECON Policy 2.3.11 through ECON Policy 2.3.17 of the Economics Element.
Section 30235. Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible	**Consistent.** Shoreline protective devices that may be implemented as part of the TLUP could include revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes. In accordance with SR Policy 3.3.9, when constructing, reconstructing, expanding, or replacing a shoreline protective device (per SR Policy 3.3.3, SR Policy 3.3.6, and SR Policy 3.3.8), the District would require it be designed to minimize adverse impacts on local shoreline sand supply.
Section 30236. Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (l) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.	**Not Applicable.** The TLUP would not result in channelizations, dams, or other substantial alterations of rivers and streams.
Section 30240. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.	**Consistent.** ECO Policy 1.1.3 requires future development adjacent to conservation areas and other sensitive habitats, such as riparian habitats and natural streams, to be coordinated, sited, and designed to avoid impacts where feasible or where legally required. If avoiding impacts is not feasible, or avoidance is not legally required, impacts must be mitigated. Mitigation measures have been identified to reduce any impacts the TLUP may have on those habitats (see Section 1.4, "Biological Resources").
Section 30241. The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following: (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses. (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development. (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250. (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands. (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality. (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.	**Not Applicable.** As discussed in Section 3.2, "Agriculture and Forestry Resources," there is no prime agricultural land within the TLUP Area.
Section 30241.5. (a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program	**Not Applicable.** The TLUP would not involve agricultural uses.

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submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements: (1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program. (2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program. For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program. (b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.	
Section 30242. All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (l) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.	**Not Applicable.** The TLUP would not result in the conversion of agricultural land.
Section 30243. The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.	**Not Applicable.** There are no commercial timberlands within the TLUP Area.
Section 30244. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.	**Consistent.** As discussed in Sections 1.5, "Cultural Resources," and 1.7, "Geology and Soils," the TLUP Area may contain archaeological and paleontological resources. However, appropriate mitigation measures have been identified in Sections 1.5 and 1.7, which would be implemented by future development under the TLUP to reduce potential impacts on these resources to less-than-significant levels.
Section 30250. (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (b) Where feasible, new hazardous industrial development shall be located away from existing	**Consistent.** The TLUP Area consists almost entirely of submerged lands that are not adjacent or contiguous to an existing urbanized and developed area, with only 99 acres of land area that would be designated as Conservation Open Space or Recreation Open Space in PD14. None of the planned improvements identified in the TLUP would involve new residential, commercial, or industrial development. Additionally, ECO Policy 1.1.3 requires any future development adjacent to conservation areas and other sensitive habitats, such as riparian habitats and natural streams, to be coordinated, sited, and designed to avoid impacts where feasible or where legally required. If avoiding impacts is not feasible, or

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developed areas. (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.	avoidance is not legally required, impacts must be mitigated. Furthermore, the TLUP would not involve the division of land.
Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.	**Consistent.** The TLUP identifies scenic vistas that must be protected. In addition, the TLUP employs goals, objectives, and policies as well as development standards to ensure the protection of the visual resources throughout the TLUP Area. For example, WLU Objective 2.2 seeks to ensure that new development be implemented in a manner that blends with and enhances the surrounding character and qualities. Further, WLU Policy 2.2.2 requires that all development shall be in accordance with the associated subdistrict vision or planning district vision, where applicable, to maintain a planning district's distinct character. WLU Policy 3.2.1 requires that visual access locations (scenic vista areas, view corridor extensions, Window to the Bay, and walkways) be maintained and protected, as shown on the *Planning Districts: Coastal Access Views and Pathways Maps* in Chapter 5 of the TLUP. In addition, development standards established in Chapter 4 of the TLUP identify view and structure height standards to maintain visual quality throughout the TLUP Area. Moreover, as discussed in Section 1.1, "Aesthetics," the TLUP would not degrade the visual quality of the TLUP Area and would be visually compatible with the character of the surrounding areas.
Section 30252. The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service	**Consistent.** The TLUP includes policies supporting the implementation of mobility hubs throughout District Tidelands, which would connect to the overall system through land-based transit (the District's bayfront circulator and other transit options) and water-based transit (ferries and water taxis). Additionally, the TLUP does not propose any changes to existing water and land connection points throughout Tidelands that could reduce public access.
(2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads	**Not Applicable.** Per the Public Trust Doctrine, residential uses are not allowed within the Tidelands, and the Draft TLUP would not provide new commercial facilities within or adjoining residential development.
(3) providing non-automobile circulation within the development	**Consistent.** The TLUP includes policies supporting the implementation of mobility hubs throughout District Tidelands, which would provide connections to bicycle and pedestrian facilities and amenities. Additionally, planned improvements identified in the TLUP would include maintaining the existing Bayshore Bikeway and, if necessary, coordinating with adjacent jurisdictions and applicable resource agencies in the event the pathway is subject to coastal flooding, which would ensure the continued use of this non-automobile facility.
(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation	**Consistent.** Transit services that serve Tidelands include local and express buses, a trolley, heavy passenger rail, and commuter rail. In the Mobility Element, M Policy 1.2.1 requires the District to coordinate with adjacent jurisdictions to add wayfinding signage that identifies coastal access opportunities on Tidelands, including public walkways, docks and piers, beaches, and other public areas and amenities. Additionally, the TLUP proposes a planned improvement in PD14 to ensure the continued viability of the Bayshore Bikeway, which would continue to provide waterfront access. Furthermore, the TLUP does not propose any planned

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	improvements that would increase the demand for parking necessitating the construction of additional parking facilities.
(5) assuring the potential for public transit for high intensity uses such as high-rise office buildings	**Not Applicable.** The TLUP Area includes approximately 99 acres of land in PD14 that would be designated as Conservation Open Space or Recreation Open Space. The TLUP does not include any planned improvements that would involve new high-intensity uses, including high-rise office buildings.
(6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.	**Not Applicable.** Residential development on District Tidelands is prohibited by the Public Trust Doctrine and Port Act and is not being proposed by the TLUP. The TLUP would not involve residential development and would not increase the residential population in the project vicinity (See Section 1.14, "Population and Housing"). Furthermore, the TLUP would maintain public access opportunities to the waterfront.
Section 30253. New development shall do all of the following: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.	**Consistent.** The District will review future development consistent with the TLUP to minimize risks to life and property due to geologic, flood, or fire hazards (see Sections 1.7, 1.8, 1.9, and 1.20). Future development consistent with the TLUP would be required to comply with all applicable laws and regulations, including the building codes identified in Section 1.7, and would restrict development within Alquist-Priolo Zones or other areas where active faults are known. All future development would be sited at least 50 feet away from an active fault, in accordance with the Alquist-Priolo Act. Moreover, the TLUP includes SR Policy 1.1.4, which requires compliance with the seismic safety standards of all applicable seismic provisions and criteria in the most recent version of California State and applicable municipal codes and the incorporation of siting and design techniques to address any such geologic hazards. As discussed in Section 1.9, "Hazards and Hazardous Materials," there are numerous hazardous materials and hazardous waste laws and regulations that would apply to future development projects within the TLUP Area. For a detailed explanation of the applicable regulations, see Section 1.9.2. Furthermore, the TLUP does not propose any new buildings or other structures that could be exposed to flood hazards.
(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.	**Consistent.** The TLUP Area contains a human-made shoreline and is not located along a bluff or cliff, and no natural landforms would be altered by the future development occurring under the TLUP.
(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.	**Consistent.** The TLUP includes numerous policies for reducing air pollution emissions, including ECO Policy 3.1.2, which requires permittees to implement clear air action measures, ECO Policy 3.1.3, which involves advancing maritime clean air strategies to help improve local air quality, and ECO Policy 3.1.4, which requires permittees to implement infrastructure and clean vessel technologies. In addition, as described in Section 1.3, "Air Quality," mitigation measures have been identified to reduce potential air quality impacts from construction of planned improvements and to be consistent with applicable requirements of the San Diego Air Pollution Control District (SDAPCD) and the California Air Resources Board (CARB).

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(d) Minimize energy consumption and vehicle miles traveled.	**Consistent.** The TLUP includes numerous policies targeting reductions in energy consumption, including, but not limited to, SR Policy 3.1.1, SR Policy 3.1.2, and SR Policy 3.1.3. In addition, the TLUP includes policies supporting multi-modal transportation options, including increased use of transit as well as improved bicycle and pedestrian accessibility. Furthermore, planned improvements in the TLUP would allow for the continued operation and maintenance of the existing Bayshore Bikeway and, in the event the pathway is subject to coastal flooding, coordination with adjacent jurisdictions and applicable resource agencies to address coastal flooding and ensure public health and safety. This planned improvement would continue to promote the use of alternative modes of transportation that would reduce VMT. Finally, as demonstrated in Sections 1.6, "Energy," and 1.17, "Transportation," the TLUP would result in less-than-significant impacts related to energy consumption and VMT.
(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.	**Consistent.** The TLUP Area consists almost entirely of water area, with approximately 99 acres of land in the PD14 that would be designated Conservation Open Space or Recreation Open Space. As such, the TLUP Area does not include any communities or neighborhoods. Additionally, the TLUP encourages new development to be implemented in a manner that is compatible with and enhances the surrounding character and qualities (WLU Objective 2.2). Moreover, in order to maintain a planning district's distinct character, all development is required to be in accordance with the associated planning district vision (WLU Policy 2.2.2), thus protecting the unique characteristics of special communities.
Section 30254. New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.	**Not Applicable.** The TLUP does not involve development near State Highway Route 1 in rural areas of the coastal zone.
Section 30254.5. Notwithstanding any other provision of law, the commission may not impose any term or condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Sections 30254 and 30412.	**Not Applicable.** The TLUP does not involve development of sewage treatment plants.
Section 30255. Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.	**Consistent.** Per WLU Objective 1.2, the TLUP identifies each land use's functional dependency to the water, consistent with the CCA priorities (coastal-dependent, coastal-related, and coastal-enhancing). As discussed in WLU Policy 1.3.1, the District would prioritize allowable uses based on their location and functional dependency to the coast. In addition, future development would be

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	required to establish and maintain ecological buffers of 100 feet between the landside development and saltmarsh to preserve and protect the wetland habitat for the anticipated life of the development (ECO Policy 1.1.5).
Section 30260. Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.	**Consistent.** In accordance with ECON Policy 2.3.4, the District would provide coastal-dependent and coastal-related industrial leasing opportunities to support the maritime and marine industry on the Tidelands. Additionally, the District would examine the redevelopment of underused commercial and industrial water and land areas for established and emerging coastal-dependent industries (ECON Policy 3.1.1). Finally, as documented throughout this MND/IS, the environmental effects from potential future projects proposed within the TLUP Area that are consistent with the TLUP's policies and other standards would be mitigated to less-than-significant levels.
Section 30261. Multicompany use of existing and new tanker facilities shall be encouraged to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. New tanker terminals outside of existing terminal areas shall be situated as to avoid risk to environmentally sensitive areas and shall use a monobuoy system, unless an alternative type of system can be shown to be environmentally preferable for a specific site. Tanker facilities shall be designed to (1) minimize the total volume of oil spilled, (2) minimize the risk of collision from movement of other vessels, (3) have ready access to the most effective feasible containment and recovery equipment for oil spills, and (4) have onshore de-ballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.	**Not Applicable.** The TLUP does not involve the development of new tanker facilities.
Section 30262. a) Oil and gas development shall be permitted in accordance with Section 30260, if the following conditions are met: (1) The development is performed safely and consistent with the geologic conditions of the well site. (2) New or expanded facilities related to that development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts. (3) Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of those structures will result in substantially less environmental risks. (4) Platforms or islands will not be sited where a substantial hazard to vessel traffic might result from the facility or related operations, as determined in consultation with the United States Coast Guard and the Army Corps of Engineers. (5) The development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence. (6) With respect to new facilities, all oilfield brines are reinjected into oil-producing zones unless the Division of Oil and Gas, Geothermal Resources of the Department of Conservation determines to do so reduce environmental risks. Exceptions to reinjections will be granted	**Not Applicable.** The TLUP does not involve oil and gas development.

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consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems. (7)(A) All oil produced offshore California shall be transported onshore by pipeline only. The pipelines used to transport this oil shall utilize the best achievable technology to ensure maximum protection of public health and safety and of the integrity and productivity of terrestrial and marine ecosystems. (B) Once oil produced offshore California is onshore, it shall be transported to processing and refining facilities by pipeline. (C) The following guidelines shall be used when applying subparagraphs (A) and (B): (i) "Best achievable technology," means the technology that provides the greatest degree of protection taking into consideration both of the following: (I) Processes that are being developed, or could feasibly be developed, anywhere in the world, given overall reasonable expenditures on research and development. (II) Processes that are currently in use anywhere in the world. This clause is not intended to create any conflicting or duplicative regulation of pipelines, including those governing the transportation of oil produced from onshore reserves. (ii) "Oil" refers to crude oil before it is refined into products, including gasoline, bunker fuel, lubricants, and asphalt. Crude oil that is upgraded in quality through residue reduction or other means shall be transported as provided in subparagraphs (A) and (B). (iii) Subparagraphs (A) and (B) shall apply only to new or expanded oil extraction operations. "New extraction operations" means production of offshore oil from leases that did not exist or had never produced oil, as of January 1, 2003, or from platforms, drilling island, subsea completions, or onshore drilling sites, that did not exist as of January 1, 2003. "Expanded oil extraction" means an increase in the geographic extent of existing leases or units, including lease boundary adjustments, or an increase in the number of well heads, on or after January 1, 2003. (iv) For new or expanded oil extraction operations subject to clause (iii), if the crude oil is so highly viscous that pipelining is determined to be an infeasible mode of transportation, or where there is no feasible access to a pipeline, shipment of crude oil may be permitted over land by other modes of transportation, including trains or trucks, which meet all applicable rules and regulations, excluding any waterborne mode of transport. (8) If a state of emergency is declared by the Governor for an emergency that disrupts the transportation of oil by pipeline, oil may be transported by a waterborne vessel, if authorized by permit, in the same manner as required by emergency permits that are issued pursuant to Section 30624. (9) In addition to all other measures that will maximize the protection of marine habitat and environmental quality, when an offshore well is abandoned, the best achievable technology shall be used. b) Where appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near shore before operations begin and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators. c) Nothing in this section shall affect the activities of any state agency that is responsible for regulating the extraction, production, or transport of oil and gas.	

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Section 30263. (a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property. (b) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from inplant processes where feasible.	**Not Applicable.** The TLUP does not involve new or expanded refineries or petrochemical facilities.
Section 30264. Notwithstanding any other provision of this division, except subdivisions (b) and (c) of Section 30413, new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of Section 25516.1 than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of Section 25516.	**Not Applicable.** The TLUP does not involve new or expanded thermal electric generating plants.
Section 30265. The Legislature finds and declares all of the following: (a) Transportation studies have concluded that pipeline transport of oil is generally both economically feasible and environmentally preferable to other forms of crude oil transport. (b) Oil companies have proposed to build a pipeline to transport offshore crude oil from central California to southern California refineries, and to transport offshore oil to out-of-state refiners. (c) California refineries would need to be retrofitted if California offshore crude oil were to be used directly as a major feedstock. Refinery modifications may delay achievement of air quality goals in the southern California air basin and other regions of the state. (d) The County of Santa Barbara has issued an Oil Transportation Plan which assesses the environmental and economic differences among various methods for transporting crude oil from offshore California to refineries. (e) The Governor should help coordinate decisions concerning the transport and refining of offshore oil in a manner that considers state and local studies undertaken to date, that fully addresses the concerns of all affected regions, and that promotes the greatest benefits to the people of the state.	**Not Applicable.** The TLUP does not involve pipeline transport of oil or the construction of refineries.
Section 30265.5. (a) The Governor, or the Governor's designee, shall coordinate activities concerning the transport and refining of offshore oil. Coordination efforts shall consider public health risks, the ability to achieve short- and long-term air emission reduction goals, the potential for reducing California's vulnerability and dependence on oil imports, economic development and jobs, and other factors deemed important by the Governor, or the Governor's designees. (b) The Governor, or the Governor's designee, shall work with state and local agencies, and the public, to facilitate the transport and refining of offshore oil in a manner which will promote the greatest public health and environmental and economic benefits to the people of the State. (c) The Governor, or the Governor's designee, shall consult with any	**Not Applicable.** The TLUP does not involve the transport or refining of offshore oil.

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individual or organization having knowledge in this area, including, but not limited to, representatives from the following: (1) State Energy Resources Conservation and Development Commission (2) State Air Resources Board (3) California Coastal Commission (4) Department of Fish and Game (5) State Lands Commission (6) Public Utilities Commission (7) Santa Barbara County (8) Santa Barbara County Air Pollution Control District (9) Southern California Association of Governments (10) South Coast Air Quality Management Districts (11) Oil industry (12) Public interest groups (13) United States Department of the Interior (14) United States Department of Energy (15) United States Environmental Protection Agency (16) National Oceanic and Atmospheric Administration (17) United States Coast Guard (d) This act is not intended, and shall not be construed, to decrease, duplicate, or supersede the jurisdiction, authority, or responsibilities of any local government, or any state agency or commission, to discharge its responsibilities concerning the transportation and refining of oil.	
California Coastal Act, Chapter 8, Ports	
Section 30700. For purposes of this division, notwithstanding any other provisions of this division except as specifically stated in this chapter, this chapter shall govern those portions of the Ports of Hueneme, Long Beach, Los Angeles, and San Diego Unified Port District located within the coastal zone, but excluding any wetland, estuary, or existing recreation area indicated in Part IV of the coastal plan.	**Consistent.** Chapter 8 of the CCA includes policies 30700 through 30721, and as documented below, the TLUP would be consistent with Chapter 8 of the CCA.
Section 30701. The Legislature finds and declares that: (a) The ports of the State of California, including the Humboldt Bay Harbor, Recreation, and Conservation District, constitute one of the state's primary economic and coastal resources and are an essential element of the national maritime industry. (b) The location of the commercial port districts within the State of California, including the Humboldt Bay Harbor, Recreation, and Conservation District, are well established, and for many years such areas have been devoted to transportation and commercial, industrial, and manufacturing uses consistent with federal, state and local regulations. Coastal planning requires no change in the number or location of the established commercial port districts. Existing ports, including the Humboldt Bay Harbor, Recreation, and Conservation District, shall be encouraged to modernize and construct necessary facilities within their boundaries in order to minimize or eliminate the necessity for future dredging and filling to create new ports in new areas of the state.	**Consistent.** Implementation of the TLUP would maintain existing Port facilities within the Tidelands, including existing navigation corridor used for goods movement, in order to minimize or eliminate the necessity for future dredging and filling to create new ports in new areas of the State.
Section 30702. For purposes of this division, the policies of the state with respect to providing for port-related developments consistent with coastal protection in the port areas to which this chapter applies, which require no commission permit after certification of a port master plan and which, except as provided in Section 30715, are not appealable to the commission after certification of a master plan, are set forth in this chapter.	**Consistent.** As documented throughout this table and the discussion above, the TLUP considers the policies of the State with respect to proposed port-related developments.
Section 30703. The California commercial fishing industry is important to the State of California; therefore, ports shall not eliminate or reduce existing commercial fishing harbor space, unless the demand for commercial fishing facilities no longer exists or adequate alternative space has been provided. Proposed recreational boating facilities within port areas shall, to the extent it is feasible to do so, be designed	**Consistent.** As detailed in ECON Policy 2.1.1, the District would maintain a mix of water and land uses that meet the need of established Tidelands industries and provide opportunities for emerging Public Trust–consistent uses. The TLUP would not result in a reduction of existing commercial fishing or recreational boating berthing space within District Tidelands unless demand for those

Goal, Policy, Objective	TLUP Consistency
and located in such a fashion as not to interfere with the needs of the commercial fishing industry.	facilities no longer exists or adequate substitute space has been provided.
Section 30705. (a) Water areas may be diked, filled, or dredged when consistent with a certified port master plan only for the following: (2) New or expanded facilities or waterfront land for port-related facilities. (3) New or expanded commercial fishing facilities or recreational boating facilities. (4) Incidental public service purposes, including, but not limited to, burying cables or pipes or inspection of piers and maintenance of existing intake and outfall lines. (5) Mineral extraction, including sand for restoring beaches, except in biologically sensitive areas. (6) Restoration purposes or creation of new habitat areas. (7) Nature study, mariculture, or similar resource-dependent activities. (8) Minor fill for improving shoreline appearance or public access to the water. (b) The design and location of new or expanded facilities shall, to the extent practicable, take advantage of existing water depths, water circulation, siltation patterns, and means available to reduce controllable sedimentation so as to diminish the need for future dredging. (c) Dredging shall be planned, scheduled, and carried out to minimize disruption to fish and bird breeding and migrations, marine habitats, and water circulation. Bottom sediments or sediment elutriate shall be analyzed for toxicants prior to dredging or mining, and where water quality standards are met, dredge spoils may be deposited in open coastal water sites designated to minimize potential adverse impacts on marine organisms, or in confined coastal waters designated as fill sites by the master plan where such spoil can be isolated and contained, or in fill basins on upland sites. Dredge material shall not be transported from coastal waters into estuarine or fresh water areas for disposal. (d) For water areas to be diked, filled, or dredged, the commission shall balance and consider socioeconomic and environmental factors.	**Consistent.** The TLUP does not identify any planned improvements that would specifically require diking, filling, or dredging. However, the TLUP would allow for continued maintenance dredging of the existing federal navigation channel. Additionally, clean sediment from dredging operations (unrelated to the TLUP) may be applied to Tideland beaches or wetland areas, where needed and with required regulatory agency approval, as a sea level rise adaptation strategy or natural resource management practice. In addition, the TLUP proposes planned improvements such as supporting development of shellfish and seaweed aquaculture operations (PD13, South Central Bay) and potential shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway (PD14, South Bay). These potential actions would be consistent with the permitted uses identified in CCA Section 30705.
Section 30706. In addition to the other provisions of this chapter, the policies contained in this section shall govern filling seaward of the mean high tide line within the jurisdiction of ports: (a) The water area to be filled shall be the minimum necessary to achieve the purpose of the fill. (b) The nature, location, and extent of any fill, including the disposal of dredge spoils within an area designated for fill, shall minimize harmful effects to coastal resources, such as water quality, fish or wildlife resources, recreational resources, or sand transport systems, and shall minimize reductions of the volume, surface area, or circulation of water. (c) The fill is constructed in accordance with sound safety standards which will afford reasonable protection to persons and property against the hazards of unstable geologic or soil conditions or of flood or storm waters. (d) The fill is consistent with navigational safety.	**Consistent.** The TLUP does not identify any planned improvements that would specifically require dredging. Although the TLUP would allow for maintenance dredging of the federal navigation corridor, this is an existing activity that the TLUP would allow to continue. In addition, ECO Policy 2.3.3 requires proposed development that would disrupt shoreline fill or Bay sediment to remove the contaminated fill or appropriately contain and remediate the fill in a manner consistent with applicable requirements. In addition, compliance with appropriate water quality regulations and implementation of mitigation measures would ensure the future development does not adversely affect open water habitat function, water quality, or wildlife resources, as detailed in Sections 1.4 and 1.10.
Section 30707. New or expanded tanker terminals shall be designed and constructed to do all of the following: (a) Minimize the total volume of oil spilled. (b) Minimize the risk of collision from movement of other vessels. (c) Have ready access to the most effective feasible oil spill containment and recovery equipment. (d) Have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.	**Not applicable.** The TLUP does not involve the construction of new or expanded tanker terminals.

Goal, Policy, Objective	TLUP Consistency
Section 30708. All port-related developments shall be located, designed, and constructed so as to: Minimize substantial adverse environmental impacts.	**Consistent.** As documented throughout this MND/IS, the TLUP would minimize substantial adverse environmental impacts through the implementation of mitigation measures and TLUP policies.
Minimize potential traffic conflicts between vessels.	**Consistent.** Planned improvements identified in the TLUP involving new or expanded permanent structures in San Diego Bay are limited to the potential expansion of bait barges, baitfish storage, and associated vendor operations in PD11 (North Bay) and shellfish and seaweed aquaculture in PD13 at the former A-8 anchorage (South Central Bay). These planned improvements would be designed in coordination with the District's Maritime Department and the San Diego Bay Pilots Association to ensure that they would not adversely affect existing navigation routes for water taxi/ ferries, shipping vessels, cruise ships, military vessels, recreational boats, etc. Additionally, the Harbor Safety Plan provides mariners with specific information on key issues and initiatives that affect vessel safety in San Diego Bay. The use of the Harbor Safety Plan, in conjunction with required vessel navigation and safety standards, would minimize potential traffic conflicts between vessels.
Give the highest priority to the use of existing land space within harbors for port purposes, including, but not limited to, navigational facilities, shipping industries, and necessary support and access facilities.	**Consistent.** As discussed in WLU Objective 1.2, the TLUP would identify each land use's functional dependency on the water, consistent with the CCA priorities (coastal-dependent, coastal-related, and coastal-enhancing). As discussed in WLU Policy 1.3.1, the District would prioritize allowable uses based on their location and functional dependency to the coast. Additionally, WLU Policy 5.1.3 states that all development shall be located, designed, and constructed to give highest priority to the use of existing land space in harbors for coastal-dependent port purposes including, but not limited to, navigational facilities, shipping industries, and necessary support and access facilities. Furthermore, the TLUP includes policies allowing for the continued maintenance and operation of existing navigation corridors in San Diego Bay that are used for goods movement. Finally, the TLUP does not propose any changes to the area designated for marine-related industrial uses that could preclude the continued operation of these uses.
Provide for other beneficial uses consistent with the public trust, including, but not limited to, recreation and wildlife habitat uses, to the extent feasible.	**Consistent.** As identified in WLU Policy 5.1.3, all development shall be located, designed, and constructed to provide for other benefits consistent with the Public Trust, including improved recreational opportunities in the public realm, such as Recreation Open Space that is adjacent to the water's edge, or the conservation of adjacent wildlife habitat areas.
Encourage rail service to port areas and multicompany use of facilities.	**Consistent.** Transit services that serve Tidelands include local and express buses, a trolley, heavy passenger rail, and commuter rail. In addition, freight rail services are provided to the working waterfront areas, largely by BNSF Railways. The TLUP does not propose any changes to existing rail facilities currently serving District Tidelands, including passenger and freight rail service. Additionally, the TLUP does not propose any changes to existing cargo throughput or future increases in throughput at the Tenth Avenue Marine Terminal or National City Marine Terminal, which were evaluated and approved in their respective certified EIRs, that could increase the demand and frequency of rail services on District Tidelands.

Goal, Policy, Objective	TLUP Consistency
Port Master Plan – Section II	
Goal I. Provide for the present use and enjoyment of the bay and tidelands in such a way as to maintain options and opportunities for future use and enjoyment.	**Consistent.** The TLUP includes goals, objectives, policies, and planned improvements that would facilitate continued enjoyment of the Bay and District Tidelands. As described in WLU Policy 2.2.1, the District and its permittees shall implement planned improvements and special allowances to facilitate public health, safety, and welfare and provide public coastal access and enjoyment of the waterfront. As discussed in ECON Policy 2.4.2, the District shall promote the creation of diverse activating features in areas designated with a Recreation Open Space land use to provide a variety of opportunities for visitors to explore and enjoy Tidelands. As discussed in ECON Policy 3.1.3, the District shall support ecotourism through coordination with other public agencies, academic institutions, nonprofits, or private industry to promote conservation awareness and enjoyment of the Bay.
Goal II. The Port District, as trustee for the people of the State of California, will administer the Tidelands so as to provide the greatest economic, social, and aesthetic benefits to present and future generations.	**Consistent.** The TLUP includes goals, objectives, policies, and planned improvements that take into consideration the economic, social, and aesthetic benefits of District Tidelands. The Economics Element of the TLUP establishes goals, objectives, and policies to ensure that the District supports the economic vitality of the District and the region, with an emphasis on promoting equity and the Tidelands economy (See Chapter 3.6, "Economics Element," of the TLUP for ECON Policy 1.1.1 through ECON Policy 3.3.4). Additionally, development standards established in Chapter 4 of the TLUP identify view and structure height standards to maintain visual quality throughout the TLUP Area. Moreover, as discussed in Section 1.1, "Aesthetics," the Draft TLUP would not degrade the visual quality of the TLUP Area and would be visually compatible with the character of the surrounding areas.
Goal III. The Port District will assume leadership and initiative in determining and regulating the use of the bay and tidelands. ▶ Encourage industry and employment generating activities which will enhance the diversity and stability of the economic base. ▶ Encourage private enterprise to operate those necessary activities with both high and low margins of economic return.	**Consistent.** The TLUP sets a comprehensive vision for the District's management of the submerged lands and tidelands granted under SB 507. The TLUP governs the use, design, improvement, and preservation of these public trust lands. The Economics Element of the TLUP establishes goals, objectives, and policies to ensure that the District supports the economic vitality of the District and the region, with an emphasis on promoting equity and the Tidelands economy (See Chapter 3.6, "Economics Element," of the TLUP for ECON Policy 1.1.1 through ECON Policy 3.3.4). For example, ECON Objective 3.1 aims to attract and support innovative and emerging coastal-dependent industries. ECON Objective 2.6 aims to encourage participation in the TLUP Area from a diverse suite of businesses.
Goal IV. The Port District, in recognition of the possibility that its actions may inadvertently tend to subsidize or enhance certain other activities, will emphasize the general welfare of statewide considerations over more local ones and public benefits over private ones. ▶ Develop the multiple purpose use of the tidelands for the benefit of all the people while giving due consideration to the facts and circumstances related to the development of tideland and port facilities.	**Consistent.** The TLUP governs the use, design, improvement, and preservation of these public trust lands. The TLUP establishes specific goals, objectives, policies, and standards to direct future use of trust lands including development, preservation and other uses, facilitate a diverse range of uses and activities including, but not limited to, safe navigation, commerce, fisheries, and recreation, provide a broad range of proposed public improvements, and promote environmental stewardship of Tidelands. Additionally, one of the planned improvements identified in the TLUP would involve

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▶ Foster and encourage the development of commerce, navigation, fisheries, and recreation by the expenditure of public monies for the preservation of lands in their natural state, the reclamation of tidelands, the construction of facilities, and the promotion of its use. ▶ Encourage non-exclusory uses on tidelands.	the development of aquaculture at the former A-8 anchorage in PD13.
Goal V. The Port District will take particular interest in and exercise extra caution in those uses or modifications of the Bay and Tidelands, which constitute irreversible action or loss of control. ▶ Bay fills, dredging and the granting of long-term leases will be taken only when substantial public benefit is derived.	**Consistent.** The TLUP does not identify any planned improvements that would specifically require filling or dredging. Although the TLUP would allow for maintenance dredging of the federal navigation corridor, this is an existing activity that the TLUP would allow to continue. Additionally, clean sediment from dredging operations (unrelated to the TLUP) may be applied to Tideland beaches or wetland areas, where needed and with required regulatory agency approval, as a sea level rise adaptation strategy or natural resource management practice. These potential actions would provide substantial public benefit.
Goal VI. The Port District will integrate the tidelands into a functional regional transportation network. ▶ Encouraging development of improved major rail, water and air systems linking the San Diego region with the rest of the nation. ▶ Improved automobile linkages, parking programs and facilities, so as to minimize the use of waterfront for parking purposes. ▶ Providing pedestrian linkages. ▶ Encouraging development of non-automobile linkage systems to bridge the gap between pedestrian and major mass systems.	**Consistent.** The TLUP includes several policies aimed at improving transportation and mobility around District Tidelands. The proposed policies would support the development of multimodal infrastructure to encourage the use of all non-automobile transit options (pedestrian, bicycle, public transit routes), which would reduce automobile trips throughout District Tidelands. These policies include, but are not limited to, M Policy 1.1.6, which states that the District shall coordinate with agencies that have transportation authority to explore opportunities to expand accessible transit service to Tidelands, as well as M Policy 1.1.8, which states that the District shall coordinate with agencies that have transportation authority to enhance coastal connectivity and access throughout Tidelands. Additionally, the TLUP proposes to maintain the existing Bayshore Bikeway; and, in the event that coastal flooding causes any segment of the Bayshore Bikeway to become unsuitable for public use by creating health or safety risks, the District would coordinate with adjacent jurisdictions and applicable resource agencies to address coastal flooding, per Planned Improvement PD14.6 of the TLUP. The implementation of this planned improvement would allow for the continued operation of the Bayshore Bikeway and therefore would support pedestrian and bicycle circulation within and around the TLUP Area.
Goal VII. The Port District will remain sensitive to needs and cooperate with adjacent communities and other appropriate governmental agencies in Bay and Tideland development. ▶ The Port District will attempt to avoid disproportionate impact on adjacent jurisdictions both in benefits and any possible liabilities, which might accrue through bay and tideland activities.	**Consistent.** The TLUP Environmental Justice Element establishes goals, objectives, and policies to ensure that disadvantaged communities are afforded equitable opportunity to access on Tidelands, participate in District planning and public involvement processes, and enjoy a healthy environment. Proposed policies in this element are focused on achieving objectives that include promoting a diverse range of mobility options for accessing Tidelands (EJ Objective 1.1); providing recreational opportunities that are safe and accessible (EJ Objective 1.2); increasing coastal access and recreational opportunities near disadvantaged communities (EJ Objective 1.3); increasing awareness about the District and Tidelands (EJ Objective 2.1); providing meaningful engagement opportunities for disadvantaged and indigenous communities to participate in the District's planning and public involvement processes (EJ Objective 2.2); increasing awareness of

Goal, Policy, Objective	TLUP Consistency
	disproportionate environmental impacts on adjacent disadvantaged communities and the potential to disproportionate environmental impacts on relevant indigenous communities and tribes (EJ Objective 2.3); minimizing land use conflicts between industrial, working waterfront uses and historical adjacent residential uses (EJ Objective 3.1); and advancing clean air and water programs and strategies (EJ Objective 3.2).
Goal VIII. The Port District will enhance and maintain the bay and tidelands as an attractive physical and biological entity. ▶ Each activity, development and construction should be designed to best facilitate its particular function, which function should be integrated with and related to the site and surroundings of that activity. ▶ Views should be enhanced through view corridors, the preservation of panoramas, accentuation of vistas, and shielding of the incongruous and inconsistent. ▶ Establish guidelines and standards facilitating the retention and development of an aesthetically pleasing tideland environment free of noxious odors, excessive noise, and hazards to the health and welfare of the people of California. ▶ Establish and foster an artworks program to promote, enhance, and enliven the waterfront experience through the public and private placement of works of art.	**Consistent.** The TLUP Ecology Element establishes goals, objectives, and policies that serve to enhance, conserve, and restore natural resources and foster a healthy environment. The Ecology Element furthers the District's commitment in the protection of natural resources and ecological health of Tidelands by building on applicable environmental laws and existing District policies and programs to guide future planning and development. Proposed policies in this element are focused on achieving objectives that include enhancing, conserving, restoring, and maintaining biodiversity in Tideland areas (ECO Objective 1.1); protecting and enhancing water quality to support swimmable, fishable, and biologically productive waters (ECO Objective 2.1); improving fill, soil, and sediment quality (ECO Objective 2.2); preventing pollution from entering the Bay (ECO Objective 2.3); reducing levels of toxic air contaminants and criteria pollutants (ECO Objective 3.1); partnering with regional agencies on shared priorities (ECO Objective 4.1); and increasing awareness about the ecology of Tidelands (ECO Objective 4.2). Additionally, development standards established in Chapter 4 of the TLUP identify view and structure height standards to maintain visual quality throughout the TLUP Area. Moreover, as discussed in Section 1.1, "Aesthetics," the TLUP would not degrade the visual quality of the TLUP Area and would be visually compatible with the character of the surrounding areas. Finally, planned improvements identified in the TLUP include the development of minimal activating features, including potential seating, public art, and information and interpretive signage in the area west of the 7th Street terminus.
Goal IX. The Port District will insure physical access to the bay except as necessary to provide for the safety and security, or to avoid interference with waterfront activities. ▶ Provide "windows to the water" at frequent and convenient locations around the entire periphery of the bay with public right-of-way, automobile parking and other appropriate facilities. ▶ Provide access along the waterfront wherever possible with promenades and paths where appropriate, and elimination of unnecessary barricades which extend into the water.	**Consistent.** The TLUP Area consists almost entirely of submerged lands, with only 99 acres of land in PD14 that would be designated as Conservation Open Space or Recreation Open Space. Potential future development within the landside portion of the TLUP Area would be limited to maintaining the existing Bayshore Bikeway and, if necessary, coordinating with adjacent jurisdictions and applicable resource agencies in the event the pathway is subject to coastal flooding, as well as potential development of minimal activating features, including potential seating, public art, and information and interpretive signage in the area west of the 7th Street terminus. The implementation of this planned improvement would allow for the continued operation of the Bayshore Bikeway, thereby maintaining public access along the waterfront.
Goal X. The quality of water in San Diego Bay will be maintained at such a level as will permit human water contact activities. ▶ Maintain a program of flotsam and debris cleanup. ▶ Insure through lease agreements that Port District tenants do not contribute to water pollution.	**Consistent.** As discussed in Section 1.10, "Hydrology and Water Quality," TLUP policies would reduce potential impacts from water quality by prioritizing the protection and enhancement of water quality (ECO Policy 2.1.1), committing to implementing initiatives to reduce copper loads from recreational vessels (ECO Policy 2.1.6) encouraging the use of alternative non-copper based antifouling

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▶ Cooperate with the Regional Water Quality Control Board, the County Health Department, and other public agencies in a continual program of monitoring water quality and identifying the source of any pollutant. ▶ Adopt ordinances and take other legal and remedial action to eliminate sources of pollution.	paints (ECO Policy 2.1.7), committing to prioritizing and pursuing opportunities for the protection and enhancement of sediment quality (ECO Policy 2.2.1), reinforcing compliance with the MS4 permits and other legal requirements to minimize pollution impacts (ECO Policy 2.3.1), implementing measures to prevent pollution impacts and adverse impacts from runoff flows from all development and maintenance activities (ECO Policy 2.3.4), and implementing measures to protect and improve water quality from development projects located in areas identified as impaired under Section 303(d) of the Federal Clean Water Act (ECO Policy 2.3.5). Additionally, mitigation measures have been identified to ensure that implementation of the TLUP would not adversely affect the water quality and the marine environment (see Section 1.4 and Section 1.10).
Goal XI. The Port will protect, preserve, and enhance natural resources, including natural plant and animal life in the Bay as a desirable amenity, an ecological necessity, and a valuable and usable resource. ▶ Promote and advance public knowledge of natural resources through environmental educational materials. ▶ Identify existing and potential assets. ▶ Keep appraised of the growing body of knowledge on ecological balance and interrelationships. ▶ Encourage research, pilot programs, and development in aquaculture as long as it is consistent with this goal. ▶ Administer the natural resources so that impacts upon natural resource values remain compatible with the preservation requirements of the public trust.	**Consistent**. The Ecology Element of the TLUP identifies goals, objectives, and policies that focus on healthy ecosystems, a clean environment, and collaborative stewardship, and are devoted to the enhancement, conservation, restoration, and maintenance of biological resources, including through the establishment of buffers around sensitive habitat and wetland enhancement. ECO Policy 1.1.3 requires future development adjacent to conservation areas and other sensitive habitats, such as riparian habitats and natural streams, to be coordinated, sited, and designed to avoid impacts where feasible or where legally required. If avoiding impacts is not feasible, or avoidance is not legally required, impacts must be mitigated. Additionally, ECO Policy 2.1.4 encourages aquaculture that uses species and sustainable practices in accordance with CDFW practices and that do not degrade surrounding natural resources and minimize substantial environmental impacts. Furthermore, planned improvements identified in the TLUP include the development of aquaculture at the former A-8 anchorage in PD13.
Port Master Plan – Section III (Public Recreation Land Use Objectives and Criteria)	
Parks, plazas, public access ways, vista points and recreational activities on Port lands and tidelands should: ▶ provide a variety of public access and carefully selected active and passive recreational facilities suitable for all age groups including ▶ families with children throughout all seasons of the year. ▶ enhance the marine, natural resource, and human recreational assets of San Diego Bay and its shoreline for all members of the public. ▶ provide for clear and continuous multilingual information throughout Port lands and facilities to and about public access ways and recreational areas.	**Consistent.** The TLUP Area includes 99 acres of land in PD14 that would be designated as Conservation Open Space or Recreation Open Space. Planned improvements within this area would allow for the continued operation and maintenance of the existing Bayshore Bikeway and, in the event the pathway is subject to coastal flooding, coordinating with adjacent jurisdictions and applicable resource agencies to address coastal flooding and ensure public health and safety. Planned improvements in the landside portion of the TLUP Area would also include the potential development of minimal activating features, including potential seating, public art, and information and interpretive signage in the area west of the 7th Street terminus. These planned improvements would continue to promote public access on District Tidelands.
CCC Sea Level Rise Policy Guidance	
Initiate planning effort	**Consistent.** The development of the TLUP involved cooperative planning with adjacent jurisdictions and regional, state, and federal agencies. On July 21, 2023, the District released a Discussion Draft of the TLUP for a 30-day public review period. The District staff has been meeting with stakeholders to identify current uses within the TLUP Area that should be preserved, protected, and maintained;

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	address potentially competing uses/activities; and find opportunities to improve, enhance, and/or expand some uses. The TLUP ensures that any expanded or new uses do not conflict with existing priority uses on and around the bay, such as water recreation, cargo and large vessel movement via the federal navigation channel, commercial fishing, public safety, national security, and environmental conservation.
Determine a range of sea level rise scenarios relevant to LCP planning area/segment	**Consistent.** In accordance with AB 691, the District prepared the *Sea Level Rise Vulnerability Assessment and Coastal Resiliency Report* (AB 691 Report) (District 2019), presented it to the Board of Port Commissioners in June 2019, and subsequently submitted it to the California State Lands Commission (CSLC). The District's AB 691 Report employed the United States Geological Survey's Coastal Storm Modeling System (CoSMoS) 3.0 sea level rise projections. These projections encompass various time frames and climate scenarios, including 2030, 2050, and multiple scenarios for 2100. The outcomes from modeling these projections were utilized to inform the sea level rise components of the TLUP.
Identify potential physical sea level rise impacts in the LCP planning area/segment	**Consistent.** As part of the District's AB 691 Report, the District conducted a review of historical sea level rise rates in the region and developed inundation maps illustrating sea level rise and storm surge scenarios. This analysis aimed to understand the physical impacts of potential future sea level rise on District Tidelands. The findings of this report were used as planning inputs for the TLUP to assess the potential effects of sea level rise on existing and anticipated uses of District Tidelands (refer to Section 3.4.2(C)-II, "Adapting to Sea Level Rise" in the TLUP).
Assess potential risks from sea level rise to coastal resources, development, and environmental justice communities in the LCP planning area/segment	**Consistent.** The AB 691 Report included an analysis of the exposure, sensitivity, and adaptive capacity of transportation assets, infrastructure, and natural resources to the various sea level rise and storm surge scenarios. The AB 691 Report also analyzed the financial consequences of sea level rise and potential changes in habitat distribution. This report served as a planning input for the TLUP to identify the potential risks to existing and future coastal dependent uses on District Tidelands, as well as adjacent disadvantaged communities, from sea level rise (see section 3.4.2(C)-II-Adapting to Sea Level Rise in the TLUP).
Identify equitable adaptation measures	**Consistent.** Building on the AB 691 Report, the TLUP contains sea level rise policies designed to mitigate the anticipated risks associated with sea level rise (see Chapter 3.4, "Safety and Resiliency Element," of the TLUP for specific policies addressing sea level rise). SR Policy 3.2.3 of the TLUP mandates that the District shall develop and periodically update a Sea Level Rise (SLR) adaptation plan. This plan must include, among other elements, an environmental justice component that assesses how development may impact potential flooding and inundation related to sea level rise in nearby disadvantaged communities. It should also involve an outreach and engagement process focused on collaborative adaptation planning with these adjacent disadvantaged communities. Furthermore, the TLUP incorporates an Adaptive Management Framework (refer to Section 3.4.2(C)-III in the TLUP) and outlines Adaptation Strategies (see Section 3.4.2(C)-IV in the TLUP). As articulated in Section 3.4.2(C)-III, aligning with the

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	District's commitment to foster a healthy and resilient environment for disadvantaged communities, considerations of equity and environmental justice are integral when implementing the adaptive management framework.
Draft updated or new LCP for certification by CCC	**Consistent.** The TLUP addresses additional water and lands granted to the District under SB 507 that were previously under CLSC jurisdiction. The TLUP will be presented to the CCC for certification after Board consideration.
Implement the LCP and monitor and re-evaluate strategies as needed	**Consistent.** The TLUP would be implemented after its certification by the CCC. SR Policy 3.2.3 of the TLUP requires the District to prepare, and periodically update, a sea level rise adaptation plan that would involve several components, including but not limited to, considering the best available science and applicable regional, State, and Federal adaptation planning guidance; providing recommendations for adapting structures and facilities, coastal access, etc.; exploring the potential for nature-based sea level rise adaptation strategies and identify areas that could integrate natural resource protection, enhancement, and restoration solutions while providing appropriate SLR resilience; and establishing a monitoring protocol and requirements for evaluating sea level rise impacts on Tidelands uses over time. In addition, the TLUP includes an Adaptive Management Framework (see Section 3.4.2(C)-III in the TLUP) and Adaptation Strategies (see Section 3.4.2(C)-IV in the TLUP).

Required Mitigation Measures

The TLUP would not result in significant impacts associated with land use and planning. Therefore, no mitigation measures are required.

1.12 MINERAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XII. Mineral Resources.				
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

1.12.1 Environmental Setting

The Surface Mining and Reclamation Act directs the State Geologist to identify and map the non-fuel mineral resources of the State to show where economically significant mineral deposits occur and where they are likely to occur based upon the best available scientific data. Areas known as Mineral Resource Zones (MRZs) are classified based on geologic factors, without regard to existing land use and land ownership. The areas are categorized into four general classifications (MRZ-1 through MRZ-4). Of the four MRZ classifications, the MRZ-2 classification is recognized in land use planning because the likelihood for occurrence of significant mineral deposits is high, and the classification may be a factor in the discovery and development of mineral deposits that would potentially be economically beneficial to the local, state, and/or national economy.

The TLUP Area consists almost entirely of submerged lands, with only 99 acres of land area located in the South Bay Planning District (PD14). The landside portion of the TLUP Area is classified as MRZ-1, which indicates no known significant mineral deposits are present, and MRZ-3, which delineates areas with known mineral deposits, but the significance of these deposits cannot be determined from available data (City of San Diego 2024: Figure CE-6). The TLUP Area is not designated as a locally important mineral resource recovery site in the City of San Diego General Plan Conservation Element (City of San Diego 2024: Figure CE-6).

1.12.2 Regulatory Setting

STATE

California Surface Mining and Reclamation Act

The California Surface Mining and Reclamation Act of 1975 requires the state geologist to classify land into MRZs according to the known or inferred mineral potential of the land (PRC Sections 2710–2796). The current mineral land classification report for the area, Special Report 199, which is an update of predecessor Special Report 160, confirms that the mineral land classification categories that were current when Special Report 160 was developed were still valid for the updated report. The MRZ categories applicable to this project are described as follows:

- MRZ-1: Areas where available geologic information indicates that little likelihood exists for the presence of significant mineral resources.
- MRZ-2: Areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists. This zone shall be applied to known mineral deposits or

where well-developed lines of reasoning, based upon economic-geologic principles and adequate data, demonstrate that the likelihood for occurrence of significant mineral deposits is high.

- MRZ-3: Areas containing known or inferred mineral occurrences of undetermined mineral resource significance.
- MRZ-4: Areas where available information is inadequate to assign any other classification.

1.12.3 Discussion

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. Because the TLUP Area consists primarily of submerged lands, a majority of the TLUP Area is not classified as being within an MRZ. The 99 acres of land within the TLUP Area is designated as MRZ-1, which indicates no known significant mineral deposits are present, and MRZ-3, which indicates areas with known mineral deposits, but the significance of these deposits cannot be determined from available data (City of San Diego 2024: Figure CE-6). Lands adjacent to the TLUP Area are also classified as MRZ-1 and MRZ-3. Moreover, the TLUP Area is not designated as a locally important mineral resource recovery site in the City of San Diego General Plan Conservation Element. Per the Conservation Element of the City of San Diego General Plan, however, the South San Diego Bay Unit of the San Diego National Wildlife Refuge supports salt production. A commercial solar salt facility consisting of a series of diked ponds operates in the refuge, which concentrates and precipitates salts from the bay waters. While these salt ponds are a locally unique industry, they do not comprise a large share of the salt production market, and therefore, could be relocated (City of San Diego 2024). Additionally, the TLUP does not propose any changes within PD14 that would affect the existing operations at the salt ponds (TLUP Planned Improvement PD14.1). Therefore, the TLUP would not result in the loss of known mineral resources of value to the region or state. No impact would occur.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No Impact. As discussed under Section 1.12.3 (a), the TLUP Area is not designated for mineral extraction or as a locally important mineral resource recovery site in the City of San Diego General Plan Conservation Element (City of San Diego 2024). Moreover, the TLUP does not propose any changes within PD14 that would affect the existing operations at the salt ponds. Thus, the TLUP would not result in a loss of availability of locally important mineral resources. No impact would occur.

Required Mitigation Measures

The TLUP would not result in significant impacts associated with mineral resources. Therefore, no mitigation measures are required.

1.13 NOISE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XIII.Noise.				
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?	☐	☒	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

1.13.1 Environmental Setting

NOISE FUNDAMENTALS

In the science of acoustics, the fundamental model consists of a sound (or noise) source, a receiver, and the propagation path between the two. Sound is the mechanical energy of a vibrating object transmitted by pressure waves through a liquid or gaseous medium (e.g., air) to a human ear. Noise is defined as loud, unexpected, annoying, or unwanted sound. As sound travels through the atmosphere from the source to the receiver, noise levels attenuate (i.e., decrease) depending on a variety of factors, including geometric spreading (i.e., spherical or cylindrical spreading), ground absorption (i.e., hard versus soft sites), atmospheric conditions (e.g., wind direction and speed, air temperature, humidity, turbulence), and shielding by natural or human-made features. Geometric spreading is the way in which sound intensity decreases further away from the source, and it occurs because the area that the sound energy covers becomes larger with increasing distance.

The amplitude of pressure waves generated by a sound source determines the loudness of that source, also called the sound pressure level (SPL). SPL is most often described by using decibels (dB) because this logarithmic unit best corresponds to the way the human ear interprets sound pressures. However, the decibel scale does not adequately characterize how humans perceive noise because the human ear is not equally sensitive to loudness at all frequencies (i.e., pitch) in the audible spectrum. To approximate the response of the human ear, sound levels of individual frequency bands are weighted, depending on the human sensitivity to those frequencies. Then, an "A-weighted" sound level (expressed in units of dBA) can be computed based on this information. All sound levels discussed in this section are expressed in dBA.

Because decibels are logarithmic units, SPLs expressed in dB cannot be added or subtracted through ordinary arithmetic. Under the decibel scale, a doubling of sound energy corresponds to a 3-dB increase. In typical noisy environments, changes in noise of 1–2 dB are generally not perceptible. However, it is widely accepted that people can begin to detect sound level increases of 3 dB in typical noisy environments. Further, a 5-dB increase is generally

perceived as a distinctly noticeable increase, and a 10-dB increase is generally perceived as a doubling of loudness (Caltrans 2013a:2-10).

Various noise descriptors have been developed to describe time-varying noise levels. The noise descriptors used in this chapter include:

- Equivalent Continuous Sound Level (L_{eq}): L_{eq} represents an average of the sound energy occurring over a specified period. In effect, L_{eq} is the steady-state sound level containing the same acoustical energy as the time-varying sound level that occurs during the same period (Caltrans 2013a:2-48). For instance, the 1-hour equivalent sound level, also referred to as the hourly L_{eq}, is the energy average of sound levels occurring during a 1-hour period.
- Maximum Sound Level (L_{max}): L_{max} is the highest instantaneous sound level measured during a specified period (Caltrans 2013a:2-48; FTA 2018:207–208).
- Community Noise Equivalent Level (CNEL): the energy average of the A-weighted sound levels occurring over a 24-hour period, with a 10-dB penalty applied to sound levels occurring during the nighttime hours between 10 p.m. and 7 a.m. and a 5-dB penalty applied to the sound levels occurring during evening hours between 7 p.m. and 10 p.m. (Caltrans 2013a:2-48).

GROUND VIBRATION

Vibration is the periodic oscillation of a medium or object with respect to a given reference point. Groundborne vibration is vibration of and through the ground. Sources of groundborne vibration include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) and those introduced by human activity (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous, (e.g., operating factory machinery) or transient in nature (e.g., explosions). The potential effects of groundborne vibration can be divided into two categories: building damage and potential human disturbance/annoyance. Because building damage would be considered a permanent negative effect at any building, regardless of land use, any type of building would typically be considered sensitive to this type of impact. Fragile structures, which often include historical buildings, are most susceptible to damage and are of particular concern. Older buildings

Sensitivity to human disturbance/annoyance caused by vibration varies by land use and time of day. Vibration effects are typically only considered inside occupied buildings and not in outside areas such as residential yards, parks, or open space. As such, the District does not consider parks to be vibration-sensitive but may consider any occupied buildings within parks to be sensitive to vibration. The District considers the following building types to be vibration sensitive with respect to potential disturbance of occupants:

- Residences (including hospitals, nursing facilities, or intermediate care facilities with overnight patient stays).
- Schools and childcare facilities are typically only considered vibration sensitive during daytime and evening hours when children are inside or special events occur inside during the evening.
- Hotels and other guest lodgings are typically only considered noise sensitive during the evening and nighttime hours (i.e., 7:00 p.m. to 7:00 a.m.) due to overnight accommodation expectations of hotel guests. However, hotels and other guest lodgings are not considered noise sensitive during the daytime hours due to the transient nature of their use during the day.

Groundborne vibration amplitudes are commonly expressed in peak particle velocity (PPV) or root-mean-square (RMS) vibration velocity. PPV and RMS vibration velocities are normally described in inches per second but can also be expressed in decibel notation (vibration decibels [VdB]), which is used mainly in evaluating human response to vibration.

EXISTING NOISE ENVIRONMENT

Due to the large geographical area and varied land uses within the planning area, the existing noise environment varies widely at and around the Port. Notable noise sources include the following.

- Transportation sources such as traffic, aircraft (civilian and military), watercraft (recreational, commercial, and military), and rail (passenger, freight, and trolley).
- Industrial activities such as ship operations and cargo-handling activities at and around Port terminals; shipbuilding and repair; manufacturing activities; and storage, loading, and shipping operations.
- Activities at various Navy installations.
- Commercial and recreational activities such as operations at the San Diego Convention Center, area hotels, restaurants, parks, marinas, and cruise ship terminals.

NOISE-SENSITIVE RECEPTORS

Noise-sensitive land uses are generally considered to include those uses where noise exposure could result in health-related risks to individuals, as well as places where quiet is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels, and because of the potential for nighttime noise to result in sleep disruption. Noise-sensitive receptors are also considered vibration-sensitive receptors. Commercial and industrial buildings where vibration could interfere with operations within the building, including levels that may be well below those associated with human annoyance, are also considered vibration-sensitive receptors.

AIRCRAFT NOISE

Aircraft from various civilian and military installations (airports/airfields) contribute to existing ambient noise levels within the TLUP Area. Noise contours for each airport/airfield are published in their Airport Land Use Compatibility Plans or Air Installations Compatible Use Zones studies. A review of these sources indicates that portions of the TLUP Area are within the noise contours (60 dB CNEL or higher) for both SDIA and Naval Air Station (NAS) North Island. Also nearby (but without noise contours that overlap the TLUP Area) is Naval Outlying Landing Field (NOLF) Imperial Beach.

1.13.2 Regulatory Setting

STATE

California Department of Transportation Noise and Vibration Standards

In 2013, Caltrans published the Transportation and Construction Vibration Manual (Caltrans 2013b). The manual provides general guidance on vibration issues associated with construction and operation of projects in relation to human perception and structural damage. Table 1.13-1 presents recommendations for levels of vibration that could result in damage to structures exposed to groundborne vibration.

Table 1.13-1 Caltrans Recommendations Regarding Levels of Vibration Exposure

Maximum PPV (in/sec)		Type of Building and Condition
Transient Sources	Continuous/Frequent Intermittent Sources	
0.12	0.08	Extremely fragile historic buildings, ruins, ancient monuments
0.2	0.1	Fragile buildings
0.5	0.25	Historic and some old buildings
0.5	0.3	Older residential structures

Maximum PPV (in/sec)		Type of Building and Condition
Transient Sources	Continuous/Frequent Intermittent Sources	
1.0	0.5	New residential structures
2.0	0.5	Modern industrial/commercial buildings

Notes: PPV= peak particle velocity; in/sec = inches per second.

Source: Caltrans 2013b:38.

For evaluating impacts to occupied buildings (i.e., human annoyance) from pile driving, FTA has established criteria based on the frequency of vibration activities (FTA 2018). Considering the number of daily pile strikes (i.e., up to 10,000), the following criteria, are applicable to pile driving activities

- 65 VdB at buildings where vibration could interfere with interior operations
- 72 VdB at buildings where people normally sleep
- 75 VdB at institutional land uses with primarily daytime uses.

LOCAL

City of San Diego Municipal Code 59.5.0401 (Noise Ordinance)

The Noise Ordinance sets operational noise level limits and makes it unlawful for any person to cause noise by any means to the extent that the 1-hour L_{eq} exceeds the applicable limit given in Table 1.13-2 at any location in the City of San Diego on or beyond the boundaries of the property on which the noise is produced.

Table 1.13-2 City of San Diego Noise Abatement and Control Ordinance Limits

Land Use	Time of Day	Sound Level dB L_{eq}[1]
Single Family Residential	7 a.m. to 7 p.m.	50
	7 p.m. to 10 p.m.	45
	10 p.m. to 7 a.m.	40
Multi-Family Residential	7 a.m. to 7 p.m.	55
	7 p.m. to 10 p.m.	50
	10 p.m. to 7 a.m.	45
All other Residential	7 a.m. to 7 p.m.	60
	7 p.m. to 10 p.m.	55
	10 p.m. to 7 a.m.	50
Commercial	7 a.m. to 7 p.m.	65
	7 p.m. to 10 p.m.	60
	10 p.m. to 7 a.m.	60
Industrial or Agricultural	Anytime	75

Notes: dB = decibel; L_{eq} = equivalent continuous sound level

[1]The sound level limit at a location on a boundary between two zoning districts is the arithmetic mean of the respective limits for the two districts.

Source: City of San Diego 2019.

City of San Diego Municipal Code 59.5.0404 (Construction Noise)

The City of San Diego's Noise Ordinance also regulates construction noise levels. Specifically, construction that creates disturbing, excessive, or offensive noise is prohibited between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, and on legal holidays as specified in Section 21.04 of the City of San Diego Municipal Code, with

the exception of Columbus Day and Washington's Birthday, and on Sundays unless a permit is granted by the Noise Abatement and Control Administrator.

In granting a permit, the Administrator must consider whether the construction noise in the vicinity of the proposed work site would be less objectionable at night than during the daytime because of different population densities or different neighboring activities; whether obstruction and interference with traffic particularly on streets of major importance, would be less objectionable at night than during the daytime; whether the type of work to be performed emits noises at such a low level as to not cause significant disturbances in the vicinity of the work site; the character and nature of the neighborhood of the proposed work site; whether great economic hardship would occur if the work were spread over a longer time; and whether proposed night work is in the general public interest. Also, the Administrator shall prescribe such conditions, working times, types of construction equipment to be used, and permissible noise levels as deemed to be required in the public interest.

Except under special circumstances related to emergency work as detailed in the Noise Ordinance, construction activity that creates an average sound level greater than 75 dB during the 12-hour period from 7:00 a.m. to 7:00 p.m. at or beyond the property lines of any property zoned residential is prohibited by ordinance.

City of Coronado Municipal Code – Operational Noise

Title 41 of the City of Coronado Municipal Code provides the Noise Abatement and Control Regulations. Section 41.10.010 makes it unlawful for any person to cause noise by any means to the extent that the 1-hour L_{eq} exceeds the applicable limit given in Table 1.13-3 below, at any location in the City of Coronado on or beyond the boundaries of the property on which the noise is produced.

Table 1.13-3 City of Coronado Noise Limits

Land Use Zone	Time of Day	1-Hour L_{eq} (dBA)
All R-1A; R-1B (Single-Family Residential)	7 a.m. to 7 p.m. 7 p.m. to 10 p.m. 10 p.m. to 7 a.m.	50 45 40
All R-3; R-4; R-PCD; and R-5 (Multi-Family Residential and Planned Community Development Residential)	7 a.m. to 7 p.m. 7 p.m. to 10 p.m. 10 p.m. to 7 a.m.	55 50 45
Commercial (C); Commercial Recreation (C-R); Hotel/Motel (HM); Civic Use (C-U); Open Space (OS); and Parking Overlay (P-1)	7 a.m. to 10 p.m. 10 p.m. to 7 a.m.	60 50

Note: The sound level limit at a location on a boundary between two zoning districts is the arithmetic mean of the respective limits for the two districts.

Source: City of Coronado Municipal Code, Chapter 41.10.

City of Coronado Municipal Code – Construction Noise

The City of Coronado Municipal Code regulates both the permissible times of construction activities and the noise levels these activities can generate. Section 41.10.040 provides a construction noise curfew, which prohibits construction between the hours of 7:00 p.m. and 7:00 a.m. on any day or on legal holidays and Sundays (unless a noise control permit has been applied for and granted beforehand by the Noise Control Officer). Section 41.10.050 provides construction noise limits, making it unlawful for any person to conduct any construction activity so as to cause, at or within the property lines of any property zoned residential, an average sound level greater than 75 dBA during a 1-hour period, any time between the hours of 7:00 a.m. to 7:00 p.m. (unless a variance has been applied for and granted by the Noise Control Officer).

City of Imperial Beach General Plan

The City of Imperial Beach General Plan, Noise Element, provides information, goals, and policies related to the noise environment within Imperial Beach. The Noise Element describes the noise sensitivity of various land uses in terms of how acceptable different noise exposures are for various land uses, defined using L_{dn} or CNEL. There are three

different tiers of compatibility: (1) Acceptable, (2) Conditionally Acceptable, and (3) Unacceptable. The guidelines are illustrated in Figure N-3 of the General Plan, which is reproduced below as Table 1.13-4.

Table 1.13-4. City of Imperial Beach Land Use Compatibility Guidelines for Development

Land Use	Community Noise Exposure L_{dn} or CNEL 55 60 65 70 75 80
Residential, Theaters, Auditoriums, Music Halls, Meeting Halls, Churches	
Transient Lodging – Motels, Hotels	
Schools, Libraries, Museums, Hospitals, Nursing Homes	
Playgrounds, Parks	
Commercial and Office Buildings	

	Acceptable	Specified land use is satisfactory. No noise mitigation measures are required.
	Conditionally Acceptable	Use should be permitted only after careful study and inclusion of protective measures as needed to satisfy the policies of the Noise Element.
	Unacceptable	Development is usually not feasible in accordance with the goals of the Noise Element.

Source: City of Imperial Beach General Plan, Noise Element, Figure N-3 (p. N-4), 2015.

City of Imperial Beach Municipal Code – Operational Noise

Chapter 9.32 of the City of Imperial Beach Municipal Code regulates noise. Operational noise is addressed qualitatively and the code makes it "unlawful for any person, firm, association, or corporation to disturb the peace, quiet and comfort of the community or any portion thereof or neighborhood therein by creating or causing to be created any unreasonably loud or disturbing unnecessary noises in the city."

City of Imperial Beach Municipal Code – Construction Noise

Regarding construction noise Section 9.32.020(H) of the City of Imperial Beach Municipal Code prohibits "The use of any tools, power machinery or equipment so as to cause noises disturbing to the comfort and repose of any person residing or working in the vicinity, or in excess of seventy-five decibels, between the hours of ten p.m. and seven a.m., except when the same is necessary for emergency repairs."

1.13.3 Discussion

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?

Less Than Significant with Mitigation Incorporated. The TLUP Area is comprised almost entirely of submerged lands, consisting of only 99 acres of land area in PD14, a portion of which would be designated as Conservation Open Space and the remainder as Recreation Open Space. Planned improvements, consistent with the TLUP, would be limited to

the potential expansion of bait barges, baitfish storage, and associated vendor operations in PD11 (North Bay); routine maintenance of the San Diego-Coronado Bay Bridge and pipelines which are existing uses and activities in PD12 (North Central Bay); shellfish and seaweed aquaculture in PD13 (South Central Bay); potential shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, and the development of minimal activating features (e.g., seating, public art, signage) in the Recreation Open Space area in PD14 (South Bay). Construction activities associated with potential future projects within submerged lands would not occur in the vicinity of any sensitive receptors, as these activities would generally occur within San Diego Bay. Although implementation of the planned improvements and other potential future projects proposed within the TLUP's land area could involve the use of noise-generating construction equipment, construction activities would occur in accordance with the construction-noise standards of the applicable member city (i.e., cities of San Diego and Coronado). In addition, although it is unlikely given the limited extent of construction activities necessary to implement these planned improvements and other future projects proposed consistent with the TLUP's water and land use designations, in the event that construction noise would have the potential to exceed standards (**Impact-NOI-1**), the implementation of mitigation measures would reduce any potential impacts to less than significant. Mitigation measures **MM-NOI-1** would limit the hours of construction activities and **MM-NOI-2** would require specific best practices related to construction noise. Therefore, construction noise impacts would be **less than significant with mitigation incorporated**.

The operation of planned improvements listed in the TLUP would not include any components that would have the potential to result in substantial permanent increases in noise levels. The TLUP does not involve any future activities that would generate a substantial number of vehicle trips resulting in substantial increases in traffic noise, nor does it include any uses that would involve permanent onsite stationary noise sources (e.g., HVAC). Therefore, operational noise impacts would be **less than significant**.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less-Than-Significant Impact. The landside portion of the TLUP Area consists of land designated for Conservation Open Space or Recreation Open Space in the South Bay Planning District (PD14). Planned improvements within this landside area would be limited to the potential shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, and potential development of minimal activating features, including additional seating, public art, and information and interpretive signage in the area west of the 7th Street terminus. Given the limited extent of construction activities necessary to implement these planned improvements and any future projects within PD14 consistent with the TLUP's water and land use designations and policies, it is not anticipated that high vibration-generating construction equipment (e.g., pile drivers) would be required. Therefore, impacts would be **less than significant**.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. Existing civilian and military installations (airports/airfields) in the vicinity of the TLUP Area include SDIA, NAS North Island, and NOLF Imperial Beach. The TLUP does not propose any new airports or airstrips, nor would it alter any existing airports or airstrips. In addition, the TLUP does not include any components that would facilitate visitor growth and result in additional passengers traveling through SDIA. Moreover, none of the planned improvements identified in the TLUP would involve the construction of new structures that could result in changes in air traffic patterns and expose new or additional receptors to airport noise. As a result, airstrip and airport noise levels would not change due to implementation of the proposed TLUP, and **no impact** would occur.

Required Mitigation Measures

For Impact-NOI-1:

MM-NOI-1: Prohibit Exterior Construction Activities Outside of the Permitted Construction Hours. During construction of a future project consistent with the TLUP, the project proponent shall not conduct typical exterior construction activities during the prohibited hours based on the city in which the construction site is located. Also, material or equipment deliveries and collections shall be prohibited during these hours to the extent feasible unless otherwise allowed by the noise ordinance of the city where the project is located. Except for construction personnel specifically working on interior construction tasks within a completed building shell, construction personnel shall not start construction equipment on the job site during the prohibited hours.

MM-NOI-2: Implement General Best Practices for Construction Noise Abatement. During construction of a future project consistent with the TLUP, the project proponent shall require all contractors to adhere to the following noise abatement measures:

- All construction equipment and vehicles using internal combustion engines will be equipped with mufflers; air-inlet silencers where appropriate; and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification.
- All mobile or fixed construction equipment used on the project that is regulated for noise output by a local, State, or Federal agency will comply with such regulation while in the course of project activity.
- All construction equipment will be properly maintained and serviced.
- All construction equipment will be operated only when necessary and will be switched off when not in use, and stationary construction equipment shall be located as far from sensitive receptors as possible.
- Construction employees will be trained in the proper operation and use of the equipment to avoid careless or improper operation of equipment that could increase noise levels.
- Construction site speed limits will be established and enforced during the construction period.
- The use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning purposes only.
- The contractor will provide advance written notification of construction activities to residences within 300 feet of the construction site for projects that do not include pile driving, and to residences within 700 feet of the construction site for projects that include pile driving. Notification will include a brief overview of the proposed construction activity and its purpose and schedule. It also will include the name and contact information of the project manager or representative responsible for resolving any noise concerns.

1.14 POPULATION AND HOUSING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XIV. Population and Housing.				
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

1.14.1 Environmental Setting

The majority of the District's jurisdiction falls within or adjacent to developed and highly urbanized areas within the cities of Chula Vista, Coronado, Imperial Beach, National City, and San Diego (such as downtown San Diego). The powers and authorized uses of District lands stated in the Port Act do not include residential development. In addition, the Public Trust Doctrine, as overseen by the CSLC, restricts the type of land uses allowed on public lands, including the District Tidelands. The Public Trust Doctrine limits the uses of sovereign lands to waterborne commerce, navigation, fisheries, open space, water-oriented recreation, ecological habitat protection, or other recognized Public Trust purposes. Therefore, ~~As such,~~ no residential uses currently exist or are allowed,~~planned~~ within the TLUP Area, as these uses~~y~~ are not considered a permitted use under the Public Trust Doctrine or Port Act.

SANDAG, as the Metropolitan Planning Organization, is the principal land use and transportation-planning agency for the San Diego region, including the region's 18 municipalities. As part of its planning efforts, SANDAG produces growth forecasts of population, housing, employment, income, and land use for the San Diego region. According to California Department of Finance and SANDAG population estimates, from 2023 to 2050, the population of the San Diego region is forecast to increase from 3,290,423 to 3,746,073 people, an increase of 455,560 people or 13.8 percent (DOF 2024; SANDAG 2021).

The State of California Employment Development Department's (EDD) is responsible for State programs involving job service, unemployment insurance, State disability insurance, workforce investment, and labor market information. According to the EDD's labor force data for 2023, San Diego County had 1,561,500 jobs, an available labor force of 1,596,400 persons, and an average annual unemployment rate of 3.9 percent (EDD 2024). Additionally, SANDAG produces employment forecasts for the San Diego region. From 2023 to 2050, employment in the San Diego region is forecast to increase from 1,561,500 jobs to 2,086,318 jobs, an increase of 524,818 jobs or 33.6 percent (EDD 2024; SANDAG 2021).

1.14.2 Discussion

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less-Than-Significant Impact. The growth inducing potential of a project would typically be considered significant if it fosters growth or a concentration of population in excess of what is assumed in applicable land use plans. Significant

growth impacts could also occur if the project provides infrastructure or service capacity to accommodate levels of growth beyond levels currently permitted by local or regional plans or policies.

The TLUP sets a comprehensive vision for the District's management of the submerged lands and tidelands granted under SB 507. The TLUP governs the use, design, improvement, and preservation of these public trust lands. The TLUP establishes specific goals, objectives, policies, and standards to direct future use of trust lands including development, preservation and other uses, facilitate a diverse range of uses and activities including, but not limited to, safe navigation, commerce, fisheries, and recreation, provide a broad range of proposed public improvements, and promote environmental stewardship of Tidelands. The Public Trust Doctrine limits the uses of sovereign lands to waterborne commerce, navigation, fisheries, open space, water-oriented recreation, ecological habitat protection, or other recognized public trust purposes. As such, no residential uses are present within the TLUP Area, as they are not considered a permitted use under the Public Trust Doctrine. Accordingly, no residential uses are proposed in the TLUP. In addition, the TLUP does not include any planned improvements or water or land uses that would generate a substantial number of new permanent employment opportunities. Although the operation of certain potential future uses associated with the TLUP would generate new permanent jobs, such as shellfish and seaweed aquaculture or expansion of the bait barge, the number of jobs created would be minimal. Furthermore, the TLUP does not include the extension of roadways or other infrastructure that could indirectly induce substantial unplanned population growth. For these reasons, the TLUP would not induce substantial unplanned population growth and impacts would be **less than significant**.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. As previously discussed, there are no residential uses or housing units present within the TLUP Area. The powers and authorized uses of District lands stated in the Port Act do not include residential development. Additionally, under the Public Trust Doctrine, the types of land uses allowed on public lands are restricted, including those within the District's jurisdiction. The Public Trust Doctrine limits the uses of sovereign lands to waterborne commerce, navigation, fisheries, open space, water-oriented recreation, ecological habitat protection, or other recognized public trust purposes. Therefore, because residential uses are not an allowable use on public lands in accordance with the Public Trust Doctrine or Port Act, future activities associated with the TLUP would not result in the displacement of people or existing residential units, necessitating the construction of replacement housing elsewhere. Consequently, **no impact** would occur.

Required Mitigation Measures

The TLUP would not result in significant impacts associated with population and housing. Therefore, no mitigation measures are required.

1.15 PUBLIC SERVICES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XV. Public Services.				
Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☒	☐	☐
Other public facilities?	☐	☐	☒	☐

1.15.1 Environmental Setting

The District does not operate its own fire department. Rather, it participates in existing Mutual Service Agreements with the fire departments of the adjacent cities to respond to landside fire-related emergencies. These include the City of San Diego Fire-Rescue Department, City of Coronado Fire Department, and the City of Imperial Beach Fire-Rescue Department. In addition, the San Diego Harbor Police Department (HPD) cross-trains all officers as marine firefighters so it can respond to any fire-related call in San Diego Bay, including marinas, anchorages, moorings, shipyards, and cargo and cruise ship terminals.

In addition to firefighting services, HPD provides police protection and investigation services to the District in the Bay, surrounding Tidelands, and at the San Diego International Airport. The HPD's jurisdiction includes areas within five neighboring cities: Coronado, Chula Vista, Imperial Beach, National City, and San Diego. There are three substations within the Port: the Shelter Island Station located at 1401 Shelter Island Drive, San Diego; the South Bay Station located at 950 Marina Way, Chula Vista; and the San Diego International Airport, located at 3225 North Harbor Drive, Terminal 1. The HPD has a fleet of vessels that patrol the Bay, inner and outer coastal waters, and Mission Bay as part of an aid agreement with the City of San Diego Police Department. The HPD works in conjunction with Federal agencies such as USCG, U.S. Customs and Border Protection, Homeland Security, and the Federal Bureau of Investigations for the operation of many of these task forces (District 2021~~a~~).

The 11th U.S. Coast Guard District covers more than 3.3 million square miles, including California, Arizona, Nevada, and Utah; the coastline; and over 1,000 miles of offshore waters (USCG n.d.). Coast Guard Sector San Diego is at 2710 North Harbor Drive and responds to emergency calls related to hazardous materials and oil spills, homeland security issues, marine vehicle incidents, and search and rescue cases. The Coast Guard is responsible for operations from the Mexican border northward to above San Mateo Point, and offshore as far as 200 miles. Coast Guard Sector San Diego works with the HPD to respond to emergency situations in District Tidelands. Some Coast Guard Sector San Diego personnel are located in the Joint Harbor Operations Center, along with Harbor Police and city law

enforcement agencies for an integrated approach to protection of the Bay and bayfront. They also work side-by-side with the Navy, National Guard, and U.S. Customs/Border Protection to handle issues of homeland security.

There are no schools located within the TLUP Area; however, there are various schools within 0.25-mile of the TLUP Area. These schools are within the jurisdiction of the San Diego Unified School District, South Bay School District, and Sweetwater Union High School District.

1.15.2 Discussion

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

Fire protection?

Less-Than-Significant Impact. The TLUP Area is in an urbanized area of the County adequately served by fire protection services. The District does not operate its own fire department, but instead participates in standing Mutual Service Agreements with the fire departments of the adjacent cities to respond to landside fire-related emergencies. In addition, the San Diego HPD cross-trains all officers as marine firefighters so it can respond to any fire-related call in San Diego Bay, including marinas, anchorages, moorings, shipyards, and cargo and cruise ship terminals. The TLUP Area consists almost entirely of submerged lands, which would be under the jurisdiction of the San Diego HPD, and includes only 99 acres of land area in PD14, adjacent to the cities of San Diego, Coronado, and Imperial Beach. As such, the City of San Diego Fire-Rescue Department, Coronado Fire Department, and/or Imperial Beach Fire-Rescue Department would respond to an incident in this portion of the TLUP Area.

Future development, consistent with the TLUP, would be limited to the potential expansion of bait barges, baitfish storage, and associated vendor operations in PD11 (North Bay); routine maintenance of the San Diego-Coronado Bay Bridge and pipelines which are existing uses and activities in PD12 (North Central Bay); shellfish and seaweed aquaculture in PD13 (South Central Bay); potential shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, and the development of minimal activating features (e.g., seating, public art, signage) in the Recreation Open Space area in PD14 (South Bay). Given the limited amount of physical changes that would potentially occur with implementation of the TLUP, it is anticipated that the additional demand for fire protection services would be minimal and would not require or result in the need for new or expanded fire protection facilities, the construction of which could cause significant environmental impacts. Furthermore, the TLUP includes several policies related to fire protection and emergency response. These policies include, but are not limited to, SR Policy 2.1.1, which states that the District shall maintain and direct its permittees to maintain emergency disaster mitigation, preparation, response, and recovery capabilities; and SR Policy 2.1.3, which states that the District shall coordinate with regional, State, and federal partners to create, maintain, and update the District's emergency operations plan, as needed. Therefore, this impact would be **less than significant**.

Police protection?

Less-Than-Significant Impact. The TLUP Area is in an urbanized area of the County adequately served by police protection services. The San Diego HPD provides police protection, investigation, and marine fire-fighting services to the District in the Bay, surrounding Tidelands, and at the San Diego International Airport. The HPD's jurisdiction includes areas within five neighboring cities: Coronado, Chula Vista, Imperial Beach, National City, and San Diego. The HPD would serve all of the planning districts within the TLUP Area.

As previously discussed, planned improvements consistent with the TLUP would be limited to the potential expansion of bait barges, baitfish storage, and associated vendor operations in PD11 (North Bay); routine maintenance of the San Diego-Coronado Bay Bridge and pipelines which are existing uses and activities in PD12 (North Central Bay);

shellfish and seaweed aquaculture in PD13 (South Central Bay); potential shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, and the development of minimal activating features (e.g., seating, public art, signage) in the Recreation Open Space area in PD14 (South Bay). Given the limited amount of physical changes that would potentially occur with implementation of the TLUP, it is anticipated that the additional demand for police protection services would be minimal and would not require or result in the need for new or expanded police protection facilities, the construction of which could cause significant environmental impacts. In addition, the TLUP includes policies related to safety and security, including but not limited to, SR Policy 1.2.1, which states that the development shall incorporate project design features, including, but not limited to crime prevention through enhanced security measures that create a safe environment on the development site without limiting public access, and SR Policy 1.3.1, which states that the District shall provide public safety facilities on water and on land for the HPD to maintain public safety capabilities in alignment with the Port Act. Therefore, this impact would be **less than significant**.

Schools?

No Impact. There are no schools located within the TLUP boundaries. Although various schools exist within 0.25-mile of the TLUP Area, the TLUP would not include residential development, which is not allowed under the Port Act. As such, there would not be new permanent residents in the District's jurisdiction that would increase demand on public school services. In addition, the TLUP does not propose planned improvements that would generate a substantial number of new permanent employment opportunities that could result in an increase in the student population of public schools in the vicinity of the TLUP Area. Although the operation of planned improvements identified in the TLUP would generate new permanent jobs, such as shellfish and seaweed aquaculture, the number of jobs created would be minimal. Therefore, operation of planned improvements identified in the TLUP would not result in physical impacts on the environment related to the construction of new or altered public school facilities to maintain service ratios. Impacts would be **less than significant**.

Parks?

Less Than Significant with Mitigation Incorporated. The proposed TLUP designates land for park space in the TLUP Area under the Recreation Open Space designation, which is defined as land areas primarily for visitor-serving, public open spaces that provide public access, public views, activating features, or access to coastal areas. Potential future planned improvements within the land area would be limited to potential shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, (PD14.6), as well as potential development of minimal activating features, including additional seating, public art, and information and interpretive signage in the area west of the 7th Street terminus (PD14.7). As documented in Sections 1.3, "Air Quality," 1.4, "Biological Resources," 1.5, "Cultural Resources," 1.8 "Greenhouse Gas Emissions," and 1.13, "Noise," construction associated with planned improvements PD14.6 and PD14.7 within the Conservation Open Space and Recreation Open Space land use designations in PD14, as well as any future projects proposed within this area consistent with the TLUP, could result in potentially significant environmental impacts. However, implementation of the mitigation measures identified in those sections would reduce these potential impacts to less than significant. Therefore, impacts would be **less than significant with mitigation incorporated**.

Required Mitigation Measures

With implementation of the following mitigation measures, potentially significant impacts on public services would be reduced to less than significant.

Implement **MM-AQ-1** through **MM-AQ-5** as described in Section 1.3, "Air Quality."

Implement **MM-BIO-1** through **MM-BIO-5** as described in Section 1.4, "Biological Resources."

Implement **MM-CUL-1** and **MM-CUL-2** as described in Section 1.5, "Cultural Resources."

Implement **MM-GEO-1** as described in Section 1.7, "Geology and Soils."

Implement **MM-NOI-1** and **MM-NOI-2** as described in Section 1.13, "Noise."

1.16 RECREATION

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XVI. Recreation.				
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☒	☐	☐

1.16.1 Environmental Setting

The District manages several waterfront parks and walking and biking trails along the waterfront within District Tidelands. The District maintains these recreation spaces and issues permits for group use of the parks. The District's jurisdiction also includes open bay areas available for recreational use. In addition, there are several existing parks within the District's member cities, including the cities of San Diego, Imperial Beach, and Coronado, that are in the vicinity of the TLUP Area. Furthermore, the California Department of Parks and Recreation operates Silver Strand State Beach, a day-use and overnight park located on Silver Strand, along 2.5 miles of oceanfront and 0.5-mile of bayfront and approximately 0.5-mile west of the TLUP Area.

The TLUP Area consists almost entirely of submerged lands, with only 99 acres of land area located in the South Bay Planning District (PD14). A portion of the Bayshore Bikeway extends through the landside area in PD14. There are no other park or recreational facilities within the TLUP Area.

1.16.2 Discussion

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less-Than-Significant Impact. Although various parks exist within vicinity of the TLUP Area, the TLUP does not include residential development, which is not allowed under the Port Act. As such, there would not be new permanent residents in the District's jurisdiction that would increase the use of existing neighborhood and regional parks. In addition, the TLUP does not propose planned improvements or water and land use designations that would generate a substantial number of new visitors (e.g., hotels, retail, restaurants) that would increase the use of existing parks. Furthermore, the TLUP Area includes 99 acres of land in PD14, a portion of which would be designated as Conservation Open Space and the remainder Recreation Open Space. Potential planned improvements within the Recreation Open Space land use include PD14.7, which proposes minimal activating features (e.g., seating, public art, signage) that would provide additional passive recreational opportunities on District Tidelands. This landside area also includes existing portions of the Bayshore Bikeway, and planned improvements PD14.5 and PD14.6 of the TLUP propose the continued operation and maintenance of this recreational facility. Moreover, the District currently conducts routine maintenance of its existing park and recreational facilities and has a regular maintenance program that would repair or replace deteriorating facilities on an ongoing basis. The District would continue to maintain any

new recreational facilities developed under the proposed TLUP. Therefore, the TLUP would not result in the substantial or accelerated deterioration of these amenities, and impacts would be **less than significant**.

b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

Less Than Significant with Mitigation Incorporated. The TLUP Area primarily consists of submerged lands within San Diego Bay, except for approximately 99acres of land area in PD14 that would be designated as Conservation Open Space or Recreation Open Space. Potential planned improvements within the landside portion of the TLUP Area would be limited to potential shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, and the potential development of minimal activating features, including additional seating, public art, and information and interpretive signage in the area west of the 7th Street terminus. As documented in Sections 1.3, "Air Quality," 1.4, "Biological Resources," 1.5, "Cultural Resources," 1.8 "Greenhouse Gas Emissions," and 1.13, "Noise," construction associated with the planned improvements within the landside portion of the TLUP Area in PD14, as well as any future projects proposed within this area consistent with the TLUP, could result in potentially significant environmental impacts. However, implementation of mitigation measures would reduce these potential impacts to less than significant.

Required Mitigation Measures

With implementation of the following mitigation measures, potentially significant recreation impacts would be reduced to less than significant.

Implement **MM-AQ-1** through **MM-AQ-5** as described in Section 1.3, "Air Quality."

Implement **MM-BIO-1** through **MM-BIO-5** as described in Section 1.4, "Biological Resources."

Implement **MM-CUL-1** and **MM-CUL-2** as described in Section 1.5, "Cultural Resources."

Implement **MM-GEO-1** as described in Section 1.7, "Geology and Soils."

Implement **MM-NOI-1** and **MM-NOI-2** as described in Section 1.13, "Noise."

1.17 TRANSPORTATION

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XVII. Transportation.				
Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

1.17.1 Environmental Setting

The TLUP Area consists almost entirely of submerged lands, with only 99 acres of land area in the South Bay Planning District (PD14). As such, the discussion of existing transportation conditions focuses primarily on the in-water transportation network within the TLUP Area. However, landside transportation facilities serving PD14 and greater regional transportation network serving the Port are briefly addressed.

REGIONAL FACILITIES

Regional access to District Tidelands is provided by the interstate and state freeway systems, which are under Caltrans' jurisdiction. The following freeways provide access to District Tidelands.

- Interstate (I-5 provides both regional and national transit in a north-to-south route along the west coast, extending from the United States/Mexico border to the Washington State border with Canada. I-5 runs adjacent and in proximity to District Tidelands.
- SR-75 connects Downtown San Diego from I-5 to Coronado via the San Diego-Coronado Bay Bridge, and continues through Coronado and down the Silver Strand, terminating at the city limits of Imperial Beach. SR-75 provides access to District Tidelands.
- SR-15 begins just southeast of the Working Waterfront and travels in a northward direction. The southern terminus of SR-15 is at S. 32nd Street, which provides direct access to E. Harbor Drive.

WATER AND LAND CONNECTION POINTS

The TLUP Area consists primarily of open waters of San Diego Bay that provide access points between landside and waterside areas of District Tidelands. The in-water transportation network includes shipping for trade, passengers, and military actions both within the region and abroad. Water-to-land facilities on Tidelands also connect national and international water and land networks to key transport areas. These connection points include the cruise ship terminal, which offers berthing for recreation-focused visitors to embark. The District also provides and maintains two marine terminals, the Tenth Avenue Marine Terminal and National City Marine Terminal, that are connection points

for the import and export of domestic and international maritime cargo to the western United States and that serve as Strategic Port locations for the movement and access of military assets.

The in-water transportation network within the TLUP Area consists of the following types of accessways.

- **Navigation Corridors:** Water areas primarily devoted ~~for~~to the maneuvering of vessels.
- **Federal Navigation Channel:** Water areas primarily dedicated to water navigation. This designation encompasses the coastal waterway that was constructed and is maintained by USACE. The waterway is a necessary transportation system that serves economic and national security interests. The Federal Navigational Channel primarily serves as a critical waterway for deep-water vessels.
- **Open Bay:** Water areas adjoining shoreline recreation areas, boat launching ramps, water-based transfer points, public fishing piers, public vista areas, and other public recreational facilities.
- **Water-Based Transit:** Transportation services available to the public (operated publicly or privately) picking up and offloading passengers at water-based transfer points. The following waterside transit services are provided within District Tidelands.
  - **Ferry:** Provides service between the Coronado and the San Diego Convention Center. There are ferry stops located in PMPU PD3 and PD10. Specifically, PMPU PD3 includes the Broadway Pier stop and the Convention Center stop (5th Avenue Landing), and the Coronado Ferry Landing is located within PMPU PD10.
  - **Water Taxi:** Provides prearranged services for a minimum of 20 people at a time in the areas of Downtown San Diego, Coronado, and Point Loma in San Diego Bay. The water taxi stops are located in PMPU PD1, PD2, PD3, and PD10.

PEDESTRIAN AND BICYCLE FACILITIES

The Bayshore Bikeway is a 24-mile regional bicycle facility consisting of bike paths and bike routes that circumnavigate the Bay. The Bayshore Bikeway travels both through and adjacent to District Tidelands. Within the TLUP Area, the Bayshore Bikeway extends through the southern portion of PD14 and serves as a multi-use path, providing access for both pedestrians and bicyclists. There are no other pedestrian or bicycle facilities within the TLUP Area.

GOODS MOVEMENT

Tidelands are a critical entry point and connector for the movement of goods for the western region of the United States. The Tenth Avenue Marine Terminal and the National City Marine Terminal serve as the major and strategic cargo hubs for the District, in which maritime cargo is transferred to or from maritime vessels at the marine terminals and between land-based freight facilities. This network includes roadways that provide connections to the interstate system and border crossings for regional, interregional, and international trucking access, rail facilities in association with the BNSF Railway (which ultimately connects to the regional and national rail corridor), and pipelines for the delivery of liquid commodities in the region.

1.17.2 Regulatory Setting

STATE

Senate Bill 743

Governor Jerry Brown signed SB 743 on September 27, 2013, which mandated a change in the way that public agencies evaluate transportation impacts of projects under CEQA, focusing on VMT rather than level of service (LOS) and other delay-based metrics. SB 743 states that new methodologies under CEQA are needed for evaluating

transportation impacts that are better able to reduce GHG emissions and traffic-related air pollution, promoting the development of a multimodal transportation system, and providing clean, efficient access to destinations. It further intended to balance the need for LOS standards with the State's need to build infill housing and mixed-use commercial developments within walking distance of mass transit facilities and downtowns or town centers. SB 743 allowed for measurements of transportation impacts that could include VMT, VMT per capita, automobile trip generation rates, or automobile trips generated. Accordingly, SB 743 required OPR (now LCI) to amend the State CEQA Guidelines to reflect these changes.

State CEQA Guidelines Section 15064.3

In response to SB 743, LCI added Section 15064.3 of the State CEQA Guidelines, as part of a comprehensive Guidelines update, adopted by the California Natural Resources Agency in December 2018. Section 15064.3 describes specific considerations for evaluating a project's transportation impacts and identifies VMT as the most appropriate measure to determine the significance of transportation impacts. Per Section 15064.3, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in subdivision (b)(2) below (regarding roadway capacity), a project's effect on automobile delay shall not constitute a significant environmental impact.

(b) Criteria for Analyzing Transportation Impacts.

(1) Land Use Projects. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.

(2) Transportation Projects. Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, such as in a regional transportation plan EIR, a lead agency may tier from that analysis as provided in Section 15152.

(3) Qualitative Analysis. If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.

(4) Methodology. A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled, and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.

The Office of Administrative Law approved the updated State CEQA Guidelines and lead agencies had an opt-in period until July 1, 2020 to implement the updated guidelines as they related to VMT. As of July 1, 2020, implementation of Section 15064.3 of the updated CEQA Guidelines apply statewide.

Technical Advisory on Evaluating Transportation Impacts in CEQA

In response to SB 743 and the addition of Section 15064.3 to the State CEQA Guidelines, OPR (now LCI) adopted the *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Technical Advisory) in December 2018 to provide technical recommendations on methods for assessing VMT, thresholds of significance, and mitigation measures. The

recommendations in the Technical Advisory are intended to provide guidance to agencies and the public for assessing VMT-related transportation impacts under CEQA.

The District has not yet formally adopted any thresholds or guidance related to VMT analysis. Therefore, in the absence of adopted VMT guidelines and thresholds of significance, the VMT analysis here-in relies on the guidance provided in CEQA Guidelines Section 15064.3 and the OPR Technical Advisory (OPR 2018).

The OPR Technical Advisory states that lead agencies may screen out VMT using project size, maps, transit availability, and provision of affordable housing. Many agencies use these screening thresholds to identify when a project should be expected to cause a less-than-significant impact without conducting a detailed study. These screening thresholds are identified below:

- *Small Project* – Projects that generate or attract fewer than 110 trips per day generally may be assumed to result in a less-than-significant transportation impact.
- *Map-Based Screening for Residential and Office Projects* – Residential and office projects located in areas with low VMT, and that incorporate similar features (i.e., density, mix of uses, transit accessibility), will tend to exhibit similarly low VMT. Maps created with VMT data, for example from a travel survey or a travel demand model, can illustrate areas that are currently below threshold VMT. Because new development in such locations would likely result in a similar level of VMT, such maps can be used to screen out residential and office projects from needing to prepare a detailed VMT analysis.
- *Presumption of Less-Than-Significant Impact Near Transit Stations* – Lead agencies generally should presume that certain projects (including residential, retail, and office projects, as well as projects that are a mix of these uses) proposed within ½ mile of an existing major transit stop or an existing stop along a high-quality transit corridor will have a less-than-significant impact on VMT.
- *Presumption of Less-Than-Significant Impact for Affordable Residential Development* – Adding affordable housing to infill locations generally improves jobs-housing match in turn shortening commutes and reducing VMT. Further, low-wage workers in particular would be more likely to choose a residential location close to their workplace if one is available. In areas where existing jobs-housing match is closer to optimal, low-income housing nevertheless generates less VMT than market-rate housing. Therefore, a project consisting of a high percentage of affordable housing may be a basis for the lead agency to find a less-than-significant impact on VMT.

REGIONAL

San Diego Forward: The 2021 Regional Plan

The SANDAG Board of Directors adopted San Diego Forward: The 2021 Regional Plan (2021 Regional Plan) in December 2021. The 2021 Regional Plan combines the Regional Transportation Plan, Sustainable Communities Strategy, and Regional Comprehensive Plan. The 2021 Regional Plan anticipates the growth that will occur in the San Diego region and provides a blueprint for the regional transportation system, as well as a vision for promoting sustainability and offering a variety of mobility options for people and goods. The 2021 Regional Plan strategies are organized around the five strategies called "5 Big Moves": Next Operating System, Complete Corridors, Transit Leap, Mobility Hubs, and Flexible Streets (SANDAG 2021: 6). Project, policies, and programs developed to achieve the 2021 Regional Plan goals are organized around the following three core strategies:

- Invest in a reimagined transportation system.
- Incentivize sustainable growth and development.
- Implement innovative demand and system management.

California State Proposition 111, passed by voters in 1990, established a requirement that urbanized areas prepare and regularly update a congestion management program (CMP). The requirements within the State CMP were developed to monitor the performance of the transportation system, develop programs to address near-term and long-term

congestion, and better integrate transportation and land use planning. SANDAG provided regular updates for the State CMP from 1991 through 2008. In October 2009, the San Diego region elected to be exempt from the State CMP, and, since this decision, SANDAG has been abiding by 23 CFR 450.320 to ensure the region's continued compliance with the Federal congestion management process. The Regional Plan is the region's long-range transportation plan and SCS and meets the requirements of 23 CFR 450.320 by incorporating the following Federal congestion management process: performance monitoring and measurement of the regional transportation system, multimodal alternatives and non-single occupant vehicle analysis, land use impact analysis, the provision of congestion management tools, and integration with the regional transportation improvement program process.

Riding to 2050, the San Diego Regional Bike Plan

Riding to 2050, the San Diego Regional Bike Plan (Regional Bike Plan) was developed to support the 2004 Regional Comprehensive Plan and the 2050 RTP in implementing the regional strategy for utilizing bicycles as a valid form of everyday travel. The Regional Bike Plan, as part of the SCS mandated by SB 375, provides for a detailed Regional Bike Network, as well as the programs that are necessary to support it. Implementation of the Regional Bike Plan would help the region meet its goals for reducing GHG emissions and improve mobility.

LOCAL

Port Master Plan Update Mobility Element

In February 2024, the Board of Port Commissioners adopted the Final Draft PMPU and certified the associated EIR. Because the TLUP Area consists primarily of water, the following PMPU Mobility Element policies addressing the waterside circulation system would be applicable to the TLUP.

- M Policy 1.1.1 The District shall coordinate with agencies that have transportation authority and adjacent jurisdictions to develop comprehensive Baywide water-based transit services, including the development of new water-based transfer points and routes to connect key destination points. The District may also coordinate with the U.S. Navy to establish new water-based transfer points and routes in support of the Strategic Port designation.
- M Policy 1.1.2 Permittees of development with waterside access shall create, where feasible and appropriate, new, or improve access to, publicly accessible piers, docks, slips, moorings, anchorages, floats, and platforms.
- M Policy 1.1.4 The District shall require lower cost or free public transient docking as part of coastal-enhancing development.
- M Policy 1.1.5 The District shall maintain cruise ship access to the federal navigation channel and deep-water berthing.
- M Policy 1.1.6 The District shall continue to maintain cruise ship access and operations as a means for supporting coastal access and use of Tidelands
- M Policy 1.1.7 Through CDPs issued by the District, permittees shall advance as part of development the implementation of zero-emission, when feasible, and near-zero emission technologies and supportive infrastructure improvements for passenger-related oceangoing vessels and harbor craft that facilitate the movement of people in alignment with District sustainability and maritime clean air strategies.
- M Policy 1.1.8 The District shall coordinate with agencies that have transportation authority, and with adjacent jurisdictions and permittees, to plan mobility infrastructure in support of the safe movement of people and/or goods. Specific transit improvements included in this Plan are outlined in Chapter 5, Planning Districts, including any planned improvements within the applicable planning district or subdistrict.
- M Policy 1.3.1 Permittees of waterside development shall provide transient docking with short-term (hourly) free or paid vessel docking, where feasible.
- M Policy 1.3.2 The District – independently, assigned through partnerships with the District, or through CDPs issued by the District – shall require the planning, designing, and implementation of transient docking locations to accommodate and allow for access of on water transit services.

- M Policy 1.3.3 The District shall allow for slip modifications and in-kind replacements of existing recreational marina facilities to support waterside facilities and boating needs, provided there are no increases in unmitigated shading or fill.
- M Policy 2.1.2 The District shall encourage the development of versatile infrastructure that can adapt to future needs and support multiple modes of travel for the transfer of freight between waterside and landside uses.
- M Policy 2.1.5 The District shall seek investment and grant opportunities for infrastructure, equipment, and technologies that enable the District's marine terminals to efficiently and sustainably transfer goods between waterside and landside.
- M Policy 2.1.6 The District shall collaborate with public and private entities to invest in terminal infrastructure that supports the optimization of cargo movement, cargo laydown areas, cargo handling equipment, and gate operations directly related to maritime cargo.
- M Policy 2.1.7 The District, in coordination with permittees of development, tenants, and adjacent jurisdictions, shall maintain and develop improvements to linkages between the marine terminals and landside networks, including but not limited to roadways, rail, pipelines, and the electrical grid, to enable efficient movement of goods along those networks and to support the working waterfront.
- M Policy 2.2.1 Through CDPs issued by the District, permittees shall plan, design, and implement improvements to the mobility network that provide opportunities for efficient and sustainable goods movement. These improvements shall be developed in accordance with Chapter 5, *Planning Districts*, including any development standards within the applicable planning district or subdistrict.
- M Policy 2.2.3 The District shall engage with stakeholders, such as railway companies, trucking companies, cargo and freight shipping lines, and service providers, to identify and implement feasible sustainable freight strategies in accordance with the District's environmental and operational strategies, plans, and regulations, as well as the State's sustainability objectives.
- M Policy 2.2.4 The District shall engage with railroad operators and agencies that have transportation authority to maintain, enhance, and expand access between the cargo terminals and the regional freight infrastructure.
- M Policy 2.2.5 The District, in coordination with permittees of development, tenants, and adjacent jurisdictions, and regional transportation agencies, shall maintain and develop improvements to linkages between the marine terminals and landside networks, including but not limited to roadways, rail, and pipelines, to enable efficient movement of goods along those networks and to support the working waterfront.
- M Policy 2.2.6 The District and permittees shall optimize off-terminal land-based freight networks to maintain, enhance, and expand the vitality of the working waterfront.
- M Policy 2.2.7 In coordination with operators and stakeholders, the District shall plan for improvements to railroad corridors, such as spurs, rail storage facilities, switching facilities, and suitable rail trackage within the working waterfront, both on dock and near dock, to better interface the movement of cargo between ship and land carriers.
- M Policy 2.2.9 The District shall coordinate with its tenants and the cities of National City or San Diego to enhance access and connectivity between the Tenth Avenue and National City marine terminals, on both the waterside and landside, to allow for the convenient transfer of goods. Specific improvements to enhance the connectivity between terminals are outlined in Chapter 5, Planning Districts, including any planned improvements within the applicable planning district or subdistrict.
- M Policy 3.2.1 The District shall engage with the U.S. military to identify and ensure the effectiveness of critical assets for military use, such as marine terminals, rail facilities, and docks and piers, that may be needed in times of emergency while allowing day-to-day access to strategic assets.
- M Policy 3.2.2 The District shall plan and maintain its transportation network so that it has the capacity to evacuate operations located on terminals in a manner and timeframe consistent with the U.S. military's needs consistent with requirements under the Strategic Port designation.

1.17.3 Discussion

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Less-Than-Significant Impact. The TLUP Area consists primarily of submerged lands within San Diego Bay, except for approximately 99 acres of land in PD14, a portion of which would be designated as Conservation Open Space and the remainder as Recreation Open Space. There are no roadways within the TLUP Area, and implementation of the TLUP would not result in any modifications to offsite roadways. Because the majority of the TLUP Area consists of submerged lands, the only public transit services within the TLUP Area are the Coronado Ferry, which provides service between the Coronado Ferry Landing and Broadway Pier, as well as a water taxi that provides prearranged services for a minimum of 20 people at a time in the areas of Downtown San Diego, Coronado, and Point Loma in San Diego Bay. The TLUP does not propose any changes to these two waterside transit services. In addition, the TLUP includes several policies aimed at maintaining, enhancing, and expanding modes of travel available to people on water. For example, M Policy 1.1.1 states that the District shall coordinate with agencies that have transportation authority and adjacent jurisdictions to develop comprehensive water-based transit services, including the development of new water-based transfer points and routes to connect key destination points.

Similarly, the TLUP includes policies aimed at maintaining, enhancing, and expanding modes of travel available to people on land. These policies include, but are not limited to, M Policy 1.1.6, which states that the District shall coordinate with agencies that have transportation authority to explore opportunities to expand accessible transit service to Tidelands, as well as M Policy 1.1.8, which states that the District shall coordinate with agencies that have transportation authority to enhance coastal connectivity and access throughout Tidelands. As demonstrated in Table 1.11-1 in Section 1.11, "Land Use and Planning," the TLUP's proposed policies and planned improvements would be consistent with all applicable plans, programs, and policies, including those from the PMPU related to mobility and the circulation system. Regarding pedestrian and bicycle facilities, the landside portion of the TLUP Area includes a segment of the Bayshore Bikeway in PD 14. The TLUP proposes to maintain the existing Bayshore Bikeway and coordinate with adjacent jurisdictions and applicable resource agencies in the event that future coastal flooding causes any segment of the Bayshore Bikeway to become unsuitable for public use by creating health or safety risks. The implementation of this planned improvement would allow for the continued operation of the Bayshore Bikeway and therefore would support pedestrian and bicycle circulation within and around the TLUP Area. Furthermore, by maintaining the Bayshore Bikeway, the proposed TLUP would be consistent with the goals of Riding to 2050 to increase the number of people who bike and the frequency of bicycle trips for all purposes, as well as improve safety for bicyclists. For these reasons, the proposed TLUP would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Therefore, this impact would be **less than significant**.

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3(b), which pertains to vehicle miles travelled?

Less-Than-Significant Impact. The TLUP does not propose any water or land uses that would have the potential to generate VMT in exceedance of regional averages and none of the planned improvements would generate enough average daily trips (i.e., 110 ADTs) to trigger the need to analyze VMT. In addition, the TLUP does not include any planned infrastructure improvements, or changes to the existing water or land uses that would generate a substantial number of new permanent employment opportunities and associated VMT. Planned improvements, consistent with the TLUP, would be limited to the potential expansion of bait barges, baitfish storage, and associated vendor operations in PD11 (North Bay); routine maintenance of the San Diego-Coronado Bay Bridge and pipelines, which are existing uses and activities in PD12 (North Central Bay); shellfish and seaweed aquaculture in PD13 (South Central Bay); and the development of minimal activating features (e.g., seating, public art, signage) in the Recreation Open Space area in PD14 (South Bay).

Although the operation of certain potential future uses associated with the TLUP would generate new permanent jobs, such as the expansion of bait barges and shellfish and seaweed aquaculture, the number of jobs created would

be minimal. The details regarding any potential expansion of the bait barges, baitfish storage, and associated vendor operations in PD11 are not known at this time. However, it is anticipated that operation of this planned improvement would generate far fewer than 110 ADT (110 ADT requires a minimum of 50 new employees, the number of additional employees would likely be 1-2). Additionally, the operation of shellfish and seaweed aquaculture in PD13 would similarly require only a small number of aquaculturists, producing far less than 110 ADT. Furthermore, because routine maintenance of the San Diego-Coronado Bay Bridge is an existing use and activity, and the TLUP would merely continue this use and activity, there would be no additional trips generated by this planned improvement compared to existing conditions. Moreover, the shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway would not induce vehicular travel; rather, it would continue to promote the use of alternative modes of transportation that would reduce VMT. As such, given the limited amount of physical changes that would potentially occur with implementation of the TLUP, it is not anticipated that the TLUP would generate VMT that would exceed the regional average and conflict or be inconsistent with CEQA Guidelines section 15064.3(b).

Furthermore, the TLUP includes several policies aimed at improving transportation and mobility around District Tidelands. The proposed policies would support the development of multimodal infrastructure to encourage the use of all non-automobile transit options (pedestrian, bicycle, public transit routes), which would reduce automobile trips throughout District Tidelands and contribute to a reduction in VMT. These policies include, but are not limited to, M Policy 1.1.5, which states that the District shall coordinate with agencies that have transportation authority, and with adjacent jurisdictions and permittees, to plan shared mobility infrastructure in support of the safe movement of people and/or goods; M Policy 1.1.6 and M Policy 1.1.8, which are described under item (a), above; M Policy 1.1.9, which states that, through CDPs issued by the District, permittees shall provide public access points along the Bay and may collaborate and coordinate with agency partners and adjacent jurisdictions to plan for, design, and reinforce linkages between those public access points and off-Tidelands areas; M Policy 1.1.11, which states that the District – independently or in collaboration with other agencies with transportation authority and adjacent jurisdictions and permittees – may identify additional waterside or landside access opportunities in the future to enhance the mobility network for the movement of people; and M Policy 1.2.1, which states that the District shall coordinate with adjacent jurisdictions to add wayfinding signage that identifies coastal access opportunities on Tidelands, including public walkways, docks and piers, beaches, and other public areas and amenities. Finally, the TLUP does not propose any changes to existing cargo throughput, future increases in throughput, or associated employment at the Tenth Avenue Marine Terminal or National City Marine Terminal, which were evaluated and approved in their respective certified EIRs. Rather, the proposed water uses in the TLUP would maintain existing Federal Navigation Corridor and Industrial Boat Berthing uses currently occurring in the Bay.

For these reasons, the TLUP would not conflict or be inconsistent with CEQA Guidelines section 15064.3(b). This impact would be **less than significant**.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less-Than-Significant Impact. The landside portion located in the South Bay Planning District (PD14) would be designated as Conservation Open Space in certain areas and Recreation Open Space in other areas. San Diego Bay serves as the waterway network for ships for trade, passengers, and military actions both within the region and abroad. Water-based accessways in the Bay include navigation corridors, open bay areas, and water-based transit. These accessways are used by both recreational and non-recreational vessels (e.g., military, goods movement). Planned improvements identified in the TLUP within San Diego Bay are limited to the potential expansion of bait barges, baitfish storage, and associated vendor operations in PD11 (North Bay); routine maintenance of the San Diego-Coronado Bay Bridge and pipelines which are existing uses and activities in PD12 (North Central Bay); and shellfish and seaweed aquaculture in PD13 (South Central Bay). As such, the TLUP does not include any planned improvements that would affect the safe navigation of vessels in San Diego Bay. In addition, the TLUP includes several policies aimed at providing for safe navigation. These policies include, but are not limited to, M Policy 2.3.1, which states that the District shall coordinate with the federal agencies that have responsibilities to maintain the federal navigation channel to ensure safe navigation; M Policy 2.3.3, which states that permittees of development on

submerged lands shall contact and, where applicable, consult with the regulatory agency responsible for the federal navigation channel to determine an appropriate distance between the development and the federal navigation channel; M Policy 2.3.4, which states that submerged lands development and associated operations shall not inhibit safe access to and within the federal navigation channel or navigation corridors or designated berthing areas, and maintenance of the federal navigation channel; M Policy 2.3.6, which states that submerged lands development and vessel berthing shall not inhibit safe access for vessels; and M Policy 2.3.7, which states that permittees shall deploy and maintain development buoys that identify hazards, depth markers, navigation areas, or other in-water structures or features in coordination or consultation with regulatory agencies. Furthermore, none of the goals, objectives, policies, or planned improvements identified in the TLUP would result in any changes to existing connection or access points between waterside and landside uses.

Within the landside portion of the TLUP Area, planned improvements are limited to maintaining the existing Bayshore Bikeway, potential shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, and the development of minimal activating features (e.g., seating, public art, signage) in the Recreation Open Space area in PD 14 (South Bay). These planned improvements would not increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses. Therefore, this impact would be **less than significant**.

d) Result in inadequate emergency access?

Less-Than-Significant Impact. The TLUP does not include any planned improvements that would interfere with emergency access or response within San Diego Bay. As mentioned above in Section 1.17.3 (c), the TLUP includes several policies aimed at providing for safe navigation within the Bay, including M Policy 2.3.1, M Policy 2.3.3, M Policy 2.3.4, and M Policy 2.3.6. These policies would also ensure that emergency response vessels would have adequate access in the event of a waterside emergency. In addition, landside planned improvements could include the development of minimal activating features (e.g., seating, public art, signage) in the Recreation Open Space area in PD14 (South Bay). This planned improvement would not result in inadequate emergency access. Therefore, this impact would be **less than significant**.

Required Mitigation Measures

The TLUP would not result in significant impacts associated with transportation. Therefore, no mitigation measures are required.

1.18 TRIBAL CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XVIII. Tribal Cultural Resources.				
Has a California Native American Tribe requested consultation in accordance with Public Resources Code section 21080.3.1(b)?	☐ Yes		☒ No	
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☒	☐	☐
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	☐	☒	☐	☐

1.18.1 Environmental Setting

AB 52, signed by the California Governor in September of 2014, established a new class of resources under CEQA: "tribal cultural resources," defined in PRC Section 21074. Pursuant to PRC Sections 21080.3.1, 21080.3.2, and 21082.3, lead agencies undertaking CEQA review must, upon written request of a California Native American Tribe, begin consultation before the release of an EIR, negative declaration, or mitigated negative declaration. ~~No California Native American Tribes have requested notification for environmental review projects under CEQA within the District's jurisdiction.~~ On February 13, 2025, the District sent AB 52 consultation solicitations for the TLUP MND/IS to 13 California Native American Tribes. The Manzanita Band of the Kumeyaay Nation (Manzanita Tribe) expressed interest in consultation and provided comments on the TLUP on July 7, 2025. The letter covers eight topics, which include acknowledgement of Kumeyaay Territory, protection of tribal cultural resources in alignment with AB52 and CEQA requirements, tribal consultation and co-management of tribal cultural resources, integration of Traditional Ecological Knowledge, the identification and promotion of tribal economic opportunities, cultural education and interpretation, and opposition to harmful development. The Manzanita Tribe's comments, as well as the District's responses are provided as ~~Appendix C~~ Attachment B to this MND/IS.

A records search at SCIC was conducted for the TLUP Area and quarter-mile radius to determine if tribal cultural resources are present. No tribal cultural resources that are listed in or eligible for listing in the CRHR were identified during the records search. Additionally, a Sacred Lands File Search of the TLUP Area and vicinity was obtained from NAHC. No Sacred Lands were identified by the NAHC.

1.18.2 Regulatory Setting

STATE

Assembly Bill 52 (Chapter 532, Statute of 2014)

AB 52 (Chapter 532, Statutes of 2014) establishes a formal consultation process for California Native American tribes as part of CEQA and establishes that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (PRC Section 21084.2). PRC Section 21074 defines tribal cultural resources as follows.

Sites, features, places, sacred places, and objects with cultural value to descendant communities or cultural landscapes defined in size and scope that are:

- Included in or eligible for listing in the CRHR; or,
- Included in a local register of historical resources.

A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1.

Sacred places can include Native American sanctified cemeteries, places of worship, religious or ceremonial sites, and sacred shrines. In addition, both unique and non-unique archaeological resources, as defined in PRC Section 21083.2, can be tribal cultural resources if they meet the criteria detailed above. The lead agency relies upon substantial evidence to make the determination that a resource qualifies as a tribal cultural resource when it is not already listed in the CRHR or a local register.

AB 52 defines a "California Native American Tribe" (Tribe) as a Native American tribe located in California that is on the contact list maintained by the NAHC (PRC Section 21073). Under AB 52, and per PRC Section 21083.3.1, formal consultation with Native American tribes is required prior to determining the level of environmental document if a tribe has requested to be informed by the lead agency of proposed projects and if the Tribe, upon receiving notice of the project, accepts the opportunity to consult within 30 days of receipt of the notice. Per PRC Section 21080.3.2, AB 52 also requires that consultation, if initiated, address project alternatives and mitigation measures for significant effects, if specifically requested by the Tribe. AB 52 states that consultation is considered concluded when either the parties agree to measures to mitigate or avoid a significant effect on tribal cultural resources, or when either the Tribe or the agency concludes that mutual agreement cannot be reached after making a reasonable, good-faith effort. Under AB 52, any mitigation measures recommended by the agency or agreed upon with the Tribe may be included in the final environmental document and in the adopted mitigation monitoring program if they were determined to avoid or lessen a significant impact on a tribal cultural resource. If the recommended measures are not included in the final environmental document, then the lead agency must consider the four mitigation methods described in PRC Section 21084.3(e). Any information submitted by a Tribe during the consultation process is considered confidential and is not subject to public review or disclosure. It will be published in a confidential appendix to the environmental document unless the Tribe consents to disclosure of all, or some, of the information to the public.

1.18.3 Discussion

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Less Than Significant with Mitigation Incorporated. A majority of the TLUP Area consists of submerged lands. The planned improvements within water (e.g., expansion of existing bait barges, maintenance of the San Diego-Coronado Bay Bridge and related pipelines, aquaculture) identified in the TLUP would not result in associated activities that could disturb buried tribal cultural resources, if present.

The TLUP Area includes landside area that would be designated as Conservation Open Space or Recreation Open Space in the South Bay Planning District (PD14). Planned improvements for this land area include potential shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway and the development of minimal activating features (e.g., seating, public art, signage). This area has been previously disturbed and graded, reducing the likelihood of encountering artifacts that may be considered a tribal cultural resource. Furthermore, the SCIC records search did not yield any results of tribal cultural resources that are listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources, within the TLUP Area.

As discussed in Section 1.18.1, "Environmental Setting," the District sent AB 52 consultation solicitations for the TLUP MND/IS to 13 California Native American Tribes on February 13, 2025. The Manzanita Tribe expressed interest in consultation and provided comments on the TLUP on July 7, 2025. The Manzanita Tribe's letter did not identify any tribal cultural resources under Public Resources Code Section 21074 that would be adversely affected by implementation of the TLUP. However, the letter did request protection and preservation of cultural resources and the use of tribal monitors during ground-disturbing activities. ~~Furthermore, no California Native American Tribes have requested to be informed of projects by the District; therefore, there is no trigger to begin consultation under AB 52, and no resources have been identified as tribal cultural resources under Public Resources Code Section 21074.~~

~~However, a~~As indicated within Section 1.5, "Cultural Resources," the SCIC records search revealed one burial location at Site P-37-031061. Given there is a record of a known burial in the vicinity of the planned improvements in PD14, a potentially significant impact would occur if existing regulations protecting human remains are not followed (Impact-CUL-3). MM-CUL-2 would require monitoring during earthwork by a Native American Tribal representative if a project-level archaeological investigation determines that prehistoric archaeological resources may be present. Upon any unanticipated discovery, the Native American monitor (for tribal cultural resources) would determine the significance of the discovered resources in accordance with PRC 21083.2(i) and State CEQA Guidelines Section 15064.5(f). Additionally, MM-CUL-2 includes measures that would ensure the discovery of any human remains would be treated in accordance with Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5. Therefore, Impact-CUL-3, which is identified in Section 1.5, "Cultural Resources," would be reduced to less than significant with implementation of MM-CUL-2.

For the reasons described above, potential impacts on tribal cultural resources would be **less than significant with mitigation incorporated**.

Required Mitigation Measures

Implement **MM-CUL-2** as described in Section 1.5, "Cultural Resources."

1.19 UTILITIES AND SERVICE SYSTEMS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XIX. Utilities and Service Systems.				
Would the project:				
a) Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	☐	☐	☒	☐
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

1.19.1 Environmental Setting

The TLUP Area consists almost entirely of submerged lands that are not served by existing utilities. The landside portion of the TLUP Area is within the cities of San Diego, Imperial Beach, and Coronado. The utility providers that serve the landside portion of the TLUP Area are listed in Table 1.19-1 below and are summarized in the following sections.

Table 1.19-1 TLUP Area Utility Service Providers

Utility Service	Provider
Wastewater	Metropolitan Sewerage System (City of San Diego Public Utilities Department)
Water	San Diego County Water Authority; City of San Diego Public Utilities Department; California-American Water Company (Cal-Am)
Stormwater	San Diego Unified Port District; City of San Diego Storm Water Department; City of Imperial Beach Stormwater Department; City of Coronado Stormwater Department
Solid Waste	Various Franchise Waste Haulers[1]/Miramar, Sycamore, Otay, and Borrego Landfills
Electricity and Natural Gas	San Diego Gas and Electric (SDG&E)
Telecommunications	Various Providers, such as AT&T, T-Mobile, Verizon, Sprint, etc.

[1] A list of current franchise waste haulers as of the time of this PEIR's preparation is available on the City of San Diego's website: https://www.sandiego.gov/sites/default/files/esd-franchised-hauler-list.pdf.

WASTEWATER

The cities of Coronado, Imperial Beach, and San Diego operate and maintain the sanitary sewer systems within their respective jurisdictions. However, the Metropolitan Sewerage System, which is owned and operated by the City of San Diego's Public Utilities Department's (PUD) Wastewater Branch, provides wastewater treatment service to all of District Tidelands, including the TLUP Area. The Metropolitan Sewerage System serves the City of San Diego's water customers as well as 12 cities and agencies with a service area of approximately 450 square miles and service population of approximately 2.2 million (PUD 2021). The Metropolitan Sewerage System collects, treats, and disposes of approximately 552 acre-feet per day (180 million gallons per day [mgd]) of wastewater and has existing wastewater treatment capacity to handle 285 mgd (PUD 2021).

Three treatment plants treat wastewater generated in the Metro System, including the North City Water Reclamation Plant, South Bay Water Reclamation Plant (SBWRP), and the Point Loma Wastewater Treatment Plant (PLWTP). The total measured wastewater collected from the wastewater service area in 2020 was 189,531 acre-feet per year (AFY) (61,758 mgd) (PUD 2021). The PLWTP and SBWRP both treat the wastewater generated within the TLUP Area with the wastewater discharge being regulated by NPDES Permit No. CA0107409.

WATER

There are three main water purveyors that serve the TLUP Area: the San Diego County Water Authority (Water Authority), City of San Diego PUD, and California American Water Company (Cal-Am). Water suppliers meeting certain criteria are required to prepare an urban water management plan (UWMP) per the UWMP Act (see additional details in Section 1.19.2, "Regulatory Setting"). The information below summarizes information from the adopted 2020 UWMPs for the Water Authority and City of San Diego PUD. Cal-Am does not meet the criteria under the UWMP Act and therefore does not have an UWMP.

San Diego County Water Authority

The Water Authority was established to supply imported water to San Diego County for wholesale distribution to its member agencies. The Water Authority is now the predominant water provider in the county and supplies 75 to 95 percent of the region's water. The Water Authority's service area contained approximately 3.3 million people in 2020, which is projected to increase to roughly 3.8 million people by 2045.

According to the Water Authority's adopted 2020 UWMP, if MWD, Water Authority, and member agency supplies are maintained, and water conservation measures are implemented, no shortages are anticipated through 2045 in a normal year or in single-year and multiple-year dry scenarios. In single- and multiple-year dry scenarios, additional regional shortage management measures, consistent with the Water Authority's Water Shortage and Drought Response Plan, would require conservation measures (Water Authority 2021). By 2045, the Water Authority's total normal water demands are projected to reach 630,771 AFY (including future conservation, demand associated with projected near-term annexations, and accelerated forecasted growth), which represents a 36 percent increase from the fiscal year 2020 demand.

City of San Diego Public Utilities Department

The City PUD serves more than 1.39 million people, delivering more than 156 mgd or 175,000 AFY of water throughout an approximately 404-square-mile service area (PUD 2021). For the TLUP Area, the City of San Diego PUD's Water Branch provides direct water service to planning districts within the City of San Diego, which includes a portion of the land area in PD14. Additionally, the City of San Diego sells wholesale treated water to Cal-Am, which provides water to the City of Coronado and City of Imperial Beach.

The City of San Diego's 2020 UWMP projects the estimated demand of potable water resources until the year 2045 based on coordination with various agencies, including the Water Authority, which provided imported water availability and regional water demands and conservation, and SANDAG, which provided the most recent SANDAG demographic projections for the City of San Diego. According to the City of San Diego's 2020 UWMP, future demand would be met by the supply in each 5-year increment through 2045 in a normal year or in single-year and multiple-year

dry scenarios. These water supply and demand projections are reevaluated for the reasonably foreseeable future (i.e., 20-year planning period) as part of the UWMP update process. In addition, the City's 2020 UWMP notes that reliance on water purchased from Water Authority is anticipated to be significantly reduced with completion of the Pure Water project, which will become a source of drought-proof recycled water through an advanced water purification technology. As discussed in the 2020 UWMP, "the Pure Water San Diego Program is a 20-year (2015–2035) multi-phased water and wastewater capital improvement initiative that is expected to create 83 mgd of locally controlled water upon full implementation in 2035.

STORMWATER DRAINAGE

As noted above, the TLUP Area contains 99 acres of land area, all of which is in PD14. The only existing development in this land area is a portion of the Bayshore Bikeway. Storm drain inlets, if present, would be limited to roadway drainages adjacent to and outside of PD14. Stormwater runoff from the Bayshore Bikeway likely discharges as sheet flow into San Diego Bay.

SOLID WASTE

San Diego County has four active landfills that accept solid waste: Miramar, Sycamore, Otay, and Borrego Springs landfills. Table 1.19-2 shows the landfills' permitted remaining capacities and estimated remaining lifespans. Remaining landfill capacities are based on design limits specific to each landfill site. Site capacity and the maximum daily permitted rate of disposal specific to each site determine the estimated closure dates.

Table 1.19-2 Active San Diego County Municipal Solid Waste Landfills

Solid Waste Facility	Permitted Remaining Capacity (cubic yards)	Maximum Permitted Capacity (cubic yards)	Estimated Closure Date
Miramar Landfill	11,080,871	97,354,735	2031
Sycamore Canyon Landfill	105,064,991	147,908,000	2042
Otay Landfill	11,122,997	61,154,000	2030
Borrego Landfill	88,750	476,098	2046
Total Capacity	127,357,609	306,892,833	--

Source: County of San Diego 2022.

California AB 939 requires that local county agencies prepare and implement Integrated Waste Management Plans, which must include a Siting Element. The Siting Element must include a projection of the amount of disposal capacity that will be needed to accommodate the solid waste generated within the local jurisdiction for a 15-year period. The 2022 Five-Year Review Report, approved by California Department of Resources Recycling and Recovery on September 20, 2022, updated the planning for 15 years of county-wide landfill disposal capacity. The Five-Year Review Report provides estimates for available landfill capacity within San Diego County for the State-mandated 15-year period, with the last permitted public landfill in the county, Sycamore Canyon Landfill, projected to close in 2042 (Las Pulgas Landfill is projected to remain open until 2060; however, this site is located in Camp Pendleton and is for military solid waste disposal only). Based on the disposal trends in the most recent report, the County concluded that the remaining landfill system capacity is sufficient to accommodate solid waste disposal for more than 15 years (County of San Diego 2022).

ELECTRIC POWER AND NATURAL GAS

San Diego County is served by San Diego Gas and Electric (SDG&E), which provides electricity and natural gas to over 3.6 million customers (i.e., 1.4 million accounts) in the county and portions of southern Orange County. The utility has a diverse power production portfolio, composed of a variety of renewable and non-renewable sources. In addition, in February 2019, the City of San Diego decided to pursue Community Choice Aggregation/Energy in order to achieve

100 percent renewable energy by 2035, and created a joint-powers entity with cities across the region to pool resources in creating a more efficient Community Choice program, which would allow customers a choice of electricity power (City of San Diego Sustainability Department 2021). Energy production typically varies by season and by year. Regional electricity loads also tend to be higher in the summer because the higher summer temperatures drive increased demand for air-conditioning. In contrast, natural gas loads are higher in the winter because the colder temperatures drive increased demand for natural gas heating.

TELECOMMUNICATIONS

Telecommunication services are those that offer voice and data services over a large area, including phone services (landlines and/or wireless services), internet (dial-up, fiber optics, broadband), television (cable, etc.), and computer networking. As defined by Federal Standard 1037C, telecommunication facilities include the following:

- Any fixed, mobile, or transportable structure, including all installed electrical and electronic wiring, cabling, and equipment and all supporting structures, such as utility, ground network, and electrical supporting structures.
- A network-provided service to users or the network operating administration; a transmission pathway and associated equipment.
- A real property entity consisting of one or more of the following: a building, a structure, a utility system, pavement, and underlying land.

Generally, telecommunication facilities are constructed and maintained by private companies within public rights-of-way or easements on private property. District tenants typically contract with private providers for these services and do not construct or maintain their own telecommunication facilities. In addition, the District is in the process of developing regulations for wireless communication facilities, including standards for managing, processing, and acting upon requests for the placement and modification of wireless communication facilities on District Tidelands.

1.19.2 Regulatory Setting

STATE

California Water Code Sections 10610–10656 (Urban Water Management Planning Act)

In 1983, the California Legislature enacted the Urban Water Management Planning Act (UWMPA) (California Water Code Sections 10610–10656). The UWMPA states that every urban water supplier that provides water to 3,000 or more urban connections, or that provides more than 3,000 acre-feet of water annually, should make every effort to ensure the appropriate level of reliability in its water service sufficient to meet the needs of its various categories of customers during normal, dry, and multiple dry years. This effort includes the adoption of a UWMP by every urban water supplier and an update of the plan every 5 years on or before December 31 of every year ending in a five or zero. The UWMPA has been amended several times since 1983, with the most recent amendment occurring with SB 318 in 2004. With the passage of SB 610 in 2001, additional information is required to be included as part of an urban water management plan if groundwater is identified as a source of water available to the supplier. An urban water supplier is required to include in the plan a description of all water supply projects and programs that may be undertaken to meet total projected water use. The UWMPA and SB 610 are interrelated; the UWMP is typically relied upon to meet the requirements of SB 610.

2019 California Green Building Standards Code, Title 24, Part 11, Chapter 5

Chapter 5 of the 2019 California Green Building Standards Code specifies water efficiency requirements for non-residential development. Specific requirements are provided for plumbing within the interior of non-residential buildings as well as the use of recycled water for landscaping where recycled water is available and supplied by the municipality.

The Water Conservation Act of 2009 (Senate Bill X7 7 (2009))

Requirements per State law (SB-X7 7) mandate reduction of per capita water use and agricultural water use throughout the State by 20 percent by 2020.

State Updated Model Landscape Ordinance (Assembly Bill 1881 [2006])

The updated Model Landscape Ordinance requires cities and counties to adopt landscape water conservation ordinances. Section 142.0401 of the San Diego Municipal Code establishes landscaping standards across the City, which are implemented through the landscape standards identified in the Land Development Code. The standards require the installation of water-efficient and/or drought tolerant landscape materials for the types of projects identified in Table 142-04A of the Municipal Code.

California Integrated Waste Management Act

In response to reduced landfill capacity, the State of California passed the California Integrated Waste Management Act in 1989. This legislation (generally known by the name of its enacting bill, AB 939) requires cities and counties to reduce the amount of solid waste entering existing landfills through recycling, reuse, and waste prevention efforts. The purpose of AB 939 is to "reduce, recycle, and re-use solid waste generated in the state to the maximum extent feasible." AB 939 requires jurisdictions to utilize "integrated waste management"—a variety of waste management practices to safely and effectively handle the municipal solid waste stream with the least adverse impact on human health and the environment.

When first enacted, AB 939 required every city and county in the state to prepare a Source Reduction and Recycling Element in its Solid Waste Management Plan to identify how each jurisdiction planned to meet mandatory State waste diversion goals of 25 percent by the year 1995 and 50 percent by the year 2000. AB 939 also established the California Integrated Waste Management Board, the State agency designated to oversee, manage, and track California's solid waste generation each year. In order to further the goals of AB 939, statewide strategies to achieve a statewide goal of diverting 75 percent of solid waste from landfills by 2020 were established with the adoption of AB 341 in May 2012. As stated in the legislative text of AB 341, it is the policy goal of the State that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020, and annually thereafter (PRC Section 41780.01(a)). The 75 percent diversion goal does not apply to individual jurisdictions or development projects (CalRecycle 2025). AB 341 also establishes the statewide mandatory commercial recycling program which requires businesses that generate 4 cubic yards or more of commercial solid waste per week, or multi-family residential dwellings of five units or more must implement recycling practices during operation to help the State achieve the statewide diversion goal of 75 percent.

California Code of Regulations, Title 20 and Title 24(2019)

Updated every 3 years through a rigorous stakeholder process, Title 24 of the CCR requires California homes and businesses to meet strong energy efficiency measures, thereby lowering their energy use. Title 24 contains numerous subparts, including Part 1 (Administrative Code), Part 2 (Building Code), Part 3 (Electrical Code), Part 4 (Mechanical Code), Part 5 (Plumbing Code), Part 6 (Energy Code), Part 8 (Historical Building Code), Part 9 (Fire Code), Part 10 (Existing Building Code), Part 11 (Green Building Standards Code), and Part 12 (Referenced Standards Code).

New buildings constructed in California must comply with the standards contained in CCR Title 20, Energy Building Regulations, and Title 24, Energy Conservation Standards. Title 20 contains standards ranging from power plant procedures and siting to energy efficiency standards for appliances to ensuring reliable energy sources are provided and diversified through energy efficiency and renewable energy resources.

Energy Conservation Standards for new residential and nonresidential buildings were adopted by the California Energy Resources Conservation and Development Commission in June 1977. The most recent update was the 2019 Building Energy Efficiency Standards, which were adopted in May 2018 and took effect on January 1, 2020 (Part 6, Title 24). Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. The 2016 Standards improve upon the previous 2013 Standards for new construction of, and additions and alterations to, residential and nonresidential buildings. Under the 2016 Standards, residential buildings are

generally 28 percent more efficient than the 2013 Standards, and nonresidential buildings are generally 5 percent more energy efficient than the 2013 Standards as a result of better windows, insulation, lighting, ventilation systems, and other features. Under the 2019 Standards, nonresidential buildings will be 30 percent more energy-efficient compared to the 2016 Standards. Part 6 also provides for the installation of cool roofs in Sections 140.3(a)(1), 141.0(b)(2)(B), and 141.0(b)(3).

On July 17, 2008, the California Building Standards Commission adopted the nation's first green building standards. The California Green Building Standards Code (Part 11, Title 24) (CalGreen) was adopted as part of the California Building Standards Code (24 CCR) and applies to the planning, design, operation, construction, use, and occupancy of every newly constructed building or structure, unless otherwise indicated in the code, throughout the state. The current version of CalGreen became effective on January 1, 2020.

Part 11 establishes voluntary standards that became mandatory in the 2010 edition of the code, including planning and design for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. In addition, Section 5.408 of CalGreen requires that a minimum of 65 percent of all non-hazardous construction and demolition waste be recycled and/or salvaged for reuse. This specific requirement applies to non-residential construction projects.

LOCAL

San Diego Unified Port District Climate Action Plan

The District adopted a CAP in December 2013. The CAP includes an inventory of existing (2006) and projected GHG emissions in 2020, 2035, and 2050 and identifies the District's GHG reduction goals and measures to be implemented to support meeting the statewide reduction goals set forth in AB 32 (1990 levels by 2020), as described in Section 4.6, *Greenhouse Gas Emissions and Climate Change*. To achieve the requisite reductions, the CAP includes various reduction measures related to transportation and land use, alternative energy generation, energy conservation, waste reduction and recycling, and water conservation and recycling.

Green Port Program and Green Port Policy (BPC Policy No. 736)

The District's Board of Commissioners adopted the Green Port Policy in 2007. This policy establishes guiding principles to achieve long-term environmental, societal, and economic benefits through resource conservation, waste reduction, and pollution prevention. The policy provides the overall framework for the Green Port Program. The Green Port Program is an umbrella program designed to achieve the District's environmental sustainability goals in six key areas: water, energy, air, waste management, sustainable development, and sustainable business practices. It was established in early 2008 to achieve the objectives outlined in the District's Green Port Policy.

Policy objectives include the following.

- Minimize, to the extent practicable, environmental impacts directly attributable to operations on San Diego Bay and the tidelands.
- Strengthen the District's financial position by maximizing the long-term benefits of energy and resource conservation.
- Prevent pollution and improve personal, community, and environmental health.
- When possible, exceed applicable environmental laws, regulations, and other industry standards.
- Ensure a balance of environmental, social, and economic concerns are considered during planning, development, and operational decisions.
- Define and establish performance-driven environmental sustainability objectives, targets, and programs.
- Monitor key environmental indicators and consistently improve performance.

- Foster socially and environmentally responsible behavior through communications with employees, tenants, stakeholders, and the community.
- Collaborate with tenants to develop an integrated, measurable, Bay-wide environmental sustainability effort.

At present, the Green Port Program primarily focuses on things the District can do to be more environmentally sustainable, such as using less water and being more energy efficient in its own operations. In the future, the District will work with its tenants (businesses that lease bayfront land from the District), local environmental groups, and others around San Diego Bay to identify ways they can support the Green Port Program.

City of San Diego Sewer Design Guide

When planning and designing wastewater facilities, the City Wastewater Branch follows the guidance and design policies of the *Sewer Design Guide* (City of San Diego 2015), which summarizes and outlines relevant policies, applicable codes, and engineering and operational practices and procedures necessary to establish a safe and efficient wastewater collection system. This document provides guidance for the City of San Diego to design and maintain sewer facilities such as pump stations, gravity sewers, force mains, and associated wastewater appurtenances.

City of Coronado Sewer System Management Plan

The City of Coronado's Sewer System Management Plan (SSMP) was prepared in compliance with the requirements of SWRCB, Order 2006-0003 DWQ, Statewide General WDRs for Sanitary Sewer Systems (City of Coronado 2009). The goal of the WDRs is to provide a consistent statewide approach for reducing Sanitary Sewer Overflows (SSOs). The City of Coronado's ultimate goals include operating and maintaining all portions of their sanitary sewer system to minimize the potential for SSOs and to quickly and effectively mitigate the impacts associated with an SSO if it were to occur so as to protect life, environment, and property while adhering to regulatory requirements. To achieve these goals, the SSMP includes methods for ensuring that adequate capacity to convey the peak wastewater flows is provided and that comprehensive procedures are established to meet all applicable regulatory notification and reporting requirements.

San Diego County Water Authority's 2020 Urban Water Management Plan

The California Urban Water Management Planning Act requires that each urban water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually must prepare, update, and adopt a UWMP at least once every 5 years. This law applies to the San Diego County Water Authority. The intent of an UWMP is to present information on water supply, water usage, recycled water, and water use efficiency programs in a respective water district's service area. A UWMP also serves as a resource for planners and policy makers over a 25-year timeframe. The San Diego County Water Authority updates its demand forecasts and supply needs based on the most recent SANDAG forecast approximately every 5 years. The most current supply and demand projections are contained in the 2020 UWMP, an update to the 2015 UWMP, which was adopted on May 27, 2021, and were submitted to the State prior to July 1, 2021. The 2020 UWMP states that all future water demands will have available water supplies for the predicted service areas during a normal and single and multiple dry year scenarios through 2045.

City of San Diego's 2020 Urban Water Management Plan

The California Urban Water Management Planning Act requires that each urban water supplier providing water for municipal purposes to more than 3,000 customers, or supplying more than 3,000 acre-feet of water annually, must prepare, update, and adopt a UWMP at least once every five years. This law applies to the City of San Diego, which is a member agency of the San Diego County Water Authority. The City of San Diego prepared the 2020 UWMP to meet the State's requirements under the California Water Code and comply with the California Urban Water Management Planning Act. The plan provides information on the city's current and future water demands and supplies, discusses the water resources challenges that the city faces, and summarizes the major water resources initiatives that the City of San Diego has proactively taken to ensure a safe, reliable water supply for its water customers. Specifically, the 2020 UWMP details the city's water system, water demands, sources of water supplies,

water conservation efforts, climate change impacts, energy intensity, water shortage contingency planning, and projected water supply reliability during normal, dry, and multiple-year drought conditions. Availability of imported water and regional water demands and conservation were coordinated with the San Diego County Water Authority, the wholesale water provider for the city. To prepare the City of San Diego's water demand forecast, coordination with SANDAG was necessary to obtain the most recent demographic projections for the city (2050 Regional Growth Forecast Update Series 14). The 2020 UWMP is an update to the 2015 UWMP. The Draft 2020 UWMP was released for public review from March 1, 2021, through April 5, 2021, and was adopted by the San Diego City Council in June 2021.

Port of San Diego Jurisdictional Runoff Management Program

Under the Municipal Stormwater Permit, each jurisdiction is required to have a JRMP, which includes a component that addresses issues related to construction activities and a component that addresses issues related to existing development, and that requires co-permittees to establish adequate enforcement authority, develop education/outreach, and conduct monitoring. In addition, each co-permittee prepares and submits an annual report that describes program implementation and strategies to reduce the discharge of pollutants of concern to the MS4 Permit and receiving waters to the maximum extent practicable.

The District's JRMP has been developed to meet the conditions of the Municipal Stormwater Permit and to assist the District in achieving the goals identified in the WQIP. District-specific WQIP-based strategies have been incorporated into the JRMP. The JRMP's focus is on controlling stormwater discharges to the MS4, with the overall goal of achieving improvements in receiving water quality. The District has developed a list of BMPs that are applicable to all persons, activities, and operations occurring on District Tidelands, and the JRMP utilizes District-specific jurisdictional activities and watershed-based strategies. Enforcement of the JRMP helps to prevent stormwater pollutants from entering local storm drains and, ultimately, San Diego Bay.

Best Management Practices Design Manual

As part of the District's JRMP, a *BMP Design Manual*[8] was developed to provide guidelines for incorporating permanent post-construction BMPs into new and redevelopment projects. The *BMP Design Manual* identifies the required source-control and site-design BMPs to eliminate or reduce pollutants in stormwater runoff for all projects. For PDPs, the *BMP Design Manual* also describes pollutant-control BMPs that must be incorporated into the site design and, where applicable, addresses potential hydromodification impacts from changes in flow and sediment supply. The *BMP Design Manual* is applicable for both tenant- and District-sponsored major maintenance or capital improvement projects, as required by the Municipal Stormwater Permit. Project proponents must submit a SWQMP accurately describing how the project will meet source control site design and pollutant control BMP requirements. District staff provide technical review of and approve SWQMP documents and drainage design plans to ensure that pollutant control BMP requirements are met. The SWQMP is evaluated for compliance with the Municipal Stormwater Permit and with design criteria outlined in the District's *BMP Design Manual*. Once the approval process is complete, the project is able to commence and routine inspections are conducted throughout the duration of project construction.

San Diego City Council Policy 900-16

Although the TLUP Area is within the District's jurisdiction, solid waste is collected and processed by the City of San Diego's franchised waste haulers. Consequently, City of San Diego policies would apply to the collection and processing of solid waste generated by future development associated with the TLUP.

Construction waste makes up approximately 35 percent of the waste entering the Miramar Landfill. A majority of this waste comprises recyclable or reusable materials. In 2004, San Diego's Mayor and City Council enacted Council Policy 900-16, Construction & Demolition Material Recycling, expressing the City's commitment to recycling construction and demolition waste as an integral part of the City's comprehensive solid waste management strategy. The policy outlines the following principles for private industry:

[8] The *BMP Design Manual* and appendices are available online at: https://www.portofsandiego.org/stormwater-management.

1. Businesses, organizations, and contractors are encouraged to facilitate as much waste diversion from landfills as possible through recycling, waste reduction, and reuse.
    - Demolition, construction, and renovation project proponents should evaluate the potential for maximizing waste diversion through recycling, waste reduction, and reuse. Diversion plans should be adequately communicated with all contractors and subcontractors.
    - Diversion goals should be 100 percent diversion of inert materials (concrete, rock, asphalt, dirt, etc.) and at least 50 percent diversion of all remaining materials by weight if mixed C&D [Construction and Demolition] recycling facilities are available, or as much as feasible through source separation of recyclable materials if a mixed C&D facility is not available.
    - Businesses, organizations, and contractors should purchase products made from recycled materials to the maximum extent possible.

City of San Diego Construction and Demolition Debris Deposit Ordinance

On July 1, 2008, the Construction and Demolition (C&D) Debris Deposit Ordinance took effect. The ordinance requires that the majority of construction, demolition, and remodeling projects requiring building, combination, and demolition permits pay a refundable C&D Debris Recycling Deposit and divert at least 65 percent of their debris by recycling, reusing, or donating usable materials. The ordinance is designed to keep construction and demolition materials out of local landfills and ensure they get recycled.

San Diego County Integrated Waste Management Plan

The San Diego County Integrated Waste Management Plan was adopted in January 2005 to meet the requirements of the California Integrated Waste Management Act (i.e., AB 939). The plan includes goals and policies as well as a summary of integrated waste management issues in San Diego County. It summarizes waste management programs that local jurisdictions are using to meet the 50 percent waste reduction mandate. It also suggests steps needed to cooperatively implement and administer specific programs regionally or countywide. The plan consists of a Countywide Siting Element, a Countywide Summary Plan, and three elements from each jurisdiction:

- Source Reduction and Recycling Element, which analyzes the local waste stream, and presents diversion programs and funding.
- Household Hazardous Waste Element, which includes programs to encourage safe management of household toxic waste and provide framework for recycling, treatment, and proper disposal.
- Non-Disposal Facility Element, which lists existing and planned facilities.

Long-Term Resource Management Options Strategic Plan

The Long-Term Resource Management Options Strategic Plan (LRMOSP) is a planning process initiated by the City of San Diego in 2007 to develop and evaluate options for managing solid waste disposal needs in San Diego through the year 2045. Miramar Landfill, the City of San Diego's only landfill, is anticipated to close under current conditions and projections in 2030. The LRMOSP assesses the City of San Diego's current disposal system capabilities, projects future solid waste management demands, and presents long-term options for consideration by City staff and elected officials.

The LRMOSP is a three-phase process. Phase I consisted of a system analysis, regional demand and capacity analysis, and identification and screening of options. Phase II provides a review of the existing diversion programs and disposal system, and an update of future disposal demands; evaluates options to meet disposal demand after diversion programs; identifies potential system configurations; evaluates potential City of San Diego roles in future solid waste management systems; provides a financial analysis for maintaining the status quo or implementing various system configurations; identifies potential revenue opportunities; and provides implementation strategies for each of the five identified system configurations. Phase III will recommend a specific strategy and configuration system, including a detailed implementation plan.

1.19.3 Discussion

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?

Less-Than-Significant Impact. A majority of the TLUP Area consists of submerged lands that are not served by utilities. However, there are existing transbay pipelines and telecommunication lines that would continue to be maintained and improved for safety and functionality as allowed by PD12.2 (i.e., routine maintenance activities or improvements supporting the safety and functionality of transbay pipelines or telecommunication lines shall be allowed). Moreover, any potential direct impacts on these utilities would be avoided as noted in PD12.4 (i.e., development on submerged lands shall avoid placing structures (including anchors or moorings) on transbay pipelines or telecommunication lines.)

Additionally, the TLUP Area includes 99 acres of land designated for Conservation Open Space or Recreation Open Space in the South Bay Planning District (PD14). Planned improvements for this land area include the shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway and the development of minimal activating features (e.g., seating, public art, signage). Given the minimal nature of this landside planned improvement, it would not include any components that would require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects. Therefore, this impact would be **less than significant**.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less-Than-Significant Impact. As previously discussed, the TLUP Area consists primarily of submerged lands that are not served by utilities, including water providers. The TLUP land area in PD14 would be designated as Conservation Open Space or Recreation Open Space and the TLUP does not propose any uses that would substantially increase demand on water supplies, which is typically associated with residential, commercial, and industrial uses. Planned improvements for this land area include potential shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, and the development of minimal activating features (e.g., seating, public art, signage). Although some water may be required during construction of this planned improvement for dust suppression, mixing of concrete and other construction materials, and cleaning equipment and tools, water usage during construction would be temporary and minimal based on the limited amount of construction that would occur for planned improvements in PD14.

Once construction is complete, this planned improvement would not require substantial amounts of water during operation. In addition, the TLUP would help conserve landscape-related water through the application of ECO Policy 1.1.10~~9~~, which requires development to integrate drought-tolerant species native to the San Diego County coastal zone as a part of landscaped areas. The TLUP also includes SR Policy 3.1.6, which requires development to include water conservation strategies to save water and energy on-site, where feasible. Furthermore, as discussed in Section 1.19.1, "Environmental Setting," the City of San Diego's 2020 UWMP indicates that future demand would be met by the supply in each 5-year increment through 2045 in a normal year or in single-year and multiple-year dry scenarios. Although the landside portion of the TLUP Area is within the cities of Coronado, Imperial Beach, and San Diego, the City of San Diego sells wholesale treated water to Cal-Am, which provides water to the City of Coronado and City of Imperial Beach. The additional water demand associated with operation of planned improvements in PD14 would be minimal and would not have a meaningful effect on the City of San Diego's water supplies, including those it sells to Cal-Am. As such, there would be sufficient water supplies available to serve the planned improvements of TLUP and reasonably foreseeable development during normal, dry, and multiple dry years. Therefore, this impact would be **less than significant**.

c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?

Less-Than-Significant Impact. The TLUP Area consists primarily of submerged lands that are not served by utilities, including wastewater treatment providers. The TLUP land area in PD14 would be designated as Conservation Open Space or Recreation Open Space and the TLUP does not propose any uses that would increase wastewater generation, which is typically associated with residential, commercial, and industrial uses. Planned improvements for this land area include potential shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway, and the development of minimal activating features (e.g., seating, public art, signage). Although some wastewater may be generated during construction of these planned improvements, portable temporary restroom facilities would be brought to the development sites for construction workers, as is typical of construction sites. Wastewater generated at the portable restroom facilities would be hauled away to an authorized treatment facility, such as PLWPT or SBWRP, in accordance with 17 CCR 8007, which requires the contents of portable toilets to be disposed of by draining or pumping into a sanitary sewer, an approved septic tank of sufficient capacity to handle the wastes, a suitably sized and constructed holding tank, approved by the local health department, or by any other method approved by the local health department. Once construction is complete, operation of these planned improvements would not generate substantial amounts of wastewater. Furthermore, the TLUP includes development standard PD14.8, which prohibits restrooms within the Recreation Open Space areas in PD14. As such, implementation of the planned improvements identified in the TLUP would not increase wastewater generation that would result in a determination by the wastewater treatment provider that it has inadequate capacity to serve the TLUP's projected demand, in addition to the provider's existing commitments. Therefore, this impact would be **less than significant**.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less-Than-Significant Impact. As previously discussed, the TLUP Area consists primarily of submerged lands that are not served by utilities, including solid waste disposal services. Implementation of the TLUP's proposed goals, objectives, and policies, along with the planned improvements identified in the TLUP, would not result in a substantial increase in solid waste generation. Planned improvements, consistent with the TLUP, would be limited to the potential expansion of bait barges, baitfish storage, and associated vendor operations in PD11 (North Bay); routine maintenance of the San Diego-Coronado Bay Bridge and pipelines which are existing uses and activities in PD12 (North Central Bay); shellfish and seaweed aquaculture in PD13 (South Central Bay); potential shoreline restoration or other shoreline adaptation strategies (if needed) to address coastal flooding on the Bayshore Bikeway in PD 14 (South Bay); and the development of minimal activating features (e.g., seating, public art, signage) in the Recreation Open Space area in PD14 (South Bay).

Construction associated with these planned improvements would have the potential to generate solid waste, including wood, cardboard, metals, plastics, concrete, and other building materials. Although solid waste would be generated during construction, construction of the planned improvements would be required to comply with applicable waste diversion requirements. These include the City of San Diego's C&D Debris Deposit Ordinance for planned improvements within the City of San Diego's service area, which mandates that projects requiring building and demolition permits pay a refundable waste diversion deposit and divert at least 65 percent of their debris from landfills by recycling, reusing, or donating usable materials. Because the City of Coronado and City of Imperial Beach do not have ordinances for construction and demolition debris recycling, planned improvements in PD14 would be required to comply with the construction material diversion requirements of CalGreen. Section 5.408 of CalGreen similarly requires that a minimum of 65 percent of all non-hazardous construction and demolition waste for non-residential projects be recycled and/or salvaged for reuse. Compliance with these regulations would reduce the amount of solid waste that would be disposed of in landfills from construction of planned improvements in the TLUP. Moreover, the County's Five-Year Review Report of the Countywide Integrated Waste Management Plan indicates

sufficient landfill capacity to accommodate solid waste disposal through 2042 (County of San Diego 2022). Once construction is complete, operation of these planned improvements would not generate substantial amounts of solid waste. As such, implementation of the planned improvements identified in the TLUP would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Therefore, this impact would be **less than significant**.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less-Than-Significant Impact. As discussed above under Section 1.19.3 (d), construction of the planned improvements identified in the TLUP would generate solid waste; however, construction would occur in compliance with all applicable waste diversion requirements. These include the City of San Diego's C&D Debris Deposit Ordinance for planned improvements within the City of San Diego's service area, as well as Section 5.408 of CalGreen for planned improvements in the City of Coronado and City of Imperial Beach. Once construction is complete, operation of these planned improvements would not generate substantial amounts of solid waste. As such, the TLUP would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. This impact would be **less than significant**.

Required Mitigation Measures

The project would not result in significant impacts associated with utilities and service systems. Therefore, no mitigation measures are required.

1.20 WILDFIRE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XX. Wildfire.				
Is the project located in or near state responsibility areas or lands classified as very high fire hazard severity zones?				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:		☐ Yes		☒ No
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

1.20.1 Environmental Setting

State law requires that all local jurisdictions identify very high fire hazard severity zones (VHFHSZs) within their areas of responsibility (California Government Code, Section 51175–51189). Inclusion within these zones is based on vegetation density, slope severity, and other relevant factors that contribute to fire severity. According to the VHFHSZ Maps (CAL FIRE 2024), the TLUP Area is entirely within a "non-VHFSZ." The TLUP Area consists almost entirely of submerged lands, with only 99 acres of land within the South Bay Planning District (PD14). There are no wildlands or heavily vegetated areas near the landside portion of the TLUP Area.

1.20.2 Discussion

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. The TLUP Area is comprised almost entirely of submerged lands, which would not be prone to wildfire-related impacts. The landside portion of the TLUP Area is not located in or near a state responsibility area or lands classified as a VHFHSZ, nor does it include vegetation types that are prone to wildfire. Therefore, because the TLUP Area is not within an area susceptible to wildfires, the implementation of planned improvements identified in the TLUP would not substantially interfere with an adopted emergency response or evacuation plan for wildfires, exacerbate wildfire risks, or expose people or structures to significant post-wildfire risks. No impact would occur.

Required Mitigation Measures

The project would not result in significant impacts associated with wildfire. Therefore, no mitigation measures are required.

1.21 MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XX. Mandatory Findings of Significance.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☒	☐	☐
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

1.21.1 Environmental Setting

State CEQA Guidelines Section 15064(h)(2) states that:

> A lead agency may determine in an initial study that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. When a project might contribute to a significant cumulative impact, but the contribution will be rendered less than cumulatively considerable through mitigation measures set forth in a mitigated negative declaration, the initial study shall briefly indicate and explain how the contribution has been rendered less than cumulatively considerable.

State CEQA Guidelines Section 15130(b) identifies the following three elements that are necessary for an adequate cumulative analysis:

- A list of past, present, and probable future projects producing related or cumulative impacts, including those projects outside the control of the lead agency, or a summary of projections contained in an adopted general plan or related planning document that describes or evaluates conditions contributing to the cumulative effect.
- A summary of expected environmental effects to be produced by those projects. The summary shall include specific reference to additional information stating where the information is available.
- A reasonable analysis of the cumulative impacts of the relevant projects and an examination of reasonable options for mitigating or avoiding any significant cumulative effects.

A list of past, present, and probable future projects is provided in Table 1.21-1. Projects were selected based on their location within the cumulative study area for the TLUP and the potential to cause related impacts.

Table 1.21-1 Cumulative Projects List

Project Number	Name	Agency	Description	Status
1	Port Master Plan Update (PMPU)	San Diego Unified Port District	Comprehensive update of the existing Port Master Plan that provides the official goals and planning policies, as well as water and land and uses, for development and conservation of the District lands, tidelands, and submerged lands that comprise the PMPU area. With buildout expected to occur by 2050, the PMPU will implement the approximately 30-year planning vision by identifying allowable water and land uses and providing policies related to Water and Land Use, Ecology, Environmental Justice, Mobility, Safety and Resiliency, and Economics.	The PEIR was certified and Final Draft PMPU was adopted by the District in February 2024. Currently under review by the California Coastal Commission.
2	Chula Vista Bayfront Master Plan (CVBMP)[1]	San Diego Unified Port District	The CVBMP was prepared to guide the redevelopment of underutilized and vacant areas with a mix of land uses, as well as infrastructure throughout the Chula Vista Bayfront Planning District. The Board of Port Commissioners certified the Final EIR and approved the CVBMP in May 2010 and authorized the issuance of a Coastal Development Permit (CDP) in June 2019.	Approved in May 2010
3	National City Bayfront Projects and Plan Amendments	San Diego Unified Port District	The proposed project includes landside (58 acres) and waterside (17 acres) development components, as well as an amendment to the District's PMP and the City's General Plan, Local Coastal Program, Harbor District Specific Area Plan, and Land Use Code to change the allowable land and water uses on the approximately 75-acre project site. Primary development components include a recreational vehicle (RV) park; modular cabins; dry boat storage; an expanded marina; hotels; restaurants; retail; a rail connector and storage track; closure and/or narrowing of roads; and Segment 5 of the Bayshore Bikeway.	Final EIR certified and project approved by District in November 2022. Currently under review by the California Coastal Commission.
4	Wetland Mitigation Bank at Pond 20	San Diego Unified Port District	The project involves the establishment of a mitigation bank on a 76-acre site located at Pond 20. and would incorporate three adjacent parcels (A, B, and C) into the PMP and designate them as Commercial Recreation. Although no commercial recreation-related development is proposed at this time, the EIR identified a reasonably foreseeable scenario to include up to 105,000 square feet of commercial space up to two stories tall.	Final EIR certified in April 2021. Currently under review by the California Coastal Commission.
5	San Diego International Airport, Airport Development Plan	San Diego County Regional Airport Authority	The Airport Development Plan (ADP) is a master planning effort to identify the facilities needed to meet the region's air travel demand through 2035. The primary project of the ADP is the replacement of the aging Terminal 1 with up to 30 gates and associated facilities. Other proposed components include a new on-airport entry roadway, dual level roadways and curb front, expanded close-in parking, and airfield improvements.	Final EIR certified on January 9, 2020, with National Environmental Policy Act (NEPA) Environmental Assessment approved on October 22, 2021

Project Number	Name	Agency	Description	Status
6	Naval Air Station North Island Airport Land Use Compatibility Plan	San Diego County Regional Airport Authority	The Naval Air Station North Island (NASNI) Airport Land Use Compatibility Plan (ALUCP) is being prepared by the San Diego County Regional Airport Authority to serve as the primary tool for reviewing proposed development in the NASNI environs for compatibility with military aviation operations. The ALUCP is also intended to assist local agencies in preparing or amending land use plans and regulations and in the review of proposed development within their jurisdiction.	ALUCP and Final EIR approved and certified, respectively, on October 1, 2020
7	2021 Regional Plan	San Diego Association of Governments	The project involves an update to the current Regional Plan, which is required to be updated every 4 years pursuant to State and Federal law. When adopted, the 2021 Regional Plan will include a new Regional Transportation Plan, Regional Comprehensive Plan, and Sustainable Communities Strategy for the San Diego region.	Adopted by SANDAG's Board of Directors on December 10, 2021
8	The Seaport San Diego Project	San Diego Unified Port District	The project site is comprised of approximately 39 acres of land and approximately 63 acres of water, which includes the approximately 27 acres of water currently outside the existing U.S. Pierhead Line within San Diego Bay. Generally, the project proposes a mix of uses within the project site including extensive plazas, parks and promenades; piers and marinas; hospitality, retail and restaurants; commercial fishing uses; multiple visitor attractions; an urban beach; and educational uses.	Proposed. The NOP for the project was issued on September 14, 2023. The project is currently undergoing environmental review.
9	Tenth Avenue Marine Terminal (TAMT)	San Diego Unified Port District	The TAMT Redevelopment Plan includes a variety of infrastructure investments to be undertaken over the long-term to increase the terminal's capabilities and capacity. These include up to five gantry cranes, additional and consolidated dry bulk storage capacity, enhancements to the existing conveyor system, demolition of the molasses tanks and Warehouse C, additional open storage space, on-dock intermodal rail facilities, a centralized gate facility, and the Demolition and Initial Rail Component, which would demolish two underutilized transit sheds in order to accommodate rail upgrades and other improvements. The TAMT EIR analyzed cargo growth to 4,675,567 metric tons (MT) per year.	Approved
10	B Street Cruise Ship Terminal Interior Improvements by Port of San Diego at B Street Pier	San Diego Unified Port District	The interior improvements to the B Street Cruise Terminal (Terminal) will improve customer service, accessibility, and safety in the Terminal. The project comprises the following, with a 1-year construction period beginning in 2023, and lasting approximately one year: (1) new exterior cladding and cut-in one new exterior door opening; (2) easterly end, 3,181-square-foot North Berth Embark Bag Scan; (3) easterly center, 12,643-square-foot Embark Entry	Approved

Project Number	Name	Agency	Description	Status
			and Queuing for Security; (4) 1,190-square-foot corridor – enclosed area includes interior doors, partitions, and fire alarm and fire sprinkler upgrades for passage to North and South Berth check-ins; (5) 8,300-square-foot demolition of existing Exhibit Hall; (6) 20,919-square-foot Check-In for North Berth and Check-In for South Berth; (7) 20,379-square-foot seating and waiting for North Berth and seating and waiting for South Berth	
11	Shellfish and Seaweed Aquaculture Program (SSAP)	San Diego Unified Port District	The District is proposing the Shellfish and Seaweed Aquaculture Program (SSAP) to support and facilitate the development of shellfish and seaweed aquaculture in and around San Diego Bay. The SSAP provides a framework for the District to guide and approve future shellfish and seaweed aquaculture activities through the program. The SSAP is a proposed set of policies, procedures and best practices that the District would apply when considering specific aquaculture projects at in-water and land-based locations.	In planning phase
12	Bayside Community Resiliency: The Living Levee Project	City of Imperial Beach	The project involves repurposing a 1.2-mile segment of the Bayshore Bikeway corridor and adjacent pathways into a multi-benefit coastal resilience corridor. The corridor runs through the southwestern portion of the San Diego Bay National Wildlife Refuge and the adjacent Bayside neighborhood of the City of Imperial Beach. The total site area is approximately 14 acres.	Proposed. Undergoing environmental review

1.21.2 Discussion

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant with Mitigation Incorporated. As discussed in Sections 1.3, "Air Quality," 1.8, "Greenhouse Gas Emissions," 1.10, "Hydrology and Water Quality," and 1.13, "Noise," implementation of planned improvements identified in the TLUP would potentially result in a cumulatively considerable net increase of criteria pollutant emissions, inconsistency with applicable plans, policies, or regulations adopted to reduce greenhouse gas emissions, degradation of water quality, and construction noise in exceedance of applicable standards, which would be a potentially significant impact. With implementation of BMPs and mitigation measures **MM-AQ-1** through **MM-AQ-5, MM-WQ-1**, **MM-NOI-1**, and **MM-NOI-2**, implementation of the TLUP would not substantially degrade the quality of the environment.

As discussed in Section 1.4, "Biological Resources," construction and operation of future planned improvements have the potential to result in direct and indirect effects on habitat, wetlands, special-status plants, and special-status wildlife, which would be a potentially significant impact. With implementation of **MM-BIO-1** through **MM-BIO-5**, the

TLUP would not substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species.

As described in Section 1.5, "Cultural Resources," construction of planned improvements in PD14 could involve earth moving activities or other forms of ground disturbance that could have the potential for inadvertent discovery of archaeological resources. Similarly, as discussed Section 1.7, "Geology and Soils," ground-disturbing construction activities could encounter paleontological resources in underlying geologic formations with high paleontological sensitivity. Furthermore, planned improvements involving routine maintenance of the San Diego-Coronado Bay Bridge could affect its integrity for designation as a historic resource. With implementation of MM-CUL-1, MM-CUL-2, and MM-GEO-1, the TLUP would not eliminate important examples of the major periods of California history or prehistory.

Required Mitigation Measures

With the implementation of the following mitigation measures, potential impacts would be reduced to less than significant.

Implement MM-AQ-1 through MM-AQ-5 as described in Section 1.3, "Air Quality."

Implement MM-BIO-1 through MM-BIO-5 as described in Section 1.4, "Biological Resources."

Implement MM-CUL-1 and MM-CUL-2 as described in Section 1.5, "Cultural Resources."

Implement MM-GEO-1 as described in Section 1.7, "Geology and Soils."

Implement MM-WQ-1 as described in Section 1.10, "Hydrology and Water Quality."

Implement MM-NOI-1 and MM-NOI-2 as described in Section 1.13, "Noise."

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Less Than Significant with Mitigation Incorporated. Because the TLUP would have no impact on agriculture and forest resources, mineral resources, and tribal cultural resources, and wildfire, it would have no potential to contribute to significant cumulative impacts related to those resource areas. As presented throughout this Initial Study, the TLUP would result in less-than-significant impacts or impacts that are mitigated to less-than-significant levels for all other resources.

The TLUP would have less than significant impacts on aesthetics, energy, hazards and hazardous materials, land use and planning, population and housing, and transportation. Given the limited amount of physical changes that would potentially occur with implementation of the TLUP, construction and operation of planned improvements proposed in the TLUP would not include any components that, when combined with the past, present, and probable future projects in Table 1.21-1, would have the potential to result in cumulatively considerable impacts on these resources.

Additionally, the TLUP would potentially result in impacts on air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, noise, public services, recreation, and utilities and service systems that, absent mitigation, would be potentially significant. As such, the TLUP's contribution to significant cumulative impacts on these resources, when combined with the past, present, and probable future projects in Table 1.21-1, would be cumulatively considerable. However, with the implementation of mitigation measures MM-AQ-1 through MM-AQ-5, MM-BIO-1 through MM-BIO-5, MM-CUL-1 and MM-CUL-2, MM-GEO-1, MM-WQ-1, MM-NOI-1, and MM-NOI-2, the TLUP's contribution to cumulative impacts on air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, noise, public services, recreation, and utilities and service systems would be reduced to be less than cumulatively considerable.

Required Mitigation Measures

With the implementation of the following mitigation measures, potential impacts would be reduced to less than significant.

Implement **MM-AQ-1** through **MM-AQ-5** as described in Section 1.3, "Air Quality."

Implement **MM-BIO-1** through **MM-BIO-5** as described in Section 1.4, "Biological Resources."

Implement **MM-CUL-1** and **MM-CUL-2** as described in Section 1.5, "Cultural Resources."

Implement **MM-GEO-1** as described in Section 1.7, "Geology and Soils."

Implement **MM-WQ-1** as described in Section 1.10, "Hydrology and Water Quality."

Implement **MM-NOI-1** and **MM-NOI-2** as described in Section 1.13, "Noise."

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Less Than Significant with Mitigation Incorporated. As discussed in Sections 1.3, "Air Quality," 1.8, "Greenhouse Gas Emissions," 1.10, "Hydrology and Water Quality," and 1.13, "Noise," implementation of planned improvements identified in the TLUP would potentially result in a cumulatively considerable net increase of criteria pollutant emissions, inconsistency with applicable plans, policies, or regulations adopted to reduce greenhouse gas emissions, degradation of water quality, and construction noise in exceedance of applicable standards, which would be a potentially significant impact. With implementation of BMPs and mitigation measures **MM-AQ-1** through **MM-AQ-5, MM-WQ-1**, **MM-NOI-1**, and **MM-NOI-2**, these environmental effects would not cause substantial adverse effects on human beings. The TLUP would not introduce new activities during operations that would have potential to cause substantial adverse effects on human beings.

Required Mitigation Measures

With the implementation of the following mitigation measures, potential impacts would be reduced to less than significant.

Implement **MM-AQ-1** through **MM-AQ-5** as described in Section 1.3

Implement **MM-BIO-1** through **MM-BIO-5** as described in Section 1.4

Implement **MM-WQ-1** as described in Section 1.10

Implement **MM-NOI-1** and **MM-NOI-2** as described in Section 1.13

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Appendix A

Final Draft Trust Lands Use Plan
(under separate cover)

Appendix B

Special-Status Species Lists

Special-Status Plants Known to Occur in the Project Region and their Potential to Occur in the Survey Area

Name	Federal Status[1]	State Status[1]	CRPR[1]	Habitat	Potential to Occur in the Survey Area[2]
San Diego thorn-mint *Acanthomintha ilicifolia*	FT	SE	1B.1	Wetland. Chaparral, coastal scrub, valley and foothill grassland, vernal pools. Endemic to active vertisol clay soils of mesas and valleys. Usually on clay lenses within grassland or chaparral communities. 80–3100 feet in elevation. Blooms April–June. Annual.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Nuttall's acmispon (Nuttal's lotus) *Acmispon prostratus*	—	—	1B.1	Coastal dunes, coastal scrub. On sand dunes. 0–60 feet in elevation. Blooms March–June (July). Annual.	May occur – Moderate potential to occur. Limited areas of coastal dunes and coastal scrub in the southern end of the TLUP area provide habitat suitable for this species, and occurrence are documented nearby (CNDDB 2024).
California adolphia *Adolphia californica*	—	—	2B.1	Chaparral, coastal sage scrub, valley and foothill grassland. From sandy/gravelly to clay soils within grassland, coastal sage scrub, or chaparral; various exposures. 150–2430 feet in elevation. Blooms December–May. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Shaw's agave *Agave shawii* var. *shawii*	—	—	2B.1	Coastal bluff scrub, coastal scrub. Coastal bluffs and slopes within coastal sage scrub. 35–395 feet in elevation. Blooms September–May. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
San Diego bur-sage *Ambrosia chenopodiifolia*	—	—	2B.1	Coastal scrub, mostly associated with maritime succulent scrub. Slopes of canyons in open succulent scrub usually with little herbaceous cover. 65–820 feet in elevation. Blooms April–June. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Singlewhorl burrobrush *Ambrosia monogyra*	—	—	2B.2	Chaparral, Sonoran desert scrub. Sandy soils. 15–1560 feet in elevation. Blooms August–November. Perennial.	Not expected to occur. Habitat suitable for this species (chaparral or Sonoran desert scrub) is not present in the TLUP area.
San Diego ambrosia *Ambrosia pumila*	FE	—	1B.1	Chaparral, coastal scrub, valley and foothill grassland. Sandy loam or clay soil; sometimes alkaline. In valleys; persists where disturbance has been superficial. Sometimes on margins or near vernal pools. 10–1905 feet in elevation. Blooms April–October. Geophyte.	Not expected to occur. Habitat suitable for this species clay soils in valleys) is not present in the TLUP area.
Aphanisma *Aphanisma blitoides*	—	—	1B.2	Coastal bluff scrub, coastal dunes, coastal scrub. On bluffs and slopes near the ocean in sandy or clay soils. 10–1000 feet in elevation. Blooms February–June. Annual.	May occur – Low potential to occur. Amphanisma has not been detected in the vicinity of the TLUP area, however, the limited coastal scrub and dune habitat in the southern end of the TLUP area provides habitat that is potentially suitable for this species.

Name	Federal Status[1]	State Status[1]	CRPR[1]	Habitat	Potential to Occur in the Survey Area[2]
Del Mar manzanita *Arctostaphylos glandulosa* ssp. *crassifolia*	FE	—	1B.1	Chaparral. Sandy coastal mesas and ocean bluffs; in chaparral or Torrey pine forest. 100–1200 feet in elevation. Blooms December–June. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Otay manzanita *Arctostaphylos otayensis*	—	—	1B.2	Chaparral, cismontane woodland. Metavolcanic soils with other chaparral associates. 395–5005 feet in elevation. Blooms January–April. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Dean's milk-vetch *Astragalus deanei*	—	—	1B.1	Chaparral, cismontane woodland, coastal scrub, riparian forest. Open, brushy south-facing slopes in Diegan coastal sage, sometimes on recently burned-over hillsides. 230–2610 feet in elevation. Blooms February–May. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Coastal dunes milk-vetch *Astragalus tener* var. *titi*	FE	SE	1B.1	Coastal bluff scrub, coastal dunes, coastal prairie. Moist, sandy depressions of bluffs or dunes along and near the Pacific Ocean; one site on a clay terrace. 5–150 feet in elevation. Blooms March–May. Annual.	**May occur – Low potential to occur.** Coastal dunes milk-vetch has not been detected in the vicinity of the TLUP area, however, the limited coastal scrub and dune habitat in the southern end of the TLUP area provides habitat that is potentially suitable for this species
Coulter's saltbush *Atriplex coulteri*	—	—	1B.2	Coastal bluff scrub, coastal dunes, coastal scrub, valley and foothill grassland. Ocean bluffs, ridgetops, as well as alkaline low places. Alkaline or clay soils. 5–1510 feet in elevation. Blooms March–October. Perennial.	**May occur – Low potential to occur.** Coulter's saltbush has not been detected in the vicinity of the TLUP area, however, the limited coastal scrub, grassland, and dune habitat in the southern end of the TLUP area provides habitat that is potentially suitable for this species
South coast saltscale *Atriplex pacifica*	—	—	1B.2	Alkali playa. Coastal scrub, coastal bluff scrub, playas, coastal dunes. Alkali soils. 5–1310 feet in elevation. Blooms March–October. Annual.	**May occur – Low potential to occur.** South coast saltscale has not been detected in the vicinity of the TLUP area, however, the limited coastal scrub and dune habitat in the southern end of the TLUP area provides habitat that is potentially suitable for this species
Golden-spined cereus *Bergerocactus emoryi*	—	—	2B.2	Coastal scrub, chaparral, closed-cone coniferous forest. Limited to the coastal belt. 10–1295 feet in elevation. Blooms May–June. Perennial.	Not expected to occur. Habitat suitable for this species (coastal scrub, chaparral, and closed-cone coniferous forest) is not present in the TLUP area.
San Diego goldenstar *Bloomeria clevelandii*	—	—	1B.1	Wetland. Chaparral, coastal scrub, valley and foothill grassland, vernal pools. Mesa grasslands, scrub edges; clay soils. Often on mounds between vernal pools in fine, sandy loam. 165–1525 feet in elevation. Blooms April–May. Geophyte.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.

Name	Federal Status[1]	State Status[1]	CRPR[1]	Habitat	Potential to Occur in the Survey Area[2]
Orcutt's brodiaea *Brodiaea orcuttii*	—	—	1B.1	Ultramafic. Vernal pools, valley and foothill grassland, closed-cone coniferous forest, cismontane woodland, chaparral, meadows and seeps. Mesic, clay habitats; sometimes serpentine; usually in vernal pools and small drainages. 100–5300 feet in elevation. Blooms May–July. Geophyte.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Dunn's mariposa-lily *Calochortus dunnii*	—	—	1B.2	Ultramafic. Closed-cone coniferous forest, chaparral, valley and foothill grassland. On gabbro or metavolcanic soils; also known from sandstone; often associated with chaparral. 835–5300 feet in elevation. Blooms (February), April–June. Geophyte.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Lakeside ceanothus *Ceanothus cyaneus*	—	—	1B.2	Closed-cone coniferous forest, chaparral. 655–3410 feet in elevation. Blooms April–June. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Otay Mountain ceanothus *Ceanothus otayensis*	—	—	1B.2	Ultramafic. Chaparral. Metavolcanic or gabbroic soils. 245–3805 feet in elevation. Blooms January–April. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Wart-stemmed ceanothus *Ceanothus verrucosus*	—	—	2B.2	Chaparral. 5–1245 feet in elevation. Blooms December–May. Perennial.	Not expected to occur. Habitat suitable for this species (chaparral) is not present in the TLUP area.
Smooth tarplant *Centromadia pungens* ssp. *laevis*	—	—	1B.1	Riparian meadows and playas, typically outside of wetlands along the coastline. 15–3840 feet in elevation. Blooms April–September. Annual.	Not expected to occur. Habitat suitable for this species (riparian meadow) is not present in the TLUP area.
Orcutt's pincushion *Chaenactis glabriuscula* var. *orcuttiana*	—	—	1B.1	Coastal bluff scrub, coastal dunes. Sandy sites. 10–260 feet in elevation. Blooms January–August. Annual.	**May occur – Low potential to occur.** Orcutt's pincushion was observed during the 2017 reconnaissance survey of the Port Master Plan Update area, adjacent to the TLUP area (Port of San Diego 2023). The coastal scrub and dune habitat in the southern end of the TLUP area provides habitat that is potentially suitable for this species.
Salt marsh bird's-beak *Chloropyron maritimum* ssp. *maritimum*	FE	SE	1B.2	Marshes and swamps, coastal dunes, salt marsh, wetland. Limited to the higher zones of salt marsh habitat. 0–35 feet in elevation. Blooms May–October. Annual.	**May occur – Moderate potential to occur.** Habitat suitable for this species (salt marsh and coastal dunes) is present in the area, and this species has been documented in the north and south sides of the San Diego Bay (CNDDB 2024). This species was not observed during the 2017 reconnaissance surveys of the Port Master Plan Update area, adjacent to the TLUP area (Port of San Diego 2023); however, it was noted that marsh habitat in the TLUP area provides high-quality habitat for this species.

Name	Federal Status[1]	State Status[1]	CRPR[1]	Habitat	Potential to Occur in the Survey Area[2]
Orcutt's spineflower *Chorizanthe orcuttiana*	FE	SE	1B.1	Coastal scrub, chaparral, closed-cone coniferous forest. Sandy sites and openings; sometimes in transition zones. 10–410 feet in elevation. Blooms March–May. Annual.	**May occur – Low potential to occur.** Orcutt's spineflower has been recorded near the TLUP area in the Cabrillo National Monument and along the Point Loma peninsula area (CNPS 2024). Although this species is typically found in upland sites, the sandy areas near coastal scrub in the southern end of the TLUP area provide habitat suitable for this species.
Long-spined spineflower *Chorizanthe polygonoides* var. *longispina*	—	—	1B.2	Ultramafic. Chaparral, coastal scrub, meadows and seeps, valley and foothill grassland, vernal pools. Gabbroic clay. 100–5050 feet in elevation. Blooms April–July. Annual.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Delicate clarkia *Clarkia delicata*	—	—	1B.2	Ultramafic. Cismontane woodland, chaparral. Often on gabbro soils. 165–4460 feet in elevation. Blooms April–June. Annual.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
San Miguel savory *Clinopodium chandleri*	—	—	1B.2	Ultramafic. Chaparral, cismontane woodland, coastal scrub, riparian woodland, valley and foothill grassland. Rocky, gabbroic or metavolcanic substrate. 395–3525 feet in elevation. Blooms March–July. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Summer holly *Comarostaphylis diversifolia* ssp. *diversifolia*	—	—	1B.2	Chaparral, cismontane woodland. Often in mixed chaparral in California, sometimes post-burn. 100–3100 feet in elevation. Blooms April–June. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
San Diego sand aster *Corethrogyne filaginifolia* var. *incana*	—	—	1B.1	Coastal scrub, coastal bluff scrub, chaparral. Most sites are disturbed, so hard to tell. Possibly in disturbed sites and ecotones. 10–375 feet in elevation. Blooms June–September. Perennial.	**May occur – Moderate potential to occur.** San Diego sand aster has been recorded near the TLUP area in the Cabrillo National Monument, at Point Loma, and in the Naval Air Station in the northern San Diego Bay (CNPS 2024). The limited area of coastal scrub and disturbed upland sites in the southern end of the TLUP area provides habitat suitable for this species.
Snake cholla *Cylindropuntia californica* var. *californica*	—	—	1B.1	Chaparral, coastal scrub. 50–950 feet in elevation. Blooms April–May. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations. Additionally, habitat suitable for this species (chaparral and coastal scrub) is absent in the TLUP area.
Otay tarplant *Deinandra conjugens*	FT	SE	1B.1	Coastal scrub, valley and foothill grassland. Coastal plains, mesas, and river bottoms; often in open, disturbed areas; clay soils. 195–900 feet in elevation. Blooms (April), May–June. Annual.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.

Name	Federal Status[1]	State Status[1]	CRPR[1]	Habitat	Potential to Occur in the Survey Area[2]
Orcutt's bird's-beak *Dicranostegia orcuttiana*	—	—	2B.1	Coastal scrub. Found in coastal scrub associations on slopes and open areas; also reported from intermittently moist swales, and in washes. 0–655 feet in elevation. Blooms (March), April–July (September). Annual.	**May occur – Low potential to occur**. This species has been documented inland from the San Diego bay in open coastal scrub stands surrounded by grassland (CNPS 2024). The coastal scrub in the south end of the TLUP area may provide habitat that is marginally suitable for Orcutt's bird's-beak.
Orcutt's dudleya *Dudleya attenuata* ssp. *attenuata*	—	—	2B.1	Coastal scrub, coastal bluff scrub, chaparral. Rocky mesas, canyons, and ridges. 10–165 feet in elevation. Blooms May–July. Perennial.	**May occur – Low potential to occur.** Although Orcutt's dudleya has not been recorded near the TLUP area (CNPS 2024), the coastal scrub in the southern end of the TLUP area provides habitat suitable for this species.
Blochman's dudleya *Dudleya blochmaniae* ssp. *blochmaniae*	—	—	1B.1	Coastal scrub, coastal bluff scrub, chaparral, valley and foothill grassland. Open, rocky slopes; often in shallow clays over serpentine or in rocky areas with little soil. 15–1475 feet in elevation. Blooms April–June. Perennial.	**May occur – Low potential to occur.** Blochman's dudleya has been recorded in the Tijuana Slough National Wildlife Refuge approximately 2 miles south of the TLUP area (CNPS 2024). The limited area of coastal scrub in the southern end of the TLUP area provides habitat suitable for this species.
Short-leaved dudleya *Dudleya brevifolia*	—	SE	1B.1	Chaparral, coastal scrub. On Torrey sandstone soils; in pebbly openings. 100–410 feet in elevation. Blooms April–May. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Variegated dudleya *Dudleya variegata*	—	—	1B.2	Chaparral, coastal scrub, cismontane woodland, valley and foothill grassland. In rocky or clay soils; sometimes associated with vernal pool margins. 10–1905 feet in elevation. Blooms April–June. Perennial.	Not expected to occur. Habitat suitable for this species (rocky or clay soils) is not present in the TLUP area.
Sticky dudleya *Dudleya viscida*	—	—	1B.2	Coastal scrub, coastal bluff scrub, chaparral, cismontane woodland. On north and south-facing cliffs and banks. 35–1805 feet in elevation. Blooms May–June. Perennial.	**May occur – low potential to occur.** Although there are no records of sticky dudleya occurring in or near the TLUP area (CNPS 2024), the limited area of coastal scrub in the southern end of the TLUP area provides habitat suitable for this species.
Palmer's goldenbush *Ericameria palmeri* var. *palmeri*	—	—	1B.1	Coastal scrub, chaparral. On granitic soils, on steep hillsides. Mesic sites. 15–2050 feet in elevation. Blooms (July), September–November. Perennial.	Not expected to occur. Habitat suitable for this species (granitic soils and steep hillsides) is not present in the TLUP area.
San Diego button-celery *Eryngium aristulatum* var. *parishii*	FE	SE	1B.1	Vernal pools, coastal scrub, valley and foothill grassland, wetland. San Diego mesa hardpan and claypan vernal pools and southern interior basalt flow vernal pools; usually surrounded by scrub. 50–2885 feet in elevation. Blooms April–June. Annual/Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.

Name	Federal Status[1]	State Status[1]	CRPR[1]	Habitat	Potential to Occur in the Survey Area[2]
Sand-loving wallflower *Erysimum ammophilum*	—	—	1B.2	Chaparral (maritime), coastal dunes, coastal scrub. Sandy openings. 0–195 feet in elevation. Blooms February–June. Perennial.	**May occur – Low potential to occur.** Sand-loving wallflower has been recorded in the Cabrillo National Monument within 1 mile of the TLUP area (CNPS 2024). The limited area of coastal scrub in the southern end of the TLUP area and sandy berms in the margins of the salt flats may provide habitat suitable for this species.
Cliff spurge *Euphorbia misera*	—	—	2B.2	Coastal bluff scrub, coastal scrub, Mojavean desert scrub. Rocky sites. 10–1410 feet in elevation. Blooms December–August (October). Perennial.	Not expected to occur. Habitat suitable for this species (rocky sites, especially Mojavean desert scrub) is not present in the TLUP area.
San Diego barrel cactus *Ferocactus viridescens*	—	—	2B.1	Vernal pools, freshwater wetlands. Often on exposed, level or south-sloping areas; often in coastal scrub near crest of slopes. 10–1610 feet in elevation. Blooms May–June. Perennial.	Not expected to occur. Habitat suitable for this species (vernal pools or rocky areas associated with freshwater wetland) is not present in the TLUP area.
Palmer's frankenia *Frankenia palmeri*	—	—	2B.1	Wetland. Coastal dunes, marshes (coastal salt), playas. 0–35 feet in elevation. Blooms May–July. Perennial.	**May occur – Moderate potential to occur.** Palmer's Frankenia has been documented in sandy banks, lagoons, and salt marshes surrounding the TLUP area including one occurrence within 500 feet of the TLUP area (CNPS 2024). The salt marshes, dunes, and marshes throughout the TLUP area provide high-quality habitat suitable for this species.
Mexican flannelbush *Fremontodendron mexicanum*	FE	—	1B.1	Ultramafic. Closed-cone coniferous forest, chaparral, cismontane woodland. Usually scattered along the borders of creeks or in dry canyons; found on gabbro, serpentine, or metavolcanics. 985–1610 feet in elevation. Blooms March–June. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Desert bedstraw *Galium proliferum*	—	—	2B.2	Joshua tree woodland, Mojavean desert scrub, pinyon and juniper woodland. Rocky, limestone substrate. 3905–5350 feet in elevation. Blooms March–June. Annual.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Campbell's liverwort *Geothallus tuberosus*	—	—	1B.1	Vernally moist grassland, vernal pools, upland coastal scrub. Liverwort known from mesic soil. 35–1970 feet in elevation.	Not expected to occur. Habitat suitable for this species (vernal pools) is not present in the TLUP area.
San Diego gumplant *Grindelia hallii*	—	—	1B.2	Meadows, valley and foothill grassland, chaparral, lower montane coniferous forest. Frequently occurs in low moist areas in meadows; associated species commonly include *Wyethia, Ranunculus, Sidalcea*. 605–5725 feet in elevation. Blooms May–October. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.

Name	Federal Status[1]	State Status[1]	CRPR[1]	Habitat	Potential to Occur in the Survey Area[2]
Tecate cypress *Hesperocyparis forbesii*	—	—	1B.1	Closed-cone coniferous forest, chaparral. Primarily on north-facing slopes; groves often associated with chaparral. On clay or gabbro. 195–5395 feet in elevation. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Beach goldenaster *Heterotheca sessiliflora* ssp. *sessiliflora*	—	—	1B.1	Mud flats, coastal dunes, coastal scrub, chaparral (coastal). Sandy sites. 0–15 feet in elevation. Blooms March–December. Perennial.	**Known to occur.** There is one documented occurrence of this species in the southern TLUP area along the margins of the Chula Vista Wildlife Reserve (CNPS 2024). The sandy beaches and mud flats along the margins of the TLUP area provide habitat suitable for this species.
Otay Mountain lotus *Hosackia crassifolia* var. *otayensis*	—	—	1B.1	Chaparral. Metavolcanic, often in disturbed areas. 1245–3295 feet in elevation. Blooms May–August. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
San Diego sunflower *Hulsea californica*	—	—	1B.3	Chaparral, lower montane coniferous forest, upper montane coniferous forest. Burns, clearings, or openings in chaparral and pine-oak woodland. 1200–6100 feet in elevation. Blooms April–June. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Decumbent goldenbush *Isocoma menziesii* var. *decumbens*	—	—	1B.2	Coastal scrub, chaparral. Sandy soils; often in disturbed sites. 5–3000 feet in elevation. Blooms April–November. Perennial.	**May occur – Moderate potential to occur.** Although no occurrences are documented in the vicinity of the TLUP area, the coastal scrub and sandy dune margins in the southern end of the TLUP area provide habitat for this species.
San Diego marsh-elder *Iva hayesiana*	—	—	2B.2	Alkali playa, wetland. Marshes and swamps, playas. Riverwashes. 5–1410 feet in elevation. Blooms April–October. Perennial.	Not expected to occur. Habitat suitable for this species (freshwater wetland or river washes) is not present in the TLUP area.
Coulter's goldfields *Lasthenia glabrata* ssp. *coulteri*	—	—	1B.1	Alkali playa, wetland. Coastal salt marshes, playas, vernal pools. Usually found on alkaline soils in playas, sinks, and grasslands. 5–4510 feet in elevation. Blooms February–June. Annual.	**May occur – High potential to occur.** This species has been documented in salt pans in the Sweetwater Marsh National Wildlife Refuge (CNPS 2024), approximately 2.5 miles north of the coastal salt marsh habitat suitable for Coulter's goldfields in the TLUP area.
Heart-leaved pitcher sage *Lepechinia cardiophylla*	—	—	1B.2	Closed-cone coniferous forest, chaparral, cismontane woodland. 1705–4495 feet in elevation. Blooms April–July. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Gander's pitcher sage *Lepechinia ganderi*	—	—	1B.3	Ultramafic. Closed-cone coniferous forest, chaparral, coastal scrub, valley and foothill grassland. Usually found in chaparral or coastal scrub; sometimes in tecate cypress woodland. Gabbro or metavolcanic substrate. 1000–3295 feet in elevation. Blooms June–July. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.

Name	Federal Status[1]	State Status[1]	CRPR[1]	Habitat	Potential to Occur in the Survey Area[2]
Sea dahlia *Leptosyne maritima*	—	—	2B.2	Coastal scrub, coastal bluff scrub. Occurs on a variety of soil types, including sandstone. 15–605 feet in elevation. Blooms March–May. Perennial.	**May occur – Moderate potential to occur.** This species was documented in TLUP area in 1938, and several records from the past decade are recorded in Cabrillo National Monument within one mile of the TLUP area (CNPS 2024). The coastal scrub habitat in the south end of the TLUP area provides habitat suitable for sea dahlia.
Felt-leaved monardella *Monardella hypoleuca* ssp. *lanata*	—	—	1B.2	Chaparral, cismontane woodland. Occurs in understory in mixed chaparral, chamise chaparral, and southern oak woodland; sandy soil. 985–5165 feet in elevation. Blooms June–August. Geophyte.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Jennifer's monardella *Monardella stoneana*	—	—	1B.2	Coastal scrub, chaparral, closed cone coniferous forest, riparian scrub. Usually found in rocky, intermittent streambeds. 35–2590 feet in elevation. Blooms June–September. Perennial.	Not expected to occur. Habitat suitable for this species (rocky streambeds) is not present in the TLUP area.
Willowy monardella *Monardella viminea*	FE	SE	1B.1	Coastal scrub, chaparral, riparian forest, riparian scrub, riparian woodland. In canyons, in rocky and sandy places, sometimes in washes or floodplains; with Baccharis, Iva, etc. Alluvial, ephemeral washes with adjacent coastal scrub. 150–755 feet in elevation. Blooms June–August. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Wooton's lace fern *Myriopteris wootonii*	—	—	2B.3	Joshua tree woodland, pinyon-juniper woodland. In crevices and rocky sites. 5250–6235 feet in elevation. Blooms May–October. Geophyte.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Mud nama *Nama stenocarpa*	—	—	2B.2	Freshwater wetland. Marshes and swamps. Lake shores, river banks, intermittently wet areas. 15–1640 feet in elevation. Blooms January–July. Annual/Perennial.	Not expected to occur. Habitat suitable for this species (freshwater wetland) is not present in the TLUP area.
Spreading navarretia *Navarretia fossalis*	FT	—	1B.1	Vernal pools, chenopod scrub, marshes and swamps, playas. San Diego hardpan and San Diego claypan vernal pools; in swales and vernal pools, often surrounded by other habitat types. 50–2790 feet in elevation. Blooms April–June. Annual.	Not expected to occur. Habitat suitable for this species (freshwater wetland) is not present in the TLUP area.
Prostrate vernal pool navarretia *Navarretia prostrata*	—	—	1B.2	Wetland. Coastal scrub, valley and foothill grassland, vernal pools, meadows and seeps. Alkaline soils in grassland, or in vernal pools. Mesic, alkaline sites. 10–4050 feet in elevation. Blooms April–July. Annual.	Not expected to occur. Habitat suitable for this species (freshwater wetland or vernal pool) is not present in the TLUP area.

Name	Federal Status[1]	State Status[1]	CRPR[1]	Habitat	Potential to Occur in the Survey Area[2]
Coast woolly-heads *Nemacaulis denudata* var. *denudata*	—	—	1B.2	Coastal dunes. 0–330 feet in elevation. Blooms April–September. Annual.	**Known to occur.** This species was observed during the 2017 reconnaissance level survey of the Port Master Plan Update area, adjacent to the TLUP area (Port of San Diego, 2023) and is documented in the TLUP area in the CNDDB (CNDDB 2024).
Slender cottonheads *Nemacaulis denudata* var. *gracilis*	—	—	2B.2	Coastal dunes, desert dunes, Sonoran desert scrub. In dunes or sand. 165–1310 feet in elevation. Blooms (March), April–May. Annual.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
California Orcutt grass *Orcuttia californica*	FE	SE	1B.1	Vernal pools, wetland. 35–2165 feet in elevation. Blooms April–August. Annual.	Not expected to occur. Habitat suitable for this species (freshwater wetland or vernal pool) is not present in the TLUP area.
Baja California birdbush *Ornithostaphylos oppositifolia*	—	SE	2B.1	Chaparral. Associated with Ceanothus verrucosus and Salvia mellifera in California. 180–2625 feet in elevation. Blooms January–April. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Brand's star phacelia *Phacelia stellaris*	—	—	1B.1	Coastal scrub, coastal dunes. Open areas. 5–1310 feet in elevation. Blooms March–June. Annual.	Not expected to occur. Habitat suitable for this species (open areas in chaparral or coastal scrub) is not present in the TLUP area.
Torrey pine *Pinus torreyana* ssp. *torreyana*	—	—	1B.2	Closed-cone coniferous forest, chaparral. On dry, sandstone slopes. 230–525 feet in elevation. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
San Diego mesa mint *Pogogyne abramsii*	FE	SE	1B.1	Vernal pools, wetland. Vernal pools within grasslands, chamise chaparral, or coastal sage scrub communities. 230–640 feet in elevation. Blooms March–July. Annual.	Not expected to occur. Habitat suitable for this species (vernal pools and freshwater wetlands) is not present in the TLUP area.
Otay Mesa mint *Pogogyne nudiuscula*	FE	SE	1B.1	Vernal pools, wetland. Dry beds of vernal pools and moist swales with *Eryngium aristulatum* var. *parishii* and Orcuttia californica. 445–540 feet in elevation. Blooms May–July. Annual.	Not expected to occur. Habitat suitable for this species (vernal pools and freshwater wetlands) is not present in the TLUP area.
White rabbit-tobacco *Pseudognaphalium leucocephalum*	—	—	2B.2	Riparian woodland, cismontane woodland, coastal scrub, chaparral. Sandy, gravelly sites. 115–1690 feet in elevation. Blooms (July), August–November (December). Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Nuttall's scrub oak *Quercus dumosa*	—	—	1B.1	Closed-cone coniferous forest, chaparral, coastal scrub. Generally on sandy soils near the coast; sometimes on clay loam. 50–1310 feet in elevation. Blooms February–April (May),(August). Perennial.	Not expected to occur**.** No occurrences are documented in the vicinity of the TLUP area, and while coastal scrub in the southern end of the TLUP area could provide marginal habitat for this species, this perennial species would be observable and conspicuous in the low-lying coastal scrub habitat present and no detections have been made.
Santa Catalina Island currant *Ribes viburnifolium*	—	—	1B.2	Chaparral, cismontane woodland. Among shrubs in canyons. 100–1000 feet in elevation. Blooms February–April. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.

Name	Federal Status[1]	State Status[1]	CRPR[1]	Habitat	Potential to Occur in the Survey Area[2]
Small-leaved rose *Rosa minutifolia*	—	SE	2B.1	Coastal scrub, chaparral. In the United States, on cobbly soil at the head of a small, dry canyon on Otay Mesa. 490–525 feet in elevation. Blooms January–June. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Munz's sage *Salvia munzii*	—	—	2B.2	Coastal scrub, chaparral. Rolling hills and slopes, in rocky soil. 115–1885 feet in elevation. Blooms February–April. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Chaparral ragwort *Senecio aphanactis*	—	—	2B.2	Drying alkaline flats. 65–2805 feet in elevation. Blooms January–April (May). Annual.	Not expected to occur. Habitat suitable for this species (dry, rocky, open areas in alkaline soils generally above 30 feet in elevation) is not present in the TLUP area.
Salt Spring checkerbloom *Sidalcea neomexicana*	—	—	2B.2	Freshwater wetlands. Playas, chaparral, coastal scrub, lower montane coniferous forest, Mojavean desert scrub. Alkali springs and marshes. 0–5020 feet in elevation. Blooms March–June. Perennial.	Not expected to occur. Habitat suitable for this species (freshwater wetlands or playas) is not present in the TLUP area.
Bottle liverwort *Sphaerocarpos drewiae*	—	—	1B.1	Chaparral, Coastal scrub Chaparral, coastal scrub. Liverwort in openings; on soil. 195–1920 feet in elevation.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Purple stemodia *Stemodia durantifolia*	—	—	2B.1	Sonoran desert scrub. Sandy soils; mesic sites. 115–1265 feet in elevation. Blooms January–December. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Oil neststraw *Stylocline citroleum*	—	—	1B.1	Chenopod scrub, coastal scrub, valley and foothill grassland. Flats, clay soils in oil-producing areas. 165–1310 feet in elevation. Blooms March–April. Annual.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
Estuary seablite *Suaeda esteroa*	—	—	1B.2	Salt marsh, Wetland. Marshes and swamps. Coastal salt marshes in clay, silt, and sand substrates. 0–15 feet in elevation. Blooms May–October (January). Perennial.	Known to occur. There are several occurrences of estuary seablite documented within the salt marshes and sandy areas within and immediately adjacent to the TLUP area (CNPS 2024), and the salt marsh habitat in the TLUP area provides high-quality habitat for this species.
Parry's tetracoccus *Tetracoccus dioicus*	—	—	1B.2	Ultramafic. Chaparral, coastal scrub. Stony, decomposed gabbro soil. 540–3280 feet in elevation. Blooms April–May. Perennial.	Not expected to occur. The TLUP area is located from zero to twenty feet in elevation, and this species is only found at higher elevations.
California screw moss *Tortula californica*	—	—	1B.2	Arid areas with rocky soils in valley and foothill grassland. Moss growing on sandy soil. 35–4790 feet in elevation. Perennial.	Not expected to occur. Habitat suitable for this species (arid areas with rocky soils) is not present in the TLUP area.

Name	Federal Status[1]	State Status[1]	CRPR[1]	Habitat	Potential to Occur in the Survey Area[2]
Pacific eelgrass *Zostera pacifica*	—	—	NA	Eastern and western pacific growing in shallow soft-bottom habitats. Tends to occur in more coastal waters relative to Z. marina.	Pacific eelgrass is considered a Habitat Area of Particular Concern (HAPC) by NOAA Fisheries. Can be found in the North Bay Planning District near the entrance to San Diego Bay. It is also known to hybridize with *Z. marina*.
Eelgrass *Zostera marina*	—	—	NA	Shallow soft-bottom embayments and some quiescent coastal waters in multiple oceans throughout northern hemisphere.	Eelgrass is considered a Habitat Area of Particular Concern (HAPC) by NOAA Fisheries. Can be found throughout San Diego Bay. In the North Bay Planning District can grow to a depth of approximately -17-feet mean lower low water (MLLW). Depth becomes more limiting with increased turbidity with eelgrass growing to approximately -6-feet MLLW in the South Bay Planning District.

Notes: CRPR = California Rare Plant Rank; CNDDB = California Natural Diversity Database

[1 & 2] Legal Status Definitions

Federal:
FE Endangered (legally protected)
FT Threatened (legally protected)
State:
SE Endangered (legally protected)
ST Threatened (legally protected)

California Rare Plant Ranks:
1B Plant species considered rare or endangered in California and elsewhere (protected under CEQA, but not legally protected under ESA or CESA)
2B Plant species considered rare or endangered in California but more common elsewhere (protected under CEQA, but not legally protected under ESA or CESA)

Threat Ranks:
0.1 Seriously threatened in California (over 80% of occurrences threatened; high degree and immediacy of threat)
0.2 Moderately threatened in California (20-80% occurrences threatened; moderate degree and immediacy of threat)
0.3 Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

[2] Potential for Occurrence Definitions

Not expected to occur: Species is unlikely to be present within the survey area due to poor habitat quality, lack of suitable habitat features, or restricted current distribution of the species.

May occur: Suitable habitat is available within the survey area; however, there are little to no other indicators that the species might be present.

Likely to occur: All of the species life history requirements can be met by habitat present in the survey area, and populations/occurrences are known to occur in the immediate vicinity.

Sources: CCH 2024, CNDDB 2024; CNPS 2024, Port of San Diego 2023, USFWS 2024.

Special-Status Wildlife Known to Occur in the Project Region and their Potential to Occur on the Survey Area

Name	Federal Status[1]	State Status[1]	Habitat	Potential to Occur in the Survey Area
Invertebrates				
Crotch bumble bee *Bombus crotchii*	—	SC	Found primarily in California: mediterranean, Pacific coast, western desert, Great Valley, and adjacent foothills through most of southwestern California. Habitat includes open grassland and scrub. Nests underground.	Not expected to occur. Habitat suitable for Crotch bumble bee is not present in the TLUP area.
White abalone *Haliotis sorenseni*	FE	—	Rocky subtidal from 50 to 180 feet ranging from Point Conception, California to Punta Abrreojos, Baja California. Critical habitat is not designated for this species.	May occur - Low potential to occur. Subtidal portions of the TLUP area have rocky substrate that could support white abalone. Despite their recently declining population, white abalone are known to occur in low numbers in southern California coastal waters including the area around San Diego Bay (NOAA 2024).
Hermes copper butterfly *Lycaena hermes*	FT	—	Chaparral, coastal scrub. Found in southern mixed chaparral and coastal sage scrub at western edge of Laguna Mountains. Host plant is Rhamnus crocea. Although R. crocea is widespread throughout the coast range, Lycaena hermes is not.	Not expected to occur. Terrestrial habitat suitable for Hermes copper butterfly is not present in the TLUP area.
Monarch *Danaus plexippus*	FC	—	Habitat requirements include host plants for larvae (primarily milkweeds [Asclepias spp.]); adult nectar sources (i.e., flowering plants); and sites for roosting, thermoregulation, mating, hibernation, and predator escape. Additionally, monarch butterfly requires conditions and resources for initiating and completing migration both to and from winter roosting areas. Winter roost sites extend along the coast from northern Mendocino to Baja California, Mexico. Roosts located in wind-protected tree groves (eucalyptus, Monterey pine, cypress), with nectar and water sources nearby.	May occur - Low potential to occur. Terrestrial habitat suitable for Monarch butterfly (grassland and habitats with flowering plants including milkweed, or large trees for roosting) is limited in the TLUP area.
Quino checkerspot butterfly *Euphydryas editha quino*	FE	—	Chaparral, coastal scrub. Sunny openings within chaparral and coastal sage shrublands in parts of Riverside and San Diego counties. Hills and mesas near the coast. need high densities of food plants *Plantago erecta, P. insularis, Orthocarpus purpurescens*	Not expected to occur. Terrestrial habitat suitable for Quino checkerspot butterfly (sunny openings in chaparral and sage shrublands in hills and mesas with high density of host plant species) is not present in the TLUP area.
Riverside fairy shrimp *Streptocephalus woottoni*	FE	—	Coastal scrub, valley and foothill grassland, vernal pool, wetland. Endemic to W RIV, ORA and SDG counties in areas of tectonic swales/earth slump basins in grassland and coastal sage scrub. Inhabit seasonally astatic pools filled by winter/spring rains. Hatch in warm water later in the season.	Not expected to occur. Habitat suitable for Riverside fairy shrimp (freshwater slump habitat in grassland or coastal sage scrub) is not present in the TLUP area
San Diego fairy shrimp *Branchinecta sandiegonensis*	FE	—	Chaparral, coastal scrub, vernal pool, wetland. Endemic to San Diego and Orange County mesas. Vernal pools.	Not expected to occur. Freshwater slump habitat in grassland or coastal sage scrub is not present in the TLUP area

Name	Federal Status[1]	State Status[1]	Habitat	Potential to Occur in the Survey Area
Fish				
Steelhead - southern California DPS *Oncorhynchus mykiss irideus* pop. 10	FE	SC	South coast flowing waters. Federal listing refers to populations from Santa Maria River south to southern extent of range (San Mateo Creek in San Diego County). Southern steelhead likely have greater physiological tolerances to warmer water and more variable conditions.	**May occur – Moderate potential to occur.** The TLUP area falls entirely within the boundary for Steelhead – southern California DPS (CNDDB 2024). Sweetwater river drains into the TLUP area, and this river is within the Southern California DPS critical habitat. Steelhead could be present in the entire aquatic portion of the TLUP area.
Yelloweye rockfish *Sebastes ruberrimus*	FT	—	Juveniles are found in high-relief, algae-ridden nearshore areas, especially in Monterey to Alaska. Adults are solitary and shelter in crevices near the seafloor. This species ranges from Alaska to northern Baja California. Adults are extremely slow growing and long-lived, with some individuals surviving to 147 years of age. Historically, yelloweye rockfish were important and abundant in San Diego coastal waters, although they are now rare in Southern California due to overfishing (Love 2011).	**May occur – Moderate potential to occur.** Aquatic portions of the TLUP area provide habitat suitable for yelloweye rockfish. The species has only a moderate potential to occur because they are considered rare in the San Diego region, although they were historically abundant in the San Diego Bay (Love 2011).
Reptiles and Amphibians				
Arroyo toad *Anaxyrus californicus*	FE	SSC	Semi-arid regions near washes or intermittent streams, including valley-foothill and desert riparian, and desert wash. Rivers with sandy banks, willows, cottonwoods, and sycamores; loose, gravelly areas of streams in drier parts of range.	Not expected to occur. Habitat suitable for arroyo toad (desert washes and riparian scrub) is not present in the TLUP area.
Baja California coachwhip *Masticophis fuliginosus*	—	SSC	In California restricted to southern San Diego County, where it is known from grassland and coastal sage scrub. Open areas in grassland and coastal sage scrub.	**May occur – low potential to occur.** Coastal scrub and sandy dunes in the southern TLUP area provide habitat suitable for Baja California coachwhip, and research-grade occurrences of this species have been documented in the scrub area associated with the Otay River approximately one mile south of the TLUP area (iNaturalist 2024).
California glossy snake *Arizona elegans occidentalis*	—	SSC	Generalist reported from a range of scrub and grassland habitats, often with loose or sandy soils.	Not expected to occur. Habitat marginally suitable for California glossy snake is present in the southern TLUP area, where small patches of open area or sandy substrate in berms is present, however the tidally influenced nature of these habitats make it unlikely for this species, which is often below-ground, to occur.

Name	Federal Status[1]	State Status[1]	Habitat	Potential to Occur in the Survey Area
Coast horned lizard *Phrynosoma blainvillii*	—	SSC	Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes. Open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects.	**May occur – low potential to occur.** Coastal scrub and sandy dunes in the southern TLUP area provide habitat suitable for coast horned lizard, and research-grade occurrences of this species have been documented in the scrub area associated with the Otay River approximately one mile south of the TLUP area (iNaturalist 2024).
Coast patch-nosed snake *Salvadora hexalepis virgultea*	—	SSC	Coastal scrub. Brushy or shrubby vegetation in coastal southern California. Require small mammal burrows for refuge and overwintering sites.	**May occur – low potential to occur.** Coastal scrub in the southern TLUP area provide habitat suitable for coast patch-nosed snake.
Coastal whiptail *Aspidoscelis tigris stejnegeri*	—	SSC	Found in deserts and semiarid areas with sparse vegetation and open areas. Also found in woodland and riparian areas. Ground may be firm soil, sandy, or rocky.	Not expected to occur. Habitat suitable for coastal whiptail (desert or woodland) is not present in the TLUP area.
Green sea turtle [East Pacific DPS] *Chelonia mydas*	FT	—	Typically occurs within southern San Diego Bay within or adjacent to shallow eelgrass beds, Individuals may enter or leave the bay and can be found between San Diego and Mexico.	**Known to occur.** Green sea turtles may periodically occur throughout aquatic areas in the San Diego Bay including eelgrass beds and open areas, although they spend most of the time within south San Diego Bay. The aquatic portions of the TLUP area are within mapped critical habitat for green sea turtle.
Red-diamond rattlesnake *Crotalus ruber*	—	SSC	Chaparral, Mojavean desert scrub, Sonoran desert scrub. Chaparral, woodland, grassland, and desert areas from coastal San Diego County to the eastern slopes of the mountains. Occurs in rocky areas and dense vegetation. Needs rodent burrows, cracks in rocks or surface cover objects.	Not expected to occur. Habitat suitable for red-diamond rattlesnake (rocky areas with dense vegetation and rodent burrows) is not present in the TLUP area.
San Diego banded gecko *Coleonyx variegatus abbotti*	—	SSC	Found in granite or rocky outcrops in coastal scrub and chaparral habitats.	Not expected to occur. Habitat suitable for San Diego banded gecko (granite or rocky outcrops_ is not present in the TLUP area, and this species' range does not extend into the coastal area of San Diego.
Southern California legless lizard (formerly Silvery legless lizard) *Anniella stebbinsi (*formerly *Aniella pulchra pulchra*)	—	SSC	Occurs in sandy or loose loamy soils under sparse vegetation. Disjunct populations in the Tehachapi and Piute Mountains in Kern County. Variety of habitats; generally in moist, loose soil. Prefers soils with a high moisture content.	**May occur – Moderate potential to occur.** Coastal scrub and sandy dunes in the southern TLUP area provide habitat suitable for legless lizard.
Two-striped gartersnake *Thamnophis hammondii*	—	SSC	Marsh and swamp, riparian scrub, riparian woodland, wetland. Typically associated with freshwater but occasionally utilizes brackish water. From sea to about 7,000 feet elevation. Highly aquatic snake, found in or near permanent water. Often along streams with rocky beds and riparian growth.	**May occur – low potential to occur.** Marsh and wetland habitat in the southern TLUP area may provide habitat suitable for legless lizard; however, it is primarily tidally-influenced habitat with salt water present.

Name	Federal Status[1]	State Status[1]	Habitat	Potential to Occur in the Survey Area
Southwestern pond turtle (formerly western pond turtle) *Actinemys marmorata pallida* (formerly *Emys marmorata)*	FP	SSC	Ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6000 ft elevation. Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying.	Not expected to occur. Habitat suitable for southwestern pond turtle (freshwater and nearby uplands) is not present in the TLUP area.
Western spadefoot *Spea hammondii*	FP	SSC	Cismontane woodland, coastal scrub, valley and foothill grassland, vernal pool, and wetlands. Occurs primarily in grassland habitats, but can be found in valley-foothill hardwood woodlands. Vernal pools are essential for breeding and egg-laying.	Not expected to occur. Habitat suitable for western spadefoot (freshwater ponds or freshwater vernal pools in grasslands) is not present in the TLUP area.
Birds				
American white pelican (*Pelecanus erythorhynchos*)	—	SSC	Historically nested in large lakes throughout California; the only breeding colonies in the state today occur at lower Klamath National Wildlife Refuge, Siskiyou County, and at Clear Lake, Modoc County. Frequents freshwater lakes with islands for breeding; inhabits river sloughs, freshwater marshes, salt ponds, and the coastal bays during the rest of the year for foraging.	**May occur – Low potential to occur.** This species may forage in the TLUP area, however, there is no habitat suitable for American white pelican breeding (nesting) in the TLUP area. American white pelican has been documented foraging in the San Diego Bay including portions of the TLUP area during the non-breeding season (August through April) (eBird 2024).
Belding's savannah sparrow *Passerculus sandwichensis beldingi*	—	SE	Marsh and swamp, wetlands. Inhabits coastal salt marshes, from Santa Barbara south through San Diego County. Nests in pickleweed (Salicornia spp.) on and about margins of tidal flats.	**Known to occur.** Habitat suitable for Belding's savannah sparrow breeding and foraging is present in the saltmarsh areas within the southern TLUP area. This species was documented in the TLUP area in the CNDDB (CNDDB 2024).
Black skimmer *Rhynchops niger*	—	SCC	Colony of permanent residents on the south end of San Diego Bay. Nests on gravel bars and sandy beaches; forages in shallow, calm waters.	**Known to occur.** Habitat suitable for black skimmer breeding and foraging is present in the gravel bars and sandy beaches along the southern TLUP area. This species has been documented nesting on sandy beaches in southern San Diego Bay (Port of San Diego 2023)
Burrowing owl *Athene cunicularia*	—	SSC	Open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Not expected to occur. Habitat suitable for burrowing owl breeding and overwintering (open grasslands with burrows) is not present in the TLUP area.
California black rail *Laterallus jamaicensis coturniculus*	—	ST, FP	Brackish marsh, freshwater marsh, marsh and swamp, salt marsh, wetland. Inhabits freshwater marshes, wet meadows and shallow margins of saltwater marshes bordering larger bays. Needs water depths of about 1 inch that do not fluctuate during the year and dense vegetation for nesting habitat.	**Known to occur.** Habitat suitable for California black rail is present in the salt marshes and salt ponds in the TLUP area, and this species has been documented in the area (CNDDB 2024).

Name	Federal Status[1]	State Status[1]	Habitat	Potential to Occur in the Survey Area
California brown pelican *Pelecanus occidentalis californicus*	FD	SD	Colonial nester on coastal islands just outside the surf line. Nests on coastal islands of small to moderate size which afford immunity from attack by ground-dwelling predators. Roosts communally.	**Known to occur.** Habitat suitable for California brown pelican foraging is present in the TLUP area. Coastal islands in and adjacent to the TLUP area may serve as nesting habitat. This species was observed during the 2017 reconnaissance level survey of the Port Master Plan Update area, adjacent to the TLUP area (Port of San Diego, 2023), and has been documented within the TLUP area (CNDDB 2024).
Clark's marsh wren *Cistothorus palustris clarkae*	—	SSD	Restricted to freshwater and brackish marshes dominated by cattails and bullrushes.	**Known to occur.** Habitat suitable for Clark's marsh wren breeding and foraging is present in the salt marshes in the TLUP area, and this species has been documented in the southern TLUP area and throughout the San Diego Bay (eBird 2024).
California least tern *Sternula antillarum browni*	FE	SE, FP	Alkali playa, wetland. Nests along the coast from San Francisco Bay south to northern Baja California. Colonial breeder on bare or sparsely vegetated, flat substrates: sand beaches, alkali flats, landfills, or paved areas.	**May occur – high potential to occur.** Habitat suitable for California least tern foraging is present throughout the TLUP area, and suitable nesting habitat for this species is present within 500 feet of the TLUP area. This species has been documented within 500 feet of the TLUP area (CNDDB 2024).
Cassin's auklet *Ptychoramphs aleuticus*	—	SSC	Nests on islands off the California coast. Nests are earthen burrows excavated by adults, rocky crevices, cracks under buildings, or larger caves. Forages in open waters for small fish and crustaceans.	Not expected to occur. Habitat suitable for Cassin's auklet nesting and foraging is not present in the TLUP area.
Coastal cactus wren *Campylorhynchus brunneicapillus sandiegensis*	—	SSC	Coastal scrub. Southern California coastal sage scrub. Wrens require tall opuntia cactus for nesting and roosting.	Not expected to occur. Habitat suitable for this species nesting (opuntia cactus stands) are not present in the San Diego Bay, and this species has not been documented in the San Diego Bay (eBird 2024).
Coastal California gnatcatcher *Polioptila californica californica*	FT	SSC	Coastal bluff scrub, coastal scrub. Obligate, permanent resident of coastal sage scrub below 2,500 feet in southern California. Low, coastal sage scrub in arid washes, on mesas and slopes. Not all areas classified as coastal sage scrub are occupied.	**May occur – Low potential to occur.** Some habitat suitable for Coastal California gnatcatcher is present in the southern TLUP area in coastal scrub vegetation. This species has been documented in berms in the TLUP area (eBird 2024). The coastal scrub in the TLUP area provides low-quality habitat for gnatcatcher breeding. This species prefers coastal sage scrub on slopes, and is therefore unlikely to use the TLUP area for nesting, but may occasionally forage in the area.

Name	Federal Status[1]	State Status[1]	Habitat	Potential to Occur in the Survey Area
Grasshopper sparrow *Ammodramus savannarum*	—	SSC	Valley and foothill grassland. Dense grasslands on rolling hills, lowland plains, in valleys and on hillsides on lower mountain slopes. Favors native grasslands with a mix of grasses, forbs and scattered shrubs. Loosely colonial when nesting.	Not expected to occur. Habitat suitable for grasshopper sparrow (grassland) is not present in the TLUP area.
Gull-billed tern *Gelochelidon nilotica*	—	SSC	Nests on bare islets of fine clay soils.	**May occur – High potential to occur.** Habitat suitable for gull-billed tern foraging is present throughout the TLUP area, and suitable breeding habitat for this species is present within 500 feet of the TLUP area. This species has been documented within 500 feet of the TLUP area (CNDDB 2024).
Hawaiian petrel *Pterodroma sandwichensis*	FE	—	This species is endemic to the islands of Hawaii, where it breeds in burrows or rock crevices. Individuals occasionally are found along the coasts of California and Washington from December through March, or during the non-breeding season.	Not expected to occur. This species is endemic to Hawaii and is only rarely found in California.
Least Bell's vireo *Vireo bellii pusillus*	FE	SE	Riparian forest, riparian scrub, riparian woodland. Summer resident of southern California in low riparian in vicinity of water or in dry river bottoms; below 2,000 feet. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, coyote brush, mesquite.	Not expected to occur. Habitat suitable for the Least Bell's vireo (riparian vegetation) is not present in the TLUP area.
Least bittern *Ixobrychus exilis*	—	SSC	Marsh and swamp, wetlands. Colonial nester in marshlands and borders of ponds and reservoirs which provide ample cover. Nests usually placed low in tules, over water.	**May occur - Moderate potential to occur –** Suitable breeding and foraging habitat is present in marshes with emergent vegetation within the TLUP area. This species has not been documented previously in the TLUP area (eBird 2024, CNDDB 2024); however, it may be underrepresented in databases because it is difficult to detect. Least bittern prefers marshes with dense stands of vegetation, which are uncommon in the TLUP area.
Light-footed Ridgway's rail (previously Ridgway's rail) *Rallus obsoletus levipes*	FE	SE, FP	Marsh and swamp, salt marsh, wetland. Found in salt marshes traversed by tidal sloughs, where cordgrass and pickleweed are the dominant vegetation. Requires dense growth of either pickleweed or cordgrass for nesting or escape cover; feeds on molluscs and crustaceans.	**Known to occur.** Habitat suitable for light-footed Ridgway's rail breeding and foraging is present in the southern TLUP area. This species was documented in the southern end of the TLUP area in the CNDDB (CNDDB 2024).

Name	Federal Status[1]	State Status[1]	Habitat	Potential to Occur in the Survey Area
Loggerhead shrike *Lanius ludovicianus*	—	SSC	Breeds and forages in open habitats intersperced with shrubs and small trees, including disturbed habitat.	**Known to occur.** Habitat suitable for loggerhead shrike is present in the southern TLUP area. Loggerhead shrikes have been documented foraging in the salt ponds in the southern TLUP area (eBird 2024). The small patch of coastal scrub in the southwest corner of the TLUP area provides suitable breeding habitat and the surrounding terrestrial areas provide suitable foraging habitat for this species.
Short-tailed albatross *Phoebastria albatrus*	FE	SSC	Rare marine and pelagic seabird of the northern Pacific Ocean that spends most of its time in the open ocean in areas of ocean upwelling. Breeds on steep volcanic slopes islands off of Japan and in the Midway Atoll. Extremely rare throughout range and only known from a few occurrences south of Monterey Bay in California.	Not expected to occur. Short-tailed albatross is typically only found in the open ocean, and sightings near the San Diego Bay are extremely rare. There is no breeding or foraging habitat for this species in the TLUP area.
Southwestern willow flycatcher *Empidonax traillii extimus*	FE	SE	Riparian woodlands in southern California.	Not expected to occur. Habitat suitable for the southwestern willow flycatcher (riparian woodland) is not present in the TLUP area.
Swainson's hawk *Buteo swainsoni*	—	ST	Great Basin grassland, riparian forest, riparian woodland, valley and foothill grassland. Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	Not expected to occur. Habitat suitable for the Swainson's hawk breeding and foraging (grassland with scattered trees or agricultural areas with trees) is not present in the TLUP area.
Tricolored blackbird *Agelaius tricolor*	—	ST, SSC	Freshwater marsh, marsh and swamp, swamp, wetland. Highly colonial species, most numerous in Central Valley and vicinity. Largely endemic to California. Requires open water, protected nesting substrate, and foraging area with insect prey within a few kilometers of the colony.	Not expected to occur. Habitat suitable for the tricolored blackbird breeding and foraging (freshwater marsh) is not present in the TLUP area.
Western snowy plover *Charadrius nivosus nivosus*	FT	SSC	Sandy beaches, salt pond levees and shores of large alkali lakes. Needs sandy, gravelly or friable soils for nesting.	**Known to occur.** Habitat suitable for western snowy plover breeding and foraging is present in the salt ponds, levees, wetlands, and mudflats in the southern TLUP area. This species was documented in the TLUP area in the CNDDB (CNDDB 2024), and USFWS-designated critical habitat for this species is located within 100 feet of the TLUP area.
Western yellow-billed cuckoo *Coccyzus americanus occidentalis*	FT	SE	Riparian forest. Riparian forest nester, along the broad, lower flood-bottoms of larger river systems. Nests in riparian jungles of willow, often mixed with cottonwoods, with lower story of blackberry, nettles, or wild grape.	Not expected to occur. Habitat suitable for the western yellow-billed cuckoo (riparian forest) is not present in the TLUP area.

Name	Federal Status[1]	State Status[1]	Habitat	Potential to Occur in the Survey Area
Yellow rail *Coturnicops noveboracensis*	—	SSC	Freshwater marsh, meadow and seep. Summer resident in eastern Sierra Nevada in Mono County. Fresh-water marshlands.	Not expected to occur. The TLUP area is outside of this species' range.
Yellow warbler *Setophaga petechia*	—	SSC	Riparian forest, riparian scrub, riparian woodland. Riparian plant associations in close proximity to water. Also nests in montane shrubbery in open conifer forests in Cascades and Sierra Nevada. Frequently found nesting and foraging in willow shrubs and thickets, and in other riparian plants including cottonwoods, sycamores, ash, and alders.	Not expected to occur. Habitat suitable for the yellow warbler (riparian forest) is not present in the TLUP area.
Yellow-breasted chat *Icteria virens*	—	SSC	Riparian forest, riparian scrub, riparian woodland. Summer resident; inhabits riparian thickets of willow and other brushy tangles near watercourses. Nests in low, dense riparian, consisting of willow, blackberry, wild grape; forages and nests within 10 feet of ground.	Not expected to occur. Habitat suitable for the yellow-breasted chat (riparian forest) is not present in the TLUP area.
Terrestrial Mammals				
American badger *Taxidea taxus*	—	SSC	American badgers are most commonly found in treeless areas including tallgrass and shortgrass prairies, grass-dominated meadows and fields within forested habitats, and shrub-steppe communities. Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Needs sufficient food, friable soils and open, uncultivated ground. Preys on burrowing rodents. Digs burrows.	Not expected to occur. Habitat suitable for American badger (relatively undisturbed grasslands with friable soils and uncultivated ground) is not present in the TLUP area.
Big free-tailed bat *Nyctinomops macrotis*	—	SSC	Low-lying arid areas, deserts, or open grasslands in southern California with high cliffs or rocky outcrops for roosting sites. Feeds principally on large moths.	Not expected to occur. Habitat suitable for big free-tailed bat (desert or open grassland area with rocky outcrops and cliffs) is not present in the TLUP area.
Mexican long-tongued bat *Choeronycteris mexicana*	—	SSC	Pinyon and juniper woodlands, riparian scrub, Sonoran thorn woodland. Occasionally found in San Diego County, which is on the periphery of their range. Feeds on nectar and pollen of night-blooming succulents. Roosts in relatively well-lit caves, and in and around buildings.	Not expected to occur. Habitat suitable for Mexican long-tongued bat (woodlands or riparian scrub) is not present in the TLUP area.
Pacific pocket mouse *Perognathus longimembris pacificus*	FE	SSC	Coastal scrub. Inhabits the narrow coastal plains from the Mexican border north to El Segundo, Los Angeles County. Seems to prefer soils of fine alluvial sands near the ocean, but much remains to be learned.	**May to occur – Moderate potential to occur.** Habitat suitable for the Pacific pocket mouse is present in the coastal scrub in the southern TLUP area. This species was documented within 500 feet of the TLUP area in the CNDDB (CNDDB 2024).

Name	Federal Status[1]	State Status[1]	Habitat	Potential to Occur in the Survey Area
Pallid bat *Antrozous pallidus*	—	SSC	Deserts, grasslands, shrublands, woodlands and forests. Most common in open, dry habitats with rocky areas for roosting. Tree roosting has also been documented in large conifer snags, inside basal hollows of redwoods and giant sequoias, and bole cavities in oaks. Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	Not expected to occur. Habitat suitable for pallid bat (open, dry habitats with rocky areas or conifers for roosting and low levels of noise disturbance) is not present in the TLUP area.
Pocketed free-tailed bat *Nyctinomops femorosaccus*	—	SSC	Joshua tree woodland, pinyon and juniper woodlands, riparian scrub, Sonoran desert scrub. Variety of arid areas in southern California; pine-juniper woodlands, desert scrub, palm oasis, desert wash, and desert riparian. Rocky areas with high cliffs.	Not expected to occur. Habitat suitable for pocketed free-tailed bat (woodland, riparian scrub, or desert scrub) is not present in the TLUP area.
San Diego desert woodrat *Neotoma lepida intermedia*	—	SSC	Coastal scrub. Coastal scrub of southern California from San Diego County to San Luis Obispo County. Moderate to dense canopies preferred. They are particularly abundant in rock outcrops and rocky cliffs and slopes.	Not expected to occur. Habitat suitable San Diego desert woodrat (densely vegetated desert scrub with rocky outcrops) is not present in the TLUP area.
Spotted bat *Euderma maculatum*	—	SSC	Occupies a wide variety of habitats from arid deserts and grasslands through mixed conifer forests. Feeds over water and along washes. Feeds almost entirely on moths. Needs rock crevices in cliffs or caves for roosting.	Not expected to occur. Habitat suitable for pallid bat (areas with rock outcrops for roosting) is not present in the TLUP area.
Townsend's big-eared bat *Corynorhinus townsendii*	—	SSC	Throughout California in a wide variety of habitats. Most common in mesic sites. Requires large cavities for roosting, which may include abandoned buildings and mines, caves, and basal cavities of trees. Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.	Not expected to occur. Habitat suitable for pallid bat (abandoned mines, caves, or basal cavities of large trees with low levels of noise disturbance) is not present in the TLUP area.
Western mastiff bat *Eumops perotis californicus*	—	SSC	Found in a variety of habitats, from desert scrub to chaparral to oak woodland and into the ponderosa pine belt and high elevation meadows of mixed conifer forests. The distribution of this species is likely geomorphically determined, with the species being present only where there are significant rock features offering roosting habitat.	Not expected to occur. Habitat suitable for western mastiff bat (areas with rock outcrops for roosting) is not present in the TLUP area.
Western red bat *Lasiurus frantzii*	—	SSC	Cismontane woodland, lower montane coniferous forest, riparian forest, riparian woodland. Roosts primarily in trees, 2–40 feet above ground, from sea level up through mixed conifer forests. Prefers habitat edges and mosaics with trees that are protected from above and open below with open areas for foraging.	Not expected to occur. Habitat suitable for western red bat (forest or forest edges) is not present in the TLUP area.
Western yellow bat *Lasiurus xanthinus*	—	SSC	Desert wash. Found in valley foothill riparian, desert riparian, desert wash, and palm oasis habitats. Roosts in trees, particularly palms. Forages over water and among trees.	Not expected to occur. Habitat suitable for western yellow bat (desert wash and oasis) is not present in the TLUP area.

Name	Federal Status[1]	State Status[1]	Habitat	Potential to Occur in the Survey Area
Marine Mammals				
Blue whale *Belaenoptera musculus*	FE	—	Blue whales are the largest animal on Earth and are most commonly found off the Southern California coast in summer months. They utilize baleen to filter krill, fish, squid, and other small organisms for food.	**May occur – very low potential to occur**. Blue whales have been observed in nearshore coastal waters west of the TLUP area. Although it is highly unlikely that they would enter San Diego Bay due to disturbance related to boat traffic, blue whales could potentially enter the TLUP area.
Fin whale *Balaenoptera phyalus*	FE	—	Fin whales utilize baleen to filter krill, fish, squid, and other marine life for foraging. The Fin whale is the second largest mammal on Earth.	**May occur – Very low potential to occur**. Fin whales have been observed in nearshore coastal waters west of the TLUP area. Although it is highly unlikely that they would enter San Diego Bay due to human disturbance, fin whales could potentially enter the TLUP area.
Humpback whale (Mexico DPS) *Megaptera novaengliae*	FT	—	The humpback whale is a large baleen whale that is well known for its breaching behavior. There are two distinct population segments (DPS), the Mexico DPS, and Central American DPS, both of which utilize the waters off of Southern California for foraging.	**May occur –Moderate potential to occur**. Humpback whales have been observed in nearshore coastal waters west of the TLUP area, and a young humpback whale was observed in Mission Bay in 2023. Although it is unlikely that humpback whales would enter San Diego Bay due to human disturbance, humpback whales could potentially enter the TLUP area.
Humpback whale (Central American DPS) *Megaptera novaengliae*	FE	—	The humpback whale is a large baleen whale that is well known for its breaching behavior. There are two distinct population segments (DPS), the Mexico DPS, and Central American DPS, both of which utilize the waters off of Southern California for foraging.	**May occur – Moderate potential to occur**. Humpback whales have been observed in nearshore coastal waters west of the TLUP area, and a young humpback whale was observed in Mission Bay in 2023. Although it is unlikely that humpback whales would enter San Diego Bay due to human disturbance, humpback whales could potentially enter the TLUP area.
Orca *Orcinus orca*	FE	—	Orca is a large toothed whale in the dolphin family (Delphinidae). They commonly prey on fish and mammals, and studies suggest that certain populations specialize in hunting certain prey over other species. The Southern Resident DPS occurs off the coast of California, and targets chinook salmon as one of its primary food sources.	**May occur – very low potential to occur**. Orcas have been observed in nearshore coastal waters west of the TLUP area. Although it is highly unlikely that they would enter San Diego Bay due to human disturbance, orcas could potentially enter the TLUP area.

Name	Federal Status[1]	State Status[1]	Habitat	Potential to Occur in the Survey Area
Sperm whale *Physeter microcephalus*	FE	—	Sperm whales are the largest toothed whale species and are known to dive to great depths in order to forage on prey, most notably giant squid.	**May occur – very low potential to occur**. Sperm whales have been observed in nearshore coastal waters west of the TLUP area. Although it is highly unlikely that they would enter San Diego Bay due to human disturbance, sperm whales could potentially enter the TLUP area.
California gray whale *Eschrichtius robustus*	MMPA	—	California gray whales migrate in fall from cooler northern Pacific feeding areas to Baja California, Mexico, for mating and calving. They return north in late winter/early spring.	**May occur – Low potential to occur**. California gray whales have been observed in migrating close to the shore of the San Diego Bay. Although it is moderately unlikely that they would enter San Diego Bay due to human disturbance, California gray whales could potentially enter the TLUP area while migrating
California sea lion *Zalophus californianus*	MMPA	—	California sea lions haul out on natural (e.g., beaches) and humanmade structures, bait barge, forage, raft, and mill throughout the entirety of the Bay. They typically forage offshore and have breeding rookeries on the Channel Islands.	**Known to occur.** The entire TLUP area provides habitat suitable for California sea lion. California sea lions are known to occupy aquatic and upland shoreline areas of the TLUP area.
Harbor seal *Phoca vitulina*	MMPA	—	Common haul out areas include the exposed ocean side of the Point Loma Peninsula, along shore south of Ballast Point, and a portion of the docks at Naval Base Point Loma. The exposed coast of the Point Loma Peninsula represents one of two mainland rookery sites in San Diego County. Pacific harbor seals and their pups have been documented in San Diego Bay, typically at the northern end of the Bay nearest Ballast Point.	**Known to occur.** The entire TLUP area provides habitat suitable for harbor seal. Harbor seal are known to occupy the TLUP area.
Common dolphin *Delphinus* spp.	MMPA	—	Common dolphins have a widespread distribution and are often observed in Southern California nearshore environments.	**May occur – Moderate potential to occur**. Common dolphins have been observed in nearshore coastal waters west of the TLUP area. Common dolphins can often be spotted in the North Bay and North Central Bay Planning Districts. They are most common between Harbor Island and the entrance and likely transit into and out of the bay without spending appreciable time within the bay.

Name	Federal Status[1]	State Status[1]	Habitat	Potential to Occur in the Survey Area
Bottlenose dolphin *Tursiops truncatus*	MMPA	—	Bottlenose dolphins have a widespread distribution and are often observed in Southern California nearshore environments.	**May occur – Moderate potential to occur**. Bottlenose dolphins have been observed in nearshore coastal waters west of the TLUP area. Bottlenose dolphins can often be spotted in the North Bay and North Central Bay Planning Districts. They are most common between Harbor Island and the entrance and likely transit into and out of the bay without spending appreciable time within the bay.
Pacific white-sided dolphin *Lagenorhync hus obliquidens*	MMPA	—	Pacific white-sided dolphin occur in the north Pacific and travel in groups of variable size.	**May occur – Low potential to occur**. Pacific white-sided dolphins have been observed in the entrance to the San Diego Bay in nearshore coastal waters west of the TLUP area. Although it is unlikely that they would enter San Diego Bay due to human disturbance, Pacific white-sided dolphin could potentially enter the TLUP area.
Risso's dolphin *Grampus griseus*	MMPA	—	Risso's dolphin is a large dolphin species found in tropical and temperate oceans worldwide.	**May occur – Very low potential to occur**. Risso's dolphin have been observed in nearshore coastal waters west of the TLUP area. Although it is highly unlikely that they would enter San Diego Bay due to human disturbance, Risso's dolphin could potentially enter the TLUP area.
Bryde's whale *Balaenoptera brydei*	MMPA	—	Risso's dolphin is a large dolphin species found in tropical and temperate oceans worldwide.	**May occur – Very low potential to occur**. Bryde's whales have been observed in nearshore coastal waters west of the TLUP area. Although it is highly unlikely that they would enter San Diego Bay due to human disturbance, Bryde's whales could potentially enter the TLUP area.
Minke whale *Balaenoptera acutorostrata*	MMPA	—	Minke whale are the smallest of the rorquals, which include blue, Bryde's, sei, and fin whales. They are widespread and generally found around the globe in the northern hemisphere. They occur in tropical to polar waters.	**May occur – Very low potential to occur**. Minke whales have been observed in nearshore coastal waters west of the TLUP area. Although it is highly unlikely that they would enter San Diego Bay due to human disturbance, minke whales could potentially enter the TLUP area.
Cuvier's beaked whale *Ziphius cavirostris*	MMPA	—	Cuvier's beaked whale occur worldwide with the exception of the polar regions. They dive deep for food and generally occur in offshore waters.	**May occur – Very low potential to occur**. Curvier's beaked whales have been observed in nearshore coastal waters west of the TLUP area. Although it is highly unlikely that they would enter San Diego Bay due to human disturbance, Curvier's beaked whales could potentially enter the TLUP area.

Name	Federal Status[1]	State Status[1]	Habitat	Potential to Occur in the Survey Area
Northern right whale *Lissodelphis borealis*	MMPA	—	Northern right whale dolphins lack a dorsal fin and occur in large numbers in the north Pacific. They generally occur in deep offshore waters.	**May occur – Very low potential to occur**. Northern right whales have been observed in nearshore coastal waters west of the TLUP area. Although it is highly unlikely that they would enter San Diego Bay due to their preference for deep offshore waters, their relative low abundance and human disturbance, northern right whale whales could potentially enter the TLUP area.
Dall's porpoise *Phocoenoides dalli*	MMPA	—	Dall's porpoise is a common north Pacific dolphin species and is likely the fastest swimming dolphin species. Their black and white color is often confused with that of orcas.	**May occur – Low potential to occur**. Dall's porpoises have been observed in nearshore coastal waters west of the TLUP area. Although it is highly unlikely that they would enter San Diego Bay due to human disturbance, Dall's porpoise could potentially enter the TLUP area.

General references: Unless otherwise noted all habitat and distribution data provided by CNDDB.

Note: CNDDB = California Natural Diversity Database

[1] Legal Status Definitions

Federal:
FE Endangered (legally protected)
FT Threatened (legally protected)

MMPA Fully protected under the Marine Mammal Protection Act

FPL Federally proposed for listing

State:
SE Endangered (legally protected)
ST Threatened (legally protected)
FP Fully protected (legally protected)
SSC Species of special concern (no formal protection other than CEQA consideration)

[2] Potential for Occurrence Definitions

Not expected to occur: Species is unlikely to be present in the plan area due to poor habitat quality, lack of suitable habitat features, or restricted current distribution of the species.

May occur: Suitable habitat is available in the plan area; however, there are little to no other indicators that the species might be present.

Likely to occur: All of the species life history requirements can be met by habitat present on the site, and populations/occurrences are known to occur in the immediate vicinity.

Present. Species observed within the study area.

Source: CNDDB 2024; eBird 2024, iNaturalist 2024, Love 2011, NOAA 2024, Port of San Diego 2023, USFWS 2024.

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CCH. *See* Consortium of California Herbaria

CDFW. *See* California Department of Fish and Wildlife.

CNDDB. *See* California Natural Diversity Database.

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Attachment B

Assembly Bill 52 Consultation

PORT of SAN DIEGO

November 13, 2025

VIA ELECTRONIC MAIL
Manzanita Band of Kumeyaay Nation
Angela Elliott Santos, Chairperson
P.O. Box 1302
Boulevard, CA 91905

Subject: Trust Lands Use Plan – Responses to AB 52 Consultation July 7, 2025, Comment Letter

Dear Chairperson Elliott Santos,

The San Diego Unified Port District (District) appreciates the opportunity to consult with the Manzanita Band of the Kumeyaay Nation, as part of AB 52 consultation, relating to the Trust Lands Use Plan (TLUP) and would like to thank the Manzanita Band for providing written comments. The Manzanita Band's comments and the District's responses will be added to the TLUP Mitigated Negative Declaration (MND), as Attachment B. The Manzanita Band's comments will be included in the record for consideration by the Board of Port Commissioners (BPC) on December 9, 2025, when the TLUP MND is considered for adoption. We look forward to continued discussion with the Manzanita Band regarding future projects and opportunities for future collaboration. Below are the written comments (shown in *italic* text) from the Manzanita Band's July 7, 2025, letter, followed by the District's responses.

1. *Acknowledgment of Kumeyaay Territory*
We respectfully remind the Port that the lands governed by this plan fall within the unceded ancestral territory of the Kumeyaay People. We urge the Port to formally acknowledge this in the TLUP and to recognize the ongoing relationship between the Kumeyaay Nations and these lands and waters.

District Response:
This acknowledgement was added to the TLUP, Chapter 1 – Introduction. The TLUP was published for the public's review on November 6, 2025, and it included the word "unceded" (Final Draft TLUP). However, the District will revise that word to "traditional ancestral territory" to match the District's current practice. The District has started introducing a similar acknowledgement at the start of various ribbon cutting ceremonies and at public meetings, such as the Pepper Park redesign workshop, held in 2021. Typically, a Kumeyaay Nation representative speaks and says a prayer to start such meetings. In the final TLUP for Board consideration, the acknowledgment will state:

"The District recognizes that the submerged lands and tidelands in the TLUP Area fall within the traditional ancestral territory of the Kumeyaay People. This acknowledgement

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also recognizes the ongoing relationship between the Kumeyaay Nations and the waters and lands in the TLUP Area." (p. 9)

2. *Cultural Resource Protection*
The revised TLUP must explicitly prioritize the identification, protection, and preservation of cultural resources, including village sites, burial areas, and traditional use areas. Tribal monitors should be consulted and present during all ground-disturbing activities. The plan should align with California's AB 52 and CEQA requirements for tribal consultation and mitigation.

District Response:
In response to this comment, more information about the requirements of AB 52 was added in the TLUP Environmental Justice Element. The new language states:

"Future projects that occur within the TLUP Area would be subject to environmental review under the California Environmental Quality Act. For projects that require a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report, consultation would be required pursuant to Assembly Bill 52 (AB 52). AB 52 requires public agencies to offer consultation with California Native American tribes that are traditionally and culturally affiliated with the project area." (p. 112)

When requested by the tribes, it is the District's typical practice to require Native American monitors as part of CEQA mitigation measure for projects analyzed in MNDs and EIRs that identify potentially significant impacts to cultural resources and tribal cultural resources. Whether to require tribal monitors during future site-specific projects' ground disturbance would depend on the location, timing, and type of future site-specific projects. The need for that requirement would be analyzed during a project's CEQA analysis and would not be a general requirement within a policy or plan document, such as the TLUP. During the AB 52 consultation on the TLUP the Manzanita Band did not identify specific locations within the TLUP area that would require the protection and preservation of cultural resources; however, the District is committed to continued coordination with the Manzanita Band should a future project be proposed within an area with identified tribal cultural resources.

3. *Early and Ongoing Tribal Consultation*
We urge the Port to adopt a clear policy of early, meaningful, and continuous consultation with tribal governments in all planning, permitting, and review processes that affect trust lands. Consultation must go beyond one-time outreach and should reflect government-to-government engagement.

District Response:
As stated in the response to number two above, tribal consultation will occur as part of the CEQA process for any future, site-specific projects within the TLUP area that require the preparation of an MND or EIR, as required by AB 52. While the commitment to early, meaningful, and continuous consultation is a practice that would not only apply to the

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TLUP, please refer to the response to number four below, to see how the TLUP was revised to include this practice.

4. *Tribal Co-Management and Access*
We recommend the TLUP incorporate opportunities for tribal co-management of culturally significant sites and ensure tribal access for traditional, ceremonial, and spiritual use. These agreements are critical for honoring tribal self-determination and cultural continuity.

District Response:
The TLUP included information that described examples of meaningful engagement opportunities, including in the Environmental Justice Element. In response to this comment, the language in that Element was further clarified to include the opportunities for tribal co-management and access. In response to Comment 3 above, this language was also revised to include early notification of projects. Similarly to Comment 2 above, this comment did not identify specific locations within the TLUP area that are culturally significant sites. The revised language states:

"Meaningful engagement opportunities are intended to increase inclusion, transparency, and trust in the District's planning and public involvement processes. Examples of providing meaningful engagement opportunities include, but are not limited to: opportunities for participation from people from disadvantaged communities in discussions to identify mitigation options for projects that may impact those communities, early notification of proposed projects, collaboration on presentations to communicate environmental justice issues and concerns, collaboration on public education efforts that honor Indigenous communities, opportunities to provide tribal access for traditional, ceremonial, and spiritual use, and development of public participation plans that address barriers to accessing meetings (e.g., language access, meeting times and locations) to encourage increased participation." (p. 118)

5. *Integration of Traditional Ecological Knowledge (TEK)*
We encourage the Port to integrate Traditional Ecological Knowledge (TEK) into coastal and environmental management practices. Kumeyaay TEK provides valuable insights for sustaining the natural environment in a way that complements modern science.

District Response:
The TLUP is a long-range planning and program document that does not implement coastal or environmental projects on its own. Instead, the TLUP guides those actions for possible future site-specific projects. As such, the District recognizes the value of TEK practices to allow for sustainable environmental stewardship. Based on this, the District revised the TLUP Ecology Element by adding more information on TEK in the context of natural resource management strategies. Please see the revised language below (<u>underlined</u> text is new revision for TEK):

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"Science-Based Management
Science-based management includes a suite of programs, conditions, or criteria to protect and enhance ecosystems. Examples include:

- Researching opportunities to enhance and expand the extent of eelgrass and wetlands;
- Restoring and creating wetlands;
- Establishing new mitigation banks for eelgrass, wetlands, or other sensitive habitat types;
- Conducting biological surveys;
- Evaluating the health of marine ecosystems and marine life;
- Guiding water and sediment studies;
- Minimizing pollution sources to protect and enhance water quality;
- Implementing shellfish and seaweed aquaculture; and
- Enhancing fisheries

Traditional Ecological Knowledge
TEK is used to describe the evolving body of knowledge, observations, and practices developed by Indigenous Peoples through interaction and experience with the environment over millennia. TEK can be complementary to science-based management strategies. Examples of TEK include:

- Place-based management of natural resources;
- Holistic ecosystem management that considers the interconnection between species, habitats, and human communities;
- Utilizing native plants for practical use;
- Habitat restoration through traditional planting and tending methods; and
- Implementing traditional fire management strategies such as controlled burning." (p. 75)

We look forward to discussing the incorporation of TEK into project-level planning wherever feasible and appropriate, and consistent with applicable laws.

6. *Tribal Economic Development Opportunities*
The TLUP should identify and promote tribal economic opportunities, including access to leases, small business space, cultural tourism, food vendors, or service contracts. Equitable development must include pathways for tribal participation in economic growth. Prioritizing opportunities for Kumeyaay Tribes with little or no economic development on their reservations.

District Response:
This comment relates to a broader topic than the TLUP, which is a programmatic planning document relating primarily to submerged lands in the San Diego Bay. The District is open to continuing to coordinate with the Manzanita Band, outside of the TLUP process. Additional coordination between the District and the Manzanita Band could help the District better understand this request and identify future opportunities with the

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Manzanita Band to support tribal participation in economic growth at the Port of San Diego.

7. *Cultural Education and Interpretation*
The Port is encouraged to invest in public education efforts that honor the Kumeyaay Nation, including signage, interpretive trails, public art, or exhibits co-developed with the Tribe. These initiatives foster public understanding and respect for the region's Indigenous heritage.

District Response:
The TLUP Water and Land Use Element, Policy 2.3.1, provides opportunities to place interpretive signage and commemorative artifacts that convey the maritime and cultural history of the Tidelands. Based on this comment, the District revised this policy to specifically cite Indigenous history. Please see the revised language below:

"WLU Policy 2.3.1 The District and its permittees shall support opportunities for strategic placement of interpretive informational signage and commemorative artifacts that convey Tideland's maritime, cultural, and Indigenous history." (p. 30)

Additionally, the TLUP now contains the following language:

"Honoring the history of Tidelands could be a collaborative effort with other stakeholders. For example, to honor the history of Indigenous communities in the region, the District could work in partnership with tribal representatives to co-develop signage, interpretive trails, public art, and other exhibits." (p. 30)

8. *Opposition to Harmful Development*
We stand firmly opposed to any development that would damage or restrict access to tribal cultural resources, sacred sites, or natural features of significance. We request formal notification and consultation for any proposals that may impact these areas.

District Response:
All future site-specific development within the TLUP area would be required to comply with CEQA and, when required, with AB 52 to coordinate with tribal representatives. If that coordination would lead to identification of potential tribal cultural resources, the District would work with a tribal representative to develop strategies to avoid damage or the restriction of access to those resources. As the TLUP is a planning document and not a site-specific development project, the revisions made to the TLUP and highlighted in this response letter, can help to guide future projects to coordinate and engage with Indigenous communities and tribal representatives to avoid impacts to resources of significance. In addition, the CEQA review of all applicable future development projects would address this concern.

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The District appreciates the Manzanita Band's comments and looks forward to future meaningful collaboration. Please feel free to contact us should you wish to discuss further the TLUP or these responses.

Respectfully,

Lesley Nishihira, AICP
Vice President, Planning & Development

cc.
Ms. Veronica Santos, Manzanita Band of Kumeyaay Nation Fiscal Officer, Tribal Historic Preservation Officer

Manzanita Band of the Kumeyaay Nation

July 07, 2025

Port of San Diego

Attn: Planning Department – TLUP Comments

3165 Pacific Highway

San Diego, CA 92101

Subject: Tribal Comments on the Port of San Diego's Revised Trust Land Use Plan (TLUP)

To Whom It May Concern,

On behalf of the Manzanita Band of the Kumeyaay Nation, we respectfully submit the following comments regarding the Port of San Diego's Trust Land Use Plan (TLUP). These comments are intended to assert our Nation's ancestral ties to the land and waters now under the Port's jurisdiction, and to ensure that future planning respects tribal sovereignty, cultural resource protection, and meaningful inclusion of Kumeyaay voices.

1. Acknowledgment of Kumeyaay Territory

We respectfully remind the Port that the lands governed by this plan fall within the unceded ancestral territory of the Kumeyaay People. We urge the Port to formally acknowledge this in the TLUP and to recognize the ongoing relationship between the Kumeyaay Nations and these lands and waters.

PO Box 1302 Boulevard California 91905 Phone (619) 766-4930 Fax (619) 766-4957

2. Cultural Resource Protection

The revised TLUP must explicitly prioritize the identification, protection, and preservation of cultural resources, including village sites, burial areas, and traditional use areas. Tribal monitors should be consulted and present during all ground-disturbing activities. The plan should align with California's AB 52 and CEQA requirements for tribal consultation and mitigation.

3. Early and Ongoing Tribal Consultation

We urge the Port to adopt a clear policy of early, meaningful, and continuous consultation with tribal governments in all planning, permitting, and review processes that affect trust lands. Consultation must go beyond one-time outreach and should reflect government-to-government engagement.

4. Tribal Co-Management and Access

We recommend the TLUP incorporate opportunities for tribal co-management of culturally significant sites and ensure tribal access for traditional, ceremonial, and spiritual use. These agreements are critical for honoring tribal self-determination and cultural continuity.

5. Integration of Traditional Ecological Knowledge (TEK)

We encourage the Port to integrate Traditional Ecological Knowledge (TEK) into coastal and environmental management practices. Kumeyaay TEK provides valuable insights for sustaining the natural environment in a way that complements modern science.

6. Tribal Economic Development Opportunities

The TLUP should identify and promote tribal economic opportunities, including access to leases, small business space, cultural tourism, food vendors, or service contracts. Equitable development must include pathways for tribal participation in economic growth. Prioritizing opportunities for Kumeyaay Tribes with little or no economic development on their reservations.

7. Cultural Education and Interpretation

The Port is encouraged to invest in public education efforts that honor the Kumeyaay Nation, including signage, interpretive trails, public art, or exhibits co-developed with the

Tribe. These initiatives foster public understanding and respect for the region's Indigenous heritage.

8. Opposition to Harmful Development

We stand firmly opposed to any development that would damage or restrict access to tribal cultural resources, sacred sites, or natural features of significance. We request formal notification and consultation for any proposals that may impact these areas.

The Manzanita Band of the Kumeyaay Nation looks forward to a future of genuine collaboration with the Port of San Diego, one that respects our past, strengthens our cultural presence, and creates shared prosperity on these ancestral lands. We respectfully request a formal response to these comments and ongoing inclusion in the planning process.

Sincerely,

Angela Elliot Santos

Tribal Chairwoman

Manzanita Band of the Kumeyaay Nation