

FILE NUMBER: 2024-303

DATE: Tuesday, July 9, 2024

SUBJECT: Continuance of a Local Emergency - Caulerpa Prolifera

DESCRIPTION: Adopt a Resolution Proclaiming the Continuance of a Local Emergency Due to the Presence of an Invasive Algae Caulerpa Prolifera

EXECUTIVE SUMMARY:

On November 14, 2023, by Resolution No. 2023-101, the Board of Port Commissioners (Board/BPC) adopted a proclamation of a local emergency due to the discovery of the invasive algae *Caulerpa prolifera* in the Coronado Cays, South San Diego Bay. BPC Policy No. 777, dated June 23, 2020, (Clerks Document #71570), details the District's Emergency Management policy, which requires the Board review the need for the continuation of the local emergency at least every 60 days until the local emergency is terminated.

Since the initial proclamation of a local emergency, there have been multiple continuances of the local emergency by the Board due to the ongoing existence of the invasive algae *Caulerpa prolifera* in the Coronado Cays, South San Diego Bay. On December 5, 2023, by Resolution No. 2023-112 the Board continued the proclamation of a local emergency to February 5, 2024; then on January 18, 2024 by Resolution No. 2024-002 the Board continued the proclamation to March 18, 2024; and then on March 12, 2024 by Resolution No. 2024-017 the proclamation was continued to May 12, 2024, then on April 3, 2024 by Resolution No 2024-037 the proclamation was continued to June 2, 2024 and then on May 14, 2024 by Resolution No 2024-050 the proclamation was continued until July 14, 2024. This proclamation will expire, unless continued by this action.

Another continuance of the proclamation of a local emergency is needed due to the continued presence of *Caulerpa prolifera* in the Coronado Cays and south San Diego Bay. The local emergency will assist in securing continued funding from the State Water Resources Control Board (SWRCB) Cleanup and Abatement Account and other grant sources, to eradicate these invasive algae. Based on the continued presence and the threat presented by *Caulerpa* to San Diego Bay, staff recommends that the Board continue the proclamation of a Local Emergency consistent with BPC Policy No. 777, which will continue the local emergency for an additional 60 days to September 7, 2024.

On September 21, 2023, an approximately 24 square meter patch of *Caulerpa prolifera* was discovered growing underneath and adjacent to boat docks along the eastern edge of Antigua Village. In October 2023, an approximately 0.25 acre patch of *Caulerpa prolifera* was discovered along the northern edge of Antigua Village within the Coronado Cays. While these algae are not harmful to humans, *Caulerpa* is highly invasive with the ability to rapidly expand reproducing even asexually, through vegetative fragmentation from contact with vessels, fishing, and tidal exchanges. Since *Caulerpa* can aggressively expand, it has the potential to displace native habitats including the 1,900 acres of

eelgrass habitat in South San Diego Bay. Any impacts to eelgrass could displace numerous other species in San Diego Bay including the 70 different fish species and the 60-80 threatened green sea turtles which utilize eelgrass as foraging and resting habitat.

Since the discovery, staff has been working diligently with the Southern California Caulerpa Action Team (SCCAT) consisting of state and federal resource agencies to implement an immediate response to prevent the spread and further infestation of this algae.

In March 2024, divers completed the placement of benthic barriers over the known infestation areas in Antigua Village, Coronado Cays. In April 2024, a 15 square meter patch of additional *Caulerpa* was discovered about a 1000' from the Cays shoreline, spread over 0.25 acres. All of these patches have been removed and/or covered with benthic barriers to prevent the spread and complete eradication efforts.

Diver surveys continue in south San Diego Bay to ensure the containment of this algae.

RECOMMENDATION:

Adopt a resolution proclaiming the continuance of a local emergency due to the presence of an invasive algae *Caulerpa prolifera* in the Coronado Cays and south San Diego Bay.

FISCAL IMPACT:

There is no fiscal impact caused by approval of this action.

COMPASS STRATEGIC GOALS:

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

- A Port that the public understands and trusts.
- A Port with a healthy and sustainable bay and its environment.

DISCUSSION:

On September 21, 2023, an in-water pre-construction eelgrass/*Caulerpa* dive survey was conducted as an Army Corps of Engineers (ACOE) and Regional Water Quality Control Board (RWQCB) permit condition for the Antigua Village Dock Replacement project in the Coronado Cays. During this survey, divers identified an approximately 24 square meter patch of *Caulerpa prolifera* growing underneath and adjacent to the boat docks. Additional diver surveys in October 2023, found 0.25 acres of *Caulerpa prolifera* along the northern side of Antigua Village.

Caulerpa prolifera is invasive algae that has not previously been identified in San Diego Bay, despite routine monitoring since the early 2000s. *Caulerpa* typically occurs in subtropical and tropical soft-bottom locales and when introduced, can aggressively displace native habitats including critical eelgrass habitat. The presence of *Caulerpa* has caused significant and expensive damage to coastal waters in California and the

Mediterranean Sea, warranting immediate action to eradicate any observed presence of the algae. *Caulerpa* infested part of Huntington Beach and Carlsbad in the early 2000s, which is now eradicated, and has been battled in Newport Bay since 2021, which is close to being eradicated.

South San Diego Bay is home to 1,900 acres of eelgrass which could be overgrown and displaced by *Caulerpa prolifera*. Any spread of *Caulerpa* into the south bay eelgrass beds, if left untreated, has the potential to impact the bay's 70 fish species and 60-80 threatened green sea turtles which reside in or forage on eelgrass.

Due to its highly invasive potential, it is illegal to possess, sell, or transport any seaweed in the genus *Caulerpa* within the state of California. The most likely source of *Caulerpa* in the Coronado Cays is the release from an aquarium.

Upon observing *Caulerpa prolifera*, notification was provided to the Southern California Caulerpa Action Team (SCCAT), a multi-agency group that includes representatives from the California Department of Fish and Wildlife, U.S. Fish and Wildlife (FWS), National Marine Fisheries Service, RWQCB, ACOE, California Coastal Commission, and State Lands Commission, among others. The SCCAT is meeting bi-weekly to determine the extent and magnitude of the observed *Caulerpa prolifera* in the Coronado Cays, to determine which areas in the Bay will need to be surveyed, and to develop and implement an eradication plan to remove the infestation, eradicate, and survey, including the need for permits to complete any eradication efforts.

Eradication Efforts

On October 9, 2023, the infestation of *Caulerpa prolifera* found in the Coronado Cays within District jurisdiction was treated by the placement of a benthic barrier to prevent the spread of the algae. The District funded the eradication and survey work at an estimated cost of \$92,000 using funding from the Environmental Conservation non-personnel budget. Benthic barriers consisting of thick plastic, typically used to line man-made ponds, were placed and secured with rebar and sandbags to create a sealed barrier to kill the algae by excluding any light, oxygen, and water circulation. The barriers will be left in place for a minimum of 6 months.

In March 2024, benthic barriers were placed over the 0.25 acres of algae along the northern portion of Antigua Village.

District staff was informed by representatives from the State Water Resources Control Board (SWRCB) that the proclamation of a local emergency is required for an eradication project to receive funding from the SWRCB Cleanup and Abatement Account. SWRCB representatives have approved up to \$500,000 in funding from the Cleanup and Abatement Account for the eradication of *Caulerpa prolifera* and conducting additional surveys.

Additional federal funding was secured to place benthic barriers at north Antigua Village over the known 0.25 acres of *Caulerpa prolifera*. This funding is also being used to determine the extent of the *Caulerpa prolifera* infestation including surveying the south

bay, on the east side of the Coronado Cays. The total costs estimate for eradication and surveys is estimated at \$1.2 million dollars. To assist in offsetting these costs, the FWS with assistance from the District, was awarded \$350,000 in grant funding from the Rapid Response Fund for Aquatic Invasive Species. The SWRCB also approved \$500,000 in funding from the state's Cleanup and Abatement Account, which required the declaration of a local emergency. Additional funding has also been requested from the Aquatic Nuisance Species Task Force. These funding sources also request the declaration of a local emergency.

In April 2024, during high intensity diver surveys of south bay, east of the Coronado Cays an additional 15-meter square patch over 0.25 acres of *Caulerpa* was discovered about a 1000' from the Cays shoreline. This new find of *Caulerpa* is now covered with benthic barriers to prevent the spread and complete eradication efforts. Divers continue to conduct *Caulerpa* surveys in south Bay.

Emergency Proclamation

BPC Policy No. 777, dated June 23, 2020, (Clerks Document #71570), details the District's Emergency Management policy, which requires the Board review the need for the continuation of the local emergency at least every 60 days until the local emergency is terminated.

BPC Policy No. 777, details the District's Emergency Management policy and defines an "Emergency" as the actual or threatened existence of conditions of disaster or peril to the health and safety of persons and/or property within the District including, but not limited to, those caused by such conditions or hazards as fire, flood, storm, tsunami, earthquake, epidemic, pandemic, hurricane, tornado, civil disturbance, significant technology or infrastructure disruption, act of terrorism, hazardous material spill, effect(s) of climate change or other conditions, including conditions resulting from war or imminent threat of war, or labor controversy.

BPC Policy No. 777, also defines a "Local Emergency" as the duly proclaimed existence of such conditions that are, or likely to be, beyond the control of services, personnel, equipment, and facilities of the District, and which may require the supplemental efforts and available resources of other local government entities, the state and/or federal government, and/or disaster relief organizations to help alleviate the damage, loss, hardship or suffering caused thereby.

Continuance of Local Emergency

On November 14, 2023, by Resolution No. 2023-101, the BPC adopted a proclamation of a local emergency due to the discovery of the invasive algae *Caulerpa prolifera* in the Coronado Cays, South San Diego Bay.

Since the initial proclamation of a local emergency, there have been multiple continuances of the local emergency by the Board due to the ongoing existence of the invasive algae *Caulerpa prolifera* in the Coronado Cays, South San Diego Bay. On December 5, 2023, by Resolution No. 2023-112 the Board continued the proclamation of

a local emergency to February 5, 2024; then on January 18, 2024 by Resolution No. 2024-002 the Board continued the proclamation to March 18, 2024; and then on March 12, 2024 by Resolution No. 2024-017 the proclamation was continued to May 12, 2024, then on April 3, 2024 by Resolution No 2024-037 the proclamation was continued to June 2, 2024 and then on May 14, 2024 by Resolutions No 2024-050 the proclamation was continued to June 13, 2024. This proclamation will expire on September 7, 2024, prior to the September BPC meeting. Therefore, staff will recommend the Board continue the local emergency proclamation at the August 13, 2024 BPC meeting.

Conclusion

Due to the continued presence and threat presented by *Caulerpa prolifera* and to receive funding from grants and from the SWRCB Cleanup and Abatement Account to support the eradication of *Caulerpa prolifera* in the Coronado Cays and South San Diego Bay, District staff recommends that the Board continue the proclamation of a local emergency in conformance with BPC Policy No. 777, for another 60 days until September 7, 2024.

General Counsel's Comments:

The General Counsel's Office reviewed and approved this agenda as presented to it as to form and legality.

Environmental Review:

The proposed Board proclamation for the continuance of a local emergency is Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15307 and 150308: Actions by Regulatory Agencies for Protection of Natural Resources (Class 7) and Actions by Regulatory Agencies for Protection of the Environment (Class 8), respectively, as found in Section E.3. of the District's Guidelines for Compliance with CEQA because the project would consist of, 1) proclaiming a local emergency; and 2) the subsequent actions necessary to eradicate the invasive *Caulerpa prolifera* infestation. These are appropriate because *Caulerpa prolifera* can over-run natural habitats, disrupt the ecosystem, and displace native plants and the animals that rely on them. Further, this species grows very quickly, one centimeter per day and has the potential to swiftly overtake native species in the project area. Invasions have happened in several locations in southern California, as well as across the globe. The project applicants must rapidly remove this invasive species and it is critical that the response begin immediately to prevent additional spread, and to minimize the cost of the response effort while the infestation site is still geographically limited. The District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2). A CEQA Notice of Exemption was filed on October 2, 2023, for this emergency action.

The proposed Board proclamation for the continuance of a local emergency complies with Section 87(a)(7) of the Port Act which, allows for the establishment and maintenance of Tidelands for open space, ecological preservation, and habitat restoration. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine.

Consequently, the proposed Board proclamation of local emergency is consistent with the Public Trust Doctrine.

The proposed Board proclamation for the continuance of a local emergency is considered excluded development pursuant to Section 8.a, Existing Facilities of the District's Coastal Development Permit Regulations because this infestation of *Caulerpa prolifera* requires emergency action by the District and its partners, to rapidly remove this invasive species. On September 28, 2023, the District submitted a Categorical Determination in accordance with Section 30717 of the California Coastal Act, which listed this Exclusion, to the California Coastal Commission (CCC) staff. That Categorical Determination indicated the emergency condition due to *Caulerpa prolifera* and the need to take immediate remedial actions. The approval became effective after the 10-working day appeal period after September 28, 2023, as no appeal was filed with the CCC, within that time frame.

Diversity, Equity, and Inclusion Program:

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

PREPARED BY:

Eileen Maher
Director, Environmental Conservation