

MINUTE ITEM

Pub. Cal. No. C15
Minute item
No. 15 State Lands
Commission by a vote of 2
to 0 at its 8/21/84
meeting.

CALENDAR ITEM

A. 75, 79

C15

08/21/84
PRC 5187.9
Louie

S. 39, 40

AUTHORIZATION TO
EXTEND CONSTRUCTION-LIMITING DATES ON
PRC 5187.9

BACKGROUND:

As Minute Item C6 of its meeting on September 30, 1976, the State Lands Commission approved the issuance of a 49-year Public Agency Permit to San Diego Unified Port District for the installation and maintenance of a mooring basin for private watercraft. The Commission made all the necessary CEQA findings at this meeting. The lease, as issued, containing construction-limiting dates beginning on or before September 1, 1978, with completion by August 31, 1980, or two years after the start of construction, whichever occurred first. The Port District subsequently requested that the construction-limiting dates be amended for construction to begin by September 1, 1984, with completion by August 31, 1985. The amendment was approved by the Commission on October 30, 1980.

CURRENT SITUATION:

The Commission's staff has been contacted by the San Diego Unified Port District requesting that the construction-limiting dates be extended as follows: Construction to begin on or before September 1, 1986, with completion by August 31, 1987, or two years after the start of construction, whichever occurs first.

CALENDAR ITEM NO. C15 (CONT'D)

The District is currently preparing a Bay-wide plan for public mooring facilities which the District wishes to finalize and adopt prior to any construction. The original plan discussed in the Negative Declaration that was certified by the Port District and considered by the State Lands Commission has been modified. The Port District has prepared and adopted a Supplement EIR covering the proposed plan.

OTHER PERTINENT INFORMATION:

1. An EIR was prepared and adopted for this project by San Diego Unified Port District. The State Lands Commission's staff has reviewed such document and believe that it complies with the requirements of the CEQA.
2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

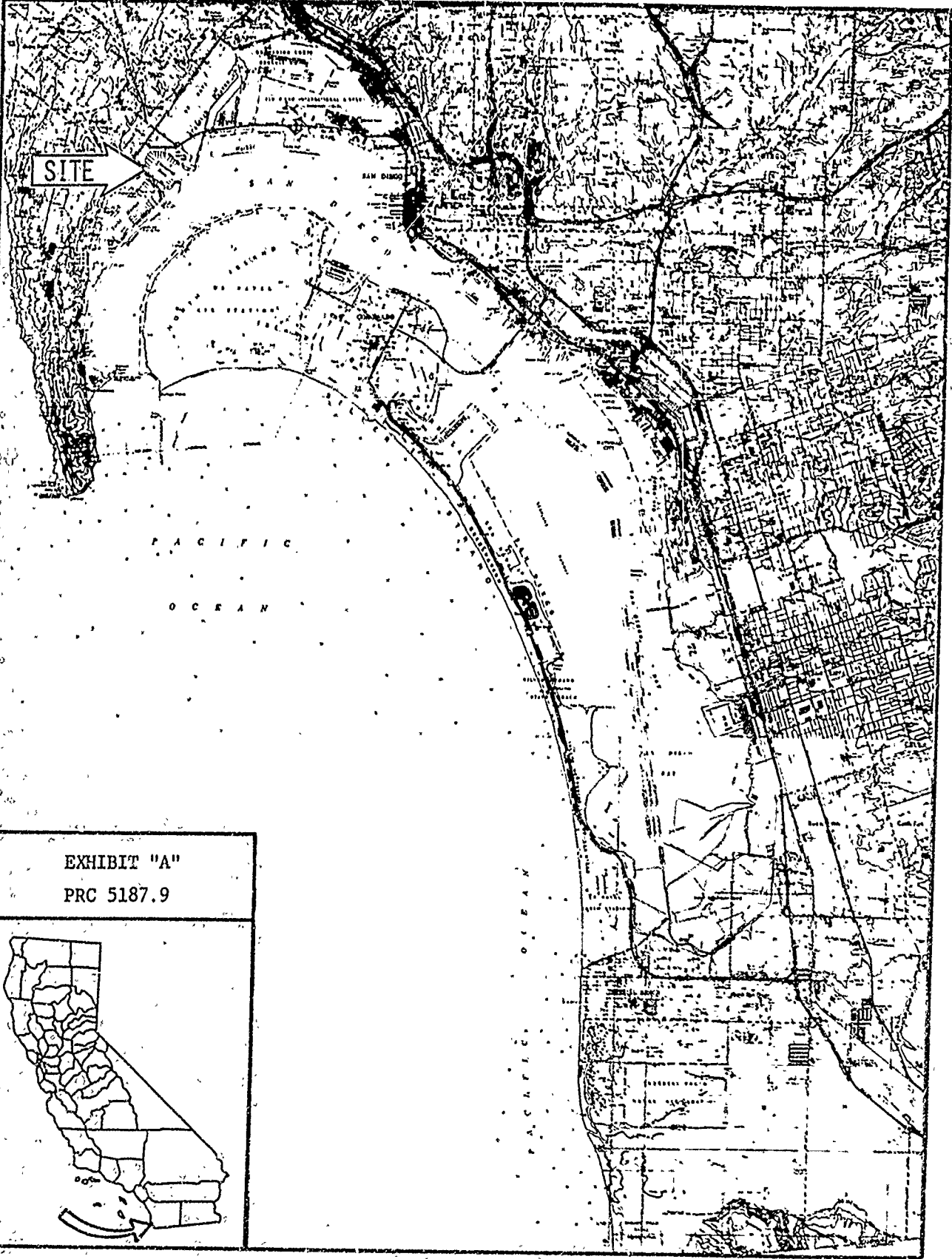
EXHIBITS:

- A. Location Map.
- B. EIR Summary.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN EIR WAS PREPARED AND ADOPTED FOR THIS PROJECT BY SAN DIEGO UNIFIED PORT DISTRICT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
4. AUTHORIZE THE AMENDMENT OF P.R.C. 5187.9 TO SAN DIEGO UNIFIED PORT DISTRICT TO EXTEND THE BEGINNING CONSTRUCTION DATE TO NO LATER THAN SEPTEMBER 1, 1986 AND COMPLETION DATE TO NO LATER THAN AUGUST 31, 1987, OR TWO YEARS AFTER THE START OF CONSTRUCTION, WHICHEVER OCCURS FIRST.

CALENDAR PAGE	81
MINUTE PAGE	1753



SITE

PACIFIC
OCEAN



EXHIBIT "A"
PRC 5187.9



CALENDAR PAGE 82
MINUTE PAGE 1754

I. SUMMARY

A. PROJECT DESCRIPTION

San Diego Bay, and the Commercial Basin Anchorage in particular, has experienced an increase in the uncontrolled size of the anchored vessel fleet. This unplanned increasing fleet size has caused or worsened several problems which the proposed project seeks to remedy. The problems include conflicts between water use activities; recurring instances of trespass across docks and land parcels; unauthorized use of shoreside improvements; long-term vehicular parking and repair activities on streets and in parking lots; unlawful use of tidelands for residential purposes; overboard discharge of sewage, toxic paint, petroleum products and other trash; random anchorage patterns and fouled and crossed anchorage lines that restrict or block emergency access to anchored vessels; increased public financial expenditures involving the recovery and disposal of unseaworthy, abandoned and derelict vessels; and the potentially hazardous conditions of crowding, fire and severe weather to vessels and harbor improvements.

The proposed improvements to the anchorage and shoreside support facilities and the proposed regulations for control of anchoring and mooring are intended to lessen or eliminate the above-stated problems for the Commercial Basin.

B. JURISDICTIONAL/WATER LAND USE

In order to assess the existing anchored fleet of vessels in the Commercial Basin Anchorage and its environs, an on-water survey was conducted on March 13 and 14, 1984.

Anchored vessels in Commercial Basin were surveyed to determine their number, type, size, condition, seaworthiness, registration, certification, actual use and duration of stay. Sailboats were distinguished from other types of vessels, and vessel size was determined using aerial photographs, field observations and registration information.

Seaworthiness, as currently defined by the Port District in Draft regulations for Commercial Basin, describes a vessel "in good material condition which is not likely to sink or become a menace to navigation, or a nuisance, and which is capable of getting underway, and navigating over the surface of International Waters or High Seas (SDUPD, 1984). Seaworthiness was determined in the field by the condition of each vessel's paint and structure, whether the vessel was entirely floating and the presence of an obvious means of propulsion. Obvious means of propulsion refers to a visible motor or mast(s) and boom(s) and did not account for the possibility of inboard, non-visible motors. Because many motorized boats contain inboard motors, this field definition does not mean that a vessel does not meet the "seaworthy" definition cited above.

Duration of stay represented the most subjective parameter and was based on whether or not the vessels appeared to be occupied. Certain vessels are occupied full-time such as for ocean cruising vessels with only temporary stays in San Diego. Some vessels are simply stored on the Bay and occupied on weekends or holidays. Commercial fishermen occupy their boats while in port and other persons occupy their vessels as full-time residences. Occupied vessels were either open, had residents and/or animals onboard, had one or more dinghys attached or had unattached household items on deck. Vessels used for short-term stays did not exhibit these characteristics.

The Commercial Basin Anchorage contains the greatest number and highest density of vessels in any anchorage in San Diego Bay at present. At the time the survey was taken (March 13 and 14, 1984), 220 vessels were anchored in the Commercial Basin Anchorage. Seventy-four percent (168) of these vessels exhibited complete registration numbers or home ports and names; the current registration of 144 of the 228 total vessels (50 percent) was verified by the Port District and the U.S. Coast Guard. Sailboats comprised 59 percent (134) of the total number of vessels. All vessels ranged from poor to excellent in condition. Vessel size ranged from 10 to 50 feet with 43 percent being in the 20 to 30 foot range. At least three sunken vessels were sighted in Commercial Basin but were not included in the tabulation.

Only half (108) of the vessels in Commercial Basin were considered seaworthy, based on the field definition which, because of the inability to further determine the method of propulsion, overestimated the number of unseaworthy vessels. Since many small craft contain inboard motors, several of the vessels might prove to be seaworthy upon closer inspection. Fifty-five percent (125) of the vessels appeared to be occupied by long-term users, including seaworthy and non-seaworthy vessels alike.

Although jurisdictional authority concerning the Commercial Basin will not change, the development of appropriate regulations and enforcement capabilities associated with a controlled anchorage will be required. Tasks involved in development and enforcement of regulations will involve permit issuance, vessel inspections, policing, collection of fees, and, as necessary, debris clean-up and derelict vessel disposal. This need for local regulatory authority may require an increase in staffing by the Port District, but is not considered a significant adverse impact.

The improvements to Commercial Basin Anchorage would provide mooring facilities for 170 vessels. The seaworthy vessels could, therefore be readily accommodated, assuming that they meet the other regulatory criteria. Only if all vessels could be brought into compliance about 60 vessels would need to move elsewhere.

Water use impacts associated with Commercial Basin include temporary construction impacts that will result from the proposed anchorage improvements. The installation of fixed buoys for mooring of 170 vessels within the anchorage area will require the removal of vessels currently in the basin for a period of approximately 6 months. In addition to installation of the mooring buoys, the project would involve removal of underwater obstructions such as sunken vessels, engines, steel drums, and miscellaneous debris as necessary.

The limitation of boats at Commercial Basin and the provision of a public facility would significantly reduce unauthorized use of adjacent commercial facilities and marinas, and illegal parking, thus resulting in a positive impact to surrounding land use.

Construction of an onshore public facility in the area presently controlled by the Port District would eliminate unauthorized use of the current gravel-and-dirt parking lot for transient vehicle quarters, and would thus be considered a positive land use impact. The facility would also provide a public access point to Commercial Basin which would be a positive impact.

Temporary construction activity concerning both the anchorage and the onshore public facility may create short-term impacts. Access and parking would potentially be affected in areas adjacent to the anchorage and at the proposed onshore facility. Also, vessels moving from Commercial Basin elsewhere may create an impact to other shore facilities.

Other temporary construction impacts would include construction noise and dust. Although this area of the Commercial Basin is an active industrial and commercial zone, the potential noise and dust generated by construction of the proposed public facility may create a temporary disturbance.

No significant adverse impacts were identified with respect to regulatory control of the Commercial Basin Anchorage, A-2. Thus, no mitigation measures are deemed necessary. However, an increase in staff by the Port District and supplies to administer and enforce anchorage regulations may be required. The provisions of increased staffing and supplies would mitigate regulatory control impacts to a level of insignificance.

The limitation of Commercial Basin Anchorage to 170 vessels would present positive water use impacts associated with public safety and sanitation. It is probable that all eligible vessels currently anchored at Commercial Basin can be accommodated at the proposed anchorage since many of the vessels may not meet the "seaworthy" criteria proposed for the Commercial Basin (SDUPD, 1984). However, if all vessels were made eligible for mooring space, up to 60 vessels could be unable to locate in the anchorage subsequent to construction and implementation.

During anchorage construction, seaworthy vessels may have to move. Mitigation measures involved with construction impacts would be the incremental

phasing of the improvements and timing of the installation of proposed buoys for the Laurel Street Roadstead not to coincide with the proposed improvements to Commercial Basin. Construction at both anchorages would potentially displace over 300 vessels temporarily. Phased construction schedules would enable Laurel Street Roadstead to accommodate vessels from Commercial Basin during anchorage construction if mooring space was available. This would alleviate overcrowding at Shelter Island.

The lack of long-term adverse land use impacts associated with Commercial Basin Anchorage and the proposed public facility precludes the necessity of mitigation measures.

Mitigation measures available for short-term land use construction impacts are limited but include such measures as frequent oiling or watering of the construction site to alleviate dust problems; the provision of a signal-person as needed to alleviate traffic problems; and compliance with the City of San Diego noise ordinance to alleviate potential noise impacts.

C. WATER/SEDIMENT QUALITY

The proposed use in the Commercial Basin is 170 vessels; counts taken during this study (3/84) showed 228 vessels currently utilizing the area. A reduction in over 50 vessels may lead to an increase in the water quality in the basin. However, if anchored boats are continuing to discharge waste into the bay, water quality levels, particularly bacterial levels will not change significantly.

The removal of debris from the Basin to accommodate the anchorage development should not have a significant impact on marine life. This area does not constitute an area of high marine biological activity and the loss of the structures should not have an impact.

A reduction in input contaminants from boat associated sources would contribute to overall water and sediment quality enhancement. Shelter Island inhibits circulation in the anchorage.

Anchorage regulations which require vessels to have marine sanitation devices in order to be eligible for mooring space will improve the Basin's water quality. Periodic inspections by the Port District will be allowed to ensure compliance.

The lack of pumpout facilities or the inability or unwillingness of boat owners to legally pump out holding tanks has led to a deterioration of some water quality parameters. At the present time, one pumpout facility is available at the Harbor Police station on Shelter Island, and several other facilities are available for a fee.

The lack of availability of proximate pumpout facilities may cause long-term vessel occupants to continue illegally discharging into the bay. A mobile pumpout barge/boat, a pumpout station, or an effective enforcement of a permit program could reduce the illegal discharging. If a mobile pumpout boat were available to boat owners, a program of anchorage stops could be developed. Fees charged for the anchorage could include sufficient funds to operate the pumpout boat. However, in the future, all vessels would be seaworthy and mobile, and the use of existing pumpout stations should present no difficulties, particularly since they would be required to comply with permit regulations.

D. TRAFFIC CIRCULATION

The proposed project has the potential to affect traffic circulation, parking and transit service in the vicinity of the anchorage. These parameters were investigated and it was determined that the existing system is adequate to service projected needs, especially since the project would cause a reduction in the existing demand. It will be essential that mitigation measures which limit the duration of stay at the anchorage be strictly enforced to ensure that a deficiency in parking spaces does not occur.

E. PUBLIC SAFETY/NAVIGATION HAZARDS

Commercial Basin will accommodate 170 vessels anchored by fore and aft mooring buoys. The limitation of anchored vessels at Commercial Basin, combined with a symmetrical mooring system and navigation channels between vessel rows, will serve to create a positive impact to public safety and navigation. The Harbor Police will continue to be responsible for policing and emergency assistance to the Basin. The provision of a symmetrical mooring system and 80-foot wide navigation channels will enable the Harbor Police to provide adequate emergency assistance as well as regulatory duties (inspection, permit issuance, etc.) to the interior of the anchorage (LeBlanc, 1984). Alternatively, the Port District could assign the anchorage administration to a designated operator.

No significant adverse constraints to marine circulation or the provision of police and fire protection were identified for Commercial Basin. The establishment of a symmetrically arranged anchorage with wide navigation channels, and the limitation of vessels presents a positive impact. Therefore, no mitigation measures are required.

F. VISUAL QUALITY

Commercial Basin is currently overcrowded with 228 craft, including commercial and recreational vessels. Numerous boats are occupied and numerous vessels located toward the center of the group are unseaworthy. The boats are moored using ground tackle. The overall visual impression of the anchorage is of a crowded, unorganized arrangement with a cluttered appearance.

The limitation of vessels at Commercial Basin from 228 to 170 craft will create a positive visual impact. Limitation of vessels will produce a more open visual impression, eliminating the cluttered appearance of the anchorage at present.

There will be both short-term and long-term visual impacts associated with anchorage improvements at Commercial Basin. The temporary removal of all

vessels from the existing, unorganized anchorage will create an immediate positive visual impact. Instead of a cluttered appearance, Commercial Basin will have a short-term, spacious, open water appearance. The return of the vessels subsequent to anchorage improvements will create a visual impact; however, this impact will be significantly lessened from current visual impacts of cluttering and derelict vessel mooring. The symmetrical fore-and-aft mooring system will provide a positive visual impact to existing conditions at Commercial Basin Anchorage.

Construction of the proposed public facility on Port District land at the north side of Commercial Basin will also result in a positive visual impact, replacing a dirt-and-gravel parking lot with a landscaped parking facility. The facility will open up a new area for public access and viewing into Commercial Basin.

The positive visual impacts associated with the proposed improvements to Commercial Basin Anchorage preclude the necessity of mitigation measures. Limitation of the number of vessels to be anchored and construction of a landscaped public facility on the northern shoreline constitute positive visual impacts in the presently cluttered Commercial Basin area. The short-term unavoidable construction impacts associated with the Basin are not considered significant to visual quality and will be ultimately offset by the provision of an organized, symmetrical anchorage and a landscaped public facility.

G. CUMULATIVE IMPACTS/GROWTH INDUCEMENT

The long-term effect of the improvements to Commercial Basin Anchorage will limit the number of mooring spaces which will be available in this area. The proposed Commercial Basin Anchorage improvements will also provide a shoreline support facility in Commercial Basin. The establishment of permit regulations, as proposed, will preclude "unseaworthy" vessels and permanent residential occupancy. The current uncontrolled anchorage in the Commercial Basin is estimated to be used instead of residential housing for a maximum of about 125 households. State Lands regulations and the proposed project would prohibit permanent residential use of the Basin and would potentially cause

some of these permanent vessel occupants to seek residence elsewhere. A portion of these vessels may move from San Diego to another location which offers uncontrolled and unlimited anchorage.

CALENDAR PAGE	91
MINUTE PAGE	1763