

MINUTE ITEM

This Calendar Item No. C62 was approved as Minute Item No. 62 by the California State Lands Commission by a vote of 3 to 0 at its 4-24-01 meeting.

**CALENDAR ITEM
C62**

A 78
S 39

04/24/01
PRC 8313 W 25752
J. Reischman

DREDGING LEASE

APPLICANT:

San Diego Unified Port District
P.O. Box 120488
San Diego, CA 9211-0488

AREA, LAND TYPE, AND LOCATION:

Legislatively granted sovereign lands with minerals reserved to the State at the National City Marine Terminal, National City, San Diego Bay, San Diego County.

AUTHORIZED USE:

Dredge approximately 218,000 cubic yards for a wharf extension project. The wharf extension project includes the following major construction improvements and activities: deepening portions of Berths 24-1 and 24-5; maintenance dredging at Berths 24-2, 24-3, and 24-4; and extending Berth 24-5 along the west side of the National City Marine Terminal approximately 1,025 feet to the south and 200 feet to the west.

Dredged material will be used as fill in the construction of Berth 24-5. Additional dredged material will be disposed at the United States Army Corps of Engineers approved in-bay borrow pit site in South San Diego Bay, on lands granted to the San Diego Unified Port District and at the United States Army Corps of Engineers approved offshore site (LA-5).

LEASE TERM:

5 years, beginning April 25, 2001.

CONSIDERATION:

No royalty will be charged for dredged material; \$0.25 per cubic yard will be charged for any material used for privated benefit or for commerical sale purposes.

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OTHER PERTINENT INFORMATION:

1. Applicant is the Trustee of the legislatively granted sovereign lands, pursuant to Chapter 67, Statutes of 1962, as amended, with minerals reserved to the State.
2. An EIR was prepared and certified for this project by the San Diego Unified Port District. The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program adopted by the lead agency.
3. Eelgrass and inter-tidal shallow water habitat will be impacted by this proposed project. An eelgrass mitigation program has been developed in support of the National City Wharf Extension Project. The California State Lands Commission staff has reviewed such document. It is anticipated that eelgrass restoration work will occur during Spring 2004 (to take advantage of the eelgrass growing season) and will commence with the completion of the final construction phase. Eelgrass restoration work will require approximately ten weeks to complete.
4. The beneficial use of dredge material is the in-bay disposal at the "barrow" pit in south San Diego Bay. The in-bay disposal site will be filled with dredge material to an elevation from approximately -6' MLLW to -3' MLLW. This site will accommodate approximately 200,000 cubic yards of material. Once settling occurs, the area will consist of approximately nine acres and be used to transplant eelgrass. As mentioned above, approximately 1.13 acres of eelgrass will be required to be mitigated for this project. The remaining seven acres will also be planted with eelgrass as pre-mitigation for future Port construction projects.
5. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained in Exhibit E, attached hereto.
6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Codes section 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is

CALENDAR ITEM NO. C62 (CONT'D)

the staff's opinion that such project, is consistent with its use classification.

APPROVALS OBTAINED:

San Diego Unified Port District

FURTHER APPROVALS REQUIRED:

Army Corps of Engineers; Regional Water Quality Control Board;
California Coastal Commission

EXHIBITS:

- A. Location and Site Map
- B. Project Plans
- C. Notice of Determination
- D. Mitigation Monitoring Program
- E. Findings of Fact

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE SAN DIEGO UNIFIED PORT DISTRICT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096 (h), AS CONTAINED IN EXHIBIT E, ATTACHED HERETO.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT D, ATTACHED HERETO.

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CALENDAR ITEM NO. C62 (CONT'D)

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTION 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE ISSUANCE OF A DREDGING LEASE TO SAN DIEGO UNIFIED PORT DISTRICT BEGINNING APRIL 25, 2001, FOR A TERM OF 5 YEARS, FOR DREDGING APPROXIMATELY 218,000 CUBIC YARDS FROM THE LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENTS. NO ROYALTY SHALL BE CHARGED AS THE PROJECT WILL RESULT IN A PUBLIC BENEFIT; \$0.25 PER CUBIC YARD SHALL BE CHARGED FOR ANY MATERIAL USED FOR PRIVATE BENEFIT OR COMMERCIAL SALE PURPOSES.

NO SCALE

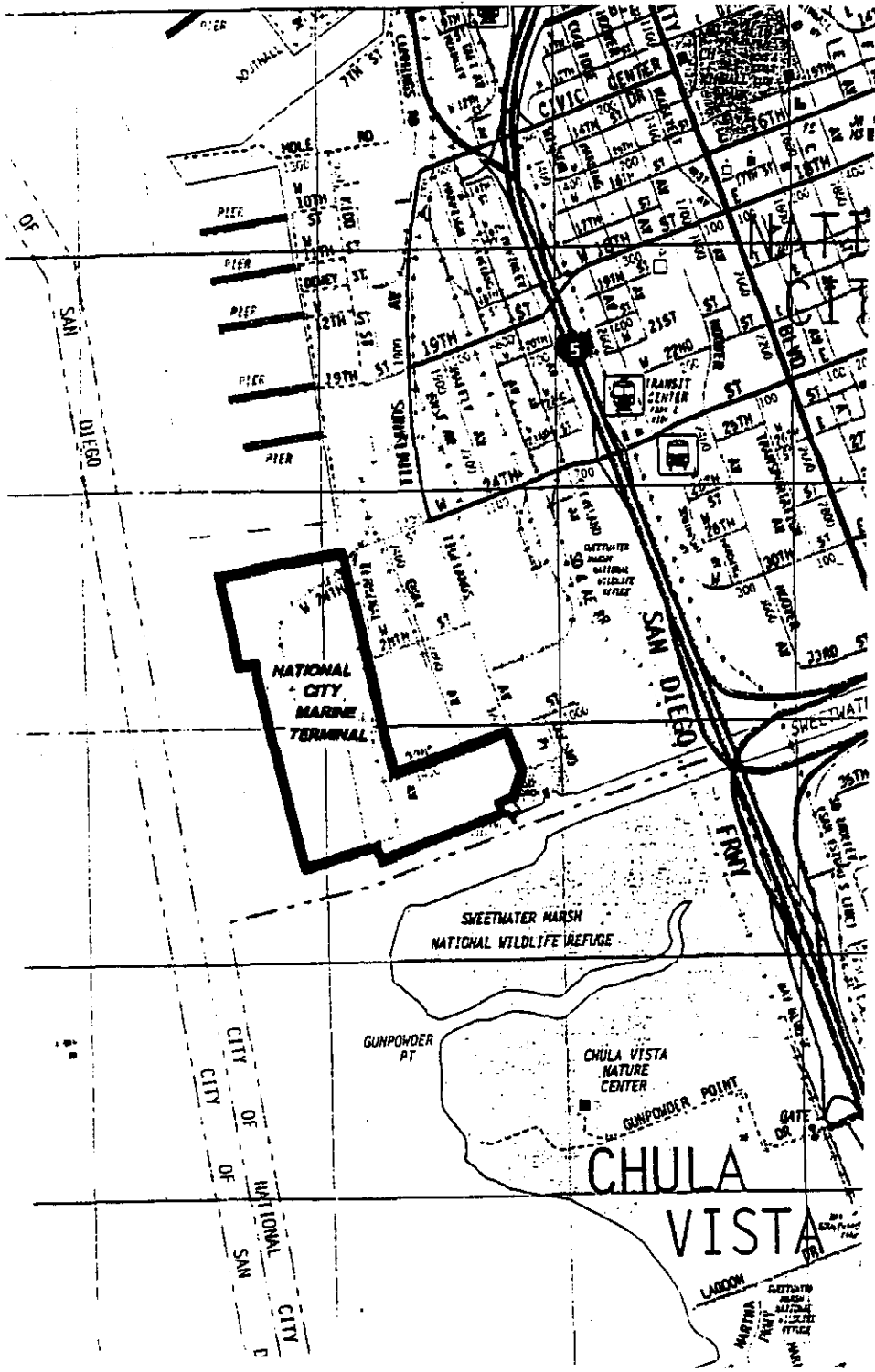
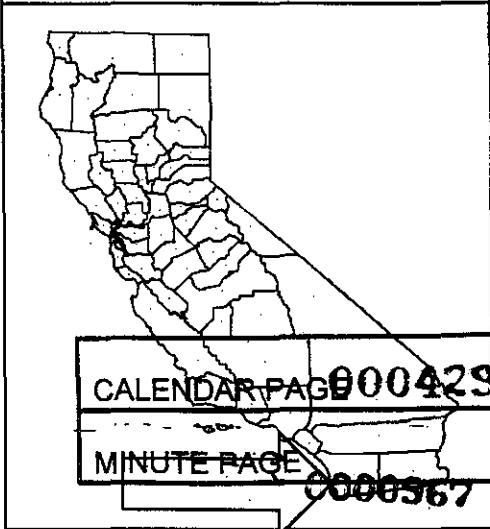


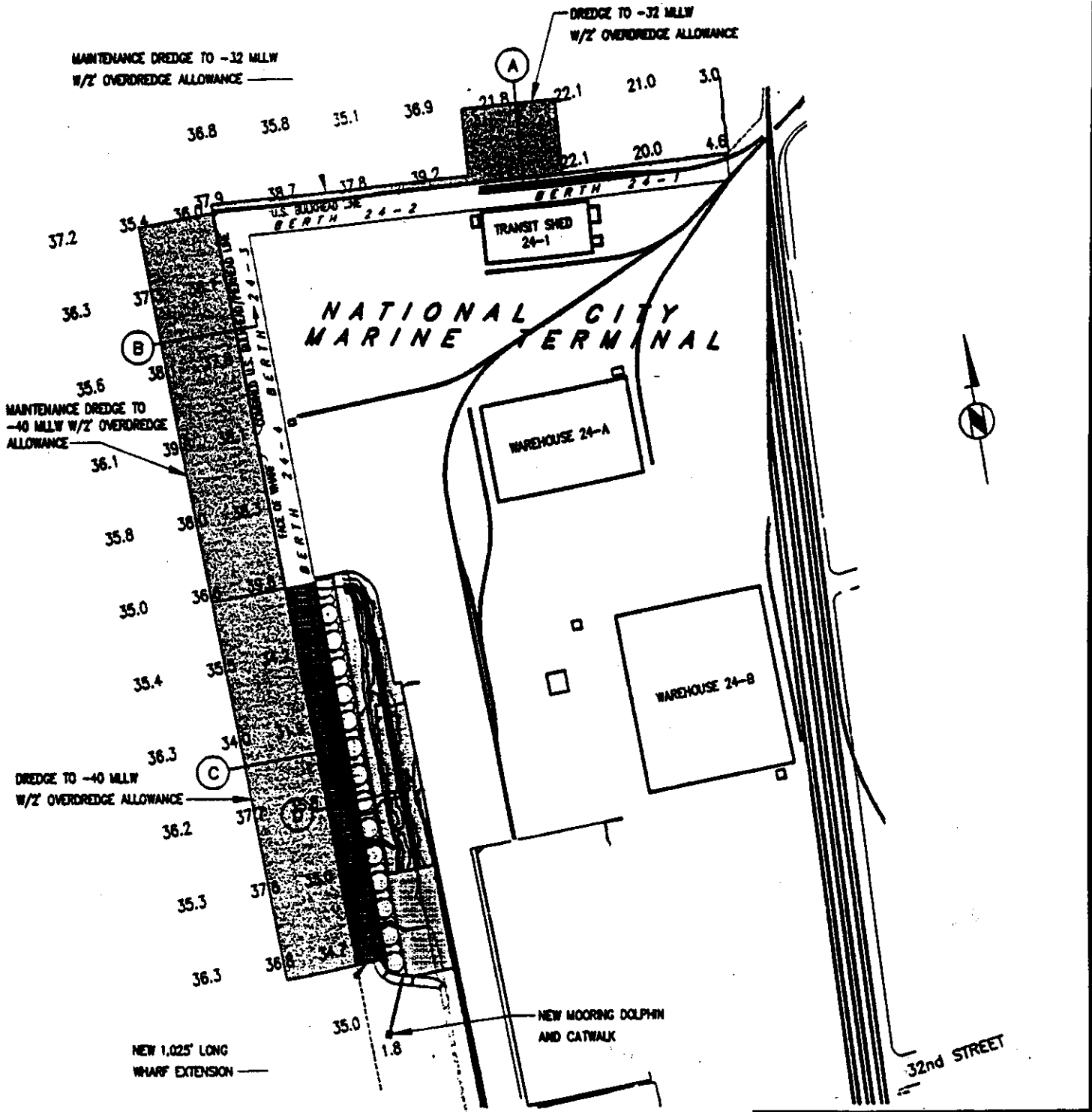
Exhibit A Site & Location Map

APPLICATION FOR MAINTENANCE
DREDGING LEASE
SAN DIEGO UNIFIED PORT
DISTRICT
W 25752
NATIONAL CITY MARINE
TERMINAL
SAN DIEGO COUNTY



This Exhibit is solely for purpose of generally defining the lease premise, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B Project Plans



SITE PLAN
SCALE : 1" = 400'

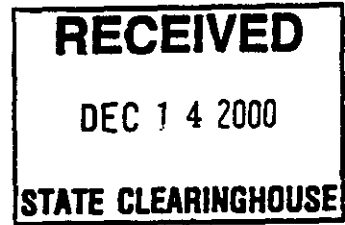
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This Exhibit is solely for purpose of generally defining the lease premise, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

To: Office of Planning and Research
 PO Box 3044, 1400 Tenth Street, Room 222
 Sacramento, CA 95812-3044

County Clerk
 County of San Diego, Records Div
1600 Pacific Highway, Room 260
San Diego CA 92065

From: (Public Agency) San Diego Port District
P.O. Box 120488
San Diego CA 92112-0488
 (Address)



Subject:

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

National City Marine Terminal Improvements Project

Project Title

<u>1999091006</u>	<u>Melissa Mailander</u>	<u>(619) 686-6283</u>
State Clearinghouse Number (If submitted to Clearinghouse)	Lead Agency Contact Person	Area Code/Telephone/Extension

24 Street, National City, San Diego County

Project Location (include county)

Project Description:

The dredging of approximately 227,000 cy of sediment from the National City Marine Terminal Berths 24-1 through 24-5, and the extension of the marginal wharf approximately 1,025 feet south.

This is to advise that the San Diego Unified Port District has approved the above described project on
 Lead Agency Responsible Agency
December 12, 2000 and has made the following determinations regarding the above described project:
 (Date)

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A statement of Overriding Considerations [was was not] adopted for this project.
5. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:
San Diego Unified Port District, District Clerk, 3165 Pacific Hwy, San Diego

Melissa Mailander
 Signature (Public Agency)

December 13, 2000
 Date

Environmental Review Coord. **000431**
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Date received for filing at OPR:

EXHIBIT D

**THE BOARD OF PORT COMMISSIONERS
OF THE SAN DIEGO UNIFIED PORT DISTRICT**

"EXHIBIT B"

MITIGATION MONITORING AND REPORTING PROGRAM

FOR

**NATIONAL CITY MARINE TERMINAL
IMPROVEMENTS PROJECT**

**FINAL ENVIRONMENTAL IMPACT REPORT
(UPD 83356-EIR-204; SCH # 1999091006)**

DECEMBER, 2000

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MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) supplements the National City Marine Terminal Improvements Project Draft and Final Environmental Impact Report (EIR) which was prepared by the Port of San Diego. The Draft EIR dated August 2000 and the Final EIR dated November 2000 are incorporated by reference in this document.

Assembly Bill 3180 codified as Section 21081.6 of the Public Resource Code, requiring public agencies to set up mitigation monitoring or reporting programs became effective January 1, 1989. The purpose of these programs is to ensure compliance with mitigation measures adopted in order to mitigate or avoid significant environmental effects identified in Environmental Impact Reports and Negative Declarations, prepared in accordance with the California Environmental Quality Act (CEQA), for projects. Referencing that statute:

When making the findings required by subdivision (a) of Section 21081 or when adopting a negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of an agency having jurisdiction by law over natural resources affected by this project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.

Pursuant to the requirement of AB 3180, the Port is obligated by statute to establish a program to monitor project compliance with those mitigation measures adopted as conditions of project approval for the purpose of mitigating significant environmental effects.

This section contains the MMRP and accompanying reporting actions that are needed to verify completion of individual mitigation measures (or discrete phases of complex mitigation measures) for the National City Marine Terminal Improvements project.

Information contained within the following MMRP identifies the issue area, the mitigation measures, the monitoring requirement, the agency responsible for mitigation implementation, the timeframe of mitigation, the completion requirement, the agency responsible for verification, and date of completion. The columns entitled "Issue Area" and "Mitigation Measure(s)" correspond to the issues and mitigation measures identified within the EIR. In response to public comments, several of the Draft EIR mitigation measures have been clarified or refined in the Final EIR to provide more detail. The "Monitoring Requirement" column explains the action which the responsible agency shall undertake (i.e., preparation and completion of studies, review of designs and/or consultation with appropriate agencies). The column "Responsible for Mitigation

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Implementation” identifies the agency or entity (organization) responsible for implementing, monitoring, and reporting of all mitigation within their respective jurisdictions. The “Timeframe of Mitigation” column explains the time in which the mitigation shall take place (i.e., prior to construction activities). The “Completion Requirement” column requires written evidence to prove that the mitigation measure has been completed. The “Agency Responsible for Verification” column identifies the agency responsible for verifying that a mitigation measure is complete. As the lead agency for the project, the Port shall take the lead in this role.

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**National City Marine Terminal
Improvements Project
Mitigation, Monitoring and Reporting Program**

Environmental Category and Associated Impact	Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<p>Biota and Habitats</p> <p>Alteration or loss of 1.13 acres of shallow subtidal and 3.30 acres of intertidal habitats, including an estimated 0.94 acres of eelgrass beds would result from the extension of the wharf.</p> <p>Noise, in conjunction with turbidity, would potentially affect endangered least terns foraging success in the project area during the nesting season.</p>	<p>Schedule pile-driving activities to occur outside the endangered least tern nesting season (April 1 to September 15).</p>	<p>Consult with USFWS to confirm that construction activities will occur outside the least tern nesting season.</p>	<p>Port</p>	<p>Prior to any construction work</p>	<p>Confirmation that USFWS was notified about and consulted with regarding construction activities.</p>	<p>Port/USFWS</p>	
	<p>A pre-construction eelgrass survey will be conducted to determine the exact areal cover of habitat impacted by the wharf extension. It is estimated that 0.94 acres of eelgrass will be impacted. This eelgrass must be transplanted in San Diego Bay sufficient to achieve a 1:2:1 replacement ratio (approximately 1.13 acres of eelgrass).</p>	<p>Preparation and implementation of eelgrass survey and mitigation plan consistent with the Southern California Eelgrass Mitigation Policy, and approved by the ACOE with discretionary approval from NMFS, USFWS, CDFG. Field inspection and monitoring to ensure mitigation plan success.</p>	<p>Port</p>	<p>Prior to any in-water construction work</p>	<p>Written evidence that the survey and plan has been approved by the ACOE, NMFS, and USFWS. The Port shall provide a status report annually for five (5) years to the applicable agencies with information on success criteria, monitoring results, and actions taken for failed mitigation goals.</p>	<p>Port</p>	
	<p>Prior to or concurrent with project construction, create 3.3 acres of intertidal and 1.13 acres of shallow water habitats. The proposed mitigation site is located on the south side of the Sweetwater Flood Control Channel adjacent to an existing marsh on the D Street Fill.</p>	<p>Preparation and implementation of a detailed Mitigation Plan for the proposed mitigation site by the Port, and review/approval of the plan by CDFG, ACOE, USFWS, and NMFS. Field inspection and monitoring shall be completed to determine effectiveness and ensure Mitigation Plan success.</p>	<p>The person responsible for mitigation implementation is the Port's engineer responsible for construction of the proposed project.</p>	<p>Prior to or concurrent with project construction</p>	<p>Written evidence that the Mitigation Plan has been approved by the CDFG, ACOE, USFWS, and NMFS. The Port shall provide a status report annually for seven (7) years to the applicable agencies with information on the progress of the mitigation effort including success criteria, monitoring results and actions taken for failed mitigation goals.</p>	<p>Port/CDFG/ACOE/USFWS/NMFS.</p>	

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National City Marine Terminal
Improvements Project
Mitigation, Monitoring and Reporting Program

Environmental Category and Assessment	Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
Short-term increases in turbidity in the vicinity during dredging and filling activities would result in reduced foraging opportunities for waterbirds, especially least tern and brown pelican, if dredge activities occurred from April 1 to September 15.	Use of silt screens around all construction vessels to minimize turbidity.	Install and maintain silt screens around all locations where in-water construction activities are occurring. Field inspection and monitoring shall be completed to determine effectiveness and to ensure mitigation success.	The person responsible for installing the silt curtain is the construction contractor. The person responsible for mitigation implementation is the Port's engineer responsible for construction of the proposed project.	Prior to any in-water construction work.	Certify that silt screens were installed and maintained during the entire in-water construction phase.	Port	
Noise, in conjunction with turbidity, would potentially affect endangered least terns foraging success in the project area during the nesting season.	Use directional (shielded) lighting on all lights proposed for the wharf extension and project improvements and install anti-perching devices on top to limit predatory bird perching or nesting. Direct lights toward the wharf apron. When nighttime operations do occur, limit lighting to only the lights required for safe terminal operations.	The lighting system proposed for the new wharf extension shall be designed with shielding equipment and installed in a way that the light generated is directed toward the wharf apron. Install anti-perching devices on poles. Field inspection and monitoring shall be completed to determine effectiveness and ensure mitigation success.	The person responsible for installing the lighting system is the construction contractor. The person responsible for mitigation implementation is the Port's engineer responsible for construction of the proposed project.	During final design phase and prior to any construction work.	Certify that the lighting systems installed at the Terminal have been designed to the minimum standards and requirements for safe marine terminal operations. Certify that the lighting systems have been shielded and that the lights have been directed toward the wharf apron. Lastly, certify that anti-perching devices have been installed on all of the light poles.	Port/USFWS	
Operation of the project could adversely affect the least terns through effects related to night lighting. Night lighting could increase predation on the terns by species that normally hunt during daylight hours. The light standards (about 100 feet tall and 30 feet tall) could also provide new perching locations for predatory birds.					Confirmation that consultation between the USFWS and the Port has resulted in the review and approval of the proposed lighting system. Field inspection and monitoring to determine effectiveness and to ensure mitigation success.		

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**National City Marine Terminal
Improvements Project
Mitigation, Monitoring and Reporting Program**

Environmental Category and Associated Impact	Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
Marine Water and Sediment Quality							
Short-term increases in turbidity from resuspended sediments could reduce water clarity and dissolved oxygen levels	Place a silt screen around all dredging sites, pile-driving, and around locations where dredged sediments are being used as fill for the new wharf.	Install and maintain silt screens around all locations where in-water construction activities are occurring. Field inspection and monitoring shall be completed to determine effectiveness and to ensure mitigation success.	The person responsible for installing the silt screen is the construction contractor. The person responsible for mitigation implementation is the Port's engineer responsible for construction of the proposed project.	Prior to any in-water construction work.	Certify that silt screens were installed and maintained during the entire in-water construction phase.	Port	
The resuspension of sediments during construction could result in water column concentrations of copper and zinc that exceed EPA criteria.	Dispose of sediment removed only from Sites 2 through 7, 9 and 13 (see Figure 3.3-4 of the EIR) at the in-bay borrow pit site (see Figure 3.3-5 of the EIR) or offshore at the LA-5 site, or as engineered fill behind the new bulkhead.	In accordance with the elutriate testing report completed for the proposed project, dispose of sediments from Sites 2-7, 9, and 13 at either the in-bay borrow pit site, the LA-5 offshore site or behind the new bulkhead.	The person responsible for mitigation implementation is the Port's engineer responsible for construction of the proposed project.	During project construction.	Written evidence that sediment disposal activities were completed in accordance with the elutriate testing report and that sediments from Sites 2-7, 9, and 13 were disposed of at either the in-bay borrow pit site, the LA-5 offshore site or behind the new bulkhead.	Port	
	Dispose of sediments from Sites 8, 10, 11, and 12 (see Figure 3.3-4 of the EIR) at LA-5 or as engineered fill behind the new bulkhead, but not at the in-bay borrow pit site.	In accordance with the elutriate testing report completed for the proposed project, dispose of sediments from Sites 8 and 10-12 at either the LA-5 offshore site or behind the new bulkhead.	The person responsible for mitigation implementation is the Port's engineer responsible for construction of the proposed project.	During project construction.	Written evidence that sediment disposal activities were completed in accordance with the elutriate testing report and that sediments from Sites 8 and 10-12 were disposed of at either the LA-5 offshore site or behind the new bulkhead.	Port	
Water quality impacts could result from the uncontrolled filling of the wharf extension with contaminated sediments	Use sediments from Site 1 (see Figure 3.3-4 of the EIR) as engineered fill behind the new bulkhead.	In accordance with the elutriate testing report completed for the proposed project, dispose of sediments from Site 1 behind the new bulkhead.	The person responsible for mitigation implementation is the Port's engineer responsible for construction of the proposed project.	During project construction.	Written evidence that sediment disposal activities were completed in accordance with the elutriate testing report and that sediments from Site 1 was disposed of behind the new bulkhead.	Port	
	Comply with ACOE, RWQCB, California Coastal Commission and EPA permit conditions related to dredge material disposal, discharge of liquids from dredge spoils, and monitoring and reporting activities. A permit to dredge is also required from the State Lands Commission.	Submittal of test data of dredged material to permitting agencies (listed below). Confirm that recommendations from NMFS, USFWS and EPA regarding disposal options are submitted to the permitting agencies. Prepare and submit applications for dredge material disposal.	The person responsible for mitigation implementation is the Port's engineer responsible for construction of the proposed project.	Prior to construction activities	Written evidence that the permitting agencies have reviewed and approved test data of dredged material to determine suitability of disposal options. Issuance of ACOE, RWQCB, California Coastal Commission, EPA and State Lands Commission permits constitutes completion of this requirement.	Port/ACOE/ RWQCB/ California Coastal Commission/EPA	
Water quality impacts could result from the accidental release of petroleum products from construction vessels and/or from onshore fueling locations	Place an impervious berm around surface storm drains during construction and locate any petroleum storage facilities at the site at least 50 feet from the edge of wharf and drains.	Install and maintain impervious berms around all surface storm drains where construction activities are occurring. Field inspection and monitoring shall be completed to determine effectiveness and to ensure mitigation success. In addition, prepare a construction materials storage facilities plan. Field inspections to ensure the plan is implemented and that petroleum storage facilities are located at least 50 feet from the edge of the wharf.	The person responsible for installing the berm is the construction contractor. The person responsible for mitigation implementation is the Port's engineer responsible for construction of the proposed project.	Prior to any in-water construction work.	Certify that the impervious berms were installed and maintained during the entire construction phase. Written evidence that the construction materials storage facilities plan has been prepared and implemented on-site, and that all provisions in the plan shall ensure the proper storage, and use of construction materials and that good engineering and housekeeping practices are followed.	Port	

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**National City Marine Terminal
Improvements Project
Mitigation, Monitoring and Reporting Program**

Environmental Category and Associated Impact	Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
	Assure that all construction vessels and cargo vessels are in compliance with California State Office of Spill Prevention and Response (OSPR) regulations related to petroleum and hazardous material response and recovery.	Review of construction vessels and cargo vessels compliance with OSPR regulations related to petroleum and hazardous material response and recovery. Field inspections to ensure compliance with OSPR and compliance with other applicable regulatory requirements.	The person responsible for mitigation implementation is the Port's engineer responsible for construction of the proposed project.	Prior to and during construction and operational activities.	Written proof (i.e. copies of approval letters) that all vessels visiting the site are in compliance with OSPR.	Port	
Seismic/Geological Hazards							
A major seismic event could result in strong ground motion and could cause damage to structures in the project area, including planned facilities at the project site.	Critical structures and the associated land area would be carefully and conservatively engineered during the design phase to minimize the impacts of a potential seismic event. Foundations for buildings, slopes and building structures would incorporate earthquake-resistant designs (e.g., treatment walls and pile-supported foundations) that meet or exceed those required by building codes.	Design review to verify that project is consistent with the building codes, particularly earthquake resistant design features, and are incorporated in to the final design/site plans.	The person responsible for designing the project components is the project engineer. The person responsible for mitigation implementation is the Port's engineer responsible for construction of the proposed project.	Prior to issuance of building permits and occupancy permits.	Approval of final design/site plans. Field notes documenting compliance with the approved design/site plans.	Port	
	In areas along Berth 24-5, deep soil densification by vibration would be implemented during construction to compact and densify underlying soils.	Implement soil densification in areas along Berth 24-5 where in-water construction activities are occurring. Field inspection and monitoring shall be completed to determine effectiveness and ensure mitigation success.	The person responsible for mitigation implementation is the Port's engineer responsible for construction of the proposed project.	Prior to and during construction activities.	Certify that deep soil densification by vibration was completed at Berth 24-5 during the construction phase.	Port	

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EXHIBIT E

**THE BOARD OF PORT COMMISSIONERS
OF THE SAN DIEGO UNIFIED PORT DISTRICT**

"EXHIBIT A"

FINDINGS OF FACT

FOR

**NATIONAL CITY MARINE TERMINAL
IMPROVEMENTS PROJECT**

**FINAL ENVIRONMENTAL IMPACT REPORT
(UPD 83356-EIR-204; SCH # 1999091006)**

DECEMBER, 2000

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FINDINGS OF FACT
FOR THE
NATIONAL CITY MARINE TERMINAL
IMPROVEMENTS PROJECT

FINAL ENVIRONMENTAL IMPACT REPORT
(UPD # 83356-EIR-204; SCH # 1999091006)

INTRODUCTION

The Board of Port Commissioners of the San Diego Unified Port District (Port) hereby makes the following Findings regarding the Final Environmental Impact Report (Final EIR) for the National City Marine Terminal Improvements Project, pursuant to the California Environmental Quality Act, Public Resources Code section 21000, *et seq.* (CEQA), and its implementing regulations, 14 California Code of Regulations section 15000, *et seq.* (CEQA Guidelines).

The National City Marine Terminal Improvements Project is a proposal by the Port to extend the existing wharf at the Terminal approximately 1,025 feet (ft) to the south and approximately 220 ft to the west (from the existing shoreline), to match the existing wharf at Berths 24-3 and 24-4. Once constructed, the wharf would provide approximately 2,035 linear ft (1,010 ft of existing wharf frontage plus the proposed 1,025 ft of new wharf area) of contiguous wharf. In addition, the project proposes deepening a portion of Berth 24-1 and maintenance dredging Berths 24-2 through 24-4 to accommodate deeper draft vessels. Approximately 227,000 cubic yards (cu/yds) of sediment would be dredged and disposed of in-bay or offshore.

The Final EIR prepared for the proposed project consists of three documents:

1. Document 1 is the Final EIR that contains the comments received on the Draft Environmental Impact Report (Draft EIR) and the Port's responses to those comments, errata and revisions to the Draft EIR text, a list of public agencies, organizations and persons commenting on the Draft EIR, and a Mitigation Monitoring and Report Program

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2. Document 2 is the Draft EIR
3. Document 3 is the Appendices to the Draft EIR.

The Draft and Final EIRs' environmental analyses, proposed mitigation measures and alternatives, and the public comments have influenced the design of the project components. These environmental documents and procedures reflect the Port's commitment to incorporate into the project the environmental considerations identified during the CEQA process.

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SECTION 1 DESCRIPTION OF THE PROJECT

1.1 PROJECT LOCATION

The proposed project site is located at the southwestern edge of National City in the National City Bayfront District (Planning District 5) of the Port of San Diego (Port). The project site is located within the National City Marine Terminal (Terminal), approximately 1,500 feet (ft) north of the Sweetwater Flood Control Channel on the eastern shoreline of San Diego Bay. Primary access to the Terminal is from Bay Marine Way (formerly known as 24th Street) via Interstate 5 (I-5) or Tidelands Avenue, National City.

1.2 PROPOSED PROJECT DESCRIPTION

1.2.1 General Characteristics

The Port proposes to extend the west-facing wharf at the Terminal approximately 1,025 ft to the south and approximately 220 ft to the west (from the existing shoreline), to match the existing wharf at Berths 24-3 and 24-4. A small mooring dolphin and associated catwalk would be located 200 ft south of the new wharf extension. The mooring dolphin would allow berthing of ships beyond the end of the new wharf. Once constructed, the west-facing wharf would provide approximately 2,035 linear ft (1,010 ft of existing wharf frontage plus the proposed 1,025-foot-long wharf) of contiguous wharf. In addition, the project proposes deepening a portion of Berth 24-1 through 24-4 to accommodate vessels with deeper drafts. The area for the new wharf extension would also be dredged level with adjacent berths to the north to accommodate deep draft vessels. Approximately 227,000 cubic yards (cu/yds) of sediments would be dredged and disposed of in bay or offshore.

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1.2.2 Operation Activities

The following subsections describe the proposed changes that would result from the proposed project.

Ship Loading and Unloading

The predominant use of the Terminal would continue to be receiving, shipping, handling and storage of Neobulk and Breakbulk commodities. The proposed facility improvements would improve the efficiency of activities at the Terminal by enhancing the transfer of cargo at higher rates. This will reduce the time required to load and unload cargo from ships while they are at dock. No changes from current volumes or types of commodities handled at the Terminal are anticipated to result from implementation of the proposed project. No changes in the frequency of vessel calls would occur as a result of the project; the Terminal would continue to receive, on the average, 16 to 18 vessels a month.

Terminal operations would not require additional personnel as part of this project.

Rail Operations

Existing rail operations would not be expected to change as result of the proposed improvements. No new rail equipment or facilities are proposed as part of this project.

Truck Operations

The proposed project improvements would not directly result in any additional truck trips to/from the Terminal. No new improvements or facilities would be required for truck operations as a result of the proposed project.

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1.2.3 Construction Activities

This section describes the construction activities proposed as part of the project. The proposed project would include the following major construction improvements and activities.

- Deepening portions of Berth 24-1 and 24-5.
- Maintenance dredging at Berths 24-2, 24-3, and 24-4.
- Wharf extension at Berth 24-5.

The following discussion provides a generalized outline of the improvements of the proposed project development.

Deepening Berth 24-1. The project proposes deepening the westerly 250-foot end of Berth 24-1 from approximately -20 ft and -30 ft mean lower low water (MLLW) to -32 ft MLLW, plus 2 ft of over-dredge. Deepening this portion of Berth 24-1 will provide additional berthing for vessels. To retain the toe of the existing slope and soils surrounding the wharf piles, an underwater bulkhead would be constructed at the pierhead line. The bulkhead would consist of steel sheet piles driven at the tow of the existing rock dike. The estimated volume of sediments to be removed from this berth is approximately 20,000 cu/yds.

Maintenance Dredging at Berth 24-2. Maintenance dredging is proposed to remove sediment that has accumulated along the base of the slope underlying the wharf dock. Dredging is proposed along approximately 800 ft of bottom immediately adjacent to the pierhead line at Berth 24-2. Maintenance dredging along the pierhead line would result in final depth of approximately -30 ft MLLW to -32 ft MLLW, plus allowance for 2ft of over-dredge. The estimated volume of sediments to be removed along Berth 24-2 is approximately 1,000 cu/yds.

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Sediments within the project area have been contaminated by past industrial activities. Characteristics of sediments adjacent to the Terminal have been previously assessed and are discussed in greater detail in the Draft EIR. Contaminants present within the sediments at the proposed project site have been identified in the report entitled Port of San Diego NCMT Wharf Extension, Maintenance Dredging Project (Ogden, 2000). According to the report, sediments underlying the project site meet ocean disposal requirements for disposal at the offshore "LA-5" (Los Angeles-5) Ocean Dredged Material Disposal Site. The report also concludes that dredge sediments from near shore areas (south of Berth 24-2) are suitable for use as backfill in the proposed project's bulkhead cells (refer to the wharf extension discussion below). Sediments disposal in the borrow and fill area, located offshore of Chula Vista in South San Diego Bay, would also be proposed as part of the project's eelgrass mitigation.

Maintenance Dredging at Berths 24-3 and 24-4. Maintenance dredging along the western face of the wharf at Berths 24-3 and 24-4 will be necessary as part of the proposed project. Bottom depths in the berthing areas in front of the wharf would increase from -36 ft to -40 ft MLLW, plus 2 ft of over-dredge. The berthing and approach areas would be dredged approximately 200 ft west of the pierhead line. Maintenance dredging would remove about 31,000 cu/yds of material. The material would be disposed of offshore at the LA-5 Ocean Dredged Material Disposal Site or placed in the South Diego Bay borrow and fill area.

Dredging at 24-5. Localized dredging along the western face of Berth 24-5 would be necessary for wharf construction. Construction of the pile-supported wharf, including the driving-in of new support piles and the casting of the wharf deck, and also for operations to accommodate deeper draft vessels, would require dredge removal of about 175,000 cu/yds of material, plus existing riprap, and would result in the replacement of a soft-bottom, shallow-water habitat with rock revetment. The construction of the wharf would result in the loss of this marine habitat due to the shallow effect of the wharf. Similar to the disposition of sediments dredged at Berth 24-1 and 24-2, a portion of the material would be used in the construction of the proposed

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wharf as backland fill. The remaining material would either be disposed offshore or placed in the South San Diego Bay borrows and fills area.

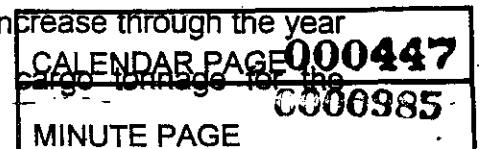
Wharf Extension at Berth 24-5. The primary improvement of the proposed project is the construction of a 1,025-foot-long by 220-foot-wide wharf and bulkhead (75-foot-wide, pile-supported, marginal wharf) from the south end of Berth 24-4. This wharf will be designated Berth 24-5. The proposed wharf would be an extension of the existing wharf. The wharf would be constructed of six rows of 24-inch octagonal vertical concrete piles and one row of steel piles. It is estimated that it would take approximately 6 months to install about 325 wharf extension piles. Rock revetment would protect the slope underneath the wharf from scouring. The landside of the wharf would be retained with a cellular sheet pile bulkhead. The cellular bulkhead would be comprised of steel sheet piles forming cells approximately 55 ft in diameter. The piles would be driven into the underlying Bay Point geologic formation.

Once constructed, the wharf and associated backland would be paved with asphalt and be equipped with utilities. Three existing storm drains out falls would be extended to accommodate the new wharf.

1.3 PROJECT PURPOSE AND NEED AND PROJECT OBJECTIVES

1.3.1 Project Need

The Port has experienced resurgence in its maritime cargo business over the last few years, which provided the impetus for the Port to prepare the Port of San Diego Marine Terminal Master Plan (Master Plan). As part of the Master Plan, the Port commissioned a study of the types and amounts of cargo that would be expected to move through the Port's two marine terminals through the year 2020. According to the forecasts contained in the study, the Port's maritime cargo business was projected to increase through the year 2020. The study forecasted the following increase in vehicle cargo tonnage for the Terminal.



**National City Marine Terminal
Vehicle Forecast
(Thousand of Tons)**

	FY ¹ 96/97	FY 97/98	FY 98/99	Vehicles			AAGR ² (2000-2020)
				2000	2010	2020	
Cargo Forecast*	N/A	N/A	236	316	326	342	0.4%
Actual Volume**	168	230	321				

Source: *Booz-Allen & Hamilton, 1999;
 **Port of San Diego, Marine Operations, 2000.

- Notes: 1. Fiscal year
2. Average Annual Growth Rate
3. N/A = Not Available

As the table indicates, the amount of vehicle cargo actually handled by the Port at the Terminal last year exceeded the study's forecast. The 321,000 metric tons handled by the Port in fiscal year 1998/99 nearly reached the increased amount of vehicle cargo projected for the year 2010.

The actual and projected increase in vehicle cargo handling is not dependent on the development of the proposed project. The Terminal presently has the capacity to handle an additional 20,000 (approximately) metric tons of vehicle cargo in its present configuration. Nonetheless, the forecasts in the study indicate a need to improve the Port's cargo handling efficiency and ultimately to increase its cargo handling capacity.

Although the wharf extension will not increase cargo though, it will improve one of the Terminal's inherent operational inefficiencies by shortening the long drive off the ship to first point of rest. Current vehicle loading/off-loading operations at the Terminal occur primarily at Berths 24-2 and 24-3. Once offloaded, vehicles are then brought to a first point of rest near the vehicle processing facility. Development of Berth 24-5 will reduce the haul distance resulting in reduced costs per vehicle move because it will take less time to bring the vehicles to the first point of rest. This improvement will help maintain the Port's long-term viability as one of the premier automobile ~~and~~ ports in the United States.

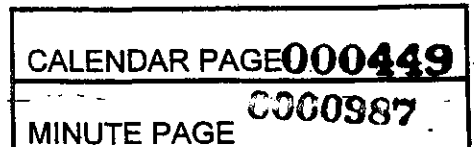
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The wharf extension will not increase cargo-handling capacity. As mentioned earlier, the Terminal presently has the capacity to accommodate an additional 20,000 metric tons of cargo or 20,000 vehicles. Cargo handling capacity will not increase due to an inherent delay from when vehicles are offloaded from ship until they are transported throughout North America. Vehicles need a place to be "warehoused". At the Terminal, vehicles are first driven off the vessel and are parked. Then they wait "processing" which includes minor damage repair and accessories' installation. Next, vehicles are again moved to a third location where they are stored near the Terminal's rail facilities until cars or trucks are available to transport the vehicles to their ultimate destinations. The length of time needed to store vehicles varies from 72 hours to a few months. The inherent delay in moving vehicles from the ship to vehicle processing, and finally to Terminal departure, limits the number of vehicles which can be brought into the Terminal.

1.3.2 Project Objectives

The proposed project is intended to accomplish the following objectives:

1. Improve vehicle-handling efficiencies and reduce costs by reducing the "long-haul" distance of cargo to first point of rest;
2. Optimize use of existing land;
3. Construct needed infrastructure to serve the Terminal; and,
4. Accommodate vessel-berthing requirements on busy days where multiple vessels arrive.



SECTION 2

ENVIRONMENTAL PROCEDURES

2.1 LEAD AGENCY

Pursuant to CEQA Guidelines section 15091, the Port is the lead agency for the purpose of preparing the EIR. The Port will have approval authority for the project.

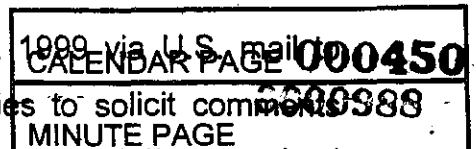
The EIR is intended to provide the Port, and other public agency decision-makers, with the environmental documentation required to take informed discretionary action on the proposed project. These agencies will use the EIR as the basis for their discussions, to issue approvals and permits.

2.2 INTENDED USE OF THE EIR DOCUMENT

The Draft and Final EIRs have been prepared in accordance with CEQA Statutes and Guidelines, pursuant to Section 21151 of CEQA. The Port is the local lead agency for the project, and has supervised preparation of this EIR. The EIR is an informational document, which will inform and assist public agency decision makers and the general public of the significant environmental effects of the project, identify possible ways to minimize the significant effects, and describe alternatives to the project. The EIR is also intended to support the permitting process of all agencies whose discretionary approvals must be obtained for particular elements of this project.

2.3 PUBLIC PARTICIPATION

A Notice of Preparation (NOP) was distributed on August 31, 1999 via U.S. mail to agencies, community organizations, and other interested parties to solicit comments and inform the public of the proposed project. The NOP and comment letters received



in response to the NOP are contained in the EIR. The following is a list of those respondents who submitted comments in response to the NOP:

- Environmental Health Coalition
- U.S. Department of Commerce, National Marine Fisheries
- California Regional Water Quality Control Board
- Dixiline Lumber
- San Diego Archaeological Society
- California Department of Transportation
- California State Lands Commission
- California Department of Fish and Game

The Draft EIR has undergone an extensive public and agency review process, including submittal to the California State Clearinghouse and to various regulatory agencies. The Draft EIR was made available for public review in August 2000. The public comment period required by CEQA Guidelines section 15087 began on August 15, 2000, and ended on September 28, 2000. The Port received comments from organizations, businesses and public agencies. The comments and the Port District's responses to them are set forth in the Final EIR. (CEQA Guidelines § 15088.) The Final EIR was prepared and made available for review on December 1, 2000. A public hearing concerning certification of the Final EIR was held by the Board of Port Commissioners of the Port District on December 12, 2000, at which interested persons were given an opportunity to comment on the Final EIR.

2.4 RECORD OF PROCEEDINGS

For the purpose of CEQA and the findings set forth below, the administrative record of the Port District's decision concerning certification of the Final EIR for the proposed project shall include the following:

- The Draft EIR (August, 2000)

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- The Final EIR (November 2000)
- All appendices to the Draft EIR and the Final EIR
- All documents and other materials listed as "references" and/or incorporated by reference in the Draft EIR and Final EIR.
- All reports, applications, memoranda, maps, letters, and other documents prepared by the Port District's staff and consultants which are before the Board of Port Commissioners as determined by the Clerk.
- All documents or other materials submitted by interested persons and public agencies in connection with the Draft EIR and the Final EIR.
- The minutes, tape recordings and verbatim transcripts, if any, of the public hearing held on December 12, 2000, concerning the Final EIR and the proposed project.
- Matters of common knowledge to the Port District, including but not limited to the Port Master Plan.

The custodian of the documents and other materials comprising the administrative record of the Port District's decision concerning certifications of the Final EIR is the Clerk of the Board of Port Commissioners. The location of the administrative record is the Port District's office at 3165 Pacific Highway, San Diego, California 92112. (Pub. Res. Code § 21081.6 (a)(2).)

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SECTION 3

FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

3.1 PURPOSE

CEQA requires the Port to make written findings of fact for each significant environmental impact identified in the Final EIR. (CEQA Guidelines § 15091.) The purpose of these findings is to restate systematically the significant effects of the project on the environment identified in the Final EIR, and determine the feasibility of mitigation measures and project alternatives identified in the Final EIR which would avoid or substantially lessen those significant effects. Once the Port has adopted sufficient measures to avoid a significant impact, the Port does not need to adopt every mitigation measure brought to its attention or identified in the Final EIR (POSD, 1994). If significant impacts remain after application of all feasible mitigation measures, the Port must review the alternatives identified in the Final EIR and determine whether they are feasible. These findings set forth the reasons, and the evidence in support of, the Port's determinations.

3.2 TERMINOLOGY

A "finding" is a written statement made by the Port, which explains how it dealt with each significant impact and alternative, identified in the Final EIR. Each finding contains an ultimate conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation of how the substantial evidence supports the conclusion.

For each significant effect identified in the Final EIR, the Port is required by CEQA to make a written finding reaching one or more of the following conclusions:

required by CEQA to	060453
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1. That changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effect;
2. That the changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be adopted by that other agency.
3. Specific legal, economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR. (CEQA Guidelines § 15091 (a).)

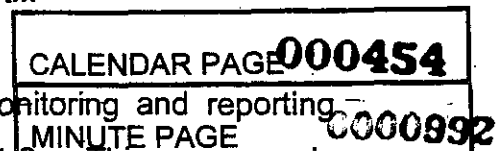
A mitigation measure or an alternative is considered "feasible" if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors, as well as considerations for employment of highly trained workers. (CEQA Guidelines § 15364.) A public agency may reject mitigation measures or environmentally superior alternatives as infeasible if they frustrate the agency's ability to meet the objectives of a project. (CEQA Guidelines § 15126 (d)(5).)

3.3 LEGAL EFFECT

To the extent these findings conclude mitigation measures identified in the Final EIR are feasible and have not been modified, superseded or withdrawn, the Port hereby binds itself and any other responsible parties, to implement those mitigation measures. These findings are not only informational, but constitute a binding set of obligations upon the Port and responsible agencies, which will take effect if and when the Port adopts a resolution certifying the Final EIR.

3.4 MITIGATION MONITORING AND REPORTING PROGRAM

In adopting these findings, the Port also adopts mitigation monitoring and reporting program pursuant to Public Resources Code section 21801.6. This program is



designed to ensure the project complies with the mitigation measures identified below during implementation of the proposed project. The program is set forth in the "National City Marine Terminal Improvements Project Mitigation Monitoring and Reporting Program," which is adopted by the Port District concurrently with these findings and is incorporated herein by this reference.

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SECTION 4

FINDINGS REGARDING DIRECT SIGNIFICANT EFFECTS

The proposed project will result in direct significant environmental effects with respect to Biota and Habitats, Marine Water and Sediment Quality, and Seismic/Geological Hazards. These significant environmental effects, and the mitigation measures identified to avoid or substantially lessen them, are discussed in detail in the Final EIR. A summary of significant impacts and mitigation measures for the proposed project is set forth in the Final EIR.

Set forth below are the findings regarding the direct potential significant impacts of the project. The findings incorporate by reference the discussion of potential significant impacts and mitigation measures contained in the Final EIR. The Final EIR is referred to in the findings below as the "EIR."

Biota and Habitats

Potentially Significant Impact: The EIR identifies a potentially significant impact to 1.13 acres of shallow subtidal and 3.30 acres of intertidal habitat, including an estimated 0.94 acres of eelgrass beds, would result from the extension of the proposed wharf.

Finding: Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.

Facts in Support of Finding: The potential significant impact to the shallow subtidal habitat, intertidal habitat and eelgrass beds will be mitigated to a level below significance by the creation of 3.3 acres of intertidal and 1.13 acres of shallow water habitats at a location adjacent to the existing marsh on the D Street fill, south of the

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Sweetwater Flood Control Channel. Prior to the creation of the mitigation site, a final revegetation design plan would be prepared and submitted for review and approval to permitting agencies (CDFG, ACOE), USFWS and the NMFS. In addition, a pre-construction eelgrass survey would be completed to determine the exact real cover of habitat impacted by the wharf extension and the resultant amount of eelgrass that would be transplanted. Both of these mitigation measures would be completed prior to or concurrent with project construction.

Biota and Habitats

Potentially Significant Impact: The EIR identifies a potentially significant impact from increases in turbidity in the project vicinity during dredging and filling activities resulting in reduced foraging opportunities for sensitive diving waterbirds if dredge activities occurred between April 1 and September 15.

Finding: Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.

Facts in Support of Finding: The potential significant impact to sensitive waterbird species will be mitigated to a level below significance by installing and maintaining silt screens around all dredge and construction vessels to minimize turbidity during construction activities.

Biota and Habitats

Potentially Significant Impact: The EIR identifies a potentially significant impact from an increase in noise affecting endangered least terns foraging success in the project area during the nesting season.

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Finding: Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.

Facts in Support of Finding: The potential significant impact to sensitive waterbird species will be mitigated to a level below significance by scheduling pile-driving activities to occur outside the endangered least tern nesting season (April 1 to September 15). In addition, potential significant impact to sensitive waterbird species will be mitigated to a level below significance by implementing and maintaining silt screens around all dredge and construction vessels to minimize turbidity during construction activities.

Biota and Habitats

Potentially Significant Impact: The EIR identifies a potentially significant impact from project operations adversely affecting least terns through effects related to night lighting. Night lighting could increase predation on the terns by species that normally hunt during daylight hours. The proposed light standards could also provide new perching locations for predatory birds.

Finding: Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.

Facts in Support of Finding: The potential significant impact to sensitive waterbird species will be mitigated to a level below significance by using directional lighting and directing the lights toward the wharf apron while shielding the lights similar to those currently operating on the Terminal. When nighttime operations do occur, limit lighting to only the lights required for safe terminal operations. In addition, anti-perching devices would be installed on top of the lights to limit predatory bird perching or nesting.

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Marine Water and Sediment Quality

Potentially Significant Impact: The EIR identifies a potentially significant impact from resuspended sediments resulting in reduced water clarity and dissolved oxygen levels.

Finding: Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.

Facts in Support of Finding: The potential significant impact to marine water quality will be mitigated to a level below significance by installing and maintaining silt screens around all dredge and construction vessels, dredge sites and pile-driving sites to minimize turbidity during construction activities.

Marine Water and Sediment Quality

Potentially Significant Impact: The EIR identifies a potentially significant impact to marine water quality from the re-suspension of sediments during construction resulting in water column concentrations of copper and zinc that exceed EPA criteria.

Finding: Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.

Facts in Support of Finding: The potential significant impact to marine water quality will be mitigated to a level below significance by disposing of sediments removed from Sites 2-7, 9 and 13 either at the in-bay borrow pit site, offshore at the LA-5 site, or use as engineered fill behind the new bulkhead. For Site 8 and Sites 10-12, dispose of sediments either at LA-5 or use as engineered fill behind the new bulkhead.

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Marine Water and Sediment Quality

Potentially Significant Impact: The EIR identifies a potentially significant impact to marine water quality from the uncontrolled filling of the wharf extension with contaminated sediments during construction activities.

Finding: Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.

Facts in Support of Finding: The potential significant impact to marine water quality will be mitigated to a level below significance by using sediments removed from Site 1 as engineered fill behind the new bulkhead. In addition, impacts would be further mitigated by complying with ACOE, RWQCB, CCC and EPA permit conditions related to dredge material disposal, discharge of liquids from dredge spoils, and monitoring and reporting activities.

Marine Water and Sediment Quality

Potentially Significant Impact: The EIR identifies a potentially significant impact to marine water quality from the accidental release of petroleum products from construction vessels and/or from onshore fueling locations.

Finding: Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.

Facts in Support of Finding: The potential significant impact to marine water quality will be mitigated to a level below significance by placing an impervious berm and surface storm drains during construction activities. Also, any petroleum storage facilities at the project site will be located at least 50 feet from the edge of the wharf and

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storm drains. In addition, written assurances will be submitted to confirm that all construction vessels and cargo vessels are in compliance with California State Office of Spill Prevention and Response (OSPR) regulations related to petroleum and hazardous material response and recovery.

Seismic/Geological Hazards

Potentially Significant Impact: The EIR identifies a potentially significant impact from a major seismic event could result in strong ground motion and could cause damage to structures in the project area, including planned facilities at the project site.

Finding: Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.

Facts in Support of Finding: The potential significant impact from a major seismic event will be mitigated to a level below significance by engineering critical structures and the associated land area during the design phase of the proposed project in accordance with building code standards for seismic safety. In addition, foundations for buildings, slopes and building structures would incorporate earthquake-resistant designs that meet or exceed those required by building codes.

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SECTION 5

FINDINGS REGARDING CUMULATIVE SIGNIFICANT EFFECTS

CEQA requires a lead agency to evaluate the cumulative impacts of a proposed project. (CEQA Guidelines § 15130(a).) Cumulative impacts are those which are considered significant when viewed in connection with the impacts of other closely related past, present and reasonably foreseeable future projects. (CEQA Guidelines § 15355.) Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

The EIR analyzes cumulative impacts by compiling a list of past, present and reasonably anticipated future projects producing related or cumulative impacts, including projects outside the agency's jurisdiction. (CEQA Guidelines § 15130(b)(1)(A).) The list of "past, present and reasonably anticipated future projects" should include related projects, which already have been constructed, are presently under construction, are approved but not yet under construction, and are not yet approved but are under environmental review at the time the draft EIR is completed. (CEQA Guidelines § 15130 [Discussion].) The list must include not only projects under review by the lead agency, but also those under review by other relevant public agencies.

5.1 Cumulative Projects

The Draft and Final EIRs considered 13 past, present and reasonably foreseeable projects within the National City and San Diego Bay areas in evaluating the cumulative impacts of the Project. These projects are listed in Section 4 (Cumulative Environmental Impacts) of the Draft and Final EIRs.

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5.2 Cumulative Significant Effects

The findings below identify each of the cumulative significant environmental impacts and the mitigation measures adopted to substantially lessen or to avoid them. The findings incorporate by reference the analysis of cumulative significant impacts contained in the Draft and Final EIRs.

Biota and Habitats

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact to marine biota and habitats as a result of the long-term loss of surface water area and associated water habitat from project construction activities.

Finding: Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.

Facts in Support of Finding: The potential significant cumulative impacts to marine biota and habitats will be mitigated to a level below significance by the creation of new habitats prescribed as part of project design.

Biota and Habitats

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact to marine biota and habitats as a result of the short-term increase in turbidity in noise levels from the cumulative construction activities. These increases could potentially result in reduced foraging opportunities for marine biota.

Finding: Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.

changes or alterations
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avoid or substantially
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Facts in Support of Finding: The potential significant cumulative impacts from the proposed project and related projects to marine biota will be mitigated to a level below significance by scheduling in-water activities (e.g. pile-driving activities, dredging and deepening) to occur outside the endangered least tern nesting season (April 1 to September 15). In addition, potential significant impact to sensitive waterbird species will be mitigated to a level below significance by installing and maintaining silt screens around all dredge and construction vessels to minimize turbidity during construction activities.

Marine Water and Sediment Quality

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact to marine water quality resulting from in-water activities (e.g. dredging, deepening, piling installation) from the proposed project and related projects resuspending sediments resulting in reduced water clarity and dissolved oxygen levels.

Finding: Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.

Facts in Support of Finding: The potential significant cumulative impacts to marine water quality will be mitigated to a level below significance as a result of each project, including the proposed project, installing and maintaining silt screens around all dredge and construction vessels, dredge sites and pile-driving sites. The installation and maintenance of silt screens would minimize turbidity during construction activities.

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Meteorology and Air Quality

Potentially Significant Impact: The EIR identifies potentially significant cumulative impacts to air quality from construction-related emissions from the proposed project and related projects.

Finding: Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.

Facts in Support of Finding: The potential significant cumulative impacts to air quality will be mitigated to a level below significance as a result of each project, including the proposed project, implementing the relevant APCD requirements (e.g. fugitive dust controls) during construction activities. The implementation of air emission controls would reduce criteria air emissions during construction activities.

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SECTION 6

FINDINGS REGARDING PROJECT ALTERNATIVES

In preparing and adopting findings, a lead agency need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating the approval of a project with significant environmental impacts. Where the significant impacts can be mitigated to a level of insignificance solely by the adoption of mitigation measures, the lead agency has no obligation in drafting its findings to consider the feasibility of environmentally superior alternatives, even if their impacts would be less severe than those of the project as mitigated. Accordingly, in adopting the findings concerning alternatives for the proposed project, the Port considers only those significant environmental impacts that cannot be avoided or substantially lessened through mitigation.

If there are no feasible project alternatives, the lead agency must adopt a Statement of Overriding Considerations with regard to the project pursuant to State CEQA Guidelines section 15093. If there is a feasible alternative to the project, the lead agency must decide whether it is environmentally superior to the proposed project. The lead agency must consider in detail only those alternatives which could feasibly attain most of the basic objectives of the project; however, the lead agency must consider alternatives capable of eliminating significant environmental impacts even if these alternatives would impede to some degree the attainment of the project objectives. (CEQA Guidelines § 15126(d).)

These findings contrast and compare the alternatives where appropriate in order to demonstrate that the selection of the finally approved project has substantial environmental, planning, fiscal and other benefits. In rejecting certain alternatives, the Port has examined the finally approved proposed project objectives and weighed the ability of the various alternatives to meet the objectives. The Port believes the proposed National City Marine Terminal Improvements Project best meet the project objectives

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with the least environmental impact. The specific objectives considered by the Port are stated in Section 1.3.2.

The EIR examined a reasonable range of on-site and off-site alternatives to determine whether they could meet the proposed project's objectives while avoiding or substantially lessening one or more of the proposed project's unavoidable significant impacts. These findings also considered the feasibility of each alternative. In determining the feasibility of alternatives, the lead agency may take into account factors such as whether the alternative could be accomplished in a successful manner within a reasonable period of time in light of economic, environmental, legal, social and technological factors, site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative sites. (CEQA Guidelines §§ 15126(d)(5)(A), 15364.)

The EIR concluded that the National City Marine Terminal will not result in potential significant adverse impacts after the implementation of all feasible mitigation measures. Nonetheless, a number of alternatives (discussed in Section 5) were identified in the EIR. The following sections summarize the feasibility of these alternatives as a means to reduce or avoid the significant adverse impacts associated with the Project.

No Project Alternative

Description of Alternative: The no project alternative is an alternative required to be evaluated by CEQA Guidelines section 15126(d)(2). The no project alternative would maintain the status quo and prevent implementation of the proposed project. It would eliminate all potential impacts associated with the proposed project construction and operation at the proposed site. Environmental conditions under the no project alternative would be equivalent to those identified as existing conditions in the EIR.

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Finding: Specific economic, social or other considerations makes infeasible the no project alternative identified in the EIR.

Fact in Support of Finding: The no project alternative would avoid impacts associated with the project, however, there are no significant adverse project impacts associated with the project with the implementation of the prescribed mitigation measures. Moreover, the objectives of the project identified in Section 1.3 would not be realized, and the Terminal site would continue to be underutilized for uses such as Neobulk and Breakbulk commodities. The Port would not be able to gain efficiencies in handling cargo demand due to limitations in existing facilities and infrastructure.

The Port finds that the design of the project and the adoption of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program will mitigate all potential significant environmental impacts of the project. The Port finds that, although the no project alternative would avoid contributing to the cumulative impacts in the project area, the no project alternative is infeasible because it would not attain any of the project objectives and would not provide the Port and the region with any of the project benefits.

Alternative Site

Description of Alternative: The alternative of implementing the proposed wharf extension at a site other than the Terminal was considered. The only other marine terminal that could possibly accommodate the type of operations occurring at the Terminal is the Tenth Avenue Marine Terminal (TAMT).

Finding: Specific economic, social or other consideration makes infeasible the alternative facility design identified in the EIR

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Fact in Support of Findings: Based on the type of uses currently proposed at the TAMT, impacts of implementing the proposed project would be greater than those

expected at the Terminal. For example, moving the operations at the NCMT (import and export of automobiles and lumber) to the TAMT (import and export of bulk cargoes such as cement, soda ash, paper, etc) would result in incompatibilities and inefficiencies. Moreover, moving operations from the NCMT and relocating them to the TAMT could result in some existing TAMT operations being displaced or require relocation to other sites.

Potential environmental impacts, including those to biological resources, associated with project development at the TAMT are expected to be greater than those from the proposed NCMT project site. Other impacts that could be expected during construction include possible alteration of biological habitat, increase in air and noise emissions, inconsistencies and incompatibilities with existing land uses and land use guidance plan, and increased traffic on the transportation network (land and water). These impacts, coupled with those expected from operation, are expected to increase over those expected for the proposed project. In summary, this alternative is not considered environmentally superior to the proposed project because it would not substantially avoid or reduce any of the significant impacts identified as part of the proposed project.

Alternative Facility Design

Description of Alternative: An alternative facility design was considered during the project design phase. The alternative design featured a similar pile-supported wharf structure; however, a rock dike and a short, pre-cast concrete wall at the back of the proposed wharf to retain the backland was proposed. The alternative design would require the removal of loose foundation soils beneath the dike alignment to ensure seismic stability. The design would also require substantial removal of the existing hydraulic fills to form a stable cut slope on the landslide of the excavation.

Finding: Specific economic, social or other consideration alternative facility design identified in the EIR.

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Fact in Support of Finding: The alternative facility design would require substantially more materials to be dredged and rock to be imported to the site, whereas, the selected option stabilizes the soils in-place. This alternative is not considered environmentally superior to the proposed project because it would not substantially avoid or reduce any of the significant impacts identified as part of the proposed project. For example, this alternative would potentially cause greater impacts involving water quality, biology and geology than the proposed project because of physical effects of the alternative facility design. Since this alternative would not reduce any significant impacts to a level below significance, it was rejected from further consideration in the EIR.

The Port District further finds that all potential significant environmental impacts of the Project will be mitigated by the design of the proposed project and the adoption of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program.

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