

**MINUTE ITEM**

This Calendar Item No. C 53 was approved as Minute Item No. 53 by the California State Lands Commission by a vote of 3 to 0 at its 08/21/96 meeting.

**CALENDAR ITEM**

**C53**

A 78

PRC 7898

08/21/96

S 39

W 25036

J. Smith

**DREDGING LEASE**

**APPLICANT:**

San Diego Unified Port District  
3165 Pacific Highway  
San Diego, California 92101

**AREA, TYPE LAND AND LOCATION:**

Granted sovereign lands, with minerals reserved by the State, San Diego Bay, National City, San Diego County.

**LAND USE:**

Dredge a maximum of 638,000 cubic yards of sediment in conjunction with construction of the National City Marina; material to be used for beach replenishment in Imperial Beach and/or at the EPA-approved offshore disposal site LA-5.

**PROPOSED LEASE TERMS:**

Lease Period:

Two years effective December 1, 1996, through November 30, 1998.

Royalty:

No royalty shall be charged, as the project has a public benefit; a minimum royalty of \$0.25 per cubic yard shall be charged for material used for private benefit or commercial sale purposes.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

Filing and processing fees have been received.

**STATUTORY AND OTHER REFERENCES:**

- A. Public Resources Code, Division 6, Parts 1 and 2; Division 13.
- B. Cal. Code Regs.: Title 2, Division 3; Title 14, Division 6.
- C. Chapter 1185, Statutes of 1953; Chapter 67, Statutes of 1962 and as amended.

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**CALENDAR ITEM NO. C53 (CONT'D)**

**AB 884:**

N/A

**OTHER PERTINENT INFORMATION:**

1. An Environmental Impact Report and a Mitigation Monitoring Plan were prepared and adopted by the San Diego Unified Port District. Staff of the State Lands Commission has reviewed such documents.
2. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code Sections 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.

**APPROVALS OBTAINED:**

California Coastal Commission

**FURTHER APPROVALS REQUIRED:**

California State Lands Commission; United States Army Corps of Engineers; Regional Water Quality Control Board.

**EXHIBITS:**

- A. Location/Site Map
- B. Notice of Determination
- C. Resolution 94-119

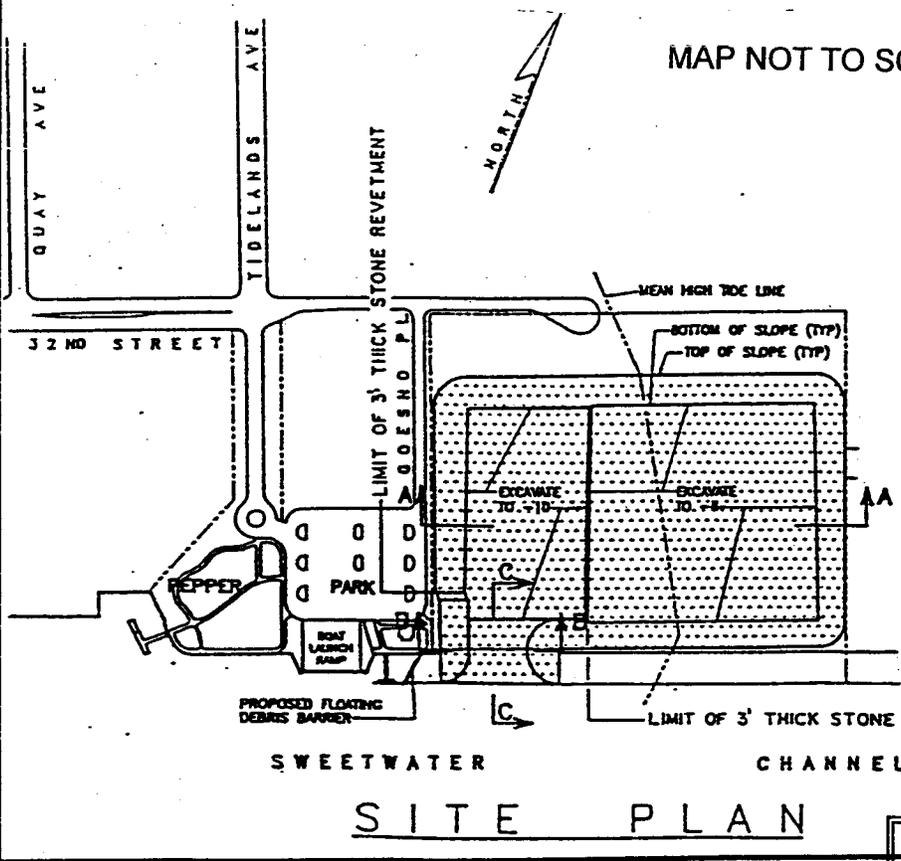
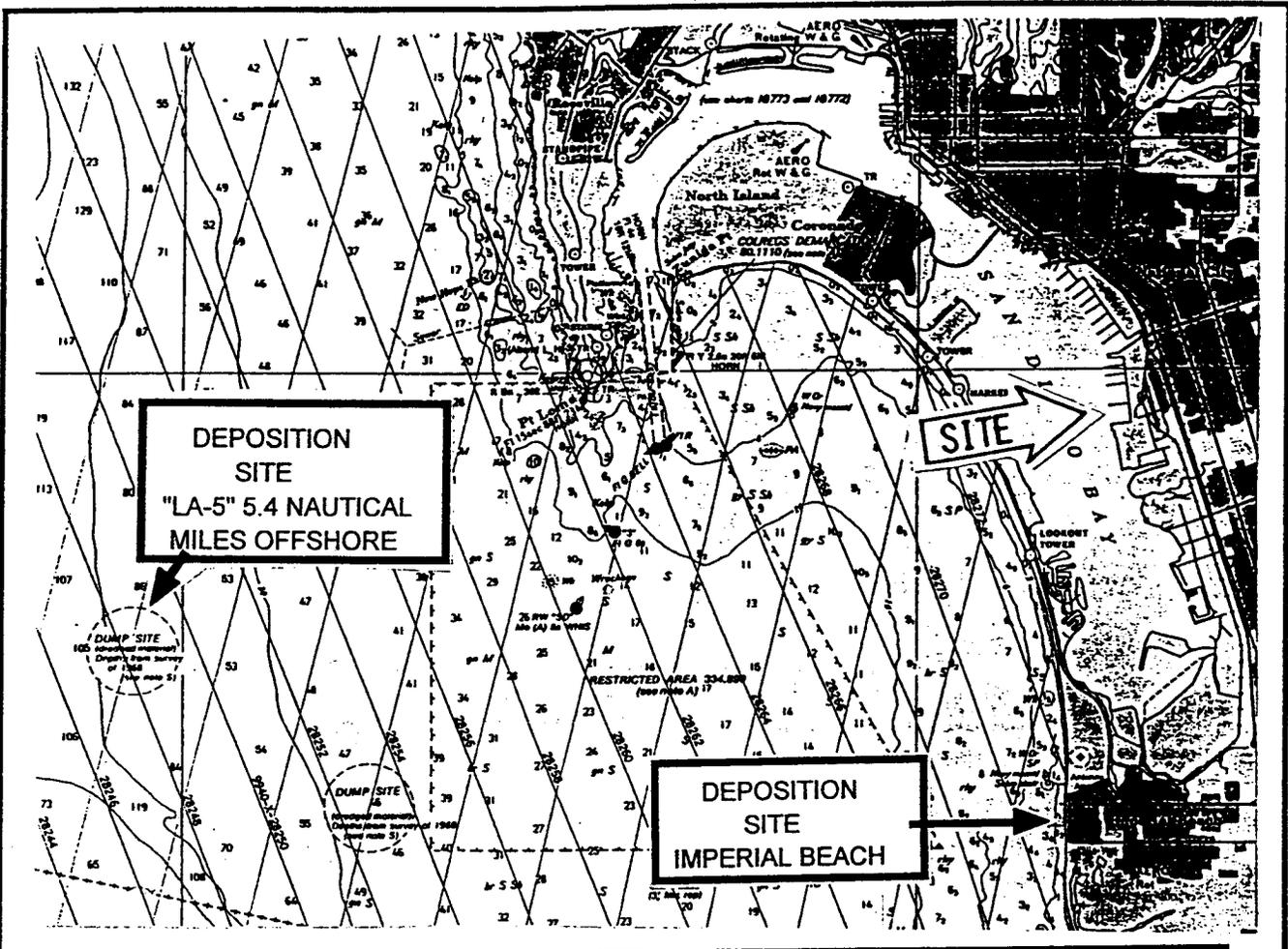
**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT AN EIR WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE SAN DIEGO UNIFIED PORT DISTRICT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE FINDINGS MADE IN CONFORMANCE WITH SECTION 15096(h) OF THE STATE CEQA GUIDELINES, AS CONTAINED IN EXHIBIT "C", ATTACHED HERETO AND THE MITIGATION MONITORING AND REPORTING PROGRAM CONTAINED IN APPENDIX 10-2 OF THE FINAL EIR.

CALENDAR ITEM NO. C53 (CONT'D)

3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ
  
4. AUTHORIZE ISSUANCE TO THE THE SAN DIEGO UNIFIED PORT DISTRICT OF A TWO-YEAR DREDGING LEASE BEGINNING DECEMBER 1, 1996, THROUGH NOVEMBER 30, 1998. SAID LEASE SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 638,000 CUBIC YARDS OF MATERIAL FROM GRANTED SOVEREIGN LANDS, WITH MINERALS RESERVED BY THE STATE, IN CONJUNCTION WITH CONSTRUCTION OF THE NATIONAL CITY MARINA, SAN DIEGO BAY, SAN DIEGO COUNTY; MATERIAL TO BE USED FOR BEACH REPLENISHMENT IN IMPERIAL BEACH AND/OR DISPOSED OF AT THE EPA-APPROVED LA-5 OFFSHORE DISPOSAL SITE. NO ROYALTY SHALL BE CHARGED AS THE PROJECT HAS A PUBLIC BENEFIT; A MINIMUM ROYALTY OF \$.25 PER CUBIC YARD SHALL BE CHARGED IF THE DREDGED IS USED FOR PRIVATE BENEFIT OR COMMERCIAL SALE PURPOSES. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

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MAP NOT TO SCALE

**EXHIBIT "A"**  
 SITE MAP W25036  
 DREDGING LEASE  
 NATIONAL CITY  
 SAN DIEGO COUNTY



Notice of Determination

EXHIBIT "B"

940124 Appendix H

RECEIVED

MAY 4 1994

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: (Public Agency) San Diego Unified Port District
San Diego, CA 92112
P.O. Box 488, San Diego, CA 92112

County Clerk
County of San Diego
1600 Pacific Highway, Room 260
San Diego, CA 92101

FILED
Gregory J. Smith, Recorder/County Clerk

MAR 30 1994

BY [Signature] DEPUTY



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

NATIONAL CITY MARINA PROJECT AND PORT MASTER PLAN AMENDMENT

Project Title

93041020

Ralph T. Hicks

(619) 686-6254

State Clearinghouse Number
(If submitted to Clearinghouse)

Lead Agency
Contact Person

Area Code/Telephone/Extension

National City, San Diego County, California
Project Location (include county)

Project Description: The "National City Marina and Port Master Plan Amendment" Project consists of an Amendment to the Port Master Plan in the National City Bayfront area, and the construction and operation of a 250-slip marina in National City, north of the Sweetwater Channel.

This is to advise that the San Diego Unified Port District has approved the above described project on 3/29/94 and has made the following determinations regarding the above described project:

- 1. The project [ ] will [X] will not have a significant effect on the environment.
2. [X] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [X] were [ ] were not made a condition of the approval of the project.
4. A statement of Overriding Considerations [ ] was [X] was not adopted for this project.
5. Findings [X] 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, 3165 Pacific Highway, San Diego, CA 92101

[Signature]
Signature (Public Agency)

Date Title
Environmental Management Coordinator

Date received for filing at OPR:

FILED IN THE OFFICE OF THE COUNTY CLERK, SAN DIEGO COUNTY ON MAR 30 1994 CALENDAR PAGE 307
POSTED APR 2 1994 REMOVED APR 2 1994
RETURNED TO AGENCY ON 5/2/94 DEPUTY [Signature]

EXHIBIT "C"

Re National City Marina Project and Port Master )  
 Plan Amendment )  
 Final Environmental Impact Report, and )  
 Filing of Notice of Determination . . . . . )  
 \_\_\_\_\_ )

RESOLUTION 94-119

WHEREAS, the San Diego Unified Port District (District) has adopted a Port Master Plan which has been certified by the California Coastal Commission pursuant to the California Coastal Act; and

WHEREAS, the District prepared and the Board of Port Commissioner (Board) certified a Final Environmental Impact Report on the Port Master Plan which is on file with the Office of the District Clerk as Document No. 12590; and

WHEREAS, the District has now prepared an Amendment to the Port Master Plan to revise and update the National City Bayfront Precise Plan by reconfiguring undeveloped land that is designated as "Public Recreation-Park" and "Commercial Recreation" land used and by providing "Recreational Boat Berthing" water uses adjacent to the Sweetwater Channel within the National City Bayfront, and to subsequently provide for the development of 20 acres of Port tidelands and private uplands property adjacent to the Sweetwater River Channel, to include the excavation for a 200-250 slip marina, street and parking lot improvements, utilities, support buildings, and landscaping. Commercial recreation uses could include boat rental and charters, yacht clubs, boat sales, and food services (Project); and

WHEREAS, the District is the trustee of said tidelands; and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, as amended (CEQA), the State CEQA Guidelines, and the District's Procedures for Environmental Review, an Environmental Impact Report (EIR) has been prepared for the "National City Marina Project and Port Master Plan Amendment" (Project); and

WHEREAS, the draft EIR has undergone an extensive public and agency review process, including submittal to the California State Clearinghouse and to various Federal Regulatory Agencies; and

WHEREAS, to finalize the document, staff prepared the District's Response which was distributed to the correspondents, the Board, and the EIR consultant. All correspondents, and those who requested, have been individually advised of the date and time that the Final EIR is before the Board of Port Commissioners for certification. The District's Response Section is included in the Final EIR and is printed on blue pages; and

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WHEREAS, staff recommends that the Board of Port Commissioners of the San Diego Unified Port District make the following Findings relevant to the factual analysis and conclusions of the Environmental Impact Report for the proposed "National City Marina Project and Port Master Plan Amendment" (SCH #93041020; UPD #83356-EIR-139). The EIR evaluates the environmental consequences of the implementation of the proposed Project; and

WHEREAS, the Project consists of the development of 20 acres of Port tidelands and private uplands property. The Project includes excavation for a 200-250 slip marina, street and parking lot improvements, utilities, support buildings, and landscaping. Commercial recreation uses could include boat rental and charters, yacht clubs, boat sales, and food services. The Project also consists of an amendment to the Port Master Plan to revise and update the National City Bayfront Precise Plan by reconfiguring undeveloped land that is designated as "Public Recreation-Park" and "Commercial Recreation" land uses at the project site, and by providing "Recreational Boat Berthing" water uses within the proposed marina basin; and

WHEREAS, these Findings of Fact have been prepared pursuant to Section 21081 of the California Public Resources Code and Sections 15091 and 15093 of Title 14 of the California Code of Regulations; and

WHEREAS, the EIR was prepared to provide the District and other public agency decisionmakers with the environmental analyses and documentation necessary to take informed discretionary action on the Project; and

WHEREAS, the purpose and objectives of the proposed Project are as follows:

1. To develop a 200- to 250-slip marina for recreational craft on the National City Bayfront, including land and water access.
2. To provide a full range of marina-related uses, including boat rentals and charters, small boat sales and repairs, vessel fueling facilities, dry boat storage, and bait and tackle sales.
3. To complement recreational opportunities at Port District-maintained Pepper Park with additional recreational and commercial facilities for the enjoyment of National City and regional residents and visitors to the area.
4. To aid in implementing the expressed policies and stated General Plan objectives of National City for development of a marina in this location to serve as the focal point for recreational and tourist commercial development; and

WHEREAS, Public Resource Code Section 21081 requires that, for each significant environmental effect identified in an EIR for a Project, the approving agency must issue a written finding reaching one or more of the three allowable conclusions. The first is that "[c]hanges or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR." The second potential finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can

and should be adopted by such other agency." The third permissible conclusion is that "[s]pecific economic, social or other considerations make infeasible the mitigation measures or proposed project alternatives identified in the Final EIR;" and

WHEREAS, 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 District has adopted sufficient measures to avoid a significant impact, the District does not need to adopt every mitigation measure brought to its attention or identified in the Final EIR; and

WHEREAS, another purpose of these findings is to bring focus to Project alternatives in the ultimate decisionmakers' decision whether to approve or disapprove the Project. If, after application of all feasible mitigation measures to the Project, significant impacts remain, Project alternatives identified in the EIR must be reviewed and determined to be feasible or infeasible. The findings set forth the reasons, based on substantial evidence in the record, that the decisionmakers conclude any such Project alternatives are infeasible; and

WHEREAS, the Final EIR, which includes all comments received to the Draft EIR and the District's responses, is before the Board, and District staff has concluded that it is adequate and complete and recommends certification; NOW THEREFORE,

BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

1. The Board hereby certifies that the Final EIR concerning the Project, on file in the Office of the District Clerk as Document No. 31077, has been completed in compliance with CEQA, the State CEQA Guidelines, and District Procedures for Environmental Review, and that the Board and other District officials having final authority over approval of the Project have reviewed and considered the information in the Final EIR.
2. The Board finds that the contents of the Final EIR are an exercise of the independent judgment and analysis of the District and are sufficient, accurate, and objective.
3. Based on the information contained in the Final EIR and upon the substantial evidence in the record, the Board makes the following findings and determinations.

#### I. ENVIRONMENTAL PROCEDURES

In accordance with Section 15082 of the State CEQA Guidelines, the District distributed a Notice of Preparation (NOP) for the EIR on April 5, 1993. The NOP provided for a 30 day review period.

On December 13, 1993, all interested agencies, private organizations and individuals were provided with the Draft EIR and were notified of the availability of all documents referenced in the EIR. The public review period provided all such interested parties the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and provided written responses to comments made during the public review period (December 13, 1993 - January 28, 1994). The Final EIR was provided to commenting agencies 10 days before the March 29, 1994 hearing at which the Final EIR and Appendices were presented to the District Board.

## II. FINDINGS OF FACT

The District is the "lead agency" for the Project evaluated in the EIR. The District finds that the EIR has been prepared in compliance with CEQA, the State CEQA Guidelines, and the District Guidelines for the Implementation of CEQA.

The District finds that the Final EIR provides objective information to assist the decisionmakers and the public-at-large in their consideration of the environmental consequences of the Project. The Final EIR evaluates the following environmental issues: Land/Water Use Compatibility, Marine and Avian Resources, Wetland Resources, Biological Resources, Water Quality, Public Recreation and Coastal Access, Public/Navigational Safety, Traffic, Circulation, and Parking, Air Quality, Visual Quality, and Transportation and Disposal of Dredged Materials.

The cumulative impacts of the Project and other past, present and reasonably foreseeable future projects were considered in the EIR as required by CEQA (Public Resources Code Section 21083) and the State CEQA Guidelines (Cal. Code of Regulations, Title 14, Section 15130). The EIR and the related planning studies which were incorporated by reference analyzed existing conditions, which thereby considered the effects of past and present projects. Also considered were the reasonably foreseeable projects through the use of various planning projections which were identified in the EIR. The reasonably foreseeable cumulative impacts from the National City Marina Project and Port Master Plan Amendment and related projects were analyzed in the EIR.

The scope of the EIR was determined by the District following review of input provided by the general public and interested agencies during the Notice of Preparation Process. During that review, and during the preparation of the EIR, it was determined that there was no evidence in the record of any potential significant impacts related to certain environmental topics, including Socio-Economics, Cultural Resources, Energy, Population, Public Services, Utilities, Human Health and Risk of Accident; therefore, these subject areas were not addressed in detail in the EIR.

The District finds that, pursuant to CEQA, the EIR adequately addresses project-specific and cumulative impacts and Project alternatives. The EIR also adequately addresses the long-term implications of the Project, including: (1) significant irreversible environmental changes; (2) the relationship between local short-term uses of the environment and the maintenance and enhancement of long term productivity; and (3) growth-inducing impacts. The District finds that

there is no evidence in the record that the Project will result in any significant project specific or cumulative environmental impacts and that the Project's impacts have been avoided to the extent feasible by the Project Design Features and Mitigation Measures provided by the Project.

The District certifies that it independently reviewed and analyzed the Draft EIR and that the District circulated a Draft EIR which reflected its independent judgment.

The District evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the District prepared written responses describing the disposition of significant environmental issues raised (e.g., revisions to the Project to reduce anticipated impacts or objections). The Final EIR provides adequate, good faith, and reasoned responses to the comments received by the District. The District has reviewed the comments received and responses to such comments and no significant new information regarding environmental impacts have been provided to the Draft EIR. The District's decisionmakers have based their actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the Final EIR.

The Final EIR includes the comments received during the public review period and written responses thereto. Having reviewed and considered the comments and responses, the District finds that none of the additional information provided in response to the comments to the Draft EIR or otherwise provided in the Final EIR is considered "significant new information" as defined by Public Resources Code Section 21092.1, and therefore there was no requirement to recirculate the Final EIR for additional public comment prior to certification.

The District certifies that the Final EIR reflects the independent judgment of the District.

The significant impacts of the Project have been mitigated to the extent feasible as identified in the Final EIR and in Section III of these Findings.

CEQA requires the lead agency approving a Project for which significant environmental effects have been identified to adopt a mitigation monitoring program for the changes to the Project which it has adopted or made a condition of Project approval in order to ensure compliance with project implementation. The Project will not have any significant environmental effects and no mitigation monitoring program is required. Nevertheless, the District adopts the mitigation monitoring program prepared by District staff and included in the Final EIR as Appendix "10.2". The mitigation monitoring program included in the Final EIR as certified by the District, serves that function for the Final EIR.

The monitoring program designates responsibility and anticipated timing for the implementation of the Project, Project Design Features, and Monitoring and Reporting Program. The primary objectives of the monitoring program are: (i) to establish a framework for the manner in which each measure will be monitored, and (ii) to establish a reporting process to inform the decision-makers of the status

of the overall program. The District Environmental Management Coordinator will serve as the overall Mitigation Monitoring Program Coordinator.

CEQA defines the term "project" as the whole of an action "activity which is being approved and which may be subject to several discretionary approvals by governmental agencies." Section 15378 of the State CEQA Guidelines (Cal. Code of Regulations, Title 14, Section 15378) emphasizes that "the term project does not mean each separate governmental approval." Accordingly, the District is certifying a Final EIR for, approving and adopting findings for the entirety of the actions described in these Findings and in the Final EIR as comprising the Project. It is contemplated that there may be a variety of discretionary actions undertaken by other state and local agencies (who might be referred to as "responsible agencies" under CEQA), concerning the Project including, but not limited to the following.

The Board of Port Commissioners of the District as Lead Agency will make the following discretionary approval actions:

- Certification of the Final EIR for the Port Master Plan amendment and marina;
- Approval of an amendment of the Port Master Plan;
- Approval of plans for the construction and operation of the proposed marina and support facilities; and
- Issuance of a Coastal Development Permit for the proposed marina.

Among approvals and permits that may be required from responsible agencies to implement the proposed project are the following:

- Certification by the California Coastal Commission for the Port Master Plan amendment;
- Issuance of a grading permit for the marina from the City of National City;
- Issuance of a dredging permit by the State Lands Commission;
- Issuance of Harbors and Navigation Act Section 10 and Clean Water Act Section 404 permits from the U.S. Army Corps of Engineers (USACE) (this will include consultation with the U.S. Fish and Wildlife Service [USFWS]);
- Issuance of Authority to Construct and Permit to Operate from the San Diego Air Pollution Control District;
- Issuance of a Navigation Buoys Permit from the U.S. Coast Guard;
- Compliance with the State Water Resources Control Board's (SWRCB's) National Pollutant Discharge Elimination System (NPDES) General Permit; and
- Regional Water Quality Control Board, Waste Discharge Requirements.

Additional coordination may be required with other agencies for the following actions:

- Consultation with the National Marine Fisheries Service in conjunction with the USACE permit process.
- Consultation with Caltrans to accommodate the Bay Route Bikeway.

Because the District is the lead agency for the Project, the Final EIR which the District has prepared is intended to be the basis for compliance with CEQA for each of the possible discretionary actions by other state and local agencies to carry out the project.

The District's decision on the Project is made upon the consideration of evidence in the record, and upon its discretion in the determination of facts which is vested in the District. As a result, any judicial review of its decision would be governed by Public Resources Code Section 21168 and Code of Civil Procedure Section 1094.5. Regardless of the standard of review which is applicable, the District has considered evidence and arguments presented to the District prior to or at the regular Board hearing on this matter. In determining whether the Project has a significant impact on the environment, and in adopting findings pursuant to Public Resources Code Section 21081, the District has complied with Public Resources Code Sections 21082.2 and 21081.5.

Documents were incorporated by reference into the Final EIR pursuant to the State CEQA Guidelines (Cal. Code of Regulations, Title 14, Section 15150), and are considered part of the Final EIR as is set forth in full therein, and are considered part of the administrative record for the Project. Copies of all these documents have been available upon request at all times from the offices of the District Environmental Management Division and from Regional Environmental Consultants (RECON) preparers of the EIR.

The District finds and declares that the Project is expected to have a "lifetime" of unlimited nature, beginning when the Project is approved and running forever into the future. There were no assumptions that the Project would have a limited lifetime in the Final EIR, and the environmental effects of the Project were estimated based on an unlimited lifetime.

The District finds and declares that the EIR analyzes the Project, in its full size and extent, including the potential offsite environmental impacts of the Project as described in the EIR.

The EIR analyzed all reasonably foreseeable extensions, expansions or operations of the Project. The EIR analyzed, to the extent feasible at this time, the environmental effects of development. The impacts of this development have been analyzed to the extent feasible at the time the EIR was certified. The District hereby finds and declares that at this time there are no reasonable foreseeable extensions, expansions or operations of the Project which are not described in the EIR based on the administrative record before the District at the time of its final decision on the Project.

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Having received, reviewed and considered the above described information, as well as all other information and documents in the record, the District hereby conditions the Project and finds as stated in these Findings.

### III. FINDINGS REGARDING ENVIRONMENTAL EFFECTS ANALYZED IN THE EIR

The District, having reviewed and considered the information contained in the EIR for the Project, and having reviewed and considered the information in the administrative record, finds that the following issues are analyzed in the EIR as being potentially significant environmental effects: Land/Water Use Compatibility, Marine and Avian Resources, Wetland Resources, Biological Resources, Water Quality, Public Recreation and Coastal Access, Public/Navigational Safety, Traffic, Circulation, and Parking, Air Quality, Visual Quality, and Transportation and Disposal of Dredged Materials. All of these issues are identified and analyzed in the EIR and are determined to be not significant. Any potential impacts have been reduced by the incorporation of Project Design Features and Mitigation Measures. The findings for the following subject areas are based on both potential direct Project specific impacts and cumulative impacts. Since there is no evidence at this time that the Project will result in significant effects in any of these subject areas, no mitigation measures other than those contained in the Final EIR are required.

#### A. LAND/WATER USE COMPATIBILITY

1. Finding: No significant adverse impacts to land or water use would result from implementation of the Project, and no significant cumulative impacts would occur.

2. Facts In Support of Findings: The basis for the analysis of potential environmental effects on land and water use was the Project, as described in EIR Section 5.1, "Land/Water Use Compatibility." The project site is in the National City Bayfront Precise Plan under the Port Master Plan and is designated Public Recreation/Park and Commercial Recreation. The National City General Plan land use designation and zoning of the site is Tourist Commercial. In the National City Local Coastal Program the site is designated Tourist Commercial/Recreational. A segment of the regional Bay Route Bikeway is being planned in the project area and across the flood control channel (FCC) into Chula Vista. The project site is undeveloped and consists partly of Port tidelands and partly of privately owned uplands. The Sweetwater FCC is adjacent on the south and provides water access to San Diego Bay. The center of the FCC is the boundary between National City and Chula Vista. A small recreational park maintained by the Port, Pepper Park, is adjacent to the site on the west. Other uses west of the site include the Sweetwater Wharf and 24th Street Marine Terminal. To the north are industrial and manufacturing areas and railroad switching yards. Parts of the Sweetwater Marsh National Wildlife Refuge (NWR), owned and administered by the U.S. Fish and Wildlife Service (USFWS), are east and south of the site. These consist of Paradise Creek and Marsh, east across the Santa Fe Railway tracks from the site, and the D Street Fill, south of the FCC. A part of the D Street Fill is under Port, not USFWS, jurisdiction.

The Project could result in a potential for increased unauthorized and inadvertent intrusion into the wetlands and nature refuges to the east and south. This is considered a significant indirect impact on refuge management and use goals. The significant compatibility impact with refuge management and use goals will be mitigated to insignificant levels through specific Marine and Avian Resources/Wetland Resources/Biological Resources mitigation measures described in III.B.2. below.

Excavation during construction and small-boat traffic during operation could result in a significant increase in navigational conflicts in the FCC and bay. The potentially significant navigational conflicts will be mitigated by specific Public/Navigational Safety mitigating measures described in III.E.2. below.

B. MARINE AND AVIAN RESOURCES, WETLAND RESOURCES, AND BIOLOGICAL RESOURCES.

1. Finding: No significant adverse impacts to marine and avian resources, wetland resources, or to biological resources would result from implementation of the Project, and no significant cumulative impacts would occur.

2. Facts in Support of Findings: The basis for the analysis of potential environmental effects on marine and avian resources, wetlands resources and on biological resources was the Project, as described in EIR Section 5.2, "Marine and Avian Resources/Wetlands Resources/Biological Resources."

Marine resources in the vicinity of the project site include intertidal salt marshes, intertidal mudflats, tidal creeks associated with salt marshes and mudflats, and shallow subtidal bottom habitats of varying sediment characteristics. Marine species in the south bay are generally tolerant of a wide range of environmental variables. The project site itself is disturbed, with almost no vegetation on the part west of the mean high tide line and with areas of little or no vegetation and other areas supporting an open to dense population of baccharis scrub on the upland part. No sensitive plant communities or species were observed on-site, and no state or federally listed wildlife species reside there. South San Diego Bay and its unique wetland components provide habitat for over 100 species of birds including at least seven state or federally listed threatened and endangered species. The Sweetwater NWR and associated preserves provide valuable habitat, including nesting areas for the California least tern, a species state and federally listed as endangered, and the western snowy plover, a species federally listed as threatened.

The proposed project would not cause direct significant impacts to any sensitive marine and avian, wetland, or biological resources. The project would have potentially significant, indirect impacts associated with increased noise, human activity, lighting, and possible avian predators on protected California least terns, western snowy plovers, light-footed clapper rails, and Belding's savannah sparrows in the nearby Sweetwater Marsh NWR. Therefore, the following measures are required to mitigate these impacts to acceptable, insignificant levels:

- a. The potentially significant indirect impacts to state and federally listed wildlife species will be mitigated through education, signage, buoys, barriers, and use restrictions in the Sweetwater Flood Control Channel. The mitigation will include a monitoring program to assess the adequacy of the mitigation measures and a contingency mitigation plan should additional impacts occur.
- b. To mitigate the potential impacts of wave erosion of the shoreline and impacts to shorebirds from wave action and motion along the shoreline, signs and buoys shall be posted to limit approach to the south shoreline and remind boaters of the five-mile-per-hour speed limit in the entire south San Diego Bay. This measure shall be a condition of approval of the marina and shall be implemented during marina construction and operation.
- c. To mitigate the potential for increased access to Paradise Creek Marsh and the Connector Marsh, access to the waters east of the marina entrance shall be prohibited by the installation of a floating barrier across the Sweetwater Flood Control Channel. Also, the addition of "closed" signs (no entry) shall be installed east of the marina entrance. This measure shall be a condition of approval of the marina and shall be implemented during marina construction and maintained during marina operation.
- d. To mitigate for the potential of increased unauthorized landings along sensitive shoreline areas, "No Entry" signs shall be posted. This measure shall be a condition of approval of the marina and shall be implemented during marina construction and operation. These areas shall be regularly patrolled by the appropriate authority and offenders shall be held liable according to current ordinances.
- e. To mitigate for potential indirect impacts to breeding sensitive wildlife species during construction, all construction activities shall be restricted to the period between September 1 and March 15 (nonbreeding season). This measure shall be a condition of approval of the marina.
- f. To mitigate for potential indirect impacts to sensitive wildlife species from artificial lighting during construction, any lighting shall be shielded and directed away from native habitats. Similarly, operational nighttime lighting of facilities and parking lots adjacent to the NWR shall be shielded and directed away from native habitats. This measure shall be a condition of approval of the marina.
- g. To mitigate potential indirect impacts to the least tern colony on the D Street Fill from avian predation, the project will include measures to reduce potential perching and activities that attract avian predators. These will include cones on top of pilings, the installation of Nixolite on top of overhead lighting fixtures, and

provision of facilities to ensure proper disposal of fish parts in areas where fish cleaning may occur in the marina as well as appropriate signage.

A variety of sensitive species or habitats are found in south San Diego Bay in the general project vicinity. These include Sweetwater Marsh, the F and G Street marsh, shallow water/mudflat tideland from Gunpowder Point to the Chula Vista Harbor, the L Street Marsh, the Chula Vista Wildlife Reserve and the salt works evaporation ponds. Other viable proposed projects in the south bay include the Chula Vista Nautical Center and the Midbayfront project.

Together with existing development and the proposed Chula Vista Nautical Center and Midbayfront projects, the proposed project has the potential to contribute to significant cumulative impacts on biological resources in south San Diego Bay. Impacts could include effects of boat traffic on water birds, loss of intertidal and shallow subtidal habitats, loss of eelgrass communities, loss of California least tern foraging habitat, and loss of waterfowl habitat. To mitigate these potential impacts to acceptable, insignificant levels, the following measures are required:

- h. Ongoing large-scale biological enhancement and protection planning efforts in south San Diego Bay have the potential to substantially reduce cumulative impacts to waterfowl and their habitats. The South San Diego Bay Enhancement Plan is an ongoing effort by the Port District to identify areas that should be preserved and enhanced as well as potential mitigation areas for cumulative impacts.
- i. Potential increased cumulative avian predation shall be mitigated through a monitoring program of predation and disturbance at the D Street Fill tern colony for five years subsequent to project completion. If increased predation occurs, than an avian predation reduction program will be instituted. This mitigation program will be provided for or funded by the Port District.

#### C. WATER QUALITY

1. Finding: No significant adverse impacts to water quality would result from implementation of the project, and no significant cumulative impacts would occur.

2. Facts in Support of Findings: The basis for the analysis of potential environmental effects on water quality was the Project, as described in EIR Section 5.3, "Water Quality." The Comprehensive Water Quality Control Plan for the San Diego Basin (Basin Plan) describes beneficial uses for San Diego Bay. Primary applicable regulatory standards are specified in the Water Quality Control Plan for Enclosed Bays and Estuaries in California.

Dredging of the marina basin behind protective berms is proposed to prevent impacts related to sediment disturbance, including turbidity, reduced

dissolved oxygen, and release of chemical substances, from affecting bay and FCC waters. Opening of the berm and dredging in the FCC, if necessary, can cause adverse impacts from sediment disturbance.

There is a potential for objectionable stagnation of water within the marina basin, especially during the summer months. Regardless of stagnation, the basin would create additional water column habitat and would be beneficial to aquatic wildlife provided circulation is sufficient to avoid anoxic conditions.

There is a potential for silting of the basin, especially the entrance, from storm-induced water turbidity. The material could be cleared by dredging if it interferes with navigation. Maintenance dredging would not release anoxic bottom water from the basin, but dredging operations could disturb the endangered California least tern, which nests on the D street Fill south of the FCC.

There is a potential for significant adverse effects on water quality from sewage discharges from vessels within the marina; from solid waste being blown, swept, or thrown into the marine environment; from spills of chemicals such as fuels, paints, and solvents; and from automatic bilge pump discharges of polluted bilge water.

Urban runoff from project areas should occur only through storm drains and is regulated by the federal Clean Water Act requirement for National Pollutant Discharge Elimination System (NPDES) construction and municipal stormwater permit. Permit requirements include use of best management practices and monitoring. Conformance with these requirements will avoid significant impacts.

To mitigate potential project impacts on water quality from construction dredging, potential stagnation, maintenance dredging, and vessel discharges to acceptable, insignificant levels, the following mitigating measures are required:

- a. As a condition of project approval, the contract for construction of the marina shall specify that during excavation of the marina basin, the work area will be contained in a silt curtain and an enclosed dredge bucket shall be used; that any stockpiled dredge material shall be covered; and that all drainage shall be directed away from the bay and marsh. Final design plans shall be reviewed to assure these specifications are included, and all work shall be subject to monitoring by the District.
- b. Project approval shall specify that the final design of the project shall include the largest possible marina opening. Final design plans shall include culverts from the east end of the marina basin to the channel to enhance water exchange with the FCC. Plans shall include provision for mechanical water circulation, stirring, or aeration of the east part of the basin should anoxic conditions arise.

- c. As a condition of project approval and continued operation of the marina, maintenance dredging shall be prohibited during the nesting season for the California least tern.
- d. As conditions of project approval, a sewage holding tank pump-out shall be installed at the marina and convenient trash containers designed to prevent contents from spilling or blowing out shall be provided and emptied on a regular schedule. The marina operator shall be responsible for educating facility users and for assisting in enforcement of existing discharge requirements and prohibitions. All marina users must agree, as a condition of slip rental, to empower marina operators with the ability to curb intentional waste discharges and board and stop discharges from unattended vessels.

D. PUBLIC RECREATION AND COASTAL ACCESS

1. Finding: No significant adverse impacts to public recreation and coastal access would result from project implementation, and no cumulative impacts would occur.

2. Facts in Support of Findings: The basis for the analyses of potential environmental effects on public recreation and coastal access was the Project, as described in EIR Section 5.4, "Public Recreation and Coastal Access." There are numerous public access opportunities and marinas in north San Diego Bay, but shoreline recreational access is much more limited in south San Diego Bay. Currently only two locations offer public access in the south bay: Pepper Park and the Chula Vista Marina Park. Two proposed projects, the Midbayfront project and the Chula Vista Nautical Center, would offer increased public access in Chula Vista but not a marina. The 900 slips at Chula Vista Marina are the ones in the south bay among the 8,708 moorings available in San Diego Bay. The Port Master Plan designates a three-acre parcel for a shoreline park in Coronado Cays in the Silver Strand, but there are no active plans to develop that site.

The development of 250 new marina slips would represent an increase of 4.1 percent in marina slips and 2.8 percent in mooring spaces in San Diego Bay, but a substantial increase in marina slips in the south bay. The total amount of land designated for public Recreation/Park in the Port Master Plan would be reduced by about six acres, and development of the Commercial/Recreational marina would prevent expanding park uses along the Sweetwater Channel in the future. On balance, however, the proposed project would have no adverse effect on public recreation and shoreline access. The proposed project would enhance public recreation and shoreline access opportunities at this currently undeveloped site. For these reasons, no significant adverse impacts will occur upon project implementation, and no mitigation measures are required.

## E. PUBLIC/NAVIGATIONAL SAFETY

1. Finding: No significant adverse impacts to public or navigational safety would result from project implementation, and no cumulative impacts would occur.

2. Facts in Support of Findings: The basis for analyses of potential environmental impacts on public and navigational safety was the Project, as described in EIR Section 5.5, "Public/Navigational Safety."

San Diego Bay in the project vicinity has generally shallow waters with dredged channels for commercial vessels. Shoal waters near the project site become mudflats at low tide, and the Gunpowder Point area is associated with numerous rescue and assistance calls. The Sweetwater Channel is dredged to a depth of 35 feet for commercial and occasional Navy vessels using the 24th Street Marine Terminal. The southern terminus of the Sweetwater Channel is used as a tug-assisted turning basin for commercial vessels, and the restricted confines of the channel allow little opportunity to alter course or speed to avoid collisions with other vessels. Rule 9 of the Steering and Sailing Rules requires small vessels and sailing vessels to give way to vessels restricted by draft to a navigable channel and prohibits fishing or anchoring that would obstruct the channel. The code of Federal Regulations, Part 33, Section 165.1108 (Part 33 CFR 165.1108) establishes regulated navigation areas in San Diego Bay.

The proposed project would increase the volume of traffic in San Diego Bay and in the Sweetwater Channel. Vessels from the marina would have to use the channel to avoid shoal waters, but if forced to give way under Rule 9, would run a likely risk of grounding.

Implementation of the proposed project would increase the potential for vessels to proceed upstream from the marina into the FCC and perhaps Paradise Creek with potential significant impacts on wetland and wildlife preserve areas.

Implementation of the proposed project would increase the potential for propeller wash to affect shorelines. Propeller wash from pleasure craft would be far less powerful than from existing tug and commercial vessels in the area. A 5-mile-per-hour speed limit applies in all of south San Diego Bay.

To mitigate potential project impacts on navigational safety vessel grounding, and vessel intrusion into sensitive wetland areas to acceptable, insignificant levels, the following Project Design Features and Mitigation Measures are required:

- a. During critical periods of commercial ship and barge docking and undocking at 24th Street Terminal Berths 24-10 and 24-11, recreational vessel operation in the channel shall be warned of these operations. Final project design shall include signs at the marina exit to inform recreational boaters of this condition.

- b. Existing orange and white "Closed" buoys in the FCC shall be moved upstream east of the marina entrance, and a floating log boom shall be installed across the FCC upstream from the marina entrance.
- c. Signs shall be posed in appropriate locations to remind boaters of the five-mile-per-hour speed limit.

#### F. TRAFFIC, CIRCULATION, AND PARKING

1. Finding: No significant adverse impacts to traffic, circulation, or parking would result from project implementation, and no significant cumulative impacts would occur.

2. Facts in Support of Findings: The basis for the analyses of potential environmental impacts on traffic, circulation, and parking was the Project, as described in EIR Section 5.6, "Traffic, Circulation, and Parking."

At present, the project area is served by the National City public circulation network, with regional access via I-5. Twenty-fourth Street is classified as a commercial/industrial street west of I-5 and has a full interchange with I-5. Tidelands Avenue is a north-south collector that runs from north of 24th Street to the entrance to Pepper Park on 32nd Street. Thirty-second Street extends from the marine terminal east to the project site, and is about 80 feet wide at Tidelands Avenue but narrows to 32 feet near the project site. The existing traffic in the general area has a high percentage of trucks, reflecting the predominantly industrial uses. All streets and intersections presently operate at acceptable levels of service, although occasional jamming of the I-5/24th Street ramps occurs due to the short distance between intersections and a relatively high demand for left turns. There are two grade-level railroad spur crossings on 24th Street between Tidelands Avenue and I-5. Railroad operations in the area vary with industrial demand for service, but probably average about 10-15 crossings a day. Small traffic queues probably develop when train crossings occur but do not impede nearby intersection operations.

The proposed project is forecast to generate about 1,000 vehicle trips per day. Effects were analyzed by distributing this volume on 32nd Street, Tidelands Avenue, and 24th Street, with the majority expected to use I-5. Traffic conditions were modeled for project plus existing traffic conditions, for existing plus project plus other planned projects, and for buildout conditions. No significant impacts were identified for circulation system operations, conflict with railway operations, or conflict with marine terminal operations. Construction traffic effects, allowing for trucks and heavy equipment, are anticipated to be about equivalent to project effects. Conditions could be improved in the area, however, by controlling traffic movements at the unsignalized 32nd Street/Tidelands Avenue intersection and widening Tidelands Avenue near the project site. For these reasons, no significant adverse impacts will occur upon project implementation, and no mitigation measures are required.

## G. AIR QUALITY

1. Finding: No significant adverse impacts on air quality would result from project implementation, and no significant cumulative impacts would occur.

2. Facts in Support of Findings: The basis for the analysis of potential environmental impacts on air quality is the Project, as discussed in EIR Section 5.7, "Air Quality." The Project is located in the San Diego Air Basin (SDAB), for which an air quality management plan has been adopted by the regional Air Pollution Control Board (APCD). Air quality in the basin is monitored and measured against both federal and state air quality standards. The SDAB is classified as a state "serious" and as a federal "severe" nonattainment area for ozone. APCD has requested the federal Environmental Protection Agency to reconsider the federal classification. The western portion of the SDAB is a state and federal nonattainment area for carbon monoxide, but APCD has applied for reclassification to a transition area. The SDAB is an attainment area for federal particulate standards but is in nonattainment of state particulate standards. The air basin is officially in attainment of state and federal nitrogen dioxide, sulfur dioxide, and lead standards. Specific APCD rules govern fuel docks, marine repair facilities, and construction sites. The California Air Resources Board has criteria for determination of project conformity with regional air quality management plans.

Project-generated traffic would not create unacceptable levels of service on elements of the circulation system and the project would be consistent with growth assumptions for the air basin. However, the project would incrementally contribute to significant cumulative impacts unless all feasible measures to reduce vehicle miles traveled are incorporated into the project.

The proposed fuel dock and marine repair facilities would be required to secure permits from the APCD. Construction would be governed by APCD rules and the National City grading ordinance for control of fugitive dust. These requirements would avoid the potential for significant impacts.

Air emissions from the project would not significantly affect wildlife in the vicinity.

As a condition of project approval, bicycle racks shall be included in project plans to the satisfaction of the District Engineer. The Port and National City shall coordinate with Caltrans for the routing of the planned Bay Route Bikeway in the project vicinity.

## H. VISUAL QUALITY

1. Finding: No significant adverse impacts on visual quality would result from project implementation, and no significant cumulative impacts would occur.

2. Facts in Support of Findings: The basis for the analyses of potential environmental impacts on visual quality is the Project, as discussed in EIR Section 5.8, "Visual Quality." The project site is characterized by industrial areas on the north and west and by low-lying marsh areas and the Sweetwater FCC to the south and east with I-5 farther east. Pepper Park, San Diego Bay, the FCC, and the Paradise Creek and Sweetwater Marsh open space and marshlands are significant visual resources in the project vicinity. The project site is visible from I-5 and from the observation decks at the Chula Vista Interpretive Center, and would be visible from the proposed Bay Route Bikeway and multi-storied buildings in the proposed Chula Vista Midbayfront project. Port Master Plan policies call for preservation of significant views. National City has a number of visual resources protection policies for the project area, implemented through the City's specific plan review process.

Marinas are generally considered pleasing and picturesque waterfront features. The project would alter views from key viewpoints, and the marina would be constructed in conformance to National City design review guidelines. No significant visual quality impacts would result.

#### I. TRANSPORTATION AND DISPOSAL OF EXCAVATED MATERIALS

1. Findings: No significant adverse impacts would result from project implementation involving the transportation and disposal of the excavated materials, and no significant cumulative impacts would occur.

2. Facts in Support of Findings: The basis for the analysis of potential environmental impacts resulting from the transportation and disposal of the excavated materials is the Project, as discussed in EIR Section 5.9, "Transportation and Disposal of Excavated Materials." From 300,000 to 500,000 cubic yards of material would be excavated or dredged to construct the marina basin. Preliminary studies of the site indicate the upper 10 to 12 feet of soils may be suitable for beach replenishment. Deeper lenses of silty clays may have a grain size too small for either direct or offshore beach replenishment with more material that may be suitable for replenishment below.

Principal beneficial use of excavated or dredged materials would be for beach replenishment. Other beneficial uses could include intertidal saltmarsh construction or upland construction. Ocean fill may be suitable for wet (dredged) material that is not suitable for replenishment.

As a condition of approval of the proposed project, the Port District shall conduct a study of the characteristics of material to be excavated and dredged. Appropriate disposal methods must be specified, and disposal methods with priority shall be beach replenishment or other beneficial uses of all eligible material. The Port District shall identify the specifications for materials to be reused or disposed of, and the location and method of disposal, in the Coastal Development Permit for the project. For these reasons, the transportation and disposal of the excavated materials will not result in significant adverse impacts, and no mitigation measures are required.

## J. CUMULATIVE EFFECTS

1. Finding: No significant adverse cumulative impacts would result from project implementation on Land/Water Use Compatibility, Marine and Avian Resources, Wetland Resources, Biological Resources, Water Quality, Public Recreation and Coastal Access, Public/Navigational Safety, Traffic, Circulation, and Parking, Air Quality, Visual Quality, or from the Transportation and Disposal of Dredged Materials.

2. Facts in Support of Findings: The basis for the analyses for the potential cumulative environmental effects on Land/Water Use Compatibility, Marine and Avian Resources, Wetland Resources, Biological Resources, Water Quality, Public Recreation and Coastal Access, Public/Navigational Safety, Traffic, Circulation, and Parking, Air Quality, Visual Quality, or from the Transportation and Disposal of Dredged Materials was the Project, as described in EIR Sections 5.1 through 5.9. The combined cumulative impact analysis is described in EIR Section 5.11. Cumulative impacts are those adverse effects that may by themselves be less than significant, but when considered with impacts occurring from other past, present, and reasonably foreseeable projects in the vicinity would result in a significant impact. CEQA directs that cumulative impacts be discussed when they are significant and that the severity of the impacts and the likelihood of their occurrence be described.

The proposed National City Marina project is only one of several projects in the south bay region that may contribute to cumulative impacts. All are similar in that they are located on the bayfront and contain a marina or boat access element. These projects are described below.

### a. Chula Vista Nautical Center

The proposed Chula Vista Nautical Center will offer wind and paddle-powered recreational opportunities for San Diego Bay. The proposed facility will be located at the foot of G Street in Chula Vista. Facilities will include office, restroom, locker room, boat storage, classrooms, meeting and parking facilities. The project will provide water access with a pier, boat launch ramp, and floating breakwater dock. The District has prepared a Draft EIR for this project (1993b).

### b. Chula Vista Midbayfront Project

The Midbayfront Development Plan includes parks and a man-made lagoon on the outer edges of the north and west sides of the project area. The project proposes high-rise hotels, mid-rise hotels, mid-rise and high-rise apartments, low-rise apartments, a 3.3-acre semi-public lagoon, retail shops, restaurants, offices, a cogeneration facility, and a conference center, and athletic facilities. Wetland setbacks would occur along the perimeter of the project which is adjacent to both the bay and the Sweetwater National Wildlife Refuge. The City of Chula Vista adopted the Final EIR for this project in 1993.

## c. Imperial Beach Marina

A marina in the City of Imperial Beach has been proposed for the bayfront along the northern edge of the Otay River and opposite Imperial Beach City shops. Development of a marina in this location would require extensive dredging for a channel leading to the marina due to the shallow water depth of South San Diego Bay. The wetland habitat of south San Diego Bay would be impacted by the marina due to the length of the proposed channel and related construction activities. The proposed marina was the subject of a feasibility study under direction of the District and was determined to be infeasible in 1991 due to economic, environmental, and regulatory considerations. No further action has been taken.

## d. Silver Strand State Park

The State Department of Parks and Recreation has in the past proposed expansion of facilities to include a bayside campground at Silver Strand State Park. The bayside campground was to be located on Crown Cove, north of the existing day use bayside facilities. The campground would include 189 campsites for recreational vehicles, additional tent, group, and bicycle campsites for 140 people, several buildings, and day use parking for 60-70 people. The campground project did not propose any aquatic improvement; however, a small marina/boat launch area was once proposed for consideration. The bayside campground project was determined to be "unacceptable" due to its potential impacts on environmental resources. This determination was made by Robert D. Cates, Chief, Development Division, California Department of Parks and Recreation on April 9, 1992. Funding for the campground expansion was deleted (redirected) from the State Park's budget in 1992.

## e. Navy Projects

According to Navy personnel, there are no active marina or boating projects currently in the planning process. Previous project plans for the Subbase 40-slip project and the 400-slip Naval Station project have been discontinued.

## f. National City Marine Terminal Wharf Extension

The Board of Port Commissioners recently authorized solicitation of consultant services for planning and preliminary design studies to extend the west facing wharf at the National City Marine Terminal.

The consultant selection process is underway. A Notice to Proceed to the consultant is anticipated in mid-April 1994. The first phase of work for the consultant will be to develop alternative concepts for a project description to be used in the environmental clearance process. Concepts are expected within 60 days for review and discussion, circa mid-June 1994. At this time, the wharf design location, extent and operational characteristics are unknown, therefore any environmental impacts associated with the proposed wharf extension would be both speculative and problematic.

Of the projects described above, only the Chula Vista Nautical Center and Midbayfront projects are currently viable and were, therefore, included in the cumulative impacts analysis of the EIR. Cumulative impacts were evaluated for biological resources (EIR Section 5.2), land/water use compatibility (EIR Section 5.1), water quality (EIR Section 5.3), and public/navigational safety (EIR Section 5.5).

Responsible agencies have identified concerns of cumulative impacts to marine and avian biological resources regarding the following: boat traffic from cumulative projects and associated disturbance to water birds (shorebirds, brown pelican, California least tern, and western snowy plover); reductions in waterfowl numbers; loss of intertidal and shallow subtidal habitats; loss of eelgrass communities; loss of California least tern foraging habitat; and loss of waterfowl habitat.

The three active projects i.e., the Chula Vista Nautical Center, Midbayfront Project, and National City Marina Project, considered in the EIR would cause direct and/or indirect impacts on an individual project basis to biological resources. Some of these effects are considered significant but mitigable by project actions to below significance, while others are considered insignificant. To a certain degree, some mitigation may even enhance biological resource values. However, in combination, the biological impacts of these three projects are considered significant to the sensitive least tern habitat on the D Street Fill from increased potential for avian predation.

To mitigate the Project's incremental contribution to potential cumulative impacts on marine and avian resources to acceptable, insignificant levels, the following mitigating measures are required:

- a. Ongoing biological enhancement and protection planning efforts on a more regional scale in the south bay have the potential to substantially reduce cumulative impacts to sensitive waterfowl and their habitats. The South San Diego Bay Enhancement Plan is an ongoing effort by the Port District to identify areas that should be preserved and enhanced, as well as potential mitigation areas for cumulative impacts. In addition, mitigation for the potential increased cumulative avian predation impact will be mitigated through a monitoring program of predation and disturbance at the D Street Fill tern colony. This effort will be ongoing for five

years subsequent to project completion and involve a comparison of previously recorded avian predation activities to the avian predation occurring after the project is built. If increased predation occurs, then an avian predation reduction program will be instituted. This program will be developed by a qualified biologist and approved by the appropriate resources agency and the program will receive the appropriate level of participation or funding from the District.

The combined effects of long-term buildout on Land and Water Use Compatibility along the San Diego Bay waterfront were addressed in the Final EIR for the 1980 Master Plan (San Diego Unified Port District 1980). According to the Final EIR, these proposals are not anticipated to result in significant adverse land or water use impacts. The project level land use compatibility impacts associated with the Chula Vista Midbayfront project are considered significant given the scope and scale of development. However, these effects do not combine with the proposed marina to cause a cumulatively significant impact on any resources affected by the marina project.

Cumulative water quality concerns in the bay are associated with three general sources: (1) nonpoint storm drain runoff effluent; (2) water craft-related sources including marinas with associated anti-fouling paints, fuel and oily wastes, copper and other metal discharges, and intermittent sewage; and (3) historic and possibly continuing industrial discharges.

Cumulative impacts to water quality arising from the proposed Nautical Center and National City Marine developments involve the increased amount of human use of the bay. However, these facilities would increase the public's awareness of the water resources of San Diego Bay. The Nautical Center would not add to vessel-related discharges such as fuels and oily waste, as would the proposed marina. Further, the marina-related water quality impact was not considered significant. Consequently, cumulative water quality impacts are not significant.

The proposed marina, in combination with the nautical center, would introduce some small craft into shipping lanes on the heavily traveled open bay (especially in the north bay). This could add to the congestion and present a safety hazard with regard to large ships transiting the area.

Few nautical center users are expected to venture as far north as the 24th Street Marine Terminal shipping channel, so few large vessel conflicts are likely to arise. Due to the shallow water depths of the south bay and the five-mile-per-hour speed limit, powered vessels from the proposed marina are not expected to frequent the nautical center water area, so few conflicts between powered vessels and the center's wind and paddle-powered craft are expected. Public and navigational safety conflicts associated with the National City Marina are largely confined to the Sweetwater Flood Control Channel and not the open bay. The mitigation measures incorporated into the project design and would minimize these conflicts. Consequently, these cumulative impacts are not considered significant.

#### IV. PROJECT ALTERNATIVES

The EIR has evaluated various alternatives to the Project including the "No Project" alternative, alternative sites in Chula Vista and on the Silver Strand in Coronado, and a "Reduced Capacity Marina Alternative." Section 5.14 of the EIR provides descriptions and analyses of each alternative in adequate detail for a decision on whether the alternatives should be adopted in lieu of the Project. However, the District finds that there is no evidence that the Project will have any significant Project-specific or cumulative effects.

The District further finds that the various alternatives evaluated in the EIR do not meet the purpose and goals of the Project, namely to provide a small craft marina and public recreational opportunities in National City for the enjoyment of City and regional residents and visitors to the area as described above.

#### V. MITIGATION MONITORING AND REPORTING

The District finds that the Mitigation Monitoring and Reporting Program contained in the Final EIR in Appendix 10.2 is sufficient and adequate to ensure the enforcement of the project-specific mitigation measures, and that no other monitoring or reporting requirements are necessary.

#### VI. NOTICE OF DETERMINATION

The Final Environmental Impact Report has been completed in compliance with CEQA and State CEQA Guidelines.

The Board of Port Commissioners has reviewed and considered the information contained in the Final Environmental Impact Report including letters of comment and District responses.

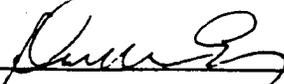
The Board has concluded that for the reasons and findings herein, the proposed Project will not have a significant adverse effect on the environment; and therefore, the Board is certifying the Final Environmental Impact Report and is directing the filing of a Notice of Determination.

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This action by the Board constitutes final environmental approval only. The Port Director or his authorized representative is authorized and directed to file, in accordance with law, a Notice of Determination with the Office of Planning and Research, and with the San Diego County Clerk.

ADOPTED this 29th day of March, 1994.

Presented By: DON L. NAY, Port Director

  
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ASSISTANT PORT DIRECTOR

Approved: JOSEPH D. PATELLO, Port Attorney

  
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San Diego Unified Port District

Office of the Clerk

CERTIFICATION OF VOTE

Passed and adopted by the Board of Port Commissioners of the San Diego Unified Port District on March 29, 1994, by the following vote:

Commissioners	Yeas	Nays	Excused	Absent	Abstained
Clifford W. Graves	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
Susan Lew	<u>      </u>	<u>      </u>	<u>X</u>	<u>      </u>	<u>      </u>
J. Michael McDade	<u>      </u>	<u>      </u>	<u>X</u>	<u>      </u>	<u>      </u>
Robert Penner	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
Paul H. Speer	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
Frank J. Urtasun	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
Jess Van Deventer	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>

AUTHENTICATED BY:

Frank Urtasun  
Chairman of the Board of Port Commissioners

CHRISTINE M. STEIN  
Clerk of the San Diego Unified Port District

By: Jocelyn M. Turner  
Deputy Clerk

(Seal)

Resolution Number: 94-119

or

Ordinance Number:           

Adopted: 03/29/94

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