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San Diego Unified Port District

Document No. 53898

Filed AUG 28 2008
Office of the District Clerk

BPC Policy No. 735

SUBJECT: ENVIRONMENTAL MITIGATION PROPERTY

PURPOSE: To establish policies for the allocation of environmental mitigation property within the San Diego Unified Port District (District) tidelands.

INTRODUCTION:

Environmental mitigation property refers to land, water area, natural or constructed habitats, credit for the removal of shading over open water, or other assets, held in trust by the District and that could be used to offset the environmental impacts of projects. Environmental mitigation property is an extremely valuable and limited resource around San Diego Bay. As the developer, manager and environmental steward of San Diego Bay and Port tidelands, the District is aware of the increasing importance of effectively managing mitigation property. Furthermore, the District is interested not only in pursuing projects that are valuable to the regional economy, but is committed to environmentally sensitive development.

POLICY STATEMENT:

1. The District recognizes the demand for mitigation property within tidelands for capital development projects and major maintenance pursuant to the District's land-use obligation (as defined in Section 4 of the Port Act). The District also recognizes that the demand for environmental mitigation property for non-District funded projects is increasing.
2. It is the policy of the District that property suitable for mitigation, which is held in trust by the District, will be retained for District-funded capital development and major maintenance projects. Due to the limited area of mitigation property available to the District, each project requiring mitigation shall be evaluated through the following administrative procedure to ensure that environmental mitigation property is only used for the most appropriate project.
3. To manage the District's environmental mitigation property and evaluate projects requiring environmental mitigation, the District will devise an administrative procedure that shall require staff to:
 - a. Maintain an account of available mitigation property;
 - b. Amend the Port Master Plan to reflect mitigation property;
 - c. Establish criteria for the use of District mitigation property;

- d. Consider the reduction of available mitigation property that may result from the proposed project;
 - e. Consider project alternatives that may eliminate or reduce the need for District mitigation property and utilize alternatives where appropriate;
 - f. Measure the value of a project relative to the value of known or anticipated future projects that may require mitigation;
 - g. Confirm that adequate funding is available for mitigation;
 - h. Ensure consistency with the Port Act; and
 - i. Submit a project authorization request to the Board of Port Commissioners (Board), accompanied by the results of the evaluation and a summary of the proposed project's impact to the overall availability of mitigation property within the District.
4. The District may consider making District environmental mitigation property available to specified, non-District projects that demonstrate exceptional public benefits. Non-District projects will be evaluated using the administrative procedure outlined above and must meet the following additional requirements:
- a. Applicant must demonstrate a good faith effort to minimize the need for mitigation property by reducing project impacts; and
 - b. Applicant must demonstrate a good faith effort to self mitigate within the same leasehold and/or find mitigation land off tidelands.
5. Unused mitigation land and new mitigation opportunities on District tidelands that are not encumbered by a project will be under the control of the District and will be added to the District's accounting of available mitigation property. New mitigation land or credits will be managed in accordance with the District's administrative policy for use of District Environmental Mitigation Property.

RESOLUTION NUMBER AND DATE: 2008-147, dated August 5, 2008 (Supersedes BPC Policy 735, Resolution 2006-110, dated June 6, 2006)

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Re Amendment of BPC Policy 735,]
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Environmental Mitigation Property]
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**REFERENCE
COPY
53898**

RESOLUTION 2008 - 147

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

That Board of Port Commissioners Policy No. 735, Environmental Mitigation Property, as amended, a copy of which is on file in the office of the District Clerk, is hereby adopted.

ADOPTED this 5th day of August, 2008.

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8/5/08