

**SAN DIEGO UNIFIED PORT DISTRICT**

**ORDINANCE 2900**

**ORDINANCE GRANTING A RIGHT OF ENTRY  
LICENSE AGREEMENT TO TDY INDUSTRIES, LLC  
TO IMPLEMENT A REMEDIAL ACTION WITHIN THE  
LAUREL HAWTHORN EMBAYMENT EAST OF 2710  
NORTH HARBOR DRIVE PURSUANT TO THE  
CLEANUP AND ABATEMENT ORDER NO. R9-2015-  
0018**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

**WHEREAS**, Section 87(b) of the Port Act grants authority to the District to lease the tidelands or submerged lands, or parts thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which those lands are held, by the State of California; and

**WHEREAS**, Teledyne-Ryan Industries, LLC (TDY) has been ordered to perform a remedial action through Cleanup and Abatement Order R9-2015-0018, issued by the San Diego Regional Water Quality Control Board (RWQCB) in the northeastern portion of the San Diego Bay in the City of San Diego known as the Laurel Hawthorn Embayment to cleanup and abate the effects of waste discharged from the former TDY facility at 2701 North Harbor Drive; and

**WHEREAS**, TDY proposed that equipment staging and dredge handling activities associated with the proposed project would occur at 2145 East Belt Street in the City of San Diego; and

**WHEREAS**, a portion of the proposed waterside remediation, as well as the equipment staging and dredge handling activities, are within the District's jurisdiction requiring a Right of Entry License Agreement (ROELA) from the District; and

**WHEREAS**, the proposed ROELA (Attachment E to the corresponding agenda sheet) contains approximately 0.8 acre of submerged tidelands located within San Diego Bay adjacent to and just east of the U.S. Coast Guard Station at 2710 North Harbor Drive, in the City of San Diego; and

**WHEREAS**, the ROELA would allow for the implementation of the Remedial Action Plan for the thirty inch stormwater conveyance system (SWCS) Outfall to the Laurel-Hawthorn Embayment prepared by TDY and which has been approved by the RWQCB; and

**WHEREAS**, the proposed ROELA commences upon approval of all the required workplans and permits, and terminates on the date TDY receives notice from the RWQCB that all work required by the Cleanup and Abatement Order R9-2015-0018 has been completed, or 66 years from the commencement date, whichever occurs first; and

**WHEREAS**, the ROELA further provides that TDY must perform its work in a manner that does not interfere with the navigation of vessels and must indemnify the District for any and all claims related to the work except to the extent arising through the sole negligence or willful misconduct of the District; and

**WHEREAS**, the District is the CEQA Responsible Agency for the proposed project and pursuant to CEQA Guidelines Section 15096(f) and (g), the Board of Port Commissioners (BPC) must review and consider the information contained in the Mitigated Negative Declaration (MND) and adopt mitigation measures relevant to the direct or indirect environmental effects for the parts of the proposed project which the District is approving; and

**WHEREAS**, based on the MND and the RWQCB's findings, staff finds, and recommends the BPC find, that the proposed project, with the incorporation of mitigation measures and if performed in conformance with the approved Remedial Action Plan and the conditions imposed by the corresponding Coastal Development Permit, would not result in any substantial adverse effects to the environment and the ROELA should be granted.

**NOW, THEREFORE**, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

Section 1. The Executive Director or her designated representative is hereby authorized to execute said Right of Entry License Agreement so long as it is in substantial conformance to the Right of Entry License Agreement attached to the corresponding Agenda which is on file in the Office of the District Clerk.

Section 2. This Ordinance shall take effect on the 31<sup>st</sup> day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

  
By: ~~Assistant/Deputy~~

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 11<sup>th</sup> day of July, 2017, by the following vote:

AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

NAYS: None.

EXCUSED: None.

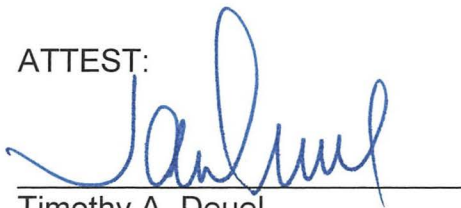
ABSENT: None.

ABSTAIN: None.



Robert Valderrama, Chair  
Board of Port Commissioners

ATTEST:



Timothy A. Deuel  
District Clerk



(Seal)