

## **RESOLUTION 2013-128**

### **RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT FOR THE SAN DIEGO SHIPYARD SEDIMENT REMEDIATION PROJECT – SOUTH SHIPYARD**

**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**, on March 14, 2012, the California Regional Water Quality Control Board, San Diego Region (Water Board) released Tentative Cleanup and Abatement Order (CAO) No. R9-2012-0024, which identified elevated levels of pollutants in the bottom marine sediment along the eastern shore of central San Diego Bay extending approximately from the Sampson Street extension to the northwest and Chollas Creek to the southeast, and from the shoreline out to the San Diego Bay main shipping channel to the west (Shipyard Sediment Site) and which required dischargers that caused or permitted the discharge of waste to the Shipyard Sediment Site to remediate marine sediment within the Shipyard Sediment Site that was determined to have pollutant levels likely to adversely affect the health of the benthic community within the San Diego Bay; and

**WHEREAS**, the San Diego Shipyard Sediment Remediation Project – South Shipyard (Proposed Project) has been proposed to comply with the requirements of CAO No. R9-2012-0024, and includes the dredging of approximately 52,600 cubic yards (cy), an estimated 2,600 cy of debris, or application of approximately 5,500 cy of clean sand/gravel over contaminated sediment in areas that are inaccessible; the transportation, dewatering, stockpiling, and testing of dredge materials and effluent (water) at a landside sediment management area to be located on an approximately 2.5-acre site situated on an adjacent parcel to the National Steel and Shipbuilding Company (NASSCO) leasehold just north of Chollas Creek known as the S-Lane Parcel; the treatment (if needed) and discharge of the effluent; the truck transport of dredge materials to appropriate landfill disposal facilities; and, once dredging activities are completed, the placement of approximately 7,800 tons of quarry rock on slopes adjacent to existing bulkheads and piers to protect those structures; and the removal of an existing wooden pier; and

**WHEREAS**, NASSCO was named in the CAO as a discharger that caused or permitted the discharge of waste to the Shipyard Sediment Site resulting in the accumulation of waste in the marine sediment; and

**WHEREAS**, NASSCO has a lease with the District to operate and maintain a shipyard at the foot of 28th Street, San Diego, comprised of 81 acres of land area and 47 acres of water area, where it provides new construction and repair services for military and commercial contracts; and

**WHEREAS**, the Proposed Project complies with all District policies and requirements, including NASSCO's lease provisions, and will allow NASSCO to comply with the CAO issued by the Water Board and to continue operating into the future; and

**WHEREAS**, the Proposed Project is located within the Harbor Drive Industrial subarea of Planning District 4, Tenth Avenue Marine Terminal, which is delineated on Precise Plan Map Figure 13 of the Port Master Plan (PMP), and the PMP land and water use designations within the limits of the site are Marine Related Industrial and Specialized Berthing; and

**WHEREAS**, the Port District is the trustee of said tidelands where the Proposed Project will be constructed; and

**WHEREAS**, the Proposed Project conforms to the certified PMP and facilitates the land use designations of Marine Related Industrial and Specialized Berthing by remediating contaminated sediments located within the San Diego Bay and will not change the uses of the site nor will it expand the existing conforming uses of the site; and

**WHEREAS**, the Proposed Project is located between the sea (as defined in the California Coastal Act) and the first inland continuous public road paralleling the sea and is fully consistent with Public Resources Code Section 30604(c), 30210-30224, and all applicable California Coastal Act policies; and

**WHEREAS**, an application has been prepared for a Coastal Development Permit (CDP) to provide for implementation of the Proposed Project; and

**WHEREAS**, the Board of Port Commissioners (Board) finds that said application and attachments contain correct and accurate statements of fact; and

**WHEREAS**, the Board has concluded that the Proposed Project conforms to the District Master Plan; and

**WHEREAS**, in accordance with the California Environmental Quality Act (CEQA), the Proposed Project was analyzed in an Environmental Impact Report (EIR) for the Shipyard Sediment Remediation Project (SCH No. 2009111098), which was prepared by Water Board as lead agency and pursuant to CEQA Guidelines Section 15096(f), the Board, as a Responsible Agency, must review and consider the information contained in the Final EIR in its decision to issue a

CDP to carry out all or a portion of the Proposed Project and following the Board's consideration and approval of the EIR District staff will file a Notice of Determination pursuant to CEQA Guidelines Section 15096(i).

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

1. The Proposed Project has been proposed to comply with the requirements of CAO No. R9-2012-0024, and, in general, includes the dredging of approximately 52,600 cubic yards (cy), an estimated 2,600 cy of debris, or application of approximately 5,500 cy of clean sand/gravel over contaminated sediment in areas that are inaccessible; the transportation, dewatering, stockpiling, and testing of dredge materials and effluent (water) at a landside sediment management area to be located on an approximately 2.5-acre site situated on an adjacent parcel to the NASSCO leasehold just north of Chollas Creek known as the S-Lane Parcel; the treatment (if needed) and discharge of the effluent; the truck transport of dredge materials to appropriate landfill disposal facilities; and, once dredging activities are completed, the placement of approximately 7,800 tons of quarry rock on slopes adjacent to existing bulkheads and piers to protect those structures; and the removal of an existing wooden pier; which is all within the Harbor Drive Industrial subarea of Planning District 4, Tenth Avenue Marine Terminal, as delineated on Precise Plan Map Figure 13 of the District Master Plan.

2. In accordance with the District's CDP Regulations, the Proposed Project is considered "Non-Appealable" because it does not qualify as an "Excluded," "Appealable," or "Emergency" development. The Proposed Project is consistent with the use and development concept for the project area as provided in the District Master Plan and, as such, is a Non-Appealable Development which conforms to the certified District Master Plan. The Proposed Project is located between the sea (as defined in the Coastal Act) and the first inland continuous public road paralleling the sea, and the Proposed Project is consistent with Public Resources Code Sections 30604(a) and 30210-30224, and the Coastal Act public access and recreation policies referenced therein.

3. The Proposed Project which is entitled the "San Diego Shipyard Sediment Remediation Project – South Shipyard" is consistent with and conforms to the District Master Plan, and accordingly, the Executive Director or his authorized representative is hereby authorized and directed to issue a Coastal Development Permit for the Proposed Project, said Coastal Development Permit shall require compliance with the Standard Provisions and Short-Term Constructions Measures incorporated therein, and in particular the conditions listed under the Special Provisions section, including the Mitigation Measures contained in the Final EIR for the Proposed Project.

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 16th day of July, 2013, by the following vote:

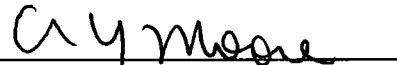
AYES: Castellanos, Malcolm, Merrifield, Moore, Smith, Valderrama

NAYS: None.

EXCUSED: Nelson.

ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair  
Board of Port Commissioners

ATTEST:



Laura Nicholson  
Deputy District Clerk

(Seal)