

**RESOLUTION 2015-100**

**RESOLUTION GRANTING CONCEPT APPROVAL  
TO ELEVATE CALIFORNIA LEAST TERN  
NESTING AREA IN THE CHULA VISTA  
BAYFRONT'S D STREET FILL CONSISTENT WITH  
SPECIAL CONDITION 10 OF COASTAL  
DEVELOPMENT PERMIT NO. E-11-010**

**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**, Board of Port Commissioners (Board) Policy No. 357 requires that plans for new tenant development shall be presented to the Board for approval if the project is estimated to cost more than \$500,000; and

**WHEREAS**, in August 2008, San Diego Gas & Electric Company (SDG&E) submitted an initial proposal to the District for the possible relocation of the South Bay Substation located in the City of Chula Vista (City); and

**WHEREAS**, on January 5, 2010, the Board of Port Commissioners (Board) authorized a Real Estate Exchange Agreement with SDG&E in order to facilitate relocation of the South Bay Substation to a 12.42-acre site on the southernmost portion of the former Liquid Natural Gas (LNG) site in the City and in exchange for the LNG site, SDG&E relinquished its easement interest in the existing 7.22-acre South Bay Substation, as well as a 10.47-acre transmission and distribution easement area in the City; and

**WHEREAS**, on January 5, 2010, the Board also authorized the District to enter into an interim lease with SDG&E for the existing substation site with a term equal to the period of time that the existing substation will be in operation during the construction of the new substation and with a requirement, among others, that SDG&E to prepare a Decommissioning and Demolition Plan to be approved by the District in advance of demolition activities; and

**WHEREAS**, on February 22, 2015, the LNG and easement properties were exchanged at which time the District entered into an interim lease with SDG&E; and

**WHEREAS**, originally South Bay Substation Relocation Project (Original Project) included: 1) construction of a 230/69/12-kilovolt (kV) substation (Bay Boulevard Substation) in the City; 2) construction of a 230 kV transmission line

loop-in, including an approximately 1,000-foot-long underground interconnection and an approximately 300-foot-long overhead interconnection of the existing 230 kV tie-line, located east of the proposed Bay Boulevard Substation; 3) relocation of six 69 kV transmission lines and associated communication cables to the proposed Bay Boulevard Substation, requiring the relocation of approximately 7,500 feet of overhead line and the construction of approximately 4,100 feet of underground line; 4) installation of a 138 kV transmission line extension, including an approximately 3,800-foot underground and approximately 200-foot overhead span from one new steel cable pole to an existing steel lattice structure; and 5) demolition of the existing 138/69 kV South Bay Substation; and

**WHEREAS**, in accordance with the California Environmental Quality Act (CEQA), on October 17, 2013, the California Public Utilities Commission (CPUC) certified the "Final Environmental Impact Report for the South Bay Substation Relocation Project" (State Clearinghouse No. 2011071031) (FEIR) for the Original Project, made the necessary CEQA findings and adopted a Mitigation Monitoring, Compliance, and Reporting Program (MMCRP), which is another name used by the CPUC for a Mitigation, Monitoring and Reporting Program; and

**WHEREAS**, in accordance with the CEQA and the California Coastal Act, on March 13, 2014, the California Coastal Commission (CCC) approved a Coastal Development Permit (CDP) for the Original Project and added special conditions to the CDP for the Original Project, including, but not limited to 1) Special Condition 2, which requires SDG&E to provide a qualified biological monitor to conduct preconstruction surveys and observe vegetation removal activities, to review all proposed temporary work areas, and to conduct nesting surveys; 2) Special Condition 6, which requires SDG&E to mitigate for temporary or permanent loss of non-native grassland or disturbed coyote brush scrub through habitat restoration at a 1:1 ratio for non-native grasslands and 1.5:1 ratio for disturbed coyote brush scrub; 3) Special Condition 10, which requires that SDG&E submit a final wetland restoration and monitoring plan that also includes a grading plan, a more specific planting plan, adaptive management techniques, and a provision that mitigation monitoring continue until the success criteria have been met for three years without any remediation or maintenance activities except weeding and debris removal (this restoration would take place at the D Street Fill site and includes the elevation of property located within the District's jurisdiction (D Street Restoration Component); 4) Special Condition 14, which, among other items, requires the removal of two existing steel lattice towers and associated overhead facilities and the undergrounding of approximately 1,000 feet of 138 kV double-circuit duct package within the existing 138 kV overhead alignment; and

**WHEREAS**, in accordance with the CEQA and the California Coastal Act, on May 16, 2014, the CCC adopted revised findings for the CDP to reflect the CCC's March 13, 2014 decision and the revised findings included the following

additional CDP conditions 1) Special Condition 23, which requires SDG&E to provide \$500,000 to the Friends of the San Diego National Wildlife Refuge to support enhancement and restoration of wetlands in the San Diego Bay National Wildlife Refuge and 2) Special Condition 24, which requires SDG&E to provide \$2,000,000 to create an endowment fund to support the continued operation of the Living Coast Discovery Center, including programs supporting environmental education and public access and enjoyment of San Diego Bay (the Original Project as revised by the CCC is herein referred to as "Revised Project"); and

**WHEREAS**, in accordance with CEQA and prior to approval of the CDP, the CCC conducted a CEQA analysis made the following CEQA findings consistent with Public Resource Code Section 21080.5: 1) the Revised Project had been conditioned in order to be found consistent with the Coastal Act; 2) mitigation measures, including conditions addressing biological resources, fill of wetlands, visual resources, water quality, cultural resources and public access would minimize all adverse environmental impacts; 3) as conditioned, there were no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment; and 4) the Project was the least environmentally-damaging feasible alternative; and

**WHEREAS**, the CCC analysis and findings constitute the equivalent of an environmental impact report for purposes of the CEQA as a "certified regulatory program" pursuant to CEQA Guidelines section 15251(c); and

**WHEREAS**, in accordance with CEQA, on January 15, 2015, the CPUC considered and adopted an Addendum to the Final EIR to address Special Condition 14 and to address a proposed increase of water needed for construction of the Revised Project, from an estimated water usage of 2.4 million to 20 million gallons for fugitive dust suppressions, soil compaction, and general construction purposes and made the appropriate CEQA findings; and

**WHEREAS**, on January 15, 2015, the CPUC granted approval of the Revised Project with the minor changes addressed in the Addendum (the Revised Project with the minor changes is herein referred to as "Project"); and

**WHEREAS**, on December 2, 2014, CCC staff approved an SDG&E wetlands restoration plan, which included an elevation increase of approximately 2 to 6 feet to the California Least Tern (CLT) nesting area, in a portion of land owned by the U.S. Fish and Wildlife Service and the District, and confirmed that the restoration plan satisfied Special Condition 10 of CDP; and

**WHEREAS**, a duly noticed meeting of the Board was held on August 11, 2015 wherein the Board considered the Final EIR, Addendum to the Final EIR prepared by the CPUC, CEQA analysis and equivalency findings made by the CCC and adopted CEQA findings and adopted the MMCRP, which is

another name used by the CPUC for a Mitigation, Monitoring and Reporting Program for the Project, as required by law; and

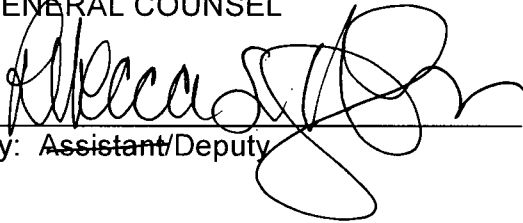
**WHEREAS**, District staff recommends the Board grant concept approval for the elevation of the CLT nesting area within the District's jurisdiction; and

**WHEREAS**, the work will be completed pursuant to a Right of Entry Permit issued administratively by District staff, which will include the payment of \$1.65 million to the District and which said money is intended to go back into the Chula Vista Bayfront Master Plan area.

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

That concept approval to elevate California Least Tern nesting area in the Chula Vista Bayfront's D Street Fill consistent with Special Condition 10 of Coastal Development Permit is hereby granted.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

  
By: ~~Assistant~~ Deputy

2015-100

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 11<sup>th</sup> day of August, 2015, by the following vote:

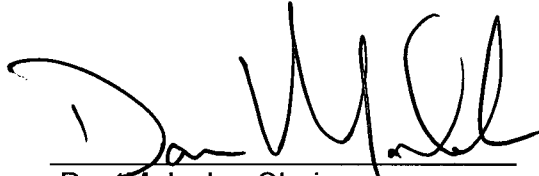
AYES: Castellanos, Malcolm, Merrifield, and Valderrama.

NAYS: None.

EXCUSED: Bonelli, Moore, and Nelson.

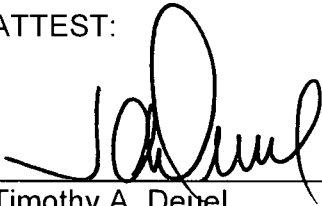
ABSENT: None.

ABSTAIN: None.



Dan Malcolm, Chairman  
Board of Port Commissioners

ATTEST:



Timothy A. Detrel  
District Clerk

