

RESOLUTION 2016-159

RESOLUTION APPROVING MEMORANDUM OF AGREEMENT BETWEEN THE CALIFORNIA STATE LANDS COMMISSION AND THE SAN DIEGO UNIFIED PORT DISTRICT REGARDING THE ESTABLISHMENT OF A COLLABORATIVE MARINE PLANNING PARTNERSHIP FOR THE STATE-OWNED TIDELANDS AND SUBMERGED LANDS LOCATED IN THE PACIFIC OCEAN OFFSHORE SAN DIEGO COUNTY

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 1, (Port Act); and

WHEREAS, in accordance with the purposes of the District, staff recommended the District enter into a Memorandum of Agreement (MOA) with the California State Lands Commission (Commission) to memorialize a collaborative partnership between the Commission and the District to effectively plan for use of the ocean space and to include local trustee grantee's participation in management of coastal waters off San Diego County in an area to be determined based on further discussions; and

WHEREAS, the value of Coastal and Marine Spatial Planning (CMSP) efforts has gained valuable recognition at the state and local levels and the pilot marine decision-support framework is anticipated to serve as a model for future co-management collaborations between the Commission and its local trustee grantees; and

WHEREAS, for the District, the MOA provides the opportunity to have a "seat at the table" and a leading voice in the planning for coastal and ocean resources of which the District is both intimately familiar and invested; and

WHEREAS, the marine spatial planning effort is consistent with, and supports, the District's Integrated Planning Vision and Guiding Principles and goals of the District's Compass Strategic Plan; and

WHEREAS, the MOA includes the Commission's and the District's commitment to transparent, robust public engagement during all phases of framework development; and

WHEREAS, the draft MOA contemplates that the District and the Commission will cooperatively start discussing a potential plan to develop a

pilot-scale marine decision-support framework; develop and share a marine spatial analysis tool; develop a pilot-scale framework for local trustee grantee participation in management of ocean areas; and to facilitate stakeholder engagement; and

WHEREAS, approval of the MOA does not constitute an "approval" of a "project" under the definitions set forth in California Environmental Quality Act (CEQA) Guidelines Sections 15352 and 15378 because it would not result in any direct or indirect physical changes to environment; and

WHEREAS, it is the District's interpretation of the draft MOA that no adoption of an ocean planning document (like a master plan) or development can or will occur until after environmental review is conducted under CEQA, which is the intent of the parties; rather, the MOA, allows the District and Commission to gather information and start a discussion regarding potential planning efforts; and

WHEREAS, additionally, the District retains sole and absolute discretion to, among other things (i) prepare, adopt, or disapprove any CEQA analysis; (ii) adopt any and all feasible mitigation measures to lessen potentially significant environmental effects; (iii) modify the project, adopt any alternatives to the same, including the "no project" alternative, and adopt or refuse to adopt a Statement of Overriding Consideration, if applicable, in connection with the CEQA process. Pursuant to the MOA, the parties also agree that the agreement does not commit either party to a specific course of action, and therefore, the Board of Port Commissioners still has the ability to reject or approve any formulated plan or project.

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

That the Executive Director or her designated representative is hereby authorized on behalf of the San Diego Unified Port District to execute the Memorandum of Agreement between the California State Lands Commission and the San Diego Unified Port District regarding the establishment of a marine planning partnership for the State-owned tidelands and submerged lands located in the Pacific Ocean offshore San Diego County.

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 13th day of October, 2016, by the following vote:

AYES: Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: Bonelli.

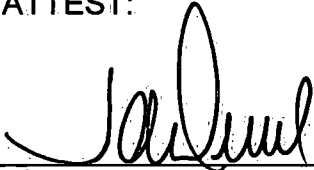
ABSENT: None.

ABSTAIN: None.



Marshall Merrifield, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)