

RESOLUTION 2017-075

RESOLUTION TO CERTIFY FINAL ENVIRONMENTAL IMPACT REPORT, ADOPT FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPT MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECT FILING OF NOTICE OF DETERMINATION

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 21 of the Port Act states that the Board of Port Commissioners (Board) may pass all necessary ordinances and resolutions for the regulation of the District; and

WHEREAS, Section 35 of the Port Act states that the Board may do all other acts necessary and convenient for the exercise of its powers; and

WHEREAS, fireworks display events have been occurring for many years at several locations within San Diego Bay and the Imperial Beach Oceanfront, including off Shelter Island, Harbor Island, Centre City Embarcadero (which includes North Embarcadero, Central Embarcadero, and South Embarcadero), and the National Steel and Shipbuilding Company (NASSCO) facility, as well as along the Coronado Bayfront within Glorietta Bay (an inlet of San Diego Bay adjacent to Coronado Island) and off the Imperial Beach Pier; and

WHEREAS, in the interest of protecting the environment and the public health, safety and welfare, the District has proposed the adoption of an ordinance that establishes policies, performance standards and other requirements that would apply to all fireworks display events that occur in and around San Diego Bay and the Pacific Ocean near Imperial Beach and require a discretionary action by the District or are operated by the District's tenants (Proposed Ordinance); and

WHEREAS, the District has proposed four additional new fireworks display events, including three along the Chula Vista Bayfront and one along the National City Bayfront, which also would be subject to the Proposed Ordinance; and

WHEREAS, the Proposed Ordinance and the proposed four additional new fireworks display events along the Bayfront in Chula Vista and National City are collectively referred to as the "Proposed Project"; and

WHEREAS, pursuant to the California Environmental Quality Act

("CEQA"), Public Resources Code Section 21000, et seq., and its implementing regulations, 14 California Code of Regulations Section 15000, et seq. ("CEQA Guidelines"), the District prepared a Draft Environmental Impact Report for the San Diego Bay and Imperial Beach Oceanfront Fireworks Display Events Project (UPD #EIR-2015-115; SCH #2015081013) for the Proposed Project ("Draft EIR"), which was made available for public review and comment as required by law in March 2017; and

WHEREAS, the District received comments letters concerning the Draft EIR from several public agencies and organizations and, pursuant to CEQA Guidelines section 15088, the District has prepared written responses to all comments received on the Draft EIR during the public comment period which raised environmental issues; and

WHEREAS, the District has determined that the comments received on the Draft EIR do not contain any significant new information within the meaning of CEQA Guidelines section 15088.5 and therefore recirculation of the Draft EIR is not required; and

WHEREAS, the District has prepared a Final Environmental Impact Report ("Final EIR") which contains the information required by CEQA Guidelines section 15132, including the Draft EIR and the revisions and additions thereto, technical appendices, public comments and the District's responses to public comments on the Draft EIR, and which has been filed with the District Clerk; and

WHEREAS, pursuant to CEQA Guidelines sections 15091, 15093 and 15097, the District has prepared Findings of Fact and a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, which have been filed with the District Clerk; and

WHEREAS, the District Clerk has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and affidavit of mailing on file with the District Clerk; and

WHEREAS, all materials with regard to the Proposed Project were made available to the Board for its review and consideration of the Proposed Project including, but not limited to, the following:

1. The Draft EIR and appendices, dated March 2017;
2. The Final EIR and its appendices, dated May 2017;
3. The Staff Report and Agenda Sheet, dated May 25, 2017;
4. The proposed Findings of Fact and Statement of Overriding Considerations, dated May 2017;

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5. The proposed Mitigation Monitoring and Reporting Program, dated May 2017; and

6. All documents and records filed in this proceeding by the District and other interested parties;

WHEREAS, a duly noticed public hearing was held on May 25, 2017, before the Board, at which the Board received public testimony, reviewed and considered all testimony and materials made available to the Board regarding the Proposed Project; and

WHEREAS, having reviewed and considered all testimony and materials made available to the Board, including but not limited to the Final EIR, the staff reports and all the testimony and evidence in the record of the proceedings with respect to the Proposed Project, the Board took the actions hereinafter set forth.

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

1. The Board finds the facts recited above are true and further finds that this Board has jurisdiction to consider, approve and adopt the subject of this Resolution.

2. The Board finds and determines that the applicable provisions of CEQA, its implementing State Guidelines, and District Guidelines have been duly observed in conjunction with said hearing and the considerations of this matter and all of the previous proceedings related thereto.

3. The Board finds and determines that (a) the Final EIR is complete and adequate in scope and has been completed in compliance with CEQA and the State and District Guidelines for implementation thereof, (b) the Final EIR was presented to the Board, and the Board has fully reviewed and considered the information in Final EIR prior to approving the Proposed Project, (c) the Final EIR reflects the District's independent judgment and analysis, and, therefore, the Final EIR is hereby declared to be certified in relation to the subject of this Resolution.

4. The Board finds and determines that the Proposed Project is approved despite the existence of certain significant environmental effects identified in the Final EIR and, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the Board hereby makes and adopts the findings with respect to each significant environmental effect as set forth in the Findings of Fact, appended hereto as Exhibit "A" and made a part hereof by this reference, and declares that it considered the evidence described in connection with each such finding.

5. The Board further finds and determines that the Proposed Project is approved despite the existence of certain unavoidable significant environmental effects identified in the Final EIR, and, pursuant to Public Resources Code section 21081(b) and CEQA Guidelines section 15093, the Board hereby makes and adopts the Statement of Overriding Considerations appended hereto as Chapter 7.0 of Exhibit A and made part hereof by this reference, and finds that such effects are considered acceptable because the benefits of the Proposed Project outweigh the unavoidable environmental effects.

6. Pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d), the Board hereby adopts and approves the Mitigation Monitoring and Reporting Program, which is appended hereto as Exhibit "B" and is made a part hereof by this reference, with respect to the significant environmental effects identified in the Final EIR, and hereby makes and adopts the provisions of the Mitigation Monitoring and Reporting Program as conditions of approval for the Proposed Project.

7. Pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15094, the Clerk of the Board shall cause a Notice of Determination to be filed with the Clerk of the County of San Diego and the State Office of Planning and Research. Unless the Proposed Project is declared exempt herein and a Certificate of Filing Fee Exemption is on file, the Proposed Project is not operative, vested or final until the filing fees required pursuant to Fish and Game Code Section 711.4 are paid to the Clerk of the County of San Diego.

8. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the location and custodian of the documents and other materials which constitute the record of proceedings on which this Resolution is based is the Clerk, San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92101.

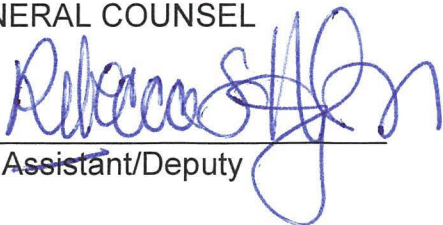
Attachments:

Exhibit A: Findings of Fact and Statement of Overriding Considerations

Exhibit B: Mitigation Monitoring and Reporting Program

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

A handwritten signature in blue ink, appearing to read "Rebecca S. [unclear]", is written over a horizontal line. The signature is stylized and cursive.

2017-075

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 25th day of May, 2017, by the following vote:

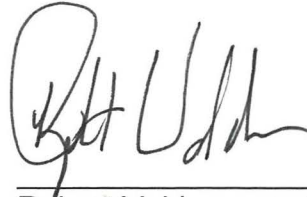
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Valderrama

NAYS: None.

EXCUSED: None.


ABSENT: None.

ABSTAIN: None.



Robert Valderrama, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)

Exhibit A to Resolution No. 2017-075
Attachment A

**THE BOARD OF PORT COMMISSIONERS
OF THE
SAN DIEGO UNIFIED PORT DISTRICT**

**FINDINGS OF FACT
AND
STATEMENT OF OVERRIDING CONSIDERATIONS
FOR
SAN DIEGO BAY AND
IMPERIAL BEACH OCEANFRONT
FIREWORKS DISPLAY EVENTS PROJECT**

**FINAL ENVIRONMENTAL IMPACT REPORT
(UPD #EIR-2015-115; SCH #2015081013)**

May 2017

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**FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE
SAN DIEGO BAY AND IMPERIAL BEACH OCEANFRONT
FIREWORKS DISPLAY EVENTS PROJECT
FINAL ENVIRONMENTAL IMPACT REPORT
(UPD #EIR-2015-115; SCH #2015081013)**

INTRODUCTION

The Board of Port Commissioners of the San Diego Unified Port District ("District") hereby makes the following Findings and Statement of Overriding Considerations concerning the Final Environmental Impact Report (UPD #EIR-2015-115; SCH #2015081013) for the San Diego Bay and Imperial Beach Oceanfront Fireworks Display Events Project ("proposed project"), pursuant to the California Environmental Quality Act, Public Resources Code §21000, *et seq.* ("CEQA"), and its implementing regulations, California Code of Regulations, title 14, §15000, *et seq.* ("CEQA Guidelines").

The Final Environmental Impact Report ("Final EIR") prepared for the proposed project consists of the following:

- Volume I contains the Final EIR, which is composed of the following:
 - Chapter 1 is an introduction to the Final EIR;
 - Chapter 2 contains the final Executive Summary and Summary of Impacts and Mitigation Measures for the proposed project, and a list of public agencies, organizations, and persons commenting on the Draft EIR;
 - Chapter 3 contains the errata and revisions to the Draft EIR and Ordinance;
 - Chapter 4 contains comments received on the Draft EIR and the District's responses to those comments; and
 - Chapter MMRP contains the Mitigation Monitoring and Reporting Program.
- Volume II contains the Draft EIR.
- Volume III contains the appendices to the Draft EIR.

1.0 PROJECT DESCRIPTION

1.1 Project Overview

The proposed San Diego Bay and Imperial Beach Oceanfront Fireworks Display Events Project (herein referred to as the proposed project) consists of (1) an ordinance establishing a San Diego Unified Port District (District) Code section (proposed ordinance) to govern existing and proposed new fireworks display events that occur throughout the year in and around San Diego Bay and the Imperial Beach Oceanfront that require a discretionary action by the District or that are operated by the District's tenants, and (2) four proposed new fireworks display events, which would be located adjacent to the National City and Chula Vista Bayfronts and are anticipated to require a future discretionary action by the District. Discretionary actions for fireworks display events that may require District approval include, but are not limited to, the following:

- Sponsorship agreement
- Special event permit
- Lease and lease amendment
- Tideland Use and Occupancy Permit
- Right-of-Entry Permit
- Coastal Act Categorical Determination of Exclusion
- Coastal Development Permit

Fireworks display events that require a discretionary action by the District or are operated by the District's tenants have been occurring on the Fourth of July and at other times throughout the year for more than a decade. The most prominent existing fireworks display events are the annual Fourth of July Big Bay Boom in San Diego Bay and the Fourth of July Imperial Beach Fireworks Show. Furthermore, the Fireworks Show Over Glorietta Bay is an existing display whose fireworks organizers may seek to obtain funding from the District in the future, which would require a discretionary action by the District. Existing fireworks display events that occur at other times throughout the year include those associated with the San Diego Symphony's Summer Pops concert series (multiple small displays) and the Our Lady of Rosary Church annual procession, along with the U.S.S. Midway Aircraft Carrier Museum (U.S.S. Midway Museum) (multiple small displays) and General Dynamics National Steel and Shipbuilding Company (NASSCO) displays. A description of the operational characteristics of each of these existing displays is provided in Volume II (Draft EIR), Tables 2-1 and 2-2, respectively, of Chapter 2, *Environmental Setting*. These fireworks display events would be subject to the proposed ordinance.

1.2 Fireworks Display Event Locations

Existing Fireworks Display Events

Existing fireworks display events currently occur at several locations within San Diego Bay, a natural harbor and deep-water port in southern San Diego County, and the Imperial Beach Oceanfront. San Diego Bay is an active maritime environment that provides passage and berthing for numerous types of boats and vessels, including small recreational boats that moor at dock marinas and open anchorage marinas within the Bay, mid-sized vessels such as private yachts and harbor cruise boats, and large vessels that consist of naval ships, cruise ships, cargo ships, and shipping barges. Fireworks display events within San Diego Bay take place off Shelter Island, Harbor Island, Centre City Embarcadero (which includes North Embarcadero, Central Embarcadero, and South Embarcadero), and the NASSCO ship repair facility. In addition, fireworks display events take place along the Coronado Bayfront within Glorietta Bay (an inlet of San Diego Bay adjacent to Coronado Island) and the Imperial Beach Oceanfront.

Proposed New Fireworks Display Events

There are currently no fireworks display events along the National City or Chula Vista Bayfronts. Along the National City Bayfront, it is anticipated that future fireworks display events would take place from a barge within view of Pepper Park because Pepper Park is the closest publicly accessible gathering space near the National City Bayfront that would have a partial view of the fireworks. Pepper Park is located along Tidelands Avenue in National City. The site is adjacent to the Sweetwater Channel, north of the Sweetwater Marsh Unit of the San Diego Bay National Wildlife Refuge, which includes Paradise Creek to the east and D Street Fill to the south, south of the National City Marine Terminal, east of San Diego Bay, and west of Pier 32 Marina. Interstate 5 (I-5) runs northeasterly approximately 0.4 mile from the park site boundary. Pepper Park site access is provided via Tidelands Avenue, which turns into Goesno Place as it approaches the park. One fireworks display event, likely a Fourth of July event, may occur along the National City Bayfront and is anticipated to involve the placement of a single, temporary barge in the Bay and within view of Pepper Park.

Along the Chula Vista Bayfront, it is anticipated that fireworks display events would take place from a barge within view of both the Chula Vista Bayside Park and the Chula Vista Bayfront Park. Bayside Park is a waterfront park accessed by Bayside Parkway. It is bounded to the north by a boatworks facility, to the south by a man-made inlet that contains marinas, to the east by a recreational vehicle (RV) park, and to the west by San Diego Bay. Bayfront Park is on the south side of the man-made inlet and is bounded to the south and west by San Diego Bay and to the east by the marinas of the man-made inlet as well as vacant land. The park is accessed by Marina Way. I-5 is approximately 0.5 mile

to the east of the Chula Vista Bayfront. A total of three fireworks display events (including one on the Fourth of July) along the Chula Vista Bayfront area are allowed under the Chula Vista Bayfront Master Plan Settlement Agreement and Natural Resources Management Plan and are anticipated to involve the placement of a single, temporary barge in the Bay in the vicinity of the two parks.

1.3 Project Components

Proposed Ordinance

As stated above, the proposed project consists of an ordinance to govern existing and proposed new fireworks display events that occur within San Diego Bay and the Imperial Beach Oceanfront that require a discretionary action by the District or that are operated by the District's tenants.

The proposed ordinance addresses the following:

- Permit procedures and requirements for the conduct of fireworks displays
- Compliance with applicable federal, state, and local laws and regulations governing fireworks, including, but not limited to:
 - Code of Federal Regulations
 - Clean Water Act
 - California Health and Safety Code
 - California Code of Regulations
 - CEQA
 - California Coastal Act
- Compliance with applicable federal, state, and local plans and permits governing fireworks, including, but not limited to:
 - San Diego Regional Water Quality Control Board's (SDRWQCB's) General Permit for Public Display of Fireworks (Order No. R9-2011-0022)
 - District's Climate Action Plan
 - District's Stormwater Management and Discharge Control Code
 - Integrated Natural Resources Management Plan
 - Chula Vista Bayfront Master Plan Natural Resources Management Plan
- Consistency with the features and characteristics of each individual fireworks display event analyzed, including, but not limited to:
 - Allowable launch site locations for individual displays
 - Total pounds of fireworks for individual displays
 - Allowable shell size(s) for individual displays
 - Frequency of individual displays
 - Duration of individual displays

- Compliance with the applicable mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP) for the proposed project

Project Operations

A number of fireworks display events occur year-round in and around San Diego Bay and the Pacific Ocean near Imperial Beach. A list of these fireworks display events is provided within Volume II (Draft EIR), Table 2-1 of Chapter 2, *Environmental Setting*. These fireworks display events would be subject to the proposed ordinance.

In addition to the existing fireworks display events, the proposed ordinance would govern four proposed new fireworks display events, including three displays along the Chula Vista Bayfront as allowed under the Chula Vista Bayfront Master Plan Settlement Agreement and Natural Resources Management Plan, and one Fourth of July display along the National City Bayfront. The three proposed fireworks display events along the Chula Vista Bayfront include one Fourth of July display and two non-Fourth of July displays. It is anticipated that the District would consider annually whether or not to provide event sponsorship and/or issue a Special Event Permit, Right-of-Entry Permit, Tideland Use and Occupancy Permit, Coastal Development Permit, Coastal Act Categorical Determination of Exclusion, or other similar approval for these proposed new fireworks display events. These proposed new fireworks display events are anticipated to last approximately 3 to 10 minutes for non-Fourth of July displays and 15 to 20 minutes for Fourth of July displays, and the fireworks are anticipated to be launched from barges within San Diego Bay.

The proposed new fireworks display events are identified in Chapter 2, *Executive Summary*, of the Final EIR (see Table 2-1). The total pounds of fireworks estimated for each proposed new fireworks display event are also identified in Chapter 2, *Executive Summary*, of the Final EIR (see Table 2-2).

Because the proposed ordinance would require consistency with the features and characteristics of each individual fireworks display event analyzed in the Final EIR, including, but not limited to, the total net explosive weight (NEW) in pounds of fireworks and durations for individual displays, the values provided in Table 2-2 of the Final EIR represent the maximum allowable pounds of fireworks and durations for the proposed new displays along the Chula Vista and National City Bayfronts assumed in the Final EIR.

Similarly, because the proposed ordinance would also govern the existing fireworks display events identified above, the values provided in Draft EIR Chapter 2, *Environmental Setting*, Table 2-2 also represent the maximum allowable pounds of fireworks for each existing fireworks display event assumed in the Final EIR. If an existing fireworks display event identified in Draft EIR Chapter 2, *Environmental Setting*, Tables 2-1 and 2-2 is proposed to be modified in the future, a new additional fireworks display event is proposed that was not

analyzed in the Final EIR, or any of the characteristics provided in Final EIR Tables 2-1 and 2-2 (e.g., location, magnitude [shell size and pounds] and/or duration) of the four proposed new fireworks display events are proposed to be modified, the fireworks display event will be subject to additional environmental review, pursuant to CEQA Guidelines Section 15168(c).

1.4 Project Objectives

The District has identified the following objectives for the proposed project.

1. To develop a District ordinance that establishes policies, performance standards, and other requirements that would be applied to fireworks display events that occur in and around San Diego Bay and the Pacific Ocean near Imperial Beach and require a discretionary action by the District or are operated by the District's tenants;
2. To allow for the continued occurrence of traditional fireworks display events in and around San Diego Bay and the Pacific Ocean near Imperial Beach that require a discretionary action by the District or are operated by the District's tenants, including on the Fourth of July, providing a popular and region-wide way to celebrate and express civic pride;
3. To allow for the continued occurrence of existing and future occurrence of proposed new traditional fireworks display events in and around San Diego Bay and the Pacific Ocean near Imperial Beach that require a discretionary action by the District or are operated by the District's tenants in a manner that considers the health, safety, and welfare of people, property, and the environment; and
4. To continue to enhance the visitor-serving experience of viewing fireworks display events from various vantage points around District tidelands by providing safe, high-quality fireworks display events using existing and new fireworks technologies as they become available.

2.0 ENVIRONMENTAL PROCEDURES

2.1 Lead Agency

Pursuant to CEQA Guidelines §15367, the District is the “lead agency” for the purpose of preparing the environmental review required by CEQA. The environmental review prepared by the District will be used by the Board of Port Commissioners in connection with its decisions to certify the EIR and adopt an ordinance establishing a proposed ordinance to govern fireworks display events.

The California State Lands Commission (CSLC) and California Department of Fish and Wildlife (CDFW) are trustee agencies, as defined in CEQA Guidelines §15386. CSLC may have an interest in the proposed project, but would not issue approvals or permits that would be required to implement the project. CSLC has jurisdiction and management control over those public trust lands of the state received by the state upon its admission to the United States in 1850. CSLC has jurisdiction over submerged lands within San Diego Bay that are not under the jurisdiction of the District. Several of the barges for the existing fireworks display events are situated within CSLC jurisdiction. However, because the barges are not anchored or moored, a lease or any other similar approval is not required from CSLC. It is anticipated that CDFW may have an interest in the proposed project; however, CDFW would not issue approvals or permits that would be required to implement the proposed project.

2.2 Environmental Impact Report

Pursuant to CEQA Guidelines §15080, *et seq.*, the District prepared an Environmental Impact Report (“EIR”) to analyze the potential impacts of the proposed project on the environment. The Final EIR contains all of the information required by CEQA Guidelines §15132, including the Draft EIR and the appendices to the Draft EIR.

2.3 Public Participation

Environmental review of the proposed project began on August 7, 2015, with the publication of a Notice of Preparation of the EIR and a 30-day public review period. The District held a public scoping meeting on August 25, 2015. The Draft EIR was completed and a Notice of Availability for public review was posted on March 17, 2017. A 45-day public review period began on March 17, 2017, and ended on May 2, 2017. Five public agencies and five private organizations submitted written comments on the Draft EIR during the public comment period. No comment letters were received from individual persons.

These comments and the District’s responses to them are included in Chapter 4 of the Final EIR as required by CEQA Guidelines §§15088 and 15132. The Final EIR was completed and the District’s responses to comments were made available for review on May 12, 2017. A public hearing concerning certification of the Final EIR was held by the Board of Port Commissioners of the District on

May 25, 2017, at which interested agencies, organizations, and individuals were given an opportunity to comment on the Final EIR and the project.

2.4 Record of Proceedings

For purposes of CEQA and the findings set forth below, the administrative record of the District's decision concerning certification of the Final EIR for the project shall include the following:

- The Draft EIR (March 2017);
- The Final EIR (May 2017);
- The appendices to the Draft EIR and the Final EIR;
- All documents and other materials listed as references and/or incorporated by reference in the Draft EIR and Final EIR, including but not limited to the materials identified in the Draft EIR, Chapter 9 (*References*);
- All reports, applications, memoranda, maps, letters, and other documents prepared by the District's staff and consultants for the proposed project which are before the Board of Port Commissioners as determined by the Clerk;
- All documents or other materials submitted by interested persons and public agencies in connection with the Draft EIR and the Final EIR;
- The minutes, tape recordings, and verbatim transcripts, if any, of the public hearing held on May 25, 2017, concerning the Final EIR and the proposed project; and
- Matters of common knowledge to the Board of Port Commissioners and the District, including but not limited to the Port Master Plan.

The custodian of the documents and other materials composing the administrative record of the District's decision concerning certification of the Final EIR is the Clerk of the Board of Port Commissioners. The location of the administrative record is the Port District's office at 3165 Pacific Highway, San Diego, California 92101. (Public Resources Code §21081.6(a)(2).)

3.0 FINDINGS UNDER CEQA

3.1 Purpose

CEQA requires the District to make written findings of fact for each significant environmental impact identified in the Final EIR (CEQA Guidelines §15091). The purpose of the findings is to systematically restate the significant effects of the proposed project on the environment and to determine the feasibility of mitigation measures and alternatives identified in the Final EIR that would avoid or substantially lessen the significant effects. Once it has adopted sufficient measures to avoid or substantially lessen a significant impact, the District is not required to adopt every mitigation measure identified in the Final EIR or otherwise brought to its attention. If significant impacts remain after application of all feasible mitigation measures, the District must review the alternatives identified in the Final EIR and determine if they are feasible. These findings set forth the reasons, and the evidence in support of, the District's determinations.

3.2 Terminology

A "finding" is a written statement made by the District that explains how it dealt with each significant impact and alternative identified in the Final EIR. Each finding contains an ultimate conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation of how the substantial evidence supports the conclusion.

For each significant effect identified in the Final EIR, the District is required by CEQA Guidelines §15091(a) to make a written finding reaching one or more of the following conclusions:

- (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effect identified in the EIR;
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; or
- (3) Specific legal, economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

A mitigation measure or an alternative is considered "feasible" if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (CEQA Guidelines §15364.) The concept of "feasibility" also encompasses the question whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) "[F]easibility under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological

factors.” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or a feasible alternative, a public agency, after adopting proper findings, may nevertheless approve the project if the agency adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines §§15093, 15043 (b); see also Pub. Resources Code §21081 (b).) The California Supreme Court has stated, “[t]he wisdom of approving...any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.)

A statement of overriding considerations is required for the approved project because, despite implementation of all feasible mitigation measures, the project as approved will have significant impacts on hydrology and water quality; noise and vibration; and transportation, circulation, and parking that cannot be determined with certainty to be avoided or reduced to a less-than-significant level.

3.3 Legal Effect

To the extent these findings conclude mitigation measures identified in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the District hereby binds itself and any other responsible parties, including future project applicants and their successors in interest, to implement those mitigation measures. These findings are not merely informational, but constitute a binding set of obligations upon the District and responsible parties, which will take effect if and when the District adopts a resolution certifying the Final EIR and the District adopts resolution(s) approving the project.

3.4 Mitigation Monitoring and Reporting Program

In adopting these findings, the District also adopts an MMRP pursuant to Public Resources Code §21081.6 and CEQA Guidelines §15097. This program is designed to ensure the proposed project complies with the feasible mitigation measures identified below during implementation of the approved project. The program is set forth in the “Mitigation Monitoring and Reporting Program for the San Diego Bay and Imperial Beach Oceanfront Fireworks Display Events project,” which is adopted by the District concurrently with these findings and is incorporated herein by this reference (Final EIR Chapter MMRP, *Mitigation Monitoring and Reporting Program*).

4.0 FINDINGS REGARDING DIRECT SIGNIFICANT EFFECTS

The proposed project will result in direct significant environmental effects with respect to air quality and health risk; biological resources; hydrology and water quality; noise and vibration; and transportation, circulation, and parking. These significant environmental effects, and the mitigation measures identified to avoid or substantially lessen them, are discussed in detail in the Final EIR, Chapter 3, *Errata and Revisions*; and Volume II (Draft EIR), Sections 4.2 (*Air Quality and Health Risk*), 4.3 (*Biological Resources*), 4.6 (*Hydrology and Water Quality*), 4.8 (*Noise and Vibration*), and 4.10 (*Transportation, Circulation, and Parking*). A summary of significant impacts and mitigation measures for the project is set forth in the Final EIR, Chapter 2, *Executive Summary*, Table 2-4.

Set forth below are the findings regarding the potential direct significant effects of the approved project. The findings incorporate by reference the discussion of potential significant impacts and mitigation measures contained in the Final EIR. The Final EIR, which includes the Draft EIR and appendices, is referred to in the findings below as the "EIR."

4.1 Air Quality and Health Risk

4.1.1 Impact-AQ-1: Emissions in Excess of PM2.5 Thresholds during Combined National City Bayfront and Chula Vista Bayfront Fourth of July Fireworks Display Events.

Potentially Significant Impact: The EIR identifies a potentially significant impact on air quality and health risk (Impact-AQ-1) in that emissions in excess of particulate matter 2.5 microns or less in diameter (PM2.5) thresholds may occur during combined National City Bayfront and Chula Vista Bayfront Fourth of July Fireworks Display Events.

Project emissions generated when the new National City Bayfront and Chula Vista Bayfront Fourth of July fireworks display events occur at the same time, before mitigation, would exceed the daily San Diego County Significance Level Thresholds (SLTs) for PM2.5. The contribution of project-related emissions is considered significant because the project emissions would exceed the daily threshold that has been set by the San Diego Air Pollution Control District (SDAPCD) to attain the PM2.5 National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS).

Detailed information and analysis regarding this significant potential impact are provided in Volume II (Draft EIR), Section 4.2, *Air Quality and Health Risk*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health risk identified as Impact-AQ-1 in the EIR.

Facts in Support of Finding: The potential significant impact of the proposed project on air quality and health risk (Impact-AQ-1) is analyzed in Volume II (Draft EIR), Section 4.2, *Air Quality and Health Risk*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable. Impact-AQ-1 will result from emissions in excess of PM2.5 thresholds during combined National City Bayfront and Chula Vista Bayfront Fourth of July Fireworks Display Events. Project emissions generated when the new National City Bayfront and Chula Vista Bayfront Fourth of July fireworks display events occur at the same time, before mitigation, would exceed the daily San Diego County SLTs for PM2.5. The contribution of project-related emissions is considered significant because the project emissions would exceed the daily threshold that has been set by SDAPCD to attain the PM2.5 NAAQS and CAAQS.

The potential significant impact on air quality and health risk (Impact-AQ-1) can be reduced to a level below significance by implementation of Mitigation Measure MM-AQ-1 and reduced further by implementation of MM-AQ-2. These mitigation measures are fully set forth in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and are briefly described as follows:

MM-AQ-1: Limit the Size of Overlapping New Fireworks Display Events in Compliance with the Conditions of the Proposed Ordinance; the size of Fourth of July Fireworks Display Events at National City and Chula Vista are not to exceed 400 pounds of fireworks.

MM-AQ-2: Implement Air Quality-Related Conditions of the Proposed Ordinance; fireworks display events shall implement Best Management Practices (BMPs) for fireworks display event preparation, discharge and clean-up; and alternative fireworks produced with pyrotechnic formulas shall be used which replace perchlorate with other oxidizers and propellants that burn cleaner, produce less smoke, and reduce pollutant waste loading to surface waters.

4.1.2 Impact-AQ-2: Cumulative Emissions in Excess of PM2.5 Thresholds during Combined Fourth of July Fireworks Display Events

Potentially Significant Impact: Project emissions during new Fourth of July fireworks display events, before mitigation, would exceed the threshold for PM2.5 and, when combined with other nearby past, present, and probable future projects, may result in a cumulatively considerable net increase of a criteria pollutant for which the region is in nonattainment under an applicable state ambient air quality standard. The contribution of project-related emissions is considered significant because the proposed project would exceed thresholds that have been set by SDAPCD to attain the CAAQS during Fourth of July fireworks display events. Detailed information and analysis regarding this significant potential impact are provided in Volume II (Draft EIR), Section 4.2, *Air Quality and Health Risk*, with revisions and clarifications in Final EIR Chapter 3 *Errata and Revisions*, if applicable.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health risk identified as Impact-AQ-2 in the EIR.

Facts in Support of Finding: The potential significant impact of the proposed project on air quality and health risk (Impact-AQ-2) is analyzed in Volume II (Draft EIR), Section 4.2, *Air Quality and Health Risk*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable. Impact-AQ-2, before mitigation, will result in the exceedance of the threshold for PM_{2.5} and, when combined with other nearby past, present, and probable future projects, may result in a cumulatively considerable net increase of a criteria pollutant for which the region is in nonattainment under an applicable state ambient air quality standard. The contribution of project-related emissions is considered cumulatively considerable because the project would exceed thresholds that have been set by SDAPCD to attain the CAAQS during Fourth of July fireworks display events.

The potential significant impact on air quality and health risk (Impact-AQ-1) can be reduced to below a level of significance by implementation of Mitigation Measure MM-AQ-1 and reduced further by implementation of MM-AQ-2, as set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 4.1.1.

4.2 Biological Resources

4.2.1 Impact-BIO-1: Potential Direct Impact on Marine Reptiles from Fireworks-Generated Trash and Debris.

Impact-BIO-3: Potential Direct Impact on Avian Species from Fireworks-Generated Trash and Debris.

Potentially Significant Impact: The EIR identifies potentially significant direct impacts on biological resources (Impact-BIO-1 and Impact-BIO-3) associated with the introduction of fireworks-generated trash and debris that could cause injury to green sea turtles and avian species, because these species may mistakenly consume the waste, which could cause suffocation, starvation, or debilitation. Detailed information and analysis regarding these potential significant impacts are provided in Volume II (Draft EIR), Section 4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental impacts on biological resources (Impact-BIO-1 and BIO-3) as identified in the EIR.

Facts in Support of Finding: The potential significant impacts of the proposed project on biological resources (Impact-BIO-1 and Impact-BIO-3) are analyzed in

Volume II (Draft EIR), Section 4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable. Impact-BIO-1 and Impact-BIO-3 will result from the proposed new fireworks display events that would introduce fireworks-generated trash and debris, which in turn has the potential to cause injury to green sea turtles and avian species from the consumption of the waste materials, which could cause suffocation, starvation, or debilitation.

The potential significant impact on *Biological Resources* (Impact-BIO-1 and Impact-BIO-3) under the proposed project will be mitigated to a less-than-significant level by implementing Mitigation Measure MM-BIO-1 and reduced further by MM-BIO-4. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and are briefly described below.

MM-BIO-1: Implementation of Biological Resources-Related Conditions of the Proposed Ordinance for Direct Impacts. The fireworks organizer and operator are required to comply with the numerous biological resources-related conditions of the proposed ordinance, including (but not limited to): requirements concerning fireworks chemical composition and packaging, BMPs (such as providing cleanup crews and boats to conduct sweeps of the fireworks detonation zone to gather any floating debris from spent fireworks), and compliance with San Diego Water Board General Permit and other required permits and laws.

MM-BIO-4: Fireworks Biological Monitoring Plan. Not less than 30 days before any fireworks display event in the South Bay that would occur within 1 mile of sensitive avian nesting colonies, the fireworks organizer shall submit to the District an Avian Species Nesting Colony Monitoring Plan (Monitoring Plan). The Monitoring Plan shall be prepared by a qualified biologist and approved by the District in coordination with the U.S. Fish and Wildlife Service and CDFW. The Monitoring Plan shall identify the monitoring protocol that will be used to assess the effectiveness of mitigation measures **MM-BIO-1** and **MM-BIO-2**.

4.2.2 Impact-BIO-2: Potential Indirect Impacts on Marine Reptiles from Increased Human and Boating Activity.

Impact-BIO-4: Potential Indirect Impacts on Special-Status Avian Species from Increased Human and Boating Activity.

Potentially Significant Impact: The EIR identifies potentially significant indirect impacts on biological resources (Impact-BIO-2 and Impact-BIO-4) as a result of increased foot traffic on sand dunes and beaches that can cause disturbance to nesting sites during and immediately after the proposed new fireworks display events. Detailed information and analysis regarding these potential significant impacts are provided in Volume II (Draft EIR), Section 4.3, *Biological Resources*,

with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources (Impact-BIO-2 and BIO-4) as identified in the EIR.

Facts in Support of Finding: The potential significant impacts of the proposed project on biological resources (Impact-BIO-2 and Impact-BIO-4) are analyzed in Volume II (Draft EIR), Section 4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable. The proposed new fireworks display events have the potential to result in indirect impacts on marine reptiles (green sea turtles) and special-status avian species (particularly California least tern and western snowy plover). Concerning green sea turtles, the increase in boat traffic, particularly nighttime and out-of-channel traffic, would increase the potential for propeller strikes, which may cause injury to or death of green sea turtles. Concerning special-status avian species, this would occur as a result of increased foot traffic on sand dunes and beaches that can cause disturbance to nesting sites during and immediately after the proposed new fireworks display events.

The potential significant impacts on biological resources (Impact-BIO-2 and Impact-BIO-4) will be mitigated to a less-than-significant level by the implementation of Mitigation Measure MM-BIO-2 and reduced further by implementation of MM-BIO-4, as set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR. MM-BIO-4 was described above in Section 4.2.1 and MM-BIO-2 is described below.

MM-BIO-2: Implementation of Biological Resources–Related Conditions of the Proposed Ordinance for Indirect Impacts. The fireworks organizer and operator are required to comply with the following biological resources–related conditions of the proposed ordinance including (but not limited to): protection of species and habitat between February 15 and September 15, post temporary signage along primary access points to sensitive nesting colonies and habitat areas to identify safe viewing locations; implement a public education program to educate potential viewers regarding appropriate viewing and boat docking areas to discourage trespass into sensitive wildlife habitat; and implement BMPs for fireworks display event preparation, discharge and clean-up. In addition, the fireworks organizer shall provide security guards to direct persons away from and to discourage trespass into sensitive nesting areas or habitat and security patrols of the water areas to enforce the existing restrictions on access to unauthorized areas during such fireworks display events in the South Bay.

4.2.3 Impact-BIO-5: Potential Direct Impact on Sensitive Habitat and Wetlands from Fireworks-Generated Trash and Debris.

Impact-BIO-6: Potential Direct Impact on Eelgrass Habitat from Fireworks Barges and Tugboat Activity.

Potentially Significant Impact: The EIR identifies potentially significant direct impacts on biological resources (Impact-BIO-5 and Impact-BIO-6) as a result of fireworks-generated trash and debris, fireworks barges, and tugboat activity. Detailed information and analysis regarding these potential significant impacts are provided in Volume II (Draft EIR), Section 4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources (Impact-BIO-5 and Impact-BIO-6) as identified in the EIR.

Facts in Support of Finding: The potential significant impacts of the proposed project on biological resources (Impact-BIO-5 and Impact-BIO-6) are analyzed in Volume II (Draft EIR), Section 4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable. The waste resulting from exploded fireworks shells could fall primarily into the waters of San Diego Bay, potentially resulting in impacts on sensitive habitats and federally protected wetlands of south San Diego Bay. In addition, the positioning of fireworks barges along the Chula Vista Bayfront over the shallow flats could result in direct impacts on eelgrass habitat and its nursery habitat functions, particularly at low tides.

The potential significant impacts on biological resources (Impact-BIO-5 and Impact-BIO-6) will be mitigated to a less-than-significant level by the implementation of Mitigation Measures MM-BIO-1 and MM-BIO-3, and reduced further by implementation of MM-BIO-4, as set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR. Mitigation Measures MM-BIO-1 and MM-BIO-4 were previously described above in Section 4.2.1. Mitigation Measure MM-BIO-3 is described below.

MM-BIO-3: Implementation of the Biological Resources-Related Conditions of the Proposed Ordinance for Direct Eelgrass Impacts.

The fireworks organizer and operator are required to comply with the following biological resources-related conditions of the proposed ordinance including (but not limited to): for fireworks display events with launching sites located in shallow water with the potential for eelgrass to occur, fireworks barges shall be held in place by tugboats and shall not require temporary moorings; to the extent practicable, barges shall be located in unvegetated deep water channels outside of eelgrass beds; pre-event and post-event eelgrass surveys shall be completed to identify the distribution of eelgrass to assist tug operators and to assess any

impacts to eelgrass that may occur; tug operators shall be made aware of shallow eelgrass and instructed not to use high thrust in the vicinity of eelgrass beds.

4.2.4 Impact-BIO-7: Potential Indirect Impact on Sensitive Habitat and Wetlands from Increased Human and Boating Activity.

Potentially Significant Impact: The EIR identifies a potentially significant indirect impact on biological resources (Impact-BIO-7) as a result of increased boat traffic and human activity due to fireworks viewing. Detailed information and analysis regarding this potential significant impact are provided in Volume II (Draft EIR), Section 4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources (Impact-BIO-7) as identified in the EIR.

Facts in Support of Finding: The potential significant impact of the proposed project on biological resources (Impact-BIO-7) is analyzed in Volume II (Draft EIR), Section 4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable. Increased boat traffic could result in minor damage to eelgrass beds through unauthorized anchoring and/or propeller dragging. The proposed new fireworks display events could attract crowds to the Silver Strand State Beach, some of whom may trespass into restricted beach areas that are utilized by sensitive avian species.

The potential significant impact on biological resources (Impact-BIO-7) will be mitigated to a less-than-significant level by implementing Mitigation Measure MM-BIO-2 and reduced further by implementation of MM-BIO-4, as set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR. Mitigation Measure MM-BIO-2 was previously described above in Section 4.2.2 and MM-BIO-4 was previously described above in Section 4.2.1.

4.2.5 Impact-BIO-8: Potential Indirect Impact on Usage of Nursery Sites from Increased Human Activity.

Potentially Significant Impact: The EIR identifies a potentially significant indirect impact on biological resources (Impact-BIO-8) as a result of increased boat traffic and human activity due to fireworks viewing. Detailed information and analysis regarding this potential significant impact are provided in Volume II (Draft EIR), Section 4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources (Impact-BIO-8) as identified in the EIR.

Facts in Support of Finding: The potential significant impact of the proposed project on biological resources (Impact-BIO-8) is analyzed in Volume II (Draft EIR), Section 4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable. Indirect impacts on protected avian species from proposed new fireworks display events, such as increased foot traffic in or adjacent to nesting sites, increased human-generated trash, and noise associated with boating activity, are considered potentially significant due to disturbance noted in nesting birds.

The potential significant impact on biological resources (Impact-BIO-8) will be mitigated to a less-than-significant level by the implementation of Mitigation Measure MM-BIO-2 and reduced further by implementation of MM-BIO-4, as set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR. Mitigation Measure MM-BIO-2 was previously described above in Section 4.2.2 and MM-BIO-4 was previously described above in Section 4.2.1.

4.2.6 Impact-BIO-9: Potential Conflict with the City of San Diego and Chula Vista MSCP Subarea Plans.

Impact-BIO-10: Potential Conflict with the San Diego Bay National Wildlife Refuge Comprehensive Conservation Plan.

Potentially Significant Impact: The EIR identifies potentially significant direct and indirect impacts on biological resources (Impact-BIO-9 and Impact-BIO-10), as new fireworks display events have the potential to conflict with applicable habitat conservation plans. Detailed information and analysis regarding these potential significant impacts are provided in Volume II (Draft EIR), Section 4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on biological resources (Impact-BIO-9 and BIO-10) as identified in the EIR.

Facts in Support of Finding: The potential significant impacts of the proposed project on biological resources (Impact-BIO-9 and Impact-BIO-10) are analyzed in Volume II (Draft EIR), Section 4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable. The proposed new fireworks display events have the potential to result in significant direct and indirect impacts on habitat within the City of San Diego Multi-Habitat Planning Area and City of Chula Vista Multiple Species Conservation Program (MSCP) Preserve. The proposed new fireworks display events also have the potential to result in direct and indirect impacts on sensitive habitat and green sea turtles present within the San Diego Bay National Wildlife Refuge, which would be considered significant.

The potential significant impacts on biological resources (Impact-BIO-9 and Impact-BIO-10) will be mitigated to a less-than-significant level by the

implementation of Mitigation Measures MM-BIO-1 and MM-BIO-2, and reduced further by implementation of MM-BIO-4, as set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR. Mitigation Measures MM-BIO-1 and MM-BIO-4 were previously described above in Section 4.2.1. Mitigation Measure MM-BIO-2 was previously described above in Section 4.2.2.

4.3 Hydrology and Water Quality

4.3.1 Impact-WQ-1: Surface Water Pollutant Related to Fireworks Debris.

Potentially Significant Impact: The EIR identifies a potentially significant impact on hydrology and water quality (Impact-WQ-1) associated with the proposed fireworks display events in that the events could pollute surface waters if fireworks debris is not properly recovered. Detailed information and analysis regarding this potential significant impact are provided in Volume II (Draft EIR), Section 4.6, *Hydrology and Water Quality*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on hydrology and water quality identified as Impact WQ-1 in the EIR; and pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potential significant impact of the proposed project on hydrology and water quality (Impact-WQ-1) is analyzed in Volume II (Draft EIR), Section 4.6, *Hydrology and Water Quality*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable. Impact-WQ-1 would result during proposed fireworks display events if fireworks debris is not properly recovered, thus polluting surface waters.

The potential significant impact on hydrology and water quality (Impact-WQ-1) would be reduced by requiring implementation of Mitigation Measure MM-WQ-1. This mitigation measure is fully set forth in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR. MM-WQ-1 is briefly described below:

MM-WQ-1: Implementation of Water Quality–Related Conditions of the Proposed Ordinance for Fireworks Debris. The fireworks organizer and operator are required to comply with the numerous water quality-related conditions of the proposed ordinance, including (but not limited to): requirements pertaining to fireworks chemical composition and packaging; implementation of numerous BMPs for fireworks display event preparation, discharge and clean-up; and compliance with San Diego Water Board General Permit and other required permits and laws.

Under the project, implementation of Mitigation Measure MM-WQ-1 would reduce the water quality impacts associated with the proposed new fireworks display events, but not below significance. Despite the incorporation of Mitigation Measure MM-WQ-1, the impact on hydrology and water quality (Impact-WQ-1) is considered significant and unavoidable. This is because uncontrollable factors such as weather conditions, amount of paper incinerated, sunken material, or material that is blown onto land may affect the ability to recover all post-show debris related to fireworks on surface waters. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

4.3.2 Impact-WQ-2: Surface Water Pollutant Related to Increased Human-Generated Trash and Litter.

Potentially Significant Impact: The EIR identifies a potentially significant impact on hydrology and water quality (Impact-WQ-2) associated with the proposed fireworks display events in that publicly advertised fireworks display events could pollute surface waters if increased human-generated trash and litter within the major public viewing areas is not properly disposed of and cleaned up. Detailed information and analysis regarding this potential significant impact are provided in Volume II (Draft EIR), Section 4.6, *Hydrology and Water Quality*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on hydrology and water quality (Impact-WQ-2) as identified in the EIR.

Facts in Support of Finding: The potential significant impact of the proposed project on hydrology and water quality (Impact-WQ-2) is analyzed in Volume II (Draft EIR), Section 4.6, *Hydrology and Water Quality*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable. Impact-WQ-2 would result during publicly advertised fireworks display events if increased human-generated trash and litter within the major public viewing areas is not properly disposed of and cleaned, thus polluting surface waters.

The potential significant impact on hydrology and water quality (Impact-WQ-2) will be mitigated to a less-than-significant level by requiring implementation of Mitigation Measure MM-WQ-2. This mitigation measure is fully set forth in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR. MM-WQ-2 is described below.

MM-WQ-2: Implementation of Water Quality–Related Conditions of the proposed Ordinance for Human-Generated Trash and Litter. The fireworks organizer and operator are required to comply with the following water quality–related condition of the proposed ordinance: For all Fourth of July fireworks display events and for Non-Fourth of July fireworks display events which are advertised to the public, the fireworks operator

shall double the number of trash receptacles at major viewing areas prior to each fireworks display event; trashcans shall be emptied and parks and viewing areas shall be cleaned following the event.

4.4 Noise and Vibration

4.4.1 Impact-NOI-1: Substantial Periodic or Temporary Increase in Ambient Noise Levels of the Proposed New Fireworks Display Events.

Potentially Significant Impact: The EIR identifies a potential significant impact on noise and vibration (Impact-NOI-1) in that the proposed new fireworks display events (both Fourth of July and non-Fourth of July events) would result in a noise increase at the Coronado Cays homes to the west in the City of Coronado. Detailed information and analysis regarding this potential significant impact are provided in Volume II (Draft EIR), Section 4.8, *Noise and Vibration*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on noise and vibration identified as Impact-NOI-1 in the EIR; and pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potential significant impact of the proposed project on noise and vibration (Impact-NOI-1) is analyzed in Volume II (Draft EIR), Section 4.9, *Noise and Vibration*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable. Impact-NOI-1 would result because noise increases would occur during proposed new fireworks display events (both Fourth of July and non-Fourth of July events) at homes in the City of Coronado, west of the proposed National City and Chula Vista launch locations.

The potential significant impact on noise and vibration (Impact-NOI-1) would be reduced by implementation of Mitigation Measure MM-NOI-1. This mitigation measure is fully set forth in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

MM-NOI-1: Implementation of Noise-Related Conditions of the proposed Ordinance. The fireworks organizer and operator are required to comply with the following noise related conditions of the proposed ordinance: fireworks display events shall be located not less than one (1) mile from any federally or state-listed avian species nesting colony unless the maximum size of shells used in the event is limited to eight (8) inches; in addition, fireworks display events shall not use concussion type, non-color shells such as “salutes” or “reports” during the initial twenty-five percent (25 percent) of the duration of any display (e.g., within the first 5 minutes of a 20-minute display).

Under the project, implementation of Mitigation Measure MM-NOI-1 would provide some reduction in overall noise levels from proposed new fireworks display events. The exact amount of noise reduction provided by these conditions cannot be quantified because of the many variables (e.g., precise numbers and types of fireworks to be used, size of shells), but the reductions would be modest. Because loud noise (including noise levels that are intended to be significantly higher than ambient conditions) is considered an integral part of traditional fireworks display events, mitigation measures, such as avoiding the use of noise-generating fireworks (i.e., using silent fireworks), would fundamentally change the nature of the proposed project and the overall audible experience of the display. Despite the incorporation of Mitigation Measure MM-NOI-1, the impact on noise and vibration (Impact-NOI-1) is considered significant and unavoidable and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

4.5 Transportation, Circulation, and Parking

4.5.1 Impact-TRA-1: Decrease in the Performance of Roadway, Pedestrian, and Bicycle Facilities from Proposed New Fireworks Display Events.

Potentially Significant Impact: The EIR identifies a potential significant impact on transportation, circulation, and parking (Impact-TRA-1) in that the proposed new fireworks display events have the potential to temporarily decrease the performance of roadway, pedestrian, and bicycle facilities as a result of increased levels of vehicular, pedestrian, and bicycle activity. Detailed information and analysis regarding this potential significant impact are provided in Volume II (Draft EIR), Section 4.10, *Transportation, Circulation, and Parking*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on transportation, circulation, and parking identified as Impact-TRA-1 in the EIR; and pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potential significant impact of the proposed project on transportation, circulation, and parking (Impact-TRA-1) is analyzed in Volume II (Draft EIR), Section 4.10, *Transportation, Circulation, and Parking*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable. Impact-TRA-1 would result because new fireworks display events would temporarily decrease the performance of roadway, pedestrian, and bicycle facilities as a result of increased levels of vehicular, pedestrian, and bicycle activity.

The potential significant impact on transportation, circulation, and parking (Impact-TRA-1) under the project would be reduced by implementation of Mitigation Measure MM-TRA-1. This mitigation measure is fully set forth in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

MM-TRA-1: Implementation of the Transportation-Related Conditions of the Proposed Ordinance. The fireworks organizer is required to comply with the following transportation-related condition of the proposed ordinance, including (but not limited to): for all Fourth of July fireworks display events and for non-Fourth of July fireworks display events that are advertised to the public, the fireworks organizer shall prepare and submit an event transportation and parking management plan, which shall be designed to ensure safe and convenient access to public viewing areas while limiting conflicts between transportation modes and reducing impacts on surrounding transportation facilities to the maximum extent feasible. The Applicant shall also demonstrate that it has obtained and shall comply with all other permits and approvals required by federal, state, and local laws and regulations including, without limitation, such permits and approvals as are required by the United States Coast Guard, California Coastal Act, and the District Code.

Under the project, implementation of Mitigation Measure MM-TRA-1 would reduce the traffic impacts during all Fourth of July fireworks display events and non-Fourth of July fireworks display events that are advertised to the public, but it cannot be determined with certainty that the impacts would be reduced to less-than-significant levels. Therefore, despite the incorporation of Mitigation Measure MM-TRA-1, the impact on transportation, circulation, and parking (Impact-TRA-1) is considered significant and unavoidable and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

4.5.2 Impact-TRA-2: Inadequate Parking Supply During proposed New Fireworks Display Events.

Potentially Significant Impact: The EIR identifies a potential significant impact on transportation, circulation, and parking (Impact-TRA-2) in that the proposed new fireworks display events have the potential to result in a temporary inadequate supply during the displays due to an increased demand on parking facilities serving the viewing locations. Detailed information and analysis regarding this potential significant impact are provided in Volume II (Draft EIR), Section 4.10, *Transportation, Circulation, and Parking*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on transportation, circulation, and parking identified as Impact-TRA-2 in the EIR; and pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or

other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potential significant impact of the proposed project on transportation, circulation, and parking (Impact-TRA-2) is analyzed in Volume II (Draft EIR), Section 4.10, *Transportation, Circulation, and Parking*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable. Impact-TRA-2 would result because new fireworks display events have the potential to result in a temporary inadequate supply during the displays due to an increased demand on parking facilities serving the viewing locations.

The potential significant impact on transportation, circulation, and parking (Impact-TRA-2) would be reduced by implementation of Mitigation Measure MM-TRA-1. This mitigation measure is fully set forth in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and was previously described in Section 4.5.1.

Under the project, implementation of an approved Event Transportation and Parking Management Plan as set forth in MM-TRA-1 would reduce the parking impacts during fireworks display events. However, there are no metrics or tools available to quantify the effectiveness of the Event Transportation and Parking Management Plan in reducing parking impacts. Therefore, because the extent to which impacts would be reduced cannot be quantified, it cannot be determined with certainty that the impacts would be reduced to less-than-significant levels. Therefore, despite the incorporation of Mitigation Measure MM-TRA-1, the impact on transportation, circulation, and parking (Impact-TRA-2) is considered significant and unavoidable and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

5.0 FINDINGS REGARDING CUMULATIVE SIGNIFICANT EFFECTS

CEQA requires a lead agency to evaluate the cumulative impacts of a proposed project. (CEQA Guidelines §15130(a).) Cumulative impacts are those that are considered significant when viewed in connection with the impacts of other closely related past, present, and reasonably foreseeable future projects. (CEQA Guidelines §15355.) Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

The EIR considers the cumulative effects of past, present, and reasonably foreseeable future fireworks display events, development projects, and temporary special events and the proposed project's contribution to these effects. Past development projects are defined as those that were recently completed and are now operational. Past and present fireworks display events and temporary special events are defined as those that occurred during the year 2015, unless noted otherwise. Present development projects are defined as those that are under construction but not yet operational. Reasonably foreseeable future fireworks display events and temporary special events are defined as those that have historically re-occurred annually, and therefore are anticipated to continue to reoccur in the future. Reasonably foreseeable future

development projects are defined as those for which a development application has been submitted or credible information is available to suggest that project development is a probable outcome at the time the Notice of Preparation was issued (September 2015).

Based on information obtained through consultation with SDRWQCB and the cities of San Diego, Coronado, National City, Chula Vista, and Imperial Beach, a total of 53 existing fireworks display events were identified for the cumulative analysis. The cumulative fireworks display events listed in Volume II (Draft EIR) Chapter 5, *Cumulative Impacts*, Tables 5-2 and 5-3 all occurred in and around San Diego Bay and Imperial Beach during the year 2015 and were issued permits by the appropriate public agency (i.e., a Special Event Permit). The list of cumulative fireworks display events provided represents the best estimate possible based on the current information available and accounts for only those fireworks display events for which the District received copies of permits as a result of consultation with the aforementioned agencies. However, given the uncertainty surrounding special events in general, the number of actual future fireworks display events in and around San Diego Bay and Imperial Beach may fluctuate from year to year depending on various factors such as the state of the economy and population growth. Nothing would preclude the occurrence of an additional number of future cumulative fireworks display events with those provided in Tables 5-2 and 5-3, as these fireworks display events are outside of the District's control. The cumulative analysis assumes that all event sponsors complied with any and all applicable federal, state, and local regulations and requirements governing fireworks display events, and that all fireworks display event organizers applied for, and received, all necessary permits from the appropriate regulatory agency.

The project would contribute to cumulative impacts related to air quality and health risk, biological resources, and hydrology and water quality. The findings below identify each of the significant cumulative environmental impacts, the mitigation measures adopted to substantially lessen or to avoid them, or the reasons proposed mitigation measures are infeasible due to specific economic, social, or other considerations. The findings incorporate by reference the analysis of significant cumulative impacts contained in Volume II (Draft EIR), Chapter 5 *Cumulative Impacts*, and as revised within Chapter 3, *Errata and Revisions*, of the Final EIR.

The significant cumulative impacts related to air quality and health risk and biological resources identified in the EIR would be reduced to a level below significance after implementation of feasible mitigation. The significant cumulative impacts related to hydrology and water quality identified in the EIR would not be avoided or reduced to a level below significance despite the incorporation of all feasible mitigation measures and alternatives. As described in the Statement of Overriding Considerations below, therefore, the District has determined these unavoidable significant cumulative impacts are acceptable because of specific overriding considerations.

5.1 Air Quality and Health Risk

5.1.1 Impact-C-AQ-1: Emissions in Excess of Cumulative PM2.5 Thresholds during Combined National City Bayfront and Chula Vista Bayfront Fourth of July Fireworks Display Events.

Potentially Significant Impact: The EIR identifies a potential significant cumulative impact on air quality and health risk (Impact-C-AQ-1) in that project emissions generated when the new National City Bayfront and Chula Vista Bayfront Fourth of July fireworks display events occur at the same time, before mitigation, would exceed the daily San Diego County SLTs for PM2.5. The contribution of project-related emissions is considered cumulatively considerable because the project emissions would exceed the daily threshold that has been set by SDAPCD to attain the PM2.5 NAAQS and CAAQS. Detailed information and analysis regarding this significant potential impact are provided in Volume II (Draft EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk), with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health risk identified as Impact-C-AQ-1 in the EIR.

Facts in Support of Finding: The potential significant impacts of the proposed project on air quality and health risk (Impact-C-AQ-1) are analyzed in Volume II (Draft EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk), with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable. Impact-C-AQ-1 will result from project emissions generated when the new National City Bayfront and Chula Vista Bayfront Fourth of July fireworks display events occur at the same time, and, when combined with other nearby past, present, and probable future projects, would exceed the daily San Diego County SLTs for PM2.5. The contribution of project-related emissions is considered significant because the project emissions would exceed the daily threshold that has been set by SDAPCD to attain the PM2.5 NAAQS and CAAQS.

The potential significant impact on air quality and health risk (Impact-C-AQ-1) would be reduced to below significance by requiring implementation of Mitigation Measure MM-AQ-1 and further reduced by implementation of MM-AQ-2. These mitigation measures are fully set forth in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and were previously described in Section 4.1.1.

5.2 Biological Resources

5.2.1 Impact-C-BIO-1: Cumulatively Considerable Accumulation of Trash and Debris in Upland and Marine Habitats.

Potentially Significant Impact: The EIR identifies a potentially significant direct and indirect cumulative impact on biological resources (Impact C-BIO-1) due to the accumulation of trash and debris in upland and marine habitats when combined with past, present, and reasonably foreseeable future projects. Detailed information and analysis regarding this potential significant impact are provided in Volume II (Draft EIR), Section 4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources (Impact C-BIO-1) as identified in the EIR.

Facts in Support of Finding: The potential significant cumulative impact of the proposed project on biological resources (Impact C-BIO-1) is analyzed in Volume II (Draft EIR), Section 4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable. The proposed new fireworks display events have the potential to directly and indirectly contribute to a cumulatively considerable accumulation of trash and debris in upland and marine habitats when combined with past, present, and reasonably foreseeable future projects.

The potential significant impact on biological resources (Impact C-BIO-1) will be mitigated to a less-than-significant level by the implementation of Mitigation Measures MM-BIO-1 and MM-BIO-2, and reduced further by implementation of MM-BIO-4, which are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR. Mitigation Measures MM-BIO-1, MM-BIO-2, and MM-BIO-4 were previously described above in Sections 4.2.1 and 4.2.2.

5.3 Hydrology and Water Quality

5.3.1 Impact C-WQ-1: Contribute to a Cumulatively Considerable Water Quality Impact from an Accumulation of Debris.

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on hydrology and water quality (Impact C-WQ-1) associated with the proposed fireworks display events in that the events could contribute to an accumulation of fireworks debris when combined with multiple past, present, and foreseeable future fireworks display events that occur in San Diego Bay throughout the year, which could degrade surface water quality if fireworks debris is not properly recovered. Detailed information and analysis regarding this potential significant impact are provided in Volume II (Draft EIR), Section 4.6,

Hydrology and Water Quality, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on hydrology and water quality identified as Impact C-WQ-1 in the EIR; and pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potential cumulatively considerable impact of the proposed project on hydrology and water quality (Impact C-WQ-1) is analyzed in Volume II (Draft EIR), Section 4.6, *Hydrology and Water Quality*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable. Impact C-WQ-1 would occur in that events could contribute to an accumulation of fireworks debris when combined with multiple past, present, and foreseeable future fireworks display events that occur in San Diego Bay throughout the year, which could degrade surface water quality if fireworks debris is not properly recovered.

The potential cumulatively considerable impact on hydrology and water quality (Impact C-WQ-1) would be reduced by requiring implementation of Mitigation Measure MM-WQ-1. This mitigation measure is fully set forth in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR. MM-WQ-1 was previously described in Section 4.3.1.

Under the project, implementation of Mitigation Measure MM-WQ-1 would reduce the cumulatively considerable water quality impacts associated with the proposed new fireworks display events, but not below significance. Despite the incorporation of Mitigation Measure MM-WQ-1, the cumulative impact on hydrology and water quality (Impact C-WQ-1) is considered significant and unavoidable and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

5.3.2 Impact C-WQ-2: Contribute to a Cumulatively Considerable Water Quality Impact from an Accumulation of Trash and Litter.

Potentially Significant Impact: The EIR identifies a potentially significant cumulatively considerable impact on hydrology and water quality (Impact C-WQ-2) associated with the proposed fireworks display events in that new fireworks display events could contribute to an accumulation of trash and litter in San Diego Bay when combined with multiple past, present, and foreseeable future fireworks display events that occur in San Diego Bay throughout the year, which could degrade water quality. Detailed information and analysis regarding this potential significant impact are provided in Volume II (Draft EIR), Section 4.6, *Hydrology and Water Quality*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on hydrology and water quality (Impact C-WQ-2) as identified in the EIR.

Facts in Support of Finding: The potential cumulatively considerable impact of the proposed project on hydrology and water quality (Impact C-WQ-2) is analyzed in Volume II (Draft EIR), Section 4.6, *Hydrology and Water Quality*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable. Impact-C-WQ-2 would result in that new fireworks display events could contribute to an accumulation of trash and litter in San Diego Bay when combined with multiple past, present, and foreseeable future fireworks display events that occur in San Diego Bay throughout the year, which could degrade water quality.

The potential cumulatively considerable impact on hydrology and water quality (Impact-WQ-2) will be mitigated to a less-than-significant level by requiring implementation of Mitigation Measure MM-WQ-2. This mitigation measure is fully set forth in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR. MM-WQ-2 was previously described in Section 4.3.2.

6.0 FINDINGS REGARDING PROJECT ALTERNATIVES

In preparing and adopting findings, a lead agency need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating the approval of a project with significant environmental impacts. Where the significant impacts can be mitigated to a level of insignificance solely by the adoption of mitigation measures, the lead agency has no obligation in drafting its findings to consider the feasibility of environmentally superior alternatives, even if their impacts would be less severe than those of the project as mitigated. Accordingly, in adopting the findings concerning alternatives for the proposed project, the District considers only those significant environmental impacts that cannot be avoided or substantially lessened through mitigation.

Where a project will result in some unavoidable significant environmental impacts even after application of all feasible mitigation measures identified in an EIR, the lead agency must evaluate the project alternatives identified in the EIR. Under such circumstances, the lead agency must consider the feasibility of alternatives to the project that could avoid or substantially lessen the unavoidable significant environmental impacts. "Feasible" means capable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, legal, social, and technological factors (CEQA Guidelines §15364).

If there are no feasible project alternatives, the lead agency must adopt a Statement of Overriding Considerations with regard to the project pursuant to CEQA Guidelines §15093. If there is a feasible alternative to the project, the lead agency must decide whether it is environmentally superior to the proposed

project. The lead agency must consider in detail only those alternatives that could feasibly attain most of the basic objectives of the project; however, the lead agency must consider alternatives capable of eliminating significant environmental impacts even if these alternatives would impede to some degree the attainment of project objectives. (CEQA Guidelines §15126.6(f).)

These findings contrast and compare the alternatives where appropriate in order to demonstrate that the selection of the approved project has substantial environmental, planning, fiscal, and other benefits. In rejecting certain alternatives, the District has examined the project objectives and weighed the ability of the various alternatives to meet the objectives. The District believes the approved project best meets these objectives with the least environmental impact. The objectives considered by the District are set forth in Section 1.4 above and in Volume II (Draft EIR), Section 3.2, *Project Objectives*.

The EIR examined a range of reasonable alternatives to determine whether they could meet the project objectives while avoiding or substantially lessening one or more of the proposed project's unavoidable significant impacts. These findings also considered the feasibility of each alternative. In determining the feasibility of alternatives, the District considered whether the alternatives could be accomplished in a successful manner within a reasonable period of time in light of economic, environmental, social, and technological factors. (CEQA Guidelines §15126(d)(5)(A), 15364.)

The EIR concluded that the proposed project will result in unavoidable significant direct impacts on hydrology and water quality; noise and vibration; and transportation, circulation, and parking, because even though these impacts could be reduced by the mitigation measures recommended in the EIR, the District cannot state with certainty that the impacts will be reduced below significance.

Accordingly, the EIR analyzed three alternatives to the proposed project: (1) the No Project Alternative, (2) the Quiet Fireworks Display Events Alternative, and (3) the No Salute Fireworks Alternative. Detailed information and analysis concerning these alternatives are set forth in Volume II (Draft EIR), Chapter 7, *Alternatives to the Proposed Project*, of the EIR, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable.

This section of the findings summarizes these alternatives and their feasibility and effectiveness in avoiding or substantially lessening any of the unavoidable significant impacts associated with the proposed project.

6.1 Alternative 1 – No Project Alternative

The No Project Alternative is an alternative required to be evaluated by CEQA (CEQA Guidelines §15126(d)(2)). The No Project Alternative assumes that the proposed project would not be implemented. The No Project Alternative serves as the alternative to compare the effects of the proposed project and other project alternatives on the existing conditions.

Under the No Project Alternative, the proposed ordinance would not be adopted and no performance standards to regulate the environmental effects of existing fireworks display events occurring in San Diego Bay or the Imperial Beach Oceanfront would be implemented. In addition, the four proposed new fireworks display events along the National City and Chula Vista Bayfronts would not occur. However, all existing fireworks display events that require a discretionary approval by the District or are operated by the District's tenants and have obtained all necessary agency permits, such as the General Permit from SDRWQCB, would continue to occur, including but not limited to those listed in Volume II (Draft EIR), Chapter 5, *Cumulative Impacts*, Table 5-2.

The potential impacts of the No Project Alternative are discussed in detail in Volume II (Draft EIR), Chapter 7, *Alternatives to the Proposed Project* (Section 7.5.1), with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable. Because the proposed ordinance would not be adopted and the four proposed new fireworks display events along the National City and Chula Vista Bayfronts would not occur, the No Project Alternative would avoid or substantially lessen the direct significant impacts on air quality and health risk; biological resources; hydrology and water quality; noise and vibration; and transportation, circulation, and parking and the cumulative significant impacts on air quality and health risk, biological resources, and hydrology and water quality associated with the proposed project.

However, the No Project Alternative would not meet most of the project objectives because it would not include the adoption of an ordinance that would include policies, performance standards, or other requirements that could be applied to all fireworks display events requiring discretionary action by the District or are operated by the District's tenants, and would preclude obtaining the benefits described in Section 7.0 below.

The District finds that all potential significant environmental impacts of the proposed project will be mitigated by the design of the proposed project and the adoption of the mitigation measures set forth in the MMRP, except the significant direct and cumulative impacts on hydrology and water quality; noise and vibration; and transportation, circulation, and parking. The District further finds that, although the No Project Alternative would avoid or substantially lessen the potential significant direct and cumulative impacts on air quality and health risk; biological resources; hydrology and water quality; noise and vibration; and transportation, circulation, and parking, the No Project Alternative is infeasible because it would not meet the majority of the project objectives and would not provide the District and the region with any of the benefits described below in the Statement of Overriding Considerations, and thus would be undesirable from a policy standpoint. For the potential significant impacts that cannot be avoided or mitigated to a level below significance, the District adopts the Statement of Overriding Considerations in Section 7.0 below pursuant to CEQA Guidelines §15093.

6.2 Alternative 2 – Quiet Fireworks Display Events Alternative

The Quiet Fireworks Display Events Alternative would require the proposed new fireworks display events along the National City and Chula Vista Bayfronts to be quiet fireworks display events that would not exceed a noise limit of 120 A-weighted decibels (dBA).¹ For this type of fireworks display event, the pyrotechnicians design a fireworks package that relies on the quieter types of fireworks. These fireworks display events would eliminate the use of “salute” fireworks altogether (*salute* fireworks, also known as maroon fireworks, are fireworks designed to make a very loud bang, or “report,” and an intense flash of light), as well as any other fireworks that generate a loud report, and instead focus on rich color effects and tight visual choreography in order to garner similar entertainment value out of the display. Generally, fireworks used in quiet fireworks display events would include fountains, wheels, cakes (such as cassettes, comets, spinners or turbillions, colored stars, fish or bees, and falling leaves), Chinese lanterns, and lanceworks.

It is important to note that the use of these fireworks would create a quieter, but not a silent, fireworks display event. In addition, quiet fireworks display events would involve fireworks that are concentrated closer to the ground with fewer aerial shells being employed due to the loud noise that can occur during propulsion of an aerial shell. Therefore, while these fireworks display events would be in the same locations as those specified for the proposed project (as detailed in Chapter 3, *Project Description* within Volume II, Draft EIR), i.e., on barges, because quiet fireworks display events would rely on fireworks that cannot achieve the same heights or the same magnitude as traditional fireworks displays, they would not be as prominently visible and the viewing area would be smaller than that of the proposed project. The Quiet Fireworks Display Events Alternative is intended to avoid or substantially lessen the significant noise impacts of the proposed project on nearby sensitive receptors.

The potential impacts of the Quiet Fireworks Display Events Alternative are discussed in detail in Volume II (Draft EIR), Chapter 7, *Alternatives to the Proposed Project* (Section 7.5.2), with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable. The Quiet Fireworks Display Events Alternative would have slightly greater significant impacts on air quality and health risk than the proposed project, even with similar project mitigation measures. The Quiet Fireworks Display Events Alternative would reduce the proposed project’s unavoidable significant impacts on noise and vibration, as the fireworks would be quieter, and on transportation, circulation, and parking, as the overall number of spectators would be reduced; however, the impacts would not be reduced to a less-than-significant level, even with the incorporation of project mitigation measures. This alternative would not reduce or substantially avoid the unavoidable significant impact on hydrology and water quality of the proposed

¹ 120 dBA maximum impulse sound pressure level due to the fireworks break(s), as measured at a horizontal distance of 15 meters from the launch point at a height of 1 meter above the ground, using a Type 1 sound measuring device with a free-field microphone.

project, as it would result in a similar amount of fireworks-generated debris and human-generated trash, even with the incorporation of project mitigation measures.

The Quiet Fireworks Display Events Alternative would achieve some of the project objectives stated in Section 1.4 above. However, this alternative would only partially meet Objectives #2 and #3, and would also not meet Objective #4. These fireworks display events, while providing a popular and region-wide way to celebrate and express civic pride, would differ significantly from traditional fireworks display events because they would not achieve the same heights and sounds as the fireworks used in traditional Fourth of July and other celebrations. In addition, a quiet fireworks display event would be concentrated lower to the ground and, as such, it would limit the vantage points from which these events would be visible and would decrease the number of spectators that would be able to view these events.

The District finds that the Quiet Fireworks Display Events Alternative would not achieve the project objectives relating to traditional fireworks display events because they would not reach the same heights or create the same sounds as the fireworks used in traditional Fourth of July and other celebrations; would limit the vantage points from which these events would be visible; would decrease the number of spectators that would be able to view these events as stated in Objectives #2, #3, and #4; and would preclude obtaining the benefits described in Section 7.0 below related to those objectives.

The District finds that all potential significant environmental impacts of the proposed project will be mitigated by the design of the proposed project and the adoption of the mitigation measures set forth in the MMRP, except the unavoidable significant direct impacts on hydrology and water quality; noise and vibration; and transportation, circulation, and parking, and the cumulatively considerable and unavoidable impact on hydrology and water quality. The District further finds that, although the Quiet Fireworks Display Events Alternative would reduce the potential significant direct and cumulative impacts on noise and vibration and transportation, circulation, and parking, these impacts would not be reduced to a less-than-significant level. The District further finds that the Quiet Fireworks Display Events Alternative is infeasible because it would not meet the majority of the project objectives and thus would be undesirable from a policy standpoint. For the potential significant impacts that cannot be avoided or mitigated to a level below significance, the District adopts the Statement of Overriding Considerations in Section 7.0 below pursuant to CEQA Guidelines §15093.

6.3 Alternative 3 – No Salute Fireworks Alternative

Salute fireworks, which are fireworks specifically designed to create a loud bang and intense flash of light, are the loudest type of firework. The primary purpose of salute shells is to announce the beginning and end of the display and produce a loud, percussive effect. From a distance, these shells sound similar to cannon

fire when detonated. While the noise level of these fireworks varies by type, a typical linear (unweighted) peak noise level directly below a 3-inch salute exploding at its normal altitude is 140 decibels (dB). The No Salute Fireworks Alternative would have the same characteristics as all of the fireworks display events that compose the proposed project, including the same total pounds of fireworks per event (as outlined in Table 2-2 in Chapter 2, *Executive Summary*, of the Final EIR), but would prohibit the use of salute fireworks (also known as maroon fireworks) and limit the noise produced by all fireworks during fireworks display events to a maximum of 130 dB.² All other firework types, including those described above under Section 6.2, *Alternative 2 – Quiet Fireworks Display Events Alternative*, would be allowed as long as they do not exceed the 130 dB noise limit. The No Salute Fireworks Alternative is intended to avoid or substantially lessen the significant noise impacts of the proposed project on sensitive receptors.

The potential impacts of the No Salute Fireworks Alternative are discussed in detail in Volume II (Draft EIR), Chapter 7, *Alternatives to the Proposed Project* (Section 7.5.3), with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable. This alternative would reduce the significant biological resources and noise impacts of the proposed project with incorporation of similar mitigation. The No Salute Fireworks Alternative would result in similar significant and unavoidable impacts (even after mitigation) associated with hydrology and water quality and transportation, circulation, and parking.

The No Salute Fireworks Alternative would achieve several of the project objectives. However, the No Salute Fireworks Alternative would not achieve Objective #2 and only partially achieve Objective #3 set forth in Section 1.4 above. The No Salute Fireworks Alternative would include adoption of an ordinance that would establish policies, performance standards, or other requirements that would be applied to fireworks display events; it would allow for the continued occurrence of existing and future occurrence of proposed new traditional fireworks display events in and around San Diego Bay and near the Imperial Beach Oceanfront in a manner that considers the health, safety, and welfare of people, property, and the environment, albeit at a slightly reduced intensity; and it would continue to enhance the visitor-serving experience of viewing fireworks display events from various vantage points around District tidelands.

The District finds that the No Salute Fireworks Alternative would not achieve the fundamental project objectives relating to loud sounds associated with fireworks used in traditional Fourth of July and other celebrations, which provide a popular and region-wide way to celebrate and express civic pride. The fireworks display events proposed in this alternative generally would differ significantly from traditional fireworks display events because they would not achieve all of the

² 130 dB linear (unweighted) peak sound pressure level due to the firework break(s), as measured at a horizontal distance of 15 meters from the launch point at a height of 1 meter above the ground, using a Type 1 sound measuring device with a free-field microphone.

same loud sounds associated with fireworks used in traditional Fourth of July and other celebrations. Therefore, this alternative would not meet Objectives #2 and #3 (partially) to allow for the continued occurrence of traditional fireworks display events in and around San Diego Bay and the Pacific Ocean near Imperial Beach that require a discretionary action by the District, including on the Fourth of July, all of which provide a popular and region-wide way to celebrate and express civic pride.

The District finds that all potential significant environmental impacts of the project will be mitigated by the design of the proposed project and the adoption of the mitigation measures set forth in the MMRP, except the proposed project's direct significant impacts on hydrology and water quality; noise and vibration; and transportation, circulation, and parking. The District further finds that the No Salute Fireworks Alternative would not avoid any significant traffic impact of the proposed project, but would slightly reduce the proposed project's significant impacts on biological resources and would slightly lessen the proposed project's unavoidable significant impact on noise and vibration.

Although it is environmentally superior to the proposed project, the District finds that the No Salute Fireworks Alternative is infeasible for policy reasons because it would not attain several fundamental project objectives and would not provide the District and the region with all of the benefits described in Section 7.0 below, and thus would be undesirable from a policy standpoint. For the unavoidable significant impacts that cannot be avoided or substantially lessened, therefore, the District adopts the Statement of Overriding Considerations in Section 7.0 below pursuant to CEQA Guidelines §15093.

7.0 STATEMENT OF OVERRIDING CONSIDERATIONS

The proposed project would have significant unavoidable environmental impacts on the following areas, which are described in detail in Volume II (Draft EIR), Chapter 4, *Environmental Impacts*, and Chapter 5, *Cumulative Impacts*, with revisions and clarifications in Final EIR Chapter 3, *Errata and Revisions*, if applicable:

- Direct impacts on hydrology and water quality; noise and vibration; and transportation, circulation, and parking; and
- Cumulative impacts on hydrology and water quality.

The District analyzed a reasonable range of alternatives to the proposed project, including the No Project Alternative, the Quiet Fireworks Display Events Alternative, and the No Salute Fireworks Alternative. Based on the evidence contained in the EIR and presented during the administrative proceedings, the District determined that the proposed project would meet the fundamental objectives and is feasible. Therefore, the Board of Port Commissioners of the District has adopted the proposed project.

Notwithstanding the District's approval, the approved project would have unavoidable significant impacts. Pursuant to CEQA Guidelines §§15043 and

15093, therefore, the District must adopt a Statement of Overriding Considerations in order to approve the proposed project. A Statement of Overriding Considerations allows a lead agency to determine that specific economic, social, or other expected benefits of a project outweigh its potential unavoidable significant environmental risks. Although the District has no obligation under CEQA to adopt a Statement of Overriding Considerations for significant impacts that will be mitigated to a level below significance, the District wishes to make clear its determination that the benefits of the approved project described below are of such importance to the community and the region as to outweigh all significant adverse impacts described in the EIR or suggested by participants in the public review process.

Pursuant to CEQA Guidelines §15093, the District hereby finds that the proposed project would have the following benefits and that each of the following benefits is sufficient, on its own, to justify adoption of the proposed project:

- The proposed project will advance the goal articulated in the Port's mission statement that provides: "While protecting the Tidelands Trust resources, the District will balance economic benefits, community services, environmental stewardship, and public safety on behalf of the citizens of California." The proposed project meets all aspects of the Port's mission statement, as further described below.
- The proposed project will result in economic benefits in the form of increased business and tax revenue and indirectly result in increased patronage of surrounding businesses. It is anticipated that two proposed new Fourth of July fireworks display events that would occur under the proposed project would attract visitors from around the San Diego region to cities, communities, and neighborhoods that provide viewing opportunities for the fireworks display events and result in increased income for local businesses as well as increased sales tax revenue for the local governments of all neighboring cities. The proposed project would indirectly stimulate additional economic growth through increased patronage of surrounding businesses.
- The Port is charged with implementation of the Public Trust Doctrine and facilitates access to the San Diego Bay for all Californians. The fireworks display events are consistent with that core mission as they provide a community service that is open to all residents and visitors to the waterfront, are free to view, and provide an opportunity for the community interaction and a popular and region-wide way to celebrate and express civic pride.
- The project consists of an ordinance that would include performance standards to regulate the environmental effects of the existing and proposed new fireworks display events that occur within San Diego Bay and the Imperial Beach Oceanfront that require a discretionary action by the District or that are operated by the District's tenants. The ordinance

provides several measures for environmental stewardship, as further detailed below.

- The ordinance includes strategies for transportation during fireworks events, which will support public safety. For all Fourth of July fireworks display events and for non-Fourth of July fireworks display events that are advertised to the public, the fireworks organizer will implement an Event Transportation and Parking Management Plan designed to ensure safe and convenient access to public viewing areas while limiting conflicts between transportation modes and reducing impacts on surrounding transportation facilities to the maximum extent feasible.
- Concerning environmental stewardship, the proposed ordinance includes several conditions pertaining to limiting emissions related to air quality. The proposed ordinance limits delivery truck idling to 3 minutes and encourages the use of alternative fireworks produced with pyrotechnic formulas that replace perchlorate with other oxidizers and propellants that burn cleaner and produce less smoke. Furthermore, the proposed ordinance requires a reduction in the total amount of copper allowed in fireworks used for the Big Bay Boom event. The conditions of the proposed ordinance would ensure that emissions from existing fireworks display events are effectively reduced. As such, compliance with the proposed ordinance would improve existing conditions associated with current recurring fireworks display events.
- The proposed ordinance contains several conditions of approval that would reduce potential impacts on the biological resources of San Diego Bay and the Imperial Beach Oceanfront. The proposed ordinance requires implementation of post-display clean-up practices consistent with the requirements of SDRWQCB's General Permit, removal of fireworks packaging, implementation of best management practices, and a reduction in the amount of non-biodegradable fireworks components that can be used. The proposed ordinance also includes a condition of approval that would require the fireworks organizer, with the assistance of the fireworks operator, to prepare and implement a comprehensive Fireworks Best Management Practices Plan for each fireworks display event consistent with the requirements of SDRWQCB's General Permit. These conditions would require additional clean-up of fireworks-generated trash and debris from existing fireworks display events and that the use of non-biodegradable fireworks components is limited, thereby ensuring that green sea turtles and sensitive avian species are not injured by mistakenly consuming waste materials.
- The proposed ordinance contains several conditions of approval that would reduce potential impacts on the water quality of San Diego Bay and the Imperial Beach Oceanfront. The proposed ordinance requires the use of alternative fireworks that replace perchlorate with other oxidizers and propellants that burn cleaner, produce less smoke, and reduce pollutant

waste; removal of packaging; inclusion of biodegradable inner components; implementation of BMPs; compliance with SDRWQCB's General Permit requirements and other required permits; and implementation of post-display cleanup practices consistent with the requirements of SDRWQCB's General Permit. These conditions would require additional clean-up of fireworks-generated debris from existing fireworks display events, thereby reducing the potential for water quality degradation.

- The proposed ordinance contains several conditions of approval intended to limit noise impacts on sensitive biological resources. These conditions would require the fireworks display events that occur during the nesting season to either be located not less than 1 mile from any federally or state-listed avian species nesting colony unless the maximum shell size used in the event is limited to 8 inches and avoid the use of salutes within the first quarter of a fireworks display event. It is not anticipated that any of the existing fireworks display events launch locations would be moved as a result of the ordinance. As a result, the noise levels from existing fireworks display events would remain largely unchanged except for potential abatement (reduction) that would occur as a result of limiting shell sizes and salutes.
- The proposed project would allow the continuation of a Fourth of July celebration and pride in the freedom of America with traditional fireworks as emblematic of the events of that freedom as enshrined in the national anthem.

The District has weighed the benefits of the proposed project against its potential unavoidable significant environmental risks in determining whether to adopt it as the approved project. After balancing the specific economic, legal, social, technological, and other benefits of the project, the Board of Port Commissioners has determined that the specific benefits identified above outweigh the significant unavoidable environmental impacts of the project. Each of the benefits and the fulfillment of the objectives of the approved project, as stated herein, is determined to be a separate and independent basis for overriding the unavoidable significant environmental impacts identified above. For the foregoing reasons, therefore, the District finds that the proposed project's potential significant unavoidable environmental impacts are outweighed by the benefits described above.

Exhibit B to Resolution No. 2017-075
Attachment B

Chapter MMRP
Mitigation Monitoring and Reporting Program

MMRP.1 Purpose

The purpose of this Mitigation Monitoring and Reporting Program (MMRP) is to ensure that the San Diego Bay and Imperial Beach Oceanfront Fireworks Display Events project implements mitigation measures for significant environmental effects, as required by the Final Environmental Impact Report (EIR) for the proposed project. Those mitigation measures have been integrated into this MMRP. The MMRP provides a mechanism for monitoring the mitigation measures in compliance with the EIR, and general guidelines for the use and implementation of the monitoring program are described below.

This MMRP is written in accordance with California Public Resources Code 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. California Public Resources Code Section 21081.6 requires the Lead Agency, for each project that is subject to CEQA, to adopt a reporting or monitoring program for changes made to the project, or conditions of approval, adopted in order to mitigate or avoid significant effects on the environment and to monitor performance of the mitigation measures included in any environmental document to ensure that implementation takes place. The San Diego Unified Port District (District) is the designated Lead Agency for the MMRP. The Lead Agency is responsible for review of all monitoring reports, enforcement actions, and document disposition. The Lead Agency will rely on information provided by a monitor as accurate and up to date and will field check mitigation measure status as required.

The District may modify how it will implement a mitigation measure, as long as the alternative means of implementing the mitigation still achieve the same or greater impact reduction. Copies of the measures shall be distributed to the participants of the monitoring effort to ensure that all parties involved have a clear understanding of the adopted mitigation measures and monitoring requirements.

MMRP.2 Format

Mitigation measures applicable to the proposed project include avoiding certain impacts altogether, minimizing impacts by limiting the degree or magnitude of the action and its implementation, and/or requiring supplemental structural controls. Within this document, approval mitigation measures are organized and referenced by subject category. Each of the mitigation measures has a numerical reference. The following items are identified for each mitigation measure.

- Mitigation Language and Numbering
- Mitigation Timing
- Methods for Monitoring and Reporting
- Responsible Parties

MMRP.2.1 Mitigation Language and Numbering

Provides the language of the mitigation measure in its entirety along with a corresponding number for identification.

MMRP.2.2 Mitigation Timing

The mitigation measures required for the project will be implemented at various times, including prior to the issuance of a fireworks permit, prior to each fireworks display event, during each fireworks display event, or following each fireworks display event.

MMRP.2.3 Methods for Monitoring and Reporting

The MMRP includes the procedures for documenting and reporting mitigation implementation efforts. The party responsible for implementing each of the mitigation measures varies. The District is responsible for all mitigation monitoring and reporting.

MMRP.2.4 Responsible Parties

For each mitigation measure, the party responsible for implementation, monitoring and reporting, and verifying successful completion of the mitigation measure is identified.

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measures	Timing and Methods	Responsible Parties
Air Quality and Health Risk		
<p>MM-AQ-1: Limit the Size of Overlapping New Fireworks Display Events in Compliance with the Conditions of the Proposed Ordinance. The fireworks organizer and operator are required to comply with the following air quality-related conditions of the proposed ordinance. Section X.07 – Permits – Conditions of Approval (c) Size of Fireworks Display Events. D. National City Fourth of July, not to exceed 400 pounds of fireworks E. Chula Vista Fourth of July, not to exceed 400 pounds of fireworks</p>	<p>Timing: Prior to issuance of a fireworks permit Method: Implement conditions of approval per Fireworks Display Ordinance</p>	<p>Implementation: Fireworks Organizer and Fireworks Operator Monitoring and Reporting: Fireworks Organizer, Fireworks Operator Verification: District</p>
<p>MM-AQ-2: Implementation of Air Quality-Related Conditions of the Proposed Ordinance. The fireworks organizer and operator are required to comply with the following air quality-related conditions of the proposed ordinance. Section X.07 – Permits – Conditions of Approval (f) Best Management Practices (BMPs). Fireworks display events shall implement the following BMPs for fireworks display event preparation, discharge and clean-up: 1. Fireworks display events on barges shall be set up at a loading facility in accordance with the requirements and under the supervision of the municipal fire department with jurisdiction over the event. Barges shall be inspected for leaks and other potential safety issues. Idling time for delivery trucks and loading equipment shall not exceed three (3) minutes and all such trucks and equipment shall be shut down when not in use. (d) Fireworks Chemical Composition and Packaging. 1. Chemical Composition. B. All fireworks display events shall use alternative fireworks produced with pyrotechnic formulas which replace perchlorate with other oxidizers and propellants</p>	<p>Timing: Prior to and during each fireworks display event Method: Implement conditions of approval per Fireworks Display Ordinance</p>	<p>Implementation: Fireworks Organizer and Fireworks Operator Monitoring and Reporting: Fireworks Organizer, Fireworks Operator Verification: District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>that burn cleaner, produce less smoke and reduce pollutant waste loading to surface waters, unless the Applicant establishes in writing and to the satisfaction of the Executive Director that such alternative fireworks are not commercially available.</p>		
Biological Resources		
<p>MM-BIO-1: Implementation of Biological Resources-Related Conditions of the Proposed Ordinance for Direct Impacts. The fireworks organizer and operator are required to comply with the following biological resources-related conditions of the proposed ordinance.</p> <p>Section X.07 – Permits – Conditions of Approval</p> <p>(d) Fireworks Chemical Composition and Packaging.</p> <ol style="list-style-type: none"> 2. Packaging. <ol style="list-style-type: none"> A. Prior to commencement of a fireworks display event, the fireworks operator shall remove and properly dispose of all packaging, wrapping and labels (excluding labels mandated by State or Federal laws) from all fireworks to be used in the event. B. Fireworks that include a plastic outer casing or non-biodegradable inner components that make up more than five (5) percent of the mass of the shell or device are prohibited. <p>(f) Best Management Practices (BMPs). Fireworks display events shall implement the following BMPs for fireworks display event preparation, discharge and clean-up:</p> <ol style="list-style-type: none"> 1. Fireworks display events on barges shall be set up at a loading facility in accordance with the requirements and under the supervision of the municipal fire department with jurisdiction over the event. Barges shall be inspected for leaks and other potential safety issues. Idling time for delivery trucks and loading equipment shall not exceed three (3) minutes and all such trucks and equipment shall be shut down when not in use. 2. Fireworks shall be brought to the barge and loaded in their California Department of Transportation (DOT)-approved 	<p>Timing: Prior to issuance of a fireworks permit, prior to, during, and following each fireworks display event</p> <p>Method: Implement conditions of approval per Fireworks Display Ordinance</p>	<p>Implementation: Fireworks Organizer and Fireworks Operator</p> <p>Monitoring and Reporting: Fireworks Organizer, Fireworks Operator</p> <p>Verification: District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>shipping cartons. Fireworks shall be encased in paper to prevent spillage of loose compounds. All packaging material and debris, including fuses, wires, shipping cartons and other wrapping, shall be properly disposed of in trash receptacles as the fireworks display event is set up. Unless prohibited by the municipal fire marshal with jurisdiction over the fireworks display event, barges shall be equipped with a fire-retardant debris barrier that extends six feet (6') in height, with openings no larger than ¼ inch, around the perimeter of the fireworks launch area to contain debris.</p> <ol style="list-style-type: none"> 3. Wires from the electric match placed in the Fireworks fuse shall be secured to avoid strain (such as wrapped around nails that are on the racks, tied to the racks, or tied to the mortar) to prevent wires from being pulled out and falling into the water. Wire cables connected to computer firing equipment modules shall also be properly secured to ensure they remain on the barge during the fireworks display event. 4. Once the fireworks are prepared for launch, all trash and debris shall be removed from the barge while it is at the loading facility and prior to the barge being moved into position. No loose material shall be allowed on the barges during the fireworks display event. 5. Following the fireworks display event and upon expiration of any safety period required by the municipal fire marshal with jurisdiction over the fireworks display event, the fireworks operator shall pick up all loose material on the barge, including all trash and debris resulting from the discharge of the fireworks, to prevent it from being discharged into the water while the barge is underway. 6. Upon return to the loading facility, the fireworks operator shall clean the barge of all fireworks related material and shall photograph and properly dispose of all fireworks trash and debris. Unexploded fireworks and related components shall be collected and disposed of by the fireworks operator in accordance with all applicable regulations. Fireworks operators shall photograph the barge prior to and after cleaning. 		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>7. Following the fireworks display event and upon expiration of any safety period required by the municipal fire marshal with jurisdiction over the event, the fireworks organizer shall provide cleanup crews and boats to conduct sweeps of the fireworks detonation zone to gather any floating debris from spent fireworks using hand held fishnets, pool skimmers, or other similar equipment.</p> <p>8. The morning after the fireworks display event, the fireworks organizer shall conduct another sweep of the fireworks detonation zone and quays, piers and docks adjacent to the fireworks detonation zone to remove fireworks trash and debris. The fireworks organizer shall collect, bag, weigh and photograph all trash and debris collected prior to its disposal.</p> <p>9. The morning after the fireworks display event, the fireworks organizer shall perform a cleanup of the shoreline using crews of not fewer than five persons per barge on the shoreline adjacent to each barge location. Each crew member shall be equipped with trash bags and a trash grabber. The fireworks organizer shall collect, bag, weigh, and photograph all trash and debris collected prior to its disposal.</p> <p>10. Within ten (10) business days after a fireworks display event, the fireworks organizer shall provide the Executive Director with the photographs and written evidence of the weight of the fireworks trash and debris collected pursuant to subdivisions (5) through (9) above. If the weight of the fireworks trash and debris collected is less than fifty percent (50 percent) of the net weight of fireworks launched during the fireworks display event, the fireworks organizer shall offset the remaining amount by providing a crew of not fewer than two (2) persons for each barge or other launch site used in the fireworks display event to participate in the next scheduled "Operation Clean Sweep" or other District-sponsored clean-up event prior to the end of the calendar year to recover trash and debris from San Diego Bay and/or the Imperial Beach Oceanfront.</p> <p>(i) Compliance with San Diego Water Board General Permit.</p> <p>1. Prior to the Executive Director's issuance of a permit</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>pursuant to this article, the Applicant shall demonstrate that it has applied for coverage and has been enrolled under the San Diego Water Board General Permit.</p> <ol style="list-style-type: none"> 2. The Applicant shall comply with all applicable terms, conditions and Best Management Practices required by the San Diego Water Board General Permit, which shall be incorporated into and considered in the terms, conditions and Best Management Practices of any permit issued by the Executive Director pursuant to this article. 3. The Applicant shall submit to the District copies of all applications, plans, reports and other documentation required by the San Diego Water Board General Permit, including without limitation the Notice of Intent, Fireworks Best Management Practices Plan, Public Fireworks Display Log and the Public Display of Fireworks Post Event Report, within the time required for the submission of such reports to the San Diego Water Board. <p>(j) Compliance with Other Required Permits: Prior to the Executive Director's issuance of a Permit pursuant to this article, the Applicant shall demonstrate that it has obtained and shall comply with all other permits and approvals required by federal, state and local laws and regulations including, without limitation, such permits and approvals as are required by the United States Coast Guard, California Coastal Act, the District Code, including Article 10 (Stormwater Management and Discharge Control), and the fire marshal of any city which has jurisdiction over all or any part of the activity allowed under said Permit.</p> <p>(k) Compliance with Laws: The Applicant shall comply with any and all applicable rules and regulations promulgated by the District, including without limitation the District Code, the Chula Vista Bayfront Master Plan Settlement Agreement and Natural Resources Management Plan, and with the laws, rules and regulations of the United States of America and the State of California, and of any department or agency thereof, and with the applicable ordinances, rules and regulations of any city which has jurisdiction over all or any part of the activity allowed under said Permit. The Applicant's failure to comply with any applicable law,</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>ordinance, rule or regulation shall be cause for immediate revocation of said permit and for the denial of applications for future Permits.</p>		
<p>MM-BIO-2: Implementation of Biological Resources-Related Conditions of the Proposed Ordinance for Indirect Impacts. The fireworks organizer and operator are required to comply with the following biological resources-related condition of the proposed ordinance. Section X.07 – Permits – Conditions of Approval (e) Protection of Species and Habitat. The following conditions shall apply to fireworks display events that occur between February 15 and September 15 (i.e., avian breeding season) and are located less than one (1) mile from any federally or state-listed avian species nesting colonies:</p> <ol style="list-style-type: none"> 3. Security. For fireworks display events with public viewing areas (i.e., parks, promenades, publicly accessible piers, and other similar facilities) that occur within one-half mile of unprotected (i.e., unfenced) federally or state-listed nesting colonies or habitat areas, the fireworks organizer shall provide a minimum of two professional security guards to direct persons away from and to discourage trespass into sensitive nesting areas or habitat during such displays. In addition, the fireworks organizer shall provide security patrols of the water area to enforce the existing restrictions on access to unauthorized areas during such fireworks display events in the South Bay. 4. Signage. For fireworks display events with public viewing areas (i.e., parks, promenades, publicly accessible piers, and other similar facilities) that occur within one half-mile of nesting colonies or habitat areas for federally or state-listed species, the fireworks organizer, in cooperation with the District, shall post temporary signage along primary access points to sensitive nesting colonies and habitat areas to identify safe viewing locations, to educate visitors on locations of sensitive wildlife habitats, to prevent viewers from trespassing into sensitive areas and to encourage appropriate viewing behavior. 	<p>Timing: Prior to, during, and following each fireworks display event</p> <p>Method: Implement conditions of approval per Fireworks Display Ordinance</p>	<p>Implementation: District, Fireworks Organizer, Fireworks Operator</p> <p>Monitoring and Reporting: Fireworks Organizer, Fireworks Operator</p> <p>Verification: District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>5. Education. Beginning not less than seven (7) days before fireworks display events with public viewing areas (i.e., parks, promenades, publicly accessible piers, and other similar facilities) located within one-half mile of federally or state-listed nesting colonies or habitat areas, the fireworks organizer shall implement a public education program using daily announcements on social media, press releases, and information posted at parks, boat launch facilities, marinas, yacht clubs and other viewing locations, to educate potential viewers regarding appropriate viewing and boat docking areas, to discourage trespass into sensitive wildlife habitat, and to remind viewers of appropriate viewing behavior in and near sensitive nesting colonies and habitat areas (e.g., appropriate disposal of trash, prevention of illegal fireworks, and safe boating procedures).</p> <p>(f) Best Management Practices (BMPs). Fireworks display events shall implement the following BMPs for fireworks display event preparation, discharge and clean-up:</p> <p>11. For all Fourth of July fireworks display events and for Non-Fourth of July fireworks display events which are advertised to the public, the fireworks organizer shall double the number of trash receptacles at major viewing areas prior to each fireworks display event; trashcans shall be emptied and parks and viewing areas shall be cleaned following the event.</p>		
<p>MM-BIO-3: Implementation of the Biological Resources-Related Conditions of the Proposed Ordinance for Direct Eelgrass Impacts. The fireworks organizer and operator are required to comply with the following biological resources-related conditions of the proposed ordinance.</p> <p>Section X.07 – Permits – Conditions of Approval</p> <p>(g) Eelgrass Avoidance and Mitigation. For fireworks display events with launching sites located in shallow water with the potential for eelgrass to occur, fireworks barges shall be held in place by tugboats and shall not require temporary moorings. To the extent practicable, barges shall be located in unvegetated deep water channels outside of eelgrass beds. Pre-event and post-event eelgrass surveys shall be completed to identify the distribution of</p>	<p>Timing: Prior to, during, and following each fireworks display event</p> <p>Method: Implement conditions of approval per Fireworks Display Ordinance</p>	<p>Implementation: Fireworks Organizer, Fireworks Operator</p> <p>Monitoring and Reporting: Qualified agent, approved by the District, Fireworks Organizer, Fireworks Operator</p> <p>Verification: District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>eelgrass to assist tug operators and to assess any impacts to eelgrass that may occur. Through a pre-event training, tug operators shall be made aware of shallow eelgrass and instructed not to use high thrust in the vicinity of eelgrass beds. If an unanticipated impact to eelgrass occurs, this impact shall be mitigated by replacing the eelgrass at a ratio determined by the California Eelgrass Mitigation Policy.</p>		
<p>MM-BIO-4: Fireworks Biological Monitoring Plan. Not less than 30 days before any fireworks display event in the South Bay that would occur within 1 mile of sensitive avian nesting colonies, the fireworks organizer shall submit to the District an Avian Species Nesting Colony Monitoring Plan (Monitoring Plan). The Monitoring Plan shall be prepared by a qualified biologist and approved by the District in coordination with USFWS and CDFW. A qualified biologist is a person who, by reason of his or her knowledge of the natural sciences and the principles of wildlife biology, acquired by education and experience. The Monitoring Plan shall identify the monitoring protocol that will be used to assess the effectiveness of mitigation measures MM-BIO-1 and MM-BIO-2 and shall, at a minimum, include the following:</p> <ol style="list-style-type: none"> 1. A literature review which refines the proposed methodology. 2. A list of target species identified for each individual event based on the season of the event, proximity of the event to nesting colonies, sensitivity of species, and capacity for the fireworks display event to cause species disturbance/effects. 3. Species behavior and noise data shall be collected at least 1 hour prior to, during, and 1 hour after the fireworks display event. 4. Documentation of the following data: <ol style="list-style-type: none"> a. Site location, name of monitor, date and time of observations b. Number of adults, nests, and chicks observed within one-half mile of spectator viewing areas c. Sources of stressors (e.g., light, noise, trespass, debris) d. Unauthorized access within nesting colonies e. Counts of illegal pyrotechnics <p>Within 30 days following the completion of the fireworks display event, the qualified biologist shall prepare a Monitoring Report for submittal to the District that details the findings of the monitoring</p>	<p>Timing: A minimum of 30 days prior to, during, and within 30 days following each fireworks display event</p> <p>Method: Prepare a Monitoring Plan for fireworks display events in the South Bay that would occur within 1 mile of sensitive nesting colonies, conduct biological monitoring, and prepare a Monitoring Report documenting the results of the biological monitoring.</p>	<p>Implementation: Fireworks Organizer</p> <p>Monitoring and Reporting: Qualified agent, approved by the District, Fireworks Organizer</p> <p>Verification: District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>results. This report shall include background/introduction, methods, results, discussion, and recommendations sections. The District shall provide a copy of the report to the USFWS and CDFW and shall coordinate with these agencies regarding the results and recommendations of the report. Based on the review of the reports for two consecutive years of monitoring, the District, in coordination with these agencies, shall determine whether continued monitoring is required.</p>		
<p>Hydrology and Water Quality</p>		
<p>MM-WQ-1: Implementation of Water Quality-Related Conditions of the Proposed Ordinance for Fireworks Debris. The fireworks organizer and operator are required to comply with the following water quality-related conditions of the proposed ordinance.</p> <p>Section X.07 – Permits – Conditions of Approval</p> <p>(d) Fireworks Chemical Composition and Packaging.</p> <ol style="list-style-type: none"> 1. Chemical Composition. <ol style="list-style-type: none"> B. All fireworks display events shall use alternative fireworks produced with pyrotechnic formulas which replace perchlorate with other oxidizers and propellants that burn cleaner, produce less smoke and reduce pollutant waste loading to surface waters, unless the Applicant establishes in writing and to the satisfaction of the Executive Director that such alternative fireworks are not commercially available. 2. Packaging. <ol style="list-style-type: none"> A. Prior to commencement of a fireworks display event, the fireworks operator shall remove and properly dispose of all packaging, wrapping and labels (excluding labels mandated by State or Federal laws) from all fireworks to be used in the event. B. Fireworks that include a plastic outer casing or non-biodegradable inner components that make up more than five (5) percent of the mass of the shell or device are prohibited. <p>(f) Best Management Practices (BMPs). Fireworks display events shall implement the following BMPs for fireworks display event</p>	<p>Timing: Prior to issuance of a fireworks permit, prior to, during, and following each fireworks display event</p> <p>Method: Implement conditions of approval per Fireworks Display Ordinance</p>	<p>Implementation: Fireworks Organizer and Fireworks Operator</p> <p>Monitoring and Reporting: Fireworks Organizer, Fireworks Operator</p> <p>Verification: District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>preparation, discharge and clean-up:</p> <ol style="list-style-type: none"> 1. Fireworks display events on barges shall be set up at a loading facility in accordance with the requirements and under the supervision of the municipal fire department with jurisdiction over the event. Barges shall be inspected for leaks and other potential safety issues. Idling time for delivery trucks and loading equipment shall not exceed three (3) minutes and all such trucks and equipment shall be shut down when not in use. 2. Fireworks shall be brought to the barge and loaded in their California Department of Transportation (DOT)-approved shipping cartons. Fireworks shall be encased in paper to prevent spillage of loose compounds. All packaging material and debris, including fuses, wires, shipping cartons and other wrapping, shall be properly disposed of in trash receptacles as the fireworks display event is set up. Unless prohibited by the municipal fire marshal with jurisdiction over the fireworks display event, barges shall be equipped with a fire-retardant debris barrier that extends six feet (6') in height, with openings no larger than ¼ inch, around the perimeter of the Fireworks launch area to contain debris. 3. Wires from the electric match placed in the fireworks fuse shall be secured to avoid strain (such as wrapped around nails that are on the racks, tied to the racks, or tied to the mortar) to prevent wires from being pulled out and falling into the water. Wire cables connected to computer firing equipment modules shall also be properly secured to ensure they remain on the barge during the fireworks display event. 4. Once the fireworks are prepared for launch, all trash and debris shall be removed from the barge while it is at the loading facility and prior to the barge being moved into position. No loose material shall be allowed on the barges during the fireworks display event. 5. Following the fireworks display event and upon expiration of any safety period required by the municipal fire marshal with jurisdiction over the fireworks display event, the fireworks operator shall pick up all loose material on the barge, 		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>including all trash and debris resulting from the discharge of the fireworks, to prevent it from being discharged into the water while the barge is underway.</p> <ol style="list-style-type: none"> <li data-bbox="296 370 978 589">6. Upon return to the loading facility, the fireworks operator shall clean the barge of all fireworks related material and shall photograph and properly dispose of all fireworks trash and debris. Unexploded fireworks and related components shall be collected and disposed of by the fireworks operator in accordance with all applicable regulations. Fireworks operators shall photograph the barge prior to and after cleaning. <li data-bbox="296 602 989 800">7. Following the fireworks display event and upon expiration of any safety period required by the municipal fire marshal with jurisdiction over the event, the fireworks organizer shall provide cleanup crews and boats to conduct sweeps of the fireworks detonation zone to gather any floating debris from spent fireworks using hand held fishnets, pool skimmers, or other similar equipment. <li data-bbox="296 813 989 979">8. The morning after the fireworks display event, the fireworks organizer shall conduct another sweep of the fireworks detonation zone and quays, piers and docks adjacent to the fireworks detonation zone to remove fireworks trash and debris. The fireworks organizer shall collect, bag, weigh and photograph all trash and debris collected prior to its disposal. <li data-bbox="296 992 989 1182">9. The morning after the fireworks display event, the fireworks organizer shall perform a cleanup of the shoreline using crews of not fewer than five persons per barge on the shoreline adjacent to each barge location. Each crew member shall be equipped with trash bags and a trash grabber. The fireworks organizer shall collect, bag, weigh, and photograph all trash and debris collected prior to its disposal. <li data-bbox="296 1195 989 1349">10. Within ten (10) business days after a fireworks display event, the fireworks organizer shall provide the Executive Director with the photographs and written evidence of the weight of the Fireworks trash and debris collected pursuant to subdivisions (5) through (9) above. If the dry weight of the fireworks trash and debris collected is less than fifty percent 		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>(50 percent) of the net weight of fireworks launched during the fireworks display event, the fireworks organizer shall offset the remaining amount by providing a crew of not fewer than two (2) persons for each barge or other launch site used in the fireworks display event to participate in the next scheduled "Operation Clean Sweep" or other District-sponsored clean-up event prior to the end of the calendar year to recover trash and debris from San Diego Bay and/or the Imperial Beach Oceanfront.</p> <p>(i) Compliance with San Diego Water Board General Permit.</p> <ol style="list-style-type: none"> 1. Prior to the Executive Director's issuance of a permit pursuant to this article, the Applicant shall demonstrate that it has applied for coverage and has been enrolled under the San Diego Water Board General Permit. 2. The Applicant shall comply with all applicable terms, conditions and Best Management Practices required by the San Diego Water Board General Permit, which shall be incorporated into and considered in the terms, conditions and Best Management Practices of any permit issued by the Executive Director pursuant to this article. 3. The Applicant shall submit to the District copies of all applications, plans, reports and other documentation required by the San Diego Water Board General Permit, including without limitation the Notice of Intent, Fireworks Best Management Practices Plan, Public Fireworks Display Log and the Public Display of Fireworks Post Event Report, within the time required for the submission of such reports to the San Diego Water Board. <p>(i) Compliance with Other Required Permits: Prior to the Executive Director's issuance of a Permit pursuant to this article, the Applicant shall demonstrate that it has obtained and shall comply with all other permits and approvals required by federal, state and local laws and regulations including, without limitation, such permits and approvals as are required by the United States Coast Guard, California Coastal Act, the District Code, including Article 10 (Stormwater Management and Discharge Control), and the fire marshal of any city which has jurisdiction over all or any part of</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>the activity allowed under said Permit.</p> <p>(j) Compliance with Laws: The Applicant shall comply with any and all applicable rules and regulations promulgated by the District, including without limitation the District Code, the Chula Vista Bayfront Master Plan Settlement Agreement and Natural Resources Management Plan, and with the laws, rules and regulations of the United States of America and the State of California, and of any department or agency thereof, and with the applicable ordinances, rules and regulations of any city which has jurisdiction over all or any part of the activity allowed under said Permit. The Applicant's failure to comply with any applicable law, ordinance, rule or regulation shall be cause for immediate revocation of said permit and for the denial of applications for future Permits.</p>		
<p>MM-WQ-2: Implementation of Water Quality-Related Conditions of the Proposed Ordinance for Human-Generated Trash and Litter. The fireworks organizer and operator are required to comply with the following water quality-related condition of the proposed ordinance.</p> <p>Section X.07 – Permits – Conditions of Approval</p> <p>(f) Best Management Practices. Fireworks display events shall implement the following BMPs for fireworks display event preparation, discharge and clean-up:</p> <p>11. For all Fourth of July fireworks display events and for Non-Fourth of July fireworks display events which are advertised to the public, the fireworks organizer shall double the number of trash receptacles at major viewing areas prior to each fireworks display event; trashcans shall be emptied and parks and viewing areas shall be cleaned following the event.</p>	<p>Timing: Prior to and following each fireworks display event</p> <p>Method: Implement conditions of approval per Fireworks Display Ordinance</p>	<p>Implementation: Fireworks Organizer and Fireworks Operator</p> <p>Monitoring and Reporting: Fireworks Organizer, Fireworks Operator</p> <p>Verification: District</p>
Noise and Vibration		
<p>MM-NOI-1: Implementation of Noise-Related Conditions of the Proposed Ordinance. The fireworks organizer and operator are required to comply with the following noise related conditions of the proposed ordinance.</p> <p>Section X.07 – Permits – Conditions of Approval</p> <p>(e) Protection of Sensitive Species and Habitat. The following</p>	<p>Timing: During each fireworks display event</p> <p>Method: Implement conditions of approval per Fireworks Display Ordinance</p>	<p>Implementation: Fireworks Organizer and Fireworks Operator</p> <p>Monitoring and Reporting: Fireworks Organizer, Fireworks</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>conditions shall apply to Fireworks Display Events that occur between February 15 and September 15 (i.e., avian breeding season) and are located less than one (1) mile from any federally or state-listed avian species nesting colonies:</p> <ol style="list-style-type: none"> 1. Location. Fireworks display events shall be located not less than one (1) mile from any federally or state-listed avian species nesting colony unless the maximum size of shells used in the event is limited to eight (8) inches. 2. Salutes. Fireworks display events shall not use concussion type, non-color shells such as “salutes” or “reports” during the initial twenty-five percent (25 percent) of the duration of any display (e.g., within the first 5 minutes of a 20-minute display). 		<p>Operator</p> <p>Verification: District</p>
Transportation, Circulation, and Parking		
<p>MM-TRA-1: Implementation of the Transportation-Related Conditions of the Proposed Ordinance. The fireworks organizer is required to comply with the following transportation-related condition of the proposed ordinance.</p> <p>Section X.07 – Permits – Conditions of Approval</p> <p>(h) Event Transportation and Parking Management Plans. For all Fourth of July fireworks display events and for non-Fourth of July fireworks display events that are advertised to the public, the fireworks organizer shall prepare and submit an event transportation and parking management plan to the Executive Director for approval as part of the Application, which shall be designed to ensure safe and convenient access to public viewing areas while limiting conflicts between transportation modes and reducing impacts on surrounding transportation facilities to the maximum extent feasible. The Event Transportation and Parking Management Plan shall take into account anticipated attendance, existing transportation and parking facilities, and other concurrent public events in the surrounding areas, and shall include but is not limited to the following:</p> <ol style="list-style-type: none"> 1. Transportation management strategies, including but not limited to a public awareness program, traffic management and enforcement, incident management, and public transit and alternative modes of transportation management, which 	<p>Timing: Prior to, during, and following each fireworks display event</p> <p>Method: Implement conditions of approval per Fireworks Display Ordinance</p>	<p>Implementation: Fireworks Organizer</p> <p>Monitoring and Reporting: Fireworks Organizer</p> <p>Verification: District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>shall be implemented for the fireworks display event; and</p> <p>2. Parking management strategies, including but not limited to a public awareness program, coordination with parking vendors, offsite parking arrangements, designated areas for taxi and rideshare pick-up/drop-off, promotional programs with rideshare vendors, joint event ticketing programs with public transit agencies, and expanded shuttle operations.</p> <p>(i) Compliance with Other Required Permits: Prior to the Executive Director's issuance of a Permit pursuant to this article, the Applicant shall demonstrate that it has obtained and shall comply with all other permits and approvals required by federal, state, and local laws and regulations including, without limitation, such permits and approvals as are required by the United States Coast Guard, California Coastal Act, the District Code, including Article 10 (Stormwater Management and Discharge Control), and the fire marshal of any city that has jurisdiction over all or any part of the activity allowed under said Permit.</p>		