Final Environmental Impact Report

# Shelter Island Commercial Fishing Wharf Project

State Clearinghouse No. 2024120926

Prepared for:

San Diego Unified Port District

November 2026

Final Environmental Impact Report

# Shelter Island Commercial Fishing Wharf Project

Prepared for:

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# LIST OF ABBREVIATIONS

| | |
|---|---|
| AB | Assembly Bill |
| ACC | Advanced Clean Cars |
| ACM | asbestos-containing materials |
| ADA | Americans with Disabilities Act |
| AIA | Airport Influence Area |
| ALUCP | Airport Land Use Compatibility Plan |
| AQIA | Air Quality Impact Analysis |
| AR4 | Fourth Assessment Report |
| ASCE | American Society of Civil Engineers |
| AUD INJ | auditory injury |
| BACT | best available control technologies |
| Bay | San Diego Bay |
| BMP | best management practice |
| BP | Before Present |
| BPC | Board of Port Commissioners |
| C&D | Construction and Demolition |
| CAA | Clean Air Act |
| CAAQS | California Ambient Air Quality Standards |
| CAL FIRE | California Department of Forestry and Fire Protection |
| Cal/OSHA | California Division of Occupational Safety and Health |
| CalEnviroScreen 4.0 | California Communities Environmental Health Screening Tool |
| Caltrans | California Department of Transportation |
| CAP | Climate Action Plan |
| CAPP | Community Air Protection Program |
| CARB | California Air Resources Board |
| CBC | California Building Code |
| CCA | California Coastal Act |
| CCAA | California Clean Air Act |
| CCC | California Coastal Commission |
| CCP | California Coastal Plan |
| CCR | California Code of Regulations |
| CDFW | California Department of Fish and Wildlife |

| | |
|---|---|
| CDP | Coastal Development Permits |
| CEC | California Energy Commission |
| CEMP | California Eelgrass Mitigation Policy |
| CEQA | California Environmental Quality Act |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| CERP | Community Emissions Reduction Program |
| CESA | California Endangered Species Act |
| CFGC | California Fish and Game Code |
| CFR | Code of Federal Regulations |
| $CH_4$ | methane |
| CHC | commercial harbor craft |
| CNDDB | California Natural Diversity Database |
| CNPS | California Native Plant Society |
| CO | carbon monoxide |
| $CO_2$ | carbon dioxide |
| $CO_2e$ | carbon dioxide equivalent |
| COC | Contaminants of Concern |
| CPUC | California Public Utilities Commission |
| CREC | Controlled Recognized Environmental Conditions |
| CRHR | California Register of Historical Resources |
| CRPR | California Rare Plant Rank |
| CSM | Conceptual Site Model |
| CTR | California Toxics Rule |
| CUPA | Certified Unified Program Agency |
| CWA | Clean Water Act |
| cy | cubic yards |
| CZMA | Coastal Zone Management Act |
| dB | decibels |
| DDT | dichlorodiphenyltrichloroethane and its derivatives |
| DEHQ | Department of Environmental Health and Quality |
| diesel PM | diesel particulate matter |
| District | San Diego Unified Port District |
| DMC | De Minimis Conditions |
| DO | dissolved oxygen |

| | |
|---|---|
| DOC | California Department of Conservation |
| DOT | US Department of Transportation |
| DPF | diesel particulate filter |
| Draft EIR | Draft Environmental Impact Report |
| Driscoll's Wharf or Driscoll's | Driscoll Marina Ltd. |
| DTSC | Department of Toxic Substances Control |
| DWR | California Department of Water Resources |
| EAP | Energy Action Plan |
| EFH | essential fish habitat |
| EIA | US Energy Information Administration |
| ELAP | Environmental Laboratory Accreditation Program |
| EMPS | Embarcadero Marina Park South |
| EO | Executive Order |
| EOP | emergency operations plan |
| EPA | Environmental Protection Agency |
| Eradication Plan | Newport Bay Rapid Response Eradication Plan |
| ERL | Effects Range-Low |
| ERM | Effects Range-Median |
| ESA | Phase I Environmental Site Assessment |
| ESHA | environmentally sensitive habitat area |
| ESWL | extreme still water levels |
| FAA | Federal Aviation Administration |
| FDC | Fire Department Connection |
| FEMA | Federal Emergency Management Agency |
| FHWA | Federal Highway Administration |
| FIRM | Flood Insurance Rate Maps |
| FMP | Fisheries Management Plan |
| FWPOC | Fire Water Point of Connection |
| GHG | greenhouse gas |
| GWP | global warming potential |
| HAP | hazardous air pollutant |
| HAPC | habitat area of particular concern |
| Harbor Safety Plan | San Diego Harbor Safety Plan |

| | |
|---|---|
| HHDT | Heavy-Heavy Duty Truck |
| HI | hazard index |
| HMD | Hazardous Materials Division |
| HREC | Historic Recognized Environmental Conditions |
| HSC | Harbor Safety Committee |
| Hu | hydrologic unit |
| I | Interstate |
| IESNA | Illuminating Engineering Society of North America |
| IHA | Incidental Harassment Authorization |
| INRMP | Integrated Natural Resources Management Plan |
| IPCC | Intergovernmental Panel on Climate Change |
| JRMP | Jurisdictional Runoff Management Program |
| LBP | lead-based paint |
| LCFS | Low Carbon Fuel Standard |
| LCI | Governor's Office of Land Use and Climate Innovation |
| LDA | light duty auto |
| LDT1 | light duty truck 1 |
| LDT2 | light duty truck 2 |
| LOS | level of service |
| LRA | local responsibility area |
| LUST | Leaking Underground Storage Tank |
| MBTA | Migratory Bird Treaty Act |
| MCAS | Maritime Clean Air Strategy |
| MEP | maximum extent practicable |
| mg/L | milligrams per liter |
| MICR | maximum incremental cancer risk |
| MIGR | Migration of Aquatic Organisms |
| MLD | most likely descendant |
| MLLW | mean lower low water |
| MLMA | Marine Life Management Act |
| MMPA | Marine Mammal Protection Act |
| MPA | marine protected area |
| MPO | metropolitan planning organization |

| | |
|---|---|
| MRZ | mineral resource zone |
| MS4 | municipal separate storm sewer system |
| MTS | San Diego Metropolitan Transit System |
| $N_2O$ | nitrous oxide |
| NAAQS | National Ambient Air Quality Standards |
| NAHC | Native American Heritage Commission |
| NAS | Naval Air Station |
| NASNI | Naval Air Station North Island |
| NASSCO | National Steel and Shipbuilding Company |
| NAV | Navigable |
| NAVFAC | Naval Facilities Engineering Command |
| NESHAP | National Emission Standards for Hazardous Air Pollutants |
| NMAWC | Naval Main and Anti-Submarine Warfare Command |
| NMFS | National Marine Fisheries Service |
| NO | nitric oxide |
| $NO_2$ | Nitrogen dioxide |
| NOAA | National Oceanic and Atmospheric Administration |
| NOP | Notice of Preparation |
| $NO_X$ | nitrogen oxides |
| NPDES | National Pollutant Discharge Elimination System |
| NRHP | National Register of Historic Places |
| NSR | New Source Review |
| NTR | National Toxics Rule |
| NTU | nephelometric turbidity unit |
| $O_3$ | ozone |
| OEHHA | Office of Environmental Health Hazard Assessment |
| OGV | ocean-going vessels |
| OPC | Ocean Protection Council |
| OPR | California Governor's Office of Planning and Research |
| OSHA | Occupational Safety and Health Administration |
| PAH | polychlorinated aromatic hydrocarbon |
| Pb | lead |
| PCB | polychlorinated biphenyl |
| PCE | passenger car equivalent |

| | |
|---|---|
| PDP | priority development project |
| Peak | peak sound pressure |
| PFMC | Pacific Fisheries Management Council |
| pH | hydrogen ion concentrations |
| PM | particulate matter |
| $PM_{10}$ | particulate matter with a diameter of 10 microns or smaller |
| $PM_{2.5}$ | particulate matter less than or equal to 2.5 microns in diameter |
| PMP | Port Master Plan |
| PMPU | Port Master Plan Update |
| Port Act | San Diego Unified Port District Act |
| Port | Port of San Diego |
| Portside Community | Portside Environmental Justice Neighborhoods Community |
| ppm | part per million |
| PRC | Public Resources Code |
| PTS | permanent threshold shifts |
| PWPOC | Potable Water Point of Connection |
| QAPP | Quality Assurance/Quality Control |
| RAQS | Regional Air Quality Strategy |
| RCRA | Resource Conservation and Recovery Act of 1976 |
| REC | Recognized Environmental Conditions |
| RES | Regional Energy Strategy |
| RMS | root-mean-square |
| ROG | reactive organic gases |
| RPS | Renewables Portfolio Standard |
| RPZ | Runway Protection Zones |
| RTIP | Regional Transportation Improvement Program |
| RTP | regional transportation plans |
| RWQCB | regional water quality control board |
| Safety Plan | *Site Worker Health and Safety Plan* |
| SANDAG | San Diego Association of Governments |
| SAP | sampling and analysis plan |
| SB | Senate Bill |
| SCAB | South Coast Air Basin |
| SCAQMD | South Coast Air Quality Management District |

| | |
|---|---|
| SCCAT | Southern California Caulerpa Action Team |
| SCS | sustainable communities strategies |
| SDAB | San Diego Air Basin |
| SDAPCD | San Diego Air Pollution Control District |
| SDCRAA | San Diego County Regional Airport Authority |
| SDFRD | City of San Diego Fire Rescue Department |
| SDG&E | San Diego Gas & Electric |
| SDHP | San Diego Harbor Police |
| SDIA ALUCP | San Diego International Airport Land Use Compatibility Plan |
| SDIA | San Diego International Airport |
| SDPD | City of San Diego Police Department |
| SDRWQCB | San Diego Regional Water Quality Control Board |
| SEL | sound exposure level |
| sf | square feet |
| SGMA | Sustainable Groundwater Management Act |
| SIP | State Implementation Plan |
| SLR | sea level rise |
| SLT | screening level threshold |
| SMAQMD | Sacramento Metropolitan Air Quality Management District |
| $SO_2$ | sulfur dioxide |
| SOP | Standard Operating Procedures |
| SPCC | Spill Prevention Control and Countermeasure |
| SQO | sediment quality objectives |
| SR | State Route |
| SRA | state responsibility area |
| SSAP | Shellfish and Seaweed Aquaculture Program |
| SSC | Space and Naval Warfare Systems Center |
| SWPPP | Stormwater Pollution Prevention Plan |
| SWQMP | Storm Water Quality Management Plan |
| SWRCB | State Water Resources Control Board |
| TAC | Toxic air contaminants |
| T-BACT | Toxics-Best Available Control Technology |
| the Bay | San Diego Bay |
| Tidelands | tide and submerged lands |

| | |
|---|---|
| TIS | Transportation Impact Study |
| TMDL | total maximum daily load |
| TTS | temporary threshold shifts |
| TWW | Treated Wood Waste |
| µPa | micropascal |
| US Navy | US Department of the Navy |
| US | United States |
| USACE | United States Army Corp of Engineers |
| USC | US Code |
| USEPA | US Environmental Protection Agency |
| USFWS | US Department of Fish and Wildlife |
| USGS | United States Geological Survey |
| UST | underground storage tank |
| VMT | vehicle miles traveled |
| VOC | volatile organic compounds |
| WDR | Waste Discharge Requirement |
| WPA | Works Progress Administration |
| WQIP | Water Quality Improvement Plan |
| ZEV | zero emission vehicle |

# Introduction

The Draft Environmental Impact Report (EIR) was available for public review for 45 days beginning on April 22, 2026 and ending on June 11, 2026. The San Diego Unified Port District (District) posted an electronic version of the Draft EIR on the District's website. Hard copies were sent to the City of San Diego Central Library and the Point Loma/Hervey Branch Library. A hard copy was also available for review at the District's Administration Building at 3165 Pacific Highway, San Diego, CA 92101. A Notice of Availability was posted with the County Clerk on April 22, 2026, posted on the District's website, and mailed to public agencies, organizations, and individuals that expressed interest in the project. An email containing the information from the NOA was sent by the District to members of the public that had registered to receive such updates. All requisite documents, including the Notice of Completion form, were sent to the State Clearinghouse (SCH) and the SCH posted the NOA on the Office of Planning Research's CEQAnet database.

Please note that this entire chapter has been added after public review of the Draft EIR. For purposes of clarity and readability, this chapter is not provided in underline format as is done in the rest of the Final EIR where new text was added since the Draft EIR's public review. The primary reason for this is to avoid underlining the entirety of text within this chapter, hindering readability, particularly when it does not provide the added benefit of making comparisons to previously existing text from the Draft EIR or text that has since been deleted and is shown in ~~strikeout~~ within this Final EIR.

# Comments Received on the Draft EIR

The District received five comment letters on the Draft EIR during the public review period from agencies and organizations. Pursuant to State CEQA Guidelines section 15088, the District has provided written responses to comments raising environmental issues. Environmental topics raised in the comments included biological resources, cultural resources, and alternatives.

Table RTC-1 lists the agencies, organizations, and interested parties that provided comment letters. Each comment letter is assigned a group letter (i.e., A=Agency, O=Organization, I=Individual) followed by a number that indicates its order in the group (e.g., the first letter in the agencies would be labeled A1, the second, A2, and so on). Finally, each comment provided is given a number that is linked to the District's response. For example, the first comment of the first letter (i.e., Letter A1) would be A1-1. The second comment in that same letter would be A1-2.

## Table RTC-1. Agencies, Organizations, and Interested Parties that Submitted Comment Letters on the Draft EIR

| Letter | Agency/Organization | Dated | Page |
|---|---|---|---|
| **Agencies** | | | |
| A1 | California Coastal Commission | June 9, 2026 | RTC-3 |
| A2 | San Diego County Regional Airport Authority | April 23, 2026 | RTC-9 |
| **Organizations and Businesses** | | | |
| O1 | San Diego County Archaeological Society | April 30, 2026 | RTC-10 |
| O2 | San Diego Bird Alliance | June 10, 2026 | RTC-12 |
| **Individuals** | | | |
| I1 | Mark Stephens | April 22, 2026 | RTC-13 |

# Agency Letters and Responses

## Comment Letter A1: California Coastal Commission

Melody Lasiter, Coastal Program Analyst

STATE OF CALIFORNIA -- THE NATURAL RESOURCES AGENCY GAVIN NEWSOM, *Governor*

**CALIFORNIA COASTAL COMMISSION**
SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370

June 9, 2026

Lily Tsukayama
San Diego Unified Port District
ltsukayama@portofsandiego.org

Re: Coastal Commission Comments on DEIR for Shelter Island Commercial Fishing Wharf Project

Dear Lily Tsukayama:

Coastal Commission (Commission) staff appreciates the opportunity to review and provide the following comments on the Draft Environmental Impact Report (DEIR) for the Shelter Island Commercial Fishing Wharf Project which was emailed to our office on April 22, 2026. The project includes the demolition of Building "E" on the landside, and replacement of the timber Pier 4 with a new concrete pier, replacement of Piers 5, 6, 7, and 8 with floating docks, and installation of a floating wave attenuator at 4918 North Harbor Drive in the City of San Diego. Our comments on the DEIR are as follows:

Coastal Development Permit

The DEIR does not address the applicable permitting requirements under the Coastal Act for the proposed project. While the Commission has historically processed Coastal Act approvals for development at this site, those approvals have been primarily limited to landside improvements. In this case, the proposed project would predominantly affect the waterside area, which is covered by the certified Port Master Plan (PMP), and involves redevelopment of the waterside portion of the site. Accordingly, the Port should process an appealable coastal development permit (CDP) for the project. The standard of review for the CDP is the certified PMP and the Chapter 3 policies of the Coastal Act.

Please note that any future CDP should include a special condition addressing restrictions on the docking of non-commercial fishing boats within the marina, consistent with past Commission actions at this facility.

A1-1

Slip Mix

Please identify how the proposed slip mix would change from existing conditions and if the commercial fishermen support the proposed change in slip mix if applicable.

A1-2

Impacts to Biological Resources and Alternatives Analysis

The proposed project would result in 131 square feet of additional fill in coastal waters. The Commission has typically required in-kind mitigation, specifically the

A1-3

### Response to Comment A1-1

This comment requests specific information regarding future Coastal Development Permit(s) (CDPs) for the project be added to the EIR. Section 2.4.1 of the Draft EIR indicates that appealable CDP(s) will be required for the project. Table 2-8 of the Draft EIR states that CDPs are required for the project and has been revised to clarify that the CDP(s) will be "appealable." In addition, the Draft EIR indicates that the applicable land and water designations are those described in the certified Port Master Plan (Chapter 2, Section 2.2.3.1, Certified Port Master Plan). The Draft EIR also analyzes the proposed project's consistency with the certified PMP (Chapter 3, Section 3.8, Land Use and Planning).

The comment also requests that a future CDP include a special condition restricting the docking of non-commercial fishing vessels. As noted in Section 2.3.1 of the Draft EIR, the project site has been used for recreational vessel berthing from time to time. This "time to time" use was allowed pursuant to the Coastal Commission-issued CDP for the existing marina. The Coastal Commission-issued CDP allows for temporary berthing of boats that do not qualify as "commercial fishing vessels" (e.g., recreational boats) if there are vacant slips not in use by commercial fishing vessels; however such use of the slips by non-commercial fishing vessels would be terminated upon 72 hours notice when commercial fishing vessels desire berthing. A similar special condition will be added to the proposed District-issued CDP.

The District has revised Table 2-8 to clarify that the CDP(s) will be appealable. Please see Chapter 2, Environmental Setting and Project Description, of the Final EIR. The revision clarifies the table and does not change the conclusions of the Draft EIR.

### Response to Comment A1-2

This comment asks the District to identify how the proposed slip mix would change from the existing conditions at the project site, and if there is a change, whether the commercial fishermen support the proposed change in slip mix. Section 2, Environmental Setting and Project Description, of the

removal of fill to offset fill impacts; however, MM-BIO-6 appears to require the removal of overwater coverage at a 1:1 ratio, in addition to the alternative mitigation which includes the purchase mitigation credits. Please note that we do not support the removal of overwater coverage as a replacement for the removal of fill to mitigate fill impacts; thus, the project should be revised to provide in-kind mitigation. A1-3 cont.

The project would also result in 19,003 square feet of new overwater coverage which would reduce biological productivity and foraging opportunities for birds including the California Least Tern. To address these impacts, the applicant proposes several mitigation options, including removal of existing overwater coverage at a 1:1 ratio; restoration or creation of wetland or eelgrass habitat within San Diego Bay equivalent to the net increase in overwater coverage (1:1 for wetlands and 1:1 for eelgrass, consistent with the CEMP); or the purchase of mitigation bank credits or Port-issued credits. It is our understanding that the CEMP ratio requirements for eelgrass impacts may be higher than 1:1; please clarify and revise the DEIR if necessary. A1-4

Finally, installation and use of the proposed permanent overwater structures would result in shading of approximately 8,036 square feet of existing eelgrass habitat. Assuming continuous occupancy of all proposed slips, associated vessel berthing would result in shading of an additional 11,703 square feet of existing eelgrass resources. A1-5

Given the scale and significance of the proposed project's biological impacts, as well as likelihood that off-site mitigation would occur, please provide a more robust analysis of project alternatives and a clearer demonstration of the necessity of the proposed design. Specifically, identify the amount of fill, shading, and eelgrass impacts associated with both Alternative 2: Reduced Overwater Coverage and Alternative 3: No Floating Wave Attenuator Alternative. For each alternative, please also specify the resulting number of slips. In addition, provide a more detailed justification for why the proposed project design is needed in lieu of these alternatives. A1-6

Removal of Trees

Please indicate the number of trees that will be removed. Mitigation for the loss of trees should include replacing the trees with a similar size tree at a 1:1 ratio. A1-7

Please note that these comments are based on the information that has been presented to us thus far and are not binding; Commission staff may have further comments or identify additional issues over time. We look forward to continuing our coordination with Port staff on this project. If you have any questions or require further clarification, please do not hesitate to contact me at Melody.Lasiter@coastal.ca.gov. A1-8

Draft EIR characterizes both the existing and proposed slip configurations and the change between them.

As described in the Draft EIR, the existing Piers 5 through 8 were constructed with a total of approximately 125 slips, accommodating commercial fishing vessels from 18 to 65 feet in length. During recent past operations, most of the 125 slips have been in use, though slip demand and occupancy has fluctuated with the seasons, market conditions, and the marina operator. However, in its current state, the marina has approximately 15-20 commercial fishing vessels.

The Draft EIR also describes that the project proposes to include 75 boat slips that would accommodate vessels from 30 to 100 feet in length and up to 29 feet in width, with side ties at Piers 5, 7, and 8 capable of berthing vessels up to 140 feet. The change in slip mix reflects the current needs of commercial fishing operations, which utilize vessels in San Diego Bay ranging from 55 to 90 feet in length, and on occasion approximately 100 feet in length.

The proposed slip mix was developed in close coordination with the local commercial fishermen and the proposed slip mix and marina design has their support. In 2023, the San Diego Fishermen's Working Group (SDFWG) — representing fishermen who use and are anticipated to use the marina — participated in a series of design meetings with the District's consultant-engineer-designer in which multiple potential layouts were developed and evaluated. As summarized in correspondence from the SDFWG dated June 15, 2026 (Attachment A), the group reviewed the design options and agreed upon the proposed layout would provide the best berth configuration and mix of slip sizes. The proposed slip mix therefore reflects the direct input and concurrence of the organized commercial fishing community the project is intended to serve, consistent with the protection of commercial fishing as a high-priority, coastal-dependent use under the Coastal Act. Neither this comment nor response result in changes to the Draft EIR, and no further response is required pursuant to CEQA.

## Response to Comment A1-3

This comment identifies that Mitigation Measure MM-BIO-6 proposes to remove "overwater coverage" in order to mitigate the proposed "increase in fill" associated with the project. The use of the term "overwater coverage" in MM-BIO-6 (specifically 2a) is a typo and has been replaced by the term "fill." This revision does not change the Draft EIR's conclusion that Impact-BIO-7

is reduced to less than significant with implementation of mitigation measure MM-BIO-6.

## Response to Comment A1-4

This comment summarizes the estimated increase in overwater coverage (i.e., Impact-BIO-5) associated with the proposed project, and summarizes the mitigation options identified in mitigation measure MM-BIO-4, which include but are not limited to the creation of wetland or eelgrass habitat in San Diego Bay. The comment further notes that if eelgrass habitat is created to mitigate Impact-BIO-5, it should be done at a ratio higher (i.e., 1.2:1, as identified in the California Eelgrass Mitigation Policy (CEMP)) than the 1:1 ratio identified in mitigation measure MM-BIO-4.

Potential impacts to eelgrass are identified in Impact-BIO-6 and the associated mitigation measure is MM-BIO-5, which requires eelgrass mitigation and monitoring pursuant to the CEMP, at a 1.2:1 ratio. The creation of eelgrass habitat that could occur pursuant to mitigation measure MM-BIO-4 would not be to mitigate impacts to eelgrass, but to mitigate overwater coverage; therefore the 1.2:1 mitigation ratio (pursuant to CEMP) for eelgrass impacts does not apply to Impact-BIO-5 nor mitigation measure MM-BIO-4. Please see the revisions made to MM-BIO-4 (specifically 3(b)) in Section 3.2, Biological Resources. This clarification does not affect or change the analysis or conclusions of the EIR.

## Response to Comment A1-5

This comment summarizes the shading impacts on Page 3.2-42 of the Draft EIR. This comment does not request any revisions nor note any insufficiencies related to the Draft EIR's overwater coverage or eelgrass impact analysis or conclusion. However, the District is revising the Draft EIR (specifically, page 3.2-42 of the Draft EIR) to reflect that shading/overwater coverage is only associated with permanent structures (i.e., docks, piers) and not vessel occupancy in slips. In other words, the Draft EIR overstated a shading/overwater coverage associated with a vessel occupying a slip. Shading/overwater coverage would occur from permanently moored vessels; however, commercial fishing vessels are not considered permanently moored as they frequently move in and out of slips and are not in slips long enough to create shading/overwater coverage impacts. Commercial fishing vessels operating from Driscoll's Wharf remain active year-round. Various commercial fisheries are open throughout the year or have seasons that overlap, allowing vessels to transition between fisheries as conditions and regulations permit. Therefore, the District has revised page 3.2-42 of the Draft EIR to reflect that the project would result in approximately 8,036 square feet of eelgrass shading. This change is

Sincerely,

Melody Lasiter
Coastal Program Analyst
California Coastal Commission

CC (via email):
Diana Lilly, California Coastal Commission
Kanani Leslie, California Coastal Commission

reflected in Section 3.2, Biological Resources, of the Final EIR. The revision clarifies the analysis and does not change the conclusions of the Draft EIR. This revision does not add significant new information as defined in State CEQA Guidelines Section 15088.5(a).

## Response to Comment A1-6

This comment requests additional analysis on alternatives to the project that would reduce fill, shading, and eelgrass impacts that are anticipated to occur from the project. This comment also requests further justification for why the proposed project design is needed in lieu of those alternatives to the project.

Table A1-6 summarizes the net change in permanent fill, overwater coverage and eelgrass shading, and the number of slips under the proposed project and each alternative, relative to the existing condition.

**Table A1-6. Comparison of the Proposed Project and Reduced Project Alternatives Relative to the Existing Condition**

| | Proposed Project | Alternative 2 (Reduced Over Water Coverage) | Alternative 3 (No Floating Wave Attenuator) |
|---|---|---|---|
| **Net Permanent Fill (sf)** | 109.9 | 101.5 | -10.1 |
| **Net Overwater Coverage (sf)** | 19,003 | 11,265 | 15,757 |
| **Eelgrass shaded by permanent structures (sf)** | 8,036 | 2,930 | 5,667 |
| **Number of slips** | 75 | 73 | 75 |

Notes: A negative value indicates a net reduction from existing conditions. Eelgrass values reflect shading from permanent overwater structures and do not include shading from berthed vessels.

Compared with the proposed project, Alternatives 2 and 3 would reduce net overwater coverage and fill, and Alternative 3 would result in a small net reduction in fill compared with existing conditions. As stated in Draft EIR Chapter 6, Alternatives, Alternative 2 is the environmentally superior alternative. However, neither alternative would avoid a significant impact of the proposed project. All of the proposed project's impacts on biological

resources would be reduced to less than significant with implementation of MM-BIO-1 through MM-BIO-6 (Draft EIR, Table 6-2).

The following discussion adds to Chapter 6, Alternatives. It explains why the proposed design, including the floating wave attenuator and the main walk is needed to fully meet the project objectives.

**Floating Wave Attenuator.** Passing ship traffic and sustained wind-driven waves from the southeast expose the existing docks to a relatively severe wave environment, and some of these wave conditions occur almost daily (Draft EIR Section 2.3.3). The wave attenuator would reduce wave energy entering the berthing area. This would create more stable conditions for commercial fishing vessels. It would also reduce wave-induced movement and loading stress on the new docks, piles, vessels, mooring systems, and other waterside improvements. Reduced wave action would also provide safer working conditions for commercial fishermen who routinely load and unload heavy fishing gear, equipment, catch, and supplies from vessels, particularly during periods of increased wave activity. The San Diego Fishermen's Working Group (SDFWG) requested the wave attenuator, and it is recommended by the project's coastal engineer.

**Main Walk.** The SDFWG requested the main walk. It provides additional temporary tie-up and staging space needed for loading and unloading gear and equipment. It also creates a continuous waterside connection between the berthing areas and the floating platform at Pier 6. This connection allows fishermen to move between vessels, slips, and the floating platform directly from the docks, and it provides an accessible route along the water from the ADA-compliant gangway at Pier 5 to the other piers. The main walk therefore improves circulation, operational flexibility, access to shared working areas, and the safe and efficient movement of fishermen and equipment throughout the facility. Under Alternative 2, the reduced main walk would provide less staging and tie-up space and would no longer provide a continuous connection between Pier 5 and the other piers.

**Stakeholder Input.** As described in the response to Comment A1-2, the District developed the proposed design in close coordination with the local commercial fishermen. In 2023, the SDFWG, which represents fishermen who use and are anticipated to use the marina, participated in a series of design meetings with the District's consultant engineer and designer. Several potential layouts were developed and evaluated in those meetings. As summarized in correspondence from the SDFWG dated June 15, 2026 (Attachment A), the SDFWG confirmed that it reviewed the design options and agreed that the proposed layout would provide the best berth configuration and mix of slip sizes. The proposed project design therefore reflects the direct input and support of the commercial fishing community

the project is intended to serve, consistent with the protection of commercial fishing as a high-priority, coastal-dependent use under the Coastal Act.

**Project Objectives.** As shown in Final EIR Table 6-3, Alternative 2 would only partially meet Project Objective 1 (modernize the wharf and marina), Project Objective 2 (ADA-compliant and accessible), and Project Objective 4 (mix of vessel slip sizes). Reducing the main walk would eliminate slips and reduce the staging space, circulation, and operational flexibility that modern commercial fishing operations need. It would also reduce accessibility between the piers. Alternative 2 would meet Project Objectives 3, 5, and 6 because it would allow for the continued operation of commercial fishing, demolish Building E, and include the floating wave attenuator. Alternative 3 would meet Project Objectives 1 through 5. It would not meet Project Objective 6 because the marina would remain exposed to wave action. That exposure would continue to damage the new infrastructure and would make it harder to maintain safe operation of the marina.

This response clarifies the alternatives analysis in Chapter 6 of the Draft EIR and does not change the conclusions of the Draft EIR. The information does not identify a new significant impact or substantial increase in the severity of an impact. Recirculation is therefore not required (State CEQA Guidelines Section 15088.5(a) and (b)).

## Response to Comment A1-7

This comment asks how many trees will be removed with the proposed project, and further notes that any removed trees should be replaced with trees of a similar size and at a 1:1 ratio. The proposed project would remove up to five (5) trees during the landside demolition phase. The project description and biological resources analysis have been revised to state the number of trees proposed for removal as part of the landside (Building E demolition) work. Furthermore, replacing trees being removed at a 1:1 ratio with similar sized trees is a standard best practice for the District and will be made a condition of the CDP. This clarification does not affect or change the analysis or conclusions of the EIR.

## Response to Comment A1-8

This comment notes that Coastal Commission staff may have further comments on the project and will continue to coordinate with District staff on this project. The District will continue to coordinate the CDP(s) with Coastal Commission staff. This comment does not raise a concern regarding the environmental analysis or the adequacy of the Draft EIR and therefore no revision to the Draft EIR is required in response to this closing comment.

# Comment Letter A2: San Diego County Regional Airport Authority

Ed Gowens, Senior Airport Planner

**Lily Tsukayama**

**From:** Ed Gowens <egowens@san.org>
**Sent:** Thursday, April 23, 2026 2:59 PM
**To:** Lily Tsukayama
**Cc:** Ralph Redman
**Subject:** RE: Notice of Availability for the Shelter Island Commercial Fishing Wharf

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SDCRAA appreciates being included in the notice of availability for the DEIR for this project. ALUC staff have reviewed the references to our earlier indication that the project is not subject to ALUC consistency
review with either the SDIA or NASNI ALUCPs, but FAA notification may be required.

The environmental analysis of airport-related impacts in the DEIR is accurately assessed, and SDCRAA as the ALUC concurs with the analysis and conclusions. No further action or mitigation measures apply with respect to airport matters. Thank you again for including SDCRAA in the NOA.

A2-1

Regards,

*Ed Gowens*
Senior Airport Planner
Airport Land Use Commission
San Diego County Regional Airport Authority
Post Office Box 82776
San Diego, California 92138-2776
voice (619) 400-2244

All correspondence with this email address is a matter of public record subject to third party review.
Is it worth a tree to print me?

## Response to Comment A2-1

The SDCRAA confirms, in its capacity as the Airport Land Use Commission, that the airport-related analysis in the Draft EIR is accurate and that the ALUC concurs with the analysis and conclusions. The comment correctly notes that the project is not subject to ALUC consistency review under either the SDIA or NAS North Island ALUCPs and that FAA notification may be required. The District acknowledges the potential FAA notification requirement and will file the applicable FAA Form 7460-1 (Notice of Proposed Construction or Alteration) if and as required prior to construction. Because the comment expresses concurrence and does not raise a concern regarding the environmental analysis or the adequacy of the Draft EIR, no revisions to the Draft EIR are required in response.

# Organization Letters and Responses

## Comment Letter O1: San Diego Archaeological Society, Inc.

James W. Royle, Jr., Chairperson

**San Diego County Archaeological Society, Inc.**

Environmental Review Committee

April 30, 2026

To: Ms. Lily Tsukayama, Program Manager
Planning Department
Port of San Diego
3165 Pacific Highway
San Diego, California 92101

Subject: Draft Environmental Impact Report
Shelter Island Commercial Fishing Wharf Project
UPD #EIR-2024-104

Dear Ms. Tsukayama:

I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the DEIR and its Appendix H, we have the following comments:

1. While we agree that the existing built environment structures do not meet the level of significance under CEQA, and that the fill soil underlying the landside of the project APE, is unlikely to contain significant cultural material, Appendix H does not review the uses of the project area between fill placement circa-1950 and the present. For example, a review of the 1953 aerial photo (axn-1953_4m-95.tif) from UC Santa Barabara (https://mil.library.ucsb.edu/ap_indexes/FrameFinder/) appears to show some structures on or immediately adjacent to the landside ends of piers 5, 6, 7 and 8. These appear to have been part of a military installation. In addition, the apparent built environment changes opposite piers 4 and 5 have not been discussed. What were all these changes, evidence of which could be encountered during demolition, excavation and trenching? O1-1

2. After the DEIR is amended to address the above omissions, the Native American Monitoring program included must be expanded to also require archaeological monitoring of the landside area during demolition, excavation and trenching. In fact, joint monitoring is the normal practice, with the archaeological monitor being responsible for completing necessary forms and reports so that record searches at SCIC for future projects in the vicinity of the current one benefit from the monitoring's results. O1-2

P.O. Box 81106 San Diego, CA 92138-1106 (858) 538-0935

### Response to Comment O1-1

This comment raises a request for additional historical context regarding post-1950 (historic-period) uses of the landside portion of the project area, including structures visible in the 1953 aerial photograph cited by the commenter and apparent changes opposite Piers 4 and 5. Appendix H is a Historical Resources Evaluation report and does not include an archaeological investigation; therefore, changes to the HRER are not warranted. However, additional contextual information on the historic uses of the site have been added to Section 3.3, Cultural and Tribal Cultural Resources, to summarize the documented historic-period development of the site between approximately 1950 and the present, including a review of available historic aerial photography (including the referenced 1953 UCSB imagery), historic topographic maps, and Sanborn maps as available, to characterize former structures and land uses in the vicinity of Piers 4 through 8. This additional information has been added to provide additional context requested by the commenter; it does not alter the Draft EIR's significance conclusions because the analysis already concludes that the potential to encounter buried archaeological resources during ground-disturbing activities is considered low (see response to Comment O1-2).

### Response to Comment O1-2

The comment requests that archaeological (in addition to Native American) monitoring be required for landside ground-disturbing activities, and that the archaeological monitor complete the documentation (e.g., site records and a monitoring report) so the results are available through the South Coastal Information Center (SCIC) for future projects. As discussed under the archaeological impact analysis on Page 3.3-16 of the Draft EIR, the project site is fully developed, underlain with artificial fill, and is unlikely to contain material that could qualify as an archaeological resource. There is

SDCAS appreciates the opportunity to review and offer our comments on this DEIR.

Sincerely,

James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Ascent
SDCAS President
File

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no evidence that points to needing a registered professional archaeologist monitoring landside ground-disturbing activities.

Further, the Draft EIR concluded that no resources that meet the definition of tribal cultural resources under PRC 21074 were identified from tribal consultation.

The SCIC records search did not reveal any documented indigenous materials, including any meeting the requirements of PRCs 5020.1(k) or 5024.1 within the project site, and also that the project site is fully developed, underlain with artificial fill, and is unlikely to contain precontact material that could qualify as a tribal cultural resource, and therefore impacts on tribal cultural resources would be less than significant. However, landside Native American monitoring was requested by Campo Band of Mission Indians for landside ground disturbance activities. Therefore, out of respect to the tribe's request, the Draft EIR includes a project condition of approval that requires monitoring by tribal representatives during landside ground disturbance activities (i.e., limited to ground disturbance activities associated with the installation of electrical upgrades and any grading associated with final site work related to the Building E demolition). This project condition of approval will be included in the CDP(s) for the project.

No changes to the EIR are required in response to this comment.

# Comment Letter O2: San Diego Bird Alliance

James Peugh and Muriel Spooner, Conservation Committee Co-chairs

*For birds, for people, for the planet.*

June 10, 2026

Lily Tsukayama; Acting Assistant Director
ltsukayama@portofsandiego.org

**Re: Draft Environment Impact Report Sch 2024120926; Shelter Island Commercial Fishing Wharf Project**

The San Diego Bird Alliance (SDBA) is a 3,000+ member non-profit organization with a mission to foster the protection and appreciation of birds, other wildlife, and their habitats, through education and study, and to advocate for a cleaner, healthier environment. We have been involved in conserving, restoring, managing, and advocating for wildlife and their habitat in the San Diego region since 1948.

We appreciate the opportunity to review the Draft Environmental Impact Report (DEIR) for the Shelter Island Commercial Fishing Wharf Project (SICFWP). We have the following request.

**3.2.4.4 Project Impacts and Mitigation Measures; Impacts on Nesting Birds from Tree Removal and Demolition (pg 3.2-19 to 3.2-20)** The current mitigation measure **MM-BIO-1** only covers the general avian nesting season (February 1 through September 15). There are birds that nest outside of this timeframe, such as Great Blue Herons (GBH) and hummingbirds. They are early nesters and are often actively building nests in late December and early January. There has been at least one recent incident on Port land where active GBH nests were destroyed due to tree removal. This type of nest destruction can lead to downstream effects if GBH move their nesting to areas closer to protected species, such as California Least Tern (CLT), as GBH are known to predate CLT eggs and chicks. We request that the mitigation measure **MM-BIO-1** requires a bird survey prior to all tree or vegetation trimming/removal and not just from February 1 to September 15 with the remainder of the mitigation measure being applied to all nesting birds. This will avoid violating the Migratory Bird Treaty Act of 1972 and California Fish and Game Code Sections 3503, 3503.5, 3505, 3800, and 3801.6. **Impact Bio-1** may not be less than significant if this change is not made to **MM-BIO-1**. O2-1

Thank-you for addressing this important issue.

James Peugh
Conservation Committee Co-chair
San Diego Bird Alliance

Muriel Spooner
Conservation Committee Co-chair
San Diego Bird Alliance

(858) 273-7800 | 4010 Morena Blvd., Suite 100, San Diego, CA 92117 | www.sandiegobirdalliance.org

## Response to Comment O2-1

This comment notes that mitigation measure MM-BIO-1 only covers the general avian nesting season (February 1 –- September 15), and that some avian species nest outside of the general avian nesting season. The commenter requests that mitigation measure MM-BIO-1 be revised to require a bird survey prior to all tree or vegetation trimming/removal and not just from February 1 to September 15 with the remainder of the mitigation measure being applied to all nesting birds in order to avoid violation of the Migratory Bird Treaty Act and California Fish and Game Code sections 3503, 3503.5, 3505, 3800, and 3801.6. While the February 1– September 15 window captures the majority of nesting activity for species in the project vicinity, the District agrees that certain species (including Great Blue Heron and Anna's hummingbird) can nest outside that window. In response to this comment, MM-BIO-1 has been revised so that the pre-activity nesting bird survey and avoidance requirements can also apply to demolition and construction activities and/or tree trimming or removal activities that occur outside the February 1 – September 15 general avian nesting season. Specifically, mitigation measure MM-BIO-1 has been revised to require the project proponent(s) to also implement the requirements of mitigation measure MM-BIO-1 outside the general avian nesting season (September 16 –- January 31) if determined to be required by the District's Environmental Conservation Department. The project proponent(s) shall submit any proposed demolition and construction activities and/or tree trimming or removal activities at least 30 calendar days prior to start of any such activities to the District's Environmental Conservation Department for review and determination by a qualified biologist. Please see the revisions made to MM-BIO-1 in Section 3.2, Biological Resources. This clarification does not affect or change the analysis or conclusions of the EIR.

# Individual Letters and Responses

## Comment Letter I1: Mark Stephens

**Lily Tsukayama**

**From:** Mark Stephens <msdesmtnsea@hotmail.com>
**Sent:** Wednesday, April 22, 2026 12:46 PM
**To:** Lily Tsukayama
**Subject:** Re: Notice of Availability for the Shelter Island Commercial Fishing Wharf

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Lily,

Thanks for sharing this information! I1-1

Best wishes,

Mark Stephens
500 W. Harbor Dr., Unit 514
San Diego, CA 92101-7721

### Response to Comment I1-1

This comment expresses appreciation for the Notice of Availability and does not raise a substantive issue regarding the environmental analysis or the adequacy of the Draft EIR; accordingly, no further response is required and no revision to the Draft EIR is necessary.

# Attachments Related to Comments Received and District Responses

# Letter A1: California Coastal Commission, Attachment A

**Lily Tsukayama**

**From:** Lesley Nishihira
**Sent:** Monday, June 15, 2026 3:59 PM
**To:** Lily Tsukayama
**Subject:** FW: Shelter Island Commercial Fishing Wharf

Please see below...

**Lesley Nishihira, AICP**
Vice President, Planning & Development

3165 Pacific Highway, San Diego, CA 92101
(o) 619.686.6469 • (c) 619.961.6322

PORT of SAN DIEGO

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**From:** steve scheiblauer <maconsult49@gmail.com>
**Sent:** Monday, June 15, 2026 3:02 PM
**To:** Lesley Nishihira <lnishihi@portofsandiego.org>
**Cc:** peterhalmay@gmail.com
**Subject:** Shelter Island Commercial Fishing Wharf

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Hi Lesley,
Pete Halmay asked that I summarize the design process for a future rebuild of the former Driscoll's Wharf Commercial Fishing Marina.
In response to an invitation from Port staff, the San Diego Fishermen's Working Group (SDFWG) sought input from our members who use, or will use, this marina. Over the course of several meetings, and working with the Port's consultant-designer, a number of potential designs were created and discussed. The one that was the best layout for berths, and the best mix of sizes was agreed upon by the SDFWG and accepted by Port staff for planning purposes.

The SDFWG appreciates the Port's support in this design effort and of course we are eager to see the rebuild come to fruition.
Best,
Steve Scheiblauer
On Behalf of the SDFWG

# ES.1 Introduction

This chapter provides a summary of the ~~Draft~~ Final Environmental Impact Report (EIR) prepared for the Shelter Island Commercial Fishing Wharf Project (project) in compliance with the California Environmental Quality Act (CEQA). The San Diego Unified Port District (District) is the CEQA Lead Agency for the EIR and, as such, has the primary responsibility for evaluating the environmental effects of the proposed project and considering whether to approve the proposed project in light of these effects.

As required by the CEQA, this ~~Draft~~ Final EIR: (1) describes the proposed project, including its location, objectives, and features; (2) describes the existing conditions at the project site and nearby environs; (3) analyzes the direct, indirect, and cumulative adverse physical effects that would occur on existing conditions should the proposed project be implemented; (4) identifies feasible means of avoiding or substantially lessening the significant adverse effects of the proposed project; (5) provides a determination of significance for each impact after mitigation is incorporated; and (6) evaluates a reasonable range of feasible alternatives to the proposed project that would meet the basic project objectives and reduce a project-related significant impact.

This Executive Summary covers the following topics: (1) Project Description; (2) Areas of Controversy/Issues Raised by Agencies and the Public; and (3) Issues to Be Resolved, including significant environmental effects and the consideration of alternatives to the proposed project.

This ~~Draft~~ Final EIR and its appendices are available for review on the District's website at https://www.portofsandiego.org/public-records/port-updates/notices-disclosures/ceqa-documents. In addition, a hardcopy is available for review by the public during District business hours at the Port Administration Building located at 3165 Pacific Hwy, San Diego, CA 92101.

# ES.2 Project Description

## ES.2.1 Overview

The District is proposing the project to modernize the existing commercial fishing marina at the existing Shelter Island Commercial Fishing Wharf. The project is needed to address deficiencies related to the age and condition of structures, and to allow commercial fishing operations to continue in the marina. The existing piers are approaching the end of their useful life. Absent the proposed activities, the functionality of the commercial fishing wharf would decline and pose a safety risk. Specifically, the project includes replacement or demolition of the following components, including the demolition of landside structure, Building E, and the underlying concrete pad of a removed storage shed; demolition and replacement of waterside structures Piers 5 through 8 including structural piles; structural upgrades and/or reconstruction of the offloading pier (Pier 4) including structural piles; and installation of a floating wave attenuator.

## ES.2.2 Project Location and Existing Setting

The project site is within the existing wharf, located at 4918 North Harbor Drive in San Diego, California. Figure ES-1 provides a regional location map. The project site encompasses 2.9 acres of landside area, and 6.4 acres of waterside area. Proposed demolition and redevelopment activities would occur within the entire 6.4-acre waterside area of the project site, and landside demolition and utility upgrades would occur within approximately 0.4 acres of the 2.9-acre landside portion of the project site.

Source: Adapted by Ascent in 2024.

**Figure ES-1. Regional Location**

The project site is bordered to the north by Naval Base Point Loma Harbor Drive Annex, and the waterside area is located within the northeast area of America's Cup Harbor Basin. Highways in proximity to the project site include Interstate 5 and Interstate 8 (Figure ES-2), which are both located over 2 miles from the project site. Site access to the waterfront facilities is provided via North Harbor Drive and Torpedo Lane.

### ES.2.2.1 Existing Land and Water Use Designations

#### Certified Port Master Plan

The project site occupies land and water that is under the jurisdiction of the District and within the City of San Diego. The District's certified Port Master Plan (PMP) governs the land and water uses on Tidelands, that the State Legislature has granted to the District as trustee, and for which the District has regulatory duties and proprietary responsibilities. The certified PMP establishes 10 planning districts covering approximately 5,500 acres of District jurisdiction. The project site is within Planning District 1 (Shelter Island) of the District's certified PMP, which encompasses approximately 351 acres and consists of the following water and land uses: recreational boat berthing, marine services and sportfishing, commercial recreation, marine sales and services, commercial fishing, sportfishing, open space, park/plaza, and promenade (District 2024a). The project site is in the America's Cup Harbor Basin subarea of Planning District 1 in the certified PMP, which includes the following land and water use designations: commercial fishing berthing (water), Navy small craft berthing (water), commercial fishing (land), and promenade (land) (Figures 2-3 and 2-4).

#### Port Master Plan Update

The Port Master Plan Update (PMPU)[1] is an extensive update to the certified PMP to establish water and land uses on District Tidelands and to guide future development and conservation over the approximately 30-year planning horizon. The Board of Port Commissioners (BPC) approved the PMPU on February 28, 2024. The BPC-approved PMPU is currently under review with California Coastal Commission (CCC) staff and will be heard by the CCC for certification at a future date. As of the date of this ~~Draft~~ Final EIR, the certified PMP remains the governing document and standard of review for the project until the PMPU is certified. However, since the PMPU has been approved by the BPC, the proposed project's consistency with both the certified PMP and the PMPU is analyzed in this EIR.

The project site is within Planning District 1 (Shelter Island) of the District's PMPU. The planning district encompasses approximately 464 acres and consists of the following water uses: anchorage, commercial fishing berthing, marine services berthing, navigation corridor, recreational berthing, and sportfishing berthing (District 2024b). Planning District 1 consists of the following land uses: commercial fishing, commercial recreation, institutional/roadway, marine sales and services, recreation open space, and sportfishing (District 2024b). The project site is in the East Shelter Island Subdistrict of Planning District 1 of the PMPU, which includes the following water use designation: commercial fishing berthing. The project site includes the following land use designations: commercial recreation, marine sales and services, commercial fishing, and sportfishing (Figure 2-5).

### ES.2.2.2 Surrounding Conditions

The project site is within and adjacent to San Diego Bay in a commercialized area of the waterfront. Commercial land uses to the northwest of the project site include restaurants, yacht sales, and marine-related office land uses. Water uses to the west consist of marinas. Military land uses to the north, east, and southeast of the project site include Naval Base Point Loma Harbor Drive Annex. Open water of the San Diego Bay is southeast of the project site. Land uses north of the project site across North Harbor Drive include hotel, residential, and

[1] Unless stated otherwise, all references to the "PMPU" refer to the "Final Draft" version of the PMPU. The PMPU will remain as a final draft until it is certified by the CCC.

commercial land uses. The nearest residence is approximately 950 feet northwest of the project site and is separated from the project site by North Harbor Drive and commercial uses.

## ES.2.3 Project Objectives

To achieve the need and purpose of the proposed project, the following project objectives have been identified:

1. Modernize the wharf and marina through updated waterside facilities capable of supporting modern commercial fishing operations.
2. Demolish structurally deficient piers and replace with floating docks, gangways, and headwalks that meet current safety standards and are Americans with Disabilities Act (ADA) compliant.
3. Allow for the continued operation of commercial fishing, identified as a high-priority use under the California Coastal Act.
4. Provide a mix of vessel slip sizes to accommodate a range of commercial fishing vessels.
5. Demolish underutilized and deteriorated buildings that are no longer needed.
6. Reduce the impact of waves on the shoreline and marina, maintain safe operation of the marina, and prevent future damage from wave action.

Source: Adapted by Ascent in 2024.

**Figure ES-2. Project Site**

# ES.2.4 Project Components

The project includes replacement or demolition to each of the components described below, including the demolition of landside structure, Building E, and the underlying concrete pad of a removed storage shed; demolition and replacement of waterside structures Piers 5 through 8 including structural piles; demolition and reconstruction of the offloading pier (Pier 4) including structural piles; and installation of a floating wave attenuator. The project includes a Demolition Component and a Waterside Redevelopment Component. Proposed actions under the Demolition Component are a condition of the lease with the prior tenant (Driscoll Marina Ltd.), thus the prior tenant is the project proponent for the Demolition Component. The prior tenant is responsible for all of the Demolition Component, except removal of Pier 4, for which the District is the project proponent. The District is also the project proponent for the Waterside Redevelopment Component. The following sections include a description of the existing conditions (Figure ES-3) and proposed improvements (Figure ES-4).

## ES.2.4.1 Demolition Component

### Landside Demolition

Demolition of Building E and an underlying concrete pad of a removed storage shed would occur as part of the proposed project. Removal of up to 25 cy of soil is assumed associated with the former storage shed. As part of the landside demolition, the existing concrete pad under Building E and underlying concrete pad from the former storage shed would be demolished and the area would be regraded and sprayed with a solution containing seed to compact the area and allow vegetation to grow over time. Up to five o~~O~~rnamental trees around Building E would be removed as well. During demolition, construction staging would occur in the parking area to the north of Building E. After the demolition of Building E is complete, the cleared area would be used as a laydown area for waterside demolition and construction activities. Approximately 498 cubic yards (cy) of demolition debris from Building E, consisting of wood and miscellaneous material (i.e., drywall, plumbing, electrical) would be disposed.

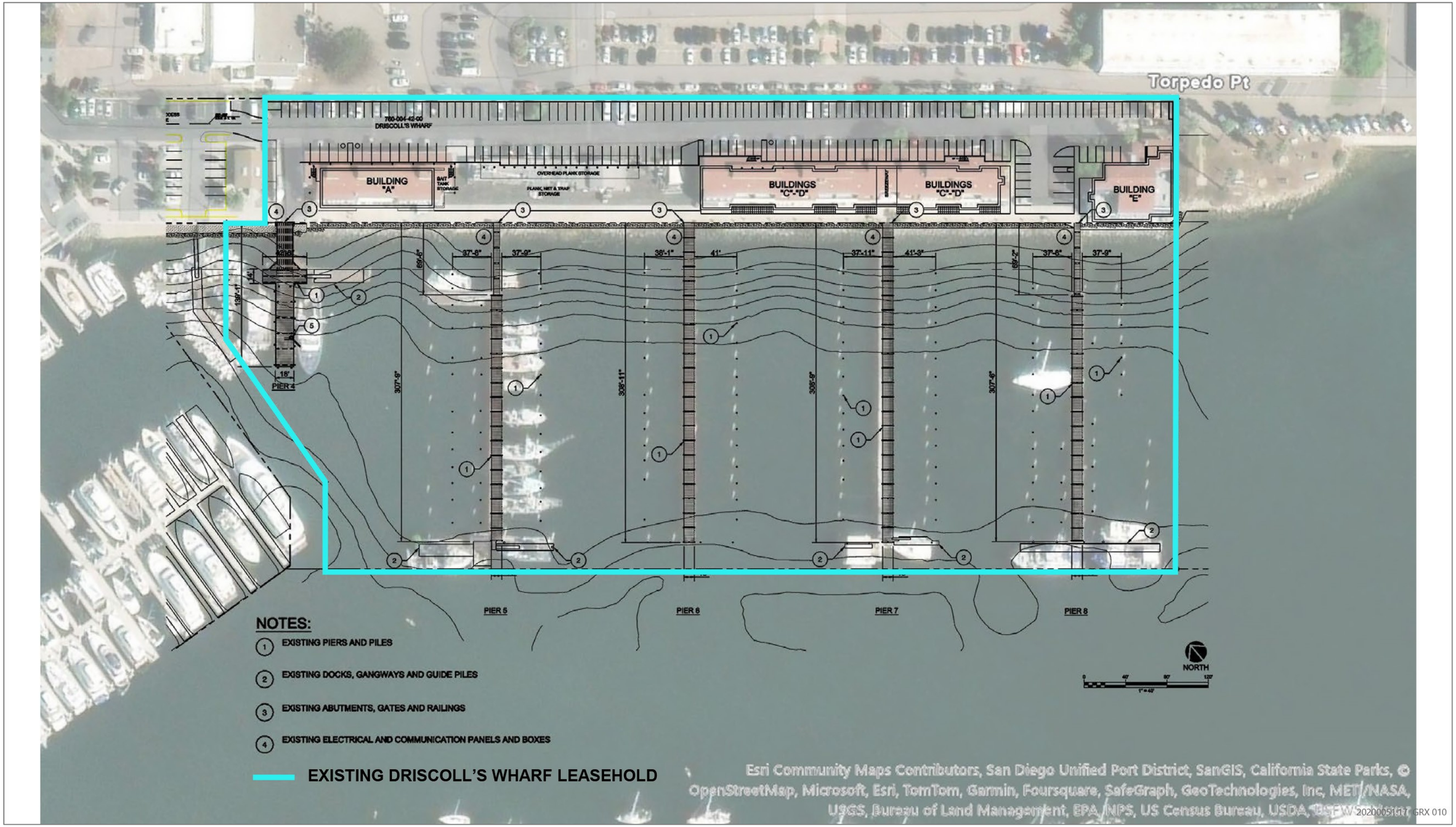
### Waterside Demolition

#### Pier 4

Pier 4 is proposed to be replaced. For demolition, the existing jib crane would be temporarily removed and stored for re-use. The existing pier, pier deck, piles, mooring piles, floating dock, associated hardware, and other supporting infrastructure (e.g., utilities) would be removed. Removal and demolition of the existing pier structures (excluding support piles) would be accomplished utilizing hand tools. Existing support piles would be extracted via crane. The project would include removal and disposal of 12-inch square concrete and steel rail supporting piles. These piles would be disposed of at an approved disposal site outside the coastal zone. If regulated wastes are generated, those wastes would be disposed of at appropriate facilities. All work would be performed within the project site. As noted above, the District is the project proponent for the removal of Pier 4.

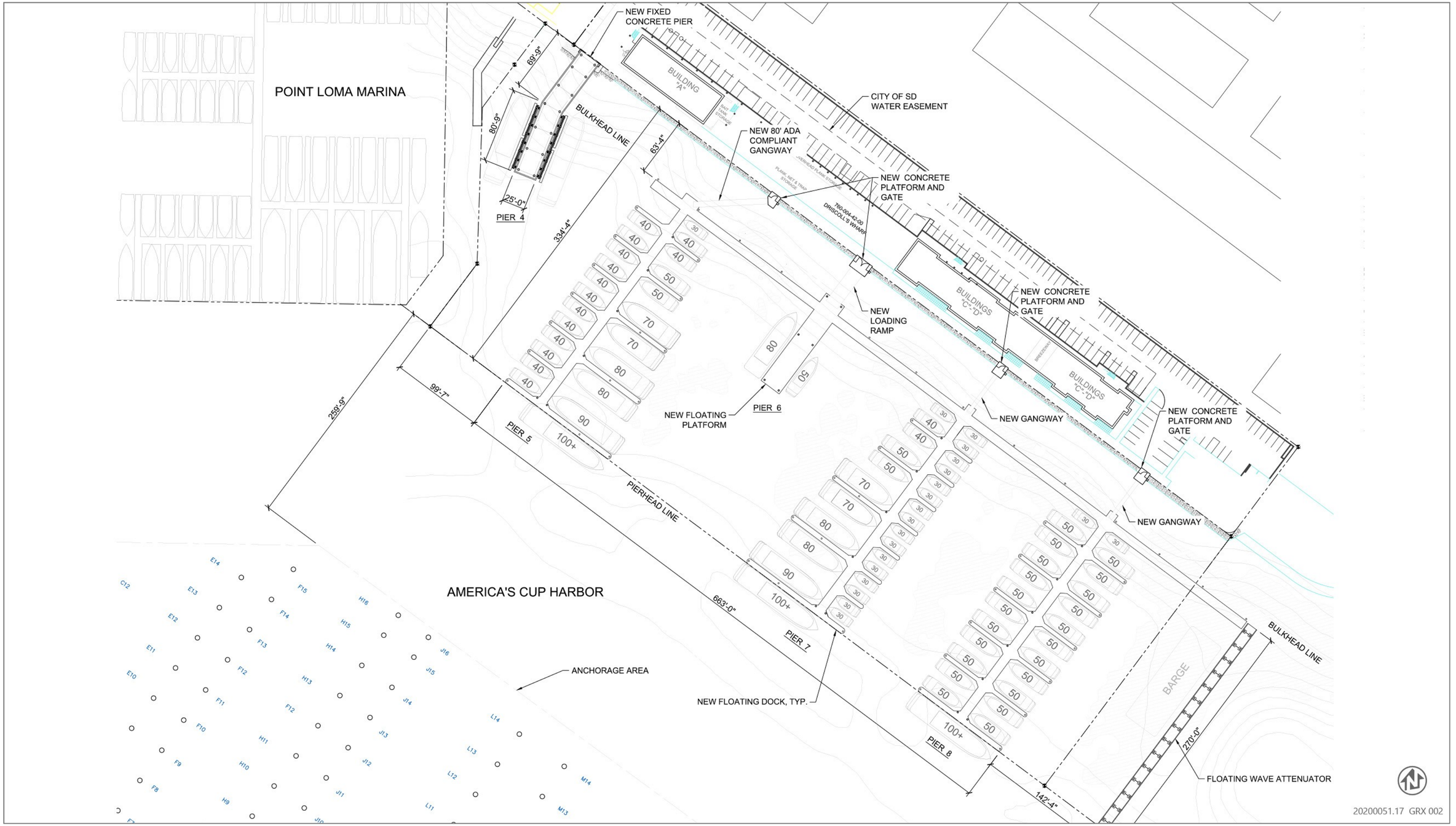
#### Piers 5 Through 8

The proposed waterside demolition also includes the removal of Piers 5, 6, 7, and 8. Demolition of Piers 5, 7, and 8 would occur prior to demolition of Pier 6 and all commercial fishing vessels would be temporarily relocated to Pier 6. Demolition would begin with removal of the wood decking and rails, starting at the waterside and ending at the landside end of each pier. Demolition would involve the removal of all existing pier components including electrical power, potable water, gantry cranes, fencing and gates, lighting, ladders, gangways, and floating docks. The removal of all structural components including deck planks, wood and steel stringers and wood and steel pile caps would also occur. Existing piles would be extracted via crane (on a barge). Concrete, timber, and composite piles would be removed, using either the direct pull method or vibratory method, in their entirety to the greatest extent possible. If the piles are unable to be removed, they would be cut off underwater at the seabed and exposed portion removed where located.




Source: Adapted by Ascent in 2024.

**Figure ES-3. Existing Site**




Source: Adapted by Ascent in 2024.

**Figure ES-4. Proposed Site Plan**

## ES.2.4.2 Waterside Redevelopment Component

### Pier 4

The proposed improvements at Pier 4 would entail the replacement of the existing timber pier with a concrete fixed deck pier supported by concrete piles and protected by a fender system. Like the existing Pier 4, the proposed concrete fixed pier would provide similar functions, which include 24-hour operations, nighttime lighting, the existing jib crane for lifting the ship's catch, gear, equipment, nets, and traps from the berthed ship to the pier deck, and allowance for truck and forklift access over the fixed pier. The proposed pier would be an L-shaped structure with an area of approximately 3,670 sf. The concrete piles would be installed and falsework, a temporary structure used to support a separate, permanent structure while it is under construction, would be supported off the installed concrete piles to enable formwork to be built for construction of the reinforced concrete deck. The area of the falsework would generally match the footprint of the proposed pier structure.

### Piers 5 Through 8

The project includes the replacement of Piers 5, 6, 7, and 8 with a set of new floating docks, totaling approximately 28,000 sf. The proposed piers would include 75 boat slips that would accommodate vessels ranging in size from 30 feet to 100 feet in length, and up to 29 feet in width. Outside of the project site, at the end of Piers 5, 7, and 8, vessels up to 140 ft in size could be docked utilizing the side ties.

The proposed piers would consist of three finger docks, a floating work platform, associated head walks, three pedestrian gangways, one loading ramp, four concrete abutment platform and security gate structures at the shoreline. New concrete and steel piles would be installed to support the new dock configuration.

Four gated 14-foot by 10-foot pre-cast concrete platforms would be installed along the shoreline over the existing riprap. Grading and paving would be limited to the construction of the proposed concrete abutment platforms at four locations. Site grading would be performed to tie in the abutments to the existing walkway site elevations. All sidewalks and building entrances would maintain ADA compliant grading. Some repair of the shoreline due to undermining of the rock revetment may be required to stabilize the shoreline during construction. Existing riprap would be removed where necessary during pile installation and reinstalled once pile installation is complete. Riprap would be stored in the construction laydown area during waterside redevelopment. Each concrete platform would be supported by four 12-inch square vertical precast concrete piles. Concrete platforms would be connected to the main walk, providing access to Piers 5 through 8. The proposed 10-foot-wide concrete main walk would be supported by fifteen 12-inch concrete piles. The project also proposes the installation of four light poles, 14 feet in height at each concrete platform. Lighting would be provided for safety and security and would be evaluated to produce a lighting plan with photometric calculations to confirm adequate lighting levels. Lighting criteria would be based on OSHA requirements and Illuminating Engineering Society of North America (IESNA) recommendation for pier and walkway usage. Each slip would include the installation of a utility pedestal, 3 feet in height, equipped with a light. Marina utility power pedestals would be used to provide vessels with a single source for utility hookups while also providing low glare lighting and racks for cables and hoses. In addition, security cameras are proposed to be installed at the project site for safety and security purposes once the project is completed.

The project includes the installation of new electrical and mechanical utilities at the piers. Electrical service is provided near the vehicular entrance to the project site. The capacity of the electrical service would be upgraded to provide additional voltage for the proposed improvements. Electric services would range from 30-amp 120-volt service for vessels up to 40 feet in length; 50-amp 240-volt service for slips up to 60 feet in length; and 100-amp 240-volt service for slips up to 100 feet in length. A potable water system would be supplied, including two hose bibbs at every slip with an anti-siphon valve at each hose bib. Each hose bib would be installed on the side of each proposed utility power pedestal. A 1200A 208Y/120v 3-phase 4-wire switchboard would be installed as the main service equipment to service the proposed power pedestals. Trenching to a depth of four inches would occur from the utility transformer to the new switchboard, and from the switchboard to the proposed ramp. Conduits would be installed underneath the dock to distribute power to the power pedestals. The freshwater system would include a marine piping system from the Potable Water Point of Connection (PWPOC) to the marina.

A fire suppression system, as required by local code and per National Fire Protection Agency 303, would be supplied from the Fire Water Point of Connection (FWPOC) to the marina. The FWPOC would be defined as the waterside of the abutment within 5 feet of the centerline of gangway, where a Fire Department Connection (FDC) would be installed. An existing fire hydrant must be proximate to the FDC. The maximum allowable distance from the fire hydrant to the FDC is subject to local regulatory authorities and, therefore, varies by location and fire department.

Piers 5, 7, and 8 would be constructed with a set of new floating docks. New floating docks would be manufactured offsite and delivered to the project site. A land-based crane would hoist the dock units from the delivery truck and set it in the water, where the floating dock would be moved to the pier by work skiffs for assembly. To access Pier 5, an 80-foot ADA compliant gangway with a minimum 6 feet width would be connected to the nearest concrete platform. Two 35-foot gangways would connect Piers 7 and 8 to each concrete platform. Gangways would be aluminum with a fiberglass micromesh decking to allow for passing of light. After construction of Pier 5 is complete, all commercial fishing vessels from Pier 6 would relocate to Pier 5. Pier 6 would then be demolished as part of the end of lease obligations component, as described above. A 35-foot loading ramp would connect Pier 6 to the concrete platform. The proposed floating piers would connect to the main walk, and assembly would consist of a solid polystyrene core encased with concrete. The proposed piers and main walk would increase overwater coverage from 14,484 sf to 30,077 sf.

### Floating Wave Attenuator

Passing ship traffic and sustained wind-driven waves from the southeast expose the exiting docks to a relatively severe wave environment, with some wave conditions occurring on an almost daily basis. Wave attenuation would be provided to protect the infrastructure investment in the form of a floating wave attenuation dock (floating wave attenuator). The attenuator would extend perpendicular to the shoreline, southeast of the proposed marina, in a new parcel. The attenuation dock would be secured by a closely spaced array of large concrete piles.

The 270-foot-long wave attenuator would consist of a concrete deck supported by thirty 24-inch octagonal vertical precast concrete piles. The proposed area of the wave attenuator is 3,245 sf. The wave attenuator is proposed to address existing damage and prevent future damage from wave action and to maintain safe operation of the marina.

## ES.2.4.3 Coverage and Fill Volume Summary

Table ES-1 summarizes net overwater coverage and fill volumes for the project. Overwater coverage identified in Table ES-1 would be permanent. Shading from barges used during construction would be temporary and moved to new onsite locations often. Barges would not exceed 30 days in one location.

**Table ES-1. Summary of Net Change in Overwater Coverage and Fill**

| Structure | Overwater Coverage Existing (sf) | Proposed Overwater Coverage (sf) | Net Overwater Coverage (sf) | Existing Fill (sf) | Proposed Fill (sf) | Net Fill (sf) |
|---|---|---|---|---|---|---|
| Pier 4 | 3,553 | 3,717 | +164 | 33 | 42 | +9 |
| Piers 5-8 | 14,484 | 21,536 | +7,053 | 138 | 98~~119~~ | -40~~19~~ |
| Floating Wave Attenuator | — | 3,245 | +3,245 | — | 120 | +120~~0~~ |
| Mainwalk | — | 8,541 | +8,541 | — | 21 | +21 |
| **Total** | 18,037~~307~~ | 37,039 | 19,003 | 171 | 281~~302~~ | +110~~131~~ |
| **Net Total** | — | — | **19,003** | — | — | **110~~131~~** |

## ES.2.5 Construction

Construction of the various project components is anticipated to occur over a 48-month period. Construction would be phased to allow berths to remain operational during construction. Table ES-2 provides the duration of each phase of construction along with the anticipated start. The term "construction" includes all construction and/or demolition activities that may occur during the Demolition Component or the Waterside Redevelopment Component of the project.

**Table ES-2. Project Construction Phasing and Timeframe**

| Construction Phase | Duration | Phase Start | Equipment | Description of Activities |
|---|---|---|---|---|
| Landside Demolition | 4 months (80 working days) | July 2026 | crane, barge, excavator, dump trucks, forklift | Demolish Building E. Once demolished, this area would be used as a staging and material laydown area for waterside demolition activities (i.e., the demolition of Piers 5 through 8). Perform any landside environmental cleanup associated with removal of a storage shed concrete pad. |
| Waterside Demolition Part 1 | 4 months (80 working days) | November 2026 | crane, vibratory driver/extractor barge, tugboat, work boat, pile drives, dump truck | Demolition of Piers 5, 7, and 8. |
| Waterside Construction Part 1 | 4 months (80 working days) | March 2027 | crane, delivery truck, forklift, reach fork | Construction of Pier 5. |
| Waterside Demolition Part 2 | 2 months (40 working days) | July 2027 | crane, dump trucks, forklift, reach fork, scissors lift | Demolition of Pier 6. |
| Waterside Demolition Part 3 and Waterside Construction Part 2 | 16 months (320 working days) | September 2027 | Delivery truck, dump trucks, forklift, scissors lift | Demolition of Pier 4 (Waterside Demolition Part 3) and construction of Piers 4, 6, 7, and 8 (Waterside Construction Part 2) (including headwalks), utility upgrades, and construction of wave attenuator. |

The anticipated construction schedule is approximate and is provided for analysis purposes. The actual start and end dates for construction of the project components may vary, but the duration is not anticipated to change. Construction activities would occur Monday through Friday, with noise restrictions consistent with the City of San Diego Noise Ordinance (Section 59.5.0404 of the San Diego Municipal Code) and the District's Short Term Construction Measure Coastal Development Permit regulations that require noise to be minimized during construction. Construction work during night-time hours (between 7:00 p.m. and 7:00 a.m.) is not anticipated. Pile driving activities would only be conducted during daylight hours (between 7:00 a.m. and 4:00 p.m.).

The construction staging area would be located on-site. During landside demolition, construction staging would be located in the parking area east of the project site. Following the demolition of Building E, the cleared area would be used as construction staging for the remaining duration of the project, including waterside demolition and reconstruction. The waterside promenade would be temporarily closed to the public during construction and pedestrian access to the project site businesses would be rerouted.

Construction would include an average of approximately 16 temporary construction workers per day. Construction worker parking would be located on-site in adjacent surface lots during construction activities. Construction staging would remain within the site lay down area, and all deliveries would be coordinated with vendors prior to delivery.

### ES.2.6 Operations

Project operation would continue to support commercial fishing uses. Once fully operational, the commercial fishing wharf would support up to 75 boat slips and side ties that would accommodate vessels ranging in size from 30 feet to 140 feet in length, and up to 29 feet in width. No new buildings are proposed on the landside of the project site and, therefore, landside operations are anticipated to be the same or reduced compared to baseline conditions.

The maximum number of existing employees onsite is 70 employees. Approximately 37 employees support commercial fishing-related operations and approximately 33 employees support non-commercial fishing uses. Employees that work within the existing project site are not all employed by the project proponent. The maximum number of employees includes part-time employees with rotating schedules. After project completion, it is estimated that the number of on-site employees would be similar because commercial fishing operations would continue and the project does not propose any components that would increase operational capacity beyond what was reached under historical operations. No additional employees are anticipated.

The project would be required to follow all existing operational and maintenance stormwater BMPs required by the District for commercial facilities. Stormwater runoff from the project, including the new overwater structures, would be captured and contained in the existing stormwater diversion system for subsequent discharge.

## ES.3 Areas of Controversy/Issues Raised by Agencies and the Public

A notice of preparation (NOP) was distributed for the Shelter Island Commercial Fishing Wharf project on December 19, 2024, to responsible agencies, interested parties, and organizations, as well as private organizations and individuals that may have an interest in the project. A public scoping meeting was held on January 15, 2025. No comments were received during the public scoping meeting. The purpose of the NOP and the scoping meeting was to provide notification that an EIR for was being prepared for the project and to solicit input on the scope and content of the environmental document. The NOP and responses to the NOP are included in Appendix A of this ~~Draft~~ Final EIR. Key concerns and issues that were expressed during the scoping process included the following:

- The Native American Heritage Commission recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project.
- The San Diego Air Pollution Control District identified the potential to install shore power per the California Air Resources Board Commercial Harbor Craft regulation.
- The California Department of Fish and Wildlife offers comments and recommendations related to identifying and mitigating impacts on fish and wildlife resources including native eelgrass, pile driving and sound criteria, marine mammal and sea turtle monitoring, floating debris and spill and prevention, and invasive species.
- The San Diego County Airport Land Use Commission submitted comments that the project location is required to provide a notice of project construction or meet and certify shielding criteria such that the project could not reasonably constate a hazard to air navigation.
- The San Diego County Archaeological Society submitted comments recommending consideration for the source and date of fill placement within the project area for potential presence of historic material.

These issues are each addressed in this ~~Draft~~ Final EIR. All impacts related to these issues are either identified as less than significant, or less than significant after mitigation.

# ES.4 Issues to be Resolved

## ES.4.1 Summary of Project Impacts

This ~~Draft~~ Final EIR examines the potential environmental effects of the proposed project, including information related to existing site conditions, analyses of the types and magnitude of individual and cumulative environmental impacts, and feasible mitigation measures that could reduce or avoid environmental impacts. In accordance with Appendix G of the State CEQA Guidelines, the potential environmental effects of the proposed project were analyzed for the following areas.

- air quality,
- biological resources,
- cultural resources and tribal cultural resources,
- energy,
- greenhouse gas emissions and climate change,
- hazards and hazardous materials,
- hydrology and water quality,
- land use and planning,
- noise and vibration, and
- transportation.

Table ES-3, at the end of this Executive Summary, provides a summary of the environmental impacts that could result from the proposed project and feasible mitigation measures that would reduce or avoid the significant impacts. For each impact, Table ES-3 identifies the significance of the impact before mitigation, applicable mitigation measures, and the level of significance of the impact after the implementation of mitigation measures.

Pursuant to State CEQA Guidelines Section 15063, the District prepared an Initial Study Environmental Checklist (Appendix C) as part of the NOP and determined that effects related to agriculture and forestry resources, geology and soils, mineral resources, population and housing, public services, recreation, utilities and service systems, and wildfire would not be significant. In addition, the District determined through the Initial Study Environmental Checklist that the project would have a less-than-significant impact or no impact on certain issue areas within aesthetics, air quality, cultural resources, hazards and hazardous materials, hydrology and water quality, land use and planning, and transportation.

In accordance with State CEQA Guidelines Section 15128, a brief explanation indicating the reasons why the effects on these resources would not be significant is provided in Chapter 5, *Additional Consequences of Project Implementation*.

## ES.4.2 Summary of Project Alternatives

The primary purpose of the alternatives analysis is to consider and analyze a reasonable range of feasible alternatives in sufficient detail to foster informed decision-making and public participation in the environmental review process. The alternatives to the proposed project are summarized below and are analyzed in detail in Chapter 6, *Alternatives*.

### ES.4.2.1 Alternative 1 – No Project Alternative

The No Project Alternative is required by CEQA to discuss and analyze potential impacts that would occur if the project was not implemented. Under the No Project Alternative, the wharf for commercial fishing boat mooring would operate using the existing infrastructure on the project site. However, due to the existing condition of the piers and docks, it is unlikely that certain piers would be able to support commercial fishing in the near future. Repairs would be needed to avoid closing the facility to commercial fishing operations, which would include new pilings, new docks, and many of the same components proposed by the project.

Until replacement of deteriorated infrastructure occurred, the No Project Alternative would not address deficiencies related to the age and condition of structures at the existing commercial fishing operation. Specifically, this alternative would retain existing Piers 5 through 8 that are approaching the end of their useful life as well as the supporting infrastructure. Additionally, the No Project Alternative would maintain the existing off-loading dock (Pier 4) and demolition of Building E and the underlying concrete pad of the removed storage shed would not occur in a coordinated and efficient manner. Therefore, this alternative would not modernize the wharf or marina through the provision of improved waterside facilities capable of supporting modern commercial fishing operations. Under this alternative, the existing piers, which are in need of repairs and modernization, would remain in their current condition and would not be replaced with floating docks, gangways, or headwalks that meet current safety standards and the Americans with Disabilities Act (ADA). The existing commercial fishing wharf would also be left in its current condition and would remain susceptible to damage from wave action without installation of the floating wave attenuator. Lastly, damaged piles would be retained in their current condition and would remain susceptible to continued deterioration and growing instability. Without the project improvements, the waterside facilities would not be able to safely support commercial fishing operations in the near future.

### ES.4.2.2 Alternative 2 – Reduced Project: Reduced Over Water Coverage Alternative

Alternative 2 would include all project elements described in Section 2.3.3 of Chapter 2, *Environmental Setting and Project Description*, except this alternative would reduce the ~~area of the floating docks proposed~~ main walk which would reduce overwater coverage ~~to replace Piers 5, 6, 7, and 8~~ from 18,037~~307~~ sf to 13,798 sf, and ~~which would~~ also reduce the number of slips available for commercial fishing vessels. ~~By r~~Reducing the ~~floating dock area~~ main walk ~~that is proposed to replace the existing piers,~~ would eliminate the temporary tie-up and staging space along the main walk, and it would remove the continuous waterside connection between the berthing areas and the floating platform at Pier 6. ~~a significant portion of the overall project footprint would be reduced. Therefore, the amount of overwater coverage and shading would be decreased compared to the proposed project.~~ In addition, the reduced scale of the ~~floating docks~~ main walk under this alternative would correspond to a decrease in the number of piles required, which would reduce net fill and reduce the amount of sediment disturbance associated with pile installation. Therefore, because this alternative would require fewer piles and add less overwater coverage, it ~~is proposed to attempt to reduce significant~~ would lessen impacts on biological resources, hazards and hazardous materials, and hydrology and water quality.

### ES.4.2.3 Alternative 3 – Reduced Project: No Floating Wave Attenuator

Similar to Alternative 2, Alternative 3 would include all project elements described in Section 2.3.3, *Environmental Setting and Project Components*, except this alternative would not propose a floating wave attenuator. By not constructing the floating wave attenuator, Alternative 3 would reduce in-water structures by 3,245 sf when compared to the proposed project. Therefore, the amount of overwater coverage and shading would be decreased compared to the proposed project. In addition, the removal of the proposed floating wave attenuator would correspond to a decrease in the number of piles required, which would reduce the amount of sediment disturbance associated with pile installation. Although the amount of overwater coverage and shading would be decreased and sediment disturbance would decrease, the wave attenuator is proposed to address existing damage and prevent future damage from wave action and to maintain safe operation of the marina. Removal of wave attenuation under this alternative would not offer protection of the infrastructure investment in the form of a floating wave attenuation dock. This alternative is proposed in an attempt to reduce significant impacts on biological resources, hazards and hazardous materials and hydrology and water quality by reducing the amount of in-water structures.

## ES.4.3 Environmentally Superior Alternative

Alternative 1, the No Project Alternative would avoid the adverse impacts generated by the construction and operation of the proposed project. Therefore, it is considered the environmentally superior alternative. However, the No Project Alternative would not meet any of the project objectives and the District may still need to propose future improvements to ensure safe operations of the commercial fishing facility.

When the environmentally superior alternative is the No Project Alternative, the State CEQA Guidelines (Section 15126[d][2]) require selection of an environmentally superior alternative other than the No Project Alternative from among the other action alternatives evaluated. As illustrated in Table ES-4, at the end of this Executive Summary, the Reduced Over Water Coverage Alternative (Alternative 2) would be environmentally superior action alternative. Although the environmental impacts of the Reduced Over Water Coverage Alternative would be similar to the proposed project, and no significant impacts or significant and unavoidable impacts would be completely avoided, the reduced degree of construction, sediment disturbance, and reduced project footprint would reduce impacts associated with air quality; biological resources; ~~cultural resources;~~ energy; greenhouse gas emissions and climate change; hazards and hazardous materials; hydrology and water quality; ~~land use and planning;~~ noise and vibration; and transportation during construction compared to the proposed project.

## Table ES-3. Summary of Impacts and Mitigation Measures

| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
|---|---|---|---|---|
| **3.1 Air Quality** | | | | |
| **Project Impacts** | | | | |
| Result in a Cumulatively Considerable Net Increase of a Criteria Pollutant | Implementation of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard. | LTS | No mitigation is required. | LTS |
| Expose Sensitive Receptors to Substantial Pollutant Concentrations | Implementation of the proposed project would not expose sensitive receptors to substantial pollutant concentrations. | LTS | No mitigation is required. | LTS |
| **Cumulative Impacts** | | | | |
| The proposed project's incremental contribution to cumulative air quality impacts would not be cumulatively considerable and would be less than significant. No cumulative impact specific mitigation is required. | | | | |
| **3.2 Biological Resources** | | | | |
| **Project Impacts** | | | | |
| Substantial Adverse Effect on any Candidate, Sensitive, or Special-Status Species | **Impact-BIO-1: Impacts to Birds Protected Under the Migratory Bird Treaty Act from Nest Destruction or Disturbance (Demolition Component and Waterside Redevelopment Component).** The Demolition Component of the proposed project includes the removal of ornamental trees and demolition of Building E, which could result in direct impacts to nesting birds from destruction of active nests if present. Moreover, noise from construction activity associated with the Demolition Component and Waterside Redevelopment Component could impact species protected under the Migratory Bird Treaty Act if construction | PS | **MM-BIO-1: Implement Construction Measures to Avoid or Reduce Impacts on Special-Status Avian Species and Nesting Avian Species Protected Under the MBTA and CFGC (Demolition Component and Waterside Redevelopment Component).** To avoid impacts to nesting birds protected under the MBTA and CFGC 3503.5 and 3513, the project proponents shall implement the following measures ~~during~~ prior to and during demolition and construction activities and/or tree trimming or removal activities that occur during the general avian nesting season (February 1-September 15). The project proponents shall also implement the following measures prior to and during demolition and construction activities and/or tree trimming or removal activities that occur outside the general avian nesting season (September 16-January 31) if determined to be required by the District's Environmental Conservation Department. The project proponent shall submit any proposed demolition and construction activities and/or tree trimming or removal activities at least 30 calendar days prior to start of any such activities to the District's Environmental Conservation Department for review and determination by a qualified biologist: | LTS |

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| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
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| | activities occur during the general avian nesting season (February 1 through September 15). This impact would be potentially significant. | | 1. The project proponents shall retain a qualified biologist which has at least three years of demonstrated field experience monitoring sensitive avian species in the Southern California coastal environments.<br>2. The qualified biologist shall conduct a nesting bird survey of the project site plus a 500-foot buffer within 10 days or less from the start of demolition or construction activity to determine if any active nests are present in the survey area. The survey shall occur between sunrise and 12:00 p.m. when birds are the most active.<br>3. Following the nesting bird survey, the qualified biologist shall prepare and submit to the District a letter report documenting the results of the survey.<br>4. If there is a delay of more than 10 days between when the nesting bird survey is performed and noise-generating construction activities begin, the qualified biologist shall re-survey to confirm that no new nests have been established.<br>5. If no sign of nesting activity is observed by the qualified biologist, construction may proceed without potential impacts to nesting birds.<br>6. If the results of the nesting bird survey confirm nesting of a migratory species within a tree to be removed or a structure to be demolished, tree removal or demolition of the structure would be prohibited until the nest has fledged young or is no longer active, as determined by the qualified biologist.<br>7. If the results of the nesting bird survey confirm nesting of a migratory species within the project site or within the 500-foot buffer, the biologist shall establish an appropriate no-disturbance buffer around the nest. The size of the no-disturbance buffer shall be determined by the qualified biologist based on the sensitivity of the species, proximity to project activities, and the type of demolition or construction activity proposed. Project activities may only encroach into this avoidance buffer with approval from the qualified biologist and the no-disturbance buffer shall remain in-place until the nest has fledged young or is no longer active, as determined by the qualified biologist.<br>8. The qualified biologist shall conduct onsite construction monitoring of any active nests at intervals deemed necessary by the qualified biologist to ensure that unauthorized activities do not encroach into the no-disturbance buffer and to ensure that nesting birds are not disturbed directly or indirectly by demolition or construction activities.<br>9. If the qualified biologist determines that nesting behavior is altered, they shall have the authority to halt all demolition or construction activities that may be altering nesting behaviors and to recommend best noise reduction practices to avoid continued disruption. The project | |

| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
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| | | | proponents shall implement actions recommended by the qualified biologist and approved by the District to reduce noise levels or other disturbance to nesting. If the qualified biologist determines that the noise cannot be attenuated or disturbance avoidance cannot be achieved using best practices, project activities must cease until such time that adequate noise attenuation and/or disturbance avoidance is achieved, or nesting is complete. | |
| Substantial Adverse Effect on any Candidate, Sensitive, or Special-Status Species (Cont.) | **Impact-BIO-2: Temporary Impacts on Foraging Behavior of California Least Tern from Construction Noise (Demolition Component and Waterside Redevelopment Component).** Construction activities associated with the Demolition Component and Waterside Redevelopment Component could result in noise generation that disrupts the foraging behavior of California least tern if construction occurs during the nesting season (April 1 through September 15). This impact would be potentially significant. | PS | **MM-BIO-2: Implement Construction Measures to Avoid or Reduce Noise-Related Foraging Impacts on California Least Tern (Demolition Component and Waterside Redevelopment Component).** If impact pile installation, or vibratory pile installation or removal, and/or jetting activities occur during the California least tern breeding season (April 1 through September 15), the project proponents shall retain a qualified biologist (defined under MM-BIO-1) to monitor during in-water impact hammer pile installation, or vibratory pile installation or removal, and/or jetting activities and shall take specific actions, as approved by the District, to reduce or temporarily stop noise-producing activities if the qualified biologist identifies that the activities are impacting the foraging behavior of special-status avian species.<br>These actions shall include the following:<br>1. For all pile driving or pile removal activities performed during the California least tern nesting season (April 1 through September 15), a qualified biologist shall be onsite to monitor foraging activities of any California least terns or other special-status avian species with potential to occur within the project site plus a 100-foot buffer. If any California least terns (or other special-status avian species) are observed within the project site or within 100 feet of the project site, the qualified biologist shall have the authority to halt or modify pile driving activity to ensure foraging behavior is not altered by construction. Work modifications that may limit pile driving noise impacts may include:<br>a) Reducing the intensity/frequency of pile driving.<br>b) Placing sound dampening panels on pile driving equipment.<br>c) Restricting pile driving to periods when special-status avian species are not present.<br>d) Other noise attenuating methods identified in MM-NOI-1 <u>(Waterside Redevelopment Component only)</u>. | LTS |

| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
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| Substantial Adverse Effect on any Candidate, Sensitive, or Special-Status Species (Cont.) | **Impact-BIO-3: Impacts on Mammals, Fish, and Green Sea Turtles from In-Water Construction Noise (Demolition Component and Waterside Redevelopment Component).** In-water construction associated with the Demolition Component and Waterside Redevelopment Component could generate enough underwater noise to physically injure or cause behavioral modification of marine mammals, sea turtles, and fishes from pile driving or pile removal occurring during demolition and construction. Any noise related impacts would be dependent on the type of activity being performed, the proximity to marine waters, and the biology of the considered species. In-water pile driving activity, particularly use of an impact hammer, could potentially generate enough underwater noise to injure or alter behavior for marine mammals, green sea turtles, and fishes. Other in-water activities such as pile removal using heavy machinery may also result in underwater noise levels that could result in behavioral changes. This impact would be potentially significant. | PS | **MM-BIO-3: Implement Construction Noise Measures to Avoid or Reduce Impacts to Special-Status Marine Mammals, Fish, and Green Sea Turtle (Demolition Component and Waterside Redevelopment Component).** Prior to and during in-water construction activities associated with the Demolition Component and Waterside Redevelopment Component involving in-water impact hammer pile installation, vibratory pile removal, and/or jetting, the project proponents shall implement marine mammal, green sea turtle and fishes noise reducing measures, which shall include the following requirements:<br>1. For a period of 15 minutes prior to the start of in-water construction, a qualified biologist, retained by the project proponents and approved by the District, shall monitor an impact radius around the active pile installation areas to ensure that special-status marine mammal species and green sea turtle are not present. The qualified biologist must meet the minimum requirements as defined by the NOAA's *Guidance for Developing a Marine Mammal Monitoring Plan* (2022). The impact radius shall be established by determining the largest zone of influence for marine mammals and green sea turtle associated with in-water construction activities occurring that workday (Zone of Influence is the area that extends out to Level B harassment area indicated in Tables 3.2-7, 3.2-8, and 3.2-10 of the EIR).<br>2. If the qualified biologist observes any special-status species prior to starting pile installation or removal, the project proponents shall not start work until the special-status species has left the area to be affected. Exceptions may apply if an Incidental Harassment Authorization (IHA) is obtained from NOAA, in which case the IHA will identify those exceptions.<br>3. Pile driving and removal activities shall only be conducted during daylight hours when biological monitors can visually observe marine mammals and/or green sea turtle.<br>4. Pile driving shall not exceed a total of 960 strikes in 1 day.<br>5. In-water pile driving shall begin with soft starts in accordance with Section 4.5 of the District's Best Management Practices and Environmental Standards for Overwater Structural Repair and Maintenance Activities for Existing Port Facilities Conducted by the San Diego Unified Port District (District 2019), gradually increasing the force of the pile driving.<br>6. Monitoring by the biological monitor during pile driving using an impact hammer and/or pile removal is required to the distances identified in Tables 3.2-7, 3.2-8, and 3.2-10 of the EIR. | LTS |

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| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
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| | | | 7. The biological monitor shall note observations of the presence of special-status marine species, including green sea turtles and marine mammals, within the zone of influence (see Tables 3.2-7 through 3.2-10 of the EIR), including hauled out marine mammals. The biological monitor shall observe the site for 15 minutes prior to all pile driving or vibratory pile removal activities and during all pile driving or vibratory pile removal activities. If special-status marine mammals or green sea turtles are observed within the zone of influence, during or 15 minutes before pile driving or vibratory pile removal, the biological monitor shall immediately notify the contractor that pile driving or vibratory pile removal either not be initiated or temporarily cease until the protected species have moved outside of the zone of influence on their own. The biological monitor shall have the authority to stop work at any time due to observed species behavior or uncertainty regarding potential to harm a species due to pile driving or vibratory pile removal activities or noise generated from the activity.<br>8. "Shutdown zones" for special-status marine species shall be established based on distances to thresholds included in Tables 3.2-7, 3.2-8, and 3.2-10 of the EIR. If a special-status marine mammal or green sea turtle enters the shutdown zone during active pile driving, the biological monitor shall stop pile driving until the species exits the shutdown zone.<br>9. If weather or sea conditions restrict the biological monitor's ability to observe special-status marine species within the zone of influence, then pile driving activities shall cease until conditions improve.<br>10. The biological monitor shall maintain records of the species, date, and time of any special-status marine species sightings, as well as species behavior, and communications with the contractor during pile driving or pile removal. The biological monitor shall submit copies of these records to the District on a monthly basis during construction. | |
| Substantial Adverse Effect on any Candidate, Sensitive, or Special-Status Species<br>(Cont.) | **Impact-BIO-4: Indirect Temporary Turbidity Impacts on Special-Status Species (Demolition Component and Waterside Redevelopment Component).** Construction activities associated with the Demolition Component and Waterside Redevelopment Component could increase levels of turbidity in waters within the Bay which could limit the ability of sensitive foraging species including birds, mammals, fish, and | PS | Implement **MM-HAZ-1** through **MM-HAZ-12**, as discussed in Section 3.6, *Hazards and Hazardous Materials*.<br>Implement **MM-WQ-1** and **MM-WQ-2**, as discussed in Section 3.7, *Hydrology and Water Quality*. | LTS |

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| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
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| | green sea turtles to locate food. The impact would be potentially significant. | | | |
| Substantial Adverse Effect on any Candidate, Sensitive, or Special-Status Species (Cont.) | **Impact-BIO-5: Overwater Shading Impacts on California Least Tern (Waterside Redevelopment Component).** The Waterside Redevelopment Component would result in an additional 19,003 square feet of overwater shading compared to the existing project site's condition. Installation and use of overwater structures, including the new floating wave attenuator, reconfiguration of piers, piles, and gangways, and the revised slip mix proposed by the proposed project, would result in permanent reduction of foraging habitat for California least tern. The impact would be potentially significant. | PS | **MM-BIO-4: Implement Overwater Coverage Mitigation for Impacts on Foraging Habitat in Coordination with the Appropriate Resource Agencies and the District (Waterside Redevelopment Component).** To reduce the impact associated with the loss of open water foraging habitat for California least tern, prior to the commencement of construction activities associated with the Waterside Redevelopment Component that may result in overwater coverage, the project proponent shall comply with the following:<br>1. The project proponent shall obtain permits with the RWQCB, and/or USACE, in coordination with NMFS and FWS.<br>2. The project proponent shall secure all applicable permits for the mitigation of overwater coverage prior to commencement of waterside construction and shall comply with all permit requirements during and after waterside construction. One or more of the appropriate permitting agencies may require additional conditions of approval or greater mitigation than specified in this mitigation measure.<br>3. The project proponent shall commit to implementation of one of the following mitigation options, or a combination thereof, as determined by the District prior to the issuance of a CDP for the proposed project. The mitigation option(s) chosen by the project proponent shall be made a condition to the CDP. These mitigation options provide the minimum mitigation for overwater coverage impacts.<br>a) Remove an amount of existing overwater coverage within San Diego Bay that is equivalent to the proposed project's net increase in overwater coverage. This would replace the area affected by the proposed project at a 1:1 mitigation ratio, subject to the District's review and approval.<br>b) Restore or create an amount of open water California least tern foraging habitat (i.e., wetland or eelgrass habitat) within San Diego Bay equivalent to the proposed project's net increase in overwater coverage at a suitable location within San Diego Bay, at a 1:1 ratio ~~for wetlands and a 1:1 ratio for eelgrass consistent with the CEMP~~, which would offset the net increase in overwater coverage by improving the habitat structure and primary productivity at the restoration site. ~~(Note, the 1:1 ratio is suitable mitigation for open water impacts. A 1.2:1 ratio is appropriate for impacts on eelgrass as identified in MM-BIO-5).~~ The restoration or creation of wetland or eelgrass habitat shall require the project proponents to prepare a mitigation plan for the District's review and approval. The | LTS |

| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
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| | | | mitigation plan at a minimum shall include a description of the restoration site, mitigation requirements, planting plan (e.g., transplant sites, donor sites, reference site), restoration methods (e.g., plant collection or purchase, transplant units), timing of the restoration work, and a monitoring program to include mitigation success criteria. The project proponents shall secure all applicable permits and all applicable District Real Estate agreements for the mitigation site prior to commencement of construction. Additionally, all fill materials proposed for discharge into San Diego Bay for the development of the mitigation site shall meet the requirements of the USACE's Evaluation of Dredged Material Proposed for Discharge in Waters of the United States – Testing Manual (Inland Testing Manual).<br>c) If a suitable mitigation bank within the Coastal Zone that is not yet available becomes available in the future, prior to construction of the proposed project, the project proponents may purchase mitigation credits to offset the net increase in overwater coverage.<br>d) Subject to the Board of Port Commissioners' approval and findings, the project proponent may purchase an amount of credits from the District's shading credit program established pursuant to BPC Policy 735 equivalent to that of the proposed project's final shading total (i.e., to the satisfaction of the appropriate resource agencies). | |
| Substantial Adverse Effect on Riparian Habitat or Sensitive Natural Community | **Impact-BIO-6: Direct and Indirect Loss of Eelgrass Habitat (Demolition Component and Waterside Redevelopment Component).** Construction-related impacts associated with the Demolition Component and Waterside Redevelopment Component could result from increased turbidity from use of support vessels, equipment, and installation of structures and piles as well as incidental introduction of pollutants that could reduce primary productivity and result in reduced eelgrass cover within the project area, as suspended particles reduce water clarity and can reduce the light reaching plant and algae cells. Additionally, any contact with the seafloor where eelgrass is present could directly dislodge and | PS | Implement **MM-HAZ-1** through **MM-HAZ-12**, as discussed in Section 3.6, *Hazards and Hazardous Materials*.<br>Implement **MM-WQ-1** and **MM-WQ-2**, as discussed in Section 3.7, *Hydrology and Water Quality*.<br>**MM-BIO-5: Implement Eelgrass Mitigation and Monitoring in Compliance with the California Eelgrass Mitigation Policy (Demolition Component and Waterside Redevelopment Component).** Prior to and during the Demolition Component and Waterside Redevelopment Component, the project proponents shall comply with all requirements of the California Eelgrass Mitigation Policy (CEMP) (NMFS 2014) as it relates to any potential loss of eelgrass habitat. The project proponents shall retain a qualified marine biologist with at least four years of university training in marine biology or a related science and/or have at least three years of demonstrated field experience in the Southern California marine environment, to develop an eelgrass mitigation and monitoring plan in compliance with the CEMP. A qualified biologist with more than 10 years of experience monitoring for sensitive marine species in Southern California shall oversee the monitoring work. The mitigation and monitoring plan shall be submitted to the District and NMFS for approval prior to any in-water demolition and construction | LTS |

| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
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| | remove eelgrass and other vegetation. The impact would be potentially significant. Additionally, the Waterside Redevelopment Component would permanently increase overwater coverage in the San Diego Bay by 19,003 square feet. Any increase in overwater coverage could reduce primary productivity and result in reduced eelgrass cover within the project area. The permanent loss of eelgrass habitat from overwater coverage and shading would be a significant impact. | | activities and shall be implemented to compensate for any loss of eelgrass. Specific requirements of this mitigation include the following:<br>1. Prior to the commencement of any in-water construction activities, a qualified marine biologist approved by the District shall conduct a preconstruction eelgrass survey. Surveys for eelgrass will be conducted during eelgrass growing season (March–October), and results will be valid for 60 days, unless completed in September or October; if completed in September or October, results will be valid until resumption of next growing season. The project proponents shall provide the preconstruction eelgrass survey to the District and the NMFS as well as regulatory points of contact for agencies that will be required to provide project permits such as the USACE and San Diego RWQCB.<br>2. Within 30 days of completion of in-water demolition and construction activities, a qualified marine biologist approved by the District shall conduct a post construction eelgrass survey during the active eelgrass growing season (March 1st – October 31st). If construction ends during the non-growing season (November 1 to February 28), the monitoring shall be delayed until the resumption of the growing season. The post-construction survey shall evaluate potential eelgrass impacts associated with demolition and construction. Upon completion of the postconstruction survey, the qualified marine biologist shall submit the survey report to the District and resource agencies within 30 days.<br>3. Post-construction surveys shall be compared to the pre-construction survey results to determine the potential loss of eelgrass habitat. If impacts on eelgrass are identified, the following shall be implemented:<br>a) A qualified marine biologist approved by the District shall develop an eelgrass mitigation plan for in-kind mitigation. The qualified marine biologist shall submit the mitigation plan to the District and NMFS within 60 days following the post-construction survey.<br>b) Mitigation for eelgrass impacts shall be at a ratio of no less than 1.2:1, as required by the CEMP.<br>c) Mitigation shall commence within 135 days of any noted impacts on eelgrass, such that mitigation commences within the same eelgrass growing season that impacts occur.<br>d) Upon completing mitigation, the qualified biologist shall conduct mitigation performance monitoring at performance milestones of 0, 12, 24, 36, 48, and 60 months.<br>e) The qualified biologist shall conduct all mitigation monitoring during the active eelgrass growing season and shall avoid the low | |

| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
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| | | | growth season (November–February). Performance standards shall be in accordance with those prescribed in the CEMP.<br>f) The qualified biologist shall submit the monitoring reports and spatial data to the District and NMFS within 30 days after the completion of each monitoring period. The monitoring reports shall include all specific requirements identified in the CEMP.<br>g) Two years of annual post-construction eelgrass surveys shall be conducted. These surveys shall be conducted in compliance with the specific requirements included in the CEMP.<br>4. If impacts on eelgrass are detected during the two-year post-construction period, the project proponents shall provide additional mitigation for eelgrass impacts by transplanting eelgrass at a suitable restoration site at a ratio of 1.2:1. Conservative mitigation planning can avoid protracted mitigation and monitoring through planning for long-term impacts and providing eelgrass transplantation prior to monitoring and evaluation of all impacts. | |
| Substantial Adverse Effect on Riparian Habitat or Sensitive Natural Community (Cont.) | **Impact-BIO-7: Loss of San Diego Bay Habitat from Increased Fill (Waterside Redevelopment Component).** The Waterside Redevelopment Component would increase existing fill area by approximately 110~~131~~ square feet. These fill impacts would occur in both vegetated and unvegetated shallow and moderately deep subtidal habitat areas. Due to the potential loss of marine habitats that are recommended for conservation and enhancement in San Diego Bay, some of which have been historically declining, the increase in fill would be considered a potentially significant impact. | S | **MM-BIO-6: Implement In-Water Fill Mitigation in Coordination with the Appropriate Resource Agencies and the District to Compensate for Permanent Loss of Unvegetated and Vegetated Shallow Habitat and Moderately Deep Subtidal Habitat Resulting from In-Water Fill (Waterside Redevelopment Component).** Prior to commencement of construction activities associated with the Waterside Redevelopment Component that may result in in-water fill, the project proponent~~s~~ shall comply with the following:<br>1. The project proponent shall secure all applicable permits for the mitigation of in-water fill prior to commencement of waterside construction, including but not limited to a CWA Section 404 permit and Rivers and Harbors Act Section 10 permit from the USACE and a CWA Section 401 water quality certification from the RWQCB.<br>2. The project proponent shall implement one of the following mitigation options, or a combination thereof, to the satisfaction of the permitting agencies (USACE and RWQCB). These options provide the minimum mitigation for in-water fill impacts at a 1:1 mitigation ratio. One or more of the appropriate resource agencies may require additional or greater mitigation than specified in these mitigation options:<br>a) Remove an amount of existing fill ~~overwater coverage~~, including in-water derelict structures, or remove uplands to create water area within San Diego Bay that is equivalent to the proposed project's net increase in the area of in-water fill based on final construction | LTS |

| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
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| | | | plans. This would replace the area affected by the proposed project at a 1:1 mitigation ratio.<br>b) Purchase mitigation credits of in-kind habitat at a mitigation bank approved by the resource agencies to ensure no net-loss of bay waters due to fill impacts. Prior to any construction activity resulting in the fill impacts, the project proponent shall provide notice of credit purchase to the District and permitting agencies . Based on approved final construction plans, the mitigation credits shall compensate for the net increase of fill impacts at a 1:1 mitigation ratio. | |
| Substantial Adverse Effect on State or Federally Protected Wetlands | **Impact-BIO-8: Construction-Related Impacts on Waters of the United States and Waters of the State (Demolition Component and Waterside Redevelopment Component).** Demolition and construction associated with the Demolition Component and Waterside Redevelopment Component could result in impacts to water quality and increased fill within San Diego Bay, which are Waters of the United States and Waters of the State regulated under Section 10 of the Rivers and Harbors Act and Section 401/404 of the CWA. The impact would be potentially significant. | PS | Implement **MM-BIO-6**, identified above.<br>Implement **MM-HAZ-1** through **MM-HAZ-12 (Demolition Component)** and **MM-HAZ-1** through **MM-HAZ-9** and **MM-HAZ-11 (Waterside Redevelopment)**, as discussed in Section 3.6, *Hazards and Hazardous Materials*.<br>Implement **MM-WQ-1** and **MM-WQ-2**, as discussed in Section 3.7, *Hydrology and Water Quality*. | LTS |
| Substantial Interference with the Movement of any Native Resident or Migratory Fish or Wildlife Species, or with Established Native Resident or Migratory Wildlife Corridors, or Impedance of the use of Native Wildlife or Nursery Sites | **Impact-BIO-9: Potential to Substantially Interfere with Wildlife Movement and Substantially Impede the Use of Wildlife Nursery Sites (Demolition Component and Waterside Development Component).** The proposed project has the potential to affect eelgrass, open water habitat, and special-status wildlife species during demolition and construction of the proposed project. These impacts have the potential to substantially interfere with the movement of fish or other wildlife species or substantially impede the use of native wildlife nursery habitat. | PS | Implement **MM-BIO-1** through **MM-BIO-4**, identified above.<br>Implement **MM-BIO-5** and **MM-BIO-6**, identified above.<br>Implement **MM-HAZ-1** through **MM-HAZ-12 (Demolition Component)** and **MM-HAZ-1** through **MM-HAZ-9** and **MM-HAZ-11 (Waterside Redevelopment)**, as discussed in Section 3.6, *Hazards and Hazardous Materials*.<br>Implement **MM-WQ-1** and **MM-WQ-2**, as discussed in Section 3.7, *Hydrology and Water Quality*. | LTS |

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| | The impact would be potentially significant. | | | |
| Conflict with Applicable Policies, Ordinances, or Habitat Conservation Plans | Implementation of the proposed project would not conflict with applicable policies, ordinances, or habitat conservation plans. | LTS | No mitigation is required. | LTS |
| **Cumulative** | | | | |
| The proposed project's incremental contribution to cumulative biological resources impacts would be cumulatively considerable prior to mitigation (**Impact-C-BIO-1**). However, no additional cumulative-specific mitigation would be required. Rather, the project would be required to implement **MM-BIO-1** through **MM-BIO-6**, **MM-HAZ-13** through **MM-HAZ-12**, **MM-WQ-1** and **MM-WQ-2**. Therefore, the proposed project's contribution to cumulative impacts related to biological resources would not be cumulatively considerable and no additional mitigation measures specific to cumulative impacts would be required. | | | | |
| **3.3 Cultural Resources and Tribal Cultural Resources** | | | | |
| **Project Impacts** | | | | |
| Substantial Adverse Change in the Significance of a Historical Resource | Implementation of the proposed project would not result in a substantial adverse change in the significance of a historical resource. | NI | No mitigation is required. | NI |
| Substantial Adverse Change in the Significance of an Archaeological Resource | Implementation of the proposed project would not result in a substantial adverse change in the significance of an archaeological resource. | LTS | No mitigation is required. | LTS |
| Substantial Adverse Change in the Significance of a Tribal Cultural Resource | Implementation of the proposed project would not result in a substantial adverse change in the significance of a tribal cultural resource. | LTS | No mitigation is required.<br>**CONDITION-TCR-1**: **Retain a Native American Monitor During Landside Ground Disturbance (Demolition Component and Waterside Redevelopment Component).** The project proponent(s) shall retain and compensate for the services of a Tribal monitor/consultant who is approved by the Campo Band of Mission Indians. The project proponents shall contact the Tribal representatives a minimum of seven days prior to beginning landside ground disturbing activities for their respective project components. Construction activities may proceed if no response is received from the Tribal representatives 48 hours prior to ground disturbing activities. If any suspected tribal cultural resources are discovered, all work shall cease within 50 feet of the find, and a tribal monitor from culturally affiliated Native American Tribe(s) shall be retained, if one is not currently on site. The tribal monitor shall determine if the find is a tribal cultural resource. The consulting Tribal Historic Preservation Officer, or tribal monitor if the consulting tribe has no THPO, will make recommendations for further evaluation and culturally appropriate | LTS |

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| | | | treatment of discovered Tribal cultural resources as necessary. Consultation with an archaeologist who meets the secretary of the Interior's professional qualifications for archaeology may also occur. The Tribal monitor shall only be present onsite during the construction phase(s) that involve ground disturbing activities for landside construction of the project, including excavation and trenching associated with trenching for utilities (Waterside Redevelopment Component) and site grading/earthwork related to Building E demolition (Demolition Component). The Tribal monitor shall complete daily monitoring logs that describe each day's activities, including construction activities, locations, soil, and any cultural materials identified. The onsite monitoring shall end when the site grading and excavation activities on the landside are completed, or sooner if the Tribal representatives and monitor have indicated that the site has a low potential for impacting tribal cultural resources. | |
| **Cumulative** | | | | |
| The proposed project's incremental contribution to cumulative cultural and tribal cultural resources impacts would not be cumulatively considerable and would be less than significant. No cumulative impact specific mitigation is required. | | | | |
| **3.4 Energy** | | | | |
| **Project Impacts** | | | | |
| Result in a Potentially Significant Environmental Impact Due to Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources During Project Construction or Operation | Implementation of the proposed project would not result in the wasteful, inefficient, and unnecessary consumption of energy that could result in potentially significant environmental effects, nor would it conflict with state and local renewable energy and energy efficiency plans. | LTS | No mitigation is required. | LTS |
| Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency | The proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. | LTS | No mitigation is required. | LTS |
| **Cumulative** | | | | |
| The proposed project's incremental contribution to cumulative impacts related to energy would be less than cumulatively considerable. No cumulative impact specific mitigation is required. | | | | |

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| **3.5 Greenhouse Gas Emissions and Climate Change** | | | | |
| **Project Impacts** | | | | |
| Generate Greenhouse Gas Emissions That May Have a Significant Effect on the Environment | Implementation of the proposed project would not generate greenhouse gas emissions that may have a significant effect on the environment. | LTS | No mitigation is required. | LTS |
| Conflict with an Applicable Plan, Policy, or Regulation for Reducing Greenhouse Gas Emissions | Implementation of the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Impacts would be less than significant. | LTS | No mitigation is required. | LTS |
| **Cumulative** | | | | |
| The proposed project's incremental contribution to cumulative impacts related to GHG emissions would be less than cumulatively considerable. No cumulative impact specific mitigation is required. | | | | |
| **3.6 Hazards and Hazardous Materials** | | | | |
| **Project Impacts** | | | | |
| Create a Significant Hazard Through the Routine Transport, Use, or Disposal of Hazardous Materials | **Impact HAZ-1: Potential to Disturb Onsite Contaminated Soil and Groundwater (Demolition Component, Waterside Redevelopment Component).** Historic onsite uses have used hazardous materials associated with the commercial fishing industry, and onsite soil and groundwater contamination may be present. Therefore, soil-disturbing activities that would occur during the Demolition Component activities and landside-related construction activities associated with the Waterside Redevelopment Component may encounter and disturb contaminated soils and groundwater, which would have the potential to release hazardous materials into the environment. | PS | **MM-HAZ-1: Prepare and Implement a Soil and Groundwater Management Plan to Address Potential Onsite Contaminants (Demolition Component and Waterside Redevelopment Component).** Prior to the commencement of ground-disturbing activities associated with the Demolition Component and the landside construction-related activities of the Waterside Redevelopment Component, the project proponents (for the Demolition Component and Waterside Redevelopment Component) shall retain a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer with experience in contaminated site redevelopment and restoration to prepare a site-specific site safety and health plan (prepared in accordance with CFR 1910.120 Appendix C) and a Soil and Groundwater Management Plan (prepared in accordance with CCR Title 22 and Title 27) to ensure that all soil disturbed or excavated at the site is screened for the presence of hazardous materials and appropriately characterized and disposed of or reused on site if determined to be suitable for reuse. The plans shall specify that in the event evidence of contaminated soil is encountered during ground-disturbing activities, work shall cease and the San Diego County Department of Environmental Health's Hazardous Materials Division shall be notified immediately and prior to any continuation of ground or soil work. The plans shall be approved by the District prior to the commencement | LTS |

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| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
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| | | | of ground-disturbing activities. The Soil and Groundwater Management Plan shall include the following:<br>• A *Site Contamination Characterization Report* (Characterization Report) delineating the vertical and lateral extent and concentration of residual contamination from the site's past uses throughout the ~~City Program Development Component~~ construction area. The Characterization Report shall include a compilation of data based on historical records review and from prior reports and investigations and, where data gaps are found, include new soil and groundwater sampling to characterize the existing vertical and lateral extent and concentration of residual contamination. The project proponent shall coordinate with the County of San Diego Department of Health if the Characterization Report identifies contamination.<br>• A *Soil Testing and Profiling Plan* (Testing and Profiling Plan) for those materials that shall be disposed of during construction. Testing shall occur for all potential contaminants of concern, including CA Title 22 metals, PAHs, VOCs, pesticides, PCBs, TPH, PAHs, or any other potential contaminants, as specified within the Testing and Profiling Plan. The Testing and Profiling Plan shall document compliance with CA Title 22 for proper identification and segregation of hazardous and solid waste as needed for acceptance at a CA Title 22–compliant offsite disposal facility. All excavation activities shall be actively monitored by a Registered Environmental Assessor for the potential presence of contaminated soils and for compliance with the Testing and Profiling Plan.<br>• A *Soil Disposal Plan* (Disposal Plan), which shall describe the process for excavation, stockpiling, dewatering, treating, and loading and hauling of soil from the site. This plan shall be prepared in accordance with the Testing and Profiling Plan (i.e., in accordance with CA Title 22 and DOT Title 40 CFR Part 263, California Code of Regulations Title 27), and current industry best practices for the prevention of cross contamination, spills, or releases. Measures shall include, but not be limited to, segregation into separate piles for waste profile analysis based on organic vapor, and visual and odor monitoring.<br>• A *Site Worker Health and Safety Plan* (Safety Plan) to ensure compliance with 29 CFR Part 120, Hazardous Waste Operations and Emergency Response regulations for site workers at uncontrolled hazardous waste sites. The Safety Plan shall be based on the Characterization Report and the planned site construction activity to ensure that site workers potentially exposed to site contamination in soil are trained, equipped, and monitored during site activity. The training, equipment, and monitoring activities shall ensure that workers are not exposed to contaminants above personnel exposure limits established by Table Z, | |

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| | | | 29 CFR Part 1910.1000. The Safety Plan shall be signed by and implemented under the oversight of a California State Certified Industrial Hygienist.<br>• *Monitoring and Reporting Program*. Prior to commencing construction of the Demolition Component and landside construction-related activities of the Waterside Redevelopment Component, the project proponents shall prepare a Monitoring and Reporting Program and submit it to the District for review and approval. The Monitoring and Reporting Program shall be implemented during and upon completion of construction of these components. The Monitoring and Reporting Program shall document implementation of the Soil and Groundwater Management Plan, including the Testing and Profiling Plan, Disposal Plan, and Safety Plan. The Monitoring and Reporting Program shall include a requirement that the project proponents submit monthly reports (starting with the first ground disturbance activities and ending at the completion of ground disturbance activities) to the District, signed and certified by the licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, as applicable, documenting compliance with the provisions of these plans and the overall Soil and Groundwater Management Plan.<br>• *Project Closeout Report*. Within 30 days of completion of construction of the Demolition Component and landside construction-related activities of the Waterside Redevelopment Component, the project proponents shall prepare a Project Closeout Report and submit it to the District for review and approval. The Project Closeout Report shall summarize all environmental activity at the site and document implementation of the Soil and Groundwater Management Plan.<br>**MM-HAZ-2: Consult with Permitting Agencies and Implement Conditions Described in Issued Permit(s) (Demolition Component and Waterside Redevelopment Component).** Prior to the commencement of any landside construction activities associated with the Demolition Component and Waterside Redevelopment Component that would disturb soil and/or groundwater, the project proponent must consult with the RWQCB's Site Restoration Unit, in accordance with the California Water Code, to ensure soil or groundwater disturbance from proposed activities such as trenching for electrical utilities, subsequent grading of the Building E pad, and any potential soil disturbance in the area where the storage shed was previously sited, does not exacerbate any existing soil or groundwater contamination that would lead to significant adverse impacts on water quality. The project proponents of the Demolition Component and Waterside Redevelopment Component shall also consult with DTSC and the San Diego County DEHQ's Hazardous | |

| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
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| | | | Materials Division (HMD) to ensure all permits or approvals required by State law or regulation are obtained.<br>As indicated in the project's Phase I ESA and the Limited Phase II ESA, additional information related to potential existing contamination is required. Consultation with the applicable permitting and agencies with potential oversight responsibilities may yield specific site remediation requirements. The project would need to comply with all conditions identified in any oversight or responsible agency permits, including the Section 401 CWA certification. Evidence of satisfied permit conditions, to the extent it is applicable to the specified condition, must be documented before project-related soil disturbance may occur. Under no circumstances may soil or groundwater disturbance occur without the necessary agency permit approvals and implementation of associated permit conditions. | |
| Create a Significant Hazard Through the Routine Transport, Use, or Disposal of Hazardous Materials<br>(Cont.) | **Impact-HAZ-2: Potential for Accidental Release of Hazardous Materials into San Diego Bay (Demolition Component and Waterside Redevelopment Component).** During construction activities associated with the Demolition Component and Waterside Redevelopment Component, use of typical construction-related hazardous materials such as fuels, lubricants, solvents, and coatings could potentially be unintentionally released into the San Diego Bay, which would be considered a significant impact to the environment. | PS | **MM-HAZ-3: Secondary Containment Structures (Demolition Component and Waterside Redevelopment Component).** The project proponents of the Demolition Component and Waterside Redevelopment Component shall require the primary contractor, enforced through the professional agreement, to ensure that oils and fuels are contained in secondary containment structures during any demolition or construction activities so that spills and leaks are contained and prevented from entering the San Diego Bay. This measure shall be denoted on the construction plans and construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities associated with the Demolition Component and Waterside Redevelopment Component.<br>**MM-HAZ-4: Hazardous Materials Worker Training (Demolition Component and Waterside Redevelopment Component).** Prior to commencing any demolition or construction activities for the Demolition Component and Waterside Redevelopment Component, the project proponents shall require the lead contractor, through conditions specified in the professional agreement, to provide training to construction workers (including subcontractors) on specific task areas, including potential hazards resulting from accidental oil and/or fuel spills, and proper equipment operation. This measure shall be denoted on the construction plans and construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities.<br>**MM-HAZ-5: Equipment Inspection (Demolition Component and Waterside Redevelopment Component).** Prior to commencing any demolition or construction activities for the Demolition Component and Waterside Redevelopment Component, the project proponents shall require that the primary contractor, through conditions specified in the professional agreement, ensure all equipment operators conduct equipment inspections | LTS |

| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
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| | | | prior to use each day to identify and address wear, faulty parts, and leaks. This measure shall be denoted on the construction plans and construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities.<br>**MM-HAZ-6: Proper Equipment Instrumentation (Demolition Component and Waterside Redevelopment Component)**. Prior to commencing any demolition or construction activities for the Demolition Component and Waterside Redevelopment Component, the project proponents shall require its primary contractor, through conditions specified in the professional agreement, to identify the proper instrumentation for each piece of equipment to avoid spillage of material from the barge. This measure shall be denoted on the construction plans and construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities.<br>**MM-HAZ-7: Oil/Fuel Spill Kits (Demolition Component and Waterside Redevelopment Component).** Prior to commencing any demolition or construction activities for the Demolition Component and Waterside Redevelopment Component, the project proponents shall require that the primary contractor, through conditions specified in the professional agreement, inform construction workers as to where oil/fuel spill kits are located, how to deploy the oil-absorbent pads, and proper disposal guidelines. The barge shall have a full complement of oil/fuel kits on-board throughout the construction period to allow for quick and timely implementation of spill containment. This measure shall be denoted on the construction plans and construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities.<br>**MM-HAZ-8: Hazardous Materials Monitoring (Demolition Component and Waterside Redevelopment Component)**. Prior to commencing any demolition or construction activities for the Demolition Component and Waterside Redevelopment Component, the project proponents shall require that the primary contractor, through conditions specified in the professional agreement, assign construction personnel to visually monitor for oil and fuel spills during construction. If spilled oil or fuel is detected, all equipment shall be shut down and the source of the spill shall be identified, contained, and reported. This measure shall be denoted on the construction plans and construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities.<br>**MM-HAZ-9: Barge Loading Procedures (Demolition Component and Waterside Redevelopment Component)**. Prior to commencing any demolition or construction activities for the Demolition Component and Waterside Redevelopment Component, the project proponents shall require that the primary contractor, through conditions specified in the professional | |

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| | | | agreement, identify barge load limits and loading procedures and shall mark the appropriate draft level on the materials barge hull to avoid disturbing the bottom of the Bay. This measure shall be denoted on the construction plans and construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities.<br>**MM-HAZ-10: Removed Pile Placement (Demolition Component).** When placing pulled and removed docks, piers, head walks, and piles in the barge, the primary contractor (who shall also inform all related subcontractors) for the Demolition Component shall employ a flattop barge with containment walls and "skip tubs" to prevent any sediment, wood, concrete, or metal debris from falling into the water. The contractor shall locate the barge as close to shore as possible when transferring materials and/or debris on and off of the work barge. If exposed water is present between the barge and the shore, traps shall be utilized to prevent debris from falling into the water. This measure shall be made a condition to the professional agreement between the project proponent and the primary contractor overseeing pile removal, and denoted on the construction plans and/or construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities.<br>**MM-HAZ-11: Cleanup of Removed Debris and Construction Material (Demolition Component and Waterside Redevelopment Component)**. The primary contractor and all subcontractors (to the extent applicable) for the Demolition Component and Waterside Redevelopment Component shall clean up marine growth from material removed from the water before disposal. The primary contractor and applicable subcontractors shall also clean up debris generated from construction activities and install BMPs in and around the storm drain inlets. This measure shall be denoted on the construction plans and/or construction contract and photographic evidence of site cleanup completion and installed BMPs shall be submitted to the District prior to final payment being made to the contractor. | |
| Create a Significant Hazard Through the Routine Transport, Use, or Disposal of Hazardous Materials<br>(Cont.) | **Impact-HAZ-3: Potential to Encounter Waterside Contaminated Sediment During Project Construction Activities (Demolition Component and Waterside Redevelopment Component).** In-water construction activities associated with the Demolition Component and Waterside Redevelopment Component, such as pile removal and installation of new and replacement piles would potentially | PS | **MM-HAZ-12: Implement a Sediment Management Program (Demolition Component).** The project proponent of the Demolition Component shall prepare and implement a Sediment Management Program to avoid or reduce the potential impacts that may occur from the project's in-water demolition and construction activities that would disturb existing contaminated sediments.<br>The project proponent must obtain a CWA Section 404 permit and a Rivers and Harbor Act Section 10 permit from the USACE and a CWA Section 401 water quality certification from the RWQCB before commencing in-water demolition and construction activities. Therefore, the Sediment Management Program shall be prepared in consultation with the RWQCB and the USACE | LTS |

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| | encounter and disturb existing contaminated sediment, if present. As a result, sediments that are currently settled in place on the bay floor may reenter the water column, causing exposure to marine wildlife, such on benthic communities, bottom foraging fish, and/or plankton. Therefore, disturbance of potentially contaminated sediment within the project site would have the potential to result in a significant environmental impact. | | and must be consistent with the requirements of the Section 404 and Section 10 permits issued by the USACE and the Section 401 water quality certification issued by the RWQCB for the project.<br>Prior to the commencement of any in-water demolition or construction activities, the project proponent of the Demolition Component shall retain a Qualified Professional, approved by the District, with substantial experience (i.e., more than 5 years) in marine sediment contamination, sediment sampling, and contamination remediation. The Qualified Professional shall prepare and oversee the implementation of a Sediment Management Program for portions of the project site where in-water construction activities have the potential to disturb sediment. The Sediment Management Program, which shall be the responsibility of the project proponent of the Demolition Component to implement, shall be in effect throughout the duration of waterside demolition and construction activities for the proposed project, or until the District and the RWQCB have determined that that the Sediment Management Program is no longer required.<br>The Sediment Management Program shall include the following elements, each of which have specific timing mechanisms as identified in the description of each element below:<br>1. **Sampling and Analysis Plan (SAP).** Prior to any in-water demolition or construction that may potentially disturb sediment, the Qualified Professional shall (1) delineate the area of potential disturbance (Disturbance Area); (2) develop a Sampling and Analysis Plan (SAP) that includes pre-construction and post-construction sediment sampling; and (3) perform sediment sampling. The SAP, which shall include a Quality Assurance/Quality Control (QAPP) with Standard Operating Procedures (SOPs), shall apply to the entire project sediment disturbing activities and shall set forth the specific methodology to be used, the locations where sampling would occur, and proper decontamination and disposal procedures for both pre-construction and post-construction sampling and analysis. The sediment samples shall be tested for the presence of Contaminants of Concern (COCs). The specific COCs shall be identified by the District in consultation with the RWQCB.<br>In addition, the sampling area and sampling methodology shall be determined in consultation with the RWQCB and shall identify sample locations determined to be appropriate to adequately characterize any Disturbance Area associated with the proposed project. All sediment sampling must occur prior to sediment-disturbing construction activity and shall be performed in accordance with the requirements of the SAP. The SAP must be submitted to the RWQCB and the District for review and | |

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| | | | approval, and evidence of the RWQCB's approval must be submitted to the District for verification.<br>2. **Sediment Characterization Report.** After completion of the preconstruction sampling, and prior to in-water construction, the Qualified Professional shall prepare a Sediment Characterization Report delineating the vertical and lateral extents and concentrations of the project site's COCs in areas where pile driving or removal and other sediment-disturbing activities are proposed as part of this project, or as determined appropriate by the RWQCB. The Sediment Characterization Report shall be based on the pre-construction sediment sampling performed per the SAP. The project proponent of the Demolition Component shall submit the Sediment Characterization Report to the RWQCB and the District for approval as representative of existing sediment conditions in the Disturbance Area. If pre-construction sampling occurs incrementally as different phases or areas are planned for disturbance, then the Qualified Professional shall prepare technical memos documenting the different phases of sampling, which shall be submitted for review to the District and RWQCB as data is collected.<br>3. **Sediment Management Plan.** The Qualified Professional retained by the project proponent for the Demolition Component shall prepare a Sediment Management Plan based upon the findings of the Sediment Characterization Report described above in consultation with and subject to the approval of the RWQCB and the District. Once approved, the Sediment Management Plan shall be implemented by the project proponent of the Demolition Component and shall be subject to regulatory oversight of the RWQCB and the District. Importantly, the Sediment Management Plan shall be revised, subject to District concurrence, whenever data is collected from incremental sampling efforts (e.g., each phase, each area planned for disturbance) as part of Steps 1 and 2 outlined above. The Sediment Management Plan shall describe in detail the required actions that will be employed when disturbing sediment in the Disturbance Area to prevent waterside demolition and construction activity from creating contamination or exacerbating existing sediment contamination conditions documented in the Sediment Characterization Report. The Sediment Management Plan shall consider and be consistent with the project requirements specified in mitigation measures **MM-HAZ-2** through **MM-HAZ-12**, which include several BMPs to avoid accidental releases into the Bay waters, **MM-WQ-1**, which requires a water quality monitoring plan, and **MM-WQ-2**, which requires implementation of several water quality best management practices (BMPs), including specific requirements for sediment | |

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| | | | disturbing activities such as pile driving and double silt curtains for sediment disturbance in areas with elevated contamination.<br>4. **Post-Construction Sampling and Analysis.** At the conclusion of construction activities within a Disturbance Area, the Qualified Professional that was retained by the project proponent of the Demolition Component shall conduct post-construction sampling and analysis in accordance with the SAP (previously prepared in Step 1 above) to determine if in-water sediment disturbance activities resulted in COCs above the preconstruction levels documented in the Sediment Characterization Report. The results of the post-construction sampling and analysis shall be submitted to the RWQCB and the District, within 30 days after concluding the sampling.<br>5. **Remediation.** If the results of the post-construction sampling show that COC levels exceed the levels identified from the pre-construction sampling, implementation of corrective measures identified in the Sediment Management Plan to restore COC levels to the levels at or below those observed in the pre-construction sampling shall be implemented by the Qualified Professional retained by the project proponent of the Demolition Component ~~required~~. However, the project shall not be required to mitigate to contamination levels lower than pre-construction sampling levels to comply with this mitigation measure. These remedial actions, which shall be determined in consultation with the RWQCB, consistent with the requirements of **MM-WQ-1**, may include, and may not be limited to, dredging, and/or sand, gravel, gravelly-sand cover as determined appropriate in consultation with the District and RWQCB.<br>6. **Progress Documentation.** The project proponent of the Demolition Component shall submit a progress report to the RWQCB and the District for their review on a recurring basis during the remediation activities that shall be no less than quarterly and may be as frequent as monthly, which shall be determined at the discretion of the RWQCB and District based on circumstances present at the time of the activities.<br>7. **Final Documentation**. Final documentation evidencing the completed remediation work shall also be submitted to the RWQCB and the District. Once the concentrations of COCs do not exceed the preconstruction levels documented in the Sediment Characterization Report, no further remediation is required by this mitigation measure. However, as a requirement of the CWA Section 401 certification and as the agency with primary jurisdiction over water quality in the San Diego Bay, the Site Restoration Unit of the RWQCB may require additional steps, as appropriate, in the course of prescribing, overseeing, and enforcing remedial actions (under authority provided in Section 13304 of the | |

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| | | | California Water Code) which the agency deems necessary to comply with the Clean Water Act and the Porter-Cologne Water Quality Control Act.<br>Implement **MM-WQ-1** and **MM-WQ-2**, as described in Section 3.7, *Hydrology and Water Quality*. | |
| Be Located on a Site which is Included on a List of Hazardous Materials Sites Compiled Pursuant to Government Code Section 65962.5 and, as a Result, would it Create a Significant Hazard to the Public or the Environment | **Impact-HAZ-1** and **Impact-HAZ-3**, as described above. | PS | Implement **MM-HAZ-1**, **MM-HAZ-2, and MM-HAZ-12**.<br>Implement **MM-WQ-1** and **MM-WQ-2**, as described in Section 3.7, *Hydrology and Water Quality.* | LTS |
| **Cumulative** | | | | |
| The proposed project's incremental contribution to cumulative impacts related to hazards and hazardous materials would not be cumulatively considerable because a significant cumulative impact from past, present, and reasonably foreseeable projects is not present. No cumulative impact specific mitigation is required. | | | | |
| **3.7 Hydrology and Water Quality** | | | | |
| **Project Impacts** | | | | |
| Violate Water Quality Standards or Waste Discharge Requirements or Degrade Surface or Ground Water Quality | **Impact-WQ-1: Violation of Water Quality Standards and Degradation of Water Quality from Sediment Disturbance During In-Water Construction (Demolition Component and Waterside Redevelopment Component).** The proposed project includes the Demolition Component and the Waterside Redevelopment Component, both of which would involve in-water construction and disturbance to the bay floor, including pile removal and installation, which may result in the temporary suspension of bay floor sediments and impact water quality. In addition to a depression in water clarity, suspended sediments could result in slightly reduced depressed oxygen and pH levels. Sediment contaminants and nutrients could also be suspended in the water column. Even though effects on water quality from sediment suspension | PS | **MM-WQ-1: Provide Evidence of Clean Water Act Section 401 Water Quality Certification and Monitor Turbidity and Constituents of Concern During Construction-Related Sediment Disturbance (Demolition Component and Waterside Redevelopment Component).** Prior to commencing demolition and construction activities in water associated with the Demolition Component and Waterside Redevelopment Component that have the potential to disturb sediments, the project proponents shall provide evidence to the District that the Clean Water Act (CWA) Section 401 Water Quality Certification has been obtained from the San Diego Regional Water Quality Control Board (RWQCB) for sediment-disturbing activities, and USACE's enforcement of Section 404 and Rivers and Harbors Act Section 10, and the District's enforcement of the Stormwater Management and Discharge Control Ordinance.<br>Unless the RWQCB requires additional or alternative measures that provide an equivalent or greater degree of environmental protection as conditions for the issuance of the CWA Section 401 Water Quality Certification, the project proponents shall implement the following steps to ensure the proposed project does not violate the water quality objectives of the Basin Plan or hinder implementation of or otherwise conflict with the San Diego RWQCB's Framework for Monitoring and Assessment in the San Diego Region and Strategic Water Quality Assessment Approach for San Diego Bay. | LTS |

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| | would be localized and temporary, sediment-disturbing activities could violate water quality standards (e.g., water quality objectives in the San Diego Basin Plan), which would be a significant impact on the environment. | | • The project proponents shall implement contractor education for vessel operations prior to in-water construction activities. Vessel operators shall be trained that any contact with the bottom from vessels, barges, anchors, or spuds can suspend sediment that results in water quality and turbidity impacts. Additionally, vessel operators shall be instructed to minimize activities that direct propeller wash toward shallow areas with substrates that can be suspended and result in increased turbidity.<br>• Prior to any in-water construction activities that would disturb the bay floor, the project proponents shall retain a water quality professional, approved by the District, who shall prepare a water quality monitoring plan and shall conduct water quality monitoring to demonstrate to the satisfaction of the District and the RWQCB that construction activities do not violate the Basin Plan or applicable water quality objectives. A water quality professional with 2 years or more of water quality work shall perform any water quality monitoring, which shall be overseen and approved by a water quality professional with 10 years or more of professional water quality monitoring experience.<br>• The water quality monitoring plan shall be based upon the Water Quality Monitoring, Performance, and Environmental Standards in the District's BMPs and Environmental Standards for Overwater Structural Repair and Maintenance Activities for Existing Port Facilities Conducted by the San Diego Unified Port District (District 2019b). Approval of the plan by the District and appropriate regulatory agencies is required before in-water construction activities that would disturb the bay floor can be initiated. The plan shall incorporate: (1) all permit-specific regulatory monitoring and reporting requirements and (2) a detailed description of the proposed water quality monitoring program. The plan shall clearly identify the project boundaries, and chemical constituents of concern and water quality thresholds; and provide a detailed description of the water quality monitoring to be conducted prior to, during, and after construction activities to ensure compliance with this mitigation measure. The water quality monitoring shall be conducted at least weekly, and include visual inspections of turbidity and debris, and water-column monitoring using appropriate and calibrated water quality monitoring field equipment to measure, at a minimum: turbidity, dissolved oxygen, and pH. If water column monitoring indicates exceedances of water quality thresholds (e.g., turbidity or dissolved oxygen), then water column samples shall be collected and analyzed for project-specific chemicals of concern. The water quality thresholds at the compliance station are as follows:<br>• pH <7.0 or >9.0, | |

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| | | | • DO concentration decreased by >10 percent compared to the reference station,<br>• Turbidity:<br>  ○ If turbidity at the reference station is 0–50 nephelometric turbidity units (NTUs), the maximum increase from construction activities must not exceed 20 percent of the measured turbidity at the reference station,<br>  ○ If turbidity at the reference station is 51–100 NTUs, turbidity at the compliance station must not be increased by ≥10 NTUs from construction activities, and<br>  ○ If turbidity at the reference station is >100 NTUs, the maximum increase from construction activities must not exceed 10 percent above the reference levels.<br>• The project proponents shall use a State of California Environmental Laboratory Accreditation Program (ELAP)–certified laboratory for all analytical testing except in those instances where measurements can be determined immediately in the field and not jeopardize the samples by exceeding transportation time to the lab for analysis.<br>• The project proponents' contractor(s) shall deploy a silt curtain(s) around the pile driving or other sediment-disturbing activity areas to restrict the visible surface turbidity plume to the area of construction. The silt curtain shall consist of a hanging ballast-weighted curtain with a surface float line and shall extend from the surface into the water column without disturbing the bottom based on the lowest tidal elevation and swing of the curtain within the water column. The silt curtain shall meet the specifications for design, installation, use, performance, and/or modification outlined in the District's Best Management Practices and Environmental Standards for Overwater Structural Repair and Maintenance Activities for Existing Port Facilities Conducted by the San Diego Unified Port District (District 2019b). Silt curtain deployment shall be in conformance with the following requirements:<br>  ○ The silt curtains must be composed of Type III geotextile material.<br>  ○ The silt curtains must restrict the surface visible turbidity plume or surface debris to the area of construction and sediment disturbance and must control and contain the migration of resuspended sediments or debris at the water surface and at depth.<br>  ○ The silt curtains must be maintained as a full turbidity enclosure. The silt curtains must be supported by floating debris booms in open water areas such as along the seaward side of the area of | |

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| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
|---|---|---|---|---|
| | | | disturbance. The silt curtains may be connected to vessels, piers, pilings, or the shoreline to maintain effectiveness.<br>o The bottom of the silt curtains must be weighted with ballast weights or rods affixed to the base of the fabric to resist the natural buoyancy of the silt curtain fabric and lessen its tendency to more in response to currents. Where applicable, the floating silt curtains must be anchored and deployed from the surface of the water just above the substrate without disturbing the bottom or eelgrass based on the lowest tidal elevation and swing of the curtain within the water column.<br>o If necessary, silt curtains with tidal flaps must be installed to facilitate curtain deployment in areas of higher flow. Based on a determination by the District, and subject to concurrence from the RWQCB pursuant to the CWA and Porter-Cologne Water Quality Control Act, air curtains may be used in conjunction with silt curtains to contain resuspended sediment, enhance worker safety, and allow barges to transit into and out of the work area without the need to open and close silt curtains gates.<br>o Silt curtains must be continuously monitored for damage, dislocation, or gaps and must be immediately repaired where it is no longer continuous or where it has loosened.<br>o Silt curtains must not be removed until the visible turbidity plume has dissipated and/or surface debris is skimmed and removed.<br>o Silt curtains shall be installed by the project proponent's contractor(s) in compliance with the District's Best Management Practices and Environmental Standards for Overwater Structural Repair and Maintenance Activities for Existing Port Facilities Conducted by the San Diego Unified Port District (District 2019b).<br>• The designated water quality monitor shall stop work to ensure that turbidity does not extend outside of the immediate construction area. If one of the turbidity thresholds listed above is exceeded, the water quality monitor may direct the temporary halt of construction activities. Depending upon the requirements in the CWA Section 401 Water Quality Certification, the project proponents may be required to alert the regulatory agencies if a water quality violation is observed. In addition, the project proponents shall coordinate water quality monitoring efforts and shall provide copies of all monthly water quality monitoring data to the San Diego RWQCB and District throughout the duration of project construction, as outlined in the reporting schedule of the agency-approved monitoring plan or project-specific permits. | |

| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
|---|---|---|---|---|
| | | | **MM-WQ-2: Implement Water Quality Best Management Practices During Construction (Demolition Component and Waterside Redevelopment Component)**. During demolition and construction activities associated with the Demolition Component and Waterside Redevelopment Component, the project proponents shall implement best management practices (BMPs), which must be listed in the contractor specifications and plans and with evidence provided to the District. Unless the San Diego Regional Water Quality Control Board (RWQCB) requires additional or alternative measures that provide an equivalent or greater degree of environmental protection as conditions for the issuance of the CWA Section 401 Water Quality Certification, the project proponents shall implement the following construction-related BMPs:<br>• The contractor shall fully understand and adhere to the terms and conditions of approvals and permits obtained as well as all project BMPs.<br>• With the exception of material transport, including material and equipment deliveries and haul aways, all construction activities shall occur within the designated project footprint.<br>• Disturbance to the bay bottom and intertidal areas shall be minimized.<br>• Appropriate types and sufficient quantities of materials shall be maintained onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.<br>• The project proponents shall properly manage, store, treat, and dispose of wastes in accordance with applicable federal, state, and local laws and regulations. Waste management shall be implemented to avoid or minimize exposure of wastes to precipitation or stormwater runoff. The storage, handling, treatment, or disposal of waste shall not create conditions of pollution, contamination, or nuisance as defined in the California Water Code Section 13050.<br>• Netting, sandbags, tarps, or other forms of barriers shall be placed around landside and waterside staging areas to prevent debris from entering the water.<br>• All equipment must be washed prior to transport to the project site and must be free of sediment, debris, and foreign matter. All equipment used in direct contact with surface water shall be steam-cleaned prior to use. All equipment using gas, oil, hydraulic fluid, or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. Stationary equipment (e.g., motors, pumps, generators, etc.) shall be positioned over drip pans or other types of containment. | |

**NI = No impact** **LTS = Less than significant** **PS = Potentially significant** **S = Significant** **SU = Significant and unavoidable**

| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
|---|---|---|---|---|
| | | | • Floating booms shall be maintained around the project area to capture floating debris. Divers shall recover non-buoyant debris from the bay bottom within 72 hours of known condition. All debris and trash shall be collected and disposed of in appropriate waste containers by the end of each construction day.<br>• Following project completion, all project-generated debris, building materials, excess material, waste, and trash shall be removed from the project site for disposal at an authorized landfill or other disposal site in compliance with federal, state, and local laws and regulations.<br>• All debris and trash shall be collected and disposed of in appropriate waste containers by the end of each construction day.<br>• Discharge of hazardous materials into San Diego Bay shall be prohibited.<br>• Load-controlled boat movement, line attachment, and/or horsepower requirements of tugs and support boats at the project site must be specified to avoid resuspension of sediment. Such measures may include speed restrictions, establishment of off-limit areas (as delineated on the project construction specifications), and use of shallow draft vessels to avoid sediment disturbance and/or resuspension of sediment. The contractor shall ensure adherence to these restrictions.<br>• The construction/demolition contractor(s) shall deploy and maintain a continuous length of silt curtain(s) fully surrounding in-water and on-water project activities to control and contain the migration of resuspended sediments at the water surface and at depth. Silt curtain deployment shall be in conformance with the following requirements:<br>o The silt curtains must be comprised of Type III geotextile material.<br>o The silt curtains must restrict the surface visible turbidity plume or surface debris to the area of construction and sediment disturbance and must control and contain the migration of resuspended sediments or debris at the water surface and at depth.<br>o The silt curtain must be maintained as a full turbidity enclosure. The silt curtains must be supported by floating debris booms in open water areas such as along the seaward side of the area of disturbance. The silt curtains may be connected to vessels, piers, pilings, or the shoreline to maintain effectiveness.<br>o The bottom of the silt curtains must be weighted with ballast weights or rods affixed to the base of the fabric to resist the natural buoyancy of the silt curtain fabric and lessen its tendency to move in response to currents. Where applicable, the floating silt curtains must be anchored and deployed from the surface of the water to just above the substrate. | |

**NI = No impact** **LTS = Less than significant** **PS = Potentially significant** **S = Significant** **SU = Significant and unavoidable**

| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
|---|---|---|---|---|
| | | | ○ If necessary, silt curtains with tidal flaps must be installed to facilitate curtain deployment in areas of higher flow. Based on a determination by the District, and subject to concurrence from the RWQCB pursuant to the CWA and Porter-Cologne Water Quality Control Act, air curtains may be used in conjunction with silt curtains to contain resuspended sediment, enhance worker safety, and allow barges to transit into and out of the work area without the need to open and close silt curtain gates.<br>○ Silt curtains must be continuously monitored for damage, dislocation, or gaps and must be immediately repaired where it is no longer continuous or where it has loosened.<br>○ Silt curtains must not be removed until the visible turbidity plume has dissipated and/or surface debris is skimmed and removed.<br>○ Silt curtains shall be installed by the project proponent's contractor(s) in compliance with the District's Best Management Practices and Environmental Standards for Overwater Structural Repair and Maintenance Activities for Existing Port Facilities Conducted by the San Diego Unified Port District (District 2019b).<br>• In-Water Activity–Specific Procedures (Pile Installation). The project proponents shall conduct pile installation and removal in a manner that implements applicable permit requirements, including the CWA Section 404 permit issued by the United States Army Corps of Engineers and CWA Section 401 Water Quality Certification issued by the San Diego RWQCB (if applicable). Impact hammer pile driving, internal jetting, or spudding may be required based on the type of pile installation, or removal, that occurs. The construction/demolition contractor(s) shall deploy and maintain a continuous length of silt curtain(s) fully surrounding areas proposed for pile installation and removal to control and contain the migration of resuspended sediments at the water surface and at depth. Silt curtain deployment for pile installation and removal shall be in conformance with the requirements described above in this measure. The following additional measures shall be required based on the type of pile removal or installation that occurs.<br>• Pile Driving and Removal<br>Removal of piles shall be conducted using the direct pull method for concrete, timber, and composite piles. Due to the age and condition of the existing piles, it is anticipated that not all piles may be able to be fully removed. In those instances, the piles would be cut off at or below the mudline and abandoned below grade. If the contractor identifies any piles that would not be able to be fully removed, notification to the District shall be required to verify all means and methods have been | |

| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
|---|---|---|---|---|
| | | | exhausted prior to cutting at or below the mudline and abandoned below grade. While there may be increased debris initially (including concrete debris from existing piles to be removed) in the water during wharf demolition and pile removal (from removing the decking and removing the piles), the demolition contractor would adhere to water quality requirements issued from the RWQCB. This would limit the potential for violations of water quality standards to below a level of significance. Removal of the piles could resuspend some bottom sediments and create localized and temporary turbidity plumes and associated water quality issues as discussed above. However, such impacts would occur over a relatively small, localized area contained within deployed silt curtains.<br>Any piles removed from areas with contamination present shall not be shaken, hosed off, stripped or scraped off, left hanging to drip, or any other action intended to clean or remove adhering material from piles on or over-water. These activities shall only occur landside where any debris, sediment, or other materials associated with the removed piles could not reenter the waterway.<br>• Spudding or Anchoring<br>Spudding or anchoring may be used if authorized by the RWQCB CWA Section 401 Water Quality Certification. If anchoring is used, anchors shall be lowered slowly and removed slowly to reduce disturbance of Bay sediment. If spudding is used, when spuds are lifted during in-water construction, they shall be lifted slowly—at most a quarter of the speed that spuds are lifted during normal operation. Before the spud reaches the subsurface of the Bay floor during removal, the operator shall conduct spud extraction in 2-minute intervals (repeated 2-minute extraction followed by 2-minute pause) to reduce the disturbance of Bay sediment.<br>• Internal Jetting<br>Internal jetting may be used if authorized by the USACE CWA Section 404 permit or the RWQCB CWA Section 401 Water Quality Certification. Use of internal jetting shall be subject to any limitations as determined by the RWQCB during the Section 401 permitting process, including water flow rate, jet nozzle velocity, duration, and other requirements.<br>Furthermore, all of the specific requirements described in this measure shall apply unless the San Diego RWQCB, the government agency charged with enforcement of the CWA and State Porter-Cologne Water Quality Control Act, finds that additional or alternative measures which provide an equivalent or greater degree of environmental protection are appropriate and required in order to issue the CWA Section 401 Water Quality Certification. | |

| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
|---|---|---|---|---|
| Violate Water Quality Standards or Waste Discharge Requirements or Degrade Surface or Ground Water Quality (Cont.) | **Impact-WQ-2: Degradation of Water Quality from Accidental Release of Hazardous Materials into San Diego Bay (Demolition Component and Waterside Redevelopment Component).** Project construction activities associated with the Demolition Component and Waterside Redevelopment Component would involve the use and disposal of hazardous waste, including fuels, lubricants, and solvents. These hazardous materials could be accidentally released into the San Diego Bay during construction activities, which could result in a potentially significant impact on water quality. | PS | Implement mitigation measure **MM-WQ-2.** | LTS |
| Alter the Existing Drainage Pattern in a Manner that would (2) Impede or Redirect Flood Flows | Implementation of the proposed project would not substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river or through the addition of impervious surfaces in a manner that would impede or redirect flood flows. Impacts would be less than significant. | LTS | No mitigation is required. | LTS |
| Conflict with a Water Quality Control Plan or Sustainable Groundwater Management Plan | **Impact-WQ-1** and **Impact-WQ-2.** | PS | Implement mitigation measures **MM-WQ-1** and **MM-WQ-2,** as described above. | LTS |
| **Cumulative** | | | | |
| The proposed project's incremental contribution to cumulative water quality impacts would be cumulatively considerable prior to mitigation (**Impact-C-WQ-1** and **Impact-C-WQ-2**). However, no additional cumulative impact specific mitigation would be required. Rather, the project would be required to obtain a CWA Section 404 Permit and a Rivers and Harbors Act Section 10 Permit from the USACE and a CWA Section 401 Water Quality Certification from the RWQCB as well as implement **MM-WQ-1** and **MM-WQ-2,** as discussed in Section 3.7, *Hydrology and Water Quality.* With mitigation incorporated, the project's contribution would be less than cumulatively considerable because it would not worsen water quality in the San Diego Bay. Therefore, the proposed project's contribution to cumulative impacts related to hydrology and water quality would not be cumulatively considerable and no additional mitigation measures specific to cumulative impacts would be required. | | | | |

| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
|---|---|---|---|---|
| **3.8 Land Use and Planning** | | | | |
| **Project Impacts** | | | | |
| Cause a Significant Environmental Impact Due to a Conflict with any Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect | Implementation of the proposed project would potentially not cause a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, this impact is less than significant. Potentially significant impact(s) include the following. | LTS | No mitigation is required.<br>**CONDITION-LU-1: Conduct Ongoing Sea Level Rise Modeling and Monitoring and Modeling for Adaptive Management (Waterside Redevelopment Component).** For the structures of the project that are projected to be inundated under the 2070 Intermediate-High scenario (Piers 4 – 8, as well as gangways, platforms, docks, and ramps associated with these structures), the project proponent shall conduct ongoing monitoring of these structures every five years upon completion of Part 1 of the Waterside Redevelopment Component. If, through monitoring, the observed sea level rise conditions appear to be inconsistent with the projections identified in this EIR, a site-specific assessment shall be conducted to identify future sea level rise projections using the best science available (anticipated to be the Ocean Protection Council's SLR update, which occurs generally every five years) and identify appropriate adaptation strategies to ensure that these areas are resilient to coastal flooding and inundation from sea level rise. Such strategies may include a neighborhood-level effort, raising of grades, additional shoreline protection, removal or movement of assets, and conversion of impervious surfaces to pervious surfaces. This will be a condition of the Coastal Development Permit for the Waterside Redevelopment Component. | LTS |
| **Cumulative** | | | | |
| The proposed project's incremental contribution to cumulative impacts related to land use and planning would not be cumulatively considerable because a significant cumulative impact from past, present, and reasonably foreseeable projects is not present. No cumulative impact specific mitigation is required. | | | | |
| **3.9 Noise and Vibration** | | | | |
| **Project Impacts** | | | | |
| Generation of a Substantial Temporary or Permanent Increase in Ambient Noise Levels in Excess of Applicable Standards | Implementation of the proposed project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of local noise standards. | LTS | No mitigation is required. | LTS |
| Generation of Excessive Groundborne Vibration or Groundborne Noise Levels | **Impact NOI-1: Potential to Result in Structural Damage to Nearby Structures from Vibration-generating Construction Activities (Waterside Redevelopment Component).** | PS | **MM-NOI-1: Reduce Potentially Damaging Vibration at Nearby Buildings from Project Construction (Waterside Redevelopment Component).** During construction activities, the project proponent shall avoid pile-driving activities within the potential damage threshold distances of 52 feet of Buildings A-D. In the event the District determines that it is not feasible for | LTS |

| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
|---|---|---|---|---|
| | Vibration generated by impact pile driving associated with the Waterside Redevelopment Component could exceed the threshold for structural damage within 52 feet of impact pile driving activity. | | the project proponent to avoid construction activities within the potential damage threshold distances, the project proponent shall reduce the potential impact through the implementation of alternate construction equipment or techniques approved by the District such as, but not limited to, the following:<br>• Replacing impact pile driving with press-in piles or drilled piles (e.g., cast-in-drilled-hole, poured-in-place piles).<br>• Other construction techniques or measures identified by the Project Engineer that are effective at reducing vibration and approved by the District and would not result in any additional impacts not previously considered in the EIR.<br>If the District determines that these techniques cannot be fully implemented or are not sufficient to place the affected structures outside of the applicable threshold distance, then the project proponent shall take the following additional steps to protect buildings within the potential damage threshold distances for construction vibration damage:<br>• The project proponent/contractor shall retain a licensed structural or geotechnical engineer to conduct preconstruction surveys of structures within the 52-foot distance from pile driving (including photographing and/or videotaping) to document existing building conditions for future comparison if any vibration-related damage is suspected or results from pile-driving activities.<br>• Based on professional judgment and review of the specific buildings affected, the licensed structural/geotechnical engineer shall provide written recommendations to the District for revised impact distances for potentially affected buildings if different than 52 feet.<br>• If the structural engineer determines that there is no potential for public safety to be at risk or for structural damage to occur during pile driving activities, then vacation of the buildings would not be required even if pile driving occurs within 52 feet of the buildings.<br>• If the structural engineer determines that there is a potential risk to public safety or for structural damage to occur during pile driving activities within 52 feet from Buildings A-D (or at a distance as revised based on written recommendations submitted to the District for review and approval), then prior to and during pile driving activities occurring within 52 feet of Buildings A-D (or a buffer distance otherwise approved by the District based on the structural engineer's recommendations submitted to the District), those buildings shall be vacated.<br>• If one or more of Buildings A through D are to be vacated during pile driving within the approved buffer distance, then the contractor shall provide written notice to building occupants a minimum of 10 business | |

| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
|---|---|---|---|---|
| | | | days prior to the commencement of pile driving within the buffer distance. The notice shall include the anticipated date(s) and duration of pile driving activities requiring building vacation. The contractor shall coordinate with building occupants to ensure buildings are vacated prior to commencement of pile driving within this buffer distance. Buildings shall only be reoccupied once the project engineer has confirmed that all pile driving activities within the buffer distance of the applicable building(s) have been completed.<br>• If the licensed structural engineer (in consultation with other licensed engineers such as a geotechnical engineer, as appropriate) determines that façade and/or structural damage may occur during pile driving, the project proponent shall conduct monitoring during construction to check for vibration-related damage during pile driving. Such monitoring may include vibration measurements obtained inside or outside of the buildings or other tests and observations deemed appropriate by the structural engineer.<br>• Preparation of a construction vibration monitoring report that summarizes the results of all vibration monitoring during pile driving located within the buffer distance of Buildings A-D, shall be submitted to the District after the completion of each phase (assuming Buildings A-D are within the affected distance during more than one phase). The vibration monitoring report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims, such as documentation of any cosmetic, minor, or major damage as a result of project-related pile driving activities.<br>• If any damage to existing buildings is determined to occur as a result of project-related pile driving activities or other project-related vibration-generated construction activities, the District shall be financially responsible for the necessary repairs, structural or cosmetic, to return the damaged building to its pre-existing state. Following completion of repairs, a post-repair verification survey shall be conducted by a qualified structural engineer or other licensed professional to confirm that the building has been restored to a condition comparable to its pre-existing state. If the verification identifies incomplete or inadequate repairs, additional actions shall be implemented until the structure is restored to its original condition as determined by the preconstruction survey. | |

| Issue | Impact | Significance before Mitigation | Mitigation Measures | Significance after Mitigation |
|---|---|---|---|---|
| Expose People to Excessive Airstrip or Airport Noise Levels | Implementation of the proposed project would not expose people residing or working in the project area to excessive noise levels from a private airstrip, public airport, or public use airport. | LTS | No mitigation is required. | LTS |
| **Cumulative** | | | | |
| The proposed project's incremental contribution to cumulative impacts related to noise and vibration would not be cumulatively considerable because a significant cumulative impact from past, present, and reasonably foreseeable projects is not present. No cumulative impact specific mitigation is required. | | | | |
| **3.10 Transportation** | | | | |
| **Project Impacts** | | | | |
| Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System | The proposed project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. | LTS | No mitigation is required. | LTS |
| Conflict or be Inconsistent with State CEQA Guidelines Section 15064.3, Subdivision (b). | The proposed project would not conflict or be inconsistent with State CEQA Guidelines Section 15064.3, subdivision (b). | LTS | No mitigation is required. | LTS |
| Result in an Insufficient Parking Supply That Would Lead to a Decrease in Public Coastal Access | The proposed project would not result in an insufficient parking supply that would lead to a decrease in public coastal access. Impacts would be less than significant. | LTS | No mitigation is required. | LTS |
| **Cumulative** | | | | |
| The proposed project's incremental contribution to cumulative impacts related to transportation would not be cumulatively considerable because a significant cumulative impact from past, present, and reasonably foreseeable projects is not present. No cumulative impact specific mitigation is required. | | | | |

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**Table ES-4. Summary Environmental Impacts of the Alternatives Relative to the Shelter Island Commercial Fishing Wharf Project**

| Environmental Topic | Proposed Project | Alternative 1: No Project Alternative | Alternative 2: Water Coverage Alternative | Alternative 3: No Floating Wave Attenuator Alternative |
|---|---|---|---|---|
| Air Quality | Less than Significant | -2 | -1 | -1 |
| Biological Resources | Less than Significant w/Mitigation | -2 | -1 | -1 |
| Cultural Resources | Less than Significant w/Mitigation | -2 | 0 | 0 |
| Energy | Less than Significant | -2 | -1 | -1 |
| Greenhouse Gas Emissions and Climate Change | Less than Significant | -2 | -1 | -1 |
| Hazards and Hazardous Materials | Less than Significant w/Mitigation | -2 | -1 | 0 |
| Hydrology and Water Quality | Less than Significant w/Mitigation | -2 | -1 | 0 |
| Land Use and Planning | Less than Significant | 0 | 0 | 0 |
| Noise and Vibration | Less than Significant w/Mitigation | -2 | -1 | -1 |
| Transportation | Less than Significant | -2 | -1 | -1 |
| **Total[1]** | **--** | **-18** | **-8** | **-6** |

[1] Note, the scoring provided in this table is to assist with determining the environmentally superior alternative and does not provide any other measurable difference between alternatives and the proposed project. Lowest score is environmentally superior alternative; however, if the lowest score is the No Project Alternative, then the next lowest score is the environmentally superior alternative.

-2 = Reduced; -1 = Slightly Reduced; 0 = Similar; +1 = Slightly Greater; +2 = Greater

Chapter 1
# Introduction

## 1.1 Project Overview

The Shelter Island Commercial Fishing Wharf project would modernize the existing commercial fishing marina at the existing wharf area, located at 4918 North Harbor Drive in San Diego, California. The facility, which encompasses 2.9 acres of landside area and 5.7 acres of waterside area, was leased from the San Diego Unified Port District (District) by Driscoll Marina Ltd. (dba Driscoll's Wharf) and is in the America's Cup Harbor Basin. In addition to the prior lease area, the project site also includes an additional approximately 0.7 acres directly east of the existing wharf where a floating wave attenuator is proposed. Project activities would occur within approximately 6.4 acres[1] of the waterside area (i.e., submerged lands) as well as on approximately 0.4 acres of the landside area. The project is needed to address deficiencies related to the age and condition of structures, and to allow commercial fishing operations to continue in the marina.

The project is composed of two components: a Demolition Component (demolition of certain landside and waterside structures) and a Waterside Development Component (subsequent reconstruction of the demolished waterside structures as well as construction of new structures). The existing project site and components proposed to be demolished are illustrated in Figure 2-6 and the proposed waterside redevelopment components are depicted in Figure 2-7 in Chapter 2, *Environmental Setting and Project Description*. Specifically, the two components are described below.

### Demolition Component

Driscoll Marina Ltd. (dba Driscoll's Wharf) is the project proponent for the Demolition Component, except for the removal Pier 4:

- Demolition of Building E and the removal of the underlying concrete pad of a removed storage shed on the landside portion of the project site;
- Removal of Pier 4, which serves as an off-loading pier for fish, seafood, and related equipment; and
- Removal of Piers 5 through 8.

### Waterside Redevelopment Component

The District is the project proponent for the removal of Pier 4 (listed above under "Demolition Component") and the Waterside Redevelopment Component:

- Reconstruction of Pier 4 for unloading of fish, seafood, and related equipment;
- Reconstruction of Piers 5, 7, and 8 and associated structures, such as new gangways and headwalks connecting the piers;
- Construction of a floating platform to replace the existing Pier 6 for vessel loading and unloading; and
- Installation of a floating wave attenuator in a 0.7-acre area east of the marina.

[1] The 6.4-acre area is composed of 5.7 acres associated with the prior lease area and 0.7 acres of waterside area outside of the prior lease area

The proposed project would take place in the District's jurisdiction in the city limits of San Diego. Authorization and entitlements from the US Army Corps of Engineers (USACE) and San Diego Regional Water Quality Control Board (SDRWQCB) will be required for the project components in the respective regulatory jurisdictions.

In addition to the project overview provided above, this chapter briefly discusses (1) the purpose of the California Environmental Quality Act (CEQA) and an Environmental Impact Report (EIR), (2) the scope and content of this ~~Draft~~ Final EIR, and (3) the organization of this ~~Draft~~ Final EIR.

This ~~Draft~~ Final EIR and its appendices are available for review on the District's website at https://www.portofsandiego.org/public-records/port-updates/notices-disclosures/ceqa-documents.

## 1.2 Purpose of the California Environmental Quality Act and the Environmental Impact Report

This ~~Draft~~ Final EIR, which evaluates the environmental effects of the project, has been prepared in compliance with CEQA (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.). This ~~Draft~~ Final EIR has also been prepared in compliance with the District's *Guidelines for Compliance with the California Environmental Quality Act* (Resolution 97-191).

CEQA was enacted by the California legislature in 1970. As noted under State CEQA Guidelines Section 15002, CEQA has four basic purposes:

1. Inform governmental decision makers and the public about the potential significant environmental effects of proposed activities.
2. Identify the ways in which environmental damage can be avoided or significantly reduced.
3. Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
4. Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

An EIR is an informational document used to inform members of the public and agency decision makers of the significant environmental impacts of a proposed project, identify feasible ways to reduce the significant impacts of the proposed project, and describe a reasonable range of feasible alternatives to the project that would reduce one or more significant effects and still meet the proposed project's objectives. In instances where significant impacts cannot be avoided or mitigated, the proposed project may nonetheless be carried out or approved if the approving agency finds that economic, legal, social, technological, or other benefits outweigh the unavoidable significant environmental impacts.

## 1.3 Scope and Content of This ~~Draft~~ Final Environmental Impact Report

As the CEQA lead agency, the District is responsible for determining the scope and content of this ~~Draft~~ Final EIR, a process referred to as scoping. As part of the scoping process, the District considered the environmental resources present on the project site and in the surrounding area and identified the probable environmental effects of the project. On December 19, 2024, the District posted a notice of preparation (NOP) with the county clerk, in accordance with Section 15082 of the State CEQA Guidelines. The 30-day public review period for the NOP began on December 19, 2024, and ended on January 24, 2025. The NOP and notices of NOP availability were mailed to

public agencies, organizations, and interested individuals to solicit their comments on the scope and content of the environmental analysis. The District also held a virtual public scoping meeting on January 15, 2025.

Several specific environmental issues were raised in the comments on the NOP. A summary of the comments is provided in Table 1-1. Only comments that pertain to the environmental scope of the ~~Draft~~ Final EIR are summarized. A copy of the NOP and all NOP comment letters are provided in Appendix A and Appendix B, respectively, of this ~~Draft~~ Final EIR.

**Table 1-1 Summary of NOP Comments Received**

| Commenter | Subject of Comment |
|---|---|
| **State Agency** | |
| Native American Heritage Commission | Determine whether there are historical resources within the area of project effect (APE) and if the project will cause a substantial adverse change in the significance of a historical resource. Comply with Assembly Bill 52 and Senate Bill 18, as appropriate. Adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts on tribal cultural resources. |
| California Air Resources Board | Potential for facility owners/operators to install shore power per the California Air Resources Board Commercial Harbor Craft regulation. |
| California Department of Fish and Wildlife (CDFW) | CDFW recommends that eelgrass surveys and project design are consistent with the California Eelgrass Mitigation Policy (CEMP).<br>CDFW recommends using a vibratory hammer for pile driving to the greatest extent feasible or an alternative technology that produces the least amount of noise. If an impact hammer must be used (e.g., due to pile material, refusal at bedrock), multiple minimization measures may be used to reduce sound levels.<br>CDFW recommends that the District prepare and implement a marine mammal and sea turtle monitoring plan.<br>CDFW recommends that the District place a drop net over the waterway to catch debris during demolition construction activities. The collected debris should be removed as soon as possible and disposed of in an appropriate, least impactful manner.<br>CDFW recommends that the District prepares and implements a spill and prevention plan to minimize and/or prevent discharge of spilled material at the project site. This plan should include measures to prevent and control spills, contain the spill, clean the spill, and dispose of contaminated materials.<br>CDFW recommends conducting preconstruction Caulerpa spp. surveys to identify potential existence of invasive Caulerpa spp. in accordance with the Caulerpa Control Protocol. |
| **Regional** | |
| San Diego County Regional Airport Authority | The project site is not located within the noise contours or safety zones of the San Diego International Airport (SDIA) Airport Land Use Compatibility Plan (ALUCP), so no determination of consistency with the SDIA ALUCP is required from San Diego County Regional Airport Authority as the ALUC; however, the project site is located within the airspace notification area in which notice of project construction is required to be given to the Federal Aviation Administration. |
| **Organization** | |
| San Diego County Archaeological Society Inc. | Requests that archaeological and historic built environment be addressed in the EIR. |

Comments received in response to the NOP (see Table 1-1) were used to determine the scope of this ~~Draft~~ Final EIR. According to the District's preliminary evaluation of the probable effects of the project and thorough review of the comments on the NOP, the ~~Draft~~ Final EIR analyzes effects associated with the following resources:

- air quality;
- biological resources;
- cultural and tribal cultural resources;
- energy;

- greenhouse gas emissions and climate change;
- hazards and hazardous materials;
- hydrology and water quality;
- land use and planning;
- noise and vibration; and
- transportation.

Under the CEQA statutes and the State CEQA Guidelines, a lead agency may limit an EIR's discussion of environmental effects when such effects are not considered potentially significant (PRC Section 21002.1[e]; State CEQA Guidelines Sections 15128, 15143). The District determined during preparation of the "Initial Study Environmental Checklist" (see Appendix C for the complete copy of the publicly circulated Initial Study) that the project would have either a less-than-significant impact or no impact associated with the following resources: aesthetics, agriculture and forestry resources, mineral resources, population and housing, public services, recreation, utilities and service systems, and wildfire.

Section 5.3, *Effects Not Found to Be Significant*, of this ~~Draft~~ Final EIR includes a brief analysis of why impacts on these resources would not be significant, as discussed in the "Initial Study Environmental Checklist" (Appendix C).

## 1.4 Organization of the ~~Draft~~ Final EIR

The content and format of this ~~Draft~~ Final EIR are designed to meet the requirements of CEQA and State CEQA Guidelines Article 9. Table 1-2 summarizes the organization and content of the ~~Draft~~ Final EIR.

**Table 1-2 Document Organization and CEQA Requirements**

| ~~Draft~~ Final EIR Chapter | Contents |
|---|---|
| "Responses to Comments" | Lists the agencies, organizations, and individuals that commented on the Draft EIR, includes the comment letters, and provides the District's written responses to the environmental issues raised (State CEQA Guidelines Sections 15088 and 15132). |
| "Summary" | Includes a brief summary of the project; identifies each significant effect, including proposed mitigation measures and alternatives to reduce or avoid the effect; identifies the areas of controversy known to the lead agency, including issues raised by agencies and the public; and summarizes the issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects (State CEQA Guidelines Section 15123). |
| Chapter 1, "Introduction" | Discusses the purpose of CEQA and this ~~Draft~~ Final EIR, the scope and content of this ~~Draft~~ Final EIR, the organization of this ~~Draft~~ Final EIR, and the intended uses for this ~~Draft~~ Final EIR (State CEQA Guidelines Section 15124[d]). |
| Chapter 2, "Environmental Setting and Project Description" | Describes the overall existing physical conditions in the vicinity of the project when the analysis was initiated. Contains both a map of the precise location and boundaries of the project and its location relative to the region, lists the project's central objectives, underlying purpose, as well as project benefits, and provides a detailed description of the project's characteristics (State CEQA Guidelines Section 15124[a], [b], and [c]). |
| Chapter 3, "Environmental Analysis" | Describes the existing physical conditions for each resource area, lists the applicable laws and regulations germane to the specific resource, describes the impact assessment methodology, lists the criteria for determining whether an impact is significant, identifies the direct and indirect significant impacts on the environment that would result from implementation of the project, and lists feasible mitigation measures that would eliminate or reduce the identified significant impacts (State CEQA Guidelines Sections 15125–15126.4). |
| Chapter 4, "Cumulative Impacts" | Defines the cumulative study area for each resource; identifies past, present, and reasonably foreseeable future projects with related impacts in each study area; and evaluates the contribution of the project to a cumulatively significant impact. Lists feasible mitigation measures that would eliminate or reduce the identified significant cumulative impacts (State CEQA Guidelines Section 15130). |

| ~~Draft~~ Final EIR Chapter | Contents |
|---|---|
| Chapter 5, "Additional Consequences of Project Implementation" | Discusses the ways the project could foster economic or population growth, either directly or indirectly, in the surrounding environment; describes the significant irreversible changes associated with the project's implementation; and provides a brief discussion of the environmental resource impacts that were found to be not significant during preparation of this ~~Draft~~ Final EIR (State CEQA Guidelines Sections 15126.2[c] and [d], 15127, and 15128). |
| Chapter 6, "Alternatives to the Proposed Project" | Describes a reasonable range of alternatives to the project, including the No-Project Alternative; compares and contrasts the significant environmental impacts of alternatives to the project; and identifies the environmentally superior alternative (State CEQA Guidelines Section 15126.6). |
| Chapter 7, "List of Preparers and Agencies Consulted" | Lists the individuals and agencies involved in preparing this ~~Draft~~ Final EIR (State CEQA Guidelines Section 15129). |
| Chapter 8, "References" | Provides a comprehensive list by chapter of all references cited in this ~~Draft~~ Final EIR (State CEQA Guidelines Section 15148). |
| "Acronyms and Abbreviations" | Lists the acronyms and abbreviations used in this ~~Draft~~ Final EIR for the reader's reference immediately following the list of tables and figures in the table of contents. |
| Appendices | Presents additional background information and technical detail relevant to the impact analysis. |
| Attachment 1, "Mitigation Monitoring and Reporting Program" | Identifies each mitigation measure and project condition, the timing and method of implementation, and the parties responsible for implementation and monitoring (Public Resources Code Section 21081.6; State CEQA Guidelines Section 15097). |

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Chapter 2

# Environmental Setting and Project Description

## 2.1 Introduction

This chapter provides a description of the overall physical environmental conditions in the vicinity of the proposed project, from both a local and regional perspective, as they existed at the time the Notice of Preparation was published on December 19, 2024[1]. Resource-specific existing conditions are addressed within each individual resource section of Chapter 3, *Environmental Analysis*.

In addition, this chapter describes the project, its background and need, its objectives, a list of agencies expected to use this EIR, and the permits and approvals necessary for its implementation. The applicable resource sections of Chapter 3 also describe the project's consistency with applicable plans.[2]

## 2.2 Environmental Setting

### 2.2.1 San Diego Unified Port District

The San Diego Unified Port District (District) was created with the San Diego Unified Port District Act (Port Act), adopted by the California State Legislature in 1962, as amended from time to time (see California Harbors and Navigation Code, Appendix 1). Consistent with the Public Trust Doctrine, the Port Act states that the District's tidelands and submerged lands (collectively, Tidelands) are to be used only for statewide public purposes and consistent with Section 87 of the Port Act. Section 87 enumerates the statewide purposes, including: for the use harbors, wharves, docks, piers, slips, quays and all other facilities used for the promotion of commerce and navigation, and for all commercial and industrial uses and purposes.

The mission of the District is to protect, promote, and facilitate tidelands resources in its jurisdiction by providing economic vitality and community benefit through a balanced approach to maritime industry, tourism, water and land recreation, environmental stewardship, and public safety. To this end, the District is charged with management of the Tidelands and diverse waterfront uses along San Diego Bay (Bay) that promote commerce, navigation, fisheries, recreation, and ecological preservation on the Tidelands granted to the District by the Port Act. The District manages approximately 14,500 acres of water and land and 34 miles of shoreline around San Diego Bay.

### 2.2.2 Project Location

The project site is within the existing wharf, located at 4918 North Harbor Drive in San Diego, California. The project site encompasses 2.9 acres of landside area and 6.4 acres of waterside area. Proposed demolition and redevelopment activities would occur within the entire 6.4-acre waterside area of the project site, and landside demolition and utility upgrades would occur within approximately 0.4 acres of the 2.9-acre landside portion of the project site.

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[1] State CEQA Guidelines Section 15125 states that an EIR must include "a description of the physical environmental conditions in the vicinity of the project. This environmental setting will *normally* constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives" (emphasis added).

[2] For example, Section 3.1, *Air Quality*, contains a project consistency analysis with the applicable air quality plans.

The project site is bordered to the north by Naval Base Point Loma Harbor Drive Annex and the waterside area is located within the northeast area of America's Cup Harbor Basin. Highways in proximity to the project site include Interstate 5 and Interstate 8 (Figure 2-1), which are both located over 2 miles from the project site. Site access to the waterfront facilities is provided via North Harbor Drive and Torpedo Lane (Figure 2-2).

## 2.2.3 Existing Land and Water Use Designations

### 2.2.3.1 Certified Port Master Plan

The project site occupies land and water that is under the jurisdiction of the District and within the City of San Diego. The District's certified Port Master Plan (PMP) currently governs the land and water uses on Tidelands that the State Legislature has granted to the District, as trustee, and for which the District has regulatory duties and proprietary responsibilities. The certified PMP establishes 10 planning districts covering approximately 5,500 acres of District jurisdiction. The project site is within Planning District 1 (Shelter Island) of the District's certified PMP, which encompasses approximately 351 acres and consists of the following water and land uses: recreational boat berthing, marine services and sportfishing, commercial recreation, marine sales and services, commercial fishing, sportfishing, open space, park/plaza, and promenade (District 2024a). The project site is in the America's Cup Harbor Basin subarea of Planning District 1 in the certified PMP, which includes the following land and water use designations: commercial fishing berthing (water), Navy small craft berthing (water), commercial fishing (land), and promenade (land) (Figures 2-3 and 2-4).

### 2.2.3.2 Port Master Plan Update

The Port Master Plan Update (PMPU)[3] is an extensive update to the existing PMP to establish water and land uses on District Tidelands and to guide future development and conservation over the approximately 30-year planning horizon. The Board of Port Commissioners (BPC) approved the PMPU on February 28, 2024. The BPC-approved PMPU is currently under review with California Coastal Commission (CCC) staff and will be heard by the CCC for certification at a future date. As of the date of this ~~Draft~~ Final EIR, the PMP remains the governing document and standard of review for the project until the PMPU is certified. However, since the PMPU has been approved by the BPC, the proposed project's consistency with both the certified PMP and the PMPU is analyzed in this EIR.

The project site is within Planning District 1 (Shelter Island) of the District's PMPU. The planning district encompasses approximately 464 acres and consists of the following water uses: anchorage, commercial fishing berthing, marine services berthing, navigation corridor, recreational berthing, and sportfishing berthing (District 2024b). Planning District 1 consists of the following land uses: commercial fishing, commercial recreation, institutional/roadway, marine sales and services, recreation open space, and sportfishing (District 2024b). The project site is in the East Shelter Island Subdistrict of Planning District 1 of the PMPU, which includes the following water use designation: commercial fishing berthing. The project site includes the following land use designations: commercial recreation, marine sales and services, commercial fishing, and sportfishing (Figure 2-5).

## 2.2.4 Surrounding Conditions

The project site is within and adjacent to San Diego Bay in a commercialized area of the waterfront. Commercial land uses to the northwest of the project site include restaurants, yacht sales, and marine-related office land uses. Water uses to the west consist of marinas. Military land uses to the north, east, and southeast of the project site include Naval Base Point Loma Harbor Drive Annex. Open water of the San Diego Bay is southeast of the project site. Land uses north of the project site across North Harbor Drive include hotel, residential, and commercial land uses. The nearest residence is approximately 950 feet northwest of the project site and is separated from the project site by North Harbor Drive and commercial uses.

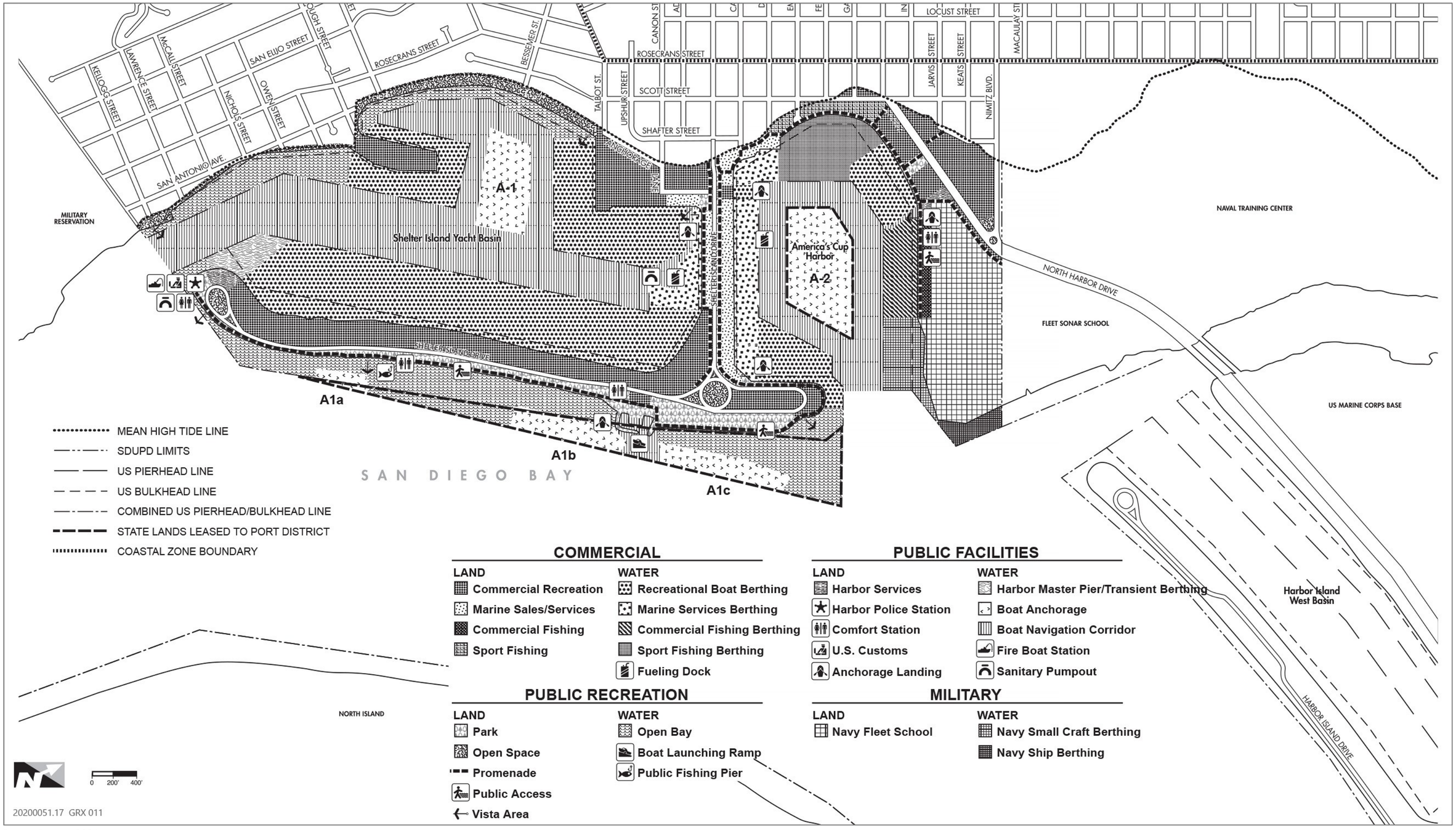
[3] Unless stated otherwise, all references to the "PMPU" refer to the "Final Draft" version of the PMPU. The PMPU will remain as a final draft until it is certified by the CCC.

Source: Adapted by Ascent in 2024.

**Figure 2-1. Regional Location**

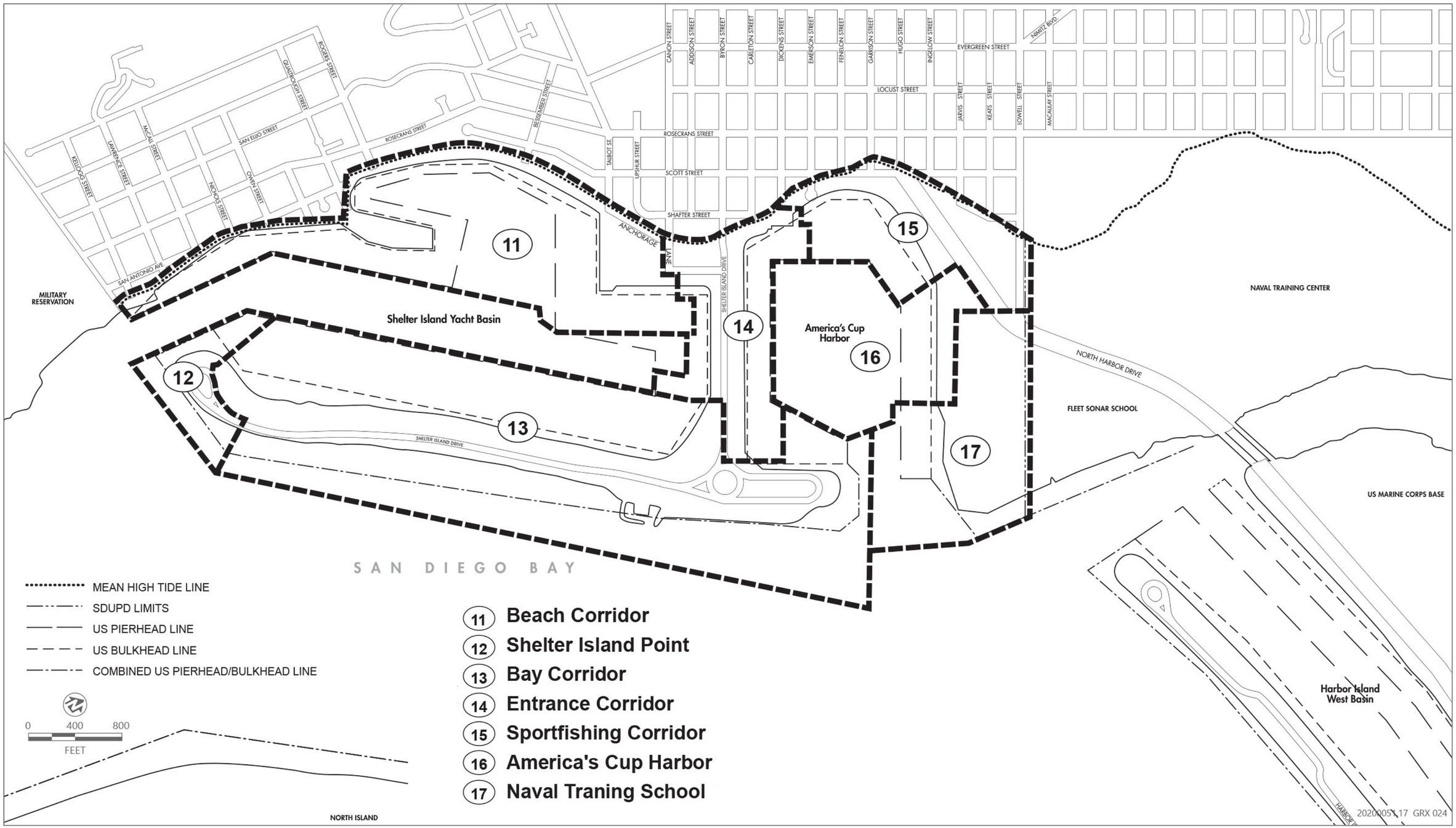
Source: Adapted by Ascent in 2024.

**Figure 2-2. Project Site**



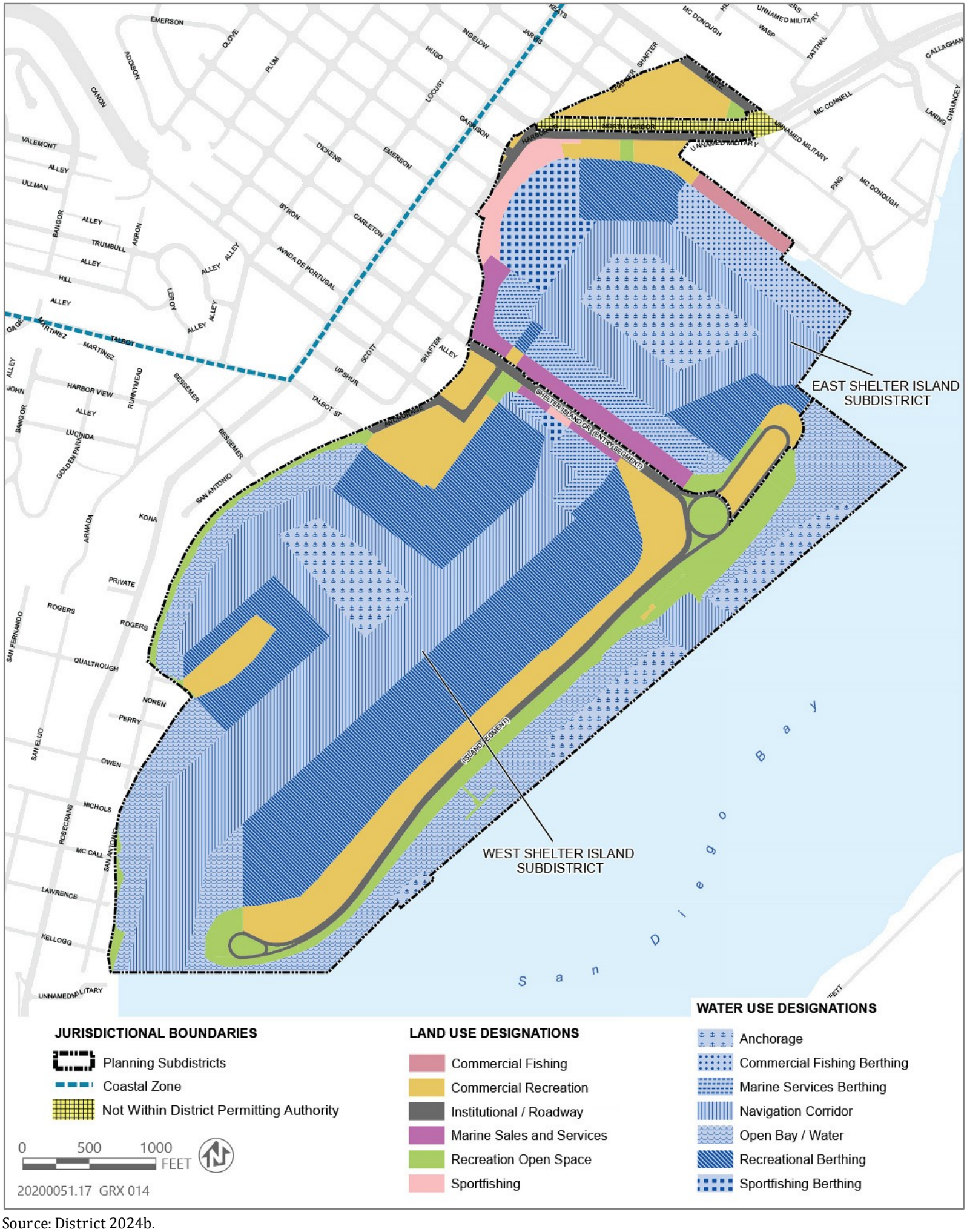

Source: District 2024a.

**Figure 2-3. Certified Port Master Plan Shelter Island Land and Water Use Designations**




Source: Image produced and provided by the Port of San Diego in 2003; adapted by Ascent in 2025.

**Figure 2-4. Certified Port Master Plan Shelter Island Subareas**




Source: District 2024b.

**Figure 2-5. Port Master Plan Update Shelter Island Land and Water Use Designations (Under Review by CCC)**

### 2.2.5 Existing Site Conditions

The existing wharf is one of two commercial fishing harbors in San Diego Bay. As shown in Figure 2-6, Existing Site, the project site includes both landside and waterside facilities. The landside portions of the project site include surface parking, office buildings, outdoor storage areas, and other facilities that support the commercial fishing industry. The waterside portion of the project site includes piers and docks used to moor, load and offload commercial fishing vessels.

The existing wharf consists of various buildings, an offloading dock (Pier 4) with a hoist, and a marina consisting of four fixed pier structures (Piers 5 through 8). The facility, which is in the America's Cup Harbor Basin, was leased from the District by Driscoll Marina, Ltd (dba Driscoll's Wharf). The marina was constructed with approximately 125 slips for commercial fishing vessels. Most of the slips have been in use under recent past operations, though slip demand and occupancy fluctuate with the seasons and market conditions. The storage and repair of gear and equipment presently occurs along the wharf. The condition of most of the structures and equipment have deteriorated over time as a result of damage from wave action and operational use.

Existing site conditions for each project component are described in detail under their respective subheadings in Section 2.3.3, *Project Components*.

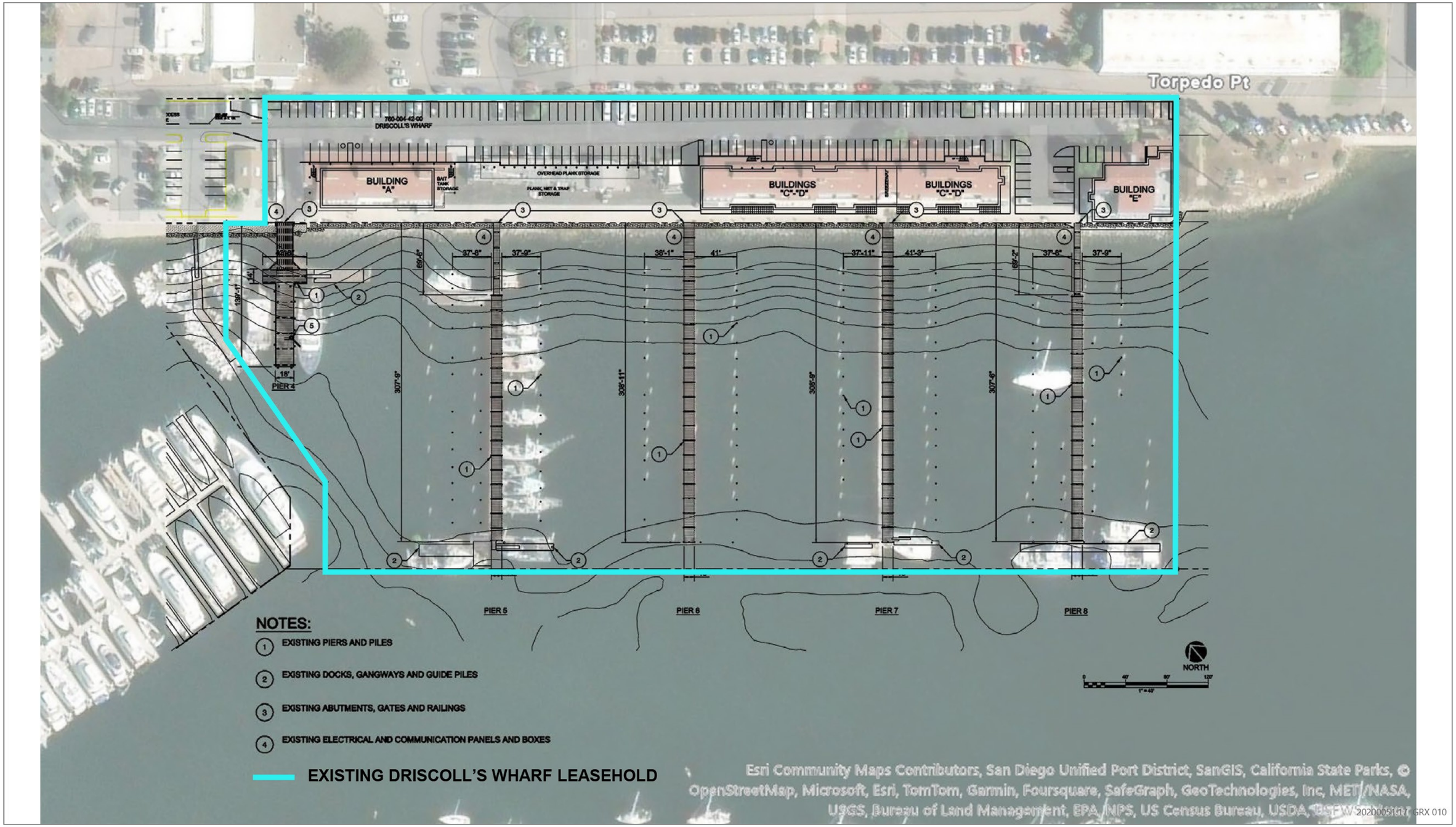
## 2.3 Project Description

### 2.3.1 Project Background and Need

Commercial fishing has a long history at the Port of San Diego. The first cannery opened in 1909 and at one time San Diego was known as "The Tuna Capital of the World." In the 1960's tuna was the City of San Diego's third-largest industry with almost 40,000 employees who caught, sold, or processed fish from the major fleet moored at its docks. Due to a variety of environmental, regulatory, and economic factors, the tuna fleet now focuses on the waters of the Western Pacific. However, fishermen still homeport in San Diego Bay, with fleets that catch species such as swordfish, lobster, and sea urchins (District 2025). Commercial fishing is identified as a high-priority use under the California Coastal Act (Sections 30234 and 30234.5), and "fisheries" are one of the five Public Trust uses that the District is charged with promoting under the Public Trust Doctrine and the Port Act.

The project site is used as a wharf for fishing boat mooring and recreational vessels from time to time. It was constructed in the early 1950's, and development of the site pre-dates the certification of the District's Port Master Plan by the California Coastal Commission in 1981. Driscoll Marina Ltd. has leased the project area from the District since 1992.

The project is needed to address deficiencies related to the age and condition of structures, and to allow commercial fishing operations to continue within the marina. The existing piers are approaching the end of their useful life. Absent the proposed activities, the functionality of the commercial fishing wharf would decline and pose a safety risk.




Source: Adapted by Ascent in 2024.

**Figure 2-6. Existing Site**

## 2.3.2 Project Objectives

To achieve the need and purpose of the proposed project, the following project objectives have been identified:

1. Modernize the wharf and marina through updated waterside facilities capable of supporting modern commercial fishing operations.
2. Demolish structurally deficient piers and replace with floating docks, gangways, and headwalks that meet current safety standards and are Americans with Disabilities Act (ADA) compliant.
3. Allow for the continued operation of commercial fishing, identified as a high-priority use under the California Coastal Act.
4. Provide a mix of vessel slip sizes to accommodate a range of commercial fishing vessels.
5. Demolish underutilized and deteriorated buildings that are no longer needed.
6. Reduce the impact of waves on the shoreline and marina, maintain safe operation of the marina, and prevent future damage from wave action.

## 2.3.3 Project Components

The project includes replacement or demolition to each of the components described below, including the: demolition of landside structure, Building E; demolition and replacement of waterside structures Piers 5 through 8 including structural piles; demolition and reconstruction of the offloading pier (Pier 4) including structural piles; and installation of a floating wave attenuator (Figure 2-7). The following sections include a description of the existing conditions and proposed improvements. The project includes a Demolition Component and a Waterside Redevelopment Component. Proposed actions under the Demolition Component, except for the removal of Pier 4, are a condition of the lease with the prior tenant (Driscoll Marina Ltd.), thus the prior tenant is the project proponent for the Demolition Component. The prior tenant is responsible for all of the Demolition Component, except removal of Pier 4, for which the District is the project proponent. The District is also the project proponent for the Waterside Redevelopment Component.

### 2.3.3.1 Proposed Demolition Component

#### Landside

##### Existing Conditions

Landside structures within the project site include Building A, Building C-D, and Building E, located north of the waterside area (See Figure 2-6).

Buildings A and C-D are two-story, light-frame wood construction structures. Building A, constructed around 1985, is approximately 144 feet in length and 48 feet wide. Building C-D, also constructed in the early 1980s, is approximately 290 feet in length and 42 feet wide, and has undergone multiple tenant improvements. There is a breezeway at the center of Building C-D that provides direct access to Pier 5. Both buildings are set back from the piers approximately 16 feet and are adjacent to the walkway promenade (Kleinfelder 2022).

Building E, located at 4922 North Harbor Drive, is a two-story, light-frame wood construction structure with asphalt roof shingles and painted wood siding (Figure 2-8). The structure is bordered by surface parking to the west and north, vacant Navy-owned land to the east, and the commercial fishing marina to the south. Building E is approximately 7,800 square feet (sf) (between the building's two stories), 73 feet in length and 72 feet wide. The structure is gated on three sides and is sited on a cantilevered concrete patio. Soil beneath the foundation of Building E is eroding on the marina side of the building (Kleinfelder 2022).

A storage shed used to be located between Building A and Building C-D, north of the promenade adjacent to the overhead plank storage. Materials in the storage shed included paints, household cleaners, oils, and lubricants on shelving units, propane cylinders, and four 55-gallon drums containing waste oil, oily water, oily rags, and absorbents (Kleinfelder 2022). This structure has been removed from the site, except for its underlying concrete pad, which is approximately 200 sf.

### Proposed

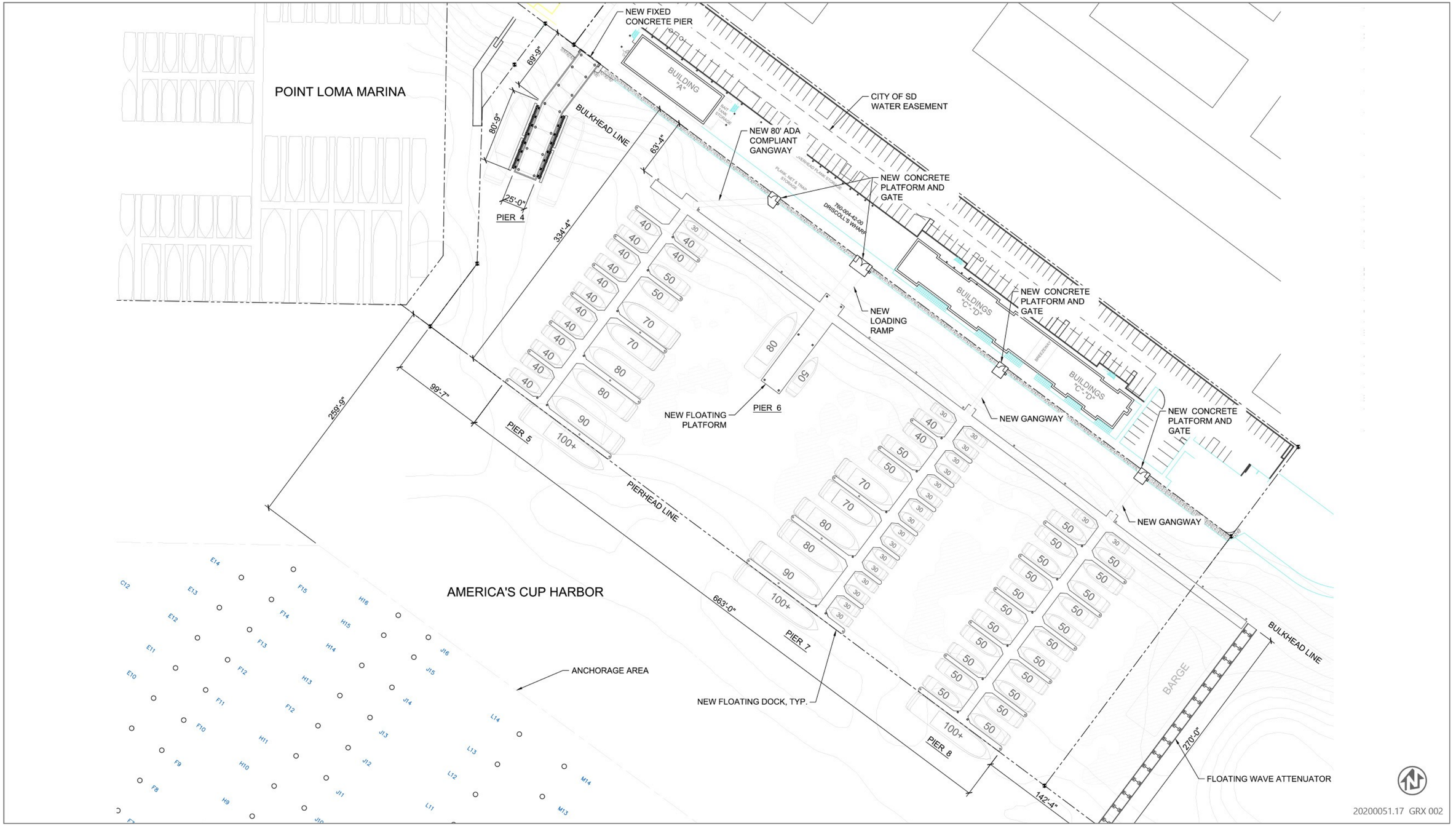
No changes to Building A or Building C-D are proposed. Demolition of Building E and the underlying concrete pad of a removed storage shed would occur as part of the proposed project. As part of the landside demolition, the existing concrete pad under Building E and underlying concrete pad from the former storage shed would be demolished and the area would be regraded and sprayed with a solution containing seed to compact the area and allow vegetation to grow over time. Ornamental trees around Building E would be removed as well. During demolition, construction staging would occur in the parking area to the north of Building E. After the demolition of Building E is complete, the cleared area would be used as a laydown area for waterside demolition and construction activities discussed separately under the heading Waterside, below. Approximately 498 cubic yards (cy) of demolition debris from Building E, consisting of wood and miscellaneous material (i.e., drywall, plumbing, electrical) would be disposed and removal of approximately 25 cy of soil is assumed associated with the underlying concrete pad of the removed storage shed.

## Waterside

### Pier 4

#### *Existing Conditions*

Unlike the other piers, which are described under a separate heading below, Pier 4 is used for the loading and unloading of commercial fishing vessels, which include products and materials such as fish, sea urchins, fishing nets, and other related items. Offloading of nets and traps is undertaken at Pier 4 and hauled off by rolling dolly or forklift, or at the piers by hand or dolly. The offloading facility comprises a jib crane with a 1,500-pound capacity. It is capable of offloading one large vessel at a time and its use is tide-dependent for larger vessels.




Source: Adapted by Ascent in 2024.

**Figure 2-7. Proposed Site Plan**

Source: Adapted by Ascent in 2024.

**Figure 2-8. Building E**

The pier consists of wooden plank decks, wooden stringers and headers, steel connection hardware, steel rail piles, and occasional timber approach piles encased in concrete jackets. It was constructed in the 1950s, extended in 1977, and upgraded in 2013. Pier 4 is approximately 136 feet long with a width that varies from 16 feet to 18 feet (Figure 2-9). The deck elevation is approximately +10.50 mean lower low water (MLLW) and the depth of water at the seaward end of the pier is approximately 15 feet.

An inspection of Pier 4 conducted in 2020 determined that the pier is in good condition, based on a condition rating system adopted by the Naval Facilities Engineering Command (NAVFAC) to provide a standard classification for waterfront facilities (Triton Engineers 2020). A good condition rating indicates no structural problems, or only minor problems are noted. Structural elements may show some very minor deterioration, but no significant reduction in structural capacity.

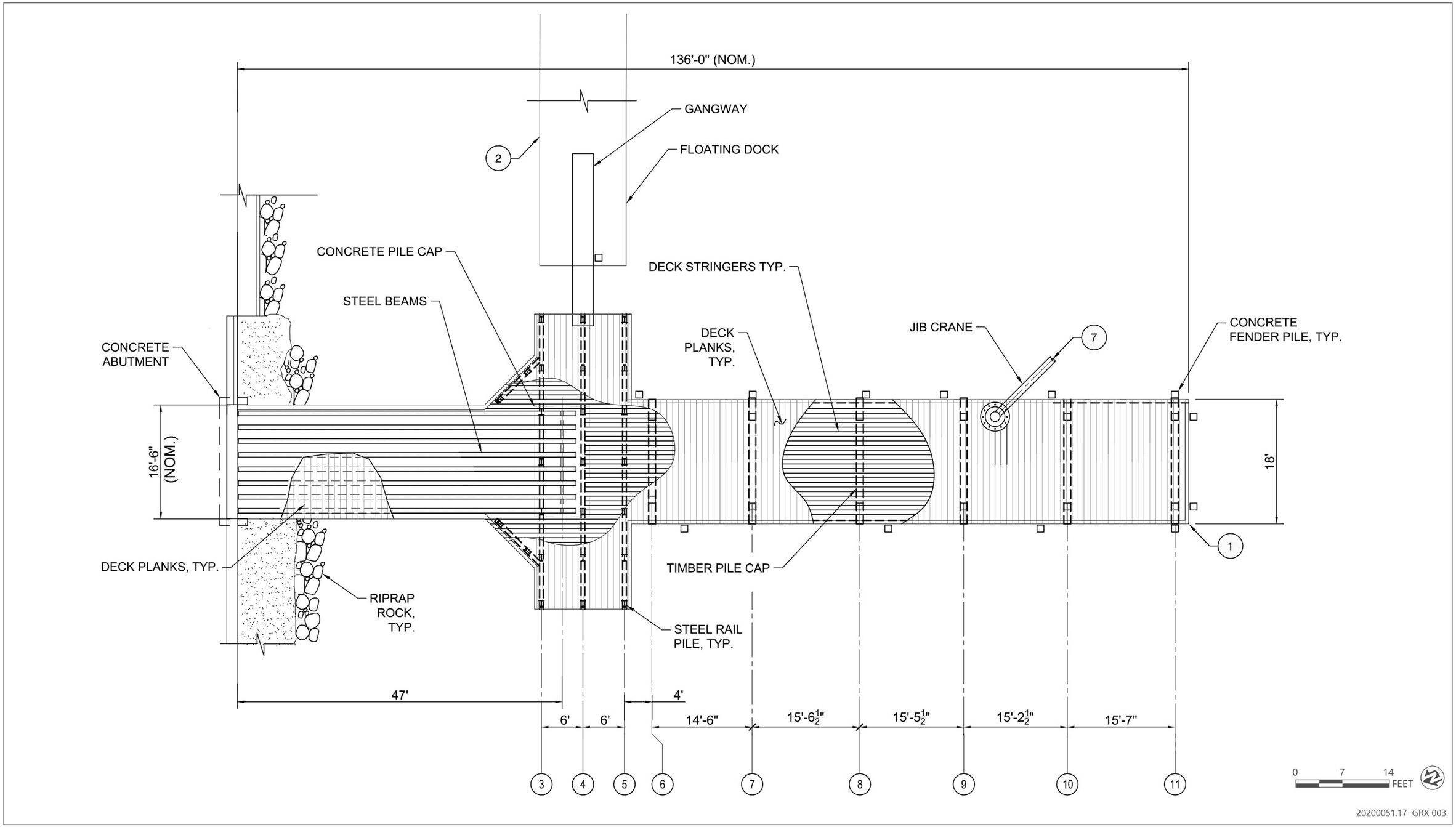
***Proposed***

Pier 4 is proposed to be demolished and reconstructed. For demolition, the existing jib crane would be temporarily removed and stored for re-use. The existing pier, pier deck, piles, mooring piles, floating dock, associated hardware, and other supporting infrastructure (e.g., utilities) would be removed. Removal and demolition of the existing pier structures (excluding support piles) would be accomplished utilizing hand tools. Existing support piles would be extracted via crane. The project would include removal and disposal of 12-inch square concrete and steel rail supporting piles. These piles would be disposed of at an approved disposal site outside the coastal zone. If regulated wastes are generated, those wastes would be disposed of at appropriate facilities. The piles would be temporarily placed within dumpsters or skip tubs located on a flattop barge, and the marine growth and activity-generated debris would be cleaned from the piles. Skip tubs are large, open-topped waste containers designed for loading onto haul trucks. Removed piles would be transported landside to

the Otay Landfill the same day the dumpster or skip tub is loaded. All work would be performed within the project site. A summary of the Pier 4 Demolition Component is presented in Table 2-1. As noted above, the District is the project proponent for the removal of Pier 4.

**Table 2-1. Summary of Pier 4 Demolition Component Activities**

| Component Structures | Structure Size (sf) | Overwater Coverage Removed (sf) | Existing Piles Type of Pile | Existing Piles # of Piles to Be Removed | Existing Piles Pile Fill Area to be Removed (sf) |
|---|---|---|---|---|---|
| Pier Deck | 2,809 | 2,809 | 12-inch square steel rail | 25 | |
| Pier Steel Support Piles | 5.9 | - | Steel rail | 31 | 5.9 |
| Pier Concrete Support Piles | 12 | - | 12-inch square concrete | 12 | 12 |
| Pier Fender Piles | 12 | 12 | 12-inch square concrete | 12 | 12 |
| Dock Guide piles | 3 | 3 | 12-inch square concrete | 3 | 3 |
| Floating Dock | 705 | 705 | — | — | — |
| Gangway | 100 | 24 | — | — | — |
| Jib Crane | — | — | — | — | — |
| Other supporting infrastructure | — | — | — | — | — |
| **Total** | | **3,553** | **-** | **83** | **32.9** |




Source: Adapted by Ascent in 2024.

**Figure 2-9. Existing Pier 4**

## Piers 5 through 8

### *Existing Conditions*

Piers 5 through 8 provide berths for commercial fishing vessels. In total, there are 125 slips located at Piers 5 through 8 accommodating vessels ranging from 18 feet to 65 feet in length. Only two slips are wide enough to accommodate vessels 65 feet in length and 24 feet in width. During recent past operations, most of the 125 slips have been in use, though slip demand and occupancy fluctuate with the seasons, market conditions, and the marina operator. However, in its current state, the marina has approximately 15-20 commercial fishing vessels (See Figure 2-6). The largest commercial fishing vessels in San Diego Bay are typically the albacore boats, which range in 55 to 90 feet in length. On occasion, vessels can extend to approximately 100 feet in length. The superstructure of commercial fishing vessels seen in San Diego Bay is approximately 20 feet above the waterline. The gear on these vessels, such as masts, booms, or antennas, can extend as tall as approximately 50 feet above the waterline.

Piers 5 through 8 generally consist of wooden plank decks, wooden stringers and headers, steel connection hardware, steel rail piles, and occasional timber approach piles encased in concrete jackets. The piers are outfitted with electrical service and water supply.

The piers are aligned in a northeast-southwest direction, perpendicular to the shoreline and consist of a timber deck supported by an array of steel piles. Piers 5, 6, 7 and 8 are timber access piers, approximately 300 feet in length and 10 feet in width. Piers 5 through 8 have an approximate deck elevation of +9.5 feet MLLW and water depths ranging from approximately 8 feet to 13 feet (Triton Engineers 2020).

The deck system at Piers 5 through 8 is constructed of timber with a configuration of deck and substructure typical of piers built prior to 1980. The deck consists of 2-inch by 10-inch (flat) timber deck planks supported on 4 feet by 12 feet timber stringers supported by timber pile caps and steel rail piles. Timber piles support the inshore approaches. These piles are encased with concrete to prevent marine borer damage. The deck planks are aligned perpendicular to the longitudinal axis of the pier. The pile caps consist of double 3-inch by 10-inch members bolted to and supported by vertical steel rails (Triton Engineers 2020).

Piers 5 and 8 include 6-foot-wide approaches constructed with timber bents consisting of two battered timber piles, supporting a timber pile cap. The approaches consist of double 2-inch by 12-inch beams, and 3-inch by 12-inch stringers over the pile caps. The piles are 14-inch creosote treated timber piles. All piles are encased below the waterline by a concrete jacket. The timber deck at Pier 8 is overlayed with a 2-inch concrete decking. Piers 5 through 8 utilize a series of concrete mooring piles to support the tie-up and mooring of berthed vessels. The typical mooring system utilized consists of a bow-out mediterranean mooring system.

Berths utilize the mooring piles (two to four per berth) to secure spring and bow lines and at certain piers stern lines as well. In most cases the bow lines are tied to the concrete piles and the stern lines are anchored to two counter-balance moorings supported by the pier. There are 31 12-inch square pre-cast concrete mooring piles on the north and south side of the piers that provide tie-up points at each pier. Piers 5 and 8 include 10 double mooring pile berths supporting longer vessels, and one mooring pile is provided per berth approximately 38 feet to 41 feet from the edge of pier structure. In double mooring pile berths, the piles are typically located 10 feet and 38 feet from the edge of pier. The top of the mooring piles is at an approximate elevation of 12 feet MLLW.

A floating dock is positioned perpendicular to the long axis of Piers 5, 7 and 8. The floating docks are secured by two to three 12-inch square concrete guide piles. Guide piles exist at Pier 6; however, no floating dock is attached.

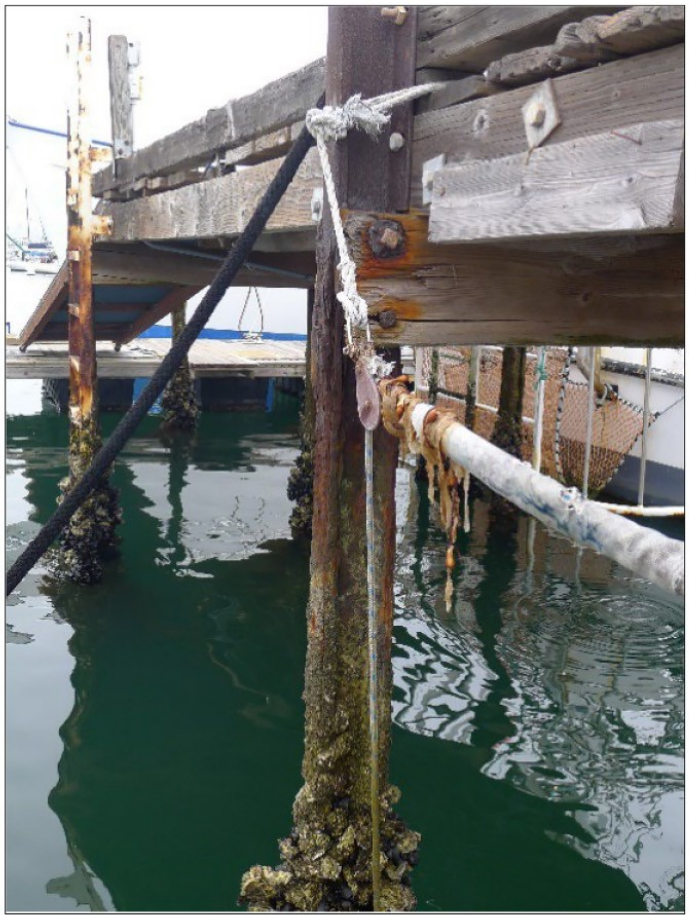
Piers 5 through 8 are in poor condition and display advanced deterioration or overstressing on widespread portions of the structures (Figure 2-10). The above deck damage consists primarily of drying and splitting damage of the timber decking and bull rail. The stringers are in fair condition. The pile caps are in poor condition due to failure of hardware and splitting of timber. The piling is considered in fair condition, with moderate to significant corrosion of the steel rail piles noted in the splash zone (Triton Engineers 2020). The damage is consistent with expectations for well-constructed timber structures having approximately 70 years of exposure to a marine environment.

***Proposed***

The proposed demolition phase includes the removal of Piers 5, 6, 7, and 8. Demolition of Piers 5, 7, and 8 would occur prior to demolition of Pier 6 and all commercial fishing vessels would be temporarily relocated to Pier 6. Demolition would begin with removal of the wood decking and rails, starting at the waterside and ending at the landside end of each pier. Demolition would involve the removal of all existing pier components including electrical power, potable water, gantry cranes, fencing and gates, lighting, ladders, gangways, and floating docks. The removal of all structural components including deck planks, wood and steel stringers and wood and steel pile caps would also occur. Existing piles would be extracted via crane (on a barge). Concrete, timber, and composite piles would be removed, using either the direct pull method or the vibratory method, in their entirety to the greatest extent possible. Subject to District notification and verification, if there are piles are unable to be removed, they would be cut at or below the mudline and abandoned below grade. Spudding or anchoring may be used if authorized by the RWQCB CWA Section 401 Water Quality Certification. All demolished materials would be loaded into dumpsters located on a deck barge and exported from the site landside and disposed of at an approved disposal site. Removed piles would be transported for disposal via two weekly haul truck round trips. A summary of piles at each location that would be removed as part of the project is presented in Table 2-2.

**Table 2-2. Summary of Pier 5, 6, 7, and 8 Demolition Phase Activities**

| Structure | Component Structures | Structure Size (sf) | Overwater Coverage Removed (sf) | Existing Piles Type of Pile | Existing Piles # of Piles to Be Removed | Existing Piles Pile Fill Area to be Removed (sf) |
|---|---|---|---|---|---|---|
| Pier 5 | Pier (e.g., Pier deck, steel rail support piles) | 2,805 | 2,805 | 12-inch square Steel rail | 54 | 10.3 |
| | | | | Encased timber pile | 6 | 12 |
| | | | | 12-inch steel pipe | 2 | 1.6 |
| | | | | 20-inch steel pipe | 2 | 4.4 |
| | Mooring piles (Concrete) | — | 31 | 12-inch square concrete | 31 | 31 |
| | Floating Dock | 1,637 | 1,637 | — | — | — |
| | Gangway | 160 | 30 | — | — | — |
| | Dock Guide Piles | — | 3 | 12-inch square concrete | 3 | 3 |
| | Dock Guide Piles | — | 4.4 | 20-inch round concrete | 2 | 4.4 |
| Pier 6 | Pier (e.g., Pier deck, steel rail support piles) | 3,120 | 3,120 | Steel rail | 66 | — |
| | Mooring piles (Concrete) | — | 29 | 12-inch square concrete | 29 | 29 |
| | Wood and Concrete Dock | — | — | — | — | — |
| | Gangway | — | — | — | — | — |
| | Other supporting infrastructure | — | — | — | — | — |
| Pier 7 | Pier (e.g., Pier deck, steel rail support piles) | 3,120 | 3,120 | Steel rail | 66 | — |
| | Mooring piles (Concrete) | — | — | 12-inch square concrete | 33 | — |
| | Wood and Concrete Dock | 810 | 810 | — | — | — |
| | Gangway | 60 | — | — | — | — |
| | Dock Guide Piles | 4 | 4 | 12-inch square concrete | 4 | 4 |
| | Other supporting infrastructure | — | — | — | — | — |
| Pier 8 | Pier (e.g., Pier deck, steel rail support piles) | 2,805 | 2,805 | Steel rail | 54 | — |
| | Mooring piles (Concrete) | — | 35 | 12-inch square concrete | 35 | 35 |
| | Wood and Concrete Dock | — | — | — | — | — |
| | Gangway | 60 | 50 | — | — | — |
| | Dock Guide Piles | — | — | 12-inch square concrete | 3 | 3 |
| **Total** | | — | **14,483.4** | **—** | **390** | **137.7** |



Steel Rail Columns with Splitting Headers and Corroded Hardware

Failed Exterior Stringer



Pier 5 Cracked Concrete Piles with Corroded Rebar

Corroded Rail Pile and Hardware

20200051.17 GRX 009

Source: Triton Engineers 2020; adapted by Ascent in 2024.

**Figure 2-10. Existing Conditions Piers 5 through 8**

### 2.3.3.2 Proposed Waterside Redevelopment Component

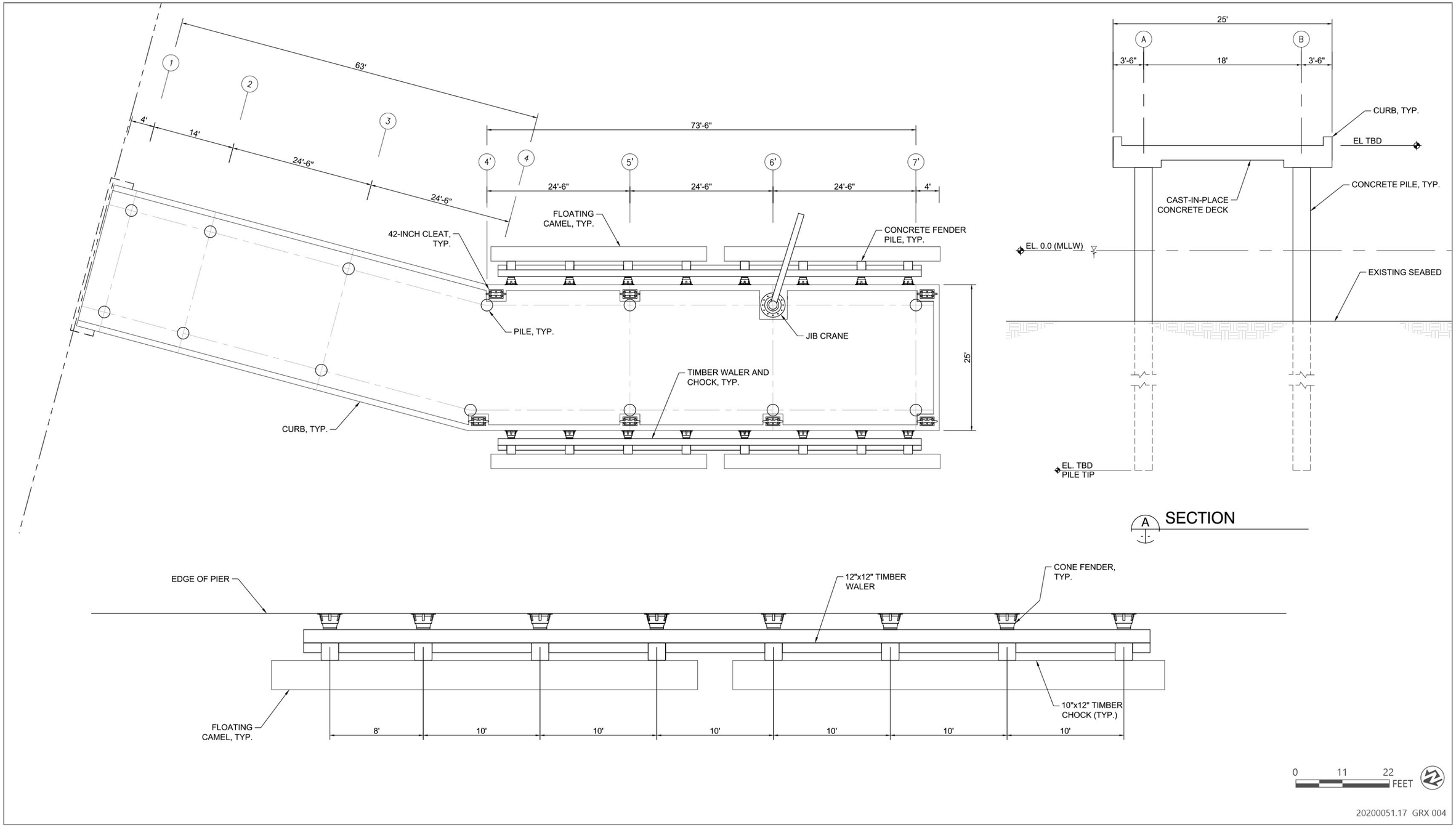
#### Pier 4

The proposed improvements entail the replacement of the existing timber pier with a concrete fixed deck pier supported by concrete piles and protected by a fender system. Like the existing Pier 4, the proposed concrete fixed pier would provide similar functions, which include 24-hour operations, nighttime lighting, the existing jib crane for lifting the ship's catch, gear, equipment, nets, and traps from the berthed ship to the pier deck, and allowance for truck and forklift access over the fixed pier. The proposed pier would be an L-shaped structure with an area of approximately 3,670 sf (Figure 2-11). The concrete piles would be installed and falsework, a temporary structure used to support a separate, permanent structure while it is under construction, would be supported off the installed concrete piles to enable formwork to be built for construction of the reinforced concrete deck. The area of the falsework would generally match the footprint of the proposed pier structure. A summary of piles at Pier 4 that would be installed as part of the project is presented in Table 2-3.

**Table 2-3. Proposed Pier 4 Components**

| Proposed Component Structures | Proposed Structure Size (sf) | Proposed Overwater Coverage (sf) | Proposed Type of Pile | Proposed # of Piles to Be Installed | Proposed Pile Fill Area (sf) |
|---|---|---|---|---|---|
| Concrete pier (e.g., concrete pier deck, support piles, floating camels, and fender system) | 3,675 | 3,717 | 16-inch square concrete | 14 | 26 |
| | | | 12-inch square concrete | 16 | 16 |
| **Total** | | **3,717** | **-** | **30** | **42** |

The deck thickness would be 16 to 20 inches. A fender system would be installed along both sides of the 73-foot-long water side edge of the proposed pier. The fender system would be supported by 14-inch square precast concrete fender piles with high density polyethylene rub strips. Two-foot diameter floating marine camels, designed to transfer vessel impact energy into multiple vertical fender piles, are connected by chains in front of the fender piles to distribute the ship forces to fender piles. Two 35-foot-long camels would be installed at the edge of the pier. The fender system would consist of rubber fender units, timber whalers, a structural element used to provide support for the vertical piles, and timber chocks used to guide and support ropes and keep vessels securely moored. The timber waler and chocks require a chemical preservative treatment to reduce the rate of wood rot and corrosion for materials within the water. The treatment would be in accordance with American Wood Protection Association UC5B Marine Use (Material Subject to Marine Borer Exposure) with waterborne preservative. As required by the USACE, all chemically treated wood that is in contact with the water and within the tidal zone would be wrapped to prevent chemical contact with the water. To ensure worker safety, all treated wood would be handled by a licensed contractor in accordance with applicable regulations, including Division 20, Chapter 6.5, and Title 22, Division 4.5 of the California Health and Safety Code and Occupational Safety and Health Administration (OSHA) standards listed in 29 CFR 1910 Subpart H. Floating camel fenders would be installed along the pier to provide vessel standoff.




Source: Adapted by Ascent in 2024.

**Figure 2-11. Proposed Pier 4**

## Piers 5 through 8

The project includes the replacement of Piers 5, 6, 7, and 8 with a set of new floating docks, totaling approximately 28,000 sf. The proposed piers would include 75 boat slips that would accommodate vessels ranging in size from 30 feet to 100 feet in length, and up to 29 feet in width. Outside of the project site, at the end of Piers 5, 7, and 8, vessels up to 140 ft in size could be docked utilizing the side ties.

The proposed piers would consist of three finger docks, a floating work platform, associated head walks, three pedestrian gangways, one loading ramp, four concrete abutment platform and security gate structures at the shoreline. New concrete and steel piles would be installed to support the new dock configuration (Figure 2-12). A summary of piles at each location that would be installed as part of the project is presented in Table 2-4.

**Table 2-4. Proposed Pier 5 Through 8 Components**

| Proposed Structure | Proposed Component Structures | Proposed Structure Size (sf) | Proposed Overwater Coverage (sf) | Proposed Type of Pile | Proposed Number of Piles to be Installed | Proposed Piles Pile Fill Area (sf) |
|---|---|---|---|---|---|---|
| Pier 5 | Floating Dock | 5,940 | 5,940 | — | — | — |
| | Guide piles (Concrete) | — | 29.4 | 16-inch round | 21 | 29.4 |
| | 80-Foot ADA Gangway | 495 | 453 | — | — | — |
| | Concrete Platform Piles | — | — | 12-inch square | 3 | 3 |
| | Concrete Platform | 168 | 80 | — | — | — |
| Pier 6 | Floating Dock | 2,320 | 2,320 | — | — | — |
| | Guide piles (Concrete) | — | 5.6 | 16-inch round | 4 | 5.6 |
| | 35-Foot Loading Ramp | 675 | 520 | — | — | — |
| | Concrete Platform Piles | — | — | 12-inch square | 4 | 4 |
| | Concrete Platform | 286 | 160 | — | — | — |
| Pier 7 | Floating Dock | 5,790 | 5,790 | — | — | — |
| | Guide piles (Concrete) | — | 21 | 16-inch round | 15 | 21 |
| | 35-Foot Gangway | 200 | 170 | — | — | — |
| | Concrete Platform Piles | — | — | 12-inch square | 4 | 4 |
| | Concrete Platform | 168 | 95 | — | — | — |
| Pier 8 | Floating Dock | 5,660 | 5,660 | — | — | — |
| | Guide piles (Concrete) | — | 26.6 | 16-inch round | 19 | 26.6 |
| | 35-Foot Gangway | 200 | 170 | — | — | — |
| | Concrete Platform Piles | — | — | 12-inch square | 4 | 4 |
| | Concrete Platform | 168 | 95 | — | — | — |
| Main Walk | Floating Dock | 8,520 | 8,520 | — | — | — |
| | Guide piles (Concrete) | — | 21 | 16-inch round | 15 | 21 |
| **Total** | | **30,590** | **30,077** | — | **89** | **118.6** |

Concrete piles would be manufactured offsite and trucked to a marine terminal for offloading to a floating materials barge. The floating materials barge would be moved to the project site with assistance from a harbor tug. A crane barge would be secured at multiple locations at each proposed pier to install piles. Guide piles would be transferred by crane to the crane barge where they would be rigged with a jetting hose and pump. The guide piles would be hammered to final depth. Guide piles, which secure the floating docks, are governed by a required pile tip elevation to ensure a minimum length of embedment. The guide piles (for Piers 5, 6, 7, and 8) would be jetted to 5 feet from tip elevation and then driven by impact hammer to the final depth. Internal jetting may be used for the installation of guide piles and would be subject to any limitations as determined by the

RWQCB during the Section 401 permitting process, including water flow rate, jet nozzle velocity, duration, and other requirements. The number of guide piles to be installed per day/week would vary based on the difficulty of the installation process in a given area and the designated number of piles to be replaced. Generally, the number of guide piles to be installed per day would be approximately six guide piles per day, and 30 per week (assuming five-day work weeks). For the guide piles, the number of blows per pile is estimated to be 50 blows per pile.

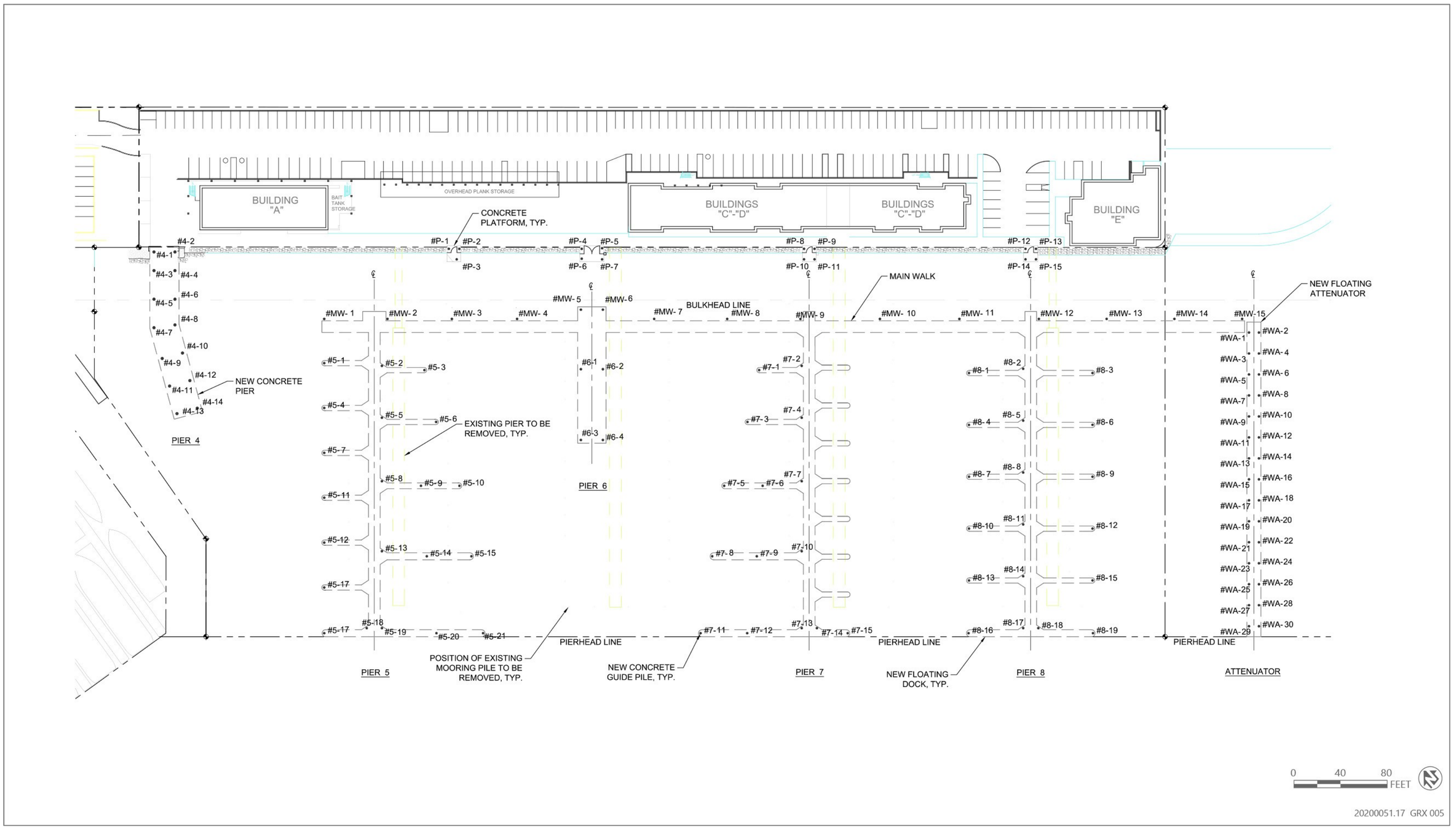
For piles requiring deeper penetration (i.e., concrete support piles at Pier 4), an impact hammer would be used. The impact hammer would be transported to the project site via barge and tugboat. Once on-site, the hammer would be connected directly to the crane (located on the same barge), which is utilized to conduct hammering. Similar to the guide piles, the number of concrete support piles to be installed per day/week would vary based on the difficulty of the installation process in a given area and the designated number of concrete support piles to be replaced. The number of concrete support piles installed would be four piles per day, and 15 to 20 piles per week (assuming 5-day work weeks). For the concrete support piles, the number of blows per pile is estimated to be 750 blows per pile.

Four gated 14-foot by 10-foot pre-cast concrete platforms would be installed along the shoreline over the existing riprap (Figure 2-13). Grading and paving would be limited to the construction of the proposed concrete abutment platforms at four locations. Site grading would be performed to tie in the abutments to the existing walkway site elevations. All sidewalks and building entrances would maintain ADA compliant grading. Some repair of the shoreline due to undermining of the rock revetment may be required to stabilize the shoreline during construction. Existing riprap would be removed where necessary during pile installation and reinstalled once pile installation is complete. Riprap would be stored in the construction laydown area during waterside redevelopment. Each concrete platform would be supported by four 12-inch square vertical precast concrete piles. Concrete platforms would be connected to the main walk, providing access to Piers 5 through 8. The proposed 10-foot concrete main walk would be supported by fifteen 12-inch concrete piles.

The project also proposes the installation of four light poles, 14 feet in height at each concrete platform. Lighting would be provided for safety and security and would be evaluated to produce a lighting plan with photometric calculations to confirm adequate lighting levels. Lighting criteria would be based on OSHA requirements and Illuminating Engineering Society of North America (IESNA) recommendation for pier and walkway usage. Each slip would include the installation of a utility pedestal, 3 feet in height, equipped with a light. Marina utility power pedestals would be used to provide vessels with a single source for utility hookups while also providing low glare lighting and racks for cables and hoses. In addition, security cameras are proposed to be installed at the project site for safety and security purposes once the project is completed.

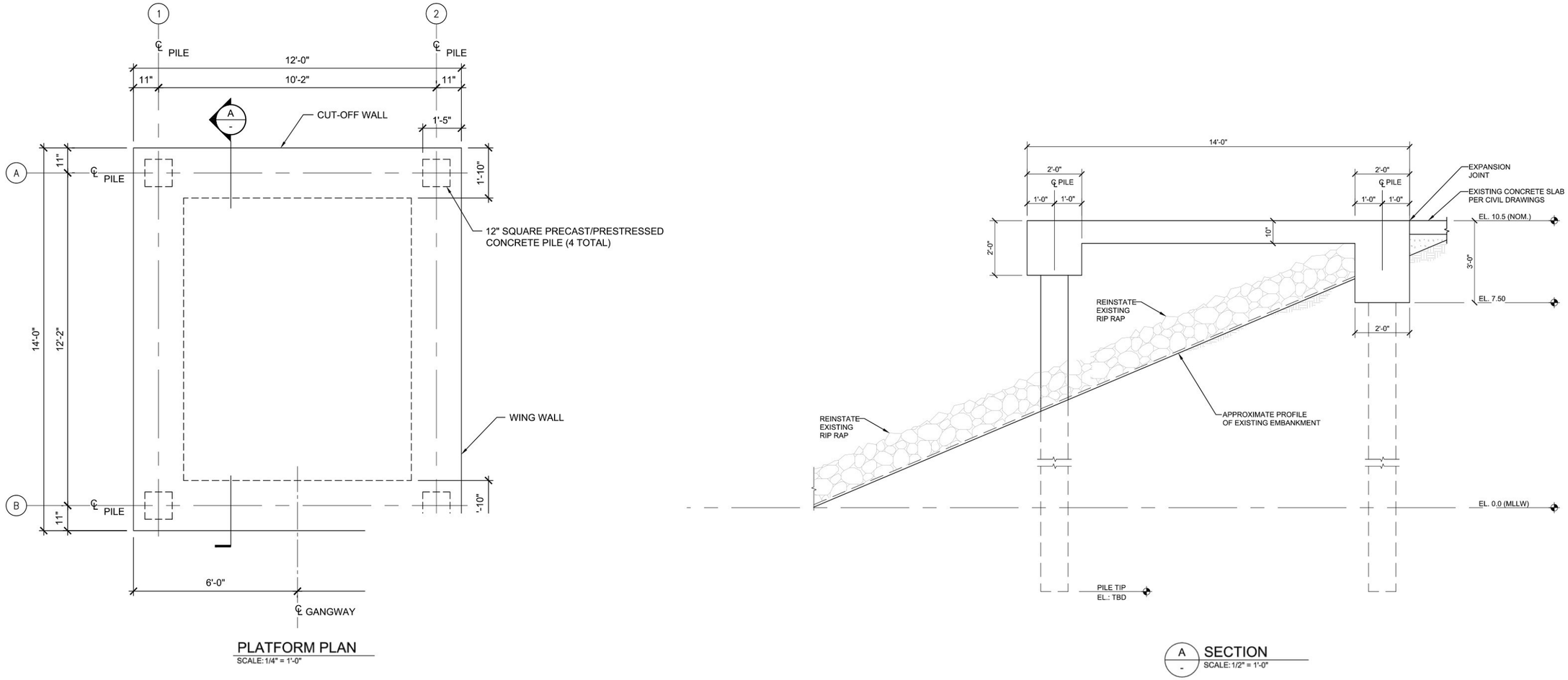
The project includes the installation of new electrical and mechanical utilities at the piers. Electrical service is provided near the vehicular entrance to the project site. The capacity of the electrical service would be upgraded to provide additional voltage for the proposed improvements. Electric services would range from 30-amp 120-volt service for vessels up to 40 feet in length; 50-amp 240-volt service for slips up to 60 feet in length; and 100-amp 240-volt service for slips up to 100 feet in length. A potable water system would be supplied, including two hose bibbs at every slip with an anti-siphon valve at each hose bib. Each hose bib would be installed on the side of each proposed utility power pedestal. A 1200A 208Y/120v 3-phase 4-wire switchboard would be installed as the main service equipment to service the proposed power pedestals. Trenching to a depth of four inches would occur from the utility transformer to the new switchboard, and from the switchboard to the proposed ramp. Conduits would be installed underneath the dock to distribute power to the power pedestals. The freshwater system would include a marine piping system from the Potable Water Point of Connection (PWPOC) to the marina.

A fire suppression system, as required by local code and per National Fire Protection Agency 303, would be supplied from the Fire Water Point of Connection (FWPOC) to the marina. The FWPOC would be defined as the waterside of the abutment within 5 feet of the centerline of gangway, where a Fire Department Connection (FDC) would be installed. An existing fire hydrant must be proximate to the FDC. The maximum allowable distance from the fire hydrant to the FDC is subject to local regulatory authorities and, therefore, varies by location and fire department.




Source: Adapted by Ascent in 2024.

**Figure 2-12. Proposed Pile Layout**




Source: Adapted by Ascent in 2024.

**Figure 2-13. Proposed Platforms**

Piers 5, 7, and 8 would be constructed with a set of new floating docks. New floating docks would be manufactured offsite and delivered to the project site. A land-based crane would hoist the dock units from the delivery truck and set it in the water, where the floating dock would be moved to the pier by work skiffs for assembly. To access Pier 5, an 80-foot ADA compliant gangway with a minimum 6 feet width would be connected to the nearest concrete platform. Two 35-foot gangways would connect Piers 7 and 8 to each concrete platform. Gangways would be aluminum with a fiberglass micromesh decking to allow for passing of light. After construction of Pier 5 is complete, all commercial fishing vessels from Pier 6 would relocate to Pier 5. Pier 6 would then be demolished as part of the end of lease obligations component, as described above. A 35-foot loading ramp would connect Pier 6 to the concrete platform. The proposed floating piers would connect to the main walk, and assembly would consist of a solid polystyrene core encased with concrete. The proposed piers and main walk would increase overwater coverage from 14,484 sf to 30,077 sf.

### Floating Wave Attenuator

Passing ship traffic and sustained wind-driven waves from the southeast expose the existing docks to a relatively severe wave environment, with some wave conditions occurring on an almost daily basis. Wave attenuation would be provided to protect the infrastructure investment in the form of a floating wave attenuation dock (floating wave attenuator). The attenuator would extend perpendicular to the shoreline, southeast of the proposed marina, in a new parcel. The attenuation dock would be secured by a closely spaced array of large concrete piles.

The 270-foot in length wave attenuator would consist of a concrete deck supported by thirty 24-inch octagonal vertical precast concrete piles (Figure 2-14). The guide piles for the floating wave attenuator would be jetted to 5 feet from tip elevation and then driven by impact hammer to the final depth, assuming approximately 50 blows per pile, six piles per day. The proposed area of the wave attenuator is 3,245 sf (Table 2-5). The wave attenuator is proposed to address existing damage and prevent future damage from wave action and to maintain safe operation of the marina.

**Table 2-5. Proposed Floating Wave Attenuator**

| Structure | Proposed Structure Size (sf) | Proposed Piles Type of Pile | Proposed Piles # of Piles to Be Installed | Proposed Piles Pile Fill Area (sf) |
|---|---|---|---|---|
| Floating Wave Attenuator | 3,245 | 24-inch square concrete | 30 | 120 |
| **Total** | **3,245** | — | **30** | **120** |

## 2.3.3.3 Coverage and Fill Volume Summary

Table 2-6 summarizes net overwater coverage and fill volumes for the project. Overwater coverage identified in Table 2-6 would be permanent. Shading from barges used during construction would be temporary and moved to new onsite locations often. Barges would not exceed 30 days in one location.

**Table 2-6. Summary of Net Change in Overwater Coverage and Fill**

| Structure | Overwater Coverage Existing (sf) | Proposed Overwater Coverage (sf) | Net Overwater Coverage (sf) | Existing Fill (sf) | Proposed Fill (sf) | Net Fill (sf) |
|---|---|---|---|---|---|---|
| Pier 4 | 3,553 | 3,717 | +164 | 33 | 42 | +9 |
| Piers 5-8 | 14,484 | 21,536 | +7,053 | 138 | 98~~119~~ | -40~~19~~ |
| Floating Wave Attenuator | — | 3,245 | +3,245 | — | 120 | +120~~0~~ |
| Main walk | — | 8,541 | +8,541 | — | 21 | +21 |
| **Total** | 18,037~~307~~ | 37,039 | 19,003 | 171 | 281~~302~~ | +110~~31~~ |
| **Net Total** | — | — | **19,003** | — | — | **110~~131~~** |

## 2.3.4 Project Construction

Construction of the various project components is anticipated to occur over a 48-month period. Construction would be phased to allow berths to remain operational during construction. Table 2-7 provides the duration of each phase of construction along with the anticipated start.

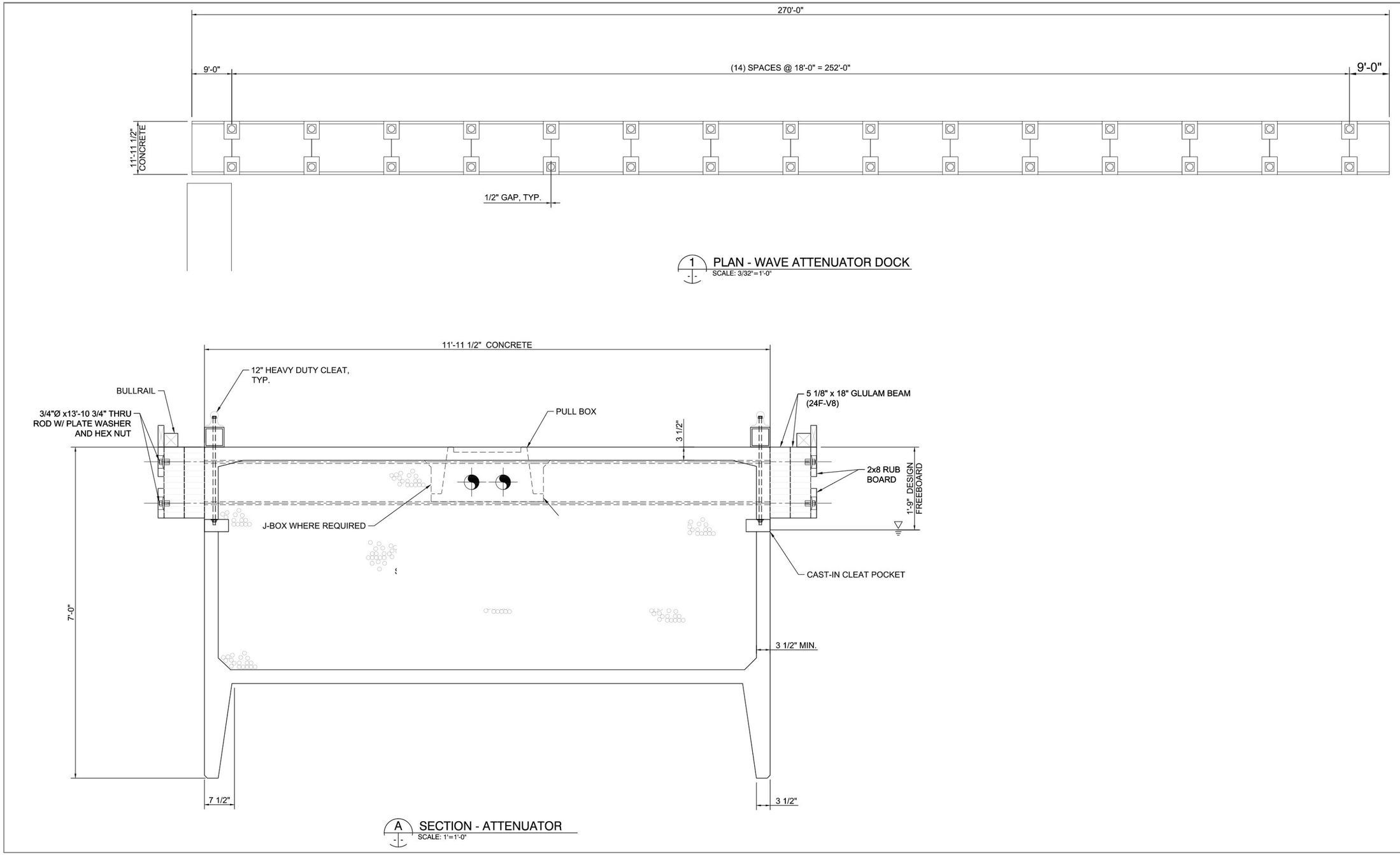
**Table 2-7. Project Construction Phasing and Timeframe**

| Construction Phase | Duration | Phase Start | Equipment | Description of Activities |
|---|---|---|---|---|
| Landside Demolition | 4 months (80 working days) | July 2026 | crane, barge, excavator, dump trucks, forklift | Demolish Building E. Once demolished, this area would be used as a staging and material laydown area for waterside demolition activities (i.e., the demolition of Piers 5 through 8). Perform any landside environmental cleanup associated with removal of a storage shed concrete pad. |
| Waterside Demolition Part 1 | 4 months (80 working days) | November 2026 | crane, vibratory driver/extractor barge, tugboat, work boat, pile drives, dump truck | Demolition of Piers 5, 7, and 8. |
| Waterside Construction Part 1 | 4 months (80 working days) | March 2027 | crane, delivery truck, forklift, reach fork | Construction of Pier 5 |
| Waterside Demolition Part 2 | 2 months (40 working days) | July 2027 | crane, dump trucks, forklift, reach fork, scissors lift | Demolition of Pier 6. |
| Waterside Demolition Part 3 and Waterside Construction Part 2 | 16 months (320 working days) | September 2027 | Delivery truck, dump trucks, forklift, scissors lift | Demolition of Pier 4 (Waterside Demolition Part 3) and construction of Piers 4, 6, 7, and 8 (Waterside Construction Part 2) (including headwalks), utility upgrades, and construction of wave attenuator. |

The anticipated construction schedule is approximate and is provided for analysis purposes. The actual start and end dates for construction of the project components may vary, but the duration is not anticipated to change. Construction activities would occur Monday through Friday, with noise restrictions consistent with the City of San Diego Noise Ordinance (Section 59.5.0404 of the San Diego Municipal Code) and the District's Short Term Construction Measure Coastal Development Permit regulations that require noise to be minimized during construction. Construction work during night-time hours (between 7:00 p.m. and 7:00 a.m.) is not anticipated. Pile driving activities would only be conducted during daylight hours (between 7:00 a.m. and 4:00 p.m.).

The construction staging area would be located on-site. During landside demolition, construction staging would be located in the parking area east of the project site. Following the demolition of Building E, the cleared area would be used as construction staging for the remaining duration of the project, including waterside demolition and reconstruction. The waterside promenade would be temporarily closed to the public during construction and pedestrian access to the project site businesses would be rerouted.

Construction would include an average of approximately 16 temporary construction workers per day. Construction worker parking would be located on-site in adjacent surface lots during construction activities. Construction staging would remain within the site lay down area, and all deliveries would be coordinated with vendors prior to delivery.




Source: Adapted by Ascent in 2024.

**Figure 2-14. Proposed Wave Attenuator**

### 2.3.5 Project Operation

Project operation would continue to support commercial fishing uses. Once fully operational, the commercial fishing wharf would support up to 75 boat slips and side ties that would accommodate vessels ranging in size from 30 feet to 140 feet in length, and up to 29 feet in width. No new buildings are proposed on the landside of the project site and, therefore, landside operations are anticipated to be the same or reduced compared to baseline conditions.

The maximum number of existing employees onsite is 70 employees. Approximately 37 employees support commercial fishing-related operations and approximately 33 employees support non-commercial fishing uses. Employees that work within the existing project site are not all employed by the prior marina operator. The maximum number of employees includes part-time employees with rotating schedules. After project completion, it is estimated that the number of on-site employees would be similar because commercial fishing operations would continue and the project does not propose any components that would increase operational capacity beyond what was reached under recent past operations. No additional employees are anticipated.

The project would be required to follow all existing operational and maintenance stormwater BMPs required by the District for commercial facilities. Stormwater runoff from the project, including the new overwater structures, would be captured and contained in the existing stormwater diversion system for subsequent discharge.

## 2.4 Intended Uses of the Environmental Impact Report

This section discusses the intended uses for this EIR and includes (1) a list of agencies that would be expected to use this EIR for decision-making, and (2) a list of required permits and other approvals that would be required to implement the project. Environmental review and consultation requirements under federal, state, and local laws; regulations; and policies that are in addition to CEQA are discussed in the applicable individual resource sections in Chapter 3, *Environmental Analysis*.

### 2.4.1 Agencies Expected to Use this Environmental Impact Report

The District is the CEQA lead agency, as defined under State CEQA Guidelines Sections 15050 and 15051, because it has principal responsibility for approving the project. As the lead agency, the District has primary responsibility for complying with CEQA. As such, the District has analyzed the environmental effects of the project; the results of that analysis are presented in this ~~Draft~~ Final EIR. The BPC, in its role as the decision-making body of the District, is responsible for certifying the Final EIR and approving the "Findings of Fact and Statement of Overriding Considerations," if required, pursuant to Sections 15090–15093 of the State CEQA Guidelines, prior to project approval. The BPC is also responsible for issuance of appealable coastal development permits for the Demolition Component and the Waterside Redevelopment Component.

USACE, as the federal agency with permitting oversight, may also rely on information in the EIR as an information source in the preparation of Federal environmental review documents pursuant to the National Environmental Policy Act (NEPA) in its decision to authorize an individual/nationwide Clean Water Act (CWA) Section 404 permit (for discharge of fill material into waters of the United States) and a Rivers and Harbors Act Section 10 permit (for regulating activity within or over navigable waters of the United States).

SDRWQCB, as a CEQA responsible agency, would use the EIR in its decision to authorize CWA Section 401 certification for a discharge into a "water of the United States."

The California Department of Fish and Wildlife (CDFW) is a trustee agency with regard to: (1) the fish and wildlife of the State, (2) designated rare or endangered native plants, (3) game refuges, (4) ecological reserves, and 5) other areas administered by the CDFW. CDFW may have an interest in the proposed project.

Table 2-8 identifies the agencies expected to use this EIR and the related project approvals and permits required.

**Table 2-8. Agencies Expected to Use this EIR and the List of Permits and Other Approvals Required**

| Agency | Permit or Approval Required |
|---|---|
| **State, Local, or Regional Agency** | |
| San Diego Unified Port District | • Certification of the Final EIR in compliance with CEQA<br>• Adoption of Mitigation Monitoring and Reporting Program<br>• Adoption of the Findings of Fact (if required)<br>• Approval of Coastal Development Permit for Demolition (appealable)<br>• Approval of Coastal Development Permit for Construction (appealable) |
| San Diego Regional Water Quality Control Board | • Clean Water Act Section 401 water quality certification |
| City of San Diego | • Ministerial construction permits (e.g., grading, demolition, building, electrical, sanitary sewer connects, etc.) |
| **Federal Agency (To inform any NEPA requirements)** | |
| US Army Corps of Engineers | • Authorize individual/nationwide Clean Water Act Section 404 permit (33 US Code Section 1341)<br>• Rivers and Harbors Act Section 10 permit |

Chapter 3
# Environmental Analysis

## Introduction

In accordance with Sections 15126.2 and 15143 of the State CEQA Guidelines, Sections 3.1 through 3.10 of this ~~Draft~~ Final EIR contain a discussion of the potential significant environmental effects that may result from the proposed project, including information related to existing site conditions, criteria for determining the significance of potential environmental impacts, analyses of the type and magnitude of environmental impacts, and feasible mitigation measures that would reduce or avoid significant environmental impacts.

## Potential Environmental Impacts

The environmental resource and issue area analyses are presented in the following sections:

- 3.1 "Air Quality"
- 3.2 "Biological Resources"
- 3.3 "Cultural and Tribal Cultural Resources"
- 3.4 "Energy"
- 3.5 "Greenhouse Gas Emissions and Climate Change"
- 3.6 "Hazards and Hazardous Materials"
- 3.7 "Hydrology and Water Quality"
- 3.8 "Land Use and Planning"
- 3.9 "Noise and Vibration"
- 3.10 "Transportation"

The District determined during preparation of the "Initial Study Environmental Checklist" (see Appendix C) that the project would have either a less-than-significant impact or no impact associated with the following resources and issue areas: aesthetics, agriculture and forestry resources, geology and soils, mineral resources, population and housing, public services, recreation, utilities and service systems, and wildfire. In addition, the District determined through the "Initial Study Environmental Checklist" that the project would have a less-than-significant impact or no impact on certain issues within the following environmental resource areas: air quality, cultural and tribal cultural resources, hazards and hazardous materials, hydrology and water quality, land use and planning, and transportation. Section 5.3, *Effects Not Found to Be Significant*, of this ~~Draft~~ Final EIR includes a brief analysis of why impacts on these resources would not be significant, as discussed in the "Initial Study Environmental Checklist" (Appendix C).

# Format of the Environmental Analysis

Each of the 10 environmental resource sections of this chapter contains the following subsections.

## Overview

This subsection briefly describes the thresholds of significance considered in the particular resource section, identifies any reports that contain information presented in the environmental analysis, and states if any project-related impacts would be significant and require mitigation measures.

## Existing Conditions

According to Section 15125 of the State CEQA Guidelines, an EIR must include a description of the existing physical environmental conditions in the vicinity of a project to provide the "baseline condition" against which project-related impacts are compared. Normally, the baseline condition consists of the physical conditions that exist when the notice of preparation (NOP) is published; however, a different baseline may be used in specific cases where a different baseline is deemed appropriate and supported by substantial evidence. The NOP was published on December 19, 2024. Unless indicated otherwise in the individual resource sections, the environmental setting presented will be that which existed at the time the NOP was published.

## Applicable Laws, Regulations, Plans, and Policies

This subsection provides a summary of laws, regulations, plans, and policies at the federal, state, and local levels that are relevant to the project as they relate to the particular environmental resource area in discussion. Compliance with laws and regulations is typically mandatory as failure to comply with a law or regulation would be illegal. Therefore, as it relates to the "Project Impact Analysis" subsection (described below), compliance is assumed because it is required by law. Mitigation generally would not be required when the project's compliance with an existing law or regulation would avoid or reduce a significant impact. Although a project's consistency with plans and policies may be expected, such consistency is generally not considered mandatory, and therefore, it is up to the analysis (described below) to demonstrate that implementation of the project would not result in a physical impact on the environment as a result of an inconsistency with a plan or policy.

## Project Impact Analysis

This subsection describes the methodology used for the analysis of the potential environmental impacts of the project; identifies the criteria for determining the significance of potential impacts; discusses the facts, data, and other information that relate to potential environmental impacts; determines whether the environmental impacts would be significant; identifies feasible mitigation measures that may avoid or reduce the significant impacts; and states a conclusion as to whether the environmental impacts would be considered significant and unavoidable, less than significant with mitigation incorporated, or less than significant (see definitions below). The discussion of potential impacts is based on the applicable threshold of significance (see below) for each issue. Where potential impacts are significant, feasible mitigation measures are identified to minimize, rectify, reduce, eliminate, or compensate for significant impacts with the goal of reaching a less-than-significant impact determination.

## Methodology

Each "Methodology" subsection describes the means used to analyze potential impacts on a particular resource, discussing the steps followed and listing any studies relied on to determine significance.

## Thresholds of Significance

Thresholds of significance are criteria used to assess whether potential environmental effects are significant. The significance criteria used in this analysis are primarily based on the issue area questions provided in Appendix G of the State CEQA Guidelines unless otherwise indicated in the individual resource sections. The thresholds of significance define the type, amount, and extent of impact that would be considered a significant adverse change in the environment. The thresholds of significance for some environmental topics, such as certain air quality and noise issues, are quantitative, whereas thresholds for other topics, such as visual quality, are often qualitative. The thresholds of significance are intended to assist the reader in understanding how an impact is determined to be significant and are based on substantial evidence in the administrative record.

## Project Impacts and Mitigation Measures

### Impact Discussion

The analysis of environmental impacts considers both the construction and operation of the project. As required by Section 15126.2(a) of the State CEQA Guidelines, direct, indirect, short-term, long-term, on-site, and off-site impacts are addressed, as appropriate, for the environmental issue being analyzed. This EIR uses the following terms to describe the level of significance of impacts identified during the course of the environmental analysis.

**No impact:** This term is used when the project's construction or operation would have no adverse effect on a resource.

**Less than significant:** This term is used to refer to impacts resulting from implementation of the project that would not exceed the defined thresholds of significance and to potentially significant impacts that are reduced to a level that does not exceed the defined thresholds of significance after implementation of mitigation measures. In the latter case, the determination is commonly stated as "less than significant with mitigation incorporated."

**Significant:** This term is often used to refer to impacts resulting from implementation of the proposed project that exceed the defined thresholds of significance before identification of any mitigation measures. A "significant effect" is defined by Section 15382 of the State CEQA Guidelines as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment [but] may be considered in determining whether the physical change is significant." For impacts that exceed a threshold of significance, mitigation measures that avoid or reduce the potential significant impact are identified, which may cause the impact to be reclassified as less than significant if it is sufficiently reduced, or the impact may remain significant, in which case it is referred to as a significant and unavoidable impact (or unavoidable significant impact).

**Significant and unavoidable:** This term is used to refer to significant impacts resulting from implementation of the project that cannot be eliminated or reduced to below a threshold of significant through implementation of feasible mitigation measures.

### Mitigation Measures

Section 15126.4 of the State CEQA Guidelines requires an EIR to "describe feasible measures which could minimize significant adverse impacts." As defined in State CEQA Guidelines Section 15364, "'feasible' means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." Mitigation is required only when a significant impact has been identified, and any mitigation requires an essential nexus and must be roughly proportional to the magnitude of a project's impacts (State CEQA Guidelines Section 15126.4[a]). Mitigation includes avoiding an impact altogether, minimizing impacts, rectifying impacts, reducing or eliminating impacts over time, or compensating for impacts by replacing or providing substitute resources. This subsection lists the mitigation measures that could reduce the

severity of impacts identified in the “Impact Discussion” subsection. Mitigation measures are the specific environmental requirements for construction or operation of the project that will be included in the mitigation monitoring and reporting program and adopted as conditions of approval of the project.

# 3.1 Air Quality

## 3.1.1 Overview

This section includes a discussion of existing air quality conditions, a summary of applicable regulations, and an analysis of potential construction and operational air quality impacts caused by proposed development of the project. Potential impacts related to whether the project would conflict with or obstruct implementation of the applicable air quality plan, and whether the project would result in other emissions (such as those leading to odors) adversely affecting a substantial number of people are addressed in Section III of the Initial Study/Environmental Checklist (Appendix C of this ~~Draft~~ Final EIR). The analysis and conclusions regarding these impacts are also summarized in Chapter 5, Section 5.3, *Effects Not Found to Be Significant*.

One comment related to air quality was received during the NOP scoping from the San Diego Air Pollution Control District (SDAPCD). SDAPCD provided information related to the shore power requirements that facility owners and/or operators will be required to comply with, per the California Air Resources Board (CARB) Commercial Harbor Craft Regulation. The Commercial Harbor Craft Regulation is discussed below in Section 3.1.3.2, under *Applicable Laws, Regulations, Plans, and Policies*.

As discussed in Section 3.1.4.4, *Project Impacts and Mitigation Measures*, all impacts related to air quality would be less than significant. No mitigation is required. In this section, the term "construction" includes all construction and/or demolition activities that may occur during the Demolition Component or the Waterside Redevelopment Component of the project, as described in the Project Description (Chapter 2, Environmental Setting and Project Description).

## 3.1.2 Existing Conditions

The project site is located in the San Diego Air Basin (SDAB). The SDAB includes all of San Diego County. The ambient concentrations of air pollutant emissions are determined by the amount of emissions released by the sources of air pollutants and the atmosphere's ability to transport and dilute such emissions. Natural factors that affect transport and dilution include terrain, wind, atmospheric stability, and sunlight. Therefore, existing air quality conditions in the area are determined by such natural factors as topography, meteorology, and climate, in addition to the amount of emissions released by existing air pollutant sources, as discussed separately below.

### 3.1.2.1 Climate and Atmospheric Conditions

#### Regional

The SDAB is bordered by the Pacific Ocean to the west, the South Coast Air Basin (SCAB) to the north, the Salton Sea Air Basin to the east, and the US–Mexico border to the south.

The climate of San Diego is classified as Mediterranean but is incredibly diverse because of the topography. The climate is dominated by the Pacific High pressure system that results in mild, dry summers and mild, wet winters. San Diego experiences an average of 150 days above 70°F and 8–12 inches of rainfall annually (mostly, November–March). El Niño and La Niña patterns have large effects on the annual rainfall received in San Diego (SDAPCD 2023).

An El Niño is a warming of the surface waters of the eastern Pacific Ocean. It is a climate pattern that occurs across the tropical Pacific Ocean that is associated with drastic weather occurrences, including enhanced rainfall in Southern California. La Niña is a term for cooler than normal sea surface temperatures across the Eastern Pacific Ocean. San Diego receives less than normal rainfall during La Niña years (SDAPCD 2023).

The Pacific High drives the prevailing winds in the SDAB. The winds tend to blow onshore in the daytime and offshore at night. In the summer, an inversion layer is created over the coastal areas and increases the ozone ($O_3$) levels. In the winter, San Diego often experiences a shallow inversion layer which tends to increase carbon monoxide and particulate matter (PM) less than or equal to 2.5 microns in diameter ($PM_{2.5}$) concentration levels due to the increased use of residential wood burning (SDAPCD 2023).

In the fall months, the SDAB is often impacted by Santa Ana winds, which result from a high-pressure system over the Nevada-Utah region that overcomes the westerly wind pattern and forces hot, dry winds from the east to the Pacific Ocean. These winds are powerful and incessant. They blow the air basin's pollutants out to sea. However, a weak Santa Ana can transport air pollution from the SCAB and greatly increase the San Diego $O_3$ concentrations. A strong Santa Ana also primes the vegetation for firestorm conditions (SDAPCD 2023).

### Local

The weather station closest to the project site is the San Diego/Lindbergh Field Station, approximately 3 miles to the northwest. Given its proximity, historic climatic conditions at San Diego/Lindbergh Field over the period of record (1914–2012) are assumed to be representative of the prevailing climatic conditions. The annual average temperature at Lindbergh Field is 63°F, with an average winter temperature of 57°F and an average summer temperature of 69°F (WRCC 2012a). Total annual precipitation averages 10.13 inches. Precipitation occurs mostly during the winter and relatively infrequently during the summer (WRCC 2012b). Wind patterns at San Diego/Lindbergh Field station indicate a prominence of westerly winds that average 6.1 miles per hour (2.7 meters per second) (WRCC 2016).

## 3.1.2.2 Criteria Pollutants

The federal and state governments have established National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS), respectively, for six criteria pollutants: $O_3$, carbon monoxide (CO), lead (Pb), nitrogen dioxide ($NO_2$), sulfur dioxide ($SO_2$), and PM, which consists of $PM_{10}$ (particulate matter with a diameter of 10 microns or smaller) and $PM_{2.5}$. Ozone is considered a regional pollutant because its precursors affect air quality on a regional scale. Pollutants such as CO, $NO_2$, $SO_2$, and Pb are considered local pollutants that tend to accumulate in the air locally. PM is both a local and a regional pollutant. The primary criteria pollutants of concern generated by the project are $O_3$ precursors (reactive organic gases [ROG] and nitrogen oxides [$NO_X$]), CO, and PM.

All criteria pollutants can have human health and environmental effects at certain concentrations. The ambient air quality standards for these pollutants (see Table 3.1-1) are set to protect public health and the environment within an adequate margin of safety (CAA Section 109). Epidemiological, controlled human exposure, and toxicology studies evaluate potential health and environmental effects of criteria pollutants, and form the scientific basis for new and revised ambient air quality standards.

Principal characteristics and possible health and environmental effects from exposure to the primary criteria pollutants generated by the project are discussed below.

### Ozone

$O_3$ is a photochemical oxidant (a substance whose oxygen combines chemically with another substance in the presence of sunlight) and the primary component of smog. It is not directly emitted into the air but is formed through complex chemical reactions between precursor emissions of ROG and $NO_X$ in the presence of sunlight. ROG are volatile organic compounds (VOCs) that are photochemically reactive. For the purposes of CEQA analyses, "ROG" and "VOCs" are terms used interchangeably and represent the same group of emissions. ROG emissions result primarily from incomplete combustion and the evaporation of chemical solvents and fuels. $NO_X$ are a group of gaseous compounds of nitrogen and oxygen that result from the combustion of fuels. Statewide, emissions of the ozone precursors ROG and $NO_X$ have decreased over the past several years because of more stringent motor vehicle

standards and cleaner-burning fuels (CARB 2013). Acute health effects of ozone exposure include increased respiratory and pulmonary resistance, cough, pain, shortness of breath, and lung inflammation. Chronic health effects include permeability of respiratory epithelia and possibility of permanent lung impairment (EPA 2024a).

**Table 3.1-1. Ambient Air Quality Standards and Attainment Status for the San Diego Air Basin**

| Pollutant | Averaging Time | California (CAAQS) [a,b] | | National (NAAQS)[c] | |
|---|---|---|---|---|---|
| | | Standards | Attainment Status | Standards – Primary [b,d] | Attainment Status |
| Ozone ($O_3$) | 1-hour | 0.090 ppm (180 µg/m³) | Nonattainment | — | — |
| | 8-hour | 0.070 ppm (137 µg/m³) | Nonattainment | 0.070 ppm (137 µg/m³) | Severe Nonattainment |
| Carbon monoxide (CO) | 1-hour | 20 ppm (23 mg/m³) | Attainment | 35 ppm (40 mg/m³) | Attainment |
| | 8-hour | 9 ppmf (10 mg/m³) | Attainment | 9 ppm(10 mg/m³) | Attainment |
| Nitrogen dioxide ($NO_2$) | Annual arithmetic mean | 0.030 ppm (57 µg/m³) | Attainment | 53 ppb (100 µg/m³) | Attainment |
| | 1-hour | 0.18 ppm (339 µg/m³) | Attainment | 100 ppb (188 µg/m³) | Attainment |
| Sulfur dioxide ($SO_2$) | 24-hour | 0.04 ppm (105 µg/m³) | Attainment | — | — |
| | 3-hour | — | Attainment | — | — |
| | 1-hour | 0.25 ppm (655 µg/m³) | Attainment | 75 ppb (196 µg/m³) | Attainment |
| Respirable particulate matter ($PM_{10}$) | Annual arithmetic mean | 20 µg/m³ | Attainment | — | — |
| | 24-hour | 50 µg/m³ | Nonattainment | 150 µg/m³ | Unclassified/ Attainment |
| Fine particulate matter ($PM_{2.5}$) | Annual arithmetic mean | 12 µg/m³ | Nonattainment | 9.0 µg/m³ | Unclassified/ Attainment |
| | 24-hour | — | — | 35 µg/m³ | Unclassified/ Attainment |
| Lead [e] | Calendar quarter | — | — | 1.5 µg/m³ | Attainment |
| | 30-Day average | 1.5 µg/m³ | Attainment | — | — |
| | Rolling 3-Month Average | — | — | 0.15 µg/m³ | Attainment |
| Hydrogen sulfide | 1-hour | 0.03 ppm (42 µg/m3) | Unclassified | No national standards | |
| Sulfates | 24-hour | 25 µg/m3 | Attainment | | |
| Vinyl chloride [e] | 24-hour | 0.01 ppm (26 µg/m3) | Unclassified | | |
| Visibility-reducing particulate matter | 8-hour | Extinction of 0.23 per km | Unclassified | | |

Notes: µg/m³ = micrograms per cubic meter; km = kilometers; ppb = parts per billion; ppm = parts per million (by volume).

[a] California standards for ozone, carbon monoxide, $SO_2$ (1- and 24-hour), $NO_2$, particulate matter, and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

[b] Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based on a reference temperature of 25 degrees Celsius (°C) and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.

[c] National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic means) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration in a year, averaged over 3 years, is equal to or less than the standard. The $PM_{10}$ 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than 1. The $PM_{2.5}$ 24-hour standard is attained when 98 percent of the daily concentrations, averaged over 3 years, are equal to or less than the standard.

[d] National primary standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.

[e] The California Air Resources Board has identified lead and vinyl chloride as toxic air contaminants with no threshold of exposure for adverse health effects determined. This allows for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

Sources: EPA 2025; SDAPCD 2025a.

### Nitrogen Dioxide

$NO_2$ is a brownish, highly reactive gas present in all urban environments. The major human-made sources of $NO_2$ are combustion devices, such as boilers, gas turbines, and mobile and stationary reciprocating internal combustion engines. Combustion devices emit primarily nitric oxide (NO), which reacts through oxidation in the atmosphere to form $NO_2$. The combined emissions of NO and $NO_2$ are referred to as $NO_X$ and are reported as equivalent $NO_2$. Because $NO_2$ is formed and depleted by reactions associated with photochemical smog (ozone), the $NO_2$ concentration in a geographical area may not be representative of the local sources of $NO_X$ emissions (EPA 2024b).

Acute health effects of exposure to $NO_X$ includes coughing, difficulty breathing, vomiting, headache, eye irritation, chemical pneumonitis, pulmonary edema, breathing abnormalities, cyanosis, chest pain, rapid heartbeat, and death. Chronic health effects include chronic bronchitis and decreased lung function (EPA 2024b).

### Particulate Matter

Particulate matter consists of finely divided solids or liquids such as soot, dust, aerosols, fumes, and mists. Two forms of fine particulates are now regulated—inhalable coarse particles, or $PM_{10}$, and inhalable fine particles, or $PM_{2.5}$. Particulate discharge into the atmosphere results primarily from industrial, agricultural, construction, and transportation activities. However, wind on arid landscapes also contributes substantially to local particulate loading. Additionally, secondary formation of PM, primarily in the form of fine particulate, occurs through the chemical transformation of precursors such as $NO_X$, $SO_2$, ammonia, and ROGs.

Particulate pollution can be transported over long distances and may adversely affect people, especially those who are naturally sensitive or susceptible to breathing problems. Numerous studies have linked PM exposure to premature death in people with preexisting heart or lung disease. Other symptoms of exposure may include nonfatal heart attacks, irregular heartbeat, aggravated asthma, decreased lung function, and increased respiratory symptoms. Exposure to concentrations of PM above the current ambient air quality standards may result in these health effects (CARB 2019). Similar to ozone, the elderly and those with preexisting heart and lung diseases are at greater risk to the harmful effects of PM exposure. Children are also at increased risk because they breathe faster than adults (and therefore inhale more air per pound of body weight) and tend to spend more time outdoors. The CAAQS and NAAQS for PM are set to protect these sensitive populations and define the number of particles that can be present in outdoor air without threatening the health of infants, children, or the elderly (see Table 3.1-1) (CARB 2025a).

Depending on its composition, both $PM_{10}$ and $PM_{2.5}$ can also affect water quality and acidity, deplete soil nutrients, damage sensitive forests and crops, affect ecosystem diversity, and contribute to acid rain (EPA 2024b).

### Carbon Monoxide

CO is an odorless, colorless gas formed by the incomplete combustion of fuels. CO is a product of motor vehicle exhaust, which comprises the majority of ambient CO concentrations. High concentrations of CO generally occur in areas with heavy traffic congestion. Other sources of CO emissions include industrial processes, such as carbon black manufacturing, non-transportation-related fuel combustion, and natural sources, such as wildfires. CO can cause harmful health effects by reducing oxygen delivery to the body's organs (including the heart and brain) and tissues. For people with heart disease, short-term exposure to CO can further affect their body's capacity to respond to the increased oxygen demands of exercise or exertion. CO can also be deadly in indoor environments and closed spaces. Exposure to CO at concentrations above the CAAQS or NAAQS (see Table 3.1-1) can also cause fatigue, headaches, confusion, dizziness, and chest pain. Ambient CO has no ecological or environmental effects (CARB 2025b).

### Sulfur Dioxide

Sulfur dioxide is a product of fuel combustion. The predominant source of $SO_2$ emissions within the County is mobile source fuel combustion, primarily aircraft, ocean-going vessels (OGVs), and on-road vehicles. In recent years emissions of $SO_2$ have been significantly reduced by the increasingly stringent controls placed on the sulfur content of fuels used in stationary sources and mobile sources. $SO_2$ is a precursor to fine PM formation in the form of sulfates, such as ammonium sulfate. Short-term exposure to $SO_2$ can aggravate the respiratory system, making breathing difficult. Controlled laboratory studies indicate that brief exposure (5 to 10 minutes) of exercising asthmatics to an average $SO_2$ level of 0.4 part per million can result in increases in air resistance. Healthy adults do not show any symptoms to $SO_2$ at levels as high as 1 part per million (ppm), even after up to 3 hours of exposure. Based on the concentration needed to protect sensitive individuals (e.g., asthmatics), CARB and EPA have adopted the CAAQS and NAAQS for $SO_2$ (see Table 3.1-1). In addition to public health impacts, $SO_2$ can also affect the environment by damaging foliage and decreasing plant growth (EPA 2024c).

### Lead

Lead is a soft metal that was previously added to gasoline and emitted to the environment through motor vehicle exhaust. Since lead was removed from gasoline, emissions have declined, and the primary source of emissions is now metal processing facilities and leaded aviation gasoline. Lead can also be resuspended into the air when contaminated soil or paints are disturbed. Lead emissions can be inhaled and ingested, leading to accumulation of lead particles in bone. Lead exposure can lead to cognitive function decrements, behavioral problems, kidney and heart disease, decreased immunity and red blood cell counts, and reproductive and developmental effects (CARB 2025c).

## Health Effects of Criteria Pollutants

Criteria air pollutants are recognized to have a variety of health effects on humans and the environment (Table 3.1-2). Research by CARB shows that exposure to high concentrations of air pollutants can trigger respiratory diseases—such as asthma, bronchitis, and other respiratory ailments—and cardiovascular diseases. A healthy person exposed to high concentrations of air pollutants may become nauseated or dizzy, may develop a headache or cough, or may experience eye irritation and/or a burning sensation in the chest. Ozone is a powerful irritant that attacks the respiratory system, leading to the damage of lung tissue. Inhaled particulate matter, $NO_2$, and $SO_2$ can directly irritate the respiratory tract, constrict airways, and interfere with the mucous lining of the airways. Exposure to CO, when absorbed into the bloodstream, can endanger the hemoglobin, the oxygen-carrying protein in blood, by reducing the amount of oxygen that reaches the heart, brain, and other body tissues. When air pollutant levels are high, children, the elderly, and people with respiratory problems are advised to remain indoors. Outdoor exercise also is discouraged because strenuous activity may cause shortness of breath and chest pains.

**Table 3.1-2. Health Effects Summary of the Major Criteria Pollutants**

| Pollutants | Sources | Primary Effects |
|---|---|---|
| Ozone ($O_3$) | Atmospheric reaction of organic gases with $NO_2$ in sunlight | Aggravation of respiratory and cardiovascular diseases<br>Irritation of eyes<br>Impairment of cardiopulmonary function<br>Plant leaf injury |
| Nitrogen Dioxide ($NO_2$) | Motor vehicle exhaust<br>High temperature stationary combustion<br>Atmospheric reactions | Aggravation of respiratory illness<br>Reduced visibility<br>Reduced plant growth<br>Formation of acid rain |
| Carbon Monoxide (CO) | Incomplete combustion of fuels and other carbon containing substances, such as motor exhaust<br>Natural events, such as decomposition of organic matter | Reduced tolerance for exercise<br>Impairment of mental function<br>Impairment of fetal development<br>Death at high levels of exposure<br>Aggravation of some heart diseases (angina) |

| Pollutants | Sources | Primary Effects |
|---|---|---|
| Particulate Matter ($PM_{2.5}$ and $PM_{10}$) | Stationary combustion of solid fuels<br>Construction activities<br>Industrial processes<br>Atmospheric chemical reactions | Reduced lung function<br>Aggravation of the effects of gaseous pollutants<br>Aggravation of respiratory and cardio-respiratory diseases<br>Increased cough and chest discomfort<br>Soiling<br>Reduced visibility |
| Sulfur Dioxide ($SO_2$) | Combustion of sulfur-containing fossil fuels<br>Smelting of sulfur-bearing metal ores<br>Industrial processes | Aggravation of respiratory diseases (asthma, emphysema)<br>Reduced lung function<br>Irritation of eyes<br>Reduced visibility<br>Plant injury<br>Deterioration of metals, textiles, leather, finishes, coatings, etc. |
| Lead (Pb) | Contaminated soil | Impairment of blood function and nerve construction<br>Behavioral and hearing problems in children |

Source: SCAQMD 2007.

### 3.1.2.3 Air Quality Conditions

#### Regional Attainment

The federal Clean Air Act (CAA) and the California CAA require all areas of California to be classified as attainment, nonattainment, or unclassified with respect to the NAAQS and the CAAQS. Under both the federal CAA and the California CAA, both the CARB and US Environmental Protection Agency (EPA) use ambient air quality monitoring data to designate the attainment status of an air basin relative to the CAAQS and NAAQS for each criteria air pollutant. The purpose of these designations is to identify those areas with air quality problems and thereby initiate planning efforts for improvement. The three basic designation categories are “nonattainment,” “attainment,” and “unclassified.” “Unclassified” is used in an area that cannot be classified based on available information as meeting or not meeting the standards. The SDAB is currently classified as a Severe Nonattainment Area with respect to the 8-hour ozone NAAQS, as well as a Nonattainment area for the 1-hour and 8-hour ozone CAAQS and the $PM_{2.5}$ and $PM_{10}$ CAAQS (Table 3.1-1) (EPA 2025; SDAPCD 2025a).

#### Local Criteria Pollutant Concentrations

SDAPCD maintains and operates a network of ambient air monitoring stations throughout the County. The purpose of the monitoring stations is to measure ambient concentrations of the pollutants and determine whether the ambient air quality meets the CAAQS and NAAQS. The ambient monitoring station closest to the proposed project is the San Diego–Sherman Elementary station (CARB 80147), approximately 4.5 miles to the southeast of the project site.

Concentrations of pollutants from the San Diego–Sherman Elementary station over the most recent 3-year period (2022–2024) of complete data include the following trends: the 8-hour $O_3$ CAAQS was exceeded once in 2023; the 24-hour $PM_{2.5}$ NAAQS was exceeded once in 2024; and the $PM_{10}$ CAAQS and NAAQS were not exceeded (Table 3.1-3). The CAAQS and NAAQS define clean air and represent reasonable standards below which ambient air quality will not result in adverse health impacts. Existing violations of the $O_3$, $PM_{10}$, and $PM_{2.5}$ ambient air quality standards indicate that certain individuals exposed to these pollutants may experience certain health effects, including increased incidence of cardiovascular and respiratory ailments.

**Table 3.1-3. Summary of Annual Data on Ambient Air Quality Recorded at San Diego-Sherman Elementary Station (2022-2024)**

| Pollutant Standards | 2022 | 2023 | 2024 |
|---|---|---|---|
| **Ozone** | | | |
| Maximum concentration (1-hr/8-hr avg, ppm) | 0.087/0.063 | 0.081/0.070 | 0.083/0.067 |
| Number of days State standard exceeded (1-hr/8-hr) | 0/0 | 0/1 | 0/0 |
| Number of days national standard exceeded (8-hr) | 0 | 0 | 0 |
| **Fine Particulate Matter ($PM_{2.5}$)** | | | |
| Maximum concentration (24-hour µg/$m^3$) | 18.9 | 27.8 | 37.0 |
| Average concentration (annual µg/$m^3$) | 8.8 | 8.9 | 9.6 |
| Number of days national standard exceeded (24-hour) | 0 | 0 | 1 |
| **Fine Particulate Matter ($PM_{10}$)** | | | |
| Maximum concentration (µg/$m^3$) | NA | 46 | 64 |
| Average concentration (annual µg/$m^3$) | NA | 22.0 | 22.2 |
| Number of days national standard exceeded | NA | 0 | 0 |

Notes: µg/$m^3$ = micrograms per cubic meter; ppm = parts per million; NA = data not available.

Source: CARB 2026, SDAPCD 2023, SDAPCD 2024, SDAPCD 2025b.

## Toxic Air Contaminants

Toxic air contaminants (TACs) are pollutants that have no ambient standard but pose the potential to increase the risk of developing cancer or acute or chronic health risks. CARB has formally identified over 200 substances and groups of substances as TACs (CARB 2025d). The most relevant TAC associated with the proposed project is diesel particulate matter (diesel PM). Diesel PM was established as a TAC in 1998, while some of the chemicals in diesel exhaust, such as benzene and formaldehyde, had previously been identified as TACs and listed as carcinogens under either the state's Proposition 65 or the federal Hazardous Air Pollutants program (CARB 2025e).

For TACs like diesel PM that are known or suspected carcinogens, CARB has consistently found that there are no levels or thresholds below which exposure is risk-free. Therefore, no NAAQS or CAAQS exist for TACs. Individual TACs vary greatly in the risks they present. At a given level of exposure, one TAC may pose a hazard that is many times greater than another. TACs are identified and their toxicity is studied by the California Office of Environmental Health Hazard Assessment (OEHHA). Adverse health effects of TACs can be carcinogenic (cancer-causing), short-term (acute) noncarcinogenic, and long-term (chronic) noncarcinogenic. Direct exposure to these pollutants has been shown to cause cancer, birth defects, damage to the brain and nervous system, and respiratory disorders (CARB 2025e).

CARB estimates that about 70 percent of total known cancer risk related to air toxics in California is attributable to diesel PM, and that diesel PM levels have decreased by 68 percent since 1990 (CARB 2025e). Moreover, diesel PM contributes to approximately 1,400 (95 percent confidence interval: 1,100-1,800) premature deaths from cardiovascular disease annually in California. Additionally, exposure to diesel exhaust may contribute to the onset of new allergies; a clinical study of human subjects has shown that diesel exhaust particles, in combination with potential allergens, may produce new allergies that did not exist previously (CARB 2025f).

The State released the new version of the California Communities Environmental Health Screening Tool (CalEnviroScreen 4.0) in October 2021, which provides a relative ranking of communities based on a selected group of environmental, health, demographic, and socioeconomic indicators. The resultant score is the relative pollution burden and vulnerabilities in one census tract compared to others, but it is not considered a measure of health risk. Each tract's score is then ranked relative to all areas in the state. Those areas with a high score

and percentile have relatively high pollution burdens and population sensitivities; those areas with low score and percentile values have relatively lower pollution burdens and population sensitivities.

The project site is approximately 4 miles northwest of the westernmost boundary of the *Portside Environmental Justice Neighborhoods* (Portside Community). The Portside Community includes several census tracts with low (high burden) ratings as part of the CalEnviroScreen. Over 50,000 residents live in the Portside Community and are subject to pollution exposure (SDAPCD 2016). The Portside Community, along with other areas selected for monitoring throughout the state, will see additional new actions through potential regulations, focused incentive investments, enforceable agreements, and engagement with local land use authorities to reduce emissions and exposure to air pollution. The project site is not within the Portside Community.

#### 3.1.2.4 Sensitive Receptors

Sensitive receptors are generally considered to include those land uses where exposure to pollutants could result in health-related risks to sensitive individuals, such as children or the elderly. Residential dwellings, schools, hospitals, playgrounds, and similar facilities are of primary concern because of the presence of individuals particularly sensitive to pollutants and/or the potential for increased and prolonged exposure of individuals to pollutants.

Nearby sensitive receptors include single-family homes located along Jarvis Street, approximately 1,050 feet to the northwest, and recreational uses approximately 790 feet to the east. Other nearby uses, including the Navy dormitories approximately 430 feet to the northeast and hotel uses, approximately 450 feet to the north, are not considered sensitive receptors with respect to air quality.

### 3.1.3 Applicable Laws, Regulations, Plans, and Policies

Air quality in the project area is regulated through the efforts of various federal, State, regional, and local government agencies. These agencies work jointly, as well as individually, to improve air quality through legislation, planning, policy-making, education, and a variety of programs. The agencies responsible for improving the air quality within the air basins are discussed below.

#### 3.1.3.1 Federal

##### Clean Air Act and National Ambient Air Quality Standards

The CAA was first enacted in 1963 and has been amended in subsequent years (1967, 1970, 1977, and 1990). The CAA establishes the NAAQS and specifies future dates for achieving compliance. The CAA also mandates that each state submit and implement a state implementation plan (SIP) for local areas not meeting those standards. The plans must include pollution control measures that demonstrate how the standards will be met. Because the Port of San Diego (Port) is within the SDAB, it is in an area designated as nonattainment for certain pollutants that are regulated under the CAA.

The 1990 amendments to the CAA identify specific emission-reduction goals for areas not meeting the NAAQS. These amendments require both a demonstration of reasonable progress toward attainment and incorporation of additional sanctions for failure to attain or meet interim milestones. The sections of the CAA that would most substantially affect the development of the proposed project include Title I (Nonattainment Provisions) and Title II (Mobile-Source Provisions).

Title I provisions were established with the goal of attaining the NAAQS for criteria pollutants. Table 3.1-1 shows the NAAQS currently in effect for each criteria pollutant. The NAAQS were amended in July 1997 to include an 8-hour standard for $O_3$ and adopt a standard for $PM_{2.5}$. The 8-hour $O_3$ NAAQS was further amended in October 2015.

The CAA allows California to seek authorization to enforce its own standards for new non-road engines and vehicles, despite the preemption which prohibits states from enacting emission standards for new non-road engines and vehicles. According to the CAA Section 209 - State Standards, EPA shall grant an authorization under section 209(e)(2), unless the Administrator finds that California: was arbitrary and capricious in its finding that its standards are, in the aggregate, at least as protective of public health and welfare as applicable federal standards; does not need such standards to meet compelling and extraordinary conditions; or California's standards and accompanying enforcement procedures are not consistent with this section.

### Federal Hazardous Air Pollutant Regulations

The 1990 Amendments to the CAA included a provision to address air toxics and hazardous air pollutants (HAPs). Under Title III of the CAA, EPA establishes and enforces National Emission Standards for Hazardous Air Pollutants (NESHAPs), which are nationally uniform standards oriented toward controlling particular HAPs. Section 112(b) of the CAA identifies "Air Toxics," directs EPA to identify sources of the HAPs, and establishes a 10-year time period for EPA to issue technology-based emissions standards for each source category. Emission standards have been developed for all of the stationary source categories under 40 CFR 63. Title III of the CAA provides for a second phase under which EPA is to assess residual risk after the implementation of the first phase of standards and impose new standards, when appropriate, to protect public health.

There are 188 HAPs that EPA is required to control. From these HAPs, EPA has identified 30 HAPs that pose the greatest potential health threat in urban areas. In addition, in 2011, EPA identified nine compounds with significant contributions from mobile sources that are among the national and regional-scale cancer risk drivers or contributors and non-cancer hazard contributors from the National Air Toxics Assessment (EPA 2018). These significant contributors include 1,3-butadiene, acetaldehyde, acrolein, benzene, diesel PM, ethylbenzene, formaldehyde, naphthalene, and polycyclic organic matter. While the Federal Highway Administration (FHWA) considers these the priority mobile source air toxics, the list is subject to change and may be adjusted in consideration of future EPA rules (FHWA 2023).

## 3.1.3.2 State

### California Clean Air Act

The California CAA, signed into law in 1988, requires all areas of the state to achieve and maintain the CAAQS by the earliest practicable date. The CAAQS incorporate additional standards for most of the criteria pollutants and set standards for other pollutants recognized by the state. In general, the California standards are more health protective than the corresponding NAAQS. California has also set standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles. Table 3.1-1 shows the CAAQS currently in effect for each criteria pollutant.

CARB and local air districts bear responsibility for achieving California's air quality standards, which are to be achieved through district-level air quality management plans that would be incorporated into the SIP. In California, EPA has delegated authority to prepare SIPs to CARB, which in turn has delegated that authority to individual air districts. CARB traditionally has established state air quality standards, maintaining oversight authority in air quality planning, developing programs for reducing emissions from motor vehicles, developing air emission inventories, collecting air quality and meteorological data, and approving SIPs.

The California CAA substantially adds to the authority and responsibilities of air districts. The California CAA designates air districts as lead air quality planning agencies, requires air districts to prepare air quality plans, and grants air districts authority to implement transportation control measures. The California CAA also emphasizes the control of "indirect and area-wide sources" of air pollutant emissions. The California CAA gives local air pollution control districts explicit authority to regulate indirect sources of air pollution and to establish traffic control measures.

## Toxic Air Contaminants Regulations

California regulates TACs primarily through the Tanner Air Toxics Act (Assembly Bill [AB] 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588). The Toxic Air Contaminant Identification and Control Act (AB 1807) created California's program to reduce exposure to air toxics. The AB 2588 supplements the AB 1807 program by requiring a statewide air toxics inventory, notification of people exposed to a significant health risk, and facility plans to reduce these risks. In August 1998, CARB identified particulate emissions from diesel-fueled engines as TACs. In September 2000, CARB approved a comprehensive diesel PM risk reduction plan to reduce emissions from both new and existing diesel-fueled engines and vehicles (CARB 2000). As an ongoing process, CARB reviews air contaminants and identifies those that are classified as TACs. CARB also continues to establish new programs and regulations for the control of TACs, including diesel PM, as appropriate. Among the programs and strategies CARB has developed to reduce diesel emissions for various sources, many are applicable to sources that are present at the Port, including off-road sources (cargo handling equipment, locomotives, construction equipment), on-road trucks (e.g., drayage trucks), and marine vessels (harbor craft and OGVs).

AB 617, signed into law in 2017, established the Community Air Protection Program (CAPP), which requires new community-focused and community-driven action to reduce air pollution and improve public health in communities that experience disproportionate burdens from exposure to air pollutants. In 2018, the Portside Environmental Justice Neighborhoods Community (Portside Community) was nominated by SDAPCD and selected by CARB as a monitoring community. The Portside Community consists of Barrio Logan, west National City, Sherman Heights, and Logan Heights. The SDAPCD will implement the CAPP in San Diego County, which will eventually lead to additional pollution monitoring and additional requirements through the following: accelerated installation of pollution controls on industrial sources like oil refineries, cement plants, and glass manufacturers; expanded air quality monitoring within communities; increased penalties for violations of emissions control limits; and greater transparency and improved public access to air quality and emissions data through enhanced online web tools. The AB 617 Steering Committee includes local stakeholders, technical and scientific experts, and members of local industry. In December 2019, CARB selected the Portside Community for a Community Emissions Reduction Program (CERP). The purpose of the CERP is to focus and accelerate new actions that go beyond existing State and regional programs to provide direct reductions in air pollution emissions and exposure within the Portside Community. A discussion of the Portside Community CERP is provided in Section 3.1.3.4 below.

## Transportation-Related Standards and Regulations

CARB adopted the Advanced Clean Cars (ACC) program in 2012. The ACC program includes a comprehensive set of standards for new vehicles in California through model year 2025. The ACC program includes stringent GHG emission and fuel efficiency standards for on-road vehicles as well as zero-emission vehicle (ZEV) requirements, which obligate manufacturers to produce increasing numbers of ZEVs over time. The program's initial goal for sales of ZEVs (i.e., battery electric, fuel cell, and plug-in hybrid electric vehicles) to account for up to 15 percent of California's new vehicle sales by 2025 was superseded by Executive Order N-79-20, which directed the state to phase out sales of internal combustion engines with 100 percent ZEV sales by 2035. The Advanced Clean Cars II Program was adopted by CARB in August 2022 and provides the regulatory framework for ensuring the sales requirement goal of Executive Order N-79-20 to ultimately reach 100 percent ZEV sales in the state by 2035.

Executive Order B-48-18, signed into law in January 2018, requires all State entities to work with the private sector to have at least 5 million ZEVs on the road by 2030, as well as 200 hydrogen-fueling stations and 250,000 EV-charging stations installed by 2025. It specifies that 10,000 of these charging stations must be direct-current fast chargers.

In addition, CARB approved the Low Carbon Fuel Standard (LCFS) regulation in 2009 and began implementation in 2011. The LCFS is designed to decrease the carbon intensity of California's transportation fuel pool and provide an increasing range of low-carbon and renewable alternatives, which reduce petroleum dependency and achieve air quality benefits. LCFS is designed to encourage the use of cleaner low-carbon transportation fuels in California, encourage the production of those fuels, and therefore reduce GHG emissions and decrease petroleum dependence in the transportation sector. Amendments were approved in 2018, which included strengthening and smoothing the carbon intensity benchmarks through 2030 (CARB 2025g).

In addition to regulations that address tailpipe emissions and transportation fuels, the state legislature has passed regulations to address the miles traveled by on-road vehicles. Since passage of SB 375 in 2008, CARB requires metropolitan planning organizations (MPOs) to develop and adopt sustainable communities strategies (SCSs) as a component of the federally prepared regional transportation plans (RTPs) to show reductions in GHG emissions from passenger cars and light-duty trucks in their respective regions for 2020 and 2035 (CARB 2018). These plans link land use and housing allocation to transportation planning and related mobile-source emissions. Pursuant to SB 375, CARB has initiated the process of updating the regional targets before its 2026 deadline.

## Commercial Harbor Craft Regulation

CARB adopted its first commercial harbor craft (CHC) regulation in 2007, and it became effective on January 1, 2009. This regulation required all in-use, newly purchased, or replacement engines to repower or meet the EPA's current emission standards up to Tier 3 according to the compliance schedule set by CARB. In addition, propulsion engines on all new ferries acquired after January 1, 2009, with a capacity of more than 75 passengers were required to apply best available control technologies (BACT) to engines to meet EPA Tier 2 or Tier 3 marine engine standards at the time of vessel acquisition. CARB amended the Commercial Harbor Craft Regulation in 2010 to include crew and supply vessels, barges, and dredge vessels as well as to clarify requirements and address issues that arose during implementation of the initial regulation. CARB set sulfur limitations for diesel fuel sold in California for use in on- and off-road motor vehicles (13 CCR 2281–2285; 17 CCR 93114).

CARB amended the CHC Regulation in 2022 to add or expand requirements for vessels regarding emissions, reporting, fuel use, idling, and facility power, among others. Some of these new requirements went into effect on January 1, 2023. The 2022 Amendments require that all existing pre-Tier 1 and Tier 1 CHC engines to be upgraded to Tier 3 or Tier 4 emission standards and that all existing Tier 2 to Tier 4 engines be upgraded to Tier 3 or Tier 4 emissions standards and be retrofitted with diesel particulate filters (DPFs) following an 8-year phase-in schedule starting in 2023, except for commercial fishing vessels. Tier 4 engines are required if available starting in 2023, except for commercial fishing vessels. Commercial fishing vessels that are Pre-Tier 1 or Tier 1 must be upgraded to Tier 3 or better standards by 2032. Commercial fishing vessels that are Tier 2 as of January 1, 2023, require no additional compliance under the 2022 Amendments (CARB 2022a; CARB 2022b).

Additionally, beginning on January 1, 2024, the CHC Regulation states that no vessel subject to the regulation shall idle propulsion engines, or idle or operate auxiliary engines with a power rating of 99 kW or less, for more than 15 consecutive minutes when docked, berthed, or moored at any facility. The regulation requires all vessels to use shore power at most facilities and for most facility owners and operators (typically those with 50 or more CHC visits per year) to make shore power available. Extension requests for the latter requirement were to be submitted to CARB prior to the January 1, 2024 compliance date (CARB 2022a; CARB 2022b).

On January 13, 2025, CARB withdrew its CAA authorization request for two elements of the 2022 Amendments on which EPA had not taken action. As a result, CARB will not enforce these two elements, but CARB is implementing all other elements of the 2022 Amendments, including those described above.

### 3.1.3.3 Regional

#### San Diego Unified Port District Plans and Programs

The Port Master Plan (PMP) is the governing land use document for physical development within the District; however, there are also other District programs that apply to air quality, and the District's Climate Action Plan (CAP) has co-benefits to air quality. The District developed the Green Port Program to support the goals of the Green Port Policy, which was adopted in 2008. The Green Port Program supports resource conservation, waste reduction, and pollution prevention. The Clean Air Program provides a framework for the District's commitment to reducing air emissions, through which control measures have been implemented to reduce air emissions, building upon regulatory and voluntary efforts.

#### San Diego Unified Port District Maritime Clean Air Strategy

The Maritime Clean Air Strategy (MCAS) is a strategic planning document, identifying goals and objectives that are consistent with the Board's and District's vision of health equity and a clean, sustainable, and modern seaport. The MCAS is intended to guide future decision-making and provide a planning framework for potential future actions that may be implemented to achieve the goals and objectives identified in the MCAS.

The underlying intent of the MCAS is to reduce air pollutants and improve air quality in and around the working waterfront/portside communities. Along with the ambitious overarching goal of 100 percent zero-emission trucks and cargo handling equipment by 2030, the MCAS includes goals for harbor craft (transitioning ferries and assist tugs to zero- or near-zero-emission technologies), the District's fleet (transition motor vehicles to ZEVs beginning in 2022 and begin the transition of emergency vehicles and equipment [forklifts and lawn maintenance equipment] to zero-emission equipment), and seeks opportunities to advance lower-emitting solutions for OGVs (expand participation in vessel speed reduction program and increase shore power usage). MCAS goals and measures are designed to be implemented if feasible and through future binding actions, by the District, but not necessarily on a project-by-project basis. Therefore, the MCAS is not utilized to assess the project's consistency with applicable air quality plans.

#### San Diego Air Pollution Control District Plans, Rules, and Regulations

Local air pollution control districts have the primary responsibility for the development and implementation of rules and regulations designed to attain the NAAQS and CAAQS, as well as the permitting of new or modified sources, development of air quality management plans, and adoption and enforcement of air pollution regulations. SDAPCD is the local agency responsible for the administration and enforcement of air quality regulations in San Diego County.

##### Regional Air Quality Strategy and State Implementation Plan

CARB, SDAPCD, and the San Diego Association of Governments (SANDAG) are responsible for developing and implementing the clean air plan for attainment and maintenance of the ambient air quality standards in the SDAB. The San Diego Regional Air Quality Strategy (RAQS) outlines SDAPCD's plans and control measures designed to attain and maintain the state standards, while San Diego's portions of the SIP are designed to attain and maintain federal standards. The RAQS was initially adopted in 1991 and is updated on a triennial basis. The RAQS was updated in 1995, 1998, 2001, 2004, and 2009, and in 2016. The 2022 RAQS was approved by the SDAPCD board on March 9, 2023 (SDAPCD 2023).

The RAQS does not directly address the state air quality standards for $PM_{10}$ or $PM_{2.5}$, although some RAQS strategies indirectly result in benefits to $PM_{10}$ and $PM_{2.5}$. SDAPCD has also developed the air basin's input to the SIP, which is required under the federal CAA for areas that are out of attainment of air quality standards. The 2016 Eight-Hour $O_3$ Attainment Plan addresses the requirements for attaining the 2008 8-hour $O_3$ NAAQS. The 2020 Plan for Attaining the

National Ozone Standards (2020 SIP) addresses the requirements for attaining the 2008 and 2015 8-hour $O_3$ NAAQS. Both the RAQS and the SIP demonstrate the effectiveness of CARB measures (mainly for mobile sources) and SDAPCD's plans and control measures (mainly for stationary and area-wide sources) for attaining the $O_3$ NAAQS. The SIP is also updated on a triennial basis. In 2020, SDAPCD adopted its attainment plan and Reasonably Achievable Control Technology Demonstration for the 2008 8-hour $O_3$ NAAQS. In addition, the *Measures to Reduce Particulate Matter in San Diego County* report (SDAPCD 2005) proposes measures to reduce PM emissions and recommends measures for further detailed evaluation and, if appropriate, future rule development (or non-regulatory development, if applicable), adoption, and implementation in San Diego County, in order to attain the PM CAAQS.

### SDAPCD Rules and Regulations

SDAPCD is responsible for establishing and enforcing local air quality rules and regulations that address the requirements of federal and state air quality laws. The proposed project may be subject to the following SDAPCD rules, and others, during construction.

- **Regulation II—Permits**
  - **Rule 20.2—New Source Review Non-Major Stationary Sources:** establishes Air Quality Impact Analysis (AQIA) Trigger Levels, which set emission limits for non-major new or modified stationary sources.
  - **Rule 20.3—New Source Review Major Stationary Sources and Prevention of Significant Deterioration Stationary Sources:** establishes AQIA Trigger Levels, which set emission limits for major new or modified stationary sources or Prevention of Significant Deterioration stationary sources. Major sources are defined in Regulation 8 as sources that emit 100 tons per year of $PM_{10}$, $SO_X$, CO, and lead; and 50 tons per year of $NO_X$ and volatile organic compounds (VOC) in federal $O_3$ nonattainment areas.
- **Regulation IV—Prohibitions**
  - **Rule 50—Visible Emissions:** establishes limits for the opacity of emissions within the SDAB. The proposed project is subject to Rule 50(d)(1) and (6) and should not exceed the visible emission limitation.
  - **Rule 51—Nuisance:** prohibits emissions that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public; endanger the comfort, repose, health, or safety of any such persons or the public; or cause injury or damage to business or property.
  - **Rule 52—Particulate Matter:** establishes limits for the discharge of any particulate matter from nonstationary sources.
  - **Rule 54—Dust and Fumes:** establishes limits for the amount of dust or fume discharged into the atmosphere in any 1 hour.
  - **Rule 55—Fugitive Dust Control:** sets restrictions on visible fugitive dust from construction and demolition projects.
  - **Rule 67—Architectural Coatings:** establishes limits to the VOC content for coatings applied within the SDAB.
  - **Rule 67.7—Cutback and Emulsified Asphalts:** establishes general provisions and limits to the VOC content for asphalt materials applied within the SDAB.
- **Regulation XII—Toxic Air Contaminants**
  - **Rules 1200–1210** establish rules and procedures governing new, relocated, or modified emission units that may increase emissions of one or more TAC. While the project is not necessarily subject to the requirements of this regulation, the risk assessment guidelines and procedures published as part of this regulation are used in the health risk assessment herein.

- Rule 1200 establishes acceptable risk levels and emission control requirements for new and modified facilities that may emit additional TACs. Under Rule 1200, permits to operate may not be issued when emissions of TACs result in an incremental cancer risk greater than 1 in 1 million without application of Toxics-Best Available Control Technology (T-BACT), or an incremental cancer risk greater than 10 in one million with application of T-BACT, or a health hazard index (HI) (chronic and acute) greater than one (SDAPCD 2025c).
- Rule 1210 defines the significant risk thresholds as a maximum individual cancer risk of equal to or greater than 10 in one million, or cancer burden equal to or greater than 1.0, or total acute noncancer health HI equal to or greater than 1.0, or total chronic noncancer health HI equal to or greater than 1.0. Rule 1210 requires facilities to provide public notification to all persons in the affected area when the facility-wide risk levels exceed these significant risk thresholds (SDAPCD 2025d).

### Community Emissions Reduction Plan

AB 617, signed into law in 2017, established the Community Air Protection Program, which requires new community-focused and community-driven action to reduce air pollution and improve public health in communities that experience disproportionate burdens from exposure to air pollutants. In December 2019, CARB selected the Portside Community for a CERP. The purpose of the CERP is to focus and accelerate new actions that go beyond existing State and regional programs to provide direct reductions in air pollution emissions and exposure within the Portside Community. The Portside Community's CERP was adopted by CARB's governing board in October 2021 (CARB 2021).

The CERP was presented in two phases. Phase I includes actions that have been fully developed and supported by all jurisdictions or organizations that have an implementation role. The Phase I Draft CERP was released in September 2020. The Phase II CERP was finalized by SDAPCD in July 2021 and includes 11 goals and 39 actions to achieve these emission reductions. Goals include reducing TAC emissions in the community, supporting electric freight truck infrastructure and upgrades, quantifying health risk from Port and non-Port activities, establishing health risk reduction goals, and implementing actions to achieve those goals (SDAPCD 2021). The Portside Community's CERP was approved by CARB's governing board in October 2021 (CARB 2021). Note that the project site is within Planning District 1, which is not within the Portside Community boundary.

## 3.1.4 Project Impact Analysis

### 3.1.4.1 Methodology

Air quality impacts associated with construction and operation of the proposed project were assessed and quantified using industry standard and accepted software tools, techniques, and emission factors. A description of the methodology is provided below. Emission estimates are based on project details, including construction schedule and equipment and truck activity assumptions, provided by the project applicant. The methodology used to estimate air pollutant emissions discussed below is the same that was used to estimate GHG emissions, as described in Section 3.5, *Greenhouse Gas Emissions and Climate Change*.

#### Construction Emissions

Construction of the proposed project would generate emissions of ROG, $NO_X$, CO, $SO_X$, $PM_{10}$, and $PM_{2.5}$ that could result in short-term impacts on ambient air quality in the study area. Emissions would originate from the construction of landside and waterside components. Sources of emissions associated with landside activities include off-road equipment exhaust, employee vehicle exhaust, and haul truck and material delivery exhaust. Sources of emissions associated with waterside activities include exhaust from diesel construction equipment (e.g., cranes, vibratory hammers, and impact hammers) and exhaust from harbor craft (e.g., tugboats, survey boats, push boats, and barges) that will be used to store and move equipment, materials, and personnel around the project site.

Construction-related off-road emissions were assessed for three activity categories: landside demolition, waterside demolition, and waterside construction. Waterside demolition and construction include use of both harbor craft and off-road equipment. Landside equipment (off-road equipment) and waterside equipment (harbor craft) were modeled separately for their daily emissions and summed later for daily emissions for each phase, assuming no overlapping occurs. The modeling is based on the construction schedule described in Chapter 2, Section 2.3.4, *Project Construction*. Construction activities are scheduled to take place from 7:00 a.m. to 7:00 p.m., Monday through Friday. The methods used to estimate emissions from construction of the proposed project are described below. Detailed model assumptions and inputs for these calculations are presented in Appendix D.

**Off-Road Equipment:** Construction equipment (e.g., excavators and cranes) would be used for the demolition of an existing building (Building E) and the removal of the underlying concrete pad of the removed storage shed, construction of waterside structures including a new floating wave attenuator, and replacement of piers. Specific equipment types, horsepower rating, and daily usage for each phase of construction were provided by the project proponent. For electrical improvements for which equipment was not specified, CalEEMod default specifications were assumed. Emissions from equipment were estimated using off-road equipment emission factors and emission formulas from the CalEEMod (version 2022.1). It was assumed that no electrically powered equipment would be used in the construction of the proposed project and that all off-road equipment would be diesel-powered.

**Harbor Craft:** Harbor craft would be used in demolition and to construct waterside structure components; to store and move equipment, materials, and personnel around the project site; and to move the barges into place. The harbor craft would operate up to 55 workdays for the waterside demolition to remove Piers 4 through 8 and 360 workdays to construct replacement piers and the wave attenuator throughout the project phases. Harbor craft equipment activities (e.g., specific equipment types, horsepower rating, daily usage, and workdays) for waterside demolition were provided by the project applicant. A list of equipment for waterside construction was provided by the project engineer (Triton Engineers) and populated with conservative estimates of equipment usage and power rating of similar equipment from similar Port projects. Emissions were estimated using CARB's most recent harbor craft emissions inventory (CARB 2022c) for diesel-fueled harbor craft engines during waterside demolition and waterside construction.

**On-Road Vehicles:** On-road vehicles (e.g., heavy-duty trucks and passenger vehicles) would be required for material and equipment hauling, on-site crew and material movement, employee commuting, and material disposal. Combustion exhaust, paved road and brake and tire wear fugitive dust ($PM_{10}$ and $PM_{2.5}$), and fugitive off-gassing were estimated using a combination of emission factors and methodologies from CalEEMod and emission factors from CARB's EMFAC 2021 model based on the number of truck trips by trip type (e.g., employee commuting, material deliveries and material hauling) provided by the project proponent.

Emissions from haul and delivery trucks were estimated using Heavy-Heavy Duty Truck (HHDT) emission factors from EMFAC 2021, a CalEEMod default of 20 miles for each one-way trip, and the numbers of haul and delivery truck trips for each phase of construction provided by the project proponent.

For landside demolition, it was estimated that there would be 39 trucks: 37 trucks to haul 503 CY of demolition debris and two trucks to haul 25 CY of soil associated with demolition of the storage shed concrete pad. For waterside demolition, it was estimated that there would be 80 trucks to haul wood, concrete, and steel debris to the disposal location. For waterside construction, it was estimated that there would be 153 delivery trucks to import materials, such as floating docks, concrete guide piles, gangways, concrete platform piles, and concrete platforms. For the trenching and conduit installation, it was estimated that there would be three trucks to haul demolition material and five delivery trucks to import materials. In total, it was estimated that there would be approximately 280 trucks and 560 truck trips over the entire construction period, which equals approximately one truck trip per day over the entire construction period.

Emissions associated with the construction worker commute travel were estimated based on a weighted average of light duty auto (LDA), light duty truck 1 (LDT1), and light duty truck 2 (LDT2) emission rates from EMFAC 2021, similar to the vehicle split used in CalEEMod (e.g., LDA = 25 percent, LDT1 = 50 percent, LDT2 = 25 percent), a CalEEMod default trip length for of 11.8 miles per worker trip, assuming 16 workers per day for each phase of construction, and three trips per worker per day. Additionally, it was assumed there would be four workers per day for the trenching and conduit installation, which is expected to occur during the two-week period that overlaps with dock construction.

Note that the anticipated construction schedule assumed in this modeling is approximate and is provided for analysis purposes, and the actual start and end dates may vary. While overall construction timing may vary and may occur later than assumed here, it is assumed that the sequence of phases relative to other phases and activities would not change. If the schedule is delayed, phase order and construction activity would be the same but occur at a later date.

### Operational Emissions

As discussed in Chapter 2, Section 2.3.5, *Project Operation*, the proposed project would not change the nature of onsite operations or increase onsite activity compared to recent past operations at the project site based over a range of time periods to account for the temporary lull in operation based on market demand, seasonal demand, and marina operator practices. The proposed project would not expand onsite operations, increase commercial fishing operations, or result in additional employment or vehicle trips compared to recent past operations. The new piers and associated infrastructure would enable employees to continue their existing operations at the commercial fishing facility under safe working conditions. Because long-term operational changes are minimal, operational emissions are discussed qualitatively.

## 3.1.4.2 Thresholds of Significance

The following significance criteria are based on Appendix G of the State CEQA Guidelines and provide the basis for determining significance of impacts associated with air quality resulting from the proposed project.

Impacts are considered significant if the proposed project would result in any of the following.

1. Conflict with or obstruct implementation of the applicable air quality plan.
2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard.
3. Expose sensitive receptors to substantial pollutant concentrations.
4. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Analyses of the potential impacts of the proposed project related to whether the project would conflict with or obstruct implementation of the applicable air quality plan (Threshold 1) and whether the project would result in other emissions (such as those leading to odors) adversely affecting a substantial number of people (Threshold 4) are provided in Section III of the Initial Study/Environmental Checklist (Appendix C of the ~~Draft~~ Final EIR). The analyses determined that the proposed project would result in less than significant impacts. The analyses and conclusions therein are incorporated by reference into this section of the ~~Draft~~ Final EIR and are summarized in Section 5.3, *Effects Not Found to Be Significant*. Therefore, only Thresholds 2 and 3 are discussed in the impact analysis that follows.

Appendix G of the State CEQA Guidelines further indicates the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make the significance determinations. The thresholds used for determining significance of criteria pollutant emissions are based on criteria established by the SDAPCD and supported by additional evidence provided by the County of San Diego (Table 3.1-4).

## Table 3.1-4. Air Quality Thresholds

| Pollutant | Emission Rate | | |
|---|---|---|---|
| | Pounds Per Hour | Pounds Per Day[1] | Tons per Year |
| Carbon monoxide (CO) | 100 | 550 | 100 |
| Oxides of nitrogen ($NO_X$) | 25 | 250 | 40 |
| Particulate matter ($PM_{10}$) | — | 100 | 15 |
| Particulate matter ($PM_{2.5}$) | — | 55[2] | 10* |
| Oxides of sulfur ($SO_X$) | 25 | 250 | 40 |
| Lead and lead compounds | — | 3.2 | 0.6 |
| Volatile organic compounds (VOC) | — | 75[3] | 13.7[4] |

[1] According to the County of San Diego, the daily thresholds are most appropriate when assessing impacts from standard construction and operational emissions. Therefore, daily thresholds are used to evaluate project significance, while hourly and annual thresholds are provided for informational purposes only.

[2] US EPA "Proposed Rule to Implement the Fine Particle National Ambient Air Quality Standards" published September 8, 2005. Also used by the South Coast Air Quality Management District. Rule 20.2 was amended in 2018 to include PM2.5 AQIA of 67 pounds per day. However, as the 55 pounds per day rate used by SCAQMD and recommended by the County of San Diego is lower (and more restrictive), 55 pounds per day is used here.

[3] County SLTs for VOC were originally based on the threshold of significance for VOC from SCAQMD for the Coachella Valley. The terms VOC and ROG are used interchangeably, although VOC is used in this table because the City and County use the term VOC.

[4] 13.7 Tons Per Year threshold based on 75 pounds per day multiplied by 365 days per year and divided by 2000 pounds per ton.

Source: County of San Diego 2007.

The District has not developed quantitative CEQA thresholds of significance for air quality. The County of San Diego has established screening-level thresholds (SLTs) to assist lead agencies in determining the significance of project-level air quality impacts within the county. The County's SLTs are based on SDAPCD's AQIA Trigger Levels, which are based on emissions levels identified under the New Source Review (NSR) program, a permitting program established by Congress as part of the CAA Amendments of 1990 to ensure that air quality is not significantly degraded by new or modified sources of emissions. The NSR program requires that stationary sources receive permits before construction begins and/or the use of equipment. By permitting large stationary sources, the NSR program ensures that new emissions would not slow regional progress toward attaining the NAAQS. SDAPCD implements the NSR program through Rules 20.2 and 20.3 and has concluded that the stationary pollutants described under the NSR program are equally significant to those pollutants generated with land use projects. SDAPCD's Trigger Levels were set as the total emission thresholds associated with the NSR program to help attain and maintain the NAAQS with the introduction of new and modified non-major stationary sources.[1] SDAPCD's Trigger Levels take into account the region's attainment status and emission profile, inventory, and projections, and they represent levels above which project-generated emissions could affect SDAPCD's and SANDAG's commitment to attain the State and Federal standards in the region. Consistent with Section 15064.7(c) of the State CEQA Guidelines,[2] the evidence in support of the air quality thresholds shown in Table 3.1-4 is deemed appropriate for their use in this analysis and in this location within the SDAB. Emissions in excess of the thresholds shown in Table 3.1-4 would be expected to have both a significant project and cumulative impact on air quality because an exceedance of the thresholds is anticipated to contribute to CAAQS and NAAQS violations in the county under existing and cumulative conditions.

[1] San Diego Air Pollution Control District, Rule 20.2, Table 20.2-1, hereby incorporated by reference: https://www.sandiegocounty.gov/content/dam/sdc/apcd/PDF/Rules_and_Regulations/Permits/APCD_R20-2.pdf.

[2] "When adopting (or using) thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence."

If these incremental levels for stationary sources are exceeded, an AQIA must be performed for the source. Although these trigger levels do not generally apply to mobile sources or general land development projects, for comparative purposes these levels may be used to evaluate increases in emissions.

SDAPCD Rule 20.2, which outlines these significance trigger level thresholds, states that any project which results in an emissions increase equal to or greater than any of these levels, must:

> Demonstrate through an AQIA…that the project will not (A) cause a violation of a State or national ambient air quality standard anywhere that does not already exceed such standard, nor (B) cause additional violations of a national ambient air quality standard anywhere the standard is already being exceeded, nor (C) cause additional violations of a State ambient air quality standard anywhere the standard is already being exceeded, nor (D) prevent or interfere with the attainment or maintenance of any State or national ambient air quality standard.

For projects whose stationary source emissions are below these criteria, no AQIA is typically required, and project-level emissions are presumed to be less than significant. For the purposes of this EIR, the District uses these SLTs to determine the significance of a project's emissions. If a project's total emissions (e.g., stationary and fugitive emissions, as well as emissions from mobile sources) are below the AQIA threshold criteria in SDAPCD Rule 20.2, the project would not result in a significant impact on air quality.

SDAPCD Rules 20.2 and 20.3 do not have AQIA thresholds for emissions of VOC and $PM_{2.5}$. The County of San Diego notes that the use of the screening level for VOC specified by the South Coast Air Quality Management District (SCAQMD), which generally has stricter emissions thresholds than the SDAPCD, is recommended for evaluating projects in San Diego County. For $PM_{2.5}$, the EPA "Proposed Rule to Implement the Fine Particle National Ambient Air Quality Standards" published September 8, 2005, which quantifies significant emissions as 10 tons per year, was identified by the County of San Diego as an appropriate screening threshold. Because the District is located within the SDAB, the District has determined that use of the County's threshold guidance is appropriate. If project emissions exceed these SLTs, specific modeling will be required for $NO_2$, $SO_2$, and CO, and evidence that the project's ground-level concentrations, including appropriate background levels, do not exceed the NAAQS and CAAQS would be required. For ozone precursors, $PM_{10}$, and $PM_{2.5}$, exceedances of the SLTs result in a significant impact because the SDAB is currently not in attainment for $PM_{10}$, $PM_{2.5}$, and ozone.

## Health-Based Thresholds for Project-Generated Pollutants of Human Health Concern

The thresholds presented in Table 3.1-4 consider existing air quality concentrations and attainment or nonattainment designations under the NAAQS and CAAQS. The NAAQS and CAAQS are informed by a wide range of scientific evidence that demonstrates there are known safe concentrations of criteria pollutants. While recognizing that air quality is a cumulative problem, SDAPCD considers projects that generate criteria pollutant and $O_3$ precursor emissions below these thresholds to be minor in nature and would not adversely affect air quality because the health-protective NAAQS or CAAQS would not be exceeded. Regional emissions generated by the proposed project could increase photochemical reactions and the formation of tropospheric $O_3$ and secondary PM, which, at certain concentrations, could lead to increased incidence of specific health consequences. Although these health effects are associated with $O_3$ and particulate pollution, the effects are a result of cumulative and regional emissions. As such, for a project with relatively small emissions contributions (i.e., emissions below the regional air district thresholds), that project's incremental contribution cannot be traced to specific health outcomes on a regional scale, and a quantitative correlation of project-generated regional criteria pollutant emissions to specific human health impacts is not technically feasible. Similarly, there are no publicly available models that can precisely correlate localized CO, PM, and $SO_2$ emissions to health consequences at specific locations.

## Localized Project-Generated Criteria Pollutants (CO, TACs, and Asbestos)

Localized pollutants generated by a project are deposited and potentially affect populations near the emissions source. Because these pollutants dissipate with distance, emissions from individual projects can result in direct and material health impacts to adjacent sensitive receptors. Models and thresholds are readily available to quantify these potential health effects and evaluate their significance (CAPCOA 2009; OEHHA 2015; CARB 2000). Locally adopted thresholds and analysis procedures for the localized pollutants of concern associated with the proposed project (TACs CO, and asbestos-containing materials) are identified below.

## Localized Carbon Monoxide Concentrations

The significance of localized project impacts under CEQA depends on whether ambient CO levels in the vicinity of the project are above or below state and federal CO standards. If ambient levels are below the standards, a project is considered to have a significant impact if project emissions result in an exceedance of one or more of these standards. If ambient levels already exceed a state or federal standard, project emissions are considered significant if they increase 1-hour CO concentrations by 1.0 ppm or more or 8-hour CO concentrations by 0.45 ppm or more (SCAQMD 1993). The following are applicable local emission concentration standards for CO.

- CAAQS and NAAQS 1-hour CO standards of 20 and 35 ppm, respectively
- CAAQS and NAAQS 8-hour CO standard of 9.0 and 9 ppm, respectively

As in most urban areas, high short-term concentrations of CO, known as *hotspots*, can occur in San Diego County. Hotspots typically occur in areas of high motor vehicle use, such as in parking lots, at congested intersections, and along highways. Because elevated CO concentrations typically occur at locations with high traffic volumes and congestion, elevated CO concentrations are often correlated with level of service (LOS) at intersections. LOS expresses the congestion level for an intersection and is designated by a letter from A to F, with LOS A representing the best operating conditions and LOS F the worst. Significant concentrations of CO sometimes occur (depending on temperature, wind speed, and other variables) at intersections where LOS is rated at D or worse. Projects that do not generate CO concentrations in excess of the health-based CAAQS would not contribute a significant level of CO emissions such that localized air quality and human health would be substantially degraded.

## Localized Toxic Air Contaminant Concentrations

Toxic air contaminants are regulated through SDAPCD Regulation XII. Diesel PM is a form of localized PM (see above for a detailed discussion) that is generated by diesel equipment and vehicle exhaust. Diesel PM has been identified as a TAC by CARB and is particularly concerning because long-term exposure can lead to cancer, birth defects, and damage to the brain and nervous system. Diesel PM is the most troublesome TAC in urban areas. For typical land use projects that do not propose stationary or industrial sources of emissions typically regulated by SDAPCD Regulation XII, diesel PM is the primary TAC of concern (County of San Diego 2007). Therefore, the focus of the TAC analysis herein is on diesel PM.

The County of San Diego's adopted thresholds for incremental cancer and hazard risks are utilized by the District for this project to evaluate receptor exposure to diesel PM emissions, which are adapted from SDAPCD Regulation XII, Rule 1200 and Rule 1210. Projects that would lead to exposure to TACs resulting in a maximum individual cancer risk greater than 10 in one million, or cancer burden equal to or greater than 1.0, or total acute noncancer health HI equal to or greater than 1.0, or total chronic noncancer health HI equal to or greater than 1.0 would be deemed as having a potentially significant impact related to health risks.

## Asbestos-Containing Materials

There are no quantitative thresholds related to receptor exposure to asbestos. However, SDAPCD Rule 1206 requires the demolition or renovation of asbestos-containing building materials to comply with the limitations

of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulations as listed in the Code of Federal Regulations (40 CFR Part 61).

### 3.1.4.3 Criteria for Cumulative Impacts

Potential cumulative air quality impacts would result when cumulative projects' pollutant emissions would combine to degrade air quality conditions to below acceptable levels. This could occur on a local level, such as through increases in vehicle emissions at congested intersections, or at sensitive receptor locations because of concurrent construction activities; at a regional level, such as the potential impact of multiple past, present, and reasonably foreseeable projects on $O_3$ within the SDAB; or globally, such as the potential impact of GHG emissions on global climate change.

Neither the District nor SDAPCD has adopted quantitative thresholds to determine whether a project would make a cumulatively considerable contribution to air quality. The County of San Diego thresholds (see below) for cumulative air quality impacts are utilized for the analysis of the impacts of the proposed project construction and operations related to air emissions.

Cumulatively considerable net increases during the construction phase would typically happen if two or more projects near each other are simultaneously constructed. The following thresholds are used to determine the cumulatively considerable net increase in emissions during the construction phase:

- A project that has a significant direct impact on air quality with regard to emissions of $PM_{10}$, $PM_{2.5}$, $NO_X$, and/or ROGs (i.e., an exceedance of threshold values indicated in Table 3.1-4) would also have a significant cumulatively considerable net increase.
- In the event that direct impacts from the proposed project are less than significant, a project may still have a cumulatively considerable impact on air quality if the emissions of concern from the proposed project, in combination with the emissions of concern from other past, present, or reasonably foreseeable future projects within the proximity relevant to the pollutants of concern, are in excess of direct air quality impact thresholds.

The following thresholds are used to determine the cumulatively considerable net increase in emissions during the operation phase:

- A project that does not conform to the RAQS and/or has a significant direct impact on air quality with regard to operational emissions of $PM_{10}$, $PM_{2.5}$, $NO_X$, and/or ROGs (i.e., an exceedance of threshold values indicated in Table 3.1-4) would also have a significant cumulatively considerable net increase.
- Projects that cause road intersections to operate at or below LOS E for intersections with total (proposed project and surrounding project) peak-hour trips in excess of 3,000 trips and create a CO hotspot would create a cumulatively considerable net increase of CO.

### 3.1.4.4 Project Impacts and Mitigation Measures

***Threshold 2: Would the proposed project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?***

#### Impact Discussion

As a result of past and present projects, the SDAB is currently in nonattainment for $O_3$ under NAAQS and for $O_3$, $PM_{10}$, and $PM_{2.5}$ under CAAQS and will likely be further impeded by reasonably foreseeable future projects (see Chapter 5, *Cumulative Impacts*). Construction and operation of the proposed project have the potential to result in a cumulatively considerable net increase of $O_3$ precursors (ROG and $NO_X$), $PM_{10}$, and $PM_{2.5}$. The construction- and operations-related air quality impacts are discussed below.

### Construction

An estimate of emissions associated with project construction was calculated using the methods discussed above in Section 3.1.4.1, *Methodology*. Construction of the proposed project would result in emissions below applicable significance thresholds (Table 3.1-5). Therefore, construction-related criteria pollutant emissions would not exceed significance thresholds for pollutants for which the region is nonattainment under the NAAQS or CAAQS.

**Table 3.1-5. Estimate of Construction Emissions by Phase (pounds per day)**

| Construction Phase | Component | ROG | NOx | CO | SOx | $PM_{10}$ | $PM_{2.5}$ |
|---|---|---|---|---|---|---|---|
| Landside Demolition | Demolition | <1 | 5 | 7 | <1 | <1 | <1 |
| Waterside Demolition Part 1 | Demolition | 5 | 68 | 33 | <1 | 2 | 2 |
| Waterside Construction Part 1 | Waterside Redevelopment | 3 | 27 | 19 | <1 | 1 | 1 |
| Waterside Demolition Part 2 | Demolition | 5 | 68 | 33 | <1 | 2 | 2 |
| Waterside Demolition Part 3 | Demolition | 5 | 68 | 33 | <1 | 2 | 2 |
| Waterside Construction Part 2 | Waterside Redevelopment | 3 | 29 | 19 | <1 | 2 | 1 |
| **Maximum Daily** | -- | **5** | **68** | **33** | **<1** | **2** | **2** |
| **Significance Threshold** | -- | **75** | **250** | **550** | **250** | **100** | **55** |
| Exceed Threshold? | -- | **No** | **No** | **No** | **No** | **No** | **No** |

Source: Modeled by Ascent in 2025 (Appendix D).

### Operations

As discussed in Chapter 2, *Environmental Setting and Project Description*, the proposed project is needed to address deficiencies related to the age and condition of structures and to modernize the facilities to safely allow commercial fishing operations to continue within the marina. The proposed project would not change the nature of recent past operations at the project site, and the number of on-site employees is not anticipated to be greater than recent past operations.

Additionally, the project would reduce the number of vessel slips, but the new slip arrangement would allow larger vessels to berth at the project site. Piers 5, 6, 7, and 8 currently provide 125 boat slips that accommodate vessels ranging from 18 feet to 65 feet in length. The project would demolish Piers 5, 6, 7, and 8, and reconstruct Piers 5, 7, and 8 to support up to75 new boat slips.[3] The new slips would accommodate vessels ranging in size from 30 feet to 100 feet in length, and up to 29 feet in width. In addition, side ties at the end of each pier would accommodate vessels up to 140 ft in length.

Larger engines that produce more horsepower generally produce greater emissions. Therefore, to determine if fewer larger vessels (i.e., a possible future condition if the project is implemented) may result in higher emissions than a greater number of smaller vessels (i.e., the baseline site operation condition), a review of fishing vessels based in the Port of San Diego was performed. Vessel characteristics that included length (in meters) and engine size (in kilowatts) were tabulated, and a statistical analysis was performed to determine if fishing vessel length had a positive correlation with engine size. The results indicate a statistically insignificant correlation between fishing vessel length and engine size (Appendix D). Therefore, while the project would allow larger fishing vessels to berth at the project site, larger fishing vessel size does not correlate to larger vessel engine use (and higher emissions). Moreover, the reduction of up to 50 fishing vessels under the proposed condition would represent a greater reduction in air emissions than any potential increase in air emissions from a range of vessels that could include larger vessels. Lastly, the floating wave attenuator would reduce the impact of waves generated by

[3] Pier 6 would be reconstructed as a floating dock designed for loading and offloading, not long-term berthing.

passing ship traffic and sustained winds, which would make it easier for vessels to navigate in and out of the marina and may marginally reduce vessel fuel consumption.

Consequently, the proposed project would not increase activity beyond what has occurred in the recent past operations, would not change the nature of recent past operations, and would not result in higher emissions from fewer, but potentially larger, vessels; therefore, operational impacts would be less than significant.

## Level of Significance Prior to Mitigation

Neither construction nor operation of the proposed project would result in cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard. Impacts would be less than significant.

## Mitigation Measures

No mitigation is required.

## Secondary Effects of Mitigation Measures

Based on the incorporation of **MM-WQ-1**, it is reasonably foreseeable that some form of sediment remediation may be a potential condition issued by the Regional Water Quality Control Board (RWQCB) through the CWA Section 401 water quality certification, the coordination of which is addressed in **MM-WQ-1**. A conservative assumption assumes sediment remediation could occur over an approximately 12-month period during waterside demolition.

An analysis of the potential air quality effects associated with incorporation of **MM-WQ-1** is included below. For purposes of analysis and as a conservative "worst case" scenario, it is assumed that trucks related to hauling of any dredged materials and sand placement would overlap with "Waterside Demolition Part 1." As shown, emissions during overlapping sediment remediation and waterside demolition would be well below applicable significance thresholds (Table 3.1-6). Impacts associated with air emissions from potential sediment remediation that may occur as a consequence of implementing **MM-WQ-1** would be less than significant.

## Level of Significance After Mitigation

Impacts would be less than significant.

### Table 3.1-6. Estimate of Sediment Remediation Emissions (pounds per day)

| Construction Phase | ROG | NOx | CO | SOx | $PM_{10}$ | $PM_{2.5}$ |
|---|---|---|---|---|---|---|
| Sediment Remediation (reasonably foreseeable consequence of **MM-WQ-1** implementation) | 1 | 21 | 9 | <1 | 1 | 1 |
| *Waterside Demolition Part 1 (see Table 3.1-5)* | *5* | *68* | *33* | *<1* | *2* | *2* |
| **Maximum Daily** | **6** | **109** | **42** | **<1** | **3** | **3** |
| **Significance Threshold** | **75** | **250** | **550** | **250** | **100** | **55** |
| Exceed Threshold? | No | No | No | No | No | No |

Note: Emissions resulting from site remediation include use of off-road equipment (barge-based crane, workboat, flat deck barge, and tugboat) for dredging and sand placement, on-road truck transport of dredged materials and replacement sand, and worker commute trips. It was assumed there would be 111,179 square feet of remediation area, which will require 8,235.45 cubic yards of dredging and 8,235.45 cubic yards of sand replacement. It was assumed that off-road equipment would operate for up to 20 workdays based on information obtained from similar projects that involve dredging. It was assumed that haul trucks would move materials over the 80 workdays associated with the "Waterside Demolition Part 1" phase. It was assumed that there would be 618 trucks to haul dredged materials (assuming the material is wet and assuming a 20-ton truck capacity) and 588 trucks for sand delivery (assuming 14 CY truck capacity) and that each truck makes 2 one-way trips. Delivery and haul trucks are assumed to travel a default distance of 20 miles per one-way trip.

Source: Modeled by Ascent in 2025 (Appendix D).

## *Threshold 3: Would the proposed project expose sensitive receptors to substantial pollutant concentrations?*

### Impact Discussion

Construction-related activities would result in temporary, intermittent emissions of diesel PM (the TAC of primary concern from construction activities) and fugitive dust from off-road, heavy-duty diesel equipment used for construction activities (e.g., waterside and landside demolition and construction) and on-road diesel-powered trucks traveling to and from the construction areas to deliver and export materials.

When evaluating TAC concentrations and associated health risks, the primary factors influencing risk exposure include the amount of emissions generated, the duration of exposure of such emissions at receptor locations, and the proximity of project-related emission sources to receptor locations, because health risk tends to increase with increased exposure duration (i.e., higher concentrations over a lengthy period of times, typically many years). However, pollutant concentrations tend to reduce with increasing distance from the source. Construction of the project would result in temporary, short-term project-generated emissions of diesel PM associated with exhaust from construction equipment, marine vessels, and trucks operating within and near the project site.

Receptors closest to the project site are the Navy dormitories approximately 430 feet to the northeast, transient lodging approximately 450 feet to the north, single-family homes located along Jarvis Street approximately 1,050 feet to the northwest and recreational uses approximately 790 feet to the east. However, as described above, these are not considered sensitive receptors with respect to air quality.

The proposed project would be constructed in multiple phases over approximately 28 months. Construction activities would be sporadic in both duration and location within the project site, occurring primarily within the waterside area. This 28-month duration is much shorter than the assumed 70-year exposure period used to estimate lifetime cancer risks. Construction activities associated with the proposed project would be sporadic (i.e., occurring in phases), transitory (i.e., occurring over different portions of the project site), and short-term in nature at any given location on-site. As such, construction of the proposed project is not anticipated to result in an elevated health risk to exposed persons because of the short-term nature of construction-related diesel exposure.

Long-term, the operation of the proposed project would not result in any new sources of TAC emissions. The proposed project would replace Piers 4 through 8, install a new floating wave attenuator, and demolish and remove Building E. Once complete, the proposed project would provide up to 75 vessel slips, which is a reduction over the existing 125 slips. While the new slips would allow for larger vessels to berth within the marina, it is unlikely that new vessels would be larger or would emit more TAC emissions within the project area. As discussed under Threshold 2 above, there is an insignificant correlation between vessel length and engine size, and the reduction of up to 50 fishing vessels under the proposed condition would represent a greater reduction in air emissions than any potential increase in air emissions produced from a range of vessels that could include larger vessels. Moreover, there would not be any new stationary sources of emissions. Thus, the emissions from operational TAC sources and the associated health risk to the surrounding community is not expected to increase above baseline conditions. Therefore, operation of the proposed project is not anticipated to result in elevated health risk exposure to nearby sensitive receptors. Impacts would be less than significant.

### Level of Significance Prior to Mitigation

Neither construction nor operation of the proposed project would expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant.

## Mitigation Measures

No mitigation is required.

## Secondary Effects of Mitigation Measures

Based on the incorporation of **MM-WQ-1**, it is reasonably foreseeable that some form of sediment remediation may be a potential condition issued by the RWQCB through the CWA Section 401 water quality certification, the coordination of which is addressed in **MM-WQ-1**. Any remediation activities are assumed to occur over an approximately 12-month period and are assumed to overlap with the Waterside Demolition phase. The 12-month duration is much shorter than the assumed 70-year exposure period used to estimate lifetime cancer risks. Remediation activities associated with the proposed project would be transitory (i.e., occurring over different portions of the project site) and short-term in nature at any given location on-site. As such, any potential sediment remediation activity is not anticipated to result in an elevated long-term health risk to exposed persons because of the short-term nature of construction-related diesel exposure.

## Level of Significance After Mitigation

Impacts would be less than significant.

# 3.2 Biological Resources

## 3.2.1 Overview

This section describes the existing conditions and applicable laws, regulations, and policies pertaining to biological resources. Impacts to biological resources are considered significant if the proposed project would: (1) have a substantial adverse effect on candidate, sensitive, or special-status species; (2) have a substantial adverse effect on riparian habitat or other sensitive natural community; (3) result in substantial interference with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impedance of the use of native wildlife nursery sites; or (4) conflict with applicable local policies or ordinances protecting biological resources or with the provisions of an applicable adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

The following sources were reviewed in preparation of this analysis:

- *Marine Biological Resources Report and Essential Fish Habitat Assessment for the Shelter Island Commercial Fishing Wharf Project*, prepared by Marine Taxonomic Services in August 2025 (Appendix E);
- *Shelter Island Commercial Fishing Wharf Project – San Diego, Hydroacoustic Assessment*, prepared by Illingworth and Rodkin in August 2025 (Appendix F);
- California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) record search of the five US Geological Survey (USGS) 7.5-minute quadrangles including and surrounding the project site (CDFW 2025);
- California Native Plant Society (CNPS) Rare Plant Inventory record search of the five USGS 7.5-minute quadrangles including and surrounding the project site (CNPS 2025a);
- US Department of Fish and Wildlife (USFWS) Critical Habitat For Threatened and Endangered Species (USFWS 2025); and
- Aerial photographs of the project site and region.

One comment letter that pertained to biological resources was received in response to the notice of preparation (NOP). The comment letter, received from CDFW provided recommendations for avoiding and minimizing potential impacts from construction of the proposed project to native eelgrass, fish, marine mammals, and sea turtles. These issues are addressed below. See Appendix A for all NOP comments received.

As discussed in Section 3.2.4.4, *Project Impacts and Mitigation Measures,* prior to mitigation, the proposed project would have the potential to have a substantial adverse effect on special-status species, riparian habitat or other sensitive natural community, state or federally protected wetlands, and/or wildlife movement. In addition, the proposed project could conflict with applicable policies or ordinances protecting biological resources including the Port Master Plan, the San Diego Unified Port District Code, and the San Diego Bay Integrated Natural Resources Management Plan (INRMP). With incorporation of mitigation, all potential impacts to sensitive biological resources from implementation of the proposed project would be reduced to less-than-significant levels.

In this section, the term “construction” includes all construction and/or demolition activities that may occur during the Demolition Component or the Waterside Redevelopment Component of the project, as described in the Chapter 2, *Environmental Setting and Project Description*.

## 3.2.2 Existing Conditions

The project site is currently used as a wharf with landside and waterside structures that support the commercial fishing industry. The project site encompasses approximately 2.9 acres of landside area and 6.4 acres of water-side area as shown in Figure 2-2. The project site is within and adjacent to San Diego Bay in a commercialized area of the waterfront. Land uses surrounding the project site consist of hotel, residential, and commercial land uses, as well as military land uses. Open water of the San Diego Bay is located southeast of the project site.

### 3.2.2.1 Terrestrial Environment

The terrestrial portion of the project site is completely developed and contains no natural habitat, natural vegetation, or landscape vegetation. The project site is situated in a highly industrialized area within and adjacent to San Diego Bay with some ornamental trees sparsely present as part of landscaping surrounded by impervious surfaces.

### 3.2.2.2 Marine Environment

Marine habitats within the project site were surveyed and characterized in September 2024 using side-scan sonar surveys and SCUBA-based transect surveys (Appendix E). The natural and human-made habitats observed and surveyed within the project site include unvegetated eelgrass, vegetated eelgrass, unvegetated soft-bottom, and hard substrate. Water depths within the project site ranged between +4 and -14 feet mean lower low water (MLLW). These marine habitats are discussed further below, and their locations are shown in Figure 3.2-1.

#### Eelgrass Habitat

The project site includes approximately 102,989 square feet of vegetated eelgrass habitat and 75,896 square feet of unvegetated eelgrass habitat. Eelgrass habitat is defined as areas of vegetated eelgrass cover, bounded by a 5-meter-wide perimeter of unvegetated area, excluding areas of unsuitable environmental conditions such as hard-bottom substrates, shaded locations, or areas that extend to depths such that they cannot support eelgrass. Unvegetated areas may have sparse eelgrass shoots spaced more than 1 meter apart and may be internal as well as external to areas of vegetated cover (NOAA 2022). Eelgrass is generally located within the fairways of the existing dock structure and ranges in depths from +1 to -13 feet MLLW. Vertebrate species observed within this habitat type included shiner surfperch (*Cymatogaster aggregata*) and kelp bass (*Paralabrax clathratus*). In addition, California spiny lobster (*Panulirus interruptus*) was observed in eelgrass habitat and *Bunodeopsis* sp. anemones were observed attached to eelgrass blades throughout the project site.

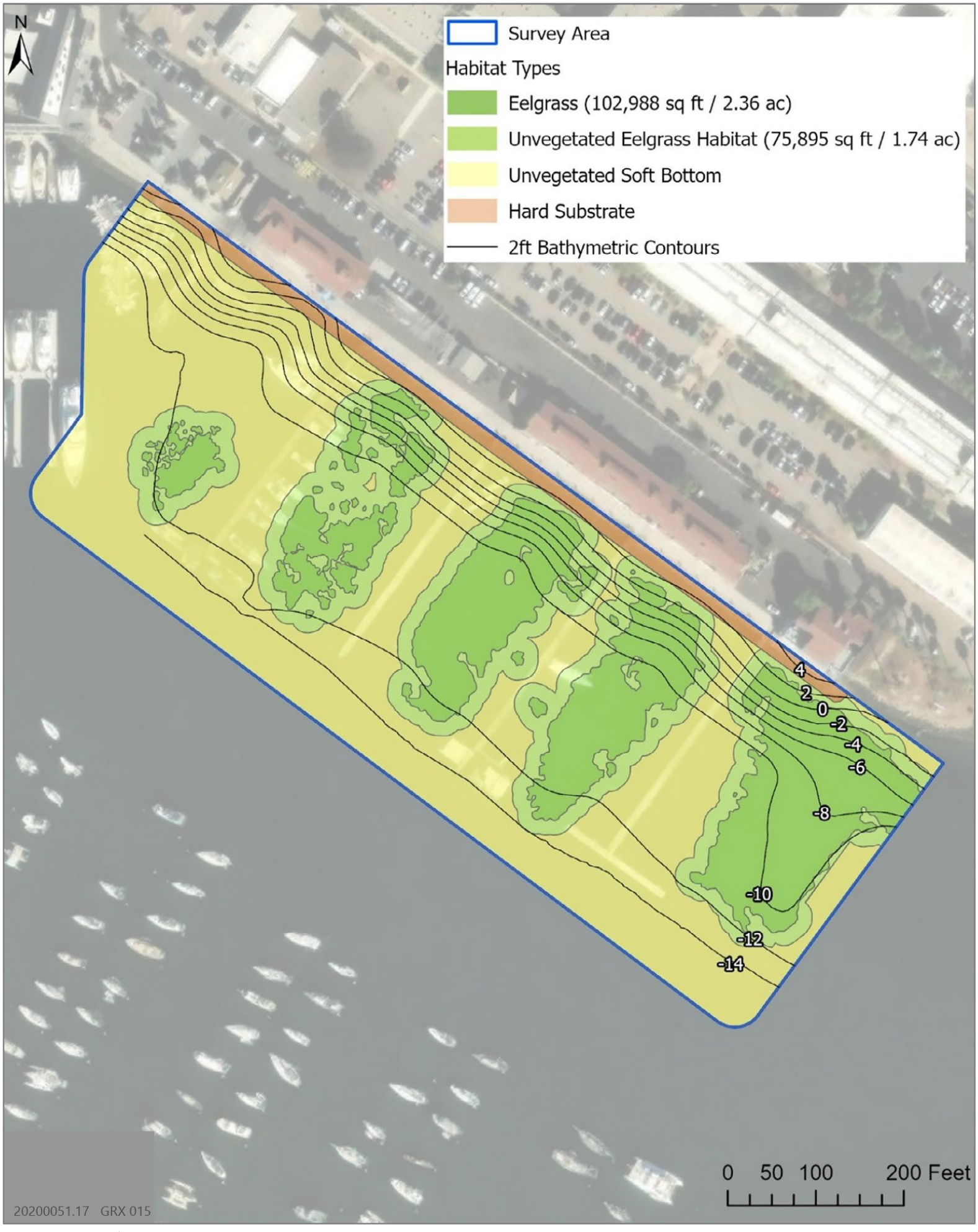
Eelgrass habitat is designated as essential fish habitat (EFH) under the Magnuson-Stevens Fishery Management Conservation Act of 1976, amended 1996 (Public Law 104-267) (MSFMCA). Eelgrass is also designated as a Habitat Area of Particular Concern under the MSFMCA and the California Eelgrass Mitigation Policy through the National Marine Fisheries Service (NMFS) (NMFS 2014). EFH is discussed further under Section 3.2.3, below.

#### Unvegetated Soft-Bottom Habitat

A large portion of the marine habitat within the project site is unvegetated soft bottom habitat. The substrate consists mostly of very fine sand and mud. It is generally barren with minimal signs of bioturbation. Species observed within this habitat type included round rays (*Urobatis helleri*), tube dwelling anemones (*Pachycerianthus fimbriatus*), and red algae (*Gracilaria pacifica*) (Appendix E).

#### Hard Substrate Habitat

Hard substrates observed within the project site above and below water consist of piles, dock floats, and riprap. Piles and dock floats were present scattered throughout the project site. Riprap was observed along the northeastern boundary of the project site (Appendix E).




Source: MTS 2025.

**Figure 3.2-1. Habitat Types Observed within the Project Site**

### Piles

Wood and metal piles are scattered throughout the project site. Species observed among the shallower portions of the piles included acorn barnacles (*Balanus glandula*), Pacific oysters (*Crassostrea gigas*), and low densities of California mussels (*Mytilus californianus*), which were observed on the upper portions of the piles and extended deeper into the water column. In addition, lined shore crabs (*Pachygrapsus crassipes*) were observed near the water's surface on piles. Species observed among the middle and bottom portions of the piles included tunicates (*Styela plicata, Ciona robusta, Styela clava, Styela montereyensis,* and *Botryllus schlosseri*), sponges (*Haliclona* spp.), invasive bryozoan (*Amathia verticillata*), and bryozoan (*Watersipora subtorqata*). Algae species observed within the pile communities included sea lettuce (*Ulva* sp.), red alga (*Callophyllis* sp., *Gelidium coulteri*, and *Endocladua muricata*), brown alga (*Dictyopteris undulata* and *Ductyota flabellata*). In addition, small individual giant kelp (*Macrocystis pyrifera*) stipes were observed attached to or near the base of piles within the project site (Appendix E).

### Dock and Dock Floats

Similar species as those observed on upper portions of the piles were observed on dock and dock floats within the project site. Invertebrate species observed on dock and dock floats included sponges, tunicates, Pacific oyster, barnacles, bryozoans, and occasional bay mussels (*Mytilus trossulus*) (Appendix E).

### Riprap

Riprap is located within the northeastern portion of the project site. Vertebrate species including opaleye (*Girella nigricans*) and topsmelt (*Atherinops affinis*) were observed swimming near this hard substrate. Pacific oysters were observed attached to rock in the mid- and low-intertidal portions of the riprap, while tunicate (*Styela clava*) was observed on the deeper subtidal riprap. Algae species were observed including turf algae and red algae (*Callophyllis* sp.) on the mid- and low-intertidal portions of the riprap and invasive brown algae (*Sargassum muticum*) on mid- and deeper-water riprap. Lined shore crabs were also observed crawling over high inter-tidal riprap (Appendix E).

## 3.2.2.3 Special-Status Species

Special status species are plant and wildlife species that have been identified as being under threat due to their recognized rarity or vulnerability to various causes of population decline, including habitat loss. These species are legally protected by federal, state, or local agencies or are species that are considered sufficiently rare by the regulatory and scientific community to qualify for protection and consideration under CEQA. Special-status species also include species listed by local or regional jurisdictions. Special-status species include the following:

- Species listed, proposed for listing, or candidates for listing as threatened or endangered under the provisions of the federal Endangered Species Act and/or the California Endangered Species Act (CESA);
- Species designated by the CDFW as "fully protected" and "species of special concern.";
- Plants listed as rare or threatened under the California Native Plant Protection Act;
- Plants listed by CNPS to be "rare, threatened or endangered in California;"[1] and

[1] California Rare Plant Rank (CRPR) 1A (plants presumed to be extinct in California); CRPR 1B (plants that are rare, threatened, or endangered in California and elsewhere); CRPR 2 (plants that are rare, threatened, or endangered in California but more common elsewhere); CRPR 3 (plants about which more information is needed); and CRPR 4 (plants of limited distribution). CRPR 1B and 2B species meet the definitions of Section 1901 of the Native Plant Protection Act or California Fish and Game Code Sections 2062 and 2067 (CESA) and are eligible for state listing. Many CRPR 3 and 4 species do not meet the definitions of special-status plants but may be significant locally and are recommended for consideration under CEQA (CNPS 2025b).

- Species that meet the definitions of rare and endangered under CEQA. CEQA Section 15380 provides that a plant or animal species may be treated as "rare or endangered" even if not on one of the official lists (CEQA Guidelines Section 15380).

A complete list of special-status species that have been documented within the USGS 7.5-minute quadrangles were evaluated for their potential to occur on the project site is included in Appendix G**.** No marine special-status plant species are known to occur in San Diego. Moreover, due to the developed nature of the landside portion of the project site and the lack of suitable habitat, no terrestrial special-status plant species have the potential to occur. Eleven special-status wildlife species were identified as having the potential to occur within the project site due to the presence of suitable habitat. These special-status wildlife species, their listing status, suitable habitat, and potential to occur determinations are included in Table 3.2-1 below. Species that have been documented within the USGS 7.5-minute quadrangles but that are not expected to occur due to a lack of suitable habitat are included in Appendix G.

**Table 3.2-1. Special-Status Species with Potential to Occur within the Project Site**

| Species | Federal Status[1] | State Status[1] | Other Status | Habitat | Potential for Occurrence |
|---|---|---|---|---|---|
| **Amphibians and Reptiles** | | | | | |
| green sea turtle *Chelonia mydas* | FT | — | — | Marine bay. Completely herbivorous; needs adequate supply of seagrasses and algae. | *May occur.* Suitable foraging habitat (i.e., eelgrass) present. The species is known to inhabit South San Diego Bay, south of the Sweetwater Channel with the nearest recorded CNDDB occurrence located 7.5 miles southeast of the project site. |
| **Birds** | | | | | |
| California least tern *Sternula antillarum browni* | FE | SE | CDFW FP, MSCP Covered Species | Alkali playa, wetland. Nests along the coast from San Francisco Bay south to northern Baja California. Colonial breeder on bare or sparsely vegetated, flat substrates: sand beaches, alkali flats, land fills, or paved areas. | *May occur.* The project site is within the species range during the nesting season. Suitable foraging habitat is present for this species within the project site; however, nesting habitat for this species is not present. The nearest recorded CNDDB occurrence of this species is located approximately 0.7 miles south of the project site. The nearest nesting site for California least tern is located approximately 2 miles east of the project site at Lindbergh Field (Patton 2019). |
| **Mammals** | | | | | |
| long-beaked common dolphin *Delphinus capensis* | — | — | MMPA Protected | Prefer shallow, tropical, subtropical, and warmer temperate waters within 50 to 100 nautical miles of the coast and on the continental shelf, often in inshore waters. In U.S. waters, this species is only found along the west coast, and their distribution extends from Baja California, Mexico, northward to central California. | *May occur.* Suitable habitat is present for this species within the project site. |
| common bottlenose dolphin *Tursiops truncatus* | — | — | MMPA Protected | Found in temperate and tropical waters around the world. Inhabit a wide variety of habitats including harbors, bays, gulfs, and estuaries, as well as nearshore coastal waters, deeper waters over the continental shelf, and far offshore in the open ocean. Feeds on fish, squid, and crustaceans. | *May occur.* Suitable habitat is present for this species within the project site. |

| Species | Federal Status[1] | State Status[1] | Other Status | Habitat | Potential for Occurrence |
|---|---|---|---|---|---|
| California sea lion *Zalophus californianus* | — | — | MMPA Protected | Found in shallow waters of the eastern North Pacific Ocean. Prefers sandy beaches or rocky coves for breeding and haul-out sites. May also haul out on marina docks as well as jetties and buoys. Feed mainly offshore in coastal areas and eat a variety of prey including squid, anchovies, mackerel, rockfish, and sardines. May also take fish from commercial fishing gear, sport fishing lines, and fish passage facilities at dams and rivers. | *May occur.* Suitable habitat is present for this species within the project site. |

Notes: CEQA = California Environmental Quality Act; CNDDB = California Natural Diversity Database; DPS = distinct population segment; ESU = evolutionarily significant unit; ssp. = subspecies.

[1] Legal Status Definitions

Federal:
FE Endangered (legally protected)
FT Threatened (legally protected)
FP Federally proposed for listing (no formal protection other than CEQA consideration)
FC Federal candidate for listing (no formal protection other than CEQA consideration)
FD Federally delisted

State:
SE Endangered (legally protected)
ST Threatened (legally protected)
SC State candidate for listing (legally protected)
SD State delisted

Other:
CDFW FP Fully protected (legally protected)
CDFW SSC Species of special concern (no formal protection other than CEQA consideration)
MMPA Protected All marine mammals are protected under the MMPA.

[2] Potential to Occur Definitions

Present: Species has been observed within the project site during surveys and it could be impacted by the proposed project.

May Occur: Species has not been observed within the project site. Suitable habitat for the species is present and it may occur within the project site; therefore, the species could be impacted by the proposed project.

Not Expected to Occur: Species has not been observed within the project site. Suitable habitat for the species is not present within the project site and the species is not expected to occur; therefore, the species would not be impacted by the proposed project.

Sources: CDFW 2025; MTS 2025; NOAA 2025b; IUCN 2018.

### 3.2.2.4 Critical Habitat

"Critical habitat" refers to specific geographic areas designated by USFWS or the National Oceanic and Atmospheric Administration (NOAA) Fisheries that typically contain (or have potential to contain) physical or biological features essential to the conservation and recovery of endangered or threatened species. These areas may require special agency consultation, management and protection and can include areas where the species currently reside, or areas that are essential for a species future recovery, even if not currently occupied. Critical habitat designations affect only federal agency actions or federally funded or permitted activities (USFWS 2017).

No USFWS- or NOAA-designated critical habitat overlaps with the project site. The nearest critical habitat to the project site is designated by USFWS for western snowy plover (*Charadrius nivosus nivosus*) and is located approximately 2.9 miles southeast of the site at Coronado Beach (USFWS 2025). In addition, in 2023, NOAA proposed to designate new areas of critical habitat for threatened and endangered populations of green sea turtle in areas under US jurisdiction. This proposed critical habitat includes San Diego Bay and the project site (NOAA 2023). However, this proposed green sea turtle critical habitat has not been officially designated as critical habitat by the USFWS and therefore, does not require special agency consultation, management and protection.

### Essential Fish Habitat

EFH includes waters and substrates that are necessary for fish reproduction, growth, feeding, and shelter which may include habitats such as coral reefs, kelp forests, bays, wetlands, rivers, and areas of the deep ocean. EFH covers federally managed fish and invertebrates, but does not apply to freshwater species. The entirety of San Diego Bay, including the project site, is designated as EFH (NOAA 2025a).

Habitat areas of particular concern (HAPCs) are a subset of habitats within an EFH that are distinguished by their high ecological value and/or vulnerability to anthropogenic stressors and are considered high priority for conservation, management, or research. Current HAPC types that have been identified by the Pacific Fishery Management Council include estuaries, canopy kelp, seagrass (including eelgrass), and rocky reefs. The entirety of San Diego Bay is listed as both an estuarine HAPC and a seagrass HAPC (PFMC 2025).

## 3.2.2.5 Aquatic Resources

No landside aquatic resources are present within the project site. The waterside portion of the project site contains marine resources, and no other aquatic resources are present. Guidance for determining whether an aquatic resource meets the definition of a ”Waters of the United States” and/or “Waters of the State” is provided by the federal Clean Water Act (CWA) and state Porter-Cologne Wate Quality Control Act along with subsequent resource agency policy and guidance documents. Authorization of discharges of dredge or fill material to marine resources are subject to Section 404 of the Clean Water Act.

## 3.2.2.6 Wildlife Movement Corridors

A wildlife movement corridor is generally a topographical or landscape feature or movement zone that connects two or more larger natural habitat areas. Wildlife corridors link areas of wildlife habitat that are separated by variation in vegetation, rugged terrain, human disturbance, or other biophysical factors. Movement corridors may provide favorable locations for wildlife to travel between different habitat areas, such as foraging sites, breeding sites, cover areas, and preferred summer and winter range locations. They may also function as dispersal corridors allowing animals to move between various locations within their range. Therefore, wildlife movement and migration corridors are considered important ecological resources by CDFW and other agencies and are protected by many local governments in California.

The terrestrial portion of the project site is fully developed, does not contain natural terrestrial habitat that could function as a native wildlife nursery site, and is characterized by many existing barriers to wildlife movement, including human-made structures and human activity.

Aquatic wildlife, including fish, birds, reptiles, and marine mammals, likely transit periodically through the marine environment in the project site for foraging or roosting activities, however, the project site is within a small artificial inlet that is surrounded by upland development on three sides and does not provide connection to off-site marine or terrestrial habitats. Therefore, the site is not expected to provide wildlife movement corridors.

## 3.2.2.7 Native Wildlife Nursery Sites

Nursery sites are locations where fish and wildlife concentrate for hatching or raising young, such as nesting rookeries for birds, spawning areas for native fish and maternal roosts for bats. Nursery sites are considered in this analysis for native wildlife that are not defined and otherwise considered under CEQA as special-status species.

The project site contains eelgrass, which supports nurseries for many commercially and recreationally important finfish and shellfish (Heck et al. 2003).

# 3.2.3 Applicable Laws, Regulations, Plans, and Policies

## 3.2.3.1 Federal

### Endangered Species Act of 1973

Pursuant to the Endangered Species Act (16 US Code [USC] Section 1531 et seq.), USFWS and NOAA Fisheries regulate the taking of species listed in the Endangered Species Act as threatened or endangered. In general, people subject to the Endangered Species Act (including private parties) are prohibited from "taking" endangered or threatened fish and wildlife species on private property and from "taking" endangered or threatened plants in areas under federal jurisdiction or in violation of state law. Under Section 9 of the Endangered Species Act, the definition of "take" is to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." NOAA Fisheries and USFWS have also interpreted the definition of "harm" to include significant habitat modification that could result in take. The Endangered Species Act requires that recovery plans be developed that describe the steps necessary to restore the species. Similarly, the act provides for the designation of "critical habitat" when prudent and determinable.

Section 10 of the Endangered Species Act applies if a nonfederal agency is the lead agency for an action that results in take and no other federal agencies are involved in permitting the action. Section 7 of the Endangered Species Act applies if a federal discretionary action is required (e.g., a federal agency must issue a permit), in which case the involved federal agency consults with USFWS and NOAA Fisheries.

### Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA), first enacted in 1918, provides for the protection of international migratory birds and authorizes the Secretary of the Interior to regulate the taking of migratory birds. MBTA provides that to pursue, take, or kill any migratory bird or any part, nest, or egg of any such bird is unlawful except as permitted by regulations. Under MBTA, "take" is defined as "to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities." Take does not include habitat destruction or alteration as long as birds, nests, eggs, or parts thereof are not directly taken. The current list of species protected by MBTA can be found in Title 50 of the Code of Federal Regulations (CFR), Section 10.13 (50 CFR 10.13). The list includes nearly all birds native to the United States.

### Marine Mammal Protection Act of 1972

The Marine Mammal Protection Act (MMPA) of 1972 prohibits, with certain exceptions, the take of marine mammals in US waters and by US citizens on the high seas, and the importation of marine mammals and marine mammal products into the United States. Congress passed the MMPA based on the following findings and policies: (1) some marine mammal species or stocks may be in danger of extinction or depletion as a result of human activities, (2) these species of stocks must not be permitted to fall below their optimum sustainable population level (depleted), (3) measures should be taken to replenish these species or stocks, (4) there is inadequate knowledge of the ecology and population dynamics, and (5) marine mammals have proven to be resources of great international significance.

The MMPA was amended substantially in 1994 to provide for: (1) certain exceptions to the take prohibitions, such as for Alaska Native subsistence, and for permits and authorizations for scientific research; (2) a program to authorize and control the taking of marine mammals incidental to commercial fishing operations; (3) preparation of stock assessments for all marine mammal stocks in waters under US jurisdiction; and (4) studies of pinniped-fishery interactions. Additionally, under the 1994 amendments to the MMPA, harassment is statutorily defined as any act of pursuit, torment, or annoyance which:

- has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or

- has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavior patterns, including, but not limited to migration, breathing, nursing, breeding, feeding, or sheltering but which does not have the potential to injure a marine mammal or marine mammal stock in the wild (Level B harassment).

NOAA Fisheries and USFWS administer the MMPA. Project activities that may result in Level A or B harassment, injury, or mortality would require consultation with NOAA Fisheries and USFWS under the MMPA.

## Magnuson-Stevens Fishery Management and Conservation Act of 1976, as amended 1996 (Public Law 104-267)

The Magnuson-Stevens Act (16 USC Section 1801 et seq.) is the primary law governing management of commercial and recreational marine fisheries in the United States. The purpose of this federal law is sevenfold: conserve fishery resources, support enforcement of international fishing agreements, promote fishing in line with conservation principles, provide for the implementation of fishery management plans to achieve optimal yield, establish regional fishery management councils to steward fishery resources, develop underutilized fisheries, and protect EFH.

The Magnuson-Stevens Act requires federal agencies to consult with NOAA Fisheries when a project has the potential to adversely affect EFH. State agencies are not required to consult with NOAA Fisheries; however, NOAA Fisheries is required to develop EFH-conservation recommendations for any state agency activity that would affect EFH. Similar in concept to critical habitat in the Endangered Species Act, EFH protection measures recommended by NOAA Fisheries or a regional fisheries management council are advisory and not prescriptive.

## Rivers and Harbors Act (Section 10)

Pursuant to Section 10 of the Rivers and Harbors Act, the US Army Corps of Engineers (USACE) is authorized to regulate obstructions, alterations, or construction of any structure in or over any navigable waters of the United States if the activity would affect the course, location, or condition of those waters. Rivers and Harbors Act Section 10 jurisdiction contains traditional navigable waters that "are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use, to transport interstate or foreign commerce" (33 Code of Federal Regulations 322). The San Diego Bay is considered traditional navigable water regulated under Section 10 of the Rivers and Harbors Act; therefore, any future work activities proposed within or over any navigable waters would require Section 10 compliance and coordination with USACE.

## Clean Water Act

The Federal Water Pollution Control Act Amendments of 1972, commonly known as the CWA (33 USC 1251–1376), as amended by the Water Quality Act of 1987, is the major federal legislation governing water quality. The purpose of the CWA is to "restore and maintain the chemical, physical, and biological integrity of the nation's waters." Discharges into WoUS are regulated under CWA Section 404. WoUS include: (1) all navigable waters (including all waters subject to the ebb and flow of the tide); (2) all interstate waters and wetlands; (3) all other waters, such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, or natural ponds; (4) all impoundments of waters mentioned above; (5) all tributaries to waters mentioned above; (6) the territorial seas; and (7) all wetlands adjacent to waters mentioned above. Important applicable sections of the CWA are discussed below.

- **Section 303** requires states to develop water quality standards for inland surface and ocean waters and submit them to the U.S. Environmental Protection Agency for approval. Under Section 303(d), the states are required to list waters that do not meet water quality standards and to develop action plans, called total maximum daily loads, to improve water quality.
- **Section 304** provides water quality standards, criteria, and guidelines.

- **Section 401** requires an applicant for any federal permit that proposes an activity that may result in a discharge to WoUS to obtain certification from the state that the discharge will comply with other provisions of the CWA. Certification is provided by the respective Regional Water Quality Control Board (RWQCB). A Section 401 certification from the San Diego RWQCB would be required for the proposed project if a Section 404 permit and Rivers and Harbor Act (Section 10) permit are required.
- **Section 402** establishes the National Pollutant Discharge Elimination System (NPDES), a permitting system for the discharge of any pollutant (except for dredge or fill material) into WoUS. The NPDES program is administered by the RWQCB. Conformance with Section 402 is typically addressed in conjunction with water quality certification under Section 401. All construction activities must be consistent with Section 402 of the CWA and avoid significant water quality-related impacts. See Section 3.7, *Hydrology and Water Quality*, for an analysis related to the proposed project's impacts on water quality.
- **Section 404** provides for issuance of dredge/fill permits by USACE. Permits typically include conditions to minimize impacts on water quality. Common conditions include: (1) USACE review and approval of sediment quality analysis before dredging, (2) a detailed pre- and post-construction monitoring plan that includes disposal site monitoring, and (3) requiring compensation for loss of WoUS.

Note that all USACE permit projects involving disturbing activities in the San Diego Bay substrates require surveys for *Caulerpa* spp. (US Navy et al. 2013, page 4-65).

## Coastal Zone Management Act of 1972

The US Congress recognized the importance of meeting the challenge of continued growth in the coastal zone by passing the Coastal Zone Management Act in 1972. The act, administered by NOAA's Office of Ocean and Coastal Resource Management, provides for management of the nation's coastal resources and balances economic development with environmental conservation.

The Coastal Zone Management Act outlines two national programs. The National Coastal Zone Management Program includes 34 coastal programs that aim to balance competing water and land issues in the coastal zone. The National Estuarine Research Reserve System creates field laboratories that provide a greater understanding of estuaries and how humans affect them. The overall program objectives of the act are to "preserve, protect, develop, and where possible, to restore or enhance the resources of the nation's coastal zone."

The Coastal Zone Management Act ensures that development projects in coastal areas are designed and sited in a manner that is consistent with coastal zone land uses, maximizes public health and safety, and ensures that biological resources (e.g., wetlands, estuaries, beaches, and fish and wildlife and their habitat) within the coastal zone are protected. The California Coastal Commission (CCC) enforces the Coastal Zone Management Act by certifying that any proposed project is consistent with the California Coastal Act of 1976 (as amended). The enforceable policies of the Coastal Zone Management Act are found in Chapter 3 of the California Coastal Act.

## California Eelgrass Mitigation Policy

The NMFS is an office of the National Oceanic Atmospheric Administration and is responsible for the stewardship of the nation's ocean resources and their habitat. NMFS developed the California Eelgrass Mitigation Policy (CEMP) in order to establish and support a goal of protecting eelgrass and its habitat functions (NMFS 2014). The CEMP includes guidance on defining eelgrass habitat, surveying, mapping, assessing impacts, avoiding and minimizing impacts on eelgrass, and mitigation options. Avoidance and minimization measures included within the CEMP relate to turbidity, shading, circulation, and nutrient and sediment loading impacts. Mitigation options include comprehensive management plans, in-kind mitigation, mitigation banks and in-lieu-fee programs, and out-of-kind mitigation.

NMFS has provided this policy to other state and federal agencies, including CDFW, as guidance for handling project-related impacts on eelgrass habitat.

### Caulerpa Control Protocol

In September 2023, NOAA Fisheries was notified of an invasive algae species discovered in South San Diego Bay, California. The algae, which is native to Florida and other subtropical and tropical locales, is scientifically known as *Caulerpa prolifera*. According to NOAA Fisheries, any species of *Caulerpa* that is allowed to establish and spread within coastal areas may adversely impact local fisheries and disrupt seagrass communities important to protected species. It can grow quickly, choking out native seaweed and potentially harming marine life through lost habitat.

The District has been working with the Southern California Caulerpa Action Team (SCCAT), which is made up of federal, state, and local governmental agencies, scientists, consultants, and local stakeholders. The SCCAT developed a Rapid Response Eradication Plan (Eradication Plan). Eradication and survey efforts, consistent with the Eradication Plan, have been initiated and are ongoing.

The SCCAT developed the *Caulerpa* Control Protocol to detect existing infestations and avoid the spread of these invasive species to other systems. NOAA Fisheries and CDFW serve as the lead Federal and State agencies, respectively, for administering the *Caulerpa* Control Protocol. It outlines the certification, survey, and reporting guidelines required when surveying for all Caulerpa species in California nearshore coastal and enclosed bays, estuaries, and harbors from Morro Bay to the US/Mexican border. These guidelines apply to any bottom disturbing activities (e.g., pile driving, dredging, etc.) as those have the potential to fragment and spread *Caulerpa*. NOAA Fisheries and CDFW use the *Caulerpa* Control Protocol, in partnership with other resource and permitting agencies, as an important tool for conserving sensitive marine ecosystems, including eelgrass beds and other benthic habitats, and the important functions they provide.

## 3.2.3.2 State

### California Endangered Species Act

Pursuant to the CESA, a permit from CDFW is required for projects that could result in the "take" of a plant or animal species that is listed by the state as threatened or endangered. Section 2080 of CESA prohibits unauthorized take of state-listed species. Under CESA, "take" is defined as an activity that would directly or indirectly kill an individual of a species, but does not include "harm" or "harass," as does the federal definition. As a result, the threshold for take is higher under CESA than under ESA.

In addition, California Fish and Game Code Sections 3511, 4700, 5050, and 5515 prohibit take or possession of fully protected species. For projects that affect both a state- and federally listed species, compliance with the federal Endangered Species Act will satisfy the CESA if CDFW determines that the federal incidental take authorization is consistent with the CESA under California Fish and Game Code Section 2080.1. For projects that would result in a take of a state-only listed species, the project proponents must apply for a take permit under Section 2081(b). Incidental take of fully protected species may be authorized only under an approved natural communities conservation plan.

### California Fish and Game Code

The California Fish and Game Code (CFGC) established the Fish and Game Commission, as authorized by Article IV, Section 20, of the Constitution of the State of California. The Fish and Game Commission is responsible, under the provisions of Sections 200–221, for regulating the take of fish and game for recreational and other noncommercial purposes. Sections 200-221 do not grant authority over the taking, processing, or use of fish, mollusks, crustaceans, kelp, or other aquatic plants for commercial purposes. However, other sections of the

CFGC give the Fish and Game Commission regulatory authority over aspects of commercial fishing, including oversight of fish reduction activities; the commercial take of herring, lobster, sea urchins, market squid, abalone, and various nearshore finfish; the issuance kelp leases; and the leasing of state water bottoms for shellfish cultivation and aquaculture operations; and other activities. These resource protection responsibilities involve the setting of seasons, bag and size limits, and allowable methods and areas of take, as well as prescribe the terms and conditions under which permits or licenses may be issued or revoked by CDFW. The Fish and Game Commission also oversees the establishment of wildlife areas and ecological reserves and regulates their use, as well as setting policy for CDFW.

Sections 3503, 3503.5, 3505, 3800, and 3801.6 of the CFGC protect all native birds, birds of prey, and all nongame birds, including their eggs and nests, that are not already listed as fully protected and that occur naturally within the state. Section 3503 specifically states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, and Section 3503.5 specifically states that it is unlawful to take, possess, or destroy any raptors (e.g., hawks, owls, eagles, falcons), including their nests or eggs.

CDFW is a lead state agency that manages native fish, wildlife, plant species, and natural communities for their ecological value and their benefits to people. CDFW oversees the management of marine species through several programs, some in coordination with NMFS and other agencies.

As discussed in Section 3.2.3, *Applicable Laws, Regulations, Plans, and Policies*, the CEMP is administered by NMFS and CDFW. The effects of the proposed project on any surrounding eelgrass beds and any compensatory mitigation would be addressed under the CEMP.

## Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act requires that each of the nine RWQCBs in California prepare and periodically update basin plans for water quality control. Each basin plan sets forth water quality standards for surface water and groundwater, as well as actions to control nonpoint and point sources of pollution to achieve and maintain these standards. Basin plans offer an opportunity to protect wetlands through the establishment of water quality objectives. The jurisdiction of the RWQCBs includes Waters of the United States, as well as areas that meet the definition of "Waters of the State." "Waters of the State" is defined as any surface water or groundwater, including saline waters, within the boundaries of the state. The RWQCB has the discretion to take jurisdiction over areas not federally protected under CWA Section 404 provided they meet the definition of Waters of the State. SWRCB published a new set of procedures for discharges of dredged or fill material into Waters of the State on March 22, 2019. Mitigation requiring no net loss of wetlands functions and values of Waters of the State typically is required by the RWQCB.

## California Coastal Act of 1976

The California Coastal Act (CCA), administered by the California Coastal Commission (Commission), includes policies for development proposed within the coastal overlay zone and recognizes California ports, harbors, and coastline beaches as important coastal-dependent uses and resources. The Commission regulates all jurisdictional wetlands that are under the joint jurisdiction of USACE and the RWQCBs, as well as streambed and riparian habitat under the jurisdiction of CDFW. The act also defines "environmentally sensitive [habitat] area" (ESHA) as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments" (Section 30107.5). The act requires that such areas be protected and that development projects within or adjacent to such areas be limited only to uses dependent on the ESHA resources and be planned and sited to prevent significant disruption or degradation of habitat values.

Furthermore, Section 30233 of the California Coastal Act relates to in-water work in open coastal waters, wetlands, estuaries, and lakes. Specifically, diking, filling or dredging is allowed (in accordance with other

applicable provisions of the Coastal Act), where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. Among the types of activities this section is limited to new or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

### Marine Life Protection Act

The Marine Life Protection Act of 1999 directs the state to redesign California's system of marine protected areas (MPAs) to function as a network in order to: increase coherence and effectiveness in protecting the state's marine life and habitats, marine ecosystems, and marine natural heritage, as well as to improve recreational, educational and study opportunities provided by marine ecosystems subject to minimal human disturbance. For the purposes of MPA planning, a public-private partnership commonly referred to as the MLPA Initiative was established, and the state was split into five distinct regions (four coastal and the San Francisco Bay) each of which had its own MPA planning process. All four coastal regions have completed these individual planning processes. As a result, the coastal portion of California’s MPA network is now in effect statewide. Options for a planning process in the fifth and final region, the San Francisco Bay, have been developed for consideration at a future date.

### Marine Life Management Act

The Marine Life Management Act (MLMA), which became law on January 1, 1999, The MLMA applies not only to fish and shellfish taken by commercial and recreational fishermen, but to all marine wildlife. The MLMA shifts the burden of proof toward demonstrating that fisheries and other activities are sustainable. Greater management authority was delegated to the Fish and Game Commission and the California Department of Fish and Wildlife. Instead of focusing on single fisheries management, the MLMA requires an ecosystem perspective including the whole environment. The MLMA strongly emphasizes science-based management developed with the help of all those interested in California's marine resources.

## 3.2.3.3 Local

### San Diego Unified Port District Port Master Plan

Through implementation of the Port Master Plan (PMP), the District maintains authority over tidelands and submerged lands conveyed in trust to the District by the California legislature. Any amendments to the PMP are first reviewed and adopted by the Board of Port Commissioners (BPC) and then certified by the CCC, thereby allowing the District to issue coastal development permits for projects within its jurisdiction. The PMP provides for protection of biological resources and states that the District will remain sensitive to the needs of, and will cooperate with, other communities and other agencies in Bay and tideland development.

On February 28, 2024, the BPC approved the Port Master Plan Update (PMPU) and certified the associated Final PEIR. The PMPU provides the official goals and planning policies, as well as water and land uses, for development and conservation of the District Tidelands that comprise the PMPU area. The PMPU is currently under review by the CCC.

### San Diego Bay Integrated Natural Resources Management Plan

The San Diego Bay INRMP is a long-term strategy sponsored by two of the major managers of San Diego Bay: the US Department of the Navy (US Navy) and the District. Its intent is to provide direction for the good stewardship that natural resources require while also supporting the ability of the US Navy and District to meet their missions and continue functioning within the Bay. The core strategies of the plan are to (1) manage and restore habitats, populations, and ecosystem processes; (2) plan and coordinate projects and activities so that they are compatible with natural resources; (3) improve information sharing, coordination, and dissemination; (4) conduct research

and long-term monitoring that supports decision-making; and (5) put in place a Stakeholder's Committee and Focus Subcommittees for collaborative, ecosystem-based problem-solving in pursuit of the goal and objectives.

The San Diego Bay INRMP also includes objectives related to the eradication of invasive species in the Bay. Specifically, Objective 4.4.1 calls for the minimization of the harmful ecological, economic, and human health impacts of aquatic invasive species in San Diego Bay. The primary sources of invasive species within San Diego Bay are ballast water and hull fouling (see Section 2.6.7.3 of the INRMP), Table 2-47 of the INRMP lists the invasive marine species found in San Diego Bay (US Navy et al. 2013).

### Port of San Diego Environmental Mitigation Property (BPC Policy No. 735)

The BPC Policy 735 establishes a policy for the allocation of environmental mitigation property within District Tidelands. Environmental mitigation property refers to land, water area, natural or constructed habitats, credit for the removal of shading over open water, or other assets, held in trust by the District and that could be used to offset the environmental impacts of projects. The District recognizes the demand for mitigation property within Tidelands for capital development projects and major maintenance pursuant to the District's land-use obligation (as defined in Section 4 of the San Diego Unified Port District Act). The District also recognizes that the demand for environmental mitigation property for non-District funded projects is increasing. It is the policy of the District that property suitable for mitigation, which is held in trust by the District, will be retained for District-funded capital development and major maintenance projects. Due to the limited area of mitigation property available to the District, each project requiring mitigation shall be evaluated through an administrative procedure as described in BPC Policy No. 735 to ensure that environmental mitigation property is only used for the most appropriate project. Further, unused mitigation land and new mitigation opportunities on District Tidelands that are not encumbered by a project will be under the control of the District and will be added to the District's accounting of available mitigation property. New mitigation land or credits will be managed in accordance with the District's administrative policy for use of District Environmental Mitigation Property.

### San Diego Unified Port District Code, Article 10

District Code, Article 10, the District Stormwater Management and Discharge Control Ordinance, prohibits the deposit or discharge of any chemicals or waste to the tidelands or San Diego Bay and makes it unlawful to discharge pollutants directly into non-stormwater or indirectly into the stormwater conveyance system. Article 10 also requires the implementation of best management practices (BMPs), stormwater plans, and other measures, as appropriate to control the discharge of pollution to tideland or receiving waters. Where enforcement is required to maintain compliance, the District will use its enforcement authority established by Article 10. The article enables the District, including District inspectors, to prohibit discharges and require BMPs so that discharges on tidelands do not cause or contribute to water quality problems. Article 10 establishes enforcement procedures to ensure that responsible dischargers are held accountable for their contributions and/or flows.

## 3.2.4 Project Impact Analysis

### 3.2.4.1 Methodology

The analysis of potential impacts on biological resources relies on a combination of previously collected data, literature review, and observations made during a marine biological assessment performed by MTS staff on September 24, 2024. A side-scan sonar survey was performed to get a complete view of the seafloor within the project site. A SCUBA diver survey was used to verify the side-scan data and record habitat and species observations within the waterside portion of the project site. A full explanation of survey area, methods, and results are provided in Appendix E of this EIR.

The hydroacoustic impact analysis for marine species was conducted by Illingworth & Rodkin, Inc., for the proposed project. A full explanation of the hydroacoustic analysis methods and results is in Appendix F of this EIR.

### 3.2.4.2 Thresholds of Significance

The following significance criteria are based on Appendix G of the State CEQA Guidelines and provide the basis for determining the significance of biological resources impacts associated with the proposed project.

Impacts are considered significant if the proposed project would result in any of the following:

1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW and/or USFWS;
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW, NMFS, or USFWS;
3. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
4. Result in substantial interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impedance of the use of native wildlife nursery sites; or
5. Conflict with any applicable local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance or with the provisions of an applicable adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

### 3.2.4.3 Noise Significance Criteria

Noise and its potential effects on humans are discussed in Section 3.9, *Noise and Vibration*. However, in addition to the potential effects on humans, noise may also impact wildlife. Project demolition and construction activities such as pile driving have the potential to create adverse noise impacts on marine species as well as avian and terrestrial wildlife. Impact pile driving produces impulsive sounds, while vibratory pile installation and removal produces continuous underwater sounds that are considered non-impulsive. Any demolition that includes chipping concrete is assumed to produce impulsive sounds. Several sound metrics are used to evaluate the effects of underwater sounds on marine life such as peak sound pressure (Peak), root-mean-square (RMS) sound pressure levels, and sound exposure level (SEL). Acoustical terms used in this impact analysis are defined in Appendix F. Significance criteria related to fish, marine mammals, and green sea turtles are also described below.

#### Marine Mammals

Under the Marine Mammal Protection Act (16 USC 1361-1407), NMFS has defined levels of harassment for marine mammals where Level A harassment is defined as “any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal or marine mammal stock in the wild” and Level B harassment is defined as “any act of pursuit, torment, or annoyance which has the potential to disturb a marine mammal or marine mammals stock in the wild by causing disruption of behavioral patterns, including but not limited to migration, breathing, nursing, breeding, feeding, or sheltering.”

NMFS has provided marine mammal acoustic technical guidance for predicting the onset of permanent threshold shifts (PTS) and temporary threshold shifts (TTS) in marine mammal hearing from sound sources (NMFS 2018). NMFS has recently updated the 2018 technical guidance (NMFS 2024). PTS is now referred to as auditory injury (AUD INJ) in the new guidance. The onset of PTS or AUD INJ is considered by NMFS to be Level A harassment. NMFS uses behavior thresholds rather than TTS thresholds for assessing Level B harassment for pile driving (NMFS 2023b).

NMFS-established (NMFS 2023b; NMFS 2024) in-air Level A harassment and Level B harassment thresholds for marine mammals are shown in Table 3.2-2. In-air acoustic impacts are only considered for marine mammals that would haul out of the water; therefore, pinnipeds (i.e., seals and sea lions) are considered but cetaceans (i.e., whales, dolphins, and porpoises) are not.

**Table 3.2-2. In-Air Acoustic Criteria for Marine Mammals**

| Species/Group | Impulsive Sources Threshold | Non-Impulsive Sources Threshold |
|---|---|---|
| **Level A Harassment [a]** | | |
| Phocid Pinnipeds | 162 dB Peak<br>140 dB $SEL_{cum}$ [c] | 154 $SEL_{cum}$ [c] |
| Otariid Pinnipeds | 177 dB Peak<br>163 $SEL_{cum}$ [c] | 177 $SEL_{cum}$ [c] |
| **Level B Harassment [b]** | | |
| Harbor Seal | 90 dB RMS | 90 dB RMS |
| All Other Pinnipeds | 100 dB RMS | 100 dB RMS |

Notes: dB = decibels, Peak = peak sound pressure, SEL = sound exposure level, cum = accumulation period, and RMS = root-mean-square.

[a] Peak sound pressure has a reference value of 20 µPa (micropascal) (in-air) and weighted cumulative sound exposure level has a reference value of 20 $\mu Pa^2s$ (in-air).

[b] Sound levels underwater (re: 1 µPa) have a different reference pressure compared to in-air sounds (re: 20 µPa)

[c] The recommended accumulation period is 24 hours.

Source: Appendix F.

Table 3.2-3, below, outlines the current adopted Level A harassment and Level B harassment criteria (see Marine Mammal Protection Act of 1972 in Section 3.2.3.1) for underwater noise. The US Navy has conducted ambient underwater sound measurements within the Bay that characterize the sound environment at 129.2 dB (NAVFAC SW 2020). For continuous sounds, NMFS Northwest Region has provided guidance for reporting RMS sound pressure levels. Table 3.2-4 defines different marine mammal hearing groups based on their hearing range, adopted by NMFS.

**Table 3.2-3. Underwater Acoustic Criteria for Marine Mammals**

| Type | Marine Mammal Hearing Group/Family | Impulsive Sources (Impact Pile Driving) Acoustic Noise Thresholds | Non-Impulsive Sources (Vibratory Pile Driving) Acoustic Noise Thresholds |
|---|---|---|---|
| **Level A Harassment [a]** | | | |
| Cetaceans | Low Frequency | 222 dB Peak<br>183 dB $SEL_{cum}$ | 197 dB $SEL_{cum}$ |
| | High Frequency | 230 dB Peak<br>193 dB $SEL_{cum}$ | 201 dB $SEL_{cum}$ |
| | Very High Frequency | 202 dB Peak<br>159 dB $SEL_{cum}$ | 181 dB $SEL_{cum}$ |
| Pinnipeds | Phocid | 223 dB Peak<br>183 dB $SEL_{cum}$ | 195 dB $SEL_{cum}$ |
| | Otariid | 230 dB Peak<br>185 dB $SEL_{cum}$ | 199 dB $SEL_{cum}$ |
| **Level B Harassment** | | | |
| All Groups/Families | | 160 dB RMS | 129.2 dB RMS [b] |

Notes: dB = decibels, Peak = peak sound pressure, SEL = sound exposure level, cum = accumulation period, and RMS = root-mean-square.

[a] Peak – dB re: 1µPa (micropascal), SELcum – dB re: $1\mu Pa^2$-sec

[b] Threshold is 120 dB or ambient level, whichever is highest. Ambient levels were measured by the US Navy at 129.2 dB in the project area.

Source: Appendix F.

**Table 3.2-4. Definition of Marine Mammal Hearing Groups**

| Order | Functional Hearing Group | Marine Mammal Types | Generalized Hearing Range[a,b] |
|---|---|---|---|
| Cetaceans | Low Frequency | Baleen whales | 7Hz – 36 kHz |
| | High Frequency | Dolphins, toothed whales, beaked whales, and bottlenose whales | 150Hz – 160 kHz |
| | Very High Frequency | True porpoises, kogia, river dolphins, *Cephalorhynchus, Lagenorhynchus cruciger,* and *Lagenorhynchus australis* | 200Hz – 165 kHz |
| Pinnipeds | Phocid | True seals, including harbor seals | 40Hz – 90 kHz |
| | Otariid | Sea lions and fur seals | 60Hz – 68 kHz |

Notes: Hz = hertz, kHz = kilohertz.

[a] Represents the generalized hearing range for the entire group as a composite (i.e., all species within the group), where individual species' hearing ranges may not be as broad. Generalized hearing range chosen based on ~65 dB threshold from composite audiogram, previous analysis in NMFS 2018, and/or data from Southall et al. 2007; Southall et al. 2019. Additionally, animals are able to detect very loud sounds above and below that "generalized" hearing range. [Source: NMFS 2024].

b Hz = hertz

Source: Appendix F.

## Fish

On June 12, 2008, NOAA's NMFS, USFWS, California, Oregon, and Washington Departments of Transportation, CDFW, and the US Federal Highway Administration agreed in principle to interim criteria to protect fish from pile driving activities, as shown in Table 3.2-5 (Fisheries Hydroacoustic Working Group 2008 and Caltrans 2024).

**Table 3.2-5. Fish Impact Criteria**

| Fish Size | Sound Levels Agreed in Principle |
|---|---|
| >2g | 206 dB re 1 µPa Peak<br>187 dB re 1 µPa $SEL_{cum}$[a] |
| <2g | 206 dB re 1 µPa Peak<br>183 dB re 1 µPa $SEL_{cum}$[a] |

Notes: dB = decibels, µPa = micropascals, Peak = peak sound pressure, SEL = sound exposure level, cum = accumulation period, and RMS = root-mean-square.

[a] Applies to pile strikes of 150 dB SEL (single strike) or greater.

Source: Appendix F.

The adopted criteria listed in Table 3.2-5 are for pulse-type sounds (e.g., impact pile driving) and do not address sound from vibratory driving. The SEL criteria are not applied to vibratory driving sounds for assessing impacts to fish. The in-water areas with proposed project sound levels above 150 decibels (dB) RMS are considered by NMFS to be acoustically affected, given possible behavioral changes in fish; however, these levels are not anticipated to trigger any mitigation requirements (Caltrans 2020). There are no thresholds for non-impulsive sounds (e.g., vibratory pile driving) that apply to fishes.

Substantial research has occurred since the establishment of the "2008 interim injury criteria." This research was synthesized in the 2024 guidance published by Caltrans (2024). This guidance document reports that the 2008 Interim Criteria are excessively conservative and do not reflect current knowledge of the sound levels at which there may be an onset of effects from impact pile driving. The guidance also identifies ANSI-accredited thresholds developed by Popper et al. (2014 and 2019), as the primary injury criteria that should be used for assessing impact pile driving impacts to fish. Furthermore, this recent Caltrans guidance also acknowledges the "2008 interim injury criteria."

The 2024 Caltrans guidance indicates that the onset of recoverable injury occurs at a peak sound level of 207 dB and a cumulative SEL of 203 dB. Popper et al. (2014 and 2019) found that TTS, a recoverable auditory effect, from elevated underwater sound level occur at or above 186 dB cumulative SEL. The 2024 Caltrans guidance recommends that the 2008 Interim Criteria for injurious sound levels be replaced with these criteria on an interim basis for all impact pile driving projects in California until such time that additional research indicates that further revisions are necessary.

This assessment incorporates results from the 2008 Interim Injury Criteria along with the 2024 Caltrans guidance, ensuring a comprehensive analysis for impacts to fish.

### Green Sea Turtles

Green sea turtles in San Diego Bay are listed as threatened and protected under the federal Endangered Species Act (16 USC 1531-1544). NMFS and the USFWS oversee the protection of these turtles. Onset of AUD INJ, TTS, and behavioral disturbance thresholds described in Table 3.2-6 are recommended for sea turtles.

**Table 3.2-6. Underwater Acoustic Threshold for Sea Turtles**

| Hearing Group | Impulsive Sources Threshold[a] | Non-Impulsive Sources Threshold[a] |
|---|---|---|
| **AUD INJ Onset** | | |
| Sea Turtles | 230 dB Peak<br>184 dB $SEL_{cum}$ | 198 dB $SEL_{cum}$ |
| **Temporary Threshold Shift Onset** | | |
| Sea Turtles | 224 dB Peak<br>169 dB $SEL_{cum}$ | 178 dB $SEL_{cum}$ |
| **Behavioral Disturbance Onset** | | |
| Sea Turtles | 175 dB RMS | 175 dB RMS |

Notes: dB = decibels, Peak = peak sound pressure, SEL = sound exposure level, cum = accumulation period, and RMS = root-mean-square.

[a] Peak, RMS – dB re 1 µPa, SELcum – dB re 1 $\mu Pa^2$-sec

Source: Appendix F.

## 3.2.4.4 Project Impacts and Mitigation Measures

***Threshold 1: Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW and/or USFWS?***

### Impact Discussion

Due to the developed nature of the landside portion of the project site and the lack of suitable habitat, no terrestrial special-status plant species have the potential to occur and no special-status marine plant species occur in San Diego. Therefore, the proposed project would have no impact on special-status plants. Within the waterside portion of the project site, eelgrass, which is categorized as EFH and is further designated as a Habitat of Particular Concern, was identified within the project site. Impacts to eelgrass are discussed under Threshold 2, below, because it is considered a sensitive natural community rather than a special-status species.

With respect to special-status wildlife species, the Demolition Component includes removal of up to five ornamental trees, which could result in direct mortality of nesting bird species protected under the MBTA, if present. The Demolition Component and Waterside Redevelopment Component of the proposed project could generate substantial noise from use of heavy machinery (e.g., impact hammers) that could result in behavioral

disturbance or injury to special-status wildlife species. In addition, the Demolition Component and Waterside Redevelopment Component could result in water quality impacts from increased turbidity that could result in negative impacts to special-status species. Furthermore, construction of permanent overwater structures as part of the Waterside Development Component is anticipated to result in an increase in permanent overwater coverage that would have the potential to significantly impact special-status species by reducing foraging habitat. Each of these potential impacts is described further below.

## Impacts on Nesting Birds from Tree Removal and Demolition

The Demolition Component of the proposed project includes the removal of up to five ornamental trees and demolition of existing structures that provide suitable nesting habitat for birds protected under the MBTA. If nesting birds are present during tree removal and building demolition, a significant direct impact to nesting birds protected under the MBTA from destruction of active nests would be considered significant and in violation of the MBTA (**Impact-BIO-1**).

Significant direct impacts to nesting birds from nest destruction would be avoided through implementation of **MM-BIO-1**, which would require a nesting bird survey and subsequent monitoring if demolition and/or construction activities occur during the general avian nesting season (February 1-September 15). If demolition or construction activities are to occur during the general avian nesting season, a qualified biologist would perform a nesting bird survey covering the project site and a 500-foot buffer area within 10 days of the start of demolition or construction activity. If the results of the nesting bird survey confirm nesting of a migratory or listed species within a tree to be removed or a structure to be demolished, tree removal or demolition of the structure would be prohibited until the avian species has fledged from the nest or is no longer active, as determined by the qualified biologist. If the results of the nesting bird survey confirm nesting of a migratory species within the project site or 500-foot buffer, an appropriate no-disturbance buffer around the nest would be established. The size of the no-disturbance buffer would be determined by the qualified biologist based on the sensitivity of the species, proximity to project activities, and the type of activity proposed. Project activities may only encroach into this avoidance buffer if approved by the qualified biologist. The no-disturbance buffer would remain in place until the avian species has fledged from the nest or is no longer active, as determined by the qualified biologist. The qualified biologist would conduct onsite monitoring of any active nests to ensure that unauthorized activities do not encroach into the no disturbance buffer and to ensure that nesting birds are not disturbed by construction activities. If nesting behavior is altered, the qualified biologist may halt construction activities and recommend measures to avoid continued disruption. If disturbance cannot be avoided, project activities would be required to cease until such time that adequate noise attenuation and/or disturbance avoidance is achieved, or nesting is complete, as determined by the qualified biologist. With implementation of **MM-BIO-1**, **Impact BIO-1** would be reduced to a less-than-significant level.

## Impacts on Protected and Special-Status Species from Increased Noise

The use of heavy machinery associated with the Demolition Component and Waterside Redevelopment Component could result in construction-induced noise impacts that could alter the behavior of or cause auditory injury to protected species. These impacts could occur from activities such as pile driving, operation of heavy construction equipment, or construction material deliveries and haul away.

### Birds

The project site and surrounding areas contain ornamental trees that may provide suitable habitat for protected and/or special-status nesting birds and/or raptors. If demolition and construction activities occur during the general avian nesting season (February 1 through September 15), noise from demolition and construction could impact bird and raptor species that are protected under the MBTA. Disturbance can cause nesting birds to abandon nest sites or alter nesting behavior in a manner that lowers reproductive success. Therefore, impacts on nesting birds protected under the MTBA from increased disturbance during demolition and construction

activities that would occur during the Demolition Component and Waterside Redevelopment Component would be considered a significant impact (**Impact-BIO-1**).

**Impact-BIO-1** would be reduced through implementation of **MM-BIO-1**, the details of which are discussed above. Implementation of **MM-BIO-1** would reduce **Impact-BIO-1** to less than significant.

One special-status bird species, California least tern, has the potential to forage for fish within the project site during the species nesting season (April 15-September 15). Demolition- and construction-induced noise impacts could disrupt the foraging behavior of these special-status birds if construction occurs during the California least tern nesting season (**Impact-BIO-2**). This would be considered a significant impact.

Impacts on foraging California least tern during the nesting season (**Impact-BIO-2**) would be reduced through implementation of **MM-BIO-2**. **MM-BIO-2** requires a qualified biologist to conduct construction monitoring during the California least tern nesting season during any in-water impact hammer pile installation, vibratory pile installation or removal, and/or jetting activities and allows for the qualified biologist to reduce or temporarily stop noise-producing activities if the qualified biologist determines that impact hammer pile installation, vibratory pile installation or removal, and/or jetting activities are impacting California least tern foraging behavior. Implementation of **MM-BIO-2** would reduce **Impact-BIO-2** to less than significant.

### Mammals, Fish, and Green Sea Turtle

Demolition and waterside construction, including in-water impact hammer pile installation, vibratory pile installation or removal, and/or jetting activities, could generate high levels of underwater and airborne noise that could negatively impact special-status marine mammals, fish, and green sea turtle, if present. Three special-status marine mammal species—long-beaked common dolphin, common bottlenose dolphin, and California sea lion—have potential to occur in marine environments within the project site and could be significantly affected by underwater noise. California sea lions may also haul out of the water and could be impacted by airborne noise. Several species of fish have also been observed within and surrounding the project site, including shiner surfperch (*Cymatogaster aggregata*), kelp bass (*Paralabrax clathratus*), opaleye (*Girella nigricans*), and topsmelt (*Atherinops affinis*), which could be negatively impacted by construction noise and vibration. In addition, green sea turtle has the potential to occur within the project site and could be impacted by construction noise, if present. Based on proposed project construction activities, a hydroacoustic assessment was conducted and distances to applicable noise thresholds for marine mammals, fish, and green sea turtle were calculated (Appendix G). The results are summarized below.

In-air acoustic impacts were calculated for marine mammals that would haul out of the water such as California sea lion. Cetaceans including whales, dolphins, and porpoises are not considered for the in-air analysis, as they do not haul out of the water and would not experience airborne noise impacts. Distances calculated to be within the range of established in-air sound thresholds for Level A harassment and Level B harassment of marine mammals are summarized in Table 3.2-7. The prediction that sounds would extend out to these distances would be associated with waters that have clear line of sight to impact pile driving activity. Therefore, impact pile driving associated with the proposed project could generate noise levels that would have the potential to alter behavior of or physically injure marine mammals that haul out of the water if present within the distances shown in Table 3.2-7. These impacts would be dependent on the type of pile driving activity being performed and the biology of the species affected.

**Table 3.2-7. Distance to Adopted Marine Mammal Thresholds (In-Air)**

| Pile Type | Species/Hearing Group | Applicable Threshold | Distance to Threshold |
|---|---|---|---|
| **Level A Harassment** [a] | | | |
| 24-inch concrete | Phocid Pinnipeds (including harbor seals) | 162 dB Peak<br>140 dB $SEL_{cum, 24hr}$ | —[b]<br>36 feet |
| | Otariid Pinnipeds | 177 dB Peak<br>163 dB $SEL_{cum, 24hr}$ | —[b] |
| **Level B Harassment** [a] | | | |
| 24-inch concrete | Phocid Pinnipeds (including harbor seals) | 100 dB RMS | 72 feet |
| | Otariid Pinnipeds | 90 dB RMS | 226 feet |

Notes: dB = decibels, Peak = peak sound pressure, SEL = sound exposure level, cum = accumulation period, and RMS = root-mean-square.

[a] Peak sound pressure (Peak) and RMS has a reference value of 20 µPa (in air) while the weighted cumulative sound exposure level has a reference value of 20 µPa2s (in air).

[b] Within the near-field of the sound source < 15 m [50 ft].

Source: Appendix F.

To determine whether the proposed project would result in underwater Level A harassment or Level B harassment on marine mammals, a hydroacoustic (i.e., underwater noise) analysis was conducted. Isopleth distances calculated to be within the range of established sound thresholds for Level A harassment and Level B harassment of marine mammals are summarized in Table 3.2-8 and are illustrated in Figures 3.2-2 through 3.2-4. The prediction that sounds would extend out to these distances applies to waters that have clear line of sight to the construction activity. Impact pile driving activity associated with the Waterside Redevelopment Component could generate noise levels that would have the potential to alter behavior of or physically injure marine mammals, if present within the distances shown in Table 3.2-8. These impacts would be dependent on the type of pile driving activity being performed and the biology of the species affected.

**Table 3.2-8. Distance to Adopted Marine Mammal Thresholds (Underwater)**

| Method | Pile Size/Type | Piles per Day | No. of Strikes per Pile[b] | Condition | Species/Hearing Group | Applicable Threshold | Distance to Threshold |
|---|---|---|---|---|---|---|---|
| **Level A Harassment** | | | | | | | |
| Impact | 12-inch Square Concrete | 4 | 240 | Unattenuated with No Jetting | Low Frequency Cetaceans | 183 dB $SEL_{cum}$ | 93 ft |
| | | | | | High Frequency Cetaceans | 193 dB $SEL_{cum}$ | —[a] |
| | | | | | Very High Frequency Cetaceans | 159 dB $SEL_{cum}$ | 144 ft |
| | | | | | Phocid Pinnipeds | 183 dB $SEL_{cum}$ | 83 ft |
| | | | | | Otariid Pinnipeds | 185 dB $SEL_{cum}$ | 33 ft |
| | | | | Unattenuated with Jetting | Low Frequency Cetaceans | 183 dB $SEL_{cum}$ | 59 ft |
| | | | | | High Frequency Cetaceans | 193 dB $SEL_{cum}$ | —[a] |
| | | | | | Very High Frequency Cetaceans | 159 dB $SEL_{cum}$ | 91 ft |
| | | | | | Phocid Pinnipeds | 183 dB $SEL_{cum}$ | 52 ft |
| | | | | | Otariid Pinnipeds | 185 dB $SEL_{cum}$ | —[a] |

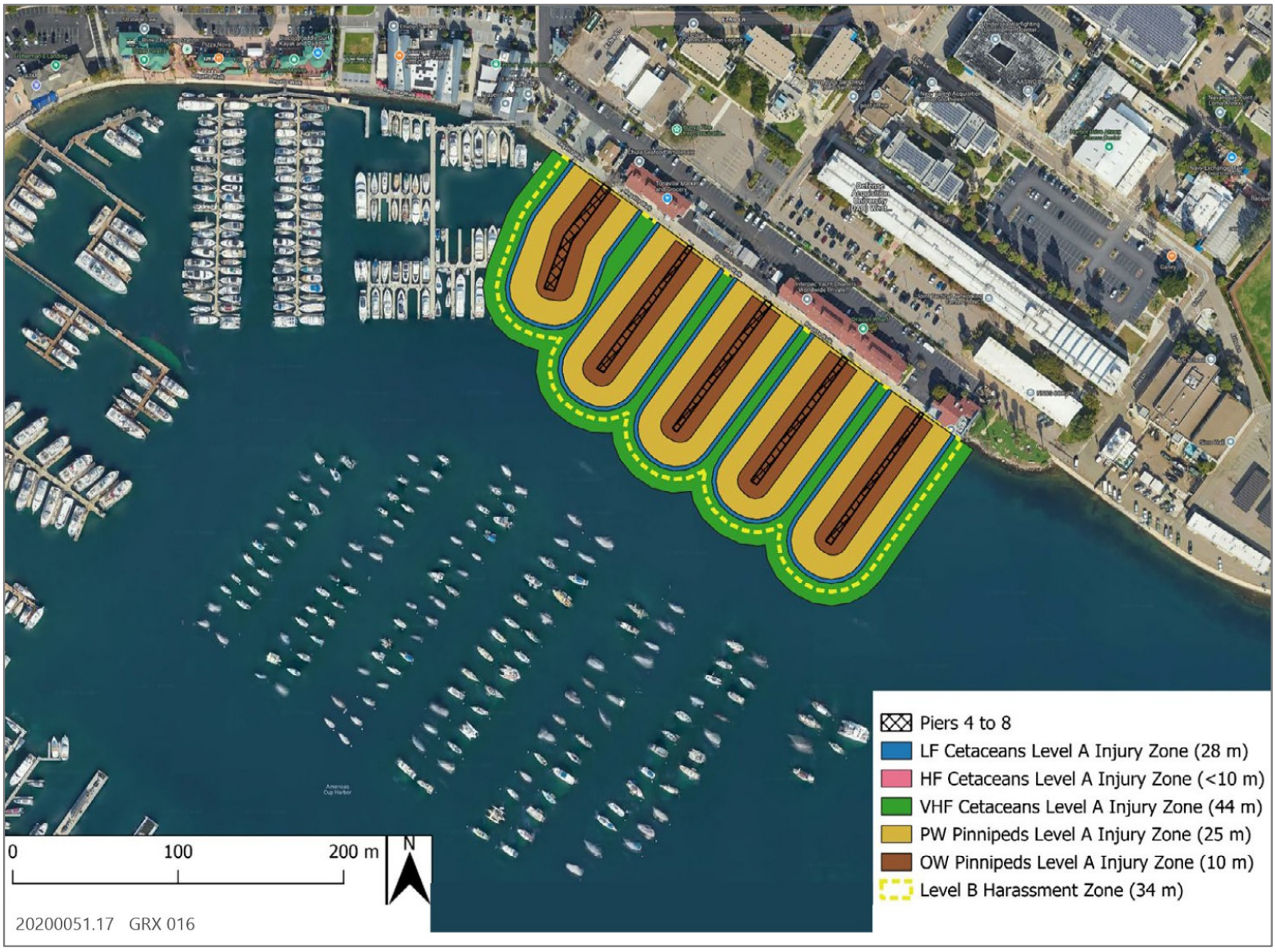
| Method | Pile Size/Type | Piles per Day | No. of Strikes per Pile[b] | Condition | Species/Hearing Group | Applicable Threshold | Distance to Threshold |
|---|---|---|---|---|---|---|---|
| Impact | 16-inch Round Concrete | 6 | 95 | Unattenuated with No Jetting | Low Frequency Cetaceans | 183 dB $SEL_{cum}$ | 66 ft |
| | | | | | High Frequency Cetaceans | 193 dB $SEL_{cum}$ | —[a] |
| | | | | | Very High Frequency Cetaceans | 159 dB $SEL_{cum}$ | 102 ft |
| | | | | | Phocid Pinnipeds | 183 dB $SEL_{cum}$ | 58 ft |
| | | | | | Otariid Pinnipeds | 185 dB $SEL_{cum}$ | —[a] |
| | | | | Unattenuated with Jetting | Low Frequency Cetaceans | 183 dB $SEL_{cum}$ | 51 ft |
| | | | | | High Frequency Cetaceans | 193 dB $SEL_{cum}$ | —[a] |
| | | | | | Very High Frequency Cetaceans | 159 dB $SEL_{cum}$ | 79 ft |
| | | | | | Phocid Pinnipeds | 183 dB $SEL_{cum}$ | 45 ft |
| | | | | | Otariid Pinnipeds | 185 dB $SEL_{cum}$ | —[a] |
| Impact | 24-inch Round Concrete | 4 | 145 | Unattenuated with No Jetting | Low Frequency Cetaceans | 183 dB $SEL_{cum}$ | 227 ft |
| | | | | | High Frequency Cetaceans | 193 dB $SEL_{cum}$ | —[a] |
| | | | | | Very High Frequency Cetaceans | 159 dB $SEL_{cum}$ | 351 ft |
| | | | | | Phocid Pinnipeds | 183 dB $SEL_{cum}$ | 202 ft |
| | | | | | Otariid Pinnipeds | 185 dB $SEL_{cum}$ | 75 ft |
| | | | | Unattenuated with Jetting | Low Frequency Cetaceans | 183 dB $SEL_{cum}$ | 159 ft |
| | | | | | High Frequency Cetaceans | 193 dB $SEL_{cum}$ | —[a] |
| | | | | | Very High Frequency Cetaceans | 159 dB $SEL_{cum}$ | 246 ft |
| | | | | | Phocid Pinnipeds | 183 dB $SEL_{cum}$ | 141 ft |
| | | | | | Otariid Pinnipeds | 185 dB $SEL_{cum}$ | 53 ft |
| **Level B Harassment** | | | | | | | |
| Impact | 12-inch Square Concrete | 4 | 240 | Unattenuated with No Jetting | All Groups | 160 dB RMS | 112 ft |
| | | | | Unattenuated with Jetting | All Groups | 160 dB RMS | |
| Impact | 16-inch Round Concrete | 6 | 95 | Unattenuated with No Jetting | All Groups | 160 dB RMS | 112 ft |
| | | | | Unattenuated with Jetting | All Groups | 160 dB RMS | |
| Impact | 24-inch Round Concrete | 4 | 145 | Unattenuated with No Jetting | All Groups | 160 dB RMS | 961 ft |
| | | | | Unattenuated with Jetting | All Groups | 160 dB RMS | |

Notes: dB = decibels, Peak = peak sound pressure, SEL = sound exposure level, cum = accumulation period, and RMS = root-mean-square.

[a] Within the near-field of the sound source <33 ft.

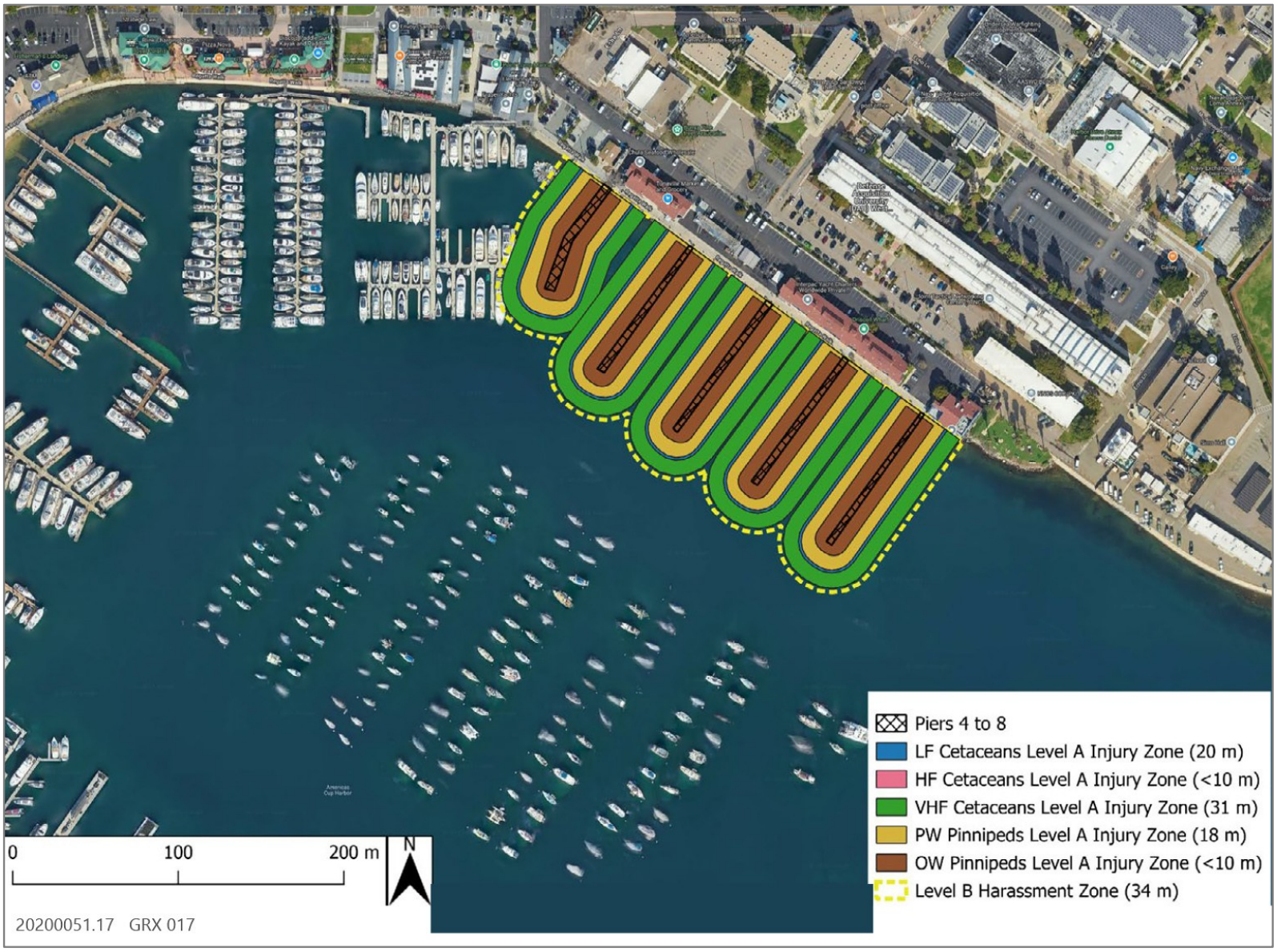
[b] Assumes a worst-case scenario where only an impact hammer is used and no jetting is permitted. If jetting is performed, substantially fewer pile strikes would be needed. This would reduce the impact zones for marine mammals that are based on cumulative SEL values.

Source: Appendix E.



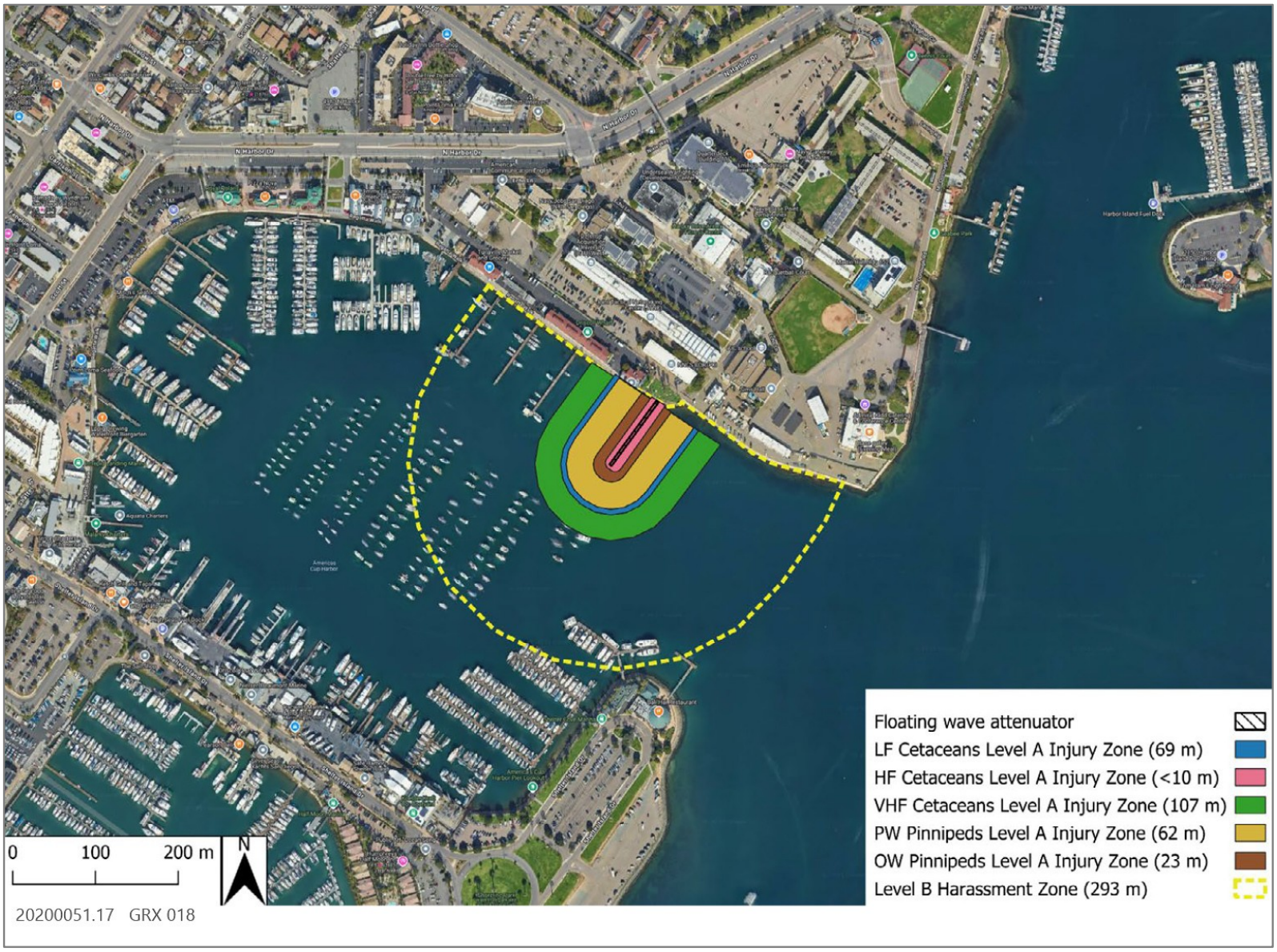

Source: MTS 2025.

**Figure 3.2-2. Maximum Extent of Marine Mammal Impacts for Impact Driving of 12-Inch Concrete Piles (Note: with jetting, these zones would be 30 to 50 percent smaller)**




Source: MTS 2025.

**Figure 3.2-3. Maximum Extent of Marine Mammal Impacts for Impact Driving of 16-Inch Concrete Piles (Note: with jetting, these zones would be 30 to 50 percent smaller)**




Source: MTS 2025.

**Figure 3.2-4. Maximum Extent of Marine Mammal Impacts for Impact Driving of 24-Inch Concrete Piles (Note: with jetting, these zones would be 40 percent smaller)**

Distances to the applicable noise thresholds to for fish were also calculated. Isopleth distances calculated to be within the range of established sound thresholds for fish are summarized in Table 3.2-9 and are illustrated in Figures 3.2-5 through 3.2-7. The prediction that sounds would extend out to these distances applies to waters that have clear line of sight to the construction activity. Impact pile driving activity associated with the Waterside Redevelopment Component could generate noise levels that would have the potential to affect fish, if present within the distances shown in Table 3.2-9. These impacts would be dependent on the type of pile driving activity being performed and the size of the fish affected.

## Table 3.2-9. Distance to Adopted Fish Thresholds

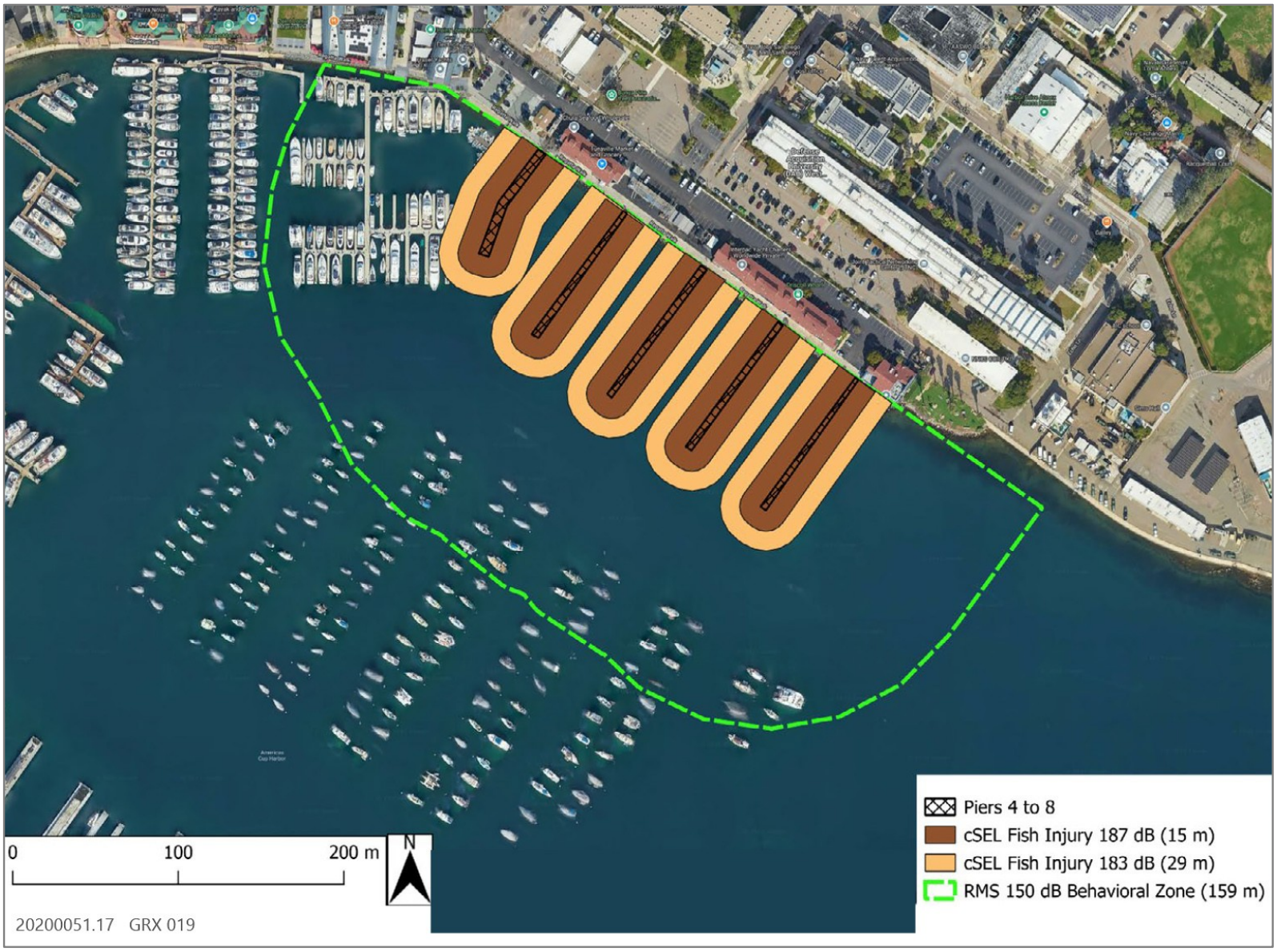
| Method | Pile Size/Type | Piles per Day | No. of Strikes per Pile[a] | Condition | Fish Size | Applicable Threshold | Distance to Threshold |
|---|---|---|---|---|---|---|---|
| Impact | 12-inch Square Concrete | 4 | 240 | Unattenuated with No Jetting | All sizes | Peak 206 dB | —[b] |
| | | | | | All sizes | RMS 150 dB | 520 ft |
| | | | | | All sizes | 203 dB $SEL_{cum}$ | —[b] |
| | | | | | >2g | 187 dB SELcum | 51 ft |
| | | | | | <2g | 183 dB SELcum | 94 ft |
| | | | | Unattenuated with Jetting | All sizes | Peak 206 dB | —[b] |
| | | | | | All sizes | RMS 150 dB | 520 ft |
| | | | | | All sizes | 203 dB $SEL_{cum}$ | —[b] |
| | | | | | >2g | 187 dB SELcum | 32 ft |
| | | | | | <2g | 183 dB SELcum | 59 ft |
| Impact | 16-inch Round Concrete | 6 | 95 | Unattenuated with No Jetting | All sizes | Peak 206 dB | —[b] |
| | | | | | All sizes | RMS 150 dB | 520 ft |
| | | | | | All sizes | 203 dB $SEL_{cum}$ | —[b] |
| | | | | | >2g | 187 dB SELcum | 36 ft |
| | | | | | <2g | 183 dB SELcum | 66 ft |
| | | | | Unattenuated with Jetting | All sizes | Peak 206 dB | —[b] |
| | | | | | All sizes | RMS 150 dB | 520 ft |
| | | | | | All sizes | 203 dB $SEL_{cum}$ | —[b] |
| | | | | | >2g | 187 dB SELcum | 28 ft |
| | | | | | <2g | 183 dB SELcum | 51 ft |
| Impact | 24-Inch Round Concrete | 4 | 145 | Unattenuated with No Jetting | All sizes | Peak 206 dB | —[b] |
| | | | | | All sizes | RMS 150 dB | 4,460 ft |
| | | | | | All sizes | 203 dB $SEL_{cum}$ | —[b] |
| | | | | | >2g | 187 dB SELcum | 124 ft |
| | | | | | <2g | 183 dB SELcum | 228 ft |
| | | | | Unattenuated with Jetting | All sizes | Peak 206 dB | —[b] |
| | | | | | All sizes | RMS 150 dB | 4,460 ft |
| | | | | | All sizes | 203 dB $SEL_{cum}$ | —[b] |
| | | | | | >2g | 187 dB SELcum | 87 ft |
| | | | | | <2g | 183 dB SELcum | 160 ft |

Notes: dB = decibels, Peak = peak sound pressure, SEL = sound exposure level, cum = accumulation period, and RMS = root-mean-square.

[a] Assumes a worst-case scenario where only an impact hammer is used and no jetting is permitted. If jetting is performed, substantially fewer piles strikes would be needed. This would reduce the impact zones for fish that are based on Cumulative SEL values.

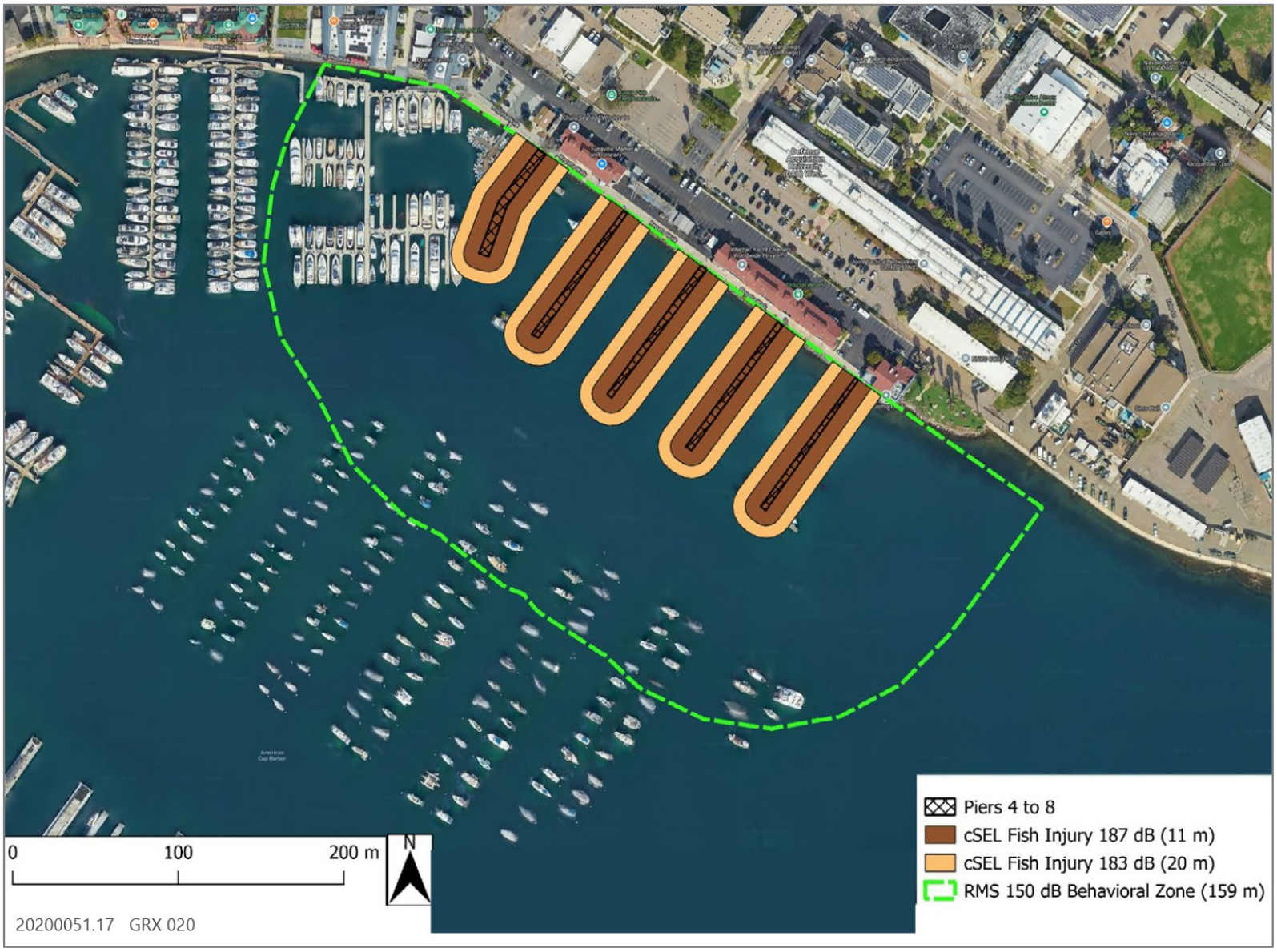
[b] Within the near-field of the sound source < 33 ft.

Source; Appendix F.




Source: MTS 2025.

**Figure 3.2-5. Maximum Extent of Fish Impacts for Impact Driving of 12-Inch Concrete Piles (Note: with jetting, these zones would be 30 to 50 percent smaller)**




Source: Illingworth & Rodkin 2025.

**Figure 3.2-6. Maximum Extent of Fish Impacts for Impact Driving of 16-Inch Concrete Piles (Note: with jetting, these zones would be 30 to 50 percent smaller)**

Source: Illingworth & Rodkin 2025.

**Figure 3.2-7. Maximum Extent of Fish Impacts for Impact Driving of 24-Inch Concrete Piles (Note: with jetting, these zones would be 30 to 50 percent smaller)**

Distances to the applicable onset of AUD INJ and behavioral disturbance thresholds for green sea turtles were also calculated. Isopleth distances calculated to be within the range of established sound thresholds behavioral disturbance of green sea turtles are summarized in Table 3.2-10 and are illustrated in Figures 3.2-8 through 3.2-10. The prediction that sounds would extend out to these distances applies to waters that have clear line of sight to the construction activity. Impact pile driving activity associated with the Waterside Redevelopment Component could generate noise levels that would have the potential to result in AUD INJ or behavioral disturbance for green sea turtle, if present within the distances shown in Table 3.2-10. These impacts would be dependent on the type of activity being performed.

As described above, noise related impacts including auditory injury and/or behavioral disturbance could occur to marine mammals, fish, and green sea turtle, if present within the calculated isopleth distances for applicable thresholds shown in Tables 3.2-7 through 3.2-10 (**Impact-BIO-3**). Noise impacts to special-status marine mammals, fish, and green would be significant.

## Table 3.2-10. Distance to Green Sea Turtle Thresholds

| Method | Pile Size/Type | Piles per Day | No. of Strikes per Pile[c] | Condition | Applicable Threshold | Distance to Threshold[d] |
|---|---|---|---|---|---|---|
| **AUD INJ Onset** | | | | | | |
| Impact | 12-inch Square Concrete | 4 | 240 | Unattenuated with No Jetting | 230 dB Peak | 0 ft |
| | | | | | 184 dB $SEL_{cum}$[a] | 80 ft |
| | | | | Unattenuated with Jetting | 230 dB Peak | 0 ft |
| | | | | | 184 dB $SEL_{cum}$[a] | 50 ft |
| Impact | 16-inch Round Concrete | 6 | 95 | Unattenuated with No Jetting | 230 dB Peak | 0 ft |
| | | | | | 184 dB $SEL_{cum}$[a] | 56 ft |
| | | | | Unattenuated with Jetting | 230 dB Peak | 0 ft |
| | | | | | 184 dB $SEL_{cum}$[a] | 43 ft |
| Impact | 24-inch Round Concrete | 4 | 145 | Unattenuated with No Jetting | 230 dB Peak | 0 ft |
| | | | | | 184 dB $SEL_{cum}$[a] | 195 ft |
| | | | | Unattenuated with Jetting | 230 dB Peak | 0 ft |
| | | | | | 184 dB $SEL_{cum}$[a] | 137 ft |
| **Onset of Behavioral Disturbance** | | | | | | |
| Impact | 12-inch Square Concrete | 4 | 240 | Unattenuated with No Jetting | 175 dB RMS[a] | —[b] |
| | | | | Unattenuated with Jetting | 175 dB RMS[a] | —[b] |
| Impact | 16-inch Round Concrete | 6 | 95 | Unattenuated with No Jetting | 175 dB RMS[a] | —[b] |
| | | | | Unattenuated with Jetting | 175 dB RMS[a] | —[b] |
| Impact | 24-inch Round Concrete | 4 | 145 | Unattenuated with No Jetting | 175 dB RMS[a] | 96 ft |
| | | | | Unattenuated with Jetting | 175 dB RMS[a] | 96 ft |

Notes: dB = decibels, Peak = peak sound pressure, SEL = sound exposure level, cum = accumulation period, and RMS = root-mean-square.

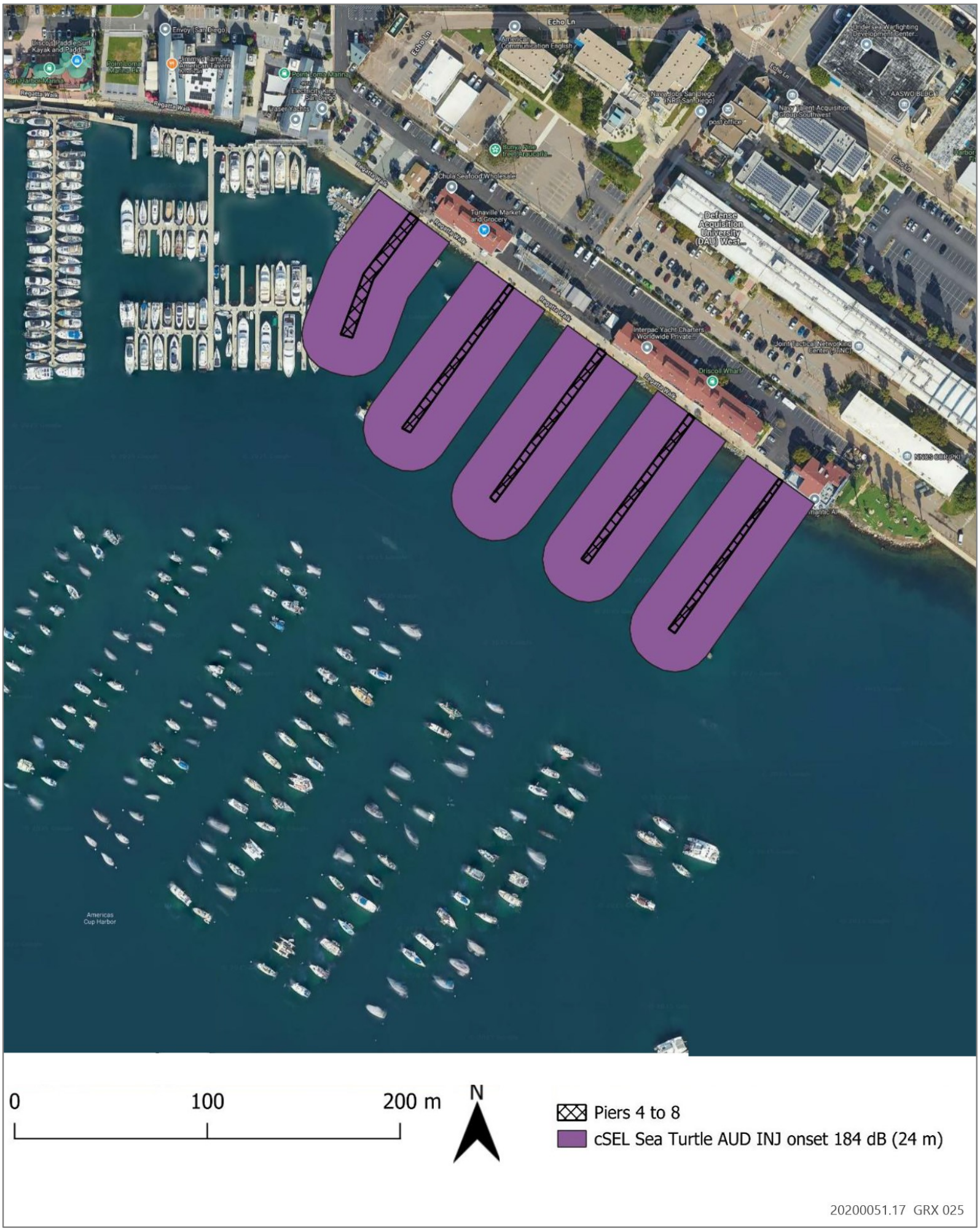
[a] For impulsive sound sources

[b] Within the near-field of the sound source < 33 ft.

[c] Assumes a worst-case scenario where only an impact hammer is used and no jetting is permitted. If jetting is performed, substantially fewer pile strikes would be needed.

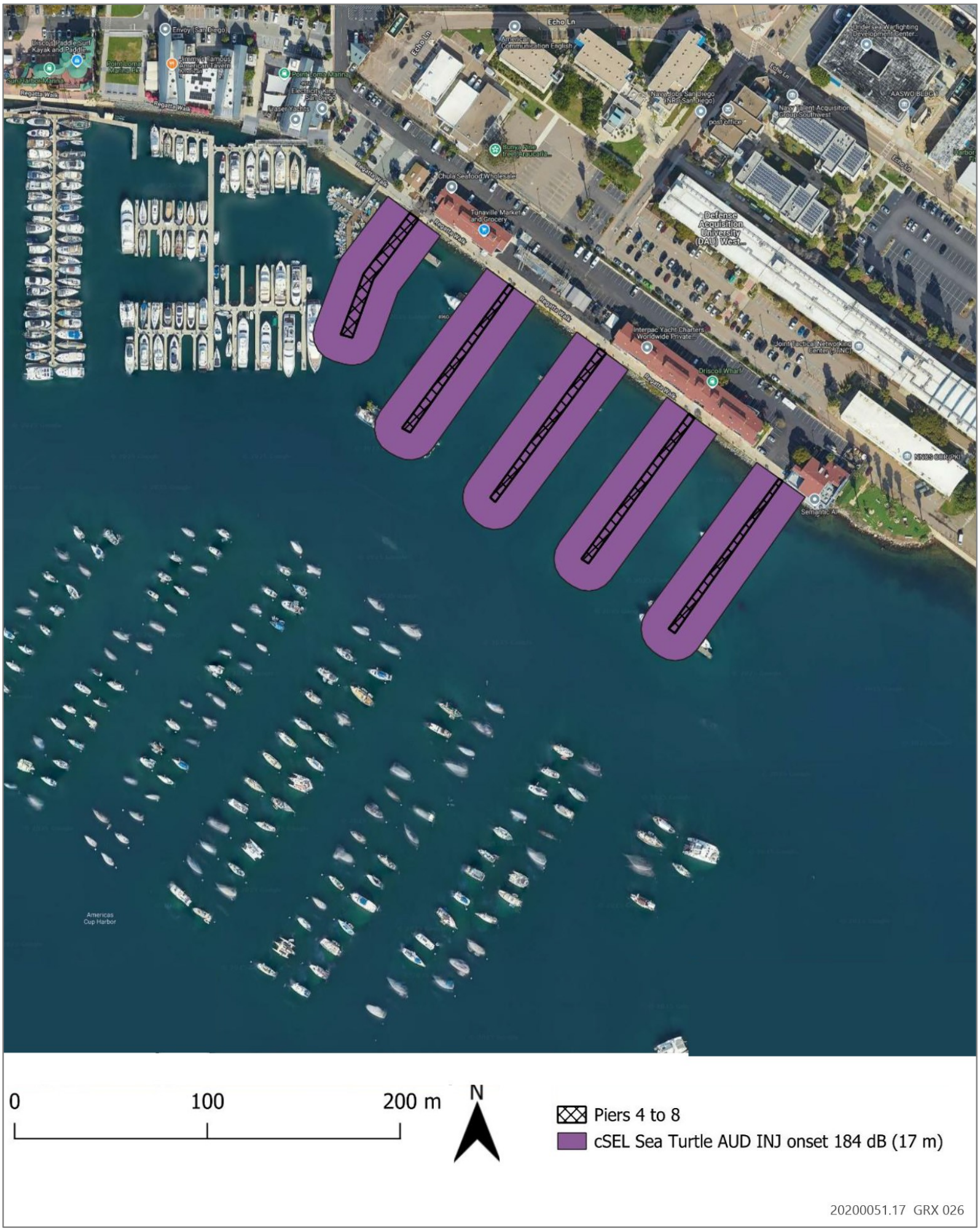
[d] The farther the distance to the threshold, the greater the area of potential effect. A value of 0 ft means that there is no area that would reach underwater noise levels in excess of the threshold, whereas a value of 195 ft would indicate that underwater noise levels would exceed the threshold out to a distance of 195 ft. As such, the higher the value, the larger the area of potential effect.

Source: Appendix F.



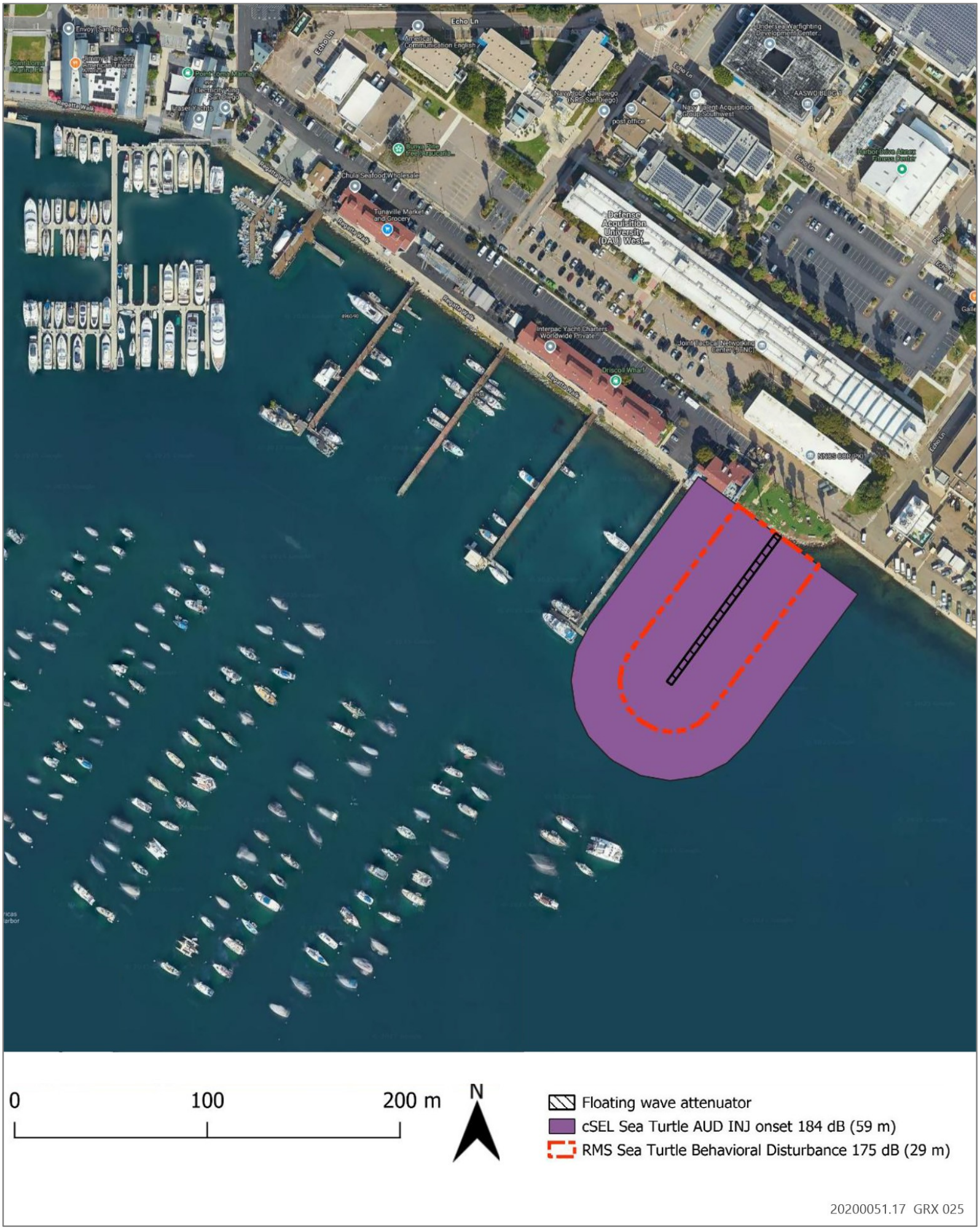

Source: Illingworth & Rodkin 2025.

**Figure 3.2-8. Maximum Extent of Sea Turtle Impacts for Impact Driving of 12-Inch Concrete Piles (Note: with jetting, these zones would be 30 to 50 percent smaller)**




Source: Illingworth & Rodkin 2025.

**Figure 3.2-9. Maximum Extent of Sea Turtle Impacts for Impact Driving of 16-Inch Concrete Piles (Note: with jetting, these zones would be 30 to 50 percent smaller)**




Source: Illingworth & Rodkin 2025.

**Figure 3.2-10. Maximum Extent of Sea Turtle Impacts for Impact Driving of 24-Inch Concrete Piles (Note: with jetting, these zones would be 40 percent smaller)**

Potential noise-related impacts to marine mammals, fish, and green sea turtle (**Impact-BIO-3**) from primarily the Waterside Redevelopment Component, but also from in-water work associated with the Demolition Component, would be minimized through implementation of **MM-BIO-3**. **MM-BIO-3** would require a qualified biologist, retained by the project proponents and approved by the District, to monitor an impact radius, based on the distances in Tables 3.2-7 through 3.2-10 of the EIR, around the active pile installation areas to ensure that special status species are not present. If the qualified biologist observes any special-status species 15 minutes prior to the start of pile driving, during pile driving, or during pile removal using a vibratory method, the biological monitor shall immediately notify the contractor that pile driving or pile removal activities either not be initiated or temporarily cease until the protected species has moved outside of the zone of influence on their own. The biological monitor shall have the authority to stop work at any time due to observed species behavior or uncertainty regarding potential harm to a species due to pile driving or pile removal activities or noise generated from the activity. In addition, "shutdown zones" for special-status marine species shall be established based on the distances to thresholds included in Tables 3.2-7 through 3.2-10 of the EIR and if a special status marine species enters the shutdown zone during active pile driving, the biological monitor would stop pile driving until the species exists the shutdown zone. **MM-BIO-3** would also require that pile driving or pile removal activities only be conducted during daylight hours and would limit pile driving to 960 strikes in one day. In addition, the biological monitor would note observations of special-status species within the zone of influence and would maintain records of the species, date, and time of any special-status marine species sightings, as well as species behavior, and communications with the contractor during pile driving or pile removal. Copies of these records would be submitted to the District on a monthly basis during construction. Implementation of **MM-BIO-3** would reduce **Impact-BIO-3** to a less-than-significant level.

## Impacts on Special-Status Species from Increased Turbidity

Activities associated with the Demolition Component and the Waterside Redevelopment Component including pile removal and replacement could affect water quality from increased levels of turbidity in waters within San Diego Bay as a result of sediment displacement and incidental pollutant introduction. Increased turbidity could limit the ability of sensitive foraging species including birds, mammals, fish, and green sea turtle to locate food. Sediment displacement could occur during activities such as pile driving or pile removal, incidental vessel contact with bottom substrates, and by vessel propeller wash in shallow waters. Construction activities could potentially result in the inadvertent introduction of pollutants such as fuel, oil, and/or other industrial and mechanical fluids into the San Diego Bay, either from construction equipment use, landside construction vehicles, construction vessels, and from partially completed overwater structures that would further contribute to turbidity effects on foraging habitat. Therefore, impacts to special-status species from increased turbidity and resulting reduction in foraging habitat would be considered a significant impact (**Impact-BIO-4**).

Impacts of increased turbidity and reduced foraging habitat for special-status species (**Impact-BIO-4**) would be reduced through implementation of **MM-WQ-1**. This mitigation measure requires vessel operators to be instructed about the impacts of propeller wash as it relates to erosion of sediments and the suspension of fine particulates, thereby allowing vessel operators to adjust operations that lessen the impact. It also requires turbidity monitoring and requires deployment of silt curtains to restrict visible surface turbidity plumes to the area of construction. In addition, the proposed project would implement **MM-WQ-1** and **MM-WQ-2**, which require the implementation of BMPs during construction, including the deployment of silt curtains around demolition and pile installation and removal areas to minimize turbidity by limiting spread of sediments outside of specific work areas. Furthermore, to avoid and minimize incidental pollutant introduction that could increase turbidity within foraging habitat for special-status species, mitigation measures **MM-HAZ-1** through **MM-HAZ-12**, would be implemented by the proposed project. **MM-HAZ-1** through **MM-HAZ-12** would require implementation of a Soil and Groundwater Management Plan, consultation with the RWQCB to ensure that ground disturbance would not exacerbate any existing soil or groundwater contamination that may be present, implementation of procedures for prevention and containment of accidental leaks and spills, implementation of hazardous materials worker training, routine inspection of equipment, proper equipment instrumentation, use of oil/fuel spill kits, visual hazardous materials

monitoring, identification and compliance with barge loading procedures to prevent materials from falling into the water, cleanup of removed materials, and implementation of a sediment management program. Implementation of these mitigation measures would reduce **Impact-BIO-4** to less than significant.

Increased turbidity during construction could also indirectly impact special-status wildlife species due to a reduction in primary productivity of eelgrass habitat from reduced light availability, which could result in reduced food sources for all higher trophic levels. This impact is discussed in detail under Threshold 2, below.

### Impacts on California Least Tern from Overwater Structures

The Waterside Redevelopment Component would permanently increase total overwater coverage by an additional 19,003 square feet of overwater coverage compared to the existing project site's condition (see Table 2-6). Installation and use of overwater structures, including the revised slip mix proposed by the project would result in permanent reduction of potential open water foraging habitat for California least tern. Increased overwater coverage impacts on foraging habitat for California least tern is considered a significant impact (**Impact-BIO-5**).

To mitigate impacts on California least tern from reduced foraging habitat as a result of increased overwater coverage (**Impact-BIO-5**), the proposed project would implement **MM-BIO-4**. **MM-BIO-4** requires implementation of various strategies for mitigating impacts from overwater coverage such as removing existing overwater coverage elsewhere within San Diego Bay, restoring or creating an amount of wetland or eelgrass habitat within San Diego Bay equivalent to the proposed project's net increase in overwater coverage, or by purchasing appropriate credits from an approved mitigation bank if one is approved in the Coastal Zone. These measures can be implemented individually or in combination, as may be required by the applicable resource agencies (i.e., NMFS, USFWS, RWQCB, and/or USACE) during the permitting process to offset impacts from overwater coverage. Implementation of **MM-BIO-4** would reduce **Impact-BIO-5** to less than significant.

Increased overwater shading could also indirectly impact special-status wildlife species due to a reduction in primary productivity of eelgrass habitat from reduced light availability, which could result in reduced food sources for all higher trophic levels. This impact is discussed in detail under Threshold 2, below.

### Level of Significance Prior to Mitigation

Implementation of the proposed project would have a substantial adverse effect, either directly or indirectly through habitat modification, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the resource agencies. Potentially significant impacts include the following:

> **Impact-BIO-1: Impacts to Birds Protected Under the Migratory Bird Treaty Act from Nest Destruction or Disturbance (Demolition Component and Waterside Redevelopment Component).** The Demolition Component of the proposed project includes the removal of ornamental trees and demolition of Building E, which could result in direct impacts to nesting birds from destruction of active nests if present. Moreover, noise from construction activity associated with the Demolition Component and Waterside Redevelopment Component could impact species protected under the Migratory Bird Treaty Act if construction activities occur during the general avian nesting season (February 1 through September 15). This impact would be potentially significant.
>
> **Impact-BIO-2: Temporary Impacts on Foraging Behavior of California Least Tern from Construction Noise (Demolition Component and Waterside Redevelopment Component).** Construction activities associated with the Demolition Component and Waterside Redevelopment Component could result in noise generation that disrupts the foraging behavior of California least tern if construction occurs during the nesting season (April 1 through September 15). This impact would be potentially significant.

**Impact-BIO-3: Impacts on Mammals, Fish, and Green Sea Turtles from In-Water Construction Noise (Demolition Component and Waterside Redevelopment Component).** In-water construction associated with the Demolition Component and Waterside Redevelopment Component could generate enough underwater noise to physically injure or cause behavioral modification of marine mammals, sea turtles, and fishes from pile driving or pile removal occurring during demolition and construction. Any noise related impacts would be dependent on the type of activity being performed, the proximity to marine waters, and the biology of the considered species. In-water pile driving activity, particularly use of an impact hammer, could potentially generate enough underwater noise to injure or alter behavior for marine mammals, green sea turtles, and fishes. Other in-water activities such as pile removal using heavy machinery may also result in underwater noise levels that could result in behavioral changes. This impact would be potentially significant.

**Impact-BIO-4: Indirect Temporary Turbidity Impacts on Special-Status Species (Demolition Component and Waterside Redevelopment Component).** Construction activities associated with the Demolition Component and Waterside Redevelopment Component could increase levels of turbidity in waters within the Bay which could limit the ability of sensitive foraging species including birds, mammals, fish, and green sea turtles to locate food. The impact would be potentially significant.

**Impact-BIO-5: Overwater Shading Impacts on California Least Tern (Waterside Redevelopment Component).** The Waterside Redevelopment Component would result in an additional 19,003 square feet of overwater shading compared to the existing project site's condition. Installation and use of overwater structures, including the new floating wave attenuator, reconfiguration of piers, piles, and gangways, and the revised slip mix proposed by the proposed project, would result in permanent reduction of foraging habitat for California least tern. The impact would be potentially significant.

## Mitigation Measures

For **Impact-BIO-1:**

**MM-BIO-1: Implement Construction Measures to Avoid or Reduce Impacts on Special-Status Avian Species and Nesting Avian Species Protected Under the MBTA and CFGC (Demolition Component and Waterside Redevelopment Component).** To avoid impacts to nesting birds protected under the MBTA and CFGC 3503.5 and 3513, the project proponents shall implement the following measures ~~during~~ prior to and during demolition and construction activities and/or tree trimming or removal activities that occur during the general avian nesting season (February 1-September 15)~~.~~: The project proponents shall also implement the following measures prior to and during demolition and construction activities and/or tree trimming or removal activities that occur outside the general avian nesting season (September 16-January 31) if determined to be required by the District's Environmental Conservation Department. The project proponent shall submit any proposed demolition and construction activities and/or tree trimming or removal activities at least 30 calendar days prior to start of any such activities to the District's Environmental Conservation Department for review and determination by a qualified biologist:

1. The project proponents shall retain a qualified biologist which has at least three years of demonstrated field experience monitoring sensitive avian species in the Southern California coastal environments.
2. The qualified biologist shall conduct a nesting bird survey of the project site plus a 500-foot buffer within 10 days or less from the start of demolition or construction activity to determine if any active nests are present in the survey area. The survey shall occur between sunrise and 12:00 p.m. when birds are the most active.

3. Following the nesting bird survey, the qualified biologist shall prepare and submit to the District a letter report documenting the results of the survey.
4. If there is a delay of more than 10 days between when the nesting bird survey is performed and noise-generating construction activities begin, the qualified biologist shall re-survey to confirm that no new nests have been established.
5. If no sign of nesting activity is observed by the qualified biologist, construction may proceed without potential impacts to nesting birds.
6. If the results of the nesting bird survey confirm nesting of a migratory species within a tree to be removed or a structure to be demolished, tree removal or demolition of the structure would be prohibited until the nest has fledged young or is no longer active, as determined by the qualified biologist.
7. If the results of the nesting bird survey confirm nesting of a migratory species within the project site or within the 500-foot buffer, the biologist shall establish an appropriate no-disturbance buffer around the nest. The size of the no-disturbance buffer shall be determined by the qualified biologist based on the sensitivity of the species, proximity to project activities, and the type of demolition or construction activity proposed. Project activities may only encroach into this avoidance buffer with approval from the qualified biologist and the no-disturbance buffer shall remain in-place until the nest has fledged young or is no longer active, as determined by the qualified biologist.
8. The qualified biologist shall conduct onsite construction monitoring of any active nests at intervals deemed necessary by the qualified biologist to ensure that unauthorized activities do not encroach into the no-disturbance buffer and to ensure that nesting birds are not disturbed directly or indirectly by demolition or construction activities.
9. If the qualified biologist determines that nesting behavior is altered, they shall have the authority to halt all demolition or construction activities that may be altering nesting behaviors and to recommend best noise reduction practices to avoid continued disruption. The project proponents shall implement actions recommended by the qualified biologist and approved by the District to reduce noise levels or other disturbance to nesting. If the qualified biologist determines that the noise cannot be attenuated or disturbance avoidance cannot be achieved using best practices, project activities must cease until such time that adequate noise attenuation and/or disturbance avoidance is achieved, or nesting is complete.

For **Impact-BIO-2**:

**MM-BIO-2: Implement Construction Measures to Avoid or Reduce Noise-Related Foraging Impacts on California Least Tern (Demolition Component and Waterside Redevelopment Component).** If impact pile installation, or vibratory pile installation or removal, and/or jetting activities occur during the California least tern breeding season (April 1 through September 15), the project proponents shall retain a qualified biologist (defined under **MM-BIO-1**) to monitor during in-water impact hammer pile installation, vibratory pile installation or removal, and/or jetting activities and shall take specific actions, as approved by the District, to reduce or temporarily stop noise-producing activities if the qualified biologist identifies that the activities are impacting the foraging behavior of special-status avian species.

These actions shall include the following:

1. For all pile driving or pile removal activities performed during the California least tern nesting season (April 1 through September 15), a qualified biologist shall be onsite to monitor foraging activities of any California least terns or other special-status avian species with potential to occur within the project site plus a 100-foot buffer. If any California least terns (or other special-status avian species)

are observed within the project site or within 100 feet of the project site, the qualified biologist shall have the authority to halt or modify pile driving activity to ensure foraging behavior is not altered by construction. Work modifications that may limit pile driving noise impacts may include:

a. Reducing the intensity/frequency of pile driving.

b. Placing sound dampening panels on pile driving equipment.

c. Restricting pile driving to periods when special-status avian species are not present.

d. Other noise attenuating methods identified in MM-NOI-1 (Waterside Redevelopment Component only).

For **Impact-BIO-3**:

**MM-BIO-3: Implement Construction Noise Measures to Avoid or Reduce Impacts to Special-Status Marine Mammals, Fish, and Green Sea Turtle (Demolition Component and Waterside Redevelopment Component).** Prior to and during in-water construction activities associated with the Demolition Component and Waterside Redevelopment Component involving in-water impact hammer pile installation, vibratory pile removal, and/or jetting, the project proponents shall implement marine mammal, green sea turtle, and fishes noise reducing measures, which shall include the following requirements:

1. For a period of 15 minutes prior to the start of in-water construction, a qualified biologist, retained by the project proponents and approved by the District, shall monitor an impact radius around the active pile installation areas to ensure that special-status marine mammal species and green sea turtle are not present. The qualified biologist must meet the minimum requirements as defined by the NOAA's *Guidance for Developing a Marine Mammal Monitoring Plan* (2022). The impact radius shall be established by determining the largest zone of influence for marine mammals and green sea turtle associated with in-water construction activities occurring that workday (Zone of Influence is the area that extends out to Level B harassment area indicated in Tables 3.2-7, 3.2-8, and 3.2-10 of the EIR).

2. If the qualified biologist observes any special-status species prior to starting pile installation or removal, the project proponents shall not start work until the special-status species has left the area to be affected. Exceptions may apply if an Incidental Harassment Authorization (IHA) is obtained from NOAA, in which case the IHA will identify those exceptions.

3. Pile driving and removal activities shall only be conducted during daylight hours when biological monitors can visually observe marine mammals and/or green sea turtle.

4. Pile driving shall not exceed a total of 960 strikes in 1 day.

5. In-water pile driving shall begin with soft starts in accordance with Section 4.5 of the District's Best Management Practices and Environmental Standards for Overwater Structural Repair and Maintenance Activities for Existing Port Facilities Conducted by the San Diego Unified Port District (District 2019), gradually increasing the force of the pile driving.

6. Monitoring by the biological monitor during pile driving using an impact hammer ~~and/or pile removal~~ is required to the distances identified in Tables 3.2-7, 3.2-8, and 3.2-10 of the EIR.

7. The biological monitor shall note observations of the presence of special-status marine species, including green sea turtles and marine mammals (including hauled out marine mammals), within the zone of influence (see Tables 3.2-7, 3.2-8, and 3.2-10 of the EIR). The biological monitor shall observe the site for 15 minutes prior to all pile driving or vibratory pile removal activities and

during all pile driving or vibratory pile removal activities. If special-status marine mammals (including hauled out marine mammals) or green sea turtles are observed within the zone of influence, during or 15 minutes before pile driving or vibratory pile removal, the biological monitor shall immediately notify the contractor that pile driving or vibratory pile removal either not be initiated or temporarily cease until the protected species have moved outside of the zone of influence on their own. The biological monitor shall have the authority to stop work at any time due to observed species behavior or uncertainty regarding potential to harm a species due to pile driving or vibratory pile removal activities or noise generated from the activity.

8. "Shutdown zones" for special-status mammals or green sea turtle shall be established based on distances to thresholds included in Tables 3.2-7, 3.2-8, and 3.2-10 of the EIR. If a special-status marine mammal or green sea turtle enters the shutdown zone during active pile driving, the biological monitor shall stop pile driving until the species exits the shutdown zone.

9. If weather or sea conditions restrict the biological monitor's ability to observe special-status marine species within the zone of influence, then pile driving activities shall cease until conditions improve.

10. The biological monitor shall maintain records of the species, date, and time of any special-status marine species sightings, as well as species behavior, and communications with the contractor during pile driving or pile removal. The biological monitor shall submit copies of these records to the District on a monthly basis during construction.

For **Impact-BIO-4:**

Implement **MM-HAZ-1** through **MM-HAZ-12 (Demolition Component)** and **MM-HAZ-1** through **MM-HAZ-9** and **MM-HAZ-11 (Waterside Redevelopment)**, as discussed in Section 3.6, *Hazards and Hazardous Materials*.

Implement **MM-WQ-1** and **MM-WQ-2**, as discussed in Section 3.7, *Hydrology and Water Quality*.

For **Impact-BIO-5**:

**MM-BIO-4: Implement Overwater Coverage Mitigation for Impacts on Foraging Habitat in Coordination with the Appropriate Resource Agencies and the District (Waterside Redevelopment Component).** To reduce the impact associated with the loss of open water foraging habitat for California least tern, prior to the commencement of construction activities associated with the Waterside Redevelopment Component that may result in overwater coverage, the project proponent shall comply with the following:

1. The project proponent shall obtain permits with the RWQCB, and/or USACE, in coordination with NMFS and FWS.

2. The project proponent shall secure all applicable permits for the mitigation of overwater coverage prior to commencement of waterside construction and shall comply with all permit requirements during and after waterside construction. One or more of the appropriate permitting agencies may require additional conditions of approval or greater mitigation than specified in this mitigation measure.

3. The project proponent shall commit to implementation of one of the following mitigation options, or a combination thereof, as determined by the District prior to the issuance of a CDP for the proposed project. The mitigation option(s) chosen by the project proponent shall be made a condition to the CDP. These mitigation options provide the minimum mitigation for overwater coverage impacts.

a. Remove an amount of existing overwater coverage within San Diego Bay that is equivalent to the proposed project's net increase in overwater coverage. This would replace the area affected by the proposed project at a 1:1 mitigation ratio, subject to the District's review and approval.

b. Restore or create an amount of open water California least tern foraging habitat (i.e., wetland or eelgrass habitat) within San Diego Bay equivalent to the proposed project's net increase in overwater coverage at a suitable location within San Diego Bay, at a 1:1 ratio ~~for wetlands and a 1:1 ratio for eelgrass consistent with the CEMP~~, which would offset the net increase in overwater coverage by improving the habitat structure and primary productivity at the restoration site. ~~(Note, the 1:1 ratio is suitable mitigation for open water impacts. A 1.2:1 ratio is appropriate for impacts on eelgrass as identified in MM-BIO-5).~~ The restoration or creation of wetland or eelgrass habitat shall require the project proponents to prepare a mitigation plan for the District's review and approval. The mitigation plan at a minimum shall include a description of the restoration site, mitigation requirements, planting plan (e.g., transplant sites, donor sites, reference site), restoration methods (e.g., plant collection or purchase, transplant units), timing of the restoration work, and a monitoring program to include mitigation success criteria. The project proponents shall secure all applicable permits and all applicable District Real Estate agreements for the mitigation site prior to commencement of construction. Additionally, all fill materials proposed for discharge into San Diego Bay for the development of the mitigation site shall meet the requirements of the USACE's Evaluation of Dredged Material Proposed for Discharge in Waters of the United States – Testing Manual (Inland Testing Manual).

c. If a suitable mitigation bank within the Coastal Zone that is not yet available becomes available in the future, prior to construction of the proposed project, the project proponents may purchase mitigation credits to offset the net increase in overwater coverage.

d. Subject to the Board of Port Commissioners' approval and findings, the project proponent may purchase an amount of credits from the District's shading credit program established pursuant to BPC Policy 735 equivalent to that of the proposed project's final shading total (i.e., to the satisfaction of the appropriate resource agencies).

## Secondary Effects of Mitigation Measures

Based on the incorporation of **MM-WQ-1**, it is reasonably foreseeable that sediment remediation may be a potential condition from the RWQCB through the CWA Section 401 water quality certification, the coordination of which is addressed in **MM-WQ-1**. Since it is reasonably foreseeable that the placement of clean cover material or sediment remediation may be required, an analysis of the potential effects on special-status species associated with incorporation of **MM-WQ-1** is provided. Noise from any potential dredging and/or crane use for fill activities would be substantially lower than the noise levels modeled for pile driving. As such, underwater noise from sediment removal or placement of clean cover material would not result in significant noise levels that may have adverse effects on marine mammals, green sea turtle, or fishes. Placement of clean cover material or sediment remediation could impact special-status species as these activities could increase turbidity within the project site and may produce underwater noise. The exact sediment remediation area would be determined after RWQCB has completed its analysis of the existing sediment data. Impacts to special-status species would be significant without mitigation. Implementation of **MM-WQ-1,** which would require implementation of measures to reduce and avoid water quality impairment impacts associated with foraging habitat would reduce impacts to special-status species from increased turbidity, would reduce impacts to a less-than-significant level.

## Level of Significance After Mitigation

Implementation of **MM-BIO-1** would reduce **Impact-BIO-1** to a less-than-significant level by requiring nesting bird surveys, delineation of no-disturbance buffers, and alteration of construction activities, as necessary.

Implementation of **MM-BIO-2** would reduce **Impact-BIO-2** to a less-than-significant level by requiring construction monitoring. The monitor would have the ability to reduce or temporarily stop noise producing activities if those activities are determined by the monitor to impact foraging behavior of California least tern.

Implementation of **MM-BIO-3** would reduce **Impact-BIO-3** by requiring a biological monitor to be present during pile driving and pile removal activities. The biological monitor would monitor for a period 15 minutes prior to and during pile driving or pile removal activities and, if special-status marine species are observed within the zone of influence during or 15 minutes before pile driving or pile removal, the biological monitor would immediately notify the contractor that pile driving or pile removal either not be initiated or temporarily cease until the protected species have move out of the zone of influence on their own. The biological monitor may also halt pile removal activities if there is evidence of special-status marine species behavioral effects. In addition, **MM-BIO-3** requires pile driving to begin with soft starts to allow species to move away from the noise source.

Implementation of **MM-WQ-1**, **MM-WQ-2**, and **MM-HAZ-1** through **MM-HAZ-12** would reduce **Impact-BIO-4** to a less-than-significant level. **MM-WQ-1** requires vessel operators to be instructed about the impacts of propeller wash as it relates to erosion of sediments and the suspension of fine particulates, thereby allowing vessel operators to adjust operations that lessen the impact. **MM- WQ-1** also includes requirements for turbidity monitoring and deployment of silt curtains around in-water work areas. **MM-WQ-1** and **MM-WQ-2** require the development and implementation of a turbidity monitoring plan as well as implementation of water quality BMPs during construction, including the deployment of silt curtains around demolition and pile installation and removal areas to minimize turbidity by limiting spread of sediments outside of specific work areas. **MM-HAZ-1** through **MM-HAZ-12** require implementation of a Soil and Groundwater Management Plan; consultation with the RWQCB to ensure that soil and groundwater disturbance would not exacerbate any existing soil or groundwater contamination; implementation of procedures for prevention and containment of accidental leaks and spills; implementation of hazardous materials worker training; routine inspection of equipment; proper equipment instrumentation; use of oil/fuel spill kits; visual hazardous materials monitoring; identification and compliance with barge loading procedures to limit materials from falling into the water; cleanup of removed materials; and implementation of a sediment management program.

Implementation of **MM-BIO-4** would reduce **Impact-BIO-5** to a less-than-significant level by requiring implementation of offsets (e.g., applying mitigation ratios) for overwater coverage that can be implemented as a single measure or as a suite of measures, as may be required by the applicable resource agencies (i.e., NMFS, USFWS, RWQCB, and/or USACE) during the permitting process to offset impacts from overwater coverage.

## *Threshold 2: Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by NMFS, or USFWS?*

### Impact Discussion

The landside portion of the project site is entirely developed and does not contain any natural habitat. Therefore, no terrestrial sensitive natural communities or riparian habitat would be adversely affected by proposed project implementation.

#### Loss of Eelgrass Habitat

Eelgrass habitat, which comprises approximately 102,989 square feet of the marine habitat within the project site, is considered a sensitive habitat and is managed by NMFS as EFH. The eelgrass habitat within the project site is also classified as a HAPC, as defined by the Magnuson-Stevens Fishery Management and Conservation Act.

Proposed activities associated with the Demolition Component and the Waterside Redevelopment Component have the potential to have a substantial adverse effect on eelgrass. These activities include pile removal and replacement activities, installation of the new floating dock structure, and installation of a floating wave attenuator.

Demolition- and construction-related impacts associated with these proposed activities could result from increased turbidity of water due to the suspension of particles and/or incidental pollutant introduction. Increased turbidity would decrease light that penetrates to the seafloor and is necessary for photosynthesis. Furthermore, when suspended particles settle on primary producers such as periphyton, microalgae, and eelgrass, they can further prevent light from reaching plant cells. Additionally, any contact with the seafloor where eelgrass is present could directly dislodge and remove eelgrass and other vegetation. Therefore, in-water construction associated with the Demolition Component and Waterside Redevelopment Component would have the potential to significantly affect eelgrass through the direct loss of existing eelgrass (**Impact-BIO-6**).

Following implementation of the Waterside Redevelopment Component, the proposed project would result in an additional 19,003 square feet of permanent overwater shading compared to the existing project site's condition. Installation and use of permanent overwater structures would shade approximately 8,036 square feet of existing eelgrass resources, as shown in Figure 3.2-11. ~~Additionally, assuming all proposed slips were filled with vessels 100 percent of the time, the vessel berthing would shade 11,703 square feet of existing eelgrass resources, as shown in Figure 3.2-11.~~ Overwater shading would reduce primary productivity that has the potential to reduce total eelgrass cover within the project area. Reduced eelgrass would be considered a potentially significant impact (**Impact-BIO-6**).

**Impact-BIO-6** would be reduced through implementation of **MM-WQ-1**, **MM-WQ-2**, and **MM-HAZ-1** through **MM-HAZ-12**. **MM-WQ-1** would reduce construction turbidity impacts on eelgrass beds by requiring vessel operators to be instructed about the impacts of propeller wash as it relates to erosion of sediments and the suspension of fine particulates, thereby allowing vessel operators to adjust operations to lessen the impact, as well as requiring turbidity monitoring and the deployment of silt curtains to restrict visible surface turbidity plumes to the area of construction. **MM-WQ-1** and **MM-WQ-2** require the development and implementation of a turbidity monitoring plan as well as implementation of water quality BMPs during construction, including the deployment of silt curtains around demolition and pile installation and removal areas to minimize turbidity by limiting spread of sediments outside of specific work areas. **MM-HAZ-1** through **MM-HAZ-12** would require implementation of a Soil and Groundwater Management Plan; consultation with the RWQCB to ensure that soil and groundwater disturbance would not exacerbate any existing soil or groundwater contamination; implementation of procedures for prevention and containment of accidental leaks and spills; implementation of hazardous materials worker training; routine inspection of equipment; proper equipment instrumentation; use of oil/fuel spill kits; visual hazardous materials monitoring; identification and compliance with barge loading procedures to limit materials from falling into the water; cleanup of removed materials; and implementation of a sediment management program, all of which would avoid and minimize potential turbidity from incidental pollutant introduction.

To mitigate long-term impacts to eelgrass habitat from coverage of eelgrass, including from increased overwater shading (**Impact BIO-6**), **MM-BIO-5** would follow guidelines set by the CEMP (NMFS 2014). Pre- and post-construction eelgrass surveys would be required at the construction site and a suitable reference area. The final calculation of mitigation requirements should occur after the post-construction monitoring. Should losses to eelgrass occur, mitigation would be carried out in accordance with the CEMP. Mitigation by replanting or restoring eelgrass would follow the CEMP's eelgrass restoration ratio. Any implemented eelgrass mitigation site would be monitored for 5 years to ensure successful eelgrass establishment in accordance with the CEMP. Implementation of **MM-BIO-5**, **MM-WQ-1**, **MM-WQ-2**, and **MM-HAZ-1** through **MM-HAZ-12** would reduce **Impact-BIO-6** to a less-than-significant level.

N
Survey Area
New Dock Layout
New Slip Coverage
Habitat Types
Eelgrass (102,988 sq ft / 2.36 ac)
Unvegetated Eelgrass Habitat (75,895 sq ft / 1.74 ac)
Unvegetated Soft Bottom
Hard Substrate
Deleted
New Dock Impacts
Eelgrass Impacts (8,036 sq ft / 0.18 ac)
Unvegetated Eelgrass Habitat Impacts (4,663 sq ft / 0.11 ac)
Slip Impacts
Eelgrass Impacts (11,703 sq ft / 0.27 ac)
Unvegetated Eelgrass Habitat Impacts (18,408 sq ft / 0.42 ac)
0 50 100 200 Feet
20200051.17 GRX 023

Source: MTS 2025.

**Revised Figure 3.2-11. Overwater Shading Impacts Relative to Eelgrass**

### Loss of San Diego Bay Habitat from Increased Fill

The Waterside Redevelopment Component would increase the existing fill area by approximately 110~~131~~ square feet (see Table 2-6~~7~~). As noted in Section 30233 of the CCA, "[t]he diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions…where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects." The project site includes unvegetated shallow, vegetated shallow, and moderately deep subtidal habitat areas that could be impacted by fill associated with the proposed project. According to the San Diego Bay INRMP (2013), when compared to historic (1859) conditions, approximately 59 percent of both unvegetated and vegetated shallow subtidal habitat remain in the Bay. Objectives of the San Diego Bay INRMP are to conserve and enhance the attributes of unvegetated shallow and vegetated shallow subtidal sites that sustain a diverse and abundant invertebrate community, fish and wildlife foraging, nursery function for numerous fishes, as well as an ecological role in detritus-based food web support. Another objective of the San Diego Bay INRMP aims to conserve and enhance the attributes of moderately deep habitat that support diverse and abundant invertebrate forage for fishes and birds, as well as needed exchanges of energy, materials, and biota among habitats, in balance with the need for shallow and intertidal habitats. Due to the potential loss of marine habitats that are recommended for conservation and enhancement in San Diego Bay, some of which have been historically declining, the increase in fill that could occur in these habitats would be considered a significant impact (**Impact-BIO-7**).

Mitigation measure **MM-BIO-6** is required to ensure there would be no net increase in fill within the San Diego Bay. This mitigation measure requires the project proponents to obtain CWA 401, 404 and RHA 10 permits from the USACE and RWQCB in coordination with the appropriate resource agencies to secure all applicable permits for the mitigation of in-water fill prior to waterside construction. In addition, **MM-BIO-6** provides measures that increase the primary productivity and ecological value of other areas in San Diego Bay by removing cover or through the creation of habitat through purchasing mitigation bank credits. This measure requires the project proponents to implement one or more of the mitigation options identified in the measure to provide the minimum mitigation for in-water fill impacts at a 1:1 mitigation ratio. Implementation of **MM-BIO-6** would reduce **Impact-BIO-7** to a less-than-significant level.

## Level of Significance Prior to Mitigation

Implementation of the proposed project would have a substantial adverse effect, either directly or through habitat modifications, on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations or by CDFW, NMFS, or USFWS. Potentially significant impacts include the following.

> **Impact-BIO-6: Direct and Indirect Loss of Eelgrass Habitat (Demolition Component and Waterside Redevelopment Component).** Construction-related impacts associated with the Demolition Component and Waterside Redevelopment Component could result from increased turbidity from use of support vessels, equipment, and installation of structures and piles as well as incidental introduction of pollutants that could reduce primary productivity and result in reduced eelgrass cover within the project area, as suspended particles reduce water clarity and can reduce the light reaching plant and algae cells. Additionally, any contact with the seafloor where eelgrass is present could directly dislodge and remove eelgrass and other vegetation. The impact would be potentially significant.
>
> Additionally, the Waterside Redevelopment Component would permanently increase overwater coverage in the San Diego Bay by 19,003 square feet. Any increase in overwater coverage could reduce primary productivity and result in reduced eelgrass cover within the project area. The permanent loss of eelgrass habitat from overwater coverage and shading would be a significant impact.

**Impact-BIO-7: Loss of San Diego Bay Habitat from Increased Fill (Waterside Redevelopment Component).** The Waterside Redevelopment Component would increase existing fill area by approximately 110~~131~~ square feet. These fill impacts would occur in both vegetated and unvegetated shallow and moderately deep subtidal habitat areas. Due to the potential loss of marine habitats that are recommended for conservation and enhancement in San Diego Bay, some of which have been historically declining, the increase in fill would be considered a potentially significant impact.

## Mitigation Measures

For **Impact-BIO-6**:

Implement **MM-HAZ-1** through **MM-HAZ-12 (Demolition Component)** and **MM-HAZ-1** through **MM-HAZ-9** and **MM-HAZ-11 (Waterside Redevelopment)**, as discussed in Section 3.6, *Hazards and Hazardous Materials*.

Implement **MM-WQ-1** and **MM-WQ-2**, as discussed in Section 3.7, *Hydrology and Water Quality*.

**MM-BIO-5: Implement Eelgrass Mitigation and Monitoring in Compliance with the California Eelgrass Mitigation Policy (Demolition Component and Waterside Redevelopment Component).** Prior to and during the Demolition Component and Waterside Redevelopment Component, the project proponents shall comply with all requirements of the California Eelgrass Mitigation Policy (CEMP) (NMFS 2014) as it relates to any potential loss of eelgrass habitat. The project proponents shall retain a qualified marine biologist with at least four years of university training in marine biology or a related science and/or have at least three years of demonstrated field experience in the Southern California marine environment, to develop an eelgrass mitigation and monitoring plan in compliance with the CEMP. A qualified biologist with more than 10 years of experience monitoring for sensitive marine species in Southern California shall oversee the monitoring work. The mitigation and monitoring plan shall be submitted to the District and NMFS for approval prior to any in-water demolition and construction activities and shall be implemented to compensate for any loss of eelgrass. Specific requirements of this mitigation include the following:

1. Prior to the commencement of any in-water construction activities, a qualified marine biologist approved by the District shall conduct a preconstruction eelgrass survey. Surveys for eelgrass will be conducted during eelgrass growing season (March–October), and results will be valid for 60 days, unless completed in September or October; if completed in September or October, results will be valid until resumption of next growing season. The project proponents shall provide the preconstruction eelgrass survey to the District and the NMFS as well as regulatory points of contact for agencies that will be required to provide project permits such as the USACE and San Diego RWQCB.

2. Within 30 days of completion of in-water demolition and construction activities, a qualified marine biologist approved by the District shall conduct a post construction eelgrass survey during the active eelgrass growing season (March 1st – October 31st). If construction ends during the non-growing season (November 1 to February 28), the monitoring shall be delayed until the resumption of the growing season. The post-construction survey shall evaluate potential eelgrass impacts associated with demolition and construction. Upon completion of the postconstruction survey, the qualified marine biologist shall submit the survey report to the District and resource agencies within 30 days.

3. Post-construction surveys shall be compared to the pre-construction survey results to determine the potential loss of eelgrass habitat. If impacts on eelgrass are identified, the following shall be implemented:

a. A qualified marine biologist approved by the District shall develop an eelgrass mitigation plan for in-kind mitigation. The qualified marine biologist shall submit the mitigation plan to the District and NMFS within 60 days following the post-construction survey.

b. Mitigation for eelgrass impacts shall be at a ratio of no less than 1.2:1, as required by the CEMP.

c. Mitigation shall commence within 135 days of any noted impacts on eelgrass, such that mitigation commences within the same eelgrass growing season that impacts occur.

d. Upon completing mitigation, the qualified biologist shall conduct mitigation performance monitoring at performance milestones of 0, 12, 24, 36, 48, and 60 months.

e. The qualified biologist shall conduct all mitigation monitoring during the active eelgrass growing season and shall avoid the low growth season (November–February). Performance standards shall be in accordance with those prescribed in the CEMP.

f. The qualified biologist shall submit the monitoring reports and spatial data to the District and NMFS within 30 days after the completion of each monitoring period. The monitoring reports shall include all specific requirements identified in the CEMP.

g. Two years of annual post-construction eelgrass surveys shall be conducted. These surveys shall be conducted in compliance with the specific requirements included in the CEMP.

4. If impacts on eelgrass are detected during the two-year post-construction period, the project proponents shall provide additional mitigation for eelgrass impacts by transplanting eelgrass at a suitable restoration site at a ratio of 1.2:1. Conservative mitigation planning can avoid protracted mitigation and monitoring through planning for long-term impacts and providing eelgrass transplantation prior to monitoring and evaluation of all impacts.

For **Impact-BIO-7**:

**MM-BIO-6: Implement In-Water Fill Mitigation in Coordination with the Appropriate Resource Agencies and the District to Compensate for Permanent Loss of Unvegetated and Vegetated Shallow Habitat and Moderately Deep Subtidal Habitat Resulting from In-Water Fill (Waterside Redevelopment Component)**. Prior to commencement of construction activities associated with the Waterside Redevelopment Component that may result in in-water fill, the project proponent~~s~~ shall comply with the following:

1. The project proponent shall secure all applicable permits for the mitigation of in-water fill prior to commencement of waterside construction, including but not limited to a CWA Section 404 permit and Rivers and Harbors Act Section 10 permit from the USACE and a CWA Section 401 water quality certification from the RWQCB.

2. The project proponent shall implement one of the following mitigation options, or a combination thereof, to the satisfaction of the permitting agencies (USACE and RWQCB). These options provide the minimum mitigation for in-water fill impacts at a 1:1 mitigation ratio. One or more of the appropriate resource agencies may require additional or greater mitigation than specified in these mitigation options:

   a. Remove an amount of existing ~~overwater coverage~~ fill, including in-water derelict structures, or remove uplands to create water area within San Diego Bay that is equivalent to the proposed project's net increase in the area of in-water fill based on final construction plans. This would replace the area affected by the proposed project at a 1:1 mitigation ratio.

b. Purchase mitigation credits of in-kind habitat at a mitigation bank approved by the resource agencies to ensure no net-loss of bay waters due to fill impacts. Prior to any construction activity resulting in the fill impacts, the project proponent shall provide notice of credit purchase to the District and permitting agencies. Based on approved final construction plans, the mitigation credits shall compensate for the net increase of fill impacts at a 1:1 mitigation ratio.

## Level of Significance After Mitigation

Implementation of **MM-BIO-5**, **MM-WQ-1**, **MM-WQ-2**, and **MM-HAZ-1** through **MM-HAZ-12** would reduce **Impact-BIO-6** to a less-than-significant level by requiring the implementation of various measures to reduce turbidity from in-water construction, pre- and post-construction eelgrass surveys in accordance with the CEMP, and, in the event eelgrass is permanently impacted, requiring mitigation for eelgrass impacts at a ratio of no less than 1.2:1, as required by the CEMP. Therefore, implementation of **MM-BIO-5**, **MM-WQ-1**, **MM-WQ-2**, and **MM-HAZ-1** through **MM-HAZ-12** would reduce **Impact-BIO-6** to a less-than-significant level.

Implementation of **MM-BIO-6** would reduce **Impact-BIO-7** to a less-than-significant level by requiring the project proponents to secure all applicable permits for the mitigation of in-water fill prior to waterside construction. In addition, **MM-BIO-6** requires the project proponents to implement one of the mitigation options identified in the measure to provide the minimum removal of in-water fill to offset a project-related increase of in-water fill at a 1:1 mitigation ratio.

## Secondary Effects of Mitigation Measures

Based on the incorporation of **MM-WQ-1**, it is reasonably foreseeable that sediment remediation may be a potential condition from the RWQCB through the CWA Section 401 water quality certification, the coordination of which is addressed in **MM-WQ-1**. Because it is reasonably foreseeable that the placement of clean cover material or sediment remediation may be required, an analysis of the potential effects on eelgrass associated with incorporation of **MM-WQ-1** is provided. For purposes of analysis, a 111,451 square feet (sf) (2.56 acre) boundary for potential sediment remediation was evaluated for eelgrass impacts. Within this boundary, 102,989 sf (2.36 acre) of eelgrass resources were identified and 29,967 sf (0.68 acre) would be impacted by dredge/fill activities (See Appendix E). The exact sediment remediation area would be determined after RWQCB has completed its analysis of the existing sediment data. Based on the potential sediment remediation area evaluated, impacts on eelgrass would be significant without mitigation (**Impact-BIO-6**). However, implementation of eelgrass mitigation consistent with the CEMP, as required by **MM-BIO-5**, would reduce the sediment remediation impacts to eelgrass from implementation of **MM-WQ-1** to a less-than-significant level.

***Threshold 3: Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?***

## Impact Discussion

The terrestrial portion of the project site is completely developed and does not contain any natural habitat, including state or federally protected wetlands. The project site includes a portion of San Diego Bay, which is Waters of the United States regulated under Section 10 of the Rivers and Harbors Act and Waters of the State regulated under Section 401 of the CWA.

### Project-Related Impacts Within Waters of the US and State

The Demolition Component and the Waterside Redevelopment Component could result in water quality impacts and incidental introduction of pollutants to San Diego Bay which is considered Waters of the United States and Waters of the State. In addition, the Waterside Redevelopment Component would increase existing fill area by

approximately 110~~131~~ square feet (see Table 2-6~~7~~). Therefore, impacts to state or federally protected waters may be significant (**Impact-BIO-8**).

To address the potential for impacts on Waters of the United States and Waters of the State, the proposed project would implement **MM-BIO-6**, **MM-WQ-1**, **MM-WQ-2**, and **MM-HAZ-1** through **MM-HAZ-12**. **MM-WQ-1** requires that, during demolition and construction activities, vessel operators be instructed about the impacts of propeller wash as it relates to erosion of sediments and the suspension of fine particulates, thereby allowing vessel operators to adjust operations during demolition and construction activities to lessen the impact. The mitigation measure also requires turbidity monitoring and the implementation of silt curtains. **MM-BIO-6** requires the project proponents to obtain authorization from USACE pursuant to CWA Section 401/404 for increased fill. The proposed project would also require a CWA Section 401 water quality certification from the RWQCB. **MM-WQ-1** and **MM-WQ-2** require the implementation of BMPs during construction, including the deployment of silt curtains around demolition and pile installation and removal areas to minimize turbidity by limiting spread of sediments outside of specific work areas. Furthermore, mitigation measures **MM-HAZ-1** through **MM-HAZ-12** would require implementation of a Soil and Groundwater Management Plan, consultation with the RWQCB to ensure that soil and groundwater disturbance would not exacerbate any existing soil or groundwater contamination, implementation of procedures for prevention and containment of accidental leaks and spills, implementation of hazardous materials worker training, routine inspection of equipment, proper equipment instrumentation, use of oil/fuel spill kits, visual hazardous materials monitoring, identification and compliance with barge loading procedures to limit materials from falling into the water, cleanup of removed materials, and implementation of a sediment management program. As such, through regulatory compliance and incorporation of mitigation measures, the proposed project would not result in any significant impacts to Waters of the United States and Waters of the State.

During operation, the proposed project would continue to support commercial fishing uses and no increase in operations is anticipated. The proposed project would be required to follow all existing operational and maintenance stormwater BMPs for commercial facilities. Therefore, operation of the proposed project would not result in increased adverse effects on Waters of the United States or Waters of the State relative to existing conditions.

## Level of Significance Prior to Mitigation

Implementation of the proposed project would have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Potentially significant impacts include the following.

> **Impact-BIO-8: Construction-Related Impacts on Waters of the United States and Waters of the State (Demolition Component and Waterside Redevelopment Component).** Demolition and construction associated with the Demolition Component and Waterside Redevelopment Component could result in impacts to water quality and increased fill within San Diego Bay, which are Waters of the United States and Waters of the State regulated under Section 10 of the Rivers and Harbors Act and Section 401/404 of the CWA. The impact would be potentially significant.

## Mitigation Measures

For **Impact-BIO-8**:

> Implement **MM-BIO-6**, discussed under Threshold 2 above.
>
> Implement **MM-HAZ-1** through **MM-HAZ-12 (Demolition Component)** and **MM-HAZ-1** through **MM-HAZ-9** and **MM-HAZ-11 (Waterside Redevelopment)**, as discussed in Section 3.6, *Hazards and Hazardous Materials.*
>
> Implement **MM-WQ-1** and **MM-WQ-2,** as discussed in Section 3.7, *Hydrology and Water Quality*.

## Level of Significance After Mitigation

Implementation of **MM-BIO-6**, **MM-WQ-1**, **MM-WQ-2**, and **MM-HAZ-1** through **MM-HAZ-12** would reduce **Impact-BIO-8** to a less-than-significant level. **MM-WQ-1** requires vessel operators to be instructed about the impacts of propeller wash as it relates to erosion of sediments and the suspension of fine particulates, thereby allowing vessel operators to adjust operations that lessen the impact. This mitigation measure also includes requirements for turbidity monitoring and deployment of silt curtains. **MM-BIO-6** requires the project applicant to obtain authorization from USACE pursuant to Section 10 and potentially Section 404 for increased fill materials. The proposed project would also require a CWA Section 401 water quality certification from the RWQCB. **MM-WQ-1** and **MM-WQ-2** require the development and implementation of a turbidity monitoring plan as well as implementation of water quality BMPs during construction, including the deployment of silt curtains around demolition and pile installation and removal areas to minimize turbidity by limiting spread of sediments outside of specific work areas. Furthermore, mitigation measures **MM-HAZ-1** through **MM-HAZ-12** would require implementation of a Soil and Groundwater Management Plan, consultation with the RWQCB to ensure that soil and groundwater disturbance would not exacerbate any existing soil or groundwater contamination, implementation of procedures for prevention and containment of accidental leaks and spills, implementation of hazardous materials worker training, routine inspection of equipment, proper equipment instrumentation, use of oil/fuel spill kits, visual hazardous materials monitoring, identification and compliance with barge loading procedures to limit materials from falling into the water, cleanup of removed materials, and implementation of a sediment management program.

## Secondary Effects of Mitigation Measures

Based on the incorporation of **MM-WQ-1**, it is reasonably foreseeable that sediment remediation may be a potential condition from the RWQCB through the CWA Section 401 water quality certification, the coordination of which is addressed in **MM-WQ-1**. Since it is reasonably foreseeable that the placement of clean cover material or sediment remediation may be required, an analysis of the potential effects on state or federally protected waters associated with incorporation of **MM-WQ-1** is provided. The exact sediment remediation area would be determined after RWQCB has completed its analysis of the existing sediment data. Any dredge or fill activity associated with placement of clean cover material or sediment remediation in the Bay could result in impacts to Waters of the United States and Waters of the State. This impact would be significant without mitigation. However, the proposed project would implement **MM-BIO-6**, which requires the project proponents to obtain authorization pursuant to Section 10 and potentially Section 404 for increased fill, and would require a CWA Section 401 water quality certification from the RWQCB. With implementation of **MM-BIO-6**, potential impacts to Waters of the United States and Waters of the State from implementation of **MM-WQ-1** would be reduced to a less-than-significant level.

### *Threshold 4: Result in substantial interference with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impedance of the use of native wildlife or nursery sites?*

## Impact Discussion

The terrestrial portion of the project site is fully developed, does not contain natural terrestrial habitat that could function as a native wildlife nursery site, and is characterized by many existing barriers to wildlife movement, including human-made structures and vessel traffic. Moreover, it is surrounded completely by intensive development and does not function as a wildlife movement corridor.

Aquatic wildlife, including fish, birds, and marine mammals, likely transit periodically through the marine environment in the project site to access foraging and resting habitat elsewhere in San Diego Bay or at sea. The

project site also contains eelgrass, which is a nursery area for many commercially and recreationally important finfish and shellfish (Heck et al. 2003). As discussed under Threshold 1 and Threshold 2 above, the Demolition Component and Waterside Redevelopment Component of the proposed project has the potential to affect eelgrass, open water habitat, and special-status wildlife species during construction. Once construction is complete, the proposed project would result in impacts to eelgrass from increased overwater shading. These impacts have the potential to substantially interfere with the movement of fish or other wildlife species or substantially impede the use of native wildlife nursery habitat and thus may result in a significant impact (**Impact-BIO-9**).

To reduce potential impacts to movement of wildlife species or nursery habitat, the proposed project would implement **MM-BIO-1** through **MM-BIO-6**, **MM-WQ-1**, **MM-WQ-2**, and **MM HAZ-1** through **MM-HAZ-12,** which would reduce impacts to special-status species and their habitats as described above, thereby mitigating for potential impacts to wildlife movement. Implementation of these mitigation measures would reduce **Impact-BIO-9** to a less than significant level.

## Level of Significance Prior to Mitigation

Implementation of the proposed project would result in substantial interference with the movement of a native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impedance of the use of native wildlife or nursery sites. Potentially significant impacts include the following.

> **Impact-BIO-9: Potential to Substantially Interfere with Wildlife Movement and Substantially Impede the Use of Wildlife Nursery Sites (Demolition Component and Waterside Development Component).** The proposed project has the potential to affect eelgrass, open water habitat, and special-status wildlife species during demolition and construction of the proposed project. These impacts have the potential to substantially interfere with the movement of fish or other wildlife species or substantially impede the use of native wildlife nursery habitat. The impact would be potentially significant.

## Mitigation Measures

For **Impact-BIO-9**:

> Implement **MM-BIO-1** through **MM-BIO-4**, discussed under Threshold 1 above.
>
> Implement **MM-BIO-5** and **MM-BIO-6**, discussed under Threshold 2 above.
>
> Implement **MM-HAZ-1** through **MM-HAZ-12 (Demolition Component)** and **MM-HAZ-1** through **MM-HAZ-9** and **MM-HAZ-11 (Waterside Redevelopment)**, as discussed in Section 3.6, *Hazards and Hazardous Materials*.
>
> Implement **MM-WQ-1** and **MM-WQ-2**, as discussed in Section 3.7, *Hydrology and Water Quality*.

## Level of Significance After Mitigation

As described under Thresholds 1 and 2, above, **MM-BIO-1** through **MM-BIO-6** would be implemented to avoid impacts to special-status species, sensitive marine habitat, and aquatic resources that could affect wildlife movement. **MM-WQ-1**, **MM-WQ-2**, and **MM-HAZ-1** through **MM-HAZ-12** are required to avoid water quality impacts that could affect movement of marine species. As discussed in Section 3.7, *Hydrology and Water Quality,* **MM-WQ-1** and **MM-WQ-2** require the development and implementation of a turbidity monitoring plan as well as implementation of water quality BMPSs during construction, including the deployment of silt curtains around demolition and pile installation and removal areas to minimize turbidity by limiting spread of sediments outside of specific work areas. As discussed in Section 3.6, *Hazards and Hazardous Materials,* **MM-HAZ-1** through **MM-HAZ-12** require implementation of a Soil and Groundwater Management Plan, consultation with the RWQCB to ensure that soil and groundwater disturbance would not exacerbate any existing soil or groundwater contamination, implementation of procedures for prevention and containment of accidental leaks and spills,

implementation of hazardous materials worker training, routine inspection of equipment, proper equipment instrumentation, use of oil/fuel spill kits, visual hazardous materials monitoring, identification and compliance with barge loading procedures to limit materials from falling into the water, cleanup of removed materials, and implementation of a sediment management program. As a result, the potential for construction-related turbidity and incidental introduction of hazardous materials into bay waters would be significantly diminished and thus, impacts to wildlife movement (**Impact BIO-9**) would be reduced to a less than significant level.

## *Threshold 5: Conflict with any applicable local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance or with the provisions of an applicable adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?*

### Impact Discussion

The applicable local land use plans, policies, ordinances, or regulations of the District, adopted for the purpose of protecting biological resources, are the Port Master Plan, San Diego Unified Port District Code, and the San Diego Bay INRMP. As discussed in Section 3.8, *Land Use and Planning*, the proposed project is consistent with each of these plans as well as the District's Code.

As discussed in Section 3.8, *Land Use and Planning*, the proposed project would not result in any changes in existing land uses. Rather, the proposed project would result in the demolition of existing commercial fishing-related structures (e.g., piers, Building E) and construction of on-site improvements that would ensure the continuation of the existing commercial fishing operations at the project site, which are consistent with the designated uses. The project proponents would be required to obtain all necessary approvals from agencies governing the construction of improvements on the project site, including the CCC and the District. As discussed in Section 3.8, *Land Use and Planning*, the proposed project would not conflict with the requirements of the California Coastal Act, the Port Master Plan, and the San Diego Bay. In addition, the proposed project would not conflict with the INRMP because **MM-BIO-1** through **MM-BIO-6** discussed in this section, as well as **MM-WQ-1, MM-WQ-2**, and **MM-HAZ-1** through **MM-HAZ-12** are required to avoid impacts on biological resources, including on special-status species, sensitive marine habitat, and Waters of the United States and Waters of the State. As such, the proposed project would not conflict with local policies or ordinances protecting biological resources, and impacts would be less than significant.

### Level of Significance Prior to Mitigation

Impacts would be less than significant.

### Mitigation Measures

No mitigation measures are required beyond the mitigation measures already identified in Section 3.2, *Biological Resources*, Section 3.6, *Hazards and Hazardous Materials*, and Section 3.7, *Hydrology and Water Quality*.

### Level of Significance After Mitigation

Impacts would be less than significant.

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# 3.3 Cultural Resources and Tribal Cultural Resources

## 3.3.1 Overview

This section describes the existing conditions and applicable laws and regulations for cultural resources and tribal cultural resources, followed by an analysis of the potential impacts on cultural resources and tribal cultural resources that could result from implementation of the proposed project. Cultural resources include archaeological resources, ethnographic resources, and elements of the historic-era built environment (architectural resources). Tribal cultural resources are defined as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe," which are either "included in or determined to be eligible for inclusion in the California Historic Register" or "included in a local register of historical resources" (Public Resources Code [PRC] Section 21074), or are determined by a California Environmental Quality Act (CEQA) lead agency, based on its discretion and substantial evidence, that a resource is a tribal cultural resource based on the criteria used to determine whether a historical resource is eligible for listing in the California Register of Historical Resources (CRHR) set forth in PRC Section 5024.1(c). For the purposes of this EIR, impacts on cultural and tribal cultural resources would be significant if implementation of the proposed project would: (1) cause a substantial adverse change in the significance of a historical or archaeological resource, (2) disturb human remains, or (3) cause a substantial adverse change in the significance of a tribal cultural resource.

Two comment letters regarding cultural resources were received in response to the Notice of Preparation (see Appendix A). One comment letter, received from the Native American Heritage Commission (NAHC), requested AB 52 and SB 18 compliance information. SB 18 is not a CEQA requirement and the proposed project does not require a general plan amendment[1]; therefore, SB 18 is not discussed in this section. However, AB 52 compliance is discussed in this section. The second comment letter, received from the San Diego County Archaeological Society, requested the EIR include an analysis of potential archeological and built environment impacts.

As discussed in Section 3.3.4.3, *Project Impacts and Mitigation Measures*, all potential impacts to cultural resources and tribal cultural resources would be less than significant.

In this section, the term "construction" includes all construction and/or demolition activities that may occur during the Demolition Component or the Waterside Redevelopment Component of the project, as described in the Chapter 2, *Environmental Setting and Project Description*.

## 3.3.2 Existing Conditions

### 3.3.2.1 Regional Precontact

The following, which is from the District's PMPU Final PEIR (District 2024), outlines the known precontact cultural traditions of the region. The approximately 10,000 years of documented precontact history of the San Diego region has often been divided into three periods: Early Period (San Dieguito tradition/complex), Archaic Period (Milling Stone Horizon, Encinitas tradition, and La Jolla/Pauma complex), and Late Prehistoric Period (Cuyamaca and San Luis Rey complexes).

[1] SB 18 requires a city or county to conduct consultations with California Native American tribes for the purpose of preserving specified places, features, and objects that are located within the city or county's jurisdiction prior to the adoption or amendment of a city or county's general plan.

## Early Period Complexes

The Early Period encompasses the earliest documented human habitation in the region. The San Dieguito complex is the earliest reliably dated occupation of the area. The assemblage of artifacts associated with the San Dieguito complex has been studied and elaborated upon extensively. The complex correlates with Wallace's (1955) "Early Man Horizon," and Warren subsequently defined a broader San Dieguito tradition (1968). The Harris Site (CA-SDI-149/316/4935B) is located along the San Dieguito River, and the earliest component of the site is characteristic of the San Dieguito complex. Artifacts from the lower levels of the site include leaf-shaped knives, ovoid bifaces, flake tools, choppers, core and pebble hammerstones, several types of scrapers, crescents, and short-bladed shouldered points. Little evidence for the San Dieguito complex/Early Man Horizon has been discovered north of San Diego County. Some researchers interpret the San Dieguito complex as having a primarily, but not exclusively, hunting subsistence orientation. Others see a more diversified San Dieguito subsistence system as possibly ancestral to, or as a developmental stage for, the subsequent, predominantly gathering-oriented complex denoted as the La Jolla/Pauma complex.

## Archaic Period Complexes

In the southern coastal region of California, the Archaic Period dates from circa 8,600 years BP to circa 1,300 BP. The La Jolla/Pauma complex has been identified from the content of archaeological site assemblages dating to this period. These assemblages occur at a range of coastal and inland sites and appear to indicate that a relatively stable and sedentary hunting and gathering complex, possibly associated with one people, was present in the coastal and immediately inland areas of San Diego County for more than 7,000 years. La Jolla/Pauma complex sites are considered to be part of Warren's (1968) Encinitas tradition and Wallace's (1955) Milling Stone Horizon. The inland or Pauma complex aspect of this culture lacks shellfish remains, but is otherwise similar to the La Jolla complex and may, therefore, simply represent a non-coastal expression of the La Jolla complex. The content of these site assemblages is characterized by manos and metates, shell middens, terrestrial and marine mammal remains, burials, rock features, cobble-based tools at coastal sites, and increased hunting equipment and quarry-based tools at inland sites. Artifact assemblages can also include bone tools, doughnut stones, discoidals, stone balls, plummets, biface points/knives, Elko-eared dart points, and beads made of stone, bone, and shell. Beginning at approximately 5,500 BP and continuing during the latter half of the Archaic Period, evidence of hunting and the gathering and processing of acorns gradually increases through time. The evidence in the archaeological record consists of artifacts such as dart points and the mortar and pestle, which are essentially absent during the early Archaic Period. The initial and subsequent increasing use of these technologies during the middle and late Archaic Period constitutes a major transition in how the prehistoric populations interacted with their environment in the southern coastal region. The period of this shift, from circa 4,000 to 1,300 BP, has been designated as the Final Archaic Period.

## Late Precontact Period Complexes

In the San Diego area, the Late Precontact Period has been described as a time characterized by an increased number of sites and "many technological innovations, and new patterns in material culture and belief systems" (District 2024). This characterization aptly describes the period for the entire San Diego County area. Changes in tool and ornament types, burial practices, and site location choices from those documented for the earlier periods are well documented in the archaeological record and are described below.

As with the earlier periods, archaeologists have defined distinctive complexes for the Late Precontact Period precontact cultures of the area. Two complexes have been defined for the protohistoric occupants of the area. One, designated as San Luis Rey, is identified in southern Orange, western Riverside, and northern San Diego Counties; the other, Cuyamaca, is identified in southern San Diego County (Meighan 1954; True 1966, 1970). The San Luis Rey complex is believed to be the progenitor of the Shoshonean-speaking peoples (Luiseño/Juaneño culture) living in the area at the time of historic contact in northern San Diego County (referred to as San Luis

Rey of Shoshonean origin) (cf. Koerper 1979). Those of southern San Diego County (Cuyamaca, Yuman), are believed to be the ancestors of the Hokan-speaking Diegueño or Kumeyaay (Ipai/Tipai) occupying southern San Diego County at contact.

The demarcation line between the San Luis Rey complex and the Cuyamaca complex is believed to be near the historic separation of the tribal territories of the Luiseño/Juaneño and Diegueño. It is highly unlikely, however, that the boundary remained static over time. During Late Precontact times, the project site would have been within the area commonly associated with the archaeologically defined Diegueño or Kumeyaay (Ipai/Tipai) complex.

Hearths documented at southern San Diego County sites are often clay lined, yet this type of hearth is not found in the northern county sites. The Luiseño/Juaneño of southern Orange and northern San Diego counties appear to have primarily practiced cremation, but may also have occasionally buried the dead by inhumation. The use of special burial urns for cremations, however, was apparently not commonly practiced.

### 3.3.2.2 Ethnographic Setting

The project site is within the ethnographic territory of the Yuman-speaking Kumeyaay. The territory of the Kumeyaay (formerly known as Diegueño Tipai, or Ipai) encompassed the area between the San Luis Rey River to the north, the Sand Hills to the east, the area south of Ensenada, Mexico to the south, and the Pacific Ocean to the west. Because Spanish missionaries introduced new diseases to the Native Americans when they established the Mission San Diego de Alcalá in 1769 and San Luis Rey de Francia in 1798, large numbers of Kumeyaay, and their Shoshonean-speaking Luiseño neighbors to the north, died before any ethnographic research was conducted in the late 19th to early 20th centuries. Much of what we know about these groups derives from ethnographic research on desert and mountain-dwelling groups to the east.

The socio-political structure of the Kumeyaay comprised territorial bands. Each territory contained a central village with outlying homesteads located near small water sources. Bands were led by the Kwaaypaay and were tied together by the sib (kinship), or shiimull (lineal descent group). At the time the Mission was established, it was estimated that a total of 50 to 75 shiimull existed, with five to 15 family groups per shiimull. Shiimull leaders often times were chosen to represent a band composed of family groups other than their own to ensure that family favoritism did not influence group decision-making.

The Kumeyaay were hunters and gatherers characterized by central-based nomadism, although they also practiced plant husbandry in select mountain and desert locations with sufficient summer moisture. The Kumeyaay typically built temporary camps during the summer while more substantial houses were constructed for protection from winter weather. These houses were semi-subterranean, with the sloping roof formed by leaning poles up against a horizontal beam supported by three wooden posts bisecting the house interior. The exterior was plastered in mud, which may indicate influence from the Colorado River tribes.

The most important food in the Kumeyaay diet was acorns, which came from six species of oaks. A second important staple was flour ground from the seeds of sages, grasses, cacti, and fruits. The Kumeyaay supplemented their diet with other wild foods such as berries from the manzanita and elderberry bushes, watercress, miner's lettuce, yucca, and other grasses and shrubs. To a lesser extent, Kumeyaay men hunted large game, such as mule deer, with bow-and-arrow, and caught smaller animals such as rabbits, squirrels, small rodents, and quail by throwing sticks, nets, and snares. Proximity to the Pacific Ocean provided access to a large variety of marine food sources, including sea mammals, sea birds, fish, and shellfish. Coastal groups were expert fishers who used fishhooks and nets and built tule balsas and double-bladed paddles to facilitate fishing activities.

The material culture of the coastal Kumeyaay was typical of other nearby littoral hunter-gatherer groups. Milling slabs, manos, and mortars were used to crush nuts and vegetative material, and the surplus flour

was usually stored in large granary baskets. The Kumeyaay made basketry in similar fashions to other California groups, although they also produced unique close-twined sacks made of milkweed. Flint knives and stone or bone scrapers were used to remove skins and butcher game animals (SANDAG 2013).

## 3.3.2.3 Historic Setting

### Regional History

#### Spanish Period (1769-1822)

Although Juan Cabrillo landed on Point Lona in 1542, the Spanish permanent settlement of Alta California began in 1769 with the founding of Mission San Diego de Alcala. The Spanish government sent an expedition of soldiers, settlers, and missionaries to secure and occupy the northwestern border of what was then known as New Spain. They first camped on the shore near the area now known as Spanish Landing in downtown San Diego, just east of the project site; however, they later moved closer to the San Diego River in what is now known as Old Town. Shortly after 1800, soldiers and their families began moving away from the presidio down the hill near the San Diego River (Appendix H).

#### Mexican Period (1822-1846)

In 1822, Mexico won its independence from Spain, San Diego became part of the Mexican Republic, and California was opened up to foreign trade. Private land grants began being issued as early as the 1820s, which created the rancho system of large agricultural estates and in 1833 the Spanish missions were secularized. In 1835, Mexico granted San Diego official pueblo status; at this time the population was nearly 500 residents. The town and ship landing area became the centers of activity during this period (Appendix H).

#### Early American Period (1846-1914)

In July 1846, United States military forces occupied San Diego and America assumed formal control in January 1847 with the signing of the Treaty of Guadalupe-Hildalgo. San Diego County, one of the original 27 counties, was formally organized by the California State Legislature on February 18, 1850. The City of San Diego has always been the county seat. County office elections were first held April 1, 1850. The town struggled to grow with the population dropping from 650 in 1850 to 539 in 1860. The urbanization of San Diego began in 1867 with land speculator Alonzo Horton's development of the 800 acres of what is now downtown; this shifted the focus away from what is now called Old Town. Horton gave away lots to anyone who would build a house worth $500 on it. The development centered on Fifth Avenue and Market Street, and within the next five years, 15 new subdivisions were laid out around Horton's Addition. In 1880, the construction of the Santa Fe Railroad began with the system operational in 1882. In the late 1800s and early 1900s, the Golden Hill, Uptown, Banker's Hill, and Sherman Heights areas were developed, which resulted in many improvements including street cars, paving, electrical street lights, railways, and sewage systems. The continued improvement of public transportation allowed for growth to continue further and further away from the city center. In 1908, a comprehensive city plan, develop by John Nolen, was completed; however, it was blocked by the City Council (Appendix H).

#### 20th-Century

The 1915 Panama-California Exposition took place in San Diego's Balboa Park and marked the beginning of the significant military presence in San Diego. The arrival of the Navy boosted the population and the economy. In the 1920s, the population doubled from 74,683 to 147,897. The aerospace industry began in 1910 when Glenn Curtiss opened an aviation school on Coronado Island. T. Claude Ryan opened a flying service in 1922 that led to the opening of a manufacturing plant. This plant was responsible for designing several innovative aircrafts including the Spirit of St. Louis which was flown by Charles Lindbergh from New York to Paris in 1927. Perhaps the greatest boost to the aerospace industry was the establishment of Consolidated Aircraft, which was previously based in Buffalo, New York.

The financial blow of the Great Depression in the 1930s was softened due to the presence of the military industry and recovery was assisted by New Deal programs through the Works Progress Administration (WPA). Between 1935 and 1943, approximately 1/5th of the national labor force was working on WPA projects and the City of San Diego secured several projects. The projects were federally funded but administered by local jurisdictions.

As early as 1941, freeway planning in San Diego began with the goal of providing access between downtown and the harbor, including Highway 395 (later renumbered to Highway 163) and the Coast Highway 101. The automobile grew in popularity and new roads were constructed throughout the United States which was funded by the Gasoline Tax. Legislation such as the Federal Aid Highway Act and the Interstate Highway Act supported the expansion and construction of the freeways and expressways in the 1950s (Appendix H).

***Waterfront Development***

The San Diego shoreline is occupied by a variety of uses including recreational and commercial sailing, commercial fishing, and military. Much of the coastline in the San Diego Bay was shaped by infill while the use of the bay was expanded by the dredging of the channel to allow larger ships access. In the early 1900s, elected officials were working to convince the federal government that San Diego was a good location for military installations and by 1920 both the Naval Training Center and Marine Corps Recruiting Depot were built. The US Navy was the major driver in the development of the harbor in the 1920s as well.

Shelter Island was constructed in 1950 by the City of San Diego Port Authority using dredging materials. The tenants of Shelter Island consisted mostly of private yachts, small boat slips, and fishing vessels. In 1961, the US Navy dredged a new channel to accommodate aircraft carriers in the harbor. Shelter Island is on the opposite side of America's Cup Harbor from the existing wharf, both of which are constructed of fill (Appendix H).

***Commercial Fishing Industry***

The presence of a land locked harbor and the Mediterranean climate made San Diego ideal for commercial fishing. Both Portuguese and Italian immigrants played a substantial role in the establishment of the commercial fishing industry in San Diego. Portuguese immigrants were known to settle in the La Playa area of Point Loma whereas the Italian immigrants settled in the area of the existing wharf, the project site (Garson 1988).

In the 1870s and 1880s, Italian immigrants, primarily from the Italian coastal region of Porticello and Riva Trigoso, began arriving in San Diego. Italian fisherman arrived between 1902 and 1906. The fisherman strung a net between two boats to capture fish. The fish were sold at the San Diego fish markets which were also often owned and operated by Italian families. The technique was so efficient that this spurred the development of the canning industry.

Since 1889, a small Japanese fishing community has existed in San Diego. By 1918, it was estimated by the Department of Commerce that 50 percent of the crews in San Diego were Japanese with 85 percent of the total annual catch. The success of M.K. Fishing Company, which was headed by Kondo Masaharu and managed by Abe Tokunosuke, is believed to be one reason why Japanese fisherman were drawn to San Diego. The Japanese are credited with introducing the bamboo pole to tuna fishing, incorporating long range refrigerated boats, using live bait, or "chumming," and designing barbless feathers hooks known as squids. After the bombing of Pearl Harbor, all persons of Japanese ancestry in San Diego County were arrested and sent to internment camps during World War II.

In 1909, the first sardine cannery was opened. They fished for sardines and tuna. "[A]t one time San Diego was known as "The Tuna Capital of the World" with two of the country's three biggest tuna canneries being based along its Bay." Tuna Boat Basin is located adjacent to the G Street Mole, which is on the other side of the Bay to the east of the project site.

In 1920, 125 fishing boats operated out of San Diego Bay and California led the United States in fishing with 97,000 tons of fish caught. The mid-1920s brought new regulations with regards to fishing nets. In addition, to

the new regulations, over-fishing and contaminated water slowed the fishing industry and the number of fishermen declined.

In the 1960s, almost 40,000 people caught, sold, or processed fish along the Bay making it the third largest industry in the city. “Every major cannery, including Bumble Bee, was based here.” Tuna Boat pier was constructed in 1977 in Tuna Boat Basin, and Fish Harbor Pier was constructed in 1980, approximately 2.5 and 3 miles southeast of the project site, respectively.

Currently, the existing wharf, constructed c1953, is one of two remaining commercial fishing harbors along San Diego Bay (Appendix H). The existing wharf is discussed in more detail below under “Project Site History”.

## Project Site History

Prior to 1942, the project site was underwater with the shoreline located approximately 2,000 feet to the northwest near present-day Rosecrans Street. By 1941, fill was moving the shoreline to the southeast, but the project site was still underwater. By 1953, the bay was filled to form the land in the project site which included the five piers in the water portion and a parking lot on the land portion. Between 1953 and 1964, additional fill was added to straighten out the shoreline. In 1953, the project site and the area to the northeast is identified as the US Naval Reserve and six piers are present on the water side and no buildings appear to be present on the land side. The specific use of these piers at that time is unknown. By 1987, the southeastern most pier had been shortened and by 1989 it had been removed. The remaining piers are discussed below.

The project site currently consists of five fixed structure piers with a total of 120 slips and three commercial buildings. The piers (numbers 4 through 8) were constructed c1953. The three buildings are addressed as 4904, 4918, and 4922 North Harbor Drive while the whole project site has been previously addressed as 4900 North Harbor Drive. The buildings currently addressed as 4904 and 4918 North Harbor Drive (Buildings A and C-D) were constructed c1985 and the building currently addressed as 4922 North Harbor Drive (Building E) was constructed c1990. Therefore, none of the buildings currently present on the project site are of historic age, as they are not over 50 years of age (36 CFR 60.4).

Piers 5 through 8 were built at the same time and are of identical construction. These piers are used for small-craft commercial fishing vessels. Maintenance has been done over the years, including the repair/replacement of the decking, but no new piles have been constructed. Pier 4, although constructed at the same time, is shorter than Piers 5 through 8. In 1970, the dock was removed and extended; and in 2010, it was resurfaced, a floating pier to the south was added, and the crane installed (Appendix H).

### Occupants of the Existing Wharf

The existing wharf has been operated by the Driscoll family since 1992. It is a “commercial fishing marina off San Diego Bay that provides berthing spaces, storage, and other serviced for commercial boats, crews, and their catches.” (Driscoll’s Inc 2025). Known occupants between 1955 and 1980 include (Appendix H):

- 1955–1966 – San Diego Commercial Fishing Boat Owners Inc.,
- 1961–1970 – Ernest Lapacek,
- 1970 – Boat Landing Association,
- 1970 – San Diego Commercial Marina,
- 1970 – Western Fish Boat Owners,
- 1975 – San Diego Commercial Marina Boat Landing,
- 1980 – L&W Communication Co Supplies,
- 1980 – San Diego Commercial Marina Storage sales service and repair, and

- 1980 – Steve Skelley.

### Operators of the Existing Wharf

#### *Western Fishboat Owners' Association*

The Western Fishboat Owners Association (WFOA) is a non-profit group that represents albacore troll vessel owners and associated businesses in California, Oregon, Washington, Alaska, and Hawaii that advocates safe and sustainable fishing. Its members fish wild Pacific albacore along the US West Coast from June through October and in the South Pacific from January through April. WFOA assists in the development of management strategies and serves on the Western and Central Pacific Fisheries Commission and the InterAmerican Tropica Tuna Commission. The WFOA was a recognized fishery association in 1969-1970 with J.V. Shaw listed as the President and an address of 4904 N. Harbor Drive. WFOA owned and operated the existing wharf for approximately 20 years (Appendix H).

#### *Driscoll Boat Works*

Driscoll Boat Works was founded in 1947 with its first location, a boatyard, on Shelter Island, by brothers Harlan and Gerry Driscoll. John Gerald Driscoll III (a.k.a. Gerry) participated in six America's Cup races with his final one in 1974 as captain of the Intrepid. Gerry is also known for introducing the concept of year-round training for the event as opposed to the previous accepted norm of four to five months prior to the event. Driscoll Boat Works now operates four facilities: Mission Bay, Boatworks, Intrepid, and the existing wharf where the project site is located (Appendix H).

## 3.3.2.4 Records Searches, Surveys, and Consultation

On October 7, 2024, a search of records of the project site and a 0.5-mile radius around the project site was conducted at the SCIC, at San Diego State University (File No. 3748). The following information was reviewed as part of the records search:

- site records of previously recorded cultural resources,
- previous cultural studies,
- National Register of Historic Places (NRHP) and California Register of Historic Resources (CRHR) listings,
- the California Historic Resources Inventory,
- Built Environment Resource Directory for San Diego County,
- Historical United States Geological Survey (USGS) topographic maps (1911, 1950, 1954, 1967), and
- General Land Office Plat maps (1865, 1866).

The records search identified no previously recorded resources within the project site, but nine resources have been previously recorded within a 0.5-mile radius. These nine resources include three built-environment features and six archaeological sites (four historic-era, one precontact, and one combined site). The search also found that three previous investigations included a portion of the project site, and 31 investigations have occurred within the 0.5-mile search radius.

The entire project site was subjected to an intensive level built-environment survey on February 18, 2025. All historic-age buildings and structures (meaning over 50-years old) were recorded through photography and notes.

NRHP and CRHR criteria were used to evaluate the significance of the historic built features. The NRHP criteria for eligibility are codified in 36 Code of Federal Regulations (CFR) Part 60 and explained in guidelines published by the Keeper of the NRHP. The NRHP and CRHR are discussed in more detail below in Section 3.3.3, *Applicable*

*Laws, Regulations, Plans, and Policies*. Eligibility for listing on the NRHP and the CRHR rests on twin factors of significance and integrity. A resource must have both significance and integrity to be considered eligible. Loss of integrity, if sufficiently great, will become more important than the historical significance a resource may possess and render it ineligible. Likewise, a resource can have complete integrity, but if it lacks significance, it must also be considered ineligible.

## Survey Results

The existing wharf consists of five fixed-structure, wooden piers with a total of 120 slips; three commercial buildings; and a parking lot. The three commercial buildings are all two-story, wood framed with plywood clad walls. The roofs have gabled and mansard elements. The existing wharf does not appear to be eligible for listing in the NRHP or the CRHR, the reasons for which are explained below.

The existing wharf is associated with commercial fishing in San Diego, however, commercial fishing began in the area around 1900 and the existing wharf did not exist until c1953. There is no information in the archival record that indicates that the existing wharf is associated with events that have made a significant contribution to the history of commercial fishing; therefore, it does not appear to be eligible for the NRHP/CRHR under Criterion A/1. The Driscoll brothers, known locally for their contributions to the commercial fishing industry, are associated with the existing wharf, but not until 1992. Various companies and individuals have been associated with the existing wharf, but historical research did not reveal specific, significant individuals that have direct important association with the existing wharf. Therefore, it does not have any direct associations with any individuals significant to history and is not recommended eligible under Criterion B/2. The three buildings are not historic-age and the five piers are of common construction with no distinct or innovative construction methods or architectural style; therefore, the existing wharf does not appear to possess sufficient design or construction value to be eligible for the NRHP/CRHR under Criterion C/3. The existing wharf is not likely to yield any additional important information about our history; therefore, it is not recommended eligible under Criterion D/4.

## Tribal Consultation

Notices for AB 52 consultation were sent out to 12 tribes on March 24, 2025. The District accepted comments and requests for consultation through April 25, 2025.

The specific details of the consultations are confidential pursuant to California law; however, a summary of events related to communication between the tribes and the District is provided below (Table 3.3-1). Also, the requirements under AB 52 are provided below in Section 3.3.3, *Applicable Laws, Regulations, Plans, and Policies*.

**Table 3.3-1 Summary of AB 52 Consultation Outreach and Responses**

| Native American Tribe and Contact | Date of Initial Response from Native American Tribe and Contact | District Follow-up Response | Comment |
|---|---|---|---|
| Viejas Band of Kumeyaay Indians | March 24, 2025 | April 4, 2025 | The tribe responded via email on March 24, 2025. Consultation was not requested. The District responded on April 4, 2025. |
| Jamul Indian Village of California | March 24, 2025 | March 26, 2025 | The tribe responded via email on March 24, 2025. Consultation was not requested at that time. |

| Native American Tribe and Contact | Date of Initial Response from Native American Tribe and Contact | District Follow-up Response | Comment |
|---|---|---|---|
| Campo Band of Mission Indians | March 24, 2025 | March 26, 2025 | The tribe responded via email on March 24, 2025, requesting consultation. The meeting was held on April 23, 2025. The tribe requested the record search results and expressed that the surrounding area was sensitive for Native American resources. The District requested examples of mitigation that the tribe would like to have incorporated. The record search results were provided on April 23, 2025. The District made additional efforts to communicate with the tribe on June 11, 2025 and July 9, 2025. An email was sent to the tribe to close consultation on July 25, 2025. No further response has been received as of March 13, 2026. |
| Barona Group of the Capitan Grande | None received | N/A | N/A |
| Ewiiaapaayp Band of Kumeyaay Indians | None received | N/A | N/A |
| Iipay Nation of Santa Ysabel | None received | N/A | N/A |
| Inaja-Cosmit Band of Indians | None received | N/A | N/A |
| La Posta Band of Diegueno Mission Indians | None received | N/A | N/A |
| Manzanita Band of Kumeyaay Nation | None received | N/A | N/A |
| Mesa Grande Band of Diegueno Mission Indians | None received | N/A | N/A |
| San Pasqual Band of Diegueno Mission Indians | None received | N/A | N/A |
| Sycuan Band of the Kumeyaay Nation | None received | N/A | N/A |

Source: Data compiled by Ascent in 2025.

## 3.3.3 Applicable Laws, Regulations, Plans, and Policies

### 3.3.3.1 Federal

#### National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation's master inventory of known historic properties. It is administered by the National Park Service and includes listings of buildings, structures, sites, objects, and districts[2] that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.

The formal criteria (36 CFR 60.4) for determining NRHP eligibility are as follows:

1. The property is at least 50 years old (however, properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);
2. It retains integrity of location, design, setting, materials, workmanship, feeling, and associations; and
3. It possesses at least one of the following characteristics:

[2] District as defined by the NRHP criteria.

| | |
|---|---|
| Criterion A | Is associated with events that have made a significant contribution to the broad patterns of history (events). |
| Criterion B | Is associated with the lives of persons significant in the past (persons). |
| Criterion C | Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction (architecture). |
| Criterion D | Has yielded, or may be likely to yield, information important in prehistory or history (information potential). |

For a property to retain and convey historic integrity, it must possess most of the seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. Location is the place where the historic property was constructed or the place where a historic event occurred. Integrity of location refers to whether the property has been moved since its construction. Design is the combination of elements that create the form, plan, space, structure, and style of a property. Setting is the physical environment of a historic property that illustrates the character of the place. Materials are the physical elements that were combined or deposited during a particular period and in a particular pattern or configuration to form a historic property. Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. Feeling is a property's expression of the aesthetic or historic sense of a particular period. This intangible quality is evoked by physical features that reflect a sense of a past time and place. Association is the direct link between the important historic event or person and a historic property. Continuation of historic use and occupation help maintain integrity of association.

Listing in the NRHP does not entail specific protection or assistance for a property, but it does guarantee consideration in planning for federal or federally assisted projects, eligibility for federal tax benefits, and qualification for federal historic preservation assistance. In addition, project effects on properties listed in the NRHP must be evaluated under CEQA.

The National Register Bulletin series was developed to assist evaluators in the application of NRHP criteria. For example, National Register Bulletin #36 provides guidance in the evaluation of archaeological site significance. If a property cannot be placed within a particular theme or time period, and thereby lacks "focus," it will be unlikely to possess characteristics that would make it eligible for listing in the NRHP.

## 3.3.3.2 State

### California Register of Historical Resources

All properties in California that are listed in or formally determined eligible for listing in the NRHP are also listed in the California Register of Historical Resources (CRHR). The CRHR is a listing of State of California resources that are significant in the context of California's history. It is a Statewide program with a scope and with criteria for inclusion similar to those used for the NRHP. In addition, properties designated under municipal or county ordinances are also eligible for listing in the CRHR.

California Historical Landmarks—buildings, structures, sites, or places that have been determined to have statewide historical significance—are also automatically listed in the CRHR. California Points of Historical Interest are sites, buildings, features, or events that are of local (city or county) significance. Points of Historical Interest designated after December 1997 and recommended by the State Historical Resources Commission are also listed in the CRHR.

A historical resource must be significant at the local, state, or national level under one or more of the criteria defined in California Code of Regulations (CCR) Title 15, Chapter 11.5, Section 4850 to be included in the CRHR. The CRHR criteria are tied to CEQA because any resource that meets the criteria listed below is considered a

significant historical resource under CEQA. As noted above, all resources listed in or formally determined eligible for listing in the NRHP are automatically listed in the CRHR.

The CRHR uses four evaluation criteria:

Criterion 1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history, or to the cultural heritage of California or the United States.

Criterion 2. Is associated with the lives of persons important to local, California, or national history.

Criterion 3. Embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of a master; or possesses high artistic values.

Criterion 4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

Similar to the NRHP, a historical resource must meet one of the above criteria and retain integrity to be listed in the CRHR. The CRHR uses the same seven aspects of integrity used by the NRHP.

## California Environmental Quality Act

CEQA requires public agencies to consider the effects of their actions on "historical resources," "unique archaeological resources," and "tribal cultural resources." Pursuant to PRC Section 21084.1, a "project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." Section 21083.2 requires agencies to determine whether projects would have effects on unique archaeological resources. PRC Section 21084.2 establishes that "[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment."

### Historical Resources

"Historical resource" is a term with a defined statutory meaning (PRC Section 21084.1; State CEQA Guidelines Sections 15064.5[a] and [b]). Under State CEQA Guidelines Section 15064.5(a), historical resources include the following:

1) A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in, the CRHR is considered a historical resource (PRC Section 5024.1).

2) A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g), will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

3) Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if the resource meets the criteria for listing in the CRHR (PRC Section 5024.1).

4) The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to PRC Section 5020.1[k]), or not identified in a historical resources survey (meeting the criteria in PRC Section 5024.1[g]) does not preclude a lead agency from determining that the resource may be a historical resource as defined in PRC Sections 5020.1(j) or 5024.1.

### Unique Archaeological Resources

CEQA also requires lead agencies to consider whether projects would affect unique archaeological resources. PRC Section 21083.2(g) states that "unique archaeological resource" means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one or more of the following criteria:

1. Contains information needed to answer important scientific research questions, and there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

### Tribal Cultural Resources

CEQA also requires lead agencies to consider whether projects would affect tribal cultural resources. PRC Section 21074 states:

a) "Tribal cultural resources" are either of the following:

   1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

      A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.

      B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

   2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

AB 52 (Chapter 532, Statutes of 2014) establishes a formal consultation process for California Native American tribes as part of CEQA and establishes that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (PRC Section 21084.2). PRC Section 21074 defines tribal cultural resources as follows. Sites, features, places, sacred places, and objects with cultural value to descendant communities or cultural landscapes defined in size and scope that are:

- Included in or eligible for listing in the CRHR; or,
- Included in a local register of historical resources.

A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1.

Sacred places can include Native American sanctified cemeteries, places of worship, religious or ceremonial sites, and sacred shrines. In addition, both unique and non-unique archaeological resources, as defined in PRC Section 21083.2, can be tribal cultural resources if they meet the criteria detailed above. The lead agency

relies upon substantial evidence to make the determination that a resource qualifies as a tribal cultural resource when it is not already listed in the CRHR or a local register.

AB 52 defines a "California Native American Tribe" (Tribe) as a Native American tribe located in California that is on the contact list maintained by the NAHC (PRC Section 21073). Under AB 52, and per PRC Section 21083.3.1, formal consultation with Native American tribes is required prior to determining the level of environmental document if a tribe has requested to be informed by the lead agency of proposed projects and if the Tribe, upon receiving notice of the project, accepts the opportunity to consult within 30 days of receipt of the notice. Per PRC Section 21080.3.2, AB 52 also requires that consultation, if initiated, address project alternatives and mitigation measures for significant effects, if specifically requested by the Tribe. AB 52 states that consultation is considered concluded when either the parties agree to measures to mitigate or avoid a significant effect on tribal cultural resources, or when either the Tribe or the agency concludes that mutual agreement cannot be reached after making a reasonable, good-faith effort. Under AB 52, any mitigation measures recommended by the agency or agreed upon with the Tribe may be included in the final environmental document and in the adopted mitigation monitoring program if they were determined to avoid or lessen a significant impact on a tribal cultural resource. If the recommended measures are not included in the final environmental document, then the lead agency must consider the four mitigation methods described in PRC Section 21084.3(e). Any information submitted by a Tribe during the consultation process is considered confidential and is not subject to public review or disclosure. It will be published in a confidential appendix to the environmental document unless the Tribe consents to disclosure of all or some of the information to the public.

## California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act (PRC Section 5097.9) applies to both State and private lands. The act requires, upon discovery of human remains, that construction or excavation activity cease and that the county coroner be notified. If the remains are those of a Native American, the coroner must notify the Native American Heritage Commission (NAHC), which notifies and has the authority to designate the most likely descendant (MLD) of the deceased. The act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

## Health and Safety Code, Sections 7050.5/Public Resources Code 5097.9

Health and Safety Code 7050.5 addresses the protection of human remains discovered in any location other than a dedicated cemetery and makes it a misdemeanor for any person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law, except as provided in PRC Section 5097.99. It further states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined that the remains are not subject to the provisions concerning investigation of the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in PRC Section 5097.98. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact the NAHC by telephone within 24 hours. Whenever the NAHC receives notification of a discovery of Native American human remains from the county coroner, it shall immediately notify those people it believes to be the MLD of the deceased Native American. The descendants may inspect the site of the discovery and make recommendations on the removal or reburial of the remains. Per PRC Section 5097.94, the NAHC has the ability to identify and catalog places of known graves and cemeteries of Native Americans, and may mediate discussions between landowners and known Native American

descendants relating to the treatment and disposition of Native American burials, skeletal remains, and items associated with Native American burials.

#### Public Resources Code, Section 5097

PRC Section 5097 specifies the procedures to be followed if human remains are unexpectedly discovered on nonfederal land. The disposition of Native American burials falls within the jurisdiction of NAHC. Section 5097.5 of the code states:

> No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

### 3.3.3.3 Local

#### San Diego Unified Port District

The District has not adopted any ordinance or regulation regarding cultural resources within its jurisdiction. As a property under the jurisdiction of the District, the project site is not within the jurisdiction of the City of San Diego. Therefore, the proposed project is not subject to review and approval by the City's Historical Resources Board. Consequently, the significance criteria outlined in the Historical Resources Guidelines of the City's Land Development Manual are not used to evaluate cultural resources within the study area for the proposed project.

## 3.3.4 Project Impact Analysis

### 3.3.4.1 Methodology

The effort to identify historical resources in the project site included records searches of previous cultural resource investigations and recorded sites, background research, and a review of literature and maps, including Sanborn Map Company fire insurance maps, historical aerial photographs, and historic US Geological Survey topographic maps, with relevance to the prehistory, ethnography, and history of the terminal site and proposed project vicinity; and site visits. On October 7, 2025, a search of records of the project site and a 0.5-mile radius around the project site was conducted at the SCIC, at California State University, San Diego.

The impact analysis for archaeological and historical resources is based on the findings and recommendations of the *Historical Resources Evaluation Report for the Shelter Island Commercial Fishing Wharf Project, San Diego, California* (Appendix H). The analysis is also informed by the provisions and requirements of federal, state, and local (if applicable) laws and regulations that apply to cultural resources. The impact analysis for tribal cultural resources is based on the California Native American Tribal consultation that occurred under AB 52 and evidence in the record to support the District's significance determination.

In accordance with CEQA (PRC 15064.5 and PRC 15126.4), the effects of the proposed project have been assessed as related to the built environment. Both the background research, which includes the SCIC record search and the pedestrian survey, failed to identify the presence of historical resources within the project site. For the purposes of the impact discussion, "historical resource" is used to describe built-environment historic-period resources. Archaeological resources (both precontact and historic-period), which may qualify as "historical resources" pursuant to CEQA, are analyzed separately from built-environment historical resources.

### 3.3.4.2 Thresholds of Significance

The following significance criteria are based on Appendix G of the State CEQA Guidelines and provide the basis for determining significance of impacts associated with cultural resources resulting from the proposed project.

Impacts are considered significant if the proposed project would result in any of the following.

1. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines;
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines; or
3. Disturb any human remains, including those interred outside of formal cemeteries.
4. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe that is:
    a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or
    b. a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

The analysis of whether the project would have a significant impact related to human remains (Threshold 3) is provided in Section IX of the Initial Study/Environmental Checklist (Appendix C of the ~~Draft~~ Final EIR), which determined that the proposed project would result in a less than significant impact and is not discussed further in this section. The analysis and conclusions therein are incorporated by reference into this section of the ~~Draft~~ Final EIR and are summarized in Section 5.3, *Effects Not Found to be Significant*.

### 3.3.4.3 Project Impacts and Mitigation Measures

***Threshold 1: Would the project cause a substantial adverse change in the significance of historical resource pursuant to Section 15064.5 of the State CEQA Guidelines?***

#### Impact Discussion

As described above in Section 3.3.2.4, no historical resources were identified on the project site (Appendix H). The existing wharf was evaluated against the CRHR and NRHP criteria and found to not be eligible for listing. As a result, the existing wharf would not be considered a historical resource for the purposes of CEQA. No other historic-age buildings or structures are located within the project site. Therefore, project construction and operation would have no impact on historical resources.

#### Level of Significance Prior to Mitigation

No impact would occur.

#### Mitigation Measures

No mitigation measures are required.

### Level of Significance After Mitigation

No impact would occur.

## *Threshold 2: Would the project cause a substantial adverse change in the significance of an archaeological resource as defined by Section 15064.5 of the State CEQA Guidelines?*

### Impact Discussion

The SCIC records search revealed that no archaeological resources have been previously documented within the project site. No pedestrian survey was conducted for the project because a portion is underwater and the land portion is paved over artificial fill soil.

Prior to 1942, the entire project site was underwater with the shoreline located approximately 2,000 feet to the northwest near present-day Rosecrans Street. By 1953, the bay was filled to form land that includes the land portion of the project site. A portion of the project site is underwater and the land portion is fill; therefore, the potential for the presence of intact buried archaeological deposits is very low. Additionally, since the site is artificial fill, any archaeological deposits that remain at the project site would be out of context and likely damaged, both of which would adversely affect the scientific value of any deposit. With regards to the landside of the project site, historic aerials indicate that no buildings or structures were present prior to the existing development. There is no potential for demolition to encounter remains of previous building or structures (NETR 2025). Therefore, any potential impact on archaeological resources would be less than significant.

### Level of Significance Prior to Mitigation

Impacts would be less than significant.

### Mitigation Measures

No mitigation measures are required.

### Secondary Effects of Mitigation Measures

Based on the incorporation of **MM-WQ-1** identified in Section 3.7, *Hydrology and Water Quality*, it is reasonably foreseeable that sediment remediation (e.g., dredging of contaminated sediments and placing clean cover material over contaminated sediment) may be a potential condition issued by the Regional Water Quality Control Board (RWQCB) through the CWA Section 401 water quality certification, the coordination of which is addressed in **MM-WQ-1**. As described above, the presence of intact archaeological deposits is very low, and any disturbance of the underlying sediment is not anticipated to encounter significant archaeological resources. Therefore, impacts associated with potential sediment remediation that may occur as a consequence of implementing **MM-WQ-1** would be less than significant.

### Level of Significance After Mitigation

Impacts would be less than significant.

***Threshold 4: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:***

***a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or***

***b. a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

## Impact Discussion

As described above, the District sent notification letters to 12 tribes and three tribal representatives responded. The Jamul Indian Village of California responded that the project was not within the recognized Jamul Indian Reservation boundaries, but did fall within their Traditional Use Area. Consultation was not requested. The Viejas Band of Kumeyaay Indians suggested that the project area may contain sacred sites and, if present, asked that they be avoided. The Campo Band of Mission Indians requested consultation, and the District met with Campo Band of Mission Indians to review the project. The tribal representative explained that the project area is of concern to Campo because there were no laws related to protecting tribal resources when the existing uses were built. The tribal representative explained that Kumeyaay traveled far to get to the Bay, that there are three village sites known in the vicinity of the project site, and that there is high concern due to numerous known burial sites located across the Bay.

While statements were made related to the overall tribal cultural sensitivity of the general area, no resources that meet the definition of tribal cultural resources under PRC 21074 were identified from AB 52 consultation, and the SCIC records search did not reveal any documented indigenous materials, including any meeting the requirements of PRCs 5020.1(k) or 5024.1 within the project site. As previously discussed, the project site is fully developed, underlain with artificial fill, and is unlikely to contain precontact material that could qualify as a tribal cultural resource. Therefore, impacts on tribal cultural resources would be less than significant.

Although impacts would be less than significant, the District acknowledges the general concern expressed by the Campo Band of Mission Indians and the tribe's request for landside monitoring. Therefore, landside project-related ground-disturbing activities, which would be limited to ground disturbance associated with the installation of electrical upgrades and any grading associated with final site work related to the Building E demolition, would include **CONDITION-TCR-1**, which requires monitoring by tribal representatives during landside ground disturbance.

## Level of Significance Prior to Mitigation

Impacts would be less than significant.

## Mitigation Measures

No mitigation measures are required. However, a project condition will be included as a required CDP condition for all project components to address the general concern raised by the Campo Band of Mission Indians and to respect the tribe's request for landside ground disturbance monitoring.

## Project Condition(s)

**CONDITION-TCR-1**: **Retain a Native American Monitor During Landside Ground Disturbance (Demolition Component and Waterside Redevelopment Component).** The project proponent(s) shall retain and compensate for the services of a Tribal monitor/consultant who is approved by the Campo Band of Mission Indians. The project proponents shall contact the Tribal representatives a minimum of seven days prior to beginning landside ground disturbing activities for their respective project components. Construction activities may proceed if no response is received from the Tribal representatives 48 hours prior to ground disturbing activities. If any suspected tribal cultural resources are discovered, all work shall cease within 50 feet of the find, and a tribal monitor from culturally affiliated Native American Tribe(s) shall be retained, if one is not currently on site. The tribal monitor shall determine if the find is a tribal cultural resource. The consulting Tribal Historic Preservation Officer, or tribal monitor if the consulting tribe has no THPO, will make recommendations for further evaluation and culturally appropriate treatment of discovered Tribal cultural resources as necessary. Consultation with an archaeologist who meets the secretary of the Interior's professional qualifications for archaeology may also occur. The Tribal monitor shall only be present onsite during the construction phase(s) that involve ground disturbing activities for landside construction of the project, including excavation and trenching associated with trenching for utilities (Waterside Redevelopment Component) and site grading/earthwork related to Building E demolition (Demolition Component). The Tribal monitor shall complete daily monitoring logs that describe each day's activities, including construction activities, locations, soil, and any cultural materials identified. The onsite monitoring shall end when the site grading and excavation activities on the landside are completed, or sooner if the Tribal representatives and monitor have indicated that the site has a low potential for impacting tribal cultural resources.

## Level of Significance After Mitigation

Impacts would be less than significant.

## Secondary Effects of Mitigation Measures

Sediment disturbance that may occur as a result of the implementation of **MM-WQ-1** (i.e., coordination with the RWQCB on existing sediment conditions), would be less than significant because the dredged materials would consist entirely of fill. As discussed previously, fill associated with dredging materials is unlikely to contain whole pieces of precontact material that could qualify as a tribal cultural resource.

# 3.4 Energy

## 3.4.1 Overview

This section describes the existing conditions and regulatory setting for energy systems that serve the project site and analyzes whether proposed project would (1) result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; and (2) conflict with or obstruct a state or local plan for renewable energy or energy efficiency. This section relies on the emission modeling results provided in Appendix D.

No comments related to energy consumption were received during the public scoping period for the proposed project. See Appendix A for all Notice of Preparation (NOP) comments received.

As discussed in Section 3.4.4.3, *Project Impacts and Mitigation Measures*, all impacts related to energy consumption quality would be less than significant.

In this section, the term "construction" includes all construction and/or demolition activities that may occur during the Demolition Component or the Waterside Redevelopment Component of the project, as described in the Chapter 2, *Environmental Setting and Project Description*.

## 3.4.2 Existing Conditions

The project site is currently used as a wharf for the commercial fishing industry. The project site is within and adjacent to San Diego Bay in a commercialized area of the waterfront. Existing sources of energy consumption include utility consumption for building and equipment, fuel consumption associated with employee and visitor trips to the project site, and fuel consumption associated with commercial fishing boats.

This section provides a discussion of the existing energy resources associated with the project area.

### 3.4.2.1 Energy Facilities and Services

San Diego County is served by San Diego Gas and Electric (SDG&E), which provides energy service to over 3.7 million customers through 1.5 million electric meters and over 900,000 natural gas meters (SDG&E n.d.). The utility has a diverse power production portfolio, composed of a variety of renewable and non-renewable sources. Energy production typically varies by season and by year. Regional electricity loads also tend to be higher in the summer because the higher summer temperatures drive increased demand for air-conditioning. In contrast, natural gas loads are higher in the winter because the colder temperatures drive increased demand for natural gas heating.

Table 3.4-1 outlines the SDG&E power mix in 2024 compared to the power mix for the state.

**Table 3.4-1. SDG&E and the State of California Power Mix in 2024 (percent)**

| Energy Resources | SDG&E Power Mix | California-Wide Power Mix |
|---|---|---|
| **Eligible Renewables** | **41** | **45** |
| *Biomass and Waste* | *1* | *2* |
| *Geothermal* | *0* | *5* |
| *Eligible hydroelectric* | *0* | *2* |
| *Solar* | *246* | *23* |
| *Wind* | *160* | *14* |

| Energy Resources | SDG&E Power Mix | California-Wide Power Mix |
|---|---|---|
| **Non-renewable** | | |
| *Coal & Petroleum* | *0* | *2* |
| *Large Hydroelectric* | *0* | *10* |
| *Natural Gas* | *59* | *10* |
| *Nuclear* | *0* | *11* |
| *Other* | *0* | *0* |
| *Unspecified Sources of Power*[1] | *0* | *22* |
| **Total** | **100** | **100** |

[1] Electricity from transactions that are not traceable to specific generation sources.

Source: CEC 2025.

### 3.4.2.2 Energy Types and Sources

California relies on a regional power system composed of a diverse mix of natural gas, petroleum, renewable, hydroelectric, and nuclear generation resources.

**Petroleum**: Petroleum products (gasoline, diesel, jet fuel) are consumed almost exclusively by the transportation sector. The transportation sector uses about 85 percent of the petroleum consumed in the state. The industrial sector accounts for about 11 percent of state petroleum use, and the commercial sector consumes about 3 percent. Although California's annual crude oil production has steadily declined from its peak of 394 million barrels in 1985, the state produced 112 million barrels of crude oil in 2023 (EIA 2024).

**Natural Gas**: In 2023, about 32 percent of the natural gas delivered to California consumers went to the state's electric power sector, where it fuels about two-fifths of the state's total electricity generation. The industrial sector made up 31 percent of the state's natural gas consumption. The residential sector, where six in ten California households use natural gas for home heating, accounted for 23 percent of natural gas use. The commercial sector consumed about 13 percent, and the transportation sector used about 1 percent as compressed natural gas vehicle fuel (EIA 2024).

**Electricity and Renewables**: The California Energy Commission (CEC) CEC estimates that 45 percent of California's retail electricity sales in 2024 were provided by Renewables Portfolio Standard (RPS)-eligible renewable resources such as solar and wind (CEC 2025). Additionally, the CEC 2025 Building Energy Action Plan greater decarbonization of existing buildings through improved energy efficiency, electrification, and supporting strategies (CEC 2025).

**Alternative Fuels**: Conventional gasoline and diesel may be replaced (depending on the capability of the vehicle) with many alternative transportation fuels (e.g., biodiesel, hydrogen, electricity, and others). Use of alternative fuels is encouraged through various statewide regulations and plans (e.g., Low Carbon Fuel Standard, AB 32 Scoping Plan).

## 3.4.3 Applicable Laws, Regulations, Plans, and Policies

This section summarizes the federal, state, and local regulations related to energy resources that are applicable to the proposed project.

### 3.4.3.1 Federal

#### Federal Energy Policy Regulations

The Energy Policy and Conservation Act of 1975 established nationwide fuel economy standards to conserve oil. Under this act, the National Highway Traffic and Safety Administration is responsible for revising existing fuel economy standards and establishing new vehicle economy standards. The Corporate Average Fuel Economy program was established to determine vehicle manufacturer compliance with the government's fuel economy standards. Three Energy Policy Acts have been passed, in 1992, 2005, and 2007, to reduce dependence on foreign petroleum, provide tax incentives for alternative fuels, and support energy conservation.

### 3.4.3.2 State

The State of California has adopted various laws addressing various aspects of energy production, energy conservation, energy efficiency, and renewable energy. Much of this establishes a broad framework for the state's long-term GHG and energy reduction goals and climate change adaptation program. A summary of key energy related laws, regulations, plans, and policies, that are relevant to the proposed project is provided below.

#### Senate Bill 350

SB 350 (De Leon, also known as the Clean Energy and Pollution Reduction Act of 2015) was approved by the California legislature in September 2015 and signed by Governor Brown in October 2015. Its key provisions call for the following by 2030: (1) achieving an RPS of 50 percent and (2) doubling the efficiency of existing buildings.

#### Senate Bill 100

SB 100 (De León, also known as the California Renewables Portfolio Standard Program: Emissions of Greenhouse Gases) was approved by the California legislature and signed by Governor Brown in September 2018. The bill increases the RPS in 2030 from 50 to 60 percent and establishes an RPS goal of 100 percent by 2045.

#### In-Use Off-Road Diesel-Fueled Fleets Regulation

The In-Use Off-Road Diesel-Fueled Fleets Regulation (In-Use Offroad Regulation) applies to all existing self-propelled off-road diesel vehicles 25 horsepower or greater used in California and most two-engine vehicles (except on-road two-engine sweepers). This includes vehicles that are rented or leased (rental or leased fleets) (13 CCR Section 2449). The In-Use Off-Road Regulation primarily targets air pollutant reductions by imposing limits on equipment idling; requiring all vehicles to be reported to CARB through the online DOORS reporting system; requiring fleets to reduce their emissions by retiring, replacing, or repowering older engines, or installing Verified Diesel Emission Control Strategies; and implementing a phase-out schedule for older, high-emissions engines.

#### On-Road Heavy-Duty Diesel Vehicle Idling Emission Reduction Regulation

CARB adopted this airborne toxic control measure in 2005 to limit diesel-fueled commercial motor vehicle idling. This regulation states that diesel vehicles with GVWR greater than 10,000 pounds shall not idle the vehicle's diesel-powered primary or auxiliary power system for greater than 5 minutes at any location (CCR Title 13, Section 1956.8 and 2485).

## California Building Energy Efficiency Standards (Title 24, Part 6 and Part 11)

The energy consumption of new residential and nonresidential buildings in California is regulated by the Title 24, Part 6, Building Energy Efficiency Standards (California Energy Code). CEC updates the California Energy Code every 3 years with more stringent design requirements for reduced energy consumption, which results in the generation of fewer GHG emissions. The most recent is the 2025 California Energy Code, which advances the on-site energy generation progress started in the 2019 California Energy Code by encouraging electric heat pump technology and use, encouraging electric-ready buildings, updating solar PV system and battery storage standards for high-rise multi-family and nonresidential buildings, updating space conditioning system control standards for nonresidential buildings, and updating ventilation requirements in multifamily buildings (CEC 2024).

## California Green Building Standards Code

California has adopted the Green Building Standards Code (CALGreen) (24 CCR Part 11), which identifies aggressive energy efficiency standards for new residential and non-residential buildings that are continuously updated every few years. The 2025 CALGreen Code was adopted on September 11, 2024, and went into effect on January 1, 2026. Relative to the 2022 CALGreen Code, the 2025 version proposes increased requirements for EV charging infrastructure (i.e., a higher percentage of parking spaces that must be equipped with EV chargers and more stringent requirements for the types of chargers that must be installed) in both residential and non-residential buildings. The 2025 CALGreen Code also includes required analysis of Embodied Carbon in Building Materials, which was not required under the 2022 CALGreen Code. Lastly, the 2025 CALGreen Code includes updates to energy efficiency standards aimed at further reducing energy consumption in buildings and promoting the use of renewable energy sources (CEC 2024). CALGreen requirements are complementary with the California Energy Code discussed above.

## State of California Energy Action Plan

CEC is responsible for preparing the state energy plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The first Energy Action Plan (EAP) emerged in 2003 from a crisis atmosphere in California's energy markets. The state's three major energy policy agencies (CEC, CPUC, and the Consumer Power and Conservation Financing Authority [established under deregulation and now defunct]) came together to develop one high-level, coherent approach to meeting California's electricity and natural gas needs. It was the first time that energy policy agencies formally collaborated to define a common vision and set of strategies to address California's future energy needs and emphasize the importance of the impacts of energy policy on the California environment. In the October 2005 Energy Action Plan II, CEC and CPUC updated their energy policy vision by adding some important dimensions to the policy areas included in the original EAP, such as the emerging importance of climate change, transportation-related energy issues and research and development activities. CEC adopted an update to the EAP II in February 2008 that supplements the earlier EAPs and examines the state's ongoing actions in the context of global climate change.

The current plan is the 2025 Building Energy Action Plan, which was released December 19, 2025. The 2025 Energy Action Plan presents a statewide, multiagency perspective on ways to achieve greater decarbonization of existing buildings through improved energy efficiency, electrification, and supporting strategies. The 2025 Energy Action Plan discusses 21 topics that present major issues to building decarbonization (CEC 2025).

### 3.4.3.3 Local

#### SANDAG Regional Energy Strategy

The SANDAG Regional Energy Strategy (RES) serves as the energy policy blueprint for the San Diego region through 2050 to support decision-making as the region strives to meet the energy needs of the growing population. It establishes long-term goals in topic areas such as energy efficiency, renewable energy, distributed generation, transportation fuels, land use and transportation planning, border energy issues, and the green economy. SANDAG and local governments identified six early actions to focus on in the near term:

- Pursue a comprehensive building retrofit program to improve efficiency and install renewable energy systems.
- Create financing programs to pay for projects and improvements that save energy.
- Utilize the SANDAG-SDG&E Local Government Partnership to implement the RES at the local level. SANDAG will work with local governments to identify opportunities and implement energy savings at government facilities and throughout their communities.
- Support land use and transportation planning strategies that reduce energy use and GHGs.
- Support use of existing unused reclaimed water to decrease the amount of energy needed to meet the water needs of the San Diego region.

In 2014, a technical update of the RES was completed to inform the development of the 2021 Regional Plan. This technical update demonstrates progress toward attaining the RES goals, updates existing conditions and future projections data, and recommends priorities for moving forward.

#### San Diego Unified Port District Plans and Programs

The District developed the Green Port Program to support the goals of the Green Port Policy, which was adopted in 2008. The Green Port Program was designed to achieve environmental sustainability goals at the Port, including those related to water, energy, air, waste management, sustainable development, and sustainable business practices. The District and SDG&E have also established a partnership to increase energy efficiency and reduce overall energy consumption. SDG&E currently allocates a portion of funds collected from utility customers to energy efficiency programs with local governments. The District uses some of those funds to develop energy efficiency education programs, track energy consumption, perform energy audits, and implement energy retrofits. The District's energy efficiency programs benefit employees, tenants, and the general public.

## 3.4.4 Project Impact Analysis

### 3.4.4.1 Methodology

Implementation of the proposed project would result in energy use from construction of the Demolition Component and Waterside Redevelopment Component. Energy use associated with construction equipment activities includes the operation of off-road equipment, operation of waterside equipment, as well as employees' vehicles and haul trucks. Energy use during construction was estimated using a combination of emission methods and emissions factors from published best available documentation. Energy usage associated with fuel consumption was calculated by converting the GHG emissions estimated for the GHG analysis using default fuel economy factors from EMFAC for off-road and on-road sources. A full list of assumptions and emissions and energy calculations for project construction activities can be found in Appendix D.

As discussed in Chapter 2, Section 2.3.5, *Project Operation*, the proposed project would not change the nature of onsite operations or increase onsite activity compared to recent past operations at the project site based over a

range of time periods to account for the temporary lull in operation based on market demand, seasonal demand, and marina operator practices. The proposed project would not expand onsite operations, increase commercial fishing operations, or result in additional employment or vehicle trips compared to recent past operations. The new piers and associated infrastructure would enable employees to continue their existing operations at the commercial fishing facility under safe working conditions. Because long-term operational changes are minimal, operational energy consumption is discussed qualitatively.

### 3.4.4.2 Thresholds of Significance

The following significance criteria, which are based on the questions in Appendix G of the State CEQA Guidelines, provide the basis for determining the significance of energy impacts associated with the proposed project. Impacts would be considered significant if the proposed project were to result in any of the following:

1. Result in a potentially significant environmental impact due to the wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation; or
2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

According to Section 15126.2(b) of the State CEQA Guidelines, if analysis of a project's energy use reveals that the project may result in significant environmental effects due to wasteful, inefficient, or unnecessary consumption use of energy, or wasteful use of energy resources, the EIR must mitigate that energy use. Guidance is presented in State CEQA Guidelines Appendix F.

According to Appendix F of the State CEQA Guidelines, the goal of conserving energy implies the wise and efficient use of energy. The means for achieving this goal include:

1. Decreasing overall per capita energy consumption;
2. Decreasing reliance on fossil fuels such as coal, natural gas, and oil; and
3. Increasing reliance on renewable energy sources.

### 3.4.4.3 Project Impacts and Mitigation Measures

***Threshold 1: Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?***

#### Impact Discussion

CEQA requires a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy.

Specific numerical thresholds that define when energy consumption is considered wasteful, inefficient, or unnecessary have not been established in federal or state law or in the State CEQA Guidelines. Compliance with the California Energy Code would result in energy-efficient buildings. However, compliance with building codes alone does not adequately address all potential energy impacts during construction. For example, energy would be required to transport people and goods to and from the project site.

Energy would be required to operate and maintain construction equipment and for the transport of construction materials by barge and haul truck. The one-time energy expenditure required to repair and replace the existing physical facilities and infrastructure associated with the proposed project would be nonrecoverable. Most energy consumption would result from operation of off-road waterside and landside construction equipment, and on-road vehicle trips associated with water and land construction, worker commute trips, vendor haul truck trips, and barge mobilization.

The energy consumption associated with each year of proposed project construction was estimated using EMFAC emission factors for equipment, harbor craft, trucks, and worker commute vehicles. Diesel-related energy consumption would be associated with off-road equipment and trucks used to haul equipment debris to and from the project site, while gasoline consumption is associated primarily with worker vehicle trips. Total energy consumption during project construction is estimated to use 125,111 gallons of diesel and 13,562 gallons of gasoline (Table 3.4-2). The energy needs associated with the Demolition Component and Waterside Redevelopment Component would occur over the course of the 48-month construction period are not anticipated to require additional capacity or substantially increase peak or base period demands for electricity and other forms of energy. Gasoline and diesel would also be consumed during worker commute trips. Energy would be required to transport demolition waste and excavated materials. All trucks would comply with the statewide standard of restricting idling time to no more than 5 minutes. All equipment would comply with CARB's In-Use Off-Road Diesel Vehicle Regulation. The one-time energy expenditure required to construct proposed project development would be nonrecoverable. However, there is no evidence to suggest that construction-related energy demand associated with the proposed project would be atypical. Nonrenewable energy would not be consumed in a wasteful, inefficient, or unnecessary manner during the proposed project's construction when compared to other construction activity in the region. Additionally, on-road gasoline and diesel fuel consumption associated with construction activity would go down each year as vehicle fleets become more fuel-efficient over time.

**Table 3.4-2. Total Estimated Construction Energy Consumption**

| Energy Consumption Source | Diesel (Gallons) | Gasoline (Gallons) |
|---|---|---|
| Off-Road Land Equipment | 2,880 | - |
| Off-Road Water Equipment | 120,380 | - |
| Trucks and Worker Commute | 1,851 | 13,562 |
| Project Total | 125,111 | 13,562 |

Source: Modeled by Ascent in 2025 (Appendix D).

Once operational, the project site would continue to be served by SDG&E. The capacity of the electrical service would be upgraded at the project site to provide additional capacity to allow for the installation of new electrical service at the Piers 5, 7, and 8. The additional capacity would allow for fishing vessels to plug into shoreside electrical power while at berth, which would allow electricity to power the vessels' auxiliary needs (e.g., lighting, air conditioning, refrigeration) while at-dock rather than run the vessel's auxiliary engines for power, which are typically diesel-powered. These upgrades are consistent with the requirements set forth in CARB's Commercial Harbor Craft (CHC) Regulation, which requires facility owners and operators to make shore power available for harbor craft. CARB's CHC Regulation is described in Section 3.1.3.2 of Section 3.1, *Air Quality*. While the availability of shore power may increase electricity consumption at the project site, the installation and subsequent use of shore power is consistent with state law and its use will ultimately decrease the use of fossil fuel powered auxiliary engines at dock. The proposed project would not change the nature of recent past operations at the project site. The proposed project would not increase activity and the number of on-site employees would be similar. Energy use is anticipated to be similar or reduced when compared to past conditions. As discussed under Threshold 1 in Section 3.5, *Greenhouse Gas Emissions and Climate Change*, while the new slips would accommodate larger vessels, the number of slips in the marina would decrease by 60 percent (125 to 75 slips), which would indicate that energy demand overall would be expected to decrease. Moreover, review of fishing vessels within the Port indicates an insignificant correlation between fishing vessel size and engine size within the Port of San Diego. In other words, larger fishing vessels within the Port of San Diego do not translate to larger engines with potentially higher emissions. Moreover, the floating wave attenuator would reduce the impact of waves generated by passing ship traffic and sustained winds, which would make it easier for vessels to navigate in and out of the marina, which may marginally reduce vessel fuel consumption. Thus, project operation is not anticipated to increase energy demand or decrease energy efficiency at the project site.

## Level of Significance Prior to Mitigation

Implementation of the proposed project would not result in the wasteful, inefficient, and unnecessary consumption of energy that could result in potentially significant environmental effects. Impacts would be less than significant.

## Mitigation Measures

No mitigation is required.

## Secondary Effects of Mitigation Measures

Based on the incorporation of **MM-WQ-1** (see Section 3.7, *Hydrology and Water Quality*, of this EIR), it is reasonably foreseeable that sediment remediation may be a potential condition issued by the Regional Water Quality Control Board through the CWA Section 401 water quality certification, the coordination of which is addressed in **MM-WQ-1**. For analysis purposes, it is assumed sediment remediation could occur over an approximately 12-month period during waterside demolition.

An analysis of energy consumption associated with incorporation of **MM-WQ-1** was performed. For purposes of analysis, it is assumed that trucks related to hauling of dredged materials and sand placement would overlap with "Waterside Demolition Part 1." Sediment remediation would potentially result in an additional 11,634 gallons of diesel (associated with use of off-road equipment and haul trucks to move sediment and import sand) as well as 753 gallons of gasoline (associated with worker commute vehicles) (see Appendix D). After sediment remediation is complete, energy use related to project construction would continue as described in Chapter 2, Project Description, and analyzed in this section. Energy-related impacts associated with potential sediment remediation that may occur as a reasonably foreseeable consequence of implementing **MM-WQ-1** would be less than significant.

## Level of Significance After Mitigation

Impacts would be less than significant.

# *Threshold 2: Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

## Impact Discussion

State and local renewable energy and energy efficiency plans that are applicable to the proposed project include: California Title 24 energy efficiency standards; the State of California Energy Action Plan, which contain required standards related to energy efficiency for buildings and renewable energy development; the District's CAP, which includes strategies to reduce GHG emissions; SANDAG's Regional Energy Strategy, which establishes long-term energy goals in the region through 2050, including energy efficiency, renewable energy, distributed generation, transportation fuels, land use and transportation planning, border energy issues, and the green economy; and the 2022 Scoping Plan, which outlines the state's long term GHG reduction strategy through the transition from fossil fuels to a decarbonized economy through electrification and clean energy. The proposed project is required to comply with these plans, to the extent applicable. Implementation of the project would modernize the existing wharf and marina through improved waterside facilities capable of supporting modern commercial fishing operations, demolish underutilized and deteriorated buildings that are no longer needed (i.e., Building E), and would provide a floating wave attenuator.

While the project would result in a short-term increase in GHGs during demolition and construction, this increase would be minor, and the project would not induce growth or change the land use type of the site, such

that the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The capacity of the electrical service would be upgraded at the project site to provide additional capacity to allow for the installation of new electrical service at the piers. The additional capacity would allow for fishing vessels to plug into shoreside electrical power while at berth at Piers 5, 7 and 8, which would allow electricity to power the vessels' auxiliary needs (e.g., lighting, air conditioning, refrigeration) while at-dock rather than run the vessel's auxiliary engines for power, which are typically diesel-powered. These upgrades are consistent with the requirements set forth in CARB's Commercial Harbor Craft (CHC) Regulation, which requires facility owners and operators to make shore power available for harbor craft. CARB's CHC Regulation is described in Section 3.1.3.2 of Section 3.1, *Air Quality*. While the availability of shore power may increase electricity consumption at the project site, the installation and subsequent use of shore power is consistent with state law and its use will ultimately decrease the use of fossil fuel powered auxiliary engines at dock. Moreover, the project does not propose any new buildings and would decrease building square footage at the project site, which may reduce building energy consumption. In addition, adding the floating wave attenuator would protect the infrastructure from wave activity that could reduce energy consumption associated with future repairs, and could reduce commercial fishing vessel fuel consumption due to the presence of calmer waters within the marina area. Because the project would not increase operational energy usage, and new floating docks and facilities would be more energy efficient than existing floating docks and facilities, the project would not conflict with state or local long-term renewable energy or energy efficiency plans. Lastly, the proposed project would not change the number of employees that access the site daily, and there would be no increase in visitors, deliveries, or other services to the site compared to recent and historic conditions. Therefore, operation of the proposed project would not increase or affect VMT.

In terms of energy consumption, the project is primarily a construction project, as changes in long term energy consumption are expected to be minimal. The project does not propose any new buildings or sources of transportation energy that would conflict with or obstruct state or local plans for renewable energy or energy efficiency. Operational energy use is not expected to change. Moreover, the addition of shoreside electrical power would allow for vessels to plug into an alternative source of energy (i.e., electricity instead of diesel combustion. Energy consumption is expected to be similar or reduced when compared with recent past operations. For these reasons, the project would not conflict with or obstruct state or local plans for renewable energy or energy efficiency. Therefore, this impact would be less than significant.

## Level of Significance Prior to Mitigation

Implementation of the proposed project would not conflict with or obstruct any applicable state or local plan for renewable energy or energy efficiency. Impacts would be less than significant.

## Mitigation Measures

No mitigation is required.

## Level of Significance After Mitigation

Impacts would be less than significant.

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# 3.5 Greenhouse Gas Emissions and Climate Change

## 3.5.1 Overview

This section describes existing conditions and applicable laws, regulations, and policies pertaining to greenhouse gas (GHG) emissions and analyzes the proposed project's potential to (1) generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment; and (2) conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

One comment related to GHGs and climate change was received during the NOP scoping period from the San Diego Air Pollution Control District (SDAPCD). SDAPCD provided information related to the shore power requirements that facility owners and/or operators will be required to comply with, per the California Air Resources Board (CARB) Commercial Harbor Craft regulation. The Commercial Harbor Craft regulation is discussed below in Section 3.5.3.2, under *Applicable Laws, Regulations, Plans, and Policies*.

As discussed in Section 3.5.4.3, *Project Impacts and Mitigation Measures*, all impacts related to GHGs and Climate Change would be less than significant. No mitigation is required.

In this section, the term "construction" includes all construction and/or demolition activities that may occur during the Demolition Component or the Waterside Redevelopment Component of the project, as described in the Project Description (Chapter 2, *Environmental Setting and Project Description*).

## 3.5.2 Existing Conditions

This section provides a discussion of the existing understanding of global climate change and its related effects, the relationship between GHG emissions and current conditions, and the existing energy resources associated with the project area.

### 3.5.2.1 Global Climate Change

The phenomenon known as the greenhouse effect keeps the atmosphere near the earth's surface warm enough for the successful habitation of humans and other life. Present in the earth's lower atmosphere, GHGs play a critical role in maintaining the earth's temperature. Sunlight—including infrared, visible, and ultraviolet radiation—passes through the atmosphere. Some of the sunlight striking the earth is absorbed and converted to heat, which warms the surface. The surface emits infrared radiation to the atmosphere, where some of it is absorbed by GHGs and re-emitted toward the surface; some of the heat is not trapped by GHGs and escapes into space. Human activities that emit additional GHGs to the atmosphere increase the amount of infrared radiation that gets absorbed before escaping into space, thus enhancing the greenhouse effect and amplifying the warming of the earth (IPCC 2013).

Increases in fossil fuel combustion and deforestation have exponentially increased concentrations of GHGs in the atmosphere since the Industrial Revolution. According to the Intergovernmental Panel on Climate Change (IPCC), human influence has warmed the climate at a rate that is unprecedented in at least the last 2,000 years (IPCC 2022). In addition, the IPCC reported with high confidence that in 2019 carbon dioxide ($CO_2$) concentrations were higher than at any time in at least 2 million years and reported with very high confidence that 2019 concentrations of methane ($CH_4$) and nitrous oxide ($N_2O$) were higher than at any time in at least 800,000 years (IPCC 2022). Rising atmospheric concentrations of GHGs in excess of natural levels enhance the greenhouse effect, which contributes to global warming of the earth's lower atmosphere. This warming induces large-scale changes in ocean circulation patterns, precipitation patterns, global ice cover, biological distributions, and other changes to the earth's system that are collectively referred to as climate change. The

scale of recent changes across the climate system as a whole and the present state of many aspects of the climate system are unprecedented over many centuries to many thousands of years (IPCC 2022). IPCC also reports that many changes in the climate system become larger in direct relation to increasing global warming, including increases in the frequency and intensity of hot extremes, marine heatwaves, and heavy precipitation, agricultural and ecological droughts in some regions, and proportion of intense tropical cyclones, as well as reductions in Arctic sea ice, snow cover, and permafrost (IPCC 2022). In addition, low-likelihood outcomes, such as ice sheet collapse, abrupt ocean circulation changes, some compound extreme events, and warming substantially greater than the assessed very likely range of future warming cannot be ruled out (IPCC 2022).

### 3.5.2.2 Principal Greenhouse Gases

The GHGs listed by the Intergovernmental Panel on Climate Change (IPCC) ($CO_2$, $CH_4$, $N_2O$, HFCs, PFCs, and $SF_6$) are discussed in this section in order of abundance in the atmosphere (IPCC 2014). The principal characteristics of these pollutants are discussed below. California law and the State CEQA Guidelines contain similar definitions of GHGs (Health and Safety Code Section 38505[g]; 14 California Code of Regulations [CCR] Section 15364.5). Water vapor, the most abundant GHG, is not included in this list because its natural concentrations and fluctuations far outweigh its anthropogenic (human-made) sources. Consequently, the primary GHGs of concern associated with the project are $CO_2$, $CH_4$, and $N_2O$. Note that PFCs are not discussed because those gases are generated primarily by manufacturing processes, which are not anticipated as part of the project.

- **$CO_2$** enters the atmosphere through the burning of fossil fuels (e.g., oil, natural gas, and coal), solid waste, trees, and wood products; respiration; and chemical reactions (e.g., from the manufacture of cement). $CO_2$ is removed from the atmosphere (or "sequestered") when it is absorbed by plants as part of the biological carbon cycle.
- **$CH_4$** is emitted during the production and transport of coal, natural gas, and oil. $CH_4$ is also emitted from livestock and agricultural operations as well as the decay of organic waste in municipal solid waste landfills.
- **$N_2O$** is emitted during agricultural and industrial activities as well as the combustion of fossil fuels and solid waste.

Methods have been set forth to describe emissions of GHGs in terms of a single gas to simplify reporting and analysis. The most commonly accepted method for comparing GHG emissions is the global warming potential (GWP) methodology defined in the IPCC reference documents. IPCC defines the GWP of various GHG emissions on a normalized scale that recasts all GHG emissions in terms of carbon dioxide equivalent ($CO_2e$), which compares the gas in question to that of the same mass of $CO_2$ (which has a GWP of 1 by definition). The GWP values used in this report are based on the IPCC Fourth Assessment Report (AR4) and the reporting guidelines, as defined in Table 3.5-1, from the United Nations Framework Convention on Climate Change (Myhre et al. 2013). The AR4 GWP values are consistent with those used in CARB's 2022 California GHG inventory, CARB's 2022 scoping plan, and the District's 2016 Maritime Air Emissions Inventory and CAP progress report (CARB 2024; District 2018).

**Table 3.5-1. GWPs and Lifetimes of Significant GHGs**

| Gas | GWP (100 years) | Lifetime (years)[1] |
|---|---|---|
| $CO_2$ | 1 | 50–200 |
| $CH_4$ | 25 | 12 |
| $N_2O$ | 298 | 114 |

[1] Defined as the half-life of the gas.

Source: CARB 2025.

All GWPs used for CARB's GHG inventory and to assess attainment of the State's reduction targets are considered over a 100-year timeframe (as shown in Table 3.5-1). However, CARB recognizes the importance of short-lived climate pollutants and reducing these emissions to achieve the State's overall climate change goals. Short-lived climate pollutants have atmospheric lifetimes on the order of a few days to a few decades, and their relative climate forcing impacts, when measured in terms of how they heat the atmosphere, can be tens, hundreds, or even thousands of times greater than that of $CO_2$ (CARB 2025).

Recognizing their short-term lifespan and warming impact, short-lived climate pollutants are measured in terms of $CO_2e$ using a 20-year time period. The use of GWPs with a time horizon of 20 years better captures the importance of the short-lived climate pollutants and gives a better perspective on the speed at which emission controls will impact the atmosphere relative to $CO_2$ emission controls. CARB's *Short-Lived Climate Pollutant Reduction Strategy*, which is discussed in Section 3.5.3, *Applicable Laws, Regulations, Plans and Policies*, addresses methane, hydrofluorocarbon gases, and anthropogenic black carbon Methane has a lifetime of 12 years and a 20-year GWP of 72. Hydrofluorocarbon gases have lifetimes of 1.4 to 52 years and 20-year GWPs of 437 to 6,350. Anthropogenic black carbon has a lifetime of a few days to weeks and a 20-year GWP of 3,200 (CARB 2017).

### 3.5.2.3 Greenhouse Gas Inventories

A GHG inventory is a quantification of all GHG emissions and sinks[1] within a selected physical and/or economic boundary. GHG inventories can be performed on a large scale (e.g., for global and national entities) or on a small scale (e.g., for a particular building or person). Although many processes are difficult to evaluate, several agencies have developed tools to quantify emissions from certain sources.

Table 3.5-2 outlines the most recent global, national, statewide, regional, and local GHG inventories to help contextualize the magnitude of potential project-related emissions.

**Table 3.5-2. Global, National, State, and Local GHG Emissions Inventories**

| GHG Emissions Inventory | $CO_2e$ (metric tons) |
|---|---|
| 2019 IPCC Global | 59,000,000,000 |
| 2022 EPA National | 5,489,000,000 |
| 2022 CARB Statewide | 371,100,000 |
| 2022 SANDAG Regional | 22,500,000 |
| 2022 City of San Diego | 8,552,000 |
| 2016 Port of San Diego | 504,554 |

Sources: IPCC 2022; EPA 2024; CARB 2024; SANDAG 2025; City of San Diego 2024; District 2018.

Like the Federal and State governments, the District conducts periodic GHG inventories to assess its progress in reducing emissions and meeting its climate change goals. Sources throughout the District's jurisdiction that generate GHG emissions include tenant facilities (e.g., hotels, marinas, and boatyards), maritime activity (e.g., the movement of goods and people associated with marine terminal operations), and Port operations (e.g., District-owned building energy consumption and fleet activity).

[1] A GHG sink is a process, activity, or mechanism that removes a GHG from the atmosphere.

# 3.5.3 Applicable Laws, Regulations, Plans, and Policies

## 3.5.3.1 Federal

There is no comprehensive, overarching federal law specifically related to climate change or the reduction of GHG emissions. However, the federal government has adopted various regulations that aim to reduce GHG emissions from various emissions sources. In March 2025, the current administration announced that EPA will undertake 31 actions, focusing primarily on reconsidering actions adopted by previous administrations, including numerous actions and regulations related to climate change and the reduction of GHG emissions. These include, but are not limited to, reconsideration of regulations on power plants, the Mandatory Reporting Rule, the Endangerment Finding, and fuel economy standards, among others. As of the writing of this ~~Draft~~ Final EIR, none of these regulations have been repealed or replaced with newly adopted regulations. Therefore, no federal regulations related specifically to GHG emissions have been factored into the proposed project's impact analysis.

## 3.5.3.2 State

California has adopted statewide legislation to address various aspects of climate change, provide GHG mitigation, and improve energy efficiency. Much of this establishes a broad framework for the state's long-term GHG and energy reduction goals as well as the climate change adaptation program. Governors of California have also issued Executive Orders (EOs) related to the state's evolving climate change policy. Summaries of the key policies, EOs, regulations, and state legislation relevant to the project are provided below in chronological order.

### Executive Order S-03-05 (2005)

EO S-03-05 was designed to reduce California's GHG emissions to 2000 levels by 2010, 1990 levels by 2020, and 80 percent below 1990 levels by 2050.

### Assembly Bill 32—California Global Warming Solutions Act (2006)

AB 32 codified the state's GHG emissions target by requiring California's global warming emissions to be reduced to 1990 levels by 2020. Since being adopted, the CARB, CEC, CPUC, and California Building Standards Commission have been developing regulations that will help the state meet the goals of AB 32 and EO S-03-05. The scoping plan for AB 32 identifies specific measures for reducing GHG emissions to 1990 levels by 2020 and requires CARB and other state agencies to develop and enforce regulations and other initiatives to reduce GHG emissions. The AB 32 scoping plan, first adopted in 2008, is the state's roadmap for meeting AB 32's reduction target. Specifically, the scoping plan articulates a key role for local governments by recommending that they establish GHG emissions reduction goals for both municipal operations and the community that are consistent with those of the state (i.e., approximately 15 percent below current levels) (CARB 2008).

### Senate Bill 32, California Global Warming Solutions Act of 2006: Emissions Limit, and Assembly Bill 197, State Air Resources Board, Greenhouse Gases, Regulations (2016)

SB 32 (Pavley) requires CARB to ensure that statewide GHG emissions will be reduced to at least 40 percent below the 1990 level by 2030, consistent with the target set forth in EO B-30-15. The bill specified that SB 32 shall become operative only if AB 197 (Garcia) is enacted and effective on or before January 1, 2017. AB 197 requires formation of the Joint Legislative Committee on Climate Change Policies; requires CARB to prioritize direct emissions reductions from stationary sources, mobile sources, and other sources and consider social costs when adopting regulations to reduce GHG emissions beyond the 2020 statewide limit; requires CARB to prepare reports on sources of GHGs, criteria air pollutants, and toxic air contaminants; establishes 6-year terms for

voting members of CARB; and adds two legislators as non-voting members of CARB. Both bills were signed by Governor Brown in September 2016.

## 2022 Scoping Plan

CARB adopted the *Final 2022 Scoping Plan for Achieving Carbon Neutrality* (2022 Scoping Plan) on December 16, 2022 (CARB 2022a). The 2022 Scoping Plan traces the state's pathway to achieve its goals of carbon neutrality and an 85 percent reduction in emissions by 2045 relative to 1990 levels, as codified by AB 1279 in September 2022. These targets are in line with scientifically established levels to limit the rise in global temperature to no more than 2°C, the warming threshold at which major climate disruptions, such as super droughts and rising sea levels, are projected; these targets also pursue efforts to limit the temperature increase even further to 1.5°C. The 2022 Scoping Plan identifies the reductions needed by each GHG emission sector (e.g., transportation [including off-road mobile-source emissions], industry, electricity generation, agriculture, commercial and residential, pollutants with high global warming potential, and recycling and waste) to achieve these goals. The 2022 Scoping Plan details a multitude of strategies for reducing GHG emissions in each of these sectors. Examples of statewide goals include achieving a per capita VMT reduction of at least 25 percent below 2019 levels by 2030 and 30 percent below 2019 levels by 2045 to reduce GHGs from the transportation sector; installing/retrofitting three million all-electric and electric-ready homes by 2030 and seven million by 2035, with six million heat pumps installed statewide by 2030 to reduce GHG emissions in the commercial and residential building sector; and using long-term planning processes to support grid reliability, expansion of renewable and zero-carbon resources, and infrastructure deployment to reduce energy sector GHG emissions. The 2022 Scoping Plan is the state's current scoping plan.

## Senate Bill 100 (2018)

SB 100 (De León, also known as the California Renewables Portfolio Standard Program: Emissions of Greenhouse Gases) was approved by the California legislature and signed by Governor Brown in September 2018. The bill increases the renewables portfolio standard (RPS) in 2030 from 50 to 60 percent and establishes an RPS goal of 100 percent by 2045.

## Executive Order B-55-18 (2018) and Assembly Bill 1279 (2022)

EO B-55-18 was signed by Governor Brown in September 2018. The order establishes a statewide goal that calls for achieving carbon neutrality by no later than 2045 as well as achieving and maintaining net negative emissions thereafter. Although this EO has not been codified in law, it directs CARB to ensure that future climate change scoping plans identify and recommend measures for achieving the carbon neutrality goal. On September 16, 2022, the state legislature passed AB 1279, which codified this carbon neutrality goal for the state of achieving carbon neutrality and an 85 percent reduction in 1990 emissions level by 2045. The 2022 Scoping Plan traces the pathway for meeting this statewide goal.

## Advanced Clean Cars (2022)

CARB adopted the Advanced Clean Cars II (ACC II) program in August 2022, which sets sales requirements for zero emission vehicles (ZEVs) to ultimately reach the goal of 100 percent ZEV sales in the state by 2035. The main objectives of ACC II are to maximize emission reductions through increased stringency and real-world reductions, and to accelerate the transition to ZEVs through both increased stringency of requirements and associated actions to support wide-scale adoption and use. The EPA granted CARB its CAA waiver request on December 18, 2024.

On June 12, 2025, Public Law No. 119-16, enacting House Joint Resolution 88, became law. The law relied on the Congressional Review Act to disapprove the EPA's December 2024 waiver under the CAA that allowed California to implement and enforce the ACC II regulation. The law prevents EPA from implementing or reissuing the same or

similar rules without new congressional authorization. This effectively blocks California, and other states that follow its standards, from enforcing these specific vehicle emission and warranty regulations. The implications of this law on the State's capability to enforce its independent fuel economy standards are uncertain at this time, as the California Attorney General filed a lawsuit challenging P.L. No. 119-16 on June 12, 2025. Whether this action will be successful is unknown, as is the possibility that a federal judge will issue a stay to halt the implementation of the ACC II regulation during the legal process. The analysis herein does not account for ACC II. Public Law No. 119-16 rescinded California's waiver under the CAA.

## Executive Order E-79-20

EO N-79-20, signed in September 2020, establishes ZEV sales and operational targets for the transportation sector, including 100 percent of in-state sales of new passenger cars and trucks by 2035, 100 percent of medium- and heavy-duty vehicle sales and operations by 2035 and 2045 (where feasible, depending on their use), and 100 percent of off-road vehicle and equipment operations by 2035 (where feasible). This EO also tasked CARB to develop and propose regulations that require increasing volumes of ZE passenger vehicles, medium- and heavy-duty vehicles, drayage trucks, and off-road vehicles toward their corresponding targets of 100 percent zero-emission by 2035 or 2045, as listed above. The Scoping Plan modeling reflects achievement of these targets. The ACC II regulation discussed above addresses this EO, and the 2022 Scoping Plan includes the ZEV targets in its emissions forecast (CARB 2022a).

## Commercial Harbor Craft Regulation

CARB adopted its first commercial harbor craft (CHC) regulation in 2007, and it became effective on January 1, 2009. This regulation required all in-use, newly purchased, or replacement engines to repower or meet the EPA's current emission standards up to Tier 3 according to the compliance schedule set by CARB. In addition, propulsion engines on all new ferries acquired after January 1, 2009, with a capacity of more than 75 passengers were required to apply best available control technologies (BACT) to engines to meet EPA Tier 2 or Tier 3 marine engine standards at the time of vessel acquisition. CARB amended the Commercial Harbor Craft Regulation in 2010 to include crew and supply vessels, barges, and dredge vessels as well as to clarify requirements and address issues that arose during implementation of the initial regulation. CARB set sulfur limitations for diesel fuel sold in California for use in on- and off-road motor vehicles (13 CCR 2281–2285; 17 CCR 93114).

CARB amended the CHC Regulation in 2022 to add or expand requirements for vessels regarding emissions, reporting, fuel use, idling, and facility power, among others. Some of these new requirements went into effect on January 1, 2023. The 2022 Amendments require that all existing pre-Tier 1 and Tier 1 CHC engines be upgraded to Tier 3 or Tier 4 emission standards, and that all existing Tier 2 to Tier 4 engines be upgraded to Tier 3 or Tier 4 emission standards and be retrofitted with diesel particulate filters (DPFs) following an 8-year phase-in schedule starting in 2023, except for commercial fishing vessels. Tier 4 engines are required if available starting in 2023, except for commercial fishing vessels. Commercial fishing vessels that are Pre-Tier 1 or Tier 1 must be upgraded to Tier 3 or better standards by 2032. Commercial fishing vessels that are Tier 2 as of January 1, 2023, require no additional compliance under the 2022 Amendments.

While the primary goal of the CHC Regulation is to reduce emissions of diesel particulate matter (diesel PM) and oxides of nitrogen (NOx) from commercial harbor craft vessels operating in California's regulated waters, the regulation will also reduce GHG emissions. In particular, the 2022 Amendments require all diesel-powered vessels to use renewable diesel fuel (R99 or R100) when operating in California as of January 1, 2023 (CARB 2022a; CARB 2022b). According to CARB, use of renewable diesel could result in a five percent increase in fuel consumption (CARB 2021).

Additionally, beginning on January 1, 2024, the CHC Regulation states that no vessel subject to the regulation shall idle propulsion engines, or idle or operate auxiliary engines with a power rating of 99 kW or less, for more than 15 consecutive minutes when docked, berthed, or moored at any facility. The regulation requires all vessels to use shore power at most facilities and for most facility owners and operators (typically those with 50 or more CHC visits per year) to make shore power available. Extension requests for the latter requirement were to be submitted to CARB prior to the January 1, 2024 compliance date (CARB 2022a; CARB 2022b).

On January 13, 2025, CARB withdrew its CAA authorization request for two elements of 2022 Amendments on which the EPA had not taken action. As a result, CARB will not enforce these two elements, but CARB is implementing all other elements of the 2022 Amendments, including those described above.

### 3.5.3.3 Regional

The AB 32 scoping plan does not provide an explicit role for local air districts with respect to implementing AB 32, but it does state that CARB will work actively with air districts in coordinating emissions reporting, encouraging and coordinating GHG reductions, and providing technical assistance in quantifying reductions. The ability of air districts to control emissions (both criteria pollutants and GHGs) is provided primarily through permitting but also their role as CEQA lead or commenting agencies, the establishment of CEQA thresholds, and the development of analytical requirements for CEQA documents. To date, the San Diego Air Pollution Control District has not developed specific thresholds of significance with regard to addressing issues related to GHG emissions in CEQA documents.

### 3.5.3.4 Local

#### San Diego Unified Port District Plans and Programs

The District developed the Green Port Program to support the goals of the Green Port Policy, which was adopted in 2008. The Green Port Program was designed to achieve environmental sustainability goals at the Port of San Diego, including those related to water, energy, air, waste management, sustainable development, and sustainable business practices. The District and SDG&E have also established a partnership to increase energy efficiency and reduce overall energy consumption. SDG&E currently allocates a portion of funds collected from utility customers to energy efficiency programs with local governments. The District uses some of those funds to develop energy efficiency education programs, track energy consumption, perform energy audits, and implement energy retrofits. The District's energy efficiency programs benefit employees, tenants, and the general public.

#### Climate Action Plan

CARB encourages local governments to adopt a reduction goal for emissions from municipal operations and move toward establishing similar goals for community emissions that parallel the state's commitment to reducing GHG emissions (CARB 2008). The District adopted its Climate Action Plan (CAP) in December 2013, which includes an inventory of existing (2006) and projected emissions in 2020, 2035, and 2050 and identifies the District's GHG reduction goals as well as measures to be implemented to support meeting the statewide reduction goals set forth in AB 32 (i.e., 1990 levels by 2020). District-wide 1990 emissions were not quantified because of gaps in activity data; instead, a base year of 2006 was used to calculate the reductions needed at the District to reach 1990 levels by 2020. Consistent with AB 32 targets, a 10 percent reduction target (471.3 million $MTCO_2e$ in 2006 and estimated 426.6 million $MTCO_2e$ in 1990 statewide) was used as the District-wide reduction target for 2020.[2]

[2] The CAP also includes projected emissions and some reduction policies to achieve the reduction target of 25 percent less than 2006 baseline levels by 2035 but does not yet quantify those reductions.

Sources throughout the District's jurisdiction that generate GHG emissions include tenant facilities (e.g., hotels, marinas, and boatyards), maritime activities (e.g., the movement of goods and people associated with marine terminal operations), and District operations (e.g., District-owned building energy consumption and fleet activity). The CAP's 2020 projections and reduction targets (1990 levels) for each activity are based on growth projections specific to each tenant and activity type. For example, the CAP assumes a 5 percent annual growth in lodging-related uses between 2006 and 2020. Therefore, the CAP and its reduction targets are specific to the District's geography, type, intensity of uses, and future projected conditions. Table 3.5-3 provides the CAP's 2006 baseline, projected future (2020) GHG emissions, projected future (2020) GHG emissions with implementation of state measures, and future GHG emissions targets (i.e., 1990 levels) for the District as a whole. To achieve the requisite reductions, the CAP includes various reduction measures related to transportation and land use, alternative energy generation, energy conservation, waste reduction and recycling, and water conservation and recycling.

**Table 3.5-3. GHG Emissions by Emission Sector Shown in the CAP ($MTCO_2e$ per year)**

| Sector | 2006 Existing | 2020 Business as Usual | 2020 with State Measures |
|---|---|---|---|
| Electricity | 173,192 | 208,231 | 147,133 |
| Natural Gas | 135,516 | 152,803 | 152,534 |
| On-Road Transportation | 314,870 | 410,069 | 317,708 |
| Off-Road Transportation | 172,929 | 233,528 | 207,268 |
| Water Use | 13,166 | 14,630 | 10,406 |
| Waste | 16,757 | 20,439 | 20,439 |
| Total Emissions | 826,429 | 1,039,700 | 855,489 |
| 2020 Target | — | 745,695 | |

Source: District 2013: 12.

A critical aspect of having a CAP that fits the criteria within State CEQA Guidelines Section 15183.5 is having reduction targets that align with statewide goals. The CAP's reduction targets parallel the state's commitment to reducing GHG emissions in AB 32 but go even farther by identifying targets for a specific location, based on projected emissions specific to the Port of San Diego's geographic location as well as specific activity types and their associated sources. Therefore, because the CAP targets align with statewide goals, the CAP is consistent with AB 32.

Since the adoption of the CAP, more refined data and updated methodologies have become available to estimate GHG emissions. CARB guidance states that it is good practice to recalculate historic emissions when methods are changed or refined (CARB 2024). Given this, a recalibration of the 2006 baseline was deemed vital to tracking progress toward 2020 goals. This 2006 recalibration was included in the District's 2016 updated inventory, which was based on more locally specific and comprehensive datasets.

The 2016 inventory update provides emissions from the same sectors included in the CAP (i.e., electricity, natural gas, on- and off-road transportation, water use, waste). Table 3.5-4 provides a comparison of the recalibrated 2006 baseline and emissions generated during 2016. Total GHG emissions produced by all tenant, maritime, and District activities in 2016 were estimated to be 507,823 $MTCO_2e$, which is 13 percent below the revised 2006 baseline (or 73,856 $MTCO_2e$). This decrease in emissions is due to several factors, including fewer calls from ocean-going vessels, reduced berthing durations, increased fuel economy for on-road vehicles, decreases in natural gas consumption, and a decrease in the SDG&E electricity emission factor. The 2016 inventory is approximately 2.6 percent of total regionwide GHG emissions, relative to SANDAG's most recent inventory of 2022, which estimated GHG emissions of 26 million $MTCO_2e$ (SANDAG 2025).

**Table 3.5-4. Comparison of Recalibrated 2006 Baseline and Calendar Year 2016 Emissions ($MTCO_2e$ per year)**

| Sector | Revised 2006 | 2016 Inventory |
|---|---|---|
| Electricity | 117,526 | 101,381 |
| Natural Gas | 162,556 | 137,183 |
| On-Road Transportation | 136,619 | 124,957 |
| Off-Road Transportation | 132,571 | 113,812 |
| Water Use | 13,169 | 9,144 |
| Waste | 19,239 | 21,346 |
| Total Emissions | 581,680 | 507,823 |
| 2020 Target | 523,512 | |
| Change from CAP 2006 Due to Recalibration | (244,749) | N/A |

Source: District 2018.

# 3.5.4 Project Impact Analysis

## 3.5.4.1 Methodology

GHG impacts associated with construction of the proposed project were assessed and quantified, to the extent feasible, using industry standards and accepted software tools, techniques, and emissions factors. A summary regarding the methodology is provided below. A full list of assumptions and emissions calculations can be found in Appendix D. The methodology used to estimate GHG emissions is the same methodology that was used to estimate air pollutant emissions, as described in Section 3.1, *Air Quality*. In addition to the emissions sources discussed in Section 3.1, GHG emissions would also result from electricity, natural gas, water consumption, and waste generation.

### Construction GHG Emissions

Construction of the proposed project would generate $CO_2$, $CH_4$, and $N_2O$, all of which are GHGs that could contribute to climate change. Emissions would originate from the construction of landside and waterside components. Sources of emissions associated with landside activities include off-road equipment exhaust, employee vehicle exhaust, and haul truck and material delivery exhaust. Sources of emissions associated with waterside activities include diesel pile drivers and exhaust from tugboats and barges that will be used to store and move equipment, materials, and personnel around the project site.

Construction-related off-road GHG emissions were assessed for three activity categories: landside demolition, waterside demolition, and waterside construction. Waterside demolition and construction include use of both harbor craft and off-road equipment. Landside equipment (off-road equipment) and waterside equipment (harbor craft) were modeled separately for annual emissions and summed later for annual emissions for each phase. The modeling is based on the construction schedule described in Chapter 2, Section 2.3.4 *Project Construction*. Construction activities are scheduled to take place from 7:00 a.m. to 7:00 p.m. Monday through Friday. The methods used to estimate emissions from construction of the proposed project are described below. Detailed model assumptions and inputs for these calculations are presented in Appendix D.

**Off-Road Equipment**: Construction equipment (e.g., excavators and cranes) would be used for the demolition of an existing building (Building E), construction of waterside structures, including a new floating wave attenuator, and replacement of piers. Specific equipment types, horsepower rating, and daily usage for each phase of construction were provided by the project proponent. For electrical improvements where equipment were not specified, CalEEMod default specifications were assumed. Emissions from equipment were estimated using off-road equipment emission factors and emission formulas from the CalEEMod (version 2022.1). It was assumed

that no electrically powered equipment would be used in the construction of the proposed project. All off-road equipment would be diesel-powered.

**Harbor Craft:** Harbor craft would be used in demolition and to construct waterside structure components, store and move equipment, materials, and personnel around the project site and move the barges into place. The harbor craft would operate up to 55 workdays for the waterside demolition to remove Piers 4 through 8 and 360 workdays to construct replacement piers and the wave attenuator throughout the project phases. Harbor craft equipment activities (e.g., specific equipment types, horsepower rating, daily usage, and workdays) for waterside demolition were provided by the project proponent. A list of equipment names for waterside construction was provided by the project engineer (Triton Engineers) and populated with conservative estimates of equipment usage and power rating of similar equipment from similar District projects. Emissions were estimated using CARB's most recent harbor craft emissions inventory (CARB 2022c) for diesel-fueled harbor craft engines during waterside demolition and waterside construction.

**On-Road Vehicles:** On-road vehicles (e.g., heavy-duty trucks and passenger vehicles) would be required for material and equipment hauling, on-site crew and material movement, employee commuting, and material disposal. Combustion exhaust, paved road and brake and tire wear fugitive dust ($PM_{10}$ and $PM_{2.5}$), and fugitive off-gassing were estimated using a combination of emission factors and methodologies from CalEEMod and emission factors from CARB's EMFAC 2021 model based on the number of truck trips by trip type (e.g., employee commuting, material deliveries, and material hauling) provided by the project proponent.

Emissions from haul and delivery trucks were estimated using Heavy-Heavy Duty Truck (HHDT) emission factors from EMFAC 2021, a CalEEMod default of 20 miles for each one-way trip, and the amount of haul and delivery truck trips for each phase of construction provided by the project proponent.

For landside demolition, it was estimated that there would be 39 trucks: 37 trucks to haul 503 CY of demolition debris, and two trucks to haul 25 CY of soil associated with removal of the storage shed (previously removed) concrete pad. For waterside demolition, it was estimated that there would be 80 trucks to haul wood, concrete, and steel debris to the disposal location. For waterside construction, it was estimated that there would be 153 delivery trucks to import materials, such as floating docks, concrete guide piles, gangways, concrete platform piles, and concrete platforms. For the trenching and conduit installation, it was estimated that there would be 3 trucks to haul demolition material and 5 delivery trucks to import materials. In total, it was estimated that there would be approximately 280 trucks and 560 truck trips over the entire construction period, which equals approximately one truck trip per day over the entire construction period.

Emissions associated with the construction worker commute travel were estimated based on a weighted average of light duty auto (LDA), light duty truck 1 (LDT1), and light duty truck 2 (LDT2) emission rates from EMFAC 2021, similar to the vehicle split used in CalEEMod (e.g., LDA = 25 percent, LDT1 = 50 percent, LDT2 = 25 percent), a CalEEMod default trip length for of 11.8 miles per worker trip, assuming 16 workers per day for each phase of construction, and three trips per worker per day. Additionally, it was assumed there would be 4 workers per day for the trenching and conduit installation, which is expected to occur during the 2-week period that overlaps with dock construction.

Note that the anticipated construction schedule assumed in this modeling is approximate and is provided for analysis purposes, and the actual start and end dates may vary. While overall construction timing may vary and may occur later than assumed here, it is assumed that the sequence of phases relative to other phases and activities would not change. If the schedule is delayed, phase order and construction activity would be the same but occur at a later date.

### Operational GHG Emissions

As discussed in Chapter 2, Section 2.3.5, *Project Operation*, the proposed project would not change the nature of onsite operations or increase onsite activity compared to recent past operations at the project site based over a range of time periods to account for the temporary lull in operation based on market demand, seasonal demand, and marina operator practices. The proposed project would not expand onsite operations, increase commercial fishing operations, or result in additional employment or vehicle trips compared to recent past operations. The new piers and associated infrastructure would enable employees to continue their existing operations at the commercial fishing facility under safe working conditions. The project would not result in an expansion of the existing use of the site, an increase in commercial fishing operation, or additional employees beyond those needed during existing operation. Because long-term operational changes are minimal, operational emissions are discussed quantitatively.

## 3.5.4.2 Thresholds of Significance

The following significance criteria are based on Appendix G of the State CEQA Guidelines and provide the basis for determining significance of impacts associated with greenhouse gas emissions and climate change resulting from the proposed project.

Impacts are considered significant if the proposed project would result in any of the following.

1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
2. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The State CEQA Guidelines do not indicate what level of GHG emissions would constitute a significant impact on the environment. Instead, they authorize the lead agency to consider thresholds of significance that were previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds was supported by substantial evidence (State CEQA Guidelines Sections 15064.4[a] and 15064.7[c]). The State CEQA Guidelines provide the lead agency discretion whether to quantify GHG emissions resulting from a project and/or rely on a qualitative analysis or performance-based standards, focusing specifically on the following factors (State CEQA Guidelines Sections 15064.4[b]):

- The extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting.
- Whether the project GHG emissions exceed a threshold of significance that the lead agency determines applies to the project.
- The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. The lead agency must include substantial evidence linking statewide goals, strategies, and plans to the project's findings.

This general direction from Section 15064.4 gives rise to three different approaches for assessing the significance of GHG-related impacts. The first two factors above could be satisfied through reliance on a quantitative comparison of project emissions to numerical emissions-based thresholds. The third factor is more qualitative in nature in evaluating the project's consistency with statewide, regional, or local plans and reduction targets. Several agencies in the state, including multiple air districts, have drafted and/or adopted various threshold approaches and guidelines for analyzing GHG emissions and climate change in CEQA documents. However, none of these are binding and are only recommendations for consideration by CEQA lead agencies. A discussion of the threshold approaches is provided below.

## Threshold Approach

State CEQA Guidelines Section 15064 and relevant portions of Appendix G recommend that a lead agency consider a project's consistency with relevant, adopted plans, and discuss any inconsistencies with applicable regional plans, including plans to reduce GHG emissions. In California, some lead agencies and air districts have developed guidance and thresholds for determining the significance of GHG emissions that occur within their jurisdiction. With respect to GHG emissions, CEQA Guidelines Section 15064.4 provides guidance to lead agencies for determining the significance of impacts from GHG emissions. The District is the CEQA lead agency for the project and is therefore responsible for determining whether an impact would be considered significant. A numerical bright-line value, based solely on District-wide projects, does not yet exist. Moreover, no bright-line criterion has been formally adopted by an air district or other lead agencies for use in the San Diego region.

Section 15064.4(a) provides that a lead agency will make a good-faith effort based, to the extent possible, on scientific and factual data to describe, calculate, or estimate the amount of GHG emissions resulting from a project. Section 15064.4(a) further provides that a lead agency will have the discretion to determine, within the context of a particular project, whether to quantify GHG emissions from a project or rely on qualitative analysis or performance-based standards. Pursuant to the CEQA Guidelines in Section 15064.4(a), the analysis presented herein quantifies GHG emissions resulting from the project and describes, calculates, and estimates those emissions. CEQA Guidelines Section 15064.4(b) provides that when assessing the significance of impacts from GHG emissions, a lead agency should focus the analysis on the incremental contribution of the project's emissions to the effects of climate change and consider an appropriate timeframe for the project. The lead agency's analysis should reasonably reflect evolving scientific knowledge and state regulatory schemes and consider (1) the extent to which the project may increase or reduce GHG emissions compared with existing conditions, (2) whether the project's GHG emissions exceed a threshold of significance that the lead agency determines applies to the project, and (3) the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. The analysis of the potential impacts of the project's GHG emissions follows this approach.

The State CEQA Guidelines do not provide numeric or quantitative thresholds of significance for evaluating GHG emissions. Instead, they leave the determination of the significance threshold up to the lead agency and give it the discretion to consider thresholds previously adopted or recommended by other public agencies or experts, provided that the lead agency's decision is supported by substantial evidence (CEQA Guidelines Sections 15064.7[b] and 15064.7[c]). Additionally, any public agency may also use an environmental standard as a threshold of significance, as it would promote consistency in significance determination and integrate environmental review with other environmental program planning and regulations (CEQA Guidelines Section 15064.7[d]).

In California, EO B-55-18 establishes a goal to achieve statewide carbon neutrality as soon as possible and no later than 2045, and EO S-03-05 has set forth a long-term reduction target to reduce GHG emissions by 80 percent below 1990 levels by 2050. AB 1279, which was signed into law on September 16, 2022, requires the state to achieve net zero GHG emissions as soon as possible, but no later than 2045, and achieve and maintain net negative GHG emissions thereafter, and to ensure that by 2045, statewide anthropogenic GHG emissions are reduced to at least 85 percent below the 1990 levels. The proposed project would be phased over many years, with full buildout expected by 2040.

Because neither the District nor SDAPCD currently recommend specific numerical GHG thresholds or guidance based on statewide goal of carbon neutrality, numerical thresholds from other air districts may be used to assess project-related GHG impacts. There are two air districts in the state that have issued guidance for addressing GHG emissions in CEQA documents for both construction and operational phases in line with the goals of the 2022 Scoping Plan: The Bay Area Air Quality Management District and the Sacramento Metropolitan Air Quality Management District (SMAQMD). Both have issued guidance for addressing GHG emissions in CEQA documents, but SMAQMD guidance includes a numerical bright-line threshold of significance that can be used to screen out

smaller projects from further analysis (SMAQMD 2021). According to the SMAQMD CEQA Guidelines, for land use development projects, it is recommended that lead agencies compare the project's estimated construction- and operations-related GHG emissions to the SMAQMD's threshold of significance of 1,100 $MTCO_2e$ per year (SMAQMD 2021). SMAQMD's threshold is tied to the state's long-term GHG reduction goals, and unlike air pollution, which has localized and regional implications, GHGs are pollutants of global concern. Therefore, the location of where a GHG is emitted is irrelevant to its contribution to global climate change. While the proposed project is not a typical land use development project (e.g., residential, retail, and commercial uses), construction activities would involve sources of emissions that are similar to those of typical land use development projects, including off-road equipment, employee vehicles, and haul truck and material delivery vehicles.

As noted, CEQA authorizes the lead agency to consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence (State CEQA Guidelines Sections 15064.4(a) and 15064.7(c)). In this case, SMAQMD's threshold is a reasonable threshold for evaluating the magnitude of the proposed plan's GHG emissions and is therefore used by the District to determine the significance of GHG emissions. In the absence of a District approved-specific threshold, the 1,100 $MTCO_2e$ per year screening level is a reasonable metric by which to define significance, as it is tied to meeting the state's long-term GHG reduction targets set by EO B-30-15. If the threshold is exceeded then the project may result in a cumulatively considerable contribution to a significant cumulative environmental impact, and all feasible mitigation is required.

### 3.5.4.3 Project Impacts and Mitigation Measures

***Threshold 1: Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?***

#### Impact Discussion

As noted in Section 3.5.4.1, *Methodology,* GHG emissions would result from construction of the proposed project, and thus, there is the potential for significant impacts. GHG emissions associated with construction are quantified (to the extent feasible) and presented herein.

#### Construction

Construction is broken up between emissions sources that operate on land, both within the project boundary and on public roadways, and emissions sources that operate completely on or in the water, both within and outside of the construction area. GHG emissions during construction would result from the use of off-road equipment (including concrete saws, dozers, and loaders) as well as vehicles belonging to employees who commute and trucks that import and haul construction materials. Waterside GHG emissions during construction would result from the use of impact and vibratory hammers, pumps, barges, tugboats, and work boats.

Construction of the proposed project is expected to begin in April 2026 and be completed in August 2028. Construction is estimated to generate 1,556 $MTCO_2e$ over the entire construction duration, with the maximum year resulting in an estimated 704 $MTCO_2e$ (in 2027) (Table 3.5-5).

As noted, neither the District nor SDAPCD have adopted thresholds for determining the significance of construction-generated GHG emissions. Therefore, the District applies thresholds developed by other air districts, such as SMAQMD, which recommends that construction emissions be compared to a 1,100 $MTCO_2e$ per year screening level. Therefore, this impact would be less than significant since the maximum annual GHG emissions are 704 $MTCO_2e$, which is less than the screening threshold of 1,100 $MTCO_2e$ per year.

**Table 3.5-5. Estimate of Construction GHG Emissions By Year**

| Year | Total $MTCO_2e$ |
|---|---|
| 2026 | 212 |
| 2027 | 704 |
| 2028 | 640 |
| **Project Total** | **1,556** |

Note: $MTCO_2e$ = metric tons of carbon dioxide equivalent

Source: Modeled by Ascent 2025, Appendix D.

## Operations

As discussed in Chapter 2, *Project Description*, the proposed project is needed to address deficiencies related to the age and condition of structures, and to allow commercial fishing operations to continue within the marina. During recent past operations, most of the slips at the site have been in use at various times, though slip demand and occupancy fluctuate with the seasons and market conditions. The proposed project would not change the nature of recent past operations at the project site, and the number of on-site employees is not anticipated to be greater than past conditions.

Additionally, the project would reduce the number of vessel slips, but the new slip arrangement would allow larger vessels to berth at the project site. Piers 5, 6, 7, and 8 currently provide 125 boat slips that accommodate vessels ranging from 18 feet to 65 feet in length. The project would demolish Piers 5, 6, 7, and 8 and reconstruct Piers 5, 7, and 8 to support up to 75 new boat slips. The new slips would accommodate vessels ranging in size from 30 feet to 100 feet in length, and up to 29 feet in width. In addition, side ties at the end of each pier would accommodate vessels up to 140 ft in length.

Larger engines that produce more horsepower generally produce greater emissions. Therefore, to determine if fewer larger vessels (i.e., a possible future condition if the project is implemented) may result in higher emissions than a greater number of smaller vessels (i.e., the recent site condition), a review of fishing vessels based in the Port of San Diego was performed. Vessel characteristics that included length (in meters) and engine size (in kilowatts) were tabulated, and a statistical analysis was performed to determine if fishing vessel length had a positive correlation with engine size. The results indicate a statistically insignificant correlation between fishing vessel length and engine size (Appendix D). Therefore, while the project would allow larger fishing vessels to berth at the project site, larger fishing vessel size does not correlate to larger vessel engine use (and higher emissions). Moreover, the reduction of up to 50 fishing vessels under the proposed condition would represent a greater reduction in air emissions than any potential increase in air emissions from a range of vessels that could include larger vessels. Lastly, the floating wave attenuator would reduce the impact of waves generated by passing ship traffic and sustained winds, which would make it easier for vessels to navigate in and out of the marina and may marginally reduce vessel fuel consumption. Shore power would be installed at Piers 5, 7, and 8 and may increase electricity consumption at the project site. The installation and subsequent use of shore power is consistent with state law and its use will ultimately decrease the use of fossil fuel powered auxiliary engines at dock. Energy use is anticipated to be similar or reduced when compared to past and recent conditions.

Consequently, the proposed project would not increase activity beyond what has occurred with recent past operations, would not change the nature of recent past operations, and would not result in higher emissions from fewer, but potentially larger vessels; therefore, operational impacts would be less than significant.

## Level of Significance Prior to Mitigation

Neither construction nor operation of the proposed project would generate GHG emissions, either directly or indirectly, that may have a cumulatively considerable contribution to a significant cumulative impact on the environment.

## Mitigation Measures

No mitigation is required.

## Secondary Effects of Mitigation Measures

Based on the incorporation of **MM-WQ-1**, it is reasonably foreseeable that sediment remediation may be a potential condition issued by the Regional Water Quality Control Board (RWQCB) through the CWA Section 401 water quality certification, the coordination of which is addressed in **MM-WQ-1**. For analysis purposes, it is assumed sediment remediation could occur over an approximately 12-month period during waterside demolition.

An analysis of the potential GHG effects associated with incorporation of **MM-WQ-1** is included below. The analysis assumed that trucks related to hauling of any dredged materials and sand placement could overlap with any phase of project construction. As shown, GHG emissions associated with sediment remediation and waterside demolition would generate 100 $MTCO_2e$ over the 12-month period, which would increase construction GHGs in any year by 129 $MTCO_2e$. If sediment remediation would overlap with any phase of project construction, the maximum annual GHG emissions would be 833 $MTCO_2e$, which is less than the screening threshold of 1,100 $MTCO_2e$ per year (Table 3.5-6). Impacts associated with potential sediment remediation that may occur as a consequence of implementing **MM-WQ-1** would be less than significant.

**Table 3.5-6. Estimate of Sediment Remediation GHG Emissions by Year**

| Total $MTCO_2e$ | | | |
|---|---|---|---|
| **Year** | **Proposed Project (same as Table 3.5-5)** | **Sediment Remediation** | **Proposed Project + Sediment Remediation** |
| **Construction by Year** | | | |
| 2026 | 212 | 129 | 341 |
| 2027 | 704 | | 833 |
| 2028 | 640 | | 769 |

Note: Emissions resulting from site remediation include use of off-road equipment (barge-based crane, workboat, flat deck barge, and tugboat) for dredging and sand placement, on-road truck transport of dredged materials and replacement sand, and worker commute trips. It was assumed there would be 111,179 square feet of remediation area which will require 8,235.45 cubic yards of dredging and 8,235.45 cubic yards of sand replacement. It was assumed off-road equipment would operate for up to 20 workdays based on information obtained from similar projects that involve dredging. It was assumed that haul trucks would move materials over the 80 workdays associated with the "Waterside Demolition Part 1" phase. It was assumed there would be 618 trucks to haul dredged materials (assuming the material is wet and assuming a 20-ton truck capacity) and 588 trucks for sand delivery (assuming 14 CY truck capacity) and that each truck makes 2 one-way trips. Delivery and haul trucks are assumed to travel a default distance of 20 miles per one-way trip.

Source: Modeled by Ascent in 2025, Appendix D.

## Level of Significance After Mitigation

Impacts would be less than significant.

## *Threshold 2: Would the Project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

## Impact Discussion

A project that conflicts with either the District's CAP and the relevant statewide regulatory programs designed to reduce GHG emissions would be considered a significant impact. Only relevant and applicable measures and programs are considered for the analysis. If the project does not conflict with relevant and applicable measures or programs, then the project is not expected to impede state and local efforts established for the purpose of reducing GHG emissions.

Reducing GHG emissions in California has been the focus of the State government for approximately two decades (CARB 2020). GHG emission targets established by the State legislature include reducing statewide GHG emissions to 1990 levels by 2020 (AB 32 of 2006), reducing statewide GHG emissions to 40 percent below 1990 levels by 2030 (SB 32 of 2016), and achieving a statewide GHG reduction of 85 percent below 1990 levels by 2045, in line with the GHG reduction goals of AB 1279. These targets align with the scientifically established levels needed globally to limit the rise in global temperature to no more than 2°C, the warming threshold at which major climate disruptions, such as super droughts and rising sea levels, are projected. These targets also align with efforts to limit the temperature increase even further to 1.5°C (UN 2015).

The 2022 Scoping Plan, prepared by CARB, outlines the main strategies California intends to implement to achieve the legislated GHG emission target for 2030 and "substantially advance toward our 2050 climate goals" (CARB 2022a). The plan identifies the reductions needed by each GHG emission sector including transportation, industry, electricity generation, agriculture, commercial and residential, pollutants with high global warming potential, and recycling and waste. The 2022 Scoping Plan lays out the pathway to achieve the state's carbon neutrality goal and reduce anthropogenic GHG emissions by 85 percent below 1990 levels no later than 2045. The 2022 Scoping Plan relies on significant reductions in fossil fuel combustion by deploying clean technologies and fuels, further reductions in short-lived climate pollutants, support for sustainable development, increased action on natural and working lands to reduce emissions and sequester carbon, and the capture and storage of carbon (CARB 2022a). The State has also passed more detailed legislation addressing GHG emissions associated with industrial sources, transportation, electricity generation, and energy consumption. CARB and other agencies are charged with implementing regulations that achieve the reduction goals on a statewide basis, including through increased building efficiency (through California Building Code updates) and vehicle efficiency (through truck and car rulemaking), among other things. Those statewide regulations apply to ensure local construction and operations increase efficiencies toward achievement of statewide GHG emissions reduction goals.

The Local Actions Appendix (Appendix D) to the 2022 Scoping Plan includes various recommendations that local governments can implement to align their planning and development review processes with the State's climate goals. The guidance recommends that local governments focus on transportation electrification, VMT reduction, and building decarbonization (CARB 2022a). As the project does not include any residential or retail land uses, the relevant project attributes for this project would be the transportation electrification and redevelopment attributes. The project would be consistent with the Local Actions, as the project would redevelop and modernize the wharf, would not result in the loss or conversion of natural or working lands, and may reduce reliance on fossil fuels from commercial fishing vessels by installing a floating wave attenuator to reduce wave impacts, which may reduce fishing vessels' fuel consumption by reducing resistance due to waves within the marina. Additionally, installation of new electrical and mechanical utilities at the piers and installation of shore power at each slip along with upgraded voltage would support the goals of the 2022 Scoping Plan and the Local Actions Appendix by supporting transportation electrification through fishing vessel shore power.

Implementation of the project would not result in an increase in commercial fishing operations. As discussed under Threshold 1 above, while the new slips would accommodate larger vessels, the number of slips in the marina would decrease by approximately 60 percent, and there is no evidence to suggest that accommodating larger vessels would result in larger engines and higher emissions from fishing vessels accessing the site. Moreover, the floating wave attenuator would reduce the impact of waves generated by passing ship traffic and sustained winds, which would make it easier for vessels to navigate in and out of the marina, which may marginally reduce vessel fuel consumption. Moreover, additional employees would not be needed once the project is operational. Additionally, existing utilities on-site include water, wastewater, and electricity, which serve the existing buildings and piers.

Building E would be demolished as part of the project and would not be replaced or redeveloped. No other buildings or landside structures would be demolished or otherwise altered. While the project would result in a short-term increase in GHGs during construction, this increase would be minor, and the project would not induce growth or change the land use type of the site.

At the local level, the District adopted its CAP in December 2013 and identified the District's reduction goals and measures to be implemented to achieve the reduction goals set forth in AB 32 and long-term goals beyond 2020. The CAP includes an inventory of existing (2006) and projected emissions in 2020, 2035, and 2050, as well as strategies to meet the District's goal of reducing annual GHG emissions to 25 percent below 2006 levels by 2035 (District 2013). To achieve the District's goals, the CAP details various GHG reduction measures related to transportation and land use, alternative energy generation, energy conservation, waste reduction and recycling, water conservation, and recycling. Therefore, AB 32, SB 32, AB 1279, and the District's CAP represent the most applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions.

Plans, policies, and regulations adopted for the purpose of reducing GHG emissions were developed with the intent of reducing cumulative emissions related primarily to long-term operational emissions. As described under *Threshold 1* above, the project would not exceed the numerical GHG threshold used for this analysis. SMAQMD's thresholds were developed in consideration of nearer-term statewide GHG reduction goals (i.e., a 40 percent reduction from the 1990 statewide inventory by 2030). This goal is intended to maintain progress toward the GHG reduction goal of the 2022 Scoping Plan, which is to achieve an 85 percent reduction in 1990 emissions goal by 2045. Thus, the project would not conflict with any applicable plan, policy, or regulation adopting for the purpose of reducing emissions of GHGs. This impact would be less than significant, and no mitigation is required.

## Level of Significance Prior to Mitigation

The proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Impacts would be less than significant.

## Mitigation Measures

No mitigation is required.

## Level of Significance After Mitigation

Impacts would be less than significant.

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# 3.6 Hazards and Hazardous Materials

## 3.6.1 Overview

This section describes the existing conditions within the project area and applicable laws, regulations, plans, and policies related to hazards and hazardous materials for the proposed project. This section also provides an analysis of the proposed project's potential to (1) create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, (2) emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, and (3) be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The hazards and hazardous materials impact analysis presented in this section is based primarily on the *Phase I Environmental Site Assessment* (ESA) and the *Limited Phase II ESA* prepared by Kleinfelder (2022, 2023). The Phase I ESA and Limited Phase II ESA, which are included as Appendix I, provide additional data and information related to the hazards analysis.

The analysis and conclusions regarding air pollutants and their associated health risk are discussed in Section 3.1, *Air Quality*, and water pollutants are discussed in Section 3.7, *Hydrology and Water Quality*. All other potential hazards and hazardous materials issues were analyzed in Section IX of the Initial Study Environmental Checklist (see Appendix C) and determined to have no impact or less-than-significant impacts. The analysis and conclusions regarding these issues are summarized in Chapter 5, Section 5.3, *Effects Not Found to Be Significant*.

No comments related to hazards and hazardous materials were received during the public scoping period for the proposed project. See Appendix A for all Notice of Preparation (NOP) comments received.

As discussed in Section 3.6.4.3, *Project Impacts and Mitigation Measures*, prior to mitigation, the proposed project would have the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment and is located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. With the incorporation of mitigation, all potential hazardous materials impacts associated with the project would be reduced to less-than-significant levels.

In this section, the term "construction" includes all construction and/or demolition activities that may occur during the Demolition Component or the Waterside Redevelopment Component of the project, as described in Chapter 2, *Environmental Setting and Project Description*.

## 3.6.2 Existing Conditions

### 3.6.2.1 Definitions

For purposes of this section, the term "hazardous materials" refers to both hazardous substances and hazardous wastes. A "hazardous material" is defined in the Code of Federal Regulations (CFR) as "a substance or material that … is capable of posing an unreasonable risk to health, safety, and property when transported in commerce" (49 CFR 171.8). California Health and Safety Code Section 25501 defines a hazardous material as follows:

> "Hazardous material" means any material that, because of its quantity, concentration, or physical, or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the

> administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

"Hazardous wastes" are defined in California Health and Safety Code Section 25141(b) as wastes that:

> … because of their quantity, concentration, or physical, chemical, or infectious characteristics, [may either] cause, or significantly contribute to an increase in mortality or an increase in serious illness [or] pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

### 3.6.2.2 Past and Current Uses at Project Site

The project site is currently used as a wharf for the commercial fishing industry, which has been the project site's use since at least 1953. Existing conditions include routine maintenance, cleaning, and operation of commercial fishing vessels. The City of San Diego Marine Biology Laboratory is also a current tenant at the project site. Other past uses include restaurants and commercial offices. The use, storage and generation of hazardous wastes, including petroleum hydrocarbons, paints, and solvents has been documented onsite in association with boat maintenance and laboratory-related activities. These wastes are currently and have historically been stored in aboveground storage tanks (ASTs), drums, and one underground storage tank (UST). A storage shed was located on the project site which contained paints, household cleaners, oils, and lubricants, propane cylinders used for forklift operation, and four 55-gallon drums containing waste oil, oily water, oily rags, and absorbents (Appendix I).

### 3.6.2.3 Surrounding Land Uses and Activities

The project site is within and adjacent to San Diego Bay in a commercialized area of the waterfront. Commercial land uses to the northwest of the project site include restaurants, yacht sales, and office land uses. Water uses to the west consist of marinas. Military land uses to the north, east, and southeast of the project site include Naval Base Point Loma Harbor Drive Annex. Open water of the San Diego Bay is southeast of the project site. Land uses north of the project site across North Harbor Drive include hotel, residential, and commercial land uses (see Figure 2-2 in Chapter 2, *Environmental Setting and Project Description*).

### 3.6.2.4 Hazardous Materials Database Results

Based on the past and current uses at the project site, as well as the surrounding land uses and activities, the District reviewed the State Water Resources Control Board (SWRCB) GeoTracker database and the California Department of Toxic Substances Control (DTSC) EnviroStor database for onsite and nearby (i.e., within 0.5-mile) hazardous waste sites. Results of the record searches are summarized in Table 3.6-1. Hazardous waste sites are shown in Figure 3.6-1.

The Geotracker database contains records for sites that require cleanup, including leaking underground storage tank (LUST) sites, cleanup program sites, military cleanup sites, and other sites with potential for soil contamination. The EnviroStor database is DTSC's data management system for tracking cleanup, permitting, enforcement, and investigation of hazardous waste facilities and sites with known contamination or sites where there is reason to investigate further.

Source: Data downloaded from DTSC in 2025; adapted by Ascent in 2025.

**Figure 3.6-1. DTSC EnviroStor Cleanup and Hazardous Waste Sites**

**Table 3.6-1. Hazardous Waste Sites within a 0.5-Mile Radius of the Project Site (Open or Needing Evaluation)**

| Site Name | Address | Site Type | Status | Potential Contaminants of Concern | Potential Media of Concern |
|---|---|---|---|---|---|
| **DTSC EnviroStor Results** | | | | | |
| 2810 Carleton Street | 2810 Carleton Street, San Diego CA 92106 | Evaluation | Refer 1248 Local Agency as of 2/23/2004 | None Specified | None Specified |
| Fleet Anti-Sub Warfare Training Center | North Habor Drive & McDonough Road | Open Base | Active as of 7/24/1997 | None Specified | None Specified |
| Retail Building | 1276 – 1278 Rosecrans Street | Evaluation | Refer 1248 Local Agency as of 8/2/2000 | None Specified | None Specified |
| Rosecrans Center | 1868 – 1878 Rosecrans Street | Evaluation | Refer 1248 Local Agency as of 9/12/2001 | None Specified | None Specified |
| San Diego Naval Training Center (NTS) (DERA) | 500 Acres, North of San Diego Bay | Open Base | Refer RWQCB as of 12/19/2005 | None Specified | None Specified |
| Shelter Island Firing Range | San Diego, CA | FUDS | Inactive – Need Evaluation as of 7/1/2005 | None Specified | None Specified |
| **SWRCB GeoTracker Results** | | | | | |
| Driscoll's Wharf (Project Site) | 4900-4930 North Harbor Drive, San Diego | Cleanup Site | Open – Site Assessment as of 3/19/24 | Copper, Lead, Mercury (Elemental), Zinc | Contaminated Surface / Structure, Sediments, Surface Water, Under Investigation |
| 7-Eleven Food Store | 1826 Rosecrans Street | Military Cleanup Site | Open – Remediation as of 10/18/1999 | Gasoline | Other Groundwater (uses other than drinking water) |
| San Diego Fleet Anti-Submarine Warfare Training Center (FASWTC PAC) IR Site 5 – Fire Fighting School | 30000 Nixie Way, Building 50 Site 326 | Military Cleanup Site | Open – Site Assessment as of 11/5/2019 | Diesel, Gasoline, Per- and Polyfluoroalkyl Substances (PFAS) | Other Groundwater (uses other than drinking water), Soil |
| Commercial Basin (America's Cup Harbor) | Commercial Basin, San Diego CA 92106 | Cleanup Program Site | Open – Inactive as of 5/6/2016 | Copper, Other Metal, Polychlorinated Biphenyls (PCBs) | Sediments, Surface Water, Under Investigation |
| Northern Trust of CA, N.A. | 1313 Rosecrans Street | LUST Cleanup Site | Open – Site Assessment as of 7/3/2000 | Gasoline | Other Groundwater (uses other than drinking water), Soil |

Notes: RWQCB = Regional Water Quality Control Board; FUDS = Formerly Used Defense Sites; LUST = Leaking Underground Storage Tank.

Source: DTSC 2025; SWRCB 2025a.

The project site is not listed on EnviroStor as a hazardous materials site with known contamination compiled pursuant to Government Code Section 65962.5 (DTSC 2025). However, the project site is identified on GeoTracker as an active Cleanup Program Site with a Site Assessment (Cases #2090129 and #2090130) as of March 19, 2024. Because these two case numbers are associated with one site in Geotracker, they are considered one site for the purposes of this EIR. Potential contaminants of concern include copper, lead, mercury, and zinc; and potential media of concern are contaminated surface/structure, sediments, and surface water, which were also identified within the Phase I ESA and Limited Phase II ESA that were completed for the project site by Kleinfelder, Inc. (Kleinfelder). Conceptual Site Models (CSMs) were prepared for the project site in May 2025, per the San Diego Regional Water Quality Control Board's (RWQCB's) request. To facilitate assessment of landside versus waterside areas within the project site, the District submitted separate preliminary CSM reports for landside and bayside (i.e., waterside) impacts (Cases #2090129 and #2090130, respectively), included in

Appendix I (SWRCB 2025b). Additionally, open Case #31001 encompasses the entirety of the America's Cup Harbor Basin and thus includes the waterside portion of the project site within the basin.

### 3.6.2.5 Project Site Phase I and Phase II Environmental Site Assessment Summary

A Phase I ESA, which is included in Appendix I of this ~~Draft~~ Final EIR, was prepared for the project site and the results are summarized below.

The purpose of a Phase I ESA is to identify any Recognized Environmental Conditions (RECs), Historic Recognized Environmental Conditions (HRECs), or Controlled Recognized Environmental Conditions (CRECs) that may indicate hazardous conditions onsite which require further investigation. RECs include (1) the presence of hazardous substances or petroleum products in, on, or at the subject property due to a release to the environment; (2) the likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or (3) the presence of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose a material threat of a future release to the environment.

HRECs are used to delineate sites that have had a previous release of hazardous substances or petroleum products affecting the site but such releases have been addressed to the satisfaction of the applicable regulatory authority or authorities. No HRECs were identified during the preparation of the Phase I ESA for the project site.

CRECs describe a REC that has been addressed to the satisfaction of the applicable regulatory authority or authorities, with hazardous substances or petroleum products allowed to remain in place, subject to the implementation of required controls. No CRECs were identified during the preparation of the Phase I ESA for the project site. In addition, De Minimis Conditions (DMCs), are those situations that do not present a threat to human health or the environment and generally would not be subject to enforcement action if brought to the attention of the regulating authority. No DMCs were identified during the preparation of the Phase I ESA for the project site.

The project Phase I ESA identified a Leaking Underground Storage Tank (LUST) case on an adjacent property northwest of the site (4960 North Harbor Drive) with impacted soil and groundwater in the area. Though remediated, it was reported that residual soil and groundwater contamination remained after the LUST case closure. Two other LUST cases also identified impacted soils and groundwater at Naval Base Point Loma, east of the project site. In addition, a drum storage area was observed on an adjacent District property north of the project site, located between the project site and a public restrooms/sewer pump station building. The District indicated that this storage area is under the control of the San Diego Moorings Company, which uses the drums to store chains. Lastly, elevated levels of copper, mercury, and TBT have been identified in Bay sediment within America's Cup Harbor Basin in association with past boat repair, maintenance, and other industrial facilities.

Due to past commercial fishing and boat maintenance, the existing hazardous waste use and storage onsite, the past contamination of America's Cup Harbor Basin, and adjacent property documented contamination, a Limited Phase II ESA was completed for the project site. The Limited Phase II ESA investigated the project site for the purposes of evaluating potential impacts from select RECs identified in the Phase I ESA (Appendix I), including lead battery reclamation activities, lobster cage tar-coating activities, various conditions relating to the former hazardous waste storage shed, surficial sediments associated with the piers and the storm drain outfall, and a potential waste oil UST. This included collection of soil and groundwater samples, one surficial sediment sample collected adjacent to each of the five piers, one surficial sediment sample below the storm drain outfall, analysis of these samples, and completion of a geophysical survey to evaluate for the presence of a waste oil UST. A clogged storm drain inlet (Inlet #1) and conveyance pipeline were observed during the Phase II survey. The results of the Limited Phase II ESA concluded that contaminated groundwater and sediment present on the project site pose a potential hazard to the environment.

# 3.6.3 Applicable Laws, Regulations, Plans, and Policies

## 3.6.3.1 Federal

### Federal Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act

The federal Toxic Substances Control Act (1976) and the Resource Conservation and Recovery Act of 1976 (RCRA) established a program, which is administered by the US Environmental Protection Agency (EPA), to regulate the generation, transport, treatment, storage, and disposal of hazardous waste. Under RCRA regulations, hazardous wastes must be tracked from the time of generation to the point of disposal. The RCRA program also establishes standards for hazardous waste treatment, storage, and disposal units, which are intended to have hazardous wastes managed in a manner that minimizes present and future threats to the environment and human health. At a minimum, each generator of hazardous waste must register and obtain a hazardous waste activity identification number. If hazardous wastes are stored for more than 90 days or treated or disposed of at a facility, any treatment, storage, or disposal unit must be permitted under the RCRA. The RCRA was amended in 1984 by the Hazardous and Solid Waste Act, which affirmed and extended the "cradle to grave" system of regulating hazardous materials.

### Comprehensive Environmental Response, Compensation, and Liability Act of 1980

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted in 1980 to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at these sites, and established a trust fund to provide for cleanup when no responsible party could be identified. The corresponding regulation in 42 CFR 103 provides the general framework for response actions and managing hazardous waste.

### Department of Transportation Hazardous Materials Regulations (49 CFR 100–185)

US Department of Transportation (DOT) Hazardous Materials Regulations (Code of Federal Regulations [CFR] Title 49, Parts 100–185) cover all aspects of hazardous materials packaging, handling, and transportation. Parts 107 (Hazard Materials Program), 130 (Oil Spill Prevention and Response), 172 (Emergency Response), 173 (Packaging Requirements), 177 (Highway Transportation), 178 (Packaging Specifications), and 180 (Packaging Maintenance) would all apply to goods movement to and from the proposed project and/or surrounding uses.

Enforcement of these aforementioned DOT regulations is shared by each of the following administrations under delegations from the Secretary of the DOT.

- **Research and Special Programs Administration** is responsible for container manufacturers, reconditioners, and retesters and shares authority over shippers of hazardous materials.
- **Federal Highway Administration** enforces all regulations pertaining to motor carriers.
- **Federal Railroad Administration** enforces all regulations pertaining to rail carriers.
- **FAA** enforces all regulations pertaining to air carriers.
- **US Coast Guard (USCG)** enforces all regulations pertaining to shipments by water.

### Spill Prevention Control and Countermeasure Plans (40 CFR 112.7)

Spill Prevention Control and Countermeasure (SPCC) plans are required for facilities in which construction and removal operations involve oil in the vicinity of navigable waters or shorelines. SPCC plans ensure that facilities implement containment and other countermeasures that would prevent oil spills from reaching navigable waters. SPCC plans are regulations administered by EPA. Preparation of an SPCC Plan is required for projects that meet three criteria: (1) the facility must be non-transportation-related, or, for construction, the construction operations involve storing, using, transferring, or otherwise handling oil; (2) the project must have an aggregate aboveground storage capacity greater than 1,320 gallons or completely buried storage capacity greater than 42,000 gallons; and (3) there must be a reasonable expectation of a discharge into or upon navigable waters of the United States or adjoining shorelines. For construction projects, for criterion (1), 40 CFR 112 describes the requirements for implementing SPCC plans. The following three areas should clearly be addressed in a SPCC plan:

- Operating procedures that prevent oil spills;
- Control measures installed to prevent a spill from reaching navigable waters; and
- Countermeasures to contain, clean up, and mitigate the effects of an oil spill that reaches navigable waters.

### Occupational Safety and Health Act of 1970

The Occupational Safety and Health Act establishes the framework for safe and healthful working conditions for working men and women by authorizing enforcement of the standards developed under the act. The act also provides for training, outreach, education, and assistance related to establishing a safe working environment. Regulations defining safe standards have been developed for general industry, construction, maritime, recordkeeping, and agriculture. A major component of the act is the requirement that employers implement the Occupational Safety and Health Act Hazard Communication Standard to provide information to employees about the existence and potential risks of exposures to hazardous substances in the workplace. As part of the Hazard Communication Standard, employers must:

- Obtain material safety data sheets from chemical manufacturers that identify the types and handling requirements of hazardous materials used in given areas;
- Make the material safety data sheets available to their employees;
- Label chemical containers in the workplace;
- Develop and maintain a written hazard communication program; and
- Develop and implement programs to train employees about hazardous materials.

Occupational Safety and Health Administration standards specific to hazardous materials are listed in 29 CFR 1910 Subpart H. Safety and health regulations pertaining to construction are listed in 29 CFR 1926 Subpart H.

## 3.6.3.2 State

### Porter-Cologne Water Quality Act

The Porter-Cologne Water Quality Control Act (embodied in the California Water Code) of 1969 (Porter-Cologne Act) is California's statutory authority for the protection of water quality. Under the Porter-Cologne Act, the State must adopt water quality policies, plans, and objectives that protect its waters for the use and enjoyment of the people. Under the California Water Code, the State of California is divided into nine regions governed by RWQCBs that, under the guidance and review of the SWRCB, implement and enforce provisions of the California Water Code and the CWA. The project site is in Region 9, the San Diego Region, and governed by the San Diego RWQCB.

The Porter-Cologne Act also requires waste dischargers to notify the RWQCBs of their activities through the filing of Reports of Waste Discharge and authorizes the SWRCB and RWQCBs to issue and enforce waste discharge requirements, NPDES permits, Section 401 water quality certifications, or other approvals.

Section 13050 of the California Water Code defines what is considered pollution, contamination, or nuisance. Briefly defined, pollution means an alteration of water quality such that it unreasonably affects the beneficial uses of water. Contamination means an impairment of water quality to the degree that it creates a hazard to public health. Nuisance is defined as anything that is injurious to health, is offensive to the senses, or is an obstruction to property use, and which affects a considerable number of people.

Section 13304 outlines the Water Boards' authority to order cleanup and abatement efforts to an entity that has discharged waste or has allowed the discharge of waste to waters of the state or threatens to create a condition of pollution (Water Code Chapter 5, Section 13304). A cleanup and abatement order issued by the SWRCB or RWQCB may require the cleanup of waste or abatement of the effects of waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts. Water Code Section 13267 outlines the RWQCB's authority to issue an investigative order. The RWQCB, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action related to a plan or discharge requirements, may investigate the quality of waters within the region. The RWQCB can require responsible parties to investigate the discharge or threatened discharge of toxic pollutants.

Section 13396 indicates that the state and regional water boards shall not grant approval for a dredging project that involves the removal or disturbance of sediment that contains pollutants at or above the sediment quality objectives established pursuant to Section 13393 unless the RWQCB determines all of the following: (a) The polluted sediment will be removed in a manner that prevents or minimizes water quality degradation;. (b) polluted dredge spoils will not be deposited in a location that may cause significant adverse effects to aquatic life, fish, shellfish, or wildlife or may harm the beneficial uses of the receiving waters, or does not create maximum benefit to the people of the state; and (c) the project or activity will not cause significant adverse impacts upon a federal sanctuary, recreational area, or other waters of significant national importance.

The proposed project requires compliance with the Porter-Cologne Water Quality Control Act through the existing Waste Discharge Requirements for General Dynamics National Steel and Shipbuilding Company Discharge to San Diego Bay (Order R9-2016-0116), and through compliance with any additional conditions mandated by the RWQCB under the CWA Section 401 Water Quality Certification and Porter-Cologne Water Quality Control Act.

### NPDES Construction General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities

The SWRCB adopted the statewide NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order WQ 2022-0057-DWQ, NPDES General Permit No. CAS000002) on September 8, 2022, with an effective date of September 1, 2023. This permit supersedes the previous Construction General Permit (Order 2009-0009-DWQ as amended by Order 2010-0014-DWQ and Order 2012-0006-DWQ). The state requires that projects disturbing one acre or more of land during construction file a Notice of Intent with the RWQCB to be covered under the Construction General Permit. Construction activities subject to the Construction General Permit include clearing, demolition, grading, stockpiling, and excavation. Dischargers are required to eliminate or reduce non-stormwater discharges to storm sewer systems and other waters. A Stormwater Pollution Prevention Plan (SWPPP) must be developed and implemented for each site covered by the permit. The SWPPP must include best management practices (BMPs) designed to prevent construction pollutants from contacting stormwater and keep products of erosion from moving off□site into receiving waters throughout the construction and life of the project; the BMPs must address source control and, if necessary, pollutant control.

## State Water Resources Control Board Resolution Number 92-49

SWRCB Resolution Number 92-49 – *Policies and Procedures for the Investigation and Cleanup and Abatement of Discharges Under Section 13304* was adopted by the SWRCB in 1992. The resolution contains policies and procedures for the RWQCBs to follow for the oversight and regulation of investigations and cleanup and abatement activities for all types of discharges as described in Section 13304 of the Water Code (described above). Resolution No. 92-49 also provides the requirements of establishing and maintaining a site's containment zone.

## State Water Resources Control Board Resolution Number No. 68-16

SWRCB Resolution Number 68-16 – *Statement of Policy Regarding Maintaining High Quality Water in California* (also known as the Antidegradation Policy) protects the quality of water bodies where the quality is higher than the established standards for the protection of beneficial uses. Any actions that adversely affect water quality in surface or groundwater must "1) be consistent with maximum benefit to the people of the State; 2) not unreasonably affect present and anticipated beneficial use of the water; and 3) not result in water quality less than that prescribed in water quality plans and policies."

## Water Quality Control Plan for Enclosed Bays and Estuaries

*The Water Quality Control Plan for Enclosed Bays and Estuaries: Part 1 Sediment Quality Objectives* (Enclosed Bays and Estuaries Plan) was adopted by the SWRCB in 2008, and was most recently amended on June 5, 2018, to include the *Sediment Quality Provisions*. The Enclosed Bays and Estuaries Plan Sediment Quality Provisions is intended to comply with the legislative directive of Water Code Section 13393, which requires the SWRCB to adopt sediment quality objectives (SQOs). The Enclosed Bays and Estuaries Plan Sediment Quality Provisions include measures to protect sediment-dependent biota communities in enclosed bays and estuaries. The Sediment Quality Provisions include SQOs for the projection of aquatic life, human health, wildlife, and resident finfish.

The SQOs include:

- Narrative SQO for the protection of aquatic life.
- Narrative SQO for the protection of human health.
- Narrative SQO for the protection of wildlife* and resident finfish*.
- Identification of the beneficial uses that these SQOs are intended to protect.
- A program of implementation for each SQO that contains:
    - Specific indicators, tools and implementation provisions to determine if the sediment quality at a station or multiple stations meets the narrative objectives;
    - A description of appropriate monitoring programs; and
    - A sequential series of actions that shall be initiated when a sediment quality objective is not met, including stressor identification and evaluation of appropriate targets.
- A glossary that defines all terms denoted above by an asterisk (*).

## Cortese List

California Government Code 65962.5 (commonly referred to as the *Cortese List*) includes hazardous waste facilities and sites listed by the Department of Toxic Substances Control (DTSC), Department of Health Services lists of contaminated drinking water wells; sites listed by the SWRCB as having underground storage tank leaks or a discharge of hazardous wastes or materials into the water or groundwater; and lists from local regulatory agencies of sites with a known migration of hazardous waste/material.

## California Health and Safety Code (Hazardous Waste Control Act)

DTSC, a department of the California Environmental Protection Agency (Cal/EPA), is the primary agency in California for regulating hazardous waste, cleaning up existing contamination, and finding ways to reduce the amount of hazardous waste produced in California. DTSC regulates hazardous waste primarily under the authority of the federal RCRA and the California Health and Safety Code (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5, also known as the Hazardous Waste Control Act). Division 20, Chapter 6.5, of the California Health and Safety Code identifies hazardous waste control regulations pertaining to transportation, treatment, recycling, disposal, enforcement, and the permitting of hazardous waste. Division 20, Chapter 6.10, identifies regulations applicable to the cleanup of hazardous materials releases. Title 22, Division 4.5, contains environmental health standards for the management of hazardous waste, as well as standards for the identification of hazardous waste (Chapter 11), and standards that are applicable to transporters of hazardous waste (Chapter 13).

In addition, the Hazardous Waste Control Act requires a hazardous waste generator that stores or accumulates hazardous waste for periods greater than 90 days at an onsite facility or for periods greater than 144 hours at an offsite or transfer facility, which treats or transports hazardous waste, to obtain a permit to conduct such activities. The law provides for the development of a state hazardous waste program that administers and implements the provisions of the federal RCRA for a cradle-to-grave waste management system in California. It also provides for the designation of California-only hazardous waste and development of standards that are equal to or, in some cases, more stringent than federal requirements, such as mandating source-reduction planning and regulating the number of types of waste and waste management activities that are not covered by federal law with the RCRA.

## Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (California Health and Safety Code, Chapter 6.11, Sections 25404–25404.9)

This program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the environmental and emergency response programs and provides authority to the Certified Unified Program Agency (CUPA). The CUPA for San Diego County is the San Diego County Department of Environmental Health and Quality's (DEHQ) Hazardous Materials Division (HMD), which has the responsibility and authority for implementing and enforcing the requirements listed in Chapter 6.5 (commencing with Section 25100), Chapter 6.67 (commencing with Section 25270), Chapter 6.7 (commencing with Section 25280), Chapter 6.95 (commencing with Section 25500), and Sections 25404.1 and 25404.2, including the following.

- **Aboveground Petroleum Storage Act Requirements for SPCC Plans.** Facilities with a single tank or cumulative aboveground storage capacities of 1,320 gallons or greater of petroleum-based liquid product (e.g., gasoline, diesel, lubricants) must develop an SPCC plan. An SPCC plan must be prepared in accordance with the oil pollution prevention guidelines in 40 CFR 112. This plan must describe the procedures, methods, and equipment needed at the facility to prevent discharges of petroleum from reaching navigable waters. A registered professional engineer must certify the SPCC plan, and a complete copy of the plan must be maintained on site.
- **California Accidental Release Prevention Program.** This program requires any business that handles more than threshold quantities of an extremely hazardous substance to develop a Risk Management Plan. The Risk Management Plan is implemented by the business to prevent or mitigate releases of regulated substances that could have offsite consequences through hazard identification, planning, source reduction, maintenance, training, and engineering controls.
- **Hazardous Materials Business Plan/Hazardous Materials Inventory Statements.** Hazardous Materials Business Plans contain basic information regarding the location, type, quantity, and health risks of

hazardous materials and/or waste. Each business must prepare a Hazardous Material Business Plan if that business uses, handles, or stores a hazardous material and/or waste or an extremely hazardous material in quantities greater than or equal to the following:

- 55 gallons for a liquid;
- 500 pounds for a solid;
- 200 cubic feet for any compressed gas; or
- Threshold planning quantities of an extremely hazardous substance.

- **Hazardous Waste Generator Program**. This program regulates businesses that generate any amount of a hazardous waste. Proper handling, recycling, treating, storing, and disposing of hazardous waste are key elements to this program.
- **Tiered Permitting Program**. This program regulates the onsite treatment of hazardous waste.
- **Underground Storage Tank Program.** This program regulates the construction, operation, repair, and removal of underground storage tanks that store hazardous materials and/or waste.

## Environmental Health Standards for the Management of Hazardous Waste

These standards (California Code of Regulations, Title 22 [CA Title 22], Division 4.5, Section 66001 et seq.) establish requirements for the management and disposal of hazardous waste in accordance with the provisions of the state Hazardous Waste Control Act and federal RCRA.

## California Code of Regulations, Title 8—Industrial Relations

Title 8 of the California Code of Regulations are standards developed by the California Division of Occupational Safety and Health (Cal/OSHA). Cal/OSHA assumes primary responsibility for developing and enforcing standards for safe workplaces and work practices. These standards would be applicable to both construction and operation of the proposed project. Title 8 includes regulations pertaining to hazard control (including administrative and engineering controls), hazardous chemical labeling and training requirements, hazardous exposure prevention, hazardous material management, and hazardous waste operations.

Title 8 also specifies requirements for the removal and disposal of asbestos-containing materials (ACMs) under Section 1529. In addition to providing information regarding how to remove ACMs, specific regulations limit the time of exposure, regulate access to work areas, require demarcation of work areas, prohibit certain activities in the presence of ACM removal activities, require the use of respirators, require monitoring of work conditions, require appropriate ventilation, and require qualified persons for ACM removal.

Title 8 also covers the removal of lead-based paint (LBP) under Section 1532.1. Specific regulations cover the demolition of structures that contain LBP, the process associated with its removal or encapsulation, remediation of lead contamination, the transportation/disposal/storage/containment of lead or materials containing lead, and maintenance operations associated with construction activities involving lead, such as LBP. Similar to ACM removal, LBP removal requires proper ventilation, respiratory protection, and qualified personnel.

## California Labor Code (Division 5, Parts 1 and 7)

California Labor Code regulations ensure appropriate training regarding the use and handling of hazardous materials and the operation of equipment and machines that use, store, transport, or dispose of hazardous materials. Division 5, Part 1, Chapter 2.5, ensures that employees who handle hazardous materials are appropriately trained and informed about the materials. Division 5, Part 7, ensures that employees who work with volatile flammable liquids are outfitted with appropriate safety gear and clothing.

### 3.6.3.3 Regional

#### RWQCB Municipal Stormwater Permit (Order No. R9-2013-0001)

The Municipal Stormwater Permit (Order No. R9-2013-0001 as amended by Order Nos. R9-2015-001 and R9-2015-0100) is a National Pollutant Discharge Elimination System (NPDES) Permit issued that requires the owners and operators of municipal separate storm sewer systems (MS4s) within the San Diego region to implement management programs to limit discharges of pollutants and non-stormwater discharges to and from their MS4 from all phases of development. The Municipal Stormwater Permit requires the District and other "co-permittees" to develop watershed-based Water Quality Improvement Plans. The Municipal Stormwater Permit emphasizes watershed program planning and program outcomes. The intent of the permit is to enable each jurisdiction to focus its resources and efforts to:

- Reduce pollutants in stormwater discharges from its MS4;
- Effectively prohibit non-stormwater discharges to its MS4; and
- Achieve the interim and final Water Quality Improvement Plan numeric goals.

#### San Diego County Code, Title 6, Division 8

San Diego County Code of Regulatory Ordinances under Title 6, Division 8, Chapters 8 through 11 establish the HMD as the local CUPA. The HMD is responsible for the protection of public health, safety, and the environment and inspects businesses or facilities that handle or store hazardous materials, generate hazardous waste, generate medical waste, and own or operate underground storage tanks. HMD also administers the California Accidental Release Prevention Program and the Aboveground Petroleum Storage Act Program and provides specialized instruction to small businesses through its Pollution Prevention Specialist. HMD has the authority under state law to inspect facilities with hazardous materials or hazardous waste and, in cases where a facility is in non-compliance with the applicable state law or regulations, take enforcement action.

Projects are required to notify HMD regarding the use, handling, release (spills), storage, and/or disposal of hazardous materials and hazardous waste in accordance with existing state law and County ordinance. The notification is the initial step in the HMD permitting process, which requires businesses that handle or store hazardous materials, are part of the California Accidental Release Prevention Program, generate or treat hazardous wastes, generate or treat medical waste, store at least 1,320 gallons of aboveground petroleum, or own and/or operate underground storage tanks to obtain and maintain a Unified Program Facility Permit. The online notification must be done using the State of California Environmental Reporting System by the applicant/permittee requesting a permit and submitted within 30 days.

If a building permit is required, Section 65850.2 of the California Government Code prohibits building departments from issuing a final Certificate of Occupancy unless a business or facility that handles hazardous materials has submitted and met the requirements of a Hazardous Materials Business Plan. The Hazardous Materials Business Plan contains detailed information on the storage of hazardous materials at regulated facilities and serves to prevent or minimize damage to public health, safety, and the environment from a release or threatened release of a hazardous material. The Hazardous Materials Business Plan also provides emergency response personnel with adequate information to help them better prepare and respond to chemical-related incidents at regulated facilities.

### 3.6.3.4 Local

#### Jurisdictional Runoff Management Program

The District's Jurisdictional Runoff Management Program (JRMP) was developed in accordance with the requirements of the San Diego RWQCB Order No. R9-2013-0001, as amended by Order No. R9-2015-0001 (NPDES Permit #CAS0109266, Municipal Permit). In 2026, the District reviewed activities, programs, and components of the JRMP program and document to identify modifications needed for consistency with current Port processes and operating practices (District 2026).

The JRMP addresses the discharge of pollutants and urban runoff flow to the municipal separate storm sewer system to the maximum extent practicable (MEP). The JRMP focuses on three major phases of urban development including development planning, the construction, and the existing development or existing use phases as well as illicit discharges and connections.

The District's JRMP document serves as an informational document that provides an overall account of the program to be conducted by the District during the five-year life of the Municipal Permit. The Port JRMP document has been developed to meet the conditions of the Municipal Permit and to assist the Port in addressing the highest and focused priority water quality conditions identified in the San Diego Bay Watershed Water Quality Improvement Plan (WQIP), as appropriate. The District has identified bacteria, metals, and trash as priority pollutants for San Diego Bay and is focusing resources on addressing these pollutants.

The JRMP program's focus is on controlling discharges from upstream sources and areas within the District's jurisdictional boundary to the MS4 that the District owns and operates. The program's overall goals are to achieve receiving water quality improvements and contribute to watershed efforts to meet the San Diego Bay WQIP goals for highest and focused priority water quality conditions, as appropriate. The JRMP utilizes Port-specific activities as well as watershed-based strategies. The main emphasis of the program is education. The programs described herein are effective as of January 2025. The JRMP is updated as needed to ensure continued compliance the Municipal Permit.

#### BMP Design Manual

In June 2015, the District adopted a jurisdiction-specific local BMP Design Manual to address the requirement of the Municipal Stormwater Permit. This BMP Design Manual is applicable to projects carried out on District-managed tidelands. Pursuant to the Municipal Stormwater Permit, the District began implementing the BMP Design Manual on February 16, 2016, and updated it in January 2025. The District's BMP Design Manual identifies updated post-construction stormwater requirements for both tenant- and District-sponsored major maintenance or capital improvement projects as required by the Municipal Stormwater Permit.

The BMP Design Manual identifies BMP requirements for both standard projects and priority development projects (PDPs) as outlined in the permit. All new development and redevelopment projects are required to implement standard source control and site design BMPs to eliminate or reduce stormwater runoff pollutants. For PDPs, the BMP Design Manual also describes structural treatment controls that must be incorporated into the site design and, where applicable, addresses potential hydromodification impacts from changes in flow and sediment supply.

Project proponents must submit a Storm Water Quality Management Plan (SWQMP) accurately describing how the project will meet source control site design and pollutant control BMP requirements. District staff provide technical review of and approve SWQMP documents and drainage design plans to ensure that pollutant control BMP requirements are met. The SWQMP is evaluated for compliance with the Municipal Stormwater Permit and with design criteria outlined in the District's BMP Design Manual. Once the approval process is complete, the project is able to commence and routine inspections are conducted throughout the duration of the project construction.

### San Diego Unified Port District, Article 10

District Code, Article 10, the District Stormwater Management and Discharge Control Ordinance, prohibits the deposit or discharge of any chemicals or waste to the Tidelands or San Diego Bay and makes it unlawful to discharge pollutants directly into non-stormwater or indirectly into the stormwater conveyance system. Article 10 also requires the implementation of BMPs, stormwater plans, and other measures, as appropriate to control the discharge of pollution to Tidelands or receiving waters. Where enforcement is required to maintain compliance, the District will use its enforcement authority established by Article 10. The article enables the District, including District inspectors, to prohibit discharges and require BMPs so that discharges on Tidelands do not cause or contribute to water quality problems. Article 10 establishes enforcement procedures to ensure that responsible dischargers are held accountable for their contributions and/or flows.

### San Diego Harbor Safety Plan

The current version of the San Diego Harbor Safety Plan (Harbor Safety Plan) was approved in September 2024 and is designed to provide mariners using the waters of San Diego Bay (the Bay) an up-to-date guide to critical navigation issues that will enhance vessel safety, with the ultimate goal of pollution prevention and protection of the region's valuable resources. Planning for safe navigation within the Bay involves the consideration of inbound and outbound commercial cargo vessels, cruise ships, Navy vessels, recreational boats, commercial and sports fishing boats, all of which must transit within and around restricted military zones, commercial vessel lanes, environmentally sensitive areas, and recreational areas (San Diego Harbor Safety Committee 2024). The Harbor Safety Plan was developed by the San Diego Harbor Safety Committee (HSC), as mandated by the California Oil Spill Prevention and Response Act of 1990 (codified in Government Code Sections 8574.1 et seq.).

### San Diego Unified Port District, Ordinance No. 2681 (In-Water Hull Cleaning Regulations)

The District adopted in-water hull cleaning regulations to reduce or eliminate copper pollution caused by in-water hull cleaning activities in San Diego Bay. Ordinance No. 2681 requires the use of BMPs for all in-water hull cleaning on recreational or commercial boats and requires permits for all hull cleaning businesses.

## 3.6.4 Project Impact Analysis

### 3.6.4.1 Methodology

The following impact analysis evaluates the potential effects from hazards and hazardous materials associated with the proposed project. Based upon the existing conditions described above, the impact analysis assesses the direct and indirect impacts related to hazards and hazardous materials by determining whether the proposed project would exceed any of the thresholds listed below. The analysis of potential hazard and hazardous materials impacts included a review and synopsis of available literature, including documents published by federal, State, County, and City agencies, as well as the Phase I ESA and the Limited Phase II ESA (Appendix I), and included hazardous materials sites within 0.5 mile of the project site.

An EIR is not required to analyze the environment's potential impact on a project, including any residents or users that a project may newly introduce to an existing environmental condition, unless the proposed project, by developing in an area with a known environmental condition, may exacerbate the condition. Examples of a project exacerbating an existing environmental condition specific to hazards and hazardous materials, may include constructing a structure within an area with existing soil or water contamination such that the contamination is released into the environment and causes harm to air or water quality, biological resources, or human health that would have otherwise not been affected. In this example, because the project would directly affect the existing environment, the conclusion is that the project would exacerbate the existing environmental condition. On the other hand, if the project would construct a structure within the contaminated area, but would

not actually cause any release of contamination such that the potential to do greater harm to the existing environment is not present, then the project would not exacerbate the condition, even considering that by bringing new residents or users to the area, it may place more people and structures in the vicinity of an existing environmental hazard.

### 3.6.4.2 Thresholds of Significance

The following significance criteria are based on Appendix G of the State CEQA Guidelines and provide the basis for determining significance of impacts associated with hazards and hazardous materials resulting from the implementation of the proposed project.

An impact related to hazards and hazardous materials is considered significant if the project would result in any of the following:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment;
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area;
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

The analysis of the potential impacts of the proposed project related to Thresholds 1, 3, 5, 6, and 7 is provided in Section IX of the Initial Study/Environmental Checklist (Appendix A of this ~~Draft~~ Final EIR) and Chapter 5, *Effects Not Found to Be Significant,* of this ~~Draft~~ Final EIR (Section 5.3.6), which determined that the proposed project would result in no impact or less-than-significant impacts for these issues. Therefore, only Thresholds 2 and 4 are discussed in the impact analysis that follows.

### 3.6.4.3 Project Impacts and Mitigation Measures

***Threshold 2: Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?***

#### Impact Discussion

The following impact analysis evaluates the project-related construction activities associated with the Demolition Component and Waterside Redevelopment Component and operational activities associated with the Waterside Redevelopment Component that would have the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the

release of hazardous materials into the environment. Potential construction-related impacts are separated into landside and waterside as the potential impacts that may occur within each area of the project site are distinct from one another.

### Landside Construction Impacts

Construction of the project would involve the transport, use, and disposal of hazardous materials such as fuels, lubricants, solvents, oils, and grease. These materials would be properly stored, handled, used, and disposed of in accordance with applicable regulations and laws, which include Resource Conservation and Recovery Act; US DOT Hazardous Materials Regulations; the California Health and Safety Code; Labor Code; and San Diego County Code, Title 6, Division 8, all of which are discussed above under Section 3.6.3, *Applicable Laws, Regulations, Plans, and Policies*. For example, California Labor Code regulations ensure appropriate training regarding the use and handling of hazardous materials and the operation of equipment and machines that use, store, transport, or dispose of hazardous materials. Although small amounts of hazardous materials would be transported, used, and disposed of during the demolition and construction phases, these materials are typical of construction projects and would not include acutely hazardous materials. Any accidental release of these materials due to spills or leaks would be contained and minimized consistent with the above-mentioned regulations.

Approximately 0.4 acres of the landside portion of the project site would be disturbed as a result of the proposed Demolition Component and utility trenching related to the Waterside Redevelopment Component. This would include the demolition of Building E. However, a total of approximately three acres of surface disturbance would occur, which includes the 0.4-acre landside portion of the project site as well as the parking lot that would be used as a staging area, riprap, and Piers 4-8. Therefore, because more than one acre of surface area would be disturbed, the project would be subject to the SWRCB's Construction General Permit, which requires preparation and implementation of a SWPPP by a Qualified SWPPP Developer. In addition, the SWPPP would be designed to comply with the District's JRMP and the Municipal Stormwater Permit by identifying construction BMPs that would be implemented, consistent with the JRMP, in order to protect stormwater runoff and monitor BMP effectiveness. BMPs are required to be inspected regularly by a Qualified SWPPP Practitioner to ensure BMPs are performing as anticipated. At a minimum, BMPs would include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater, including runoff into the bay. The construction SWPPP would specify properly designed, centralized storage areas that keep these materials away from rain and associated runoff to prevent accidental release of hazardous materials related to landside construction.

Compliance with all of the previously described regulations would reduce the potential for upset or an accidental release to occur from the routine use of hazardous materials during construction activities associated with the Demolition Component and Waterside Redevelopment Component, and impacts would be less than significant.

#### *Asbestos-Containing Materials and Lead-Based Paint*

Generally, buildings and structures built before 1980 may contain LBP and/or ACM. Demolition of buildings built before 1980 could encounter LBP and/or ACM and could result in exposure of the environment or the public to LBP and/or ACM. The proposed project includes the demolition of Building E, which was constructed c1990 and is not anticipated to have used LBP and/or ACM. Therefore, the proposed project does not involve demolition of any landside buildings built before 1980 that would have potentially used LBP and/or ACM.

#### *Contaminated Soils*

Several RECs were identified in the Phase I ESA and Limited Phase II ESA pertaining to past uses of the project site for commercial fishing and boat repair and maintenance. The project site is identified on the GeoTracker database as an active Cleanup Program Site with a Site Assessment related to contaminated surface/structure, sediments, and surface water (see Table 3.6-1). Potential contaminants of concern associated with this listing

include copper, lead, mercury, and zinc. Consultation with the San Diego RWQCB is underway and preliminary CSMs were prepared for the project site in May 2025, per the request of the RWQCB (SWRCB 2025b), included as Appendix I and summarized in Section 3.6.2.4, above. To facilitate assessment of landside versus waterside areas within the project site, the District submitted separate preliminary CSM reports for landside and bayside (i.e., waterside) impacts. The landside CSM report is discussed below, while the bayside CSM report is discussed under the Waterside Construction heading further below.

The landside CSM report indicated that the lateral extents of xylene and TPH as diesel and oil, and the vertical extents of TPH as diesel and oil within the soil are unknown in the area of the former waste oil AST and storage shed. For groundwater, the report indicated that the lateral extents of TPH as diesel and oil contamination are unknown. In addition, the CSM report concluded that it is unknown whether soil gas has been impacted by vapors from xylene or petroleum hydrocarbons in soil because soil gas has not been sampled at the project site (SWRCB 2025b). Petroleum contaminated soil may produce vapors that pose a vapor intrusion risk to building occupants of Buildings A through D during construction, or an inhalation risk to construction workers. As such, ground-disturbing activities associated with grading activities from demolition of Building E (Demolition Component), the potential removal of up to 25 cubic yards of soil associated with demolition of the former storage shed, and the trenching needed for the proposed electrical upgrades to support the proposed vessel slips and offloading pier (Waterside Redevelopment Component) would potentially encounter contaminated material in the soil if present, the details of which are still under investigation with the RWQCB. Disturbance of contaminated soils above screening levels would be a significant impact (**Impact-HAZ-1**). Mitigation measures **MM-HAZ-1** and **MM-HAZ-2** would be implemented. **MM-HAZ-1**, which would be required for the Demolition Component (i.e., grading associated with the Building E demolition) and the landside construction activities (e.g., utility trenching associated with the Waterside Redevelopment Component), requires preparation of a soil and groundwater management plan to ensure that all soil disturbed or excavated at the site is screened for the presence of the current levels of hazardous materials and appropriately characterized and disposed of or is acceptable for reuse. **MM-HAZ-2**, which would be required for the Demolition Component and the landside portion of the Waterside Redevelopment Component, requires consultation with the RWQCB's Site Restoration Unit to ensure soil or groundwater disturbance from proposed land disturbing activities would not exacerbate any existing soil or groundwater contamination. Compliance with regulations and implementation of measures **MM-HAZ-1** and **MM-HAZ-2** would ensure that project landside construction associated with the Demolition Component and Waterside Redevelopment Component would not create a hazard to the public or environment, thereby reducing; **Impact-HAZ-1** to less than significant.

### Waterside Construction Impacts

#### *Typical Work Above and Adjacent to the San Diego Bay*

Project waterside construction activities associated with the Demolition Component and Waterside Redevelopment Component would involve the temporary use and disposal of hazardous materials and wastes, including fuels, lubricants, and solvents. These materials would be properly stored, handled, used, and disposed of in accordance with applicable regulations and laws discussed in this section. A clogged storm drain inlet (Inlet #1) and conveyance pipeline were observed during the Phase II ESA survey. Cleaning of the inlet and conveyance pipeline was recommended in the Phase II ESA, as well as installation of BMPs in and around the storm drain inlets. However, additional due diligence must be completed to determine the current state of the inlet and identify what repairs are needed. Future cleaning of and/or proposed repairs to the inlet have independent utility from the proposed Demolition Component and Waterside Redevelopment Component and would be addressed through a separate environmental review process as needed. Although the project would comply with applicable regulations and laws, fuels, lubricants, and solvents and other hazardous materials typically used during construction activities could be accidentally released into the San Diego Bay, which could result in a potentially significant impact to the public and wildlife (**Impact-HAZ-2**). Mitigation measures **MM-HAZ-3** through **MM-HAZ-11** would be implemented, which include procedures for prevention and containment of accidental leaks and

spills, routine inspection and instrumentation of equipment, worker training, and visual hazardous materials monitoring. Compliance with regulations and implementation of measures **MM-HAZ-3** through **MM-HAZ-11** would ensure that project waterside construction activities associated with the Demolition Component and implementation of measures **MM-HAZ-3** through **MM-HAZ-9** and **MM-HAZ-11** would ensure that project waterside construction activities associated with the Waterside Redevelopment Component that are adjacent to the Bay and overwater would not create a hazard to the public or environment and **Impact-HAZ-2** would be reduced to less than significant.

***Removal and Disposal of Treated Wood Piles***

Removal of approximately six existing treated timber piles supporting Piers 5 and 8, which may include creosote, is anticipated to be required as part of the Demolition Component. Creosote is a tar-based substance that was used to preserve wood against rot but was found to be carcinogenic to humans and toxic to marine life through bioaccumulation. As such, the removal and disposal of the existing treated wood piles would have a temporary potential to create a hazard to construction workers and the environment during the Demolition Component. The removal of treated timber piles would be conducted by a qualified marine contractor in compliance with the California Health and Safety Code, Division 20, Chapter 6.5, Article 11.2 (Sections 25230–25230.18), governing Management of Treated Wood Waste (TWW).

The qualified marine contractor would remove the piles from the San Diego Bay substrate using a barge-mounted crane, taking care to minimize turbidity and disturbance of sediments. Immediately upon removal, each pile would be placed in a water-resistant, closed container located on the barge deck to prevent releases, leaching, or overboard discharge. The containerized piles would be labeled in accordance with HSC Section 25230.5. While staged on the barge, piles would be stored above the deck (off the water and away from direct runoff) and protected from precipitation and unauthorized access, consistent with HSC Section 25230.6 and DTSC's TWW guidance.

The treated wood piles would then be transported to a landfill in accordance with HSC Section 25230.7. The material would be delivered to a TWW-Approved Landfill, defined under HSC Section 25230.1 and Section 25230.11 as either a Class I hazardous waste landfill or an authorized composite-lined municipal solid waste landfill approved for treated wood waste disposal.

Compliance with these regulations would ensure the safe management and proper disposal of treated wood waste and that any related hazardous materials impacts would be less than significant. Following the removal and disposal of the existing piles, new concrete or steel fender piles that would not contain any treatment would be installed in place of the existing wood piles. Therefore, in the long-term, the project would be beneficial because it would reduce the risk of exposure by humans and marine life to the toxic treatment.

***Asbestos-Containing Materials and Lead-Based Paint***

Waterside structures built before 1980 could include ACM and LBP. As discussed under Section 3.6.3.2, Title 8 of the California Code of Regulations, Section 1529 specifies how to remove and dispose of ACMs. In addition to providing information regarding how to remove ACMs, specific regulations limit the time of exposure, regulate access to work areas, require demarcation of work areas, prohibit certain activities in the presence of ACM removal activities, require the use of respirators, require monitoring of work conditions, require appropriate ventilation, and require qualified persons for ACM removal.

Title 8 also covers the removal of lead-based paint (LBP) under Section 15132.1. Specific regulations cover the demolition of structures that contain LBP, the process associated with its removal or encapsulation, remediation of lead contamination, the transportation/disposal/storage/containment of lead or materials containing lead, and maintenance operations associated with construction activities involving lead, such as LBP. Similar to ACM removal, LBP removal requires proper ventilation, respiratory protection, and qualified personnel. Demolition

of in-water structures that have the potential to include ACM or LBP would be required to comply with Title 8, which would ensure impacts from ACM or LBP would be less than significant.

***Potential Disturbance of Contaminated Sediments***

The project site is identified on the GeoTracker database as an active Cleanup Program Site with a Site Assessment related to contaminated surface/structure, sediments, and surface water and, as noted above, consultation with the RWQCB is underway (see Table 3.6-1, Cases #2090129 and #2090130). Potential contaminants of concern associated with this listing include copper, lead, mercury, and zinc. Additionally, open Case #31001 encompasses the entirety of the America's Cup Harbor Basin and thus includes the portion of the project site within the basin, where the demolition and replacement of Piers 4 through 8 and a new floating wave attenuator are proposed. Potential contaminants of concern associated with this open case include copper, other metal, and PCBs.

The bayside preliminary CSM report, mentioned previously under the heading *Contaminated Soils,* above, identified the following investigative data gaps in association with contamination at the project site: the nature and extent (lateral and vertical extent) of sediment contamination is unknown; and the relative contributions to sediment contamination from paint on moored boats/overwater maintenance and upland sources is unknown (SWRCB 2025b). In-water construction associated with the Demolition Component and Waterside Redevelopment Component may involve sediment-disturbing activities, which, due to the open status of the case, would have the potential to encounter contaminated sediment. As a result, construction activities within the waterside portion of the project site would have the potential to re-suspend existing contaminated sediments, which would be a significant impact (**Impact-HAZ-3**). Mitigation measure **MM-HAZ-12** would require preparation and implementation of a sediment management plan that would include specific performance-based steps to ensure the existing sediment contamination condition would not be exacerbated. Specifically, the sediment management plan would require preparation of a sediment sampling and analysis plan (SAP) that would include pre-construction sampling, a sediment characterization report, a sediment management plan, post-construction sampling and analysis as part of the SAP, remediation if deemed necessary based on changes in the contamination levels between pre- and post-construction sampling, progress documentation provided throughout the process, and final documentation once remediation activities (if performed) are concluded. If post-construction contamination levels are higher than pre-construction, remediation shall continue until post construction levels are equal to or lower than pre-construction levels. In addition, mitigation measures **MM-WQ-1** and **MM-WQ-2** would require the project proponents to develop and implement a turbidity monitoring plan to the satisfaction of the District and the San Diego RWQCB. **MM-WQ-1** would require silt curtains around pile removal and pile driving areas to limit the spread of the turbidity plume outside the specific work area. **MM-WQ-2** would require the implementation of best management practices during in- and on-water demolition and construction to minimize sediment disturbances. Compliance with regulations and implementation of measures **MM-HAZ-12, MM-WQ-1,** and **MM-WQ-2** would ensure that project construction activities associated with the Demolition Component and Waterside Redevelopment Component would not create a hazard to the public or environment, thereby reducing **Impact-HAZ-3** to less than significant.

### Operation

Following completion of the Demolition Component and Waterside Development Component, commercial fishing operations and vessel berthing would continue operating onsite similar to existing conditions. The marina has operated with 125 slips for commercial fishing vessels for decades, though operational activities have recently slowed largely due to lease expiration compounded by infrastructure beginning to deteriorate. The proposed project would restore operations to full capacity with a maximum of approximately 75 commercial fishing vessel slips. Once fully operational, project site operations would not be expected to surpass recent past operations due to fewer operational slips. Moreover, the nature of operations would not change with

the proposed project, and any operational activities such as routine vessel cleaning would continue to occur in accordance with the District's In-Water Hull Cleaning Regulations (District Ordinance No. 2681), consistent with existing conditions. Similar to commercial fishing operations at Tuna Harbor, minor vessel maintenance shall be limited to activities that keep the vessel seaworthy and in good condition. Minor repairs to and routine maintenance of a vessel may not be carried on in any manner whatsoever upon the floats or piers, into the water, or onto neighboring vessels. Therefore, the transport, use, and disposal of any hazardous materials during operation would continue to occur in compliance with the above-mentioned regulations and would not result in the creation of a significant hazard to the public or environment involving the release of hazardous materials into the environment. Impacts associated with operations would be less than significant.

## Level of Significance Prior to Mitigation

Implementation of the proposed project would potentially create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Potentially significant impact(s) include:

- **Impact HAZ-1: Potential to Disturb Onsite Contaminated Soil and Groundwater (Demolition Component, Waterside Redevelopment Component).** Past onsite uses have used hazardous materials associated with the commercial fishing industry, and onsite soil and groundwater contamination may be present. Therefore, soil-disturbing activities that would occur during the Demolition Component activities and landside-related construction activities associated with the Waterside Redevelopment Component may encounter and disturb contaminated soils and groundwater, which would have the potential to release hazardous materials into the environment.
- **Impact-HAZ-2: Potential for Accidental Release of Hazardous Materials into San Diego Bay (Demolition Component and Waterside Redevelopment Component)**. During construction activities associated with the Demolition Component and Waterside Redevelopment Component, use of typical construction-related hazardous materials such as fuels, lubricants, solvents, and coatings could potentially be unintentionally released into the San Diego Bay, which would be considered a significant impact to the environment.
- **Impact-HAZ-3: Potential to Encounter Waterside Contaminated Sediment During Project Construction Activities (Demolition Component and Waterside Redevelopment Component).** In-water construction activities associated with the Demolition Component and Waterside Redevelopment Component, such as pile removal and installation of new and replacement piles would potentially encounter and disturb existing contaminated sediment, if present. As a result, sediments that are currently settled in place on the bay floor may reenter the water column, causing exposure to marine wildlife, such on benthic communities, bottom foraging fish, and/or plankton. Therefore, disturbance of potentially contaminated sediment within the project site would have the potential to result in a significant environmental impact.

## Mitigation Measures

For **Impact-HAZ-1**:

> **MM-HAZ-1: Prepare and Implement a Soil and Groundwater Management Plan to Address Potential Onsite Contaminants (Demolition Component and Waterside Redevelopment Component).** Prior to the commencement of ground-disturbing activities associated with the Demolition Component and the landside construction-related activities of the Waterside Redevelopment Component, the project proponents (for the Demolition Component and Waterside Redevelopment Component) shall retain a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer with experience in contaminated site redevelopment and restoration to prepare a site-specific site safety and health plan (prepared in accordance with CFR 1910.120 Appendix C) and a Soil and Groundwater Management Plan (prepared in accordance with CCR Title 22 and Title 27) to

ensure that all soil disturbed or excavated at the site is screened for the presence of hazardous materials and appropriately characterized and disposed of or reused on site if determined to be suitable for reuse. The plans shall specify that in the event evidence of contaminated soil is encountered during ground-disturbing activities, work shall cease and the San Diego County Department of Environmental Health's Hazardous Materials Division shall be notified immediately and prior to any continuation of ground or soil work. The plans shall be approved by the District prior to the commencement of ground-disturbing activities**.** The Soil and Groundwater Management Plan shall include the following:

- A *Site Contamination Characterization Report* (Characterization Report) delineating the vertical and lateral extent and concentration of residual contamination from the site's past uses throughout the ~~City Program – Development Component~~ construction area. The Characterization Report shall include a compilation of data based on historical records review and from prior reports and investigations and, where data gaps are found, include new soil and groundwater sampling to characterize the existing vertical and lateral extent and concentration of residual contamination. The project proponent shall coordinate with the County of San Diego Department of Health if the Characterization Report identifies contamination.

- A *Soil Testing and Profiling Plan* (Testing and Profiling Plan) for those materials that shall be disposed of during construction. Testing shall occur for all potential contaminants of concern, including CA Title 22 metals, PAHs, VOCs, pesticides, PCBs, TPH, PAHs, or any other potential contaminants, as specified within the Testing and Profiling Plan. The Testing and Profiling Plan shall document compliance with CA Title 22 for proper identification and segregation of hazardous and solid waste as needed for acceptance at a CA Title 22–compliant offsite disposal facility. All excavation activities shall be actively monitored by a Registered Environmental Assessor for the potential presence of contaminated soils and for compliance with the Testing and Profiling Plan.

- A *Soil Disposal Plan* (Disposal Plan), which shall describe the process for excavation, stockpiling, dewatering, treating, and loading and hauling of soil from the site. This plan shall be prepared in accordance with the Testing and Profiling Plan (i.e., in accordance with CA Title 22 and DOT Title 40 CFR Part 263, California Code of Regulations Title 27), and current industry best practices for the prevention of cross contamination, spills, or releases. Measures shall include, but not be limited to, segregation into separate piles for waste profile analysis based on organic vapor, and visual and odor monitoring.

- A *Site Worker Health and Safety Plan* (Safety Plan) to ensure compliance with 29 CFR Part 120, Hazardous Waste Operations and Emergency Response regulations for site workers at uncontrolled hazardous waste sites. The Safety Plan shall be based on the Characterization Report and the planned site construction activity to ensure that site workers potentially exposed to site contamination in soil are trained, equipped, and monitored during site activity. The training, equipment, and monitoring activities shall ensure that workers are not exposed to contaminants above personnel exposure limits established by Table Z, 29 CFR Part 1910.1000. The Safety Plan shall be signed by and implemented under the oversight of a California State Certified Industrial Hygienist.

- *Monitoring and Reporting Program*. Prior to commencing construction of the Demolition Component and landside construction-related activities of the Waterside Redevelopment Component, the project proponents shall prepare a Monitoring and Reporting Program and submit it to the District for review and approval. The Monitoring and Reporting Program shall be implemented during and upon completion of construction of these components. The Monitoring and Reporting Program shall document implementation of the Soil and Groundwater Management Plan, including the Testing and Profiling Plan, Disposal Plan, and Safety Plan. The Monitoring and Reporting Program shall include a requirement that the project proponents submit monthly reports (starting with the first ground disturbance activities and ending at the completion of ground disturbance activities) to the District,

signed and certified by the licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, as applicable, documenting compliance with the provisions of these plans and the overall Soil and Groundwater Management Plan.

- *Project Closeout Report*. Within 30 days of completion of construction of the Demolition Component and landside construction-related activities of the Waterside Redevelopment Component, the project proponents shall prepare a Project Closeout Report and submit it to the District for review and approval. The Project Closeout Report shall summarize all environmental activity at the site and document implementation of the Soil and Groundwater Management Plan.

**MM-HAZ-2: Consult with Permitting Agencies and Implement Conditions Described in Issued Permit(s) (Demolition Component and Waterside Redevelopment Component).** Prior to the commencement of any landside construction activities associated with the Demolition Component and Waterside Redevelopment Component that would disturb soil and/or groundwater, the project proponents must consult with the RWQCB's Site Restoration Unit, in accordance with the California Water Code, to ensure soil or groundwater disturbance from proposed activities such as trenching for electrical utilities, subsequent grading of the Building E pad, and any potential soil disturbance in the area where the storage shed was previously sited, does not exacerbate any existing soil or groundwater contamination that would lead to significant adverse impacts on water quality. The project proponents of the Demolition Component and Waterside Redevelopment Component shall also consult with DTSC and the San Diego County DEHQ's Hazardous Materials Division (HMD) to ensure all permits or approvals required by State law or regulation are obtained.

As indicated in the project's Phase I ESA and the Limited Phase II ESA, additional information related to potential existing contamination is required. Consultation with the applicable permitting and agencies with potential oversight responsibilities may yield specific site remediation requirements. The project would need to comply with all conditions identified in any oversight or responsible agency permits, including the Section 401 CWA certification. Evidence of satisfied permit conditions, to the extent it is applicable to the specified condition, must be documented before project-related soil disturbance may occur. Under no circumstances may soil or groundwater disturbance occur without the necessary agency permit approvals and implementation of associated permit conditions.

For **Impact-HAZ-2**:

**MM-HAZ-3: Secondary Containment Structures (Demolition Component and Waterside Redevelopment Component).** The project proponents of the Demolition Component and Waterside Redevelopment Component shall require the primary contractor, enforced through the professional agreement, to ensure that oils and fuels are contained in secondary containment structures during any demolition or construction activities so that spills and leaks are contained and prevented from entering the San Diego Bay. This measure shall be denoted on the construction plans and construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities associated with the Demolition Component and Waterside Redevelopment Component.

**MM-HAZ-4: Hazardous Materials Worker Training (Demolition Component and Waterside Redevelopment Component).** Prior to commencing any demolition or construction activities for the Demolition Component and Waterside Redevelopment Component, the project proponents shall require the lead contractor, through conditions specified in the professional agreement, to provide training to construction workers (including subcontractors) on specific task areas, including potential hazards resulting from accidental oil and/or fuel spills, and proper equipment operation. This measure shall be denoted on the construction plans and construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities.

**MM-HAZ-5: Equipment Inspection (Demolition Component and Waterside Redevelopment Component).** Prior to commencing any demolition or construction activities for the Demolition Component and Waterside Redevelopment Component, the project proponents shall require that the primary contractor, through conditions specified in the professional agreement, ensure all equipment operators conduct equipment inspections prior to use each day to identify and address wear, faulty parts, and leaks. This measure shall be denoted on the construction plans and construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities.

**MM-HAZ-6: Proper Equipment Instrumentation (Demolition Component and Waterside Redevelopment Component)**. Prior to commencing any demolition or construction activities for the Demolition Component and Waterside Redevelopment Component, the project proponents shall require its primary contractor, through conditions specified in the professional agreement, to identify the proper instrumentation for each piece of equipment to avoid spillage of material from the barge. This measure shall be denoted on the construction plans and construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities.

**MM-HAZ-7: Oil/Fuel Spill Kits (Demolition Component and Waterside Redevelopment Component).** Prior to commencing any demolition or construction activities for the Demolition Component and Waterside Redevelopment Component, the project proponents shall require that the primary contractor, through conditions specified in the professional agreement, inform construction workers as to where oil/fuel spill kits are located, how to deploy the oil-absorbent pads, and proper disposal guidelines. The barge shall have a full complement of oil/fuel kits on-board throughout the construction period to allow for quick and timely implementation of spill containment. This measure shall be denoted on the construction plans and construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities.

**MM-HAZ-8: Hazardous Materials Monitoring (Demolition Component and Waterside Redevelopment Component)**. Prior to commencing any demolition or construction activities for the Demolition Component and Waterside Redevelopment Component, the project proponents shall require that the primary contractor, through conditions specified in the professional agreement, assign construction personnel to visually monitor for oil and fuel spills during construction. If spilled oil or fuel is detected, all equipment shall be shut down and the source of the spill shall be identified, contained, and reported. This measure shall be denoted on the construction plans and construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities.

**MM-HAZ-9: Barge Loading Procedures (Demolition Component and Waterside Redevelopment Component)**. Prior to commencing any demolition or construction activities for the Demolition Component and Waterside Redevelopment Component, the project proponents shall require that the primary contractor, through conditions specified in the professional agreement, identify barge load limits and loading procedures and shall mark the appropriate draft level on the materials barge hull to avoid disturbing the bottom of the Bay. This measure shall be denoted on the construction plans and construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities.

**MM-HAZ-10: Removed Pile Placement (Demolition Component).** When placing pulled and removed docks, piers, head walks, and piles in the barge, the primary contractor (who shall also inform all related subcontractors) for the Demolition Component shall employ a flattop barge with containment walls and "skip tubs" to prevent any sediment, wood, concrete, or metal debris from falling into the water. The contractor shall locate the barge as close to shore as possible when transferring materials and/or debris on and off of the work barge. If exposed water is present between the barge and the shore, traps shall be utilized to prevent debris from falling into the water. This measure shall be made a condition to the professional agreement between the project proponent and the primary contractor overseeing pile

removal, and denoted on the construction plans and/or construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities.

**MM-HAZ-11: Cleanup of Removed Debris and Construction Material (Demolition Component and Waterside Redevelopment Component)**. The primary contractor and all subcontractors (to the extent applicable) for the Demolition Component and Waterside Redevelopment Component shall clean up marine growth from material removed from the water before disposal. The primary contractor and applicable subcontractors shall also clean up debris generated from construction activities and install BMPs in and around the storm drain inlets. This measure shall be denoted on the construction plans and/or construction contract and photographic evidence of site cleanup completion and installed BMPs shall be submitted to the District prior to final payment being made to the contractor.

For **Impact-HAZ-3:**

**MM-HAZ-12: Implement a Sediment Management Program (Demolition Component).** The project proponent of the Demolition Component shall prepare and implement a Sediment Management Program to avoid or reduce the potential impacts that may occur from the project's in-water demolition and construction activities that would disturb existing contaminated sediments.

The project proponent must obtain a CWA Section 404 permit and a Rivers and Harbor Act Section 10 permit from the USACE and a CWA Section 401 water quality certification from the RWQCB before commencing in-water demolition and construction activities. Therefore, the Sediment Management Program shall be prepared in consultation with the RWQCB and the USACE and must be consistent with the requirements of the Section 404 and Section 10 permits issued by the USACE and the Section 401 water quality certification issued by the RWQCB for the project.

Prior to the commencement of any in-water demolition or construction activities, the project proponent of the Demolition Component shall retain a Qualified Professional, approved by the District, with substantial experience (i.e., more than 5 years) in marine sediment contamination, sediment sampling, and contamination remediation. The Qualified Professional shall prepare and oversee the implementation of a Sediment Management Program for portions of the project site where in-water construction activities have the potential to disturb sediment. The Sediment Management Program, which shall be the responsibility of the project proponent of the Demolition Component to implement, shall be in effect throughout the duration of waterside demolition and construction activities for the proposed project, or until the District and the RWQCB have determined that that the Sediment Management Program is no longer required.

The Sediment Management Program shall include the following elements, each of which have specific timing mechanisms as identified in the description of each element below:

1. **Sampling and Analysis Plan (SAP).** Prior to any in-water demolition or construction that may potentially disturb sediment, the Qualified Professional shall (1) delineate the area of potential disturbance (Disturbance Area); (2) develop a Sampling and Analysis Plan (SAP) that includes pre-construction and post-construction sediment sampling; and (3) perform sediment sampling. The SAP, which shall include a Quality Assurance/Quality Control (QAPP) with Standard Operating Procedures (SOPs), shall apply to the entire project sediment disturbing activities and shall set forth the specific methodology to be used, the locations where sampling would occur, and proper decontamination and disposal procedures for both pre-construction and post-construction sampling and analysis. The sediment samples shall be tested for the presence of Contaminants of Concern (COCs). The specific COCs shall be identified by the District in consultation with the RWQCB.

   In addition, the sampling area and sampling methodology shall be determined in consultation with the RWQCB and shall identify sample locations determined to be appropriate to adequately characterize

any Disturbance Area associated with the proposed project. All sediment sampling must occur prior to sediment-disturbing construction activity and shall be performed in accordance with the requirements of the SAP. The SAP must be submitted to the RWQCB and the District for review and approval, and evidence of the RWQCB's approval must be submitted to the District for verification.

2. **Sediment Characterization Report.** After completion of the preconstruction sampling, and prior to in-water construction, the Qualified Professional shall prepare a Sediment Characterization Report delineating the vertical and lateral extents and concentrations of the project site's COCs in areas where pile driving or removal and other sediment-disturbing activities are proposed as part of this project, or as determined appropriate by the RWQCB. The Sediment Characterization Report shall be based on the pre-construction sediment sampling performed per the SAP. The project proponent of the Demolition Component shall submit the Sediment Characterization Report to the RWQCB and the District for approval as representative of existing sediment conditions in the Disturbance Area. If pre-construction sampling occurs incrementally as different phases or areas are planned for disturbance, then the Qualified Professional shall prepare technical memos documenting the different phases of sampling, which shall be submitted for review to the District and RWQCB as data is collected.

3. **Sediment Management Plan.** The Qualified Professional retained by the project proponent for the Demolition Component shall prepare a Sediment Management Plan based upon the findings of the Sediment Characterization Report described above in consultation with and subject to the approval of the RWQCB and the District. Once approved, the Sediment Management Plan shall be implemented by the project proponent of the Demolition Component and shall be subject to regulatory oversight of the RWQCB and the District. Importantly, the Sediment Management Plan shall be revised, subject to District concurrence, whenever data is collected from incremental sampling efforts (e.g., each phase, each area planned for disturbance) as part of Steps 1 and 2 outlined above. The Sediment Management Plan shall describe in detail the required actions that will be employed when disturbing sediment in the Disturbance Area to prevent waterside demolition and construction activity from creating contamination or exacerbating existing sediment contamination conditions documented in the Sediment Characterization Report. The Sediment Management Plan shall consider and be consistent with the project requirements specified in mitigation measures **MM-HAZ-2** through **MM-HAZ-12**, which include several BMPs to avoid accidental releases into the Bay waters, **MM-WQ-1**, which requires a water quality monitoring plan, and **MM-WQ-2**, which requires implementation of several water quality best management practices (BMPs), including specific requirements for sediment disturbing activities such as pile driving and double silt curtains for sediment disturbance in areas with elevated contamination.

4. **Post-Construction Sampling and Analysis.** At the conclusion of construction activities within a Disturbance Area, the Qualified Professional that was retained by the project proponent of the Demolition Component shall conduct post-construction sampling and analysis in accordance with the SAP (previously prepared in Step 1 above) to determine if in-water sediment disturbance activities resulted in COCs above the preconstruction levels documented in the Sediment Characterization Report. The results of the post-construction sampling and analysis shall be submitted to the RWQCB and the District, within 30 days after concluding the sampling.

5. **Remediation.** If the results of the post-construction sampling show that COC levels exceed the levels identified from the pre-construction sampling, implementation of corrective measures identified in the Sediment Management Plan to restore COC levels to the levels at or below those observed in the pre-construction sampling shall be implemented by the Qualified Professional retained ~~required~~ by the project proponent of the Demolition Component. However, the project shall not be required to mitigate to contamination levels lower than pre-construction sampling levels to comply with this mitigation measure. These remedial actions, which shall be determined in

consultation with the RWQCB, consistent with the requirements of **MM-WQ-1**, may include, and may not be limited to, dredging, and/or sand, gravel, gravelly-sand cover as determined appropriate in consultation with the District and RWQCB.

6. **Progress Documentation.** The project proponent of the Demolition Component shall submit a progress report to the RWQCB and the District for their review on a recurring basis during the remediation activities that shall be no less than quarterly and may be as frequent as monthly, which shall be determined at the discretion of the RWQCB and District based on circumstances present at the time of the activities.

7. **Final Documentation.** Final documentation evidencing the completed remediation work shall also be submitted to the RWQCB and the District. Once the concentrations of COCs do not exceed the preconstruction levels documented in the Sediment Characterization Report, no further remediation is required by this mitigation measure. However, as a requirement of the CWA Section 401 certification and as the agency with primary jurisdiction over water quality in the San Diego Bay, the Site Restoration Unit of the RWQCB may require additional steps, as appropriate, in the course of prescribing, overseeing, and enforcing remedial actions (under authority provided in Section 13304 of the California Water Code) which the agency deems necessary to comply with the Clean Water Act and the Porter-Cologne Water Quality Control Act.

Implement **MM-WQ-1** and **MM-WQ-2**, as described in Section 3.7, *Hydrology and Water Quality*.

## Secondary Effects of Mitigation Measures

Because consultation with the RWQCB is on-going and is required under **MM-HAZ-12** and **MM-WQ-1** to mitigate for **Impact-HAZ-3**, it is not yet known if some level of site remediation to address past contamination of onsite sediment may be required in advance of issuing the CWA Section 401 water quality certification. However, should some level of site remediation be required, it is reasonably foreseeable that dredging of contaminated sediments and placing clean cover material over contaminated sediment may be a potential condition issued by the RWQCB, consistent with **MM-HAZ-12**. Any dredging that may occur as a result of consultation with the RWQCB would be subject to the regulatory and permitting jurisdiction of USACE and RWQCB. No in-water construction activities can occur until the necessary permits and approvals are obtained from these regulatory agencies. Prior to the commencement of any potential contaminated sediment removal activities, the project proponent would be required to obtain a CWA Section 404 dredge/fill permit from USACE. In addition to the specific performance-based requirements described in **MM-HAZ-12** related to sediment disturbance, Section 404 permits include conditions to minimize release of hazardous materials into the environment if present, including (1) USACE review and approval of sediment quality analysis before any dredging (if proposed), (2) a detailed pre- and post-construction monitoring plan that includes disposal site monitoring, and (3) required compensation for loss of waters of the United States.

Moreover, mitigation measures **MM-WQ-1** and **MM-WQ-2** would require the project proponents to develop and implement a turbidity monitoring plan to the satisfaction of the District and the San Diego RWQCB. **MM-WQ-1** would require silt curtains around pile removal and pile driving areas to limit the spread of the turbidity plume outside the specific work area. **MM-WQ-2** would require the implementation of best management practices during in- and on-water demolition and construction to minimize sediment disturbances. These mitigation measures would apply to any remediation activities required under **MM-WQ-1.** Therefore, implementation of these mitigation measures and compliance with permits and approvals would reduce potential hazardous materials impacts associated with implementation of **MM-WQ-1** to less than significant.

Please note that other potential environmental effects associated with any reasonably foreseeable future dredging and fill of past sediment contamination resulting from implementation of **MM-WQ-1**, such as air emissions from

the use of dredging/fill equipment and related transport, noise from equipment operation, and any direct impacts on sensitive marine habitat and water quality are addressed in the respective sections of this EIR.

### Level of Significance After Mitigation

With implementation of **MM-HAZ-1** and **MM-HAZ-2**, **Impact-HAZ-1** would be reduced to less-than-significant levels because a site safety and health plan would be implemented and appropriate agencies oversight would be required, including DTSC, County HMD, and the RWQCB, which would include mandatory conditions identified in the Section 401 CWA certification. With implementation of **MM-HAZ-3** through **MM-HAZ-11**, **Impact-HAZ-2** would be reduced to less-than-significant levels because additional procedures would be put into place for prevention and containment of accidental leaks and spills, routine inspection and instrumentation of equipment, worker training, and visual hazardous materials monitoring.

With implementation of **MM-HAZ-12**, a sediment management program would be prepared to ensure disturbance of any contaminated sediment would not be exacerbated by the proposed project and would be returned to conditions that would be the same as pre-construction conditions or better. In addition, **MM-WQ-1 and MM-WQ-2** would require performance standards for in-water activities and the implementation of best management practices during in- and on-water demolition and construction to minimize sediment disturbances. With the implementation of **MM-HAZ-12, MM-WQ-1,** and **MM-WQ-2**, **Impact-HAZ-3** would be reduced to a less-than-significant level.

## *Threshold 4: Be Located on a Site which is Included on a List of Hazardous Materials Sites Compiled Pursuant to Government Code Section 65962.5 and, as a Result, would it Create a Significant Hazard to the Public or the Environment*

### Impact Discussion

The California Environmental Protection Agency lists the following data resources that provide information regarding facilities or sites identified in California Government Code 65962.5 (commonly referred to as the "Cortese List"):

- List of Hazardous Waste and Substances sites from the DTSC EnviroStor database,
- List of LUST sites from the SWRCB GeoTracker database,
- List of solid waste disposal sites identified by SWRCB with waste constituents above hazardous waste levels outside the waste management unit,
- List of "active" Cease and Desist Actions (CDO) and CAO from the SWRCB, and
- List of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, identified by DTSC.

The project site is identified on GeoTracker as an active Cleanup Program Site with a Site Assessment related to contaminated surface/structure, sediments, and surface water (see Table 3.6-1). Two cases (#2090129 and #2090130), both of which are at 4900-4930 North Harbor Drive and associated with the project site, are open, and the San Diego RWQCB has required the preparation of preliminary CSM reports to describe environmental conditions at the project site, which are summarized in Section 3.6.2.4, above. Potential contaminants of concern associated with this open case include copper, lead, mercury, and zinc.

Additionally, Case #31001 is an open case that encompasses the entirety of the America's Cup Harbor Basin and thus includes the portion of the project site within the basin, where the demolition and replacement of Piers 4 through 8 and a new floating wave attenuator are proposed. Potential contaminants of concern associated with this open case include copper, other metal, and PCBs. In-water construction activities could involve the

disturbance of contaminated sediment which may lead to encountering and releasing contaminants associated with a hazardous materials site that is listed on a database compiled pursuant to Government Code Section 65962.5. Without proper safety procedures in place to ensure the proper handling and disposal of contaminated soil, groundwater, and sediment associated with these open cases, there is a potential to create a hazard to the public or the environment, which would be a potentially significant impact (**Impact-HAZ-1** and **Impact-HAZ-3**). Mitigation measures **MM-HAZ-1** and **MM-HAZ-2** would be implemented to address **Impact-HAZ-1**. **MM-HAZ-1** would require preparation of a soil and groundwater management plan to ensure that all soil disturbed or excavated at the site is screened for the presence of hazardous materials and appropriately characterized and disposed of or is acceptable for reuse. **MM-HAZ-2** would require consultation with the RWQCB's Site Restoration Unit to ensure soil or groundwater disturbance from proposed land disturbing activities would not exacerbate any existing soil or groundwater contamination. Compliance with regulations and implementation of measures **MM-HAZ-1** and **MM-HAZ-2** would ensure that project construction associated with the Demolition Component and Waterside Redevelopment Component would not create a hazard to the public or environment, thereby reducing **Impact-HAZ-1** to less than significant.

Additionally, mitigation measures **MM-WQ-1** and **MM-WQ-2** would be implemented to address **Impact-HAZ-3** and would require the project proponents to develop and implement a turbidity monitoring plan to the satisfaction of the District and the San Diego RWQCB. **MM-WQ-1** would require silt curtains around pile removal and pile driving areas to limit the spread of the turbidity plume outside the specific work area. **MM-WQ-2** would require the implementation of best management practices during in- and on-water demolition and construction to minimize sediment disturbances. Compliance with regulations and implementation of measures **MM-WQ-1** and **MM-WQ-2** would ensure that project construction activities associated with the Demolition Component and Waterside Redevelopment Component would not create a hazard to the public or environment, thereby reducing **Impact-HAZ-3** to less than significant.

## Level of Significance Prior to Mitigation

Implementation of the proposed project would occur on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment. Potentially significant impact(s) include:

**Impact-HAZ-1** and **Impact-HAZ-3**, as discussed under Threshold 2 above.

## Mitigation Measures

For **Impact-HAZ-1**:

Implement **MM-HAZ-1** and **MM-HAZ-2**, as described under Threshold 2 above.

For **Impact-HAZ-3:**

Implement **MM-HAZ-12.**

Implement **MM-WQ-1** and **MM-WQ-2**, as described in Section 3.7, *Hydrology and Water Quality*.

## Secondary Effects of Mitigation Measures

Because consultation with the RWQCB is on-going and is required under **MM-HAZ-12** and **MM-WQ-1** to mitigate for **Impact-HAZ-3**, it is not yet known if some level of site remediation to address past contamination of onsite sediment may be required in advance of issuing the CWA Section 401 water quality certification. However, should some level of site remediation be required, it is reasonably foreseeable that dredging of contaminated sediments and placing clean cover material over contaminated sediment may be a potential condition issued by the RWQCB, consistent with **MM-HAZ-12**. Any dredging that may occur as a result of consultation with the RWQCB would be subject to the regulatory and permitting jurisdiction of USACE and

RWQCB. No in-water construction activities can occur until the necessary permits and approvals are obtained from these regulatory agencies. Prior to the commencement of any potential contaminated sediment removal activities, the project proponent would be required to obtain a CWA Section 404 dredge/fill permit from USACE. In addition to the specific performance-based requirements described in **MM-HAZ-12** related to sediment disturbance, Section 404 permits include conditions to minimize release of hazardous materials into the environment if present, including (1) USACE review and approval of sediment quality analysis before any dredging (if proposed), (2) a detailed pre- and post-construction monitoring plan that includes disposal site monitoring, and (3) required compensation for loss of waters of the United States.

Moreover, mitigation measures **MM-WQ-1** and **MM-WQ-2** would require the project proponents to develop and implement a turbidity monitoring plan to the satisfaction of the District and the San Diego RWQCB. **MM-WQ-1** would require silt curtains around pile removal and pile driving areas to limit the spread of the turbidity plume outside the specific work area. **MM-WQ-2** would require the implementation of best management practices during in- and on-water demolition and construction to minimize sediment disturbances. These mitigation measures would apply to any remediation activities required under **MM-WQ-1.** Therefore, implementation of these mitigation measures and compliance with permits and approvals would reduce potential hazardous materials impacts associated with implementation of **MM-WQ-1** to less than significant.

Please note that other potential environmental effects associated with any reasonably foreseeable future dredging and fill of historical sediment contamination resulting from implementation of **MM-WQ-1**, such as air emissions from the use of dredging/fill equipment and related transport, noise from equipment operation, and any direct impacts on sensitive marine habitat and water quality are addressed in the respective sections of this EIR.

## Level of Significance After Mitigation

With implementation of **MM-HAZ-1** and **MM-HAZ-2**, **Impact-HAZ-1** would be reduced to less-than-significant levels because a site safety and health plan would be implemented and appropriate agencies oversight would be required, including DTSC, County HMD, and the RWQCB, which would include mandatory conditions identified in the Section 401 CWA certification.

With implementation of **MM-HAZ-12**, a sediment management program would be prepared to ensure disturbance of any contaminated sediment would not be exacerbated by the proposed project and would be returned to conditions that would be the same as pre-construction conditions or better. In addition, **MM-WQ-1** and **MM-WQ-2** would require performance standards for in-water activities and the implementation of best management practices during in- and on-water demolition and construction to minimize sediment disturbances. With the implementation of **MM-HAZ-12, MM-WQ-1,** and **MM-WQ-2**, **Impact-HAZ-3** would be reduced to a less-than-significant level.

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# 3.7 Hydrology and Water Quality

## 3.7.1 Overview

This section describes the existing hydrologic conditions at the project site, identifies the applicable laws, regulations, plans, and policies related to hydrology and water quality, and evaluates potential hydrology and water quality impacts of the proposed project. All other hydrology and water quality issues were addressed in Section X, of the Initial Study/Environmental Checklist (Appendix C of this ~~Draft~~ Final EIR). The analysis and conclusions regarding these impacts are also summarized in Chapter 5, Section 5.3, *Effects Not Found to Be Significant*.

No comments related to hydrology and water quality were received during the public scoping period for the proposed project. See Appendix A for all Notice of Preparation (NOP) comments received.

As discussed in Section 3.7.4.3, *Project Impacts and Mitigation Measures*, prior to mitigation, the proposed project would have the potential to violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality and conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. With the incorporation of mitigation, all potential impacts related to hydrology and water quality associated with the project would be reduced to less than significant.

In this section, the term "construction" includes all construction and/or demolition activities that may occur during the Demolition Component or the Waterside Redevelopment Component of the project, as described in Chapter 2, *Environmental Setting and Project Description*.

## 3.7.2 Existing Conditions

### 3.7.2.1 Surface Water Hydrology

The project site is within the jurisdiction of the San Diego Regional Water Quality Control Board (San Diego RWQCB). The San Diego Region is divided into 11 hydrologic units (HUs) for administrative purposes. Waters within each of the HUs flow from elevated regions in the east to lagoons, estuaries, or bays in the west.

The project site is within the San Diego Bay Watershed, which is within the Pueblo San Diego HU. The Pueblo San Diego HU is the smallest HU in San Diego County and covers approximately 60 square miles of predominantly urban landscape in the cities of San Diego, La Mesa, Lemon Grove, and National City. Approximately 75 percent of the watershed is developed. Major water features in the Pueblo San Diego HU include Chollas Creek, Paleta Creek, and San Diego Bay (City of Chula Vista et al. 2024). The Pueblo San Diego HU has no central stream system and instead consists primarily of a group of relatively small local creeks and pipe conveyances, many of which are concrete-lined and drain directly into San Diego Bay. The Pueblo San Diego HU contains three hydrologic areas: Point Loma (908.1), San Diego Mesa (908.2), and National City (908.3). The project site is in the Point Loma hydrologic area and is adjacent to and within the San Diego Bay. Freshwater contribution to the bay comes primarily from the Otay and Sweetwater Rivers and secondarily from several creeks: Telegraph Canyon (south of Sweetwater River Basin), Chollas (north end of Naval Depot south of National Steel and Shipbuilding Company [NASSCO]), Switzer (Tenth Avenue Marine Terminal [north end]), Paleta (7th Street Channel, south of Naval Repair Base), and Paradise (south of Paleta), as well as some minor drainage groups (NAVFAC and District 2013).

### 3.7.2.2 Flood Conditions

#### Current Conditions

Storm surge is an abnormal rise of water generated by a storm, over and above the predicted astronomical tides. Storm surge should not be confused with storm tide, which is defined as the water level rise due to the combination of storm surge and the astronomical tide. This rise in water level can cause extreme flooding in coastal areas, particularly when storm surge coincides with normal high tide (NOAA n.d).

As shown on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) No. 06073C1876H, the landside portion of the project site is in Flood Zone X while the waterside portion of the project site is within a Special Flood Hazard Area labeled Flood Zone AE. Flood Zone X is an area of minimal flood hazard. Flood Zone AE is an area subject to flooding during the 100-year storm event (one percent annual chance of flooding where base flood elevations and flood hazard factors are determined) (FEMA 2019).

#### Future Conditions with Projected Sea Level Rise

The District's Sea Level Rise Vulnerability Assessment and Coastal Resiliency Report (District 2019a) analyzed areas projected to be affected by sea level rise (SLR) in 2030, 2050, and 2100, including effects from a 100-year storm event. According to the National Oceanic and Atmospheric Administration (NOAA), sea level rise of approximately 22 cm (9 inches) has occurred near San Diego over the past 100 years[1]. The District's assessment was initially based on the 2018 SLR projections adopted by the Ocean Protection Council (OPC), which have since been updated according to new science. In November 2024, the California Coastal Commission (CCC) adopted the Sea Level Rise Policy Guidance 2024 Update that formally replaced the 2018 Sea Level Rise Policy Guidance. This 2024 update refers to the OPC's recently adopted California Sea Level Rise Guidance: 2024 Science and Policy Update as the "best available science" on sea level rise projections in California. As such, a Coastal Hazards Assessment was prepared for the project to assess the potential current and future coastal hazard vulnerabilities, specifically associated with sea level rise, across all the project structures' projected lifespans (i.e., 50 years) (Appendix J). The analysis was performed in accordance with the CCC's Update to the Sea Level Rise Policy Guidance (CCC 2024) as well as the recently adopted State of California Sea Level Rise Guidance: 2024 Science and Policy Update (OPC 2024). The sea level rise projections for the San Diego Bay tide gauge, based on OPC's 2024 projections, are presented below in 3.7-1.

**Table 3.7-1. Sea Level Rise Projections for San Diego Bay**

| Year | Sea Level Rise Planning Scenarios (ft) | | |
|---|---|---|---|
| | Intermediate | Intermediate-High | High |
| 2030 | 0.4 | 0.5 | 0.5 |
| 2050 | 0.8 | 1.1 | 1.3 |
| 2070 | 1.4 | 2.3 | 3.0 |
| 2100 | 3.2 | 4.9 | 6.7 |

Source: Appendix J.

It is important to consider risk tolerance, risk aversion, and design life when evaluating SLR scenarios and the effects of SLR on various coastal hazards. The OPC defines risk tolerance as the level of comfort associated with the consequences of SLR and associated hazards in project planning and design whereas risk aversion is defined as the strong inclination to avoid taking risks in the face of uncertainty (OPC 2024). The OPC (2024) guidance

[1] National Oceanic and Atmospheric Administration (NOAA) Mean Sea Level Trend: 9410170 San Diego, California. Accessed August 20, 2024. https://tidesandcurrents.noaa.gov/sltrends/sltrends_station.shtml?id=9410170

recommends a precautionary approach, when feasible, through an evaluation of the Intermediate, Intermediate-High, and High scenarios to inform appropriate SLR planning and project decisions.

The Coastal Hazards Assessment identified OPC's Intermediate-High sea level rise planning scenario as the most appropriate because the project is a commercial development that has a lower ability to adapt than other uses. The three scenarios selected for analysis within the study considered SLR projections for 2050, 2070, and 2100, resulting in the assessment of 1.1 feet, 2.3 feet, and 4.9 feet of sea level rise, respectively. However, because the projected lifespan of the structures is anticipated to be 50 years, the 2100 scenario is beyond their design life and thus is provided for informational purposes only. These sea level rise scenarios were evaluated under projected daily tidal, dynamic water level, and 100-year extreme still water levels (ESWL) conditions. Dynamic water levels were representative of the unlikely concurrence of a 100-year wind event alongside a high average tide. The 1-year ESWL conditions are representative of the infrequent occurrence of a 1-year extreme water level during the short duration of a high tide about three to four times per year. The 100-year ESWL conditions are representative of the very unlikely occurrence of a 100-year extreme water level during the short duration of a high tide.

### 3.7.2.3 Surface Water Quality

San Diego Bay is the receiving water body for the project site, which occurs indirectly through the City's municipal storm drain system. Water quality in the San Diego Bay is influenced by processes and activities that take place within the Pueblo San Diego HU. The creeks in the watershed are highly affected by urban runoff, which may include contaminants from roadways, industry, and other urban sources. Contaminants found in San Diego Bay include chlorinated hydrocarbons, toxic components of petroleum hydrocarbons, polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), heavy metals, and organotins (i.e., organic compounds with one or more tin atoms) such as tributyltin. The most significant sources of pollutants affecting the beneficial uses of San Diego Bay (see "Beneficial Uses," below) are legacy contamination, urban and agricultural runoff, resource extraction, septic systems, and marinas and boating activities (NAVFAC and District 2013; City of Chula Vista et al. 2024).

Tidal exchange in San Diego Bay controls the flushing of contaminants, salt and heat balance, and residence time of water. The ebb and flow of tides mix ocean and San Diego Bay waters. Tides produce currents, which induce changes in salinity, and alternately expose and wet portions of the shoreline. Tidal flushing and mixing are important for dispersing pollutants, maintaining water quality, and moderating water temperature that has been affected by exchange with the atmosphere or heating.

#### Beneficial Uses

The San Diego RWQCB is responsible for designating beneficial uses for water bodies in the San Diego region; establishing water quality objectives; and developing implementation plans to protect designated beneficial uses through the Water Quality Control Plan for the San Diego Basin (RWQCB 2021). Beneficial uses for the nearest coastal water, San Diego Bay, include industrial service supply, navigation, contact and non-contact recreation, commercial and sport fishing, preservation of biological habitats of special significance, estuarine habitat, wildlife habitat, preservation of rare, threatened, or endangered species, marine habitat, migration of aquatic organisms, spawning, reproduction and/or early development, and shellfish harvesting (RWQCB 2021).

#### Total Maximum Daily Loads

Clean Water Act (CWA) Section 303(d) requires the identification of water bodies that do not meet, or are not expected to meet, water quality standards (i.e., impaired water bodies). The affected water body, and associated pollutant or stressor, is then prioritized in the 303(d) List. California's current 303(d) List is the 2024 List of Impaired Waters, which was partially approved and partially disapproved by the US Environmental Protection Agency (USEPA) on December 13, 2024. USEPA approved the majority of the 303(d) List but identified 53

waterbody-pollutant combinations the agency is considering adding to the 303(d) List. USEPA provided a public comment period for the 53 waterbody-pollutant combinations from December 13, 2024 to January 15, 2025. The 2024 California Integrated Report is the current integrated report except for the 53 waterbody-pollutant combinations in review by USEPA (SWRCB 2025a). The CWA further requires the development of a total maximum daily load (TMDL) for each listing. A TMDL is the maximum daily amount of a pollutant that a water body can receive and still safely meet water quality standards.

As indicated in Table 3.7-2, water bodies with 303(d)-listed impairments with potential to be affected by the proposed project include San Diego Bay, San Diego Bay Shoreline (America's Cup Harbor), and the Shelter Island Yacht Basin, all of which include the waterside portion of the project site within their boundaries. Additionally, the Shelter Island Shoreline Park in San Diego Bay is considered a nearby impaired water body (SWRCB 2025a).

**Table 3.7-2. 303(d)-Listed Impairments for Water Bodies Within the Project Vicinity**

| Water Body | 303(d)-Listed Impairments | Category | Potential Sources | Estimated TMDL Completion[1] |
|---|---|---|---|---|
| San Diego Bay | PCBs | Toxic Organics | Multiple[1] | 2021 |
| | PAHs | Toxic Organics | Multiple[2] | 2025 |
| | Mercury | Metals | Multiple[3] | 2027 |
| San Diego Bay Shoreline (America's Cup Harbor) | Copper | Metals | Unknown | 2019 |
| Shelter Island Yacht Basin | Copper | Metals | Nonpoint/Point Source | 2022 |
| Shelter Island Shoreline Park in San Diego Bay | Indicator Bacteria | Pathogens | Unknown | NA |

1 PCBs: A source unknown, contaminated sediments, dredging, historic land management activities, illegal dumping, spills, and urban runoff/storm sewers

2 PAHs: A source unknown, contaminated sediments, dredging, historic land management activities, illegal dumping, spills, and urban runoff/storm sewers

3 Mercury: A source unknown, atmospheric deposition, contaminated sediments, historic land management activities, and other urban runoff

Source: SWRCB 2025a.

### 3.7.2.4 Sediment Quality

Sediment composition varies considerably within San Diego Bay. Within the project site, sediments likely consist of about 25–65 percent silt/clay, with the remainder being sand and gravel (NAVFAC and District 2013). Areas with relatively high concentrations ("hotspots") of contaminants are dispersed throughout the Bay. These include areas with relatively high concentrations of certain metals, including copper, lead, mercury, and zinc; PAHs; PCBs; dichlorodiphenyltrichloroethane and its derivatives (DDTs); and other pesticides. Within San Diego Bay, there are multiple areas where contaminants exceed Effects Range-Low (ERL) concentrations (i.e., levels where biological effects could occur). However, there are relatively few sites with known contaminant concentrations exceeding Effects Range-Median (ERM) levels (i.e., where biological effects are likely to occur) (NAVFAC and District 2013).

In May 2023, bay sediments were sampled from Piers 4–8 and in the vicinity of the storm drain outfall at the existing wharf (Kleinfelder 2023). Sediment concentrations of metals, organotins, PAHs, and PCBs were compared to ERL and ERM thresholds. None of the metal concentrations exceeded their ERMs. Copper and mercury concentrations exceeded the ERLs (34 mg/kg and 0.15 mg/kg, respectively) in all samples off Piers 4–8. Nickel concentration exceeded the ERL (20.9 mg/kg) off Pier 4, and zinc concentrations exceeded the ERL (150 mg/kg) off Piers 4, 5 and 6. Copper and lead exceeded their respective ERLs (34 mg/kg and 46.7 mg/kg) near the storm drain outfall. Tributyltin was only detected off Pier 8 (4.4 µg/kg) and off the storm drain outfall (3.9 µg/kg), while dibutyltin was detected only off Pier 7 (4.9 µg/kg) and off the storm drain outfall (7.4 µg/kg). No

ERL or ERM thresholds are established for organotins. One PAH was detected at Pier 5 (benzo(b)fluoranthene at a concentration of 11 µg/kg, well below the total PAH ERL of 4,400 µg/kg). A preliminary Conceptual Site Model (CSM) was prepared for the project site in May 2025, per the RWQCB's request. To facilitate assessment of landside versus Bayside (i.e., waterside) areas, the District submitted separate Preliminary CSM reports for landside and waterside impacts (SWRCB 2025b).

## 3.7.3 Applicable Laws, Regulations, Plans, and Policies

### 3.7.3.1 Federal

#### Clean Water Act

The USEPA is the lead federal agency responsible for water quality management. The CWA is the primary federal law that governs and authorizes water quality control activities by USEPA as well as the states. Various elements of the CWA address water quality. These are discussed below.

##### CWA Water Quality Criteria/Standards

Pursuant to federal law, USEPA has published water quality regulations under Title 40 of the Code of Federal Regulations (CFR). Section 303 of the CWA requires states to adopt water quality standards for all surface waters of the United States. As defined by the act, water quality standards consist of designated beneficial uses of the water body in question and criteria that protect the designated uses. Section 304(a) requires EPA to publish advisory water quality criteria that accurately reflect the latest scientific knowledge on the kind and extent of all effects on health and welfare that may be expected from the presence of pollutants in water. Where multiple uses exist, water quality standards must protect the most sensitive use. As described in the discussion of state regulations below, the State Water Resources Control Board (SWRCB) and its nine regional water quality control boards (RWQCBs) have designated authority in California to identify beneficial uses and adopt applicable water quality objectives.

##### CWA Section 303(d) Impaired Water Bodies List and Total Maximum Daily Loads

Under Section 303(d) of the CWA, states are required to develop lists of water bodies that do not attain water quality objectives after implementation of required levels of treatment by point source dischargers (municipalities and industries). Section 303(d) requires that the state develop a TMDL for each of the listed pollutants. The TMDL is the amount of the pollutant that the water body can receive and still comply with water quality objectives. The TMDL is also a plan to reduce loading of a specific pollutant from various sources to achieve compliance with water quality objectives. In California, implementation of TMDLs is achieved through water quality control plans, known as Basin Plans, of the State RWQCBs.

##### CWA Section 401: Water Quality Certification

Under Section 401 of the CWA, an applicant for a Section 404 permit to discharge dredged or fill material into waters of the United States must first obtain a certificate from the appropriate state agency stating that the fill is consistent with the state's water quality standards and criteria. In California, the authority to either grant water quality certification or waive the requirement is delegated by the SWRCB to the nine RWQCBs. In addition, an applicant under Section 10 of the Rivers and Harbor Act must also obtain a Section 401 Water Quality Certification.

##### CWA Section 402: National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) permit program was established in the CWA to regulate municipal and industrial discharges to surface waters of the United States. NPDES permit regulations have been established for broad categories of discharges including point source waste discharges and nonpoint

source stormwater runoff. Each NPDES permit identifies limits on allowable concentrations and mass emissions of pollutants contained in the discharge. Sections 401(discussed above) and 402 of the CWA contain general requirements regarding NPDES permits.

"Nonpoint source" pollution originates over a wide area rather than from a definable point. Nonpoint source pollution often enters receiving water in the form of surface runoff and is not conveyed by way of pipelines or discrete conveyances. Two types of nonpoint source discharges are controlled by the NPDES program: discharges caused by general construction activities and the general quality of stormwater in municipal stormwater systems. The goal of the NPDES nonpoint source regulations is to improve the quality of stormwater discharged to receiving waters to the maximum extent practicable. The RWQCBs in California are responsible for implementing the NPDES permit system.

### CWA Section 404: Permits for Dredged or Fill Material

Under Section 404, the US Army Corps of Engineers (USACE) and USEPA regulate the discharge of dredged and fill materials into the waters of the United States. These waters are primarily defined as navigable waterways or water features (including wetlands) that have a significant nexus to navigable waters. Project sponsors must obtain authorization from USACE for all discharges of dredged or fill materials into waters of the United States before proceeding with a proposed activity. Individual Section 404 permits may only be issued for the least environmentally damaging practicable alternative. Compliance with CWA Section 404 requires compliance with several other environmental laws and regulations. USACE cannot issue an individual permit or verify the use of a general permit until the requirements of the National Environmental Policy Act of 1969, Endangered Species Act, Coastal Zone Management Act, and National Historic Preservation Act have been met. Additionally, no permit can be issued or verified until a Water Quality Certification, or waiver of certification, has been issued pursuant to CWA Section 401.

### Section 10, Rivers and Harbors Appropriations Act of 1899

Section 10 of the Rivers and Harbors Appropriations Act (33 USC 403) regulates work and structures in, over, and under navigable waters that would affect the course, location, condition or capacity of navigable waters of the United States, including dredging, wharf improvements, overwater cranes, and artificial islands and installations on the outer continental shelf (33 CFR 322.3). The original intention of Congress when enacting this legislation was to protect navigation and navigable capacity. Later, these objectives were expanded to include environmental protection. The General Bridge Act applies to bridges and causeways over navigable waters and is administered by the US Coast Guard. Under Section 10, the USACE issues permits for work (e.g., dredging) and structures in, over, and under navigable waters.

## Federal Emergency Management Agency Regulations

FEMA administers the National Flood Insurance Program to provide subsidized flood insurance to communities that comply with FEMA regulations limiting development in floodplains. FEMA also issues FIRMs that identify which land areas are subject to flooding. These maps provide flood information and identify flood hazard zones in the community. The design standard for flood protection is established by FEMA. FEMA's minimum level of flood protection for new development is the 100-year flood event, also described as a flood that has a 1-in-100 chance of occurring in any given year.

Additionally, FEMA has developed requirements and procedures for evaluating earthen levee systems and mapping the areas affected by those systems. Levee systems are evaluated for their ability to provide protection from 100-year flood events, and the results of this evaluation are documented in the FEMA Levee Inventory System. Levee systems must meet minimum freeboard standards and must be maintained according to an officially adopted maintenance plan. Other FEMA levee system evaluation criteria include structural design and interior drainage.

The waterside portion of the project site falls primarily within FEMA FIRM No. 06073C1876H and therefore would be subject to FEMA regulations.

### National Toxics Rule and California Toxics Rule

USEPA adopted the National Toxics Rule (NTR) (40 CFR 131.36) on December 22, 1992, and later amended it on May 4, 1995 and November 9, 1999. Approximately forty criteria in the NTR apply in California, which are provided under 40 CFR 131.36 (d)(10). On May 18, 2000, USEPA adopted the California Toxics Rule (CTR). The CTR establishes numeric criteria for priority toxic pollutants in inland waters, as well as enclosed bays and estuaries, to protect ambient aquatic life and human health. The numeric criteria are the same as those recommended by the USEPA in its CWA Section 304(a) guidance. The CTR also includes provisions for compliance schedules to be issued for new or revised NPDES permit limits when certain conditions are met.

### Coastal Nonpoint Source Pollution Control Program

The Coastal Nonpoint Source Pollution Control Program is a joint program between USEPA and NOAA. Established during reauthorization of the Coastal Zone Management Act of 1972, the program provides a more comprehensive solution to the problem of polluted runoff in coastal areas. The program sets economically achievable measures to prevent and mitigate runoff pollution problems stemming from agriculture, forestry, urban developments, marinas, hydromodification (e.g., stream channelization), and the loss of wetland and riparian areas. The Plan for California's Nonpoint Source Pollution Control Program is implemented by the SWRCB, nine RWQCBs, and the CCC.

## 3.7.3.2 State

### California Porter-Cologne Water Quality Control Act

California's primary statute governing water quality and water pollution issues, with respect to both surface waters and groundwater, is the Porter-Cologne Water Quality Control Act of 1970 (Porter-Cologne Act). The Porter-Cologne Act grants the State Water Board and each of the nine RWQCBs power to protect water quality and is the primary vehicle for implementation of California's responsibilities under the CWA. The applicable RWQCB for the proposed project is the San Diego RWQCB. The State Water Board and the San Diego RWQCB have the authority and responsibility to adopt plans and policies, regulate discharges to surface and groundwater, regulate waste disposal sites, and require cleanup of discharges of hazardous materials and other pollutants.

The Porter-Cologne Act also implements many provisions of the CWA, such as the NPDES permitting program. Under the Porter Cologne Act "any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state" must file a report of the discharge with the appropriate RWQCB. The RWQCB may then prescribe Waste Discharge Requirements (WDRs) that add conditions related to control of the discharge. The Porter-Cologne Act defines "waste" broadly, and the term has been applied to a diverse array of materials, including non-point source pollution. When regulating discharges that are covered under the CWA, the SWRCB and RWQCBs issue WDRs and NPDES permits as a single permitting vehicle. In April 1991, the SWRCB and other state environmental agencies were incorporated into the California Environmental Protection Agency. Section 401 of the CWA gives the SWRCB the authority to review any proposed federally permitted or federally licensed activity that may impact water quality and to certify, condition, or deny the activity if it does not comply with state water quality standards. If the SWRCB imposes a condition on its certification, those conditions (including WDRs) must be included in the federal permit or license.

Standard WDRs include conditions and requirements to minimize potential impacts on the existing surface water and groundwater and sediment quality from dredging and filling activities. These conditions are addressed by complying with the requirements of the applicable permit and implementing management

programs. The assessment of impacts for dredging and filling is based on these regulatory controls for dredging and filling activities that contain conditions including standard WDRs.

## NPDES Construction General Permit for Stormwater Discharges Associated with Construction Activity

The SWRCB adopted the statewide NPDES General Permit in August 1999. The state requires that projects disturbing more than one acre or more of land during construction file a Notice of Intent with the RWQCB to be covered under the SWRCB Construction General Permit (Order WQ 2022-0057-DWQ). Construction activities subject to the Construction General Permit include clearing, grading, stockpiling, excavation, and demolition activities that expose or disturb soil. Dischargers are required to eliminate or reduce non-stormwater discharges to storm sewer systems and other waters. A Stormwater Pollution Prevention Plan (SWPPP) must be developed and implemented for each site covered by the permit. The SWPPP must include best management plans (BMPs) designed to prevent construction pollutants from contacting stormwater and keep products of erosion from moving off-site into receiving waters throughout the construction and life of the project; the BMPs must address source control and, if necessary, pollutant control.

## Statewide General Permit for Stormwater Discharges Associated with Industrial Activities

The most recent General Industrial Activities Stormwater Permit (GIASP, Order No. 2014-0057-DWQ) was adopted in April 2014 and amended in 2015 and 2018. This Order requires dischargers to develop and implement a SWPPP to reduce or prevent industrial pollutants in stormwater discharges, eliminate unauthorized non-storm discharges, conduct visual and analytical stormwater discharge monitoring to verify the effectiveness of the SWPPP, and submit an annual report.

## State Water Resources Control Board Resolution Number No. 68-16

SWRCB Resolution Number 68-16 – *Statement of Policy Regarding Maintaining High Quality Water in California* (also known as the Antidegradation Policy) protects the quality of water bodies where the quality is higher than the established standards for the protection of beneficial uses. Any actions that adversely affect water quality in surface or ground water must "1) be consistent with maximum benefit to the people of the State; 2) not unreasonably affect present and anticipated beneficial use of the water; and 3) not result in water quality less than that prescribed in water quality plans and policies."

## California Water Code

The California Water Code is enforced by the California Department of Water Resources (DWR). The mission of DWR is "to manage the water resources of California in cooperation with other agencies, to benefit the State's people, and to protect, restore, and enhance the natural and human environments." DWR is responsible for promoting California's general welfare by ensuring beneficial water use and development statewide.

## Water Quality Control Plan for Enclosed Bays and Estuaries

Under the California Bay Protection and Toxic Cleanup Act, the SWRCB is required to develop sediment quality objectives for toxic pollutants to protect the condition of enclosed bays and estuaries. The SWRCB issued Part 1 (Sediment Quality) of the Water Quality Control Plan for Enclosed Bays and Estuaries in August 2009. Part 1 of this document represented the first phase of the SWRCB's development of Sediment Quality Objectives (SQOs). This first phase (direct effects) focused on the protection of benthic communities in enclosed bays and estuaries based on chemical and biological measures to determine if the sediment-dependent biota are protected or degraded from exposure to toxic substances in the sediment (SWRCB 2018). Amendments to the Plan in 2011 and 2018 included a narrative SQO to protect finfish and wildlife from sediment pollutants, and a more prescriptive implementation framework. This program is applicable to all enclosed bays and estuaries in the state, including San Diego Bay.

### California Coastal Act Section 30233

Section 30233 of the California Coastal Act relates to in-water work in open coastal waters, wetlands, estuaries, and lakes. Specifically, diking, filling or dredging is allowed (in accordance with other applicable provisions of the Coastal Act), where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. Among the types of activities this section is limited to include new or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

### Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA) was enacted to better manage groundwater supplies in the state and directs local agencies (e.g., cities, counties, and water agencies) to adopt Groundwater Sustainability Plans for high- and medium-priority groundwater basins to ensure their long-term sustainability. In San Diego County, DWR has designated three of the county's basins as medium-priority and one basin as critically overdrafted. The three medium-priority groundwater basins include the San Diego River Valley, San Luis Rey Valley, and San Pasqual Valley Groundwater Basins, while the Borrego Valley is designated as critically overdrafted. These groundwater basins are all subject to Groundwater Sustainability Plan requirements of the SGMA. Within the project area, the Coastal Plain of San Diego Groundwater Basin is identified as low priority.

## 3.7.3.3 Local

### Water Quality Control Plan for the San Diego Basin

The Water Quality Control Plan for the San Diego Basin (San Diego Basin Plan) (RWQCB 2021) is required by the California Water Code (Section 13240) as prescribed by the CWA. Section 303 of the CWA requires states to adopt water quality standards that "consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses." According to Section 13050 of the California Water Code, Basin Plans consist of a designation or establishment of beneficial uses to be protected, water quality objectives to protect those uses, and a program of implementation needed for achieving the objectives for the waters within a specified area. Beneficial uses, together with their corresponding water quality objectives, can be defined per federal regulations as water quality standards. Therefore, the Basin Plans are the regulatory references for meeting the state and federal requirements for water quality control. The San Diego Basin Plan designates beneficial uses of surface water and groundwater, such as contact recreation or municipal drinking water supply. The San Diego Basin Plan also establishes water quality objectives, which are defined as "the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area."

#### Beneficial Uses

The San Diego RWQCB has designated Beneficial Uses and Water Quality Objectives for water bodies under its jurisdiction (RWQCB 2021). They are defined as the uses of water necessary for the survival or well-being of humans, plants, and wildlife. These uses of water serve to promote the tangible and intangible economic, social, and environmental goals of mankind. Examples include drinking, swimming, industrial, and agricultural water supply, and the support of fresh and saline aquatic habitats (RWQCB 2021).

Because of the project site's location, the receiving waters are limited to the Bay, the designated beneficial uses of which include the following.

- Industrial Service Supply (IND) includes use of water for industrial activities that do not depend primarily on water quality including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, or oil well re-pressurization.

- Navigable (NAV) includes uses of water for shipping, travel, or other transportation by private, military, or commercial vessels.
- Contact Water Recreation (REC-1) includes uses of water for recreational activities that involve body contact with water, where ingestion of water is reasonably possible. These uses include, but are not limited to, swimming, wading, water-skiing, skin and SCUBA diving, surfing, white water activities, fishing, or the use of natural hot springs.
- Non-contact Water Recreation (REC-2) includes the uses of water for recreational activities involving proximity to water, but not normally involving body contact with water, where ingestion of water is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.
- Commercial and Sport Fishing (COMM) includes the uses of water for commercial or recreational collection of fish, shellfish, or other organisms including, but not limited to, uses involving organisms intended for human consumption or bait purposes.
- Preservation of Biological Habitats or Special Significance (BIOL) includes uses of water that support designated areas or habitats.
- Estuarine Habitat (EST) includes uses of water that support estuarine ecosystems including, but not limited to, preservation or enhancement of estuarine habitats, vegetation, fish, shellfish, or wildlife (e.g., estuarine mammals, waterfowl, or shorebirds).
- Wildlife Habitat (WILD) includes uses of water that support terrestrial ecosystems including, but not limited to, preservation and enhancement of terrestrial habitats, vegetation, wildlife, or wildlife water and food sources.
- Rare, Threatened, or Endangered Species (RARE) includes uses of water that support habitats necessary, at least in part, for the survival and successful maintenance of plant or animal species established under state or federal law as rare, threatened, or endangered.
- Marine Habitat (MAR) includes uses of water that support marine ecosystems including, but not limited to, preservation or enhancement of marine habitats, vegetation such as kelp, fish, shellfish, or wildlife (e.g., marine mammals, shorebirds).
- Migration of Aquatic Organisms (MIGR) includes uses of water that support habitats necessary for migration, acclimatization between fresh and salt water, or other temporary activities by aquatic organisms, such as anadromous fish.
- Spawning, Reproduction, and/or Early Development (SPWN) includes uses of water that support high-quality habitats suitable for reproduction, early development, and sustenance of marine fish and/or cold freshwater fish.
- Shellfish Harvesting (SHELL) includes uses of water that support habitats suitable for the collection of filter-feeding shellfish (e.g., clams, oysters, and mussels) for human consumption, commercial, or sport purposes.

## Water Quality Objectives for Inland Surface Waters, Enclosed Bays and Estuaries, Coastal Lagoons, and Ground Waters

The Basin Plan sets narrative and numerical water quality objectives that must be attained or maintained to protect beneficial uses and conform to the State's Antidegradation Policy. The water quality objectives are the levels of water quality constituents that must be met to protect the beneficial uses (RWQCB 2021). Table 3.7-3 lists these water quality constituents that received narrative or numerical concentration objectives. A complete and detailed list of water quality objectives can be found in the Basin Plan. Applicable water quality objectives are listed in Chapter 3 of the Basin Plan (starting on page 3-12 and concluding on page 3-37).

## Table 3.7-3. Water Quality Constituents

| | |
|---|---|
| Bacteria – Total coliform, Fecal Coliform, *E. Coli*, and Enterococci | pH |
| Biostimulatory Substances | Phenolic Compounds |
| Boron | Radioactivity |
| Chlorides | Secondary Drinking Water Standards[2] |
| Color | Sediment |
| Dissolved Oxygen | Sodium |
| Floating Material | Sulfate |
| Fluoride | Suspended and Settleable Solids |
| Inorganic Chemicals[1] | Tastes and Odors |
| Iron | Temperature |
| Manganese | Total Dissolved Solids |
| Methylene Blue–Activated Substances | Toxicity |
| Nitrate | Toxic Pollutants[3] |
| Oil and Grease | Trihalomethanes |
| Organic Chemicals | Turbidity |
| Pesticides | Un-ionized Ammonia |

[1] Waters designated for use as domestic or municipal supply (MUN) cannot contain concentrations of inorganic chemicals in excess of the maximum contaminant levels set forth in California Code of Regulations, Title 22, Table 64431-A of section 64431 (Inorganic Chemicals), which is incorporated by reference into the Basin Plan. Inorganic chemicals include aluminum, antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrate+nitrite, nitrite, selenium, and thallium.

[2] Water designated for use as domestic or MUN cannot contain concentrations of chemical constituents in excess of the maximum contaminant levels specified in Table 64449-A of section 64449 of Title 22 of the California Code of Regulations (Secondary Maximum Contaminant Levels, Consumer Acceptance Limits), which is incorporated by reference into the Basin Plan. Includes aluminum, color, copper, corrosivity, foaming agents, iron, manganese, methyl tert-butyl ether (MTBE), odor threshold, silver, thiobencarb, turbidity and zinc.

[3] USEPA promulgated a final rule prescribing water quality criteria for toxic pollutants in inland surface waters, enclosed bays, and estuaries in California on May 18, 2000 (The California Toxics Rule or "CTR" [40 CFR 131.38]). CTR criteria constitute applicable water quality criteria in California. In addition to the CTR, certain criteria for toxic pollutants in the National Toxics Rule [40 CFR 131.36] constitute applicable water quality criteria in California as well. The Shelter Island Yacht Basin portion of San Diego Bay is designated as an impaired water body for dissolved copper pursuant to Clean Water Act section 303(d). A TMDL has been adopted to address this impairment.

Source: RWQCB 2021.

The Basin Plan specifies water quality objectives for a number of constituents/characteristics that could be affected by the proposed project. These include floating material, oil and grease, suspended sediments, and turbidity. With the exception of turbidity, water quality objectives for these constituents are expressed as narrative rather than numerical limits.

## San Diego Municipal Separate Storm Sewer System (MS4) NPDES Permit

The San Diego RWQCB regulates discharges from Phase I MS4s in the San Diego Region under the Regional MS4 Permit. The Regional MS4 Permit covers 39 municipal, county government, and special district entities (referred to jointly as Co-permittees) located in San Diego County, southern Orange County, and southwestern Riverside County who own and operate large MS4s which discharge storm water runoff and non-storm water runoff to surface waters throughout the San Diego Region. The permit is the *NPDES Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4) Draining the Watersheds within the San Diego Region (Order No. R9-2013-0001, NPDES Permit No. CAS0109266, as amended).*

The permit identifies the implementation of Water Quality Improvement Plans (WQIPs) as a framework for permittees to implement the requirements of the permit in an integrated and collaborative fashion to address water quality priorities on a watershed scale, including complying with TMDL provisions and by customizing certain control measures. The ultimate goal of the Water Quality Improvement Plans is to ensure that discharges from the San Diego MS4 protect, preserve, enhance, and restore water quality and designated beneficial uses of waters of the state.

Each Co-permittee must use their land use and planning authorities to implement a development planning program in accordance with the strategies in the WQIP and includes, at a minimum, the following requirements:

BMP requirements for all development projects, priority development projects, structural BMP requirements for priority development projects, BMP Design Manual updates, BMP implementation and oversight for priority development projects, and development project enforcement. Each Co-permittee must also implement Construction Management Programs, Existing Development Management Programs, Enforcement Response Plans, and Public Education and Participation Programs.

### Jurisdictional Runoff Management Program

The District's Jurisdictional Runoff Management Program (JRMP) was developed in accordance with the requirements of the San Diego RWQCB Order No. R9-2013-0001, as amended by Order No. R9-2015-0001 (NPDES Permit #CAS0109266, Municipal Permit). In 2025, the District reviewed activities, programs, and components of the JRMP program and document to identify modifications needed for consistency with current Port processes and operating practices (District 2025a).

The JRMP addresses the discharge of pollutants and urban runoff flow to the municipal separate storm sewer system to the maximum extent practicable (MEP). The JRMP focuses on three major phases of urban development including development planning, the construction, and the existing development or existing use phases as well as illicit discharges and connections.

The District's JRMP document serves as an informational document that provides an overall account of the program to be conducted by the District during the five-year life of the Municipal Permit. The Port JRMP document has been developed to meet the conditions of the Municipal Permit and to assist the Port in addressing the highest and focused priority water quality conditions identified in the San Diego Bay Watershed WQIP, as appropriate. The District has identified bacteria, metals, and trash as priority pollutants for San Diego Bay and is focusing resources on addressing these pollutants.

The JRMP program's focus is on controlling discharges from upstream sources and areas within the District's jurisdictional boundary to the MS4 that the District owns and operates. The program's overall goals are to achieve receiving water quality improvements and contribute to watershed efforts to meet the San Diego Bay WQIP goals for highest and focused priority water quality conditions, as appropriate. The JRMP utilizes Port-specific activities as well as watershed-based strategies. The main emphasis of the program is education. The programs described herein are effective as of June 27, 2015. The JRMP is updated as needed to ensure continued compliance the Municipal Permit.

### BMP Design Manual

In June 2015 the District adopted a jurisdiction-specific local BMP Design Manual to address the requirement of the Municipal Stormwater Permit. This BMP Design Manual is applicable to projects carried out on District-managed Tidelands. Pursuant to the Municipal Stormwater Permit, the District began implementing the BMP Design Manual on February 16, 2016, and updated it in January 2018. The District's BMP Design Manual identifies updated post-construction stormwater requirements for both tenant- and District-sponsored major maintenance or capital improvement projects as required by the Municipal Stormwater Permit (District 2025b).

The BMP Design Manual identifies BMP requirements for both standard projects and priority development projects (PDPs) as outlined in the permit. All new development and redevelopment projects are required to implement standard source control and site design BMPs to eliminate or reduce stormwater runoff pollutants. For PDPs, the BMP Design Manual also describes structural treatment controls that must be incorporated into the site design and, where applicable, addresses potential hydromodification impacts from changes in flow and sediment supply.

Project proponents must submit a Storm Water Quality Management Plan (SWQMP) accurately describing how the project will meet source control site design and pollutant control BMP requirements. District staff provide technical review of and approve SWQMP documents and drainage design plans to ensure that pollutant control BMP

requirements are met. The SWQMP is evaluated for compliance with the Municipal Stormwater Permit and with design criteria outlined in the District's BMP Design Manual. Once the approval process is complete, the project is able to commence and routine inspections are conducted throughout the duration of the project construction.

### San Diego Unified Port District Code, Article 10

District Code, Article 10, the District Stormwater Management and Discharge Control Ordinance, prohibits the deposit or discharge of any chemicals or waste to the Tidelands or San Diego Bay and makes it unlawful to discharge pollutants directly into non-stormwater or indirectly into the stormwater conveyance system. Article 10 also requires the implementation of BMPs, stormwater plans, and other measures, as appropriate to control the discharge of pollution to Tidelands or receiving waters. Where enforcement is required to maintain compliance, the District will use its enforcement authority established by Article 10. The article enables the District, including District inspectors, to prohibit discharges and require BMPs so that discharges on Tidelands do not cause or contribute to water quality problems. Article 10 establishes enforcement procedures to ensure that responsible dischargers are held accountable for their contributions and/or flows.

### San Diego Harbor Safety Plan

The San Diego Harbor Safety Plan is designed to provide mariners using the waters of San Diego Bay an up-to-date guide to critical navigation issues that will enhance vessel safety, with the ultimate goal of pollution prevention and protection of the region's valuable resources. This plan has been developed by the San Diego Harbor Safety Committee as mandated in the California Oil Spill Prevention and Response Act of 1990 (Government Code Sections 8574.1 et seq.). The goals of the act are to improve the prevention, removal, abatement, response, containment, clean up, and mitigation of oil spills in the marine waters of California. The act and its implementing regulations (California Code of Regulations Title 14 Sections 800–802) created harbor safety committees for the major harbors of California to "plan for the safe navigation and operation of tankers, barges, and other vessels within each harbor" by preparing "a harbor safety plan, encompassing all vessel traffic within the harbor."

## 3.7.4 Project Impact Analysis

### 3.7.4.1 Methodology

Impacts of the proposed project on water quality were analyzed using available information on potential existing sources of pollution and current water quality conditions in the project area. These conditions were then compared to potential project-related sources of pollution during construction, such as sediments and other construction materials. The proposed project was also analyzed for potential impacts on beneficial uses and water quality objectives (i.e., pollutants of concern) of San Diego Bay receiving waters. Receiving and nearby waters with CWA Section 303(d) impaired water quality were identified, along with the impairment (pollutant/stressor), and an evaluation was performed of whether the impairment would have the potential to be further exacerbated by the proposed project. The evaluation of potential impacts on hydrology and drainage also considered whether project-related changes would create or exacerbate flooding-related conditions when considered in combination with anticipated sea level rise. In determining the level of significance, the analysis assumes that the project would comply with relevant federal, state, and local laws, ordinances, and regulations.

### 3.7.4.2 Thresholds of Significance

The following significance criteria are based on Appendix G of the State CEQA Guidelines and provide the basis for determining significance of hydrology and water quality impacts resulting from the proposed project.

An impact on hydrology or water quality is considered significant if the proposed project would result in any of the following:

1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in:

   (i) substantial erosion or siltation on- or off-site;

   (ii) substantial increase in the rate or amount of surface runoff in a manner which would result in flooding on-site or off-site;

   (iii) create or contribute runoff water that would exceed the capacity of existing or planned stormwater-drainage systems or provide substantial additional sources of polluted runoff; or

   (iv) impede or redirect flood flows
4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

As discussed in the Initial Study/Environmental Checklist Section X (Appendix C of this ~~Draft~~ Final EIR), Thresholds 2, 3 (i), (ii), and (iii), and 4 are not included in the analysis below, as it was determined that the project would result in less-than-significant impacts related to these issues. Those conclusions and the rationale that supports them are summarized in Chapter 5, Section 5.3, *Effects Not Found to Be Significant*. Therefore, only Thresholds 1, 3(iv), and 5 are analyzed below.

### 3.7.4.3 Project Impacts and Mitigation Measures

***Threshold 1: Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?***

#### Impact Discussion

The following proposed activities have the potential to violate water quality standards or substantially degrade surface or groundwater quality:

- Construction staging and demolition of Building E,
- Removal of the existing Pier 4, 5, 6, 7, and 8 structures including piles via hand tools, crane, and vibratory hammer,
- Installation of new Pier 4, 5, 6, 7 and 8 structures and new floating wave attenuator (including driving piles via hand tools, crane, and impact hammer with water jetting assistance),
- Grading and paving along the shoreline for new gated concrete platforms at Piers 5, 6, 7, and 8, and
- Concrete pile installation in conjunction with removal and replacement of rip rap along the shoreline for new gated concrete platforms at Piers 5, 6, 7, and 8.

#### Waterside

The proposed project includes the Demolition Component and the Waterside Redevelopment Component, both of which would involve in-water construction and disturbance of the bay floor. Piling removal (i.e., Demolition Component) and installation (i.e., Waterside Redevelopment Component) have the potential to disturb and

suspend Bay sediments, which can impact water quality. Although turbidity plumes generated by pile driving would be limited in scope (localized to the immediate area of construction) and duration (minutes or hours), water quality may still be adversely affected. Sediment suspension during construction could result in a reduction in water clarity, slightly reduced dissolved oxygen (DO) concentrations, and reduced hydrogen ion concentrations (pH). Substantially low DO levels resulting from high turbidity (i.e., below 5 milligrams per liter [mg/L]) can cause respiratory stress to aquatic life, and levels below 3 mg/L can cause mortality. Sediment contaminants and nutrients could also be suspended in the water column.

Specific examples of potential water quality violations identified in the Basin Plan that could occur as a result of this project include:

- Depression of DO such that the annual mean DO concentration falls below 7 mg/L more than 10 percent of the time;
- Increase in turbidity such that the Secchi depth is less than 8 feet in more than 20 percent of the measurements in any zone; and

Increase in suspended solids results in adverse effects to beneficial uses. The extent of sediment disturbance would depend on factors including (but not limited to) the construction method used, construction duration, and physical and chemical properties of the affected sediments. Past studies have demonstrated that for continuous dredging operations, the vast majority of suspended sediments settle in close proximity to the dredge, and within one hour of dredging (Palermo et al. 2008). Therefore, any effects to DO and turbidity related to construction are likely to be limited in scope and duration.

For the reasons discussed above, sediment-disturbing construction activities associated with both the Demolition Component and the Waterside Redevelopment Component, while localized and temporary, would potentially violate water quality standards (e.g., water quality objectives in the San Diego Basin Plan), which would be considered a significant impact (**Impact-WQ-1**).

The in-water construction activities proposed by the project (i.e., the Demolition Component and the Waterside Redevelopment Component) are subject to the regulatory jurisdiction and permitting requirements of the USACE and the RWQCB. As discussed above in Section 3.7.3.1, the proposed project would be required to obtain and comply with a CWA Section 404 Permit from USACE for in-water project activities that would result in dredge/fill in the San Diego Bay (a Water of the United States). The project also would require a Rivers and Harbor Act Section 10 Permit from USACE for project elements that involve the addition of new and/or replacement structures in or over San Diego Bay waters. In addition, the project would require a Section 401 Water Quality Certification from the RWQCB for project activities permitted under the CWA Section 404 Permit and Rivers and Harbor Act Section 10 Permit. A RWQCB water quality certification would specify methods for ensuring the protection of water quality during in-water construction activities, including water quality monitoring requirements. Specific conditions would include the use of in-water construction BMPs to minimize the discharge of construction materials from construction activities, control floating debris, and provide spill containment and cleanup equipment to control potential accidental spills. Each of these regulatory approvals will identify specific measures which must be implemented by the respective project proponents to protect water quality in the project area. Compliance with the requirements of these permits would be included as a condition of approval of any Coastal Development Permit(s) issued by the District for the proposed project.

The CWA Section 401 Water Quality Certification would require implementation of in-water construction BMPs that would reduce water quality impacts. Common in-water construction BMPs utilized during marina projects typically include silt curtains and turbidity barriers along with trash booms. Silt curtains and turbidity barriers are designed to deflect and contain sediment within a limited area. They provide time for soil particles to fall out of suspension and help prevent these particles from being transported to other areas.

In addition to the regulatory requirements specified by the USACE and RWQCB, the implementation of **MM-WQ-1** during construction for the Demolition Component and the Waterside Redevelopment Component would be required to reduce the potential significance of **Impact-WQ-1**. This mitigation measure would require the development and implementation of a turbidity monitoring plan to the satisfaction of the District and the San Diego RWQCB. During pile installation, pile removal, and aquatic demolition/construction activities that could disturb bottom sediments, turbidity monitoring would be required up- and down-current of the silt curtain to ensure that turbidity does not exceed the water quality objectives established in the turbidity monitoring plan in consultation with the RWCQB. If turbidity levels down-current of the silt curtain exceed the performance standard, construction activities would be modified, reduced, or halted until the performance standard is achieved.

In addition, the implementation of mitigation measure **MM-WQ-2** would require the implementation of water quality BMPs during construction for the Demolition Component and the Waterside Redevelopment Component, including the deployment of silt curtains around demolition and pile installation/removal areas to minimize turbidity identified in **Impact-WQ-1**. Silt curtains would limit the spread of sediments outside of specific work areas and would be installed following specific BMP procedures. Internal jetting may be used for the installation of guide piles and would be subject to any limitations as determined by the RWQCB during the Section 401 permitting process, including water flow rate, jet nozzle velocity, duration, and other requirements. With the implementation of **MM-WQ-2**, increased turbidity associated with project construction would generally be confined to the area contained within the silt curtain. Turbidity within the area of confinement would decrease as sediments disperse and settle, and turbidity would be restored to background levels within hours of sediment disturbance. Tidal currents would slowly dissipate any hypoxic (oxygen-poor) waters within one to several tidal exchanges. With mitigation, suspended solids and low DO in the water column at the specific work area would only be expected to result in temporary and limited effects on water quality. Therefore, with the implementation of **MM-WQ-1** and **MM-WQ-2**, **Impact-WQ-1** would be reduced to less than significant.

In-water and over-water work associated with the Demolition Component and Waterside Redevelopment Component could also introduce demolition debris to the Bay waters, while the use of hazardous materials during construction, including fuels and lubricants, would potentially result in accidental spills from work vessels or platforms. These activities could directly affect water quality in the waters adjacent to the project site, which would be considered a significant impact (**Impact-WQ-2**). Although the probability of an accidental spill is low, **MM-WQ-2** would require the implementation of BMPs during in-water construction activities, and the implementation of the District's Standard BMPs (District Code Section 10.06) and Construction BMPs (JRMP Chapter 5) would further minimize the probability of a spill and ensure hazardous materials and debris are contained on site until subsequent and appropriate disposal. Therefore, with implementation of **MM-WQ-2** and District's Standard BMPs (District Code Section 10.06) and Construction BMPs (JRMP Chapter 5), **Impact-WQ-2** would be reduced to less than significant.

The project does not propose any change in the nature of operations or an increase in operations at the project site, and any operational activities such as routine vessel cleaning would continue to occur in accordance with the District's In-Water Hull Cleaning Regulations (District Ordinance No. 2681), consistent with existing conditions. Therefore, project operations would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

### Landside

The existing landside facilities currently drain to a District stormdrain line and three catch basins in the parking lot to capture and dispose of stormwater runoff through one 24-inch diameter outfall adjacent to the existing Pier 5 gangway at the shoreline of the project site. Approximately 0.4 acres of the landside portion of the project site would be disturbed as a result of the proposed Demolition Component and utility trenching related to the Waterside Redevelopment Component. This would include the demolition of Building E and the underlying concrete pad from the former storage shed. In addition to the 0.4-acre landside portion of the project site, there could be surface disturbance up to approximately 900 linear feet of riprap and at Piers 4-8 (specifically, in the

context of this landside analysis, with respect to the potential application of a SWPPP, "land" includes the area of the landside portion of the project site, and could include the existing piers). In total, it is estimated that a total of up to approximately three acres of surface disturbance could occur. Therefore, because more than one acre of surface area could be disturbed, the project may be subject to the SWRCB's Construction General Permit, which would require preparation and implementation of a SWPPP by a Qualified SWPPP Developer. If the RWQCB determines a Construction General Permit is required, the SWPPP would identify what construction BMPs would be implemented in order to protect stormwater runoff and include a monitoring plan for measuring BMP effectiveness. BMPs are required to be inspected regularly by a Qualified SWPPP Practitioner to ensure BMPs are performing as anticipated. At a minimum, BMPs would include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The construction SWPPP would specify properly designed, centralized storage areas that keep these materials away from rain and associated runoff.

Additionally, project construction during the Demolition Component and the Waterside Redevelopment Component would also be subject to compliance with the District's Stormwater Management and Discharge Control Ordinance (i.e., Article 10) and the JRMP (Chapter 5). As stated in District Code Article 10 (Section 10.06), construction activities must meet the applicable requirements of this Article and the JRMP. This includes, but is not limited to, compliance with all prohibition requirements and minimum BMPs specified in the JRMP for construction activities. Those facilities and activities subject to the Construction General Permit must install, implement and maintain any additional BMPs required by that permit and meet documentation, permit registration, and permit close-out requirements of that permit. Following the demolition of Building E and the underlying concrete pad from the former storage shed, and onsite trenching for utilities, it is anticipated that approximately 25 cubic yards of soil would be removed from the site via truck. The onsite stockpiling and subsequent loading of this soil for transport would also be subject to the applicable BMP requirements of the Construction General Permit, Article 10, and JRMP.

Project operation would also be subject to compliance with the District's Article 10 and JRMP, which include specific post-construction BMP requirements for all development and redevelopment activities and the ongoing operation of municipal (e.g., parks, parking), commercial, and industrial facilities on District Tidelands. Enforcement of the JRMP, including application of operational BMPs required by the District BMP Design Manual as determined through review of the project-specific SWQMP, assists with preventing release of pollutants into the local storm drains and ultimately the San Diego Bay as a result of stormwater generated from a site. The JRMP provides an extensive list of minimum BMPs for commercial and industrial facilities in Chapter 7. Categories of BMPs include general operations and housekeeping, non-stormwater management, outdoor material storage, outdoor drainage from indoor activity, outdoor parking, vehicles and equipment, and outdoor activity that would be followed to prevent discharge of priority pollutants from the landside portion of the project site into the receiving waters.

Therefore, adherence to the SWRCB's Construction General Permit as well as the District's Standard BMP requirements (District Code Section 10.06) and Construction and Operational BMP requirements (JRMP Chapters 5 and 7) would minimize the introduction of materials to the Bay during landside construction and operational activities by containing debris for subsequent and appropriate disposal.

Additionally, no components of the proposed project would have the potential to adversely affect groundwater quality. Groundwater at the project site is saline from saltwater intrusion and is not used as a groundwater supply source.

Therefore, with the use of the on-site stormwater diversion system and implementation of appropriate BMPs, landside construction and operation would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Impacts would be less than significant.

### Summary

In summary, the project would not violate any water quality standards or waste discharge requirements, or substantially degrade surface or groundwater quality through compliance with applicable federal, state, and local regulations described above, including permit conditions, and through the implementation of mitigation measures **MM-WQ-1** and **MM-WQ-2**.

## Level of Significance Prior to Mitigation

Implementation of the proposed project would potentially violate water quality standards or otherwise substantially degrade existing water quality. Potentially significant impact(s) include the following.

**Impact-WQ-1: Violation of Water Quality Standards and Degradation of Water Quality from Sediment Disturbance During In-Water Construction (Demolition Component and Waterside Redevelopment Component).** The proposed project includes the Demolition Component and the Waterside Redevelopment Component, both of which would involve in-water construction and disturbance to the bay floor, including pile removal and installation, which may result in the temporary suspension of bay floor sediments and impact water quality. In addition to a depression in water clarity, suspended sediments could result in slightly reduced depressed oxygen and pH levels. Sediment contaminants and nutrients could also be suspended in the water column. Even though effects on water quality from sediment suspension would be localized and temporary, sediment-disturbing activities could violate water quality standards (e.g., water quality objectives in the San Diego Basin Plan), which would be a significant impact on the environment.

**Impact-WQ-2: Degradation of Water Quality from Accidental Release of Hazardous Materials into San Diego Bay (Demolition Component and Waterside Redevelopment Component)**. Project construction activities associated with the Demolition Component and Waterside Redevelopment Component would involve the use and disposal of hazardous waste, including fuels, lubricants, and solvents. These hazardous materials could be accidentally released into the San Diego Bay during construction activities, which could result in a potentially significant impact on water quality.

## Mitigation Measures

For **Impact-WQ-1:**

> **MM-WQ-1: Provide Evidence of Clean Water Act Section 401 Water Quality Certification and Monitor Turbidity and Constituents of Concern During Construction-Related Sediment Disturbance (Demolition Component and Waterside Redevelopment Component).** Prior to commencing demolition and construction activities in water associated with the Demolition Component and Waterside Redevelopment Component that have the potential to disturb sediments, the project proponents shall provide evidence to the District that the Clean Water Act (CWA) Section 401 Water Quality Certification has been obtained from the San Diego Regional Water Quality Control Board (RWQCB) for sediment-disturbing activities, and USACE's enforcement of Section 404 and Rivers and Harbors Act Section 10, and the District's enforcement of the Stormwater Management and Discharge Control Ordinance.
>
> Unless the RWQCB requires additional or alternative measures that provide an equivalent or greater degree of environmental protection as conditions for the issuance of the CWA Section 401 Water Quality Certification, the project proponents shall implement the following steps to ensure the proposed project does not violate the water quality objectives of the Basin Plan or hinder implementation of or otherwise conflict with the San Diego RWQCB's Framework for Monitoring and Assessment in the San Diego Region and Strategic Water Quality Assessment Approach for San Diego Bay.

- The project proponents shall implement contractor education for vessel operations prior to in-water construction activities. Vessel operators shall be trained that any contact with the bottom from vessels, barges, anchors, or spuds can suspend sediment that results in water quality and turbidity impacts. Additionally, vessel operators shall be instructed to minimize activities that direct propeller wash toward shallow areas with substrates that can be suspended and result in increased turbidity.
- Prior to any in-water construction activities that would disturb the bay floor, the project proponents shall retain a water quality professional, approved by the District, who shall prepare a water quality monitoring plan and shall conduct water quality monitoring to demonstrate to the satisfaction of the District and the RWQCB that construction activities do not violate the Basin Plan or applicable water quality objectives. A water quality professional with 2 years or more of water quality work shall perform any water quality monitoring, which shall be overseen and approved by a water quality professional with 10 years or more of professional water quality monitoring experience.
- The water quality monitoring plan shall be based upon the Water Quality Monitoring, Performance, and Environmental Standards in the District's BMPs and Environmental Standards for Overwater Structural Repair and Maintenance Activities for Existing Port Facilities Conducted by the San Diego Unified Port District (District 2019b). Approval of the plan by the District and appropriate regulatory agencies is required before in-water construction activities that would disturb the bay floor can be initiated. The plan shall incorporate: (1) all permit-specific regulatory monitoring and reporting requirements and (2) a detailed description of the proposed water quality monitoring program. The plan shall clearly identify the project boundaries, and chemical constituents of concern and water quality thresholds; and provide a detailed description of the water quality monitoring to be conducted prior to, during, and after construction activities to ensure compliance with this mitigation measure. The water quality monitoring shall be conducted at least weekly, and include visual inspections of turbidity and debris, and water-column monitoring using appropriate and calibrated water quality monitoring field equipment to measure, at a minimum: turbidity, dissolved oxygen, and pH. If water column monitoring indicates exceedances of water quality thresholds (e.g., turbidity or dissolved oxygen), then water column samples shall be collected and analyzed for project-specific chemicals of concern. The water quality thresholds at the compliance station are as follows:
  - pH <7.0 or >9.0,
  - DO concentration decreased by >10 percent compared to the reference station,
  - Turbidity:
    - If turbidity at the reference station is 0–50 nephelometric turbidity units (NTUs), the maximum increase from construction activities must not exceed 20 percent of the measured turbidity at the reference station,
    - If turbidity at the reference station is 51–100 NTUs, turbidity at the compliance station must not be increased by ≥10 NTUs from construction activities, and
    - If turbidity at the reference station is >100 NTUs, the maximum increase from construction activities must not exceed 10 percent above the reference levels.

  The project proponents shall use a State of California Environmental Laboratory Accreditation Program (ELAP)–certified laboratory for all analytical testing except in those instances where measurements can be determined immediately in the field and not jeopardize the samples by exceeding transportation time to the lab for analysis.
- The project proponents' contractor(s) shall deploy a silt curtain(s) around the pile driving or other sediment-disturbing activity areas to restrict the visible surface turbidity plume to the area of construction. The silt curtain shall consist of a hanging ballast-weighted curtain with a surface float

line and shall extend from the surface into the water column without disturbing the bottom based on the lowest tidal elevation and swing of the curtain within the water column. The silt curtain shall meet the specifications for design, installation, use, performance, and/or modification outlined in the District's Best Management Practices and Environmental Standards for Overwater Structural Repair and Maintenance Activities for Existing Port Facilities Conducted by the San Diego Unified Port District (District 2019b). Silt curtain deployment shall be in conformance with the following requirements:

- The silt curtains must be composed of Type III geotextile material.
- The silt curtains must restrict the surface visible turbidity plume or surface debris to the area of construction and sediment disturbance and must control and contain the migration of resuspended sediments or debris at the water surface and at depth.
- The silt curtains must be maintained as a full turbidity enclosure. The silt curtains must be supported by floating debris booms in open water areas such as along the seaward side of the area of disturbance. The silt curtains may be connected to vessels, piers, pilings, or the shoreline to maintain effectiveness.
- The bottom of the silt curtains must be weighted with ballast weights or rods affixed to the base of the fabric to resist the natural buoyancy of the silt curtain fabric and lessen its tendency to more in response to currents. Where applicable, the floating silt curtains must be anchored and deployed from the surface of the water just above the substrate without disturbing the bottom or eelgrass based on the lowest tidal elevation and swing of the curtain within the water column.
- If necessary, silt curtains with tidal flaps must be installed to facilitate curtain deployment in areas of higher flow. Based on a determination by the District, and subject to concurrence from the RWQCB pursuant to the CWA and Porter-Cologne Water Quality Control Act, air curtains may be used in conjunction with silt curtains to contain resuspended sediment, enhance worker safety, and allow barges to transit into and out of the work area without the need to open and close silt curtains gates.
    - Silt curtains must be continuously monitored for damage, dislocation, or gaps and must be immediately repaired where it is no longer continuous or where it has loosened.
    - Silt curtains must not be removed until the visible turbidity plume has dissipated and/or surface debris is skimmed and removed.
    - Silt curtains shall be installed by the project proponent's contractor(s) in compliance with the District's Best Management Practices and Environmental Standards for Overwater Structural Repair and Maintenance Activities for Existing Port Facilities Conducted by the San Diego Unified Port District (District 2019b).
- The designated water quality monitor shall stop work to ensure that turbidity does not extend outside of the immediate construction area. If one of the turbidity thresholds listed above is exceeded, the water quality monitor may direct the temporary halt of construction activities. Depending upon the requirements in the CWA Section 401 Water Quality Certification, the project proponents may be required to alert the regulatory agencies if a water quality violation is observed. In addition, the project proponents shall coordinate water quality monitoring efforts and shall provide copies of all monthly water quality monitoring data to the San Diego RWQCB and District throughout the duration of project construction, as outlined in the reporting schedule of the agency-approved monitoring plan or project-specific permits.

**MM-WQ-2: Implement Water Quality Best Management Practices During Construction (Demolition Component and Waterside Redevelopment Component).** During demolition and

construction activities associated with the Demolition Component and Waterside Redevelopment Component, the project proponents shall implement best management practices (BMPs), which must be listed in the contractor specifications and plans and with evidence provided to the District. Unless the San Diego Regional Water Quality Control Board (RWQCB) requires additional or alternative measures that provide an equivalent or greater degree of environmental protection as conditions for the issuance of the CWA Section 401 Water Quality Certification, the project proponents shall implement the following construction-related BMPs:

- The contractor shall fully understand and adhere to the terms and conditions of approvals and permits obtained as well as all project BMPs.
- With the exception of material transport, including material and equipment deliveries and haul aways, all construction activities shall occur within the designated project footprint.
- Disturbance to the bay bottom and intertidal areas shall be minimized.
- Appropriate types and sufficient quantities of materials shall be maintained onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.
- The project proponents shall properly manage, store, treat, and dispose of wastes in accordance with applicable federal, state, and local laws and regulations. Waste management shall be implemented to avoid or minimize exposure of wastes to precipitation or stormwater runoff. The storage, handling, treatment, or disposal of waste shall not create conditions of pollution, contamination, or nuisance as defined in the California Water Code Section 13050.
- Netting, sandbags, tarps, or other forms of barriers shall be placed around landside and waterside staging areas to prevent debris from entering the water.
- All equipment must be washed prior to transport to the project site and must be free of sediment, debris, and foreign matter. All equipment used in direct contact with surface water shall be steam-cleaned prior to use. All equipment using gas, oil, hydraulic fluid, or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. Stationary equipment (e.g., motors, pumps, generators, etc.) shall be positioned over drip pans or other types of containment.
- Floating booms shall be maintained around the project area to capture floating debris. Divers shall recover non-buoyant debris from the bay bottom within 72 hours of known condition. All debris and trash shall be collected and disposed of in appropriate waste containers by the end of each construction day.
- Following project completion, all project-generated debris, building materials, excess material, waste, and trash shall be removed from the project site for disposal at an authorized landfill or other disposal site in compliance with federal, state, and local laws and regulations.
- All debris and trash shall be collected and disposed of in appropriate waste containers by the end of each construction day.
- Discharge of hazardous materials into San Diego Bay shall be prohibited.
- Load-controlled boat movement, line attachment, and/or horsepower requirements of tugs and support boats at the project site must be specified to avoid resuspension of sediment. Such measures may include speed restrictions, establishment of off-limit areas (as delineated on the project construction specifications), and use of shallow draft vessels to avoid sediment disturbance and/or resuspension of sediment. The contractor shall ensure adherence to these restrictions.
- The construction/demolition contractor(s) shall deploy and maintain a continuous length of silt curtain(s) fully surrounding in-water and on-water project activities to control and contain the migration of resuspended sediments at the water surface and at depth. Silt curtain deployment shall be in conformance with the following requirements:

- The silt curtains must be composed of Type III geotextile material.
- The silt curtains must restrict the surface visible turbidity plume or surface debris to the area of construction and sediment disturbance and must control and contain the migration of resuspended sediments or debris at the water surface and at depth.
- The silt curtain must be maintained as a full turbidity enclosure. The silt curtains must be supported by floating debris booms in open water areas such as along the seaward side of the area of disturbance. The silt curtains may be connected to vessels, piers, pilings, or the shoreline to maintain effectiveness.
- The bottom of the silt curtains must be weighted with ballast weights or rods affixed to the base of the fabric to resist the natural buoyancy of the silt curtain fabric and lessen its tendency to move in response to currents. Where applicable, the floating silt curtains must be anchored and deployed from the surface of the water to just above the substrate.
- If necessary, silt curtains with tidal flaps must be installed to facilitate curtain deployment in areas of higher flow. Based on a determination by the District, and subject to concurrence from the RWQCB pursuant to the CWA and Porter-Cologne Water Quality Control Act, air curtains may be used in conjunction with silt curtains to contain resuspended sediment, enhance worker safety, and allow barges to transit into and out of the work area without the need to open and close silt curtain gates.
- Silt curtains must be continuously monitored for damage, dislocation, or gaps and must be immediately repaired where it is no longer continuous or where it has loosened.
- Silt curtains must not be removed until the visible turbidity plume has dissipated and/or surface debris is skimmed and removed.
- Silt curtains shall be installed by the project proponent's contractor(s) in compliance with the District's Best Management Practices and Environmental Standards for Overwater Structural Repair and Maintenance Activities for Existing Port Facilities Conducted by the San Diego Unified Port District (District 2019b).

- In-Water Activity–Specific Procedures (Pile Installation). The project proponents shall conduct pile installation and removal in a manner that implements applicable permit requirements, including the CWA Section 404 permit issued by the United States Army Corps of Engineers and CWA Section 401 Water Quality Certification issued by the San Diego RWQCB (if applicable). Impact hammer pile driving, internal jetting, or spudding may be required based on the type of pile installation, or removal, that occurs. The construction/demolition contractor(s) shall deploy and maintain a continuous length of silt curtain(s) fully surrounding areas proposed for pile installation and removal to control and contain the migration of resuspended sediments at the water surface and at depth. Silt curtain deployment for pile installation and removal shall be in conformance with the requirements described above in this measure. The following additional measures shall be required based on the type of pile removal or installation that occurs.

  - Pile Driving and Removal

    Removal of piles shall be conducted using the direct pull method for concrete, timber, and composite piles. Due to the age and condition of the existing piles, it is anticipated that not all piles may be able to be fully removed. In those instances, the piles would be cut off at or below the mudline and abandoned below grade. If the contractor identifies any piles that would not be able to be fully removed, notification to the District shall be required to verify all means and methods have been exhausted prior to cutting at or below the mudline and abandoned below grade. While there may be increased debris initially (including concrete debris from existing piles to be removed) in the water during wharf demolition and pile removal (from removing the

decking and removing the piles), the demolition contractor would adhere to water quality requirements issued from the RWQCB. This would limit the potential for violations of water quality standards to below a level of significance. Removal of the piles could resuspend some bottom sediments and create localized and temporary turbidity plumes and associated water quality issues as discussed above. However, such impacts would occur over a relatively small, localized area contained within deployed silt curtains.

Any piles removed from areas with contamination present shall not be shaken, hosed off, stripped or scraped off, left hanging to drip, or any other action intended to clean or remove adhering material from piles on or over-water. These activities shall only occur landside where any debris, sediment, or other materials associated with the removed piles could not reenter the waterway.

- Spudding or Anchoring

  Spudding or anchoring may be used if authorized by the RWQCB CWA Section 401 Water Quality Certification. If anchoring is used, anchors shall be lowered slowly and removed slowly to reduce disturbance of Bay sediment. If spudding is used, when spuds are lifted during in-water construction, they shall be lifted slowly—at most a quarter of the speed that spuds are lifted during normal operation. Before the spud reaches the subsurface of the Bay floor during removal, the operator shall conduct spud extraction in 2-minute intervals (repeated 2-minute extraction followed by 2-minute pause) to reduce the disturbance of Bay sediment.

- Internal Jetting

  Internal jetting may be used if authorized by the USACE CWA Section 404 permit or the RWQCB CWA Section 401 Water Quality Certification. Use of internal jetting shall be subject to any limitations as determined by the RWQCB during the Section 401 permitting process, including water flow rate, jet nozzle velocity, duration, and other requirements.

  Furthermore, all of the specific requirements described in this measure shall apply unless the San Diego RWQCB, the government agency charged with enforcement of the CWA and State Porter-Cologne Water Quality Control Act, finds that additional or alternative measures which provide an equivalent or greater degree of environmental protection are appropriate and required in order to issue the CWA Section 401 Water Quality Certification.

For **Impact-WQ-2**:

Implement mitigation measure **MM-WQ-2** as described above.

## Secondary Effects of Mitigation Measures

Because consultation with the RWQCB is on-going and is required under **MM-WQ-1** to mitigate for **Impact-WQ-1**, it is not yet known if some level of site remediation to address historical contamination of onsite sediment may be required in advance of issuing the CWA Section 401 water quality certification. Should some level of site remediation be required, it is reasonably foreseeable that dredging of contaminated sediments and placing clean cover material over contaminated sediment may be a potential condition issued by the RWQCB. Any dredging that may occur as a result of consultation with the RWQCB (as required under **MM-WQ-1**) would be subject to the regulatory and permitting jurisdiction of USACE and RWQCB. No in-water construction activities can occur until the necessary permits and approvals are obtained from these regulatory agencies.

Prior the commencement of any potential contaminated sediment removal activities, the project proponents would be required to obtain a CWA Section 404 dredge/fill permit from USACE. The USACE, through the Section 404 process, requires a project to demonstrate that it would avoid and minimize impacts to aquatic resources to the maximum extent practicable, and mitigates any unavoidable impacts and must find that the discharge will not cause or contribute to violations of water quality standards or significant degradation of waters. In addition,

the USACE requires sediment characterization (analysis of grain size, contaminants, metals, organics, etc.), which is evaluated for toxicity and bioaccumulation potential to ensure dredged materials are suitable for ocean disposal or if upland or confined disposal is warranted. Contaminated sediments are managed under strict containment and/or disposal requirements. Specific conditions of the 404 permit may include seasonal restrictions, turbidity limits and/or real-time monitoring requirements, spill prevention and containment plans, and sediment control and debris removal procedures.

The RWQCB would review the project for consistency with Basin Plan objectives (for turbidity, pH, dissolved oxygen, and contaminants), the Water Quality Control Plan for Enclosed Bays and Estuaries, and Porter-Cologne Water Quality Control Act. The Section 401 water quality certification would include conditions such as turbidity monitoring and thresholds, containment of dredged material to prevent re-suspension, work window limitations to protect aquatic species, implementation of BMPs (silt curtains, low-turbidity dredge methods, etc.), post-dredging reporting and compliance verification. If conditions are not met, the certification may be revoked or suspended, halting the federal permit. Therefore, compliance with CWA Sections 404 and 401 and implementation of **MM-WQ-2** would reduce potential hydrology and water quality impacts associated with remediation that may be required to address historical contamination of onsite sediment associated with implementation of **MM-WQ-1** to less than significant.

Please note that other potential environmental effects associated with any reasonably foreseeable future dredging and fill of historical sediment contamination resulting from implementation of **MM-WQ-1**, such as air emissions from the use of dredging/fill equipment and related transport, noise from equipment operation, and any direct impacts on sensitive marine habitat and water quality are addressed in the respective sections of this EIR.

### Level of Significance After Mitigation

With implementation of **MM-WQ-1** and **MM-WQ-2**, **Impact-WQ-1** would be reduced to less-than-significant levels. **MM-WQ-1** would require the project proponents to develop and implement a turbidity monitoring plan to the satisfaction of the District and the San Diego RWQCB and the deployment of silt curtains around pile removal and pile driving areas to limit the spread of the turbidity plume outside the specific work area. **MM-WQ-1** would also require consultation with the RWQCB, which may include conditions to the CWA Section 401 water certification that would further reduce impacts on water quality. **MM-WQ-2** would require the implementation of best management practices during in- and on-water demolition and construction to minimize sediment disturbances.

In addition, implementation of **MM-WQ-2** would reduce potential impacts associated with the accidental release of hazardous wastes and materials into the San Diego Bay during in-water construction (**Impact-WQ-2**) to less than significant by requiring specific measures to avoid potentially adverse impacts on water quality, including secondary containment of hazardous materials (e.g., oils and fuels), equipment inspection to avoid leaks, spill kits to prevent spills from entering the bay, and booms to capture construction debris for subsequent removal. Furthermore, BMPs for work that would potentially disturb the bay floor would also be required under **MM-WQ-2**.

## *Threshold 3: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

## *iv. Impede or redirect flood flows?*

### Impact Discussion

As discussed in the Initial Study Environmental Checklist, Section X, "Hydrology and Water Quality," of Appendix C of this EIR, the proposed project would have no potential to impede or redirect flood flows from landside construction or operational activities. Therefore, the discussion below focuses on the proposed project's

potential to create or exacerbate flooding-related conditions when considered in combination with anticipated sea level rise.

The proposed project would reconfigure portions of the project site through (1) construction and demolition of structures, (2) removal of piers and piles, (3) installation of piers and piles, (4) installation of a floating wave attenuator, including support piles, (5) grading and paving along the shoreline, and (6) removal and replacement of rip rap.

### Landside

During landside project construction, the temporary presence of construction-related equipment would not represent a permanent change to the floodplain and would not impede or redirect flood flows. In addition, the project is in the northwestern portion of San Diego Bay, and there are no streams or rivers in the vicinity of the project site that could be altered by project construction or operation. The project would be required to follow all existing operational and maintenance stormwater BMPs required by the District for commercial facilities. Stormwater runoff from the project, including the new overwater structures, would be captured and contained in the existing stormwater diversion system for subsequent discharge. Therefore, flood flows would not be impeded or redirected by landside project construction or operation.

### Waterside

Coastal flood hazards for the project site were previously examined in the District's Sea Level Rise Vulnerability Assessment and Coastal Resiliency Report (District 2019a). This assessment was initially based on the 2018 SLR projections adopted by OPC, which have since been updated according to new science. As such, a Coastal Hazards Assessment was prepared for the project, included as Appendix J, to assess the potential current and future coastal hazard vulnerabilities, specifically associated with sea level rise, across all the project structures' projected lifespans (i.e., 50 years). The analysis was performed in accordance with the CCC's Update to the Sea Level Rise Policy Guidance (CCC 2024) as well as the recently adopted State of California Sea Level Rise Guidance: 2024 Science and Policy Update (OPC 2024). The Coastal Hazards Assessment evaluated OPC's Intermediate-High sea level rise planning scenario because the project is a commercial development that has a lower ability to adapt than other uses. The three scenarios selected for analysis within the study considered SLR projections for 2050, 2070, and 2100, resulting in the assessment of 1.1 ft, 2.3 ft, and 4.9 ft of sea level rise, respectively. The potential inundation of project features is based on a 50-year design life, anticipating 2.3 feet of sea level rise under the Intermediate-High scenario by 2070. This projection accounts for the Intermediate scenario estimates for the period between 2080 and 2090. Because the projected lifespan of the structures is anticipated to be 50 years, the 2100 scenario is beyond their design life and thus is provided for informational purposes only. These sea level rise scenarios were evaluated under projected daily tidal, dynamic water level, and 100-year ESWL conditions. Dynamic water levels were representative of the unlikely concurrence of a 100-year wind event alongside a high average tide. The 1-year ESWL conditions are representative of the infrequent occurrence of a 1-year extreme water level during the short duration of a high tide about three to four times per year. The 100-year ESWL conditions are representative of the very unlikely occurrence of a 100-year extreme water level during the short duration of a high tide.

Based on these coastal hazard scenarios, the Coastal Hazards Assessment evaluated whether any of the proposed fixed structures (i.e., piers and concrete platforms) and floating structures (i.e., wave attenuator, docks, gangways, and loading ramps) associated with the project would be subject to inundation, based on a 50-year design life and 2.3 feet of sea level rise by 2070 under the Intermediate-High scenario. The Coastal Hazards Assessment determined that there is potential for the pier deck to be exposed to extreme water levels during its projected 50-year lifespan. It is likely to experience infrequent partial submergence near the end of its design life around 2070 under a 1-year ESWL. Under the unlikely 100-year extreme conditions in combination with an Intermediate-High sea level rise scenario, the pier deck could experience partial submergence before 2050 and inundation by 2070. In addition, the four individual concrete platforms could be exposed to flooding before 2070

when in combination with an extreme water level and Intermediate-High sea level rise scenario. Furthermore, neither the proposed floating wave attenuator nor the floating docks would be exposed to sea level rise due to their ability to move vertically with water level changes along the proposed new guide piles. It is unlikely that these floating structures would reach the vertical limit of the piles over their projected 50-year lifespan given the projected exposed pile length above the guide under 2070 water level. However, the gangways and loading ramp could experience inversion before 2050 under extreme conditions combined with an Intermediate-High sea level rise scenario.

Although the proposed new pier, concrete platforms, gangways, and loading ramps could be exposed to inundation due to sea level rise, these project elements would not substantially increase in-water fill volumes and, therefore, would not have potential to impede or redirect flood flows associated with sea level rise. Moreover, this type of inundation would occur with or without the proposed project. Consequently, the project is not anticipated to exacerbate existing or projected damage to the environment due to sea level rise.

Based on the above discussion, the project would not exacerbate the flooding potential of the project site or the effects of flooding on the existing environment, including from sea level rise. Therefore, impacts would be less than significant.

### Level of Significance Prior to Mitigation

Implementation of the proposed project would not substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river or through the addition of impervious surfaces in a manner that would impede or redirect flood flows. Impacts would be less than significant.

### Mitigation Measures

No mitigation is required for this impact.

### Level of Significance After Mitigation

Impacts would be less than significant.

## *Threshold 5: Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

As discussed in the Initial Study, Section X, "Hydrology and Water Quality," of Appendix C of this EIR, the project would not conflict with or obstruct implementation of a sustainable groundwater management plan. Therefore, the discussion below focuses on the proposed project's potential to conflict with or obstruct implementation of a water quality control plan. The water quality control plans that apply to the project site are the San Diego Basin Plan and the Water Quality Control Plan for Enclosed Bays and Estuaries: Part 1 Sediment Quality Objectives, both of which are described in Section 3.7.3, *Applicable Laws, Regulations, Plans, and Policies*.

The project includes demolition of two landside buildings, removal of five existing pier structures, construction of five new pier structures, construction of a floating wave attenuator, and construction activities for the land-side improvements. The project does not propose any change in the nature of operations at the project site, and any operational activities such as routine vessel cleaning would continue to occur in accordance with the District's In-Water Hull Cleaning Regulations (District Ordinance No. 2681), consistent with existing conditions. Therefore, project operations would not conflict with or otherwise obstruct the Basin Plan or the Water Quality Control Plan for Enclosed Bays and Estuaries: Part 1 Sediment Quality Objectives. In addition, and as discussed under Threshold 1 above, the project proponents and any of their contractors would be required to comply with permit conditions imposed by USACE and the RWQCB during construction. Specifically, permits required include the CWA Section 401 Water Quality Certification issued by the RWQCB and the Section 404 Permit and Section

10 Rivers and Harbors Permit issued by the USACE. In addition, a SWPPP may be required by RWQCB. These permits would provide specific conditions to ensure the proposed project does not violate the Clean Water Act or Porter Cologne Water Quality Control Act, and does not hinder implementation of or otherwise conflict with the RWQCB's Basin Plan and Water Quality Control Plan for Enclosed Bays and Estuaries.

However, as discussed under Threshold 1, the proposed project includes the Demolition Component and the Waterside Redevelopment Component, both of which would involve in-water construction and disturbance of the bay floor. Piling removal and installation have the potential to disturb and suspend seafloor sediments which can impact water quality. In addition to a depression in water clarity, suspended sediments could result in slightly reduced DO and pH levels. Sediment contaminants and nutrients could also be suspended in the water column. Even though effects to water quality from sediment suspension would be localized and temporary, sediment-disturbing construction activities associated with both the Demolition Component and the Waterside Redevelopment Component could violate water quality standards (e.g., water quality objectives in the San Diego Basin Plan) (**Impact-WQ-1**). In addition, in-water and over-water work would have the potential to introduce demolition debris to the Bay waters, while the use of hazardous materials during construction, including fuels and lubricants, would potentially result in accidental spills from work vessels or platforms. These activities could directly affect water quality in the waters adjacent to the project site (**Impact-WQ-2**).

To address these potentially significant impacts, **MM-WQ-1** and **MM-WQ-2** would be required. These measures would be implemented to reduce potential impacts on water quality from in-water construction activities and also help to ensure the San Diego Basin Plan and the Water Quality Control Plan for Enclosed Bays and Estuaries: Part 1 Sediment Quality Objectives are not violated. Therefore, with the implementation of **MM-WQ-1** and **MM-WQ-2**, the project would not conflict with or obstruct implementation of a water quality control plan and impacts would be less than significant.

## Level of Significance Prior to Mitigation

Implementation of the proposed project would potentially conflict with or obstruct implementation of a water quality control plan. Potentially significant impact(s) include the following.

- **Impact-WQ-1** and **Impact-WQ-2** as discussed under Threshold 1 above.

## Mitigation Measures

For **Impact-WQ-1:**

Implement mitigation measures **MM-WQ-1** and **MM-WQ-2** as described in Threshold 1 above.

For **Impact-WQ-2:**

Implement mitigation measure **MM-WQ-2** as described above in Threshold 1 above.

## Level of Significance After Mitigation

With implementation of **MM-WQ-1** and **MM-WQ-2**, **Impact-WQ-1** would be reduced to less-than-significant levels. **MM-WQ-1** would require the project proponents to develop and implement a turbidity monitoring plan to the satisfaction of the District and the San Diego RWQCB and the deployment of silt curtains around pile removal and pile driving areas to limit the spread of the turbidity plume outside the specific work area. **MM-WQ-2** would require the implementation of best management practices during in- and on-water demolition and construction to minimize sediment disturbances.

In addition, implementation of **MM-WQ-2** would reduce potential impacts associated with the accidental release of hazardous wastes and materials into the San Diego Bay during in-water construction (**Impact-WQ-2**) to less than significant by requiring specific measures to avoid potentially adverse impacts on water quality, including secondary containment of hazardous materials (e.g., oils and fuels), equipment inspection to avoid leaks, spill kits to prevent spills from entering the bay, and booms to capture construction debris for subsequent removal. In addition, best management practices for work that would potentially disturb the bay floor would be required.

# 3.8 Land Use and Planning

## 3.8.1 Overview

This section describes the existing water and land uses on the project site and in the surrounding community; outlines the applicable laws, regulations, and policies related to land use and planning; and analyzes the proposed project's potential to conflict with applicable plans, policies, and regulations.

As discussed in Section 3.8.4.3, *Project Impacts and Mitigation Measures*, all impacts related to land use and planning would be less than significant. No land use and planning-specific mitigation is required. In this section, the term "construction" includes all construction and/or demolition activities that may occur during the Demolition Component or the Waterside Redevelopment Component of the project, as described in the Project Description Chapter 2, *Environmental Setting and Project Description*.

## 3.8.2 Existing Conditions

The project site occupies land and water that is under the jurisdiction of the District and within the City of San Diego's municipal boundaries. In total, the District has jurisdiction over approximately 13,000 acres of tide and submerged lands (Tidelands), which includes granted tidelands through Senate Bill 507 that have not yet been incorporated into the District's port master plan. The project site, which is located at 4918 North Harbor Drive, is in the America's Cup Harbor Basin, a commercialized area of the waterfront. The existing conditions on the project site, the surrounding community characteristics, and existing water and land use designations are described below.

### 3.8.2.1 Project Site

The project site encompasses 2.9 acres of landside area and 6.4 acres of waterside area. The existing wharf is one of two commercial fishing harbors in San Diego Bay and is currently used as a wharf for commercial fishing boat mooring. The landside portions of the project site include surface parking, office buildings, outdoor storage areas, and other facilities that are involved with the fishing industry. The waterside portion of the project site includes piers and docks used to moor, load, and off-load commercial fishing vessels. Most of the structures and equipment at the site are in disrepair.

The project site consists of various buildings, an off-loading dock (Pier 4) with a hoist, and a marina consisting of four fixed pier structures (Piers 5, 6, 7, and 8). Pier 4 is used for the loading and unloading of commercial fishing vessels, fish, sea urchins, fishing nets, traps, and other related items. The offloading facility comprises a 1,500-pound hoist that is capable of offloading one large vessel at a time and is tide-dependent for larger vessels. Nets and traps are hauled off by rolling dolly or forklift at Pier 4, or at the piers by hand or dolly. Figure 2-2 in Chapter 2, *Environmental Setting and Project Description*, presents an aerial photograph of the existing conditions on the project site.

The facility, which is in the America's Cup Harbor Basin, was leased from the District by Driscoll Marina, Ltd (dba Driscoll's Wharf). When the marina was constructed, it had approximately 125 slips for commercial fishing vessels. Most of the slips at the site have been in use, though slip demand and occupancy fluctuate with the seasons, market conditions, and marina operator. However, over the last months, fewer slips have been in use. The storage and repair of fishing gear and equipment presently occurs along the wharf. The condition of most of the structures and equipment have deteriorated over time as a result of damage from wave action and operational use.

### 3.8.2.2 Surrounding Community

Commercial land uses to the northwest of the project site include restaurants, yacht sales, and marine-related office land uses. Water uses to the west consist of marinas. Military land uses to the north, east, and southeast of the project site include Naval Base Point Loma Harbor Drive Annex. Open water of the San Diego Bay is southeast of the project site. Land uses north of the project site across North Harbor Drive include hotel, residential, and commercial land uses. The nearest residence is approximately 950 feet northwest of the project site and is separated from the project site by North Harbor Drive and commercial uses. See Figure 2-2 in Chapter 2, *Environmental Setting and Project Description*, for an aerial view of the uses surrounding the project site.

### 3.8.2.3 Existing Site Water and Land Use Designations

The following sections describe the water and land use designations under the certified Port Master Plan (PMP), as well as the Port Master Plan Update (PMPU) that has been approved by the Board of Port Commissioners (BPC) and is currently under review with the California Coastal Commission (CCC).

#### Certified Port Master Plan

The District's PMP currently governs the land and water uses on Tidelands that the State Legislature has granted to the District, as trustee, and for which the District has regulatory duties and proprietary responsibilities. Land use designations in the PMP are composed of approximately 15 percent commercial, 24 percent industrial, 19 percent public recreation, 28 percent conservation, 11 percent public facility, and three percent military (District 2024a). The District's certified PMP establishes 10 planning districts; the proposed project site is located within the America's Cup Harbor Basin subarea of the 351-acre Planning District 1 (Shelter Island) (District 2024a). The PMP land and water use designations for the project site are commercial fishing berthing (water), Navy small craft berthing (water), commercial fishing (land), and promenade (land). See Figure 2-3 in Chapter 2, *Environmental Setting and Project Description*, for the Shelter Island Planning District water and land use map from the certified PMP.

The commercial fishing areas are intended to meet the needs of the commercial fishing fleet for marinas; berthing and moorings; net mending and the minor repair of fishing equipment; the loading of stores and provisions, fish unloading, and transshipment; and fresh fish market operations involving restaurants, retail, and wholesale operations (District 2024a: 17). Berthing areas exclusively set aside for market fishing boats need to be protected from wave and wake action; be accessible over low-rise piers or floats; located within convenient proximity to fuel and ice supply; provided with dockside freshwater, electricity, trash containers, gear working areas, unloading areas, and hoist; supported with shoreside facilities for marina management, restrooms, equipment storage facilities, pump-out and disposal facilities for waste oil, and automobile parking; gated and lighted for security (District 2024a: 18).

Commercial fishing areas delineated on the PMP Land and Water Use Map encourage the efficient use of coastal waterfront space by identifying sites best suited to meet the needs of the short-range market fishing boats, the deep draft vessels of the long-range tuna seiners, the preservability of fish products, and the high cost of preserving and transporting unprocessed fresh fish (District 2024a: 19).

Naval small craft berthing is associated with naval operations for small craft and is shown adjacent to land parcels (District 2024a: 31).

Promenade areas indicate the shoreline public pedestrian promenade-bicycle route systems that are improved with landscaping, lighting, directional and informational signage, and other street fixtures, works of art, and seating. Short trips can involve walking or bicycling rather than motorized transportation, which affords an opportunity to enjoy the amenities and diversity of uses in the Bay (District 2024a: 27).

### Port Master Plan Update

The District's PMPU was adopted by the BPC in February 2024, and, as of the date of the ~~Draft~~ Final EIR, is currently under review with the CCC to be heard by the CCC for certification at a future date. Until the PMPU is certified by the CCC, the current PMP contains the official planning policies, consistent with a general statewide purpose, for the physical development of the Tidelands conveyed and granted in trust to the District in the Port Act. The PMP is also the standard of review for all Coastal Development Permits (CDPs) on Tidelands until the PMPU is certified by the CCC.

In the PMPU, the project site is within Planning District 1 (Shelter Island), which encompasses 464 acres (District 2024b). The project site is located within the East Shelter Island Subdistrict of Planning District 1 of the PMPU, which consists of the following water and land use designations: commercial recreation, marine sales and services, commercial fishing, and sportfishing (District 2024b). The PMPU water and land use designations for the project site are commercial fishing berthing and commercial fishing, respectively. See Figure 2-4 in Chapter 2, *Environmental Setting and Project Description*, for the Shelter Island Planning District water and land use map from the Final Draft PMPU. Each of these water and land uses is described below.

- **Commercial fishing berthing:** Water areas primarily used for commercial fishing berthing. This designation allows collocation with other supporting primary and secondary water uses or facilities and usually is located adjacent to shoreside facilities designated for the promotion and protection of commercial fishing - a coastal priority use. This designation is supportive of the Commercial Fishing land use designation (District 2024b: 58).
- **Commercial fishing:** Commercial fishing land and water use areas are designated for the promotion and protection of these priority coastal-dependent uses. Facilities and operations, including 24-hour, 365-day truck access and parking, related and complementary to commercial fishing. This designation allows collocation with other supporting primary and secondary land uses or shoreside facilities designated for the promotion and protection of commercial fishing - a coastal priority use. Cannery facilities and operations are prohibited in this use type (District 2024b: 59).

## 3.8.3 Applicable Laws, Regulations, Plans, and Policies

The following describes federal, state, and local laws, regulations, plans, and policies that are applicable to the proposed project.

### 3.8.3.1 Federal

#### Coastal Zone Management Act of 1972

The US Congress recognized the importance of meeting the challenge of continued growth in the coastal zone by passing the Coastal Zone Management Act (CZMA) in 1972. The act, administered by NOAA's Office of Ocean and Coastal Resource Management, provides for management of the nation's coastal resources and balances economic development with environmental conservation. The CZMA outlines two national programs. The National Coastal Zone Management Program includes 34 coastal programs that aim to balance competing water and land issues in the coastal zone. The National Estuarine Research Reserve System creates field laboratories that provide a greater understanding of estuaries and how humans affect them. The overall program objectives of the act are to "preserve, protect, develop, and where possible, to restore or enhance the resources of the nation's coastal zone" (NOAA 2025).

The CZMA ensures that development projects in coastal areas are designed and sited in a manner that is consistent with coastal zone land uses, maximizes public health and safety, and ensures that biological resources (e.g., wetlands, estuaries, beaches, and fish and wildlife and their habitat) within the coastal zone are protected. The CCC enforces the CZMA by certifying that any proposed project is consistent with the California Coastal Act (CCA) of 1976 (as amended). The enforceable policies of the CZMA are found in Chapter 3 of the CCA.

### Federal Aviation Administration

Through 14 CFR 77, the Federal Aviation Administration (FAA) establishes standards and notification requirements for objects affecting navigable airspace. This notification serves the basis for evaluating the effect of construction or alteration from projects on FAA operating procedures; determining the potential hazardous effect of proposed construction on air navigation; identifying mitigation measures to enhance safe air navigation; and charting new objects (FAA 2025). Notification allows the FAA to identify potential aeronautical hazards in advance, thus preventing or minimizing the adverse impacts to the safe and efficient use of navigable airspace. The project site is located within the FAA airspace protection boundary pursuant to FAA regulations, Part 77 (FAA 2025).

## 3.8.3.2 State

### California Public Trust Doctrine

The Public Trust Doctrine is a common law doctrine that provides that public lands and waters are held by the State or its delegated trustee for the benefit of all of the people of California. All tidelands and submerged lands granted or ungranted, as well as navigable rivers, sloughs, etc., are covered under the Public Trust Doctrine. The Public Trust Doctrine, as overseen by California State lands Commission, restricts the types of water and land uses allowed on public lands, including within the District's jurisdiction. The Public Trust Doctrine is an evolving doctrine but generally limits the uses of sovereign lands to waterborne commerce, navigation, fisheries, open space, water-oriented recreation, ecological habitat protection, or other recognized public trust purposes. While Public Trust uses originally focused upon navigation, commerce, and fisheries, Public Trust uses have been interpreted to include a broad array of uses such as fishing, hunting, bathing, swimming, boating, anchoring, and general recreation. Public Trust lands may be devoted to purposes unrelated to the trust if such purposes are incidental to and accommodate Public Trust uses. The project site includes land and water subject to the Public Trust Doctrine.

### California Coastal Act

The CCA of 1976 governs land use planning for the entire coastal zone of California. The CCA includes policies for public access to the coast, recreation, marine environment, land resources, development, and sea level rise. The CCC enforces the CZMA by certifying that a proposed project is consistent with the CCA. The project site is within the California Coastal Zone and thus is subject to the CCA.

Public Resources Code Sections 30200 through 30265.5 establish the policies of Chapter 3 of the CCA, which include coastal resources planning and management policies that establish the standards by which the adequacy of local coastal programs and the permissibility of proposed developments subject to the provisions of the CCA are determined.

Chapter 3 consistency is required for all projects that are designated as "appealable" to the CCC as listed in CCA Section 30715 or are located in an area depicted are indicated as a "wetland, estuary, or existing recreational area" in Part IV of the 1975 California Coastal Plan (CCP). The project includes commercial fishing facilities which is considered appealable to the CCC. Additionally, all waterside improvements for the project are located within an "estuary or wetland" per the 1975 CCP.

Public Resources Code Sections 30700 through 30721 establish the policies of Chapter 8, Ports, of the CCA, which governs the portions of the District located within the coastal zone, excluding any wetland, estuary, or existing recreation area. Table 3.8-1 lists each policy from Chapters 3 and 8 of the CCA and analyzes the proposed project's consistency with these policies.

The CCC also includes a Federal Consistency Unit to implement the federal CZMA by reviewing all federal agency activities affecting the Coastal Zone and issuing a federal consistency determination (for all federal agency

activities and development projects) or a federal consistency certification (for all federal permits and licenses or federal funding).

The goals of the CCA are as follows:

- Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.
- Ensure orderly, balanced utilization and conservation of coastal zone resources considering the social and economic needs of the people of the state.
- Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- Ensure priority for coastal-dependent and coastal-related development over other development on the coast.
- Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

## California Coastal Commission Sea Level Rise Policy Guidance (2024)

First adopted in 2015 by the CCC and last updated in November 2024, the CCC's *Sea Level Rise Policy Guidance* provides a framework for addressing sea level rise in PMPs and Coastal Development Permits (CDPs). The guidance provides principles for addressing sea level rise in the coastal zone, an overview of the science behind sea level rise, as well as a description of the potential consequences, and an outline of the steps for addressing sea level rise in PMPs or CDPs. The original 2015 guidance was last amended in November 2024 based on updated sea level rise science in the Ocean Protection Council (OPC) State of California Sea Level Rise Guidance dated June 2024. Table 3.8-2 lists each policy from CCC's *Sea Level Rise Policy Guidance* and analyzes the proposed project's consistency with these policies.

## San Diego Unified Port District Act

The San Diego Unified Port District Act (Port Act) (Appendix 1 of the California Harbor and Navigation Code) was adopted in 1962. Through the Port Act, the State of California delegated its authority to the District to own, manage and control certain tidelands and submerged waters. Specifically, the District was established for the development, operation, maintenance, control, regulation, and management of the tidelands and lands underlying the inland navigable waters of San Diego Bay. Under the Port Act, the District was granted broad police powers. The Port Act requires the District to exercise its land management authority and powers over (1) the tidelands and submerged lands granted to the District and (2) any other lands conveyed to or acquired by the District by any city or the County of San Diego or acquired by the District. The Port Act grants the District exclusive police power over property and development in its jurisdiction. Section 19 of the Port Act requires that the board "shall draft a master plan for harbor and port improvement and for the use of all of the tidelands and submerged lands which shall be conveyed to the district pursuant to the provisions of this act."

In addition, Section 87, part (a), of the Port Act defines allowable uses that may occur on tidelands. These include harbors and all necessary structures or appliances necessary, or convenient, for the promotion and accommodation of commerce and navigation; commercial and industrial uses; airport, heliport, or other aviation facilities, including runways, terminal buildings, roadways, etc.; highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, etc.; public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, and golf courses; small boat harbors and marinas, aquatic playgrounds and similar recreational facilities, snack bars, cafes, restaurants, motels, launching ramps, storage sheds, boat repair facilities, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales

establishments, service stations and fuel docks, yacht club buildings, parking areas, pedestrian ways, and landscaped areas. Accordingly, under the Port Act, the PMP is the mechanism that dictates where such allowable uses are to be located and how they shall be improved.

## 3.8.3.3 Local

### San Diego Unified Port District Port Master Plan

The PMP is the guiding land use policy document for all areas under the District's jurisdiction. The PMP was developed consistent with the Public Trust Doctrine and in accordance with the provisions of the California Coastal Act. Under the PMP, the District has permitting authority and the ability to issue coastal development permits.

Goals in the PMP that are applicable to the project include the following:

- Goal I: Provide for the present use and enjoyment of the bay and tidelands in such a way as to maintain options and opportunities for future use and enjoyment.
- Goal II: The Port District, as trustee for the people of the State of California, will administer the Tidelands so as to provide the greatest economic, social, and aesthetic benefits to present and future generations.
- Goal III: The Port District will assume leadership and initiative in determining and regulating the use of the bay and tidelands.
    - Encourage industry and employment generating activities which will enhance the diversity and stability of the economic base.
    - Encourage private enterprise to operate those necessary activities with both high and low margins of economic return.
- Goal IV: The Port District, in recognition of the possibility that its actions may inadvertently tend to subsidize or enhance certain other activities, will emphasize the general welfare of statewide considerations over more local ones and public benefits over private ones.
- Goal V: The Port District will take particular interest in and exercise extra caution in those uses or modifications of the Bay and Tidelands, which constitute irreversible action of loss of control.
- Goal VII: The Port District will remain sensitive to needs, and cooperate with adjacent communities and other appropriate governmental agencies in Bay and Tideland development.
    - The Port District will attempt to avoid disproportionate impact on adjacent jurisdictions both in benefits and any possible liabilities, which might accrue through bay and tideland activities.
- Goal VIII: The Port District will enhance and maintain the bay and tidelands as an attractive physical and biological entity.
    - Each activity, development and construction should be designed to best facilitate its particular function, which function should be integrated with and related to the site and surroundings of that activity.
- Goal X: The quality of water in San Diego Bay will be maintained at such a level as will permit human water contact activities.
    - Cooperate with the Regional Water Quality Control Board, the County Health Department, and other public agencies in a continual program of monitoring water quality and identifying the source of any pollutant.
- Goal XI: The Port will protect, preserve, and enhance natural resources, including natural plant and animal life in the Bay as a desirable amenity, an ecological necessity, and a valuable and usable resource.

The PMP specifies that commercial activities on tidelands should meet the following objectives and criteria, which are applicable to the project:

- Provide a unifying design theme enhancing the overall aesthetical qualities of the site and ensuring compatible land and water uses benefiting the unique aspect of commercial activities at bayside locations.
- A clustering of commercial activities enhancing cumulative attraction wherein complementary and similar units have high incidence of customer interchange and draw more business by being together (District 2024a: 17).

Table 3.8-1 lists the applicable policies from the PMP and analyzes the proposed project's consistency with these policies.

## Port Master Plan Update

The Final Draft PMPU sets a comprehensive vision for the District and governs the use, design, and improvement of the public trust lands. The PMPU helps to protect and promote coastal-dependent uses, protect the natural environment, and provide and ensure coastal access around the Bay. The PMPU establishes specific goals, objectives, and policies to direct future development and facilitate a diverse range of coastal uses and activities, as well as proposed public improvements. The PMPU is organized into 6 chapters. Chapter 3, Elements, addresses six key topic areas (Water and Land Use, Mobility, Ecology, Safety and Resiliency, Environmental Justice, and Economics) and sets the policy direction for future development, protection of the environment, and a broad range of proposed public improvements. The PMPU was adopted by the BPC in February 2024 and is currently under review by CCC staff. A Coastal Commission hearing will be scheduled in the future to decide to certify the PMPU as an amendment to the existing PMP. The information in Table 3.8-1 lists the applicable policies from the PMPU adopted by the BPC and analyzes the proposed project's consistency with these policies. The overarching goals and objectives are included for context in Table 3.8-1, and if the project demonstrates consistency with applicable supportive policies, then the project is also consistent with the respective objective and goal for those polices. Until the PMPU is certified by the CCC, the current PMP contains the official planning policies, consistent with a general statewide purpose, for the physical development of the Tidelands conveyed and granted in trust to the District in the Port Act. The PMP is also the standard of review for all CDPs on Tidelands until the PMPU is certified by the CCC.

## San Diego Bay Integrated Natural Resources Management Plan

The San Diego Bay Integrated Natural Resources Management Plan (INRMP) is a long-term strategy, sponsored by the US Navy and the District, that is intended to provide direction for the good stewardship of natural resources, while also supporting the ability of the US Navy and District to meet their missions and continue functioning within the San Diego Bay (NAVFAC and District 2013). The stated goal of the INRMP is "to ensure the long-term health, restoration, and protection of San Diego Bay's ecosystem in concert with the bay's economic, Naval, navigational, recreational, and fisheries needs." Table 1-5 of the INRMP summarizes the INRMP objectives. The INRMP objectives that are applicable to the project include the following:

- Objective 4.2: Improve the success of mitigation and enhancement projects based on regulatory (avoidance and minimization measures), functional, and ecosystem criteria.
- Objective 4.2.1: Ensure effective protection of a minimum quantity and quality of the remaining marine and coastal habitat in San Diego Bay, targeting a mix of habitat types that maximizes ecosystem function and carrying capacity.
- Objective 4.3.1: Retain sufficient deep subtidal habitat to support safe navigation, good water quality, and physical biological functioning in balance with the need for other habitat types in the bay.

- Objective 4.3.2: Moderately Deep Subtidal Habitat. Conserve and enhance the attributes of moderately deep habitat that support diverse and abundant invertebrate forage for fishes and birds, as well as needed exchanges of energy, materials, and biota among habitats, in balance with the need for shallow and intertidal habitats.
- Objective 4.3.3: Unvegetated Shallow Subtidal Habitat. Conserve and enhance the attributes of unvegetated shallow subtidal sites that sustain a diverse and abundant invertebrate community, fish and wildlife foraging, nursery function for numerous fishes, as well as an ecological role in detritus-based food web support.
- Objective 4.3.4: Conserve and enhance the attributes of vegetated shallow subtidal sites that sustain a diverse and abundant invertebrate community, fish and wildlife foraging, nursery function for numerous fishes, as well as an ecological role in detritus-based food web support.
- Objective 4.3.7: Artificial Shoreline Structures. Through engineering solutions, minimize the use of shoreline stabilization structures that impact or replace natural intertidal habitats, and maximize the value and function that necessary artificial structures contribute to the bay ecosystem.
- Objective 4.4.1: Minimize the harmful ecological, economic, and human health impacts of aquatic invasive species in San Diego Bay.
- Objective 4.4.5: Maintain a healthy balance of marine mammal species inhabiting or visiting San Diego Bay.
- Objective 5.2.2: Ship and Boat Maintenance. Manage the maintenance of boats and ships in San Diego Bay in a manner that achieves significantly improved water and sediment quality, healthier marine organisms, and economic good sense.
- Objective 5.3.2: Reduce and minimize stormwater pollutants harmful to the bay's ecosystem from entering the bay from watershed users.
- Objective 5.3.3: Encourage water managers within the bay watershed to manage freshwater inflows to help maintain the natural salinity and nutrient levels of the bay's wetlands and intertidal zone.
- Objective 5.4.1: Remediation of Contaminated Sediments. Ensure that San Diego Bay finfish and shellfish are safe to eat, that the food web is not adversely altered and that risks are minimized to recreational and commercial water contact users from the effects of contaminated sediment.
- Objective 5.4.2: Oil Spill Prevention and Clean Up. Prevent spills of oil and other hazardous substances and ensure the effectiveness of prevention and response planning.
- Objective 5.5: Cumulative Effects. Minimize adverse cumulative effects on habitats and species of the bay.

## San Diego Harbor Safety Plan

The San Diego Harbor Safety Plan (Harbor Safety Plan) was approved in September 2024 and is designed to provide mariners using the waters of San Diego Bay (the Bay) an up-to-date guide to critical navigation issues that will enhance vessel safety, with the ultimate goal of pollution prevention and protection of the region's valuable resources. Planning for safe navigation within the Bay involves the consideration of inbound and outbound commercial cargo vessels, cruise ships, Navy vessels, recreational boats, commercial and sports fishing boats, all of which must transit within and around restricted military zones, commercial vessel lanes, environmentally sensitive areas, and recreational areas (San Diego Harbor Safety Committee 2024). The Harbor Safety Plan was developed by the San Diego Harbor Safety Committee (HSC), as mandated by the California Oil Spill Prevention and Response Act of 1990 (codified in Government Code Sections 8574.1 et seq.).

## San Diego International Airport Land Use Compatibility Plan

The San Diego International Airport Land Use Compatibility Plan (SDIA ALUCP), published by the San Diego County Regional Airport Authority (SDCRAA), is the guiding document for development of the SDIA and

surrounding areas in a manner that protects public health, safety, and welfare. As designated in the SDIA ALUCP, the project site is within the Airport Influence Area (AIA) for SDIA (SDCRAA 2025: Exhibit 1-1, Exhibit 5-1), which encompasses the outermost boundaries of the combined safety zones, 60 dB CNEL noise contour, airspace protection area, and overflight area. Table 1-3 of the SDIA ALUCP summarizes project categories exempt from ALUC consistency determination review, the following of which would be applicable to the project:

- **Existing Land Uses.** Any use occurring as of the effective date of this ALUCP that remains constant, as is, without modification, other than exempted alterations, or without being discontinued;
- **Alterations to Existing Nonresidential Uses.** Repair, maintenance, and remodeling within existing gross occupancy area with no increase in intensity or height.

Although the project would be exempt from the ALUC consistency review process due to these criteria, the project is still subject to the FAA notification in accordance with Federal Aviation Regulations, Part 77, due to the use of cranes and other large pieces of equipment during construction.

In addition, the project site is within both the Airspace Protection Boundary and the Overflight Area Boundary for SDIA. The Airspace Protection Boundary establishes the area where airspace protection policies and standards apply and is intended to protect public safety and welfare by:

- Limiting the height of new structures and objects per FAA standards to preserve the operational capability of SDIA; and,
- Limiting potential hazards to flight to protect aircraft in flight.

The Overflight Area Boundary establishes a notification policy intended to provide disclosure of overflight areas to prospective residents of new residential development within the boundary (SDCRAA 2025).

### Naval Air Station North Island Airport Land Use Compatibility Plan

The Naval Air Station North Island (NASNI) ALUCP is a guiding document for development of the naval air station and surrounding areas in a manner that protects military operations as well as public health, safety, and welfare. As designated in Exhibit 1, "Airport Influence Area," of the NASNI ALUCP, the project site is within the AIA, specifically the portion of the AIA where development could be subject to AIA policies, as well as the Airspace Protection Boundary (SDCRAA 2020). Per the NASNI ALUCP, ALUC review is required for all new or amended land use plans, regulations, and projects within the AIA, unless exempt per Section 3.3 of the NASNI ALUCP. As shown in Table 3, "Exemptions from ALUC Review," of the NASNI ALUCP, the project qualifies under the following criteria:

- **Existing Land Uses.** Any use lawfully attained and occurring at the time of ALUCP adoption that remains constant without physical change to its use, gross floor area, or height;
- **Alterations to Existing Nonresidential Uses.** Repair, maintenance, and remodeling within existing gross floor area with no increase in height; tenant changes in an existing structure to any use other than an incompatible use, as described in Table 4, Standards for Noise and Safety Compatibility; reconstruction of less than 50 percent of the existing gross floor area of the nonresidential building with no increase in height or gross floor area.

## 3.8.4 Project Impact Analysis

### 3.8.4.1 Methodology

The following impact analysis evaluates the land use and planning impacts resulting from the proposed project. Based upon the existing conditions described under Section 3.8.2, the impact analysis qualitatively assesses the project-related impacts on the existing community and provides an analysis of whether the project conflicts with

existing applicable plans, policies, and regulations, specifically the California Coastal Act, PMP, PMPU, CCC's Sea Level Rise Policy Guidance, the San Diego Bay Integrated Natural Resources Management Plan, the NASNI ALUCP, and federal aviation regulations. Table 3.8-1 provides a comprehensive consistency analysis of the project with applicable objectives of these land use plans. Merely being in conflict with an existing plan, policy, or regulation would not necessarily be considered a significant impact under CEQA; rather, the conflict must result in a substantial adverse physical effect on the environment.

### 3.8.4.2 Thresholds of Significance

The following significance criteria are based on Appendix G of the State CEQA Guidelines and provide the basis for determining significance of land use and planning impacts resulting from the proposed project.

A land use impact is considered significant if the proposed project would result in any of the following:

1. Physically divide an established community; and/or
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

The analysis of whether the project would have a significant impact related to physical division of an established community is provided in Section IX of the Initial Study/Environmental Checklist (Appendix C of the ~~Draft~~ Final EIR), which determined that the proposed project would result in no impact. The analysis and conclusions therein are incorporated by reference into this section of the ~~Draft~~ Final EIR and are summarized in Section 5.3, *Effects Not Found to be Significant*. Therefore, only Threshold 2 is discussed in the impact analysis that follows.

### 3.8.4.3 Project Impacts and Mitigation Measures

***Threshold 2: Would the Project Cause a Significant Environmental Impact Due to a Conflict with Any Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect?***

#### Impact Discussion

The following sections discuss whether the project would cause a significant environmental impact due to a conflict with any land use policy, plan, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

##### California Coastal Act, Public Trust Doctrine, Port Act, Port Master Plan, and Port Master Plan Update

As discussed in Section 3.8.3, *Applicable Laws, Regulations, Plans, and Policies*, Section 87, part (a), of the Port Act defines allowable uses that may occur on Tidelands. These include harbors and all necessary structures or appliances necessary, or convenient, for the promotion and accommodation or commerce and navigation; commercial and industrial uses; airport, heliport, or other aviation facilities, including runways, terminal buildings, roadways, etc.; highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, etc.; public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, and golf courses; and small boat harbors and marinas, aquatic playgrounds and similar recreational facilities, snack bars, cafes, restaurants, motels, launching ramps, storage sheds, boat repair facilities, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, pedestrian ways, and landscaped areas.

The Public Trust Doctrine is ever-evolving, but trust uses generally include waterborne commerce, navigation, fisheries, open space, water-oriented recreation, ecological habitat protection, and other recognized public trust

purposes. While Public Trust uses originally focused upon navigation, commerce, and fisheries, they have been interpreted to include a broad array of uses such as fishing, hunting, bathing, swimming, boating, anchoring, and general recreation. The project proposes to demolish and/or replace existing components of the project site to address deficiencies related to the age and condition of structures, and to allow commercial fishing operations to continue within the marina. The project site is only one of two commercial fishing harbors in the Bay, and commercial fishing is identified as a high-priority use under the California Coastal Act (Section 30234 and 30234.5), and fisheries are one of the five Public Trust uses that the District is charged with promoting under the Public Trust Doctrine and the Port Act. Thus, the project is consistent with the Public Trust Doctrine and Port Act.

The PMP currently designates the landside areas of the project site for commercial fishing and promenade uses and the waterside areas for commercial fishing berthing and naval small craft berthing uses. The project would not require any changes to the existing PMP water use or land use designations for the project site. The existing piers are approaching the end of their useful life. Absent the proposed improvements, the functionality of the commercial fishing wharf would continue to decline and pose a safety risk. Therefore, these improvements would ensure the continued use of the project site for its PMP designated uses.

Consistent with the Public Trust Doctrine, many PMP policies focus on the use of the tidelands for public benefit. The project would ensure continued public and economic benefits through maintaining the existing commercial fishing wharf, including associated employment opportunities and revenue. The project would not affect existing coastal access because it would not decrease the availability of existing parking or alter existing designated public views, public waterfront access to the promenade, or water-oriented recreational activities.

Similarly, the project would be consistent with the PMPU's water and land use designations of commercial fishing berthing and commercial fishing, respectively, because the project would ensure the continued use of the project site to support commercial fishing. Until the PMPU is certified by the CCC, the standard of review for the project's Coastal Development Permit will be the existing certified PMP, not the PMPU. Nevertheless, a land use consistency analysis with the PMPU is provided because the BPC has already approved the PMPU and it is currently under review with the CCC staff to be heard by the CCC for certification at a future date.

Table 3.8-1 provides a discussion of the project's consistency with applicable goals, objectives, and policies of the California Coastal Act, PMP, and PMPU.

**Table 3.8-1. Project Consistency with Applicable Goals, Objectives, and Policies of the California Coastal Act, PMP, and PMPU**

| Goal, Policy, Objective | Proposed Project Consistency |
|---|---|
| **California Coastal Act, Chapter 3, Coastal Resources Planning and Management Policies** | |
| **Section 30210. Access; recreational opportunities; posting.** In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. | **Consistent.** The project does not propose recreational uses or facilities; however, consistent with the current onsite operations, it would continue to allow public access to the waterfront along the existing promenade, consistent with the current onsite operations. |
| **Section 30211. Development not to interfere with access.** Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. | **Consistent.** While there are no dry sand or rocky coastal beaches in the vicinity of the project site, there is existing public access to the waterfront along the existing promenade adjacent to the project site as well as access for commercial fishing activities. Similar to existing conditions, the proposed new piers would continue to be gated and inaccessible to the public for safety and security reasons. No new landside development is proposed that would interfere with public access to the waterfront, consistent with the current onsite operations. However, the waterside promenade would be temporarily closed to the public during construction and pedestrian access to the project site businesses would be rerouted. Project construction activities would not encroach upon neighboring land and water uses outside of the project site, |

| Goal, Policy, Objective | Proposed Project Consistency |
|---|---|
| | and existing public access to the waterfront on adjacent parcels would not be obstructed during construction or operation of the project. Upon project completion, any existing public accessways temporarily closed during construction would be reopened to the public. |
| **Section 30212. New development projects.** (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, [or] (2) Adequate access exists nearby. | **Consistent.** The project does not propose any new public access improvements; thus, existing public access to the shoreline along the existing promenade as well as access for commercial fishing activities would remain, consistent with the current onsite operations. Similar to existing conditions, the proposed new piers would continue to be gated and inaccessible to the public for safety and security reasons. Adequate existing public access is available nearby via the existing promenade, which would not be modified by the proposed project. |
| **Section 30212.5. Public facilities; distribution**. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area. | **Consistent.** The project site currently includes onsite surface parking areas. No parking would be removed as part of project construction activities, which involve the landside demolition of Building E, and the waterside demolition and replacement of Piers 4-8 and their associated structures. During demolition of Building E an, a portion of the parking area would be temporarily used for staging construction equipment. Once Building E is removed, that new space would become a construction staging area for the portion of the project involving the reconstruction and replacement of Piers 4 through 8. Following demolition, the area would be regraded and covered with soil or vegetation. All parking areas would return to pre-project conditions following the completion of construction. The project would not result in an increase in existing operations; thus, existing parking would continue to be sufficient to accommodate existing commercial fishing activities. As a result, the project would not contribute to overcrowding or overuse by the public of any single area. |
| **Section 30214. (a) Implementation of public access policies; legislative intent.** The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:<br>(2) The capacity of the site to sustain use and at what level of intensity. | **Consistent.** The project does not include any components that would permanently alter the existing public access along the waterfront. During construction, access to the waterfront may be temporarily obstructed due to the reconstruction of Piers 4-8; however, this would be temporary in nature and public access would be restored to pre-project conditions once project construction is complete. The project would not result in any change in the nature of existing operations; thus, the current capacity of the site, including adjacent public access areas, would continue to sufficiently sustain the use and at a level of intensity consistent with the underlying water and land use designations of the project site for commercial fishing uses. |
| **Section 30230. Marine resources; maintenance**. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes. | **Consistent.** The proposed project would involve in-water construction activities that may adversely affect biological resources, including potentially creating substantial temporary noise from pile driving, increases in turbidity from sediment disturbance, and increases in overwater coverage that could affect foraging habitat for marine wildlife. However, mitigation measures **MM-BIO-1** through **MM-BIO-6** would be implemented to ensure that in-water work would not adversely affect the marine environment and these resources (see Section 3.2, *Biological Resources*). |
| **Section 30231. Biological productivity; water quality**. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams. | **Consistent.** The proposed project would not involve development adjacent to natural streams or riparian habitat. However, the project would involve development within coastal waters and would have the potential to adversely affect water quality from in-water construction activities. To address these potential impacts, the project would be required to implement mitigation measures **MM-WQ-1** and **MM-WQ-2**, **MM-HAZ-1** through **MM-HAZ-12** and BMPs to prevent in-water construction activities from adversely affecting the water quality of the Bay (see Section 3.7, *Hydrology and Water Quality* and Section 3.6, *Hazards and Hazardous Materials*). In addition, while the project would involve development within areas that have the potential to disturb marine wildlife, mitigation measures **MM-BIO-1** through **MM-BIO-4** are required to ensure that in-water activities would not adversely affect the marine environment (see Section 3.2, *Biological Resources*). |

| Goal, Policy, Objective | Proposed Project Consistency |
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| **Section 30232. Oil and hazardous substance spills**. Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur. | **Consistent.** The project does not propose any new or expanded oil, gas, petroleum facilities, or other new or expanded activities involving hazardous substances. However, construction activities would involve work within the northeastern area of America's Cup Harbor, which is adjacent to the Bay, including the demolition of Building E on the project site. In addition, in-water construction would potentially disturb sediment that may be contaminated from historical uses in the Bay. Construction of the project would utilize hazardous materials such as diesel fuels, lubricants, paints and solvents, cleaning agents, and cement products containing strong acid and basic chemicals. As discussed in Section 5.3.6, *Hazards and Hazardous Materials*, in Chapter 5, "Other CEQA Considerations," these materials would be properly stored, handled, used, transported, and disposed of in accordance with applicable regulations and laws, which include the Resource Conservation and Recovery Act; Hazardous and Solid Waste Act; US DOT Hazardous Materials Regulations; California Code of Regulations Titles 8 and 22; California Hazardous Waste Control Act; California Health and Safety Code; and San Diego County Code, Title 6, Division 8. These regulations would also govern proper containment, spill control, and disposal of hazardous waste generated during demolition and construction. Implementing inventory accountability, spill prevention controls, and waste disposal controls associated with these regulations would limit both the frequency and severity of potential hazardous materials releases during demolition and construction. Project construction may also require the disposal of treated wood waste, which is regulated by Division 20, Chapter 6.5, and Title 22, Division 4.5 of the California Health and Safety Code. A licensed contractor would be responsible for the removal, transportation, and disposal of the removed piles in accordance with these regulations. Additionally, the project would implement mitigation measures (**MM-HAZ-1** through **MM-HAZ-12**) and BMPs required under the District's Jurisdictional Runoff Management Program (JRMP) to prevent in-water construction activities from creating a significant hazard to the public or environment through the accidental release of hazardous materials into the environment. The JRMP provides an extensive list of minimum BMPs for commercial and industrial facilities. Categories of BMPs include general operations and housekeeping, non-stormwater management, outdoor material storage, outdoor drainage from indoor activity, outdoor parking, vehicles and equipment, and outdoor activity that would be followed to prevent discharge of priority pollutants from the landside portion of the project site into the receiving waters. See Section 3.6, *Hazards and Hazardous Materials*, for additional information. |
| **Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients**. (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:<br>(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.<br>(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.<br>(3) In open coastal waters, other than wetlands, including streams, estuaries, lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that would provide public access and recreational opportunities.<br>(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines. | **Consistent.** The project does not propose any diking or dredging of open coastal waters, wetlands, estuaries, or lakes; involve public service purposes; mineral extraction; restoration purposes; or nature study, aquaculture, or similar resource dependent activities. However, the proposed project would include the waterside installation of piles to support the new replacement piers, resulting in a net increase in Bay fill. To address impacts associated with increased Bay fill, **MM-BIO-5** is required to ensure that there is no net loss of sensitive marine habitat, **MM-WQ-1** is required to ensure turbidity is minimized during pile removal and installation, and **MM-WQ-2** is required to avoid reintroducing existing contaminated sediment into the water column that could potentially occur from proposed in-water work. Potential secondary effects from implementing these mitigation measures, including any potential dredging that may be required, are discussed in Section 3.8.4.3, *Project Impacts and Mitigation Measures, Secondary Effects of Mitigation*.<br>With implementation of these mitigation measures and mandatory regulatory compliance, any adverse environmental effects associated with fill from piles would be reduced to less than significant. In light of the location of the project and the nature of the proposed construction activities, there is no feasible less environmentally damaging alternative and feasible mitigation measures will be imposed to minimize adverse environmental effects. The installation of |

| Goal, Policy, Objective | Proposed Project Consistency |
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| (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.<br>(6) Restoration purposes.<br>(7) Nature study, aquaculture, or similar resource dependent activities. | piles and associated increase in fill would be necessary to allow for continued commercial fishing operations in the marina. |
| (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California," shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.<br>For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where the improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities. | **Consistent.** The additional fill associated with new piles in support of the new replacement piers and wave attenuator would help to maintain the functional capacity of the wharf and commercial fishing activities. Additionally, although the project would involve construction activities within already developed parts of America's Cup Harbor, it is not located within south San Diego Bay, which the District defines as the area generally south of the National City Bayfront. The project would not involve development in Bodega Bay or within a wetland or estuary. |
| **Section 30234. Commercial fishing and recreational boating facilities**. Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry. | **Consistent.** The project would involve the reconstruction of an existing commercial fishing facility, which is currently and was used in the recent past as a wharf for commercial fishing vessel operations and mooring. The project would address deficiencies related to the age and condition of structures and allow commercial fishing operations to continue within the marina. The existing structures are approaching the end of their useful life. Absent the proposed activities, the functionality of the commercial fishing wharf would continue to decline and pose a safety risk. The new replacement structures would meet current safety standards and would be Americans with Disabilities Act (ADA) compliant. As such, the project would protect and upgrade facilities serving the commercial fishing industry. |
| **Section 30234.5. Economic, commercial, and recreational importance of fishing**. The economic, commercial, and recreational importance of fishing activities shall be recognized and protected. | **Consistent.** The project would recognize the economic and commercial importance of fishing activities by reconstructing an existing commercial fishing facility, which is currently and was used in the recent past as a wharf for commercial fishing vessel operations and mooring. The project would address deficiencies related to the age and condition of structures and allow commercial fishing operations to continue within the marina. The existing structures are approaching the end of their useful life. Absent the proposed activities, the functionality of the commercial fishing wharf would continue to decline and pose a safety risk. As such, the project would protect the economic and commercial importance of fishing activities in San Diego Bay. |
| **Section 30235. Construction altering natural shoreline**. Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible | **Consistent.** Some repair of the existing shoreline may be required due to undermining of the rock revetment in order to stabilize the shoreline during construction. Existing riprap would be removed during pile installation and reinstalled once pile installation is complete. The project would also include the installation of a proposed floating wave attenuator that would extend perpendicular to the shoreline immediately southeast of the project site. The wave attenuator and rock revetment repair, if needed, would serve a coastal-dependent use and would protect structures against future damage from wave action, would maintain safe operation of the marina, and would not alter natural shoreline processes. In addition, neither the existing nor proposed marine structures at the project site cause water stagnation that contributes to pollution or fish kills. |

| Goal, Policy, Objective | Proposed Project Consistency |
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| **Section 30240. Environmentally sensitive habitat areas; adjacent developments**.<br>(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.<br>(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas. | **Consistent.** As discussed in Section 3.2, *Biological Resources*, the project would involve in-water work within areas containing, or close to, eelgrass and open water habitats. Mitigation measures **MM-BIO-5** and **MM-BIO-6** would be required to ensure no net loss of environmentally sensitive habitat or substantial degradation of environmentally sensitive habitat areas. |
| **Section 30244. Archaeological or paleontological resources.** Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required. | **Consistent.** As discussed in Section 3.3, *Cultural Resources and Tribal Cultural Resources*, and Section 5.3.5, *Geology and Soils*, and the project would have less-than-significant impacts on archaeological and/or paleontological resources. |
| **Section 30250. Location; existing developed area.**<br>(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.<br>(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.<br>(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors. | **Consistent.** The project would not involve the construction of new residential, commercial, or industrial development but would involve the reconstruction of an existing commercial fishing use that is adjacent and contiguous to an existing urbanized and developed area. The proposed project is also consistent with existing water and land uses for the project site as well as surrounding development and uses. In addition, the project site is adequately served by existing public services and the project would not increase operations compared to existing conditions, and thus would not result in additional demand on existing public services (see Section 5.3.11, *Public Services*, of this ~~Draft~~ Final EIR). Finally, the project would not involve the division of land. |
| **Section 30251. Scenic and visual qualities**. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting. | **Consistent.** The project would result in less-than-significant impacts on the scenic and visual qualities of the site and surrounding area (see Section 5.3.1, *Aesthetics*, of this ~~Draft~~ Final EIR). During construction, the project would result in the temporary use of large construction equipment like pile drivers that could interrupt the view from the existing on-site scenic vista. However, construction activities would be temporary, transitory, and any obstruction of portions of the scenic vista would be short in duration (limited primarily to Pier 4, which already has a jib crane and frequent commercial fishing vessels docking at the pier).<br>During operation, commercial fishing operations would continue similar to existing conditions and reconstructed piers would not obstruct views of open water. Because the existing piers would be replaced with new floating boat docks and slips, the quality of the existing view would be improved. The demolition of existing structures on the project site would similarly improve scenic and visual quality. |
| **Section 30252. Maintenance and enhancement of public access.** The location and amount of new development should maintain and enhance public access to the coast by<br>(1) facilitating the provision or extension of transit service<br>(2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads<br>(3) providing non-automobile circulation within the development<br>(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation | **Consistent.** The project does not include any components that would permanently alter existing public access to the waterfront. During construction, access to the waterfront may be temporarily obstructed due to the reconstruction of Piers 4-8; however, this would be temporary in nature and public access would be restored to pre-project conditions once project construction is complete. In addition, the project site currently includes onsite surface parking areas. No parking would be removed as part of project construction activities. During demolition of Building E and the storage shed, a portion of the parking area would be temporarily used for staging construction equipment. Once Building E is removed, that new space would become a construction staging area for the portion of the project involving the reconstruction and replacement of Piers 4 through 8. All |

| Goal, Policy, Objective | Proposed Project Consistency |
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| (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings<br>(6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development. | parking areas would return to pre-project conditions following the completion of construction. |
| **Section 30253. Minimization of adverse impacts**. New development shall do all of the following:<br>(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. | **Consistent.** The project would minimize risks to life and property due to geologic, flood, or fire hazards (see Section 3.6, *Hazards and Hazardous Materials,* Section 5.3.5, *Geology and Soils,* and Section 5.3.15, *Wildfire*, of this ~~Draft~~ Final EIR). The project proposes a floating wave attenuator to address existing damage and prevent future damage from wave action and to maintain safe operation of the marina. The wave attenuator would extend perpendicularly to the shoreline, southeast of the proposed marina. |
| (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. | **Consistent.** The project site is located along a human-made shoreline and is not located along a bluff or cliff; no natural landforms would be altered by the project (see Section 5.3.5, *Geology and Soils*, of this ~~Draft~~ Final EIR). |
| (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development. | **Consistent.** As analyzed in Section 5.3.3, *Air Quality* of this ~~Draft~~ Final EIR, the project would be consistent with the regional air quality strategy and the state implementation plan. The project would not result in any change in the nature of the use of the site, nor would it result an increase in commercial fishing operations compared with recent past operations. Moreover, additional employees would not be needed once the project is operational. The project would not include components that would induce growth or change the use of the site. Because the proposed project would not modify land uses or result in an unanticipated increase in the residential population, the project would be consistent with the San Diego Regional Air Quality Strategy and state implementation plan. |
| (d) Minimize energy consumption and vehicle miles traveled. | **Consistent.** As noted above, the project would result in a minor increase in energy consumption (see Section 3.4, *Energy*) and would not result in any significant adverse impacts related to vehicle miles traveled (see Section 3.10, *Transportation*). |
| **Section 30255. Priority of coastal-dependent developments.** Coastal developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support. | **Consistent.** The proposed project would include the partial demolition and reconstruction of an existing commercial fishing wharf along the waterfront. As such, the proposed project involves continuation of a coastal-dependent use. Furthermore, the project would not involve development in a wetland. |
| **Section 30270. Sea level rise**. The commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise. | **Consistent.** A Coastal Hazards Assessment was prepared for the project that included a sea level rise analysis consistent with the CCC's 2024 Sea Level Rise Policy Guidance (Appendix J of this EIR). The Coastal Hazards Assessment evaluated whether any of the proposed fixed structures (i.e., piers and concrete platforms) and floating structures (i.e., wave attenuator, docks, gangways, and loading ramps) associated with the project would be subject to inundation from sea level rise. Based on the results of the sea level rise analysis, the proposed pier deck, concrete platforms, gangways, and loading ramp, as well as the existing Regatta Walk, would be inundated by sea level rise under the scenarios evaluated. The Coastal Hazards Assessment identified design considerations for the project to address the effects of flooding from sea level rise. Recommendations include designing each of these project components (as well as the existing Regatta Walk) to accommodate 2.3 feet of sea level rise, in accordance with the 2024 OPC projections for the 2070 Intermediate-High planning scenario. In addition, the Coastal Hazards Assessment recommended the addition of a ramp connecting the proposed pier and concrete platforms to the existing Regatta Walk to accommodate this |

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| | elevation change and provide a transition between these structures. However, given the 50-year design of the proposed structures and uncertainty surrounding sea level rise projections, there is a potential that inundation of these project components could occur beyond 2070. Consistent with the results of the assessment, the design of the structures associated with the Waterside Redevelopment Component incorporated the potential to raise the elevation of these structures during the project's design life or beyond. Due to continued updates to sea level rise science and guidance, and the uncertainty in future projections, **CONDITION-LU-1** requires ongoing monitoring of the project components that are projected to be inundated under the 2070 Intermediate-High scenario, in conjunction with the Ocean Protection Council's regular sea level rise projection updates (i.e., every 5 years), and to identify appropriate adaptation strategies. |
| **California Coastal Act, Chapter 8, Ports** | |
| **Section 30703. Public Policy.** The California commercial fishing industry is important to the State of California; therefore, ports shall not eliminate or reduce existing commercial fishing harbor space, unless the demand for commercial fishing facilities no longer exists or adequate alternative space has been provided. Proposed recreational boating facilities within port areas shall, to the extent it is feasible to do so, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry. | **Consistent.** The project would partially demolish and reconstruct an existing commercial fishing wharf, which would not eliminate or reduce commercial fishing harbor space. However, any recreational boat berthing onsite would be designed and located in such a fashion as not to interfere with the needs or operations of the commercial fishing industry. |
| **Section 30705. Diking, filling, or dredging water areas.** (a) Water areas may be diked, filled, or dredged when consistent with a certified port master plan only for the following: (2) New or expanded facilities or waterfront land for port-related facilities. (3) New or expanded commercial fishing facilities or recreational boating facilities. (4) Incidental public service purposes, including, but not limited to, burying cables or pipes or inspection of piers and maintenance of existing intake and outfall lines. (5) Mineral extraction, including sand for restoring beaches, except in biologically sensitive areas. (6) Restoration purposes or creation of new habitat areas. (7) Nature study, mariculture, or similar resource-dependent activities. (8) Minor fill for improving shoreline appearance or public access to the water.<br>(b) The design and location of new or expanded facilities shall, to the extent practicable, take advantage of existing water depths, water circulation, siltation patterns, and means available to reduce controllable sedimentation so as to diminish the need for future dredging.<br>(c) Dredging shall be planned, scheduled, and carried out to minimize disruption to fish and bird breeding and migrations, marine habitats, and water circulation. Bottom sediments or sediment elutriate shall be analyzed for toxicants prior to dredging or mining, and where water quality standards are met, dredge spoils may be deposited in open coastal water sites designated to minimize potential adverse impacts on marine organisms, or in confined coastal waters designated as fill sites by the master plan where such spoil can be isolated and contained, or in fill basins on upland sites. Dredge material shall not be transported from coastal waters into estuarine or freshwater areas for disposal.<br>(d) For water areas to be diked, filled, or dredged, the commission shall balance and consider socioeconomic and environmental factors. | **Consistent.** The project would not include improvements that would specifically require diking or dredging. In addition, the proposed project would not result in any land or water use changes, and no elements of the project would require an amendment to the PMP. However, the project would result in additional fill from the installation of piles in America's Cup Harbor waters to support the reconstruction of Piers 4-8, as well as the proposed wave attenuator for commercial fishing facilities. To address impacts associated with increased fill, **MM-BIO-5** is required to ensure there is no net loss of sensitive marine habitat, **MM-WQ-1** is required to ensure turbidity is minimized during pile removal and installation, and **MM-WQ-2** is required to avoid reintroducing existing contaminated sediment into the water column that could potentially occur from proposed in-water construction work. With implementation of the mitigation measures and mandatory regulatory compliance, any adverse environmental effects associated with fill from replacement pile filling would be reduced to less than significant. |

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| **Section 30706. Fill**. In addition to the other provisions of this chapter, the policies contained in this section shall govern filling seaward of the mean high tide line within the jurisdiction of ports:<br>(a) The water area to be filled shall be the minimum necessary to achieve the purpose of the fill. | **Consistent.** The project would result in additional fill from the installation of piles in America's Cup Harbor to support the reconstruction of Piers 4-8, as well as the proposed wave attenuator. These piles would only add the minimum necessary filling to replace the existing piles. |
| (b) The nature, location, and extent of any fill, including the disposal of dredge spoils within an area designated for fill, shall minimize harmful effects to coastal resources, such as water quality, fish or wildlife resources, recreational resources, or sand transport systems, and shall minimize reductions of the volume, surface area, or circulation of water. | **Consistent.** The project does not propose to discharge any fill materials. The only fill that would be created would be from support piles for the new replacement piers and proposed wave attenuator. The implementation of **MM-BIO-1** through **MM-BIO-4** would ensure that construction activities would lessen impacts on fish and wildlife resources. To minimize the impacts on water quality, volume, surface area, and circulation of water, implementation of **MM-WQ-1** would ensure that turbidity is minimized during pile removal and installation; and **MM-WQ-2** would avoid reintroducing contaminated sediment into the water column during in-water construction work. |
| (c) The fill is constructed in accordance with sound safety standards which will afford reasonable protection to persons and property against the hazards of unstable geologic or soil conditions or of flood or storm waters. | **Consistent.** As discussed in Section 5.3.5, *Geology and Soils*, of the ~~Draft~~ Final EIR, implementation of the project would not have significant impacts to the geologic or soil conditions of the project site regarding unstable soil conditions; as discussed in Section 5.3.7, *Hydrology and Water Quality*, of the ~~Draft~~ Final EIR, implementation of the project would not result in hazardous conditions due to flood or stormwater. |
| (d) the fill is consistent with navigational safety. | **Consistent.** Piles and their associated fill would be removed and replaced within the boundaries of the existing marina and would not be inconsistent with navigational safety of America's Cup Harbor or outside of the pier headline. |
| **Section 30708. Location, design and construction of port-related developments**. All port-related developments shall be located, designed, and constructed so as to:<br>(a) Minimize substantial adverse environmental impacts. | **Consistent.** As documented throughout this ~~Draft~~ Final EIR, the project would minimize substantial adverse environmental impacts to the extent feasible through the implementation of mitigation measures and compliance with existing regulations. |
| (b) Minimize potential traffic conflicts between vessels. | **Consistent.** The project would involve the reconstruction of the existing commercial fishing wharf along the waterfront. As a result, the project would result in a temporary and minor increase in vessel traffic during construction activities (for pile driving barges or the delivery of some construction materials) but would not significantly increase overall waterside vessel traffic during operations. Although outside of the project site, at the end of Piers 5, 7, and 8, vessels up to 140 ft in size could be docked utilizing the side ties, vessels docked at the side ties would not result in potential traffic conflicts. This minor and temporary increase in vessels would not add a substantial number of new users to America's Cup Harbor or the Bay. In addition, boaters traveling to and from the project site during construction and operation would be required to stay within the navigational channels designated by the District and US Coast Guard and would adhere to the provisions of the Harbor Safety Plan. |
| (c) Give the highest priority to the use of existing land space within harbors for port purposes, including, but not limited to, navigational facilities, shipping industries, and necessary support and access facilities. | **Consistent.** The project would involve the reconstruction of an existing commercial fishing wharf along the waterfront. The project is needed to address deficiencies related to the age and condition of structures, and to allow commercial fishing operations to continue within the marina. Absent these activities, the commercial fishing uses would not be able to function in supporting commercial fishing operations. As such, the project would prioritize the existing space within the project site for port purposes. In addition, the project would not interfere with high priority navigational facilities or shipping uses. |
| **Port Master Plan – Section II Planning Goals** | |
| **Goal I.** Provide for the present use and enjoyment of the bay and tidelands in such a way as to maintain options and opportunities for future use and enjoyment. | **Consistent.** The project would provide for present use and enjoyment of the Bay and tidelands by optimizing the commercial fishing uses onsite through the reconstruction of the existing wharf, which would maintain opportunities for future use of the site for commercial fishing. |

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| **Goal II.** The Port District, as trustee for the people of the State of California, will administer the Tidelands so as to provide the greatest economic, social, and aesthetic benefits to present and future generations. | **Consistent.** The project includes the reconstruction of an existing commercial fishing wharf to allow commercial fishing operations, which are coastal-dependent uses, to continue within the marina. Absent these activities, the commercial fishing uses would not be able to function in supporting commercial fishing operations. As such, the project would contribute economically to the Bay and tidelands for the benefit of present and future generations. |
| **Goal III.** The Port District will assume leadership and initiative in determining and regulating the use of the bay and tidelands.<br>• Encourage industry and employment generating activities which will enhance the diversity and stability of the economic base.<br>• Encourage private enterprise to operate those necessary activities with both high and low margins of economic return. | **Consistent.** The project would reconstruct onsite structures to address deficiencies related to the age and condition of structures, and to allow commercial fishing operations to continue within the marina. As only one of two locations in the Bay that provide commercial fishing activities, reconstruction of the wharf would encourage industry and employment generating activities that would enhance the diversity and stability of the Bay's economic base and encourage enterprises to operate commercial fishing activities with both high and low margins of economic return. In addition, the project would generate temporary jobs during construction. |
| **Goal IV.** The Port District, in recognition of the possibility that its actions may inadvertently tend to subsidize or enhance certain other activities, will emphasize the general welfare of statewide considerations over more local ones and public benefits over private ones.<br>• Develop the multiple purpose use of the tidelands for the benefit of all the people while giving due consideration to the facts and circumstances related to the development of tideland and port facilities.<br>• Foster and encourage the development of commerce, navigation, fisheries, and recreation by the expenditure of public monies for the preservation of lands in their natural state, the reclamation of tidelands, the construction of facilities, and the promotion of its use.<br>• Encourage non-exclusory uses on tidelands. | **Consistent.** The project would address deficiencies related to the age and condition of structures, and to allow commercial fishing operations to continue within the marina, which would encourage the development of commerce regarding fisheries and the promotion of its use. Project operations would continue to provide fresh local seafood for the public, which would help to develop the tidelands for the benefit of all people: residents, visitors, patrons, and employees. |
| **Goal V.** The Port District will take particular interest in and exercise extra caution in those uses or modifications of the Bay and Tidelands, which constitute irreversible action or loss of control.<br>• Bay fills, dredging and the granting of long-term leases will be taken only when substantial public benefit is derived. | **Consistent.** The project does not propose any dredging within San Diego Bay. The project would reconstruct an existing wharf used for commercial fishing activities. Construction would involve the removal and replacement of existing piles for Piers 4-8, which would involve the removal and replacement of pile-related fill. However, mitigation measures have been identified to reduce any potentially significant impacts to a less-than-significant level, including impacts related to biological resources and water quality (see **MM-BIO-1** through **MM-BIO-6** described in Section 3.2, *Biological Resources*, **MM-HAZ-1** through **MM-HAZ-12**, described in Section 3.6, *Hazards and Hazardous Materials* and **MM-WQ-1** and **MM-WQ-2** described in Section 3.7, *Hydrology and Water Quality*). As such, although the project involves fill within America's Cup Harbor and the Bay, the project would result in substantial public benefit by allowing for the continuation of commercial fishing operations within the marina. Commercial fishing is identified as a high-priority use under the CCA. Project operations would continue to provide fresh local seafood for the public, which would help to develop the tidelands for the benefit of all people: residents, visitors, patrons, and employees. |
| **Goal VI.** The Port District will integrate the tidelands into a functional regional transportation network.<br>• Encouraging development of improved major rail, water and air systems linking the San Diego region with the rest of the nation.<br>• Improved automobile linkages, parking programs and facilities, so as to minimize the use of waterfront for parking purposes.<br>• Providing pedestrian linkages.<br>• Encouraging development of non-automobile linkage systems to bridge the gap between pedestrian and major mass systems. | **Not Applicable.** The project would reconstruct the existing wharf with the intention of facilitating the continued function of commercial fishing operations onsite. The project would not result in any changes to landside or waterside transportation networks at the site or within the surrounding area and does not involve adjustments to the availability of parking at the project site. Finally, the project would not result in any changes to existing public access to the waterfront. |

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| **Goal VII.** The Port District will remain sensitive to needs and cooperate with adjacent communities and other appropriate governmental agencies in Bay and Tideland development.<br>• The Port District will attempt to avoid disproportionate impact on adjacent jurisdictions both in benefits and any possible liabilities, which might accrue through bay and tideland activities. | **Consistent.** The project would address deficiencies related to the age and condition of structures, and to allow commercial fishing operations to continue within the marina. The project would not result in a disproportionate impact on adjacent communities, as commercial fishing is an existing use and has occurred in the recent past onsite for approximately 70 years. In addition, the project would not add new piers or expand commercial fishing operations beyond reconstructing Piers 4-8 as it relates to full operation of the project site. |
| **Goal VIII.** The Port District will enhance and maintain the bay and tidelands as an attractive physical and biological entity.<br>• Each activity, development and construction should be designed to best facilitate its particular function, which function should be integrated with and related to the site and surroundings of that activity.<br>• Views should be enhanced through view corridors, the preservation of panoramas, accentuation of vistas, and shielding of the incongruous and inconsistent.<br>• Establish guidelines and standards facilitating the retention and development of an aesthetically pleasing tideland environment free of noxious odors, excessive noise, and hazards to the health and welfare of the people of California.<br>• Establish and foster an artworks program to promote, enhance, and enliven the waterfront experience through the public and private placement of works of art. | **Consistent.** The project would reconstruct the existing wharf with the intention of facilitating the continued function of commercial fishing operations onsite. The project site has been used for commercial fishing operations in the recent past and is integrated and related to site surroundings, which include commercial restaurants, yacht sales, and office land uses to the northwest and marinas to the west. Although construction activities may affect scenic views of the Bay, this would be temporary in nature and only for the duration of construction. Long-term views of scenic corridors, the preservation of panoramas, and accentuation of vistas would not be significantly or permanently impacted by project construction. During operation, commercial fishing operations would continue similarly to existing conditions, and reconstructed piers would not obstruct views of open water. Because the existing deteriorated piers would be replaced with new floating boat docks and slips, the quality of the existing view would be improved. Similarly, the demolition of Building E would further enhance views of the Bay compared to existing conditions. Finally, as discussed in Section 5.3.1, *Aesthetics*, of the ~~Draft~~ Final EIR, the project would not substantially adversely affect any existing view corridors. Notably, the project would be exempt from BPC Policies 608 (Tenant Percent for Art Program) and 609 (Public Art Programs). |
| **Goal IX.** The Port District will ensure physical access to the bay except as necessary to provide for the safety and security, or to avoid interference with waterfront activities.<br>• Provide "windows to the water" at frequent and convenient locations around the entire periphery of the bay with public right-of-way, automobile parking and other appropriate facilities.<br>• Provide access along the waterfront wherever possible with promenades and paths where appropriate, and elimination of unnecessary barricades which extend into the water. | **Consistent.** The project would continue to provide physical access to the Bay for commercial fishing operations at the wharf and would continue to provide convenient parking for automobiles adjacent to the existing buildings onsite. However, the proposed new piers would continue to be gated and inaccessible to the public for safety and security reasons, similar to existing conditions. In addition, the waterside promenade would be temporarily closed to the public during construction and pedestrian access to the project site businesses would be rerouted. Project construction activities would not block existing access to/from the waterfront on adjacent parcels, where access currently exists. Upon project completion, any existing public accessways temporarily closed during construction would be reopened to the public. |
| **Goal X.** The quality of water in San Diego Bay will be maintained at such a level as will permit human water contact activities.<br>• Maintain a program of flotsam and debris cleanup.<br>• Insure through lease agreements that Port District tenants do not contribute to water pollution.<br>• Cooperate with the Regional Water Quality Control Board, the County Health Department, and other public agencies in a continual program of monitoring water quality and identifying the source of any pollutant.<br>• Adopt ordinances and take other legal and remedial action to eliminate sources of pollution. | **Consistent.** The project would involve in-water construction activities and disturbance to the Bay floor inside America's Cup Harbor, which could increase the potential for turbidity as well as debris or pollutants to enter into the Bay. However, the proposed project is subject to the regulatory jurisdiction and oversight of the USACE and the RWQCB and will be required to obtain a CWA Section 404 permit and a Rivers and Harbors Act Section 10 permit from the USACE and a CWA Section 401 water quality certification from the RWQCB. In addition to complying with all conditions of approval imposed by the USACE and the RWQCB in the Section 404 and Section 10 permits and Section 401 water quality certification, the project would be required to implement mitigation measures to ensure that project-related impacts on water quality would be less than significant. These measures include **MM-WQ-1** and **MM-WQ-2** described in Section 3.7, *Hydrology and Water Quality*; and **MM-BIO-3** described in Section 3.2, *Biological Resources*. These measures would ensure that the water quality of America's Cup Harbor and the greater Bay would be protected during project construction and operation. Moreover, the project would not result in a change in the nature of the use of the site or increase commercial fishing operations compared to recent past operations. Thus, project operations would not contribute additional sources of water pollution. |

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| **Goal XI.** The Port will protect, preserve, and enhance natural resources, including natural plant and animal life in the Bay as a desirable amenity, an ecological necessity, and a valuable and usable resource.<br>• Promote and advance public knowledge of natural resources through environmental educational materials.<br>• Identify existing and potential assets.<br>• Keep appraised of the growing body of knowledge on ecological balance and interrelationships.<br>• Encourage research, pilot programs, and development in aquaculture as long as it is consistent with this goal.<br>• Administer the natural resources so that impacts upon natural resource values remain compatible with the preservation requirements of the public trust. | **Consistent.** As detailed in Section 3.2, *Biological Resources,* the project would be required to implement mitigation measures **MM-BIO-1** through **MM-BIO-6**, which include implementation of measures to minimize impacts on ecological resources and wildlife habitat. As a result, the proposed project would not conflict with the protection of any natural plant and animal life in the Bay. |
| **Port Master Plan Update (Under CCC Review)** | |
| **Chapter 3 Elements** | |
| The following Elements contain Goals, Objectives, and Policies which are applicable to the project: | |
| ***Chapter 3.1 Water and Land Use Element*** | |
| **WLU Goal 1: Implement the District's responsibilities under the Port Act with Coastal Act responsibilities and priorities** | |
| **WLU Objective 1.1:** Provide a diversity of water and land uses that are consistent with the Port Act | |
| **WLU Policy 1.1.4:** All development shall be in accordance with the applicable standards included in Chapter 4, Baywide Development Standards, and Chapter 5, Planning Districts, including any development standards within the applicable planning district or subdistrict. | **Consistent.** The project is consistent with all applicable Baywide development standards and Planning District 1 development standards included in Chapters 4 and 5 of the PMPU, respectively. |
| **WLU Policy 1.1.6:** Allowable water and land uses within the District shall be in accordance with one of the five Public Trust–related categories or ancillary uses that support and accommodate Public Trust uses (refer to *Table 3.1.2, Allowable Use Types for Water Use Designations* and *Table 3.1.3, Allowable Use Types for Land Use Designations*):<br>a. Commerce<br>b. Environmental Stewardship<br>c. Fisheries<br>d. Navigation<br>e. Recreation | **Consistent.** The project would reconstruct an existing wharf used primarily for commercial fishing and is one of two commercial fishing locations within the Bay. By reconstructing the wharf, the project would support the continuation of commercial fishing operations at the project site, which is consistent with the Public Trust. |
| **WLU Goal 2: Celebrate the diverse character of the Tidelands** | |
| **WLU Objective 2.2 Implement new development in a manner that blends with and enhances the surrounding character and qualities** | |
| **WLU Policy 2.2.1:** The District and its permittees shall implement planned improvements and special allowances to facilitate public health, safety, and welfare and provide public coastal access and enjoyment of the waterfront (refer to *Chapter 5, Planning Districts, Planned Improvements*). | **Consistent.** The project is consistent with the applicable planned improvements identified for the East Shelter Island subdistrict of Planning District 1 (see the detailed discussion under *Chapter 5.1 Planning District 1 Shelter Island*, below). |
| **WLU Policy 2.2.2:** To maintain a planning district's distinct character, all development shall be in accordance with the associated subdistrict vision (refer to *Chapter 5, Planning Districts, Subdistrict Vision*) or planning district vision (refer to *Chapter 5, Planning Districts, Vision*), where applicable. | **Consistent.** The project is consistent with the Planning District 1 subdistrict vision. The project would demolish and reconstruct piers to replace existing piers with floating docks and gangways to address deficiencies related to the age and condition of structures, and to allow commercial fishing operations to continue within the marina. This would modernize and optimize the use of the project site for commercial fishing vessels, consistent with the subdistrict vision. |

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| **WLU Policy 2.2.3:** Phased development shall be coordinated in a manner to ensure that landside and water access improvements are integrated in a cohesive and complementary fashion (refer to *Chapter 5, Planning Districts, Planned Improvements*). | **Consistent.** Construction of the various project components is anticipated to occur over a 48-month period. Construction would be phased to allow berths to remain operational during construction. |
| **WLU Goal 3: Enhance access to the water (or to the coast) and to the public realm** | |
| **WLU Objective 3.1 Protect and provide physical access to the water and to the public realm** | |
| **WLU Policy 3.1.6:** A waterside promenade shall be provided as part of development that abuts the waterfront, in accordance with:<br>a. *Chapter 4, Baywide Development Standards*; and<br>b. *Chapter 5, Planning Districts*, including any development standards within the applicable planning district or subdistrict. | **Consistent.** The project does not propose any new public access improvements; thus, the project would maintain existing public access to the shoreline along the existing promenade, consistent with the current onsite operations. The project does not include any components that would permanently alter the existing public access along the waterfront. However, the waterside promenade would be temporarily closed to the public during construction and pedestrian access to the project site businesses would be rerouted. Upon project completion, any existing public accessways temporarily closed during construction would be reopened to the public. |
| **WLU Objective 3.2 Protect and provide visual access to the water** | |
| **WLU Policy 3.2.5:** Development shall be set back from the water's edge and recreation open space to avoid creating a walling-off effect. | **Consistent.** The existing buildings on the project site are set back from the water's edge, with the existing promenade providing public access along the waterfront. No new landside structures are proposed that could create a walling-off effect. |
| **WLU Goal 4: Preserve and enliven the public realm** | |
| **WLU Objective 4.1:** Preserve the public realm. | |
| **WLU Policy 4.1.4:** Public accessways and recreation facilities provided as part of development shall be maintained for public use over the anticipated life of the development with which they are associated. | **Consistent.** The project would continue to provide physical access to the Bay for commercial fishing operations at the wharf. Similar to existing conditions, the proposed new piers would continue to be gated and inaccessible to the public for safety and security reasons. In addition, the project does not propose any new public access improvements; thus, the project would maintain existing public access to the shoreline along the existing promenade, consistent with the current onsite operations. The project does not include any components that would permanently alter the existing public access along the waterfront. However, the waterside promenade would be temporarily closed to the public during construction and pedestrian access to the project site businesses would be rerouted. Upon project completion, any existing public accessways temporarily closed during construction would be reopened to the public. |
| **WLU Goal 5: Honor the water through a well-planned District** | |
| **WLU Objective 5.1:** Maximize benefits to and minimize conflicts with coastal-dependent uses. | |
| **WLU Policy 5.1.1:** The District shall continue to maintain, expand, and enhance District facilities consistent with the Port Act and in support of the District's mission. For more detail, refer to *Chapter 1, Introduction*. | **Consistent.** The project would reconstruct and modernize the existing wharf to facilitate the continuation of commercial fishing operations onsite. The proposed reconstruction of the site would enhance current operations of the wharf and would support the commercial fishing industry, which is a priority use under the CCA and consistent with the Public Trust. |
| **WLU Policy 5.1.3:** All development shall be located, designed, and constructed to:<br>a. Give highest priority to the use of existing land space in harbors for coastal-dependent port purposes, including, but not limited to, navigational facilities, shipping industries, commercial fishing, sportfishing, maritime commerce, and necessary support and access facilities.<br>b. Provide for other benefits consistent with the Public Trust, including, but not limited to: improved recreational opportunities in the public realm, including Recreation Open Space that is adjacent to the water's edge, or the conservation of adjacent wildlife habitat areas, to the extent feasible. | **Consistent.** The project would reconstruct an existing commercial fishing wharf. Commercial fishing is a coastal-dependent use and the existing commercial fishing facility is one of only two locations along the Bay used for commercial fishing. By modernizing the wharf, the project would support the continuation of commercial fishing operations at the project site. The project does not include any components that would permanently alter the existing public access along the waterfront. However, the waterside promenade would be temporarily closed to the public during construction and pedestrian access to the project site businesses would be rerouted. Upon project completion, any existing public accessways temporarily closed during construction would be reopened to the public. |

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| **WLU Objective 5.3**: Retain and enhance facilities for fisheries operations | |
| **WLU Policy 5.3.1:** The District shall protect commercial fishing water and land use areas. | **Consistent.** The project involves the reconstruction and modernization of the existing commercial fishing wharf in support of the commercial fishing industry. By restoring the wharf to full operation, the project would allow for the continuation of commercial fishing operations at the project site, thereby protecting commercial fishing water and land use areas. |
| **WLU Policy 5.3.2:** Permittees of development shall prioritize and ensure the functionality of commercial fishing operations by locating landside support uses, such as parking, loading and offloading, and processing, immediately adjacent to associated berthing areas. | **Consistent.** Landside improvements associated with the project are limited to the demolition of Building E, as well as trenching for new utilities. These improvements would improve the functionality of the project site by removing structures that have reached the end of their useful life. The project would maintain the remaining existing landside support uses on the project site that serve the onsite commercial fishing operations. |
| **WLU Policy 5.3.3:** The District shall support commercial fishing operations by facilitating improvements to piers and to storage, loading and offloading, and processing areas at existing commercial fishing facilities. | **Consistent.** The project involves the reconstruction and modernization of the existing commercial fishing wharf in support of the commercial fishing industry. By restoring the wharf to full operation, the project would allow for the continuation of commercial fishing operations at the project site. |
| **WLU Policy 5.3.4:** The District shall promote the redevelopment of existing commercial fishing facilities. | **Consistent.** The project involves the reconstruction and modernization of the existing commercial fishing wharf in support of the commercial fishing industry. By restoring the wharf to full operation, the project would allow for the continuation of commercial fishing operations at the project site. |
| **Table 3.1.2 Allowable Use Types for Water Use Designations** | **Consistent.** The location for the proposed project is identified as "Commercial Fishing Berthing" and the proposed project considered commercial fishing which is identified as a primary use in that water use designation. |
| **Table 3.1.3 Allowable Use Types for Land Use Designations** | **Consistent.** The location for the proposed project is identified as "Commercial Fishing" and the proposed project considered commercial fishing which is identified as a primary use in that land use designation. |
| ***Chapter 3.3 Ecology Element*** | |
| **ECO Goal 1: Tidelands that support vibrant and healthy ecosystems** | |
| **ECO Objective 1.1**: Enhance, conserve, restore, and maintain the biodiversity in Tideland areas | |
| **ECO Policy 1.1.1:** The District shall maintain marine resources in alignment with Section 30230 of the California Coastal Act. | **Consistent.** As discussed in Section 3.2, *Biological Resources*, the project would involve in-water work that may adversely affect marine biological resources, including potentially creating substantial temporary noise from pile driving, increases in turbidity from sediment disturbance, and increases in overwater coverage that could affect foraging habitat for marine wildlife. However, implementation of mitigation measures **MM-BIO-1** through **MM-BIO-6** would ensure the protection of special-status species and that no net loss of environmentally sensitive habitat or substantial degradation of environmentally sensitive habitat areas would occur, consistent with CCA Section 30230. |
| **ECO Policy 1.1.4:** Development in coastal waters shall be conducted pursuant to California Coastal Act Section 30233. | **Consistent.** Implementation of the project would occur consistent with CCA Section 30233. The project does not propose any diking or dredging of open coastal waters, wetlands, estuaries, or lakes; involve public service purposes; mineral extraction; restoration purposes; or nature study, aquaculture, or similar resource dependent activities. However, the proposed project would include the waterside installation of piles to support the new replacement piers, resulting in a net increase in Bay fill. With implementation of mitigation measures **MM-BIO-5**, **MM-WQ-1**, and **MM-WQ-2** as well as mandatory regulatory compliance, any adverse environmental effects associated with fill from piles would be reduced to less than significant. Potential secondary effects from implementing these mitigation measures, including any required dredging, are discussed in Section 3.8.4.3, *Project Impacts and Mitigation Measures, Secondary Effects of Mitigation*. |

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| **ECO Policy 1.1.10:** Development above the water or adjacent to sensitive habitat areas should use ecologically sensitive lighting that is shielded and directed away from the water or sensitive habitat areas, sensor activated, and of the lowest possible color temperature that also meets public safety requirements. | **Consistent.** As discussed in Section 5.3.1, *Aesthetics*, construction work during nighttime hours (between 7:00 p.m. and 7:00 a.m.) is not proposed. Additional temporary light sources may be required to illuminate work areas; however, this lighting would be directed on-site and would be of similar intensity to existing light sources throughout the project site and adjacent land uses. The project proposes the installation of new light poles, 14 feet in height at the concrete platforms, and is designed to only illuminate the concrete platform areas and adjacent Regatta Walk, and will be directed inwards towards the shore. Lighting on all floating docks would use shielded, low-mounted, and low light-intensity fixtures and bulbs to limit artificial lighting of Bay waters. |
| **ECO Goal 2: Clean, healthy waters and landside areas** | |
| **ECO Objective 2.1**: Protect and enhance water quality to support swimmable, fishable, and biologically productive waters | |
| **ECO Policy 2.1.2:** The District shall maintain water quality in alignment with California Coastal Act Section 30231. | **Consistent.** The project would involve development within coastal waters and would have the potential to adversely affect water quality from in-water construction activities. To address these potential impacts, the project would be required to implement mitigation measures **MM-WQ-1** and **MM-WQ-2** and BMPs to prevent in-water construction activities from adversely affecting the water quality of the Bay (see Section 3.7, *Hydrology and Water Quality*). |
| **ECO Policy 2.1.3:** Waste management strategies shall be implemented throughout Tidelands, including as part of development, with a focus on reducing trash entering waterways. | **Consistent.** The project would involve development within coastal waters and would have the potential to adversely affect water quality from in-water construction activities. To address these potential impacts, the project would be required to implement mitigation measure **MM-WQ-2** and BMPs to prevent in-water construction activities from adversely affecting the water quality of the Bay (see Section 3.7, *Hydrology and Water Quality*). Similarly, BMPs would be required during landside construction, as identified in the project SWPPP required under the Construction General Permit. These BMPs would reduce the potential for trash to enter the San Diego Bay. |
| **ECO Policy 2.1.8:** In-water hull cleaning of copper-based antifouling paints shall be conducted in a manner that does not cause or contribute to a condition of nuisance or water quality impairment. | **Consistent.** The project does not propose any change in the nature of operations at the project site. Similar to existing conditions, any operational activities such as routine vessel cleaning would continue to occur in accordance with the District's In-Water Hull Cleaning Regulations (District Ordinance No. 3025), which requires the implementation of BMPs for in-water hull cleaning and In-Water Hull Cleaning Permits for both facility operators and businesses. |
| **ECO Objective 2.2:** Improve fill, soil, and sediment quality. | |
| **ECO Policy 2.2.1:** The District shall prioritize and pursue opportunities for the protection and enhancement of sediment quality. | **Consistent.** The project would involve in-water construction activities and disturbance to Bay sediments, which could increase turbidity and the potential for contaminants to enter America's Cup Harbor and the Bay. However, the project would be required to implement mitigation measure **MM-WQ-1** to ensure that impacts on water quality from sediment-disturbance would be less than significant. This mitigation measure would ensure that the project does not exacerbate existing sediment contamination present within the project site such that sediment quality would be further degraded. |
| **ECO Policy 2.2.2:** Remediation and restoration efforts shall be implemented in a manner that maximizes ecological benefits, including water quality, ecosystems, and the public use of Tidelands in a manner consistent with the Port Act. | **Consistent.** In-water construction would potentially disturb sediment that may be contaminated from historical uses in the Bay. The project would implement mitigation measures **MM-WQ-1** to ensure turbidity is minimized during pile removal and installation, and **MM-WQ-2** to avoid reintroducing existing contaminated sediment into the water column that could potentially occur from proposed in-water work, as well as BMPs required under the District's Jurisdictional Runoff Management Program (JRMP) to prevent in-water construction activities from adversely affecting water quality, ecosystems, and the public use of Tidelands. |
| **ECO Policy 2.2.3:** Development shall not result in degradation beyond regulatory or legal limits for fill, soil, and sediment quality and shall minimize exposure of adjacent communities to fill, soil, and sediment-based environmental contamination. Also, refer to ECO Policy 2.3.3. | **Consistent.** In-water construction would potentially disturb sediment that may be contaminated from historical uses in the Bay. The project would implement mitigation measures **MM-WQ-1** to ensure turbidity is minimized during pile removal and installation, and **MM-WQ-2** to avoid reintroducing existing contaminated sediment into the water column that could |

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| | potentially occur from proposed in-water work, as well as BMPs required under the District's Jurisdictional Runoff Management Program (JRMP) to prevent in-water construction activities from adversely affecting water quality, ecosystems, and the public use of Tidelands. |
| **ECO Policy 2.2.4:** Through CDPs issued by the District, permittees shall, to the extent feasible and as allowed by regulations, promote beneficial reuse of safe and clean dredged sediments or other potential sediment sources to be used to restore, enhance, and create wetlands and eelgrass habitat, consistent with California Coastal Act Section 30233(b). | **Consistent.** There is a potential that the RWQCB may require site remediation to address historical contamination of onsite sediment in advance of issuing the CWA Section 401 water quality certification for the project. If dredging is required, the District would follow all applicable sampling procedures and coordinate with regulatory agencies to understand whether beneficial reuse can be supported on-site or elsewhere on Tidelands. Potential secondary effects from implementing these mitigation measures, including any required dredging, are discussed in Section 3.8.4.3, *Project Impacts and Mitigation Measures, Secondary Effects of Mitigation*. |
| **ECO Objective 2.3:** Prevent pollution from entering the Bay | |
| **ECO Policy 2.3.1:** Owners and operators of stormwater conveyances on Tidelands shall comply with the municipal stormwater permit and other legal requirements to minimize pollution impacts in the Bay. | **Consistent.** The District would be responsible for compliance with the San Diego Regional Water Quality Control Board (Regional Board) Order No. R9-2013-0001, as amended by Order No. R9-2015-0001 (NPDES Permit #CAS0109266), referred to as the Municipal Permit, and other legal requirements to minimize pollution in the Bay, once the District assumes ownership and management of the site. There is one existing stormwater conveyance within the parking lot of the project footprint. The project would not result in any changes to this existing stormwater conveyance, nor would it increase stormwater runoff from the site compared to existing conditions. Project operation would also be subject to compliance with District Code Article 10 and JRMP, which include specific post-construction BMP requirements for all development and redevelopment activities. Enforcement of the JRMP, including application of operational BMPs required by the District BMP Design Manual as determined through review of the project-specific SWQMP, assists with preventing release of pollutants into the local storm drains and ultimately the San Diego Bay as a result of stormwater generated from a site. |
| **ECO Policy 2.3.3:** In the event proposed development disrupts shoreline fill or Bay sediment, the development project shall remove the contaminated fill or appropriately contain and remediate the fill in a manner consistent with applicable requirements. | **Consistent.** The project would involve in-water construction activities and disturbance to Bay sediments, which could increase turbidity and the potential for contaminants to enter the America's Cup Harbor Basin and Bay. In-water demolition and construction activities would disturb onsite sediment. However, the project would be required to implement mitigation measure **MM-WQ-1** and **MM-WQ-2** to ensure that impacts on water quality from sediment-disturbance would be less than significant. |
| **ECO Policy 2.3.4:** Permittees shall implement measures to prevent pollution impacts and adverse impacts from runoff flows from all development and maintenance activities. | **Consistent.** The project would involve development within coastal waters and would have the potential to adversely affect water quality from in-water construction activities. To address these potential impacts, the project would be required to implement mitigation measure **MM-WQ-2** and BMPs to prevent in-water construction activities from adversely affecting the water quality of the Bay (see Section 3.7, *Hydrology and Water Quality*). Similarly, BMPs would be required during landside construction, as identified in the project SWPPP required under the Construction General Permit. These BMPs would reduce the potential for trash to enter the San Diego Bay. In addition, the District would be responsible for compliance with the San Diego Regional Water Quality Control Board (Regional Board) Order No. R9-2013-0001, as amended by Order No. R9-2015-0001 (NPDES Permit #CAS0109266), herein referred to as the Municipal Permit, and other legal requirements to minimize pollution in the Bay, once the District assumes ownership and management of the site. There is one existing stormwater conveyance within the parking lot of the project footprint. The project would not result in any changes to this existing stormwater conveyance, nor would it increase stormwater runoff from the site compared to existing conditions. Project operation would also be subject to compliance with District Code Article 10 and JRMP, which include specific post-construction BMP requirements for all development and redevelopment activities. Enforcement of the JRMP, including application of operational BMPs required by the District BMP Design Manual as determined through |

| Goal, Policy, Objective | Proposed Project Consistency |
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| | review of the project-specific SWQMP, assists with preventing release of pollutants into the local storm drains and ultimately the San Diego Bay as a result of stormwater generated from a site. |
| **ECO Policy 2.3.5:** Development projects located in areas identified as impaired under Section 303(d) of the Clean Water Act shall implement measures to protect and improve water quality. | **Consistent.** As detailed in Section 3.7, *Hydrology and Water Quality*, the project would have the potential to degrade water quality within San Diego Bay, which is listed as impaired under Section 303(d) of the CWA. However, mitigation measures **MM-WQ-1** and **MM-WQ-2** are proposed to ensure that any water quality impacts would be reduced to less-than-significant levels. **MM-WQ-1** would require the project proponents to develop and implement a turbidity monitoring plan, while **MM-WQ-2** would require the implementation of best management practices during in- and on-water demolition and construction to minimize sediment disturbances. |
| ***Chapter 3.4 Safety and Resiliency Element*** | |
| **SR Goal 1: Safe and secure Tidelands** | |
| **SR Objective 1.1**: Establish and maintain safe access to, from, and throughout Tidelands | |
| **SR Policy 1.1.1:** The District shall require the planning, designing, and implementation of physical access to development sites. In the event that a site is not considered fully safe, a portion of the site (e.g., a viewpoint) shall provide public access | **Consistent.** The project does not propose any changes to the existing promenade within the project site and thus would allow for continued access to adjacent businesses and views of commercial fishing berthing, while still maintaining public safety). However, the waterside promenade would be temporarily closed to the public during construction and pedestrian access to the project site businesses would be rerouted. Upon project completion, any existing public accessways temporarily closed during construction would be reopened to the public. |
| **SR Policy 1.1.7:** Development within an Airport Land Use Compatibility Plan (ALUCP) defined safety compatibility zone shall be sited and designed to minimize the risk of personal injury to people and damage to property in the air and on the ground, consistent with ALUCP requirements | **Consistent.** The project site is within the AIA, the Airspace Protection Boundary, and the Overflight Area Boundary for SDIA, as designated in the SDIA ALUCP (SDCRAA 2025). In addition, the project site is within the AIA and Airspace Protection Boundary for NASNI as designated its ALUCP (SDCRAA 2020). The project would not result in any changes in existing water or land uses of the project site and does not propose increases in intensity or height for any existing structures. Rather, landside improvements would only consist of the demolition of the existing Building E and do not include the construction of any new buildings. Therefore, the project would be consistent with the SDIA and NASNI ALUCPs and would be exempt from ALUC consistency review. Although the project would be exempt from the ALUC consistency review process, the project is still subject to the FAA notification in accordance with Federal Aviation Regulations, Part 77. The proposed project is required to obtain all necessary FAA determinations prior to construction, and comply with any conditions provided in the determination, if any. Therefore, the project would not pose an obstruction or hazard to air navigation. |
| **SR Policy 1.1.8:** The District shall:<br>a. Restrict development of any project that would cause hazards to air navigation located within airport approach and departure areas or known flight patterns within the applicable Airport Influence Area (AIA), and<br>b. Restrict future uses that may impact airport operations or not meet State or federal aviation standards, including the introduction of new incompatible uses within Runway Protection Zones (RPZs) | **Consistent.** The project site is within the AIA, the Airspace Protection Boundary, and the Overflight Area Boundary for SDIA, as designated in the SDIA ALUCP (SDCRAA 2025). In addition, the project site is within the AIA and Airspace Protection Boundary for NASNI as designated its ALUCP (SDCRAA 2020). The project would not result in any changes in existing water or land uses of the project site and does not propose increases in intensity or height for any existing structures. Rather, landside improvements would only consist of the demolition of the existing Building E and do not include the construction of any new buildings. Therefore, the project would be consistent with the SDIA and NASNI ALUCPs and would be exempt from ALUC consistency review. Although the project would be exempt from the ALUC consistency review process, the project is still subject to the FAA notification in accordance with Federal Aviation Regulations, Part 77. The proposed project is required to obtain all necessary FAA determinations prior to construction, and comply with any conditions provided in the determination, if any. Therefore, the project would not pose an obstruction or hazard to air navigation. Additionally, the project site is not within any Runway Protection Zones. |

| Goal, Policy, Objective | Proposed Project Consistency |
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| **SR Policy 1.1.9:** Permittees shall coordinate as appropriate, with the Federal Aviation Administration on proposed developments (structures and temporary equipment) that meet the notification criteria as defined by Code of Federal Regulations Title 14, Part 77 | **Consistent.** The project site is within the AIA, the Airspace Protection Boundary, and the Overflight Area Boundary for SDIA, as designated in the SDIA ALUCP (SDCRAA 2025). In addition, the project site is within the AIA and Airspace Protection Boundary for NASNI as designated its ALUCP (SDCRAA 2020). The project is subject to the FAA notification in accordance with Federal Aviation Regulations, Part 77, due to the use of cranes and other large pieces of equipment during construction. In accordance with Federal Aviation Regulations, Part 77, the FAA would be notified at least 45 days prior to construction because project construction would introduce temporary objects (e.g., construction equipment, drilling rigs, and lights) in proximity to SDIA and NASNI. The proposed project is required to obtain all necessary FAA determinations prior to construction, and comply with any conditions provided in the determination, if any. Therefore, the project would not pose an obstruction or hazard to air navigation. |
| **SR Objective 1.2:** Enhance physical security capabilities | |
| **SR Policy 1.2.2:** Development shall incorporate project design features, including, but not limited to crime prevention through enhanced security measures that create a safe environment on the development site without limiting public access. | **Consistent.** The District would assume management and operation of the facility following demolition activities and security personnel would be present on-site throughout project construction phasing to ensure safety is maintained on the project site. During operation, security gate structures would remain in place at the shoreline to prevent public access at the piers for public safety purposes, and lighting would be provided for safety and security. |
| **SR Goal 2: Prepare for, and respond to, and recover from emergencies** | |
| **SR Objective 2.1:** Provide for the preparation and carrying out of plans for the protection of persons and property on Tidelands in the event of an emergency | |
| **SR Policy 2.1.1:** The District shall maintain and direct its permittees to maintain emergency disaster mitigation, preparation, response, and recovery capabilities | **Consistent.** None of the project demolition, construction, or redevelopment activities would require closing roads, such as North Harbor Drive, or access to the area, and there would be no encroachment into any evacuation routes. Therefore, emergency access to and from the project site along North Harbor Drive and on designated evacuation routes would be retained during project construction. Additionally, the proposed project would not result in permanent alterations to vehicular circulation routes and patterns on any roadway, including Nixie Way, that could impede emergency access. Moreover, the proposed project would comply with all applicable emergency access requirements, including those in the California Fire Code, which includes standards for emergency vehicle access during construction and operation. |
| **SR Goal 3: Climate and coastal resilient Tidelands** | |
| **SR Objective 3.2**: Effective planning, monitoring, research, and adaptation to improve coastal resiliency | |
| **SR Policy 3.2.1:** The District shall participate in research and continue to conduct monitoring that supplements its knowledge of projected coastal climate impacts and potential strategies to adapt to these impacts | **Consistent.** A Coastal Hazards Assessment was prepared for the project, included as Appendix J, that included a sea level rise analysis consistent with the CCC's 2024 Sea Level Rise Policy Guidance. The Coastal Hazards Assessment evaluated whether any of the proposed fixed structures (i.e., piers and concrete platforms) and floating structures (i.e., wave attenuator, docks, gangways, and loading ramps) associated with the project would be subject to inundation from sea level rise. Based on the results of the sea level rise analysis, the Coastal Hazards Assessment identified design considerations for the project to address the effects of flooding from sea level rise. Due to continued updates to sea level rise science and guidance, and the uncertainty in future projections, **CONDITION-LU-1** requires ongoing monitoring of the project components that are projected to be inundated under the 2070 Intermediate-High scenario, in conjunction with the Ocean Protection Council's regular sea level rise projection updates (i.e., every 5 years), and to identify appropriate adaptation strategies. In addition, as discussed in Section 3.7, *Hydrology and Water Quality*, impacts associated with sea level rise would be less than significant |

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| **SR Objective 3.3**: Apply adaptive management to reduce the risk of marine and coastal resource climate impacts | |
| **SR Policy 3.3.1:** Permittees shall submit a site-specific hazard report to the District using best available science and considers best practices as provided by federal, State, or regional guidance on coastal resiliency.<br>At a minimum, the site-specific hazard report shall address anticipated coastal hazards over the anticipated life of the development, including, but not limited to inundation; flooding associated with storms of various return periods, including a 100-year storm; wave runup and overtopping; historic and projected future shoreline erosion; groundwater rise; saltwater intrusion; tsunamis; and changes to these hazards over time due to projected SLR at the site. The following requirements apply to the site-specific hazard analysis for the report:<br>a. The analysis shall be conducted by a licensed engineer with experience in coastal processes and shall be submitted to the District for its review and approval.<br>b. Using best available science and applicable regional, State, or federal adaptation planning guidance documents, the analysis shall consider multiple SLR scenarios and projections associated with the anticipated life of the development and, when applicable, identify potential future impacts on on-site natural resources.<br>c. The analysis shall identify threshold SLR amounts that could lead to impacts (e.g., the amount of SLR that could lead to overtopping of the proposed development).<br>d. For development that does not meet the requirements that allow shoreline protective devices subject to SR Policy 3.3.3, SR Policy 3.3.6, or SR Policy 3.3.9, the hazard analysis shall be performed assuming no reliance upon future shoreline protective devices.<br>e. If applicable, the report shall identify the coastal hazards that could trigger implementation of SLR adaptation strategies. If the development cannot fully minimize or avoid the impacts of coastal hazards for the anticipated life of the development, the report shall discuss possible adaptation responses to the hazards to reduce risk as feasible and mitigate impacts on coastal resources.<br>f. As part of Coastal Act approval, the District shall review the report and require the development to implement the recommendations in the report and/or any other siting and design adaptation measures that the District determines are necessary to find that the development is consistent with the requirements of this Plan. | **Consistent.** A Coastal Hazards Assessment was prepared for the project to assess the potential current and future coastal hazard vulnerabilities, specifically associated with sea level rise, across all the project structures' projected lifespans, which is anticipated to be 50 years. The Coastal Hazards Assessment evaluated OPC's Intermediate-High sea level rise planning scenario because the project is a commercial development that has a lower ability to adapt than other uses. The three scenarios selected for analysis within the study considered1.1 ft, 2.3 ft, and 4.9 ft of sea level rise, respectively. Because the projected lifespan of the structures is anticipated to be 50 years, the 2100 scenario is beyond their design life and thus is provided for informational purposes only. These SLR scenarios were evaluated under projected daily tidal, dynamic water level, and 100-year ESWL conditions. Based on the results of the sea level rise analysis, the Coastal Hazards Assessment identified design considerations for the project to address the effects of flooding from sea level rise. As documented in the Coastal Hazards Assessment, the proposed pier deck, concrete platforms, gangways, and loading ramp, as well as the existing Regatta Walk, would be inundated by sea level rise under the scenarios evaluated. The Coastal Hazards Assessment identified design considerations for the project to address the effects of flooding from sea level rise. Recommendations include designing each of these project components (as well as the existing Regatta Walk) to accommodate 2.3 feet of sea level rise, in accordance with the 2024 OPC projections for the 2070 Intermediate-High planning scenario. In addition, the Coastal Hazards Assessment recommended the addition of a ramp connecting the proposed pier and concrete platforms to the existing Regatta Walk to accommodate this elevation change and provide a transition between these structures. Consistent with the results of the assessment, the design of the structures associated with the Waterside Redevelopment Component incorporates the potential to raise the elevation of these structures during the project's design life or beyond. Due to continued updates to sea level rise science and guidance, and the uncertainty in future projections, **CONDITION-LU-1** requires ongoing monitoring of the project components that are projected to be inundated under the 2070 Intermediate-High scenario, in conjunction with the Ocean Protection Council's regular sea level rise projection updates (i.e., every 5 years), and to identify appropriate adaptation strategies. In addition, as discussed in Section 3.7, *Hydrology and Water Quality*, impacts associated with sea level rise would be less than significant. |
| **SR Policy 3.3.2:** The District shall require permittees to site and design development to avoid impacts from coastal hazards from projected SLR considering the anticipated life of the development, where feasible.<br>a. If coastal hazards cannot be completely avoided, the District shall require planning, designing, and implementation of adaptation strategies, that:<br>1. Address the hazards over the anticipated life of the development;<br>2. Protect coastal resources, public access, and recreational facilities, and<br>3. Minimize risks to life and property to the maximum extent feasible. | **Consistent.** A Coastal Hazards Assessment was prepared for the project to assess the potential current and future coastal hazard vulnerabilities, specifically associated with sea level rise, across all the project structures' projected lifespans, which is anticipated to be 50 years. Based on the results of the sea level rise analysis in the Coastal Hazards Assessment, the proposed pier deck, concrete platforms, gangways, and loading ramp, as well as the existing Regatta Walk, would be inundated by sea level rise under the scenarios evaluated. The Coastal Hazards Assessment identified design considerations for the project to avoid and mitigate the effects of flooding from sea level rise. Recommendations include designing each of these project components (as well as the existing Regatta Walk) to accommodate 2.3 feet of sea level rise, in accordance with the 2024 OPC projections for the 2070 Intermediate-High planning scenario. In addition, the Coastal Hazards Assessment recommended the addition of a ramp connecting the proposed pier and concrete platforms to the existing Regatta Walk to accommodate this |

| Goal, Policy, Objective | Proposed Project Consistency |
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| | elevation change and provide a transition between these structures. Consistent with the results of the assessment, the design of the structures associated with the Waterside Redevelopment Component incorporated the potential to raise the elevation of these structures during the project's design life or beyond. Due to continued updates to sea level rise science and guidance, and the uncertainty in future projections, **CONDITION-LU-1** requires ongoing monitoring of the project components that are projected to be inundated under the 2070 Intermediate-High scenario, in conjunction with the Ocean Protection Council's regular sea level rise projection updates (i.e., every 5 years), and to identify appropriate adaptation strategies. |
| **SR Policy 3.3.3:** Permittees of coastal-dependent port structures and supportive coastal-related development that are essential to maritime functions, public safety, and security may implement shoreline protective devices or other adaptation strategies for the protection from, or accommodation of, coastal hazards. | **Consistent.** The project would reconstruct an existing wharf used primarily for commercial fishing. Commercial fishing is a coastal-dependent use and the existing commercial fishing facility is one of only two locations along the Bay used for commercial fishing. Some repair of the existing shoreline may be required due to undermining of the rock revetment in order to stabilize the shoreline during construction. Existing riprap would be removed during pile installation and reinstalled once pile installation is complete. However, no new or additional riprap would be installed as part of the project. |
| **SR Policy 3.3.9:** Appealable development that is considered coastal-dependent, an existing structure, or a public beach vulnerable to erosion shall be allowed to construct, reconstruct, expand, repair and maintain, and/or replace a shoreline protective device. | **Consistent.** The project site is currently used for commercial fishing, which is a coastal-dependent use and considered appealable development under the CCA. As part of the project, some repair of the existing shoreline may be required due to undermining of the rock revetment in order to stabilize the shoreline during construction. Existing riprap would be removed during pile installation and reinstalled once pile installation is complete. However, no new or additional riprap would be installed as part of the project. The project would also include the installation of a proposed floating wave attenuator that would extend perpendicular to the shoreline immediately southeast of the project site. The wave attenuator and rock revetment repair, if needed, would serve a coastal-dependent use and would protect coastal-dependent structures against future damage from wave action, would maintain safe operation of the marina, and would not alter natural shoreline processes. |
| **SR Policy 3.3.10:** When constructing, reconstructing, expanding, or replacing a shoreline protective device (per *SR Policy 3.3.3, SR Policy 3.3.6, and SR Policy 3.3.9*), the District shall require it be designed to:<br>a. Minimize adverse impacts on local shoreline sand supply;<br>b. Minimize impacts on recreation, habitat, scenic views, beach width, and other coastal resources;<br>c. Encourage inland expansion of protective devices rather than further fill of coastal waters to minimize resource impacts; and<br>d. Not substantially impair coastal access or other Public Trust uses. | **Consistent.** The project site is currently used for commercial fishing. As part of the project, some repair of the existing shoreline may be required due to undermining of the rock revetment in order to stabilize the shoreline during construction. Existing riprap would be removed during pile installation and reinstalled once pile installation is complete. However, no new or additional riprap would be installed as part of the project. The project would also include the installation of a proposed floating wave attenuator that would extend perpendicular to the shoreline immediately southeast of the project site. The wave attenuator and rock revetment repair, if needed, would serve a coastal-dependent use and would protect structures against future damage from wave action, would maintain safe operation of the marina, and would not alter natural shoreline processes. |
| **SR Policy 3.3.13:** Appealable development shall be removed and the affected area restored to its previous or natural condition, or that appealable development shall apply additional coastal hazard adaptation strategies (such as those identified through the site-specific hazard report developed for *SR Policy 3.3.1*, if a report was developed for that site), if the development becomes subject to coastal hazards to the point that:<br>a. The District has ordered that the structures are no longer allowed to be occupied due to coastal hazards;<br>b. The District has identified that critical services to the site (e.g., utilities, roads) can no longer be maintained; or<br>c. The development requires new and/or augmented shoreline protective devices that are not in accordance with policies *SR Policy 3.3.4, SR Policy 3.3.6, and SR Policy 3.3.9*. | **Consistent.** A Coastal Hazards Assessment was prepared for the project to assess the potential current and future coastal hazard vulnerabilities, specifically associated with sea level rise, across all the project structures' projected lifespans, which is anticipated to be 50 years. Based on the results of the sea level rise analysis in the Coastal Hazards Assessment, the proposed pier deck, concrete platforms, gangways, and loading ramp, as well as the existing Regatta Walk, would be inundated by sea level rise under the scenarios evaluated. The Coastal Hazards Assessment identified design considerations for the project to address the effects of flooding from sea level rise. Consistent with the results of the assessment, the design of the structures associated with the Waterside Redevelopment Component incorporated the potential to raise the elevation of these structures during the Project's design life or beyond. |

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| ***Chapter 3.5 Environmental Justice Element*** | |
| **EJ Goal 1: Ensure Tidelands are accessible** | |
| **EJ Objective 1.2:** Provide recreational opportunities that are safe and accessible | |
| **EJ Policy 1.2.1:** All appealable development shall provide a range of free and lower cost recreational facilities throughout Tidelands that are accessible to disadvantaged communities, where feasible. | **Consistent.** The project would continue to provide physical access to the Bay for commercial fishing operations at the wharf. Similar to existing conditions, the proposed new piers would continue to be gated and inaccessible to the public for safety and security reasons. In addition, the project does not propose any new public access improvements; thus, the project would maintain existing public access to the shoreline along the existing promenade, which provides free and continuous public access to the project site around America's Cup Harbor Basin. The project does not include any components that would permanently alter the existing public access along the waterfront. |
| **EJ Objective 2.2:** Provide meaningful engagement opportunities for disadvantaged and indigenous communities to participate in the District's planning and public involvement processes | |
| **EJ Policy 2.2.1:** Ensure that the expressed concerns of people from disadvantaged and indigenous communities are acknowledged and considered as part of the District's planning and development decisions. | **Consistent.** The District consulted with indigenous communities regarding the project pursuant to AB 52 and PRC Section 21074. Notices for AB 52 consultation were sent out to 12 tribes and the District received responses from three tribes. Two of the tribes did not request consultation; however, the Campo Band of Mission Indians requested consultation under AB 52. The Campo Band of Mission Indians indicated that the project area is of concern to the tribe and may contain undiscovered tribal cultural resources. Based on consultation with the Campo Band of Mission Indians, **CONDITION-TCR-1** is proposed to address the general concern expressed by the Campo Band of Mission Indians and the Tribe's request for landside monitoring. |
| **EJ Policy 2.2.2:** Engage people from disadvantaged communities and relevant indigenous communities and tribes that may be impacted by upcoming activities or development on Tidelands to encourage meaningful participation in the District's planning and development decisions, including but not limited to participation in discussions to identify mitigation options for projects that may impact them. | **Consistent.** The District consulted with indigenous communities regarding the project pursuant to AB 52 and PRC Section 21074. Notices for AB 52 consultation were sent out to 12 tribes and the District received responses from three tribes. Two of the tribes did not request consultation; however, the Campo Band of Mission Indians requested consultation under AB 52. The Campo Band of Mission Indians indicated that the project area is of concern to the tribe and may contain undiscovered tribal cultural resources. Based on consultation with the Campo Band of Mission Indians, **CONDITION-TCR-1** is proposed to address the general concern expressed by the Campo Band of Mission Indians and the Tribe's request for landside monitoring. |
| ***Chapter 3.6 Economics Element*** | |
| **ECON Goal 2: A thriving business base and regional economy** | |
| **ECON Objective 2.1:** Provide infrastructure to support existing and future industry needs, as well as the environment | |
| **ECON Policy 2.1.1:** The District shall maintain a mix of water and land uses that meet the need of established Tidelands industries and provide opportunities for emerging Public Trust–consistent uses. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. | **Consistent.** The project site is currently used for commercial fishing. In total, there are 125 slips located at Piers 5 through 8 for commercial fishing vessels. The project would replace Piers 5 through 8, which, upon completion, would provide 75 slips. Although the project would result in a reduction in the number of slips, the new slip configuration would accommodate larger vessels that are currently unable to berth at the project site. The design for the Waterside Redevelopment Component was developed in consultation with representatives from the commercial fishing industry in San Diego Bay (including those who currently berth at the existing wharf) and reflects the current needs of the industry. |
| **ECON Policy 2.1.2:** The District shall coordinate with permittees to provide infrastructure that supports a mix of water and land uses, including the needs of established Tidelands industries and emerging Public Trust–consistent businesses, while also providing environmental benefit. | **Consistent.** The project involves the reconstruction and modernization of the existing commercial fishing wharf in support of the commercial fishing industry. By restoring the wharf to full operation, the project would allow for the continuation of commercial fishing operations (an established Tidelands industry, a high priority use under the CCA, and consistent with the Public Trust) at the project site. |

| Goal, Policy, Objective | Proposed Project Consistency |
|---|---|
| **ECON Objective 2.3:** Retain and encourage a diverse mix of coastal-dependent and supporting coastal-related industries and businesses | |
| **ECON Policy 2.3.11:** The District shall coordinate with commercial fishing, recreational fishing, and sportfishing operations to identify and prioritize facility improvements that benefit the fishing business community. | **Consistent.** The project involves the reconstruction and modernization of the existing commercial fishing wharf to address deficiencies related to age and condition of existing structures, in support of the commercial fishing industry. By restoring the wharf to full operation, the project would allow for the continuation of commercial fishing operations at the project site, thereby benefiting the fishing business community. |
| **ECON Policy 2.3.14:** The District shall promote and support the commercial fishing industry and its longevity as a priority coastal-dependent use and economic contributor to Tidelands, the region, and California through such efforts as joint public-private marketing, fishing-related festivals, and other fishing events and activities. | **Consistent.** The project would reconstruct an existing wharf used primarily for commercial fishing. Commercial fishing is a coastal-dependent use and the existing commercial fishing facility is one of only two locations along the Bay used for commercial fishing. By restoring the wharf to full operation, the project would support the commercial fishing industry and its longevity as a priority coastal-dependent use and economic contributor to Tidelands, the region, and California. |
| **ECON Policy 2.3.15:** The District shall support commercial fishing on Tidelands and its enhancement by maintaining and improving existing commercial fishing– related infrastructure, such as docks, piers, slips, and landside support facilities. | **Consistent.** The project would reconstruct and modernize the existing wharf to facilitate the continuation of commercial fishing operations onsite. The proposed reconstruction of the site would enhance current operations of the wharf and would support the commercial fishing industry. |
| **ECON Objective 2.4:** Encourage recreational activities and coastal-enhancing industries that help create a vibrant waterfront | |
| **ECON Policy 2.4.1:** The District encourages the provision of a variety of active and passive recreational opportunities to attract a diverse mix of visitors to Tidelands. | **Consistent.** The project does not propose any new public access improvements; however, the project would maintain existing public access to the shoreline along the existing promenade, consistent with the current onsite operations. The project does not include any components that would permanently alter the existing public access along the waterfront. However, the waterside promenade would be temporarily closed to the public during construction and pedestrian access to the project site businesses would be rerouted. Upon project completion, any existing public accessways temporarily closed during construction would be reopened to the public. |
| ***Chapter 4 Baywide Development Standards*** | |
| **4.3.1 Standards for Waterside Promenades**<br>Waterside promenades ensure coastal access to the waterfront. Promenades are identified in each planning district's coastal access views and pathways map. Additional location-specific requirements are identified in the development standards for each subdistrict. The following requirements apply baywide:<br>1. A waterside promenade shall be provided as part of any development that abuts the waterfront and is not a coastal-dependent maritime industrial use, in accordance with WLU Goal 3 (Chapter 3.1, Water and Land Use Element) and as defined in Table 3.1.3, Allowable Use Types for Land Use Designations, and in accordance with the following requirements:<br>a. Waterside promenades shall be provided in the locations specified in each planning district's Coastal Access Views and Pathways Map;<br>b. Minimum widths for waterside promenades are specified in the subdistrict's public realm standards; however, development is encouraged to exceed the minimum dimension;<br>c. Waterside promenades shall connect to other existing or planned adjacent waterside promenades; and<br>d. Waterside promenades shall connect to other pathways to, and through, upland developed areas.<br>3. Waterside promenades shall be provided as part of any development that abuts the waterfront; however, waterside promenades are not required for coastal-dependent maritime industrial uses, when it is infeasible pursuant to Section 4.3.1 Standards for Waterside Promenades (5), below, as defined in Table 3.1.3, Allowable Use Types for Land Use Designations for safety and security concerns. | **Consistent.** The project does not propose any new public access improvements; however, the project would maintain existing public access to the shoreline along the existing 16-foot promenade within the project site, consistent with the current onsite operations. The existing waterfront promenade width exceeds the minimum width of 12 feet for the subdistrict. Additionally, the existing promenade does connect to the adjacent project site to create a continuous waterfront promenade along America's Cup Harbor Basin. The project does not include any components that would permanently alter the existing public access along the waterfront. However, the waterside promenade would be temporarily closed to the public during construction and pedestrian access to the project site businesses would be rerouted. Upon project completion, any existing public accessways temporarily closed during construction would be reopened to the public. |

| Goal, Policy, Objective | Proposed Project Consistency |
|---|---|
| ***Chapter 5.1 Planning District 1 Shelter Island*** | |
| Within the East Shelter Island Subdistrict, the following planned improvements are applicable: | |
| **5.1.3(A). Vision. Continue East Shelter Island's strong support for the area's boat and fishing communities, integrated with visitor-serving uses.**<br>The vision for East Shelter Island includes improved public access through enhanced mobility and pedestrian connections, to allow workers and visitors to safely work and explore the area. The Plan enables the development of new opportunities that will complement the commercial fishing and sportfishing industries, and promote recreational boating, as well as modernize the commercial fishing, sportfishing, and recreational boating facilities. The intensity of commercial development is not planned to substantially increase. Planned improvements are intended primarily to further enhance and enliven the area, consistent with the subdistrict's character and scale of development.<br>Planned improvements in East Shelter Island will include modifications to existing commercial fishing marinas that will modernize facilities and increase capacity. | **Consistent.** The project would demolish and reconstruct piers and replace with floating docks and gangways to address deficiencies related to the age and condition of structures, and to allow commercial fishing operations to continue within the marina. This would modernize and optimize the use of the project site for commercial fishing vessels and occasional recreational boat berthing, consistent with current onsite operations. |
| **5.1.3(C). Planned Improvements.**<br>**51.3(C)-IV. Commercial Fishing Facilities.**<br>**PD1.54**. Modify, or replace in-kind, existing commercial fishing marina facilities in this subdistrict, provided there is no unmitigated increase in shading or fill. | **Consistent.** The project would include construction activities that involve the reconstruction of a commercial fishing wharf in the East Shelter Island Subdistrict and would not result in any unmitigated increase in shading or fill. The proposed project would include the waterside installation of piles to support the new replacement piers, resulting in a net increase in Bay fill. To address impacts associated with increased Bay fill, **MM-BIO-5** is required to ensure that there is no net loss of sensitive marine habitat, **MM-WQ-1** is required to ensure turbidity is minimized during pile removal and installation, and **MM-WQ-2** is required to avoid reintroducing existing contaminated sediment into the water column that could potentially occur from proposed in-water work. |
| **5.1.3(D) Development Standards**<br>**5.1.3(D)-I Public Realm Standards**<br>**PD 1.56** Provide a continuous waterside promenade, to offer public coastal access along the waterfront in accordance with the requirements in Chapter 4, Baywide Development Standards:<br>a. Waterside promenades shall be required as part of all development that abuts the waterfront, unless otherwise depicted in Figure PD1.4. Waterside promenades are not required for development that is a coastal-dependent maritime industrial use.<br>b. Waterside promenades shall have a minimum width of 12 feet in the East Shelter Island Subdistrict, as generally depicted in Figure PD1.9. | **Consistent.** The project does not propose any new public access improvements; thus, existing public access to the shoreline along the existing 16-foot promenade adjacent to the project site would remain, consistent with the current onsite operations. The existing waterfront promenade width exceeds the minimum width of 12 feet for the subdistrict. Additionally, the existing promenade does connect to the adjacent project site to create a continuous waterfront promenade along America's Cup Harbor Basin. The project does not include any components that would permanently alter the existing public access along the waterfront. However, the waterside promenade would be temporarily closed to the public during construction and pedestrian access to the project site businesses would be rerouted. Upon project completion, any existing public accessways temporarily closed during construction would be reopened to the public. |

Source: District 2024a; District 2024b.

## California Coastal Commission Sea Level Rise Policy Guidance

As discussed in Section 3.7, *Hydrology and Water Quality*, a Coastal Hazards Assessment was completed for the project to assess the potential current and future coastal hazard vulnerabilities, including sea level rise. The analysis was performed in accordance with the CCC's Update to the Sea Level Rise Policy Guidance (CCC 2024) as well as the recently adopted State of California Sea Level Rise Guidance: 2024 Science and Policy Update (OPC 2024). Specifically, the Coastal Hazards Assessment evaluated whether any of the proposed fixed structures (i.e., piers and concrete platforms) and floating structures (i.e., wave attenuator, docks, gangways, and loading ramps) would be subject to inundation, based on a 50-year design life and 2.3 feet of sea level rise by 2070 under OPC's Intermediate-High scenario. This projection accounts for the Intermediate scenario estimates for the period

between 2080 and 2090. The Coastal Hazards Assessment determined that there is potential for the pier deck to be exposed to extreme water levels during its projected 50-year lifespan. It is likely to experience infrequent partial submergence near the end of its design life around 2070 under a 1-year extreme still water levels (ESWL). Under the unlikely 100-year extreme conditions in combination with an Intermediate-High sea level rise scenario, the pier deck could experience partial submergence before 2050 and inundation by 2070. In addition, the four individual concrete platforms could be exposed to flooding before 2070 when combined with an extreme water level and Intermediate-High sea level rise scenario. However, neither the proposed floating wave attenuator nor the floating docks would be exposed to sea level rise due to their ability to move vertically with water level changes along the proposed new guide piles. It is unlikely that these floating structures would reach the vertical limit of the piles over their projected 50-year lifespan given the projected exposed pile length above the guide under 2070 water level. However, the gangways and loading ramp could experience inversion before 2050 under extreme conditions combined with an Intermediate-High sea level rise scenario.

This type of inundation would occur with or without the proposed project. Consequently, the project is not anticipated to exacerbate existing or projected damage to the environment due to sea level rise.

Table 3.8-2 includes a discussion of the project's consistency with the CCC's Sea Level Rise Policy Guidance (2024). As indicated, the project would be consistent with the guidance.

**Table 3.8-2. California Coastal Commission Sea Level Rise Policy Guidance Consistency Analysis**

| Steps for Addressing Sea Level Rise | Project Discussion |
|---|---|
| 1. Initiate CDP application, gather proposed project information, and engage with environmental justice communities | **Consistent.** Upon initiation of the CDP and CEQA process, project information was gathered and formed the basis for the project description provided in Chapter 2, *Environmental Setting and Project Description*, of this ~~Draft~~ Final EIR. The project site is not within or in proximity to environmental justice communities. |
| 2. Establish the projected sea level rise (SLR) range for the proposed project | **Consistent.** The expected project life is anticipated to be 50 years. A Coastal Hazards Assessment was prepared for the project, included as Appendix J, to assess the potential current and future coastal hazard vulnerabilities, specifically associated with sea level rise, across all the project structures' projected lifespans. The Coastal Hazards Assessment evaluated OPC's Intermediate-High sea level rise planning scenario because the project is a commercial development that has a lower ability to adapt than other uses. The three scenarios selected for analysis within the study considered SLR projections for 2050, 2070, and 2100, resulting in the assessment of 1.1 ft, 2.3 ft, and 4.9 ft of sea level rise, respectively. These SLR scenarios were evaluated under projected daily tidal, dynamic water level, and 100-year ESWL conditions. The potential inundation of project features is based on a 50-year design life, anticipating 2.3 feet of sea level rise under the Intermediate-High scenario by 2070. Because the projected lifespan of the structures is anticipated to be 50 years, the 2100 scenario is beyond their design life and thus is provided for informational purposes only. |
| 3. Determine how SLR impacts may constrain the project site | **Consistent.** Impacts associated with SLR generally include erosion, inundation, flooding, wave impacts, and saltwater intrusion. The Coastal Hazards Assessment determined that there is potential for the pier deck to be exposed to extreme water levels during its projected 50-year lifespan. It is likely to experience infrequent partial submergence near the end of its design life around 2070 under a 1-year ESWL. Under the unlikely 100-year extreme conditions in combination with an Intermediate-High sea level rise scenario, the pier deck could experience partial submergence before 2050 and inundation by 2070. In addition, the four individual concrete platforms could be exposed to flooding before 2070 when in combination with an extreme water level and Intermediate-High sea level rise scenario. Furthermore, neither the proposed floating wave attenuator nor the floating docks would be exposed to sea level rise due to their ability to move vertically with water level changes along the proposed new guide piles. It is unlikely that these floating structures would reach the vertical limit of the piles over their projected 50-year lifespan given the projected exposed pile length above the guide under 2070 water level. However, the gangways and loading ramp could experience inversion before 2050 under extreme conditions combined with an Intermediate-High sea level rise scenario. |
| 4. Determine how the project may impact coastal resources and EJ communities over time, considering SLR | **Consistent.** The project site is currently used as a wharf for commercial fishing boat mooring in America's Cup Harbor of San Diego Bay. The project would demolish and reconstruct piers and replace them with floating docks and gangways to address deficiencies related to the age and |

| Steps for Addressing Sea Level Rise | Project Discussion |
|---|---|
| | condition of structures, and to allow commercial fishing operations to continue within the marina. This would modernize and optimize the use of the project site for commercial fishing vessels and occasional recreational boat berthing, consistent with current onsite operations, but would not result in any changes to existing operations at the project site. The project site lacks many coastal resources, including recreation, agricultural resources, natural landforms, scenic resources, and paleontological resources. However, the project site includes San Diego Bay waters and natural resources. As discussed in Sections 3.2, *Biological Resources*, and Section 3.7, *Hydrology and Water Quality*, the project would include mitigation measures to reduce impacts on these resources. As discussed in Section 3.7, the project would not exacerbate existing or projected damage to the environment due to sea level rise, and any potential effects from sea level rise would occur regardless of whether the project was implemented. |
| 5. Identify project alternatives to both avoid resource impacts and related EJ impacts and minimize risks to the project | **Consistent.** Based on the results of the sea level rise analysis, the proposed pier deck, concrete platforms, gangways, and loading ramp, as well as the existing Regatta Walk, could be inundated by sea level rise under the scenarios evaluated. The Coastal Hazards Assessment identified design considerations for the project to avoid and mitigate the effects of flooding from sea level rise. Recommendations include designing each of these project components (as well as the existing Regatta Walk) to accommodate 2.3 feet of sea level rise, in accordance with the 2024 OPC projections for the 2070 Intermediate-High planning scenario. In addition, the Coastal Hazards Assessment recommended the addition of a ramp connecting the proposed pier and concrete platforms to the existing Regatta Walk to accommodate this elevation change and provide a transition between these structures. Consistent with the results of the assessment, the design of the structures associated with the Waterside Redevelopment Component incorporated the potential to raise the elevation of these structures during the project's design life or beyond. Although the proposed new pier, concrete platforms, gangways, and loading ramps could be exposed to inundation due to sea level rise, these project elements would not substantially increase in-water fill volumes and, therefore, would not have potential to impede or redirect flood flows associated with sea level rise. Moreover, this type of inundation would occur with or without the proposed project. Consequently, implementation of the project would not exacerbate existing or projected damage to the environment, including damage to existing structures, sensitive resources, or environmental justice communities, due to sea level rise. Project alternatives to avoid resource impacts and related EJ impacts are not required. Due to continued updates to sea level rise science and guidance, and the uncertainty in future projections, **CONDITION-LU-1** requires ongoing monitoring of the project components that are projected to be inundated under the 2070 Intermediate-High scenario, in conjunction with the Ocean Protection Council's regular sea level rise projection updates (i.e., every 5 years), and to identify appropriate adaptation strategies. |
| 6. Finalize project design and submit permit application | **Consistent.** As a standard practice, this step will be completed after the CEQA process is complete. |

Source: CCC 2024.

### Airport Land Use Compatibility Plan

As discussed in Section 3.8.3.3 above, the project site is within the AIA, the Airspace Protection Boundary, and the Overflight Area Boundary for SDIA, as designated in the SDIA ALUCP (SDCRAA 2025). In addition, the project site is within the AIA and Airspace Protection Boundary for NASNI as designated its ALUCP (SDCRAA 2020).

Certain types of projects within the AIA are subject to ALUC review, unless the project meets any of the criteria exempting it from ALUC consistency determination review. Per Table 1-3 of the SDIA ALUCP, existing land uses and alterations to existing nonresidential uses involving the repair, maintenance, and remodeling within existing gross occupancy area with no increase in intensity or height are exempt from ALUC review. Similarly, per Table 3 of the NASNI ALUCP, existing land uses and alterations to existing nonresidential uses involving the repair, maintenance, and remodeling within existing gross floor area with no increase in height; tenant changes in an existing structure to any use other than an incompatible use, as described in Table 4, Standards for Noise and Safety Compatibility; and reconstruction of less than 50 percent of the existing gross floor area of the nonresidential building with no increase in height or gross floor area are exempt from ALUC review.

The project would not result in any changes in existing water or land uses of the project site and does not propose increases in intensity or height for any existing structures. Rather, landside improvements would only

consist of the demolition of the existing Building E and do not include the construction of any new buildings. Therefore, the project would be consistent with the SDIA and NASNI ALUCPs and would be exempt from ALUC consistency review.

Although the project would be exempt from the ALUC consistency review process, the project is still subject to the FAA notification in accordance with Federal Aviation Regulations, Part 77, due to the use of cranes and other large pieces of equipment during construction. In accordance with Federal Aviation Regulations, Part 77, the FAA would be notified at least 45 days prior to construction because project construction would introduce temporary objects (e.g., construction equipment, drilling rigs, and lights) in proximity to SDIA and NASNI. The proposed project is required to obtain all necessary FAA determinations prior to construction, and comply with any conditions provided in the determination, if any. Therefore, the project would not pose an obstruction or hazard to air navigation.

### Harbor Safety Plan

As discussed in Section 3.8.3.3 above, the Harbor Safety Plan is designed to provide mariners using the waters of San Diego Bay with an up-to-date guide to critical navigation issues that will enhance vessel safety, with the ultimate goal of pollution prevention and protection of the region's valuable resources. Planning for safe navigation within the Bay involves the consideration of inbound and outbound commercial cargo vessels, cruise ships, Navy vessels, recreational boats, commercial and sports fishing boats, all of which must transit within and around restricted military zones, commercial vessel lanes, environmentally sensitive areas, and recreational areas (San Diego Harbor Safety Committee 2024). The project would not result in any changes to the existing designated navigation channels in the America's Cup Harbor Basin or greater San Diego Bay. Vessels and equipment associated with project construction and operation would be required to stay within the navigational channels designated by the District and US Coast Guard and would adhere to the provisions of the Harbor Safety Plan. This would include the vessels that could be docked outside of the project site, at the end of Piers 5, 7, and 8 utilizing the side ties. Therefore, the project would be consistent with the Harbor Safety Plan.

### Natural Resources Management Plans

There are no habitat conservation plans or natural community conservation plans that apply to the project site. However, the San Diego Bay INRMP serves as the applicable plan adopted of the purpose of protecting biological resources on District Tidelands. The District and the US Navy Southwest Division jointly maintain and implement the INRMP as a long-term collaborative strategy for managing natural resources in San Diego Bay. The INRMP does not carry regulatory authority, but rather is a guide to better, more cost-effective decisions by those involved with the Bay. It includes objectives and policy recommendations to guide planning, management, conservation, restoration, and enhancement of the Bay ecosystems.

As discussed in Section 3.2, *Biological Resources*, the project would include mitigation measures to reduce impacts on marine habitats and species during construction activities. In addition, as discussed in Section 3.7, *Hydrology and Water Quality*, the project would include mitigation to reduce impacts on water quality. Because the project would implement mitigation measures to reduce impacts on the natural resources of San Diego Bay, the project would be consistent with the overall intent and objectives of the San Diego Bay INRMP, as summarized in Table 3.8-3 below. Therefore, the project would not conflict with a natural resources management plan.

## Table 3.8-3. San Diego Bay Integrated Natural Resources Management Plan Consistency Analysis

| Objective | Proposed Project Consistency |
|---|---|
| **Objective 4.2.** Improve the success of mitigation and enhancement projects based on regulatory (avoidance and minimization measures), functional, and ecosystem criteria. | **Consistent.** The proposed project would impact marine habitats, including unvegetated and some limited vegetated shallow subtidal and intertidal habitat Mitigation measures **MM-BIO-3**, **MM-BIO-5**, and **MM-BIO-6** would ensure no net loss of intertidal or shallow subtidal habitats, including eelgrass habitat. |
| **Objective 4.2.1.** Ensure effective protection of a minimum quantity and quality of the remaining marine and coastal habitat in San Diego Bay, targeting a mix of habitat types that maximizes ecosystem function and carrying capacity. | **Consistent.** The project site is not within a protected habitat area within the bay. However, unvegetated and some limited vegetated shallow subtidal and intertidal habitats are present and may be adversely affected by the proposed project. Any loss would be mitigated by **MM-BIO-3**, **MM-BIO-5**, and **MM-BIO-6** to ensure that no net loss of these habitats would occur. |
| **Objective 4.3.1.** Retain sufficient deep subtidal habitat to support safe navigation, good water quality, and physical biological functioning in balance with the need for other habitat types in the bay. | **Consistent.** The project would not alter the existing deep subtidal habitat of America's Cup Harbor or the greater Bay waters. As it pertains to in-water work, project construction activities would involve the removal and replacement of structural piles supporting the existing Piers 4-8. However, their replacement would not significantly alter the deep subtidal habitat of America's Cup Harbor or the greater Bay waters. Further, hydrology and water quality impacts would be reduced to less-than-significant levels with the implementation of **MM-WQ-1** and **MM-WQ-2**, and impacts to biological resources would be reduced to less-than-significant levels with the implementation of **MM-BIO-1** through **MM-BIO-6**. In addition, vessels and equipment associated with project construction and operation would be required to stay within the navigational channels designated by the District and US Coast Guard and would adhere to the provisions of the Harbor Safety Plan, which provides mariners with the District's policies regarding pollution prevention and protection of the region's resources. This would include the vessels that could be docked outside of the project site, at the end of Piers 5, 7, and 8 utilizing the side ties. |
| **Objective 4.3.2.** Conserve and enhance the attributes of moderately deep habitat that support diverse and abundant invertebrate forage for fishes and birds, as well as needed exchanges of energy, materials, and biota among habitats, in balance with the need for shallow and intertidal habitats. | **Consistent.** The proposed project site includes moderately deep unvegetated subtidal habitat and limited areas of moderately deep vegetated subtidal habitat. The loss of moderately deep unvegetated subtidal habitat, including from the installation of piles supporting piers and the proposed wave attenuator, would be mitigated by **MM-BIO-3**, **MM-BIO-5**, and **MM-BIO-6** to ensure that no net loss of this habitat type would occur. |
| **Objective 4.3.3**. Conserve and enhance the attributes of unvegetated shallow subtidal sites that sustain a diverse and abundant invertebrate community, fish and wildlife foraging, nursery function for numerous fishes, as well as an ecological role in detritus-based food web support. | **Consistent.** The proposed project site includes unvegetated shallow subtidal habitat. The loss of unvegetated shallow subtidal habitat, including from the installation of piles supporting piers and the proposed wave attenuator, would be mitigated by **MM-BIO-3**, **MM-BIO-5**, and **MM-BIO-6** to ensure that no net loss of this habitat type would occur. |
| **Objective 4.3.4.** Conserve and enhance the attributes of vegetated shallow subtidal sites that sustain a diverse and abundant invertebrate community, fish and wildlife foraging, nursery function for numerous fishes, as well as an ecological role in detritus-based food web support. | **Consistent.** The proposed project site includes some limited areas of vegetated shallow subtidal habitat. The loss of vegetated shallow subtidal habitat, including from the installation of piles supporting piers and the proposed wave attenuator, would be mitigated by **MM-BIO-3**, **MM-BIO-5**, and **MM-BIO-6** to ensure that no net loss of this habitat type would occur. |
| **Objective 4.3.7.** Through engineering solutions, minimize the use of shoreline stabilization structures that impact or replace natural intertidal habitats, and maximize the value and function that necessary artificial structures contribute to the bay ecosystem. | **Consistent.** Some repair of the existing shoreline may be required due to undermining of the rock revetment in order to stabilize the shoreline during construction. Existing riprap would be removed during pile installation and reinstalled once pile installation is complete. The project would also include the installation of a proposed floating wave attenuator that would extend perpendicular to the shoreline immediately southeast of the project site. The wave attenuator and rock revetment repair, if needed, would serve a coastal-dependent use and would protect structures against future damage from wave action, would maintain safe operation of the marina, and would not alter natural shoreline processes. The work would be limited to only the necessary upgrades to ensure the continued stability of the landside structures and continued resiliency from future storms and sea level rise. |
| **Objective 4.4.1.** Minimize the harmful ecological, economic, and human health impacts of aquatic invasive species in San Diego Bay. | **Consistent.** Commercial fishing vessels are required to comply with the District's Harbor Safety Plan, which outlines ballast discharge regulations for vessels arriving from outside the Pacific Coast Region in order to minimize the introduction of harmful invasive species into the region's waters. Compliance with these regulations would continue to be required once the project is operational. |

| Objective | Proposed Project Consistency |
|---|---|
| **Objective 4.4.5.** Maintain a healthy balance of marine mammal species inhabiting or visiting San Diego Bay. | **Consistent.** As demonstrated in Section 3.2, *Biological Resources,* of this EIR, all impacts on biological resources would be less than significant after implementation of **MM-BIO-1** through **MM-BIO-6**. Mitigation measures would avoid significant noise impacts on marine mammals during construction activities and no net loss of marine habitat would occur. |
| **Objective 5.3.2.** Reduce and minimize stormwater pollutants harmful to the bay's ecosystem from entering the Bay from watershed users. | **Consistent.** As discussed in Section 3.7, *Hydrology and Water Quality*, to reduce water quality impacts to a less-than-significant level, including the discharge of stormwater pollutants into America's Cup Harbor and the greater Bay waters, the project would implement mitigation measures **MM-WQ-1** and **MM-WQ-2.** Project operation would be required to follow all existing operational and maintenance stormwater BMPs required by the District for commercial facilities. If a Stormwater Pollution Prevention Plan (SWPPP) is required by the RWQCB, additional BMPs may be required during project construction. Stormwater runoff from the project site, including new overwater structures such as the replacement Piers 4-8, would be captured and contained in the existing stormwater diversion system for subsequent discharge. |
| **Objective 5.4.1.** Ensure that San Diego Bay finfish and shellfish are safe to eat, that the food web is not adversely altered and that risks are minimized to recreational and commercial water contact users from the effects of contaminated sediment. | **Consistent.** As discussed in Section 3.6, *Hazards and Hazardous Materials*, of this EIR, there are two water-side open cases on the project site related to contaminated sediments and surface water and in-water construction may involve sediment-disturbing activities, which, due to the open status of the case, would have the potential to encounter contaminated sediment. However, as demonstrated in Section 3.2, *Biological Resources*, of this EIR, all impacts on biological resources would be less than significant after implementation of mitigation measures. In addition, the project would be required to obtain a CWA Section 404 permit and a Rivers and Harbors Act Section 10 permit from the USACE and a CWA Section 401 water quality certification from the RWQCB. The project would be required to comply with any RWQCB recommendations identified in the CWA Section 401 water quality certification to ensure that contaminated sediments would not be distributed through the water column to spread beyond the project area. Therefore, the proposed project would not exacerbate the existing contaminated sediment conditions on the project site. |
| **Objective 5.4.2.** Prevent spills of oil and other hazardous substances, and ensure the effectiveness of prevention and response planning | **Consistent.** As demonstrated in Section 3.6, *Hazards and Hazardous Materials*, the project would be required to comply with US DOT Hazardous Materials Regulations related to the transport of hazardous substances. Furthermore, the project would be required to implement **MM-HAZ-1** through **MM-HAZ-12**, which require implementation of a site safety and health plan, consultation with permitting agencies, and several BMPs for handling hazardous substances. |
| **Objective 5.5.** Minimize adverse cumulative effects on habitats and species of the bay ecosystem | **Consistent.** As demonstrated in Chapter 4, *Cumulative Impacts*" all cumulative biological resources impacts would be reduced to less than significant with mitigation incorporated. |

## Summary

As discussed above, the project would not result in any changes in existing water or land uses on the project site and thus would not require an amendment to the PMP. Rather, the project would result in onsite improvements that would ensure the continued use of the project site as a commercial fishing wharf. The project proponents would be required to obtain all necessary approvals from agencies governing land use of the project site, including USACE, RWQCB, and the District. As demonstrated in the consistency analysis provided above, including in Tables 3.8-1 through 3.8-3, the proposed project would be consistent with all applicable plans, goals, objectives, and policies adopted for the purpose of avoiding or mitigating an environmental effect. In certain cases, potential impacts on specific resources, such as biological resources, hazards and hazardous materials, and hydrology and water quality are addressed in other sections of the EIR, such as Section 3.2, *Biological Resources*, Section 3.6, *Hazards and Hazardous Materials*, and Section 3.7, *Hydrology and Water Quality*. Mitigation measures identified in those sections, which are discussed in Tables 3.8-1 through 3.8-3, would reduce the potential impacts on biological resources, hazards and hazardous materials, and hydrology and water quality to less than significant, thereby avoiding any conflict with a land use plan, policy, or regulation

adopted for the purpose of avoiding or mitigating an environmental effect related to those specific resources. In addition, compliance with the requirements of the CWA Section 404 and the Rivers and Harbors Act Section 10 permits obtained from the USACE, and the CWA Section 401 water quality certification obtained from the RWQCB, also would reduce potential impacts.

Moreover, although the project would not result in any significant impacts as a result of future sea level rise, due to continued updates to sea level rise science and guidance, and the uncertainty in future projections, **CONDITION-LU-1** would be included as a condition of the CDP for the Waterside Redevelopment Component. **CONDITION-LU-1** requires ongoing monitoring of the project components that are projected to be inundated under the 2070 Intermediate-High scenario, in conjunction with the Ocean Protection Council's regular sea level rise projection updates (i.e., every 5 years) and identify appropriate adaptation strategies if deemed necessary based on conditions in the future.

Therefore, the project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, and this impact would be less than significant.

## Level of Significance Prior to Mitigation

Impacts would be less than significant.

## Mitigation Measures

No mitigation measures are required beyond the mitigation measures already identified in Section 3.2, *Biological Resources*, Section 3.6, *Hazards and Hazardous Materials*, and Section 3.7, *Hydrology and Water Quality*. However, due to continued updates to sea level rise science and guidance, and the uncertainty in future projections, **CONDITION-LU-1** would be included as a condition of the CDP for the Waterside Redevelopment Component.

## Project Condition(s)

> **CONDITION-LU-1: Conduct Ongoing Sea Level Rise Monitoring and Modeling for Adaptive Management (Waterside Redevelopment Component).** For the structures of the project that are projected to be inundated under the 2070 Intermediate-High scenario (Piers 4 – 8, as well as gangways, platforms, docks, and ramps associated with these structures), the project proponent shall conduct ongoing monitoring of these structures every five years upon completion of Part 1 of the Waterside Redevelopment Component. If, through monitoring, the observed sea level rise conditions appear to be inconsistent with the projections identified in this EIR, a site-specific assessment shall be conducted to identify future sea level rise projections using the best science available (anticipated to be the Ocean Protection Council's SLR update, which occurs generally every five years) and identify appropriate adaptation strategies to ensure that these areas are resilient to coastal flooding and inundation from sea level rise. Such strategies may include a neighborhood-level effort, raising of grades, additional shoreline protection, removal or movement of assets, and conversion of impervious surfaces to pervious surfaces. This will be a condition of the Coastal Development Permit for the Waterside Redevelopment Component.

## Secondary Effects of Mitigation

Because consultation with the RWQCB is on-going and is required under **MM-WQ-1** to mitigate for sediment-related water quality impacts (**Impact-WQ-1**), it is not yet known if some level of site remediation to address historical contamination of onsite sediment may be required in advance of issuing the CWA Section 401 water quality certification. However, should some level of site remediation be required, it is reasonably foreseeable that dredging of contaminated sediments and placing clean cover material over contaminated sediment may be a potential condition issued by the RWQCB. Any dredging that may occur as a result of consultation with the

RWQCB (as required under **MM-WQ-1**) would be subject to the regulatory and permitting jurisdiction of USACE and RWQCB and would be filled back to the existing level with clean sand.

Applicable land use plans, policies, and regulations include the California Coastal Act, PMP, and PMPU, each of which contain goals, objectives, and policies addressing dredge and fill within coastal waters. Sections of the California Coastal Act that address dredge and fill include Sections 30233, 30705, and 30706. Applicable goals of the PMP that address dredge and fill include Goal V. Applicable objectives and policies of the PMPU that address dredge and fill include ECO Policy 1.1.4, ECO Objective 2.2, ECO Policy 2.2.4, ECO Policy 2.2.3, ECO Policy 2.3.3, SR Policy 3.3.10, SR Policy 3.3.14, and Planned Improvement PD1.54. The project does not propose any dredging of open coastal waters, wetlands, estuaries, or lakes; involve public service purposes; mineral extraction; restoration purposes; or nature study, aquaculture, or similar resource dependent activities. However, as indicated above, it is reasonably foreseeable that dredging of contaminated sediments and placing clean cover material over contaminated sediment may be a potential condition issued by the RWQCB. Consistent with the California Coastal Act, PMP, and PMPU, the potential dredging of contaminated sediment and any fill resulting from the placement of clean cover material would provide substantial public and environmental benefits by cleaning up and restoring the Bay. Any fill from the placement of clean cover material would be the minimum necessary to achieve the purpose of the fill and would be consistent with navigational safety.

Compliance with permits and approvals and restoring any dredged areas back to preconstruction elevations would ensure that any potential dredging and placement of fill associated with implementation of **MM-WQ-1** would not conflict with relevant plans, objectives, and policies, including the California Coastal Act, PMP, and PMPU.

## Level Significance After Mitigation

Impacts would be less than significant.

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# 3.9 Noise and Vibration

## 3.9.1 Overview

This section describes the existing conditions and applicable laws, regulations, plans, and policies governing project-related noise and vibration. The section also discusses the proposed project's potential to increase noise and vibration in the project vicinity during construction and operation. Impacts related to noise and vibration were considered significant if the proposed project would (1) generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project, in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies; (2) generate excessive groundborne vibration or groundborne noise levels; or (3) for a project in the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, exacerbate the existing exposure of people residing or working in the project area to excessive noise levels. Additional data is provided in Appendix K, "Noise Measurement Data and Noise Modeling Calculations."

This section focuses on potential noise and vibration impacts on people and surrounding properties. Potential noise and vibration effects on wildlife are addressed in Section 3.2, *Biological Resources*.

As discussed in Section 3.9.6.3, *Project Impacts and Mitigation Measures*, prior to mitigation, the proposed project would have the potential to create a significant vibration-related impact as substantial vibration generating construction activities (i.e. pile driving) could be located where structural damages at nearby buildings could occur. With the incorporation of mitigation designed to avoid or reduce vibration during construction, all potential noise and vibration-related impacts associated with the project would be less than significant.

In this section, the term "construction" includes all construction and/or demolition activities that may occur during the Demolition Component or the Waterside Redevelopment Component of the project, as described in Chapter 2, *Environmental Setting and Project Description*.

## 3.9.2 Noise Fundamentals

This section provides an overview of key concepts and acoustical terms used in the analysis of environmental and community noise. Noise is commonly defined as sound that is unwanted or that is objectionable because it is disturbing or annoying. Sound can be described as the mechanical energy of a vibrating object transmitted by pressure waves through a liquid or gaseous medium (e.g., air) to a hearing organ, such as a human ear.

In the science of acoustics, the fundamental model consists of a sound (or noise) source, a receptor, and the propagation path between the two. The loudness of the noise source and the obstructions or atmospheric factors, which affect the propagation path to the receptor, determine the sound level and the characteristics of the noise perceived by the receptor.

### 3.9.2.1 Frequency, Amplitude, and Decibels

Continuous sound can be described by frequency (pitch) and amplitude (loudness). A low-frequency sound is perceived as low in pitch. Frequency is expressed in terms of cycles per second, or hertz (Hz) (e.g., a frequency of 250 cycles per second is referred to as 250 Hz). High frequencies are sometimes more conveniently expressed in kilohertz, or thousands of hertz. The audible frequency range for humans is generally between 20 Hz and 20,000 Hz.

The amplitude of pressure waves generated by a sound source determines the loudness of that source. Sound pressure amplitude is measured in micro-Pascals (mPa). One mPa is approximately one hundred billionth (0.00000000001) of normal atmospheric pressure. Sound pressure amplitudes for different kinds of noise environments can range from less than 100 to 100,000,000 mPa. Because of this large range of values, sound is rarely expressed in terms of mPa. Instead, a logarithmic scale is used to describe sound pressure level (SPL) in terms of decibels (dB).

Because decibels are logarithmic units, SPLs cannot be added or subtracted through ordinary arithmetic. Under the decibel scale, a doubling of sound energy corresponds to a 3-dB increase. In other words, when two identical sources are each producing sound of the same loudness at the same time, the resulting sound level at a given distance would be 3 dB higher than if only one of the sound sources was producing sound under the same conditions. For example, if one idling truck generates an SPL of 70 dB, two trucks idling simultaneously would not produce 140 dB; rather, they would combine to produce 73 dB. Under the decibel scale, three sources of equal loudness together produce a sound level approximately 5 dB louder than one source. The cumulative sound level of any number of sources can be determined using decibel addition. The same decibel addition is used for A-weighted decibels, described below. Similarly, the arithmetic mean (average) of a series of noise levels does not accurately represent the overall average noise level. Instead, the values must be averaged using a linear scale before converting the result back into a logarithmic (dB) noise level. This method is typically referred to as calculating the “energy average” of the noise levels.

### 3.9.2.2 Perception of Noise and A-Weighting

The decibel scale alone does not adequately characterize how humans perceive noise. The dominant frequencies of a sound have a substantial effect on the human response to that sound. Although the intensity (energy per unit area) of the sound is a purely physical quantity, the loudness or human response is determined by the characteristics of the human ear. Human hearing is limited in the range of audible frequencies as well as in the way it perceives the SPL in that range. In general, people are most sensitive to the frequency range of 1,000–8,000 Hz and perceive sounds within this range better than sounds of the same amplitude with frequencies outside of this range. To approximate the response of the human ear, sound levels of individual frequency bands are weighted, depending on the human sensitivity to those frequencies. Then, an “A-weighted” sound level (expressed in units of A-weighted decibels) can be computed based on this information.

The A-weighting network approximates the frequency response of the average young ear when listening to most ordinary sounds. When people make judgments of the relative loudness or annoyance of a sound, their judgment correlates well with the A-scale sound levels of those sounds. Thus, noise levels are typically reported in terms of A-weighted decibels. All sound levels discussed in this section are expressed in A-weighted decibels. Table 3.9-1 describes typical A-weighted noise levels for various noise sources.

**Table 3.9-1. Typical A-Weighted Noise Levels**

| Common Outdoor Activities | Noise Level (dBA) | Common Indoor Activities |
|---|---|---|
| — | 110 | Rock band |
| Jet fly-over at 1,000 feet | 100 | — |
| Gas lawn mower at 3 feet | 90 | — |
| Diesel truck at 50 feet at 50 miles per hour | 80 | Food blender at 3 feet, garbage disposal at 3 feet |
| Noisy urban area, daytime, gas lawn mower at 100 feet | 70 | Vacuum cleaner at 10 feet, normal speech at 3 feet |
| Commercial area, heavy traffic at 300 feet | 60 | — |
| Quiet urban daytime | 50 | Large business office, dishwasher next room |
| Quiet urban nighttime | 40 | Theater, large conference room (background) |
| Quiet suburban nighttime | 30 | Library, bedroom at night |
| Quiet rural nighttime | 20 | — |
| — | 10 | Broadcast/recording studio |
| Lowest threshold of human hearing | 0 | Lowest threshold of human hearing |

Notes: dBA = A-weighted decibels.

Source: Caltrans 2013: Table 2-5.

### 3.9.2.3 Noise Descriptors

Because sound levels can vary markedly over a short period of time, various descriptors or noise "metrics" have been developed to quantify environmental and community noise. These metrics generally describe either the average character of the noise or the statistical behavior of the variations in the noise level. The metrics used in this report are described below.

**Community Noise Equivalent Level (CNEL):** CNEL is the energy average of the A-weighted sound levels occurring over a 24-hour period, with a 10-dB penalty applied to sound levels occurring during the nighttime hours between 10:00 p.m. and 7:00 a.m. and a 5-dB penalty applied to the sound levels occurring during evening hours between 7:00 p.m. and 10:00 p.m. (Caltrans 2013: 2-48).

**Equivalent Continuous Sound Level ($L_{eq}$):** $L_{eq}$ represents an average of the sound energy occurring over a specified period. In effect, $L_{eq}$ is the steady-state sound level containing the same acoustical energy as the time-varying sound level that occurs during the same period (Caltrans 2013:2-48). For instance, the 1-hour equivalent sound level, also referred to as the hourly $L_{eq}$, is the energy average of sound levels occurring during a 1-hour period and is the basis for noise abatement criteria used by California Department of Transportation (Caltrans) and Federal Transit Administration (FTA) (Caltrans 2013:2-47; FTA 2018:2-19).

**Percentile-Exceeded Sound Level ($L_X$):** $L_X$ represents the sound level exceeded for a given percentage of a specified period (e.g., $L_{10}$ is the sound level exceeded 10 percent of the time, and $L_{90}$ is the sound level exceeded 90 percent of the time) (Caltrans 2013:2-16).

**Maximum Sound Level ($L_{max}$):** $L_{max}$ is the highest instantaneous sound level measured during a specified period (Caltrans 2013:2-48; FTA 2018:2-16).

**Day-Night Level ($L_{dn}$):** $L_{dn}$ is the energy average of A-weighted sound levels occurring over a 24-hour period, with a 10-dB "penalty" applied to sound levels occurring during nighttime hours between 10:00 p.m. and 7:00 a.m. (Caltrans 2013:2-48; FTA 2018:2-22).

### 3.9.2.4 Sound Propagation

When sound propagates over a distance, it changes in both level and frequency content. The manner in which noise is reduced with distance depends on a number of important factors. The primary factors of interest for environmental noise include geometric spreading, ground absorption, atmospheric effects, and shielding (by natural or human-made features).

### 3.9.2.5 Human Response to Noise

Noise-sensitive receptors (also called "receivers") are locations where people reside or where the presence of unwanted sound may adversely affect the use of the land (see Section 3.9.2.6, *Noise-sensitive Land Uses*, below). The effects of noise on people can be divided into the following three categories:

- Subjective effects of annoyance, nuisance, or dissatisfaction;
- Interference with activities such as speech, sleep, learning, or working; and
- Physiological effects such as startling and hearing loss.

In most cases, effects from sounds typically found in the natural environment are limited to the first two categories, creating an annoyance or interfering with activities. Physiological effects and hearing loss would be more commonly associated with human-made noise, such as in an industrial or an occupational setting. No completely satisfactory method exists to measure the subjective effects of sound or the corresponding reactions of annoyance and dissatisfaction. This lack of a common standard arises primarily from the wide variation in individual thresholds of annoyance and habituation to sound. Therefore, an important way of determining a person's subjective reaction to a new sound is by comparing it to the existing baseline or "ambient" environment to which that person has adapted. Studies have shown that, under controlled conditions in an acoustics laboratory, a healthy human ear is able to discern changes in sound levels of 1 dBA. In the normal environment, the healthy human ear can detect changes of about 2 dBA; however, it is widely accepted that a doubling of sound energy, which results in a change of 3 dBA in the normal environment, is considered just noticeable to most people. A change of 5 dBA is readily perceptible, and a change of 10 dBA is perceived as being twice as loud. Accordingly, a doubling of sound energy (e.g., doubling the volume of traffic on a highway) resulting in a 3 dBA increase in sound is generally barely detectable.

### 3.9.2.6 Noise-Sensitive Land Uses

Noise-sensitive land uses typically include, but are not necessarily limited to, residential uses, hospitals, nursing facilities, intermediate care facilities, child educational facilities, libraries, museums, and childcare facilities (City of San Diego 2024). Based on their transient residential nature, hotels are considered to be noise-sensitive only during the evening and nighttime hours of 7:00 p.m. to 7:00 a.m. Parks, which are closed during nighttime hours, are considered to be noise sensitive only during their typical operational hours of 6:00 a.m. to 10:30 p.m. Schools, museums, and other institutional uses are also considered to be noise sensitive only during their standard hours of operation.

Another type of noise-sensitive receptor that can be affected by in-water construction (such as the proposed pile-driving activities) is aquatic wildlife. Underwater noise levels from pile driving were analyzed to assess potential impacts on fish and marine mammals. Additional discussion and the results of these analyses are provided in Section 3.2, *Biological Resources*.

## 3.9.3 Fundamentals of Environmental Vibration

This section provides an overview of key concepts and terms used in the analysis of environmental groundborne vibration. Groundborne vibration is a small, rapidly fluctuating motion transmitted through the ground. The effects of groundborne vibrations are typically limited to nuisance or annoyance for people; however, at extreme vibration levels, damage to buildings may also occur.

In contrast to airborne sound, groundborne vibration is not a phenomenon that most people experience every day. The ambient groundborne vibration level in residential areas is usually much lower than the threshold of human perception). Most perceptible indoor vibration is caused by sources within buildings, such as mechanical equipment while in operation, people moving, or doors slamming. Typical outdoor sources of perceptible groundborne vibration are heavy construction activity (such as blasting, pile driving, or earthmoving), steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the groundborne vibration from traffic is rarely perceptible, even in locations close to major roads. The strength of groundborne vibration from typical environmental sources diminishes (or attenuates) fairly rapidly over distance.

For the prediction of groundborne vibration, the fundamental model consists of a vibration source, a receptor, and the propagation path between the two. The power of the vibration source and the characteristics and geology of the intervening ground, which affect the propagation path to the receptor, determine the groundborne vibration level and the characteristics of the vibration perceived by the receptor.

### 3.9.3.1 Frequency and Amplitude

The frequency of a vibrating object describes how rapidly it is oscillating. The unit of measurement for the frequency of vibration is Hz (the same as used in the measurement of noise), which describes the number of cycles per second.

The amplitude of vibration can be measured in terms of displacement, velocity, or acceleration. Displacement describes the distance that a particle moves from its resting (or equilibrium) position as it oscillates and can be measured in inches. The amplitude of vibration velocity (the speed of the movement) can be measured in inches per second (in/s). The amplitude of vibration acceleration (the rate of change of speed) can be measured in inches per second per second ($in/s^2$).

### 3.9.3.2 Vibration Descriptors

As noted above, there are various ways to quantify groundborne vibration, based on its fundamental characteristics. Because vibration can vary markedly over a short period of time, various descriptors have been developed to quantify vibration. The descriptor used in this report is peak particle velocity (PPV), as described below.

**Peak Particle Velocity** is defined as the maximum instantaneous positive or negative peak amplitude of the vibration velocity. The unit of measurement for PPV is inches per second. Unlike many quantities used in the study of environmental acoustics, PPV is typically presented using linear values; it does not employ a dB scale. Because it is related to the stresses that are experienced by buildings, PPV is generally accepted as the most appropriate descriptor for evaluating the potential for building damage (both the Federal Transit Administration [FTA] and California Department of Transportation [Caltrans] recommend using PPV for this purpose). It is also used in many instances to evaluate the human response to groundborne vibration (Caltrans guidelines recommend using PPV for this purpose).

### 3.9.3.3 Vibration Propagation

Vibration energy spreads out as it travels through the ground, causing the vibration level to diminish with distance away from the source. High-frequency vibrations reduce much more rapidly than low frequencies. Low frequencies tend to dominate the spectrum at large distances from the source. The propagation of groundborne

vibration is also influenced by geological factors such as soil conditions, depth to bedrock, soil strata, frost conditions, and water conditions.

### 3.9.3.4 Effects of Groundborne Vibration

Vibration can result in effects that range from annoyance to structural damage. Annoyance or disturbance for people may occur at vibration levels that are substantially below those that would pose a risk of damage to buildings. Each of these effects is discussed below.

#### Potential Building Damage

When groundborne vibration encounters a building, vibrational energy is transmitted to the structure, causing it to vibrate. If the vibration levels are high enough, building damage may occur. Depending on the type of building and the vibration levels, this damage could range from cosmetic architectural damage (e.g., cracked plaster, stucco, or tile) to more severe structural damage (e.g., cracked slabs, foundations, columns, beams, or wells). Buildings can typically withstand higher levels of vibration from transient sources than from continuous or frequent intermittent sources. Transient sources are those that create a single isolated vibration event, such as blasting or drop balls. Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment. Older and more fragile buildings, which may include important historical buildings, are of particular concern. Modern commercial and industrial buildings can generally withstand much higher vibration levels before damage becomes a problem.

#### Human Disturbance or Annoyance

Groundborne vibration can be annoying for people and cause serious concern for nearby neighbors of vibration sources, even when vibration is well below levels that could cause physical damage to structures. Groundborne vibration is almost exclusively a concern inside buildings and rarely perceived as a problem outdoors where the motion may be discernible but there is less adverse reaction without the effects associated with the shaking of a building.

When groundborne vibration waves encounter a building, vibrational energy is transmitted to the structure, causing building surfaces (walls, floors, and ceilings) to vibrate. This movement may be felt directly by building occupants. It may also generate low-frequency rumbling noise as sound waves are radiated by the vibrating surfaces. At higher frequencies, building vibration can cause other audible effects, such as the rattling of windows, building fixtures, or items on shelves or hanging on walls. These audible effects due to groundborne vibration are referred to as groundborne noise. Any perceptible effect (vibration or groundborne noise) can lead to annoyance. The degree to which a person is annoyed depends on the activity they are participating in at the time of disturbance. For example, someone sleeping or reading will be more sensitive than someone who is engaged in any type of physical activity.

### 3.9.3.5 Vibration-Sensitive Land Uses

Because building damage would be considered a permanent negative effect at any building, regardless of land use, any type of building would typically be considered sensitive to vibration damage impacts.

Land uses that would be considered sensitive to human annoyance caused by vibration are generally the same as those that would be sensitive to noise and typically include residential uses, hospitals, nursing facilities, intermediate care facilities, child educational facilities, libraries, museums, and childcare facilities. It is noted, however, that vibration effects are typically considered only inside occupied buildings and not outside areas such as residential yards or open spaces. Based on their transient residential nature, hotels are considered to be sensitive to human annoyance effects from vibration only during the evening and nighttime hours of 7:00 p.m. to 7:00 a.m. Schools, museums, and other institutional uses are considered to be sensitive to human annoyance effects from vibration only during their standard hours of operation.

## 3.9.4 Existing Conditions

The predominant noise sources influencing noise levels in the vicinity of the project site include vehicle traffic on North Harbor Drive; aircraft activity associated with Naval Air Station North Island and the San Diego International Airport; and marine vessel traffic in America's Cup Harbor Basin. Other transportation noise sources include vehicle traffic on I-5, located approximately 2,800 feet east of the project boundary; the Naval Air Station North Island runways, located approximately one mile from the project site; and the San Diego International Airport, located approximately 1.5 miles from the project site. Because these noise sources are all distant from the project site (over 1,000 feet away), they contribute less to existing on-site noise levels compared to other sources. However, these noise sources are important to provide context for understanding the noise environment in the areas surrounding the project site.

The nearest noise-sensitive receptors to the project site are Navy dormitories approximately 430 feet to the northeast, transient lodging approximately 450 feet to the north, single family homes located along Jarvis Street approximately 1,050 feet to the northwest and recreational uses (i.e., baseball field) approximately 790 feet to the east.

## 3.9.5 Applicable Laws, Regulations, Plans, and Policies

The District does not have its own noise or vibration standards and does not currently maintain formal impact thresholds for assessing potential impacts under CEQA. The sections below discuss various laws, regulations, and policies that may apply to the proposed project or otherwise be useful in developing thresholds of impact for the proposed project.

### 3.9.5.1 State

#### California Department of Transportation Noise and Vibration Standards

None of the local laws and regulations discussed below provide any quantitative criteria regarding groundborne noise and vibration. Although the proposed project would not be subject to Caltrans oversight, guidance published by the agency nonetheless provides groundborne vibration criteria that can be useful in establishing thresholds of impact. Caltrans' widely referenced Transportation and Construction Vibration Guidance Manual (Caltrans 2020) provides guidance for two types of potential impact: (1) damage to structures and (2) annoyance to people (Tables 3.9-2 and 3.9-3, respectively).

**Table 3.9-2. Caltrans Guidance Manual Vibration Damage Criteria**

| Type of Building and Condition | Maximum PPV (in/sec) | |
|---|---|---|
| | Transient Sources | Continuous/Frequent Intermittent Sources |
| Extremely fragile historic buildings, ruins, ancient monuments | 0.12 | 0.08 |
| Fragile buildings | 0.2 | 0.1 |
| Historic and some old buildings | 0.5 | 0.25 |
| Older residential structures | 0.5 | 0.3 |
| New residential structures | 1.0 | 0.5 |
| Modern industrial/commercial buildings | 2.0 | 0.5 |

Note: Transient sources create a single isolated vibration event, such as blasting or drop balls. Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment. PPV = peak particle velocity; in/s = inches per second.

Source: Caltrans 2020.

**Table 3.9-3. Caltrans Guidance Manual Vibration Annoyance Criteria**

| Human Response | Maximum PPV (in/sec) | |
|---|---|---|
| | Transient Sources | Continuous/ Frequent Intermittent Sources |
| Barely perceptible | 0.04 | 0.01 |
| Distinctly perceptible | 0.25 | 0.04 |
| Strongly perceptible | 0.9 | 0.10 |
| Severe | 2.0 | 0.4 |

Note: Transient sources create a single isolated vibration event, such as blasting or drop balls. Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.

PPV = peak particle velocity; in/s = inches per second.

Source: Caltrans 2020.

## 3.9.5.2 Local

The District has not adopted its own specific thresholds of significance for potential noise and vibration impacts and, therefore, uses, where appropriate, the standards and guidelines of other agencies, such as its members cities or Caltrans. Significance criteria for each issue area may be subdivided into addressing distinct noise sources (e.g., construction, onsite operations, traffic). All thresholds would apply at the location of applicable sensitive thresholds (e.g., human annoyance vibration thresholds applied at residential receptors) and not at the project site boundary. Because the project site is within the municipal boundaries of the City of San Diego, the District has elected to use the City's noise standards, which are summarized below.

### City of San Diego Municipal Code Noise Abatement and Control Ordinance

Section 59.5.0401 of the City of San Diego (City) Noise Abatement and Control Ordinance makes it unlawful for any person to cause noise by any means to the extent that the 1-hour $L_{eq}$ exceeds the applicable limit for specific land uses at various times of the day at any location in the City of San Diego on or beyond the boundaries of the property on which the noise is produced (Table 3.9-4).

**Table 3.9-4. City of San Diego Noise Abatement and Control Ordinance Limits**

| Land Use | Time of Day | One-Hour Average Sound Level ($L_{eq}$, dBA)[1] |
|---|---|---|
| Single Family Residential | 7:00 a.m. to 7:00 p.m. | 50 |
| | 7:00 p.m. to 10:00 p.m. | 45 |
| | 10:00 p.m. to 7:00 a.m. | 40 |
| Multi-Family Residential (Up to maximum density of 1/2000) | 7:00 a.m. to 7:00p.m. | 55 |
| | 7:00 p.m. to 10:00 p.m. | 50 |
| | 10:00 p.m. to 7:00 a.m. | 45 |
| All other Residential | 7:00 a.m. to 7:00p.m. | 60 |
| | 7:00 p.m. to 10:00 p.m. | 55 |
| | 10:00 p.m. to 7:00 a.m. | 50 |
| Commercial | 7:00 a.m. to 7:00p.m. | 65 |
| | 7:00 p.m. to 10:00 p.m. | 60 |
| | 10:00 p.m. to 7:00 a.m. | 60 |
| Industrial or Agricultural | Anytime | 75 |

Notes: dB = decibel; $L_{eq}$ = equivalent continuous sound level.

[1] The sound level limit at a location on a boundary between two zoning districts is the arithmetic mean of the respective limits for the two districts.

Source: City of San Diego 2019.

### City of San Diego Municipal Code Section 59.5.0404 (Construction Noise)

The City Noise Ordinance also regulates construction noise levels. Specifically, construction that creates disturbing, excessive, or offensive noise is prohibited between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays as specified in Section 21.0104 of the San Diego Municipal Code, with exception of Columbus Day and Washington's Birthday, or on Sundays, to erect, construct, demolish, excavate for, alter or repair any building or structure in such a manner as to create disturbing, excessive or offensive noise unless a permit has been applied for and granted beforehand by the noise abatement and control administrator.

As part of the construction and/or demolition permit process, the City must consider whether the construction noise in the vicinity of the work site would be less objectionable at night than during the daytime because of different population densities or different neighboring activities; whether obstruction and interference with traffic particularly on streets of major importance, would be less objectionable at night than during the daytime; whether the type of work to be performed would generate noise at a level that would cause significant disturbances in the vicinity of the work site; whether great economic hardship would occur if the work were spread over a longer time; and whether proposed night work is in the general public interest. Also considered are the character and nature of the neighborhood where the proposed work site is located. The administrator must prescribe the conditions, working times, types of construction equipment to be used, and permissible noise levels as deemed to be required in the public interest.

Except under special circumstances related to emergency work, as detailed in the noise ordinance, construction activity that creates an average sound level greater than 75 decibels during the 12– hour period from 7:00 a.m. to 7:00 p.m. at or beyond the property lines of any residentially zoned property is prohibited by ordinance.

## 3.9.6 Project Impact Analysis

### 3.9.6.1 Methodology

#### Construction Noise

Construction-related noise was analyzed using data and modeling methodologies from the Federal Highway Administration's (FHWA's) Roadway Construction Noise Model (FHWA 2006), which predicts average noise levels at nearby receptors by analyzing the types of equipment, the distance from source to receptor, usage factor, and the presence or absence of intervening shielding between source and receptor. This methodology calculates composite average noise levels for the multiple pieces of equipment scheduled for each construction phase. The source-to-receptor distances used in the analyses were the acoustical average distances between the relevant construction area and each receptor. The acoustical average distance is used to represent noise sources that are mobile or distributed over an area, such as the project site. However, the acoustical average distance is conservatively weighted towards more substantial noise generating equipment (i.e., pile driving). The acoustical average distance it is calculated by multiplying the shortest distance between the receiver and the noise source by the farthest distance, then taking the square root of the product.

Although specific equipment used would vary for the different components of construction, project construction would generally involve the use of heavy construction equipment such as cranes, excavators, jackhammers, impact pile drivers, vibratory pile drivers, dump trucks, shears, air compressors, concrete trucks and pumps, welding units, generators, and haul trucks. These pieces of equipment generate noise levels that range from 74 to 101 dBA at 50 feet (Table 3.9-5) (FHWA 2006:3).

**Table 3.9-5. Typical Construction Equipment Noise Levels**

| Equipment | Noise Level at 50 feet (dBA $L_{max}$)[1] |
|---|---|
| Bulldozers | 82 |
| Concrete Pump Truck | 81 |
| Crane | 81 |
| Dump Trucks | 77 |
| Excavator | 81 |
| Front End Loaders | 79 |
| Generator | 81 |
| Impact Pile Driver | 101 |
| Impact Pile Driver with Wooden Blocks | 98 |
| Rollers | 80 |
| Trucks | 75 |
| Welder | 74 |

Notes: dBA = A-weighted decibel; $L_{max}$ = the highest instantaneous sound level measured during a specified period.

[1] Based on measured instantaneous noise levels ($L_{max}$), average equipment usage rates, and calculated average hourly (Leq) noise levels derived from the FHWA Road Construction Noise Model and data from Illingworth & Rodkin.

Source: FHWA 2006; Illingworth & Rodkin 2025.

## Construction Vibration

Construction-related vibration was analyzed using data and modeling methodologies provided by Caltrans's Transportation and Construction Vibration Guidance Manual (Caltrans 2020). This guidance manual provides typical vibration source levels for various types of construction equipment as well as methods for estimating the propagation of groundborne vibration over distance. Table 3.9-6 provides the PPV associated with the worst-case scenario for the construction equipment expected to be used by the proposed project; the levels are provided for a reference distance of 25 feet. Note that vibration-related equations from the Caltrans guidance manual were used to estimate the change in vibration levels over distance.

**Table 3.9-6. Construction Equipment Vibration Levels**

| Equipment Item | Reference PPV at 25 feet (in/s)[1] |
|---|---|
| Impact pile driver (Upper Range) | 1.518 |
| Vibratory pile driver (Upper Range) | 0.734 |

[1] reference vibration levels obtained from FTA 2018, methodology based on Caltrans 2020.

PPV = peak particle vibration; in/s = inches per second.

## Operational Noise and Vibration

The general types of onsite operational activities (i.e., commercial fishing operations) would remain the same as those that currently occur, and the overall intensity of the operations would not increase. As a result, a quantitative analysis of operational noise and vibration levels is not necessary.

# 3.9.6.2 Thresholds of Significance

The following significance criteria are based on Appendix G of the State CEQA Guidelines and the various laws, regulations, and policies discussed in Section 3.9.5, *Applicable Laws, Regulations, Plans, and Policies*. These provide the basis for determining the significance of impacts from noise and vibration associated with implementation of the proposed project. The District has not adopted its own specific thresholds of impact for potential noise and vibration impacts. Therefore, for this EIR, the District has elected to use the standards and guidelines of other agencies, such as its member cities or expert agencies (Caltrans, FTA, etc.) depending on the type of project

activities proposed, the project location, and the surrounding conditions. In this case, the project site is within the municipal boundaries of the City of San Diego, and the District has elected to use the City of San Diego's noise-related standards and FTA's vibration criteria for damage to structures. Another type of noise-sensitive receptor that can be affected by in-water construction (such as the proposed pile-driving activities) is aquatic wildlife. Underwater noise levels from pile driving were analyzed to assess potential impacts on fish and marine mammals. Additional discussion and the results of these analyses are provided in Section 3.2, *Biological Resources*.

Impacts are considered significant if the proposed project would result in any of the following:

1. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project, in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies. A significant impact would occur at any of the noise-sensitive receptors if:

    a. Daytime (7:00 a.m. to 7:00 p.m.) construction-generated noise levels fails to comply with the construction noise standards of 75 dBA $L_{eq,12h}$ provided by the City of San Diego Municipal Code Section 59.5.0404[1]; or

    b. Nighttime (7:00 p.m. to 7:00 a.m.) construction activity exceeds existing ambient noise levels and fails to comply with the applicable nighttime noise standards provided by the municipal codes of the City of San Diego (City of San Diego Municipal Code Section 59.5.0401[2]), or exceeds existing ambient noise levels by 5 dBA (a readily perceptible change) or more, 12-hour $L_{eq}$).

2. Generation of excessive groundborne vibration or groundborne noise levels. A significant impact would occur if construction or operation of the project exceeds Caltrans' vibration criteria for damage to structures at any nearby buildings or annoyance to people (distinctly perceptible vibration) at any vibration-sensitive location.

3. For a project in the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels.

[1] City of San Diego Municipal Code Section 59.5.0404(b) states that "…it shall be unlawful for any person, including The City of San Diego, to conduct any construction activity so as to cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels during the 12–hour period from 7:00 a.m. to 7:00 p.m." Because there are no residential zones near the project site, the District has elected to apply the 75 dBA $L_{eq,12h}$ at the location of the closest sensitive receptor, which in this case is the existing Navy dormitories building.

[2] City of San Diego Municipal Code Section 59.5.0401(a) states that "[i]t shall be unlawful for any person to cause noise by any means to the extent that the one–hour average sound level exceeds the applicable limit given in [Table 3.9-4 of this EIR], at any location in the City of San Diego on or beyond the boundaries of the property on which the noise is produced. The noise subject to these limits is that part of the total noise at the specified location that is due solely to the action of said person." Therefore, similar to footnote #1 above, the District has elected to consider the location of the closest sensitive receptor—the Navy Dormitories Building, which the District considers as "All Other Residential"—rather than the boundary line of a residential zone, the latter of which is not present near the project site.

### 3.9.6.3 Project Impacts and Mitigation Measures

***Threshold 1: Would the proposed project result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project, in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?***

#### Impact Discussion

##### Construction

Construction activities associated with the project would result in a temporary increase in noise. Project construction would include five phases: Landside Demolition, Waterside Demolition Part 1, Waterside Construction Part 1, Waterside Demolition Part 2, Waterside Demolition Part 3, and Waterside Construction Part 2. Waterside Demolition Part 1 would be the phase with the loudest equipment activity (i.e. pile driving activities) and, therefore, was used for the analysis to determine if the loudest phase would result in substantial temporary increase in ambient noise levels or in excess of standards established by the City's noise ordinance.

Construction noise would fluctuate throughout the duration of project construction depending on the type of construction activities occurring and equipment used on any given day; the distances from construction activity to noise-sensitive receptors; any noise-attenuating features, such as topography, vegetation, and existing structures; and existing ambient noise levels. Although specific equipment used would vary for the different components of construction, project construction would generally involve the use of heavy construction equipment such as cranes, excavators, jackhammers, impact and vibratory pile drivers, dump trucks, shears, air compressors, concrete trucks and pumps, welding units, generators, and haul trucks. These pieces of equipment generate noise levels that range from 74 to 101 dB at 50 feet (FHWA 2006). No blasting would occur as part of the project. Project-related construction is only expected to occur during daytime hours (7:00 a.m. to 7:00 p.m.) and would be outside of the evening (7:00 p.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) hours. As such, noise-sensitive land uses would not be exposed to construction noise during evening and nighttime hours. Therefore, the applicable noise standard at neighboring uses would be the daytime (7:00 a.m. to 7:00 p.m.) noise standard of 75 dBA $L_{eq,12h.}$

Daytime noise-sensitive receptors include the Navy dormitories approximately 430 feet to the northeast, single family homes located along Jarvis Street approximately 1,050 feet to the northwest and recreational uses (i.e., baseball field) approximately 790 feet to the east as measured from the nearest pile-driving locations. It should be noted that the identified daytime noise-sensitive receptor (i.e. the Navy Dormitories) is located on federal property and, therefore, does not fall within typical land use categories that the City of San Diego designates as noise-sensitive. However, because the Navy Dormitories are situated in proximity to the project site and serve as temporary residential accommodations, they are conservatively treated as a residential use for the purposes of this analysis. The adjacent naval base includes a variety of operational and administrative facilities that are not areas in which people typically sleep; therefore, it would not be appropriate to assess noise impacts at the naval base property line. Noise levels were evaluated based on the distance from the acoustical center of construction activity (i.e., nearest pile driving location) to the façade of the Navy Dormitories, representing the point of potential noise exposure at the identified sensitive receptor.

Construction noise modeling, consistent with FHWA's guidance for conducting construction noise assessments and provided in Appendix K, conservatively assumed simultaneous operation of two pieces of the loudest equipment—a crane and an impact pile driver with wooden block cushions—near one another (FHWA 2006 and Illingworth & Rodkin 2025). Construction noise was modeled using a one-hour $L_{eq}$ and the activity was assumed to be consistent throughout the day. Thus, the one-hour $L_{eq}$ would represent the 12-hour $L_{eq}$ for the comparison to the City's 12-hour $L_{eq}$ standard. The proposed construction noise levels associated with the most substantial construction phase (i.e. waterside demolition part 1) is estimated to be 91.1 dBA $L_{eq,12h}$ at 50 feet. Construction

noise levels associated with the project are estimated to exceed the City's standard of 75 dBA $L_{eq,12h}$ at a distance of 318 feet. The closest receptor (i.e. navy dormitories) would be located approximately 430 feet away from the nearest pile driving location. As such, no receptors would be located in proximity of construction activities where the City's noise standard would be exceeded.

At approximately 430 feet from the nearest location where expected pile driving would occur, the closest receptor (Navy dormitories) would be exposed to construction noise of up to 72.4 dBA $L_{eq,12h}$ during daytime hours. As such, construction noise levels would not exceed the applicable daytime standard of 75 dBA $L_{eq,12h}$ and construction noise impacts would be less than significant.

### Operations

During commercial fishing operations no new permanent sources of noise would be introduced. Implementation of the project would result in a reduction of 50 slips (i.e., 125 slips to 75 slips) to accommodate a range of commercial fishing vessels. The project would reduce the amount of slips operating on site and not introduce new or unique services that would generate noise levels that differ from existing services, nor would it require an increased number of employees. It should be noted that the commercial fishing operation could accommodate larger commercial fishing vessels than existing conditions, however as described in 3.1 "Air Quality" larger fishing vessels does not correlate to larger vessel engine use. If vessels with larger engines were serviced at the proposed dock, noise levels do not scale linearly with engine size, because sound pressure levels are expressed on a logarithmic decibel scale, increases in source strength (e.g., larger engine size) do not result in proportional increases in noise levels. As a result, proposed project operations would generate noise similar to or less than existing operational noise. Therefore, implementation of the project would not result in substantial changes in the existing ambient environment.

## Mitigation Measures

No mitigation is required.

## Secondary Effects of Mitigation Measures

Based on the incorporation of **MM-WQ-1** identified in Section 3.7, *Hydrology and Water Quality*, it is reasonably foreseeable that sediment remediation may be a potential condition issued by the Regional Water Quality Control Board (RWQCB), the coordination of which is addressed in **MM-WQ-1**. Mitigation in the form of future sediment cleanup may require the use of a dredger and haul trucks for the export of sediment and import of clean sand. Cranes are the primary noise generating equipment associated with dredging activities. As such, noise levels from the dredger would be the same as the proposed crane associated with the construction of the project (i.e. 81 dBA $L_{max}$ at 50 feet). It is assumed that sediment cleanup would occur during the demolition phases, including the Waterside Demolition Part 1 phase. As such, it is expected that construction equipment, such as a dredger, haul trucks, a crane, and a pile driver with wooden blocks would operate simultaneously. Combined noise levels during the overlapping phases would generate noise levels of 91.2 dBA $L_{eq,12hr}$ at 50 feet. Construction noise levels associated with the project are estimated to exceed the City's standard of 75 dBA $L_{eq,12h}$ at a distance of 322 feet. The closest receptor (i.e. navy dormitories) would be located approximately 430 feet away from the location of the most substantial construction activities. Therefore, noise levels during overlapping sediment remediation and waterside demolition phases would not exceed City standards at sensitive receptor location.

Therefore, noise impacts associated with potential sediment remediation that may occur as a result of implementing **MM-WQ-1** would be less than significant.

### Level of Significance After Mitigation

As indicated above, the proposed project would not result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project, in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies. This impact would be less than significant.

## *Threshold 2: Would the proposed project result in the generation of excessive groundborne vibration or groundborne noise levels?*

### Impact Discussion

This section focuses on potential vibration impacts on people and surrounding properties. Vibration impacts that have the potential to affect wildlife are addressed in Section 3.2, *Biological Resources*.

#### Construction

Project construction would involve the use of ground vibration–intensive activities, such as impact and vibratory pile driving. Activities involving pile driving typically generate the highest vibration levels compared to other construction methods and are, therefore, of greatest concern when evaluating construction-related vibration impacts. Although not representative of a typical day, the analysis conservatively assumes up to 10,000 pile strikes could occur on the most intensive construction day. Impact pile driving generates a vibration level of 1.52 in/sec PPV feet when the equipment is being used at its upper range. Vibratory (i.e., sonic) pile driving generates a vibration level of 0.73 in/sec PPV at 25 feet when the equipment is being used at its upper range (FTA 2018:184).

Vibration assessments are generally separated into two distinct analyses. The first focuses on the receiving land uses perception and associated level of annoyance to vibration-inducting activities. The second addresses the possibility of vibration-inducing activities to cause structural damage to nearby structures. Both assessments are conducted below.

Recreational and commercial land uses closest to the construction site do not support vibration sensitive operations (e.g., medical laboratories). The closest vibration-sensitive land use ("Other Residential") is the Navy dormitories approximately 430 feet from potential pile driving activities. Considering the reference levels for impact and sonic pile driving and the applicable threshold of 0.04 in/sec PPV (level for distinctly perceptible continuous/frequent intermittent sources), disturbance could be considered substantial within 282 feet of impact pile driving activities and 175 feet from vibratory pile driving activities. Navy dormitories located directly northeast of the project site, 430 feet from pile driving locations, would not be exposed to vibration levels that would disrupt sleep. Therefore, human annoyance due to construction vibrations is not expected to occur.

The closest structures to the proposed construction activities are located within the project site (e.g. Buildings A-D) and could be subject to excessive vibration levels during the duration of construction. The applicable threshold for the prevention of structural damage at modern commercial/industrial buildings is 0.5 in/sec PPV (Caltrans 2020). Although the project does not rely on the FTA guidance as formal significance thresholds, published vibration damage guidance provides context for understanding potential building response. The FTA identifies 0.5 in/sec PPV as a conservative threshold above which cosmetic (threshold) damage may occur in conventional buildings. At approximately 1.5 in/sec PPV, "minor" damages could occur, such as more noticeable cracking in plaster or masonry and loosening of brittle finishes could occur. Vibration levels approaching or exceeding approximately 2.0 in/sec PPV have been associated with the potential for "major" damage, such as substantial cracking or structural effects, depending on building type and condition.

Pile driving in the water causes sound energy to radiate directly into the water by vibrating the pile between the surface of the water and the substrate, and indirectly as a result of ground-borne vibration in the substrate

(Illingworth & Rodkin 2025). Assuming normal propagation conditions, vibration generated by impact pile driving could exceed the threshold for structural damage within 52 feet of impact pile driving activity. Buildings A through D, located directly on the project would be located approximately 25 feet from the nearest proposed pile driving locations. As such, construction vibration levels that could cause minor cosmetic to minor ~~cosmetic~~ structural damage, depending on proximity of pile driving to individual buildings (**Impact NOI-1**). Refer to Appendix K for detailed vibration modeling calculations, which are based on Caltrans construction-relation vibration guidance (Caltrans 2020). Project construction would not result in disturbance to vibration-sensitive uses, however the proposed project may result in structural damage to nearby structures from vibration-generating construction activities. This impact would be potentially significant.

### Operation

Proposed commercial fishing operations, which would be similar to or less intense than recent fishing operations, would not introduce any new long-term sources of vibration. As a result, there would be no new vibration sources that would cause impacts at offsite receptors. Therefore, operational vibration impacts would be less than significant.

## Level of Significance Prior to Mitigation

Implementation of the proposed project would not expose people to or generate excessive groundborne vibration or groundborne noise levels, however, could generate excessive groundborne vibrations that could result in structural damage. Potentially significant impact(s) include:

> **Impact NOI-1: Potential to Result in Structural Damage to Nearby Structures from Vibration-generating Construction Activities (Waterside Redevelopment Component).** Vibration generated by impact pile driving associated with the Waterside Redevelopment Component could exceed the threshold for structural damage within 52 feet of impact pile driving activity.

## Mitigation Measures

For **Impact-NOI-1**:

> **MM-NOI-1: Reduce Potentially Damaging Vibration at Nearby Buildings from Project Construction (Waterside Redevelopment Component).** During construction activities, the project proponent shall avoid pile-driving activities within the potential damage threshold distances of 52 feet of Buildings A-D. In the event the District determines that it is not feasible for the project proponent to avoid construction activities within the potential damage threshold distances, the project proponent shall reduce the potential impact through the implementation of alternate construction equipment or techniques approved by the District such as, but not limited to, the following:
>
> - Replacing impact pile driving with press-in piles or drilled piles (e.g., cast-in-drilled-hole, poured-in-place piles).
> - Other construction techniques or measures identified by the Project Engineer that are effective at reducing vibration and approved by the District and would not result in any additional impacts not previously considered in the EIR.
>
> If the District determines that these techniques cannot be fully implemented or are not sufficient to place the affected structures outside of the applicable threshold distance, then the project proponent shall take the following additional steps to protect buildings within the potential damage threshold distances for construction vibration damage:
>
> - The project proponent/contractor shall retain a licensed structural engineer to conduct preconstruction surveys of structures within the 52-foot distance from pile driving (including

photographing and/or videotaping) to document existing building conditions for future comparison if any vibration-related damage is suspected or results from pile driving activities.

- Based on professional judgment and review of the specific buildings potentially affected, the licensed structural engineer shall provide written recommendations to the District for revised impact distances for potentially affected buildings if different than 52 feet.
- If the structural engineer determines that there is no potential for public safety to be at risk or for structural damage to occur during pile driving activities, then vacation of the buildings would not be required even if pile driving occurs within 52 feet of the buildings.
- If the structural engineer determines that there is a potential risk to public safety or for structural damage to occur during pile driving activities within 52 feet from Buildings A-D (or at a distance as revised based on written recommendations submitted to the District for review and approval), then prior to and during pile driving activities occurring within 52 feet of Buildings A-D (or a buffer distance otherwise approved by the District based on the structural engineer's recommendations submitted to the District), those buildings shall be vacated.
- If one or more of Buildings A through D are to be vacated during pile driving within the approved buffer distance, then the contractor shall provide written notice to building occupants a minimum of 10 business days prior to the commencement of pile driving within the buffer distance. The notice shall include the anticipated date(s) and duration of pile driving activities requiring building vacation. The contractor shall coordinate with building occupants to ensure buildings are vacated prior to commencement of pile driving within this buffer distance. Buildings shall only be reoccupied once the project engineer has confirmed that all pile driving activities within the buffer distance of the applicable building(s) have been completed.
- If the licensed structural engineer (in consultation with other licensed engineers such as a geotechnical engineer, as appropriate) determines that façade and/or structural damage may occur during pile driving, the project proponent shall conduct monitoring during construction to check for vibration-related damage during pile driving. Such monitoring may include vibration measurements obtained inside or outside of the buildings or other tests and observations deemed appropriate by the structural engineer.
- Preparation of a construction vibration monitoring report that summarizes the results of all vibration monitoring during pile driving located within the buffer distance of Buildings A-D, shall be submitted to the District after the completion of each phase (assuming Buildings A-D are within the affected distance during more than one phase). The vibration monitoring report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims, such as documentation of any cosmetic, minor, or major damage as a result of project-related pile driving activities.
- If any damage to existing buildings is determined to occur as a result of project-related pile driving activities or other project-related vibration-generated construction activities, the District shall be financially responsible for the necessary repairs, structural or cosmetic, to return the damaged building to its pre-existing state. Following completion of repairs, a post-repair verification survey shall be conducted by a qualified structural engineer or other licensed professional to confirm that the building has been restored to a condition comparable to its pre-existing state. If the verification identifies incomplete or inadequate repairs, additional actions shall be implemented until the structure is restored to its original condition as determined by the preconstruction survey.

### Level of Significance After Mitigation

Implementation of **MM-NOI-1** would ensure that groundborne vibration generating construction activities (i.e. pile-driving) would reduce potential damage to nearby structures by avoiding the potential structural damage threshold distances (i.e. 52 feet) or replaced with alternative techniques. Where avoidance or alternative techniques are not feasible, the requirement of preconstruction documentation of existing building conditions within 52 feet of pile driving activities, review and refinement of impact distances by a licensed structural or geotechnical engineer, vibration monitoring during construction (if determined necessary by the District), preparation of vibration monitoring reports, and repair of any construction-related damage, including post-repair verification to confirm restoration to pre-construction conditions. Further, as described in more detail above, the FTA-established threshold for structural damage (i.e., 0.5 PPV in/sec) is conservatively low, because this is the vibration level at which minor cosmetic (rather than major structural damage) could occur. With the mitigation in place, the potential for damage would be minimized. However, if damage were to occur, it would be minor and therefore, repairs to any damages would be readily attainable and ensure that post-project building conditions are equal to or better than pre-project building conditions. Therefore, with implementation of **MM-NOI-1**, **Impact-NOI-1** would be reduced to a less than significant level.

## *Threshold 3: For a project in the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels?*

### Impact Discussion

The San Diego International Airport (SDIA) and North Island Naval Air Station (NAS) are the closest airports, with the North Island NAS runway approximately one mile from the project site. Although the project is located within the airport influence area for the SDIA and North Island NAS, the project site is outside of each airport's 65 dBA CNEL noise contours (SD ALUC 2019; SDIA 2022). In addition, the project is not located within two miles of a public private airstrip and would not include any new land use development where people would reside. Operation of the project would not expose existing employees to increased aircraft noise or require an increased number of employees. Therefore, the impact related to the exposure of people residing or working in the project area to excessive aircraft-related noise levels would be less than significant, and no mitigation is required.

### Level of Significance Prior to Mitigation

Implementation of the proposed project would not expose people residing or working in the project area to excessive noise levels from a private airstrip, public airport, or public use airport. Therefore, this impact is less than significant.

### Mitigation Measures

No mitigation is required.

### Level of Significance After Mitigation

Impacts would be less than significant.

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# 3.10 Transportation

## 3.10.1 Overview

This section describes the applicable federal, state, and local transportation regulations and policies; discusses the existing roadway network and transportation facilities in the vicinity of the project site; and analyzes the potential transportation impacts associated with implementation of the proposed project. The transportation impact analysis presented in this section is based primarily on the *Shelter Island Commercial Fishing Wharf Project Transportation Impact Study* (TIS) prepared by Intersecting Metrics (2025). The TIS, which is included as Appendix L, provides additional data and information related to the transportation analysis.

No comments related to transportation were received during the public scoping period for the proposed project. See Appendix A for all Notice of Preparation (NOP) comments received.

As discussed in Section 3.10.4.3, *Project Impacts and Mitigation Measures*, all impacts related to transportation, circulation, and parking would be less than significant. No mitigation is required.

In this section, the term "construction" includes all construction and/or demolition activities that may occur during the Demolition Component or the Waterside Redevelopment Component of the project, as described in Chapter 2, *Environmental Setting and Project Description*.

## 3.10.2 Existing Conditions

This section describes the existing roadways, public transit system, and bicycle and pedestrian facilities.

### 3.10.2.1 Existing Roadway Network

Access to the project site is provided by the surrounding roadway network. Relevant roadways in the vicinity of the proposed project are described below.

#### State Highways

- **Interstate (I)-5** is a north-south freeway that traverses the United States from the border of Mexico to the border of Canada through the states of California, Oregon, and Washington. Within California, I-5 is maintained by the California Department of Transportation (Caltrans) and connects the major metropolitan areas of San Diego, Los Angeles, Sacramento, and the eastern portion of the San Francisco Bay Area. I-5 provides regional access to the project site.
- **I-8** is an east-west freeway that travels from San Diego, crosses the Colorado River, and ends near Casa Grande, Arizona. Within California, I-8 is maintained by Caltrans. I-8 provides regional access to the project site.

#### Roadways

- **North Harbor Drive** is a northeast-southwest roadway between Rosecrans Street and West Laurel Street where it transitions to a north-south roadway. North Harbor Drive provides access to the project site and is primarily a five-lane roadway with a raised median. Bicycle facilities (Class II bicycle lanes) and sidewalks are present along both sides of the roadway.

- **Nixie Way** is a northeast-southeast roadway that provides access to the project site from North Harbor Drive and is primarily a two-lane roadway. There are sidewalks present along both sides of the roadway and a crosswalk at the northern end of the roadway near the intersection with Echo Lane; however, there are no bicycle facilities present along Nixie Way.
- **Torpedo Lane** is a northwest-southeast roadway that provides direct access to the project site from Nixie Way and is a primarily unmarked two-lane roadway. There are segmented sidewalks along the southern portion of the roadway between Nixie Way to approximately halfway through Torpedo Lane.

### 3.10.2.2 Public Transit

Transit service in the area surrounding the project site is provided by the San Diego Metropolitan Transit System (MTS). MTS provides bus, paratransit, and rail services directly, or by contract with private operators, across 570 square miles of the urbanized areas of the county (MTS 2025a). Fixed-route bus service includes local, urban, express, premium express, and rural routes (MTS 2025a). The nearest bus stop serves MTS Route 923 and is located near the North Harbor Drive/Nimitz Boulevard intersection, approximately 0.15 miles northeast of the project site. Route 923 operates between Ocean Beach and Downtown San Diego and offers service every 30 minutes, Monday through Friday between approximately 5:15 a.m. and 7:30 p.m. (MTS 2025b).

### 3.10.2.3 Bicycle Facilities

The bicycle transportation system in the City of San Diego is composed of local and regional bicycle paths, bicycle lanes, and bicycle routes, and cycle tracks. The City of San Diego Bicycle Master Plan and Downtown San Diego Mobility Plan classify bicycle facilities as follows (City of San Diego 2013: 19; City of San Diego 2016: 48):

- **Class I Bike Path:** Bike paths, also termed shared-use or multi-use paths, are paved right-of-way for exclusive use by bicyclists, pedestrians, and those using non-motorized modes of travel. They are physically separated from vehicular traffic and can be constructed in roadway right-of-way or exclusive right-of-way. Bike paths provide critical connections in the city where roadways are absent or are not conducive to bicycle travel.
- **Class II Bike Lane:** Bike lanes are defined by pavement striping and signage used to allocate a portion of a roadway for exclusive or preferential bicycle travel. Bike lanes are one-way facilities on either side of a roadway.
- **Class III Bike Route:** Bike routes provide shared use with motor vehicle traffic within the same travel lane. Designated by signs, bike routes provide continuity to other bike facilities or designate preferred routes through corridors with high demand.
- **Class IV Cycle Track:** Also referred to as separated or protected bikeways, cycle tracks provide a right-of-way designated exclusively for bicycle travel within the roadway and physically protected from vehicular traffic. Types of separation include, but are not limited to, grade separation, flexible posts, or on-street parking.

There are Class II bike lanes along both sides of North Harbor Drive, approximately 0.08 miles north of the project site. There are no dedicated bicycle facilities within the project site, although there is a multi-modal promenade that runs along the waterfront within the project site. See Section 3.10.2.4 below.

### 3.10.2.4 Pedestrian System

The pedestrian system in the Port of San Diego consists of various pathways intended for more than one mode of transportation (e.g., pedestrians and non-motorized vehicles) such as walking, jogging, cycling, and wheelchair use. The District classifies pathways in the Port Master Plan Update (PMPU)[1] as follows (District 2024: 75):

- **Waterside Promenade or Promenade**: A recreational pathway along the waterfront designed to enhance access and that primarily serves pedestrians.
- **Walkway (Non-Waterside)**: A non-waterside recreational pathway that provides access from the waterfront to the nearest public road perpendicular to the waterfront. Walkways are primarily for pedestrians and may also function as a multi-use pathway.
- **Sidewalk (Non-waterside):** A non-waterside pathway that provides a dedicated recreational area for pedestrians adjacent and parallel to a roadway.
- **Nature Trail:** An unpaved recreational pathway (could be waterside or non-waterside) that provides a dedicated area for pedestrians.

There is a promenade that traverses through the project site along the waterfront. In addition, there are sidewalks present along both sides of North Harbor Drive, approximately 0.08 miles north of the project site as well as sidewalks along both sides of Nixie Way, approximately 0.03 miles northeast of the project site. There are also pedestrian crosswalks at the intersection of Nixie Way and Echo Lane, approximately 0.08 miles northeast of the project site.

## 3.10.3 Applicable Laws, Regulations, Plans, and Policies

### 3.10.3.1 State

#### State CEQA Guidelines Section 15064.3

Section 15064.3 of the State CEQA Guidelines was added as part of a comprehensive update to the guidelines that were adopted by the California Resources Agency in December 2018. Section 15064.3 describes specific considerations for evaluating a project's transportation impacts and identifies vehicle miles traveled (VMT) as the most appropriate metric for determining impacts. Except for roadway capacity projects, Section 15064.3 stipulates that a project's effect on automobile delay does not constitute a significant environmental impact under CEQA. The specific criteria for analyzing transportation impacts are provided in Section 15064.3, subdivision (b) of the State CEQA Guidelines and those that are applicable to the proposed project are restated below.

Section 15064.3(b)(1) addresses land use projects and describes that projects with specified proximity to "major" or "high quality" transit should be presumed to cause a less than significant transportation impact. As defined in PRC Section 21064.3, a "major transit stop" means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. PRC Section 21155(b) defines a "high-quality transit corridor" as a corridor with fixed-route bus service with service intervals no longer than 15 minutes during peak commute hours. Additionally, Section 15064.3(b)(1) also provides that projects resulting in a decrease in VMT in the project area, as compared to existing conditions, should also be presumed to have a less than significant effect.

[1] The Board of Port Commissioners approved the PMPU in February 2024. The PMPU is currently under review with CCC staff and will be heard by the CCC for certification at a later date.

Section 15064.3(b)(3) (Qualitative Analysis) explains that there may be conditions under which a qualitative rather than quantitative analysis of VMT is appropriate. This section states that if existing models or methods are not available to estimate the VMT for the particular project being considered, a lead agency may qualitatively analyze VMT generated by a project. Additionally, this section notes that for many projects, a qualitative analysis of construction traffic may be appropriate.

Section 15064.3(b)(4), Methodology, explains that the lead agency has discretion to choose the most appropriate methodology to evaluate VMT subject to other applicable standards such as CEQA Guidelines Section 15151 (standards of adequacy for EIR analyses).

Following the Office of Administrative Law's approval of the updated State CEQA Guidelines, lead agencies had an opt-in period until July 1, 2020, to implement the updated guidelines as they related to VMT. As of July 1, 2020, implementation of Section 15064.3 of the updated CEQA Guidelines apply statewide.

In December 2018, the California Governor's Office of Planning and Research (OPR), now known as the Governor's Office of Land Use and Climate Innovation (LCI), published the most recent version of the *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Technical Advisory), which provides guidance for VMT analysis. The Technical Advisory provides guidance related to screening thresholds for projects to indicate when detailed analysis is needed or if a project can be presumed to result in a less-than-significant VMT impact.

The District has not yet formally adopted any thresholds or guidance related to the analysis of VMT. Therefore, in the absence of adopted VMT guidelines and thresholds of significance, the VMT analysis herein relies on the guidance provided in CEQA Guidelines Section 15064.3 and the OPR Technical Advisory (OPR 2018).

### California Coastal Act

The California Coastal Act, specifically Section 30252, requires new development within the Coastal Zone to maintain and enhance public access to the coast by providing adequate parking facilities or providing substitute means of serving the development with public transportation. In accordance with the California Coastal Act, a significant parking and public access impact would occur if the proposed project would result in an insufficient parking supply that, when considered with other modes of travel (e.g., bicycling, walking, transit use), would reduce the general public's access to the waterfront, as well as coastal commercial and recreational resources.

## 3.10.3.2 Regional

### San Diego Association of Governments' Regional Plan

The San Diego Association of Governments (SANDAG) is the Metropolitan Planning Organization (MPO) and the regional transportation planning agency for the San Diego region. The SANDAG Board of Directors adopted San Diego Forward: The 2021 Regional Plan (2021 Regional Plan) in December 2021. The 2021 Regional Plan combines the Regional Transportation Plan, Sustainable Communities Strategy, and Regional Comprehensive Plan. The 2021 Regional Plan anticipates the growth that will occur in the San Diego region and provides a blueprint for the regional transportation system, as well as a vision for promoting sustainability and offering a variety of mobility options for people and goods. The Regional Plan is updated every four years, with the latest update approved in December 2025.

### San Diego Association of Governments' Regional Transportation Improvement Plan

The Regional Transportation Improvement Program (RTIP) is a 5-year investment plan that identifies projects and programs funded by federal, state, local, and private funds. The 2023 RTIP covers five fiscal years (i.e., 2023 to 2027) and incrementally implements the 2021 Regional Plan. The 2023 RTIP is a prioritized program designed to implement the regional strategy for providing mobility and improving the safety, condition, and efficiency of the transportation system (SANDAG 2022: 1-1). The 2023 RTIP was adopted by the SANDAG Board

of Directors in September 2022 and approved by the Federal Highway Administration and Federal Transit Administration in December 2022.

### 3.10.3.3 Local

#### San Diego Unified Port District Port Master Plan and Final Draft Port Master Plan Update

The District's current Port Master Plan (PMP) was certified by the California Coastal Commission (CCC) on January 21, 1981. The Port Master Plan sets a comprehensive vision for the District. The recent effort to update the PMP, known as the Port Master Plan Update (PMPU), sets a comprehensive vision for the District and governs the use, design, and improvement of the public trust lands. The PMPU establishes specific goals, objectives, policies, and standards to direct future development and proposed public improvements (District 2024: 1). The Final Draft PMPU identifies that a shuttle, known as the bayfront circulator, would be upgraded to provide year-round service and operate along Harbor Drive, establishing connections between Shelter Island and the Convention Center. The Board of Port Commissioners approved the PMPU in February 2024. The PMPU is currently under review with CCC staff and will be heard by the CCC for certification at a later date.

#### City of San Diego

The project site is within the land use jurisdiction and control of the District. However, the streets and intersections serving the project site are within the City of San Diego's jurisdiction; therefore, the following local laws, regulations, and plans were considered in the analysis of the proposed project's impacts on transportation.

##### Bicycle Master Plan

The City of San Diego Bicycle Master Plan provides a framework for making bicycling a more practical and convenient transportation option. The Bicycle Master Plan is a long-range policy document that guides the development and maintenance of an interconnected on-street and off-street bicycle network. The plan includes recommendations for expanding the existing bicycle network, connecting gaps, addressing constrained areas, improving intersections, and providing for greater local and regional connectivity (City of San Diego 2013). The City is currently updating the Bicycle Master Plan that may include new bicycle facility recommendations and the prioritization of active transportation projects to meet the City's Strategic Plan and CAP goals (City of San Diego 2025a).

##### Pedestrian Master Plan

The City of San Diego Pedestrian Master Plan provides guidelines to the City that will enhance neighborhood quality and mobility options through the facilitation of pedestrian improvement projects (City of San Diego 2006). The Pedestrian Master Plan guides the implementation of pedestrian projects and focuses on improving pedestrian safety, accessibility, connectivity, and walkability throughout the city.

##### City of San Diego Municipal Code

Section 85.21 of the City of San Diego Municipal Code establishes a requirement to obtain a transportation permit from the City Engineer prior to moving any oversized and overweight loads over City streets. The general conditions of the transportation permit include a requirement that the permittee provides for the safety of the public when the vehicle under permit disrupts the normal traffic pattern within the traveled way. Provisions to ensure traveler safety could include flagmen, signs, or other safety devices to allow for the safe movement of other roadway users (City of San Diego 2025b).

# 3.10.4 Project Impact Analysis

## 3.10.4.1 Methodology

### Transit, Roadway, Bicycle, and Pedestrian Analysis

Existing roadway, transit, bicycle, and pedestrian system plans, guidelines, policies, and standards were reviewed, and the proposed project construction and operation activities were evaluated against these sources to determine whether any conflicts would occur. The transit, roadway, bicycle, and pedestrian analyses evaluate whether the proposed project would, either directly or indirectly, disrupt existing facilities; interfere with the implementation of any planned facility; or create a physical or operational transportation outcome that conflicts with applicable roadway, transit, bicycle, or pedestrian system plans, guidelines, policies, or standards.

### Vehicle Miles Traveled Analysis

Section 15064.3 of the State CEQA Guidelines describes specific considerations for evaluating a project's transportation impacts and identifies VMT as the most appropriate metric for determining the significance of impacts. Except for roadway capacity projects, Section 15064.3 stipulates that a project's effect on automobile delay does not constitute a significant environmental impact under CEQA. As such, in accordance with Senate Bill (SB) 743, the transportation analysis only uses VMT to determine the significance of transportation and circulation impacts.

As detailed under Section 3.10.3, *Applicable Laws, Regulations, Plans, and Policies,* the District has not adopted VMT guidelines and thresholds that address CEQA Guidelines Section 15064.3. Therefore, in the absence of lead agency-adopted VMT guidelines and thresholds of significance, the VMT analysis herein relies on the guidance provided in CEQA Guidelines Section 15064.3.

CEQA Guidelines Section 15064.3(b)(3), "Qualitative Analysis," states that if existing models or methods are not available to estimate the VMT for the project being considered, a lead agency may analyze project VMT qualitatively. In addition, this section notes that for many projects, a qualitative analysis of construction traffic may be appropriate. Given the nature of the proposed project, and the fact that any trip generation is almost entirely construction related, this section is applicable to the proposed project. Section 15064.3(b)(4) explains that the lead agency has discretion to choose the most appropriate methodology to evaluate VMT subject to other applicable standards, such as Section 15151 (standards of adequacy for EIR analyses).

### Parking Supply and Access

The parking supply and access analysis evaluates whether the proposed project would result in an insufficient parking supply that could lead to a decrease in coastal access by limiting accessibility to the waterfront and/or not providing alternative waterfront access.

## 3.10.4.2 Thresholds of Significance

The significance criteria used to evaluate the proposed project impacts to transportation under CEQA are based on Appendix G of the CEQA Guidelines. Impacts on the transportation system would be significant if the proposed project would:

1. conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities;
2. conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b);

3. substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); and/or
4. result in inadequate emergency access.

In addition, although not a question identified in Appendix G.XVII of the CEQA Guidelines, analysis of the following is provided below for the purpose of consistency with the Coastal Act:

> Would the project result in an insufficient parking supply that would lead to a decrease in public coastal access?

An analysis of whether the project would have a significant impact related to Thresholds 3 and 4, transportation hazards and emergency access, is provided in Section XVII of the Initial Study/Environmental Checklist (Appendix C of the ~~Draft~~ Final EIR), which determined that the proposed project would result in less than significant impacts to Thresholds 3 and 4. The analysis and conclusions therein are incorporated by reference into this section of the ~~Draft~~ Final EIR and are summarized in Chapter 5, Section 5.3, *Effects Not Found to Be Significant*.

Therefore, only Thresholds 1 and 2, and consistency with the Coastal Act as it relates to public coastal access are discussed in the impact analysis that follows.

## 3.10.4.3 Project Impacts and Mitigation Measures

### *Threshold 1: Would the Project Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System, Including Transit, Roadway, Bicycle, and Pedestrian Facilities?*

#### Impact Discussion

A significant impact on the circulation system, including transit, roadway, bicycle, and pedestrian facilities would occur if the proposed project would conflict with a program, plan, ordinance, or policy addressing these facilities. This analysis evaluates the consistency of the proposed project with the San Diego Regional Bike Plan, the PMP, the PMPU, and the City of San Diego Bicycle Master Plan, as well as the San Diego Municipal Code. The proposed project is located approximately 0.25 miles southwest of an MTS Route 923 bus stop located near the intersection of North Harbor Drive and Nimitz Boulevard. In addition, as detailed under Section 3.10.2, *Existing Conditions,* there are Class II bicycle lanes and pedestrian facilities present along both sides of North Harbor Drive, and pedestrian facilities along Nixie Way. There is also a promenade that traverses the project site along the waterfront.

The project site is within the Shelter Island/La Playa Planning Subarea of Planning District 1 of the certified PMP. The PMP supports the options for extending a bus line route or shuttle service to Shelter Island (District 2024: 50). The proposed project would not modify any existing transportation infrastructure or facilities in the area and therefore would have no impact on the facilities proposed in the PMP.

The PMPU, which is discussed in greater detail in Section 3.8, *Land Use and Planning*, proposes to develop and operate a bayfront circulator that would provide transit service along North Harbor Drive connecting between the Shelter Island, Harbor Island, and Embarcadero Planning Districts (District 2024: 205). The proposed project would not result in the modification of North Harbor Drive. Therefore, the proposed project would not interfere with the proposed bayfront circulator identified in the PMPU.

The City is currently updating the Bicycle Master Plan which could include new bicycle facility recommendations near the project site. North Harbor Drive, Nixie Way, and Torpedo Lane would be used to access the project site. Implementation of the proposed project would not require or include the construction of new roadways or the modification of any existing external roadways and thus would not result in modifications to existing transit,

bicycle, and pedestrian facilities or disrupt existing service or interfere with any proposed facilities included in the City of San Diego Bicycle Master Plan or San Diego Regional Bike Plan (SANDAG n.d.).

Moreover, no changes are proposed to the existing promenade. While there would be a temporary closure of the waterside promenade within the project site to ensure a safety issue is not created during construction and demolition activities, the project site is at the northeastern terminus of the waterside promenade around America's Cup Harbor Basin and would not present an issue with general waterfront access. Once the project is complete, the waterside promenade would be reopened at the project site. Furthermore, as detailed in Chapter 2, *Project Description*, pedestrian access along the promenade would not be permitted during construction and demolition activities for safety reasons. During this temporary promenade closure, pedestrian access to businesses at the project site would continue by rerouting access.

During operational activities, the number of employees accessing the site is not anticipated to change with implementation of the proposed project. Consequently, the proposed project would not result in increased demand for transportation facilities, resulting in no change related to existing roadway, transit, bicycle, or pedestrian facilities. Therefore, the proposed project would not conflict with future bicycle or pedestrian improvements identified in the PMP, the City Bicycle Master Plan, or the San Diego Regional Bike Plan.

The City of San Diego requires a transportation permit for oversized and overweight loads moving over City streets (City of San Diego 2025b). The general conditions of the transportation permit require that the permittee implement provisions to ensure traveler safety. Compliance with the conditions of the required transportation permit would minimize disruption to existing bicycle and pedestrian facilities during construction consistent with Objective 2 of the San Diego Regional Bike Plan, which aims to facilitate and maintain bicycle and pedestrian safety. For these reasons, the proposed project would not result in a significant impact related to the disruption of existing or planned transit, bicycle, or pedestrian facilities or any adopted guidelines, policies, plans, or standards related to such facilities.

### Level of Significance Prior to Mitigation

The proposed project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Impacts would be less than significant.

### Mitigation Measures

No mitigation is required.

### Level of Significance After Mitigation

Impacts would be less than significant.

## *Threshold 2: Would the Project Conflict or Be Inconsistent with CEQA Guidelines Section 15064.3(b) Regarding Vehicle Miles Traveled?*

### Impact Discussion

#### Construction

The goals of SB 743, as stated in the legislative text, include reducing greenhouse gas emissions and traffic-related air pollution, promoting the development of multimodal transportation systems, and providing clean, efficient access to destinations. The legislative text of SB 743 further states that it is the intent of the Legislature to balance the need for level of service standards for traffic with the need to build infill housing and mixed-use commercial developments within walking distance of mass transit facilities, downtowns, and town centers.

Project construction is anticipated to occur over a 48-month period beginning in July 2026. Construction would include a maximum of approximately 16 temporary construction workers per day. This analysis assumes that construction personnel would not carpool and would generate three trips per worker per day and thus would generate a total of 48 average daily trips during construction. The analysis also assumes that truck trips would occur throughout the typical workday and outside of the typical commute peak hours and it is estimated that approximately 530 one-way truck trips (224 haul and 326 delivery) would occur over the 48-month construction period. Construction activities associated with the proposed project would not result in long-term increases in vehicular trips along roadways in and around the project area because construction would be temporary and intermittent in nature. In addition, the VMT of construction personnel is not newly generated; instead, it is redistributed throughout the regional roadway network based on the different work sites to which workers travel each day. Therefore, construction personnel are not substantially generating new VMT each day, only redistributing it, and this redistribution would be nominal and temporary.

Based on the legislative intent of SB 743, which focuses on long-term VMT reductions through land use planning and smart growth, the temporary and limited generation of VMT from the proposed project's construction is not expected to substantially increase VMT in the region such that it could contribute to long-term adverse environmental effects from increases in greenhouse gas and criteria pollutant emissions, or hinder the promotion of multimodal transportation systems or implementation of clean, efficient access to destinations. Therefore, construction of the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b) regarding VMT. For these reasons, construction activity associated with the proposed project is not expected to significantly increase VMT in the region. Construction-related impacts would be less than significant.

### Operation

Implementation of the proposed project would modernize the wharf and marina through improved waterside facilities to allow for continued operation of commercial fishing. Under existing conditions, a maximum of approximately 70 employees are onsite at any one time, which consists of approximately 37 employees to support commercial fishing-related operations and approximately 33 employees support non-commercial fishing uses. Employees that work at the project site are not all employed by the project proponent of the Demolition Component. No new employees would be required for proposed operations compared to recent past and existing operations. Therefore, the proposed project would not change the number of employees that access the site daily. Similarly, the number of visitors, deliveries, or other services to the site is not anticipated to increase. Therefore, operation of the proposed project would not increase or affect daily VMT.

## Level of Significance Prior to Mitigation

The proposed project would not conflict or be inconsistent with State CEQA Guidelines Section 15064.3(b). Impacts would be less than significant.

## Mitigation Measures

No mitigation is required.

## Secondary Effects of Mitigation Measures

Based on the incorporation of **MM-WQ-1** (see Section 3.7, *Hydrology and Water Quality,* of this EIR), it is reasonably foreseeable that sediment remediation may be a potential condition issued by the Regional Water Quality Control Board (RWQCB) through the CWA Section 401 water quality certification, the coordination of which is addressed in **MM-WQ-1**. For analysis purposes, it is assumed sediment remediation could occur over an approximately 12-month period during waterside demolition and a portion of waterside construction.

It is anticipated that up to five on-site construction workers per day would be needed for sediment remediation activities. This analysis assumes that construction workers associated with sediment remediation would not carpool and would generate three trips per worker per day; thus, the five additional construction workers would generate a total of 15 average daily trips during construction. During waterside demolition and the first phase of waterside construction, when construction activities and sediment remediation would potentially occur concurrently, construction workers could generate up to 63 trips per day (i.e., 48 trips generated by construction workers and 15 trips generated by sediment remediation workers, assuming three trips per each worker per day). Trips associated with sediment remediation would be temporary. In addition, because construction personnel travel on the regional roadway network to access various construction sites, and because the project site is in proximity to a major population center (e.g., City of San Diego), construction personnel would not generate a substantial number of trips over existing conditions.

For this analysis, it is assumed that truck trips associated with sediment remediation would include approximately 618 trucks to haul dredged wet materials using a 20-ton capacity truck and 588 trucks for sand delivery using a 14 CY truck capacity) assuming two one-way trips per truck. As stated earlier in this analysis, the construction worker VMT is not newly generated; instead, it is redistributed throughout the regional roadway network based on the different work sites workers travel to each day. Therefore, construction personnel are not generating substantially new VMT each day and construction activity associated with sediment remediation is not expected to significantly increase VMT in the region. Therefore, sediment remediation-related construction worker VMT would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b) regarding VMT. Impacts associated with potential sediment remediation that may occur as a consequence of implementing **MM-WQ-1** would be less than significant.

## Level of Significance After Mitigation

As indicated above, the proposed project would not conflict or be inconsistent with State CEQA Guidelines Section 15064.3(b). This impact would be less than significant.

## *Result in an Insufficient Parking Supply that Would Lead to a Decrease in Public Coastal Access?*

## Discussion

### Construction

As detailed in Chapter 2, *Environmental Setting and Project Description*, a maximum of approximately 16 construction workers would be onsite during construction activities. This analysis assumes that all construction workers would arrive at the project site as single occupants of personal vehicles; and therefore, the parking demand associated with construction activity would be a maximum of 16 spaces. During landside demolition, the construction staging area would be located within the 36 parking spaces adjacent to Building E. Once the demolition of Building E is completed, construction staging would move to the newly cleared area for the remainder of construction.

There are currently 194 parking spaces within the project site and a maximum of 70 on-site employees. Even with the maximum 70 employees once fully operational, it is only anticipated that a fraction of these employees would be onsite concurrently during construction. To evaluate potential impacts to parking supply, this analysis conservatively assumes that each of the 70 employees would drive to the site as single occupants of personal vehicles. Under this assumption, there would be a surplus of 124 parking spaces (i.e., 194 parking spaces – 70 employee parking spaces). Although the number of available parking spaces would be reduced to 88 parking spaces during the demolition of Building E, when construction staging would occupy 36 parking spaces, an excess of available parking would remain. Therefore, there would be sufficient parking supply to serve

employees, visitors, delivery trucks, and the 16 construction personnel during proposed project construction. Consistency with the California Coastal Act, as it relates to public coastal access during construction is further discussed in Table 3.8-1 of Section 3.8, *Land Use and Planning*. Thus, construction activities would not result in an insufficient parking supply that would lead to a decrease in public coastal access.

### Operation

Consistency with the California Coastal Act, as it relates to public coastal access during operation is further discussed in Table 3.8-1 of Section 3.8, *Land Use and Planning*. Operation of the proposed project is not anticipated to result in any additional employees or any increase in operations compared to existing operations. Therefore, the number of daily personnel accessing the commercial fishing facilities is expected to remain the same and no additional parking demand is anticipated. For these reasons, operation of the proposed project would not result in an insufficient parking supply that would lead to a decrease in public coastal access.

## Level of Significance Prior to Mitigation

The proposed project would not result in an insufficient parking supply that would lead to a decrease in public coastal access. Impacts would be less than significant.

## Mitigation Measures

No mitigation is required.

## Secondary Effects of Mitigation Measures

As discussed under Threshold 2, it is assumed that **MM-WQ-1** (see Section 3.7, *Hydrology and Water Quality*, of this EIR) may result in the need for remediation over an approximately 12-month period. Any sediment remediation could overlap with all waterside demolition activities as well as the first phase of waterside construction. During construction activities, construction worker parking would be located onsite on surface lots. In addition to the 16 temporary construction workers needed for project construction, sediment remediation would potentially require up to five temporary construction workers per day. Thus, a maximum of 21 construction workers would potentially be accessing the site daily. Assuming each construction personnel would not carpool, the anticipated parking demand during construction activities would be a maximum of 21 spaces, which can be accommodated on site during construction activities. Thus, construction activities associated with sediment remediation would not result in an insufficient parking supply that would lead to a decrease in public coastal access. Parking related impacts associated with potential sediment remediation that may occur as a consequence of implementing **MM-WQ-1** would be less than significant.

## Level of Significance After Mitigation

The proposed project would not result in an insufficient parking supply that would lead to a decrease in public coastal access. Impacts would be less than significant.

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Chapter 4
# Cumulative Impacts

## 4.1 Overview

Pursuant to Section 15130 of the State CEQA Guidelines, an EIR must discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable. As defined in Section 15355, a cumulative impact consists of an impact that is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. Cumulatively considerable means that the incremental effects of an individual project are significant when viewed in connection with the effects of past, current projects, and probable future projects.

This chapter considers the cumulative effects of past, present, and probable future projects and the proposed project's contribution to these effects. Past projects are defined as those that were completed since issuance of the NOP and are now operational. Present projects are defined as those that are under construction but not yet operational. Probable future 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 (NOP) for this EIR was issued (December 19, 2024).

With the incorporation of mitigation measures, the proposed project would result in less than cumulatively considerable contributions to impacts from past, present, and reasonably foreseeable future projects for the following resources.

- Biological Resources
- Hydrology and Water Quality

Aside from mitigation identified in Chapter 3, *Environmental Analysis*, and which is summarized below, no additional mitigation is required to address a cumulatively considerable impact. The proposed project's contribution to all other cumulative impacts would not be cumulatively considerable.

## 4.2 Cumulative Impact Analysis Methodology

According to Section 15130(b) of the State CEQA Guidelines, cumulative impact analysis may be conducted using one of two methods: the List Method, which includes "a list of past, present, and probable activities producing related or cumulative impacts"; or the Plan Method, which uses "a summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect." The cumulative analysis of near-term conditions for all issue areas uses the List Method.

The process of analyzing cumulative impacts first involves understanding the context of the cumulative conditions for each resource area. This involves determining the area of effect, or study area, within which past, present, and probable future projects, along with the proposed project, have the potential to contribute to cumulative impacts. Generally, the geographic scope of the area affected by cumulative effects varies according to the issue area. The study area for each issue area is described further under the respective resource headings. An analysis of the significance of the cumulative effect from past, present, and probable projects is conducted, which may be a qualitative analysis, or a deduction may be made based on relevant environmental documentation and

studies. In the event a cumulative effect is identified, the proposed project's incremental contribution to that cumulative effect must be analyzed. The project's individual impacts are assessed in the context of the cumulative impacts from past, present, and probable future projects to determine if the project impacts are "cumulatively considerable" based on the project's magnitude of contribution to the cumulative context or baseline. If it is determined that the proposed project's contribution to the significant cumulative effect is considerable, the project's contribution would be considered significant, and mitigation would be imposed.

## 4.2.1 Cumulative Projects List

The District has identified 20 cumulative projects for this analysis. The projects identified in the proposed project's cumulative study area have had applications that have been submitted or have been approved, are under construction, or have been completed since publication of the NOP.[1] The cumulative projects identified in the study area are listed in Table 4-1.

**Table 4-1. Past, Present, and Probable Cumulative Projects**

| Project # | Name | Location | Description | Status |
|---|---|---|---|---|
| 1 | Harbor Island West Marina Redevelopment | 2040 Harbor Island Drive, San Diego, CA 92101 | Involves demolition of 23,000 square feet of existing building and construction of 15,000 square feet of new office, deli, and retail, as well as reconfiguration of an existing marina. The project would construct a new 12-foot-wide public promenade and reduce the number of boat slips from 620 to 603. | Project entitled. Construction is in progress. |
| 2 | Lockheed Martin Harbor Island Facilities Demolition and Sediment Remediation Project | 1160 Harbor Island Drive, San Diego, CA 92101 | Involves demolition of 5,500 square feet of building and removal of a pier and trolley rail. | Final EIR certified December 2020. Landside component complete. Waterside component on hold. |
| 3 | East Harbor Island Redevelopment/Topgolf Redevelopment Project | Generally bound to the north by North Harbor Drive and the San Diego International Airport, to the west by Harbor Island Drive, to the south by Liberator Way and the East Basin portion of San Diego Bay, and to the east by the Convair Lagoon portion of San Diego Bay. | Involves redeveloping portions of East Harbor Island. Project components include a Port Master Plan Amendment, demolition and removal of existing structures and improvements, and realignment of Liberator Way, the redevelopment of approximately 10 acres for the Topgolf entertainment complex, public realm improvements, and future redevelopment of adjacent parcels. The existing San Diego Harbor Police headquarters located on the western side of East Harbor Island would remain in place. | Foreseeable project, not entitled. A Draft EIR is being prepared. |
| 4 | Maritime Museum Redevelopment Project | 1492 North Harbor Drive, San Diego CA 92101 | Involves the removal of existing floating docks and installation of new floating barges to reconfigure the dock area and mooring locations of vessel exhibits; construction of a new pile-supported pier; development and operation of a new entry building on the pier; improvements to the Embarcadero consistent with the North Embarcadero Visionary Plan; lease area extension; and a Port Master Plan Amendment (PMPA), if necessary. | Foreseeable project, not entitled. An Initial Study/Environmental Checklist is being prepared. |

[1] Note, projects that were considered complete and operational at the time the NOP was circulated are considered part of the baseline condition for the environmental setting.

| Project # | Name | Location | Description | Status |
|---|---|---|---|---|
| 5 | B Street Pier Maintenance Dredging | B Street Pier, 1140 North Harbor Drive, San Diego CA 92101 | Includes maintenance/knockdown dredging of an estimated 34,000 cubic yards of material to address scour pits and high spots from ongoing cruise ship operations. | Entitled. Construction anticipated to occur in Spring of 2026. |
| 6 | Cold Ironing Phase 2 at B Street and Broadway Pier | B Street Pier and Broadway Pier, 1140 and 1000 North Harbor Drive, San Diego CA 92101 | Infrastructure components to provide shore power to existing terminal operations at the B Street and Broadway Piers (three berths) to reduce air pollutant emissions and greenhouse gas emissions while cruise ships are berthed. Initially, shore power will be available to one ship at a time; in subsequent years, two ships will be able to use shore power at the same time. | Completed. |
| 7 | Central Embarcadero Redevelopment | Generally south of the USS Midway Museum and Harbor Drive, west of the Manchester Grand Hyatt and Kettner Boulevard, and north and east of San Diego Bay, San Diego, CA 92101 | Includes redevelopment of approximately 35 acres of land and 36 acres of water. Project design is conceptual at this time, but currently includes an observation tower, boat slips, an aquarium, public park space, hotels, retail, office space, an educational center, and parking. | Foreseeable project, not entitled. The Draft EIR is being prepared. |
| 8 | Bayside Performance Park Enhancement Project | Embarcadero Marina Park South (EMPS), San Diego, CA 92101 | Involves the replacement and enhancement of structures in EMPS and new facilities including the Bayside Performance Park, a new performance and event venue to hold up to 10,000 attendees and various other park improvements. | EIR certified on January 9, 2018. Construction completed. |
| 9 | Tenth Avenue Marine Terminal Redevelopment Plan and Demolition and Initial Rail Component Project | 686 Switzer Street, San Diego, CA 92101 | Program- and project-level EIR analysis. The program component looks at Maximum Practical Capacity of three distinct cargo nodes (e.g., Refrigerated Container, Neo-bulk/Break Bulk, Dry Bulk) to the horizon year of 2035. Long-term infrastructure investments may include up to five gantry cranes, additional and consolidated dry bulk storage capacity, enhancements to the existing conveyor system, demolition of molasses tanks and Warehouse C, additional open storage space, and on-dock intermodal rail facilities. Project-level improvements completed involved demolition of two transit sheds, installation of a small gear-shack with restrooms and outdoor storage space, and on terminal rail upgrades. Project improvements do not involve any in-water work; all program- and project-level improvements would be landside. | Rail component project complete. Removal of molasses tank complete. Zucarmex application submitted and being processed. |
| 10 | BAE Systems Waterfront Improvement Project | 2205 E Belt Street, San Diego, CA 92113 | Involves the maintenance, repair, and replacement project for waterfront infrastructure associated with mooring and operational facilities on approximately 35.9 acres within the BAE Systems San Diego Ship Repair Yard. | Final EIR certified February 2022. |

| Project # | Name | Location | Description | Status |
|---|---|---|---|---|
| 11 | NASSCO Floating Dry Dock Replacement and Waterfront Improvement Project | 2798 East Harbor Drive, San Diego, CA 92113 | Involves the repair, maintenance, and replacement of the following existing in-water facilities used for repair of military and other vessels: removal and replacement of the existing floating dry dock and supporting infrastructure, improvements to the repair complex wharf, repairs to the quay wall and revetments, and as-needed structural repair or replacement of selected piles. There would be no increase in operational capacity at the project site following completion of the proposed project. | Final EIR certified by Board of Port Commissioners in September 2023. |
| 12 | Pier 8 Replacement Naval Base San Diego | Pier 8 at Naval Base San Diego, National City, CA 91950 | Demolition of the inadequate existing Pier 8, construction of a replacement Pier 8, and provision of associated pier utilities. The purpose of the proposed action is to address the current and impending shortfall at Naval Base San Diego of pier infrastructure necessary to support modern Navy ship classes with deep-draft and power-intensive requirements. | Under construction. |
| 13 | National City Bayfront Projects and Plan Amendments | Generally north of Sweetwater Channel, south of Civic Center Drive, east of National City Marine Terminal, and west of Paradise Marsh and Interstate 5, National City, CA 91950 | Includes several landside and waterside improvements, including a recreational vehicle park, modular cabins, dry boat storage, hotels, an expanded marina, a rail connector track and storage track, road closures, Segment 5 of the Bayshore Bikeway, restaurants, and retail development. The project also includes corresponding amendments to the District's Port Master Plan and the City of National City's General Plan, Local Coastal Program, Harbor District Specific Area Plan, Land Use Code, and Bicycle Master Plan. | Final EIR certified by Board of Port Commissioners in November 2022. The PMPA is currently being processed with the Coastal Commission for certification. |
| 14 | Marine Group Boat Works Modernization Project | 997 G Street Chula Vista, CA 91910 | Involves the construction of a new offset sheet pile bulkhead, maintenance dredging to restore the boat basin, replacement and reconfiguration of all old docks and piles. Removal of 25- and 100-ton travel lift piers and replacement with a 100-ton pier parallel to the 660-ton pier, installation of an underwater sheet pile cutoff wall along the northeast corner of the yard, removal of the existing launching ramp along the western bulkhead, and removal of one panel section from the existing northern concrete breakwater wall at the approach channel. | Foreseeable project, not entitled. A Mitigated Negative Declaration is being prepared. |

| Project # | Name | Location | Description | Status |
|---|---|---|---|---|
| 15 | Port Master Plan Update (PMPU) | Throughout District tidelands | Comprehensive update of the existing Port Master Plan that provides the official goals and planning policies, as well as water and land and uses, for development and conservation of the District lands, tidelands, and submerged lands that comprise the PMPU area. Potential future development under the PMPU could include the following: 3,910 new hotel rooms; 162,000 square feet (sf) of new meeting space; 340,000 sf of new restaurant/retail; 180,000 sf of convention space; 75 new anchorages (moorings); 65 new commercial fishing slips; and 485 new recreational boat slips. | The PEIR was certified and Final Draft PMPU was approved by the District in February 2024. Currently under review by the California Coastal Commission. |
| 16 | Shellfish and Seaweed Aquaculture Program (SSAP) | Throughout District tidelands | The District is proposing the Shellfish and Seaweed Aquaculture Program (SSAP) to support and facilitate the development of shellfish and seaweed aquaculture in and around San Diego Bay. The SSAP provides a framework for the District to guide and approve future shellfish and seaweed aquaculture activities through the program. The SSAP is a proposed set of policies, procedures and best practices that the District would apply when considering specific aquaculture projects at in-water and land-based locations. | Foreseeable project, in planning phase. |
| 17 | Trust Lands Use Plan | Throughout District tidelands | Sets a comprehensive vision for the District's management of approximately 8,000 acres of tidelands and submerged lands granted under Senate Bill 507 (SB 507 – Atkins 2019) and as chaptered in Section 5.7 to the San Diego Unified Port District Act (Port Act). | The MND was adopted and Final Draft TLUP was approved by the District in December 2025. Currently under review by the California Coastal Commission. |
| 18 | San Diego International Airport Terminal 1 Expansion | San Diego International Airport, San Diego, CA 92101 | Demolition of the existing 19 gate Terminal 1 building, solid waste facility, and roadways. Involves construction of a new Terminal 1 building with 30 gates, an approximately 5,500 space parking structure, on-airport circulation roads, multiuse pedestrian and bicycle path, stormwater improvements, waste facility, and landscaping. Involves relocation of the taxi and shuttle lot. | Construction in progress. Phase 1 is operational. |
| 19 | Sheraton San Diego Hotel & Marina Grand Ballroom Expansion | 1380 Harbor Island Drive, San Diego, CA 92101 | Demolition of existing event tent structure and construction of a new, approximately 71,706 square foot, 46-foot tall, tri-level facility. Includes three new viewing decks, pre-function space wrapping the ballroom, support and back of house space, additional small conference rooms, lobby access, new restrooms, a widened promenade, expanded pedestrian access, improved vehicular access, and an event lawn. | Foreseeable project, not entitled. |
| 20 | Sportfishing Waterside Redevelopment | H&M Landing, Sportfishing Landing, and Point Loma Sportfishing, San Diego, CA, 92106 | Involves the demolition of the existing docks and slips for three Tenants in the America's Cup Harbor Basin. Following demolition, prefabricated docks will be installed with similar configurations to better support sportfishing operations. | Foreseeable project, not entitled. |

Source: Compiled by Ascent in 2025.

# 4.3 Cumulative Impact Analysis

The discussion below evaluates the potential for the proposed project to contribute to a cumulative adverse impact on the environment. For each resource area, an introductory statement is made regarding what would constitute a significant cumulative impact for a particular resource area.

The analysis that follows considers two separate impacts: (1) the significance of the cumulative effect from past, present, and probable projects; and (2) in the event a significant cumulative effect is identified, the proposed project's incremental contribution to that cumulative effect.

According to Section 15130 (a)(1) of the State CEQA Guidelines, an EIR should not discuss impacts that do not result in part from the project evaluated in the EIR. Based on the analysis provided in the Initial Study/Environmental Checklist (Appendix C of this ~~Draft~~ Final EIR), it was determined that the proposed project would result in less than significant or no impacts to aesthetics, agriculture and forestry resources, geology and soils, mineral resources, population and housing, public services, recreation, utilities and service systems, or wildfire. Consequently, the proposed project would not have the potential to contribute to cumulative impacts related to these resources, and they are not discussed in the cumulative impact analysis below. Therefore, the cumulative analysis that follows addresses the incremental contribution of the proposed project to cumulative impacts associated with air quality, biological resources, cultural and tribal cultural resources, energy, greenhouse gas emissions and climate change, hazards and hazardous materials, hydrology and water quality, land use and planning, noise and vibration, and transportation.

## 4.3.1 Air Quality

Potential cumulative air quality impacts would result when cumulative projects' emissions would combine to degrade air quality conditions below attainment levels for the San Diego Air Basin (SDAB), delay attainment of air quality standards, affect sensitive receptors, or subject surrounding areas to objectionable odors. The District has not established quantitative thresholds to determine whether a project's incremental contribution to emissions would be cumulatively considerable. The San Diego Air Pollution Control District (SDAPCD) does not provide specific quantitative thresholds for determining the significance of air quality impacts under CEQA. However, the SDAPCD specifies Air Quality Impact Analysis (AQIA) trigger levels for new or modified stationary sources in SDAPCD Rules 20.2 and 20.3. Additionally, the County of San Diego has established quantitative screening-level thresholds (SLTs) to assist lead agencies in determining the significance of project-level and cumulative air quality impacts within the county , which are based on the SDAPCD Rules 20.1 and 20.3, and are used for the analysis of impacts related to emissions for proposed project construction and operations evaluated within the context of past, present, and probable future projects. Cumulatively considerable air quality impacts during the construction phase would occur if a project has a significant direct impact on air quality with regard to emissions of $PM_{10}$, $PM_{2.5}$, $NO_X$, and/or VOCs (i.e., an exceedance of values indicated in Table 3.1-4). In addition, in the event that direct impacts from a project are less than significant, a project may still make a cumulatively considerable contribution to a cumulative impact on air quality if the emissions of concern from the project, in combination with the emissions of concern from other probable future projects within the proximity relevant to the pollutants of concern, are in excess of direct air quality impact thresholds.

Cumulatively considerable air quality impacts during the operational component of a project occur if a project has a significant direct impact on air quality with regard to emissions of $PM_{10}$, $PM_{2.5}$, $NO_X$, and/or VOCs (i.e., an exceedance of values indicated in Table 3.1-4), if a project does not conform to relevant air quality plans, if a project would generate pollution concentrations that would exceed health-based National Ambient Air Quality Standards (NAAQS) or California Ambient Air Quality Standards (CAAQS), or if a project would result in a significant direct impact on health risk by resulting in incremental health risk greater than cancer or non-cancer health risk thresholds.

The County's SLTs are utilized for the analysis of the impacts of construction and operations of proposed project. The substantial evidence for using the County's SLTs for this project is contained within Section 3.1, *Air Quality*, under Section 3.1.4.2, *Thresholds of Significance*, of this ~~Draft~~ Final EIR.

### 4.3.1.1 Geographic Scope

The SDAB, which covers 4,260 square miles of Southern California and is contiguous with San Diego County, represents the cumulative geographic scope for air quality impacts related to consistency with air quality plans and air quality threshold levels. Plans and thresholds are established at the air basin–wide level to attain air quality standards that are assigned for the entire air basin, which in this case is the entire County. Cumulative impacts on sensitive receptors and odors are considered at a more localized level due to the more limited area of dispersion and include the surrounding neighborhoods and areas close to the source of the emission and odor sources, respectively. Localized air quality conditions are influenced by a variety of sources, and guidance from several lead agencies, including the Bay Area Air Quality Management District (2022) and CARB (2005), recommend analyzing the effects of emissions from sources within 1,000 feet of proposed new emission sources or proposed new receptor locations.

### 4.3.1.2 Cumulative Effects from Past, Present, and Probable Future Projects

Development within the SDAB has involved the emissions of ozone precursors (reactive organic gases [ROG] or volatile organic compounds [VOC] and nitrogen oxides [$NO_X$]), particulate matter 10 microns or less in diameter ($PM_{10}$), and particulate matter 2.5 microns or less in diameter ($PM_{2.5}$), resulting in severe nonattainment status for 8-hour ozone under NAAQS and nonattainment status for ozone, $PM_{10}$, and $PM_{2.5}$ under CAAQS. Therefore, the emissions of concern within the SDAB are ozone precursors (ROG and $NO_X$), $PM_{10}$, and $PM_{2.5}$.

The cumulative effects of past, present, and probable future projects, such as those listed in Table 4-1, could result in continued nonattainment status. The probable future projects within 1,000 feet of the proposed project that could contribute cumulative impacts on localized air quality conditions generally include the following: Harbor Island West Marina Redevelopment (Cumulative Project #1), Lockheed Martin Harbor Island Facilities Demolition and Sediment Remediation Project (Cumulative Project #2), East Harbor Island Redevelopment/Topgolf Redevelopment Project (Cumulative Project #3), and Sportfishing Waterside Redevelopment (Cumulative Project #20). Construction of one or more of these projects would potentially overlap with the construction of the proposed project, which is scheduled to occur through August 2028. Because past and present projects have resulted in the current nonattainment status for ozone (ROG and $NO_X$), $PM_{10}$, and $PM_{2.5}$, and probable future projects would continue to contribute to the nonattainment status and potentially affect sensitive receptors, impacts related to the contribution of nonattainment pollutants (ozone precursors, $PM_{10}$, and $PM_{2.5}$) and the exposure of sensitive receptors to substantial pollutant concentrations would be considered cumulatively significant.

### 4.3.1.3 Project Contribution to Significant Cumulative Effects

As discussed under Section III of the Initial Study/Environmental Checklist (Appendix C of the ~~Draft~~ Final EIR), the project does not propose any new land uses and is therefore deemed consistent with the most recent Regional Air Quality Strategy (RAQS) and State Implementation Plan (SIP), which are designed to bring the SDAB into attainment status for state and federal ozone standards. Therefore, although there is a cumulative impact from past, present, and probable future projects resulting in nonattainment status for some criteria pollutants in the air basin, the proposed project's incremental contribution to cumulative air emissions would not conflict with progress toward attainment of the air quality standards described in the RAQS and SIP.

As discussed under Threshold 2 of Section 3.1 and shown in Table 3.1-5, construction of the proposed project would contribute emissions that would be below thresholds for all pollutants during construction. Should remediation be needed as coordinated through implementation of **MM-WQ-1** and **MM-HAZ-12**, additional

emissions may be generated. However, even with this addition, emissions from construction and remediation would still be below thresholds for all pollutants during construction and the project's contribution to cumulative significant impacts related to air quality would not be cumulatively considerable. As discussed in Section 3.1, thresholds are designed to be health-protective and are thus both project level and cumulative in nature. Accordingly, while the effects from past, present, and probable future projects are considered cumulatively significant, the proposed project's incremental contribution from construction emissions would be less than cumulatively considerable.

Additionally, the project would not change the nature of existing operations at the project site or expand operations, and thus, the proposed project would not result in any increase in operational-related emissions. As with the construction phase, the effects from past, present, and probable future projects are considered cumulatively significant. However, the proposed project's incremental contribution from operational emissions would not result in a net increase in nonattainment pollutants because the project would not result in any increase in emissions from existing operations and, therefore, would not exceed thresholds that are designed to assess both project level and cumulative effects. Consequently, the proposed project's incremental contribution to cumulative air quality impacts during its operational stage would be less than cumulatively considerable.

As discussed under Section III of the Initial Study/Environmental Checklist (Appendix C of the ~~Draft~~ Final EIR), neither construction nor operation of the proposed project would expose sensitive receptor locations to substantial toxic air contaminant concentrations. Similarly, additional traffic created by construction of the proposed project would not result in carbon monoxide concentrations in excess of the NAAQS or CAAQS. Odors emitted during construction and operation would likewise not result in nuisance odors that would violate the SDAPCD Rule. Accordingly, while the effects from past, present, and probable future projects are considered cumulatively significant, the proposed project's incremental contribution to cumulative health risks and odor emissions would be less than cumulatively considerable.

#### 4.3.1.4 Cumulative Impact Determination and Mitigation

The proposed project's incremental contribution to cumulative air quality impacts would not be cumulatively considerable and would be less than significant. No cumulative impact specific mitigation is required.

## 4.3.2 Biological Resources

A significant cumulative impact on biological resources would occur if the proposed project would contribute to cumulatively considerable impacts related to sensitive plant or wildlife species, sensitive habitat/natural communities, federal and state protected wetlands, wildlife movement corridors, or conflicts with applicable local policies or ordinances or applicable adopted habitat conservation plans or natural community conservation plans.

### 4.3.2.1 Geographic Scope

The geographic area for cumulative terrestrial biological resources impacts to which the proposed project may contribute includes all habitats adjacent to, or otherwise linked to, San Diego Bay. The geographic area for cumulative marine biological resources impacts includes San Diego Bay in its entirety. Past, present, and probable future plans and programs that could contribute to cumulative impacts on terrestrial and aquatic biological resources include those listed in Table 4-1 that would allow for waterfront development projects with grading, paving, landscaping, road, and building construction on undeveloped land or otherwise with habitat present, as well as redevelopment projects, and in-water development. Marine organisms could be directly affected by construction and/or operation activities in or along the water, including dredging, filling, and wharf demolition/construction. Untreated runoff from construction or operation activities on land into harbor waters via storm drains or sheet runoff also has the potential to contribute to cumulative impacts.

### 4.3.2.2 Cumulative Effects from Past, Present, and Probable Future Projects

Existing development has changed the land in and around San Diego Bay and the surrounding area, from a natural and undeveloped setting to a highly urbanized setting with military, residential, commercial, industrial, and recreational uses. The areas surrounding San Diego Bay continue to see an increase in urban density and intensity from recent past and present projects, and probable future projects are expected to continue the area's urbanization. The vast majority of habitat that once existed along the bayfront, particularly in the northern and central portions of the Bay, is no longer present. However, there are still areas in the southern portion of the Bay that contain wetlands and sensitive habitat including Sweetwater River, Otay River, Chula Vista Wildlife Reserve, and South San Diego Bay National Wildlife Refuge.

Past, present, and probable future development projects associated with the plans and programs identified in Table 4-1, have included and continue to include development at or near the waterfront that has cumulatively contributed to direct and indirect impacts to sensitive biological resources including special-status species, sensitive natural communities, state or federally protected wetlands, and wildlife movement corridors. Present and future cumulative projects would be required to be consistent with the City of San Diego's Multiple Species Conservation Program Subarea Plan (if within the City's jurisdiction) or the Port of San Diego's and US Navy's Integrated Natural Resources Management Plan (if within the District's jurisdiction), which identify important sensitive species and habitats in San Diego and San Diego Bay, respectively. Moreover, present and future projects also would comply with requirements of the Federal and State Endangered Species Act, Migratory Bird Treaty Act (MBTA), and Marine Mammal Protection Act (MMPA), which contains regulations for the take of any listed species, migratory birds and raptors, and marine mammals, and would require that present and future projects avoid and/or mitigate potential impacts on any nesting birds.

In addition, present and probable future projects have the potential to further degrade water quality within San Diego Bay as well as existing marine habitat. However, specific regulations are in place that would minimize continued degradation of water quality and existing marine habitat in San Diego Bay. These include the Clean Water Act (CWA) regulations that require compliance with water quality standards, including state and local water quality regulations, and the District's Jurisdictional Runoff Management Program (JRMP) and *BMP Design Manual* (for projects within the District's jurisdiction) and City of San Diego's Storm Water Management and Discharge Control Ordinance, which identifies water quality best management practices (BMP) requirements (for projects within the City's jurisdiction). Under these regulations, projects over 1 acre in size are required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the NPDES Construction General Permit, while projects smaller than 1 acre are still required to comply with the City of San Diego's water quality regulations and the District's JRMP, depending on the jurisdiction within which the project would be located. The SWPPPs would identify short-term, project-specific BMPs for each project to minimize pollutants and/or sediments traveling via runoff, and long-term BMPs would be implemented based on the required Water Quality Control Plans using a combination of Site Design BMPs, Source Control BMPs, and Treatment Control BMPs. Implementation of both construction and operational BMPs would minimize harm to marine habitat from stormwater runoff.

Furthermore, construction of present and probable future projects that involve in-water work, such as pile driving, have the potential to cause hydroacoustic impacts on marine mammals, fish, and reptiles (i.e., green sea turtle), as well as airborne impacts to marine mammal species that haul out of the water (i.e., seals and sea lions). However, all present and probable future projects would be required to mitigate for these impacts, which could include measures such as surveying for the presence of marine special-status species and monitoring programs to reduce potential impacts during in-water construction.

Marinas, piers, and other structures currently exist throughout San Diego Bay. Past, present, and probable future projects have increased, and are likely to continue to increase, the overwater coverage throughout the Bay that could impact marine habitat for fish foraging species and could reduce eelgrass habitat. However, all present and future projects would be required to mitigate for these impacts which could entail the implementation of mitigation measures based on an approved mitigation ratio.

Nevertheless, given the historical loss of sensitive habitat and species that once existed throughout San Diego Bay, cumulative biological resource impacts from past, present, and probable future development projects within the cumulative study area are considered significant.

#### 4.3.2.3 Project Contribution to Significant Cumulative Effects

The project is situated in a highly urbanized area on and adjacent to the San Diego Bay. The terrestrial portion of the project site is completely developed and contains no natural habitat or natural vegetation. As discussed in Section 3.2, *Biological Resources*, project construction could generate airborne and underwater noise, increase turbidity within the Bay, and inadvertently introduce pollutants such as fuel, oil, and/or other industrial and mechanical fluids into waters that could negatively impact special-status wildlife species if present within the project area. In addition, increased turbidity, pollutant introduction, and overwater shading during construction and operation of the project could negatively impact eelgrass habitat. When combined with the effects of past, present, and probable future projects, the project's contribution to significant cumulative impacts on biological resources would be cumulatively considerable (**Impact-C-BIO-1**).

As discussed in Section 3.2, *Biological Resources*, the project would implement BMPs as required by regulations and any permit conditions imposed by the US Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and any other regulatory agencies. The project would also be consistent with the certified Port Master Plan, the BPC-approved Port Master Plan Update, San Diego Unified Port District Code, and the San Diego Bay Integrated Natural Resources Management Plan. In addition, the project would implement **MM-BIO-1** through **MM-BIO-6**, **MM-HAZ-1** through **MM-HAZ-12**, **MM-WQ-1**, and **MM-WQ-2**. Should remediation be needed as a result of coordination with the RWQCB that is identified under **MM-WQ-1** and **MM-HAZ-12**, potentially significant impacts related to turbidity, loss of eelgrass habitat, the potential addition of fill or dredging activities from any such remediation activities would be mitigated to less than significant by implementing **MM-BIO-5** and **MM-BIO-6**. Therefore, because all potential biological resource related impacts would be mitigated to less than significant and no long-term impacts would remain, including from any reasonably foreseeable remediation requirements, implementation of these mitigation measures would reduce the project's contribution to cumulative impacts on sensitive biological resources to less than cumulatively considerable.

#### 4.3.2.4 Cumulative Impact Determination and Mitigation

The proposed project's incremental contribution to cumulative biological resources impacts would be cumulatively considerable prior to mitigation (**Impact-C-BIO-1**).

However, no additional cumulative-specific mitigation would be required. Rather, the project would be required to implement **MM-BIO-1** through **MM-BIO-6**, **MM-HAZ-1** through **MM-HAZ-12**, and **MM-WQ-1** and **MM-WQ-2**.

With mitigation incorporated, the project's cumulative contribution would be less than cumulatively considerable because it would not result in significant adverse effects on special-status species, sensitive natural communities, state and federally protected wetlands, or wildlife movement, as discussed in Section 3.2. Therefore, the proposed project's contribution to cumulative impacts related to biological resources would not be cumulatively considerable and no additional mitigation measures specific to cumulative impacts would be required.

### 4.3.3 Cultural Resources

A significant cumulative impact on cultural resources would result if, when considered within the context of past, present, and probable future projects, the future, site-specific projects were to: cause or contribute to impacts that would result in a substantial adverse change in the significance of a historical or archaeological resource; disturb any human remains; or cause a substantial adverse change in the significance of a tribal cultural resource.

### 4.3.3.1 Geographic Scope

The geographic scope for cumulative impacts associated with cultural resources and TCRs is the general area surrounding San Diego Bay. Projects on land that have the potential to modify and/or demolish structures potentially eligible for the CRHR have the potential to contribute to cumulative impacts on historical architectural resources. Projects involving ground disturbance of natural sediments or anthropogenic fill have the potential to contribute to cumulative impacts on archaeological resources, TCRs, or human remains.

### 4.3.3.2 Cumulative Effects from Past, Present, and Probable Future Projects

Present and probable future projects within the cumulative study area could encounter historical resources, unique archaeological resources, TCRs, and human remains during construction activities. However, cultural resources and TCRs would be identified, evaluated and treated according to Federal, State, and local regulations during project development. For projects having the potential to significantly impact NRHP or CRHR cultural resources, mitigation measures carried out prior to and during construction would be required to reduce potential impacts. These projects, like the future, site-specific projects, are required to comply with all Federal, State, and local policies regarding cultural resources and TCRs, as described in Section 3.4, which would reduce potential loss of cultural resources and TCRs.

While individual projects mitigate the loss of historical resources through avoidance, preservation in place, archival documentation, salvage, interpretive programs, or alteration in accordance with SOI standards, the cumulative effect is a continued decrease in the number and variety of historical resources in the region. Therefore, the potential effect of cumulative projects on historical resources would be cumulatively significant.

For archaeological resources and TCRs, previous historical urban development without proper professional assessment and systematic collection of data, prior to the enactment of Federal, State, and local laws and regulations, has resulted in the loss of potentially significant scientific and cultural data. More recent development has been carried out under Federal, State, and local regulations, with mitigation of significant impacts on such resources. However, because archaeological resources, including archaeological historical resources and unique archaeological resources, and TCRs are non-renewable resources, the direct and indirect impacts of past, present, and future projects are cumulatively significant.

For human remains, existing laws and regulations—such as State CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and PRC 5097.98—require past and present projects to treat human remains in a manner consistent with the proper protocol and treatments to minimize the disturbance of human remains and to appropriately treat any remains that are discovered. Probable future projects would be required to comply with these regulations. Implementation of these protocols and treatments would reduce the impacts of inadvertent discoveries of human remains to a less-than-significant level. Therefore, the potential effect of cumulative projects on human remains would not be cumulatively significant.

### 4.3.3.3 Project Contribution to Significant Cumulative Effects

No known unique archaeological or tribal cultural resources are located within the boundaries of the project site. Additionally, a portion of the project site is underwater and the land portion is composed of fill materials, which makes the potential for the presence of intact buried archaeological deposits very low. As described in Section 3.4, the project impact on archaeological resources is less than significant. Nonetheless, the project area is sensitive for tribal cultural resources because there were no laws related to protecting tribal resources when the existing uses in the surrounding area were built and project-related earth-disturbing activities could damage undiscovered tribal cultural resources. While statements were made related to the overall tribal cultural sensitivity of the general area, no resources that meet the definition of tribal cultural resources under PRC 21074 were identified from AB 52 consultation, and the SCIC records search did not reveal any documented indigenous materials, including any meeting the requirements of PRCs 5020.1(k) or 5024.1 within the project site. The project site is fully developed, underlain with fill, and is unlikely to contain precontact material that could qualify as a tribal cultural resource.

Therefore, impacts on tribal cultural resources as a result of the project would be less than significant. Although impacts would be less than significant, the District acknowledges the general concern expressed by the Campo Band of Mission Indians and the tribe's request for landside monitoring. Landside project-related ground-disturbing activities, which would be limited to ground disturbance associated with the installation of electrical upgrades and any grading associated with final site work related to the Building E demolition, would include **CONDITION-TCR-1**, which requires monitoring by tribal representatives during landside ground disturbance. No mitigation measures are required. However, a project condition is required to address the general concern raised by the Campo Band of Mission Indians and to respect the tribes request for landside ground disturbance monitoring. Therefore, the proposed project's contribution will be less than cumulatively considerable and the proposed project's contribution to a significant cumulative impact related to historical, archaeological, or tribal cultural resources would not be cumulatively considerable.

#### 4.3.3.4 Cumulative Impact Determination and Mitigation

The proposed project's incremental contribution to cumulative cultural resource impacts would be less than cumulatively considerable. No cumulative impact specific mitigation is required.

## 4.3.4 Energy

There would be the potential for a cumulatively considerable energy use–related impact if the project would contribute to a cumulatively significant impact related to the wasteful, inefficient, and unnecessary usage of energy, either directly or indirectly.

#### 4.3.4.1 Geographic Scope

The geographic area considered for cumulative impacts related to energy use includes the service area for San Diego Gas & Electric (SDG&E). SDG&E has a diverse power production portfolio, composed of a variety of renewable and non-renewable sources. Several other currently planned and approved projects identified in Table 4.1 would receive gas and electricity services from SDG&E. These projects would also consume energy related to transportation (i.e., gasoline and diesel consumption for passenger vehicles, trucks, buses, and other vehicles) and construction. These projects would be required to implement energy efficiency measures in accordance with Part 6 of the Title 24 California Building Code (California Energy Code) to reduce energy demand from buildings. There is no evidence to suggest that implementation of the project would result in a significant cumulative energy impact related to the wasteful or inefficient use of energy.

#### 4.3.4.2 Cumulative Effects from Past, Present, and Probable Future Projects

A cumulative energy consumption impact would occur if development associated with projects identified in Table 4-1 or within the geographic scope of the cumulative impact analysis for energy use combined with the proposed project would increase energy consumption throughout the region. The cumulative projects listed in Table 4-1 would result in the redevelopment of urbanized sites that are currently served by SDG&E, and the development of the cumulative projects would not result in an expansion of SDG&E's service area. However, the cumulative projects would result in increases in energy demand compared to existing conditions, especially for those projects on an undeveloped or underdeveloped site that would result in new energy demand. As required by the California Public Utilities Commission (CPUC), California utilities, including SDG&E, are required to file long-term energy resources plans with the CPUC. The cumulative projects would be required to comply with the Title 24 energy efficiency standards, which promote energy efficiency and reduce inefficient, wasteful, and unnecessary consumption of energy, as well as any other City-specific requirements. However, it is possible that present and reasonably foreseeable future projects would not comply with all programs and policies designed to reduce energy demand. Therefore, impacts from past, present, and reasonably foreseeable future projects would be cumulatively significant.

#### 4.3.4.3 Project Contribution to Significant Cumulative Effects

As discussed under Threshold 1 of Section 3.4 *Energy*, implementation of the proposed project would not result in the wasteful, inefficient, and unnecessary consumption of energy, nor would project construction or operation conflict with or obstruct any applicable renewable energy or energy efficiency plans. As such, the proposed project's contribution to cumulative impacts on energy would not be cumulatively considerable.

#### 4.3.4.4 Cumulative Impact Determination and Mitigation

The proposed project's incremental contribution to cumulative impacts related to energy would be less than cumulatively considerable. No cumulative impact specific mitigation is required.

### 4.3.5 Greenhouse Gas Emissions and Climate Change

There would be the potential for a cumulatively considerable greenhouse gas (GHG)-related impact if the project would generate GHG emissions that, directly or indirectly, may have a significant effect on the environment or be inconsistent with the District's Climate Action Plan (CAP), as well as regulatory programs and GHG emissions reduction planning efforts outlined by the California Air Resources Board (CARB) in the 2022 Scoping Plan.

#### 4.3.5.1 Geographic Scope

The geographic scope for cumulative GHG emission impacts is global. Climate change is the result of cumulative global emissions, so no single project, when taken in isolation, can cause climate change—a single project's emissions are insufficient to change the radiative balance of the atmosphere. GHGs are emitted by innumerable sources worldwide, and therefore, cumulative GHG emissions that contribute to global climate change will have a significant cumulative impact on the natural environment as well as on human development and activity. The global increase in GHG emissions that has occurred and will occur in the future is the result of the actions and choices of individuals, businesses, local governments, states, and nations. The GHG analysis within Section 3.5, *Greenhouse Gas Emissions and Climate Change*, is inherently a cumulative analysis. However, a summary of the discussion is provided below.

#### 4.3.5.2 Cumulative Effects from Past, Present, and Probable Future Projects

Past, present, and probable future projects throughout the region, state, nation, and world, including, but not limited to those projects listed in Table 4-1, have contributed to, and will continue to contribute to, the cumulative impacts of GHG emissions. As with the proposed project, all the projects in Table 4-1, along with all other projects within the county, region, and state, would be required to comply with all applicable federal, state, and local policies and regulations regarding GHG emission reductions (e.g., Senate Bill 32, the Scoping Plan). However, changes from past, present, and probable future projects have contributed to, and will continue to contribute to, a cumulatively significant GHG impact in the project vicinity.

#### 4.3.5.3 Project Contribution to Significant Cumulative Effects

As discussed under Threshold 1 of Section 3.5, *Greenhouse Gas Emissions and Climate Change*, the proposed project would contribute GHG emissions to the cumulative condition. However, construction of the proposed project would not generate GHG emissions in a quantity, either directly or indirectly, that would be considered a significant impact on the environment. As shown in Table 3.5-5 in Section 3.5, equipment and vehicles used during construction (e.g., on-road motor vehicles and off-road land and water equipment) would result in a net increase in GHG emissions over existing conditions. Once constructed, operation of the project site would not change (e.g., no expansion or greater activity) and would not result in an increase in operational GHG emissions compared to existing conditions. Should remediation be needed as coordinated through implementation of **MM-WQ-1**, additional GHG emissions may be generated. However, even with this addition, cumulative impact would

be less than significant. Additionally, as discussed under Threshold 2 of Section 3.5, the proposed project would be consistent with GHG reduction goals and efficiency requirements of the District's CAP, as well as statewide planning efforts, and would not result in a permanent increase in GHG emissions. As such, the proposed project's contribution to cumulative impacts on GHG would not be cumulatively considerable.

### 4.3.5.4 Cumulative Impact Determination and Mitigation

The proposed project's incremental contribution to cumulative impacts related to GHG emissions would be less than cumulatively considerable. No mitigation specific to a cumulative GHG impact is required.

## 4.3.6 Hazards and Hazardous Materials

A significant cumulative impact on hazards and hazardous materials would occur if the project results in a cumulatively considerable contribution to impacts related to (1) creating a significant hazard to the public through the transport, use, or disposal of hazardous materials; (2) creating a significant hazard through foreseeable upset and accident conditions involving the release of hazardous materials; (3) emitting hazardous emissions or handling hazardous materials within 0.25 miles of a school or proposed school; (4) resulting in a significant hazardous impact from being located on a site included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5; (5) resulting in a safety hazard or excessive noise for residents or employees related to airport proximity (6) impairing implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan; or (7) exposing people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

As described in Section 5.3.6 of this ~~Draft~~ Final EIR, the project would result in no impact or a less than significant impact for the following issues: create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. Therefore, there would be no potential for the project to result in a cumulatively considerable contribution to these issues.

### 4.3.6.1 Geographic Scope

The geographic scope for cumulative hazards and hazardous materials impacts are the areas within and around the project site that have the potential to be affected by other cumulative projects, where the effects from two or more cumulative projects could combine and result in a greater cumulative impact. The project site includes the landside portion and waterside portion of the existing wharf. Although the project does not include grading and excavation on the landside portion of the project site, construction activities may nevertheless encounter contaminated soils related to historic use and the demolition of the hazardous materials shed. Therefore, the geographic scope for hazardous materials consists of the landside area within 0.5-mile radius of the project site and waterside area within and immediately adjacent to the America's Cup Harbor Basin. The only project within this area is Cumulative Project #20, which is the Sportfishing Waterside Redevelopment, consisting of H&M Landing, Sportfishing Landing, and Point Loma Sportfishing.

### 4.3.6.2 Cumulative Effects from Past, Present, and Probable Future Projects

As discussed in Section 3.6, *Hazards and Hazardous Materials*, EnviroStor and GeoTracker record searches indicate that there are multiple sites within a 0.5-mile radius of the project site that are listed on a hazardous

materials site compiled pursuant to Government Code 65962.5 and may involve the handling of hazardous materials. None of the projects listed in Table 4-1 are included on any of the sites within 0.5-mile of the project site. Therefore, none of the cumulative projects listed would combine with other cumulative projects to result in a cumulative impact and impacts associated with landside hazards and hazardous materials would not cumulatively significant.

Regarding waterside cumulative effects, as stated in the Phase I ESA and Limited Phase II ESA, the Bay has a history of water and sediment contamination; however, the only cumulative project listed in Table 4-1 within 0.5-mile of the project site is Cumulative Project #20, which is the Sportfishing Waterside Redevelopment. Cumulative Project #20 is not an entitled project, but is considered a reasonably foreseeable future project. In-water disturbance associated with this cumulative project would need to determine if a potentially significant impact could result from exacerbating the existing sediment condition (if contamination is present). Given the regulatory process (i.e., RWQCB's permitting authority under the CWA) and District's requirement (as CEQA lead agency) to require mitigation if the potential to disturb contaminated sediments would result in a significant hazardous impact, it is unlikely that Cumulative Project #20 would result in significant and unavoidable impacts related to sediment issues. Therefore, the cumulative effect related to the potential release of hazardous materials into the environment (including from the disturbance of sites listed pursuant to Government Code Section 65962.5) from past, present, and probable future projects within the cumulative study area would not be significant.

#### 4.3.6.3 Project Contribution to Significant Cumulative Effects

As discussed in Threshold 2 in Section 3.6, *Hazards and Hazardous Materials*, construction of the project would potentially create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (**Impact-HAZ-1** through **Impact-HAZ-3**).

Mitigation measures **MM-HAZ-1** through **MM-HAZ-12** would be implemented, which include procedures for prevention and containment of accidental leaks and spills, routine inspection and instrumentation of equipment, worker training, and visual hazardous materials monitoring. Compliance with regulations and implementation of measures **MM-HAZ-1** through **MM-HAZ-12** would reduce impacts to less than significant. Further, as a condition of approval of any CDP issued by the District, the project would be required to obtain all necessary permits and approvals from resource agencies, including the CWA Section 404 and the Rivers and Harbors Act Section 10 permits from the USACE and the CWA Section 401 Water Quality Certification from the RWQCB.

As discussed above, cumulative effects of past, present, and reasonably foreseeable future projects identified in Table 4-1 are not cumulatively significant. As such, the proposed project would have not have the potential to result in a cumulatively considerable contribution.

#### 4.3.6.4 Cumulative Impact Determination and Mitigation

The proposed project's incremental contribution to cumulative impacts related to hazards and hazardous materials would not be cumulatively considerable because a significant cumulative impact from past, present, and reasonably foreseeable projects is not present. No cumulative impact specific mitigation is required.

### 4.3.7 Hydrology and Water Quality

A significant cumulative impact on hydrology and water quality would occur if the proposed project were to contribute to cumulative impacts related to: (1) violating any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality, (2) substantially altering the existing drainage pattern of the site or area, including through alteration of the course of a stream or river or through the addition of impervious surfaces, or (3) conflicting with or obstructing implementation of a water

quality control plan or sustainable groundwater management plan. These are evaluated within the context of past, present, and probable future projects identified in Table 4-1.

As discussed in Chapter 5, *Additional Consequences of Project Implementation*, the proposed project is not anticipated to result in any adverse impacts related to depletion of groundwater supplies or interference with recharge; alterations to drainage patterns leading to erosion or siltation; substantial increase in the rate or amount of surface runoff in a manner which would result in flooding on-site or off-site; exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; and/or risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. As such, cumulative impacts related to these issues are not evaluated further.

### 4.3.7.1 Geographic Scope

The geographic scope of analysis for cumulative impacts on hydrology and water quality includes the receiving waters of the San Diego Bay, which includes a number of the cumulative projects listed in Table 4-1. Given the project site is located on the downstream end of the watershed, the project site's cumulative contributions would be limited to the Bay waters.

### 4.3.7.2 Cumulative Effects from Past, Present, and Probable Future Projects

The San Diego Bay is present on the CWA Section 303(d) List of Water Quality Limited Segments Requiring Total Maximum Daily Loads. The entire San Diego Bay is a listed impaired water body for polychlorinated biphenyls (PCBs), polynuclear aromatic hydrocarbons (PAHs), and mercury. Portions of the Bay shoreline are listed as impaired for benthic community effects, sediment toxicity, heavy metals, PAHs, and PCBs. This is primarily due to historic uses of the Bay and the surrounding area, as well as current uses. Past, present and probable future projects listed in Table 4-1 could involve activities that could exacerbate existing impacts on the water quality of the Bay, including disturbing contaminated sediment that is released into the water column. Present and probable future projects could also contribute pollutants such as oil and grease, suspended solids, metals, gasoline, pesticides, and pathogens into the stormwater conveyance system and receiving waters during construction and operation.

In addition, past, present, and probable future projects, such as those identified in Table 4-1, would be subject to Clean Water Act regulations that require compliance with water quality standards, including state and local water quality regulations and the District's JRMP and *BMP Design Manual* (for projects within the District's jurisdiction) and the City of San Diego's Storm Water Management and Discharge Control Ordinance, which identifies water quality BMP requirements (for projects within the City's jurisdiction). For projects in the City, the Storm Water Management and Discharge Control Ordinance requires implementation of measures to reduce the risk of non-stormwater discharges and pollutant discharges through the use of BMPs. Projects affecting waters of the US would also need to comply with CWA Section 404 and 401 regulations, requiring implementation of additional BMPs to protect water quality during construction.

Additionally, landside projects identified in Table 4-1 that would involve at least 1 acre of ground disturbance during construction would be required to comply with the NPDES Construction General Permit, which requires preparation of a SWPPP by a Qualified SWPPP Developer and implementation of BMPs by a Qualified SWPPP Practitioner to ensure runoff from individual projects meet current water quality standards. For landside projects under 1 acre, the Municipal Permit requires minimum BMPs for all construction and grading projects. The District's Stormwater Management and Discharge Control Ordinance (i.e., Article 10) and the JRMP (Chapter 5) would also require BMPs for cumulative projects identified in Table 4-1 within the District's jurisdiction. The implementation of BMPs for all construction sites is required to ensure a reduction of potential pollutants from the project sites to the maximum extent practicable and to effectively prohibit non-stormwater discharges from construction sites to the Municipal Separate Storm Sewer System or directly to the San Diego Bay. Although the San Diego Bay is currently an impaired water body and has been for some time, the BMP requirements for past, present, and probable future projects identified in Table 4-1 on water quality would reduce the individual

effects from each of the cumulative projects; however, because it is uncertain if water quality conditions would improve or worsen if all cumulative projects listed in Table 4-1 are developed, it is conservatively determined that cumulative water quality impacts would be significant.

#### 4.3.7.3 Project Contribution to Significant Cumulative Effects

As discussed in Section 3.7, *Hydrology and Water Quality*, the project includes landside and in-water activities that would have the potential to affect water quality. Approximately 0.4 acres of the landside portion of the project site would be disturbed as a result of the proposed Demolition Component and utility trenching related to the Waterside Redevelopment Component. This would include the demolition of Building E and the underlying concrete pad from the former storage shed. In addition to the 0.4-acre landside portion of the project site, there could be surface disturbance up to approximately 900 linear feet of riprap and at Piers 4-8 (specifically, in the context of this landside analysis, with respect to the potential application of a SWPPP, "land" includes the area of the landside portion of the project site, and could include the existing piers). In total, it is estimated that a total of up to approximately three acres of surface disturbance could occur. Therefore, because more than one acre of surface area could be disturbed, the project may be subject to the SWRCB's Construction General Permit, which would require preparation and implementation of a SWPPP by a Qualified SWPPP Developer. If the RWQCB determines a Construction General Permit is required, the SWPPP would identify what construction BMPs would be implemented in order to protect stormwater runoff and include a monitoring plan for measuring BMP effectiveness. BMPs are required to be inspected regularly by a Qualified SWPPP Practitioner to ensure BMPs are performing as anticipated. At a minimum, BMPs would include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The construction SWPPP would specify properly designed, centralized storage areas that keep these materials away from rain and associated runoff.

Additionally, project construction during the Demolition Component and the Waterside Redevelopment Component would also be subject to compliance with the District's Stormwater Management and Discharge Control Ordinance (i.e., Article 10) and the JRMP (Chapter 5). As stated in District Code Article 10 (Section 10.06), construction activities must meet the applicable requirements of this Article and the JRMP. This includes, but is not limited to, compliance with all prohibition requirements and minimum BMPs specified in the JRMP for construction activities. Those facilities and activities subject to the Construction General Permit must install, implement and maintain any additional BMPs required by that permit and meet documentation, permit registration, and permit close-out requirements of that permit. Following the demolition of Building E and the underlying concrete pad from the former storage shed, and onsite trenching for utilities, it is anticipated that approximately 25 cubic yards of soil would be removed from the site via truck. The onsite stockpiling and subsequent loading of this soil for transport would also be subject to the applicable BMP requirements of the Construction General Permit, Article 10, and JRMP.

Pursuant to the District Code Article 10 and JRMP, post-construction BMPs are required for all projects falling under the Municipal Permit. Post-construction BMPs are a subset of BMPs that include structural and nonstructural controls that detain, retain, filter, or educate to prevent the release of pollutants to surface waters during operation. Adherence to the District Code and JRMP would minimize the introduction of materials to the Bay during landside construction and operational activities, including use of methods to contain debris for subsequent and appropriate disposal. No components of the proposed project would have the potential to adversely affect groundwater quality. Groundwater at the project site is saline from saltwater intrusion and is not used as a groundwater supply source. With the use of the on-site stormwater diversion system and implementation of appropriate BMPs, landside project construction and operation would not result in a cumulatively considerable impact related to violating water quality standards and wastewater discharge requirements, or conflicting with or obstructing implementation of a water quality control plan.

In addition, during landside project construction, the temporary presence of construction-related equipment would not represent a permanent change to the floodplain and would not impede or redirect flood flows. Existing riprap would be removed where necessary during pile installation and reinstalled once pile installation is complete. Replacement riprap would be installed in the same location and thus would not represent a change from existing conditions. Additionally, trenching to a depth of four inches would occur for the installation of utilities at the proposed new piers. Given the shallow depth of trenching, the temporary change in drainage patterns would be minimal and would not impede or redirect flood flows. Once complete, the utility trenches would be backfilled and paved. These activities would not result in permanent changes to the floodplain or impede or redirect flood flows. The project is in the northwestern portion of San Diego Bay, and there are no streams or rivers in the vicinity of the project site that could be altered by project construction or operation. A stormwater capture system would be used to collect and divert stormwater for subsequent discharge. Therefore, flood flows would not be impeded or redirected. Consequently, landside project construction and operation would not result in a cumulatively considerable impact related to impeding or redirecting flood flows.

The project includes the Demolition Component and the Waterside Redevelopment Component, both of which would involve in-water construction and disturbance to the bay floor. Pile removal and installation have the potential to disturb and suspend Bay sediments, which can impact water quality by increasing turbidity and potentially lowering levels of dissolved oxygen and hydrogen ion concentrations (PH), increasing concentrations of suspended solids, and possibly releasing sediment contaminants and nutrients into the water column. When combined with the effects of past, present, and probable future projects, the project's contribution to significant cumulative water quality impacts would be cumulatively considerable (**Impact-C-WQ-1**).

As discussed in Section 3.7, the in-water construction activities proposed by the project are subject to the regulatory jurisdiction and permitting requirements of the USACE and the RWQCB. The proposed project would be required to obtain and comply with a CWA Section 404 Permit from USACE for in-water project activities that would result in dredge/fill in the San Diego Bay (a Water of the United States). The project also would require a Rivers and Harbor Act Section 10 Permit from USACE for project elements that involve the addition of new and/or replacement structures in or over San Diego Bay waters. In addition, the project would require a Section 401 Water Quality Certification from the RWQCB for project activities permitted under the CWA Section 404 Permit and Rivers and Harbor Act Section 10 Permit. Finally, the RWQCB may also require preparation of a SWPPP.

In addition to these regulatory requirements specified by the USACE and RWQCB, the implementation of **MM-WQ-1** during construction for the Demolition Component and the Waterside Redevelopment Component would be required to reduce the potential significance of **Impact-C-WQ-1**. **MM-WQ-1** would require the development and implementation of a turbidity monitoring plan to the satisfaction of the District and the San Diego RWQCB. During pile installation, pile removal, and aquatic demolition/construction activities that could disturb bottom sediments, turbidity monitoring would be required up- and down-current of the silt curtain to ensure that turbidity does not exceed the water quality objectives established in the turbidity monitoring plan in consultation with the RWCQB. If turbidity levels down-current of the silt curtain exceed the performance standard, construction activities would be modified, reduced, or halted until the performance standard is achieved. The implementation of **MM-WQ-2** would also require the implementation of water quality BMPs during construction for the Demolition Component and the Waterside Redevelopment Component, including the deployment of silt curtains around demolition and pile installation/removal areas to minimize turbidity identified in **Impact-C-WQ-1**. Silt curtains would limit the spread of sediments outside of specific work areas and would be installed following specific BMP procedures. While internal jetting should be avoided if possible, internal jetting may be used for the installation of guide piles, and would be subject to any limitations as determined by the RWQCB during the Section 401 permitting process, including water flow rate, jet nozzle velocity, duration, and other requirements. With mitigation, suspended solids and low DO in the water column at the specific work area would only be expected to result in temporary and limited effects on water quality. Therefore, with the implementation of **MM-WQ-1** and **MM-WQ-2**, **Impact-C-WQ-1** would be reduced to less than cumulatively considerable.

As discussed in Section 3.7, in-water and over-water work associated with the Demolition Component and Waterside Redevelopment Component could also introduce demolition debris to the Bay waters, while the use of hazardous materials during construction, including fuels and lubricants, would potentially result in accidental spills from work vessels or platforms. These activities could directly affect water quality in the waters adjacent to the project site, which, when combined with the effects of past, present, and probable future projects, would be a cumulatively considerable impact (**Impact-C-WQ-2**). Although the probability of an accidental spill is low, **MM-WQ-2** would require the implementation of BMPs during in-water construction activities, and the implementation of the District's Standard BMPs (District Code Section 10.06) and Construction BMPs (JRMP Chapter 5) would further minimize the probability of a spill and ensure hazardous materials and debris are contained on site until subsequent and appropriate disposal. Therefore, with implementation of **MM-WQ-2** and District's Standard BMPs (District Code Section 10.06) and Construction BMPs (JRMP Chapter 5), **Impact-C-WQ-2** would be reduced to less than cumulatively considerable.

The project does not propose any change in the nature of operations or an increase in operations at the project site, and any operational activities such as routine vessel cleaning would continue to occur in accordance with the District's In-Water Hull Cleaning Regulations (District Ordinance No. 2681), consistent with existing conditions. Therefore, project operations would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

As such, with the implementation of mitigation measures, the project's contribution to significant cumulative effects related to water quality would not be cumulatively considerable because the project would not worsen water quality in the San Diego Bay.

#### 4.3.7.4 Cumulative Impact Determination and Mitigation

The proposed project's incremental contribution to cumulative water quality impacts would be cumulatively considerable prior to mitigation (**Impact-C-WQ-1** and **Impact-C-WQ-2**).

However, no additional cumulative impact specific mitigation would be required. Rather, the project would be required to obtain a CWA Section 404 Permit and a Rivers and Harbors Act Section 10 Permit from the USACE and a CWA Section 401 Water Quality Certification from the RWQCB as well as implement **MM-WQ-1** and **MM-WQ-2,** as discussed in Section 3.7, *Hydrology and Water Quality.*

With mitigation incorporated, the project's contribution would be less than cumulatively considerable because it would not worsen water quality in the San Diego Bay. Therefore, the proposed project's contribution to cumulative impacts related to hydrology and water quality would not be cumulatively considerable and no additional mitigation measures specific to cumulative impacts would be required.

## 4.3.8 Land Use and Planning

A significant cumulative impact related to land use and planning would occur if the project, in combination with past, present, and probable future projects, would result in significant physical impacts to the environment due to conflicts with an applicable land use plan or would physically divide an established community. As discussed in Chapter 5, *Additional Consequences of Project Implementation*, the project would have no impact related to the potential of dividing an established community; therefore, cumulative impacts related to this issue are not evaluated further.

### 4.3.8.1 Geographic Scope

The geographic scope for evaluating cumulative land use and planning impacts includes land and water areas subject to the certified PMP and PMPU as well as the projects identified in Table 4-1.

### 4.3.8.2 Cumulative Effects from Past, Present, and Probable Future Projects

The cumulative study area for land use and planning is characterized as an urbanized city developed with various land uses demarcated by parcel boundaries and roadways. Past, present, and probable future projects within the cumulative study area, as identified in Table 4-1, consist primarily of waterfront commercial and industrial development (e.g., Harbor Island West Marina Redevelopment [#1], and Lockheed Martin Harbor Island Facilities Demolition and Sediment Remediation Project [#2]), all of which are proposed on developed parcels either under the District's jurisdiction or the City of San Diego's jurisdiction.

Development within the surrounding area has been subject to local regulations governing land use decisions and has resulted in the development of a mixture of commercial and industrial uses along and adjacent to the waterfront. The District's certified PMP, as amended, has been certified by the California Coastal Commission (CCC), and all past development projects within District boundaries (since the PMPs original adoption in 1981) have been approved pursuant to the adopted and certified PMP, ensuring review and general conformity with the California Coastal Act. Since adoption and certification of the current PMP, there have been cases where PMP amendments were required to implement various development projects. However, these amendments have undergone environmental review and District approval, and have been certified by the CCC, when required. As a result, land use and planning impacts from past projects have not been cumulatively significant.

In addition, construction and operation associated with recent past and present projects in the cumulative study area for land use and planning have been required to demonstrate consistency with the certified PMP (which is used to calculate projections in the SIP and RAQS). Similarly, future projects on District Tidelands would be required to demonstrate consistency with either the currently certified PMP or the PMPU once certified by the CCC.

Consequently, there are no present or probable future development projects within the cumulative geographic scope for land use and planning that would result in a land use inconsistency that could result in unavoidable significant environmental impact. Therefore, when the effects of the past, present, and probable future projects identified in Table 4-1 are combined, the cumulative effects would not be significant.

### 4.3.8.3 Project Contribution to Significant Cumulative Effects

As discussed in Section 3.8, *Land Use and Planning*, the project would not result in any changes in existing water or land uses on the project site and thus would not require an amendment to the certified PMP. Rather, the project would result in onsite improvements that would ensure the continued use of the project site as a commercial fishing wharf. The project proponents would be required to obtain all necessary approvals from agencies governing land use of the project site, including USACE, RWQCB, and the District.

As discussed in Section 3.8, *Land Use and Planning*, the project would be consistent with all applicable plans, goals, objectives, and policies adopted for the purpose of avoiding or mitigating an environmental effect. In addition, compliance with the requirements of the CWA Section 404 and the Rivers and Harbors Act Section 10 permits obtained from the USACE, and the CWA Section 401 water quality certification obtained from the RWQCB, also would reduce potential impacts.

Due to continued updates to sea level rise science and guidance, and the uncertainty in future projections, **CONDITION-LU-1** is also included to require ongoing monitoring of the project components that are projected to be inundated under the 2070 Intermediate-High scenario, in conjunction with the Ocean Protection Council's regular sea level rise projection updates (i.e., every 5 years) and identify appropriate adaptation strategies.

Therefore, the project's contribution to cumulative effects related to land use and planning, when combined with past, present, and probable future projects, which are not considered cumulatively significant, would not be cumulatively considerable.

### 4.3.8.4 Cumulative Impact Determination and Mitigation

The impact analysis under Section 4.3.8.2 determined that there is no significant cumulative land use and planning impact present. In addition, as discussed in Section 3.8, *Land Use and Planning,* project-level land use and planning impacts would be considered less than significant. Therefore, the project would not make a cumulatively considerable contribution to a significant cumulative land use and planning impact.

## 4.3.9 Noise and Vibration

A significant cumulative impact on noise and vibration would occur if the project were to result in a cumulatively considerable contribution to impacts related to exceedances of noise standards, groundborne vibration, or ambient noise levels when evaluated within the context of past, present, and probable future projects.

As discussed in Section 3.9, *Noise and Vibration*, implementation of the proposed project would not result in impacts related to operational noise or vibration. Therefore, the proposed project would have no potential to result in cumulative impacts related to these issues, and therefore, they are not discussed further.

### 4.3.9.1 Geographic Scope

Noise and vibration impacts are generally experienced locally and are not cumulative in nature, with the exception of noise sources that have regional effects (e.g., roadway noise, airplane noise, transportation noise). Project-generated construction noise and vibration and stationary noise would be limited to the project site and nearest sensitive receptors, due to decreasing noise perception with increasing distance from the source. Increases in vehicle traffic could contribute to cumulative traffic noise along roadways in the City.

### 4.3.9.2 Cumulative Effects from Past, Present, and Probable Future Projects

Very few of the cumulative projects listed in Table 4-1 are within the cumulative study area for noise impacts. The distance to the other projects, along with the shielding provided by intervening buildings, would substantially reduce construction noise from these projects so that they would not generate any cumulative impacts in the immediate vicinity of the project site. Most of the nearby related projects are already constructed, and, as such, their construction activity could not overlap with that of the proposed project.

The remaining project within the geographical scope for analysis is the Port Master Plan Update (#15), which is a planning document that could result in water and land use designation changes within the District's jurisdiction in the project area. However, the PMPU has not yet been certified by the CCC, does not involve the approval of any development project, and no specific related projects have been identified as of the preparation of this EIR. Therefore, it would be highly speculative to assume any specific construction activities or schedules for unknown future development occurring under the PMPU. As a result, there would be no significant cumulative noise or vibration impacts.

In terms of operational noise, the cumulative projects within the geographic scope of the cumulative analysis consist primarily of maintenance, improvement, and replacement projects for existing facilities used for commercial and recreational fishing, which are current activities in the project area and its surroundings. As a result, operational noise and vibration levels from these projects would be similar in character and level to the existing noise conditions and would not be expected to cause significant changes in the existing environment. Therefore, cumulative effects from past, present, and probable future projects would not be cumulatively significant.

### 4.3.9.3 Project Contribution to Significant Cumulative Effects

As discussed in Threshold 1 of Section 3.9, *Noise and Vibration*, the project would not exceed applicable construction or stationary noise standards at any nearby sensitive receptors. Similarly, as discussed in Threshold 2 of Section 3.9, *Noise and Vibration*, the project would not result in the generation of excessive

groundborne vibration or groundborne noise levels with implementation of **MM-NOI-1**. Future development anticipated within 0.5 miles of the project where construction could occur simultaneously includes the Harbor Island West Marina Redevelopment (#1) and the Sportfishing Waterside Redevelopment (#20).

Considering that project construction noise would not generate excessive noise beyond 318 feet, the project's construction noise would not combine with noise from adjacent anticipated development project. Vibration generated by impact pile driving could exceed the threshold for structural damage within 52 feet of impact pile driving activity. Buildings A through D, located directly on the project would be located approximately 25 feet from the nearest proposed pile driving locations. As such, construction excessive vibration generated by impact pile driving associated with the Waterside Redevelopment Component could exceed the threshold for structural damage within 52 feet of impact pile driving activity (**Impact NOI-1**). Although construction-related vibration would not generate excessive vibration levels that may cause structural damage or human annoyance at a distance greater than 52 feet or 282 feet, respectively. However, implementation of **MM-NOI-1,** would ensure that groundborne vibration generating construction activities (i.e. pile-driving) would reduce potential damage to nearby structures by avoiding the potential structural damage threshold distances (i.e. 52 feet) or replaced with alternative techniques. Where avoidance or alternative techniques are not feasible, the requirement of preconstruction documentation of existing building conditions within 52 feet of pile driving activities, review and refinement of impact distances by a licensed structural or geotechnical engineer, vibration monitoring during construction (if determined necessary by the District), preparation of vibration monitoring reports, and repair of any construction-related damage, including post-repair verification to confirm restoration to pre-construction conditions. Therefore, potential damage to nearby structures associated with groundborne vibration generating construction activities (i.e. pile-driving) would be reduced to a less than significant level. As such, the project would not combine with vibrations from other nearby development projects, as they are located farther than 282 feet from proposed construction locations. Furthermore, as noted above, a cumulatively significant noise and vibration impact does not exist, and the proposed project would not result in an impact such that a cumulatively significant impact would be created. The proposed project's contribution to noise and vibration impacts would not be cumulatively considerable.

### 4.3.9.4 Cumulative Impact Determination and Mitigation

The impact analysis under Section 4.3.9.2 determined that there is no significant cumulative noise and vibration impact present. In addition, as discussed in Section 3.9, *Noise and Vibration*, project-related noise impacts would be considered less than significant with mitigation. Therefore, the project would not make a cumulatively considerable contribution to a significant cumulative impact.

## 4.3.10 Transportation

A significant cumulative impact related to transportation would occur if the project, in combination with past, present, and probable future projects, would conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b); or result in an insufficient parking supply that would lead to a decrease in public coastal access.

As discussed in Section 3.10, *Transportation*, implementation of the proposed project would not result in impacts related to transportation hazards or emergency access. Therefore, the proposed project would have no potential to result in cumulative impacts related to these issues, and therefore, they are not discussed further.

### 4.3.10.1 Geographic Scope

The geographic scope for the analysis of cumulative impacts related to VMT includes the San Diego region to account for the broader, regional impact of VMT and to ensure a comprehensive understanding of how the

proposed project would contribute to environmental impacts within the interconnected transportation network. By nature, VMT is inherently a cumulative issue, as it is not likely that any single project would be large enough to prevent the region or state from meeting its VMT reduction targets, which correlate to the State's greenhouse gas emissions reduction targets. Rather, a project's individual VMT contributes to cumulative VMT impacts.

Cumulative impacts on transportation, circulation, and parking could also occur if the proposed project, when combined with past, present, and reasonably foreseeable projects, would conflict with applicable programs, plans, ordinances, or policies addressing the circulation system, including transit roadway, bicycle, and pedestrian facilities. A cumulative parking impact could occur when these cumulative projects combine with the proposed project to result in an insufficient parking supply that would reduce public coastal access.

### 4.3.10.2 Cumulative Effects from Past, Present, and Probable Future Projects

Cumulative effects on the circulation system, including transit, roadway, pedestrian, and bicycle facilities could occur if past, present, and probable future projects would conflict with a program, plan, ordinance, or policy addressing these facilities. Past projects identified in Table 4-1 would have been required to demonstrate consistency with any program, plan, ordinance, or policy addressing the circulation system. Probable future projects, such as National City Bayfront Projects and Plan Amendments (Cumulative Project #13), would include implementation of Segment 5 of the Bayshore Bikeway, which is a bicycle facility identified in applicable plans, including the San Diego Regional Bike Plan and National City Bicycle Master Plan. Other present and probable future projects within the cumulative study area would be required to demonstrate no conflict with programs, plans, ordinances, and policies related to transit, roadway, pedestrian, and bicycle facilities. Therefore, cumulative effects from past, present, and probable future projects would not be significant.

The generation of VMT, which is a function of the number and distance of vehicle trips, is largely a cumulative impact by nature. VMT from past, present, and probable future projects have contributed to, and will continue to contribute to, cumulative VMT impacts as well as similarly cumulative secondary physical environmental effects such as increased GHG emissions. SANDAG's 2050 Regional Average for VMT includes past and present cumulative projects that were either constructed, in progress, or in the planning phases when each regional transportation model is completed. As such, while these projects have been accounted for in the 2050 Regional Average VMT calculations, some present as well as probable future projects have not.

Cumulative present and probable future projects would be required to comply with SB 743 during project-specific environmental review. However, although compliance is required, it is not guaranteed that each present and probable future project would be able to achieve a 15 percent reduction (or other applicable thresholds used by the relevant Lead Agency) below regional average VMT. Mitigation may reduce VMT for a project, but still may not reduce potential impacts to a less-than-significant level. Projects that cannot reach the VMT reduction goal of 15 percent below the regional average would contribute to increased VMT in the region, which would contribute to the prevention of the state and region reaching the established GHG reduction targets. Therefore, past, present, and probable future projects in the region could result in a cumulatively significant VMT impact.

Due to the commercial setting of the project area, and the nature of most of the nearby cumulative projects as redevelopment projects, none of the past, present, or probable projects listed in Table 4-1 include components that would result in inadequate parking within the cumulative study area such that public access to the District Tidelands would be reduced or otherwise made more difficult. Therefore, cumulative effects from past, present, and probable future projects would not be significant.

### 4.3.10.3 Project Contribution to Significant Cumulative Effects

As noted above, there is not a significant cumulative effect related to inconsistencies with programs, plans, ordinances, and policies addressing the circulation system, including transit, roadway, pedestrian, and bicycle facilities; or inadequate parking supply. Cumulative projects would be subject to individual environmental analysis

and would be required to comply with federal, State, and local requirements related to transit, bicycle, and pedestrian facilities. Thus, the cumulative effects from past, present, and reasonably foreseeable projects would not be significant. The proposed project would not generate increased demand for transit, bicycle, or pedestrian facilities as it would not introduce new or expanded land uses or require new employees. In addition, the proposed project would not require the permanent modification of the surrounding roadway network and thus would not adversely affect any existing or planned bicycle, pedestrian, or transit facilities in the vicinity of the project site. Therefore, the proposed project's contribution to the less-than-significant cumulative effects related to conflicts with a program, plan, ordinance, or policy addressing the circulation system would not be considerable.

As discussed under Threshold 2 of Section 3.10, *Transportation*, construction worker VMT is not anticipated to be newly generated, rather it would be drawn from existing workers in the San Diego area and would be redistributed through the transportation network based on their travel to different work sites each day. A daily maximum of 16 construction personnel would be on-site during proposed project construction. The temporary generation of VMT from construction traffic is not expected to substantially increase VMT in the region such that it could contribute to long-term adverse environmental effects. Should remediation be needed as coordinated through implementation of **MM-WQ-1**, remediation activities may result in additional truck trips. However, even with this addition, cumulative impacts would be less than significant. In addition, the proposed project would not expand operations or result in an increase in employment. Therefore, the proposed project is not anticipated to generate any new vehicle trips, and therefore VMT, during operations. For these reasons, the proposed project's contribution to the significant cumulative effects related to VMT would not be considerable.

As discussed above, a daily maximum of 16 construction personnel would be on-site. During landside demolition, construction staging would be located within 36 parking spaces adjacent to Building E. There are currently 194 parking spaces on-site. Therefore, during construction activity, there would be at least 88 parking spaces available for construction personnel, visitors, and delivery trucks. The proposed project would not result in any additional employees and there is no anticipated change to existing operations. For these reasons, the proposed project's contribution to the less-than-significant cumulative effects related to parking access would not be considerable.

### 4.3.10.4 Cumulative Impact Determination and Mitigation

The impact analysis under Section 4.3.10.2 determined that there are no significant cumulative impacts related to inconsistencies with programs, plans, ordinances, and policies addressing the circulation system, including transit, roadway, pedestrian, and bicycle facilities; or inadequate parking supply. In addition, it is not anticipated that the proposed project would increase VMT and, as discussed in Section 3.10, *Transportation*, project-related transportation impacts would be considered less than significant. Therefore, the project would not make a cumulatively considerable contribution to a significant cumulative VMT impact.

Chapter 5

# Additional Consequences of Project Implementation

## 5.1 Introduction

This chapter addresses the potential for additional consequences related to implementation of the project, in accordance with State CEQA Guidelines Sections 15126.2(e) and 15128. Specifically, this chapter (1) discusses the growth-inducing impacts of the project, which pertain to the ways in which the project could promote either direct or indirect growth, and (2) identifies the environmental effects of the project that were determined to be not significant during the initial environmental review process.

## 5.2 Growth-Inducing Impacts

State CEQA Guidelines Section 15126.2(e) requires that an EIR discuss the ways in which a proposed project could directly or indirectly foster economic development, population growth, or additional housing and how that growth could affect the surrounding environment. Direct growth inducement would result if a project were to, for example, involve construction of new housing. Indirect growth might occur if a project were to establish substantial new permanent employment opportunities that would stimulate the need for additional housing, utilities, and public services. Similarly, a project would indirectly induce growth if it were to remove an obstacle to additional development, such as a constraint on a required public service or utility. A project proposing to expand water supply capabilities in an area where limited water supply has historically restrained growth would be considered growth inducing.

This section discusses the characteristics and consequences of the project that may encourage or facilitate activities that could significantly affect the environment, either individually or cumulatively. However, the following analysis does not assume that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment (State CEQA Guidelines 15126.2[e]). Rather, Chapter 3, *Environmental Analysis*, and Chapter 4, *Cumulative Impacts*, discuss the adverse impacts on resources resulting from project implementation, including any impacts that would be caused by cumulative effects.

### 5.2.1 Foster Economic Growth

One criterion by which growth inducement can be measured involves economic growth. The project would allow the District to address deficiencies related to the age and condition of structures and operational conditions at the existing commercial fishing facilities. The project would enable the safe continuance of existing commercial fishing operations that provide economic benefits to the region. As such, any growth inducement would be driven primarily by job growth.

During project construction, up to 16 construction workers would be present on the construction site each day. The generation of temporary employment opportunities would have a negligible influence on economic growth in the area. In the long term, operation of the project would not induce economic growth because no new long-term employment opportunities would be created. However, by updating existing facilities at the project site, the project would modernize the wharf and marina through improved waterside facilities capable of supporting modern commercial fishing operations. Current operations provide employment that might otherwise be reduced without the continued operation of commercial fishing (see Section 2.3.2, *Project Objectives* in Chapter 2, *Environmental Setting and Project Description*). Therefore, with project implementation, a potential loss in jobs would be avoided.

### 5.2.2 Foster Population Growth

The project would not result in the construction of housing (housing is prohibited on District property under the Public Trust Doctrine) and would not increase the city's population in a manner that would necessitate the construction of additional housing. An average of approximately 16 workers would be present on the project site each day during the construction period. Temporary jobs generated during project construction would be drawn from the local workforce. Construction workers are anticipated to commute from the surrounding area and would likely not require temporary local housing. Furthermore, the project does not include the expansion of existing infrastructure or an increase in existing commercial fishing operations that would necessitate hiring permanent employees. Therefore, the project would not result in the construction of additional housing, either directly or indirectly, and would not be growth inducing as a result of new housing.

### 5.2.3 Removal of Obstacles to Population Growth

As stated above, a project could indirectly induce growth if it were to remove a constraint on a required public service or utility. A project could also indirectly induce growth if it were to establish a precedent-setting action (e.g., an innovation, a change in zoning, a general plan amendment approval). The project would not require a Port Master Plan amendment or infrastructure upgrades beyond the boundaries of the project site and, therefore, would not result in the removal of obstacles to growth.

## 5.3 Effects Not Found to Be Significant

Pursuant to State CEQA Guidelines Section 15063, the District prepared the "Initial Study Environmental Checklist" (Appendix C), which determined that effects related to aesthetics, agriculture and forestry resources, cultural and tribal cultural resources, mineral resources, population and housing, public services, recreation, utilities and service systems, and wildfire would not be significant. In addition, the District determined through the "Initial Study Environmental Checklist" that the project would have a less-than-significant impact or no impact on certain issue areas within the following resource areas: air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, and transportation. In accordance with State CEQA Guidelines Section 15128, a brief explanation indicating the reasons why the effects on these resources would not be significant is provided under each subheading below.

### 5.3.1 Aesthetics

#### 5.3.1.1 Adverse Effect on a Scenic Vista

The District's certified Port Master Plan (PMP) designates vista areas in the District's jurisdiction, which are defined as "points of natural beauty, photo vantage points, and other panoramas" (District 2024a). The certified PMP is intended to guide development in vista areas to preserve and enhance these areas of scenic and visual importance (District 2024a).

The project site is in Planning District 1 (Shelter Island) of the certified PMP, which contains seven vista areas:

1. a vista area located along the southwestern tip of the island, adjacent to the Japanese Friendship Bell and Public Art "Pearl of the Pacific" attractions, providing scenic vistas of San Diego Bay to the south, and is located approximately 1.2 miles southwest of the project site;
2. a vista area from the Shelter Island Pier, providing scenic vistas of San Diego Bay to the southeast, and is located approximately 0.83 miles southwest of the project site;

3. a vista area located along the northeastern tip of the island, adjacent to Shoreline Park and the restaurant Bali Hai, providing scenic vistas of San Diego Bay to the east, and is located approximately 0.2 miles southwest of the project site;
4. a vista area from the eastern terminus of Kellogg Street, providing scenic vistas of the inlet into the Shelter Island Yacht Basin and the southwestern tip of Shelter Island to the east, and is located approximately 1.32 miles southwest of the project site;
5. a vista area from the conjunction of Talbot Street and Anchorage Lane, providing scenic vistas of the Shelter Island Yacht Basin to the south, and is located approximately 0.58 miles southwest of the project site;
6. a vista area from a surface parking lot on the southwestern corner of Shelter Island Drive and Anchorage Lane, providing scenic vistas of the Shelter Island Yacht Basin, and is located approximately 0.36 miles southwest of the project site; and
7. a vista area from the eastern boundary of the Point Loma Marina, immediately adjacent to Driscoll's Wharf (the project site), providing scenic vistas of the America's Cup Harbor, which includes a portion of the project site (District 2024a: Figure 4).

All of these vista areas provide views of the San Diego Bay, the Shelter Island Yacht Basin, or the southwestern tip of Shelter Island, and only one includes views of the project site. The vista area with a view of the project site is the vista area at the eastern boundary of the Point Loma Marina, immediately adjacent to the project site, and northeast of America's Cup Harbor Basin. This vista area provides a viewshed that includes the project site, as shown in Figure 4 of the certified PMP (District 2024a).

In the *Port Master Plan Update* (PMPU), the project site is in the Shelter Island Planning District. As shown in PMPU Figure PD1.4, "Coastal Access Views and Pathways," 12 scenic vista areas are in this planning district: Kellogg Beach, Yokohama Friendship Bell, Shelter Island Pier, Shelter Island Drive, Shelter Island Boat Launch, Shelter Island Roundabout, two views associated with America's Cup Habor Basin, Point Loma Marina Park, Shelter Island Drive (entry segment), a view of the Shelter Island Yacht Basin, and a view of the La Playa Trail (District 2024a). Three of these scenic vista areas have viewsheds that overlap with the project site: two views of America's Cup Harbor Basin in the East Shelter Island Subdistrict and one view associated with the Point Loma Marina Park (District 2024a: Figure PD1.4). In addition, the PMPU includes five view corridor extensions down the following roadways and toward the bay in the Shelter Island Planning District: Bessemer Street, Nichols Street, McCall Street, Dickens Street, and Garrison Street. The project site is not located in any of the five view corridor extensions.

Existing views from the vista area (in the certified PMP, identified as #7 above) within the project site feature open water views of America's Cup Harbor Basin punctuated by marine vessels moored to existing piers, an existing jib crane approximately 20 feet in height located on the off-loading pier (Pier 4), and commercial fishing vessel loading and unloading activities.

During construction, the project would result in the temporary use of large construction equipment, like pile drivers, that could interrupt the view from the existing on-site scenic vista. However, construction activities would be temporary and transitory, and any obstruction of portions of the scenic vista would be short in duration (limited primarily to Pier 4, which already has the aforementioned jib crane and frequent commercial fishing vessels docking at the pier).

During operation, commercial fishing operations would continue similarly to existing conditions, and reconstructed piers would not obstruct views of open water. Project operation would continue to support commercial fishing uses. Once fully operational, the commercial fishing wharf would support up to 75 boat slips and side ties that would accommodate vessels ranging in size from 30 feet to 140 feet in length, and up to 29 feet in width. The largest commercial fishing vessels in San Diego Bay are typically the albacore boats, which range in 55 to 90 feet in length. On occasion, vessels can extend to approximately 100 feet in length. The superstructure of commercial fishing vessels seen in San Diego Bay is approximately 20 feet above the waterline. The gear on these vessels, such as masts, booms, or antennas, can extend as tall as approximately 50 feet above the

waterline. Completion of the project would not alter the existing commercial fishing fleet that currently operates within San Diego Bay, and the height of vessels anticipated to berth at the new commercial fishing facility would not exceed the height of vessels previously docked at the site. While the number of slips would be reduced, a range of vessel sizes that could be accommodated by the proposed slips would not result in an adverse effect on a scenic vista. Because the existing piers would be replaced with new floating boat docks and slips, the quality of the existing view would be improved. Therefore, the project would not result in an adverse effect on a scenic vista, and impacts would be less than significant.

#### 5.3.1.2 Scenic Resources along a State Scenic Highway

The project site is in an area that is urban and developed with maritime-related commercial uses (e.g., recreational marinas, yacht brokers, commercial fishing). There are no scenic rock outcroppings on the project site. There are trees in the parking lot, but none are designated as scenic resources. The nearest state scenic highway that is officially designated by the California Department of Transportation (Caltrans) is a portion of State Route (SR) 163 that travels north–south through Balboa Park, approximately 4 miles east of the project site, and the San Diego–Coronado Bridge (Coronado Bridge), which is a 1.4-mile segment on SR 75 located approximately 4 miles southeast of the project site (Caltrans 2025). Coronado Bridge spans the San Diego Bay, connecting the city of San Diego to Coronado. For traveling motorists, Coronado Bridge offers views of the San Diego Bay and Downtown San Diego to the north, including high-rise residential, commercial, and urban developments. Because of the distance and intervening urban development and vegetation, the project site is not clearly visible from either scenic highway. Even during project construction, when large equipment, such as cranes and pile drivers, would be temporarily present in the project site, viewer sensitivity from the Coronado Bridge would be considered low because motorists would generally focus on the roadway and would have limited and momentary distant views of the project site. Following construction, the project site would be returned to a similar condition as the existing setting. Therefore, the project would not substantially damage scenic resources within a state scenic highway, and impacts would be less than significant.

#### 5.3.1.3 Conflict with Existing Zoning or Other Regulations Governing Scenic Quality

The project site is in an urbanized area that is developed entirely with maritime-related commercial uses. The existing water and land use designations include Commercial Fishing Berthing and Navy Small Craft Berthing (water) and Promenade and Commercial Fishing (land) in the certified PMP (District 2024a). In the PMPU, the project site has a water and land use designation of Commercial Fishing Berthing (water) and Commercial Fishing (land), respectively (District 2024a).

The project would not expand the existing use of the project site or expand existing commercial fishing operations. In addition, the project would not require changes to existing land use designations under the certified PMP or under the PMPU. The certified PMP establishes general development standards for each land and water-use designation, and for the Shelter Island Planning District, identifies a maximum height of 41 feet above mean lower low water (approximately 26 feet above ground level). In addition, the certified PMP states that buildings in the Shelter Island Planning District should have low-profile silhouettes to maintain an inviting pedestrian scale, and that the location of all structures on the site should enhance the waterfront by accentuating the land-water interface. The project would not construct any new buildings landside and would replace the waterside facilities with similar waterside facilities. The project would not conflict with policies identified in the certified PMP for preserving visual access and vista areas. Further, the project would not conflict with policies identified in the PMPU that protect views and physical access or that require public access within view corridor extensions, scenic vista areas, and along pathways. Therefore, the project would not conflict with applicable zoning or other regulations governing scenic quality, and impacts would be less than significant.

#### 5.3.1.4 Light and Glare

The project site is used as a wharf for commercial fishing boat mooring. Landside existing uses include surface parking, office buildings, outdoor storage areas, and other facilities associated with the commercial fishing industry. Waterside uses include piers and docks used to moor commercial fishing vessels. Existing light sources on-site include outdoor security lighting, lighting on commercial fishing vessels, on-site vehicles traveling to and from the project site, as well as spillover light from streetlamps, existing buildings adjacent to the project site, and vehicles from nearby roadways. Four light poles are affixed to each existing pier, totaling 20 light poles.

Construction work during nighttime hours (between 7:00 p.m. and 7:00 a.m.) is not proposed. Additional temporary light sources may be required to illuminate work areas; however, this lighting would be directed on-site and would be of similar intensity to existing light sources throughout the project site and adjacent land uses. Following construction, the project site would be returned to a similar condition as the existing setting. The project proposes the installation of four new light poles, 14 feet in height at each concrete platform. The lighting is designed to only illuminate the concrete platform areas and adjacent Regatta Walk and would be directed inwards towards the shore. Lighting on all floating docks would use shielded, low-mounted, and low light-intensity fixtures and bulbs to limit artificial lighting of Bay waters. Each slip would include the installation of a marina utility power pedestal, 3 feet in height, equipped with a low-glare light that comes on in the evening. The proposed lighting would be similar in intensity and scale as the existing on-site lighting. Therefore, the project would not create substantial new sources of light or glare that would adversely affect day- or nighttime views in the area. Impacts would be less than significant.

## 5.3.2 Agriculture and Forestry Resources

#### 5.3.2.1 Important Farmland

According to the California Department of Conservation (DOC) Farmland Mapping and Monitoring Program, the project site is classified as Urban and Built-Up Land, and Water (DOC 2025a). There are no lands classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance in the project site or adjacent area. Project construction and operation would be contained within the existing project site. Therefore, the project would not convert Important Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use, and no impact would occur.

#### 5.3.2.2 Williamson Act Contracts or Agricultural Zoning

The use designations for the project site are Commercial Fishing (land), Promenade (land), Commercial Fishing Berthing (water), and Navy Small Craft Berthing (water). The existing zoning/land use does not allow for agricultural use, and no agricultural operations exist on the project site or adjacent areas. No Williamson Act contracts apply to the project site (DOC 2025b). Therefore, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract, and no impact would occur.

#### 5.3.2.3 Conflict with Forest Land Zoning

The use designations for the project site are Commercial Fishing (land), Promenade (land), Commercial Fishing Berthing (water), and Navy Small Craft Berthing (water). The project site is not zoned for forestland, timberland, or zoned Timberland Production. Further, no timberland is present on or adjacent to the project site. Therefore, the project would not conflict with existing zoning/land use for forest land or timberland, and no impact would occur.

#### 5.3.2.4 Conversion of Forest Land to Non-Forest Use

There is no forest land or timberland resources on or adjacent to the project site, which is in an urbanized portion of the city of San Diego. Therefore, the project would not result in the loss or conversion of forest land to non-forest use. No impact would occur.

#### 5.3.2.5 Conversion of Farmland to Nonagricultural Use

As discussed above, no agricultural, forest land, or timberland resources exist on or adjacent to the project site. Therefore, the project would not result in changes to the existing environment that could result in the conversion of farmland to nonagricultural use or conversion of forest land to non-forest use. No impact would occur.

### 5.3.3 Air Quality

#### 5.3.3.1 Conflict with Applicable Air Quality Plan

The San Diego Air Basin is currently designated as a "nonattainment" area with respect to the National Ambient Air Quality Standards and California Ambient Air Quality Standards (CAAQS) for ozone, and the CAAQS for particulate matter with an aerodynamic resistance diameter of 10 micrometers or less ($PM_{10}$) and particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less ($PM_{2.5}$). Air quality planning for San Diego County is under the jurisdiction of the San Diego Air Pollution Control District (SDAPCD). The San Diego Regional Air Quality Strategy (RAQS) outlines SDAPCD's plans and control measures designed to attain and maintain the state standards, whereas San Diego County's portions of the State Implementation Plan (SIP) are designed to attain and maintain federal standards. The most recent state plan is the 2022 RAQS, which was approved by SDAPCD board on March 9, 2023. The most recent San Diego County portion of the federal SIP is the 2020 Attainment Plan, which was approved by the California Air Resources Board on November 19, 2020 (SDAPCD 2020). Both the RAQS and SIP rely on emissions forecasts based on demographic and economic growth projections provided by city and county general plans, as well as the certified PMP. Projects whose growth is included in the projections used in the formulation of the RAQS and SIP are consistent with the RAQS and SIP and would not interfere with its implementation.

The proposed project would involve the demolition of the existing fish off-loading pier (Pier 4) and Piers 5 through 8 followed by their reconstruction. Additionally, the project would include the demolition of Building E, which, after demolition, would remain undeveloped land under the proposed project with no future plans for redevelopment. Although the number of vessel slips would decrease from 125 to 75 to provide a mix of vessel slip sizes to accommodate a range of commercial fishing vessels, no change in use would occur, no increase in commercial fishing operations would result, and the number of vessel slips on Piers 5–8 would not increase over the existing condition. Moreover, additional employees would not be needed once the project is operational. Thus, the project would not include components that would induce growth or change the use of the site. Because the proposed project would not modify land uses or result in an unanticipated increase in the residential population, the project would be consistent with the RAQS and SIP, and potential impacts related to a conflict with applicable air quality plans would be less than significant.

Additionally, the District's Maritime Clean Air Strategy (MCAS) provides goals and objectives for the District's cargo terminals and shipyards located in the working waterfront, many of which focus on decreasing air emissions in the Assembly Bill (AB) 617 Portside Community. None of the goals or objectives of the MCAS apply to the proposed project due to the type of use (commercial fishing wharf and marina) and its distant location from an AB 617 Portside Community. For the same reasons, Community Emissions Reduction Program (CERP) goals and actions do not apply to the proposed project. Therefore, the proposed project would not conflict with the MCAS or CERP. Impacts would be less than significant.

### 5.3.3.2 Odor Emissions Adversely Affecting a Substantial Number of People

Project operations would be similar to existing commercial fishing operations. No change in existing odors associated with commercial fishing would occur. Additionally, no additional odor generating uses, such as wastewater treatment facilities, sanitary landfills, composting facilities, petroleum refineries, and chemical manufacturing plants, are proposed. Therefore, operation of the project would not expose a substantial number of people to any new objectionable odors.

During construction activities, minor odors from the use of heavy-duty diesel equipment would be intermittent and temporary, and would dissipate rapidly from the source with an increase in distance. Therefore, project construction is not anticipated to result in an odor-related impact. Consequently, odor-related impacts would be less than significant.

## 5.3.4 Cultural and Tribal Cultural Resources

### 5.3.4.1 Historical Resource

As described in Section 3.3.2.4 of this ~~Draft~~ Final EIR, no historic resources were identified on the project site. The existing wharf was evaluated and found not eligible for listing in the CRHR or NRHP. As a result, it would not be considered significant for the purposes of CEQA. Therefore, project construction and operation would have no impact on historical resources.

### 5.3.4.2 Human Remains

There are no known cemeteries or burials on the project site or immediate area. The proposed project and surrounding area are either fully developed or in active waters, and there is no record of human remains being identified during development of the area. For these reasons, the potential for human remains to be present at the project site is extremely low. However, if human remains are discovered, California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.

These statutes require that, if human remains are discovered, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the county coroner shall be notified immediately. If the remains are determined by the coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. Following the coroner's findings, the NAHC-designated most likely descendant and the landowner shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments, if present, are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in Public Resources Code Section 5097.94.

Compliance with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 would provide an opportunity to avoid or minimize the disturbance of human remains and to appropriately treat any remains that are discovered. Through compliance with existing regulations, the proposed project's demolition and construction activities would not disturb any human remains, including those interred outside of formal cemeteries. Therefore, impacts would be less than significant.

# 5.3.5 Geology and Soils

## 5.3.5.1 Rupture of a Known Earthquake Fault

Fault rupture impacts are limited to areas in the immediate vicinity of an earthquake fault line. According to California Department of Conservation (DOC), the project site is not located on or adjacent to an Alquist-Priolo Earthquake Fault Zone area (DOC 2022). The nearest fault is the Rose Canyon Fault Zone, the closest segment, of which is named the Spanish Bight Fault, is located 2 miles east of the project site (DOC 2022). Therefore, due to this distance, surface rupture from an earthquake is not anticipated to occur on-site. Construction and operation of the project would therefore not exacerbate the existing risk of fault rupture to the surrounding area. Further, the project site is not located in an Alquist-Priolo Earthquake Fault Zone. Therefore, this impact would be less than significant.

## 5.3.5.2 Strong Seismic Ground Shaking

The project site is located in Southern California, which is known to be a seismically active area. The Spanish Bight Fault is located 2 miles east of the project site, and the landside portion of the project could be subjected to seismically induced ground shaking. However, the project does not include landside construction; instead, it would involve the demolition of Building E. The only components to be constructed on the project site would be in the waterside portion of the project site. Adverse effects associated with seismic ground shaking would be managed through project design and the use of piled foundations for the proposed docks and supporting structures. The project would include modular floating docks, anchored in place by prestressed concrete piles installed vertically through loose near-surface sandy bay deposits up to or in the underlying competent Bay Point Formation. The proposed docks would connect to the guide piles by freely sliding collars, which restrain lateral movement but permit vertical displacement to accommodate water level changes. Therefore, the proposed dock system would be fully isolated from ground motion, and the piles would have sufficient flexibility to deform laterally such that significant lateral loads would not transfer into the proposed dock system. Further, competent formational materials are known to exist at relatively shallow depths at the site, and pile foundations would reduce seismically induced geotechnical hazards. Therefore, the project's potential to cause direct or indirect adverse effects, including risk of loss, injury, or death, involving strong seismic ground shaking would be less than significant.

The project's construction work would adhere to the California Building Code (CBC) (California Code of Regulations [CCR], Title 24, Part 2), Chapter 16, "Structural Design," which contains provisions for earthquake safety based on factors including occupancy type, soil and rock type, and probable strength of ground motion. Regulatory compliance with the CBC regarding seismic safety design requirements would ensure that project construction activities conform to current building codes and engineering practices. This would minimize the project's potential to cause direct or indirect adverse effects, including risk of loss, injury, or death, involving strong seismic ground shaking. This impact is less than significant.

## 5.3.5.3 Seismic-Related Ground Failure, Including Liquefaction

Liquefaction is a phenomenon that occurs when the seismic ground shaking of relatively loose, granular soils that are saturated or submerged cause soils to "liquefy" and temporarily behave as a dense fluid; this can lead to substantial damage to structures, causing them to sink, tilt, or both during seismic shaking. According to the Final Draft PMPU Program EIR (District 2024b), because of the granular nature of subsurface materials, the shallow depth to groundwater, and proximity to San Diego Bay and the Pacific Ocean, the entire PMPU area (including the project site) has a high potential for liquefaction (District 2023: Figure 4.5-9). The landside portion of the project site is therefore considered to be in a high potential liquefaction-prone area due to shallow groundwater, major drainages, and hydraulic fills (District 2023: Figure 4.5-9).

Landside structures on the project site include Building A, Building C-D, and Building E, all located north of the waterside area. The project proposes to demolish Building E. Removal of up to 25 cy of soil may occur with the removal of the underlying concrete of the former storage shed. After demolition of Building E is completed, the cleared area would be used as a construction laydown area for waterside demolition activities. Trenching associated with electrical upgrades would occur as well. Existing riprap would be removed where necessary during pile installation and reinstalled once pile installation is complete. The demolition of Building E, trenching associated with electrical upgrades, and removal and reinstallation of existing rip rap would not exacerbate, worsen, or otherwise substantially affect the existing liquefaction risk of the project site. In addition, no buildings are proposed as part of the project. Waterside construction activities would include the demolition and replacement of Piers 4, 5, 6, 7, and 8 and construction of a floating wave attenuator, which would involve pile driving. The waterside project components would have the potential to exacerbate the existing risk of seismic-related ground failure, including liquefaction. However, the project site lies in the zone of marginal shoreline that has been changed by dredging and filling. The bay deposit soils that underlie the project site down to the Bay Point Formation are well-known and, although susceptible to seismically induced liquefaction, the entire basin is deemed suitable for construction of marine-based facilities, similar to the project. The project includes the installation of piles to support the proposed docks. Typical methods for pile installation include jetting and driving, either with a vibratory hammer or impact hammer. Given the project's proximity to existing slopes that are underlain by loose sandy soils, a vibratory hammer would not be used where the licensed project engineer determines use of a vibratory driver may affect the stability of the nearby slopes. In such cases, the use of an impact hammer would substantially lessen the potential for liquefaction. Moreover, to the extent permissible by **MM-WQ-1** and **MM-WQ-2**, each of which is described in Section 3.7, *Hydrology and Water Quality*, of this EIR, the concrete piles would be jetted through bay deposit soils up to the Bay Point Formation with final penetration being achieved by impact driving. Jetting would further reduce the potential for liquefaction and lateral ground movement. Importantly, all overwater and in-water structures would be constructed in accordance with the American Society of Civil Engineers (ASCE) standard practices for marine construction and designed by a professionally licensed marine structural engineer. Thus, by designing to ASCE standards, the project would not have the potential of causing direct or indirect adverse effects, including risk of loss, injury, or death, involving liquefaction. Therefore, potential impacts associated with seismic-related ground failure, including liquefaction, would be less than significant.

### 5.3.5.4 Landslides

Landslide susceptibility is typically determined based on local terrain conditions and sometimes the volume of rainfall. According to DOC, the project site is not located in or adjacent to a landslide hazard area (DOC 2022). There are no steep slopes or sharp gradients on or adjacent to the project site, and both overwater and landside construction improvements would have no potential to impact any existing risk of landslides. Project construction and operation would have no impact.

### 5.3.5.5 Soil Erosion or Loss of Topsoil

For the landside component of construction activities, ground disturbance would be limited to work associated with the demolition of Building E, and to trenching associated with electrical upgrades. Existing riprap would be removed where necessary during pile installation and reinstalled once pile installation is complete. Construction of the project would be required to implement best management practices (BMPs), consistent with the District's jurisdictional runoff management plan, to contain soil on the project site during stormwater runoff events. If a Stormwater Pollution Prevention Plan (SWPPP) is required by the RWQCB, additional BMPs may be required during project construction. BMPs can consist of, but are not limited to, scheduling construction activity during dry weather, when possible; preservation of natural features, vegetation, soil, and buffers around surface waters; drainage swales or lined ditches to control stormwater flow; mulching or hydroseeding to stabilize disturbed soils; erosion control to protect slopes; protection of storm drain inlets (gravel bags or catch basin inserts); perimeter sediment control (perimeter silt fence, fiber rolls); sediment traps or sediment basins to retain sediment on-site;

stabilized construction exists; and wind erosion control. Operation and maintenance of the project would not require additional soil disturbance and would not result in erosion or loss of topsoil. Adherence to District-required BMPs would reduce potential project construction–related soil erosion impacts to a less-than-significant impact.

### 5.3.5.6 Soil Stability

The project site is not located in an area prone to landsliding and does not have steep gradients or slopes that might otherwise trigger lateral spreading or collapse. Subsidence typically occurs when groundwater is over-pumped in agricultural areas, and the project site is not zoned for agricultural land uses, does not involve the operation of agricultural lands, and does not involve groundwater pumping. The project is located in a liquefaction hazard area. However, the project site lies in the zone of marginal shoreline that has been changed by dredging and filling. The bay deposit soils that underlie the project site down to the Bay Point Formation are well-known, and although susceptible to seismically induced liquefaction, the entire basin is deemed suitable for construction of marine-based facilities, similar to the project. Therefore, this impact would be less than significant.

### 5.3.5.7 Expansive Soil

Expansive soils properties have the ability to expand and contract (swell/shrink) based on moisture levels and can cause fatigue and cracks in structure foundations, resulting in structural damage over time. Expansive soils are typically rich in clay minerals, which have the capacity to absorb water and expand. As a result, proper engineering and construction techniques are required to minimize problems associated with expansive soils.

The project site is situated on artificial engineered fill that overlies late Holocene marine deposits, as shown in Figure 4.5-1, "Geology Planning District 1 – Shelter Island," of the Final Draft PMPU Program EIR (District 2023). Therefore, the project site would not be located on expansive soils, and project implementation would not create substantial direct or indirect risks to life and property related to expansive soils. No impact would occur.

### 5.3.5.8 Septic Tanks or Alternative Wastewater Disposal Systems

The project site would include the continued operation of existing underground utilities, including electricity, water, and sewer. Although minor utility upgrades would occur, the project does not propose to construct septic tanks or alternative wastewater disposal systems. No impact would occur.

### 5.3.5.9 Unique Paleontological Resources or Geologic Features

Paleontological resources are the remains or traces of prehistoric plant and animal life (e.g., fossil teeth and bones) excluding human remains. The District does not have formally adopted thresholds for assessing potential impacts on paleontological resources. To assist in the determination of significance related to the proposed project's impacts on paleontological resources, the District applies the City of San Diego's CEQA Significance Determination Thresholds, updated in September 2022. As stated therein, a significant paleontological impact would occur: 1) if a project would require over 1,000 cubic yards of excavation to a depth of 10 feet or more in an area considered to have high paleontological sensitivity; or 2) if a project would require over 2,000 cubic yards of excavation to a depth of 10 feet or more in an area considered to have moderate paleontological sensitivity. No monitoring is required in areas with no or low paleontological sensitivity.

The project site is situated on artificial engineered fill, which overlies Holocene marine deposits (District 2023). There is no potential for paleontological resources to occur in engineered fill and, as indicated in the City of San Diego's CEQA Significance Determination Thresholds, the Holocene marine deposits formation is considered to have low paleontological sensitivity. Therefore, the project would not destroy a unique paleontological resource or site or unique geologic feature, and impacts would be less than significant.

# 5.3.6 Hazards and Hazardous Materials

## 5.3.6.1 Hazard to Public Through Routine Transport, Use, or Disposal of Hazardous Materials

Construction of the project would involve the use of hazardous materials, such as fuels, lubricants, and solvents, for construction equipment operation and maintenance. These materials would be properly stored, handled, used, and disposed of in accordance with applicable regulations and laws, which include Resource Conservation and Recovery Act; US Department of Transportation Hazardous Materials Regulations; California Health and Safety Code; and San Diego County Code, Title 6, Division 8. In addition, the Occupational Safety and Health Administration provides specific standards for maintaining safe and healthy working conditions pertaining to hazardous materials in Code of Federal Regulations Title 29, Section 1910, Subpart H. Project construction may also require the disposal of creosote-treated wood waste, which is regulated by Division 20, Chapter 6.5, and Title 22, Division 4.5 of the California Health and Safety Code. Further, as described in Section 3.6, *Hazards and Hazardous Materials*, enforcement of the JRMP, including application of BMPs required by the District's BMP Design Manual. The BMP Design Manual provides an extensive list of minimum BMPs for commercial and industrial facilities. Categories of BMPs include general operations and housekeeping, non-stormwater management, outdoor material storage, outdoor drainage from indoor activity, outdoor parking, vehicles and equipment, and outdoor activity that would be followed to prevent discharge of priority pollutants from the landside portion of the project site into the receiving waters. A licensed contractor would be responsible for the removal, transportation, and disposal of the removed piles in accordance with these regulations. Any accidental release of hazardous materials due to spills or leaks would be cleaned up in the normal course of business, consistent with the above-mentioned regulations. Compliance with the above-listed regulations would ensure the safe transport, use, and disposal of hazardous materials, such that construction-related hazardous materials impacts would be less than significant.

Following completion of construction, the project would continue the commercial fishing operations currently operating on-site, and would not result in an increase over existing on-site operational activities. Therefore, the proposed project would not increase the use of hazardous materials on the site. The transport, use, and disposal of any hazardous materials would continue to occur in compliance with the above-mentioned regulations. Operational impacts related to the routine transport, use, or disposal of hazardous materials would be less than significant.

## 5.3.6.2 Emit Hazardous Emissions or Handle Hazardous Materials within One-Quarter Mile of a School

Nearby schools include Cabrillo Elementary (0.6 miles from the project site) and High Tech Elementary, Middle, High, and Graduate Schools (0.6 miles from the project site). No public or private K-12 schools or charter schools are within 0.25 miles of the project site. The Navy property located adjacent to the project site (and within 0.25 miles) is a federal facility that supports military instruction for adults and is not considered a sensitive receptor. Therefore, this impact would be less than significant.

## 5.3.6.3 Airport Land Use Plan

The project site is approximately 1.5 miles from the San Diego International Airport (SDIA) and 1 mile from the Naval Air Station North Island (NASNI). The project site is located within the airport influence area in the Airport Land Use Compatibility Plans for the SDIA and NASNI. However, the proposed project would not construct any buildings or facilities that would increase the potential for airport- or aircraft-related hazards to occur. For instance, there would be no reflective materials used, such as mirrored architectural features or extensive use of glass that may have high reflectivity. In addition, the project does not propose constructing any tall structures that may interfere with the flight path of aircraft. Moreover, the distance between the project site and either the SDIA or the NASNI is too far to hear any excessive noise from project construction activities, such as pile driving. Therefore, impacts associated with creating a safety hazard or excessive noise for people residing or working in the project area would be less than significant.

#### 5.3.6.4 Emergency Response Plan or Evacuation Plan

The County Office of Emergency Services adopted its emergency operations plan (EOP) in August 2022. Highways in proximity to the project site include Interstate (I) 5, I-15, and SR 75, all of which are identified in the EOP as primary evacuation routes in San Diego County (County OES 2022: 60). Landside project construction activities would include the demolition of Building E. Waterside project construction activities would involve the demolition and reconstruction of Piers 4 through 8 to modernize the existing facilities. In addition, a wave attenuator would be installed in the water on the east side of the project site. None of the project construction activities would require closing roads, such as North Harbor Drive, or access to the area, and there would be no encroachment into any evacuation routes. Therefore, emergency access to and from the project site along North Harbor Drive and on designated evacuation routes would be retained during project construction. Following construction, with the wharf fully restored, operation of the project would not result in permanent changes to existing emergency access along North Habor Drive. Thus, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.

#### 5.3.6.5 Exposure to Fire

State law requires that all local jurisdictions identify Very High Fire Hazard Severity Zones (VHFHSZ) in their areas of responsibility (codified in California Government Code Section 51175–51189). Inclusion in these zones is based on vegetation density, slope severity, and other relevant factors that contribute to fire severity. The project site is in a local responsibility area (LRA) and is designated by the California Department of Forestry and Fire Protection (CAL FIRE) as a non-VHFHSZ (CAL FIRE 2025). Lands in an LRA identified as a VHFHSZ are approximately 3 miles east of the project site. The nearest lands classified as a VHFHSZ in a state responsibility area (SRA) are approximately 12 miles east of the project site, around Sweetwater Summit Regional Park (CAL FIRE 2025). Therefore, the project site is not located in or near lands classified as a VHFHSZ. The landside portion of the project site lacks substantial vegetation and is located in a developed urban area, and the waterside portion of the project site is located in America's Cup Harbor Basin, adjacent to the San Diego Bay. Therefore, construction and operation of the project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fire. No impact would occur.

### 5.3.7 Hydrology and Water Quality

#### 5.3.7.1 Groundwater Supplies and Recharge

Construction activities would occur in the project site located in and adjacent to the San Diego Bay. The project would not result in a net increase in impervious surfaces, such that the surface area for percolation of stormwater would be reduced. Groundwater at the project site is saline from saltwater intrusion and is not used as a groundwater supply source.

The project would not require landside excavation and would not have the potential to encounter groundwater such that dewatering would be required. Construction-related water use would represent a small demand on local and regional water supplies that could be accommodated by the existing water service provider. The project would not generate a permanent increase in water demand compared to existing conditions. Consequently, the project would not substantially decrease groundwater supplies or interfere with groundwater recharge. Impacts would be less than significant.

### 5.3.7.2 Substantially Alter Existing Drainage

#### Erosion

The project site is entirely paved with no areas of exposed soil. Construction activities would include demolition of Building E. Grading and paving would be limited to the construction of the proposed concrete abutment platforms at four locations. Site grading would be performed to tie in the abutments to the existing walkway site elevations. Some repair of the shoreline due to the current undermining of the rock revetment may be required to stabilize the shoreline during construction. Existing riprap would be removed where necessary during pile installation and reinstalled once pile installation is complete. In addition, removal and reconstruction of Piers 4 through 8 would occur over water. Therefore, the project would have limited disturbance of landside soils, namely the grading of topsoil where Building E is located, limited trenching for utilities, and potentially minor excavation at the location of the former storage shed. All soil disturbance would comply with the District's stormwater BMPs, which would include construction BMPs that minimize stormwater runoff from the graded site. If a SWPPP is required by the RWQCB, additional BMPs may be required during project construction. Stormwater runoff from the project, that could result in erosion, would be captured and contained in the existing stormwater diversion system for subsequent discharge. Therefore, the project is not anticipated to result in on- or off-site erosion or siltation. Impacts would be less than significant.

#### Runoff and Flooding

The project would not increase impervious surface area and would not include any project features that would increase the rate or amount of surface runoff. On the contrary, Building E would be demolished, which would lead to an increase in pervious surface area and contribute to stormwater percolation. As part of the demolition of Building E, the existing concrete pad would be demolished and the area would be regraded and sprayed with a solution containing seed to compact the area and allow vegetation to grow over time. Therefore, the project is not anticipated to result in on- or off-site flooding, and no impact would occur.

#### Stormwater Drainage Capacity

The project would not substantially increase runoff to the existing storm drainage system. As described above, the project would lead to an increase in pervious surface area and facilitate additional stormwater percolation once Building E is removed. Therefore, no impact would occur.

### 5.3.7.3 Release of Pollutants Due to Inundation

The waterside portion of the project site is in Flood Zone AE and is subject to flooding during a 100-year storm event (FEMA 2025). In addition, the project site is in a tsunami hazard area, as delineated on the "Tsunami Inundation Map for Emergency Planning for San Diego County" (CalEMA et al. 2025). Because the project site is situated on and adjacent to the San Diego Bay, it could also be susceptible to seiche. The project would include the replacement of in-water structures and demolition of Building E . Therefore, the proposed project would reduce potential sources of pollutants on-site. The project would not have the potential to increase the risk of releasing pollutants during a flood hazard event, such as a tsunami or seiche. Impacts would be less than significant.

## 5.3.8 Land Use and Planning

### 5.3.8.1 Physically Divide an Established Community

The project site is currently used as a wharf for commercial fishing boat mooring and is one of only two commercial fishing harbors in the San Diego Bay. Facilities on the project site are in a state of disrepair, and the project proposes to revitalize on-site operations through the demolition and replacement of existing uses and structures. On the landside portion of the project site, the project includes the demolition of Building E. On the

waterside portion of the project site, the project includes the demolition and replacement of Piers 4 through 8. The demolition and replacement of Piers 4, 5, 7, and 8 would occur prior to the demolition and replacement of Pier 6 so that fishing vessels could temporarily relocate to Pier 6. All construction activities would occur in the existing project site, with the exception of a proposed floating wave attenuator that would extend perpendicular to the shoreline immediately southeast of the project site in order to prevent future damage from wave action and maintain safe operation of the marina. Project construction activities would not encroach onto neighboring land or water uses. Once operational, the project, as a revitalized commercial fishing use, would not physically divide an established community, and no impact would occur.

## 5.3.9 Mineral Resources

### 5.3.9.1 Mineral Resources of Value to the Region and the State

According to the City of San Diego's *General Plan Conservation Element*, the project site is located in an area designated as mineral resource zone (MRZ) 1, indicating that no significant mineral deposits are present (City of San Diego 2024a: Figure CE-6, 2024b: 5-2). The existing project site is in a highly developed and urbanized area with marine-related land uses, including commercial fishing berthing (water) and commercial fishing (land) that are incompatible with and preclude mineral extraction. Therefore, the project would not result in the loss of availability of locally important mineral resources, and no impact would occur.

### 5.3.9.2 Locally Important Mineral Resource Recovery Sites

According to the City of San Diego's *General Plan Conservation Element*, the project site is not designated as a locally important mineral resource recovery site. The project would not result in the loss of availability of a locally important mineral resources, and therefore, no impact would occur.

## 5.3.10 Population and Housing

### 5.3.10.1 Population Growth Inducement

The growth-inducing potential of a project would typically be considered significant if it fosters growth or a concentration of population in excess of what is assumed in applicable land use plans. Significant growth impacts could also occur if a project provides infrastructure or service capacity to accommodate levels of growth beyond levels currently permitted by local or regional plans or policies.

The project involves the demolition of two landside structures, construction of a floating wave attenuator, and removal and replacement of the existing piers to support ongoing commercial fishing operations in the project site. The project does not propose new homes or businesses that would directly induce population growth. In addition, the project does not include the expansion of existing infrastructure, including changes to existing fishing operations, that would indirectly induce population growth. Construction activities are anticipated to occur over a 48-month period, with a minimal number of construction workers present on the project site during the construction period. Construction workers are anticipated to commute from the surrounding area and would not likely require temporary local housing. Thus, the project would not induce substantial unplanned growth, and impacts would be less than significant.

### 5.3.10.2 Displacement of People or Housing

The land use designation for the project site is Commercial Fishing (land), Promenade (land), Commercial Fishing Berthing (water), and Navy Small Craft Berthing (water). Further, residential uses are not allowed on District property. Therefore, the project would not displace any existing people or housing, or necessitate the construction of replacement housing elsewhere, and impacts would be less than significant.

# 5.3.11 Public Services

## 5.3.11.1 Fire Protection

The San Diego Harbor Police (SDHP) and City of San Diego Fire Rescue Department (SDFRD) provide marine firefighting and firefighting services to the project site. The closest fire station is SDFRD Fire Station 22 at 1055 Catalina Boulevard, San Diego, California, 92106, approximately 1.3 miles west of the project site. The project involves the demolition of Building E, the removal and replacement of Piers 4 through 8 within the project site, as well as the construction of a floating wave attenuator. The project construction period would involve a minimal number of workers over a 48-month period and would not result in permanent population growth that would have the potential to affect performance objectives for SDFRD or SDHP.

Project construction staging will occur in the project site, in the parking areas adjacent to Building E. Following the demolition of Building E, construction staging would continue to be contained on the project site, including the newly cleared area, and would not require any road closures. In addition, project construction would result in negligible vehicle trips on surrounding roadways associated with worker commutes and haul trips (refer to Section 5.3.13 *Transportation*, for more information). Therefore, project construction would not contribute to substantial congestion on surrounding roadways that would affect response times for SDHP or SDFRD.

The project would not result in an expansion of existing uses on the site, an increase in operations, or additional employees after construction is completed. Therefore, project operation would not affect response times for SDHP and SDFRD. As described above, the project would not require the provision of new or physically altered fire protection facilities. Therefore, impacts would be less than significant.

## 5.3.11.2 Police Protection

The SDHP and the City of San Diego Police Department (SDPD) provide law enforcement services to the project site. The closest police station is the HPD Headquarters at 3380 North Harbor Drive, approximately 1.6 miles east of the project site.

As previously discussed in Section 5.3.10, *Population and Housing*, the project would not create permanent population growth. The project would not expand existing uses or increase the number of employees on-site. Project construction staging would be located in the project site. Pedestrian access would be temporarily closed during construction and rerouted. Because project construction does not require closure of nearby roads and would not contribute to substantial congestion on surrounding roadways, the project is not anticipated to hinder police response such that responses times for HPD or SDPD would be affected. In addition, security cameras are proposed to be installed at the project site for safety and security purposes once the project is completed. The project would not require the provision of new or physically altered police protection facilities. Therefore, impacts would be less than significant.

## 5.3.11.3 Schools

The nearest schools to the project site are Cabrillo Elementary School, located approximately 0.6 miles west, and High Tech Elementary, Middle, High, and Graduate Schools, located approximately 0.6 miles north. The project would not result in an expansion of the existing use of the site (i.e., an increase in commercial fishing operations) or additional employees, other than those needed during construction. Jobs generated during construction would be drawn from the local workforce, and the existing population is served by existing school facilities, and would not result in an increased demand. As discussed in 5.3.10, "Population and Housing," the project would not result in permanent population growth. The project does not include residential uses that would increase the demand for school facilities or increase existing student-to-teacher ratios. Furthermore, project activities would be contained in the existing project site and would not encroach onto any school property. No impact would occur.

### 5.3.11.4 Parks

Refer to Section 5.3.12, *Recreation* for additional information. As previously discussed, the project would not result in permanent population growth that would generate additional demand for parks. Project construction would not require the closure of nearby parks, and project operation would not encroach on park property. Therefore, the project would not require the provision of new or physically altered parks. No impact would occur.

### 5.3.11.5 Other Public Facilities

As discussed in Section 5.3.10, *Population and Housing*, the project would not result in permanent population growth. Therefore, the project would not increase the demand for existing public facilities. Project operation is not anticipated to expand nor include additional employees. Therefore, the project would not require the provision of new or physically altered public facilities, and no impact would occur.

## 5.3.12 Recreation

### 5.3.12.1 Increased Use of Parks or Other Recreational Facilities

An increase in the use of existing parks and recreational facilities typically results from an increase in the number of housing units or residences in the surrounding area. The project would not involve the construction of housing units or residences. As discussed in Section 5.3.10, *Population and Housing*, the construction workers for the project are anticipated to commute from the surrounding area and would not likely require temporary local housing and would not contribute to permanent population growth. The demand for short-term construction jobs would be met by the local work force, and it is anticipated that no outside labor would be needed. Further, the project would operate in the project site, would not expand existing operations, and would not increase the number of employees after construction. Thus, the project would not contribute to a permanent increase in population that would increase the use of existing recreational facilities, including Point Loma Marina Park, which is located approximately 600 feet northwest of the project site. Project activities would be contained within the existing project site and would not require closure of any parks or recreational facilities. Therefore, impacts would be less than significant.

### 5.3.12.2 Construction or Expansion of Recreational Facilities

The project involves the demolition of Building E, removal and replacement of Piers 4 through 8, and construction of a floating wave attenuator. The project does not include recreational facilities or require the construction or expansion of recreational facilities that might result in an adverse physical effect on the environment. Therefore, no impact would occur.

## 5.3.13 Transportation

### 5.3.13.1 Transportation Hazards

The proposed project would include the demolition of one landside structure, Building E and the demolition and replacement of the existing waterside structures to address deficiencies related to the age and condition of structures, and to allow commercial fishing operations to continue in the marina. Construction activities would occur in the boundaries of the project site and would not encroach onto the right-of-way of North Harbor Drive or into the parking lots of adjacent buildings because fencing would separate the project site parking and adjacent parking. In addition, no unusual or hazardous design features would be constructed. For these reasons, the proposed project would not substantially increase transportation hazards due to design features or incompatible uses, and impacts would be less than significant.

### 5.3.13.2 Emergency Access

Emergency access to the project site is provided via Nixie Way. As discussed above, construction of the proposed project would occur in the boundaries of the project site. The proposed project would not result in permanent alterations to vehicular circulation routes and patterns on any roadway, including Nixie Way, that could impede emergency access. In addition, the proposed project would comply with all applicable emergency access requirements, including those in the California Fire Code, which includes standards for emergency vehicle access during construction and operation. For these reasons, the proposed project would not result in inadequate emergency access during construction or operations, and impacts would be less than significant.

## 5.3.14 Utilities and Service Systems

### 5.3.14.1 Water, Wastewater Treatment or Stormwater Drainage, Electric Power, Natural Gas, and Telecommunication Facilities

A significant impact may occur if a project would increase demands on infrastructure to such a degree that the construction and relocation of facilities currently serving the project site would be required and have the potential to cause significant environmental impacts.

The project includes landside and waterside components. The landside component proposes the demolition of Building E, Existing riprap would be removed where necessary during pile installation and reinstalled once pile installation is complete, and minor trenching to a depth of four inches would be required for the installation of utilities. The waterside component proposes the demolition and reconstruction of Piers 4 through 8, associated docks, gangways, and headwalks, and the construction of a floating wave attenuator to address deficiencies related to the age and condition of structures, and to allow commercial fishing operations to continue in the marina. Existing utilities on-site include water, wastewater, and electricity. These utilities serve the existing buildings and piers on-site. Building E would be demolished as part of the project and would not be replaced or redeveloped. No other buildings or landside structures would be demolished or otherwise altered. Therefore, the project's landside use of water and wastewater would ultimately decrease compared to existing conditions. The project includes the installation of new electrical and mechanical utilities at the piers. The capacity of the electrical service would be upgraded to provide additional voltage for the proposed improvements. Electric services would range from 30-amp 120-volt service for vessels up to 40 feet in length; 50-amp 240-volt service for slips up to 60 feet in length; and 100-amp 240-volt service for slips up to 100 feet in length. A potable water system would be supplied, including two hose bibbs at every slip with an anti-siphon valve at each hose bib. The hose bibs would be installed on the side of each proposed utility power pedestal. Existing piers are equipped with hose bibs, including three on Pier 4 and approximately 12 hose bibs on Piers 5 through 8. Similar to existing conditions, proposed hose bibs would be used for vessels to attach a hose to spray down vessels and associated equipment with fresh water. A 1200A 208Y/120v three-phase four-wire switchboard would be installed as the main service equipment to service the proposed power pedestals. Electrical upgrades are addressed in Sections 3.1, *Air Quality*, 3.4, *Energy*, and 3.9, *Noise*.

In terms of waterside use of utilities, electrical connections to the piers would be removed as part of demolition of the existing piers and associated structures (i.e., docks, gangways, and headways); however, these piers and associated structures would be reconstructed similar to the existing conditions on-site. Project implementation would not result in a significant change in demand on municipal systems as project operations are anticipated to be similar or less of a demand on the existing infrastructure than historic and recent operations. Therefore, the project would not result in a significant increase in demand on existing infrastructure such that new facilities would be required. Therefore, project implementation would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities. This impact would be less than significant.

### 5.3.14.2 Water Supplies

As previously discussed in Section 5.3.14.1, the project includes landside and waterside components. Utility connections to the project site serve the landside buildings, one of which (Building E) would be demolished and not replaced or redeveloped. Therefore, the project's landside water usage would ultimately decrease compared to existing conditions. No other buildings would be demolished or otherwise altered. The waterside component would involve replacement of water lines on the new piers, similar to existing conditions on-site. Once operational, the project would operate similar to existing conditions and would not increase water demand compared to existing conditions. Therefore, sufficient water supplies would be available for the project, and impacts would be less than significant.

### 5.3.14.3 Wastewater Treatment

As previously discussed in Section 5.3.14.1, utility connections to the project site serve the landside buildings and piers. The minimal wastewater generated from project construction would not exceed the requirements of any wastewater treatment facilities. As part of the project, Building E would be demolished and not replaced or redeveloped. Therefore, the project's wastewater usage would ultimately decrease compared to existing conditions. The project would not generate a permanent increase in demand for wastewater treatment compared to existing conditions. Therefore, because an increase in wastewater treatment is not anticipated for this project, this impact would be less than significant.

### 5.3.14.4 Solid Waste Generation

The project would require removal or demolition of existing landside and waterside structures and disposal of the subsequent debris. Nonhazardous construction trash and debris would be sent to approved recycling facilities in accordance with the City of San Diego Recycling Ordinance and Construction and Demolition (C&D) Debris Deposit Ordinance, which requires recycling of a minimum of 65 percent of construction waste. The remaining nonhazardous construction trash and debris would be handled through the existing current trash hauler, and disposed of at local landfills located outside the Coastal Zone. These landfills are anticipated to include Republic Services Sycamore and Otay Landfills in San Diego County, California.

The demolition of Piers 4 through 8 is anticipated to require the removal approximately six 14-inch creosote-treated timber piles. In conformance with California Department of Toxic Substances Control standards, the timber piles would be managed and manifested as hazardous waste and transported to a Class I hazardous waste landfill for disposal. If other hazardous waste is generated, such as dredged contaminated sediment that may occur as a result of implementation of **MM-WQ-1**, it would be transported under a waste manifest to an authorized hazardous waste treatment, storage, and disposal facility.

No changes in operational generation of solid waste are anticipated. Operational solid waste generation would continue to comply with applicable statutes and regulations defined in Section 5.3.14.5 below, including AB 939 and AB 341, to support statewide goals of diverting solid waste from landfills. It is anticipated that local recycling facilities and landfills have adequate capacity to accommodate the solid waste that would be temporarily generated from construction activities. Therefore, impacts would be less than significant.

### 5.3.14.5 Compliance with Solid Waste Statutes and Regulations

The following statutes and regulations related to solid waste are applicable to local jurisdictions and solid waste collectors:

- AB 939 (1989) California Integrated Waste Management Act: Requires all California cities, counties, and approved regional solid waste management agencies to divert 25 percent of their solid waste by 1995 and 50 percent by 2000. AB 939 established the California Integrated Waste Management Board, which later became CalRecycle.

- AB 341 (2012) Mandatory Recycling: Increased California's waste diversion goal from 50 percent to 75 percent by 2020. AB 341 also includes mandatory commercial recycling to reduce greenhouse gas emissions. All commercial businesses that generate more than 4 cubic yards of solid waste per week are required to have a recycling program in place.
- AB 1594 (2014) Green Material Disposal: Effective January 1, 2020, jurisdictions can no longer count green material used as alternative daily cover at landfills toward their recycling goals. Jurisdictions are required to develop plans to divert green material from landfills.
- Senate Bill (SB) 1383 (2016) Short-Lived Climate Pollutants—Organic Waste Methane Emissions Reductions: Requires a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level as of 2020 and a 75 percent reduction by 2025. SB 1383 also requires at least 20 percent of currently disposed edible food be recovered for human consumption by 2025. Jurisdictions, haulers, and generators were required to implement programs to comply with the law by January 1, 2022.
- Port of San Diego Climate Action Plan (District 2013): Part of the District's approved Climate Action Plan, which identifies measures to increase the diversion of solid waste from landfill disposal.
- City of San Diego Recycling Ordinance: Provides recycling requirements for city-serviced multifamily residences, privately serviced businesses, commercial/institutional facilities, apartments, condominiums, and permitted special events.
- City of San Diego C&D Debris Deposit Ordinance: Requires construction, demolition, and remodeling projects needing building, combination (i.e., permits for structural modifications to existing structures), and demolition permits to pay a refundable deposit and divert at least 65 percent of their debris by recycling, reusing, or donating usable materials.
- City of San Diego Zero Waste Plan (City of San Diego 2015): Part of the city's approved Climate Action Plan, which sets goals of achieving 75 percent diversion of solid waste by 2020, 90 percent diversion of solid waste by 2035, and zero solid waste by 2040.

The project would not conflict with or cause a local jurisdiction or service provider to conflict with any federal, state, or local solid waste regulations, including AB 939 (California Integrated Waste Management Act), AB 341 (Mandatory Recycling), AB 1594 (Green Material Disposal), or SB 1383 (Short-Lived Climate Pollutants: Organic). The project proposes to modernize the wharf and marina to be capable of supporting modern commercial fishing operations and accommodating a range of commercial fishing vessels. The project would include the demolition of Building E, as well as the demolition and reconstruction of Piers 4 through 8, including their associated structures (i.e., docks, gangways, and headwalks), and the construction of a floating wave attenuator. Waste generated from construction activities would be required to comply with the City of San Diego's Recycling Ordinance and C&D Debris Deposit Ordinance. The demolition of Building E, and subsequently not rebuilding of Building E, would ultimately result in decreasing the generation of solid waste on-site and would thus comply with federal, state, and local management and reduction statutes and regulations related to solid waste. The project, once operational, would resemble the appearance and scale of existing conditions. .

In addition, hazardous wastes would be separated, classified, and disposed of at an appropriate landfill that accepts hazardous waste. The disposal of hazardous wastes would be conducted in accordance with applicable regulations and laws, including the Federal Toxic Substances Control Act, RCRA and Hazardous Solid Waste Act Amendments, Environmental Health Standards for the Management of Hazardous Waste (CCR Title 22, Division 4.5, Section 66001 et seq.), California Labor Code (Division 5, Parts 1 and 7), and San Diego County Code (Title 6, Division 8) (see Section 5.3.6, *Hazards and Hazardous Waste*, for additional information). No changes in operational generation of hazardous wastes are anticipated.

Project construction and operation would comply with all federal, state, and local management regulations related to solid waste, as described above, and therefore, impacts would be less than significant.

## 5.3.15 Wildfire

State law requires that all local jurisdictions identify VHFHSZs in their areas of responsibility (California Government Code Sections 51175–51189). Inclusion within these zones is based on vegetation density, slope severity, and other relevant factors that contribute to fire severity. The project site is within an LRA, not an SRA, and is designated by CAL FIRE as a non-VHFHSZ (CAL FIRE 2025). Lands in an LRA identified as a VHFHSZ are approximately 3 miles east of the project site. The nearest lands classified as VHFHSZ in an SRA are approximately 12 miles east of the project site (CAL FIRE 2025). Furthermore, the project site is in a developed urban area on and adjacent to the San Diego Bay. The project site is over water, lacks vegetation, and is not in an area susceptible to wildfire. Therefore, the project would have no impact related to wildfire.

Chapter 6

# Alternatives to the Proposed Project

## 6.1 Overview

This chapter describes and analyzes a range of reasonable alternatives that could feasibly attain most of the basic project objectives while avoiding or substantially lessening one or more of the significant effects of the proposed project. The primary purpose of this chapter is to ensure that the comparative analysis provides sufficient detail to foster informed decision-making and public participation in the environmental process.

Three alternatives to the proposed project are analyzed in this chapter and discussed in terms of their merits relative to the project.

- Alternative 1 – No Project Alternative
- Alternative 2 – Reduced Project: Reduced Over Water Coverage Alternative
- Alternative 3 – Reduced Project: No Floating Wave Attenuator

Based on the analysis below, Alternative 2, Reduced Over Water Coverage Alternative, would be the environmentally superior alternative.

## 6.2 Requirements for Alternative Analysis

The State CEQA Guidelines require that an EIR present a range of reasonable alternatives to a project, or to the location of a project, that could feasibly attain a majority of the basic project objectives, but that would avoid or substantially lessen one or more significant environmental impacts of the project. The range of alternatives required in an EIR is governed by a "rule of reason" that requires an EIR to set forth only those alternatives necessary to permit a reasoned choice. An EIR need not consider every conceivable alternative to a project. Alternatives may be eliminated from detailed consideration in the EIR if they fail to meet most of the basic project objectives, are not feasible, or do not avoid or substantially lessen any significant environmental effects (State CEQA Guidelines, Section 15126.6(c)).

In addition to the requirements described above, CEQA requires the evaluation of a No Project Alternative, which analyzes the environmental effects that would occur if the project did not proceed (State CEQA Guidelines Section 15126.6(e)). Moreover, the EIR is required to identify the environmentally superior alternative. If the environmentally superior alternative is the No Project Alternative, the EIR must also identify an environmentally superior alternative among the other alternatives (State CEQA Guidelines Section 15126.6(e)(2)).

## 6.3 Selection of Alternatives

In developing alternatives that meet the requirements of CEQA, the starting point is the project's objectives. The project includes the following objectives.

1. Modernize the wharf and marina through updated waterside facilities capable of supporting modern commercial fishing operations.
2. Demolish structurally deficient piers and replace with floating docks, gangways, and headwalks that meet current safety standards and are Americans with Disabilities Act (ADA) compliant.

3. Allow for the continued operation of commercial fishing, identified as a high-priority use under the California Coastal Act.
4. Provide a mix of vessel slip sizes to accommodate a range of commercial fishing vessels.
5. Demolish underutilized and deteriorated buildings that are no longer needed.
6. Reduce the impact of waves on the shoreline and marina, maintain safe operation of the marina, and prevent future damage from wave action.

CEQA also requires that alternatives be feasible. *Feasible* is defined in CEQA as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors" (Public Resources Code Section 21061.1). The State CEQA Guidelines indicate that factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, other plans or regulatory limitations, and jurisdictional boundaries and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (State CEQA Guidelines Section 15126.6).

Finally, the alternatives should also avoid or substantially lessen one or more significant environmental impact that would occur under the project. Table 6-1 summarizes the project's significant impacts, which are listed here to focus on the issue areas where one or more alternatives may reduce an identified significant impact associated with the project.

**Table 6-1. Summary of Significant Impacts of the Proposed Project**

| Resource Impact | Significant and Unavoidable | Less than Significant with Mitigation |
|---|---|---|
| **Section 3.1, Air Quality** | | |
| No significant impacts identified | N/A | N/A |
| **Section 3.2, Biological Resources** | | |
| **Impact-BIO-1:** Impacts to Birds Protected Under the Migratory Bird Treaty Act from Nest Destruction or Disturbance (Demolition Component and Waterside Redevelopment Component) | | X |
| **Impact-BIO-2:** Temporary Impacts on Foraging Behavior of California Least Tern from Construction Noise (Demolition Component and Waterside Redevelopment Component) | | X |
| **Impact-BIO-3:** Impacts on Mammals, Fish, and Green Sea Turtles from In-Water Construction Noise (Demolition Component and Waterside Redevelopment Component) | | X |
| **Impact-BIO-4**: Indirect Temporary Turbidity Impacts on Special-Status Species (Demolition Component and Waterside Redevelopment Component) | | X |
| **Impact-BIO-5:** Overwater Shading Impacts on California Least Tern (Waterside Redevelopment Component) | | X |
| **Impact-BIO-6**: Direct and Indirect Loss of Eelgrass Habitat (Demolition Component and Waterside Redevelopment Component) | | X |
| **Impact-BIO-7:** Loss of San Diego Bay Habitat from Increased Fill (Waterside Redevelopment Component) | | X |
| **Impact-BIO-8:** Construction-Related Impacts on Waters of the United States and Waters of the State (Demolition Component and Waterside Redevelopment Component) | | X |
| **Impact-BIO-9:** Potential to Substantially Interfere with Wildlife Movement and Substantially Impede the Use of Wildlife Nursery Sites (Demolition Component and Waterside Development Component) | | X |
| **Impact-C-BIO-1**: Cumulative Contribution to Cumulative Sensitive Biological Resources Impacts | | X |
| **Section 3.3, Cultural and Tribal Cultural Resources** | | |
| No significant impacts identified | N/A | N/A |

| Resource Impact | Significant and Unavoidable | Less than Significant with Mitigation |
|---|---|---|
| **Section 3.4, Energy** | | |
| No significant impact identified | N/A | N/A |
| **Section 3.5, Greenhouse Gas Emissions and Climate Change** | | |
| No significant impact identified | N/A | N/A |
| **Section 3.6, Hazards and Hazardous Materials** | | |
| **Impact-HAZ-1**: Potential to Disturb Onsite Contaminated Soil (Demolition Component, Waterside Redevelopment Component) | | X |
| **Impact-HAZ-2**: Potential for Accidental Release of Hazardous Materials into San Diego Bay (Demolition Component and Waterside Redevelopment Component) | | X |
| **Impact-HAZ-3**: Potential to Encounter Waterside Contaminated Sediment Project Construction Activities (Demolition Component and Waterside Redevelopment Component) | | X |
| **Section 3.7, Hydrology and Water Quality** | | |
| **Impact-WQ-1**: Violation of Water Quality Standards and Degradation of Water Quality from Sediment Disturbance During In-Water Construction | | X |
| **Impact-WQ-2**: Degradation of Water Quality from Accidental Release of Hazardous Materials into San Diego Bay (Demolition Component and Waterside Redevelopment Component) | | X |
| **Impact-C-WQ-1:** Cumulative Contribution to Significant Cumulative Water Quality Impacts from Disturbing Existing Sediment (Demolition Component and Waterside Redevelopment Component) | | X |
| **Impact-C-WQ-2:** Cumulative Contribution to Significant Cumulative Bay Water Quality Impacts through Construction-Related Introduction of Demolition Debris and Potential Accidental Spills (Demolition Component and Waterside Redevelopment Component) | | X |
| **Section 3.8, Land Use and Planning** | | |
| No significant impact identified | N/A | N/A |
| **Section 3.9, Noise and Vibration** | | |
| **Impact-NOI-1**: Potential to Result in Structural Damage to Nearby Structures from Vibration-Generating Construction Activities (Waterside Redevelopment Component). | | X |
| **Section 3.10, Transportation** | | |
| No significant impact identified | N/A | N/A |

# 6.4 Alternatives Considered

Five alternatives were initially considered for evaluation, of which three were carried forward for further consideration in the EIR. As described in Section 6.4.1, two alternatives were considered but rejected: the (1) Alternate Commercial Fishing Facility Location Alternative, and the (2) Remove Landside Demolition Alternative. Based on the criteria described in Section 6.3, a No Project Alternative, Reduced Over Water Coverage Alternative, and a No Wave Attenuator Alternative were considered and analyzed in Section 6.4.2. As described further in Section 6.5, these alternatives would eliminate or reduce certain project elements to avoid or lessen one or more significant environmental impacts of the proposed project. No alternatives were suggested in any of the scoping comments received during the 30-day public scoping period.

## 6.4.1 Alternatives Considered but Rejected

As mentioned above, alternatives may be eliminated from detailed consideration in the EIR if they fail to meet most of the basic project objectives, are not feasible, or do not avoid or substantially lessen any significant environmental effects (State CEQA Guidelines, Section 15126.6(c)). The following discusses the alternatives that were initially considered but were rejected from further consideration.

#### 6.4.1.1 Alternate Commercial Fishing Facility Location Alternative

This alternative would involve decommissioning the existing commercial fishing facility and associated infrastructure (e.g., loading dock and piers) at the project site and relocating commercial fishing vessels to an alternate location within the District's jurisdiction. Besides the proposed project site, the only current location with commercial fishing-related uses and activities is Tuna Harbor. However, relocating commercial fishing vessels to Tuna Harbor would not be feasible without adding additional, larger slips.

Besides Tuna Harbor, alternate commercial fishing property in the District's jurisdiction is limited for several reasons and would not be feasible. One reason is because other marinas have existing lease agreements with tenants and cannot accommodate new or additional tenants. Secondly, no other areas within the Port are designated for commercial fishing uses. A Port Master Plan Amendment to change another land and water use to commercial fishing would need to be processed and approved prior to accommodating commercial fishing uses if the designations did not allow for commercial fishing. Surrounding water and land uses at other potential sites that do not currently support commercial fishing may not be compatible with commercial fishing. Furthermore, there are no available tenant leaseholds that meet the size and physical requirements for a commercial fishing wharf. Finally, the proposed project site is already surrounded by compatible and complementary land uses, such as recreational boat berthing, marine services, and sportfishing.

In addition to the issue of feasibility, relocating the commercial fishing vessels to an alternate location does not meet Project Objectives 1, 2, or 3 because this alternative would not modernize the wharf or marina (Objective 1); would not replace the existing floating docks, gangways, and headwalks with facilities that are ADA compliance (Objective 2); and would not allow for the continued operation of commercial fishing at the project site (Objective 3).

Therefore, because relocating the project to an alternative location is not considered feasible and an alternative location would not meet the majority of the project objectives, the Alternate Commercial Fishing Facility Location Alternative was rejected from further consideration.

#### 6.4.1.2 Remove Landside Demolition Alternative

This alternative would involve elimination of the landside demolition components included as part of the proposed project. Under this alternative, demolition of Building E and the underlying concrete pad of the removed storage shed would not occur. Construction staging would occur in a larger portion of the existing parking area at the project site. Under this alternative, one of the central project objectives, to demolish underutilized and deteriorated buildings that are no longer needed, would not be implemented. Consequently, Building E would continue to deteriorate and no cleanup of existing contamination associated with the underlying concrete pad of the removed storage shed would occur, leaving contamination at the project site. Although this alternative would lessen the potential for landside demolition impacts related to exposing wildlife to noise associated with demolition, the impact would not be entirely avoided and the loudest phases of the project would still occur (e.g., pile removal and driving, including use of an impact hammer for final installation). The potential to impact hazards and hazardous materials and hydrology and water quality would remain for other project components. Therefore, because one of the central objectives would not be achieved, existing contamination would continue to be present, and no significant impacts would be avoided or even reduced in a meaningful manner, this alternative was rejected from consideration.

### 6.4.2 Alternatives Selected for Analysis

#### 6.4.2.1 Alternative 1: No Project Alternative

The No Project Alternative is required by CEQA to discuss and analyze potential impacts that would occur if the project was not implemented. Under the No Project Alternative, the wharf for commercial fishing boat mooring

would operate using the existing infrastructure on the project site. However, due to the existing condition of the piers and docks, it is unlikely that certain piers would be able to support commercial fishing in the near future. Repairs would be needed to avoid closing the facility to commercial fishing operations, which would include new pilings, new docks, and many of the same components proposed by the project.

Until replacement of deteriorated infrastructure occurred, the No Project Alternative would not address deficiencies related to the age and condition of structures at the existing commercial fishing operation. Specifically, this alternative would retain existing Piers 5 through 8 that are approaching the end of their useful life as well as the supporting infrastructure. Additionally, the No Project Alternative would maintain the existing off-loading dock (Pier 4) and demolition of Building E and the underlying concrete pad of the removed storage shed would not occur in a coordinated and efficient manner. Therefore, this alternative would not modernize the wharf or marina through the provision of improved waterside facilities capable of supporting modern commercial fishing operations. Under this alternative, the existing piers, which are in need of repairs and modernization, would remain in their current condition and would not be replaced with floating docks, gangways, or headwalks that meet current safety standards and the Americans with Disabilities Act (ADA). The existing commercial fishing wharf would also be left in its current condition and would remain susceptible to damage from wave action without installation of the floating wave attenuator. Lastly, damaged piles would be retained in their current condition and would remain susceptible to continued deterioration and growing instability. Without the project improvements, the waterside facilities would not be able to safely support commercial fishing operations in the near future.

### 6.4.2.2 Alternative 2: Reduced Over Water Coverage Alternative

Alternative 2 would include all project elements described in Section 2.3.3 of Chapter 2, *Environmental Setting and Project Description*, except this alternative would reduce the ~~area of the floating docks proposed~~ main walk which would reduce overwater coverage ~~to replace Piers 5, 6, 7, and 8~~ from 18,037~~307~~ sf to 11,265~~13,798~~ sf, and ~~which would~~ also reduce the number of slips available for commercial fishing vessels. ~~By r~~Reducing the ~~floating dock area~~ main walk ~~that is proposed to replace the existing piers,~~ would eliminate the temporary tie-up and staging space along the main walk, and it would remove the continuous waterside connection between the berthing areas and the floating platform at Pier 6. ~~a significant portion of the overall project footprint would be reduced. Therefore, the amount of overwater coverage and shading would be decreased compared to the proposed project.~~ In addition, the reduced scale of the ~~floating docks~~ main walk under this alternative would correspond to a decrease in the number of piles required, which would reduce net fill and reduce the amount of sediment disturbance associated with pile installation. Therefore, because this alternative would require fewer piles and add less overwater coverage, it ~~is proposed to attempt to reduce significant~~ would lessen impacts on biological resources, hazards and hazardous materials, and hydrology and water quality.

### 6.4.2.3 Alternative 3: No Floating Wave Attenuator Alternative

Similar to Alternative 2, Alternative 3 would include all project elements described in Section 2.3.3, *Environmental Setting and Project Description*, except this alternative would not propose a floating wave attenuator. By not constructing the floating wave attenuator, Alternative 3 would reduce in-water structures by 3,245 sf when compared to the proposed project. Therefore, the amount of overwater coverage and shading would be decreased compared to the proposed project. In addition, the removal of the proposed floating wave attenuator would correspond to a decrease in the number of piles required, which would reduce the amount of sediment disturbance associated with pile installation. Although the amount of overwater coverage and shading would be decreased and sediment disturbance would decrease, the wave attenuator is proposed to address existing damage and prevent future damage from wave action and to maintain safe operation of the marina. Removal of wave attenuator under this alternative would not offer protection of the infrastructure investment in the form of a floating wave attenuation dock. This alternative is proposed in an attempt to reduce significant impacts on biological

resources, hazards and hazardous materials, and hydrology and water quality by reducing the amount of in-water structures.

# 6.5 Analysis of Alternatives

This section evaluates the impacts of each of the project alternatives and determines whether each alternative would avoid or substantially reduce any of the significant impacts of the proposed project. This section also identifies any additional impacts resulting from the alternatives that would not result from the proposed project and considers the alternatives' respective relationships to the proposed project's basic objectives. A summary comparison of the impacts of the proposed project and the alternatives under consideration is included as Table 6-2 at the end of this chapter. A summary comparison of the relationship of the project objectives for the proposed project and the alternatives is included as Table 6-3 at the end of this chapter.

## 6.5.1 Alternative 1 – No Project Alternative

### 6.5.1.1 Air Quality

Air quality impacts associated with the proposed project would be less than significant. Alternative 1 would not include any construction activities. As a result, emission sources during construction, including landside equipment (off-road equipment) and waterside equipment (harbor craft), would be reduced under Alternative 1; thus, daily and annual construction emissions of criteria pollutants would be decreased compared to the proposed project. Under this alternative, the existing commercial fishing facilities would continue to operate without replacement of the piers or any of the other modernization improvements associated with the project. As such, there would be a reduction in emissions due to the lack of construction and no change in emissions during operation compared to the proposed project. Therefore, when compared with the proposed project, impacts related to air quality would be reduced under Alternative 1.

### 6.5.1.2 Biological Resources

The proposed project would have multiple significant but mitigable impacts on biological resources, including the potential to adversely affect special-status wildlife, disturb nesting birds, damage sensitive vegetation, and permanently remove habitat.

Under Alternative 1, demolition of Building E and the underlying concrete pad of the former storage shed would not occur; thus, impacts on terrestrial biological resources (i.e., potential to disturb nesting birds) would be avoided under this alternative. In addition, because the existing piers would remain in their current condition and would not be replaced under this alternative, there would be no in-water work or additional overwater coverage that would have the potential to impact marine biological resources during construction and operation. Finally, Alternative 1 would not include the installation of a new floating wave attenuator; thus, Alternative 1 would reduce the area of overwater coverage compared to the project. Therefore, when compared with the proposed project, impacts related to biological resources would be reduced under Alternative 1.

### 6.5.1.3 Cultural and Tribal Cultural Resources

The proposed project would result in less-than-significant impacts on historical and archaeological resources and tribal cultural resources. Alternative 1 would not alter any of the existing buildings or structures on the project site and, therefore, would not affect any potentially historic resources. Alternative 1 would not result in any ground-disturbing activities, and thus, would not disturb potential archaeological resources or tribal cultural resources that may exist on the project site. Therefore, when compared with the proposed project, impacts related to cultural resources and tribal cultural resources would be reduced under Alternative 1.

#### 6.5.1.4 Energy

Energy impacts associated with the proposed project's construction and operation would be less than significant. Under Alternative 1, no construction activities would occur, and energy demand would be lower than under the proposed project. In terms of energy consumption, operational energy use under the proposed project is not expected to change. However, the addition of shoreside electrical power would allow for vessels to plug into an alternative source of energy (i.e., electricity instead of diesel combustion), which is anticipated to reduce energy use when compared with recent site conditions. Therefore, because energy demand would be lower, impacts under Alternative 1 would be reduced compared to the proposed project; however, the alternative would not incorporate any efficient energy features, in contrast to the proposed project.

#### 6.5.1.5 Greenhouse Gas Emissions and Climate Change

The proposed project's impacts related to GHG emissions and climate change would be less than significant. Alternative 1 would not require any construction activities that would result in GHG emissions. Therefore, construction-related GHG emissions would be reduced under Alternative 1 when compared to the proposed project. Alternative 1 would result in operational emissions similar to those of the proposed project since the proposed project would not change the nature of existing operations or expand operations at the project site. Overall, when compared with the proposed project, impacts related to GHG emissions and climate change would be reduced under Alternative 1.

#### 6.5.1.6 Hazards and Hazardous Materials

The proposed project would result in significant but mitigable impacts related to hazards and hazardous materials. Alternative 1 would not result in any construction activities that would disturb contaminated soil or sediment within the project site or have the potential to result in accidental release of hazardous materials into San Diego Bay. Consequently, Alternative 1 would result in no impact associated with the potential for hazardous materials to be released into the environment and expose workers or the public. Overall, when compared with the proposed project, impacts related to hazards and hazardous materials would be reduced under Alternative 1. Nonetheless, the project would not result in hazardous material impacts that could not be mitigated to a less-than-significant level.

#### 6.5.1.7 Hydrology and Water Quality

The proposed project would result in significant but mitigable impacts related to hydrology and water quality. Unlike the proposed project, Alternative 1 would not involve any sediment-disturbing construction activities that have the potential to adversely affect water quality from increased turbidity or the release of hazardous materials into the water column. In addition, no landside demolition or earthwork would occur that could lead to erosion if not properly managed with BMPs. Overall, when compared with the proposed project, impacts related to hydrology and water quality would be reduced under Alternative 1.

#### 6.5.1.8 Land Use and Planning

The proposed project would result in a less than significant impact related to land use and planning. Alternative 1 would not change the existing operations at the site, would not involve any construction activities, and would not have the potential to conflict with plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. As such, Alternative 1 would be consistent with the applicable goals and policies of the certified Port Master Plan, Final Draft Port Master Plan Update, California Coastal Act, the California Coastal Commission's Sea Level Rise Policy Guidance, San Diego International Airport (SDIA) and Naval Air Station (NAS) North Island Land Use Compatibility Plans, and the San Diego Bay Integrated Natural Resource Management Plan. Overall, when compared with the proposed project, impacts related to land use and planning would be similar under Alternative 1.

#### 6.5.1.9 Noise and Vibration

The proposed project would result in significant but mitigable impacts related to noise and vibration. Alternative 1 would not involve any noise-generating construction activities, and because the nature of operations would be similar to existing conditions, noise levels under operational conditions would not change. Overall, when compared with the proposed project, impacts related to noise and vibration would be reduced under Alternative 1.

#### 6.5.1.10 Transportation

The project's impacts related to transportation would be less than significant. Alternative 1 would not involve any new construction activities, and operations would remain the same as existing conditions. As such, Alternative 1 would not generate new VMT or parking demand above existing conditions. Overall, when compared with the proposed project, impacts related to transportation would be reduced under Alternative 1.

#### 6.5.1.11 Relationship to Project Objectives and Summary of Impacts

The proposed project would not result in any significant and unavoidable impacts. The No Project Alternative would not involve landside or in-water construction activities. Therefore, Alternative 1 would avoid all construction-related impacts of the proposed project that would be less-than-significant or less-than-significant with mitigation related to air quality; biological resources; cultural resources; energy; greenhouse gas emissions and climate change; hazards and hazardous materials; hydrology and water quality; land use and planning; noise and vibration; and transportation. However, Alternative 1 would not meet any of the project objectives, which aim to address deficiencies related to the age and condition of structures, and to allow commercial fishing operations to continue within the marina. Under the No Project Alternative, the existing commercial fishing operations would not be able to safely function in supporting the continued operation of commercial fishing, identified as a high-priority use under the California Coastal Act. Regardless of whether the No Project Alternative is adopted, the District may still need to propose future improvements to ensure safe operations of the commercial fishing facility.

### 6.5.2 Alternative 2: Reduced Over Water Coverage Alternative

#### 6.5.2.1 Air Quality

Air quality impacts associated with the proposed project would be less than significant. Under Alternative 2, there would be less construction activity compared to the proposed project. As a result, emissions from construction equipment would be reduced under Alternative 2; thus, daily and annual construction emissions of criteria pollutants would generally be decreased compared to the proposed project. Similar to the proposed project, the project site would continue to be operated as a commercial fishing facility, but fewer slips would be available for vessels due to the reduction in size of the floating docks. As such, there would be a reduction in emissions during construction and operation compared with the proposed project. Therefore, when compared with the proposed project, impacts related to air quality would be reduced under Alternative 2.

#### 6.5.2.2 Biological Resources

The proposed project would have multiple significant but mitigable impacts on biological resources, including the potential to adversely affect special-status wildlife, disturb nesting birds, damage sensitive vegetation, and permanently remove habitat. Under Alternative 2, there would be a reduction in the size of the floating docks, which would result in a corresponding reduction in the area of overwater coverage and shading of Bay habitat. Additionally, the reduction in floating docks also would result in a decrease in the number of piles required, which would reduce the amount of sediment disturbance associated with pile installation. However, similar to the proposed project, Alternative 2 would still involve landside and in-water construction activities that would

have the potential to result in impacts on terrestrial and marine biological resources. Therefore, when compared with the proposed project, impacts related to biological resources would be slightly reduced under Alternative 2.

#### 6.5.2.3 Cultural and Tribal Cultural Resources

The proposed project would result in less-than-significant impacts on historical, archaeological resources, and tribal cultural resources. Alternative 2 would involve a reduction in waterside construction activities; however, construction activities would occur within the same locations as proposed under the project. Alternative 2 would result in ground-disturbing activities and would disturb potential tribal cultural resources that may exist on the project site, similar to the proposed project. However, **Condition TCR-1** would be applicable to Alternative 2, similar to the proposed project which would include monitoring to be responsive to consultation with the request from the Campo Band of Mission Indians. Therefore, when compared with the proposed project, impacts related to cultural and tribal cultural resources would be similar under Alternative 2.

#### 6.5.2.4 Energy

Energy impacts associated with the proposed project's construction and operation would be less than significant. Under Alternative 2, construction activities would occur but would be reduced, and energy demand would be lower than the proposed project. Similar to the proposed project, the project site would continue to be operated as a commercial fishing facility, but fewer slips would be available for vessels. Thus, Alternative 2 would result in slightly reduced operational energy demand compared to the proposed project. Therefore, because energy demand would be lower, impacts under Alternative 2 would be slightly reduced compared with the proposed project.

#### 6.5.2.5 Greenhouse Gas Emissions and Climate Change

The proposed project's impacts related to GHG emissions and climate change would be less than significant. Under Alternative 2, there would be less construction associated with waterside reconstruction ~~of the piers~~ compared to the proposed project. As a result, GHG emissions from construction equipment would be reduced under Alternative 2. Under Alternative 2, operational emissions would be reduced due to the reduction in size of the ~~floating dock~~ main walk and resulting reduction in vessels as compared to the proposed project. Because there would be a reduction in GHG emissions during construction and operation compared to the proposed project, overall impacts associated with GHG emissions would be slightly less from Alternative 2.

#### 6.5.2.6 Hazards and Hazardous Materials

The proposed project would result in significant but mitigable impacts related to hazards and hazardous materials. Similar to the proposed project, Alternative 2 would involve construction activities that would have the potential to disturb areas with soil and sediment contamination, thereby resulting in potentially significant hazards and hazardous materials impacts. Similar to the proposed project, mitigation would be required to reduce these impacts to less than significant. In general, the extent of these impacts would be less under Alternative 2 due to the reduced area of the main walk ~~replacement piers~~ (reduced by approximately 4,500 sf). However, Alternative 2 would still involve the removal of piles to support the replacement of existing piers and smaller main walk ~~floating docks~~. Removal of existing piles and driving new piles in this area would result in sediment disturbance within the project site. This activity would have the potential to disturb and release contaminated sediment into the environment. Therefore, when compared with the proposed project, impacts related to hazards and hazardous materials would be slightly reduced under Alternative 2.

#### 6.5.2.7 Hydrology and Water Quality

The proposed project would result in significant but mitigable impacts related to hydrology and water quality. Similar to the proposed project, Alternative 2 would involve pile removal or replacement in an area with potential sediment contamination. Therefore, Alternative 2 has the potential to violate water quality standards

or degrade existing water quality. Similar to the proposed project, mitigation would be required to reduce these impacts to less-than-significant levels. However, the extent of impacts would be slightly less under this alternative because of the reduced floating dock area. Overall, compared with the proposed project, Alternative 2 would reduce the area of overall sediment disturbance and reduce the amount of in-water construction (including reduced bay fill), resulting in impacts on hydrology and water quality that would be slightly reduced compared to the proposed project.

### 6.5.2.8 Land Use and Planning

The proposed project would result in a less than significant impact related to land use and planning. Under Alternative 2, there would be less construction associated with the ~~floating docks associated with Piers 5, 6, 7, and 8~~ main walk, compared to the proposed project. Alternative 2 would not have the potential to conflict with plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. As such, Alternative 2 would be consistent with the goals of applicable plans and policies, including the California Coastal Act, Public Trust Doctrine, certified Port Master Plan, Final Draft Port Master Plan Update, California Coastal Commission Sea Level Rise Policy Guidance, SDIA and NAS North Island Airport Land Use Compatibility Plans, and the San Diego Bay Integrated Natural Resource Management Plan. Therefore, when compared with the proposed project, land use and planning impacts would be similar under Alternative 2.

### 6.5.2.9 Noise and Vibration

The proposed project would result in significant but mitigable impacts related to noise and vibration. Alternative 2 would involve the use of construction equipment similar to the equipment that would be used for the proposed project, including cranes, impact and vibratory pile drivers, dump trucks, shears, air compressors, concrete trucks and pumps, welding units, generators, and haul trucks. Compared to the proposed project, construction activities would be slightly reduced because of the smaller size of the ~~floating dock~~ main walk. Moreover, construction worker trips and truck trips would be slightly reduced between the proposed project and Alternative 2. Alternative 2 would result in a slightly reduced noise and vibration impact compared to the proposed project. However, like the proposed project, mitigation would be required to ensure that construction noise and vibration from pile driving associated with Alternative 2 would be reduced. Therefore, when compared with the proposed project, noise and vibration impacts would be slightly reduced under Alternative 2.

### 6.5.2.10 Transportation

The project's impacts related to transportation would be less than significant. Alternative 2 would generate construction trips, including construction worker trips and truck trips. Compared with the proposed project, Alternative 2 would require slightly fewer trips associated with construction materials for the main walk ~~floating docks~~ due to the reduced scale. However, construction worker trips and truck trips would be the same between the proposed project and Alternative 2 for all other project components. Sufficient parking supply would be maintained under Alternative 2, and public coastal access would not be restricted. Similar to the proposed project, Alternative 2 would result in less-than-significant impacts related to transportation. Therefore, when compared with the proposed project, transportation impacts would be slightly reduced under Alternative 2.

### 6.5.2.11 Relationship to Project Objectives and Summary of Impacts

Alternative 2 would slightly reduce ~~project~~ construction impacts related to air quality; biological resources; ~~cultural resources;~~ energy; greenhouse gas emissions and climate change; hazards and hazardous materials; hydrology and water quality~~; land use and planning~~; noise and vibration; and transportation during construction. Impacts on cultural resources and land use and planning would be similar to the proposed project. However, these impacts would not be entirely avoided. Because Alternative 2 would still construct floating

docks, piles, and the wave attenuator, it would not avoid any of these impacts, but it would reduce them in degree. ~~Constructing less floating dock area with fewer vessel slips would still result in impacts to those resource areas, but to a lesser degree.~~ The proposed project design was developed in close coordination with ~~the~~ local commercial fishermen. The San Diego Fishermen's Working Group (SDFWG) reviewed several layouts and agreed that the proposed layout provides the best berth configuration and mix of slip sizes (SDFWG 2026). The proposed design therefore reflects the input and support of the commercial fishing community the project is intended to serve, consistent with the protection of commercial fishing as a high-priority, coastal-dependent use under the Coastal Act. ~~Further, the reduced size of the floating dock under Alternative 2 would provide less space for additional slips to provide a mix of vessel slip sizes to accommodate a range of commercial fishing vessels compared to the proposed project.~~ Reducing the main walk under Alternative 2 would eliminate two slips and reduce the temporary tie-up and staging space that fishermen use to load and unload gear and equipment. It would also remove the continuous waterside connection between the berthing areas and the floating platform at Pier 6. These changes would reduce the functionality and efficiency of the commercial fishing facility as well as accessibility. Therefore, Alternative 2 would ~~be less effective in~~ only partially meet~~ing p~~Project O~~o~~bjectives~~s~~ 1 (modernize the wharf and marina), Project Objective 2 (ADA-compliant facilities), ~~3,~~ and Project Objective 4 (mix of vessel slip sizes)~~, which include modernizing the wharf and marina through improved waterside facilities capable of supporting modern commercial fishing operations and allowing for continued operation of commercial fishing, identified as a high-priority use under the California Coastal Act~~.

## 6.5.3 Alternative 3: No Floating Wave Attenuator Alternative

### 6.5.3.1 Air Quality

Air quality impacts associated with the proposed project would be less than significant. Compared to the proposed project, there would be slightly less in-water construction activity (i.e., no floating wave attenuator) under Alternative 3. As a result, emissions from construction equipment would be slightly reduced under Alternative 3; thus, annual construction emissions of criteria pollutants would see a slight decrease compared to the proposed project. Similar to the proposed project, the project site would continue to be operated as a commercial fishing facility. Therefore, emissions resulting from operation of Alternative 3 would be similar to the proposed project. Because there would be a slight reduction in emissions during construction compared to the proposed project, impacts associated with emissions of criteria pollutants from Alternative 3 would be slightly less than the proposed project.

### 6.5.3.2 Biological Resources

The proposed project would have multiple significant but mitigable impacts on biological resources, including the potential to adversely affect special-status wildlife, disturb nesting birds, damage sensitive vegetation, and permanently remove habitat. Under Alternative 3, eliminating construction of the proposed floating wave attenuator would reduce the area of overwater coverage and shading while also reducing the duration of noise from pile driving (e.g., slightly fewer piles to be driven). However, similar to the proposed project, Alternative 3 would still involve landside and in-water construction activities that would have the potential to result in impacts on terrestrial and marine biological resources. Therefore, when compared with the proposed project, impacts on biological resources would be slightly reduced under Alternative 3.

### 6.5.3.3 Cultural Resources and Tribal Cultural Resources

The proposed project would result in less-than-significant impacts on historical, archaeological resources, and tribal cultural resources. Alternative 3 would involve a slight reduction in waterside construction activities compared to the proposed project due to the absence of the floating wave attenuator. Otherwise, however, construction activities would occur within the same locations as proposed under the project. Alternative 3 would result in ground-disturbing activities and would disturb potential tribal cultural resources that may exist

on the project site, similar to the proposed project. As such, Alternative 3 would be subject to **Condition TCR-1** to be responsive to consultation with the request from the Campo Band of Mission Indians. Therefore, when compared with the proposed project, impacts on cultural resources and tribal cultural resources would be similar under Alternative 3.

### 6.5.3.4 Energy

Energy impacts associated with the proposed project's construction and operation would be less than significant. Under Alternative 3, energy demand from construction would be slightly lower than under the proposed project as a result of not constructing the floating wave attenuator. Similar to the proposed project, the project site would operate as a commercial fishing facility with no other operational differences from the proposed project. Thus, Alternative 3 would result in the same operational energy demand as the proposed project. Therefore, compared with the proposed project, energy-related impacts would be slightly reduced under Alternative 3 due to slightly less energy being needed during the construction phase.

### 6.5.3.5 Greenhouse Gas Emissions and Climate Change

The proposed project's impacts related to GHG emissions and climate change would be less than significant. Under Alternative 3, there would be slightly less construction associated with avoiding construction of the floating wave attenuator. As a result, GHG emissions from the use of construction equipment would be reduced under Alternative 3. Operational GHG emissions under Alternative 3 would be similar to the project because the commercial fishing facilities would be similar in size and the floating wave attenuator, once operational, would not produce GHG emissions. Therefore, when compared with the proposed project, overall impacts associated with GHG emissions would be slightly less with Alternative 3.

### 6.5.3.6 Hazards and Hazardous Materials

The proposed project would result in significant but mitigable impacts related to hazards and hazardous materials. Similar to the proposed project, Alternative 3 would involve construction activities with potential to disturb areas with soil and sediment contamination, thereby resulting in potentially significant hazards and hazardous materials impacts. Similar to the proposed project, mitigation would be required to reduce these impacts to less than significant. In general, the extent of these impacts would be similar under Alternative 3 even with the elimination of the floating wave attenuator. Although the floating wave attenuator would require stabilizing piles that would disturb bay floor sediments, the location is not in an area that has seen significant historical overwater activities (e.g., there are not docks, piers, or vessel slips in this location). However, Alternative 3 would still involve the removal of piles to support the replacement of existing piers and floating docks. Removal of piles and driving new piles in this area would result in sediment disturbance within the project site. This activity would have the potential to disturb and release contaminated sediment into the environment. Overall, when compared with the proposed project, hazards and hazardous materials impacts would be similar under Alternative 3.

### 6.5.3.7 Hydrology and Water Quality

The proposed project would result in significant but mitigable impacts related to hydrology and water quality. Similar to the proposed project, Alternative 3 would involve pile removal or replacement in an area with potential sediment contamination. Although Alternative 3 would slightly reduce sediment disturbance as the floating wave attenuator and its supporting piles would not be constructed, sediment disturbance would occur as a result of removal and replacement of piers for the reduced pier configuration. Therefore, Alternative 3 has the potential to violate water quality standards or degrade existing water quality. Similar to the proposed project, mitigation would be required to reduce these impacts to less-than-significant levels. However, the extent of impacts would be slightly less under this alternative because the floating wave attenuator would not be constructed. This alternative would result in overall less sediment disturbance, resulting in less potential

turbidity. Overall, when compared with the proposed project, hydrology and water quality impacts would be slightly reduced under Alternative 3 due to lower potential for turbidity impacts where the floating wave attenuator would have been located.

### 6.5.3.8 Land Use and Planning

The proposed project would result in less than significant impact related to land use and planning. Under Alternative 3, the floating wave attenuator would not be constructed. This would result in slightly reduced impacts on marine wildlife, sensitive habitat, water quality, and the applicable goals and policies adopted to protect these resources from avoiding installation of a permanent in-water structure. Therefore, Alternative 3 would be consistent with the goals of applicable plans and policies, including the California Coastal Act, Public Trust Doctrine, certified Port Master Plan, Final Draft Port Master Plan Update, California Coastal Commission Sea Level Rise Policy Guidance, SDIA and NAS North Island Airport Land Use Compatibility Plans, and the San Diego Bay Integrated Natural Resource Management Plan. Overall, when compared with the proposed project, land use and planning impacts would be similar under Alternative 3.

### 6.5.3.9 Noise and Vibration

The proposed project would result in significant but mitigable impacts related to noise and vibration. Alternative 3 would involve the use of construction equipment similar to the equipment that would be used for the proposed project, including cranes, impact and vibratory pile drivers, dump trucks, shears, air compressors, concrete trucks and pumps, welding units, generators, and haul trucks. Compared to the proposed project, construction activities would be slightly reduced due to the removal of the floating wave attenuator component, which would result in slightly less pile driving. Construction worker trips and truck trips under Alternative 3 would be similar to the proposed project due largely to most of the proposed activities still occurring under this alternative. Like the proposed project, mitigation would be required to ensure that construction noise from pile driving associated with Alternative 3 would be reduced. Therefore, when compared with the proposed project, noise and vibration impacts would be slightly reduced under Alternative 3.

### 6.5.3.10 Transportation

The project's impacts related to transportation would be less than significant. Alternative 3 would generate construction trips, including construction worker trips and truck trips. Compared to the proposed project, Alternative 3 would generate a similar number of trips associated with construction of the commercial fishing facilities with the exception of trips associated with the delivery of materials for the floating wave attenuator, which would be eliminated. Once operational, trips would be similar to the existing condition and the proposed project. As with the proposed project, sufficient parking supply would be maintained and public coastal access would not be restricted once operational. Therefore, when compared with the proposed project, transportation impacts would be slightly reduced under Alternative 3 due to a slight reduction in trips related to avoiding the installation of the floating wave attenuator.

### 6.5.3.11 Relationship to Project Objectives and Summary of Impacts

Alternative 3 would slightly reduce project impacts related to air quality; biological resources; energy; greenhouse gas emissions and climate change; hydrology and water quality; land use and planning; noise and vibration; and transportation during construction. However, these impacts would not be entirely avoided. Removal of the proposed floating wave attenuator would still result in impacts to those resource areas, but to a lesser degree. The removal of the floating wave attenuator as proposed under the project would not reduce the impact of waves on the shoreline and marina, maintain safe operation of the marina, and prevent future damage from wave action. As described in Section 2.3.3, passing ship traffic and sustained wind-driven waves from the southeast expose the existing docks to a relatively severe wave environment. The floating wave attenuator

would reduce wave energy entering the berthing area. This would create more stable conditions for commercial fishing vessels and reduce wave-induced movement and loading stress on the new docks, piles, vessels, and mooring systems. Reduced wave action would also provide safer working conditions for commercial fishermen who load and unload heavy gear, equipment, catch, and supplies from vessels. Therefore, Alternative 3 ~~would be less effective in meeting project objectives 1, 3, and 6, which include modernizing the wharf and marina through improved waterside facilities capable of supporting modern commercial fishing operations and allowing for continued operation of commercial fishing, identified as a high-priority use under the California Coastal Act.~~ would meet Project Objectives 1 through 5 but would not meet Project Objective 6 (reduce the impact of waves on the shoreline and marina, maintain safe operation of the marina, and prevent future damage from wave action) because the marina would remain exposed to wave action. That exposure would continue to damage the new infrastructure and would make it harder to maintain safe operation of the marina.

# 6.6 Environmentally Superior Alternative

Because the No Project Alternative (described above in Section 6.4.1) would avoid all adverse impacts resulting from construction and operation of the proposed project analyzed in Chapter 3, it is the environmentally superior alternative. However, the No Project Alternative would not meet the objectives of the project as presented above in Section 6.2.

When the environmentally superior alternative is the No Project Alternative, the State CEQA Guidelines (Section 15126[d][2]) require selection of an environmentally superior alternative from among the other action alternatives evaluated. As illustrated in Table 6-2, below, the Reduced Over Water Coverage Alternative (Alternative 2) would be environmentally superior action alternative. Although the environmental impacts of the Reduced Over Water Coverage Alternative would be similar to the proposed project, and no significant impacts or significant and unavoidable impacts would be completely avoided, the reduced degree of construction, sediment disturbance, and reduced project footprint would reduce impacts associated with air quality; biological resources; ~~cultural resources;~~ energy; greenhouse gas emissions and climate change; hazards and hazardous materials; hydrology and water quality; ~~land use and planning;~~ noise and vibration; and transportation during construction compared to the proposed project.

**Table 6-2. Summary Impact Comparison of Proposed Project Alternatives**

| Environmental Topic | Proposed Project Determination | Alternative 1: No Project Alternative | Alternative 2: Reduced Over Water Coverage Alternative | Alternative 3: No Floating Wave Attenuator Alternative |
|---|---|---|---|---|
| Air Quality | Less than Significant | -2 | -1 | -1 |
| Biological Resources | Less than Significant w/Mitigation | -2 | -1 | -1 |
| Cultural Resources | Less than Significant w/Mitigation | -2 | 0 | 0 |
| Energy | Less than Significant | -2 | -1 | -1 |
| Greenhouse Gas Emissions and Climate Change | Less than Significant | -2 | -1 | -1 |
| Hazards and Hazardous Materials | Less than Significant w/Mitigation | -2 | -1 | 0 |
| Hydrology and Water Quality | Less than Significant w/Mitigation | -2 | -1 | 0 |
| Land Use and Planning | Less than Significant w/Mitigation | 0 | 0 | 0 |

| Environmental Topic | Proposed Project Determination | Alternative 1: No Project Alternative | Alternative 2: Reduced Over Water Coverage Alternative | Alternative 3: No Floating Wave Attenuator Alternative |
|---|---|---|---|---|
| Noise and Vibration | Less than Significant w/Mitigation | -2 | -1 | -1 |
| Transportation | Less than Significant | -2 | -1 | -1 |
| **Total[1]** | **—** | **-18** | **-8** | **-6** |

[1] Note, the scoring provided in this table is to assist with determining the environmentally superior alternative and does not provide any other measurable difference between alternatives and the proposed project. Lowest score is environmentally superior alternative; however, if the lowest score is the No Project Alternative, then the next lowest score is the environmentally superior alternative.

-2 = Reduced; -1 = Slightly Reduced; 0 = Similar; +1 = Slightly Greater; +2 = Greater

Table 6-3 provides a summary comparison of the relationship of the project objectives for the proposed project and the alternatives.

**Table 6-3. Summary Project Objective Comparison of Proposed Project Alternatives**

| Project Objective | No Project (Alternative 1) | Reduced Over Water Coverage Alternative (Alternative 2) | No Floating Wave Attenuator (Alternative 3) |
|---|---|---|---|
| 1. Modernize the wharf and marina through updated waterside facilities capable of supporting modern commercial fishing operations | No | Partially | Yes |
| 2. Demolish structurally deficient piers and replace with floating docks, gangways, and headwalks that meet current safety standards and are Americans with Disabilities Act (ADA) compliant. | No | Partially ~~Yes~~ | Yes |
| 3. Allow for the continued operation of commercial fishing, identified as a high-priority use under the California Coastal Act. | No ~~Yes, to an uncertain time~~ | Yes ~~Partially~~ | Yes |
| 4. Provide a mix of vessel slip sizes to accommodate a range of commercial fishing vessels. | No | Partially | Yes |
| 5. Demolish underutilized and deteriorated buildings that are no longer needed. | No | Yes | Yes |
| 6. Reduce the impact of waves on the shoreline and marina, maintain safe operation of the marina, and prevent future damage from wave action. | No | Yes | No |

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# Chapter 7
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~~No references were used in this chapter.~~

# Attachment 1

## Mitigation Monitoring and Reporting Program

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

# MITIGATION MONITORING AND REPORTING PROGRAM FOR THE SHELTER ISLAND COMMERCIAL FISHING WHARF PROJECT

**ATTACHMENT 1 TO THE**
**FINAL ENVIRONMENTAL IMPACT REPORT**
**(UPD #EIR-2024-104; SCH #2024120926)**

**November 2026**

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# List of Abbreviations

| | |
|---|---|
| BMP | best management practice |
| CDP | Coastal Development Permit |
| CEMP | California Eelgrass Mitigation Policy |
| CEQA | California Environmental Quality Act |
| CFGC | California Fish and Game Commission |
| COC | Contaminant of Concern |
| CWA | Clean Water Act |
| District | San Diego Unified Port District |
| EIR | environmental impact report |
| FWS | US Department of Fish and Wildlife Service |
| IHA | Incidental Harassment Authorization |
| MBTA | Migratory Bird Treaty Act |
| MMRP | mitigation monitoring and reporting program |
| NMFS | National Marine Fisheries Service |
| NOAA | National Oceanic and Atmospheric Administration |
| NTU | nephelometric turbidity units |
| PAH | polychlorinated aromatic hydrocarbon |
| PCB | polychlorinated biphenyl |
| project | Shelter Island Commercial Fishing Wharf Project |
| RWQCB | regional water quality control board |
| Safety Plan | *Site Worker Health and Safety Plan* |
| SAP | Sampling and Analysis Plan |
| TPH | Total Petroleum Hydrocarbons |
| USACE | US Army Corp of Engineers |
| VOC | volatile organic compounds |

# Mitigation Monitoring and Reporting Program

## 1.1 Purpose

The purpose of this mitigation monitoring and reporting program (MMRP) is to ensure that the Shelter Island Commercial Fishing Wharf Project (project) implements the environmental mitigation measures required by the final environmental impact report (EIR) for the project. Those mitigation measures have been integrated into this MMRP. The MMRP provides a mechanism for monitoring and reporting implementation of 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 reviewing 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 achieves the same or greater impact reduction.

This MMRP also includes two Project Conditions (CONDITION-TCR-1 and CONDITION-LU-1) that are required as part of the project. The Project Conditions, as identified in the final EIR for the project, will be required as special provisions of the Coastal Development Permit (CDP) for the project.

Copies of the MMRP shall be distributed to the participants of the monitoring effort to ensure that all parties involved have a clear understanding of the mitigation monitoring measures adopted.

## 1.2 Format

Mitigation measures applicable to the 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, 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**: Provides the language of the mitigation measure in its entirety.
- **Mitigation Timing:** The mitigation measures required for the project will be implemented at various times before construction, during construction, prior to project completion, or during project operation.
- **Methods for Monitoring and Reporting:** The MMRP includes the procedures for documenting and reporting mitigation implementation efforts.
- **Responsible Parties:** For each mitigation measure, the parties responsible for implementation, monitoring and reporting, and verifying successful completion of the mitigation measure are identified.

**Table 1 Mitigation Monitoring and Reporting Program**

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|---|
| **Biological Resources** | | |
| **MM-BIO-1: Implement Construction Measures to Avoid or Reduce Impacts on Special-Status Avian Species and Nesting Avian Species Protected Under the MBTA and CFGC (Demolition Component and Waterside Redevelopment Component).** To avoid impacts to nesting birds protected under the MBTA and CFGC 3503.5 and 3513, the project proponents shall implement the following measures prior to and during demolition and construction activities and/or tree trimming or removal activities that occur during the general avian nesting season (February 1-September 15). The project proponents shall also implement the following measures prior to and during demolition and construction activities and/or tree trimming or removal activities that occur outside the general avian nesting season (September 16-January 31) if determined to be required by the District's Environmental Conservation Department. The project proponent shall submit any proposed demolition and construction activities and/or tree trimming or removal activities at least 30 calendar days prior to start of any such activities to the District's Environmental Conservation Department for review and determination by a qualified biologist:<br>1. The project proponents shall retain a qualified biologist which has at least three years of demonstrated field experience monitoring sensitive avian species in the Southern California coastal environments.<br>2. The qualified biologist shall conduct a nesting bird survey of the project site plus a 500-foot buffer within 10 days or less from the start of demolition or construction activity to determine if any active nests are present in the survey area. The survey shall occur between sunrise and 12:00 p.m. when birds are the most active.<br>3. Following the nesting bird survey, the qualified biologist shall prepare and submit to the District a letter report documenting the results of the survey. | **Timing:** During demolition and construction activities that occur from February 1st through September 15th; also, if determined to be required by the District's Environmental Conservation Department during demolition and construction activities and/or tree trimming or removal activities from September 16th through January 31st.<br>**Method:** Implement construction measures (i.e., perform surveys and document findings; establish no-disturbance buffers; conduct onsite construction monitoring; and implement actions to reduce noise levels or other disturbance to nesting, as necessary) to avoid or reduce construction-related or tree trimming/removal impacts on special-status avian species and nesting birds protected under the MBTA and CFGC 3503.5 and 3513. | **Implementation:** Project Proponents (Demolition Component and Waterside Redevelopment Component), Qualified Biologist, Construction Manager, and General Contractor<br>**Monitoring and Reporting:** Project Proponents (Demolition Component and Waterside Redevelopment Component)<br>**Verification:** District |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|---|
| 4. If there is a delay of more than 10 days between when the nesting bird survey is performed and noise-generating construction activities begin, the qualified biologist shall re-survey to confirm that no new nests have been established.<br>5. If no sign of nesting activity is observed by the qualified biologist, construction may proceed without potential impacts to nesting birds.<br>6. If the results of the nesting bird survey confirm nesting of a migratory species within a tree to be removed or a structure to be demolished, tree removal or demolition of the structure would be prohibited until the nest has fledged young or is no longer active, as determined by the qualified biologist.<br>7. If the results of the nesting bird survey confirm nesting of a migratory species within the project site or within the 500-foot buffer, the biologist shall establish an appropriate no-disturbance buffer around the nest. The size of the no-disturbance buffer shall be determined by the qualified biologist based on the sensitivity of the species, proximity to project activities, and the type of demolition or construction activity proposed. Project activities may only encroach into this avoidance buffer with approval from the qualified biologist and the no-disturbance buffer shall remain in-place until the nest has fledged young or is no longer active, as determined by the qualified biologist.<br>8. The qualified biologist shall conduct onsite construction monitoring of any active nests at intervals deemed necessary by the qualified biologist to ensure that unauthorized activities do not encroach into the no-disturbance buffer and to ensure that nesting birds are not disturbed directly or indirectly by demolition or construction activities.<br>9. If the qualified biologist determines that nesting behavior is altered, they shall have the authority to halt all demolition or construction activities that may be altering nesting behaviors and to recommend best noise reduction practices to avoid continued disruption. The project proponents shall implement actions recommended by the qualified biologist and approved by | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|---|
| the District to reduce noise levels or other disturbance to nesting. If the qualified biologist determines that the noise cannot be attenuated or disturbance avoidance cannot be achieved using best practices, project activities must cease until such time that adequate noise attenuation and/or disturbance avoidance is achieved, or nesting is complete. | | |
| **MM-BIO-2: Implement Construction Measures to Avoid or Reduce Noise-Related Foraging Impacts on California Least Tern (Demolition Component and Waterside Redevelopment Component)**. If impact pile installation, or vibratory pile installation or removal, and/or jetting activities occur during the California least tern breeding season (April 1 through September 15), the project proponents shall retain a qualified biologist (defined under MM-BIO-1) to monitor during in-water impact hammer pile installation, or vibratory pile installation or removal, and/or jetting activities and shall take specific actions, as approved by the District, to reduce or temporarily stop noise-producing activities if the qualified biologist identifies that the activities are impacting the foraging behavior of special-status avian species.<br>These actions shall include the following:<br>1. For all pile driving or pile removal activities performed during the California least tern nesting season (April 1 through September 15), a qualified biologist shall be onsite to monitor foraging activities of any California least terns or other special-status avian species with potential to occur within the project site plus a 100-foot buffer. If any California least terns (or other special-status avian species) are observed within the project site or within 100 feet of the project site, the qualified biologist shall have the authority to halt or modify pile driving activity to ensure foraging behavior is not altered by construction. Work modifications that may limit pile driving noise impacts may include:<br>a) Reducing the intensity/frequency of pile driving.<br>b) Placing sound dampening panels on pile driving equipment. | **Timing:** During pile installation, removal, and/or jetting activities that occur from April 1st through September 15th.<br>**Method:** Implement construction measures (i.e., perform biological monitoring and modify work activities) to avoid or reduce noise-related foraging impacts on California least tern and other sensitive fish foraging avian species. | **Implementation:** Project Proponents (Demolition Component and Waterside Redevelopment Component), Qualified Biologist, Construction Manager, and General Contractor<br>**Monitoring and Reporting:** Project Proponents (Demolition Component and Waterside Redevelopment Component)<br>**Verification:** District |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|---|
| c) Restricting pile driving to periods when special-status avian species are not present.<br>d) Other noise attenuating methods identified in MM-NOI-1 (Waterside Redevelopment Component only). | | |
| **MM-BIO-3: Implement Construction Noise Measures to Avoid or Reduce Impacts to Special-Status Marine Mammals, Fish, and Green Sea Turtle (Demolition Component and Waterside Redevelopment Component).** Prior to and during in-water construction activities associated with the Demolition Component and Waterside Redevelopment Component involving in-water impact hammer pile installation, vibratory pile removal, and/or jetting, the project proponents shall implement marine mammal, green sea turtle and fishes noise reducing measures, which shall include the following requirements:<br>1. For a period of 15 minutes prior to the start of in-water construction, a qualified biologist, retained by the project proponents and approved by the District, shall monitor an impact radius around the active pile installation areas to ensure that special-status marine mammal species and green sea turtle are not present. The qualified biologist must meet the minimum requirements as defined by the NOAA's *Guidance for Developing a Marine Mammal Monitoring Plan* (2022). The impact radius shall be established by determining the largest zone of influence for marine mammals and green sea turtle associated with in-water construction activities occurring that workday (Zone of Influence is the area that extends out to Level B harassment area indicated in Tables 3.2-7, 3.2-8, and 3.2-10 of the EIR).<br>2. If the qualified biologist observes any special-status species prior to starting pile installation or removal, the project proponents shall not start work until the special-status species has left the area to be affected. Exceptions may apply if an Incidental Harassment Authorization (IHA) is obtained from NOAA, in which case the IHA will identify those exceptions.<br>3. Pile driving and removal activities shall only be conducted during daylight hours when biological monitors can visually observe marine mammals and/or green sea turtle. | **Timing:** Prior to and during in-water construction activities involving in-water impact hammer pile installation, vibratory pile removal, and/or jetting<br>**Method:** Implement noise reducing measures (i.e., perform monitoring, avoid work when sensitive marine species are present, follow daily limits on pile driving, use soft starts and noise-attenuation methods, establish "shutdown zones," perform in-water sound level monitoring, maintain records and observations, and cease work as necessary) during pile installation and removal activities to avoid impacts on marine mammals, green sea turtles, and fish. | **Implementation:** Project Proponents (Demolition Component and Waterside Redevelopment Component), Qualified Biologist, Construction Manager, and General Contractor<br>**Monitoring and Reporting:** Project Proponents (Demolition Component and Waterside Redevelopment Component)<br>**Verification:** District |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|---|
| 4. Pile driving shall not exceed a total of 960 strikes in 1 day.<br>5. In-water pile driving shall begin with soft starts in accordance with Section 4.5 of the District's Best Management Practices and Environmental Standards for Overwater Structural Repair and Maintenance Activities for Existing Port Facilities Conducted by the San Diego Unified Port District (District 2019), gradually increasing the force of the pile driving.<br>6. Monitoring by the biological monitor during pile driving using an impact hammer is required to the distances identified in Tables 3.2-7, 3.2-8, and 3.2-10 of the EIR.<br>7. The biological monitor shall note observations of the presence of special-status marine species, including green sea turtles and marine mammals, within the zone of influence (see Tables 3.2-7 through 3.2-10 of the EIR), including hauled out marine mammals. The biological monitor shall observe the site for 15 minutes prior to all pile driving or vibratory pile removal activities and during all pile driving or vibratory pile removal activities. If special-status marine mammals or green sea turtles are observed within the zone of influence, during or 15 minutes before pile driving or vibratory pile removal, the biological monitor shall immediately notify the contractor that pile driving or vibratory pile removal either not be initiated or temporarily cease until the protected species have moved outside of the zone of influence on their own. The biological monitor shall have the authority to stop work at any time due to observed species behavior or uncertainty regarding potential to harm a species due to pile driving or vibratory pile removal activities or noise generated from the activity.<br>8. "Shutdown zones" for special-status marine species shall be established based on distances to thresholds included in Tables 3.2-7, 3.2-8, and 3.2-10 of the EIR. If a special-status marine mammal or green sea turtle enters the shutdown zone during active pile driving, the biological monitor shall stop pile driving until the species exits the shutdown zone.<br>9. If weather or sea conditions restrict the biological monitor's ability to observe special-status marine species within the zone | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|---|
| of influence, then pile driving activities shall cease until conditions improve.<br>10. The biological monitor shall maintain records of the species, date, and time of any special-status marine species sightings, as well as species behavior, and communications with the contractor during pile driving or pile removal. The biological monitor shall submit copies of these records to the District on a monthly basis during construction. | | |
| **MM-BIO-4: Implement Overwater Coverage Mitigation for Impacts on Foraging Habitat in Coordination with the Appropriate Resource Agencies and the District (Waterside Redevelopment Component).** To reduce the impact associated with the loss of open water foraging habitat for California least tern, prior to the commencement of construction activities associated with the Waterside Redevelopment Component that may result in overwater coverage, the project proponent shall comply with the following:<br>1. The project proponent shall obtain permits with the RWQCB, and/or USACE, in coordination with NMFS and FWS.<br>2. The project proponent shall secure all applicable permits for the mitigation of overwater coverage prior to commencement of waterside construction and shall comply with all permit requirements during and after waterside construction. One or more of the appropriate permitting agencies may require additional conditions of approval or greater mitigation than specified in this mitigation measure.<br>3. The project proponent shall commit to implementation of one of the following mitigation options, or a combination thereof, as determined by the District prior to the issuance of a CDP for the proposed project. The mitigation option(s) chosen by the project proponent shall be made a condition to the CDP. These mitigation options provide the minimum mitigation for overwater coverage impacts.<br>a) Remove an amount of existing overwater coverage within San Diego Bay that is equivalent to the proposed project's net increase in overwater coverage. This would replace the | **Timing:** Prior to construction activities that result in overwater coverage.<br>**Method**: Secure all necessary permits and implement overwater coverage mitigation in coordination with the appropriate resource agencies and the District to compensate for loss of open water foraging habitat. | **Implementation:** Project Proponent (Waterside Redevelopment Component), Qualified Biologist<br>**Monitoring and Reporting:** Project Proponent (Waterside Redevelopment Component)<br>**Verification:** District |

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| area affected by the proposed project at a 1:1 mitigation ratio, subject to the District's review and approval.<br>b) Restore or create an amount of open water California least tern foraging habitat (i.e., wetland or eelgrass habitat) within San Diego Bay equivalent to the proposed project's net increase in overwater coverage at a suitable location within San Diego Bay, at a 1:1 ratio, which would offset the net increase in overwater coverage by improving the habitat structure and primary productivity at the restoration site. The restoration or creation of wetland or eelgrass habitat shall require the project proponents to prepare a mitigation plan for the District's review and approval. The mitigation plan at a minimum shall include a description of the restoration site, mitigation requirements, planting plan (e.g., transplant sites, donor sites, reference site), restoration methods (e.g., plant collection or purchase, transplant units), timing of the restoration work, and a monitoring program to include mitigation success criteria. The project proponents shall secure all applicable permits and all applicable District Real Estate agreements for the mitigation site prior to commencement of construction. Additionally, all fill materials proposed for discharge into San Diego Bay for the development of the mitigation site shall meet the requirements of the USACE's Evaluation of Dredged Material Proposed for Discharge in Waters of the United States – Testing Manual (Inland Testing Manual).<br>c) If a suitable mitigation bank within the Coastal Zone that is not yet available becomes available in the future, prior to construction of the proposed project, the project proponents may purchase mitigation credits to offset the net increase in overwater coverage.<br>d) Subject to the Board of Port Commissioners' approval and findings, the project proponent may purchase an amount of credits from the District's shading credit program established pursuant to BPC Policy 735 equivalent to that of the proposed project's final shading total (i.e., to the satisfaction of the appropriate resource agencies). | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
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| **MM-BIO-5: Implement Eelgrass Mitigation and Monitoring in Compliance with the California Eelgrass Mitigation Policy (Demolition Component and Waterside Redevelopment Component).** Prior to and during the Demolition Component and Waterside Redevelopment Component, the project proponents shall comply with all requirements of the California Eelgrass Mitigation Policy (CEMP) (NMFS 2014) as it relates to any potential loss of eelgrass habitat. The project proponents shall retain a qualified marine biologist with at least four years of university training in marine biology or a related science and/or have at least three years of demonstrated field experience in the Southern California marine environment, to develop an eelgrass mitigation and monitoring plan in compliance with the CEMP. A qualified biologist with more than 10 years of experience monitoring for sensitive marine species in Southern California shall oversee the monitoring work. The mitigation and monitoring plan shall be submitted to the District and NMFS for approval prior to any in-water demolition and construction activities and shall be implemented to compensate for any loss of eelgrass. Specific requirements of this mitigation include the following:<br>1. Prior to the commencement of any in-water construction activities, a qualified marine biologist approved by the District shall conduct a preconstruction eelgrass survey. Surveys for eelgrass will be conducted during eelgrass growing season (March–October), and results will be valid for 60 days, unless completed in September or October; if completed in September or October, results will be valid until resumption of next growing season. The project proponents shall provide the preconstruction eelgrass survey to the District and the NMFS as well as regulatory points of contact for agencies that will be required to provide project permits such as the USACE and San Diego RWQCB.<br>2. Within 30 days of completion of in-water demolition and construction activities, a qualified marine biologist approved by the District shall conduct a post construction eelgrass survey during the active eelgrass growing season (March 1st – October 31st). If construction ends during the non-growing season | **Timing:** Prior to, during, and following the completion of in-water construction activities.<br>**Method:** Implement eelgrass mitigation and monitoring in compliance with the California Eelgrass Mitigation Policy | **Implementation:** Project Proponents (Demolition Component and Waterside Redevelopment Component), Qualified Marine Biologist<br>**Monitoring and Reporting:** Project Proponents (Demolition Component and Waterside Redevelopment Component)<br>**Verification:** District |

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| (November 1 to February 28), the monitoring shall be delayed until the resumption of the growing season. The post-construction survey shall evaluate potential eelgrass impacts associated with demolition and construction. Upon completion of the postconstruction survey, the qualified marine biologist shall submit the survey report to the District and resource agencies within 30 days.<br>3. Post-construction surveys shall be compared to the pre-construction survey results to determine the potential loss of eelgrass habitat. If impacts on eelgrass are identified, the following shall be implemented:<br>a) A qualified marine biologist approved by the District shall develop an eelgrass mitigation plan for in-kind mitigation. The qualified marine biologist shall submit the mitigation plan to the District and NMFS within 60 days following the post-construction survey.<br>b) Mitigation for eelgrass impacts shall be at a ratio of no less than 1.2:1, as required by the CEMP.<br>c) Mitigation shall commence within 135 days of any noted impacts on eelgrass, such that mitigation commences within the same eelgrass growing season that impacts occur.<br>d) Upon completing mitigation, the qualified biologist shall conduct mitigation performance monitoring at performance milestones of 0, 12, 24, 36, 48, and 60 months.<br>e) The qualified biologist shall conduct all mitigation monitoring during the active eelgrass growing season and shall avoid the low growth season (November–February). Performance standards shall be in accordance with those prescribed in the CEMP.<br>f) The qualified biologist shall submit the monitoring reports and spatial data to the District and NMFS within 30 days after the completion of each monitoring period. The monitoring reports shall include all specific requirements identified in the CEMP.<br>g) Two years of annual post-construction eelgrass surveys shall be conducted. These surveys shall be conducted in | | |

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| compliance with the specific requirements included in the CEMP.<br>4. If impacts on eelgrass are detected during the two-year post-construction period, the project proponents shall provide additional mitigation for eelgrass impacts by transplanting eelgrass at a suitable restoration site at a ratio of 1.2:1. Conservative mitigation planning can avoid protracted mitigation and monitoring through planning for long-term impacts and providing eelgrass transplantation prior to monitoring and evaluation of all impacts. | | |
| **MM-BIO-6: Implement In-Water Fill Mitigation in Coordination with the Appropriate Resource Agencies and the District to Compensate for Permanent Loss of Unvegetated and Vegetated Shallow Habitat and Moderately Deep Subtidal Habitat Resulting from In-Water Fill (Waterside Redevelopment Component).** Prior to commencement of construction activities associated with the Waterside Redevelopment Component that may result in in-water fill, the project proponent shall comply with the following:<br>1. The project proponent shall secure all applicable permits for the mitigation of in-water fill prior to commencement of waterside construction, including but not limited to a CWA Section 404 permit and Rivers and Harbors Act Section 10 permit from the USACE and a CWA Section 401 water quality certification from the RWQCB.<br>2. The project proponent shall implement one of the following mitigation options, or a combination thereof, to the satisfaction of the permitting agencies (USACE and RWQCB). These options provide the minimum mitigation for in-water fill impacts at a 1:1 mitigation ratio. One or more of the appropriate resource agencies may require additional or greater mitigation than specified in these mitigation options:<br>a) Remove an amount of existing fill, including in-water derelict structures, or remove uplands to create water area within San Diego Bay that is equivalent to the proposed project's net increase in the area of in-water fill based on | **Timing:** Prior to construction activities resulting in in-water fill.<br>**Method:** Secure all applicable permits for the mitigation of in-water fill and implement in-water fill mitigation in coordination with the appropriate resource agencies and the District to compensate for permanent loss of unvegetated and vegetated shallow and moderately deep subtidal habitat resulting from in-water fill. | **Implementation:** Project Proponent (Waterside Redevelopment Component)<br>**Monitoring and Reporting:** Project Proponent (Waterside Redevelopment Component)<br>**Verification:** District |

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| final construction plans. This would replace the area affected by the proposed project at a 1:1 mitigation ratio.<br>b) Purchase mitigation credits of in-kind habitat at a mitigation bank approved by the resource agencies to ensure no net-loss of bay waters due to fill impacts. Prior to any construction activity resulting in the fill impacts, the project proponent shall provide notice of credit purchase to the District and permitting agencies. Based on approved final construction plans, the mitigation credits shall compensate for the net increase of fill impacts at a 1:1 mitigation ratio. | | |
| **Cultural Resources and Tribal Cultural Resources** | | |
| **CONDITION-TCR-1**: **Retain a Native American Monitor During Landside Ground Disturbance (Demolition Component and Waterside Redevelopment Component).** The project proponent(s) shall retain and compensate for the services of a Tribal monitor/consultant who is approved by the Campo Band of Mission Indians. The project proponents shall contact the Tribal representatives a minimum of seven days prior to beginning landside ground disturbing activities for their respective project components. Construction activities may proceed if no response is received from the Tribal representatives 48 hours prior to ground disturbing activities. If any suspected tribal cultural resources are discovered, all work shall cease within 50 feet of the find, and a tribal monitor from culturally affiliated Native American Tribe(s) shall be retained, if one is not currently on site. The tribal monitor shall determine if the find is a tribal cultural resource. The consulting Tribal Historic Preservation Officer, or tribal monitor if the consulting tribe has no THPO, will make recommendations for further evaluation and culturally appropriate treatment of discovered Tribal cultural resources as necessary. Consultation with an archaeologist who meets the secretary of the Interior's professional qualifications for archaeology may also occur. The Tribal monitor shall only be present onsite during the construction phase(s) that involve ground disturbing activities for landside construction of the project, including excavation and trenching associated with trenching for utilities (Waterside Redevelopment Component) and site grading/earthwork related to Building E demolition (Demolition Component). The Tribal monitor | **Timing:** Prior to and during landside ground-disturbing construction activities.<br>**Method:** Retain a Tribal monitor/consultant and conduct monitoring during landside ground-disturbing construction activities. | **Implementation:** Project Proponents (Demolition Component and Waterside Redevelopment Component)<br>**Monitoring and Reporting:** Project Proponents (Demolition Component and Waterside Redevelopment Component)<br>**Verification:** District |

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| shall complete daily monitoring logs that describe each day's activities, including construction activities, locations, soil, and any cultural materials identified. The onsite monitoring shall end when the site grading and excavation activities on the landside are completed, or sooner if the Tribal representatives and monitor have indicated that the site has a low potential for impacting tribal cultural resources. | | |
| **Hazards and Hazardous Materials** | | |
| **MM-HAZ-1: Prepare and Implement a Soil and Groundwater Management Plan to Address Potential Onsite Contaminants (Demolition Component and Waterside Redevelopment Component).** Prior to the commencement of ground-disturbing activities associated with the Demolition Component and the landside construction-related activities of the Waterside Redevelopment Component, the project proponents (for the Demolition Component and Waterside Redevelopment Component) shall retain a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer with experience in contaminated site redevelopment and restoration to prepare a site-specific site safety and health plan (prepared in accordance with CFR 1910.120 Appendix C) and a Soil and Groundwater Management Plan (prepared in accordance with CCR Title 22 and Title 27) to ensure that all soil disturbed or excavated at the site is screened for the presence of hazardous materials and appropriately characterized and disposed of or reused on site if determined to be suitable for reuse. The plans shall specify that in the event evidence of contaminated soil is encountered during ground-disturbing activities, work shall cease and the San Diego County Department of Environmental Health's Hazardous Materials Division shall be notified immediately and prior to any continuation of ground or soil work. The plans shall be approved by the District prior to the commencement of ground-disturbing activities. The Soil and Groundwater Management Plan shall include the following:<br>• A *Site Contamination Characterization Report* (Characterization Report) delineating the vertical and lateral extent and concentration of residual contamination from the site's past uses throughout the construction area. The Characterization Report shall include a compilation of data based on historical records | **Timing:** Prior to and during landside construction activities.<br>**Method:** Prepare and implement a soil and groundwater management plan to evaluate, test, handle, and dispose of soil and groundwater properly. | **Implementation:** Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, Project Proponents (Demolition Component and Waterside Redevelopment Component)<br>**Monitoring and Reporting:** Project Proponents (Demolition Component and Waterside Redevelopment Component)<br>**Verification:** District and County of San Diego DEHQ |

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| review and from prior reports and investigations and, where data gaps are found, include new soil and groundwater sampling to characterize the existing vertical and lateral extent and concentration of residual contamination. The project proponent shall coordinate with the County of San Diego Department of Health if the Characterization Report identifies contamination.<br>• A *Soil Testing and Profiling Plan* (Testing and Profiling Plan) for those materials that shall be disposed of during construction. Testing shall occur for all potential contaminants of concern, including CA Title 22 metals, PAHs, VOCs, pesticides, PCBs, TPH, PAHs, or any other potential contaminants, as specified within the Testing and Profiling Plan. The Testing and Profiling Plan shall document compliance with CA Title 22 for proper identification and segregation of hazardous and solid waste as needed for acceptance at a CA Title 22–compliant offsite disposal facility. All excavation activities shall be actively monitored by a Registered Environmental Assessor for the potential presence of contaminated soils and for compliance with the Testing and Profiling Plan.<br>• A *Soil Disposal Plan* (Disposal Plan), which shall describe the process for excavation, stockpiling, dewatering, treating, and loading and hauling of soil from the site. This plan shall be prepared in accordance with the Testing and Profiling Plan (i.e., in accordance with CA Title 22 and DOT Title 40 CFR Part 263, California Code of Regulations Title 27), and current industry best practices for the prevention of cross contamination, spills, or releases. Measures shall include, but not be limited to, segregation into separate piles for waste profile analysis based on organic vapor, and visual and odor monitoring.<br>• A *Site Worker Health and Safety Plan* (Safety Plan) to ensure compliance with 29 CFR Part 120, Hazardous Waste Operations and Emergency Response regulations for site workers at uncontrolled hazardous waste sites. The Safety Plan shall be based on the Characterization Report and the planned site construction activity to ensure that site workers potentially exposed to site contamination in soil are trained, equipped, and monitored during site activity. The training, equipment, and monitoring activities shall ensure that workers are not exposed | | |

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| to contaminants above personnel exposure limits established by Table Z, 29 CFR Part 1910.1000. The Safety Plan shall be signed by and implemented under the oversight of a California State Certified Industrial Hygienist.<br>• *Monitoring and Reporting Program*. Prior to commencing construction of the Demolition Component and landside construction-related activities of the Waterside Redevelopment Component, the project proponents shall prepare a Monitoring and Reporting Program and submit it to the District for review and approval. The Monitoring and Reporting Program shall be implemented during and upon completion of construction of these components. The Monitoring and Reporting Program shall document implementation of the Soil and Groundwater Management Plan, including the Testing and Profiling Plan, Disposal Plan, and Safety Plan. The Monitoring and Reporting Program shall include a requirement that the project proponents submit monthly reports (starting with the first ground disturbance activities and ending at the completion of ground disturbance activities) to the District, signed and certified by the licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, as applicable, documenting compliance with the provisions of these plans and the overall Soil and Groundwater Management Plan.<br>• *Project Closeout Report*. Within 30 days of completion of construction of the Demolition Component and landside construction-related activities of the Waterside Redevelopment Component, the project proponents shall prepare a Project Closeout Report and submit it to the District for review and approval. The Project Closeout Report shall summarize all environmental activity at the site and document implementation of the Soil and Groundwater Management Plan. | | |
| **MM-HAZ-2: Consult with Permitting Agencies and Implement Conditions Described in Issued Permit(s) (Demolition Component and Waterside Redevelopment Component).** Prior to the commencement of any landside construction activities associated with the Demolition Component and Waterside Redevelopment Component that would disturb soil and/or groundwater, the project | **Timing:** Prior to landside construction activities that would disturb soil and/or groundwater.<br>**Method:** Consult with permitting agencies (i.e., RWQCB, DTSC, and County of San Diego DEHQ Hazardous Materials Division) | **Implementation:** Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, Project Proponents (Demolition Component and |

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| proponent must consult with the RWQCB's Site Restoration Unit, in accordance with the California Water Code, to ensure soil or groundwater disturbance from proposed activities such as trenching for electrical utilities, subsequent grading of the Building E pad, and any potential soil disturbance in the area where the storage shed was previously sited, does not exacerbate any existing soil or groundwater contamination that would lead to significant adverse impacts on water quality. The project proponents of the Demolition Component and Waterside Redevelopment Component shall also consult with DTSC and the San Diego County DEHQ's Hazardous Materials Division (HMD) to ensure all permits or approvals required by State law or regulation are obtained.<br>As indicated in the project's Phase I ESA and the Limited Phase II ESA, additional information related to potential existing contamination is required. Consultation with the applicable permitting and agencies with potential oversight responsibilities may yield specific site remediation requirements. The project would need to comply with all conditions identified in any oversight or responsible agency permits, including the Section 401 CWA certification. Evidence of satisfied permit conditions, to the extent it is applicable to the specified condition, must be documented before project-related soil disturbance may occur. Under no circumstances may soil or groundwater disturbance occur without the necessary agency permit approvals and implementation of associated permit conditions. | to ensure all permits or approvals required by State law or regulation are obtained. | Waterside Redevelopment Component)<br>**Monitoring and Reporting:** Project Proponents (Demolition Component and Waterside Redevelopment Component)<br>**Verification:** District and County of San Diego DEH |
| **MM-HAZ-3: Secondary Containment Structures (Demolition Component and Waterside Redevelopment Component).** The project proponents of the Demolition Component and Waterside Redevelopment Component shall require the primary contractor, enforced through the professional agreement, to ensure that oils and fuels are contained in secondary containment structures during any demolition or construction activities so that spills and leaks are contained and prevented from entering the San Diego Bay. This measure shall be denoted on the construction plans and construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities associated | **Timing:** Prior to and during demolition and construction activities.<br>**Method:** Store oils and fuels in secondary containment structures. Include this requirement in the construction plans and contract and submit proof of compliance with this requirement to the District prior to commencing demolition and construction activities. | **Implementation:** Project Proponents (Demolition Component and Waterside Redevelopment Component), Construction Manager, and General Contractor<br>**Monitoring and Reporting:** Project Proponents (Demolition Component and Waterside Redevelopment Component)<br>**Verification:** District |

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| with the Demolition Component and Waterside Redevelopment Component. | | |
| **MM-HAZ-4: Hazardous Materials Worker Training (Demolition Component and Waterside Redevelopment Component).** Prior to commencing any demolition or construction activities for the Demolition Component and Waterside Redevelopment Component, the project proponents shall require the lead contractor, through conditions specified in the professional agreement, to provide training to construction workers (including subcontractors) on specific task areas, including potential hazards resulting from accidental oil and/or fuel spills, and proper equipment operation. This measure shall be denoted on the construction plans and construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities. | **Timing:** Prior to demolition and construction activities.<br>**Method:** Provide hazards-related worker training. Include this requirement in the construction plans and contract and submit proof of compliance with this requirement to the District prior to commencing demolition and construction activities. | **Implementation:** Project Proponents (Demolition Component and Waterside Redevelopment Component), Construction Manager, and General Contractor<br>**Monitoring and Reporting:** Project Proponents (Demolition Component and Waterside Redevelopment Component)<br>**Verification:** District |
| **MM-HAZ-5: Equipment Inspection (Demolition Component and Waterside Redevelopment Component).** Prior to commencing any demolition or construction activities for the Demolition Component and Waterside Redevelopment Component, the project proponents shall require that the primary contractor, through conditions specified in the professional agreement, ensure all equipment operators conduct equipment inspections prior to use each day to identify and address wear, faulty parts, and leaks. This measure shall be denoted on the construction plans and construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities. | **Timing:** Prior to and during demolition and construction activities.<br>**Method:** Conduct equipment inspections prior to use. Include this requirement in the construction plans and contract and submit proof of compliance with this requirement to the District prior to commencing demolition and construction activities. | **Implementation:** Project Proponents (Demolition Component and Waterside Redevelopment Component), Construction Manager, and General Contractor<br>**Monitoring and Reporting:** Project Proponents (Demolition Component and Waterside Redevelopment Component)<br>**Verification:** District |
| **MM-HAZ-6: Proper Equipment Instrumentation (Demolition Component and Waterside Redevelopment Component)**. Prior to commencing any demolition or construction activities for the Demolition Component and Waterside Redevelopment Component, the project proponents shall require its primary contractor, through conditions specified in the professional agreement, to identify the proper instrumentation for each piece of equipment to avoid spillage of material from the barge. This measure shall be denoted on the construction plans and construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities. | **Timing:** Prior to demolition and construction activities.<br>**Method:** Identify spill-prevention instrumentation for each piece of equipment prior to use. Include this requirement in the construction plans and contract and submit proof of compliance with this requirement to the District prior to commencing demolition and construction activities. | **Implementation:** Project Proponents (Demolition Component and Waterside Redevelopment Component), Construction Manager, and General Contractor<br>**Monitoring and Reporting:** Project Proponents (Demolition Component and Waterside Redevelopment Component)<br>**Verification:** District |

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| **MM-HAZ-7: Oil/Fuel Spill Kits (Demolition Component and Waterside Redevelopment Component).** Prior to commencing any demolition or construction activities for the Demolition Component and Waterside Redevelopment Component, the project proponents shall require that the primary contractor, through conditions specified in the professional agreement, inform construction workers as to where oil/fuel spill kits are located, how to deploy the oil-absorbent pads, and proper disposal guidelines. The barge shall have a full complement of oil/fuel kits on-board throughout the construction period to allow for quick and timely implementation of spill containment. This measure shall be denoted on the construction plans and construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities. | **Timing:** Prior to and during demolition and construction activities.<br>**Method:** Inform construction personnel of oil/fuel spill kit locations, deployment procedures, and disposal guidelines and maintain oil/fuel kits on-board. Include this requirement in the construction plans and contract and submit proof of compliance with this requirement to the District prior to commencing demolition and construction activities. | **Implementation:** Project Proponents (Demolition Component and Waterside Redevelopment Component), Construction Manager, and General Contractor<br>**Monitoring and Reporting:** Project Proponents (Demolition Component and Waterside Redevelopment Component)<br>**Verification:** District |
| **MM-HAZ-8: Hazardous Materials Monitoring (Demolition Component and Waterside Redevelopment Component)**. Prior to commencing any demolition or construction activities for the Demolition Component and Waterside Redevelopment Component, the project proponents shall require that the primary contractor, through conditions specified in the professional agreement, assign construction personnel to visually monitor for oil and fuel spills during construction. If spilled oil or fuel is detected, all equipment shall be shut down and the source of the spill shall be identified, contained, and reported. This measure shall be denoted on the construction plans and construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities. | **Timing:** Prior to and during demolition and construction activities.<br>**Method:** Assign construction personnel to monitor for oil and fuel spills. Include this requirement in the construction plans and contract and submit proof of compliance with this requirement to the District prior to commencing demolition and construction activities. | **Implementation:** Project Proponents (Demolition Component and Waterside Redevelopment Component), Construction Manager, and General Contractor<br>**Monitoring and Reporting:** Project Proponents (Demolition Component and Waterside Redevelopment Component)<br>**Verification:** District |
| **MM-HAZ-9: Barge Loading Procedures (Demolition Component and Waterside Redevelopment Component)**. Prior to commencing any demolition or construction activities for the Demolition Component and Waterside Redevelopment Component, the project proponents shall require that the primary contractor, through conditions specified in the professional agreement, identify barge load limits and loading procedures and shall mark the appropriate draft level on the materials barge hull to avoid disturbing the bottom of the Bay. This measure shall be denoted on the construction plans and construction contract, which shall be verified by the District | **Timing:** Prior to and during demolition and construction activities.<br>**Method:** Identify barge load limits and loading procedures. Include this requirement in the construction plans and contract and submit proof of compliance with this requirement to the District prior to commencing demolition and construction activities. | **Implementation:** Project Proponents (Demolition Component and Waterside Redevelopment Component), Construction Manager, and General Contractor<br>**Monitoring and Reporting:** Project Proponents (Demolition Component and Waterside Redevelopment Component)<br>**Verification:** District |

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| prior to the commencement of demolition and construction activities. | | |
| **MM-HAZ-10: Removed Pile Placement (Demolition Component).** When placing pulled and removed docks, piers, head walks, and piles in the barge, the primary contractor (who shall also inform all related subcontractors) for the Demolition Component shall employ a flattop barge with containment walls and "skip tubs" to prevent any sediment, wood, concrete, or metal debris from falling into the water. The contractor shall locate the barge as close to shore as possible when transferring materials and/or debris on and off of the work barge. If exposed water is present between the barge and the shore, traps shall be utilized to prevent debris from falling into the water. This measure shall be made a condition to the professional agreement between the project proponent and the primary contractor overseeing pile removal, and denoted on the construction plans and/or construction contract, which shall be verified by the District prior to the commencement of demolition and construction activities. | **Timing:** Prior to and during removal of docks, piers, head walks, and piles.<br>**Method:** Employ containment methods and follow procedures to prevent materials and debris from falling into the water. Include this requirement in the construction plans and contract and submit proof of compliance with this requirement to the District prior to commencing demolition and construction activities. | **Implementation:** Project Proponent (Demolition Component), Construction Manager and General Contractor for Project Proponent (Demolition Component)<br>**Monitoring and Reporting:** Project Proponent (Demolition Component)<br>**Verification:** District |
| **MM-HAZ-11: Cleanup of Removed Debris and Construction Material (Demolition Component and Waterside Redevelopment Component)**. The primary contractor and all subcontractors (to the extent applicable) for the Demolition Component and Waterside Redevelopment Component shall clean up marine growth from material removed from the water before disposal. The primary contractor and applicable subcontractors shall also clean up debris generated from construction activities and install BMPs in and around the storm drain inlets. This measure shall be denoted on the construction plans and/or construction contract and photographic evidence of site cleanup completion and installed BMPs shall be submitted to the District prior to final payment being made to the contractor. | **Timing:** During demolition and construction activities.<br>**Method:** Clean marine growth from removed materials prior to disposal, clean construction debris, and restore staging areas to pre-construction conditions. Include this requirement in the construction plans and contract and submit proof of compliance with this requirement to the District prior to final payment being made to the contractor. | **Implementation:** Project Proponents (Demolition Component and Waterside Redevelopment Component), Construction Manager, and General Contractor<br>**Monitoring and Reporting:** Project Proponents (Demolition Component and Waterside Redevelopment Component)<br>**Verification:** District |
| **MM-HAZ-12: Implement a Sediment Management Program (Demolition Component).** The project proponent of the Demolition Component shall prepare and implement a Sediment Management Program to avoid or reduce the potential impacts that may occur from the project's in-water demolition and construction activities that would disturb existing contaminated sediments. | **Timing:** Prior to, during, and following completion of in-water construction activities involving the disturbance of existing sediment contamination.<br>**Method:** Prepare and implement a Sediment Management Program, consisting | **Implementation:** Project Proponent (Demolition Component), Qualified Professional retained by the project proponent of the Demolition Component with |

| Mitigation Measures | Timing and Methods | Responsible Parties |
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| The project proponent must obtain a CWA Section 404 permit and a Rivers and Harbor Act Section 10 permit from the USACE and a CWA Section 401 water quality certification from the RWQCB before commencing in-water demolition and construction activities. Therefore, the Sediment Management Program shall be prepared in consultation with the RWQCB and the USACE and must be consistent with the requirements of the Section 404 and Section 10 permits issued by the USACE and the Section 401 water quality certification issued by the RWQCB for the project.<br><br>Prior to the commencement of any in-water demolition or construction activities, the project proponent of the Demolition Component shall retain a Qualified Professional, approved by the District, with substantial experience (i.e., more than 5 years) in marine sediment contamination, sediment sampling, and contamination remediation. The Qualified Professional shall prepare and oversee the implementation of a Sediment Management Program for portions of the project site where in-water construction activities have the potential to disturb sediment. The Sediment Management Program, which shall be the responsibility of the project proponent of the Demolition Component to implement, shall be in effect throughout the duration of waterside demolition and construction activities for the proposed project, or until the District and the RWQCB have determined that that the Sediment Management Program is no longer required.<br><br>The Sediment Management Program shall include the following elements, each of which have specific timing mechanisms as identified in the description of each element below:<br><br>1. **Sampling and Analysis Plan (SAP).** Prior to any in-water demolition or construction that may potentially disturb sediment, the Qualified Professional shall (1) delineate the area of potential disturbance (Disturbance Area); (2) develop a Sampling and Analysis Plan (SAP) that includes pre-construction and post-construction sediment sampling; and (3) perform sediment sampling. The SAP, which shall include a Quality Assurance/Quality Control (QAPP) with Standard Operating Procedures (SOPs), shall apply to the entire project sediment | of requirements for (1) a sampling and analysis plan, (2) sediment characterization report, (3) sediment management plan, (4) post-construction sampling and analysis, (5) remediation, (6) progress documentation, and (7) final documentation. | experience in marine sediment contamination<br>**Monitoring and Reporting:** Project Proponent (Demolition Component)<br>**Verification:** District |

| Mitigation Measures | Timing and Methods | Responsible Parties |
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| disturbing activities and shall set forth the specific methodology to be used, the locations where sampling would occur, and proper decontamination and disposal procedures for both pre-construction and post-construction sampling and analysis. The sediment samples shall be tested for the presence of Contaminants of Concern (COCs). The specific COCs shall be identified by the District in consultation with the RWQCB.<br><br>In addition, the sampling area and sampling methodology shall be determined in consultation with the RWQCB and shall identify sample locations determined to be appropriate to adequately characterize any Disturbance Area associated with the proposed project. All sediment sampling must occur prior to sediment-disturbing construction activity and shall be performed in accordance with the requirements of the SAP. The SAP must be submitted to the RWQCB and the District for review and approval, and evidence of the RWQCB's approval must be submitted to the District for verification.<br><br>2. **Sediment Characterization Report.** After completion of the preconstruction sampling, and prior to in-water construction, the Qualified Professional shall prepare a Sediment Characterization Report delineating the vertical and lateral extents and concentrations of the project site's COCs in areas where pile driving or removal and other sediment-disturbing activities are proposed as part of this project, or as determined appropriate by the RWQCB. The Sediment Characterization Report shall be based on the pre-construction sediment sampling performed per the SAP. The project proponent of the Demolition Component shall submit the Sediment Characterization Report to the RWQCB and the District for approval as representative of existing sediment conditions in the Disturbance Area. If pre-construction sampling occurs incrementally as different phases or areas are planned for disturbance, then the Qualified Professional shall prepare technical memos documenting the different phases of sampling, which shall be submitted for review to the District and RWQCB as data is collected. | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
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| 3. **Sediment Management Plan.** The Qualified Professional retained by the project proponent for the Demolition Component shall prepare a Sediment Management Plan based upon the findings of the Sediment Characterization Report described above in consultation with and subject to the approval of the RWQCB and the District. Once approved, the Sediment Management Plan shall be implemented by the project proponent of the Demolition Component and shall be subject to regulatory oversight of the RWQCB and the District. Importantly, the Sediment Management Plan shall be revised, subject to District concurrence, whenever data is collected from incremental sampling efforts (e.g., each phase, each area planned for disturbance) as part of Steps 1 and 2 outlined above. The Sediment Management Plan shall describe in detail the required actions that will be employed when disturbing sediment in the Disturbance Area to prevent waterside demolition and construction activity from creating contamination or exacerbating existing sediment contamination conditions documented in the Sediment Characterization Report. The Sediment Management Plan shall consider and be consistent with the project requirements specified in mitigation measures **MM-HAZ-2** through **MM-HAZ-12**, which include several BMPs to avoid accidental releases into the Bay waters, **MM-WQ-1**, which requires a water quality monitoring plan, and **MM-WQ-2**, which requires implementation of several water quality best management practices (BMPs), including specific requirements for sediment disturbing activities such as pile driving and double silt curtains for sediment disturbance in areas with elevated contamination. | | |
| 4. **Post-Construction Sampling and Analysis.** At the conclusion of construction activities within a Disturbance Area, the Qualified Professional that was retained by the project proponent of the Demolition Component shall conduct post-construction sampling and analysis in accordance with the SAP (previously prepared in Step 1 above) to determine if in-water sediment disturbance activities resulted in COCs above the preconstruction levels documented in the Sediment Characterization Report. The | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
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| results of the post-construction sampling and analysis shall be submitted to the RWQCB and the District, within 30 days after concluding the sampling.<br>5. **Remediation.** If the results of the post-construction sampling show that COC levels exceed the levels identified from the pre-construction sampling, implementation of corrective measures identified in the Sediment Management Plan to restore COC levels to the levels at or below those observed in the pre-construction sampling shall be implemented by the Qualified Professional retained by the project proponent of the Demolition Component. However, the project shall not be required to mitigate to contamination levels lower than pre-construction sampling levels to comply with this mitigation measure. These remedial actions, which shall be determined in consultation with the RWQCB, consistent with the requirements of **MM-WQ-1**, may include, and may not be limited to, dredging, and/or sand, gravel, gravelly-sand cover as determined appropriate in consultation with the District and RWQCB.<br>6. **Progress Documentation.** The project proponent of the Demolition Component shall submit a progress report to the RWQCB and the District for their review on a recurring basis during the remediation activities that shall be no less than quarterly and may be as frequent as monthly, which shall be determined at the discretion of the RWQCB and District based on circumstances present at the time of the activities.<br>7. **Final Documentation**. Final documentation evidencing the completed remediation work shall also be submitted to the RWQCB and the District. Once the concentrations of COCs do not exceed the preconstruction levels documented in the Sediment Characterization Report, no further remediation is required by this mitigation measure. However, as a requirement of the CWA Section 401 certification and as the agency with primary jurisdiction over water quality in the San Diego Bay, the Site Restoration Unit of the RWQCB may require additional steps, as appropriate, in the course of prescribing, overseeing, and enforcing remedial actions (under authority provided in Section | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
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| 13304 of the California Water Code) which the agency deems necessary to comply with the Clean Water Act and the Porter-Cologne Water Quality Control Act. | | |
| **Hydrology and Water Quality** | | |
| **MM-WQ-1: Provide Evidence of Clean Water Act Section 401 Water Quality Certification and Monitor Turbidity and Constituents of Concern During Construction-Related Sediment Disturbance (Demolition Component and Waterside Redevelopment Component).** Prior to commencing demolition and construction activities in water associated with the Demolition Component and Waterside Redevelopment Component that have the potential to disturb sediments, the project proponents shall provide evidence to the District that the Clean Water Act (CWA) Section 401 Water Quality Certification has been obtained from the San Diego Regional Water Quality Control Board (RWQCB) for sediment-disturbing activities, and USACE's enforcement of Section 404 and Rivers and Harbors Act Section 10, and the District's enforcement of the Stormwater Management and Discharge Control Ordinance.<br>Unless the RWQCB requires additional or alternative measures that provide an equivalent or greater degree of environmental protection as conditions for the issuance of the CWA Section 401 Water Quality Certification, the project proponents shall implement the following steps to ensure the proposed project does not violate the water quality objectives of the Basin Plan or hinder implementation of or otherwise conflict with the San Diego RWQCB's Framework for Monitoring and Assessment in the San Diego Region and Strategic Water Quality Assessment Approach for San Diego Bay.<br>• The project proponents shall implement contractor education for vessel operations prior to in-water construction activities. Vessel operators shall be trained that any contact with the bottom from vessels, barges, anchors, or spuds can suspend sediment that results in water quality and turbidity impacts. Additionally, vessel operators shall be instructed to minimize activities that direct propeller wash toward shallow areas with substrates that can be suspended and result in increased turbidity. | **Timing:** Prior to commencing in-water demolition and construction activities with potential to disturb sediments.<br>**Method:** Provide evidence of CWA Section 401 Certification, implement contractor education for vessel operations, prepare a water quality monitoring plan, and conduct water quality monitoring. | **Implementation:** Project Proponents (Demolition Component and Waterside Redevelopment Component), Water Quality Specialist<br>**Monitoring and Reporting:** Project Proponents (Demolition Component and Waterside Redevelopment Component)<br>**Verification:** District |

| Mitigation Measures | Timing and Methods | Responsible Parties |
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| • Prior to any in-water construction activities that would disturb the bay floor, the project proponents shall retain a water quality professional, approved by the District, who shall prepare a water quality monitoring plan and shall conduct water quality monitoring to demonstrate to the satisfaction of the District and the RWQCB that construction activities do not violate the Basin Plan or applicable water quality objectives. A water quality professional with 2 years or more of water quality work shall perform any water quality monitoring, which shall be overseen and approved by a water quality professional with 10 years or more of professional water quality monitoring experience.<br>• The water quality monitoring plan shall be based upon the Water Quality Monitoring, Performance, and Environmental Standards in the District's BMPs and Environmental Standards for Overwater Structural Repair and Maintenance Activities for Existing Port Facilities Conducted by the San Diego Unified Port District (District 2019). Approval of the plan by the District and appropriate regulatory agencies is required before in-water construction activities that would disturb the bay floor can be initiated. The plan shall incorporate: (1) all permit-specific regulatory monitoring and reporting requirements and (2) a detailed description of the proposed water quality monitoring program. The plan shall clearly identify the project boundaries, and chemical constituents of concern and water quality thresholds; and provide a detailed description of the water quality monitoring to be conducted prior to, during, and after construction activities to ensure compliance with this mitigation measure. The water quality monitoring shall be conducted at least weekly, and include visual inspections of turbidity and debris, and water-column monitoring using appropriate and calibrated water quality monitoring field equipment to measure, at a minimum: turbidity, dissolved oxygen, and pH. If water column monitoring indicates exceedances of water quality thresholds (e.g., turbidity or dissolved oxygen), then water column samples shall be collected and analyzed for project-specific chemicals of concern. The water quality thresholds at the compliance station are as follows: | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
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| ○ pH <7.0 or >9.0,<br>○ DO concentration decreased by >10 percent compared to the reference station,<br>• Turbidity:<br>○ If turbidity at the reference station is 0–50 nephelometric turbidity units (NTUs), the maximum increase from construction activities must not exceed 20 percent of the measured turbidity at the reference station,<br>○ If turbidity at the reference station is 51–100 NTUs, turbidity at the compliance station must not be increased by ≥10 NTUs from construction activities, and<br>○ If turbidity at the reference station is >100 NTUs, the maximum increase from construction activities must not exceed 10 percent above the reference levels.<br>• The project proponents shall use a State of California Environmental Laboratory Accreditation Program (ELAP)–certified laboratory for all analytical testing except in those instances where measurements can be determined immediately in the field and not jeopardize the samples by exceeding transportation time to the lab for analysis.<br>• The project proponents' contractor(s) shall deploy a silt curtain(s) around the pile driving or other sediment-disturbing activity areas to restrict the visible surface turbidity plume to the area of construction. The silt curtain shall consist of a hanging ballast-weighted curtain with a surface float line and shall extend from the surface into the water column without disturbing the bottom based on the lowest tidal elevation and swing of the curtain within the water column. The silt curtain shall meet the specifications for design, installation, use, performance, and/or modification outlined in the District's Best Management Practices and Environmental Standards for Overwater Structural Repair and Maintenance Activities for Existing Port Facilities Conducted by the San Diego Unified Port District (District 2019). Silt curtain deployment shall be in conformance with the following requirements: | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
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| ○ The silt curtains must be composed of Type III geotextile material.<br>○ The silt curtains must restrict the surface visible turbidity plume or surface debris to the area of construction and sediment disturbance and must control and contain the migration of resuspended sediments or debris at the water surface and at depth.<br>○ The silt curtains must be maintained as a full turbidity enclosure. The silt curtains must be supported by floating debris booms in open water areas such as along the seaward side of the area of disturbance. The silt curtains may be connected to vessels, piers, pilings, or the shoreline to maintain effectiveness.<br>○ The bottom of the silt curtains must be weighted with ballast weights or rods affixed to the base of the fabric to resist the natural buoyancy of the silt curtain fabric and lessen its tendency to more in response to currents. Where applicable, the floating silt curtains must be anchored and deployed from the surface of the water just above the substrate without disturbing the bottom or eelgrass based on the lowest tidal elevation and swing of the curtain within the water column.<br>○ If necessary, silt curtains with tidal flaps must be installed to facilitate curtain deployment in areas of higher flow. Based on a determination by the District, and subject to concurrence from the RWQCB pursuant to the CWA and Porter-Cologne Water Quality Control Act, air curtains may be used in conjunction with silt curtains to contain resuspended sediment, enhance worker safety, and allow barges to transit into and out of the work area without the need to open and close silt curtains gates.<br>○ Silt curtains must be continuously monitored for damage, dislocation, or gaps and must be immediately repaired where it is no longer continuous or where it has loosened.<br>○ Silt curtains must not be removed until the visible turbidity plume has dissipated and/or surface debris is skimmed and removed. | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
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| ○ Silt curtains shall be installed by the project proponent's contractor(s) in compliance with the District's Best Management Practices and Environmental Standards for Overwater Structural Repair and Maintenance Activities for Existing Port Facilities Conducted by the San Diego Unified Port District (District 2019).<br>• The designated water quality monitor shall stop work to ensure that turbidity does not extend outside of the immediate construction area. If one of the turbidity thresholds listed above is exceeded, the water quality monitor may direct the temporary halt of construction activities. Depending upon the requirements in the CWA Section 401 Water Quality Certification, the project proponents may be required to alert the regulatory agencies if a water quality violation is observed. In addition, the project proponents shall coordinate water quality monitoring efforts and shall provide copies of all monthly water quality monitoring data to the San Diego RWQCB and District throughout the duration of project construction, as outlined in the reporting schedule of the agency-approved monitoring plan or project-specific permits. | | |
| **MM-WQ-2: Implement Water Quality Best Management Practices During Construction (Demolition Component and Waterside Redevelopment Component)**. During demolition and construction activities associated with the Demolition Component and Waterside Redevelopment Component, the project proponents shall implement best management practices (BMPs), which must be listed in the contractor specifications and plans and with evidence provided to the District. Unless the San Diego Regional Water Quality Control Board (RWQCB) requires additional or alternative measures that provide an equivalent or greater degree of environmental protection as conditions for the issuance of the CWA Section 401 Water Quality Certification, the project proponents shall implement the following construction-related BMPs:<br>• The contractor shall fully understand and adhere to the terms and conditions of approvals and permits obtained as well as all project BMPs. | **Timing:** During demolition and construction activities.<br>**Method:** Implement water quality best management practices during demolition and construction. | **Implementation:** Project Proponents (Demolition Component and Waterside Redevelopment Component), Construction Manager, and General Contractor<br>**Monitoring and Reporting:** Project Proponents (Demolition Component and Waterside Redevelopment Component)<br>**Verification:** District |

| Mitigation Measures | Timing and Methods | Responsible Parties |
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| • With the exception of material transport, including material and equipment deliveries and haul aways, all construction activities shall occur within the designated project footprint.<br>• Disturbance to the bay bottom and intertidal areas shall be minimized.<br>• Appropriate types and sufficient quantities of materials shall be maintained onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.<br>• The project proponents shall properly manage, store, treat, and dispose of wastes in accordance with applicable federal, state, and local laws and regulations. Waste management shall be implemented to avoid or minimize exposure of wastes to precipitation or stormwater runoff. The storage, handling, treatment, or disposal of waste shall not create conditions of pollution, contamination, or nuisance as defined in the California Water Code Section 13050.<br>• Netting, sandbags, tarps, or other forms of barriers shall be placed around landside and waterside staging areas to prevent debris from entering the water.<br>• All equipment must be washed prior to transport to the project site and must be free of sediment, debris, and foreign matter. All equipment used in direct contact with surface water shall be steam-cleaned prior to use. All equipment using gas, oil, hydraulic fluid, or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. Stationary equipment (e.g., motors, pumps, generators, etc.) shall be positioned over drip pans or other types of containment.<br>• Floating booms shall be maintained around the project area to capture floating debris. Divers shall recover non-buoyant debris from the bay bottom within 72 hours of known condition. All debris and trash shall be collected and disposed of in appropriate waste containers by the end of each construction day.<br>• Following project completion, all project-generated debris, building materials, excess material, waste, and trash shall be removed from the project site for disposal at an authorized | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
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| landfill or other disposal site in compliance with federal, state, and local laws and regulations.<br>• All debris and trash shall be collected and disposed of in appropriate waste containers by the end of each construction day.<br>• Discharge of hazardous materials into San Diego Bay shall be prohibited.<br>• Load-controlled boat movement, line attachment, and/or horsepower requirements of tugs and support boats at the project site must be specified to avoid resuspension of sediment. Such measures may include speed restrictions, establishment of off-limit areas (as delineated on the project construction specifications), and use of shallow draft vessels to avoid sediment disturbance and/or resuspension of sediment. The contractor shall ensure adherence to these restrictions.<br>• The construction/demolition contractor(s) shall deploy and maintain a continuous length of silt curtain(s) fully surrounding in-water and on-water project activities to control and contain the migration of resuspended sediments at the water surface and at depth. Silt curtain deployment shall be in conformance with the following requirements:<br>o The silt curtains must be comprised of Type III geotextile material.<br>o The silt curtains must restrict the surface visible turbidity plume or surface debris to the area of construction and sediment disturbance and must control and contain the migration of resuspended sediments or debris at the water surface and at depth.<br>o The silt curtain must be maintained as a full turbidity enclosure. The silt curtains must be supported by floating debris booms in open water areas such as along the seaward side of the area of disturbance. The silt curtains may be connected to vessels, piers, pilings, or the shoreline to maintain effectiveness.<br>o The bottom of the silt curtains must be weighted with ballast weights or rods affixed to the base of the fabric to resist the natural buoyancy of the silt curtain fabric and lessen its | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
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| tendency to move in response to currents. Where applicable, the floating silt curtains must be anchored and deployed from the surface of the water to just above the substrate.<br>○ If necessary, silt curtains with tidal flaps must be installed to facilitate curtain deployment in areas of higher flow. Based on a determination by the District, and subject to concurrence from the RWQCB pursuant to the CWA and Porter-Cologne Water Quality Control Act, air curtains may be used in conjunction with silt curtains to contain resuspended sediment, enhance worker safety, and allow barges to transit into and out of the work area without the need to open and close silt curtain gates.<br>○ Silt curtains must be continuously monitored for damage, dislocation, or gaps and must be immediately repaired where it is no longer continuous or where it has loosened.<br>○ Silt curtains must not be removed until the visible turbidity plume has dissipated and/or surface debris is skimmed and removed.<br>○ Silt curtains shall be installed by the project proponent's contractor(s) in compliance with the District's Best Management Practices and Environmental Standards for Overwater Structural Repair and Maintenance Activities for Existing Port Facilities Conducted by the San Diego Unified Port District (District 2019).<br>• In-Water Activity–Specific Procedures (Pile Installation). The project proponents shall conduct pile installation and removal in a manner that implements applicable permit requirements, including the CWA Section 404 permit issued by the United States Army Corps of Engineers and CWA Section 401 Water Quality Certification issued by the San Diego RWQCB (if applicable). Impact hammer pile driving, internal jetting, or spudding may be required based on the type of pile installation, or removal, that occurs. The construction/demolition contractor(s) shall deploy and maintain a continuous length of silt curtain(s) fully surrounding areas proposed for pile installation and removal to control and contain the migration of resuspended sediments at the water surface and at depth. Silt | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
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| curtain deployment for pile installation and removal shall be in conformance with the requirements described above in this measure. The following additional measures shall be required based on the type of pile removal or installation that occurs.<br>• Pile Driving and Removal<br>Removal of piles shall be conducted using the direct pull method for concrete, timber, and composite piles. Due to the age and condition of the existing piles, it is anticipated that not all piles may be able to be fully removed. In those instances, the piles would be cut off at or below the mudline and abandoned below grade. If the contractor identifies any piles that would not be able to be fully removed, notification to the District shall be required to verify all means and methods have been exhausted prior to cutting at or below the mudline and abandoned below grade. While there may be increased debris initially (including concrete debris from existing piles to be removed) in the water during wharf demolition and pile removal (from removing the decking and removing the piles), the demolition contractor would adhere to water quality requirements issued from the RWQCB. This would limit the potential for violations of water quality standards to below a level of significance. Removal of the piles could resuspend some bottom sediments and create localized and temporary turbidity plumes and associated water quality issues as discussed above. However, such impacts would occur over a relatively small, localized area contained within deployed silt curtains.<br>Any piles removed from areas with contamination present shall not be shaken, hosed off, stripped or scraped off, left hanging to drip, or any other action intended to clean or remove adhering material from piles on or over-water. These activities shall only occur landside where any debris, sediment, or other materials associated with the removed piles could not reenter the waterway.<br>• Spudding or Anchoring<br>Spudding or anchoring may be used if authorized by the RWQCB CWA Section 401 Water Quality Certification. If anchoring is used, anchors shall be lowered slowly and removed slowly to reduce disturbance of Bay sediment. If spudding is used, when spuds are | | |

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| lifted during in-water construction, they shall be lifted slowly—at most a quarter of the speed that spuds are lifted during normal operation. Before the spud reaches the subsurface of the Bay floor during removal, the operator shall conduct spud extraction in 2-minute intervals (repeated 2-minute extraction followed by 2-minute pause) to reduce the disturbance of Bay sediment.<br>• Internal Jetting<br>Internal jetting may be used if authorized by the USACE CWA Section 404 permit or the RWQCB CWA Section 401 Water Quality Certification. Use of internal jetting shall be subject to any limitations as determined by the RWQCB during the Section 401 permitting process, including water flow rate, jet nozzle velocity, duration, and other requirements.<br>Furthermore, all of the specific requirements described in this measure shall apply unless the San Diego RWQCB, the government agency charged with enforcement of the CWA and State Porter-Cologne Water Quality Control Act, finds that additional or alternative measures which provide an equivalent or greater degree of environmental protection are appropriate and required in order to issue the CWA Section 401 Water Quality Certification. | | |
| **Land Use and Planning** | | |
| **CONDITION-LU-1: Conduct Ongoing Sea Level Rise Modeling and Monitoring and Modeling for Adaptive Management (Waterside Redevelopment Component).** For the structures of the project that are projected to be inundated under the 2070 Intermediate-High scenario (Piers 4 – 8, as well as gangways, platforms, docks, and ramps associated with these structures), the project proponent shall conduct ongoing monitoring of these structures every five years upon completion of Part 1 of the Waterside Redevelopment Component. If, through monitoring, the observed sea level rise conditions appear to be inconsistent with the projections identified in this EIR, a site-specific assessment shall be conducted to identify future sea level rise projections using the best science available (anticipated to be the Ocean Protection Council's SLR update, which occurs generally every five years) and identify appropriate adaptation strategies to ensure that these areas are resilient to coastal flooding and inundation from | **Timing:** During project operation upon completion of Part 1 (i.e., reconstruction of Pier 5) of the Waterside Redevelopment Component.<br>**Method:** Conduct ongoing sea level rise monitoring of Piers 4 – 8 and the gangways, platforms, docks, and ramps associated with these structures. | **Implementation:** Project Proponent (Waterside Redevelopment Component)<br>**Monitoring and Reporting:** Project Proponent (Waterside Redevelopment Component)<br>**Verification:** District |

| Mitigation Measures | Timing and Methods | Responsible Parties |
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| sea level rise. Such strategies may include a neighborhood-level effort, raising of grades, additional shoreline protection, removal or movement of assets, and conversion of impervious surfaces to pervious surfaces. This will be a condition of the Coastal Development Permit for the Waterside Redevelopment Component. | | |
| **Noise and Vibration** | | |
| **MM-NOI-1: Reduce Potentially Damaging Vibration at Nearby Buildings from Project Construction (Waterside Redevelopment Component).** During construction activities, the project proponent shall avoid pile-driving activities within the potential damage threshold distances of 52 feet of Buildings A-D. In the event the District determines that it is not feasible for the project proponent to avoid construction activities within the potential damage threshold distances, the project proponent shall reduce the potential impact through the implementation of alternate construction equipment or techniques approved by the District such as, but not limited to, the following:<br>• Replacing impact pile driving with press-in piles or drilled piles (e.g., cast-in-drilled-hole, poured-in-place piles).<br>• Other construction techniques or measures identified by the Project Engineer that are effective at reducing vibration and approved by the District and would not result in any additional impacts not previously considered in the EIR.<br>If the District determines that these techniques cannot be fully implemented or are not sufficient to place the affected structures outside of the applicable threshold distance, then the project proponent shall take the following additional steps to protect buildings within the potential damage threshold distances for construction vibration damage:<br>• The project proponent/contractor shall retain a licensed structural or geotechnical engineer to conduct preconstruction surveys of structures within the 52-foot distance from pile driving (including photographing and/or videotaping) to document existing building conditions for future comparison if any vibration-related damage is suspected or results from pile-driving activities. | **Timing:** During construction activities.<br>**Method:** Avoid pile-driving activities within the potential damage threshold distances of 52 feet of Buildings A-D or implement alternative construction equipment or techniques. | **Implementation:** Project Proponent (Waterside Redevelopment Component), Construction Manager, and General Contractor<br>**Monitoring and Reporting:** Project Proponent (Waterside Redevelopment Component)<br>**Verification:** District |

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| • Based on professional judgment and review of the specific buildings affected, the licensed structural/geotechnical engineer shall provide written recommendations to the District for revised impact distances for potentially affected buildings if different than 52 feet.<br>• If the structural engineer determines that there is no potential for public safety to be at risk or for structural damage to occur during pile driving activities, then vacation of the buildings would not be required even if pile driving occurs within 52 feet of the buildings.<br>• If the structural engineer determines that there is a potential risk to public safety or for structural damage to occur during pile driving activities within 52 feet from Buildings A-D (or at a distance as revised based on written recommendations submitted to the District for review and approval), then prior to and during pile driving activities occurring within 52 feet of Buildings A-D (or a buffer distance otherwise approved by the District based on the structural engineer's recommendations submitted to the District), those buildings shall be vacated.<br>• If one or more of Buildings A through D are to be vacated during pile driving within the approved buffer distance, then the contractor shall provide written notice to building occupants a minimum of 10 business days prior to the commencement of pile driving within the buffer distance. The notice shall include the anticipated date(s) and duration of pile driving activities requiring building vacation. The contractor shall coordinate with building occupants to ensure buildings are vacated prior to commencement of pile driving within this buffer distance. Buildings shall only be reoccupied once the project engineer has confirmed that all pile driving activities within the buffer distance of the applicable building(s) have been completed.<br>• If the licensed structural engineer (in consultation with other licensed engineers such as a geotechnical engineer, as appropriate) determines that façade and/or structural damage may occur during pile driving, the project proponent shall conduct monitoring during construction to check for vibration-related damage during pile driving. Such monitoring may include | | |

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| vibration measurements obtained inside or outside of the buildings or other tests and observations deemed appropriate by the structural engineer.<br>• Preparation of a construction vibration monitoring report that summarizes the results of all vibration monitoring during pile driving located within the buffer distance of Buildings A-D, shall be submitted to the District after the completion of each phase (assuming Buildings A-D are within the affected distance during more than one phase). The vibration monitoring report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims, such as documentation of any cosmetic, minor, or major damage as a result of project-related pile driving activities.<br>• If any damage to existing buildings is determined to occur as a result of project-related pile driving activities or other project-related vibration-generated construction activities, the District shall be financially responsible for the necessary repairs, structural or cosmetic, to return the damaged building to its pre-existing state. Following completion of repairs, a post-repair verification survey shall be conducted by a qualified structural engineer or other licensed professional to confirm that the building has been restored to a condition comparable to its pre-existing state. If the verification identifies incomplete or inadequate repairs, additional actions shall be implemented until the structure is restored to its original condition as determined by the preconstruction survey. | | |

## 1.3 References

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