



## Legislation Text

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**File #:** 2022-0282, **Version:** 1

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**DATE:** September 13, 2022

**SUBJECT:**

**CONGRESSIONALLY DIRECTED FUNDING:**

- A. ADOPT A RESOLUTION AUTHORIZING ACCEPTANCE OF CONGRESSIONALLY DIRECTED COMMUNITY INVESTMENT FUNDS IN THE AMOUNT OF \$1,000,000 FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) FOR THE HABITAT-FRIENDLY SHORELINE STRUCTURES: NATURE-BASED SHORELINE SOLUTIONS ALONG HARBOR ISLAND PARK IN SAN DIEGO BAY PROJECT, AND**
- B. ADOPT AN ORDINANCE AMENDING THE DISTRICT'S FY2023 BUDGET, INCREASING EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATED ITEM, FOR THE ENVIRONMENTAL CONSERVATION DEPARTMENT, BY \$175,000 FOR THE HABITAT-FRIENDLY SHORELINE STRUCTURES: NATURE-BASED SHORELINE SOLUTIONS ALONG HARBOR ISLAND PARK IN SAN DIEGO BAY PROJECT**

**EXECUTIVE SUMMARY:**

The US Congress passed, and the President signed, the federal FY22 budget in March 2022. Included in the FY22 budget was a \$1,000,000 funding to support the expansion of coastal habitat and shoreline protection along Harbor Island. The National Oceanic and Atmospheric Administration (NOAA) was identified as the administrative agency to distribute these funds to the District. Since budget adoption, NOAA staff has been working to establish a process to distribute Congressionally Directed Funds that aligns with existing federal government grant administration processes. District staff has been working collaboratively with NOAA since April 2022. NOAA staff provided final project and budget expenditure approval in July 2022, and notified District staff that funds were available for acceptance and release in August 2022. NOAA has provided the District with a Financial Assistance Award for the \$1,000,000 attached as Attachment A. The Financial Assistance Award is subject to various conditions and federal regulations that must be complied with by the District to use the funds. Examples include, but are not limited to, oversight by NOAA over aspects of the aforementioned project and reporting requirements. Adopting a resolution accepting the funds is the final step to securing necessary funds to expand tidal coastal habitat along Shoreline Park on Harbor Island.

**RECOMMENDATION:**

Adopt a resolution authorizing acceptance of Congressionally Directed Community Investment Funds in the amount of \$1,000,000 from NOAA for the habitat-friendly shoreline structures: nature-based shoreline solutions along Harbor Island Park in San Diego Bay project, and adopt an ordinance amending the District's FY 2023 Budget, increasing Equipment Outlay and Other Capital Projects appropriated item, for the environmental conservation department, by \$175,000 for the Habitat-

Friendly Shoreline Structures: Nature-Based Shoreline Solutions along Harbor Island Park in San Diego Bay Project.

### **FISCAL IMPACT:**

If the Board adopts the budget ordinance, acceptance of Congressional Directed Community Investment Funds will result in an increase to the District's Equipment Outlay and Other Capital Projects appropriated item, for the environmental conservation department by \$175,000 for the Habitat-Friendly Shoreline Structures: Nature Based Shoreline Solutions along Harbor Island Park in San Diego Bay Project. No match funds are required to accept the Congressionally Directed Community Investment Funds. Congressionally Directed Community Investment Funds will be spent over three fiscal years, and budgeted in each fiscal year as provided in the Discussion section below, subject to Board approval with each fiscal year's budget.

### **COMPASS STRATEGIC GOALS:**

This agenda item supports the following Strategic Goal(s).

- A Port that the public understands and trusts.
- A thriving and modern maritime seaport.
- A vibrant waterfront destination where residents and visitors converge.
- A Port with a healthy and sustainable bay and its environment.
- A Port with an innovative and motivated workforce.
- A financially sustainable Port that drives job creation and regional economic vitality.

### **DISCUSSION:**

Following the recent success of the District's current configuration of EConcrete's innovative COASTALOCK tide pool armoring system along the Port's Harbor Island Shoreline Park, staff has been working to secure additional funding to expand the use of environmentally sustainable alternatives to traditional shoreline armoring at various locations in San Diego Bay.

Approximately 73 kilometers (74 percent) of the shoreline in San Diego Bay is armored with traditional riprap or quay walls, protecting infrastructure from storm surges and erosion. However, these armored structures often provide little to no habitat value and are a poor substrate for marine life. The District and EConcrete, an eco-engineering company, have partnered on a pilot project, located on Harbor Island, to demonstrate an innovative new design of EConcrete's award-winning interlocking COASTALOCK Tide Pool Armor. COASTALOCK tide pool armor is made of environmentally sensitive, reduced carbon concrete mixture, tailored to the environment in which they are installed. The interlocking units act as a fully structural revetment that incorporates water-retaining elements that are absent in most urban waterfronts. The tide pool units provide shoreline stabilization, including protection from storm surge, rising sea levels, and erosion, while simultaneously creating local ecosystems that mimic natural rock pools typical of rocky coasts and increase local biodiversity and biological productivity.

During the spring of 2021, federal congressional members were invited to submit Congressionally Directed Spending Requests to either the US Senate Committee on Appropriations or the US House Committee on Appropriations, as part of the FY22 federal budget process. District staff submitted a request for \$1,000,000 in Congressionally Directed Spending through Representative Scott Peters (CA-52) to fund an expansion of tide pool armoring systems, similar to the pilot project described above.

The US Congress passed a series of Continuing Resolutions in late 2021, delaying the adoption of an FY22 federal budget until after the fiscal year started in October 2021. Congress passed, and the President signed, the federal FY22 budget in March 2022. Upon the President's signature, District staff confirmed that \$1,000,000 in funding was included in the approved federal budget to support the expansion of coastal habitat and shoreline protection along Harbor Island. NOAA was identified as the funding agency. Since budget adoption, NOAA staff has been working to establish a process to distribute Congressionally Directed Funds that aligns with existing federal government grant administration processes. District staff has been working collaboratively with NOAA to understand and participate in that process development since April 2022.

NOAA staff provided final project and budget approval in July 2022, and notified District staff that funds were available for acceptance and release in August 2022. Adopting a resolution accepting the funds is the final step to securing funding to expand tidal coastal habitat along Shoreline Park on Harbor Island.

Project spending will occur over the next three fiscal years as follows:

<b>Fiscal Year</b>	<b>Funding Amount</b>	<b>Activity</b>
2023	\$175,000	Procurement, design, permitting, and travel
2024	\$800,000	Monitoring, construction, and travel
2025	\$25,000	Monitoring, and travel

There is no match funding requirement. Funds are available starting on September 1, 2022. Funding for future fiscal years will be budgeted in the appropriate fiscal year, subject to Board approval upon adoption of each fiscal year's budget. The award is included as Attachment A. The Financial Assistance Award is subject to various conditions and federal regulations that must be complied with by the District to use the funds. Examples include, but are not limited to, oversight by NOAA over aspects of the aforementioned project and reporting requirements.

### **General Counsel's Comments:**

The Office of the General Counsel has reviewed this agenda sheet as presented to it and approves it as to form and legality.

### **Environmental Review:**

The proposed Board action, including without limitation, adopting a resolution authorizing acceptance of congressionally directed community investment funds for habitat-friendly shoreline structures and adopting an ordinance amending the District's Environmental Conservation FY23 Budget is Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15306 and 3.f. of the District's Guidelines for Compliance with CEQA because the project would consist of accepting congressionally directed community investment funds to conduct research and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These activities would inform the design and plans for the habitat-friendly shoreline structures, however at this time those are not available to adequately assess the action and supplemental environmental review could be required once those are determined. Any future proposed Board action resulting from these activities requiring the District or the Board's discretionary approval resulting in a physical change to the environment would be analyzed in accordance with CEQA prior to such approval. CEQA review may result in the District, in its sole and absolute discretion, requiring implementation of mitigation measures, adopting an alternative, including without limitation, a "no project alternative" or adopting a Statement of Overriding Consideration, if required.

The proposed Board action complies with Section 87 of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

Finally, this Board item does not allow for "development," as defined in Section 30106 of the California Coastal Act, or "new development," pursuant to Section 1.a. of the District's Coastal Development Permit (CDP) Regulations because it will not result in, without limitation, a physical change, change in use or increase the intensity of uses. Therefore, issuance of a Coastal Development Permit or exclusion is not required. However, the District's projects require processing under the District's CDP Regulations. If future designs or plans for habitat-friendly shoreline solutions are formulated as a result of Board's direction, the Board will consider approval of the project and any improvements associated after the appropriate documentation under District's CDP Regulations has been completed and authorized by the Board, if necessary. The Board's direction in no way limits the exercise of the District's discretion under the District's CDP Regulations..

### **Diversity, Equity, and Inclusion Program:**

The agenda sheet has no direct impact on District workforce or contract reporting at this time.

### **PREPARED BY:**

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Attachment(s):  
Attachment A: NOAA Award.CD450

