

**DRAFT****RESOLUTION 20xx-xxx****RESOLUTION FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING, BUT NOT LIMITED TO, CEQA GUIDELINES SECTIONS 15301, 15303, AND 15304 AND IN SUPPORT OF THE DISTRICT'S APPLICATION TO THE US DEPARTMENT OF TRANSPORTATION'S PORT INFRASTRUCTURE DEVELOPMENT PROGRAM FOR THE INSTALLATION OF SHORE POWER, BERTH REHABILITATION AND LIGHTING UPGRADES AT THE NATIONAL CITY MARINE TERMINAL**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1, (Port Act); and

**WHEREAS**, Section 21 of the Port Act authorizes the Board of Port Commissioners (Board) to pass all necessary ordinances and resolutions for the regulation of the District; and

**WHEREAS**, District staff is developing a grant application to the US Department of Transportation's Port Infrastructure Development Program. The District's application is requesting funding for the rehabilitation of two primary berths at National City Marine Terminal (NCMT), one shore power plug, lighting upgrades, and technology to improve terminal efficiency; and

**WHEREAS**, the US Department of Transportation (DOT) released the 2023 Notice of Funding Opportunity (NOFO) for the Port Infrastructure Development Program (PIDP) on February 28, 2023. This year's NOFO makes available \$662M in federal funding for critical port and port-related infrastructure projects; and

**WHEREAS**, federal funds for this grant program are appropriated under the Bipartisan Infrastructure Law and the FY2023 Appropriations Act. Grants are awarded on a competitive basis for projects that improve the safety, efficiency, or reliability of the movement of goods through ports and intermodal connections to ports; and

**WHEREAS**, the DOT also considers how projects improve sustainability, equity, workforce development, and address climate change. The District's 2023 application includes four primary elements:

1. Rehabilitation and life extension of two primary berths to improve safety,

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2. Terminal electrification to support grid-based vessel power at berth,
3. Lighting upgrades to improve electrical use, increase safety and improve working conditions, and
4. Technology to improve terminal efficiency.

The PIDP grant program requires that funding be obligated no later than September 30, 2026. Funds should be fully expended within five years of obligation; and

**WHEREAS**, the Port is requesting up to \$14,200,000 in PIDP funding to fund 38.5% of the total project cost of \$36,800,000. Match funding will consist of \$20,000,000.00 from the State of California Port and Freight Infrastructure Program, \$2,600,000 in private investments in operational efficiency technology from Pasha Automotive Services, and \$400,000 in Port operational funds. The Port has also submitted two Community Project Funding requests to California Senators Padilla and Feinstein, for \$13,000,000.00 each, to fund berth rehabilitation. If successful, the Community Project Funding would further reduce the DOT share of the total project cost; and

**WHEREAS**, under the expected terms of a FY2023 PIDP grant agreement, the District also agrees to complete National Environmental Policy Act (NEPA) certification if PIDP grant funds are awarded; to comply with the Build America, Buy America Act; to complete all components included in the application, regardless of whether federal funds are used to complete that component; to submit performance reports during project construction and for three years following completion; and to comply with all other relevant federal laws and regulations. PIDP funds will be used to reimburse project expenses after the grant award has been executed, allowable expenses are incurred, and a valid reimbursement request has been submitted to the Maritime Administration; and

**WHEREAS**, the PIDP grant program is extremely competitive. \$703 Million was available in 2022; the Department received 141 eligible applications requesting \$2.8 Billion in funding. Only 41 applications received funding in last year's grant round. The 2023 application is due on April 28, 2023.

**WHEREAS**, staff recommends the BPC adopt a resolution supporting the District's application to the US Department of Transportation's Port Infrastructure Development Program for the installation of shore power, berth rehabilitation, and lighting upgrades at the National City Marine Terminal.

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

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

2. Based on the entire record available to the BPC and the findings set forth in this Resolution, the BPC finds that the Project, including without limitation, a resolution approving plans and specifications and awarding a contract to the US Department of Transportation's Port Infrastructure Development Program are categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land) and Sections 3.a. (7), 3.c. (3), and 3.d. (7) of the District's Guidelines for Compliance with CEQA.

3. Based on the entire record available to the BPC and the findings set forth in this Resolution, the Executive Director or his designated representative is hereby authorized and directed to supporting the District's application to the US Department of Transportation's Port Infrastructure Development Program for the installation of shore power, berth rehabilitation, and lighting upgrades at the National City Marine Terminal.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

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By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 11<sup>th</sup> day of April 2023, by the following vote: