

SAN DIEGO  
**OCEAN PLANNING**  
PARTNERSHIP 

# Preliminary Assessment Report



December 2018

This page intentionally left blank

Prepared by: California State Lands Commission  
and  
the Port of San Diego

With support from: Nexus Planning & Research

Special thanks to: The many stakeholders, ocean users, and interested members of the public who dedicated time to participate in this process, and engage in meaningful dialogue with the San Diego Ocean Planning Partnership.

*Unless otherwise noted, all photos were contributed by staff of the California State Lands Commission, or the Port of San Diego.*

This page intentionally left blank

# CONTENTS

Acronyms + Frequently Used Terms	v
Message from the Commissioners	vi
Executive Summary	viii
01 Purpose	01
02 Partnership	03
Collaborative Stewardship	
State Lands Commission	
Port of San Diego	
Memorandum of Agreement	
03 Approach	23
Timeline	
Public Engagement	
Web Mapping Application	
04 Preliminary Assessment	35
Observations	
Lessons Learned	
05 Moving Forward	57
06 Conclusion	67
07 Appendices	69
Appendix A: Memorandum of Agreement	
Appendix B: List of Questions for Focused Stakeholders Meetings	
Appendix C: Current List of Stakeholders	
Appendix D: Reviewed Datasets	

# ACRONYMS+Frequently Used Terms

BPC	Board of Port Commissioners
CEQA	California Environmental Quality Act
Commission	California State Lands Commission
GIS	Geographic Information Systems
INRMP	Integrated Natural Resources Management Plan
MISP	Marine Invasive Species Program
MLPA	California Marine Life Protection Act
MOA	Memorandum of Agreement
MPA	Marine Protection Area
NOAA	National Oceanic and Atmospheric Administration
Partners	Commission and Port
PMPU	Port Master Plan Update
Port	Port of San Diego
RPB	Regional Planning Body
SANDAG	San Diego Association of Governments
SDOPP	San Diego Ocean Planning Partnership

# Message from the Commissioners



Betty T. Yee  
California State Controller  
California State Lands Commission,  
2018 Chair

“The State Lands Commission is proud to collaborate with the Port of San Diego on a truly forward-thinking pilot project that approaches planning from the perspectives of diverse stakeholders. The San Diego Ocean Planning Partnership will build the foundation for robust communication and coordination while incorporating the best available science and data in order to glean more informed resource-management decisions.”



Rafael Castellanos  
Board of Port Commissioners,  
2018 Chair  
Port of San Diego

“The San Diego Ocean Planning Partnership represents a unique and innovative approach for both the State Lands Commission and the Port of San Diego to strengthen our own relationship and to build relationships with the San Diego ocean community. My theme for my chairmanship is ‘Ocean Optimism,’ and this partnership embodies that theme through meaningful collaboration and thoughtful visioning for one of our most important resources - the ocean.”





# Executive Summary

The land and resource management responsibilities for the California State Lands Commission (Commission) and the Port of San Diego (Port) are rooted in the Public Trust Doctrine as both agencies are entrusted by the State of California to responsibly balance a diversity of uses on tidelands and submerged lands, including commerce, navigation, fisheries, recreation, and environmental stewardship. In San Diego, the Commission and the Port manage adjacent areas in and around San Diego Bay and issue leases for their use or development. Generally, the Commission's jurisdiction of submerged lands and tidelands extends from the mean high tide line out to three nautical miles offshore (pursuant to the Submerged Lands Act), unless the Legislature grants areas to local grantees. To support its management responsibilities in the ocean, the Commission saw a need for a more comprehensive approach to ocean planning, one that endeavors to understand all the current and emerging activities and uses in this shared space and could inform sustainable and balanced decision-making within its jurisdiction.

The Commission and the Port collaborate and coordinate with many federal, state, and local agencies, as well as tribal governments, academic institutions, and environmental organizations on specific projects, policies, and initiatives. Through collective efforts, the two agencies are better positioned to be effective in protecting California's and San Diego's (respectively) public lands and resources and ensuring public access. Expanding off this collaboration and coordination, the Commission requested support from the Port for this ocean planning effort because of the Port's existing regional relationships, knowledge of San Diego, and their management responsibilities aligned with the Commission under the Public Trust Doctrine.

The Commission and the Port entered into a Memorandum of Agreement (MOA) in October 2016 to form the San Diego Ocean Planning Partnership (SDOPP). The MOA proposes that the Partners (Commission and Port) develop various frameworks and tools to support decision-making and sharing comprehensive environmental data for the ocean space in state waters offshore San Diego County, while also maintaining consistency with applicable state, federal, and local laws, regulations, and policies.

The purpose of this first phase of the SDOPP pilot project, the Assessment Phase, is to better understand the current uses, challenges surrounding current and future uses in state waters offshore San Diego County (the "ocean space"). An additional purpose was to understand the values of the users as well as their past experiences with similar planning processes. It is **not** the intent of the SDOPP to establish zones in the ocean space for specific uses, diminish the significance or purpose of previously established areas, nor promote specific ocean uses over others. Rather, it is intended as a framework promoting an open, transparent dialogue and encourages collaboration between users. Essentially, this is a process for the Partners to hear directly from stakeholders about their vision for

## Executive Summary

the ocean space and the role that the SDOPP can play (by identifying clear objectives and deliverables) in achieving that vision.

To support this purpose, the Commission and the Port set out to: 1) identify current and emerging uses in the ocean space offshore San Diego County, 2) understand the relationships among these uses, and 3) receive feedback on how to best develop the ocean planning process. Specifically, the Partners embarked on the first phase of this pilot project, the Preliminary Assessment, through two parallel efforts:

**Public engagement:** Through focused stakeholder interviews, small group meetings, and larger public meetings, the Partners engaged with stakeholders and local Tribes to hear directly about their experiences with the ocean space and ocean planning. This information is presented within this report (Section 4. Preliminary Assessment), which summarizes input received about ocean uses, challenges with ocean uses, benefits and concerns about ocean planning, and suggestions for managing the process and moving forward.

**Data collection:** The Partners collected and compiled publicly available, coastal and marine-related spatial data, which will be displayed in a Web Mapping Application. This will be a web-based, user-friendly site where users can easily view multiple layers of these data at one time in one place.

These efforts culminated in the informational Preliminary Assessment Report as well as a public-facing, interactive web viewer that presents the results of the stakeholder engagement and data collection efforts.

### **Assessment Phase: Observations and Lessons Learned**

This Preliminary Assessment provides a summary of stakeholder input from the Assessment Phase and was divided into two sections: “Observations” and “Lessons Learned.” These include a summary of feedback provided to the Commission and the Port on how stakeholders define ocean planning, perceptions on the process, uses in the ocean space, and challenges associated with those uses.

The Partners observed through stakeholder engagement and data collection that the ocean space has a widespread diversity of uses and could present the potential for new uses or expansion of current uses. Uses cited by stakeholders generally pertained to recreation; resource management; conservation; commercial; research; education and outreach; navigation and safety and security. Stakeholders face a broad array of challenges when using the ocean space, including but not limited to, changing environmental conditions, the need to balance competing uses, or evolving regulatory and management processes. These existing challenges, along with new future challenges, may possibly be addressed

through ocean planning processes, including public engagement or conflict management principles.

Valuable information was given to the Partners based on stakeholders' experience and knowledge of ocean planning or similar efforts. These "Lessons Learned" were informed by input received during focused stakeholder meetings and larger group meetings on potential benefits of ocean planning, other considerations or concerns with this process, and suggestions for managing the ocean planning process. The SDOPP Assessment Phase revealed ocean planning may provide: 1) An opportunity to promote mutual understanding of ocean uses, 2) a forum for collaboration on issues or opportunities of regional interest, and 3) a communication tool to begin or continue dialogue between agencies or the public. Stakeholders also suggested improvements for managing the ocean planning process moving forward. Recommendations included, but were not limited to: be inclusive and collaborative; communicate clearly and often; and be transparent.

### **Next Steps**

Potential next steps for the SDOPP were informed by the public engagement feedback and data collection. It is important to note that the potential next steps may be carried out by the Partnership or by an individual Partner (i.e., the Commission or the Port). For example, the Partnership may decide to refine the goals of the SDOPP (specifically the MOA) or provide periodic assessments in the San Diego ocean space. The Commission would most likely take responsibility for developing an "early engagement" framework that would establish a process to proactively address potential conflicts between uses to assist with the Commission's process for evaluating lease applications. Additionally, the Commission would be responsible for updating the Web Mapping Application. With strong regional relationships, the Port could help to continue and enhance the local stakeholder outreach as part of a long-standing comprehensive public engagement approach associated with long-range planning efforts. In future phases of the SDOPP, collectively and as individual entities, the Partners will remain committed to transparent and robust public engagement and data collection and continue to strive towards collaborative stewardship of the Public Trust on entrusted or granted state tidelands and submerged lands.



Bluffs at Torrey Pines

# 01 Purpose



Ocean Beach, San Diego

As outlined in the San Diego Ocean Planning Partnership’s (SDOPP) foundational Memorandum of Agreement (MOA) (Attachment A), the purpose of this collaborative partnership is to “effectively plan for use of the ocean space and local trust grantee participation in management thereof.” To achieve this goal, the MOA proposes that the Partners (California State Lands Commission and the Port of San Diego) develop various frameworks and tools to support decision-making and sharing of comprehensive environmental data for the ocean space in state waters offshore San Diego County, while also maintaining consistency with applicable state, federal, and local laws, regulations, and policies. The MOA also aims to “facilitate coordination between the Parties [Partners] to develop and implement a comprehensive strategy that would reduce the potential for conflict among various Public Trust consistent uses, resources, and values.” Further, this MOA reinforces the California State Lands Commission’s (Commission) and the Port of San Diego’s (Port) commitments to transparent, robust public engagement and scientifically-informed decision-making. This effort could ultimately inform the Commission’s lease application evaluation process for projects on state submerged lands and tidelands to proactively avoid or address conflicts among current and emerging ocean uses, and also help to identify and support opportunities for synergy and compatibility among uses.

## 01 Purpose

**It is *not* the intent of the Partnership to establish zones in the ocean space for specific uses, diminish the significance or purpose of previously established areas, or promote specific ocean uses over others.**

The purpose of the first phase of the SDOPP pilot project – the Assessment Phase – was to better understand the ocean space by asking users and compiling and reviewing relevant coastal and marine-related data. Through public engagement, the Partners heard from stakeholders directly about how they use the ocean space, their challenges with those uses, their previous experiences and concerns with similar planning processes, and their suggestions on how to best manage an ocean planning process. Through data collection and evaluation, the Partners gathered and compiled publicly available data to visualize coastal and marine-related data to better understand the environmental conditions of the ocean space and how those might relate to ocean uses. These two efforts culminated into the Preliminary Assessment Report and a Web Mapping Application. These two deliverables will also help to identify potential next steps for the Partners moving into subsequent phases of this pilot project. Essentially, this first phase is a “visioning” process through which the Partners learned from stakeholders about their vision for the ocean space and what practical objectives and deliverables the SDOPP could fundamentally establish that aligns with that vision.



Seagull looking over the Pacific Ocean



Cruise ship departing San Diego Bay



Gliding over Torrey Pines Gliderport



Point Loma

## 02 Partnership



Black skimmers, San Diego Bay

The SDOPP was formed through a MOA (Appendix A) between the Commission and the Port in October 2016. With similar mission and vision statements, aligned responsibilities under the Public Trust Doctrine, and strong state and regional relationships, both agencies are uniquely suited to contribute to the SDOPP. As public agencies, both the Commission and Port have a number of distinct responsibilities including fiduciary and environmental review, that require balancing competing uses and interests. There are structures that exist within each agency that keep these responsibilities separate and a number of checks and balances built into internal protocols and additional legislative oversight to prevent conflicts of interest. This pilot project does not authorize any future uses of ocean space. It will be used to inform the independent decisions of each of the Partners.

The MOA reinforces this unique partnership and memorializes the Partners' commitments to transparent public engagement and robust data collection.

## Collaborative Stewardship

The SDOPP is a unique partnership between the Commission and the Port because both Partners are aligned in their management responsibilities under the Public Trust Doctrine. Entrusted to manage and balance commerce, navigation, fisheries, recreation, and environmental stewardship on state tidelands and submerged lands for the people of the State of California, the Partners have built a strong working relationship many years prior to the formation of the SDOPP.

In San Diego, the Commission and the Port manage adjacent areas in and around San Diego Bay. Generally, the Commission's jurisdiction of submerged lands extends from the mean high tide line out to three nautical miles offshore (pursuant to the Submerged Lands Act), unless the Legislature grants areas to local grantees. In San Diego Bay, much of the tidelands and some submerged lands have been granted to the Port. The submerged lands in the middle of San Diego Bay (including anchorages) have remained under the Commission's management. Given there is such a widespread diversity of coastal and ocean uses in the ocean space offshore San Diego and within San Diego Bay, the Commission and the Port consistently coordinate and collaborate to ensure that they both manage these areas and uses through the lens of the Public Trust.

Collaborative stewardship is a goal that the Partners are always working towards. It is the concept that recognizes that while the jurisdictions of the Commission and Port are adjacent yet separate, the coast and ocean are dynamic and interrelated environments that require a coordinated approach to management. It is also the concept that promotes collaboration between both Partners to be stewards of the Public Trust, so that they may work together to balance the use of state tidelands and submerged lands in ways that benefit the environment and the community.

### SAN DIEGO OCEAN PLANNING PARTNERSHIP



**PORT of  
SAN DIEGO**

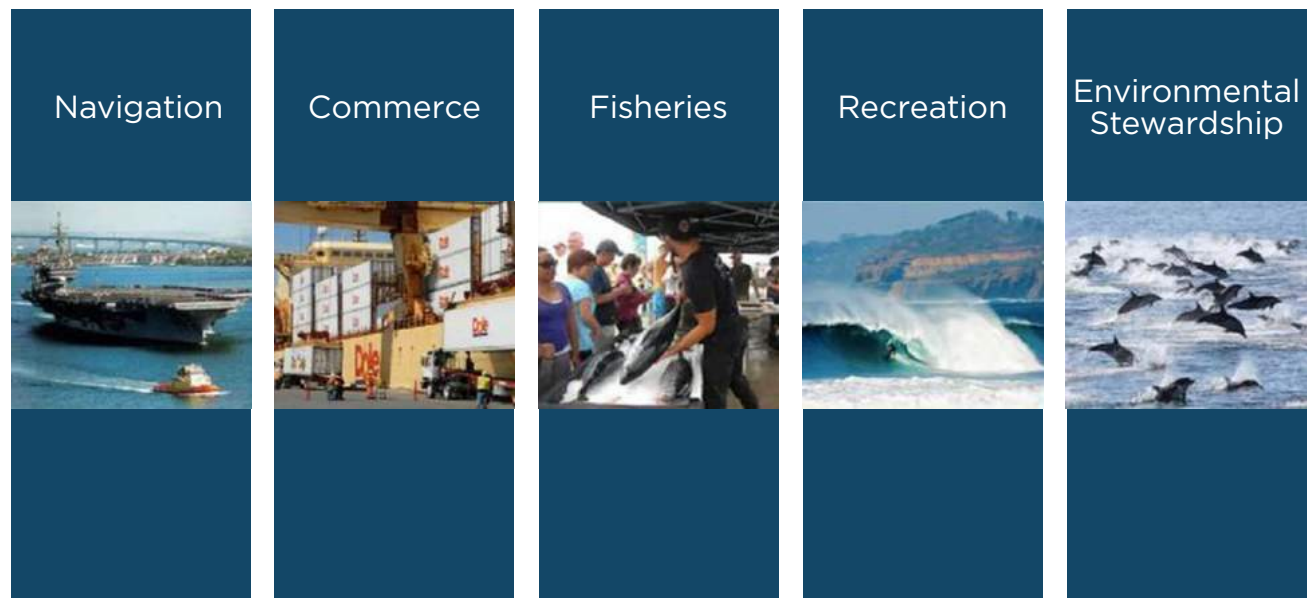


## The Public Trust Doctrine

The public's right to use California's waterways for navigation, recreation, fishing, boating, natural habitat protection and other water oriented activities is protected by the Common Law doctrine of the Public Trust. Historically, the Public Trust has referred to the basic right of the public to use its waterways to engage in "commerce, navigation, and fisheries." More recently, the doctrine has been broadened by various landmark court decisions to include the right to swim, boat, and engage in other forms of water recreation, and to preserve lands in their natural state in order to protect scenic and wildlife habitat values.

The Public Trust provides that tidelands and submerged lands and the beds of lakes, streams and other navigable waterways are to be **held in trust by the State for the benefit of the people of California**. The Public Trust, as a common law doctrine, is not static but continuously evolves to protect the public's use and needs in California's waterways.

Since 1938, the Commission has been the administrator and guardian of valuable public lands. The Commission has administrative jurisdiction over the State's Public Trust lands and has oversight authority over sovereign lands granted in trust by the Legislature to local governments. The Commission acts pursuant to the California Constitution, legislation, and the Public Trust Doctrine to protect the public's interest in trust lands.



## State Lands Commission

### Why should the State Lands Commission be spearheading this effort?

The Commission leads this innovative pilot because it sees a clear need for a more comprehensive approach to ocean planning, one that endeavors to understand all the current and emerging activities and uses in this shared space, while informing sustainable and balanced management within its jurisdiction. The Commission is uniquely positioned for this role because it manages the State's tide and submerged state lands and resources and issues leases for their use or development. This requires balancing a variety of existing and emerging Public Trust uses, including navigation, commerce, fisheries, water-oriented recreation, and environmental stewardship. The Commission believes this pilot project strengthens its commitment to informed decision-making through stakeholder engagement and the use of best available science and data.

### About the State Lands Commission

Established in 1938, the Commission manages four million acres of tide and submerged lands and the beds of navigable rivers, streams, lakes, bays, estuaries, inlets, and straits. These lands, often referred to as state or Public Trust lands, stretch from the Klamath River and Goose Lake in the north to the Tijuana Estuary in the south, the Pacific Coast three miles offshore in the west to the Colorado River and Lake Tahoe in the east. Notably, these lands include California's two longest rivers, the Sacramento and San Joaquin.

The Commission also oversees state lands granted in trust by the California Legislature to approximately 70 local jurisdictions that generally consist of prime waterfront lands and coastal waters. Through its actions, the Commission secures and safeguards the public's access rights to navigable waterways and the coastline and preserves irreplaceable natural habitats for wildlife, vegetation, and biological communities.





The Commission protects state waters from marine invasive species introductions by creating and enforcing ballast water and vessel biofouling regulations. It also maintains an oil spill prevention program, overseeing all marine oil terminals in California and offshore oil platforms and production facilities in state waters. The program includes a coordinated response system with the Office of Spill Prevention and Response, a division of the Department of Fish and Wildlife.

### What are Granted Lands?

The California Legislature has periodically transferred portions of the State’s waterfront lands to local governmental entities for management purposes. The local entities are known as “grantees” or “trustees” of granted Public Trust lands.

**Legislation conveys the State’s legal title of the specified Public Trust lands, in trust, to the grantee.**

The grantee has jurisdiction over the granted lands. The Commission has oversight authority and, except for certain statutory authorizations, is not typically involved in the day-to-day management of the granted lands. The grantee has the primary responsibility of administering the trust within the parameters of the Public Trust and its granting statutes.

There are areas within the preliminary planning boundary that have been granted to local authorities, including the City of San Diego and the City of Oceanside. These granted lands are depicted in the Web Mapping Application. The boundaries and provisions of these grants have been amended over time through statutes and are unique to each entity.

### State Lands Commission Mission and Vision Statements

The mission and vision statements of the State Lands Commission are as follows:

“The California State Lands Commission provides the people of California with effective stewardship of the lands, waterways, and resources entrusted to its care through preservation, restoration, enhancement, responsible economic development, and the promotion of public access.”

“The California State Lands Commission is a recognized leader that champions environmentally sustainable public land management and balanced resource protection for the benefit and enjoyment of all current and future generations of Californians.”

### State Lands Commission Leasing Authority

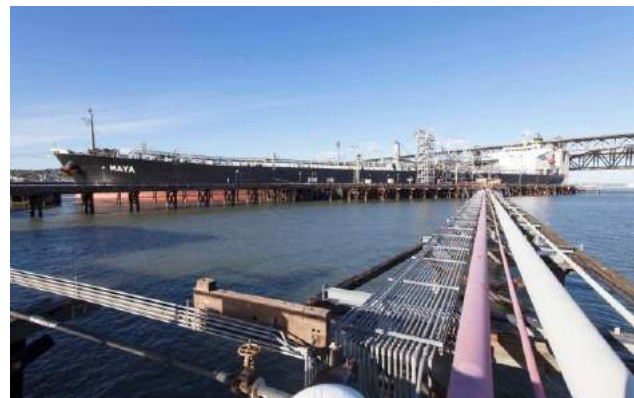
The Commission issues leases for water-dependent and water-related activities, uses, and development on state tidelands and submerged lands that serve the public. These general surface leases are primarily related to recreation, open space, habitat preservation, visitor-serving, public agency, or industrial uses. The Commission also supplies permits for underwater geological and geophysical surveys. Lease applications are submitted to Commission staff for evaluation and review, a process that is specific to each lease type and proposal, and typically involves multiple agency line divisions. As part of its approval process, the Commission evaluates the consistency of the proposed lease use with the Public Trust Doctrine and whether the lease is in the State's best interests. All leases must comply with state law and are subject to environmental review under the California Environmental Quality Act (CEQA).

Each lease is negotiated by a public land management specialist, and the consideration is determined based on fair-market land values, public benefit, and other site-specific factors. Lease terms are created to ensure the protection of Public Trust resources and assets. Comprehensive information for each potential lease is compiled by staff, with recommendations, for the Commission to consider at regularly-scheduled public meetings. The public is welcomed and encouraged to provide input and information on any proposed lease before its approval, either through contacting staff or Commissioners directly, providing written comments, or by providing public comment at Commission meetings.

Many of the Commission's granted lands partners also have leasing practices. All trustees of the State's tide and submerged lands must make lease determinations and other land management decisions that are in the best interests of the State. Revenues generated by a trustee arising out of the use or operation of their granted lands are State trust assets and must be reinvested back into the trust. These revenues must be kept separate from the local entity's general fund and may not be used for a municipal purpose, or any purpose unconnected with the trust. Expenditures of trust funds by a trustee must be consistent with the Public Trust Doctrine and the statutory trust grant.



Examples of a Commission lease in Emerald Bay



Oil spill prevention at Port of Long Beach

### State Lands Commission Strategic Plan

The Commission adopted its 2016-2020 Strategic Plan on December 18, 2015. The Strategic Plan equips the Commission to adapt to emerging challenges and opportunities, while creating a meaningful framework to achieve its policy goals. The SDOPP is consistent with and supports implementation of Strategy 1.2, “to provide that the current and future management of ungranted sovereign lands and resources and granted lands, including through strategic partnerships with trustee ports and harbor districts, is consistent with evolving Public Trust principles and values.” The Commission recognizes that strong partnerships are the key to innovative and responsible land and resource management. The pilot project also advances the Commission’s Strategy 4.2, “to extend Geographic Information Systems (GIS) content and capabilities to be an integrated decision-making tool for the Commission’s management of lands and resources and a valued visualization and communication mechanism for the public.” The Commission strives to use the most current technological resources to inform decision-making and broaden public awareness and engagement.



Public Trust uses in Santa Cruz



Public Trust uses at Huntington Beach

### What is the “blue” economy?

The United Nations and the World Bank Group define the term blue economy as “comprising the range of economic sectors and related policies that together determine whether the use of ocean resources is sustainable... The blue economy concept seeks to promote economic growth, social inclusion, and the preservation or improvement of livelihoods while at the same time ensuring environmental sustainability of the oceans and coastal areas.”

Source: World Bank and United Nations Department of Economic and Social Affairs. 2017. *The Potential of the Blue Economy: Increasing Long-term Benefits of the Sustainable Use of Marine Resources for Small Island Developing States and Coastal Least Developed Countries*. World Bank, Washington DC.

### State Lands Commission Interagency Relationships

The Commission collaborates and coordinates with many federal, state, and local agencies, as well as tribal governments, academic institutions, and environmental organizations on specific projects, policies, and initiatives. Through collective efforts, the Commission is better positioned to be effective in protecting California's public lands and resources and ensuring public access.

The Commission is a member of the California Coastal Commission, San Francisco Bay Conservation and Development Commission, Ocean Protection Council, Delta Protection Commission, and several river conservancies. The Commission is a signatory to cooperative interagency agreements with state and federal agencies, including the agreement for implementation of the California network of marine protected areas and the agreement for the Desert Renewable Energy Conservation Plan. The Commission participates in interagency groups striving to address complex resource management issues through coordinated action, including the Marine Protected Area Statewide Leadership Team, the Coastal and Ocean Resources Working Group for the Climate Action Team (CO-CAT), and the California Intergovernmental Renewable Energy Task Force.

The Commission is one of two State of California representatives engaged in a regional ocean planning process with the States of Oregon and Washington. This regional ocean partnership, formerly called the West Coast Regional Planning Body, shares many of the same objectives as the SDOPP, such as increased collaborative ocean management and stewardship, improved planning for sustainable, compatible uses of the ocean, and enhanced ocean data and information sharing. However, the SDOPP is a separate and independent initiative.



Some of the many agencies and group that collaborate with the Commission.

## Current Initiatives of the State Lands Commission

There are several different initiatives at the Commission that demonstrate the range of activities it undertakes to safeguard and manage Public Trust lands, uses, and resources. These initiatives are also examples of the Commission's support for collaborative stewardship that balances Public Trust use of the State's tidelands and submerged lands.

### AB 691: Sea-Level Rise Assessments

The Commission is working with many of its grantees to plan for and adapt to sea-level rise and its impacts. State land grantees with gross revenues over \$250,000 per year must inventory their trust assets, assess their vulnerability to sea-level rise, and begin to formulate feasible and effective adaptation and resiliency measures, pursuant to AB 691 (Muratsuchi, Chapter 592 of the Statutes of 2013). The assessment reports are due to the Commission by July 1, 2019. The Commission supports the sea-level rise planning efforts of the grantees by providing information, resources, and guidance for understanding the most recent scientific findings and how to apply current state policy. The Commission will synthesize the submitted assessments, identify common risks and adaptation approaches, evaluate the economic impacts to assets, and make recommendations of next steps for grantee resiliency planning and financing strategies for State lands and resources.

### Environmental Justice Policy Update

In 2017, the Commission embarked on a path to develop a robust and comprehensive Environmental Justice Policy, anchored on statewide outreach, with the goal of understanding the different issues Californians face related to the public lands and resources the Commission manages. Staff is conducting extensive outreach as part of this process, meeting with dozens of environmental justice organizations, local agencies, Tribes, and the public throughout the state to learn about distinct regional concerns and how environmental justice is connected to the Commission's programs, statutory duties, mission, and vision. Through this Environmental Justice Policy, the Commission will strengthen its commitment to promote social equity and environmental justice, through more inclusive decision-making that considers the needs and concerns of all communities, but with sensitivity to disproportionate burdens on marginalized, disadvantaged, and tribal communities. The final policy will be considered for adoption by the Commission at its December 3, 2018 meeting.

### Marine Invasive Species Program

The Marine Invasive Species Program (MISP) is a world-leading program that reduces the risk of aquatic nonindigenous species introduction into California's waters. The MISP began in 1999 with the passage of California's Ballast Water Management for Control of Nonindigenous Species Act, which addressed the threat of species introductions from vessels arriving at California ports. In 2003, the Marine Invasive Species Act was passed, reauthorizing and expanding the 1999 Act. In 2017, the MISP biofouling management regulations were approved, requiring ships to have an active biofouling management plan and associated paperwork. This is the first such regulatory program of its kind, serving as a model for safeguarding coastal waters and habitats from the devastating economic and ecologic impacts that result from invasive species' introductions.



Torrey Pines State Beach



# Port of San Diego

## Why Port of San Diego as a partner?

San Diego is an ideal location for this pilot project due to the large variety of marine uses. The Port of San Diego is a unique partner for this effort because it has diverse, broad, and extensive knowledge of the environmental, social, and economic issues in and around San Diego Bay and it has developed strong relationships with local and regional stakeholders. In addition, an area of the Pacific Ocean adjacent to the City of Imperial Beach is a part of the Port's management responsibilities.



## About the Port of San Diego

The Port was created in 1962 to manage and hold in trust certain tideland and submerged lands within San Diego Bay. The Port is the State's trustee of Public Trust lands within San Diego Bay granted to it by the Legislature under Chapter 67, Statutes of 1962, First Extraordinary Session, with minerals reserved to the State, and as amended. When the Port's statutory grant took effect, lands within the Bay that had been previously granted to the cities of San Diego, Chula Vista, Coronado, and National City were transferred to the Port. Lands originally granted to Imperial Beach along the Pacific Ocean were also transferred to the Port. The lands are to be used for Public Trust purposes that benefit the statewide public, including commerce, navigation, fisheries, and water-oriented recreation. The Port balances multiple uses for approximately 2,500 acres of land and 3,000 acres of water along San Diego Bay and along the Pacific Ocean offshore of Imperial Beach.



**Map of Port Tidelands.** The Port's jurisdiction extends along the tidelands and submerged lands of the San Diego Bay, spanning its five member cities. The light blue represents submerged lands and the orange represents tidelands that have been granted and conveyed to the Port since its creation.

The Port is the fourth largest of the 11 deep water ports in California, and is bordered by five member cities: Chula Vista, Coronado, Imperial Beach, National City, and San Diego. The Port oversees two marine cargo terminals, two cruise ship terminals, 22 public parks, the Harbor Police Department, and the leases of over 200 tenants and over 500 sub tenant businesses around San Diego Bay. The Port is an economic engine, and environmental steward of San Diego Bay and the surrounding tidelands, and provides community services and public safety. The Port does not receive any tax revenue, yet it manages a diverse portfolio to generate revenues that support vital Public Trust services and amenities.

### Port of San Diego Mission and Vision Statements

As a trustee of granted lands, the Port's mission statement is in alignment with the Commission's mission. The Port of San Diego's mission and vision statements are as follows:

“The Port of San Diego will protect the Tidelands Trust resources by providing economic vitality and community benefit through a balanced approach to the maritime industry, tourism, water and land recreation, environmental stewardship and public safety.”

“We are an innovative, global seaport courageously supporting commerce, community, and the environment.”



San Diego, a top cruise destination



Cargo ship departing San Diego Bay



Shoreline habitat in South San Diego Bay



Port of San Diego Harbor Police

### Port of San Diego Regional Relationships

The Port has strong working relationships with other agencies and communities throughout the San Diego region. The Board of Port Commissioners (BPC) includes representatives from the Port's five member cities. The BPC frequently seeks input from advisory and stakeholder groups, including the Environmental Advisory Committee and the Maritime Stakeholder Forum. Committee members include the Port Tenant's Association, environmental nonprofits and advocacy groups, state agencies, federal agencies, shipping representatives, stakeholders from the recreational and commercial fishing industry, academia, and many others.



Aerial of northern San Diego Bay



Navy ship in San Diego Bay



Shellfish aquaculture in San Diego Bay

In the advisory or stakeholder meetings, members come together to discuss pressing topics and issues or provide guidance and expertise related to Port projects or initiatives.

The Port also works closely with federal partners, such as the National Oceanographic and Atmospheric Association (NOAA) and the U.S. Navy. Recently, NOAA provided technical expertise to various aquaculture and blue technology projects under the Port's purview.

### **Coordination with the U.S. Navy in the San Diego Ocean Space**

*Written with input from U.S. Navy Southwest Region staff*

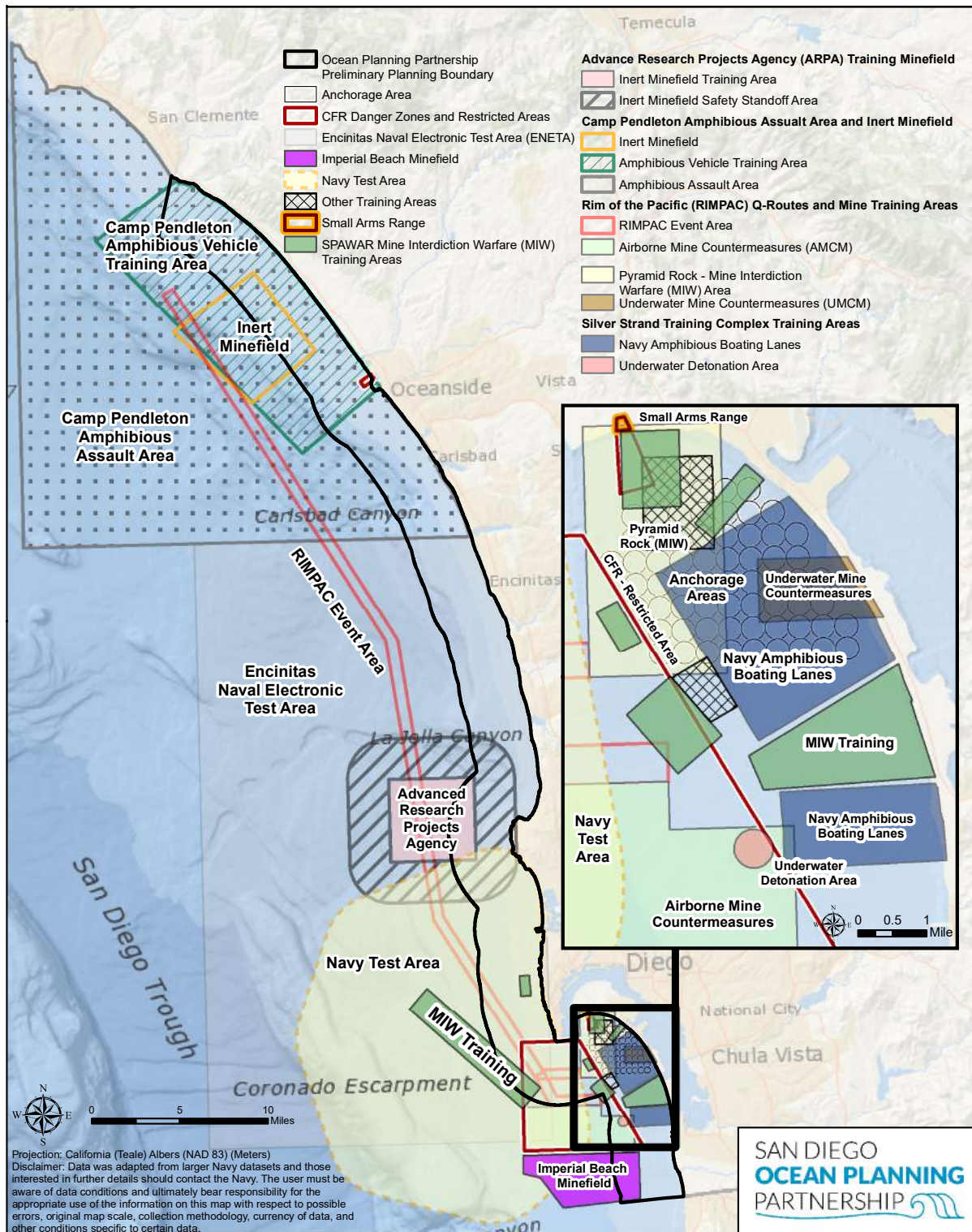
The Port of San Diego has a long history of leveraging partnerships around San Diego Bay to foster efficient business programs and stewardship of the natural resources entrusted to the many entities that utilize the Bay.

Notably, the Port of San Diego is designated a “Strategic Port” for national defense. Home to the U.S. Pacific Fleet, San Diego shares a great sense of pride in being partners in the national defense mission and its accommodation of the U.S. Navy (see map on Page 17). The Strategic Port designation is so important that extra measures are being taken in the recent modernization of the Tenth Avenue Marine Terminal at the Port of San Diego to ensure the facility can service military vessels in the event of a mobilization for a national emergency.

The Port’s long history of partnership with the U.S. Navy has played a significant role in the stewardship of the Bay’s natural resources. The Port and the U.S. Navy have been mutual informal partners for many years and on many levels through their shared history in the development of San Diego Bay. For example, the Port has been a partner with the U.S. Navy since 2002 in an Integrated Natural Resources Management Plan (INRMP), the first of its kind in the United States. The INRMP is a comprehensive document that guides management decisions about development in and around the Bay to ensure the protection of trust resources without adversely impacting U.S. Navy mission readiness or the Port’s economic assets. The Port and the U.S. Navy also routinely conduct surveys of the biological resources in the Bay for fish, turtles, birds, and eelgrass.

Additionally, in recognition of the need for communities to be climate resilient, and understanding the major role the Port and the U.S. Navy play in creating this resiliency, the Port and U.S. Navy have recently entered into a MOA (separate and distinct from the SDOPP MOA) to collaboratively address impacts from sea level rise. This partnership will ensure that the Port and U.S. Navy work together toward similar goals in planning for sea level rise effects around the Bay on naval installations and the communities that surround San Diego Bay. This unique collaboration will help the Port complete an even more meaningful AB691 Sea Level Rise Assessment by July 1, 2019. In addition, the Port and the Naval Undersea Warfare Center, Division Keyport entered into a Memorandum of Understanding to facilitate coordination on how the two parties can support blue economy innovation in San Diego Bay.

The Port, the Commission, and the U.S. Navy will continue to work collaboratively to facilitate meaningful, responsible future uses of San Diego Bay and the nearshore coast of San Diego to ensure that national defense mission needs are met while planning to meet the economic needs of the future. All this while ensuring San Diego Bay remains a safe and climate resilient harbor for the communities that call it home.



Navy operations along San Diego County coastline

## Current Initiatives of the Port of San Diego

Recently, the Port has begun a few important initiatives in and around San Diego Bay to take a strategic and innovative approach to supporting and bolstering ocean-related businesses, conserving and restoring coastal habitats, and planning for future development.

### Integrated Planning and the Port Master Plan Update

Since 2013, the Port has been evolving and improving a process, known as Integrated Planning. In short, Integrated Planning is a multi-faceted and comprehensive approach for managing and planning the uses and business of the Port in a balanced way. Although Integrated Planning is an approach and philosophy that will permeate numerous plans and processes at the Port, one critical and current focus area is an update to the Port Master Plan. The Port of San Diego is required to prepare and adopt a Port Master Plan pursuant to Chapter 8 of the California Coastal Act (Section 30711).

The Port Master Plan Update (PMPU) is the first comprehensive update to the Port Master Plan since its certification in 1980. The PMPU is an integrated, baywide approach intended to modernize the Port's method for land and water planning and serve as a guide for future uses and development of Port tidelands. The goals of the PMPU effort are to balance the needs of development with those of valuable natural resources; prioritize key planning features; protect opportunities for public access and parks on the waterfront all while building in enough flexibility to be able to quickly adjust to market demands. The PMPU will control the allowable land and water uses, type and characteristics of development, recreation, and environmental conservation throughout the Port's jurisdiction, and it will be the first comprehensive update of the Port Master Plan in the Port's history. Additionally, the PMPU will propose to include an environmental justice element for the first time, which is in alignment with the Commission's policy development too.

The geographic areas of the SDOPP and the PMPU do not overlap except for tidelands associated with the City of Imperial Beach. The purpose of each effort is unique and therefore they are separate planning processes.



San Diego Bay

### Wetland Restoration and Mitigation Banking

As a mixed-use area, San Diego Bay is not only home to a top cruise-line destination, a working waterfront that supports maritime commerce and the military, and dozens of recreational and visitor-serving amenities, it also provides valuable space for coastal and marine ecosystems. In order to protect, restore, and enhance these ecosystems on Port tidelands, the Port is identifying new opportunities to promote wetland conservation, like mitigation banking. In concept, mitigation banking provides an economic incentive to protect habitats, like wetlands, by generating credits for every acre of wetland preserved or restored, and selling those credits to project developers in need of meeting mitigation requirements.



Pond 20 in south San Diego Bay

Specifically, the Port is exploring this concept in south San Diego Bay at a Port-owned parcel, commonly referred to as Pond 20. The parcel was once a part of the Western Salt Company's salt evaporation pond network, which was abandoned by the company in the 1960's. Since that time, Pond 20 has remained vacant. Other adjacent ponds and parcels that were once a part of Western Salt Company's pond network have eventually become a part of the South San Diego National Wildlife Refuge, leased to the U.S. Fish and Wildlife Service by the State Lands Commission. To

consider establishing a wetland mitigation bank at Pond 20, the Port has coordinated with many agencies and regional stakeholders, including the U.S. Army Corps of Engineers, the U.S. Fish & Wildlife Service, and the Cities of San Diego and Imperial Beach. As the Port continues to move forward with this approach at Pond 20, it could begin to identify other habitats and areas in and around San Diego Bay that could also benefit from this type of restoration or conservation.

### Aquaculture and Blue Technology Program

Under this program, the Port is building a Blue Economy Incubator to support entrepreneurship, foster sustainable aquaculture, and help drive blue technology innovation. The goal is to build a Blue Economy Portfolio of new partners who can deliver multiple benefits to the region. The Port's Blue Economy Incubator is acting as a launching pad for innovative projects by removing barriers to entrepreneurs and providing key assets and services focused on pilot project facilitation such as:

- Permit-ready infrastructure
- Land and water entitlements
- Market access
- Strategic funding

The formation of the Blue Economy Incubator directly aligns with the Port's Public Trust responsibilities, including promoting fisheries and commerce, as well as aligning with the Port's mission to enhance and protect the environment. The Blue Economy Incubator's first participants include:

- Oyster nursery (using Floating Upweller Nursery System technology)
- Drive-in boatwash technology
- Smart application for marinas
- Debris removal (through copper remediation technology and a trash skimmer)
- Pilot sunken seaweed farm



Two of the Incubator pilot projects: The FLUPSY and Boatwash



## Memorandum of Agreement

In October 2016, the Commission and the Port authorized a MOA to partner on the SDOPP for state-owned tidelands and submerged lands located in the Pacific Ocean offshore San Diego County. The MOA, in essence, memorialized the formation and broad purpose of the collaborative partnership between the Commission and Port that has led to the SDOPP as a pilot project for comprehensive, ecosystem-based, and stakeholder-driven ocean planning in state waters.

The joint commitment to ocean planning promotes scientifically-informed decision making and consistency with applicable state, federal, and local laws, regulations, and policies. The MOA, included as Appendix A, describes the Partners' pledge to transparent, robust public engagement.

The MOA established a coordination process and team structure between the Partners based on shared values and planning principles. The Partners committed to conducting robust stakeholder engagement, collecting and sharing comprehensive environmental baseline data, impact assessments, conservation opportunities, socioeconomic research, and other information pertaining to the ocean space. It also conceptually identified two major outputs of the first phase of the Partnership, a "decision-support framework" and a "spatial analysis tool." These concepts have evolved through public engagement and data collection: the "decision-support framework" is now an "Early Engagement Framework" to proactively address potential conflicts between ocean uses and is further outlined in the Moving Forward section of this report, and the "spatial analysis tool" is now referred to as the Web Mapping Application. The MOA anticipated that the pilot project would be a flexible and iterative process, and as a result does not prescribe deliverables or outputs. Instead, the Partners seek to refine and adjust products developed for the pilot project over time in order to reflect the needs and interests of all stakeholders and participants. This report reflects this initial input and learning; the Moving Forward section identifies potential upcoming activities for the Partners to undertake based on this initial input and learning.



Sailboats in San Diego

# 03 Approach

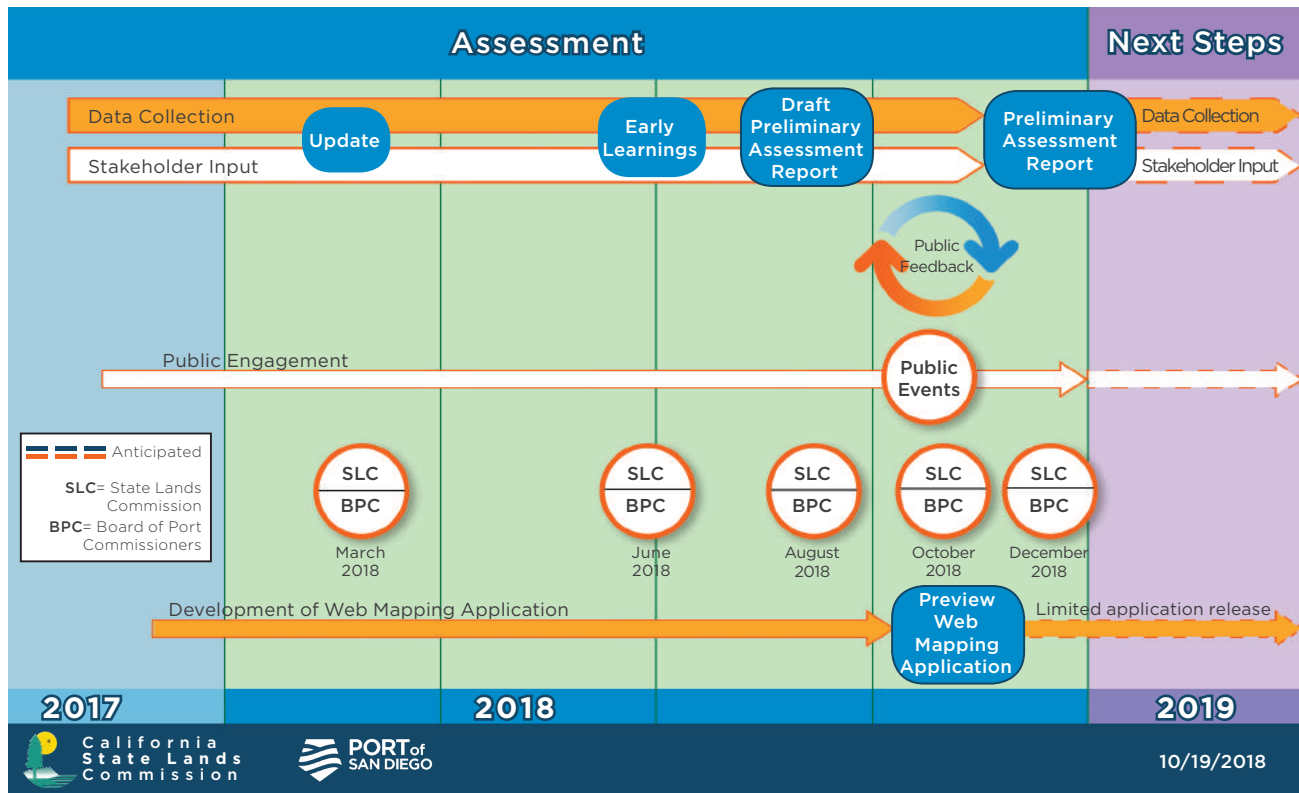


Tuna Harbor, a commercial fishing harbor, in San Diego Bay

To better understand the ocean space, the Partners embarked on extensive public engagement and data collection efforts (i.e., the Assessment Phase), consistent with the MOA.

The Partners met with stakeholders to understand current ocean uses and potential challenges in the ocean space. In parallel, the Partners explored and collected publicly available spatial datasets that will be used in a Web Mapping Application to help visualize various uses and oceanographic and environmental conditions of the ocean space.

# Timeline



Anticipated timeline for first phase of the SDOPP (2017-2019)

The SDOPP timeline begins with an “Assessment Phase,” which primarily comprises stakeholder input and data collection. Frequent Commission and BPC updates have taken place throughout the Assessment Phase including updates on the status of the project (March 2018), Early Learnings (June 2018), the Draft Preliminary Assessment Report (Summer 2018), with the Final Preliminary Assessment anticipated for Winter 2018 along with a preview of the Web Mapping Application (Fall 2018).

With conclusion of the Assessment Phase, the Partners will further consider potential next steps, identified in the “Moving Forward” section of this report. Any subsequent phase of this pilot project will necessitate further public engagement and data collection to develop, define, and shape future deliverables and outcomes.

# Public Engagement

## Why emphasize public engagement?

As trustees of California’s submerged lands and tidelands, the State Lands Commission and Port of San Diego are responsible for managing these lands in trust for the people of the state of California. Public engagement through in-person meetings, presentations, and outreach materials, is important to ensure all stakeholders have an opportunity to have their voices heard, including having questions answered or concerns brought to light. The value of public engagement and input is multi-faceted as it provides transparency in the planning process, the feedback can be used to guide and refine the effort, and the collaboration process creates accountability for the SDOPP.



A PMPU Open House event in National City

The Public Engagement effort entails identifying stakeholders, then performing outreach, and finally compiling and analyzing feedback.

## Identifying Stakeholders

A “stakeholder” is considered an individual, group, or organization who may affect, be affected by, or perceive itself to be affected by a decision, activity, or outcome of the process. Put more simply, if someone has any kind of interest in the ocean space or is affected by activities in the ocean space, they are a stakeholder. Note that the Partners recognize that local, state, and federal agencies as well as Native Nations are distinguished by their governmental status from other non-governmental “stakeholders” even though in some cases we use the term to refer to all participants.

The ocean waters off San Diego County are used in a multitude of ways by a diverse set of stakeholders. The Partners initially identified the different stakeholders based on use type (e.g., commercial fishermen, sportfishing); regulatory authority (e.g., local, regional, state, federal agencies), or interest (e.g., academic research, environmental protection, or social concerns). Through the stakeholder engagement process, additional interested individuals and/or groups were identified and scheduled for future outreach. As such stakeholder identification was, and is, considered an ongoing process.

Interested stakeholders are encouraged to contact the Partners if they would like to participate if their voice has not been heard.

**Contact: [www.sdoceanplanning.org](http://www.sdoceanplanning.org) or email [SD.oceanplan@slc.ca.gov](mailto:SD.oceanplan@slc.ca.gov)**

## Stakeholder Meeting Types

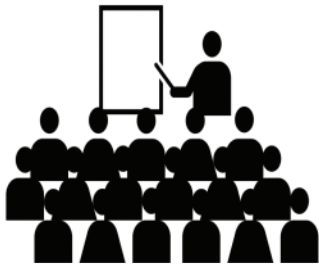
The public outreach process included: (1) focused stakeholder meetings, (2) a public workshop, (3) conferences and presentations, and (4) enhanced engagement, including larger group meetings.



### (1) Focused stakeholder meetings:

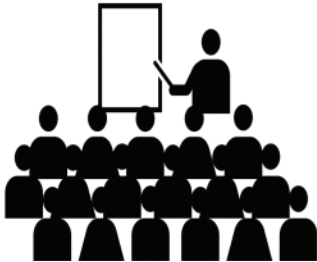
Focused stakeholder meetings consisted primarily of small group or individual stakeholder discussions, which began in Fall 2017 with local, state, and federal agencies and local coastal cities. Participants were asked a series of questions about specific uses, interests, and challenges within the ocean space, as well as previous experience with ocean planning or other planning processes. To ensure consistency between focused stakeholder meetings and responses, a standard list of questions was asked during these meetings (Appendix B).

The SDOPP held over 90 focused stakeholder meetings with over 130 different stakeholders and contacts. (see current list in Appendix C).



### (2) Public workshop:

Public workshops provide an opportunity for in-person interactions between project members and the public, and they allow for ample feedback. For the SDOPP, the public workshop was held on October 10, 2018 at the Port's Administration Building, and was organized to receive feedback on the Draft Preliminary Assessment Report or any other ocean planning relevant item.



### (3) Conferences and presentations:

Aside from Commission and BPC meetings, the Partners attended conferences and gave presentations to introduce the SDOPP. This was an additional opportunity for stakeholders and the public to ask questions and provide input. Typically, conference presentations provided a summary of the partnership, background on the MOA, and a timeline of the process. Previously attended conferences and presentations include the H2O (Headwaters 2 Ocean) Conference at the University of California Irvine, the 2017 California Forward Economic Summit, and the San Diego Association of Governments (SANDAG) Shoreline Preservation Working Group.



### (4) Enhanced Engagement:

In addition to focused stakeholder meetings, the Partners met with a few stakeholders and ocean user groups on a more frequent basis or set aside dedicated time to hear additional concerns on sensitive topics. The Partners refer to this approach as “enhanced engagement.” The stakeholders included in the enhanced engagement were:

### 03 Approach | Public Engagement

**The U.S. Navy:** The U.S. Navy is an important regional partner and presence in San Diego. Collaboration with the U.S. Navy is paramount to understanding their areas of interest, ongoing operations, and requirements to keep the public safe. The U.S. Navy provided information, recommendations, and data on the footprint of their activities and needs within the preliminary planning area to support the data collection effort and development of a web mapping application. The Partners also toured some naval facilities around San Diego Bay. (For more information about coordination with the U.S. Navy in the ocean space see “Coordination with the U.S. Navy in the San Diego Ocean Space” in Section 2. Partnership.)



**Commercial Fishing Industry:** The commercial fishing industry has a robust and celebrated history in San Diego, which was once deemed the tuna capitol of the world. Commercial fishing is also a prioritized use under the California Coastal Act, Section 30234.5. To better understand this history, as well as current commercial fishing operations, its uses and needs in the ocean space, and commercial fishermen's concerns with ocean planning, the Partners discussed the SDOPP with members of the San Diego Fishermen's Working Group. As foundational, contributing members of the “blue economy,” commercial fishermen utilize nearly all of the ocean space to provide locally caught seafood to consumers. The only ocean areas that fishermen are not able to use are the areas that exclude consumptive fishing uses such as marine protected areas or oil platforms, which have significant economic consequences to harvesters. While there are ocean uses that are compatible with commercial fishing activity, they fear that they stand to lose a great deal without careful consideration of their uses and perspectives through an ocean planning process. The commercial fishermen voiced their concerns during these additional meetings consistent with comments provided during relevant BPC meetings and presentations.



Among many of their suggestions, two primary points brought up by commercial fishermen include: 1) identifying a fair conflict resolution process should be a major priority of the SDOPP and that a framework for resolving potential conflicting uses should be a primary product of the SDOPP, and 2) zoning of the ocean space would not be welcome. There were many other suggestions and concerns raised by commercial fishermen, and the Partners will continue to work with and listen to the San Diego Fishermen's Working Group and other fishing groups to address concerns and issues.





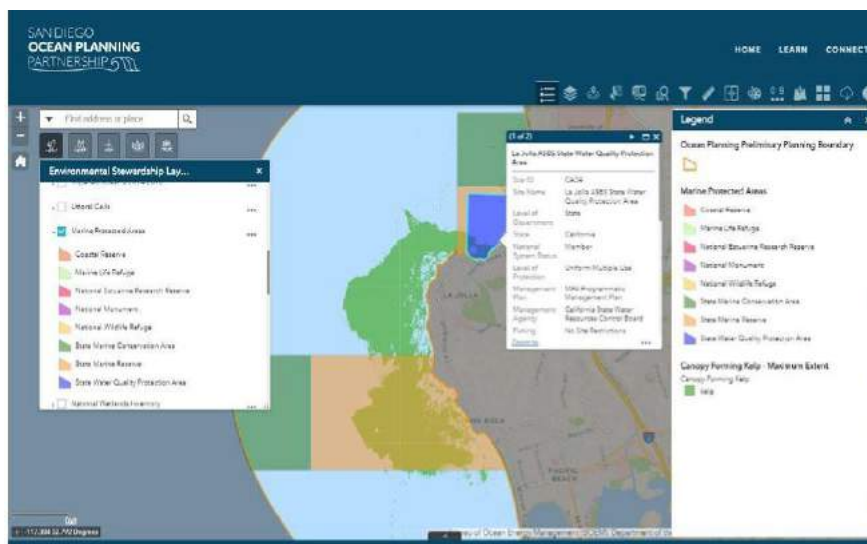
Commission and Port leadership at the Summit

**Native Nation Partners:** Since long before the arrival of Spanish missionaries and other western colonizers, California's Native People have lived, fished, harvested, explored, traveled, and traded in what is now San Diego. The Partners recognize the sovereignty of California's tribal governments and the critical spiritual and physical connection indigenous people have to the ocean and all its resources. Despite the environmental injustices they have endured over generations, including the destruction of natural resources that sustained their communities and systematic displacement from their lands, indigenous communities from many different Tribal lineages continue to live in the San Diego area. Based on their status as sovereign nations, and San Diego's original inhabitants, the Partners are committed to gaining a better understanding of Tribal needs, challenges, and uses in the planning area and ensuring vital cultural spaces, practices, uses, and expertise are considered.

On July 12, 2018, the Commission led one day of the Strategic Coastal Planning and Organizing for California Native Nations Summit held in San Diego at the Scripps Institution of Oceanography. The first day of the Summit was organized around tribal regional and sub-regional marine planning and engagement. Commission staff facilitated a roundtable with Port staff where tribal leaders identified barriers to providing data for the Web Mapping Application and discussed several concerns they had that they want the Partners to address, including lack of safe access to marine areas to conduct harvesting and gathering activities, uncontrolled public access to sensitive/sacred areas leading to degradation, and lack of protected spaces for repatriation and reburial of ancestral remains. Revealing the location of sensitive burial, ceremonial, and harvesting sites was a major concern to tribal leaders. The Partners will continue to work closely with tribal representatives and experts to identify options to address these concerns.

## Web Mapping Application

The Web Mapping Application will be a web-based, interactive map that will display the many datasets the Partners have collected and compiled throughout the first phase of the pilot project. Users of the Web Mapping Application may select and display data layers individually or together, search geographic locations and data layers, generate reports on data and geographic locations, and explore various other functions to assist in better understanding the dynamic ocean environment. The intent of developing the Web Mapping Application is to make ocean and marine-related information available to everyone. By viewing multiple datasets simultaneously, these data may help in visualizing the current uses in the ocean, how these uses relate to oceanographic conditions, where new uses may arise, and where conflicts between uses may exist.



An example of some Environmental Stewardship layers in the Web Mapping Application

The Web Mapping Application is an informational tool that makes ocean conditions and Public Trust use and resource data available and accessible to everyone. It is meant to inform decision-making, raise awareness about the ocean space, and facilitate collaboration, communication, and coordination. For example, for areas that are of particular interest for a proposed or existing use, the Web Mapping Application will not only provide information about environmental conditions of that area and how it is currently used, but also provide contact information for stakeholders and ocean users so that they may start a dialogue

about issues of mutual concern and interest. In addition, the ability to visualize multiple layers of data at one time could help inform management decisions, such as the Commission's process for considering lease applications in the ocean space. The Commission will document the use of the Web Mapping Application when it informs the Commission's decision-making.

### **Limitations and Considerations**

As with any application, there are some limitations and considerations for the use of the Web Mapping Application. Most limitations reflect the limitations of each dataset, which will be included and documented with each dataset's accompanying metadata. Considerations and limitations for data include data extents, geometry type and complexity, spatial resolution, temporal resolution, quality and accuracy, and privacy. Publicly available data may not always be the most accurate or the most precise, but it originates from authoritative sources with their own review process, which adds a layer of credibility. However, since it is publicly available data, users of the Web Mapping Application must be aware of the data's limitations when utilizing various functions of the application. Information and metadata about each dataset will be made available upon the Web Mapping Application's public release. The Web Mapping Application has many functions to allow users to interact with the data, but the functionality has its own limitations because not every interactive function will be available on the application. The Partners initially incorporated functions that could be relevant to users, such as allowing users to upload their own data, download reports, and draw polygons over different areas in the ocean space. As the Partners test the Web Mapping Application with stakeholders, and once its publicly available, they will continue to expand functionality, as resource constraints allow. It is the Partnership's intent to be responsive to stakeholder needs and the Partners will continue to address limitation and concerns with the Web Mapping Application as they arise.

### **Disclaimer**

While efforts have been made to include well documented and informative datasets with the release of the Web Mapping Application, there are considerations that should be understood before use. The following disclaimer accompanies the Web Mapping Application before a user enters the site, and remains below the application for reference. This disclaimer may be updated as appropriate.

### 03 Approach | Web Mapping Application

As new data becomes available or supersedes previous data, the Web Mapping Application will be updated to reflect this at periodic intervals. Information included in the Web Mapping Application is to help support decision making and is not exhaustive or to be used as the sole basis for decision making. Please refer to the metadata of individual datasets for specific background and limitations of each dataset.

“Disclaimer: The San Diego Ocean Planning Partnership Web Mapping Application is a public resource which provides a visual, interactive map for users to explore coastal and marine data. Much of the data was collected from external, publicly available sources and have varying degrees of uncertainty and accuracy. The data and any related materials contained herein are provided “as is.” The State Lands Commission and the Port of San Diego, and their respective officials, employees, and contractors make no representation or warranty, express or implied, including without limitation any warranties of merchantability, or fitness for a particular purpose, freedom from computer virus, or warranties as to the identity or ownership of data or information, the quality, accuracy or completeness of data or information, or that the use of such data or information will not infringe any patent, intellectual property or proprietary rights of any party. The user expressly acknowledges that the data may contain some nonconformities, defects, inaccuracies, or errors, the user assumes all responsibility and risk for use of the data. The State Lands Commission and the Port of San Diego are not inviting reliance on the data, and the user should always verify actual data.”

#### Data Collection

To support the development of the Web Mapping Application, the goal of the data collection effort was to compile reliable and publicly available spatial data from agency and organization websites and stakeholders. Information on each dataset and its source, its intended purpose, limitations, constraints, and considerations will also be housed on the Web Mapping Application. Data in the ocean space can cover a wide variety of topics, from scientific measurements of oceanographic conditions, to vessel density, to sensitive habitat and dive sites. These data are often available to the public, but are spread out over various agency and organization websites and data portals. The datasets compiled during this effort aligned with the Public Trust uses including commerce, navigation, recreation, fisheries, and environmental stewardship.

The Partners searched for and downloaded primarily publicly available data from government and academic institution websites, such as NOAA, Bureau of Ocean Energy Management, California Department of Fish and Wildlife, SANDAG and SanGIS, and many

others. As a companion to the data collection effort, the public engagement process also helped aid data collection by directing the Partners toward data resources, highlighting data needs, and shedding light on potential gaps in data resources.

### What is the “preliminary planning area”?

The Partners defined the area as submerged lands and tidelands off of San Diego County, bound by the mean high tide line in the east (as estimated by the NOAA Continually Updated Shoreline Product), the San Diego County line to the north, the three nautical mile limit of State waters to the west, and the U.S.-Mexico border to the south, as the preliminary planning area for the pilot project. The preliminary planning area includes the State Lands Commission’s jurisdiction off San Diego (excluding San Diego Bay) as well as the area of Pacific Ocean adjacent to the City of Imperial Beach, which is under the Port’s management. The data collection effort focused on data available within the preliminary planning area. The boundaries of this area are subject to change depending on input from stakeholders. It is important to note the boundaries of this area will not increase, as this area currently encompasses the westward, northbound, and southbound extents of the Commission’s jurisdiction in San Diego County. To expand this area would require extensive coordination and consultation with federal and state management agencies and stakeholders.

### Data Review

Often, accuracy and quality of data can vary depending on the data source and its intended use; therefore, all compiled data were reviewed by the Partners before being included in the Web Mapping Application. Spatial data often include metadata, a description of the data used for informational and documentation purposes. Metadata describes how, when, and where the data were collected, the intended purpose of the data, strengths and weaknesses of the data, any modifications made to the data by the agency or organization that compiled the data, and how often the data are maintained and/or updated. The Partners used the metadata to assess the accuracy and relevance of the data for this pilot project. Due to the comprehensive nature of the data collection effort, similar datasets from multiple sources were often compiled simultaneously and, using the metadata, could be compared to one another to consider which would be most relevant for the SDOPP and Web Mapping Application.

To be considered for the Web Mapping Application, the Partners reviewed data against criteria, including: (1) the data should have a spatial component, (2) the data should have

### 03 Approach | Web Mapping Application

a resolution appropriate to the scale and extent of the preliminary planning area, (3) the data should be the most complete and most recently available, (4) the data should be in a format that can be easily used in the Web Mapping Application, and (5) the data should pertain to the ocean space. Since the Partners also considered input from the public engagement effort to understand the wide variety of stakeholder needs and uses, no data were excluded or deemed irrelevant unless datasets contained errors or were not located within the preliminary planning area. Some data are geographically located outside of the preliminary planning area, particularly data along the land-sea interface of the coast, and these were also still included in the Web Mapping Application. These data often complement ocean uses, or can provide a more comprehensive picture to the complexity of the ocean environment. For example, coastal access locations do not fall completely within the preliminary planning area, but are included in the Web Mapping Application because they may provide useful information and are consistent with Public Trust uses.

After data was reviewed and considered relevant for the Web Mapping Application, the data were modified to fit the Web Mapping Application, if necessary. Modifications may have included clipping the extent of the data to fall within the preliminary planning area, changing a layer's symbology, or adjusting the color of lines to better integrate into the Web Mapping Application. Any such modifications were performed in conformance to provisions set out by the data provider and documented by the Partners in the metadata. No major modifications, such as changing values, adding, or deleting data, or analysis, were performed in order to preserve the intent and use of the data by the original data provider. For a list of data collected and reviewed, please see **Appendix D**.

The Web Mapping Application will require continued maintenance, as additional data become available and updates to its functionality and software are developed. Data collection and compilation, review, and refinement will be necessary and ongoing throughout the pilot project in order to keep the Web Mapping Application up-to-date, and to continue to address identified data needs by stakeholders.

At the time of the Preliminary Assessment Report's publication, the Web Mapping Application was not yet available on the Partnership's website. Prior to a public release of the application, the Partners will test its usability and functionality with stakeholders.

If you have data that you feel would be useful in the application and would like to have it reviewed for inclusion into the Web Mapping Application, or are interested in testing the Web Mapping Application, we'd love to hear from you!

**Contact: [www.sdoceanplanning.org](http://www.sdoceanplanning.org) or email [SD.oceanplan@slc.ca.gov](mailto:SD.oceanplan@slc.ca.gov)**

# 04 Preliminary Assessment



Imperial Beach Pier

This Preliminary Assessment provides a summary of stakeholder input from the Assessment Phase and is divided into two sections: “Observations” and “Lessons Learned.” Observations in the Preliminary Assessment include a summary of feedback provided to the Commission and the Port on how stakeholders define ocean planning, perceptions on the process, uses in the ocean space, and challenges associated with those uses. Lessons learned summarizes stakeholders’ experiences with previous ocean planning processes, the potential benefits of ocean planning, and concerns that were raised during public engagement.

The observations and lessons learned presented in this section represent the feedback of those who participated in the initial focused stakeholder meetings, enhanced engagement, the public workshop, or during the review period of the Draft Preliminary Assessment Report. The observations and lessons learned are in no way intended to represent all stakeholder viewpoints nor should they be extrapolated to represent all users. The intent is only to present the initial feedback for the SDOPP. The Partners attempted to accurately reflect all responses through summaries, frequency of response, and grouping into general categories. All responses, whether more or less frequent, are not prioritized or listed in any particular order. All responses are considered to be equally important.

## Observations

Observations are a summary of the stakeholder input and feedback received during public engagement, which included an internal review of datasets compiled during data collection.

### Stakeholder Input

The Partners received feedback and input from stakeholders during the focused stakeholder meetings, enhanced engagement, the public workshop, and during the review period of the Draft Preliminary Assessment Report. These conversations were guided by a set list of questions (Appendix B) to ensure consistency during outreach. The questions and responses are summarized below.

### Are you familiar with ocean planning?

Asking about stakeholders' familiarity with the ocean planning process (or a similar planning process) helped the Partners understand the context of the stakeholder's response. Different ranges of ocean planning familiarity lead to different responses based on previous experiences with ocean planning and lessons learned from those processes.

There was a wide range of previous ocean planning or other planning processes that stakeholders participated in. These include:

- Marine Life Protection Act (most frequent response)
- Coastal Sediment Management Working Group
- Regional Sediment Management Plan
- Integrated Natural Resources Management Plan
- Army Corps of Engineers feasibility studies
- National Environmental Policy Act
- California Environmental Quality Act
- SANDAG Shoreline Preservation Working Group
- Resource management plans (sea level rise, coastal bluff erosion, sand replenishment, etc.)
- Pacific Fisheries Management Council
- Vessel Speed Reduction in the Santa Barbara Channel
- Regional Planning Bodies
- Marine Protected Areas/reserves
- Fisheries management
- Regional beach projects
- Bureau of Ocean Energy Management (e.g. wind energy floating platform)
- Aquaculture project siting and design
- Center for Coastal Dynamics
- Multiple Species Conservation Program
- Sanctuary Advisory Council
- Wave energy platforms

A few stakeholders further defined their level of participation in these processes. Examples include organizing the process, being a stakeholder and attending meetings, and providing scientific or technical knowledge to a process.



## Perspectives on Previous Ocean Planning Processes

### Marine Life Protection Act

Many of the stakeholders for this pilot project have previously participated in an ocean planning process, mainly one that redesigned and created California's contemporary marine protected area (MPA) network. This process began with the passage of the California Marine Life Protection Act (MLPA) in 1999 (AB 933). In 2006, after an initial pilot project to restructure and plan for additional MPAs around the Northern Santa Barbara Channel Islands, the California Ocean Protection Council and the California Department of Fish and Wildlife (Department of Fish and Game) implemented a coordinated statewide marine spatial planning process, per the MLPA. The MLPA separated California's coast into five study regions. Each coastal region undertook a regional MPA planning process that relied upon scientific and stakeholder inputs. Unlike the SDOPP, this effort explicitly focused on the creation of designated areas in the ocean space specifically for species conservation and habitat protection. The MLPA process resulted in multiple types of MPAs and new regulations that identified permissible compatible uses within protected areas, and excluded other uses, to varying degrees, such as fishing.

The planning process was challenging for many stakeholders and tribal governments, and it took many years to establish effective working relationships among the wide variety of participants that had divergent interests. To this day, there are many stakeholders that view the process and outcomes differently, both positively and negatively. However, the planning process did implement Marine Protected Areas, in accordance with the legislative mandates of the MLPA, and continues to move forward into new phases (including long-term monitoring and data collection), building on the foundation laid by the original process. Today, the MPA network is co-managed by multiple agencies through the MPA Statewide Leadership Team (the Commission is a member agency), and an extensive group of volunteers, organized locally, called the MPA Collaborative Network.

### West Coast Regional Ocean Partnership (Formerly the West Coast Regional Planning Body)

The Commission is one of two State of California representatives engaged in a regional ocean planning process with the States of Oregon and Washington. This regional ocean partnership, formally called the West Coast Regional Planning Body (RPB), shares some of the same objectives as the SDOPP. Specifically, it aims to increase collaborative ocean management and stewardship, improve planning for sustainable, compatible uses of the ocean, and enhance ocean data and information sharing. The group is a partnership of stewards of the West Coast marine environment: tribes; the States of Washington, Oregon, and California; and the U.S. federal government. This planning process began as one of nine regional efforts initiated under the Obama administration's National Ocean Policy. Though the current federal administration revoked this policy in June 2018, the Partners will continue their efforts under a newly revised structure in line with the present ocean policies.

### How do you define ocean planning?

“Ocean planning” is an emerging practice in a state of continuous evolution and as a result, there are different ways to describe it. The following is a collective definition of “ocean planning” based on frequent responses:

“Ocean planning is an effort to sustainably plan for the ocean space by considering and balancing all uses (commercial, recreational, environmental, biological, and others), while minimizing conflict.”

Other commonly used terms and phrases to define ocean planning are shown below, with the most frequently used terms and phrases in larger text:



### What are your current uses in the ocean space?

While many ocean uses are represented through spatial datasets compiled during the data collection effort, many uses exist that are not accompanied by specific data points. For example, a recreational activity like swimming (e.g. location, frequency, and duration of each occurrence) may not be formally captured in academic or public studies, though it is an ocean use and was identified as a relevant ocean use through public engagement. This

highlights why it is important to learn directly from stakeholders, rather than rely solely on spatially referenced data to build an understanding of the variety of ocean uses.

The most frequently identified ocean uses fall into the following general categories: recreation; resource management; conservation; commercial; research; education and outreach; navigation, security, and safety; and coordination. The frequency of responses is visualized in **Figure 1**.

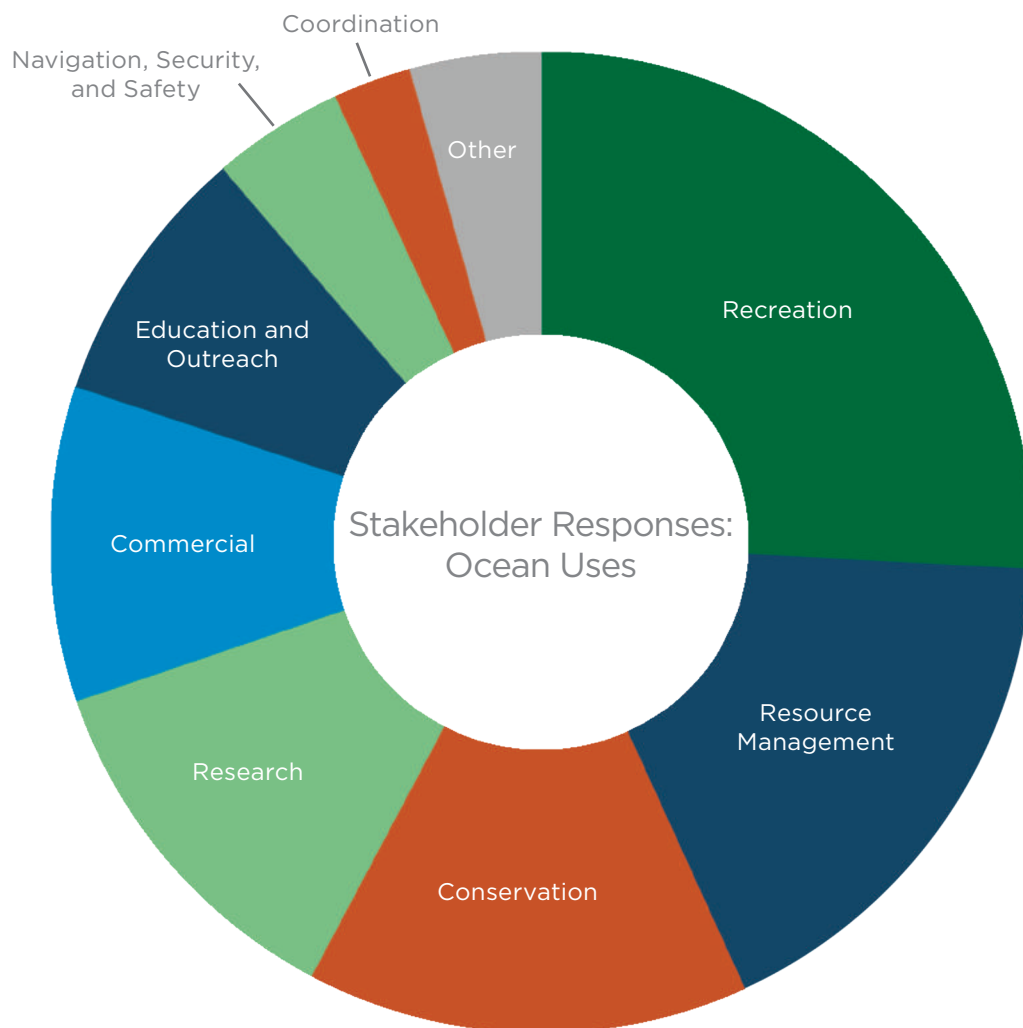


Figure 1. Stakeholder Responses: Ocean Uses

### The specific ocean uses identified by stakeholders include:

- **Recreation:** beach; boating; park-beach interface; fishing; swimming; surfing; boogie-boarding; sunbathing; swimming; snorkeling; diving; kayaking; sportfishing; sailing (racing and cruising); wildlife viewing; birdwatching; nature photography; docks; whale watching; and sunset watching
- **Resource Management:** fisheries management (e.g. permits, take limits, fish size); water quality; environmental review (e.g., National Environmental Policy Act and CEQA); regulation and monitoring of coastal and ocean uses (e.g. offshore drilling, Marine Protected Areas, anti-fouling paint, stormwater run-off monitoring, aquaculture lease sites, and ocean sediment disposal); storm damage reduction; flood control; beach nourishment; interagency coordination; city plans that direct coastal development; and environmental protection
- **Conservation:** ecosystem restoration; understanding population dynamics; wildlife reserves; importance of estuarine, eelgrass, rocky reef, and foraging habitats; species conservation and recovery efforts; ecosystem functions and services; considering impacts and benefits to Marine Protected Areas; ocean plastics reduction; whale entanglement; and ecosystem-based management
- **Research:** aerial surveys (e.g. kelp canopy cover and collaborative research being conducted by the Department of Fish and Wildlife, the Southwest Fisheries Science Center, and the California Wetfish Producer’s Association attempting to quantify biomass of Coastal Pelagic Species in nearshore waters; environmental condition programs (e.g. climate, sea level, ecology, cliff erosion); university research (e.g. clams, currents, bottom contours, sand movement); environmental modeling; endangered marine taxa (e.g. sea turtles, rays, seabirds); developing a research plan and framework for coastal areas to understand physical and biological dynamics; collecting data for stock assessments and reports; bathymetric and topographic surveys; sediment transport; aquaculture; ocean plastics and microplastics; and being a neutral broker of scientific information
- **Commercial:** fishing; seafood buyer; boat repair; tourism; parking; boat docks; pier restaurants; deep sea fishing businesses; whale watching; aquaculture; hotel; sailing; and cargo ships

- **Education and Outreach:** promoting responsible use of the ocean space (e.g. offshore finfish, seaweed, and shellfish aquaculture); community engagement; promoting environmental practices and learning opportunities; increase youth access to the ocean space; foster connections to the outdoors; citizen science programs; beach clean-ups; and cultural appreciation
- **Navigation, Security, and Safety:** warden patrol; naval base; lifeguard services; interactions with Borders and Customs; human and marine rescue operations; maritime law enforcement; and U.S. Coast Guard missions (drug control, aids to navigation, search & rescue, marine safety, defense readiness, migrant control, Immigration and Customs Enforcement operations, law enforcement)
- **Coordination:** coordination between agencies and interfacing with different departments
- **Other Uses:** dredging; leasing lands for sediment disposal; energy; and dredging/mining; ocean disposal; salt extraction; social and cultural appreciation; conservation of cultural resources; and local seafood eater and supporter of the fishing industry and well supported aquaculture

Stakeholders articulated other interests beyond their uses in the ocean space. Interests included increasing opportunities for: protection of natural resources and coastal development, economic opportunities, education, wildlife research, public access, and resource management.

**Other interests or expansions of current uses were categorized as follows:**

**Increasing opportunities for sustainable seafood harvest and habitat:** aquaculture/aquafarming; artificial reefs; and integrated shellfish and seaweed farms

**Increasing conservation and protection of natural resources, especially considering growing impacts from industry to those resources:** increase habitat; conservation of wildlife from industry impacts; water quality; expand foraging and nesting habitat; and increase or improve habitat value

**Increasing research opportunities:** species surveys (e.g. surfperch and eelgrass) climate; migratory seabird and fisheries indicators; impacts of urban run-off; ocean plastics; ocean exploration and discovery of new species of sea life; and remotely operated underwater vehicle (ROV) use

**Increasing recreation opportunities, public access, and public safety:** camping; boat launch; public amenities; surfing; boating; swimming; fishing; and beach/shoreline access to north and central San Diego Bay (“real” access to the bay that is not dominated by marinas, riprap shorelines, and commercial/industrial developments)

**Increasing opportunity for new technologies:** drone industry (e.g. air and submersible)

**Increasing opportunity for education:** youth programs and more activities to get students on boats

**Increasing and improving marine transport:** reduce GHGs from shipping and more efficient marine transport

**Increasing renewable energy:** wind, tidal, and wave energy

**Expanding resource management:** increase resources/supply for beach nourishment; increase supply of fresh water from the ocean; and improve water quality

**Expanding breadth of regulation:** invasive species control; public health; water quality; and ocean policy

**Expanding protection for sea level rise:** preparing and planning for coastal resiliency

**Balancing competing uses:** consider multiple uses in an area

The ocean space has a widespread diversity of uses and could present the potential for new uses or expansion of current uses.

### What are your current challenges with those uses?

Diverse ocean uses, both in type and geography, present a broad set of challenges for stakeholders. Understanding stakeholder challenges, including conflicts with other ocean uses, is a critical step in assessing how the ocean space is used. Understanding challenges will inform future goals for the SDOPP and ocean planning. A visualization of the most frequently heard challenges (aggregated in categories) is shown in **Figure 2**.

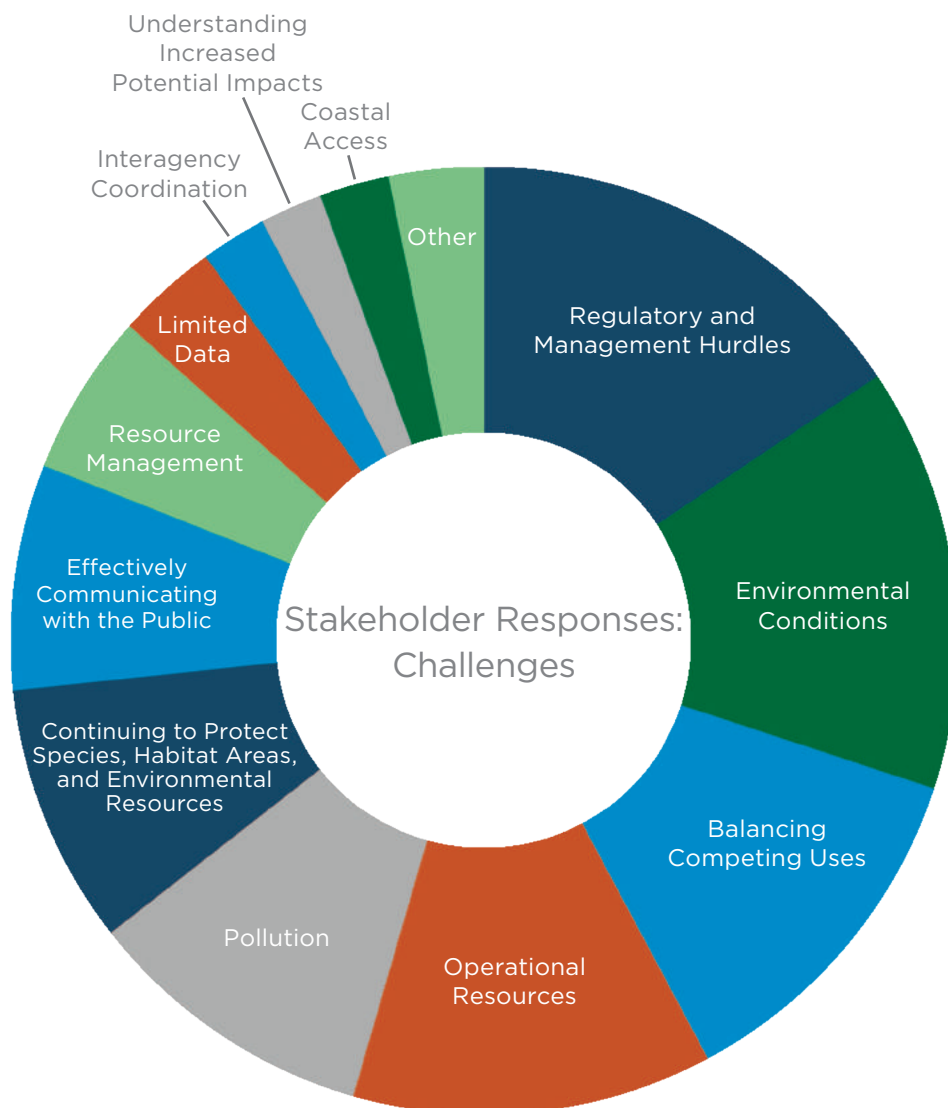


Figure 2. Stakeholder Responses: Challenges

### The specific challenges within the aforementioned categories include:

**Regulatory and management hurdles:** implementing best management practices; obtaining leases and following the lease application process; following and implementing new guidance documents issued by agencies; permitting and regulatory processes slowing down projects and extending timelines; managing conflict and competing uses; understanding the laws; policies; and agencies governing the ocean space; lack of interagency coordination and lack of expertise within agencies; issues with water quality permitting; biological approval process for imports and exports; and over regulation by state and federal agencies that are slow to respond to change

**Environmental conditions:** water temperature and quality; water quality impacts on seafood; sea level rise; warm water effects on fisheries; beach erosion (e.g. where storms deposit sand); ocean acidification; changing weather conditions can impact frequency of use (e.g. rain, heat waves); wave surges; and the influence climate change will have on current uses and future planning

**Balancing competing uses:** recreational and commercial use versus conservation (e.g. ship strikes, wildlife entanglements, allowing tourism and maintaining environmental quality, and balancing environmental protection and public access); competition for space (e.g. loss of fishing grounds to recreation areas); increase in vessel activity and military activity; and other user conflicts and tradeoffs

**Operational resources:** lack of funding and budget cuts; limited resources; limited staff capacity (e.g. ability to participate); and limitations on how to manage and spend budget

**Pollution:** urban runoff; fuel spills, sewage discharge (e.g. Tijuana River); upstream pollution affecting downstream water quality (e.g. anoxia); concentrated pollution due to lack of rain; trash (e.g. monofilament line, plastics and microplastics); sediment accumulation; beach closures impacting local economies; and pollution restricting enforcement

**Continuing to protect species, habitat areas, and environmental resources:** impacts from other uses (e.g. fishing gear, upstream pollution affecting downstream water quality); protecting breeding and nesting areas for endangered and migratory birds (e.g. impacts from illegal dog walking); disturbances to marine mammals; Responding to numerous development proposals on the coast and in the ocean; and getting the Port and other jurisdictions to acknowledge that more shoreline/shallow water habitats need to added to the Bay's habitat



**Effectively communicating with the public:** explaining what we [stakeholders] do and how we [stakeholders] do it; raising public and consumer awareness; keeping stakeholders informed and engaged; addressing concerns; communicating how human uses can impact the ocean; general education; and explaining or educating others about sea level rise

**Resource management:** sediment management (e.g. beach nourishment); stormwater capture and discharge; and water quality

**Limited data:** piecemeal data; unknowns on the extent of quality of habitats in dynamic environments (e.g. understanding tipping points, lack of long-term continuous data); lack of clearinghouse or centralized location for data; and needs to fill data gaps

**Interagency coordination:** aligning priorities between federal, state, and local partners

**Understanding increasing potential impacts:** how the addition of current and new uses might impact the environment over time and increasing volumes of vessels and people along the coast

**Coastal Access:** Access to San Diego Bay between Barrio Logan and Imperial Beach and access to the Bay's habitats

**Other, less frequently heard challenges that are not reflected in Figure 2, include:**

**Project siting:** understanding user conflicts and environmental impacts at different areas

**Interpreting science:** ensuring that data and science is used appropriately

**Cultural resources:** continuing to protect cultural resources after disturbances  
 Since ocean uses may expand or emerge, the Partners also asked what challenges stakeholders might foresee with new or expanding uses, another critical step in assessing the role of the SDOPP. Some of the foreseeable challenges are also challenges that stakeholders currently face.

**The challenges stakeholders anticipate are summarized below:**

- Effectively communicating with the public
- Need for a champion or leader
- Balancing competing uses
- Aligning priorities through interagency coordination
- Resource management
- Regulatory and management hurdles (adaptability, coastal development permit process)
- Operational resources (equipment, funding, staff)
- Project siting
- Increased impacts to resources
- Resource value
- Changing environmental conditions
- Continuing to protect species, habitat areas, and environmental resources
- Maintaining public access
- Continuing education programs
- Notion of Not In My Backyard (NIMBY)
- Biases towards the goals of a few and or that could unintendedly exclude some groups not already at the table

Stakeholders face a broad array of challenges when using the ocean space. Those challenges, along with new future challenges, may possibly be addressed through ocean planning processes, including public engagement or conflict avoidance procedures.

## Lessons Learned

Lessons learned are informed by input received during focused stakeholder meetings and larger group meetings on potential benefits of ocean planning, other considerations or concerns with this process, and suggestions for managing the ocean planning process. As a stakeholder-driven process, listening to and considering feedback will help shape the SDOPP's objectives and structure. The questions and responses are discussed below.

### What potential benefits do you see for ocean planning in San Diego?

Stakeholders, either with or without previous experience in ocean planning processes, provided valuable insight into the potential benefits the SDOPP might bring to the ocean space. The benefits mentioned by stakeholders and ocean users were summarized into categories as visualized in **Figure 3**.



Figure 3. Stakeholder Responses: Potential Benefits for Ocean Planning

### The specific benefits summarized into these categories include:

**Comprehensive planning:** limit mistakes now so future actions are not restricted; improved siting decisions; opportunity for environmentalists, scientists, and stakeholders to work together to utilize the best use of the ocean; allows for a comprehensive look to implement multiples processes and not in isolation; can have everyone on same page; helps with short-term and long-term (e.g., sea level rise) issues; reduces sector by sector approach; increased understanding of different organizations and operational requirements; provides clear goals for the region and minimize overlap in compatible uses; provides the opportunity to discuss new ideas; having a shared vision when planning for future uses and changes of use; conduct the appropriate research to determine proper planning in light of changing environmental factors; and produce a framework for future decision making

**Improve coordination and communication between agencies:** provides a forum to bring together stakeholders and agencies (including managers, planners, and developers); share information; increase collaboration; improve coordinated efforts on regional issues (e.g. sea level rise adaptation, beach nourishment); can make permitting or funding clean-up locations easier; and minimize regulations

**Balance competing uses:** maximize access to the public; protect natural resources; allow different users (e.g., recreation or extraction) to maximize value; not only about habitat protection, but economic development (e.g., recreation, hotel); rationalize competing uses and interests; and making sure that human uses do not degrade natural resources

**Identify new opportunities:** wind and wave energy; aquaculture; fisheries; artificial reefs; desalinization; movement towards sustainability and adaptive management approaches; and environmentalist and scientists work together

**Improve public communication:** spread awareness on new regulations and best management practices; improve stakeholder engagement; bring multiple people to the table to participate; allow recreational users to communicate with decision makers; and opportunity to get more cooperation from special interest groups so that all can provide input

**Improve understanding of ocean:** what is possible and where; understand jurisdictions and overlapping uses; helps cities see what going on in other cities; help understand interaction between industries: working waterfront, military, commercial, tourism; and better understanding of beach cleaning and conservation issues

**Improve resource management:** sediment management (e.g. beach nourishment); pollution management; restoration opportunities (e.g., surfgrass); and adaptive management strategies

**Increase conservation:** protecting biological resources within MPAs and the possible expansion of those areas; maintaining habitat value; restoration; improved wildlife management; and focusing adaptive management on reserves

**The less frequently heard responses fall into the “Other” category in Figure 3 and those responses include:**

- Improve environmental quality: improved water quality and the opportunity to understand all issues together and prioritize them
- Reduce conflict: can reduce conflict and suggest best use for the ocean space
- Greater access to information: identify conservation and natural resources needs; comprehensive data; and provide the public with better access to resources and information
- Increase opportunity for recreation: increased access to ocean space and support “parks for everyone” program
- Establish a collective vision: can be a master plan we can all work towards and everyone knows the goals
- Increase public and maritime safety: may be helpful for ship traffic; could be better for safety by giving people safe space; and efficient law enforcement
- Navigation: Identify maritime transit areas

Ocean planning may provide: 1) An opportunity to promote mutual understanding of ocean uses, 2) a forum for collaboration on issues or opportunities of regional interest, and 3) a communication tool to begin or continue dialogue between agencies or the public.

### What else would you like us to consider or be concerned with through this process?

While the Partners were methodical in the development of the MOA and establishment of the approaches to public engagement and data collection, there is always room for refinement or improvement. The following topics were suggested by stakeholders as areas the Partners should consider as they move forward:

**Balance competing uses:** conservation and recreation conflicts; support economic sustainability and conservation interests; respect Tribal uses and knowledge; consider military activity; parking; maximize public benefit while protecting resources; and low-cost accommodations for low-income disadvantaged communities

**Be inclusive and collaborative:** share information and data with others; have good public outreach and engagement; actively reach out and engage with a wide variety of stakeholders; don't alienate groups; engage with non-traditional stakeholders and underserved communities; bring together different users and communities; and build networks and establish relationships

**Use good science:** important to understand dynamic systems; gather scientific data on coastal recreation use; avoid unnecessary risks; utilize public data portals (e.g. West Coast Ocean data portal); integrate the latest science when possible; use peer-reviewed data to guide decisions; collect and integrate additional recreational data

**Have a comprehensive management plan:** consider sea level rise impacts and adaptation; runoff and pollution; sewage treatment; wildlife corridors; critical habitat; coordination with Climate Action Plan; nearshore boating community at Zuniga Jetty; no wake and speed-limit enforcement; report cards for bacteria levels; consider a space's value and how to quantify it; and address sediment deficit (e.g. for beach nourishment projects) to reduce coastal storm damage and consider alternatives

**Make information available:** Provide accessible information; access to webinars and websites; provide early access to information; and share data and information

**Listen to all voices equally:** Don't let one voice or the loudest voice take over the discussion; make sure all stakeholders feel heard and are heard; and engage with a wide variety of stakeholders and communities

**Communicate clearly and often with stakeholders:** make information easily understood and available; build trust; hold public workshops and webinars; encourage and provide a platform for public information sharing; develop a good communication and outreach plan; ensure access; keep stakeholders involved throughout the entire process; and plan for multiple feedback sessions with stakeholders to give all the opportunity to participate

**Streamline regulatory process:** Leasing process can be burdensome (e.g. scientific research)

**Be as comprehensive as possible:** consider dynamic habitats and historical trends; manage sustainably for future generations

**Increase conservation:** wildlife corridors; critical habitats; utilize resources sustainably for future generations and ensure existing uses are protected; the creation of artificial reefs offshore; allow human uses that do not degrade natural resources; include projects that restore the ocean's natural resources; emphasize the need to conserve and restore the physical and biological resources of San Diego Bay

**Local agencies and jurisdictions already have many components to manage:** hesitant to see how another layer will help manage the ocean space (e.g. The CEQA process incorporates public input on proposed projects, how will ocean planning fit in to these already established process?); possible additional mandate or burden on local jurisdictions

**Operational resources:** lack of long-term funding (e.g. sediment for beach nourishment projects) and restrictive and burdensome funding process.

**Additional consideration and concerns stakeholders shared include:**

- Build trust and be transparent
- Be well-organized
- Engage with elected officials
- Ocean planning has the ability to exclude, restrict or limit access
- Ocean planning will inevitably create winners and losers
- Have clear objectives and purpose on mission statement and vision
- Consider the interface between airspace activities and ocean uses
- Consider commercial fisheries (urchin divers, crab and lobster fishermen)
- Consider visual impacts from new projects
- Increasing impacts from growing industry and commercial uses
- Consider how input is considered (e.g. based on a local jurisdiction's ratio of shoreline or an intensity or frequency of use, like fishing)
- Increase access to San Diego Bay

Stakeholders voiced numerous concerns about ocean planning or mentioned additional considerations or issues that the Partners should incorporate or address when considering the SDOPP's potential next steps.

### Do you have suggestions for managing the ocean planning process here in San Diego?

Stakeholders provided valuable perspectives on how the Partners could structure the ocean planning process moving forward. A list of management suggestions based on feedback from stakeholders is below. The most frequent suggestions are visualized in **Figure 4**.

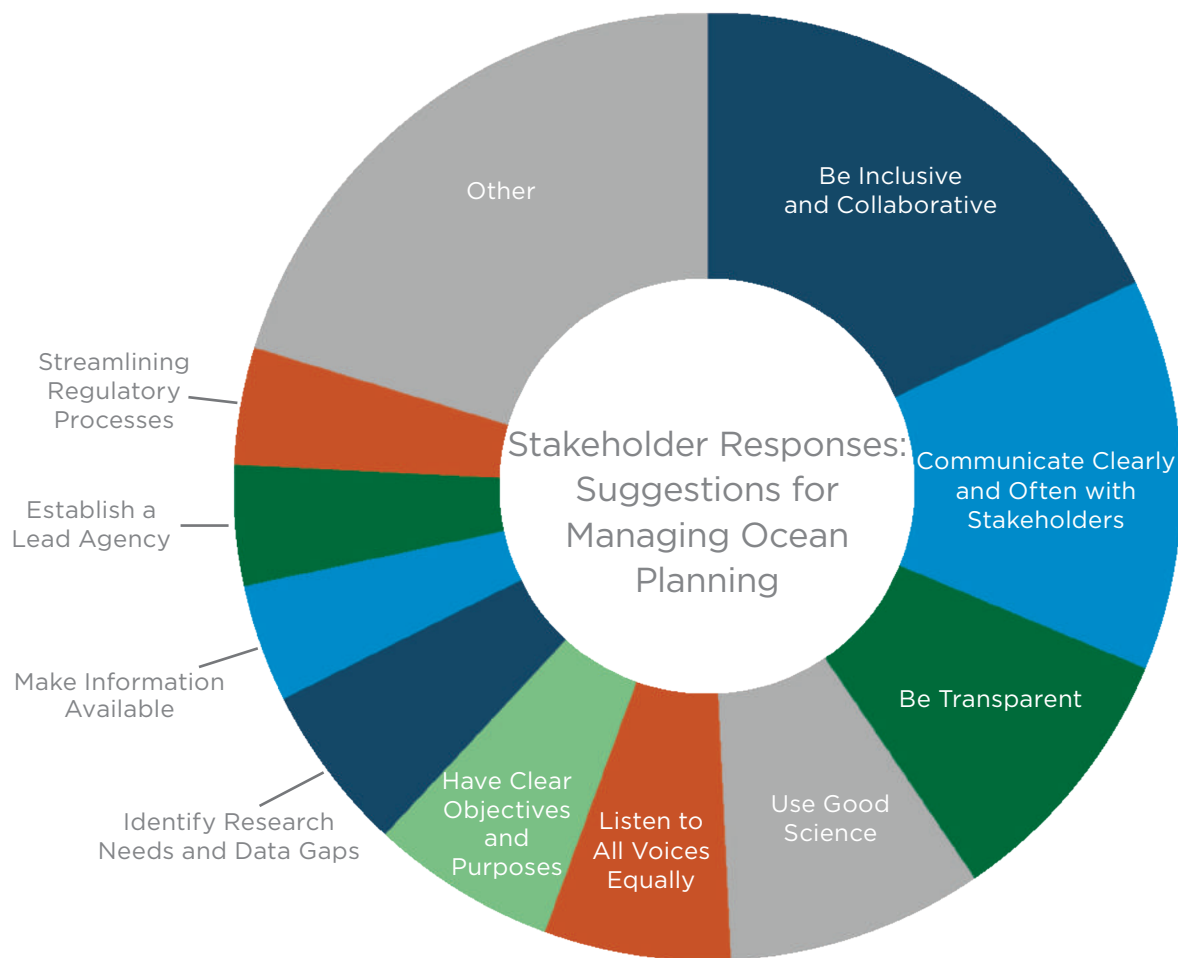


Figure 4. Stakeholder Responses: Suggestions for Managing Ocean Planning

#### The stakeholder suggestions summarized include:

**Be inclusive and collaborative:** engage with a wide-ranging comprehensive list of stakeholders and allow them the opportunity to provide their input; account for everyone's input; reach out and coordinate with different communities; tap into local volunteer groups to provide local stewardship and monitoring; build personal relationships and trust; and lead a meaningful, thoughtful, and well facilitated public engagement process



**Communicate clearly and often with stakeholders:** keep stakeholders informed throughout the entire process; have clear, open, and timely communication with the public; emphasize that this is purely informational; and make the vision clear

**Be transparent:** be transparent in decision making process, stakeholder engagement, and data collection effort and avoid bias

**Use good science:** use a scientific data based approach; perform baseline studies; have a team of good scientists; involve academics; fully vet data and describe limitations; use scientifically defensible monitoring data; have a clear timeline on data collection and analysis and process; be transparent about how data is collected and used; allow for debate and discussion of data; include high-quality geospatial data on ocean and coastal recreation use in the Web Mapping Application; and instead of just research, include monitoring and analysis as a decision-making tool

**Listen to all voices equally:** try to equalize power between groups; consider how people are able to participate and make sure they have an equal opportunity to provide input; and account for everyone's feedback and interests

**Have clear objectives and purposes:** create a strategy for conflict resolution; identify obstacles early; lay out objectives and purpose clearly to ensure public understanding and identify a clear outcome; priorities need to be carefully described and defined; and have a better understanding of the end goal and how this will affect future processes

**Identify research needs and data gaps:** data gaps (e.g. bathymetry, habitat and water quality, baseline study for seabirds); develop and maintain long-term datasets baseline data, and environmental assessment of study areas; look forwards and backwards; develop an inventory of potential uses; and identify limitations

**Make information available:** release meeting materials early and utilize social media and websites, and press releases

**Establish a lead agency:** eliminate confusion of process and policy (e.g. clarify jurisdictional authority); establish a leadership team; and consider incorporating similar process to Blue Ribbon Task Force, and Science Advisory Team

**Streamline regulatory processes:** laws and regulations are made without every issue being foreseen making some laws and regulations seem out of date; focus on outcome instead of the process; and reduce overlap between agencies

### Less frequently heard responses fall into the “Other” category in Figure 4:

**Identify local champions:** help navigate hurdles and politics and be an advocate

**Have a comprehensive management plan:** sediment management plan; species management and protection; flood control; consider a certified LCP; consider natural solutions such as oyster beds for shoreline protection; have a plan in place to reduce pollution originating in the Tijuana River area; coordinate monitoring; have continuous, comprehensive data collection within a project area; and analyze potential impacts to current uses and users

**Balance uses:** accommodate compatible uses and consider how things are connected

**Interagency coordination:** eliminate confusion and streamline processes

**Regional coordination:** coordination between communities on regional efforts and issues

**Identify obstacles early on:** identify obstacles and make them aware early on

**Start small:** multiple people participating in the same place at one time can lead to a less efficient use of time and select a pilot area

**Increase conservation:** create healthy ecosystems and enhance biodiversity; Make protecting the natural resources of the ocean, in its current and projected state, a major focus; limit human use to that which can be done without degrading those natural resources; should include measures that protect marine mammals, fisheries, and seabirds, and include projects that restore degradation (e.g. removing trash, removing human cause pollution, and invasive species)

**Learn from previous process and:** ensure lessons learned from previous processes are incorporated into current plan

### Additional suggestions for managing ocean planning included:

- Enforce current uses (e.g. boat speed)
- Be patient and be prepared to be flexible
- Follow the initiatives of the West Coast Regional Coastal and Marine Spatial Planning body
- Have a plan for dispute resolution: design and implement a process to resolve potential conflicts and disputes
- Consider the extension of the California Coastal Trail

Many of these suggestions have also been echoed and reiterated in stakeholder responses to other questions, particularly about challenges with using the ocean space and additional considerations, concerns, or issues. Moving forward, the Partners are committed to considering all suggestions and how they can inform potential next steps for the SDOPP.



Tidepools at Cabrillo National Monument



Sunset at Coronado beach

# 05 Moving Forward



Point Loma

Throughout the Assessment Phase, the Partners received valuable feedback from stakeholders about their uses and challenges with the ocean space, potential benefits and concerns with ocean planning, and lessons learned from previous ocean planning processes. Moving forward, this input and data collected informs potential next steps the Partners may take. The Partners have outlined a series of potential next steps to further enhance public engagement, refine and clarify the goals of the SDOPP, and continue data collection. It is important to note that the potential next steps may be carried out by the Partnership or as an individual agency (i.e., the Commission or the Port). Whichever direction the Partnership takes, collaborative stewardship and transparency will remain a goal for each Partner individually and the Partnership as a whole.

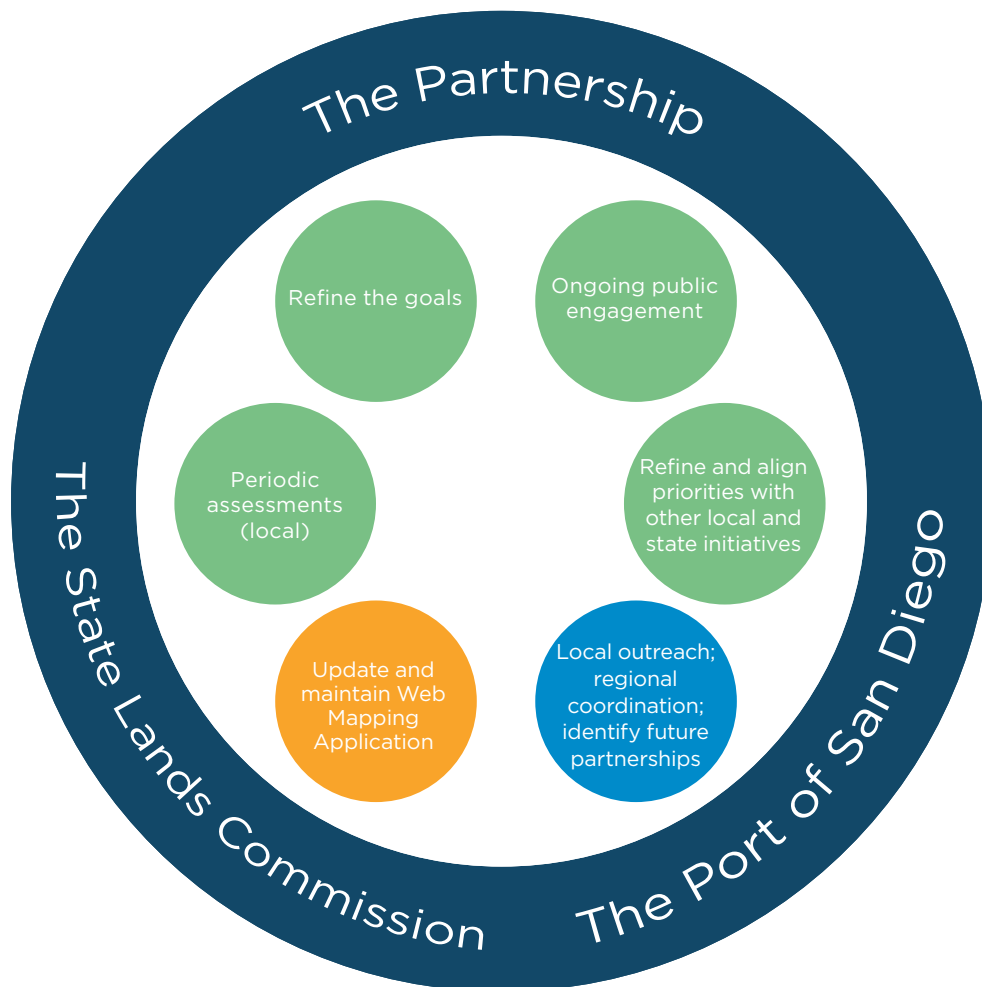


Figure 5. Potential next steps can be divided by next steps the Partnership could do (green circles), the Commission could do (orange circles), and the Port could do (blue circles). In the following section, each next step is explained further and shown along with the corresponding stakeholder input that informs the next steps. Next steps were informed by stakeholder input regarding challenges, concerns and benefits with ocean planning, and suggestions for managing the process.

## Potential Next Steps for the Partnership



Figure 6. Potential next steps for the Partnership are listed in green buoys and the stakeholder input that informs these next steps are listed in the water column below the buoys

### Refine SDOPP Goals

The intent of the MOA, and subsequent formation of the SDOPP, was to provide a foundational framework for understanding the ocean space offshore San Diego County. The Assessment Phase did indeed reveal valuable information regarding the interests of users and uses. In the interest of continual improvement and following stakeholder feedback, the Partners may consider reexamining the objectives of the original MOA and consider expanding, refining, or revising to clarify its goals and intent. As part of this process, the timeline would be updated to reflect the new tasks and objectives that are identified to achieve these refined goals. The SDOPP goals may be changed to place more emphasis on certain priorities, such as the development of an "Early Engagement" framework that could be utilized to minimize conflicts and aid stakeholders to build critical relationships with one another. A priority associated with any changes to the MOA would be to reiterate and formalize the message that it is not the intent of this pilot project to zone the ocean space

or exclude certain uses. The refinement of the goals may serve as a demonstration that the Partners are committed to responding to stakeholder feedback in a meaningful way that advances ocean planning and best fits the needs of this ocean space.

Overall, the MOA outlines aspirational goals for the Partners to accomplish. However, based on public engagement and stakeholder feedback, the Partners recognize that over time, some of the initial goals established by the MOA may no longer be relevant to the pilot project. The Assessment Phase demonstrated concerns and needs of stakeholders that could help to determine which goals of the MOA may need to be refined and what new objectives and goals could be established instead.

### **“Early Engagement” Framework**

The Commission may draw upon the Preliminary Assessment, including the Web Mapping Application, to develop an “Early Engagement” framework for applicants, stakeholders, and Commission staff during the already established Commission lease application process. An “Early Engagement” framework could proactively address potential conflicts in the ocean space and avoid or resolve potential issues early in the application process.

The “Early Engagement” framework would be a set of guiding principles and practices aimed at identifying stakeholders and facilitating meaningful dialogues at the onset of the lease application process. The Commission may develop this framework in coordination with the Partnership and use an iterative process to refine it as necessary. The principles that would likely constitute the base of the framework are informed by the stakeholder responses from the Assessment Phase and may include:

- Proactive, transparent, and robust communication
- Science-guided and experience-based decision-making
- Balance Public Trust uses
- Social equity and environmental justice
- Compliance with applicable laws and regulations
- Address potential future conflicts

The Commission would follow these principles as it augments the steps of its lease application process to initiate early communication with those that may have an interest in the project location and surrounding ocean space, or project aspects that may influence or



affect other Public Trust uses, assets, and values. The steps will reference the Web Mapping Application and information from the stakeholder engagement of the Assessment Phase and may include:

- Identification of interested stakeholders
- Distribution of comprehensive and relevant information about the site location and proposed use to interested stakeholders, including the potential lessee
- Identification of and coordination with other agencies and jurisdictions that manage Public Trust resources and uses associated with the proposed activity or asset
- Facilitated dialogue amongst stakeholders to identify potential sources of conflict
- Development of a conflict avoidance and/or resolution model that can be utilized to resolve issues amongst stakeholders

The Commission may also consider identifying a few select pilot projects to evaluate the “Early Engagement” framework, with the objectives to refine based on applicant and interested stakeholder feedback.

### **Ongoing Public Engagement**

A common theme in the Preliminary Assessment regarding the SDOPP and any potential planning processes was “transparency.” Throughout the Assessment Phase, the Partners made information readily available to the public to keep stakeholders informed and updated, and be consistent in messaging. Stakeholders noted that the Partners could still continue to enhance and improve public engagement to make ocean planning more familiar to communities and raise awareness regarding specific projects and their anticipated impacts, benefits, and alternatives. Transparency is a foundational pillar, and as such, the Partners are committed to enhancing future public engagement. “Communicating clearly and often” with the public and with stakeholders was a common piece of feedback that the Partners should prioritize when continuing public engagement. In an effort to improve the public engagement process, potential next steps may include:

- Continuing focused stakeholder engagement to receive feedback on new frameworks and usability or functionality of the Web Mapping Application
- Developing an email listserv for interested stakeholders to stay abreast of current or future efforts
- Creating new pathways for sharing information such as regularly published newsletters and/or email or social media news blasts

### Periodic Assessments

In the Assessment Phase, the Partners learned from stakeholders and compiled data about the ocean space, including uses and users, as a snapshot in time. With the intent of continually improving the understanding of the ocean space and its users, the Partners could continue to perform and distribute periodic assessments (similar to the Preliminary Assessment) to highlight changes in uses or users, explore new opportunities, and identify new or refine existing constraints.

### Refine and Align with Other State and Local Initiatives

The Partners are well-positioned to refine and align the SDOPP pilot project with other state and local initiatives because each are connected to a broad array of other planning efforts and use a set of related ocean and coastal policies to manage Public Trust uses and resources. The Partners strive to bring together, in one central hub, as much comprehensive information as possible about the ocean space. This makes it an ideal platform to use for coordination and collaboration on issues like resource management challenges, such as the Commission's marine invasive species regulatory program, or advancing strategies to deal with climate change impacts, such as ocean acidification or sea level rise. This coordination and alignment may help build stakeholder and community relationships that carry over into other planning processes, such as Local Coastal Program updates. The Partners can evaluate ways to strengthen these connections to other state and local initiatives in the next phase of the SDOPP.



Mast of the San Salvador replica

## Potential Next Steps for the Commission

The Commission would carry forward the lessons of the Assessment Phase to the subsequent stages of the pilot project, with particular attention paid to the need for enhanced public engagement, transparency, and continuous communication. It will continue to partner with the Port and other local entities on opportunities for public and stakeholder engagement, for both planning efforts and topics that are directly located within or offshore San Diego County, as well as statewide and federal issues that may be relevant. In addition, the Commission is considering implementing an “Early Engagement” framework for its lease application process that could serve to increase public engagement in ocean planning, aid interagency communication and coordination, and minimize conflicts in management and resource use.

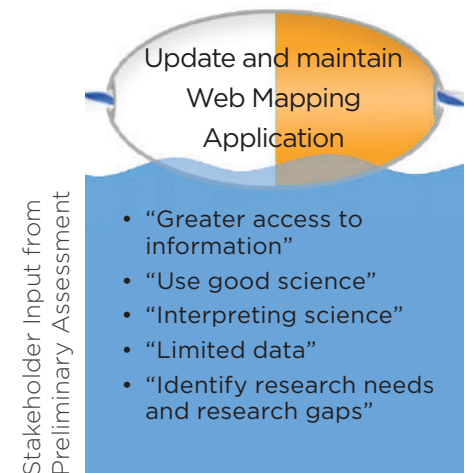


Figure 7. Potential next step for the Commission listed in orange buoy and the stakeholder input that informs these next steps are listed in the water column below the buoy

The Partnership, or the Commission only, may conduct local periodic assessments of the San Diego ocean space providing updated information about current and emerging uses, oceanic conditions, and related policies and initiatives. The Commission would also maintain and update the data and data services that compose the Web Mapping Application, as well as incorporate new data and services as they become available. Finally, the Commission may explore using the SDOPP pilot project as a model for regional ocean planning projects that could be implemented in other areas of the state that face similar complex challenges related to the ocean space and balancing Public Trust uses, if there are the resources to do so. The Commission has not currently identified any additional regions in the state to apply this model.

### Periodic Updates to the Data and Web Mapping Application

The Web Mapping Application is intended to provide an interactive, user-friendly interface for exploring current and best available ocean data. As new applicable technological features are released, they will be incorporated into the application to enhance the user experience.

05 Moving Forward | Potential Next Steps for the Commission

Many of the datasets in the Web Mapping Application will require ongoing maintenance or refresh to ensure the use of the most current and/or best available data (including new research, science, monitoring, and analyses) to inform decision-making and accurate visualization.

Semi-annual “releases” or “updates” of the Web Mapping Application and data would provide the public the opportunity to monitor new updates on a continuous scheduled. A public log of web mapping application and data updates would be made available on the SDOPP website.



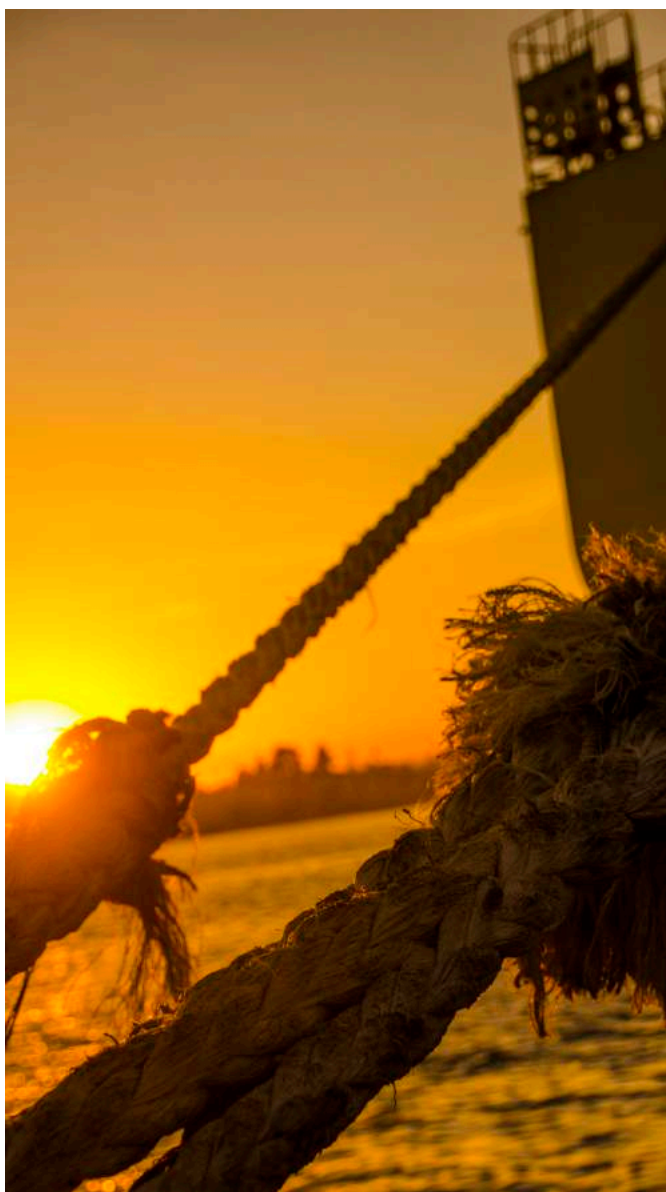
The Festival of Sail, San Diego



Pelican, San Diego Bay



Sand dollar at Coronado beach



Tying up at the Port

## Potential Next Steps for the Port

### Local outreach, regional coordination, identify future partnerships

The Port has a strong institutional commitment to comprehensive local and regional public engagement associated with long-range planning efforts and will apply those strong skills to continued stakeholder engagement to be inclusive and collaborative, be transparent, and treat all voices equally.

To better understand the potential impacts of projects or to develop an approach that reduces conflicts among users and uses, the Partnership may consider implementing pilot projects from which to test and refine the “Early Engagement” framework that the Commission may develop. By proactively identifying pilot projects and/or partners interested in exploring opportunities in the ocean space, the Port is strategically positioned to leverage strong working relationships with other agencies and groups throughout the San Diego region to learn from their expertise and experiences to ensure stakeholders feel fully informed with maximum opportunity to provide continual feedback. This expertise can benefit the SDOPP in two ways:

- (1) The Port can either help develop these projects or facilitate implementation, or
- (2) The Port would focus on coordinating and facilitating local stakeholder outreach efforts to help ensure strong community involvement in these pilot projects.

Involvement on the local level provides an opportunity for the Partnership and stakeholders to work collaboratively with the Partners. Through pilot projects, stakeholders learn the process firsthand, and work collaboratively with the Partners to define and refine that process.



Figure 8. Potential next step for the Port listed in blue buoy and the stakeholder input that informs these next steps are listed in the water column below the buoy



Looking offshore San Diego

# 06 Conclusion



Imperial Beach Pier

Themes from stakeholder input like “balance” and “coordination” align with the concept of collaborative stewardship. Moving forward, regardless of whether next steps are implemented as a partnership or by a single agency, the concept of collaborative stewardship will remain the foundation for engagement and management.

This has been a meaningful and informative process for both Partners. The opportunity to engage with dozens of stakeholders and learn about their vision for the future of our ocean has been invaluable. Both Partners are optimistic about the future and look forward to contributing to this vision.

### **We want to hear from you!**

This is a transparent, collaborative, stakeholder-driven process, and as such, it is critical that we hear from you! The best way for us to learn and better our understanding of the ocean space and the relationships between users and uses is to hear from stakeholders about their experiences. The Commission and the Port want to uphold their commitment to meaningful public engagement. We welcome any and all feedback and look forward to hearing from anyone who wants to participate in the process, and responding to questions and comments about it.

**Contact: [www.sdoceanplanning.org](http://www.sdoceanplanning.org) or email [SD.oceanplan@slc.ca.gov](mailto:SD.oceanplan@slc.ca.gov)**





# 07 Appendices



Imperial Beach Pier and south San Diego Bay

Appendix A: Memorandum of Agreement

Appendix B: List of Questions for Focused Stakeholders Meetings

Appendix C: Current List of Stakeholders

Appendix D: Reviewed Datasets

(6)

San Diego Unified Port District  
 Document No. **65905**  
 Filed DEC 22 2016  
 Office of the District Clerk

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

**I. INTRODUCTION**

Parties

The California State Lands Commission (Commission) consists of two Constitutional Officers; the Lieutenant Governor and the State Controller, and the Governor's Director of Finance. Established in 1938, the Commission manages 4 million acres of tide and submerged lands and the beds of navigable rivers, streams, lakes, bays, estuaries, inlets, and straits. These lands, often referred to as sovereign or public trust lands, stretch from the Klamath River and Goose Lake on the north to the Tijuana Estuary and Colorado River on the south, and from the Pacific Coast 3 miles offshore on the west to world-famous Lake Tahoe on the east, and includes California's two longest rivers, the Sacramento and San Joaquin.

The San Diego Unified Port District (Port) is a public corporation established in 1962 by an act of the California State legislature and approved by the voters of the five member cities of the District. The enabling legislation, subsequent amendments, and other actions conveyed certain tide and submerged lands within San Diego Bay and the oceanfront within the City of Imperial Beach to the Port in trust for the people of the State of California, to further the development of commerce, navigation, fisheries and recreation. The Port's five member cities are Chula Vista, Coronado, Imperial Beach, National City and San Diego. The District is governed by a seven-member Board of Port Commissioners appointed by the member cities. The Port's jurisdiction covers approximately 2,500 acres of land and 3,400 acres of water within these cities.

National and Regional Context

In 2010, the President issued Executive Order 13547, which established the National Ocean Policy (Policy) and its companion National Ocean Council (Council). The Policy calls for the use of coastal and marine spatial plans to enable a more integrated, comprehensive, ecosystem-based, flexible, and proactive approach to managing sustainable multi-usages across sectors and to improve the conservation of the ocean, coasts, and the Great Lakes. The Council's National Ocean Policy Implementation Plan furthered this goal by creating nine Regional Planning Bodies (RPBs) that bring together federal, state, tribal, local, and regional decision makers to develop marine spatial plans and aid the federal agencies responsible for marine resource management. The State

of California is a participant in the West Coast Governors Alliance on Ocean Health, the Regional Ocean Partnership that constitutes the West Coast RPB.

At its December 18, 2015 meeting, the Commission directed staff to develop a pilot framework to engage in a comprehensive, ecosystem-based, stakeholder-driven, resource management partnership with the Port for state-owned tidelands and submerged lands located in the Pacific Ocean offshore San Diego County.

The Commission and the Port, collectively referred to hereafter as the “Parties”, anticipate that this area would be the starting point for developing and refining the ultimate boundaries of the pilot framework area, a geographically discrete area in the southern part of the state which includes areas leased by the Commission, areas granted to local trustees, Environmentally Sensitive Habitat Areas, Marine Protected Areas designated under the Marine Life Protection Act of 1999, and other designations and uses that will help inform the process. The final boundaries will be based on all of the following:

- Stakeholder input
- Selected resource use sectors
- Scientific information
- Other factors identified during the planning process

The effort the Parties are undertaking aligns with the marine conservation and resource management goals of the National Ocean Policy and seeks to develop a decision-support framework and spatial analysis tool specific to the San Diego offshore region. While the Parties will lead the San Diego process, it will include representative perspectives from federal, state, local, and tribal governments as well as non-governmental stakeholders. Consistent with the West Coast RPB approach, the planning will be localized in its geographic scope and definition of planning goals. However, it will differ from the West Coast RPB in its adherence to voluntary participation and adoption for the Parties, rather than the compulsory implementation for federal agencies inherent in the outcome of the RPB process.

The value of these types of planning efforts has been recognized at the state and local levels and the pilot framework is expected to serve as a model for future co-management collaborations between the Commission and its local grantees. The planning effort is consistent with, and supports, the Port’s Integrated Planning Vision and Guiding Principles and goals of the Port’s Compass Strategic Plan.

## II. PURPOSE AND OBJECTIVES

The purpose of this Memorandum of Agreement (MOA) is to form and memorialize a collaborative partnership between the Parties to effectively plan for use of the ocean space and local trust grantee participation in management thereof. The planning effort would include development of a pilot-scale marine decision-support framework and spatial analysis tool in coastal waters off San Diego County.

The Parties will develop a process to acquire and share comprehensive environmental baseline data, environmental analyses, impact assessments, conservation opportunities, socioeconomic research, and other information pertaining to the pilot planning area. This process will allow for scientifically-informed decision making while maintaining consistency with applicable state, federal, and local laws, regulations, and policies. This MOA also describes the Parties' commitment to transparent, robust public engagement during all phases of framework development. The MOA will facilitate coordination between the Parties to develop and implement a comprehensive strategy that would reduce the potential for conflict among various Public Trust consistent uses, resources, and values.

The Parties will collaborate to achieve the following objectives:

1. Develop a Pilot-Scale Marine Decision-Support Framework
  - a) Develop a multi-sector, spatially referenced, marine planning framework that takes into account the interests and needs of the Parties to continue to champion, and balance, existing and emerging water-related commercial activities, such as the Blue Economy, with environmental protection, ocean health, climate resiliency, and social equity.
  - b) Protect and enhance, where feasible, cultural and biological resources, using the partnership to enhance awareness and dialogue around culturally and ecologically important marine resources.
2. Develop and Share a Spatial Analysis Tool
  - a) Facilitate streamlined evaluation and consideration of projects or activities in the planning area by creating a GIS-based spatial analysis tool that identifies the location of existing and emerging sectors, potential conflict areas, and areas of mutual benefit.
  - b) Encourage resource users to use the spatial analysis tool and accompanying data to help ensure proposed projects minimize conflict and maximize multi-sector co-benefits.
3. Develop a Pilot-Scale Framework for Local Trust Grantee Participation in Management of Ocean Areas
  - a) Facilitate efficient and integrated management of the Bay and ocean areas by maximizing coordination and communication, recognizing that many sectors overlap both areas.
4. Facilitate Stakeholder Engagement
  - a) Maximize transparency, collaboration, integration of best available science, and stakeholder participation to ensure development of a decision-support framework and spatial analysis tool that is relevant, balanced, and user-friendly.

### III. PROCESS

1. The Parties will gather existing information from their respective institutions relevant to the pilot area and the resource sectors therein.
2. The Parties will coordinate, share, and combine resources and data to support and prepare the decision-support framework and spatial analysis tool, while identifying and seeking to fill research gaps through a combination of outreach and new research efforts.
3. The Parties will outreach to federal, state and local agencies, Tribes, non-governmental organizations, industry, community organizations, utilities, universities, fishing interests, the military and other stakeholder groups to benefit the process of developing the decision-support framework.
4. The Parties will create and convene working groups comprised of the aforementioned stakeholders to share, create, and analyze resources and data to assist the development and preparation of the spatial analysis tool.
5. The Parties will hold public meetings and use other public engagement techniques to achieve transparency, share process and tool development updates, and elicit input and feedback from the community, stakeholders, and the public.
6. The Parties will use best available science to inform process and tool development, and enlist a scientific peer-review of work products to ensure data-driven decision making.
7. The Parties will create and carry out an implementation plan for use of the developed decision-support framework and spatial analysis tool for resource management and lease authorizations.

### IV. AUTHORITY TO ENTER INTO AGREEMENT

- A. California State Lands Commission Authority: Public Resources Code sections 6001, et seq.
- B. San Diego Unified Port District: Harbors & Navigations Code, Appendix I.

### V. GENERAL PROVISIONS

- A. Nothing in this MOA is intended to or shall be construed to limit or affect in any way the authority or legal responsibilities of the Port or Commission. Specifically, nothing in this MOA shall be construed as limiting the Commission's exercise of its approval authority or discretion over any proposal or development affecting sovereign lands.
- B. Nothing in this MOA binds the Port or Commission to perform beyond their respective authorities.

- C. Nothing in this MOA requires the Port or Commission to assume or expend any funds in excess of available appropriations authorized by law.
- D. The respective mission requirements, funding, personnel, and other priorities of the Port or Commission may affect their respective abilities to fully implement all the provisions identified in this MOA.
- E. Specific activities that involve the transfer of money, or services between the Parties may require execution of separate agreements or contracts.
- F. Nothing in this MOA is intended to or shall be construed to restrict the Port, Commission, or other agencies or departments from participating in similar activities or arrangements with other public or private agencies, organizations, or individuals.
- G. Any information furnished between the Parties under this MOA is potentially subject to the California Public Records Act (Government Code section 6250, et seq.). The Parties agree to consult one another prior to releasing potentially privileged or exempt documents and to cooperate in good faith to assert all such privileges and exemptions permitted by California Public Records Act.
- H. Every provision in this MOA is subject to the laws of the State of California, the laws of the United States of America, and to the delegated authority assigned in each instance.
- I. All cooperative work under the provisions of this MOA will be accomplished without discrimination against any employee because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, in accordance with Article 1 (commencing with Section 12940) of Chapter 6 of Part 2.8 of Division 3 of Title 2 of the Government Code and other state antidiscrimination laws, for any use or service in connection with those actions.
- J. Amendments or supplements to this MOA may be proposed by the Port or Commission and shall become effective upon written approval of both Parties.
- K. The Port or Commission may terminate its participation in this MOA at any time through written notification to the other Parties at least thirty days prior to termination.
- L. This MOA shall become effective upon signature by the Parties. This MOA may be executed in one or more counterparts, each of which will be considered an original document. The effective date shall be the date of the last signature as shown below, excepting subsequent amendments and addition of counterparts.


M. This MOA is intended to facilitate cooperation among the Parties. It is not a contract for acquisition of supplies or services; it is not legally enforceable; and it does not create any legal obligation of or between any of the Parties or create any private right or cause of action for or by any person or entity.

**VI. IMPACT ON EXISTING AUTHORITIES**

Nothing in this MOA, and nothing in the planning framework, removes, limits, or otherwise affects the rights or interests of tribal governments, or state, federal, or local regulatory agencies, and does not affect or supersede existing authorities that may relate to resources or lands in the planning area.

California State Lands Commission

Date: 11/08/2016

  
Jennifer Lucchesi  
Executive Officer

San Diego Unified Port District

Date: 11/28/16

  
Randa Coniglio  
Chief Executive Officer/Director

Approved as to form and legality:  
GENERAL COUNSEL

  
By: Simon M. Kann, Deputy

Revised 10/11/16

(3)

Reference Copy  
65905**RESOLUTION 2016-159****RESOLUTION APPROVING MEMORANDUM OF AGREEMENT BETWEEN THE CALIFORNIA STATE LANDS COMMISSION AND THE SAN DIEGO UNIFIED PORT DISTRICT REGARDING THE ESTABLISHMENT OF A COLLABORATIVE MARINE PLANNING PARTNERSHIP FOR THE STATE-OWNED TIDELANDS AND SUBMERGED LANDS LOCATED IN THE PACIFIC OCEAN OFFSHORE SAN DIEGO COUNTY**

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

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

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

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

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

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

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

Page 1 of 3



2016-159

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

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

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

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

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

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

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

  
By: Assistant/Deputy

2016-159

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 13<sup>th</sup> day of October, 2016, by the following vote:

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

NAYS: None.

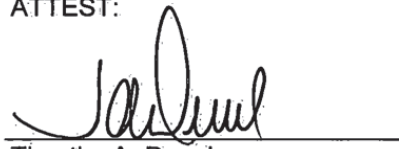
EXCUSED: Bonelli.

ABSENT: None.

ABSTAIN: None.

  
\_\_\_\_\_  
Marshall Merrifield, Chairman  
Board of Port Commissioners

ATTEST:

  
\_\_\_\_\_  
Timothy A. Deuel  
District Clerk

Timothy A. Deuel  
District Clerk

(Seal)

## Appendix B: List of Questions

### List of Questions for Focused Stakeholder Meetings

- Are you familiar with ocean planning?
- If so, how would you define “ocean planning”?
- Have you previously participated in an ocean planning process like the MLPA initiative, or another planning process?
- If so, please describe your experience. What would you do differently to improve that process?
- How do you currently use the ocean space?
- Do you have other interests in this space, or would you expand your current use/s?
- What are your current challenges?
- What challenges do you foresee with expanding a current ocean use, or starting a new use?
- What potential benefits do you see for ocean planning in San Diego? What are your issue areas?
- What else would you like us to consider through this process? What should we be concerned with?
- Do you have suggestions for managing the ocean planning process here in San Diego?

## Appendix C: Current List of Stakeholders

Updated as of 11/15/2018

- Aquarium of the Pacific
- Army Corps of Engineers (Planning)
- Army Corps of Engineers (Regulatory)
- Audubon Society (state and local)
- Bren School of Environmental Science & Management
- Bureau of Ocean Energy Management
- California Air Resources Board
- California Coastal Commission (state and local offices)
- California Department of Fish and Wildlife
- California Department of Fish and Wildlife (Aquaculture Program)
- California Department of Pesticide Regulation
- California Energy Commission
- California EPA
- California Fish & Game Commission
- California Sea Grant
- California State Parks
- California State Parks, Division of Boating and Waterways (& Scripps)
- California Wetfish Producers Association
- Catalina Offshore Products
- Catalina Sea Ranch
- Center for Sustainable Energy
- City of Carlsbad
- City of Chula Vista
- City of Coronado
- City of Del Mar
- City of Encinitas
- City of Imperial Beach (Planning)
- City of Imperial Beach (Public Works)
- City of Oceanside
- City of San Diego
- City of Solana Beach
- Coastal Conservation Association of California (CCA CAL)
- Coastal Data Information Program
- Coastal Environmental Rights Foundation (Coast Law Group)
- County of San Diego
- Department of Defense - U.S. Navy Region Southwest
- Ecotrust
- Environmental Health Coalition
- Everingham Brothers Bait
- Federal Aviation Administration
- Governor's Office of Tribal Affairs
- Hubbs Research Institute
- I Love A Clean San Diego
- Living Coast Discovery Center
- Marine Corps (Camp Pendleton)
- Marine Exchange
- Marine Protected Areas Collaborative Network
- National City
- Natural Resources Defense Council
- NOAA Fisheries Office of Aquaculture
- NOAA National Center for Coastal Ocean Science
- NOAA National Marine Fisheries Service

- NOAA Southwest Fisheries Science Center
- Ocean Connectors
- Ocean Conservancy
- Ocean Protection Council
- Ocean Science Trust
- Oceana
- Oceanside Angler's Club
- Port Pilots
- Port Tenants' Association
- Regional Water Quality Control Boards
- Rentunder Boatwash
- Resources Legacy Fund
- Rose Canyon Fisheries
- San Diego Association of Governments
- San Diego Bay Aquaculture
- San Diego Climate Collaborative
- San Diego Coastkeeper
- San Diego Fishermen's Working Group
- San Diego Foundation
- San Diego International Airport
- San Diego State University
- Santa Monica Seafoods
- Scripps Institution of Oceanography
- Seafood Watch
- Sierra Club
- Southern California Coastal Water Research Project
- Southwest Wetlands Interpretive Association
- SPAWAR
- Sportfishing Association of California
- State Coastal Conservancy
- State Senator Toni Atkins
- State Water Resources Control Board
- Sunken Seaweed, LLC
- Surfrider Foundation
- Sustainable Fisheries Group
- Swell Advantage Inc.
- The Maritime Alliance
- The Nature Conservancy
- Tijuana River National Estuarine Research Reserve
- U.S. Coast Guard
- U.S. Department of Agriculture
- U.S. Fish and Wildlife Service
- U.S. Fish and Wildlife Service (San Diego Bay and Tijuana Slough National Wildlife Refuge)
- U.S. Geological Survey
- USC Sea Grant
- Ventura Shellfish Enterprise
- West Coast Ocean Data Portal
- West Coast Regional Planning Body
- West Coast Tribal Caucus
- WildCoast
- Zephyr Debris Removal, LLC

## Appendix D: Reviewed Datasets

1. List of Reviewed Data (Please note that not all reviewed data may be incorporated into the Web Mapping Application)

Title	Data Source
2013 Vessel Density	National Oceanic and Atmospheric Administration, Bureau of Ocean Energy Management
4-digit Fishing Blocks	California Department of Fish and Wildlife
Aids to Navigation	US Coast Guard data compiled and modified by Marine Cadastre
Anchorage Areas	National Oceanic and Atmospheric Administration
Annual Average Offshore Windspeed at 90m height	National Renewable Energy Laboratory (NREL)
Annual Commercial Landings (lbs) All Fishing Gear Types (1980-2016)	California Department of Fish and Wildlife
Annual Commercial Landings (Value) (1980-2016)	California Department of Fish and Wildlife
Annual Commercial Landings in Tons by Hook and Line (1980 to 2016)	California Department of Fish and Wildlife
Annual Commercial Landings in Tons by Trap (1980 to 2016)	California Department of Fish and Wildlife
Annual Commercial Landings in Tons by Trawl Nets (1980 to 2016)	California Department of Fish and Wildlife
Annual Fishing Effort of Commercial Passenger Fishing Vessels (1989-2016)	California Department of Fish and Wildlife
Areas of Special Biological Significance	State Water Resources Control Board
Artificial Reefs	California Department of Fish and Wildlife, National Oceanic and Atmospheric Administration
Bathymetric Contours (0-900 meters depth)	National Oceanic and Atmospheric Administration Coastal Services Center
Beach Nourishment History	Melanie Coyne, California Coastal Commission
Beach Report Card	Heal the Bay
Bike Routes	SANDAG
Biologically Important Areas for Cetaceans	National Oceanic and Atmospheric Administration National Marine Fisheries Service

Title	Data Source
Boat Launch Sites	California Department of Fish and Wildlife (data compiled from the California Department of Boating and Waterways)
Business Improvement Districts	City of San Diego
Business Sites	SanGIS, County Assessors Office
California Passenger Rail System: Commuter Routes and Stations	California Department of Transportation
California Recreational Fisheries Survey - Private and Rental Boats Fishing Effort (2008 - 2015)	California Department of Fish and Wildlife
California Recreational Fisheries Survey 2015	California Department of Fish and Wildlife
California State Lands Commission Leases	California State Lands Commission
California State Parks	California State Parks
California Wind 50m Height	National Renewable Energy Laboratory (NREL)
Canopy Forming Kelp	California Department of Fish and Wildlife, Bureau of Ocean Energy Management
CDFW Marine Districts	California Department of Fish and Wildlife
Clean Beach Initiative Projects	California Water Quality Monitoring Council, State Water Resources Control Board
Coastal Access Locations	California Coastal Commission
Coastal and Upland Sediment Sources	Moffatt & Nichol, San Diego Association of Governments (SANDAG), California Coastal Sediment Management Workgroup
Coastal Bluff Erosion	Jennifer Dare, California Coastal Commission
Coastal Critical Habitat Designations	National Oceanic and Atmospheric Administration - Office for Coastal Management
Coastal Energy Facilities	National Oceanic and Atmospheric Administration Office for Coastal Management
Coastal Maintained Channels	National Oceanic and Atmospheric Administration - Office of Coast Survey
Coastal Structures and Barriers	California Sediment Management Workgroup, Navigation and Coastal Databank Program, US Army Corps of Engineers San Francisco

## 07 Appendix D | Reviewed Datasets

Title	Data Source
Coastal Zone Management Act Boundary	National Oceanic and Atmospheric Administration Office for Coastal Management
Coastal Zone Sensitive Slopes Geologic Hazard	SANDAG & SanGIS
Colregs Demarcation Lines	National Oceanic and Atmospheric Administration
Commercial Dive Fishing	National Oceanic and Atmospheric Administration Marine Protected Areas Center, National Oceanic and Atmospheric Administration Office for Coastal Management
Commercial Fishing Closures	Bureau of Ocean Energy Management
Danger Zones and Restricted Areas	National Oceanic and Atmospheric Administration
Dive Sites	California Department of Fish and Wildlife
Drift Gillnet Closures (PLCA) (Loggerhead Conservation Areas)	Bureau of Ocean Energy Management
Economically Significant Sites (For Oil Spill Response)	California Department of Fish and Wildlife, Office of Spill Prevention and Response
Eelgrass Habitat	California Department Fish and Wildlife
Environmental Sensitivity Index (ESI) Area Contingency Plan Sites	National Oceanic and Atmospheric Administration Office of Response and Restoration
Environmental Sensitivity Index (ESI) Birds	National Oceanic and Atmospheric Administration Office of Response and Restoration
Environmental Sensitivity Index (ESI) Coastal Habitats	National Oceanic and Atmospheric Administration Office of Response and Restoration
Environmental Sensitivity Index (ESI) Management	National Oceanic and Atmospheric Administration Office of Response and Restoration
Environmental Sensitivity Index (ESI) Marine Mammals	National Oceanic and Atmospheric Administration Office of Response and Restoration
Environmental Sensitivity Index (ESI) Shoreline Type	National Oceanic and Atmospheric Administration Office of Response and Restoration
Environmentally Sensitivity Index (ESI) Fish	National Oceanic and Atmospheric Administration Office of Response and Restoration
Essential Fish Habitat (EFH)	National Oceanic and Atmospheric Administration National Marine Fisheries Service - Office of Habitat Conservation
Estuaries	California Department of Fish and Wildlife



Title	Data Source
Existing Land Use	SANDAG, County Assessor's Master Records file, Cleveland National Forest, Bureau of Land Management (BLM), State Parks, SanGIS, and other public agency contacts.
Fishing Piers	California Department of Fish and Wildlife
Grid Connections	Bureau of Ocean Energy Management
Habitat Areas of Particular Concern (HAPC)	National Oceanic and Atmospheric Administration National Marine Fisheries Service
Historic Districts	SanGIS
Impaired Streams	State Water Resources Control Board
Lifeguard Station Point Locations	City of San Diego, Fire-Rescue
Littoral Cells	Coastal Sediment Management Workgroup, Melanie Coyne, Kiki Patsch
Magnetic Anomaly	United States Geological Survey
Marinas	California Department of Fish and Wildlife
Marine Place Names	National Oceanic and Atmospheric Administration
Marine Protected Areas	National Marine Protected Areas Center (National Oceanic and Atmospheric Administration, Dept. of Interior), California Department of Fish and Wildlife
Military Training and Operations	Department of Defense, US Navy
National Estuarine Research Reserve (NERR)	National Oceanic and Atmospheric Administration Coastal Services Center
National Wetlands Inventory	US Fish and Wildlife Service
Ocean Disposal Sites	National Oceanic and Atmospheric Administration
Ocean Economy	National Oceanic and Atmospheric Administration Office for Coastal Management
Ocean Sediment Thickness Contours	National Centers for Environmental Information (Formerly National Geophysical Data Center (NGDC))
Ocean Use Summary	National Oceanic and Atmospheric Administration National Marine Protected Areas Center
Ocean Uses (comprehensive)	National Oceanic and Atmospheric Administration Office of Coastal Management, National Oceanic and Atmospheric Administration National MPA Center

## 07 Appendix D | Reviewed Datasets

Title	Data Source
Ocean Wave Resource Potential	National Renewable Energy Laboratory (NREL)
Oil and Gas Resource Plays	National Oceanic and Atmospheric Administration Office of Coastal Management
Oil and Gas Wells	California Department of Conservation, Division of Oil, Gas and Geothermal Resources
Park and Ride Lots	California Department of Transportation
Pilot Boarding Areas	National Oceanic and Atmospheric Administration
Port of San Diego Parcels	Port of San Diego
Ports and Harbors	California Department of Fish and Wildlife
Principal Ports	National Oceanic and Atmospheric Administration
Public Parks, Open Space and Preserves in San Diego County	SanGIS
Recreational Fishing Closures	Bureau of Ocean Energy Management
Regulated Facilities in the California Integrated Water Quality System (CIWQS)	State Water Resources Control Board
Samples Sites for Beach Watch Database	State Water Resources Control Board
San Diego County Boundary	US Census
San Diego Shoreline	National Oceanic and Atmospheric Administration
Sea Surface Temperature	Naval Oceanographic Office
Seabird Colonies	California Department of Fish and Wildlife
Seafloor Aragonite	Marine Conservation Institute
Seafloor Dissolved Oxygen	Marine Conservation Institute
Seafloor Salinity	Marine Conservation Institute
Seafloor Sediment (usSEABED)	United States Geological Survey (usSEABED)
Seafloor Silicate	Marine Conservation Institute
Seafloor Temperature	Marine Conservation Institute

Title	Data Source
Seamless Raster Navigation Chart	National Oceanic and Atmospheric Administration - Office of Coast Survey
Sediment Receiver Sites	Moffatt & Nichol, San Diego Association of Governments (SANDAG), California Coastal Sediment Management Workgroup
Sensitive Coastal Resources	SANDAG & SanGIS
Sensitive Habitat - Coastal Regional Sediment Management Plan	Science Applications International Corporation (2008), San Diego Association of Governments (SANDAG), California Coastal Sediment Management Workgroup
South Coast: Baseline Characterization of Human Uses	Point 97/Ecotrust
Steelhead Critical Habitat	California Department Fish and Wildlife
Storm Water Industrial General Permits	State Water Resources Control Board
Storm Water Outfalls - Field Measurements	City of San Diego
Submarine Cables	National Oceanic and Atmospheric Administration Office of Coastal Management
Submerged Lands Act Boundary	Bureau of Ocean Energy Management
Surfgrass	California Department of Fish and Wildlife
Transit Route Lines	SanGIS
Water Quality Indicators	National Oceanic and Atmospheric Administration Coastal Change Analysis Program
West Coast Fishing Ethnography	Bureau of Ocean Energy Management
West Coast Rockfish Conservation Areas	Bureau of Ocean Energy Management
West Coast Topographic Index (ESI)	National Oceanic and Atmospheric Administration Office of Response and Restoration
Wetlands	California Department of Fish and Wildlife
Whales Pacific Summer Density	National Oceanic and Atmospheric Administration Southwest Fisheries Science Center
Wrecks and Obstructions	National Oceanic and Atmospheric Administration Automated Wreck and Obstruction Information System

SAN DIEGO  
**OCEAN PLANNING**  
PARTNERSHIP 



**PORT** of  
**SAN DIEGO**

December 2018