



Legislation Text

File #: 2019-0032, **Version:** 1

DATE: April 9, 2019

SUBJECT:

RESOLUTION APPROVING CALENDAR YEAR 2019 ANNUAL WORK PLAN FOR THE ENVIRONMENTAL ADVISORY COMMITTEE PURSUANT TO THE BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 018, BOARD ADVISORY COMMITTEES

EXECUTIVE SUMMARY:

The Board of Port Commissioners (Board) Policy 018 states that each advisory committee shall forward to the Board a general work plan for the year for the Board's consideration. The Environmental Advisory Committee (EAC) has recommended the attached work plan for 2019. Completion of the entire work plan will be dependent upon the availability of resources, both staffing and funding, and will be subject to Board approval of the FY 19/20 budget. Staff recommends that the Board approve the work plan. Staff is also recommending that any new work initiated by the EAC be approved by the Board.

RECOMMENDATION:

Adopt a resolution approving 2019 annual work plan for the Environmental Advisory Committee pursuant to BPC Policy 018.

FISCAL IMPACT:

There is no direct fiscal impact related to staff's recommendation. The projects included in the proposed work plan are budgeted for in the Planning & Green Port (P&GP) FY 18/19 budget. Projects planned in FY 19/20 will be included in the P&GP budget proposal and will be dependent on the Board's adoption of the FY 19/20 budget. Notably, these projects include Climate Action Plan implementation, mitigation banking, natural resources studies and water quality.

COMPASS STRATEGIC GOALS:

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

- A Port that the public understands and trusts.
- A Port with a healthy and sustainable Bay and its environment.
- A Port with a comprehensive vision for Port land and water uses integrated to regional plans.
- A Port that is a safe place to visit, work and play.

DISCUSSION:

Environmental Advisory Committee Structure and Governance

Pursuant to Board Policy 730, the EAC is to advise the Board and provide input and recommendations regarding the protection and improvement of the environmental conditions of San Diego Bay and the Tidelands. The EAC is advisory in nature and has no authority to negotiate for, represent, or commit the District in any respect. The EAC membership includes stakeholders from the environmental community, including representation from resource agencies, academia, advocacy groups, and Port tenants. The chair of the EAC is a Port Commissioner. EAC members vote on items considered for recommendation to the Board, with the exception of the Commissioner who does not vote. Although the EAC was initially established to recommend environmental projects for funding through the District's Environmental Fund, the EAC no longer votes on recommendations that pertain to funding. The EAC only provides comments on staff's recommendation for funding. This change was made in order to avoid potential, perceived, or actual conflicts of interest.

Environmental Advisory Committee Recommended Annual Work Plan for 2019

On March 13, 2019, the EAC approved its recommended work plan as detailed in Attachment A, for 2019. The EAC requested that staff submit the recommended work plan to the Board for approval. EAC's recommended work plan includes the following priorities for the year, which support the District's goal of: "A Port with a healthy and sustainable Bay and its environment."

Pursuant to the proposed work plan, the EAC will provide input on the following projects and initiatives during the 2019 calendar year, which may include the creation of an EAC ad hoc committee to address matters within one or more of these categories:

Air Quality

- Increase Grant Competitiveness
- AB 617 Community Air Protection Program Update
- Port Clean Air Action Plan and AB 617 Emission Reduction Plan Update

Blue Economy

- Incubator Project Update

Climate Planning Implementation

- Sea Level Rise Ad-hoc Report
- Climate Action Plan Update
- Vessel Speed Reduction
- Electric Vehicle Charging
- Energy Efficiency
- Modernizing Tenth Avenue Marine Terminal
- Green Port Year-in-Review

Environmental Fund

- Environmental Education
- Living Shoreline

Natural Resources

- Mitigation Banking
- Bay-wide Fish Survey

Water Quality

- Pollution Prevention Campaign

Conclusion

Staff recommends the Board approve the 2019 EAC annual work plan, which represents an EAC work plan that can be accomplished with existing staff resources and available funding. Staff is also recommending that any new work initiated by the EAC be approved by the Board.

General Counsel's Comments:

The General Counsel's Office reviewed this agenda and the proposed work plan as to form and legality.

Environmental Review:

The proposed Board direction or action, including without limitation, a resolution approving the calendar 2019 annual Work-Plan of the Environmental Advisory Committee pursuant to BPC Policy No. 018, does not constitute an "approval" or a "project" under the definitions set forth in California Environmental Quality Act (CEQA) Guidelines Sections 15352 and 15378 because no direct or indirect changes to the physical environment would occur. CEQA requires that the District adequately assess the environmental impacts of projects and reasonably foreseeable activities that may result from projects prior to the approval of the same. Any project developed as a result of Board's direction or action that requires the District or the Board's discretionary approval resulting in a physical change to the environment will be analyzed in accordance with CEQA prior to such approval. CEQA review may result in the District, in its sole and absolute discretion, requiring implementation of mitigation measures, adopting an alternative, including without limitation, a "no project alternative" or adopting a Statement of Overriding Consideration, if required. The current Board item in no way limits the exercise of this discretion. Therefore, no further CEQA review is required.

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

This Board item does not allow for "development," as defined in Section 30106 of the California Coastal Act, or "new development," pursuant to Section 1.a. of the District's Coastal Development Permit (CDP) Regulations because they will not result in, without limitation, a physical change, change in use or increase the intensity of uses. Therefore, issuance of a Coastal Development Permit or exclusion is not required. However, development within the District requires processing under the District's CDP Regulations. Future development, as defined in Section 30106 of the

Coastal Act, will remain subject to its own independent review pursuant to the District's certified CDP Regulations, PMP, and Chapters 3 and 8 of the Coastal Act. The prospective Board's action in no way limits the exercise of the District's discretion under the District's CDP Regulations. Therefore, issuance of a CDP or exclusion is not required at this time.

Equal Opportunity Program:

Not applicable.

PREPARED BY:

Eileen Maher
Director, Environmental Conservation

Heather Kramp
Assistant Planner, Environmental Conservation

Attachment(s):

Attachment A: Environmental Advisory Committee 2019 Work Plan