



## Legislation Text

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**File #:** 2019-0379, **Version:** 1

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**DATE:** November 5, 2019

**SUBJECT:**

**RESOLUTION APPROVING AN AMENDMENT TO THE CALENDAR YEAR 2019 ANNUAL WORK PLAN FOR THE ENVIRONMENTAL ADVISORY COMMITTEE TO INCLUDE THE PORT MASTER PLAN UPDATE ECOLOGY ELEMENT 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 Board approved the Environmental Advisory Committee's (EAC) 2019 work plan on April 9, 2019. The EAC has recommended the 2019 work plan be amended to include a discussion on the ecology element of the Port Master Plan Update. Staff recommends that the Board approve the attached amended work plan.

**RECOMMENDATION:**

Adopt a resolution approving an amendment to the 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 amended work plan are budgeted for in the Planning & Green Port (P&GP) FY 19/20 budget.

**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 Amended Annual Work Plan for 2019**

On April 9, 2019, by Resolution Number 2019-031 the Board approved the 2019 Environmental Advisory Committee work plan.

At the September 18, 2019 EAC meeting, the EAC requested that the ecology element of the Port Master Plan Update be added to the work plan for discussion at the EAC's December 4, 2019 meeting, pending a quorum is reached. The proposed amended work plan is detailed in Attachment A. The proposed amended EAC work plan includes the following priorities for 2019, which support the District's goal of: "A Port with a healthy and sustainable Bay and its environment."

#### **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

#### **Port Master Plan Update**

- Ecology Element

## **Conclusion**

Staff recommends the Board approve the amended 2019 EAC annual work plan, which represents an EAC work plan that can be accomplished with existing staff resources and available funding.

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

The Office of the General Counsel reviewed this agenda and the proposed action as to form and legality.

## **Environmental Review:**

The proposed Board action, including without limitation, a resolution approving an amendment to the calendar year 2019 annual work plan for the Environmental Advisory Committee, does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required. In addition, the proposed Board direction or action complies with Section 35 of the Port Act which allows the Board to perform acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine. Finally, the proposed Board direction, or action, and presentation 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 Regulations. Therefore, issuance of a Coastal Development Permit or exclusion is not required.

## **Equal Opportunity Program:**

Not applicable.

## **PREPARED BY:**

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## **Attachment(s):**

Attachment A: 2019 EAC Amended Work Plan