



## Legislation Text

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**DATE:** October 12, 2021

**SUBJECT:**

**RESOLUTION ACCEPTING THE FY21 PORT SECURITY GRANT PROGRAM (PSGP) AWARDS FOR A TOTAL AMOUNT OF \$910,000.00, REQUIRING A COST MATCH OF \$303,334.00, AND AUTHORIZING THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) TO ENTER INTO AGREEMENTS WITH THE U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY (DHS/FEMA). ALL PROJECTS WILL BE EXECUTED IN FUTURE FISCAL YEARS AND DISTRICT'S MATCHING FUNDS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.**

**EXECUTIVE SUMMARY:**

The Port Security Grant Program's (PSGP), funded by the Federal Emergency Management Agency (FEMA), provides funds to local law enforcement agencies and Ports to protect critical port infrastructure from terrorism, enhance maritime domain awareness, improve port-wide maritime security risk management, and maintain or re-establish maritime security mitigation protocols that support port recovery and resiliency capabilities. The San Diego Harbor Police Department was awarded \$910,000.00 in FY21 PSGP funding for the following projects:

- Patrol Vessel Maintenance
- Fireboat Replacement

The required cost match is \$303,334.00 for a total project cost of \$1,213,334.00. All match funding will be budgeted in future fiscal years. The performance period for these grant awards concludes on August 31, 2024, and all project work must be completed by this date.

**RECOMMENDATION:**

Adopt a Resolution accepting FY21 PSGP grant funding in the amount of \$910,000.00, and authorizing the Harbor Police to enter into an Award Agreement with the U.S. Department of Homeland Security / Federal Emergency Management Agency.

**FISCAL IMPACT:**

PSGP FY21 will have no impact on the current fiscal year budget. Funds for the Harbor Police match will be executed in future fiscal years and will be budgeted in the appropriate fiscal year, subject to Board approval upon adoption of each fiscal year's budget.

**COMPASS STRATEGIC GOALS:**

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

- A Port that the public understands and trusts.
- A thriving and modern maritime seaport.
- A vibrant waterfront destination where residents and visitors converge.
- A Port that is a safe place to visit, work and play.
- A financially sustainable Port that drives job creation and regional economic vitality.

**DISCUSSION:**

**Port Security Grant Program FY20 Award**

The Port Security Grant Program (PSGP) is a Department of Homeland Security (DHS) - Federal Emergency Management Agency (FEMA) grant program that provides federal funds to support maritime transportation infrastructure security activities. This program has made \$100,000,000 available annually through a competitive grant program for transportation infrastructure security projects that implement Area Maritime Transportation Security Plans and facility security plans at port authorities, facility operators and state and local government agencies that provide port security services. With the FY19 PSGP funds, FEMA awards grant funds to projects that increased port-wide risk management, enhanced domain awareness, facilitated training, expanded recovery and resilience capabilities at ports, and increased preparedness and recovery from non-conventional weapons attacks.

The District and the Harbor Police have active projects funded with Port Security Grant Program funds from fiscal years 2017-2020. The District has benefited from this program by using grant funds to purchase equipment, fund disaster and recovery training, and implement infrastructure projects that increase facility security.

In February 2021, the US Department of Homeland Security released the FY21 Notice of Funding Opportunity for PSGP. The District and the Harbor Police Department are considered two entities for the PSGP and may submit separate grant applications. Each applicant is invited to submit a total of five projects for consideration. The Harbor Police submitted two projects for consideration, and the District submitted one.

In August, DHS/FEMA announced that the Harbor Police Department was allocated \$910,000.00 for two projects in the FY21 grant round. The total match required is \$303,334.00. The District's project was not selected for funding.

The following projects received funding:

<b>Project Name</b>	<b>Grant Award</b>	<b>HPD Match</b>	<b>Total</b>
Patrol Vessel Maintenance	\$35,000.00	\$11,667.00	\$46,667.00
Fireboat Replacement	\$875,000.00	\$291,667.00	\$1,166,667.00
Totals:	\$910,000.00	\$303,334.00	\$1,213,334.00

In accordance with BPC Policy 110, these awards are being presented to the Board of Port

Commissioners for award acceptance and to authorize staff to enter into grant award agreements with the DHS/FEMA. Staff recommends the Board accept the FY21 PSGP award.

**General Counsel's Comments:**

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

**Environmental Review:**

The proposed Board action, including without limitation, a resolution accepting grant awards for the Port Security Program, does not constitute a "project" under the definition 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 the proposed Board 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 proposed Board action in no way limits the exercise of this discretion. Therefore, no further CEQA review is required.

The proposed Board action allows for the District to implement its obligations under Sections 35 and 81 of the Port Act, which authorize the Board to do acts necessary and convenient for the exercise of its power; and the use funds for necessary expenses of conducting the District. 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.

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

**Diversity, Equity and Inclusion Program:**

No direct DEI impact.

**PREPARED BY:**

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Program Director, Grants and Government Relations

Attachment(s):

Attachment A: Award Package EMW-2021-PU-00314-S01 HPD