



Legislation Text

File #: 2022-0256, **Version:** 1

DATE: September 13, 2022

SUBJECT:

ORDINANCE AMENDING THE FY 2023 BUDGET INCREASING THE EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS BY \$250,000 TO PREPARE ENGINEERING ANALYSES FOR A POTENTIAL ABANDONMENT BY SLURRY FILLING OF THE FORMER SILVER GATE POWER PLANT COOLING WATER TUNNELS, TO BE FUNDED FROM A RECENT SETTLEMENT PAYMENT PERTAINING TO THE TUNNELS FROM SAN DIEGO GAS AND ELECTRIC COMPANY.

EXECUTIVE SUMMARY:

District staff recommend amending the FY 2023 budget to increase the equipment outlay and other capital projects by \$250,000 to prepare engineering analyses for the potential abandonment by slurry filling of underground tunnels located at 2205 East Belt Street in the City of San Diego. The tunnels were installed in the early 1940s by a San Diego Gas and Electric Company ("SDG&E") predecessor to provide cooling water intake and discharge for the former Silver Gate Power Plant and have been out of operation since the early 1980s. The former intake and discharge tunnels are approximately 700 feet long, each consisting of a pair of 8-foot by 8-foot square reinforced concrete chambers. The intake and discharge tunnels are approximately 20 feet wide and joined segments are approximately 38 feet wide (Attachment A). Approximately 490 feet of the intake tunnel and 450 feet of the discharge tunnel are within Port District jurisdiction. Approximately 250 feet of each tunnel extends to the north beyond the Port District's jurisdiction. These cooling tunnel sections were previously abandoned in place with concrete slurry by SDG&E.

If the Board approves this action District staff will conduct engineering analyses for the tunnels to be abandoned in place and filled with concrete slurry. This would include analysis of partial removal of the top six (6) feet of the two (2) concrete tunnel access structures, then pumping concrete slurry to fill the void in the tunnels (Attachment A). The analysis would also include excavation of the surrounding soil around the two (2) concrete access structures. The analysis would evaluate whether excavation could be limited to an approximate depth of six (6) feet below existing ground within the vicinity of the access structures to aid in their partial removal.

The 2-acre parcel where the tunnels are found is currently used by BAE Systems as a parking lot and material storage yard pursuant to BAE Systems' Tidelands Occupancy and Use Permit with the District. If this item is approved by the Board District staff will coordinate with and request input from BAE Systems.

Funding for the engineering analyses may be linked to a recent \$13M settlement payment by SDG&E to the District that resolved the District's litigation against SDG&E pertaining to the tunnels.

RECOMMENDATION:

Adopt an ordinance increasing the FY 2023 Equipment Outlay and Other Capital Projects Budget in the amount of \$250,000 to prepare engineering analyses for a potential abandonment by slurry filling of the former Silver Gate Power Plant cooling water tunnels, to be funded from a recent settlement payment pertaining to the tunnels from SDG&E.

FISCAL IMPACT:

The FY 2023 Equipment Outlay and Other Capital total program budget will increase by a total of \$250,000 to prepare engineering analyses for a potential abandonment by slurry filling of the former Silver Gate Power Plant cooling water tunnels, to be funded from a recent settlement payment pertaining to the tunnels from SDG&E.

The funds for this item may be linked to a recent \$13M settlement payment by SDG&E to the District that resolved the District's litigation against SDG&E pertaining to the tunnels (Settlement Agreement, District Clerk No. 74333).

COMPASS STRATEGIC GOALS:

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

- A thriving and modern maritime seaport.
- A Port with a healthy and sustainable bay and its environment.
- 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:

District staff recommend amending the FY 2023 budget to increase the equipment outlay and other capital projects by \$250,000 to prepare engineering analyses for the potential abandonment by slurry filling of underground tunnels located at 2205 East Belt Street in the City of San Diego. The tunnels were installed in the early 1940s by an SDG&E predecessor to provide cooling water intake and discharge for the former Silver Gate Power Plant and have been out of operation since the early 1980s. The former intake and discharge tunnels are approximately 700 feet long, each consisting of a pair of 8-foot by 8-foot square reinforced concrete chambers. The intake and discharge tunnels are approximately 20 feet wide and joined segments are approximately 38 feet wide (Attachment A). Approximately 490 feet of the intake tunnel and 450 feet of the discharge tunnel are within Port District jurisdiction. Approximately 250 feet of each tunnel extends to the north beyond the Port District's jurisdiction. These cooling tunnel sections were previously abandoned in place with concrete slurry by SDG&E.

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excavation could be limited to an approximate depth of six (6) feet below existing ground within the vicinity of the access structures to aid in their partial removal.

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General Counsel's Comments:

The Office of the General Counsel reviewed this agenda as presented to it as to form and legality.

Environmental Review:

The proposed Board action, including without limitation, ordinance amending the FY 2023 budget increasing the Equipment Outlay and Other Capital Projects budget by \$250,000 to prepare engineering analyses for the potential abandonment by slurry filling of underground tunnels 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 requiring the District or the Board's discretionary approval resulting in a physical change to the environment would 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 exercise of this discretion is in no way limited by this proposed Board action. Therefore, no further CEQA review is required.

The proposed Board action complies with Sections 21 and 35 of the Port Act, which allow the Board to pass resolutions; and to do all 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.

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 there will not be, 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 would remain subject to its own independent review pursuant to the District's certified CDP Regulations, Port Master Plan (PMP), and Chapters 3 and 8 of the Coastal Act. The exercise of the District's discretion under the District's CDP Regulations is in no way limited by the proposed Board action.

Diversity, Equity, and Inclusion Program:

This agenda sheet has no direct impact on District workforce or contract reporting at this time.

PREPARED BY:

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Attachment(s):

Attachment A: Vicinity Map

Attachment B: TUOP, 2005