

VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS MINUTES OF SEPTEMBER 26, 2018



The Regular Meeting of the Ventura Board of Port Commissioners was called to order by Chairman Everard Ashworth at 7:13PM at the Four Points Sheraton Ballroom, 1050 Schooner Drive, Ventura, CA 93001.

Commissioners Present:

Everard Ashworth, Chairman
Brian Brennan, Vice Chairman
Chris Stephens
Jean Getchell

Commissioners Absent:

Jim Friedman, Secretary

Port District Staff:

Oscar Peña, General Manager
Brian Pendleton, Deputy General Manager
Robin Baer, Property Manager
John Higgins, Harbormaster
Jennifer Talt-Lundin, Marketing Manager
Frank Locklear, Marina Manager
Joe Gonzalez, Facilities Manager
Richard Parsons, Consultant
Jessica Rauch, Clerk of the Board

Legal Counsel:

Roland Trinh

AGENDA

CALL TO ORDER: By Chairman Everard Ashworth at 7:13PM.

PLEDGE OF ALLEGIANCE: By Commissioner Stephens.

ROLL CALL: Commissioners Friedman was absent.

ADOPTION OF AGENDA

ACTON: Commissioner Stephens moved, seconded by Commissioner Getchell and carried by a vote of 4-0 to adopt the September 26, 2018 agenda with the following changes:

- The Board took Standard Agenda Item 2 first.
- Standard Agenda Item 1 – Ventura Shellfish Enterprise Site Selection – recommendation a) had the following revision:

- Prepare and submit a permit application to the U.S. Army Corps of Engineers (USACE) for use of 2,000 acres of sea water bottom in federal waters near Ventura Harbor in Block 664 and 665, the area generally depicted and described as CASS Report Alternative 1 for the Ventura Shellfish Enterprise (VSE) project: and,

APPROVAL OF MINUTES

The Minutes of the September 12, 2018 Regular Meeting were considered as follows:

ACTION: The Minutes of the September 12, 2018 Regular Meeting were continued to the next meeting for approval due to two out of the four Commissioners abstaining due to being absent that date.

PUBLIC COMMUNICATIONS: Rochelle Cooper, owner of Ventura Boat Rentals, introduced herself to the Board again for the Commissioners who were absent last meeting. City Council Liaison Cheryl Heitmann, announced that Alex McIntyre for the City of Menlo Park will be the new City Manager. The approval of his contract will be on the October 8th City Council agenda and he should start in Mid-November. Also, the list of City Council candidates is on the City's website.

CLOSED SESSION REPORT: Mr. Trinh stated that the Board met in closed session; discussed and reviewed all items on the closed session agenda. Staff was given instructions on how to proceed as appropriate and there was no action taken that is reportable under The Brown Act.

BOARD COMMUNICATIONS: None.

STAFF COMMUNICATIONS: None.

LEGAL COUNSEL REPORT: None.

CONSENT AGENDA:

A) Approval of Out of Town Travel Requests

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the out of town travel requests for the following employees:

- A) Harbormaster, John Higgins to attend the California Harbormasters Conference; and
- B) Harbor Patrolman, Ryan Sutherland to attend the Division of Boating and Waterways Boating Accident Investigation training.

ACTION: Commissioner Brennan moved, seconded by Commissioner Getchell and carried by a vote of 4-0 to approve the out of town travel requests for Harbormaster, John Higgins to attend the California Harbormasters Conference and Harbor Patrolman, Ryan Sutherland to attend the Division of Boating and Waterways Boating Accident Investigation training.

B) Approval of New Office Lease Agreement for iPowerUp

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Jerry Bessa dba iPowerUp for the premises located at 1567 Spinnaker Drive #204 consisting of a total of 880 square feet for a two (2) year term.

ACTION: Commissioner Brennan moved, seconded by Commissioner Getchell and carried by a vote of 4-0 to approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Jerry Bessa dba iPowerUp for the premises located at 1567 Spinnaker Drive #204 consisting of a total of 880 square feet for a two (2) year term.

C) Approval of New Restaurant Lease Agreement for Le Petit Café Bakery

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Restaurant Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Jean-Luc and Wendy Guionnet dba Le Petit Café Bakery for the premises located at 1591 Spinnaker Drive #112 consisting of a total of 2,534 square feet (700sf patio) for a four (4) year term with one four (4) year option.

ACTION: Commissioner Brennan moved, seconded by Commissioner Getchell and carried by a vote of 4-0 to approve a new Restaurant Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Jean-Luc and Wendy Guionnet dba Le Petit Café Bakery for the premises located at 1591 Spinnaker Drive #112 consisting of a total of 2,534 square feet (700sf patio) for a four (4) year term with one four (4) year option.

STANDARD AGENDA:

1) Ventura Shellfish Enterprise Site Selection

Recommended Action: Voice Vote.

That the Board of Port Commissioners authorize the General Manager to:

- a) Prepare and submit a permit application to the U.S. Army Corps of Engineers (USACE) for use of 2,000 acres of sea water bottom in federal waters near Ventura Harbor in Block 665, the area generally depicted and described as CASS Report Alternative 1 for the Ventura Shellfish Enterprise (VSE) project; and,
- b) Prepare and submit all other applications to local, state and federal agencies as required for the VSE project including the California Coastal Commission; and,
- c) Prepare all necessary surveys, studies, reports and federal environmental review documents as directed by local, state and federal agencies as required for the VSE project; and,
- d) Return to the Board if there are any material changes to the proposed locations for federal permits for the VSE project resulting from the permitting and/or environmental review processes.

The Board of Port Commissioners received a report from Brian Pendleton, Deputy General Manager of the Ventura Port District, Seth Theuerkauf, NOAA, via recorded presentation, John Davis IV, Dudek, Andrea Dransfield, Dudek, and Dr. Linda Santschi, Coastal Marine Biolabs, on the VSE site selection process.

Commissioner Questions and Answers:

Commissioner Getchell – Notice to Mariners – 15 days does not seem like a lot of time. Is 15 days sufficient time to let people who are unfamiliar with our area know to expect our new facility? John Davis IV, Dudek – 15 days is a standard NOAA condition; does not mean notices can't be sent out earlier.

Commissioner Getchell – Asked staff to consider earlier notice (i.e. more than 15 days' notice).

Commissioner Brennan – With the water warming up and the idea of biotoxins, is there any research on how to deal with or mitigate biotoxins in seafood?

Dr. Linda Santschi, Coastal Marine Biolabs – To my knowledge there is no way to mitigate the increase in occurrence of algal blooms that may be associated with rises in sea temperatures. The problem is that there is currently no historical biotoxin data within our area of interest (or the surrounding area). This is certainly a reason why there is so much interest in the VSE effort on the part of the FDA, NOAA's Seafood Inspection Program, and the Southern California Coastal Water Research Project scientists; we need comprehensive data sets for the seasonal occurrence of algae blooms that will allow us to begin looking at historical trends to see if the data shows that the occurrences are increasing in our area (and to what extent). The data that we will generate in connection with this project will be extremely valuable data that will help to fill gaps in our knowledge with respect to algal blooms.

Public Comment:

Kip Whited, local fisherman and resident for 34 years, commented that he is doubtful that there won't be a problem for mammals or humans. He is curious how well these lines will be anchored down because being a fisherman out there he anchors a lot of stuff to the bottom and there are many different types of mud; some sandy, some thick and powdery and some just plain silt. Also, there are two large rivers that are dry right now, but when they flood it comes down to the beach and that plume comes right into your mussel farm location; can you clean bivalves once they've eaten bad toxins?

Dr. Linda Santschi, Coastal Marine Biolabs - There is a process called depuration or purification, which is most commonly associated with the elimination of bacterial contaminants, but can also be used in the context of harmful algal blooms to clear biotoxins under controlled conditions. You can have an onshore facility where you house the mussels that are harvested in purified seawater until the biotoxins are purged; it doesn't speed up the natural process of eliminating the biotoxins, which mussels actually do very efficiently relative to other filter feeding shellfish, but importantly, it doesn't slow down the harvest either. With the availability of such a facility, the mussels can be harvested during the occurrence of red tides and housed in the depuration facility. Once the testing shows the levels have gone down to an acceptable level, you can move on and bring the product to market efficiently. The availability of such a facility is something that we should give serious consideration.

Mr. Whited continued by stating that when the rivers flood a bunch of debris, oils, rubber, fertilizer, and foliage will wash into the project area, as well as, red tide being prevalent in this area. This is something that should be considered.

Terry Wilmarth, local commercial fisherman, stated this is going to impact him and many other local commercial fishermen. He sees block number 665 on many of his fish tickets. Concerning the management of these farms, he heard there are certain things to be done once a month; who will check on this? Also, Madeline Young did her Master's thesis on "Marine Animal Entanglements in Mussel Aquaculture Gear." The entanglements in the report were low, but the farms were in protected waters; this project is right in the migration pathway and he finds it hard to believe they will not get caught in the lines. The report also stated that a whale can get caught by its mouth; and when this happens, what are we putting in place to save this whale? These lines are going to be 150 feet apart

and whales travel in groups that are more than 150 feet wide; one is going to get caught and this needs to be addressed. He finds it hard to believe that the Federal Government is going to allow this.

Mike McCorkle, President of the Southern California Trawlers Association, announced that a Senate Bill has been introduced by Senator Roger Wicker from Mississippi that establishes a regulatory system for marine aquaculture in the United States exclusive economic zone, and for other purposes. The Act may be cited as the "Advancing the Quality and Understanding of American Aquaculture Act" or "AQUAA Act." If this Bill passes, will it be nationwide and affect this project? He also gave staff other coordinates in state waters that himself and other fisherman are ok with. He has been reading the permitting language and is wondering why the site cannot be pushed out another 1,000 feet.

Cheryl Heitmann introduced the new City Economic Development Manager Estelle Bussa who has been following this project closely. This project has been presented to the City's Economic Development Committee, which is a subcommittee of the City Council and they are very interested in seeing this pursued. The City is adding this project to its Economic Development Strategy, as a potential new business opportunity in the City, which the Council looks forward to looking at in the next couple of months. She concluded that it was a very educational presentation.

Comments from the Commissioners:

Commissioner Ashworth stated that staff has been engaging with stakeholders for the past three years. This is a commercial fishing program and we want to work with the Commercial fishermen and build partnerships.

Commissioner Brennan thanked Mike McCorkle for this suggestions and asked staff could the project area be pushed out another 1,000 feet and if so how would it affect alternative 1 we are going to approve tonight?

John Davis IV, Dudek – That is a lot of information and data that was collected to get to this location. It's hard to say exactly. It's in deeper waters beyond the criteria set by the VSE to locate the farms.

Brian Pendleton – One of the things you saw in Seth's presentation was the identification of an area of interest or AOI. There were a series of conditions in terms of criteria for the project that are based on this type of project, technology and how these types of farms operate. Recall that was everything from sandy sea bottoms versus hard bottoms, protected coral areas or special areas. But one of the key considerations for the project is water depth and so the area of interest that was identified by NOAA based on mussel aquaculture technology was to keep this area of interest within 80 feet minimum and 120 feet maximum. I know the area of interest was identified based on the perimeters of those water depths. So what would 1,000 feet do? 1,000 feet would push you out of that area of interest, which my assumption would be we are now in deeper waters then what the perimeters were that were provided to NOAA based on the project conditions.

Commissioner Brennan was thinking the same thing; we're talking one fifth of a mile. Could it change, maybe it does maybe it doesn't, I don't know, but wanted to see if part of the motion could look at that as a possibility and if it pushes us out of the area of interest maybe compromise to a certain degree; we're not talking 1,000 feet, maybe we're talking 500 or 300 feet, I think every little extra bit might help; should consider looking at this.

Commissioner Getchell asked about a speaker's comment on the migration of whales and the fact they migrate in pods and the 150 foot buffer between lines. She asked if the width between lines could be increased with the parcel having the same amount of farm.

Andrea Dransfield, Dudek – This is definitely something worth looking at. With this project, the most likely whale that would be migrating through the area is the Grey Whale. The whole area of the Channel serves as a migration pathway, especially for their northward migration when they're closer

to shore. During their southward migration, they are often on the outer side or close to the islands. In consultation with NOAA, this was discussed. There wasn't a huge concern with the Grey Whale, due to it being a coastal species and accustomed to coming into contact with objects or structures in the water.

Commissioner Ashworth stated this is the beginning of a process whereby we are submitting applications for the first time. These are all issues that are critical for each agency to consider; were looking for a design that's optimized relative to the potential interaction with migratory species, crustaceans, etc. My recommendation is to work with the agencies responsible for the protection of these species and allow that interaction to happen as it's intended to and not look at things that may or may not be considered as important for framing they're decision. This is an important issue and that is why we have an essential fish habitat study. This is to tee up the issue for those agencies who are responsible for that activity. And with Commissioner Brennan's suggestion, I think we are always working with the Fishermen to try to work this out and I think we are committed to doing that. We need to have an application to submit to begin a dialog. What I would caution against is to try to do too many things on the front end in advance of discussing with the agencies who have a responsibility for examining these issues. And it's their permit which we require and if we do things in a way which allow us to forestall that interaction, we're going to find ourselves in a situation where we might not be able to move forward. We committed to NOAA to submit an application following our analysis, fully engage with NOAA and others; if we pull back from that they're going to wonder whether we are worthy of receiving additional funding.

John Davis IV, Dudek commented that once the applications are submitted it doesn't keep the public from being involved. There are plenty of other opportunities for the public and commercial fishermen to still be part of the process. This is just the beginning.

Commissioner Stephens commented that we are not at the end of this process with the action potentially being taken tonight. We are not at the beginning; there has been a lot of work and analysis done and a lot of engagement over the last couple of years. But don't think for a minute we are at the end. My experience with these types of permit applications is we're a long way from the end. There's a lot more analysis, a lot more work to be done; there will be permit conditions; there's just a whole host of things that you have probably read about in these studies. We will continue to listen to all the parties and make sure that when we get to the end, when it's time to make that final decision that we have done all that we can to make this project possible. There will be plenty of opportunities for continued dialog; we hope there is continued dialog and still a lot of work ahead of us.

ACTION: Commissioner Brennan moved, seconded by Commissioner Getchell and carried by a vote of 4-0 to authorize the General Manager to prepare and submit a permit application to the U.S. Army Corps of Engineers (USACE) for use of 2,000 acres of sea water bottom in federal waters near Ventura Harbor in Block 665, the area generally depicted and described as CASS Report Alternative 1 for the Ventura Shellfish Enterprise (VSE) project; prepare and submit all other applications to local, state and federal agencies as required for the VSE project including the California Coastal Commission; prepare all necessary surveys, studies, reports and federal environmental review documents as directed by local, state and federal agencies as required for the VSE project; and, return to the Board if there are any material changes to the proposed locations for federal permits for the VSE project resulting from the permitting and/or environmental review processes.

2) Award of Bid to Bellingham Marine Industries, Inc. for the Ventura Harbor Village Commercial Dock Replacement Project

Recommended Action: Voice Vote.

That the Board of Port Commissioners award the Ventura Harbor Village Commercial Dock Replacement Project to Bellingham Marine Industries, Inc. in the amount of \$4,317,967.

ACTION: Commissioner Getchell moved, seconded by Commissioner Brennan and carried by a vote of 4-0 to award the Ventura Harbor Village Commercial Dock Replacement Project to Bellingham Marine Industries, Inc. in the amount of \$4,317,967.

AGENDA PLANNING GUIDE AND REQUEST FOR FUTURE AGENDA ITEMS: None.

ADJOURNMENT: The meeting was adjourned at 9:19PM.

Secretary



