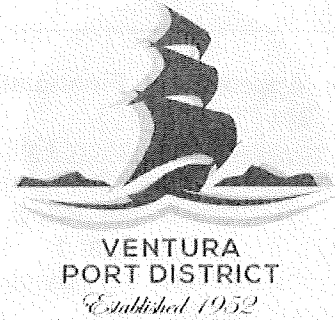


VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS MINUTES OF SEPTEMBER 12, 2018



The Regular Meeting of the Ventura Board of Port Commissioners was called to order by Chairman Everard Ashworth at 7:10PM at the Four Points Sheraton Ballroom, 1050 Schooner Drive, Ventura, CA 93001.

Commissioners Present:

Everard Ashworth, Chairman
Brian Brennan, Vice Chairman
Jim Friedman, Secretary

Commissioners Absent:

Chris Stephens
Jean Getchell

Port District Staff:

Oscar Peña, General Manager
Brian Pendleton, Deputy General Manager
Robin Baer, Property Manager
John Higgins, Harbormaster
Gloria Adkins, Accounting Manager
Frank Locklear, Marina Manager
Dave Werneburg, Courtesy Patrol
Jessica Rauch, Clerk of the Board

Legal Counsel:

Timothy Gosney

AGENDA

CALL TO ORDER: By Chairman Everard Ashworth at 7:10PM.

PLEDGE OF ALLEGIANCE: By Commissioner Friedman.

ROLL CALL: Commissioners Stephens and Getchell were absent.

ADOPTION OF AGENDA

ACTION: Commissioner Brennan moved, seconded by Commissioner Friedman and carried by a vote of 3-0 to adopt the September 12, 2018 agenda, with the clarification that Standard Item 1 title and recommendation are revised as follows:

**1) Approval of Financial Statements and Checks for ~~October~~ January through December
2017~~March~~ 2018**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopts Resolution No. 3360 to:

- a) Accept the following financial statements for the Quarter ended ~~December~~ March 31, 2017~~2018~~; and
- b) Review the payroll and regular checks for ~~October~~ January through December 2017~~March~~ 2018.

APPROVAL OF MINUTES

The Minutes of July 25, 2018 Regular Meeting and August 22, 2018 Special Meeting were considered as follows:

ACTION: Commissioner Brennan moved, seconded by Commissioner Friedman and carried by a vote of 3-0 to approve the minutes of the July 25, 2018 Regular Meeting and August 22, 2018 Special Meeting.

PUBLIC COMMUNICATIONS: Rochelle Cooper, owner of Ventura Boat Rentals, introduced herself to the Board.

CLOSED SESSION REPORT: Mr. Gosney stated that the Board met in closed session; discussed and reviewed Items 1a and 1b, all other items were not discussed. 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: Mr. Gosney reported that the updated Title Reports for Parcels 5 and 8 have been sent to H. Parker Hospitality.

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 request for Electrician, John Collins.

ACTION: Commissioner Brennan moved, seconded by Commissioner Friedman and carried by a vote of 3-0 to approve the out of town travel request for Electrician, John Collins.

B) Approval of New Restaurant Lease Agreement for Baja Bay Surf Taco

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 Baja Bay Surf Taco for the premises located at 1567 Spinnaker Drive #104 consisting of a total of 773 square feet (623 patio) for a two (2) year term.

ACTION: Commissioner Brennan moved, seconded by Commissioner Friedman and carried by a vote of 3-0 to approve a new Restaurant Lease Agreement between the

Ventura Port District dba Ventura Harbor Village and Baja Bay Surf Taco for the premises located at 1567 Spinnaker Drive #104 consisting of a total of 773 square feet (623 patio) for a two (2) year term.

C) Approval of New Retail Lease Agreement for Barefoot Boutique

Recommended Action: Voice Vote.

That the Board of Port Commissioners:

- a) Approve the termination of a lease agreement, dated November 16, 2015, for the premises located at 1575 Spinnaker Drive #106 A&B, consisting of 1,545 square feet (65 square feet storage); and
- b) Approve a new retail lease agreement for the premises located at 1575 Spinnaker Drive #106 A&B, consisting of 1,545 square feet (236 square foot storage room) between the Ventura Port District dba Ventura Harbor Village and Elizabeth Marino dba Barefoot Boutique, LLC for a five-year term with one four-year option.

ACTION: Commissioner Brennan moved, seconded by Commissioner Friedman and carried by a vote of 3-0 to approve the termination of a lease agreement, dated November 16, 2015, for the premises located at 1575 Spinnaker Drive #106 A&B, consisting of 1,545 square feet (65 square feet storage); and approve a new retail lease agreement for the premises located at 1575 Spinnaker Drive #106 A&B, consisting of 1,545 square feet (236 square foot storage room) between the Ventura Port District dba Ventura Harbor Village and Elizabeth Marino dba Barefoot Boutique, LLC for a five-year term with one four-year option.

D) Approval of New Office Lease for Julianne Martin, Psy.D. and Gregory Gray, M.D.

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 Julianne Martin, Psy.D. and Gregory Gray, M.D. for the premises located at 1575 Spinnaker Drive #207 and #208 consisting of a total of 840 square feet for a one (1) year term with a one (1) year option.

ACTION: Commissioner Brennan moved, seconded by Commissioner Friedman and carried by a vote of 3-0 to approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Julianne Martin, Psy.D. and Gregory Gray, M.D. for the premises located at 1575 Spinnaker Drive #207 and #208 consisting of a total of 840 square feet for a one (1) year term with a one (1) year option.

STANDARD AGENDA:

1) Approval of Financial Statements and Checks for January through March 2018

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopts Resolution No. 3360 to:

- a) Accept the following financial statements for the Quarter ended March 31, 2018; and
- b) Review the payroll and regular checks for January through March 2018.

ACTION: Commissioner Friedman moved, seconded by Commissioner Brennan and carried by a vote of 3-0 to adopt Resolution No. 3360, accepting the financial statements for the Quarter ending March 31, 2018; and reviewing the payroll and regular checks for January through March 2018.

2) Approval of Professional Services Agreement with White Nelson Diehl Evans

Recommended Action: Voice Vote.

That the Board of Port Commissioners:

- a) Approve the three year Professional Services Agreement with White Nelson Diehl Evans LLP to perform the District's financial audit of the fiscal years ending June 30, 2018, June 30, 2019 and June 30, 2020; and
- b) Appoint an Audit Liaison to work with staff and White Nelson Diehl Evans LLP throughout the audit process.

ACTION: Commissioner Friedman moved, seconded by Commissioner Brennan and carried by a vote of 3-0 to approve a three year Professional Services Agreement with White Nelson Diehl Evans LLP to perform the District's financial audit of the fiscal years ending June 30, 2018, June 30, 2019 and June 30, 2020; and appoint Commissioner Stephens as Audit Liaison to work with staff and White Nelson Diehl Evans LLP throughout the audit process.

3) Approval of New Conflict of Interest and Disclosure Code

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3361 to approve the new Conflict of Interest Code Policy and rescind Resolution No. 3317.

ACTION: Commissioner Brennan moved, seconded by Commissioner Friedman and carried by a vote of 3-0 to adopt Resolution No. 3361 to approve the new Conflict of Interest Code Policy and rescind Resolution No. 3317.

4) Ventura Shellfish Enterprise Site Selection

Recommended Action: Information.

That the Board of Port Commissioners receive an informational report on the VSE site selection process with the anticipation of a final site recommendation with related permit applications, studies and reports on September 26, 2018.

ACTION: The Board of Port Commissioners received an information report from Brian Pendleton, Deputy General Manager of the Ventura Port District, Seth Theuerkauf, NOAA, Laurie Monarres, Dudek, John Davis IV, Dudek and Diane Windham, NOAA on the VSE site selection process.

Public Comment:

Terry Wilmarth, local commercial fisherman, stated that this siting area is going to impact many different fisheries (gillnets, crab, etc), not just trawlers. This is going to impact me; will I get reimbursed for what I lose? What about the public and their fish? There is a lot of area out there inside three miles that unused. This is going to impact a lot of people and they're going to hurt.

Kim Selkoe, Ph.D., Executive Director of Commercial Fisherman of Santa Barbara, stated the organization has two issues: 1) They want to make sure this enterprise does not end up being turned over to a single lease holder who could be a large corporate entity that could push out other buyers or independent fisherman; until they see this, they cannot fully support this project. 2) The siting area is also a problem. The data available is only a starting point; four years is not enough. Why not go out ten or twelve miles to reduce fishing impacts. Should not give up on near shore and trap fisheries because they can really provide growth and expansion over the next decade.

Justin Kemsly, a fisherman since 1981 is concerned about how the farm will stand up to the weather, whales getting caught in the farm lines, and people getting hurt.

Chris Williams, 35 year Commercial Fisherman, would like to see the site moved because this is the last 10% of the area to fish because there is a three mile closure, federal closures and a national park. Independent Fisherman will never be able to go back to this area due to the permanent structures. Also, no one has mentioned sea bass fisheries, which are quite prolific in the summer and right in the middle of this area. This is going to push people out.

Stephanie Caldwell, Executive Director of the Chamber of Commerce, stated on a comment card the following: Oh behalf of the Chamber's nearing 750 member companies representing 25,000 employees, the Board of Directors is fully supportive of this project. Based on the economic impacts alone, this project would be a welcome addition. However, the project also meets a higher need. Not only providing a sustainable source of protein, but doing so while supporting and maximizing efficiencies of existing infrastructure and supply chain. Additionally, the project satisfies the need for diversity of catch at the harbor, increasing the long-term prosperity and eliminating some of the uncertainties that come with other types of product fished in the harbor. One additional benefit of visibility that Ventura would receive through the branding of Ventura mussels would be consistent with our City long-term goals. This will be a game changer for Ventura. I urge you to move this forward as expediently as possible and commend your bold leadership in exploring this as an option.

Shaina Bhojwami, stated on a comment card the following: you suggested the Northern region of the selected area for site selection. How do you propose to deal with area overlap with trawlers and prevention of fish in the surrounding area (trawling area) to seek refuge in the mussel site?

Mike McCorkle, President of the Southern California Trawlers Association, asked if the lease is not being used, can independent fisherman fish there. Also, will there be marker buoys to barricade the leases and who will police the area? There are a lot more fisheries in this area then being discussed.

Dania Williams, wife of Fisherman Chris Williams and Secretary of the Ventura County Commercial Fisherman's Association, stated that her husband has fished these waters for over 35 years. 100% of her family's income depends on their commercial fishing business, as well as, two deckhands, their families and industry operators, like the boatyards and fuel docks. On our fish tickets I always see block no. 665. My husband is the top producer in this area and many of his landing receipts are from that block area. Another item not covered today is our White Sea bass fishery, which is huge to our income, as well as, halibut and swordfish. However, the project is of interest as it could potentially be another type of fishing we could do.

Board Questions and Answers:

Commissioner Brennan – Did you have access to any of the fish tickets or blocks to put any of that information in the graphs or was it all done blindly?

Seth Theuerkauf, NOAA – We worked with the California Department of Fish and Wildlife to obtain the best available spatial data to represent commercial fisheries. The data represented in the graphs was the best data that was made available to use to use. This was a very comprehensive multi-month data acquisition process that we underwent, but there is certainly an opportunity, if there is better available data, to enter that into the analysis.

Commissioner Brennan – Is four years of data in the scientific community considered just barely getting our toes in the water?

Seth Theuerkauf, NOAA – A five year period was utilized to reflect the most recent period in terms of these fisheries. Some of these efforts are a single year fisheries data. In this case, we wanted to utilize at least a five year period to represent water trends.

Commissioner Brennan – Was runoff and debris from coastal rivers factored into this analysis?

Seth Theuerkauf, NOAA – Those impacts may be better represented in the data itself in terms of where trawl track lines and squid landing sites are. Others in the room may be more knowledgeable in terms of some of this specifically.

Commissioner Brennan – I would encourage anybody in the audience that has this information to present to staff to incorporate into the analysis.

Commissioner Brennan – Any comments on what you heard about Sea Bass nurseries and fisheries?

John Davis IV, Dudek – We are still preparing the essential fish habitat assessment and we recognize that White Sea bass is definitely an important species that has come from being rare to being more common. Commercial and sports fisherman target this species in June and July, which tend to be the peak months. When we wrap it up, we will have more data included. At this point, we did not include it due to the trawl and squid landings data, which was big.

Commissioner Brennan – How do you see the mussel farms in regard to aquaculture and its effects on water quality?

Diane Windham, NOAA – Shellfish need clean water and they do have a filtering effect. We see that from shellfish growing in our estuaries in Tomalas Bay, where it used to be completely devoid of sea grass and eel grass and now the eel grass is growing right up to the edges of the shellfish beds. There is a lot of research being done that speaks to the ecosystem services that shellfish production can provide in the open ocean environment where you have a lot more dilution and movement of the water. On the water quality concern side, it is lessened by being in an offshore environment where you have active wave energy and currents. You also don't have much in the way of natural deposition from shellfish; they're filter feeders so they're not fed anything, so you're not going to have that deposition.

Also worth mentioning, is the National Shellfish Sanitation Program (NSSP) compliance. In State waters, shellfish growers work with the California Department of Public Health to ensure that their shellfish meet the national shellfish sanitation program requirements. NSSP is implemented by the FDA and the FDA and NOAA's Seafood Inspection Program have been working together to make available a pathway for compliance in federal waters that hadn't previously existed because there has been national fish growers in federal waters, both on the east and west coast. There have been a couple of growers in federal waters who needed to be able to comply with the NSSP requirements. There is a compliance pathway for federal waters and both the FDA and NOAA Seafood Inspection are working closely with Coastal Marine Biolabs to be able to utilize that compliance pathway for the VSE project if it's permitted. They also have interest in getting their lab certified by the FDA to be able to conduct some of the biotoxins testing themselves. The water quality is part of the testing that's required and water body classification; that goes into the baseline information, which is very important to have. Appropriate monitoring requirements would be part of the permit; it's very important that the monitoring requirements actually be number one; that they are actually measuring things that are meaningful so you do understand the positive effects there and also feasible monitoring can actually be conducted without costing a lot and putting someone out of business. We the regulatory agencies also need to be thinking about that in terms of what we require in a permit to ensure that its

meaningful, what to do with the data, understand it and apply it to management decisions, as well as, making that data accessible to others.

Commissioner Brennan – I know we're all worried and hesitant about losing something and maybe not gaining anything, but I think that this would be a prime example of embracing a new technology and science. I encourage anyone in the audience who has more information to give it to staff to put through the filters, so we can make the right decisions.

Commissioner Friedman – Would like to know your opinion on whale entanglement.

Diane Windham, NOAA – The entanglement issue related to aquaculture gear is something NOAA has been paying close attention to for a number of years. We actually held a protected species aquaculture gear interactions workshop three years ago in Massachusetts in response to the entanglement concerns on the east coast. In preparation for that workshop, literature related to aquaculture gear and protected species interactions was globally reviewed and in a 33 year period five notices of interactions were filed; three of which were fatal and the other two were resolved. My point is that the gear is different. It is really appreciated hearing comments from the public because that is how we solve problems together. Some of the comments you made about the thickness of the ropes and the ability to entangle is much lessened and that is true. The use of breakaways is something they have used on the east coast to help prevent this. What they are finding, however, is that where there are instances of entanglement is with the spat lines. This project is not using spat lines, seated lines will be brought in. I have acquired funding, which will be used for a west coast/Southern California workshop on protected species interactions with aquaculture gear specifically to get at these issues because a big part of it is education; to help people understand the differences in gear types, but also we want to be able to recognize and address if there are gear types that some species of mammals are more vulnerable to. There are several tools in development that will be able to help us like robotic models and 3D models that simulate how different species move in the water. Also, it comes down to the monitoring requirements where there's an absence of data.

Commissioner Friedman – Would like your opinion on marker buoys and if people will hit them?

Diane Windham, NOAA – I am not aware of any incidents of vessels hitting buoys. The Coast Guard does have requirements for lighting buoys. Perhaps this may be a Coast Guard or Army Corps question.

Commissioner Ashworth – Can you explain the way in which the aid to navigation will be required and permitted through the Coast Guard?

Laurie Monarres, Dudek – One of the permits that we will require in the future once we have the final site determined is a private aid to navigation permit and that comes through the Coast Guard. There are set requirements to obtain a permit when you are putting these types of buoys out there and they have their own conditions through the Coast Guard on how they need to be marked, identified and lit. There is actually a best management practice that we're incorporating for navigation.

Commissioner Brennan – I want to recognize the technologies coming into this. There is certainly a lot out there that could be a real asset and help in both monitoring and species entanglement incidents. Technology is bringing back an industry that was very conducive to our coast lines and we can do it in partnership.

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

ADJOURNMENT: The meeting was adjourned at 9:32PM.


Secretary