



BOARD OF PORT COMMISSIONERS

SEPTEMBER 28, 2016

CONSENT AGENDA ITEM C
ACCEPTANCE OF \$169,660
SHELLFISH GRANT

VENTURA PORT DISTRICT
BOARD COMMUNICATION

CONSENT AGENDA ITEM C
Meeting Date: September 28, 2016

TO: Board of Port Commissioners
FROM: Brian Pendleton, Business Operations Manager
SUBJECT: Acceptance of \$169,660 Shellfish Grant

RECOMMENDATION:

That the Board of Port Commissioners authorize the General Manager to sign the *Cost Reimbursement Research Subaward Agreement* for \$169,660, which reflects the terms and conditions of the grant agreement for Year 2.

SUMMARY:

The grant is for a two year period on a one-plus-one yearly basis and is contingent upon funding availability. Year 1 grant period is from September 1, 2015 to August 31, 2016. Year 2 grant period is from September 1, 2016 to August 31, 2017. The total two-year grant amount is approximately \$300,000 (\$265,000 to the District). Funding for both years has now been made available. The objective of the grant is to provide:

- A technically sound and thorough strategy to successfully obtain all required government entitlements necessary to establish twenty 100-acre aquaculture leases in the state waters of the Santa Barbara Channel.
- Successfully permitted applications for the leases, associated environmental review documents, and completed baseline sampling protocol and data necessary for a California Department of Public Health (CDPH) Shellfish Growing Area Certificate; and,
- A comprehensive outreach strategy aimed at soliciting the support and participation of various stakeholders by educating prospective commercial fishermen, investors/entrepreneurs, shellfish processors, and consumers about the benefits of locally sourced and sustainably raised mussels.

BACKGROUND:

Increasing the supply of safe, sustainably produced domestic seafood is a priority for NOAA and the Department of Commerce. The Ventura Shellfish Enterprise (VSE) is a multi-stakeholder initiative that seeks to permit and manage a commercial shellfish culture is technically proven as a method for the production of high value seafood with limited environmental impacts. However, the permitting process in California for such production is uncertain and not adequately developed to attract participation. VSE seeks to address several regulatory and planning challenges that create impediments to the expansion of a domestic marine shellfish culture industry in California.

Year 1 Task 1 - Strategic Permitting Analysis is underway but not complete. Task 2 – Environmental Reports and Permitting follows Task 1. Task 3 Education and Outreach includes website development, social media initiatives and educational workshops. The VSE website has been established and planning begins this fall for public workshops. Year two grant funding has been made available to the District in the amount of \$169,660.

Since Year 1 – Strategic Permitting Analysis is underway but not yet complete. The California Sea Grant as grant awardee (the District is sub-awardee) has agreed to request a routine extension allowing for a total of three years to complete Tasks 1-3. It is anticipated the extension will be granted by November 2016 which would provide the District through August 31, 2018 to complete Tasks 1-3.

FISCAL IMPACT:

The grant requires a cost-share in the amount of \$192,610 for Year 1 and \$162,610 for Year 2 for a total of \$355,220. The cost-share is achieved through in-kind contributions of time as identified in the attached budget. Additional staff time and District legal counsel costs not reimbursable by the grant are necessary for grant and professional service agreement management.

VPD will directly pay approximately \$18,200 in unreimbursable consultant costs, plus \$8,500 in unreimbursable outside legal counsel expenses to explore alternative aquaculture leasing structures more fully discussed under separate report "Approval of Professional Services Agreement for Special Legal Services". If it is determined during the grant period there are additional budgetary impacts, staff will return to the Board.

ATTACHMENT:

Attachment 1 - CA Sea Grant College Program 90-4 Budget

ATTACHMENT 1

**Research Subaward Agreement
Subaward Amendment-**

Pass-through Entity (PTE)		Subrecipient	
PTE Name The Regents of the University of California on behalf of the San Diego Campus		Subrecipient Name Ventura Port District	
PTE Principal Investigator (PI): James Eckman		Subrecipient Principal Investigator (PI): Richard Parsons	
PTE Federal Award No: NA14OAR4170075	FAIN: Not applicable	Federal Awarding Agency: NOAA	
Project Title: VENTURA SHELLFISH ENTERPRISE: STRATEGIC PERMITTING INITIATIVE TO SUBSTANTIALLY INCREASE SHELLFISH FARMING IN SOUTHERN CALIFORNIA			
Amount Funded This Action: \$169,660.00	Amendment No: 001	Subaward No: 65623541	PO #: S9001165
Total Amount of Federal Funds Obligated to date (including this action): \$264,470.00	Subject to FFATA: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Subaward Project Period: 9/1/2015 – 8/31/2017	
Amendment(s) to Original Terms and Conditions			
This Amendment revises the above-referenced Research Subaward Agreement as follows:			
Action: This Subaward is hereby revised to include any and all applicable changes required by the implementation of 2 C.F.R. § 200 UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS.			
<input checked="" type="checkbox"/> NEW SUBAWARD PERIOD OF PERFORMANCE. The Subrecipient’s period of performance for this Agreement (the period funded or obligated thus far) is extended to 8/31/2017 . The current budget period is 9/1/2016 to 8/31/2017.			
Note: Increased funding of \$169,660.00 is for Project R/AQ-137B / PI: Richard Parsons (SEAVEN2/93963D)			
INTERNAL ACCOUNTING Req: 78126781 Fund: SEAVEN2 Index: 93963D			
Subrecipient Institutions who rely on their Financial Conflict of Interest policy shall report any financial conflict of interest to info-coi@ucsd.edu . Any financial conflicts of interest identified shall subsequently be reported to the Federal Prime Sponsor (PHS or NSF). Such report shall be made before expenditure of funds authorized in this Subrecipient Agreement and within 45 days of any subsequently identified financial conflict of interest.			
All other terms and conditions of this Subaward Agreement remain in full force and effect.			
By an Authorized Official of Pass-Through Entity:		By an Authorized Official of Subrecipient:	
_____		_____	
Name: Katherine Philbin	Date	Name:	Date
Title: Senior Contract Officer		Title:	

Attachments:

Budget

Notice of Award

ATTACHMENT 1

Audit Status (check all that apply)

Does the subrecipient receive an annual audit in accordance with OMB Circular A-133 (or Uniform Guidance 2 C.F.R. § 200.500)?

Yes

Were any audit findings reported?

Yes
*If "Yes," please explain in **Comments** section.*

No

Please attach a complete copy of your most recent A133 audit report (PDF or other electronic file) or provide the URL link to a complete copy:

Note: *A complete copy of Subrecipient's most recent audit report, or the Internet URL link to a complete copy, must be furnished to UCSD Sponsored Projects before a subaward can be issued.*

No

Please complete and return the [Subrecipient Mini-Audit Questionnaire](#).

Subrecipient is a:

- Non-profit entity (under federal funding threshold)
- Foreign entity
- For profit entity
- Government entity

Note: *If this box is checked, the mini audit and supporting documents must be received prior to execution of the subaward modification.*

Comments:

The information, certifications, and representations above have been read, signed, and made by an authorized institutional representative of the Subrecipient named herein. The appropriate programmatic and administrative personnel involved in this application are aware of agency policies in regard to subawards and are prepared to establish the necessary inter-institutional agreements consistent with those policies. Any work begun and/or expenses incurred prior to execution of a subaward agreement are at the Subrecipient's own risk.

Signature of Subrecipient's Authorized Institutional Representative

Name and title of Authorized Institutional Representative

Date

Email Address

ATTACHMENT 1

California Sea Grant College Program

90-4 Budget

OMB Control NO. 0648-0362
Expiration Date 9/30/2004

INSTITUTION			GRANT/PROJECT NO.	
Ventura Port District				
PROJECT TITLE				
Ventura Shellfish Enterprise: Strategic Permitting Initiative to Significantly Increase Shellfish Farming in Southern California				
PRINCIPAL INVESTIGATOR			YR 2 BEGIN:	END:
Lindell, Ashworth, Bush, Parsons, Santschi, Imondi			Sep-16	Aug-17
A. SALARIES AND WAGES			MAN-MONTHS	
1. SENIOR PERSONNEL	No. of People	Amt. Of Effort	Sea Grant Funds	Cost-Share
a. (Co) Principal Investigator	1	0.75	7,440	
b. Associates (Faculty or staff				
Sub Total			7,440	-
2. OTHER PERSONNEL				
a. Co - PI	-	-	-	-
a. Co - PI Everard Ashworth		1.60		59,250
a. Co - PI Doug Bush	-	1.60	-	43,200
a. Co - PI Richard Parsons	-	1.60	-	34,560
a. Co - PI Linda Santschi	-	2.00	-	12,800
a. Co - PI Ralph Imondi	-	2.00	-	12,800
g. Technical-shop	-	-	-	-
h. Other	-	-	-	-
Total Salaries and Wages			7,440	162,610
B. FRINGE BENEFITS			2,520	-
Total Personnel (A and B)			9,960	162,610
C. PERMANENT EQUIPMENT			-	-
D. EXPENDABLE SUPPLIES AND EQUIPMENT			-	-
E. TRAVEL				
1. Domestic - U.S. and its Possessions (Inc. Puerto Rico)			2,500	-
2. International				-
Total Travel			2,500	-
F. PUBLICATIONS AND DOCUMENTATION COSTS			-	-
G. OTHER COSTS				
1. Outside Consultant: Task 1 – Strategic Permitting Analysis			137,200	-
2. Outside Legal Counsel: Task 1- Strategic Permitting Analysis			20,000	
			-	-
			-	-
			-	-
			-	-
			-	-
			-	-
			-	-
			-	-
			-	-
Total Other Costs			157,200	-
TOTAL DIRECT COSTS			(A through G) 169,660	162,610
INDIRECT COSTS				
On Campus (Cost-share IDC Base:)	0%	0		-
Off Campus: (Cost-share IDC Base:)	0%	0		-
Total Indirect Cost			-	-
TOTAL COSTS			169,660	162,610

ATTACHMENT 1

FORM CD-451 (REV 10-98) LF DAO 203-26 U. S. DEPARTMENT OF COMMERCE <p align="center">AMENDMENT TO FINANCIAL ASSISTANCE AWARD</p>		<input type="checkbox"/> GRANT <input checked="" type="checkbox"/> COOPERATIVE AGREEMENT ACCOUNTING CODE AWARD NUMBER NA14OAR4170075		
RECIPIENT NAME The Regents of the University of California, San Diego		AMENDMENT NUMBER 9		
STREET ADDRESS 9500 Gilman Drive Scripps Institution of Oceanography, UC San Diego		EFFECTIVE DATE 09/01/2015		
CITY, STATE, ZIP CODE La Jolla CA 92093-0210		EXTEND WORK COMPLETION TO N/A		
CFDA NO. AND PROJECT TITLE 11.417 Ventura Shellfish Enterprise				
COSTS ARE REVISED AS FOLLOWS	PREVIOUS ESTIMATED COST	ADD	DEDUCT	TOTAL ESTIMATED COST
FEDERAL SHARE OF COST	\$8,552,888.00	\$109,778.00	\$0.00	\$8,662,666.00
RECIPIENT SHARE OF COST	\$4,219,020.00	\$192,610.00	\$0.00	\$4,411,630.00
TOTAL ESTIMATED COST	\$12,771,908.00	\$302,388.00	\$0.00	\$13,074,296.00
REASON(S) FOR AMENDMENT To provide additional funding for the project entitled "Ventura Shellfish Enterprise" per the recipient's application dated 4/24/2015, which are incorporated by reference.				
This Amendment approved by the Grants Officer is issued in triplicate and constitute an obligation of Federal funding. By signing the three documents, the Recipient agrees to comply with the Amendment provisions checked below and attached, as well as previous provisions incorporated into the Award. Upon acceptance by the Recipient, two signed Amendment documents shall be returned to the Grants Officer and the third document shall be retained by the Recipient. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally terminate this Amendment.				
<input checked="" type="checkbox"/> Special Award Conditions (Attachment B)				
<input type="checkbox"/> Line Item Budget (Attachment A)				
<input checked="" type="checkbox"/> Other(s) This award is being made under competitive Federal Funding Opportunity Number NOAA-OAR-SG-2015-2004399 posted at Grants.gov on 02/24/2015.				
SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER Nadia Musa		TITLE Grants Officer		DATE 07/13/2015
TYPE NAME AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL William Park		TITLE Senior Contract and Grant Officer		DATE 07/22/2015

ATTACHMENT 1
Special Award Conditions

Award Number: NA14OAR4170075
Amendment Number: 9

1) Performance Reports - (Annual)

An annual performance report must be submitted to the Program Office at least 90 days prior to the end of each budget period.

A final performance report that covers the remaining 90 days and summarizes activities conducted during the entire award must be submitted within 90 days following the end date of the project.

2) Data Sharing

Environmental data and information, collected and/or created under this grant/cooperative agreement will be made visible, accessible and independently understandable to users, free of charge or at minimal cost, in a timely manner (typically no later than two years after the data are collected or created) except where limited by law, regulation, policy or by security requirements.

(1) The Data/Information Sharing Plan (and any subsequent revisions or updates) will be made publicly available at time of award and, thereafter, will be posted with the published data.

(2) Environmental data and information produced under this award and which are made public must be accompanied by the following statement: These environmental data and related items of information have not been formally disseminated by NOAA and do not and should not be construed to represent any agency determination, view or policy.

(3) NOAA may at its own discretion, use information from the Data/Information Sharing Plan to produce a formal metadata record and include that metadata in a catalogue to indicate the pending availability of new data.

(4) Failing to share environmental data and information in accordance with the submitted Plan may lead to disallowed costs and be considered by NOAA when making future award decisions

3) Matching Requirement

Since this amendment requires the Recipient to provide \$192,610 in project-related costs from non-federal sources, the Recipient must maintain in its official accounting records an accounting of \$302,388.

4) New Amendment SAC

This amendment under award number NA14OAR4170075, to The Regents of the University of California, San Diego, supports the work described in the Recipient's proposal entitled "Ventura Shellfish Enterprise" dated 4/24/2015, which is incorporated into the award by reference. Where the terms of the award and proposal differ, the terms of the award shall prevail.

5) Multi-Year Special Award Condition

ATTACHMENT 1

(MULTI-YEAR) The award period and budget(s) incorporated into this amendment cover a two-year period for a total amount of \$299,393 in Federal funds. However, Federal funding available at this time is limited to \$109,778 for this funding period. Receipt of any prospective funding is contingent upon the availability of funds from Congress, satisfactory performance, continued relevance to program objectives, and will be at the sole discretion of the Department of Commerce. The Department of Commerce is not liable for any obligations, expenditures, or commitments which involve any amount in excess of the Federal amount presently available. The Recipient will be responsible for any and all termination costs it may incur should prospective funding not become available. No legal liability will exist or result on the part of the Federal Government for payment of any portion of the remaining funds which have not been made available under the award. Notifications affecting funding or notice of non-availability of additional funding for prospective years will be made only by the Grants Officer. The amendment to obligate prospective funding available shall be made on Form CD-451, "Amendment to Financial Assistance Award," if at all possible prior to the expiration of each year's activities.

The funding period for this amendment is 9/1/2015 through 8/31/2016 and may be extended through 8/31/2017.

6) 2 CFR Part 200 - Uniform Guidance

This amendment is subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), which is codified at 2 C.F.R. Part 200. The Uniform Guidance applies to Federal award funds that are uncommitted or unobligated by the recipient as of the date an authorized official of the recipient signs and returns the Form CD-451 without modification, within 30 days of receipt. The recipient is not obligated to segregate or otherwise track old funds and new funds but may do so at its discretion.