



VENTURA
PORT DISTRICT
Established 1952

BOARD OF PORT COMMISSIONERS

OCTOBER 10, 2018

STANDARD AGENDA ITEM 2

APPROVAL OF FOURTH AMENDMENT
TO PROFESSIONAL SERVICES
AGREEMENT WITH PLAUCHÉ & CARR,
LLP

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 2
Meeting Date: October 10, 2018

TO: Board of Port Commissioners
FROM: Brian Pendleton, Deputy General Manager
SUBJECT: Ventura Shellfish Enterprise: Approval of Fourth Amendment to Professional Services Agreement with Plauché & Carr, LLP

RECOMMENDATION:

That the Board of Port Commissioners approve the Fourth Amendment to Professional Services Agreement with Plauché & Carr, LLP in the amount of \$34,000 for professional legal services for the Ventura Shellfish Enterprise (VSE) project.

SUMMARY:

The Fourth Amendment to the Professional Service Agreement (PSA) with Plauché & Carr, LLP is for review of permit applications and related documents, entitlement processing and environmental consulting legal services for the Ventura Shellfish Enterprise (VSE) project through December 31, 2018.

BACKGROUND:

The Ventura Port District was awarded a three-year, \$300,000 2015 Sea Grant (approximately \$265,000 in sub award funds granted directly to the District) to contract with qualified consultants for development of a strategic permitting plan, completion of all necessary permit applications, preparation of environmental reports, and public outreach efforts to develop a sustainably cultivated shellfish operation in open ocean waters near Ventura Harbor. The grant was successfully completed August 31, 2018.

As a result of the three year effort on September 24, 2018 the Board of Port Commissioners authorized 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 NOAA's Coastal Aquaculture Siting and Sustainability (CASS) Report Alternative 1 for the VSE project: and, prepare and submit all other applications to local, state and federal agencies as required for the VSE project including the California Coastal Commission; and, 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. Following the Board's action, applications have now been submitted to USACE and California Coastal Commission.

The Fourth Amendment to the Professional Service Agreement (PSA) with Plauché & Carr, LLP is for review of permit applications and related documents, entitlement processing and environmental consulting legal services for the Ventura Shellfish Enterprise (VSE) project through December 31, 2018.

FISCAL IMPACTS:

Staff has completed the 2015 NOAA Sea Grant as of August 31, 2018 and is awaiting announcement of two additional grant applications from the Pacific States Marine Fisheries Commission (PSMFC) in the amount of \$97,310.00 and the 2018 NOAA Sea Grant in the amount of \$301,660 (approximately \$266,660 in sub-award funds allocated to the District) to help fund specific steps in the entitlement process, permitting and sub-permitting and

grower/producer training over the next two years. It is known the VSE project preliminary received very favorable consideration, but awards have not been formally announced and are subject to change. Therefore staff will continue to pursue additional grant opportunities as they arise and return to the Board during the mid-year budget process to report on the status of project costs, grant awards and other funding opportunities.

Additionally, the Board approved \$80,000 in FY18/19 for project related professional services and expenses for the VSE project. Of the \$80,000, staff anticipated utilizing \$45,000 in Dudek and other VSE related consulting expenses, \$34,000 in legal expenses and \$1,000 in miscellaneous costs such as meeting room rentals, etc. Unknown to staff at this time is whether federal or state agencies tasked with project review (e.g. U.S. Army Corps of Engineers "USACE"; California Coastal Commission) will require additional information, studies, reports or additional levels of environmental review, above what has already been completed or has been anticipated. Staff will track these issues and report to the Board.

The VSE project has benefitted from significant in-kind contributions of time from District staff and project team volunteers that have been used to meet matching requirements of the 2015 California Sea Grant. These In-kind services met and exceeded the California Sea Grant requirements and as of August 31, 2018 totaled more than \$400,000.

ATTACHMENTS:

None.