



VENTURA
PORT DISTRICT
Established 1952

BOARD OF PORT COMMISSIONERS

JANUARY 16, 2019

CONSENT AGENDA ITEM I

APPROVAL OF NEW PROFESSIONAL
SERVICES AGREEMENT WITH
PLAUCHÉ & CARR, LLP FOR THE
2018 NOAA SEA GRANT TASKS

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM I
Meeting Date: January 16, 2019

TO: Board of Port Commissioners
FROM: Brian Pendleton, Deputy General Manager
SUBJECT: Ventura Shellfish Enterprise: Approval of New Professional Services Agreement with Plauché & Carr, LLP for the 2018 NOAA Sea Grant Tasks

RECOMMENDATION:

That the Board of Port Commissioners approve a new Professional Services Agreement with Plauché & Carr, LLP in the amount of \$40,000 for professional services for Ventura Shellfish Enterprise (VSE) project 2018 Sea Grant tasks.

SUMMARY:

The Professional Service Agreement (PSA) with Plauché & Carr, LLP is for Task 4: Permit Assignment Strategy pertaining to the Ventura Shellfish Enterprise (VSE) project 2018 NOAA Sea Grant for the period of September 1, 2018 through August 31, 2019.

BACKGROUND:

At the November 14, 2018 Commission meeting, the Board of Port Commissioners authorized the General Manager to sign the Cost Reimbursement Research Sub-Award Agreement for \$169,860 for the Ventura Shellfish Enterprise Project. This represents the first year's grant amount of the two-year award. The 2018 Sea Grant is for a two year period on a one-plus-one yearly basis and second year grant funds is contingent upon funding availability. The year one grant period is from September 1, 2018 to August 31, 2019. The total two-year sub-award is \$266,660.

Increasing the supply of safe, sustainably produced domestic seafood is a priority of the State Legislature, NOAA and the U.S. Department of Commerce. The VSE project is a multi-party initiative that seeks to permit twenty 100-acre plots for growing the Mediterranean mussel (*Mytilus galloprovincialis*) via submerged long lines within the Santa Barbara Channel near Ventura Harbor. The Ventura Port District received a substantial NOAA Sea Grant sub-award of \$300,000 in 2015 for the proposed project in support of these goals. As part of the 2015 grant, the VSE team developed a Strategic Permitting Plan previously provided to the Board and made available to stakeholders and the public. This Strategic Permitting Plan provides a great deal of information about project goals, objectives and regulatory requirements and can be found online at venturashellfishenterprises.com. The VSE project objectives include:

- To increase the supply of safe, sustainably produced, and locally-grown shellfish while minimizing potential negative environmental impacts;
- To enhance and sustain Ventura Harbor as a major west coast fishing port and support the local economy;
- To provide economies of scale, pre-approved sub-permit area, and technical support to include small local producers who would not otherwise be able to participate in shellfish aquaculture;
- To provide an entitlement and permitting template for aquaculture projects state-wide;
- To enhance public knowledge and understanding of sustainable shellfish farming practices and promote community collaboration in achieving VSE objectives;
- To advance scientific knowledge and state of the art aquaculture practices through research and innovation.

The proposed project goals and objectives further several of the District's fundamental mission and objectives, as summarized below:

- Maintaining a safe and navigable harbor;
- Diversification of commercial fishing opportunities to benefit the fishing industry and local and regional economies;
- Continued priority (as a commercial fishing harbor) for federal funding appropriations for annual dredging of the federal harbor entrance.

The VSE project, now sited for regulatory review in federal waters proximate to Ventura Harbor, seeks to address several regulatory and planning challenges that create impediments to the expansion of a domestic marine shellfish culture industry in California. The key objectives of the 2018 Sea Grant include:

- Permit Assignment Strategy
- Environmental Review Seafood Safety and Quality
- Grower/Producer Compliance Training Program and Information Dissemination
- Project Summary

To complete the entitlement process and secure all necessary permits, Plauché & Carr, LLP, the legal consultant for the VSE project will provide the following services:

- Develop Permit Terms
- Drafting and Approval of Sub-Permits
- Legal Analysis of Supplement Environmental Review

FISCAL IMPACTS:

The grant requires a cost-share in the amount of \$136,105 for Year 1. The cost-share is achieved through in-kind contributions of time by Port District staff, consultant and volunteer participants from Coastal Marine Biolabs, The Cultured Abalone and Ashworth Leininger Group. For the 2015 Sea Grant, the in-kind contributions totaled approximately \$400,000 over a three-year period.

Additionally, the Board approved \$80,000 in FY18-19 for project related professional services and expenses to supplement grant funding for the VSE project. Of the \$80,000, staff has entered into PSA's with Dudek for \$45,000 in environmental services, Plauché & Carr, LLP for \$34,000 in legal services and \$1,000 in miscellaneous costs such as public 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 2018 Sea Grant is for a two year period on a one-plus-one yearly basis and second year grant funds is contingent upon funding availability. The year one grant period is from September 1, 2018 to August 31, 2019. The total two-year sub-award is \$266,660.

ATTACHMENTS:

None.