



BOARD OF PORT COMMISSIONERS

FEBRUARY 19, 2020

CONSENT AGENDA ITEM D

**APPROVAL OF AMENDMENT No. 1
FOR TWO PROFESSIONAL SERVICES
AGREEMENTS WITH PLAUCHE &
CARR, LLP FOR SUPPORT OF THE
2018 NOAA SEA GRANT TASKS**

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM D
Meeting Date: February 19, 2020

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
SUBJECT: Ventura Shellfish Enterprise: Approval of Amendment No. 1 for two Professional Services Agreements with Plauché & Carr, LLP for Support of the 2018 NOAA Sea Grant Tasks

RECOMMENDATION:

That the Board of Port Commissioners:

- a) Approve Amendment No. 1 to the Professional Services Agreement with Plauché & Carr, LLP, dated January 17, 2019, for Year 2 Grant funding, in the amount of \$20,000, for the Ventura Shellfish Enterprise Project 2018 Sea Grant; and
- b) Approve Amendment No. 1 to the Professional Services Agreement with Plauché & Carr, LLP, dated July 1, 2019, for District funding, in the amount of \$2,300, for support of the Ventura Shellfish Enterprise Project 2018 Sea Grant tasks.

SUMMARY:

On January 16, 2019, the Board approved a Professional Services Agreement (PSA) with Plauche & Carr, LLP 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 in the amount of \$40,000 (Year 1). Year 2 grant funding for the period of September 1, 2019 through February 29, 2020 is \$20,000, bringing the Agreement total to \$60,000.

On July 3, 2019, the Board approved a second PSA with Plauché & Carr, LLP for legal services pertaining to the VSE project and related 2018 NOAA Sea Grant in the amount of \$40,000 (District funds). This estimated budget was based on anticipated costs above and beyond the funding allocated by the 2018 Sea Grant and was approved in the FY19-20 budget. The total cost to complete the scope of work is \$42,300, which is \$2,300 above the contract amount previously approved. With the departure of Robert Smith from Plauché & Carr, LLP, this will be the final cost for this PSA, which will be terminating March 1, 2020.

BACKGROUND:

At the November 20, 2019 Commission meeting, the Board of Port Commissioners authorized the General Manager to sign the Cost Reimbursement Research Sub-Award Agreement for \$96,800 for the Ventura Shellfish Enterprise Project. This represents the second 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 two grant period is from September 1, 2019 to August 31, 2020. 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

FISCAL IMPACTS:

The grant requires a cost-share in the amount of \$272,210 for the two-year grant period. The cost-share is achieved through in-kind contributions of time by Port District staff and volunteer participants from Coastal Marine Biolabs, The Cultured Abalone and Ashworth Leininger Group.

2018 NOAA Sea Grant Year 1 funds for legal services for the period of September 1, 2018 through August 31, 2019 was \$40,000. 2018 Sea Grant Year 2 funds for legal services for the period of September 1, 2019 through February 29, 2020 is \$20,000. The total grant funding for legal services is \$60,000.

Separately, the Board approved \$40,000 in the FY19-20 budget on June 19, 2019 for project related legal professional services and expenses to supplement the grant funding described above for the VSE project. The final contract amount is \$42,300, which is an additional \$2,300 in District funds. Under separate Board communication is a proposed PSA with K&L Gates to continue providing legal services related to the VSE project in the amount of \$35,000 in District funding.

ATTACHMENTS:

None.