



BOARD OF PORT COMMISSIONERS

APRIL 7, 2021

STANDARD AGENDA ITEM 4

APPROVAL OF FIRST AMENDMENT TO A
PROFESSIONAL SERVICES AGREEMENT WITH
K&L GATES FOR LEGAL CONSULTING
SERVICES RELATED TO THE VENTURA
SHELLFISH ENTERPRISE PROJECT

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 4
Meeting Date: April 7, 2021

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
SUBJECT: Approval of First Amendment to a Professional Services Agreement with K&L Gates LLP for Legal Consulting Services related to the Ventura Shellfish Enterprise Project

RECOMMENDATION:

That the Board of Port Commissioners approve the First Amendment to a Professional Services Agreement with K&L Gates LLP in the additional amount of \$35,000 for FY2020-2021 in support of the 2018 CA Sea Grant tasks and implementation of Board direction on March 17, 2021 associated with the Ventura Shellfish Enterprise project.

SUMMARY:

The proposed First Amendment to Professional Service Agreement (PSA) with K&L Gates LLP is for CA Sea Grant legal support services for the 2018 NOAA Sea Grant associated with the Ventura Shellfish Enterprise (VSE) project. The Amendment is for an additional amount of \$35,000. This Amendment increases the original PSA amount of \$75,000 to \$110,000 for FY20-21 utilizing Port District funding.

LONG-TERM GOALS:

- Goal 1: Safety & Navigation
 - Maintain and enhance a safe and navigable harbor
 - a: Securing funding for dredging the Harbor entrance through the Army Corps of Engineers in coordination with agencies and our elected officials
- Goal 2: Commercial & Recreational Boating & Fishing
 - Support and promote commercial and recreational boating and fishing

5-YEAR OBJECTIVES:

- Objective F: Commercial Fishing
 - Support current commercial fishing industry central to Ventura's premier working waterfront through: stakeholder engagement, diversification, and infrastructure improvements
 - 3: VSE Project Grant Utilization
- Objective D: Harbor Dredging
 - Ensure that annual dredging occurs at the federal Harbor entrance and as needed in the inner Harbor
 - 1: Support and advocate for congressional funding to the Army Corps of Engineers in support of the Harbor's annual dredging program

BACKGROUND:

On March 17, 2021, the Board directed the General Manager to provide support for the establishment of a Southern California Aquaculture Opportunity Area proximate to Ventura Harbor by NOAA; provide all studies, reports, data gathered as part of the VSE project to NOAA; complete all tasks required for completion of the Ventura Port District's Sea Grant as may be amended in concurrence with California Sea Grant by August 31st, 2021; formally withdraw Ventura Port District applications for the VSE project from the U.S. Army Corps of Engineers and California Coastal Commission on August 31st, 2021; seek opportunities to collaborate with the aquaculture industry to establish sustainable aquaculture farms that can land product in Ventura Harbor; and, authorize continued vigorous advocacy efforts at federal, state and local levels for the

establishment of sustainable aquaculture farms in the Santa Barbara Channel proximate to Ventura Harbor.

For a detailed discussion of the project origins, goals, objectives, grant history, team members and volunteer partners please see the Board Report dated July 17, 2019 Ventura Shellfish Enterprise Status Report. The report can be found at the District's website at <https://venturaharbor.com/board-meetings-minutes-archive/>.

The VPD is the recipient of a NOAA 2018 California Sea Grant (2018 CA Sea Grant) sub-award of \$266,660. The 2018 CA Sea Grant is a two-year grant, with the following deliverables:

Task 4 - Permit Assignment Strategy

Task 5 - Environmental Review

Task 6 - Shellfish Sanitation

Task 7 - Grower/Producer Compliance Training Program and Information Dissemination

Task 8 - Project Summary

The 2018 CA Sea Grant is a two-year period on a one-plus-one yearly basis. The Year 1 grant period was from September 1, 2018 to August 31, 2019 and the VPD received \$169,860, which the Board approved on November 14, 2018. The Year 2 grant period was from September 1, 2019 to August 31, 2020 and the VPD received \$96,800 which the Board approved on November 20, 2019. The total two-year sub-award is \$266,660. The VPD received a 1-year, no-cost extension to complete the tasks through August 31, 2021.

To begin implementation of the Board's action on March 17, 2021, staff (with support of the project and consultant team), has been in close communication with NOAA and CA Sea Grant. Additional meetings with state and federal regulators are being scheduled. As a result, some remaining activities within the tasks identified above will be revised to reflect mutually beneficial outcomes in support of the advancement of sustainable aquaculture. This discussion in ongoing and staff will report back to the Board as more details become available.

FISCAL IMPACTS:

The Board approved an additional \$40,000 in the FY20-21 mid-year budget on February 3, 2021 for K&L Gates LLP for legal consultant services to supplement 2018 CA Sea Grant funding. The proposed \$35,000 for the First Amendment to the PSA with KL Gates represents a \$5,000 cost savings from that amount.

The 2018 CA Sea Grant sub-award is \$266,660. The Port District's required cost match for the 2018 CA Sea Grant is \$272,210. This cost match is achieved through volunteer contributions of time by Ashworth Leininger Group (ALG), Coastal Marine Biolabs (CMB), The Cultured Abalone (TCA) and District staff plus direct costs incurred by the Port District. As of December 31, 2020, the cost share obligations were met and exceeded.

The accounting of grant funds, Port District costs and volunteer hours are documented through quarterly financial reports prepared for Board consideration and approval. The most recent report for the period ending December 31, 2020 was included in the quarterly financial report provided to the Board on March 3, 2021, and as an attachment to the March 17, 2021 Board Report described above.

ATTACHMENTS:

None.