

**DRAFT****RESOLUTION 20xx-xxx**

**RESOLUTION AUTHORIZING AMENDMENT NO. 3 TO THE AGREEMENT WITH GREAT ECOLOGY & ENVIRONMENTS, INC. TO SUPPORT THE DEVELOPMENT OF A MITIGATION BANK AT POND 20 IN THE AMOUNT OF \$164,500 TO ASSESS HYDRODYNAMICS IN COORDINATION WITH AN ADJACENT RESTORATION PROJECT ON REFUGE LAND, PROVIDE SEA LEVEL RISE AND HYDRUALIC MODELING, AND PREPARE A DESIGN ALTERNATIVE FOR A NEW TOTAL NOT TO EXCEED \$857,220**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I, (Port Act); and

**WHEREAS**, the Board of Port Commissioners (BPC) adopted BPC Policy No. 110 establishing a procedure for the administration of contracts and the purchasing of supplies, materials, and equipment and establishing a policy governing the processing and administration of contracts; and

**WHEREAS**, Pond 20 is a 95.13 acre undeveloped parcel of land located at the south end of San Diego Bay and it is within the City of San Diego's (San Diego) Otay Mesa-Nestor Community; and

**WHEREAS**, in July 2015, the BPC directed staff to develop a Request for Proposals (RFP) for a mitigation bank and to continue to analyze the development of a mitigation bank on approximately 80 acres of Pond 20; and

**WHEREAS**, a decision analysis ranked Great Ecology & Environments, Inc. (Great Ecology) as the top consultant proposal; and

**WHEREAS**, based on the RFP submissions and due diligence efforts, at its November 8, 2016 meeting the BPC authorized the District to enter into a consultant agreement with Great Ecology in the amount of \$640,220 to prepare 60% design drawings and submit mitigation banking prospectus documents to the Army Corps of Engineers (ACOE) (Resolution #2016-178). The agreement is on file in the Office of the District Clerk as Document No. 65819 dated November 23, 2016; and

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**WHEREAS**, the District entered Amendment No. 1 to the agreement with Great Ecology in the amount of \$22,500 in order to perform additional analysis to evaluate potential impacts to the pedestrian/bikeway bridge at the Otay River and water level monitoring to assist in evaluating the impacts of increased tidal flow due to the Pond 20 project. Amendment No. 1, is on file in the Office of the District Clerk as Document No. 67604 dated December 26, 2017; and

**WHEREAS**, the District entered into Amendment No. 2 to the agreement with Great Ecology in the amount of \$30,000 in order to perform an update to the Pond 20 mitigation bank design to be consistent with the proposed Otay River Estuary Restoration Project (ORERP), an adjacent habitat restoration project planned by Poseidon Resources and the U.S. Fish & Wildlife Service. Amendment No. 2, is on file in the Office of the District Clerk as Document No. 67173 dated December 18, 2018; and

**WHEREAS**, the preliminary design for the Pond 20 mitigation bank was authorized in 2016 based on existing conditions at the site and does not take into account the future ORERP project. The ORERP Environmental Impact Statement was finalized in May 2018, and the ORERP 30% grading plan was provided to the District for review; and

**WHEREAS**, based on review of the ORERP design and an evaluation of the Pond 20 EIR requirements, it was determined that additional hydraulic modeling is needed to assess Pond 20 mitigation bank hydrodynamics in coordination with the planned ORERP project to inform the mitigation bank design and to complete necessary environmental review technical studies. Additionally, environmental review requires sea-level-rise modeling and analysis in accordance with recent state guidance; and

**WHEREAS**, District staff recommend that the BPC authorize a third amendment to the agreement with Great Ecology to allow for additional requisite hydrodynamic modeling and analyses, to complete the environmental review technical studies, meet recent state sea-level-rise guidance, to facilitate California Coastal Commission (CCC) mitigation banking approval, and potentially advance a design alternative to avoid potential ACOE and CCC wetland jurisdictional areas;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the Executive Director or her designated representative is hereby authorized to enter into Amendment No. 3 to the agreement with Great Ecology & Environments, Inc., to support the development of a mitigation bank at Pond 20 in the amount of \$164,500 to assess hydrodynamics in coordination with an adjacent restoration project on refuge land, provide sea level rise and hydraulic modeling, and prepare a design alternative for a new total amount not to exceed

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\$857,220.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

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By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 16<sup>th</sup> day of January 2019, by the following vote: