

DRAFT**RESOLUTION 20xx-xxx**

RESOLUTION AUTHORIZING AMENDMENT NO. 6 TO AGREEMENT 244-2016AC WITH GREAT ECOLOGY TO SUPPORT THE DEVELOPMENT OF A MITIGATION BANK AT POND 20 IN THE AMOUNT OF \$117,569 TO COMPLETE HYDRODYNAMIC MODELING AND FINALIZE THE ARMY CORPS OF ENGINEERS BANKING ENABLING INSTRUMENT INCLUDING REVISIONS BASED ON COMMENTS FROM THE INTERAGENCY REVIEW TEAM FOR A NEW TOTAL NOT TO EXCEED \$983,789 AND EXTENDING THE AGREEMENT UNTIL MARCH 31, 2020. FUNDING FOR FISCAL YEAR 2020 IS BUDGETED

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 southernmost portion of San Diego Bay within the City of San Diego's (San Diego) Otay Mesa-Nestor Community Planning District and the City of Imperial Beach's former Redevelopment Area; and

WHEREAS, in July 2015, the BPC directed staff to develop a Request for Proposals (RFP) for a mitigation bank at Pond 20; and

WHEREAS, on November 8, 2016, by Resolution No. 2016-178, the BPC authorized an agreement with Great Ecology to prepare design drawings, conduct a wetlands delineation in support of a U.S. Army Corps of Engineers (USACE) jurisdictional determination, and prepare mitigation banking documentation, including the Prospectus and draft Bank Enabling Instrument; and approved commencing environmental review; and

WHEREAS, the agreement with Great Ecology for mitigation bank consulting services, in the amount of \$640,220, includes the development of a base map; geotechnical and soil investigation; wetlands jurisdictional determination; functional assessment; 30% and 60% design and construction

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documents; and required documentation for regulatory permitting and long-term management, including the Prospectus and draft Bank Enabling Instrument; and

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 District entered into Amendment No. 3 to the agreement with Great Ecology, in the amount of \$164,500, to include development of a hydraulic model to assess the potential hydrodynamic and scour effects of the Pond 20 project with the ORERP project, hydraulic modeling and support services to complete environmental review technical studies, and sea level rise modeling and analysis in accordance with recent state sea level rise guidance; Amendment No. 3, is on file in the Office of the District Clerk as Document No. 69324 dated January 31, 2019; and

WHEREAS, the District entered into Amendment No. 4 to the agreement with Great Ecology which extended the agreement term to December 31, 2019; Amendment No. 4, is on file in the Office of the District Clerk as Document No. 69929 dated May 20, 2019; and

WHEREAS, the District entered into Amendment No. 5 to the agreement with Great Ecology, in the amount of \$9,000, to expand the hydraulic modeling to include additional model runs as requested by the California Coastal Commission, Amendment No. 5, is on file in the Office of the District Clerk as Document No. 70249 dated August 12, 2019; and

WHEREAS, District staff proposed to enter a sixth amendment to the agreement with Great Ecology in the amount of \$117,569 to conduct additional hydrodynamic models for 100-year flood events in the Otay River to analyze potential impacts and mitigation options to reduce potential flooding levels associated with the proposed mitigation bank for permitting, construction design, and environmental review; and to advance additional mitigation banking elements including and preparing Interagency Review Team (IRT) responses for inclusion in the final Bank Enabling Instrument; and

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WHEREAS, staff recommends that the BPC authorize Amendment No. 6 to the Agreement with Great Ecology to support the development of a mitigation bank at Pond 20 in the amount of \$117,569 to assess additional hydrodynamic models and finalize the Army Corps of Engineers Bank Enabling Instrument based on comments from the IRT for a new total not to exceed \$983,789 and extending the agreement until March 31, 2020.

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. 6 to the Agreement with Great Ecology to support the development of a mitigation bank at Pond 20 in the amount of \$117,569 to assess additional hydrodynamic models and finalize the Army Corps of Engineers Bank Enabling Instrument based on comments from the IRT for a new total not to exceed \$983,789 and extending the agreement until March 31, 2020.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 5th day of November 2019, by the following vote: