

EXPLANATION OF CONSENT AGENDA ITEM E.2.c.(5) – October 28, 2015

ITEM

Consideration of approving a purchase order to Venable LLP to provide guidance, legal services, and support to CPA as part of the STB EIS and related action including right of way negotiations and agreements with NASA and other various agency approvals and work on a potential rail route through Cape Canaveral Air Force Station in the amount NTE \$500,000. (Dubea)

EXPLANATION

Venable, LLP will support CPA, the Surface Transportation Board (STB) and its consultants with continued work on the Environmental Impact Statement (EIS) process, including work on a potential rail route through Cape Canaveral Air Force Station; draft and file exemption petition with STB for authority to construct and operate; data development for submission to STB and other agencies; ongoing response to data requests from STB and other agencies; regular discussions with agencies and contractors; internal coordination with project team; legal strategy; advice and assistance with the National Historic Preservation Act process; review of the Draft EIS; response to comments on the Draft EIS; and support seeking permits and other approvals relevant to the project, including the Clean Water Act, the Rivers and Harbor Act and other applicable statutes, laws and regulations.

Funding Review by Finance (Pat Poston):

The total NTE amount of \$500,000 is included in the FY16 Capital Budget and no increase is required. [Budget item 2235 - Rail Connectivity]

STAFF RECOMMENDS APPROVAL

Prepared Jim Dubea

October 8, 2015

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VIA ELECTRONIC DELIVERY

PRIVILEGED & CONFIDENTIAL

Jim Dubea
Canaveral Port Authority
Deputy Executive Director
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Suite 301
Cape Canaveral, FL 32920

Re: Proposal for Legal Services to Port Canaveral Authority

This proposal is to provide Port Canaveral Authority with legal services in support the EIS process for the rail line extension from the Kennedy Space Center.

Anticipated Duration: October 2015 to October 2016

Estimate of fees for professional legal services: \$500,000

Tasks anticipated: continued work on the Environmental Impact Statement (EIS) process, including work on a potential rail route through Cape Canaveral Air Force Station; draft and file exemption petition with STB for authority to construct and operate; data development for submission to STB and other agencies; ongoing response to data requests from STB and other agencies; regular discussions with agencies and contractors; internal coordination with project team; legal strategy; advice and assistance with the National Historic Preservation Act process; review of the Draft EIS; response to comments on the Draft EIS; and support seeking permits and other approvals relevant to the project, including the Clean Water Act, the Rivers and Harbor Act and other applicable statutes, laws and regulations.

Sincerely,

Kathryn K. Floyd