



**COMMISSION
AGENDA MEMORANDUM**

Item No. 6c

ACTION ITEM

Date of Meeting December 11, 2018

DATE: December 3, 2018

TO: Stephen P. Metruck, Executive Director

FROM: Michael Ehl, Director Aviation Operations
Mark Coates, Senior Manager Airport Operations

SUBJECT: Reauthorization of Two 5-Year Agreements between the United States Department of Agriculture Wildlife Services (USDA-WS) and the Port of Seattle

Amount of this request: \$1,575,000 \$1,560,000 (CSA)
\$ 15,000 (ILA)

Total estimated cost: \$1,575,000

ACTION REQUESTED

Request Commission authorization for the Executive Director to reauthorize and execute two 5-year agreements between the United States Department of Agriculture Wildlife Services and the Port of Seattle for managing human-wildlife conflicts on or near Port property for the period January 1, 2019, through December 31, 2023, in the amount of \$1,560,000 for a Cooperative Service Agreement and \$15,000 for an Interlocal Agreement for a total of \$1,575,000.

EXECUTIVE SUMMARY

Both 5-year agreements with the USDA-WS, a federal government agency, are for managing human-wildlife conflicts on or near Port property. The current agreements expire December 31, 2018. Despite ongoing discussions between the USDA-WS and the Port over the course of 2018, the USDA-WS did not send the subject agreements to Aviation Operations staff until November 2, 2018.

The first agreement is a 2019-2023 Cooperative Service Agreement (CSA) specific to the 5-mile area around Seattle-Tacoma International Airport. The USDA-WS would assist Aviation Operations with Airport Wildlife Damage Management (WDM) activities that the Port is required to perform primarily at the Airport pursuant to Federal Aviation Regulation (FAR) Code of Federal Regulations 14 CFR Part 139.337, certain Federal Aviation Administration (FAA) Advisory Circular (AC) publications, the Airport Wildlife Hazard Management Plan (WHMP), and further environmental regulations associated with the third runway (16R/34L) wetland mitigation monitoring requirements. With a 3% annual increase, starting in the second contract year through 2023, the average cost is approximately \$312,000 per year and \$1,560,000 for the

Meeting Date: December 11, 2018

duration of the 5-year agreement at 80 hours per week. No increases to the Aviation Operations budget are being requested for this CSA.

The second agreement is a 2019-2023 Interlocal Agreement (ILA) for maintaining a satisfactory Canada goose population within the greater Seattle metropolitan area. The FAA ranks the Canada goose as one of the most hazardous birds to aviation safety as evidenced by the January 2009 Miracle on the Hudson, when a large commercial aircraft was forced to ditch into the Hudson River after striking this species. The ILA currently includes nearly a dozen entities within King, Pierce and Snohomish counties. The monitoring and control work can be performed on both Aviation and Marine Division properties if requested by the Port. This ILA provides joint funding for the labor and expenses associated with the USDA-WS work who implements the Waterfowl (Canada Goose) Management Program. Aviation Operations will pay less than \$3,000 annually and no more than \$15,000 over the 5-year life of the ILA. No increases to the Aviation Operations budget are being requested.

JUSTIFICATION

The USDA-WS is an agency considered to be an unbiased, independent third-party contractor by state and federal regulators. If airport features such as the wetland mitigation sites near the airport become a hazardous wildlife attractant, the USDA-WS can work with the Port and other agencies to help craft alternative habitat management solutions reduce wildlife-related threats and further improve aviation safety. USDA-WS conducts formal airport Wildlife Hazard Assessment (WHA) surveys approximately every 7 years in compliance with the intent of FAA Advisory Circulars (AC). The recent WHA began in 2018 and will be finalized in 2019.

The USDA-WS is the only agency regulators will allow to perform much of the work related to Canada goose population management from March through August, the period in which the “resident” non-migratory geese are present in the three-county management area.

DETAILS

Airport Wildlife Damage Management Agreement – The purpose of this CSA is for the USDA-WS to assist the airport with reducing human health and safety risks associated with potential wildlife/aircraft collisions. Assistance may be in the form of habitat management advice, other educational information, non-lethal techniques, and if necessary direct control (euthanasia) to reduce immediate threats. These actions are allowed under permits issued to the Port by the U.S. Fish and Wildlife Service and the Washington Department of Fish and Wildlife. The USDA-WS personnel will coordinate with the Airport Wildlife Manager, other Port staff and wildlife-related contractors with regard to their wildlife hazard mitigation efforts under the terms of this CSA.

The USDA-WS will provide a monitoring program to detect wildlife hazards associated with airport water features such as wetlands and stormwater ponds, both of which can be compatible with aviation safety when properly managed. Their services include regulatory

Meeting Date: December 11, 2018

compliance monitoring associated with the airport's wetland mitigation site permits, data collection and management, and wildlife hazard mitigation and assessments conducted on and within several miles of the airfield.

Waterfowl (Canada Goose) Management Agreement – The purpose of this ILA is to provide joint funding for a multiparty regional approach to population monitoring and where necessary a program comprised of egg adding (sterilization) and euthanasia of the Canada Goose within King, Pierce and Snohomish Counties. This program will assist each party communicating the importance of this work which may be performed on either public or private property depending on the signatories of the ILA.

Scope of Work

The USDA-WS will conduct WDM activities on and near the airport approximately 8 hours a day 7 days a week. Port properties outside of but adjacent to the Airport Operations Area (AOA) fence line will be an area of emphasis for monitoring and harassment. They will also be available to respond to urgent wildlife and escaped domestic animal issues. Their monitor efforts will be in the form of finalizing the second year of an airport Wildlife Hazard Assessment, a report that will include third-party recommendations pertaining to hazardous wildlife species observed and habitat features that may be attracting them to the airport vicinity out to 5 miles.

The Wetland Mitigation Monitoring surveys include the areas near the airport, a wetland mitigation site associated with the SR-509 corridor and the Port-owned wetland sites in the City of Auburn. Data management assistance comes in the form of investigating wildlife-aircraft strikes, monthly summaries of their control actions, distribution of strike reporting kits to airlines and issues with small mammals that can damage berms of stormwater ponds and raise water levels and attract waterfowl. Other USDA-WS activities include trapping of hazardous and nuisance animals and responding to avian radar and Foreign Object Debris (FOD) camera alerts when hazardous wildlife is detected. USDA-WS assistance with wildlife database management and analysis is also important for compliance with the FAA-mandated Safety Management System program. As required annually by AC 150/5200-36A, the USDA-WS assists the Port's Qualified Airport Wildlife Biologist with training approximately three dozen Aviation Operations employees in the safe use of pyrotechnics, firearms, and equipment needed for capture of wildlife and domestic animals.

USDA-WS will use best management practices to implement a program of standardized monthly goose population surveys, egg adding, removal, and evaluation. Where possible, community outreach and educational programs such as 'don't feed wildlife' and interpretive signage will be initiated.

Meeting Date: December 11, 2018

Schedule

These agreements will remain in effect from January 1, 2019 through December 31, 2023, unless terminated by either party upon 60 days written notice to the other party.

These agreements and each annual Work/Financial plan will become effective for the specified dates when approved with signature of the Managing Director Aviation.

ALTERNATIVES AND IMPLICATIONS CONSIDERED

Alternative 1 – Do not reauthorize the CSA or the ILA.

Cost Implications: \$0

Pros:

- (1) CSA - None
- (2) ILA - None

Cons:

- (1) CSA – Airport wildlife hazard management is mandated by FAR 139.337, meaning much of the required wildlife hazard management work would stop January 1, 2019. The options of hiring a private sector contractor or adding more Port employees to perform this work in 2020 and beyond will be explored in 2019. An unbiased third-party contractor would still be needed to conduct some of the WDM work such as surveys.
- (2) ILA – Support for the ILA could decline without continued Port involvement. Goose numbers would likely rise again quickly which runs counter to the intent of the airport WHMP, Appendix A of the FAA-approved Airport Certification Manual. Only the USDA-WS is authorized to conduct work associated with stabilizing the Canada Goose population during spring and summer, therefore no other options are available to reduce goose numbers to protection.

This is not the recommended alternative.

Alternative 2 – Reauthorize both the CSA and the ILA.

Cost Implications: \$1,575,000

Pros:

- (1) CSA – The Port would remain in compliance with FAR 139.337.
- (2) ILA – The Port would remain in compliance with the intent of the airport WHMP and the Airport Certification Manual.

Cons:

- (1) CSA - None
- (2) ILA - None

This is the recommended alternative.

Meeting Date: December 11, 2018

FINANCIAL IMPLICATIONS

The funds to proceed with both of these agreements in 2019 are included in the 2019 Preliminary Budget.

ATTACHMENTS TO THIS REQUEST

- (1) 2019-2023 USDA-WS 5-year Cooperative Service Agreement
- (2) 2019 USDA-WA Work Plan/Financial Plan
- (3) 2019-2023 Interlocal Agreement for Waterfowl (Canada Goose) Management Program

PREVIOUS COMMISSION ACTIONS OR BRIEFINGS

August 4, 2015 – The Commission authorized execution of the 2015-2018 Interlocal Agreement between Port of Seattle and U.S. Department of Agriculture-Wildlife Services, for Waterfowl (Canada Goose) Management Program for \$8,920.