



**COMMISSION
AGENDA MEMORANDUM**

Item No. 10c

ACTION ITEM

Date of Meeting April 26, 2022

DATE : April 6, 2022

TO: Stephen P. Metruck, Executive Director

FROM: Sarah Ogier, Director – Maritime Environment & Sustainability
Jon Sloan, Sr. Manager, Environmental Programs, ME&S
Kathleen Hurley, Sr. Environmental Program Manager, ME&S

SUBJECT: Urban Kelp Project – Competitive Exemption Request

Amount of this request: \$120,000

Total estimated project cost: \$120,000

ACTION REQUESTED

Request Commission authorization (1) for the Executive Director to execute an Agreement with the Seattle Aquarium for a project investigating urban kelp forests in the amount not to exceed \$120,000; and (2) that Commission exercises its authority under RCW 53.19.020(5) to determine a competitive solicitation process is not appropriate or cost effective for this action.

EXECUTIVE SUMMARY

As entities located along the shores of Elliott Bay, the Port of Seattle (Port) and the Seattle Aquarium (Aquarium) share common interests in promoting healthy coastal ecosystems, resilience, habitat restoration, carbon sequestration and habitat improvement. Kelp in relatively pristine areas of Puget Sound and the Strait of Juan de Fuca have historically been the focus of bull kelp research; whereas urban kelp forests, such as those found along the shorelines of Elliott Bay and in the East and West Waterways, have been understudied. Kelp forests are ecologically important and provide critical habitat and nursery ground for several species of fish and support healthy bird and marine mammal populations. Additionally, kelp forests are effective at sequestering carbon and enhance coastal resilience to ocean acidification. The Port and the Aquarium are interested in increasing understanding of the conditions under which bull kelp thrives in urban areas to better inform effective conservation and restoration efforts in Puget Sound.

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Urban kelp beds will be studied using a novel combination of an underwater drone and artificial intelligence along with scuba to characterize these critically important kelp forests and inform future restoration and/or enhancement efforts. The work will document urban kelp abundance and distribution while deepening understanding of the environmental drivers of these kelp forests.

JUSTIFICATION

This work is aligned with the Port’s Century Agenda goal of becoming the “greenest and most energy-efficient port in North America” as well a number of statewide initiatives, including the Puget Sound Kelp Conservation and Recovery Plan, recent state legislation Senate Bill 5619, known as the Kelp Forest and Eelgrass Meadow Conservation Initiative, the proposed new Puget Sound Partnership vital sign indicator for Puget Sound – Floating Kelp Canopies and with recommendations in the Port’s Ocean Acidification Action Plan. Additionally, the research will inform the feasibility to incorporate kelp enhancement in future Port habitat restoration projects.

Unless a new contract falls under one of the five exemptions in RCW 53.19.020, it must be subject to “competitive solicitation” defined as “a documented formal process providing an equal and open opportunity to qualified parties and culminating in a selection based on criteria, in which criteria other than price may be the primary basis for consideration.” RCW 53.19.020 lists five exemptions from competitive solicitation. The fifth exemption is for “other contracts or classes or groups of contracts exempted from the competitive solicitation process by the commission when it has been determined that a competitive solicitation process is not appropriate or cost-effective.” RCW 53.19.020(5).

For this contract with the Seattle Aquarium to fall under the exemption in RCW 53.19.020(5), the Commission must make a reasoned determination that the competitive solicitation process would not be appropriate or cost effective. In making such determination, the Commission can avoid acting arbitrarily and capriciously by noting and discussing relevant facts and circumstances. In reviewing this issue, the Commission may establish that a reasonable basis exists, including wider policy considerations, to exempt the contract with the Seattle Aquarium. Such considerations may include that the Seattle Aquarium is uniquely positioned to undertake specialized scientific research alongside environmental interpretation and outreach. The Aquarium has highly qualified staff and equipment on hand to undertake this specialized research and translate results into information for public educational purposes. By leveraging this expertise, the Port will further its objectives related to both habitat stewardship and public benefit.

Diversity in Contracting

The Aquarium has a stated commitment to continued diversity, equity and inclusion learning and practices. The Port will work with the Seattle Aquarium to identify opportunities to include individuals who have historically been underrepresented in this type of research.

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DETAILS

The project will map and study the physical and ecological characteristics of several urban kelp forests located along the urban waterfront in Elliott Bay and East and West Waterways. The project will survey in/around existing kelp beds utilizing the Aquarium’s Blue2 ROV, create additional subtidal monitoring sites for kelp in Elliott Bay and in the East and West Waterways, and utilize existing spatially-fixed subtidal monitoring sites and tools, such as the King County water quality monitoring stations, to measure physical parameters that may influence kelp abundance and/or distribution. The information collected will help develop an understanding of ecological structure of urban kelp forests as well as their potential contribution to coastal resilience and inform public engagement work focused on kelp.

Scope of Work

The scope of the work is to better understand the conditions in which bull kelp thrives in urban environments to enable effective restoration efforts by:

- Strategic monitoring of canopy forming and understory kelps, along with the surrounding benthic invertebrates and fishes,
- Expand ongoing efforts to build collaboration between kelp research organizations,
- Continued research into priority stressors negatively affecting kelp forests on the sub-regional scale and promoting awareness,
- Engagement and action from user groups and the public.

Schedule

The schedule for 2022 is summarized below.

Activity

Commission competition waiver approval	2022 Quarter 2
Design start	2022 Quarter 2
Field research start	2022 Quarter 3
Summary of findings	2022 Quarter 4
Presentation of findings	2023 Quarter 1

Cost Breakdown

	This Request	Total Project
Design	\$120,000	\$120,000
Construction	0	0
Total	\$120,000	\$120,000

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ALTERNATIVES AND IMPLICATIONS CONSIDERED

Given the unique opportunity of the partnership between the Seattle Aquarium and the Port given shared interests along the urban shoreline as well as the novel research approach integrating underwater remotely-operated vehicles and machine-learning, as well as the research and conservation capabilities the Aquarium possesses, only the no-action alternative was considered. It is not deemed feasible to achieve this work with another partner so no competitive bid process is considered.

Alternative 1 – Proceed with project as proposed

Cost Implications: The proposed action will utilize \$80,000 from the existing 2022 budget. The project scope was anticipated and included in the 2022 budget.

Pros:

- (1) Advance kelp research that is aligned with both Port and state priorities.
- (2) Supports a novel research approach with a key partner along the waterfront to enhance understanding of abundance and distribution of urban kelp beds;
- (3) Enhance public awareness and engagement on the importance of kelp forests.

Cons:

- (1) The funds could be allocated to alternative environmental initiatives.
- (2) Current funding sufficient for one year; however, funding for 2023 work is contingent on budget request approval.

This is the recommended alternative.

Alternative 2 – No action, do not proceed

Cost Implications: The proposed action will utilize \$80,000 from the existing 2022 budget; \$40,000 will be requested for the 2023 budget to complete work in year 2.

Pros:

- (1) The funds would be available for application toward an alternative project within the habitat program.
- (2) Reduce risk related to approval of year 2 funding, if this alternative were pursued.

Cons:

- (1) Forego an opportunity to contribute to the scientific body of knowledge on a key ecosystem in Puget Sound that is important for salmon recovery.
- (2) Forego the opportunity to partner with an entity with specific resources and skills to undertake both scientific research and public awareness/engagement.
- (3) Forego the opportunity to increase understanding of the conditions under which bull kelp thrives in urban areas to better inform effective conservation and restoration efforts in Puget Sound.

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FINANCIAL IMPLICATIONS

The project is anticipated to over 2022-2024; \$80,000 is the cost to support a research scientist to lead the work in 2022. We anticipate include a budget request in 2023 for \$40,000 to undertake Phase 2 in 2023. The cost decreases in 2023 as the Aquarium anticipates additional funding sources for the work.

<i>Cost Estimate/Authorization Summary</i>	Capital	Expense	Total
COST ESTIMATE			
Original estimate	\$0	\$120,000	\$120,000
AUTHORIZATION			
Previous authorizations	0	0	0
Current request for authorization	0	\$120,000	\$120,000
Total authorizations, including this request	0	\$120,000	\$120,000
Remaining amount to be authorized	\$0	\$120,000	\$120,000

Annual Budget Status and Source of Funds

The work was included in the current Center of Expertise for Engineering, Environment, and Sustainability 2022 budget.

Financial Analysis and Summary

Project cost for analysis	
Business Unit (BU)	
Effect on business performance (NOI after depreciation)	
IRR/NPV (if relevant)	
CPE Impact	

Future Revenues and Expenses (Total cost of ownership)

It is anticipated that \$40,000 will be needed in 2023 to complete Phase 2 of the project and will be included in the 2023 Center of Excellence Engineering, Environment, and Sustainability budget request.

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ATTACHMENTS TO THIS REQUEST

- (1) Presentation slides

PREVIOUS COMMISSION ACTIONS OR BRIEFINGS

None