

AGENDA REPORT

Resolution: Approve and Authorize the Executive Director to Execute an Agreement with United States Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services (USDA APHIS WS) to Provide Two Full-Time Personnel to Perform Wildlife Management Services at Oakland International Airport for Five (5) Years, Through Federal Fiscal Year (FFY) 2025, in an Amount Not to Exceed \$1,385,000. **(Aviation)**

MEETING DATE: 9/10/2020

AMOUNT: Not to exceed \$1,385,000 through FFY 2025
Operating Expense

PARTIES INVOLVED: US Department of Agriculture Animal and Plant Health
Inspection Service Wildlife Services
Sacramento, CA
Dennis Orthmeyer, State Director

SUBMITTED BY: Bryant L. Francis C.M., Director of Aviation

APPROVED BY: Danny Wan, Executive Director

ACTION TYPE: Resolution

EXECUTIVE SUMMARY

The requested action would authorize the Executive Director to execute an agreement with United States Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services ("USDA APHIS WS") for five (5) years, through Federal Fiscal Year (FFY) 2025 in an amount not to exceed \$1,385,000 for two (2) full-time wildlife personnel (1 biologist and 1 specialist) to perform wildlife management services at Oakland International Airport ("OAK" or "Airport").

BACKGROUND

Title 14 Code of Federal Regulations, Part 139.337 (Wildlife Hazard Management) prescribes the specific issues that a Wildlife Hazard Management Plan and Program must address for Federal Aviation Administration (FAA) approval and inclusion in the Airport Certification Manual (ACM). To develop this plan to meet the specific needs of this Airport, OAK, in coordination with USDA APHIS WS, has conducted periodic wildlife surveys, of which the

most recent was completed in 2019. OAK uses these surveys as a base to develop specific plans to address wildlife management.

The geographic location of OAK along the Pacific Coast and the large diversity of bird species (such as gulls, geese, waterfowl, wading birds, pigeons, and raptors) as well as other birds and mammals in the area, offers many challenges to Airport staff in attempting to limit the effects of wildlife on aircraft safety. Worldwide more than 400 lives have been lost as a result of collisions between planes and wildlife in the last 40 years. Estimated damages to aviation from wildlife strikes exceed \$300 million annually for U.S. carriers.

To effectively perform duties under the Wildlife Hazard Management Plan at OAK, the Port has had an agreement with the USDA APHIS WS since 1999. On July 27, 2017, the Board authorized a three (3) year contract renewal expiring September 30, 2020 for an amount not to exceed \$840,000. Each year the USDA APHIS WS contract amount is included in the Aviation Division operating budget. The agreement can be terminated with 60 days' written notice. It is common for U.S. airports to contract with USDA APHIS WS for these services on a cost recovery basis.

USDA APHIS WS directly supports OAK's FAA-approved Airport Wildlife Hazard Management Plan by mitigating wildlife presence on the Airport through activities that include, but are not limited to, harassment, trapping, and taking of birds, tracking of wildlife trends, removal of small and large game, and training for staff on proper maintenance of grasses and other flora on the airfield to limit wildlife attractants on Airport property.

ANALYSIS

Port staff has worked with USDA APHIS WS to develop a financial plan through September 30, 2025 for a total not to exceed budget of \$1,385,000 for five years. Costs represent actual expenditures by USDA APHIS WS and therefore vary based on factors such as salary increases, equipment costs, or changes in wildlife population or types. Because of these unknown factors, the total includes estimated costs plus a 3% contingency.

BUDGET & STAFFING

The proposed action does not have any budget or staffing impact as these costs were included in the recently adopted FY 20-21 budget and will be included in future years' budgets. Additionally, costs for these services are fully recovered through airlines rates and charges.

MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)

The matters included in this Agenda Report do not fall within the scope of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) and the provisions of the MAPLA do not apply.

STRATEGIC PLAN

The action described herein would help the Port achieve the following goals and objectives in the Port's Strategic Business Plan (2018-2022).

<https://www.portofoakland.com/wp-content/uploads/Port-of-Oakland-Strategic-Plan.pdf>

- Strengthen Safety and Security
- Modernize and Maintain Infrastructure

LIVING WAGE

Living wage requirements, in accordance with the Port's Rules and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements, do not apply to this agreement because United States Department of Agriculture is a government agency.

SUSTAINABILITY

Port staff have reviewed the Port's 2000 Sustainability Policy and did not complete the Sustainability Opportunities Assessment Form. There are no sustainability opportunities related to this proposed action because it does not involve a development project, purchasing of equipment, or operations that presents sustainability opportunities, including adaptation to sea level rise.

ENVIRONMENTAL

CEQA Determination: Federal Aviation Administration (FAA) Regulations, Part 139.337 requires Oakland Airport to implement a Wildlife Hazard Management Plan in order to protect the safety of the public (e.g., airport/airline passengers and the surrounding community), aircraft, and the airfield. The activities of this program have been part of the airport's on-going operations (Bird Hazard Reduction) since the late 1960s and were put in place prior to the adoption of the California Environmental Quality Act (CEQA) in 1970. Renewing the existing contract for wildlife management services is statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15261, Ongoing Project.

Permit: USDA-Wildlife Services complies with federal migratory bird depredation at airport permit, MB824451-1, overseen by the U.S. Fish and Wildlife Service's Migratory Bird Permit Office.

GENERAL PLAN

This project is for professional services and will not directly include any alteration of property. Development projects that result from these professional services will be subject to separate findings of conformity with the City of Oakland General Plan in accordance with Section 727 of the charter.

OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)

Professional service agreements are not subject to the Port's Owner Controlled Insurance Program (OCIP) as professional services are not construction activities.

OPTIONS

1. Authorize the Executive Director to execute an agreement with USDA APHIS WS for five (5) years through FFY2025, in an amount not to exceed \$1,385,000, for two (2) full-time wildlife biologist/specialists to perform wildlife management services. This is the recommended action.
2. Do not approve a renewal with USDA APHIS WS, likely placing the Port in jeopardy of non-compliance with regulations governing airport wildlife management.

RECOMMENDATION

Staff recommends the Board approve and authorize the Executive Director to enter into an agreement with the United States Department of Agriculture Animal and Plant Health Services Wildlife Services in an amount not to exceed \$1,385,000 for a five (5) year period (through FFY2025) for two (2) full-time wildlife personnel (1 biologist and 1 specialist) to perform wildlife management services.