



DATE: August 7, 2023

TO: Mayor and Members of the City Council

VIA: Stefan Chatwin, City Manager

FROM: Derek Schweigart, Parks and Recreation Director  
Frank Fanara, Parks Maintenance Manager

DEPARTMENT: Parks and Recreation

SUBJECT: FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH WILDLIFE INNOVATIONS INC. TO EXPAND SCOPE OF SERVICES TO ALLOW ADDITIONAL DATA COLLECTION AND ACTIVITIES AND TO SPECIFY ONLY NON-LETHAL TECHNIQUES FOR POPULATION AND HABITAT MANAGEMENT IN THE INTERGRATED CANADA GOOSE POPULATION MANAGEMENT PLAN AND ASSOCIATED AUTHORIZATIONS

### RECOMMENDATION

It is recommended that the City Council adopt the attached Resolution:

1. Approving and authorizing the Mayor to execute a First Amendment to Professional Services Agreement with Wildlife Innovations, Inc. ("Wildlife Innovations") to expand the scope of services of the current agreement for the development of an Integrated Canada Goose Population Management Plan, including environmental review ("Plan") to allow additional data collection and activities and revise the scope of services to specify only non-lethal techniques for population and habitat management in the Plan, for a total revised contract amount not to exceed \$171,005;
2. Authorizing an additional appropriation of \$122,345;
3. Authorizing a contingency in the amount of \$25,652; and
4. Authorizing the City Manager to execute any necessary contract amendments up to the contingency amount.

### EXECUTIVE SUMMARY

At the City Council Regular Meeting on February 6, 2023, the City Council approved City Resolution No. 2023-16 authorizing a Professional Services Agreement (“Agreement”) with Wildlife Innovations for preparation of the Plan with a not to exceed Agreement amount of \$48,660 and a 15% contingency in the amount of \$7,300.

Pursuant to the Agreement, Wildlife Innovations prepared the Initial Review report, which resulted in the identification of additional data collection and activities that would need to be conducted for the Initial Study (“IS”) in conformance with the California Environmental Quality Act (“CEQA”).

As a result of the additional data collection and activities identified in the Initial Review report, an amendment to Task 1b, which is contained in Exhibit A of the Agreement, is necessary to expand the scope of services. Additionally, staff is recommending that the Agreement be amended to specify only non-lethal techniques for population and habitat management in the Plan.

The attached proposed First Amendment to the Agreement is necessary for completion of the Plan and environmental review.

## BACKGROUND

For years, the City has tried to control the goose population through numerous mitigation strategies to maintain a sustainable number of geese within the City. Canada Geese are extremely adaptable and have found Foster City to be an ideal environment resulting in an increased population of resident geese. The growing population has resulted in higher concentrations of droppings which contain bacteria that present health hazards, degrade the water quality of the lagoon, and diminish the community’s ability to enjoy the City’s parks, sports fields, and other public amenities.

In response to the ongoing challenges faced by an unmanageable geese population, the City applied and was granted both the U.S. Department of Agriculture (“USDA”) permit (form 37) and the USFWS permit 3-200-13 for Migratory Bird Depredation as one possible tool in addressing population management along with other non-lethal strategies to population management. Upon issuance of the depredation permit on July 25, 2022, City staff consulted with potential vendors and wildlife agencies and determined that performing depredation at that time would be more difficult and potentially less effective as the geese in Foster City were no longer in their molt period. At the City Council Regular Meeting on September 19, 2022, staff recommended that any depredation efforts be postponed until the next molting season and asked Council for direction in issuing an RFP to identify a consultant to develop a comprehensive Canada Goose Population Management Plan, which was approved by way of Minute Order No. 1878.

At the City Council Regular Meeting on February 6, 2023, the City Council approved City Resolution No. 2023-16, authorizing an Agreement with Wildlife Innovations Inc. for preparation of the Plan with a not to exceed Agreement amount of \$48,660 and a 15% contingency in the amount of \$7,300 for a total amount of \$55,960.

The Agreement provided in Task 1 of the Scope of Services (Exhibit A to the Agreement) that the Consultant would prepare the Plan which included, among other things, general habitat management recommendations to deter Canada Goose and to describe methods that could be used for the capture and removal of the Canada Goose. The Agreement also provided in Task 1b, that further studies could be necessary after Wildlife Innovations completed the Initial Review report.

### ANALYSIS

Wildlife Innovations has provided the Initial Review report (Attachment 4), which indicates that additional data collection and activities are needed to be conducted including habitat mapping, identifying species of special interest and biological resources, identifying jurisdictional wetlands and other waters of the U.S., delineating the proposed project footprint or boundary, collaborating with agencies and obtaining or modifying existing permits for motorized boat use.

Wildlife Innovations anticipates that an Initial Study/Mitigated Negative Declaration (“IS/MND”) will be the appropriate level of review for CEQA. If Wildlife Innovations completes the IS and determines that an Environmental Impact Report (“EIR”) is required pursuant to CEQA, a further amendment to the Agreement will be required to prepare an EIR.

The proposed First Amendment with Wildlife Innovations for the expanded scope of work for Task 1b will be compensated on a time and material basis, ensuring compensation will be rendered only for the services provided. The expanded scope of work for Task 1b would include:

- Preparing the IS in the priority areas and develop a project description which would create the basis of understanding of the components that would be evaluated in the CEQA IS checklist.
- Installation of up to ten (10) cellular-transmission capable cameras within the parks. The cameras will provide quantifiable information about the presence and timing of Canada Geese within the priority areas.
- Habitat Mapping/Assessment for Listed Species and Protected Birds. This task includes a qualified biologist conducting field surveys at each of the priority areas to identify all habitats and vegetation, bird surveys and presence of any wetland features.

- Preparation of the Final IS/MND that will include initiating the twenty (20) day public comment period along with the Mitigation and Monitoring Reporting Program (MMRP) incorporated and will outline the procedures for the implementation of mitigation measures identified in the Final IS/MND.
- Prepare draft response to comments at conclusion of public review period to substantive comments received on the adequacy of the IS/MND.
- Additional project management which includes coordinating with the City and additional internal project meetings with the project team and/or the City during preparation of the document.

The proposed First Amendment would also specify that only non-lethal population and habitat management strategies would be incorporated in the Plan. Although City Council had previously directed staff to obtain the USFWS permit 3-200-13 for Migratory Bird Depredation, which was issued on July 25, 2022, that permit expired on July 31, 2023. Due to timing constraints and administrative burden associated with renewing the USFWS permit, staff is not recommending pursuing a renewal of that permit. Instead, staff is recommending that the Plan include only non-lethal strategies to population and habitat management to allow adequate time to assess their combined effectiveness and understanding a multifaceted and robust approach is necessary for the Plan's success. It is anticipated that the Plan and associated environmental review will be completed within six months.

Once the Plan is prepared and the environmental review is completed (including any necessary public review and comment period), the Plan will be brought to the Council for consideration.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT

Approval of this First Amendment to the Agreement with Wildlife Innovations, Inc. is not subject to review under the CEQA pursuant to Public Resources Code Section 21000, et seq. and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et. seq.), including without limitation, Public Resources Code section 21065 and California Code of Regulations 15378 as said approval is not a "project" that may cause a direct, or reasonably foreseeable indirect, physical change in the environment. However, as part of the services that will be provided through this Agreement, Wildlife Innovations will conduct environmental review as part of the preparation of the Plan, in compliance with CEQA.

## FISCAL IMPACT

Below is a chart that explains the current contract amount with Wildlife Innovations, the amendment amount, the revised contract amount, and the contingency amounts.

	<b>Current Contract</b>	<b>Contract Amendment</b>	<b>Revised Contract</b>
<b>Development of Plan</b>	31,660	-	31,660
<b>CEQA Review</b>	17,000	122,345	139,345
<b>Contingency</b>	7,300	18,352	25,652
<b>Total</b>	55,960	140,697	196,657
<b>Contingency %</b>	15.0%	15.0%	15.0%

To date, the City has paid Wildlife Innovations \$5,500 for Task 1a. Staff is requesting authorization of an additional appropriation of \$122,345.

## CITY COUNCIL VISION, MISSION, AND VALUE/PRIORITY AREA

Facilities and Infrastructure

## ATTACHMENTS

- Attachment 1 – Resolution
- Attachment 2 – Contract Amendment
- Attachment 3 – Wildlife Innovations Proposal
- Attachment 4 – Initial Review Report