



NEWPORT BEACH

City Council Staff Report

July 23, 2024
Agenda Item No. 12

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Approval of Professional Services Agreement with Marine Taxonomic Services, LTD for Newport Harbor Shallow and Deep Water Eelgrass Surveys

ABSTRACT:

An important component of the City of Newport Beach's RGP-54 dredging permit is the 2015 inclusion of the Eelgrass Protection and Mitigation Plan for Shallow Waters in Lower Newport Bay: An Ecosystem Based Management Plan (Eelgrass Plan) which allows for calculated impacts to eelgrass from dredging and therefore relieves the harbor residents from the standard eelgrass mitigation requirements. A critical condition of this Eelgrass Plan is a harbor-wide survey to be conducted every two years to reflect the most current conditions and quantities. Accordingly, staff issued a Request for Proposals (RFP) for these professional services, and requests the City Council's approval to enter into a Professional Services Agreement with Marine Taxonomic Services, LTD for a total contracting authority amount of \$173,424.60.

RECOMMENDATIONS:

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Approve a Professional Services Agreement with Marine Taxonomic Services, LTD for Newport Harbor Shallow Water and Deep Water Eelgrass Surveys for a total not-to-exceed amount of \$173,424.60, and authorize the Mayor and City Clerk to execute the agreement.

DISCUSSION:

The Eelgrass Plan requires tracking shallow water eelgrass distribution in the harbor every two years, and deep water tracking every four years. Eelgrass is surveyed within three zones (stable, transitional and unvegetated) based on eelgrass presence and variation in overall abundance. Each zone is subject to different allowable annual eelgrass impacts caused only by routine maintenance dredging activities.

Every two years, a shallow water eelgrass survey along the perimeter of the harbor tracks eelgrass distribution in relation to these established zones, and to assess long-term eelgrass trends within the harbor. Detailed information on the distribution and abundance of eelgrass (acreage) is documented in a comprehensive report that is published on the City’s website.

Every four years, a deep water eelgrass survey within the main navigation channel is conducted to gauge the overall health and distribution of the entire eelgrass population in Newport Harbor. This current cycle requires the deep water survey. In 2022, however, the City also conducted an out-of-cycle deep water survey to prepare for the pending harbor-wide dredging project that was subsequently delayed.

For historical context, the current survey cycle will be the City’s ninth survey with the total eelgrass acreage ranging from 43 acres in 2006 to 164 acres in 2022 – a significant 281% improvement that greatly reflects the harbor’s improved water quality and eelgrass management efforts.

The City issued an RFP in June 2024. Services requested in the RFP included surveying for shallow water eelgrass consisting of a diver and a surface support biologist in a kayak; augmenting the diver survey with a down-looking sonar in larger or hazardous areas; conducting focused eelgrass turion counts (plant shoots and blades); documenting and measuring general health and physical eelgrass characteristics as well as soil conditions, water visibility, temperature, depth, and fauna and flora; conducting a deep water survey using sidescan and down-looking sonar linked with high-resolution underwater video; conducting focused “surveillance level” Caulerpa surveys; identifying underwater debris to support subsequent harbor clean-up efforts; evaluating the relative effectiveness of a recent City eelgrass study that compared traditional and new transplant methods; generating detailed eelgrass maps; coordinating survey data with the City’s GIS Division for website posting; and generating a final report.

Several firms reviewed the RFP online, yet staff received two proposals from local firms. Staff believes that due to the complexity, project detail, and diver-based survey requirement, many qualified consultants opted to pass on bidding. The proposals were reviewed by a three-person technical panel. The scoring for the proposals is as follows:

PROPOSER	TOTAL SCORE (Out of 300)	OVERALL RANK
Marine Taxonomic Services, LTD	288	1
MBC Aquatic Sciences	273	2

Marine Taxonomic Services, LTD is qualified in the field of eelgrass and Caulerpa surveys and is familiar with the City’s program after having previously completed the previous three harbor-wide surveys.

Staff reviewed the proposal to confirm responsiveness to the RFP. The proposal included the required background, experience, similar work history, and ability to perform the specific tasks as outlined in the Scope of Services. The sealed fee schedule was reviewed and confirmed to be reasonable and within the anticipated budget. Therefore, staff recommends approving a professional services agreement with Marine Taxonomic Services, LTD for Newport Harbor Shallow and Deep Water Eelgrass Surveys.

FISCAL IMPACT:

The adopted Capital Improvement Program budget includes sufficient funding for this agreement. It will be expensed to the Eelgrass/Caulerpa Survey project in the Capital Improvement Plan budget 10001-980000-25H11, using Tidelands Funding. Tidelands funds are generated from the operation of the City tidelands including rents from moorings, piers, and leases, as well as income from parking lots.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Professional Services Agreement