



THE PORT
OF LOS ANGELES

Executive Director's
Report to the
Board of Harbor Commissioners

DATE: OCTOBER 24, 2018

FROM: ENVIRONMENTAL MANAGEMENT DIVISION

SUBJECT: RESOLUTION NO. _____ - APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY AND THE CITY OF LOS ANGELES HARBOR DEPARTMENT ON THE TEMPORARY RELOCATION OF THE PEREGRINE FALCON NESTING HABITAT

SUMMARY:

Staff requests approval of a Memorandum of Understanding (MOU) between the City of Los Angeles Harbor Department (Harbor Department), and the Alameda Corridor Transportation Authority (ACTA), acting as an agent for the State of California Department of Transportation (DOT), to permit the temporary relocation of a peregrine falcon nesting habitat as part of the continued replacement of the State's Schuyler Heim Bridge. The previous MOU (Agreement No. 10-2933) allowed the State to relocate a peregrine nesting habitat that was located on the Schuyler Heim Bridge during construction of the new bridge to the Badger Avenue Bridge. Since the previous MOU has expired and construction of the new bridge is continuing past the previously anticipated completion date, a new MOU is needed to allow continued relocation of the peregrine falcon nesting habitat as well as necessary access to Harbor Department property to accomplish the relocation. The nest will be relocated back to the new Schuyler Heim Bridge once construction is complete. The current estimated date for completion is December 2021. There is no financial obligation associated with this MOU.

RECOMMENDATIONS:

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II, Section 2 (i) of the Los Angeles City CEQA Guidelines;

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2. Approve the Memorandum of Understanding between the City of Los Angeles Harbor Department, the State of California Department of Transportation, and the Alameda Corridor Transportation Authority for a term of five years;
3. Authorize the Executive Director to execute and the Board Secretary to attest to said Memorandum of Understanding; and
4. Adopt Resolution No. _____.

DISCUSSION:

Background – In 2009, DOT and ACTA entered into a Cooperative Agreement specifying responsibilities of the State and ACTA for the Schuyler Heim Bridge Replacement Project. This agreement specifies that ACTA will obtain the necessary permits, agreements, and/or approvals from appropriate regulatory agencies and that ACTA will be fully responsible for complying with and implementing any and all environmental commitments set forth in the environmental documentation, permits, agreements, and approvals for the bridge construction. DOT is in the process of replacing the Schuyler Heim Bridge; part of this project includes an environmental commitment to temporarily relocate a peregrine nesting habitat from the old Schuyler Heim Bridge to an adjacent location. DOT has determined that the Badger Avenue Bridge is the best location for the temporary nest relocation.

The Harbor Department owns the Badger Avenue Bridge and requested that ACTA, as an agent for the State, enter into an MOU with the Harbor Department in order to allow the relocation of the peregrine nesting habitat to the Badger Avenue Bridge. The MOU (Agreement No. 10-2933) approved by the Board on December 7, 2010, specified the responsibilities of ACTA and the Harbor Department during the temporary relocation of the peregrine nesting habitat. The relocation follows procedures and protocols detailed in the Relocation Plan (Attachment B to the MOU), developed by ACTA's consultant falcon expert, URS, with oversight by the California Department of Fish and Wildlife. The MOU was amended in October 2015 to extend the date of Agreement No. 10-2933 by an additional two years when the bridge construction did not meet the previously anticipated completion date.

New Memorandum of Understanding – Staff is proposing that the Harbor Department, and ACTA enter into a new MOU for a five-year term to allow completion of the bridge and continued relocation of the falcons. The new MOU defines the responsibilities of each party during the relocation project (Transmittal 1). The five-year term extends beyond the estimated completion date December 2021 which allows for further bridge

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construction delays. The new MOU calls for the Harbor Department to allow the relocation of the peregrine nesting habitat to the Badger Avenue Bridge during construction of the new Schuyler Heim Bridge, and grant any required access to ACTA, or their contractors in order to perform the relocation project. The new MOU also specifies that Harbor Department shall not contribute financially to the relocation, and that it shall comply with all state and federal laws and regulations regarding the protection of the peregrines while they are on the Badger Avenue Bridge.

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of a new MOU for an environmental commitment previously assessed in the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) and included in the Record of Decision for the Schuyler Heim Bridge Replacement Project approved by Caltrans on August 12, 2009. As an administrative activity for which the underlying project has been previously assessed and processed under CEQA, the Director of Environmental Management has determined that the proposed action is exempt from the requirements of CEQA in accordance with Article II, Section 2 (i) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

There are no costs to Harbor Department associated with this proposed MOU.

CITY ATTORNEY:

The office of the City Attorney has reviewed and approved the MOU as to form and legality.

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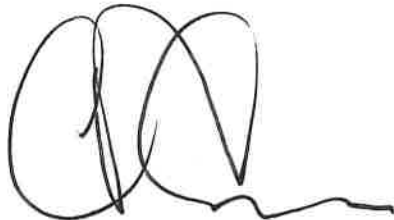
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TRANSMITTAL:

1. Memorandum of Understanding

FIS Approval: 
CA Approval: 



CHRISTOPHER CANNON
Director of Environmental Management


For MICHAEL DiBERNARDO
Deputy Executive Director

APPROVED:



EUGENE D. SEROKA
Executive Director

CC/YO
AUTHOR: R. MCPHERSON

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