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**THE PORT
OF LOS ANGELES**
Executive Director's
Report to the
Board of Harbor Commissioners

DATE: OCTOBER 7, 2015

FROM: ENVIRONMENTAL MANAGEMENT

SUBJECT: RESOLUTION NO. _____ - APPROVAL OF THE FIRST AMENDMENT TO AGREEMENT NO. 10-2933 BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY FOR THE TEMPORARY RELOCATION OF THE PEREGRINE FALCON NESTING HABITAT

SUMMARY:

Staff requests approval to extend the current Memorandum of Understanding (MOU) Agreement No. 10-2933, between the City of Los Angeles Harbor Department (Harbor Department) and the Alameda Corridor Transportation Authority (ACTA) on the temporary relocation of peregrine falcon (peregrine) nesting habitat. Agreement No. 10-2933 allows ACTA 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. The termination date of Agreement No. 10-2933 needs to be extended through August 31, 2018, as construction will continue beyond the previously anticipated July 31, 2016, termination date. The nesting habitat will be relocated back to the new Schuyler Heim Bridge once its construction is complete.

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 exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II, Section 2 (i) of the Los Angeles City CEQA Guidelines;
2. Approve the First Amendment to Agreement No. 10-2933 between the City of Los Angeles Harbor Department and the Alameda Corridor Transportation Authority extending the termination date through August 31, 2018;
3. Authorize the Executive Director to execute and the Board Secretary to attest to said Memorandum of Understanding; and
4. Adopt Resolution No. _____.

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SUBJECT: FIRST AMENDMENT TO AGREEMENT NO. 10-2933

DISCUSSION:

Background/Context – In 2009, the State of California Department of Transportation (State) 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. The State 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. The State 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 specifies the responsibilities of ACTA and the Harbor Department during the temporary relocation of the peregrine nesting habitat.

Memorandum of Understanding – The Harbor Department and ACTA entered into Agreement No. 10-2933 approved by the Board on December 7, 2010, which defines the responsibilities of each party during the relocation project. Agreement No. 10-2933 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. Agreement No. 10-2933 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.

Term of Agreement – The termination date of Agreement No. 10-2933 is July 31, 2016. It is now anticipated that construction will continue beyond that date. The First Amendment to Agreement No. 10-2933 (Transmittal 1) will extend the termination date through August 31, 2018, to provide the necessary amount of time the State needs to complete construction of the bridge and complete the peregrine nesting habitat relocation plan.

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FINANCIAL IMPACT:

The Harbor Department did not and is not expected to financially contribute to the relocation of the peregrine nesting habitat. The Harbor Department's costs are limited to staff time as it relates to preparation of extension of Agreement No. 10-2933.

ENVIRONMENTAL IMPACT:

The proposed action is the approval of an extension of an existing 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 such, the Director of Environmental Management has determined that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with Article II, Section 2 (i) of the Los Angeles City CEQA Guidelines.

ECONOMIC BENEFITS:

This Board action will have no employment impact.

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CITY ATTORNEY:

The Office of the City Attorney has reviewed and approved the Amendment as to form and legality.

TRANSMITTAL:

1. First Amendment to Agreement No. 10-2933

FIS Approval: MB (initials)
CA Approval: CRB (initials)



CHRISTOPHER CANNON
Director of Environmental Management



MICHAEL DiBERNARDO
Deputy Executive Director

APPROVED:



EUGENE D. SEROKA
Executive Director

AUTHOR: RACHEL MCPHERSON
BOARD MEETING: 10/15/2015

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