



425 S. Palos Verdes Street Post Office Box 151 San Pedro, CA 90733-0151 TEL/TDD 310 SEA-PORT www.portoflosangeles.org

Eric Garcetti

*Mayor, City of Los Angeles*

Board of Harbor  
Commissioners

Ambassador Vilma S. Martinez  
*President*

David Arlan  
*Vice President*

Patricia Castellanos

Anthony Pirozzi, Jr.

Edward R. Renwick

Eugene D. Seroka

*Executive Director*

December 4, 2017

G. Mendel Stewart  
Field Supervisor, Carlsbad Fish and Wildlife Office  
U.S. Fish and Wildlife Service  
Carlsbad Fish and Wildlife Office  
2177 Salk Avenue, Suite 250  
Carlsbad, CA 92008

Chris Yates  
Assistant Regional Administrator  
National Marine Fisheries Service  
West Coast Regional Office - Long Beach  
501 West Ocean Boulevard, Suite 4200  
Long Beach, CA 90802

Craig Shuman  
Regional Manager, Marine Region  
California Department of Fish & Wildlife  
1933 Cliff Drive, Suite 9  
Santa Barbara, CA 93109

Dear Colleagues:

**SUBJECT: LETTER OF CONSENT TO RESCIND THE CITY OF LOS ANGELES  
HARBOR DEPARTMENT AGREEMENT NOS. 1327 AND 1972**

The Port of Los Angeles Harbor Habitat Mitigation Bank Enabling Instrument ("Harbor BEI") is being executed by the City of Los Angeles Harbor Department (Harbor Department) acting by and through the Board of Harbor Commissioners, the Los Angeles District of the U.S. Army Corps of Engineers, Region IX of the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service (USFWS), and the National Marine Fisheries Service (NMFS). The Harbor BEI sets forth the agreement of the Parties regarding the establishment, use, operation, and maintenance of the Port of Los Angeles Harbor Habitat Mitigation Bank.

The Bank consists of seven sites, totaling approximately 374 acres, previously constructed in the Los Angeles Harbor as provided in the *Memorandum of Understanding*

**TRANSMITTAL 3**

*Among the Harbor Department, the California Department of Fish and Game, the NMFS, and the USFWS to Establish a Procedure for Advance Compensation of Marine Habitat Losses Incurred by Selected Port Development Projects Within the Harbor District of the City of Los Angeles* (known and referred to as the Inner Harbor Agreement) executed in 1984 and the *Memorandum of Agreement Among the City of Los Angeles, the California Department of Fish and Game, the NMFS, and the USFWS to Establish a Procedure For On-site Compensation of Marine Habitat Losses Incurred by Port Development Landfills within the Harbor District of the City of Los Angeles* (known and referred to as the Outer Harbor Agreement) executed in 1997. All remaining credits existing under such agreements are incorporated into the Harbor BEI.

The Harbor BEI shall supersede and replace the Inner Harbor Bank (Harbor Department Agreement No. 1327) and the Outer Harbor Bank (Harbor Department Agreement No. 1972), provided the parties to Agreement Nos. 1327 and 1972 consent to such supersedence and replacement.

Signature below indicates consent to rescind Agreement Nos. 1327 and 1972 and supersede and replace these agreements with the Harbor BEI.

This letter of consent may be executed in multiple counterparts, each of which shall be deemed an original and all of which together shall constitute consent of all parties.

\_\_\_\_\_  
EUGENE D. SEROKA  
Executive Director  
Harbor Department  
City of Los Angeles

\_\_\_\_\_  
Date

Attest: \_\_\_\_\_

Amber M. Klesges  
Board Secretary

LETTER OF CONSENT TO RESCIND  
AGREEMENT NOS. 1327 AND 1972



G. MENDEL STEWART  
Field Supervisor  
Carlsbad Field Office  
U.S. Fish and Wildlife Service

12-8-17

Date

CHRIS YATES  
Assistant Regional Administrator  
National Marine Fisheries Service  
West Coast Region

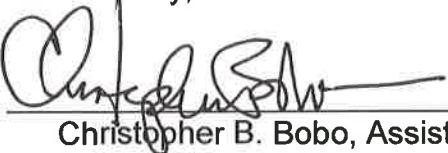
Date

CRAIG SHUMAN  
Marine Region Regional Manager  
California Department of Fish & Wildlife

Date

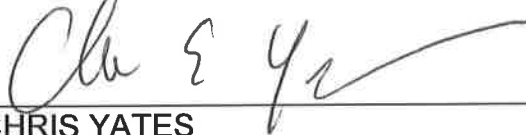
APPROVED AS TO FORM AND LEGALITY

Jan 3, 2018  
Michael N. Feuer, City Attorney  
Janna B. Sidley, General Counsel

By   
Christopher B. Bobo, Assistant

LETTER OF CONSENT TO RESCIND  
AGREEMENT NOS. 1327 AND 1972

\_\_\_\_\_  
G. MENDEL STEWART  
Field Supervisor  
Carlsbad Field Office  
U.S. Fish and Wildlife Service



\_\_\_\_\_  
Date

Dec 11 2017

\_\_\_\_\_  
CHRIS YATES  
Assistant Regional Administrator  
National Marine Fisheries Service  
West Coast Region

\_\_\_\_\_  
Date

\_\_\_\_\_  
CRAIG SHUMAN  
Marine Region Regional Manager  
California Department of Fish & Wildlife

\_\_\_\_\_  
Date

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_, 2017  
Michael N. Feuer, City Attorney  
Janna B. Sidley, General Counsel

By \_\_\_\_\_  
Christopher B. Bobo, Assistant

LETTER OF CONSENT TO RESCIND  
AGREEMENT NOS. 1327 AND 1972

\_\_\_\_\_  
G. MENDEL STEWART  
Field Supervisor  
Carlsbad Field Office  
U.S. Fish and Wildlife Service

\_\_\_\_\_  
Date

\_\_\_\_\_  
CHRIS YATES  
Assistant Regional Administrator  
National Marine Fisheries Service  
West Coast Region

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
CRAIG SHUMAN  
Marine Region Regional Manager  
California Department of Fish & Wildlife

12/21/17  
\_\_\_\_\_  
Date

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_, 2017  
Michael N. Feuer, City Attorney  
Janna B. Sidley, General Counsel

By \_\_\_\_\_  
Christopher B. Bobo, Assistant