

# M · E · M · O

## Alameda Corridor Transportation Authority

October 11, 2018

<b>To:</b>	Governing Board
<b>From:</b>	John T. Doherty, Chief Executive Officer
<b>Subject:</b>	<i>Memorandum of Understanding between ACTA and Los Angeles Harbor Department concerning Peregrine Falcon Habitat Relocation for SR-47 Project (APPROVAL)</i>

**Recommendation:**

Authorize to CEO or CFO to execute a Memorandum of Understanding (MOU) with a five-year maximum duration with the Los Angeles Harbor Department concerning peregrine falcon habitat relocation during construction of the SR-47 Heim Bridge Replacement Project.

**Discussion:**

As approved by the Governing Board at its May 2009 meeting, ACTA entered into a Cooperative Agreement with Caltrans (District Agreement No. 07-4872) effective July 16, 2009 for construction of the SR-47 Project (Project). The agreement specified the responsibilities of each party, among which was that ACTA would obtain the necessary permits, agreements, and/or approvals from appropriate regulatory agencies, and that ACTA would be responsible for complying with and implementing any and all environmental commitments contained in those documents.

As part of ACTA's permit securing effort, in January 2011, ACTA and the Los Angeles Harbor Department (Parties) executed an MOU (LA Harbor Dept. Agreement No. 10-2933), which authorized ACTA to temporarily relocate the peregrine nesting habitat during construction from Caltrans' Schuyler Heim Bridge to POLA's Badger Avenue Bridge. The term of the MOU was through July 31, 2016. Subsequently, a first amendment was executed in October 2015 extending the term through August 31, 2018.

As the Project is not scheduled to be complete until December 2020 or later, the Parties seek to execute a new MOU to continue the relocation of the peregrine nesting habitat. The new MOU shall be effective September 1, 2018 and terminate the earlier of August 31, 2023 (five years) or completion of the Project and completion, removal and permanent relocation of the nesting habitat.



It is requested that the Board authorize the CEO or CFO to execute the new MOU on behalf of ACTA and forward it to the Los Angeles Harbor Department for their approval and execution.

**Budget Impact:**

The cost of this environmental mitigation is fully reimbursable from Caltrans under a separate SR-47 Construction Cooperative Agreement with Caltrans (District Agreement No. 07-4914), as authorized by the Board in March 2011, and effective September 11, 2011.

Transmittal:

Transmittal 1 - Proposed MOU between ACTA and LA Harbor Department