

ORDER NO. \_\_\_\_\_

An Order of the Board of Harbor Commissioners of the City of Los Angeles relating to the 2019 Final Supplemental Environmental Impact Report for Berths 97-109 (China Shipping) Container Terminal Project ("2019 SEIR").

Past Board Actions:

A. On October 8, 2019, the Board adopted Resolution No. 19-9548, which certified the Final Supplemental Environmental Impact Report for the Berths 97-109 (China Shipping) Container Terminal Project (App No. 150224-504; SCH No. 2003061153), in compliance with the California Environmental Quality Act (CEQA), and adopted related documents and findings, including Findings of Fact, Statement of Overriding Considerations and a Supplemental Mitigation Monitoring and Reporting Program.

Past City Council Actions:

B. On August 12, 2020, the Los Angeles City Council adopted (1) Motion by Councilmembers Joe Buscaino and Mitch O'Farrell (Council File No. 19-1263) to Deny all CEQA appeals and Certify the Final Supplemental Environmental Impact Report and Adopt the recommendations of the Board of Harbor Commissioners from its special meeting held October 8, 2019 relative to the China Shipping Container Terminal Project; and (2) Official Action of the Los Angeles City Council – Adopting motion of Buscaino and O'Farrell.

Court Order:

C. Ensuing litigation<sup>1</sup> regarding the 2019 SEIR resulted in a Writ of Mandate (court order) mandating that the Board and City Council set aside the certification of the 2019 SEIR and related project approvals referred to on pages 8-25 of the administrative record in the action.

**THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LOS ANGELES  
DOES HEREBY ORDER AS FOLLOWS:**

1. The following actions, resolutions, and order are hereby set aside:
  - a. The Los Angeles Board of Harbor Commissioners' October 8, 2019 adoption of Resolution No. 19-9548, which (1) certified the Final Supplemental Environmental Impact Report for the Berths 97-109 (China Shipping) Container Terminal Project (App No. 150224-504; SCH No. 2003061153), in compliance with the California Environmental

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<sup>1</sup> Natural Resources Defense Council, Inc., et al. v. City of Los Angeles, et al., San Diego Superior Court Case No. 37-2021-00023385-CU-TT-CTL, also known as Natural Resources Defense Council, Inc., et al. v. City of Los Angeles, et al., California Court of Appeal, Fourth Appellate District, Division One Case No. D080902.

Quality Act (CEQA), and (2) adopted related documents and findings, including Findings of Fact, Statement of Overriding Considerations and a Supplemental Mitigation Monitoring and Reporting Program and (3) approved the project;

2. The Secretary shall certify to the adoption of this Order by the Board of Harbor Commissioners of the City of Los Angeles and shall cause a copy of the same to be presented to the City Council and request that, pursuant to court order, the City Council take similar actions to set aside all City Council's 2019 SEIR approvals, including:

The Los Angeles City Council's August 12, 2020, adoption of a (1) Motion by Councilmembers Joe Buscaino and Mitch O'Farrell (Council File No. 19-1263) to Deny all appeals and Certify the Final Supplemental Environmental Impact Report and Adopt the recommendations of the Board of Harbor Commissioners from its special meeting held October 8, 2019 relative to the China Shipping Container Terminal Project; and (2) Official Action of the Los Angeles City Council – Adopting motion of Buscaino and O'Farrell.

I HEREBY CERTIFY that the foregoing Order was adopted by the Board of Harbor Commissioners of the City of Los Angeles at its meeting of \_\_\_\_\_.

AMBER KLESGES  
Board Secretary

APPROVED AS TO FORM AND LEGALITY

6/20, 2024  
HYDEE FELDSTEIN SOTO, City Attorney  
STEVE OTERA, General Counsel

By   
JOHN DRISCOLL

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