

**FINDINGS OF CERTIFICATION OF THE REVISED SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE BERTHS 97-109 CHINA SHIPPING CONTAINER TERMINAL PROJECT**

**WHEREAS**, China Shipping currently operates the China Shipping (CS) Container Terminal at Berths 97-109 in the Port of Los Angeles under a lease agreement (Permit No. 999), as amended, and the continued operation of the CS Container Terminal at Berths 97-109 in the Port of Los Angeles is proposed under certain new or revised mitigation measures (Project), and

**WHEREAS**, Los Angeles Harbor Department (LAHD) had evaluated whether certain mitigation measures that were analyzed in the 2008 Final Environmental Impact Statement/Final Environmental Impact Report (2008 EIR) should be revised based on feasibility, effectiveness, and other factors in a Final Supplemental Environmental Impact Report (SCH #2003061153) (2019 SEIR) certified by the City of Los Angeles Board of Harbor Commissioners (Board) on October 8, 2019, and

**WHEREAS**, ensuing litigation<sup>1</sup> regarding the 2019 SEIR resulted in a Writ of Mandate (Writ) issued by San Diego County Superior Court on May 24, 2024, mandating that the Board and City Council set aside the certification of the 2019 SEIR, which was completed in 2024, and

**WHEREAS**, the Writ also required LAHD to prepare a revised supplemental EIR to address the deficiencies identified in the 2019 SEIR, and

**WHEREAS**, LAHD prepared a Final Revised Supplemental Environmental Impact Report (SCH #2003061153) (RSEIR) consisting of the Draft RSEIR, modifications and corrections made to the Draft RSEIR, and Responses to Comments pursuant to the California Environmental Quality Act (CEQA; Public Resources Code § 21000 et seq.) to analyze the environmental effects of the Project in compliance with the Writ, and

**WHEREAS**, pursuant to Public Resources Code Section 21168.9(b) and as directed by the Writ, the RSEIR was limited to addressing only those issues identified by the Writ as necessary to bring the 2019 SEIR into compliance with CEQA, and the analyses in the 2019 SEIR that were upheld by the Court or not challenged, and, thus, not addressed in the Writ, were not revised and were not recirculated for public review and comment, and

**WHEREAS**, because the Writ ordered the certification of the 2019 SEIR be set aside, those portions of the 2019 SEIR that were not addressed in the Writ and remain valid must be re-certified before the Board may take action on the Project, including, but not limited to, future amendment of Permit No. 999, and

**WHEREAS**, CEQA and section 15000 et. seq. of Title 14 of the California Code of Regulations (CEQA Guidelines), which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the RSEIR,

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<sup>1</sup> *Natural Resources Defense Council, Inc. v. City of Los Angeles* (2023) 98 Cal.App.5th 1176

which supplements and makes adequate the 2008 EIR and 2019 SEIR as directed by the Writ, and

**WHEREAS**, LAHD filed a notice of preparation (NOP) on August 22, 2024, for a Draft RSEIR for the proposed Project, and the time period for comments on the NOP concluded on September 30, 2024, and

**WHEREAS**, LAHD prepared and on June 26, 2025, distributed the Draft RSEIR for the Project for a 45-day public review and comment period, which concluded on August 11, 2025, and

**WHEREAS**, the Draft RSEIR was posted at the State Clearinghouse and posted online at LAHD's website, and the notice of availability of the Draft RSEIR was mailed to relevant public agencies, responsible and trustee agencies, and interested parties, and

**WHEREAS**, LAHD held a public meeting to present the findings from and receive comments on the Draft RSEIR on July 22, 2025, and

**WHEREAS**, LAHD prepared a Final RSEIR which was released to the public, including commenting agencies, on November 10, 2025, which responded to all comments received on the Draft RSEIR during the comment period; and

**WHEREAS**, notice of and access to the Final RSEIR was provided to those state and local agencies who commented on the NOP and Draft RSEIR, submitted electronically to the State Clearinghouse CEQA-net web portal, posted on the LAHD's website, mailed to property owners and occupants within the general vicinity of the Project site, and mailed to individuals who have requested to specifically be notified of official LAHD actions on the Project, and

**WHEREAS**, pursuant to CEQA Guidelines, responses to public agency comments on the Draft RSEIR have been published and made available to all commenting agencies at least 10 days prior to the final certification hearing, and

**WHEREAS**, a full description of the proposed Project analyzed in the RSEIR is included in Chapter 2 of the Draft RSEIR with additional information provided in the Final RSEIR, and 2019 SEIR, as revised by the RSEIR, all of which are incorporated herein by reference, and

**WHEREAS**, in accordance with CEQA section 21167.6(e), the record of proceedings for Board's decision on the RSEIR, which supplements and makes adequate the 2008 EIR and 2019 SEIR as directed by the Writ, without limitation, shall include the following documents:

- The 2008 EIR/EIS for the Project;
- The 2019 SEIR for the Project;
- The Writ;
- The NOP and all other public notices issued by LAHD in conjunction with the scoping period for the Draft RSEIR on the proposed Project;
- All comments submitted by agencies, organizations, and members of the public during the scoping period in response to the NOP;

- The Draft RSEIR for the Project;
- All comments submitted by agencies, organizations, and members of the public during the comment period on the Draft RSEIR;
- The Final RSEIR for the project, including comments received on the Draft RSEIR and responses to those comments, as well as revisions to the Draft RSEIR;
- Documents cited or referenced in the Draft RSEIR and Final RSEIR;
- All findings and resolutions adopted by the Board in connection with the Project and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the project prepared by LAHD, its consultants, and responsible or trustee agencies with respect to LAHD's compliance with the requirements of CEQA and with respect to LAHD's action on the project;
- All documents submitted to LAHD by other public agencies or members of the public in connection with the Project;
- All minutes and/or verbatim transcripts, as available, of all public meetings held by LAHD in connection with the project;
- Any documentary or other evidence submitted to LAHD at such public meetings;
- Any other materials required to be in the record of proceedings by CEQA section 21167.6(e), and

**WHEREAS**, all files have been made available to the Board in considering these findings and the Board has had an opportunity to review all comments and responses thereto prior to consideration of certification, and

**WHEREAS**, the Board recognizes that the Final RSEIR incorporates information obtained and produced after the Draft RSEIR was completed, and that the Final RSEIR contains additions, clarifications, and modifications, and

**WHEREAS**, the Board has reviewed and considered the Final RSEIR and all of this information, and the new information added in the Final RSEIR merely clarifies and makes insignificant changes to an adequate Draft RSEIR, and does not add significant new information to the Draft RSEIR or that the public was deprived of a meaningful opportunity to review and comment on the Draft RSEIR, that would require recirculation of the RSEIR under CEQA.

**WHEREAS**, the Board finds that the changes and modifications made to the RSEIR after the Draft RSEIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or CEQA Guidelines section 15088.5.

**NOW, THEREFORE, BE IT RESOLVED** that the Board hereby certifies the RSEIR and 2019 SEIR, as revised by the RSEIR, for the Project, pursuant to the Writ and CEQA Guidelines, section 15090(a), based on the following findings:

- That the RSEIR and 2019 SEIR, as revised by the RSEIR, has been completed in compliance with CEQA and the CEQA guidelines.

- The Board has independently reviewed and considered the record and the RSEIR and 2019 SEIR, as revised by the RSEIR, prior to certifying the RSEIR and 2019 SEIR, as revised by the RSEIR.
- The RSEIR and 2019 SEIR, as revised by the RSEIR, represents the independent judgment, review and analysis of the Board.
- The RSEIR and 2019 SEIR, as revised by the RSEIR, provides information to the decision-makers and the public on the environmental consequences of the proposed Project.
- The RSEIR and 2019 SEIR, as revised by the RSEIR, adequately discusses the potential adverse environmental effects, ways in which such affects might be mitigated, and alternatives to the Project which would reduce or avoid the adverse effects.

These findings are based on substantial evidence in the entire administrative record, and references to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings.

The Board further certifies that the RSEIR and 2019 SEIR, as revised by the RSEIR, are adequate to support all actions in connection with the approval of the Project, any minor modifications to the Project described in the RSEIR and 2019 SEIR, as revised by the RSEIR, and all other actions and recommendations necessary for approval of the Project. These certification findings will be included and incorporated by reference into each and every staff report, motion or resolution associated with the Board's future approval of the Project.

The documents and other materials that constitute the record of proceedings upon which the Board has based its decision may be obtained from LAHD as the official custodian of the record of proceedings.