

# **FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

## **Berths 97-109 (China Shipping) Container Terminal Project Revised Supplemental Environmental Impact Report (RSEIR)**

**(SCH NO. 2003061153, APP No. 150224-504)**

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# FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

## 1 Introduction

These Findings of Fact have been prepared by the Los Angeles Harbor Department (LAHD, or Port) as the Lead Agency pursuant to § 21081 of the Public Resources Code (PRC) and § 15091 of the State California Environmental Quality Act (CEQA) Guidelines to support a decision to approve the Revised Project, namely the continued operation of the Berths 97-109 (China Shipping) Container Terminal Project under new or revised mitigation measures. That decision will be based on the Revised Supplemental Environmental Impact Report (“RSEIR”) and the 2019 Supplemental EIR, as revised by the RSEIR, certified by the Los Angeles Board of Harbor Commissioners (“Board”) on November 20, 2025, and the Errata of the RSEIR adopted concurrently herewith, under Public Resources Code (“PRC”) § 21166 and 14 California Code of Regulations [CCR] § 15162 (“CEQA Guidelines”).

PRC § 21081 and CEQA Guidelines § 15091 provide that no public agency shall approve or carry out a project for which an Environmental Impact Report has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effects identified in the Final RSEIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final RSEIR.

Additionally, the Lead Agency shall not approve a project that will have a significant effect on the environment unless it finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the unavoidable adverse environmental effects (PRC § 21081(b); CEQA Guidelines § 15093). The LAHD has prepared the Statement of Overriding Considerations to document and substantiate the reasons to support its action based on the Final RSEIR and other information contained in the record.

1 In accordance with the provisions of CEQA, the Board of Harbor Commissioners  
2 (“Board”) adopts the Findings and Statement of Overriding Considerations as set forth  
3 below, and the Errata of the RSEIR, as part of the approval of the Revised Project. As  
4 required by CEQA, the Board in adopting these findings also adopts a Revised  
5 Mitigation Monitoring and Reporting Program (MMRP) for the Revised Project. The  
6 Board finds that the MMRP, which is incorporated by reference and made a part of  
7 these findings, meets the requirements of CEQA Section 21081.6 by providing for the  
8 implementation and monitoring of measures intended to mitigate potentially significant  
9 effects of the Revised Project. Pursuant to CEQA Section 21082.1(c)(3), the Board also  
10 finds that the RSEIR reflects the Port’s independent judgment as the lead agency for  
11 the Revised Project. The Board also adopts Errata of the Final RSEIR.

## 12 **2 Revised Project Overview**

### 13 **2.1 Introduction and Background**

14 This section describes the Revised Project analyzed in the Berths 97-109 (China  
15 Shipping) Container Terminal Project Revised Supplemental EIR (RSEIR). The China  
16 Shipping (“CS”) Terminal is located within the Port of Los Angeles in the community of  
17 San Pedro in the City of Los Angeles. The Revised Project involves the continued  
18 operation of the CS Terminal under new or revised mitigation measures compared to  
19 those approved by the LAHD both in 2008 through the original EIS/EIR prepared by the  
20 Los Angeles Harbor Department (LAHD) and the U.S. Army Corps of Engineers  
21 (USACE) and in 2019 through the Supplemental EIR (2019 SEIR).

22 The 2008 EIS/EIR evaluated the environmental impacts of the construction and operation  
23 of the CS Container Terminal (the “Approved Project”) at Berths 97-109. Construction of  
24 the Approved Project was completed in 2013. The 2008 EIS/EIR was challenged in court,  
25 and as a result of the ensuing litigation, the LAHD revised the Approved Project  
26 to incorporate new operational parameters and cargo forecasts and new and revised  
27 mitigation measures addressing air quality, greenhouse gases, and transportation. Of the  
28 52 measures adopted in the 2008 EIS/EIR, 10 mitigation measures and one lease measure  
29 had not yet been fully implemented, forming the basis of the challenge. A re-evaluation  
30 of those measures indicated that some are unnecessary, others have been superseded by  
31 advances in technology, and still others need to be modified to ensure their feasibility.  
32 The 2019 SEIR evaluated the continued operation of the CS Container Terminal  
33 under the new and/or modified mitigation measures (2019 Revised Project).

34 The certification of the 2019 SEIR was also challenged in court, and after a period of  
35 litigation the California Court of Appeal ruled that certain portions of the 2019 SEIR did  
36 not comply with CEQA. The San Diego County Superior Court issued a Peremptory Writ  
37 of Mandate (Writ) ordering the LAHD to: 1) amend its permit with China Shipping to  
38 incorporate the 2008 EIS/EIR’s mitigation and lease measures; 2) set aside certification  
39 of the 2019 SEIR; 3) prepare circulate, and certify a revised SEIR (RSEIR) to address the  
40 deficiencies identified by the Court of Appeal and Superior Court; and 4) ensure that  
41 mitigation measures adopted in the RSEIR are fully enforceable. On June 27, 2024, the  
42 Board adopted Resolution No. 24-10374 and Order No. 24-7371, which set aside the  
43 certification of the 2019 SEIR, and related matters, and approved the Sixth Amendment  
44 to Permit No. 999, incorporating and implementing the 2008 EIS/EIR’s mitigation and  
45 lease measures. On November 20, 2025, the Board certified the RSEIR that was prepared  
46 in response to, and as required by, the Writ. The remaining Writ requirement that LAHD  
47 ensure all adopted mitigation measures are fully enforceable is presented as part of the

1 Revised Project approvals for the Board’s consideration in the Seventh Amendment to  
 2 Permit 999 and Revised MMRP.

3 **2.2 Revised Project Purpose**

4 In the 2008 EIS/EIR, the LAHD’s overall objectives for the CS Container Terminal  
 5 Project were threefold: (1) provide a portion of the facilities needed to accommodate the  
 6 projected growth in the volume of containerized cargo through the Port; (2) comply with  
 7 the Mayor’s goal for the Port to increase growth while mitigating the impacts of that  
 8 growth on the local communities and the Los Angeles region by implementing pollution  
 9 control measures, including the elements of the Clean Air Action Plan (CAAP)  
 10 applicable to the Revised Project; and (3) comply with the Port Strategic Plan to  
 11 maximize the efficiency and capacity of terminals while raising environmental standards  
 12 through application of all feasible mitigation measures.

13 The overall purpose of the Revised Project is to further the second and third objectives in  
 14 compliance with the Writ, by eliminating some previously adopted measures that have  
 15 proved to be infeasible or unnecessary; instituting new, feasible, mitigation measures;  
 16 and modifying other existing measures to enhance their effectiveness.

17 **2.3 Revised Project Description**

18 The Revised Project considered in the RSEIR and being considered for approval by the  
 19 Board consists of the 2019 Revised Project with MM AQ-9 (Alternative Maritime Power)  
 20 and MM AQ-10 (Vessel Speed Reduction Program) replaced by MM AQ-9 and MM  
 21 AQ-10 of the 2008 EIS/EIR, the pilot project component of MM AQ-17 (Cargo Handling  
 22 Equipment) re-instated from the 2008 EIS/EIR, and a further evaluation of mitigation  
 23 related to at-berth emissions and greenhouse gas emissions. As a result of the analyses in  
 24 the RSEIR, MM AQ-9 and MM AQ-10 have been updated, 2019 lease measure LM  
 25 GHG-1 (GHG Credit Fund) has been eliminated, and three new mitigation measures  
 26 (MM AQ-31 [At-Berth Regulation], MM AQ-32 [Alternative Control Technology], and  
 27 MM GHG-2 [GHG Reduction Offsets]) have been included. Table 1 presents the  
 28 mitigation and lease measures that constitute the Revised Project.

29 **Table 1. Revised Project Mitigation Measures and Lease Measures.**

Measure
2008 EIS/EIR MM AQ-11: Low-Sulfur Fuel
2008 EIS/EIR MM AQ-12: Slide Valve
2008 EIS/EIR MM AQ-13: Reroute Cleaner Ships
2008 EIS/EIR MM AQ-14: New Vessel Build
2008 EIS/EIR MM AQ-17: (1-year electric yard tractor pilot project only)
2008 EIS/EIR MM AQ-19: Clean Truck Program
2008 EIS/EIR MM AQ-21: Truck Idling Reduction Measure
2019 SEIR LM AQ-1: Cleanest Available Cargo Handling Equipment.
2019 SEIR LM AQ-2: Priority Access for Drayage
2019 SEIR LM AQ-3: Demonstration of Zero-Emissions Equipment
2008 EIS/EIR LM AQ-22: Periodic Review of New Technology and Regulations
2008 EIS/EIR LM AQ-24: General Mitigation Measure

2019 SEIR MM GHG-1: LED Lighting
2008 EIS/EIR MM AQ-26: Compact Fluorescent Light Bulbs
2008 EIS/EIR MM AQ-27: Energy Audit
2008 EIS/EIR MM AQ-29: Recycling
2025 RSEIR Modified 2008 EIR MM AQ-9. Alternative Maritime Power (AMP)
2025 RSEIR Modified 2008 EIR MM AQ-10. Vessel Speed Reduction Program (VRSP)
2025 RSEIR Modified 2019 SEIR MM AQ-15. Yard Tractors
2025 RSEIR Modified 2019 SEIR MM AQ-17. Cargo Handling Equipment (Replacement schedule and emissions standards for yard equipment)
2025 RSEIR MM AQ-31 Additional At-Berth Emissions
2025 RSEIR MM AQ-32 Alternative Control Technology
2025 RSEIR MM GHG-2 GHG Reduction Offsets
2025 RSEIR Modified 2019 SEIR MM TRANS-2: Alameda & Anaheim Streets
2019 MM TRANS-3: John S. Gibson Boulevard at I-110 N/B Ramps

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2 **3 Findings That No Supplemental Review Is**  
 3 **Required Under CEQA**

4 **3.1 Summary of Supplemental Review Under CEQA**

5 CEQA provides PRC Section 21166 provides that “no subsequent or supplemental  
 6 environmental impact report shall be required by the lead agency or any responsible  
 7 agency” unless one of three circumstances apply: (1) substantial changes to the approved  
 8 project will require major revisions to the certified EIR; (2) substantial changes occur  
 9 with respect to the circumstances under which the approved project is being undertaken  
 10 will require major revisions to the certified EIR; or (3) new information that was not  
 11 known and could not have been known at the time the EIR for the approved project was  
 12 certified becomes available.

13 CEQA Guidelines Section 15162 clarifies that “new information” is new information of  
 14 substantial importance, which was not known and could not have been known with the  
 15 exercise of reasonable diligence at the time the previous EIR was certified as complete,  
 16 shows any of the following: (A) The project will have one or more significant effects not  
 17 discussed in the previous EIR or negative declaration; (B) Significant effects previously  
 18 examined will be substantially more severe than shown in the previous EIR; (C)  
 19 Mitigation measures or alternatives previously found not to be feasible would in fact be  
 20 feasible, and would substantially reduce one or more significant effects of the project, but  
 21 the project proponents decline to adopt the mitigation measure or alternative; or (D)  
 22 Mitigation measures or alternatives which are considerably different from those analyzed  
 23 in the previous EIR would substantially reduce one or more significant effects on the  
 24 environment, but the project proponents decline to adopt the mitigation measure or  
 25 alternative.

26 **3.2 Errata of the Final RSEIR**

27 After certification of the Final RSEIR in November 2025, LAHD discovered that certain  
 28 emissions sources were inadvertently omitted from the air quality calculations.

1 LAHD recognizes that the Errata of the Final RSEIR incorporate information that was  
2 inadvertently omitted from the Final RSEIR, as well as clarifications to the certified Final  
3 RSEIR and 2019 RSEIR, as revised by the Final RSEIR. LAHD has reviewed and  
4 considered the Final RSEIR, the Errata of Final RSEIR, and all of this information.  
5 LAHD recognizes that the Errata do not add significant new information to the Final  
6 RSEIR that was not known and could not have been known at the time the Final RSEIR  
7 was certified as complete that would require supplemental review under PRC Section  
8 21166(c) and CEQA guidelines 15162(a)(3).

9 The information in the Errata does not substantially change the Revised Project or  
10 circumstances under which the Revised Project is being undertaken. Nor do the Errata  
11 present new information that was not known and could not have been known at the time  
12 the EIR for the approved project was certified becomes available. The Errata merely  
13 correct the air quality calculations to include minor sources that were known at the time  
14 the Final RSEIR was prepared but were inadvertently omitted. It also makes insignificant  
15 administrative revisions to the adequate certified Final RSEIR. These corrections do not  
16 change the analysis or findings in the Final RSEIR, the Errata do not present substantially  
17 more severe effects than shown in the Final RSEIR, and the significant effects previously  
18 disclosed in the Final RSEIR remain the same.

19 The Board finds that the new information, clarifications, and modifications made in the  
20 Errata of the Final RSEIR after the Final RSEIR was certified do not individually or  
21 collectively constitute significant new information within the meaning of PRC Section  
22 21166 or CEQA Guidelines section 15162.

### 23 **3.2 Public Comment Received After Certified RSEIR Before** 24 **Project Approval**

25 During the Board's consideration of certification of the Final RSEIR on November 20,  
26 2025, a commissioner requested that staff meet with community group stakeholders  
27 present at the hearing to clarify some of the proposed mitigation measures in the Final  
28 RSEIR to reduce impacts from the Revised Project. The Board proceeded to certify the  
29 Final RSEIR. Since certification of the Final RSEIR, LAHD staff met with community  
30 group stakeholders to discuss the MMRP for the Board's consideration and final  
31 approval. As part of those meetings, LAHD staff received a proposed mitigation measure  
32 to address non-China Shipping and non-AMP capable vessels. The proposed mitigation  
33 measure was substantially similar to the alternative emission capture technology measure  
34 proposed in public comments received on the Draft RSEIR. LAHD has considered the  
35 public comments received on the proposed measure, considered the feasibility of  
36 adopting such proposed measure, and recommends the Board adopt MM AQ-32 to  
37 address the non-China Shipping and non-AMP capable vessels concerns raised by the  
38 community groups. LAHD determined that MM AQ-32 does not present new information  
39 of substantial importance that was not known and could not have been known at the time  
40 the RSEIR was certified. LAHD found that MM AQ-32 does not substantially reduce one  
41 or more significant effects of the Revised Project, nor is it considerably different from  
42 those analyzed in the RSEIR that would substantially reduce one or more significant  
43 effects on the environment. The new MM AQ-32 only clarifies or amplifies the existing  
44 measures analyzed in the RSEIR, including MM AQ-31, LM AQ-22, and LM AQ-24.

45 The Board finds that the information presented in MM AQ-32 does not involve new  
46 information to the Final RSEIR that was not known and could not have been known at  
47 the time the Final RSEIR was certified as complete that would require supplemental

1 review under PRC Section 21166(c) and CEQA guidelines 15162(a)(3). The Board  
2 further finds that the new mitigation measure MM AQ-32 is not considerably different  
3 from those analyzed in the Final RSEIR and would not substantially reduce significant  
4 impacts. Thus, the new MM AQ-32 does not constitute significant new information  
5 within the meaning of PRC Section 21166 or CEQA Guidelines section 15162.

### 6 **3.3 No Change to Revised Project or Circumstances** 7 **and No New Information of Substantial Importance** 8 **Since Certification of the RSEIR**

9 Since the Board certified the Final RSEIR and the 2019 Final SEIR, as revised by the  
10 RSEIR, LAHD has determined that there have been no substantial changes in the Revised  
11 Project or with respect to the Revised Project's circumstances that would require any  
12 revisions to the Final RSEIR. Nor has new information become available since  
13 certification of the Final RSEIR that was not known and could not have been known at  
14 the time the RSEIR was certified as complete. Additionally, no information indicates that  
15 the Final RSEIR was inadequate or conclusory or that the public was deprived of a  
16 meaningful opportunity to review and comment on the Final RSEIR. Thus, the Board  
17 finds that no supplemental CEQA review is required under Public Resources Code  
18 Section 21166 and CEQA guidelines 15162. The Board further finds that the Errata, Final  
19 RSEIR, and the 2019 Final SEIR, as revised by the RSEIR, and with the addition of MM  
20 AQ-32, adequately analyze and address all potentially significant effects of the Revised  
21 Project pursuant to CEQA.

## 22 **4 CEQA Findings of Fact**

23 The Findings of Fact are based on information contained in the 2019 SEIR, the Draft  
24 RSEIR, the Final RSEIR for the Revised Project, and the Errata of the Final RSEIR, as  
25 well as information contained within the administrative record. The administrative record  
26 includes, but is not limited to, staff reports on the Revised Project, public hearing records,  
27 correspondence on the Revised Project, public notices, written comments on the Revised  
28 Project and responses to those comments, proposed decisions and findings on the Revised  
29 Project, and other documents relating to the Board's decision on the Revised Project.

30 The 2019 SEIR addressed only those issues that could be affected by the Revised Project.  
31 All other resource areas considered in the 2008 EIS/EIR were not addressed in the 2019  
32 SEIR because the new information added or changes made to the Revised Project would  
33 not affect those areas. Accordingly, the 2019 SEIR only addressed air quality, greenhouse  
34 gases, and transportation.

35 The Draft RSEIR addressed only those issues directed by the Writ as described in  
36 sections 2.1 and 2.3, above, i.e., certain air quality and greenhouse gas issues. All other  
37 resource areas considered in the 2008 EIS/EIR and the 2019 SEIR were not addressed in  
38 the Draft RSEIR because the Court did not find them to be non-compliant with CEQA.  
39 However, in addition to setting aside the certification of the 2019 SEIR, the Writ also set  
40 aside the Board's 2019 SEIR Findings; accordingly, these Findings of Fact include the  
41 findings of the 2019 SEIR on transportation impacts, which were not considered in the  
42 RSEIR.

43 The Draft RSEIR was circulated for public review and comment pursuant to the State  
44 CEQA Guidelines for a period of 45 days, from June 26 to August 11, 2025. Comments

on the Draft RSEIR were received from a variety of public agencies, organizations, and individuals during the public review period. The Final RSEIR contains a list of the persons, organizations, and public agencies that commented; copies of all comments and recommendations received on the Draft RSEIR; and the LAHD’s responses to those comments.

## 4.1 Environmental Impacts of the Revised Project

Findings are provided for significant and unavoidable environmental impacts and significant impacts that are mitigated to less than significant. Where mitigation measures are proposed, those measures are included in a Revised Mitigation Monitoring Reporting Plan (MMRP), which has been prepared separately from these findings. A draft version of the Revised MMRP was presented to the Board at its November 20, 2025, meeting for informational purposes only.

### 4.1.1 Environmental Impacts Found to Be Significant and Unavoidable

The RSEIR concludes that some significant impacts of the Revised Project related to Air Quality and Ground Transportation, including cumulative impacts, would remain significant and unavoidable despite the incorporation of all feasible mitigation.

The Board hereby finds that, despite the incorporation of all feasible mitigation, including the mitigation measures (MM) and lease measures (LM) listed in Table 2, the air quality impacts of the Revised Project summarized in Table 2, including cumulative impacts, are significant and unavoidable and hereby makes the same determination based on the conclusions in the Final RSEIR.

The Board further finds that, despite the incorporation of all feasible mitigation as listed in Table 2, the ground transportation impacts of the Revised Project, including cumulative impacts, are significant and unavoidable, and hereby makes the same determination based on the conclusions in the 2019 SEIR.

**Table 2. Significant and unavoidable adverse environmental impacts of the Revised Project.**

Environmental Impacts	Impact Determination	New Measures Added by the SEIR <sup>a</sup>	Impacts after Mitigation
<b>Air Quality and Meteorology</b>			
<b>AQ-3:</b> Would the Revised Project result in operational emissions that exceed an SCAQMD threshold of significance in Table 3.1-6?	Impacts of CO and VOCs emissions would be significant in 2026, 2036, and 2045 and of NOx in analysis years 2026 and 2036.	2025 RSEIR Modified 2008 EIR MM AQ-9. Alternative Maritime Power (AMP). 2025 RSEIR Modified 2008 EIR MM AQ-10.	Significant and unavoidable  Cumulatively considerable and unavoidable
<b>AQ-4:</b> Would Revised Project operations result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance in Table 3.1-10?	Impacts of NO <sub>2</sub> (federal 1hour) would be significant in 2026 and of PM <sub>10</sub> (24-hour and annual average) in 2026 through 2045.	Vessel Speed Reduction Program (VRSP). 2025 RSEIR Modified 2019 SEIR MM AQ-15. Yard Tractors. 2025 RSEIR Modified 2019 SEIR MM AQ-17.	Significant and unavoidable  Cumulatively considerable and unavoidable

Environmental Impacts	Impact Determination	New Measures Added by the SEIR <sup>a</sup>	Impacts after Mitigation
<b>AQ-7:</b> Would the Revised Project expose receptors to significant levels of TACs?	Operations would result in significant cancer risk impacts for occupational receptors.	Cargo Handling Equipment (Replacement schedule and emissions standards for yard equipment). 2025 RSEIR MM AQ-31 At-Berth Regulations 2025 RSEIR MM AQ-32 Alternative Control Technology. 2019 LM AQ-1: Cleanest Available CHE. 2019 LM AQ-2: Priority Access for Drayage. 2019 LM AQ-3: Zero-Emission Equipment Demonstration and Feasibility Assessment.	Significant and unavoidable  Cumulatively considerable and unavoidable
<b>Ground Transportation</b>			
<b>TRANS- 2:</b> Would vehicular traffic associated with the Revised Project increase an intersection's V/C ratio in accordance with applicable guidelines?	Significant impact at intersection of Alameda and Anaheim Streets	2025 RSEIR 2019 MM TRANS-2: Alameda & Anaheim Streets	Significant and unavoidable  Cumulatively considerable and unavoidable

<sup>a</sup> Mitigation measures that constitute the Revised Project are described in Section 2.3 in this document and are not identified in this table as new measures added by the SEIR.

### 4.1.2 Environmental Impacts Found to Be Less Than Significant after Mitigation

The RSEIR concludes, and the Board hereby finds, that the following significant impacts of the Revised Project, including their cumulative impacts, as summarized in Table 3, would be less than significant after implementation of the mitigation measures summarized in Table 3. The Board hereby finds that these environmental impacts of the Revised Project are less than significant after implementation of the mitigation measures, and hereby makes the same determination based on the conclusions in the Final RSEIR and the 2019 SEIR.

**Table 3. Significant and unavoidable adverse environmental impacts of the Revised Project found to be less than significant after mitigation.**

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
<b>Greenhouse Gas Emissions and Climate Change</b>			
<b>GHG-1:</b> Would the Revised Project generate GHG emissions, either directly or indirectly that would exceed the SCAQMD 10,000 mty CO <sub>2</sub> e threshold?	Significant in all analysis years from 2026 to 2045	2019 MM GHG-1: LED Lighting. 2025 RSEIR MM GHG-2: GHG Reduction Offsets	Less than significant
<b>Ground Transportation</b>			

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
<b>Cumulative Impact TRANS-2:</b> Would vehicular traffic associated with the Revised Project increase an intersection's V/C ratio in accordance with applicable guidelines?	Cumulatively considerable at location #7 (John S. Gibson Boulevard at I-110 N/B Ramps)	2019 MM TRANS-3: John S. Gibson Boulevard at I-110 N/B Ramps	Less than significant

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2 **4.1.3 Environmental Impacts Found to Be Less Than Significant**

3 The RSEIR concludes that some, but not all, of the impacts of the Revised Project related  
 4 to Air Quality are less than significant and require no mitigation. Specifically, the  
 5 Revised Project's impacts related to PM<sub>10</sub>, PM<sub>2.5</sub>, and SO<sub>x</sub> would be less than significant  
 6 related to criterion AQ-3 (air pollutant emissions). The Revised Project would not result  
 7 in exceedances of pollutant concentrations of NO<sub>2</sub>, PM<sub>2.5</sub>, CO or SO<sub>2</sub>. Accordingly, the  
 8 Revised Project's impacts related to those pollutants would be less than significant  
 9 related to criterion AQ-4 (air pollutant concentrations). The Revised Project's emissions  
 10 would not result in individual cancer risks for residential or sensitive receptors, for acute  
 11 or chronic non-cancer health effects, or for cancer burden that exceed thresholds of  
 12 significance. Accordingly, the Revised Project's impacts related to cancer risk at  
 13 residential receptors and those other health indices would be less than significant related  
 14 to criterion AQ-7 (toxic air contaminants). In addition, the 2019 SEIR concluded that  
 15 impacts related to criterion AQ-8 (conformance with the AQMP), TRANS-4 (highway  
 16 congestion), and TRANS-5 (rail-related traffic delay) would be less than significant, as  
 17 would the cumulative impacts related to criteria TRANS-4 and TRANS-5.

18 The Board hereby finds that these environmental impacts of the Revised Project are less  
 19 than significant, and hereby makes the same determination based on the conclusions in  
 20 the Final RSEIR and the 2019 SEIR. Under CEQA, no mitigation measures are required  
 21 for impacts that are less than significant (14 Cal. Code Regs. § 15126.4(a)(3)).

22 **4.2 Findings Regarding Environmental Impacts Found**  
 23 **to Be Significant and Unavoidable**

24 The RSEIR concludes that unavoidable significant impacts on Air Quality and  
 25 Meteorology and Ground Transportation would occur if the Revised Project were to be  
 26 implemented. All available feasible mitigation measures have been incorporated into the  
 27 Revised Project to reduce significant impacts. However, even with the incorporation of  
 28 all feasible mitigation measures, impacts on these environmental resources would remain  
 29 significant and unavoidable. The Board has determined that no additional feasible  
 30 mitigation measures would reduce significant impacts to less-than-significant levels, and  
 31 in light of specific economic, legal, social, technological, and other considerations, the  
 32 Board intends to adopt a Statement of Overriding Considerations. The impacts,  
 33 mitigation measures, findings, and rationale for the findings are presented below for all  
 34 significant and unavoidable impacts identified in the Final RSEIR, the 2019 SEIR, and  
 35 the Errata of the Final RSEIR.

36 As discussed in Section 3.1 of the Final RSEIR and Section 3.3 of the 2019 SEIR, there  
 37 would be three unavoidable significant impacts to Air Quality and Meteorology and one

1 unavoidable significant impact to Ground Transportation related to operation of the  
2 Revised Project. The impacts and mitigation measures are discussed below.

3 **Impact AQ-3: The Revised Project operation would result in**  
4 **operational emissions that exceed a SCAQMD threshold of**  
5 **significance in Table 3.1-6.**

6 As shown in Table 3.1-8 of the Final RSEIR, the Revised Project's incremental peak  
7 daily emissions relative to the 2008 Actual Baseline would exceed the SCAQMD  
8 thresholds for CO and VOC emissions in analysis years 2026, 2036, and 2045 and would  
9 exceed NOx thresholds for analysis years 2026 and 2036.

10 **Finding**

11 The Board hereby finds that changes or alterations have been required in, or incorporated  
12 into, the Revised Project that lessen the significant environmental impacts identified in  
13 the Final RSEIR. Specifically, the Revised Project includes 18 mitigation measures and  
14 five lease measures (Table 1) that would reduce emissions of criteria pollutants, although  
15 the reductions from some measures cannot be quantified. The following new mitigation  
16 measures have been included to reduce impacts, although specific reductions under MM  
17 AQ-32 cannot be quantified because some of the future technologies and systems that  
18 may be implemented have not yet been identified:

19 **MM AQ-31: At-Berth Regulations.** All ships calling at Berths 97-109 shall be  
20 subject to all applicable provisions of the At-Berth Regulations (CCR  
21 Title 17, Sections 93130-93130.22), and applicable future regulations  
22 that may be promulgated by CARB regarding at-berth emissions, while  
23 hoteling in the Port.

24 **MM AQ-32: Alternative Control Technology.** All non-AMP capable vessels that  
25 are not subject to MM AQ-9, and all AMP-capable vessels that are  
26 unable to connect to AMP for the duration of a vessel visit for reasons  
27 allowed by MM AQ-9, calling at Berths 97-109 shall use an alternative  
28 CARB-approved Emission Control Strategy (“Alternative CAECS”)  
29 (e.g., barge-based capture and control system as an integrated unit) while  
30 docked at berth.

31 If a zero-emission or zero-emission-powered Alternative CAECS is  
32 available, that shall be used for the vessel visit. If no zero-emission or  
33 zero-emission-powered Alternative CAECS is available, but a non-  
34 diesel-powered Alternative CAECS is available, that non-diesel-powered  
35 technology shall be used for the vessel visit. If a non-diesel-powered  
36 Alternative CAECS is not available, then the cleanest available  
37 Alternative CAECS shall be used for the vessel visit.

38 All efforts shall be made to ensure Alternative CAECS is available, i.e.,  
39 physically present and capable of working in compliance with applicable  
40 law and manufacturer specifications, during a vessel visit. The term  
41 “available” shall be determined by the operator of the Alternative  
42 CAECS at the time the vessel operator or agent orders the Alternative  
43 CAECS for use at a vessel visit. If Alternative CAECS requires fuel for  
44 operation, the term “available” shall include availability of fuel.

45 Documentation shall be maintained to demonstrate all efforts have been

1 made to procure, deliver, and maintain Alternative CAECS so that such  
2 equipment is available.

3 “Vessels,” “berth,” and “visits” shall be defined as provided  
4 in California Code of Regulations, Title 17, section 93130.2, subdivision  
5 (b), and applicable future regulations that may be promulgated by CARB  
6 regarding at-berth emissions.

7 For purposes of this mitigation measure only, use of an Alternative  
8 CAECS shall be subject to the following exceptions:

- 9
- 10 1. During any portion of a vessel visit that qualifies as a “safety and  
11 emergency event” under California Code of Regulations, Title 17,  
12 section 93130.8, subdivision (a) (2025), to the extent that that event  
13 interferes with the control technology.
  
  - 14 2. During any portion of a vessel visit that occurs during an equipment  
15 failure of the alternative emission control technology. An  
16 “equipment failure” shall be deemed to occur when the equipment  
17 experiences an unexpected failure at the time during the vessel visit  
18 for which the equipment failure is claimed. In addition, an  
19 “equipment failure” cannot be claimed unless arrangements are  
20 promptly made to ensure that repair, replacement, or servicing of the  
21 failed equipment will be completed as soon as possible. Necessary  
22 documentation to substantiate these exceptions includes, at  
23 minimum, the dates and times of the failure(s); any relevant  
24 correspondence documenting the equipment failure consistent with  
25 the definition above; evidence that the equipment at issue has been  
26 maintained according to manufacturer recommendations; evidence  
27 that the equipment failure was unexpected at the time during the  
28 vessel visit for which the equipment failure is claimed; and evidence  
29 that arrangements have been made to ensure that repair, replacement,  
30 or servicing will be completed as soon as possible.  
31 During any portion of a vessel visit that qualifies as a research  
32 exception to accommodate testing for zero-emission, zero-emission-  
33 powered, or non-diesel-powered Alternative CAECS in compliance  
34 with California Code of Regulations, Title 17, sections 93130.8(d)  
35 and 93130.10(e).
  
  - 36 3. During any portion of a vessel visit that occurs which does not  
37 qualify for an exception as defined in parts 1), 2), and 3) above, and  
38 the number of non-qualifying vessel visits exceeds three or more in a  
39 given calendar year, the Executive Director shall modify the  
40 exceptions under parts 1), 2), and 3) above to be in accordance with  
41 the requirements of MM AQ-31 At-Berth Regulations.
  
  - 42 4. During any portion of a vessel visit that occurs which does not  
43 qualify for an exception as defined in parts 1), 2), and 3) above, and  
44 the number of non-qualifying vessel visits exceeds three or more in a  
45 given calendar year, the Executive Director shall modify the  
46 exceptions under parts 1), 2), and 3) above to be in accordance with  
47 the requirements of MM AQ-31 At-Berth Regulations.

1 The Board finds that specific economic, legal, social, technological, or other  
2 considerations make infeasible any additional mitigation measures.

### 3 **Rationale for Finding**

4 Changes or alterations have been incorporated into the Revised Project in the form of  
5 revised mitigation measures MM AQ-9 and MM AQ-10, reinstatement of one provision of  
6 MM AQ-17, new mitigation measures MM AQ-31, MM AQ-32, and MM GHG-2, and lease  
7 measures LM AQ-1 through LM AQ-3, LM AQ-22, and LM AQ-24 that would reduce the  
8 impact. Although reduced as a result of the mitigation and lease measures, operational  
9 emissions would remain significant and unavoidable for CO and VOC during analysis  
10 years 2026, 2036, and 2045 and for NOx during analysis years 2026 and 2036. Emissions  
11 would largely come from diesel-powered cargo-handling equipment (CHE), on-road  
12 trucks, line-haul rail locomotives, and oceangoing cargo vessels.

13 The Draft RSEIR considered additional mitigation measures and revisions to the existing  
14 mitigation measures as required by the Writ, specifically measures for additional  
15 reductions of at-berth emissions from oceangoing vessels beyond those attainable by MM  
16 AQ-9. The Draft RSEIR concluded that the only additional measures would involve the  
17 use of alternatives to the shore power requirement of AMP. However, separately  
18 requiring non-AMP-capable ships to use alternative technology would not be effective  
19 additional mitigation because it is already covered by MM AQ-31.

20 Additional mitigation measures were suggested by public comments. These included  
21 suggested revisions to MM AQ-9 and MM AQ-31, automating the CS Terminal,  
22 converting drayage trucks and cargo-handling equipment to zero-emission technology,  
23 imposing fees for non-compliance, implementing clean locomotive technology, requiring  
24 various terminal efficiency measures, establishing mitigation funds for off-port projects,  
25 requiring increased use of on-dock rail, and various measures aimed at oceangoing  
26 vessels.

27 The comments regarding MM AQ-9 and MM AQ-31 were evaluated in terms of whether  
28 they were capable of being accomplished in a successful manner within a reasonable  
29 period of time, taking into account economic, environmental, legal, social, and  
30 technological factors. As explained in detail in Chapter 2 of the Final RSEIR, LAHD  
31 determined that many of the suggested revisions to MM AQ-9 and MM AQ-31 to clarify  
32 terms and definitions were warranted, and the Draft Revised MMRP includes those  
33 revisions. Comments also suggested requiring all vessels to use AMP and questioned the  
34 reasons for reported delays in connecting and disconnecting vessels to shore power. The  
35 Final RSEIR explained why requiring all vessels to use AMP was not feasible and  
36 described the connection/disconnection procedures and requirements.

37 As described in Chapter 2 of the Final RSEIR, the comments on issues other than those  
38 required by the Writ are outside the scope of the RSEIR. LAHD does not need to respond  
39 to comments raising issues that were resolved in LAHD's favor, or that could have been  
40 raised but were not, in the prior litigation. Consistent with the requirements of PRC  
41 Section 21168.9, which address court rulings, the Revised SEIR need only address those  
42 issues specified in the Writ. Accordingly, the Final RSEIR does not include responses to  
43 those comments.

44 At the November 2025 Board hearing on certification of the RSEIR, LAHD staff was  
45 directed to meet with community groups before the Permit amendment and Revised  
46 MMRP was submitted for the Board's consideration and approval. LAHD staff met with  
47 these groups and received a proposed additional mitigation measure regarding non-AMP

1 capable vessels. LAHD staff determined the proposed measure, with some revisions, was  
2 feasible and recommended adoption of the MM AQ-32 to amplify existing measures and  
3 lease measures, but that the impacts would remain significant and unavoidable. MM AQ-  
4 32 does not substantially reduce one or more significant effects of the Revised Project,  
5 nor is it considerably different from the mitigation measures analyzed in the Final  
6 RSEIR.

7 The RSEIR and Errata to the Final RSEIR determined that no additional mitigation  
8 beyond that identified in the Revised MMRP is feasible at this time. The RSEIR and  
9 Errata's consideration of these measures is presented in Chapter 2, Responses to  
10 Comments, of the Final RSEIR, and summarized in Section 3.4 of these Findings.

### 11 **Impact AQ-4: Would operation of the Revised Project result in offsite** 12 **ambient air pollutant concentrations that would exceed a SCAQMD** 13 **threshold of significance?**

14 As shown in Tables 3.1-11 through 3.1-13 of the Draft RSEIR, as revised by the Errata,  
15 maximum off-site ambient pollutant concentrations associated with the Revised Project  
16 would exceed SCAQMD's significance thresholds for NO<sub>2</sub> (federal 1-hour) and PM<sub>10</sub>  
17 (24-hour and annual) in 2026 through 2045. Accordingly, impacts would be significant

### 18 **Finding**

19 The Board hereby finds that changes or alterations have been incorporated into the  
20 Revised Project that would lessen the significant environmental effect identified in the  
21 Final RSEIR. Specifically, the Revised Project includes 18 mitigation measures and five  
22 lease measures (Table 1) that would reduce emissions of criteria pollutants, although the  
23 reductions of some cannot be quantified because the future technologies and systems that  
24 may be implemented have not yet been identified. However, even with implementation of  
25 those measures, pollutant concentrations associated with Revised Project operations  
26 would still exceed the significance thresholds for NO<sub>2</sub> and PM<sub>10</sub>. The Board finds that  
27 specific economic, legal, social, technological, or other considerations make any  
28 additional mitigation measures infeasible.

### 29 **Rationale for Finding**

30 Changes or alterations that would reduce the impact have been incorporated into the  
31 Revised Project in the form of revised mitigation measures MM AQ-9 and MM AQ-10,  
32 reinstatement of one provision of MM AQ-17, and new mitigation measures MM AQ-31,  
33 MM AQ-32, and MM GHG-2, and lease measures LM AQ-1 through LM AQ-3, LM AQ-  
34 22, and LM AQ-24. Although reduced, impacts of ambient air concentrations would  
35 remain significant and unavoidable.

36 As described for impact AQ-3, above, additional mitigation measures and revision of  
37 existing measures were considered for reducing operational emissions, thereby reducing  
38 off-site ambient pollutant concentrations.

39 At the November 2025 Board hearing on certification of the RSEIR, LAHD staff was  
40 directed to meet with community groups before the Permit amendment and Revised  
41 MMRP was submitted for the Board's consideration and approval. LAHD staff met with  
42 these groups and received a proposed additional mitigation measure regarding non-AMP  
43 capable vessels. LAHD staff determined the proposed measure, with some revisions, was  
44 feasible and recommended adoption of the MM AQ-32 to amplify existing measures and  
45 lease measures. MM AQ-32 does not substantially reduce one or more significant effects

1 of the Revised Project, nor is it considerably different from the mitigation measures  
2 analyzed in the Final RSEIR.

3 These measures and the measures suggested by comments were evaluated in terms of  
4 whether they were capable of being accomplished in a successful manner within a  
5 reasonable period of time, taking into account economic, environmental, legal, social, and  
6 technological factors. The RSEIR and Errata to the Final RSEIR determined that no  
7 additional mitigation beyond that identified in the Revised MMRP is feasible at this time.  
8 The RSEIR and Errata's consideration of these measures is presented in Chapter 2,  
9 Responses to Comments, of the Final RSEIR, and summarized in Section 3.4 of these  
10 Findings.

### 11 **Impact AQ-7: Would the Revised Project expose receptors to** 12 **significant levels of TACs?**

13 The LAHD has developed a health risk assessment (HRA) methodology, consistent with  
14 OEHHA's Air Toxics Hot Spots Program Risk Assessment Guidelines and SCAQMD's  
15 Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics "Hot Spots"  
16 Information and Assessment Act, for assessing mortality and morbidity in CEQA  
17 documents. The methodology is based on the health effects associated with changes in  
18 PM<sub>2.5</sub> concentrations. Consistent with the HRA protocol, human health risks associated  
19 with the emissions of TACs from the Revised Project were estimated and the Revised  
20 Project's impacts were reported as its incremental health risks.

21 As Table 3.1-17 of the Draft RSEIR shows, the maximum incremental individual cancer  
22 risk associated with the Revised Project would be 12.5 in a million at occupational  
23 receptors but below the SCAQMD's significance threshold of 10 in a million at  
24 residential and sensitive receptors. Figure 3.1-2 of the Draft RSEIR shows that the  
25 significant impact would be entirely restricted to the CS Terminals and adjacent water  
26 areas. Therefore, health impacts of the Revised Project on occupational (i.e., terminal  
27 workers) cancer risk would be significant, but the impacts on residential and sensitive  
28 receptors would be less than significant.

### 29 **Finding**

30 The Board hereby finds that changes or alterations have been incorporated into the  
31 Revised Project that would lessen the significant environmental effect identified in the  
32 Final RSEIR. Specifically, the Revised Project includes 18 mitigation measures and five  
33 lease measures (Table 1) that would reduce emissions of criteria pollutants, although the  
34 reductions of some cannot be quantified because the future technologies and systems that  
35 may be implemented have not yet been identified. However, even with implementation of  
36 those measures, the maximum incremental health impacts from the Revised Project for  
37 occupational cancer risk would still exceed the threshold of 10 in a million. The Board  
38 finds that specific economic, legal, social, technological, or other considerations make  
39 infeasible any additional mitigation measures.

### 40 **Rationale for Finding**

41 Changes or alterations that would reduce the impact have been incorporated into the  
42 Revised Project in the form of revised mitigation measures MM AQ-9 and MM AQ-10,  
43 reinstatement of one provision of MM AQ-17, and new mitigation measures MM AQ-31,  
44 MM AQ-32, and MM GHG-2, and lease measures LM AQ-1 through LM AQ-3, LM AQ-22,  
45 and LM AQ-24. Although reduced, impacts on occupational cancer risk would remain  
46 significant and unavoidable.

1 As described for impact AQ-3, above, additional mitigation measures and revision of  
2 existing measures were considered for reducing operational emissions, thereby reducing  
3 off-site ambient pollutant concentrations. These measures and measures suggested by  
4 comments were evaluated in terms of whether they were capable of being accomplished  
5 in a successful manner within a reasonable period of time, taking into account economic,  
6 environmental, legal, social, and technological factors. The RSEIR determined that no  
7 additional mitigation beyond that identified in the Final RSEIR is feasible at this time.

8 At the November 2025 Board hearing on certification of the RSEIR, LAHD staff was  
9 directed to meet with community groups before the Permit amendment was brought back  
10 for Board consideration. LAHD staff met with these groups and received a proposed  
11 additional mitigation measure (MM AQ-32) regarding non-AMP capable vessels. LAHD  
12 staff determined the proposed measure, with some revisions, was warranted and  
13 recommended adoption of the MM AQ-32 to further reduce impacts, but that the impacts  
14 would remain significant and unavoidable.

15 The RSEIR and Errata's consideration of these measures is presented in Chapter 2,  
16 Responses to Comments, of the Final RSEIR, and summarized in Section 3.4 of these  
17 Findings.

## 18 **Impact TRANS-2: Would vehicular traffic associated with the Revised** 19 **Project result in a significant impact in study intersection** 20 **volume/capacity ratios or level of service?**

21 As discussed in Section 3.3 of the 2019 SEIR, as upheld by the Court of Appeal and re-  
22 certified in November 2025, there would be one significant and unavoidable impact to  
23 Ground Transportation as a result of the Revised Project. As shown in Table 3.3-6 of the  
24 2019 SEIR, as recertified in November 2025, the Revised Project would result in an  
25 increase in V/C of 0.096 with LOS D at study location #3 (Alameda Street and Anaheim  
26 Street) during the P.M. peak hour. This increase would cause a decline in LOS from C to  
27 D and would therefore exceed the City of Los Angeles' significance threshold of 0.02.  
28 Accordingly, the Revised Project would have a significant impact on that intersection.  
29 The 2019 SEIR re-imposed mitigation measure MM TRANS-2 requiring modification of  
30 the intersection at Alameda & Anaheim Streets, which was included in the 2008 EIS/EIR  
31 but dropped from the Revised Project because a screening study indicated it was no  
32 longer required.

33 As described in Section 3.3.2.2 of the 2019 SEIR, implementation of MM TRANS-2  
34 would be coordinated with a project under design by LADOT and the City of Los  
35 Angeles Department of Public Works, in funding partnership with LAHD, that would  
36 implement roadway improvements to Alameda Street. However, because the property  
37 needed to implement this measure is not controlled by the Harbor Department,  
38 implementation of MM TRANS-2 would require approval by LADOT. If LADOT  
39 approves the implementation of this mitigation measure, then the impact would be  
40 reduced to less than significant, but because LADOT approval is not guaranteed, the  
41 impact is significant and unavoidable.

## 42 **Finding**

43 The Board hereby finds that no change or alteration in the Revised Project could avoid or  
44 substantially lessen the significant environmental effect identified in the 2019 SEIR. The  
45 following mitigation measure would reduce the significant impact of operation if it could  
46 be implemented.

1                   **MM TRANS-2 Alameda & Anaheim Streets:** Provide an additional eastbound  
2 through-lane on Anaheim Street. This mitigation measure shall be implemented at  
3 the same time as the City’s planned improvement project at this location, subject to  
4 LADOT approval and in coordination with the Bureau of Engineering’s construction  
5 schedule.

6                   The Board finds that specific economic, legal, social, technological, or other  
7 considerations make infeasible any additional mitigation measures.

### 8                   **Rationale for Finding**

9                   Changes or alterations have been required in or incorporated into the Revised Project in  
10 the form of mitigation measure MM TRANS-2, but because the LAHD cannot ensure  
11 that the measure can be implemented, traffic impacts at the Alameda Street and Anaheim  
12 Street intersection would remain significant and unavoidable. No further feasible  
13 mitigation is available to reduce this impact to less than significant. The RSEIR and  
14 Errata’s consideration of these measures is presented in Chapter 2, Responses to  
15 Comments, of the Final RSEIR, and summarized in Section 3.4 of these Findings.

## 16                   **4.3 Cumulative Impacts**

17                   State CEQA Guidelines (§ 15130) require an EIR to discuss cumulative impacts of a  
18 project when the project’s incremental effect is cumulatively considerable. Cumulative  
19 impacts include “two or more individual effects which, when considered together, are  
20 considerable or which compound or increase other environmental impacts” (CEQA  
21 Guidelines, § 15355). When the combined cumulative impact associated with the  
22 project’s incremental effect and the effects of other projects is not significant, the EIR  
23 shall briefly indicate why the cumulative impact is not significant and is not discussed in  
24 further detail in the EIR. If the cumulative impact is significant, the EIR shall determine  
25 whether the contribution of the project to that cumulative impact is cumulatively  
26 considerable. If it is, reasonable feasible mitigation shall be required to reduce or avoid  
27 the project’s contribution to the significant cumulative impact (CEQA Guidelines §  
28 15130(b)(5)).

29                   As shown on Figure 4-1 and detailed in Table 4-1 of the Draft RSEIR, a total of 39  
30 recent, current, or reasonably foreseeable future projects (approved or proposed) were  
31 identified within the general vicinity of the Revised Project that could contribute to  
32 cumulative impacts. The discussion below identifies significant cumulative impacts to  
33 which the Revised Project’s contribution is cumulatively considerable, that either can be  
34 mitigated to a less than significant level or cannot be mitigated to a less than significant  
35 level and therefore represent unavoidable significant impacts. As required by CEQA  
36 Guidelines § 15130(b), the RSEIR’s discussion of cumulative impacts reflects the  
37 severity of the impacts and their likelihood of occurrence, but not at the level of detail  
38 provided for the effects attributable to the Revised Project alone.

39                   All feasible mitigation measures to reduce or avoid the cumulatively considerable  
40 contribution of the Revised Project to these significant cumulative impacts have been  
41 required in, or incorporated into, the Revised Project.

1 **Cumulative Impact AQ-3: Would operation of the Revised Project**  
2 **produce a cumulatively considerable increase of a criteria pollutant**  
3 **that exceeds the SCAQMD threshold of significance in Table 3.1-7?**

4 The past, present, and reasonably foreseeable future projects would have a significant  
5 cumulative impact if their combined operational emissions would exceed the SCAQMD  
6 daily emission thresholds for operations. Because this almost certainly would be the case  
7 for all analyzed criteria pollutants, the past, present, and reasonably foreseeable future  
8 projects would result in a significant cumulative air quality impact.

9 As shown in Table 3.1-8 of the Draft RSEIR, the Revised Project's incremental peak  
10 daily emissions relative to the 2008 Actual Baseline would exceed the SCAQMD  
11 thresholds for CO and VOC emissions in analysis years 2026, 2036, and 2045 and would  
12 exceed NOx thresholds for analysis years 2026 and 2036. These impacts, combined with  
13 impacts from concurrent related projects, would be cumulatively significant. As a result,  
14 operational emissions would make a cumulatively considerable contribution to an  
15 existing significant cumulative impact for CO, NOx, and VOC under criterion AQ-3 (air  
16 pollutant emissions).

17 **Finding**

18 The Board hereby finds that changes or alterations have been incorporated into the  
19 Revised Project that substantially lessen the significant environmental effect identified in  
20 the RSEIR. All feasible mitigation measures for operational emissions associated with the  
21 Revised Project, as well as lease measures LM AQ1 through LM AQ-3, LM AQ22, and  
22 LM AQ-24 (see Table 1), have been applied. However, even with implementation of  
23 those measures, CO, NOx, and VOC emissions would continue to exceed significance  
24 thresholds under the Revised Project. These impacts would combine with impacts from  
25 concurrent related projects, which would already be cumulatively significant. Therefore,  
26 the Revised Project would make a cumulatively considerable and unavoidable  
27 contribution to an existing significant cumulative impact for CO, NOx, and VOC. The  
28 Board hereby finds that specific economic, legal, social, technological, or other  
29 considerations make any additional mitigation measures infeasible.

30 **Rationale for Finding**

31 Changes or alterations have been required in or incorporated into the Revised Project in  
32 the form of mitigation. All feasible mitigation measures for operational emissions  
33 associated with the Revised Project have been applied, as described in Section 3.1.4.4 of  
34 the Draft RSEIR, in Chapter 2 of the Final RSEIR, and in the Errata of the Final RSEIR.

35 **Cumulative Impact AQ-4: Would operation of the Revised Project**  
36 **result in offsite ambient air pollutant concentrations that**  
37 **cumulatively exceed a SCAQMD threshold of significance?**

38 The past, present, and reasonably foreseeable future projects would result in significant  
39 cumulative impacts if their combined ambient concentrations during operations would  
40 exceed the SCAQMD ambient concentration thresholds for operations. Although there is  
41 no way to be certain if a cumulative exceedance of the thresholds would happen for any  
42 pollutant without performing dispersion modeling of the other projects, it is reasonable to  
43 assume that cumulative air emissions are likely to exceed the thresholds for PM<sub>10</sub>, PM<sub>2.5</sub>,  
44 and NO<sub>2</sub>, and are unlikely to exceed the thresholds for CO and SO<sub>2</sub> (the SCAB is not in  
45 nonattainment for CO and SO<sub>2</sub>, and concentrations of both pollutants in the SCAB have

1           been declining for a number of years). Consequently, operation of the related projects  
2           would result in a significant cumulative air quality impact for PM<sub>10</sub>, PM<sub>2.5</sub>, and NO<sub>2</sub>.

3           Operation of the Revised Project would result in ambient concentrations that would  
4           exceed the significance thresholds for federal 1-hour NO<sub>2</sub> in 2026, 24-hour PM<sub>10</sub> in 2026  
5           through 2045, and annual PM<sub>10</sub> in 2026 through 2045. These impacts, when combined  
6           with impacts from concurrent related projects based on the location and type, would be  
7           cumulatively significant. As a result, without mitigation, impacts from project operations  
8           would make a cumulatively considerable contribution to an existing significant  
9           cumulative impact related to ambient NO<sub>2</sub> and PM<sub>10</sub> concentrations under criterion AQ-4  
10          (air pollutant concentrations).

## 11           **Finding**

12          The Board hereby finds that changes or alterations have been incorporated into the  
13          Revised Project that substantially lessen the significant environmental effect identified in  
14          the RSEIR. All feasible mitigation measures for operational emissions associated with the  
15          Revised Project, as well as lease measures (see Table 1), have been applied to reduce  
16          operational emissions, and consequently, ambient criteria pollutant concentrations.  
17          However, even with implementation of those measures, ambient pollutant concentrations  
18          for PM<sub>10</sub> and NO<sub>2</sub> would continue to exceed significance thresholds under the Revised  
19          Project. These impacts would combine with impacts from concurrent related projects,  
20          which would already be cumulatively significant. Therefore, the Revised Project would  
21          make a cumulatively considerable and unavoidable contribution to an existing significant  
22          cumulative impact for NO<sub>2</sub> and PM<sub>10</sub>. The Board hereby finds that specific economic,  
23          legal, social, technological, or other considerations make any additional mitigation  
24          measures infeasible.

## 25          **Rationale for Finding**

26          Changes or alterations have been required in or incorporated into the Revised Project in  
27          the form of mitigation. All feasible mitigation measures for operational emissions  
28          associated with the Revised Project have been applied, as described in Section 3.1.4.4 of  
29          the Draft RSEIR, in Chapter 2 of the Final RSEIR, and in the Errata of the Final RSEIR.

## 30          **Cumulative Impact AQ-7: Would the Revised Project make a 31          cumulatively considerable contribution to exposure of receptors to 32          significant levels of toxic air contaminants?**

33          As estimated in a series of studies (e.g., the SCAQMD MATES studies published in  
34          2000, 2015, and 2021 [SCAQMD 2000, 2015a, 2021] and CARB's Diesel Particulate  
35          Matter Exposure Assessment Study for the Ports of Los Angeles and Long Beach [CARB  
36          2006]) have documented substantial decreases in cancer risk to Port-area populations  
37          over the past 20 years. Despite these improvements, however, health risks from air toxics  
38          in the port area are elevated above the risks in communities elsewhere in the SCAB. The  
39          CARB study attributed this elevated risk to operational emissions from port-area sources  
40          within and near the Ports. Based on this information, cancer risk from TAC emissions  
41          within the project region, including the past, present, and reasonably foreseeable future  
42          projects, is considered a significant cumulative impact.

43          Operational emissions of TACs from the Revised Project would increase incremental  
44          individual cancer risks above the significance threshold of 10 in a million for  
45          occupational receptors but not for residential and sensitive receptors. As a result, without

1 mitigation, the Revised Project would make a cumulatively considerable contribution to  
2 an existing significant cumulative impact for occupational cancer risk.

3 As shown in Section 3.1.4.4 of the Draft RSEIR, the Revised Project would not increase  
4 non-cancer chronic or acute impacts, or the cancer burden, above significance thresholds.  
5 As a result, without mitigation and given the overall declining trend in TAC emissions  
6 portwide, the Revised Project would not make a considerable contribution to significant  
7 cumulative non-cancer chronic or acute health impacts or the cancer burden.

## 8 **Finding**

9 The Board hereby finds that changes or alterations have been incorporated into the  
10 Revised Project that lessen the significant environmental effect identified in the Final  
11 RSEIR. All feasible mitigation measures for operational emissions associated with the  
12 Revised Project, as well as lease measures (see Table 1), have been applied to reduce  
13 operational TAC emissions, and therefore, likely to reduce cancer risks. However, those  
14 reductions cannot be quantified, because the future technologies and systems that may be  
15 implemented have not yet been identified and would not be expected to reduce TAC  
16 emissions enough to reduce the cancer risk impact to less than significant. Accordingly,  
17 the Revised Project after mitigation would make a cumulatively considerable contribution  
18 to a significant cumulative impact related to occupational cancer risk. The Board hereby  
19 finds that specific economic, legal, social, technological, or other considerations make  
20 any additional mitigation measures infeasible.

## 21 **Rationale for Finding**

22 The Ports have approved port-wide air pollution control measures through the 2017  
23 CAAP. Implementation of these measures will reduce the health risk impacts from the  
24 Revised Project and past, present, and reasonably foreseeable future related projects.  
25 Currently adopted regulations and future rules proposed by CARB and USEPA will  
26 further reduce air emissions and associated cumulative health impacts from area  
27 industrial facilities heavy-duty trucks traveling along local streets, and past, present, and  
28 reasonably foreseeable future projects not subject to the CAAP. However, because future  
29 proposed regulatory measures, the CAAP measures, and mitigation imposed through  
30 CEQA on related projects have not yet been fully implemented, they have not yet  
31 reduced cumulative health risk impacts to less than significant. Therefore, the cancer risk  
32 due to TAC emissions within the region in the future must be considered a significant  
33 cumulative impact.

34 As described in Section 3.1.4.4 of the Draft RSEIR and in Chapter 2 of the Final SEIR,  
35 no feasible mitigation beyond the measures included in the Revised Project is available to  
36 reduce operational emissions of TACs. Therefore, the Revised Project would continue to  
37 make a cumulatively considerable and unavoidable contribution to an existing significant  
38 cumulative impact related to occupational cancer risk.

## 39 **4.3.2 Greenhouse Gas Emissions and Climate Change**

### 40 **Cumulative Impact GHG-1: Would the Revised Project make a** 41 **cumulatively considerable contribution to a significant cumulative** 42 **impact due to GHG emissions?**

43 Past, present, and reasonably foreseeable future projects in the area have generated, and  
44 will continue to generate, GHGs from the combustion of fossil fuels and the use of

1 coatings, solvents, refrigerants, and other products. Current and future projects will  
2 incorporate a variety of GHG reduction measures in response to federal, state, and local  
3 mandates and initiatives, and these measures are expected to reduce GHG emissions from  
4 future projects. However, because of the long-lived nature of GHGs in the atmosphere,  
5 and the global nature of GHG emissions impacts, no specific quantitative level of GHG  
6 emissions from related projects in the region, or state-wide has been identified below  
7 which no impacts would occur. Therefore, these emissions are considered to represent a  
8 significant cumulative impact.

9 Operation of the Revised Project would generate GHGs that would exceed SCAQMD's  
10 threshold in all analysis years. Impacts of the Revised Project would combine with  
11 impacts from related projects, which would already be cumulatively significant. As a  
12 result, without mitigation, impacts from Revised Project operation would make a  
13 cumulatively considerable contribution to an existing significant cumulative impact  
14 related to GHG.

### 15 **Finding**

16 The Board hereby finds that changes or alterations have been required in, or incorporated  
17 into, the Revised Project that lessen the significant environmental effect identified in the  
18 Final RSEIR. The following mitigation measures would reduce GHG impacts:

19 **MM GHG-1: LED Lighting.** All lighting within the interior of buildings on the premises  
20 and outdoor high mast terminal lighting will be replaced with LED lighting or a technology  
21 with similar energy-saving capabilities within two years after the effective date of the new  
22 lease amendment between the Tenant and the LAHD or by no later than 2023.

23 **MM GHG-2: GHG Reduction Offsets.** The Tenant and/or LAHD shall be required to  
24 purchase and retire carbon offsets related to activities that reduce, avoid, destroy, or  
25 sequester an amount of GHG emissions in an off-site location to offset the equivalent  
26 amount of GHG emissions generated by the Project in excess of the LAHD's significance  
27 threshold of 10,000 metric tons. From the first year of the Permit amendment, in 2026,  
28 through the end of the term of the Permit in 2045, the  
29 Tenant and/or LAHD shall purchase and retire carbon offsets each year in an amount that  
30 would be the equivalent of the Project's estimated residual GHG emissions. The  
31 estimated residual emissions for each calendar year shall be based upon the calculations  
32 in Appendix C of the Final Revised SEIR prepared for the Revised Project except as  
33 adjusted in accordance with paragraph a) or b), below.

34 The LAHD is in the process of developing a Greenhouse Gas Program. The Program  
35 shall be used for GHG-reducing projects and programs approved by the Port of Los  
36 Angeles. If that Program is established during the term of the Permit, the  
37 Tenant and/or LAHD shall have the option to offset the required amount of GHG  
38 emissions through a funding contribution to the Greenhouse Gas Program rather than  
39 towards purchasing carbon offsets from a CARB-recognized registry.

40 While the LAHD Greenhouse Gas Program is currently under development, the  
41 Tenant and/or LAHD shall purchase and retire carbon offsets from a CARB-recognized  
42 offset registry as follows:

43 Carbon offsets: The Tenant and/or LAHD shall purchase and retire carbon offsets from a  
44 CARB-recognized registry to ensure that offsets will result in real, permanent, additional,  
45 quantifiable, verifiable, and enforceable reductions. The carbon offsets shall be verifiable

1 and enforceable in accordance with the registry’s applicable standards, practices, or  
2 protocols.

3 The order of priority for purchasing (any one or more) carbon offsets shall be considered  
4 as follows:

- 5 i. Originating within the local area;
- 6 ii. Originating within the South Coast Air Basin;
- 7 iii. Originating within the state of California; or
- 8 iv. If sufficient local and in-state offsets are not available, conforming national  
9 offsets registered with a CARB-recognized registry shall be purchased.

10 Adjustment of the Project’s Required Offsets through Other Verified GHG Emission  
11 Reductions: The Tenant and/or LAHD may pursue the following modifications to the  
12 Project’s total estimated GHG emissions identified in this measure. These modifications  
13 may be pursued in conjunction with or independent of each other on an up to annual  
14 basis.

15 *a) Adjustment in GHG Emissions*

16 In the event of changes in activities, efficiency, reduced operations, regulations or for any  
17 other purpose, an adjustment of the required carbon offsets may be requested based on an  
18 evaluation of actual GHG emissions rather than future projected GHG emission  
19 calculations in the RSEIR. If the actual GHG emissions, minus the 2008 Actual Baseline,  
20 do not exceed the significance threshold of 10,000 mty, no carbon offsets shall be  
21 required. To adjust the required number of carbon offsets for purchase by the Tenant, the  
22 Tenant shall make a request in writing to the LAHD for review and approval for the  
23 calendar year under consideration and shall submit a report within 60 days that quantifies  
24 the actual greenhouse gas emissions by an expert or an independent, qualified third-party.  
25 The evaluation of actual greenhouse gas emissions must be performed using acceptable  
26 industry standards and protocols for all sources that were included in the Project’s GHG  
27 emissions calculations under Impact GHG-1. LAHD review shall occur within 30 days of  
28 receipt of the submitted report. Any expenses incurred by LAHD in processing the  
29 Tenant’s request, including retaining an independent third-party verifier to peer review  
30 the report, shall be borne by the Tenant. Alternatively, LAHD may implement a  
31 review for its own purpose, subject to the same quantification process described above, to  
32 adjust GHG emissions at any time during the life of the Project.

33 or

34 *b) Implementation of Additional GHG Reduction Methods*

35 In addition, the Tenant may request a reevaluation of required carbon offsets to  
36 be purchased according to this paragraph. The Tenant may implement different  
37 and additional GHG reduction methods if new technology and/or other feasible measures  
38 become available during the term of the Permit. To adjust the Tenant’s required number  
39 of carbon offsets for purchase, the Tenant shall identify such additional GHG reduction  
40 actions and must quantify the GHG emission reductions from these GHG reduction  
41 actions by an independent, qualified third-party verifier. Once the GHG reduction actions  
42 are found to be feasible and are reviewed and approved by LAHD staff, the Tenant  
43 may request that LAHD reduce its required purchase of carbon offsets by the equivalent  
44 amount of demonstrated reduction. Any expenses incurred by LAHD in processing the  
45 Tenant’s request, including retaining a third-party verifier, shall be borne by the Tenant.

1 Specifically, MM GHG-1 and MM GHG-2 would offset all GHG emissions in excess of  
2 the SCAQMD significance threshold by purchasing and retiring GHG credits from a  
3 CARB-approved registry. As a result, GHG emissions from the Revised Project would  
4 not make a cumulatively considerable contribution to an existing significant cumulative  
5 impact related to GHG and global climate change. The Board hereby finds that specific  
6 economic, legal, social, technological, or other considerations make any additional  
7 mitigation measures infeasible.

### 8 **Rationale for Finding**

9 Changes or alterations have been required in or incorporated into the Revised Project in  
10 the form of mitigation measures MM GHG-1 and MM GHG-2. These measures would  
11 reduce impacts related to GHG emissions to less than significant. Accordingly, the  
12 Revised Project would not make a cumulatively considerable contribution to a significant  
13 cumulative impact.

### 14 **4.3.3 Ground Transportation**

#### 15 **Cumulative Impact TRANS-2: Would vehicular traffic associated with** 16 **the Revised Project's operations result in a cumulatively** 17 **considerable contribution to a significant cumulative impact in study** 18 **intersection volume/ capacity ratios or level of service?**

19 As shown in Section 4.3.3 of the 2019 SEIR, upheld by the Court of Appeal and as re-  
20 certified in November, 2025, increases in traffic volumes on the surrounding roadways  
21 due to cumulative projects would result in a cumulative effect on the operating conditions  
22 of area intersections and roadways, causing seven study intersections to operate at LOS D  
23 or worse during a peak hour. This is true whether or not the proposed ICTF Expansion  
24 and SCIG projects were to be implemented. Accordingly, the past, present, and  
25 reasonably foreseeable future projects would have a significant cumulative impact on the  
26 study intersections.

27 The Revised Project would contribute to significant cumulative impacts at the following  
28 locations and peak hours:

- 29 • #3 Alameda Street at Anaheim Street – 2015 P.M., 2030 and 2045 A.M. and  
30 P.M.
- 31 • #7 John S. Gibson Boulevard at I-110 Northbound Ramps – 2030 and 2045  
32 A.M., M.D., and P.M.

33 No other intersection would experience a significant cumulative impact to which the  
34 Revised Project would contribute in any future year. Accordingly, the Revised Project  
35 would make a cumulatively considerable contribution to a significant cumulative impact  
36 at study intersection locations #3 and #7.

### 37 **Finding**

38 The Board finds that the Revised Project would make cumulatively considerable  
39 contributions to significant cumulative impacts at two study intersections: Alameda Street  
40 at Anaheim Street and John S. Gibson Boulevard at I-110 N/B Ramps. Mitigation  
41 Measures imposed in the 2008 EIS/EIR would, if implemented, reduce the impacts to less  
42 than significant.

1                   **MM TRANS-2 Alameda and Anaheim Streets:** Provide an additional eastbound  
 2 through-lane on Anaheim Street. This mitigation measure shall be implemented at the  
 3 same time as the City’s planned improvement project at the location, subject to  
 4 LADOT approval and in coordination with the Bureau of Engineering’s construction  
 5 schedule.

6                   **MM TRANS-3 John S. Gibson Boulevard and I-110 N/B Ramps:** Provide an  
 7 additional westbound right-turn lane with westbound right-turn overlap phasing and  
 8 an additional southbound left-turn lane. LAHD shall monitor the intersection LOS  
 9 annually beginning in 2019 and shall implement the mitigation within three years  
 10 after the intersection LOS is measured as D or worse, and the China Shipping  
 11 terminal is found to contribute to the cumulative impact, with the concurrence of  
 12 LADOT.

13                   As shown in Table 4-12 of the 2019 DSEIR, the application of MM TRANS-2 would  
 14 result in intersection conditions improving to LOS C or better in all analysis years,  
 15 mitigating the cumulatively considerable contribution of the Revised Project. However,  
 16 because LADOT approval is not guaranteed, the impact is considered cumulatively  
 17 significant and unavoidable. The Board hereby finds that specific economic, legal, social,  
 18 technological, or other considerations make infeasible additional mitigation measures.

19                   As Table 4-13 of the 2019 DSEIR shows, MM TRANS-3 would fully mitigate the  
 20 cumulatively considerable contribution of the Revised Project to the significant  
 21 cumulative impact.

## 22                   **Rationale for Finding**

23                   Cumulative ground transportation impacts related to the increase in traffic volumes  
 24 would be significant and unavoidable from part, present, and reasonably foreseeable  
 25 future projects at several study intersections, and the Revised Project would make a  
 26 cumulatively considerable contribution to those impacts at study intersections #3:  
 27 Alameda Street and Anaheim Street and #7: John S. Gibson Avenue at I-110 N/B Ramps.

28                   Because intersection #3 is controlled by LADOT, the Board finds that no feasible  
 29 mitigation within the LAHD’s control is available to reduce the Revised Project’s  
 30 cumulatively considerable contributions to a significant cumulative impact. If LADOT  
 31 concurs with implementation of MM TRANS-2, there would be no cumulatively  
 32 considerable contribution to a significant cumulative impact.

33                   Implementation of MM TRANS-3 would mitigate the cumulatively considerable  
 34 contribution to the significant cumulative impact at intersection #7.

## 35                   **4.4 Findings on Measures Suggested as Part of Public** 36                   **Comment on the Draft RSEIR**

37                   Comment letters received on the Draft RSEIR challenged the focused scope of the Draft  
 38 RSEIR, suggesting the Port adopt additional measures to mitigate impacts of the Revised  
 39 Project. This issue is addressed in Consolidated Response 1, Scope of the RSEIR and Res  
 40 Judicata, and Consolidated Response 2, Requirements for Mitigation Measures, in the  
 41 RSEIR, which are summarized below. Comments also questioned whether the Draft  
 42 RSEIR identifies all feasible mitigation measures to reduce impacts to the maximum  
 43 extent feasible and suggested revisions to MM AQ-9 and MM AQ-10 to clarify terms and  
 44 improve their consistency with existing regulations. This issue is addressed in

1 Consolidated Response 3, Alternative Maritime Power, Global Shipping Regulation and  
2 Changes to MM AQ-9 and MM AQ-31, of the Final RSEIR and summarized below.

3 Some comments asserted that the 2008 baseline used in the Draft RSEIR is incorrect.  
4 This issue is addressed in Consolidated Response 4, Baseline Issues, of the Final RSEIR  
5 and summarized below. Several comments claim the Draft RSEIR does not properly  
6 mitigate GHG impacts. This issue is addressed in Consolidated Response 6, Mitigation  
7 for GHG Impacts and Changes to MM GHG-2, of the Final RSEIR and summarized  
8 below. Finally, several comments request or assert that the Draft RSEIR should be  
9 revised to address issues raised in the comments and then republished and recirculated for  
10 additional public comment. This issue is addressed in Consolidated Response 7,  
11 Recirculation, of the Final RSEIR and summarized below.

### 12 Scope of the Revised SEIR

13 Consistent with the requirements of PRC Section 21168.9, revised EIRs need only  
14 address those issues specified in the Writ. In this matter, the Writ required that the LAHD  
15 prepare, circulate, and certify a revised SEIR that addressed the following deficiencies in  
16 the 2019 SEIR identified by the Court of Appeal and the Superior Court (Courts): 1)  
17 setting aside 2019 SEIR's new MM AQ-9, MM AQ-10, MM AQ-17 (omission of electric  
18 yard tractor pilot project only) and LM GHG-1; 2) evaluating other mitigation for at-  
19 berth emissions; and 3) updating the time period of analysis beyond 2019 to reflect the  
20 timing of the Revised Project. This directive is narrowly focused on correcting the  
21 specific deficiencies identified by the Courts in the 2019 SEIR; mitigation measures and  
22 lease measures from 2019 SEIR upheld by the Courts do not need to be re-analyzed.

23 Accordingly, as discussed in Consolidated Response 1, LAHD was not required to re-  
24 evaluate, or consider additional or alternative methods for the impacts address by, those  
25 mitigation measures and lease measures from the 2019 SEIR that were upheld by the  
26 Courts or were not challenged. These include 2019 SEIR MM AQ-15 (Yard Tractors  
27 Replacement schedule and emissions standards for yard tractors); 2019 SEIR MM AQ-17  
28 (Cargo Handling Equipment Replacement schedule and emissions standards for yard  
29 equipment); 2019 SEIR LM AQ-1 (Cleanest Available Cargo Handling Equipment  
30 replacement); 2019 SEIR LM AQ-2 (Priority Access for Drayage Priority access system  
31 for zero and near-zero trucks); 2019 SEIR LM AQ-3 (Demonstration of Zero-Emissions  
32 Equipment 1-year zero-emissions demonstration); 2019 SEIR MM GHG-1 (LED  
33 Lighting LED Lighting replacement); 2019 SEIR MM TRANS-2 (Alameda and Anaheim  
34 Streets Additional eastbound through-lane on Anaheim Street); and 2019 SEIR MM  
35 TRANS-3 (John S. Gibson Boulevard and I-110 N/B Ramps). Also, mitigation measures  
36 and lease measures from the 2008 EIS/EIR currently imposed on the Project are final and  
37 valid, and, thus, also are not subject to re-evaluation in the Draft RSEIR. The Writ also  
38 does not require a comprehensive re-evaluation of the entire environmental analysis for  
39 operations at the CS Terminal.

40 Furthermore, many of the comments raised issues found by the Courts to have been  
41 adequately addressed in the 2019 SEIR. Examples include the feasibility of zero-emission  
42 technologies for cargo-handling equipment, clean locomotives, zero-emission drayage  
43 trucks, and clean technology for oceangoing vessels and harbor craft. As stated above,  
44 LAHD was not required to re-evaluate these issues because they are beyond the scope of  
45 the deficiencies identified in the Writ.

46 LAHD has fulfilled its legal obligation under CEQA by identifying feasible measures to  
47 substantially lessen or avoid significant environmental effects to air quality and  
48 greenhouse gas emissions in the Draft RSEIR. The mitigation measures presented in the

1 Draft RSEIR represent the expert opinions of the preparers of the Draft RSEIR regarding  
2 how best to effectively, and feasibly, substantially reduce or avoid the Revised Project’s  
3 significant environmental effects. The Draft RSEIR contains mitigation measures that  
4 LAHD, as the lead agency, believes are necessary to address significant impacts and that  
5 are feasible to implement. Further, those mitigation measures have been subjected to  
6 public review and scrutiny through the Draft RSEIR process. Per the Writ, these  
7 mitigation and lease measures have already been implemented and enforced in the sixth  
8 amendment to Permit No. 999, approved by the City in July 2024.

9 The Board finds that comments on the new or revised mitigation measures included in the  
10 Draft RSEIR (the revised MM AQ-9 and MM AQ-10, and the newly added MM AQ-31  
11 and MM GHG-2) are appropriate subjects for comment; those comments and the  
12 LAHD’s responses are summarized below. The Board further finds that comments  
13 suggesting revisions or additions of other mitigation measures are outside the scope of  
14 the RSEIR and have been adequately addressed in the Final RSEIR.

#### 15 MM AQ-9, MM AQ-31, and Alternative Emission Capture Technology

16 Comments questioned whether the Draft RSEIR adequately addresses at-berth emissions,  
17 specifically questioning the effectiveness of the use of alternative maritime power  
18 (“AMP”) required under MM AQ-9 and MM AQ-31. Comments also suggested that  
19 LAHD modify MM AQ-9 to require all ocean-going vessels (OGVs) calling at the CS  
20 Terminal to connect to shore power and impose other requirements on OGVs.  
21 Consolidated Response 3, Alternative Maritime Power, Global Shipping Regulation and  
22 Changes to MM AQ-9 and MM AQ-31 addressed those issues.

23 Requiring all OGVs to use AMP would require LAHD to prohibit any non-AMP-capable  
24 vessel from visiting the CS Terminal. LAHD does not have direct regulatory authority to  
25 impose any specific emissions reduction technology for OGVs. Rather, the IMO in  
26 combination with national and quasi-governmental organizations regulates OGV  
27 technologies. The vast majority of vessels visiting the Port are internationally flagged and  
28 owned; LAHD cannot constitutionally interfere with interstate or international commerce.  
29 LAHD cannot turn away vessels bound for the Port on grounds that they are not AMP-  
30 capable; that responsibility lies with the USGS for regulatory and security factors  
31 governed by maritime law. However, LAHD can require China Shipping, under Permit  
32 No. 999, to require the use of shore power for all AMP-capable ships docking at the CS  
33 Terminal and, thus, MM AQ-9 implements this requirement and LAHD enforces it as  
34 part of the terms of Permit No. 999.

35 CARB and NRDC provided comments requesting revisions to MM AQ-9 to clarify  
36 undefined terms, such as “China Shipping ships” or “hoteling”. The comments suggested  
37 that using definitions provided in the May 15, 2025, Order from the San Diego Superior  
38 would ensure that MM AQ-9’s requirements are clear and consistent with its purpose and  
39 that using standardized definitions would provide clarity. The Final RSEIR contains a  
40 modified version of MM AQ-9 that includes the suggested definitions from commenters  
41 or references to definitions in CARB’s At-Berth Regulations.

42 MM AQ-31 has also been clarified in the Final RSEIR in response to these comments to  
43 avoid undefined terms and to ensure MM AQ-31’s requirements are clear and consistent  
44 with its purpose. That purpose is to ensure that vessels that are not required by MM AQ-9  
45 connect to AMP (i.e., are not AMP-capable or fall under a valid exception) are  
46 complying with the At-Berth Regulations and employ additional CARB-approved  
47 emission control strategies (CAECS) to reduce at-berth emissions.

1 The Board finds that comments on the revised MM AQ-9 and MM AQ-10, and the newly  
2 added MM AQ-31, MM AQ-32, and MM GHG-2, have been adequately addressed in the  
3 Final RSEIR by revisions to those measures and in the Findings for MM AQ-32 which is  
4 added after certification of the Final RSEIR in response to public comments.

#### 5 Mitigation for GHG Impacts and Changes to MM GHG-2

6 Comments by CARB and the NRDC allege MM GHG-2 impermissibly defers mitigation  
7 because it fails to identify greenhouse gas offsets that are “‘real, additional, quantifiable,  
8 permanent, verifiable, and enforceable’ per the requirements of Cal. Code Regs., tit. 17, §  
9 95802, 39 subd. (a). A comment by China Shipping North American Holding Company  
10 questions the feasibility of GHG MM-2's offset credits requirement.

11 CEQA requires that mitigation measures must reduce the severity of potentially  
12 significant impacts, their effectiveness must be clear, and they must be enforceable  
13 (CEQA Guidelines Section 15126.4(a)). CEQA also provides that mitigation may include  
14 “[c]ompensating for the [significant environmental] impact by replacing or providing  
15 substitute resources or environments” (CEQA Guidelines, § 15370(e)). As with all  
16 mitigation measures, off-site measures “must be fully enforceable through permit  
17 conditions, agreements, or other legally binding instruments” (CEQA Guidelines, §  
18 15126.4(a)(2)).

19 MM GHG-2 imposes a requirement on the tenant to fully mitigate for the Revised  
20 Project’s GHG impacts on a yearly basis throughout the lifetime of Permit No. 19 999  
21 (year 2045). Accordingly, mitigation is not deferred: China Shipping must purchase  
22 offset credits from a CARB-certified registry starting the first year of operation. As stated  
23 above, this is expressly provided for under CEQA Guidelines, and the use of CARB-  
24 certified offsets has been upheld repeatedly by the courts. MM GHG-2 also provides for  
25 the development of additional mitigation details in the future, as LAHD is in the process  
26 of establishing a Greenhouse Gas Program. This program will provide tenants, including  
27 CS, the option to purchase and retire carbon offsets through LAHD’s program to reduce  
28 greenhouse gas emissions attributable to their operations. This is not deferred mitigation:  
29 MM GHG-2 clearly states, “While the LAHD Greenhouse Gas Program is currently  
30 under development, the Tenant shall purchase and retire carbon offsets from a CARB-  
31 recognized offset registry”. Accordingly, MM GHG-2 does in fact require the tenant to  
32 purchase carbon offsets from a CARB-recognized registry since the LAHD Greenhouse  
33 Gas Program is not yet established.

34 The Board finds that the RSEIR’s MM GHG-2 fully complies with requirements for  
35 mitigation, as provided in CEQA Guidelines and confirmed in recent cases. The Board  
36 further finds that comments on the RSEIR regarding MM GHG-2 have been adequately  
37 addressed in the Final SEIR.

#### 38 Recirculation

39 Several comments urged the Board of Harbor Commissioners to recirculate the SEIR for  
40 a third time. Consolidated Response 7 of the Final RSEIR addresses that issue, explaining  
41 that recirculation is both infeasible and not required by the circumstances. That response  
42 is summarized here.

43 First, as to recirculation being infeasible, preparing and recirculating a revised draft  
44 RSEIR could not have been accomplished by the deadline for Board certification  
45 imposed by the Writ, i.e., December 1, 2025. As a result, the comments requesting  
46 recirculation of a revised Draft RSEIR asked LAHD to violate the terms of the Writ.

1 Second, as to recirculation being unnecessary, CEQA requires a lead agency to  
2 recirculate an EIR only when “significant new information” is added to the EIR after  
3 public notice is given of the availability of the draft EIR for public review but before  
4 certification (CEQA Guidelines Section 15088.5(a).) The determination to recirculate is  
5 based on whether the information provided in the comments is new, and whether that  
6 information discloses:

- 7 • A new significant impact would be caused by the project or mitigation;
- 8 • An impact that would be substantially more severe unless mitigation is adopted  
9 that avoids the impact;
- 10 • A feasible project alternative is available that would avoid a significant impact,  
11 but the applicant will not adopt it, or
- 12 • That the Draft EIR is “fundamentally and basically inadequate” such that  
13 meaningful public comment was precluded (CEQA Guidelines Section 48  
14 15088.5(a)).

15 None of the conditions warranting recirculation of a Draft RSEIR, as specified in State  
16 CEQA Guidelines Section 15088.5 and described above, has occurred. As a result of  
17 responses to comments and the addition of new information, no new significant impacts  
18 would result, there is no increase in the severity of a significant impact identified in the  
19 Draft RSEIR, following mitigation, and as to the Draft RSEIR’s adequacy, the LAHD  
20 believes the RSEIR is complete and fully compliant with CEQA. Accordingly, the Board  
21 finds that recirculation is not required.

## 22 **5 Findings Regarding Other CEQA** 23 **Considerations**

24 Irreversible and irretrievable environmental changes caused by a project include uses of  
25 nonrenewable resources during construction and operation, long-term or permanent  
26 access to previously inaccessible areas, and irreversible damages that may result from  
27 project-related accidents.

### 28 **Finding and Rationale**

29 The Revised Project would require the use of nonrenewable resources. Fossil fuels and  
30 energy would be consumed during operations. These energy resources would for the most  
31 part be irretrievable and would cause irreversible changes in supplies of fossil fuel  
32 available for other uses. However, some electricity provided by the LADWP is provided  
33 from renewable sources and recently adopted legislation raises California’s renewable  
34 portfolio requirements for retail electricity sales.

35 No non-recoverable material resources would be committed to the Revised Project other  
36 than fossil fuels because the Revised Project does not include significant construction  
37 (the minor work to install the new lighting required by MM GHG-1 has already been  
38 completed). The irreversible changes discussed above are justified by the decreased  
39 emissions that the Revised Project would provide compared to baseline conditions.

## 40 **6 Statement of Overriding Considerations**

41 Pursuant to § 21081 of the Public Resources Code and § 15093 of the CEQA Guidelines,  
42 the Board must balance the benefits of the Revised Project against unavoidable

1 environmental risks in determining whether to approve the Revised Project. The Revised  
2 Project would result in significant unavoidable impacts and cumulatively considerable  
3 contributions to significant cumulative impacts to Air Quality and Ground  
4 Transportation.

## 5 **6.1 Significant and Unavoidable Impacts**

6 The potential environmental impacts of the project were evaluated in the 2008 EIS/EIR  
7 as revised by the 2019 SEIR and the RSEIR. The 2008 EIS/EIR determined that impacts,  
8 even with implementation of all mitigation measures, remained significant and  
9 unavoidable for the CS Container Terminal Project. Certain of these impacts related to air  
10 quality remain significant and unavoidable with the Revised Project; the only difference  
11 would be a change in the severity of such impacts. As described above, the Revised  
12 Project would result in significant unavoidable impacts to air quality during operation  
13 even with the adoption and implementation of mitigation measures. Specifically,  
14 operations would result in exceedances of priority pollutant significance thresholds  
15 (Impact AQ-3), offsite ambient air pollutant concentrations that exceed the SCAQMD  
16 threshold of significance (Impact AQ-4), and exceedances of the significance threshold  
17 for occupational cancer risk (Impact AQ-7). The Revised Project would also result in  
18 significant and unavoidable impacts related to ground transportation (Impact TRANS-2).  
19 As provided in the Findings above, there would also be cumulative air quality impacts  
20 (Cumulative Impacts AQ-3, AQ-4, AQ-7, and TRANS-2) that would remain significant  
21 and unavoidable.

## 22 **6.2 Revised Project Benefits**

23 The Revised Project offers several benefits that outweigh the unavoidable adverse  
24 environmental effects of the Revised Project. The Board of Harbor Commissioners  
25 adopts the following Statement of Overriding Considerations. The Board recognizes that  
26 significant and unavoidable impacts will result from implementation of the Revised  
27 Project, as discussed above. Having (i) adopted all feasible mitigation measures, (ii)  
28 rejected as infeasible any alternatives which would avoid or reduce the significant  
29 impacts of the Revised Project, as discussed above, (iii) recognized all significant,  
30 unavoidable impacts, and (iv) balanced the benefits of the Revised Project against the  
31 Revised Project's significant and unavoidable impacts, the Board hereby finds that the  
32 benefits outweigh and override the significant unavoidable impacts for the reasons stated  
33 below.

34 The following material summarizes the benefits, goals, and objectives of the Revised  
35 Project and provides the rationale for the economic, legal, social, technological, and other  
36 benefits of the Revised Project. These overriding considerations justify adoption of the  
37 Project. Any of these overriding considerations individually would be sufficient to  
38 outweigh the adverse environmental impacts of the Revised Project. These benefits  
39 include the following:

- 40 • **Fulfills Port legal mandates and objectives.** The Revised Project would fulfill  
41 LAHD's legal mandate under the Port of Los Angeles Tidelands Trust (Los Angeles  
42 City Charter, Article VI, Sec. 601; California Tidelands Trust Act of 1911) to  
43 promote and develop commerce, navigation and fisheries, and other uses of statewide  
44 interest and benefit including industrial and transportation uses and the California  
45 Coastal Act (PRC Division 20, Section 30700, et seq.), which identifies the Port and  
46 its facilities as a primary economic/coastal resource of the state and an essential

1 element of the national maritime industry and obligates the Harbor Department to  
2 accommodate the demands of foreign and domestic waterborne commerce and other  
3 traditional water-dependent and related facilities in order to preclude the necessity for  
4 developing new ports elsewhere in the state.

5 Further, the California Coastal Act provides that the Harbor Department should give  
6 highest priority to the use of existing land space within harbors for port purposes,  
7 including, but not limited to navigational facilities, shipping industries and necessary  
8 support and access facilities. The Revised Project would also meet the Harbor  
9 Department's strategic green growth objectives by maximizing the efficiency and the  
10 capacity of facilities while applying mitigation measures that adhere to and/or exceed  
11 the CAAP requirements and raise environmental standards.

- 12 • **Implements the San Pedro Bay Clean Air Action Plan (CAAP).** The Revised  
13 Project incorporates many environmental features consistent with the CAAP, and  
14 additional mitigation measures and lease measures have been identified through the  
15 CEQA findings of the RSEIR that meet CAAP requirements and objectives.
- 16 • **Implements feasible mitigation measures on the existing CS Container Terminal  
17 Project, to replace or revise mitigation measures identified in 2008 EIS/EIR that  
18 have not been fully implemented, and those that were overturned by the trial  
19 court and Court of Appeal from the 2019 SEIR.** The Revised Project would  
20 eliminate some existing mitigation measures that have proved to be infeasible or  
21 unnecessary, institute new mitigation measures, and modify other existing measures  
22 to enhance their effectiveness. In proposing these changes, the Revised Project would  
23 advance the original project objectives of the CS Container Terminal Project to  
24 implement pollution control measures consistent with the CAAP, and to maximize  
25 the efficiency and capacity of the terminal while, at the same time, raising  
26 environmental standards through the application of all feasible mitigation measures.

27 If the existing mitigation measures determined to be infeasible or unnecessary are not  
28 revised as proposed by the Revised Project, these project objectives would not be  
29 advanced as originally intended. Further, environmental impacts identified in the  
30 2008 EIR/EIS would not be addressed despite the availability of new or modified  
31 feasible mitigation, as identified in the RSEIR. The proposed changes to existing  
32 mitigation measures and new mitigation measures that constitute the Revised Project  
33 would enable the China Shipping Container Terminal Project to better meet the  
34 original project objectives and address impacts identified in the 2008 EIR/EIS.

- 35 • **Allows for continued operation of the CS Terminal under feasible mitigation  
36 measures, providing economic benefits to the Port and the community.** The  
37 Revised Project will allow for the continued operation of the terminal, generating  
38 revenues to the Port of Los Angeles over the life of the Revised Project. The  
39 Terminal is responsible for 10% of the Port's 10.2 million Twenty-Foot Equivalent  
40 Units that were processed in Calendar Year 2025, providing jobs and funding for  
41 environmental improvements. These funds are included in the Harbor Revenue fund  
42 for the purposes of operating, maintaining and improving the Port in accordance with  
43 the Tidelands Trust. Revenues from operation of the CS Terminal also provide for  
44 environmental improvements, including incentive programs associated with the  
45 CAAP for reduction of truck emissions and advancing clean technology, and support  
46 the construction of necessary infrastructure for waterfront commercial and  
47 recreational improvements in Wilmington and San Pedro. If the Terminal cannot

1                   continue to operate, it could result in more than 800 jobs being displaced and delay  
2                   implementation of environmental protection measures.

### 3   **6.3           Conclusion**

4                   In balancing the benefits described above with the significant and unavoidable  
5                   environmental impacts described in the certified Final RSEIR and 2019 SEIR, as revised  
6                   by the Final RSEIR, the Board finds that each of the Revised Project’s benefits,  
7                   individually and collectively, outweigh the significant and unavoidable environmental  
8                   impacts, such that these impacts are acceptable. The Revised Project would allow the Port  
9                   to meet its legal mandates to accommodate growing international commerce and would  
10                  permit LAHD to continue to comply with the CAAP and other measures designed to  
11                  reduce overall emissions over time. The Board further finds that substantial evidence  
12                  presented in the Final RSEIR, the 2019 SEIR, as revised by the Final RSEIR, and the  
13                  Errata supports approving the Revised Project despite the significant and unavoidable  
14                  environmental effects of the Revised Project, which are therefore considered acceptable.

## 15   **7            Location and Custodian of Records**

16                  The documents and other materials that constitute the administrative record for the  
17                  LAHD’s actions related to the Revised Project are located at the office of the Director of  
18                  Environmental Management, Los Angeles Harbor Department, 425 South Palos Verdes  
19                  Street, San Pedro, California 90731.