FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Berths 97-109 (China Shipping) Container Terminal Project Supplemental Environmental Impact Report (SEIR)

(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 continued operation of the Berths 97-109 (China Shipping) Container Terminal Project under new and/or modified mitigation measures (the Revised Project), based upon a Supplemental Environmental Impact Report ("SEIR") under Public Resources Code ("PRC") § 21166 and 14 California Code of Regulations [CCR] § 15162 ("CEQA Guidelines" § 15162). Section 21081 of the Public Resources Code and § 15091 of the CEQA Guidelines provide that no public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) 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 as identified in the Final SEIR.
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 SEIR.

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 SEIR and other information contained in the record.

In accordance with the provisions of CEQA, the Board of Harbor Commissioners (Board) adopts the Findings and Statement of Overriding Considerations as set forth below, as part of the certification of the Final SEIR and approval of the Revised Project. As required by CEQA, the Board in adopting these findings, also adopts a Revised Mitigation Monitoring and Reporting Program (MMRP) for the Revised Project. The Board finds that the MMRP, which is incorporated by reference and made a part of

these findings, meets the requirements of CEQA Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the proposed program. Pursuant to CEQA Section 21082.1(c)(3), the Board also finds that the SEIR reflects the Port's independent judgment as the lead agency for the Revised Project.

2 Revised Project Overview

2.1 Introduction

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

The 2008 EIS/EIR described the construction and operation of the CS Terminal and imposed 52 mitigation and lease measures to address the environmental impacts of the project described in that document (the Approved Project). Most of the mitigation measures in the 2008 EIS/EIR have either been completed or will be completed within the time period for implementation. Accordingly, those measures are outside of the scope of the Revised Project and are not considered in the SEIR. In addition, a number of measures imposed by the 2004 Amended Stipulated Judgement (ASJ) in a lawsuit challenging LAHD approval of a permit for the CS Terminal have been met and are also outside the scope of Revised Project and are not considered in the SEIR.

Of the 52 measures adopted in the 2008 EIS/EIR, 10 mitigation measures and one lease measure have not yet been fully implemented. A re-evaluation of those measures, based on the feasibility of some of the measures, the subsequent availability of alternative technologies, and the actual need, has indicated that some of those measures are unnecessary, others have been superseded by advances in technology, and still others need to be either modified to ensure their feasibility. The Revised Project includes changes to those measures to effectuate theses purposes.

2.2 Revised Project Purpose

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

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

2.3 Revised Project Description

The Revised Project involves the continued operation of the CS Container Terminal under new or modified mitigation measures, described below, compared to those set forth in the 2008 EIS/EIR for the Approved Project. The revisions to mitigation measures in some cases modify details of the implementation of a measure, in other cases substitute a new measure, and in still other cases eliminate the measure altogether as being infeasible or no longer necessary. All other aspects of the Approved Project, including construction and the physical operation of the CS Container Terminal and all other mitigation measures, remain the same as those evaluated in the 2008 EIS/EIR, although the circumstances surrounding operation of the CS Container Terminal have changed to reflect an updated assessment of the terminal's maximum throughput (i.e., its capacity).

The modifications proposed under the Revised Project are analyzed in the SEIR with the physical elements of the Approved Project described in the 2008 EIS/EIR as they now exist, and the operation of those elements, including the completed mitigation measures and the ongoing mitigation measures, using updated cargo and activity projections and current analytical techniques. Finally, the Revised Project includes the "partial implementation period," when some of the measures were not fully complied with between 2008, when the measures were imposed, and 2019, when the proposed mitigations under Revised Project are assumed to begin for purposes of this analysis. Therefore, the years analyzed under this "partial implementation period" are 2012, 2014, and 2018.

2.3.1 Operation of the CS Container Terminal, 2008 - 2045

The SEIR compares future operations as analyzed in the 2008 EIS/EIR and as now projected to occur. This analysis is based on the recognition that changes in throughput, technology, and other factors have occurred, and that the original mitigation measures are, in many cases, obsolete or infeasible.

There are differences in the analysis years between the 2008 EIS/EIR and the SEIR. The SEIR analyzes additional interim years: 2012, 2014, 2018, 2023 and 2036, which were not analyzed in the 2008 EIS/EIR. Year 2012 was chosen to illustrate conditions at a time when most of the requirements of the ASJ and the 2008 EIS/EIR's mitigation measures would be in effect. Year 2018 was added to the analysis as being the last year before the mitigation measures in the Revised Project could begin implementation. Year 2023 was chosen to provide information on conditions that would pertain when regulatory requirements would be fully implemented. Year 2036 was chosen as an interim year between 2030 and 2045.

2.3.2 Revised Project Elements

2.3.2.1 Proposed Modifications to 2008 EIR Mitigation Measures and Lease Measures

MM AQ-9 – Alternative Maritime Power (AMP)

MM AQ-9 in the 2008 EIS/EIR required that China Shipping ships calling at Berths 97-109 must use AMP in the following percentages while hoteling in the Port: January 1 – June 30 2005: 60% of total ship calls; 1 July 2005: 70% of total ship calls (ASJ requirement); 1 January 2010: 90% of ship calls; 1 January 2011 and thereafter: 100% of ship calls. Additionally, by 2010, all ships retrofitted for AMP shall be required to use AMP while hoteling at a 100 percent compliance rate, with the exception of

circumstances when an AMP-capable berth is unavailable due to utilization by another AMP-capable ship.

China Shipping vessels achieved the earlier requirements (Table 2-1): in 2005, 97% of CS vessel calls used AMP. In 2010 and thereafter, compliance did not meet the higher requirements of 90% and then 100%, although 93% compliance was achieved in 2014.

Although the goal of the Approved Project was 100 percent compliance for China Shipping vessels, the LAHD (as well as CARB) recognizes that the factors summarized above may prevent China Shipping from always achieving that goal. The Revised Project requires that:

> Starting on the effective date of a new lease amendment between the Tenant and the LAHD and annually thereafter, all ships calling at Berths 97-109 must use AMP while hoteling in the Port, with a 95 percent compliance rate. Exceptions may be made if one of the following circumstances or conditions exists:
>
> 1) Emergencies
> 2) An AMP-capable berth is unavailable
> 3) An AMP-capable ship is not able to plug in
> 4) The vessel is not AMP-capable.
>
> In the event one of these circumstances or conditions exist, an equivalent alternative at-berth emission control capture system shall be deployed, if feasible, based on availability, scheduling, operational feasibility, and contracting requirements between the provider of the equivalent alternative technology and the terminal operator. The equivalent alternative technology must, at a minimum, meet the emissions reductions that would be achieved from AMP.

MM AQ-10 – Vessel Speed Reduction Program

MM AQ-10 in the 2008 EIS/EIR required that as of 2009, 100% of oceangoing vessels calling the CS Container Terminal comply with the Vessel Speed Reduction Program (VSRP) within a 40-nautical-mile (nm) radius of Point Fermin. The VSRP was initially (2005) established as a 20-nm-radius, but MM AQ-10 extended the radius to 40 nautical miles.

Although the compliance rate of vessels calling the CS Terminal approached 100% in 2014, not all vessels will be able to comply with VSRP requirements due to unavoidable practical need to increase speed for various reasons. Accordingly, the LAHD proposes that MM AQ-10 be revised to require that:

> Starting on the effective date of a new lease amendment between the Tenant and the LAHD and annually thereafter, at least 95 percent of vessels calling at Berths 97-109 shall comply with the expanded VSRP of 12 knots between 40 nm from Point Fermin and the Precautionary Area.

MM AQ-15 –Yard Tractors

MM AQ-15 in the 2008 EIS/EIR required all yard tractors to run on alternative fuel (LPG) between September 30, 2004, and December 31, 2014, and that beginning January 1, 2015, all yard tractors must be the cleanest available NO_x alternative-fueled engine meeting 0.015 gm/hp-hr for PM.

As of the end of 2014, all yard tractors operating at the CS Terminal were alternative fuel-powered, and thus complied with the provision of MM AQ-15 requiring alternative-fuel power. However, in light of subsequent changes in engine technology, including indications that new engines can meet an ultra-low NO_X standard, the measure has been modified in the Revised Project to require yard tractors to meet Tier 4 and ultra-low NOX standards. Accordingly, for the Revised Project, MM AQ-15 requires that:

- No later than one year after the effective date of a new lease amendment between the Tenant and the LAHD, all LPG yard tractors of model years 2007 or older shall be replaced with alternative-fuel units that meet or are lower than a NOx emission rate of 0.02 g/bhp-hr and Tier 4 final off-road emission rates for other criteria pollutants.
- No later than five years after the effective date of a new lease amendment between the Tenant and the LAHD, all LPG yard tractors of model years 2011 or older shall be replaced with alternative fuel units that meet or are lower than a NOx emission rate of 0.02 g/bhp-hr and Tier 4 final off-road engine emission rates for other criteria pollutants.

MM AQ-16 – Railyard Cargo-Handling Equipment

In accordance with the ASJ, MM AQ-16 required that the CHE at the WBICTF on-dock railyard be exclusively LPG-fueled from 2004 to 2014. The measure further required that by end of 2014, all such equipment meet Tier 4 off-road or on-road engine standards. The equipment used at the railyard is the same CHE used in the container yards of the CS and Yang Ming ("YM") terminals, i.e., yard tractors that transfer containers between the container yard and the railyard, and toppicks that load and unload trains and trucks. Accordingly, the intent of this measure is fulfilled by controlling yard tractors and CHE through MM AQ-15 and MM AQ-17, and MM AQ-16 has been combined with MM AQ-17 under the Revised Project.

MM AQ-17 – Cargo Handling Equipment

In accordance with the ASJ, MM AQ-17 required that by September 30, 2004 all toppicks be equipped with diesel oxidation catalysts (DOCs) and use emulsified diesel fuel. MM AQ-17 further required that, beginning in 2009, all RTGs must be electric powered, all toppicks must have cleanest available NO_x alternative fuel engine meeting EPA Tier 4 standards for PM, and new equipment purchases must be either cleanest alternative fuel or cleanest diesel with cleanest verified control equipment; by the end of 2012, all equipment less than 750 hp (which includes all CHE at the CS Terminal) must meet EPA Tier 4 off-road or on-road engine standards; and by the end of 2014, all equipment must meet Tier 4 non-road engine standards.

By 2004, all of the forklifts and top handlers met the ASJ requirements for emulsified diesel and DOCs. Since the further provisions of MM AQ-17 were not in effect until 2009, the CHE working at the CS Terminal in 2008 complied with the measure's requirements. The requirements for all-electric RTGs and cleanest-available top-picks in 2009 were not met. The implementation dates for the conversion of all other CHE to Tier 4 non-road standards were also not met.

All-electric RTGs are not only much more expensive to purchase than either diesel powered or hybrid units, but their installation at a container terminal requires substantial and costly modifications of the container yard to accommodate the necessary power trenches and transformers. In addition, space constraints in much of the container yard prevent the installation of electric RTGs throughout the terminal; in most of the container

yard the RTGs operate on short rows of containers which precludes the efficient deployment of electric RTGs because the electrical infrastructure does not permit electric RTGs to operate on multiple rows.

Moreover, China Shipping informed the Port that replacing the top picks and side-picks with Tier 4 non-road standard compliant units would be prohibitively expensive and require the retirement of units with useful life remaining. The same economic constraints would apply to other cargo-handling equipment such as forklifts.

Accordingly, the Revised Project modifies MM AQ-17 to require replacement of existing toppicks and heavy-duty forklifts with units meeting Tier 4 standards, the replacement of lighter-duty forklifts with electric units, and the replacement of sweepers with cleanest-available units, and the replacement of shuttle buses with zero-emissions units by 2025. The replacement schedule for CHE incorporated the useful economic service life of the existing equipment and the high capital costs (e.g., $650,000 per unit for top-picks) but accelerated the replacement. The Revised Project further modifies the measure to replace the calendar day compliance dates with dates related to the execution of a new lease amendment.

For the Revised Project, MM AQ-17 is revised as follows: all yard equipment at the terminal except yard tractors shall implement the following requirements:

<u>Forklifts</u>:

- By one year after the effective date of a new lease amendment between the Tenant and the LAHD, all 18-ton diesel forklifts of model years 2004 and older shall be replaced with units that meet or are lower than Tier 4 final off-road engine emission rates for PM and NOx.
- By two years after the effective date of a new lease amendment between the Tenant and the LAHD, all 18-ton diesel forklifts of model years 2005 and older shall be replaced with units that meet or are lower than Tier 4 final off-road engine emission rates for PM and NOx.
- By two years after the effective date of a new lease amendment between the Tenant and the LAHD, all 5-ton forklifts of model years 2011 or older shall be replaced with zero-emission units.
- By three years after the effective date of a new lease amendment between the Tenant and the LAHD, all 18-ton diesel forklifts of model years 2007 and older shall be replaced with units that meet or are lower than Tier 4 final off-road engine emission rates for PM and NOx.

<u>Toppicks</u>:

- By one year after the effective date of a new lease amendment between the Tenant and the LAHD, all diesel top-picks of model years 2006 and older shall be replaced with units that meet or are lower than Tier 4 final off-road engine emission rates for PM and NOx.
- By three years after the effective date of a new lease amendment between the Tenant and the LAHD, all diesel top-picks of model years 2007 and older shall be replaced with units that meet or are lower than Tier 4 final off-road engine emission rates for PM and NOx.

- By five years after the effective date of a new lease amendment between the Tenant and the LAHD, all diesel top-picks of model years 2014 and older shall be replaced with units that meet or are lower than Tier 4 final off-road engine emission rates for PM and NOx.

Rubber-Tired Gantries:

- By three years after the effective date of a new lease amendment between the Tenant and the LAHD, all diesel RTG cranes of model years 2003 and older shall be replaced with diesel-electric hybrid units with diesel engines that meet or are lower than Tier 4 final off-road engine emission rates for PM and NOx.
- By five years after the effective date of a new lease amendment between the Tenant and the LAHD, all diesel RTG cranes of model years 2004 and older shall be replaced with diesel-electric hybrid units with diesel engines that meet or are lower than Tier 4 final off-road engine emission rates for PM and NOx.
- By seven years after the effective date of a new lease amendment between the Tenant and the LAHD, four RTG cranes of model years 2005 and older shall be replaced with all-electric units, and one diesel RTG crane of model year 2005 shall be replaced with a diesel-electric hybrid unit with a diesel engine that meets or is lower than Tier 4 final off-road engine emission rates for PM and NOx.

Sweepers:

- Sweeper(s) shall be alternative fuel or the cleanest available by six years after the effective date of a new lease amendment between the Tenant and the LAHD.

Shuttle Buses:

- Gasoline shuttle buses shall be zero-emission units by seven years after the effective date of a new lease amendment between the Tenant and the LAHD.

MM AQ-20 – LNG Trucks

The 2008 EIS/EIR proposed MM AQ-20 to reduce the emissions of drayage trucks arriving at and departing from the CS Terminal. The measure required that LNG-fueled drayage trucks be used to convey containers to and from the terminal. The requirement has three phases: from 2012 through 2014, at least 50% of drayage trucks calling the terminal must be LNG-powered, from 2015 through 2017 at least 70%, and thereafter 100%. The 2008 EIS/EIR envisioned that LAHD would be responsible for the trucks and WBCT (the terminal operator) would be responsible for necessary gate modifications and operations to ensure compliance.

As described in a study of the port drayage industry conducted by LAHD, "Assessment of the Feasibility of Requiring Alternative-Technology Drayage Trucks at Individual Container Terminals, Final Report," April, 2017, the requirement of MM AQ-20 is infeasible at this time because of industry structural constraints, truck technology constraints, and financial constraints described in Section 2.5.2.1 of the Recirculated Draft SEIR. Accordingly, MM AQ-20 is not included in the Revised Project.

LM AQ-23 Throughput Tracking

The 2008 EIS/EIR included MM AQ-23, which required assessments of whether actual future operations of the CS Container Terminal exceeded the throughput assumptions on which the impact assessments, and therefore the mitigation measures, were based. If that occurred, then staff would evaluate actual air emissions for comparison with the 2008 EIS/EIR, and if that evaluation showed that criteria pollutant emissions exceeded those in the 2008 EIS/EIR, then new or additional mitigations would be applied through MM AQ-22 Periodic Review of New Technology and Regulations. The measure was re-designated a lease amendment, since it did not mitigate an identified impact, but it was never implemented because no lease amendment that included the measure took effect.

Actual throughput has generally exceeded the projections in the 2008 EIS/EIR. However, the new analysis in the SEIR already takes into account the maximum capacity of the terminal and growth in TEU volume and applies all feasible mitigation measures to address future air quality impacts. Accordingly, periodic reviews of throughput are unnecessary. Furthermore, new technologies would continue to be considered and applied under Lease Measure AQ-22 Periodic Review of New Technology and Regulations, since this requirement is not being changed. Finally, new Lease Measure AQ-1, below, would ensure a regular check-in process and evaluation of the cleanest available technology when equipment is purchased or replaced by the tenant. A comment by the Natural Resources Defense Council on the Recirculated DSEIR requested that LM AQ-23 be retained, but for the reasons discussed above, the measure is not included in the Revised Project.

MM TRANS-2, TRANS-3, TRANS-4, and TRANS-6

The 2008 EIS/EIR included several mitigation measures related to roadway improvements needed to reduce the impacts of truck traffic at certain Port-area intersections. Three of those measures (MM TRANS-2 through MM TRANS-4) were not implemented by the dates specified in the measures. In addition, conditions have changed since the certification of the 2008 EIS/EIR, which calls into question the need for and/or effectiveness of some of these mitigation measures.

The LAHD conducted a screening analysis of traffic that included the locations that would be affected by the mitigation measures and determined that the three locations at which no mitigation was undertaken would not experience an impact from the CS Terminal's traffic, and that the mitigation is therefore not needed. For the fourth measure (MM TRANS-6), a separate but related transportation improvement project, the Navy Way and Seaside Interchange Project, will eliminate the impact, removing the need for the measure. Accordingly, none of the transportation measures are included in the Revised Project. However, mitigation measures MM TRANS-2 and MM TRANS-3, revised to incorporate new implementation schedules and new information regarding feasibility, were re-imposed on the Revised Project by the Recirculated DSEIR.

Summary

The revised mitigation measures that are included in the Revised Project take into account the uncertainty in the timing of the measures given the time needed to certify the SEIR and execute a new lease amendment. The revised measures will also ensure that the CS Terminal will transition to the then-current cleanest available technology for most major cargo-handling equipment within five years of the new lease amendment. For the longer term, however, the 2017 CAAP envisions that by 2030 the Port will rely on zero- and near-zero-emissions technologies for all cargo-handling equipment, consistent with

CARB's March, 2017, initiative to amend the cargo-handling regulation to achieve up to 100% zero-emissions technology by 2030.

3 CEQA Findings

The Findings of Fact are based on information contained in the Recirculated DSEIR and the Final SEIR (FSEIR) for the Revised Project, as well as information contained within the administrative record. The administrative record includes, but is not limited to, staff reports on the Project, public hearing records, correspondence on the Revised Project, public notices, written comments on the Revised Project and responses to those comments, proposed decisions and findings on the Revised Project, and other documents relating to the Board's decision on the Revised Project.

The Recirculated DSEIR addressed the Revised Project's potential effects on the environment and was circulated for public review and comment pursuant to the State CEQA Guidelines for a period of 90 days (including an extension) and 45 days, respectively.

The Recirculated DSEIR addressed only those issues that could be affected by the Revised Project. All other resource areas considered in the 2008 EIS/EIR were not addressed in the Recirculated DSEIR because the new information added or changes made to the Revised Project would not affect those areas. Those impact areas are Aesthetics, Biological Resources, Cultural Resources, Geology, Hazards and Hazardous Materials, Land Use, Marine Transportation, Noise, Recreation, Utilities; Water Quality, Sediments, and Oceanography, and Socioeconomics. Accordingly, the Recirculated DSEIR consisted of the following chapters, sections, and appendices:

- Executive Summary
- Chapter 1 Introduction
- Chapter 2 Project Description
- Chapter 3 Environmental Analysis
- Section 3.1 Air Quality and Meteorology
- Section 3.2 Greenhouse Gas Emissions and Climate Change
- Section 3.3 Transportation/Circulation
- Chapter 4 Cumulative Analysis
- Chapter 5 References
- Chapter 6 List of Preparers and Contributors
- Chapter 7 Acronyms
- Appendix A Notice of Preparation
- Appendix B1 through B3 (Air Quality Appendices)
- Appendix C1 and C2 (Transportation Appendices)
- Appendix D1 Screening Analysis
- Appendix D2 Noise Screening Study
- Appendix E Energy Conservation

Comments were received from a variety of public agencies, organizations, and individuals. The Final SEIR contains copies of all comments and recommendations received on the Recirculated DSEIR; a list of persons, organizations and public agencies

commenting on the Recirculated DSEIR; responses to comments received during the public review on the Recirculated DSEIR. The Final SEIR also identifies changes to the Recirculated DSEIR.

3.1 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, these mitigation measures are included in a Mitigation Monitoring Reporting Plan (MMRP), which has been prepared separately from these findings.

3.1.1 Environmental Impacts Found to Be Significant and Unavoidable

The SEIR concludes that some, but not all, significant impacts of the Revised Project related to Air Quality, Greenhouse Gases, and Ground Transportation 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 mitigation measures (MM) and lease measures (LM), the environmental impacts of the Revised Project as summarized in Table 1 are significant and unavoidable.

Table 1. Significant and unavoidable adverse environmental impacts of the Revised Project.

Environmental Impacts	Impact Determination	New Measures Added by the SEIR[a]	Impacts after Mitigation
Air Quality and Meteorology			
AQ-3: Would the Revised Project result in operational emissions that exceed an SCAQMD threshold of significance in Table 3.1-7?	Significant for CO in 2012 to 2023, VOC in 2014 to 2045, and NOx in 2014 to 2036.	LM AQ-1: Cleanest Available Cargo-Handling Equipment LM AQ-2: Priority Access for Drayage LM AQ-3: Demonstration of Zero-Emissions Equipment	Significant and unavoidable
AQ-4: Would Revised Project operations result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance?	Significant for NO_2 in 2014 and 2018 and PM_{10} in 2014 through 2045		Significant and unavoidable
AQ-7: Would the Revised Project expose receptors to significant levels of TACs?	Significant for residential, occupational, and sensitive individual cancer risk		Significant and unavoidable
Greenhouse Gas Emissions and Climate Change			
GHG-1: Would the Revised Project generate GHG emissions, either directly or indirectly that would exceed the SCAQMD 10,000 mty CO2e threshold?	Significant impact in 2012 through 2045	MM GHG-1: LED Lighting LM GHG-1: GHG Credit Fund	Significant and unavoidable

Environmental Impacts	Impact Determination	New Measures Added by the SEIR[a]	Impacts after Mitigation
Ground Transportation			
TRANS- 2: 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	MM TRANS-2: Alameda & Anaheim Streets	Significant and unavoidable
Cumulative Impacts			
Air Quality and Meteorology			
Cumulative Impact AQ-3: Would operation of the Revised Project produce a cumulatively considerable increase of a criteria pollutant that exceeds the SCAQMD threshold of significance in Table 3.16?	Cumulatively considerable for CO, NO_X, and VOC	LM AQ-1: Cleanest Available Cargo-Handling Equipment LM AQ-2: Priority Access for Drayage LM AQ-3: Demonstration of Zero-Emissions Equipment	Cumulatively considerable and unavoidable
Cumulative Impact AQ-4: Would operation of the Revised Project result in offsite ambient air pollutant concentrations that cumulatively exceed a SCAQMD threshold of significance?	Cumulatively considerable for NO_X and PM_{10}		Cumulatively considerable and unavoidable
Cumulative Impact AQ-7: Would the Revised Project make a cumulatively considerable contribution to exposure of receptors to significant levels of toxic air contaminants?	Cumulatively considerable for individual cancer risk		Cumulatively considerable and unavoidable
Greenhouse Gas Emissions and Climate Change			
Cumulative Impact GHG-1: Would the Revised Project make a cumulatively considerable contribution to a significant cumulative impact due to GHG emissions?	Cumulatively considerable	MM GHG-1: LED Lighting LM GHG-1: GHG Credit Fund	Cumulatively considerable and unavoidable
Ground Transportation			
Cumulative Impact TRANS-2: Would vehicular traffic associated with the Revised Project increase an intersection's V/C ratio in accordance with applicable guidelines?	Cumulatively considerable at location #3 (Alameda and Anaheim Streets)	MM TRANS-2: Alameda and Anaheim Streets	Cumulatively considerable and unavoidable

[a] 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.

3.1.2 Environmental Impacts Found to Be Less Than Significant after Mitigation

The SEIR concludes, and the Board hereby finds, that the following significant impact of the Revised Project would be less than significant after implementation of mitigation.

Table 2. 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
Cumulative Impacts			
Ground Transportation			
Cumulative Impact TRANS-2: 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)	MM TRANS-3: John S. Gibson Boulevard at I-110 N/B Ramps	Less than significant

3.1.3 Environmental Impacts Found to Be Less Than Significant

The SEIR concludes that some, but not all, of the impacts of the Revised Project related to Air Quality and Ground Transportation are less than significant and require no mitigation.

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

Table 3. Less than significant impacts of the Revised Project.

Environmental Impacts	Impact Determination	Mitigation Measures
Air Quality and Meteorology		
AQ-8: Would the Revised Project conflict with or obstruct implementation of an applicable AQMP?	Less than significant	Mitigation not required.
Ground Transportation		
TRANS-4: Would the Revised Project result in a less than significant increase in highway congestion?	Less than significant	Mitigation not required.
TRANS-5: Would operation of the Revised Project cause an increase in rail activity and delays in regional traffic.?	Less than significant	Mitigation not required.

Environmental Impacts	Impact Determination	Mitigation Measures
Cumulative Impacts		
Air Quality and Meteorology		
Cumulative Impact AQ-7: Would the Revised Project make a cumulatively considerable contribution to exposure of receptors to significant levels of toxic air contaminants?	Not cumulatively considerable for non-cancer chronic or acute health impacts or cancer burden	Mitigation not required.
Ground Transportation		
Cumulative Impact TRANS-4: Would Revised Project operations result in a cumulatively considerable contribution to a significant cumulative impact related to freeway congestion?	Not cumulatively considerable	Mitigation not required.
Cumulative Impact TRANS-5: Would the Revised Project cause a cumulatively considerable contribution to a significant cumulative increase in rail activity and/or delays in regional highway traffic due to an increase in rail activity?	Not cumulatively considerable	Mitigation not required.

3.2 Findings Regarding Environmental Impacts Found to Be Significant and Unavoidable

The SEIR concludes that unavoidable significant impacts on the following environmental resources would occur if the Revised Project were to be implemented.

- Air Quality and Meteorology
- Greenhouse Gas Emissions and Climate Change
- Ground Transportation

All available feasible mitigation measures have been incorporated into the Revised Project to reduce significant impacts. However, even with the incorporation of all feasible mitigation measures, impacts on these environmental resources would remain significant and unavoidable. The Board has determined that no additional feasible mitigation measures would reduce significant impacts to less-than-significant levels, and in light of specific economic, legal, social, technological, and other considerations, the Board intends to adopt a Statement of Overriding Considerations (see Section 1 of this document for additional details). The impacts, mitigation measures, findings, and rationale for the findings are presented below for all significant and unavoidable impacts identified in the Final SEIR.

3.2.1 Air Quality and Meteorology

As discussed in Section 3.1 of the Final SEIR, there would be three unavoidable significant impacts to Air Quality and Meteorology related to operation of the Revised Project. The impacts and mitigation measures are discussed below.

Impact AQ-3: The Revised Project operation would result in operational emissions that exceed a SCAQMD threshold of significance in Table 3.1-7.

As shown in Table 3.1-9 of the Final SEIR, the Revised Project's incremental peak daily emissions relative to the 2008 Actual Baseline for CO would exceed the SCAQMD thresholds in analysis years 2012 to 2023; VOC emissions would exceed the SCAQMD thresholds in analysis years 2014 to 2045; and NOx thresholds would be exceeded in analysis years 2014 to 2036.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Revised Project that lessen the significant environmental impacts identified in the Final SEIR. Specifically, the Revised Project includes three lease measures, LM AQ-1 through LM AQ-3, that would reduce emissions of criteria pollutants, although the reductions cannot be quantified. As shown in Table 3.1-9, operational emissions would remain significant and unavoidable for CO during analysis years 2012-2023, VOC during analysis years 2014-2045 and NOx during analysis years 2014-2036. The Board finds that specific economic, legal, social, technological, or other considerations make infeasible any additional mitigation measures. The following lease measures have been included to reduce impacts:

LM AQ-1: **Cleanest Available Cargo Handling Equipment.** Subject to zero and near-zero emissions feasibility assessments that shall be carried out by LAHD, with input from Tenant as part of the CAAP process, Tenant shall replace cargo handling equipment with the cleanest available equipment anytime new or replacement equipment is purchased, with a first preference for zero-emission equipment, a second preference for near-zero equipment, and then for the cleanest available if zero or near-zero equipment is not feasible, provided that LAHD shall conduct engineering assessments to confirm that such equipment is capable of installation at the terminal.

Starting one year after the effective date of a new lease amendment between the Tenant and the LAHD, tenant shall submit to the Port an equipment inventory and 10-year procurement plan for new cargo-handling equipment, and infrastructure, and will update the procurement plan annually in order to assist with planning for transition of equipment to zero emissions in accordance with the forgoing paragraph.

LAHD will include a summary of zero and near-zero emission equipment operating at the terminal each year as part of mitigation measure tracking.

LM AQ-2: **Priority Access for Drayage.** A priority access system shall be implemented at the terminal to provide preferential access to zero- and near-zero-emission trucks.

LM AQ-3: **Demonstration of Zero Emissions Equipment.** Tenant shall conduct a one-year zero emission demonstration project with at least 10 units of zero-emission cargo handling equipment. Upon completion, tenant shall submit a report to LAHD that evaluates the feasibility of permanent use of the tested equipment. Tenant shall continue to test zero-emission

equipment and provide feasibility assessments and progress reports in 2020 and 2025 to evaluate the status of zero- emission technologies and infrastructure as well as operational and financial considerations, with a goal of 100% zero-emission cargo handling equipment by 2030.

Rationale for Finding

Changes or alterations have been incorporated into the Revised Project in the form of lease measures LM AQ-1 through LM AQ-3 which would reduce the impact. Although reduced as a result of the lease measures, operational emissions would remain significant and unavoidable for CO during analysis years 2012-2023, VOC during analysis years 2014-2045 and NOx during analysis years 2014-2036. Emissions would largely come from diesel-powered cargo-handling equipment (CHE), on-road trucks, line-haul rail locomotives, and oceangoing cargo vessels.

The Recirculated DSEIR considered additional mitigation measures and revisions to the existing mitigation measures that constitute the Revised Project (see Section 2.3.2, above), including measures aimed at accelerating CHE, truck, and vessel fleet turnover to newer, cleaner equipment such as all-electric technology, adding retrofit devices, and increasing operational efficiency.

In addition, the Final SEIR considered mitigation measures suggested by public comments. These included automating the CS Terminal, converting drayage trucks and cargo-handling equipment to zero-emission technology, requiring the use of alternative emissions capture technologies, imposing fees for non-compliance, requiring various terminal efficiency measures, establishing mitigation funds for off-port projects, requiring increased use of on-dock rail, and various measures aimed at oceangoing vessels. These measures were evaluated in terms of whether they were capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. The SEIR determined that no additional mitigation beyond that identified in the Final SEIR is feasible at this time. The SEIR's consideration of these measures is presented in Chapter 2, Responses to Comments, of the Final SEIR, and summarized in Section 4.5 of these Findings.

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

Dispersion modeling of onsite and offsite Revised Project operational emissions was performed to assess the impact of the Revised Project on local offsite air concentrations. A summary of the dispersion modeling results is presented here, and the complete dispersion modeling report is included in Appendix B of the Recirculated DSEIR.

Tables 3.1-12 and 3.1-14 of the Recirculated DSEIR show that impacts of the Revised Project would exceed the significance thresholds for federal 1-hour NO_2 in 2014 and 2018, state 1-hour NO_2 in 2014, annual NO_2 in 2014 and 2018, 24-hour PM_{10} in 2014 through 2045, and annual PM_{10} in 2014 through 2045. Therefore, maximum off-site ambient pollutant concentrations associated with the Revised Project would be significant for NO_2 (state and federal 1-hour and annual) and PM_{10} (24-hour and annual).

Finding

The Board hereby finds that changes or alterations have been incorporated into the Revised Project that would lessen the significant environmental effect identified in the Final SEIR. Specifically, the Revised Project includes three lease measures, LM AQ-1 through LM AQ-3 (see above), that would reduce emissions of criteria pollutants, although the reductions cannot be quantified because the future technologies and systems that may be implemented have not yet been identified. Accordingly, the maximum mitigated Revised Project operations would still exceed the for federal 1-hour NO_2 in 2014 and 2018, state 1-hour NO_2 in 2014, annual NO_2 in 2014 and 2018, 24-hour PM_{10} in 2014 through 2045, and annual PM_{10} in 2014 through 2045. The Board finds that specific economic, legal, social, technological, or other considerations make infeasible any additional mitigation measures.

Rationale for Finding

Changes or alterations that would reduce the impact have been incorporated into the Revised Project in the form of lease measures LM AQ-1 through LM AQ-3. Although reduced, ambient air concentrations would remain significant and unavoidable for federal 1-hour NO_2 in 2014 and 2018, state 1-hour NO_2 in 2014, annual NO2 in 2014 and 2018, 24-hour PM_{10} in 2014 through 2045, and annual PM_{10} in 2014 through 2045.

As described for impact AQ-3, above, additional mitigation measures (some of which were identified in comment letters on the Recirculated DSEIR) were considered for reducing operational emissions, thereby reducing off-site ambient pollutant concentrations. These measures were evaluated in terms of whether they were capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. The SEIR determined that no additional mitigation beyond that identified in the Final SEIR is feasible at this time. The SEIR's consideration of these measures is presented in Chapter 2, Responses to Comments, of the Final SEIR, and summarized in Section 4.5 of these Findings.

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

The LAHD has developed a health risk assessment (HRA) methodology, consistent with OEHHA's Air Toxics Hot Spots Program Risk Assessment Guidelines and SCAQMD's Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics "Hot Spots" Information and Assessment Act, for assessing mortality and morbidity in CEQA documents. The methodology is based on the health effects associated with changes in $PM_{2.5}$ concentrations. Consistent with the HRA protocol, human health risks associated with the emissions of TACs from the Revised Project were estimated and the Revised Project's impacts were reported as its incremental health risks. Details of the HRA analysis, including TAC emission calculations, dispersion modeling, and risk calculations, are presented in Appendix B-3 of the Recirculated DSEIR.

As Table 3.1-18 of the Recirculated DSEIR shows, the maximum incremental individual cancer risk associated with the Revised Project would be greater than 10 in a million at residential, sensitive, and occupational receptors. Figure 3.1-2 of the Recirculated DSEIR shows that the significant impact would be largely restricted to port terminals and water areas. However, a small area outside the Port near the terminal boundary would lie within the 10-in-a-million isopleth. Accordingly, the maximum cancer risk at a

residential receptor is predicted to be 25.4 in a million and would occur on Knoll Hill. Therefore, maximum incremental health impacts of the Revised Project for individual cancer risk would be significant.

Finding

The Board hereby finds that changes or alterations have been incorporated into the Revised Project that would lessen the significant environmental effect identified in the SEIR. Specifically, the Revised Project includes three lease measures, LM AQ-1 through LM AQ-3 (see above), that would reduce emissions of criteria pollutants, although the reductions cannot be quantified. Accordingly, the maximum incremental health impacts from the Revised Project for individual cancer risk would still exceed the threshold of 10 in a million. The Board finds that specific economic, legal, social, technological, or other considerations make infeasible any additional mitigation measures.

Rationale for Finding

Changes or alterations that would reduce the impact have been incorporated into the Revised Project in the form of lease measures LM AQ-1 through LM AQ-3. However, because no additional mitigation measures are feasible, the impact would remain significant. As discussed in Section 2.5.2 of the Recirculated DSEIR and in Chapter 2, Responses to Comments, of the Final SEIR, the LAHD considered additional mitigation measures that could reduce health risks from the Revised Project, but determined that no additional mitigation beyond that identified in the Final SEIR is feasible at this time. The SEIR's consideration of these measures is presented in Chapter 2, Responses to Comments, of the Final SEIR, and summarized in Section 4.5 of these Findings.

3.2.2 Greenhouse Gas Emissions and Climate Change

As discussed in Section 3.2 of the SEIR, there would be one significant and unavoidable impact to Greenhouse Gas Emissions as a result of the Revised Project.

Impact GHG-1: Would the Revised Project generate GHG emissions, either directly or indirectly, that would exceed the SCAQMD 10,000 mty CO_2e threshold?

The major sources of GHG from operation of the Revised Project would be the combustion of fossil fuels by oceangoing vessels, cargo-handling equipment, and drayage trucks, as detailed in Table 3.2-3 of the Recirculated DSEIR. The incremental GHG emissions of the Revised Project would exceed the SCAQMD significance threshold in all analysis years. The maximum increment of 139,336 metric tons of CO2e would occur in 2030. As those emissions would exceed the threshold of significance, significant impacts would occur from operation of the Revised Project.

Lease measures LM AQ-1 through LM AQ-3 could not be reasonably quantified as to GHG reductions. A number of project features would reduce GHG emissions, including the requirements related to phasing in zero- and near-zero-emission cargo-handling equipment, the use of AMP, and compliance with the VSRP. Mitigation measure MM GHG-1 would reduce GHG emissions from electricity generation by replacing high-mast lights with LED technology. The Revised Project includes lease measure LM GHG-1 that would require the LAHD to establish a greenhouse gas fund and obligate the tenant to contribute to that fund. The funds would either support GHG-reducing projects and programs approved by the Port of Los Angeles or provide an offset for the Revised Project's GHG emissions, but would not directly reduce those emissions. As Table 3.2-4

in the Recirculated DSEIR shows, the residual impacts of the Revised Project, even after application of mitigation measure MM GHG-1 (which begins upon execution of a new lease amendment), would remain significant and unavoidable in years 2023, 2030, 2036 and 2045.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Revised Project, in the form of MM GHG-1 and LM GHG-1, below, that lessen the significant environmental effect identified in the Final SEIR. However, incorporation of these measures would not reduce GHG emissions below significance. The Board finds that specific economic, legal, social, technological, or other considerations make infeasible any additional mitigation measures.

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

LM GHG-1 GHG Credit Fund: LAHD shall establish a Greenhouse Gas Fund, which LAHD shall have the option to accomplish through a Memorandum of Understanding (MOU) with the California Air Resources Board (CARB) or another appropriate entity. The fund shall be used for GHG-reducing projects and programs approved by the Port of Los Angeles, or through the purchase of emission reduction credits from a CARB approved offset registry. It shall be the responsibility of the Tenant to make contributions to the fund in the amount of $250,000 per year, for a total of eight years, for the funding of GHG reducing projects or the purchase of GHG emission reduction credits, commencing after the date that the SEIR is conclusively determined to be valid, either by operation of Public Resources Code Section 21167.2 or by final judgment or final adjudication ("Conclusive Determination of Validity Date"), as described below. The fund contribution amount is established as follows: (i) the peak year of GHG operational emissions (2030), after application of mitigation, that exceed the established threshold for the Revised Project, estimated in the SEIR to be 129,336 metric tons CO2e, multiplied by (ii) the current (2019) market value of carbon credits established by CARB at $15.62 per metric ton CO2e. The payment for the first year shall be due within ninety (90) days of the Conclusive Determination of Validity Date, and the payment for each successive year shall be due on the anniversary of the Conclusive Determination of Validity Date. If LAHD is unable to establish the fund through an MOU with CARB within one year prior to when any year's payment is due, the Tenant shall instead apply that year's payment, using the same methodology described in parts (i) and (ii) above, to purchase emission reduction credits from a CARB approved GHG offset registry.

Rationale for Finding

GHG mitigation measure MM GHG-1 and lease measure LM GHG-1 would not achieve substantial future year GHG emissions reductions. Therefore, the GHG emissions during operation would remain significant and unavoidable.

Comments were received on the Recirculated DSEIR regarding additional mitigation to reduce air emissions that could have the added effect of reducing GHG impacts. These included automating the CS Terminal, converting drayage trucks and cargo-handling equipment to zero-emission technology, requiring the use of alternative emissions capture technologies, requiring various terminal efficiency measures, establishing mitigation funds for off-port projects, requiring increased use of on-dock rail, and various measures aimed at oceangoing vessels. These measures were evaluated in terms of whether they were capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. The SEIR determined that no additional mitigation beyond that identified in the Final SEIR is feasible at this time. The SEIR's consideration of these measures is presented in Chapter 2, Responses to Comments, of the Final SEIR, and summarized in Section 4.5 of these Findings.

3.2.3 Ground Transportation

As discussed in Section 3.3 of the Recirculated DSEIR, there would be one significant and unavoidable impact to Ground Transportation as a result of the Revised Project.

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

As shown in Table 3.3-6 of the Recirculated DSEIR, the Revised Project would result in an increase in V/C of 0.096 with LOS D at study location #3 (Alameda Street and Anaheim Street) during the P.M. peak hour. This increase would cause a decline in LOS from C to D and would therefore exceed the City of Los Angeles significance threshold of 0.02. Accordingly, the Revised Project would have a significant impact on that intersection. The Recirculated DSEIR re-imposes mitigation measure MM TRANS-2 requiring modification of the intersection at Alameda & Anaheim Streets, which was included in the 2008 EIS/EIR but dropped from the Revised Project because a screening study indicated it was no longer required.

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

Finding

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

> **MM TRANS-2 Alameda & Anaheim Streets:** Provide an additional eastbound through-lane on Anaheim Street. This mitigation measure shall be implemented at the same time as the City's planned improvement project at this location, subject to

LADOT approval and in coordination with the Bureau of Engineering's construction schedule.

Rationale for Finding

Changes or alterations have been required in or incorporated into the Revised Project in the form of mitigation measure MM TRANS-2, but because the LAHD cannot ensure that the measure can be implemented, traffic impacts at the Alameda Street and Anaheim Street intersection would remain significant and unavoidable. No further feasible mitigation is available to reduce this impact to less than significant.

3.3 Cumulative Impacts

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

As shown on Figure 4-1 and detailed in Table 4-1 of the Recirculated DSEIR, a total of 72 recent, current, or reasonably foreseeable future projects (approved or proposed) were identified within the general vicinity of the Revised Project that could contribute to cumulative impacts. The discussion below identifies significant cumulative impacts to which the Revised Project's contribution is cumulatively considerable, that either can be mitigated to a less than significant level or cannot be mitigated to a less than significant level and therefore represent unavoidable significant impacts. As required by CEQA Guidelines § 15130(b), the SEIR's discussion of cumulative impacts reflects the severity of the impacts and their likelihood of occurrence, but not at the level of detail provided for the effects attributable to the Revised Project alone.

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

3.3.1 Air Quality and Meteorology

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

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

Finding

As described in Table 3.1-9 of the Recirculated DSEIR, Revised Project operational emissions would exceed SCAQMD significance thresholds for CO in analysis years 2012, 2014, 2018, and 2023, for NO_X in 2014, 2018, 2023, 2030, and 2036, and for VOC in all analysis years except 2012; emissions of the remaining criteria pollutants would be below SCAQMD significance thresholds (Table 3.1-9). These impacts, combined with impacts from concurrent related projects, would be cumulatively significant. As a result, operational emissions would make a cumulatively considerable contribution to an existing significant cumulative impact for CO, NO_X, and VOC.

The Board hereby finds that changes or alterations have been incorporated into the Revised Project that substantially lessen the significant environmental effect identified in the Final SEIR. All feasible mitigation measures for operational emissions associated with the Revised Project, as well as lease measures LM AQ1 through LM AQ-3 (see Section 2.3.2), have been applied. The Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible any additional mitigation measures.

Rationale for Finding

All feasible mitigation measures for operational emissions associated with the Revised Project have been applied, as described in Section 3.1.4.4 of the Recirculated DSEIR and in Chapter 2 of the Final SEIR.

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

The past, present, and reasonably foreseeable future projects would result in significant cumulative impacts if their combined ambient concentration levels during operations would exceed the SCAQMD ambient concentration thresholds for operations. Although there is no way to be certain if a cumulative exceedance of the thresholds would happen for any pollutant without performing dispersion modeling of the other projects, it is reasonable to assume that cumulative air emissions are likely to exceed the thresholds for PM_{10}, $PM_{2.5}$, and NO_2, and are unlikely to exceed the thresholds for CO and SO_2 (the SCAB is not in nonattainment for CO and SO_2, and concentrations of both pollutants in the SCAB have been declining for a number of years). Consequently, operation of the related projects would result in a significant cumulative air quality impact for PM_{10}, $PM_{2.5}$, and NO_2.

Operation of the Revised Project would result in NO_2 and PM_{10} concentrations that would exceed the 1-hr federal and state thresholds for NO_2, the annual threshold for PM_{10} and NO_2, and the 24-hr threshold for PM_{10}. Accordingly, without mitigation, impacts from Revised Project operations would make a cumulatively considerable contribution to an existing significant cumulative impact related to ambient NO_2 and PM_{10} levels.

Finding

The Board hereby finds that no feasible mitigation beyond the measures included in the Revised Project and lease measures is available to reduce operational emissions, and consequently, ambient criteria pollutant concentrations. Accordingly, ambient pollutant concentrations for PM_{10} and NO_x would continue to exceed significance thresholds under

the Revised Project. These impacts would combine with impacts from concurrent related projects, which would already be cumulatively significant. Therefore, the Revised Project would make a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact for NO_2 and PM_{10}. The Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible any additional mitigation measures.

Rationale for Finding

Changes or alterations have been incorporated into the Revised Project in the form of lease measures LM AQ-1 through LM AQ-3 which would be implemented during operation of the Revised Project. Even with these measures, the Revised Project would make a cumulatively considerable and unavoidable contribution to a significant cumulative impact.

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

The Multiple Air Toxics Exposure Study (MATES-IV) conducted by SCAQMD in 2015 estimated the existing cancer risk from toxic air contaminants (TACs) in the San Pedro and Wilmington areas to be approximately 480 in a million on a population-weighted average basis. In the Diesel Particulate Matter Exposure Assessment Study for the Ports of Los Angeles and Long Beach, CARB estimated that elevated levels of cancer risk due to operational emissions from port-area sources occur within and near the Ports. Based on this information, cancer risk from TAC emissions within the project region, including the past, present, and reasonably foreseeable future projects is considered a significant cumulative impact.

Operational emissions of TACs from the Revised Project would increase incremental individual cancer risks above the significance threshold of 10 in a million for residential, occupational, and sensitive receptors. As a result, without mitigation, the Revised Project would make a cumulatively considerable contribution to an existing significant cumulative impact for cancer risk.

As shown in Section 3.1.4.4 of the Recirculated DSEIR, the Revised Project would not increase non-cancer chronic or acute impacts, or the cancer burden, above significance thresholds. As a result, without mitigation, the Revised Project would not make a considerable contribution to significant cumulative non-cancer chronic or acute health impacts or the cancer burden.

Finding

The Board hereby finds that changes or alterations have been incorporated into the Revised Project that lessen the significant environmental effect identified in the Final SEIR. Lease measures LM AQ-1 through LM AQ-2 applied in Impact AQ-3 would reduce the impacts from the Revised Project by reducing operational TAC emissions, and therefore, likely to reduce cancer risks. However, those reductions cannot be quantified, because the future technologies and systems that may be implemented have not yet been identified and would not be expected to reduce TAC emissions enough to reduce the cancer risk impact to less than significant. Accordingly, the Revised Project after mitigation would make a cumulatively considerable contribution to a significant cumulative impact related to cancer risk. The Board hereby finds that specific economic,

legal, social, technological, or other considerations make infeasible any additional mitigation measures.

Rationale for Finding

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

Implementation of the mitigation and lease measures proposed for the Revised Project would reduce TAC emissions, but the Revised Project would still cumulative impact would remain significant. As described in Section 3.1.4.4 of the Recirculated DSEIR and in Chapter 2 of the Final SEIR, no feasible mitigation beyond the measures included in the Revised Project is available to reduce operational emissions of TACs. Therefore, the Revised Project would continue to make a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact for cancer risk.

3.3.2 Greenhouse Gas Emissions and Climate Change

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

Past, present, and reasonably foreseeable future projects in the area have generated, and will continue to generate, GHGs from the combustion of fossil fuels and the use of coatings, solvents, refrigerants, and other products. Current and future projects will incorporate a variety of GHG reduction measures in response to federal, state, and local mandates and initiatives, and these measures are expected to reduce GHG emissions from future projects. However, because of the long-lived nature of GHGs in the atmosphere, and the global nature of GHG emissions impacts, no specific quantitative level of GHG emissions from related projects in the region, or state-wide has been identified below which no impacts would occur. Therefore, these emissions are considered to represent a significant cumulative impact.

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

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Revised Project that lessen the significant environmental effect identified in the Final SEIR. However, as the mitigation and lease measures would not reduce emissions to their baseline levels, incorporation of these measures would not reduce GHG emissions below significance, and impacts from Revised Project operation would make a cumulatively considerable contribution to an existing significant cumulative impact related to GHG. The Board finds that specific economic, legal, social, technological, or other considerations make infeasible any additional mitigation measures.

Rationale for Finding

Changes or alterations have been required in or incorporated into the Revised Project in the form of mitigation and lease measures MM GHG-1 and LM GHG-1. However, the reductions from those measures cannot be quantified; furthermore, as described in described in Sections 2.5.2.2 and 3.1.4.4 of the Recirculated DSEIR and Chapter 2 of the Final SEIR, no feasible mitigation beyond the measures included in the Revised Project is available to reduce operational emissions and whose effects can be quantified. Accordingly, the Revised Project would continue to make a cumulatively considerable contribution to a significant cumulative impact.

3.3.3 Ground Transportation

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

As shown in Section 4.3.3 of the Recirculated DSEIR, increases in traffic volumes on the surrounding roadways due to cumulative projects would result in a cumulative effect on the operating conditions of area intersections and roadways, causing seven study intersections to operate at LOS D or worse during a peak hour. This is true whether or not the proposed ICTF Expansion and SCIG projects were to be implemented. Accordingly, the past, present, and reasonably foreseeable future projects would have a significant cumulative impact on the study intersections.

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

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

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

Finding

The Board finds that the Revised Project would make cumulatively considerable contributions to significant cumulative impacts at two study intersections: Alameda Street

at Anaheim Street and John S. Gibson Boulevard at I-110 N/B Ramps. Mitigation Measures imposed in the 2008 EIS/EIR would, if implemented, reduce the impacts to less than significant.

> **MM TRANS-2 Alameda and Anaheim Streets:** Provide an additional eastbound through-lane on Anaheim Street. This mitigation measure shall be implemented at the same time as the City's planned improvement project at the location, subject to LADOT approval and in coordination with the Bureau of Engineering's construction schedule.
>
> **MM TRANS-3 John S. Gibson Boulevard and I-110 N/B Ramps:** Provide an additional westbound right-turn lane with westbound right-turn overlap phasing and an additional southbound left-turn lane. LAHD shall monitor the intersection LOS annually beginning in 2019, and shall implement the mitigation within three years after the intersection LOS is measured as D or worse, and the China Shipping terminal is found to contribute to the cumulative impact, with the concurrence of LADOT.

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

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

Rationale for Finding

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

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

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

3.4 Findings on Measures Suggested as Part of Public Comment on the Recirculated DSEIR

Comment letters were received on the Recirculated DSEIR suggesting the Port adopt additional measures. The suggested measures and the reasons supporting why the recommended measure was accepted or rejected are summarized below; additional detail can be found in the comments and responses to comments in Chapter 2 of the FSEIR.

Zero Emissions Technologies

One commenter, Citizens for A Safe Environment (CFASE), suggested mitigation for air quality impacts in the form of various zero-emissions truck, train, and cargo-handling equipment that the commenter claimed is available and could be required for the CS Terminal. The commenter offered a list of over 400 models of equipment. As explained in Response to Comment CFASE-10, the Port's review of that list (Initial Equipment Screening for China Shipping's Supplemental Environmental Impact Assessment) determined that the majority of the listed models are either irrelevant or unsuited to container terminal operations (e.g., light-duty trucks and vans, construction equipment, passenger trains, school buses, taxis, and fire and refuse trucks). Of the remaining models, most, including heavy-duty trucks, yard tractors, and top handlers, are still in the demonstration mode to determine whether they are suitable for operation in the port environment, and are therefore not yet feasible technologies. A few of the models, specifically small forklifts and hybrid and electric gantry cranes, are appropriate for container terminal operations and were already included in the Revised Project in MM AQ-17.

The same commenter suggested the zero-emissions container movement systems (ZECMS) technologies are already being evaluated by the Ports and requested that the LAHD fund demonstration projects for locomotives and electrified rail systems. As explained in Chapter 2 of the Final SEIR (Master Responses 2 and 3 and various individual Responses to Comments) the Port's review determined that in addition to being being prohibitively expensive (a first phase was estimated at over four billion dollars in 2008) and outside the Port's jurisdiction to implement, the technologies being requested do not exist in commercially available applications, and thus cannot be considered feasible. As further explained, the Port has determined that such systems are infeasible to apply to a single terminal project, being at least port-wide and more likely region-wide in nature. Master Response 3 provided details of the zero-emissions programs that have been evaluated and described the technological and financial factors that make zero-emissions technologies infeasible for deployment as cargo movers in the port environment at this time. Accordingly, the commenter's suggestions were not adopted as mitigation measures in the SEIR.

On-Dock Railyards

The Natural Resources Defense Council (NRDC) requested that the SEIR impose a mitigation measure that commits the CS Terminal to move 50% of its cargo by on-dock rail. In its Response to Comment NRDC-43 in Chapter 2 of the Final SEIR, the Port rejected that request on the grounds that the CS Terminal's cargo is largely destined for nearby locations that are not served by rail, but rather by drayage truck; in 2014 only 22% of the cargo left by on-dock rail. In addition, 50% represents a goal far in excess of the Port's expectations for the foreseeable future, since the 2017 CAAP has a goal of 35% on-dock rail by 2035. Finally, the LAHD has no authority to dictate modes of cargo transport to a given terminal.

Operational Emission Reduction Measures

Various suggestions were made to impose operational measures on the CS Terminal that purported to reduce emissions. These suggestions were addressed in detail in the individual Responses to Comments in Chapter 2 of the Final SEIR and are summarized below.

Several commenters requested that **MM AQ-15** and **MM AQ-17** be revised to incorporate more stringent emissions requirements for cargo handling equipment or more

aggressive implementation schedules. Master Response 2 and various individual Responses to Comments in the Final SEIR explain that the emissions requirements in the mitigation measures reflect the best available feasible technology. The implementation schedules reflect the reality of equipment fleet turnover, which discourages scrapping equipment with substantial useful life remaining, and the substantial costs involved in replacing hundreds of pieces of equipment. In addition, LM AQ-1 added to the Revised Project will require that the CS Terminal incorporate zero- and near-zero-equipment into the terminal's fleet as that equipment becomes available.

Comments suggested that the CS Terminal be required to implement various operational measures such as offering financial or operational incentives for cleaner trucks or utilizing a particular terminal operating system. As explained in individual Responses to Comments in the FEIR, the Port has determined most of these to be either infeasible or beyond the Port's authority, but the Revised Project does include a lease measure requiring the terminal to develop and implement a priority access system for clean trucks.

Terminal Automation

One comment requested that the CS Terminal incorporate the types of automated, electric-powered cargo-handling equipment, which the commenter stated were recently deployed in the Trapac and Middle Harbor container terminals. In its Response to Comment NRDC-27, the Final SEIR pointed out that Trapac and Middle Harbor are the only terminals in the two San Pedro Bay ports that employ substantial quantities of zero-emissions equipment and that they underwent massive physical reconfigurations to accommodate that equipment, which relies on substantial electrical infrastructure.

Employing those types of equipment at the CS Terminal as a mitigation measure would require a substantial redevelopment of the terminal, with an estimated construction cost of $396 million, to reconfigure the container yard and to install electrical infrastructure and facilities (see Master Response 2: Zero- and Near-Zero-Emission Technologies). New equipment purchases and business disruption during the three-to-five-year construction period would add many millions of dollars to that cost.

LNG and Zero-Emission Drayage Trucks

Commenters requested that MM AQ-20 (LNG Trucks), which was imposed by the 2008 EIS/EIR but not included in the Revised Project, be re-instated, claiming that it is feasible. As explained in Section 2.5.2 of the Recirculated DSEIR, the measure was removed from the Revised Project because requiring a single terminal to admit only a limited type of vehicle (LNG trucks make up less than 8% of the drayage fleet) would put that terminal at a severe competitive disadvantage; in addition, the CS Terminal has no control over the selection of which trucks deliver and pick up the cargo. The conversion of the drayage fleet to near-zero- and ultimately zero-emissions technology is, as explained in the Final SEIR (Master Responses 2 and 3 of Chapter 2 of the Final SEIR), a port-wide issue and is being approached on a port-wide basis through the 2017 CAAP. Accordingly, the Port declines to re-instate MM AQ-20 into the Revised Project.

NRDC and CFASE suggested that the Port develop a mitigation measure aimed at employing zero-emission drayage trucks in short-haul service. Responses to Comment CFASE-2 and NRDC-34 point out that the suggestions lacked enough detail to be evaluated or responded to in this Final SEIR, and furthermore that such a measure could not be imposed on a single terminal because the terminal has no control over drayage. However, the Port is evaluating the feasibility of a port-wide program to encourage the use of zero-emission drayage trucks to serve peel-off yards and local destinations.

Alternative Emission Capture Technology

One commenter suggested that oceangoing vessels could achieve 100% elimination of at-berth emissions by using alternative emissions capture systems whenever AMP could not be employed. The Final SEIR (Chapter 2, Responses to Comments) pointed out that that MM AQ-9 already mandates the use of an alternative system whenever feasible, but that possible shortages of such systems and other factors such as emergencies or equipment failure make 100% compliance infeasible.

Oceangoing Vessel Measures

The South Coast Air Quality Management District recommended that the Port include a new mitigation measure to demonstrate feasible emission control technology that could be retrofit onto oceangoing vessels calling at the CS Terminal. The response to the comment points out that 1) a demonstration project would not achieve appreciable emissions reductions, 2) such programs were already ongoing, and 3) that the 2008 EIS/EIR imposed several similar mitigation measures that were still in effect for the CS Terminal.

The NRDC suggested that the 2008 EIS/EIR's MM AQ-13 Re-Route Cleaner Ships (which is still in effect) be revised to specify particular percentages and deadlines for re-routing Tier 3 vessels (the measure as worded applies to Tier 1 and Tier 2 vessels). The response to this comment points out that the timing and magnitude of the introduction of Tier 3 vessels into the world fleet is entirely speculative for a number of reasons. Accordingly, a measure that mandates certain percentages of Tier 3 vessels by certain dates would be unrealistic and unjustified by any data.

Other Measures

The NRDC suggested that the SEIR impose mitigation measures that would accelerate the turnover of harbor craft (i.e., tugboats) and locomotives to cleaner models. Responses to Comments NRDC-44 and NRDC-45 explained that because the CS Terminal has no control over the operation of either tugboats or locomotives, such measures would be infeasible to implement. The responses point out, however, that port-wide programs are addressing harborcraft and locomotive emissions control.

Several commenters suggested that certain of the Revised Project's mitigation measures include fees or other penalties for non-compliance. The SEIR points out (e.g., Response to Comment CFASE-9) that a penalty for non-compliance is not a mitigation measure under CEQA and that it would not be effective mitigation because it could actually encourage non-compliance, as an operator could opt to pay the penalty rather than comply with the mitigation measure. Furthermore, the commenters provided no indication of how the suggested penalties or fees would be proportional to the environmental impact.

One comment stated that the carbon credit funding proposed in LM GHG-1 is inadequate as mitigation for GHG impacts and suggested that it be increased in amount and be paid into the Harbor Community Benefit Fund (HCBF). The SEIR points out (Response to Comment CFASE-14) that LM GHG-1 is not a mitigation measure designed to directly reduce impacts under CEQA, but is instead a lease measure aimed at either funding GHG-reducing programs or offsetting a portion of the Revised Project's GHG emissions. As worded in the FSEIR, the measure does not restrict funds to being used only on Port property. At this time there have been no determinations as to which entities will receive funding under LM GHG-1.

Finally, the NRDC, two neighborhood groups, and an individual requested that the Mitigation Monitoring and Reporting Program include a public process, including independent oversight and regular (annual or more frequently) disclosure of progress in implementing the MMRP and enforcing the mitigation measures. The SEIR points out (Responses to Comment CeSPNC-2 through CeSPNC-4) that such measures would not mitigate an identified impact, are not required by CEQA, and are therefore outside the scope of the SEIR, but that the Board may consider the requests as part of its action on the Revised Project.

4 Changes to the Recirculated DSEIR

Changes were made to the Recirculated DSEIR following the public review period. Actual changes to the text and tables can be found in Chapter 3, Modifications to the Recirculated DSEIR, of the Final SEIR. Changes are identified by text strikeout and underline. Changes to the Recirculated DSEIR include:

- Modifications to MM AQ-10 (VSRP) in Section 3.1, Air Quality and Meteorology (and resultant corrections of the measure's statement throughput the document) and modification of MM TRANS-2 in Section 3.3, Ground Transportation, to revise the implementation schedule
- Minor text edits throughout the document to correct inconsistencies and typographical errors
- Modifications to operational daily oceangoing vessel emissions in Section 3.1.4.4
- Addition of text and figures to Section 3.1 Air Quality and Meteorology to address the requirements of the recent Friant Ranch case.
- Revision of Lease Measure LM GHG-1 to alter the formula by which the funding amount is calculated, to increase the funding amount, and to revise the implementation mechanism and schedule.

Finding and Rationale – Recirculation

One comment by NRDC urged the Board of Harbor Commissioners to recirculate the SEIR for a second time. CEQA requires a lead agency to recirculate an EIR only when "significant new information" is added to the EIR after public notice is given of the availability of the draft EIR for public review but before certification. (CEQA Guidelines Section 15088.5(a).)

The Final SEIR includes new information and clarification, generated in response to comments received on the Recirculated DSEIR. In addition, the Final SEIR includes assessments of the potential health effects of the various criteria air pollutants emitted by the Revised Project, in accordance with the findings of the legal case *Sierra Club v. County of Fresno* (2018), commonly called "Friant Ranch." These assessments were conducted in addition to the Health Risk Assessment (HRA) routinely conducted to evaluate the impacts of toxic air contaminants, which was also provided in the SEIR.

This information and clarification included in the Final SEIR is not significant new information requiring recirculation, as defined by CEQA. For instance, no new information was included that would result in: (1) a new significant environmental impact resulting from the Revised Project or from a new mitigation measure proposed to be implemented; (2) a substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance; and/or (3) a feasible project alternative or mitigation measure considerably different from

others previously analyzed were added that would clearly lessen the environmental impacts of the Revised Project (CEQA Guidelines Section 15088.5(a).) Furthermore, the information and clarification included in the Final SEIR does not constitute significant new information requiring recirculation because the SEIR is not changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Revised Project. This information does not result in or disclose any new significant impacts or a substantial increase in the severity of any impact already identified in the Recirculated DSEIR or Final SEIR. Accordingly, The Board finds that recirculation is not required.

5 Findings Regarding Other CEQA Considerations

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

Finding and Rationale

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

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

6 Statement of Overriding Considerations

Pursuant to § 21081 of the Public Resources Code and § 15093 of the CEQA Guidelines, the Board must balance the benefits of the Revised Project against unavoidable environmental risks in determining whether to approve the Revised Project. The Revised Project would result in significant unavoidable impacts to Air Quality and Greenhouse Gases. The Revised Project would also result in a cumulatively considerable contribution to significant cumulative impacts to Air Quality, Greenhouse Gases, Ground Transportation.

6.1 Significant and Unavoidable Impacts

The potential environmental impacts of the project were evaluated in the 2008 EIS/EIR, as revised by the SEIR. The 2008 EIS/EIR determined that these impacts, even with implementation of all mitigation measures, remained significant and unavoidable for the CS Container Terminal Project. These impacts remain significant and unavoidable with the Revised Project; the only difference would be a change in the severity of such impacts. As described above, the Revised Project would result in significant unavoidable

impacts to air quality during operation even with the adoption and implementation of mitigation measures. Specifically, operations would result in exceedances of priority pollutant significance thresholds (Impact AQ-3), offsite ambient air pollutant concentrations that exceed the SCAQMD threshold of significance (Impact AQ-4), and exceedances of the significance threshold for cancer risk (Impact AQ-7). As provided in the Findings above, there would also be cumulative air quality impacts (Cumulative Impacts AQ-3, AQ-4, and AQ-7) that would remain significant and unavoidable.

Operation of the Revised Project would result in significant and unavoidable impacts to GHG emissions (Impact GHG-1). As provided in the Findings above, there would also be a significant and unavoidable cumulative GHG impact (Cumulative Impact GHG-1).

Operation of the Revised Project would have a significant and unavoidable impact (Impact TRANS-2) on one of the study intersections in the region. As provided in the Findings above, there would also be a cumulative traffic impact (Cumulative Impact TRANS-2 that would remain significant and unavoidable.

6.2 Revised Project Benefits

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

The following material summarizes the benefits, goals, and objectives of the Revised Project and provide the rationale for the economic, legal, social, technological and other benefits of the Revised Project. These overriding considerations justify adoption of the Project and certification of the completed Final SEIR. Any of these overriding considerations individually would be sufficient to outweigh the adverse environmental impacts of the Revised Project. These benefits include the following:

- **Fulfills Port legal mandates and objectives.** The Revised Project would fulfill LAHD's legal mandate under the Port of Los Angeles Tidelands Trust (Los Angeles City Charter, Article VI, Sec. 601; California Tidelands Trust Act of 1911) to promote and develop commerce, navigation and fisheries, and other uses of statewide interest and benefit including industrial and transportation uses and the California Coastal Act (PRC Division 20, Section 30700, et seq.), which identifies the Port and its facilities as a primary economic/coastal resource of the state and an essential element of the national maritime industry and obligates the Harbor Department to accommodate the demands of foreign and domestic waterborne commerce and other traditional water-dependent and related facilities in order to preclude the necessity for developing new ports elsewhere in the state. Further, the California Coastal Act provides that the Harbor Department should give highest priority to the use of existing land space within harbors for port purposes, including, but not limited to navigational facilities, shipping industries

and necessary support and access facilities. The Revised Project would also meet the Harbor Department's strategic green growth objectives by maximizing the efficiency and the capacity of facilities while applying mitigation measures that adhere to and/or exceed the San Pedro Bay Clean Air Action Plan (CAAP) requirements and raise environmental standards.

- **Implements the San Pedro Bay Clean Air Action Plan (CAAP).** The Revised Project incorporates many environmental features consistent with the CAAP, and additional mitigation measures and lease measures have been identified through the CEQA findings of the SEIR that meet CAAP requirements and objectives.

- **Implements feasible mitigation measures on the existing CS Container Terminal Project, to replace mitigation measures identified in 2008 EIS/EIR that have not been fully implemented**. The Revised Project would eliminate some existing mitigation measures that have proved to be infeasible or unnecessary, institute new mitigation measures, and modify other existing measures to enhance their effectiveness. In proposing these changes, the Revised Project would advance the original project objectives of the CS Container Terminal Project to implement pollution control measures consistent with the CAAP, and to maximize the efficiency and capacity of the terminal while, at the same time, raising environmental standards through the application of all feasible mitigation measures. If the existing mitigation measures determined to be infeasible or unnecessary are not revised as proposed by the Revised Project, these project objectives would not be advanced as originally intended. Further, environmental impacts identified in the 2008 EIR/EIS would not be addressed despite the availability of new or modified feasible mitigation, as identified in the SEIR. The proposed changes to existing mitigation measures that constitute the Revised Project would enable the China Shipping Container Terminal Project to better meet the original project objectives and address impacts identified in the 2008 EIR/EIS.

- **Allows for continued operation of the CS Terminal under feasible mitigation measures, providing economic benefits to the Port and the community**. The Revised Project will allow for the continued operation of the terminal, generating revenues to the Port of Los Angeles over the life of the Revised Project. The Terminal is responsible for 17% of the Port's 9.7 million Twenty-Foot Equivalent Units that were processed in Fiscal Year-ending June 30, 2019, providing jobs and funding for environmental improvements. These funds are included in the Harbor Revenue fund for the purposes of operating, maintaining and improving the Port in accordance with the Tidelands Trust. Revenues from operation of the CS Terminal also provide for environmental improvements, including incentive programs associated with the CAAP for reduction of truck emissions and advancing clean technology, and support the construction of necessary infrastructure for waterfront commercial and recreational improvements in Wilmington and San Pedro. If the Terminal cannot continue to operate, it could result in more than 800 jobs being displaced and delay implementation of environmental protection measures.

In summary, the Revised Project would allow the Port to meet its legal mandates to accommodate growing international commerce and would permit LAHD to continue to comply with the CAAP and other measures designed to reduce overall emissions over time. The Board hereby finds that the benefits of the Revised Project described above

outweigh the significant and unavoidable environmental effects of the Revised Project, which are therefore considered acceptable.

7 Location and Custodian of Records

The documents and other materials that constitute the administrative record for the LAHD's actions related to the Revised Project are located at the office of the Director of Environmental Management, Los Angeles Harbor Department, 222 W. 6th Street, 10th floor, San Pedro, California 90731.