

ORDER NO. _____

An Order of the Board of Harbor Commissioners of the City of Los Angeles relating to the proposed BNSF Railway Company Southern California International Gateway (SCIG) Project, a near-dock railyard.

Past Board Actions:

A. On March 7, 2013, the Board adopted Resolution No. 13-7451, which certified the SCIG Project FEIR in compliance with the California Environmental Quality Act (CEQA), approved the SCIG Project, and adopted related documents and findings, including findings of approval, Statement of Overriding Considerations and a Final Mitigation Monitoring and Reporting Program and approved the SCIG Project.

Past City Council Actions:

B. On May 8, 2013, the Los Angeles City Council adopted a Motion that: (1) certified the SCIG Project FEIR in compliance with the California Environmental Quality Act (CEQA), (2) adopted related findings, Statement of Overriding Considerations and a Final Mitigation Monitoring and Reporting Program (3) affirmed the Board's certification of the FEIR and adoption of related findings, Statement of Overriding Considerations and a Final Mitigation Monitoring and Reporting Program and Project approval, and (4) denied eight appeals of the Board's CEQA decision, under California Public Resources Code Sec. 21151(c). Such City Council actions were taken under Council File Nos. 13-0295, 13-0295-S1, 13-0295-S2, 13-0295-S3, 13-0295-S4, 13-0295-S5, 13-0295-S6, 13-0295-S7, 13-0295-S8 (collectively the CEQA Council Files).

Court Order:

C. Ensuing litigation¹ regarding the SCIG Project FEIR resulted in a court order mandating that the Board and City Council set aside the certification of the SCIG FEIR and specified findings, decisions and approvals predicated on the certification, and to suspend any and all project activities pursuant to or in furtherance of these determinations, findings and decisions until the City and BNSF have taken all actions necessary to bring the determinations, findings and decisions into compliance with CEQA. A companion Board Order to this Order sets aside the SCIG Project real property approvals.

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

¹ Fast Lane Transportation, Inc., et al. v. City of Los Angeles, et al., Contra Costa Superior Court Case No. CIVMSN 14-0300, also known as City of Long Beach, et al. v. City of Los Angeles, et al., California Court of Appeal, First Appellate District, Division Three Case No. A148993, California Supreme Court Case No. S247157.

TRANSMITAL 1

1. The following actions, resolutions, and order are hereby set aside:

- a. The Los Angeles Board of Harbor Commissioners' March 7, 2013 certification of the Environmental Impact Report for the Southern California International Gateway Project, State Clearinghouse Number 2005091116, as memorialized in the March 8, 2013 Notice of Determination, and Resolution No. 13-7451, adopted by Board of Harbor Commissioners re Final Environmental Impact Report re Southern California International Gateway (SCIG) Project;
- b. The Los Angeles Board of Harbor Commissioners' March 7, 2013 adoption of (i) the Findings of Fact and Statement of Overriding Considerations and (ii) the Mitigation Monitoring and Reporting Program, all in connection with the Environmental Impact Report for the Southern California International Gateway Project, State Clearinghouse Number 2005091116, as memorialized in the March 8, 2013 Notice of Determination, and Resolution No. 13-7451, adopted by Board of Harbor Commissioners re Final Environmental Impact Report re Southern California International Gateway (SCIG) Project;

2. The Executive Director and Harbor Department staff are hereby directed to suspend any and all SCIG Project activities until such time as the City and BNSF Railway Co. (BNSF) have taken the actions necessary to bring the determinations, findings and decisions into compliance with the California Environmental Quality Act (CEQA).

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

The Los Angeles City Council's May 8, 2013 adoption of the determination by the Los Angeles Harbor Department that the project and the proposed 50-year Permit and SPAA were assessed in an EIR prepared in accordance with the California Environmental Quality Act, under the Council File Nos. 13-295, 13-0295-S1, 13-0295-S2, 13-0295-S3, 13-0295-S4, 13-0295-S5, 13-0295-S6, 13-0295-S7, 13-0295-S8.

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

AMBER KLESGES
Board Secretary

APPROVED AS TO FORM AND LEGALITY

August 2, 2018

MICHAEL N. FEUER, City Attorney
JANNA B. SIDLEY, General Counsel

By Joy M. Crose
JOY M. CROSE, Assistant General Counsel

JMC:cp
7/26/18