

**DATE: NOVEMBER 10, 2025**

**FROM: ENVIRONMENTAL MANAGEMENT**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ - FINAL REVISED SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE BERTHS 97-109 (CHINA SHIPPING) CONTAINER TERMINAL PROJECT (APP NO. 150224-504; SCH NO. 2003061153)**

**SUMMARY:**

Staff requests that the Board of Harbor Commissioners (Board) certify the Final Revised Supplemental Environmental Impact Report (RSEIR) and the Final Supplemental Environmental Impact Report (2019 SEIR), as revised by the RSEIR, for the Berths 97-109 China Shipping Container Terminal Project as directed by the Writ of Mandate (Writ) to comply with the California Environmental Quality Act (CEQA). The RSEIR and 2019 SEIR, as revised by the RSEIR, analyzes certain new and revised mitigation measures (MM) and lease measures (LM) for the continued operation of the Berths 97-109 (China Shipping) Container Terminal Project (Revised Project), which was analyzed in a joint Environmental Impact Statement/Environmental Impact Report certified by the Board in 2008 (2008 EIS/EIR).

This action is mandated by a court order to comply with a Writ issued by the San Diego Superior Court and served to the City of Los Angeles (City) Harbor Department (Harbor Department) on May 31, 2024. The Writ requires the Harbor Department, among other things, to (1) certify a revised SEIR, which addresses certain deficiencies in the 2019 SEIR, by December 1, 2025, and (2) then in a “timely” manner amend Permit No. 999 between China Shipping and the Harbor Department to make new or revised MMs or LMs in the certified revised SEIR fully enforceable through permit conditions, agreements, or other legally binding instruments.

In this action, the Board will consider only the first requirement of the Writ (certification of the RSEIR and 2019 SEIR, as revised by the RSEIR). To do so, the Board will need to independently review and consider the RSEIR and 2019 SEIR, as revised by the RSEIR, and, if deemed adequate under CEQA, certify the RSEIR and 2019 SEIR, as revised by the RSEIR (Certification Findings).

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With respect to the second requirement of the Writ (to amend Permit No. 999), the Board may provide direction to ensure that any mitigation measures adopted in the RSEIR are fully enforceable under an amendment to Permit No. 999. When such amendment is presented to the Board, the Board will consider approving the Revised Project (i.e., the Permit amendment), adopting specific Findings of Fact and a Statement of Overriding Considerations regarding the significant environmental impacts of the Revised Project and measures to reduce or avoid such impacts, and adopting a Revised Mitigation Monitoring and Reporting Program (MMRP), with additional and revised MMs and LMs from the RSEIR and 2019 SEIR, as revised by the RSEIR. Again, pursuant to the Writ, this action must be done in a “timely” manner.

**RECOMMENDATION:**

It is recommended that the Board:

1. Certify that the Final Revised Supplemental Environmental Impact Report (RSEIR) and the 2019 SEIR, as revised by RSEIR, for the Berths 97-109 China Shipping Container Terminal Project (a) have been completed in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code §21000 et seq.), with the CEQA Guidelines (14 Cal. Code Regs. §15000 et. seq.), and the City of Los Angeles CEQA Guidelines; (b) was jointly presented to the Board for review and the Board considered the information contained in the RSEIR and 2019 SEIR, as revised by RSEIR, prior to approving the Revised Project; and (c) reflects the independent judgment and analysis of the Harbor Department, and that all required procedures have been completed;
2. Direct the Cargo and Industrial Real Estate Division to return to the Board, following discussion and negotiation with China Shipping, with a proposed amendment to Permit No. 999 that incorporates by reference all additional or revised mitigation measures or lease measures, added as a result of the RSEIR and 2019 SEIR, as revised by the RSEIR, in the Final Revised Mitigation Monitoring and Reporting Program for the Revised Project by March 31, 2026;
3. Adopt the “Findings of Certification of the RSEIR for the China Shipping Container Terminal Project” (Transmittal 5) certifying the RSEIR, and the 2019 SEIR, as revised by the RSEIR; and
4. Adopt Resolution No. \_\_\_\_\_.

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**DISCUSSION:**

Background/Context – On December 18, 2008, the Board certified the 2008 EIS/EIR that analyzed the construction and operation of the China Shipping Container Terminal, which occupies approximately 142 acres and has been operational since 2005 with the last phase of construction completed in 2013. The 2008 EIS/EIR was prepared as a result of a lawsuit settled in 2004 through an Amended Stipulated Judgment (ASJ) in which the Harbor Department committed to prepare a new, project-specific EIR for development of the terminal (i.e., the 2008 EIS/EIR) and agreed to several mitigation measures and the establishment of a \$50 million community impact fund.

Consistent with the ASJ, Permit No. 999 with China Shipping, which grants nonexclusive use of the container terminal for a term of 25 years ending on June 27, 2030, with three five-year extension options through 2045, was to be amended to include 52 mitigation measures and lease measures required by the 2008 EIS/EIR. The requirement to amend Permit No. 999 subsequently resulted in a long-running dispute regarding whether certain mitigation measures were feasible and China Shipping’s contractual obligation to implement such measures.

The Harbor Department decided to revise some of the 2008 EIR’s mitigation measures to address feasibility issues in a Supplemental EIR (SEIR). The SEIR evaluated the continued operation of the China Shipping Container Terminal under new and/or modified mitigation measures and updated operational parameters and cargo forecasts, collectively referred to as the “Revised Project”. On October 8, 2019, the Board certified the Final SEIR (2019 SEIR) and approved the Revised Project.

Following the Board’s certification of the 2019 SEIR, four appeals were filed with the Los Angeles City Council. On August 12, 2020, the City Council adopted a Motion to deny all appeals, certify the Final SEIR, and adopt the recommendations of the Board. Subsequently, the Natural Resources Defense Council, the South Coast Air Quality Management District, and intervenors California Air Resources Board and the California Attorney General (collectively, Petitioners) filed a lawsuit against the Harbor Department and China Shipping challenging the terminal’s ongoing ability to operate, based on the arguments that the Harbor Department’s CEQA analysis in the 2019 SEIR was flawed and that the Harbor Department did not contractually impose mitigation measures on China Shipping, thus violating CEQA.

After a period of litigation, the California Court of Appeal, Second District (Court of Appeal), ruled in *Natural Resources Defense Council, Inc. v. City of Los Angeles* (2023) 98 Cal.App.5th 1176, that certain portions of the 2019 SEIR did not comply with CEQA. On May 24, 2024, the San Diego County Superior Court (Superior Court) issued a Peremptory Writ; it was served to the Harbor Department on May 31, 2024. The Writ generally commanded the Harbor Department and the City to do the following:

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- First, the Writ ordered the Harbor Department and China Shipping to amend Permit No. 999 (Sixth Amendment) to implement and make enforceable the mitigation measures in the 2008 EIS/EIR, as modified by the 2019 SEIR and the Court of Appeal and Superior Court decisions (Adopted Mitigation Measures and Lease Measures).
- Second, the Writ directed the City to set aside the certification of the 2019 SEIR.
- Third, the Writ directed the Harbor Department, within 18 months of the Writ, to prepare, circulate, and certify a revised SEIR (this Final Revised SEIR) with certain additional information, analyses, and/or disclosures, to address the deficiencies identified by the Court of Appeal and Superior Court.
- Fourth, the Writ directed the Harbor Department to timely ensure that any mitigation measures adopted in the Revised SEIR are fully enforceable through permit conditions, agreements, or other legally binding instruments.

On June 27, 2024, the Board adopted Resolution No. 24-10374 and Order No. 24-7371, which set aside the certification of the 2019 SEIR, and related matters, and approved the Sixth Amendment to Permit No. 999, implementing the adopted MM and LM and making China Shipping contractually obligated to implement such measures, and requested the same actions from the City Council. On July 2, 2024, the City Council adopted the motion under Council File No. 09-1872-S3 to set aside the certification of the 2019 SEIR, and related matters, and approved the Sixth Amendment to Permit No. 999. On July 15, 2024, the City filed the Initial Return to the Writ with the Superior Court, confirming the City's completion of the initial necessary actions to comply with the Writ, including the adoption of the above-described Resolution, Order, and Motion.

This Final Revised SEIR was prepared in response to, and in compliance with, the Writ. As stated above, the Writ required the Harbor Department to certify a revised SEIR within 18 months of the Writ. The Writ was served to the Harbor Department on May 31, 2024; 18 months from that date is Sunday, November 30, 2025, which is not a business day, making December 1, 2025, the deadline for the Board to certify the revised SEIR. The Board must also re-certify the 2019 SEIR, as revised by the Final Revised SEIR, because the City had set aside the prior certification as directed by the Writ.

As noted, the Writ also requires the Harbor Department "timely ensure" that the MM and LM in the Revised SEIR be "fully enforceable through permit conditions, agreements, or other legally binding instruments." The Writ does not establish a specific deadline for this step, which must occur after certification of the revised SEIR, and, as a result, the Board must amend Permit No. 999 to include new MM and LM in the revised SEIR within a reasonable time period.

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Description of the Revised Project – The Revised Project in the Final Revised SEIR evaluated the continued operation of the China Shipping Container Terminal from the beginning of full implementation of the Revised Project, assumed to be 2026, until the end of the lease period, assumed to be 2045. The Revised Project includes (1) the adopted MM and LM from the 2008 EIS/EIR and the 2019 SEIR (and upheld by the Courts or not challenged) and (2) the additional and revised mitigation measures from the RSEIR.

Specifically, the Revised Project evaluated in the RSEIR proposes to replace two MMs and one LM from the 2019 SEIR as follows:

**Measures from 2019 SEIR replaced under the Revised Project**

- MM AQ-9 Alternative Maritime Power (reverted to 2008 MM AQ-9, as updated)
- MM AQ-10 Vessel Speed Reduction Program (reverted to 2008 MM AQ-10, as updated)
- LM GHG-1 (replaced with new MM GHG-2 GHG Reduction Offsets)

In addition, the RSEIR for the Revised Project also adds one MM as follows:

**New Measure added under the Revised Project**

- MM AQ-31 At-Berth Regulations

Transmittal 1 includes a listing of all MM's and LM's of the Revised Project. These are also listed in the Revised Mitigation and Monitoring Report (MMRP), attached as Transmittal 4 for informational purposes only. As noted below, the Board will consider adopting the Revised MMRP when it considers future action on the Revised Project in compliance with the Writ.

**ENVIRONMENTAL ASSESSMENT:**

CEQA Lead Agency Responsibilities – The Harbor Department is the CEQA lead agency for the Revised Project and is responsible for reviewing and considering the Final RSEIR (Transmittal 2), 2019 SEIR, as revised by the Final RSEIR (Transmittal 3), and, at its discretion, certifying that the RSEIR and 2019 SEIR, as revised by the RSEIR, have been completed in accordance with CEQA, the State of California (State) CEQA Guidelines, and the Los Angeles City CEQA Guidelines. In doing so, the Board must find that the information contained in the Revised SEIR and 2019 SEIR, as revised by the RSEIR, reflects the independent judgment and analysis of the Harbor Department.

Certification of the RSEIR and 2019 SEIR, as revised by the RSEIR, must precede approval of the Revised Project. Accordingly, the Board must first independently review and certify the RSEIR and 2019 SEIR, as revised by the RSEIR, as adequate under

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CEQA before taking future action on the Revised Project. Future actions on the Revised Project include considering an amendment to Permit No. 999, adopting the specific Findings of Fact and Statement of Overriding Considerations regarding the significant environmental impacts of the Revised Project and MMs to reduce or avoid such impacts, and adopting a final Revised MMRP, with additional and revised MMs and LMs from the RSEIR and 2019 SEIR, as revised by the RSEIR. These steps will be taken at a future Board meeting, per the requirements of the Writ. Staff recommends that the Board direct the proposed amendment, Findings of Fact and Statement of Overriding Considerations and Revised MMRP be presented to the Board by March 31, 2026, to satisfy the timing requirements of the Writ.

Purpose of the SEIR – A supplemental EIR, as its name implies, supplements an EIR that has already been certified for a project, to address project changes, changed circumstances, or new information that was not known, and could not have been known with the exercise of reasonable diligence at the time the prior document was certified. The purpose of a supplemental EIR is to provide the additional information necessary to make the previously certified EIR adequate for the project as revised. A supplemental EIR does not “re-open” a previously certified EIR or reanalyze the environmental impacts of a project as a whole; the analysis is limited to whether the project changes result in new or substantially more severe significant impacts.

Scope and Content of the Revised SEIR – This document is a court-ordered Final Revised SEIR, limited to providing the additional information, analysis, and disclosure related to the portions of the 2019 SEIR identified by the Court of Appeal and Superior Court to be non-compliant with CEQA.

The Revised SEIR supplements and makes adequate the information provided in the 2008 EIS/EIR and the 2019 SEIR for the purposes of compliance with the Writ. The RSEIR examined the potentially new significant environmental impacts or substantially more severe impacts of the Revised Project compared to the impacts of the approved Project identified in the 2008 EIS/EIR, and disclosed in the 2019 SEIR, as directed by the Writ. Resource areas addressed in the scope of the Final RSEIR, as required by the Writ, are limited to Air Quality, Greenhouse Gases and Climate Change, and Cumulative Impacts (related to air quality and greenhouse gases). The scope of this Final RSEIR was also established based on the Initial Study prepared pursuant to CEQA, comments received during the Notice of Preparation (NOP) review process, and comments received on the Draft RSEIR.

The Final RSEIR incorporates modifications and corrections made to the Draft RSEIR, contains responses to all public comments made on the Draft RSEIR, and contains records of the public process as further detailed below.

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Revised SEIR Process and Public Involvement – The procedural steps of the Final Revised SEIR process are described below.

1. NOP – In accordance with the Los Angeles City CEQA Guidelines, Article VI, Section 1.5 and the State CEQA Guidelines, Section 15082, responsible agencies, participating City agencies, and other concerned parties were consulted through an NOP released on August 22, 2024 for a period of 30 days. Comment letters were received by the California Air Resources Board, Los Angeles Unified School District, Los Angeles Department of Transportation, Native American Heritage Commission, and Natural Resources Defense Council et al.

Public notices of the NOP were published in five local and regional newspapers (Metropolitan News, Long Beach Press-Telegram, La Opinion, Random Lengths, and Torrance Daily Breeze). The NOP was available for review online at <https://www.portoflosangeles.org/environment/environmental-documents>.

2. Draft Revised SEIR – On June 26, 2025, the Draft Revised SEIR was released for a 45-day public review and comment period ending on August 11, 2025. A virtual public hearing on the Draft Revised SEIR was held on July 22, 2025. A total of five written and oral comments were received from the following agencies and organizations: California Air Resources Board joined by the California Attorney General, West Basin Container Terminal on behalf of China Shipping (North America) Holding Company, Ltd., Natural Resources Defense Council et al, South Coast Air Quality Management District, and Joseph Lyou, Coalition for Clean Air.

Public notices of the availability of the Draft RSEIR were published on the Port of Los Angeles website and in the same five local and regional newspapers identified above. Copies of the Draft RSEIR were available for review online at <https://www.portoflosangeles.org/environment/environmental-documents> and at the Harbor Department's Environmental Management Division office.

3. Responses to Comments on Draft Revised SEIR – As required by Public Resources Code Section 21092.5, all public responsible and trustee agencies who commented on environmental issues in the Draft Revised SEIR were provided with proposed written responses to those comments 10 days prior to the Final Revised SEIR being submitted to the Board for certification.
4. Final Revised SEIR – In accordance with the Los Angeles City CEQA Guidelines, Article I, and the State CEQA Guidelines, Section 15088, comments received on the Draft Revised SEIR were evaluated and significant environmental issues raised therein were responded to in the Final Revised SEIR. In addition, modifications to mitigation measures and lease measures were made based on public comments on the Draft Revised SEIR. The comment letters and responses to comments, along

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with minor modifications and corrections to the Draft Revised SEIR are presented in the Final SEIR. The Final SEIR was completed in November 2025.

Findings and Conclusions – The conclusions of the RSEIR and 2019 SEIR, as revised by the RSEIR, have been summarized above and were completed in compliance with CEQA and the CEQA Guidelines. These findings are summarized below:

- That the RSEIR and 2019 SEIR, as revised by the RSEIR, has been completed in compliance with CEQA and the CEQA Guidelines.
- The Board has independently reviewed and considered the record and the RSEIR and 2019 SEIR, as revised by the RSEIR, prior to certifying the RSEIR and 2019 SEIR, as revised by the RSEIR.
- The RSEIR and 2019 SEIR, as revised by the RSEIR, represent the independent judgment, review and analysis of the Board.
- The RSEIR and 2019 SEIR, as revised by the RSEIR, provide information to the decision-makers and the public on the environmental consequences of the Revised Project.
- The RSEIR and 2019 SEIR, as revised by the RSEIR, adequately discusses the potential adverse environmental effects, ways in which such effects might be mitigated, and alternatives to the Revised Project which would reduce or avoid adverse effects.

In light of these findings and conclusions, staff recommend certification of the Final SEIR and Final Revised SEIR as having been prepared in accordance with CEQA and its implementing guidelines.

Record of Proceedings – Under CEQA, a public agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based. These records are in the care of the Director of Environmental Management, City of Los Angeles Harbor Department, 425 S. Palos Verdes Street, San Pedro, California 90731.

**FINANCIAL IMPACT:**

Consultant and staff costs to complete the Revised SEIR are estimated at \$1,000,000. These costs will be capitalized and recorded under Account 161305 (Construction-in-Progress), Division 00000 (Harbor Global), Project 2578700 (B. 97-109 China Shipping Container Terminal Revised Supplemental EIR).

The Harbor Department is committed to implementing the MM's that are within our jurisdiction and responsibility. All other MM's and LM's where the tenant is identified as the responsible party in the Revised MMRP shall be the financial responsibility of the tenant.

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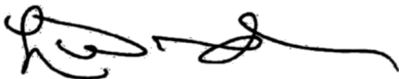
**CITY ATTORNEY:**

The City Attorney's Office has reviewed this Board Report and concluded that it raises no legal issues at this time.

**TRANSMITTALS:**

1. List of Deleted, Modified and New Mitigation Measures and Lease Measures
2. Final Revised Supplemental Environmental Impact Report
3. 2019 Supplemental Environmental Impact Report, as revised by RSEIR
4. Draft Revised Mitigation Monitoring and Reporting Program (for information only)
5. Findings of Certification of the RSEIR for the China Shipping Container Terminal Project

FIS Approval: JS  
CA Approval: MP



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