Notice of Preparation (NOP) of a Draft Revised Supplemental Environmental Impact Report for the Berths 97-109 [China Shipping] Container Terminal Project

This Notice of Preparation (NOP) is to inform responsible and trustee agencies, public agencies, and the public that the City of Los Angeles Harbor Department (LAHD) will be preparing a Draft Revised Supplemental Environmental Impact Report (Revised Supplemental EIR) under the California Environmental Quality Act (CEQA) for the Berths 97-109 [China Shipping] Container Terminal Project (Proposed Project). This document supplements the Berths 97-109 [China Shipping] Container Terminal Project Final Environmental Impact Statement/Environmental Impact Report (FEIS/FEIR) certified by the City of Los Angeles Board of Harbor Commissioners on December 18, 2008, which is incorporated herein by reference (USACE and LAHD 2008).

The Proposed Project consists of the continued operation of the China Shipping (CS) Container Terminal at Berths 97-109 in the Port of Los Angeles. China Shipping operates the CS Container Terminal at Berths 97-109 under a lease agreement (Permit No. 999), as amended, between China Shipping (North America) Holding Co., Ltd. and LAHD, under certain new or revised mitigation measures. LAHD had evaluated whether certain mitigation measures that were analyzed in the FEIS/FEIR (USACE and LAHD 2008) should be revised based on feasibility, effectiveness, and other factors in a Final Supplemental Environmental Impact Report (Final SEIR) certified by the City of Los Angeles Board of Harbor Commissioners (Board) on October 8, 2019, which is incorporated herein by reference (LAHD 2019).

The background to this Notice of Preparation is described in detail in Section 1.1, below. In brief, the Final SEIR was challenged in court, and after a period of litigation, on May 24, 2024, the court ordered that the Board's certification of the Final SEIR and related actions and approvals be set aside. The court also directed LAHD and China Shipping to agree, through an amendment of China Shipping's permit, to implement and make enforceable the mitigation measures in the FEIS/FEIR, as modified by the Final SEIR and subsequent court decisions. These measures are termed the Adopted Mitigation Measures and Lease Measures and consist of:

i. 2008 EIR MM AQ-9, Alternative Maritime Power;
ii. 2008 EIR MM AQ-10, Vessel Speed Reduction Program;
iii. 2008 EIR MM AQ-17 as it applies to a 1-year electric yard tractor pilot project; and

iv. All measures identified in the FEIS/FEIR Mitigation Monitoring and Reporting Program, as modified by the Final SEIR Mitigation Monitoring and Reporting Program, except the measures described in subsections i-iii above (which have been reinstated by the court decisions), or measures that are fully completed and thus moot (e.g., construction that has been completed).

In July, 2024, LAHD and China Shipping entered into the Sixth Amendment of China Shipping's permit, making enforceable the Adopted Mitigation Measures and Lease Measures.

Finally, the court ordered LAHD to prepare a Revised Supplemental EIR that includes re-evaluation and revision of the following issues from the 2019 Final SEIR:

a. LM GHG-1, GHG Credit Fund;
b. MM AQ-9, Alternative Maritime Power; and
c. The 2019 SEIR Emissions Impact Analysis.

Pursuant to Public Resources Code Section 21168.9(b), the Revised Supplemental EIR will be limited to addressing only the court-ordered items listed above necessary to bring the Final SEIR into compliance with CEQA. Reviewers of this NOP for the Revised Supplemental EIR should, therefore, limit their comments to the additional information and analysis to be provided. Analyses in the 2019 Final SEIR that were not addressed in the Writ will not be revised and will not be recirculated for public review and comment.

The court also ordered, for clarity, that the Revised Supplemental EIR list all Mitigation Measures and Lease Measures that apply to the project at the China Shipping Terminal, including the Adopted Mitigation Measures and Lease Measures, and those developed in the Revised Supplemental EIR. Pursuant to Public Resources Code Section 21168.9(b), the Revised Supplemental EIR will not re-evaluate the Adopted Mitigation Measures and Lease Measures, except for LM GHG-1 noted in item (a) above.

Pursuant to CEQA, the LAHD will serve as the lead agency for the preparation of the Revised Supplemental EIR for its consideration of the proposed Project within its jurisdiction. Pursuant to CEQA Guidelines Section 15163, a supplement to an EIR need only contain the information necessary to make the previous EIR adequate for the project as revised. The Revised Supplemental EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087, and may be circulated by itself without recirculating the previous draft or final EIR.

The LAHD has prepared, as part of this NOP, a summary of Supplemental Information regarding the Revised Supplemental EIR to disclose the subject matters to be reanalyzed. When the agency decides whether to approve the project, the decision-making body, in this case the Board of Harbor Commissioners and LAHD, shall consider the previous EIR, as revised by Final SEIR and the Revised Supplemental EIR and shall make findings under Section 15091 for each significant effect shown in the previous EIR as revised (CEQA Guidelines Section 15163(e)).

Written Comments:

Public comments on the NOP should be submitted to the LAHD by 5:00 p.m. on September 20, 2024.

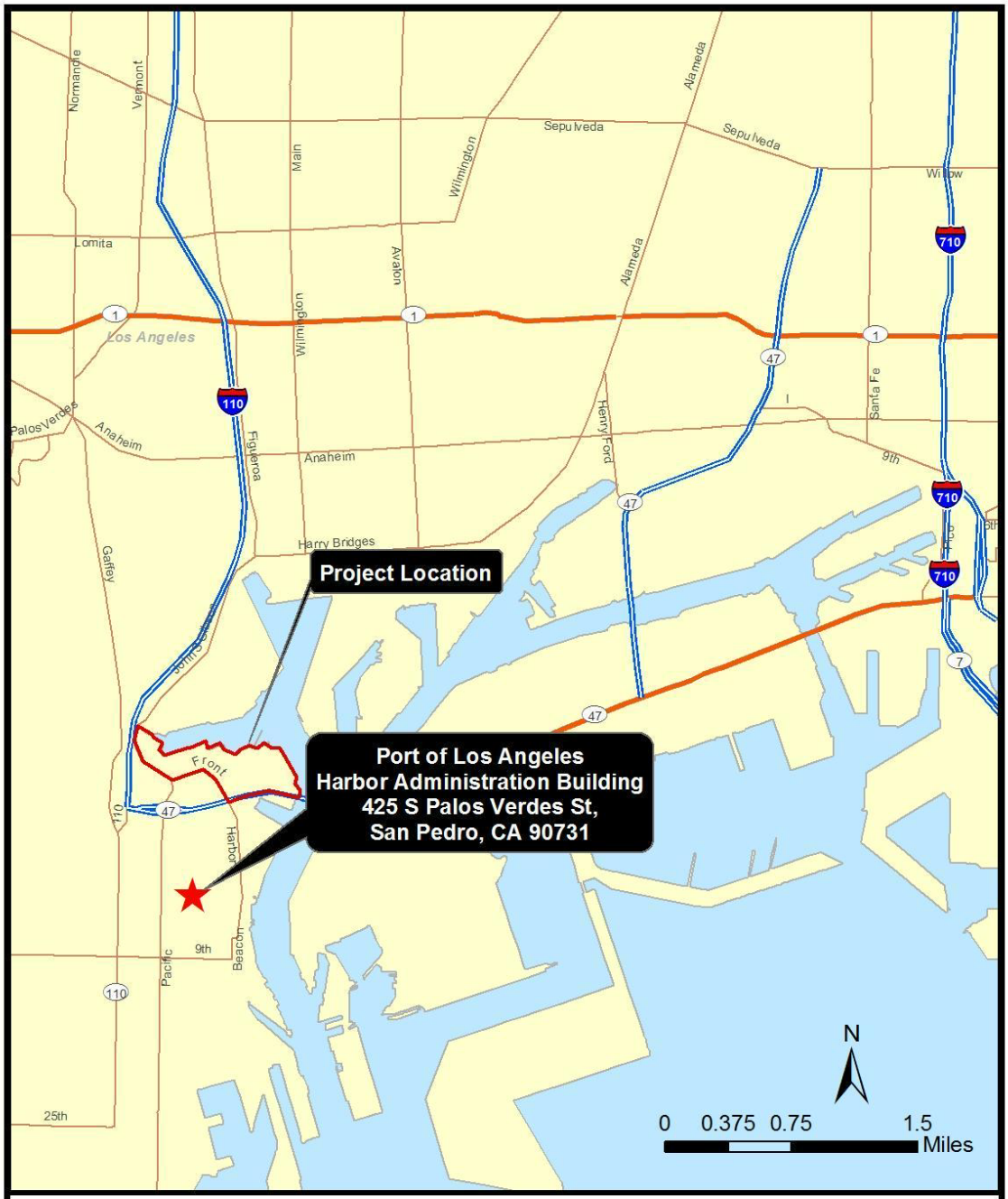
Written comments: Please send written comments to:

Lisa Wunder, Acting Director
Environmental Management Division
Los Angeles Harbor Department
425 S. Palos Verdes Street
San Pedro, CA 90731

Email Comments: Please send email comments to:

ceqacomments@portla.org

Comment letters sent via email should include the commenter's mailing address in the body of the email, and the project title "Berths 97-109 Container Terminal Project Revised Supplemental EIR" in the email subject line.



RAMBOLL ENVIRON

Figure 1
Scoping Meeting Location
Berths 97- 109 [China Shipping]
Container Terminal Project

SUPPLEMENTARY INFORMATION:

1.0 Project Overview and Background

1.1 Project Overview

The LAHD administers the Port under the California Tidelands Trust Act of 1911 and the Los Angeles City Charter. The LAHD develops and leases Port property to tenants who operate the facilities. The Port encompasses 7,500 acres and 43 miles of waterfront and provides a major gateway for international goods and services. With 25 major cargo terminals, including dry and liquid bulk, container, breakbulk, automobile, and passenger facilities, the Port handled about 178 million metric revenue tons of cargo in calendar year 2023. In addition to cargo business operations, the Port is home to commercial fishing vessels, shipyards, and boat repair facilities, as well as recreational, community, and educational facilities.

The Revised Supplemental EIR will evaluate potential impacts of the continued operation of the CS Container Terminal under new and/or modified mitigation measures (the Proposed Project), as described in more detail in Section 2 below. Operation of the CS Container Terminal has been considered in previous environmental documents (LAHD 1997, USACE and LAHD 2008, LAHD 2019). LAHD had evaluated whether certain mitigation measures that were analyzed in the FEIS/FEIR (USACE and LAHD 2008) should be revised based on feasibility, effectiveness, and other factors in a Final Supplemental Environmental Impact Report (Final SEIR) certified by the City of Los Angeles Board of Harbor Commissioners on October 8, 2019 (LAHD 2019).

After a period of litigation challenging the Final SEIR, the Court of Appeal and trial court identified certain deficiencies in the Final SEIR. On May 24, 2024, the trial court issued a writ of mandate (Writ) ordering the certification of the Final SEIR be set aside, as well as related project approval and specified actions and approvals. The Writ further directed LAHD and China Shipping to enter in an amendment to Permit No. 999 (Sixth Amendment) to implement and make enforceable the mitigation measures in the FEIS/FEIR, as modified by the Final SEIR and the Court of Appeal and trial court decisions (Adopted Mitigation Measures and Lease Measures), specifically identified as:

i. 2008 EIR MM AQ-9, Alternative Maritime Power;

ii. 2008 EIR MM AQ-10, Vessel Speed Reduction Program;

iii. 2008 EIR MM AQ-17 as it applies to a 1-year electric yard tractor pilot project; and

iv. All measures identified in the FEIS/FEIR Mitigation Monitoring and Reporting Program, as modified by the Final SEIR Mitigation Monitoring and Reporting Program, except the measures described in subsections i-iii above (which have been reinstated by the court decisions), or measures that are fully completed and thus moot (e.g., construction that has been completed).

In compliance with the Writ, LAHD and China Shipping entered into and adopted the Sixth Amendment on or about July 2, 2024, making enforceable the Adopted Mitigation Measures and Lease Measures.

The Writ also ordered LAHD to prepare a Revised Supplemental EIR that includes re-evaluation and revision of the following issues from the 2019 Final SEIR:

a. LM GHG-1, GHG Credit Fund;
b. MM AQ-9, Alternative Maritime Power; and
c. The 2019 SEIR Emissions Impact Analysis.

The Writ also ordered, for clarity, that the Revised Supplemental EIR list all Mitigation Measures and Lease Measures that apply to the project at the China Shipping Terminal, including the Adopted Mitigation Measures and Lease Measures and measures developed in the Revised Supplemental EIR. However, the Revised Supplemental EIR is not required to re-evaluate the Adopted Mitigation Measures and Lease Measures and will not do so.

1.2 Project Background

The CS Container Terminal at the Project site (Berths 97-109) is operated by China Shipping under a lease agreement (Permit No. 999) between China Shipping (North America) Holding Co., Ltd.) and LAHD. China Shipping operates two berths and a container yard, and shares the on-dock West Basin Intermodal Container Transfer Facility with the adjacent Yang Ming terminal at Berths 121-131.

The Project site (Figure 1) is within the Port of Los Angeles Community Plan area in the City and County of Los Angeles, California. The site is near the community of San Pedro and is approximately 20 miles south of downtown Los Angeles (Figure 2). The site is generally bounded on the north by the Yang Ming container terminal; on the east by the West Basin, Main Channel, and Pier A; on the south by the World Cruise Center and State Route 47; and on the west by Pacific Avenue, Front Street, and the community of San Pedro. Land uses in general vicinity of the proposed project site support a variety of cargo handling operations, including container, liquid bulk, and dry bulk; commercial fishing and seafood processing; a power plant (Harbor Generating Station); Port administration and maintenance facilities; maritime support uses; and recreational and residential uses.

RAMBOLL ENVIRON

Figure 2
Regional Location Map
Berths 97-109 [China Shipping]
Container Terminal Project

2.0 Description of the Proposed Project

The proposed Project involves the continued operation of the CS Container Terminal under additional new and/or modified mitigation measures or lease measures. If additional new or modified mitigation measures or lease measures are recommended as a result of the Revised Supplemental EIR, the Board of Harbor Commissioners will consider amending Permit No. 999 for CS's operations at Berths 97-109 accordingly.

The Los Angeles Board of Harbor Commissioners certified the Berths 97-109 [China Shipping] Container Terminal Project FEIS/FEIR for the construction and operation of the CS Container Terminal Project in 2008 (LAHD and USACE 2008). The 2008 FEIS/FEIR incorporated a number of mitigation measures into the CS Container Terminal Project to address significant construction and operational impacts, particularly those related to aesthetics, air quality, noise, and transportation. Construction, which was divided into three phases, was largely completed by 2013 (two terminal buildings have yet to be constructed).

In total, the 2008 FEIS/FEIR adopted 52 mitigation measures to reduce significant construction and operational impacts in the areas of aesthetics, air quality, biology, cultural resources, geology, ground water, noise, public services, and transportation. Most of these measures have either been completed or will be completed within the time period for implementation. These completed or to be completed mitigation measures are outside of the scope of the proposed Project and will not be further considered in the Revised Supplemental EIR, other than to list them as required by the Writ.

There were certain mitigation measures from the 2008 FEIS/FEIR that had not yet been fully implemented for various reasons. For some of these, related to air quality (AQ-9, AQ-10, AQ-15, AQ-16, AQ-17, AQ-20 and AQ-23), LAHD had evaluated whether they should be revised based on feasibility, effectiveness, and other factors in a Final Supplemental Environmental Impact Report (Final SEIR) certified by the City of Los Angeles Board of Harbor Commissioners on October 8, 2019 (LAHD 2019). The Final SEIR recommended changes to these mitigation measures, including elimination of measures that had been proven to be clearly infeasible, addition of replacement measures to address those impacts, and revision of measures that had been proven problematic to implement in order to achieve comparable results.

Table 1 summarizes the Adopted Mitigation Measures and Lease Measures that apply to the continued operation of the CS Container Terminal. The Adopted Mitigation Measures and Lease Measures in Table 1 will not be re-evaluated in the Revised Supplemental EIR, except for 2019 SEIR LM GHG-1 and 2008 MM AQ-9 Alternative Maritime Power, as explained below.

Table 1. Summary of the Adopted Mitigation Measures and Lease Measures Applicable to the Operation of the CS Container Terminal

Mitigation Measure	Description
2008 EIR MM AES-1: Landscaping	Front Street beautification project.

Mitigation Measure	Description
2008 EIR MM AES-2: Crane Color Study	Cranes must be gray.
2008 EIR MM AES-3: Beautification Plans	Utilities underground, billboard removal and truck facility acquisition.
2008 EIR MM AES-4: Plaza Park	Plaza Park improvements.
2008 EIR MM AQ-9. Alternative Maritime Power (AMP)	Alternative Maritime Power (AMP) for 100% of vessels.
2008 SEIR MM AQ-10. Vessel Speed Reduction Program (VSRP)	100% compliance with 40-nm Vessel Speed Reduction Program.
2008 SEIR MM AQ-11: Low-Sulfur Fuel	100% low sulfur fuel requirement for ships.
2008 SEIR MM AQ-12: Slide Valve	100% side valve requirement for ships.
2008 SEIR MM AQ-13: Reroute Cleaner Ships	75% IMO MARPOL Annex VI NOX emissions limits for Category 3 engines for ships.
2008 SEIR MM AQ-14: New Vessel Build	Requirements for new vessels.
2019 SEIR MM AQ-15. Yard Tractors	Replacement schedule and emissions standards for yard tractors.
2019 SEIR MM AQ-17. Cargo Handling Equipment	Replacement schedule and emissions standards for yard equipment.
2008 EIR MM AQ-17	1-year electric yard tractor pilot project only.
2008 EIR AQ-18: Yard Locomotives at Berth 121-131 Rail Yard	Yard locomotives requirements.
2008 EIR AQ-19: Clean Truck Program	100% compliance with Clean Truck Program.
2008 EIR AQ-21: Truck Idling Reduction Measure	Requirements for reducing truck idling emissions.
2019 SEIR LM AQ-1. Cleanest Available Cargo Handling Equipment.	Cleanest Available cargo handling equipment replacement.
2019 SEIR LM AQ-2. Priority Access for Drayage	Priority access system for zero and near-zero trucks.
2019 SEIR LM AQ-3. Demonstration of Zero-Emissions Equipment	1-year zero-emissions demonstration.
2008 EIR LM AQ-22: Periodic Review of New Technology and Regulations	Review of new technology and regulations.
2008 EIR LM AQ-24: General Mitigation Measure	Update MMs with new technology.
2019 SEIR MM GHG-1. LED Lighting	LED Lighting replacement.
2019 SEIR LM GHG-1. GHG Credit Fund.	Greenhouse Gas Fund.
2008 EIR AQ-26: Compact Fluorescent Light Bulbs	Compact fluorescent bulbs requirements.
2008 EIR AQ-27: Energy Audit	Five-year energy audit requirement.
2008 EIR AQ-29: Recycling	Recycling requirements.

Mitigation Measure	Description
2008 EIR GEO-1: Emergency Response Planning	Tsunami response training and procedures.
2008 EIR NOI-2: Noise Walls	Study of feasibility of noise walls and soundproofing.
2008 EIR PS-3: Long Term Solid Waste Management	Compliance with Solid Waste Integrated Resources Plan.
2019 SEIR MM TRANS-2. Alameda and Anaheim Streets	Additional eastbound through-lane on Anaheim Street.
2019 SEIR MM TRANS-3: John S. Gibson Boulevard and I-110 N/B Ramps	Additional westbound right-turn lane with westbound right-turn overlap phasing and an additional southbound left-turn lane.

The Revised Supplemental EIR will re-evaluate certain resource areas affected by three primary issues (air quality, public health, and greenhouse gas impacts [which also includes an evaluation of impacts related to the Proposed Project's energy use]), and will recommend additional mitigation measures as appropriate. If new or revised mitigation measures are recommended through the Revised Supplemental EIR, the Board of Harbor Commissioners will consider amending Permit No. 999 for CS's operations at Berths 97-109 accordingly.

With respect to LM GHG-1, the Revised Supplemental EIR will analyze the GHG impacts of continued operation of the China Shipping Terminal under the Adopted Mitigation Measures and Lease Measures listed in Table 1 and identify any mitigation measures that are available, feasible and enforceable to mitigate such impacts. LM GHG-1, per the Writ, remains in place until revised and/or superseded by any mitigation measures identified in the Revised Supplemental EIR and adopted by LAHD for GHG impacts.

With respect to MM AQ-9, the trial court rejected the revisions made in the 2019 Final SEIR and, as a result, the 2008 MM AQ-9 is reinstated. The Revised Supplemental EIR will analyze the at-berth emissions of continued operation of the China Shipping Terminal under the Adopted Mitigation Measures and Lease Measures listed in Table 1 and identify any additional mitigation measures (in addition to the alternative maritime power measures in MM AQ-9) that are available, feasible and enforceable to mitigate at-berth emissions impacts.

With respect to the 2019 SEIR Emissions Impact Analysis, the trial court directed LAHD to revise the timeframe of operations for the Proposed Project to start in 2024, when LAHD and China Shipping entered into the Sixth Amendment. This is a change to the project description in the 2019 Final SEIR, which included years between 2008 and 2019 as the "partial implementation period" to disclose the time period during which China Shipping did not comply with some of the original 2008 mitigation measures in the FEIS/FEIR. The Revised Supplemental EIR will identify and disclose this "partial implementation period" to be extended to 2024 (subject to available data and information), when the Sixth Amendment was adopted.

3.0 Environmental Issues

Because the Revised Supplemental EIR is intended to serve as a supplement to the previously certified 2008 FEIR/FEIS, impacts and conditions presented in the FEIR/FEIS will serve as the primary base of comparison for the analysis. Furthermore, pursuant to Public Resources Code Section 21168.9(b), the Revised Supplemental EIR will be limited to

addressing only the court-ordered items necessary to bring the Final SEIR into compliance with CEQA.

Based on this, the Revised Supplemental EIR will analyze the following topics:

- Air quality and public health
- Greenhouse gas emissions
- Energy use

Additional issues may be identified during the scoping process.

References

LAHD (Los Angeles Harbor Department). 1997. West Basin Transportation Improvements Program EIR. Prepared by the Environmental Management Division with assistance from Science Applications International Corporation.

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_____. 2024. *Facts and Figures Card*. https://www.portoflosangeles.org/business/statistics/facts-and-figures.

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