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Executive Summary

2 ES.1 Introduction and Background

3 The Los Angeles Harbor Department (LAHD) operates the Port of Los Angeles (Port)
4 under the legal mandates of the Port of Los Angeles Tidelands Trust (Los Angeles City
5 Charter, Article VI, Section 601; California Tidelands Trust Act of 1911) and the
6 California Coastal Act (PRC Division 20 Sections 30700 et seq.). The LAHD is chartered
7 to develop and operate the Port to benefit maritime uses, and it functions as a landlord by
8 leasing Port properties to more than 300 tenants.

9 ES.1.1 Purpose of the Supplemental EIR

10 Among the LAHD’s tenants is China Shipping, which leases premises at Berths 97-109
11 to operate a marine container terminal (the “CS Container Terminal”). The terminal
12 handles foreign waterborne commerce in the form of containerized cargo, and has been
13 operational since 2005. The LAHD has prepared this Draft Revised Supplemental
14 Environmental Impact Report (Draft RSEIR) to supplement and update the Berths 97-109
15 [China Shipping] Container Terminal Project Supplemental Environmental Impact
16 Report certified by the City of Los Angeles Board of Harbor Commissioners (Board) on
17 October 8, 2019 (2019 SEIR; LAHD 2019). The 2019 SEIR supplemented and updated
18 the Environmental Impact Statement/ Environmental Impact Report certified by the
19 Board in 2008 (2008 EIS/EIR; USACE and LAHD 2008).

20 This Draft RSEIR has been prepared in accordance with the requirements of the
21 California Environmental Quality Act (CEQA) (California Public Resources Code [PRC]
22 Sections 21000 et seq.) and the Guidelines for Implementation of the California
23 Environmental Quality Act of 1970 (CEQA Guidelines) (14 California Code of
24 Regulations [CCR] Sections 15000 et seq.). This Executive Summary has been prepared
25 in accordance with Section 15123 (b) of the CEQA Guidelines.

26 ES.1.2 Project Background

27 The full background of the Approved Project is described in detail in Section 1.2.3 of this
28 Draft RSEIR. In summary, a previous EIR (LAHD, 1997) was prepared by LAHD and
29 was challenged by project opponents. The lawsuit was settled in 2004 through an
30 Amended Stipulated Judgement (ASJ) in which LAHD committed to preparing a new,
31 project-specific EIR, agreed to several mitigation measures, and established a \$50 million
32 community impact fund.

33 In the resultant 2008 EIS/EIR the LAHD adopted 52 mitigation and lease measures,
34 including additional measures beyond those in the ASJ, to reduce significant construction

1 and operational impacts of the Approved Project in the areas of aesthetics, air quality,
2 biology, cultural resources, geology, ground water, noise, public services, and
3 transportation. At the time of the 2008 EIS/EIR, many of those measures had never been
4 attempted anywhere in the world, but LAHD believed that they were realistic and could
5 be accomplished by the terminal operator within a reasonable timeframe.

6 Construction of the Approved Project was completed in 2013. Most of the mitigation
7 measures from the 2008 EIS/EIR, including all the measures associated with construction
8 and all of the ASJ requirements, have been implemented by LAHD or are underway.
9 However, China Shipping did not agree to a lease amendment incorporating the
10 mitigation measures, and after a period of negotiation with China Shipping, LAHD
11 identified certain mitigation measures that had not yet been fully implemented for various
12 reasons, including infeasibility due to technological, economic, and operational factors.
13 LAHD determined that a supplemental EIR (the 2019 SEIR) should be prepared that
14 would make minor changes to the continued operation of the CS Container Terminal by
15 modifying 10 mitigation measures and one lease measure that were originally adopted in
16 the 2008 EIS/EIR. The 2019 SEIR evaluated the continued operation of the CS Container
17 Terminal under the new and/or modified mitigation measures and including updated
18 operational parameters and cargo forecasts (2019 Revised Project).

19 The 2019 SEIR was challenged in court. After a period of litigation, the California Court
20 of Appeal, Second District (Court of Appeal), ruled in *Natural Resources Defense*
21 *Council, Inc. v. City of Los Angeles* (2023) 98 Cal.App.5th 1176, that certain portions of
22 the 2019 SEIR did not comply with CEQA. On May 24, 2024, the San Diego County
23 Superior Court (Superior Court) issued a Peremptory Writ of Mandate (Writ) with the
24 following directions (described more fully in Section 1.1):

- 25 • LAHD and China Shipping to enter in an amendment to Permit No. 999 (Sixth
26 Amendment) to implement and make enforceable the mitigation measures in the
27 2008 EIS/EIR, as modified by the 2019 SEIR and the Court of Appeal and
28 Superior Court decisions (Adopted Mitigation Measures and Lease Measures).
- 29 • The City to set aside the certification of the 2019 SEIR.
- 30 • LAHD, within 18 months of the issuance of the Writ, to prepare, circulate, and
31 certify a revised SEIR (this Draft RSEIR) with certain additional information,
32 analyses, and/or disclosures to address the deficiencies identified by the Court of
33 Appeal and Superior Court.
- 34 • LAHD to timely ensure that any mitigation measures adopted in the revised SEIR
35 are fully enforceable through permit conditions, agreements, or other legally
36 binding instruments.

37 Except as identified in Section 1.1.2, the remainder of the 2019 SEIR was either not
38 challenged, or was found by the Court of Appeal or Superior Court to be CEQA-
39 compliant, and therefore remains valid and is not being revised or recirculated. The
40 LAHD has completed the process of amending Permit #999 as required by the Writ. In
41 July 2024, the City set aside the certification of the 2019 SEIR. In May 2025, the Court
42 issued a ruling providing additional guidance on MM AQ-9, Alternative Marine Power,
43 among other things (May 2025 Ruling).

44 This Draft RSEIR was prepared in response to, and in compliance with, the Writ. As
45 noted above and described in more detail in Section 1.1.2, the Draft RSEIR provides the
46 additional information, analyses, and/or disclosures required by the Writ to address the

1 deficiencies identified by the Court of Appeal and Superior Court, and identifies changed
2 or additional mitigation measures or lease measures (Proposed Mitigation Measures and
3 Lease Measures) based on that analysis. The Adopted Mitigation Measures and Lease
4 Measures and the Proposed Mitigation Measures and Lease Measures analyzed in this
5 Draft RSEIR are collectively referred to as the “Revised Project.”

6 **ES.1.3 Use and Scope of the Revised Supplemental EIR**

7 This document is a court-ordered Draft RSEIR, limited to providing the additional
8 information, analysis, and disclosure related to the portions of the 2019 SEIR identified
9 by the Court of Appeal and Superior Court to be non-compliant with CEQA. This Draft
10 RSEIR is being provided to the public for review and comment; after that review and
11 comment period, a Final RSEIR will be prepared that will include responses to public
12 comments. The certification by LAHD of the Final RSEIR, Notice of Determination,
13 Findings of Fact, and Statement of Overriding Considerations (if necessary) will
14 document the decision of the LAHD as to the adequacy of the Draft RSEIR. After the
15 Board has certified a “Final Revised SEIR” that includes the 2019 SEIR and this Draft
16 RSEIR, the Board would use the information herein in a proceeding to consider approval
17 of the Revised Project.

18 The Revised Project involves the continued operation of the CS Container Terminal
19 under certain of the Adopted Mitigation Measures and Lease Measures and the Proposed
20 Mitigation Measures and Lease Measures that result from the additional information,
21 analyses, and/or disclosures of this Draft RSEIR, as directed by the Writ. The evaluation
22 discloses impacts from the beginning of full implementation of the Revised Project,
23 assumed to be 2026, until the end of the lease period, assumed to be 2045. In these
24 measures, the “effective date of a new lease amendment” in the 2019 SEIR was 2019,
25 whereas in this Draft RSEIR it is assumed to be July 2024, when LAHD and China
26 Shipping executed the Sixth Amendment to Permit No. 999, incorporating the Adopted
27 Mitigation Measures and Lease Measures.

28 This Revised SEIR, as described further in Section 2.5.2 and Section 2.5.3, also re-
29 analyzes, based on available data at the time of the analysis, operation of the CS Terminal
30 from the period 2008 to 2018 (those impacts were disclosed in the 2019 SEIR but are re-
31 visited here because of subsequent changes in analytical methodology) and from 2019 to
32 2023 (called the Additional Period of Non-Compliance” in this RSEIR) in order to
33 disclose the impacts of the period during which some of the 2008 EIS/EIR’s air quality
34 mitigation measures were not being fully implemented. This RSEIR also includes
35 analysis of the FEIR Mitigated Scenario, which describes impacts that would have
36 occurred had all of the mitigation measures included in the 2008 EIS/EIR been fully
37 implemented throughout project operation (i.e., through 2045).

38 Except for GHG LM-1 (GHG Credit Fund) and MM AQ-9 (Alternative Maritime
39 Power), the RSEIR does not analyze whether the Adopted Mitigation Measures and
40 Lease Measures should be replaced or updated with any new or additional mitigation
41 measures. Accordingly, as described further in Section 2.5.1, the Revised Project
42 analyzed in this RSEIR consists of the 2019 Revised Project with MM AQ-9 and MM
43 AQ-10 replaced by MM AQ-9 and MM AQ-10 of the 2008 EIS/EIR (updated and revised
44 per the Writ and May 2025 Ruling), the pilot project component of MM AQ-17 re-

1 instated, and a further evaluation of mitigation related to at-berth emissions and
2 greenhouse gas emissions.

3 **ES.1.4 Project Objectives**

4 In the 2008 EIS/EIR, the LAHD's objectives for the CS Container Terminal were:

- 5 (1) provide a portion of the facilities needed to accommodate the projected growth in
6 the volume of containerized cargo through the Port;
- 7 (2) comply with the Mayor's goal for the Port to increase growth while mitigating
8 the impacts of that growth on the local communities and the Los Angeles region
9 by implementing pollution control measures, including the elements of the Clean
10 Air Action Plan (CAAP) applicable to the proposed Project; and
- 11 (3) comply with the Port Strategic Plan to maximize the efficiency and capacity of
12 terminals while raising environmental standards through application of all
13 feasible mitigation measures.

14 The first objective of the 2008 EIS/EIR was achieved by construction of the Approved
15 Project.

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

20 **ES.1.5 CEQA Baseline**

21 In the typical case, a supplemental EIR would adopt as its baseline the full build-out of
22 the approved project as analyzed under the prior EIR and disclose the incremental change
23 in environmental impacts between revised project and the prior approved project,
24 regardless of whether that project has been fully constructed. However, as described
25 below, LAHD has determined that factual circumstances unique to the Revised Project
26 and the Writ require divergence from this typical approach.

27 The 2019 SEIR used 2008 as the CEQA baseline, which incorporated the period between
28 2008, when the project was approved, and 2014 during which some mitigation measures
29 were not fully implemented in a timely manner. Since, in accordance with the Writ, this
30 Draft RSEIR evaluates the effects of modifications to mitigation measures that were
31 analyzed in the 2019 SEIR and the previously certified 2008 EIS/EIR, the 2008 baseline
32 used in the 2019 SEIR is appropriate for this document.

33 **ES.1.6 Analytical Framework**

34 Rules and regulations effective by December 31, 2007, are considered in the 2008
35 baseline. In addition, as described in Section 3.1, changes in the regulatory framework
36 since 2019 have occurred that are incorporated into the analyses of the Revised Project,
37 the Additional Period of Non-Compliance (Section 2.5.2), and the FEIR Mitigated
38 Scenario. Accordingly, the analysis of the Revised Project, which covers the period from
39 2026 to 2045, uses the regulatory setting as of 2025, and the analysis of the Additional
40 Period of Non-Compliance uses the regulatory setting as of 2018, plus regulations that
41 went into effect during the period 2018-2023, as appropriate.

1 Changes in analytical and modelling techniques since 2008 and 2019, as discussed in
 2 more detail in Section 3.1, have made it unworkable or confusing to analyze impacts in
 3 this SEIR using data and techniques employed in the previous documents. Because it is
 4 not possible to re-create the methodologies, input data, and other assumptions used in the
 5 2008 EIS/EIR and the 2019 SEIR, conditions are modelled using current (2025)
 6 methodologies and assumptions.

7 **ES.2 Revised Project**

8 **ES.2.1 Background**

9 The CS Container Terminal (Figure ES-1) is located in the Port of Los Angeles. The
 10 Project site lies on the western side of the Los Angeles Harbor Main Channel, and is
 11 generally bounded by the World Cruise Center and San Pedro waterfront to the south, I-
 12 110 and the community of San Pedro to the west, the West Basin and the Berths 121-131
 13 Container Terminal to the north, and the Main Channel, Turning Basin, and Berths 222 –
 14 228 terminal to the east. Land access is provided by a network of arterial routes and
 15 freeways (I-110, I-710, I- 405, and State Route [SR]-103/SR-47).

16 **Figure ES-1: Berths 97-109 (China Shipping) Container Terminal**



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1 **ES.2.2 Project Description**

2 This Draft RSEIR evaluates operation of the CS Container Terminal from the point at
3 which the Revised Project elements would take effect, assumed to be 2026, until the
4 termination of the lease in 2045. This analysis is based on the recognition that changes in
5 throughput, technology, and other factors have occurred, and that some mitigation
6 measures have been modified by the Writ.

7 In this analysis, the mitigation measures included in the 2019 SEIR are assumed to be
8 implemented, except that, per the Writ, MM AQ-9 (AMP) is replaced by the measure
9 imposed in the 2008 EIS/EIR, MM AQ-10 (VSRP) as set forth in the 2008 EIS/EIR is
10 reinstated, both updated and revised per the Writ and May 2025 Ruling, and the portion
11 of the 2008 EIS/EIR MM AQ-17 pertaining to an electric yard tractor demonstration
12 project is reinstated. This set of mitigation measures – the 2019 SEIR measures as
13 modified herein, constitute the elements of the Revised Project evaluated in this Draft
14 RSEIR (see Section 2.5.1.2). The differences between the Approved Project considered
15 in the 2008 EIS/EIR and the Revised Project considered in the 2019 SEIR are described
16 in the Executive Summary of the 2019 SEIR. The differences between the Revised
17 Project considered in the 2019 SEIR and the Revised Project considered in this Draft
18 RSEIR are described in Table ES-12, below.

Table ES-1. Revised Mitigation and Lease Measures

Measure	2019 Revised Project	2025 Revised Project
MM AQ-9	<p>Beginning January 1, 2018, 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:</p> <ul style="list-style-type: none"> • Emergencies • An AMP-capable berth is unavailable • An AMP-capable ship is not able to plug in • The vessel is not AMP-capable. <p>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.</p>	<p>China Shipping ships calling at Berths 97-109 must use AMP for 100-percent of ship calls</p> <p>Additionally, all ships retrofitted for or capable of using AMP calling at Berths 97-109 shall use AMP while hoteling in the Port for 100-percent compliance of ship calls.</p> <p>The following exceptions apply to this measure:</p> <ol style="list-style-type: none"> 1. When an AMP-capable berth is unavailable due to utilization by another AMP-capable ship. 2. During any portion of a vessel visit that qualifies as a “safety and emergency event” under California Code of Regulations, Title 17, section 93130.8, subdivision (a). 3. During any portion of a vessel visit that qualifies as “commissioning” under California Code of Regulations, Title 17, section 93130.8, subdivision (c). <p>During any portion of a vessel visit that occurs during either a vessel-side equipment failure or a terminal-side equipment failure.</p>
MM AQ-10	<p>Beginning January 1, 2018, at least 95 percent of vessels calling at Berths 97-109 shall either 1) comply with the expanded VSRP of 12 knots between 40 nm from Point Fermin and the Precautionary Area or 2) comply with an alternative compliance plan approved by the LAHD for a specific vessel and type. Any alternative compliance plan shall be submitted to LAHD at least 90 days in advance for approval, and shall be supported by data that demonstrates the ability of the alternative compliance plan for the specific vessel and type to achieve emissions reductions comparable to or greater than those achievable by compliance with the VSRP. The alternative compliance plan shall be implemented once written notice of approval is granted by the LAHD.</p>	<p>All ships (100%) calling at Berths 97-109 shall comply with the expanded VSRP of 12 knots between 40 nm from Point Fermin and the Precautionary Area.</p>

Table ES-1. Revised Mitigation and Lease Measures

Measure	2019 Revised Project	2025 Revised Project
MM AQ-17	<p>All yard equipment at the terminal except yard tractors (see MM AQ-15) shall implement the following requirements:</p> <p><u>Forklifts</u></p> <ul style="list-style-type: none"> • By January 1, 2019 all 18-ton diesel forklifts of model years 2004 and older shall be replaced with units that meet or exceed Tier 4 final off-road engine standards for PM and NO_x. • By January 1, 2020 all 18-ton diesel forklifts of model years 2005 and older shall be replaced with units that meet or exceed Tier 4 final off-road engine standards for PM and NO_x. • By January 1, 2020 all 5-ton forklifts of model years 2011 or older shall be electric. • By January 1, 2021 all 18-ton diesel forklifts of model years 2007 and older shall be replaced with units that meet or exceed Tier 4 final off-road engine standards for PM and NO_x. <p><u>Top-picks</u></p> <ul style="list-style-type: none"> • By January 1, 2019 all diesel top-picks of model years 2006 and older shall be replaced with units that meet or exceed Tier 4 final off-road engine standards for PM and NO_x. • By January 1, 2021 all diesel top-picks of model years 2007 and older shall be replaced with units that meet or exceed Tier 4 final off-road engine standards for PM and NO_x. • By January 1, 2023 all diesel top-picks of model years 2014 and older shall be replaced with units that meet or exceed Tier 4 final off-road engine standards for PM and NO_x. <p><u>Rubber-Tired Gantry Cranes (RTGs)</u></p>	<p>The tenant at Berth 97-109 shall participate in a 1-year electric yard tractor [truck] pilot project. As part of the pilot project, two electric tractors will be deployed at the terminal within 1 year of lease approval. If the pilot project is successful in terms of operation, costs and availability, the tenant shall replace half of the Berth 97-109 yard tractors with electric tractors within 5 years of the feasibility determination.</p>

Table ES-1. Revised Mitigation and Lease Measures

Measure	2019 Revised Project	2025 Revised Project
	<ul style="list-style-type: none"> • By January 1, 2021 all diesel RTG cranes of model years 2003 and older shall be diesel-electric hybrid with diesel engines that meet or exceed Tier 4 final off-road engine standards for PM and NO_x. • By January 1, 2023 all diesel RTG cranes of model years 2004 and older shall be diesel-electric hybrid with diesel engines that meet or exceed Tier 4 final off-road engine standards for PM and NO_x. • By January 1, 2025 four RTG cranes of model years 2005 and older shall be replaced by all-electric units, and one diesel RTG crane of model year 2005 shall be diesel-electric hybrid with a diesel engine that meets or exceeds Tier 4 final off-road engine standards for PM and NO_x. <p><u>Sweepers</u></p> <ul style="list-style-type: none"> • Sweeper(s) shall be alternative fuel or the cleanest available by 2025. <p><u>Shuttle Buses</u></p> <p>Gasoline shuttle buses shall be zero emissions by 2025.</p>	

Table ES-1. Revised Mitigation and Lease Measures

Measure	2019 Revised Project	2025 Revised Project
LM GHG-1	<p>LAHD shall establish a carbon offset fund, which may be accomplished through a Memorandum of Understanding with the California Air Resources Board or another appropriate entity. The fund shall be used for GHG-reducing projects and programs on Port of Los Angeles property. It shall be the responsibility of the Tenant to contribute to the fund. Tenant shall have the option to either: (i) make a one-time fund contribution of \$250,000, payable upon execution of a new lease amendment, or (ii) make a payment in 2030, at the time the peak impact would occur, in an amount calculated based on the market value of carbon credits at that time, and actual GHG emissions that exceed whatever GHG threshold exists at that time as approved by the LAHD. If LAHD is unable to establish the fund within a reasonable period of time, Tenant shall instead purchase credits from an approved GHG offset registry.</p>	<p>MM GHG-2. GHG Reduction Offsets. The Tenant shall be required to purchase and retire carbon offsets related to activities that reduce, avoid, destroy, or sequester an amount of GHG emissions in an off-site location to offset the equivalent amount of GHG emissions generated by the Project in excess of the City's significance threshold of 10,000 metric tons. From the first year of the Permit amendment, in 2026, through the end of the term of the Permit in 2045, the Tenant shall purchase and retire carbon offsets each year in an amount that would be the equivalent of the Project's estimated residual GHG emissions. The estimated residual emissions for each calendar year shall be based upon the calculations in Appendix C of the Final Revised SEIR prepared for the Proposed Project except as adjusted in accordance with paragraph a) or b), below.</p> <p>The LAHD is in the process of developing a Greenhouse Gas Program. The Program shall be used for GHG-reducing projects and programs approved by the Port of Los Angeles. If that Program is established during the term of the Permit, the Tenant shall have the option to offset the required amount of GHG emissions through a funding contribution to the Greenhouse Gas Program rather than towards purchasing carbon offsets from a CARB-recognized registry.</p> <p>While the LAHD Greenhouse Gas Program is currently under development, the Tenant shall purchase and retire carbon offsets from a CARB-recognized offset registry as follows:</p> <p>Carbon offsets: The Tenant shall purchase and retire carbon offsets from a CARB-recognized registry to ensure that offsets will result in real, permanent, additional, quantifiable, verifiable, and enforceable reductions. The carbon offsets shall be verifiable by the City and enforceable in accordance with the registry's</p>

Table ES-1. Revised Mitigation and Lease Measures

Measure	2019 Revised Project	2025 Revised Project
		<p>applicable standards, practices, or protocols.</p> <p>The order of priority for purchasing (any one or more) carbon offsets shall be considered as follows:</p> <ol style="list-style-type: none"> i. Originating within the local area; ii. Originating within the South Coast Air Basin; iii. Originating within the state of California; or iv. If sufficient local and in-state offsets are not available, the Tenant shall purchase conforming national offsets registered with a CARB-recognized registry. <p>Adjustment of Tenant’s Required Offsets through Other Verified GHG Emission Reductions: The Tenant may pursue the following modifications to the Project’s total estimated GHG emissions identified in this measure. These modifications may be pursued in conjunction with or independent of each other on an up to annual basis.</p> <ol style="list-style-type: none"> a. <i>Adjustment in GHG Emissions</i> <p>In the event of changes in activities, efficiency, reduced operations, regulations, or for any other purpose, the Tenant may request an adjustment of the required carbon offsets based on an evaluation of actual GHG emissions rather than future projected GHG emission calculations in this RSEIR. If the actual GHG emissions, minus the 2008 Actual Baseline, do not exceed the significance threshold of 10,000 mty, no carbon offsets shall be required. To adjust the Tenant’s required number of carbon offsets for purchase, the Tenant shall make a request in writing to the LAHD for review and approval for the calendar year under consideration and shall submit a report within 60 days that quantifies the actual greenhouse gas emissions by an expert or an independent, qualified third-party. The evaluation of actual greenhouse gas emissions must be performed using</p>

Table ES-1. Revised Mitigation and Lease Measures

Measure	2019 Revised Project	2025 Revised Project
		<p>acceptable industry standards and protocols for all sources that were included in the Project’s GHG emissions calculations under Impact GHG-1. LAHD review shall occur within 30 days of receipt of the submitted report. Any expenses incurred by LAHD in processing the Tenant’s request, including retaining an independent third-party verifier to peer review the report, shall be borne by the Tenant.</p> <p>or</p> <p><i>b) Implementation of Additional GHG Reduction Methods</i></p> <p>In addition, the Tenant may request a reevaluation of required carbon offsets to be purchased according to this paragraph. The Tenant may implement different and additional GHG reduction methods if new technology and/or other feasible measures become available during the term of the Permit. To adjust the Tenant’s required number of carbon offsets for purchase, the Tenant shall identify such additional GHG reduction actions and must quantify the GHG emission reductions from these GHG reduction actions by an independent, qualified third-party verifier. Once the GHG reduction actions are found to be feasible and are reviewed and approved by LAHD staff, the Tenant may request that LAHD reduce its required purchase of carbon offsets by the equivalent amount of demonstrated reduction. Any expenses incurred by LAHD in processing the Tenant’s request, including retaining a third-party verifier, shall be borne by the Tenant.</p>

1
2 In addition to incorporating revised mitigation measures, this Draft RSEIR, per the Writ, evaluates the
3 feasibility of additional mitigation measures, or revisions to the measures described above, that could
4 further reduce significant impacts related to at-berth emissions and greenhouse gas emissions.

ES.3 Environmental Impacts.

Based on the 2024 NOP, the following issues have been determined to be potentially significant and are therefore evaluated in this Draft SEIR:

- Air Quality and Meteorology
- Greenhouse Gas Emissions

Chapter 3, Environmental Analysis, of this Draft SEIR evaluates those issues. The criteria for determining the significance of environmental impacts are described for each resource topic in Chapter 3, Environmental Analysis. Mitigation measures to reduce impacts to less than significant are proposed whenever feasible. Chapter 4, Cumulative Analysis, discusses the cumulative impacts of the Revised Project.

Summary descriptions of the impacts, new mitigation measures, and residual impacts for the Revised Project are provided in Table ES-2.

ES.3.1 Impacts Not Considered in this Draft RSEIR

The NOP for the 2019 SEIR concluded that certain topics would be excluded from the Draft SEIR because (a) the 2008 EIS/ EIR concluded that there were no significant impacts associated with those topics, or (b) the mitigation measures proposed in the 2008 EIS/EIR have been implemented and/or completed, or (c) the mitigation measures are in progress and would mitigate impacts of the Revised Project to a less-than-significant level, and/or (d) the level of significance is unchanged from that described in the 2008 EIS/EIR and any modification to the mitigation measures or assumed incremental increase in throughput is not expected to affect that finding.

The Writ restricts the scope of this RSEIR to, essentially, a reconsideration of mitigation and lease measures related to air quality and greenhouse gases. Accordingly, the NOP for this Draft RSEIR (Appendix A-1) listed those two resource areas, as well as energy use, as the only topics to be considered, and the RSEIR does not re-analyze or recirculate evaluations of other resource areas. In addition, although the NOP indicated that energy use would be considered, LAHD has determined that energy use needed to be included in this RSEIR because that issue was not included in the Writ's direction.

ES.3.2 Impacts of the Revised Project

ES.3.2.1 Unavoidable Significant Impacts

Table ES-2 identifies unavoidable significant impacts associated with the Revised Project. This Draft RSEIR has determined that implementation of the Revised Project would result in unavoidable significant impacts related to air quality.

Air Quality

Operation of the Revised Project would result in incremental mass emissions, relative to the 2008 Baseline, of carbon monoxide (CO) and volatile organic compounds (VOC) that would exceed SCAQMD significance thresholds in analysis years 2026, 2036, and 2045 and of nitrogen oxides (NOx) in analysis years 2026 and 2036. These exceedances would represent significant impacts. The mitigation measures applied in the 2019 SEIR, as

1 revised in this Draft RSEIR (see Table ES-1) and a new mitigation measure (MM AQ-31,
2 described below), would reduce emissions, but not to less than significant. No additional
3 mitigation beyond the measures that constitute the Revised Project are available to reduce
4 emissions. Accordingly, impacts would be significant and unavoidable.

5 Operation of the Revised Project would result in off-site annual average ambient
6 concentrations of NO₂ (federal 1-hour) that would exceed the SCAQMD standard in 2026
7 and of PM₁₀ (24-hour and annual average) that would exceed the SCAQMD standard in
8 2026 through 2045. These exceedances would represent significant impacts. The
9 mitigation measures applied in the 2019 SEIR, as revised in this Draft RSEIR (see Table
10 ES-1) and a new mitigation measure (MM AQ-31, described below), would reduce
11 emissions, but not to less than significant. No additional mitigation is available to reduce
12 emissions, and hence ambient PM₁₀ and NO₂ concentrations, below the thresholds.
13 Accordingly, impacts would be significant and unavoidable.

14 Operation of the Revised Project would result in incremental individual cancer risks,
15 relative to the future (floating) baseline, that would exceed 10 in a million (the
16 significance threshold) at occupational receptors at the CS Terminal. The maximum
17 incremental individual cancer risk for terminal workers from the Revised Project is
18 predicted to be 12.5 in a million, and would occur at the southern boundary of the CS
19 Terminal. This exceedance would constitute a significant impact to occupational
20 receptors. The maximum incremental individual cancer risk for a residential receptor is
21 0.2 in a million relative to the floating baseline, which is substantially below the
22 significance threshold, and all other health risk indices would be less than the
23 significance thresholds. The mitigation measures applied in the 2019 SEIR, as revised in
24 this Draft RSEIR (see Table ES-1) and a new mitigation measure (MM AQ-31, described
25 below), would reduce emissions, but not to less than significant for cancer risk at
26 occupational receptors at the CS Terminal. No additional mitigation beyond the measures
27 that constitute the Revised Project are available to reduce emissions of toxic air
28 contaminants (TACs), and hence health risk impacts, below the thresholds. Accordingly,
29 impacts of emissions of TAC for cancer risk at occupational receptors at the CS Terminal
30 would remain significant and unavoidable.

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

35 **ES.3.2.2 Summary of Less than Significant Impacts**

36 This Draft SEIR has determined that implementation of the Revised Project would result
37 in a less than significant impact on:

38 **Air Quality**

39 The Revised Project's emissions of all criteria pollutants except CO, VOC, and NO_x
40 would not exceed SCAQMD significance thresholds in any future year. Accordingly, the
41 Revised Project's impacts related to PM₁₀, PM_{2.5}, and SO_x would be less than significant.

42 The Revised Project would not result in exceedances of pollutant concentrations of NO₂,
43 PM_{2.5}, CO or SO₂. Accordingly, the Revised Project's impacts related to those pollutants
44 would be less than significant.

1 The Revised Project's emissions would not result in individual cancer risks for residential
2 or sensitive receptors, for acute or chronic non-cancer health effects, or for cancer burden
3 that exceed thresholds of significance. Accordingly, the Revised Project's impacts related
4 to cancer risk at residential receptors and those other health indices would be less than
5 significant.

6 **Greenhouse Gas Emissions**

7 The Revised Project would result in GHG emissions in excess of 10,000 mty CO₂e in all
8 operational years even after the application of the mitigation measures applied in the
9 2019 SEIR, as revised in this Draft RSEIR (see Table ES-1), a new air quality mitigation
10 measure (MM AQ-31, described below), and MM GHG-1 (LED Lighting).

11 For the impacts related to GHG emissions, lease measure LM GHG-1 (GHG Credit
12 Fund) has been converted to a mitigation measure, MM GHG-2 (GHG Reduction Offsets,
13 described below). This measure requires the annual purchase and retirement of offset
14 credits for GHG emissions in excess of the significance threshold of 10,000 tons of CO₂e
15 per year. After implementation of this measure, impacts of GHG emissions would be less
16 than significant.

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

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

34 While the LAHD Greenhouse Gas Program is currently under development, the
35 Tenant shall purchase and retire carbon offsets from a CARB-recognized offset
36 registry as follows:

37 **Carbon offsets:** The Tenant shall purchase and retire carbon offsets from a
38 CARB-recognized registry to ensure that offsets will result in real, permanent,
39 additional, quantifiable, verifiable, and enforceable reductions. The carbon
40 offsets shall be verifiable by the City and enforceable in accordance with the
41 registry's applicable standards, practices, or protocols.

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

- 44 i. Originating within the local area;

- 1 ii. Originating within the South Coast Air Basin;
- 2 iii. Originating within the state of California; or
- 3 iv. If sufficient local and in-state offsets are not available, the Tenant shall
- 4 purchase conforming national offsets registered with a CARB-
- 5 recognized registry.

6 **Adjustment of Tenant’s Required Offsets through Other Verified GHG**
7 **Emission Reductions:** The Tenant may pursue the following modifications to
8 the Project’s total estimated GHG emissions identified in this measure. These
9 modifications may be pursued in conjunction with or independent of each other
10 on an up to annual basis.

11 a. *Adjustment in GHG Emissions*

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

29 or

30 b. *Implementation of Additional GHG Reduction Methods*

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

ES.3.2.3 Cumulative Impacts

Thirty-six related projects in the general area of the CS Terminal could contribute to impacts that could be cumulatively significant as defined by State CEQA Guidelines Section 15355(b). The Revised Project was analyzed in conjunction with those related projects for its potential to contribute to significant cumulative impacts. Cumulative impact evaluations for each resource are included in Chapter 4 of this Draft SEIR. The Revised Project would make cumulatively considerable contributions to significant cumulative impacts for air quality but not for greenhouse gases.

Air Quality

The Revised Project would make cumulatively considerable contributions to significant cumulative impacts related to Air Quality and Meteorology. All feasible mitigation would be applied to the Revised Project that would reduce the magnitude of impacts, but the Revised Project would, after mitigation, continue to make cumulatively considerable contributions to significant cumulative impacts related to emissions of carbon monoxide, nitrogen oxides, and volatile organic compounds, and to ambient offsite concentrations of NO₂ and PM₁₀.

The Revised Project would make a cumulatively considerable contribution to a significant cumulative impact with regard to cancer risk. Specifically, occupational receptors at the CS Terminal would experience cancer risk that would exceed 10 in a million relative to the future floating baseline. Because no other health risk index would, at the project level, represent a significant impact, the Revised Project's air emissions after mitigation would not result in cumulatively considerable contributions to significant cumulative impacts related to other health indices (residential cancer risk, chronic and acute hazard indices, and population cancer burden).

Greenhouse Gas Emissions

The Revised Project's future emissions of greenhouse gases (GHGs) would exceed applicable significance criteria. Accordingly, the Revised Project would, before mitigation, make a cumulatively considerable contribution to a significant cumulative impact. However, MM GHG-2, requiring the Tenant to purchase and retire GHG offset credits equivalent to those emissions, would reduce the Revised Project's impacts under CEQA to less than significant. Accordingly, after mitigation, the Revised Project would not make a cumulatively considerable contribution to a significant cumulative impact.

ES.3.3 Informational Disclosure Related to Past Periods of Non-Compliance With Mitigation Measures

For informational purposes, Revised Project emissions and offsite ambient air pollutant concentrations in the two periods of non-compliance exceeded SCAQMD significance thresholds in several past years.

- Emissions of carbon monoxide (CO) exceeded the threshold in analysis years 2014, 2018, 2021, 2022, and 2023. Emissions of nitrogen oxides (NO_x) exceeded the threshold in 2014 and 2020 through 2023. Emissions of volatile organic compounds (VOC) exceeded the threshold in 2014 and 2021 through 2023.

- 1 Emissions of particulate matter less than 10 micrometers in diameter (PM₁₀)
2 exceeded thresholds in analysis year 2022.
- 3 • Offsite ambient concentrations of NO₂ exceeded the federal 1-hour standard in
4 2012, 2014, 2018, and 2020 through 2023 and the state 1-hour and annual
5 standards in 2014 and 2021 through 2023. Offsite ambient PM₁₀ concentrations
6 exceeded the 24-hour average standard in 2012, 2014, and 2020 through 2023
7 and the annual average standard in 2014 and 2020 through 2023. Offsite ambient
8 PM_{2.5} concentrations exceeded the 24-hour average standard in 2022 and 2023.
9 No other exceedances of air quality standards for offsite concentrations occurred
10 in the periods of non-compliance.

Table ES-2: Summary of Potential Significant Impacts and New or Updated Mitigation for the Revised Project

Environmental Impacts	Impact Determination	New or Updated Mitigation Measures	Impacts after Mitigation
3.1 Air Quality and Meteorology			
AQ-3: Would the Revised Project would result in operational emissions that exceed an SCAQMD threshold of significance in Table 3.1-6?	Impacts of CO and VOCs emissions would be significant in 2026, 2036, and 2045 and of NOx in analysis years 2026 and 2036.	2008 Updated MM AQ-9: Alternative Maritime Power. 2008 Updated MM AQ-10: Vessel Speed Reduction Program. 2019 MM AQ-15: Yard Tractor Emission Standards. 2019 MM AQ-17. Cargo-Handling Equipment. New MM AQ-31 At-Berth Regulations. 2019 LM AQ-1: Cleanest Available CHE. 2019 LM AQ-2: Priority Access for Drayage. 2019 LM AQ-3: Zero-Emission Equipment Demonstration and Feasibility Assessment.	Significant and unavoidable.
AQ-4: Would Revised project operations result in off-site ambient air pollutant concentrations that exceeds a SCAQMD threshold of significance in Table 3.1-10?	The impacts of NO ₂ (federal 1-hour) would be significant in 2026 and of PM ₁₀ (24-hour and annual average) in 2026 through 2045.	2008 Updated MM AQ-9: Alternative Maritime Power. 2008 Updated MM AQ-10: Vessel Speed Reduction Program. 2019 MM AQ-15: Yard Tractor Emission Standards. 2019 MM AQ-17. Cargo-Handling Equipment. New MM AQ-31: At-Berth Regulations. 2019 LM AQ-1: Cleanest Available CHE. 2019 LM AQ-2: Priority Access for Drayage. 2019 LM AQ-3: Zero-Emission Equipment Demonstration and Feasibility Assessment.	Significant and unavoidable.
AQ-7: Would the Revised Project expose receptors to significant levels of TACs?	Operations would result in significant cancer risk impacts for occupational receptors.	2008 Updated MM AQ-9: Alternative Maritime Power. 2008 Updated MM AQ-10: Vessel Speed Reduction Program. 2019 MM AQ-15: Yard Tractor Emission Standards. 2019 MM AQ-17. Cargo-Handling Equipment. New MM AQ-31: At-Berth Regulations. 2019 LM AQ-1: Cleanest Available CHE. 2019 LM AQ-2: Priority Access for Drayage. 2019 LM AQ-3: Zero-Emission Equipment Demonstration and Feasibility Assessment.	Significant and unavoidable.
3.2 Greenhouse Gases			
GHG-1: Would the Revised Project generate GHG emissions, either directly or indirectly that would exceed the SCAQMD 10,000 mty CO _{2e} threshold?	Significant in all analysis years from 2026 to 2045	2008 MM GHG-1: LED Lighting. New MM GHG-2: GHG Reduction Offsets.	Less than significant.

1

1 **ES.4 Public Comment Issues Raised**

2 During the NOP scoping process, individuals and organizations provided comments on
3 the scope and content of the Draft RSEIR. The NOP scoping period lasted from August
4 22, 2024 until September 20, 2024. Five comment letters were received (California Air
5 Resources Board, Los Angeles Unified School District, Los Angeles Department of
6 Transportation, Native American Heritage Commission, and Natural Resources Defense
7 Council et al.).

8 Key comments urged the LAHD to apply all feasible mitigation, including measures that
9 go beyond those in both the 2008 EIS/EIR and the 2019 SEIR, to disclose the actual
10 emissions that occurred between 2008 and 2024, to deploy the lowest-emission
11 technologies possible, and to evaluate and mitigate impacts on schools.

12 **ES.5 Issues to be Resolved**

13 Section 15123(b)(3) of the state CEQA Guidelines requires that an EIR contain issues to
14 be resolved; this includes whether or how to mitigate significant impacts. The major
15 issues to be resolved include decisions by the lead agency as to whether:

- 16 • This Draft RSEIR adequately describes the environmental impacts of the Revised
17 Project,
- 18 • The Revised Project complies with the Writ.
- 19 • The recommended mitigation and lease measures should be adopted or modified,
- 20 • Additional mitigation measures need to be applied to the Revised Project,
- 21 • The Revised Project should or should not be approved for implementation.