

ATTACHMENT C

RESOLUTION NO. 25-_____

A Resolution of the South Coast Air Quality Management District (South Coast AQMD) Governing Board determining that the development and implementation of the charging and fueling infrastructure plans in accordance with the proposed Cooperative Agreement between South Coast AQMD and the Ports of Long Beach and Los Angeles (Cooperative Agreement) qualify as later activity within the scope of the programs approved earlier for the 2022 and 2016 Air Quality Management Plans (AQMPs) per California Environmental Quality Act (CEQA) Guidelines Section 15168(c), and the Final Program Environmental Impact Report (EIR) for the 2022 AQMP and the Final Program EIR for the 2016 AQMP adequately describe the activity for the purposes of CEQA such that no new environmental document is required.

A Resolution of the South Coast AQMD Governing Board determining that the cost recovery provisions in the Cooperative Agreement are exempt from the requirements of CEQA.

A Resolution of the South Coast AQMD Governing Board determining that the creation of the Clean Air Mitigation Fund in the Cooperative Agreement is not a project as defined by CEQA.

A Resolution of the South Coast AQMD Governing Board authorizing the Executive Officer to execute the Cooperative Agreement.

WHEREAS, on July 31, 2025 the Mayors of the City of Los Angeles and the City of Long Beach addressed a letter to the South Coast AQMD Governing Board requesting negotiation of a proposed “cooperative enforceable agreement” to address sources of air pollution associated with port operations, expressing support for development of zero-emissions infrastructure plans and envisioning that an ultimate agreement would contain “Clean Air Action Plan Plus (CAAP Plus) Measures,” and this letter helped spur negotiations to develop the Cooperative Agreement before the Governing Board in this Resolution;

WHEREAS, the South Coast AQMD Governing Board finds and determines that the development and implementation of charging and fueling infrastructure plans, and cost recovery provisions in the Cooperative Agreement are considered a "project" as defined by CEQA; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that establishing the Clean Air Mitigation Fund, which is a government funding mechanism without involving a commitment to any specific project that could result in a potentially significant physical impact on the environment, is not considered a “project” within the meaning of CEQA pursuant to CEQA Guidelines Section 15378(b)(4).

WHEREAS, the South Coast AQMD Governing Board finds and determines that: 1) the development and implementation of charging and fueling infrastructure plans implement a portion of Control Measure MOB-01 – Emission Reductions at Commercial Marine Ports, which was previously adopted in the 2016 and 2022 AQMPs, and Control Measure MOB-15 – Zero-Emission Infrastructure for Mobile Sources, which was previously adopted in the 2022 AQMP; 2) no subsequent EIR would be required pursuant to CEQA Guidelines Section 15168(c)(2) because there are no new or modified physical changes that are expected to result from the development and implementation of charging and fueling infrastructure plans which were not previously analyzed for Control Measures MOB-01 and MOB-15 either in the Final Program EIR for the 2022 AQMP and/or the Final Program EIR for the 2016 AQMP, as applicable; and 3) the Final Program EIR for the 2022 AQMP and the Final Program EIR for the 2016 AQMP can be relied on for CEQA compliance; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that the development and implementation of the charging and fueling infrastructure plans is a later activity within the scope of the programs approved earlier in the 2022 AQMP and the 2016 AQMP as set forth in CEQA Guidelines Section 15168(c)(2), and the Final Program EIR for the 2022 AQMP and the Final Program EIR for the 2016 AQMP adequately describe and analyze the activities associated with development and implementation of charging and fueling infrastructure plans for the purposes of CEQA such that no new environmental document is required; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that, based on substantial evidence in the record and in accordance with the noticing requirements in CEQA Guidelines Section 15168(e), the development and implementation of the charging and fueling infrastructure plans qualify as a later activity within the scope of the programs approved earlier for the 2022 AQMP and 2016 AQMP, and the Final Program EIR for the 2022 AQMP and the Final Program EIR for the 2016 AQMP adequately describe the activity for the purposes of CEQA; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that, after conducting a review of the cost recovery provisions in the Cooperative Agreement in accordance with CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA, and CEQA Guidelines Section 15061 – Review for Exemption, that the cost recovery provisions in the Cooperative Agreement are statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15273 because they establish fees for the purpose of meeting operating expenses; and

WHEREAS, the South Coast AQMD staff has prepared a Notice of Exemption for the cost recovery provisions in the Cooperative Agreement, that is completed in compliance with CEQA Guidelines Section 15062 – Notice of Exemption; and

WHEREAS, the Cooperative Agreement requires the Ports of Long Beach and Los Angeles to plan for, and implement projects to develop charging and fueling

infrastructure under specific schedules, and that those plan development schedules may be delayed if additional CEQA and/or National Environmental Policy Act (NEPA) documentation is needed at that time; and

WHEREAS, the South Coast AQMD Governing Board has determined that no socioeconomic impact assessment is required by Health and Safety Code Section 40440.8(a) since approving the Cooperative Agreement is not adopting or amending a rule or regulation; and

WHEREAS, the South Coast AQMD Governing Board obtains its authority to enter into the Cooperative Agreement from Health and Safety Code Sections 40701(f) and 40702 ; and

WHEREAS, the South Coast AQMD Governing Board has determined that the Cooperative Agreement is consistent with the objective of AQMP Control Measure MOB-01, including Proposed Rule 2304 – Commercial Marine Ports, for sources at the Ports of Long Beach and Los Angeles that are covered under the Cooperative Agreement; and

WHEREAS, Health and Safety Code Sections 40913, 40914, and 40920.5 require pursuit of all feasible measures, including regulatory and/or non-regulatory measures, to achieve and maintain state air quality standards, and this Cooperative Agreement is a non-regulatory measure to facilitate emission reductions from port-related mobile sources; and

WHEREAS, staff from the Ports of Long Beach and Los Angeles have committed to continue to negotiate with the South Coast AQMD in good faith for additional CAAP Plus measures that have not yet been incorporated as part of the Cooperative Agreement, with a goal of concluding those negotiations with a proposed update to the Cooperative Agreement by Spring 2026; and

WHEREAS, upon direction of the South Coast AQMD Governing Board's Mobile Source Committee on September 19, 2025, South Coast AQMD committed to bring the Cooperative Agreement to South Coast AQMD Governing Board in November 2025, hold a public update meeting, and not release the Proposed Rule 2304 – Commercial Marine Ports (PR 2304) 75-day rule package; and

WHEREAS, upon direction of the South Coast AQMD Governing Board on October 3, 2025, South Coast AQMD has committed to continuing to negotiate with the staff from the Ports of Long Beach and Los Angeles in good faith for additional CAAP Plus measures that have not yet been incorporated as part of the Cooperative Agreement, continuing to solicit public input to inform the development of these measures including through additional public meetings, providing periodic updates to the South Coast AQMD Governing Board's Mobile Source Committee, with a goal of concluding those negotiations with a proposed update to the Cooperative Agreement by Spring 2026; and

WHEREAS, the South Coast AQMD staff has conducted public outreach for the Cooperative Agreement, including two public meetings, weekly virtual office hours, a public comment period to receive written comments, as well as more than 25 public

meetings between February 2022 to June 2025 during the development of Proposed Rule 2304, all of which informed the Cooperative Agreement; and

WHEREAS, the Ports of Long Beach and Los Angeles have scheduled the Cooperative Agreement to be approved by their respective Board of Harbor Commissioners on November 10, 2025 and November 20, 2025, respectively; and

WHEREAS, the South Coast AQMD Governing Board has an interest in creating conditions for sustained and effective collaboration with the Ports of Long Beach and Los Angeles, and seeks to allow the Cooperative Agreement and upcoming negotiations over additional CAAP Plus measures to succeed, and

WHEREAS, the South Coast AQMD Governing Board has exclusive authority to direct staff to pursue rulemaking or other measures as it deems necessary and appropriate to address air pollution as allowed under state law; and

WHEREAS, the Cooperative Agreement includes an exit clause such that the South Coast AQMD Governing Board has discretion to terminate the Cooperative Agreement for any reason with a 45-day notice, but which the South Coast AQMD Governing Board does not have an interest to invoke unless the implementation of the Cooperative Agreement is unsuccessful, and

WHEREAS, the South Coast AQMD Governing Board specifies the Planning and Rules Manager overseeing the negotiations for the Cooperative Agreement as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of this Cooperative Agreement is based, which are located at the South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, California; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the South Coast AQMD Governing Board does hereby determine, pursuant to the authority granted by law, that: the development and implementation of charging and fueling infrastructure plans in accordance with the Cooperative Agreement qualify as a later activity within the scope of the programs approved earlier for the 2022 AQMP and 2016 AQMP per CEQA Guidelines 15168(c), and the Final Program EIR for the 2022 AQMP and the Final Program EIR for the 2016 AQMP adequately describe the activity for the purposes of CEQA such that no new environmental document is required; the cost recovery provisions in the Cooperative Agreement are statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15273; and the Clean Air Mitigation Fund, which is a government funding mechanism without involving a commitment to any specific project that could result in a potentially significant physical impact on the environment, is not considered a “project” within the meaning of CEQA pursuant to CEQA Guidelines Section 15378(b)(4). This information was presented to the South Coast AQMD Governing Board, whose members exercised their independent judgement and reviewed, considered, and approved the information therein prior to executing the Cooperative Agreement; and

BE IT FURTHER RESOLVED the South Coast AQMD Governing Board directs staff, during the five-year term of the Cooperative Agreement, to not pursue any

new rulemaking that meets the objective of AQMP Control Measure MOB-01, including PR 2304, for sources at the Ports of Long Beach and Los Angeles that are covered under the Cooperative Agreement, unless the Cooperative Agreement is terminated before five years; and

BE IT FURTHER RESOLVED, the South Coast AQMD Governing Board directs staff to report to the South Coast AQMD Governing Board at one of its meetings before April 2028, also three months after the first Annual Report provided by the Ports of Long Beach and Los Angeles, and also every 12 months thereafter, on the status of implementation of the Cooperative Agreement; and

BE IT FURTHER RESOLVED, the South Coast AQMD Governing Board directs staff to conduct an analysis of potential emissions benefits if charging and fueling infrastructure included in port plans is used for zero-emissions and other alternatively-fueled mobile sources, and to present that analysis publicly to the Mobile Source Committee after each approved plan or plan modification is received from the Ports; and

BE IT FURTHER RESOLVED, that the South Coast AQMD Governing Board does hereby authorize the Executive Officer to execute the Cooperative Agreement between South Coast AQMD and the Ports of Long Beach and Los Angeles as set forth in the attached, and incorporated herein by reference; and

BE IT FURTHER RESOLVED, the South Coast AQMD Governing Board directs staff to recommend to the South Coast AQMD Governing Board, before the end of the term of the Cooperative Agreement, to either extend, amend, or create a new Cooperative Agreement, or to pursue rulemaking.

DATE: _____

CLERK OF THE BOARDS