## **CITY OF LOS ANGELES**

# INTER-DEPARTMENTAL CORRESPONDENCE

DATE: September 3, 2025

TO: Honorable Members of the Los Angeles City Council

FROM: EUGENE D. SEROKA, Executive Director

**Harbor Department** 

SUBJECT: CALIFORNIA ENVIRONMENTAL QUALITY ACT APPEAL AND

CERTIFICATION OF FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR WEST HARBOR MODIFICATION PROJECT (APP NO. 190529-080; SCH No. 2005061041) (BOARD OF HARBOR COMMISSIONERS RESOLUTION NO. 25-10569 AND COUNCIL FILE NO.

25-0781)

## **SUMMARY:**

At a noticed meeting on June 26, 2025, the Board of Harbor Commissioners (Board) of the Los Angeles Harbor Department (LAHD), acting pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., approved Resolution No. 25-10569, certifying a Final Subsequent Environmental Impact Report (Final SEIR) for the West Harbor Modification Project (Project) and approving the Project. The Project consists of developing an approximately 100,000-square-foot area into a 6,200-person outdoor amphitheater with a lawn seating area, expanding the previously assessed 100-foot Ferris wheel to a 175-foot Ferris wheel, and developing the parking lot at 208 E. 22nd Street to accommodate up to 2,600 spaces. Approved operations at the site anticipate up to 100 ticketed events and up to thirteen firework displays annually, although it is anticipated that the number of firework events will be the subject of a lease measure limiting the total number of potential displays to eight (five firework displays sponsored by the Tenant and three for Port of Los Angeles [Port] sponsored displays).

The Board also adopted the Findings of Fact (FOF) and Statement of Overriding Considerations (SOC), Mitigation Monitoring and Reporting Program (MMRP) and approved the West Harbor Modification Project (Project), including all feasible mitigation measures and Project features set forth in the SEIR, with consideration of the FOF, SOC and the MMRP.

The Board's decision to certify the Final SEIR has been appealed to the Los Angeles City Council (Council), pursuant to CEQA, by UNITE HERE Local 11 (Local 11) (Attachment

1). Responses to the issues raised in the appeal are provided in the Appeal Response Report (Attachment 2).

In this action, the Council will need to independently review and consider the Final SEIR and, if deemed adequate under CEQA, certify the Final SEIR, adopt specific Findings of Fact and Statement of Overriding Considerations regarding the significant environmental impacts of the Project and mitigation measures to reduce or avoid such impacts, and adopt the MMRP. The review by Council is de novo, that is, the Council should consider the Final EIR as if it were being considered for the first time.

## **RECOMMENDATION:**

LAHD staff has carefully reviewed the Appeal Letter submitted by Local 11. The record does not support their arguments that LAHD staff or the Board violated CEQA or any other pertinent law or regulation in certifying the Final SEIR and approving actions based on the Final SEIR. Additionally, Local 11 had previously provided written comments to the Draft Subsequent Environmental Impact Report (Draft SEIR). These written comments were the subject of formal responses to comments which are attached hereto in their totality (Attachment 3 [Chapter 2: Responses to Comments]).

Based on the administrative record, including but not limited to the Local 11 Appeal Letter, this Summary Staff Report and the Appeal Response Report, the Project Final SEIR, FOF, SOC, MMRP and public comment and testimony, LAHD recommends that the Council take the following actions:

- 1. DENY all appeals on the grounds set forth herein;
- 2. CERTIFY that the Final SEIR for the West Harbor Modification Project (a) has been completed in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code §21000 et seq.), with the State CEQA Guidelines (14 Cal. Code Regs. §15000 et. seq.), and the City of Los Angeles CEQA Guidelines; (b) was presented to the Council for review and the Council considered the information contained in the Final SEIR prior to certifying the project; and (c) reflects the independent judgment and analysis of the Council, and that all required procedures have been completed;
- FIND that, in accordance with the information contained in the Final SEIR, the Project will have significant environmental effects on air quality, greenhouse gas emissions, noise, and transportation as defined by Public Resources Code Sections 21068 and 21082.2, and the State CEQA Guidelines, Sections 15064, 15064.4, 15064.5, and 15382;

4. FIND that, in accordance with the provisions of State CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological, or other considerations, make infeasible certain mitigation measures such that some environmental impacts remain significant and unavoidable;

- 5. FIND that all information added to the Final SEIR after public notice of the availability of the Draft SEIR for public review but before certification, merely clarifies, amplifies, or makes insignificant modifications in an adequate Environmental Impact Report and recirculation is not necessary;
- 6. FIND that, in accordance with Public Resources Code Section 21081(b) and State CEQA Guidelines Section 15093, the benefits of the Project outweigh the significant and unavoidable environmental impacts;
- 7. ADOPT the Findings of Fact and Statement of Overriding Considerations;
- 8. ADOPT the MMRP as required by Public Resources Code, Section 21081.6. The MMRP is designed to ensure compliance with the mitigation measures adopted to avoid or lessen significant effects on the environment, and identifies the responsibilities of the Harbor Department, as lead agency, to monitor and verify project compliance with those mitigation measures; and
- 9. ADOPT the recommendations of the Board of Harbor Commissioners from its regular meeting held June 26, 2025, relating to the West Harbor Modification Project.

## **BACKGROUND:**

On September 29, 2009, the Board certified the San Pedro Waterfront Project (SPW) Environmental Impact Statement/Environmental Impact Report (2009 SPW EIS/EIR) which described a project to redevelop the waterfront area for increased public access and provide connections between the waterfront and the San Pedro community. This initial vision of the project analyzed 36 different project elements that largely fell within three distinct categories: i) a cohesive, interconnected network of promenades, harbors, open space and linkages designed to better connect the waterfront with downtown and surrounding communities; ii) new development, redevelopment, cultural attractions and modifications to existing tenant facilities, including development of the new cruise facilities and Ports O' Call; and iii) transportation improvements for vehicles and pedestrians.

In May of 2016, the Board considered the 2016 San Pedro Public Market Addendum which refined the project to include development of a smaller building footprint, the inclusion of a portion of the Town Square originally evaluated in the 2009 SPW EIS/EIR, reconfiguration of the waterfront promenade and extension of the lease term from 30 years to 50 years. This project approval included a 500-person concert space, a 100-ft Ferris wheel and amusement attractions. In November 2019, a second addendum to the

2009 SPW EIS/EIR was prepared to extend the duration of the lease for an additional 16 years. To date, substantial progress has been made towards the development, construction and finalization of many of the improvements which were the subject of these previous approvals.

On June 26, 2025, the Board certified the Final SEIR for the West Harbor Modification Project (SCH No. 2005061041) that analyzes the Project. In certifying the Final SEIR, the Board adopted a Mitigation Monitoring and Reporting Program that imposed 28 mitigation measures and Project features, including additional measures beyond those required by the original 2009 SPW EIS/EIR.

## **ENVIRONMENTAL ASSESSMENT:**

CEQA Lead Agency Responsibilities – The Los Angeles Harbor Department is the CEQA lead agency for the Project. As such, the Board was responsible for reviewing and considering the Final SEIR (Attachment 3) and, at its discretion, certifying that the Final SEIR has been completed in accordance with CEQA, including the State CEQA Guidelines and the Los Angeles City CEQA Guidelines. In doing so, the Board found that the information contained in the Final SEIR reflects the independent judgment and analysis of the Harbor Department. Certification of the Final SEIR must precede the project approval. Accordingly, the Board independently reviewed and certified the Final SEIR as adequate under CEQA; adopted the FOF and SOC for the Project (Attachment 4) and the feasibility of mitigation measures and alternatives; and adopted a MMRP (Attachment 5). LAHD requests that the Council, exercising its independent review, adopt the recommendations contained in this report thereby denying the appeal and upholding the decisions of the Board.

<u>Purpose of the SEIR</u> – A subsequent EIR, as its name implies, includes substantial change to an EIR that has already been certified for a project. The purpose of a subsequent EIR is to provide additional analysis of changes to the original project. A subsequent EIR does not "re-open" a previously certified EIR or reanalyze the environmental impacts of the project as a whole; the analysis is limited to whether the project changes result in new or substantially more severe impacts.

Scope and Content of the SEIR – The Final SEIR incorporates and alters the 2009 SPW EIS/EIR where mitigation measures have been modified, and information updated as it relates to the Project. Resource areas addressed in the scope of the Final SEIR include Aesthetics, Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation, Tribal Cultural Resources, and Public Services. The scope of the Final SEIR was also established based on the Initial Study prepared pursuant to CEQA, comments received during the Notice of Preparation (NOP) process and comments received on the Draft SEIR.

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

<u>Environmental Documentation Process and Public Involvement</u> – The Project was subject to the required environmental documentation process that included public disclosure as required by CEQA. The procedural steps of the process are described below.

1. Notice of Preparation – In accordance with the Los Angeles City CEQA Guidelines, Article VI, Section 1.5, and the State CEQA Guidelines, Section 15082, the responsible agencies, participating City agencies, and other concerned parties were consulted through an NOP released on April 14, 2022 and public scoping meeting held on May 15, 2022 via Zoom. Six comments were received during the scoping meeting, all in support of the Project, and a total of twenty-three written comment letters were received from various agencies and the public during the comment period, which closed on June 15, 2022. Eighteen comment letters were in support of the Project.

Copies of the NOP were available for review online at <a href="https://www.portoflosangeles.org/ceqa">www.portoflosangeles.org/ceqa</a> and at the Harbor Department's Environmental Management Division office.

2. <u>Draft SEIR</u> – The Draft SEIR was released for public review on November 6, 2024. The document was made available on the Port's website and notices were mailed and emailed to over 100 interested parties. Additionally, the Draft SEIR was uploaded to the State Clearinghouse (SCH) with notifications of availability sent to State Reviewing Agencies. The 45-day comment period was extended to a 65-day comment period per public request and closed on January 10, 2025.

Public notices of availability stating that the Draft SEIR was available for review were published in six newspapers: Los Angeles Times, Torrance Daily Breeze, Long Beach Press Telegram, Random Lengths, Metropolitan News Enterprise, and HOY.

A public hearing was held on November 14, 2024, via Zoom to present the findings of the environmental analysis and accept oral comments. Twenty-four oral comments were received at the public hearing. A total of 232 written comments were received from various agencies and the public during the 65-day public comment period, 174 of which were in support and 59 of which expressed concern about the Project's impacts.

3. <u>Responses to Comments</u> – As required by Public Resources Code Section 21092.5, all public responsible and trustee agencies who commented on environmental issues in the Draft SEIR were provided with proposed responses to

those comments at least 10 days prior to the Final SEIR being submitted to the Board for certification.

4. <u>Final SEIR</u> – In accordance with the Los Angeles City CEQA Guidelines, Article I, and the State CEQA Guidelines, Section 15088, comments received on the Draft SEIR were evaluated. The comment letters, public meeting transcript, and responses to comments, along with minor modifications to the Draft SEIR are presented in the Final SEIR. The Final SEIR was completed in May 2025, and a noticed public meeting was held.

<u>Findings and Conclusions</u> – The Final SEIR transmitted herewith identifies major findings and conclusions, including a discussion of areas of environmental concern, feasible mitigation measures and unavoidable impacts. The discussion below summarizes the proposed FOF and SOC for the Council's consideration. References to "MM-" are to mitigation measures that are fully described in the MMRP (Attachment 5).

- 1. Areas of Environmental Concern Through the public review process, 232 comment letters were received during the public review period and 24 comments were presented at the public hearing held on November 14, 2024. This section summarizes the key areas of environmental concern expressed by commenters and the Harbor Department's resolution of the issues. Detailed responses to all comments received on the document are included in Chapter 2, Responses to Comments, of the Final SEIR (Attachment 3).
  - a. Air Quality Impacts Commenters criticized the Draft SEIR's analysis of air quality impacts from the use of Fireworks. The comments stated that the use of fireworks will create air and water pollution. In response to these and similar comments, MM-NOI-11 through MM-NOI-14 were altered to reflect a reduction in the use of fireworks from 25 displays up to 20 minutes in duration, to a total of 13 displays, eleven of which will be up to 10 minutes in duration and two of which will be permitted up to 20 minutes in duration and to encourage the use of drone displays to replace fireworks displays. Additionally, firework displays will be subject to the pollution reduction management practices outlined in the LA Regional Water Quality Control Board (LARWQCB) General Fireworks Permit for firework discharge, which outlines acceptable firework materials, discharge management and cleanup requirements.
  - b. Biological Impacts Commenters criticized the evaluation of noise impacts on local marine wildlife including marine mammals and California Least Terns, as well as the input of trash into the harbor because of events. The use of fireworks and amplified sound were analyzed and determined to have potential for significant impacts on marine mammals. As a result, the following Project features (PF) and mitigation measures (MM) were included in the Final SEIR to reduce noise impacts to wildlife: PF-NOI-1, MM-NOI-3, MM-NOI-4, MM-NOI-8, MM-NOI-10 through MM-NOI-14, MM-BIO-8 and MM-BIO-9. Additionally,

the mitigation measures MM-BIO-7 and MM-BIO-10 will be implemented to prevent trash from entering local waterways and impacting marine wildlife.

- c. Greenhouse Gas Impacts Commenters criticized the greenhouse gas emissions (GHG) projections and proposed mitigation. The CEQA threshold for GHG impacts is to determine whether the project would conflict with any plans, policies, or regulations adopted for the purposes of reducing GHG emissions or increasing the severity of impacts considered in the prior documents. The 2009 SPW EIS/EIR conservatively established a threshold of significance for GHG emissions of any increase beyond the CEQA baseline. It therefore determined that SPW activities would have a significant impact on GHG emissions and implemented mitigation measures to reduce potential impacts. This Final SEIR found that even though no new or substantially more severe significant impacts would occur, considering the implementation of mitigation measures, the 2009 SPW EIS/EIR finding of a significant impact remains unchanged for the Project. Despite not having new significant impacts, the PF-GHG-1 requires the tenant to install solar canopies over the main West Harbor parking lot in an effort to offset any GHG impacts.
- d. Noise Impacts Commenters criticized the evaluation of noise impacts related to amphitheater operations and fireworks displays. Comments typically highlighted the frequency of proposed performances (100 events annually) as well as the proposed decibel limit of 100 dBA and local experiences with past performances in the harbor which occurred at a different location with less specialized sound systems. The Draft SEIR analysis in Chapter 3.8, Noise provided sound modeling data that accounted for the local topography, variations in atmospheric conditions, and proposed decibel limits. As a result, PF-NOI-1 and MM-NOI-3 through MM-NOI-10 have been included to reduce impacts on neighboring communities. Prior events taking place in the harbor have had less stringent requirements due to their temporary nature. Events taking place at the amphitheater will be subject to the use of specialized soundfocusing equipment, volume limits, penalties for violations, volume adjustments in response to a complaint hotline, and curfews as outlined in the mitigation measures. Commenters also expressed concern with noise generated by traffic increases due to events. As a result, clarifying information regarding project trip distribution was included in Section 3.2.5 of the Final SEIR and concluded that additional noise related to traffic would not be significant.
- e. Transportation Impacts Commenters criticized the analysis of traffic impacts in Chapter 3.9 Transportation, which concluded that the project would have significant and unavoidable impacts after the implementation of feasible mitigation. The transportation analysis procedure has changed since the prior document certification and is now an analysis of vehicle miles traveled (VMT) instead of level-of-service (LOS). As a result, the analysis of this Project was compared against a baseline of zero VMT. The VMT analysis based the

average trip length on comparable venues and multiplied this number by the average vehicle occupancy based on similar event data. The resulting VMT exceeded the threshold of zero for a regional-serving project. Comments received were concerned with congestion due to event-related traffic, pedestrian access, and effects on neighboring residential streets and alternate routes besides Harbor Boulevard. Operational deficiency evaluations (i.e. LOS) for intersections in the Project vicinity have also been added for informational purposes to the Final SEIR as Appendix G-2. The LOS analysis indicated that all intersections would operate at an acceptable LOS D or better during the commute peak hour on a weekday and the weekend afternoon peak hour during an event. These projected LOS results account for LAHD's improvement project at the State Route 47-Vincent Thomas Bridge interchange with Harbor Boulevard/Front Street currently under construction. This improvement project is also important for the Harbor Department's cruise facility, annual U.S. Navy Fleet Week and the upcoming 2028 Olympics. Additionally, MM-TRAN-1 will implement transportation management strategies to reduce event-related traffic and promote bicycle and pedestrian access and safety.

- f. Use of Artificial Turf Commenters criticized the proposed use of artificial turf rather than natural grass for the amphitheater lawn area. While an analysis of using artificial turf did not identify any significant CEQA impact, an analysis of utilizing natural grass as a potential substitute or replacement for the 50,000-square-foot amphitheater lawn area was performed and is included in Appendix K of the Final SEIR should the Tenant decide to incorporate natural grass in lieu of artificial turf. Significant impacts are not expected as a result of implementing either artificial turf or natural grass in the Amphitheater lawn area of the Project.
- 2. Mitigation Measures In accordance with the provisions of the Los Angeles City CEQA Guidelines, Article I, the State CEQA Guidelines Section 15091, and the information contained in the Final SEIR, changes or alterations have been required in, or incorporated into the Project as recommended for approval in the form of feasible mitigation which substantially lessen or avoid significant adverse environmental impacts identified in the Final SEIR.
  - Mitigation measures and Project features contained in the Final SEIR would be incorporated as appropriate in permits, such as engineering specifications, engineering construction permits, real estate entitlements, and/or Coastal Development Permits for the Project. All mitigation measures and Project features can be found in the MMRP.
- Overriding Considerations Pursuant to Public Resources Code Section 21081 and Section 15093 of the State CEQA Guidelines, the Board evaluated the benefits of the Project against unavoidable environmental risks in determining whether to

approve the Project. As detailed in the FOF, the Project would result in significant unavoidable impacts to air quality, biological resources, greenhouse gas emissions, noise, and transportation. The Project would also result in cumulatively considerable contributions to significant cumulative impacts on Air Quality and Greenhouse Gas Emissions. The following summarizes the benefits, goals, and objectives of the Project and provide the rationale for the benefits of the Project. These Project benefits include the following:

- Fosters economic growth, including jobs. The Project would augment local employment and business opportunities by directly supporting numerous short-term construction jobs, long-term operational jobs, and a variety of indirect jobs related to construction and operation. The Project would also support long-term economic growth by generating revenues to the Port over the operational life of the Project. During construction the West Harbor Project is estimated to support a total of approximately 1,360 jobs (one-year equivalent), labor income of \$107 million, and \$296 million in economic output. During ongoing operation, the West Harbor Project is estimated to support a total of approximately 1,700 jobs, labor income of \$88 million, and \$250 million in economic output (Kosmont Companies 2025).
- Implements the San Pedro Bay Clean Air Action Plan (CAAP). The Project incorporates Project-specific environmental features that are consistent with CAAP requirements, along with implementation of additional standards and mitigation measures, such as MM-AQ-31, identified through the CEQA findings that meet CAAP requirements and objectives (see Chapter 3.2, Air Quality and Chapter 3.5 Greenhouse Gas Emissions, of the Draft EIR).
- Updates previous Mitigation Measures from the 2009 SPW EIS/EIR. The Project would update previously adopted mitigation measures to reflect changes since their consideration. These improvements would not be implemented without this Project.
- Includes the 208 E. 22nd Street Parking Lot Improvement. The development of the 208 E. 22nd Street parking lot would support the overall development of the waterfront by providing additional parking and access.
- Optimizes land use. The Project seeks to improve this underutilized space through the enhancement and revitalization of the existing SPW area. By including a substantially larger outdoor Amphitheater and entertainment lawn venue/park space and additional attractions for visitors to the SPW area, the Project will optimize the provision of visitor-serving benefits from a valuable waterfront property resource, thereby promoting and maximizing public access to Public Trust lands. The Project also allows for more access and opportunities to enjoy the coast, which is consistent with the Coastal Act.

In summary, the Project would allow LAHD to meet its legal mandates to accommodate growing international commerce, while maintaining compliance with important environmental programs and policies. The Board certified that each of the benefits of the Project described above outweighs the significant and unavoidable environmental effects and are therefore considered acceptable.

4. <u>Unavoidable Significant Impacts</u> - Significant impacts as a result of the Project that could not be reduced below a level of significance are described in the FOF and SOC with findings for each impact. Impacts already determined to be significant and unavoidable by the 2009 SPW EIS/EIR that apply to this Project will remain significant and unavoidable, but the Project was determined to not create new or substantially more severe impacts when Project-specific mitigation is applied for some impact areas, including air quality, biological resources, and greenhouse gas emissions. With all feasible mitigation applied, the Project will have significant new impacts to noise and transportation.

Environmental Impact	Prior Determination (2009 SPW EIS/EIR)	New MM or PF Added in Final SEIR	Impacts of Project (After Mitigation)
Air Quality	Significant and Unavoidable	Yes	No new or substantially more severe impacts would occur
Biological Resources	Significant and Unavoidable	Yes	No new or substantially more severe impacts would occur
Greenhouse Gas Emissions	Significant and Unavoidable	Yes	No new or substantially more severe impacts would occur
Noise	Significant and Unavoidable	Yes	New significant impacts would occur
Transportation	Significant and Unavoidable	Yes	New significant impacts would occur

- 5. <u>Significant Impacts that can be Mitigated, Avoided, or Substantially Lessened</u> The following significant impacts can be reduced to below a level of significance under CEQA through implementation of mitigation measures as described in the FOF and SOC:
  - Cultural Resources
  - Hazards and Hazardous Materials
  - Hydrology and Water Quality
  - Public Services
  - Tribal Cultural Resources

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Additional changes added to the Final SEIR after the public review period are minor and merely clarify, amplify, or make minor modifications.

- 6. <u>Final SEIR Certification and Project Approval</u> In light of these findings and conclusions, staff recommends certification of the Final SEIR as prepared in accordance with CEQA and implementing guidelines and recommends approval of the Project and adoption of all feasible mitigation measures and Project features.
- 7. Implementation of Mitigation When making the CEQA findings required by Public Resources Code Section 21081(a), a public agency shall adopt a reporting or monitoring program in accordance with Public Resources Code Section 21081.6 for changes to the Project which it has adopted or made a condition of Project approval to mitigate or avoid significant effects on the environment. A MMRP was transmitted for Board consideration and adoption. In addition, should the Council deny the appeal and certify the project, the mitigation measures and Project features contained in the Final SEIR will be incorporated as appropriate in permits, such as engineering specifications, engineering construction permits, real estate entitlements, and/or Coastal Development Permits for the Project.
- 8. Record of Proceedings When making CEQA findings required by Public Resources Code Section 21081(a), 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.
- 9. Notice of Determination In accordance with Los Angeles City CEQA Guidelines, Article I, and the State CEQA Guidelines Section 15094, a Notice of Determination will be filed with the Office of Land Use and Climate Innovation and the County Clerk's Office after Project approval. Public Resources Code Section 21167(c) provides that any action or proceeding alleging that an EIR does not comply with the provisions of CEQA shall be commenced within 30 days after filing the Notice of Determination.

Therefore, the staff of LAHD requests that the Council deny the appeal, certify the Final Subsequent Environmental Impact Report and adopt the recommendations of the Board of Harbor Commissioners from its regular meeting held on June 26, 2025, relative to the West Harbor Modification Project.

## Attachments:

Attachment 1: Local 11 Appeal Letter Attachment 2: Appeal Response Report

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Attachment 3: Final SEIR, San Pedro Waterfront Project: West Harbor Modification Project | Certified June 26, 2025; West Harbor Modification Project – Final Subsequent Environmental Impact Report

Attachment 4: Findings of Fact and Statement of Overriding Considerations

Attachment 5: Mitigation Monitoring and Reporting Program

Attachment 6: CAPCOA Summarized Analysis Table

Attachment 7: Redacted Email Notification of Board Final SEIR Hearing Date