

6.0

ENVIRONMENTAL JUSTICE

6.1 Introduction

This environmental justice analysis is prepared in accordance with Executive Order 12898, Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, and with the Council on Environmental Quality’s (CEQ’s) *Guidance for Environmental Justice Under NEPA* (CEQ 1997). While Executive Order 12898 and CEQ Guidance for Environmental Justice are typically required only for federal actions pursuant to NEPA, LAHD includes this analysis in all EIRs to assess the potential for its actions to have disproportionately high and adverse environmental and health impacts on minority and low-income populations. This assessment is also consistent with California state law regarding environmental justice in accordance with PRC Sections 71110–71116.

After implementation of mitigation measures, the proposed Project would result in disproportionate effects on minority and low-income populations as a result of significant impacts related to construction noise and air quality.

6.1.1 Background

This Environmental Justice (EJ) chapter evaluates whether the proposed Project would result in disproportionately high and adverse human health or environmental impacts on minority and low-income populations. The following topics are discussed:

- Environmental Setting, including minority and low-income populations in the study area (data from the 2000 U.S. Census)
- Applicable EJ statutes, executive orders, and regulatory guidance
- The Public Outreach process and the provision of a Spanish translation to provide access to proposed project information as well as increased opportunities for public participation by potentially affected minority and low-income communities
- Impacts and Mitigation Measures covering significant impacts identified in Chapter 3, “Environmental Analysis,” Sections 3.1 through 3.13, and a discussion of how such impacts might disproportionately affect minority and low-income populations

- Cumulative Impacts, as applicable, when the proposed Project’s impacts are added to disproportionate impacts of other actions and activities in the study area

6.2 Environmental Setting

The proposed Project is located in the Port of Los Angeles near the San Pedro Community in the City of Los Angeles. For this assessment, the APE was determined in accordance with CEQ’s guidance for identifying the “affected community,” which requires consideration of the nature of likely proposed project impacts and identification of a corresponding unit of geographic analysis. Therefore, the environmental justice APE corresponds to the areas of effect associated with the specific environmental issues analyzed in this EIR. Areas of potential effect differ somewhat for each environmental issue. The cities of Los Angeles, Long Beach, and Carson, and the county of Los Angeles form part of the reference community. The reference community is used to determine whether a disproportionately high and adverse human health or environmental impact would be borne by low-income and/or minority populations in the affected community when compared to the general population in and around the proposed Project.

6.2.1 Minority and Low-Income Populations

Environmental justice guidance from CEQ (1997) defines “minority persons” as “individuals who are members of the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black (not of Hispanic origin); or Hispanic” (CEQ 1997:25). Hispanic (or Latino) refers to an ethnicity, whereas American Indian, Alaskan Native, Asian, Pacific Islander, and Black/African-American (as well as White or European-American) refer to racial categories; thus, for Census purposes, individuals classify themselves into racial as well as ethnic categories, where ethnic categories include Hispanic/Latino and non-Hispanic/Latino. The 2000 Census (which is the most current census for which data is available) allowed individuals to choose more than one race. For this analysis, consistent with guidance from CEQ as well as EPA, “minority” refers to people who are Hispanic/Latino of any race, as well as those who are non-Hispanic/Latino of a race other than White or European-American (CEQ 1997; EPA 1998, 1999a).

The same CEQ environmental justice guidance suggests low-income populations be identified using the national poverty thresholds from the Census Bureau (CEQ 1997). Guidance from EPA also suggests using other regional low-income definitions as appropriate (EPA 1998, 1999b). Due to the higher cost of living in southern California compared to the nation as a whole, a higher threshold is appropriate for the identification of low-income populations. For the purposes of this analysis, low-income people are those with a household income at or below 1.25 times the national Census poverty threshold. The 1.25 ratio is based on application of a methodology developed by the National Academy of Sciences (Citro and Michael 1995) and incorporates detailed data about fair market rents, over the period 1999–2007, for Los Angeles County from the U.S. Department of Housing and Urban Development (HUD 2007). Appendix X.1 of the HUD report contains a detailed description of the method used to derive the low-income definition.

To establish context for this environmental justice analysis, race and ethnicity (i.e., minority) and income characteristics of the population residing in the vicinity of the proposed project site were reviewed. Table 6-1 presents population, minority, and low-income status from the 2000 Census and the Los Angeles City Planning Department for Wilmington, San Pedro, Los Angeles County and the City of Los Angeles, and all of California. The table also presents similar data for other cities in the general vicinity of the Port. Los Angeles County is used as a comparison population because it is considered representative of the general population that could be affected by the proposed Project.

Table 6-1. Minority and Low-Income Populations

<i>Area</i>	<i>Total Population</i>	<i>Minority Population (%)</i>	<i>Low-Income Population (%)</i>
California	33,871,648	53.4	19.2
Los Angeles County	9,519,338	69.1	23.9
City of Los Angeles	3,694,834	70.4	29.1
San Pedro	76,028	55.3	22.5
Wilmington	72,215	87.1	32.2
<i>Nearby Cities</i>			
Carson	89,730	88.0	13.4
Lomita	20,246	46.4	15.5
Long Beach	461,522	66.9	29.8
Palos Verdes Estates	13,340	23.9	2.2
Rancho Palos Verdes	41,145	36.9	3.5
Rolling Hills	1,871	23.5	1.3
Rolling Hills Estates	7,676	29.4	3.3
Torrance	137,946	47.6	8.8
West Carson	21,138	70.7	13.3
Sources: U.S. Census Bureau 2000; Los Angeles Department of City Planning, 2011 (2000 Census data for Wilmington and San Pedro are defined based on Community Plan Areas).			

Table 6-1 shows that within the San Pedro community, minorities constitute 55.3% of the population, and low-income persons constitute 22.5% of the population. With the Wilmington community, minorities constitute 87.1% of the population, and low-income persons constitute 32.2% of the population. Thus, the communities closest to the proposed project site constitute a “minority population concentration” under CEQ guidance, which sets the threshold at 50%; and the Wilmington community also represents a low-income population when compared to the whole of Los Angeles City and County.

Figure 6-1 shows the percentage of minority residents in Census block groups near the San Pedro Community and the Port, and Figure 6-2 shows the percentage of low-

1 income residents in the same area. Table 6-2 presents data for the 59 Census tracts
 2 shown in Figures 6-1 and 6-2.

3 **Table 6-2.** Minority and Low-Income Characteristics by Census Tract in the
 4 Proposed Project Vicinity

<i>Census Tracts</i>	<i>Total Population</i>	<i>Minority Population (%)</i>	<i>Low-Income Population (%)</i>
2933.01	2,805	72.0	5.9
2933.02	4,720	75.7	11.9
2933.04	4,178	84.8	26.2
2933.06	2,189	55.0	14.5
2933.07	2,306	84.6	10.8
2941.10	4,140	93.6	25.8
2941.20	2,370	98.6	30.6
2942	4,951	93.5	18.5
2943.01	2,448	91.1	19.0
2943.02	4,754	94.0	33.8
2944.10	4,579	86.5	26.3
2944.21	2,950	91.3	28.1
2945.10	4,214	96.2	15.5
2945.20	3,564	97.3	40.5
2946.10	4,065	95.9	33.3
2946.20	4,219	98.5	27.9
2947.01	3,019	95.8	54.2
2948.10	3,991	98.4	37.9
2948.20	3,579	97.6	46.3
2948.30	3,707	96.9	55.1
2949	3,265	96.4	40.5
2951.03	4,875	38.7	11.3
2962.10	3,019	93.7	51.1
2962.20	4,307	87.0	51.0
2963	4,221	58.8	12.7
2964.01	3,191	40.9	9.2
2964.02	3,091	61.8	3.0
2965	3,910	86.8	39.4
2966	5,218	82.0	36.8

<i>Census Tracts</i>	<i>Total Population</i>	<i>Minority Population (%)</i>	<i>Low-Income Population (%)</i>
2969.01	4,127	75.6	23.6
2969.02	3,851	67.2	17.5
2970	5,343	39.1	4.2
2971.10	4,679	79.6	57.6
2971.20	3,315	81.6	32.2
2972.01	3,475	71.5	33.7
2972.02	3,423	49.7	12.4
2973	2,374	35.6	7.8
2974	3,603	24.8	4.9
2975	5,163	40.5	10.0
2976.01	2,594	49.9	16.7
2976.02	3,503	46.6	8.9
5436.02	7,762	79.2	7.4
5436.03	3,690	70.5	1.8
5436.04	5,620	90.9	9.2
5437.02	7,083	90.0	19.6
5437.03	3,472	89.9	16.5
5727	5,499	96.3	15.9
5728	839	74.7	81.7
5729	5,250	97.3	32.8
5755	76	69.7	100.0
6099	2,034	70.3	3.5
6510.01	5,522	58.6	8.6
6700.01	3,311	53.3	10.4
6700.02	4,001	61.3	9.9
6700.03	5,788	52.2	10.5
6701	6,659	58.3	11.8
6702.01	3,852	31.5	2.1
6705	1,860	25.9	1.7
6707.01	6,882	42.6	9.5
6707.02	5,477	27.5	5.9
9800.14	239	23.4	16.7
9800.15	554	80.3	81.3

<i>Census Tracts</i>	<i>Total Population</i>	<i>Minority Population (%)</i>	<i>Low-Income Population (%)</i>
9800.31	1,262	59.4	0.0
9800.33	61	42.6	-
Total Census Tract	240,088	72.4 (Average %)	21.0 (Average %)
Source: Census Bureau Summary File 1 & American Community Survey, 2010			

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2 **6.3 Applicable Regulations**

3 **6.3.1 Federal**

4 **6.3.1.1 Executive Order 12898**

5 In 1994, in response to growing concern that minority and/or low-income populations
6 bear a disproportionate amount of adverse health and environmental effects,
7 President Clinton issued Executive Order 12898 on Environmental Justice, formally
8 focusing federal agency attention on these issues. The Executive Order contains a
9 general directive that states that “each Federal agency shall make achieving
10 environmental justice part of its mission by identifying and addressing, as
11 appropriate, disproportionately high and adverse human health or environmental
12 effects of its programs, policies, and activities on minority populations and low-
13 income populations.”

14 The Executive Order authorized the creation of an Interagency Working Group
15 (IWG) on Environmental Justice, overseen by EPA, to implement the Executive
16 Order’s requirements. The IWG includes representatives of a number of executive
17 agencies and offices and has developed guidance for terms contained in the
18 Executive Order. EPA provides the following definitions:

19 **Environmental Justice:** The fair treatment and meaningful involvement of all
20 people regardless of race, color, national origin, or income with respect to the
21 development, implementation, and enforcement of environmental laws, regulations,
22 and policies. (EPA 2004, Section 2.2)

23 **Fair Treatment:** No group of people, including a racial, ethnic, or a socioeconomic
24 group, should bear a disproportionate share of the negative environmental
25 consequences resulting from industrial, municipal, and commercial operations or the
26 execution of federal, state, local, and tribal programs and policies. (EPA 2004,
27 Section 2.2)

28 **Meaningful Involvement:**

- 1 1. Potentially affected community residents have an appropriate opportunity to
2 participate in decisions about a proposed activity that will affect their
3 environment and/or health;
- 4 2. The public's contribution can influence the regulatory agency's decision;
- 5 3. The concerns of all participants involved will be considered in the decision
6 making process; and
- 7 4. The decision makers seek out and facilitate the involvement of those potentially
8 affected. (EPA 2004, Section 2.2)

9 **Disproportionately High and Adverse Effect:** An adverse effect or impact that: (1)
10 is predominately borne by any segment of the population, including, for example, a
11 minority population and/or a low-income population; or (2) will be suffered by a
12 minority population and/or low-income population and is appreciably more severe or
13 greater in magnitude than the adverse effect or impact that will be suffered by a non-
14 minority population and/or non-low-income population. (EPA 2004, Section 3.1)

15 Although the proposed Project is not subject to this federal regulation, the EJ analysis
16 in this EIR is prepared in accordance with its guidance.

17 6.3.2 State

18 6.3.2.1 PRC Sections 71110–71116

19 Environmental justice is defined by California state law as “the fair treatment of
20 people of all races, cultures, and incomes with respect to the development, adoption,
21 implementation, and enforcement of environmental laws, regulations, and policies.”

22 PRC Section 71113 states that the mission of CalEPA includes ensuring that it
23 conducts any activities that substantially affect human health or the environment in a
24 manner that ensures the fair treatment of people of all races, cultures, and income
25 levels, including minority and low-income populations of the state.

26 As part of its mission, CalEPA was required to develop a model environmental justice
27 mission statement for its boards, departments, and offices. CalEPA was tasked to
28 develop a Working Group on Environmental Justice to assist it in identifying any policy
29 gaps or obstacles impeding the achievement of environmental justice. An advisory
30 committee including representatives of numerous state agencies was established to assist
31 the Working Group pursuant to the development of a CalEPA intra-agency strategy for
32 addressing environmental justice. PRC Sections 71110–71116 charge CalEPA with the
33 following responsibilities:

- 34 ■ Conduct programs, policies, and activities that substantially affect human health
35 or the environment in a manner that ensures the fair treatment of people of all
36 races, cultures, and income levels, including minority populations and low-
37 income populations of the state.

- 1 ■ Promote enforcement of all health and environmental statutes within Cal/EPA’s
2 jurisdiction in a manner that ensures the fair treatment of people of all races,
3 cultures, and income levels, including minority populations and low-income
4 populations of the state.
- 5 ■ Ensure greater public participation in the agency’s development, adoption, and
6 implementation of environmental regulations and policies.
- 7 ■ Improve research and data collection for programs within the agency relating to
8 the health and environment of minority populations and low-income populations
9 of the state.
- 10 ■ Coordinate efforts and share information with EPA.
- 11 ■ Identify differential patterns of consumption of natural resources among people
12 of different socio-economic classifications for programs within the agency.
- 13 ■ Consult with and review any information received from IWG pursuant to
14 developing an agency-wide strategy for Cal/EPA.
- 15 ■ Develop a model environmental justice mission statement for Cal/EPA’s boards,
16 departments, and offices.
- 17 ■ Consult with, review, and evaluate any information received from IWG pursuant
18 to the development of its model environmental justice mission statement.
- 19 ■ Develop an agency-wide strategy to identify and address any gaps in existing
20 programs, policies, or activities that may impede the achievement of
21 environmental justice.

22 **6.3.2.2 California Government Code Sections 65040–** 23 **65040.12**

24 California Government Code Sections 65040–65040.12 identify the Governor’s OPR
25 as the comprehensive state agency responsible for long-range planning and
26 development. Among its responsibilities, OPR is tasked with serving as the
27 coordinating agency in state government for environmental justice issues.
28 Specifically, OPR is required to consult with CalEPA, the state Resources Agency,
29 the Working Group on Environmental Justice, and other state agencies as
30 appropriate, and share information with CEQ, EPA, and other federal agencies as
31 appropriate to ensure consistency.

32 CalEPA released its final Intra-Agency Environmental Justice Strategy in August 2004.
33 The document sets forth the agency’s broad vision for integrating environmental justice
34 into the programs, policies, and activities of its departments. It contains a series of goals,
35 including the integration of environmental justice into the development, adoption,
36 implementation, and enforcement of environmental laws, regulations, and policies.

6.3.2.3 California State Lands Commission Environmental Justice Policy

CSLC adopted an Environmental Justice Policy on October 1, 2002 (CSLC 2002), wherein CSLC pledges to continue and enhance its processes, decisions, and programs with environmental justice as an essential consideration by, among other actions, “identifying relevant populations that might be adversely affected by commission programs or by projects submitted by outside parties for its consideration.” The policy also cites the definition of environmental justice in state law and points out that this definition is consistent with the Public Trust Doctrine principle that the management of trust lands is for the benefit of all of the people. To date, CSLC has not issued any guidance to implement the policy, although environmental justice is addressed in CSLC environmental documents.

6.3.3 Local

6.3.3.1 City of Los Angeles General Plan

The City of Los Angeles General Plan has adopted environmental justice policies as outlined in its Framework and Transportation Elements; these policies are summarized below. The Framework Element is a “strategy for long-term growth which sets a citywide context to guide the update of the community plan and citywide elements.”

The Framework Element includes a policy to “assure the fair treatment of people of all races, cultures, incomes and education levels with respect to the development, implementation and enforcement of environmental laws, regulations and policies, including affirmative efforts to inform and involve environmental groups, especially environmental justice groups, in early planning stages through notification and two-way communication.”

The Transportation Element includes a policy to “assure the fair and equitable treatment of people of all races, cultures, incomes and education levels with respect to the development and implementation of citywide transportation policies and programs, including affirmative efforts to inform and involve environmental groups, especially environmental justice groups, in the planning and monitoring process through notification and two-way communication.”

The City of Los Angeles also has committed to a Compact for Environmental Justice, which was adopted by the City’s Environmental Affairs Department as the City’s foundation for a sustainable urban environment. Statements relevant to the proposed Project include the following:

- All people in Los Angeles are entitled to equal access to public open space and recreation, clean water, and uncontaminated neighborhoods.
- All planning and regulatory processes must involve residents and community representatives in decision making from start to finish.

6.3.3.2 South Coast Air Quality Management District

In 1997, SCAQMD adopted a set of guiding principles on environmental justice, addressing the rights of area citizens to clean air, the expectation of government safeguards for public health, and access to scientific findings concerning public health. Subsequent follow-up plans and initiatives led to the SCAQMD Board's approval in 2003–2004 of an Environmental Justice Workplan. SCAQMD intends to update this as needed to reflect ongoing and new initiatives.

SCAQMD's environmental justice program is intended to "ensure that everyone has the right to equal protection from air pollution and fair access to the decision making process that works to improve the quality of air within their communities." Environmental justice is defined by SCAQMD as "...equitable environmental policymaking and enforcement to protect the health of all residents, regardless of age, culture, ethnicity, gender, race, socioeconomic status, or geographic location, from the health effects of air pollution."

6.4 Impact Analysis

6.4.1 Methodology

The methodology for conducting the impact analysis for environmental justice included reviewing impact conclusions for each of the resources in Chapter 3, "Environmental Analysis," and Chapter 4, "Cumulative Effects." Where chapters identified significant impacts or a cumulatively considerable contribution to a cumulatively significant impact, an evaluation was conducted to determine if these impacts would result in disproportionately high and adverse effects on minority or low-income populations.

Because CEQA deals only with the physical change in the environment, the *L.A. CEQA Thresholds* does not identify significance thresholds for environmental justice or for disproportionately high and adverse effects on minority and low-income populations. In the absence of local thresholds for the proposed Project, federal guidance provided by CEQ has been utilized as the basis for determining whether the proposed Project would result in environmental justice effects. CEQ's *Environmental Justice Guidance under the National Environmental Policy Act* (CEQ 1997) identifies three factors to be considered to the extent practicable when determining whether environmental effects are disproportionately high and adverse (CEQ 1997:26–27):

- (a) Whether there is or would be an impact on the natural or physical environment that significantly and adversely affects a minority population, or low-income population. Such effects may include ecological, cultural, human health, economic, or social impacts on minority communities, low-income communities, or Indian tribes when those impacts are interrelated to impacts on the natural or physical environment; and
- (b) Whether the environmental effects are significant and are or may be having an adverse impact on minority populations, or low-income populations that

1 appreciably exceeds or is likely to appreciably exceed those on the general
2 population or other appropriate comparison group; and

- 3 (c) Whether the environmental effects occur or would occur in a minority population
4 or low-income population affected by cumulative or multiple adverse exposures
5 from environmental hazards.

6 Findings for proposed Project-related impacts and the contribution of the proposed
7 Project to cumulative impacts were reviewed to determine which impacts were
8 significant, or represented cumulatively considerable contributions to cumulatively
9 significant impacts, and would therefore require environmental justice analysis.

10 Identified significant and unavoidable impacts—or where the contribution to
11 cumulative impacts would be cumulatively considerable and unavoidable—were
12 analyzed to determine if they could cause substantial effects on *human populations*
13 (i.e., the public), as opposed to primarily affecting the natural or physical
14 environment and/or result in limited public exposure.

15 Impacts that would be mitigated from significant to less than significant after
16 mitigation is incorporated—or, in the case of a cumulative contribution, if the
17 contribution would be less than cumulatively considerable after mitigation—the
18 impact was documented for disclosure purposes, but detailed analysis to determine if
19 the impact or contribution would occur disproportionately on low-income and/or
20 minority populations was not performed.

21 For impacts that were less than significant and also less than cumulatively
22 considerable, or classified as “No Impact” (and therefore also not cumulatively
23 considerable), further evaluation of the potential for disproportionately high and
24 adverse effects on minority and low-income populations was not needed because
25 impacts that would not be significant would not have the potential to result in such
26 disproportionate effects.

27 In cases where the minority and low-income characteristics of populations in the
28 impacted area could be estimated, the impact area characteristics were compared to
29 data for the general population (i.e., Los Angeles County). If the minority population
30 in the adversely affected area is greater than 50% or if either the minority or low-
31 income percentage of the population in the adversely affected area is meaningfully
32 greater than that of the general population, disproportionate effects on minority or low-
33 income populations would occur. (“Meaningfully greater” is not defined in CEQ or
34 EPA guidance; for this analysis, “meaningfully greater” is interpreted to mean simply
35 “greater,” which provides for a conservative analysis.) In addition, disproportionate
36 effects would also occur in cases where impacts are predominantly borne by minority
37 or low-income populations.

38 Proposed project benefits were also considered to determine whether adverse effects
39 would still be appreciably more severe or of greater magnitude after these other
40 elements are considered. In addition, if significant unavoidable impacts or
41 contributions to cumulatively significant impacts were determined to be
42 disproportionate, the identified mitigation measures were reviewed to determine

1 whether they would be effective in avoiding or reducing the impacts on minority and
2 low-income populations. If necessary, additional mitigations were considered.

3 **6.4.2 Project-Related Direct, Indirect, and** 4 **Cumulative Impacts**

5 The proposed Project's individual and cumulative impacts are described in detail for
6 each resource in Chapter 3, "Environmental Analysis," and Chapter 4, "Cumulative
7 Effects." As described in Chapter 3, the following proposed project impacts were
8 found to be significant and unavoidable:

- 9 ■ **Impact AQ-1:** The proposed Project would result in construction-related
10 emissions that exceed an SCAQMD threshold of significance.
- 11 ■ **Impact AQ-2:** The proposed Project would result in offsite ambient air pollutant
12 concentrations during construction that exceed a threshold of significance.
- 13 ■ **Impact AQ-3:** The proposed Project would result in operational emissions that
14 exceed a SCAQMD threshold of significance.
- 15 ■ **Impact AQ-7:** The proposed Project would expose receptors to significant levels
16 of TACs.
- 17 ■ **Impact GHG-1:** The proposed Project would produce GHG emissions that
18 exceed SCAQMD thresholds.
- 19 ■ **Impact CR-5:** The proposed Project would result in a substantial adverse change
20 in the significance of a historical resource, involving demolition, relocation,
21 conversion, rehabilitation, alteration, or other construction that reduces the
22 integrity or significance of important resources on the site or in the vicinity.
- 23 ■ **Impact NOI-1:** Construction of the proposed Project would last more than 1 day
24 and would exceed existing ambient exterior noise levels by 10 dBA or more at a
25 noise-sensitive use; construction activities lasting more than 10 days in a 3-
26 month period would exceed existing ambient exterior noise levels by 5 dBA or
27 more at a noise-sensitive use.

28 Additionally, the following proposed project impacts were found to be potentially
29 significant, but would be mitigated to a level less than significant:

- 30 ■ **Impact BIO-1a:** Construction of the proposed Project would result in the loss of
31 individuals, or the reduction of existing habitat, of a state- or federally listed
32 endangered, threatened, rare, protected, or candidate, or a species of special
33 concern, or the loss of federally listed critical habitat.
- 34 ■ **Impact RISK-6a:** Construction of the proposed Project would introduce the
35 general public to hazard(s) defined by the EPA and the Port RMP associated with
36 offsite facilities.
- 37 ■ **Impact RISK-6b:** Operation of the proposed Project would introduce the general
38 public to hazard(s) defined by the EPA and the Port RMP associated with offsite
39 facilities.

- 1 ■ **Impact LU-2b:** Operation of the proposed Project would be inconsistent with the
2 General Plan or adopted environmental goals or policies contained in other
3 applicable plans, which would result in an adverse physical effect on the
4 environment.
- 5 ■ **Impact TC-1:** Construction of the proposed Project would result in a short-term,
6 temporary increase in construction-related truck and auto traffic, decreases in
7 roadway capacity, and disruption of vehicular and non-motorized travel.

8 Finally, the following proposed project cumulative impacts were found to be
9 cumulatively considerable:

- 10 ■ **Cumulative Impact AQ-1:** Result in construction-related emissions that exceed
11 an SCAQMD threshold of significance—Cumulatively Considerable and
12 Unavoidable.
- 13 ■ **Cumulative Impact AQ-2:** Result in offsite ambient air pollutant
14 concentrations during construction that exceed a threshold of significance—
15 Cumulatively Considerable and Unavoidable.
- 16 ■ **Cumulative Impact AQ-3:** Result in operational emissions that exceed a
17 SCAQMD threshold of significance—Cumulatively Considerable and
18 Unavoidable.
- 19 ■ **Cumulative Impact AQ-7:** Expose receptors to significant levels of TACs—
20 Cumulatively Considerable and Unavoidable
- 21 ■ **Cumulative Impact GHG-1:** Produce GHG emissions that exceed CEQA
22 thresholds—Cumulatively Considerable and Unavoidable
- 23 ■ **Cumulative Impact CR-5:** Result in a substantial adverse change in the
24 significance of a historical resource, involving demolition, relocation,
25 conversion, rehabilitation, alteration, or other construction that reduces the
26 integrity or significance of important resources on the site or in the vicinity—
27 Cumulatively Considerable and Unavoidable.
- 28 ■ **Cumulative Impact NOI-1:** Construction lasts more than 1 day and exceeds
29 existing ambient exterior noise levels by 10 dBA or more at a noise-sensitive use;
30 construction activities lasting more than 10 days in a 3-month period exceed
31 existing ambient exterior noise levels by 5 dBA or more at a noise-sensitive
32 use—Cumulatively Considerable and Unavoidable.

33 **6.4.2.1 Evaluation of Disproportionately High and Adverse** 34 **Effects on Minority and/or Low Income Populations**

35 Section 6.4.2.1.1 provides a summary of impacts that would represent
36 disproportionately high and adverse effects on minority and low-income populations.
37 Section 6.4.2.1.2 addresses impacts that would not represent disproportionately high
38 and adverse on minority and/or low-income populations.

6.4.2.1.1 Summary of Impacts that Would Cause Disproportionately High and Adverse Effects on Minority and/or Low-Income Populations

This section provides a summary of the individual and cumulative impacts that would cause disproportionately high and adverse effects on minority and low-income populations as a result of direct or indirect significant and unavoidable impacts or because the proposed Project would result in a cumulatively considerable contribution to significant cumulative impacts. Impacts that would be potentially significant, but mitigated to a level less than significant are discussed under 6.4.2.1.2 below.

Air Quality (Sections 3.2 and 4.2.2)

The region of analysis for air quality impacts is the entire South Coast Air Basin as well as the area within the immediately vicinity of the proposed project site.

Impact AQ-1: Proposed project unmitigated emissions for VOC, CO, and NO_x from construction would exceed the SCAQMD daily thresholds. With implementation of Mitigation Measures MM AQ-1 through MM AQ-7, impacts from CO and NO_x would remain significant. Because residential areas closest to the proposed project site are predominately minority (Figure 6-1) and have a concentration of low-income population relative to Los Angeles County (Figure 6-2), the elevated ambient concentrations of CO and NO_x would constitute a disproportionately high and adverse effect on minority and low-income populations.

In addition, the proposed Project would make a cumulatively considerable contribution to a significant cumulative air quality impact associated with emissions of VOCs, CO, NO_x SO_x, PM₁₀, and PM_{2.5} from construction. Because residential areas closest to the proposed project site are predominately minority (Figure 6-1) and have a concentration of low-income population (Figure 6-2), the elevated ambient concentrations of VOCs, CO, NO_x SO_x, PM₁₀, and PM_{2.5} would constitute a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-2: Proposed project construction would result in offsite ambient concentrations of criteria air pollutants (specifically NO₂ during construction that would exceed SCAQMD thresholds of significance, even after implementation of Mitigation Measures MM AQ-1 through MM AQ-7). This determination applies to individual Project impacts as well as the proposed Project's cumulative contribution. Although the receptor points with maximum concentration would not be in residential areas, residential areas would experience higher concentrations the closer they are to the proposed project site. Because residential areas closest to the proposed project site are predominately minority (Figure 6-1) and have a concentration of low-income population relative to Los Angeles County (Figure 6-2), the elevated ambient concentrations of NO₂ would constitute a disproportionately high and adverse effect on minority and low-income populations.

Adverse human health effects of NO₂ include (a) potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups and (b) risk to

1 public health implied by pulmonary and extra-pulmonary biochemical and cellular
2 changes and pulmonary structure changes. NO₂ also contributes to atmospheric
3 discoloration, although this impact would be regional and would not primarily affect
4 populations closest to the emission sources. These adverse health effects may occur
5 disproportionately among minority and low-income populations in the vicinity of the
6 proposed Project as a result of elevated ambient concentrations in exceedance of
7 SCAQMD thresholds.

8 In addition, the proposed Project would make a cumulatively considerable
9 contribution to a significant cumulative air quality impact related to NO_x during
10 construction. Because residential areas closest to the proposed project site are
11 predominately minority and have a concentration of low-income population, the
12 elevated ambient concentrations of NO_x would constitute a disproportionately high
13 and adverse effect on minority and low-income populations.

14 **Impact AQ-3:** Proposed project peak daily emissions of VOC, CO, and NO_x would
15 exceed the SCAQMD daily emission thresholds. Even with incorporation of
16 Mitigation Measures MM AQ-4, MM AQ-7, and MM AQ-8, as well as lease
17 measures, increases in VOC, CO, and NO_x would remain significant. Because
18 residential areas closest to the proposed project site are predominately minority
19 (Figure 6-1) and have a concentration of low-income population relative to Los
20 Angeles County (Figure 6-2), the elevated ambient concentrations of VOCs, CO, and
21 NO_x would constitute a disproportionately high and adverse effect on minority and
22 low-income populations.

23 In addition, the proposed Project would make a cumulatively considerable
24 contribution to a significant cumulative air quality impact from VOCs, CO, NO_x,
25 SO_x, PM₁₀, and PM_{2.5} during operation, and this cumulative impact would constitute
26 a disproportionately high and adverse effect on minority and low-income
27 populations.

28 **Impact AQ-7:** SCAQMD's *Facility Prioritization Procedures for the AB 2588*
29 *Program* (SCAQMD 2011) provided the methodology for the screening level health
30 risk calculation. The prioritization procedures take into consideration the potency,
31 toxicity, quantity, and volume of hazardous materials released from the facility,
32 adjustment factors for receptor proximity, exposure period, averaging times, and
33 multi-pathway factors for resident and worker receptors in calculating a total facility
34 prioritization score. A score of 10 or more signifies a potentially high impact facility
35 and requires that a health risk assessment (HRA) be conducted, under the AB 2588
36 program, to assess the risk to the surrounding community. A score above 1 but
37 below 10 signifies a potentially intermediate impact and requires, under the AB 2588
38 program, that an HRA be conducted to assess potential risks. A score of 1 or below
39 signifies a low potential for impacts on the surrounding community and does not
40 require the facility to conduct an HRA. Cancer risk, non-cancer chronic, and non-
41 cancer acute impacts with the proposed Project would each have a prioritization score
42 of less than 1. The direct cancer risk, non-cancer chronic, and non-cancer acute
43 health impacts would therefore be below significance.

1 However, because the proposed Project would attract sensitive individuals to a
2 location that most likely has a higher risk than their place of residence, an indirect
3 recreational health risk impact may result. The magnitude of the impact would
4 depend on a variety of factors, including the frequency and duration of a person's
5 visit, the person's exertion level (i.e., breathing rate) during the visit, the amount of
6 Port and industrial activity occurring during the visit, and the prevailing
7 meteorological conditions (wind speed, wind direction, and atmospheric stability
8 level).

9 Although most visitors would probably receive a relatively slight health risk impact,
10 the possibility exists that a frequent visitor could accumulate a significant long-term
11 cancer or non-cancer impact. The possibility also exists that any visitor could receive
12 a significant short-term (acute) impact if the visit takes place during a high level of
13 adjacent industrial activity coupled with worst-case meteorological conditions.
14 Therefore, in the short term, the indirect health impacts on visitors to the proposed
15 Project would be significant and unavoidable. Furthermore, it is reasonably
16 foreseeable that a large percent of visitors would be from the surrounding
17 communities of San Pedro and Wilmington. Therefore, Impact AQ-7 of the proposed
18 Project would result in a disproportionately high and adverse effect on minority and
19 low-income populations.

20 It is important to note that in the long term levels of pollution from Port facilities will
21 substantially diminish in accordance with the CAAP and CARB regulatory
22 requirements. Specifically, DPM from Port trucks has diminished by 80% under the
23 Port's proposed Clean Trucks Program. The Ports of Los Angeles and Long Beach
24 have also instituted voluntary programs to reduce DPM emissions from Port
25 operations including installation of diesel oxidation catalysts on yard equipment,
26 funding the incremental costs of cleaner fuels, cold-ironing of ocean-going ships, and
27 providing monetary support to the Gateway Cities truck fleet modernization program.
28 In addition, efforts at the state and local level to implement the Diesel Risk Reduction
29 Plan and to fulfill commitments in the SIP will also reduce emissions. For example,
30 the new off-road engine standards adopted by CARB and EPA will reduce emissions
31 from new off-road engines by over 95% compared to uncontrolled levels. As another
32 example, CARB adopted a regulation in July 2008 that requires low sulfur fuel in
33 ships operating within 24 nautical miles of the California coast, starting in 2009.
34 This regulation would reduce DPM emissions from ships by about 75% in 2009 and
35 83% by 2012 compared to uncontrolled levels. Other current regulations and future
36 rules adopted by CARB and EPA will further reduce air emissions and associated
37 cumulative impacts in the proposed project region.

38 **6.4.2.1.2 Summary of Impacts that Would Not Cause** 39 **Disproportionately High and Adverse Effects on Minority** 40 **and/or Low-Income Populations**

41 This section provides a summary of the individual and cumulative impacts that would
42 not cause disproportionately high and adverse effects on minority and low-income
43 populations, either because (1) the significant impact or cumulatively considerable
44 contribution would not affect human populations or would not have a
45 disproportionately high and adverse effect on minority and/or low income

1 populations based on the comparison of the affected population to the general
2 population; or (2) mitigation measures and lease measures applied to the proposed
3 Project would reduce impacts to levels less than significant and cumulative
4 contributions to levels less than cumulatively considerable. Impacts that would be
5 less than significant (or where a determination of no impact is made) could not result
6 in disproportionately high and adverse effects on minority and low-income
7 populations, and no discussion is required for these impacts.

8 **Greenhouse Gases (Sections 3.2 and 4.2.2)**

9 **Impact GHG-1:** Operation of the proposed Project would emit GHG emissions that
10 would exceed the SCAQMD threshold. Therefore, a significant GHG impact would
11 occur. Mitigation is incorporated to reduce the proposed Project's GHG emissions;
12 however, even after incorporation of Mitigation Measure MM GHG-1, impacts
13 would remain significant.

14 Unlike criteria pollutants, however, GHG emissions do not cause direct adverse
15 human health effects. Rather, the direct environmental effect of GHG emissions is
16 the increase in global temperatures, which in turn has numerous indirect effects on
17 the environment and humans. This effect is not specific to the area surrounding the
18 proposed project site, but instead has global ramifications on a cumulative level.
19 Because the proposed Project's direct GHG emissions would not adversely affect the
20 surrounding communities and because the cumulative GHG impact is a global
21 concern, the proposed Project's significant GHG impact would not represent a
22 disproportionately high and adverse effect on minority and low-income populations.

23 **Biological Resources (Sections 3.3 and 4.2.3)**

24 **Impact BIO-1a:** The potential for noise-related effects on special-status marine
25 mammals, diving sea birds, and fish species would be significant during pile driving
26 despite use of the soft start procedure. Moreover, proposed construction activities
27 could affect special-status terrestrial birds if they occur during the nesting season.
28 Therefore, construction of the proposed Project could result in the loss of a few
29 individuals, and the reduction or modification of existing habitat, of a state- or
30 federally listed endangered, threatened, rare, protected, or candidate species, or
31 species of special concern. After mitigation is incorporated, impacts would be
32 reduced to a level less than significant.

33 Because the impact would be less than significant and is limited to wildlife, the
34 impact would not have a substantial effect on human populations and would not
35 create a disproportionately high and adverse effect on minority and/or low-income
36 population groups.

37 **Cultural Resources (Sections 3.4 and 4.2.4)**

38 **Impact CR-5:** The proposed Project would construct a 5-story wave tank facility
39 enclosed in a 100,000 square foot building. This structure would be adjacent to the
40 historic 6-story Municipal Warehouse No.1 building and would be located in a
41 potentially historic district (i.e., the entire Municipal Pier No.1). Modifications to the

1 immediate setting of Municipal Warehouse No. 1 and the Westway Terminal/Pan
2 American Oil Co. Pump House and the potential Municipal Pier 1 Historic District
3 would be significant. Even with the incorporation of Mitigation Measure MM CR-1,
4 impacts associated with the wave tank building's effect on the Municipal Warehouse
5 No. 1 building and the potential Municipal Pier 1 Historic District would remain
6 significant and unavoidable. Moreover, the impact would be considered a
7 cumulatively considerable impact because it would contribute to the loss of historic
8 structures within the Port, which is considered a significant cumulative impact.

9 However, the impact would not represent a disproportionately high and adverse
10 effect on minority and low-income populations because the effect would be limited to
11 the proposed project site and the effect on historical structures within the Port.

12 **Hazards and Hazardous Materials (Sections 3.7 and 4.2.7)**

13 **Impact RISK-6a and -6b:** The proposed Project would introduce additional people
14 and structures in the vicinity of Mike's fueling station. Mike's fueling station
15 currently meets all safety and environmental standards for the handling and storing of
16 hazardous materials, and would not expand or increase its inventory of materials. Per
17 Mitigation Measure MM RISK-1 of the San Pedro Waterfront Project EIS/EIR,
18 products with a flashpoint below 140°F will not be permitted and Mike's fueling
19 station will cease to handle hazardous materials with flashpoints below 140°F.
20 Therefore, the proposed Project would not result in a substantial increase in the
21 potential for a hazardous materials spill, release, or explosion at Mike's fueling
22 station with incorporation of Mitigation Measure MM RISK-1 identified in the San
23 Pedro Waterfront Project EIS/EIR.

24 Although this would be a significant impact prior to mitigation, the additional visitors
25 to the site would be from diverse backgrounds and socio-economic status (i.e.,
26 students, researchers, employees, professors, etc.). Therefore, the risk associated
27 with accidental release, spill, or explosion related to Mike's fueling station on
28 populations visiting or working at the proposed project site would not constitute a
29 disproportionately high and adverse effect on minority and low-income populations.

30 **Land Use and Planning (Sections 3.8 and 4.2.8)**

31 **Impact LU-2b:** The proposed Project would locate project facilities (including
32 implementation of the proposed waterfront promenade as planned in the San Pedro
33 Waterfront Project) adjacent to Mike's fueling station, which stores and handles
34 hazardous liquid bulk materials. This would be inconsistent with the objective of the
35 RMP of the PMP to locate vulnerable populations away from hazardous facilities.
36 This land use inconsistency could result in adverse physical environmental impacts
37 on vulnerable populations (i.e., public recreationists) should Mike's fueling station
38 ever have an accidental release, spill, or explosion of the hazardous liquid bulk
39 materials. Therefore, this land use inconsistency is a significant impact under CEQA.
40 Implementation of Mitigation Measure MM RISK-1, identified in Section 3.7,
41 "Hazards and Hazardous Materials," would reduce impacts to less-than-significant
42 levels.

1 Although this would be a significant impact prior to mitigation, the additional people
2 coming to the site would be from diverse backgrounds and socio-economic status.
3 Therefore, the land use plan inconsistency associated with risk from Mike's fueling
4 station on populations visiting or working at the proposed project site would not
5 constitute a disproportionately high and adverse effect on minority and low-income
6 populations.

7 **Noise (Sections 3.9 and 4.2.9)**

8 **Impact NOI-1:** Proposed project construction activities would last more than 10
9 days in any 3-month period. The closest sensitive receiver is modeled receiver MR-1
10 (east side of the marina) located approximately 1,200 feet from the proposed project
11 site. The closest measured sensitive receiver to MR-1 is sensitive receiver ST-1.
12 Construction noise levels would result in an approximately 14 dBA increase above
13 the existing noise environment at MR-1 during the loudest construction sub-phase
14 of Phases 1 and 2. Consequently, construction would exceed the construction noise
15 standards by more than 5 dB at the closest sensitive receiver, MR-1. No other
16 sensitive receiver would experience a noise increase of more than 5 dB.

17 Although this would be a significant impact, the few liveaboards located at Cabrillo
18 Way Marina are not represented in Figures 6-1 and 6-2 because the data primarily
19 reflects the nearby residential neighborhoods. Moreover, as shown in Figure 6-2,
20 income information is not available for the area that includes Cabrillo Way Marina.
21 Given the target market for Cabrillo Way Marina, it is reasonable to assume
22 liveaboards are not likely to be considered low-income and information of minority
23 status is unknown. Therefore, significant temporary construction noise impacts at
24 modeled sensitive receiver M-1 would not constitute a disproportionately high and
25 adverse effect on minority and low-income populations.

26 **Transportation and Circulation (Sections 3.11 and 4.2.11)**

27 **Impact TC-1:** Proposed project construction would result in a temporary increase in
28 traffic volumes and a decrease in roadway capacity due to temporary lane closures on
29 Signal Street and possibly on 22nd Street. The potential lane closure would be a result
30 of temporary construction traffic generated from truck and other vehicular traffic
31 associated with construction worker commutes, transport and staging of construction
32 equipment, transport of construction materials to the construction site, and hauling
33 excavated and demolished materials away from the site. The impact of construction-
34 generated traffic on transportation operations is considered significant. With
35 incorporation of Mitigation Measure MM TC-1, impacts would be reduced to less
36 than significant.

37 However, because the impact is limited to the area immediately within and adjacent
38 to the proposed project site and the impact would be less than significant after
39 incorporation of Mitigation Measure MM TC-1, Impact TC-1 would not result in
40 disproportionately high and adverse effects on minority and low-income populations.

6.4.2.2 Beneficial Impacts

As part of an Environmental Justice analysis, offsetting benefits should also be considered by decision-makers when a project would result in disproportionately high and adverse effects. The overall purpose of the proposed Project is to adaptively reuse the transit sheds at Berths 57–60 and the adjacent Berths 70-71 to provide world-class marine research facilities and space to bring together leading researchers and entrepreneurs. The facility is intended to host a range of research organizations, including SCMI, Southern California universities and colleges, government research agencies, and private businesses. These groups would focus their efforts to conduct cutting-edge urban marine research and education, and develop technologies to address the most pressing marine-related problems of the day. The proposed Project would achieve this purpose through: rehabilitating existing buildings and wharves to house state-of-the art marine research and educational facilities; providing deep draft berthing space for research vessels; and providing for a cluster of university researchers, educational programs, and spin-off marine science technology ventures. As a consequence, the redevelopment of City Dock No.1 would remove and repurpose existing industrial land uses closest to the residential communities in San Pedro.

The proposed Project would create economic benefits in the form of jobs and revenue (see Chapter 7, “Socioeconomics and Environmental Quality”). In addition, the proposed Project would improve the existing proposed project site conditions by adaptively reusing the existing transit sheds and would create opportunities for new views within the landscape by constructing pedestrian promenade and a viewing plaza. Finally, the proposed Project would further the marine research goals of the scientific community.

6.5 Public Outreach

CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before taking action on them. The purpose of this draft EIR is to inform agencies and the public of significant environmental effects associated with the proposed Project, to describe and evaluate reasonable alternatives to the proposed Project, and to propose mitigation measures that would avoid or reduce the significant effects of the proposed Project.

LAHD goes to considerable effort to provide public outreach beyond the minimum required by CEQA. Typically noticing and public outreach for an EIR is limited to sending the NOP to the State Clearinghouse, and each responsible and trustee agency (CEQA Guidelines Section 15082). Additionally, scoping meetings are typically only required for projects of statewide, regional, or areawide significance (CEQA Guidelines Section 15082(c)). Similarly, notice of public review of a Draft EIR is limited to one of the following procedures: mail to organizations and individuals previously requesting notice; publication one time in a newspaper of general circulation in the area of effect; posting of the notice on and offsite in the project area; and/or direct mailing to owners and occupants of property contiguous to the

1 project site (CEQA Guidelines Section 15087). All NOPs/ISs and draft EIRs are
2 presented at public meetings at locations and times convenient for the affected
3 community.

4 Notification of availability of documents is extensive and uses a variety of media.
5 CEQA notices are placed in five newspapers: the *Los Angeles Times*, *Daily Breeze*,
6 *La Opinion*, *Long Beach Press Telegram*, and *Random Lengths*. Meeting notices are
7 sent to all active community organizations and to anyone who has requested to be on
8 the LAHD CEQA mailing list. Postcards noticing a document and any public
9 meetings also are sent to all San Pedro and Wilmington addresses. A free copy of
10 documents is provided to community organizations.

11 LAHD also consults with affected community groups through the PCAC, a special
12 stakeholder advisory committee of the Los Angeles Board of Harbor Commissioners.
13 This committee, which meets monthly, includes representatives from a number of
14 community groups. PCAC also has subcommittees and focus groups that address a
15 broad range of environmental issues, including studies on those impacts that might
16 result in disproportionate impacts on relevant populations.

17 The following is a timeline of the noticing and public involvement that has happened
18 to date within the environmental review process for the proposed Project:

- 19 ■ **December 3, 2010.** The CEQA NOP and IS were released and distributed to
20 over 14 agencies, organizations, individuals, and the California Office of
21 Planning and Research, State Clearinghouse. The proposed Project was assigned
22 State Clearinghouse Number 2010121013. An executive summary of the NOP
23 was translated into Spanish and included in the distribution. Over 70,000
24 postcards were distributed notifying the public of the date of the scoping meeting
25 and the term of the comment period. Notice of the comment period and meeting
26 were also posted in five local newspapers.
- 27 ■ **December 3, 2010.** The NOP was also filed with the Los Angeles City Clerk
28 and the Los Angeles County Clerk.
- 29 ■ **January 13, 2011.** A public scoping meeting was held at the LAHD Board
30 Room in San Pedro, California. Nine people at the meeting provided written or
31 oral comments on the proposed Project. Spanish translation services were made
32 available at the meeting.
- 33 ■ **January 31, 2011.** The comment period ended. Six comment letters were
34 received during the scoping period.

35 6.5.1 Alternative Forms of Distribution

36 The draft EIR for the proposed Project has been distributed directly to numerous
37 agencies, organizations, and interested groups and persons for comment during the
38 formal review period. The draft EIR also has been made available for review at the
39 LAHD, Environmental Management Division, and at three Los Angeles public
40 library branches: Central, San Pedro, and Wilmington. In addition to the printed
41 copies, the draft EIR is available in electronic format on LAHD's website, at

1 <http://www.portoflosangeles.org/Environmental/publicnotice.htm>, and is available at
2 no cost on CD-ROM.

3 **6.5.2 Spanish Translation**

4 With a large Hispanic population living adjacent to the Port, meeting notifications
5 and executive summaries of major CEQA documents will be provided in Spanish as
6 well as English. The Executive Summary of this draft EIR is available in a Spanish
7 translation in order to keep Spanish-speaking members of the local community
8 informed as to the purpose of the draft EIR, project overview, project description,
9 environmental impacts, alternatives to the proposed Project, areas of controversy, and
10 issues to be resolved.

11 LAHD also provides an interpreter at public meetings, where required, and publishes
12 its regular community newsletter, *The Main Channel*, in both English and Spanish.

13