

## 5. ENVIRONMENTAL JUSTICE AND PUBLIC OUTREACH

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### 5.1. Introduction

This analysis evaluates the impacts of the Proposed Action as related to environmental justice. The area of this analysis includes local communities within an approximate two-mile radius of the project area, consistent with the Final Supplemental Environmental Impact Statement/ Supplemental Impact Report prepared for the Channel Deepening Project in September 2000 (USACE and LAHD, 2000).

Section 5.2 provides the environmental setting for environmental justice. Section 5.3 provides the applicable regulations related to this subject. Section 5.4 provides the impact analysis for environmental justice, the focus of which is specific to minority and low income populations within the area of analysis that may be affected by the Proposed Action. Section 5.5 provides a summary of the public outreach program that has been conducted to date for this SEIS/SEIR. Please refer to Section 4, Socioeconomics, for an additional discussion regarding population and economics.

### 5.2 Environmental Setting

The Port is located within the jurisdictional boundaries of the City of Los Angeles, Los Angeles County, California. The local study area of this analysis contains four U.S. Postal Service zip code areas, including portions of the communities of San Pedro, Wilmington, and Long Beach. Figure 4-1 of Section 4, Socioeconomics, provides a map of these zip code areas. The data presented in the following section are based upon information from the year 2000 U.S. Census Bureau's national demographic and economic survey, which is considered the most comprehensive data at a national scale that is currently available.

**Population and Ethnicity.** Table 5-1 provides the overall population profile of the four zip code areas of this analysis per U.S. Census Bureau 2000 data. As a frame of reference, population profiles for the City and County of Los Angeles are provided as well. Table 5-2 provides data regarding population by race (ethnic origin) for the City and County of Los Angeles and the four zip code areas of this analysis. The data provided within this table include persons in any ethnic category that may also be of Hispanic origin. Table 5-3 provides the population data for the same geographic areas by persons of any race of Hispanic and non-Hispanic origin.

**Table 5-1 Overall Population Profile**

Population Characteristic	County of Los Angeles	City of Los Angeles	Zip Code			
			90731 (San Pedro)	90744 (Wilmington)	90813 (Long Beach)	90802 (Long Beach)
Total Population	9,519,338	3,694,820	58,622	53,308	63,129	38,419
Male Population	4,704,105 (49.4%)*	1,841,805 (49.8%)*	29,571 (50.4%)*	27,188 (51%)*	32,062 (50.8%)*	20,106 (52.3%)*
Female Population	4,815,233 (50.6%)*	1,853,015 (50.2%)*	29,051 (49.6%)*	26,120 (49%)*	31,067 (49.2%)*	18,313 (47.7%)*
Median Age	32	31.6	32.2	26.2	23.6	32.2
Average Household Size**	2.98	2.83	2.63	3.8	3.73	2.0
Average Family Size**	3.61	3.56	3.33	4.18	4.28	3.2

\* Percent of total population

\*\* Average number of persons

Source: U.S. Census Bureau, American FactFinder, Census 2000 Demographic Profile Highlights.

<http://www.factfinder.census.gov/servlet>. Accessed September 9, 2005. (U.S. Census Bureau, 2005a).

**Table 5-2 Population Profiles by Race**

Race/Ethnicity	County of Los Angeles	City of Los Angeles	Zip Code			
			90731 (San Pedro)	90744 (Wilmington)	90813 (Long Beach)	90802 (Long Beach)
<b>Total Population</b>	9,519,338	3,694,820	58,622	53,308	63,129	38,419
<b>White</b>						
• Number of Persons	4,637,062	1,734,036	34,393	19,396	15,932	18,019
• Percent of Total Population	48.7	46.9	58.7	36.2	25.2	46.9
<b>Black or African American</b>						
• Number of Persons	930,957	415,195	4,439	1,959	8,526	6,673
• Percent of Total Population	9.8	11.2	7.6	3.7	13.5	17.4
<b>American Indian/Alaska Native</b>						
• Number of Persons	76,988	29,412	699	642	659	485
• Percent of Total Population	0.8	0.8	1.2	1.2	1.0	1.3
<b>Asian</b>						
• Number of Persons	1,137,500	369,254	2,431	1,524	9,972	2,052
• Percent of Total Population	11.9	10.0	4.1	2.9	15.8	5.3
<b>Native Hawaiian and Other Pacific Islander</b>						
• Number of Persons	27,053	5,915	268	476	457	225
• Percent of Total Population	0.3	0.2	0.5	0.9	0.7	0.6
<b>Some Other Race</b>						
• Number of Persons	2,239,997	949,720	12,424	26,349	23,868	8,662
• Percent of Total Population	23.5	25.7	21.2	49.4	37.8	22.5
<b>Two or More Races</b>						
• Number of Persons	469,781	191,288	3,968	3,062	3,715	2,303
• Percent of Total Population	5.0	5.2	6.8	5.7	5.9	6.0

Source: U.S. Census Bureau, American FactFinder, Census 2000 Summary File 1 100-Percent Data, DP-1. Profile of General Demographic Characteristics. <http://www.factfinder.census.gov/servlet>. Accessed September 9, 2005. (U.S. Census Bureau, 2005b).

**Table 5-3 Population Profiles by Persons of Hispanic and Non-Hispanic Origin  
(of any Race)**

Population Characteristic	County of Los Angeles	City of Los Angeles	Zip Code			
			90731 (San Pedro)	90744 (Wilmington)	90813 (Long Beach)	90802 (Long Beach)
<b>Total Population</b>	9,519,338	3,694,820	58,622	53,308	63,129	38,419
<b>Persons of Hispanic or Latino Origin</b>						
• Number of Persons	4,242,213	1,719,073	28,136	45,106	38,688	15,100
• Percent of Total Population	44.6	46.5	48.0	84.6	61.3	39.3
<b>Persons of Non-Hispanic or Latino Origin</b>						
• Number of Persons	5,277,125	1,975,747	30,486	8,202	24,441	23,319
• Percent of Total Population	55.4	53.5	52.0	15.4	38.7	60.7

Source: U.S. Census Bureau, American FactFinder, Census 2000 Summary File 1 100-Percent Data, DP-1. Profile of General Demographic Characteristics. <http://www.factfinder.census.gov/servlet>. Accessed September 9, 2005. (U.S. Census Bureau, 2005b).

As shown in Tables 5-1 through 5-3, the total population of the four zip codes that make up the study area was 213,478 for the year 1999. Of this total, the population of persons of white/Caucasian origin ranges between 58.7 percent (San Pedro [zip code 90731]) and 25.2 percent (Long Beach [zip code 90813]).

Persons of Hispanic or Latino origin (of any race) represent the greatest majority of the study area's minority population. Of this population, the 90744 (Wilmington) and 90813 (Long Beach) zip code areas have Hispanic/Latino populations that represent more than 50 percent of the area's total population (84.6 and 61.3 percent, respectively), and are proportionately greater than those for either the County or City of Los Angeles (44.6 and 46.5 percent, respectively) (see Table 5-3).

The zip code areas of 90813 and 90802 (both in Long Beach) have populations of persons of black or African American origin that are slightly greater in proportion than those of the County or City of Los Angeles (13.5 and 17.4 percent, respectively, in comparison to 9.8 and 11.2 percent, respectively). The 90813 (Long Beach) zip code area has a population of Asian origin of 15.8 percent, which, proportionately is also slightly greater than that of either the County or City of Los Angeles (11.9 and 10 percent, respectively).

**Low-Income Characteristics.** A break-down of household incomes and the overall median household and family incomes for the year 1999 for the County and City of Los Angeles and the four zip code areas of the study area are provided in Table 5-4. Within the study area, median household incomes range between \$20,025 and \$35,910, and median family incomes range between \$19,594 and \$39,057. All four of the zip code areas have median household and family incomes that are less than those of the County and City of Los Angeles.

**Table 5-4 Summary of Household Incomes**

Household Income	County of Los Angeles*	City of Los Angeles*	Zip Code			
			90731 (San Pedro)*	90744 (Wilmington)*	90813 (Long Beach)*	90802 (Long Beach)*
Less than \$10,000	330,000	169,738	2,721	2,009	4,006	3,655
	10.5%	13.3%	12.7%	14.3%	24.3%	19.4%
\$10,000 to \$14,999	203,819	96,131	1,556	1,174	2,288	2,094
	6.5%	7.5%	7.3%	8.4%	13.9%	11.1%
\$15,000 to \$24,999	398,292	182,068	3,484	2,483	3,635	3,406
	12.7%	14.3%	16.3%	17.7%	22.1%	18.0%
\$25,000 to \$34,999	381,066	163,520	2,683	2,264	2,604	2,881
	12.2%	12.8%	12.5%	16.2%	15.8%	15.3%
\$35,000 to \$49,999	472,306	185,855	3,327	2,143	1,724	2,890
	15.1%	14.6%	15.5%	15.3%	10.5%	15.3%
\$50,000 to \$74,999	558,550	198,145	3,582	2,171	1,359	2,137
	17.8%	15.5%	16.7%	15.5%	8.3%	11.3%
\$75,000 to \$99,999	318,521	107,198	1,860	849	506	956
	10.2%	8.4%	8.7%	6.1%	3.1%	5.1%
\$100,000 to \$149,999	276,972	94,558	1,588	640	200	573
	8.8%	7.4%	7.4%	4.6%	1.2%	3.0%
\$150,000 to \$199,999	87,864	32,418	345	130	33	168
	2.8%	2.5%	1.6%	0.9%	0.2%	0.9%
\$200,000 or more	108,889	46,978	258	154	100	113
	3.5%	3.7%	1.2%	1.1%	0.6%	0.6%
Median Household Income	\$41,189	\$36,687	\$35,910	\$30,259	\$20,025	\$25,860
Median Family Income	\$46,452	\$39,942	\$39,057	\$30,800	\$19,594	\$26,865

\* Number of households and percent of total households.

Source: U.S. Census Bureau, American FactFinder, Census 2000 Summary File 3 (SF3). DP-3. Profile of Selected Economic Characteristics. <http://www.factfinder.census.gov/servlet>. Accessed September 9, 2005. (U.S. Census Bureau, 2005c).

The U.S. Census Bureau uses a set of money income thresholds that vary by family size and composition to detect poverty. If a family's total income is less than that family's established threshold, then each individual within that family is considered to be below the poverty level. The definition of poverty counts income before taxes and excludes capital gains and non-cash benefits (such as public housing, Medicaid and food stamps) (U.S. Census Bureau, 2005d). For the year 1999, which reflects the data presented in Tables 5-4 and 5-5, the national poverty thresholds for the 48 contiguous states were as follows:

- Family of 1: \$8,501
- Family of 2: \$10,869
- Family of 3: \$13,290
- Family of 4: \$17,029
- Family of 5: \$20,127
- Family of 6: \$22,727
- Family of 7: \$25,912
- Family of 8: \$28,967
- Family of 9 or more: \$34,417

Table 5-5 provides the total number and percent of individuals and families within the County and City of Los Angeles and four study area zip codes that fall below poverty level. None of the four zip codes have an overall population with more than 50 percent of all individuals or families

falling below poverty level. The 90813 zip code (Long Beach) has the greatest number of individuals and families falling below poverty level (45.6 and 43.9 percent, respectively), and the 90731 zip code (San Pedro) has the fewest number of individuals and families falling below poverty level (20.5 and 17 percent, respectively).

**Table 5-5 Below Poverty Level Profiles**

Population Characteristic	County of Los Angeles	City of Los Angeles	Zip Code			
			90731 (San Pedro)	90744 (Wilmington)	90813 (Long Beach)	90802 (Long Beach)
Total Population	9,519,338	3,694,820	58,622	53,308	63,129	38,419
Number of All Persons Below Poverty Level*	1,674,599	801,050	11,570	14,382	28,416	10,563
Percent of All Persons Below Poverty Level	17.9	22.1	20.5	27.2	45.6	27.8
Total Number of Families	2,154,311	807,039	13,567	11,461	12,595	6,999
Number of All Families Below Poverty Level	311,226	147,516	2,304	2,742	5,523	1,742
Percent of All Families Below Poverty Level	14.4	18.3	17.0	23.9	43.9	24.9

\* Weighted average (per data available from U.S. Census Bureau).

Source: U.S. Census Bureau, American FactFinder, Census 2000 Summary File 3 (SF3). DP-3. Profile of Selected Economic Characteristics. <http://www.factfinder.census.gov/servlet>. Accessed September 9, 2005. (U.S. Census Bureau, 2005c).

The Council on Environmental Quality’s (CEQ’s) 1997 environmental justice guidance, as addressed below in Section 5.3, suggests that low-income populations be identified using the national poverty thresholds from the U.S. Census Bureau, as presented above. However, guidance from the USEPA suggests using other regional low income definitions, as applicable (SAIC, 2008). Due to the higher cost of living in southern California compared to the nation as a whole, a higher threshold is considered appropriate for the identification of low-income populations within the study area. Consequently, for the purposes of this analysis, low income people are those with an annual family income that falls at or below a threshold that is 1.25 times higher than the U.S Census Bureau’s statistical poverty threshold. The 1.25 ratio is based on application of a methodology developed by the National Academy of Sciences, 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 (SAIC, 2008).

By applying the 1.25 ratio to the poverty threshold levels listed below Table 5-4, a family would qualify as low income if its annual income falls below the following:

- Family of 1: \$10,626.25
- Family of 2: \$13,586.25
- Family of 3: \$16,612.50
- Family of 4: \$21,286.25
- Family of 5: \$25,158.75
- Family of 6: \$28,408.75
- Family of 7: \$32,390.00
- Family of 8: \$36,208.75
- Family of 9 or more: \$43,021.25

As with the poverty thresholds, if a family's total income is less than that family's established threshold, then each individual within that family is considered to be low income. Table 5-6, presents the total number and percentage of families within the County and City of Los Angeles and the four zip codes used for this analysis by low income category (e.g., incremental annual incomes less than and greater than \$49,999 per the maximum nine-member low income family threshold of \$43,021.25).

**Table 5-6 Low Income Profiles**

Population Characteristic	County of Los Angeles	City of Los Angeles	Zip Code			
			90731 (San Pedro)	90744 (Wilmington)	90813 (Long Beach)	90802 (Long Beach)
Total Number of Families	2,154,311	807,039	13,567	11,461	12,595	6,999
Average Family Size	3.61	3.56	3.33	3.8	4.28	3.20
Number of Families with Annual Income of Less Than \$10,000	166,379	80,406	1,376	1,333	2,999	1,031
Percent for Row Above	7.7%	10.0%	10.1%	11.6%	23.8%	14.7%
Number of Families with Annual Income Between \$10,000 and \$14,999	128,303	59,912	817	9718.5	1,855	737
Percent for Row Above	6.0%	7.4%	6.0%	8.5%	14.7%	10.5%
Number of Families with Annual Income Between \$15,000 and \$24,999	267,900	117,691	2,115	2,161	2,952	1,460
Percent for Row Above	12.4%	14.6%	15.6%	18.9%	23.4%	20.9%
Number of Families with Annual Income Between \$25,000 and \$34,999	256,832	102,635	1,781	1,922	2,050	1,233
Percent for Row Above	11.9%	12.7%	13.1%	16.8%	16.3%	17.6%
Number of Families with Annual Income Between \$35,000 and \$49,999	323,690	117,119	2,135	1,798	1,264	960
Percent for Row Above	15%	14.5%	15.7%	15.7%	10.0%	13.7%
Number of Families with Annual Income Greater Than \$49,999	1,011,210	329,275	5,343	3,276	1,475	1,578
Percent for Row Above	46.9%	40.8%	39.3%	28.5%	11.7%	22.7%
Median Family Income	\$46,452	\$39,942	\$39,057	\$30,800	\$19,594	\$28,865
Median Individual Income:*						
Male	\$36,299	\$31,880	\$37,048	\$26,047	\$18,800	\$30,816
Female	\$30,981	\$30,197	\$30,773	\$21,255	\$16,227	\$29,298

\* Full-time, year-round workers.

Source: U.S. Census Bureau, American FactFinder, Census 2000 Summary File 3 (SF3), DP-3. Profile of Selected Economic Characteristics. <http://www.factfinder.census.gov/servlet>. Accessed September 9, 2005. (U.S. Census Bureau, 2005c).

Only the County of Los Angeles has a median family income above the maximum family annual low income threshold of \$43,021.25 (for a nine-member family). However, the average family size for the County and City of Los Angeles and the four zip code areas used for this analysis range between 3.2 and 4.28 persons, the upper and lower limits of which occur in Long Beach (see Table 5-6). Therefore, assuming a maximum five member family, the maximum low income threshold for would be \$25,158.75. Including those families with an annual income

between \$25,000 and \$34,999, the following low income percentages occur by zip code: 90731 (San Pedro) – 44.8 percent; 90744 (Wilmington) – 55.8 percent; 90813 (Long Beach) – 78.2 percent; and, 90802 (Long Beach) – 63.7 percent. The \$25,158.75 low income threshold is, however, extremely close to the lower limit of the \$25,000 to \$34,999 income range; consequently, as a frame of reference for this analysis, if this income category is removed, the following low income percentages occur by zip code: 90731 (San Pedro) – 31.7 percent; 90744 (Wilmington) – 39 percent; 90813 (Long Beach) – 61.9 percent; and, 90802 (Long Beach) – 46.1 percent. Under either scenario, the 90813 (Long Beach) zip code represents a low income population of greater than 50 percent. Therefore, the area for this analysis, as a whole, is considered low income.

Please refer to Section 4.2 (Environmental Setting, Socioeconomics) for additional information on the employment and economic characteristics of the study area, including employment and income, housing and the fiscal attributes of the Port.

### **5.3 Applicable Regulations**

#### ***Federal Regulations***

On February 11, 1994, President Clinton issued Executive Order 12898 (“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”). The intent of Executive Order 12898 is to: (1) focus attention on environmental and human health conditions in areas of high minority populations and low-income communities; and, (2) promote non-discriminatory programs and projects substantially affecting human health and the environment. This Executive Order requires the USEPA and all other federal agencies (as well as State agencies receiving federal funds) to develop strategies to address environmental justice issues. The agencies are required to identify and address any disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations.

Federal agencies received a framework for the assessment of environmental justice in the USEPA’s “Guidance for Incorporating Environmental Justice Concerns” and its corresponding “NEPA Compliance Analysis” in 1998. Minority populations, as defined by this Guidance document, are identified where either:

- The minority population of the affected area is greater than fifty percent of the affected area’s general population; or
- The minority population percentage of the area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis.

In 1997, the President's ~~Council on Environmental Quality (CEQ)~~CEQ also issued Environmental Justice Guidance that defines minority and low income populations as follows:

- Minorities are identified 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 (without double-counting non-white Hispanics falling into the Black/African-American, Asian/Pacific Islander, and Native American categories)
- Low Income populations are identified as populations with mean annual incomes that fall below the annual statistical poverty level.

Based upon the above, for the purposes of this analysis, the definition of minority ~~and low income~~ populations are based upon the 1997 CEQ Guidance, and they are considered applicable when a defined area's total population is 50 percent or more minority ~~or low income~~ (in this case, the four zip codes surrounding the Port represent the four "defined areas" of analysis). The analysis for low income populations includes an assessment of populations with mean annual incomes that fall at or below the U.S. Census Bureau's annual statistical poverty level. However, to reflect the higher cost of living in southern California in comparison to some other parts of the nation, the analysis additionally considers low income populations to be populations that have a mean annual income which is at or below a threshold 1.25 times higher than the U.S Census Bureau's statistical poverty level. As with minority populations, low income populations are considered applicable when a defined area's total population is 50 percent or more low income.

### ***State Regulations***

~~While many State agencies have utilized the USEPA's guidance as a basis for the development of their own environmental justice strategies and policies, as of yet the majority of State and local agencies do not have adopted policies or strategies for the incorporation of environmental justice in their CEQA analyses. However, the State of California has a number of legislative actions associated with environmental justice. Most appropriately, under Assembly Bill 1553 (signed in 2001), the Governor's Office of Planning and Research (OPR) is required to adopt guidelines for addressing environmental justice issues in local agencies' General Plans. In addition, legislation establishing OPR as the "coordinating agency in state government for environmental justice programs" (California Government Code §65040.12) directs the OPR to coordinate its efforts and share information regarding environmental justice programs with federal agencies, and review and evaluate any information from federal agencies that is obtained as a result of their respective regulatory activities. To this end, the "Environmental Justice in California State Government" (October 2003) is a policy report that was prepared by the OPR to provide a brief history of environmental justice, report on the status of OPR's efforts, and provide an outline of environmental justice findings, goals, and policies for future environmental~~



~~justice efforts within State government. Currently, the OPR is in the process of updating the General Plan Guidelines to incorporate the requirements of AB 1553.~~

**California Government Code Sections 65041-65049, Public Resources Code Sections 71110-71116.** The California Public Resources Code Section 71113 states that the mission of the California Environmental Protection Agency (CalEPA) includes ensuring that any activities that substantially affect human health or the environment be conducted in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the State.

As part of its mission, CalEPA was required to develop a model environmental justice mission statement for its boards, departments, and offices. CalEPA was tasked to develop a Working Group on Environmental Justice to assist in identifying any policy gaps or obstacles impeding the achievement of environmental justice. An advisory committee including representatives of numerous state agencies was established to assist the Working Group pursuant to the development of a CalEPA intra-agency strategy for addressing environmental justice.

The California Public Resources Code Sections 71110 through 711106 charges the CalEPA with the following responsibilities:

- Conduct programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the State.
- Promote enforcement of all health and environmental statutes within the CalEPA jurisdiction in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the State.
- Ensure greater public participation in the agency development, adoption, and implementation of environmental regulations and policies.
- Improve research and data collection for programs within the agency relating to the health and environment of minority populations and low-income populations of the State.
- Coordinate efforts and share information with the USEPA.
- Identify differential patterns of consumption or natural resources among people of different socioeconomic classifications for programs within the agency.
- Consult with and review any information received from the federal Interagency Working Group (IWG) on Environmental Justice pursuant to developing an agency-wide strategy for CalEPA.

- Develop a model environmental justice mission statement for boards, departments, and offices of CalEPA.
- Consult with, review, and evaluate any information received from the IWG pursuant to the development of its model environmental justice mission statement.
- Develop an agency-wide strategy to identify and address any gaps in existing programs, policies, or activities that might impede the achievement of environmental justice.

California Government Code Sections 65040 through 65040.12 identify the Governor’s Office of Planning and Research (OPR) as the State agency responsible for long-range planning and development. Among its responsibilities, the OPR is tasked with serving as the coordinating agency in State government for environmental justice. The OPR is required to consult with CalEPA, the state Resources Agency, the Working Group on Environmental Justice, and other State agencies, as needed, and share information with the CEQ, USEPA, and other federal agencies to ensure consistency.

CalEPA released its final Intra-Agency Environmental Justice Strategy in August 2004. The document sets forth the vision of the agency board for integrating environmental justice into the programs, policies, and activities of its departments. The vision contains a series of goals, including the integration of environmental justice into the development, adoptions, implementation, and enforcement of State environmental laws, regulations, and policies.

**California State Lands Commission (CSLC) Environmental Justice Policy.** The CSLC adopted an Environmental Justice Policy on October 1, 2002. In its policy, the 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 notes that the definition is consistent with the Public Trust Doctrine principle that the management of trust lands is for the benefit of all of the people of the State. To date, the CSLC has not issued any guidance to implement the policy, although environmental justice is addressed in CSLC environmental review documents.

**City of Los Angeles General Plan.** The City of Los Angeles has adopted environmental justice policies as outlined in the City of Los Angeles General Plan Framework Element and Transportation Element, as 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 the planning and monitoring process 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.”

**South Coast Air Quality Management District (SCAQMD): Environmental Justice Program.** In 1997 the SCAQMD adopted a set of guiding principles and initiatives on environmental justice that address: the rights of area citizens to clean air; the expectation of government safeguards for public health; and, access to scientific findings concerning public health. Following its initial effort, in 2002, the SCAQMD adopted 23 enhancements to expand environmental justice outreach and activities. In 2003, the SCAQMD approved its first Environmental Justice Workplan (Workplan) for 2003-2004, and subsequently updated its Workplan in 2004 and 2005. The SCAQMD intends to continue its Workplan updates as needed to reflect ongoing and new initiatives.

The environmental justice program of the SCAQMD 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 the 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.”

As outlined above, at a State level, several regulatory actions have taken place since issuance of Executive Order 12898. However, the OPR and CalEPA have yet to adopt or otherwise provide draft or final State policies or guidelines for the evaluation of environmental justice under CEQA. In lieu of formally adopted State policy regarding the evaluation of environmental justice or guidelines within the context of CEQA review, the federal guidance outlined “Federal Regulations,” also above, has been used for the purposes of this assessment.

## 5.4 Impact Assessment

### 5.4.1 Impact Methodology

To assess potential environmental justice impacts, demographic data for the study area (in this case, the four zip code areas illustrated in Figure 4-1 of Section 4, Socioeconomics ) were collected to identify minority and low income populations, as defined in Section 5.3 (Applicable Regulations) under “Federal Regulations.” Following the identification of these populations, each of the resource or issue-area impact analyses contained in this SEIS/SEIR were reviewed to ascertain if a disproportionate environmental justice impact to minority or low income populations would occur. As related to the first threshold of significance provided in Section 4.5.2, below (EJ-1), a disproportionate environmental justice impact would occur if a significant unavoidable environmental impact associated with any of the alternatives of the Proposed Action would occur in any part of the study area that has a population of greater than 50 percent for either low income or minority persons. As related to threshold of significance EJ-2, as provided below under Section 5.4.2, the impact analysis for thresholds of significance SOCIO-1 and SOCIO-3 of Section 4.4 (Socioeconomics) were reviewed and qualitatively assessed for any low income and minority populations identified within the study area.

### 5.4.2 Thresholds of Significance

An environmental justice impact would be considered significant if the Proposed Action would:

- EJ-1** Result in a disproportionate human health or significant environmental impact on minority and/or low income populations; or
- EJ-2** Result in a disproportionate decrease in the employment and/or economic base of minority and/or low-income populations working or residing in the area surrounding the project area.

### 5.4.3 Impacts

The racial breakdown of the populations living within the four zip code areas assessed (90731, San Pedro; 90744, Wilmington; 90813, Long Beach; and 90802, Long Beach) are summarized in Table 5-2 (Population Profiles) and 5-3 (Population Profiles by Persons of Hispanic and Non-Hispanic Origin [Of Any Race]). The San Pedro zip code is the only community within the area of assessment with a greater than 50 percent white population (58.7 percent). The remaining communities have a minority population of greater than 50 percent: 63.8 percent; 74.8 percent; and, 53.1 percent, respectively, for the 90744 (Wilmington), 90813 (Long Beach) and 90802

(Long Beach) zip codes. The total minority populations of the City and County of Los Angeles are 51.3 percent and 53.1 percent, respectively.

Within the three zip code areas that have a greater than 50 percent minority population, the percentages of the populations that are of Hispanic or Latino origin are 84.6 (90744, Wilmington), 61.3 (90813, Long Beach) and 39.3 (90802, Long Beach). The total population of persons of Hispanic and Latino origin of the City and County of Los Angeles are 44.6 percent and 46.5 percent, respectively.

Considering the 50 percent or greater criteria outlined in Sections 5.3 and 5.4.1, above, all of the zip code areas assessed except the San Pedro area zip code are considered minority.

Table 5-4 (Summary of Household Incomes) summarizes the median household and family incomes for the four zip code areas and the City and County of Los Angeles. Within the zip code areas assessed, median household incomes range between \$20,025 and \$35,910, and median family incomes range between \$19,594 and \$39,057. All four of the zip code areas have median household and family incomes that are less than those of the County and City of Los Angeles median and household and family incomes.

Table 5-5 (Below Poverty Level Profiles) summarizes the individuals and families within the four zip code areas assessed that are considered to be below poverty level. None of these zip code areas have a below poverty level population of 50 percent or more, either by individual or family. The 90813 zip code (Long Beach) is the only zip code area with a below poverty level population greater than 30 percent (45.6 percent for all individuals, and 43.9 percent for all families). Consequently, none of the populations within the zip code areas evaluated are considered to be below poverty level; ~~thus, the analysis provided below is specific to minority populations.~~

Table 5-6 (Low Income Profiles) summarizes the annual incomes for individuals and families within the four zip code areas assessed. Under either a “best case” or “worst case” scenario, the 90813 zip code (Long Beach) has a population of greater than 50 percent that is considered low income. Therefore, the study area as a whole is considered to be low income and the following impact analysis applies to both minority and low income populations.

### **Alternative 1: Port Development and Environmental Enhancement**

Alternative 1 involves placing approximately 3.0 mcy of dredged material at the following sites: the CSWH Expansion site (1.7 mcy); ~~the Eelgrass Habitat Area (0.8 mcy);~~ Berths 243-245 (0.368 mcy); the Northwest Slip (0.128 mcy); and LA-2 (~~4,000 cy~~0.804 mcy). A new 8-acre

CDF would be developed at the Berths 243-245 disposal site, and a new 5-acre landfill site would be created at the Northwest Slip. Section 2.5.1 provides details regarding Alternative 1.

**Impact EJ-1      Alternative 1 would potentially result in a disproportionate human health or significant environmental impact on minority and/or low income populations.**

As addressed in Section 3.2.6.1, Air Quality, Alternative 1 construction activities would produce significant levels of nitrogen oxides (NO<sub>x</sub>) emissions. These emissions would result in significant and unavoidable impacts (Impact AQ-2). Additionally, construction activities would contribute to an exceedance of the one-hour ambient nitrogen dioxide (NO<sub>2</sub>) emissions standard, (Impact AQ-3) which is considered a significant and unavoidable impact, ~~as well as annual carbon dioxide equivalent (CO<sub>2e</sub>) emissions (Impact AQ-6), which is also considered a significant and unavoidable impact.~~ Consequently, dredge and disposal activities associated with Alternative 1 would result in a disproportionate human health or significant environmental impact on minority and low income populations. These impacts would be specific to air quality; no other significant unavoidable adverse impacts have been identified that could result in a disproportionate effect on minority and low income populations. It should be noted that construction related impacts are short term and temporary, conditions would be stabilized upon completion of construction. The project would not result in long term permanent impacts related to air quality, or minority and low income populations.

**Impact Determination**

As outlined above, Alternative 1 would result in a disproportionate human health or significant environmental impact on minority and low income populations because significant and unavoidable impacts related to air quality would occur. ~~No disproportionate human health or significant environmental impacts associated with low income populations within the study area would occur.~~

**Mitigation Measures.** MM AQ-2.1 through MM AQ-2.5 would reduce peak daily emissions from unmitigated levels. Although application of measure MM AQ-2.6 is uncertain, it would further reduce emissions from proposed construction activities. After mitigation, Alternative 1 would produce significant levels of NO<sub>x</sub> ~~and~~ NO<sub>2</sub> ~~and~~ CO<sub>2e</sub> emissions. Associated impacts related to Impact EJ-1 would thus be potentially significant and unavoidable.

**Residual Impacts.** No mitigation measures for construction of Alternative 1 have been identified to reduce air quality impacts to a level of less than significant. As a result, the emissions from the proposed dredge and disposal activities would produce significant air quality impacts that would affect minority ~~and/or~~ low income populations at levels exceeding the

corresponding medians for Los Angeles County. Residual impacts would be significant and unavoidable.

**Impact EJ-2      Alternative 1 would not result in a disproportionate decrease in the employment and/or economic base of minority and/or low-income populations working or residing in the area surrounding the project area.**

As addressed in Section 4, Socioeconomics, construction of Alternative 1 would not result in any regional or local employment impacts. As addressed in Section 3.8, Land Use, construction-related impacts regarding temporary disruptions to businesses associated with the Northwest Slip would be less than significant with implementation of proposed mitigation measures MM LU-1 and MM LU-2. In addition, construction-related activities would result in local spending by contractors on materials, equipment, food, entertainment, and other miscellaneous purchases, thereby resulting in beneficial economic impacts. As outlined in Table 4-2 (Employment Characteristics) of Section 4, Socioeconomics, the existing local and regional labor force is sufficient to accommodate dredge and disposal activities. Therefore, construction of dredge and disposal Sites associated with Alternative 1 would not result in a disproportionate decrease in the employment and/or economic base of minority or low-income populations working or residing in the area surrounding the Port.

**Impact Determination**

As outlined above, Alternative 1 would not result in a disproportionate decrease in the employment and/or economic base of minority or low-income populations working or residing in the area surrounding the Port. No impacts would occur.

**Mitigation Measures.** Under Alternative 1, no impacts would occur; therefore, no mitigation measures are required.

**Residual Impacts.** No mitigation measures for construction of Alternative 1 are required. Therefore, no residual impacts would occur.

**Alternative 2: Environmental Enhancement and Ocean Disposal**

As with Alternative 1, Alternative 2 includes expansion of the CSWH with the placement of 1.7 mcy of dredge material and construction of the Eelgrass Habitat Area with the placement of 0.8 mcy of dredge material. Alternative 2 does not include the creation of new lands within the Port. Any contaminated dredge material unsuitable for open water disposal (presently estimated to be approximately 0.0806 mcy) would be placed at the existing ARSSS. The remaining material, approximately 0.42122 mcy, would be disposed at the LA-2 and LA-3 ocean disposal sites.

Because plans for the CSWH Expansion Area and Eelgrass Habitat Area are the same under both Alternative 1 and Alternative 2, the environmental justice impacts associated with them would be the same as those described for Alternative 1. Additionally, although the volume of dredge material disposed of at LA-2 and LA-3 is greater under Alternative 2 than under Alternative 1, ~~this~~ these offshore area sites are not in close proximity to any populated areas and thus would not affect any minority or low income populations. Consequently, the following discussion is specific to the ARSSS. Additionally, as addressed above for Alternative 1, ~~none of the populations within the four zip code areas evaluated are~~ study area is considered to be below poverty level; ~~thus~~ low income; as such, the following ~~the~~ analysis is specific ~~to~~ both minority and low income populations.

**Impact EJ-1      Alternative 2 would potentially result in a disproportionate human health or significant environmental impact on minority and/or low income populations.**

The ARSSS is located north of the Cerritos Channel and Anchorage Road, south of property owned by the POLB, east of Shore Road, and west of Henry Ford Avenue. It is located in the Port's Development Area 6. Historically this site was used for oil production; currently it is used for the disposal and storage of dredged material. Areas south of Anchorage Road and west of Shore Road include the Colonial Yacht, Lighthouse Yacht, Cerritos Yacht and Island Yacht Anchorages, which contain some full-time residents. The area parallel to Anchorage Road on the south side of Cerritos Channel is within the Port's Development Area 7 and comprised of container backland areas and a portion of Pier S of the Long Beach Harbor, including a Dow Chemical, Inc. facility and the Long Beach Marine Terminal.

As addressed in Section 3.2, Air Quality, Alternative 2 construction activities would produce significant levels of NO<sub>x</sub> emissions. These emissions would result in significant and unavoidable impacts (Impact AQ-2). Additionally, construction activities would result in significant and unavoidable impacts related to NO<sub>2</sub> levels (Impact AQ-3), ~~as well as annual CO<sub>2e</sub> emissions (Impact AQ-6).~~ As addressed in Section 5.4.1 (Impact Methodology), a disproportionate environmental justice impact would occur if a significant unavoidable environmental impact associated with any of the Alternatives of the Proposed Action would occur in any part of the study area that has a population of greater than 50 percent for either low income or minority persons. Consequently, dredge and disposal activities associated with Alternative 2 would result in a disproportionate human health or significant environmental impact on minority ~~populations.~~ ~~As outlined in Sections 3.2.6.1 and 3.2.6.2 (Air Quality) the calculated emissions for NO<sub>x</sub> are less than for Alternative 2 than they are for Alternative 1 (349 pounds per day for Alternative 2 [mitigated] in comparison to 503 pounds per day for Alternative 1 [mitigated]), and the emissions for NO<sub>2</sub> and CO<sub>2e</sub> are the same for both alternatives. However,~~



~~under either alternative the emissions for all of these pollutants are considered significant and unavoidable; thus, these two alternatives would result in the same disproportionate human health or significant environmental impacts on minority populations and low income populations.~~ These impacts would be specific to air quality; no other significant unavoidable adverse impacts have been identified that could result in a disproportionate affect on minority and low income populations. It should be noted that construction related impacts are short term and temporary, conditions would be stabilized upon completion of construction. Alternative 2 would not result in long term permanent impacts related to air quality, or minority and low income populations

### **Impact Determination**

As outlined above, Alternative 2 would result in significant and unavoidable impacts related to air quality, and thus would create a disproportionate human health or significant environmental impact on minority and low income populations.

**Mitigation Measures.** MM AQ-2.1 through MM AQ-2.5 would reduce peak daily emissions from unmitigated levels. Although application of measure MM AQ-2.6 is uncertain, it would further reduce emissions from proposed construction activities. After mitigation, Alternative 2 would produce significant levels of NO<sub>x</sub> and NO<sub>2</sub> ~~and CO<sub>2e</sub>~~-emissions. Associated impacts related to Impact EJ-1 would thus be potentially significant and unavoidable.

**Residual Impacts.** No mitigation measures for construction of Alternative 2 have been identified to reduce air quality impacts to a level of less than significant. As a result, the emissions from this alternative's dredge and disposal activities would produce significant air quality impacts that would affect minority and low income populations. Residual impacts would be potentially significant and unavoidable.

**Impact EJ-2      Alternative 2 would not result in a disproportionate decrease in the employment and/or economic base of minority and/or low-income populations working or residing in the area surrounding the project area.**

As addressed in Section 4, Socioeconomics, disposal activities associated with Alternative 2, including the ARSSS, would not impact the socioeconomic attributes of the area either locally or regionally. Consequently, for the same reasons as discussed above for Alternative 1 under Impact EJ-2, disposal activities at the ARSSS would not result in a disproportionate decrease in the employment and/or economic base of minority ~~and~~ or low-income populations working or residing in the area surrounding the project area.

## Impact Determination

As outlined above, Alternative 2 would not result in a disproportionate decrease in the employment and/or economic base of minority and/or low-income populations working or residing in the area surrounding the Port. No impacts would occur.

**Mitigation Measures.** Under Alternative 2, no impacts would occur; therefore, no mitigation measures are required.

**Residual Impacts.** No mitigation measures for construction of Alternative 2 are required. Therefore, no residual impacts would occur.

### Alternative 3: No Action Alternative

Under the No Action Alternative, no construction activities related to the Proposed Action would occur. No new landfills or new shallow water areas would be created. Since all approved disposal sites have been completed, no further dredging would take place and the Channel Deepening Project would not be completed. Existing environmental conditions at the Proposed Action disposal sites would continue to exist. Approximately 1.025 mcy of material within the federally-authorized channel and 0.675 mcy of berth dredging would remain to be dredged and disposed. In addition the 0.815 mcy of surcharge on Southwest Slip Area would remain to be removed and disposed. Additionally, the 0.08 mcy of contaminated dredge material would remain within the Main Channel of the Port.

As with Alternatives 1 and 2, ~~none of the populations within the zip code areas evaluated for Alternative 3 are considered to be below poverty level; consequently, the following the analysis is specific to minority populations and low income.~~

**Impact EJ-1      The No Action Alternative would not result in a disproportionate human health or significant environmental impact on minority and/or low income populations.**

Under Alternative 3, existing dredge and disposal activities would stop once the authorized volume for disposal of dredge material is met. For the duration of dredge and disposal activities there would be no change to existing conditions. Therefore, Alternative 3 would not result in any new impacts, and no disproportionate human health or significant environmental impacts on minority and/or low income populations at levels exceeding the corresponding medians for the Los Angeles County would occur.

## Impact Determination

As outlined above, Alternative 3 would not result in a disproportionate human health or significant environmental impacts on minority and/or low income populations at levels exceeding the corresponding medians for the Los Angeles County. No impacts would occur.

**Mitigation Measures.** Under Alternative 3, no impacts would occur; therefore, no mitigation measures are required.

**Residual Impacts.** No mitigation measures for construction of Alternative 3 are required. Therefore, no residual impacts would occur.

**Impact EJ-2     The No Action Alternative would not result in a disproportionate decrease in the employment and/or economic base of minority and/or low-income populations working or residing in the area surrounding the project area.**

Under Alternative 3 no changes to existing employment or expenditures associated with the authorized Channel Deepening Project would occur. Therefore, continued dredge and disposal activities would not result in a disproportionate decrease in the employment and/or economic base of minority and/or low-income populations working or residing in the area surrounding the project area.

## Impact Determination

As outlined above, Alternative 3 would not result in a disproportionate decrease in the employment and/or economic base of minority and/or low-income populations working or residing in the area surrounding the Port. No impacts would occur.

**Mitigation Measures.** Under Alternative 3, no impacts would occur; therefore, no mitigation measures are required.

**Residual Impacts.** No mitigation measures for implementation of Alternative 3 are required. Therefore, no residual impacts would occur.

### 5.4.4 Impact Determination

This section summarizes the conclusions of the impact analysis presented above in Section 5.4.3. Table 5-67 lists each impact identified for each alternative of the Proposed Action, along with the significance of each impact.

**Table 5-7 6 Impact Summary**

Impact	Alternative 1	Alternative 2	Alternative 3
EJ-1 Result in a disproportionate human health or significant environmental impact on minority and/or low income.	S&U	S&U	NI
EJ-2: Result in a disproportionate decrease in the employment and/or economic base of minority and/or low-income populations working or residing in the area surrounding the project area.	NI	NI	NI

S&U = Significant and Unavoidable  
 LTS = Less than Significant

SM = Significant but Mitigated  
 NI = No Impact

Construction activities associated with Alternative 1 and Alternative 2 would produce significant levels of NO<sub>x</sub>, ~~and NO<sub>2</sub> and CO<sub>2e</sub>~~ emissions. These air quality impacts would affect minority and low income populations (Impact EJ-1). Impacts ~~into~~ minority and low income populations would be significant and unavoidable.

Under Alternative 1 temporary disruptions to businesses associated with the Northwest Slip would occur due to construction activities. However, with implementation of the mitigations outlined in Section 3.8 (Land Use), impacts related to a disproportionate decrease in the employment and/or economic base of minority and low income populations working or residing in the area surrounding the project area (Impact EJ-2) would be less than significant.

Under Alternative 3, no construction activities would occur; therefore no impacts related to environmental justice would occur.

#### **5.4.5 Mitigation Measures and Residual Impacts**

~~Adverse environmental justice impacts associated with Alternative 1 and Alternative 2 would occur.~~ Adverse environmental justice impacts associated with Alternative 1 and Alternative 2 would occur. Although mitigation measures MM AQ-2.1 through MM AQ-2.6 would be applied to the Proposed Action to reduce air quality emissions, actual emission reductions are uncertain and would vary due to the transient nature of the construction activities. As a result, mitigated emissions from Alternative 1 construction activities would produce significant levels of mitigated NO<sub>x</sub> emissions and would produce significant impacts to ambient NO<sub>2</sub> levels ~~and annual CO<sub>2e</sub> emissions~~. Associated impacts related to Impact EJ-1 would thus be significant and unavoidable.

No significant adverse impacts related to a disproportionate decrease in the employment and/or economic base of minority and/or low-income populations working or residing in the area surrounding the project area (Impact EJ-2) have been identified; therefore, no mitigation measures are required and no residual impacts would occur.

#### 5.4.6 Significant Unavoidable Adverse Impacts

As addressed in Section 5.4.3, Alternatives 1, 2 and 3 would result in adverse and unavoidable impacts related to air quality emissions (Impacts AQ-2, AQ-3 and AQ-36 for Alternative 1 and Alternative 2). These emissions would affect the health of individuals residing near the Port, including those individuals that fall under the definition of low income and minority. As reviewed in Section 5.2. (Table 5-3), the 90744 zip code (Wilmington) and 90813 zip code (Long Beach) have majority populations that are of Hispanic or Latino origin (84.6 percent within the 90744 zip code, and 61.3 percent within the 90813 zip code). The proportion of persons of Hispanic or Latino origin in these areas is substantially higher than the Hispanic and Latino population of the City and County of Los Angeles (46.5 and 44.6 percent), respectively. As addressed in Section 5.4.1 (Impact Methodology), a disproportionate environmental justice impact would occur if a significant unavoidable environmental impact associated with the Proposed Action ~~or one of its alternatives~~ would occur in any part of the study area that has a population of greater than 50 percent for either low income or minority persons.

~~Although the calculated emissions for NO<sub>x</sub> are less than for As mitigated, Alternative 2 than they are for Alternative 1 (349 pounds per would produce both lower peak day for Alternative 2 and total NO<sub>x</sub> emissions in comparison to 503 pounds per day for mitigated Alternative 1 (Impact AQ-2), although the peak daily emissions for NO<sub>2</sub> and CO<sub>2e</sub> (Impact AQ-3) are the same for both alternatives. Additionally~~ However, under either alternative the emissions ~~for all of from~~ these pollutants are considered significant and unavoidable; thus, these two alternatives would result in the same disproportionate human health or significant environmental impacts on minority and low income populations.

Alternative 1 and Alternative 2 would each result in a disproportionate human health or significant environmental impact on minority and low income populations (Impact EJ-1) due to significant and unavoidable impacts associated with air quality. No mitigation measures have been identified which would reduce these impacts to a level of less than significant.

#### 5.4.7 Mitigation Monitoring Plan

Please refer to Section 3.2, Air Quality, for the Mitigation Monitoring Plan associated with mitigation measures MM AQ-2.1 through MM AQ-2.6.

### 5.5 Public Outreach

The Channel Deepening Project has been an on-going project that has been the subject of several environmental reviews. Section 1.1.3 provides a summary of the project's history and previous environmental reviews and authorizations. This SEIS/SEIR was noticed publicly in a joint

NOI/NOP published on November 4, 2004. A public scoping meeting on that NOI/NOP was subsequently held on November 30, 2004 at Banning's Landing. Twenty-seven written letters on the NOI and NOP were received, including ten letters from the public. A copy of this NOI/NOP is included in Appendix D of this SEIS/SEIR and a summary of the comments provided at the public scoping meeting is presented in Section 1.11.

On October 21, 2005 a supplemental NOI/NOP for the Proposed Action was published and distributed to interested public parties, special interest groups and regulatory agencies. A copy of the supplemental NOI/NOP is also provided in Appendix E. The public comment period on the supplemental NOI/NOP was 32 days, and eight written comment letters were received. A summary of these comments is provided in Section 1.11.

The Proposed Action's ~~Draft~~ SEIS/SEIR will be available for public review for a 45-day period. During the public and agency review period a public hearing on the ~~draft~~ document will be held to solicit written and oral comments. All written comments received on the Draft SEIS/SEIR will be responded to in the Final SEIS/SEIR.

In addition to the distribution and publication of the original and supplemental NOI/NOP summarized above, copies of these notifications were also made available on the Port's website at <http://www.portoflosangeles.org>.

As summarized in Table 5-3, the communities surrounding the Port have substantial Hispanic and Latino populations. Within the areas adjacent to the Port, the percentages of this sector of the overall population range between approximately 39.3 and 84.6 percent. To ensure effective communications with persons of Hispanic and Latino origin, a notification postcard in Spanish regarding publication of the original NOI/NOP was distributed in November 2004, and the 2005 supplemental NOI/NOP was published in both Spanish and English. Additionally, a Spanish interpreter was made available at the November 30, 2004 public scoping meeting for any persons needing Spanish interpretation assistance.

***Public Concerns.*** In response to the NOI/NOP of November 4, 2004 and the SNOI/SNOP of October 21, 2005 a total of 34 comment letters and two oral comments were received. Table 1-6 (Scoping Comments Addressed in this SEIS/SEIR) of Section 1 of this document lists the issues that were identified during the scoping process, a brief summary response to each comment received, and the section of the SEIS/SEIR in which each comment was addressed. It is noted, however, that since the scope of the project has changed since release of the SNOI/SNOP in October 2005, some comments received during the scoping process were no longer applicable, and thus were not analyzed in the SEIS/SEIR. Areas of public concern that were identified during the scoping process included: potential impacts of the project related to air quality; noise

caused by construction activities and construction traffic; dredge and disposal impacts on water quality and biological resources; and, impacts to onshore and offshore recreation activities, health and safety, aesthetics, environmental justice, and transportation and traffic. These issues were incorporated into the SEIS/SEIR. Nearly all of the environmental issues associated with the implementation of the Proposed Action and its alternatives addressed in the SEIS/SEIR can be mitigated to a level of less than significant. Impacts that would remain significant despite application of existing regulations and proposed mitigation measures are summarized in Section 7.1 (Unavoidable Significant Effects).

The Draft SEIS/SEIR was published and made available for public review and comment from July 11 through September 1, 2008. Additionally, a public meeting was conducted on August 6, 2008. In total, 21 comment letters and 22 oral comments were received on the document. Key issues and concerns that were raised through this comment and review process included: air quality; biological resources; and recreation. Additionally comments were received on the project description, project alternatives, contaminated sediments and hazardous waste, cumulative impacts, environmental justice, socioeconomics, traffic, water quality and aesthetics. All comments received on the Draft SEIS/SEIR have been responded to and are included in Chapter 14 of this Final SEIS/SEIR. Revisions to the Draft SEIS/SEIR that have been made in response to these comments have been incorporated into this Final SEIS/EIR and are indicated by the letter “R” placed in the left-hand margin of its pages.