Chapter 5
Environmental Justice

CHAPTER SUMMARY

This chapter evaluates whether the proposed Project and its alternatives would result in disproportionately adverse human health or environmental impacts on minority populations and/or low-income populations in the local communities surrounding the Port. The primary features of the proposed Project and alternatives that could affect these populations include the deepening of two existing berths (Berths 226-229 and Berths 230-232) and the expansion of backlands, which would enable the terminal to accommodate higher throughput levels and the projected fleet mix of larger container ships (up to 16,000 TEUs) that are anticipated to call at the terminal through 2038. The installation of king piles and sheet piles and dredging would be required in order to deepen the berths. The proposed Project improvements would increase the throughput capacity of the terminal from 1,818,000 TEUs to 2,314,335 TEUs annually by 2038.

The environmental justice analysis complies with Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, and the Council on Environmental Quality's (CEQ) *Guidance for Environmental Justice Under NEPA* (CEQ, 1997), which requires federal agencies to assess the potential for their actions to have disproportionately high and adverse environmental and health impacts on minority populations and/or low-income populations. This assessment is also consistent with California state law regarding environmental justice.

Chapter 5, Environmental Justice, provides the following:

- a description of the existing environmental setting in the Port area;
- a description of applicable local, state, and federal regulations and policies;
- a discussion of the methodology used to determine whether the proposed Project or alternatives would result in disproportionately high and adverse human health or environmental impacts on minority populations and/or low-income populations; and
- an impact analysis of both the proposed Project and alternatives.

Key Points of Chapter 5:

The proposed Project would optimize marine shipping and commerce at the existing container terminal and its operations would be consistent with other container terminals and other uses in the proposed Project area.

The Environmental Justice analysis and impact determinations are applicable only to NEPA; they are not required under CEQA. Further, because Alternative 2 is not subject to NEPA as it is a CEQA-only alternative, and Alternative 1 would result in no incremental difference than the NEPA Baseline, these

alternatives are not analyzed for Environmental Justice impacts. After the incorporation of mitigation measures, the proposed Project and Alternatives 3, 4 and 5 would result in potentially significant impacts on minority populations and/or low-income populations related to air quality and ground transportation, and would result in a cumulatively considerable contribution to a significant cumulative impact related to air quality at the sensitive receptor locations, which would constitute a disproportionately high and adverse effect on minority and low-income populations.

5.1 Introduction

The environmental justice analysis complies with Executive Order 12898, *Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*, which requires federal agencies to assess the potential for their actions to have disproportionately high and adverse environmental and health impacts on minority and/or low-income populations, and with the CEQ *Guidance for Environmental Justice under NEPA* (CEQ, 1997). This assessment is also consistent with California state law regarding environmental justice.

5.2 Environmental Setting

The Project site is located at 389 Terminal Way on Terminal Island, within the Port of Los Angeles Community Plan area of the City of Los Angeles, which is adjacent to the communities of Wilmington (to the north) and San Pedro (to the west). For this assessment, the area of potential effect was determined in accordance with CEQ's guidance for identifying the "affected community," which requires consideration of the nature of likely project impacts and identification of a corresponding unit of geographic analysis. The affected community is considered to encompass parts of the communities of Wilmington and San Pedro. The cities of Los Angeles, Long Beach, and Carson and the county of Los Angeles form part of the reference community. The area of potential effect for purposes of environmental justice corresponds to the areas affected by the specific environmental issues analyzed in this Draft EIS/EIR. Areas of potential effect differ somewhat for each environmental issue and are described for each resource section in the relevant sections of Chapter 3 and within Chapter 4, Cumulative Impacts. The reference community is used to determine whether a disproportionately high and adverse human health or environmental impact could be borne disproportionately by low-income and/or minority populations in the affected community when compared to the general population in and around the proposed Project.

5.2.1 Minority and Low-Income Populations

Environmental justice guidance from CEQ 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). Hispanic and Latino refer to ethnicities, whereas American Indian, Alaskan Native, Asian, Pacific Islander, and Black/African-American (as well as White or European-American) refer to racial categories. For census purposes, individuals classify themselves into racial categories as well as ethnic categories, where ethnic categories include Hispanic/Latino and non-Hispanic/Latino. The 2010 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, 1999).

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, 1999). Due to the higher cost of living in Southern California as 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 of 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 to 2007 for Los Angeles County from the U.S. Department of Housing and Urban Development (HUD) (HUD, 2007).

To establish context for this environmental justice analysis, race, ethnicity (i.e., minority), and income characteristics of the population residing in the vicinity of the Everport Container Terminal were reviewed. Table 5-1 presents minority, and low-income populations from the 2010 Census and the Los Angeles City Planning Department for Wilmington, San Pedro, Los Angeles County, the City of Los Angeles, and California. The table also presents similar data for other cities in the general vicinity of the Port. Los Angeles County is used as the comparison population because it is considered representative of the general population that could be affected by the proposed Project or an alternative.

Table 5-1: Minority and Low-Income Populations

Place	Total Population[1]	Percent Minority Population[1]	Percent Low-Income Population[2]
California	37,253,956	59.9	15.9
Los Angeles County	9,818,605	72.2	17.8
City of Los Angeles	3,792,621	71.3	22.0
San Pedro CPA[3]	79,543[4]	59.1[5]	15.2[6]
Wilmington – Harbor City CPA[3]	83,734[4]	87.3[5]	19.1[6]
Nearby Cities			
Carson	91,714	92.3	10.0
Lomita	20,256	56.6	12.2
Long Beach	462,257	70.6	20.2
Palos Verdes Estates	13,438	26.6	3.2
Rancho Palos Verdes	41,643	44.0	4.5
Rolling Hills CDP[7]	742	25.6	1.5
Rolling Hills Estates	8,067	36.4	3.5
Torrance	145,438	57.7	7.4
West Carson CDP[7]	21,699	78.6	9.6

Notes:

[1] U.S. Census Bureau; 2010 Census Summary File 1; Table P9.

[2] U.S. Census Bureau; 2009-2013 American Community Survey 5-Year Estimates; Table S1701.

[3] Community Plan Area (CPA), as designated by the City of Los Angeles.

[4] The total population for each census tract within the CPA was combined to determine the total population of the entire CPA; this same method was used to determine the percent of minority and low-income populations.

[5] U.S. Census Bureau; 2005-2009 American Community Survey 5-Year Estimates; Table B03002.

[6] U.S. Census Bureau; 2005-2009 American Community Survey 5-Year Estimates; Table S1701.

[7] Census designated place (CDP), as identified by the U.S. Census Bureau.

Table 5-1 shows that within Wilmington (the Wilmington –Harbor City Community Plan area as defined by the Los Angeles City Planning Department), minorities constitute 87.3 percent of the population and low-income persons constitute 19.1 percent of the population. Within San Pedro (the San Pedro Community Plan area as defined by the Los Angeles City Planning Department), minorities comprise 59.1 percent of the population and 15.2 percent of the population is low-income. Thus, both neighborhoods constitute a "minority population concentration" under CEQ guidance because the guidance indicates such a concentration exists if the percent minority exceeds 50 percent.

Figure 5-1 shows the percentage of minority residents in 59 census tracts surrounding the Project site (include tracts within San Pedro and Wilmington-Harbor City Community Plan areas) and the Port, and Figure 5-2 shows the percentage of low-income residents in the same area. Table 5-2 presents data for the 59 census tracts shown in Figures 5-1 and 5-2.

Table 5-2: Minority and Low-Income Characteristics in the Vicinity of the Proposed Project Site

Census Tracts	Total Population[1]	Percent Minority Population[2]	Percent Low-Income Population[3]
2933.02	4,720	77.0	8.7
2933.04	4,178	86.1	20.4
2933.06	2,189	62.6	13.2
2933.07	2,306	91.4	12.5
2941.10	4,140	94.9	16.7
2941.20	2,370	96.8	26.7
2942	4,951	91.4	12.2
2943.01	2,448	90.7	13.3
2943.02	4,754	95.2	22.3
2944.10	4,579	83.1	20.0
2944.21	2,950	94.1	19.4
2945.10	4,214	96.3	27.9
2945.20	3,564	97.8	30.1
2946.10	4,065	97.3	33.9
2946.20	4,219	96.2	27.4
2947.01	3,019	97.8	32.4
2948.10	3,991	98.3	38.2
2948.20	3,579	97.0	48.5
2948.30	3,707	98.2	43.5
2949	3,265	95.4	41.0
2951.03	4,875	44.1	5.5
2962.10	3,019	91.4	44.6
2962.20	4,307	84.5	39.3
2963	4,221	49.7	9.5
2964.01	3,191	37.7	9.4
2964.02	3,091	62.5	7.2

Table 5-2: Minority and Low-Income Characteristics in the Vicinity of the Proposed Project Site

Census Tracts	Total Population[1]	Percent Minority Population[2]	Percent Low-Income Population[3]
2965	3,910	85.9	32.2
2966	5,218	82.5	30.2
2969.01	4,127	86.1	15.6
2969.02	3,851	64.1	20.1
2970	5,343	36.6	2.4
2971.10	4,679	80.3	35.3
2971.20	3,315	85.9	24.4
2972.01	3,475	67.6	24.3
2972.02	3,423	47.5	13.2
2973	2,374	33.3	4.1
2974	3,603	32.9	8.7
2975	5,163	37.5	8.3
2976.01	2,594	29.6	7.8
2976.02	3,503	52.2	5.3
5436.03	3,690	68.9	3.4
5436.04	5,620	91.0	12.5
5437.03	3,472	89.1	5.0
5727	5,499	97.0	10.4
5728	839	82.8	56.0
5729	5,250	96.6	24.0
5755	76	55.0	0.0
6099	2,034	73.8	1.9
6700.01	3,311	57.8	8.9
6700.02	4,001	63.5	10.1
6700.03	5,788	60.2	16.4
6701	6,659	63.4	11.6
6702.01	3,852	25.7	1.7
6707.01	6,882	46.3	3.8
6707.02	5,477	24.5	4.4
9800.14	239	0.0	32.4
9800.15	554	87.4	45.2
9800.31	1,262	64.3	0.0
9800.33	61	50.0	-
Total	**215,056**	**73.5**[4]	**18.4**[4]

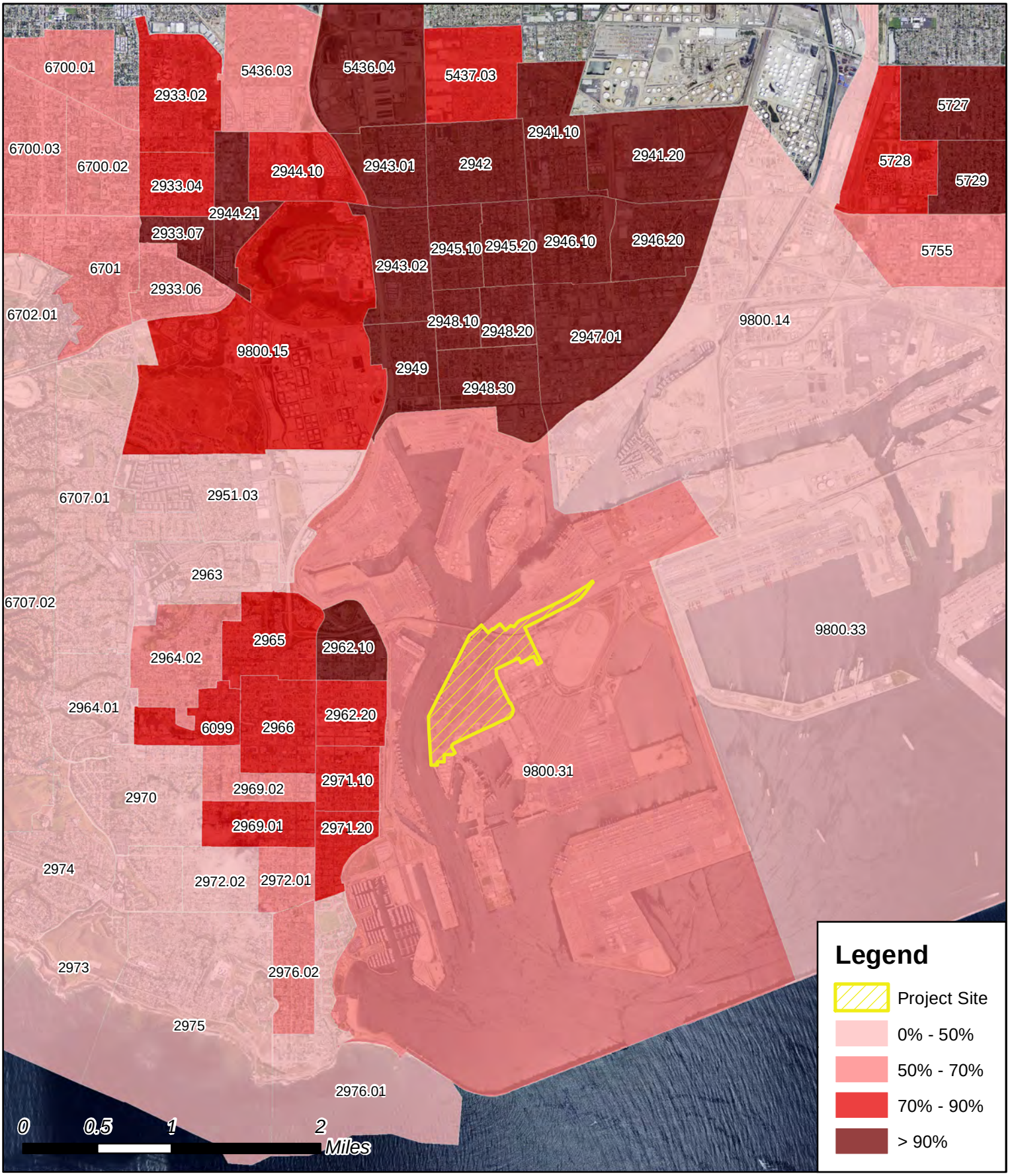
Notes:

[1] U.S. Census Bureau; 2010 Census Demographic Profile Summary File; Table DP-1.

[2] U.S. Census Bureau; 2009-2013 American Community Survey 5-Year Estimates, Table B03002.

[3] U.S. Census Bureau; 2009-2013 American Community Survey 5-Year Estimates; Table S1701.

[4] The total percentage was calculated by adding the total minority or low-income population of all census tracts combined and dividing it by the total population of all census tracts combined.

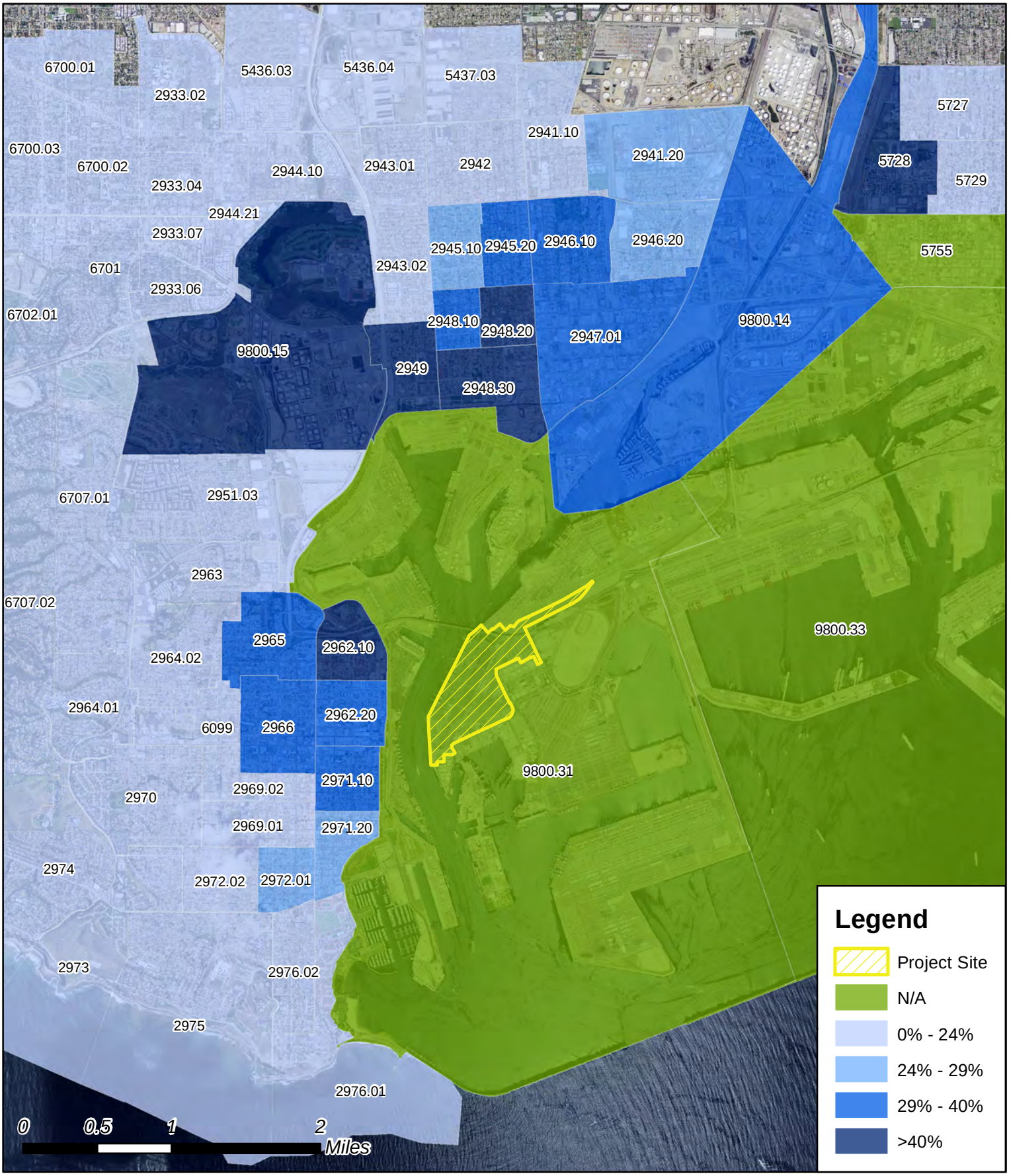


Source: U.S. Census Bureau, 2009-2013

N

Figure 5-1
Percent of Minority Population

Berths 226-236 [Everport] Container Terminal Improvements Project



Source: U.S. Census Bureau, 2009-2013

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Figure 5-2
Percent of Low-Income Population

Berths 226-236 [Everport] Container Terminal Improvements Project

5.3 Applicable Regulations

5.3.1 Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

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

The Executive Order authorized the creation of an Interagency Working Group (IWG) on Environmental Justice, overseen by EPA, to implement the Executive Order's requirements. The IWG includes representatives from a number of executive agencies and offices and has developed guidance for terms contained in the Executive Order.

EPA defines "environmental justice" as follows (EPA 1998):

> *The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.*

EPA defines "fair treatment" as follows (EPA 1998):

> *No group of people, including a racial, ethnic, or a socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.*

EPA defines "meaningful involvement" as follows (EPA 1998):

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

Finally, EPA defines "disproportionately high and adverse effect" (or "impact") as follows (EPA 1998):

An adverse effect or impact that: (1) is predominantly borne by any segment of the population, including, for example, a minority population and/or a low-income population; or (2) will be suffered by a minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect or impact that will be suffered by a non-minority population and/or non-low-income population.

In the Presidential Memorandum to departments and agencies that accompanies Executive Order 12898, the President cites the importance of NEPA in identifying and addressing environmental justice concerns. The memorandum states, "each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by NEPA." The memorandum emphasizes the importance of the NEPA public participation process, directing that "each Federal agency shall provide opportunities for community input in the NEPA process." Agencies are directed to identify potential impacts and mitigations in consultation with affected communities and ensure the accessibility of meetings, crucial documents, and notices.

The Presidential memorandum identifies four provisions that identify ways agencies should consider environmental justice under NEPA, as follows:

1) Each federal agency should analyze the environmental effects, including human health, economic, and social effects of federal actions, including effects on minority populations, low-income populations, and Indian tribes, when such analysis is required by NEPA.
2) Mitigation measures identified as part of an environmental assessment (EA), a finding of no significant impact (FONSI), an EIS, or a record of decision (ROD) should, whenever feasible, address significant and adverse environmental effects of proposed federal actions on minority populations, low-income populations, and Indian tribes.
3) Each federal agency must provide opportunities for effective community participation in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of public meetings, crucial documents, and notices.
4) Review of NEPA compliance (such as EPA's review under Section 309 of the Clean Air Act) must ensure that the lead agency preparing NEPA analyses and documentation has appropriately analyzed environmental effects on minority populations, low-income populations, or Indian tribes, including human health, social, and economic effects.

5.3.2 Council on Environmental Quality: Environmental Justice—Guidance under the National Environmental Policy Act

EPA has lead responsibility for implementation of Executive Order 12898. The chair of the IWG on Environmental Justice, CEQ, has oversight of the federal government's compliance with this Executive Order and NEPA. CEQ, in consultation with EPA and other agencies, has prepared guidance to assist federal agencies in NEPA compliance in

its *Environmental Justice Guidance under the National Environmental Policy Act* (1997). This guidance provides an overview of Executive Order 12898, summarizes its relationship to NEPA, recommends methods for the integration of environmental justice into NEPA compliance, and incorporates as an appendix the IWG's definitions of key terms and concepts contained in the Executive Order.

Agencies are permitted to supplement CEQ's guidance with their own, more specific guidance tailored to their programs or activities or departments, to the extent permitted by law.

Neither the Executive Order nor CEQ proscribe a specific format for environmental justice assessments in the context of NEPA documents. However, CEQ identifies the following six general principles intended to guide the integration of environmental justice assessment into NEPA compliance, and which are applicable to the proposed Project and its alternatives (CEQ, 1997):

1) Agencies should consider the composition of the affected area, to determine whether minority populations, low-income populations, or Indian tribes are present in the area affected by the proposed action and, if so, whether there may be disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, or Indian tribes.

2) Agencies should consider relevant public health data and industry data concerning the potential for multiple or cumulative exposure to human health or environmental hazards in the affected population and historical patterns of exposure to environmental hazards, to the extent such information is reasonably available. For example, data may suggest there are disproportionately high and adverse human health or environmental effects on a minority population, low-income population, or Indian tribe from the agency action. Agencies should consider these multiple, or cumulative effects, even if certain effects are not within the control or subject to the discretion of the agency proposing the action.

3) Agencies should recognize the interrelated cultural, social, occupational, historical, or economic factors that may amplify the natural and physical environmental effects of the agency's proposed action. These factors should include the physical sensitivity of the community or population to particular impacts; the effect of any disruption on the community structure associated with the proposed action; and the nature and degree of impact on the physical and social structure of the community.

4) Agencies should develop effective public participation strategies. Agencies should, as appropriate, acknowledge and seek to overcome linguistic, cultural, institutional, geographic, and other barriers to meaningful participation, and should incorporate active outreach to affected groups.

5) Agencies should assure meaningful community representation in the process. Agencies should be aware of the diverse constituencies within any particular community when they seek community representation and should endeavor to have complete representation of the community as a whole. Agencies also should be aware that community participation must occur as early as possible if it is to be meaningful.

6) Agencies should seek tribal representation in the process in a manner that is consistent with the government-to-government relationship between the United

States and tribal governments, the federal government's trust responsibility to federally recognized tribes, and any treaty rights.

CEQ states that the identification of a disproportionately high and adverse human health or environmental effect on a low-income or minority population does not preclude a proposed agency action from going forward or compel a finding that a proposed action is environmentally unacceptable (CEQ, 1997). Instead, the identification of such effects is expected to encourage agency consideration of alternatives, mitigation measures, and preferences expressed by the affected community or population.

5.3.3 California Government Code Sections 65041–65049; Public Resources Code Sections 71110–71116

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

California Public Resources Code Section 71113 states that the mission of the California Environmental Protection Agency (Cal/EPA) includes ensuring that it conducts any 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.

As part of its mission, Cal/EPA was required to develop a model environmental justice mission statement for its boards, departments, and offices. Cal/EPA was tasked to develop a Working Group on Environmental Justice to assist it 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 Cal/EPA intra-agency strategy for addressing environmental justice. California Public Resources Code Sections 71110–71116 charge Cal/EPA 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 Cal/EPA's 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's 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 EPA.

- Identify differential patterns of consumption of natural resources among people of different socio-economic classifications for programs within the agency.
- Consult with and review any information received from the IWG pursuant to developing an agency-wide strategy for Cal/EPA.
- Develop a model environmental justice mission statement for Cal/EPA's boards, departments, and offices.
- 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 may impede the achievement of environmental justice.

California Government Code Sections 65040–65040.12 identify the Governor's Office of Planning and Research (OPR) as the comprehensive state agency responsible for long-range planning and development. Among its responsibilities, OPR is tasked with serving as the coordinating agency in state government for environmental justice issues. Specifically, OPR is required to consult with Cal/EPA, state Resources Agency, the Working Group on Environmental Justice, and other state agencies as appropriate, and share information with CEQ, EPA, and other federal agencies as appropriate to ensure consistency.

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

5.3.4 California State Lands Commission Environmental Justice Policy

The California State Lands Commission (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.

5.3.5 City of Los Angeles General Plan

The City of Los Angeles General Plan has adopted environmental justice policies as outlined in the Framework Element and the Transportation Element. 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" (City of Los Angeles, 1996). The Framework Element includes a policy to ensure "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 ensure "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" (City of Los Angeles, 1999).

The City of Los Angeles also has committed to a Compact for Environmental Justice, which was adopted by the City of Los Angeles Environmental Affairs Department as the City's foundation for a sustainable urban environment (City of Los Angeles, 2002). 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.

5.3.6 South Coast Air Quality Management District: Environmental Justice Program

In 1997, the South Coast Air Quality Management District (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 2003–04 of an *Environmental Justice Workplan* (Workplan). SCAQMD intends to update its Workplan 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."

5.4 Assessment

5.4.1 Methodology

The following methodology and assessment addresses the potential for the proposed Project and alternatives to have disproportionately high and adverse human health and environmental effects on low-income and/or minority populations. It is provided in compliance with federal *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations*, and CEQ's *Environmental Justice Guidance under the National Environmental Policy Act* (CEQ, 1997). This Draft EIS/EIR includes an environmental justice analysis for both federal and non-federal actions associated with the proposed Project and alternatives. However, since analysis is not required under CEQA, the determinations apply to NEPA actions and alternatives only.

The methodology for conducting the impact analysis for environmental justice includes reviewing impact conclusions under NEPA for each of the resource sections in this Draft EIS/EIR along with the cumulative analysis in Sections 4.2.1 through 4.2.11. If the Draft EIS/EIR identifies significant impacts or a cumulatively considerable contribution to a cumulatively significant impact, or otherwise identifies impacts considered to be high and adverse under NEPA, an evaluation would be conducted to determine if the impacts would result in disproportionately high and adverse effects on minority populations or low-income populations.

The *L.A. CEQA Thresholds Guide* (City of Los Angeles, 2006) does not identify significance thresholds for environmental justice or for disproportionately high and adverse effects on minority and/or low-income populations. In the absence of local thresholds and because of the joint federal/state nature of the Draft EIS/EIR, federal guidance provided by CEQ is utilized as the basis for determining whether the proposed Project or an alternative would result in environmental justice effects. CEQ has oversight of the federal government's compliance with Executive Order 12898 and NEPA and has published *Environmental Justice Guidance under the National Environmental Policy Act* (CEQ, 1997). The CEQ guidance identifies three factors to be considered to the extent practicable when determining whether environmental effects are disproportionately high and adverse (CEQ, 1997):

- Whether there is or would be an impact on the natural or physical environment that significantly (as employed by NEPA) and adversely affects a minority population, low-income population, or Indian tribe. 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;
- Whether the environmental effects are significant under NEPA, and are or may be having an adverse impact on minority populations, low-income populations, or Indian tribes that appreciably exceeds or is likely to appreciably exceed those on the general population or other appropriate comparison group; and
- Whether the environmental effects under NEPA occur or would occur in a minority population, low-income population, or Indian tribe affected by cumulative or multiple adverse exposures from environmental hazards.

Findings for proposed Project-level impacts and the contribution of the proposed Project or an alternative to cumulative impacts under NEPA will be reviewed to determine which impacts were significant or represent cumulatively considerable contributions to cumulatively significant impacts, and would therefore require environmental justice analysis.

For NEPA impacts found to be less than significant, less than cumulatively considerable, or classified as "No Impact" (and therefore also not cumulatively considerable), further evaluation of the potential for disproportionately high and adverse effects on minority and/or low-income populations would not be needed because impacts that would not be significant would not have the potential to result in such disproportionate effects.

Findings of significant impacts or cumulatively considerable contributions to cumulatively significant impacts under NEPA were reviewed to determine whether those impacts could cause substantial effects on human populations (i.e., the public), as opposed to primarily affecting the natural or physical environment and/or resulting in limited public exposure. Significant impacts not associated with substantial effects on human populations would not result in disproportionately high and adverse effects on minority and/or low-income populations. However, for disclosure purposes, these significant impacts will be summarized in order to facilitate public involvement and review by potentially affected minority and/or low-income populations in the vicinity of the proposed project.

For significant impacts that would affect the public, feasible mitigation measures are applied to determine whether adverse effects would still be significant under NEPA after mitigation measures are implemented. If the impact would be less than significant after mitigation - or in the case of a cumulative contribution, if the contribution would be less than cumulatively considerable after mitigation - then the impact was documented for disclosure purposes, but detailed analysis to determine if the impact or contribution would occur disproportionately on low-income and/or minority populations was not undertaken.

If the impact, after mitigation, would be significant and unavoidable or the contribution to cumulative impacts would be cumulatively considerable and unavoidable under NEPA, then the impact will be further evaluated to determine whether it would result in disproportionately high and adverse human health or environmental effects on minority and/or low-income populations. If the specific location of the impact is identified, the population demographics of the affected area will be estimated using data from the most recent (2010) Census. In cases where the boundaries of the impacted area are not known, conclusions will be drawn based on available information. In cases where data limitations would not allow a full evaluation, this fact will be identified.

In cases where the minority and low-income characteristics of populations in the impacted area could be estimated, the impact area characteristics were compared to data for the general population (i.e., Los Angeles County). If the minority population in the adversely affected area is greater than 50 percent or if either the minority percentage or the low-income percentage of the population in the adversely affected area is meaningfully greater than that of the general population, disproportionate effects on minority or low-income populations could occur. "Meaningfully greater" is not defined in CEQ or EPA guidance. For this analysis, "meaningfully greater" simply means "greater," which provides a conservative analysis. In addition, disproportionate effects

could also occur in cases where impacts are predominantly borne by minority or low-income populations.

Proposed project or alternative benefits are also considered to determine whether adverse effects would still be appreciably more severe or of greater magnitude after these other elements are considered. In addition, if significant unavoidable impacts or contributions to cumulatively significant impacts are determined to be disproportionate, the identified mitigation measures are reviewed to determine whether they would be effective in avoiding or reducing the impacts on minority and/or low-income populations. If necessary, additional feasible mitigation measures are considered.

The discussion also addresses public comments concerning environmental justice. That discussion is followed by the analysis of environmental justice and cumulative effects for the proposed Project and alternatives.

5.4.2 Proposed Project and Cumulative Effects

Public comments received on the Notice of Intent/Notice of Preparation as part of the public involvement process for the Draft EIS/EIR identified several concerns related to environmental justice. Those concerns are addressed below. Cross-references to other resource sections are provided, as appropriate, where additional analysis of these concerns is presented in the EIS/EIR.

- Perform mobile source health risk assessment using SCAQMD guidance and analyze all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants (see Section 3.2, Air Quality and Meteorology).
- Consider the data on asthma and other health effects on children and the community (see Section 3.2, Air Quality and Meteorology).
- Consider the proposed Project's potential to encourage the establishment or proliferation of marine invasive species (see Section 3.3, Biological Resources).

5.4.2.1 Evaluation of Disproportionately High and Adverse Effects on Minority and/or Low-Income Populations

Individual impacts associated with the proposed Project are described for each specific resource in Chapter 3, and proposed Project contributions to cumulative impacts are presented in Chapter 4, Cumulative Analysis. This section provides a summary of impacts that would represent disproportionately high and adverse effects on minority and low-income populations. Section 5.4.2.2 addresses impacts that would not represent disproportionately high and adverse effects on minority and low-income populations.

Air Quality and Meteorology (Sections 3.2 and 4.2.2)

The significance criteria for evaluating Air Quality and Meteorology impacts under NEPA are described in Section 3.2.4.4. The region of analysis for air quality impacts is the area immediately adjacent to the Project site in addition to the surrounding region as represented by the South Coast Air Basin (SCAB).

Impact AQ-1: Proposed Project unmitigated emissions for VOC, NO_X, and $PM_{2.5}$ from construction and overlapping construction and operations would exceed the SCAQMD

daily emission thresholds under NEPA. These construction emissions include those generated by either hauling of dredge material to an upland disposal site (if LA-2 disposal is not approved), or the transport of the dredge material to LA-2. With implementation of mitigation measures, impacts would be reduced but remain significant under NEPA for NO_X (years 2018 and 2019) and VOC (year 2019) emissions from construction. For overlapping construction and operations with mitigation, $PM_{2.5}$ impacts would be reduced to a less than significant level under NEPA. NOx and VOCs would be significant in 2019. Therefore, under NEPA, the mitigated air quality impacts associated with construction of the proposed Project would be significant. Since residential areas closest to the proposed project site are predominantly minority (Figure 5-1) and have a higher concentration of low-income population relative to Los Angeles County (Figure 5-2), the elevated ambient concentrations of NO_X and VOCs after mitigation would constitute a disproportionately high and adverse effect on minority and low-income populations.

In addition, under NEPA, the proposed Project, without mitigation, would make a cumulatively considerable contribution to a significant cumulative air quality impact associated with emissions of VOCs and NO_X from construction. After mitigation, the proposed Project would make a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact from construction for VOCs and NO_X under NEPA. Because the area surrounding the Project site is predominantly minority and low income, this cumulative impact would constitute a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-2: Proposed Project construction and overlapping construction with operation would result in off-site ambient concentrations of criteria air pollutants (specifically NO_2) without mitigation during construction that would exceed SCAQMD thresholds of significance under NEPA. After mitigation, maximum off-site ambient pollutant concentrations associated with construction only and with the combined construction and operation of the proposed Project would be significant under NEPA for NO_2 federal 1-hour average). This finding applies to individual proposed Project impacts relative to the NEPA baseline. Although the receptor locations with maximum concentrations would not be in residential areas, residential areas would experience higher concentrations the closer they are to the proposed Project. Since residential areas closest to the Project site are predominantly minority (Figure 5-1) and have a higher concentration of low-income population relative to Los Angeles County (Figure 5-2), the elevated ambient concentrations of NO_2 would constitute a disproportionately high and adverse effect on minority and low-income populations.

Adverse human health effects of NO_2 include (a) potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; and (b) risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes. NO_2 also contributes to atmospheric discoloration, although this impact would be regional and would not primarily affect populations closest to the emission sources.

Therefore, under NEPA, the proposed Project would make a cumulatively considerable contribution to a significant cumulative air quality impact for NO_2 pollutant concentration during construction and from the overlap of construction with operations, prior to mitigation. The proposed Project after mitigation could make a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact for NO_2 under NEPA during construction only and during combined construction and

operation. Because the nearest residential areas to the proposed project site are predominantly minority and low income, this cumulative impact would constitute a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-3: Proposed Project unmitigated peak daily operational emissions would exceed the SCAQMD daily threshold under NEPA for NO_X for all analysis years (2019, 2026, 2033, and 2038), for VOCs in years 2026, 2033, and 2038, and for $PM_{2.5}$ and CO in 2033 and 2038. With implementation of mitigation measures and lease measures, increases of NO_X in 2026, 2033 and 2038, as well as VOC and CO in years 2033 and 2038 would remain significant under NEPA. Therefore, under NEPA, the mitigated air quality impacts associated with proposed Project operations would be significant and unavoidable. Since residential areas closest to the proposed project site are predominantly minority and have a higher concentration of low-income population relative to Los Angeles County, the elevated ambient concentrations of NO_X, CO, $PM_{2.5}$ and VOC 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 from these pollutants during operation, and this cumulative impact would constitute a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-4: Maximum off-site ambient pollutant concentration associated with proposed Project operations would be significant for PM_{10} (24-hour and annual average) under NEPA. With implementation of mitigation measures, PM_{10} concentration (24-hour and annual average) would remain significant and unavoidable. Since residential areas closest to the Project site are predominantly minority and have a higher concentration of low-income population relative to Los Angeles County, the elevated ambient concentration of PM_{10} would constitute a disproportionately high and adverse effect on minority and low-income populations. Adverse human health effects associated with PM_{10} include (a) excess deaths from short-term and long-term exposures; (b) excess seasonal declines in pulmonary function, especially in children; (c) asthma exacerbation and possibly induction; (d) adverse birth outcomes including low birth weight; (e) increased infant mortality; (f) increased respiratory symptoms in children such as cough and bronchitis; and (g) increased hospitalization for cardiovascular and respiratory disease (including asthma) (SCAQMD 2007). These adverse health effects may occur disproportionately among minority and low-income populations in the vicinity of the proposed Project as a result of the elevated ambient concentrations in exceedance of SCAQMD thresholds.

In addition, the proposed Project would make a cumulatively considerable contribution to a significant cumulative air quality impact on PM_{10} concentration during operation, and this cumulative impact would constitute a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-7: Four different types of health effects related to toxic emissions from operations of the proposed Project are assessed: individual lifetime cancer risk, population cancer burden, chronic health hazards, and acute noncancer hazard indices.

The unmitigated proposed Project compared to the NEPA baseline, would produce the maximum incremental cancer risk and exceed the significance threshold (i.e., an

increased cancer risk of 10 cases or more, in a million) at the maximally impacted residential and sensitive receptors. Therefore, the proposed Project would result in a significant individual cancer risk impact for residential and sensitive receptors without mitigation. In addition, compared to the NEPA baseline, the incremental cancer burden would also exceed the significance threshold.

With implementation of mitigation and lease measures, the maximum incremental cancer risk at residential and sensitive receptors would be reduced to a less-than-significant impact.

Although proposed Project cancer risk and cancer burden would be mitigated to below significance thresholds, the impacts would be greater than the NEPA baseline and would be cumulatively considerable when combined with impacts from related projects. As a result, as described in Section 4.2.2.9, the proposed Project would make a cumulatively considerable contribution to an existing significant cumulative impact for cancer risk and cancer burden. Therefore, the proposed Project would make a cumulatively considerable contribution to a significant cumulative health risk that would constitute a disproportionately high and adverse effect on minority and low income populations.

5.4.2.2 Summary of Impacts that Would Not Cause Disproportionately High and Adverse Effects on Minority and/or Low-Income Populations

This section provides a summary of individual and cumulative impacts that would not cause disproportionately high and adverse effects on minority and low-income populations, either (1) because the unmitigated proposed Project would not result in significant impacts or make a cumulatively considerable contribution to existing cumulatively significant impacts; (2) mitigation measures applied to the proposed Project would reduce impacts to less-than-significant levels and cumulative contributions to less than cumulatively considerable levels; (3) because the significant impact or cumulatively considerable contribution would not affect human populations or would not have a disproportionately high and adverse effect on minority and/or low-income populations based on the comparison of the affected population to the general population; and/or (4) because the impact is such that an environmental justice evaluation is not applicable. Most of the proposed Project's significant impacts would be reduced through implementation of feasible mitigation measures and would not result in disproportionately high and adverse effects on minority and low-income populations.

Aesthetics and Visual Resources (Section 3.1 and Section 4.2.1)

As described in Section 3.1.4.2, the significance criteria for Aesthetics and Visual Resource Impacts AES-1, AES-2, AES-3, and AES-4 apply to the CEQA analysis only. Consequently, no finding is made under NEPA relative to the potential for adverse impact on minority and low-income populations for Impacts AES-1, AES-2, AES-3, and AES-4. The significance criterion for Aesthetic and Visual Resource Impact AES-5 applies to the NEPA analysis only and is discussed below.

Impact AES-5: The proposed Project and alternatives would be visually consistent (i.e., of similar height, scale, and land use) with the development in the surrounding areas of the Port and thus, from each of the viewpoints analyzed (which included locally designated scenic highways and public viewpoints [i.e., the Fire Station No. 112 and

Ports O'Call Village], residential neighbors in San Pedro, and fleeting views available to motorists traveling on the Vincent Thomas Bridge), would not result in changes to the overall character and quality of the landscape. The proposed Project and alternatives would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to viewer response to the overall visual character and quality of the landscape. Therefore, there would not be a disproportionately high and adverse effect on minority and low-income populations related to this impact.

Air Quality and Meteorology (Section 3.2 and Section 4.2.2)

The significance criteria for evaluating Air Quality and Meteorology impacts under NEPA are described in Section 3.2.4.4. The region of analysis for air quality impacts is the immediate area of the Project site and the surrounding region, represented by the SCAB. This section describes potential air quality impacts which were found not to be significant under NEPA.

Impact AQ-5: CO standards would not be exceeded. Therefore, CO impacts would not be significant under NEPA. The proposed Project would not contribute to a cumulatively significant exceedance of the SCAQMD emission threshold, relative to the NEPA baseline. Therefore, Impact AQ-5 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact AQ-6: Operation of the proposed Project would increase air pollutants due to the combustion of diesel fuel. Some individuals might find diesel combustion emissions to be objectionable in nature, although quantifying the odorous impacts of these emissions to the public is difficult. The mobile nature of most proposed Project emission sources would help to disperse proposed Project emissions. Additionally, the distance between proposed Project emission sources and the nearest residents is expected to be far enough to allow for adequate dispersion of these emissions to below objectionable odor levels. The proposed Project would not create objectionable odors at the nearest sensitive receptor. Therefore, Impact AQ-6 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact AQ-8: Under NEPA, the proposed Project would not conflict with or obstruct implementation of an applicable AQMP and would not make a cumulatively considerable contribution to a cumulative impact related to such a conflict or construction. Because the impacts would be less than significant and less than cumulatively considerable, Impact AQ-8 would not constitute a disproportionately high and adverse effect on minority or low-income populations.

Biological Resources (Section 3.3 and Section 4.2.3)

The significance criteria for evaluating impacts to Biological Resources under NEPA are described in Section 3.3.4.2.

Impact BIO-1: Construction and operation of the proposed Project is not likely to result in the loss of individuals or the reduction of existing federally listed species or designated critical habitat, or other federally protected species (e.g., marine mammals, sea turtles, migratory birds, or federally managed fish species). There are no known special-status species or habitats within the 23.5 acres of backlands proposed for development. In-water construction would cause localized activity, noise, and turbidity that could affect birds and marine mammals. However, these impacts would be temporary and limited to

the waters in the vicinity of construction activities. Implementation of required water quality monitoring during dredging according to the requirements of the Regional Water Quality Control Board (RWQCB), and implementation of standard dredging best management practices (BMPs) via adaptive management of the dredging, would result in less than significant impacts relative to loss of critical habitat. King and sheet pile driving is anticipated to result in disturbance (Level B harassment) to marine mammals (particularly harbor seals and sea lions) in the vicinity of pile-driving operations. Impacts would be potentially significant; however, impacts on marine mammals resulting from noise associated with pile driving would be reduced to a less than significant level with implementation of mitigation measure MM BIO-1. Operational activities would result in no loss of habitat for rare, threatened, endangered, protected, or candidate species, or species of special concern. No impacts on critical habitat would occur because no critical habitat is present in the in the vicinity of the Project site. The number of vessels calling at the terminal annually would not change compared to the NEPA baseline. Therefore, impacts associated with increased vessel collisions as a result of ship calls would not occur under NEPA. Thus, the proposed Project would not make a cumulatively considerable contribution to a cumulative impact related to whale strikes. Even though potential impacts related to vessel strikes are considered less than significant, implementation of mitigation measure MM AQ-6, the Vessel Speed Reduction Program (see Section 3.2 – Air Quality and Meteorology), would further reduce the potential for vessel collision with marine mammals and sea turtles.

It should be noted that individual or cumulative impacts related to whale strikes would not affect a human population, and therefore, would not constitute a disproportionately high and adverse effect on minority and/or low-income populations.

Impact BIO-2: No known terrestrial wildlife migration corridors are present at the Project site. Several migratory bird species (California least tern, Caspian tern, and elegant tern) nest at Pier 400; however, construction activities within the Project site would not block or interfere with migration or movement of any of these species or others covered under the Migratory Bird Treaty Act (MBTA). Marine mammals and fish species near the Project site would be subject to temporary impacts during dredging and pile installation; however, implementation of standard dredging BMPs via adaptive management of the dredging would keep these impacts to a less-than-significant level. Sound pressure from pile driving could negatively affect fish in the Coastal Pelagics Fishery Management Plan (FMP) or Pacific sanddab, the only fish species in the Pacific Groundfish FMP that is likely to occur commonly in the project area. However, due to the limited area of potential effect, the numbers of fish exposed to harmful pressure waves would represent a very small proportion of the number of fish in the Port Complex at any given time and would not significantly affect fish populations covered by either FMP. There would be no physical barriers to movement and the baseline condition for fish and wildlife access would be essentially unchanged. Project–related construction vessel traffic to and from the Harbor (i.e., tugboats carrying dredged sediments) would not interfere with whale migrations along the coast. Overall, construction and operation from the proposed Project on wildlife movement or migration corridors would be less than significant. Therefore, Impact BIO-2 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impact BIO-3: Construction-related impacts on marine biological communities are expected to be temporary. These include physical disturbance, underwater and overwater noise, and turbidity produced during dredging and pile driving. Construction activities at

the Project site, particularly pile driving, could cause short-term impacts on aquatic species (e.g., marine mammals, invertebrates, and fish) in the immediate vicinity of pile driving. No substantial disruption of biological communities would result from proposed Project construction so impacts are considered less than significant. In addition, with implementation of mitigation measure MM BIO-1, pile driving would initiate with a soft start, which would minimize impacts on fish and marine mammals near construction activities because they would leave the area. Further, disposal of dredge material at LA-2 would not result in new impacts to biological resources that were not already addressed in their respective environmental documents.

Although terminal operations would be more intensive compared to the NEPA baseline, proposed Project operations would not substantially disrupt biological communities through runoff of contaminants in the vicinity of the Project site, potential for accidental spills, or presence of new terminal structures. Further, operation of the proposed Project facilities would not result in the introduction of nonnative species into the Harbor via ballast water or vessel hulls and thus would not substantially disrupt local biological communities compared to the NEPA baseline. The proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to the disruption of local biological communities. Therefore, Impact BIO-3 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impact BIO-4: No permanent loss of marine habitat would occur because the proposed Project would not result in fill being discharged into the marine environment that could eliminate marine habitat functions. Dredging would temporarily impact benthic habitat within the Project area. In addition, sheet pile and king piles would be installed to stabilize the wharf in the Project area. These structural elements would be installed within a few feet of the existing wharf. The sheet pile and king piles would protrude slightly above the seafloor and would provide hard substrate usable as habitat by marine organisms. The proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to the permanent loss of marine habitat. Therefore, Impact BIO-4 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Cultural Resources (Section 3.4 and Section 4.2.4)

As described in Section 3.4.6.2, the criteria for determining the significance for cultural resources impacts are different for CEQA and NEPA and were developed from both state (CEQA) and federal (Section 106 of the NHPA) regulations resulting in Impacts CR-1, CR-2, and CR-3 criteria for each.

Impact CR-1: The proposed Project includes in-water and over-water improvements (dredging, wharf improvements, the raising of existing cranes, and installation of new cranes) that are not included in the NEPA baseline. No federally listed or eligible historic properties are present in the USACE permit area/Area of Potential Effect (APE), although the Vincent Thomas Bridge is located adjacent to but outside the USACE permit area/APE; as such, indirect effects are evaluated. The federal action (i.e., the undertaking) is the issuance of a DA permit to conduct work (dredging) or install structures (wharf improvements, raised and additional dockside cranes) in the USACE permit area/APE. These actions would have no direct or indirect effect on the Vincent Thomas Bridge, nor would the distinctive physical or historical characteristics of the

bridge and its support columns, integrity of location, design, materials, workmanship, feeling, or association be altered. Because the proposed Project would have no impact on built environment historical resources, they would not make a cumulatively considerable contribution to a significant cumulative impact on built environment historical resources. Therefore, Impact CR-1 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impact CR-2: There are no known prehistoric and/or historic archaeological or ethnographic resources are located within the USACE permit area/APE. Although portions of Rattlesnake Island underlay the USACE permit area/APE and the northern part of the terminal backlands, the Project site is located on artificial (imported) fill and the proposed Project would not result in excavations that could encounter subsurface native soils. Under NEPA, the proposed Project would have no direct or indirect impact on any archaeological or ethnographic resource listed or eligible for listing on the NRHP, relative to the NEPA baseline. Further under the proposed Project, impacts to archaeological resources of local and statewide significance are outside the USACE permit area/APE. Although the potential for impacts on unknown archaeological and ethnographic resources is remote, mitigation measure MM CR-3 and standard condition of approval SC CR-1 would be implemented by the LAHD with a local approval to comply with CEQA. Terminal operations are beyond the USACE's continuing federal program control and responsibility but would be subject to compliance and oversight by the LAHD. In addition, operations would not include excavations within the USACE permit area/APE. Therefore, the proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact on known archaeological or ethnographic resources, and Impact CR-2 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impact CR-3: No paleontological resources have been previously identified within the Project area. The potential to encounter fossils or other resources is remote due to the majority of the site being constructed on artificial (imported) fill materials that have been previously disturbed. Dredging is not expected to encounter any in-water paleontological resources. Thus, the proposed Project would have no impact on paleontological resources and it would not make a cumulatively considerable contribution to a significant cumulative impact on paleontological resources. Terminal operations under the proposed Project would not require excavation, and would not result in an impact to a significant paleontological resource. Therefore, Impact CR-3 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Greenhouse Gas Emissions (Section 3.5 and Section 4.2.5)

As described in Section 3.5.14, in the absence of an adopted or science-based GHG standard, in compliance with the CEQ and the USACE NEPA implementing regulations, a significance determination regarding GHG emissions is not made under NEPA. Consequently, no finding is made under NEPA relative to the potential for adverse impacts on minority and low-income populations for GHGs.

Ground Transportation (Section 3.6 and Section 4.2.6)

As described in Section 3.6.4.4, the significance criteria for Impacts TRANS-1 through TRANS-4 are the same for CEQA and NEPA analysis. The significance criterion for Impact TRANS-5 is outside of the Federal Scope of Analysis. Consequently, no finding

is made under NEPA relative to the potential for adverse impact on minority and/or low-income populations for Impact TRANS-5.

Impact TRANS-1: Construction activities under the proposed Project could result in temporary increases in traffic volumes and roadway disruptions near the construction site, and include haul trips for hauling of dredge material to an upland disposal site (if LA-2 disposal is not approved). However, given that most of the traffic associated with construction would occur outside of the peak periods, the proposed Project would not result in a significant short-term, temporary increase in truck and auto traffic or make a cumulatively considerable contribution to a cumulative impact related to short-term truck and auto traffic. Therefore, Impact TRANS-1 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impact TRANS-2: The proposed Project would result in an increase in the volume/capacity ratio at a number of study locations. Project operations would result in a significant impact at one intersection within the Port on Terminal Island (Intersection #14: Ferry Street at SR-47 [Terminal Island Freeway]/Seaside Avenue Ramps), with the levels of service in the A.M. and P.M. peak hours in 2026 and 2038 exceeding the threshold. The amount of proposed Project-related traffic that would be added at the other study intersection locations would not be of sufficient magnitude to meet or exceed any of the thresholds of significance. Since the westbound approach of Intersection #14 is under the jurisdiction of Caltrans, no mitigation within the Port's control is available to reduce the Project-level operational traffic impact at Intersection #14, which would operate at LOS E or worse; therefore, residual impacts would remain potentially significant and unavoidable. Therefore, the proposed Project would result in significant circulation system impacts at Intersection #14, which would have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to level of service at that intersection. As shown in Figures 5-1 and 5-2, Impact TRANS-2 would occur on Terminal Island, a highly-industrialized area where no low-income persons live and where the minority population consists of prison inmates (at the Federal Correctional Institution on Terminal Island, at Reservation Point, south of the Project site) that do not typically utilize this intersection; therefore, a significant unavoidable impact would not constitute a high and adverse impact on minority and/or low-income populations.

Impact TRANS-3: The proposed Project would result in additional on-site employees; however, the increase in the work-related trips on public transit would not be significant. The proposed Project workers generally would not use public transit because of work shift schedule, and none of the existing transit routes that serve the surrounding community stop within one mile of the Project site. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to an increased demand for public transit services, and Impact TRANS-3 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impact TRANS-4: The proposed Project would result in additional truck trips on the surrounding freeway system; however, the increase in Project-related trips would not cause any freeway link to exceed the significance thresholds (incremental change in demand /capacity) for freeways that operate at LOS E or worse. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to freeway traffic congestion, and Impact

TRANS-4 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Groundwater and Soils (Section 3.7 and Section 4.2.7)

The significance criteria for evaluating Groundwater and Soils impacts under NEPA are described in Section 3.7.4.2.

Impact GW-1: Pile installation and dredging would occur in the water along Berths 226-232. Thiswould not disturb existing soil or groundwater contamination in upland areas (impacts related to dredging and sediment quality are addressed in Section 3.11, Water Quality, Sediments, and Oceanography). Installation of new cranes atop the existing wharf would not result in removal of pavement or expose subsurface areas, and would therefore not have any potential to encounter existing soil or groundwater contamination. Installation of infrastructure to support the new cranes within existing backlands near the wharf would occur at relatively shallow depths (up to 3 feet) and in locations where soil and groundwater contamination have not been documented. Since the NEPA baseline includes the same backlands expansion and improvements as the proposed Project, no incremental impacts are associated with backlands expansion. Therefore, Impact GW-1 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impact GW-2: Construction activities associated with the proposed Project are not expected to affect groundwater. Based on the lack of documented contamination at the existing Everport Container Terminal and the shallow depth of additional infrastructure to support the new cranes, contaminated soil and/or groundwater is not expected to be encountered during installation of infrastructure within the federal permit area. In addition, terminal operations would comply with all applicable regulations governing use and handling of hazardous materials and operations would not result in subsurface excavations. Because the NEPA baseline includes the same backlands expansion and improvements, the proposed Project would not result in any incremental impacts associated with backlands expansion. Consequently, the proposed Project would not result in expansion of the existing area affected by contaminants and would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to existing contaminants. Therefore, Impact GW-2 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Hazards and Hazardous Materials (Section 3.8 and Section 4.2.8)

The significance criterion for evaluating Hazards and Hazardous Materials under NEPA are described in Section 3.8.3.2.

Impact RISK-1: The Project site is an existing container terminal with substantial throughput, and not a new potential target for terrorists, nor is the proposed Project expected to make the site more attractive to terrorists. Existing Port security measures would counter the potential for increase in unauthorized access to the terminal due to increase in vessel traffic at the terminal as a result of the proposed Project. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to increased risk or

consequences of a terrorist attack, and Impact RISK-1 does not represent a disproportionately high and adverse effect on minority and/or low-income populations.

Marine Transportation (Section 3.9 and Section 4.2.9)

The significance criterion for evaluating Marine Transportation impacts under NEPA are described in Section 3.9.4.2.

Impact VT-1: During waterside construction, the increase in construction vessels (up to an estimated maximum of five vessels at one time) is not expected to significantly increase the potential accident risk for vessel navigation or navigation safety, as all marine construction vessels would be highly visible, well-marked, and relatively stationary. The majority of construction activity would occur within the Main Channel, which is of sufficient width to allow for marine-based construction equipment and regular Port operations to co-exist for temporary periods of time. Some construction vessel traffic between LA-2 and the Project site would occur if ocean disposal of dredge material is authorized. Standard vessel navigation safety practices described above would ensure that potential marine traffic safety impacts are less than significant under NEPA.

During waterside operations, the proposed Project would continue to comply with Port Tariffs and adhere to speed-limit regulations and limited-visibility guidelines to help ensure safe transit of the increase of vessel calls. For vessels over 300 tons, the Los Angeles Port Pilot Service would directly assist with transit in and out of the San Pedro Bay area and adjacent waterways, including to dock for inbound vessels. Furthermore, the increase in marine traffic is not expected to result in significant safety hazards related to potential collisions with oil platforms near the traffic lanes because oil platforms are highly visible and vessels would stay within the established lane boundaries. Therefore, construction vessels and increased operational vessel traffic would not have a significant impact under NEPA or make a cumulatively considerable contribution to cumulative impacts under NEPA related to interference with vessel traffic lanes and potential accident risk for vessel navigation and marine vessel safety. Therefore, Impact VT-1 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Noise (Section 3.10 and Section 4.2.10)

The significance criteria for evaluating Noise impacts under NEPA are described in Section 3.10.4.2.

Impact NOI-1: Construction of the proposed Project is projected to result in noise increases of 5 to 8 dBA (associated with pile driving) at two sensitive receptors (Fish Harbor liveaboards and San Pedro business/tourism area). Hauling of dredge material to an upland disposal site (if LA-2 disposal is not approved) would not affect sensitive noise receptors, as haul truck would travel on the freeway system. With incorporation of mitigation measures MM NOI-1 and MM NOI-2, the stand-alone pile driving noise levels would be reduced by 7 to 8 dBA. Therefore, the proposed Project would not have a significant impact related to noise. Since mitigation would reduce potential noise impacts at nearby sensitive receptors, the proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact at the liveaboard receptors and would not result in a disproportionately high and adverse effect on minority and low-income populations.

Impacts NOI-2: The proposed Project would not create construction noise impacts during prohibited nighttime hours. With the exception of dredging, the proposed Project would follow construction hours in accordance with the City of Los Angeles Noise Ordinance (Ordinance No. 144.331). The night dredging would not exceed the nighttime ambient levels (54 dBA L_{eq}) at the nearest sensitive receptor, and thus would not exceed the significance criteria at noise sensitive receptors locations. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to nighttime noise, and Impact NOI-2 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impacts NOI-3: The proposed Project would not generate noise levels that exceed existing ambient noise levels at sensitive receptors by 5 dBA in CNEL, the significant impact threshold for residential, park, and water recreation uses, with ambient noise levels under normally acceptable and conditionally acceptable conditions. Noise increases associated with on-site terminal operations, increased container shipments to and from the Port via area rail and roadway corridors, and increased workforce automobile traffic on area roadways would increase noise levels at noise sensitive receptors (liveaboard boats in the Cerritos Channel) by less than 3 dBA. The proposed Project would therefore not result in a significant impact at noise-sensitive receptors or make a cumulatively considerable contribution to a cumulative impact related to noise. Therefore, Impact NOI-3 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Water Quality, Sediments, and Oceanography (Section 3.11 and Section 4.2.11)

The significance criteria for evaluating impacts to Water Quality, Sediments, and Oceanography under NEPA are described in Section 3.11.4.2.

Impact WQ-1: In-water dredging and pile installation associated with the construction of the proposed Project would disturb and resuspend bottom sediments. Thiswould result in temporary and localized changes to water quality; specifically changes in pH, nutrients, dissolved oxygen, total suspended solids (and turbidity), and contaminant levels. Dredging would also require a Section 10 permit from USACE and a CWA Section 401 Water Quality Certification from the Los Angeles Regional Water Quality Control Board (LARWQCB). The Water Quality Certification would include monitoring necessary to ensure compliance with applicable effluent limitations, or any other Clean Water Act limitation, or with any State laws or regulations. Analyses of contaminant concentrations (such as metals, DDT, PCBs, and PAHs) in the water during dredging operations may also be required in the WDRs if turbidity levels are elevated above certain established thresholds. Monitoring data would be used by the dredging contractor to demonstrate that water quality limits specified in the permit are not exceeded. Adaptive management of dredging methods, implementation of BMPs, and regulatory compliance is expected to keep project-level and cumulative construction impacts below the level of significance.

Sediments would be disposed of at LA-2 or an approved upland location, or a combination of the two. Disposal of dredged material at either LA-2 or an upland location would not result in new impacts to biological resources that were not already addressed in their respective environmental documents.

Spills associated with construction equipment, such as oil/fluid drips or gasoline/diesel spills during fueling, typically involve small volumes that would be controlled by construction and industrial Stormwater Pollution Prevention Plans (SWPPPs) and standard Port BMPs. Runoff would be controlled by a construction SWPPP that would specify BMPs to prevent and/or control releases of soils and contaminants and avoid adverse impacts on receiving water quality. Accidental or incidental spills or leaks that occur on land are expected to be contained and cleaned up before any impacts to surface water quality can occur, and the probability of an accidental spill from a construction vessel to the Harbor is low. Similarly, upland operations associated with the proposed Project would not result in direct discharges of wastes to Harbor waters. Stormwater runoff from the Project site would be managed (consistent with National Pollutant Discharge Elimination System [NPDES] permit limits and SWPPP requirements) prior to discharge into Harbor waters.

Terminal operations would result in increased particulates and chemical pollutants from normal wear of tires/train wheels and other moving parts, as well as from leaks of lubricants and hydraulic fluids that can fall on backland surfaces and subsequently be transported by stormwater runoff into the Harbor. However, runoff would be managed (consistent with applicable permit and ordinance requirements) prior to discharge into Harbor waters. Site operations would be conducted in accordance with an industrial SWPPP to minimize the generation of particulate pollutants. During operations, the potential for in-water vessel spills, illegal discharges, and pollutant leaching from vessel coatings to occur would increase in portion to the increase in vessel calls. Through compliance with applicable federal, state, and local water regulations, including those governing discharge and spill response and containment, the proposed Project would not have a significant impact and would not make a cumulatively considerable contribution to a cumulative impact related to water quality. Therefore, Impact WQ-1 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

5.4.2.3 Beneficial Impacts

Under Executive Order 12898, offsetting benefits should also be considered by decision-makers when a project would result in disproportionately high and adverse effects. The proposed Project would create economic benefits in the form of jobs and income (see Chapter 7, Socioeconomics). If contaminated soils are encountered during construction, site remediation would result in beneficial environmental impacts (see Section 3.7, Groundwater and Soils).

5.4.3 Alternative 1 – No Federal Action

Alternative 1 is a NEPA-required no action alternative. This alternative (which also represents the NEPA baseline) includes construction and operational activities that would occur absent a USACE permit, such as a Department of the Army (DA) permit, but could include improvements that require a local permit. Absent a DA permit, no dredging, dredged material disposal, wharf improvements, or raised or new overwater crane installation (and associated electrical infrastructure) would occur. The existing terminal is berth-constrained, and its ability to handle larger ships would be facilitated by activities that require a permit from the USACE (dredging, wharf improvements, raising of existing cranes, and installation of new cranes). Therefore, without a DA permit (which would allow the terminal to service larger ships), the existing terminal capacity would not

increase. However, the No Federal Action Alternative would include 23.5 acres of additional backlands development to improve cargo handling efficiency and result in direct impact to historic resources of local and statewide significance.

Under the No Federal Action Alternative, the site would operate as an approximately 229-acre container terminal where cargo containers are loaded to/from vessels, temporarily stored on backlands, and transferred to/from trucks or on-dock rail. In addition, the No Federal Action alternative would include a lease extension to 2038, which would require a local action, but not a federal action. Based on the throughput projections under this alternative, the Everport Container Terminal is expected to operate at its capacity of approximately 1,818,000 TEUs by 2038. The NEPA baseline/No Federal Action includes installation of five AMP vaults with associated electrical infrastructure along the existing wharf; this is considered an operational efficiency improvement that does not require a DA permit because it does not affect the course, condition or capacity of navigable waters of the U.S.

This alternative would not result in any impact under NEPA because it is the same as the NEPA baseline. Therefore, no disproportionately high and adverse impacts on minority and/or low-income populations would occur.

5.4.4 Alternative 2 – No Project

Alternative 2 is a CEQA-only alternative. The No Project Alternative is not evaluated under NEPA because NEPA requires an evaluation of the No Federal Action alternative (see Section 2.9.1.2), which is Alternative 1 and analyzed above. Section 15126.6(e) of the State CEQA Guidelines requires the analysis of a no-project alternative. The impacts of the No Project Alternative are not analyzed under NEPA, because NEPA requires the analysis of a No Federal Action Alternative (Alternative 1).

5.4.5 Alternative 3 – Reduced Project: Reduced Wharf Improvements

Similar to the proposed Project, Alternative 3, includes two operating berths. As part of Alternative 3, dredging would occur along Berths 226-229, but Berths 230-232 would remain at their existing depth -45 feet MLLW plus 2 feet of overdredge for a total depth of -47 feet MLLW. This alternative would require less dredging (by approximately 8,000 cubic yards) and sheet pile installation than the proposed Project. Based on the throughput projections, this alternative is expected to operate at its capacity of approximately 2,250,000 TEUs by 2038, slightly less than the proposed Project. However, while the terminal could handle similar levels of cargo, the reduced project alternative would not achieve the same level of operational efficiency as achieved by the proposed Project. This alternative would accommodate the largest vessels (16,000 TEUs) at Berths 226-229. The existing design depth that remains at Berths 230-232 would only be capable of handling vessels up to 8,000 TEUs. Under this alternative, 208 vessels would call on the terminal in 2038, the same as the proposed Project.

Alternative 3 would result in disproportionately high and adverse impacts on minority and/or low-income populations similar to those of the proposed Project. The resource analyses in Chapters 3 and 4 provide the basis for the discussion of potential disproportionately high and adverse effects on minority and/or low-income populations.

5.4.5.1 Air Quality and Meteorology (Section 3.2 and 4.2.2)

The region of analysis for air quality impacts is the area immediately adjacent to the Project site in addition to the surrounding area as represented by the SCAB.

Impact AQ-1: Impacts to air quality from construction of Alternative 3, with implementation of mitigation measures, would be significant and unavoidable under NEPA for NO_X in 2018 and 2019 and for VOCs in 2019. Therefore, under NEPA, the mitigated air quality impacts associated with construction of Alternative 3 would be significant. Since residential areas closest to the site are predominantly minority (Figure 5-1) and have a higher concentration of low-income population relative to Los Angeles County (Figure 5-2), the elevated ambient concentrations of NO_X and VOCs would constitute a disproportionately high and adverse effect on minority and low-income populations.

After mitigation, Alternative 3 would make a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact for NO_X and VOCs under NEPA. Because the area surrounding the Alternative 3 site is predominantly minority and low income, this cumulative impact would constitute a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-2: After mitigation, maximum off-site ambient pollutant concentrations associated with construction only and with the combined construction and operation of Alternative 3 would be significant under NEPA for NO_2 federal 1-hour average. This finding applies to individual Alternative 3 impacts as well as this alternative's cumulative contribution relative to the NEPA baseline. Although the receptor locations with maximum concentrations would not be in residential areas, residential areas would experience higher concentrations the closer they are to the Project site. Since residential areas closest to the Project site are predominantly minority (Figure 5-1) and have a higher concentration of low-income population relative to Los Angeles County (Figure 5-2), the elevated ambient concentrations of NO_2 would constitute a disproportionately high and adverse effect on minority and low-income populations. Adverse human health effects of NO_2 are described under Section 5.4.2.1 above.

Under NEPA, Alternative 3 would make a cumulatively considerable contribution to a significant cumulative air quality impact for NO_2 pollutant concentration during construction. During construction only, and during combined construction and operation, Alternative 3 after mitigation could make a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact for NO_2 under NEPA. Because the nearest residential areas to the proposed project site are predominantly minority and low income, this cumulative impact would constitute a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-3: Under Alternative 3, with implementation of mitigation measures and lease measures, increases of NO_X in 2026, 2033 and 2038, as well as CO in years 2033 and 2038 would be significant under NEPA. Therefore, under NEPA, the mitigated air quality impacts associated with operation of Alternative 3 would be significant and unavoidable. Since residential areas closest to the proposed project site are predominantly minority and have a higher concentration of low-income population relative to Los Angeles County, the elevated ambient concentrations of NO_X, and CO would constitute a disproportionately high and adverse effect on minority and low-

income populations. In addition, Alternative 3 would make a cumulatively considerable contribution to a significant cumulative air quality impact from these pollutants during operation, and this cumulative impact would constitute a disproportionately high and adverse effect on minority and low income populations.

Impact AQ-4: PM_{10} concentrations (24-hour and annual average) would remain significant and unavoidable even with mitigation. Since residential areas closest to the Project site are predominantly minority and have a higher concentration of low-income population relative to Los Angeles County, the elevated ambient concentration of PM_{10} would constitute a disproportionately high and adverse effect on minority and low-income populations. Adverse human health effects associated with PM_{10} are described under Section 5.4.2.1 above.

In addition, Alternative 3 would make a cumulatively considerable contribution to a significant cumulative air quality impact on PM_{10} concentration during operation, and this cumulative impact would constitute a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-7: Four different types of health effects related to toxic emissions from operations of Alternative 3 are assessed: individual lifetime cancer risk, population cancer burden, chronic health effects, and acute noncancer hazard indices.

With implementation of mitigation and lease measures, the maximum incremental cancer risk at residential receptors under Alternative 3 would be reduced to a less-than-significant impact under NEPA. However, when combined with impacts from related projects, impacts would be cumulatively significant. As a result, as described in Section 4.2.2.10, Alternative 3 would make a cumulatively considerable contribution to an existing significant cumulative impact for cancer risk, population cancer burden, non-cancer chronic or acute health impacts. Therefore, Alternative 3 would make a cumulatively considerable contribution to a significant cumulative health risk that would constitute a disproportionately high and adverse effect on minority and low income populations.

5.4.6 Alternative 4 – Reduced Project: No Backland Improvements

Similar to the proposed Project, Alternative 4 there would include two operating berths. This alternative would require the same dredging as the proposed Project. This alternative would not include any backland expansion. Based on the throughput projections, this alternative is expected to operate at its capacity of 2,115,133 TEUs by 2038, slightly less than the proposed Project. However, while the terminal could handle similar levels of cargo, this reduced project alternative would not achieve the same level of efficient operations as achieved by the proposed Project. This alternative would accommodate the largest vessels (16,000 TEUs) at Berths 226-229. The new design depth at Berths 230-232 would be capable of handling vessels up to 10,000 TEUs. Under this alternative, 208 vessels would call on the terminal in 2038, which is the same as the proposed Project.

Alternative 4 would result in disproportionately high and adverse impact on minority and/or low-income populations similar to those of the proposed Project. The resource

analyses in Chapters 3 and 4 provide the basis for the discussion of potential disproportionately high and adverse effects on minority and/or low-income populations.

5.4.6.1 Air Quality and Meteorology (Section 3.2 and 4.2.2)

The significance criteria for evaluating Air Quality and Meteorology impacts under NEPA are described in Section 3.2.4.4. The region of analysis for air quality impacts is the area immediately adjacent to the Project site in addition to the surrounding region as represented by the SCAB.

Impact AQ-1: With implementation of mitigation measures, construction impacts would remain significant under NEPA for NO_X in 2018 and 2019 and for VOCs in 2019. Overlapping construction and operational emissions would be reduced but remain significant and unavoidable for NO_X in 2019. Therefore, under NEPA, the mitigated air quality impacts associated with construction of Alternative 4 would be significant for NO_X. Since residential areas closest to the site are predominantly minority (Figure 5-1) and have a higher concentration of low-income population relative to Los Angeles County (Figure 5-2), the elevated ambient concentrations of VOCs and NO_X would constitute a disproportionately high and adverse effect on minority and low-income populations.

After mitigation, Alternative 4 would make a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact for VOCs and NO_X under NEPA. Because the area surrounding the Alternative 4 site is predominantly minority and low income, this cumulative impact would constitute a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-2: After mitigation, maximum off-site ambient pollutant concentrations associated with construction only and with the combined construction and operation of Alternative 4 would be significant under NEPA for NO_2 federal 1-hour average. Although the receptor locations with maximum concentrations would not be in residential areas, residential areas would experience higher concentrations the closer they are to the Project site. Since residential areas closest to the Project site are predominantly minority (Figure 5-1) and have a higher concentration of low-income population relative to Los Angeles County (Figure 5-2), the elevated ambient concentrations of NO_2 would constitute a disproportionately high and adverse effect on minority and low-income populations. Adverse human health effects of NO_2 are described under Section 5.4.2.1 above.

In addition, under NEPA, Alternative 4 would make a cumulatively considerable contribution to a significant cumulative air quality impact for NO_2 pollutant concentration during construction. During construction only, and during combined construction and operation, Alternative 4 after mitigation would make a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact for NO_2 under NEPA. Because the nearest residential areas to the proposed project site are predominantly minority and low income, this cumulative impact would constitute a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-3: With implementation of mitigation measures and lease measures, increases of NO_X in 2026, 2033 and 2038 would be significant under NEPA. Therefore, under NEPA, the mitigated air quality impacts associated with operation of Alternative 4

would be significant and unavoidable. Since residential areas closest to the proposed project site are predominantly minority and have a higher concentration of low-income population relative to Los Angeles County, the elevated ambient concentrations of NO_X would constitute a disproportionately high and adverse effect on minority and low-income populations.

In addition, Alternative 4 would make a cumulatively considerable contribution to a significant cumulative air quality impact from NOx during operation, and this cumulative impact would constitute a disproportionately high and adverse effect on minority and low income populations.

Impact AQ-4: With implementation of mitigation measures, NO_2 (federal 1-hour and state annual average) and PM_{10} concentration (24-hour and annual average) would remain significant and unavoidable.

Since residential areas closest to the Project site are predominantly minority and have a higher concentration of low-income population relative to Los Angeles County, the elevated ambient concentration of NO_2 and PM_{10} would constitute a disproportionately high and adverse effect on minority and low-income populations. Adverse human health effects associated with NO_2 and PM_{10} are described under Section 5.4.2.1 above.

Alternative 4 would make a cumulatively considerable contribution to a significant cumulative air quality impact on NO_2 and PM_{10} concentration during operation, and this cumulative impact would constitute a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-7: Four different types of health effects related to toxic emissions from operations of Alternative 4 are assessed: individual lifetime cancer risk, population cancer burden, chronic health effects, and acute non-cancer hazard indices. Although Alternative 4 would not result in significant impacts under NEPA, However, when combined with impacts from related projects, impacts would be cumulatively significant. As a result, as described in Section 4.2.2.10, Alternative 4 would make a cumulatively considerable contribution to an existing significant cumulative impact for cancer risk, population cancer burden, non-cancer chronic or acute health impacts. Therefore, Alternative 4 would make a cumulatively considerable contribution to a significant cumulative health risk that would constitute a disproportionately high and adverse effect on minority and low income populations.

5.4.7 Alternative 5 – Expanded On-Dock Railyard: Wharf and Backland Improvements with an Expanded TICTF

Alternative 5 would be the same as the proposed Project but with an additional on-dock rail track at the Terminal Island Container Transfer Facility (TICTF, which is an on dock railyard). Under Alternative 5, there would be two operating berths after construction and the terminal would add 23.5 acres of backlands, similar to the proposed Project. This alternative would require the same dredging as the proposed Project. This alternative would accommodate the largest vessels (16,000 TEUs) at Berths 226-229. The new design depth at Berths 230-232 would be capable of handling vessels up to 10,000 TEUs. Based on the throughput projections, this alternative is expected to operate at its capacity

of 2,379,525 TEUs by 2038. Under this project alternative, the terminal could handle the same level of cargo as the proposed Project but would add an additional track to increase the capacity at the TICTF and be able to transport a greater number of containers via on-dock rail than the proposed Project. Under this alternative, 208 vessels would call on the terminal in 2038, which is the same as the proposed Project.

Alternative 5 would result in disproportionately high and adverse impact on minority and/or low-income populations similar to those of the proposed Project. The resource analyses in Chapters 3 and 4 provide the basis for the discussion of potential disproportionately high and adverse effects on minority and/or low-income populations.

This section addresses, in turn, each of the impacts enumerated in Section 5.4.2.1, that is impacts that under the proposed Project, would be disproportionately high under the proposed Project, and documents whether there would be disproportionately high and adverse effects on minority and/or low-income populations for this alternative.

5.4.7.1 Air Quality and Meteorology (Section 3.2 and 4.2.2)

The significance criteria for evaluating Air Quality and Meteorology impacts under NEPA are described in Section 3.2.4.4. The region of analysis for air quality impacts is the area immediately adjacent to the Project site in addition to the surrounding region as represented by the SCAB.

Impact AQ-1: With implementation of mitigation measures, impacts would be significant under NEPA for NO_X in 2018 and NO_X and VOC emissions in 2019 from construction, and NO_X and VOCs during 2019 for overlapping construction and operations. Therefore, under NEPA, mitigated air quality impacts associated with construction of Alternative 5 would be significant. Since residential areas closest to the site are predominantly minority (Figure 5-1) and have a higher concentration of low-income population relative to Los Angeles County (Figure 5-2), the elevated ambient concentrations of VOCs and NO_X, would constitute a disproportionately high and adverse effect on minority and low-income populations.

After mitigation, Alternative 5 would make a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact for VOCs and NO_X under NEPA. Because the area surrounding the Alternative 5 site is predominantly minority and low income, this cumulative impact would constitute a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-2: After mitigation, maximum off-site ambient pollutant concentrations associated with construction only and with the combined construction and operation of Alternative 5 would be significant under NEPA for NO_2 federal 1-hour average). Although the receptor locations with maximum concentrations would not be in residential areas, residential areas would experience higher concentrations the closer they are to the Project site. Since residential areas closest to the Project site are predominantly minority (Figure 5-1) and have a higher concentration of low-income population relative to Los Angeles County (Figure 5-2), the elevated ambient concentrations of NO_2 would constitute a disproportionately high and adverse effect on minority and low-income populations. Adverse human health effects of NO_2 are described under Section 5.4.2.1 above.

In addition, under NEPA, Alternative 5 would make a cumulatively considerable contribution to a significant cumulative air quality impact for NO_2 pollutant concentrations during construction. During construction only, and during combined construction and operation, Alternative 5 after mitigation would make a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact for NO_2 under NEPA. Because the nearest residential areas to the Project site are predominantly minority and low income, this cumulative impact would constitute a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-3: With implementation of mitigation measures and lease measures, increases of NO_X in 2026, 2033 and 2038, as well as VOCs and CO in years 2033 and 2038 would be significant under NEPA. Therefore, under NEPA, the mitigated air quality impacts associated with operation of Alternative 5 would be significant and unavoidable. Since residential areas closest to the proposed project site are predominantly minority and have a higher concentration of low-income population relative to Los Angeles County, the elevated ambient concentrations of NO_X, CO, and VOCs would constitute a disproportionately high and adverse effect on minority and low-income populations. In addition, Alternative 5 would make a cumulatively considerable contribution to a significant cumulative air quality impact from these pollutants during operation, and this cumulative impact would constitute a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-4: With implementation of mitigation measures, PM_{10} concentration (24-hour and annual average) would be significant and unavoidable under Alternative 5. Adverse human health effects of PM_{10} are described under Section 5.4.2.1 above.

In addition, Alternative 5 would make a cumulatively considerable contribution to a significant cumulative air quality impact on PM_{10} concentration during operation, and this cumulative impact would constitute a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-7: Four different types of health effects related to toxic emissions from operations of Alternative 5 are assessed: individual lifetime cancer risk, population cancer burden, chronic health effects, and acute noncancer hazard indices.

With implementation of mitigation and lease measures, the maximum incremental cancer risk at residential and sensitive receptors under Alternative 5 would be reduced to a less-than-significant impact. However, when combined with impacts from related projects, impacts would be cumulatively significant. As a result, as described in Section 4.2.2.9, Alternative 5 would make a cumulatively considerable contribution to an existing significant cumulative impact for cancer risk and population cancer burden, non-cancer chronic and or acute health impacts. Therefore, Alternative 5 would make a cumulatively considerable contribution to a significant cumulative health risk that would constitute a disproportionately high and adverse effect on minority and low income populations.

5.4.8 Summary of Disproportionate Effects on Minority and/or Low-Income Populations

Table 5-3 summarizes the effects of the proposed Project and alternatives with respect to disproportionately high and adverse effects on minority and/or low-income populations, as described in the detailed discussion in Sections 5.4.2.1 and 5.4.2.2. This table is meant to allow easy comparison between the potential impacts of the proposed Project and alternatives with respect to each resource. Identified potential impacts may be based on federal, state, City of Los Angeles, or Port significance criteria, as well as the scientific judgment of the report preparers.

Significant unavoidable air quality impacts would constitute disproportionately high and adverse effects on minority and/or low-income population under the proposed Project. All other resource impacts would either be less than significant or, if significant, would be limited to the proposed project site, would not affect the public, would be mitigated to less-than-significant levels, or would otherwise not have disproportionately high and adverse effects on minority and/or low-income populations.

Table 5-3: Summary of Disproportionate Effects on Minority and/or Low-Income Populations Associated with the Proposed Project and Alternatives

Alternative [a]	Air Quality
Proposed Project	• High NO_X (years 2018 and 2019) and VOC (year 2019) emissions from construction and overlapping construction and operations (with mitigation) • High off-site ambient NO_2 federal 1-hour average emissions from construction and overlapping construction and operations (with mitigation) • NO_X in 2026, 2033 and 2038, as well as VOC and CO in years 2033 and 2038 would remain significant for peak daily operation (with mitigation and lease measures) • High off-site ambient concentrations of PM_{10} (24-hour and annual average) with operations (with mitigation and lease measures) • Significant cumulative air quality impacts and cancer risk (residential and sensitive receptors) with mitigation
Alternative 3: Reduced Wharf Improvements	• High NO_X (years 2018 and 2019) and VOC (year 2019) emissions from construction and overlapping construction and operations (with mitigation) • High off-site ambient NO_2 federal 1-hour average emissions from construction and overlapping construction and operations (with mitigation) • NO_X in 2026, 2033 and 2038, as well as CO in years 2033 and 2038 would remain significant for peak daily operation (with mitigation and lease measures) • High off-site ambient concentrations of PM_{10} (24-hour and annual average) with operations (with mitigation and lease measures) • Significant cumulative air quality impacts and cancer risk (residential and sensitive receptors) with mitigation

Table 5-3: Summary of Disproportionate Effects on Minority and/or Low-Income Populations Associated with the Proposed Project and Alternatives

Alternative [a]	Air Quality
Alternative 4: No Backland Improvements	• High NO_X (years 2018 and 2019) and VOC (year 2019) emissions from construction and overlapping construction and operations (with mitigation) • High off-site ambient NO_2 federal 1-hour average emissions from construction and overlapping construction and operations (with mitigation) • NO_X in 2026, 2033 and 2038, would remain significant for peak daily operation (with mitigation and lease measures) • High off-site ambient concentrations of NO_2 (federal 1-hour and state annual average) and PM_{10} (24-hour and annual average) with operations (with mitigation and lease measures) • Significant cumulative air quality impacts and cancer risk (residential and sensitive receptors) with mitigation
Alternative 5: Expanded TICFT	• High NO_X (years 2018 and 2019) and VOC (year 2019) emissions from construction and overlapping construction and operations (with mitigation) • High off-site ambient NO_2 federal 1-hour average emissions from construction and overlapping construction and operations (with mitigation) • NO_X in 2026, 2033 and 2038, as well as VOC and CO in years 2033 and 2038 would remain significant for peak daily operation (with mitigation and lease measures) • High off-site ambient concentrations of PM_{10} (24-hour and annual average) with operations (with mitigation and lease measures) • Significant cumulative air quality impacts and cancer risk (residential and sensitive receptors) with mitigation

5.5 Public Outreach

The purpose of this Draft EIS/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 and its alternatives.

LAHD and USACE have made considerable efforts to provide public outreach beyond what is minimally required by environmental or agency guidelines. Any Notice of Intent (NOI), Notice of Preparation/Initial Study (NOP/IS), Draft EIS, or Draft EIR is presented at public meetings at locations and times convenient for the affected community. The meetings are held at the Port Administration Building or in the community, depending on the location of the project.

The NEPA NOI was published in the *Federal Register* on October 24, 2014, and the CEQA NOP was also posted October 24, 2014 (see Appendix A). Notification of availability of documents is extensive and utilizes a variety of media. Environmental notices are placed in multiple newspapers. Meeting notices are sent to all active

community organizations and to anyone who has requested to be on the LAHD environmental documents mailing list. Free copies of documents are provided to community organizations. Notices are also posted on the USACE website, at http://www.spl.usace.army.mil/regulatory/ (click on Port Projects, Port of Los Angeles website), with notices of availability of EIS/EIRs published in the Federal Register.

5.5.1 Alternative Forms of Distribution

This Draft EIS/EIR has been distributed directly to numerous agencies, organizations, and interested groups and persons for comment during the formal review period. The Draft EIS/EIR also has been made available for review at the LAHD Environmental Management Division office, and at three Los Angeles public library branches: Central, San Pedro, and Wilmington. In addition to the printed copies, the Draft EIS/EIR also is available in electronic format on the LAHD website, at http://www.portoflosangeles.org/Environmental/publicnotice.htm, and is available upon request on CD-ROM, at no cost.

5.5.2 Spanish Translation

With a large Hispanic population adjacent to the Port, meeting notifications, newspaper notices and summaries of major environmental documents are provided in Spanish as well as in English. LAHD also provides an interpreter at public meetings, where required.

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