

6.0

ENVIRONMENTAL JUSTICE

6.1 Introduction

This environmental justice analysis is prepared in accordance with EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, and with the Council on Environmental Quality (CEQ) *Environmental Justice Guidance Under the National Environmental Policy Act* (CEQ 1997). While EO 12898 and the CEQ guidance for environmental justice apply to federal actions pursuant to NEPA, LAHD includes an environmental justice analysis in all EIRs to assess the potential for its actions to have disproportionately high and adverse environmental and health impacts on minority and low-income populations. This assessment is consistent with California state law regarding environmental justice in accordance with PRC Sections 71110–71116.

6.1.1 Background

This chapter evaluates whether the proposed Program, No Fill Alternative, and No-Program Alternative would result in disproportionately high and adverse human health or environmental impacts on minority and low-income populations. This environmental justice analysis also considers cumulative impacts. The following topics are discussed:

- Environmental setting, including minority and low-income populations in the vicinity of the PMPU area, applicable environmental justice statutes, executive orders, and regulatory guidance;
- Impacts and mitigation measures covering unmitigated significant impacts identified in Chapter 3.0, Environmental Analysis, Sections 3.1 through 3.14, and a discussion of how such impacts might disproportionately affect minority and low-income populations;
- Cumulative impacts, as applicable, when the proposed Program’s impacts are added to disproportionate impacts of other actions and activities in the study area; and,
- The public outreach process including provision of Spanish translation to provide broader information access and increased opportunities for public participation by potentially affected minority and low-income communities.

6.2 Environmental Setting—PMPU Area

The PMPU area encompasses the coastal zone of the Port, in the City of Los Angeles and near the communities of San Pedro and Wilmington. For this assessment, the affected area was determined in accordance with CEQ’s guidance for identifying the “affected community,” which requires consideration of the nature of likely impacts from the proposed Program and identification of a corresponding unit of geographic analysis. Therefore, the environmental justice affected area corresponds to the areas associated with the specific environmental issues analyzed in this PEIR. Areas of potential effect differ somewhat for individual resources. For example, the area of analysis for air quality impacts is the entire SCAB, as well as the area within the immediate vicinity of the proposed Program. Selected cities and communities within Los Angeles County are also part of the area of analysis. In general, the area within a 1-mile radius of the portions of the Port within the coastal zone would experience the greatest off-Port impacts from the proposed appealable/fill projects and land use changes associated with the PMPU.

U.S. Census Bureau 2000 and 2010 data and the 2006-2010 American Community Survey are the primary sources for population data used in the analysis. Smaller areas, including census tracts, are presented to provide greater detail on the location of minority and low-income populations for tiered environmental justice analyses. In addition, “reasonably representative” EIRs recently published by the Port were used to identify much of the baseline data for the environmental justice analysis. These include the City Dock No. 1 Marine Research Center Project EIR (LAHD 2012a), Berths 302-306 [APL] Container Terminal Project EIS/EIR (LAHD and USACE 2011), Al Larson Boat Shop Improvements EIR (LAHD 2012b), and SCIG EIR (LAHD 2011).

6.2.1 Minority and Low-Income Populations

Environmental justice guidance from CEQ (1997) defines “minority persons” as “individuals who are members of the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black (not of Hispanic origin); or Hispanic.” Hispanic (or Latino) refers to an ethnicity, whereas American Indian, Alaskan Native, Asian, Pacific Islander, Black/African-American and White, refer to racial categories. For this analysis, “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.

CEQ environmental justice guidance also suggests that low-income populations be identified using the national poverty thresholds from the Census Bureau. However, due to the higher cost of living in southern California compared to the nation as a whole, a higher and therefore more inclusive threshold has been applied here for the identification of low-income populations. For the purposes of this analysis, low-income people are those with a household income at or below 1.25 times the national Census poverty threshold. The 1.25 ratio is based on application of a methodology developed by the National Academy of Sciences (Citro and Michael 1995) and utilized in the TraPac EIR/EIS (LAHD 2007) which incorporates data about fair market rents for Los Angeles County. To establish context for this environmental

1 justice analysis, race and ethnicity (i.e., minority) and income characteristics of the
 2 population residing in the vicinity of the proposed Program area were reviewed.
 3 Table 6.2-1 presents population, minority, and low-income status from U.S. Census
 4 and the City of Los Angeles Planning Department for Wilmington, San Pedro, Los
 5 Angeles County, the City of Los Angeles, and all of California. The table also
 6 presents similar data for other cities in the general vicinity of the Port. Los Angeles
 7 County is used as a comparison population because it is considered representative of
 8 the general population that could be affected by the proposed Program.

9 Table 6.2-1 shows that within the San Pedro community, minorities constitute
 10 55.3 percent of the population, and low-income persons constitute 22.5 percent of the
 11 population. For the Wilmington community, minorities constitute 87.1 percent of the
 12 population, and low-income persons constitute 32.2 percent of the population. Thus,
 13 the communities closest to the proposed Program area constitute a “minority
 14 population concentration” under CEQ guidance, which sets the threshold at
 15 50 percent. Also, the Wilmington community also represents a low-income
 16 population when compared to the whole of Los Angeles City and County.

17 Figure 6.2-1 shows the percentage of minority residents in Census block groups near
 18 the Port, and Figure 6.2-2 shows the percentage of low-income residents in the same
 19 area. Table 6.2-2 presents data for the 59 Census tracts shown in Figures 6.2-1 and
 20 6.2-2.

Table 6.2-1. Minority and Low-Income Populations

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

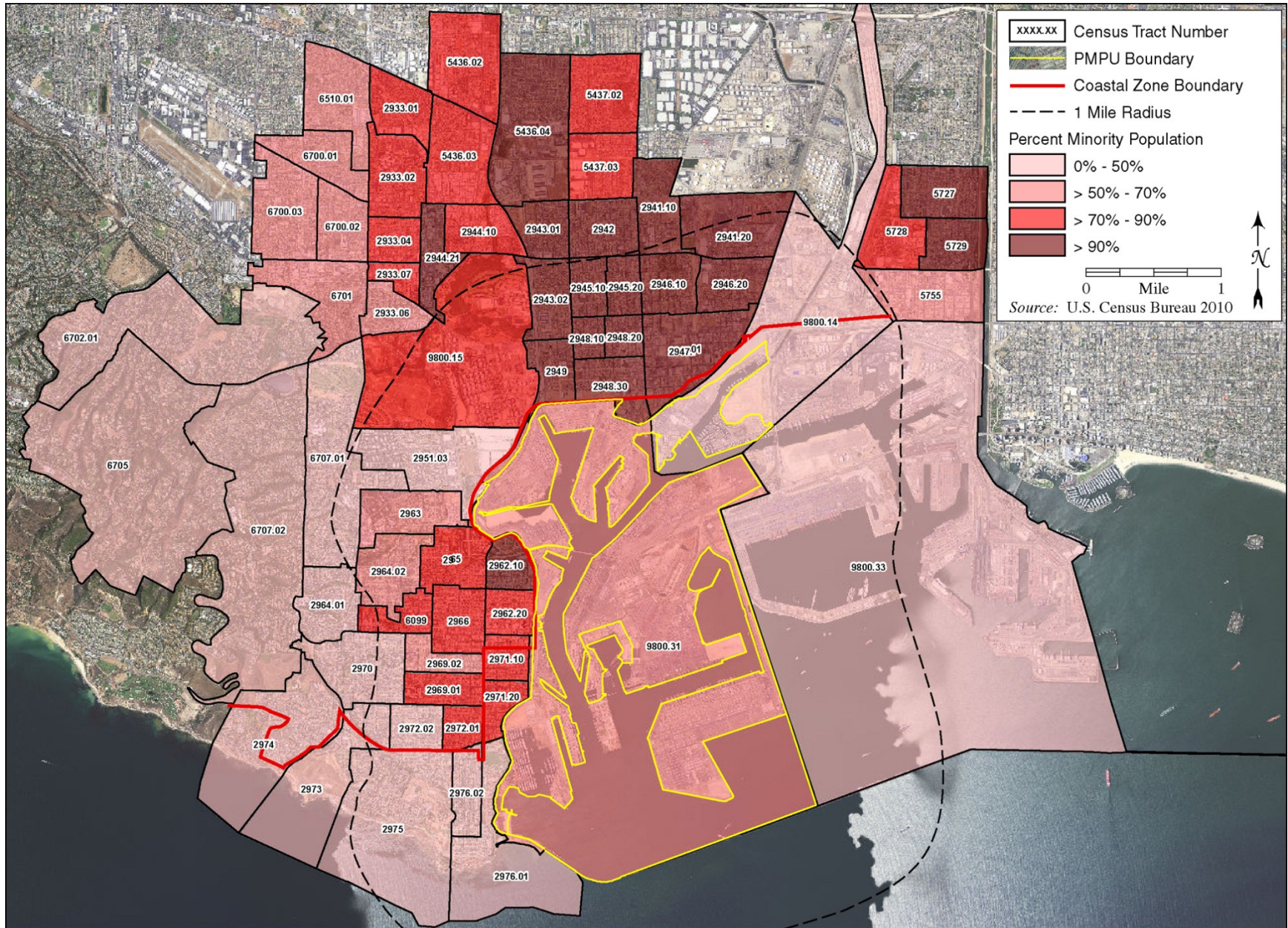


Figure 6.2-1. Percent Minority Population

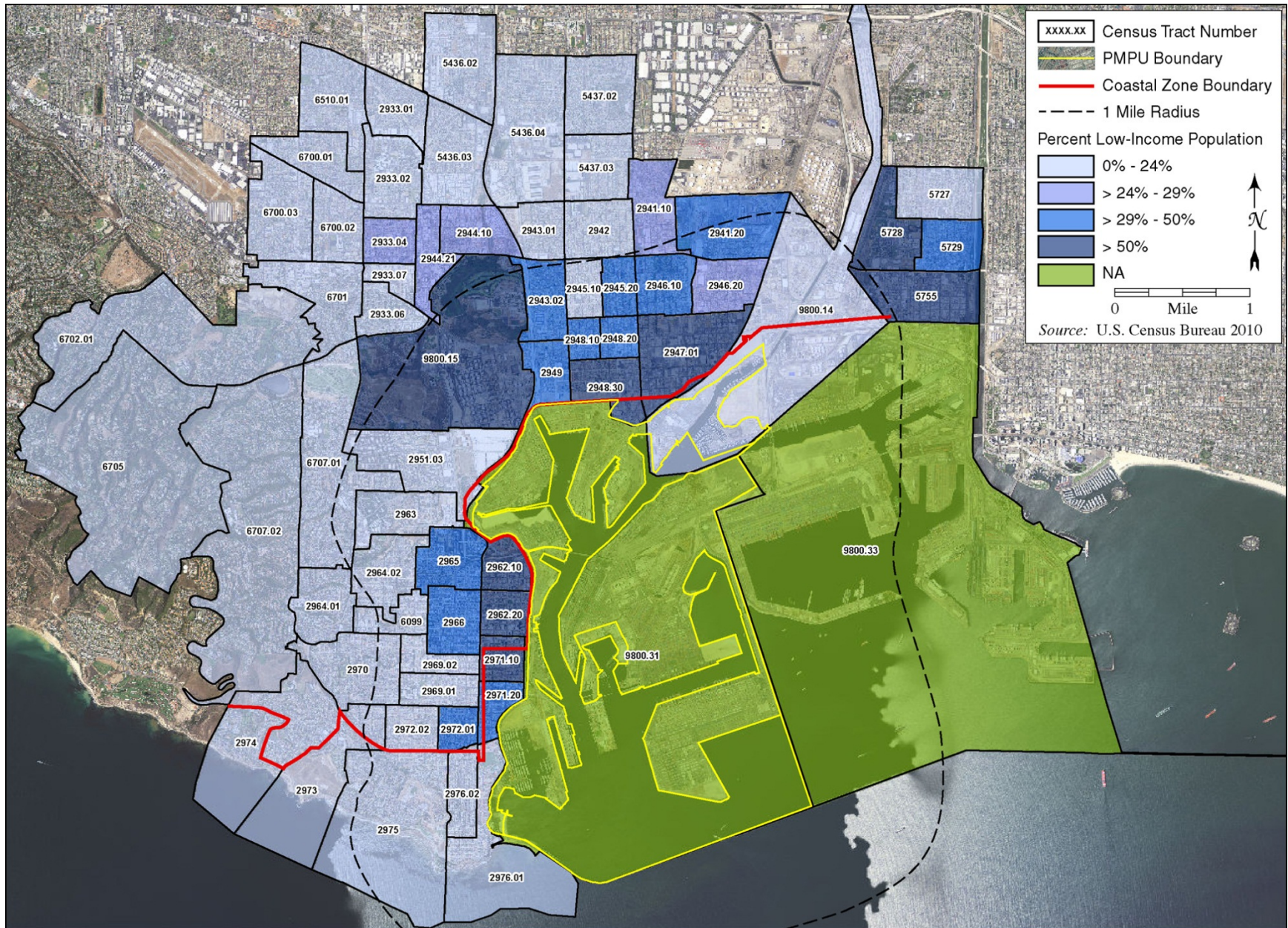


Figure 6.2-2. Percent Low-Income Population

Table 6.2-2. Minority and Low-Income Characteristics by Census Tract in the Vicinity of the Proposed Program and Alternatives

<i>Census Tracts</i>	<i>Total Population</i>	<i>Minority Population (percent)</i>	<i>Low-Income Population (percent)</i>
2933.01	2,805	72.0	5.9
2933.02	4,720	75.7	11.9
2933.04	4,178	84.8	26.2
2933.06	2,189	55.0	14.5
2933.07	2,306	84.6	10.8
2941.10	4,140	93.6	25.8
2941.20	2,370	98.6	30.6
2942	4,951	93.5	18.5
2943.01	2,448	91.1	19.0
2943.02	4,754	94.0	33.8
2944.10	4,579	86.5	26.3
2944.21	2,950	91.3	28.1
2945.10	4,214	96.2	15.5
2945.20	3,564	97.3	40.5
2946.10	4,065	95.9	33.3
2946.20	4,219	98.5	27.9
2947.01	3,019	95.8	54.2
2948.10	3,991	98.4	37.9
2948.20	3,579	97.6	46.3
2948.30	3,707	96.9	55.1
2949	3,265	96.4	40.5
2951.03	4,875	38.7	11.3
2962.10	3,019	93.7	51.1
2962.20	4,307	87.0	51.0
2963	4,221	58.8	12.7
2964.01	3,191	40.9	9.2
2964.02	3,091	61.8	3.0
2965	3,910	86.8	39.4
2966	5,218	82.0	36.8
2969.01	4,127	75.6	23.6
2969.02	3,851	67.2	17.5
2970	5,343	39.1	4.2
2971.10	4,679	79.6	57.6
2971.20	3,315	81.6	32.2
2972.01	3,475	71.5	33.7
2972.02	3,423	49.7	12.4
2973	2,374	35.6	7.8
2974	3,603	24.8	4.9
2975	5,163	40.5	10.0
2976.01	2,594	49.9	16.7
2976.02	3,503	46.6	8.9
5436.02	7,762	79.2	7.4

Table 6.2-2. Minority and Low-Income Characteristics by Census Tract in the Vicinity of the Proposed Program and Alternatives

<i>Census Tracts</i>	<i>Total Population</i>	<i>Minority Population (percent)</i>	<i>Low-Income Population (percent)</i>
5436.03	3,690	70.5	1.8
5436.04	5,620	90.9	9.2
5437.02	7,083	90.0	19.6
5437.03	3,472	89.9	16.5
5727	5,499	96.3	15.9
5728	839	74.7	81.7
5729	5,250	97.3	32.8
5755	76	69.7	100.0
6099	2,034	70.3	3.5
6510.01	5,522	58.6	8.6
6700.01	3,311	53.3	10.4
6700.02	4,001	61.3	9.9
6700.03	5,788	52.2	10.5
6701	6,659	58.3	11.8
6702.01	3,852	31.5	2.1
6705	1,860	25.9	1.7
6707.01	6,882	42.6	9.5
6707.02	5,477	27.5	5.9
9800.14	239	23.4	16.7
9800.15	554	80.3	81.3
9800.31	1,262	59.4	0.0
9800.33	61	42.6	-
Total Census Tract	240,088	72.4 (Average Percent)	21.0 (Average Percent)
Note: Population totals and minority percentages, respectively, are obtained and calculated from the 2010 Census. Low-income percentages are calculated using 5-year estimates down to the Census Tract level, which is the most precise estimate of poverty for smaller areas.			

6.3 Applicable Regulations

Environmental justice is governed by federal, state, and local regulations, as described below.

6.3.1 Federal Regulations

6.3.1.1 Executive Order 12898

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 EO 12898 on Environmental Justice, formally focusing federal agency attention on these issues. The EO contains a general directive stating that “each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and

1 adverse human health or environmental effects of its programs, policies, and
2 activities on minority populations and low-income populations.”

3 The EO authorized the creation of an Interagency Working Group on Environmental
4 Justice, overseen by USEPA, to implement the EO’s requirements. The Interagency
5 Working Group includes representatives of a number of executive agencies and
6 offices and has developed more specific guidance for implementing the EO.

7 Although the proposed Program is not subject to this EO, the environmental justice
8 analysis in this PEIR is prepared in accordance with its guidance.

9 **6.3.2 State Regulations**

10 **6.3.2.1 PRC Sections 71110–71116**

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

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

18 As part of its mission, CalEPA was required to develop a model environmental
19 justice mission statement for its boards, departments, and offices. CalEPA was tasked
20 to develop a Working Group on Environmental Justice to assist it in identifying any
21 policy gaps or obstacles impeding the achievement of environmental justice. An
22 advisory committee including representatives of numerous state agencies was
23 established to assist the Working Group pursuant to the development of a CalEPA
24 intra-agency strategy for addressing environmental justice. PRC Sections 71110–
25 71116 charge CalEPA with responsibilities regarding the following provisions and
26 others listed in the Code: conducting programs and enforcement to ensure fair
27 treatment; ensuring greater public participation, information sharing and consultation;
28 improving related research; and, developing an agency-wide strategy to identify gaps
29 that would impede achievement of environmental justice.

30 **6.3.2.2 California Government Code Sections 65040–** 31 **65040.12**

32 California Government Code Sections 65040–65040.12 identify the Governor’s OPR
33 as the comprehensive state agency responsible for long-range planning and
34 development. Among its responsibilities, OPR is tasked with serving as the
35 coordinating agency in state government for environmental justice issues.
36 Specifically, OPR is required to consult with CalEPA, the state Resources Agency,
37 the Working Group on Environmental Justice, and other state agencies as
38 appropriate, and share information with CEQ, USEPA, and other federal agencies as
39 appropriate to ensure consistency.

1 CalEPA released its final *Intra-Agency Environmental Justice Strategy* in August
2 2004. The document sets forth the agency’s broad vision for integrating
3 environmental justice into the programs, policies, and activities of its departments. It
4 contains a series of goals, including the integration of environmental justice into the
5 development, adoption, implementation, and enforcement of environmental laws,
6 regulations, and policies.

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

17 Lands addressed by the CSLC Environmental Justice Policy are those within the
18 coastal zone that are legislatively granted, in trust, to the City of Los Angeles,
19 pursuant to Chapter 656, Statutes of 1911. The grant has been amended a number of
20 times, most recently in 2002. The Port, as trustee of these sovereign lands for the
21 people of California, must ensure that specific uses are consistent with the provisions
22 of the relevant granting statutes. Acceptable trust uses include, but are not limited to,
23 uses that promote water-oriented or water dependent recreation and commerce,
24 navigation, fisheries, public access, and the conservation of natural resources.

25 **6.3.3 Local Regulations**

26 **6.3.3.1 City of Los Angeles General Plan**

27 The *City of Los Angeles General Plan* (City of Los Angeles 1982) has adopted
28 environmental justice policies as outlined in its Framework and Transportation
29 Elements, as summarized below. The Framework Element is a “strategy for long-
30 term growth which sets a citywide context to guide the update of the community plan
31 and citywide elements.”

32 The Transportation Element (City of Los Angeles 1999) includes a policy to “assure
33 the fair and equitable treatment of people of all races, cultures, incomes and
34 education levels with respect to the development and implementation of citywide
35 transportation policies and programs, including affirmative efforts to inform and
36 involve environmental groups, especially environmental justice groups, in the
37 planning and monitoring process through notification and two-way communication.”

38 The City of Los Angeles also has committed to a Compact for Environmental Justice,
39 which was adopted by the City’s Environmental Affairs Department as the City’s
40 foundation for a sustainable urban environment. Statements relevant to the proposed
41 Program address requirements for equal access of all residents to public open space
42 and recreation, clean water and uncontaminated neighborhoods, and involvement
43 from start to finish in decision making.

6.3.3.2 South Coast Air Quality Management District

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

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

6.4 Impact Analysis

6.4.1 Methodology

The methodology for conducting the impact analysis for environmental justice included reviewing impact conclusions for each of the resources in Chapter 3.0, Environmental Analysis. Where the resource evaluations identified unavoidable significant impacts or a cumulatively considerable contribution to an unavoidable significant impact, an environmental justice evaluation was conducted to determine if impacts would result in disproportionately high and adverse effects on minority or low-income populations.

Because CEQA deals only with physical change in the environment, the *L.A. CEQA Thresholds* (City of Los Angeles 2006) do not identify significance thresholds for environmental justice or for disproportionately high and adverse effects on minority and low-income populations. In the absence of local thresholds for the proposed Program, federal guidance provided by CEQ is utilized as the basis for determining whether the proposed Program would result in environmental justice effects.

For the purposes of this analysis, a disproportionately high and adverse effect is defined as an unavoidable significant adverse program impact or a cumulatively considerable and unavoidable cumulative impact that: 1) would be predominantly borne by a minority population and/or a low-income population; or, 2) would be suffered by a minority population and/or low-income population and would be appreciably more severe or greater in magnitude than the adverse effect or impact that would be suffered by a non-minority population and/or non-low-income population.

Note that under CEQ's *Environmental Justice Guidance under the National Environmental Policy Act* (CEQ 1997), an impact on the natural or physical environment that significantly and adversely affects a minority or low-income population may include ecological, cultural, human health, economic, or social

1 impacts on minority communities, low-income communities, or Indian tribes when
2 those impacts are interrelated to impacts on the natural or physical environment. The
3 presence of cumulative or multiple adverse exposures from environmental hazards is
4 also considered. The analytical tasks performed were:

- 5 ■ Reviewed impact findings for all resources in Chapter 3.0, Environmental
6 Analysis, and the effects analysis in Chapter 7.0, Socioeconomics and
7 Environmental Quality, to identify unavoidable program and cumulative impacts
8 and other related effects. A number of proposed Program impacts were found to
9 be potentially significant, but would be mitigated to be less than significant,
10 would be less than significant without mitigation measures, or would result in no
11 impact. These impacts were not evaluated further;
- 12 ■ Eliminated from further analysis those unavoidable impacts that would not affect
13 human populations or would result in limited or no public exposure;
- 14 ■ Reviewed the most likely location of unavoidable impacts. For the PEIR, most
15 impacts are identified qualitatively and can be categorized as: a) located within
16 the Port; b) affecting an area-wide or regional scale (e.g., selected air quality
17 impacts and employment benefits); or, c) creating the greatest potential impact in
18 areas closest to the Port (or off-Port impact source such as highways accessing
19 the Port) with impacts decreasing with greater distance (e.g., construction noise).
20 Although the environmental justice tables and figures present data for smaller
21 Census geographies, the specific demographics within these areas would be most
22 relevant during the environmental justice analysis for future tiered environmental
23 studies;
- 24 ■ Compared the minority and low-income characteristics of populations in an
25 impacted area to data for the general population (i.e., Los Angeles County) to
26 determine if the affected area's minority and, separately, low-income
27 composition was greater than the comparison area; and,
- 28 ■ Considered proposed Program benefits to identify offsetting effects of the
29 proposed Program.

30 6.4.2 Proposed Program

31 The proposed Program's individual and cumulative impacts are described in detail
32 for each resource topic in Chapter 3.0, Environmental Analysis, and Chapter 4.0,
33 Cumulative Analysis. Those impacts were reviewed to identify unavoidable
34 significant impacts remaining after implementation of mitigation measures. At the
35 initial review stage, four resource areas were found to have significant unavoidable
36 impacts: Section 3.2, Air Quality and Greenhouse Gases; Section 3.3, Biological
37 Resources; Section 3.9, Noise; and, Section 3.12, Transportation and Circulation. In
38 general, impacts would be associated with construction or operation of the proposed
39 appealable/fill projects and land use changes associated with the PMPU. Biological
40 impacts would affect one or more of the following resources: endangered species,
41 sensitive species, natural habitats, marine biological communities, and marine
42 habitats, but would not affect human populations or the public. Therefore, biological
43 impacts are not evaluated further because they would not have the potential to result
44 in disproportionate effects. The following unavoidable proposed Program and

1 cumulative impacts are evaluated further to determine if they would result in
2 disproportionate effects to minority and low-income populations:

3 **Impact AQ-1:** The proposed Program would be associated with construction
4 activities that would exceed SCAQMD daily emission
5 thresholds.

6 **Impact AQ-2:** The proposed Program would be associated with construction
7 activities that would exceed SCAQMD ambient air pollutant
8 thresholds of significance.

9 **Impact AQ-3:** The proposed Program would be associated with operational
10 activities that would exceed SCAQMD daily emission
11 thresholds.

12 **Impact AQ-4:** The proposed Program operations would result in offsite
13 ambient air pollutant concentrations that exceed any of the
14 SCAQMD thresholds of significance.

15 **Impact AQ-7:** The proposed Program would expose receptors to significant
16 levels of TACs.

17 **Impact GHG-1:** The proposed Program would produce GHG emissions that
18 exceed a CEQA threshold.

19 **Impact NOI-1:** Daytime construction activities lasting more than 10 days in a
20 3-month period would produce noise levels that exceed
21 existing ambient exterior noise levels by 5 dB(A) or more at a
22 noise-sensitive use.

23 **Impact TRANS-1:** The proposed Program would create a traffic impact to the
24 I-710 freeway at the CMP monitoring stations north of Pacific
25 Coast Highway, north of I-405, and north of Firestone
26 Boulevard.

27 **6.4.2.1 Evaluation of Disproportionately High and** 28 **Adverse Effects on Minority and/or** 29 **Low-Income Populations**

30 Section 6.4.2.1.1 provides a summary of impacts that would represent
31 disproportionately high and adverse effects on minority and low-income populations.
32 Section 6.4.2.1.2 addresses impacts that would not represent disproportionately high
33 and adverse effects on minority and/or low-income populations.

34 **6.4.2.1.1 Summary of Impacts that Would Cause** 35 **Disproportionately High and Adverse Effects on** 36 **Minority and/or Low-Income Populations**

37 This section provides a summary of the individual and cumulative impacts that would
38 cause disproportionately high and adverse effects on minority and low-income
39 populations as a result of direct or indirect significant and unavoidable impacts or

1 because the proposed Program would result in a cumulatively considerable
2 contribution to significant cumulative impacts.

3 **Impact AQ-1: Construction of the proposed Program would produce emissions**
4 **that exceed a SCAQMD daily emission threshold.** Because residential areas closest
5 to portions of the Port within the coastal zone are predominantly minority (Figure
6 6.2-1) and have a concentration of low-income populations relative to Los Angeles
7 County (Figure 6.2-2), exposure to daily emissions that exceed SCAQMD thresholds
8 would constitute a disproportionately high and adverse effect on minority and low-
9 income populations. In addition, the proposed appealable/fill projects associated with
10 the proposed Program would make a cumulatively considerable contribution to a
11 significant cumulative air quality impact associated with emissions from
12 construction, also resulting in a disproportionately high and adverse effect on
13 minority and low-income populations.

14 **Impact AQ-2: Construction of the proposed Program would result in offsite**
15 **ambient air pollutant concentrations that exceed a SCAQMD threshold of**
16 **significance.** Construction of the proposed appealable/fill projects under the
17 proposed Program would result in offsite ambient concentrations of criteria air
18 pollutants that would exceed SCAQMD thresholds of significance, even after
19 implementation of mitigation measures. Although receptor points with maximum
20 concentrations would not always occur in residential areas, residential areas would
21 experience higher concentrations the closer they are to the Port. Because residential
22 areas closest to the Port are predominantly minority (Figure 6.2-1) and have a
23 concentration of low-income populations relative to Los Angeles County (Figure 6.2-
24 2), elevated ambient concentrations would constitute a disproportionately high and
25 adverse effect on minority and low-income populations. In addition, the proposed
26 Program would make a cumulatively considerable contribution to a significant
27 cumulative air quality impact during construction. Because residential areas closest to
28 the Port are predominantly minority and have a concentration of low-income
29 populations, the elevated ambient concentrations of air pollutants would constitute a
30 disproportionately high and adverse effect on minority and low-income populations.

31 NO₂ is a primary pollutant of concern that occurs from proposed construction
32 activities. Exposure to this pollutant can produce the following adverse effects: 1)
33 aggravate chronic respiratory disease and respiratory symptoms in sensitive groups;
34 and, 2) produce a risk to public health implied by pulmonary and extra-pulmonary
35 biochemical and cellular changes and pulmonary structural changes. These adverse
36 health effects may occur disproportionately among minority and low-income
37 populations in the vicinity of the Port as a result of elevated ambient concentrations
38 that exceed SCAQMD thresholds.

39 In addition, the proposed Program would make a cumulatively considerable
40 contribution to a significant cumulative air quality impact related to NO₂ during
41 construction. Because residential areas closest to the PMPU area are predominantly
42 minority and have a concentration of low-income population, the elevated ambient
43 concentrations of NO₂ would constitute a disproportionately high and adverse effect
44 on minority and low-income populations.

1 **Impact AQ-3: Operation of the proposed Program would result in emissions**
2 **that exceed a SCAQMD daily emission threshold and the VOC 10 tons per year**
3 **threshold.** Because residential areas closest to the Port are predominantly minority
4 and have a concentration of low-income populations relative to Los Angeles County,
5 elevated daily emissions would constitute a disproportionately high and adverse
6 effect on minority and low-income populations. In addition, the proposed Program
7 would make cumulatively considerable contribution to a significant cumulative air
8 quality impact from daily emissions during operation, and this cumulative impact
9 would constitute a disproportionately high and adverse effect on minority and low-
10 income populations.

11 **Impact AQ-4: Operation of the proposed Program would result in ambient air**
12 **pollutant concentrations that exceed a SCAQMD threshold of significance.**
13 Because residential areas closest to the Port are predominantly minority and have a
14 concentration of low-income populations relative to Los Angeles County, elevated
15 ambient concentrations of air pollutants would constitute a disproportionately high
16 and adverse effect on minority and low-income populations. In addition, the proposed
17 Program would make a cumulatively considerable contribution to significant
18 cumulative air quality impacts because it would exceed pollutant thresholds of
19 significance during operation, and this cumulative impact would constitute a
20 disproportionately high and adverse effect on minority and low-income populations.

21 **Impact AQ-7 (Residents only): The proposed Program would be associated with**
22 **combined construction and operational activities that would produce emissions**
23 **of toxic air contaminants (TACs) that would expose residents to significant**
24 **cancer risks (i.e., an increase in cancer risk by more than 10 in 1 million) and**
25 **acute non-cancer effects (exceeds health hazard index of 1.0).** Because
26 populations living closest to the Port are predominantly minority and have a
27 concentration of low-income populations relative to Los Angeles County, significant
28 cancer risks and acute non-cancer effects resulting from emissions of TACs would
29 constitute a disproportionately high and adverse effect on minority and low-income
30 populations. In addition, the proposed Program would make a cumulatively
31 considerable contribution to significant cumulative cancer risk and acute non-cancer
32 effects that would constitute a disproportionately high and adverse effect on minority
33 and low-income populations living closest to the Port.

34 6.4.2.1.2 Mitigation Measures for Environmental Justice

35 Air Quality

36 Air quality mitigation measures listed in Section 3.2, Air Quality and Greenhouse
37 Gases, including **MM AQ-1 through MM AQ-18** would reduce but not eliminate
38 disproportionate effects associated with significant and unavoidable air quality
39 impacts including Impact AQ-1, Impact AQ-2, Impact AQ-3, Impact AQ-4, and
40 Impact AQ-7.

41 Existing Port-wide programs address on-going and cumulative effects of Port
42 construction and operations on populations in the vicinity of the Port by funding
43 proactive measures to improve air quality in neighboring homes, schools, and other
44 sensitive receptors.

1 Public information developed by the Port with regard to locations of elevated health
2 risks in the vicinity of the Port is available to the public in published environmental
3 studies.

4 **6.4.2.1.3 Summary of Impacts that Would Not Cause** 5 **Disproportionately High and Adverse Effects on** 6 **Minority and/or Low-Income Populations**

7 This section provides a summary of the individual and cumulative impacts that would
8 not cause disproportionately high and adverse effects on minority and low-income
9 populations, either because: 1) the significant impact or cumulatively considerable
10 contribution would not affect human populations or would not have a
11 disproportionately high and adverse effect on minority and/or low-income
12 populations based on the comparison of the affected population to the general
13 population; or, 2) mitigation measures and lease measures applied to the proposed
14 Program would reduce impacts to levels that are less than significant and cumulative
15 contributions to levels that are less than cumulatively considerable. Impacts that
16 would be less than significant (or where a determination of no impact is made) could
17 not result in disproportionately high and adverse effects on minority and low-income
18 populations, and no discussion is required for these impacts.

19 **Impact AQ-7 (Port workers only): The proposed Program would be associated**
20 **with combined construction and operational activities that would produce**
21 **emissions of TACs that would expose Port workers to significant cancer risks**
22 **and acute non-cancer effects.** Combined construction and operational activities
23 would produce emissions of TACs that would expose workers to significant cancer
24 risks and acute non-cancer effects. Combined construction and operational activities
25 would produce emissions of TACs that would expose workers to significant cancer
26 risks and acute non-cancer effects. Cancer risks and acute non-cancer effects to Port
27 workers would not result in disproportionately high and adverse effects on minority
28 and low-income populations.

29 **Impact GHG-1: The proposed Program would produce GHG emissions that**
30 **would exceed a CEQA threshold.** Unlike criteria pollutants, GHG emissions do not
31 cause direct adverse human health effects. The direct environmental effect of GHG
32 emissions is an increase in global temperatures, which in turn has indirect effects on
33 humans. The effect is not specific to the area surrounding the Port; but has global
34 ramifications on a cumulative scale. Because the proposed Program's direct GHG
35 emissions would not adversely affect the communities surrounding the Port to a
36 greater degree than elsewhere, significant GHG impact would not represent a
37 disproportionately high and adverse effect on minority and low-income populations.

38 **Impact NOI-1: The proposed Program would include construction daytime**
39 **activities lasting more than 10 days in a 3-month period which would exceed**
40 **existing ambient exterior noise levels by 5 dB(A) or more and adversely affect**
41 **sensitive receptors including liveaboards in marinas in the vicinity of the East**
42 **Basin, therefore producing a significant program (and cumulative) noise impact.**
43 Specifically, liveaboards near proposed construction activities in Planning Areas 2
44 and 3 would be exposed to significant noise impacts involving pile driving. The
45 construction associated with the Berths 187-189 Liquid Bulk Relocation Project is

1 within 2,250 feet of marinas with liveaboards. Pile driving, especially at the face of
2 Berths 191-194 or in the immediate upland vicinity for structure foundations would
3 be another source of significant construction noise. Pile driving associated with the
4 Berth 300 Development Project and Berth 301 land use change would generate noise
5 impacts to liveaboards at the Al Larson Marina site. These liveaboards would be
6 removed from the marina as a result of the proposed appealable/fill project. However,
7 noise impacts potentially would occur at the Al Larson Marina if pile driving
8 associated with any of appealable/fill projects or land use changes occurred before
9 the Al Larson Marina Project was initiated. General construction not mentioned
10 herein could occur within 400 feet of sensitive receptors and would potentially result
11 in sensitive receptors being exposed to noise at Leq levels greater than 5 dB(A)
12 above ambient.

13 Noise mitigation measures identified in Section 3.9, Noise, including **MM NOI-1**
14 **through MM NOI-11** would be implemented. However, these mitigations may not
15 always be feasible or if feasible, may not be able to reduce construction noise impacts
16 to less than significant.

17 Liveaboards who would be affected by significant construction noise impacts live in
18 East Basin marinas contained in Census Tract 9800.14 (Figures 6.2-1 and 6.2-2). The
19 population in Census Tract 9800.14 is 23.4 percent minority and 16.7 percent low-
20 income (Table 6.2-2). Both the minority and low-income percentages for Census
21 Tract 9800.14 are lower than that of the comparison population in Los Angeles
22 County, which is over 50 percent minority and 19.2 percent low income. Because
23 areas that would experience the greatest exposure to construction noise impacts are
24 not predominantly minority and have lower concentrations of minority populations
25 and low-income populations than the comparison population, disproportionately high
26 and adverse effects on minority and low-income populations would not occur and
27 there would also be no disproportionate effects related to cumulative noise impacts.

28 **Impact TRANS-1: The proposed Program would create a significant**
29 **unavoidable traffic impact on the I-710 freeway at the CMP monitoring stations**
30 **north of Pacific Coast Highway, north of I-405, and north of Firestone**
31 **Boulevard.** With implementation of **MM TRANS-1**, the Port would collaborate with
32 Caltrans and Metro to secure funding and ensure timely implementation of the I-710
33 Corridor Project by 2035 to alleviate future Port area and regional traffic growth on
34 the I-710. The I-710 Corridor EIS/EIR would address the traffic impact of overall
35 Port area and regional growth on the I-710 corridor, which encompasses the
36 significant impact determined as part of this analysis for the proposed Program. Until
37 the I-710 Corridor Project is implemented, the proposed Program would cause a
38 significant impact to the three freeway locations identified above along the I-710.

39 I-710 south of I-405 is dominated by Port traffic. Auto traffic primarily consists of
40 residents of Long Beach and Wilmington. Primary destinations of regional
41 commuters are the Port and downtown Long Beach. As such, congestion impacts on
42 I-710 would not disproportionately affect minority or low-income populations
43 because users of I-710 are traveling from a variety of (dispersed) areas rather than
44 predominantly comprising residents of minority or low-income communities or areas
45 near the Port.

6.4.2.2 Beneficial Impacts

Under EO 12898, offsetting benefits should also be considered by decision-makers when a project would result in disproportionately high and adverse effects. The proposed Program would create economic benefits in the form of jobs and revenue (refer to Chapter 7.0, Socioeconomics and Environmental Quality).

6.4.3 No Fill Alternative

The No Fill Alternative would eliminate the cut/fill projects and associated land use changes from the PMPU. All other appealable projects (i.e., Berths 187-189 Liquid Bulk Relocation, Tri Marine Expansion, 338 Cannery Street Adaptive Reuse, and Al Larson Marina) and land use changes, would be included in this alternative.

Most of the Port throughput growth would occur at existing facilities as their operations become more efficient to meet demand. The projects anticipated under the No Fill Alternative would create additional activity and benefits through the 2035 planning timeframe, though less than the proposed Program. The No Fill Alternative would result in similar disproportionate effects to those listed above for the proposed Program, associated with Impacts AQ-1, AQ-2, AQ-3, AQ-4, and AQ-7 and related cumulative impacts, but the degree of impacts would be less because the activity level would be less. **Disproportionate effects on minority and low-income populations from Impacts AQ-1, AQ-2, AQ-3, AQ-4, and AQ-7 would occur.**

6.4.4 No-Program Alternative

The No-Program Alternative would represent the future baseline activity and it would include projects that are allowable (consistent with existing land uses) under the PMP. The No-Program Alternative would also result in disproportionate effects listed above for the proposed Program, but the degree of impacts would be less because cut/fill projects, and intensification of activities associated with land use changes associated with the PMPU, would not occur, reducing projected activity. **Disproportionate effects on minority and low-income populations from Impacts AQ-1, AQ-2, AQ-3, AQ-4, and AQ-7 would occur.**

6.5 Public Outreach

Meaningful involvement in the context of environmental justice is defined as follows:

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

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

8 LAHD goes to considerable effort to provide public outreach beyond the minimum
9 required by CEQA. Under CEQA, noticing and public outreach for an EIR can be
10 limited to sending the NOP to the State Clearinghouse and each responsible and
11 trustee agency (CEQA Guidelines Section 15082). Additionally, scoping meetings
12 are typically only required for projects of statewide, regional, or area-wide
13 significance (CEQA Guidelines Section 15082[c]). This proposed Program is
14 considered to be a project of local and regional importance. In its efforts to outreach
15 beyond minimum CEQA requirements, LAHD is providing notice of public review
16 of the Draft PEIR using the following procedures: mail to organizations and
17 individuals previously requesting notice; publication of notices in multiple local and
18 regional newspapers; posting of the notice on the LAHD website; and/or direct
19 mailing to owners and occupants of property contiguous to the project site (CEQA
20 Guidelines Section 15087). All NOPs/ISs and Draft EIRs are presented at public
21 meetings at locations and times convenient for the affected community.

22 Notification of availability of documents is extensive and uses a variety of media. For
23 example, CEQA notices are placed in five newspapers: the *Los Angeles Times*, *Daily*
24 *Breeze*, *La Opinion*, *Long Beach Press Telegram*, and *Random Lengths*. Further,
25 meeting notices are sent to all active community organizations and to anyone who
26 has requested to be on the LAHD CEQA mailing list. Additionally, postcards
27 noticing a document and any public meetings also are sent to all San Pedro and
28 Wilmington addresses. A free copy of documents is also provided to community
29 organizations.

30 LAHD also consults with affected community groups through the PCAC, a special
31 stakeholder advisory committee of the Board. This committee, which meets monthly,
32 includes representatives from a number of community groups. The PCAC also has
33 subcommittees and focus groups that address a broad range of environmental issues,
34 including studies on those impacts that might result in disproportionate impacts on
35 relevant population.

36 The following is a timeline of noticing and public involvement that has occurred to
37 date within the environmental review process for the proposed Program.

- 38 ■ **July 26, 2012.** The NOP/IS was released and distributed to over 250 agencies,
39 organizations, individuals, and the California OPR, State Clearinghouse. The
40 proposed Program was assigned State Clearinghouse Number 11058-060. Over
41 9,000 postcards were distributed notifying the public of the date of the scoping
42 meeting and the term of the comment period. Notice of the comment period and
43 meeting were also posted in three local newspapers and on the Port's website at:
44 www.portoflosangeles.org.
- 45 ■ **July 26, 2012.** The NOP/IS was also filed with the Los Angeles City Clerk and
46 the Los Angeles County Clerk.

- 1 ■ **August 14, 2012.** A public scoping meeting was held at the Banning’s Landing
2 Community Center in Wilmington, California. Two individuals commented at
3 the meeting. Spanish translation services were made available at the meeting.
4 ■ **August 24, 2012.** The comment period ended. Twenty comment letters were
5 received during the scoping period.

6 **6.5.1 Alternative Forms of Distribution**

7 The Draft PEIR for the proposed Program has been distributed directly to numerous
8 agencies, organizations, and interested groups and persons for comment during the
9 formal review period. The Draft PEIR also has been made available for review at the
10 LAHD, Environmental Management Division, and at three Los Angeles public
11 library branches: Central, San Pedro, and Wilmington. In addition to the printed
12 copies, the Draft PEIR is available in electronic format on LAHD’s website, at
13 <http://www.portoflosangeles.org/Environmental/publicnotice.htm>, and is available at
14 no cost on CD-ROM.

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