5

ENVIRONMENTAL JUSTICE

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 low-income populations, and with the Council on Environmental Quality (CEQ) *Environmental Justice: Guidance under the National Environmental Policy Act* (CEQ 1997). This assessment is also consistent with California state law regarding environmental justice.

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

5.2 Environmental Setting

The San Pedro Waterfront Development Project is located in the San Pedro Community of the city of Los Angeles. 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 area of potential project effect for purposes of environmental justice corresponds to the areas of effect associated with the specific environmental issues analyzed in this EIS/EIR. Areas of potential effect differ somewhat for each environmental issue. The cities of Los Angeles, Long Beach, and Carson, and the county of Los Angeles form part of the reference community. The *reference community* is used to determine whether a disproportionately high and adverse human health or environmental impact would be borne by low-income and/or

minority populations in the affected community when compared to the general population in and around the project.

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

The same CEQ environmental justice guidance (CEQ 1997) suggests *low-income populations* be identified using the national poverty thresholds from the U.S. Census Bureau; guidance from the EPA (1998, 1999b) also suggests using other regional low-income definitions as appropriate. Because southern California has a higher cost of living when 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 of 1999-2007 for Los Angeles County from the U.S. Department of Housing and Urban Development (HUD 2007). Appendix G.1 of the HUD report contains a detailed description of the method used to derive the low-income definition.

To establish context for this environmental justice analysis, race and ethnicity (i.e., minority) and income characteristics of the population residing in the vicinity of the proposed Project were reviewed. Table 5-1 presents population, minority, and low-income status from the 2000 Census and the Los Angeles City Planning Department for Wilmington, San Pedro, Los Angeles County, the city of Los Angeles, and California. The table also presents similar data for other cities in the general vicinity of the Port.

Table 5-1 shows that within Wilmington (as the neighborhood is defined by the Los Angeles Planning Department), minorities constitute 87.1% of the population and low-income persons constitute 32.2% of the population. Within the San Pedro Community, minorities constitute 55.3% of the population and low-income persons constitute 22.5% of the population. Thus, the affected area represents a *minority population concentration* under CEQ guidance, which indicates such a concentration exists if the percent minority exceeds 50%, as well as a *low-income population concentration* because the low-income population exceeds the county percentage of 23.9%.

Table 5-1. Minority and Low-Income Populations

Area	*Total Population*	*Percent Minority Population*	*Percent Low-Income Population*
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	75,215	87.1	32.2
Nearby Cities			
Carson	89,730	88.0	13.4
Lomita	20,046	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
Source: U.S. Census Bureau 2000.			

Figure 5-1 shows the percentage of minority residents in census block groups near the proposed project site, and Figure 5-2 shows the percentage of low-income residents in the same area. (The figures show block groups within the area modeled in the air quality dispersion and health risk analysis, which represent an outer boundary over which significant and unavoidable impacts may conceivably occur; however, note that the effects analysis does not, in fact, find significant and unavoidable impacts over the entire area of analysis, as described in Section 3.2 and later in this chapter.) Table 5-2 presents data for the 59 census tracts shown in Figures 5-1 and 5-2. Table G.2-1 in Appendix G.2 (HUD 2007) provides data for the 169 block groups shown in Figures 5-1 and 5-2.

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

Area	*Total Population*	*Percent Minority Population*	*Percent Low-Income Population*
Los Angeles County	**9,519,338**	**68.9**	**23.9**
Los Angeles City	**3,694,820**	**70.3**	**29.1**
Long Beach City	**461,522**	**66.9**	**29.8**

Area	*Total Population*	*Percent Minority Population*	*Percent Low-Income Population*
Census Tract 2933.01	2,977	66.3	8.7
Census Tract 2933.02	4,302	65.3	15.3
Census Tract 2933.04	4,207	81.5	29.2
Census Tract 2933.05	4,660	64.4	20.5
Census Tract 2941.10	4,060	90.9	19.4
Census Tract 2941.20	2,529	98.4	23.5
Census Tract 2942	4,425	88.1	24.3
Census Tract 2943	7,059	88.9	32.6
Census Tract 2944.10	3,854	84.0	34.3
Census Tract 2944.20	3,270	88.2	38.0
Census Tract 2945.10	4,266	95.6	36.9
Census Tract 2945.20	3,609	93.8	35.2
Census Tract 2946.10	3,875	93.2	27.7
Census Tract 2946.20	3,931	97.9	35.0
Census Tract 2947	3,270	93.1	52.9
Census Tract 2948.10	4,039	97.7	42.9
Census Tract 2948.20	3,555	96.7	51.5
Census Tract 2948.30	3,274	96.1	48.1
Census Tract 2949	3,262	95.6	50.3
Census Tract 2951.01	5,188	34.1	8.5
Census Tract 2961	1,434	68.0	31.0
Census Tract 2962.10	2,858	92.3	42.9
Census Tract 2962.20	3,605	91.2	62.7
Census Tract 2963	4,348	52.2	13.2

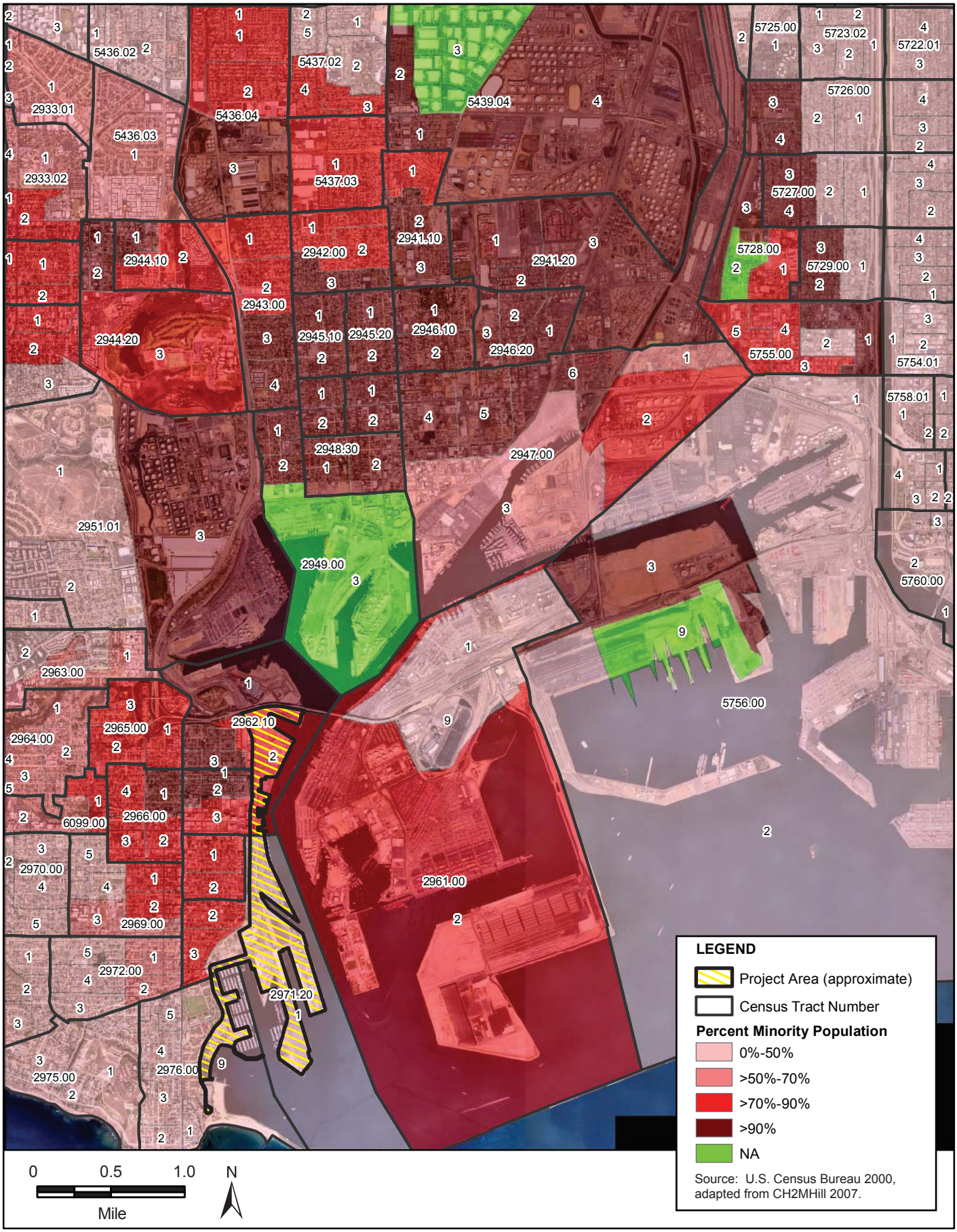

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Figure 5-1
Percent Minority Population

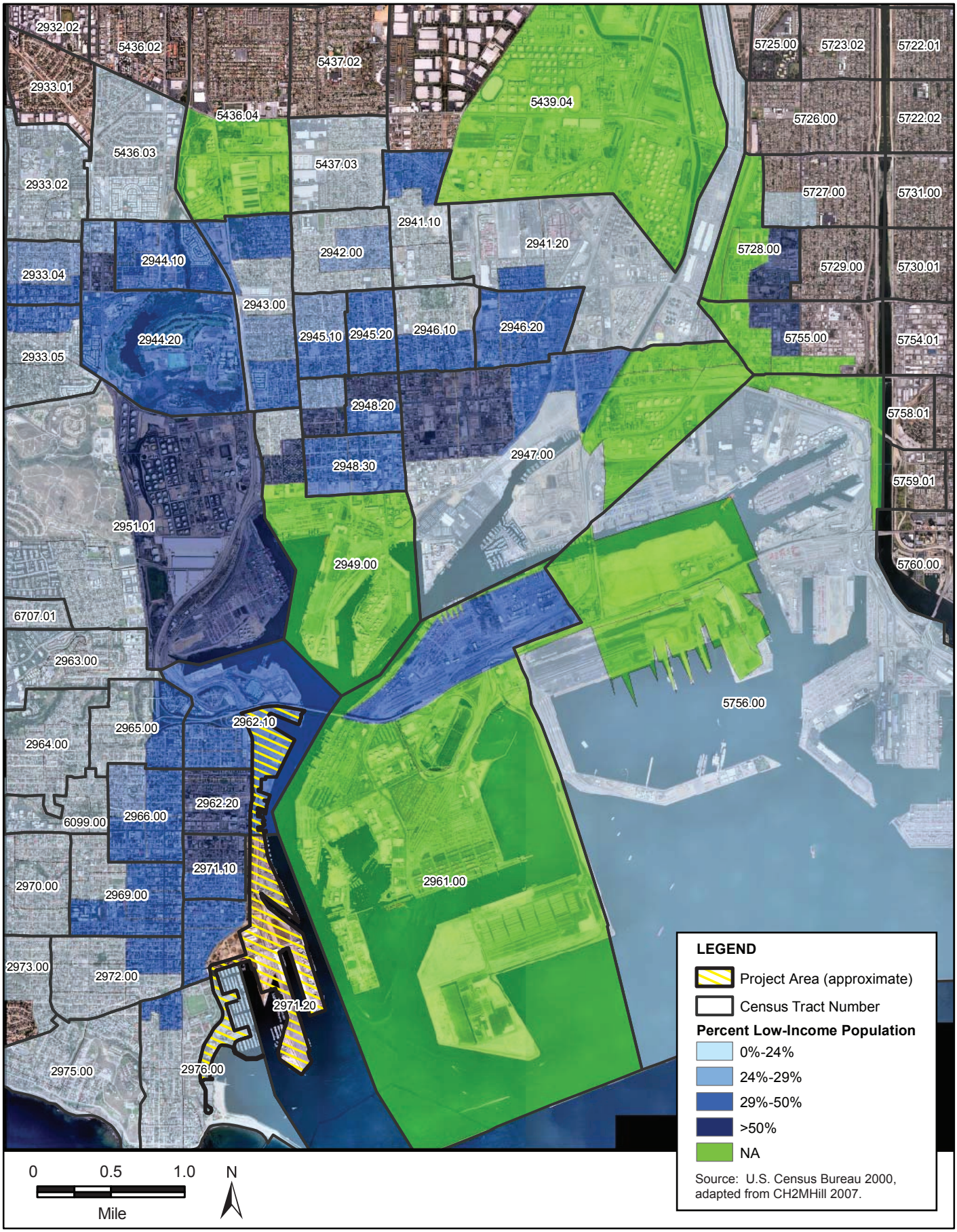

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Figure 5-2
Percent Low-Income Population

Area	*Total Population*	*Percent Minority Population*	*Percent Low-Income Population*
Census Tract 2964	6,294	42.8	8.9
Census Tract 2965	3,796	85.5	26.3
Census Tract 2966	5,200	79.3	36.8
Census Tract 2969	8,250	65.1	28.6
Census Tract 2970	5,482	32.3	11.0
Census Tract 2971.10	4,547	79.4	48.1
Census Tract 2971.20	3,358	77.6	39.6
Census Tract 2972	8,011	51.7	18.1
Census Tract 2973	2,886	30.5	7.4
Census Tract 2974	3,615	15.9	1.9
Census Tract 2975	3,324	29.5	8.6
Census Tract 2976	6,572	40.0	13.3
Census Tract 5436.02	4,141	70.5	10.1
Census Tract 5436.03	4,116	62.4	9.0
Census Tract 5436.04	5,162	86.4	7.0
Census Tract 5437.02	6,354	85.2	14.1
Census Tract 5437.03	3,617	84.3	11.1
Census Tract 5439.04	4,426	96.0	26.1
Census Tract 5727	1,820	93.8	21.4
Census Tract 5728	263	87.8	71.9
Census Tract 5729	3,310	97.3	42.2
Census Tract 5755	252	78.2	53.4
Census Tract 5756	46	84.8	0.0
Census Tract 6099	1,678	65.9	20.2
Census Tract 6510.01	975	40.2	4.9

Area	*Total Population*	*Percent Minority Population*	*Percent Low-Income Population*
Census Tract 6514	1,150	28.7	5.2
Census Tract 6700.01	3,244	42.9	11.3
Census Tract 6700.02	3,773	50.0	14.5
Census Tract 6700.03	6,037	42.5	11.8
Census Tract 6701	6,484	48.0	19.6
Census Tract 6702.01	3,889	25.7	2.3
Census Tract 6705	1,871	23.5	1.3
Census Tract 6706	4,576	28.0	2.8
Census Tract 6707.01	6,777	32.9	5.1
Census Tract 6707.02	5,357	21.8	2.2
Total	**232,510**	**66.2**	**22.2**
Source: U.S. Census 2000, Summary File 1 and Summary File 3.			

Table 5-2 shows that the majority of census tracts near the proposed project area comprises more than 50% minority populations, as well as low-income population concentrations when compared to Los Angeles County. Thus, the area in the vicinity of the proposed project site constitutes a minority population concentration under CEQ guidance and a low-income population concentration when compared to Los Angeles County.

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 these issues. The executive order contains a general directive that states that "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 the EPA, to implement the executive order's requirements. The IWG includes representatives of a number of executive agencies and offices and has developed guidance for terms contained in the executive order.

The EPA defines *environmental justice* as follows:

> 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 2008)

The EPA defines *fair treatment* as follows:

> 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 2008)

The EPA defines *meaningful involvement* as follows:

> 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. (EPA 2008)

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

> An adverse effect or impact that: (1) is predominately 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. (EPA 2008)

In the presidential memorandum to departments and agencies that accompanied Executive Order 12898, the president cited the importance of NEPA in identifying and addressing environmental justice concerns. The memorandum states that "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 NEPA's 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 to 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 environmental impact statement (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

While the EPA has lead responsibility for implementation of Executive Order 12898 as chair of the IWG on environmental justice, the CEQ has oversight of the federal government's compliance with this Executive Order and NEPA. CEQ, in consultation with the 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* (CEQ 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, insofar as is permitted by law.

Neither the executive order nor the CEQ proscribe a specific format for environmental justice assessments in the context of NEPA documents. However, CEQ (1997) 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:

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 guidance (1997) 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 Project is environmentally unacceptable. 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."

The 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 asked 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 charges the 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 the 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, the OPR is tasked with serving as the coordinating agency in state government for environmental justice issues. Specifically, the OPR is required to consult with the Cal/EPA, state Resources Agency, the Working Group on Environmental Justice, and other state agencies as appropriate, and share information with the 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 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."

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

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

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

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

5.3.5 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

The environmental justice analysis has been prepared in accordance with the applicable guidance for addressing environmental justice, including 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). Although CEQA does not specifically require analysis of environmental justice effects, this EIS/EIR includes an environmental justice analysis for both federal and non-federal actions associated with the proposed Project.

Consistent with this guidance, the environmental justice analysis evaluates the proposed Project based on:

- potential adverse effects on the project area population, including minority and low-income population groups; and
- disproportionately high and adverse effects on minority and/or low-income population groups.

5.4.1 Methodology

The following methodology and assessment addresses the potential for the proposed Project to cause disproportionately high and adverse human health and environmental effects on low-income and 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). Although CEQA does not specifically require analysis of environmental justice effects, this EIR includes an environmental justice analysis for actions associated with the proposed Project.

The methodology for conducting the impact analysis for environmental justice included reviewing impact conclusions for each of the resources in Sections 3.1 through 3.14, as well as the cumulative analysis in Sections 4.2.1 through 4.2.14. If the EIS/EIR identified significant impacts or a cumulatively considerable contribution to a cumulatively significant impact, or otherwise identified impacts considered to be high and adverse, an evaluation was conducted to determine if these impacts would result in disproportionately high and adverse effects on minority populations or low-income populations.

The *L.A. CEQA Thresholds* (City of Los Angeles 2006) does not identify significance thresholds for environmental justice or for disproportionately high and adverse effects on minority and low-income populations. In the absence of local thresholds for the proposed Project, federal guidance provided by CEQ has been utilized as the basis for determining whether the proposed Project would result in environmental justice effects. CEQ 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:pp. 25–26):

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

- whether the environmental effects are significant and are or may be having an adverse impact on minority populations, or low-income populations, that appreciably exceeds or is likely to appreciably exceed those on the general population or other appropriate comparison group; and
- whether the environmental effects occur or would occur in a minority population or low-income population affected by cumulative or multiple adverse exposures from environmental hazards.

Findings for project-level impacts and the contribution of the proposed Project to cumulative impacts were reviewed to determine which impacts would be significant, or represented cumulatively considerable contributions to cumulatively significant impacts, and would therefore require environmental justice analysis.

- For impacts that were less than significant and also 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 low-income populations was not 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 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 that would *not* be associated with substantial effects on human populations would not result in disproportionately high and adverse effects on minority and low-income populations. However, for disclosure purposes, these significant impacts are summarized in order to facilitate public involvement and review by potentially affected minority and low-income populations in the vicinity of the project.
- For findings of significant impacts that would affect the public, mitigation measures were considered to determine whether adverse effects would still be significant (as defined by CEQA) 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 conducted.
- If the impact would be significant and unavoidable—or the contribution to cumulative impacts would be cumulatively considerable and unavoidable—then the impact was further evaluated to determine whether it would result in disproportionately high and adverse human health or environmental effects on minority and low-income populations. If the specific location of the impact was identified, the population demographics of the affected area were estimated using data from the 2000 Census. In cases where the boundaries of the impacted area were not known, conclusions were drawn based on available information. In cases where data limitations did not allow a full evaluation, this fact was 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% 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 is interpreted to mean simply greater, which provides for 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 benefits were 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 were determined to be disproportionate, the identified mitigation measures were reviewed to determine whether they would be effective in avoiding or reducing the impacts on minority and low-income populations. If necessary, additional mitigations were considered.

5.4.2 Assessment of Proposed Project and Cumulative Effects

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

- **Evaluate relocation of 12 marina slips in the draft EIR/EIS.**
- **Address whether LAHD has and is complying with environmental justice guidelines:** This chapter deals with environment justice issues based on the 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).
- **Ensure access of economically disadvantaged people to the waterfront:** One of the main project purposes is to enhance access to the waterfront. See Section 3.11, "Transportation and Circulation (Ground)," for a detailed discussion on traffic, transit, and pedestrian access.
- **Consider the San Pedro Waterfront and the San Pedro Downtown as a single community.**
- **Address blight and make the area visually attractive and aesthetically pleasing.**
- **Address concerns over air quality as a result of the project.**

- **Address concerns over availability of public recreation space.**
- Address concerns over noise generated from the proposed Project and the associated traffic.

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

The proposed project's individual impacts are described for each resource in Chapter 3, and contributions to cumulative impacts in Chapter 4. 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 region of analysis for air quality impacts is the immediate area of the proposed project area and the surrounding region, represented by the South Coast Air Basin (SCAB).

Impact AQ-1: The proposed Project would result in construction-related emissions that exceed an SCAQMD threshold of significance in Table 3.2-13. Peak daily construction emissions associated with the proposed Project would exceed the daily construction emission thresholds for VOC, CO, NO_X, PM10, and PM2.5 during the construction period from 2009 through 2014. The peak daily SO_X emissions would be less than significant in all construction years. Emissions would originate from mobile and stationary construction equipment exhaust, tugboat and small boat exhaust, delivery truck exhaust, employee vehicle exhaust, dust from clearing the land, exposed soil eroded by wind, VOCs from architectural coatings, and asphalt paving materials. The largest contributions to peak daily construction emissions would occur in 2011. Even with implementation of mitigation measures, construction emissions would exceed the threshold levels. Even though temporary, the residential areas would experience higher emissions, the closer they are to the proposed Project. Because residential areas closest to the proposed project site contain predominantly minority populations and have a concentration of low-income populations, the elevated construction emissions of VOC, CO, NO_X, SO_X, PM10, and PM2.5 would constitute a disproportionately high and adverse effect on minority and low-income populations. Most of these pollutants have adverse human health effects like chronic respiratory disease, effects on pulmonary function, increased infant mortality, cardiovascular and respiratory disease (including asthma), and so on. 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. Thus, Impact AQ-1 would have a disproportionately high and adverse impact on the low-income and minority population groups as per the CEQ *Environmental Justice: Guidance under the National Environmental Policy Act* (1997).

Mitigation Measures

MM AQ-1. Harbor craft used during construction. All harbor craft used during the construction phase of the proposed Project shall, at a minimum, be repowered to meet the cleanest existing marine engine emission standards or EPA Tier 2. Additionally, where available, harbor craft shall meet the proposed EPA Tier 3 (which are proposed to be phased-in beginning 2009) or cleaner marine engine emission standards.

The above harbor craft measure shall be met unless one of the following circumstances exists and the contractor is able to provide proof that any of these circumstances exists:

- A piece of specialized equipment is unavailable in a controlled form within the state of California, including through a leasing agreement;
- A contractor has applied for necessary incentive funds to put controls on a piece of uncontrolled equipment planned for use on the proposed Project, but the application process is not yet approved, or the application has been approved, but funds are not yet available; or
- A contractor has ordered a control device for a piece of equipment planned for use on the proposed Project, or the contractor has ordered a new piece of controlled equipment to replace the uncontrolled equipment, but that order has not been completed by the manufacturer or dealer. In addition, for this exemption to apply, the contractor must attempt to lease controlled equipment to avoid using uncontrolled equipment, but no dealer within 200 miles of the proposed Project has the controlled equipment available for lease.

MM AQ-2. Dredging equipment electrification. All dredging equipment shall be electric.

MM AQ-3. Fleet modernization for onroad trucks.

1. Trucks hauling materials such as debris or fill shall be fully covered while operating off Port property.
2. Idling shall be restricted to a maximum of 5 minutes when not in use.
3. Standards/Specifications:
   - January 1, 2009 to December 31, 2011: All onroad heavy-duty diesel trucks with a gross vehicle weight rating (GVWR) of 19,500 pounds or greater used on site or to transport materials to and from the site shall comply with EPA 2004 onroad PM emission standards and be the cleanest available with respect to NO_X (0.10g/bhp-hr PM10 and 2.0 g/bhp-hr NO_X). In addition, all onroad trucks shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

- Post-January 2011: All onroad heavy-duty diesel trucks with a GVWR of 19,500 pounds or greater used on site or to transport materials to and from the site shall comply with 2010 emission standards, where available. In addition, all onroad trucks shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

  A copy of each unit's certified EPA rating, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment

The above standards/specifications shall be met unless one of the following circumstances exists and the contractor is able to provide proof that any of these circumstances exists:

- A piece of specialized equipment is unavailable in a controlled form within the state of California, including through a leasing agreement;
- A contractor has applied for necessary incentive funds to put controls on a piece of uncontrolled equipment planned for use on the proposed Project, but the application process is not yet approved, or the application has been approved, but funds are not yet available; or
- A contractor has ordered a control device for a piece of equipment planned for use on the proposed Project, or the contractor has ordered a new piece of controlled equipment to replace the uncontrolled equipment, but that order has not been completed by the manufacturer or dealer. In addition, for this exemption to apply, the contractor must attempt to lease controlled equipment to avoid using uncontrolled equipment, but no dealer within 200 miles of the proposed Project has the controlled equipment available for lease.

MM AQ-4. Fleet modernization for construction equipment.

1. Construction equipment shall incorporate, where feasible, emissions savings technology such as hybrid drives and specific fuel economy standards.
2. Idling shall be restricted to a maximum of 5 minutes when not in use.
3. Tier Specifications:

   - January 1, 2009, to December 31, 2011: All offroad diesel-powered construction equipment greater than 50 hp, except derrick barges and marine vessels, shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
   - January 1, 2012, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp, except derrick barges and marine

vessels, shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

- Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

The above standards/specifications shall be met unless one of the following circumstances exists and the contractor is able to provide proof that any of these circumstances exists:

- A piece of specialized equipment is unavailable in a controlled form within the state of California, including through a leasing agreement;
- A contractor has applied for necessary incentive funds to put controls on a piece of uncontrolled equipment planned for use on the proposed Project, but the application process is not yet approved, or the application has been approved, but funds are not yet available; or
- A contractor has ordered a control device for a piece of equipment planned for use on the proposed Project, or the contractor has ordered a new piece of controlled equipment to replace the uncontrolled equipment, but that order has not been completed by the manufacturer or dealer. In addition, for this exemption to apply, the contractor must attempt to lease controlled equipment to avoid using uncontrolled equipment, but no dealer within 200 miles of the proposed Project has the controlled equipment available for lease.

MM AQ-5. Additional fugitive dust controls. The calculation of fugitive dust (PM10) from unmitigated proposed project earth-moving activities assumes a 75% reduction from uncontrolled levels to simulate rigorous watering of the site and use of other measures (listed below) to ensure proposed project compliance with SCAQMD Rule 403.

The construction contractor shall further reduce fugitive dust emissions to 90% from uncontrolled levels. The construction contractor shall designate personnel to monitor the dust control program and to order increased watering or other dust control measures, as necessary, to ensure a 90% control level. Their duties shall include holiday and weekend periods when work may not be in progress.

The following measures, at minimum, must be part of the contractor Rule 403 dust control plan:

- Active grading sites shall be watered one additional time per day beyond that required by Rule 403;
- Contractors shall apply approved nontoxic chemical soil stabilizers to all inactive construction areas or replace groundcover in disturbed areas;
- Construction contractors shall provide temporary wind fencing around sites being graded or cleared;
- Trucks hauling dirt, sand, or gravel shall be covered or shall maintain at least 2 feet of freeboard in accordance with Section 23114 of the California Vehicle Code;
- Construction contractors shall install wheel washers where vehicles enter and exit unpaved roads onto paved roads or wash off tires of vehicles and any equipment leaving the construction site;
- The grading contractor shall suspend all soil disturbance activities when winds exceed 25 mph or when visible dust plumes emanate from a site; disturbed areas shall be stabilized if construction is delayed; and
- Trucks hauling materials such as debris or fill shall be fully covered while operating off LAHD property.

MM AQ-6. Best management practices. The following types of measures are required on construction equipment (including onroad trucks):

1. Use diesel oxidation catalysts and catalyzed diesel particulate traps.
2. Maintain equipment according to manufacturers' specifications.
3. Restrict idling of construction equipment to a maximum of 5 minutes when not in use.
4. Install high-pressure fuel injectors on construction equipment vehicles.

LAHD shall implement a process by which to select additional BMPs to further reduce air emissions during construction. The LAHD shall determine the BMPs once the contractor identifies and secures a final equipment list.

Because the effectiveness of the above measure has not been established, it is not quantified in this study.

MM AQ-7. General mitigation measure. For any of the above mitigation measures (MM AQ-1 through AQ-6), if a CARB-certified technology becomes available and is shown to be as good as or better in terms of emissions performance than the existing measure, the technology could replace the existing measure pending approval by the LAHD.

Because the effectiveness of the above measure has not been established, it is not quantified in this study.

MM AQ-8. Special precautions near sensitive sites. When construction activities are planned within 1,000 feet of sensitive receptors (defined as schools, playgrounds, day care centers, and hospitals), the construction contractor shall notify each of these sites in writing at least 30 days before construction activities begin.

Because the effectiveness of the above measure has not been established, it is not quantified in this study.

Determination after Mitigation

During construction, Mitigation Measures MM AQ-1 through MM AQ-5 would lower the peak daily construction emissions of all analyzed pollutants. However, VOC, CO, NO_X, and PM2.5 emissions would remain significant under CEQA for all construction years, and PM10 emissions would be significant in years 2009–13. SO_X would remain less than significant for all construction years.

Mitigation Measures MM AQ-6 through MM AQ-8, which were not included in the mitigated emissions calculations, could further reduce construction emissions, depending on their effectiveness. However, emissions of VOC, NO_X, CO, PM10, and PM2.5 would likely remain significant.

Impact AQ-2: Proposed project construction would result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance in Table 3.2-14. Similar to Impact AQ-1, the modeling analysis shows that the residential areas would experience higher concentrations for NO_2 (1-hour average) as well as for 24-hour PM10 and PM2.5. Because residential areas closest to the proposed project site contain predominantly minority populations and have a concentration of low-income populations, the elevated peak daily emissions of NO_2, PM10, and PM2.5 would constitute a disproportionately high and adverse effect on minority and low-income populations. Potential human health effects would be the same as described under Impact AQ-1.

Mitigation Measures

Implement Mitigation Measures MM AQ-1 through MM AQ-8.

Determination after Mitigation

The residual air quality impacts would be temporary over the life of construction activities, but significant during construction. Therefore, Impact AQ-2 of the proposed Project would result in a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-3: The proposed Project would result in operational emissions that exceed 10 tons per year of VOCs or an SCAQMD threshold of significance in Table 3.2-15. Proposed project unmitigated peak daily emissions minus the CEQA baseline would be above CEQA thresholds and thus significant under CEQA for all pollutants in all project analysis years, with the exception of CO in years 2011 and 2037. Proposed project unmitigated peak daily emissions minus the NEPA baseline

would exceed NEPA thresholds and would therefore be significant under NEPA for all criteria pollutants in all four proposed project study years, with the exception of CO in 2011. Because residential areas closest to the proposed project site contain predominantly minority populations and have a concentration of low-income populations, the cited elevated peak daily emissions would constitute a disproportionately high and adverse effect on minority and low-income populations. Potential human health effects would be the same as described under Impact AQ-1.

Mitigation Measures

MM AQ-9. Alternative maritime power (AMP) for cruise vessels. Cruise vessels calling at the Inner Harbor Cruise Terminal shall use AMP at the following percentages while hoteling in the Port:

- 30% of all calls in 2009, and
- 80% of all calls in 2013 and thereafter to accommodate existing lease agreements and home ported vessels. This portion of the mitigation measure is not quantified.

Ships calling at the Outer Harbor Cruise Terminal shall use AMP while hoteling at the Port as follows (minimum percentage):

- 97% of all calls in 2013 and thereafter.

Additionally, by 2013, all ships retrofitted for AMP shall be required to use AMP while hoteling, with a compliance rate of 100%, with the exception of circumstances when an AMP-capable berth is unavailable due to utilization by another AMP-capable ship.

Use of AMP shall enable ships to turn off the engines they require for ship service loads during hoteling, leaving the boiler as the only source of direct emissions. An increase in regional power plant emissions associated with AMP electricity generation is also assumed. Including emissions from ships' boilers and regional power plants, ships hoteling with AMP reduce their criteria pollutant emissions by 70% to 90%, depending on the pollutant, compared with ships hoteling without AMP and burning residual fuel in the boilers.

MM AQ-10. Low-sulfur fuel. Ships calling at the Inner Harbor Cruise Terminal shall use low-sulfur fuel (maximum sulfur content of 0.2%) in engines and boilers within 40 nm of Point Fermin (including hoteling for non-AMP ships) at the following annual participation rates:

- 30% of all calls in 2009, and
- 90% of all calls in 2013 and thereafter.

Ships calling at the Outer Harbor Cruise Terminal shall use low-sulfur fuel (maximum sulfur content of 0.2%) in engines and boilers within 40 nm of Point

Fermin (including hoteling for non-AMP ships) at the following annual participation rates:

- 90% of all calls in 2013.

Low-sulfur fuel requirements shall apply independently of AMP participation.

MM AQ-11. Vessel speed-reduction program. Ships calling at the Inner Harbor Cruise Terminal shall comply with the expanded VSRP of 12 knots between 40 nm from Point Fermin and the Precautionary Area in the following implementation schedule:

- 30% of all calls in 2009, and
- 100% of all calls in 2013 and thereafter.

Ships calling at the Outer Harbor Cruise Terminal shall comply with the expanded VSRP of 12 knots between 40 nm from Point Fermin and the Precautionary Area in the following implementation schedule:

- 100% of all calls in 2013 and thereafter.

Currently, the VSR program is a voluntary program. This mitigation measure requires cruise vessels to participate in the VSR program at higher rates than those currently being achieved. The cruise speed for a cruise vessel ranges from about 18 to 24 knots, depending on the size of the ship (larger ships generally cruise at higher speeds). For a ship with a 23-knot cruising speed, for example, a reduction in speed to 12 knots reduces the main engine load factor from 83% to 14% due to the cubic relationship of load factor to speed. In addition, this mitigation measure expands the VSRP zone from 20 nm to 40 nm from Point Fermin.

MM AQ-12. New vessel builds. The purchaser shall confer with the ship designer and engine manufacture to determine the feasibility of incorporating all emission reduction technology and/or design options and when ordering new ships bound for the Port of Los Angeles. Such technology shall be designed to reduce criteria pollutant emissions (NO_X, SO_X, and PM) and GHG emission (CO, CH_4, N_2O, and HFCs). Design considerations and technology shall include, but is not limited to:

1. Selective Catalytic Reduction Technology
2. Exhaust Gas Recirculation
3. In-line fuel emulsification technology
4. Diesel Particulate Filters (DPFs) or exhaust scrubbers
5. Medium Speed Marine Engine (Common Rail) Direct Fuel Injection
6. Low NO_X Burners for Boilers
7. Implement fuel economy standards by vessel class and engine
8. Diesel-electric pod propulsion systems

OGV engine standards have not kept pace with other engine standards, such as those for trucks and terminal equipment. New vessels destined for California service should be built with these technologies. As new orders for ships are placed, LAHD believes it is essential that the following elements be incorporated into future vessel design and construction:

- Work with engine manufacturers to incorporate all emissions-reduction technologies/options when ordering main and auxiliary engines, such as slide valves, common rail direct fuel injection, and exhaust gas recirculation;
- Design in extra fuel storage tanks and appropriate piping to run engines on a separate/cleaner fuel; and
- Incorporate SCR or an equally effective combination of engine controls. If SCR systems are not commercially available at the time of engine construction, design in space and access for main and auxiliary engines to facilitate installation of SCR or other retrofit devices at a future date.

In addition, this measure shall also incorporate design changes and technology to reduce GHG emissions, where available. Because some of these systems are not yet available but are expected to be available within the next few years, this measure was not quantified.

MM AQ-13. Clean terminal equipment. All terminal equipment shall be electric, where available.

All terminal equipment other than electric forklifts at the cruise terminal building shall implement the following measures:

- Beginning in 2009, all non-yard tractor purchases shall be either (1) the cleanest available NO_X alternative-fueled engine meeting 0.015 g/bhp-hr for PM or (2) the cleanest available NO_X diesel-fueled engine meeting 0.015 g/bhp-hr for PM. If there are no engines available that meet 0.015 g/bhp-hr for PM, the new engines shall be the cleanest available (either fuel type) and shall have the cleanest VDEC;
- By the end of 2012, all non-yard tractor terminal equipment less than 750 hp shall meet the EPA Tier 4 nonroad engine standards; and
- By the end of 2014, all terminal equipment shall meet EPA Tier 4 nonroad engine standards.

MM AQ-14. LNG-powered shuttle busses. All shuttle buses from parking lots to cruise ship terminals shall be LNG powered.

Delivery Trucks

MM AQ-15. Truck emission standards. Onroad heavy-duty diesel trucks (above 14,000 pounds) entering the cruise terminal building shall achieve EPA's 2007 Heavy-Duty Highway Diesel Rule emission standards for onroad heavy-duty diesel engines (EPA 2001) in the following percentages: 20% in 2009, 40% in 2012, and 80% in 2015 and thereafter.

MM AQ-16. Truck idling-reduction measure. The cruise terminal building operator shall ensure that heavy-duty truck idling is reduced at both the Inner and Outer Harbor Cruise Terminal. Potential methods to reduce idling include, but are not limited to, the following: (1) operator shall maximize the times when the gates are left open, including during off-peak hours, (2) operator shall implement an appointment-based truck delivery and pick-up system to minimize truck queuing, and (3) operator shall design gate to exceed truck-flow capacity to ensure queuing is minimized.

This mitigation measure is not quantified.

Tugboat Operations

MM AQ-17. AMP for tugboats. Crowley and Millennium tugboats calling at the North Harbor cut shall use AMP while hoteling at the Port as follows (minimum percentage):

- 100% compliance in 2014.

MM AQ-18. Engine standards for tugboats. Tugboats calling at the North Harbor cut shall be repowered to meet the cleanest existing marine engine emission standards or EPA Tier 2 as follows (minimum percentages):

- 30% in 2010, and
- 100% in 2014.

Tugs calling at the North Harbor cut shall be repowered to meet the cleanest existing marine engine emission standards or EPA Tier 3 as follows (minimum percentages):

- 20% in 2015,
- 50% in 2018, and
- 100% in 2020.

MM AQ-19. Tugboats idling reduction. The tug companies shall ensure that tug idling is reduced at the cruise terminal building.

This measure is not quantified.

Catalina Express

MM AQ-20. Catalina Express Ferry idling reduction measure. Catalina Express shall ensure that ferry idling is reduced at the cruise terminal building.

This measure is not quantified.

MM AQ-21. Catalina Express Ferry engine standards. Ferries calling at the Catalina Express Terminal shall be repowered to meet the cleanest existing marine engine emission standards or EPA Tier 2 as follows (minimum percentages):

- 30% in 2010, and
- 100% in 2014.

New/Alternative Technology

The following measures are lease measures that will be included in the lease for the cruise terminal operations and tug operations due to projected future emissions levels. The measures do not meet all of the criteria for CEQA or NEPA mitigation measures but are considered important lease measures to reduce future emissions. This lease obligation is distinct from the requirement of further CEQA or NEPA mitigation measures to address impacts of potential subsequent discretionary proposed project approvals.

MM AQ-22. Periodic review of new technology and regulations. LAHD shall require the cruise terminal and tug company tenants to review, in terms of feasibility, any LAHD-identified or other new emissions-reduction technology, and report to LAHD. Such technology feasibility reviews shall take place at the time of LAHD's consideration of any lease amendment or facility modification for the cruise terminal and tug company property. If the technology is determined by LAHD to be feasible in terms of cost, technical, and operational feasibility, the tenant shall work with LAHD to implement such technology.

Potential technologies that may further reduce emission and/or result in cost-savings benefits for the tenant may be identified through future work on the CAAP. Over the course of the lease, the tenant and LAHD shall work together to identify potential new technology. Such technology shall be studied for feasibility, in terms of cost, technical, and operational feasibility.

As partial consideration for LAHD agreement to issue the permit to the tenant, the tenant shall implement not less frequently than once every 7 years following the effective date of the permit, new air quality technological advancements, subject to mutual agreement on operational feasibility and cost sharing, which shall not be unreasonably withheld.

The effectiveness of this measure depends on the advancement of new technologies and the outcome of future feasibility or pilot studies. As discussed in Section 3.2.4.1, if the tenant requests future Project changes that would require environmental

clearance and a lease amendment, future CAAP mitigation measures would be incorporated into the new lease at that time.

MM AQ-23. Throughput tracking. If the proposed Project exceeds project throughput assumptions/projections (in terms of cruise terminal passenger numbers) anticipated through the years 2011, 2015, 2022, or 2037, LAHD staff shall evaluate the effects of this on the emissions sources (ship and truck calls) relative to the EIS/EIR. If it is determined that these emissions sources exceed EIS/EIR assumptions, staff shall evaluate actual air emissions for comparison with the EIS/EIR and if the criteria pollutant emissions exceed those in the EIS/EIR, then new or additional mitigations would be applied.

MM AQ-24. General mitigation measure. For any of the above mitigation measures (MM AQ-9 through MM AQ-21), if any kind of technology becomes available and is shown to be as good or as better in terms of emissions reduction performance than the existing measure, the technology could replace the existing measure pending approval by LAHD. The technology's emissions reductions must be verifiable through EPA, CARB, or other reputable certification and/or demonstration studies to LAHD's satisfaction.

Determination after Mitigation

The mitigated peak daily emissions would be significant under CEQA for NO_X, SO_X, PM10, and PM2.5 in 2011; VOC, NO_X, and PM10 in 2015 and 2022; and NO_X and PM10 in 2037. With the inclusion of construction emissions, peak daily combined emissions would exceed CEQA thresholds for all pollutants and would therefore be significant under CEQA. Following mitigation, peak daily emissions minus the NEPA baseline would exceed NEPA thresholds and would therefore be significant under NEPA for all pollutants in analysis years 2015, 2022, and 2037.

Impact AQ-4: Proposed project operations would result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance in Table 3.2-16. Maximum offsite ambient pollutant concentrations associated with the proposed project operations would be significant for NO_2 (1-hour average and annual average), PM10 and PM2.5 (24-hour average), and annual PM10. Therefore, significant impacts under CEQA and NEPA would occur. This is true for both the proposed Project's individual impact and its cumulative contribution. The impact would mainly affect the residents in the neighboring area, which is composed of mainly low-income and minority population groups. Therefore, Impact AQ-4 would result in a disproportionately high and adverse impact on the low-income and minority population groups as per the CEQ *Environmental Justice: Guidance under the National Environmental Policy Act* (1997).

Mitigation Measures

Implement Mitigation Measures MM AQ-9 through MM AQ-24 mentioned above.

Determination after Mitigation

Impacts would be significant for NO_2 and 24-hour PM10 and PM2.5 as well as annual average PM10, although offsite ambient concentrations of PM10 and PM2.5 would be reduced. Therefore, significant and unavoidable impacts would occur.

Impact AQ-7: The proposed Project would expose receptors to significant levels of TACs. The maximum CEQA cancer risk increment associated with the unmitigated proposed Project is predicted to be 270 in a million (270×10^{-6}), at a recreational receptor. This risk value exceeds the significance criterion of 10 in a million and would be considered a significant impact. The receptor location for the maximum recreational increment is in the Outer Harbor Park, approximately 300 meters northeast of Outer Harbor Cruise Terminal Berths 45–47. The CEQA cancer risk increment would also exceed the threshold at occupational, sensitive, and residential receptors. The maximum residential receptor is located in the marina (live-aboards). These exceedances are considered significant impacts under CEQA.

The maximum chronic hazard index CEQA increment associated with the unmitigated proposed Project is predicted to be less than significant for all receptor types. The acute hazard index CEQA increment is predicted to be lower than the significance threshold for sensitive and student receptor types, but significant for residential, occupational, and recreational receptors.

The maximum NEPA cancer risk increment associated with the unmitigated proposed Project is predicted to be 385 in a million (385×10^{-6}), at a recreational receptor. This risk value exceeds the significance criterion of 10 in a million and would be considered a significant impact. The receptor location for the maximum recreational increment is in the Inner Harbor parking area, approximately 250 meters west of Berths 91–92. The NEPA cancer risk increment would also exceed the threshold at occupational, sensitive, and residential receptors. These exceedances are considered significant impacts under NEPA.

The maximum chronic hazard index NEPA increment associated with the unmitigated proposed Project is predicted to be less than significant for all receptor types. The acute hazard index NEPA increment is predicted to be lower than the significance threshold for sensitive and student receptor types, but significant for residential, occupational, and recreational receptors.

The impact would mainly affect the residents in the neighboring area, which comprises mainly low-income and minority population groups. Therefore, the increased cancer risk would cause disproportionately high and adverse effects on minority and low-income populations.

Mitigation Measures

Implement Mitigation Measures MM AQ-9 through MM AQ-24.

Determination after Mitigation

Under CEQA, the mitigation measures would reduce the maximum residential cancer risk associated with the proposed Project by about 67%. The maximum residential chronic hazard index would be reduced by about 17%. The maximum residential acute hazard index would be reduced by about 6%.

The maximum residential CEQA cancer risk increment after mitigation is predicted to be less than 1 in a million ($<1 \times 10^{-6}$), which is well below the significance threshold. The maximum CEQA cancer risk increment after mitigation is predicted to be 25 in a million (25×10^{-6}), at a recreational receptor, which exceeds the significance criterion. The CEQA cancer risk increment also exceeds the threshold at the occupational receptor. These exceedances are considered significant impacts under CEQA.

The maximum chronic hazard index CEQA increment would remain less than significant for all receptor types. The acute hazard index CEQA increment is predicted to remain significant at occupational, residential, and recreational receptors.

The maximum NEPA cancer risk increment after mitigation is predicted to be 38 in a million (38×10^{-6}), at a recreational receptor. The maximum residential NEPA cancer risk increment after mitigation is predicted to be 15 in a million (15×10^{-6}), which remains above the significance threshold. The NEPA cancer risk increment would also exceed the threshold at the occupational receptor. These exceedances are considered significant impacts under NEPA.

The maximum chronic hazard index NEPA increment would remain less than significant for all receptor types. The acute hazard index NEPA increment is predicted to be significant for occupational and recreational receptors.

In sum, the CEQA and NEPA impacts after mitigation would be significant and unavoidable for significant cancer risk impacts. Therefore Impact AQ-7 of the proposed Project would result in a disproportionately high and adverse effect on minority and low-income populations.

Noise (Sections 3.9 and 4.2.9)

As stated in Section 5.4.2.1, the region of influence for noise impacts includes the residential area in the San Pedro Community. This is the area over which noise from construction or operation of the proposed Project would have impacts or contribute to cumulative impacts on sensitive noise receptors.

Impact NOI-1: The proposed Project would exceed construction noise standards. Proposed project construction activities lasting more than 1 day would exceed existing ambient exterior noise levels by 10 dBA or more at a noise sensitive use; construction activities lasting more than 10 days in a 3-month period would exceed existing ambient exterior noise levels by 5 dBA or more at a noise sensitive use. Considering the distances between the construction noise sources and receivers,

the standard controls and temporary noise barriers may not be sufficient to reduce the projected increase in the ambient noise level to the point where it would no longer cause a substantial increase. Even with implementation of mitigation measures, construction equipment noise levels generated could substantially exceed existing ambient noise levels. Therefore, impacts to residents resulting from buffer construction as well as impacts to marina residents from construction would remain significant even after mitigation. Since the residential areas closest to the proposed project site contain predominantly minority populations and have a concentration of low-income population, Impact NOI-1 would have a disproportionately high and adverse impact on the low-income and minority population groups as per the CEQ *Environmental Justice: Guidance under the National Environmental Policy Act* (1997).

Mitigation Measures

MM NOI-1. Construct temporary noise barriers, use quiet construction equipment, and notify residents. The following will reduce the impact of noise from construction activities:

a) **Temporary Noise Barriers.** When construction is occurring within 500 feet of a residence or park, temporary noise barriers (solid fences or curtains) will be located between noise-generating construction activities and sensitive receptors.

b) **Quiet Equipment Selection.** Select quiet construction equipment whenever possible. Comply where feasible with noise limits established in the City of Los Angeles Noise Ordinance.

c) **Notification.** Notify residents within 500 feet to the proposed project site of the construction schedule in writing.

Determination after Mitigation

Impacts would be significant and unavoidable. Therefore **Impact NOI-1** of the proposed Project would result in a disproportionately high and adverse impact on the low-income and minority population groups.

Impact NOI-3a: The proposed Project would cause noise from motor vehicle traffic measured at the property line of affected uses to increase by 3 dBA in CNEL, to or within the "normally unacceptable" or "clearly unacceptable" category, or any 5 dBA or greater noise increase. The operation of the proposed Project would cause a significant cumulatively considerable increase in noise on Miner Street south of 22nd Street. This increased noise from vehicular traffic would affect the residential and commercial receptors in this area of the proposed Project. Since the residential areas closest to the proposed project site contain predominantly minority populations and have a concentration of low-income population, Impact NOI-3a would have a disproportionately high and adverse impact on the low-income and minority population groups as per the CEQ *Environmental Justice: Guidance under the National Environmental Policy Act* (1997).

Mitigation Measures

No mitigation is available.

Determination after Mitigation

Impacts would be significant and unavoidable. Therefore, Impact NOI-3a of the proposed Project would result in a disproportionately high and adverse impact on the low-income and minority population groups.

Recreation (Sections 3.10 and 4.2.10)

Since the proposed Project may affect recreation facilities within the Port and surrounding communities, the region of analysis for recreation impacts includes the Port of Los Angeles and extends to adjacent area, including the community of San Pedro.

Impact REC-1a: Construction of the proposed Project would result in a substantial loss or diminished quality of recreational, educational, or visitor-oriented opportunities, facilities, or resources. The construction activities would impede parking, vehicle access, bike access, and pedestrian access as a result of the placement of construction staging areas and the movement of construction equipment. Additionally, the recreational enjoyment of the resources would be diminished as a result of construction noise. Even with the implementation of Mitigation Measures MM REC-1 through MM REC-7, unavoidable adverse significant impacts would occur as a result of construction activities. The proposed Project would particularly impede access and diminish recreational value of the resources for the San Pedro residents, who are comprised of low-income and minority population groups in particular. Even though the impacts would be temporary during the time of construction, the construction period would last for approximately 5 years. Therefore, Impact REC-1a would have a disproportionately high and adverse impact on low-income and minority population groups as per the CEQ *Environmental Justice: Guidance under the National Environmental Policy Act* (1997).

Mitigation Measures

MM REC-1. Maintain pedestrian access during construction. The LAHD and construction contractors will follow standard safety procedures to protect pedestrian traffic from construction hazards, including providing brightly colored fencing and signage indicating closures and safely directing pedestrian traffic around construction areas. This will also require coordinated construction activities such that pedestrian access can be routed around construction with a minimum increase in distance.

MM REC-2. Maintain bicycle access during construction. The LAHD and construction contractors will provide signage notifying users of bike lanes of closure as well as signage directing users to alternative bike routes. Alternative bike lanes in the proposed project vicinity include a north-south Class II bike path along the entire

length of South Gaffey Street, and an east-west Class III bike path on 9th from North Harbor Boulevard west to State Route 213. LAHD will be required to inform the public prior to commencement of construction resulting in closures or possible disruptions to bike paths. Public sources to notify will, at minimum, include the City of Los Angeles Department of Transportation Bicycle Program, and Los Angeles area bicycling groups.

MM REC-3. Maintain parking during construction. The LAHD and construction contractors will minimize parking obstructions during construction periods by placing construction areas out of roadways and parking lots, where possible. In areas where construction staging areas and construction activities must impede access to parking areas, detour signs and lane striping will direct traffic to additional off-site parking areas. LAHD will provide shuttle service to remote parking areas in the event that offsite parking areas are farther than 1 mile from existing waterfront areas and the Waterfront Red Car Line does not adequately service the offsite parking areas.

MM REC-4. Maintain vehicle access during construction. The LAHD and construction contractors will minimize obstructions to vehicle access during construction periods by placing construction areas out of roadways and parking lots, where possible. In areas where construction staging areas and construction activities must impede access to roadways, detour signs and lane striping will safely direct traffic around construction areas. See Section 3.11, "Transportation and Circulation (Ground)," for further details on mitigation measures related to vehicle access to the proposed project site.

MM REC-5. Maintain boat ramp access during construction. The LAHD and construction contractors will minimize obstructions to the boat ramp during construction periods by placing construction areas out of roadways and parking lots leading to boat ramps, where possible. In cases where the boat ramp must be closed, or access will be severely impeded due to construction activities, LAHD will inform the public prior to commencement of construction that will result in closures or possible disruptions to boat ramp access. Public notifications will, at minimum, include notifying local boating groups and posting flyers at boat ramps in the proposed project vicinity.

MM REC-6. Maintain access to open waters of the harbor during construction. The LAHD and construction contractors will minimize obstructions to open waters of the harbor during construction periods by placing construction staging areas out of high-traffic waterways, parking lots leading to boat ramps, and boat docks, where possible. LAHD will embark on a public awareness campaign, providing information about construction periods, construction areas, closures, and suggestions of alternative boating areas. LAHD will inform the public prior to commencement of construction that will result in closures or possible disruptions to open waters of the harbor. Public notifications will, at minimum, include notifying local boating groups and posting flyers at boat ramps in the proposed project vicinity. LAHD will offer boater safety training for the public, specifically with respect to safe navigation around construction activities.

MM REC-7. Maintain docking space and dock access during construction. The LAHD and construction contractors will minimize obstructions to docking space and dock access during construction periods by placing construction staging areas away from boat docks where possible. LAHD will embark on a public awareness campaign, providing information about construction periods, construction areas, closures, and suggestions of alternative boating areas and docking locations. In cases where docking space will be closed or removed and existing tenants need alternative docking space, LAHD will provide temporary docking space in the near vicinity of the proposed Project. LAHD will provide notification and signage to direct users to these temporary alternative docking areas. LAHD will inform the public prior to commencement of construction that will result in closures or possible disruptions to dock access. Public notifications will, at minimum, include notifying local boating groups and posting flyers at boat ramps in the proposed project vicinity. LAHD will offer boater safety training for the public, specifically with respect to safe navigation around construction activities.

See Mitigation Measure MM NOI-1 (Section 3.9, "Noise") for measures to mitigate noise impacts.

Determination after Mitigation

Mitigation Measures MM REC-1 through MM REC-7 and MM NOI-1 (see Section 3.9, "Noise") would reduce adverse significant impacts during construction of the proposed Project. However, unavoidable adverse significant impacts would occur as a result of construction activities in spite of implementation of all mitigation measures.

Transportation and Circulation (Ground) (Sections 3.11 and 4.2.11)

As stated in Section 5.4.2.1, the region of analysis for ground transportation effects includes those streets and intersections that would be used by both automobile and truck traffic to gain access to and from the proposed project area, as well as those streets that would be used by construction traffic (i.e., equipment and commuting workers). The streets most likely to be impacted by cumulative project-related auto and truck traffic include: Gaffey Street and 1st Street; Harbor Boulevard/Miner Street and Crescent Avenue; and Harbor Boulevard and SR-47 westbound ramps.

Impact TC-2a: Proposed project operations would increase traffic volumes and degrade LOS at intersections within the project vicinity. Under CEQA, the proposed Project would result in significant traffic impacts at 10 intersections by 2015 and at 16 intersections by 2037 during one or more peak hours prior to implementation of mitigation measures. Under NEPA, the proposed Project would result in significant impacts at seven intersections in 2015 and fifteen intersections in 2037. Implementation of Mitigation Measures MM TC-2 through MM TC-14 for physical and operational modifications of the affected parcels would fully mitigate impacts identified at seven of the 10 intersections in 2015 and six of the 16 intersections in 2037 to less-than-significant levels. For the remaining locations, due

to existing physical constraints at those locations, no feasible alternatives are possible. This would be a significant and unavoidable impact at intersections where no feasible measures were identified. While motorists affected at these intersections would include some regional travelers, the impacts would most affect residents in San Pedro area, which has a predominantly minority population, and a low-income population. Therefore, Impact TC-2a would have a disproportionately high and adverse impact on the low-income and minority population groups as per the CEQ *Environmental Justice: Guidance under the National Environmental Policy Act* (1997).

Mitigation Measures

MM TC-2. Prohibit weekday peak period parking on Gaffey Street (needed by 2015). Prohibit parking on Gaffey Street both northbound and southbound north of 9th Street during the weekday AM and PM peak periods to allow for an additional through lane in both the northbound and southbound directions. This prohibition is identified in the current San Pedro Community Plan as a potential measure to improve traffic flow on Gaffey Street.

MM TC-3. Modify southbound approach to Gaffey Street and 9th Street (needed by 2015). Modify the southbound approach to Gaffey Street and 9th Street to provide one left-turn lane, two through lanes, and one through/right-turn lane.

MM TC-4. Install traffic signal at Gaffey Street and 6th Street (needed by 2015).

MM TC-5. Modify northbound and southbound approaches at Miner Street and 22nd Street (needed by 2037). Modify the northbound and southbound approaches at Miner Street and 22nd Street to provide one left-turn lane, one through lane, and one through/right-turn lane.

MM TC-6. Prohibit parking on Harbor Boulevard (needed by 2015). As a complementary mitigation measure for intersection-specific mitigation measures along Harbor Boulevard, the prohibition of parking on Harbor Boulevard would allow for the roadway to be configured to generally provide three lanes in each direction. This prohibition is identified in the current San Pedro Community Plan as a potential measure to improve traffic flow on Harbor Boulevard north of 7th Street.

MM TC-7. Modify Harbor Boulevard at 6th Street (needed by 2037). Reconfigure Harbor Boulevard at 6th Street to provide three lanes on the southbound intersection approach, resulting in two through lanes and one shared through/right-turn lane. The existing on-street bicycle lanes may need to be removed to accommodate the additional travel lane on southbound Harbor Boulevard.

MM TC-8. Modify Harbor Boulevard at 5th Street (needed by 2015). Reconfigure Harbor Boulevard at 5th Street to provide three lanes on the southbound intersection approach, resulting in one left-turn lane, two through lanes, and one shared through/right-turn lane. The existing on-street bicycle lanes may need to be removed to accommodate the additional travel lane on southbound Harbor Boulevard.

MM TC-9. Modify Harbor Boulevard at 1st Street (needed by 2015). Reconfigure Harbor Boulevard at 1st Street to provide three lanes both northbound and southbound. The existing on-street bicycle lanes may need to be removed to accommodate the additional travel lane on southbound Harbor Boulevard.

MM TC-10. Modify eastbound approach to Harbor Boulevard and 7th Street (needed by 2015). Reconfigure the eastbound approach to Harbor Boulevard and 7th Street to provide two left-turn lanes, one through lane onto Sampson Way, and one through/right-turn lane.

MM TC-11. Reconfigure Harbor Boulevard and Swinford Street/SR-47 eastbound ramps (needed by 2015). Restripe the westbound (Swinford Street) approach to provide an additional lane at the Harbor Boulevard and Swinford Street/SR-47 eastbound ramps. The westbound approach would be configured with one left-turn lane, one through lane, and one right-turn lane.

MM TC-12. Reconfigure Harbor Boulevard at O'Farrell Street (needed by 2015). Reconfigure Harbor Boulevard at O'Farrell Street to provide three lanes both northbound and southbound. The existing on-street bicycle lanes may need to be removed to accommodate the additional travel lanes on Harbor Boulevard.

MM TC-13. Install signal at Harbor Boulevard and 3rd Street (needed by 2015). Install a traffic signal at Harbor Boulevard and 3rd Street and configure the roadway to provide three lanes both northbound and southbound. The existing on-street bicycle lanes may need to be removed to accommodate the additional travel lanes on Harbor Boulevard.

MM TC-14. Modify eastbound and westbound approaches at Gaffey Street and 13th Street (needed by 2037). Modify the eastbound and westbound approaches at Gaffey Street and 13th Street to provide one left-turn lane and one shared through/right-turn lane each. This reconfiguration will result in the loss of approximately six on-street parking spaces.

Determination after Mitigation

Under CEQA, the mitigation measures above would fully mitigate impacts identified at seven of the 10 intersections in 2015 and six of the 16 intersections in 2037 to less-than-significant levels. Under NEPA, the recommended mitigation measures would fully mitigate impacts identified at all seven intersections in 2015 and eight of the 15 intersections in 2037 to less-than-significant levels. For the remaining locations, no feasible measures were identified that would fully mitigate impacts to less-than-significant levels for all analysis periods due to existing physical constraints at those locations. No feasible measures were identified for the remaining intersections.

Additionally, implementation of Mitigation Measure MM TC-6 and portions of Mitigation Measures MM TC-7, MM TC-8, MM TC-9, MM TC-12, and MM TC-13 (involving configuring Harbor Boulevard to provide three lanes both northbound and southbound) have been identified to reduce congestion and increase levels of service. While these mitigation measures are available to the LAHD, the LAHD may decide

not to adopt Mitigation Measure MM TC-6 and portions of Mitigation Measures MM TC-7, MM TC-8, MM TC-9, MM TC-12, and MM TC-13 (involving configuring Harbor Boulevard to provide three lanes both northbound and southbound) because the provision of three lanes both northbound and southbound on Harbor Boulevard would increase speeds along Harbor Boulevard and would not contribute to a pedestrian-friendly environment along Harbor Boulevard. Should LAHD decide not to adopt these mitigation measures, the resulting congestion and the levels of service would be worse than what is presented above.

Impact TC-2b: Proposed Project operations would increase traffic volumes and degrade LOS along neighborhood streets within the project vicinity. The increase in the number of people traveling to and from the San Pedro Waterfront area due to the proposed Project would result in increased traffic volumes and degraded LOS on the surrounding neighborhood roadways. Under CEQA 2037 conditions, projected increases in traffic on the neighborhood streets due to the proposed Project would result in significant operational impacts on the West 17th Street segment between Centre Street and Palos Verdes Street. No feasible mitigation has been identified to fully mitigate the impacts on the street segment. This would be a significant and unavoidable impact. The impact would be mainly borne by the local residents, who are made up of a substantial minority population and low-income population. Therefore, Impact TC-2b would have a disproportionately high and adverse impact on low-income and minority population groups per the CEQ *Environmental Justice: Guidance under the National Environmental Policy Act* (1997). NEPA thresholds would not be exceeded.

Mitigation Measures

No feasible mitigation is identified to address the impacts due to traffic on West 17th Street between Centre and Palos Verdes under 2015 and 2037 conditions. Short of the permanent closure of the affected street segment, which would not be acceptable since it serves adjacent land uses and carries substantial traffic volumes, no mitigation measures exist that would fully eliminate the addition of significant or adverse traffic volumes to this segment of 17th Street.

Determination after Mitigation

Impacts on the 17th Street segment would be significant and unavoidable.

5.4.2.2 Summary of Impacts that Would Not Cause Disproportionately High and Adverse Effects on Minority and 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 project impacts or make a cumulatively considerable contribution to cumulatively significant impacts;

2 because mitigation measures applied to the proposed Project would reduce impacts to less than significant and cumulative contributions to less than cumulatively considerable; and/or

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 low-income populations based on comparison of the affected population (affected community) to the general population (reference community).

Most of the proposed project's significant impacts would be reduced through mitigation and would not result in disproportionate effects on minority and low-income populations.

Aesthetics and Visual Resources (Sections 3.1 and 4.2.1)

The geographic boundary for analysis of aesthetic and visual resources is the set of *critical public views* from which the proposed Project would be substantially visible and which are readily available to the public, and for which there is reason to believe that the public would be concerned over adverse visual changes.

Impact AES-1: The proposed Project would result in an adverse effect on a scenic vista from a designated scenic resource due to obstruction of views. The proposed parking structures at the existing Inner Harbor cruise ship terminal would block views to the Vincent Thomas Bridge for approximately 1,440 feet from a locally designated scenic highway. A reduction in the height of the proposed structure, partial subterranean construction, or a reduced footprint could offer opportunities to maintain views; however, these options would not meet the parking requirements for the proposed Project. Consequently, no mitigation is available and impacts would be significant from a short segment of Harbor Boulevard. However, the Vincent Thomas Bridge is utilized by the local residents, as well as other motorists from Los Angeles area and views available to all the people would be similar. The impacts would not be disproportionately severe on minority and low-income population. Therefore, Impact AES-1 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact AES-2. The proposed Project would not substantially damage scenic resources (including, but not limited to, trees, rock outcroppings, and historic buildings) within a state scenic highway. There are no designated state scenic highways within the proposed project area. No impacts would occur. Since the impacts are less than significant and less than cumulatively considerable under both CEQA and NEPA, Impact AES-2 would not constitute a disproportionately high and adverse effect on minority or low-income populations.

Impact AES-3. The proposed Project would not substantially degrade the existing visual character or quality of the site or its surroundings. Evaluation of the proposed Project based on factors for determining significance indicates that proposed project features would not degrade existing visual character or quality of the site or its surroundings. However, removal of trees that are visually significant to the character of the community and historic setting to accommodate the construction of the Downtown Harbor would be significant. Mitigation Measure MM AES-1 would reduce impacts to less-than-significant levels. The impacts would not be significant at project level or cumulatively under CEQA or NEPA. Thus, Impact AES-3 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact AES-4. The proposed Project would not result in an adverse effect due to shading on the existing visual character or quality of the site or its surroundings. The proposed Project would have little effect on shade sensitive viewers because sensitive viewers would not be present in the specific settings where shadows cast by limited multiple-story development would occur. The impacts would not be significant at project level or cumulatively under CEQA or NEPA. Thus, Impact AES-4 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact AES-5. The proposed Project would not create a new source of substantial light or glare that would adversely affect day or nighttime views of the area. Due to the Port's current operations, the visual setting is brightly lit at night to ensure a safe nighttime outdoor work environment. Proposed project features that would contribute to ambient nighttime illumination would be negligible within the context of the functional lighting of the Port. Lighting associated with proposed project components would comply with the *San Pedro Waterfront and Promenade Design Guidelines*, which includes lighting recommendations to minimize light pollution, spill light, and glare while promoting goals to create an attractive and safe daytime and nighttime waterfront that supports local economic growth. Additionally, lighting would comply with the PMP, which requires an analysis of design and operational effects on existing community areas. Design consistency with these guidelines and regulations would ensure that views of the area would not be adversely affected. New lighting would be both functional and decorative to enhance visual quality. The impacts would not be significant at project level or cumulatively under CEQA or NEPA. Thus, Impact AES-5 would not result in disproportionately high and adverse effects on minority and low-income populations.

Air Quality and Meteorology (Sections 3.2 and 4.2.2)

The region of analysis for air quality impacts is the immediate area of the proposed project area and the surrounding region, represented by the South Coast Air Basin (SCAB).

Impact AQ-5: The proposed Project would not generate onroad traffic that would contribute to an exceedance of the 1-hour or 8-hour CO standards. Since

the impacts are less than significant and less than cumulatively considerable under both CEQA and NEPA, Impact AQ-5 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact AQ-6: The proposed Project would not create an objectionable odor at the nearest sensitive receptor. Operation of the proposed Project would increase air pollutants due to the combustion of diesel fuel. The mobile nature of most proposed project emission sources would help to disperse proposed project emissions, and the distance between proposed project emission sources and the nearest residents is expected to be far enough to not only disperse these emissions adequately but reduce their impact to below objectionable odor levels. Significant odor impacts are not anticipated at the individual project level under CEQA or NEPA. Therefore, Impact AQ-6 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact AQ-8: The proposed Project would not conflict with or obstruct implementation of an applicable AQMP. LAHD regularly provides its portwide cargo forecasts to SCAG for development of the AQMP. Therefore, the attainment demonstrations included in the 2007 AQMP account for the emissions generated by projected future growth at the Port. Because one objective of the proposed Project is to accommodate growth in cargo throughput at the Port, the AQMP accounts for the proposed Project. The proposed Project would not conflict with or obstruct implementation of the AQMP. Therefore, Impact AQ-8 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact AQ-9: The proposed Project would produce GHG emissions that would exceed CEQA baseline levels. The total CO_2e emissions during proposed project construction would be greater than the CEQA baseline (which is zero for construction), and therefore is considered a significant impact under the CEQA threshold of significance applied for this proposed Project. In each future project year, annual operational CO_2e emissions would increase relative to the CEQA baseline. These increases are considered a significant impact under the threshold of significance for the proposed Project.

The total CO_2e emissions during proposed project construction would exceed NEPA baseline construction emissions. In each future project year, annual operational CO_2e emissions would increase relative to the NEPA baseline.

Measures that reduce electricity consumption or fossil fuel usage from proposed project emission sources, such as MM AQ-25 through MM AQ-30, would reduce proposed GHG emissions. Mitigation Measures MM AQ-9, MM AQ-11 through MM AQ-13, , and MM AQ-16 through MM AQ-20, which were developed for criteria pollutant emissions as part of Impact AQ-3, would also reduce GHG emissions. Even with mitigation, the impacts of the project on GHG would be significant and unavoidable under CEQA. However, because the impacts associated with GHG are global, they would not be disproportionately high on minority and low-income populations, Impact AQ-9 would not result in disproportionately high and adverse effects on minority and low-income populations.

Biological Resources (Sections 3.3 and 4.2.3)

The geographic region of analysis for biological resources differs by organism groups, because the mobility of species in these groups, their population distributions, and the normal movement range for individuals living in an area varies so that effects on biotic communities in one area can affect communities in other nearby areas. The region of analysis is described fully in Section 4.2.3, and is not reiterated here because no biological resource impacts would contribute to disproportionately high and adverse effects on minority and low-income populations.

Impact BIO-1: Construction/operation of the proposed Project would not result in the loss of individuals, or the reduction of existing habitat, of a state- or federally listed endangered, threatened, rare, protected, candidate, or sensitive species or a species of special concern, or the loss of federally listed critical habitat. In-water construction (Impact BIO-1a) disrupts marine mammals, designated special aquatic sites such as eelgrass beds, and the special-status bird species' foraging activities, and causes them to avoid the construction area during those activities. Proposed construction activities could affect nesting black-crowned night and great blue herons. Also, restoration of the salt marsh could cause turbidity that extends into the Outer Harbor, affecting foraging California least terns. Mitigation Measures MM BIO-1 (monitoring and managing turbidity), MM BIO-2 (conducting nesting bird surveys), and MM BIO-3 (avoiding marine mammals) would reduce these impacts to less than significant. Proposed project operations (Impact BIO-1b) would incrementally increase the potential for accidental fuel spills and illegal discharges. However, implementation of spill control mitigation measures (described in Section 3.14, "Water Quality, Sediments, and Oceanography") would reduce the potential for spills to a level that is less than significant. The proposed Project also would not make a cumulatively considerable contribution to any cumulatively significant impact relative to Impact BIO-1. Since the impacts are less than significant and less than cumulatively considerable under both CEQA and NEPA, Impact BIO-1 would not constitute a disproportionately high and adverse effect on minority or low-income populations.

Impact BIO-2: Construction/operation of the proposed Project would result in a substantial reduction or alteration of a state-, federally, or locally designated natural habitat, special aquatic site, or plant community, including wetlands. Construction activities associated with expansion and enhancement of the mudflat and salt marsh (Impact BIO-2a) for the long-term benefit of the marsh would result in significant short-term impacts on the salt marsh, and eelgrass and mudflat habitat within the marsh. This would result in significant short-term impacts. During proposed project operations, the salt marsh promenade would shade portions of the unvegetated entrance to the Salinas de San Pedro Salt Marsh and potentially small portions of the vegetated salt marsh habitat. While implementation of Mitigation Measures MM BIO-4 (enhance and expand Salinas de San Pedro Salt Marsh) and MM BIO-5 (prepare a habitat mitigation and monitoring plan) along with Mitigation Measures MM BIO-1 through MM BIO-3 would reduce these effects, the impacts would remain significant and unavoidable. However, these impacts would be on natural habitat, special aquatic sites, or plant communities, including wetlands, and not on low-income or minority populations. Therefore, Impact BIO-2 would not

result in disproportionately high and adverse effects on minority and low-income populations. Long-term operational effects (Impact BIO-2b) would benefit from Mitigation Measures MM BIO-4 and MM BIO-5, resulting in an overall enhancement of the salt marsh area.

Impact BIO-3: Construction/operation of the proposed Project would not interfere with wildlife movement/migration corridors that may diminish the chances for long-term survival of a species. The proposed Project would not interfere with wildlife movement/migration corridors, nor would it make a cumulatively considerable contribution to any cumulative impact. Therefore, Impact BIO-3 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact BIO-4: Dredging, filling, and wharf construction activities/operation of/for the proposed Project would substantially disrupt local biological communities. No substantial disruption of biological communities would result from proposed project construction (Impact BIO-4a). Temporary loss of habitat function from construction expansion and enhancement activities within the mudflat, eelgrass, and salt marsh habitat is expected and would result in a short-term significant and unavoidable impact. Contaminated sediments released during dredging would adversely affect aquatic organisms if toxic substances are present in sediments and if those sediments are suspended in the water column during dredge activities or when disposed of at a marine disposal site. However, operation of the proposed Project has the potential to introduce invasive marine species into the harbor through minor ballast water exchanges that could occur, or through attachment to ship hulls or equipment, and this would be significant (Impact BIO-4b). No feasible mitigation is currently available to totally prevent introductions of invasive species via vessel hulls, equipment, or ballast water, due to the lack of a proven technology. Implementation of Mitigation Measures MM BIO-1 through MM BIO-6 (dispose sediment) would reduce impacts resulting from dredging operations, but other impacts on local biological communities would be significant and unavoidable. However, these impacts would be on natural habitat, special aquatic sites, or plant communities, including wetlands, and not on low-income or minority populations. Therefore, Impact BIO-4 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact BIO-5: Construction of the proposed Project would not result in a permanent loss of marine habitat. The proposed Project would result in an increase in marine habitat, which could add 3.4 mitigation credits to LAHD's Inner Harbor Mitigation Bank. The proposed Project would create 9.05 acres of new water area, and would cover 4.37 acres. Therefore, Impact BIO-5 would not result in disproportionately high and adverse effects on minority and low-income populations.

Cultural Resources (Sections 3.4 and 4.2.4)

As stated in Section 5.4.2.1, the geographic region of analysis for impacts on cultural, archaeological, and paleontological resources related to the proposed Project consists of

the areas at the Port and in the immediate vicinity (on land or submerged) that could be affected by dredging, demolition, or ground disturbance.

Impact CR-1: Construction of the proposed Project would not disturb, damage, or degrade known prehistoric and historic archaeological resources. The proposed Project could have a potentially significant impact on "El Barrio" or "Mexican Hollywood," which existed on a 5-acre parcel at Berths 90 and 91, and two prehistoric archaeological sites CA-LAN 145 and CA- LAN 146. Implementation of Mitigation Measures MM CR-1, MM CR-2, MM CR-2a, and MM CR-2b would reduce impacts on El Barrio to less than significant, while Mitigation Measure MM CR-3, to monitor ground disturbance in the vicinity of known archaeological sites CA-LAN-145 and CA-LAN-146, would reduce impacts on prehistoric archaeological sites to less-than-significant levels. The proposed Project also would not make a cumulatively considerable significant impact relative to Impact CR-1 under CEQA. Mexican Hollywood is within the federal APE and could be disturbed by construction associated with the Inner Harbor parking structure, which is an indirect impact under federal jurisdiction. The proposed Project would result in significant impacts on known archaeological resources under NEPA. However, Impact CR-1 would not constitute a disproportionately high and adverse effect on minority or low-income populations.

Impact CR-2: Construction of the proposed Project would not disturb, damage, or degrade unknown archaeological and ethnographic cultural resources. Buried cultural resources that were not identified during field surveys could be inadvertently unearthed during ground-disturbing activities, which could result in the demolition or substantial damage to significant cultural resources. Implementation of Mitigation Measure MM CR-4, to stop work if cultural resources are discovered during ground-disturbing activities, would reduce this impact to less-than-significant levels. The proposed Project also would not make a cumulatively considerable significant impact relative to Impact CR-2. Since the impacts are less than significant and less than cumulatively considerable under CEQA and NEPA, Impact CR-2 would not constitute a disproportionately high and adverse effect on minority or low-income populations.

Impact CR-3: The proposed Project would not result in a substantial adverse change in the significance of a historical resource, involving demolition, relocation, conversion, rehabilitation, alteration, or other construction that reduces the integrity or significance of important resources on the site or in the vicinity. The proposed Project would have less-than-significant indirect impacts on some of the nationally, state-, and locally listed or eligible resources. The Project as proposed would maintain the historic Westway Terminal/Pan American Oil Company Pump House and demolish the tanks on the site that are replacement structures. This action would change the historic setting of the pump house, but would be a less-than-significant impact. The impacts of the demolition of cultural resources would not be adverse on minority and low-income populations. Thus, Impact CR-3 would not constitute a disproportionately high and adverse effect on minority or low-income populations.

Impact CR-4: The proposed Project would not result in the permanent loss of or loss of access to a paleontological resource of regional or statewide significance. The proposed Project would result in significant impacts because of the potential to damage or destroy significant nonrenewable fossil resources. Implementation of Mitigation Measure MM CR-5 by a qualified vertebrate paleontologist for a mitigation program consistent with the provisions of the CEQA and the proposed guidelines of the Society of Vertebrate Paleontology would reduce impacts to less-than-significant levels. Thus, with mitigation, the proposed Project would not have a significant effect nor make a cumulatively considerable contribution to cumulatively significant impacts on paleontological resources under CEQA (impact is not applicable to NEPA). Therefore, Impact CR-4 would not result in disproportionately high and adverse effects on minority and low-income populations.

Geology and Soils (Sections 3.5 and 4.2.5)

The region of influence for cumulative impacts varies for geological resources, depending on the geologic issue. The region of analysis is described fully in Section 4.2.5, and is not reiterated here because no geological resource impacts would contribute to disproportionately high and adverse effects on minority and low-income populations.

Impact GEO-1: The proposed Project would result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from fault rupture, seismic ground shaking, liquefaction, or other seismically induced ground failure. Seismic activity could expose people and structures to substantial risk during the construction period (Impact GEO-1a) and operation period (Impact GEO-1b), which are significant and unavoidable project and cumulative impacts. Although some of the employees may be minority and low-income, in case of natural phenomenon such as seismic activity, the impacts would be equally borne by all persons present on the site. Therefore, Impact GEO-1 would not result in disproportionately high and adverse effects on minority or low-income populations.

Impact GEO-2: The proposed Project would result in substantial damage to structures or infrastructure, or expose people to substantial risk involving tsunamis or seiches. The proposed Project would include the creation of new harbors, as well as the construction of new promenades, which would be susceptible to tsunamis and seiches. There is a substantial risk of coastal flooding of wharves and associated backland areas due to tsunamis and seiches. Because construction would occur over an extended period (through 2014), increased exposure of people and property during construction to seismically induced tsunamis or seiches cannot be precluded (Impact GEO-2a). During operations, even with incorporation of emergency planning and construction in accordance with current City and State regulations, substantial damage and/or injury could occur in the event of a tsunami or seiche (Impact GEO-2b). Impacts due to tsunamis and seiches are significant and unavoidable under NEPA and CEQA. Although some of the employees may be minority and low-income, in case of natural phenomenon such as tsunamis and seiches the impacts would be equally borne by all persons present on the site.

Therefore, Impact GEO-2 and the associated cumulatively considerable contribution to a cumulatively significant impact would not result in disproportionately high and adverse effects on minority or low-income populations.

Impact GEO-3: The proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from land subsidence/settlement. The proposed Project would result in less-than-significant impacts and a less-than-cumulatively considerable contribution to cumulative impacts related to subsidence and settlement under both NEPA and CEQA. Since the proposed project impact is less than significant and the contribution to cumulative impacts is less than cumulatively considerable, Impact GEO-3 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact GEO-4: The proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from expansive soils. The proposed Project would result in less-than-significant impacts and a less-than-cumulatively considerable contribution to cumulative impacts related to expansive soils under both NEPA and CEQA. Since the proposed project impact is less than significant and the contribution to cumulative impacts is less than cumulatively considerable, Impact GEO-4 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact GEO-5: The proposed Project would not result in substantial damage to structures or infrastructure, or expose people to a substantial risk of landslides or mudslides. Since the topography in the vicinity of the proposed project site is flat and not subject to landslides or mudflows, the proposed Project would not increase the risk of landslides or mudflows individually or cumulatively under either NEPA or CEQA. Thus, Impact GEO-5 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact GEO-6: The proposed Project would not result in substantial damage to structures or infrastructure, or expose people or property to a substantial risk of unstable soil conditions from excavation, grading, or fill. The proposed Project would result in less-than-significant impacts and a less-than-cumulatively considerable contribution to cumulative impacts related to shallow groundwater and collapsible soils under both NEPA and CEQA. Since the proposed project impact is less than significant and the contribution to cumulative impacts is less than cumulatively considerable, Impact GEO-6 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact GEO-7: The proposed Project would not result in one or more distinct and prominent geologic or topographic features being destroyed, permanently covered, or materially and adversely modified. Since the proposed project area is relatively flat and paved, with no prominent geologic or topographic features, proposed project construction would not result in any distinct and prominent geologic or topographic features being destroyed, permanently covered, or materially and adversely modified. The finding of no impact is made for both NEPA and CEQA.

Thus, Impact GEO-7 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact GEO-8: The proposed Project would not result in the permanent loss of availability of any mineral resource of regional, statewide, or local significance. Under both NEPA and CEQA, the individual project impact is less than significant and the cumulative contribution is less than considerable. Thus, Impact GEO-8 would not result in disproportionately high and adverse effects on minority and low-income populations.

Ground Water and Soils (Sections 3.6 and 4.2.6)

The region of influence for cumulative impacts varies for ground water and soils, depending on the geologic issue. The region of analysis is described fully in Section 4.2.6, and is not reiterated here because no geological resource impacts would contribute to disproportionately high and adverse effects on minority and low-income populations.

Impact GW-1: Proposed project construction and operations would not encounter toxic substances or other contaminants associated with historical uses of the Port, resulting in short-term exposure (duration of construction) to construction/operations personnel and/or long-term exposure to future site occupants. Grading and construction (e.g., excavations for utilities and foundations) (Impact GW-1a) as well as port operation (Impact GW-1b) may encounter toxic substances or other contaminants associated with historical uses of the Port, resulting in short-term exposure (duration of construction) to construction/operations personnel and/or long-term exposure to future site occupants. However, implementation of Mitigation Measures MM GW-1 (site remediation), MM GW-1a (remediation of the former GATX site), MM GW-1c (remediation of former oil wells), MM GW-1c (removal of navy fuel surge line), and MM GW-2 (implementation of a contingency plan for potentially encountering unknown soil contamination) would reduce impacts to less than significant and would reduce the contribution to cumulatively significant impacts to less than cumulatively considerable under both NEPA and CEQA. Thus, Impact GW-1 would not result in disproportionately high and adverse effects on minority or low-income populations.

Impact GW-2: Proposed project construction and operations would not alter contaminant transport pathways and result in expansion of the area affected by contaminants. Excavation and grading in contaminated soils (Impact GW-2a) and Port operations (Impact GW-2b) could result in inadvertent spreading of such contamination to areas that were previously unaffected by spills of petroleum products or hazardous substances. However, implementation of Mitigation Measures MM GW-1 (site remediation), MM GW-1a (remediation of the former GATX site), MM GW-1c (remediation of former oil wells), MM GW-1c (removal of navy fuel surge line), and MM GW-2 (implementation of a contingency plan for potentially encountering unknown soil contamination) would reduce impacts to less than significant and would reduce the contribution to cumulatively significant impacts to less than cumulatively considerable under both NEPA and CEQA. Thus, Impact

GW-2 would not result in disproportionately high and adverse effects on minority or low-income populations.

Impact GW-3: Proposed project construction and operations would not result in a change to potable water levels. The proposed project construction (Impact GW-3a) and operation (Impact GW-3b) would have no project-level impact, and no cumulative contribution to impacts, on potable water supplies, under either CEQA or NEPA. Thus, Impact GW-3 would not result in disproportionately high and adverse effects on minority or low-income populations.

Impact GW-4: Proposed project construction and operations would not result in a demonstrable and sustained reduction in potable groundwater recharge capacity. The proposed project construction (Impact GW-4a) and operations (Impact GW-4b) would not result in a demonstrable and sustained reduction in groundwater recharge capacity. Under both CEQA and NEPA, the impacts of the proposed Project would be less than significant, and its contribution to cumulative impacts would be less than cumulatively considerable. Thus, Impact GW-4 would not result in disproportionately high and adverse effects on minority or low-income populations.

Impact GW-5: Proposed project construction and operations would not result in violation of regulatory water quality standards at an existing production well. No existing production wells are located in the vicinity of the proposed project site, and the proposed Project would not result in violation of regulatory water quality standards at an existing production well, under either CEQA or NEPA during construction (Impact GW-5a) or operation (Impact GW-5b). Thus, Impact GW-5 would not result in disproportionately high and adverse effects on minority or low-income populations.

Hazards and Hazardous Materials (Sections 3.7 and 4.2.7)

The potential impacts from proposed project-related emergency preparedness and the releases of hazardous materials into the environment and to the public health and safety are qualitatively evaluated using the context of the existing federal, state, regional, and local regulations and policies. Additionally, risk analysis studies for certain components of the proposed Project (e.g., Jankovich fueling station) are incorporated into the evaluation.

Impact RISK-1: Construction and operation of the proposed Project would comply with applicable safety and security regulations and policies guiding development within the Port. The demolition, dredging, and construction of certain project elements would require construction equipment that could spill oil, gas, or fluids during the normal usage or during refueling (Impact Risk-1a). However, construction of the proposed Project would comply with applicable security and safety regulations and/or policies guiding the development within the Port. The proposed Project would have a less-than-significant impact relative to the probable frequency and severity of consequences to people or property as a result of a potential accidental release or explosion of a hazardous substance, and a less-than-

cumulatively considerable contribution of such a release or explosion. Operation of the proposed Project would comply with applicable safety regulations and/or security regulations and/or policies guiding development within the Port (Impact Risk-1b). The proposed Project would have a less-than-significant impact and a less-than-cumulatively considerable contribution of an accidental release or explosion of a hazardous substance. Therefore, Impact RISK-1 does not represent a disproportionately high and adverse effect on minority and low-income populations.

Impact RISK-2: Construction and operation of the proposed Project would not substantially interfere with an existing emergency response or evacuation plan, thereby increasing the risk of injury or death. Prior to commencement of construction/demolition activities, all plans would be reviewed by the LAFD to ensure adequate access is maintained throughout the proposed project construction/demolition. The construction/demolition activities (Impact Risk-2a) and operation of the proposed Project (Impact Risk-2b) would not substantially interfere with an existing emergency response or evacuation plan or increase the risk of injury or death and would have less-than-significant and less-than-cumulatively significant impacts under NEPA and CEQA. Emergency response plans developed for the project tenants would be mandated to comply with all applicable requirements for developing, maintaining, and implementing an emergency response plan prior to operation. Thus, the proposed Project would have less-than-significant and less-than-cumulatively significant impacts under CEQA and NEPA. Therefore, Impact RISK-2 does not represent a disproportionately high and adverse effect on minority and low-income populations.

Impact RISK-3: Construction and operation of the proposed Project would not result in a substantial increase in public health and safety concerns as a result of the accidental release, spill, or explosion of hazardous materials due to a tsunami. Impacts due to seismically induced tsunamis and seiches are typical for the entire California coastline and would not be increased by construction of the proposed Project. However, potential for a major tsunami is very low during the life of the construction of the proposed Project and additionally, the potential consequences of such accidents would be small due to the localized, short-term nature of the releases. The volume of spilled fuel is also expected to be relatively low. Therefore, under CEQA and NEPA, construction/demolition activities would not result in a substantial increased public health and safety concern as a result of the accidental release, spill, or explosion of hazardous materials due to a tsunami at the project level or cumulatively (Impact RISK-3a). Operation of the proposed Project would not result in a substantial increased public health and safety concern as a result of the accidental release, spill, or explosion of hazardous materials due to a tsunami (Impact RISK-3b). Overall, the proposed Project would generally remove the most likely sources for accidental release, spills, or explosions in the event of a tsunami rather than add to the potential sources. Under CEQA and NEPA, construction/demolition and operational activities would not result in a substantial increased public health and safety concern as a result of the accidental release, spill, or explosion of hazardous materials due to a tsunami at the project level or cumulatively. Therefore, Impact RISK-3 does not represent a disproportionately high and adverse effect on minority and low-income populations.

Impact RISK-4: Construction and operation of the proposed Project would not result in a substantial increase in the likelihood of a spill, release, or explosion of hazardous materials due to a terrorist action. The potential consequences of a spill, release, or explosion of the hazardous materials due to a terrorist action are generally reduced when compared to other accidents, due to the fact that generally the amount of hazardous material released during construction or demolition activities is small (Impact RISK-4a). The enforcement of construction and demolition standards, including BMPs by appropriate local and state agencies (i.e., Port Police, LAFD, LAHD) would minimize the potential for a spill, release, or explosion of hazardous materials or during construction due to a terrorist action. Although the proposed Project would increase the number of cruise terminals, cruise berths, and visiting cruise vessels to the Port, it would ultimately not substantially increase the vulnerability of these facilities or the seriousness of the consequences over the existing conditions (Impact RISK-4b). The environmental consequences of a terrorist action, including casualties arising from the action and from the release, explosion, or spill of hazardous materials, would remain relatively the same. Under both NEPA and CEQA, the individual project impact would be less than significant and the cumulative contribution would be less than considerable. Thus, Impact RISK-4 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact RISK-5: Construction and operation of the proposed Project would not substantially increase the likelihood of an accidental spill, release, or explosion of hazardous materials as a result of modifications related to the proposed Project. Construction and demolition activities for the proposed Project would not involve the handling of significant amounts of hazardous materials (Impact RISK-5a). Furthermore, implementation of construction and demolition standards, including BMPs, and compliance with the state and federal requirements for the transport, handling, and storage of any hazardous materials during construction and demolition phases would minimize the potential for an accidental release of petroleum products and/or hazardous materials and/or explosion during the construction/demolition activities. However, the abandonment and removal of the Navy surge pipeline could result in a hazardous material spill, release, or explosion. Implementation of Mitigation Measure MM RISK-1 regarding submittal of a work plan to the California State Fire Marshall (CSFM) and other applicable agencies for abandonment and removal of the Navy fuel surge pipeline would reduce the impact to less-than-significant levels. Under both NEPA and CEQA, the individual project impact would be less than significant and the cumulative contribution would be less than considerable. The proposed Project would not substantially increase the likelihood of an accidental spill, release, or explosion of hazardous materials (Impact RISK-5b). All new development in the Ports O'Call area, new cruise terminals, and conference center would continue to comply with existing state and federal regulations regarding the use, storage, and handling of hazardous materials. The removal of the Jankovich fueling station, Westway Terminal, and the SP Railyard from the proposed project area would be a beneficial operational impact of the proposed Project. Thus, Impact RISK-5 would not result in disproportionately high and adverse effects on minority and low-income populations.

Land Use and Planning (Sections 3.8 and 4.2.8)

Since the proposed Project has the potential to affect land use within the Port and surrounding communities, the region of analysis for land use impacts includes the Port of Los Angeles and extends to adjacent area, including the community of San Pedro that would be assessed in terms of its compatibility with the waterfront redevelopment.

Impact LU-1: The proposed Project would be consistent with the adopted land use/density designation in the Community Plan, redevelopment plan, or specific plan for the site. The proposed Project would generally be consistent with the Port of Los Angeles Plan, the PMP, and City zoning [Q]M2 or [Q]M3 for the Port. The proposed Project would require amendments to the PMP for the proposed water cuts to bring the proposed Project into consistency with the PMP. The proposed Project would locate the proposed waterfront promenade adjacent to Mike's fueling station, which stores and handles hazardous liquid bulk materials. However, implementation of Mitigation Measure MM RISK-1, identified in Section 3.7, "Hazards and Hazardous Materials," would reduce impacts to less-than-significant levels. Because the proposed Project would be consistent with all applicable land use/zoning designations (after the approval of the General Plan Amendment) and would include a physical separation of terminal facilities from residential areas, impacts on land use would be less than significant for the project and cumulatively less-than-considerable under CEQA and NEPA. Thus, Impact LU-1 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact LU-2: The proposed Project would be consistent with the General Plan or adopted environmental goals or policies contained in other applicable plans. The proposed Project would be consistent with the Port of Los Angeles Plan, the PMP, the California Coastal Act, SCAG policies including the RCPG, and the adjacent San Pedro Community Plan and San Pedro Coastal Specific Plan. The proposed Project would be consistent with the General Plan and adopted environmental goals, objectives, policies, and purposes contained in other applicable plans. However, the proposed Project would not be consistent with the overall objective of the PMP's RMP, which is essential to minimize and reduce the physical association between vulnerable populations and hazardous facilities (Mike's fueling station). Implementation of Mitigation Measure MM RISK-1, identified in Section 3.7, "Hazards and Hazardous Materials," would reduce impacts to less-than-significant levels. The impacts would not be significant at a project level or cumulatively considerable under CEQA or NEPA. Thus, Impact LU-2 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact LU-3: The proposed Project would not physically disrupt, divide, or isolate existing neighborhoods, communities, or land uses. Construction activities, rerouting of trucks during construction, and enhancements to Harbor Boulevard and Sampson Way would cause disruption to the San Pedro and Wilmington Communities. Ultimately, the improvements to Harbor Boulevard and Sampson Way would serve to streamline vehicular traffic into and out of the Port and away from adjacent communities. Further, the Waterfront Red Car Line extension

and realignment would better serve to connect the communities to the Port and allow residents and visitors to better access the coastal resources including the promenade, recreational opportunities, open space, commercial and retail uses, restaurants, and marinas/harbors. Additional opportunities for vehicle and pedestrian access to the waterfront would be provided as part of the proposed Project. The cumulative impacts during construction would be temporary and adherence to a traffic management plan would ensure that cumulative construction impacts remain minimal. The impacts would not be significant at the project level or cumulatively considerable under CEQA or NEPA. Thus, Impact LU-3 would not result in disproportionately high and adverse effects on minority and low-income populations.

Noise (Sections 3.9 and 4.2.9)

As stated in Section 5.4.2.1, the region of influence for noise impacts includes the residential area in the San Pedro Community. This is the area over which noise from construction or operation of the proposed Project would have impacts or contribute to cumulative impacts on sensitive noise receptors.

Impact NOI-2: Construction activities for the proposed Project would not exceed the ambient noise level by 5 dBA at a noise sensitive use between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, before 8:00 a.m. or after 6:00 p.m. on Saturday, or at any time on Sunday. No construction activities are planned to occur between these hours. The impacts would not be significant at the project level or cumulatively considerable under CEQA or NEPA. Thus, Impact NOI-2 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact NOI-3b: The proposed Project would not cause noise from railroad operations measured at the property line of affected uses to increase by 3 dBA in CNEL, to or within the "normally unacceptable" or "clearly unacceptable" category, or any 5 dBA or greater noise increase. Due to noise attenuation and existing obstructions that block the view of the railroad tracks for the Waterfront Red Car, the noise levels and cumulative noise increases generated by the Waterfront Red Car would not be significant. The projected noise level at the Double Tree hotel, the nearest receptor site, is less than 70 CNEL (normally unacceptable per the compatibility guidelines). The impacts from the proposed Project would be less-than-significant at the project level and cumulatively less-than-considerable. Thus, Impact NOI-3b would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact NOI-3c: The proposed Project would not cause noise from cruise ship operations measured at the property line of affected uses to increase by 3 dBA in CNEL, to or within the "normally unacceptable" or "clearly unacceptable" category, or any 5 dBA or greater noise increase. The increase in combined (ambient noise plus cruise ship) L_{eq} at the nearest receptors (live-aboards) would be 4.1 dB. Because of its movement across the water, all other cruise ship traffic would produce transitory noise impacts that would be less than what is experienced by live-aboards at the Outer Harbor. There would be no significant noise impacts due to

cruise ship operations as a result of the proposed Project. The impacts from the proposed Project would be less-than-significant at the project level and cumulatively less-than-considerable. Thus, Impact NOI-3c would not result in disproportionately high and adverse effects on minority and low-income populations.

Recreation (Sections 3.10 and 4.2.10)

Since the proposed Project has the capacity to affect recreation facilities within the Port and surrounding communities, the region of analysis for recreation impacts includes the Port of Los Angeles and extends to adjacent area, including the community of San Pedro.

Impact REC-1b: Operation of the proposed Project would not result in a substantial loss or diminished quality of recreational, educational, or visitor-oriented opportunities, facilities, or resources. Once constructed, the proposed Project would have beneficial impacts on recreational facilities. Since Impact REC-1b is less than significant and less than cumulatively considerable (relative to both CEQA and NEPA baselines), this impact would not result in disproportionately high and adverse effects on minority and low-income populations.

Transportation and Circulation (Ground) (Sections 3.11 and 4.2.11)

The region of analysis for ground transportation effects includes those streets and intersections that would be used by both automobile and truck traffic to gain access to and from the San Pedro Waterfront Area, as well as those streets that would be used by construction traffic (i.e., equipment and commuting workers). The streets most likely to be impacted by cumulative project-related auto and truck traffic include the following: Western Avenue, Miner Street, Crescent Avenue, 22nd Street, 5th Street, 6th Street, 7th Street, 13th Street, 17th Street, 19th Street, Harbor Boulevard, Pacific Avenue, and Gaffey Street.

Impact TC-1: Construction of the proposed Project would not result in a short-term, temporary increase in construction-related truck and auto traffic, decreases in roadway capacity, and disruption of vehicular and nonmotorized travel. The proposed Project would result in reduction of roadway capacities during construction due to temporary road closures, lanes closures, or narrowings in areas directly abutting construction activities. However, implementation of Mitigation Measure MM TC-1 to develop and implement a traffic control plan throughout proposed project construction would reduce the impacts to less-than-significant levels. Since Impact TC-1 is less than significant and less than cumulatively considerable (relative to both CEQA and NEPA baselines), this impact would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact TC-2c: Proposed project operations would not increase traffic volumes and degrade operations on CMP facilities within the proposed project vicinity. Under projected 2015 and 2037 conditions, most of the CMP facility locations would operate at LOS E or better, and at the locations projected to operate at LOS F, the proposed Project would result in a V/C change of less than 0.02. Thus, operational impacts would be less than significant. Since Impact TC-2c is less than significant and less than cumulatively considerable (relative to both CEQA and NEPA baselines), this impact would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact TC-3: Proposed project operations would not cause increases in demand for transit service beyond the supply of such services. Application of an average vehicle occupancy of 1.4 to the number of vehicle trips results in an estimated 855 AM peak hour person trips and 1,652 PM peak hour person trips. Assuming the 3.5% transit mode split suggested in the CMP, this results in approximately 30 new transit person trips in the AM peak hour and 58 new transit person trips in the PM peak hour that the proposed Project would add to the transit lines providing service in the vicinity of the proposed project site.

The proposed Project would result in the addition of slightly more than 12% of the capacity of a typical 40-passenger bus. Based on the existing operating schedules for the transit lines in the project area, proposed project-related impacts to the regional transit system would be considered less than significant in 2015 and 2037, both cumulatively and at the project level. Thus, Impact TC-3 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact TC-4: Proposed project operations would not result in a violation of the City's adopted parking policies and parking demand would not exceed supply. Based on the project demand and proposed parking supply in the proposed Project, the proposed parking supply would exceed code requirements as well as projected parking demand through 2015 and 2037. However, the loss of parking serving the Cabrillo Marine Aquarium and Cabrillo Beach resulting from the Waterfront Red Car extension could be a significant impact under CEQA. Implementation of Mitigation Measures MM TC 15-a through MM TC 15-c, including provisions for the offset of lost parking spaces elsewhere in the project vicinity, and designing the Red Car Line extension to minimize conflicts and disruption with existing parking lots, would reduce the impacts to less-than-significant levels. The impacts would be less-than-significant at both the project level and cumulative level under NEPA and CEQA. Thus, Impact TC-4 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact TC-5a: The alignment of the Waterfront Red Car expansion for the proposed Project would not increase potential conflict with vehicles at cross streets. The plans for this component of the proposed Project are at the conceptual stage. As the plans for this project component are further developed, consideration should be given to minimizing potential conflicts to ensure the maximum safety and convenience. Implementation of Mitigation Measures MM TC 16 through MM TC-21, which include measures like traffic signalization, protected left-turns, stop bars and vehicle detection loops on the intersection legs, prohibition of left turns across

tracks, reduction of streetcar operating speeds, etc., would ensure that impacts remain less-than-significant at both the project level and cumulative level under NEPA and CEQA. Thus, Impact TC-5a would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact TC-5b: The alignment of the Waterfront Red Car expansion for the proposed Project would not increase potential conflict at track crossovers where the rail would transition between center-running and side-running. The proposed Waterfront Red Car alignment includes several locations where the tracks would cross over the adjoining streets. These would occur on Sampson Way near 13th Street and at Signal Way; on Signal Way itself; and at the intersections of Miner Street and Sampson Way/22nd Street, and Via Cabrillo Marina and 22nd Street. In addition to these in-street track crossovers, the proposed alignment of the Cabrillo Beach/Marina extension would run through an existing parking lot at its southern terminus. The potential conflict of the Waterfront Red Car expansion with motor vehicles at track crossovers could result in significant impacts. Mitigation Measures MM TC 22 and MM TC 23 for installing half-signals and retiming signals at the proposed track crossovers would reduce the impact to less-than-significant levels at the project level and cumulative level. Thus, Impact TC-5b would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact TC-5c: The Waterfront Red Car expansion for the proposed Project would not result in increased pedestrian conflicts at stations. Waterfront Red Car expansion would result in an increased number of stations. The level of pedestrian activity associated with the stations and the new pedestrian bridge between Harbor Boulevard and Sampson Way near 13th Street would increase the number of places where pedestrians and vehicles may mix, thus increasing potential safety conflict points for pedestrians. Mitigation Measures MM TC-24 through MM TC 26, including designing pavement markings and signage in stations, constructing new sidewalks, and shifting the location of the main Ports O' Call surface parking lot would be implemented to address pedestrian impacts associated with the Waterfront Red Car expansion. Thus, Impact TC-5c would not result in disproportionately high and adverse effects on minority and low-income populations.

Transportation and Navigation (Marine) (Sections 3.12 and 4.2.12)

Impacts on marine transportation were assessed by determining the net increase in vessel traffic resulting from the proposed Project compared to the ability of LAHD to safely handle vessel traffic, as well as the proposed project's potential to increase risks to vessel traffic caused by proposed project-related activities, during both construction and operation.

Impact VT-1a: Construction of the proposed Project would not interfere with operation of designated vessel traffic lanes and/or impair the level of safety for vessels navigating the Main Channel, West Basin area, or precautionary areas. Dredging and in-water construction activities could create in-water hazards and increase the potential for accidents for vessel traffic within the harbor, Main Channel,

and precautionary areas. However, these activities are routinely conducted in the harbor, and contractors performing in-water construction activities are subject to all applicable rules and regulations stipulated in all LAHD contracts. Because standard safety precautions would be utilized in piloting these vessels, the short-term presence of barges or boats would not reduce the existing level of safety for vessel navigation in the harbor. Therefore, construction impacts on vessel traffic would be less than significant at the project level and less than cumulatively significant under CEQA and NEPA. Hence, Impact VT-1a would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact VT-1b: Operation of the proposed Project would not interfere with the operation of designated vessel traffic lanes and/or impair the level of safety for vessels navigating the Main Channel, West Basin area, or precautionary areas. Proposed project operations would result in an increase of vessel calls compared to 2006 conditions. Given the use of standard Port practices regarding speed limits of vessels, traffic separation schemes, visibility guidelines, monitoring requirements, and Port tariffs for use of a Port Pilot for transit vessels of foreign registry and U.S. vessels that do not have a federally licensed pilot on board, the expected increase in vessels traffic and changes in vessel traffic patterns would not significantly decrease the margin of safety for marine vessels. Therefore, construction impacts on vessel traffic would be less than significant at the project level and less than cumulatively significant under CEQA and NEPA. Hence, Impact VT-1b would not result in disproportionately high and adverse effects on minority and low-income populations.

Utilities and Public Services (Sections 3.13 and 4.2.13)

The geographic region of analysis for utilities and public service impacts varies by the service area of the individual public service or utility provider and the jurisdiction over which increased demand for services from the proposed Project could reduce the availability of such services. For the Port Police, this area is localized to the Ports of Los Angeles and Long Beach and neighboring harbor area communities, such as Wilmington. The service area of the LAPD and LAFD encompasses the city of Los Angeles. Direct impacts of the proposed Project would be localized to the Port area, and indirect impacts could extend farther within the city. For stormwater, the region of influence is the proposed project backlands and immediately adjacent lands within the Harbor's subwatershed because this represents the drainage area that would be influenced by the proposed Project. The service area of the Bureau of Sanitation (wastewater), Los Angeles County Sanitation Districts and Browning Ferris Industries (solid waste), and LADWP (water and electricity) encompasses the city of Los Angeles. The Southern California Gas Company (SCG) (natural gas) serves most of central and southern California. However, the analysis region for cumulative utilities impacts focuses on the Port and harbor district because the infrastructure immediately serving the proposed Project is located within this service area and service subareas of utility providers are sufficiently separated such that increased service demands from the proposed Project would not threaten such provisions in other areas.

Impact PS-1: The proposed Project would not burden existing USCG, LAPD, or Port Police staff levels and facilities such that USCG, LAPD, or Port Police would not be able to maintain an adequate level of service without requiring construction of additional facilities that could cause significant environmental impacts. During construction, proposed roadway improvements may result in temporary delays for law enforcement. Construction staging of equipment and materials would require security, which would be provided by Port Police and LAPD as needed. However, both these impacts are temporary in nature. The impacts relative to this threshold are less than significant at the project level and less than cumulatively considerable under CEQA and NEPA; therefore, Impact PS-1 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact PS-2: The proposed Project would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility to maintain service. LAHD, in compliance with the Watch Manual, would establish emergency vehicular access routes (American Public Works Association 2006) during construction. The proposed Project would not increase the demand for fire services to a degree that would require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility to maintain service. The proposed Project also would not make a cumulatively considerable contribution to pressure on fire protection services that would result in a similar need. This is true for both CEQA and NEPA requirements. Thus, Impact PS-2 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact PS-3: The proposed Project would not require or result in the construction or expansion of utility lines that would cause significant environmental effects. Within the proposed project area, no new utilities lines that would cause significant environmental effects would be required or constructed. However, within the promenade, Outer Harbor Cruise Terminals, and the Ports O' Call, upgrades or relocation of utility lines to adjust to the planned development would be necessary (e.g., the removal of an 18" Navy surge line would be necessary). However, all infrastructure improvements and upgrades would occur within city streets, and would comply with the City's municipal code, and would be performed under permit by the City Bureau of Engineering and/or LADWP. The proposed Project would have a less-than-significant impact and make a less-than-cumulatively considerable contribution to impacts on utilities (both for CEQA and NEPA). Thus, Impact PS-3 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact PS-4: The proposed Project has sufficient water supplies available to serve the project from existing entitlements and resources; it would not exceed wastewater requirements, require new wastewater treatment facilities, require new landfills, or exceed existing landfill capacities. The amount of solid waste generated by construction activities is not quantifiable but would result in a substantial contribution to the solid waste stream over an approximately 5-year period, possibly contributing to the exceedance of solid waste facility capacities. Mitigation Measures MM PS 1 through MM PS 4, which include recycling of construction materials, use of recyclable materials in construction, and AB 939

compliance, would ensure that the impacts of construction on solid waste remain less than significant. The proposed Project also would make a less-than-cumulatively considerable contribution to cumulative impacts on solid waste and wastewater systems. The proposed Project would make a cumulatively considerable and unavoidable contribution (even with mitigation) to cumulatively significant impacts on water supply capacity. This impact would affect the entire region of influence for water supply as a whole; that is, the service area for LADWP, which is the city of Los Angeles. However, this effect would not be disproportionately high and adverse on minority and low-income populations for several reasons. First, LADWP would plan far ahead for any effects on water supply by providing additional supply if possible. Second, if LADWP needed to restrict customer supply to decrease water demand, it would restrict nonessential uses first (e.g., timing or quantity restrictions for landscaping or lawns). The proposed Project would result in less-than-significant impacts on the capacity of utility systems to supply water, treat and dispose of solid waste, and treat and discharge wastewater. In addition, the focus of the CEQ *Environmental Justice: Guidance under the National Environmental Policy Act* (1997) is on human health and environmental effects, and an effect on utility service provision, to the degree the proposed Project contributes, would not have human health or environmental effects.

Impact PS-5: The proposed Project would not require new, offsite energy supply and distribution infrastructure, or capacity-enhancing alterations to existing facilities that are not anticipated by adopted plans or programs. The increased energy consumption due to the proposed Project would have a less-than-significant impact and a less-than-cumulatively considerable contribution to increases in energy demands that would necessitate the construction of new energy supply facilities and distribution infrastructure. Because the impact is less than significant and less than cumulatively considerable under NEPA and CEQA, Impact PS-5 would not result in disproportionately high and adverse effects on minority and low-income populations.

Water Quality, Sediments, and Oceanography (Sections 3.14 and 4.2.14)

The region of influence for impacts on water and sediment quality is the Los Angeles-Long Beach Harbor (Inner and Outer Harbor areas) because this water body represents receiving waters for the proposed Project and related cumulative projects. The region of influence for surface water hydrology and flooding is the proposed project backlands and immediately adjacent lands within the harbors' subwatershed because this represents the drainage area that would be influenced by the proposed Project and cumulative projects.

Impact WQ-1: The proposed Project would not cause flooding during the projected 50-year developed storm event, which would have the potential to harm people or damage property or sensitive biological resources. Although most of the proposed project site is located within a 100-year flood zone, construction activities would not increase the potential for flooding on site because existing drainage would be maintained. Site elevations would remain generally the

same as a result of the proposed Project. Proposed project operations also would not increase the potential for flooding on site, due to the presence of existing and proposed storm drains. Because the impact would be less than significant at the project level and less than cumulatively considerable under NEPA and CEQA, Impact WQ-1 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact WQ-2: The proposed Project would not substantially reduce or increase the amount of surface water in a water body. The proposed Project would result in creation of three new harbors, which would lead to a net increase of 11.0 acres in the area of the Los Angeles Harbor. The change would tend to increase the amount of water in the harbor. This change would have a beneficial impact on the utilization of the surface water resource in the project area because current utilization of this resource is nonconsumptive, oriented to shipping and vessel traffic. The proposed Project would not substantially reduce or increase the amount of surface water in a water body. There would be a less-than-cumulatively considerable impact under NEPA and CEQA and hence, Impact WQ-2 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact WQ-3: The proposed Project would not result in a permanent, adverse change to the movement of surface water sufficient to produce a substantial change in the velocity or direction of water flow. Construction of the proposed Project would not result in a permanent adverse change in surface water movement because the proposed Project would not create any barriers to water movement through the Main Channel and the constructed harbors would have adequate tidal circulation to prevent stagnation or other flow modifications that could result in adverse impacts to marine water quality. Because the impact would be less than significant and less than cumulatively considerable under NEPA and CEQA, Impact WQ-3 would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact WQ-4a: In-water construction[1] for the proposed Project would not result in discharges that create pollution, contamination, or nuisance as defined in Section 13050 of the CWC or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or water quality control plan for the receiving water body. In-water construction activities for the proposed Project would not result in discharges that would create pollution, contamination, or nuisance as defined in Section 13050 of the California Water Code (CWC) or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or water quality control plan for the receiving water body. T here would be a less-than-significant project level impact and less-than-cumulatively considerable impact under NEPA and CEQA and hence, Impact WQ-4a would not result in disproportionately high and adverse effects on minority and low-income populations.

[1] The term in-water construction refers to work performed within areas under USACE jurisdiction (i.e., at elevations below the high tide line). It does not necessarily refer to work that actually occurs in the water. Minimizing the need for work in the water is one of the most important ways of mitigating the impacts of in-water work.

Impact WQ-4b: Stormwater discharged during upland construction of the proposed Project would not result in discharges that create pollution, contamination, or nuisance as defined in Section 13050 of the CWC or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or water quality control plan for the receiving water body. Stormwater discharged during upland construction of the proposed Project would not create pollution, contamination, or nuisance as defined in Section 13050 of the CWC or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or water quality control plan for the receiving water body. Standard BMPs, such as soil barriers, sedimentation basins, and site contouring, would be used during construction activities to minimize runoff of soils and associated contaminants. This would ensure that impacts are less than significant at project level and cumulatively less than significant, both under NEPA and CEQA. Hence, Impact WQ-4b would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact WQ-4c: The proposed Project would not result in accidental discharges that create pollution, contamination, or nuisance as defined in Section 13050 of the CWC or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or water quality control plan for the receiving water body. The proposed Project would not result in accidental discharges or spills that create pollution, contamination, or nuisance as defined in Section 13050 of the CWC or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or water quality control plan for the receiving water body. Spill prevention and cleanup procedures for the proposed Project would be addressed in a plan that would be prepared in accordance with Port guidelines and implemented by the construction contractor prior to the notice to proceed with construction operations. This would be less-than-cumulatively considerable impact under NEPA and CEQA. Thus, Impact 4c would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact WQ-4d: Operation of the proposed Project would result in discharges that create pollution, contamination, or nuisance as defined in Section 13050 of the CWC or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or water quality control plan for the receiving water body. Upland operations associated with the proposed Project would not result in direct discharge of waste. Discharges of stormwater would comply with the NPDES discharge permit limits. However, there is potential for an increase in incidental accidental spills and illegal discharges due to increased vessel calls. This is a potentially significant impact to water quality under CEQA and NEPA. Mitigation Measures MM WQ1 and MM WQ2 regarding controls on tenant-operated cruise ships would reduce the impacts. Residual impacts for upland spills and stormwater would be less than significant. There would be a significant unavoidable impact from in-water vessel spills, illegal discharges, and leaching of contaminants. Even though the low-income and minority groups could potentially bear a large part of the burden associated with the proposed Project, primarily due to their proximity to the Port, the overall community in general would be similarly affected. Thus Impact WQ-4d would not result in disproportionately high and adverse effects on minority and 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 income from new retail businesses and new jobs (see Chapter 7, "Socioeconomics and Environmental Quality"). The proposed Project would create recreational amenities like new harbors, a waterfront promenade, improved visitor-oriented facilities, creation of new open spaces and improvements to existing ones (Section 3.10, "Recreation"). Also, the removal of the Jankovich fueling station, Westway Terminal, and the SP Railyard from the proposed project area would be a beneficial operational impact of the proposed Project. The proposed Project also includes expansion and restoration of the salt marsh that would create additional mudflat and coastal salt marsh habitat. The proposed Project would physically remove industrial use from Planning Area 2 and allow the former site to be utilized for a better suited use for the community of San Pedro. If contaminated soils are encountered during construction, site remediation would result in beneficial impacts (see section 3.6, "Groundwater and Soils"). Certain beneficial uses of waters in the Inner Harbor, including navigation, non-contact water recreation, aquatic habitat, and industrial service supply, would benefit from the availability of new dock and moorage space provided by the proposed new harbors (see section 3.14, "Water Quality, Sediments, and Oceanography).

5.4.3 Assessment of Alternatives

Presented below is the analysis of the alternatives to the proposed Project.

5.4.3.1 Alternative 1—Alternative Development Scenario 1

Alternative 1 differs from the proposed Project in terms of the following aspects:

- Two berths would be located at the Inner Harbor and one at the Outer Harbor for cruise ships.
- Berths 91–92 Terminal would be demolished and a 200,000-square-foot terminal would be built along with a 100,000-square-foot terminal in Outer Harbor.
- The Inner Harbor parking structures would be reduced from 4,600 spaces to 3,325 spaces, and the structures would be reduced in height from four to three levels.
- Surface parking would be reduced in size for non-cruise passengers at the Outer Harbor from 400 to 200.
- Harbor Boulevard would be reduced to one lane southbound at 7th Street/Sampson Way, a roundabout to prevent northbound traffic along Harbor Boulevard at 13th Street would be constructed, and a two-way roadway would be constructed to extend Crescent Street from Miner Street to Sampson Way.

- Waterfront Red Car Museum and Maintenance Facility would be located at Warehouse No. 1.

Alternative 1 would result in disproportionately high and adverse impacts on minority and low-income populations for some of the resource impacts enumerated in Section 5.4.2.2. The resource analyses in Chapter 3, and the summary of alternatives and impacts in Chapter 6, provide detailed and summary information (respectively) comparing the effects of this alternative with other alternatives and the proposed Project. The focus of this chapter is the potential for disproportionately high and adverse effects on minority and low-income populations.

To facilitate comparison of the potential for disproportionately high and adverse effects on minority and low-income populations between the proposed Project and this alternative (among other alternatives), the remainder of this section addresses impacts identified in Section 5.4.2.1; that is, impacts that, under the proposed Project, would be disproportionately high and adverse on minority and low-income populations. This section addresses in turn each of the impacts enumerated in Section 5.4.2.1 and documents whether there would be disproportionately high and adverse effects on minority and low-income populations for each alternative.

Air Quality (AQ-1): The peak daily construction emissions would exceed the SCAQMD daily emissions thresholds for VOC, CO, NO_X, PM10, and PM2.5 without mitigation for the construction period (2009-2014). The peak daily SO_X emissions would be less than significant in all construction years. Even with implementation of mitigation measures, emissions of VOC, NO_X, CO, PM10, and PM2.5 would remain significant. This would be a disproportionately high and adverse effect on minority and low-income populations.

Air Quality (AQ-2): Maximum offsite ambient pollutant concentrations associated with construction would be significant for NO_2 (1-hour average) as well as for 24-hour PM10 and PM2.5 and would exceed the SCAQMD significance threshold even with mitigation measures. The residential areas would experience higher concentrations the closer they are to the proposed project alternative. This would be a disproportionately high and adverse effect on minority and low-income populations.

Air Quality (AQ-3): Alternative 1 unmitigated peak daily emissions minus the CEQA baseline would exceed CEQA thresholds and would therefore be significant under CEQA for VOC, NO_X, SO_X, PM10, and PM2.5 in 2011, 2015, 2022, and 2037. CO impacts would not be significant for any analysis year. With implementation of Mitigation Measures MM AQ-9 through MM AQ-24, peak daily emissions would still be significant for NO_X, SO_X, PM10, and PM2.5. Alternative 1 mitigated peak daily emissions would be significant under NEPA for NO_X, SO_X, PM10, and PM2.5 in 2015; and VOC, NO_X, SO_X, PM10, and PM2.5 in 2022 and 2037. In 2011, the combined construction and operational emissions would be significant under NEPA for VOC, CO, and NO_X. This would be a disproportionately high and adverse effect on minority and low-income populations.

Air Quality (AQ-4): Maximum offsite ambient pollutant concentrations associated with Alternative 1 operations would be significant for NO_2 (1-hour average and annual average) and PM10 and PM2.5 (24-hour average), and annual average PM10 even after mitigation. This would be a disproportionately high and adverse effect on minority and low-income populations.

Air Quality (AQ-7): The data show that the maximum residential CEQA cancer risk increment after mitigation is predicted to be <1 in a million ($<1 \times 10^{-6}$). This risk value is well below the significance threshold of 10 in a million. The CEQA cancer risk increment would only be exceeded at recreational and occupational receptors.

The maximum residential NEPA cancer risk increment after mitigation is predicted to be 46 in a million (46×10^{-6}) at a recreational receptor. This risk value is above the significance threshold of 10 in a million. The NEPA cancer risk increment also would exceed the threshold at residential and occupational receptors. This would be a disproportionately high and adverse effect on minority and low-income populations.

Noise (NOI-1): Construction activities for the alternative lasting more than 1 day would exceed existing ambient exterior noise levels by 10 dBA or more at a noise sensitive use; construction activities lasting more than 10 days in a 3-month period would exceed existing ambient exterior noise levels by 5 dBA or more at a noise sensitive use. The sources likely to impact sensitive receptors include construction of the Outer Harbor berths and terminal facilities, the Waterfront Red Car Museum and Maintenance Facility, and construction due to the Harbor Boulevard modifications. Considering the distances between the construction noise sources and receivers, the standard controls and temporary noise barriers may not be sufficient to reduce the projected increase in the ambient noise level to the point where it would no longer cause a substantial increase. This would be a disproportionately high and adverse effect on minority and low-income populations.

Noise (NOI-3a): Under Alternative 1, the operations would cause a significant cumulatively considerable increase in noise on Miner Street south of 22nd Street. This increased noise from vehicular traffic would affect the residential and commercial receptors in this area of the proposed project alternative. Since the residential areas closest to the project site contain predominantly minority populations and have a concentration of low-income population, Impact NOI-3a would have a disproportionately high and adverse impact on the low-income and minority population groups as per the CEQ *Environmental Justice: Guidance under the National Environmental Policy Act* (1997).

Recreation (REC-1a): Construction of this alternative would result in a substantial loss or diminished quality of recreational, educational, or visitor-oriented opportunities, facilities, or resources. The construction activities would impede parking, vehicle access, bike access, and pedestrian access as a result of the placement of construction staging areas and the movement of construction equipment. Even with the implementation of Mitigation Measures MM REC-1 through MM REC-7 and MM NOI-1, unavoidable adverse significant impacts would occur as a result of construction activities. Additionally, the recreational enjoyment

of the resources would be diminished as a result of construction noise. This would be a disproportionately high and adverse effect on minority and low-income populations.

Transportation (TC-2a): This alternative would result in significant traffic impacts at nine intersections by 2015 and at 12 intersections by 2037 during one or more peak hours. Implementation of Mitigation Measures MM TC-2, MM TC-4, MM TC-6, MM TC-8 through MM TC-10, MM TC-12, and MM TC-13 by 2015, and MM TC-3 by 2037, for physical and operational modifications of the impacted parcels would fully mitigate impacts identified at six of the nine intersections in 2015 and five of the 12 intersections in 2037 to less-than-significant levels under both CEQA and NEPA. For the remaining locations, due to existing physical constraints at those locations**,** no feasible alternatives are possible. This would be a disproportionately high and adverse effect on minority and low-income populations.

Transportation (TC-2b): Operations of the proposed alternative would increase traffic volumes and degrade LOS along neighborhood streets within the project vicinity. Under 2037 conditions, projected increases in traffic on the neighborhood streets due to the alternative would result in significant operational impacts on the West 17th Street segment between Centre Street and Palos Verdes Street. No feasible mitigation has been identified to fully mitigate the impacts on the street segment. This would be a disproportionately high and adverse effect on minority and low-income populations.

5.4.3.2 Alternative 2—Alternative Development Scenario 2

Alternative 2 differs from the proposed Project in terms of the following aspects:

- The waterfront promenade at the Salinas de San Pedro Salt Marsh would be relocated to Shoshonean Road.
- The Inner Harbor parking structures would be reduced from 4,600 spaces to 3,100 spaces, and the structures would be reduced in height from four to three levels.
- Outer Harbor parking would consist of 1,500 new parking spaces in a 2-level (approximately 22-foot-high) structure.
- Harbor Boulevard would be reduced to one lane southbound at Sampson Way, a roundabout to prevent northbound traffic along Harbor Boulevard at 13th Street would be constructed, and a two-way roadway would be constructed to extend Crescent Street from Miner Street to Sampson Way.

This alternative would result in disproportionately high and adverse impact on minority and low-income populations for any of the resource impacts enumerated in Section 5.4.2.2. The resource analyses in Chapter 3, and the summary of alternatives and impacts in Chapter 6, provide detailed and summary information (respectively) comparing the effects of this alternative with other alternatives and the proposed

Project. The focus of this chapter is the potential for disproportionately high and adverse effects on minority and low-income populations.

To facilitate comparison of the potential for disproportionately high and adverse effects on minority and low-income populations between the proposed Project and this alternative (among other alternatives), the remainder of this section addresses impacts identified in Section 5.4.2.1; that is, impacts that, under the proposed Project, would be disproportionately high and adverse on minority and low-income populations. This section addresses in turn each of the impacts enumerated in Section 5.4.2.1 and documents whether there would be disproportionately high and adverse effects on minority and low-income populations for this alternative.

Air Quality (AQ-1): Despite implementation of mitigation and proposed compliance with SCAQMD Rule 403, emissions from the construction of Alternative 2 would still exceed the SCAQMD daily thresholds for VOC, CO, NO_X, PM10, and PM2.5. This would be a disproportionately high and adverse effect on minority and low-income populations.

Air Quality (AQ-2): For Alternative 2, even with implementation of these mitigation measures, offsite ambient concentrations from construction activities would be significant for NO_2, PM10, and PM2.5 but would be less than significant for CO. The residential areas would experience higher concentrations the closer they are to the proposed project alternative. This would be a disproportionately high and adverse effect on minority and low-income populations.

Air Quality (AQ-3): Alternative 2 peak daily mitigated emissions minus the CEQA baseline would exceed CEQA thresholds and would thus be significant under CEQA for VOC for years 2015 and 2022; NO_X and PM10 for all analysis years; and SO_X and PM2.5 for year 2011. Peak daily emissions would be significant under NEPA for all pollutants during all analysis years, with the exception of CO in year 2011. In 2011, the combined construction and operational emissions would be significant under NEPA for all pollutants. This would be a disproportionately high and adverse effect on minority and low-income populations.

Air Quality (AQ-4): Alternative 2 maximum offsite concentrations after mitigation are expected to remain significant for NO_2 (1-hour and annual), PM10 (24-hour and annual), and PM2.5 (24-hour). This would be a disproportionately high and adverse effect on minority and low-income populations.

Air Quality (AQ-7): The data show that the maximum CEQA cancer risk increment after mitigation is predicted to be 25 in a million (25×10^{-6}) at a recreational receptor. This risk value is above the significance threshold of 10 in a million. The CEQA cancer risk increment would also exceed the threshold at an occupational receptor. These exceedances are considered significant impacts under CEQA. The maximum NEPA cancer risk increment after mitigation is predicted to be 38 in a million (38×10^{-6}) at a recreational receptor. This risk value is above the significance threshold of 10 in a million. The NEPA cancer risk increment would also exceed the threshold at residential and occupational receptors. These exceedances are considered significant

impacts under NEPA. This would be a disproportionately high and adverse effect on minority and low-income populations.

Noise (NOI-1): Construction activities for the alternative lasting more than 1 day would exceed existing ambient exterior noise levels by 10 dBA or more at a noise sensitive use; construction activities lasting more than 10 days in a 3-month period would exceed existing ambient exterior noise levels by 5 dBA or more at a noise sensitive use. Considering the distances between the construction noise sources and receivers, the standard controls and temporary noise barriers may not be sufficient to reduce the projected increase in the ambient noise level to the point where it would no longer cause a substantial increase. This would be a disproportionately high and adverse effect on minority and low-income populations.

Noise (NOI-3a): Three roadway segments would experience significant impacts under Alternative 2: 22nd Street from Signal to Miner Street; Harbor Boulevard from 6th Street to 7th Street, and Miner Street south of 22nd Street. For all other street segments, no significant noise impacts are anticipated. Impacts for the impacted streets would be significant and unavoidable. It should be noted that under the proposed Project, only Miner Street south of 22nd Street was significantly impacted. Alternative 2 would generate significant noise impacts to 22nd Street from Signal Street to Miner Street, and to Harbor Boulevard from 6th Street to 7th Street. The most likely explanation for the reason why Alternative 2 triggers significant impacts along those two roads is because the northbound Harbor Boulevard turns into a roundabout at 13th Street. Since the residential areas closest to the proposed project alternative site contain predominantly minority populations and have a concentration of low-income population, Impact NOI-3a would have a disproportionately high and adverse impact on the low-income and minority population groups.

Recreation (REC-1a): Construction of this alternative would result in a substantial loss or diminished quality of recreational, educational, or visitor-oriented opportunities, facilities, or resources. The construction activities would impede parking, vehicle access, bike access, and pedestrian access as a result of the placement of construction staging areas and the movement of construction equipment. Even with the implementation of Mitigation Measures MM REC-1 through MM REC-7 and MM NOI-1, unavoidable adverse significant impacts would occur as a result of construction activities. Additionally, the recreational enjoyment of the resources would be diminished as a result of construction noise. This would be a disproportionately high and adverse effect on minority and low-income populations.

Transportation (TC-2a): This alternative would result in significant traffic impacts at 12 intersections by 2015 and at 17 intersections by 2037 during one or more peak hours. Implementation of Mitigation Measures MM TC-2 through MM TC-4, MM TC-6, and MM TC-8 through MM TC-13 by 2015, and MM TC-5, MM TC-7, and MM TC-14 by 2037, for physical and operational modifications of the impacted parcels would fully mitigate impacts identified at eight of the 12 intersections in 2015 and six of the 17 intersections in 2037 to less-than-significant levels under CEQA. Under NEPA, the mitigation measures would fully mitigate impacts identified at eight of the 10 intersections in 2015 and seven of the 16 intersections in 2037 to less-

than-significant levels. For the remaining locations, due to existing physical constraints at those locations**,** no feasible alternatives are possible. This would be a disproportionately high and adverse effect on minority and low-income populations.

Transportation (TC-2b): Operations of the proposed alternative would increase traffic volumes and degrade LOS along neighborhood streets within the project vicinity. Under 2037 conditions, projected increases in traffic on the neighborhood streets due to the project would result in significant operational impacts on the West 17th Street segment between Centre Street and Palos Verdes Street. No feasible mitigation has been identified to fully mitigate the impacts on the street segment. This would be a disproportionately high and adverse effect on minority and low-income populations.

5.4.3.3 Alternative 3—Alternative Development Scenario 3 (Reduced Project)

In general, this alternative is reduced in scale compared to the proposed Project and the other development scenario alternatives. Alternative 3 differs from the proposed Project as follows:

- Two berths would be located at the Inner Harbor and one at the Outer Harbor for cruise ships.
- Berth 91 terminal would be demolished and a 200,000-square-foot terminal developed along with a 100,000-square-foot terminal in the Outer Harbor.
- The Inner Harbor parking structures would be reduced from 4,600 spaces to 3,325 spaces, and the structures would be reduced in height from four to three levels.
- Outer Harbor parking would consist of 200 surface parking spaces.
- No conference center would be constructed.
- Commercial space would be reduced at Ports O'Call (187,500 square feet instead of 375,000 square feet).
- No new parking structures would be constructed at Berths 78–83, 73–77, and the bluff site for Ports O'Call and the Downtown Harbor.
- Harbor Boulevard would be reduced to one lane each way with greenbelt, and there would be no extension of Crescent Street to Sampson Way.
- Waterfront Red Car Museum would be located in the S.P. Railyard south of 7th Street/Sampson Way; Waterfront Red Car Maintenance Facility would be located at 13th Street within the S.P. Railyard.

This alternative would result in disproportionately high and adverse impact on minority and low-income populations for any of the resource impacts enumerated in Section 5.4.2.2. The resource analyses in Chapter 3, and the summary of alternatives and impacts in Chapter 6, provide detailed and summary information (respectively)

comparing the effects of this alternative with other alternatives and the proposed Project. The focus of this chapter is the potential for disproportionately high and adverse effects on minority and low-income populations.

To facilitate comparison of the potential for disproportionately high and adverse effects on minority and low-income populations between the proposed Project and this alternative (among other alternatives), the remainder of this section addresses impacts identified in Section 5.4.2.1; that is, impacts that, under the proposed Project, would be disproportionately high and adverse on minority and low-income populations. This section addresses in turn each of the impacts enumerated in Section 5.4.2.1 and documents whether there would be disproportionately high and adverse effects on minority and low-income populations for this alternative.

Air Quality (AQ-1): Alternative 3 would exceed the daily construction emission thresholds for VOC, CO, NO_X, PM10, and PM2.5 during construction. Therefore, significant impacts under CEQA and NEPA would occur. This would be a disproportionately high and adverse effect on minority and low-income populations.

Air Quality (AQ-2): Maximum offsite ambient pollutant concentrations associated with construction would be significant for NO_2, PM10, and PM2.5 under both CEQA and NEPA, even with implementation of mitigation measures. The residential areas would experience higher concentrations the closer they are to the proposed project alternative. This would be a disproportionately high and adverse effect on minority and low-income populations.

Air Quality (AQ-3): Alternative 3 peak daily mitigated emissions minus the CEQA baseline would exceed CEQA thresholds and would thus be significant under CEQA for NO_X, SO_X, PM10, and PM2.5 in 2011. Alternative 3 peak daily emissions minus the NEPA baseline would exceed NEPA thresholds and would therefore be significant under NEPA for NO_X, SO_X, and PM2.5 in years 2015, 2022, and 2037. This would be a disproportionately high and adverse effect on minority and low-income populations.

Air Quality (AQ-4): Impacts under Alternative 3 would remain significant for NO_2 (1-hour average and annual average), PM10 (annual and 24-hour average), and PM2.5 (24-hour average) under CEQA. NEPA impacts would be reduced to a less-than-significant level for annual PM10, but would remain significant for NO_2 (1-hour and annual average), PM10 (24-hour average), and PM2.5 (24-hour average). This would be a disproportionately high and adverse effect on minority and low-income populations.

Air Quality (AQ-7): The data show that the maximum CEQA cancer risk increment after mitigation is predicted to be 32 in a million (32×10^{-6}) at a recreational receptor. This risk value is above the significance threshold of 10 in a million. The CEQA cancer risk increment would also be exceeded at an occupational receptor. The maximum NEPA cancer risk increment after mitigation is predicted to be 45 in a million (45×10^{-6}) at a recreational receptor. This risk value is above the significance threshold of 10 in a million. The NEPA cancer risk increment would also exceed the

threshold at residential and occupational receptors. This would be a disproportionately high and adverse effect on minority and low-income populations.

Noise (NOI-1): Construction activities for the alternative lasting more than 1 day would exceed existing ambient exterior noise levels by 10 dBA or more at a noise sensitive use; construction activities lasting more than 10 days in a 3-month period would exceed existing ambient exterior noise levels by 5 dBA or more at a noise sensitive use. Considering the distances between the construction noise sources and receivers, the standard controls and temporary noise barriers may not be sufficient to reduce the projected increase in the ambient noise level to the point where it would no longer cause a substantial increase. This would be a disproportionately high and adverse effect on minority and low-income populations.

Noise (NOI-3a): For Alternative 3, Miner Street south of 22nd Street is the only street segment that would be significantly impacted. For all other street segments, no significant noise impacts are anticipated, and impacts would be less than significant. This would be a disproportionately high and adverse effect on minority and low-income populations.

Recreation (REC-1a): Construction of this alternative would result in a substantial loss or diminished quality of recreational, educational, or visitor-oriented opportunities, facilities, or resources. The construction activities would impede parking, vehicle access, bike access, and pedestrian access as a result of the placement of construction staging areas and the movement of construction equipment. Even with the implementation of Mitigation Measures MM REC-1 through MM REC-7 and MM NOI-1, unavoidable adverse significant impacts would occur as a result of construction activities. Additionally, the recreational enjoyment of the resources would be diminished as a result of construction noise. This would be a disproportionately high and adverse effect on minority and low-income populations.

Transportation (TC-2a): This alternative would result in significant traffic impacts at eight intersections by 2015 and at 10 intersections by 2037 during one or more peak hours. Implementation of Mitigation Measures MM TC-6, MM TC-8 through MM TC-10, MM TC-12, and MM TC-13 by 2015, and MM TC-2 through MM TC-4 by 2037, for physical and operational modifications of the impacted parcels would fully mitigate impacts identified at four of the eight intersections in 2015 and five of the 10 intersections in 2037 to less-than-significant levels under CEQA. Under NEPA, the recommended mitigation measures would fully mitigate impacts identified at one of the four intersections in 2015 and three of the seven intersections in 2037 to less-than-significant levels. For the remaining locations, due to existing physical constraints at those locations**,** no feasible alternatives are possible. This would be a disproportionately high and adverse effect on minority and low-income populations.

5.4.3.4 Alternative 4—Alternative Development Scenario 4

Alternative 4 differs from the proposed Project in terms of the following aspects:

- Three cruise ship berths would be provided at the Inner Harbor; no Outer Harbor cruise terminals or berths would be constructed.
- Berth 91 terminal would be demolished and a 200,000-square-foot terminal would be developed.
- There would be only one 3-level Inner Harbor parking structure (reduced from two 4-level structures).
- Some surface parking (60 surface spaces) would be constructed to support the Outer Harbor Park.
- No North Harbor would be constructed.
- S.S. Lane Victory would be relocated to Ports O'Call.

This alternative would result in disproportionately high and adverse impact on minority and low-income populations for any of the resource impacts enumerated in Section 5.4.2.2. The resource analyses in Chapter 3, and the summary of alternatives and impacts in Chapter 6, provide detailed and summary information (respectively) comparing the effects of this alternative with other alternatives and the proposed Project. The focus of this chapter is the potential for disproportionately high and adverse effects on minority and low-income populations.

To facilitate comparison of the potential for disproportionately high and adverse effects on minority and low-income populations between the proposed Project and this alternative (among other alternatives), the remainder of this section addresses impacts identified in Section 5.4.2.1; that is, impacts that, under the proposed Project, would be disproportionately high and adverse on minority and low-income populations. This section addresses in turn each of the impacts enumerated in Section 5.4.2.1 and documents whether there would be disproportionately high and adverse effects on minority and low-income populations for this alternative.

Air Quality (AQ-1): For Alternative 4, the residual air quality impacts would be temporary but significant under both CEQA and NEPA. Despite implementation of mitigation and compliance with SCAQMD Rule 403, emissions from the construction of Alternative 4 would still exceed SCAQMD daily thresholds for VOC, CO, NO_X, PM10, and PM2.5. This would be a disproportionately high and adverse effect on minority and low-income populations.

Air Quality (AQ-2): For Alternative 4, with implementation of Mitigation Measures MM AQ-1 through MM AQ-8, temporary offsite ambient concentrations from construction activities would be significant for PM10, PM2.5, and NO_2, but would be less than significant for CO. Under NEPA, despite implementation of Mitigation Measures MM AQ-1 through MM AQ-8, temporary offsite ambient concentrations from construction activities would be significant for NO_2, PM10, and PM2.5. This would be a disproportionately high and adverse effect on minority and low-income populations.

Air Quality (AQ-3): Alternative 4 peak daily mitigated emissions minus the CEQA baseline would exceed CEQA thresholds and would therefore be significant under CEQA for NO_X, SO_X, PM10, and PM2.5 in 2011. Alternative 4 peak daily mitigated

emissions minus the NEPA baseline would be below NEPA thresholds and thus not significant under NEPA for all pollutants during all analysis years. In 2011, the combined construction and operational emissions minus the NEPA baseline would exceed NEPA emission thresholds and would thus be significant under NEPA for VOC and NO_X. This would be a disproportionately high and adverse effect on minority and low-income populations.

Air Quality (AQ-4): Maximum offsite concentrations after mitigation are expected to remain significant under CEQA for NO_2 (1-hour and annual) and PM10 (24-hour and annual). Maximum offsite concentrations would be reduced to less than significant for PM2.5 (24-hour). Maximum offsite concentrations after mitigation are expected to remain significant under NEPA for NO_2 (1-hour and annual). Impacts would be reduced to less-than-significant levels for PM10 (24-hour and annual) and PM2.5 (24-hour). This would be a disproportionately high and adverse effect on minority and low-income populations.

Noise (NOI-1): Construction activities for the alternative lasting more than 1 day would exceed existing ambient exterior noise levels by 10 dBA or more at a noise sensitive use; construction activities lasting more than 10 days in a 3-month period would exceed existing ambient exterior noise levels by 5 dBA or more at a noise sensitive use. Considering the distances between the construction noise sources and receivers, the standard controls and temporary noise barriers may not be sufficient to reduce the projected increase in the ambient noise level to the point where it would no longer cause a substantial increase. This would be a disproportionately high and adverse effect on minority and low-income populations.

Recreation (REC-1a): Construction of this alternative would result in a substantial loss or diminished quality of recreational, educational, or visitor-oriented opportunities, facilities, or resources. The construction activities would impede parking, vehicle access, bike access, and pedestrian access as a result of the placement of construction staging areas and the movement of construction equipment. Even with the implementation of Mitigation Measures MM REC-1 through MM REC-7 and MM NOI-1, unavoidable adverse significant impacts would occur as a result of construction activities. Additionally, the recreational enjoyment of the resources would be diminished as a result of construction noise. This would be a disproportionately high and adverse effect on minority and low-income populations.

Transportation (TC-2a): This alternative would result in significant traffic impacts at six intersections by 2015 and at eight intersections by 2037 during one or more peak hours. Implementation of Mitigation Measures MM TC-6, MM TC-8 through MM TC-10, and TC 13 by 2015, and MM TC-2 through TC-4 by 2037, for physical and operational modifications of the impacted parcels would fully mitigate impacts identified at five of the six intersections in 2015 and five of the eight intersections in 2037 to less-than-significant levels. For the remaining locations, due to existing physical constraints at those locations, no feasible alternatives are possible. There would be no NEPA impacts on this impact criteria, however the reduced level of service would still result in circulation and access problems which disproportionate on minority and low-income populations residing in the San Pedro neighborhood.

This would be a disproportionately high and adverse effect on minority and low-income populations.

5.4.3.5 Alternative 5—No-Federal-Action Alternative

The No-Federal-Action Alternative eliminates all of the proposed project elements that would require a federal permit. The federal project basically consists of all harbor cuts and dredging activities; removal of existing and construction of new bulkheads, wharves, pilings, piers, rock slope protection, floating docks, and promenades that cover waters of the United States; and ocean disposal of dredge material. Landside construction activities within 100 feet of the shoreline needed to complete the in-water activities are also part of the federal project, as are the Outer Harbor cruise terminals and associated parking and the expanded Inner Harbor parking structure. There is no federal action involved under this alternative. Alternative 5 differs from the proposed Project in terms of the following aspects:

- Three berths at the Inner Harbor for cruise ships (no wharf work) would remain.
- Berth 91 terminal would be demolished and 200,000-square-foot terminal would be developed.
- There would be only one 3-level Inner Harbor parking structure (reduced from two 4-level structures).
- Some surface parking (60 spaces) would be constructed to support Outer Harbor Park.
- No North Harbor, Downtown Harbor, or 7th Street Harbor would be constructed.
- No new piers and over-water promenades would be constructed.
- There would be no change to mudflat.
- Harbor Boulevard would remain at existing capacity.
- The S.S. Lane Victory would be relocated to Ports O'Call.
- The Jankovich fueling station operations would continue on a hold-over lease in its existing location in Ports O'Call.
- The development of a new fueling station at Berth 240 would not occur.
- The Ralph J. Scott would be located in its original proposed location near Fireman's Plaza.

This alternative would result in disproportionately high and adverse impact on minority and low-income populations for any of the resource impacts enumerated in Section 5.4.2.2. The resource analyses in Chapter 3, and the summary of alternatives and impacts in Chapter 6, provide detailed and summary information (respectively) comparing the effects of this alternative with other alternatives and the proposed Project. The focus of this chapter is the potential for disproportionately high and adverse effects on minority and low-income populations.

To facilitate comparison of the potential for disproportionately high and adverse effects on minority and low-income populations between the proposed Project and this alternative (among other alternatives), the remainder of this section addresses impacts identified in Section 5.4.2.1; that is, impacts that, under the proposed Project, would be disproportionately high and adverse on minority and low-income populations. This section addresses in turn each of the impacts enumerated in Section 5.4.2.1 and documents whether there would be disproportionately high and adverse effects on minority and low-income populations for this alternative.

Air Quality (AQ-1): After mitigation and compliance with SCAQMD Rule 403, emissions from Alternative 5 would continue to exceed SCAQMD daily thresholds for VOC, CO, NO_X, PM10, and PM2.5. Impacts under CEQA would be temporary but significant. This would be a disproportionately high and adverse effect on minority and low-income populations.

Air Quality (AQ-2): Impacts under Alternative 5 would be significant and unavoidable. With implementation of these mitigation measures, offsite ambient concentrations from construction activities would be significant for NO_2, PM10, and PM2.5 but would be less than significant for CO. This would be a disproportionately high and adverse effect on minority and low-income populations.

Air Quality (AQ-3): Alternative 5 peak daily emissions minus the CEQA baseline would be above CEQA thresholds and therefore significant under CEQA for NO_X, SO_X, PM10, and PM2.5 in 2011. This would be a disproportionately high and adverse effect on minority and low-income populations.

Air Quality (AQ-4): Maximum offsite concentrations would remain significant for NO_2 (1-hour and annual average), PM10 (24-hour and annual average), and PM2.5 (24-hour average). This would be a disproportionately high and adverse effect on minority and low-income populations.

Noise (NOI-1): Construction activities for the alternative lasting more than 1 day would exceed existing ambient exterior noise levels by 10 dBA or more at a noise sensitive use; construction activities lasting more than 10 days in a 3-month period would exceed existing ambient exterior noise levels by 5 dBA or more at a noise sensitive use. Considering the distances between the construction noise sources and receivers, the standard controls and temporary noise barriers may not be sufficient to reduce the projected increase in the ambient noise level to the point where it would no longer cause a substantial increase. This would be a disproportionately high and adverse effect on minority and low-income populations.

Recreation (REC-1a): Construction of this alternative would result in a substantial loss or diminished quality of recreational, educational, or visitor-oriented opportunities, facilities, or resources. The construction activities would impede parking, vehicle access, bike access, and pedestrian access as a result of the placement of construction staging areas and the movement of construction equipment. Even with the implementation of Mitigation Measures MM REC-1 through MM REC-7 and MM NOI-1, unavoidable adverse significant impacts would occur as a result of construction activities. Additionally, the recreational enjoyment

of the resources would be diminished as a result of construction noise. This would be a disproportionately high and adverse effect on minority and low-income populations.

Transportation (TC-2a): Alternative 5 would result in significant traffic impacts at six intersections by 2015 and at eight intersections by 2037 during one or more peak hours. Implementation of Mitigation Measures MM TC-6, MM TC-8 through MM TC-10, MM TC-12, and MM TC-13 by 2015, and MM TC-2 through MM TC-4 by 2037, for physical and operational modifications of the impacted parcels would fully mitigate impacts identified at five of the six intersections in 2015 and five of the eight intersections in 2037 to less-than-significant levels. For the remaining locations, due to existing physical constraints at those locations**,** no feasible alternatives are possible. This would be a disproportionately high and adverse effect on minority and low-income populations.

5.4.3.6 Alternative 6—No-Project Alternative

This alternative considers what would reasonably be expected to occur on the site if no LAHD or federal action would occur. This alternative would not allow implementation of the Project or other physical improvements at the San Pedro Waterfront area. Under this alternative, some related projects and some other reasonably foreseeable actions would occur even if the proposed Project is not approved. No construction impacts would occur.

This alternative would result in disproportionately high and adverse impact on minority and low-income populations for any of the resource impacts enumerated in Section 5.4.2.2. In addition, note that for some of the impact thresholds described in Section 5.4.2.2 for which that the proposed Project would have a significant impact, this alternative would have no impact or a less-than-significant impact. The resource analyses in Chapter 3, and the summary of alternatives and impacts in Chapter 6, provide detailed and summary information (respectively) comparing the effects of this alternative with other alternatives and the proposed Project. The focus of this chapter is the potential for disproportionately high and adverse effects on minority and low-income populations.

To facilitate comparison of the potential for disproportionately high and adverse effects on minority and low-income populations between the proposed Project and this alternative (among other alternatives), the remainder of this section addresses impacts identified in Section 5.4.2.1; that is, impacts that, under the proposed Project, would be disproportionately high and adverse on minority and low-income populations. This section addresses in turn each of the impacts enumerated in Section 5.4.2.1 and documents whether there would be disproportionately high and adverse effects on minority and low-income populations for this alternative.

As it is a no-project alternative, it would avoid most of the disproportionate impacts on minority and low-income populations. However, due to the cruise ship operations (increase in cruise calls is anticipated even without the improvements) and ambient

growth of traffic, this alternative would still result in some disproportionate air quality impacts as given below.

Air Quality (AQ-3): Impacts associated with Alternative 6 would be significant for NO_X, SO_X, PM10, and PM2.5 for all analysis years; and for VOC in 2011. This would be a disproportionately high and adverse effect on minority and low-income populations.

Air Quality (AQ-4): Maximum offsite ambient pollutant concentrations associated with the operation of Alternative 6 would be significant for NO_2 (1-hour and annual average), PM10 (24-hour average), and PM2.5 (24-hour average). This would be a disproportionately high and adverse effect on minority and low-income populations.

5.4.4 Summary of Disproportionate Effects on Minority and Low-Income Populations

Table 5-3 compares the disproportionately high and adverse impacts to minority and low-income populations under different alternatives.

5.5 Public Outreach

CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before taking action on them. The purpose of this Draft 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.

LAHD has made considerable efforts to provide public outreach, beyond what is minimally required by the CEQA Guidelines. Public involvement activities were carried out during the pre-scoping and scoping phase of the environmental review process for the Project. The pre-scoping phase activities implemented are not required by CEQA or NEPA. Pre-scoping activities included presentations on the Project, hosting a seminar on CEQA/NEPA guidelines, and partnering with the San Pedro Neighborhood Councils to develop a reduced development alternative for the draft EIR/EIS. These activities were conducted by LAHD to further support the aforementioned goals of the public outreach program.

LAHD opened the Waterfront Information Center during the summer of 2005. Project renderings, models, and handouts were made available for public review in the center. LAHD provided information about the Bridge to Breakwater project at www.sanpedrowaterfront.com. The information was updated regularly. A toll-free hotline was established and staffed for the Project. Additionally, LAHD and the USACE each provided an e-mail address for comments and questions. The hotline

number and e-mail address were printed on all scoping meeting materials and newspaper advertisements.

An invitation to the four public scoping meetings on September 15, 2005, September 29, 2005, October 11, 2005, and January 23, 2007, was mailed via the U.S. Postal Service to elected officials, government agencies, residents, businesses and community based organizations. The notice was mailed to approximately 30,000 occupants in English and Spanish. In addition, a notice was e-mailed on September 15, 2005 to 575 stakeholders who provided their e-mail address to LAHD.

Advertisements announcing the public scoping meetings placed in the *Los Angeles Times*, *Long Beach Press-Telegram*, *Daily Breeze, Random Lengths News, La Opinión, Compton Bulletin,* and *Lynwood Journal* were selected for their circulation and audience. The *Los Angeles Times* is circulated daily throughout the region and country. The *Long Beach Press-Telegram* is a daily, local newspaper distributed throughout Los Angeles County. The *Daily* Breeze is a daily newspaper distributed in South Los Angeles County. *La Opinión* is the largest Spanish-language newspaper in the United States and is circulated daily throughout the region. *Random Lengths News* is a free bi-weekly publication circulated in the communities of San Pedro, Palos Verdes Peninsula, Long Beach, Carson, Harbor City, Lomita, and Wilmington on Thursdays. The *Compton Bulletin* is an African-American newspaper with free, weekly circulation on Wednesdays to residences in Compton. The *Lynwood Journal* is an African-American newspaper with free, weekly circulation on Thursdays in Lynwood.

The advertisements were published in English and Spanish to accommodate the Spanish-speaking members of the impacted communities. English advertisements were placed in *The Los Angeles Times Long Beach Press-Telegram and Daily Breeze* on September 8, 2005. LAHD also placed advertisements in the *Compton Bulletin* and *Lynwood Journal* on September 7, 2005. Advertisements were also placed in *Random Lengths News* on September 15, 2005 and September 30, 2005. An advertisement translated into Spanish was published in *La Opinion* on September 9, 2005.

For each of the three meetings, the first half hour included an open house viewing of project displays, followed by a 20-minute project presentation and a 90-minute public hearing to gather testimony. A court reporter was available for attendees to have their comments transcribed during the open house session and the hearing. The public scoping meeting informational materials were available in English and Spanish. The LAHD also provided an interpreter at public meetings. The materials included a welcome sheet to explain the purpose and format of the meeting, a public participation guide to summarize how the public can get involved and provide input, comment sheets, speaker cards, 11”x17” color maps of the proposed Project and alternatives, the PowerPoint Presentation and the NOI/NOP.

The LAHD also consults with affected community groups through the Port Community Advisory Committee (PCAC), a special stakeholder advisory committee of the Los Angeles Board of Harbor Commissioners. This committee, which meets monthly, includes representatives from a number of community groups. The PCAC

Table 5-3. Summary of Disproportionate Effects on Minority and Low-Income Populations from the Proposed Project and Alternatives

Alternative	*Air Quality*	*Noise*	*Transportation*	*Recreation*	*Additional Considerations*
Proposed Project	The proposed project would result in increased construction emissions of VOC, CO, NO_X, PM10, and PM2.5 in areas with predominantly minority and high concentrations of low-income populations. There would also be higher ambient concentrations of NO_2, PM10, and PM2.5 associated with maximum daily emissions in the construction phase. The mitigated peak daily emissions would be significant under CEQA for NO_X, SO_X, PM10, and PM2.5 in 2011; VOC, NO_X, and PM10 in 2015 and 2022; NO_X and PM10 in 2037; and significant under NEPA for all pollutants. Also, the proposed Project would cause disproportionate effects on minority and low-income populations due to increased risk of cancer hazards.	The proposed Project would result in significant unavoidable construction noise impacts from construction of the harbors, promenades, parking structures, Red Car Museum and Maintenance Facility, and cruise ship facilities on nearby residents, resulting in disproportionate effects on minority and low-income populations. The proposed Project would also cause a significant increase in noise on Miner Street south of 22nd Street from vehicular traffic.	Under CEQA, the proposed Project would result in significant, unavoidable operational impacts on three intersections by 2015, 10 intersections by 2037, and on the neighborhood street segment of West 17th Street between Centre Street and Palos Verdes Street. Under NEPA, the proposed Project would result in significant, unavoidable operational impacts on seven intersections by 2037. This would cause disproportionate effects on minority and low-income populations residing in the San Pedro neighborhood.	Construction of the proposed Project would result in a substantial loss or diminished quality of recreational, educational, or visitor-oriented opportunities, facilities, or resources in San Pedro area (which has minority and low-income populations) due to impediments to parking, vehicle access, bike access, and pedestrian access as a result of the placement of construction staging areas and the movement of construction equipment. Additionally, the recreational enjoyment of the resources would be diminished as a result of construction noise.	Benefits include increased jobs and revenue, construction of additional open spaces and improved recreational facilities, improvements in aesthetic conditions, and potential for site remediation in the event that soil contamination is encountered during construction.
Alternative 1	This alternative would result in increased construction emissions of VOC, CO, NO_X, PM10, and PM2.5 in areas with predominantly minority and high concentrations of low-income populations. There would also be higher ambient concentrations of NO_2, PM10, and PM2.5	Reduced lane capacity of Harbor Boulevard would result in greater construction noise impacts than the proposed Project on the nearby residences, resulting in a disproportionate effect on minority and low-	Significant, unavoidable operational impacts would occur after mitigation at three intersections in 2015, seven intersections in 2037, and on the neighborhood street of West 17th Street segment between Centre Street and Palos Verdes Street. As	Same as the proposed project.	Benefits include increased jobs and revenue (reduced compared to the proposed Project), construction of additional open spaces and improved recreational facilities, improvements in

Table 5-3. Summary of Disproportionate Effects on Minority and Low-Income Populations from the Proposed Project and Alternatives

Alternative	*Air Quality*	*Noise*	*Transportation*	*Recreation*	*Additional Considerations*
	associated with maximum daily emissions in the construction phase. Mitigated peak daily emissions would be significant for NO_X, SO_X, PM10, and PM2.5 under CEQA. Mitigated peak daily emissions would be significant under NEPA for NO_X, SO_X, PM10, and PM2.5 in 2015; and VOC, NO_X, SO_X, PM10, and PM2.5 in 2022 and 2037. In 2011, the combined construction and operational emissions would be significant under NEPA for VOC, CO, and NO_X. Also, disproportionate effects on minority and low-income populations due to increased risk of cancer hazards. Construction and operation emissions and cancer risks from this alternative would be lower than the proposed Project.	income populations. Operations would also cause a cumulatively considerable increase in noise on Miner Street south of 22nd Street from vehicular traffic.	with CEQA, under NEPA, significant and unavoidable operational impacts would occur after mitigation on three intersections in 2015, and seven intersections in 2037. This would result in disproportionate effects on minority and low-income populations residing in the San Pedro neighborhood.		aesthetic conditions, and potential for site remediation in the event that soil contamination is encountered during construction.
Alternative 2	The proposed Project would result in increased construction emissions of VOC, CO, NO_X, PM10, and PM2.5 in areas with predominantly minority and high concentrations of low-income populations. There would also be higher ambient concentrations of NO_2, PM10, and PM2.5 associated	Construction of a parking structure in Outer Harbor area and reduced lane capacity of Harbor Boulevard would result in greater construction noise impacts than the proposed Project on the nearby residences, resulting in	Significant, unavoidable operational impacts would occur after mitigation at four intersections in 2015, 11 intersections in 2037, and on the neighborhood street of West 17th Street segment between Centre Street and Palos Verdes Street. Under NEPA, significant and	Same as the proposed Project.	Benefits include increased jobs and revenue, construction of additional open spaces and improved recreational facilities, improvements in aesthetic conditions, and potential for site remediation in the event that soil

Alternative	*Air Quality*	*Noise*	*Transportation*	*Recreation*	*Additional Considerations*
	with maximum daily emissions in the construction phase. Under CEQA, mitigated peak daily emissions would be significant for VOC for years 2015 and 2022; NO_X and PM10 for all analysis years; and SO_X and PM2.5 for year 2011. Peak daily emissions would be significant under NEPA for all pollutants during all analysis years, with the exception of CO in year 2011. In 2011, the combined construction and operational emissions would be significant under NEPA for all pollutants. Also, this alternative would cause disproportionate effects on minority and low-income populations due to increased risk of cancer hazards.	disproportionate effects on minority and low-income populations. Three roadway segments would experience significant impacts: 22nd Street from Signal to Miner Street; Harbor Boulevard from 6th to 7th Street; and Miner Street south of 22nd Street.	unavoidable operational impacts would occur after mitigation on two intersections in 2015, and nine intersections in 2037. This alternative would cause disproportionate effects on minority and low-income populations residing in the San Pedro neighborhood.		contamination is encountered during construction.
Alternative 3	This alternative would result in increased construction emissions of VOC, CO, NO_X, PM10, and PM2.5 in areas with predominantly minority and high concentrations of low-income populations. There would also be higher ambient concentrations of NO_2, PM10, and PM2.5 associated with maximum daily emissions in the construction phase. Peak	Reduced development in Ports O' Call area and reduced cruise ship facilities would result in reduced construction noise on nearby sensitive receptors when compared to the proposed Project. Miner Street south of 22nd Street is the only street segment that would be significantly	Significant, unavoidable operational impacts would occur after mitigation on four intersections in 2015, and five intersections in 2037. Under NEPA, significant and unavoidable operational impacts would occur after mitigation on three intersections in 2015, and four intersections in 2037. This alternative would	Same as the proposed Project.	Benefits include increased jobs and revenue (reduced compared to the proposed Project), construction of additional open spaces and improved recreational facilities, improvements in aesthetic conditions, and potential for site remediation in the

Alternative	*Air Quality*	*Noise*	*Transportation*	*Recreation*	*Additional Considerations*
	daily mitigated emissions would be significant under CEQA for NO_X, SO_X, PM10, and PM2.5 in 2011. Peak daily emissions would be significant under NEPA for NO_X, SO_X, and PM2.5 in years 2015, 2022, and 2037. While construction and operation under this alternative would be lower than the proposed Project, this alternative would still cause disproportionate effects on minority and low-income populations due to increased risk of cancer hazards.	impacted. The impacts would still be significant and unavoidable and disproportionately higher on minority and low-income populations.	cause disproportionate effects on minority and low-income populations residing in the San Pedro neighborhood. There would be no disproportionately higher impacts on minority and low-income populations pertaining to neighborhood streets.		event that soil contamination is encountered during construction.
Alternative 4	This alternative would result in increased construction emissions of VOC, CO, NO_X, PM10, and PM2.5 in areas with predominantly minority and high concentrations of low-income populations. There would also be higher ambient concentrations of NO_2, PM10, and PM2.5 associated with maximum daily emissions in the construction phase. Peak daily mitigated emissions would be significant under CEQA for NO_X, SO_X, PM10, and PM2.5 in 2011. Peak daily mitigated emissions would not be significant under NEPA for all pollutants	No construction of North harbor, Outer Harbor and Terminal facilities, and leaving the tugboats at their existing location of Crowley Tug Building would result in reduced construction noise when compared to the proposed Project. The impacts would still be significant and unavoidable and disproportionately higher on minority and low-income populations.	Significant, unavoidable operational impacts at one intersections in 2015, and three intersections in 2037 under CEQA but traffic impacts under NEPA are less-than-significant. However, the reduced capacity and level of service as per CEQA thresholds on some intersections would still be disproportionate on minority and low-income populations residing in the San Pedro neighborhood. There would be no disproportionately higher impacts on minority and low-income populations	Same as the proposed Project.	Benefits include increased jobs and revenue (reduced compared to the proposed Project), construction of additional open spaces and improved recreational facilities, improvements in aesthetic conditions, and potential for site remediation in the event that soil contamination is encountered during construction.

Alternative	*Air Quality*	*Noise*	*Transportation*	*Recreation*	*Additional Considerations*
	during all analysis years. Also, disproportionate effects on minority and low-income populations due to increased risk of cancer hazards. Construction and operation emissions from this alternative would be lower than the proposed project.		pertaining to neighborhood streets.		
Alternative 5 (No Federal Action)	This alternative would result in increased construction emissions of VOC, CO, NO_X, PM10, and PM2.5 in areas with predominantly minority and high concentrations of low-income populations. There would also be higher ambient concentrations of NO_2, PM10, and PM2.5 associated with maximum daily emissions in the construction phase. Peak daily emissions would be significant under CEQA for NO_X, SO_X, PM10, and PM2.5 in 2011. Construction and operation emissions from this alternative would be reduced when compared to the proposed Project. Cancer and acute non-cancer risk would increase by a less than significant but cumulatively considerable amount, but this effect is not a disproportionately high and adverse effect on minority	There would be no construction of the harbors, promenades, and new fueling station at Berth 240, and the tugboats would be left at their existing location at the Crowley Tug Building. This would result in reduced construction noise when compared to the proposed Project. The impacts would still be significant, unavoidable, and disproportionately higher on minority and low-income populations.	Even though this alternative would not involve project components subject to NEPA, significant, unavoidable operational impacts at one intersection in 2015, and three intersections in 2037 under CEQA would still result in reduced levels of service and access problems, which would be disproportionate on minority and low-income populations residing in the San Pedro neighborhood.	The construction impacts on recreational facilities would be reduced compared to the proposed Project because there would be no construction of the harbors, promenades, and new fueling station at Berth 240, and the tugboats would be left at their existing location at the Crowley Tug Building. Impacts would still be significant, unavoidable, and disproportionately higher on minority and low-income population.	Benefits include increased jobs and revenue (reduced compared to the proposed Project), construction of additional open spaces and improved recreational facilities, improvements in aesthetic conditions, and potential for site remediation in the event that soil contamination is encountered during construction.

Table 5-3. Summary of Disproportionate Effects on Minority and Low-Income Populations from the Proposed Project and Alternatives

Alternative	*Air Quality*	*Noise*	*Transportation*	*Recreation*	*Additional Considerations*
	and low-income populations.				
Alternative 6 (No Project)	Ambient concentrations of NO_X, SO_X, PM10, and PM2.5 associated with maximum daily emissions due to the operational activities would be lower than the proposed Project, but still significant for all analysis years, and VOC would be significant in 2011. Cancer and acute non-cancer risk would increase by a less than significant but cumulatively considerable amount, but this effect is not a disproportionately high and adverse effect on minority and low-income populations.	No disproportionate impacts.	No disproportionate impacts.	No disproportionate impacts.	No benefits, no new jobs or revenue.

also has subcommittees and focus groups that address a broad range of environmental issues, including studies on those impacts that might result in disproportionate impacts on relevant populations. Greater detail regarding PCAC involvement and LAHD outreach is available in Appendix C.

5.5.1 Alternative Forms of Distribution

The NOI/NOPs for the proposed Project has been distributed directly to numerous agencies, organizations, and interested groups and persons for comment during the formal review period. The Documents have also has been made available for review at the LAHD, Environmental Management Division, 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 at no cost on CD-ROM.

5.5.2 Spanish Translation

With a large Hispanic population adjacent to the Port, meeting notifications and executive summaries of major CEQA documents have been and will continue to be provided in Spanish as well as English. The NOI/NOP was also available in Spanish. The public scoping meeting informational materials were available in English and Spanish. The purpose is to assist Spanish-speaking members of the local community in understanding the purpose of the draft EIS/EIR, project overview, project description, environmental impacts, and alternatives to the proposed Project, areas of controversy, and issues to be resolved.

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