CHAPTER SUMMARY

This chapter evaluates whether the proposed Project and its alternatives would result in disproportionately high and adverse human health or environmental impacts on minority populations and/or low-income individuals in the local communities surrounding the Port. The primary features of the proposed Project and alternatives that could affect these populations include the deepening of Berths 217–220 and Berths 214–216, which would add an additional operating berth to the YTI Terminal and allow for the berthing of larger vessels, extending the 100-foot gauge crane rail, expanding the TICTF on-dock rail, delivering and installing up to four new cranes, raising the height and boom on existing cranes, backland surface improvements, and proposed project or alternative operations. 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 populations and/or low-income populations, and with the CEQ Guidance for Environmental Justice Under NEPA (CEQ 1997). This assessment is also consistent with California state law regarding environmental justice.

Chapter 5, Environmental Justice, provides the following:

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

Key Points of Chapter 5:

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

The Environmental Justice analysis and impact determinations are applicable only to NEPA; they are not required under CEQA. Further, because Alternative 1 is not subject to NEPA as it is a CEQA-only alternative, and Alternative 2 would result in no incremental difference than the NEPA Baseline, these alternatives are not analyzed for Environmental Justice impacts. After the incorporation of mitigation measures, the proposed Project and Alternative 3 would result in potentially significant impacts on minority populations and low-income individuals related to air quality, and would result in a cumulatively
considerable contribution to a significant cumulative impact related to construction noise at the liveaboard 
receptors, which would constitute a disproportionately high and adverse effect on minority and low-
income populations.
5.1 Introduction

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

5.2 Environmental Setting

The proposed Project site is at 701 New Dock Street on Terminal Island, within the Port of Los Angeles Community Plan area of the City of Los Angeles, which is adjacent to the communities of Wilmington (to the north) and San Pedro (to the west). For this assessment, the area of potential effect was determined in accordance with CEQ’s guidance for identifying the “affected community,” which requires consideration of the nature of likely project impacts and identification of a corresponding unit of geographic analysis. The affected community is considered to encompass parts of the communities of Wilmington and San Pedro; the 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 Draft EIS/EIR. Areas of potential effect differ somewhat for each environmental issue and are described for each resource section in the relevant section of Chapter 3 and within Chapter 4, Cumulative Impacts. 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 could be borne by low-income and/or minority populations in the affected community when compared to the general population in and around the proposed Project.

5.2.1 Minority and Low-Income Populations

Environmental justice guidance from CEQ defines minority persons as “individuals who are members of the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black (not of Hispanic origin); or Hispanic” (CEQ 1997). Hispanic and Latino refer to ethnicities, whereas American Indian, Alaskan Native, Asian, Pacific Islander, and Black/African-American (as well as White or European-American) refer to racial categories; 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 2010 Census (which is the most current census for which data is available) allowed individuals to choose more than one race. For this analysis, consistent with guidance from CEQ as well as EPA, minority refers to people who are Hispanic/Latino of any race, as well as those who are non-Hispanic/Latino of a race other than White or European-American (CEQ 1997; EPA 1998, 1999).

The same CEQ environmental justice guidance suggests low-income populations be identified using the national poverty thresholds from the Census Bureau (CEQ 1997).
Guidance from EPA also suggests using other regional low-income definitions as appropriate (EPA 1998, 1999). Due to the higher cost of living in Southern California compared to the nation as a whole, a higher threshold is appropriate for the identification of low-income populations. For the purposes of this analysis, low-income people are those with a household income of 1.25 times the national census poverty threshold. The 1.25 ratio is based on application of a methodology developed by the National Academy of Sciences (Citro and Michael 1995) and incorporates detailed data about fair market rents over the period 1999 to 2007 for Los Angeles County from the U.S. Department of Housing and Urban Development (HUD) (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 YTI Terminal were reviewed. Table 5-1 presents population, minority, and low-income status from the 2010 Census and the Los Angeles City Planning Department for Wilmington, San Pedro, Los Angeles County, the City of Los Angeles, and California. The table also presents similar data for other cities in the general vicinity of the Port. Los Angeles County is used as the comparison population because it is considered representative of the general population that could be affected by the proposed Project or an alternative.

### Table 5-1: Minority and Low-Income Populations

<table>
<thead>
<tr>
<th>Place</th>
<th>Total Population</th>
<th>Percent Minority Population</th>
<th>Percent Low-Income Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>37,253,956</td>
<td>59.9</td>
<td>16.4</td>
</tr>
<tr>
<td>Los Angeles County</td>
<td>9,818,605</td>
<td>72.2</td>
<td>18.3</td>
</tr>
<tr>
<td>City of Los Angeles</td>
<td>3,792,621</td>
<td>71.3</td>
<td>22.5</td>
</tr>
<tr>
<td>San Pedro</td>
<td>76,028</td>
<td>55.3</td>
<td>22.5</td>
</tr>
<tr>
<td>Wilmington</td>
<td>75,215</td>
<td>87.1</td>
<td>32.2</td>
</tr>
<tr>
<td>Nearby Cities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carson</td>
<td>91,714</td>
<td>92.3</td>
<td>10.3</td>
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<tr>
<td>Lomita</td>
<td>20,256</td>
<td>56.6</td>
<td>13.8</td>
</tr>
<tr>
<td>Long Beach</td>
<td>462,257</td>
<td>70.6</td>
<td>21.2</td>
</tr>
<tr>
<td>Palos Verdes Estates</td>
<td>13,438</td>
<td>26.6</td>
<td>2.28</td>
</tr>
<tr>
<td>Rancho Palos Verdes</td>
<td>41,643</td>
<td>44.0</td>
<td>4.0</td>
</tr>
<tr>
<td>Rolling Hills</td>
<td>1,860</td>
<td>23.5</td>
<td>1.3 a</td>
</tr>
<tr>
<td>Rolling Hills Estates</td>
<td>8,067</td>
<td>36.4</td>
<td>3.3 a</td>
</tr>
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<td>Torrance</td>
<td>145,438</td>
<td>57.7</td>
<td>7.2</td>
</tr>
<tr>
<td>West Carson</td>
<td>21,699</td>
<td>78.6</td>
<td>12.0</td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau 2010; U.S. Census Bureau 2012; U.S. Census Bureau 2010; Los Angeles Department of City Planning 2011 (2000 census data for Wilmington and San Pedro, which are defined based on Community Plan Areas).

a 2010 U.S. Census Bureau Data, as these were not reported in the latest 2010 to 2012 American Community Survey Summary File

Table 5-1 shows that within Wilmington (as the neighborhood is defined by the Los Angeles City Planning Department), minorities constitute 87.1% of the population.
and low-income persons constitute 32.2% of the population. Within San Pedro, minorities comprise 55.3% of the population and 22.5% of the population is low-income. Thus, both neighborhoods constitute a “minority population concentration” under CEQ guidance because the guidance indicates such a concentration exists if the percent minority exceeds 50%.

Figure 5-1 shows the percentage of minority residents in census tracts surrounding the proposed project area and the Port, and Figure 5-2 shows the percentage of low-income residents in the same area. Table 5-2 presents data for the 59 census tracts shown in Figures 5-1 and 5-2.

### Table 5-2: Minority and Low-Income Characteristics in the Vicinity of the Proposed Project Site (2010 Census)

<table>
<thead>
<tr>
<th>Census Tracts</th>
<th>Total Population</th>
<th>Minority Population (%)</th>
<th>Low-Income Population (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2933.02</td>
<td>4,720</td>
<td>75.7</td>
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<td>4,178</td>
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<td>2933.06</td>
<td>2,189</td>
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<td>2941.10</td>
<td>4,140</td>
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<td>2941.20</td>
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<td>30.6</td>
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<td>2942</td>
<td>4,951</td>
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<td>2943.01</td>
<td>2,448</td>
<td>91.1</td>
<td>19.0</td>
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<tr>
<td>2943.02</td>
<td>4,754</td>
<td>94.0</td>
<td>33.8</td>
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<tr>
<td>2944.10</td>
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<td>2944.21</td>
<td>2,950</td>
<td>91.3</td>
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<td>27.9</td>
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<td>2947.01</td>
<td>3,019</td>
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<td>2948.30</td>
<td>3,707</td>
<td>96.9</td>
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<td>3,265</td>
<td>96.4</td>
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<tr>
<td>2951.03</td>
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<td>2963</td>
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<td>2969.02</td>
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</table>
### Table 5-2: Minority and Low-Income Characteristics in the Vicinity of the Proposed Project Site (2010 Census)

<table>
<thead>
<tr>
<th>Census Tracts</th>
<th>Total Population</th>
<th>Minority Population (%)</th>
<th>Low-Income Population (%)</th>
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</thead>
<tbody>
<tr>
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<td>15.9</td>
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<td>81.7</td>
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<td>9800.33</td>
<td>61</td>
<td>42.6</td>
<td>-</td>
</tr>
<tr>
<td><strong>Census Tract</strong></td>
<td><strong>215,056 (Total)</strong></td>
<td><strong>72.0 (Average %)</strong></td>
<td><strong>25.2 (Average %)</strong></td>
</tr>
</tbody>
</table>

Source: Census Bureau Summary File 1 & American Community Survey, 2010
Figure 5-2
Percent Low-Income Population
Port of Los Angeles Berths 212-224 [YTI] Container Terminal Improvements Project

Legend
- Berths 212-224 [YTI]
- Census Tract Number
- Percent Low-Income Population
  - 0% - 24%
  - >24% - 29%
  - >29% - 50%
  - >50%
  - NA

Source: US Census Bureau 2010, ESRI Aerial
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, “each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

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

EPA defines “environmental justice” as follows (EPA 1998):

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

EPA defines “fair treatment” as follows (EPA 1998):

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

EPA defines “meaningful involvement” as follows (EPA 1998):

1) Potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health;

2) The public’s contribution can influence the regulatory agency’s decision;

3) The concerns of all participants involved will be considered in the decision making process; and

4) The decision-makers seek out and facilitate the involvement of those potentially affected.

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

An adverse effect or impact that: (1) is predominantly borne by any segment of the population, including, for example, a minority population and/or a low-income population; or (2) will be suffered by a minority population and/or low-income population and is
In the Presidential Memorandum to departments and agencies that accompanies Executive Order 12898, the President cites the importance of NEPA in identifying and addressing environmental justice concerns. The memorandum states, “each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by NEPA.” The memorandum emphasizes the importance of the NEPA public participation process, directing that “each Federal agency shall provide opportunities for community input in the NEPA process.” Agencies are directed to identify potential impacts and mitigations in consultation with affected communities and ensure the accessibility of meetings, crucial documents, and notices.

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

1) Each federal agency should analyze the environmental effects, including human health, economic, and social effects of federal actions, including effects on minority populations, low-income populations, and Indian tribes, when such analysis is required by NEPA.

2) Mitigation measures identified as part of an environmental assessment (EA), a finding of no significant impact (FONSI), an EIS, or a record of decision (ROD) should, whenever feasible, address significant and adverse environmental effects of proposed federal actions on minority populations, low-income populations, and Indian tribes.

3) Each federal agency must provide opportunities for effective community participation in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of public meetings, crucial documents, and notices.

4) Review of NEPA compliance (such as EPA’s review under Section 309 of the Clean Air Act) must ensure that the lead agency preparing NEPA analyses and documentation has appropriately analyzed environmental effects on minority populations, low-income populations, or Indian tribes, including human health, social, and economic effects.

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

While EPA has lead responsibility for implementation of Executive Order 12898 as chair of the IWG on Environmental Justice, CEQ has oversight of the federal government’s compliance with this Executive Order and NEPA. CEQ, in consultation with EPA and other agencies, has prepared guidance to assist federal agencies in NEPA compliance in its Environmental Justice Guidance under the National Environmental Policy Act (1997). This guidance provides an overview of Executive Order 12898; summarizes its relationship to NEPA; recommends methods for the integration of environmental justice into NEPA compliance; and incorporates as an appendix the IWG’s definitions of key terms and concepts contained in the Executive Order.
Agencies are permitted to supplement CEQ’s guidance with their own, more specific guidance tailored to their programs or activities or departments, insofar as is permitted by law.

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

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

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

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

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

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

6) Agencies should seek tribal representation in the process in a manner that is consistent with the government-to-government relationship between the United States and tribal governments, the federal government’s trust responsibility to federally recognized tribes, and any treaty rights.

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

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

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

California Public Resources Code Section 71113 states that the mission of the California Environmental Protection Agency (Cal/EPA) includes ensuring that it conducts any activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

As part of its mission, Cal/EPA was required to develop a model environmental justice mission statement for its boards, departments, and offices. Cal/EPA was tasked to develop a Working Group on Environmental Justice to assist it in identifying any policy gaps or obstacles impeding the achievement of environmental justice. An advisory committee including representatives of numerous state agencies was established to assist the Working Group pursuant to the development of a Cal/EPA intra-agency strategy for addressing environmental justice. California Public Resources Code Sections 71110–71116 charge Cal/EPA with the following responsibilities:

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

- Promote enforcement of all health and environmental statutes within Cal/EPA’s jurisdiction in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

- Ensure greater public participation in the agency’s development, adoption, and implementation of environmental regulations and policies.

- Improve research and data collection for programs within the agency relating to the health and environment of minority populations and low-income populations of the state.

- Coordinate efforts and share information with EPA.

- Identify differential patterns of consumption of natural resources among people of different socio-economic classifications for programs within the agency.

- Consult with and review any information received from the IWG pursuant to developing an agency-wide strategy for Cal/EPA.

- Develop a model environmental justice mission statement for Cal/EPA’s boards, departments, and offices.
Consult with, review, and evaluate any information received from the IWG pursuant to the development of its model environmental justice mission statement.

Develop an agency-wide strategy to identify and address any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.

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

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

5.3.4 California State Lands Commission Environmental Justice Policy

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

5.3.5 City of Los Angeles General Plan

The City of Los Angeles General Plan has adopted environmental justice policies as outlined in the Framework Element and the Transportation Element; these policies are summarized below.

The Framework Element is a “strategy for long-term growth which sets a citywide context to guide the update of the community plan and citywide elements” (City of Los Angeles 1996). The Framework Element includes a policy to ensure “the fair treatment of people of all races, cultures, incomes, and education levels with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies, including affirmative efforts to inform and involve environmental groups, especially environmental justice groups, in early planning stages through notification and two-way communication.”
The Transportation Element includes a policy to ensure “the fair and equitable treatment of people of all races, cultures, incomes, and education levels with respect to the development and implementation of citywide transportation policies and programs, including affirmative efforts to inform and involve environmental groups, especially environmental justice groups, in the planning and monitoring process through notification and two-way communication” (City of Los Angeles 1996a).

The City of Los Angeles also has committed to a Compact for Environmental Justice, which was adopted by the City of Los Angeles Environmental Affairs Department as the City’s foundation for a sustainable urban environment (City of Los Angeles 2002). Statements relevant to the proposed Project include the following:

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

### 5.3.6 South Coast Air Quality Management District: Environmental Justice Program

In 1997, SCAQMD adopted a set of guiding principles on environmental justice, addressing the rights of area citizens to clean air, the expectation of government safeguards for public health, and access to scientific findings concerning public health. Subsequent follow-up plans and initiatives led to the SCAQMD Board’s approval in 2003–04 of an *Environmental Justice Workplan* (Workplan). SCAQMD intends to update its Workplan as needed to reflect ongoing and new initiatives.

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

### 5.4 Assessment

#### 5.4.1 Methodology

The following methodology and assessment addresses the potential for the proposed Project and alternatives to have disproportionately high and adverse human health and environmental effects on low-income and/or minority populations. It is provided in compliance with federal Executive Order 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, and CEQ’s *Environmental Justice Guidance under the National Environmental Policy Act* (CEQ 1997). This Draft EIS/EIR includes an environmental justice analysis for both federal and non-federal actions associated with the proposed Project and alternatives. However, as such analysis is not required under CEQA, the determinations apply to NEPA only.
The methodology for conducting the impact analysis for environmental justice includes reviewing impact conclusions under NEPA for each of the resource sections in this Draft EIS/EIR along with the cumulative analysis in Sections 4.2.1 through 4.2.15. If the Draft EIS/EIR identifies significant impacts or a cumulatively considerable contribution to a cumulatively significant impact, or otherwise identifies impacts considered to be high and adverse under NEPA, an evaluation would be conducted to determine if the impacts would result in disproportionately high and adverse effects on minority populations or low-income populations.

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

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

- Whether the environmental effects are significant (as employed by NEPA) and are or may be having an adverse impact on minority populations, low-income populations, or Indian tribes that appreciably exceeds or is likely to appreciably exceed those on the general population or other appropriate comparison group; and

- Whether the environmental effects (as addressed under NEPA) occur or would occur in a minority population, low-income population, or Indian tribe affected by cumulative or multiple adverse exposures from environmental hazards.

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

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

Findings of significant impacts or cumulatively considerable contributions to cumulatively significant impacts (as addressed under NEPA) will be 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 are not associated with substantial effects on human populations would not result in disproportionately high and adverse effects on minority and/or low-income populations. However, for disclosure purposes, these significant impacts will be summarized in order to facilitate public involvement and review by potentially affected minority and/or low-income populations in the vicinity of the proposed Project.

For 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 NEPA) after mitigation measures are implemented. If the impact would be less than significant after mitigation—or, in the case of a cumulative contribution, if the contribution would be less than cumulatively considerable after mitigation—then the impact was documented for disclosure purposes, but detailed analysis to determine if the impact or contribution would occur disproportionately on low-income and/or minority populations was not undertaken.

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

In cases where the minority and low-income characteristics of populations in the impacted area could be estimated, the impact area characteristics were compared to data for the general population (i.e., Los Angeles County). If the minority population in the adversely affected area is greater than 50% 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 or alternative benefits will also be considered to determine whether adverse effects would still be appreciably more severe or of greater magnitude after these other elements are considered. In addition, if significant unavoidable impacts or contributions to cumulatively significant impacts are determined to be disproportionate, the identified mitigation measures would be reviewed to determine whether they would be effective in avoiding or reducing the impacts on minority and/or low-income populations. If necessary, additional mitigation measures will be considered.

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

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

- Perform mobile source health risk assessment using SCAQMD guidance and analyze all toxic air contaminant impacts due to the decommissioning or use of equipment generating such pollutants (see Section 3.2, Air Quality and Meteorology).
- Address concerns over air quality as a result of the project (see Section 3.2).
- Address concerns over traffic as a result of the project and complete a Traffic Impact Analysis (see Section 3.7, Ground Transportation).

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

Individual impacts associated with the proposed Project are described for each specific resource in Chapter 3, and proposed project contributions to cumulative impacts are presented in Chapter 4. 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)

As described in Section 3.2.4.4, the significance criteria for Air Quality and Meteorology are the same for both the CEQA and NEPA analyses. The region of analysis for air quality impacts is the area immediately adjacent to the proposed project site in addition to the surrounding region as represented by the SCAB.

Impact AQ-1: Proposed project unmitigated emissions for VOC, CO, NO\textsubscript{x}, and PM\textsubscript{2.5} from construction and overlapping construction and operations would exceed the SCAQMD daily emission thresholds under NEPA. With implementation of mitigation measures, impacts would remain significant under NEPA for NO\textsubscript{x} and CO emission from construction and overlapping construction and operations. Therefore, under NEPA, the mitigated air quality impacts associated with construction of the proposed Project would be significant. Since residential areas closest to the proposed project site are predominantly minority (Figure 5-1) and have a higher concentration of low-income population relative to Los Angeles County (Figure 5-2), the elevated ambient concentrations of VOCs, CO, NO\textsubscript{x}, and PM\textsubscript{2.5} would constitute a disproportionately high and adverse effect on minority and low-income populations.

In addition, under NEPA, the proposed Project, without mitigation, would make a cumulatively considerable contribution to a significant cumulative air quality impact associated with emissions of VOCs, CO, NO\textsubscript{x}, and PM\textsubscript{2.5} from construction. After mitigation, the proposed Project could make a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact for NO\textsubscript{x} and CO under NEPA. Because the area surrounding the proposed project site is predominantly
minority and low income, this cumulative impact would constitute a disproportionately high and adverse effect on minority and low-income populations.

**Impact AQ-2:** Proposed project construction would result in off-site ambient concentrations of criteria air pollutants (specifically NO₂, PM₁₀, and PM₂.₅) during construction that would exceed SCAQMD thresholds of significance under NEPA. After mitigation, maximum off-site ambient pollutant concentrations associated with construction only and with the combined construction and operation of the proposed Project would be significant under NEPA for NO₂. This finding applies to individual proposed project impacts as well as the proposed Project’s cumulative contribution relative to the NEPA baseline. Although the receptor locations with maximum concentrations would not be in residential areas, residential areas would experience higher concentrations the closer they are to the proposed Project. Since residential areas closest to the proposed project site are predominantly minority (Figure 5-1) and have a higher concentration of low-income population relative to Los Angeles County (Figure 5-2), the elevated ambient concentrations of NO₂, PM₁₀, and PM₂.₅ would constitute a disproportionately high and adverse effect on minority and low-income populations.

Adverse human health effects of NO₂ include (a) potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; and (b) risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes. NO₂ also contributes to atmospheric discoloration, although this impact would be regional and would not primarily affect populations closest to the emission sources. Adverse human health effects associated with PM₁₀ and PM₂.₅ include (a) excess deaths from short-term and long-term exposures; (b) excess seasonal declines in pulmonary function, especially in children; (c) asthma exacerbation and possibly induction; (d) adverse birth outcomes including low birth weight; (e) increased infant mortality; (f) increased respiratory symptoms in children such as cough and bronchitis; and (g) increased hospitalization for cardiovascular and respiratory disease (including asthma) (SCAQMD 2007). These adverse health effects may occur disproportionately among minority and low-income populations in the vicinity of the proposed Project as a result of the elevated ambient concentrations in exceedance of SCAQMD thresholds.

In addition, under NEPA, the proposed Project would make a cumulatively considerable contribution to a significant cumulative air quality impact for NOₓ, PM₁₀, and PM₂.₅ pollutant concentrations during construction. During construction only and during combined construction and operation, the proposed Project after mitigation could make a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact for NO₂ under NEPA. Because the nearest residential areas to the proposed project site are predominantly minority and low income, this cumulative impact would constitute a disproportionately high and adverse effect on minority and low-income populations.

**Impact AQ-3:** Proposed project peak daily operations emissions would exceed the SCAQMD daily threshold under NEPA for NOₓ for all analysis years (2017, 2020, and 2026) and VOC in years 2020 and 2026. With implementation of mitigation measures and lease measures, increases of NOₓ in all analysis years and of VOC in year 2020 would remain significant under NEPA. Therefore, under NEPA, the mitigated air quality impacts associated with proposed project operations would be significant and
unavoidable. Since residential areas closest to the proposed project site are predominantly minority and have a higher concentration of low-income population relative to Los Angeles County, the elevated ambient concentrations of VOC and NOX would constitute a disproportionately high and adverse effect on minority and low-income populations. In addition, the proposed Project would make a cumulatively considerable contribution to a significant cumulative air quality impact from these pollutants during operation, and this cumulative impact would constitute a disproportionately high and adverse effect on minority and low-income populations.

**Impact AQ-4:** Maximum off-site ambient pollutant concentrations associated with proposed project operations would be significant for NO2 and PM10 under NEPA. With implementation of mitigation measures and lease measures, NO2 and PM10 concentrations would remain significant and unavoidable.

Since residential areas closest to the proposed project site are predominantly minority and have a higher concentration of low-income population relative to Los Angeles County, the elevated ambient concentrations of NO2 and PM10 would constitute a disproportionately high and adverse effect on minority and low-income populations. Adverse human health effects of NO2 and PM10 would be the same as described above under Impact AQ-2.

In addition, the proposed Project would make a cumulatively considerable contribution to a significant cumulative air quality impact on NO2 and PM10 concentrations during operation, and this cumulative impact would constitute a disproportionately high and adverse effect on minority and low-income populations.

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

Increases in toxic emissions from operations of the proposed Project would not result in significant cancer risk impacts (i.e., an increased cancer risk of 10 or more cases in a million), significant chronic noncancer risk impacts (i.e., a chronic hazard index of 1.0 or greater), or significant acute noncancer risk impacts (i.e., an acute hazard index of 1.0 or greater) relative to the NEPA baseline. Therefore, the increased cancer risk, chronic noncancer risk, and acute noncancer risk due to the proposed Project would be less than significant and would not cause disproportionately high and adverse effects on minority and low-income populations.

The *Multiple Air Toxics Exposure Study* (MATES-III) conducted by SCAQMD in 2008 estimated the existing cancer risk from toxic air contaminants in the SCAB to be 1,200 in a million (SCAQMD 2008). MATES-III did not determine acute noncancer risks for the SCAB. Some of these cumulative risks are regional across the areas in the vicinity of the Port. The SCAB includes many areas that do not constitute minority and low-income populations. However, in the *Diesel Particulate Matter Exposure Assessment Study for the Ports of Los Angeles and Long Beach*, CARB estimates that elevated levels of cancer risks due to operational emissions from the Ports of Los Angeles and Long Beach occur within and in proximity to the two Ports (CARB 2006). Noncancer risk due to concentrations of DPM would also occur within and in proximity to the two Ports. While the proposed Project would not cause a significant cancer risk impact as a result of proposed project construction or operations, cancer risk impacts would be considered
significant from a cumulative viewpoint, even with mitigation, due to the elevated risk in proximity of the two Ports and the less-than-significant increases in cancer resulting from the proposed Project. Because the populations closest to the Port of Los Angeles are predominantly minority and low income, elevated cumulative cancer risks would represent a disproportionately high and adverse impact on minority and low-income populations.

As stated in Section 4.2.2.9, non-cancer impacts associated with past, present, and reasonably foreseeable future projects in the proposed project area were assumed to be cumulatively significant impacts. However, the proposed Project would not increase non-cancer chronic or acute impacts above significance thresholds under NEPA; therefore, from a cumulative viewpoint, the proposed Project would not make a considerable contribution to cumulative noncancer chronic or acute health impacts under NEPA and would not result in a disproportionately high and adverse impact on minority and low-income populations.

It should be noted that Port-wide air quality mitigations that will be implemented through the Port’s CAAP and lease measures implemented as part of the proposed Project would reduce the health risks from the proposed Project and other projects at the Port. The San Pedro Bay Standards enacted as part of the CAAP aim to reduce NOx, SOx, and DPM emissions by milestone years in 2014 and 2023. Additionally, the Ports developed a “health-risk reduction standard” that aims to reduce the risk of contracting cancer due to DPM by 85% in the Port region and in communities adjacent to the Ports by 2020. Future rulemaking activities by CARB and EPA also will reduce future cumulative health impacts. Other than a few CAAP measures, these future measures have not been accounted for in the emission calculations or health risk assessment for the proposed Project. Therefore, the extent to which these future measures will reduce cumulative health risk impacts within the proposed project area at the Port is unknown at this time.

**Noise (Section 3.12 and Section 4.2.12)**

As described in Section 3.12.4.2, the significance criteria for noise are the same for both the CEQA and NEPA analyses.

**Impact NOI-1:** The proposed Project would not increase the existing ambient noise levels at any identified noise receptor in the proposed project area by 5 dBA or more; however, noise produced by pile driving during sheet and king pile installation would be 6 dB above the ambient noise level at the nearby liveaboard boat area in the East Basin.

Mitigation measure MM NOI-1, which would require the contractor to use a pile driving system, such as an IHC Hydrohammer SC Series or equivalent; a Bruce hammer (with silencing kit); an IHC Hydrohammer, SC series (with a sound insulation system); or an equivalent silenced hammer that is capable of limiting maximum noise levels at 50 feet from the pile driver to 104 dBA or less during installation of king piles and sheet piles, would reduce the maximum noise levels during installation of king piles and sheet piles.

Mitigation measure MM NOI-2, which would require installation of temporary noise attenuation barriers suitable for pile-driving equipment as needed, would further reduce construction noise. With implementation of mitigation measures MM NOI-1 and MM NOI-2, the proposed Project would not have a significant impact related to noise.

However, the proposed Project could make a cumulatively considerable contribution to a significant cumulative impact at the liveaboard receptors. This cumulative impact would
constitute a disproportionately high and adverse effect on minority and low-income populations.

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

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

Aesthetics and Visual Resources (Section 3.1 and Section 4.2.1)

As described in Section 3.1.4.2, the significance criteria for AES-1, AES-2, AES-3, and AES-4 apply to the CEQA analysis only. Consequently, no finding is made under NEPA relative to the potential for adverse impact on minority and low-income populations for AES-1, AES-2, AES-3, and AES-4.

The significance criterion for AES-5 applies to the NEPA analysis only and is discussed below.

Impact AES-5: The proposed Project and alternatives would be visually consistent (i.e., of similar height, scale, and land use) with the development in the surrounding areas of the Port and thus, from each of the viewpoints analyzed (which included locally designated scenic highways [Front Street and Harbor Boulevard] and public viewpoints [i.e., the Catalina Express terminal and Wilmington Waterfront Park, and Banning’s Landing], residential neighbors in San Pedro, and fleeting views available to motorists traveling on the Vincent Thomas Bridge), would not result in changes to the overall character and quality of the landscape. The proposed Project and alternatives would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to viewer response to the overall visual character and quality of the landscape. Therefore, there would not be a disproportionately high and adverse effect on minority and low-income populations related to this impact.

Air Quality and Meteorology (Section 3.2 and Section 4.2.2)

As described in Section 3.2.4.4, the significance criteria for Air Quality and Meteorology are the same for both the CEQA and NEPA analyses. The region of analysis for air quality impacts is the immediate area of the proposed project site and the surrounding region, represented by the SCAB.
**Impact AQ-5:** Truck trips generated by the proposed Project would affect intersections predicted to operate at a poor Level of Service (LOS) in future years. During periods of near-calm winds, heavily congested intersections can produce elevated levels of CO in their immediate vicinity. Thus, the intersections of Ferry Street and Terminal Way (Intersection A) (midday peak) and Seaside Ave and Navy Way (Intersection B) (P.M. peak) were selected for the CO analysis. Intersection A would operate at the worst LOS (LOS F), and would have the highest volume-to-capacity ratio of any proposed project-affected intersection. Intersection B is also analyzed because it has the highest overall traffic volume of any intersection. Based on a CO hotspots analysis (see Impact AQ-5 in Section 3.2.4.3), the proposed Project would not generate on-road traffic that would contribute to an exceedance of the 1-hour or 8-hour CO standards. The proposed Project would not contribute to a cumulatively significant exceedance of the SCAQMD emission threshold, relative to the NEPA baseline. Therefore, Impact AQ-5 would not result in disproportionately high and adverse effects on minority and low-income populations.

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

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

**Biological Resources (Section 3.3 and Section 4.2.3)**

As described in Section 3.3.4.2, the significance criteria for Biological Resources are the same for both the CEQA and NEPA analyses.

**Impact BIO-1:** Construction and operation of the proposed Project would result in no loss of habitat for rare, threatened, endangered, protected, or candidate species, or Species of Special Concern. Concrete pile driving is anticipated to result in disturbance (Level B harassment) to marine mammals (particularly harbor seals and sea lions) in the vicinity of pile-driving operations. Impacts could be significant; however, impacts on marine mammals resulting from noise associated with pile driving would be further reduced with implementation of standard condition of approval MM BIO-1. This would ensure that marine mammals would be readily able to avoid pile-driving areas, and no injury to marine mammals from pile-driving sounds would be expected. No impacts to critical habitat would occur because no critical habitat is present in the vicinity of the YTI Terminal. Container ships transiting the coastal waters of Southern California could potentially cause harm to endangered or threatened species, or Species of Special Concern, such as marine mammals and sea turtles, from vessel collisions. However, the
likelihood of such a collision is very low; therefore, the potential for impacts to marine mammals is considered less than significant. Mitigation measure MM AQ-9, which reduce proposed project vessel speeds to 12 knots between 40 nm from Point Fermin, would further reduce the potential for vessel strikes. Although considered less than significant because of the low probability of vessel strikes, any increase in vessel traffic caused by the proposed Project may incrementally increase the potential for whale strikes and, thus, make a cumulatively considerable contribution to a cumulative impact. Therefore, the proposed Project could make a cumulatively considerable contribution to a cumulative impact related to the disturbance, injury, or loss of individuals from pile driving and vessel strikes. However, because the cumulative impact would not affect a human population, the significant cumulative impact to marine mammals, Impact BIO-1, would not constitute a disproportionately high and adverse effect on minority and/or low-income populations.

Impact BIO-2: There are no wetlands, giant kelp beds, or eelgrass beds in the vicinity of the YTI Terminal. Based on water quality monitoring data summarized in Impact WQ-1, water quality effects from construction of the proposed Project are expected to be transitory and are not expected to significantly affect any wetlands, kelp beds, or eelgrass beds. There are no mudflats or marshes near the proposed project site that would be affected by construction of the proposed Project. Should eelgrass be found, a plan would be developed to ensure that there would be no net loss of eelgrass habitat, consistent with the Southern California Eelgrass Mitigation Policy (NMFS 1991 as amended). Construction and operational activities on land and in the water would be expected to have localized, temporary, and less-than-significant impacts on EFH and would not alter or substantially reduce EFH. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to reduction or alteration of a state, federally, or locally designated natural habitat, special aquatic site, or plant community, including wetlands. Therefore, Impact BIO-2 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impact BIO-3: No terrestrial wildlife passage/migration corridors are present in the study area. The only defined migratory species in the harbor are birds. Activities within the study area would not block or interfere with migration or movement of any of these species covered under the MBTA, because they would occur in a small portion of the Harbor area where the birds occur and the birds could easily fly around or over the work. During operations, the type of activity that would occur within the Harbor (vessel traffic) would slightly increase to an additional 44 calls per year (compared to existing conditions) by 2015 and would not interfere with wildlife movement or migration within the Harbor. The proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to interference with wildlife passage/migration corridors. Therefore, Impact BIO-3 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impact BIO-4: No substantial disruption of biological communities would result from proposed project construction (Impact BIO-4). With implementation of mitigation measure MM BIO-1 (Avoid marine mammals), the pile driving would initiate with a soft start, which would minimize impacts on fish and marine mammals near construction activities, as they would leave the area, and thus would further reduce impacts related to disruption of biological communities during construction. Operation of the proposed Project has the potential to result in the introduction of non-native marine species into the
harbor via ballast water or vessel hulls and thus could substantially disrupt local biological communities, which would be expected to be a significant impact. 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. New technologies are being explored, and, if methods become available in the future, they would be implemented as required at that time. In addition, there is a remote potential for an accidental vessel spill that could harm biological resources in the harbor or ocean to occur during proposed project operation; however based on compliance with applicable regulations, and the nature and frequency of past spill events (see Section 3.9, Hazards and Hazardous Materials), impacts from accidental spills would be expected to be less than significant. Therefore, the proposed Project could make a cumulatively considerable contribution to a significant cumulative impact related to the introduction of non-native species under CEQA. However, any potential impacts from the introduction of a non-native species would primarily affect marine biological communities, not human populations or the public. Therefore, Impact BIO-4 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impact BIO-5: The proposed Project would not involve fill and thus would not result in permanent loss of marine habitat, including water column and soft-bottom habitats. The proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to permanent loss of marine habitat. Therefore, Impact BIO-5 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Cultural Resources (Section 3.4 and Section 4.2.4)

As described in Section 3.4.4.2, the criteria for determining the significance for cultural resources impacts are different for CEQA and NEPA and were developed from both state (CEQA) and federal (Section 106 of the NHPA) regulations resulting in CR-1, CR-2, and CR-3 impact criteria for each.

Impact CR-1: There are no built environment historical resources in the proposed project area. Thus, the proposed Project would not result in any direct or indirect impacts to built environment historical resources. Because the proposed Project would have no impact on built environment historical resources, they would not make a cumulatively considerable contribution to a significant cumulative impact on built environment historical resources. Therefore, Impact CR-1 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impact CR-2: There are no known prehistoric or archaeological resources or historic resources eligible for listing in the NRHP or CRHR within the proposed project site, and the potential to impact unknown resources is remote given that the proposed Project is located on imported/modern fill material (i.e., dredged material). Although the potential for impacts on unknown archaeological and ethnographic resources is remote, SC CR-1, “Stop Work in the Area if Prehistoric and/or Archaeological Resources are Encountered,” would be applied as a standard condition of approval. Therefore, the proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact on known archaeological or ethnographic resources, and Impact CR-2 would not result in disproportionately high and adverse effects on minority and/or low-income populations.
Impact CR-3: No paleontological resources have been previously identified within the proposed project area, and the potential to encounter fossils or other resources is remote due to the majority of the site being constructed on artificial fill materials that have been previously disturbed. Thus, the proposed Project would have no impact on paleontological resources, and it would not make a cumulatively considerable contribution to a significant cumulative impact on paleontological resources. Therefore, Impact CR-3 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Geology (Section 3.5 and Section 4.2.5)

As described in Section 3.5.3.4, the significance criteria for Geology are the same for both the CEQA and NEPA analyses, with the exception of GEO-9, which is provided for informational purposes only under NEPA.

Impact GEO-1: There would be a minor increase in the exposure of people and property to seismic hazards. The proposed Project lies near the Palos Verdes Fault zone and traces of the fault pass beneath the proposed project area. The Los Angeles region, as with the Southern California region as a whole, cannot avoid earthquake-related hazards, such as liquefaction, ground rupture, ground acceleration, and ground shaking. However, with incorporation of modern construction engineering and safety standards and compliance with current building regulations, impacts due to seismically induced ground failure would be less than significant. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to seismic hazards, and Impact GEO-1 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impact GEO-2: Impacts due to tsunamis and seiches are typical for the entire California coastline and the construction and operation of the proposed Project would not increase them. Localized tsunami-induced flooding is not expected to occur on site given that the lowest deck elevations near the proposed Project are adjacent to the East Basin Channel at approximately 11.2 feet above MSL and are higher than predicted potential tsunami wave heights. Additionally, the Port has implemented measures to minimize potential impacts from seiches or tsunamis, such as the breakwater, constructing facilities at adequate elevation, implementing an emergency notification system, and a lease measure (LM GEO-1) requiring emergency response plan training as part of the LAHD lease requirements. Therefore, Impact GEO-2 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impact GEO-3: The proposed Project would be designed and constructed in compliance with the recommendations of the geotechnical engineer, consistent with applicable sections of the Los Angeles Municipal Code, and in conjunction with criteria established by LAHD and LABC, and would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to subsidence and settlement, and Impact GEO-3 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impact GEO-4: Expansive soil may be present in the proposed project area. Compliance with applicable standards and policies of the LAMC and other applicable
regulations would ensure that the proposed Project would not result in substantial risk to life or property. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to expansive soils, and Impact GEO-4 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

**Impact GEO-5:** Because 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. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to landslides or mudflows, and Impact GEO-5 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

**Impact GEO-6:** Due to implementation of standard engineering and construction practices to manage saturated, collapsible soils, there would not be exposure to substantial adverse effects associated with shallow groundwater and unstable soil conditions. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to shallow groundwater and unstable soil conditions, and Impact GEO-6 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

**Impact GEO-7:** The proposed Project would be designed and constructed using all appropriate construction BMPs and consistent with implementation of all applicable sections of the Los Angeles Municipal Code. Compliance with these BMPs and any applicable standards and policies would ensure that the proposed Project would not result in a substantial risk of soil erosion. Therefore, the impacts related to substantial soil erosion or the loss of topsoil would be less than significant and the proposed Project would not make a cumulatively considerable contribution to a cumulative impact related to soil erosion or the loss of top soil. Impact GEO-7 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

**Impact GEO-8:** Because the proposed project area is relatively flat and paved with no prominent geologic or topographic features, proposed project construction and operation would not result in any distinct and prominent geologic or topographic features being destroyed, permanently covered, or materially and adversely modified. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to the destruction or adverse modification of a prominent geologic or topographic feature, and Impact GEO-8 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

**Impact GEO-9:** The elevation of the proposed project site is above the sea level rise predicted in 2050. Additionally, measures to minimize impacts from seiches or tsunamis, such as the breakwater and constructing facilities at adequate elevation, are currently in place throughout the Port. Further, upon completion of a sea level rise study, LAHD will begin planning for and implementing strategies to address predicted sea level rise to minimize potential future adverse effects on Port operations and access. Therefore, the proposed Project would not expose people or property to substantial risk or injuries related to sea level rise. The sea level rise evaluation is provided for information purposes only under NEPA, and therefore, an impact determination is not applicable.
Regardles, Impact GEO-9 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Greenhouse Gas Emissions (Section 3.6 and Section 4.2.6)

As described in Section 3.6.4.5, in the absence of an adopted or science-based GHG standard, in compliance with the CEQ and USACE NEPA implementing regulations, a significance determination regarding GHG emissions is not made under NEPA. Consequently, no finding is made under NEPA relative to the potential for adverse impact on minority and low-income populations for GHG-1 and GHG-2.

Ground Transportation (Section 3.7 and Section 4.2.7)

As described in Section 3.7.4.4, the significance criteria for TRANS-1 through TRANS-4 are the same for CEQA and NEPA analysis. The significance criterion for TRANS-5 is outside of the Federal Scope of Analysis. Consequently, no finding is made under NEPA relative to the potential for adverse impact on minority and/or low-income populations for TRANS-5.

Impact TRANS-1: Construction activities under the proposed Project could result in temporary increases in traffic volumes and roadway disruptions in the vicinity of a construction site. However, given that most of the traffic associated with construction would occur outside of the peak periods, and that a detailed traffic management plan would be prepared and implemented, the proposed Project would not result in a significant short-term, temporary increase in truck and auto traffic or make a cumulatively considerable contribution to a cumulative impact related to short-term truck and auto traffic. Therefore, Impact TRANS-1 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impact TRANS-2: The proposed Project would result in an increase in the volume/capacity ratio at a number of study locations. However, the amount of proposed project-related traffic that would be added at the study intersection locations would not be of sufficient magnitude to meet or exceed any of the thresholds of significance. Therefore, the proposed Project would not result in significant circulation system impacts, and would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to volume/capacity ratios or level of service at any of the study intersections. Impact TRANS-2 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impact TRANS-3: The proposed Project would result in additional on-site employees; however, the increase in the work-related trips on public transit would not be significant. The proposed project workers generally would not use public transit because of work shift schedule, and none of the existing 12 transit routes that serve the surrounding community stop within one mile of the proposed project site. In addition, parking at the Port is readily available and free for employees, which encourages workers to drive to work. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to an increased demand for public transit services, and Impact TRANS-3 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impact TRANS-4: The proposed Project would result in additional truck trips on the surrounding freeway system; however, the increase in proposed project-related trips...
would not cause any freeway link to operate at LOS F or worse. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to freeway traffic congestion, and Impact TRANS-4 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

**Impact TRANS-5:** The proposed Project would result in additional rail trips; however, based on the informational evaluation of the 2026 Project trains, rail delays at at-grade crossings would not exceed the evaluation criteria. The rail evaluation is provided for informational purposes only under NEPA; therefore, an impact determination is not applicable. Regardless, Impact TRANS-5 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

**Groundwater and Soils (Section 3.8 and Section 4.2.8)**

As described in Section 3.8.4.2, the significance criteria for Groundwater and Soils are the same for both the CEQA and NEPA analyses.

**Impact GW-1:** Soil and groundwater in limited portions of the proposed project site have been affected by hazardous substances, solid waste, and petroleum products, as a result of historic terminal and industrial uses. Further, excavations associated with backland, crane rail, and TICTF improvements could encounter previously unknown soil and/or groundwater contamination. All contaminated soil or groundwater encountered during construction of the proposed Project would be handled, transported, remediated, and/or disposed of in accordance with all applicable federal, state, and local laws and regulations and in accordance with the regulatory lead agency (e.g., DTSC, Los Angeles RWQCB). In addition, with incorporation of lease measures LM GW-1 and LM GW-2, which require remediation of all contamination encountered within the excavation zones and development of a contamination contingency plan to address contamination that could be encountered during construction, impacts would be less than significant. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to hazardous soil and groundwater, and Impact GW-1 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

**Impact GW-2:** Any contaminated soil or groundwater encountered during construction would be remediated in compliance with federal, state, and local requirements, and removal of site contamination prior to development would further minimize the potential for the movement or expansion of existing contamination. The removal of contaminated soil or dewatering of contaminated groundwater would be localized to the site and would not be expected to cause remaining contamination to migrate to off-site areas. Consequently, the proposed Project would not result in expansion of the existing area affected by contaminants and would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to existing contaminants. Therefore, Impact GW-2 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

**Impact GW-3:** Groundwater beneath the proposed project site is non-potable and thus the possible withdrawal of localized groundwater during proposed project construction (e.g., for installation of utility lines or storm drains) would not affect potential potable water supplies. Therefore, the proposed Project would not have a significant impact or
make a cumulatively considerable contribution to a cumulative impact related to potable water levels, and Impact GW-3 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

**Impact GW-4:** The proposed project site is not used to recharge potable groundwater supplies; hence, no reductions in potable groundwater capacity would occur during construction or operation. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to groundwater recharge, and Impact GW-4 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

**Impact GW-5:** No potable water production wells are located near the proposed project site, and thus the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to regulatory water quality standards at an existing production well. Therefore, Impact GW-5 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

### Hazards and Hazardous Materials (Section 3.9 and Section 4.2.9)

As described in Section 3.9.3.2, the significance criteria for Hazards and Hazardous Materials are the same for both the CEQA and NEPA analyses.

**Impact RISK-1:** The proposed Project would be subject to applicable federal, state, and local laws and regulations governing the spill prevention, storage, use, and transport of hazardous materials, as well as emergency response to hazardous material spills, thus minimizing the potential for adverse health and safety impacts. Construction and operation of the proposed Project would comply with applicable safety and security regulations and policies guiding development within the Port and as described in Section 3.9.3.3, construction activities would be conducted using BMPs in accordance with City guidelines. The proposed Project would not substantially increase 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. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to an accidental release or explosion of a hazardous substance, and Impact RISK-1 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

**Impact RISK-2:** Due to the implementation of administrative controls and compliance with existing policies and regulations, which would minimize the potential for spills to affect members of the public, including on-site employees, and confine the adverse impacts of contamination to a relatively small area, the construction and operation of the proposed Project would not substantially increase the probable frequency and severity of consequences to people from exposure to health hazards. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to exposure of people to health hazards, and Impact RISK-2 would not result in disproportionately high and adverse effects on minority and/or low-income populations.
Impact RISK-3: The proposed Project would operate as a container terminal and operations would be subject to emergency response and evacuation systems implemented by the Los Angeles Fire Department (LAFD). Further, construction plans would be reviewed by LAFD to ensure adequate access is maintained throughout the proposed project construction. Therefore, proposed project construction and operations would not interfere with any existing emergency response or emergency evacuation plans or increase the risk of injury or death, and the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to emergency response and evacuation systems. Impact RISK-3 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impact RISK-4: The construction and operation of the proposed Project would comply with all applicable hazardous waste laws, regulations, and policies governing hazardous materials and activities at the Port. All proposed project construction would be completed using standard BMPs and in accordance with LAHD plans and programs, LAFD regulations, Los Angeles Municipal Code requirements, and applicable hazardous waste laws and regulations. Operations at the proposed project site would not conflict with Port Risk Management Plan guidelines. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to applicable hazardous waste laws regulations and policies, and Impact RISK-4 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impact RISK-5: As determined in Section 3.9.9.2, the proposed project site has a low probability and acceptable risk (Risk Code 4) of a large tsunami, and localized tsunami-induced flooding is not expected to occur within the proposed project site. Further, the volume spilled in the event of a tsunami or other seismic risk would likely be less than 10,000 gallons, which is considered “slight.” Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to an increased risk or consequences of an accidental spill associated with tsunami-induced flooding or other seismic event, and Impact RISK-5 does not represent a disproportionately high and adverse effect on minority and/or low-income populations.

Impact RISK-6: The proposed project site is an existing container terminal with substantial throughput, and not a new potential target for terrorists, nor is the proposed Project expected to make the site more attractive to terrorists. The probability of a terrorist attack on the proposed project facilities is not likely to appreciably change and the likelihood of such an event would not be based on proposed project-related throughput, but rather would be based on the intent of the terrorist and his/her desired outcome. Existing Port security measures would counter the potential for increase in unauthorized access to the terminal due to increase in vessel traffic at the terminal as a result of the proposed Project. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to increased risk or consequences of a terrorist attack, and Impact RISK-6 does not represent a disproportionately high and adverse effect on minority and/or low-income populations.
Land Use (Section 3.10 and Section 4.2.10)

As described in Section 3.10.4.2, the significance criteria for Land Use are the same for both the CEQA and NEPA analyses.

**Impact LU-1:** The proposed project site is a container terminal with water-dependent uses and the proposed Project would be consistent with site zoning and land use designations of applicable plans, including the [Q] M3-1 zone designation for the proposed project site, as well as the designated uses in applicable land use plans (Port of Los Angeles Plan and the Port Master Plan). The proposed Project would not result in uses that are inconsistent with adopted land use designations and applicable plans, and thus would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to an adopted land use/density designation. Therefore, Impact LU-1 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

**Impact LU-2:** The proposed Project would be consistent with goals and policies in the City of Los Angeles General Plan and associated Port of Los Angeles Plan, applicable goals in the San Pedro and Wilmington-Harbor City community plans, the PMP, and the Coastal Act. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to adopted environmental goals or policies, and Impact LU-2 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

**Impact LU-3:** The proposed Project’s land use effects would consist of land uses and operations that are similar to those that currently exist on and around Berths 212–224 and other container terminals on Terminal Island, and would not affect the use or development of off-site land uses elsewhere on Terminal Island or in other nearby communities. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to types and/or extent of existing land uses in the proposed project area, and Impact LU-3 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

**Impact LU-4:** The proposed Project is not expected to cause blight-related impacts and would not contribute to the division or isolation of existing residential neighborhoods or communities because it would be confined to Berths 212–224 on Terminal Island. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a significant cumulative impact related to causing secondary impacts to surrounding land uses, and Impact LU-4 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Marine Transportation (Section 3.11 and Section 4.2.11)

As described in Section 3.11.4.2, the significance criterion for Marine Transportation is the same for both the CEQA and NEPA analyses.

**Impact VT-1:** The construction of the proposed Project would require use of marine-based construction equipment to conduct dredging, crane installation, and wharf improvement activities within the East Basin Channel, and the proposed project operation would increase vessel traffic. However, because the Port and terminal operator would follow standard safety precautions and applicable regulations, and there would be
continued use of standard practices, including adherence to HSP speed-limit regulations, adherence to limited-visibility guidelines, VTS monitoring, and Port Tariffs to help to ensure safe transit, the construction equipment and increased operational vessel traffic would not have a significant impact or make a cumulatively considerable contribution to cumulative impact related to marine vessel safety. Therefore, Impact VT-1 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Noise (Section 3.12 and Section 4.2.12)

As described in Section 3.12.4.2, the significance criteria for noise are the same for both the CEQA and NEPA analyses.

Impacts NOI-2: The proposed Project would not create construction noise impacts during prohibited nighttime hours. With the exception of dredging along Berths 214–216 and Berths 217–220, the proposed Project would follow construction hours in accordance with the City of Los Angeles Noise Ordinance (Ordinance No. 144.331). The nighttime dredging of Berths 214–216 and Berths 217–220 would not exceed the nighttime ambient levels (54 dBA $L_{eq}$), and thus would not exceed the significance criteria at these locations at the closest sensitive receptors (liveaboards at the marinas in the East Basin). Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to nighttime noise, and Impact NOI-2 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impacts NOI-3: The proposed Project would not generate noise levels that exceed existing ambient noise levels at sensitive receptors by 5 dBA in CNEL, the significant impact threshold for residential, park, and water recreation uses, with ambient noise levels under normally acceptable and conditionally acceptable conditions. Noise increases associated with on-site terminal operations, increase in container shipments to and from the Port via area rail and roadway corridors, and increased workforce automobile traffic on area roadways would increase noise levels at noise sensitive receptors (liveaboard boats in the Cerritos Channel) by less than 3 dBA. The proposed Project would therefore not result in a significant impact at noise-sensitive receptors or make a cumulatively considerable contribution to a cumulative impact related to noise. Therefore, Impact NOI-2 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Public Services (Section 3.13 and Section 4.2.13)

As described in Section 3.13.4.2, the significance criteria for Public Services and Utilities are the same for both the CEQA and NEPA analyses.

Impact PS-1: The proposed Project would not substantially increase the demand for additional law enforcement officers and/or facilities such that the USCG, LAPD, or Port Police would not be able to maintain an adequate level of service without additional facilities, the construction of which could cause significant environmental effects. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to law enforcement services, and Impact PS-1 would not result in disproportionately high and adverse effects on minority and/or low-income populations.
Impact PS-2: 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. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to fire services, and Impact PS-2 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Utilities (Section 3.14 and Section 4.2.14)

Impact UT-1: The proposed Project would result in a minimal increase of wastewater generation that would not exceed the capacity of existing facilities. Discharge to the sanitary sewer would meet RWQCB requirements, as there is sufficient conveyance capacity to send wastewater to the Terminal Island Water Reclamation Plant (TIWRP) and sufficient capacity at the TIWRP to process the proposed Project’s wastewater. Therefore, the proposed Project would not have a significant impact and would not make a cumulatively considerable contribution to a cumulative impact related to wastewater treatment facilities, and Impact UT-1 would not result in disproportionately high and adverse effects on minority and/or low-income populations after mitigation.

Impact UT-2: The proposed Project would result in increased water demands but would not require new or expanded entitlements. The increased water demand could be accommodated by LADWP as projected in the 2010 Urban Water Management Plan. Therefore, the proposed Project would not have a significant impact and would not make a cumulatively considerable contribution to a cumulative impact related to water demands, and Impact UT-2 would not result in disproportionately high and adverse effects on minority and/or low-income populations after mitigation.

Impact UT-3: The proposed Project would result in minimal increases in surface runoff during construction, which would be minimized by the implementation of a Storm Water Pollution Prevention Plan; however, this increase would not exceed the capacity of existing facilities. During operation, the proposed Project would not increase runoff because operations would occur on existing impervious (i.e., paved) space. Therefore, the proposed Project would not have a significant impact and would not make a cumulatively considerable contribution to a cumulative impact related to surface runoff and storm drain infrastructure, and Impact UT-3 would not result in disproportionately high and adverse effects on minority and/or low-income populations after mitigation.

Impact UT-4: The proposed Project would result in minimal increased solid waste generation that would not exceed the capacity of existing facilities. Although the construction of the proposed Project is expected to result in less than significant impacts to landfill capacity, MM UT-1 and MM UT-2 have been added to minimize impacts to the solid waste stream as a result of debris generated during construction. Therefore, the proposed Project would not have a significant impact and would not make a cumulatively considerable contribution to a cumulative impact related to solid waste, and Impact UT-4 would not result in disproportionately high and adverse effects on minority and/or low-income populations after mitigation.

Impact UT-5: The proposed Project would result in increased demands for electricity and negligible increased demand for natural gas, but would not require new off-site energy supply facilities and distribution infrastructure. Further, construction of the
proposed Project would be competitively bid, which would facilitate efficiency in all construction stages. GHG mitigation measure MM GHG-1 would require the tenant to perform regular energy audits, and MM GHG-2 would require use of LED lighting, which would reduce energy demand associated with operation of the proposed Project. Therefore, the proposed Project would not have a significant impact and would not make a cumulatively considerable contribution to a cumulative impact related to increases in energy demands that would necessitate the construction of new energy supply facilities and distribution infrastructure. Impact UT-5 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Water Quality, Sediments, and Oceanography (Section 3.15 and Section 4.2.15)

As described in Section 3.15.4.2, the significance criteria for Water Quality, Sediments, and Oceanography are the same for both the CEQA and NEPA analyses.

Impact WQ-1: During the construction phase of the proposed Project, dredging and pile installation would not entail any direct or intentional discharges of wastes to waters off the YTI Terminal. Further, the adaptive management of in-water/over-water work and regulatory compliance would keep in-water/over-water proposed project-level and cumulative impacts below the level of significance. Accidental or incidental spills or leaks that occur on land are expected to be contained and cleaned up before any impacts to surface water quality can occur, and the probability of an accidental spill from a construction vessel is low. Runoff from the proposed project site would be controlled under a construction Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (GCASP) requirements and implemented prior to start of any construction activities. Industrial SWPPPs and standard Port BMPs would further reduce potentials for materials from onshore construction activities to be transported off site and enter storm drains. Similarly, upland operations associated with the proposed Project would not result in direct discharges of wastes to Harbor waters. During operations, the potential for in-water vessel spills, illegal discharges, and pollutant leaching from vessel coatings to occur would increase in proportion to the increase in vessel calls. However, through compliance with applicable federal, state, and local regulations related to water quality, including those governing discharge and spill response and containment, the proposed Project would not have a significant impact and would not make a cumulatively considerable contribution to a cumulative impact related to water quality. Therefore, Impact WQ-1 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Impact WQ-2: Most of the terminal is designated by FEMA as Flood Zone X. The site elevations would not change as a result of the proposed Project. Because proposed dredging would not alter the current flood mapping in the channel and because construction of the proposed Project would not increase the potential for flooding at the site, the proposed Project would not substantially increase the potential for people or property to be adversely affected by flooding. Further, because site runoff during a large storm event would flow directly to Harbor waters, the proposed Project would not make a cumulatively considerable contribution to a significant cumulative flooding impact. Therefore, the proposed Project would not have a significant impact and would not make a cumulatively considerable contribution to a cumulative impact related to a substantial increase in the potential for people or property to be adversely affected by flooding, and
Impact WQ-2 would not result in a disproportionately high and adverse effect on minority and/or low-income populations.

**Impact WQ-3:** The proposed Project would not impose barriers to water movement into and out of the waters off the YTI Terminal and thus would not result in permanent alteration of surface water movement. Therefore, the proposed Project would not have a significant impact and would not make a cumulatively considerable contribution to a cumulative impact related to permanent adverse change in movement of surface water in the Harbor, and Impact WQ-3 would not result in a disproportionately high and adverse effect on minority and/or low-income populations.

**Impact WQ-4:** BMPs would be implemented during construction to control erosion and site run-off. The proposed Project would operate on the same footprint as the CEQA and NEPA baselines, and all backlands are already paved; thus, the proposed Project would not result in an increased potential for sediment erosion or deposition. Further, during operations, implementation of BMPs and the Standard Urban Stormwater Mitigation Plans and Lower Impact Development control measures that retain and remove pollutants and solids from site runoff would also help control soil deposition in the Harbor. Thus, proposed project operations would not affect soil erosion or sedimentation in the Harbor or the watershed. Therefore, the proposed Project would not have a significant impact and would not make a cumulatively considerable contribution to a cumulative impact related to increasing rates of soil erosion within onshore portions of the proposed project site and sedimentation within the site or in adjacent properties and receiving waters. Impact WQ-4 would not result in a disproportionately high and adverse effect on minority and/or low-income populations.

### 5.4.2.3 Beneficial Impacts

Under Executive Order 12898, offsetting benefits should also be considered by decision-makers when a project would result in disproportionately high and adverse effects. The proposed Project would create economic benefits in the form of jobs and income (see Chapter 7, Socioeconomics and Environmental Quality). If contaminated soils are encountered during construction, site remediation would result in beneficial environmental impacts (see Section 3.8, Groundwater and Soils).

### 5.4.3 Alternative 1 – No Project

Under Alternative 1, no further Port action or federal action would occur. None of the proposed construction activities would occur in water or in water-side or backland areas. The Port would not implement any terminal improvements. No new cranes would be added and no dredging would occur. The No Project Alternative would not include the 100-foot gauge crane rail extension, expansion of the TICTF on-dock railyard, or backland repairs.

Under the No Project Alternative, the existing YTI Terminal would continue to operate as an approximately 185-acre container terminal. Based on the Port’s throughput projections, the YTI Terminal is expected to operate at its existing capacity of approximately 1,692,000 TEUs in 2026, which would result in 206 annual ship calls.

The No Project Alternative would not preclude future improvements to the proposed project site. However, any future changes in use or new improvements with the potential
to significantly impact the environment would need to be analyzed in a separate environmental document.

The impacts of the No Project Alternative are not analyzed under NEPA, because NEPA requires the analysis of a No Federal Action Alternative (Alternative 2).

5.4.4 Alternative 2 – No Federal Action

The No Federal Action Alternative would involve the same activities as the NEPA baseline and would include only the activities and impacts likely to occur absent further USACE federal approval but could include improvements that require a local action. As such, there would be no incremental difference between the NEPA baseline and Alternative 2. Absent a USACE permit, no dredging, dredged material disposal, in-water pile installation, or crane installation/extension would occur. Although the TICTF expansion could occur absent a USACE permit, it would not occur absent such a permit. This is because the need for the additional rail track is facilitated by peak throughput increases that would result from the ability of the terminal to handle larger ships under the proposed Project. The ability to handle larger ships is facilitated by activities that require a USACE permit (dredging, in-water pile driving, and crane extension).

Therefore, without the activities that allow the terminal to service larger ships, there would be no need to expand the TICTF. The No Federal Action alternative includes only backlands improvements consisting of slurry sealing, deep cold planing, asphalt concrete overlay, restriping, and removal, relocation, or modification of any underground conduits and pipes necessary to complete the repairs. These activities would not change the capacity of the existing terminal.

The site would continue to operate as an approximately 185-acre container terminal where cargo containers are loaded to/from vessels, temporarily stored on backlands, and transferred to/from trucks or on-dock rail. Based on the throughput projections, the YTI Terminal is expected to operate at its existing capacity of approximately 1,692,000 TEUs by 2026. Based on the throughput projections, the No Federal Action Alternative would result in 206 annual ship calls.

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

5.4.5 Alternative 3 – Reduced Project: Improve Berths 217–220 Only

Alternative 3 includes improving Berths 217–220 and expanding the TICTF on-dock rail facility. This alternative does not include conducting the proposed dredging and pile driving at Berths 214–216. The following components of the proposed Project are unchanged under the Reduced Project Alternative:

- Modifying up to six existing cranes;
- Replacing up to four existing non-operating cranes;
- 6,000 cy of dredging from a depth of -45 to -47 feet MLLW (with an additional two feet of overdredge depth, for a total depth of -49 feet MLLW), and installing 1,200
linear feet of sheet piles and king piles to support and stabilize the existing wharf
structure at Berths 217–220;

- disposing of dredged material at LA-2, the Berths 243–245 CDF, or another
  approved upland location;
- Extending the existing 100-foot gauge landside crane rail through Berths 217–220;
- Performing ground repairs and maintenance activities in the backlands area; and
- Expanding the TICTF on-dock rail by adding a single loading track.

Under this alternative, there would be three operating berths after construction, similar to
the proposed Project, but Berths 214–216 would remain at their existing depth. This
alternative would require less dredging (by approximately 21,000 cy) and pile driving
and a shorter construction period than the proposed Project. Based on the throughput
projections, this alternative is expected to operate at its capacity of approximately
1,913,000 TEUs by 2026, similar to the proposed Project. However, while the terminal
could handle similar levels of cargo, the reduced project alternative would not achieve the
same level of efficient operations as achieved by the proposed Project. This alternative
would not accommodate the largest vessels (13,000 TEUs). The depth achieved at Berths
217–220 would only be capable of handling vessels up to 11,000 TEUs, requiring
additional vessels to call on the terminal to meet future growth projections up to the
capacity of the terminal. Therefore, under this alternative, 232 vessels would call on the
terminal in 2020 and 2026, compared to 206 vessels for the proposed Project.
Additionally, because of the higher number of annual vessel calls, this alternative would
result in a maximum of five peak day ship calls (over a 24-hour period) compared to four
for the proposed Project.

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

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

5.4.5.1 Air Quality and Meteorology (Section 3.2 and 4.2.2)

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

Impact AQ-1: Alternative 3 unmitigated emissions for VOC, CO, NOX, and PM2.5 from
construction and overlapping construction and operation would exceed the SCAQMD
daily emission thresholds under NEPA. With implementation of mitigation measures,
impacts would remain significant under NEPA for NOX and CO emissions from
construction and overlapping construction and operations. Therefore, under NEPA, the
mitigated air quality impacts associated with construction of Alternative 3 would be
mitigated. Since residential areas closest to the site are predominantly minority
(Figure 5-1) and have a higher concentration of low-income population relative to Los
Angeles County (Figure 5-2), the elevated ambient concentrations of VOCs, CO, NOX,
and PM2.5 would constitute a disproportionately high and adverse effect on minority and
low-income populations.
In addition, Alternative 3, without mitigation, would make a cumulatively considerable
contribution to a significant cumulative air quality impact associated with emissions of VOCs, CO, NOx, and PM2.5 from construction. After mitigation, Alternative 3 would
make a cumulatively considerable and unavoidable contribution to an existing significant
cumulative impact for NOx and CO under NEPA. Because the area surrounding the
Alternative 3 site is predominantly minority and low income, this cumulative impact
would constitute a disproportionately high and adverse effect on minority and low-
income populations.

**Impact AQ-2:** Alternative 3 construction would result in off-site ambient concentrations
of criteria air pollutants (specifically NO2, PM10, and PM2.5) during construction that
would exceed SCAQMD thresholds of significance. After mitigation, maximum off-site
ambient pollutant concentrations associated with construction only and with the
combined construction and operation of Alternative 3 would be significant under NEPA
for NO2. This finding applies to individual Alternative 3 impacts as well as Alternative
3’s cumulative contribution relative to the NEPA baseline. Although the receptor points
with maximum concentrations would not be in residential areas, residential areas would
experience higher concentrations the closer they are to the site. Since residential areas
closest to the site are predominantly minority (Figure 5-1) and have a higher
concentration of low-income population relative to Los Angeles County (Figure 5-2), the
elevated ambient concentrations of NO2, PM10, and PM2.5 would constitute a
disproportionately high and adverse effect on minority and low-income populations.

Adverse human health effects of NO2 include (a) potential to aggravate chronic
respiratory disease and respiratory symptoms in sensitive groups; and (b) risk to public
health implied by pulmonary and extra-pulmonary biochemical and cellular changes and
pulmonary structural changes. NO2 also contributes to atmospheric discoloration,
although this impact would be regional and would not primarily affect populations closest
to the emission sources. Adverse human health effects associated with PM10 and PM2.5
include (a) excess deaths from short-term and long-term exposures; (b) excess seasonal
declines in pulmonary function, especially in children; (c) asthma exacerbation and
possibly induction; (d) adverse birth outcomes including low birth weight; (e) increased
infant mortality; (f) increased respiratory symptoms in children such as cough and
bronchitis; and (g) increased hospitalization for cardiovascular and respiratory disease
(including asthma) (SCAQMD 2007). These adverse health effects may occur
disproportionately among minority and low-income populations in the vicinity of
Alternative 3 as a result of the elevated ambient concentrations in exceedance of
SCAQMD thresholds.

In addition, Alternative 3 would make a cumulatively considerable contribution to a
significant cumulative air quality impact for NOx, PM10, and PM2.5 pollutant
concentrations during construction. During construction only and during combined
construction and operation, Alternative 3 after mitigation would make a cumulatively
considerable and unavoidable contribution to an existing significant cumulative impact
for NOx under NEPA. Because the nearest residential areas to the proposed project area
are predominantly minority and low income, this cumulative impact would constitute a
disproportionately high and adverse effect on minority and low-income populations.

**Impact AQ-3:** Alternative 3 emissions would exceed the SCAQMD daily threshold for
NOx in all analysis years and for PM2.5, CO, and VOC in years 2020 and 2026. With
implementation of mitigation measures and lease measures, increases of NOx and VOC
in 2020 and 2026 would remain significant. Therefore, under NEPA, the mitigated air
quality impacts associated with Alternative 3 operations would be significant and
unavoidable. Since residential areas closest to the site are predominantly minority and
have a higher concentration of low-income population relative to Los Angeles County,
the elevated ambient concentrations of VOC and NO\textsubscript{X} would constitute a
disproportionately high and adverse effect on minority and low-income populations. In
addition, Alternative 3 could make a cumulatively considerable contribution to a
significant cumulative air quality impact from these pollutants during operation, and this
cumulative impact would constitute a disproportionately high and adverse effect on
minority and low-income populations.

**Impact AQ-4:** Maximum off-site ambient pollutant concentrations associated with
Alternative 3 operations would be significant for NO\textsubscript{2} and PM\textsubscript{10} and significant impacts
under NEPA would occur. With implementation of mitigation measures and lease
measures, NO\textsubscript{2} and PM\textsubscript{10} concentrations would remain significant and unavoidable.

Since residential areas closest to the site are predominantly minority and have a higher
concentration of low-income population relative to Los Angeles County, the elevated
ambient concentrations of NO\textsubscript{2} and PM\textsubscript{10} would constitute a disproportionate high and
adverse effect on minority and low-income populations. Adverse human health effects of
NO\textsubscript{2} and PM\textsubscript{10} would be the same as described above under Impact AQ-2.

In addition, Alternative 3 would make a cumulatively considerable contribution to a
significant cumulative air quality impact on NO\textsubscript{2} and PM\textsubscript{10} concentrations during
operation, and this cumulative impact would constitute a disproportionately high and
adverse effect on minority and low-income populations.

**Impact AQ-7:** Three different types of health effects related to toxic emissions from
operations of the Alternative 3 are assessed: individual lifetime cancer risk, chronic
noncancer hazard index, and acute noncancer hazard index.

Increases in toxic emissions from operations of Alternative 3 would not result in
significant cancer risk impacts (i.e., an increased cancer risk of 10 or more cases in a
million), significant chronic noncancer risk impacts (i.e., a chronic hazard index of 1.0 or
greater), or significant acute noncancer risk impacts (i.e., an acute hazard index of 1.0 or
greater) relative to the NEPA baseline. Therefore, the increased cancer risk, chronic
noncancer risk, and acute noncancer risk due to Alternative 3 would be less than
significant and would not cause disproportionately high and adverse effects on minority
and low-income populations.

The MATES-III conducted by SCAQMD in 2008 estimated the existing cancer risk from
toxic air contaminants in the SCAB to be 1,200 in a million (SCAQMD 2008). MATES-
III did not determine acute noncancer risks for the SCAB. Some of these cumulative
risks are regional across the areas in the vicinity of the Port. The SCAB includes many
areas that do not constitute minority and low-income populations. However, in the
**Diesel Particulate Matter Exposure Assessment Study for the Ports of Los Angeles and
Long Beach**, CARB estimates that elevated levels of cancer risks due to operational
emissions from the Ports of Los Angeles and Long Beach occur within and in proximity
to the two Ports (CARB 2006). Noncancer risk due to concentrations of DPM would also
occur within and in proximity to the two Ports. While Alternative 3 would not cause a
significant cancer risk impact as a result of proposed construction or operations, cancer
risk impacts would be considered significant from a cumulative viewpoint, even with mitigation, due to the elevated risk in proximity of the two Ports, and the less-than-significant increases in cancer resulting from Alternative 3. Because the populations closest to the Port of Los Angeles are predominantly minority and low income, elevated cumulative cancer risks would represent a disproportionately high and adverse impact on minority and low-income populations.

As stated in Section 4.2.2.9, noncancer impacts associated with past, present, and reasonably foreseeable future projects in the proposed project area were assumed to be cumulatively significant impacts. However, Alternative 3 would not increase noncancer chronic or acute impacts above significance thresholds under NEPA; therefore, from a cumulative viewpoint, Alternative 3 would not make a considerable contribution to cumulative noncancer chronic or acute health impacts under NEPA and would not result in a disproportionately high and adverse impact on minority and low-income populations.

It should be noted that Port-wide air quality mitigations that will be implemented through the Port’s CAAP and lease measures implemented as part of Alternative 3 would reduce the health risk impacts from the proposed Project and other projects at the Port. The San Pedro Bay Standards enacted as part of the CAAP aim to reduce NOX, SOX, and DPM emissions by milestone years in 2014 and 2023. Additionally, the Ports developed a “health-risk reduction standard” that aims to reduce the risk of contracting cancer due to DPM by 85% in the Port region and in communities adjacent to the Ports by 2020. Future rulemaking activities by CARB and EPA also will reduce future cumulative health impacts. Other than a few CAAP measures, these future measures have not been accounted for in the emission calculations or health risk assessment for Alternative 3. Therefore, the extent to which these future measures will reduce cumulative health risk impacts within the proposed project area at the Port is unknown at this time.

### 5.4.5.2 Noise (Section 3.12 and Section 4.2.12)

As described in Section 3.12.4.2, the significance criteria for noise are the same for both the CEQA and NEPA analyses.

**Impact NOI-1:** Alternative 3-related construction noise from pile driving would not increase existing ambient noise levels at any identified noise-sensitive receptor in the proposed project vicinity by 5 dBA or more. Thus, Alternative 3 individually would not have a significant impact related to noise. However, the construction noise from pile driving could temporarily increase the ambient noise levels at nearby liveaboard boats and, should construction of other projects in the vicinity occur concurrently, these construction activities could make a cumulatively considerable contribution to a significant cumulative impact at the liveboard boats. Mitigation measures MM NOI-1 and MM NOI-2 would further reduce construction noise; however, even with their implementation, Alternative 3 would make a cumulatively considerable contribution to a significant cumulative impact related to noise at the liveboard receptors. This cumulative impact related to construction noise would constitute a disproportionately high and adverse effect on minority and low-income populations.
5.4.6 Summary of Disproportionate Effects on Minority and/or Low-Income Populations

Table 5-3 summarizes the effects of the proposed Project and alternatives with respect to disproportionately high and adverse effects on minority and/or low-income populations, as described in the detailed discussion in Sections 5.4.3.1 and 5.4.3.2. This table is meant to allow easy comparison between the potential impacts of the proposed Project and alternatives with respect to each resource. Identified potential impacts may be based on federal, state, or City of Los Angeles significance criteria, Port criteria, and the scientific judgment of the report preparers.

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

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

<table>
<thead>
<tr>
<th>Alternative a</th>
<th>Air Quality</th>
<th>Noise</th>
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| Proposed Project | • Criteria pollutant emissions in excess of thresholds from construction and operations.  
• High ambient concentrations of NO₂ and PM₁₀ associated with operations (with mitigation). | • Noise impacts at the liveaboard receptors during pile driving could be cumulatively considerable. |
| Alternative 3 (Reduced Project: Improve Berths 217–220 Only) | • Criteria pollutant emissions in excess of thresholds from construction and operations.  
• High ambient concentrations of NO₂ and PM₁₀ associated with construction and operations (with mitigation). | • Noise impacts at the liveaboard receptors during pile driving could be cumulatively considerable. |

* Table 5-3 does not include Alternative 1 because the impacts of the No Project Alternative are not required to be analyzed under NEPA. NEPA requires the analysis of a No Federal Action Alternative (Alternative 2). Additionally, Table 5-3 does not include Alternative 2 because Alternative 2 is the same as the NEPA baseline and would not result in any impacts under NEPA.

5.5 Public Outreach

The purpose of this Draft EIS/EIR is to inform agencies and the public of significant environmental effects associated with the proposed Project, to describe and evaluate reasonable alternatives to the proposed Project, and to propose mitigation measures that would avoid or reduce the significant effects of the proposed Project and its alternatives.

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

The NEPA NOI was published in the Federal Register on April 5, 2013, and the CEQA NOP was also posted on April 5, 2013 (see Appendix A). Notification of availability of documents is extensive and utilizes a variety of media. Environmental notices are placed in multiple newspapers. Meeting notices are sent to all active community organizations and to anyone who has requested to be on the LAHD environmental documents mailing list. Postcards announcing the document and any public meetings also are sent to all San Pedro and Wilmington addresses. Free copies of documents are provided to community organizations. Notices are also posted on the USACE website, at http://www.spl.usace.army.mil/regulatory/ (click on Port Projects, Port of Los Angeles website), with notices of availability of EIS/EIRs published in the Federal Register.

5.5.1 Alternative Forms of Distribution

This Draft EIS/EIR has been distributed directly to numerous agencies, organizations, and interested groups and persons for comment during the formal review period. The Draft EIS/EIR also has been made available for review at 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 summaries of major environmental documents are provided in Spanish as well as English.

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