

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 modification and redevelopment of entrances, gates and existing backlands, development of Berth 306, development of backlands at Berths 301 and 306, modifications to the existing Power Shop, development of the former LAXT right-of-way, 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 Council on Environmental Quality (CEQ) *Guidance for Environmental Justice Under NEPA* (CEQ 1997). This assessment is also consistent with California state law regarding environmental justice. After implementation of mitigation measures, the proposed Project or an alternative would result in disproportionate effects on minority and/or low-income populations as a result of significant project/alternative and cumulative impacts related to air quality and noise.

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 expand an existing container terminal, and its operations would be consistent with other container terminal and other uses in the Project area.

The proposed Project and Alternatives 3, 4, 5, and 6 would result in potentially significant impacts on minority populations and low-income individuals related to air quality.

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 Council on Environmental Quality (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 located at Pier 300 in the Port of Los Angeles, near the two City of Los Angeles 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 would be borne by low-income and/or minority populations in the affected community when compared to the general population in and around the Project.

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 or Latino refers to an ethnicity, whereas American Indian, Alaskan Native, Asian, Pacific Islander, and Black/African-American (as well as White or European-American) refers to racial categories; thus, for census purposes, individuals classify themselves into racial categories as well as ethnic categories, where ethnic categories include Hispanic/Latino and non-Hispanic/Latino. The 2000 Census (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 USEPA, "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; USEPA, 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 USEPA also suggests using other regional low-income definitions as appropriate (USEPA, 1998, 1999b). 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

1 people are those with a household income of 1.25 times the national census poverty
 2 threshold. The 1.25 ratio is based on application of a methodology developed by the
 3 National Academy of Sciences (Citro and Michael, 1995) and incorporates detailed data
 4 about fair market rents over the period 1999-2007 for Los Angeles County from the U.S.
 5 Department of Housing and Urban Development (HUD, 2007). Appendix G.1 of the
 6 HUD report contains a detailed description of the method used to derive the low-income
 7 definition.

8 To establish context for this environmental justice analysis, race and ethnicity
 9 (i.e., minority) and income characteristics of the population residing in the vicinity of the
 10 APL Terminal site were reviewed. Table 5-1 presents population, minority, and
 11 low-income status from the 2000 Census and the Los Angeles City Planning Department
 12 for Wilmington, San Pedro, Los Angeles County, and the City of Los Angeles, and
 13 California. The table also presents similar data for other cities in the general vicinity of
 14 the Port. Los Angeles County is used as the comparison population because it is
 15 considered representative of the general population that could be affected by the proposed
 16 Project or an alternative.

Table 5-1: Minority and Low-Income Populations

Place	Total Population	Percent Minority Population	Percent Low-Income Population
California	33,871,648	53.4	19.2
Los Angeles County	9,519,338	69.1	23.9
City of Los Angeles	3,694,834	70.4	29.1
San Pedro	76,028	55.3	22.5
Wilmington	75,215	87.1	32.2
<i>Nearby Cities</i>			
Carson	89,730	88.0	13.4
Lomita	20,046	46.4	15.5
Long Beach	461,522	66.9	29.8
Palos Verdes Estates	13,340	23.9	2.2
Rancho Palos Verdes	41,145	36.9	3.5
Rolling Hills	1,871	23.5	1.3
Rolling Hills Estates	7,676	29.4	3.3
Torrance	137,946	47.6	8.8
West Carson	21,138	70.7	13.3

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

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

1 exists if the percent minority exceeds 50 percent. Wilmington has a low-income
 2 population concentration, but San Pedro does not, compared to Los Angeles County.

3 Figure 5-1 shows the percentage of minority residents in census block groups
 4 surrounding the proposed Project site and the Port, and Figure 5-2 shows the percentage
 5 of low-income residents in the same area. Table 5-2 presents data for the 37 census tracts
 6 shown in Figures 5-1 and 5-2.

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

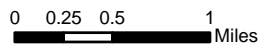
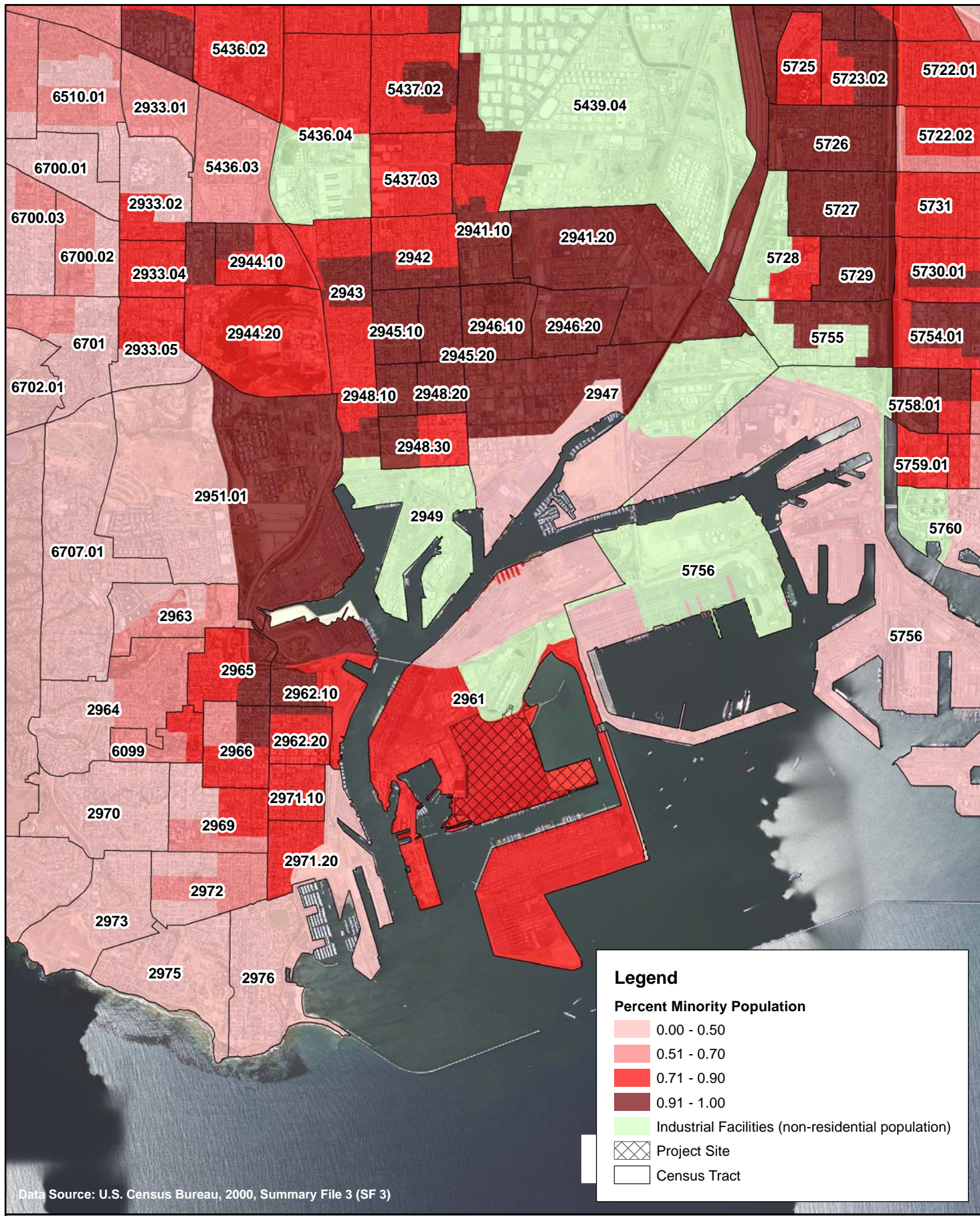
Census Tract	Total Population	Percent Minority Population	Percent Low-Income Population
Los Angeles County	9,519,338	68.9	23.9
Los Angeles City	3,694,820	70.3	29.1
Long Beach City	461,522	66.9	29.8
2933.01	2,977	66.3	8.7
2933.02	4,302	65.3	15.3
2933.04	4,207	81.5	29.2
2933.05	4,660	64.4	20.5
2941.10	4,060	90.9	19.4
2941.20	2,529	98.4	23.5
2942	4,425	88.1	24.3
2943	7,059	88.9	32.6
2944.10	3,854	84.0	34.3
2944.20	3,270	88.2	38.0
2945.10	4,266	95.6	36.9
2945.20	3,609	93.8	35.2
2946.10	3,875	93.2	27.7
2946.20	3,931	97.9	35.0
2947	3,270	93.1	52.9
2948.10	4,039	97.7	42.9
2948.20	3,555	96.7	51.5
2948.30	3,274	96.1	48.1
2949	3,262	95.6	50.3
2951.01	5,188	34.1	8.5
2961	1,434	68.0	31.0
2962.10	2,858	92.3	42.9
2962.20	3,605	91.2	62.7
2963	4,348	52.2	13.2
2964	6,294	42.8	8.9
2965	3,796	85.5	26.3
2966	5,200	79.3	36.8
2969	8,250	65.1	28.6
2970	5,482	32.3	11.0
2971.10	4,547	79.4	48.1
2971.20	3,358	77.6	39.6

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

Census Tract	Total Population	Percent Minority Population	Percent Low-Income Population
2972	8,011	51.7	18.1
2973	2,886	30.5	7.4
2975	3,324	29.5	8.6
2976	6,572	40.0	13.3
5436.02	7,232	70.8	10.1
5436.03	4,116	62.4	9.0
5436.04	5,162	86.4	7.0
5437.02	6,354	85.2	14.1
5437.03	3,617	84.3	11.1
5439.04	4,426	96.0	26.1
5722.01	6,457	77.2	14.0
5722.02	3,713	79.2	12.3
5723.02	3,502	93.4	27.5
5725	3,700	78.5	49.7
5726	5,130	94.4	15.0
5727	5,495	95.4	20.0
5728	263	87.8	71.9
5729	3,310	97.3	42.2
5730.01	7,108	88.4	44.9
5731	7,291	87.5	33.9
5754.01	5,476	95.4	63.7
5755	252	78.2	53.4
5756	46	84.8	0.0
5758.01	2,721	93.5	52.6
5759.01	3,825	85.2	44.1
5760	445	60.4	33.2
6099	1,678	65.9	20.2
6510.01	5,057	46.5	6.3
6514	1,150	28.7	5.2
6700.01	3,244	42.9	11.3
6700.02	3,773	50.0	14.5
6700.03	6,037	42.5	11.8
6701	6,484	48.0	19.6
6702.01	3,889	25.7	2.3
6705	1,871	23.5	1.3
6707.01	6,777	32.9	5.1
Census Tract TOTAL	270,084	66.2	22.2

Source: U.S. Census Bureau, 2000

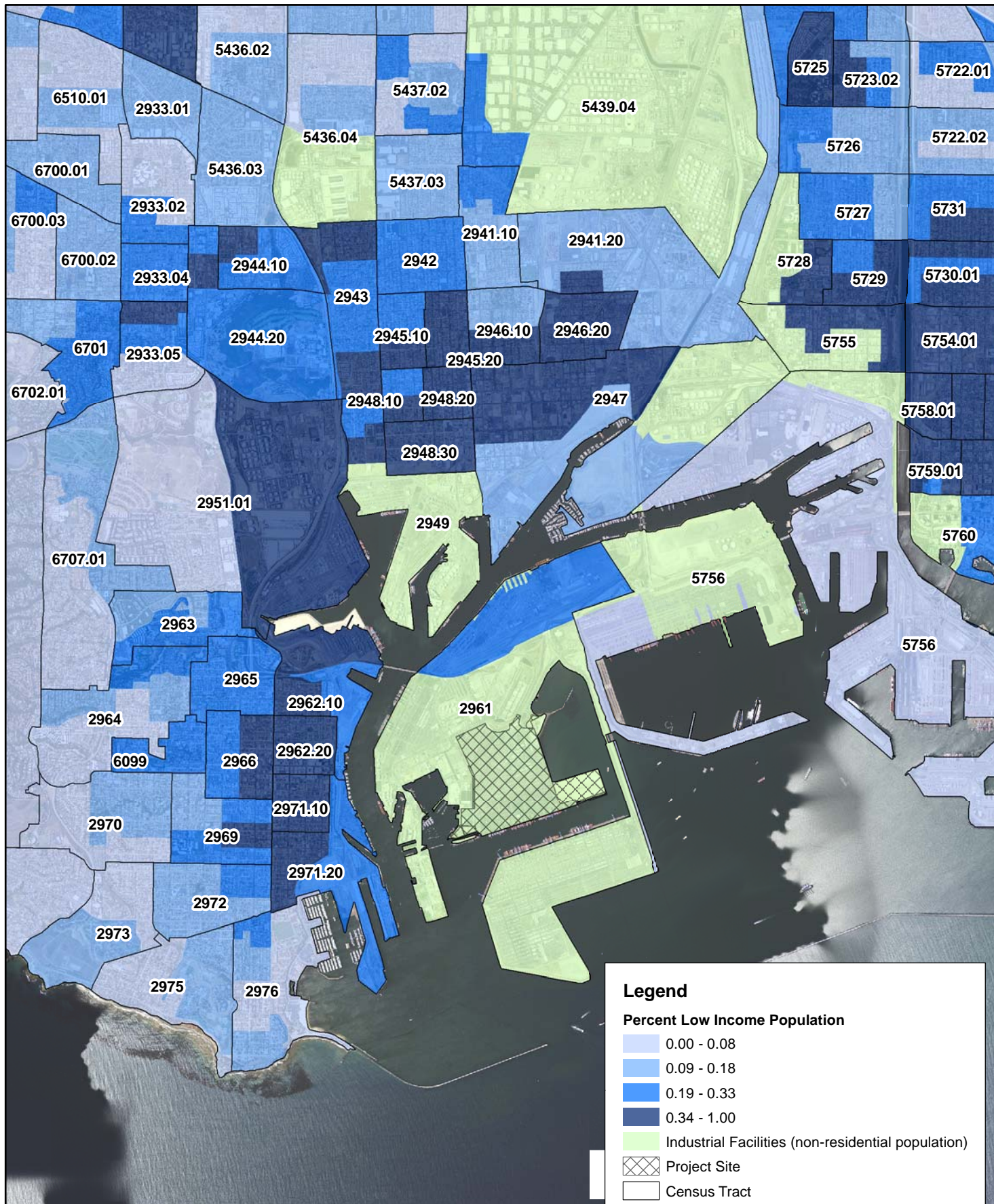
1
2
3



Port of Los Angeles
Berths 302 - 306 [APL] Container Terminal Project

Percent Minority Population
Figure 5-1





Data Source: U.S. Census Bureau, 2000, Summary File 3 (SF 3)



0 0.25 0.5 1 Miles

**Port of Los Angeles
Berths 302 - 306 [APL] Container Terminal Project**

**Percent Low Income Population
Figure 5-2**



5.3 Applicable Regulations

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

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

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

The USEPA defines “environmental justice” as follows:

The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. (USEPA, 1998)

The USEPA defines “fair treatment” as follows:

No group of people, including a racial, ethnic, or a socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. (USEPA, 1998)

The USEPA defines “meaningful involvement” as follows:

- 1) Potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health;*
- 2) The public’s contribution can influence the regulatory agency’s decision;*
- 3) The concerns of all participants involved will be considered in the decision making process; and*
- 4) The decision-makers seek out and facilitate the involvement of those potentially affected. (USEPA, 1998)*

1 Finally, the USEPA defines “disproportionately high and adverse effect” (or “impact”) as
2 follows:

3 *An adverse effect or impact that: (1) is predominately borne by any segment*
4 *of the population, including, for example, a minority population and/or a*
5 *low-income population; or (2) will be suffered by a minority population*
6 *and/or low-income population and is appreciably more severe or greater in*
7 *magnitude than the adverse effect or impact that will be suffered by a non-*
8 *minority population and/or non-low-income population. (USEPA, 1998)*

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

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

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

5.3.2 Council on Environmental Quality: Environmental Justice – Guidance Under the National Environmental Policy Act

While the USEPA has lead responsibility for implementation of Executive Order 12898 as chair of the IWG on Environmental Justice, the CEQ has oversight of the federal government's compliance with this Executive Order and NEPA. CEQ, in consultation with the USEPA 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 proscribe a specific format for environmental justice assessments in the context of NEPA documents. However, CEQ identifies the following six general principles intended to guide the integration of environmental justice assessment into NEPA compliance, and which are applicable to the proposed Project and its alternatives (CEQ, 1997):

- 1) Agencies should consider the composition of the affected area, to determine whether minority populations, low-income populations, or Indian tribes are present in the area affected by the proposed action and, if so, whether there may be disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, or Indian tribes.
- 2) Agencies should consider relevant public health data and industry data concerning the potential for multiple or cumulative exposure to human health or environmental hazards in the affected population and historical patterns of exposure to environmental hazards, to the extent such information is reasonably available. For example, data may suggest there are disproportionately high and adverse human health or environmental effects on a minority population, low-income population, or Indian tribe from the agency action. Agencies should consider these multiple, or cumulative effects, even if certain effects are not within the control or subject to the discretion of the agency proposing the action.
- 3) Agencies should recognize the interrelated cultural, social, occupational, historical, or economic factors that may amplify the natural and physical environmental effects of the agency's proposed action. These factors should include the physical sensitivity of the community or population to particular impacts; the effect of any disruption on the community structure associated with the proposed action; and the nature and degree of impact on the physical and social structure of the community.
- 4) Agencies should develop effective public participation strategies. Agencies should, as appropriate, acknowledge and seek to overcome linguistic, cultural, institutional, geographic, and other barriers to meaningful participation, and should incorporate active outreach to affected groups.

- 1 5) Agencies should assure meaningful community representation in the process.
2 Agencies should be aware of the diverse constituencies within any particular
3 community when they seek community representation and should endeavor to have
4 complete representation of the community as a whole. Agencies also should be
5 aware that community participation must occur as early as possible if it is to be
6 meaningful.
- 7 6) Agencies should seek tribal representation in the process in a manner that is consistent
8 with the government-to-government relationship between the United States and tribal
9 governments, the federal government’s trust responsibility to federally recognized
10 tribes, and any treaty rights.

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

17 **5.3.3 California Government Code Sections 65041-65049; Public** 18 **Resources Code Sections 71110-71116**

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

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

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

- 35 ▪ Conduct programs, policies, and activities that substantially affect human health or
36 the environment in a manner that ensures the fair treatment of people of all races,
37 cultures, and income levels, including minority populations and low-income
38 populations of the state.
- 39 ▪ Promote enforcement of all health and environmental statutes within Cal/EPA’s
40 jurisdiction in a manner that ensures the fair treatment of people of all races, cultures,
41 and income levels, including minority populations and low-income populations of the
42 state.
- 43 ▪ Ensure greater public participation in the agency’s development, adoption, and
44 implementation of environmental regulations and policies.

- 1 ▪ Improve research and data collection for programs within the agency relating to the
- 2 health and environment of minority populations and low-income populations of the
- 3 state.
- 4 ▪ Coordinate efforts and share information with the USEPA.
- 5 ▪ Identify differential patterns of consumption of natural resources among people of
- 6 different socio-economic classifications for programs within the agency.
- 7 ▪ Consult with and review any information received from the IWG pursuant to
- 8 developing an agency-wide strategy for Cal/EPA.
- 9 ▪ Develop a model environmental justice mission statement for Cal/EPA’s boards,
- 10 departments, and offices.
- 11 ▪ Consult with, review, and evaluate any information received from the IWG pursuant
- 12 to the development of its model environmental justice mission statement.
- 13 ▪ Develop an agency-wide strategy to identify and address any gaps in existing
- 14 programs, policies, or activities that may impede the achievement of environmental
- 15 justice.

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

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

29 **5.3.4 City of Los Angeles General Plan**

30 The City of Los Angeles General Plan has adopted environmental justice policies as
 31 outlined in the Framework Element and the Transportation Element; these policies are
 32 summarized below. The Framework Element is a “strategy for long-term growth which
 33 sets a citywide context to guide the update of the community plan and citywide elements”
 34 (City of Los Angeles, 1996).

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

41

1 The Transportation Element includes a policy to “assure the fair and equitable treatment
2 of people of all races, cultures, incomes, and education levels with respect to the
3 development and implementation of citywide transportation policies and programs,
4 including affirmative efforts to inform and involve environmental groups, especially
5 environmental justice groups, in the planning and monitoring process through notification
6 and two-way communication” (City of Los Angeles, 1996a)

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

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

15 **5.3.5 South Coast Air Quality Management District: 16 Environmental Justice Program**

17 In 1997, the SCAQMD adopted a set of guiding principles on environmental justice,
18 addressing the rights of area citizens to clean air, the expectation of government
19 safeguards for public health, and access to scientific findings concerning public health.
20 Subsequent follow-up plans and initiatives led to the SCAQMD Board’s approval in
21 2003-04 of an *Environmental Justice Workplan* (Workplan). SCAQMD intends to
22 update its Workplan as needed to reflect ongoing and new initiatives.

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

29 **5.4 Assessment**

30 **5.4.1 Methodology**

31 The following methodology and assessment addresses the potential for the proposed
32 Project and its alternatives to have disproportionately high and adverse human health and
33 environmental effects on low-income and/or minority populations. It is provided in
34 compliance with federal *Executive Order 12898: Federal Actions to Address*
35 *Environmental Justice in Minority and Low-Income Populations* and CEQ’s
36 *Environmental Justice Guidance Under the National Environmental Policy Act*
37 (CEQ, 1997). This Draft EIS/EIR will include an environmental justice analysis for both
38 federal and non-federal actions associated with the proposed Project and its alternatives.
39 However, as such analysis is not required under CEQA, the determinations apply to
40 NEPA only. Though in general, the impact determinations are similar for both NEPA
41 and CEQA.

1 The methodology for conducting the impact analysis for environmental justice includes
2 reviewing impact conclusions under NEPA for each of the resources sections in this Draft
3 EIS/EIR, as well as the cumulative analysis in Sections 4.2.1 through 4.2.14. If the Draft
4 EIS/EIR identifies significant impacts or a cumulatively considerable contribution to a
5 cumulatively significant impact, or otherwise identifies impacts considered to be high and
6 adverse under NEPA, an evaluation would be conducted to determine if the impacts
7 would result in disproportionately high and adverse effects on minority populations or
8 low-income populations.

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

- 20 ■ Whether there is or would be an impact on the natural or physical environment that
21 significantly (as employed by NEPA) and adversely affects a minority population,
22 low-income population, or Indian tribe. Such effects may include ecological, cultural,
23 human health, economic, or social impacts on minority communities, low-income
24 communities, or Indian tribes when those impacts are interrelated to impacts on the
25 natural or physical environment;
- 26 ■ Whether the environmental effects are significant (as employed by NEPA) and are or
27 may be having an adverse impact on minority populations, low-income populations,
28 or Indian tribes that appreciably exceeds or is likely to appreciably exceed those on
29 the general population or other appropriate comparison group; and
- 30 ■ Whether the environmental effects (as addressed under NEPA) occur or would occur
31 in a minority population, low-income population, or Indian tribe affected by
32 cumulative or multiple adverse exposures from environmental hazards.
- 33 ■ Findings for project-level impacts and the contribution of the proposed Project or an
34 alternative to cumulative impacts (as addressed under NEPA) will be reviewed to
35 determine which impacts were significant, or represented cumulatively considerable
36 contributions to cumulatively significant impacts, and would therefore require
37 environmental justice analysis.
- 38 ■ For impacts that would be less than significant and also less than cumulatively
39 considerable, or would be classified as "No Impact" (and therefore also not
40 cumulatively considerable) (as addressed under NEPA), further evaluation of the
41 potential for disproportionately high and adverse effects on minority and/or low-
42 income populations would not be needed because impacts that would not be
43 significant would not have the potential to result in such disproportionate effects.
- 44 ■ Findings of significant impacts or cumulatively considerable contributions to
45 cumulatively significant impacts (as addressed under NEPA) will be reviewed to
46 determine whether those impacts could cause substantial effects on human

1 populations (i.e., the public), as opposed to primarily affecting the natural or physical
2 environment and/or resulting in limited public exposure. Significant impacts that are
3 not associated with substantial effects on human populations would not result in
4 disproportionately high and adverse effects on minority and/or low-income
5 populations. However, for disclosure purposes, these significant impacts will be
6 summarized in order to facilitate public involvement and review by potentially
7 affected minority and/or low-income populations in the vicinity of the Project.

- 8 ■ For findings of significant impacts that would affect the public, mitigation measures
9 were considered to determine whether adverse effects would still be significant (as
10 defined by NEPA) after mitigation measures are implemented. If the impact would
11 be less than significant after mitigation – or, in the case of a cumulative contribution,
12 if the contribution would be less than cumulatively considerable after mitigation –
13 then the impact was documented for disclosure purposes, but detailed analysis to
14 determine if the impact or contribution would occur disproportionately on low-
15 income and/or minority populations was not undertaken.
- 16 ■ If the impact would be significant and unavoidable (as addressed under NEPA) – or
17 the contribution to cumulative impacts would be cumulatively considerable and
18 unavoidable (as addressed under NEPA) – then the impact will be further evaluated
19 to determine whether it would result in disproportionately high and adverse human
20 health or environmental effects on minority and/or low-income populations. If the
21 specific location of the impact is identified, the population demographics of the
22 affected area would be estimated using data from the 2000 Census¹. In cases where
23 the boundaries of the impacted area are not known, conclusions will be drawn based
24 on available information. In cases where data limitations would not allow a full
25 evaluation, this fact will be identified.
- 26 ■ In cases where the minority and low-income characteristics of populations in the
27 impacted area could be estimated, the impact area characteristics were compared to
28 data for the general population (i.e., Los Angeles County). If the minority population
29 in the adversely affected area is greater than 50 percent or if either the minority
30 percentage or the low-income percentage of the population in the adversely affected
31 area is meaningfully greater than that of the general population, disproportionate
32 effects on minority or low-income populations could occur. (“Meaningfully greater”
33 is not defined in CEQ or USEPA guidance; for this analysis, “meaningfully greater”
34 is interpreted to mean simply “greater,” which provides for a conservative analysis).
35 In addition, disproportionate effects could also occur in cases where impacts are
36 predominantly borne by minority or low-income populations.
- 37 ■ Proposed Project/alternative benefits will also be considered to determine whether
38 adverse effects would still be appreciably more severe or of greater magnitude after
39 these other elements are considered. In addition, if significant unavoidable impacts
40 or contributions to cumulatively significant impacts are determined to be
41 disproportionate, the identified mitigation measures would be reviewed to determine
42 whether they would be effective in avoiding or reducing the impacts on minority
43 and/or low-income populations. If necessary, additional mitigation measures will be
44 considered.

¹ Data from the 2010 census is not yet available at a census tract level and therefore the 2000 census data is the most recent available at this level of detail. It is anticipated that the distribution of minority and low income populations under the 2010 census would be similar to that of the 2000 census and as such, would not change the analysis presented herein.

1 The discussion will also address public comments concerning environmental justice.
 2 That discussion would be followed by the analysis of environmental justice for the
 3 Proposed Project and cumulative effects, followed by the six alternatives, including the
 4 No Project Alternative (Alternative 1) and No Federal Action Alternative (Alternative 2).

5 5.4.2 Proposed Project and Cumulative Effects

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

- 11 ▪ Include a Health Impact Assessment, including non-cancer health effects (See
 12 Section 3.2, Air Quality, Meteorology and Greenhouse Gases)
- 13 ▪ Address concerns over air quality and noise as a result of the project (See Sections
 14 3.2 and 3.11 respectively)
- 15 ▪ Address concerns over traffic as a result of the project, including impacts to nearby
 16 highway-rail crossing and evacuation routes (See Section 3.6, Ground Transportation
 17 and Circulation)
- 18 ▪ Address aesthetic impacts (See Section 3.1, Aesthetics and Visual Resources)
- 19 ▪ Create more natural habitat areas to replace industrial land (i.e. trees) (See
 20 Section 3.3, Biological Resources)
- 21 ▪ Address housing values and blight (See Chapter 7, Socioeconomics).

22 5.4.2.1 Evaluation of Disproportionately High and Adverse Effects on 23 Minority and/or Low-Income Populations

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

30 Air Quality, Meteorology and Greenhouse Gases (Section 3.2 and 31 4.2.2)

32 As described in Section 3.2.4.2, the significance criteria for Air Quality, Meteorology and
 33 Greenhouse Gases are the same for both the CEQA and NEPA analyses, with the
 34 exception of AQ-9 which is provided for informational purposes only under NEPA. The
 35 region of analysis for air quality impacts is the area immediately adjacent to the proposed
 36 Project site in addition to the surrounding region as represented by the South Coast Air
 37 Basin.

- 38 ▪ **Impact AQ-1:** Proposed Project unmitigated emissions for VOC, CO, NO_x, PM₁₀,
 39 and-PM_{2.5} from construction would be greater than the NEPA baseline and would
 40 exceed the SCAQMD daily emission thresholds. With implementation of mitigation
 41 measures, impacts would remain significant. Therefore, from a NEPA perspective,
 42 the mitigated air quality impacts associated with construction of the proposed Project

1 would be significant. Since residential areas closest to the proposed Project site are
2 predominantly minority (Figure 5-1) and have a concentration of low-income
3 population relative to Los Angeles County (Figure 5-2), the elevated ambient
4 concentrations of VOCs, CO, NO_x, PM₁₀, and PM_{2.5} would constitute a
5 disproportionately high and adverse effect on minority and low-income populations.

6 In addition, the proposed Project would make a cumulatively considerable
7 contribution to a significant cumulative air quality impact associated with emissions
8 of VOCs, CO, NO_x, PM₁₀, and PM_{2.5} from construction. Because the area
9 surrounding the proposed Project site is predominantly minority and low income, this
10 cumulative impact would constitute a disproportionately high and adverse effect on
11 minority and low-income populations.

- 12 ■ **Impact AQ-2:** Proposed Project construction would result in off-site ambient
13 concentrations of criteria air pollutants (specifically NO₂, PM₁₀, and PM_{2.5} criteria
14 during construction that would exceed SCAQMD thresholds of significance, even
15 after implementation of mitigation measures). This finding applies to individual
16 Project impacts as well as the proposed Project's cumulative contribution relative to
17 the NEPA baseline. Although the receptor points with maximum concentrations
18 would not be in residential areas, residential areas would experience higher
19 concentrations the closer they are to the proposed Project. Since residential areas
20 closest to the proposed Project site are predominantly minority (Figure 5-1) and have
21 a concentration of low-income population relative to Los Angeles County
22 (Figure 5-2), the elevated ambient concentrations of NO₂, PM₁₀ and PM_{2.5} would
23 constitute a disproportionately high and adverse effect on minority and low-income
24 populations.

25 Adverse human health effects of NO₂ include (a) potential to aggravate chronic
26 respiratory disease and respiratory symptoms in sensitive groups and (b) risk to
27 public health implied by pulmonary and extra-pulmonary biochemical and cellular
28 changes and pulmonary structural changes. NO₂ also contributes to atmospheric
29 discoloration, although this impact would be regional and would not primarily affect
30 populations closest to the emission sources. Adverse human health effects associated
31 with PM₁₀ and PM_{2.5} include (a) excess deaths from short-term and long-term
32 exposures; (b) excess seasonal declines in pulmonary function, especially in children;
33 (c) asthma exacerbation and possibly induction; (d) adverse birth outcomes including
34 low birth weight; (e) increased infant mortality; (f) increased respiratory symptoms in
35 children such as cough and bronchitis; and (g) increased hospitalization for
36 cardiovascular and respiratory disease (including asthma) (SCAQMD, 2007). These
37 adverse health effects may occur disproportionately among minority and low-income
38 populations in the vicinity of the proposed Project as a result of the elevated ambient
39 concentrations in exceedance of SCAQMD thresholds.

40 In addition, the proposed Project would make a cumulatively considerable
41 contribution to a significant cumulative air quality impact NO_x, PM₁₀, and PM_{2.5}
42 pollutant concentrations during construction. Because the nearest residential areas to
43 the proposed Project Area are predominantly minority and low income, this
44 cumulative impact would constitute a disproportionately high and adverse effect on
45 minority and low-income populations.

- 46 ■ **Impact AQ-3:** Proposed Project peak daily emissions of VOC, CO, NO_x, and PM_{2.5}
47 in 2015, 2020, 2025, and 2027 and PM₁₀ in 2020, 2025, and 2027 would be greater
48 than the NEPA baseline. Peak daily emissions of SO_x would also be greater than the

1 NEPA baseline in 2025 and 2027. Increases would exceed the SCAQMD daily
2 emission thresholds. With implementation of mitigation measures and lease
3 measures, increases of VOC, CO, NO_x, and PM_{2.5} in 2015, 2020, 2025, and 2027, in
4 addition to PM₁₀ in 2020, 2025, and 2027 would remain significant. Therefore, from
5 a NEPA perspective, the mitigated air quality impacts associated with proposed
6 Project operations would be significant and unavoidable. Since residential areas
7 closest to the proposed Project site are predominantly minority and have a
8 concentration of low-income population relative to Los Angeles County, the elevated
9 ambient concentrations of VOC, CO, NO_x, PM₁₀, and PM_{2.5} would constitute a
10 disproportionately high and adverse effect on minority and low-income populations.
11 In addition, the proposed Project would make a cumulatively considerable
12 contribution to a significant cumulative air quality impact from these pollutants
13 during operation, and this cumulative impact would constitute a disproportionately
14 high and adverse effect on minority and low-income populations.

- 15 ■ **Impact AQ-4:** Maximum off-site ambient pollutant concentrations associated with
16 proposed Project operations would be significant for NO₂ and PM_{2.5} and significant
17 impacts under NEPA would occur. Implementation of mitigation measures and lease
18 measures would reduce PM_{2.5} concentrations to less than significant levels, but NO₂
19 concentrations would remain significant and unavoidable.

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

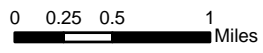
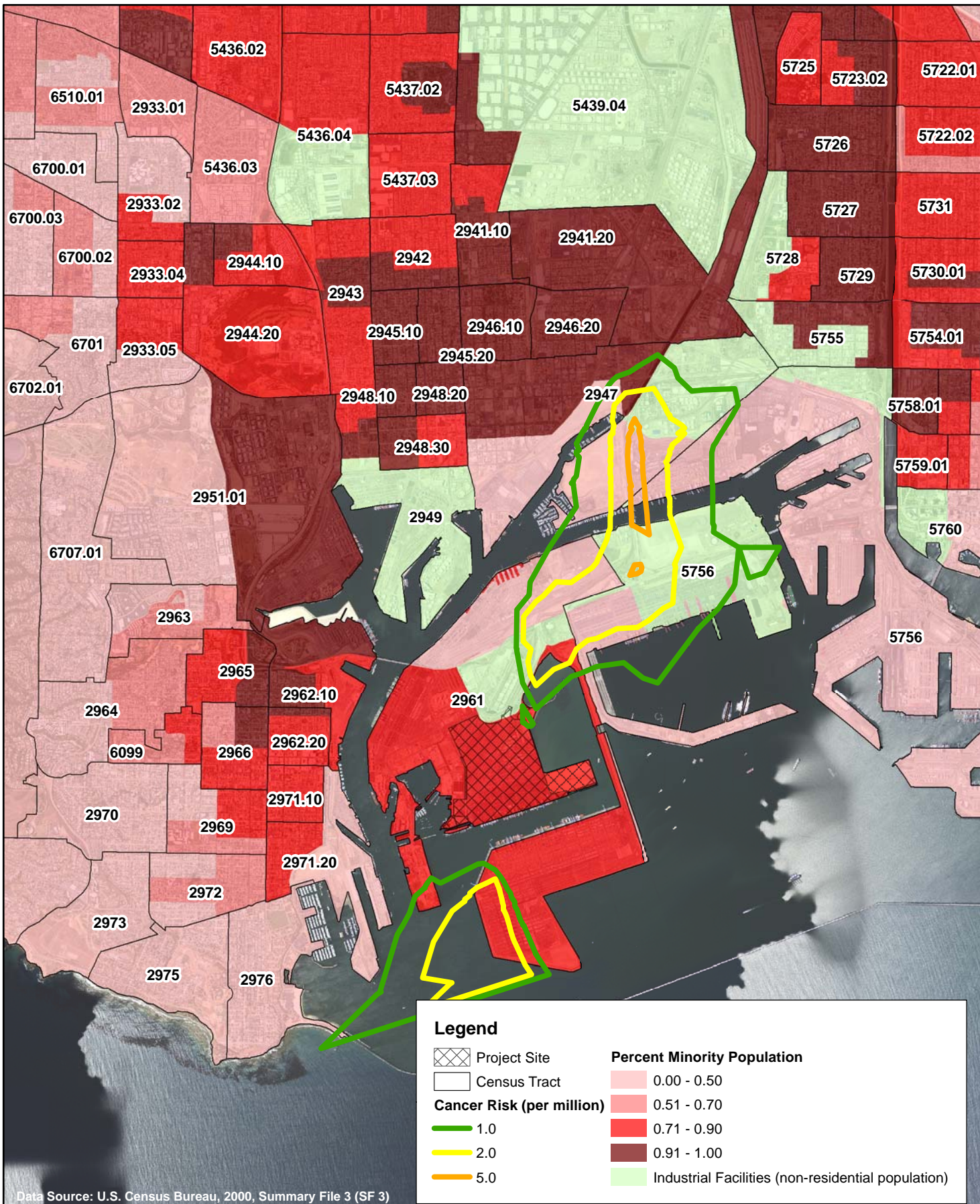
26 In addition, the proposed Project would make a cumulatively considerable
27 contribution to a significant cumulative air quality impact on NO₂ and PM_{2.5}
28 concentrations during operation, and this cumulative impact would constitute a
29 disproportionately high and adverse effect on minority and low-income populations.

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

33 After implementation of mitigation measures, increases in toxic emissions from
34 operations of the proposed Project would not result in significant cancer risk impacts
35 (i.e., an increased cancer risk of 10 or more cases in a million) or in significant
36 chronic noncancer risk impacts (i.e. a chronic hazard index of 1.0 or greater)
37 compared to the NEPA baseline. Therefore, the increased cancer risk and chronic
38 noncancer risk due to the proposed Project would be less than significant and would
39 not cause disproportionately high and adverse effects on minority and low-income
40 populations.

41 The proposed Project would have significant effects on acute noncancer risks (i.e. an
42 acute hazard index of 1.0 or greater) relative to the NEPA baseline. Because the
43 populations closest to the proposed Project site are predominantly minority and
44 low-income, this elevated acute noncancer risk would represent a disproportionately
45 high and adverse impact on minority and low-income populations. Figures 5-3
46 through 5-6 illustrate the mitigated cancer and chronic non-cancer impacts on the
47 areas surrounding the proposed Project.

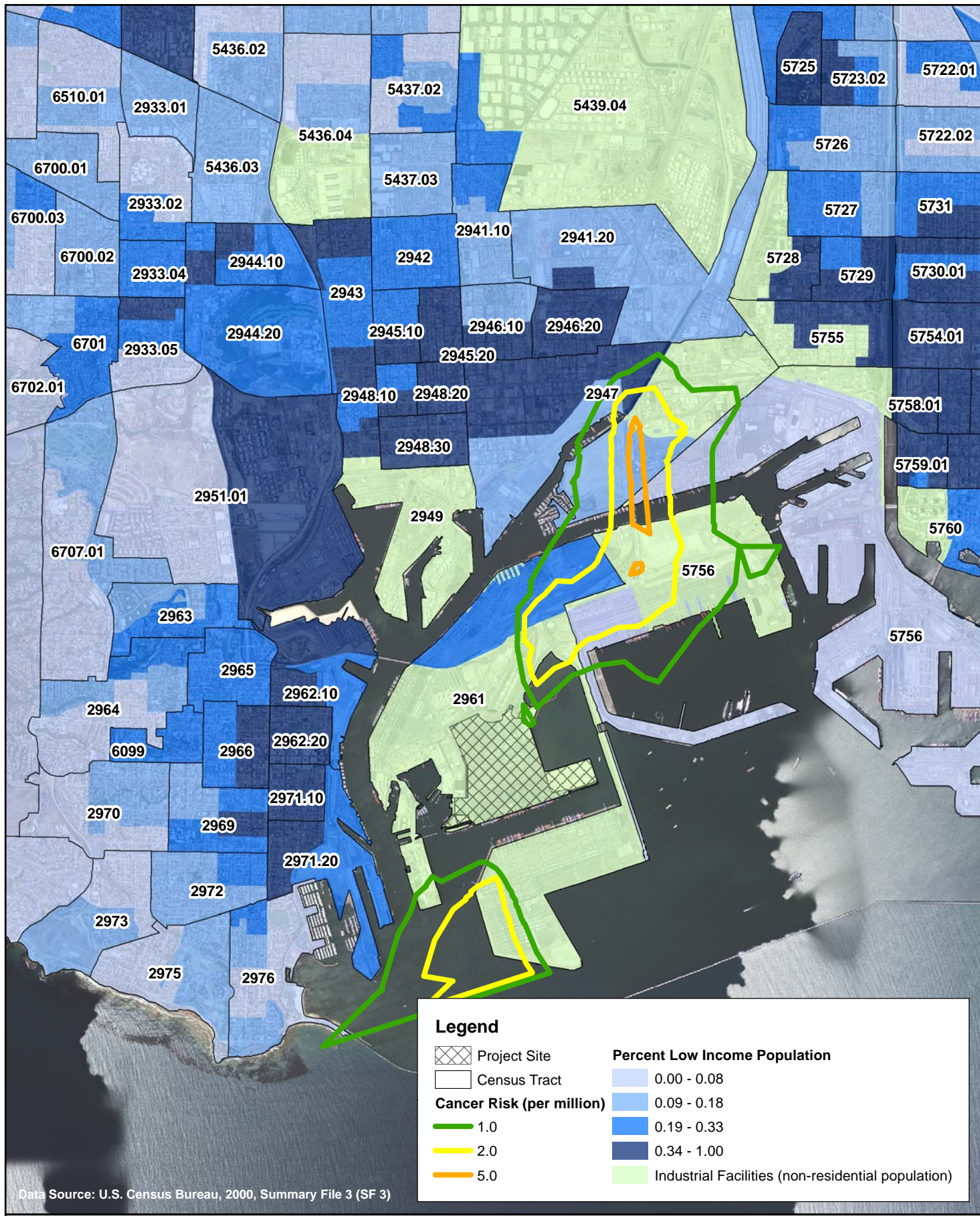
48



**Port of Los Angeles
Berths 302 - 306 [APL] Container Terminal Project**

**Isopleths of Residential Lifetime Cancer Risk
Mitigated Proposed Project Minus NEPA Baseline (Percent Minority Population)**

Figure 5-3



Data Source: U.S. Census Bureau, 2000, Summary File 3 (SF 3)



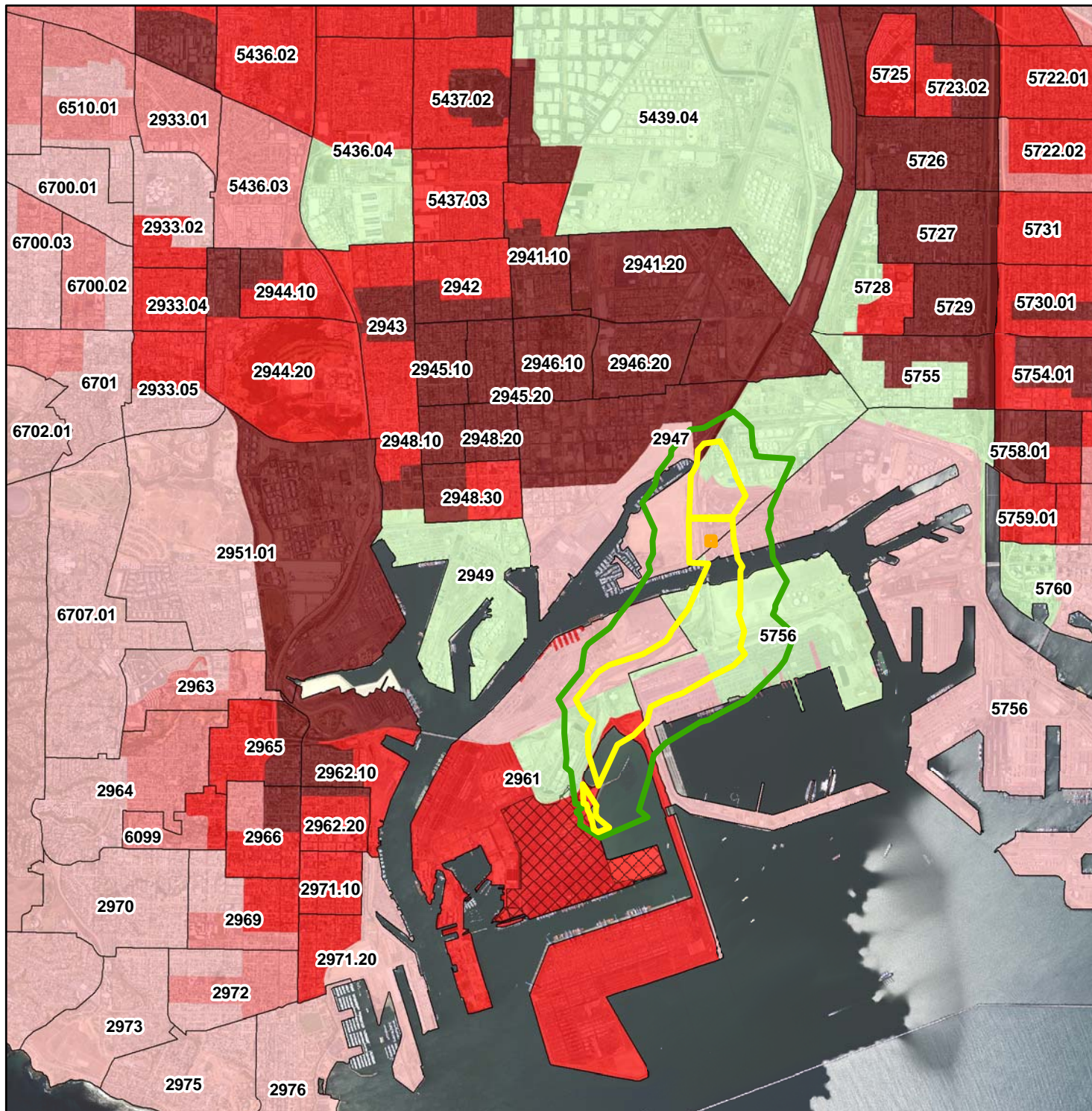
0 0.25 0.5 1 Miles













**Port of Los Angeles
Berths 302 - 306 [APL] Container Terminal Project**

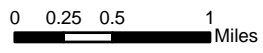
**Isopleths of Residential Lifetime Cancer Risk
Mitigated Proposed Project Minus NEPA Baseline (Percent Low Income Population)**

Figure 5-4



Data Source: U.S. Census Bureau, 2000, Summary File 3 (SF 3)

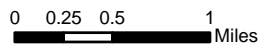
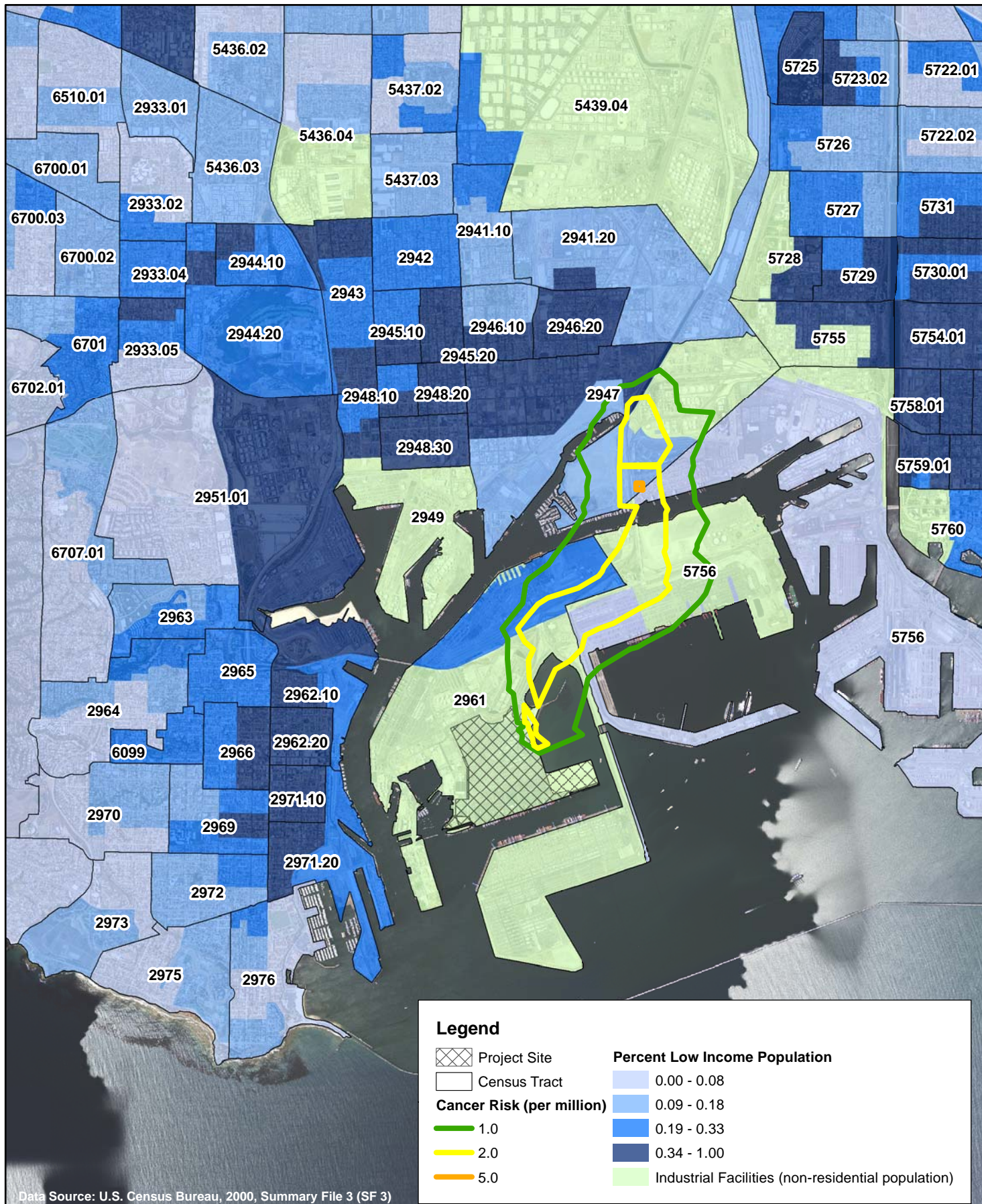
Legend	
	Project Site
	Census Tract
Cancer Risk (per million)	
	1.0
	2.0
	5.0
Percent Minority Population	
	0.00 - 0.50
	0.51 - 0.70
	0.71 - 0.90
	0.91 - 1.00
	Industrial Facilities (non-residential population)



**Port of Los Angeles
Berths 302 - 306 [APL] Container Terminal Project**

**Isopleths of Occupational Lifetime Cancer Risk
Mitigated Proposed Project Minus NEPA Baseline (Percent Minority Population)**

Figure 5-5



**Port of Los Angeles
Berths 302 - 306 [APL] Container Terminal Project**

**Isopleths of Occupational Lifetime Cancer Risk
Mitigated Proposed Project Minus NEPA Baseline (Percent Low Income Population)**

Figure 5-6

1 The *Multiple Air Toxics Exposure Study* (MATES-III) conducted by the SCAQMD in
2 2008 estimated the existing cancer risk from toxic air contaminants in the South
3 Coast Air Basin to be 1,200 in a million (SCAQMD, 2008). MATES-III did not
4 determine acute noncancer risks for the Basin. However, because the proposed
5 Project would have significant effects on acute noncancer risks relative to the NEPA
6 baseline, it would also make a cumulatively considerable contribution to acute
7 noncancer risks relative to the NEPA baseline. Some of these cumulative risks are
8 regional across the areas in the vicinity of the Port. The South Coast Air Basin
9 includes many areas that do not constitute minority and low-income populations.
10 However, in the *Diesel Particulate Matter Exposure Assessment Study for the Ports*
11 *of Los Angeles and Long Beach*, CARB estimates that elevated levels of cancer risks
12 due to operational emissions from the Ports of Los Angeles and Long Beach occur
13 within and in proximity to the two Ports (CARB 2006). Noncancer risk due to
14 concentrations of DPM would also occur within and in proximity to the two Ports.
15 While the proposed Project does not cause a significant cancer or chronic noncancer
16 risk impact as a result of proposed Project construction or operations, cancer and
17 chronic noncancer risk impacts would be considered significant from a cumulative
18 viewpoint due to the elevated risk in proximately to the two Ports, and the less than
19 significant increases in cancer and chronic noncancer risk resulting from the
20 proposed Project. Because the populations closest to the Port of Los Angeles are
21 predominantly minority and low income, elevated cumulative cancer and noncancer
22 risks would represent a disproportionately high and adverse impact on minority and
23 low-income populations.

24 It should be noted that Port-wide air quality mitigations that will be implemented
25 through the Port's CAAP and lease measures implemented as part of this Project will
26 reduce the health risk impacts from the proposed Project and other Projects at the
27 Port. The San Pedro Bay Standards enacted as part of the CAAP aim to reduce NOx,
28 SOx, and DPM emissions by milestone years in 2014 and 2023. Additionally, the
29 Ports developed a "health-risk reduction standard" that aims to reduce the risk of
30 contracting cancer due to DPM by 85 percent in the Port region and in communities
31 adjacent to the Ports by 2020. Future rulemaking activities by the CARB and
32 USEPA also will reduce future cumulative health impacts. Other than a few CAAP
33 measures, these future measures have not been accounted for in the emission
34 calculations or health risk assessment for the proposed Project. Therefore, the extent
35 to which these future measures will reduce cumulative health risk impacts within the
36 Project area at the Port is unknown at this time.

37 **Noise (Section 3.11 and Section 4.2.11)**

38 As described in Section 3.11.4.3, the significance criteria for noise are the same for both
39 the CEQA and NEPA analyses.

- 40 ■ **Impact NOI-1:** The proposed Project would not increase the existing ambient noise
41 levels at any identified noise receptor in the proposed Project area by 5 dBA or more;
42 however, noise produced by the pile driving during wharf construction would
43 increase average ambient noise levels at Reservation Point by 5 dBA over existing
44 levels. Mitigation measure **MM NOI-1**, which requires the contractor to use a pile
45 driving system, such as an IHC Hydrohammer SC Series or equivalent, would reduce
46 the maximum noise levels during wharf construction. Mitigation measure
47 **MM NOI-2**, which would install temporary noise attenuation barriers suitable for
48 pile driving equipment as needed, would further reduce construction noise. With

1 implementation of mitigation measures **MM NOI-1** and **MM NOI-2**, the proposed
2 Project would not have a significant impact related to noise. However, the proposed
3 Project could make a cumulatively considerable contribution to a significant
4 cumulative impact at Reservation Point and Fish Harbor. This cumulative impact
5 would constitute a disproportionately high and adverse effect on minority and low-
6 income populations.

7 **5.4.2.2 Summary of Impacts that Would Not Cause Disproportionately High** 8 **and Adverse Effects on Minority and/or Low-Income Populations**

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

23 **Aesthetics and Visual Resources (Section 3.1 and Section 4.2.1)**

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

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

- 30 ▪ **Impact AES-5:** The proposed Project and alternatives would be visually consistent
31 (i.e., of similar height, scale, and land use) with the development in the surrounding
32 areas of the Port and thus, from of the views analyzed (Harbor and Front Street
33 Scenic Routes, San Pedro Plaza Park, San Pedro Community, Knoll Hill and
34 MacArthur Avenue Neighborhood, Friendship Park, and the Vincent Thomas Bridge),
35 and, thus, would not result in changes to the overall character and quality of the
36 landscape. The proposed Project and alternatives would not have a significant impact
37 or make a cumulatively considerable contribution to a cumulative impact related to
38 viewer response to the overall visual character and quality of the landscape.
39 Therefore, there would not be a disproportionately high and adverse effect on
40 minority and low-income populations related to this impact.

41

Air Quality, Meteorology and Greenhouse Gases (Section 3.2 and Section 4.2.2)

As described in Section 3.2.4.2, the significance criteria for Air Quality, Meteorology and Greenhouse Gases are the same for both the CEQA and NEPA analyses, with the exception of AQ-9 which is provided for informational purposes only under NEPA. The region of analysis for air quality impacts is the immediate area of the proposed Project site and the surrounding region, represented by the South Coast Air Basin.

- **Impact AQ-5:** Truck trips generated by the proposed Project would affect intersections predicted to operate at a poor LOS in future years. During periods of near-calm winds, heavily congested intersections can produce elevated levels of carbon monoxide (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) (pm peak) were selected for the CO analysis. Intersection A would operate at the worst level-of-service (LOS F), and would have the highest volume-to-capacity ratio of any 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 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 an objectionable odor 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 are 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.
- **Impact AQ-9:** Proposed Project construction and operations would result in increased emissions of greenhouse gases (GHGs); however, no significance finding is made under NEPA. The potential ecological damage and damage to human populations from global climate change would affect people globally, including all people in California and in the United States. Section 3.2 describes potential global impacts of GHG. These effects would have consequences for all people, and therefore would not affect low-income and minority populations disproportionately.

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. Potential significant impacts on elegant and Caspian tern nesting due to backlands development on the 41-acre site during nesting season would be reduced to less than significant with implementation of mitigation measure **MM BIO-1**, which requires nesting bird surveys to be conducted if construction occurs during the nesting season. Concrete pile-driving is anticipated to result in disturbance (Level B harassment) to marine mammals (particularly harbor seals and sea lions, which would be the marine mammals most likely to occur in the vicinity of Pier 300) in the vicinity of pile-driving operations. Impacts would not 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 **SC BIO-2**. 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. Container ships transiting the coastal waters of southern California could potentially cause harm to endangered, threatened, or species of 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 measures **MM AQ-2** and **MM AQ-10**, which reduce proposed Project vessel speeds to 12 knots between 40 nm from Point Fermin and the Precautionary Area, 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. Thus, the proposed Project would not have a significant individual impact but would nonetheless make a cumulatively considerable contribution to a cumulative impact related to the loss of individuals or habitat of sensitive species or the loss of federally designated critical habitat. 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:** Construction and operational activities on land and in the water would not substantially reduce or alter Essential Fish Habitat (EFH). Additionally, no SEAs, natural plant communities, mudflats, or wetlands are present at the proposed Project site. There is approximately 30.6 acres of eelgrass habitat in the Pier 300 Shallow Water Habitat/Sea Plane Lagoon area; however, proposed Project construction is not expected to affect subtidal eelgrass. Eelgrass surveys would be conducted prior to installation of in-water structures and dredging along Berth 306. 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). Further a program would be implemented for maintaining water quality sufficient for growth of eelgrass to ensure continued protection of these resources during construction. Therefore, the proposed Project would not have a significant impact or make a cumulatively considerable

1 contribution to a cumulative impact related to reduction or alteration of a state,
2 federally, or locally designated natural habitat, special aquatic site, or plant
3 community, including wetlands. Therefore, Impact BIO-2 would not result in
4 disproportionately high and adverse effects on minority and/or low-income
5 populations.

- 6 ■ **Impact BIO-3:** No terrestrial wildlife passage/migration corridors are present in the
7 study area. The only defined migratory species in the Harbor are birds. Activities
8 within the study area would not block or interfere with migration or movement of any
9 of these species covered under the MBTA, because it would occur in a small portion
10 of the Harbor area where the birds occur and the birds could easily fly around or over
11 the work. During operations, the type of activity that would occur within the Harbor
12 (vessel traffic) would slightly increase by 143 and would not interfere with wildlife
13 movement or migration within the Harbor. The proposed Project would not have a
14 significant impact or make a cumulatively considerable contribution to a cumulative
15 impact related to interference with wildlife passage/migration corridors. Therefore,
16 Impact BIO-3 would not result in disproportionately high and adverse effects on
17 minority and/or low-income populations.

- 18 ■ **Impact BIO-4:** No substantial disruption of biological communities would result
19 from proposed Project construction (Impact BIO-4a). Mitigation measure **MM BIO-**
20 **1** (Conduct nesting bird surveys) and **SC BIO-1** (Avoid marine mammals) would
21 further reduce impacts related to disruption of biological communities during
22 construction. Operation of the proposed Project has the potential to result in the
23 introduction of non-native marine species into the Harbor via ballast water or vessel
24 hulls and thus could substantially disrupt local biological communities, which would
25 be a significant impact (Impact BIO-4c). No feasible mitigation is currently available
26 to totally prevent introductions of invasive species via vessel hulls, equipment, or
27 ballast water, due to the lack of a proven technology. In addition, there is a remote
28 potential exists for an accidental vessel spill that could harm biological resources in
29 the Harbor or ocean to occur during proposed Project operation, which would be
30 significant. No mitigation, beyond implementation of measures required under
31 existing regulations, is available to fully mitigate potential impacts related to
32 potential accidental spills from container vessels during proposed Project operation.
33 Therefore, Impacts BIO-4b and BIO-4c would remain significant and would make a
34 cumulatively considerable contribution to a cumulative impact after mitigation.
35 However, this impact would primarily affect marine biological communities, not
36 human populations or the public. Therefore, Impact BIO-4 would not result in
37 disproportionately high and adverse effects on minority and/or low-income
38 populations.

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

Cultural Resources (Section 3.4 and Section 4.2.4)

As described in Section 3.4.4.2, the significance criteria for Impact CR-1 and Impact CR-2 apply to the CEQA analysis only. Consequently, no finding is made under NEPA relative to the potential for adverse impact on minority and/or low-income populations for Impact CR-1 and Impact CR-2.

The criteria for Impact CR-3 and Impact CR-4 apply to the NEPA analysis only and are discussed below.

- **Impact CR-3:** There are no known archaeological and ethnographic resources located at the proposed Project site and the potential to impact unknown resources is remote given the high degree of previous dredging and other in-water construction activities and because upland activities are located on imported/modern fill material (i.e., dredged material). No prehistoric or archaeological resources listed or eligible for listing in the NRHP or CRHR are recorded within the Project area. Further, standard condition of approval **SC CR-1** requiring a work stoppage if cultural resources are discovered during ground-disturbing activities would further reduce potential impacts. Thus, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to archaeological and ethnographic resources. Therefore, Impact CR-3 would not result in disproportionately high and adverse effects on minority and/or low-income populations.
- **Impact CR-4:** Soil excavation would consist of artificial soils in a previously disturbed area and would not be expected to yield significant paleontological resources or unique geologic features. Thus, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to paleontological resources. Therefore, Impact CR-4 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 3.5.4.2, 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 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. Thus, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to seismic hazards. Therefore, Impact GEO-1 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

- 1 ▪ **Impact GEO-2:** Impacts due to tsunamis and seiches are typical for the entire
2 California coastline and the construction and operation of the proposed Project would
3 not increase them. Localized tsunami-induced flooding is not expected to occur
4 on-site given the elevation of wharves is higher than predicted potential tsunami
5 wave heights. Additionally, the Port has implemented measures to minimize
6 potential impacts from seiches or tsunamis, such as the breakwater, constructing
7 facilities at adequate elevation, implementing an emergency notification system, and
8 a lease measure (LM GEO-1) requiring emergency response plan training as part of
9 the LAHD lease requirements. Therefore, Impact GEO-2 would not result in
10 disproportionately high and adverse effects on minority and/or low-income
11 populations.
- 12 ▪ **Impact GEO-3:** Subsidence near the proposed Project due to previous oil extraction
13 in the Port area has been mitigated and is not anticipated to affect the proposed
14 Project adversely. Thus, the proposed Project would not have a significant impact or
15 make a cumulatively considerable contribution to a cumulative impact related to
16 subsidence and settlement. Therefore, Impact GEO-3 would not result in
17 disproportionately high and adverse effects on minority and/or low-income
18 populations.
- 19 ▪ **Impact GEO-4:** Expansive soil may be present beneath or near Berths 302-306.
20 Compliance with applicable standards and policies of the LAMC and other applicable
21 regulations would ensure that the proposed Project would not result in substantial risk
22 to life or property. Thus, the proposed Project would not have a significant impact or
23 make a cumulatively considerable contribution to a cumulative impact related to
24 expansive soils. Therefore, would not result in disproportionately high and adverse
25 effects on minority and/or low-income populations.
- 26 ▪ **Impact GEO-5:** Because the topography in the vicinity of the proposed Project site
27 is flat and not subject to landslides or mudflows, the proposed Project would not
28 increase the risk of landslides or mudflows. Thus, the proposed Project would not
29 have a significant impact or make a cumulatively considerable contribution to a
30 cumulative impact related to landslides or mudflows. Therefore, Impact GEO-5
31 would not result in disproportionately high and adverse effects on minority and/or
32 low-income populations.
- 33 ▪ **Impact GEO-6:** Due to implementation of standard engineering and construction
34 practices to manage saturated, collapsible soils, there would not be exposure to
35 substantial adverse effects associated with shallow groundwater and unstable soil
36 conditions. Thus, the proposed Project would not have a significant impact or make
37 a cumulatively considerable contribution to a cumulative impact related to shallow
38 groundwater and unstable soil conditions. Therefore, Impact GEO-6 would not result
39 in disproportionately high and adverse effects on minority and/or low-income
40 populations.
- 41 ▪ **Impact GEO-7:** Because the proposed Project area is relatively flat and paved with
42 no prominent geologic or topographic features, proposed Project construction and
43 operation would not result in any distinct and prominent geologic or topographic
44 features being destroyed, permanently covered, or materially and adversely modified.
45 Thus, the proposed Project would not have a significant impact or make a
46 cumulatively considerable contribution to a cumulative impact related to the
47 destruction or adverse modification of a prominent geologic or topographic feature.

1 Therefore, Impact GEO-7 would not result in disproportionately high and adverse
2 effects on minority and/or low-income populations.

- 3 ■ **Impact GEO-8:** The proposed Project site does not contain mineral resources, as it is
4 comprised of fill. Construction and operation of the proposed Project would not
5 result in the permanent loss of availability of any mineral resource of regional,
6 statewide, or local significance. Thus, the proposed Project would not have a
7 significant impact or make a cumulatively considerable contribution to a cumulative
8 impact related to mineral resources. Therefore, Impact GEO-8 would not result in
9 disproportionately high and adverse effects on minority and/or low-income
10 populations.
- 11 ■ **Impact GEO-9:** The elevation of the proposed Project site is above the sea level rise
12 predicted over the next fifty years. Additionally, measures to minimize impacts from
13 seiches or tsunamis, such as the breakwater and constructing facilities at adequate
14 elevation, are currently in place throughout the Port. Further, upon completion of a
15 sea level rise study, LAHD will begin planning for and implementing strategies to
16 address predicted sea level rise to minimize potential future adverse affects on Port
17 operations and access. Therefore, the proposed Project would not expose people or
18 property to substantial risk or injuries related to sea level rise. The sea level rise
19 evaluation is provided for information purposes only under NEPA, and therefore, an
20 impact determination is not applicable. Irregardless, Impact GEO-9 would not result
21 in disproportionately high and adverse effects on minority and/or low-income
22 populations.

23 **Ground Transportation and Circulation (Section 3.6 and Section 4.2.6)**

24 As described in Section 3.6.4.2, the significance criteria for TRANS-1 through TRANS-4
25 are the same for CEQA and NEPA analysis. The significance criterion for TRANS-5 is
26 outside of the Federal Scope of Analysis. Consequently, no finding is made under NEPA
27 relative to the potential for adverse impact on minority and/or low-income populations
28 for TRANS-5.

- 29 ■ **Impact TRANS-1:** The proposed Project construction is expected to increase travel
30 on the study area roadway system associated with construction workers' vehicles and
31 trucks delivering equipment to and removing material from the site. The increased
32 traffic would span a period of two years for various on-site construction activities.
33 With the construction shift ending at 4:00 PM, there would be traffic increases during
34 the PM peak period (Table 3.6-7 in Section 3.6.4.7.1 shows the anticipated
35 intersection Levels of Service during construction). However, the proposed Project
36 would not have a significant or make a cumulatively considerable contribution to a
37 cumulative impact related to short-term truck and auto traffic. Therefore, Impact
38 TRANS-1 would not result in disproportionately high and adverse effects on minority
39 and/or low-income populations.
- 40 ■ **Impact TRANS-2:** The proposed Project would result in a significant impact at the
41 Navy Way and Reeves Avenue intersection in 2020 (mid-day peak hour), 2025 (A.M.
42 and mid-day peak hours), and 2027 (A.M., and mid-day peak hours). Mitigation
43 measure **MM TRANS-1**, which would re-strip the southbound and eastbound
44 approach of Navy Way and Reeves Avenue intersection once the intersection reached
45 an operating LOS E or worse, would reduce the impact to less than significant. Thus,
46 the proposed Project would not have a significant impact or make a cumulatively

1 considerable contribution to a cumulative impact related to volume/capacity ratios or
2 level of service at any of the study intersections. Therefore, Impact TRANS-2 would
3 not result in disproportionately high and adverse effects on minority and/or low-
4 income populations.

- 5
- 6 ■ **Impact TRANS-3:** The proposed Project would result in additional on-site
7 employees; however, the increase in the work-related trips on public transit would
8 not be significant. The proposed Project workers generally would not use public
9 transit because of work shift schedule, and none of the existing transit routes that
10 serve the surrounding community stop within one mile of the proposed Project site.
11 Thus, the proposed Project would not have a significant impact or make a cumulatively
12 considerable contribution to a cumulative impact related to an increased demand for
13 public transit services. Therefore, Impact TRANS-3 would not result in
14 disproportionately high and adverse effects on minority and/or low-income
populations.

- 15
- 16 ■ **Impact TRANS-4:** The proposed Project would result in additional truck trips on the
17 surrounding freeway system; however, the increase in Project-related trips would not
18 cause any freeway link to operate at LOS F or worse. Thus, the proposed Project
19 would not have a significant impact or make a cumulatively considerable contribution
20 to a cumulative impact related to an increased demand for public transit services.
21 Therefore, Impact TRANS-4 would not result in disproportionately high and adverse
effects on minority and/or low-income populations.

- 22
- 23 ■ **Impact TRANS-5:** The proposed Project would result in additional rail trips;
24 however, based on the informational evaluation of the 2027 Project trains, rail delays
25 at at-grade crossings east of the Alameda Corridor would not exceed the evaluation
26 criteria. The rail evaluation is provided for informational purposes only under NEPA,
27 therefore an impact determination is not applicable. Irregardless, Impact TRANS-5
28 would not result in disproportionately high and adverse effects on minority and/or
low-income populations.

29 **Groundwater and Soils (Section 3.7 and Section 4.2.7)**

30 As described in Section 3.7.4.2, the significance criteria for Groundwater and Soils are
31 the same for both the CEQA and NEPA analyses.

- 32
- 33 ■ **Impact GW-1:** Soil and groundwater in limited portions of the proposed Project site
34 have been affected by hazardous substances, solid waste, and petroleum products, as
35 a result of historic terminal and industrial uses. All contaminated soil or groundwater
36 encountered during construction of the proposed Project would be handled,
37 transported, remediated, and/or disposed of in accordance with all applicable federal,
38 state, and local laws and regulations and in accordance with the regulatory lead
39 agency (e.g., DTSC, Los Angeles RWQCB) and conditions under LAHD leasing
40 requirements requiring site remediation and development of a contamination
41 contingency plan. Therefore, the proposed Project would not have a significant
42 impact or make a cumulatively considerable contribution to a cumulative impact
43 related to hazards soil and groundwater. Thus, Impact GW-1 would not result in
44 disproportionately high and adverse effects on minority and/or low-income
populations.

45

- 1 ▪ **Impact GW-2:** The removal of contaminated soil or dewatering of contaminated
2 groundwater would be localized to the site and would not be expected to cause
3 remaining contamination to migrate to off-site areas. As a result, following
4 construction, runoff would be conveyed to the Pier 300 Channel via the site's
5 stormwater system and would not permeate the soil or enter the groundwater.
6 Consequently, the proposed Project would not result in expansion of the existing area
7 affected by contaminants and would not have a significant impact or make a
8 cumulatively considerable contribution to a cumulative impact related to existing
9 contaminants. Thus, Impact GW-2 would not result in disproportionately high and
10 adverse effects on minority and/or low-income populations.
- 11 ▪ **Impact GW-3:** Groundwater beneath the proposed Project site is non-potable and
12 thus, the possible withdrawal of localized groundwater during proposed Project
13 construction (e.g., for installation of utility lines or storm drains), would not affect
14 potential potable water supplies. Thus, the proposed Project would not have a
15 significant impact or make a cumulatively considerable contribution to a cumulative
16 impact related to potable water levels. Therefore, Impact GW-3 would not result in
17 disproportionately high and adverse effects on minority and/or low-income
18 populations.
- 19 ▪ **Impact GW-4:** The proposed Project site is not used to recharge potable
20 groundwater supplies; hence, no reductions in potable groundwater capacity would
21 occur during construction or operation. Thus, the proposed Project would not have a
22 significant impact or make a cumulatively considerable contribution to a cumulative
23 impact related to groundwater recharge. Therefore, Impact GW-4 would not result in
24 disproportionately high and adverse effects on minority and/or low-income
25 populations.
- 26 ▪ **Impact GW-5:** No potable water production wells are located within a 2-mile radius
27 of the proposed Project, and thus, the proposed Project would not have a significant
28 impact or make a cumulatively considerable contribution to a cumulative impact
29 related to regulatory water quality standards at an existing production well.
30 Therefore, Impact GW-5 would not result in disproportionately high and adverse
31 effects on minority and/or low-income populations.

32 **Hazards and Hazardous Materials (Section 3.8 and Section 4.2.8)**

33 As described in Section 3.8.4.2, the significance criteria for Hazards and Hazardous
34 Materials are the same for both the CEQA and NEPA analyses.

- 35 ▪ **Impact RISK-1:** Construction and operation of the proposed Project would comply
36 with applicable safety and security regulations and policies guiding development
37 within the Port. The proposed Project would not substantially increase the probable
38 frequency and severity of consequences to people or property as a result of a
39 potential accidental release or explosion of a hazardous substance. Thus, the
40 proposed Project would not have a significant impact or make a cumulatively
41 considerable contribution to a cumulative impact related to an accidental release or
42 explosion of a hazardous substance. Therefore, Impact RISK-1 would not result in
43 disproportionately high and adverse effects on minority and/or low-income
44 populations.

45

- 1 ▪ **Impact RISK-2:** Due the implementation of administrative controls and compliance
2 with existing policies and regulations, the construction and operation of the proposed
3 Project would not substantially increase the probable frequency and severity of
4 consequences to people from exposure to health hazards. Thus, the proposed Project
5 would not have a significant impact or make a cumulatively considerable
6 contribution to a cumulative impact related to exposure of people to health hazards.
7 Therefore, Impact RISK-2 would not result in disproportionately high and adverse
8 effects on minority and/or low-income populations.
- 9 ▪ **Impact RISK-3:** The proposed Project would operate as a container terminal and
10 operations would be subject to emergency response and evacuation systems
11 implemented by the LAFD. Further, construction/demolition plans would be
12 reviewed by the LAFD to ensure adequate access is maintained throughout the
13 proposed Project construction/demolition. Thus, proposed Project construction and
14 operations would not interfere with any existing emergency response or emergency
15 evacuation plans or increase the risk of injury or death, and the proposed Project
16 would not have a significant impact or make a cumulatively considerable
17 contribution to a cumulative impact related to emergency response and evacuation
18 systems. Therefore, Impact RISK-3 would not result in disproportionately high and
19 adverse effects on minority and/or low-income populations.
- 20 ▪ **Impact RISK-4:** The construction and operation of the proposed Project would
21 comply with all applicable hazardous waste laws regulations and policies governing
22 hazardous materials and activities at the Port. Thus, the proposed Project would not
23 have a significant impact or make a cumulatively considerable contribution to a
24 cumulative impact related to applicable hazardous waste laws regulations and
25 policies. Therefore, Impact RISK-4 would not result in disproportionately high and
26 adverse effects on minority and/or low-income populations.
- 27 ▪ **Impact RISK-5:** In light of a low probability and acceptable risk of a large tsunami,
28 the proposed Project would not have a significant impact or make a cumulatively
29 considerable contribution to a cumulative impact related to an increased risk or
30 consequences of an accidental spill associated with tsunami-induced flooding or
31 other seismic event. Therefore, Impact RISK-5 does not represent a
32 disproportionately high and adverse effect on minority and/or low-income
33 populations.
- 34 ▪ **Impact RISK-6:** The proposed Project site is an existing container terminal with
35 substantial throughput, and not a new potential target for terrorists, nor is the
36 proposed Project expected to make the site more attractive to terrorists. The
37 probability of a terrorist attack on the proposed Project facilities is not likely to
38 appreciably change. Thus, the proposed Project would not have a significant impact
39 or make a cumulatively considerable contribution to a cumulative impact related to
40 increased risk or consequences of a terrorist attack. Therefore, Impact RISK-6 does
41 not represent a disproportionately high and adverse effect on minority and/or low-
42 income populations.

43

Land Use (Section 3.9 and Section 4.2.9)

As described in Section 3.9.4.2, 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. 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, and the PMP. Thus, 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. Therefore, 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 would not affect the use or development of off-site land uses elsewhere on Terminal Island or in other nearby communities. Thus, 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 Project area. Therefore, 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 the terminal would be confined to Pier 300 on Terminal Island. Thus, 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. Therefore, Impact LU-4 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

Marine Transportation (Section 3.10 and Section 4.2.10)

As described in Section 3.10.4.2, 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 support berth development, wharf improvements, and new wharf construction, and the proposed Project operation would increase vessel traffic. However, because the Port and terminal operator would follow standard safety precautions and applicable regulations, 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. Thus, Impact VT-1 would not result in disproportionately high and adverse effects on minority and/or low-income populations.

1 **Noise (Section 3.11 and Section 4.2.11)**

2 As described in Section 3.11.4.3, the significance criteria for noise are the same for both
3 the CEQA and NEPA analyses.

- 4 ▪ **Impacts NOI-2:** The proposed Project would not create construction noise impacts
5 during prohibited nighttime hours. With the exception of dredging along Berth 306
6 the proposed Project would follow construction hours in accordance with the City of
7 Los Angeles Noise Ordinance (Ordinance No. 144.331). The night dredging of Berth
8 306 would result in increases that would be less than 2 dBA, and thus would not
9 exceed the significance criteria at these locations at the closest sensitive receptors
10 (liveaboards at Reservation Point). Thus, the proposed Project would not have a
11 significant impact or make a cumulatively considerable contribution to a cumulative
12 impact related to nighttime noise. Therefore, Impact NOI-2 would not result in
13 disproportionately high and adverse effects on minority and/or low-income
14 populations.

- 15 ▪ **Impacts NOI-3:** The proposed Project would not generate noise levels that exceed
16 existing ambient noise levels at sensitive receivers by 3 dBA in CNEL to or within
17 the ‘normally unacceptable’ or ‘clearly unacceptable category,’ or otherwise by
18 5 dBA or greater. Noise increases associated with on-site terminal operations, and
19 increase in container shipments to and from the Port via area rail and roadway
20 corridors, along with increased workforce automobile traffic on area roadways would
21 increase noise levels at adjacent noise sensitive uses by less than 3 dBA. The
22 proposed Project would therefore, not result in a significant impact at any adjacent
23 noise sensitive uses or make a cumulatively considerable contribution to a cumulative
24 impact related to noise. Therefore, Impact NOI-2 would not result in
25 disproportionately high and adverse effects on minority and/or low-income
26 populations.

27 **Recreation (Section 3.12 and Section 4.2.10)**

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

- 30 ▪ **Impact REC-1:** The proposed Project is not expected to result in substantial demand
31 for recreation above baseline levels because the proposed Project would not result in
32 substantial increases in population or employees in the Project area. Nor would
33 construction and operation of the proposed Project result in a substantial loss of
34 water-related recreational opportunities, or otherwise cause adverse impacts to park
35 or recreational resources (i.e., neither through noise generation nor visual impacts).
36 Thus, the proposed Project would not have a significant impact or make a
37 cumulatively considerable contribution to a cumulative impact related to an increased
38 demand for recreation. Therefore, Impact REC-1 would not result in
39 disproportionately high and adverse effects on minority and/or low-income
40 populations.

Public Services and Utilities (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. Thus, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to law enforcement services. Therefore, 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. Thus, the proposed Project would not have a significant impact or make a cumulatively considerable contribution to a cumulative impact related to fire services. Therefore, Impact PS-2 would not result in disproportionately high and adverse effects on minority and/or low-income populations.
- **Impact PS-3:** The proposed Project would result in minimal increases in water demand, wastewater generation, and storm runoff. These increases would not exceed the capacity of existing facilities. Although construction and/or expansion of on-site water or wastewater lines would be required to support new terminal development, the increases in water demand and wastewater generation would be considered negligible. Because public utilities would not be affected by dredging, filling, or wharf expansion, the proposed Project would not have a significant impact and would not make a cumulatively considerable contribution to a cumulative impact related to expansion of water, wastewater, or storm drains infrastructure or facilities. Thus, Impact PS-3 would not result in disproportionately high and adverse effects on minority and/or low-income populations.
- **Impact PS-4:** The proposed Project would result in minimal increased water demands, and wastewater and 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, standard conditions of approval **SC PS-1** and **SC PS-2** have been added to minimize impacts to the solid waste stream as a result of demolition debris generated during construction. Thus, 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, water, and/or wastewater demands. Therefore, Impact PS-4 would not result in disproportionately high and adverse effects on minority and/or low-income populations after mitigation.
- **Impact PS-5:** The proposed Project would result in increased demands for electricity and minimal increases in natural gas, but this would not require new off-site energy supply facilities and distribution infrastructure. Further, the two terminal buildings will meet, at minimum, LEED silver certification and include energy conservation measures such as double-paned windows and dimming fluorescent lights. Mitigation measure **MM AQ-20** would also require installation of compact fluorescent light bulbs in all interior buildings, and **MM AQ-21** would require the tenant to perform

1 regular energy audits. Thus, the proposed Project would not have a significant
2 impact and would not make a cumulatively considerable contribution to a cumulative
3 impact related to increases in energy demands that would necessitate the construction
4 of new energy supply facilities and distribution infrastructure. Therefore, Impact
5 PS-5 would not result in disproportionately high and adverse effects on minority
6 and/or low-income populations.

7 **Water Quality, Sediments, and Oceanography (Section 3.14 and** 8 **Section 4.2.14)**

9 As described in Section 3.14.4.2, the significance criteria for Water Quality, Sediments,
10 and Oceanography are the same for both the CEQA and NEPA analyses.

- 11 ▪ **Impact WQ-1:** During the construction phase of the proposed Project, dredging and
12 new wharf construction activities (such as pile driving) would not entail any direct or
13 intentional discharges of wastes to waters off Pier 300. Further, the adaptive
14 management of in-water/over-water work and regulatory compliance would keep
15 in-water/over-water project-level and cumulative impacts below the level of
16 significance. Accidental or incidental spills or leaks that occur on land are expected
17 to be contained and cleaned up before any impacts to surface water quality can occur,
18 and the probability of an accidental spill from a construction vessel to the Harbor is
19 low. Similarly, upland operations associated with the proposed Project would not
20 result in direct discharges of wastes to Harbor waters. During operations, the
21 potential for in-water vessel spills, illegal discharges, and pollutant leaching from
22 vessel coatings to occur would increase in portion to the increase in vessel calls.
23 However, through compliance with applicable federal, state, and local regulations
24 related to water quality, including those governing discharge and spill response and
25 containment, the proposed Project would not have a significant impact and would not
26 make a cumulatively considerable contribution to a cumulative impact related to
27 water quality. Therefore, Impact WQ-1 would not have disproportionately high and
28 adverse effects on minority and/or low-income populations.
- 29 ▪ **Impact WQ-2:** The site elevations would remain generally the same as the baseline
30 conditions and, further, an on-site storm drain system would be installed to convey
31 runoff from the proposed Project site to the Harbor. Therefore, the proposed Project
32 would not have a significant impact and would not make a cumulatively considerable
33 contribution to a cumulative impact related to a substantial increase in the potential
34 for people or property to be adversely affected by flooding. Thus, Impact WQ-2
35 would not be a disproportionately high and adverse effect on minority and/or
36 low-income populations.
- 37 ▪ **Impact WQ-3:** The proposed Project would not impose barriers to water movement
38 into and out of the waters off Pier 300, and thus, would not result in permanent
39 alteration of surface water movement. Thus, the proposed Project would not have a
40 significant impact and would not make a cumulatively considerable contribution to a
41 cumulative impact related to permanent adverse change in movement of surface
42 water in the Harbor. Therefore, Impact WQ-3 would not be a disproportionately high
43 and adverse effect on minority and/or low-income populations.
- 44 ▪ **Impact WQ-4:** BMPs would be implemented during construction and operations to
45 control erosion and site run-off. Site run-off during operation would also be subject
46 to treatment, which would prevent or minimize sediment runoff from the marine
47 terminal. Thus, the proposed Project would not have a significant impact and would

1 not make a cumulatively considerable contribution to a cumulative impact related to
2 increasing rates of soil erosion within onshore portions of the proposed Project site
3 and sedimentation within the site or in adjacent properties and receiving waters.
4 Therefore, Impact WQ-4 would not be a disproportionately high and adverse effect
5 on minority and/or low-income populations.

6 **5.4.2.3 Beneficial Impacts**

7 Under Executive Order 12898, offsetting benefits should also be considered by
8 decision-makers when a project would result in disproportionately high and adverse
9 effects. The proposed Project would create economic benefits in the form of jobs and
10 income (see Chapter 7, Socioeconomics and Environmental Quality). If contaminated
11 soils are encountered during construction, site remediation would result in beneficial
12 environmental impacts (see Section 3.7, Groundwater and Soils). Further,
13 implementation of an on-site storm drain system to convey runoff from the proposed
14 Project site to the Harbor would represent an improvement over the baseline conditions,
15 where the majority of the 41-acre undeveloped area does not have an on-site drainage
16 system (see Section 3.14, Water Quality, Sediments, and Oceanography).

17 **5.4.3 Alternative 1 – No Project**

18 Under Alternative 1, no further Port action or federal action would occur. The Port
19 would not construct and develop additional backlands, wharves, or terminal
20 improvements. No new cranes would be added, no gate or backland improvements
21 would occur, and no infrastructure for AMP at Berth 306 or automation in the backland
22 area adjacent to Berth 306 would be provided. This alternative would not include any
23 dredging, new wharf construction, or new cranes. The No Project Alternative would not
24 include development of any additional backlands because the existing terminal is berth-
25 constrained and additional backlands would not improve its efficiency.

26 Under the No Project Alternative, the existing APL Terminal would continue to operate
27 as an approximately 291-acre container terminal. Based on the throughput projections,
28 terminal operations are expected to grow over time as throughput demands increase.
29 Under Alternative 1, the existing APL Terminal would handle approximately 2.15
30 million TEUs by 2027, which would result in 286 annual ship calls at Berths 302-305. In
31 addition, this alternative would result in up to 7,273 peak daily one-way truck trips
32 (1,922,497 annual), and up to 2,336 annual one-way rail trip movements. Under
33 Alternative 1, cargo ships that currently berth and load/unload at the Berths 302-305
34 terminal would continue to do so.

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

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

41 **5.4.4 Alternative 2 – No Federal Action**

42 The No Federal Action Alternative would be the same as the NEPA baseline and would
43 include only the activities and impacts likely to occur absent further USACE federal
44 approval but could include improvements that require a local action. Under Alternative 2,

1 no federal action would occur; however, minor terminal improvements in the upland area
2 of the existing APL Terminal would be implemented. These minor upland improvements
3 would include conversion of a portion of the dry container storage area to an additional
4 200 reefers, associated electrical lines, and installation of utility infrastructure at locations
5 in the existing backland areas. Beyond these minor upland improvements, the Port would
6 not construct and develop additional backlands or wharves. No gate or additional
7 backland improvements would occur, and no in-water features such as dredging or a new
8 berth, wharf extension, or over-water features such as new cranes would occur under the
9 No Federal Action Alternative.

10 Under the No Federal Action Alternative, the existing APL Terminal would continue to
11 operate as an approximately 291-acre container terminal, and up to approximately 2.15
12 million TEUs could be handled at the terminal by 2027. Based on the throughput
13 projections, the No Federal Action Alternative would result in 286 annual ship calls at
14 Berths 302-305. In addition, this alternative would result in up to 7,273 peak daily truck
15 trips (1,922,497 annual), and up to 2,336 annual one-way rail trip movements. Cargo
16 ships that currently berth and load/unload at the Berths 302-305 terminal would continue
17 to do so.

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

21 **5.4.5 Alternative 3 – Reduced Project: Four New Cranes**

22 Under Alternative 3, four cranes would be added to the existing wharf along Under
23 Alternative 3, four new cranes would be added to the existing wharf along Berths 302-
24 305 and only minor improvements to the existing APL Terminal would be made utility
25 infrastructure and conversion of dry container storage to reefers). No other upland
26 terminal improvements would be constructed. The existing terminal is berth-constrained,
27 and adding the additional four cranes would improve the terminal's efficiency.

28 The total acreage of backlands under Alternative 3 would remain at approximately 291
29 acres, which would be less than the proposed Project. This alternative would not include
30 the extension of the existing wharf, construction of a new berth, dredging, or the
31 relocation and improvement of various gates and entrance lanes.

32 Based on the throughput projections, TEU throughput under Alternative 3 would be less
33 than the proposed Project, with an expected throughput of approximately 2.58 million
34 TEUs by 2027. This would translate into 338 annual ship calls at Berths 302-305. In
35 addition, this alternative would result in up to 8,725 peak daily truck trips (2,306,460
36 annual), and up to 2,544 annual one-way rail trip movements. Configuration of all other
37 landside terminal components would be identical to the existing terminal

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

42 To facilitate comparison of the potential for disproportionately high and adverse effects
43 on minority and/or low-income populations between the proposed Project and this
44 alternative (among other alternatives), the remainder of this section addresses impacts
45 identified in Section 5.4.2.1, that is, impacts that, under the proposed Project, would be

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

5 **Air Quality, Meteorology and Greenhouse Gases (Section 3.2 and** 6 **4.2.2)**

7 The region of analysis for air quality impacts is the area immediately adjacent to the
8 proposed Project site in addition to the surrounding region as represented by the South
9 Coast Air Basin.

- 10 ■ **Impact AQ-1:** Alternative 3 emissions for VOC, NO_x, and PM_{2.5} from construction
11 would be greater than the NEPA baseline. With implementation of mitigation
12 measures, emissions of VOC, NO_x and PM_{2.5} from construction would exceed the
13 SCAQMD daily emission thresholds, therefore impacts would remain significant.
14 From a NEPA perspective, the mitigated air quality impacts associated with
15 construction of Alternative 3 would be significant. Since residential areas closest to
16 the Alternative 3 site are predominantly minority (Figure 5-1) and have a
17 concentration of low-income population relative to Los Angeles County (Figure 5-2),
18 the elevated ambient concentrations of VOC, NO_x and PM_{2.5} would constitute a
19 disproportionately high and adverse effect on minority and low-income populations.

20 In addition, Alternative 3 would make a cumulatively considerable contribution to a
21 significant cumulative air quality impact associated with emissions of VOCs, NO_x,
22 and PM_{2.5} from construction. Because the area surrounding the Alternative 5 site is
23 predominantly minority and low income, this cumulative impact would constitute a
24 disproportionately high and adverse effect on minority and low-income populations.

- 25 ■ **Impact AQ-2:** Alternative 3 construction would result in off-site ambient
26 concentrations of criteria air pollutants (specifically NO₂ and PM_{2.5}) during
27 construction that would exceed SCAQMD thresholds of significance.
28 Implementation of mitigation measures would reduce PM_{2.5} concentrations to less
29 than significant, but NO₂ and PM_{2.5} concentrations would remain significant and
30 unavoidable. This finding applies to individual Alternative 3 impacts as well as
31 Alternative 3's cumulative contribution relative to the NEPA baseline. Although the
32 receptor points with maximum concentrations would not be in residential areas,
33 residential areas would experience higher concentrations the closer they are to
34 Alternative 3. Since residential areas closest to the Alternative 3 site are
35 predominantly minority (Figure 5-1) and have a concentration of low-income
36 population relative to Los Angeles County (Figure 5-2), the elevated ambient
37 concentrations of NO₂ and PM_{2.5} would constitute a disproportionately high and
38 adverse effect on minority and low-income populations.

39 Adverse human health effects of NO₂ include (a) potential to aggravate chronic
40 respiratory disease and respiratory symptoms in sensitive groups and (b) risk to
41 public health implied by pulmonary and extra-pulmonary biochemical and cellular
42 changes and pulmonary structural changes. NO₂ also contributes to atmospheric
43 discoloration, although this impact would be regional and would not primarily affect
44 populations closest to the emission sources. Adverse human health effects associated
45 with PM₁₀ and PM_{2.5} include (a) excess deaths from short-term and long-term
46 exposures; (b) excess seasonal declines in pulmonary function, especially in children;
47 (c) asthma exacerbation and possibly induction; (d) adverse birth outcomes including

1 low birth weight; (e) increased infant mortality; (f) increased respiratory symptoms in
2 children such as cough and bronchitis; and (g) increased hospitalization for
3 cardiovascular and respiratory disease (including asthma) (SCAQMD, 2007). These
4 adverse health effects may occur disproportionately among minority and low-income
5 populations in the vicinity of Alternative 3 as a result of the elevated ambient
6 concentrations in exceedance of SCAQMD thresholds.

7 In addition, Alternative 3 would make a cumulatively considerable contribution to a
8 significant cumulative air quality impact for NO₂ and PM_{2.5} pollutant concentrations
9 during construction. Because the nearest residential areas to the Alternative 3 Area
10 are predominantly minority and low income, this cumulative impact would constitute
11 a disproportionately high and adverse effect on minority and low-income populations.

- 12 ■ **Impact AQ-3:** Alternative 3 emissions for VOC and NO_x in multiple study years
13 would be greater than the NEPA baseline and would exceed the SCAQMD daily
14 emission thresholds after implementation of mitigation measures and lease measures.
15 Therefore, from a NEPA perspective, the mitigated air quality impacts associated
16 with Alternative 3 operations would be significant and unavoidable. Since residential
17 areas closest to the Alternative 3 site are predominantly minority and have a
18 concentration of low-income population relative to Los Angeles County, the elevated
19 ambient concentrations of VOC and NO_x would constitute a disproportionately high
20 and adverse effect on minority and low-income populations. In addition, Alternative
21 3 would make a cumulatively considerable contribution to a significant cumulative
22 air quality impact from these pollutants during operation, and this cumulative impact
23 would constitute a disproportionately high and adverse effect on minority and
24 low-income populations.

- 25 ■ **Impact AQ-4:** Maximum off-site ambient pollutant concentrations associated with
26 Alternative 3 operations would be significant for NO₂ and significant impacts under
27 NEPA would occur. While implementation of mitigation measures and lease
28 measures would reduce the impact of Alternative 3, impacts would remain significant
29 and unavoidable for NO₂.

30 Since residential areas closest to the Alternative 3 site are predominantly minority
31 and have a concentration of low-income population relative to Los Angeles County,
32 the elevated ambient concentrations of NO₂ would constitute a disproportionately
33 high and adverse effect on minority and low-income populations. Adverse human
34 health effects of NO₂ would be the same as described immediately above under
35 Impact AQ-2.

36 In addition, Alternative 3 would make a cumulatively considerable contribution to a
37 significant cumulative air quality impact on NO₂ concentrations during operation,
38 and this cumulative impact would constitute a disproportionately high and adverse
39 effect on minority and low-income populations.

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

43 After implementation of mitigation measures, increases in toxic emissions from
44 operations of Alternative 3 would not result in significant cancer risk impacts (i.e., an
45 increased cancer risk of 10 or more cases in a million) or in significant chronic
46 noncancer risk impacts (i.e. a chronic hazard index of 1.0 or greater) compared to the
47 NEPA baseline. Therefore, the increased cancer risk and chronic noncancer risk due

1 to Alternative 3 would be less than significant and would not cause
2 disproportionately high and adverse effects on minority and low-income populations.

3 Alternative 3 would have significant effects on acute noncancer risks (i.e. an acute
4 hazard index of 1.0 or greater) relative to the NEPA baseline. Because the
5 populations closest to the Alternative 3 site are predominantly minority and
6 low-income, this elevated acute noncancer risk would represent a disproportionately
7 high and adverse impact on minority and low-income populations.

8 The *Multiple Air Toxics Exposure Study* (MATES-III) conducted by the SCAQMD in
9 2008 estimated the existing cancer risk from toxic air contaminants in the South
10 Coast Air Basin to be 1,200 in a million (SCAQMD, 2008). MATES-III did not
11 determine acute noncancer risks for the Basin. However, because Alternative 3 would
12 have significant effects on acute noncancer risks relative to the NEPA baseline, it
13 would also make a cumulatively considerable contribution to acute noncancer risks
14 relative to the NEPA baseline. Some of these cumulative risks are regional across the
15 areas in the vicinity of the Port. The South Coast Air Basin includes many areas that
16 do not constitute minority and low-income populations. However, in the *Diesel
17 Particulate Matter Exposure Assessment Study for the Ports of Los Angeles and
18 Long Beach*, CARB estimates that elevated levels of cancer risks due to operational
19 emissions from the Ports of Los Angeles and Long Beach occur within and in
20 proximity to the two Ports (CARB, 2006). Noncancer risk due to concentrations of
21 DPM would also occur within and in proximity to the two Ports. While Alternative 3
22 does not cause a significant cancer or chronic noncancer risk impact as a result of
23 Alternative 3 construction or operations, cancer and chronic noncancer risk impacts
24 would be considered significant from a cumulative viewpoint due to the elevated risk
25 in proximity to the two Ports, and the less than significant increases in cancer and
26 chronic noncancer risk resulting from Alternative 3. Because the populations closest
27 to the Port of Los Angeles are predominantly minority and low income, elevated
28 cumulative cancer and noncancer risks would represent a disproportionately high and
29 adverse impact on minority and low-income populations.

30 It should be noted that Port-wide air quality mitigations that will be implemented
31 through the Port's CAAP and lease measures implemented as part of this Project will
32 reduce the health risk impacts from the proposed Project and other Projects at the
33 Port. The San Pedro Bay Standards enacted as part of the CAAP aim to reduce NOx,
34 SOx, and DPM emissions by milestone years in 2014 and 2023. Additionally, the
35 Ports developed a "health-risk reduction standard" that aims to reduce the risk of
36 contracting cancer due to DPM by 85 percent in the Port region and in communities
37 adjacent to the Ports by 2020. Future rulemaking activities by the CARB and
38 USEPA also will reduce future cumulative health impacts. Other than a few CAAP
39 measures, these future measures have not been accounted for in the emission
40 calculations or health risk assessment for Alternative 3. Therefore, the extent to
41 which these future measures will reduce cumulative health risk impacts within the
42 Project area at the Port is unknown at this time.

43 **5.4.6 Alternative 4 – Reduced Project: No New Wharf**

44 Under Alternative 4, six cranes would be added to the existing terminal wharf at Berths
45 302-305, and the 41-acre fill area adjacent to the APL Terminal would be developed as
46 container yard backlands. EMS would relinquish the 30 acres of backlands under space
47 assignment. EMS would not add the nine acres of land behind Berth 301 or the two acres
48 at the main gate to its permit. Because no new wharf would be constructed at Berth 306,

1 the 41-acre backland would be operated using traditional methods and would not be
2 expected to transition to use of automated equipment. As the existing wharf would not be
3 extended to create Berth 306, no dredging would occur.

4 Under Alternative 4, the total terminal acreage would be 302 acres, which is less than the
5 proposed Project. Based on the throughput projections, TEU throughput would be less
6 than the proposed Project, with an expected throughput of approximately 2.78 million
7 TEUs by 2027. This would translate into 338 annual ship calls at Berths 302-305. In
8 addition, Alternative 4 would result in up to 9,401 peak daily truck trips (2,485,050
9 annual), and up to 2,563 annual one-way rail trip movements. Configuration of all other
10 landside terminal components (i.e., Main Gate improvements) would be identical to the
11 proposed Project.

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

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

24 **Air Quality, Meteorology and Greenhouse Gases (Section 3.2 and** 25 **4.2.2)**

26 The region of analysis for air quality impacts is the area immediately adjacent to the
27 proposed Project site in addition to the surrounding region as represented by the South
28 Coast Air Basin.

- 29 **▪ Impact AQ-1:** Alternative 4 emissions for VOC, NO_x, PM₁₀, and PM_{2.5} from
30 construction would be greater than the NEPA baseline. With implementation of
31 mitigation measures, emissions from construction of VOC, NO_x, and PM_{2.5} would
32 exceed the SCAQMD daily emission thresholds; therefore, impacts would remain
33 significant. From a NEPA perspective, the mitigated air quality impacts associated
34 with construction of Alternative 4 would be significant. Since residential areas
35 closest to the Alternative 4 site are predominantly minority (Figure 5-1) and have a
36 concentration of low-income population relative to Los Angeles County (Figure 5-2),
37 the elevated ambient concentrations of VOCs, NO_x, and PM_{2.5} would constitute a
38 disproportionately high and adverse effect on minority and low-income populations.

39 In addition, Alternative 4 would make a cumulatively considerable contribution to a
40 significant cumulative air quality impact associated with emissions of VOCs, NO_x,
41 PM₁₀, and PM_{2.5} from construction. Because the area surrounding the Alternative 4
42 site is predominantly minority and low income, this cumulative impact would
43 constitute a disproportionately high and adverse effect on minority and low-income
44 populations.

- 1 ▪ **Impact AQ-2:** Alternative 4 construction would result in off-site ambient
2 concentrations of criteria air pollutants (specifically, NO₂, PM₁₀, and PM_{2.5}) during
3 construction that would exceed SCAQMD thresholds of significance, even after
4 implementation of mitigation measures. This finding applies to individual
5 Alternative 4 impacts as well as Alternative 4's cumulative contribution relative to
6 the NEPA baseline. Although the receptor points with maximum concentrations
7 would not be in residential areas, residential areas would experience higher
8 concentrations the closer they are to Alternative 4. Since residential areas closest to
9 the Alternative 4 site are predominantly minority (Figure 5-1) and have a
10 concentration of low-income population relative to Los Angeles County (Figure 5-2),
11 the elevated ambient concentrations of NO₂, PM₁₀ and PM_{2.5} would constitute a
12 disproportionately high and adverse effect on minority and low-income populations.

13 Adverse human health effects of NO₂ include (a) potential to aggravate chronic
14 respiratory disease and respiratory symptoms in sensitive groups and (b) risk to
15 public health implied by pulmonary and extra-pulmonary biochemical and cellular
16 changes and pulmonary structural changes. NO₂ also contributes to atmospheric
17 discoloration, although this impact would be regional and would not primarily affect
18 populations closest to the emission sources. Adverse human health effects associated
19 with PM₁₀ and PM_{2.5} include (a) excess deaths from short-term and long-term
20 exposures; (b) excess seasonal declines in pulmonary function, especially in children;
21 (c) asthma exacerbation and possibly induction; (d) adverse birth outcomes including
22 low birth weight; (e) increased infant mortality; (f) increased respiratory symptoms in
23 children such as cough and bronchitis; and (g) increased hospitalization for
24 cardiovascular and respiratory disease (including asthma) (SCAQMD, 2007). These
25 adverse health effects may occur disproportionately among minority and low-income
26 populations in the vicinity of the proposed Project as a result of the elevated ambient
27 concentrations in exceedance of SCAQMD thresholds.

28 In addition, Alternative 4 would make a cumulatively considerable contribution to a
29 significant cumulative air quality impact for NO₂, PM₁₀, and PM_{2.5} pollutant
30 concentrations during construction. Because the nearest residential areas to the
31 Alternative 4 Area are predominantly minority and low income, this cumulative
32 impact would constitute a disproportionately high and adverse effect on minority and
33 low-income populations.

- 34 ▪ **Impact AQ-3:** Alternative 4 emissions for VOCs and NO_x in multiple study years
35 would be greater than the NEPA baseline and would exceed the SCAQMD daily
36 emission thresholds after implementation of mitigation measures and lease measures.
37 Therefore, from a NEPA perspective, the mitigated air quality impacts associated
38 with Alternative 4 operations would be significant and unavoidable. Since residential
39 areas closest to the Alternative 4 site are predominantly minority and have a
40 concentration of low-income population relative to Los Angeles County, the elevated
41 ambient concentrations of VOC and NO_x would constitute a disproportionately high
42 and adverse effect on minority and low-income populations. In addition, Alternative
43 4 would make a cumulatively considerable contribution to a significant cumulative
44 air quality impact from these pollutants during operation, and this cumulative impact
45 would constitute a disproportionately high and adverse effect on minority and low-
46 income populations.
- 47 ▪ **Impact AQ-4:** Maximum off-site ambient pollutant concentrations associated with
48 Alternative 4 operations would be significant for NO₂ and PM_{2.5} and significant
49 impacts under NEPA would occur. While implementation of mitigation measures

1 and lease measures would reduce the impact of Alternative 4 and reduce the PM_{2.5}
2 impact to a less than significant level, impacts would remain significant and
3 unavoidable for NO₂.

4 Since residential areas closest to the Alternative 4 site are predominantly minority
5 and have a concentration of low-income population relative to Los Angeles County,
6 the elevated ambient concentrations of NO₂ would constitute a disproportionately
7 high and adverse effect on minority and low-income populations. Adverse human
8 health effects of NO₂ would be the same as described immediately above under
9 Impact AQ-2.

10 In addition, Alternative 4 would make a cumulatively considerable contribution to a
11 significant cumulative air quality impact on NO₂ and PM_{2.5} concentrations during
12 operation, and this cumulative impact would constitute a disproportionately high and
13 adverse effect on minority and low-income populations.

- 14 ■ **Impact AQ-7:** Three different types of health effects related to toxic emissions from
15 operations of Alternative 4 are assessed: individual lifetime cancer risk, chronic
16 noncancer hazard index, and acute noncancer hazard index.

17 After implementation of mitigation measures, increases in toxic emissions from
18 operations of Alternative 4 would not result in significant cancer risk impacts (i.e., an
19 increased cancer risk of 10 or more cases in a million) or in significant chronic
20 noncancer risk impacts (i.e. a chronic hazard index of 1.0 or greater) compared to the
21 NEPA baseline. Therefore, the increased cancer risk and chronic noncancer risk due
22 to Alternative 4 would be less than significant and would not cause
23 disproportionately high and adverse effects on minority and low-income populations.

24 Alternative 4 would have significant effects on acute noncancer risks (i.e. an acute
25 hazard index of 1.0 or greater) relative to the NEPA baseline. Because the
26 populations closest to the Alternative 4 site are predominantly minority and
27 low-income, this elevated acute noncancer risk would represent a disproportionately
28 high and adverse impact on minority and low-income populations.

29 The *Multiple Air Toxics Exposure Study* (MATES-III) conducted by the SCAQMD in
30 2008 estimated the existing cancer risk from toxic air contaminants in the South
31 Coast Air Basin to be 1,200 in a million (SCAQMD, 2008). MATES-III did not
32 determine acute noncancer risks for the Basin. However, because Alternative 4
33 would have significant effects on acute noncancer risks relative to the NEPA baseline,
34 it would also make a cumulatively considerable contribution to acute noncancer risks
35 relative to the NEPA baseline. Some of these cumulative risks are regional across the
36 areas in the vicinity of the Port. The South Coast Air Basin includes many areas that
37 do not constitute minority and low-income populations. However, in the *Diesel*
38 *Particulate Matter Exposure Assessment Study for the Ports of Los Angeles and*
39 *Long Beach*, CARB estimates that elevated levels of cancer risks due to operational
40 emissions from the Ports of Los Angeles and Long Beach occur within and in
41 proximity to the two Ports (CARB, 2006). Noncancer risk due to concentrations of
42 DPM would also occur within and in proximity to the two Ports. While Alternative 4
43 does not cause a significant cancer or chronic noncancer risk impact as a result of
44 Alternative 4 construction or operations, cancer and chronic noncancer risk impacts
45 would be considered significant from a cumulative viewpoint due to the elevated risk
46 in proximately to the two Ports, and the less than significant increases in cancer and
47 chronic noncancer risk resulting from Alternative 4. Because the populations closest
48 to the Port of Los Angeles are predominantly minority and low income, elevated

1 cumulative cancer and noncancer risks would represent a disproportionately high and
2 adverse impact on minority and low-income populations.

3 It should be noted that Port-wide air quality mitigations that will be implemented
4 through the Port's CAAP and lease measures implemented as part of this Project will
5 reduce the health risk impacts from the proposed Project and other Projects at the
6 Port. The San Pedro Bay Standards enacted as part of the CAAP aim to reduce NOx,
7 SOx, and DPM emissions by milestone years in 2014 and 2023. Additionally, the
8 Ports developed a "health-risk reduction standard" that aims to reduce the risk of
9 contracting cancer due to DPM by 85 percent in the Port region and in communities
10 adjacent to the Ports by 2020. Future rulemaking activities by the CARB and
11 USEPA also will reduce future cumulative health impacts. Other than a few CAAP
12 measures, these future measures have not been accounted for in the emission
13 calculations or health risk assessment for Alternative 4. Therefore, the extent to
14 which these future measures will reduce cumulative health risk impacts within the
15 Project area at the Port is unknown at this time.

16 **5.4.7 Alternative 5 – Reduced Project: No Space Assignment**

17 Alternative 5 would improve the existing terminal, construct a new wharf (1,250 ft)
18 creating Berth 306, add 12 new cranes to Berths 302-306, add 56 acres for backlands,
19 wharfs, and gates improvements, construct electrification infrastructure in the backlands
20 behind Berths 305-306, and relinquish the 30 acres currently on space assignment. This
21 alternative would be the same as the proposed Project, except that EMS would relinquish
22 the 30 acres of backlands under space assignment. As with the proposed Project, the 41-
23 acre backlands and Berth 306 under Alternative 5 could utilize traditional container
24 operations, electric automated operations, or a combination of the two over time.
25 Dredging of the Pier 300 Channel along the new wharf at Berth 306 (approximately
26 20,000 cy) would occur, with the dredged material beneficially reused, and/or disposed of
27 at an approved disposal site (such as the CDF at Berths 243-245 and/or Cabrillo shallow
28 water habitat) or, if needed, disposed of at an ocean disposal site (i.e., LA-2).

29 Under Alternative 5, the total gross terminal acreage would be 317 acres, which is less
30 than the proposed Project. TEU throughput would be the same as the proposed Project,
31 with an expected throughput of approximately 3.2 million TEUs by 2027. This would
32 translate into 390 annual ship calls at Berths 302-306. In addition, this alternative would
33 result in up to 11,361 peak daily truck trips (3,003,157 annual) including drayage, and up
34 to 2,953 annual one-way rail trip movements. Configuration of all other landside
35 terminal components would be identical to the existing terminal.

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

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

1 documents whether there would be disproportionately high and adverse effects on
2 minority and/or low-income populations for this alternative.

3 **Air Quality, Meteorology and Greenhouse Gases (Section 3.2 and** 4 **4.2.2)**

5 The region of analysis for air quality impacts is the area immediately adjacent to the
6 proposed Project site in addition to the surrounding region as represented by the South
7 Coast Air Basin.

- 8 ■ **Impact AQ-1:** Alternative 5 emissions for VOC, CO, NO_x, PM₁₀, and PM_{2.5} from
9 construction would be greater than the NEPA baseline and would exceed the
10 SCAQMD daily emission thresholds. With implementation of mitigation measures,
11 impacts would remain significant. Therefore, from a NEPA perspective, the
12 mitigated air quality impacts associated with construction of Alternative 5 would be
13 significant. Since residential areas closest to the Alternative 5 site are predominantly
14 minority (Figure 5-1) and have a concentration of low-income population relative to
15 Los Angeles County (Figure 5-2), the elevated ambient concentrations of VOCs, CO,
16 NO_x, PM₁₀, and PM_{2.5} would constitute a disproportionately high and adverse effect
17 on minority and low-income populations.

18 In addition, Alternative 5 would make a cumulatively considerable contribution to a
19 significant cumulative air quality impact associated with emissions of VOCs, CO,
20 NO_x, PM₁₀, and PM_{2.5} from construction. Because the area surrounding the
21 Alternative 5 site is predominantly minority and low income, this cumulative impact
22 would constitute a disproportionately high and adverse effect on minority and low-
23 income populations.

- 24 ■ **Impact AQ-2:** Alternative 5 construction would result in off-site ambient
25 concentrations of criteria air pollutants (specifically, NO₂, PM₁₀, and PM_{2.5}) during
26 construction that would exceed SCAQMD thresholds of significance, even after
27 implementation of mitigation measures. This finding applies to individual
28 Alternative 5 impacts as well as Alternative 5's cumulative contribution relative to
29 the NEPA baseline. Although the receptor points with maximum concentrations
30 would not be in residential areas, residential areas would experience higher
31 concentrations the closer they are to Alternative 5. Since residential areas closest to
32 the Alternative 5 site are predominantly minority (Figure 5-1) and have a
33 concentration of low-income population relative to Los Angeles County (Figure 5-2),
34 the elevated ambient concentrations of NO₂, PM₁₀ and PM_{2.5} would constitute a
35 disproportionately high and adverse effect on minority and low-income populations.

36 Adverse human health effects of NO₂ include (a) potential to aggravate chronic
37 respiratory disease and respiratory symptoms in sensitive groups and (b) risk to
38 public health implied by pulmonary and extra-pulmonary biochemical and cellular
39 changes and pulmonary structural changes. NO₂ also contributes to atmospheric
40 discoloration, although this impact would be regional and would not primarily affect
41 populations closest to the emission sources. Adverse human health effects associated
42 with PM₁₀ and PM_{2.5} include (a) excess deaths from short-term and long-term
43 exposures; (b) excess seasonal declines in pulmonary function, especially in children;
44 (c) asthma exacerbation and possibly induction; (d) adverse birth outcomes including
45 low birth weight; (e) increased infant mortality; (f) increased respiratory symptoms in
46 children such as cough and bronchitis; and (g) increased hospitalization for
47 cardiovascular and respiratory disease (including asthma) (SCAQMD, 2007). These

1 adverse health effects may occur disproportionately among minority and low-income
2 populations in the vicinity of the proposed Project as a result of the elevated ambient
3 concentrations in exceedance of SCAQMD thresholds.

4 In addition, Alternative 5 would make a cumulatively considerable contribution to a
5 significant cumulative air quality impact for NO_x, PM₁₀, and PM_{2.5} pollutant
6 concentrations during construction. Because the nearest residential areas to the
7 Alternative 5 Area are predominantly minority and low income, this cumulative
8 impact would constitute a disproportionately high and adverse effect on minority and
9 low-income populations.

- 10 ■ **Impact AQ-3:** Alternative 5 peak daily emissions for VOC, CO, NO_x, PM₁₀, PM_{2.5}
11 and SO_x in multiple study years would be greater than the NEPA baseline. Increases
12 would exceed the SCAQMD daily emission thresholds. With implementation of
13 mitigation measures and lease measures, increases of VOC, CO, NO_x, PM_{2.5}, and
14 PM₁₀ in multiple study years would remain significant. Therefore, from a NEPA
15 perspective, the mitigated air quality impacts associated with Alternative 5 operations
16 would be significant and unavoidable. Since residential areas closest to the
17 Alternative 5 site are predominantly minority and have a concentration of
18 low-income population relative to Los Angeles County, the elevated ambient
19 concentrations of VOC, CO, NO_x, PM₁₀, and PM_{2.5} would constitute a
20 disproportionately high and adverse effect on minority and low-income populations.
21 In addition, Alternative 5 would make a cumulatively considerable contribution to a
22 significant cumulative air quality impact from these pollutants during operation, and
23 this cumulative impact would constitute a disproportionately high and adverse effect
24 on minority and low-income populations.

- 25 ■ **Impact AQ-4:** Maximum off-site ambient pollutant concentrations associated with
26 Alternative 5 operations would be significant for NO₂ and PM_{2.5} and significant
27 impacts under NEPA would occur. While implementation of mitigation measures
28 and lease measures would reduce the impact of Alternative 5 and reduce the annual
29 PM_{2.5} impacts to a less than significant level, impacts would remain significant and
30 unavoidable for NO₂.

31 Since residential areas closest to the Alternative 5 site are predominantly minority
32 and have a concentration of low-income population relative to Los Angeles County,
33 the elevated ambient concentrations of NO₂ would constitute a disproportionately
34 high and adverse effect on minority and low-income populations. Adverse human
35 health effects of NO₂ would be the same as described immediately above under
36 Impact AQ-2.

37 In addition, Alternative 5 would make a cumulatively considerable contribution to a
38 significant cumulative air quality impact on NO₂ and PM_{2.5} concentrations during
39 operation, and this cumulative impact would constitute a disproportionately high and
40 adverse effect on minority and low-income populations.

- 41 ■ **Impact AQ-7:** Three different types of health effects related to toxic emissions from
42 operations of Alternative 5 are assessed: individual lifetime cancer risk, chronic
43 noncancer hazard index, and acute noncancer hazard index.

44 After implementation of mitigation measures, increases in toxic emissions from
45 operations of Alternative 5 would not result in significant cancer risk impacts (i.e., an
46 increased cancer risk of 10 or more cases in a million) or in significant chronic
47 noncancer risk impacts (i.e. a chronic hazard index of 1.0 or greater) compared to the

1 NEPA baseline. Therefore, the increased cancer risk and chronic noncancer risk due
2 to Alternative 5 would be less than significant and would not cause
3 disproportionately high and adverse effects on minority and low-income populations.

4 Alternative 5 would have significant effects on acute noncancer risks (i.e. an acute
5 hazard index of 1.0 or greater) relative to the NEPA baseline. Because the
6 populations closest to the Alternative 5 site are predominantly minority and low-
7 income, this elevated acute noncancer risk would represent a disproportionately high
8 and adverse impact on minority and low-income populations.

9 The *Multiple Air Toxics Exposure Study* (MATES-III) conducted by the SCAQMD in
10 2008 estimated the existing cancer risk from toxic air contaminants in the South
11 Coast Air Basin to be 1,200 in a million (SCAQMD, 2008). MATES-III did not
12 determine acute noncancer risks for the Basin. However, because Alternative 5 would
13 have significant effects on acute noncancer risks relative to the NEPA baseline, it
14 would also make a cumulatively considerable contribution to acute noncancer risks
15 relative to the NEPA baseline. Some of these cumulative risks are regional across the
16 areas in the vicinity of the Port. The South Coast Air Basin includes many areas that
17 do not constitute minority and low-income populations. However, in the *Diesel*
18 *Particulate Matter Exposure Assessment Study for the Ports of Los Angeles and*
19 *Long Beach*, CARB estimates that elevated levels of cancer risks due to operational
20 emissions from the Ports of Los Angeles and Long Beach occur within and in
21 proximity to the two Ports (CARB 2006). Noncancer risk due to concentrations of
22 DPM would also occur within and in proximity to the two Ports. While Alternative 5
23 does not cause a significant cancer or chronic noncancer risk impact as a result of
24 Alternative 5 construction or operations, cancer and chronic noncancer risk impacts
25 would be considered significant from a cumulative viewpoint due to the elevated risk
26 in proximately to the two Ports, and the less than significant increases in cancer and
27 chronic noncancer risk resulting from Alternative 5. Because the populations closest
28 to the Port of Los Angeles are predominantly minority and low income, elevated
29 cumulative cancer and noncancer risks would represent a disproportionately high and
30 adverse impact on minority and low-income populations.

31 It should be noted that Port-wide air quality mitigations that will be implemented
32 through the Port's CAAP and lease measures implemented as part of this Project will
33 reduce the health risk impacts from the proposed Project and other Projects at the
34 Port. The San Pedro Bay Standards enacted as part of the CAAP aim to reduce NOx,
35 SOx, and DPM emissions by milestone years in 2014 and 2023. Additionally, the
36 Ports developed a "health-risk reduction standard" that aims to reduce the risk of
37 contracting cancer due to DPM by 85 percent in the Port region and in communities
38 adjacent to the Ports by 2020. Future rulemaking activities by the CARB and
39 USEPA also will reduce future cumulative health impacts. Other than a few CAAP
40 measures, these future measures have not been accounted for in the emission
41 calculations or health risk assessment for Alternative 5. Therefore, the extent to
42 which these future measures will reduce cumulative health risk impacts within the
43 Project area at the Port is unknown at this time.
44

5.4.8 Alternative 6 – Proposed Project with Expanded On-Dock Railyard

Alternative 6 would be the same as the proposed Project; however, the existing on-dock railyard on the terminal would be redeveloped and expanded. Under this alternative, approximately 10 acres of backlands would be removed from container storage for the railyard expansion. Alternative 6 would improve the existing terminal, develop the existing 41-acre fill area as backlands, add 1,250 ft of new wharf creating Berth 306, and dredge the Pier 300 Channel along Berth 306. Under this alternative, 12 new cranes would be added to the wharves along Berths 302-306, for a total of 24 cranes. As with the proposed Project, the 41-acre backlands and Berth 306 under Alternative 6 could utilize traditional container operations, electric automated operations, or a combination of the two over time. Dredging of the Pier 300 Channel along Berth 306 would occur (removal of approximately 20,000 cy of material), with the dredged material beneficially reused and/or disposed of at an approved disposal site (such as the CDF at Berths 243-245 and/or Cabrillo shallow water habitat) or, if needed, disposed of at an ocean disposal site (i.e., LA-2). Total terminal acreage (347) would be the same as the proposed Project.

Based on the throughput projections, TEU throughput would be the same as the proposed Project, with an expected throughput of approximately 3.2 million TEUs by 2027. This would translate into 390 annual ship calls at Berths 302-306. In addition, Alternative 6 would result in up to 10,830 peak daily truck trips (2,862,760 annual), and up to 2,953 annual rail trip movements. Configuration of all other landside terminal components would be identical to the existing terminal.

This alternative 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 Chapter 3, and the summary of alternatives and impacts in Chapter 6, provide detailed and summary information (respectively) comparing the effects of this alternative with other alternatives and the proposed Project. The focus of this chapter is the potential for disproportionately high and adverse effects on minority and/or low-income populations.

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

Air Quality, Meteorology and Greenhouse Gases (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 South Coast Air Basin.

- **Impact AQ-1:** Alternative 6 emissions for VOC, CO, NO_x, PM₁₀, and PM_{2.5} from construction would be greater than the NEPA baseline and would exceed the SCAQMD daily emission thresholds. With implementation of mitigation measures,

1 impacts would remain significant. Therefore, from a NEPA perspective, the
2 mitigated air quality impacts associated with construction of Alternative 6 would be
3 significant. Since residential areas closest to the Alternative 6 site are predominantly
4 minority (Figure 5-1) and have a concentration of low-income population relative to
5 Los Angeles County (Figure 5-2), the elevated ambient concentrations of VOCs, CO,
6 NO_x, PM₁₀, and PM_{2.5} would constitute a disproportionately high and adverse effect
7 on minority and low-income populations.

8 In addition, Alternative 6 would make a cumulatively considerable contribution to a
9 significant cumulative air quality impact associated with emissions of VOCs, CO,
10 NO_x, PM₁₀, and PM_{2.5} from construction. Because the area surrounding the
11 Alternative 6 site is predominantly minority and low income, this cumulative impact
12 would constitute a disproportionately high and adverse effect on minority and
13 low-income populations.

- 14 ■ **Impact AQ-2:** Alternative 6 construction would result in off-site ambient
15 concentrations of criteria air pollutants (specifically NO₂, PM₁₀, and PM_{2.5}) during
16 construction that would exceed SCAQMD thresholds of significance, even after
17 implementation of mitigation measures. This finding applies to individual
18 Alternative 6 impacts as well as Alternative 6's cumulative contribution relative to
19 the NEPA baseline. Although the receptor points with maximum concentrations
20 would not be in residential areas, residential areas would experience higher
21 concentrations the closer they are to Alternative 6. Since residential areas closest to
22 the Alternative 6 site are predominantly minority (Figure 5-1) and have a
23 concentration of low-income population relative to Los Angeles County (Figure 5-2),
24 the elevated ambient concentrations of NO₂, PM₁₀ and PM_{2.5} would constitute a
25 disproportionately high and adverse effect on minority and low-income populations.

26 Adverse human health effects of NO₂ include (a) potential to aggravate chronic
27 respiratory disease and respiratory symptoms in sensitive groups and (b) risk to
28 public health implied by pulmonary and extra-pulmonary biochemical and cellular
29 changes and pulmonary structural changes. NO₂ also contributes to atmospheric
30 discoloration, although this impact would be regional and would not primarily affect
31 populations closest to the emission sources. Adverse human health effects associated
32 with PM₁₀ and PM_{2.5} include (a) excess deaths from short-term and long-term
33 exposures; (b) excess seasonal declines in pulmonary function, especially in children;
34 (c) asthma exacerbation and possibly induction; (d) adverse birth outcomes including
35 low birth weight; (e) increased infant mortality; (f) increased respiratory symptoms in
36 children such as cough and bronchitis; and (g) increased hospitalization for
37 cardiovascular and respiratory disease (including asthma) (SCAQMD, 2007). These
38 adverse health effects may occur disproportionately among minority and low-income
39 populations in the vicinity of Alternative 6 as a result of the elevated ambient
40 concentrations in exceedance of SCAQMD thresholds.

41 In addition, Alternative 6 would make a cumulatively considerable contribution to a
42 significant cumulative air quality impact for NO_x, PM₁₀, and PM_{2.5} pollutant
43 concentrations during construction. Because the nearest residential areas to the
44 Alternative 6 Area are predominantly minority and low income, this cumulative
45 impact would constitute a disproportionately high and adverse effect on minority and
46 low-income populations.

1 ▪ **Impact AQ-3:** Alternative 6 peak daily emissions for VOC, CO, NO_x, PM₁₀, PM_{2.5}
2 and SO_x in multiple study years, would be greater than the NEPA baseline.
3 Increases would exceed the SCAQMD daily emission thresholds. With
4 implementation of mitigation measures and lease measures, increases of VOC, CO,
5 NO_x, PM_{2.5} and PM₁₀ in multiple study years would remain significant. Therefore,
6 from a NEPA perspective, the mitigated air quality impacts associated with
7 Alternative 6 operations would be significant and unavoidable. Since residential
8 areas closest to the Alternative 6 site are predominantly minority and have a
9 concentration of low-income population relative to Los Angeles County, the elevated
10 ambient concentrations of VOC, CO, NO_x, PM₁₀, and PM_{2.5} would constitute a
11 disproportionately high and adverse effect on minority and low-income populations.
12 In addition, Alternative 6 would make a cumulatively considerable contribution to a
13 significant cumulative air quality impact from these pollutants during operation, and
14 this cumulative impact would constitute a disproportionately high and adverse effect
15 on minority and low-income populations.

16 ▪ **Impact AQ-4:** Maximum off-site ambient pollutant concentrations associated with
17 Alternative 6 operations would be significant for NO₂ and PM_{2.5} and significant
18 impacts under NEPA would occur. While implementation of mitigation measures
19 and lease measures would reduce the impact of Alternative 6 and reduce the annual
20 PM_{2.5} impact to a less than significant level, impacts would remain significant and
21 unavoidable for NO₂.

22 Since residential areas closest to the Alternative 6 site are predominantly minority
23 and have a concentration of low-income population relative to Los Angeles County,
24 the elevated ambient concentrations of NO₂ would constitute a disproportionately
25 high and adverse effect on minority and low-income populations. Adverse human
26 health effects of NO₂ would be the same as described immediately above under
27 Impact AQ-2.

28 In addition, Alternative 6 would make a cumulatively considerable contribution to a
29 significant cumulative air quality impact on NO₂ and PM_{2.5} concentrations during
30 operation, and this cumulative impact would constitute a disproportionately high and
31 adverse effect on minority and low-income populations.

32 ▪ **Impact AQ-7:** Three different types of health effects related to toxic emissions from
33 operations of Alternative 6 are assessed: individual lifetime cancer risk, chronic
34 noncancer hazard index, and acute noncancer hazard index.

35 After implementation of mitigation measures, increases in toxic emissions from
36 operations of Alternative 6 would not result in significant cancer risk impacts (i.e., an
37 increased cancer risk of 10 or more cases in a million) or in significant chronic
38 noncancer risk impacts (i.e. a chronic hazard index of 1.0 or greater) compared to the
39 NEPA baseline. Therefore, the increased cancer risk and chronic noncancer risk due
40 to Alternative 6 would be less than significant and would not cause
41 disproportionately high and adverse effects on minority and low-income populations.

42 Alternative 6 would have significant effects on acute noncancer risks (i.e. an acute
43 hazard index of 1.0 or greater) relative to the NEPA baseline. Because the
44 populations closest to the Alternative 6 site are predominantly minority and
45 low-income, this elevated acute noncancer risk would represent a disproportionately
46 high and adverse impact on minority and low-income populations.

1 The *Multiple Air Toxics Exposure Study* (MATES-III) conducted by the SCAQMD in
2 2008 estimated the existing cancer risk from toxic air contaminants in the South
3 Coast Air Basin to be 1,200 in a million (SCAQMD, 2008). MATES-III did not
4 determine acute noncancer risks for the Basin. However, because Alternative 6 would
5 have significant effects on acute noncancer risks relative to the NEPA baseline, it
6 would also make a cumulatively considerable contribution to acute noncancer risks
7 relative to the NEPA baseline. Some of these cumulative risks are regional across the
8 areas in the vicinity of the Port. The South Coast Air Basin includes many areas that
9 do not constitute minority and low-income populations. However, in the *Diesel*
10 *Particulate Matter Exposure Assessment Study for the Ports of Los Angeles and*
11 *Long Beach*, CARB estimates that elevated levels of cancer risks due to operational
12 emissions from the Ports of Los Angeles and Long Beach occur within and in
13 proximity to the two Ports (CARB 2006). Noncancer risk due to concentrations of
14 DPM would also occur within and in proximity to the two Ports. While Alternative 6
15 does not cause a significant cancer or chronic noncancer risk impact as a result of
16 Alternative 6 construction or operations, cancer and chronic noncancer risk impacts
17 would be considered significant from a cumulative viewpoint due to the elevated risk
18 in proximately to the two Ports, and the less than significant increases in cancer
19 and chronic noncancer risk resulting from Alternative 6. Because the populations closest
20 to the Port of Los Angeles are predominantly minority and low income, elevated
21 cumulative cancer and noncancer risks would represent a disproportionately high and
22 adverse impact on minority and low-income populations.

23 It should be noted that Port-wide air quality mitigations that will be implemented
24 through the Port's CAAP and lease measures implemented as part of this Project will
25 reduce the health risk impacts from Alternative 6 and other Projects at the Port. The
26 San Pedro Bay Standards enacted as part of the CAAP aim to reduce NO_x, SO_x, and
27 DPM emissions by milestone years in 2014 and 2023. Additionally, the Ports
28 developed a "health-risk reduction standard" that aims to reduce the risk of
29 contracting cancer due to DPM by 85 percent in the Port region and in communities
30 adjacent to the Ports by 2020. Future rulemaking activities by the CARB and
31 USEPA also will reduce future cumulative health impacts. Other than a few CAAP
32 measures, these future measures have not been accounted for in the emission
33 calculations or health risk assessment for Alternative 6. Therefore, the extent to
34 which these future measures will reduce cumulative health risk impacts within the
35 Project area at the Port is unknown at this time.

36 **5.4.9 Summary of Disproportionate Effects on Minority and/or** 37 **Low-Income Populations**

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

45 Significant unavoidable air quality impacts would constitute disproportionately high and
46 adverse effects on minority and/or low-income population. All other resource impacts
47 would either be less than significant or if significant, would be limited to the proposed

1 Project site, would not affect the public, would be mitigated to less than significant, or
 2 would otherwise not have disproportionately high and adverse effects on minority and/or
 3 low-income populations.

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

Alternative*	Air Quality
Proposed Project	<ul style="list-style-type: none"> - Criteria pollutant emissions in excess of thresholds from construction and operations. - High ambient concentrations of PM₁₀ associated with construction. - High ambient concentrations of NO₂ and PM_{2.5} associated with construction and operations. - Increased risk of acute noncancer hazard.
Alternative 3 (Four New Cranes)	<ul style="list-style-type: none"> - Criteria pollutant emissions in excess of thresholds from construction and operations. - High ambient concentrations of PM_{2.5} associated with construction. - High ambient concentrations of NO₂ associated with construction and operations. - Increased risk of acute noncancer hazard.
Alternative 4 (No New Wharf)	<ul style="list-style-type: none"> - Criteria pollutant emissions in excess of thresholds from construction and operations. - High ambient concentrations of PM₁₀ associated with construction. - High ambient concentrations of NO₂ and PM_{2.5} associated with construction and operations. - Increased risk of acute noncancer hazard.
Alternative 5 (No Space Assignment)	<ul style="list-style-type: none"> - Criteria pollutant emissions in excess of thresholds from construction and operations. - High ambient concentrations of PM₁₀ associated with construction. - High ambient concentrations of NO₂ and PM_{2.5} associated with construction and operations. - Increased risk of acute noncancer hazard.
Alternative 6 (Expanded On-dock Railyard)	<ul style="list-style-type: none"> - Criteria pollutant emissions in excess of thresholds from construction and operations. - High ambient concentrations of PM₁₀ associated with construction. - High ambient concentrations of NO₂ and PM_{2.5} associated with construction and operations. - Increased risk of acute noncancer hazard.

* 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 (see 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 impact under NEPA.

4 5.5 Public Outreach

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

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

15 Notification of availability of documents is extensive and utilizes a variety of media.
 16 Environmental notices are placed in six newspapers: the *Los Angeles Times*, *Daily Breeze*,
 17 *La Opinion*, *Sentinel*, *Long Beach Press Telegram*, and *Metropolitan News*. Meeting

1 notices are sent to all active community organizations and to anyone who has requested
2 to be on the LAHD environmental documents mailing list. Postcards noticing the
3 document and any public meetings also are sent to all San Pedro and Wilmington
4 addresses. A free copy of documents is provided to community organizations. Notices
5 are also posted on the USACE website at: <http://www.spl.usace.army.mil/regulatory/>
6 (click on Port Projects, Port of Los Angeles website); with notices of availability of
7 EIS/EIRs published in the Federal Register.

8 The LAHD also consults with affected community groups through the Port Community
9 Advisory Committee (PCAC), a special stakeholder advisory committee of the
10 Los Angeles Board of Harbor Commissioners. This committee, which meets monthly,
11 includes representatives from a number of community groups. The PCAC also has
12 subcommittees and focus groups that address a broad range of environmental issues,
13 including studies on those impacts that might result in disproportionate impacts on
14 relevant populations. Greater detail regarding PCAC involvement and Port outreach is
15 available in Appendix B.

16 **5.5.1 Alternative Forms of Distribution**

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

25 **5.5.2 Spanish Translation**

26 With a large Hispanic population adjacent to the Port, meeting notifications and
27 executive summaries of major environmental documents are provided in Spanish as well
28 as English. The Readers Guide of this Draft EIS/EIR is available in a Spanish translation
29 to assist Spanish-speaking members of the local community in understanding the purpose
30 of the Draft EIS/EIR, project overview, project description, environmental impacts,
31 alternatives to the proposed Project, areas of controversy, and issues to be resolved.

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

34

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