6

ENVIRONMENTAL JUSTICE

6.1 Introduction

This environmental justice analysis complies with Executive Order 12898, Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, which requires federal agencies to assess the potential for their actions to have disproportionately high and adverse environmental and health impacts on minority and low-income populations, and with the Council on Environmental Quality (CEQ) *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 would result in disproportionate effects on minority and low-income populations as a result of significant impacts related to construction noise and air quality (ambient concentrations of criteria pollutants during construction). The proposed Project would also make a cumulatively considerable contribution to cumulatively significant impacts, after mitigation measures, on traffic circulation at one intersection during the operation phase. The contribution at this one intersection would represent a disproportionately high and adverse effect on minority and low-income populations.

6.1.1 Background

This Environmental Justice (EJ) chapter evaluates whether the proposed Project would result in disproportionately high and adverse human health or environmental impacts on minority and low-income populations. The following topics are discussed:

- Environmental Setting, including minority and low-income populations in the study area (data from the 2000 U.S. Census)

- Applicable EJ statutes, executive orders, and regulatory guidance
- The Public Outreach process and the provision of a Spanish translation to provide access to proposed Project information as well as increased opportunities for public participation by potentially affected minority and low-income communities
- Impacts and Mitigation Measures covering significant impacts identified in Chapter 3, "Environmental Analysis," Sections 3.1 through 3.14, and a discussion of how such impacts might disproportionately affect minority and low-income populations
- Cumulative Impacts, as applicable, when the proposed Project's impacts are added to disproportionate impacts of other actions and activities in the study area

6.2 Environmental Setting

The proposed Project is located in the Port of Los Angeles and adjacent to the City of Los Angeles community of Wilmington. For this assessment, the area of potential effect (APE) was determined in accordance with CEQ's guidance for identifying the "affected community," which requires consideration of the nature of likely proposed project impacts and identification of a corresponding unit of geographic analysis. Therefore, the environmental justice APE corresponds to the areas of effect associated with the specific environmental issues analyzed in this EIR. Areas of potential effect differ somewhat for each environmental issue.

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

The same CEQ environmental justice guidance (CEQ, 1997) suggests low-income populations be identified using the national poverty thresholds from the Census Bureau; guidance from EPA (1998, 1999b) also suggests using other regional low-income definitions as appropriate. Due to the higher cost of living in southern California compared to the nation as a whole, a higher threshold is appropriate for the identification of low-income populations. For the purposes of this analysis, low-income people are those with a household income at or below 1.25 times the national Census poverty threshold. The 1.25 ratio is based on application of a methodology

developed by the National Academy of Sciences (Citro and Michael 1995) and incorporates detailed data about fair market rents, over the period 1999–2007, for Los Angeles County from the U.S. Department of Housing and Urban Development (HUD 2007). Appendix K contains a detailed description of the method used to derive the low-income definition.

To establish context for this environmental justice analysis, race and ethnicity (i.e., minority) and income characteristics of the population residing in the vicinity of the proposed Project were reviewed. Table 6-1 presents population, minority, and low-income status from the 2000 Census and the Los Angeles City Planning Department for Wilmington, San Pedro, Los Angeles County and the City of Los Angeles, and all of California. The table also presents similar data for other cities in the general vicinity of the Port.

Table 5-1 shows that within Wilmington, minorities constitute 87.1% of the population and low-income persons constitute 32.2%. Thus, the neighborhood constitutes a "minority population concentration" under CEQ guidance, which sets the threshold at 50%; Wilmington also represents a low-income population when compared to the whole of Los Angeles County.

Table 6-1. Minority and Low-Income Population Ratios by Area

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

Sources: Census Bureau (2000)
Data for Wilmington and San Pedro are defined based on Community Plan Areas; Los Angeles Department of City Planning (2000)

Figure 6-1 shows the percentage of minority residents in Census block groups near the Wilmington Waterfront and the Port, and Figure 6-2 shows the percentage of low-income residents in the same area. These figures show block groups within the area modeled in the air quality dispersion and health risk analysis, which represents an outer boundary over which significant and unavoidable impacts may conceivably occur; however, note that the effects analysis does not, in fact, find significant and unavoidable impacts over the entire area of analysis, as described in Section 3.2, "Air Quality and Meteorology," and later in this chapter.) Table 6-2 presents data for the 59 Census tracts shown in Figures 6-1 and 6-2. The table in sub-Appendix G.2 in Appendix K provides data for the 169 block groups shown in Figures 6-1 and 6-2.

Table 6-2. Minority and Low-Income Characteristics by Census Tract in Proposed Project Vicinity

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

Area	*Total Population*	*Minority Population (%)*	*Low-Income Population (%)*
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
2972	8,011	51.7	18.1
2973	2,886	30.5	7.4
2974	3,615	15.9	1.9
2975	3,324	29.5	8.6
2976	6,572	40.0	13.3
5436.02	4,141	70.5	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
5727	1,820	93.8	21.4
5728	263	87.8	71.9
5729	3,310	97.3	42.2
5755	252	78.2	53.4

Area	*Total Population*	*Minority Population (%)*	*Low-Income Population (%)*
5756	46	84.8	0.0
6099	1,678	65.9	20.2
6510.01	975	40.2	4.9
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
6706	4,576	28.0	2.8
6707.01	6,777	32.9	5.1
6707.02	5,357	21.8	2.2
Total Census Tract	**232,510**	**66.2 (Average %)**	**22.2 (Average %)**
Source: Census (2000), Summary Files 1 and 3			

Figure 6-1 and Table 6-2 shows that a majority of census tracts near the proposed Project area have more than a 50% minority population, as well as a higher low-income population concentration in comparison to Los Angeles County. Thus, the neighborhood constitutes a "minority population concentration" under CEQ guidance because the guidance indicates such a concentration exists if the percent minority exceeds 50 percent, as well as low-income population concentration compared to Los Angeles County.

6.3 Applicable Regulations

6.3.1 Federal

6.3.1.1 Executive Order 12898

In 1994, in response to growing concern that minority and/or low-income populations bear a disproportionate amount of adverse health and environmental effects,

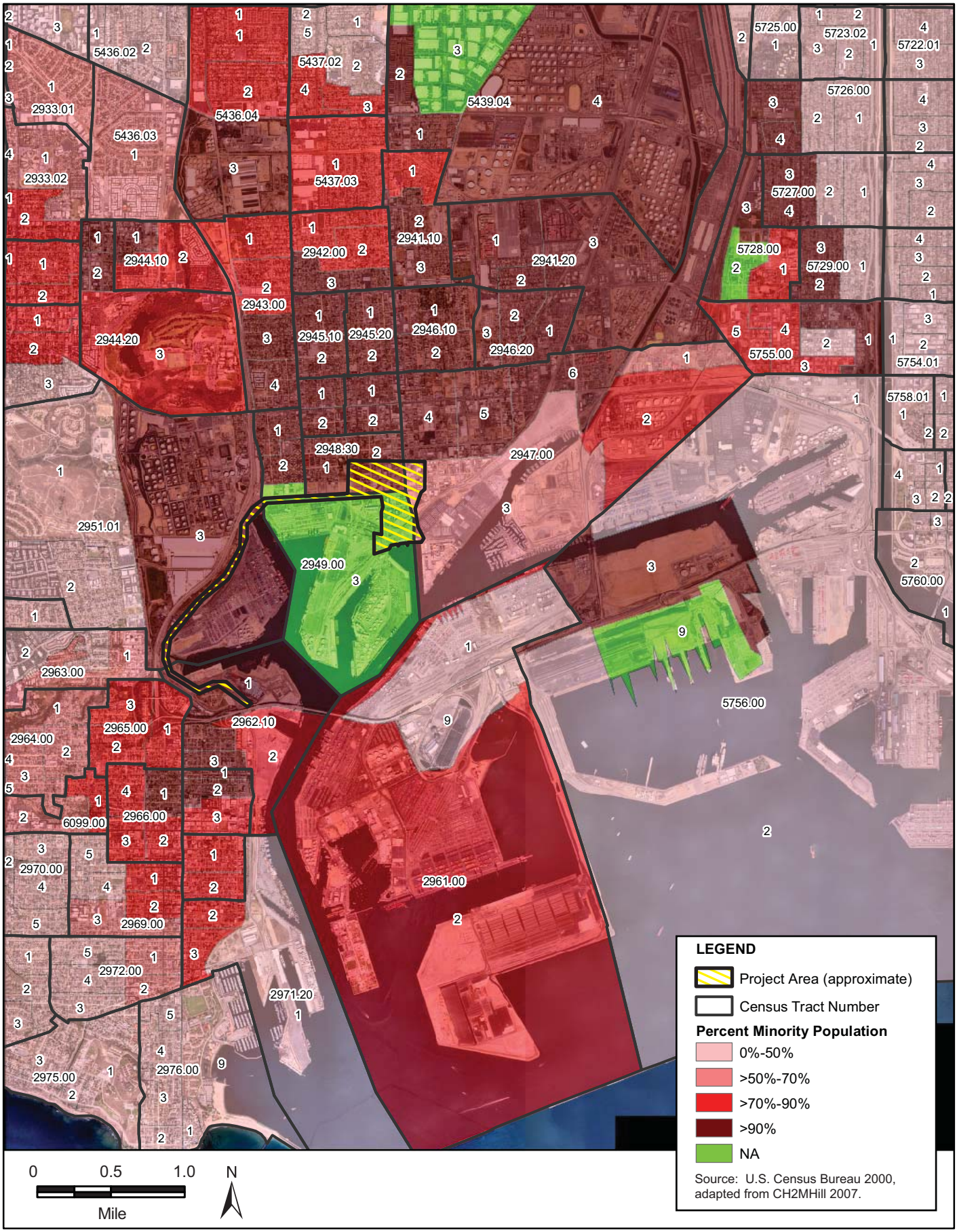

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Figure 6-1
Percent Minority Population
Wilmington Waterfront Development Project

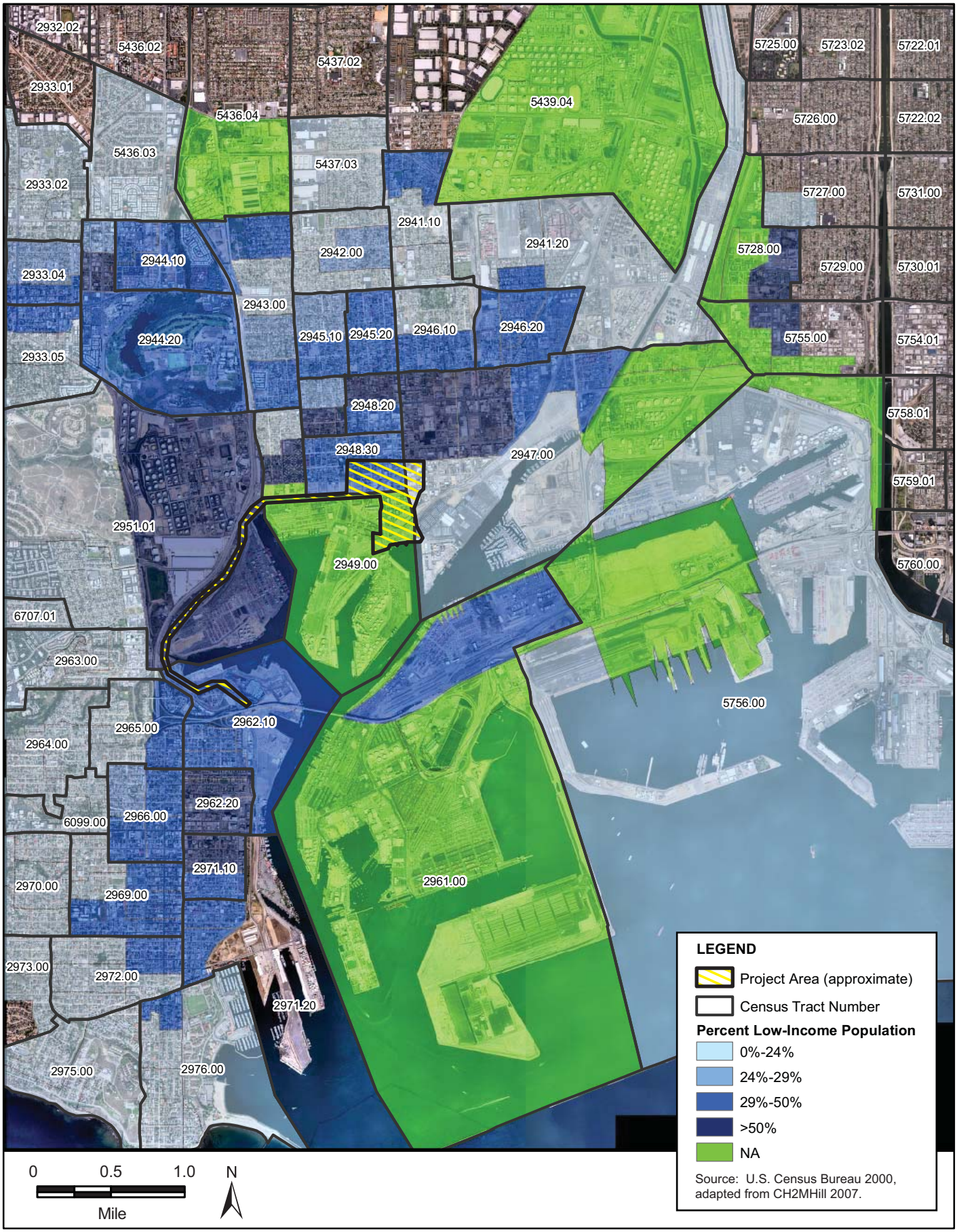

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Figure 6-2
Percent Low-Income Population
Wilmington Waterfront Development Project

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

6.3.1.1.1 Environmental Justice

The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. (EPA 2004, Section 2.2)

6.3.1.1.2 Fair Treatment

No group of people, including a racial, ethnic, or a socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. (EPA 2004, Section 2.2)

6.3.1.1.3 Meaningful Involvement

1. Potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health;
2. The public's contribution can influence the regulatory agency's decision;
3. The concerns of all participants involved will be considered in the decision making process; and
4. The decision makers seek out and facilitate the involvement of those potentially affected. (EPA 2004, Section 2.2)

6.3.1.1.4 Disproportionately High and Adverse Effect

An adverse effect or impact that: (1) is predominately borne by any segment of the population, including, for example, a minority population and/or a low-income population; or (2) will be suffered by a minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect or impact that will be suffered by a non-minority population and/or non-low-income population. (EPA 2004, Section 3.1)

6.3.2 State

6.3.2.1 PRC Sections 71110–71116

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

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

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

- Conduct programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.
- Promote enforcement of all health and environmental statutes within Cal/EPA's jurisdiction in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.
- Ensure greater public participation in the agency's development, adoption, and implementation of environmental regulations and policies.
- Improve research and data collection for programs within the agency relating to the health and environment of minority populations and low-income populations of the state.

- Coordinate efforts and share information with the USEPA.
- Identify differential patterns of consumption of natural resources among people of different socio-economic classifications for programs within the agency.
- Consult with and review any information received from the IWG pursuant to developing an agency-wide strategy for Cal/EPA.
- Develop a model environmental justice mission statement for Cal/EPA's boards, departments, and offices.
- Consult with, review, and evaluate any information received from the IWG pursuant to the development of its model environmental justice mission statement.
- Develop an agency-wide strategy to identify and address any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.

6.3.2.2 California Government Code Sections 65040–65040.12

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

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

6.3.3 California State Lands Commission Environmental Justice Policy

The California State Lands Commission (CSLC) adopted an Environmental Justice Policy on October 1, 2002 (CSLC 2002), wherein the CSLC pledges to continue and enhance its processes, decisions, and programs with environmental justice as an essential consideration by, among other actions, "identifying relevant populations that might be adversely affected by commission programs or by projects submitted by outside parties for its consideration." The policy also cites the definition of

environmental justice in state law and points out that this definition is consistent with the Public Trust Doctrine principle that the management of trust lands is for the benefit of all of the people. To date, the CSLC has not issued any guidance to implement the policy, although environmental justice is addressed in CSLC environmental documents.

6.3.4 General Plan of the City of Los Angeles

The City of Los Angeles General Plan has adopted environmental justice policies as outlined in its Framework and Transportation Elements; these policies are summarized below. The Framework Element is a "strategy for long-term growth which sets a citywide context to guide the update of the community plan and citywide elements."

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

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

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

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

6.3.5 South Coast Air Quality Management District

In 1997, SCAQMD adopted a set of guiding principles on environmental justice, addressing the rights of area citizens to clean air, the expectation of government safeguards for public health, and access to scientific findings concerning public health. Subsequent follow-up plans and initiatives led to the SCAQMD Board's

approval in 2003–2004 of an Environmental Justice Workplan. SCAQMD intends to update this as needed to reflect ongoing and new initiatives.

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

6.4 Impact Analysis

6.4.1 Methodology and Significance Thresholds

The methodology for conducting the impact analysis for environmental justice included reviewing impact conclusions for each of the resources in Chapter 3, "Environmental Analysis," and Chapter 4, "Cumulative Effects." Where chapters identified significant impacts or a cumulatively considerable contribution to a cumulatively significant impact, an evaluation was conducted to determine if these impacts would result in disproportionately high and adverse effects on minority or low-income populations.

Because CEQA deals only with the physical change in the environmental, the *L.A. CEQA Thresholds* does not identify significance thresholds for environmental justice or for disproportionately high and adverse effects on minority and low-income populations. In the absence of local thresholds for the proposed Project, federal guidance provided by CEQ has been utilized as the basis for determining whether the proposed Project would result in environmental justice effects. CEQ has oversight of the federal government's compliance with Executive Order 12898 and has published *Environmental Justice Guidance under the National Environmental Policy Act* (CEQ 1997). The CEQ guidance identifies three factors to be considered to the extent practicable when determining whether environmental effects are disproportionately high and adverse (CEQ 1997:26-27):

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

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

(c) Whether the environmental effects occur or would occur in a minority population or low-income population affected by cumulative or multiple adverse exposures from environmental hazards.

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

Identified significant and unavoidable impacts—or the contribution to cumulative impacts would be cumulatively considerable and unavoidable— were analyzed to determine if it could cause substantial effects on *human populations* (i.e., the public), as opposed to primarily affecting the natural or physical environment and/or resulting in limited public exposure. However, for disclosure purposes, these significant impacts are summarized in order to facilitate public involvement and review by potentially affected minority and low-income populations in the vicinity of the proposed Project.

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

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

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

Proposed project benefits were also considered to determine whether adverse effects would still be appreciably more severe or of greater magnitude after these other elements are considered. In addition, if significant unavoidable impacts or

contributions to cumulatively significant impacts were determined to be disproportionate, the identified mitigation measures were reviewed to determine whether they would be effective in avoiding or reducing the impacts on minority and low-income populations. If necessary, additional mitigations were considered.

6.4.2 Project-Related Direct, Indirect, and Cumulative Impacts

6.4.2.1 Adverse Effects to Overall Population

The proposed Project's individual and cumulative impacts are described in detail for each resource in Chapter 3, "Environmental Analysis," and Chapter 4, "Cumulative Effects." This section provides a summary of impacts that would be adverse to the overall population and lists their mitigation measures. Section 6.4.2.3 addresses impacts that would not be disproportionately high and adverse on minority and low-income populations.

6.4.2.2 Significant and Unavoidable Impacts

6.4.2.1.1 Air Quality

Impact AQ-1

Construction of the proposed Project would result in the temporary generation of emissions of CO, ROG, NO_X, SO_X, PM_{10}, and $PM_{2.5}$. Construction-related emissions would vary substantially depending on the level of activity, length of the construction period, specific construction operations, types of equipment, number of personnel, wind and precipitation conditions, and soil moisture content. In unmitigated case, VOC, CO, NO_X, and SO_2 emissions are greatest during the second half of January and first half of February 2011. Also, as with the unmitigated case, PM_{10} and $PM_{2.5}$ emissions are greatest during the latter half of February 2011.

Mitigation Measures

MM AQ-1: Harbor Craft Engine Standards.

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

This measure will be met unless one of the following circumstances exists, and the contractor is able to provide proof of its existence:

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

MM AQ-2: Dredging Equipment Electrification.

All dredging equipment will be electric.

MM AQ-3: Fleet Modernization for Onroad Trucks

1. Trucks hauling materials such as debris or fill will be fully covered while operating off Port property
2. Idling will be restricted to a maximum of 5 minutes when not in use.
3. EPA Standards:

    a. Prior to December 31, 2011: All onroad heavy-duty diesel trucks with a gross vehicle weight rating (GVWR) of 19,500 pounds or greater used at the Port of Los Angeles will comply with EPA 2004 onroad emission standards for PM_{10} and NO_X (0.10 g/bhp-hr and 2.0 g/bhp-hr, respectively).

    In addition, all onroad heavy heavy-duty trucks with a GVWR of 19,500 pounds or greater used at the Port of Los Angeles will be equipped with a CARB-verified Level 3 device.

    b. From January 1, 2012 on: All onroad heavy-duty diesel trucks with a GVWR of 19,500 pounds or greater used at the Port of Los Angeles will comply with EPA 2007 onroad emission standards for PM_{10} and NO_X (0.01 g/bhp-hr and 0.20 g/bhp-hr, respectively).

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

The above EPA Standards measures will be met, unless one of the following circumstances exists, and the contractor is able to provide proof that any of these circumstances exists:

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

MM AQ-4: Fleet Modernization for Construction Equipment

1. Construction equipment will incorporate, where feasible, emissions-savings technology such as hybrid drives and specific fuel economy standards.
2. Idling will be restricted to a maximum of 5 minutes when not in use.
3. Tier Specifications:
   - Prior to December 31, 2011: All offroad diesel-powered construction equipment greater than 50 horsepower (hp) will meet Tier-2 offroad emission standards, at a minimum. In addition, all construction equipment greater than 50 hp will be retrofitted with a CARB-certified Level 3 diesel emissions control device.
   - From January 1, 2012, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp, except ships and barges and marine vessels, will meet Tier-3 offroad emission standards, at a minimum. In addition, all construction equipment greater than 50 hp will be retrofitted with a CARB-certified Level 3 diesel emissions control device.
   - From January 1, 2015 on: All offroad diesel-powered construction equipment greater than 50 hp, except ships and barges and marine vessels, will meet Tier-4 offroad emission standards, at a minimum. In addition, all construction equipment greater than 50 hp will be retrofitted with a CARB-certified Level 3 diesel emissions control device.

The above Tier Specifications measures will be met, unless one of the following circumstances exists, and the contractor is able to provide proof that any of these circumstances exists:

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

MM AQ-5: Additional Fugitive Dust Controls.

The calculation of fugitive dust (PM_{10}) from proposed project earth-moving activities assumes a 61% reduction from uncontrolled levels to simulate rigorous watering of the site and use of other measures (listed below) to ensure compliance with SCAQMD Rule 403.

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

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

- Active grading sites will be watered one additional time per day beyond that required by Rule 403.
- Contractors will apply approved nontoxic chemical soil stabilizers to all inactive construction areas or replace groundcover in disturbed areas.
- Construction contractors will provide temporary wind fencing around sites being graded or cleared.
- Trucks hauling dirt, sand, or gravel will be covered or will maintain at least 2 feet of freeboard in accordance with Section 23114 of the California Vehicle Code.
- Construction contractors will install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving the construction site.

- The grading contractor will suspend all soil disturbance activities when winds exceed 25 mph or when visible dust plumes emanate from a site; disturbed areas will be stabilized if construction is delayed.

MM AQ-6: Best Management Practices.

The following types of measures are required on construction equipment (including onroad trucks):

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

LAHD will implement a process by which to select additional BMPs to further reduce air emissions during construction. The LAHD will determine the BMPs once the contractor identifies and secures a final equipment list and project scope. The LAHD will then meet with the contractor to identify potential BMPs and work with the contractor to include such measures in the contract. BMPs will be based on Best Available Control Technology (BACT) guidelines and may also include changes to construction practices and design to reduce or eliminate environmental impacts.

MM AQ-7: General Mitigation Measure.

For any of the above mitigation measures, if a CARB-certified technology becomes available and is shown to be as good as or better in terms of emissions performance than the existing measure, the technology could replace the existing measure pending approval by the Port.

MM AQ-8: Special Precautions near Sensitive Sites.

All construction activities located within 1,000 feet of sensitive receptors (defined as schools, playgrounds, daycares, and hospitals), will notify each of these land uses in writing at least 30 days prior to construction activity.

MM AQ-9: Construction Recycling.

Demolition and/or excess construction materials will be separated on site for reuse/recycling or proper disposal. During grading and construction, separate bins for recycling of construction materials will be provided on site. Materials with recycled content will be used in project construction. Chippers on site during construction will be used to further reduce excess wood for landscaping cover.

Residual Impacts

During construction, Mitigation Measures MM AQ-1 through MM AQ-5 would lower the maximum daily construction emissions of all criteria pollutants. PM_{10} and $PM_{2.5}$ emissions would be reduced to less-than-significant levels. However, even with mitigation incorporated, NO_X emissions would remain above the threshold and thus would result in a significant and unavoidable impact.

Substantial Effect on Human Populations

Most of these pollutants have adverse human health effects like chronic respiratory disease, effects on pulmonary function, increased infant mortality, cardiovascular and respiratory disease (including asthma), and so on. These adverse health effects may occur disproportionately among minority and low-income populations in the vicinity of the proposed Project as a result of the elevated ambient concentrations in exceedance of SCAQMD thresholds. Thus, Impact AQ-1would have a disproportionately high and adverse impact on the low-income and minority population groups as per the CEQ *Environmental Justice: Guidance under the National Environmental Policy Act* (1997).

Impact AQ-2

Dispersion modeling of construction emissions was performed to assess the impact of the proposed Project on local ambient air concentrations during project construction. The modeling analysis included diesel exhaust emissions from construction equipment, onsite trucks, and tugboats assisting wharf demolition and construction, and fugitive dust emissions from earth disturbance activities. Maximum offsite ambient pollutant concentrations associated with proposed project construction would be significant for NO_2 (1-hour average), PM_{10} (24-hour average), and $PM_{2.5}$ (24-hour average).

Mitigation Measures

Implement Mitigation Measures MM AQ-1 through MM AQ-9

Residual Impacts

With mitigation, maximum offsite ambient pollutant concentrations associated with proposed project construction would remain significant for NO_2 (1-hour average), PM_{10} (24-hour average), and $PM_{2.5}$ (24-hour average). The maximum offsite CO concentrations would remain less than significant.

Substantial Effect on Human Populations

The adverse human health impacts would be similar to the ones described under Impact AQ-1. The residual air quality impacts would be temporary over the life of construction activities, but significant during construction. Therefore, Impact AQ-2 of the proposed Project would result in a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-3

The proposed Project's unmitigated peak daily operational emissions are not expected to exceed SCAQMD Significance Thresholds for any criteria pollutants in all study years. The unmitigated air quality impacts associated with the proposed Project are expected to be less than significant for all criteria pollutants during all years. However, for 2011 the combined total of construction and operational impacts is expected to be significant for NO_X and PM10, while for 2015, the combined total is expected to be significant for NO_X.

Mitigation Measures

Implement Mitigation Measures MM AQ-1 through MM AQ-9 for construction emissions.

Residual Impacts

After mitigation, emissions of PM_{10} would be reduced to a less-than-significant level. However, NO_X emissions remain significant for year 2011.

Substantial Effect on Human Populations

Because residential areas closest to the proposed project site contain predominantly minority populations and have a concentration of low-income populations, the cited elevated peak daily emissions would constitute a disproportionately high and adverse effect on minority and low-income populations. Potential human health effects would be the same as described under Impact AQ-1.

Impact AQ-7

The proposed Project is located adjacent to an existing power generating station and substantial Port-related activities that generate emissions of diesel particulate matter (DPM) and other toxic air contaminants (TAC). The proposed Project would attract sensitive individuals to a location that most likely has a higher risk than their place of residence; a health risk impact would result. While most visitors would probably receive a relatively slight health risk impact, the possibility exists that a frequent visitor could accumulate a significant long-term cancer or non-cancer impact. The possibility also exists that any visitor could receive a significant short-term (acute)

impact if the visit takes place during a high level of adjacent industrial activity coupled with poor meteorological conditions. Therefore, the proposed Project could expose visitors to significant health risk impacts associated with air pollutants from other sources.

Mitigation Measures

Because the significant impact is an indirect impact associated with emissions from emission sources outside the control of the proposed Project, no additional mitigation measures are proposed.

Residual Impacts

In the short term, the health risk impact on project visitors would remain significant. In the long term, levels of pollution from both Port facilities and all Port-related trucks traveling along Harry Bridges Boulevard will substantially diminish in accordance with the recently approved Clean Air Action Plan (LAHD et al. 2006). . The Ports of Los Angeles and Long Beach have also instituted voluntary programs to reduce DPM emissions from port operations including installation of diesel oxidation catalysts on yard equipment, funding the incremental costs of cleaner fuels, cold-ironing of ocean-going ships, and providing monetary support to the Gateway Cities truck fleet modernization program. In addition, efforts at the state and local level to implement the Diesel Risk Reduction Plan and to fulfill commitments in the SIP will also reduce emissions. Other current regulations and future rules adopted by CARB and EPA also will further reduce air emissions and associated cumulative impacts in the proposed project region (CARB 2006).

Substantial Effect on Human Populations

In short term, the indirect health impacts on park users associated with TAC and DPM like cancer risks associated with the project impacts after mitigation would be significant and unavoidable for significant cancer risk impacts. Furthermore, it is reasonably foreseeable that a large percent of park goers would be from the surrounding communities of Wilmington and San Pedro. Therefore Impact AQ-7 of the proposed Project would result in a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-9

Both construction- and operation-related GHG emissions are compared to the CEQA baseline emissions for significance determination. The proposed project GHG emissions would be above the CEQA baseline emissions, and therefore would result in a significant impact.

Mitigation Measures

MM AQ-10: Energy Efficiency.

- Design buildings to be energy efficient. Site buildings to take advantage of shade, prevailing winds, landscaping, and sun screens to reduce energy use.
- Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings.
- Install light colored "cool" roofs, cool pavements, and strategically placed shade trees.
- Provide information on energy management services for large energy users.
- Install energy efficient heating and cooling systems, appliances and equipment, and control systems.
- Install light emitting diodes (LEDs) for outdoor lighting as feasible.
- Limit the hours of operation of outdoor lighting.
- Provide education on energy efficiency.

MM AQ-11: Renewable Energy.

- Require the installation of solar and/or wind power systems, solar and tankless hot water heaters, and energy efficient heating ventilation and air conditioning by Port tenants, where feasible. Educate Port tenants about existing incentives.
- Use combined heat and power in appropriate applications.

MM AQ-12: Water Conservation and Efficiency.

- Create water-efficient landscapes.
- Install water-efficient irrigation systems and devices, such as soil moisture–based irrigation controls.
- Use reclaimed water for landscape irrigation in new developments and on public property. Install the infrastructure to deliver and use reclaimed water.
- Design buildings to be water-efficient. Install water-efficient fixtures and appliances.
- Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.
- Restrict the use of water for cleaning outdoor surfaces and vehicles.
- Implement low-impact development practices that maintain the existing hydrologic character of the site to manage stormwater and protect the environment. (Retaining stormwater runoff on site can drastically reduce the need for energy-intensive imported water at the site.)

- Devise a comprehensive water conservation strategy appropriate for the proposed Project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate.
- Provide education to Port tenants about water conservation and available programs and incentives.

MM AQ-13: Solid Waste Measures.

- Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
- Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers in public areas.
- Provide education and publicity about reducing waste and available recycling services.

MM AQ-14: Land Use Measures.

- Incorporate public transit into project design.
- Preserve and create open space and parks. Preserve existing trees, and plant replacement trees at a set ratio.
- Include pedestrian and bicycle-only streets and plazas within developments. Create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling, or walking.

MM AQ-15: Transportation and Motor Vehicles.

- Limit idling time for commercial vehicles, including delivery and construction vehicles.
- Use low- or zero-emission vehicles, including construction vehicles.
- Promote ride sharing programs (e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides).
- Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations).
- Promote “least polluting” ways to connect people and goods to their destinations.
- Incorporate bicycle lanes and routes into street systems.
- Incorporate bicycle-friendly intersections into street design.
- Provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience.
- Create bicycle lanes and walking paths.

Residual Impacts

The proposed project construction-related GHG emissions impact would decrease from its previously less–than-significant level. Operation-related GHG emissions, however, would remain above the CEQA baseline emissions, and therefore would result in a significant and unavoidable impact.

Substantial Effect on Human Populations

GHGs differ from criteria pollutants in that GHG emissions do not cause direct adverse human health effects. Rather, the direct environmental effect of GHG emissions is the increase in global temperatures, which in turn has numerous indirect effects on the environment and humans. Even with mitigation, the impacts of the project on GHG would be significant and unavoidable under CEQA. However, because the impacts associated with GHG are global, they would not be disproportionately high on minority and low-income populations, Impact AQ-9 would not result in disproportionately high and adverse effects on minority and low-income populations.

6.4.2.1.2 Geology:

Impact GEO-1a and b

As the proposed project area is potentially underlain by strands of the active Palos Verdes Fault and liquefaction-prone soil, there is a substantial risk of seismic impacts such as fault rupture, seismic ground shaking, liquefaction, or other seismically induced ground failure. Increased exposure of people and property during construction and project operation to seismic hazards from a major or great earthquake cannot be precluded, even with incorporation of modern construction engineering and safety standards. Therefore, impacts due to seismically induced ground failure would be significant and unavoidable.

Mitigation Measures

There are no mitigation measures available that would reduce impacts below significance.

Residual Impacts

Impacts would be significant and unavoidable.

Substantial Effect on Human Populations

This impact is related to existing buildings and buildings that would be constructed by the proposed Project and is a consequence of the underlying geologic conditions.

This would have a substantial effect on human populations; however, the effect would be limited to the structures erected on the proposed project site and would not result in disproportionately high and adverse effects on minority and low-income populations within the surrounding and nearby communities.

6.4.2.1.3 Noise

Impact NOI-1

Construction activities would typically last more than 10 days in any 3-month period. Based on the thresholds for significance, an impact would be considered significant if noise from these construction activities would exceed existing ambient exterior noise levels by 5 dBA or more at a noise sensitive use. Using the acoustical center from construction between Harry Bridges Avenue and C Street bound by Broad Street to the east and Lagoon Avenue to the west would raise the noise level approximately 6 dBA above the existing noise environment. Pile driving along the proposed park area would raise the noise levels approximately 11 dBA at the closest sensitive receptor. The construction of the Waterfront Red Car extension could potentially raise noise levels at the closest sensitive receptors along Shields Drive (overlooking Pacific Avenue) by approximately 20 dBA.

Furthermore, the overlap of the Phase 1 operational stage with the Phase 2 construction stage would mean recreational users would be exposed to construction related noise. Thus, impacts on sensitive receptors resulting from construction would remain significant even after mitigation.

Mitigation Measures

MM NOI-1: The following procedures will help reduce noise impacts from construction activities:

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

Construction Hours. Construction will be limited to between 7:00 a.m. and 9:00 p.m. on weekdays; between 8:00 a.m. and 6:00 p.m. on Saturdays; and there will be no construction equipment noise anytime on Sundays and holidays as prescribed by the City of Los Angeles Noise Ordinance.

Construction Days. Noise-generating construction activities will not occur on weekends or holidays unless critical to a particular activity (e.g., concrete work).

Construction Equipment. All construction equipment powered by internal combustion engines will be properly muffled and maintained.

Idling Prohibitions. Unnecessary idling of internal combustion engines near noise sensitive areas will be prohibited.

Equipment Location. All stationary noise-generating construction equipment, such as air compressors and portable power generators, will be located as far as practical from existing noise sensitive land uses.

Quiet Equipment Selection. Quiet construction equipment will be selected whenever feasible. Where feasible, noise limits established in the City of Los Angeles Noise Ordinance will be fully complied with.

Notification. Residents within 500 feet to the proposed project site will be notified of the construction schedule in writing.

Residual Impacts

Impacts would be significant and unavoidable.

Substantial Effect on Human Populations

This impact is related to noise generated during construction activities. This impact would have a substantial effect on human populations such that the effect would result in disproportionately high and adverse effects on minority and low-income populations. No additional mitigation is feasible.

6.4.2.1.4 Significant and Unavoidable Cumulative Impacts

Some of the impacts on resource areas like air quality (impacts from project construction and operation on regional ambient air quality), biological resources (impacts on sensitive species, natural habitats, special aquatic sites, or plant communities, local biological communities, and marine habitat), cultural resources (impacts on known and unknown prehistoric or historical archaeological resources), and water quality (discharge effects to water and sediment quality) have less-than-significant impacts at the individual project level, but when combined with past, present and reasonably foreseeable future projects, the result is that the proposed project's incremental increase would contribute to a cumulatively considerable and significant impact.

However, impacts related to biological resources, and cultural resources do not have direct human impacts. Thus the cumulatively significant and unavoidable impacts on these resource areas would not result in disproportionately high and adverse effects on minority and low-income populations. The cumulatively significant and unavoidable air quality and water quality impacts due to construction and operations would have regional impacts. At the cumulative level, impacts would be spread out over the region and would not uniquely affect the local population. Thus, regional impacts would not result in disproportionately high and adverse effects on minority and low-income populations because of the greater area affected.

6.4.2.3 Less than Significant After Mitigation

6.4.2.3.1 Biological Resources

Impact BIO-2a

The proposed Project would result in the loss of 0.05 acres of aquatic marine habitat within the Inner Harbor. The loss of this habitat would be considered a significant effect upon aquatic marine resources including EFH for Pacific groundfish and coastal pelagic species that occur in the harbor. This impact would be mitigated in accordance with established interagency mitigation requirements.

Mitigation Measures

MM BIO 1. Debit Inner Harbor Mitigation Bank. The loss of 2,200 square feet (0.05 acres) of Inner Harbor marine habitat would be mitigated by debiting the required credits from the Inner Harbor Mitigation Bank, per the terms and conditions established in the MOU between LAHD, CDFG, NMFS, and USFWS (City of Los Angeles 1984).

Residual Impacts

Impacts would be less than significant.

Substantial Effect on Human Populations

This impact is related to loss of aquatic marine habitat due to the proposed Project prior to mitigation, but after mitigation, the impact would be reduced to a level less than significant. Because the impact would be less than significant and is limited to aquatic marine habitat, this would not have a substantial effect on human populations such that the effect would result in disproportionately high and adverse effects on minority and low-income populations.

Impact BIO-5a

Construction of the proposed Project would result in permanent changes to the proposed project area that would increase shading through the addition of 30,000 square feet (0.65-acres) of overwater structures. This change in ambient light would not affect eelgrass, kelp, or other aquatic vegetation or macroalgae, as these are not present. However, the replacement of the existing bulkhead with the sheet pile option would result in the permanent loss of 2,200 square feet (0.05 acres) of marine habitat.

Mitigation Measures

Implement Mitigation Measure MM BIO-1.

Residual Impacts

Impacts would be less than significant.

Substantial Effect on Human Populations

While the proposed Project would result in the permanent loss of marine habitat, but after mitigation, the impact would be reduced to a level less than significant. Because the impact would be less than significant and is limited to marine habitat, this would not have a substantial effect on human populations such that the effect would result in disproportionately high and adverse effects on minority and low-income populations.

6.4.2.3.2 Cultural Resources

Impact CR-1

Archival research has indicated that the proposed Avalon Development District is located within the center of the historic community of Wilmington. Therefore, construction activities like excavation and trenching, as well as other ground-disturbing actions, have the potential to temporarily unearth and permanently destroy sensitive historical archaeological resources associated with the early development of Wilmington. Impacts on archaeological resources related to proposed project construction in the Avalon Development District would be significant. Furthermore, should avoidance and incorporation of the Pacific Electric Railway into the proposed project not be determined feasible, impacts on this resource would be considered significant.

Mitigation Measures

MM CR-1: Conduct Future Cultural Resources Studies along the Waterfront Red Car Line Extension Once Determined

Archival research indicates that archaeological resources may be located within the Waterfront Red Car Line proposed project area. According to the records search, **t**wo prehistoric sites (CA-LAn-150 and CA-LAn -283) are located adjacent to the proposed Waterfront Red Car Line location and one archaeological site, CA-LAn-2135H, is located less than ⅛th of a mile from the proposed approximate alignment. In addition, archival and historic map research has indicated the potential for subsurface archaeological deposits associated with the early development of Wilmington within the Avalon Development District and the Waterfront Red Car Line.

The LAHD will ensure that, prior to final design approval for affected parcels, a qualified archaeologist will be retained to perform additional Phase I level archaeological surveys and research to determine the potential for prehistoric and historical archaeological deposits within these portions of the proposed project area in accordance with professional standards and guidelines.

MM CR-2: Incorporate the Tracks into the Design Plan

The proposed Project will incorporate the Pacific Electric Railway tracks into the project design in accordance with the Secretary of the Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* or the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (Weeks and Grimmer 1995).

MM CR-3: Generate Monitoring/Treatment Plan Prior to Demolition and/or Ground Disturbing Activities

A phased approach to mitigation would reduce any potential impacts to archaeological resources to less-than-significant. Prior to any ground-disturbing activities and/or demolition, a treatment/monitoring plan would be generated. This document would address areas where potentially significant historical archaeological deposits are likely to be located within the proposed commercial portion of the project area. The research design/treatment plan would also include methods for: (1) archaeological monitoring during demolition of existing buildings (2) subsurface testing after demolition and (3) data recovery of archaeological deposits. A detailed historic context that clearly demonstrates the themes under which any identified subsurface deposits would be determined significant would be included in the document as well as anticipated artifact types, artifact analysis, report writing, repatriation of human remains and associated grave goods, and curation.

MM CR-4: Monitor in Vicinity of Government Depot Portion of the Wilmington Waterfront District

Because the Phase I historical resources study (ICF Jones & Stokes 2008) has identified a low potential for historical archaeological deposits associated with a Civil War era Government Depot within a portion of the *Wilmington Waterfront District* and because ground-disturbing activities a could impact potentially CRHR and/or NRHP-eligible historical archaeological deposits , prior to any ground-disturbing activities:

- A monitoring plan be generated that would address areas where potentially significant archaeological deposits are likely to be located within this portion of the project area and clearly demonstrates the themes under which any deposits would be determined significant.
- LAHD will require at least one pre-field meeting with environmental management staff, project engineers, construction contractors, and construction

inspectors to discuss the monitoring protocols and issues related to treatment of identified archaeological resources.

- A qualified archaeologist shall monitor all ground-disturbing activities in the vicinity of the Government Depot within the *Wilmington Waterfront District* portion of the project area. The qualified archaeological monitor will have demonstrated knowledge of, and experience with the treatment of historical archaeological resources.
- Due to potentially hazardous soil conditions associated with the DWP facility (as included in the project description), a safety plan will be generated in conjunction with the LAHD that addresses all issues associated with contamination and remediation. It is further recommended that the qualified archaeological monitor also be 40-hour Hazwoper certified.
- In the event that subsurface deposits are identified during monitoring, ground disturbing activities will halt within 100 feet of the find to allow the qualified archaeologist can assess the find(s) and determine if treatment of the resource(s) is required.

Residual Impacts

With implementation of mitigation measures MM CR-1, MM CR-2, and MM CR-3, impacts on known or suspected archaeological resources would be less than significant.

Substantial Effect on Human Populations

This impact is related to existing historical archaeological resources that would potentially be destroyed by the proposed Project prior to mitigation, but that after mitigation the likelihood of such an occurrence would be reduced to a level less than significant. Because the impact would be less than significant and is limited to archaeological resources, this would not have a substantial effect on human populations such that the effect would result in disproportionately high and adverse effects on minority and low-income populations.

Impact CR-2

Based upon archival research and known archaeological resources in the area, it is likely unknown prehistoric and/or historical archaeological resources are contained with the ground. In most cases, implementation of mitigation measures MM CR-1 and MM CR-3 would preclude the potential for a significant impact. However, in the event these mitigation measures do not identify all archaeological resources in the area and construction activities commence, any unidentified resources would have the potential to be destroyed. Impacts on unidentified archaeological resources would be significant.

Mitigation Measures

MM CR-5: Stop Work if Previously Unidentified Resources Are Encountered during Ground Disturbing Activities

In the event that any artifact or an unusual amount of bone, shell, or nonnative stone is encountered during construction, work will be immediately stopped and relocated to another area. The contractor will stop construction within 100 feet of the exposed resource until a qualified archaeologist can be retained by the Port to evaluate the find (see 36 CFR 800.11.1 and CCR, Title 14, Section 15064.5(f)). Examples of such cultural materials might include concentrations of ground stone tools such as mortars, bowls, pestles, and manos; chipped stone tools such as projectile points or choppers; flakes of stone not consistent with the immediate geology such as obsidian or fused shale; historic trash pits containing bottles and/or ceramics; or structural remains. If the resources are found to be significant, they will be avoided or will be mitigated consistent with SHPO Guidelines. All construction equipment operators will attend a preconstruction meeting presented by a professional archaeologist retained by the Port that will review types of cultural resources and artifacts that would be considered potentially significant, to ensure operator recognition of these materials during construction.

Prior to beginning construction, the Port will meet with applicable Native American Groups, including the Gabrieliño/Tongva Tribal Council to identify areas of concern. In addition to monitoring, a treatment plan will be developed in conjunction with the Native American Groups to establish the proper way of extracting and handling all artifacts in the event of an archaeological discovery.

Residual Impacts

Implementation of mitigation measures MM CR-1 for the program-level portions of the proposed project and MM CR-5 for the project-level portions of the proposed project would reduce impacts to less than significant.

Substantial Effect on Human Populations

This impact is related to unknown prehistoric and/or historical archaeological resources that would potentially be destroyed by the proposed Project prior to mitigation, but that after mitigation the likelihood of such an occurrence would be reduced to a level less than significant. Because the impact would be less than significant and is limited to archaeological resources, this would not have a substantial effect on human populations such that the effect would result in disproportionately high and adverse effects on minority and low-income populations.

Impact CR-3

While the possibility of encountering unidentified buried human remains is low, the possibility cannot be ruled out. Impacts related to the possible disturbance, damage, or degradation of unknown human remains would be significant.

Mitigation Measures

Implement MM CR-1, MM CR-3, and MM CR-5.

Residual Impacts

Impacts would be less than significant.

Substantial Effect on Human Populations

This impact is related to unidentified buried human remains that would potentially be destroyed by the proposed Project prior to mitigation, but that after mitigation the likelihood of such an occurrence would be reduced to a level less than significant. Because the impact would be less than significant after mitigation, this would not have a substantial effect on human populations such that the effect would result in disproportionately high and adverse effects on minority and low-income populations.

Impact CR-4

The geologic assessment and literature review demonstrate that excavation in association with development of the proposed Project has the potential to impact significant nonrenewable fossil resources. Excavation into undisturbed geologic deposits underlying the proposed project area, which include Quaternary alluvium, non-marine terrace deposits, Pleistocene-age marine deposits of Palos Verdes Sand, Pleistocene-age offshore marine deposits of San Pedro Sand, and Timms' Point Silt, would potentially impact fossil resources.

Mitigation Measures

MM CR-6: Develop a Program to Mitigate Impacts on Nonrenewable Paleontologic Resources prior to Excavation or Construction of any Proposed Project Components.

This mitigation program will be conducted by a qualified vertebrate paleontologist and will be consistent with the provisions of CEQA, as well as the proposed guidelines of the Society of Vertebrate Paleontology. This program will include, but not be limited to:

1. Assessment of site-specific excavation plans to determine areas that will be designated for paleontological monitoring during initial ground disturbance.

2. Development of monitoring protocols for these designated areas. Areas consisting of artificial fill materials will not require monitoring. Paleontologic monitors qualified to Society of Vertebrate Paleontology standards will be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Monitoring may be reduced if some of the potentially fossiliferous units described herein are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.
3. Preparation of all recovered specimens to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Preparation and stabilization of all recovered fossils are essential in order to fully mitigate adverse impacts on the resources.
4. Identification and curation of all specimens into an established, accredited museum repository with permanent retrievable paleontologic storage. These procedures are also essential steps in effective paleontologic mitigation and CEQA compliance (Scott and Springer 2003). The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impacts on significant paleontologic resources is not considered complete until such curation into an established museum repository has been fully completed and documented.
5. Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the appropriate lead agency along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts on paleontologic resources.

Residual Impacts

Implementation of mitigation measure MM CR-5 by a qualified vertebrate paleontologist would reduce impacts to less-than-significant levels.

Substantial Effect on Human Populations

This impact is related to existing buried cultural and fossil resources that would potentially be destroyed by the proposed Project prior to mitigation, but that after mitigation the likelihood of such an occurrence would be reduced to a level less than significant. Because the impact would be less than significant and is limited to buried resources, this would not have a substantial effect on human populations such that the effect would result in disproportionately high and adverse effects on minority and low-income populations.

6.4.2.3.3 Ground Water and Soils

Impact GW-1a

Grading and construction could potentially expose construction personnel, existing operations personnel, and Phase 1 recreational users to contaminated soil, toxic plumes, or contaminated water. Grading and construction activities may also encounter previously unidentified underground storage tanks (USTs), hazardous materials, petroleum hydrocarbons, or hazardous or solid wastes. Additionally, demolition of structures built prior to 1980 may result in the exposure of the public and/or the environment to asbestos containing materials (ACMs) and/or lead based paint (LBP). Human health and safety impacts would be significant pursuant to exposure levels established by CalEPA's Office of Environmental Health Hazard Assessment (OEHHA).

Mitigation Measures

MM GW-1. Preparation of a Soil Management Plan or Phase II Environmental Site Assessment. LAHD will prepare a soil management plan prior to construction and will implement it during all phases of construction. Disturbed soils will be monitored for visual evidence of contamination (e.g., staining or discoloration). Soil will also be monitored for the presence of VOCs using appropriate field instruments such as organic vapor measurement with photoionization detectors or flame ionization detectors. If the monitoring procedures indicate the possible presence of contaminated soil, a contaminated soil contingency plan will be implemented and will include procedures for segregation, sampling, and chemical analysis of soil. Contaminated soil will be profiled for disposal and will be transported to an appropriate hazardous or non-hazardous waste or recycling facility licensed to accept and treat the type of waste indicated by the profiling process. The contaminated soil contingency plan will be developed and in place during all construction activities. If these processes generate any contaminated groundwater that must be disposed of outside of the dewatering/NPDES process, the groundwater will be profiled, manifested, hauled, and disposed of in the same manner.

Alternatively, preparation of a Phase II ESA will be prepared. In general, the Phase II ESA will include the following:

- A work plan that includes the number and locations of proposed soil/monitoring wells, sampling intervals, drilling and sampling methods, analytical methods, sampling rationale, site geohydrology, field screening methods, quality control/quality assurance, and reporting methods. Where appropriate, the work plan is approved by a regulatory agency such as the LAFD or the RWQCB.
- A site-specific health and safety plan signed by a Certified Industrial Hygienist.
- Necessary permits for encroachment, boring completion, and well installation.

- A traffic safety plan.
- Sampling program (fieldwork) in accordance with the work plan and health and safety plan. Fieldwork is completed under the supervision of a State of California registered geologist.
- Hazardous materials testing through a state-certified laboratory.
- Documentation including a description of filed procedures, boring logs/well construction diagrams, tabulations of analytical results, cross-sections, an evaluation of the levels and extent of contaminants found, and conclusions and recommendations regarding the environmental condition of the site and the need for further assessment. Recommendations may include additional assessment or handling of the contaminants found though the contaminated soil contingency plan. If the contaminated soil contingency plan is inadequate for the contamination found, a remedial action plan will be developed. Contaminated groundwater will generally be handled through the NPDES/dewatering process.
- Disposal process including transport by a state-certified hazardous material hauler to a state-certified disposal or recycling facility licensed to accept and treat the identified type of waste.

MM GW-2: Site Remediation. Unless otherwise authorized by the lead regulatory agency for any given site, LAHD will remediate all contaminated soils within proposed project boundaries prior to or during demolition and grading activities. Remediation will occur in compliance with local, state, and federal regulations as described in Section 3.6.3 and as directed by the LACFD, DTSC, and/or RWQCB.

Soil remediation will be completed such that contamination levels are below health screening levels established by OEHHA of CalEPA and/or applicable action levels established by the lead regulatory agency with jurisdiction over the site. Soil contamination waivers may be acceptable as a result of encapsulation (i.e., paving) in upland areas and/or risk-based soil assessments, but would be subject to the discretion of the lead regulatory agency.

Existing groundwater contamination throughout the proposed project boundary will continue to be monitored and remediated, simultaneous and/or subsequent to site redevelopment, in accordance with direction provided by the RWQCB.

Unless otherwise authorized by the lead regulatory agency for any given site, areas of soil contamination that will be remediated prior to or in conjunction with proposed project demolition, grading, and construction will include, but not be limited to, the properties within and adjacent to the proposed Project as listed in the HMA and filed as Appendix F of this EIR.

MM GW-2a: Remediate Former Oil Wells in the Industrial District (Area A), Waterfront District (Area B), and within the Immediate Vicinity of the Waterfront Red Car Line/CCT (Area C). Locate the well using geophysical or other methods. Contact the Division of Oil, Gas, and Geothermal Resources

(DOGGR) to review abandonment records and inquire whether re-abandonment is necessary prior to any future construction related to the proposed project. Implement corrective measures as directed by DOGGR. Successful site remediation will require compliance with MM GW-2.

MM GW-2b: Remediate Soil along Existing and Former Rail Lines. Soil along and immediately adjacent to existing and former rail lines that will be disturbed during construction will be assessed for the presence of herbicides, petroleum hydrocarbons, and metals. Successful site remediation will require compliance with MM GW-2.

MM GW-2c: Health Based Risk Assessment for the Marine Tank Farm. LAHD will prepare a HBRA to determine whether remediation of soil and/or groundwater is needed at the Marine Tank Farm site and, if so, determine the appropriate work plan to ensure the site would comply with applicable local, state, and federal laws. Successful site remediation will require compliance with MM GW-2.

MM GW-3: Contamination Contingency Plan for Non-Specific Facilities and Unidentified Sources of Hazardous Materials. The following will be implemented to address previously unknown contamination during demolition, grading, and construction:

a) All trench excavation and filling operations will be observed for the presence of free petroleum products, chemicals, or contaminated soil. Deeply discolored soil or suspected contaminated soil will be segregated from light colored soil. In the event unexpected suspected chemically impacted material (soil or water) is encountered during construction, the contractor will notify LAHD's Chief Harbor Engineer, the Director of Environmental Management, and Risk Management's Industrial Hygienist. LAHD will confirm the presence of the suspect material; direct the contractor to remove, stockpile, or contain the material; and characterize the suspect material identified within the boundaries of the construction area. Continued work at a contaminated site will require the approval of the Chief Harbor Engineer.

b) A photoionization detector (or other similar devices) will be present during grading and excavation of suspected chemically impacted soil.

c) Excavation of VOC-impacted soil will require obtaining and complying with a SCAQMD Rule 1166 permit.

d) The remedial option(s) selected will be dependent upon a number of criteria (including but not limited to types of chemical constituents, concentration of the chemicals, health and safety issues, time constraints, cost, etc.) and will be determined on a site-specific basis. Both off-site and onsite remedial options will be evaluated.

e) The extent of removal actions will be determined on a site-specific basis. At a minimum, the chemically impacted area(s) within the boundaries of the construction area will be remediated to the satisfaction of the lead regulatory

agency for the site. The LAHD Project Manager overseeing removal actions will inform the contractor when the removal action is complete.

f) Copies of hazardous waste manifests or other documents indicating the amount, nature, and disposition of such materials will be submitted to the Chief Harbor Engineer within 30 days of project completion.

g) In the event that contaminated soil is encountered, all onsite personnel handling or working in the vicinity of the contaminated material will be trained in accordance with Occupational Safety and Health and Administration (OSHA) regulations for hazardous waste operations. These regulations are based on CFR 1910.120 (e) and 8 CCR 5192, which states that "general site workers" will receive a minimum of 40 hours of classroom training and a minimum of 3 days of field training. This training provides precautions and protective measures to reduce or eliminate hazardous materials/waste hazards at the work place.

h) In cases where potential chemically impacted soil is encountered, a real-time aerosol monitor will be placed on the prevailing downwind side of the impacted soil area to monitor for airborne particulate emissions during soil excavation and handling activities.

i) All excavations will be filled with structurally suitable fill material that is free from contamination.

j) Prior to dewatering activities, LAHD will obtain a NPDES permit. In areas of suspected contaminated groundwater, special conditions will apply with regard to acquisition of the NPDES permit, including testing and monitoring, as well as discharge limitations under the NPDES permits.

k) Soil along and immediately adjacent to existing and former rail lines that will be disturbed during construction will be assessed for the presence of herbicides, petroleum hydrocarbons, and metals.

l) Demolition of chemical/fuel storage facilities will include decommissioning and removal of USTs and ASTs in accordance with local and state regulatory agencies. These agencies will likely require soil and groundwater sampling. This sampling will be conducted in accordance with local and state regulatory agency requirements.

m) Prior to construction activities, LAHD, or its contractors, will conduct an evaluation of all buildings (built prior to 1980) to be demolished to evaluate the presence of asbestos-containing building materials and lead-based paint. Remediation will be implemented in accordance with the recommendations of these evaluations.

Residual Impacts

Impacts would be less than significant.

Substantial Effect on Human Populations

This impact is related to existing contamination on-site that may pose a risk to construction workers and nearby industrial operations personnel prior to mitigation, but that after mitigation these risks would be reduced to a level less than significant. Because the impact would be less than significant, this would not have a substantial effect on human populations such that the effect would result in disproportionately high and adverse effects on minority and low-income populations.

Impact GW-2a

Grading and construction in upland areas could inadvertently **spread contaminated soil to non-contaminated areas, thus potentially exposing construction personnel, existing operations personnel, and future occupants of the site to contaminants. Human health and safety impacts would be significant pursuant to exposure levels established by OEHHA.**

Mitigation Measures

Implement Mitigation Measures MM GW-1, MM GW-2, and MM GW-3

Residual Impacts

Impacts would be less than significant.

Substantial Effect on Human Populations

This impact is related to existing contamination on-site that may pose a risk to construction workers and nearby industrial operations personnel prior to mitigation, but that after mitigation these risks would be reduced to a level less than significant. Because the impact would be less than significant, this would not have a substantial effect on human populations such that the effect would result in disproportionately high and adverse effects on minority and low-income populations.

6.4.2.3.4 Transportation

Impact TC-1a

Proposed project construction would result in a temporary increase in traffic volumes and a decrease in roadway capacity due to temporary lane closures. The exact locations and extents of construction impacts will not be known until detailed construction timing and phasing plans are developed. The following impacts would result from the proposed Project.

- Reduced roadway capacity and an increase in construction-related congestion would result in temporary localized increases in traffic congestion that exceed applicable LOS standards.
- Construction activities would disrupt existing transit service in the proposed project vicinity. Impacts may include temporary route detours, reduced or no service to certain destinations, or service delays.
- Construction activities would increase parking demand in the proposed project vicinity and may result in parking demand exceeding the available supply.
- Construction activities would disrupt pedestrian and bicycle travel. Impacts include temporary sidewalk or roadway closures that would create gaps in pedestrian or bicycle routes and interfere with safe travel.
- Construction activities would increase the mix of heavy construction vehicles with general purpose traffic. Impacts include an increase in safety hazards due to a higher proportion of heavy trucks.

Mitigation Measures

MM TC-1: Develop and implement a Traffic Control Plan throughout proposed project construction. In accordance with the City's policy on street closures and traffic diversion for arterial and collector roadways, the construction contractor will prepare a traffic control plan (to be approved by City and County engineers) before construction. The traffic control plan will include:

- a street layout showing the location of construction activity and surrounding streets to be used as detour routes, including special signage;
- a tentative start date and construction duration period for each phase of construction;
- the name, address, and emergency contact number for those responsible for maintaining the traffic control devices during the course of construction; and
- written approval to implement traffic control from other agencies, as needed.

Additionally, the traffic control plan will include the following stipulations:

- provide access for emergency vehicles at all times;
- avoid creating additional delay at intersections currently operating at congested conditions, either by choosing routes that avoid these locations, or constructing during nonpeak times of day;
- maintain access for driveways and private roads, except for brief periods of construction, in which case property owners will be notified;
- provide adequate off-street parking areas at designated staging areas for construction-related vehicles;

- maintain pedestrian and bicycle access and circulation during proposed project construction where safe to do so; if construction encroaches on a sidewalk, a safe detour will be provided for pedestrians at the nearest crosswalk; if construction encroaches on a bike lane, warning signs will be posted that indicate bicycles and vehicles are sharing the roadway;
- utilize flag persons wearing OSHA–approved vests and using a "Stop/Slow" paddle to warn motorists of construction activity;
- maintain access to Metro and LADOT transit services and ensure that public transit vehicles are detoured;
- post standard construction warning signs in advance of the construction area and at any intersection that provides access to the construction area;
- post construction warning signs in accordance with local standards or those set forth in the *Manual on Uniform Traffic Control Devices* (Federal Highway Administration 2001) in advance of the construction area and at any intersection that provides access to the construction area;
- during lane closures, have contractor and/or LAHD notify LAFD and LAPD, as well as the Los Angeles County Sheriff's and Fire Departments, of construction locations to ensure that alternative evacuation and emergency routes are designed to maintain response times during construction periods, if necessary;
- provide written notification to contractors regarding appropriate routes to and from construction sites, and weight and speed limits for local roads used to access construction sites; submit a copy of all such written notifications to the City of Los Angeles Planning Department; and
- repair or restore the road right-of-way to its original condition or better upon completion of the work.

Residual Impacts

Impacts would be less than significant.

Substantial Effect on Human Populations

This impact is related to construction traffic generated from truck and other vehicular traffic associated with construction worker commutes, transport and staging of construction equipment, transport of construction materials to the construction site, and hauling excavated and demolished materials away from the site. Because the impact would be less than significant after mitigation, this would not have a substantial effect on human populations such that the effect would result in disproportionately high and adverse effects on minority and low-income populations.

Impact TC-2a

The projected increases in intersection V/Cs in project vicinity resulting from proposed project–generated traffic are not expected to exceed the adopted thresholds. Thus, impacts through 2015 are less than significant. However, projected increases in intersection V/Cs resulting from proposed project–generated traffic are expected to exceed the adopted threshold at one intersection of Avalon Boulevard and Anaheim Street in 2020 in the PM peak hour. This impact is identified as significant.

Mitigation Measures

MM TC-2: Reconfigure the southbound approach of Avalon Boulevard at the intersection of Avalon Boulevard and Anaheim Street. Prior to the initiation of Phase II construction, LAHD will add a right-turn lane in the southbound direction. Currently the southbound approach consists of one through/left-turn lane and one through/right-turn lane. The mitigation will result in one right-turn lane, one through lane, and one through/left-turn lane. This proposed mitigation will require the removal of two metered parking spaces along Avalon Boulevard to allow for the right-turn lane and the restriping of the northbound approach to properly align with the reconfigured southbound approach. A conceptual drawing illustrating the feasibility of this mitigation is provided in Figure 12 of the traffic report prepared for this project (Appendix I).

Residual Impacts

After mitigation, impacts would be less than significant.

Substantial Effect on Human Populations

This impact is related to deterioration intersection operation conditions prior to mitigation, but after mitigation the impact would be reduced to a level less than significant. Because the impact would be less than significant, this would not have a substantial effect on human populations such that the effect would result in disproportionately high and adverse effects on minority and low-income populations.

6.4.2.3.5 Utilities

Impact UT-1:

Based on the estimated wastewater flows and the current flow capacity of the existing sewer lines, the existing sewer system would not be able to accommodate the total flow from the proposed Project. This would be a significant impact on the existing conveyance system.

Mitigation Measures

MM UT-1: Secondary Sewer Line Installation. Once the design and utility connections are finalized, LAHD will build a secondary sewer line of sufficient capacity to support the nearest, largest sewer line. The construction of the secondary sewer line would be carried out within public right-of-way or existing City streets. This line will comply with the City's municipal code, and will be built under permit by the City Bureau of Engineering. Effects of secondary line construction would include would include lane closures and affect access to commercial and industrial establishments and other land uses in the proposed project vicinity. The impacts would be temporary and for a short duration, and any customers affected would be forewarned with notices. Impacts would be less than significant.

Residual Impacts

Impacts would be less than significant.

Substantial Effect on Human Populations

This impact is related to the capacity of the sewer infrastructure. Prior to mitigation, inadequate sewer facilities would exist; however, after mitigation adequate sewer infrastructure would be provided to the proposed Project. Because the impact would be less than significant, this would not have a substantial effect on human populations such that the effect would result in disproportionately high and adverse effects on minority and low-income populations.

6.4.2.4 Disproportionately High and Adverse Effects on Minority and Low-Income Populations

This section provides a summary of impacts that would be significant even after mitigation that would cause disproportionately high and adverse effects on minority and low-income populations.

Construction activities of the proposed project would result in temporary generation of emissions of CO, ROG, NO_X, SO_X, PM_{10}, and $PM_{2.5}$. The maximum offsite ambient pollutant concentrations associated with proposed project construction would be significant for NO_2 (1-hour average), PM_{10} (24-hour average), and $PM_{2.5}$ (24-hour average). Additionally, for 2011 the combined total of construction and operational impacts is expected to be significant for NO_X and PM10, while for 2015, the combined total is expected to be significant for NO_X. The proposed Project would attract sensitive individuals to a location that most likely has a higher risk of exposure to diesel particulate matter (DPM) and other toxic air contaminants (TAC) due to existing power generating station and substantial Port-related activities than their place of residence; a health risk impact would result. Therefore, the proposed Project could expose visitors and residents to significant health risk impacts like

chronic respiratory disease, effects on pulmonary function, increased infant mortality, cardiovascular and respiratory disease (including asthma), and so on. Because the residential areas closest to the proposed project site contain predominantly minority populations and have a concentration of low-income populations, these adverse health effects may occur disproportionately among minority and low-income populations in the vicinity of the proposed project.

The proposed Project would result in increased exposure of people and property during construction and operations to seismic hazards from a major or great earthquake. Although some of the park users and proposed project employees would be low-income and/or minority, in the case of a natural phenomenon such as seismic activity the impacts would be equally borne by all persons present at the proposed project site. Therefore, Impacts GEO-1a and b would not result in disproportionately high and adverse effects on minority or low-income populations.

Most of the construction noise impacts would be localized and would only affect those residential areas closest to the proposed project site. These areas contain predominantly minority populations and have a concentration of low-income populations, so Impact NOI-1 would have a disproportionately high and adverse impact on the low income and minority population groups.

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

6.4.2.5 Beneficial Impacts

Under Executive Order 12898, offsetting benefits should also be considered by decision-makers when a project would result in disproportionately high and adverse effects. The intent of the proposed Project is to improve the livability of the area by providing new open spaces, enhancing commercial/retail areas in Wilmington and along the waterfront, and improving the connectivity of the Wilmington community with the waterfront.

The proposed Project would create economic benefits in the form of jobs and revenue (see Chapter 7, “Socioeconomics and Environmental Quality”). In addition, the proposed Project would improve existing views and create opportunities for new views within the landscape by constructing new attractive features such as the elevated park and land bridge, and enhancements along the waterfront and along the industrial/commercial corridor in the southern portion of the Wilmington community, which includes the proposed Railroad Green Park (see Section 3.1, “Aesthetics and Visual Resources”). Also, if contaminated soils are encountered during construction,

site remediation would result in beneficial impacts (see Section 3.6, "Groundwater and Soils").

6.5 Public Outreach

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

LAHD goes to considerable effort to provide public outreach, beyond what is minimally required by CEQA. All Notices of Preparation/Initial Studies (NOPs/ISs) and draft EIRs are presented at public meetings at locations and times convenient for the affected community.

Notification of availability of documents is extensive and utilizes a variety of media. CEQA notices are placed in five newspapers: the *Los Angeles Times*, *Daily Breeze*, *La Opinion*, *Long Beach Press Telegram*, and *Random Lengths*. Meeting notices are sent to all active community organizations and to anyone who has requested to be on the LAHD CEQA mailing list. Postcards noticing a document and any public meetings also are sent to all San Pedro and Wilmington addresses. A free copy of documents is provided to community organizations.

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

The NOP was issued on March 14, 2008, and mailed to all stakeholders, including elected officials, residents, businesses, Port of Los Angeles tenants, and other community based organizations. The NOP scoping period occurred between March 14, 2008, and April 14, 2008. A public scoping meeting was held on Tuesday, March 25, 2008.

The following is a timeline of the noticing and public involvement that has happened to date within the environmental review process for the proposed Project:

- **January 8, 2008**. LAHD staff and Sasaki Associates provide an update on the planning design for the proposed Project to the PCAC Wilmington Waterfront Development Subcommittee.

- **February 12, 2008**. LAHD staff provided an updated on the progress and impending release of the NOP to the PCAC Wilmington Waterfront Development Subcommittee.
- **March 14, 2008**. The CEQA NOP and IS were released and distributed to over 600 agencies, organizations, individuals, and the California Office of Planning and Research, State Clearinghouse. The State Clearinghouse assigned the following State Clearinghouse Number to the proposed Project: 2008031065. An Executive Summary of the NOP was translated into Spanish and included in the distribution. Over 70,000 postcards were distributed notifying the public of the date of the scoping meeting and the term of the comment period. Notice of the comment period and meeting was also posted in five local newspapers and 2000 flyers were distributed.
- **March 14, 2008.** The NOP was also filed with the Los Angeles City Clerk and the Los Angeles County Clerk.
- **March 25, 2008**. A public scoping meeting was held at Banning's Landing Community Center in Wilmington, CA. Thirteen people at the meeting provided written or oral comments on the proposed Project. Spanish translation services were made available at the meeting. A transcript of the meeting was posted on the LAHD's website.
- **April 8, 2008.** LAHD staff provided an update to the PCAC Wilmington Waterfront Development Subcommittee regarding the level of public outreach in distributing the NOP, comments heard at the public scoping meeting, and the next steps in preparing the draft EIR.
- **April 14, 2008**. The comment period ended. Fourteen comment letters were received during the scoping period. Copies of the letters were posted on the LAHD's website.
- **July 7, 2008**. LAHD staff provided an update to the PCAC Wilmington Waterfront Development Subcommittee regarding the progress of the draft EIR. The traffic, hazards, land use, and air quality analysis were still in process.
- **August 12, 2008.** LAHD staff provided an update on the project design and progress of the draft EIR to the PCAC Wilmington Waterfront Development Subcommittee. The air quality and traffic analysis was complete, but there were still some outstanding issues related to land use and hazards. Sustainable project design components were also discussed.
- **October 14, 2008.** LAHD staff announced to the PCAC Wilmington Waterfront Development Subcommittee plans to release the draft EIR in November. Public art for the Wilmington Waterfront Development Program was also discussed.

6.5.1 Alternative Forms of Distribution

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

6.5.2 Spanish Translation

With a large Hispanic population adjacent to the Port, meeting notifications and executive summaries of major CEQA documents will be provided in Spanish as well as English. The Executive Summary of this draft EIR is available in a Spanish translation in order to keep Spanish-speaking members of the local community informed as to the purpose of the draft EIR, project overview, project description, environmental impacts, alternatives to the proposed Project, areas of controversy, and issues to be resolved.

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