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# ENVIRONMENTAL JUSTICE

## 5.1 Introduction

The environmental justice analysis complies with Executive Order 12898, Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, which requires federal agencies to assess the potential for their actions to have disproportionately high and adverse environmental and health impacts on minority and low-income populations, and with the Council on Environmental Quality (CEQ) *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 and operation, and cancer and acute and chronic non-cancer risk). The proposed Project would also make a cumulatively considerable contribution to cumulatively significant impacts, after mitigation measures, on traffic circulation at five intersections during the construction phase, and the contribution at four of these intersections would represent a disproportionately high and adverse effect on minority and low-income populations. Finally, after mitigation measures, the proposed Project would make a cumulatively considerable contribution to cumulatively significant impacts on archaeological and ethnographic cultural resources, due to the potential for disturbing such resources in excavation required to build the Harry Bridges Buffer Area. This cumulatively significant impact would affect Native American populations specifically and therefore would be disproportionately high and adverse on minority populations.

## 5.2 Environmental Setting

The Berths 136-147 Terminal is located in the Port of Los Angeles and adjacent to two City of Los Angeles communities: Wilmington (to the north) and San Pedro (to the west). For this assessment, the area of potential effect was determined in accordance with CEQ's guidance for identifying the "affected community," which

requires consideration of the nature of likely project impacts and identification of a corresponding unit of geographic analysis. Therefore, the area of potential project effect for purposes of environmental justice corresponds to the areas of effect associated with the specific environmental issues analyzed in this EIS/EIR. Areas of potential effect differ somewhat for each environmental issue.

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, page 25). Hispanic or Latino refers to an ethnicity whereas American Indian, Alaskan Native, Asian, Pacific Islander, and Black/African-American (as well as White or European-American) refer to racial categories; thus, for Census purposes, individuals classify themselves into racial categories as well as ethnic categories, where ethnic categories include Hispanic/Latino and non-Hispanic/Latino. The 2000 Census allowed individuals to choose more than one race. For this analysis, consistent with guidance from CEQ (1997) as well as USEPA (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 USEPA (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 of 1.25 times the national Census poverty threshold. The 1.25 ratio is based on application of a methodology developed by the National Academy of Sciences (Citro and Michael 1995) and incorporates detailed data about fair market rents, over the period 1999-2007, for Los Angeles County from the U.S. Department of Housing and Urban Development (HUD 2007). Appendix G.1 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 Berths 136-147 Terminal were reviewed. Table 5-1 presents population, minority, and low-income status from the 2000 Census and the Los Angeles City Planning Department for Wilmington, San Pedro, Los Angeles County and the City of Los Angeles, and California. The table also presents similar data for other cities in the general vicinity of the Port.

Table 5-1 shows that within Wilmington (as the neighborhood is defined by the Los Angeles Planning Department), minorities constitute 87.1 percent of the population and low-income persons constitute 32.2 percent of the population. Within San Pedro, minorities comprise 55.3 percent of the population and 22.5 percent of the population is low-income. Thus, both neighborhoods constitute a "minority population concentration" under CEQ guidance because the guidance indicates such a concentration exists if the percent minority exceeds 50 percent. Wilmington has a low-income population concentration, but San Pedro does not, compared to Los Angeles County.

**Table 5-1. Minority and Low-Income Populations**

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

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

Figure 5-1 shows the percentage of minority residents in Census block groups near the TraPac Terminal and the Port, and Figure 5-2 shows the percentage of low-income residents in the same area. (The figures show block groups within the area modeled in the air quality dispersion and health risk analysis, which 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 and later in this chapter.) Table 5-2 presents data for the 37 Census tracts shown in Figures 5-1 and 5-2. Table G.2-1 in Appendix G.2 provides data for the 134 block groups shown in Figures 5-1 and 5-2.

# 5.3 Applicable Regulations

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

In 1994, in response to growing concern that minority and/or low-income populations bear a disproportionate amount of adverse health and environmental effects, President Clinton issued Executive Order 12898 on Environmental Justice, formally focusing federal agency attention on these issues. The Executive Order contains a general

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

| *Census Tract* | *Total Population* | *Percent Minority Population* | *Percent Low-Income Population* |
|---|---|---|---|
| 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 |
| 2942 | 4,425 | 88.1 | 24.3 |
| 2943 | 7,059 | 88.9 | 32.6 |
| 2944.10 | 3,854 | 84.0 | 34.3 |
| 2944.20 | 3,270 | 88.2 | 38.0 |
| 2945.10 | 4,266 | 95.6 | 36.9 |
| 2945.20 | 3,609 | 93.8 | 35.2 |
| 2946.10 | 3,875 | 93.2 | 27.7 |
| 2946.20 | 3,931 | 97.9 | 35.0 |
| 2947 | 3,270 | 93.1 | 52.9 |
| 2948.10 | 4,039 | 97.7 | 42.9 |
| 2948.20 | 3,555 | 96.7 | 51.5 |
| 2948.30 | 3,274 | 96.1 | 48.1 |
| 2949 | 3,262 | 95.6 | 50.3 |
| 2951.01 | 5,188 | 34.1 | 8.5 |
| 2961 | 1,434 | 68.0 | 31.0 |
| 2962.10 | 2,858 | 92.3 | 42.9 |
| 2962.20 | 3,605 | 91.2 | 62.7 |
| 2963 | 4,348 | 52.2 | 13.2 |
| 2964 | 6,294 | 42.8 | 8.9 |
| 2965 | 3,796 | 85.5 | 26.3 |
| 2966 | 5,200 | 79.3 | 36.8 |
| 2971.10 | 4,547 | 79.4 | 48.1 |
| 2971.20 | 3,358 | 77.6 | 39.6 |
| 5436.03 | 4,116 | 62.4 | 9.0 |
| 5436.04 | 5,162 | 86.4 | 7.0 |
| 5437.03 | 3,617 | 84.3 | 11.1 |
| 5756 | 46 | 84.8 | 0.0 |
| 6510.01 | 5,057 | 46.5 | 6.3 |
| 6700.01 | 3,244 | 42.9 | 11.3 |
| 6700.02 | 3,773 | 50.0 | 14.5 |
| 6701 | 6,484 | 48.0 | 19.6 |
| 6707.01 | 6,777 | 32.9 | 5.1 |
| **TOTAL** | **150,799** | **73.7** | **26.2** |

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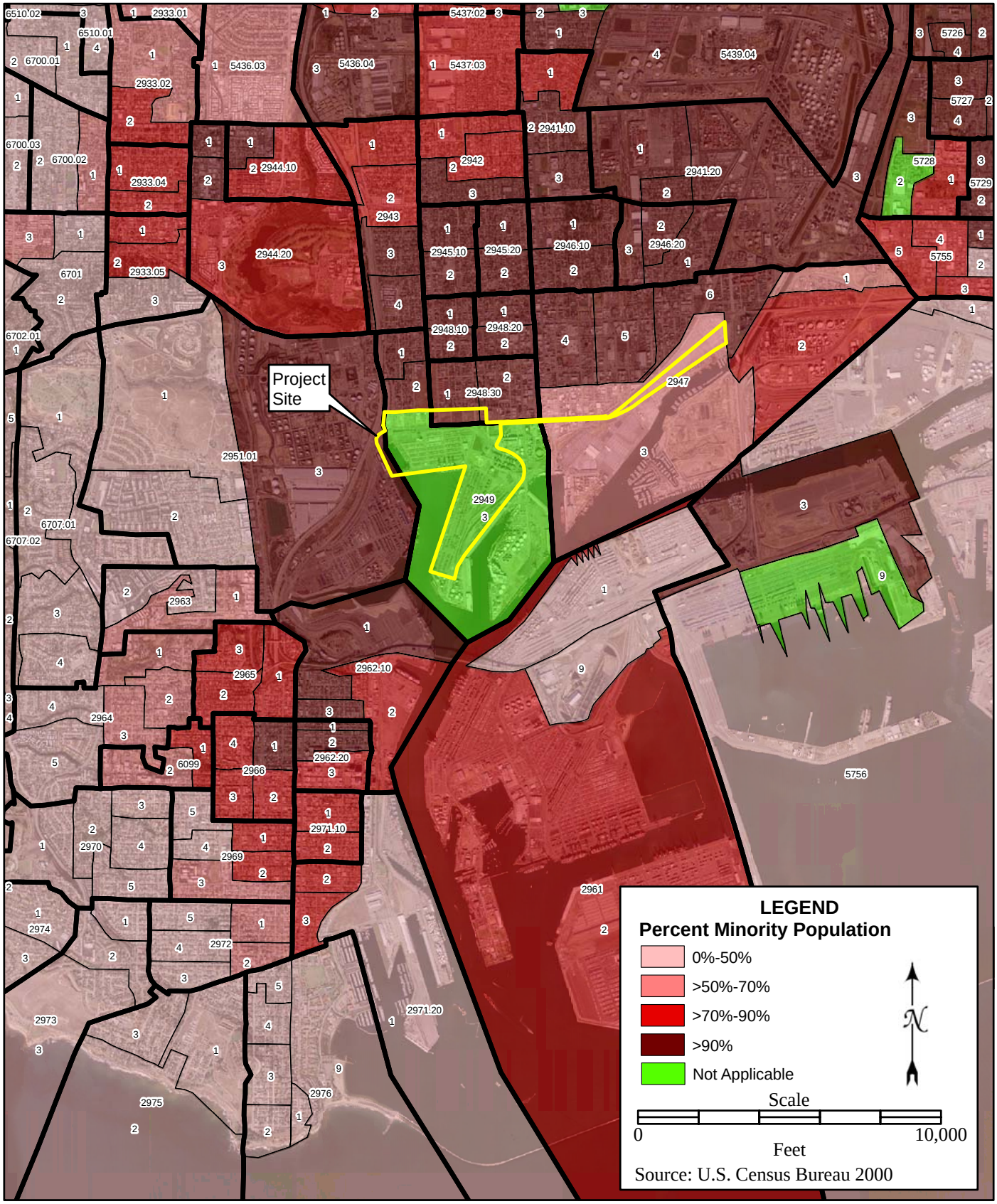


**Figure 5-1. Percent Minority Population**

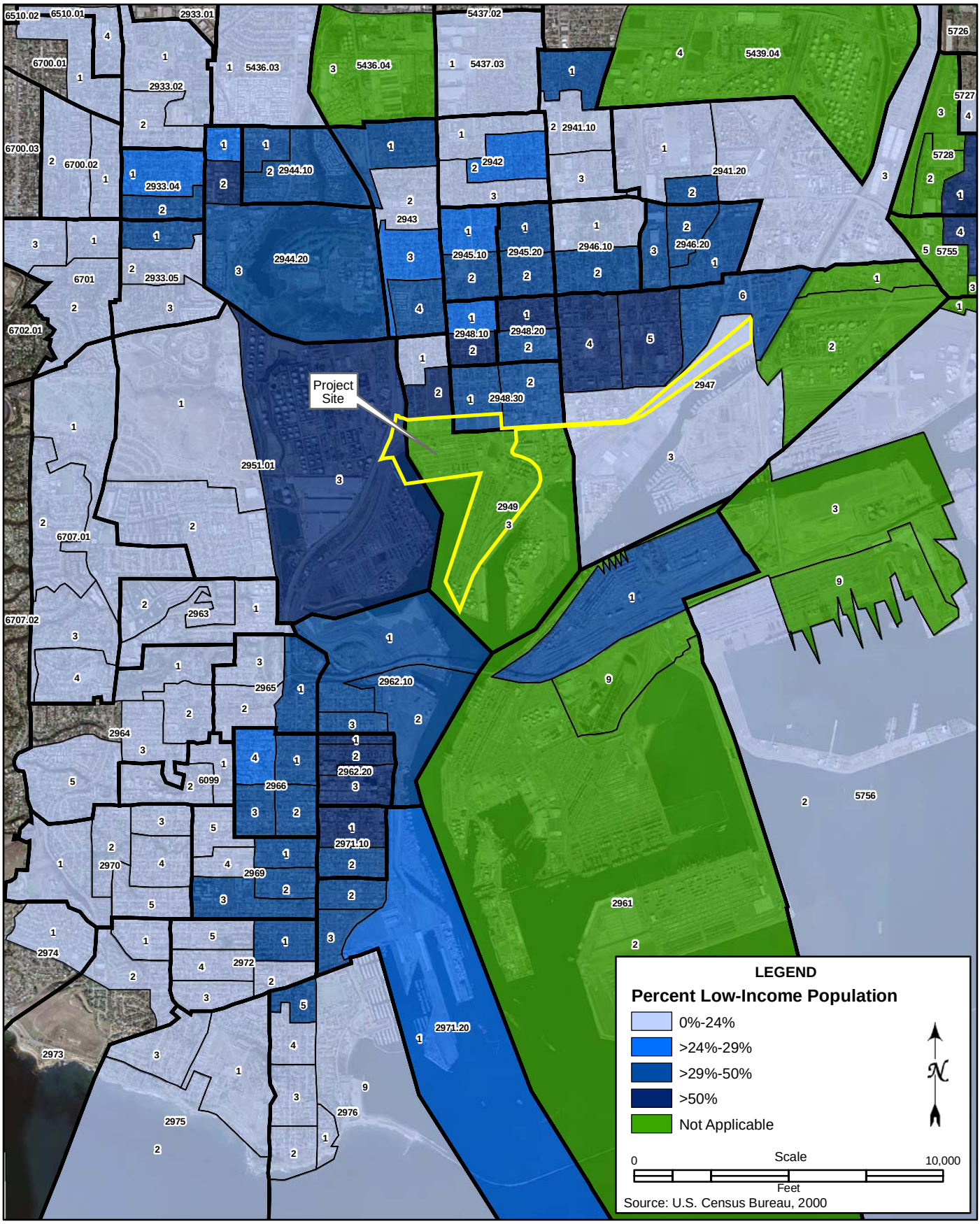


**Figure 5-2. Percent Low-Income Population**

directive that states that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."

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

The EPA defines "environmental justice" as follows:

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

The EPA defines "fair treatment" as follows:

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

The EPA defines "meaningful involvement" as follows:

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

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

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

In the Presidential Memorandum to departments and agencies that accompanies Executive Order 12898, the President cites the importance of the National Environmental Policy Act (NEPA) in identifying and addressing environmental justice concerns. The memorandum states that "each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by NEPA." The memorandum emphasizes the importance of NEPA's public participation process, directing that "each Federal agency shall provide opportunities for community input in the NEPA process." Agencies are directed to identify potential impacts and mitigations in consultation with affected communities and ensure the accessibility of meetings, crucial documents, and notices."

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

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

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

While the EPA has lead responsibility for implementation of Executive Order 12898 as chair of the IWG on Environmental Justice, the Council on Environmental Quality (CEQ) has oversight of the federal government's compliance with this Executive Order and NEPA. CEQ, in consultation with the EPA and other agencies, has prepared guidance to assist federal agencies in NEPA compliance in its Environmental Justice—Guidance under the National Environmental Policy Act (1997). This guidance provides an overview of Executive Order 12898; summarizes its relationship to NEPA; recommends methods for the integration of environmental justice into NEPA

compliance; and incorporates as an appendix the IWG's definitions of key terms and concepts contained in the Executive Order.

Agencies are permitted to supplement CEQ's guidance with their own, more specific guidance tailored to their programs or activities or departments, insofar as is permitted by law.

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

1. Agencies should consider the composition of the affected area, to determine whether minority populations, low-income populations, or Indian tribes are present in the area affected by the proposed action and, if so, whether there may be disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, or Indian tribes.
2. Agencies should consider relevant public health data and industry data concerning the potential for multiple or cumulative exposure to human health or environmental hazards in the affected population and historical patterns of exposure to environmental hazards, to the extent such information is reasonably available. For example, data may suggest there are disproportionately high and adverse human health or environmental effects on a minority population, low-income population, or Indian tribe from the agency action. Agencies should consider these multiple, or cumulative effects, even if certain effects are not within the control or subject to the discretion of the agency proposing the action.
3. Agencies should recognize the interrelated cultural, social, occupational, historical, or economic factors that may amplify the natural and physical environmental effects of the agency's proposed action. These factors should include the physical sensitivity of the community or population to particular impacts; the effect of any disruption on the community structure associated with the proposed action; and the nature and degree of impact on the physical and social structure of the community.
4. Agencies should develop effective public participation strategies. Agencies should, as appropriate, acknowledge and seek to overcome linguistic, cultural, institutional, geographic, and other barriers to meaningful participation, and should incorporate active outreach to affected groups.
5. Agencies should assure meaningful community representation in the process. Agencies should be aware of the diverse constituencies within any particular community when they seek community representation and should endeavor to have complete representation of the community as a whole. Agencies also should be aware that community participation must occur as early as possible if it is to be meaningful.
6. Agencies should seek tribal representation in the process in a manner that is consistent with the government-to-government relationship between the United States and tribal governments, the federal government's trust responsibility to federally-recognized tribes, and any treaty rights.

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

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

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

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

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

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

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

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

### 5.3.4 City of Los Angeles General Plan

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

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

The Transportation Element includes a policy to "assure the fair and equitable treatment of people of all races, cultures, incomes and education levels with respect to the development and implementation of citywide transportation policies and programs, including affirmative efforts to inform and involve environmental groups,

especially environmental justice groups, in the planning and monitoring process through notification and two-way communication."

The City of Los Angeles also has committed to 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 Project include the following:

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

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

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

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

## 5.4 Assessment

### 5.4.1 Methodology

The following methodology and assessment addresses the potential for the proposed Project to cause disproportionately high and adverse human health and environmental effects on low-income and minority populations. It is provided in compliance with federal *Executive Order 12898: Federal Actions to Address Environmental Justice in Minority and Low-Income Populations* and CEQ's *Environmental Justice Guidance Under the National Environmental Policy Act* (Council on Environmental Quality 1997). Although the California Environmental Quality Act (CEQA) does not specifically require analysis of environmental justice effects, this EIS/EIR includes an environmental justice analysis for both federal and non-federal actions associated with the proposed Project.

The methodology for conducting the impact analysis for environmental justice included reviewing impact conclusions for each of the resources in Sections 3.1 through 3.13, as well as the cumulative analysis in Sections 4.2.1 through 4.2.13. If the EIS/EIR identified significant impacts or a cumulatively considerable contribution to a cumulatively significant impact, or otherwise identified impacts considered to be high and adverse, an evaluation was conducted to determine if these impacts would result in disproportionately high and adverse effects on minority populations or low-income populations.

The City of Los Angeles CEQA Thresholds Guide (City of Los Angeles 2006) does not identify significance thresholds for environmental justice or for disproportionately high and adverse effects on minority and low-income populations. In the absence of local thresholds and because a joint EIS/EIR is being prepared for the proposed Project, federal guidance provided by CEQ has been utilized as the basis for determining whether the proposed Project would result in environmental justice effects. CEQ has oversight of the federal government's compliance with Executive Order 12898 and NEPA and has published *Environmental Justice Guidance Under the National Environmental Policy Act* (CEQ 1997). The CEQ guidance identifies three factors to be considered to the extent practicable when determining whether environmental effects are disproportionately high and adverse (CEQ, 1997, pp. 25-26):

- Whether there is or would be an impact on the natural or physical environment that significantly (as employed by NEPA) and adversely affects a minority population, low-income population, or Indian tribe. Such effects may include ecological, cultural, human health, economic, or social impacts on minority communities, low-income communities, or Indian tribes when those impacts are interrelated to impacts on the natural or physical environment;
- Whether the environmental effects are significant (as employed by NEPA) and are or may be having an adverse impact on minority populations, low-income populations, or Indian tribes that appreciably exceeds or is likely to appreciably exceed those on the general population or other appropriate comparison group; and
- Whether the environmental effects occur or would occur in a minority population, low-income population or Indian tribe affected by cumulative or multiple adverse exposures from environmental hazards.

Findings for project-level 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.

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

- Findings of significant impacts or cumulatively considerable contributions to cumulatively significant impacts were reviewed to determine whether those impacts could cause substantial effects on *human populations* (i.e., the public), as opposed to primarily affecting the natural or physical environment and/or resulting in limited public exposure. Significant impacts that would *not* be associated with substantial effects on human populations would not result in disproportionately high and adverse effects on minority and low-income populations. However, for disclosure purposes, these significant impacts are summarized in order to facilitate public involvement and review by potentially affected minority and low-income populations in the vicinity of the project.
- For findings of significant impacts that would affect the public, mitigation measures were considered to determine whether adverse effects would still be significant (as defined by NEPA and CEQA) after mitigation measures are implemented. If the impact would be less than significant after mitigation – or, in the case of a cumulative contribution, if the contribution would be less than cumulatively considerable after mitigation – then the impact was documented for disclosure purposes, but detailed analysis to determine if the impact or contribution would occur disproportionately on low-income and/or minority populations was not done.
- If the impact would be significant and unavoidable – or the contribution to cumulative impacts would be cumulatively considerable and unavoidable – then the impact was further evaluated to determine whether it would result in disproportionately high and adverse human health or environmental effects on minority and low-income populations. If the specific location of the impact was identified, the population demographics of the affected area were estimated using data from the 2000 Census. In cases where the boundaries of the impacted area were not known, conclusions were drawn based on available information. In cases where data limitations did not allow a full evaluation, this fact was identified.
- In cases where the minority and low-income characteristics of populations in the impacted area could be estimated, the impact area characteristics were compared to data for the general population (i.e., Los Angeles County). If the minority population in the adversely affected area is greater than 50 percent or if either the minority percentage or the low-income percentage of the population in the adversely affected area is meaningfully greater than that of the general population, disproportionate effects on minority or low-income populations could occur. ("Meaningfully greater" is not defined in CEQ or USEPA guidance; for this analysis, "meaningfully greater" is interpreted to mean simply "greater," which provides for a conservative analysis.) In addition, disproportionate effects could also occur in cases where impacts are predominantly borne by minority or low-income populations.
- Proposed Project benefits were also considered to determine whether adverse effects would still be appreciably more severe or of greater magnitude after these other elements are considered. In addition, if significant unavoidable impacts or contributions to cumulatively significant impacts were determined to be disproportionate, the identified mitigation measures were reviewed to determine whether they would be effective in avoiding or reducing the impacts

on minority and low-income populations. If necessary, additional mitigations were considered.

The first portion of Section 5.4.2 addresses public comments concerning environmental justice. That discussion is followed by the analysis of environmental justice for the Proposed Project and cumulative effects, then the No Project Alternative, followed by the four action alternatives.

## 5.4.2 Proposed Project and Cumulative Effects

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

- **Adverse effects from blight, off-port container storage, and tractor trailer parking in neighborhoods.** Section 3.8 (Land Use) addresses the potential for effects on neighborhood quality that relate to changes in land use, and Section 4.2.8 addresses cumulative effects and the proposed Project's contribution. Socioeconomics Chapter 7 also addresses these topics under the heading of environmental quality. The proposed Project would have less than significant effects on environmental quality and a less than cumulatively considerable contribution to cumulative impacts on neighborhood disruption (**Impact LU-3**) and, therefore, would not result in disproportionate effects.
- **Impacts on housing values.** Section 3.8 (Land Use) addresses the potential for effects on housing values (**Impact LU-4**), and Section 4.2.8 addresses cumulative effects and the proposed Project's contribution (**Cumulative Impact LU-4**). Socioeconomics Chapter 7 also addresses this topic under the heading of property values. No changes in housing value trends are anticipated as a result of the proposed Project and therefore, there would be no disproportionate effects on minority and low-income populations.
- **Environmental justice and community impacts due to relocation of the Pier A rail yard.** Section 3.9, Noise describes construction noise impacts to an estimated 10-15 live-aboards in the marina south of the relocated rail yard, and Section 4.2.9 describes cumulative impacts related to construction noise (as well as other noise issues). This Port area is industrially zoned. As described below under **NOI-1**, the estimated population characteristics of the area indicate a disproportionate effect on minority populations but not on low-income populations. Alameda Street intervenes between the relocated Pier A rail yard and other, mostly industrial, land uses. The closest residential zoning and land use designations are to the northwest. Section 3.8, Land Use does not identify any significant land use impacts.
- **Effects of the proposed Project on ethnic retailers and wholesalers in nearby communities**. Individual ethnic and minority-owned businesses were not identified as part of the environmental documentation process. No businesses would be relocated as a result of the proposed Project. Businesses in nearby communities, including ethnic and minority businesses, could benefit

from the proposed Project. For example, import wholesalers and import retailers rely on goods transported through the Port, which are projected to increase. In addition, other types of retailers in nearby communities could benefit from the proposed Project if they supply goods and services to the terminal, vessel operators or other cargo handling businesses, or if workers with these businesses or suppliers make purchases from the retailers.

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

The proposed Project's individual impacts are described for each resource in Chapter 3, and contributions to cumulative impacts in Chapter 4. This section provides a summary of impacts that would represent disproportionately high and adverse effects on minority and low-income populations. Section 5.4.2.2 addresses impacts that would not represent disproportionately high and adverse effects on minority and low-income populations.

#### Air Quality (Section 3.2 and 4.2.2)

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

- **AQ-2:** Proposed Project construction would result in off-site ambient concentrations of criteria air pollutants – specifically, the 1-hour average concentration of nitrogen dioxide (NO2) and the 24-hour average concentration of particulate matter with diameter smaller than 10 microns (PM10) and smaller than 2.5 microns (PM2.5) – that would exceed SCAQMD thresholds of significance, even after implementation of mitigation measures. This finding applies to individual Project impacts as well as the proposed Project's cumulative contribution, and is true relative to both the CEQA and No Federal Action/NEPA baselines. The modeling analysis suggests that the highest offsite concentrations of all three pollutants would be along the fence line of the proposed Project site. The maximum concentration of 1-hour NO2 would be along Pier A Street adjacent to the proposed on-dock rail yard, and the maximum concentrations of $PM_{10}$ and $PM_{2.5}$ would occur just south of the intersection of Harry Bridges Boulevard and Lagoon Avenue. Although the single points with maximum concentrations would not be in residential areas, residential areas would experience higher concentrations the closer they are to the proposed Project. Since residential areas closest to the proposed Project site are predominantly minority (Figure 5-1) and have a concentration of low-income population relative to Los Angeles County (Figure 5-2), the elevated ambient concentrations of NO2, PM2.5, and PM10 would constitute a disproportionately high and adverse effect on minority and low-income populations.

  Adverse human health effects of $NO_2$ include (a) potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups and (b) risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes. $NO_2$ also contributes to atmospheric discoloration, although this impact would be regional and would not

primarily affect populations closest to the emission sources. Adverse human health effects of $PM_{10}$ and $PM_{2.5}$ include (a) excess deaths from short-term and long-term exposures; (b) excess seasonal declines in pulmonary function, especially in children; (c) asthma exacerbation and possibly induction; (d) adverse birth outcomes including low birth weight; (e) increased infant mortality; (f) increased respiratory symptoms in children such as cough and bronchitis; and (g) increased hospitalization for cardiovascular and respiratory disease (including asthma) (SCAQMD 2006a). 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.

- **AQ-4:** proposed Project operations would result in offsite ambient air pollutant concentrations of criteria air pollutants that exceed a SCAQMD threshold of significance, even after implementation of mitigation measures. Specifically, the proposed Project would result in offsite exceedances of SCAQMD thresholds for 1-hour average and annual average concentrations of NO2, and for 24-hour average concentrations of PM10 and PM2.5. This is true for both the proposed Project's individual impact and its cumulative contribution, and for both the CEQA and No Federal Action/NEPA baselines. While implementation of mitigation measures would reduce the impact of the proposed Project, the impact would remain significant after mitigation.

  Similar to **Impact AQ-2**, the modeling analysis shows that the highest offsite concentrations of 1-hour average and annual average NO2 and 24-hour average PM10 and PM2.5 would occur along the fence line of the proposed Project site. While the single points with maximum concentrations would not be in residential areas, the modeling shows that residential areas would experience higher concentrations the closer they are to the proposed Project. Since residential areas closest to the proposed Project site are predominantly minority (Figure 5-1) and have a concentration of low-income population relative to Los Angeles County (Figure 5-2), the elevated ambient concentrations of NO2, PM2.5, and PM10 would constitute a disproportionately high and adverse effect on minority and low-income populations. Potential human health effects would be the same as described immediately above under **AQ-2**.

- **AQ-5:** The proposed Project would create less than significant odor impacts under CEQA and NEPA, but would make a cumulatively considerable contribution to cumulatively significant odor impacts. Because the impacts would occur in the vicinity of the Port, which includes a predominantly minority population and a low-income population concentration, the proposed Project's contribution to **Cumulative Impact AQ-5** would constitute a disproportionately high and adverse effect on minority and low income populations. It should be noted that port-wide air quality mitigations that will be implemented through the Port's Clean Air Action Plan (CAAP) and measures implemented as part of this project will reduce odors by accelerating the turn-over of older equipment with more emissions to newer, better running equipment. This turn-over will reduce odors associated with diesel emissions.

- **AQ-6:** Even after implementation of mitigation measures, increases in toxic emissions from operations of the proposed Project would result in significant cancer risk impacts (i.e., an increased cancer risk of 10 or more cases in a

million) compared to the No Federal Action/NEPA Baseline. The affected area (with mitigation) contains all or parts of five Census tracts (see Figure 5-3). The average minority population percentage among the Census tracts in the affected area (weighted for tract population as well as how much of each tract is within the affected area) is 89.0 percent, and the weighted average low-income population percentage is 45.8 percent. Both of these percentages exceed relevant thresholds (minority greater than 50 percent and low-income greater than Los Angeles County). Therefore, the increased cancer risk would cause disproportionately high and adverse effects on minority and low-income populations.

The proposed Project would also have significant effects on acute non-cancer risks relative to the No Federal Action/NEPA Baseline, in the vicinity of the Harry Bridges Buffer Area. The primary recreational users of the buffer area would likely be residents of the Wilmington neighborhood who, as described previously in this chapter, constitute a minority and low-income population relative to the comparison area (Los Angeles County). Thus, the significant increase in acute non-cancer risks also constitutes a disproportionately high and adverse effect on minority and low-income populations.

While the proposed Project would not have significant effects on cancer risks or acute non-cancer risks relative to the CEQA baseline, it would make a cumulatively considerable contribution to cancer risks relative to both CEQA and NEPA baselines. The proposed Project would also make a cumulatively considerable contribution to chronic non-cancer risks relative to both CEQA and NEPA baselines. Some of these cumulative risks are regional across the areas in the vicinity of the Port. The *Multiple Air Toxics Exposure Study* (MATES-II) conducted by the SCAQMD in 2000 estimated the existing cancer risk from toxic air contaminants in the South Coast Air Basin to be 1,400 in a million (SCAQMD 2000). The South Coast Air Basin includes many areas that do not constitute minority and low-income populations. However, in the *Diesel Particulate Matter Exposure Assessment Study for the Ports of Los Angeles and Long Beach*, the CARB estimates that elevated levels of cancer risks due to operational emissions from the Ports of Los Angeles and Long Beach occur within and in proximity to the two Ports (CARB 2006b). Chronic non-cancer risk due to concentrations of DPM would also occur within and in proximity to the two Ports. Because the populations in closest proximity to the Port of Los Angeles are predominantly minority (Figure 5-1) and disproportionately low-income (Figure 5-2), this elevated cumulative risk would represent a disproportionately high and adverse impact on minority and low-income populations.

It should be noted that port-wide air quality mitigations that will be implemented through the Port's Clean Air Action Plan (CAAP) and measures implemented as part of this project will reduce the health risk impacts from the proposed Project and other projects at the Port. Future rulemaking activities by the CARB and USEPA also will reduce future cumulative health impacts. Other than a few CAAP measures, these future measures have not been accounted for in the emission calculations or health risk assessment for the proposed Project. Therefore, the extent to which these future measures will reduce cumulative health risk impacts within the Port project area is unknown at this time.


**Figure 5-3. Project (with Mitigation) Minus No Federal Action Baseline - Affected Area with Increased Residential Cancer Risk of 10 in a Million Cases or More**

## Cultural Resources (Section 3.4 and Section 4.2.4)

The geographic region of analysis for impacts on cultural, archaeological, and paleontological resources related to the proposed Project consists of the areas at the Port and in the immediate vicinity (on land or submerged) that could be affected by dredging, demolition, or ground disturbance.

- **CR-1:** Construction of the proposed Project has an extremely low potential to disturb unknown archaeological ethnographic cultural resources, and impacts on archaeological and ethnographic cultural resources would be less than significant under CEQA and NEPA. However, the proposed Project would make a cumulatively considerable contribution to impacts on archaeological ethnographic cultural resources. Specifically, the proposed Project could result in the loss of unknown ethnographic resources in the Harry Bridges Buffer Area due to excavation in that area that would be necessary in order to build the buffer area. (Soils within the Pier A rail yard relocation area and the Berths 136-147 Terminal area are imported, such that all disturbances for these improvements would not impact intact natural landforms where prehistoric occupation could have occurred.)

  The loss of ethnographic cultural resources is of particular concern to Native American populations, which constitute an ethnic minority; therefore, the proposed Project's contribution to a cumulatively significant impact would represent a disproportionately high and adverse effect on minority populations. As described in Section 3.4, **Mitigation Measure CR-1** would apply to construction activity: construction equipment operators would attend a pre-construction meeting; in the unlikely event that potentially significant intact cultural resources are encountered during construction, work shall be immediately stopped and relocated from that area; and if the resources are found to be significant, they shall be avoided or shall be mitigated consistent with State Historic Preservation Office (SHPO) Guidelines. However, even with application of this mitigation, the incremental contribution of the proposed Project to cumulative impacts on archaeological and ethnographic resources cannot be eliminated.

## Noise (Section 3.9 and Section 4.2.9)

The region of influence for noise impacts includes the residential area in the Wilmington District north of "C" Street located generally between Mar Vista Avenue and Fries Avenue, residents of San Pedro located west of Knoll Hill, and live-aboards in the marinas near the proposed Pier A rail yard site. This is the area over which noise from construction or operation of the proposed Project could have impacts or contribute to cumulative impacts on sensitive noise receptors.

- **NOI-1:** The proposed Project would produce significant unavoidable construction noise impacts from construction of the Harry Bridges Buffer Area and the relocated Pier A rail yard.
- **Harry Bridges Buffer Area.** The construction activities at the Harry Bridges Buffer Area would cause temporary and periodic noise levels substantially above existing ambient noise levels in the Wilmington neighborhood north of

"C" Street. The affected area along "C" Street is located within Census Tract 2949, block group 2 and Census Tract 2948.30, block group 1. The minority percentages for these two block groups are 97.6 percent and 98.0 percent, respectively, both of which are higher than 50 percent. The low-income percentages for the two block groups are 69.9 percent and 47.5 percent, respectively, and would be higher than Los Angeles County. Thus, there would be disproportionate effects on minority and low-income populations from significant unavoidable noise impacts during construction of the Harry Bridges Buffer Area, despite the application of mitigation measures (temporary noise barriers).

- The project would make a cumulatively considerable contribution to a significant cumulative impact, due to construction period noise impacts from the project as well as construction noise from redesign of the "C" Street/Figueroa Street interchange. Like the Project-specific impacts, these significant cumulative impacts would disproportionately affect low-income and minority populations.

- **Relocation of Pier A Rail Yard.** Construction activities at the new location of the Pier A rail yard near the Berth 200-202 Marinas would generate construction noise levels that would cause temporary and periodic noise levels substantially above existing ambient noise levels in nearby marinas where people live. Significant short-term noise impacts would occur. Implementation of noise mitigations would include use of noise walls or curtains, in addition to standard noise mitigations. However, considering the distances between the construction noise sources and receivers, temporary noise barriers may not be sufficient to reduce the projected increase in the ambient noise level to the point where it would no longer cause a substantial increase. With implementation of these measures, construction equipment noise levels generated at the rail yard site could substantially exceed existing ambient noise levels. This impact would remain significant after mitigation.

- The new Pier A rail yard location would be adjacent to the Consolidated Slip area that contains approximately 224 boats within an industrially zoned land use (see Section 3.8.2.1). There are an estimated 10 to 15 (approximately 5 percent of the 224 boats) live-aboard residents of the Consolidated Slip. The project effect would occur within Census Tract 2947, block group 3. This block group was 52.6 percent minority in 2000. Assuming the same population profile is representative of the adversely affected marina area, 52.6 percent minority would represent a disproportionate effect on minority populations (because it exceeds the 50 percent threshold). Therefore, the short-term noise impact would represent a disproportionate effect on minority populations.

- The low-income population in Census Tract 2947, block group 3, was 12.8 percent. Assuming the same low-income characteristics apply to the adversely affected marina area, 12.8 percent low-income would be less than the percent low-income in Los Angeles County (29.1 percent). Therefore, the noise impact would not disproportionately affect low-income populations.

Therefore, significant unavoidable short-term noise impacts from construction at the Pier A rail yard from the Proposed Project would represent disproportionately high and adverse effects on minority populations, but not on low-income populations.

## Transportation/Circulation (Section 3.10 and Section 4.2.10)

- The region of analysis for ground transportation effects includes those streets and intersections that would be used by both automobile and truck traffic to gain access to and from the Berths 136-147 Terminal, as well as those streets that would be used by construction traffic (i.e., equipment and commuting workers). The streets most likely to be impacted by cumulative project-related auto and truck traffic include the following: Harbor Boulevard, Front Street, John S. Gibson Boulevard, Harry Bridges Boulevard, Figueroa Street, Alameda Street, Anaheim Street, and Sepulveda Boulevard. Beyond these locations, the proposed Project would generate fewer than 43 project trips (thus falling below the City of Los Angeles threshold for analysis), or in the case of Alameda Street, the downstream intersections are all grade separated (aligned at different heights such that they do not disrupt the flow of traffic on one another when they cross) and thus experience no traffic delays (i.e., the crossing at Pacific Coast Highway and Sepulveda Boulevard).

  **TRANS-1:** The proposed Project would create temporary construction-phase increases in truck and automobile traffic. The implementation of **Mitigation Measure TRANS-1** (preparation and implementation of a detailed traffic management plan) would reduce the proposed Project's impact to less than significant in most cases, but with this mitigation measure the proposed Project would still have a significant impact on level of service at the Figueroa Street/C-Street/I-110 Ramp intersection in the P.M. peak hour. In addition, with mitigation, the proposed Project would make a cumulatively considerable and unavoidable contribution to cumulatively significant and unavoidable impacts at five intersections (Alameda Street/Anaheim Street intersection in the A.M. peak hour; Harbor Boulevard/SR-47 Westbound On-Ramp intersection in the P.M. peak hour; Figueroa Street/C-Street/I-110 Ramp intersection in the A.M. and P.M. peak hours; Broad Avenue/Harry Bridges Boulevard intersection in the P.M. peak hour; and Navy Way/Seaside Avenue intersection in the P.M. peak hour).

- Impacts at the Figueroa Street/C-Street/I-110 Ramp intersection would affect primarily truck traffic entering and exiting I-110, rather than local residential or commercial traffic; therefore, the proposed Project's significant impact and cumulatively considerable contribution to cumulatively significant impacts at this intersection would not represent a disproportionately high and adverse effect on minority and low-income populations.

- However, at the other four intersections where the proposed Project would make a cumulatively considerable contribution to cumulatively significant traffic impacts, this contribution likely represents a disproportionately high and adverse effect on minority and low-income populations. While motorists affected at these intersections would include some regional travelers, the impacts would most affect residents in Wilmington and San Pedro. For instance, the Navy Way/Seaside Avenue intersection is an important route for motorists traveling between San Pedro and downtown Long Beach; while some of this traffic includes people coming from or going to homes on the Palos Verdes Peninsula, motorists coming from or going to points farther than San Pedro would have more options to take alternative routes (e.g., SR-1) in the event of construction phase traffic disruptions. Although regional as well as local motorists travel

through the Broad Avenue/Harry Bridges Boulevard intersection to access Banning's Landing Community Center, to the degree that residents of other areas have a wider array of options for waterfront access, construction phase traffic disruptions would affect Wilmington residents more than others. Similarly, the Harbor Boulevard/SR-47 Westbound On-Ramp intersection is the major onramp for motorists accessing I-110 northbound from San Pedro, and many Wilmington residents travel east-west on Anaheim Street at Alameda Avenue as part of their commute or for other reasons (although much of the north-south traffic on Alameda is Port-related truck traffic).

- Because both Wilmington and San Pedro are predominantly minority community and Wilmington has a concentration of low-income population, the contribution of the proposed Project to cumulatively significant impacts on construction phase traffic would be a disproportionately high and adverse effect on minority and low-income populations. It is, however, important to note that the finding of cumulatively significant impacts on construction phase traffic is based on a conservative assumption that the proposed Project would be constructed at the same time as the other two West Basin terminal projects (Berths 97-109 and Berths 121-131) and other LADOT-listed projects, as documented in Section 4.2.10. If the construction phasing among the projects does not involve simultaneous construction, then cumulative construction phase impacts could be less than significant; if so, the contribution of the proposed Project would be less than cumulatively considerable, and the proposed Project would not have a disproportionately high and adverse effect on minority and low-income populations.

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

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

##### Aesthetics and Visual Resources (Section 3.1 and Section 4.2.1)

- The geographic boundary for analysis of aesthetic and visual resources is the set of "critical public views" from which the proposed project would be substantially visible and which are readily available to the public, and for which

there is reason to believe that the public would be concerned over adverse visual changes.

- **AES-1:** The proposed Project would have a less than significant impact and a less than cumulatively considerable contribution to cumulative impacts on views from a scenic vista (**Impact AES-1**). Therefore, there would not be a disproportionately high and adverse effect on minority and low-income populations related to this impact.
- **AES-2:** The proposed Project would not have a significant impact or a cumulatively considerable contribution to a cumulative impact on scenic resources within view from a state scenic highway, because no part of the proposed Project is within view from a state scenic highway. Therefore, there would not be a disproportionately high and adverse effect on minority and low-income populations related to this impact.
- **AES-3:** The proposed Project would have a less than significant impact and a less than cumulatively considerable contribution to cumulative impacts on the existing visual character of a site and its surroundings, as described in Section 3.1 and 4.2.1. Therefore, there would not be a disproportionately high and adverse effect on minority and low-income populations related to this impact.
- **AES-4:** The proposed Project would not have a significant impact or a cumulatively considerable contribution to cumulative impacts related to generating new sources of light or glare that would adversely affect day or nighttime views in the area; in fact, nighttime glare would generally be less under the proposed Project than currently, as documented in Section 3.1. Therefore, there would not be a disproportionately high and adverse effect on minority and low-income populations related to this impact.
- **AES-5:** The proposed Project would not have a significant impact or a cumulatively considerable contribution to a cumulative impact related to shadow effects on nearby shadow-sensitive land uses, because there are no shadow-sensitive land uses over which the proposed Project might cast shadows (see analysis in Section 3.1). Therefore, there would not be a disproportionately high and adverse effect on minority and low-income populations related to this impact.
- **AES-6:** The proposed Project would have a less than significant impact and a less than cumulatively considerable contribution to potential inconsistencies with applicable rules or regulations. Therefore, there would not be a disproportionately high and adverse effect on minority and low-income populations related to this impact.

### Air Quality and Meteorology (Section 3.2 and Section 4.2.2)

- As stated above in Section 5.4.2.1, the region of analysis for air quality impacts is the immediate area of the proposed Project area and the surrounding region, represented by the South Coast Air Basin (SCAB).
- **AQ-1:** Proposed Project construction would produce emissions that would exceed a SCAQMD emission significance threshold and would remain significant under both CEQA and NEPA following mitigation. The proposed

Project would also have a cumulatively considerable contribution (with mitigation) to a cumulatively significant exceedance of the SCAQMD emission threshold, relative to both the CEQA and NEPA baselines. However, because the impact relates to a conflict with a standard and is not associated with a specific location or dependent on the presence of sensitive receptors or uses, **Impact AQ-1** would not constitute a disproportionate effect on minority or low income populations.

- **AQ-3:** The proposed Project would result in operational emissions that exceed 10 tons per year of VOCs and exceed a SCAQMD threshold of significance that would remain significant under both CEQA and NEPA with mitigation. The proposed Project would also have a cumulatively considerable contribution (with mitigation) to a cumulatively significant exceedance of the SCAQMD emission threshold, relative to both the CEQA and NEPA baselines. However, because the unmitigated impact relates to a conflict with a standard and is not associated with a specific location or dependent on the presence of sensitive receptors or uses, **Impact AQ-3** would not constitute a disproportionate effect on minority or low income populations.
- **AQ-7:** Under both CEQA and NEPA, the proposed Project would not conflict with or obstruct implementation of an applicable AQMP and would not make a cumulatively considerable contribution to a cumulative impact related to such a conflict or obstruction. Because the impacts are less than significant and less than cumulatively considerable, **Impact AQ-7** would not constitute a disproportionately high and adverse effect on minority or low income populations.
- **AQ-8:** Proposed Project operations would result in increased emissions of greenhouse gases (GHGs), and the increase would be significant under CEQA. No finding is made under NEPA. The potential ecological damage and damage to human populations from global climate change would affect people globally, including all people in California and in the United States. Section 3.1 describes potential global impacts of GHG. These effects would have consequences for all people, and therefore would not affect low-income and minority populations disproportionately.

## Biological Resources (Section 3.3 and Section 4.2.3)

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

- **BIO-1:** The proposed Project would not cause a loss of individuals or habitat of a state- or federally-listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or the loss of federally listed critical habitat. The proposed Project also would not make a cumulatively considerable contribution to any cumulatively significant impact relative to **Impact BIO-1**. Since the impacts are less than significant and less

than cumulatively considerable under both CEQA and NEPA, **Impact BIO-1** would not constitute a disproportionately high and adverse effect on minority or low income populations.

- **BIO-2:** In the absence of mitigation, filling 10 acres in the Northwest Slip would result in a permanent loss of marine habitat, resulting in a significant project impact and contributing to a cumulatively significant impact. However, the impact would primarily affect marine habitat, not human populations or the public. In addition, the project's significant impacts and its cumulatively considerable contribution would be completely offset (under both CEQA and NEPA) by **Mitigation Measure BIO-1** which involves LAHD providing off-site or on-site compensation for loss of general marine resources. Therefore, **Impact BIO-2** would not result in disproportionately high and adverse effects on minority and low-income populations.
- **BIO-3:** The proposed Project would not interfere with wildlife movement/migration corridors, nor would it make a cumulatively considerable contribution to any cumulative impact. Therefore, **Impact BIO-3** would not result in disproportionately high and adverse effects on minority and low-income populations.
- **BIO-4:** While construction activities would not substantially disrupt local biological communities (**Impact BIO-4a**) and operation of the new facilities would not substantially disrupt local biological communities (**Impact BIO-4b**), operation of the new facilities in the West Basin has a low potential to introduce non-native species into the Harbor that could substantially disrupt local biological communities (**Impact BIO-4c**). **Impact BIO-4c** would remain significant and would also make a cumulatively considerable contribution (relative to both CEQA and NEPA) after mitigation. However, this impact would primarily affect marine biological communities, not human populations or the public. Therefore, **Impact BIO-4** would not result in disproportionately high and adverse effects on minority and low-income populations.
- **BIO-5:** Landfill construction in the Northwest Slip would result in a permanent loss of marine habitat, which represents a significant impact of the proposed Project and a cumulatively considerable contribution to cumulative impacts. However, this impact would be completely mitigated by the implementation of **Mitigation Measure BIO-1**. In addition, this impact would primarily affect marine biological communities, not human populations or the public. Therefore, **Impact BIO-5** would not result in disproportionately high and adverse effects on minority and low-income populations.

## Cultural Resources (Section 3.4 and Section 4.2.4)

As stated in Section 5.4.2.1, the geographic region of analysis for impacts on cultural, archaeological, and paleontological resources related to the proposed Project consists of the areas at the Port and in the immediate vicinity (on land or submerged) that could be affected by dredging, demolition, or ground disturbance.

- **CR-2:** The proposed Project would have no impacts on historic architectural resources, nor would it contribute to a cumulative impact on historic architectural resources. Therefore, **Impact CR-2** would not result in

disproportionately high and adverse effects on minority and low-income populations.

- **CR-3:** Although excavations in the northwest portion of the proposed Project site would potentially disturb paleontological resources of regional or statewide importance, these potentially significant effects would be eliminated with mitigation. Thus, with mitigation, the proposed Project would not have a significant effect nor make a cumulatively considerable contribution to cumulatively significant impacts on paleontological resources. Therefore, **Impact CR-3** would not result in disproportionately high and adverse effects on minority and low-income populations.

## Geological Resources (Section 3.5 and Section 4.2.5)

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

- **GEO-1:** Seismic activity could expose people and structures to substantial risk during the construction period (**GEO-1a**) and operation period (**GEO-1b**), which are significant and unavoidable project and cumulative impacts. Because impacts would not affect the public (i.e., could affect employees on site, but not off-site residents), **GEO-1** would not result in disproportionately high and adverse effects on minority or low-income populations.
- **GEO-2:** The proposed Project would include the creation of a 10-acre (4.0-ha) fill, as well as the construction of new wharves and dikes, which would be susceptible to tsunamis and seiches. There is a substantial risk of coastal flooding of wharves and associated backland areas due to tsunamis and seiches. Because construction would occur over an extended period (through 2025), increased exposure of people and property during construction to seismically induced tsunamis or seiches cannot be precluded. Impacts due to tsunamis and seiches are significant and unavoidable under NEPA and CEQA. However, because impacts would not affect the public (i.e., could affect employees on site, but not off-site residents), **Impact GEO-2** and the associated cumulatively considerable contribution to a cumulatively significant impact would not result in disproportionately high and adverse effects on minority or low-income populations.
- **GEO-3:** The proposed Project would result in less than significant impacts and a less than cumulatively considerable contribution to cumulative impacts related to subsidence and settlement under both NEPA and CEQA. Since the proposed Project impact is less than significant and the contribution to cumulative impacts is less than cumulatively considerable, **Impact GEO-3** would not result in disproportionately high and adverse effects on minority and low-income populations.
- **GEO-4:** The proposed Project would result in less than significant impacts and a less than cumulatively considerable contribution to cumulative impacts related to expansive soils under both NEPA and CEQA. Since the proposed Project impact is less than significant and the contribution to cumulative

impacts is less than cumulatively considerable, **Impact GEO-4** would not result in disproportionately high and adverse effects on minority and low-income populations.

- **GEO-5:** Since the topography in the vicinity of the proposed Project site is flat and not subject to landslides or mudflows, the proposed Project would not increase the risk of landslides or mudflows individually or cumulatively under either NEPA or CEQA. Thus, **Impact GEO-5** would not result in disproportionately high and adverse effects on minority and low-income populations.
- **GEO-6:** The proposed Project would result in less than significant impacts and a less than cumulatively considerable contribution to cumulative impacts related to shallow groundwater and collapsible soils under both NEPA and CEQA. Since the proposed Project impact is less than significant and the contribution to cumulative impacts is less than cumulatively considerable, **Impact GEO-6** would not result in disproportionately high and adverse effects on minority and low-income populations.
- **GEO-7:** Since the proposed Project area is relatively flat and paved, with no prominent geologic or topographic features, proposed Project construction would not result in any distinct and prominent geologic or topographic features being destroyed, permanently covered, or materially and adversely modified. The finding of no impact is made for both NEPA and CEQA. Thus, **Impact GEO-7** would not result in disproportionately high and adverse effects on minority and low-income populations.
- **GEO-8:** Construction of the proposed Project would not result in the permanent loss of availability of any mineral resource of regional, statewide, or local significance. Under both NEPA and CEQA, the individual Project impact is less than significant and the cumulative contribution is less than considerable. Thus, **Impact GEO-8** would not result in disproportionately high and adverse effects on minority and low-income populations.

## Groundwater and Soils (Section 3.6 and Section 4.2.6)

The region of influence for cumulative impacts on groundwater and soils varies, depending on the issue. The region of influence with respect to contaminated soils would be confined to the proposed Project area, as these impacts are site-specific and relate primarily to potential exposure of contaminants to on-site personnel during construction, or to on-site personnel or recreational users, on the Harry Bridges Buffer Area, subsequent to construction. There is no region of influence with respect to change in potable water levels and potential violation of regulatory water quality standards at an existing production well, as drinking water is provided to the area where the proposed Project would be located by the City of Los Angeles Department of Water and Power (LADWP); local groundwater would not be utilized as a water source. The region of influence with respect to potential reduction in groundwater recharge would be the aerial extent of the saline, perched aquifer, which underlies the proposed Project site.

- **GW-1:** Construction activities may encounter toxic substances or other contaminants associated with historical uses of the Port, resulting in short-term exposure (duration of construction) to construction/operations personnel

and/or long-term exposure to future site occupants. However, implementation of **Mitigation Measure GW-2** (implementation of a contingency plan for potentially encountering unknown soil contamination) would reduce impacts to less than significant and would reduce the contribution to cumulatively significant impacts to less than cumulatively considerable under both NEPA and CEQA. In addition, impacts would not affect the public (i.e., could affect employees on site, but not off-site residents). Thus, **Impact GW-1** would not result in disproportionately high and adverse effects on minority or low-income populations.

- **GW-2:** Excavation and grading in contaminated soils could result in inadvertent spreading of such contamination to areas that were previously unaffected by spills of petroleum products or hazardous substances. However, implementation of **Mitigation Measures GW-1** (soil and groundwater remediation of known contaminated areas) and **GW-2** (implementation of a contingency plan for potentially encountering unknown soil contamination) would reduce impacts to less than significant and would reduce the contribution to cumulatively significant impacts to less than cumulatively considerable under both NEPA and CEQA. Thus, **Impact GW-2** would not result in disproportionately high and adverse effects on minority or low-income populations.

- **GW-3:** The proposed Project would have no impact, and no cumulative contribution to impacts, on potable water supplies, under either CEQA or NEPA. Thus, **Impact GW-3** would not result in disproportionately high and adverse effects on minority or low-income populations.

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

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

## Hazards and Hazardous Materials (Section 3.7 and Section 4.2.7)

The region of influence for impacts associated with spills of hazardous materials encompasses two areas: the West Basin area of the Port of Los Angeles, and areas within the regional cargo distribution network.

- **RISK-1:** The proposed Project would have a less than significant impact relative to the probable frequency and severity of consequences to people or property as a result of a potential accidental release or explosion of a hazardous substance, and a less than cumulatively considerable contribution relative to the cumulative impacts of such a release or explosion. Therefore, **Impact RISK-1** does not represent a disproportionately high and adverse effect on minority and low-income populations.

- **RISK-2:** The proposed Project would have a less than significant impact, but would make a cumulatively considerable contribution to a cumulatively significant impact, related to the probable frequency and severity of consequences to people from exposure to health hazards: specifically, potential injuries and fatalities that could result from traffic accidents with project-related trucks. However, this cumulative impact is not disproportionately high and adverse on minority and low-income populations since it is national in nature. Trucks carrying goods from the terminal travel nationwide, and the increased potential for traffic accidents involving these trucks would occur anywhere they travel. Although there would be a greater concentration of trucks on and near the proposed Project site – where there is also a predominantly minority population and a low-income population concentration – the elimination of truck access between Harry Bridges Boulevard and C Street in the vicinity of the proposed Harry Bridges Buffer Area would virtually eliminate project-related truck traffic, and therefore the potential for accidents involving project-related trucks, on residential streets in the Project vicinity. Truck traffic from the proposed Project would be limited to the arterial roads and freeways in the vicinity of the Port (see Figure 3.10-2), and other drivers on these roads are just as likely to be regional travelers as residents of the areas in the immediate vicinity of the Port.
- **RISK-3:** The proposed Project would not substantially interfere with an existing emergency response or evacuation plan, nor would it make a cumulatively considerable contribution to a related cumulative impact. Thus, **Impact RISK-3** would not result in disproportionately high and adverse effects on minority and low-income populations.
- **RISK-4:** The proposed Project would comply with applicable regulations and policies guiding development within the Port. Since the proposed Project has no individual impact or incremental contribution to a cumulative impact, **Impact RISK-4** would not result in disproportionately high and adverse effects on minority and low-income populations.
- **RISK-5:** The proposed Project would have a less than significant impact relative to increased risk of or consequences due to an accidental spill due to a tsunami, and a less than cumulatively considerable contribution relative to the cumulative impacts of such an event. Therefore, **Impact RISK-5** does not represent a disproportionately high and adverse effect on minority and low-income populations.
- **RISK-6:** The proposed Project would have a less than significant impact relative to increased risk of or consequences due to a terrorist attack, and a less than cumulatively considerable contribution relative to the cumulative impacts of such a potential attack. Therefore, **Impact RISK-6** does not represent a disproportionately high and adverse effect on minority and low-income populations.

## Land Use (Section 3.8 and Section 4.2.8)

Since the proposed Project has the capacity to affect land use within the Port and surrounding communities, the region of analysis for land use impacts includes the Port of Los Angeles and extends to adjacent areas, including the communities of

Wilmington and San Pedro that would be assessed in terms of their compatibility with the intensification of Port industrial uses.

- **LU-1:** The proposed Project would be consistent with land use and density designations in land use plans that govern development, after plan amendments, and would have no impact or contribution to a cumulative impact. Thus, **Impact LU-1** would not result in disproportionately high and adverse effects on minority and low-income populations.
- **LU-2:** The proposed Project would be consistent with environmental goals and policies delineated in land use plans that govern buildout and would have no impact or contribution to a cumulative impact. Thus, **Impact LU-2** would not result in disproportionately high and adverse effects on minority and low-income populations.
- **LU-3:** The proposed Project would not have an individually significant impact with respect to disruption, division, or isolation of existing neighborhoods, communities, or land uses, nor would it make a cumulatively considerable contribution to such a cumulatively significant impact. Therefore, there would be no disproportionately high and adverse effects on minority and low-income populations.
- **LU-4:** The proposed Project would not have a significant effect on property values, nor a cumulatively considerable contribution to changes in property values, within surrounding communities. Since **Impact LU-4** is less than significant and less than cumulatively considerable (relative to both CEQA and No Federal Action/NEPA baselines), this impact would not result in disproportionately high and adverse effects on minority and low-income populations.

## Noise (Section 3.9 and Section 4.2.9)

As stated in Section 5.4.2.1, the region of influence for noise impacts includes the residential area in the Wilmington District north of "C" Street located generally between Mar Vista Avenue and Fries Avenue, residents of San Pedro located west of Knoll Hill, and live-aboards in the marinas near the proposed Pier A rail yard site. This is the area over which noise from construction or operation of the proposed Project could have impacts or contribute to cumulative impacts on sensitive noise receptors.

- **NOI-2:** Because no construction activities would occur between the hours of 9:00 PM and 7:00 AM Monday through Friday, before 8:00 AM or after 6:00 PM on Saturday, or at any time on Sunday, there would be no construction-related noise impacts (nor contribution to a cumulative impact) during prohibited hours. Thus, this impact would not result in disproportionately high and adverse effects on minority and low-income populations.
- **NOI-3:** Operation of the proposed Project (e.g., onsite Port operations, increased railway traffic, and increased vehicular traffic noise on the street network) would not significantly increase ambient noise levels at sensitive receivers within the vicinity of the project, nor would the proposed Project make a cumulatively considerable contribution to ambient noise levels. Because the impact is less than significant and the contribution is less than cumulatively considerable

(relative to both CEQA and No Federal Action/NEPA baselines), **NOI-3** would not result in disproportionately high and adverse effects on minority and low-income populations.

## Transportation/Circulation (Section 3.10 and Section 4.2.10)

As stated in Section 5.4.2.1, the region of analysis for ground transportation effects includes those streets and intersections that would be used by both automobile and truck traffic to gain access to and from the Berths 136-147 Terminal, as well as those streets that would be used by construction traffic (i.e., equipment and commuting workers). The streets most likely to be impacted by cumulative project-related auto and truck traffic include the following: Harbor Boulevard, Front Street, John S. Gibson Boulevard, Harry Bridges Boulevard, Figueroa Street, Alameda Street, Anaheim Street, and Sepulveda Boulevard. Beyond these locations, the proposed Project would generate fewer than 43 project trips (thus falling below the City of Los Angeles threshold for analysis), or in the case of Alameda Street, the downstream intersections are all grade separated (aligned at different heights such that they do not disrupt the flow of traffic on one another when they cross) and thus experience no traffic delays (i.e., the crossing at Pacific Coast Highway and Sepulveda Boulevard).

- **TRANS-2:** Long-term vehicular traffic associated with the proposed Project would significantly impact four study area intersections' volume/capacity ratios, resulting in an unacceptable impact on the Level of Service (LOS) relative to both the CEQA and NEPA baselines. The area in the immediate vicinity of one of these intersections (Figueroa Street and Harry Bridges Boulevard) is industrial. Areas in the vicinity of the remaining three intersections (Alameda Street and Anaheim Street, Figueroa Street/C-Street and I-110 ramps, and Fries Avenue/Harry Bridges Boulevard) contain mixed industrial and residential land uses. However, ground transportation impacts at all four intersections would be reduced to less than significant using **Mitigation Measures TRANS-2** through **TRANS-5**, which include measures such as addition of through-lanes, turn lanes, and signalization. (Depending on the timing of construction of related projects, the proposed Project may also require additional mitigation measures, specifically **Mitigation Measures TRANS-6** and **TRANS-7**, which include additional turning lanes and signalization.) Because impacts would be less than significant after mitigation, there would be no disproportionately high and adverse effects on minority and low-income populations. Note that **Mitigation Measures TRANS-2** through **TRANS-7** are largely striping projects, and their implementation will not result in secondary impacts (see Section 3.9). Additionally, striping work would be completed during off peak hours to minimize impacts to traffic.
- **TRANS-3:** Although the proposed Project would result in additional on-site employees, the increase in work-related trips using public transit would be negligible; the increase would not be significant under CEQA and NEPA, nor would it make a cumulatively considerable contribution to cumulative impacts. Since the proposed Project impacts would be less than significant and the contribution to cumulative impacts would be less than cumulatively considerable, **Impact TRANS-3** would not result in disproportionately high and adverse effects on minority and low-income populations.

- **TRANS-4:** Proposed Project operations would result in a less than significant increase in freeway congestion, and would make a less than cumulatively considerable contribution to cumulative impacts, under both CEQA and NEPA. Since the proposed Project impacts would be less than significant and the contribution to cumulative impacts would be less than cumulatively considerable, **Impact TRANS-4** would not result in disproportionately high and adverse effects on minority and low-income populations.
- **TRANS-5:** With mitigation measures, proposed Project operations would result in a significant impact at the at-grade rail crossings at Henry Ford Avenue and Avalon Boulevard under both CEQA and NEPA. However, this impact would not represent a disproportionately high and adverse effect on minority and low-income populations. North-south traffic on Henry Ford Avenue at the rail crossing is primarily industrial and Port-related truck traffic. North-south traffic on Avalon Boulevard at the rail crossing is also substantially industrial. Although Avalon Boulevard traffic includes some traffic to and from Banning's Landing Community Center, the proximity of an alternate route (via Fries Avenue and Water Street) would minimize this impact. Thus, this would not likely represent a disproportionately high and adverse effect on minority and low-income populations.

## Marine Transportation (Section 3.11 and Section 4.2.11)

Since the proposed Project has the capacity to affect vessel transportation only within designated traffic channels or the berths the vessels are accessing, the region of analysis for marine transportation impacts includes the vessel traffic channels that ships use to access berths within the Port and West Basin, and the berths themselves.

- **VT-1:** The construction of the proposed Project would require use of marine-based construction equipment to support berth development, wharf improvements, and new wharf construction, and the proposed Project operation would increase vessel traffic (container ships). However, because the Port and terminal operator would follow standard safety precautions and applicable regulations, the construction equipment and increased vessel traffic would have a less than significant impact on marine vessel safety, and a less than cumulatively considerable contribution to cumulative impacts. Since the proposed Project impacts would be less than significant and make a less than cumulatively considerable contribution to cumulative impacts, **Impact VT-1** would not result in disproportionately high and adverse effects on minority and low-income populations.

## Utilities and Public Services (Section 3.12 and Section 4.2.12)

The geographic region of analysis for utilities and public service impacts varies by the service area of the individual public service or utility provider and the jurisdiction over which increased demand for services from the proposed Project could reduce the availability of such services. For the Port Police, this area is localized to the Ports of Los Angeles and Long Beach and neighboring Harbor Area communities, such as Wilmington. The service area of the LAPD and LAFD encompasses the City of Los Angeles; however, the police and fire stations identified as serving the proposed Project serve only the Port and harbor area. Direct impacts of the proposed Project

would be localized to the Port area, and indirect impacts could extend further within the City. For stormwater, the region of influence is the proposed Project backlands and immediately adjacent lands within the Harbor's subwatershed because this represents the drainage area that would be influenced by the proposed Project. The service area of the Bureau of Sanitation (wastewater), Los Angeles County Sanitation Districts and BFI (solid waste), and LADWP (water and electricity) encompasses the City of Los Angeles. The Southern California Gas Company (SCG) (natural gas) serves most of central and Southern California. However, the analysis region for cumulative utilities impacts focuses on the Port and Harbor District because the infrastructure immediately serving the Project is located within this service area and service subareas of utility providers are sufficiently separated such that increased service demands from the proposed Project would not threaten such provisions in other areas. The region of analysis for cumulative recreational impacts includes public recreational opportunities located within the Port.

- **PS-1:** The proposed Project would not increase the demand for additional law enforcement officers and/or facilities such that the USCG, LAPD, or Port Police would not be able to maintain an adequate level of service without additional facilities. The impacts relative to this threshold are less than significant and less than cumulatively considerable under CEQA and NEPA; therefore, **Impact PS-1** would not result in disproportionately high and adverse effects on minority and low-income populations.
- **PS-2:** Development of the proposed Project would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility to maintain service; it also would not make a cumulatively considerable contribution to pressure on fire protection services that would result in a similar need. This is true relative to both CEQA and NEPA requirements. Thus, **Impact PS-2** would not result in disproportionately high and adverse effects on minority and low-income populations.
- **PS-3:** The proposed Project would result in minimal increased water demands, wastewater generation, and storm runoff that would not exceed the capacity of existing facilities. Although the proposed Project would require the construction and expansion of onsite water, wastewater, and storm drain lines to support new terminal development, all infrastructure improvements and connections would occur within existing utility corridors and would comply with relevant codes and permits. The proposed Project would have a less than significant impact and make a less than cumulatively considerable contribution to impacts on utility lines (relative to both CEQA and NEPA). Thus, **Impact PS-3** would not result in disproportionately high and adverse effects on minority and low-income populations.
- **PS-4:** The proposed Project would have less than significant impacts on the capacity of utility systems to supply water, treat and dispose of solid waste, and treat and discharge wastewater. The proposed Project also would make a less than cumulatively considerable contribution to cumulative impacts on solid waste and wastewater systems. The proposed Project would make a cumulatively considerable and unavoidable contribution (even with mitigation) to cumulatively significant impacts on water supply capacity. This impact would affect the entire cumulative region of influence for water supply as a whole; that is, the service area for LADWP, which is the City of Los Angeles.

However, this effect would not be disproportionately high and adverse on minority and low-income populations for several reasons. First, LADWP would plan far ahead for any effects on water supply by providing additional supply if possible. Second, if LADWP needed to restrict customer supply to decrease water demand, it would restrict nonessential uses first (e.g., timing or quantity restrictions for landscaping or lawns). In addition, the focus of *CEQ Environmental Justice Guidance Under NEPA* (1997) is on human health and environmental effects, and an effect on utility service provision, to the degree the proposed Project contributes, would not have human health or environmental effects.

- **PS-5:** The proposed Project would have a less than significant impact and a less than cumulatively considerable contribution to increases in energy demands that would necessitate the construction of new energy supply facilities and distribution infrastructure. Because the impact is less than significant and less than cumulatively considerable under NEPA and CEQA, **Impact PS-5** would not result in disproportionately high and adverse effects on minority and low-income populations.

- **PS-6:** The proposed Project would have a less than significant impact and a less than cumulatively considerable contribution relative to the potential for loss or diminished quality of recreational, educational, or visitor-oriented opportunities, facilities, or resources. Because the impact is less than significant and less than cumulatively considerable under NEPA and CEQA, **Impact PS-6** would not result in disproportionately high and adverse effects on minority and low-income populations.

## Water Quality (Section 3.13 and Section 4.2.13)

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

- **WQ-1:** Although the proposed Project would result in less than significant impacts related to discharges that would create pollution, contamination or a nuisance as defined in Section 13050 of the California Water Code, or violate regulatory standards, the proposed Project would make a cumulatively considerable contribution to cumulatively significant impacts related to such discharges. The contribution of the proposed Project would be cumulatively considerable even after application of mitigation measures detailed in Section 3.13 (an integrated multi-parameter monitoring program during dredge and fill operations, with the goal of adaptive management; and compliance with applicable laws and regulations, including a stormwater construction permit and spill control plans). Specifically, the proposed Project would make a cumulatively considerable contribution to loadings of metals from operation phase runoff, and loadings of hydrocarbons (fuel, lubricants, or hydraulic fluid) from equipment used during dredging, fill placement, and wharf demolition and construction. Because these impacts relate to a water quality standard and would

be geographically limited to the water areas in the vicinity of the proposed Project, the impacts would not affect human populations and, therefore, would not be disproportionately high and adverse effects on minority and low-income populations.

- **WQ-2:** The proposed Project would have a less than significant impact on the potential for flooding, and would also make a less than cumulatively considerable contribution to this potential. Since the impact is less than significant, **Impact WQ-2** would not be a disproportionately high and adverse effect on minority and low-income populations.
- **WQ-3:** The proposed Project would have a less than significant impact on permanent alteration of surface water movement, and would also make a less than cumulatively considerable contribution to such alteration. Since the impact is less than significant, **Impact WQ-3** would not be a disproportionately high and adverse effect on minority and low-income populations.
- **WQ-4:** The proposed Project would have a less than significant impact related to increasing rates of soil erosion within onshore portions of the project site and sedimentation within the site or in adjacent properties and receiving waters, and would also make a less than cumulatively considerable contribution to such an increase. Since the impact is less than significant, **Impact WQ-4** would not be a disproportionately high and adverse effect on minority and low-income populations.

#### 5.4.2.3 Beneficial Impacts

Under Executive Order 12898, offsetting benefits should also be considered by decision-makers when a project would result in disproportionately high and adverse effects. The proposed Project would create economic benefits in the form of jobs and income (see Chapter 7, Socioeconomics and Environmental Quality). In addition, construction of the Harry Bridges Buffer Area would create an aesthetic benefit (see Section 3.1, Aesthetics and Visual Resources) and a recreational amenity (see Section 3.12, Utilities and Public Services). If contaminated soils are encountered during construction, site remediation would result in beneficial impacts (see section 3.6, Groundwater and Soils). Since the proposed Project would also involve approval of new uses at Berths 136-147, it would allow the Port to impose new mitigation measures on the operation of the terminal there. With these mitigation measures in place, cancer risk would decrease in most of the areas in the vicinity of the Port (see section 3.2 Air Quality, and Appendix D3).

### 5.4.3 No Project Alternative

The No Project Alternative (Alternative 1) considers what would reasonably be expected to occur on the site in the absence of issuance of both a federal permit by the USACE and a discretionary land use decision by the Port of Los Angeles. This alternative would not allow implementation of the Project or other physical improvements at Berths 136-147. Under this alternative, no construction impacts would occur. Forecasted increases in cargo throughput would still occur as greater operational efficiencies are made but would be reduced compared to the proposed Project.

This alternative would not result in disproportionately high and adverse impact on minority and low-income populations for any of the resource impacts enumerated in Section 5.4.2.2. In addition, note that for some of the impact thresholds described in Section 5.4.2.2 for which that the proposed Project would have a significant impact, this alternative would have no impact or a less than significant impact. The resource analyses in Chapter 3, and the summary of alternatives and impacts in Chapter 6, provide detailed and summary information (respectively) comparing the effects of this alternative with other alternatives and the proposed Project. The focus of this chapter is the potential for disproportionately high and adverse effects on minority and low-income populations.

To facilitate comparison of the potential for disproportionately high and adverse effects on minority and low-income populations between the proposed Project and this alternative (among other alternatives), the remainder of this section addresses impacts identified in Section 5.4.2.1; that is, impacts that, under the proposed Project, would be disproportionately high and adverse on minority and low-income populations. This section addresses in turn each of the impacts enumerated in Section 5.4.2.1 and documents whether there would be disproportionately high and adverse effects on minority and low-income populations for this alternative. It is important to note that mitigation measures would not apply to the terminal operator in this alternative, because this alternative would not involve approval of new uses at Berths 136-147.

**Air Quality (AQ-2).** This alternative would not involve construction and, therefore, would not increase ambient concentrations of criteria pollutants due to construction. Since there would be no impact, there would be no disproportionately high and adverse effect on minority and low-income populations related to **Impact AQ-2** under either CEQA or NEPA.

**Air Quality (AQ-4).** Operation of the terminal at Berths 136-147 under this alternative would result in significant impacts relative to **AQ-4**, with daily maximum emissions producing maximum NO2 concentrations that would exceed the 1-hour and annual SCAQMD thresholds. Additionally, operation in this alternative would produce maximum CEQA increments for 24-hour $PM_{10}/PM_{2.5}$ concentrations that would exceed the SCAQMD $PM_{10}/PM_{2.5}$ thresholds. These impacts relate to CEQA only, as there are no impacts from this alternative under NEPA. As noted above, mitigation measures would not apply to the terminal operator in this alternative since there would be no approval of new uses at Berths 136-147.

**Air Quality (AQ-6).** Operation of the terminal at Berths 136-147 in this alternative would result in a significant impact on cancer risk, with the maximum CEQA increment for residential cancer risk predicted for the unmitigated No Project Alternative at 59 in a million, which exceeds the significance criterion of 10 in a million. The location of the point of greatest impact is near the intersection of C Street and Mar Vista Avenue in Wilmington. Figure 5-4 shows the area of significant increases in cancer risk compared to 2003 CEQA Baseline conditions. The area affected by significant increases would be greater than the mitigated proposed Project, and would also be disproportionately minority (83.2 percent) and low-income (36.3 percent). There would be no impacts under NEPA (because there are no NEPA impacts associated with this alternative).


**Figure 5-4. No Project (without Mitigation) Minus CEQA Baseline - Affected Area with Increased Residential Cancer Risk of 10 in a Million Cases or More**

Note that, unlike the proposed Project, this alternative would not have a significant effect with respect to acute non-cancer human health effects. However, this alternative would make a nonzero and, therefore, cumulatively considerable contribution to acute and chronic non-cancer health effects. Because the cumulative health risks would have more severe effects on populations closest to the Ports, this contribution would be disproportionately high and adverse on minority and low-income populations.

**Cultural Resources (CR-1).** There is no cumulative analysis of impacts for this alternative. However, since this alternative would not involve construction of the Harry Bridges Buffer Area, it would have no potential to contribute to cumulatively significant impacts related to ethnographic resources. Therefore, there would be no corresponding disproportionately high and adverse effects on minority populations (Native Americans).

**Noise (NOI-1).** Unlike the proposed Project, this alternative would involve no construction and, therefore, there would be no construction noise impacts. Thus, there would be no disproportionately high and adverse effects on minority and low-income populations with respect to **Impact NOI-1**.

**Transportation (TRANS-1).** Since this alternative would not involve construction, it would not create construction phase traffic impacts. Thus, there would be no disproportionately high and adverse effects on minority and low-income populations with respect to **Impact TRANS-1**.

### 5.4.4 Project Without the 10-Acre Fill Alternative

This alternative (Alternative 2) would not include the 10-acre fill in the Northwest Slip for additional backland storage area, or the 400-foot wharf extension at Berth 136, which would, if included, increase container efficiency. Construction would otherwise be the same as the proposed Project. In 2025 through 2038, projected throughput would be the same as for the proposed Project, although operational efficiency would be reduced.

This alternative would not result in disproportionately high and adverse impact on minority and low-income populations for any of the resource impacts enumerated in Section 5.4.2.2. The resource analyses in Chapter 3, and the summary of alternatives and impacts in Chapter 6, provide detailed and summary information (respectively) comparing the effects of this alternative with other alternatives and the proposed Project. The focus of this chapter is the potential for disproportionately high and adverse effects on minority and low-income populations.

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

**Air Quality (AQ-2).** Construction activities associated with this alternative are identical to the proposed Project Phase 1 activities, as this alternative would not involve construction of proposed Project Phase 2. Implementation of **Mitigation Measures AQ-1, AQ-2, AQ-3,** and **AQ-5** would reduce ambient pollutant impacts from construction of this alternative. However, with mitigation, the Phase 1 construction emissions would produce impacts that would exceed the SCAQMD 1-hour $NO_2$ and 24-hour $PM_{10}/PM_{2.5}$ ambient thresholds. As a result, under this alternative residual impacts would remain significant for 1-hour $NO_2$ and 24-hour $PM_{10}/PM_{2.5}$ under CEQA and NEPA.

As for the proposed Project, the air quality modeling analysis suggests that the highest offsite concentrations of 1-hour $NO_2$ and 24-hour $PM_{10}/PM_{2.5}$ would be along the fenceline of the construction site. The maximum concentration of 1-hour $NO_2$ would be along Pier A Street adjacent to the proposed on-dock rail yard, and the maximum concentrations of $PM_{10}$ and $PM_{2.5}$ would occur just south of the intersection of Harry Bridges Boulevard and Lagoon Avenue. Although the single points with maximum concentrations would not be in residential areas, residential areas would experience higher concentrations the closer they are to the construction area. Since residential areas closest to the construction area are predominantly minority (Figure 5-1) and have a concentration of low-income population relative to Los Angeles County (Figure 5-2), the elevated ambient concentrations of NO2, PM2.5, and PM10 would constitute a disproportionately high and adverse effect on minority and low-income populations.

**Air Quality (AQ-4).** Ambient concentrations of criteria pollutants in this alternative would be the same as for the proposed Project, with significant and unavoidable exceedances of SCAQMD thresholds for 1-hour and annual $NO_2$ and 24-hour $PM_{10}/PM_{2.5}$. The ambient concentrations of criteria pollutants would be dispersed the same as under the proposed Project, with the highest offsite pollutant concentrations along the fenceline of the terminal. Residential areas in the vicinity of the terminal, which are predominantly minority (Figure 5-1) and have a concentration of low-income population relative to Los Angeles County (Figure 5-2), would experience higher concentrations. Thus, the elevated ambient concentrations of $NO_2$, $PM_{2.5}$, and $PM_{10}$ would constitute a disproportionately high and adverse effect on minority and low-income populations.

**Air Quality (AQ-6).** Ambient concentrations of Toxic Air Contaminants (TACs) in this alternative due to terminal operations would be the same as for the proposed Project. Thus, even after implementation of mitigation measures, increases in toxic emissions from terminal operations would result in significant cancer risk impacts compared to the No Federal Action/NEPA Baseline. The affected area (with mitigation) is the same as shown in Figure 5-3, and the average minority and low-income percentage in the affected area is the same as for the proposed Project (92.1 percent minority and 47.4 percent low-income). Both of these percentages exceed relevant thresholds (minority greater than 50 percent and low-income greater than Los Angeles County). Therefore, the increased cancer risk would cause disproportionately high and adverse effects on minority and low-income populations.

This alternative would also have significant effects on acute non-cancer risks relative to the No Federal Action/NEPA Baseline in the vicinity of the Harry Bridges Buffer Area. The primary recreational users of the buffer area would likely be residents of

the Wilmington neighborhood who, as described previously in this chapter, constitute a minority and low-income population relative to the comparison area (Los Angeles County). Thus, the significant increase in acute non-cancer risk also constitutes a disproportionately high and adverse effect on minority and low-income populations.

Cumulative effects on cancer risk (and other cumulative impacts) were not analyzed for this alternative. However, like the proposed Project, this alternative would make a positive and, therefore, cumulatively considerable contribution to acute and chronic non-cancer health effects. Because the cumulative health risks would have more severe effects on populations closest to the Ports, this contribution would be disproportionately high and adverse on minority and low-income populations.

**Cultural Resources (CR-1).** There is no cumulative analysis of impacts for this alternative. However, since this alternative would involve construction of the Harry Bridges Buffer Area, where there is a remote potential to encounter archaeological or ethnographic resources, it would also make a cumulatively considerable contribution to cumulatively significant impacts on archaeological and ethnographic resources. Since these resources are of particular concern to Native Americans, this impact would be disproportionately high and adverse on minority populations (Native Americans).

**Noise (NOI-1).** Similar to the proposed Project, under this alternative, significant, unavoidable short-term noise impacts from construction of the Harry Bridges Buffer Area would result in disproportionate effects on minority and low-income populations in the affected area in the vicinity of "C" Street. In addition, construction activities at the new location of the Pier A rail yard near the Berth 200-202 Marinas would represent a short-term, disproportionate noise impact on minority populations. In both cases (in the vicinity of "C" Street and near the Pier A rail yard), these impacts would remain significant after implementation of **Mitigation Measure NOI-1**.

**Transportation (TRANS-1).** Unlike in the proposed Project, the construction phase effects on the Figueroa Street/C-Street/I-110 Ramp intersection in the P.M. peak hour would not be significant with mitigation. Thus, they would not be disproportionately high and adverse on minority and low-income populations (and in any case congestion at this intersection would primarily affect truck traffic). There is no cumulative analysis of impacts under this alternative and, therefore, there is no determination of cumulatively considerable contribution or the potential for cumulatively significant impact at the five intersections discussed above (Section 5.4.2.1) for which the proposed Project would make a cumulatively considerable contribution to a cumulatively significant impact.

## 5.4.5 Reduced Wharf Alternative

The Reduced Wharf Alternative (Alternative 3) would not include the 10-acre fill in the Northwest Slip or the 400-foot wharf extension at Berth 136, and would reduce the extent of proposed wharf renovations (i.e., the proposed new 705-foot wharf along Berths 145-147 would not be constructed). Construction would otherwise be the same as for the proposed Project. In the maximum operations year of 2030, projected throughput would constitute approximately 85 percent of the proposed Project.

This alternative would not result in disproportionately high and adverse impact on minority and low-income populations for any of the resource impacts enumerated in Section 5.4.2.2. In addition, note that for some of the impact thresholds described in Section 5.4.2.2 for which that the proposed Project would have a significant impact, this alternative would have no impact or a less than significant impact. The resource analyses in Chapter 3, and the summary of alternatives and impacts in Chapter 6, provide detailed and summary information (respectively) comparing the effects of this alternative with other alternatives and the proposed Project. The focus of this chapter is the potential for disproportionately high and adverse effects on minority and low-income populations.

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

**Air Quality (AQ-2).** Peak daily emissions used to evaluate ambient impacts from the construction of Alternative 3 would be identical to those evaluated for the proposed Project. Therefore, even with mitigation, construction emissions would produce impacts that would exceed the SCAQMD 1-hour $NO_2$ and 24-hour $PM_{10}/PM_{2.5}$ ambient thresholds. As a result, under this alternative residual impacts would remain significant for 1-hour $NO_2$ and 24-hour $PM_{10}/PM_{2.5}$ under CEQA and NEPA. As for the proposed Project, the air quality modeling analysis suggests that the highest offsite concentrations of 1-hour $NO_2$ and 24-hour $PM_{10}/PM_{2.5}$ would be along the fenceline of the construction site. The maximum concentration of 1-hour $NO_2$ would be along Pier A Street adjacent to the proposed on-dock rail yard, and the maximum concentrations of $PM_{10}$ and $PM_{2.5}$ would occur just south of the intersection of Harry Bridges Boulevard and Lagoon Avenue. Although the single points with maximum concentrations would not be in residential areas, residential areas would experience higher concentrations the closer they are to the construction area. Since residential areas closest to the construction area are predominantly minority (Figure 5-1) and have a concentration of low-income population relative to Los Angeles County (Figure 5-2), the elevated ambient concentrations of NO2, PM2.5, and PM10 would constitute a disproportionately high and adverse effect on minority and low-income populations.

**Air Quality (AQ-4).** Ambient concentrations of criteria pollutants in this alternative would be the same as for the proposed Project, with significant and unavoidable exceedances of SCAQMD thresholds for 1-hour and annual $NO_2$ and 24-hour $PM_{10}/PM_{2.5}$. The ambient concentrations of criteria pollutants would be dispersed the same as under the proposed Project, with the highest offsite pollutant concentrations along the fenceline of the terminal. Residential areas in the vicinity of the terminal, which are predominantly minority (Figure 5-1) and have a concentration of low-income population relative to Los Angeles County (Figure 5-2), would experience higher concentrations. Thus, the elevated ambient concentrations of NO2,

PM2.5, and PM10 would constitute a disproportionately high and adverse effect on minority and low-income populations.

**Air Quality (AQ-6).** With mitigation, increases in toxic emissions would result in less than significant cancer risk impacts compared to the No Federal Action/NEPA Baseline and compared to the CEQA Baseline. This alternative would also have less than significant effects on acute non-cancer risks relative to the No Federal Action/NEPA Baseline and CEQA Baseline.

Cumulative effects on cancer risk (and other cumulative impacts) were not analyzed for this alternative. However, this alternative would make a positive and, therefore, cumulatively considerable contribution to health effects relative to cancer (residential, occupational, and recreational receptors under CEQA baseline; all receptor types under NEPA baseline), acute non-cancer (occupational receptors under CEQA baseline; all receptor types under NEPA baseline), and chronic non-cancer (all receptor types under both baselines). Because the cumulative health risks would have more severe effects on populations closest to the Ports, this contribution would be disproportionately high and adverse on minority and low-income populations.

**Cultural Resources (CR-1).** There is no cumulative analysis of impacts for this alternative. However, since this alternative would involve construction of the Harry Bridges Buffer Area, where there is a remote potential to encounter archaeological or ethnographic resources, it would also make a cumulatively considerable contribution to cumulatively significant impacts on archaeological and ethnographic resources. Since these resources are of particular concern to Native Americans, this impact would be disproportionately high and adverse on minority populations (Native Americans).

**Noise (NOI-1).** Similar to the proposed Project, under this alternative, significant, unavoidable short-term noise impacts from construction of the Harry Bridges Buffer Area would result in disproportionate effects on minority and low-income populations in the affected area in the vicinity of "C" Street. In addition, construction activities at the new location of the Pier A rail yard near the Berth 200-202 Marinas would represent a short-term, disproportionate noise impact on minority populations. In both cases (in the vicinity of "C" Street and near the Pier A rail yard), these impacts would remain significant after implementation of **Mitigation Measure NOI-1**.

**Transportation (TRANS-1).** Unlike in the proposed Project, the construction phase effects on the Figueroa Street/C-Street/I-110 Ramp intersection in the P.M. peak hour would not be significant with mitigation. Thus, they would not be disproportionately high and adverse on minority and low-income populations (and in any case congestion at this intersection would primarily affect truck traffic). There is no cumulative analysis of impacts under this alternative and, therefore, there is no determination of cumulatively considerable contribution or the potential for cumulatively significant impact at the five intersections discussed above (Section 5.4.2.1) for which the proposed Project would make a cumulatively considerable contribution to a cumulatively significant impact.

## 5.4.6 Omni Terminal Alternative

Under the Omni Terminal Alternative (Alternative 4), no dredging or wharf reconstruction/upgrades would occur, and there would be no crane replacement, on-dock ICTF construction, or Pier A rail yard relocation. Backland improvements would take place. Future container throughput would be substantially less than for the proposed Project and less than under CEQA Baseline (2003) conditions but auto and break bulk cargo would increase.

This alternative would not result in disproportionately high and adverse impact on minority and low-income populations for any of the resource impacts enumerated in Section 5.4.2.2. In addition, note that for some of the impact thresholds described in Section 5.4.2.2 for which that the proposed Project would have a significant impact, this alternative would have no impact or a less than significant impact. Also, since this alternative would not involve a federal action, there would be no impacts under NEPA. The resource analyses in Chapter 3, and the summary of alternatives and impacts in Chapter 6, provide detailed and summary information (respectively) comparing the effects of this alternative with other alternatives and the proposed Project. The focus of this chapter is the potential for disproportionately high and adverse effects on minority and low-income populations.

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

**Air Quality (AQ-2).** Although peak daily emissions used to evaluate ambient impacts from the construction of Alternative 4 would be less than those evaluated for the proposed Project, even with mitigation, construction emissions would produce impacts that would exceed the SCAQMD 1-hour $NO_2$ and 24-hour $PM_{10}/PM_{2.5}$ ambient thresholds. As a result, under this alternative residual impacts would remain significant for 1-hour $NO_2$ and 24-hour $PM_{10}/PM_{2.5}$ under CEQA (although not under NEPA since this alternative does not involve a federal action and, therefore, has no effects under NEPA). As for the proposed Project, the highest offsite concentrations of 1-hour $NO_2$ and 24-hour $PM_{10}/PM_{2.5}$ would be along the fenceline of the construction site. Residential areas would experience higher concentrations the closer they are to the construction area. Since residential areas closest to the construction area are predominantly minority (Figure 5-1) and have a concentration of low-income population relative to Los Angeles County (Figure 5-2), the elevated ambient concentrations of NO2, PM2.5, and PM10 would constitute a disproportionately high and adverse effect on minority and low-income populations.

**Air Quality (AQ-4).** Ambient concentrations of criteria pollutants in this alternative would be lower than for the proposed Project, and emissions of $PM_{10}/PM_{2.5}$ would be lower than the CEQA Baseline (and, therefore, no analysis was performed for $PM_{10}/PM_{2.5}$). However, even with mitigations, this alternative would result in

significant and unavoidable exceedances of SCAQMD thresholds for 1-hour and annual $NO_2$. The highest offsite concentrations of $NO_2$ would be along the fenceline of the terminal, and residential areas in the vicinity of the terminal, which are predominantly minority (Figure 5-1) and have a concentration of low-income population relative to Los Angeles County (Figure 5-2), would experience higher concentrations. Thus, the elevated ambient concentration of $NO_2$ would constitute a disproportionately high and adverse effect on minority and low-income populations.

**Air Quality (AQ-6).** Under this alternative, with mitigation, cancer risk impacts due to TAC emissions would decrease for all receptor types (except student receptors, where the net impact would be zero) relative to the CEQA baseline. The same is true of acute and chronic non-cancer effects: risks would be lower under this alternative than the CEQA Baseline and, therefore, this alternative would not have disproportionately high and adverse effects on minority and low-income populations relative to increased acute or chronic non-cancer risks relative to the CEQA Baseline. The NEPA baseline does not apply to this alternative.

Cumulative effects on cancer risk (and other cumulative impacts) were not analyzed for this alternative. However, since this alternative would decrease cancer risks for all receptor types (except student receptors, where the net impact would be zero) relative to the CEQA baseline, it would not contribute to cumulative impacts and therefore would not have a disproportionately high and adverse effect on minority and low-income populations relative to cancer risk.

**Cultural Resources (CR-1).** There is no cumulative analysis of impacts for this alternative. However, since this alternative would involve construction of the Harry Bridges Buffer Area, where there is a remote potential to encounter archaeological or ethnographic resources, it would also make a cumulatively considerable contribution to cumulatively significant impacts on archaeological and ethnographic resources. Since these resources are of particular concern to Native Americans, this impact would be disproportionately high and adverse on minority populations (Native Americans).

**Noise (NOI-1).** Similar to the proposed Project, under this alternative, significant, unavoidable short-term noise impacts from construction of the Harry Bridges Buffer Area would result in disproportionate effects on minority and low-income populations in the affected area in the vicinity of "C" Street.

Since this alternative would not involve relocation of the Pier A rail yard, there would be no construction noise impacts upon live-aboards and other users of the Berth 200-202 Marinas that would result from the relocation of the rail yard. Thus, there would be no corresponding disproportionately high and adverse effect on minority populations.

**Transportation (TRANS-1).** Unlike in the proposed Project, the construction phase effects on the Figueroa Street/C-Street/I-110 Ramp intersection in the P.M. peak hour would not be significant with mitigation. Thus, the impacts would not be disproportionately high and adverse on minority and low-income populations (and in any case congestion at this intersection would primarily affect truck traffic). There is no cumulative analysis of impacts under this alternative and, therefore, there is no determination of cumulatively considerable contribution or the potential for

cumulatively significant impact at the five intersections discussed above (Section 5.4.2.1) for which the proposed Project would make a cumulatively considerable contribution to a cumulatively significant impact.

## 5.4.7 Landside Terminal Improvements Alternative

Under the Landside Terminal Improvements Alternative (Alternative 5), no new developments in Harbor waters would occur (e.g., dredging, filling, and wharf reconstruction/upgrades). Backland infrastructure improvements, however would take place, including the Harry Bridges Boulevard widening and buffer area as well as the rail yard relocation. Terminal acreage would increase from 176 acres in 2003 to 190 acres in 2015 and remain at that level through 2038. The increased acreage for backlands infrastructure improvements would be located entirely within Port boundaries and would be well within industrial areas at the Port. The extent of on-land ground disturbances would be somewhat less than the proposed Project. All mitigation measures of the proposed Project, except for mitigations relating to dredging and new cranes, would apply. Because no federal action would occur, NEPA would not apply and no impacts would occur.

This alternative would not result in disproportionately high and adverse impact on minority and low-income populations for any of the resource impacts enumerated in Section 5.4.2.2. In addition, note that for some of the impact thresholds described in Section 5.4.2.2 for which that the proposed Project would have a significant impact, this alternative would have no impact or a less than significant impact (and as stated above, there would be no impacts under NEPA). The resource analyses in Chapter 3, and the summary of alternatives and impacts in Chapter 6, provide detailed and summary information (respectively) comparing the effects of this alternative with other alternatives and the proposed Project. The focus of this chapter is the potential for disproportionately high and adverse effects on minority and low-income populations.

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

**Air Quality (AQ-2).** Peak daily emissions used to evaluate ambient impacts from the construction of this alternative would be the same as those evaluated for the proposed Project; thus, even with mitigation, construction emissions would produce impacts that would exceed the SCAQMD 1-hour $NO_2$ and 24-hour $PM_{10}/PM_{2.5}$ ambient thresholds. As a result, under this alternative residual impacts would remain significant for 1-hour $NO_2$ and 24-hour $PM_{10}/PM_{2.5}$ under CEQA (although not under NEPA since this alternative does not involve a federal action and, therefore, has no effects under NEPA). As for the proposed Project, the highest offsite concentrations of 1-hour $NO_2$ and 24-hour $PM_{10}/PM_{2.5}$ would be along the fenceline of the construction site. Residential areas would experience higher concentrations the closer they are to the construction area.

Since residential areas closest to the construction area are predominantly minority (Figure 5-1) and have a concentration of low-income population relative to Los Angeles County (Figure 5-2), the elevated ambient concentrations of NO2, PM2.5, and PM10 would constitute a disproportionately high and adverse effect on minority and low-income populations.

**Air Quality (AQ-4).** Ambient concentrations of criteria pollutants in this alternative would be lower than for the proposed Project. However, even with mitigations, this alternative would result in significant and unavoidable exceedances of SCAQMD thresholds for 1-hour and annual $NO_2$ and 24-hour $PM_{10}$ and $PM_{2.5}$. The highest offsite concentrations of $NO_2$, $PM_{10}$, and $PM_{2.5}$ would be along the fenceline of the terminal, and residential areas in the vicinity of the terminal, which are predominantly minority (Figure 5-1) and have a concentration of low-income population relative to Los Angeles County (Figure 5-2), would experience higher concentrations. Thus, the elevated ambient concentration of $NO_2$ and $PM_{10}/PM_{2.5}$ would constitute a disproportionately high and adverse effect on minority and low-income populations.

**Air Quality (AQ-6).** With mitigation, increases in toxic emissions would result in less than significant, but positive (and therefore cumulatively considerable), cancer risk impacts compared to the CEQA Baseline for occupational receptors. For all other receptor types, cancer risk impacts due to TAC emissions would decrease relative to the CEQA baseline. Acute and chronic non-cancer risks would also be lower under this alternative than the CEQA Baseline. Since disproportionately high and adverse effects on minority and low-income populations is primarily a concern for receptors other than occupational receptors, and cancer risks would decrease for all other receptor types, this alternative would not have disproportionately high and adverse effects on minority and low-income populations relative to increased cancer risk.

Also, in this alternative, acute and chronic non-cancer risks would decrease relative to the CEQA Baseline. Thus, there would not be disproportionately high and adverse effects on minority and low-income populations relative to acute and chronic non-cancer risks. The NEPA baseline does not apply to this alternative.

**Cultural Resources (CR-1).** There is no cumulative analysis of impacts for this alternative. However, since this alternative would involve construction of the Harry Bridges Buffer Area, where there is a remote potential to encounter archaeological or ethnographic resources, it would also make a cumulatively considerable contribution to cumulatively significant impacts on archaeological and ethnographic resources. Since these resources are of particular concern to Native Americans, this impact would be disproportionately high and adverse on minority populations (Native Americans).

**Noise (NOI-1).** Similar to the proposed Project, under this alternative, significant, unavoidable short-term noise impacts from construction of the Harry Bridges Buffer Area would result in disproportionate effects on minority and low-income populations in the affected area in the vicinity of "C" Street. This alternative would also result in significant and unavoidable construction noise impacts upon live-aboards and other users of the Berth 200-202 Marinas from the relocation of the rail yard. Thus, as for the proposed Project, there would be a disproportionately high and adverse effect on minority populations related to construction noise from the rail yard relocation.

**Transportation (TRANS-1).** Unlike in the proposed Project, the construction phase effects on the Figueroa Street/C-Street/I-110 Ramp intersection in the P.M. peak hour would not be significant with mitigation. Thus, they would not be disproportionately high and adverse on minority and low-income populations (and in any case congestion at this intersection would primarily affect truck traffic). There is no cumulative analysis of impacts under this alternative and, therefore, there is no determination of cumulatively considerable contribution or the potential for cumulatively significant impact at the five intersections discussed above (Section 5.4.2.1) for which the proposed Project would make a cumulatively considerable contribution to a cumulatively significant impact.

### 5.4.8 Summary of Disproportionate Effects on Minority and Low-Income Populations

Table 5-3 summarizes the effects of the proposed Project and alternatives with respect to disproportionately high and adverse effects on minority and low-income populations. Significant unavoidable air quality, cultural resources, and noise impacts would constitute disproportionate effects. 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.

## 5.5 Public Outreach

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

The Los Angeles Harbor Department (LAHD) has made considerable efforts to provide public outreach, beyond what is minimally required by the CEQA Guidelines. All Notices of Preparation/Initial Studies (NOPs/ISs) and Draft EISs and EIRs are presented at public meetings at locations and times convenient for the affected community. The meetings are held at the Port Administration Building or in the community, depending on the location of the project.

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

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

| *Alternative* | *Air Quality* | *Cultural Resources* | *Noise* | *Transportation* | *Additional Considerations* |
|---|---|---|---|---|---|
| Proposed Project | Higher ambient concentrations, in areas with predominantly minority and high concentrations of low-income populations, of NO2, PM10, and PM2.5 associated with maximum daily emissions in construction and operation phase. Also, disproportionate effects on minority and low-income populations due to increased risk of cancer and acute and chronic non-cancer hazards. | In construction of Harry Bridges Buffer Area, potential for disturbance of archaeological or ethnographic resources that would make a cumulatively considerable contribution to a cumulatively significant impact of particular concern to Native Americans. | Significant unavoidable construction noise impacts from construction of the Harry Bridges Boulevard Buffer Area (disproportionate on minority and low-income populations) and the relocated Pier A rail yard (disproportionate on low-income populations). | Significant, unavoidable construction phase impacts at five intersections (disproportionate on minority and low-income populations at four intersections). | Benefits include increased jobs, construction of Harry Bridges Buffer Area, improvements in aesthetic conditions, and potential for site remediation in the event that soil contamination is encountered during construction. |
| Alternative 1 (No Project) | In operation phase, higher ambient concentrations of NO2, PM10, and PM2.5 associated with maximum daily emissions would disproportionately affect minority and low-income populations. Cancer risk, and cumulatively considerable contributions to acute and chronic non-cancer risks, would also disproportionately affect minority and low-income populations (and would be higher than for the proposed Project). | No disproportionate impacts. | No disproportionate impacts. | No disproportionate impacts. | Would not involve construction of the Harry Bridges Buffer Area, improvements in aesthetic conditions, or potential for site remediation. Also, as this alternative would not involve approval of new uses at Berths 136-147, new mitigation measures would not apply to the terminal operator. |
| Alternative 2 (Project Without the 10-Acre Fill) | Same as the proposed Project. | Same as the proposed Project. | Same as the proposed Project. | No disproportionate impacts. | Benefits same as the proposed Project. |

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

| *Alternative* | *Air Quality* | *Cultural Resources* | *Noise* | *Transportation* | *Additional Considerations* |
|---|---|---|---|---|---|
| Alternative 3 (Reduced Wharf) | Ambient concentrations of NO2, PM10, and PM2.5 associated with maximum daily emissions would be lower than the proposed Project, but still disproportionate. Increased cancer and acute and chronic non-cancer risk less than significant but cumulatively considerable and disproportionate. | Same as the proposed Project. | Same as the proposed Project. | No disproportionate impacts. | Benefits similar to proposed Project, although with fewer jobs. |
| Alternative 4 (Omni Terminal) | Ambient concentrations of NO2, PM10, and PM2.5 associated with maximum daily emissions would be lower than the proposed Project, but still disproportionate. Cancer and acute and chronic non-cancer risk decreases for all receptor types and, therefore, is not disproportionate. | Same as the proposed Project. | Significant unavoidable construction noise impacts from construction of the Harry Bridges Boulevard Buffer Area (disproportionate on minority and low-income populations). | No disproportionate impacts. | Benefits similar to proposed Project, although with fewer jobs. |
| Alternative 5 (Landside Terminal Improvements) | Ambient concentrations of NO2, PM10, and PM2.5 associated with maximum daily emissions would be lower than the proposed Project, but still disproportionate. Cancer and acute non-cancer risk increases by a less than significant but cumulatively considerable amount only for occupational receptors, but this effect is not a disproportionately high and adverse effect on minority and low-income populations. | Same as the proposed Project. | Same as the proposed Project. | No disproportionate impacts. | Benefits similar to proposed Project, although with fewer jobs. |

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

## 5.5.1 Alternative Forms of Distribution

The Draft EIS/EIR for the Berths 136-147 Terminal project has been distributed directly to numerous agencies, organizations, and interested groups and persons for comment during the formal review period. The Draft EIS/EIR also has been made available for review at the LAHD, Environmental Management Division, and at three Los Angeles public library branches: Central, San Pedro, and Wilmington. In addition to the printed copies, the Draft EIS/EIR also is available in electronic format on the LAHD website, at: http://www.portoflosangeles.org/Environmental/publicnotice.htm, and is available at no cost on CD-ROM.

## 5.5.2 Spanish Translation

With a large Hispanic population adjacent to the Port, meeting notifications and executive summaries of major CEQA documents will be provided in Spanish as well as English. The Executive Summary of this Draft EIS/EIR is available in a Spanish translation. The purpose is to assist Spanish-speaking members of the local community in understanding the purpose of the Draft EIS/EIR, project overview, project description, environmental impacts, 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.

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