

Chapter 5

Environmental Justice

CHAPTER SUMMARY

This chapter evaluates whether the proposed Project and its alternatives would result in disproportionately high and adverse human health or environmental impacts on minority populations and/or low-income individuals in the local communities surrounding the Port. The primary features of the proposed Project and alternatives that could affect these populations include the deepening of Berths 217–220 and Berths 214–216, which would add an additional operating berth to the YTI Terminal and allow for the berthing of larger vessels, extending the 100-foot gauge crane rail, expanding the TICTF on-dock rail, delivering and installing up to four new cranes, raising the height and boom on existing cranes, backland surface improvements, and proposed project or alternative operations. The environmental justice analysis complies with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which requires federal agencies to assess the potential for their actions to have disproportionately high and adverse environmental and health impacts on minority populations and/or low-income populations, and with the CEQ *Guidance for Environmental Justice Under NEPA* (CEQ 1997). This assessment is also consistent with California state law regarding environmental justice

Chapter 5, Environmental Justice, provides the following:

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

Key Points of Chapter 5:

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

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

1 considerable contribution to a significant cumulative impact related to construction noise at the liveaboard
2 receptors, which would constitute a disproportionately high and adverse effect on minority and low-
3 income populations.

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5.1 Introduction

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

5.2 Environmental Setting

The proposed Project site is at 701 New Dock Street on Terminal Island, within the Port of Los Angeles Community Plan area of the City of Los Angeles, which is adjacent to the communities of Wilmington (to the north) and San Pedro (to the west). For this assessment, the area of potential effect was determined in accordance with CEQ's guidance for identifying the "affected community," which requires consideration of the nature of likely project impacts and identification of a corresponding unit of geographic analysis. The affected community is considered to encompass parts of the communities of Wilmington and San Pedro; the area of potential project effect for purposes of environmental justice corresponds to the areas of effect associated with the specific environmental issues analyzed in this Draft EIS/EIR. Areas of potential effect differ somewhat for each environmental issue and are described for each resource section in the relevant section of Chapter 3 and within Chapter 4, Cumulative Impacts. The cities of Los Angeles, Long Beach, and Carson and the county of Los Angeles form part of the reference community. The reference community is used to determine whether a disproportionately high and adverse human health or environmental impact could be borne by low-income and/or minority populations in the affected community when compared to the general population in and around the proposed Project.

5.2.1 Minority and Low-Income Populations

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

The same CEQ environmental justice guidance suggests low-income populations be identified using the national poverty thresholds from the Census Bureau (CEQ 1997).

1 Guidance from EPA also suggests using other regional low-income definitions as
 2 appropriate (EPA 1998, 1999). Due to the higher cost of living in Southern California
 3 compared to the nation as a whole, a higher threshold is appropriate for the identification
 4 of low-income populations. For the purposes of this analysis, low-income people are
 5 those with a household income of 1.25 times the national census poverty threshold. The
 6 1.25 ratio is based on application of a methodology developed by the National Academy
 7 of Sciences (Citro and Michael 1995) and incorporates detailed data about fair market
 8 rents over the period 1999 to 2007 for Los Angeles County from the U.S. Department of
 9 Housing and Urban Development (HUD) (2007). Appendix G.1 of the HUD report
 10 contains a detailed description of the method used to derive the low-income definition.

11 To establish context for this environmental justice analysis, race and ethnicity
 12 (i.e., minority) and income characteristics of the population residing in the vicinity of the
 13 YTI Terminal were reviewed. Table 5-1 presents population, minority, and low-income
 14 status from the 2010 Census and the Los Angeles City Planning Department for
 15 Wilmington, San Pedro, Los Angeles County, the City of Los Angeles, and California.
 16 The table also presents similar data for other cities in the general vicinity of the Port. Los
 17 Angeles County is used as the comparison population because it is considered
 18 representative of the general population that could be affected by the proposed Project or
 19 an alternative.

Table 5-1: Minority and Low-Income Populations

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

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

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

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21 Table 5-1 shows that within Wilmington (as the neighborhood is defined by the
 22 Los Angeles City Planning Department), minorities constitute 87.1% of the population

1 and low-income persons constitute 32.2% of the population. Within San Pedro,
 2 minorities comprise 55.3% of the population and 22.5% of the population is low-income.
 3 Thus, both neighborhoods constitute a “minority population concentration” under CEQ
 4 guidance because the guidance indicates such a concentration exists if the percent
 5 minority exceeds 50%.

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

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

Census Tracts	Total Population	Minority Population (%)	Low-Income Population (%)
2933.02	4,720	75.7	11.9
2933.04	4,178	84.8	26.2
2933.06	2,189	55.0	14.5
2933.07	2,306	84.6	10.8
2941.10	4,140	93.6	25.8
2941.20	2,370	98.6	30.6
2942	4,951	93.5	18.5
2943.01	2,448	91.1	19.0
2943.02	4,754	94.0	33.8
2944.10	4,579	86.5	26.3
2944.21	2,950	91.3	28.1
2945.10	4,214	96.2	15.5
2945.20	3,564	97.3	40.5
2946.10	4,065	95.9	33.3
2946.20	4,219	98.5	27.9
2947.01	3,019	95.8	54.2
2948.10	3,991	98.4	37.9
2948.20	3,579	97.6	46.3
2948.30	3,707	96.9	55.1
2949	3,265	96.4	40.5
2951.03	4,875	38.7	11.3
2962.10	3,019	93.7	51.1
2962.20	4,307	87.0	51.0
2963	4,221	58.8	12.7
2964.01	3,191	40.9	9.2
2964.02	3,091	61.8	3.0
2965	3,910	86.8	39.4
2966	5,218	82.0	36.8
2969.01	4,127	75.6	23.6
2969.02	3,851	67.2	17.5

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

Census Tracts	Total Population	Minority Population (%)	Low-Income Population (%)
2970	5,343	39.1	4.2
2971.10	4,679	79.6	57.6
2971.20	3,315	81.6	32.2
2972.01	3,475	71.5	33.7
2972.02	3,423	49.7	12.4
2973	2,374	35.6	7.8
2974	3,603	24.8	4.9
2975	5,163	40.5	10.0
2976.01	2,594	49.9	16.7
2976.02	3,503	46.6	8.9
5436.03	3,690	70.5	1.8
5436.04	5,620	90.9	9.2
5437.03	3,472	89.9	16.5
5727	5,499	96.3	15.9
5728	839	74.7	81.7
5729	5,250	97.3	32.8
5755	76	69.7	100.0
6099	2,034	70.3	3.5
6700.01	3,311	53.3	10.4
6700.02	4,001	61.3	9.9
6700.03	5,788	52.2	10.5
6701	6,659	58.3	11.8
6702.01	3,852	31.5	2.1
6707.01	6,882	42.6	9.5
6707.02	5,477	27.5	5.9
9800.14	239	23.4	16.7
9800.15	554	80.3	81.3
9800.31	1,262	59.4	0.0
9800.33	61	42.6	-
Census Tract	215,056 (Total)	72.0 (Average %)	25.2 (Average %)

Source: Census Bureau Summary File 1 & American Community Survey, 2010

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5.3 Applicable Regulations

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

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

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

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

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

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

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

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

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

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

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

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

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

An adverse effect or impact that: (1) is predominantly borne by any segment of the population, including, for example, a minority population and/or a low-income population; or (2) will be suffered by a minority population and/or low-income population and is

1 *appreciably more severe or greater in magnitude than the adverse effect or impact that will*
2 *be suffered by a non-minority population and/or non-low-income population.*

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

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

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

33 **5.3.2 Council on Environmental Quality:** 34 **Environmental Justice—Guidance under the** 35 **National Environmental Policy Act**

36 While EPA has lead responsibility for implementation of Executive Order 12898 as chair
37 of the IWG on Environmental Justice, CEQ has oversight of the federal government’s
38 compliance with this Executive Order and NEPA. CEQ, in consultation with EPA and
39 other agencies, has prepared guidance to assist federal agencies in NEPA compliance in
40 its *Environmental Justice Guidance under the National Environmental Policy Act* (1997).
41 This guidance provides an overview of Executive Order 12898; summarizes its
42 relationship to NEPA; recommends methods for the integration of environmental justice
43 into NEPA compliance; and incorporates as an appendix the IWG’s definitions of key
44 terms and concepts contained in the Executive Order.

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

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

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

43 CEQ states that the identification of a disproportionately high and adverse human health
44 or environmental effect on a low-income or minority population does not preclude a
45 proposed agency action from going forward or compel a finding that a proposed action is
46 environmentally unacceptable (CEQ 1997). Instead, the identification of such effects is

1 expected to encourage agency consideration of alternatives, mitigation measures, and
2 preferences expressed by the affected community or population.

3 **5.3.3 California Government Code Sections 65041–** 4 **65049; Public Resources Code Sections 71110–** 5 **71116**

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

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

14 As part of its mission, Cal/EPA was required to develop a model environmental justice
15 mission statement for its boards, departments, and offices. Cal/EPA was tasked to
16 develop a Working Group on Environmental Justice to assist it in identifying any policy
17 gaps or obstacles impeding the achievement of environmental justice. An advisory
18 committee including representatives of numerous state agencies was established to assist
19 the Working Group pursuant to the development of a Cal/EPA intra-agency strategy for
20 addressing environmental justice. California Public Resources Code Sections 71110–
21 71116 charge Cal/EPA with the following responsibilities:

- 22 ▪ Conduct programs, policies, and activities that substantially affect human health or
23 the environment in a manner that ensures the fair treatment of people of all races,
24 cultures, and income levels, including minority populations and low-income
25 populations of the state.
- 26 ▪ Promote enforcement of all health and environmental statutes within Cal/EPA’s
27 jurisdiction in a manner that ensures the fair treatment of people of all races, cultures,
28 and income levels, including minority populations and low-income populations of the
29 state.
- 30 ▪ Ensure greater public participation in the agency’s development, adoption, and
31 implementation of environmental regulations and policies.
- 32 ▪ Improve research and data collection for programs within the agency relating to the
33 health and environment of minority populations and low-income populations of the
34 state.
- 35 ▪ Coordinate efforts and share information with EPA.
- 36 ▪ Identify differential patterns of consumption of natural resources among people of
37 different socio-economic classifications for programs within the agency.
- 38 ▪ Consult with and review any information received from the IWG pursuant to
39 developing an agency-wide strategy for Cal/EPA.
- 40 ▪ Develop a model environmental justice mission statement for Cal/EPA’s boards,
41 departments, and offices.

- 1 ▪ Consult with, review, and evaluate any information received from the IWG pursuant
- 2 to the development of its model environmental justice mission statement.
- 3 ▪ Develop an agency-wide strategy to identify and address any gaps in existing
- 4 programs, policies, or activities that may impede the achievement of environmental
- 5 justice.

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

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

19 **5.3.4 California State Lands Commission** 20 **Environmental Justice Policy**

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

31 **5.3.5 City of Los Angeles General Plan**

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

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

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

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

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

15 **5.3.6 South Coast Air Quality Management District: 16 Environmental Justice Program**

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

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

29 **5.4 Assessment**

30 **5.4.1 Methodology**

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

1 The methodology for conducting the impact analysis for environmental justice includes
2 reviewing impact conclusions under NEPA for each of the resource sections in this Draft
3 EIS/EIR along with the cumulative analysis in Sections 4.2.1 through 4.2.15. If the Draft
4 EIS/EIR identifies significant impacts or a cumulatively considerable contribution to a
5 cumulatively significant impact, or otherwise identifies impacts considered to be high and
6 adverse under NEPA, an evaluation would be conducted to determine if the impacts
7 would result in disproportionately high and adverse effects on minority populations or
8 low-income populations.

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

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

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

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

44 Findings of significant impacts or cumulatively considerable contributions to
45 cumulatively significant impacts (as addressed under NEPA) will be reviewed to
46 determine whether those impacts could cause substantial effects on human populations

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

8 For findings of significant impacts that would affect the public, mitigation measures were
9 considered to determine whether adverse effects would still be significant (as defined by
10 NEPA) after mitigation measures are implemented. If the impact would be less than
11 significant after mitigation—or, in the case of a cumulative contribution, if the
12 contribution would be less than cumulatively considerable after mitigation—then the
13 impact was documented for disclosure purposes, but detailed analysis to determine if the
14 impact or contribution would occur disproportionately on low-income and/or minority
15 populations was not undertaken.

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

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

37 Proposed project or alternative benefits will also be considered to determine whether
38 adverse effects would still be appreciably more severe or of greater magnitude after these
39 other elements are considered. In addition, if significant unavoidable impacts or
40 contributions to cumulatively significant impacts are determined to be disproportionate,
41 the identified mitigation measures would be reviewed to determine whether they would
42 be effective in avoiding or reducing the impacts on minority and/or low-income
43 populations. If necessary, additional mitigation measures will be considered.

44 The discussion also addresses public comments concerning environmental justice. That
45 discussion is followed by the analysis of environmental justice and cumulative effects for
46 the proposed Project and alternatives.

5.4.2 Proposed Project and Cumulative Effects

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

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

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

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

Air Quality and Meteorology (Sections 3.2 and 4.2.2)

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

Impact AQ-1: Proposed project unmitigated emissions for VOC, CO, NO_x, and PM_{2.5} from construction and overlapping construction and operations would exceed the SCAQMD daily emission thresholds under NEPA. With implementation of mitigation measures, impacts would remain significant under NEPA for NO_x and CO emission from construction and overlapping construction and operations. Therefore, under NEPA, the mitigated air quality impacts associated with construction of the proposed Project would be significant. Since residential areas closest to the proposed project site are predominantly minority (Figure 5-1) and have a higher concentration of low-income population relative to Los Angeles County (Figure 5-2), the elevated ambient concentrations of VOCs, CO, NO_x, and PM_{2.5} would constitute a disproportionately high and adverse effect on minority and low-income populations.

In addition, under NEPA, the proposed Project, without mitigation, would make a cumulatively considerable contribution to a significant cumulative air quality impact associated with emissions of VOCs, CO, NO_x, and PM_{2.5} from construction. After mitigation, the proposed Project could make a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact for NO_x and CO under NEPA. Because the area surrounding the proposed project site is predominantly

1 minority and low income, this cumulative impact would constitute a disproportionately
2 high and adverse effect on minority and low-income populations.

3 **Impact AQ-2:** Proposed project construction would result in off-site ambient
4 concentrations of criteria air pollutants (specifically NO₂, PM₁₀, and PM_{2.5}) during
5 construction that would exceed SCAQMD thresholds of significance under NEPA. After
6 mitigation, maximum off-site ambient pollutant concentrations associated with
7 construction only and with the combined construction and operation of the proposed
8 Project would be significant under NEPA for NO₂. This finding applies to individual
9 proposed project impacts as well as the proposed Project's cumulative contribution
10 relative to the NEPA baseline. Although the receptor locations with maximum
11 concentrations would not be in residential areas, residential areas would experience
12 higher concentrations the closer they are to the proposed Project. Since residential areas
13 closest to the proposed project site are predominantly minority (Figure 5-1) and have a
14 higher concentration of low-income population relative to Los Angeles County
15 (Figure 5-2), the elevated ambient concentrations of NO₂, PM₁₀, and PM_{2.5} would
16 constitute a disproportionately high and adverse effect on minority and low-income
17 populations.

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

33 In addition, under NEPA, the proposed Project would make a cumulatively considerable
34 contribution to a significant cumulative air quality impact for NO_x, PM₁₀, and PM_{2.5}
35 pollutant concentrations during construction. During construction only and during
36 combined construction and operation, the proposed Project after mitigation could make a
37 cumulatively considerable and unavoidable contribution to an existing significant
38 cumulative impact for NO₂ under NEPA. Because the nearest residential areas to the
39 proposed project site are predominantly minority and low income, this cumulative impact
40 would constitute a disproportionately high and adverse effect on minority and low-
41 income populations.

42 **Impact AQ-3:** Proposed project peak daily operations emissions would exceed the
43 SCAQMD daily threshold under NEPA for NO_x for all analysis years (2017, 2020, and
44 2026) and VOC in years 2020 and 2026. With implementation of mitigation measures
45 and lease measures, increases of NO_x in all analysis years and of VOC in year 2020
46 would remain significant under NEPA. Therefore, under NEPA, the mitigated air quality
47 impacts associated with proposed project operations would be significant and

1 unavoidable. Since residential areas closest to the proposed project site are
2 predominantly minority and have a higher concentration of low-income population
3 relative to Los Angeles County, the elevated ambient concentrations of VOC and NO_x
4 would constitute a disproportionately high and adverse effect on minority and low-
5 income populations. In addition, the proposed Project would make a cumulatively
6 considerable contribution to a significant cumulative air quality impact from these
7 pollutants during operation, and this cumulative impact would constitute a
8 disproportionately high and adverse effect on minority and low-income populations.

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

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

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

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

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

34 The *Multiple Air Toxics Exposure Study* (MATES-III) conducted by SCAQMD in 2008
35 estimated the existing cancer risk from toxic air contaminants in the SCAB to be 1,200 in
36 a million (SCAQMD 2008). MATES-III did not determine acute noncancer risks for the
37 SCAB. Some of these cumulative risks are regional across the areas in the vicinity of the
38 Port. The SCAB includes many areas that do not constitute minority and low-income
39 populations. However, in the *Diesel Particulate Matter Exposure Assessment Study for*
40 *the Ports of Los Angeles and Long Beach*, CARB estimates that elevated levels of cancer
41 risks due to operational emissions from the Ports of Los Angeles and Long Beach occur
42 within and in proximity to the two Ports (CARB 2006). Noncancer risk due to
43 concentrations of DPM would also occur within and in proximity to the two Ports. While
44 the proposed Project would not cause a significant cancer risk impact as a result of
45 proposed project construction or operations, cancer risk impacts would be considered

1 significant from a cumulative viewpoint, even with mitigation, due to the elevated risk in
2 proximity of the two Ports and the less-than-significant increases in cancer resulting from
3 the proposed Project. Because the populations closest to the Port of Los Angeles are
4 predominantly minority and low income, elevated cumulative cancer risks would
5 represent a disproportionately high and adverse impact on minority and low-income
6 populations.

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

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

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

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

30 **Impact NOI-1:** The proposed Project would not increase the existing ambient noise
31 levels at any identified noise receptor in the proposed project area by 5 dBA or more;
32 however, noise produced by pile driving during sheet and king pile installation would be
33 6 dB above the ambient noise level at the nearby liveaboard boat area in the East Basin.
34 Mitigation measure MM NOI-1, which would require the contractor to use a pile driving
35 system, such as an IHC Hydrohammer SC Series or equivalent; a Bruce hammer (with
36 silencing kit); an IHC Hydrohammer, SC series (with a sound insulation system); or an
37 equivalent silenced hammer that is capable of limiting maximum noise levels at 50 feet
38 from the pile driver to 104 dBA or less during installation of king piles and sheet piles,
39 would reduce the maximum noise levels during installation of king piles and sheet piles.
40 Mitigation measure MM NOI-2, which would require installation of temporary noise
41 attenuation barriers suitable for pile-driving equipment as needed, would further reduce
42 construction noise. With implementation of mitigation measures MM NOI-1 and MM
43 NOI-2, the proposed Project would not have a significant impact related to noise.
44 However, the proposed Project could make a cumulatively considerable contribution to a
45 significant cumulative impact at the liveaboard receptors. This cumulative impact would

1 constitute a disproportionately high and adverse effect on minority and low-income
2 populations.

3 **5.4.2.2 Summary of Impacts that Would Not Cause** 4 **Disproportionately High and Adverse Effects on Minority** 5 **and/or Low-Income Populations**

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

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

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

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

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

39 **Air Quality and Meteorology (Section 3.2 and Section 4.2.2)**

40 As described in Section 3.2.4.4, the significance criteria for Air Quality and Meteorology
41 are the same for both the CEQA and NEPA analyses. The region of analysis for air
42 quality impacts is the immediate area of the proposed project site and the surrounding
43 region, represented by the SCAB.

1 **Impact AQ-5:** Truck trips generated by the proposed Project would affect intersections
2 predicted to operate at a poor Level of Service (LOS) in future years. During periods of
3 near-calm winds, heavily congested intersections can produce elevated levels of CO in
4 their immediate vicinity. Thus, the intersections of Ferry Street and Terminal Way
5 (Intersection A) (midday peak) and Seaside Ave and Navy Way (Intersection B) (P.M.
6 peak) were selected for the CO analysis. Intersection A would operate at the worst LOS
7 (LOS F), and would have the highest volume-to-capacity ratio of any proposed project-
8 affected intersection. Intersection B is also analyzed because it has the highest overall
9 traffic volume of any intersection. Based on a CO hotspots analysis (see Impact AQ-5 in
10 Section 3.2.4.3), the proposed Project would not generate on-road traffic that would
11 contribute to an exceedance of the 1-hour or 8-hour CO standards. The proposed Project
12 would not contribute to a cumulatively significant exceedance of the SCAQMD emission
13 threshold, relative to the NEPA baseline. Therefore, Impact AQ-5 would not result in
14 disproportionately high and adverse effects on minority and low-income populations.

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

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

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

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

34 **Impact BIO-1:** Construction and operation of the proposed Project would result in no
35 loss of habitat for rare, threatened, endangered, protected, or candidate species, or
36 Species of Special Concern. Concrete pile driving is anticipated to result in disturbance
37 (Level B harassment) to marine mammals (particularly harbor seals and sea lions) in the
38 vicinity of pile-driving operations. Impacts could be significant; however, impacts on
39 marine mammals resulting from noise associated with pile driving would be further
40 reduced with implementation of standard condition of approval MM BIO-1. This would
41 ensure that marine mammals would be readily able to avoid pile-driving areas, and no
42 injury to marine mammals from pile-driving sounds would be expected. No impacts to
43 critical habitat would occur because no critical habitat is present in the vicinity of the YTI
44 Terminal. Container ships transiting the coastal waters of Southern California could
45 potentially cause harm to endangered or threatened species, or Species of Special
46 Concern, such as marine mammals and sea turtles, from vessel collisions. However, the

1 likelihood of such a collision is very low; therefore, the potential for impacts to marine
2 mammals is considered less than significant. Mitigation measure MM AQ-9, which
3 reduce proposed project vessel speeds to 12 knots between 40 nm from Point Fermin,
4 would further reduce the potential for vessel strikes. Although considered less than
5 significant because of the low probability of vessel strikes, any increase in vessel traffic
6 caused by the proposed Project may incrementally increase the potential for whale strikes
7 and, thus, make a cumulatively considerable contribution to a cumulative impact.
8 Therefore, the proposed Project could make a cumulatively considerable contribution to a
9 cumulative impact related to the disturbance, injury, or loss of individuals from pile
10 driving and vessel strikes. However, because the cumulative impact would not affect a
11 human population, the significant cumulative impact to marine mammals, Impact BIO-1,
12 would not constitute a disproportionately high and adverse effect on minority and/or low-
13 income populations.

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

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

42 **Impact BIO-4:** No substantial disruption of biological communities would result from
43 proposed project construction (Impact BIO-4). With implementation of mitigation
44 measure MM BIO-1 (Avoid marine mammals), the pile driving would initiate with a soft
45 start, which would minimize impacts on fish and marine mammals near construction
46 activities, as they would leave the area, and thus would further reduce impacts related to
47 disruption of biological communities during construction. Operation of the proposed
48 Project has the potential to result in the introduction of non-native marine species into the

1 harbor via ballast water or vessel hulls and thus could substantially disrupt local
2 biological communities, which would be expected to be a significant impact. No feasible
3 mitigation is currently available to totally prevent introductions of invasive species via
4 vessel hulls, equipment, or ballast water, due to the lack of a proven technology. New
5 technologies are being explored, and, if methods become available in the future, they
6 would be implemented as required at that time. In addition, there is a remote potential for
7 an accidental vessel spill that could harm biological resources in the harbor or ocean to
8 occur during proposed project operation; however based on compliance with applicable
9 regulations, and the nature and frequency of past spill events (see Section 3.9, Hazards
10 and Hazardous Materials), impacts from accidental spills would be expected to be less
11 than significant. Therefore, the proposed Project could make a cumulatively considerable
12 contribution to a significant cumulative impact related to the introduction of non-native
13 species under CEQA. However, any potential impacts from the introduction of a non-
14 native species would primarily affect marine biological communities, not human
15 populations or the public. Therefore, Impact BIO-4 would not result in
16 disproportionately high and adverse effects on minority and/or low-income populations.

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

23 **Cultural Resources (Section 3.4 and Section 4.2.4)**

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

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

35 **Impact CR-2:** There are no known prehistoric or archaeological resources or historic
36 resources eligible for listing in the NRHP or CRHR within the proposed project site, and
37 the potential to impact unknown resources is remote given that the proposed Project is
38 located on imported/modern fill material (i.e., dredged material). Although the potential
39 for impacts on unknown archaeological and ethnographic resources is remote, SC CR-1,
40 “Stop Work in the Area if Prehistoric and/or Archaeological Resources are Encountered,”
41 would be applied as a standard condition of approval. Therefore, the proposed Project
42 would not make a cumulatively considerable contribution to a significant cumulative
43 impact on known archaeological or ethnographic resources, and Impact CR-2 would not
44 result in disproportionately high and adverse effects on minority and/or low-income
45 populations.

1 **Impact CR-3:** No paleontological resources have been previously identified within the
2 proposed project area, and the potential to encounter fossils or other resources is remote
3 due to the majority of the site being constructed on artificial fill materials that have been
4 previously disturbed. Thus, the proposed Project would have no impact on
5 paleontological resources, and it would not make a cumulatively considerable
6 contribution to a significant cumulative impact on paleontological resources. Therefore,
7 Impact CR-3 would not result in disproportionately high and adverse effects on minority
8 and/or low-income populations.

9 **Geology (Section 3.5 and Section 4.2.5)**

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

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

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

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

44 **Impact GEO-4:** Expansive soil may be present in the proposed project area.
45 Compliance with applicable standards and policies of the LAMC and other applicable

1 regulations would ensure that the proposed Project would not result in substantial risk to
2 life or property. Therefore, the proposed Project would not have a significant impact or
3 make a cumulatively considerable contribution to a cumulative impact related to
4 expansive soils, and Impact GEO-4 would not result in disproportionately high and
5 adverse effects on minority and/or low-income populations.

6 **Impact GEO-5:** Because the topography in the vicinity of the proposed project site is flat
7 and not subject to landslides or mudflows, the proposed Project would not increase the
8 risk of landslides or mudflows. Therefore, the proposed Project would not have a
9 significant impact or make a cumulatively considerable contribution to a cumulative
10 impact related to landslides or mudflows, and Impact GEO-5 would not result in
11 disproportionately high and adverse effects on minority and/or low-income populations.

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

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

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

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

1 Regardless, Impact GEO-9 would not result in disproportionately high and adverse
2 effects on minority and/or low-income populations.

3 **Greenhouse Gas Emissions (Section 3.6 and Section 4.2.6)**

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

9 **Ground Transportation (Section 3.7 and Section 4.2.7)**

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

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

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

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

43 **Impact TRANS-4:** The proposed Project would result in additional truck trips on the
44 surrounding freeway system; however, the increase in proposed project-related trips

1 would not cause any freeway link to operate at LOS F or worse. Therefore, the proposed
2 Project would not have a significant impact or make a cumulatively considerable
3 contribution to a cumulative impact related to freeway traffic congestion, and Impact
4 TRANS-4 would not result in disproportionately high and adverse effects on minority
5 and/or low-income populations.

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

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

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

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

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

42 **Impact GW-3:** Groundwater beneath the proposed project site is non-potable and thus
43 the possible withdrawal of localized groundwater during proposed project construction
44 (e.g., for installation of utility lines or storm drains) would not affect potential potable
45 water supplies. Therefore, the proposed Project would not have a significant impact or

1 make a cumulatively considerable contribution to a cumulative impact related to potable
2 water levels, and Impact GW-3 would not result in disproportionately high and adverse
3 effects on minority and/or low-income populations.

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

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

16 **Hazards and Hazardous Materials (Section 3.9 and Section** 17 **4.2.9)**

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

20 **Impact RISK-1:** The proposed Project would be subject to applicable federal, state, and
21 local laws and regulations governing the spill prevention, storage, use, and transport of
22 hazardous materials, as well as emergency response to hazardous material spills, thus
23 minimizing the potential for adverse health and safety impacts. Construction and
24 operation of the proposed Project would comply with applicable safety and security
25 regulations and policies guiding development within the Port and as described in Section
26 3.9.3.3, construction activities would be conducted using BMPs in accordance with City
27 guidelines. The proposed Project would not substantially increase the probable frequency
28 and severity of consequences to people or property as a result of a potential accidental
29 release or explosion of a hazardous substance. Therefore, the proposed Project would not
30 have a significant impact or make a cumulatively considerable contribution to a
31 cumulative impact related to an accidental release or explosion of a hazardous substance,
32 and Impact RISK-1 would not result in disproportionately high and adverse effects on
33 minority and/or low-income populations.

34 **Impact RISK-2:** Due to the implementation of administrative controls and compliance
35 with existing policies and regulations, which would minimize the potential for spills to
36 affect members of the public, including on-site employees, and confine the adverse
37 impacts of contamination to a relatively small area, the construction and operation of the
38 proposed Project would not substantially increase the probable frequency and severity of
39 consequences to people from exposure to health hazards. Therefore, the proposed Project
40 would not have a significant impact or make a cumulatively considerable contribution to
41 a cumulative impact related to exposure of people to health hazards, and Impact RISK-2
42 would not result in disproportionately high and adverse effects on minority and/or low-
43 income populations.

1 **Impact RISK-3:** The proposed Project would operate as a container terminal and
2 operations would be subject to emergency response and evacuation systems implemented
3 by the Los Angeles Fire Department (LAFD). Further, construction plans would be
4 reviewed by LAFD to ensure adequate access is maintained throughout the proposed
5 project construction. Therefore, proposed project construction and operations would not
6 interfere with any existing emergency response or emergency evacuation plans or
7 increase the risk of injury or death, and the proposed Project would not have a significant
8 impact or make a cumulatively considerable contribution to a cumulative impact related
9 to emergency response and evacuation systems. Impact RISK-3 would not result in
10 disproportionately high and adverse effects on minority and/or low-income populations.

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

22 **Impact RISK-5:** As determined in Section 3.9.9.2, the proposed project site has a low
23 probability and acceptable risk (Risk Code 4) of a large tsunami, and localized tsunami-
24 induced flooding is not expected to occur within the proposed project site. Further, the
25 volume spilled in the event of a tsunami or other seismic risk would likely be less than
26 10,000 gallons, which is considered “slight.” Therefore, the proposed Project would not
27 have a significant impact or make a cumulatively considerable contribution to a
28 cumulative impact related to an increased risk or consequences of an accidental spill
29 associated with tsunami-induced flooding or other seismic event, and Impact RISK-5
30 does not represent a disproportionately high and adverse effect on minority and/or low-
31 income populations.

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

1 Land Use (Section 3.10 and Section 4.2.10)

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

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

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

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

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

37 Marine Transportation (Section 3.11 and Section 4.2.11)

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

40 **Impact VT-1:** The construction of the proposed Project would require use of marine-
41 based construction equipment to conduct dredging, crane installation, and wharf
42 improvement activities within the East Basin Channel, and the proposed project operation
43 would increase vessel traffic. However, because the Port and terminal operator would
44 follow standard safety precautions and applicable regulations, and there would be

1 continued use of standard practices, including adherence to HSP speed-limit regulations,
2 adherence to limited-visibility guidelines, VTS monitoring, and Port Tariffs to help to
3 ensure safe transit, the construction equipment and increased operational vessel traffic
4 would not have a significant impact or make a cumulatively considerable contribution to
5 cumulative impact related to marine vessel safety. Therefore, Impact VT-1 would not
6 result in disproportionately high and adverse effects on minority and/or low-income
7 populations.

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

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

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

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

34 **Public Services (Section 3.13 and Section 4.2.13)**

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

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

1 **Impact PS-2:** The proposed Project would not increase the demand for fire services to a
2 degree that would require the addition of a new fire station or the expansion,
3 consolidation, or relocation of an existing facility to maintain service. Therefore, the
4 proposed Project would not have a significant impact or make a cumulatively considerable
5 contribution to a cumulative impact related to fire services, and Impact PS-2 would not
6 result in disproportionately high and adverse effects on minority and/or low-income
7 populations.

8 **Utilities (Section 3.14 and Section 4.2.14)**

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

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

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

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

43 **Impact UT-5:** The proposed Project would result in increased demands for electricity
44 and negligible increased demand for natural gas, but would not require new off-site
45 energy supply facilities and distribution infrastructure. Further, construction of the

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

10 **Water Quality, Sediments, and Oceanography (Section 3.15 and** 11 **Section 4.2.15)**

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

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

37 **Impact WQ-2:** Most of the terminal is designated by FEMA as Flood Zone X. The site
38 elevations would not change as a result of the proposed Project. Because proposed
39 dredging would not alter the current flood mapping in the channel and because
40 construction of the proposed Project would not increase the potential for flooding at the
41 site, the proposed Project would not substantially increase the potential for people or
42 property to be adversely affected by flooding. Further, because site runoff during a large
43 storm event would flow directly to Harbor waters, the proposed Project would not make a
44 cumulatively considerable contribution to a significant cumulative flooding impact.
45 Therefore, the proposed Project would not have a significant impact and would not make
46 a cumulatively considerable contribution to a cumulative impact related to a substantial
47 increase in the potential for people or property to be adversely affected by flooding, and

1 Impact WQ-2 would not result in a disproportionately high and adverse effect on
2 minority and/or low-income populations.

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

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

24 5.4.2.3 Beneficial Impacts

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

31 5.4.3 Alternative 1 – No Project

32 Under Alternative 1, no further Port action or federal action would occur. None of the
33 proposed construction activities would occur in water or in water-side or backland areas.
34 The Port would not implement any terminal improvements. No new cranes would be
35 added and no dredging would occur. The No Project Alternative would not include the
36 100-foot gauge crane rail extension, expansion of the TICTF on-dock railyard, or
37 backland repairs.

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

42 The No Project Alternative would not preclude future improvements to the proposed
43 project site. However, any future changes in use or new improvements with the potential

1 to significantly impact the environment would need to be analyzed in a separate
2 environmental document.

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

5 **5.4.4 Alternative 2 – No Federal Action**

6 The No Federal Action Alternative would involve the same activities as the NEPA
7 baseline and would include only the activities and impacts likely to occur absent further
8 USACE federal approval but could include improvements that require a local action. As
9 such, there would be no incremental difference between the NEPA baseline and
10 Alternative 2. Absent a USACE permit, no dredging, dredged material disposal, in-water
11 pile installation, or crane installation/extension would occur. Although the TICTF
12 expansion could occur absent a USACE permit, it would not occur absent such a permit.
13 This is because the need for the additional rail track is facilitated by peak throughput
14 increases that would result from the ability of the terminal to handle larger ships under
15 the proposed Project. The ability to handle larger ships is facilitated by activities that
16 require a USACE permit (dredging, in-water pile driving, and crane extension).
17 Therefore, without the activities that allow the terminal to service larger ships, there
18 would be no need to expand the TICTF. The No Federal Action alternative includes only
19 backlands improvements consisting of slurry sealing, deep cold planing, asphalt concrete
20 overlay, restriping, and removal, relocation, or modification of any underground conduits
21 and pipes necessary to complete the repairs. These activities would not change the
22 capacity of the existing terminal.

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

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

32 **5.4.5 Alternative 3 – Reduced Project: Improve Berths** 33 **217–220 Only**

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

- 38 ▪ Modifying up to six existing cranes;
- 39 ▪ Replacing up to four existing non-operating cranes;
- 40 ▪ 6,000 cy of dredging from a depth of -45 to -47 feet MLLW (with an additional two
41 feet of overdredge depth, for a total depth of -49 feet MLLW), and installing 1,200

- 1 linear feet of sheet piles and king piles to support and stabilize the existing wharf
2 structure at Berths 217–220;
- 3 ■ disposing of dredged material at LA-2, the Berths 243–245 CDF, or another
4 approved upland location;
 - 5 ■ Extending the existing 100-foot gauge landside crane rail through Berths 217–220;
 - 6 ■ Performing ground repairs and maintenance activities in the backlands area; and
 - 7 ■ Expanding the TICTF on-dock rail by adding a single loading track.

8 Under this alternative, there would be three operating berths after construction, similar to
9 the proposed Project, but Berths 214–216 would remain at their existing depth. This
10 alternative would require less dredging (by approximately 21,000 cy) and pile driving
11 and a shorter construction period than the proposed Project. Based on the throughput
12 projections, this alternative is expected to operate at its capacity of approximately
13 1,913,000 TEUs by 2026, similar to the proposed Project. However, while the terminal
14 could handle similar levels of cargo, the reduced project alternative would not achieve the
15 same level of efficient operations as achieved by the proposed Project. This alternative
16 would not accommodate the largest vessels (13,000 TEUs). The depth achieved at Berths
17 217–220 would only be capable of handling vessels up to 11,000 TEUs, requiring
18 additional vessels to call on the terminal to meet future growth projections up to the
19 capacity of the terminal. Therefore, under this alternative, 232 vessels would call on the
20 terminal in 2020 and 2026, compared to 206 vessels for the proposed Project.
21 Additionally, because of the higher number of annual vessel calls, this alternative would
22 result in a maximum of five peak day ship calls (over a 24-hour period) compared to four
23 for the proposed Project.

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

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

31 **5.4.5.1 Air Quality and Meteorology (Section 3.2 and 4.2.2)**

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

34 **Impact AQ-1:** Alternative 3 unmitigated emissions for VOC, CO, NO_x, and PM_{2.5} from
35 construction and overlapping construction and operation would exceed the SCAQMD
36 daily emission thresholds under NEPA. With implementation of mitigation measures,
37 impacts would remain significant under NEPA for NO_x and CO emissions from
38 construction and overlapping construction and operations. Therefore, under NEPA, the
39 mitigated air quality impacts associated with construction of Alternative 3 would be
40 significant. Since residential areas closest to the site are predominantly minority
41 (Figure 5-1) and have a higher concentration of low-income population relative to Los
42 Angeles County (Figure 5-2), the elevated ambient concentrations of VOCs, CO, NO_x,
43 and PM_{2.5} would constitute a disproportionately high and adverse effect on minority and
44 low-income populations.

1 In addition, Alternative 3, without mitigation, would make a cumulatively considerable
2 contribution to a significant cumulative air quality impact associated with emissions of
3 VOCs, CO, NO_x, and PM_{2.5} from construction. After mitigation, Alternative 3 would
4 make a cumulatively considerable and unavoidable contribution to an existing significant
5 cumulative impact for NO_x and CO under NEPA. Because the area surrounding the
6 Alternative 3 site is predominantly minority and low income, this cumulative impact
7 would constitute a disproportionately high and adverse effect on minority and low-
8 income populations.

9 **Impact AQ-2:** Alternative 3 construction would result in off-site ambient concentrations
10 of criteria air pollutants (specifically NO₂, PM₁₀, and PM_{2.5}) during construction that
11 would exceed SCAQMD thresholds of significance. After mitigation, maximum off-site
12 ambient pollutant concentrations associated with construction only and with the
13 combined construction and operation of Alternative 3 would be significant under NEPA
14 for NO₂. This finding applies to individual Alternative 3 impacts as well as Alternative
15 3's cumulative contribution relative to the NEPA baseline. Although the receptor points
16 with maximum concentrations would not be in residential areas, residential areas would
17 experience higher concentrations the closer they are to the site. Since residential areas
18 closest to the site are predominantly minority (Figure 5-1) and have a higher
19 concentration of low-income population relative to Los Angeles County (Figure 5-2), the
20 elevated ambient concentrations of NO₂, PM₁₀, and PM_{2.5} would constitute a
21 disproportionately high and adverse effect on minority and low-income populations.

22 Adverse human health effects of NO₂ include (a) potential to aggravate chronic
23 respiratory disease and respiratory symptoms in sensitive groups; and (b) risk to public
24 health implied by pulmonary and extra-pulmonary biochemical and cellular changes and
25 pulmonary structural changes. NO₂ also contributes to atmospheric discoloration,
26 although this impact would be regional and would not primarily affect populations closest
27 to the emission sources. Adverse human health effects associated with PM₁₀ and PM_{2.5}
28 include (a) excess deaths from short-term and long-term exposures; (b) excess seasonal
29 declines in pulmonary function, especially in children; (c) asthma exacerbation and
30 possibly induction; (d) adverse birth outcomes including low birth weight; (e) increased
31 infant mortality; (f) increased respiratory symptoms in children such as cough and
32 bronchitis; and (g) increased hospitalization for cardiovascular and respiratory disease
33 (including asthma) (SCAQMD 2007). These adverse health effects may occur
34 disproportionately among minority and low-income populations in the vicinity of
35 Alternative 3 as a result of the elevated ambient concentrations in exceedance of
36 SCAQMD thresholds.

37 In addition, Alternative 3 would make a cumulatively considerable contribution to a
38 significant cumulative air quality impact for NO_x, PM₁₀, and PM_{2.5} pollutant
39 concentrations during construction. During construction only and during combined
40 construction and operation, Alternative 3 after mitigation would make a cumulatively
41 considerable and unavoidable contribution to an existing significant cumulative impact
42 for NO₂ under NEPA. Because the nearest residential areas to the proposed project area
43 are predominantly minority and low income, this cumulative impact would constitute a
44 disproportionately high and adverse effect on minority and low-income populations.

45 **Impact AQ-3:** Alternative 3 emissions would exceed the SCAQMD daily threshold for
46 NO_x in all analysis years and for PM_{2.5}, CO, and VOC in years 2020 and 2026. With
47 implementation of mitigation measures and lease measures, increases of NO_x and VOC

1 in 2020 and 2026 would remain significant. Therefore, under NEPA, the mitigated air
2 quality impacts associated with Alternative 3 operations would be significant and
3 unavoidable. Since residential areas closest to the site are predominantly minority and
4 have a higher concentration of low-income population relative to Los Angeles County,
5 the elevated ambient concentrations of VOC and NO_x would constitute a
6 disproportionately high and adverse effect on minority and low-income populations. In
7 addition, Alternative 3 could make a cumulatively considerable contribution to a
8 significant cumulative air quality impact from these pollutants during operation, and this
9 cumulative impact would constitute a disproportionately high and adverse effect on
10 minority and low-income populations.

11 **Impact AQ-4:** Maximum off-site ambient pollutant concentrations associated with
12 Alternative 3 operations would be significant for NO₂ and PM₁₀ and significant impacts
13 under NEPA would occur. With implementation of mitigation measures and lease
14 measures, NO₂ and PM₁₀ concentrations would remain significant and unavoidable.

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

20 In addition, Alternative 3 would make a cumulatively considerable contribution to a
21 significant cumulative air quality impact on NO₂ and PM₁₀ concentrations during
22 operation, and this cumulative impact would constitute a disproportionately high and
23 adverse effect on minority and low-income populations.

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

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

35 The MATES-III conducted by SCAQMD in 2008 estimated the existing cancer risk from
36 toxic air contaminants in the SCAB to be 1,200 in a million (SCAQMD 2008). MATES-
37 III did not determine acute noncancer risks for the SCAB. Some of these cumulative
38 risks are regional across the areas in the vicinity of the Port. The SCAB includes many
39 areas that do not constitute minority and low-income populations. However, in the
40 *Diesel Particulate Matter Exposure Assessment Study for the Ports of Los Angeles and*
41 *Long Beach*, CARB estimates that elevated levels of cancer risks due to operational
42 emissions from the Ports of Los Angeles and Long Beach occur within and in proximity
43 to the two Ports (CARB 2006). Noncancer risk due to concentrations of DPM would also
44 occur within and in proximity to the two Ports. While Alternative 3 would not cause a
45 significant cancer risk impact as a result of proposed construction or operations, cancer

1 risk impacts would be considered significant from a cumulative viewpoint, even with
2 mitigation, due to the elevated risk in proximity of the two Ports, and the less-than-
3 significant increases in cancer resulting from Alternative 3. Because the populations
4 closest to the Port of Los Angeles are predominantly minority and low income, elevated
5 cumulative cancer risks would represent a disproportionately high and adverse impact on
6 minority and low-income populations.

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

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

26 **5.4.5.2 Noise (Section 3.12 and Section 4.2.12)**

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

29 **Impact NOI-1:** Alternative 3-related construction noise from pile driving would not
30 increase existing ambient noise levels at any identified noise-sensitive receptor in the
31 proposed project vicinity by 5 dBA or more. Thus, Alternative 3 individually would not
32 have a significant impact related to noise. However, the construction noise from pile
33 driving could temporarily increase the ambient noise levels at nearby liveaboard boats
34 and, should construction of other projects in the vicinity occur concurrently, these
35 construction activities could make a cumulatively considerable contribution to a
36 significant cumulative impact at the liveaboard boats. Mitigation measures MM NOI-1
37 and MM NOI-2 would further reduce construction noise; however, even with their
38 implementation, Alternative 3 would make a cumulatively considerable contribution to a
39 significant cumulative impact related to noise at the liveaboard receptors. This
40 cumulative impact related to construction noise would constitute a disproportionately
41 high and adverse effect on minority and low-income populations.

5.4.6 Summary of Disproportionate Effects on Minority and/or Low-Income Populations

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

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

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

Alternative ^a	Air Quality	Noise
Proposed Project	<ul style="list-style-type: none"> Criteria pollutant emissions in excess of thresholds from construction and operations. High ambient concentrations of NO₂ and PM₁₀ associated with operations (with mitigation). 	<ul style="list-style-type: none"> Noise impacts at the liveaboard receptors during pile driving could be cumulatively considerable.
Alternative 3 (Reduced Project: Improve Berths 217–220 Only)	<ul style="list-style-type: none"> Criteria pollutant emissions in excess of thresholds from construction and operations. High ambient concentrations of NO₂ and PM₁₀ associated with construction and operations (with mitigation). 	<ul style="list-style-type: none"> Noise impacts at the liveaboard receptors during pile driving could be cumulatively considerable.

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

5.5 Public Outreach

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

LAHD and USACE have made considerable efforts to provide public outreach beyond what is minimally required by environmental or agency guidelines. Any Notice of Intent, Notice of Preparation/Initial Study, Draft EIS, or Draft EIR is presented at public

1 meetings at locations and times convenient for the affected community. The meetings are
2 held at the Port Administration Building or in the community, depending on the location
3 of the project.

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

14 **5.5.1 Alternative Forms of Distribution**

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

23 **5.5.2 Spanish Translation**

24 With a large Hispanic population adjacent to the Port, meeting notifications and
25 summaries of major environmental documents are provided in Spanish as well as
26 English.

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

29