

# 5

## ENVIRONMENTAL JUSTICE

### 5.1 Introduction

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

After implementation of mitigation measures, the proposed Project would result in disproportionate effects on minority and low-income populations as a result of significant project and cumulative impacts related to air quality, noise, recreation, and risk of upset.

#### 5.1.1 Background

The Environmental Justice (EJ) section of this Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report (SEIS/SEIR) evaluates whether the proposed Project and its alternatives would result in disproportionately high and adverse human health or environmental impacts on minority populations and low-income populations.

The following topics are discussed in this section:

- Relationship of the EJ analysis in this SEIS/SEIR to the 1992 Deep Draft Final Environmental Impact Statement/Environmental Impact Report (FEIS/FEIR) (USACE and LAHD 1992);
- Environmental setting including minority populations and low-income populations in the study area (using data from the 2000 U.S. Census);
- Applicable EJ statutes, executive orders, and regulatory guidance;

- 1                   • Public outreach process and use of Spanish translation to provide access to
- 2                   Project information and opportunities for public participation by potentially
- 3                   affected minority and low-income communities;
- 4                   • Impacts and mitigations including any high and adverse (i.e., significant)
- 5                   impacts identified in Sections 3.1 through 3.15 of the SEIS/SEIR, and
- 6                   whether these impacts would disproportionately affect minority populations
- 7                   and low-income populations;
- 8                   • Mitigation measures for disproportionate impacts, if needed; and
- 9                   • Cumulative impacts, as applicable, when the proposed Project’s impacts are
- 10                  added to disproportionate impacts of other actions and activities in the area.

## 11           **5.1.2           Relationship to 1992 Deep Draft FEIS/FEIR**

12           The 1992 Deep Draft FEIS/FEIR (USACE and LAHD 1992) predates the adoption of

13           Executive Order 12898 and actions taken by state and local agencies and jurisdictions

14           to incorporate considerations of EJ into environmental analysis and planning.

15           Therefore, the Deep Draft FEIS/FEIR does not include an analysis of EJ, and the EJ

16           analysis presented below does not directly tier from any existing analysis. This Draft

17           SEIS/SEIR does, however, address cumulative environmental justice effects by

18           evaluating the effects of the proposed Project and alternatives in combination with

19           past, present and reasonably foreseeable future projects. This is done by evaluating

20           significant cumulative impacts identified in Chapter 4.

## 21           **5.2           Environmental Setting**

22           The Marine Terminal and storage tanks would be located in the Port of Los Angeles

23           (Port) and adjacent to two City of Los Angeles communities: Wilmington (to the

24           north) and San Pedro (to the west). Portions of the pipeline route, and the termini of

25           the new pipelines at the Ultramar/Valero Refinery and connections into other Plains

26           pipeline systems, would extend outside of Port-controlled property. Most of the

27           portions outside the Port would be within property owned by the Ultramar/Valero

28           refinery or within road or railway rights-of-way in the City of Los Angeles; a small

29           portion would be within the City of Long Beach.

30           For this assessment, the area of potential effect was determined in accordance with

31           CEQ (1997) guidance for identifying the “affected community,” which requires

32           consideration of the nature of likely project impacts and identification of a

33           corresponding unit of geographic analysis. Therefore, the area of potential project

34           effect for purposes of environmental justice corresponds to the areas of effect

35           associated with the specific environmental issues analyzed in this Draft SEIS/SEIR.

36           Areas of potential effect differ somewhat for each environmental issue.

37           Environmental justice guidance from CEQ (1997) defines “minority persons” as

38           “individuals who are members of the following population groups: American Indian

39           or Alaskan Native; Asian or Pacific Islander; Black (not of Hispanic origin); or

40           Hispanic” (CEQ 1997, page 25). Hispanic or Latino refers to an ethnicity whereas

41           American Indian, Alaskan Native, Asian, Pacific Islander, and Black/African-

American (as well as White or European-American) refer to racial categories; thus, for Census purposes, individuals classify themselves into racial categories as well as ethnic categories, where ethnic categories include Hispanic/Latino and non-Hispanic/Latino. The 2000 Census allowed individuals to choose more than one race. For this analysis, consistent with guidance from the CEQ as well as the U.S. Environmental Protection Agency (USEPA) (CEQ 1997; USEPA 1998, 1999), “minority” refers to people who are Hispanic/Latino of any race, as well as those who are non-Hispanic/Latino of a race other than White or European-American.

The same CEQ environmental justice guidance (CEQ 1997) suggests low-income populations be identified using the national poverty thresholds from the Census Bureau; guidance from USEPA (1998, 1999) also suggests using other regional low-income definitions as appropriate. Due to the higher cost of living in southern California compared to the nation as a whole, a higher threshold is appropriate for the identification of low-income populations. For the purposes of this analysis, low-income people are those with a household income of up to 1.25 times the national Census poverty threshold. The 1.25 ratio is based on application of a methodology developed by the National Academy of Sciences (Citro and Michael 1995) and incorporates detailed data about fair market rents, over the period 1999-2007, for Los Angeles County from the U.S. Department of Housing and Urban Development (HUD 2007). Appendix T.1 contains a detailed description of the method used to derive the low-income definition.

To establish context for this environmental justice analysis, race and ethnicity (i.e., minority) and income characteristics of the population residing in the vicinity of the proposed Project, Reduced Project Alternative, and No Federal Action/No Project Alternative were reviewed. Table 5-1 presents population, minority, and low-income status from the 2000 Census and the Los Angeles City Planning Department for Wilmington, San Pedro, Long Beach, Los Angeles County and the City of Los Angeles, and California. The table also presents similar data for other cities in the general vicinity of the Port.

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

<i>Place</i>	<i>Total Population</i>	<i>Percent Minority Population</i>	<i>Percent Low-Income Population</i>
California	33,871,648	53.4	19.2
Los Angeles County	9,519,338	69.1	23.9
City of Los Angeles	3,694,834	70.4	29.1
San Pedro	76,028	55.3	22.5
Wilmington	75,215	87.1	32.2
<i>Nearby Cities</i>			
Carson	89,730	88.0	13.4
Lomita	20,046	46.4	15.5
Long Beach	461,522	66.9	29.8
Palos Verdes Estates	13,340	23.9	2.2
Rancho Palos Verdes	41,145	36.9	3.5
Rolling Hills	1,871	23.5	1.3
Rolling Hills Estates	7,676	29.4	3.3
Torrance	137,946	47.6	8.8
West Carson	21,138	70.7	13.3
<i>Sources:</i> U.S. Census Bureau, 2000; Los Angeles Department of City Planning, 2005 (data for Wilmington and San Pedro, which are defined based on Community Plan Areas).			

1 Table 5-1 shows that within Wilmington (as the neighborhood is defined by the Los  
 2 Angeles Planning Department), minorities constitute 87.1 percent of the population  
 3 and low-income persons constitute 32.2 percent of the population. Within San Pedro,  
 4 minorities comprise 55.3 percent of the population and 22.5 percent of the population  
 5 is low-income. Within the City of Long Beach, minorities comprise 66.9 percent of  
 6 the population and 29.8 percent of the population is low-income. Thus, both Los  
 7 Angeles neighborhoods as well as the City of Long Beach, constitute a “minority  
 8 population concentration” under CEQ guidance because the guidance indicates such  
 9 a concentration exists if the percent minority exceeds 50 percent. Both Wilmington  
 10 and Long Beach have a low-income population concentration, but San Pedro does  
 11 not, compared to Los Angeles County.

12 Figure 5-1 shows the percentage of minority residents in Census block groups near  
 13 the proposed Project site and the alternative sites. The latter are represented by the  
 14 three existing liquid bulk terminals in the San Pedro Bay Ports for which growth in  
 15 throughput is anticipated because there is existing unused capacity. Figure 5-2  
 16 illustrates the percentage of low-income residents in the same area. (The figures  
 17 show block groups within the area modeled in the air quality dispersion and health  
 18 risk analysis, which represents an approximate outer boundary of the area within  
 19 which significant and unavoidable impacts may conceivably occur; however, note  
 20 that the effects analysis does not, in fact, find significant and unavoidable impacts  
 21 over the entire area of analysis, as described in Section 3.2 and later in this chapter.)  
 22 Table 5-2 presents data for the 110 Census tracts shown in Figures 5-1 and 5-2.  
 23 Table T.2-1 in Appendix T.2 provides data for the 314 block groups shown in  
 24 Figures 5-1 and 5-2.

**Table 5-2 Minority and Low-Income Characteristics in the Vicinity  
 of the Proposed Project Site (by Census Tract)**

<i>Census Tract</i>	<i>Population</i>	<i>Percent Minority</i>	<i>Population for Whom Poverty Status is Determined</i>	<i>Percent Low- Income</i>
2933.01	2,977	66.3	2,969	8.7
2933.02	4,302	65.3	4,269	15.3
2933.04	4,207	81.5	4,199	29.2
2933.05	4,660	64.4	4,641	20.5
2941.10	4,060	90.9	4,078	19.4
2941.20	2,529	98.4	2,498	23.5
2942	4,425	88.1	4,396	24.3
2943	7,059	88.9	7,017	32.6
2944.10	3,854	84.0	3,836	34.3
2944.20	3,270	88.2	3,528	38.0
2945.10	4,266	95.6	4,236	36.9
2945.20	3,609	93.8	3,580	35.2
2946.10	3,875	93.2	3,866	27.7
2946.20	3,931	97.9	3,901	35.0
2947	3,270	93.1	3,242	52.9
2948.10	4,039	97.7	3,997	42.9
2948.20	3,555	96.7	3,561	51.5
2948.30	3,274	96.1	3,205	48.1
2949	3,262	95.6	3,262	50.3
2951.01	5,188	34.1	5,146	8.5
2961	1,434	68.0	155	31.0

**Table 5-2 Minority and Low-Income Characteristics in the Vicinity of the Proposed Project Site (by Census Tract) (continued)**

<i>Census Tract</i>	<i>Population</i>	<i>Percent Minority</i>	<i>Population for Whom Poverty Status is Determined</i>	<i>Percent Low-Income</i>
2962.10	2,858	92.3	2,904	42.9
2962.20	3,605	91.2	3,559	62.7
2963	4,348	52.2	4,316	13.2
2964	6,294	42.8	6,181	8.9
2965	3,796	85.5	3,774	26.3
2966	5,200	79.3	5,161	36.8
2969	8,250	65.1	8,216	28.6
2970	5,482	32.3	5,208	11.0
2971.10	4,547	79.4	4,117	48.1
2971.20	3,358	77.6	3,501	39.6
2972	8,011	51.7	7,875	18.1
2973	2,886	30.5	3,032	7.4
2974	3,615	15.9	3,527	1.9
2975	3,324	29.5	3,243	8.6
2976	6,572	40.0	6,422	13.3
5436.02	7,232	70.8	6,948	9.3
5436.03	4,116	62.4	4,106	9.0
5436.04	5,162	86.4	5,135	7.0
5437.02	6,354	85.2	6,324	14.1
5437.03	3,617	84.3	3,584	11.1
5439.04	4,426	96.0	4,362	26.1
5722.01	6,457	77.2	6,198	14.0
5722.02	3,713	79.2	3,540	12.3
5723.01	3,653	93.2	3,642	28.7
5723.02	3,502	93.4	3,329	27.5
5725	3,700	78.5	3,693	49.7
5726	5,130	94.4	5,094	15.0
5727	5,495	95.4	5,443	20.0
5728	263	87.8	292	71.9
5729	5,113	97.2	5,087	40.4
5730.01	7,108	88.4	6,953	44.9
5730.02	4,180	96.5	4,184	65.7
5731	7,291	87.5	7,279	33.9
5732.01	5,056	94.8	5,041	47.3
5732.02	5,697	96.9	5,690	47.8
5733	4,255	97.4	4,233	49.0
5734.01	1,407	65.4	1,315	16.5
5734.02	6,216	69.9	6,225	25.1
5734.03	1,715	42.3	1,668	12.4
5735	1	0.0	0	N/A
5742.02	2,103	30.7	1,694	7.0
5750.01	3,092	46.7	3,030	11.8
5751.01	5,196	90.1	5,190	49.0
5751.02	4,810	93.7	4,797	58.6
5751.03	5,480	80.0	5,471	45.7
5752.01	5,085	96.5	5,085	55.1
5752.02	5,347	97.4	5,281	60.9
5753	4,981	95.9	4,907	51.2
5754.01	5,476	95.4	5,305	63.7
5754.02	3,758	97.1	3,712	68.2
5755	252	78.2	208	53.4
5756	46	84.8	2	0.0
5758.01	2,721	93.5	2,737	52.6
5758.02	5,433	91.4	5,410	60.9

**Table 5-2 Minority and Low-Income Characteristics in the Vicinity of the Proposed Project Site (by Census Tract) (continued)**

<i>Census Tract</i>	<i>Population</i>	<i>Percent Minority</i>	<i>Population for Whom Poverty Status is Determined</i>	<i>Percent Low-Income</i>
5758.03	2,968	79.2	2,918	60.9
5759.01	3,825	85.2	3,817	44.1
5759.02	5,108	69.6	5,108	45.7
5760	445	60.4	370	33.2
5761	2,669	38.5	2,647	26.6
5762	5,652	77.6	5,637	39.8
5763	8,912	89.8	8,776	50.5
5764.01	5,066	95.5	5,014	64.7
5764.02	5,575	94.8	5,495	56.0
5764.03	6,082	93.0	6,042	60.9
5765.01	3,669	74.7	3,658	52.6
5765.02	5,092	77.1	5,065	48.4
5765.03	4,723	72.0	4,358	40.6
5766.01	4,395	47.1	4,395	21.1
5766.02	3,874	41.3	3,874	17.4
5767	3,851	31.0	3,777	10.5
5768.01	4,682	60.1	4,663	29.5
5768.02	4,162	50.8	4,040	21.3
5769.01	6,379	89.8	6,362	50.0
5769.02	7,877	79.1	7,788	36.7
5770	7,054	49.6	6,932	24.6
5771	6,521	32.8	6,475	13.1
5772	5,447	23.1	5,399	10.2
6099	1,678	65.9	1,624	20.2
6510.01	5,057	46.5	5,057	6.3
6510.02	4,516	51.7	4,503	6.6
6511.01	5,029	46.1	4,945	4.0
6514	8,417	40.3	8,400	7.4
6700.01	3,244	42.9	3,131	11.3
6700.02	3,773	50.0	3,750	14.5
6700.03	6,037	42.5	6,037	11.8
6701	6,484	48.0	6,474	19.6
6702.01	3,889	25.7	3,889	2.3
6707.01	6,777	32.9	6,748	5.1
6707.02	5,357	21.8	5,355	2.2
<i>Note:</i> N = Not applicable <i>Source:</i> U.S. Census Bureau 2000.				

## 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,

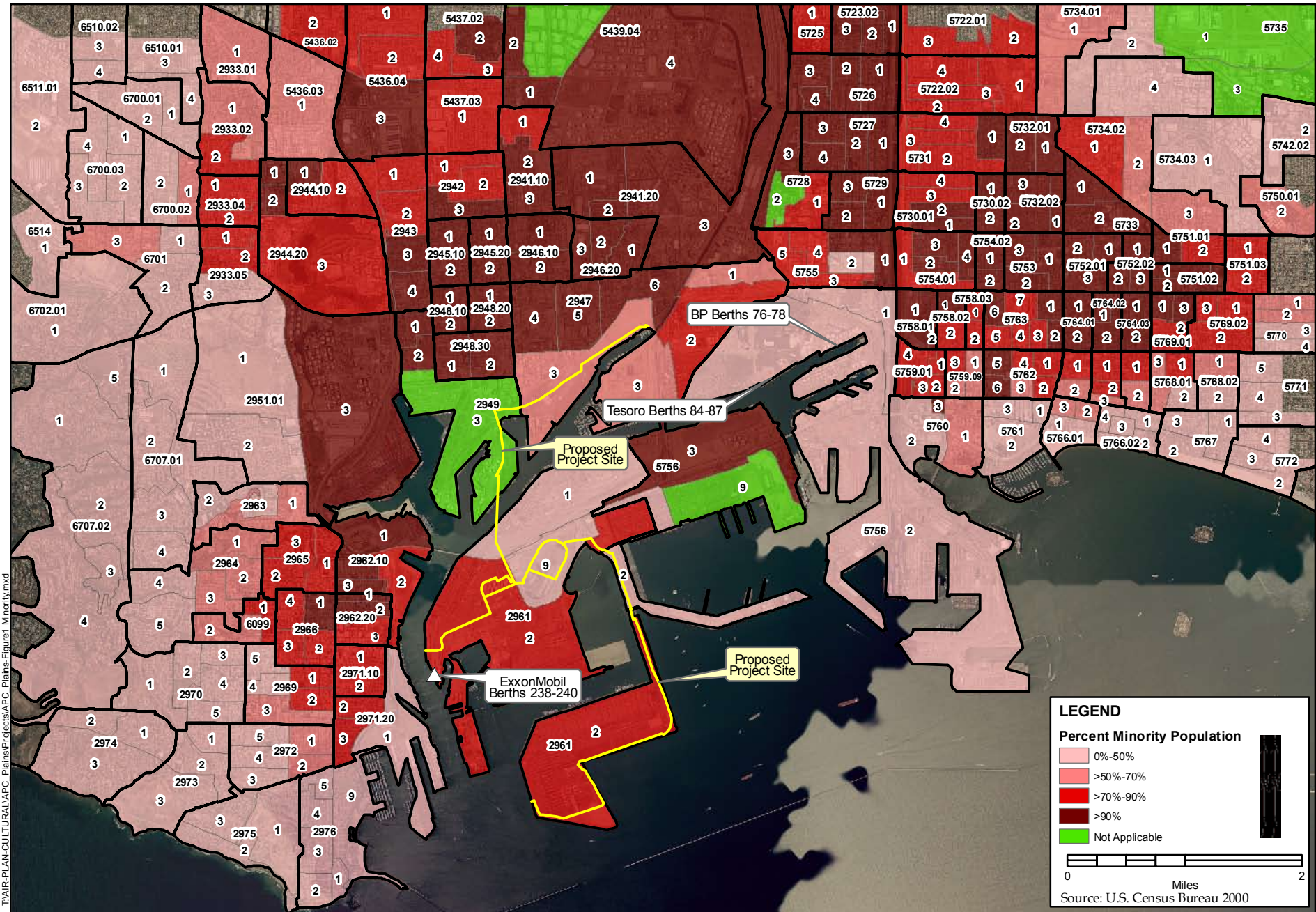
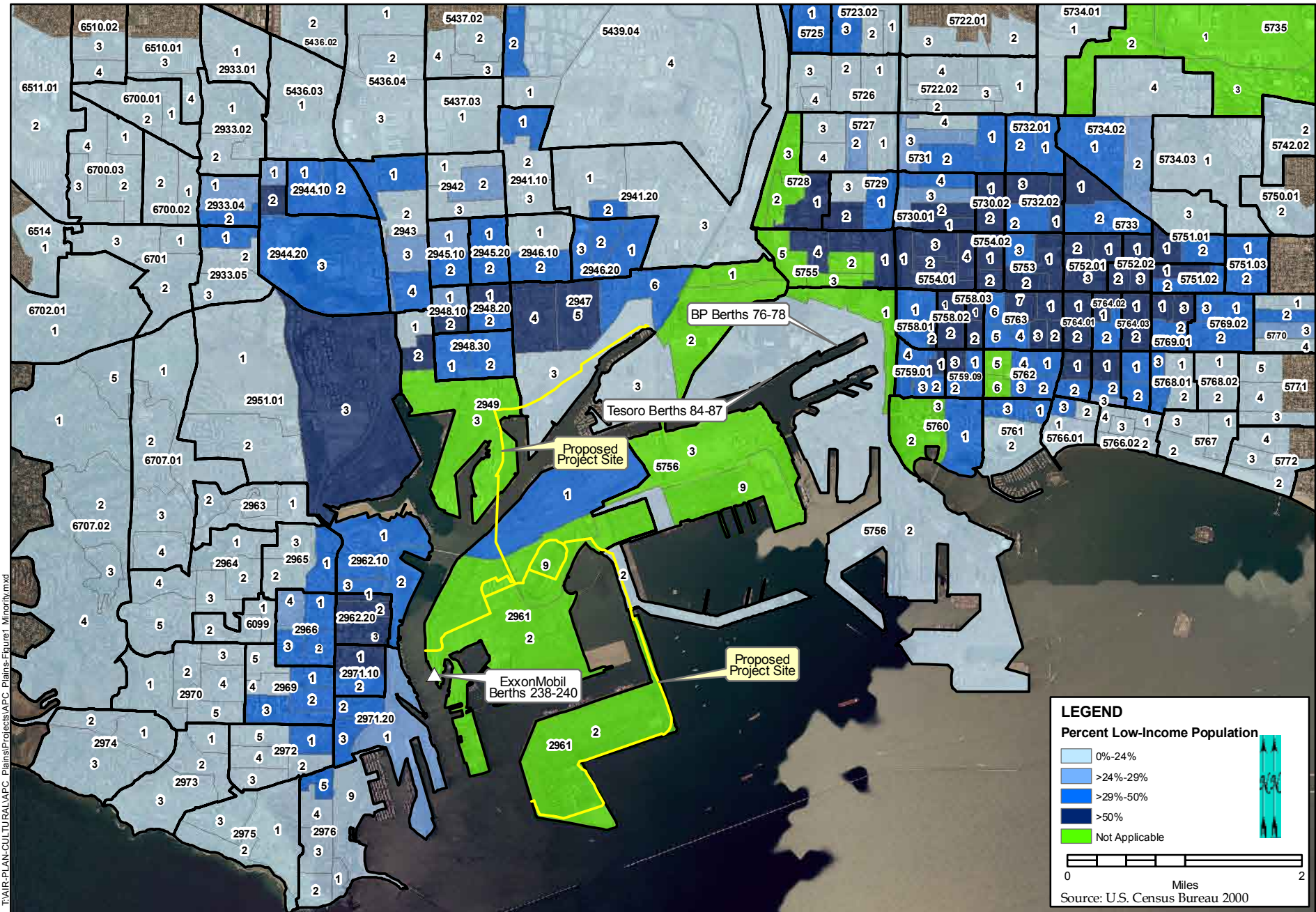


Figure 5-1. Percent Minority Population

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Figure 5-2. Percent Low-Income Population

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1 President Clinton issued Executive Order 12898 on Environmental Justice, formally  
2 focusing federal agency attention on these issues. The Executive Order contains a  
3 general directive that states that “each Federal agency shall make achieving  
4 environmental justice part of its mission by identifying and addressing, as  
5 appropriate, disproportionately high and adverse human health or environmental  
6 effects of its programs, policies, and activities on minority populations and low-  
7 income populations.”

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

13 The USEPA defines “environmental justice” as follows:

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

18 The USEPA defines “fair treatment” as follows:

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

23 The USEPA defines “meaningful involvement” as follows:

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

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

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

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

13 The Presidential memorandum identifies four provisions that identify ways agencies  
14 should 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  
17 minority populations, low-income populations, and Indian tribes, when such  
18 analysis is 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  
22 of proposed federal actions on minority populations, low-income populations,  
23 and 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  
27 the accessibility of public meetings, crucial documents, and notices.
- 28 4. Review of NEPA compliance (such as USEPA’s review under Section 309 of  
29 the Clean Air Act) must ensure that the lead agency preparing NEPA analyses  
30 and 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 the USEPA has lead responsibility for implementation of Executive Order  
37 12898 as chair of the IWG on Environmental Justice, the CEQ has oversight of the  
38 federal government’s compliance with this Executive Order and NEPA. CEQ, in  
39 consultation with the USEPA and other agencies, has prepared guidance to assist  
40 federal agencies in NEPA compliance in its Environmental Justice—Guidance under  
41 the National Environmental Policy Act (1997). This guidance provides an overview

1 of Executive Order 12898; summarizes its relationship to NEPA; recommends  
2 methods for the integration of environmental justice into NEPA compliance; and  
3 incorporates as an appendix the IWG's definitions of key terms and concepts  
4 contained in the Executive Order.

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

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

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

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

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

11 **5.3.3 California Government Code Sections**  
12 **65041-65049; Public Resources Code**  
13 **Sections 71110-71116**

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

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

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

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

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

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

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

### 32 **5.3.4 California State Lands Commission** 33 **Environmental Justice Policy**

34 The California State Lands Commission (CSLC) adopted an Environmental Justice  
35 Policy on October 1, 2002 (CSLC 2002). In its policy, the CSLC pledges to continue  
36 and enhance its processes, decisions, and programs with environmental justice as an  
37 essential consideration by, among other actions, "identifying relevant populations  
38 that might be adversely affected by commission programs or by projects submitted  
39 by outside parties for its consideration". The policy also cites the definition of  
40 environmental justice in state law and points out that this definition is consistent with  
41 the Public Trust Doctrine principle that the management of trust lands is for the  
42 benefit of all of the people. To date, the CSLC has not issued any guidance to

1 implement the policy, although environmental justice is addressed in CSLC  
2 environmental documents.

### 3 **5.3.4 City of Los Angeles General Plan**

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

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

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

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

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

### 29 **5.3.6 South Coast Air Quality Management** 30 **District: Environmental Justice Program**

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

37 SCAQMD’s environmental justice program is intended to “ensure that everyone has  
38 the right to equal protection from air pollution and fair access to the decision making

1 process that works to improve the quality of air within their communities.”  
 2 Environmental justice is defined by SCAQMD as “...equitable environmental  
 3 policymaking and enforcement to protect the health of all residents, regardless of age,  
 4 culture, ethnicity, gender, race, socioeconomic status, or geographic location, from  
 5 the health effects of air pollution.”

## 6 5.4 Assessment

### 7 5.4.1 Methodology

8 The following methodology and assessment addresses the potential for the proposed  
 9 Project and alternatives to cause disproportionately high and adverse human health  
 10 and environmental effects on low-income and minority populations. It is provided in  
 11 compliance with federal Executive Order 12898 and CEQ’s *Environmental Justice*  
 12 *Guidance Under the National Environmental Policy Act* (CEQ 1997). Although the  
 13 California Environmental Quality Act (CEQA) does not specifically require analysis  
 14 of environmental justice effects, this Draft SEIS/SEIR includes an environmental  
 15 justice analysis for both federal and non-federal actions associated with the proposed  
 16 Project and alternatives.

17 The methodology for conducting the impact analysis for environmental justice  
 18 included reviewing impact conclusions for each of the resources in Sections 3.1  
 19 through 3.15, as well as the cumulative analysis in Sections 4.2.1 through 4.2.15. If  
 20 the Draft SEIS/SEIR identified significant impacts or a cumulatively considerable  
 21 contribution to a cumulatively significant impact, or otherwise identified impacts  
 22 considered to be high and adverse, an evaluation was conducted to determine if these  
 23 impacts would result in disproportionately high and adverse effects on minority  
 24 populations or low-income populations.

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

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

- 1 • Whether the environmental effects are significant (as employed by NEPA)  
2 and are or may be having an adverse impact on minority populations, low-  
3 income populations, or Indian tribes that appreciably exceeds or is likely to  
4 appreciably exceed those on the general population or other appropriate  
5 comparison group; and
- 6 • Whether the environmental effects occur or would occur in a minority  
7 population, low-income population or Indian tribe affected by cumulative or  
8 multiple adverse exposures from environmental hazards.

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

- 13 • For impacts that were less than significant and also less than cumulatively  
14 considerable, or classified as “No Impact” (and therefore also not  
15 cumulatively considerable), further evaluation of the potential for  
16 disproportionately high and adverse effects on minority and low-income  
17 populations was not needed because impacts that would not be significant  
18 would not have the potential to result in such disproportionate effects.
- 19 • Findings of significant impacts or cumulatively considerable contributions to  
20 cumulatively significant impacts were reviewed to determine whether those  
21 impacts could cause substantial effects on *human populations* (i.e., the  
22 public), as opposed to primarily affecting the natural or physical environment  
23 and/or resulting in limited public exposure. Significant impacts that would  
24 *not* be associated with substantial effects on human populations would not  
25 result in disproportionately high and adverse effects on minority and low-  
26 income populations. However, for disclosure purposes, these significant  
27 impacts are summarized in order to facilitate public involvement and review  
28 by potentially affected minority and low-income populations in the vicinity  
29 of the project.
- 30 • For findings of significant impacts that would affect the public, mitigation  
31 measures were considered to determine whether adverse effects would still  
32 be significant (as defined by NEPA and CEQA) after mitigation measures are  
33 implemented. If the impact would be less than significant after mitigation –  
34 or, in the case of a cumulative contribution, if the contribution would be less  
35 than cumulatively considerable after mitigation – then the impact was  
36 documented for disclosure purposes, but detailed analysis to determine if the  
37 impact or contribution would occur disproportionately on low-income and/or  
38 minority populations was not done.
- 39 • If the impact would be significant and unavoidable – or the contribution to  
40 cumulative impacts would be cumulatively considerable and unavoidable –  
41 then the impact was further evaluated to determine whether it would result in  
42 disproportionately high and adverse human health or environmental effects on  
43 minority and low-income populations. If the specific location of the impact  
44 was identified, the population demographics of the affected area were  
45 estimated using data from the 2000 Census. In cases where the boundaries of  
46 the impacted area were not known, conclusions were drawn based on available

1 information. In cases where data limitations did not allow a full evaluation,  
2 this fact was identified.

- 3 • In cases where the minority and low-income characteristics of populations in  
4 the impacted area could be estimated, the impact area characteristics were  
5 compared to data for the general population (i.e., Los Angeles County). If  
6 the minority population in the adversely affected area is greater than 50  
7 percent or if either the minority percentage or the low-income percentage of  
8 the population in the adversely affected area is meaningfully greater than that  
9 of the general population, disproportionate effects on minority or low-income  
10 populations could occur. (“Meaningfully greater” is not defined in CEQ or  
11 USEPA guidance; for this analysis, “meaningfully greater” is interpreted to  
12 mean simply “greater,” which provides for a conservative analysis.) In  
13 addition, disproportionate effects could also occur in cases where impacts are  
14 predominantly borne by minority or low-income populations.
- 15 • Proposed Project benefits were also considered to determine whether adverse  
16 effects would still be appreciably more severe or of greater magnitude after  
17 these other elements are considered. In addition, if significant unavoidable  
18 impacts or contributions to cumulatively significant impacts were determined  
19 to be disproportionate, the identified mitigation measures were reviewed to  
20 determine whether they would be effective in avoiding or reducing the  
21 impacts on minority and low-income populations. If necessary, additional  
22 mitigations were considered.

23 The first portion of Section 5.4.2 addresses public comments concerning  
24 environmental justice. That discussion is followed by the analysis of environmental  
25 justice for the proposed Project and cumulative effects, then the No Federal  
26 Action/No Project Alternative, followed by the Reduced Project Alternative.

## 27 5.4.2 Proposed Project and Cumulative Effects

28 Public comments received as part of the public involvement process for the Draft  
29 SEIS/SEIR identified several concerns related to environmental justice. Those  
30 concerns are addressed below. Cross-references to this and other resource sections  
31 are provided, as needed, where additional analysis of these concerns is presented in  
32 the Draft SEIS/SEIR.

33 **Adverse effects from blight.** Section 3.8 addresses the potential for effects on  
34 neighborhoods that relate to changes in land use, and Section 4.2.8 addresses  
35 cumulative effects and the proposed Project’s contribution. The proposed Project  
36 would have less than significant effects on land use, including **Impact LU-1** and  
37 **Impact LU-2** that address consistency with plans and **Impact LU-3** that addresses  
38 conflicts with surrounding land uses. The proposed Project would cause less than  
39 significant impacts and would make a less than cumulatively considerable  
40 contribution to cumulative impacts on land use and, therefore, would not result in  
41 disproportionate effects.

42 **Identification of costs and funding for health impacts.** The SEIS/SEIR addresses  
43 health risk in Section 3.2 as part of the Air Quality analysis. Health risks are

1 evaluated including cancer and non-cancer risks resulting from air pollution  
2 including, for example, toxic pollutants associated with diesel emissions. In cases  
3 where significant impacts have been identified for health risk, the SEIS/SEIR  
4 includes analysis of a combination of mitigations determined to be feasible in  
5 reducing the volume of emissions that cause the increase in health risk. For example,  
6 **Mitigation Measure (MM) AQ-13** (expanded vessel speed reduction program),  
7 **MM AQ-14** (low sulfur fuel use), **MM AQ-15** (Alternative Maritime Power or  
8 AMP), and other mitigations identified in Section 3.2 would reduce cancer risk  
9 compared to impacts of the proposed Project without such mitigations included. The  
10 Port focuses its mitigation efforts on the cause of the health risk by reducing  
11 emissions.

12 **Identification of adversely affected populations.** As required by Executive Order  
13 12898, disproportionately high and adverse human health and environmental effects  
14 on minority and low-income populations are identified in the environmental justice  
15 analysis. These populations include individuals with increased sensitivity to health  
16 impacts such as children and the elderly, and although these groups are not discussed  
17 separately, the Health Risk Assessment evaluates sensitive receptors such as schools,  
18 hospitals, convalescent homes and daycare centers that could be affected. Section 5.2  
19 provides a description of minority and low-income populations in the vicinity of the  
20 proposed Project and alternatives. Sections 5.4.2 through 5.4.4 discuss specific  
21 findings regarding the significance of impacts, and for impacts that could affect the  
22 public, identifies the location of the impact and the percentage of minority  
23 populations and low-income populations affected. For significant impacts that are  
24 unavoidable, mitigations identified to reduce the particular impacts are discussed.

25 **Existing and cumulative health impacts to nearby low-income and minority**  
26 **populations.** Sections 5.4.2 through 5.4.4 include an analysis of environmental  
27 justice effects that considers not only the proposed Project but also impacts of  
28 existing, past, and reasonably foreseeable future projects in the area of the proposed  
29 Project (i.e., cumulative impacts). The analysis takes into consideration cumulative  
30 impacts identified for the 15 resource topics discussed in Sections 3.1-3.15 (e.g., air  
31 quality, noise, aesthetics and visual resources). With respect to existing health  
32 impacts from air emissions, the air quality analysis in Section 3.2 discusses the  
33 results of recent studies that estimate these impacts and compares risks to the CEQA  
34 Baseline and the NEPA Baseline. In addition to the mitigations identified in this  
35 Draft SEIS/SEIR, the Port is implementing a variety of Port-wide measures included  
36 in the San Pedro Bay Ports Clean Air Action Plan (CAAP) that will, by reducing air  
37 emissions, help to address the underlying causes of these health impacts. Under  
38 CEQA and NEPA, the proposed Project would not result in significant unavoidable  
39 health risks but would contribute to cumulative impacts.

40 **Public involvement.** In addition to the English and Spanish mailings that the Port  
41 sends to the public (e.g., the use of postcards identified in the comment) the Port  
42 provides translators at public hearings and produces both Spanish and English  
43 versions of the Executive Summary for the Draft SEIS/SEIR that summarize specific  
44 impacts of the proposed Project and alternatives. This summary is available to the  
45 public, provides the kind of impact information identified in the comment, and is  
46 particularly designed to be read by the public and reviewers who would like to know  
47 about the impacts of the proposed Project and alternatives but do not want to review  
48 the full version of the Draft SEIS/SEIR and technical appendices.

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

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

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

The region of analysis for air quality impacts is identified in Section 3.2.2 and Table 3.2-66 summarizes air quality impacts.

**AQ-2:** Proposed Project construction would result in off-site ambient concentrations of criteria air pollutants – specifically, the 1-hour and annual concentration of nitrogen dioxide (NO<sub>2</sub>), the 24-hour concentration of particulate matter with diameter smaller than 10 microns (PM<sub>10</sub>), and the 24-hour concentration of particulate matter with diameter smaller than 2.5 microns (PM<sub>2.5</sub>) – that would exceed SCAQMD thresholds of significance, even after implementation of **MM AQ-1** through **MM AQ-12** and **MM 4G-5**. This finding applies to the individual Project impacts as well as the proposed Project's cumulative contribution, and is true relative to both the CEQA and NEPA Baselines. Since residential areas closest to the construction sites are primarily in Wilmington and have a concentration of minority populations (greater than 50 percent) and low-income population percentage greater than Los Angeles County (Figure 5-2), the elevated ambient concentrations of NO<sub>2</sub>, PM<sub>2.5</sub>, and PM<sub>10</sub> would constitute a disproportionately high and adverse effect on minority and low-income populations.

Adverse human health effects of NO<sub>2</sub> include (a) potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups and (b) risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes. NO<sub>2</sub> also contributes to atmospheric discoloration, although this impact would be regional and would not primarily affect populations closest to the emission sources. Adverse human health effects of PM<sub>10</sub> and PM<sub>2.5</sub> include (a) excess deaths from short-term and long-term exposures; (b) excess seasonal declines in pulmonary function, especially in children; (c) asthma exacerbation and possibly induction; (d) adverse birth outcomes including low birth weight; (e) increased infant mortality; (f) increased respiratory symptoms in children such as cough and bronchitis; and (g) increased hospitalization for cardiovascular and respiratory disease (including asthma). These adverse health effects may occur disproportionately among minority and low-income populations in the vicinity of the proposed Project as a result of the elevated ambient concentrations in exceedance of SCAQMD thresholds. No mitigation beyond the proposed air quality mitigations identified above is proposed.

**AQ-4:** Proposed Project operations would result in offsite ambient air pollutant concentrations of criteria air pollutants that exceed a SCAQMD threshold of

1 significance, even after implementation of **MM AQ-13** though **MM AQ-21**.  
2 Specifically, the mitigated proposed Project would result in offsite exceedances of  
3 SCAQMD thresholds for annual concentrations of NO<sub>2</sub>. This is true for the proposed  
4 Project's individual impact and cumulative contribution for both the CEQA and  
5 NEPA Baselines. While implementation of mitigation measures would reduce the  
6 impact of the proposed Project, the impact would remain significant after mitigation.

7 Since residential areas in San Pedro are closest to the primary source of the NO<sub>2</sub>  
8 emissions, which are caused by ships, and San Pedro has a concentration of minority  
9 populations (Figure 5-1), the elevated ambient concentrations of NO<sub>2</sub> would  
10 constitute a disproportionately high and adverse effect on minority populations.  
11 Potential human health effects from NO<sub>2</sub> would be the same as described  
12 immediately above under **AQ-2**. No mitigation beyond the proposed air quality  
13 mitigations identified above is proposed.

14 **AQ-5:** The proposed Project would create less than significant odor impacts under  
15 CEQA and NEPA. However, the proposed Project would make a cumulatively  
16 considerable contribution to cumulatively significant odor impacts (Section 4.2.2.6).  
17 Because the impacts would occur in the vicinity of the Port, which includes a  
18 predominantly minority population and a low-income population concentration, the  
19 proposed Project's contribution to **Cumulative Impact AQ-5** would constitute a  
20 disproportionately high and adverse effect on minority and low-income populations.  
21 No additional mitigations are proposed for environmental justice.

22 **AQ-6:** The Project alone would result in a less than significant impact for cancer,  
23 acute non-cancer, and chronic non-cancer effects under CEQA and NEPA with  
24 mitigations **MM AQ-1** through **MM AQ-21** and **MM 4G-5** included. However,  
25 increases in toxic emissions (also referred to as toxic air contaminants or TACs) from  
26 construction and operations of the proposed Project would result in a cumulatively  
27 considerable contribution to cumulatively significant impacts for cancer, acute non-  
28 cancer, and chronic non-cancer risks at residential and other sensitive receptors under  
29 CEQA. Under NEPA, proposed Project emissions of TACs, with mitigations, would  
30 result in a cumulatively considerable contribution to cumulatively significant chronic  
31 non-cancer risks at sensitive receptors (Section 4.2.2.7). Because the impacts would  
32 occur in the vicinity of the Port, which includes a predominantly minority population  
33 and a low-income population concentration, the proposed Project's contribution to  
34 **Cumulative Impact AQ-6** would constitute a disproportionately high and adverse  
35 effect on minority populations and low-income populations. (Note that Figures 3.2-2  
36 and 3.2-4, respectively, illustrate cancer risk when mitigations are included, for the  
37 proposed Project under CEQA and NEPA). No mitigation beyond the proposed air  
38 quality mitigations identified above is proposed.

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

## Noise (Section 3.10 and Section 4.2.10)

The region of influence for noise impacts is identified in Section 3.10.2 and Table 3.10-14 summarizes noise impacts.

**NOI-1:** Construction activities lasting more than 10 days in a 3-month period would exceed existing ambient exterior noise levels by 5 dB(A) or more at a noise-sensitive use. The proposed Project would produce significant unavoidable construction noise impacts under both CEQA and NEPA at three sensitive receptors: Area 1 Berth 204, Area 2 Lighthouse Yacht Landing, and Area LR-2 (Reservation Point) (see Figure 3.10-1 for locations). Despite the application of **MM NOISE-1** (selection of contractor for pile driving with consideration of noise), **MM NOISE-2** (restricted hours for pile driving), **MM NOISE-3** (temporary noise attenuation barriers), and **MM 4H-1** through **MM 4H-3**, construction activities at each of these locations would cause temporary and periodic noise levels substantially above existing ambient noise levels in the area.

Area 1 (Berth 204) and Area 2 (Lighthouse Yacht Landing) are marinas with live-aboard slips in Wilmington (see Figure 3.10-1). Pipeline construction is projected to cause a 7 dB(A) increase in noise levels at both Berth 204 and Lighthouse Yacht Landing. These noise impacts would be temporary, but significant.

Areas 1 and 2 are located in Census tract 2947, block group 3. The minority percentage for this block group is 52.6 percent which is higher than 50 percent. The low-income percentage for the block group is 12.8 percent, which would be lower than Los Angeles County. Thus, there would be disproportionate effects on minority populations from significant unavoidable noise impacts during construction at Area 1 Berth 204 and Area 2 Lighthouse Yacht Landing. The project would make a cumulatively considerable contribution to a significant cumulative impact, due to construction period noise impacts from the project as well as construction in other locations identified in Section 4.2.10. Like the Project-specific impacts, these significant cumulative impacts would disproportionately affect minority populations.

Area LR-2 is located on the southeastern-most tip of Reservation Point (see Figure 3.10-1) approximately 0.5 mile (0.8 km) northwest of Pier 400 and contains housing for prison wardens and naval officers. Construction would result in a temporary 11 dB(A) increase in noise levels over existing conditions. This area is located within Census Tract 2961, block group 2. The minority percentage for this block group is 75.4 percent, which is higher than 50 percent and also higher than Los Angeles County. The U.S. Census does not report poverty data for this block group. Census Tract 2961, a larger area, is 31 percent low-income. Based on the minority percentage for the Census block group, there would be disproportionate effects on minority populations from significant unavoidable noise impacts during construction at Area LR-2 on Reservation Point. The project would make a cumulatively considerable contribution to a significant cumulative impact, due to construction period noise impacts from the project as well as construction in other locations identified in Section 4.2.10. Like the Project-specific impacts, these significant cumulative impacts would disproportionately affect minority populations. No mitigation beyond the proposed noise mitigations identified above is proposed.

## Recreation (Section 3.11 and Section 4.2.11)

The region of influence for recreation impacts is identified in Section 3.11.2 and Table 3.11-10 summarizes recreation impacts.

**REC-1.1:** The proposed Project would produce significant unavoidable recreation impacts due to construction noise under CEQA and NEPA at four recreation areas, including marinas at Area 1 Berth 204 and Area 2 Lighthouse Yacht Landing, Area LR-2 Reservation Point, which was used as the receptor location representing noise conditions in the harbor for recreational boaters, and Area 21 (Stephen White Street and Oliver Vickery Circle Way), which was used as the receptor location representing noise conditions at Cabrillo Beach (see Figure 3.10-1 for locations). Despite the application of **MM 4K-4** (boating safety measures during in-water construction), **MM NOISE-1** (selection of contractor for pile driving with consideration of noise), and **MM NOISE-2** (restricted hours for pile driving), construction activities at each of these locations would cause temporary and periodic noise levels that could be perceived as annoying to individuals during recreation activities and would be significant and unavoidable for the proposed Project and represent a cumulatively considerable contribution to a significant cumulative recreation impact under CEQA and NEPA.

Areas 1 and 2 are located in Census tract 2947, block group 3. The minority percentage for this block group is 52.6 percent which is higher than 50 percent. The low-income percentage for the block group is 12.8 percent, which would be lower than Los Angeles County. Thus, there would be disproportionate effects on minority populations from significant unavoidable recreation impacts from noise during construction at Area 1 Berth 204 and Area 2 Lighthouse Yacht Landing. The project would make a cumulatively considerable contribution to a significant cumulative recreation impact, due to construction noise from the Project as well as construction in other locations identified in Section 4.2.10. Like the Project-specific impacts, these significant cumulative impacts would disproportionately affect minority populations.

Area LR-2 is located on the southeastern-most tip of Reservation Point (see Figure 3.10-1) approximately 0.5 mile (0.8 km) northwest of Pier 400 and is used as a receptor location representing conditions for recreational boaters in Los Angeles Harbor. Conservatively assuming that residents living in closest proximity to the Port are the most frequent recreational boaters, significant unavoidable recreation impacts from construction would have disproportionate effects on minority and low-income populations. The project would make a cumulatively considerable contribution to a significant cumulative impact, due to construction period noise impacts as well as construction in other locations identified in Section 4.2.10. This significant cumulative recreation impact would result in disproportionately high and adverse effects on minority and low-income populations.

Area 21 (Stephen White Street and Oliver Vickery Circle Way) is used as a representative receptor location for Cabrillo Beach and Fishing Pier. Construction noise in the vicinity of Area 21 would be perceived as an annoyance to recreation users. Cabrillo Beach is located in Census tract 2976, block group 9, where the minority percentage is below 50 percent and the low-income percentage is below that

1 of Los Angeles County. However, these facilities would be used not just by those  
2 living close by. Because there is a predominantly minority population and a low-  
3 income concentration in the vicinity of the Port, as well as the fact that low-income  
4 users may rely on use of public (i.e., lower cost) recreational resources more than  
5 other users, there would be disproportionate effects on minority and low-income  
6 residents from **REC-1.1** under both CEQA and NEPA, for the proposed Project. The  
7 proposed Project would also represent a cumulatively considerable contribution to a  
8 significant cumulative recreation impact. This significant cumulative recreation  
9 impact would result in disproportionately high and adverse effects on minority and  
10 low-income populations.

11 No mitigation beyond the proposed Project mitigations for recreation and noise  
12 described above is identified to reduce disproportionate effects listed above, resulting  
13 from **REC-1.1**.

14 **REC-1.2:** Proposed Project operations could result in a temporary substantial loss or  
15 diminished quality of recreational, educational, or visitor-oriented opportunities,  
16 facilities, or resources in the event of an oil spill that would result in individually  
17 significant and unavoidable impacts and make a cumulatively considerable  
18 contribution to cumulatively significant impacts under CEQA and NEPA (**REC-1.2**).  
19 This would be true despite implementation of **MM RISK 2.1a** (double-hulled  
20 vessels) and **MM RISK 2.1b** (quick release couplings). An accidental oil spill  
21 during vessel offloading activities at the proposed Berth 408 or related to pipeline  
22 failure could degrade harbor fisheries, thereby diminishing the quality of recreational  
23 fishing at Cabrillo Beach, as well as limiting or even precluding certain on-water  
24 boating opportunities for the duration of any cleanup effort. Oil reaching a  
25 recreational marina could coat vessels moored there and, potentially, foul cooling  
26 water intakes and other below waterline fittings with potential adverse effects.  
27 Vessels coated with oil would need to be cleaned prior to future use. Beaches in the  
28 vicinity of an oil spill would potentially be oiled and require cleanup, which typically  
29 would preclude recreational uses during the cleanup effort. Depending on the size of  
30 spill, cleanup and the associated preclusion of recreational uses could last from  
31 several days to several weeks or months.

32 Cabrillo Beach and Fishing Pier are located in Census tract 2976, block group 9  
33 where the minority percentage is below 50 percent and the low-income percentage is  
34 below that of Los Angeles County. However, these facilities would be used not just  
35 by those living close by. Because the percentages of minority and low-income  
36 populations in the vicinity of the Port are generally higher than other areas, as well as  
37 the fact that low-income users may rely on use of public (i.e., lower cost) recreational  
38 resources more than other users, there would be a disproportionate impact under both  
39 CEQA and NEPA, individually and cumulatively, on minority and low-income  
40 residents from **REC-1.2**. No mitigation beyond the proposed Project mitigations for  
41 described above is identified to reduce disproportionate effects resulting from **REC-**  
42 **1.2**.

1                   **Risk of Upset/Hazardous Materials (Section 3.12 and Section**  
2                   **4.2.12)**

3                   The region of influence for risk of upset/hazardous materials is identified in Section  
4                   3.12.2. Table 3.12-18 lists risk impacts.

5                   **RISK-5:** Even with the application of all possible mitigation measures, potential  
6                   residual impacts related to terrorism risk would be considered significant given the  
7                   environmental and public safety consequences associated with a successful terrorist  
8                   attack. Impacts of significant unavoidable Project and cumulative impacts from  
9                   **RISK-5** under both CEQA and NEPA would result in disproportionately high and  
10                  adverse effects on minority and low-income populations because the impacts could  
11                  occur in the vicinity of the Port, and depending upon the location, although affecting  
12                  many individuals directly and indirectly, could have the greatest effects on  
13                  populations in the vicinity of the Port which include a predominantly minority and a  
14                  low-income population concentration.

15                  **5.4.2.2                  Summary of Impacts that Would Not Cause**  
16                  **Disproportionately High and Adverse Effects on Minority**  
17                  **and Low-Income Populations**

18                  Most of the proposed Project's impacts would not cause disproportionate effects.  
19                  This section therefore discusses (1) resources with less than significant impacts that  
20                  would be reduced through mitigation or would not require any mitigation because  
21                  they are less than significant and would therefore not result in disproportionate  
22                  effects on minority and low-income populations, and (2) significant unavoidable  
23                  impacts that would nevertheless not result in disproportionate effects for various  
24                  reasons. For the first category mentioned above, the less than significant impacts are  
25                  not individually identified below, but are addressed in the applicable resource  
26                  section; this section cross-references the individual resource sections where more  
27                  information can be found. A complete list of impact findings, including significant,  
28                  less than significant, and no impact findings for the 15 resource topics can be found  
29                  in the summary tables at the end of each resource impact section (Sections 3.1-3.15).  
30                  Cumulative impacts for each resource are described in detail in Chapter 4, and  
31                  summarized in Table ES-3 under the subsection for Chapter 4 (Cumulative Impacts).

32                  This section also provides a summary of individual and cumulative impacts that  
33                  would be significant and unavoidable but *would not* cause disproportionately high  
34                  and adverse effects on minority and low-income populations, either because the  
35                  significant impact or cumulatively considerable contribution would not affect human  
36                  populations or it would not have a disproportionately high and adverse effect on  
37                  minority and low-income populations based on comparison of the affected population  
38                  to the general population.

39                  **Aesthetics/Visual Resources (Section 3.1 and Section 4.2.1)**

40                  The region of influence for aesthetics and visual resources is identified in Section  
41                  3.1.2. Table 3.1-2 identifies aesthetics/visual resources impacts. The proposed

1 Project would have no impact or less than significant impacts on aesthetics/visual  
2 resources under CEQA and NEPA and would not result in a cumulatively  
3 considerable contribution to aesthetics/visual impacts; therefore it would not result in  
4 disproportionate effects on minority populations or low-income populations.

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

6 Table 3.2-66 identifies air quality and meteorology impacts.

7 **AQ-1:** Proposed Project construction would produce emissions that would exceed a  
8 SCAQMD emission significance threshold and would remain significant under both  
9 CEQA and NEPA following mitigation (**MM AQ-1** through **AQ-12** and **MM 4G-5**).  
10 The proposed Project would also have a cumulatively considerable contribution (with  
11 mitigation) to a cumulatively significant exceedance of the SCAQMD emission  
12 threshold, relative to both the CEQA and NEPA Baselines. However, because the  
13 impact relates to a conflict with a standard and is a mass-based threshold that is not  
14 associated with a specific location or dependent on the presence of sensitive receptors  
15 or uses, **Impact AQ-1** would not constitute a disproportionate effect on minority or  
16 low income populations.

17 **AQ-3:** The proposed Project would result in operational emissions that exceed 10  
18 tons per year of VOCs and other emissions would exceed a SCAQMD threshold of  
19 significance that would remain significant under CEQA and NEPA, even after  
20 implementation of **MM AQ-13** through **MM AQ-21**. The proposed Project would  
21 also have a cumulatively considerable contribution (with mitigation) to a  
22 cumulatively significant exceedance of the SCAQMD emission threshold, relative to  
23 both the CEQA and NEPA Baselines. However, because the impact relates to a  
24 conflict with a standard based on a mass-based threshold and is not associated with a  
25 specific location or dependent on the presence of sensitive receptors or uses, **Impact**  
26 **AQ-3** would not constitute a disproportionate effect on minority or low-income  
27 populations.

28 **AQ-8:** The proposed Project would result in increased emissions of greenhouse  
29 gases (GHGs). The increase would be significant and unavoidable under CEQA and  
30 would make a cumulatively considerable contribution to a cumulatively significant  
31 impact. No impact determination is made with regard to NEPA. The potential  
32 ecological damage and damage to human populations from global climate change  
33 would affect people globally, including all people in California and in the United  
34 States. Section 3.2 describes potential global impacts of GHG and identifies **MM**  
35 **AQ-13** (vessel speed reduction program), **MM AQ-15** (AMP) and other feasible  
36 mitigation measures (**MM AQ-22** through **MM AQ-27**). These effects would have  
37 consequences for all people, and therefore would not affect minority or low-income  
38 populations disproportionately.

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

40 The geographic region of analysis for biological resources differs by organism  
41 groups, because the mobility of species in these groups, their population  
42 distributions, and the normal movement range for individuals living in an area varies

1 so that effects on biotic communities in one area can affect communities in other  
2 nearby areas. The region of analysis is described fully in Section 4.2.3, and is not  
3 reiterated here because no biological resource impacts would contribute to  
4 disproportionately high and adverse effects on minority or low-income populations.  
5 Table 3.3-3 lists biological impacts.

6 **BIO-1.2:** As a result of the potential for accidental oil spills, operation of the  
7 proposed Project could have significant effects on the California least tern and the  
8 California brown pelican, which are special status species, resulting in a potential for  
9 significant impact (**Impact BIO-1.2**). This impact would be significant and  
10 unavoidable with implementation of all feasible mitigation measures and would make  
11 a cumulatively considerable contribution to a cumulative impact for both species  
12 under CEQA and NEPA. In addition, the Project's contribution with regard to whale  
13 strikes is cumulatively considerable and the overall impact is cumulatively significant  
14 under CEQA (**Cumulative Impact BIO-1**). However, these impacts would primarily  
15 affect biological communities, not human populations or the public, and therefore,  
16 would not constitute a disproportionately high and adverse effect on minority or low-  
17 income populations.

18 **BIO-2.2:** Proposed Project operations, including accidental oil spills and the related  
19 impacts on eelgrass beds, have the potential to substantially reduce or alter local  
20 biological communities (**Impact BIO-2.2**). Operational impacts related to oil spills  
21 and impacts to eelgrass would be significant and unavoidable in the short term given  
22 the lack of feasible mitigations other than **MM BIO-1.2c** (oil spill containment), and  
23 would make a cumulatively considerable contribution to a cumulative significant  
24 impact. Because **Impact BIO-2.2** would primarily affect biological communities, not  
25 human populations or the public, it would not constitute a disproportionately high and  
26 adverse effect on minority or low-income populations.

27 **BIO-4.2:** Proposed Project operations, including accidental oil spills and introduction  
28 of invasive species, have the potential to substantially disrupt local biological  
29 communities (**Impact BIO-4.2**). Potentially significant operations impacts related to  
30 oil spills and invasive species would be significant and unavoidable given the lack of  
31 feasible mitigations other than **MM BIO-4**, and would make a cumulatively  
32 considerable contribution to a cumulative impact. Because **Impact BIO-4.2** would  
33 primarily affect biological communities, not human populations or the public, it  
34 would not constitute a disproportionately high and adverse effect on minority or low-  
35 income populations.

#### 36 **Cultural Resources (Section 3.4 and Section 4.2.4)**

37 The region of influence for cultural resources is identified in Section 3.4.2. Table  
38 3.4-1 lists cultural resource impacts, none of which would be significant and  
39 unavoidable under CEQA or NEPA, nor would the proposed Project result in a  
40 cumulative contribution to cultural resource impacts. Therefore, the proposed Project  
41 would not result in disproportionate effects on minority or low-income populations  
42 from cultural resources impacts.

## Geological Resources (Section 3.5 and Section 4.2.5)

The region of influence for geological resources is identified in Section 3.5.2. Table 3.5-7 lists geological resources impacts. The impacts listed below would remain significant even with implementation of all reasonable mitigation measures.

**GEO-1:** Seismic activity would expose people or property to substantial risk causing significant and unavoidable project and cumulative impacts, even with **MM 4A-4** (seismic design). Because these impacts would not affect the public (i.e., could affect employees on site, but not off-site residents), **GEO-1** would not result in disproportionately high and adverse effects on minority or low-income populations.

**GEO-2:** The proposed Project could expose people or property to substantial risk of tsunamis and seiches resulting in significant and unavoidable Project and cumulative impacts under CEQA and NEPA, even with **MM GEO-1** (emergency response planning). However, because impacts would not affect the public (i.e., could affect employees on site, but not off-site residents), **Impact GEO-2** and the associated cumulatively considerable contribution to a cumulatively significant impact would therefore not result in disproportionately high and adverse effects on minority or low-income populations.

## Ground Transportation (Section 3.6 and Section 4.2.6)

The region of influence for ground transportation is identified in Section 3.6.2. Table 3.6-11 summarizes ground transportation impacts. With implementation of feasible mitigations measures, none of the impacts of the proposed Project would be significant with regard to the proposed Project's individual or cumulative impacts and therefore they would not result in disproportionate effects on minority populations or low-income populations.

## Groundwater and Soils (Section 3.7 and Section 4.2.7)

The region of influence for groundwater and soils is identified in Section 3.7.2. Table 3.7-2 lists groundwater and soils impacts. With mitigation, the proposed Project would have either less than significant impacts or no impacts on groundwater and soils (i.e., no significant and unavoidable project impacts) and therefore would not result in disproportionate effects on minority populations or low-income populations. The proposed Project would make a cumulatively considerable contribution to one cumulatively significant impact, which is addressed below.

**Cumulative Impact GW-3:** Even with implementation of NPDES-mandated effluent disposal protocol, improper releases of contaminated groundwater cannot be entirely eliminated and the contribution of the Project to risk of spreading contamination. Therefore, impacts are cumulatively considerable and unavoidable under CEQA and NEPA. Proper discharge of contaminated dewatering effluent, as outlined in **MM GW-2(g)**, aquifer cross-contamination prevention measures, as outlined in **MM GW-4**, and frac-out prevention measures, as outlined in **MM GW-5**, would reduce water quality impacts, however the Project's contribution would remain significant and unavoidable. The proposed Project site is underlain by saline,

1 non-potable groundwater. Because groundwater quality impacts would not affect  
2 potable water supplies, there would be a negligible impact to the public. Therefore,  
3 **Cumulative Impact GW-3** would not result in disproportionate impacts on minority  
4 or low-income populations.

### 5 **Risk of Upset/Hazardous Materials (Section 3.12 and Section 4.2.12)**

6 The region of influence for impacts associated with risk of upset and hazardous  
7 materials is identified in Section 3.12.2. Table 3.12-18 lists risk of upset/hazardous  
8 materials impacts.

9 **RISK-2.1:** Based on the probability of accidental crude oil spills during vessel  
10 transit and in Port waters, potential oil spill impacts are considered significant  
11 (**Impact RISK-2.1**) and unavoidable under CEQA and NEPA, even with  
12 implementation of feasible mitigation measures. The proposed Project would make a  
13 cumulatively considerable contribution to a cumulatively significant impact related to  
14 oil spills. However, because adverse impacts from an oil spill would primarily affect  
15 marine resources and biological species rather than public safety, the Project and  
16 cumulative impacts would not result in disproportionately high and adverse effects on  
17 minority populations or low-income populations. Note that effects of oil spills on  
18 recreation resources are addressed separately under **Impact REC-1.2** in the analysis  
19 above (and also in Section 3.11 Recreation).

20 **RISK-2.2:** Pipeline oil spills from the proposed Project, though less than significant  
21 for the Project itself would make a considerable contribution to a significant  
22 unavoidable cumulative impact under CEQA and NEPA (**Cumulative Impact**  
23 **RISK-2.2**). Although there would be impacts to biological and water resources (i.e.,  
24 marine resources) there would be no public safety hazards from an oil spill unless it  
25 ignites (impacts from a spill and fire are addressed under **Impact RISK-3.1** in  
26 Section 3.12 and would be less than significant with mitigation). Therefore  
27 **Cumulative Impact RISK-2.2** would not result in disproportionate effects on  
28 minority or low-income populations.

### 29 **Land Use (Section 3.8 and Section 4.2.8)**

30 The region of influence for land use is identified in Section 3.8. Table 3.8-2 lists land  
31 use impacts. The proposed Project, under both CEQA and NEPA, would have less  
32 than significant individual and cumulative impacts and therefore would not result in  
33 disproportionate effects on minority populations or low-income populations.

### 34 **Noise (Section 3.10 and Section 4.2.10)**

35 The region of influence for noise is identified in Section 3.10.2. Table 3.10-14  
36 identifies noise impacts. Except for those noise impacts listed in Section 5.4.2.1  
37 above, noise impacts would be less than significant and would not result in  
38 disproportionate effects on minority populations or low-income populations under  
39 CEQA or NEPA.

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## 1                   **Recreation (Section 3.11 and Section 4.2.11)**

2                   The region of influence for recreation impacts is described in Section 3.11.2. Table  
3                   3.11-10 lists recreation impacts. Except for those recreation impacts listed in Section  
4                   5.4.2.1, above, recreation impacts from the proposed Project would be less than  
5                   significant and would not result in disproportionate effects on minority populations or  
6                   low-income populations.

## 7                   **Ground Transportation (Section 3.6 and Section 4.2.6)**

8                   The region of influence for ground transportation effects is identified in Section  
9                   3.6.2. Table 3.6-11 lists ground transportation impacts. After implementation of all  
10                  feasible mitigation measures, the proposed Project would result in less than  
11                  significant impacts to ground transportation. Therefore, the proposed Project would  
12                  not result in disproportionate effects on minority populations or low-income  
13                  populations.

## 14                  **Marine Transportation (Section 3.9 and Section 4.2.9)**

15                 The region of influence for Marine Transportation is described in Section 3.9.2.  
16                 Table 3.9-5 lists marine transportation impacts. Under both CEQA and NEPA, the  
17                 proposed Project would have beneficial impacts, less than significant adverse impacts  
18                 or no impacts and would not result in a cumulatively considerable contribution to  
19                 marine transportation impacts. Therefore, the proposed Project would not result in  
20                 disproportionate effects on minority populations or low-income populations for  
21                 marine transportation.

## 22                 **Utilities and Public Services (Section 3.13 and Section 4.2.13)**

23                 The region of influence for utilities and public service impacts varies and is identified  
24                 in Section 3.13.2. Table 3.13-5 lists utilities and public services impacts. None of  
25                 the impacts would be individually or cumulatively significant and unavoidable and  
26                 therefore would not result in disproportionate effects on minority populations or low-  
27                 income populations.

## 28                 **Water Quality (Section 3.14 and Section 4.2.14)**

29                 The region of influence for impacts on water and sediment quality is identified in  
30                 Section 3.14.2. Table 3.14-2 lists water quality impacts. With the exception of the  
31                 impact listed below, none of the individual or cumulative impacts on water quality  
32                 would be significant and unavoidable.

33                 **WQ-1.2:** During operation of proposed Project facilities, runoff and oil spills have  
34                 the potential to result in discharges which create pollution, contamination, or  
35                 nuisance, or could cause regulatory standards to be violated in harbor waters (**Impact**  
36                 **WQ-1.2**), a significant and unavoidable impact under CEQA and NEPA. These  
37                 impacts would make a cumulatively considerable contribution to cumulative impacts  
38                 but would not be expected to affect human populations primarily because of the

1 location and nature of impacts as described here. Oil spills in harbor waters that are  
2 not immediately contained and cleaned up could also have significant impacts on  
3 water quality. Spills or leaks that occur on land are expected to be contained and  
4 cleaned up before any impacts to surface water quality can occur. Spills from the  
5 pipeline are considered highly unlikely (Section 3.12) and thus less than significant  
6 due to the very low likelihood of a pipeline failure occurring in a location where the  
7 oil could reach surface waters. Given the safety features that are incorporated into the  
8 proposed Project, it is also unlikely that a spill during unloading would reach the  
9 Harbor and adversely affect water quality. Because of the nature of the impacts, as  
10 summarized above, the impacts would primarily affect water quality of marine  
11 resources rather than adversely affecting human populations and would therefore not  
12 result in disproportionately high and adverse effects on minority populations or low-  
13 income populations.

### 14 **Population and Housing (Section 3.15 and Section 4.2.15)**

15 The region of influence for impacts on population and housing is identified in Section  
16 3.15.2. Table 3.15-2 lists population and housing impacts. None of the individual or  
17 cumulative impacts on population and housing would be significant and unavoidable  
18 and therefore would not result disproportionate effects on minority populations or  
19 low-income populations.

#### 20 **5.4.2.3 Beneficial Impacts**

21 Under Executive Order 12898, offsetting benefits should also be considered by  
22 decision-makers when a project would result in disproportionately high and adverse  
23 effects. The proposed Project would create economic benefits in the form of jobs and  
24 income (see Chapter 7, Socioeconomics). In addition, the proposed Project would  
25 enable the Port to successfully meet objectives related to accommodating VLCCs,  
26 maximizing the use of deep-water facilities created for the purpose by the Deep-Draft  
27 Navigation Improvements Project, and optimizing the Port's overall utilization of  
28 available shoreline. It would enable the Port to use Pier 400 for development that is  
29 consistent with designated uses. It would also allow the Port to provide needed crude  
30 oil marine terminal accessory buildings and structures to support efficient crude oil  
31 unloading and handling, and would construct infrastructure sufficient to  
32 accommodate a portion of the foreseeable volumes of crude oil expected to enter  
33 southern California from overseas sources. It would allow fewer larger ships rather  
34 than a greater number of smaller ships to deliver imported crude oil and petroleum  
35 products by taking advantage of deeper waters at the new berth. Finally, it would  
36 provide a modern liquid bulk terminal that incorporates the latest technologies,  
37 designs, and safety measures.

### 38 **5.4.3 No Federal Action/No Project Alternative**

39 Under the No Federal Action/No Project Alternative, proposed Project facilities  
40 would not be constructed or operated. As described in Section 2.5.2.1, the No  
41 Federal Action/No Project Alternative considers the only remaining allowable and  
42 reasonably foreseeable use of the proposed Project site: Use of the site for temporary

1 storage of wheeled containers on the site of Tank Farm 1 and on Tank Farm Site 2.  
2 This use would require paving, construction of access roads, and installation of  
3 lighting and perimeter fencing.

4 In addition, for analysis purposes, under the No Federal Action/No Project Alternative  
5 a portion of the increasing demand for crude oil imports is assumed to be  
6 accommodated at existing liquid bulk terminals in the San Pedro Bay Ports, to the  
7 extent of their remaining capacities. Although additional demand, in excess of the  
8 capacity of existing marine terminals to receive it, may come in by rail, barge, or other  
9 means, rather than speculate about the specific method by which more crude oil or  
10 refined products would enter southern California, for analysis purposes, the impact  
11 assessment for the No Federal Action/No Project Alternative in this SEIS/SEIR is  
12 based on marine deliveries only up to the available capacity of existing crude oil berths.  
13 As described in Section 2.5.2.1, the impact assessment for the No Federal Action/No  
14 Project Alternative also assumes existing terminals would eventually comply with the  
15 California State Lands Commission (CSLC) Marine Oil Terminal Engineering and  
16 Maintenance Standards (MOTEMS), that the Los Angeles Harbor Department  
17 (LAHD) and the Port of Long Beach would renew the operating leases for existing  
18 marine terminals, and that existing terminals would comply with CAAP measures as of  
19 the time of lease renewal (i.e., 2008 for Port of Long Beach Berths 84-87, 2015 for  
20 LAHD Berths 238-240, and 2023 for Port of Long Beach Berths 76-78).

21 The NEPA Baseline condition coincides with the No Federal Action/No Project  
22 Alternative for this project because the USACE, the LAHD, and the applicant have  
23 concluded that, absent a USACE permit, no part of the proposed Project would be  
24 built (Section 2.6.1). All elements of the No Federal Action/No Project Alternative  
25 are identical to the elements of the NEPA Baseline. Therefore, under a NEPA  
26 determination there would be no impact associated with the No Federal Action/No  
27 Project Alternative.

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

33 To facilitate comparison of the potential for disproportionately high and adverse  
34 effects on minority and low-income populations between the proposed Project and  
35 this alternative, the remainder of this section addresses impacts identified in Section  
36 5.4.2.1; that is, impacts that, under the proposed Project, would be disproportionately  
37 high and adverse on minority and low-income populations. This section addresses in  
38 turn each of the impacts enumerated in Section 5.4.2.1 and documents whether there  
39 would be disproportionately high and adverse effects on minority and low-income  
40 populations for this alternative. It is important to note that mitigation measures  
41 would not apply to this alternative. In addition, unlike the proposed Project, for the No  
42 Federal Action/No Project Alternative, some land use impacts (**LU-4** and **LU-5**) and  
43 some ground transportation impacts (**TRANS-4** and **TRANS-5**) are speculative due to  
44 lack of specificity as to type, location, and timing, and therefore cannot be determined.  
45 As a result, they have not been subject to environmental justice analysis because their  
46 significance cannot be determined.

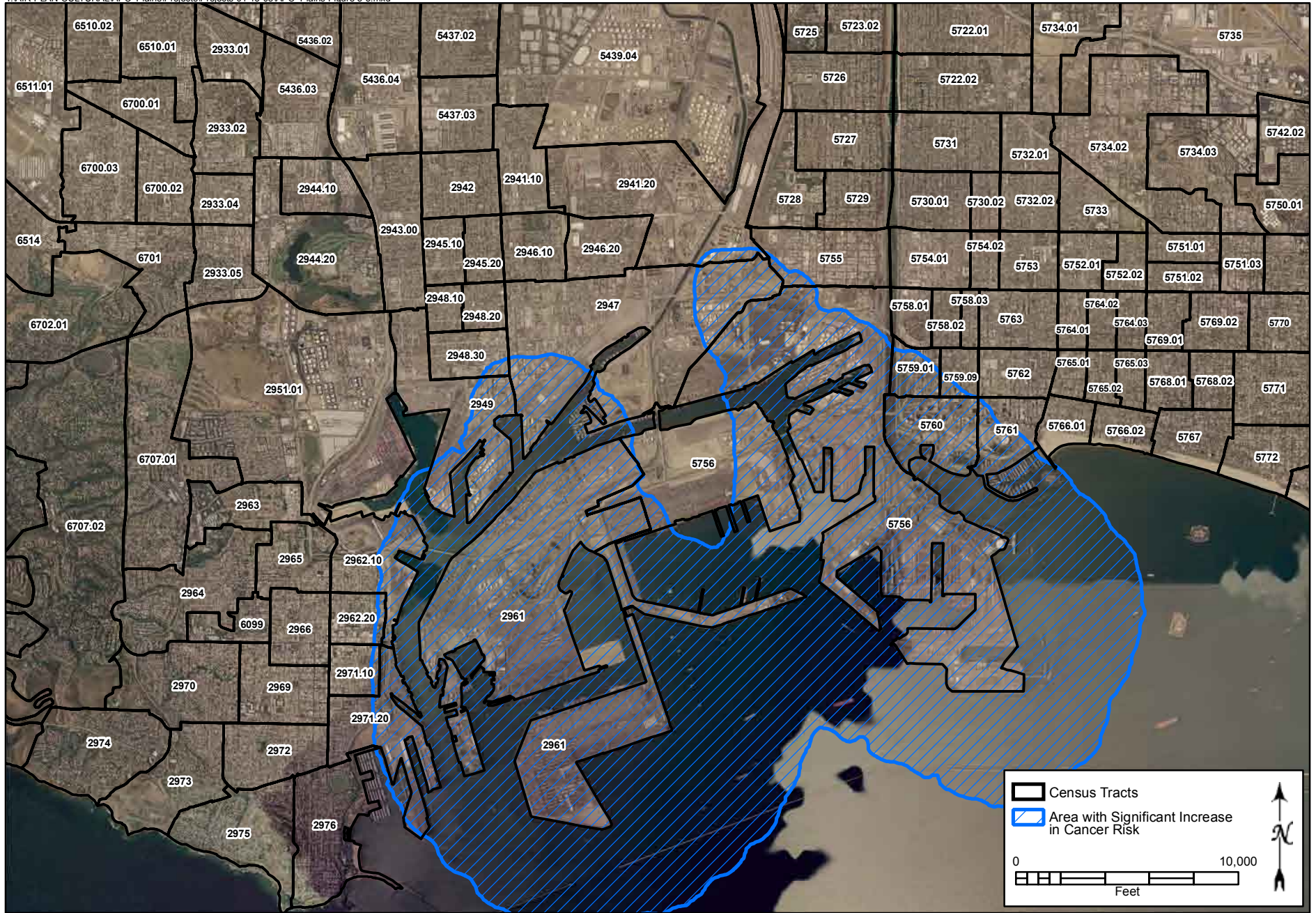
1           **Air Quality (AQ-2):** There would be substantially less construction at the proposed  
2 Project site and none at off-Port locations (e.g., pipeline sites) under the No Federal  
3 Action/No Project Alternative, due to use of Tank Farm Sites 1 and 2 for wheeled  
4 container storage rather than the Marine Terminal and related facilities. As a result,  
5 for CEQA, there would be a less than significant impact relative to **Impact AQ-2**  
6 because No Federal Action/No Project Alternative construction would not result in  
7 offsite ambient air pollutant concentrations that exceed any of the SCAQMD  
8 thresholds of significance. Therefore there would be no disproportionately high and  
9 adverse effects on minority and low-income populations with respect to **Impact AQ-2**.

10           **Air Quality (AQ-4):** Like the proposed Project, the No Federal Action/No Project  
11 Alternative operations would result in offsite ambient air pollutant concentrations of  
12 criteria air pollutants that exceed a SCAQMD threshold of significance; however  
13 mitigation measures are not possible because this alternative assumes no  
14 discretionary actions. Specifically, the No Federal Action/No Project Alternative  
15 would result in offsite exceedances of SCAQMD thresholds for annual  
16 concentrations of NO<sub>2</sub>. Similar to the proposed Project, the No Federal Action/No  
17 Project Alternative would result in an individual impact as well as making a  
18 cumulative contribution for CEQA. No air quality mitigation measures would apply  
19 to the No Federal Action/No Project Alternative.

20           Because residential areas in San Pedro, Wilmington, and Long Beach are closest to  
21 the primary source of the NO<sub>x</sub> emissions during operations (i.e., ships) and because  
22 each of these communities has a concentration of minority populations (over 50  
23 percent), with Wilmington and Long Beach also having a greater concentration of  
24 low-income populations than Los Angeles County (low-income populations  
25 constitute 32.2 percent of the population in Wilmington and 29.8 percent in Long  
26 Beach (also see Figures 5-1 and 5-2 for more detailed data on percentages of  
27 minority and low-income populations by Census block group), the elevated ambient  
28 concentrations of NO<sub>2</sub> would constitute a disproportionately high and adverse effect  
29 on minority populations and low-income populations. The potential types of human  
30 health effects from NO<sub>2</sub> would be the same as described above.

31           **Air Quality (AQ-5):** Like the proposed Project, the No Federal Action/No Project  
32 Alternative would create less than significant odor impacts under CEQA, but would  
33 make a cumulatively considerable contribution to cumulatively significant odor  
34 impacts. Because the impacts would occur in the vicinity of the Ports, which include  
35 a predominantly minority population and a low-income population concentration, the  
36 No Federal Action/No Project Alternative's contribution to **Cumulative Impact AQ-**  
37 **5** would constitute a disproportionately high and adverse effect on minority and low-  
38 income populations.

39           **Air Quality (AQ-6):** Increases in toxic emissions from operations of the No Federal  
40 Action/No Project Alternative would result in significant cancer risk impacts (i.e., an  
41 increased cancer risk of 10 or more cases in a million) compared to the CEQA  
42 Baseline. For CEQA, the affected area (with mitigation) contains all or parts of 17  
43 Census tracts (see Figure 5-3). The average minority population percentage among  
44 the Census tracts in the affected area is 78.4 percent, and the weighted average low-  
45 income population percentage is 43.3 percent. The minority and low-income  
46 percentages exceed the relevant thresholds (minority greater than 50 percent and low-  
47 income percent greater than Los Angeles County). Therefore, the increased cancer



**Figure 5-3. No Federal Action/No Project Alternative (without Mitigation) Minus CEQA Baseline: Affected Area with Increased Residential Cancer Risk of 10 in a Million Cases or More**

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1 risk would cause disproportionately high and adverse effects on minority and low-  
2 income populations under CEQA. The No Federal Action/No Project Alternative  
3 would, unlike the proposed Project, make both an individual and a cumulatively  
4 considerable and unavoidable contribution to cumulative impacts, and would cause  
5 disproportionately high and adverse effects on minority and low-income populations  
6 for CEQA due to the high percentages of minority and low-income populations in the  
7 vicinity of the Ports.

8 The No Federal Action/No Project Alternative's emissions of TACs would increase the  
9 acute and chronic non-cancer risk, but the increase would not exceed the 1.0 hazard index  
10 significance criterion at any receptor type. However, similar to the proposed Project, any  
11 increase in risk represents a cumulatively considerable contribution and would therefore  
12 result in a disproportionate impact on minority and low-income populations because of  
13 the concentrations of minority and low-income populations closest to the Ports.

14 It should be noted that port-wide air quality mitigations will be implemented through  
15 the Port's CAAP. Future rulemaking activities by the CARB and USEPA also will  
16 reduce future cumulative health impacts. The extent to which these future measures  
17 will reduce cumulative health risk impacts within the Port project area is unknown at  
18 this time.

19 **Noise (NOI-1):** Unlike the proposed Project, this alternative would not involve  
20 construction of the new Marine Terminal at Pier 400 or related construction of  
21 pipelines and other facilities. Although it would include limited construction to allow  
22 wheeled container storage at Tank Farm Site 1 and Tank Farm Site 2, this  
23 construction would not result in a significant noise impact. As a result, **Impact NOI-**  
24 **1** would be less than significant for construction noise and there would be no  
25 disproportionately high and adverse effects on minority and low-income populations.  
26 The No Federal Action/No Project Alternative also would not result in a  
27 cumulatively considerable contribution to construction noise impacts on sensitive  
28 receptors, and therefore would not result in disproportionately high and adverse  
29 effects on minority and low-income populations.

30 **Recreation (REC-1.1):** Unlike the proposed Project, construction activities in this  
31 alternative would not result in significant nor cumulatively considerable impacts that  
32 would result in a substantial loss or diminished quality of recreational, educational, or  
33 visitor-oriented opportunities, facilities, or resources. Therefore, **Impact REC-1.1**  
34 would not result in disproportionately high and adverse effects on minority and low-  
35 income populations with respect to construction phase noise effects on recreational  
36 resources.

37 **Recreation (REC-1.2):** Unlike the proposed Project, the No Federal Action/No  
38 Project Alternative would not involve new construction, but would involve increased  
39 throughput at existing marine terminals in the San Pedro Bay Ports. The No Federal  
40 Action/No Project Alternative would therefore also result in significant unavoidable  
41 individual and cumulative impacts (under CEQA only) on recreation related to  
42 potential oil spills. These impacts would comprise disproportionately high and  
43 adverse effects on minority populations and low-income populations because areas in  
44 closest proximity to the San Pedro Bay Ports, whose residents could be most affected,  
45 are predominantly minority (over 50 percent) and have a higher concentration of low-  
46 income populations.

1           **Risk (RISK-5):** The No Federal Action/No Project Alternative would not result in  
2 the significant unavoidable impacts and resulting public safety consequences  
3 associated with a terrorist attack in areas near Pier 400 and the related public safety  
4 consequences in the vicinity of the Port. As a result, it also would not result in  
5 disproportionately high and adverse effects on minority populations and low-income  
6 populations in the vicinity of the Port related to risk from a possible terrorist attack at  
7 Pier 400.

## 8           5.4.4           Reduced Project Alternative

9           Under the Reduced Project Alternative, as described in Section 2.5.2.2, construction  
10 and operation at Berth 408 would be identical to the proposed Project with the  
11 exception of the lease cap limiting throughput in certain years. However, as  
12 explained in Section 2.5.2.2, the lease cap would not change the amount of crude oil  
13 demanded in southern California, and therefore the analysis of the Reduced Project  
14 Alternative also includes the impacts of marine delivery of incremental crude oil  
15 deliveries to existing liquid bulk terminals in the San Pedro Bay Ports in years where  
16 demand exceeds the capacity of the lease-limited Berth 408.

17           As described in Section 2.5.2.2, the impact assessment for the Reduced Project  
18 Alternative also assumes existing terminals would eventually comply with the  
19 MOTEMS, that the LAHD and the Port of Long Beach would renew the operating  
20 leases for existing marine terminals, and that existing terminals would comply with  
21 CAAP measures as of the time of lease renewal (i.e., 2008 for Port of Long Beach  
22 Berths 84-87, 2015 for LAHD Berths 238-240, and 2023 for Port of Long Beach  
23 Berths 76-78).

24           To facilitate comparison of the potential for disproportionately high and adverse  
25 effects on minority and low-income populations between the proposed Project and  
26 this alternative, the remainder of this section addresses impacts identified in Section  
27 5.4.2.1; that is, impacts that, under the proposed Project, would be disproportionately  
28 high and adverse on minority and low-income populations. This section addresses in  
29 turn each of the impacts enumerated in Section 5.4.2.1 and documents whether there  
30 would be disproportionately high and adverse effects on minority and low-income  
31 populations for this alternative.

32           **Air Quality (AQ-2):** Like the proposed Project, Reduced Project Alternative  
33 construction would result in off-site ambient concentrations of criteria air pollutants –  
34 specifically, the 1-hour and annual concentration of NO<sub>2</sub>, the 24-hour concentration  
35 of PM<sub>10</sub>, and the 24-hour concentration of PM<sub>2.5</sub> – that would exceed SCAQMD  
36 thresholds of significance, even after implementation of **MM AQ-1** through **MM**  
37 **AQ-12**. This finding applies to the individual impact of the Reduced Project  
38 Alternative as well as its cumulative contribution. Since residential areas closest to  
39 the construction sites are primarily in Wilmington and have a concentration of  
40 minority populations (greater than 50 percent) and low-income population percentage  
41 greater than Los Angeles County (Figure 5-2), the elevated ambient concentrations of  
42 NO<sub>2</sub>, PM<sub>2.5</sub>, and PM<sub>10</sub> would constitute a disproportionately high and adverse effect  
43 on minority and low-income populations.

1 **Air Quality (AQ-4):** Like the proposed Project, Reduced Project Alternative  
2 operations would result in offsite ambient air pollutant concentrations of criteria air  
3 pollutants that exceed a SCAQMD threshold of significance, even after  
4 implementation of mitigation measures. Specifically, the mitigated Reduced Project  
5 Alternative would result in offsite exceedances of SCAQMD thresholds for annual  
6 concentrations of NO<sub>2</sub>. This is true for the Reduced Project Alternative's individual  
7 impact and cumulative contribution for both the CEQA and NEPA Baselines. While  
8 implementation of mitigation measures would reduce the impact of the Reduced  
9 Project Alternative, the impact would remain significant after mitigation.

10 Since residential areas in San Pedro are closest to the primary source of the NO<sub>2</sub>  
11 emissions, which are caused by ships, and San Pedro has a concentration of minority  
12 populations (Figure 5-1), the elevated ambient concentrations of NO<sub>2</sub> would  
13 constitute a disproportionately high and adverse effect on minority populations.  
14 Potential human health effects from NO<sub>2</sub> would be the same as described above  
15 under **AQ-2** in Section 5.4.2.1.

16 **Air Quality (AQ-5):** Like the proposed Project, the Reduced Project Alternative  
17 would create less than significant odor impacts under CEQA and NEPA, but would  
18 make a cumulatively considerable contribution to cumulatively significant odor  
19 impacts. Because the impacts would occur in the vicinity of the Ports, which include  
20 a predominantly minority population and a low-income population concentration, the  
21 Reduced Project Alternative's contribution to **Cumulative Impact AQ-5** would  
22 constitute a disproportionately high and adverse effect on minority and low income  
23 populations.

24 **Air Quality (AQ-6).** Increases in toxic emissions from operations of the Reduced  
25 Project Alternative would result in significant cancer risk impacts (i.e., an increased  
26 cancer risk of 10 or more cases in a million) compared to the CEQA Baseline at  
27 Reservation Point. Located approximately 0.5 mile (0.8 km) northwest of Pier 400  
28 Reservation Point contains residences for government personnel near the U.S. Coast  
29 Guard base; housing for prison wardens at the southern tip; and inmates at the  
30 Federal prison. This area is located in Census tract 2961, block group 2. The  
31 minority population percentage in the block group is 75.4 percent. The U.S. Census  
32 does not report the low-income population percentage for this block group. The  
33 minority percentage exceeds the relevant threshold (minority greater than 50  
34 percent). Therefore, the increased cancer risk would cause disproportionately high  
35 and adverse effects on minority populations under CEQA. The Reduced Project  
36 Alternative would, like the proposed Project, make both an individual and a  
37 cumulatively considerable and unavoidable contribution to cumulative impacts and  
38 would cause disproportionately high and adverse effects on minority and low-income  
39 populations for CEQA due to the high percentages of minority and low-income  
40 populations in the vicinity of the San Pedro Bay Ports. Note that the area to which  
41 the Reduced Project Alternative would make a cumulatively considerable  
42 contribution to cumulatively significant impact for residential cancer risk is larger  
43 than Reservation Point because it contains other areas in the vicinity of the San Pedro  
44 Bay Ports where toxic emissions would increase as a result of the Reduced Project  
45 (see Figures 3.2-7 and 3.2-9), though by less than 10 cases in a million.

46 In terms of non-cancer effects, the Reduced Project Alternative alone (with and  
47 without mitigations) would result in a less than significant impact for acute and

1 chronic non-cancer effects under CEQA and NEPA. However, increases in TACs  
2 from Reduced Project Alternative construction and operation, even with mitigations,  
3 would result in a cumulatively considerable contribution to cumulatively significant  
4 impacts for chronic non-cancer risks at residential and other sensitive receptors under  
5 both CEQA and NEPA, and for acute non-cancer risks at residential and other  
6 sensitive receptors under CEQA. Because the impacts would occur in the vicinity of  
7 the Port, which includes a predominantly minority population and a low-income  
8 population concentration, the contribution of the Reduced Project Alternative to  
9 cumulative non-cancer impacts would constitute a disproportionately high and  
10 adverse effect on minority populations and low-income populations. No mitigation  
11 beyond the proposed air quality mitigations identified above is proposed.

12 **Noise (NOI-1):** Like the proposed Project, the Reduced Project Alternative  
13 construction activities lasting more than 10 days in a 3-month period would exceed  
14 existing ambient exterior noise levels by 5 dB(A) or more at a noise-sensitive use.  
15 The Reduced Project Alternative would produce significant unavoidable construction  
16 noise impacts (both project and cumulative) under both CEQA and NEPA at three  
17 sensitive receptors: Area 1 (Berth 204), Area 2 (Lighthouse Yacht Landing) and Area  
18 LR-2 (Reservation Point) (see Figure 3.10-1 for locations). Despite the application of  
19 all feasible mitigation measures, construction activities at each of these locations would  
20 cause temporary and periodic noise levels substantially above existing ambient noise  
21 levels in the area.

22 Areas 1 (Berth 204) and 2 (Lighthouse Yacht Landing) are marinas with live-aboard  
23 slips in Wilmington. Pipeline construction is projected to cause a 7 dB(A) increase in  
24 noise levels at both Berth 204 and Lighthouse Yacht Landing. Area LR-2 is located  
25 on the southeastern-most tip of Reservation Point approximately 0.5 mile (0.8 km)  
26 northwest of Pier 400 and contains housing for prison wardens and naval officers.  
27 Construction would result in a temporary 11 dB(A) increase in noise levels over  
28 existing conditions at Area LR-2. Noise impacts at Areas 1, 2 and LR-2 would be  
29 temporary, but significant because they would exceed the 5 dB(A) increase criterion.

30 Areas 1 and 2 are located in Census Tract 2947, block group 3. The minority  
31 percentage for this block group is 52.6 percent which is higher than 50 percent. The  
32 low-income percentage for the block group is 12.8 percent, which would be lower  
33 than Los Angeles County. Thus, there would be disproportionate effects on minority  
34 populations from significant unavoidable noise impacts during construction at Area 1  
35 Berth 204 and Area 2 Lighthouse Yacht Landing. This alternative would make a  
36 cumulatively considerable contribution to a significant cumulative impact, due to  
37 construction period noise impacts from the Reduced Project Alternative as well as  
38 construction in other locations identified in Section 4.2.10. Like the individual  
39 impacts, these significant cumulative impacts would disproportionately affect  
40 minority populations.

41 Area LR-2 is located within Census Tract 2961, block group 2. The minority  
42 percentage for this block group is 75.4 percent, which is higher than 50 percent and  
43 also higher than Los Angeles County. The U.S. Census does not report poverty data  
44 for this block group. Census Tract 2961, a larger area, is 31 percent low-income.  
45 Based on the minority percentage for the Census block group, there would be  
46 disproportionate effects on minority populations from significant unavoidable noise  
47 impacts during construction at Area LR-2 on Reservation Point. The project would

1 make a cumulatively considerable contribution to a significant cumulative impact, due  
 2 to construction period noise impacts from the project as well as construction in other  
 3 locations identified in Section 4.2.10. Like the Project-specific impacts, these  
 4 significant cumulative impacts would disproportionately affect minority populations.

5 **Recreation (REC-1.1):** Significant unavoidable individual and cumulative  
 6 construction noise impacts and the related disproportionate effects on the minority  
 7 and low-income populations would be the same as for the proposed Project because  
 8 the same facilities would be built. Users of four recreation areas would be affected,  
 9 including two marinas at Area 1 (Berth 204) and Area 2 (Lighthouse Yacht Landing),  
 10 Area 21 (Stephen White Street and Oliver Vickery Circle Way, which was used as  
 11 the receptor location representing noise conditions at Cabrillo Beach) and conditions  
 12 in the Los Angeles Harbor for recreational boaters (represented by LR-2, Reservation  
 13 Point). (See Figure 3.10-1 for locations).

14 **Recreation (REC-1.2):** Effects would be similar to the proposed Project, due to  
 15 operations at Berth 408, but also at LAHD Berths 238-240 and at Port of Long Beach  
 16 Berths 76-78 and 84-87. In the event of an oil spill, the Reduced Project Alternative  
 17 could result in a temporary substantial loss or diminished quality of recreational,  
 18 educational, or visitor-oriented opportunities, facilities, or resources, which would be  
 19 an individually significant, cumulatively considerable, and unavoidable impact under  
 20 CEQA and NEPA. This impact would occur despite implementation of **MM RISK-**  
 21 **2.1a** (double-hulled vessels) and **MM RISK 2.1b** (quick release couplings). An  
 22 accidental oil spill during vessel offloading activities at the proposed Berth 408 could  
 23 degrade harbor fisheries, thereby diminishing the quality of recreational fishing at  
 24 Cabrillo Beach, as well as limiting or even precluding certain on-water boating  
 25 opportunities for the duration of any cleanup effort. Oil reaching recreational  
 26 marinas could coat vessels moored there and, potentially, foul cooling water intakes  
 27 and other below waterline fittings with potential adverse effects. Vessels coated with  
 28 oil would need to be cleaned prior to future use. Beaches in the vicinity of an oil spill  
 29 would potentially be oiled and require cleanup, which typically would preclude  
 30 recreational uses during the cleanup effort. Depending on the size of spill, cleanup  
 31 and the associated preclusion of recreational uses could last from several days to  
 32 several weeks or months

33 Cabrillo Beach and Fishing Pier are located in Census tract 2976, block group 9  
 34 where the minority percentage is below 50 percent and the low-income percentage is  
 35 below that of Los Angeles County. However, because these facilities and other  
 36 coastal recreational facilities and marinas at or near the San Pedro Bay Ports would  
 37 be used not just by those living close by, and because the percentages of minority and  
 38 low-income populations in the vicinity are generally higher than other areas, as well  
 39 as the fact that low-income users may rely on use of public (i.e., lower cost)  
 40 recreational resources more than other users, there would be a disproportionate effect  
 41 under both CEQA and NEPA, individually and cumulatively, on minority and low-  
 42 income residents from **Impact REC-1.2**.

43 **Risk (RISK-5):** Similar to the proposed Project, even with the application of all  
 44 possible mitigation measures, potential residual impacts related to terrorism risk from  
 45 the Reduced Project Alternative would be considered significant given the  
 46 environmental and public safety consequences associated with a successful terrorist  
 47 attack. Impacts of significant and unavoidable Reduced Project and cumulative

1 impacts from RISK-5 under both CEQA and NEPA would result in  
2 disproportionately high and adverse effects on minority and low-income populations  
3 because the impacts could occur in the vicinity of the Port, which includes a  
4 predominantly minority and a low-income population concentration.

## 5 **5.4.5 Summary of Disproportionate Effects on** 6 **Minority and Low-Income Populations**

7 Table 5-3 summarizes the effects of the proposed Project and alternatives with  
8 respect to disproportionately high and adverse effects on minority and low-income  
9 populations. Significant and unavoidable project and cumulative air quality, noise,  
10 recreation, and risk of upset impacts would constitute disproportionate effects. All  
11 other resource impacts would either be less than significant or if significant, would be  
12 limited to the proposed Project site, would not affect the public, would be mitigated  
13 to less than significant, or would otherwise not be disproportionately high and  
14 adverse effects on minority and low-income populations.

Table 5-3. Summary of Environmental Justice Effects

<i>Alternative</i>	<i>Air Quality</i>	<i>Risk of Upset &amp; Hazardous Materials</i>	<i>Noise</i>	<i>Recreation</i>	<i>Additional Considerations</i>
Proposed Project	<p>Disproportionate effects on minority populations and low-income populations from unavoidable project and cumulative impacts would occur due to:</p> <ul style="list-style-type: none"> <li>• significant impact on, and cumulatively considerable contribution to, higher ambient concentrations of NO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> during construction (<b>Impact AQ-2</b>) and NO<sub>2</sub> during operations (<b>Impact AQ-4</b>)</li> <li>• cumulatively considerable contribution to cumulatively significant impact odor impacts (<b>Impact AQ-5</b>)</li> <li>• cumulatively considerable contribution to cancer risk under CEQA (<b>Impact AQ-6</b>)</li> <li>• cumulatively considerable contribution to acute and chronic non-cancer risks under CEQA, and chronic non-cancer risks under NEPA (<b>Impact AQ-6</b>).</li> </ul>	<p>Disproportionate effects on minority populations and low-income populations from unavoidable project and cumulative impacts due to the risk and related consequences of a possible terrorist attack (<b>Impact RISK-5</b>).</p>	<p>Significant, unavoidable project construction noise impacts (<b>Impact NOI-1</b>) and related contribution to temporary cumulative impacts at three locations, including live-aboards at marinas in Area 1 (Berth 204) and Area 2 (Lighthouse Yacht Landing) and housing at Area LR-2 (Reservation Point) would result in disproportionate effects on minority populations.</p>	<p>Disproportionate effects on minority and low-income populations from significant unavoidable project and cumulative impacts to recreation related to construction noise (<b>Impact REC-1.1</b>). Four recreation areas would be affected: the two marinas at Area 1 (Berth 204) and Area 2 (Lighthouse Yacht Landing), also Area 21 (vicinity of Cabrillo Beach) and Area LR-2 (Reservation Point) representing recreational boating locations in Los Angeles Harbor. During operations, significant unavoidable impacts from potential tanker oil spills and pipeline ruptures on beaches and other coastal recreation, (<b>Impact REC-1.2</b>) and the related contribution to cumulative recreation impacts would result in disproportionate effects on minority populations and low-income populations.</p>	<p>Benefits include increased jobs and income, maximizing the use of deep-water facilities created for the purpose of accommodating VLCCs, using Pier 400 for development that is consistent with designated uses including moving liquid bulk facilities far away from residential areas, constructing infrastructure sufficient to accommodate a portion of the foreseeable volumes of crude oil expected to enter southern California from overseas sources, and providing a modern Marine Terminal that incorporates the latest technologies, designs, and safety measures.</p>

**Table 5-3. Summary of Environmental Justice Effects (continued)**

<i>Alternative</i>	<i>Air Quality</i>	<i>Risk of Upset &amp; Hazardous Materials</i>	<i>Noise</i>	<i>Recreation</i>	<i>Additional Considerations</i>
<p>No Federal Action/No Project Alternative</p>	<p>Disproportionate effects on minority populations and low-income populations from unavoidable project and cumulative impacts would occur due to the following. Note that the location and extent of operations effects would differ from proposed Project due to the different emissions footprint (e.g., due to increased throughput at existing terminals in the San Pedro Bay Ports).</p> <ul style="list-style-type: none"> <li>• significant impact on, and cumulatively considerable contribution to, ambient concentrations of NO<sub>2</sub> during operations (<b>Impact AQ-4</b>)</li> <li>• cumulatively considerable contribution to cumulatively significant impact odor impacts (<b>Impact AQ-5</b>)</li> <li>• significant impact on, and cumulatively considerable contribution to, cancer risk under CEQA (<b>Impact AQ-6</b>)</li> <li>• cumulatively considerable contribution to acute and chronic non-cancer risks under CEQA (<b>Impact AQ-6</b>).</li> </ul>	<p>No disproportionate effects.</p>	<p>No disproportionate effects.</p>	<p>Disproportionate Project and cumulative effects on minority and low-income populations during operations, due to increased tanker activity and related to risk of oil spills on beaches and other coastal recreation areas (<b>Impact REC-2.2</b>).</p>	<p>Benefits include some increase in supply from exiting marine terminals to meet a portion of the projected demand for crude oil in southern California, and avoidance of some disproportionate effects as summarized in the columns for air quality, risk of upset, noise, and recreation. Note that some land use and ground transportation impacts of the No Federal Action/No Project Alternative were found to be speculative due to lack of specificity as to type, location, and timing of impact, and therefore their significance cannot be determined. As a result, they have not been subjected to environmental justice analysis.</p>

**Table 5-3. Summary of Environmental Justice Effects (continued)**

<i>Alternative</i>	<i>Air Quality</i>	<i>Risk of Upset/Hazardous Materials</i>	<i>Noise</i>	<i>Recreation</i>	<i>Additional Considerations</i>
Reduced Project Alternative	<p>Disproportionate effects on minority populations and low-income populations from unavoidable project and cumulative impacts would occur due to the following. Note that the location and extent of operations effects would differ from proposed Project due to the different emissions footprint (e.g., due to increased throughput at existing terminals in the San Pedro Bay Ports).</p> <ul style="list-style-type: none"> <li>• significant impact on, and cumulatively considerable contribution to, higher ambient concentrations of NO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> during construction (<b>Impact AQ-2</b>) and NO<sub>2</sub> during operations (<b>Impact AQ-4</b>)</li> <li>• cumulatively considerable contribution to cumulatively significant impact odor impacts (<b>Impact AQ-5</b>)</li> <li>• significant impact on, and cumulatively considerable contribution to, cancer risk under CEQA (<b>Impact AQ-6</b>)</li> <li>• cumulatively considerable contribution to acute and chronic non-cancer risks under CEQA, and chronic non-cancer risks under NEPA (<b>Impact AQ-6</b>).</li> </ul>	Same as the proposed Project.	Same as the proposed Project.	Same as the proposed Project.	Benefits include increased jobs and income, maximizing the use of deep-water facilities created for the purpose of accommodating VLCCs, using Pier 400 for development that is consistent with designated uses including moving liquid bulk facilities far away from residential areas, constructing infrastructure sufficient to accommodate a portion of the foreseeable volumes of crude oil expected to enter southern California from overseas sources, and providing a modern Marine Terminal that incorporates the latest technologies, designs, and safety measures.

## 5.5 Public Outreach

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

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

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

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

The USACE has provided opportunities for public participation in the Draft SEIS/SEIR process through publication in the Federal Register of a Notice of Intent to prepare the SEIS, followed by a public comment period for submitting comments on the scope of the environmental analysis; publication of a Notice of Availability in the Federal Register (when the Draft SEIS/SEIR was publicly circulated), and a public comment period on the Draft SEIS/SEIR.

### 5.5.1 Alternative Forms of Distribution

This Draft SEIS/SEIR has been distributed directly to numerous agencies, organizations, and interested groups and persons for comment during the formal review period. The Draft SEIS/SEIR also has been made available for review at the LAHD Environmental Management Division, the USACE Los Angeles District Office, at three Los Angeles public library branches (Central, San Pedro, and

1 Wilmington), and the Long Beach Public Library (main branch). In addition to the  
2 printed copies, the Draft SEIS/SEIR also is available in electronic format on the  
3 LAHD website, at: [http://www.portoflosangeles.org/environment/public\\_notices.asp](http://www.portoflosangeles.org/environment/public_notices.asp),  
4 and is available at no cost on CD-ROM.

## 5 **5.5.2 Spanish Translation**

6 With a large Hispanic population adjacent to the Port, meeting notifications and  
7 executive summaries of major CEQA and NEPA documents will be provided in  
8 Spanish as well as English. The Executive Summary of this Draft SEIS/SEIR is  
9 available in a Spanish translation. The purpose is to assist Spanish-speaking  
10 members of the local community in understanding the purpose of the Draft  
11 SEIS/SEIR, project overview, project description, environmental impacts,  
12 alternatives to the proposed Project, areas of controversy, and issues to be resolved.

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

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