

SECTION 4 – ENVIRONMENTAL JUSTICE POLICY

1 This section discusses the distributional patterns of high-minority and low-income
2 populations on a regional basis and characterizes the distribution of such populations
3 adjacent to the Project. This analysis focuses on whether the Project has the potential
4 to adversely and disproportionately affect area(s) of high-minority population(s) and low-
5 income communities, thus creating a conflict with the CSLC’s Environmental Justice
6 policy.

7 **4.1 INTRODUCTION**

8 On February 11, 1994, President Clinton issued an “Executive Order on Federal Actions
9 to Address Environmental Justice in Minority Populations and Low-Income Populations”
10 designed to focus attention on environmental and human health conditions in areas of
11 high-minority populations and low-income communities and promote non-discrimination
12 in programs and projects substantially affecting human health and the environment
13 (White House 1994). The order requires the EPA and all other federal agencies (as well
14 as State agencies receiving federal funds) to develop strategies to address this issue.
15 The agencies are required to identify and address any disproportionately high and
16 adverse human health or environmental effects of the programs, policies, and activities
17 on minority and/or low-income populations.

18 In 1997, the EPA’s Office of Environmental Justice released the Environmental Justice
19 Implementation Plan, supplementing the EPA environmental justice strategy and
20 providing a framework for developing specific plans and guidance for implementing
21 Executive Order 12898. Federal agencies received a framework for the assessment of
22 environmental justice in the EPA’s Final Guidance for Incorporating Environmental
23 Justice Concerns in EPA’s National Environmental Policy Act (NEPA) Compliance
24 Analyses (1998). This approach emphasizes the importance of selecting an analytical
25 process appropriate to the unique circumstances of the potentially affected community.

26 While many State agencies have used the EPA’s Environmental Justice Implementation
27 Plan as a basis for the development of their own environmental justice strategies and
28 policies, the majority of California State agencies do not have guidance for incorporation
29 of the environmental justice impact assessment into CEQA analyses. CARB has, for
30 example, examined this issue and has received advice from legal counsel, by a
31 memorandum entitled “CEQA and Environmental Justice.” This memorandum states, in
32 part, “for the reasons set forth below, we would conclude that CEQA can readily be
33 adapted to the task of analyzing cumulative impacts/environmental justice whenever a
34 public agency (including the CARB, the air pollution control districts, and general
35 purpose land use agencies) undertakes or permits a Project or activity that may have a
36 significant adverse impact on the physical environment. All public agencies in California
37 are currently obligated to comply with CEQA, and no further legislation would be

1 needed to include an environmental justice analysis in the CEQA documents prepared
2 for the discretionary actions public agencies undertake.”

3 Under AB 1553, signed into law in October 2001, the OPR is required to adopt
4 guidelines for addressing environmental justice issues in local agencies’ general plans.
5 In 2003, OPR released an update to the General Plan Guidelines to incorporate the
6 requirements of AB 1553.

7 **4.1.1 CSLC Policy**

8 The CSLC has developed and adopted an Environmental Justice policy to ensure equity
9 and fairness in its own processes and procedures (the policy is on the CSLC website at
10 www.slc.ca.gov/Policy_Statements/Environmental_Justice_Home_Page.html). On
11 October 1, 2002, the CSLC adopted an amended Environmental Justice policy to
12 ensure that “Environmental Justice is an essential consideration in the Commission’s
13 processes, decisions and programs and that all people who live in California have a
14 meaningful way to participate in these activities.” The policy stresses equitable
15 treatment of all members of the public and commits to consider environmental justice in
16 its processes, decision-making, and regulatory affairs. The policy is implemented, in
17 part, through identification of, and communication with, relevant populations that could
18 be adversely and disproportionately affected by CSLC projects or programs, and by
19 ensuring that a range of reasonable alternatives is identified that would minimize or
20 eliminate environmental issues affecting such populations. This discussion is provided
21 in this document consistent with and in furtherance of the CSLC’s Environmental Justice
22 policy. The staff of the CSLC is required to report back to the Commission on how
23 environmental justice is integrated into its programs, processes, and activities (CSLC
24 2002).

25 **4.1.2 Methodology**

26 Analysis for the related environmental Issue area is provided below with respect to the
27 effects that would represent conflicts with the CSLC’s Environmental Justice policy, if
28 those impacts would disproportionately affect minority or low-income populations or
29 decrease these communities’ employment and or economic base.

30 **4.1.3 “Communities of Concern” Definitions**

31 Minority Populations. According to the Council of Environmental Quality (CEQ)
32 guidelines for environmental justice analysis:

33 *Minority populations should be identified where either (a) the minority population of*
34 *the affected area exceeds 50 percent or (b) the minority population percentage of*
35 *the affected area is meaningfully greater than the majority population percentage in*
36 *the general population or other appropriate unit of geographic analysis. A minority*

1 population also exists if there is more than one minority group present and the
2 minority percentage, as calculated by aggregating all minority persons, meets one of
3 the above-stated thresholds (CEQ 1997).

4 As a conservative assumption, the Environmental Justice analysis uses the CEQ
5 minority population definition to identify “communities of concern” within the Project
6 study area.

7 Low-Income Populations. The CEQ’s environmental justice guidance does not clearly
8 set the demarcations at the census poverty thresholds, but states that “Low-income
9 populations in an affected area should be identified with the annual statistical poverty
10 thresholds from the Bureau of the Census’ Current Population Reports, Series P-60 on
11 Income and Poverty.” According to the EPA’s *Final Guidance for Incorporating*
12 *Environmental Justice Concerns in EPA’s NEPA Compliance Analyses*, a minority or
13 low-income community is disproportionately affected when the community would bear
14 an uneven level of health and environmental effects compared to the general
15 population. Further, the State CEQA Guidelines recommend that the “community of
16 comparison” selected should be the smallest governmental unit that encompasses the
17 impact footprint for each resource. Therefore, the “community of comparison” for the
18 Project area was determined as the city nearest to the Project. Minority and income
19 data were obtained for all the “communities of comparison” identified.

20 **4.2 SETTING**

21 Since the Project area is located closest to the city of Isleton in Sacramento County, the
22 communities of comparison for this analysis are defined as the city of Isleton in
23 Sacramento County. There are no residential areas adjacent to the Project.

24 Information regarding racial diversity in these communities was derived from the 2010
25 Census Redistricting Data. Table 4.2-1 presents the racial composition for the city of
26 Isleton in Sacramento County.

27 The city of Isleton is estimated to have a total population of 804. Of this population, it is
28 estimated that 32.6 percent is in the minority population, while 67.4 percent of the
29 population is white in origin. Sacramento County is estimated to have a total population
30 of 1,418,788. Of this population, it is estimated that 34.3 percent is in the minority
31 population, while 65.7 percent of the population is white in origin. The data provided in
32 Table 4.2.1-1 indicate that these communities are predominately comprised of white
33 (non-minority) individuals.

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**Table 4.2.1-1.
U.S. Regional Demographic Comparison**

County / City	Total Population	White	Ethnicity of Minority Populations						
			Black or African American	American Indian and Alaskan Native	Asian	Native Hawaiian and Other Pacific Islander	Other	Two or More Races	% of Minority Population
Isleton	804	67.4%	1.2%	1.2%	5.1%	0.5%	17.3%	7.2%	32.6%
Sacramento County	1,418,788	65.7%	10.9%	1.6%	15.0%	1.1%	0.0%	5.7%	34.3%

Source: 2010 Census Redistricting Data (Public Law 94-171) Summary File

3 Hispanic or Latino Populations. As an added measure to ensure that study area minority
4 populations are adequately and fully identified, data were gathered for populations of
5 Hispanic origin. Hispanic is considered an origin, not a race, by the U.S. Census
6 Bureau. An origin can be viewed as the heritage, nationality group, lineage, or country
7 of birth of the person or the person’s parents or ancestors before their arrival in the
8 United States. People that identify their origin as Spanish, Hispanic, or Latino may be of
9 one race. Therefore, those who are counted as Hispanic are also counted under one or
10 more race categories, as shown above. In the city of Isleton, 39.3 percent of persons
11 identify themselves to be of Hispanic or Latino descent. In Sacramento County, 22.0
12 percent of persons identify themselves to be of Hispanic or Latino descent.

13 Low-Income Populations. The CEQ environmental justice guidance does not clearly set
14 the demarcations at the census poverty thresholds, but states that “low-income
15 populations in an affected area should be identified with the annual statistical poverty
16 thresholds from the Bureau of the Census’ Current Population Reports, Series P-60 on
17 Income and Poverty.”

18 Poverty level guidelines published by Department of Health and Human Services vary
19 according to a household’s size and composition. The most current poverty guidelines
20 for 2012 identify the poverty level at \$23,050 for a four-person family/household in the
21 48 contiguous States. The poverty thresholds provide one national measurement of
22 income that is not adjusted for regional costs of living. For many federal and State
23 programs serving low-income households, eligibility levels are significantly higher than
24 the poverty level.

25 Information regarding income and poverty level was derived from the 2006-2010
26 American Community Survey 5-Year Estimates. Table 4.2.1-2 provides a summary of
27 these findings for the city of Isleton and Sacramento County.

1 **Table 4.2.1-2. Socioeconomic Comparison of Proximal City to Project Area as**
 2 **Compared to Sacramento County.**

	Isleton	Sacramento County
Per Capita Income	\$19,767	\$26,953
Median Household Income	\$53,152	\$56,439
Median Family Income	\$71,538	\$73,057
Percentage of Individuals Below Poverty Level	15.0%	13.9%
Percentage of Families Below Poverty Line	12.4%	15.3%

Source: 2006-2010 American Community Survey 5-Year Estimates

3 **4.3 ANALYSIS AND CONDITIONS**

4 The analysis focuses primarily on whether the Project’s impacts have the potential to
 5 affect area(s) of high-minority populations(s) and low-income communities
 6 disproportionately, and thus would create an adverse environmental justice effect. For
 7 the purpose of the environmental analysis, the Project would be inconsistent with the
 8 CSLC’s Environmental Justice policy if it would:

- 9 • Have the potential to disproportionately affect minority and/or low-income
 10 populations adversely; or
- 11 • Result in a substantial, disproportionate decrease in employment and economic
 12 base of minority and/or low-income populations residing in the city of Isleton
 13 and/or Sacramento/San Joaquin Counties.

14 **4.3.1 Communities of Concern Identified Within the Project Study Area**

15 According to the definitions in Section 4.1.3, no communities of concern have been
 16 identified within the Project area. Populations of adjacent communities (city of Isleton
 17 specifically and Sacramento County in general) do not contain 50 percent or greater of
 18 minority populations or low-income populations.

19 **4.3.2 Air Quality and Greenhouse Gas Emissions**

20 As discussed in Section 3.3.3, Project impacts on air quality and GHGs would be less
 21 than significant. Given the absence of a significant impact affecting the local
 22 communities, no inconsistency with the CSLC’s Environmental Justice policy would
 23 result.

24 **4.3.3 Aesthetics**

25 As discussed in Section 3.3.1, Project impacts on aesthetics and visual quality would be
 26 less than significant. Given the absence of a significant impact affecting the local
 27 communities, no inconsistency with the CSLC’s Environmental Justice policy would
 28 result.

1 **4.3.4 Fisheries**

2 As discussed in Section 3.3.15, Project impacts would be less than significant. Given
3 the absence of significant impacts affecting the local communities, no inconsistency with
4 the CSLC's Environmental Justice policy would result.

5 **4.3.5 Other Resources**

6 Implementation of the Project would neither result in any employment losses nor any
7 reduction in local economic activity. Project construction would not restrict access to any
8 public facilities or areas, as the proposed pipeline would be located underground. No
9 new jobs would be created for continued operations or periodic maintenance. Given the
10 absence of local employment or significant economic activity decreases, no
11 inconsistency with the CSLC's Environmental Justice policy would result from the
12 Project.