1   ## 4.0 SOCIOECONOMIC EFFECTS AND ENVIRONMENTAL JUSTICE

2   This section addresses environmental justice issues associated with the Project, which
3   would involve the removal of an inactive marine oil terminal (MOT). This analysis
4   focuses on whether the Project has the potential to adversely and disproportionately
5   affect minority populations and/or low-income communities.

6   ### 4.1 ENVIRONMENTAL SETTING

7   This section analyzes potential impacts on minority and low-income populations within
8   the potential impact area of the Project. Evaluation of the presence or absence of these
9   populations in the Project vicinity is based on the U.S. Bureau of the Census, Census
10 2010 data.

11 ### 4.1.1 Regional

12 A summary of the racial diversity and income levels of the residents of the State of
13 California and for Contra Costa County is provided in Table 4-1. Contra Costa County
14 contains a lower percentage of minority population and low-income residents than on
15 the average for the State as a whole. Contra Costa County has a minority population of
16 41.4 percent and a poverty level rate of 9.0 percent, while the State has a minority
17 population of 42.4 percent and a poverty level rate of 13.7 percent.

18   **Table 4-1.   Summary of Census 2010 Demographics for the Region**

Location	Total Population	Percent Minority	Per Capita Income	Percent Below Poverty Level
Contra Costa County	1,049,025	41.4	$37,818	9.0
Total for California	37,253,956	42.4	$29,188	13.7

Source: U.S. Census Bureau, Census 2010

19 ### 4.1.2 Project Study Area

20 The Project would occur along the shoreline of the Carquinez Strait in an
21 unincorporated portion of Contra Costa County. The Project site is located primarily
22 offshore, with the only onshore portion being two temporary staging areas, one situated
23 within the former TXI property located southwest of the wharf and the other at the
24 selected contractor's shore base. No residential communities are in the immediate
25 vicinity of the Project site. The closest residential communities are Port Costa (located
26 about 0.6 mile northwest of the Project site) and Benicia (located about 0.75 mile
27 northeast of the Project site, across the Carquinez Strait).

1 For this analysis, a potential impact area of 0.5 mile centered on the Port Costa Wharf
2 was used. This potential impact area encompasses the Project site plus a
3 conservatively sized buffer for evaluating environmental justice implications of potential
4 Project impacts. The environmental justice study area is made up of the two Census
5 Block Groups overlapping the 0.5-mile radius impact area: Block Group 2 of Census
6 Tract 3570 and Block Group 2 of Census Tract 3180. In addition, the communities of
7 Port Costa and Benicia were included in the environmental justice analysis as the
8 closest residential communities to the Project site.

9 **4.2   REGULATORY SETTING**

10 **4.2.1   Federal**

11 Executive Order 12898, dated February 11, 1994, requires the U.S. Environmental
12 Protection Agency (USEPA) and all other Federal agencies (as well as State agencies
13 that receive Federal funding) to identify and address any disproportionately high and
14 adverse human health or environmental effects of programs, policies, and activities on
15 minority and/or low-income communities. In 1997, the Council on Environmental Quality
16 released the Environmental Justice Guidance to assist Federal agencies in their
17 compliance with Executive Order 12898. The guidance specifies that agencies should
18 examine geographic distribution by race, ethnicity, and income, as well as delineation of
19 tribal lands and resources.

20 **4.2.2   State**

21 Under Assembly Bill (AB) 1553 (October 2011), the Governor's Office of Planning and
22 Research (OPR) is required to include environmental justice procedures in its general
23 plan guidelines. The OPR updated the General Plan Guidelines in October 2003 to
24 incorporate the requirements of AB 1553. In the General Plan Guidelines,
25 environmental justice is defined as "the fair treatment of people of all races, cultures,
26 and incomes with respect to the development, adoption, implementation, and
27 enforcement of environmental laws, regulations and policies."

28 In 2002 the California State Lands Commission (CSLC) adopted an Environmental
29 Justice Policy to ensure equality and fairness in its processes, decision-making, and
30 regulatory affairs. The policy stresses the equitable treatment of all members of the
31 public and the commitment of the CSLC in considering environmental justice in its
32 programs and projects. The Policy is implemented, in part, through the identification of
33 relevant populations that could be adversely and disproportionately impacted and
34 through communication with such groups to minimize or eliminate potential
35 environmental impacts.

1 **4.2.3   Regional/Local**

2 An Environmental Justice Policy was adopted by the Contra Costa County Board of
3 Supervisors in 2003 to ensure the fair treatment of people of all races, cultures and
4 income levels. Under the Policy, the County will conduct its programs, policies and
5 activities that substantially affect human health or the environment in a manner that
6 minimizes or eliminates the impact on minority and low-income populations.

7 **4.3   CSLC ENVIRONMENTAL JUSTICE POLICY**

8 Environmental justice is defined by California law as "the fair treatment of people of all
9 races, cultures, and incomes with respect to the development, adoption,
10 implementation, and enforcement of environmental laws, regulations, and policies." This
11 definition is consistent with the Public Trust Doctrine principle that the management of
12 trust lands is for the benefit of all of the people. The CSLC adopted an environmental
13 justice policy in October 2002 to ensure that environmental justice is an essential
14 consideration in the agency's processes, decisions, and programs. Through its policy,
15 the CSLC reaffirms its commitment to an informed and open process in which all people
16 are treated equitably and with dignity, and in which its decisions are tempered by
17 environmental justice considerations.

18 As part of the CSLC environmental justice policy, the CSLC pledges to continue and
19 enhance its processes, decisions, and programs with environmental justice as an
20 essential consideration by:

21 1) Identifying relevant populations that might be adversely affected by CSLC
22   programs or by projects submitted by outside parties for its consideration.

23 2) Seeking out community groups and leaders to encourage communication and
24   collaboration with the CSLC and its staff.

25 3) Distributing public information as broadly as possible and in multiple languages,
26   as needed, to encourage participation in the CSLC's public processes.

27 4) Incorporating consultations with affected community groups and leaders while
28   preparing environmental analyses of projects submitted to the CSLC for its
29   consideration.

30 5) Ensuring that public documents and notices relating to human health or
31   environmental issues are concise, understandable, and readily accessible to the
32   public, in multiple languages, as needed.

33 6) Holding public meetings, public hearings, and public workshops at times and in
34   locations that encourage meaningful public involvement by members of the
35   affected communities.

7) Educating present and future generations in all walks of life about public access to lands and resources managed by the CSLC.

8) Ensuring that a range of reasonable alternatives is identified when siting facilities that may adversely affect relevant populations and identifying, for the CSLC's consideration, those that would minimize or eliminate environmental impacts affecting such populations.

9) Working in conjunction with Federal, State, regional, and local agencies to ensure consideration of disproportionate impacts on relevant populations, by instant or cumulative environmental pollution or degradation.

10) Fostering research and data collection to better define cumulative sources of pollution, exposures, risks, and impacts.

11) Providing appropriate training on environmental justice issues to staff and the CSLC so that recognition and consideration of such issues are incorporated into its daily activities.

12) Reporting periodically to the CSLC on how environmental justice is a part of the programs, processes, and activities conducted by the CSLC and by proposing modifications as necessary.

4.3.1   Methodology

The CSLC environmental justice policy does not specify a methodology for conducting programmatic-level analysis of environmental justice issues.

This analysis focuses primarily on whether the Project's impacts have the potential to affect areas of high-minority populations and/or low-income communities disproportionately and thus would create an adverse environmental justice effect. For the purpose of the environmental analysis, the Project's inconsistency with the CSLC's Environmental Justice Policy would occur if the Project would:

- Have the potential to disproportionately affect minority and/or low-income populations adversely; or

- Result in a substantial, disproportionate decrease in employment and economic base of minority and/or low-income populations residing in immediately adjacent communities.

4.3.2   Project Analysis

Communities of Concern Identified Within the Project Study Area

To determine whether disproportionate effects to minority or low-income populations would potentially occur due to Project activities, the "communities of concern" criteria

1   identified above have been applied to the two Census Block Groups within the study
2   area, the Census-designated place of Port Costa, and the City of Benicia.

3   **Minority Communities of Concern**

4   Table 4-2 shows a summary of minority and low-income data from the 2010 U.S.
5   Census for the four potential communities of concern (Block Group 2 of Census Tracts
6   3570 and 3180, Port Costa, and Benicia), as well as the communities of comparison
7   (Contra Costa and Solano Counties). None of the four areas analyzed has a percentage
8   of minorities that exceed 50 percent. Additionally, none has a minority percentage
9   higher than its community of comparison. Therefore, based on the minority
10 "Communities of Concern" criteria identified above, there are no minority communities of
11 concern for the Project.

12 **Table 4-2.   Minority and Low-Income Populations in Study Area Communities**

Location	Total Population	Minority Population	Percent Minority	Per Capita Income	Below Poverty Level	
					Population	**Percent**
Contra Costa Co.	**1,049,025**	**434,513**	**41.4**	**$37,818**	**94,412**	**9.0**
• Block Group 2 Census Tract 3570	1,093	206	18.8	$42,172	103	9.5
• Block Group 2 Census Tract 3180	1,128	199	17.6	$34,599	106	9.4
• Port Costa	190	18	9.5	$58,713	0	0
Solano Co.	**413,344**	**202,593**	**49.0**	**$28,649**	**42,988**	**10.4**
• Benicia	26,997	7,429	27.5	$43,112	1,404	5.2

Source: US Census Bureau, Census 2010

13 **Low-Income Communities of Concern**

14 From Table 4-2 above, none of the areas analyzed has a population below poverty level
15 of over 50 percent, but two of the areas (Block Group 2 of Census Tracts 3570 and
16 Block Group 2 of and Census Tract 3180) have a population below poverty level above
17 that of their corresponding County percentage. While Contra Costa County has a below
18 poverty level rate of 9.0 percent, Tract 3570 has a rate of 9.5 percent and Tract 3180
19 has a rate of 9.4 percent. However, these poverty rates are less than 20 percent above
20 the county level (threshold is 10.8 percent), and therefore are not considered
21 communities of concern.

1 **4.4 CONCLUSION**

2 **No Impact.** No communities of concern were identified within the study area for this
3 Project (the Port Costa wharf site). Therefore, Project activities are not likely to cause
4 disproportionately high and adverse human health or environmental effects to
5 environmental justice populations or cause a disproportionate decrease in employment
6 and economic base of minority and/or low-income populations residing in the County
7 and/or immediately surrounding cities.