

2 **4.1 ENVIRONMENTAL JUSTICE**

3 **State**

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

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

- 17 1) Identifying relevant populations that might be adversely affected by CSLC
18 programs or by projects submitted by outside parties for its consideration;
- 19 2) Seeking out community groups and leaders to encourage communication and
20 collaboration with the CSLC and its staff;
- 21 3) Distributing public information as broadly as possible and in multiple languages,
22 as needed, to encourage participation in the CSLC’s public processes;
- 23 4) Incorporating consultations with affected community groups and leaders while
24 preparing environmental analyses of projects submitted to the CSLC for its
25 consideration;
- 26 5) Ensuring that public documents and notices relating to human health or
27 environmental issues are concise, understandable, and readily accessible to the
28 public, in multiple languages, as needed;
- 29 6) Holding public meetings, public hearings, and public workshops at times and in
30 locations that encourage meaningful public involvement by members of the
31 affected communities;
- 32 7) Educating present and future generations in all walks of life about public access
33 to lands and resources managed by the CSLC;
- 34 8) Ensuring that a range of reasonable alternatives is identified when siting
35 facilities that may adversely affect relevant populations and identifying, for the
36 CSLC’s consideration, those that would minimize or eliminate environmental
37 impacts affecting such populations;

- 1 9) Working in conjunction with Federal, State, regional, and local agencies to
2 ensure consideration of disproportionate impacts on relevant populations, by
3 instant or cumulative environmental pollution or degradation;
- 4 10)Fostering research and data collection to better define cumulative sources of
5 pollution, exposures, risks, and impacts;
- 6 11)Providing appropriate training on environmental justice issues to staff and the
7 CSLC so that recognition and consideration of such issues are incorporated into
8 its daily activities;
- 9 12)Reporting periodically to the CSLC on how environmental justice is a part of the
10 programs, processes, and activities conducted by the CSLC and by proposing
11 modifications as necessary.

12 Federal

13 Executive Order (EO) 12898 “Federal Actions to Address Environmental Justice in
14 Minority Populations and Low-Income Populations” directs Federal agencies to
15 determine whether their programs, policies, and activities have disproportionately high
16 and adverse human health or environmental effects on minority and low-income
17 populations. Under the EO, low-income populations are defined as those living below
18 the poverty level. Minorities are defined as members of the following population groups:
19 American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic
20 origin; or Hispanic.

21 Affected Environment

22 The analysis area for Environmental Justice includes Census Area of Needles, CA.
23 Population and income data for the Project area that were obtained from the U.S.
24 Department of Commerce-Bureau of the 2010 Census at the census area level (Census
25 2009). Data were used from the 2010 census of the population as the 2015 data were
26 not yet available.

27 According to Council on Environmental Quality (CEQ) Guidance, communities should
28 be identified as “low income” based on the annual statistical poverty thresholds from the
29 U.S. Census Bureau (CEQ 1997). Table 4.1-1 includes per capita income, median
30 household income, and poverty rates for Needles, CA.

31 **Table 4.1-1. Population, Minorities, and Poverty Level by Census Tract**

Census Area	Total Population	Per Capita Income	Median Household Income	Percent of Households Below Poverty Level
Needles, CA ¹	4,844	\$17,906	\$30,051	27.0%

¹ U.S. Census Bureau. Information was retrieved from the US Census Bureau from the 2010 Census and the 2013 American Community Survey 5-Year Estimates at:

http://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml

1 In accordance with CEQ Guidance, minority populations should be identified if the
 2 minority population in the Project area “exceeds 50 percent” or if the percentage of
 3 minority population in the Project area is meaningfully greater than the “minority
 4 population percentage in the general population or other appropriate unit of analysis”
 5 (CEQ 1997). For this analysis, the population percentages of the various racial and
 6 ethnic groups are compared to those in Needles, CA to determine any
 7 disproportionately high and adverse effects (Table 4.1-2).

8 **Table 4.1-2. Area Demographic Breakdown**

Needles, CA ¹		
	2010 Populations:	4,844
Race	# of Individuals	% of Total for Area
White	3,669	75.7
Black or African American	95	2.0
American Indian	399	8.2
Asian	35	.7
Native Hawaiian and other Pacific Islander	9	.2
Other	323	6.7
Two or more Races	314	6.5
Hispanic or Latino (Of any Race)	1,083	22.4

¹ U.S. Census Bureau. Information was retrieved from the US Census Bureau from the 2010 Census and the 2013 American Community Survey 5-Year Estimates at:
<http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>

9 Minority populations in the Census Area did not exceed 50 percent of the analysis area
 10 for Environmental Justice. The percentage of minority population in the Census Area
 11 was not found to be meaningfully greater than the minority population percentage for
 12 Needles, CA. The minority populations present in the Needles, CA do not meet the
 13 thresholds identified for Environmental Justice analysis, therefore are not addressed
 14 further in an Environmental Justice context.

15 **Analysis/Environmental Consequences**

16 No Action Alternative

17 The no-action alternative would not result in disproportionately high and adverse human
 18 health or environmental effects on minority and low-income populations. A minority
 19 population was not identified for the analysis area. Based on the existing condition of
 20 other resources at and in the vicinity of Project area, there are no known high and
 21 adverse health or environmental effects occurring that would impact low-income
 22 populations.

23 Proposed Action (Project)

24 The Project would not result in disproportionately high and adverse human health or
 25 environmental effects on minority and low-income populations. A minority population
 26 was not identified for the analysis area. The percent of individuals below poverty levels
 27 in the Census Area is at 27.8 percent, which is 12.4 percent higher than the national
 28 average in 2010. Although Census Area shows a higher poverty rate than the national

1 average of 15.4 percent, no high and adverse human health or environmental effects
2 have been identified that may impact this Census Area.

3 Cumulative Impacts

4 There were no Environmental Justice impacts identified for Needles, CA from the
5 Project. Therefore, there would be no cumulative impacts.

6 **4.2 INDIAN TRUST ASSETS OR TRIBAL LANDS**

7 **Affected Environment**

8 Indian Trust Assets (ITAs) are legal interests in property held in trust by the United
9 States for Indian Tribes or individuals. The Secretary of the Interior, acting as the
10 trustee, holds many assets in trust. Examples of objects that may be trust assets are
11 lands, minerals, hunting and fishing rights, and water rights. While most ITAs are on
12 reservations, they may also be found off-reservations. The United States has an Indian
13 trust responsibility to protect and maintain rights reserved by or granted to Indian Tribes
14 or Indian individuals by treaties, statutes, and EOs. These are sometimes further
15 interpreted through court decisions and regulations.

16 Tribal lands are lands that have been deeded to tribes or upon which tribes have a
17 historical claim. There are no ITA or Tribal lands identified within or directly adjacent to
18 the Project area.

19 **Analysis/Environmental Consequences**

20 No Action Alternative

21 Since there are no identified ITAs or Tribal lands within the Project area and the Project
22 would not be implemented, the No Action Alternative would not result in any impacts to
23 ITAs or Tribal lands.

24 Proposed Action Alternative (Project)

25 Since there are no identified ITAs or Tribal lands within the Project area, there are no
26 anticipated impacts to ITA or Tribal lands as a result of the Project.

27 Cumulative Impacts

28 Since there are no identified ITAs or Tribal lands within the Project area, there would be
29 no anticipated cumulative impacts to ITAs or Tribal lands.