4.1 ENVIRONMENTAL JUSTICE

State

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

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

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

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

3) Distributing public information as broadly as possible and in multiple languages, as needed, to encourage participation in the CSLC’s public processes;

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

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

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

Federal

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

Affected Environment

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

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

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

<table>
<thead>
<tr>
<th>Census Area</th>
<th>Total Population</th>
<th>Per Capita Income</th>
<th>Median Household Income</th>
<th>Percent of Households Below Poverty Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Needles, CA</td>
<td>4,844</td>
<td>$17,906</td>
<td>$30,051</td>
<td>27.0%</td>
</tr>
</tbody>
</table>

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

Table 4.1-2. Area Demographic Breakdown

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

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

Analysis/Environmental Consequences

No Action Alternative

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

Proposed Action (Project)

The Project would not result in disproportionately high and adverse human health or environmental effects on minority and low-income populations. A minority population was not identified for the analysis area. The percent of individuals below poverty levels in the Census Area is at 27.8 percent, which is 12.4 percent higher than the national average in 2010. Although Census Area shows a higher poverty rate than the national...
average of 15.4 percent, no high and adverse human health or environmental effects
have been identified that may impact this Census Area.

**Cumulative Impacts**

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

### 4.2 INDIAN TRUST ASSETS OR TRIBAL LANDS

**Affected Environment**

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

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

**Analysis/Environmental Consequences**

**No Action Alternative**

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

**Proposed Action Alternative (Project)**

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

**Cumulative Impacts**

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