

1 **4.0 OTHER MAJOR AREAS OF CONCERN**

2 **4.1 COMMERCIAL FISHING**

3 **4.1.1 Environmental Setting**

4 Commercial fishing in California is primarily in ocean waters. There is a small amount of
5 commercial fishing in the Sacramento-San Joaquin Delta, consisting primarily of
6 crayfish (approximately 100,000 pounds/year), Threadfin shad (approximately 54,000
7 pounds/year), and bay shrimp (approximately 10,000 pounds/year).²⁴

8 **4.1.2 Regulatory Setting**

9 Federal and State laws and regulations pertaining to this issue area and relevant to the
10 Project are identified in Table 4.1-1.

**Table 4.1-1. Federal and/or State Laws, Regulations, and Policies Potentially
Applicable to the Project (Commercial Fishing)**

CA	Other	
		California Commercial Fishing Laws and Licensing Requirements. Commercial fishing is regulated by a series of laws passed by the Fish and Game Commission and issued each year in a summary document. Seasonal and gear restrictions within the various California Department of Fish and Wildlife (CDFW) Districts, licensing instructions and restrictions, and species-specific fishing requirements are provided in the document. Most of the MPAs have commercial fishing restrictions (based on the designation of each area), which are also listed in the summary document.

11 There are no local policies regarding commercial fishing in the Project area.

12 **4.1.3 Impact Analysis**

13 The Project would be constructed in the area of an existing wharf, outside of the main
14 channel of the San Joaquin River. The construction period would be approximately 8
15 weeks. There is no known commercial fishery in the vicinity of the wharf. As described
16 in the Biological Resources, Hydrology and Water Quality, and Hazardous Materials
17 sections, above, the Project would have no significant effects to fisheries after
18 mitigation. Therefore, the Project would have no impact to commercial fisheries.

19 **4.1.4 Mitigation Summary**

20 The Project would not result in significant impacts to Commercial Fisheries; therefore,
21 no mitigation is required.

²⁴www.waterboards.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/delta_hg/staff_report_jun06/delta_hg_tmdl_app_a_c.pdf.

1 **4.2 CSLC ENVIRONMENTAL JUSTICE POLICY**

2 Environmental justice is defined by California law as “the fair treatment of people of all
3 races, cultures, and incomes with respect to the development, adoption,
4 implementation, and enforcement of environmental laws, regulations, and policies
5 (Senate Bill 115 [Chapter 690, Statutes of 1999]).” This definition is consistent with the
6 Public Trust Doctrine principle that the management of trust lands is for the benefit of all
7 of the people. The California State Lands Commission (CSLC) adopted an
8 environmental justice policy in October 2002 to ensure that environmental justice is an
9 essential consideration in the agency’s processes, decisions, and programs. Through its
10 policy, CSLC reaffirms its commitment to an informed and open process in which all
11 people are treated equitably and with dignity, and in which its decisions are tempered by
12 environmental justice considerations.

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

- 16 1) Identifying relevant populations that might be adversely affected by CSLC
17 programs or by projects submitted by outside parties for its consideration.
- 18 2) Seeking out community groups and leaders to encourage communication and
19 collaboration with the CSLC and its staff.
- 20 3) Distributing public information as broadly as possible and in multiple languages,
21 as needed, to encourage participation in the CSLC’s public processes.
- 22 4) Incorporating consultations with affected community groups and leaders while
23 preparing environmental analyses of projects submitted to the CSLC for its
24 consideration.
- 25 5) Ensuring that public documents and notices relating to human health or
26 environmental issues are concise, understandable, and readily accessible to the
27 public, in multiple languages, as needed.
- 28 6) Holding public meetings, public hearings, and public workshops at times and in
29 locations that encourage meaningful public involvement by members of the
30 affected communities.
- 31 7) Educating present and future generations in all walks of life about public access
32 to lands and resources managed by the CSLC.
- 33 8) Ensuring that a range of reasonable alternatives is identified when siting facilities
34 that may adversely affect relevant populations and identifying, for the CSLC’s
35 consideration, those that would minimize or eliminate environmental impacts
36 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 **4.2.1 Methodology**

13 The CSLC environmental justice policy does not specify a methodology for conducting
14 programmatic-level analysis of environmental justice issues. This analysis focuses
15 primarily on whether the Project's impacts have the potential to affect areas of high-
16 minority populations and/or low-income communities disproportionately and thus would
17 create an adverse environmental justice effect. For the purpose of the environmental
18 analysis, the Project's inconsistency with the CSLC's Environmental Justice Policy
19 would occur if the Project would:

- 20 • Have the potential to disproportionately affect minority and/or low-income
21 populations adversely; or
- 22 • Result in a substantial, disproportionate decrease in employment and economic
23 base of minority and/or low-income populations residing in immediately adjacent
24 communities.

25 **4.2.2 Project Analysis**

26 The Project's limited impact on the human environment is established in various
27 sections of this document, including Sections 3.1 (Aesthetics), 3.3 (Air Quality), 3.7
28 (Greenhouse Gas Emissions), 3.8 (Hazards and Hazardous Materials), 3.9 (Hydrology
29 and Water Resources), 3.12 (Noise), 3.15 (Recreation) and 3.16
30 (Traffic/Transportation). The Project would be located in the active channel of the San
31 Joaquin River, adjacent to industrial and open space areas, and approximately 1,800
32 feet from the closest residents. Project activities would be limited to an 8-week period,
33 and noise, hazardous materials, and air quality effects to local residents would be less
34 than significant. The Project would have minor positive employment impacts, with seven
35 new workers on average at the site during the construction period. Therefore, the
36 Project would not adversely affect any populations, including minority or low-income
37 populations.

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