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, 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:

- Identifying relevant populations that might be adversely affected by CSLC programs or by projects submitted by outside parties for its consideration.
- Seeking out community groups and leaders to encourage communication and collaboration with the CSLC and its staff.
- Distributing public information as broadly as possible and in multiple languages, as needed, to encourage participation in the CSLC’s public processes.
- Incorporating consultations with affected community groups and leaders while preparing environmental analyses of projects submitted to the CSLC for its consideration.
- 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.
- Holding public meetings, public hearings, and public workshops at times and in locations that encourage meaningful public involvement by members of the affected communities.
- Educating present and future generations in all walks of life about public access to lands and resources managed by the CSLC.
- 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.

- 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.

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

- 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.

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

4.2 REGULATORY SETTING

4.2.1 Federal

Executive Order 12898, dated February 11, 1994, requires the USEPA and all other Federal agencies (as well as State agencies that receive Federal funding) to identify and address any disproportionately high and adverse human health or environmental effects of programs, policies, and activities on minority and/or low-income communities.

In 1997, the Council on Environmental Quality released the Environmental Justice Guidance to assist Federal agencies in their compliance with Executive Order 12898. The guidance specifies that agencies should examine geographic distribution by race, ethnicity, and income, as well as delineation of tribal lands and resources.

4.2.2 State

Under AB 1553 (October 2011), the Governor’s Office of Planning and Research (OPR) is required to include environmental justice procedures in its general plan guidelines. The OPR updated the General Plan Guidelines in October 2003 to incorporate the requirements of AB 1553. In the General Plan Guidelines, environmental justice is defined 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.”

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

4.2.3 Local

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

4.3 METHODOLOGY

The CSLC environmental justice policy does not specify a methodology for conducting project-specific analysis of environmental justice issues. Due to the limited extent of the Project’s impacts on the human environment, as established in Section 3 of this document, this section provides a qualitative consideration of the Project’s potential to disproportionately affect low-income or minority communities.

4.4 PROJECT ANALYSIS

The Project’s limited impact on the human environment is established in various sections of this document, including Section 3.3.1 (Aesthetics), Section 3.3.3 (Air Quality and Greenhouse Gas Emissions), 3.3.7 (Hazards and Hazardous Materials), 3.3.8 (Hydrology and Water Resources), 3.3.11 (Noise), Section 3.3.14 (Recreation) and Section 3.3.15 (Traffic/Transportation). The discussion below considers the Project’s potential to disproportionately affect any low-income or minority communities.

The Project is located on a former industrial facility and in the San Joaquin River. Surrounding land uses are largely industrial and commercial. A single residence is located at Lauritzen Yacht Harbor and the nearest extant residential neighborhood is located approximately 1½ to 2 miles to the southwest of the Project site. Due to this distance between the Project site and the nearest residential neighborhood and the small-scale and temporary nature of the outfall pipe removal and demolition, there would be no direct impact on residential communities, regardless of their socioeconomic makeup.

An additional environmental justice consideration for the Project is the nearby presence of the Antioch/Oakley Regional Shoreline Pier, which is operated by the East Bay Regional Parks District. The 550-foot pier is located in the river between Driftwood Marina and the Highway 160 (Antioch) bridge approximately 1,000 feet west of the Project site. The park is open from 5:00 a.m. to 10:00 p.m. but fishing is allowed 24
hours a day. The socioeconomic makeup of people who use the pier is unknown and is beyond the scope of this analysis due to the Project’s limited potential to affect these users. The Project would have no direct impact on pier users due to the distance from the Project site and due to the temporary nature of the outfall pipe removal and demolition activities.

The Project has the potential to temporarily impact boating in the immediate vicinity of the Project work area on the river. MM TRAF-1 requires notifying the owners of Lauritzen Yacht Harbor and Driftwood Marina, Contra Costa County Marine Patrol Support Services and the USCG of Project activities so that they can include Project information in the LNM. Notification of the USCG, Contra Costa County Marine Patrol Support Services and marinas would reduce the temporary Project impact on boating, fishing, emergency services, and other recreational or commercial uses of the river to a less than significant level. With implementation of MM TRAF-1 and due to the temporary nature of the outfall pipe removal demolition, the Project would have a less-than-significant impact on users of the river.

The Project has no potential to disproportionally affect any low-income or minority community that may reside in nearby communities or use the surrounding area for recreation or commerce. Furthermore, the CSLC is complying with its environmental justice policy by subjecting its decision on this Project to public involvement through the CEQA process, which will give people of all socioeconomic backgrounds the opportunity to learn about and comment on the Project.