

## 4 ENVIRONMENTAL JUSTICE

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### 4.1 CSLC ENVIRONMENTAL JUSTICE POLICY

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

1 consideration, those that would minimize or eliminate environmental impacts  
2 affecting such populations.

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

## 14 **4.2 REGULATORY SETTING**

### 15 **4.2.1 Federal**

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

### 24 **4.2.2 State**

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

32 In 2002 the CSLC adopted an Environmental Justice Policy to ensure equality and  
33 fairness in its processes, decision-making, and regulatory affairs. The policy stresses  
34 the equitable treatment of all members of the public and the commitment of the CSLC in  
35 considering environmental justice in its programs and projects. The Policy is

1 implemented, in part, through the identification of relevant populations that could be  
2 adversely and disproportionately impacted and through communication with such  
3 groups to minimize or eliminate potential environmental impacts.

#### 4 **4.2.3 Local**

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

### 10 **4.3 METHODOLOGY**

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

### 16 **4.4 PROJECT ANALYSIS**

17 The Project's limited impact on the human environment is established in various  
18 sections of this document, including Section 3.3.1 (Aesthetics), Section 3.3.3 (Air  
19 Quality and Greenhouse Gas Emissions), 3.3.7 (Hazards and Hazardous Materials),  
20 3.3.8 (Hydrology and Water Resources), 3.3.11 (Noise), Section 3.3.14 (Recreation)  
21 and Section 3.3.15 (Traffic/Transportation). The discussion below considers the  
22 Project's potential to disproportionately affect any low-income or minority communities.

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

31 An additional environmental justice consideration for the Project is the nearby presence  
32 of the Antioch/Oakley Regional Shoreline Pier, which is operated by the East Bay  
33 Regional Parks District. The 550-foot pier is located in the river between Driftwood  
34 Marina and the Highway 160 (Antioch) bridge approximately 1,000 feet west of the  
35 Project site. The park is open from 5:00 a.m. to 10:00 p.m. but fishing is allowed 24

1 hours a day. The socioeconomic makeup of people who use the pier is unknown and is  
2 beyond the scope of this analysis due to the Project's limited potential to affect these  
3 users. The Project would have no direct impact on pier users due to the distance from  
4 the Project site and due to the temporary nature of the outfall pipe removal and  
5 demolition activities.

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

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