

## **10.4 ENVIRONMENTAL JUSTICE**

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### 10.4.1 INTRODUCTION

The concept of environmental justice embraces the principles of fair treatment of all people regardless of race, color, nation of origin, or income and meaningful involvement of people within communities. Environmental justice communities are commonly identified as those where residents are: (1) predominantly minorities or low-income; (2) excluded from the environmental policy setting or decision-making process; (3) subject to a disproportionate impact from one or more environmental hazards; and (4) subject to disparate implementation of environmental regulations, requirements, practices and activities. Environmental justice efforts attempt to address the inequities of environmental protection within these communities. Legal authorities to support these efforts include both statutory and common-law protections. Both the federal government and the State of California have taken formal steps in recent years to address this issue. Environmental justice considerations associated with the proposed project are presented below. Potential effects related to growth inducement are discussed in Chapter 8.

### 10.4.2 ENVIRONMENTAL SETTING

Because the communities that could be affected by the proposed project are located in the areas served by the SWP and corresponding contractor service areas, vital statistics such as race, ethnic origin, and poverty status were obtained for a large number of communities spanning the State from Plumas County in the north to Kern County in the south. As described in Chapters 4 and 6, and in Section 7.1 in this EIR, the proposed project would result in changes in Table A deliveries of SWP water to state water contractors and changes in the management of water supplies through a variety of articles in the Monterey Amendment. Population, race/origin, and poverty data collected for this section of the EIR is based on the 2003 update to the 2000 U.S. Department of Commerce's Census Bureau.

In general, water supplied by the SWP is considered to be more reliable and affordable than alternative water sources and thus, improves the economy where businesses are located. Actions associated with the proposed project could make additional water supplies available for delivery to SWP contractors, particularly during drier conditions when deficiencies may occur.

#### 10.4.2.1 Regional Setting

The regional setting is defined by those SWP service areas affected by the project: the Bay service area (Solano, Napa, Alameda, and Santa Clara counties), the Central Coast service area (San Luis Obispo and Santa Barbara counties), the San Joaquin Valley service area (Kings and Kern counties), and the Southern California service area (Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura counties). Additionally, Plumas and Butte counties, and Yuba City are included in the regional setting. The same information for the State of California is presented for comparison.

The service area with the highest minority percentage of population is the Bay service area, which has a 41.2% minority population (Table 10.4-1). The service areas with the lowest

minority populations are Butte and Plumas counties, Yuba City, and the Central Coast service

**TABLE 10.4-1**

**RACE/ORIGIN CHARACTERISTICS IN 2003 BY SERVICE AREA<sup>1</sup> (%)**

| Total Population | White | Black | Amer. Indian | Asian | Haw'n/Pacific Isl. | Other | Multi | Hispanic Origin | Total percent | Total Minority |
|------------------|-------|-------|--------------|-------|--------------------|-------|-------|-----------------|---------------|----------------|
| 2,629,024        | 55.2  | 4.7   | 0.7          | 20.5  | 0.4                | 10.3  | 4.7   | 20.8            | 96.4          | 41.2           |
| 1,034,696        | 55.1  | 5.6   | 1.6          | 2.7   | 0.1                | 26.0  | 3.9   | 41.1            | 95.0          | 40.0           |
| 504,898          | 73.7  | 1.9   | 1.1          | 3.6   | 0.2                | 12.8  | 4.0   | 29.1            | 97.3          | 23.5           |
| 20,734,887       | 53.7  | 6.9   | 0.8          | 9.9   | 0.3                | 19.1  | 4.5   | 36.9            | 95.2          | 41.5           |
| 264,698          | 81.0  | 1.2   | 1.9          | 3.0   | 0.1                | 6.1   | 3.7   | 12.3            | 97.0          | 16.0           |
| 61,390           | 65.4  | 2.6   | 1.5          | 9.5   | 0.3                | 11.4  | 4.7   | 19.9            | 95.4          | 29.9           |
| 68,823           | 89.4  | 0.7   | 2.4          | 0.6   | 0.1                | 1.8   | 3.1   | 5.9             | 98.1          | 8.7            |

Notes:  
 Percentages may add to more than 100% because individuals may report more than one race. "Hispanic" is considered an origin by the Census Bureau. Therefore, those of Hispanic Origin are also counted in one of the race categories.  
 1. Statistics are for the entire county, even if only a portion is included in the service area.  
 Source: U.S. Department of Commerce, Census Bureau, 2003.

areas, with 16.0%, 29.9%, 8.7%, and 23.5% minority populations, respectively. For comparison, the State of California had a 40.5% minority population in the same year.

The service areas with the largest Hispanic origin population are the Central Valley service area and the Southern California service area, which had 41.1% and 36.9% Hispanic origin populations, respectively. The lowest Hispanic origin population from a regional environmental setting was in Plumas County, with 5.9%. During the same year, the State of California had a 32.4% Hispanic origin population.

The service areas with the highest poverty levels were the Yuba City, Central Valley, and Southern California service areas, with higher percentages of households below the poverty level than the State as a whole. The Bay service area and the Central Coast service area had poverty levels below the State average of 13.2% (see Table 10.4-2).

**TABLE 10.4-2**

**POVERTY STATISTICS IN 2003**

|                             | Service Areas |               |                |                     |              |               |             |                     |
|-----------------------------|---------------|---------------|----------------|---------------------|--------------|---------------|-------------|---------------------|
|                             | Bay           | Central Coast | Central Valley | Southern California | Butte County | Plumas County | Yuba County | State of California |
| Percent Below Poverty Level | 9             | 9.4           | 17.7           | 12.4                | 15.2         | 9.8           | 18.1        | 13.2                |

Source: U.S. Department of Commerce, Census Bureau, 2003.

**10.4.2.2 Regulatory Setting**

**Federal**

Executive Order 12898

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations", requires that each federal agency, to the greatest

extent practical and permitted by law, shall “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions...” Thus, federal agencies are to ensure that their actions do not result directly or indirectly in discrimination on the basis of color, race, or national origin, and that potential impacts on minority or low-income populations be taken into account during preparation of environmental and socioeconomic analyses of projects or programs that are proposed, funded, or licensed by federal agencies.

## **State**

### California Government Code Section 65040.12

California Government Code, Section 65040.12(e), defines environmental justice 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.” California Government Code, Section 65040.12(a) designates the Governor’s Office of Planning and Research (OPR) as the coordinating agency in state government for environmental justice programs, and requires OPR to develop guidelines for incorporating environmental justice into general plans.

### Title 14 California Code of Regulations (CCR) Section 15131

Title 14, CCR Section 15131 provides that economic or social information may be included in an EIR, but those economic or social effects shall not be considered as significant effects on the environment. In an EIR, the lead agency can trace the chain of cause and effect from the proposed decision on the project through anticipated economic or social changes resulting from the project that, in turn, lead to physical changes in the environment. Identified potential economic/social changes also can be used to determine the significance of the physical changes on the environment.

### **10.4.3 METHOD OF ANALYSIS AND SIGNIFICANCE CRITERIA**

The proposed project could be expected to alter conditions affecting local water supply reliability, revenue generating mechanisms to support future improvements (e.g., flood control and water supply projects), and water supply management and reliability for state water contractors. Water deliveries contribute important economic benefits that are experienced by residential water users, as well as by the owners, employees, and customers of a wide variety of agricultural, municipal, and industrial businesses. Municipal water utilities and irrigation districts receive water deliveries then provide water to individual residents and businesses for direct consumption and use.

Although the environmental justice approaches contained within Executive Order 12898 and California Government Code Section 65040.12 differ, the underlying intention of both regulations is the fair and equal treatment of all races, cultures, and incomes. In addition, the CEQA Guidelines, Section 15131, provide guidance in determining potential environmental justice impacts, and although the CEQA Guidelines do not recognize an economic or social change as a significant impact, social change may be considered as it relates to determining the significance of a physical change on the environment. The analysis of environmental justice impacts examines the extent to which each alternative would affect a local economy and the

different socioeconomic groups participating in the local economy. For the purposes of this chapter, qualitative methods were used to evaluate whether the proposed project would result in fair and equal treatment of minorities and low-income persons in the state water contractors' service areas.

Concerns associated with environmental justice relate to minority and low-income populations that could be disproportionately affected by implementation of a proposed project. Environmental justice impacts would be considered potentially significant if implementation of the proposed project would result in direct or cumulative impacts on the natural or physical environment that would result in a proportionately high or adverse impact on a minority or low-income population, considering the population levels or income levels of all affected groups.

#### **10.4.4 IMPACT ANALYSIS**

The proposed project would provide more flexibility with regard to SWP water deliveries available to state water contractors for delivery to communities in their service area and also water supply management measures that would result in more reliable water supplies during dry years. Because existing water supplies would not be reduced for any specific community based on race, origin, or economic status as part of the proposed project, and would likely be more reliable in the future during dry years, potential impacts that could constrain water supply availability, preclude use, or cause other environmental justice effects would not be expected to occur as a result of the proposed project.

Therefore, the proposed project would not result in unfair or unequal treatment of any socioeconomic group within the regional context described above and would not result in any disproportionately high or adverse impacts on minority or low-income communities.

##### **10.4.4.1 Cumulative Impacts**

The proposed project would not result in any environmental justice impacts and, therefore, would not contribute to cumulative impacts.

##### **10.4.4.2 Mitigation Measures**

The proposed project would not result in impacts to minority or low-income communities and, thus, no mitigation measures are required.