

3.7 ENVIRONMENTAL JUSTICE

3.7.1 Introduction

This section discusses the potential for each Project alternative to result in disproportionate impacts on minority and/or low-income populations. Primary issues of concern with regard to the Species Conservation Habitat (SCH) Project include the Project’s potential effects on local communities from air emissions during construction and the exposure or destruction of cultural resources. This environmental justice analysis assesses the extent that such impacts, should they occur, would disproportionately affect minority and/or low-income populations relative to the general public.

The study area for this analysis is based on the location of the alternatives and the location where the majority of impacts associated with the SCH Project are expected to occur. Thus, the region of influence is defined as communities within a 10-mile radius of the southern Salton Sea in Imperial County, as well as those communities that are located along the shoreline, including the cities of Westmorland, Calipatria, and Brawley, and the unincorporated communities of Niland, Salton City, Desert Shores, and Bombay Beach. The Torres Martinez Desert Cahuilla Indian Reservation, located on the Sea’s northern side, also is included in the study area.

Table 3.7-1 summarizes the impacts of the six Project alternatives on environmental justice, compared to both the existing conditions and the No Action Alternative.

Table 3.7-1 Summary of Impacts on Environmental Justice								
Impact	Basis of Comparison	Project Alternative						Mitigation Measures
		1	2	3	4	5	6	
Impact EJ-1: Construction air emissions would have a disproportionate impact on minority and low-income populations.	Existing Condition	U	U	U	U	U	U	MM AQ-1: Implement fugitive PM ₁₀ control measures. MM AQ-2: Implement diesel control measures.
	No Action	U	U	U	U	U	U	Same as Existing Condition
Impact EJ-2: Ground-disturbing activities could expose and damage undiscovered prehistoric and historic resources and result in the inadvertent discovery of human remains.	Existing Condition	S	S	S	S	S	S	MM CR-1: Prepare and implement a survey plan and an inadvertent discovery plan.
	No Action	S	S	S	S	S	S	Same as Existing Condition
Note: O = No Impact L = Less-than-Significant Impact S = Significant Impact, but Mitigable to Less than Significant U = Significant Unavoidable Impact B = Beneficial Impact								

1 **3.7.2 Regulatory Requirements**

2 Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and
3 Low-Income Populations) was issued on February 11, 1994. Executive Order 12898 is intended to focus
4 attention on environmental and human health conditions in areas of high minority populations and low-
5 income communities and promote nondiscriminatory programs and projects substantially affecting human
6 health and the environment. This Executive Order requires Federal agencies and state agencies receiving
7 Federal funds to develop strategies to address environmental justice issues. The agencies are required to
8 identify and address any disproportionately high and adverse human health or environmental effects of
9 their programs, policies, and activities on minority and low-income populations.

10 Federal agencies received a framework for the assessment of environmental justice in the United States
11 Environmental Protection Agency’s “Guidance for Incorporating Environmental Justice Concerns” and its
12 corresponding “NEPA Compliance Analysis” in 1998. Minority populations are identified where either:

- 13 • The minority population of the affected area is greater than 50 percent of the affected area’s general
14 population; or
15 • The minority population percentage of the area is meaningfully greater than the minority population
16 percentage in the general population or other appropriate unit of geographic analysis.

17 In 1997, the President’s Council on Environmental Quality also issued environmental justice guidance
18 that defines minority and low-income populations as follows:

- 19 • Minorities are identified as individuals who are members of the following population groups:
20 American Indian or Alaskan Native; Asian or Pacific Islander; Black not of Hispanic origin; or,
21 Hispanic (without double-counting nonwhite Hispanics falling into the Black/African-American,
22 Asian/Pacific Islander, and Native American categories).
23 • Low-income populations are identified as populations with mean annual incomes that fall below the
24 annual statistical poverty level.

25 In this section, the definitions of minority and low-income populations are based upon the 1997 Council
26 on Environmental Quality Guidance, and they are considered applicable when a defined area’s total
27 population is 50 percent or more minority or low income (in this case, the communities within the study
28 area represent the “defined area” of analysis). The general area is Imperial County.

29 California law defines environmental justice as “the fair treatment of people of all races, cultures and
30 income with respect to the development, adoption, implementation, and enforcement of environmental
31 laws, regulations, and policies” (Government Code section 65040.12 and Public Resources Code section
32 72000). In conformance with this law, it is the California Natural Resources Agency’s policy that the fair
33 treatment of people of all races, cultures, and income be fully considered during the planning, decision
34 making, development, and implementation of all Natural Resources Agency programs, policies, and
35 activities. The intent of this policy is to ensure that the public, including minority and low-income
36 populations, are informed of opportunities to participate in the development and implementation of all
37 Natural Resources Agency programs, policies, and activities, and that they are not discriminated against,
38 treated unfairly, or caused to experience disproportionately high and adverse human health or
39 environmental effects from environmental decisions (California Department of Water Resources [DWR]
40 and California Department of [DFG] 2007).

3.7.3 Affected Environment

Data presented in the following subsections are based upon information from the U.S. Census American FactFinder, which is considered the most comprehensive data currently available for these communities. American Community Survey estimates are used to produce the Fact Sheets and are based on data collected over a 5-year time period. The estimates represent the average characteristics of population and housing between January 2005 and December 2009 and do not represent a single point in time.

3.7.3.1 Population and Ethnicity

Table 3.7-2 provides data on population by race for Imperial County and the cities and communities in the Project vicinity. As shown in this table, minority populations comprise the majority of the population in Imperial County, and persons of Hispanic or Latino origin represent the greatest majority of the minority population. With the exception of Niland, Salton City, and Bombay Beach, the communities within the region of influence are similar in ethnic composition to the total county population, but only Westmorland has a minority population that is greater than that of the county as a whole, and only by a small percentage (its non-Hispanic white population is 15.4 percent, as opposed to 16.7 percent for the entire county). All of the communities, except for these three, have total minority populations greater than 50 percent.

Table 3.7-2 Distribution of Minority Populations in the Vicinity of the Project Area								
Ethnicity	Number of People (Percent of Population)							
	Imperial County	Westmorland	Brawley	Niland	Salton City	Calipatria	Desert Shores	Bombay Beach
White (non-Hispanic)	26,646 (16.7)	249 (15.4)	3,925 (17.5)	438 (33.0)	602 (43.7)	1,415 (18.6)	159 (20.1)	177 (63.0)
Hispanic	121,781 (76.1)	1,331 (82.2)	17,370 (77.4)	859 (64.6)	731 (53.0)	4,538 (59.5)	632 (79.9)	0
Black	5,783 (3.6)	16 (1.0)	766 (3.4)	0	97 (7.0)	1,359 (17.8)	0	94 (33.5)
Native American	2,628 (1.6)	38 (2.3)	120 (0.5)	0	0	106 (1.4)	0	10 (3.6)
Asian	3,334 (2.1)	0	368 (1.6)	32 (2.4)	19 (1.4)	75 (1.0)	0	0
Native Hawaiian/ Pacific Islander	144 (0.1)	0	0	0	0	43 (0.6)	0	0
Some other race	30,164 (18.8)	164 (10.1)	4,253 (19.0)	34 (2.6)	302 (21.9)	1,083 (14.2)	40 (5.1)	0
Two or more races	3,960 (2.5)	27 (1.7)	740 (3.3)	26 (2.0)	16 (1.2)	238 (3.1)	0	0
Total Population	160,034	1,620	22,438	1,329	1,379	7,623	791	281

Note: Hispanics may be of any race, so are included in applicable race categories; thus, percentage may not equal 100.
Source: U.S. Census Bureau 2011

1 **3.7.3.2 Low-Income Populations**

2 The U.S. Census Bureau uses a set of income thresholds that vary by family size and composition to
 3 detect poverty; poverty thresholds by family size are shown in Table 3.7-3.

Table 3.7-3 Poverty Thresholds by Family Size (2009)

Family Size	Annual Income	Family Size	Annual Income	Family Size	Annual Income
1	\$10,830	4	\$17,029	7	\$33,270
2	\$14,570	5	\$20,127	8	\$37,010
3	\$18,310	6	\$29,530	9 or more	\$34,417

Source: U.S. Department of Health and Human Services 2011

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5 As shown in Table 3.7-4, Niland experiences the greatest percentage of persons living below the poverty
 6 level of any of the communities in the Project area (45.4 percent) and has the second lowest median
 7 family income (\$21,987). Desert Shores has the lowest percentage of persons living below the poverty
 8 level (7.8 percent). Westmorland, Brawley, Niland, Salton City, and Bombay Beach each have a greater
 9 percentage of the population living below the poverty level than the county as a whole.

Table 3.7-4 Economic Profile of the Project Area (2000)

Population Characteristic	Imperial County	Westmorland	Brawley	Niland	Salton City	Calipatria	Desert Shores	Bombay Beach
Total Population	160,034	1,620	22,438	1,329	1,379	7,6232	791	281
Percent of Persons below the Poverty Level	21.2	22.3	25.0	45.4	27.0	19.5	7.8	39.1
Median Household Income	\$37,595	\$28,397	\$35,260	\$19,837	\$32,273	\$44,400	\$30,000	\$17,955
Median Family Income	\$42,229	\$32,446	\$39,674	\$21,987	\$33,465	\$45,236	\$48,839	\$26,307

Source: U.S. Census Bureau 2011

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11 **3.7.4 Impacts and Mitigation Measures**

12 **3.7.4.1 Impact Analysis Methodology**

13 Demographic data for the study area were collected to identify minority and low-income populations.
 14 Following the identification of these populations, each of the resource or issue-area impact analyses
 15 contained in this Environmental Impact Statement/Environmental Impact Report were reviewed to
 16 determine if the SCH Project’s significant impacts would result in a disproportionate health or
 17 environmental impact on minority and/or low-income populations.

1 3.7.4.2 Thresholds of Significance

2 *Significance Criteria*

3 Impacts associated with environmental justice would be significant if the Project would:

- 4 • Result in a disproportionate human health or significant environmental impact on minority and/or
- 5 low-income populations; or
- 6 • Result in a disproportionate decrease in the employment and/or economic base of minority and/or
- 7 low-income populations working or residing in the area surrounding the Project area.

8 *Application of Significance Criteria*

9 A summary of the overall methodology used in applying the significance criteria to the Project
10 alternatives follows:

- 11 • **Result in a disproportionate human health or significant environmental impact on minority**
12 **and/or low-income populations** – The Project would be located in a sparsely populated area; the
13 only nearby residents are a small number of residents and campers at Red Hill Park, which is adjacent
14 to the proposed Alamo River sites. Many impacts would be minor (less than significant) and localized
15 and would not have the potential to affect minority and low-income populations. The Project would
16 restore a portion of the habitat that would be lost as the Salton Sea’s salinity level increases and the
17 Sea’s water surface elevation decreases. It also would cover exposed playa, reducing fugitive dust
18 emissions throughout the Project’s lifetime. As such, it would have long-term benefits to biological
19 resources, aesthetics, recreational resources, and air quality. This analysis focuses on the potential for
20 health and safety impacts from air emissions, impacts from the permanent conversion of land under
21 Williamson Act contracts to nonagricultural use, and disturbance of cultural resources sites.
- 22 • **Result in a disproportionate decrease in the employment and/or economic base of minority**
23 **and/or low-income populations working or residing in the area surrounding the Project area** –
24 As discussed in Section 3.19, Socioeconomics, the SCH Project would create jobs, primarily during
25 construction, and would not result in the loss of jobs or adversely affect the local economy. Thus, this
26 impact is not discussed further.

27 3.7.4.3 No Action Alternative

28 The description of the impacts of the No Action Alternative that is included in the *Salton Sea Ecosystem*
29 *Restoration Program Final Programmatic Environmental Impact Report (PEIR)* (DWR and DFG 2007)
30 is applicable to the SCH Project and summarized below. This alternative would involve construction and
31 operations and maintenance activities associated with pupfish channels and relocating recreational
32 facilities as the Salton Sea recedes. Construction of facilities under the No Action Alternative would
33 potentially expose workers and people that live near or visit the Salton Sea shoreline to dust, vehicle
34 emissions, release of contaminants from the seabed sediments, and noise. Following construction,
35 workers and visitors on the seabed could be exposed to dust from exposed playa and vehicle emissions
36 caused by operations and maintenance activities. Cultural resources on the seabed could be disturbed
37 during construction, which could affect minority populations.

38 Land use plans for portions of the currently inundated seabed on the Torres Martinez Desert Cahuilla
39 Indian’s tribal lands could be implemented under the No Action Alternative because water would no
40 longer continue to inundate these areas.

1 Under the No Action Alternative, the fish would probably disappear from the Salton Sea before the end of
2 Phase I. Prior to this time, fish capture and consumption would be expected to decline to a level that risks
3 associated with fish consumption would be negligible because few, if any, fish from the Salton Sea would
4 be consumed on a regular basis. However, fish would still persist in the river estuaries. Safe consumption
5 rates for fish in the No Action Alternative would be higher in the New and Alamo river estuaries, but
6 lower in the Whitewater River estuary, than from aquatic habitats associated with existing conditions.

7 Although habitat conditions (including specific food web organisms) would change under the No Action
8 Alternative, waterfowl would be expected to continue to feed at the Salton Sea, especially in nearshore
9 areas and in the estuarine habitats at the mouths of rivers where elevated selenium concentrations are
10 located. Safe consumption rates for waterfowl under the No Action Alternative would be higher in the
11 Alamo River, but lower in the New and Whitewater rivers, than from aquatic habitats associated with
12 existing conditions.

13 3.7.4.4 Alternative 1 – New River, Gravity Diversion + Cascading Ponds

14 **Impact EJ-1: Construction emissions would have a disproportionate impact on minority and low-**
15 **income populations (significant impact).** As discussed in Section 3.3, Air Quality, Alternative 1 would
16 The Project would contribute incrementally to violations of Federal and state ozone (O₃) and particulate
17 matter (PM₁₀, and PM_{2.5}) standards and exceed the Imperial County Air Pollution District's nitrogen
18 oxides (NO_x) and PM₁₀ thresholds during construction. These pollutants can have adverse human health
19 effects like chronic respiratory disease, effects on pulmonary function, increased infant mortality,
20 cardiovascular, and respiratory disease levels.

21 The nearest residential community to the Alternative 1 site is Westmorland, approximately 6 miles south.
22 Westmorland contains a predominantly minority population (only 15.4 percent is identified as white and
23 non-Hispanic), which is a greater than the percentage in Imperial County as a whole. As discussed in
24 Section 3.3, Air Quality, wind patterns in the southeastern Salton Sea tend to blow air toward the
25 southeast. Therefore, the potential exists for construction-related emissions to travel into Westmorland.
26 Due to the known human health effects of NO_x and PM₁₀, this impact would constitute a
27 disproportionately high and adverse effect on a minority population. As discussed above, a number of
28 communities in the study, including Westmorland, have a higher percentage of persons living below the
29 poverty level than the county as a whole, and air emissions also would have a disproportionately higher
30 impact on low-income populations. This impact would be significant when compared to both the existing
31 environmental setting and the No Action Alternative.

32 *Mitigation Measures*

33 **MM AQ-1:** Implement fugitive PM₁₀ control measures.

34 **MM AQ-2:** Implement diesel control measures.

35 *Residual Impact*

36 Implementation of the mitigation measures described above would reduce the PM₁₀ and NO_x impacts, but
37 they would not be sufficient to reduce impacts to below the applicable thresholds; thus, the impact would
38 be significant and unavoidable.

39 **Impact EJ-3: Ground-disturbing activities could expose and damage undiscovered prehistoric and**
40 **historic resources and result in the inadvertent discovery of human remains (significant impact).**
41 The Project would be located in an archaeologically sensitive area, and the potential exists to uncover
42 significant, buried, previously unknown prehistoric resources, historic resources, or human remains
43 associated with the area's historical occupation by both Native Americans and Euroamericans, which

1 would have a disproportionate effect on Native Americans living in the study area. This impact would be
2 significant when compared to both the existing environmental setting and the No Action Alternative.

3 *Mitigation Measures*

4 **MM CR-1:** Prepare and implement a survey plan and an inadvertent discovery plan.

5 *Residual Impact*

6 Implementation of MM CR-1 would reduce potential impacts on unknown cultural resources and
7 inadvertently discovered human remains to a less-than-significant level because significant resources
8 would be identified and either avoided or subject to a data recovery program that complied with
9 regulatory agency requirements.

10 3.7.4.5 Alternative 2 – New River, Pumped Diversion

11 **Impact EJ-1: Construction emissions would have a disproportionate impact on minority and low-**
12 **income populations (significant impact).** The discussion under Alternative 1 is applicable to Alternative
13 2. MM AQ-1 and MM AQ-2 also are applicable to Alternative 2, but would not reduce the impact to less
14 than significant.

15 **Impact EJ-2: Ground-disturbing activities could expose and damage undiscovered prehistoric and**
16 **historic resources and result in the inadvertent discovery of human remains (significant impact).**
17 The discussion under Alternative 1 is applicable to Alternative 2. MM CR-1 also is applicable to
18 Alternative 2 and would reduce the impact to less than significant.

19 3.7.4.6 Alternative 3 –New River, Pumped Diversion + Cascading Ponds

20 **Impact EJ-1: Construction emissions would have a disproportionate impact on minority and low-**
21 **income populations (significant impact).** The discussion under Alternative 1 is applicable to Alternative
22 3. MM AQ-1 and MM AQ-2 are applicable to Alternative 3, but would not reduce the impact to less than
23 significant.

24 **Impact EJ-2: Ground-disturbing activities could expose and damage undiscovered prehistoric and**
25 **historic resources and result in the inadvertent discovery of human remains (significant impact).**
26 The discussion under Alternative 1 is applicable to Alternative 3. MM CR-1 also is applicable to
27 Alternative 3 and would reduce the impact to less than significant.

28 3.7.4.7 Alternative 4 – Alamo River, Gravity Diversion + Cascading Pond

29 **Impact EJ-1: Construction emissions would have a disproportionate impact on minority and low-**
30 **income populations (significant impact).** The discussion under Alternative 1 is applicable to Alternative
31 4, except the PM₁₀ threshold would not be exceeded. MM AQ-2 is applicable to this alternative, but
32 would not reduce the impact to less than significant.

33 **Impact EJ-2: Ground-disturbing activities could expose and damage undiscovered prehistoric and**
34 **historic resources and result in the inadvertent discovery of human remains (significant impact).**
35 The discussion under Alternative 1 is applicable to Alternative 4. MM CR-1 also is applicable to
36 Alternative 4 and would reduce the impact to less than significant.

37 3.7.4.8 Alternative 5 – Alamo River, Pumped Diversion

38 **Impact EJ-1: Construction emissions would have a disproportionate impact on minority and low-**
39 **income populations (significant impact).** The discussion under Alternative 1 is applicable to Alternative

1 5, except the PM₁₀ threshold would not be exceeded. MM AQ-2 is applicable to this alternative, but
2 would not reduce the impact to less than significant.

3 **Impact EJ-2: Ground-disturbing activities could expose and damage undiscovered prehistoric and**
4 **historic resources and result in the inadvertent discovery of human remains (significant impact).**
5 The discussion under Alternative 1 is applicable to Alternative 5. MM CR-1 also is applicable to
6 Alternative 5 and would reduce the impact to less than significant.

7 3.7.4.9 Alternative 6 – Alamo River, Pumped Diversion + Cascading Ponds

8 **Impact EJ-1: Construction emissions would have a disproportionate impact on minority and low-**
9 **income populations (significant impact).** The discussion under Alternative 1 is applicable to Alternative
10 6, except the PM₁₀ threshold would not be exceeded. MM AQ-2 is applicable to this alternative, but
11 would not reduce the impact to less than significant.

12 **Impact EJ-2: Ground-disturbing activities could expose and damage undiscovered prehistoric and**
13 **historic resources and result in the inadvertent discovery of human remains (significant impact).**
14 The discussion under Alternative 1 is applicable to Alternative 6. MM CR-1 also is applicable to
15 Alternative 6 and would reduce the impact to less than significant.

16 3.7.5 References

17 California Department of Water Resources (DWR) and California Department of Fish and Game (DFG).
18 2007. Salton Sea Ecosystem Restoration Program Final Programmatic Environmental Impact
19 Report.

20 U.S. Census Bureau. 2011. *American FactFinder*. Website
21 (http://factfinder.census.gov/home/saff/main.html?_lang=en) accessed January 24, 2011.

22 U.S. Department of Health & Human Services. 2011. *The 2009 HHS Poverty Guidelines*. Website
23 (<http://aspe.hhs.gov/poverty/09poverty.shtml>) accessed January 25, 2011.

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