

This chapter analyzes and evaluates the potential environmental effects on minority and low-income populations relating to environmental justice. Evaluation of environmental justice issues is mandated and regulated primarily at the federal level and is not required for the Long-Term Operations of the State Water Project (SWP) facilities in the Sacramento–San Joaquin Delta, Suisun Marsh, and Suisun Bay (Proposed Project) under the California Environmental Quality Act (CEQA); however, state legislation, executive orders, and policies instruct state agencies to consider the impacts of their actions on environmental justice (minority and low-income) communities. The California Department of Water Resources has included this environmental justice discussion and evaluation in this Environmental Impact Report to document consideration of environmental justice concerns and for informational purposes. The environmental justice analysis is based on a review of relevant demographic data to define the relative proportion of minority and low-income populations within the Project area to determine whether the Proposed Project would result in environmental justice effects on the relevant populations.

8.1 Regulatory Setting

8.1.1 Federal

8.1.1.1 Executive Order 12898

Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, provides that “each Federal agency 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” (Council on Environmental Quality 1997). The EO makes clear that its provisions apply fully to programs involving Native Americans.

The Council on Environmental Quality (CEQ) and U.S. Environmental Protection Agency established National Environmental Policy Act (NEPA) guidelines to assist federal agencies in the analysis of environmental justice. The following guidelines are used to determine if minority populations are present in a study area:

- The minority population of the affected area exceeds 50 percent, or
- The population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographical analysis.

The CEQ guidelines do not specifically state the percentage considered meaningful in the case of low-income populations. However, the U.S. Census Bureau designates geographical areas with poverty rates at and above 20 percent as poverty areas. This criterion is used to determine if a region or county is considered to be a poverty area.

In most portions of the study area, the availability of Central Valley Project (CVP) and SWP water supplies directly or indirectly affects most of the population within a county. Therefore, the entire population of each county in the study area is considered to determine whether minority or low-income areas could be affected by the Proposed Project.

The availability of CVP and SWP water supplies also affects agricultural productivity and employment. The 2019–2020 California Findings from the National Agricultural Works Study data show that the vast majority of crop workers in California are Spanish-speaking (89 percent) and born in Mexico (84 percent) (U.S. Department of Labor 2022). In addition, an estimated 20 percent of farmworker families in California live in poverty according to the federal poverty standard.

Consideration of EO 12898 is required under NEPA, but is not required under CEQA.

8.1.1.2 Executive Order 14008

On January 27, 2021, President Biden signed EO 14008 on *Tackling the Climate Crisis at Home and Abroad*. EO 14008 established several new environmental justice initiatives and builds on the foundational efforts of EO 12898 on federal actions to address environmental justice in minority and low-income populations. This update to EO 12898 related to environmental justice initiatives does not affect how environmental justice is analyzed under NEPA. Consideration of EO 14008 is not required under CEQA.

8.1.1.3 Executive Order 14096

On April 21, 2023, President Biden issued EO 14096, *Revitalizing Our Nation's Commitment to Environmental Justice for All*, updating President Clinton's EO 12898 issued in 1994, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. President Biden's EO broadens the scope of the Clinton order and offers agencies specific guidance on how to take environmental justice-related concerns into consideration while fulfilling their statutory mandates, including NEPA. Although EO 14096 introduces new guidelines regarding environmental justice communities and expands NEPA analysis to include additional demographics, no new NEPA guidance from CEQ and U.S. Environmental Protection Agency have been released to address EO 14096's new policies and guidelines. Consideration of EO 14096 is not required under CEQA.

8.1.2 State

8.1.2.1 California Natural Resources Agency (2003) Environmental Justice Policy

This policy directs state agencies to fully consider the fair treatment of people of all races, cultures, and income during the planning, decision-making, development, and implementation of all California Natural Resources Agency (CNRA) programs, policies, and activities. The intent of this policy is to ensure that the public, including minority and low-income populations, is informed of opportunities to participate in the development and implementation of all CNRA programs, policies, and activities, and that they are not discriminated against, treated unfairly, or caused to experience disproportionately high and adverse human health or environmental effects from environmental decisions (California Natural Resources Agency 2003).

8.1.2.2 California Environmental Protection Agency (2004) Environmental Justice Strategy

California Public Resource Code Section 71110 directs the California Environmental Protection Agency (CalEPA) in designing its mission for programs, policies, and standards, to do all of the following:

- a) Conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.
- b) Promote enforcement of all health and environmental statutes within its jurisdiction in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations in the state.
- c) Ensure greater public participation in the agency's development, adoption, and implementation of environmental regulations and policies.
- d) Improve research and data collection for programs within the agency relating to the health of, and environment of, people of all races, cultures, and income levels, including minority populations and low-income populations of the state.
- e) Coordinate its efforts and share information with the United States Environmental Protection Agency.
- f) Identify differential patterns of consumption of natural resources among people of different socioeconomic classifications for programs within the agency.
- g) Consult with and review any information received from the Working Group on Environmental Justice established to assist the California Environmental Protection Agency in developing an agencywide strategy pursuant to Section 71113 that meets the requirements of this section.

Further, Public Resource Code Section 71113 directs the Secretary for Environmental Protection to convene a Working Group on Environmental Justice to assist CalEPA in developing an agencywide strategy for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.

In August 2004, CalEPA published its Intra-Agency Environmental Justice Strategy, which strives to ensure meaningful public participation and promote community capacity building for effective participation in environmental decision-making processes and promotes integration of environmental justice into the formation, implementation, and enforcement of environmental laws, regulations, and policies, among other goals (California Environmental Protection Agency 2004).

8.2 Background

The counties within or adjacent to the Project area include Alameda, Contra Costa, Sacramento, San Joaquin, Solano, Sutter, and Yolo counties. The communities in the Project area are within or adjacent to these seven counties are collectively referred to as the Project region for this discussion.

8.2.1 Minority Populations

The total population of the Project area is approximately 5,932,726 in 2022 (U.S. Census Bureau 2022). About 63.7 percent of this population identified themselves as a racial minority and/or of Hispanic or Latino origin, regardless of race, as presented in Table 8-1. Minority populations accounted for 50 percent or more of the total population in all seven counties of the Project region.

Table 8-1. Minority Population Distribution within the Project Area, 2022

	Total Population	Races								Total Minority ^{a,b}
		White	Black/ African American	American Indian and Native Alaskan	Asian	Native Hawaiian and Other Pacific Islander	Two or More Races	Hispanic or Latino Origin	White, Not Hispanic or Latino Origin	
Alameda County	1,628,259	47.1%	10.7%	1.1%	34.5%	0.9%	5.6%	22.2%	28.8%	75%
Contra Costa County	1,156,966	62.8%	9.5%	1.1%	20.2%	0.6%	5.8%	25%	39.8%	60.2%
Sacramento County	1,584,169	60.9%	10.8%	1.6%	18.3%	1.3%	7.1%	24.5%	41.4%	58.6%
San Joaquin County	793,229	63.6%	8.3%	2.1%	19.5%	0.9%	5.7%	43.1%	27.3%	72.7%
Solano County	448,747	58.3%	14.4%	1.3%	17.4%	1.1%	7.5%	29.1%	34.4%	65.6%
Sutter County	98,503	70.9%	2.8%	2.4%	18.2%	0.4%	5.2%	33.3%	42.3%	57.7%
Yolo County	222,115	72.1%	3.3%	1.8%	16.0%	0.6%	6.2%	32.3%	44.0%	56.0%
Total Project Region	5,932,726	62.2%	8.5%	1.6%	20.6%	0.8%	6.2%	29.9%	36.9%	63.7%
STATE OF CALIFORNIA	39,029,342	70.7%	6.5%	1.7%	16.3%	0.5%	4.3%	40.3%	34.7%	65.3%

Source: U.S. Census Bureau 2022 ([U.S. Census Bureau QuickFacts: United States](#)).

^a *Total Minority* is the aggregation of all non-white racial groups with the addition of all Hispanics, regardless of race, with the total for *White alone, Not Hispanic* subtracted from the total population.

^b The potential for double counting exists because some individuals identify as of Hispanic and Latino origin and of a certain race.

8.2.2 Poverty Levels

As shown in Table 8-2, 12.1 percent of the population in the Project area was below the poverty level (U.S. Census Bureau 2022). None of the counties in this area are defined as poverty areas.

Table 8-2. Population below Poverty Level within the Project Region, 2022

Areas	Total Population	Population Below Poverty Level	Percent of Population Below Poverty Level
Alameda County	1,628,997	164,529	10.1%
Contra Costa County	1,156,966	101,813	8.8%
Sacramento County	1,584,169	205,942	13.0%
San Joaquin County	793,229	97,567	12.3%
Solano County	448,747	44,875	10.0%
Sutter County	98,503	15,268	15.5%
Yolo County	222,115	32,873	14.8%
Total Project Region	5,932,726	662,867	12.1%
STATE OF CALIFORNIA	39,029,342	4,761,580	12.2%

Source: U.S. Census Bureau 2022 ([U.S. Census Bureau QuickFacts: United States](#)).

^a Population numbers are only those for whom poverty status was determined and exclude institutionalized individuals.

8.3 Environmental Impacts and Mitigation Measures

8.3.1 Thresholds of Significance

This analysis considers changes in factors that affect environmental justice or minority and low-income populations in the Project area.

The CEQ NEPA guidance provides the following three factors to be considered for determination if disproportionately high and adverse impacts may accrue to minority or low-income populations. This section is provided for informational purposes and is not a requirement of CEQA. No CEQA conclusions are drawn from the discussion in this chapter.

The following criteria were used to evaluate the impacts on minority and low-income populations resulting from the Proposed Project.

- Whether there is or would be an impact that results in a disproportionately high and adverse human health and environmental impact, including social and economic effects, on environmental justice populations.
- Whether the environmental effects may have an adverse impact on environmental justice populations that appreciably exceeds or is likely to appreciably exceed those on the general population or other appropriate comparison group.
- Whether the environmental effects occur or would occur in an environmental justice population affected by cumulative or multiple adverse exposures from environmental hazards.

Adverse impacts on other environmental resources that may have disproportionate effects on minority or low-income populations are analyzed in this section. This analysis evaluates if the effects would be disproportionately high on the minority and low-income populations.

8.3.2 Impact Analysis

The communities in the Project area are within or adjacent to seven counties and collectively referred to as the Project region for this analysis. As summarized in Section 8.2, “Background,” the communities in the Project region include estimates for the minority and poverty population data in 2022. All counties in the Project region had minority populations above 50 percent and none of the regions had counties that had poverty rates at or above 20 percent. The Proposed Project consists of multiple elements that characterize future operations of SWP facilities, including Banks Pumping Plant, Skinner Fish Protection Facility, Clifton Court Forebay, Barker Slough Pumping Plant, and Suisun Marsh facilities; modify ongoing programs being implemented as part of SWP operations; improve specific activities that would enhance protection of special-status fish species; or support ongoing studies and research on these special-status species to improve the basis of knowledge and management of these species. The long-term operation of the SWP would not involve construction of new facilities or modification of existing facilities or changes in land use as analyzed in the Initial Study (Appendix 3A, “Initial Study”). The Initial Study found no impacts on potential environmental justice issue areas including (agriculture) conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use; (air quality) exposure of sensitive receptors to substantial pollutant concentrations or emissions (such as those leading to odors) adversely affecting a substantial number of people; (hazards) the routine transport, use, or disposal of hazardous materials, or creating a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; and (noise) generating substantial temporary or permanent increase in ambient noise levels or excessive groundborne vibration in the vicinity of the Proposed Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Further, impacts on surface water quality and aquatic biological resources were considered less than significant because of minor changes in hydrology.

Because no impacts were identified on resource topics evaluated in the Initial Study and impacts on surface water quality and aquatic biological resources were considered less than significant, no impacts affecting environmental justice communities would occur as a result of the Proposed Project.