

CHAPTER 19

ENVIRONMENTAL JUSTICE

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 (CALFED 2001).

Environmental justice considerations associated with the alternatives evaluated for the EIR/EIS are presented below. Potential effects related to socioeconomic and growth inducement are discussed in Chapters 17 and 18, respectively.

19.1 ENVIRONMENTAL SETTING/AFFECTED ENVIRONMENT

Because the communities that could be affected by the Proposed Project/Action and alternatives are located in the Yuba Region, vital statistics such as race, ethnic origin, and poverty status were obtained for Yuba County. Data collected is based on the 2000 U.S. Census, which for the purposes of this analysis, is considered to represent the baseline condition (i.e., CEQA Existing Condition/NEPA Affected Environment).

19.1.1 YUBA REGION

In 2000, Yuba County had a population of just over 64,000 people. Growth within Yuba County has been roughly 3.4 percent over the past decade (DWR Website 2006). Approximately 60 percent of the population in Yuba County reside in the communities of Linda, Olivehurst, and Marysville (DWR Website 2006). The racial composition of the population in Yuba County is predominantly white, which is displayed in **Table 19-1**.

Table 19-1. Yuba County Ethnicities

Race/Ethnicity	Number	Percent
White	42,537	70.6
Black or African American	1,904	3.2
American Indian or Alaska Native	1,569	2.6
Asian	4,519	7.5
Native Hawaiian or Other Pacific Islander	123	0.2
Other Race	5,989	9.9
Two or More Races	3,578	5.9

Source: (DWR Website 2006; U.S. Census Bureau Website 2006)

The 1999 median household income in Yuba County was approximately \$30,000 and approximately 21 percent of the population in Yuba County was living in poverty. The unemployment rate in Yuba County during 2000 was approximately 6 percent (DWR Website

2006; U.S. Census Bureau Website 2006). The division of the Yuba County industry workforce is shown in **Table 19-2**.

Table 19-2. Yuba County Industry Workforce

Industry Occupation	Number	Percent
Agriculture, Forestry, Fishing and Hunting, and Mining	1,347	6.7
Construction	1,886	9.3
Manufacturing	1,830	9.0
Wholesale Trade	701	3.5
Retail Trade	2,662	13.2
Transportation and Warehousing, and Utilities	1,239	6.1
Information	400	2.0
Finance, Insurance, Real Estate, and Rental and Leasing	659	3.3
Professional, Scientific, Management, Administrative, and Waste Management Services	1,626	8.0
Education, Health, and Social Services	4,133	20.4
Arts, Entertainment, Recreation, Accommodation and Food Services	1,407	7.0
Public Administration	1,049	5.2
Other Services	1,284	6.3

Source: (DWR Website 2006; U.S. Census Bureau Website 2006)

19.1.2 CVP/SWP UPSTREAM OF THE DELTA REGION

In general, water supplied by the CVP/SWP is considered to be more reliable and affordable than alternative water sources and thus, improves the economy where the businesses are located. Actions associated with the Proposed Project/Action and alternatives could make additional water supplies available to Reclamation and DWR for delivery to federal and state water project contractors, particularly during drier conditions when deficiencies may occur. However, no changes to the existing social, economic or growth conditions are anticipated to occur within the CVP/SWP Upstream of the Delta Region, other than the potential for regional growth discussed in Chapter 18, which will likely occur whether or not the Proposed Project/Action or an alternative is approved and implemented.

Because a portion of water from the Yuba Accord Alternative would be provided to the EWA Program to supplement CVP/SWP water supplies during drier conditions, it would improve CVP/SWP operational flexibility, and federal and state water contractor supply reliability in deficiency years. Although Reclamation and DWR could choose to deliver all or a portion of the supplemental transfer water, this would be provided by YCWA under the Proposed Project/Action and alternatives to federal or state water project contractors, and the amount delivered would not exceed the water delivery amounts and entitlements authorized in existing CVP/SWP water purchase contracts (see Chapter 5). Therefore, the potential impacts on minorities and low-income communities in the CVP/SWP Upstream of the Delta Region would not be beyond the effects that occur under the CEQA Existing Condition/NEPA Affected Environment, and further consideration of environmental justice issues in this region is not warranted.

19.1.3 DELTA REGION

As described above, actions associated with the Proposed Project/Action and alternatives could make additional water supplies available to Reclamation and DWR for delivery to federal and state water project contractors, particularly during drier conditions when deficiencies may occur. For the reasons previously described in Section 19.1.2, the amount of supplemental

transfer water deliveries would not exceed the water delivery amounts and entitlements authorized in existing CVP/SWP water purchase contracts (see Chapter 5). Therefore, the potential impacts on minorities and low-income communities in the Delta Region would not be beyond the effects that occur under the CEQA Existing Condition/NEPA Affected Environment, and further consideration of environmental justice issues in this region is not warranted.

19.1.4 REGULATORY SETTING

19.1.4.1 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.

19.1.4.2 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 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.

19.1.4.3 LOCAL

The Land Use Element of the Yuba County General Plan (County of Yuba 1996) is a collection of long-range objectives, policies and proposals concerning the physical, economic and social

development of the county. The primary purpose of the Land Use Element is to promote a balanced and functional mix of land uses, and it contains numerous goals to promote a balanced and functional mix of land uses, including those associated with providing opportunities for all economic and cultural groups. These goals also are consistent with those developed in the Housing Element of the Yuba County General Plan (Yuba County 1996), and include:

- ❑ Waiving or reducing fees for new development projects that provide substantial benefits to the community, such as large numbers of primary wage earner jobs, affordable housing, or other needed facilities;
- ❑ Achieving a balance between jobs and housing availability within Yuba County, while promoting housing development in all areas of the county that is affordable and available to all economic and cultural groups; and
- ❑ Creating a variety of housing types and densities in valley communities, including adequate provisions for multiple family sites, rentals and large families, to assure affordability and consistency with Housing Element goals where existing or planned sewer and water infrastructure and other services are adequate.

In order to meet these goals, the Yuba County Planning Department and other supervising and administrative authorities have identified the following implementation strategies.

- ❑ Initiate a comprehensive economic development plan for Yuba County, which focuses efforts on the policy directions contained in the General Plan, and which recognizes common interests in the bi-county region (i.e., Sutter and Yuba counties) as well as the unique interests of Yuba County;
- ❑ Create a sufficient number of jobs to permit at least 75 percent of future employed residents to work in Yuba County; and
- ❑ Prepare an annual jobs objectives attainment report for the Board of Supervisors.

19.2 ENVIRONMENTAL IMPACTS/ENVIRONMENTAL CONSEQUENCES

The Proposed Project/ Action and alternatives could be expected to alter conditions affecting local water supply reliability, revenue generating mechanisms to support future Yuba County improvements (e.g., flood control and water supply projects), and water supply management and reliability for federal and 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 that receive water deliveries then provide water to individual residents and businesses for direct consumption and use.

19.2.1 IMPACT ASSESSMENT METHODOLOGY

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 alternatives considered as part of this EIR/EIS would result in fair and equal treatment of minorities and low-income persons in the Yuba Region.

19.2.2 IMPACT INDICATORS AND SIGNIFICANCE CRITERIA

Concerns associated with environmental justice relate to minority and low-income populations that could be disproportionately affected by implementation of a proposed project. The following factors are considered in evaluating the environmental justice impacts of implementing the Proposed Project/ Action or an alternative, and include:

- Whether there is, or would be a direct or cumulative impact 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.

19.2.3 ENVIRONMENTAL IMPACTS/ENVIRONMENTAL CONSEQUENCES

The Proposed Project/ Action and alternatives would make additional water supplies available to Reclamation and DWR for delivery to federal and state water project contractors. Because existing water supplies would not be reduced as part of the Proposed Project/ Action, 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 project.

Therefore, the Proposed Project/ Action and alternatives would not result in unfair or unequal treatment of any socioeconomic group within the Yuba Region and would not result in any disproportionately high or adverse impacts on minority or low-income communities.

19.3 CUMULATIVE IMPACTS

The Proposed Project/ Action and alternatives would not result in any environmental justice impacts and, therefore, would not contribute to cumulative impacts.

19.4 POTENTIAL CONDITIONS TO SUPPORT APPROVAL OF YCWA'S WATER RIGHTS PETITION

No unreasonable adverse effects to environmental justice would occur under the Proposed Project/ Action or an action alternative and, thus, no impact avoidance measures or other protective conditions are identified for the SWRCB's consideration in determining whether or not to approve YCWA's petitions to implement the Yuba Accord.

19.5 MITIGATION MEASURES/ENVIRONMENTAL COMMITMENTS

The Proposed Project/ Action and alternatives would not result in any adverse impacts to minority or low-income communities and, thus, no mitigation measures are required.

19.6 POTENTIALLY SIGNIFICANT UNAVOIDABLE IMPACTS

There are no potentially significant unavoidable environmental justice impacts associated with the implementation of the Proposed Project/ Action or an alternative.