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3 **28.1 Summary Comparison of Proposed Project**

4 This chapter contains the information necessary to make the Final EIR/EIS adequate for the
5 approved project as revised. Notably, except to the extent that this chapter addresses impacts from
6 other chapters, this is a NEPA-only chapter because CEQA does not require consideration of
7 environmental justice issues. No comparison table has been provided for this chapter because there
8 is no change in environmental justice impacts between the approved project and the proposed
9 project.

10 **28.2 Environmental Setting/Affected Environment**

11 The description of minority, Hispanic, and low-income communities in the study area in the Final
12 EIR/EIS is based on data from the 2010 decennial census (i.e., U.S. Census Bureau 2010). The U.S.
13 Census Bureau collects comprehensive demographic data every 10 years during the decennial
14 census. No updated census data is available at this time. Therefore, this analysis uses the same data
15 as the Final EIR/EIS. Because the modifications to the approved project would be located entirely
16 within the previously analyzed project area, the Existing Conditions have not changed.

17 **28.3 Environmental Consequences**

18 This section describes whether the potential effects of the modifications to the approved project
19 would result in disproportionately high and adverse effects on environmental justice communities.

20 **28.3.1 Methods for Analysis**

21 The methods applied to the analysis of impacts on environmental justice populations are the same
22 as indicated in the Final EIR/EIS. This methodology follows the general guidance provided by
23 Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority and Low-Income*
24 *Populations*, CEQ's *Environmental Justice: Guidance under the National Environmental Policy Act*
25 *(Council on Environmental Quality 1997)*, and the U.S. Environmental Protection Agency's *Toolkit*
26 *for Assessing Potential Allegations of Environmental Injustice* (U.S. Environmental Protection Agency
27 2004).

28 The methodology used to identify minority and low-income populations as well as
29 disproportionately high effects on minority and low-income communities associated with the
30 proposed project are the same as those described in Chapter 28, *Environmental Justice*, Section
31 28.5.1 of the Final EIR/EIS.

1 **28.3.2 Effects and Mitigation Approaches**

2 **28.3.2.1 No Action Alternative**

3 Under the No Action Alternative, the new Byron Tract Forebay, reusable tunnel material storage,
4 and other footprint changes described for the proposed project would not occur. For the purposes of
5 this Supplemental EIR/EIS, the No Action Alternative, against which this proposed project is
6 compared, is consistent with the No Action Alternative Early Long-Term in the Final EIR/EIS. No
7 differing effects on environmental justice resources would result along the proposed project
8 alignment from what was previously described in the No Action Alternative Early Long-Term in the
9 Final EIR/EIS if the No Action Alternative were to occur.

10 **28.3.2.2 Proposed Project**

11 Some of the resource topics were not considered in the assessment of disproportionate impacts on
12 minority or low-income populations. For the reasons described in Chapter 28, *Environmental Justice*,
13 Section 28.5.3.1, *Issues Not Analyzed in Detail*, of the Final EIR/EIS, these resources were also not
14 evaluated as part of the proposed project environmental justice impact assessment. The resource
15 topics not evaluated for a disproportionate impact on minority or low-income populations are
16 geology and seismicity, hazards and hazardous materials, mineral resources, water supply, surface
17 water, groundwater, water quality, soils, fish and aquatic resources, terrestrial biological resources,
18 agricultural resources, recreation, transportation, energy, air quality, and paleontological resources.

19 As with the approved project, the proposed project would result in disproportionate effects on
20 minority and low-income communities resulting from land use, socioeconomics, aesthetics and
21 visual resources, cultural resources, noise, and public health effects. However, it would not differ
22 significantly in extent or intensity. The impact topics addressed in Chapter 28, *Environmental Justice*,
23 of the Final EIR/EIS are not addressed herein because the change in the footprint of the water
24 conveyance facilities would not result in a changed impact. Mitigation and environmental
25 commitments have been adopted to reduce these effects; however, effects would remain adverse.
26 For these reasons, effects on minority and low-income populations would be disproportionate and
27 adverse. There would be no new or changed impact resulting from the proposed project.

28 **28.3.3 Cumulative Analysis**

29 The analysis for cumulative effects on environmental justice communities remains the same as
30 described in the Final EIR/EIS for the approved project both with consideration of the proposed
31 project.

32 Final EIR/EIS Chapter 28, *Environmental Justice*, Section 28.5.5, *Cumulative Analysis*, found that
33 implementing the approved project would result in a disproportionate effect on minority and low-
34 income populations. When combined with other cumulative projects, the potential for
35 disproportionate environmental effects on environmental justice communities would likely be
36 greater than under the approved project alone.

37 The approved project could result in a disproportionate impact on minority and low-income
38 communities as a result of the loss of agricultural-related employment in combination with the large
39 percentage of minority and low-income workers employed in this sector. Although mitigation
40 measures and environmental commitments have been adopted to reduce this effect, the effect would

1 remain disproportionate. In addition, because the approved project would result in the construction
2 of facilities and infrastructure spanning the Delta, these effects would be distributed throughout the
3 Delta and the constituent communities and environmental justice populations. For these reasons the
4 approved project would result in a cumulative contribution to adverse effects on environmental
5 justice populations in the Delta.

6 **28.4 References Cited**

- 7 Council on Environmental Quality. 1997. *Environmental Justice: Guidance under the National*
8 *Environmental Policy Act*. Washington, DC. Available:
9 <<http://ceq.hss.doe.gov/nepa/regs/ej/justice.pdf>>. Accessed: February 2011.
- 10 U.S. Census Bureau. 2010. *Poverty Thresholds*. Available: <[https://www.census.gov/hhes/www/](https://www.census.gov/hhes/www/poverty/data/threshld/index.html)
11 [poverty/data/threshld/index.html](https://www.census.gov/hhes/www/poverty/data/threshld/index.html)>. Accessed: August 21, 2012.
- 12 U.S. Environmental Protection Agency. 2004. *Toolkit for Assessing Potential Allegations of*
13 *Environmental Injustice*. Final. November 3. Document No. EPA 300-R-04-002. Office of
14 Environmental Justice, Washington, DC.