

### **3.17 Environmental Justice**

On February 11, 1994, President Clinton issued an “Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (see Executive Order 12898, 1994). This Order is designed to focus federal attention on environmental and human health conditions in minority communities and low-income communities. The Executive Order is further intended to promote nondiscrimination in federal programs substantially affecting human health and the environment and to provide for information access and public participation relating to such matters. The fundamental goal of an Environmental Justice analysis is to answer the question: *Would this action or project, if implemented, result in a disproportionate effect on minority populations, low income populations or Native Americans?*

#### **3.17.1 Requirements for an Environmental Justice Analysis**

Relative to the National Environmental Policy Act (NEPA), the California Environmental Quality Act (CEQA) does not have a comparable Environmental Justice analytical requirement. As such, this section summarizes the public outreach (Project scoping) efforts and community meeting outcome which confirmed that the Project does not pose any issues relative to environmental justice. Relevant topics to environmental justice, such as: population and growth trends and housing characteristics are discussed in Section 3.11 Population and Housing.

Within the state of California, Environmental Justice is defined in California statute, Government Code Section 65040.12, 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.” In 1999, state legislation was passed mandating that the California Environmental Protection Agency and related agencies and departments administer and enforce their programs in a way that “ensures fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations.” (Public Resources Code [PRC] section 71110(a).)

The State Water Resources Control Board (State Water Board) is one of six agencies under the umbrella of California Environmental Protection Agency. As such, the State Water Board (the CEQA lead agency for the proposed Eagle Mountain Pumped Storage Project [Project]) implements guidance documents for supporting environmental justice relative to facility siting and permitting.

#### **3.17.2 Eagle Mountain Pumped Storage Project and Environmental Justice**

To achieve compliance with federal and state Environmental Justice regulations and policies, the analysis addresses the question of whether and how the impacts of the proposed Project and alternatives may disproportionately affect minority populations and low-income populations or Native American communities.

Pumped storage hydroelectric projects require a number of very site specific characteristics to be viable. The proposed Project will have only a small number of permanent employees; will not produce significant growth of population in the Project area; and will not be intrusive on the region's social fabric.

The years following the cessation of major mining activity at the Kaiser mine saw a steady decline in population and associated socioeconomic conditions. The 2010 U.S. Census data are the most current detailed data available for the Project region. The census designated place for Desert Center had a population of 204 in 2010 of which 164, or 80 percent, were white. This is comparable to the racial profile of Riverside County, which is 81 percent white. Between 10 – 20 percent of the population lived below the poverty level. The Riverside County population below the poverty level in 2010 was 14.2 percent, with the state average of 14.4 percent. Therefore, the proposed Project will not have a disproportionate effect on people who are poorer than average or minorities. The statistics for race and poverty in the Project area are consistent with those of the state and nation.

EJView, formerly known as the Environmental Justice Geographic Assessment Tool, is a mapping tool that allows users to create maps and generate detailed reports based on the geographic areas and data sets they choose. It can be accessed at <http://epamap14.epa.gov/ejmap/entry.html>. EJView includes data from multiple factors that may affect human and environmental health within a community or region, including:

- demographic
- health
- environmental
- facility-level data

The EPA EJView application indicates that there are no major pollutant violations or sites within the Project area. The application does not list any designated Brownfields sites per the Assessment, Cleanup and Redevelopment Exchange System (ACRES); Superfund sites per the National Priority List (NPL); toxic releases per the Toxic Release Inventory (TRI); Water Dischargers per the EPA Permit Compliance System (PCS); or air emissions within the area of the Project per the Air Facility System (AFS). The EPA EJView application also does not list the Project area within a non-attainment area for ozone 8-hour or particulate matter (EPA EJView, 2010).

Public outreach to, and involvement of, any and all communities and residences affected by the proposed Project and alternatives, has been conducted in the consultation and public noticing process completed in preparation of this document.

Agency consultation began in September 2007, when an initial contact letter was sent to all parties on the Federal Energy Regulatory Commission (FERC) initial consultation contact list and the Project mailing list. This letter provided basic Project description information and

requested information and input from resource management agencies, tribes, and individuals about environmental resources that may be found in the Project area.

On January 10, 2008, Eagle Crest Energy Company (ECE) established a Project website, and has posted all subsequent meeting notices and public documents on this website: [www.eaglecrestenergy.com](http://www.eaglecrestenergy.com) In addition, hard copies of the PAD, NOI, and request to use the Traditional Licensing Process were sent to libraries in the nearest surrounding communities of Desert Center, Blythe, and Indio, California for public review. A letter was also sent to all parties on the stakeholder mailing list including local and regional tribal organizations notifying them that these documents were available for public review. All Project documents have been circulated to local library repositories to ensure review is made available for people without internet access.

On March 7, 2008, a letter was sent to all agencies and persons on the stakeholder mailing list inviting them to the joint meeting and site visit for the proposed Project. Notice of the joint meeting was also published in the Desert Sun, a daily newspaper of general circulation in Riverside County, California in March 2008 and filed with the FERC on March 18, 2008. Notice of the meeting was also posted on the Project website: [www.eaglecrestenergy.com](http://www.eaglecrestenergy.com).

The joint meeting was held on April 8, 2008, at the University of California-Riverside, Palm Desert Extension campus. Transcripts from this meeting were filed with the FERC May 5, 2008. In addition, a site visit for all interested parties was held on April 9, 2008. Besides the Applicant and its consultants, attendees at the joint meeting included the Department of Interior, Bureau of Reclamation; Kaiser Eagle Mountain/Mine Reclamation; Desert Communities Protection Campaign; Citizens for Chuckwalla Valley; Metropolitan Water District of Southern California; California State Lands Commission; California Department of Conservation, Office of Mine Reclamation; and California Department of Fish and Wildlife.

As a part of the FERC and the State Water Board environmental review of the Project, public scoping was conducted to ensure that all affected individuals, communities and tribes had opportunity to raise pertinent issues for inclusion in the analyses for the proposed Project. Two scoping meetings were held on Thursday and Friday, January 15 and 16, 2009, to receive input on the scope of the EIS and EIR. The public, agencies, Indian tribes, and other Non-Governmental Organizations (NGOs) were invited to attend either or both meetings. State Water Board and Commission staff conducted a site visit of the Project area on Thursday, January 15, 2009. Transcripts of the scoping meetings were prepared and are included in Appendix E of this document.

**Local Landowners:** A community meeting was sponsored by ECE on April 22, 2009 in Lake Tamarisk to meet the landowners, explain the Project, and listen to their concerns. Independent meetings with several local landowners have been held as well, including coordination with local landowners for groundwater quality sampling of their well. Table 3.17-1 displays a list of the

following agencies and Tribes that were specifically noticed and consulted during preparation of this Draft Final EIR:

**Table 3.17-1. Resource Agencies and Native American Tribes Consulted During Project Scoping**

<b>Organization</b>	<b>Location</b>
Bureau of Indian Affairs	Palm Springs Field Office
Bureau of Indian Affairs	Pacific Regional Office
Bureau of Indian Affairs	Southern California Agency
State Historic Preservation Office	Sacramento, CA
Barona Band of Mission Indians	Lakeside, CA
Cabazon Tribal Business Committee	Indio, CA
Cahuilla Band of Mission Indians	Anza, CA
Chemehuevi Tribal Council	Havasupai Lake, CA
Morongo Band of Mission Indians	Cabazon, CA
Torres-Martinez Desert Cahuilla Indians	Thermal, CA
Native American Lands Conservancy	Bellingham, WA
Twenty-Nine Palms Band of Mission Indians	Coachella, CA
Aqua Caliente Band of Cahuilla Indians	Palm Springs, CA
Colorado River Reservation	Parker, AZ
Native American Land Conservancy	Indio, CA

### **3.17.3 Conclusions**

The Project is located in a remote location in the southeastern California desert far removed from urban areas or small cities, and does not encroach on tribal properties. Once constructed, the Project will be barely detectable to nearby residents, comprised of a buried pipeline, underground tunnels and powerhouse, and surface reservoirs that are not visible from ground level. The transmission line and a few vehicles traveling in to and out of the site daily will be the only visible features.

Pumped storage hydroelectric projects require a number of very site specific characteristics to be viable. The proposed Project will have only a small number of permanent employees; will not produce significant growth of population in the Project area; and will not be intrusive on the region's social fabric.

The years following the cessation of major mining activity at the Kaiser mine saw a steady decline in population and associated socioeconomic conditions. The 2010 U.S. Census data are the most current detailed data available for the Project region. The census designated place for Desert Center had a population of 204 in 2010 of which 164, or 80 percent, were white. This is comparable to the racial profile of Riverside County, which is 81 percent white. Between 10 – 20 percent of the population lived below the poverty level. The Riverside County population below the poverty level in 2010 was 14.2 percent, with the state average of 14.4 percent. Therefore, the

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The proposed Project will not create an increase in inequitable environmental burdens to the surrounding community (pollution, industrial facilities, crime, etc.). The proposed Project is sited in an area that was previously developed with the majority of roads and infrastructure already in place. While the proposed Project will contribute to a change in the region, the significance of this change is small compared to the region's past large scale mining activity and relative to future development planned for the Valley. Lastly, it is reasonably anticipated the proposed Project will provide economic benefits in the way of construction and operation jobs.

Furthermore, nearby rural communities are not comprised of a high percentage of minority and/or low-income populations. Native American consultation will be ongoing pursuant to Section 106 of the National Historic Preservation Act throughout the separate NEPA and CEQA environmental review processes, with a goal to address all issues pertaining to tribal concerns and cultural resources.

On these bases it is concluded that, if implemented, the Project will not result in a disproportionate effect on minority populations, low income populations, or Native Americans, and the Project does not pose any substantial effects relative to environmental justice.