

**Appendix 5.10A**  
**Environmental Justice**

---

# Environmental Justice

---

## Introduction

This report was prepared in compliance with Presidential Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (EO 12898), dated February 11, 1994. The purpose of this report is to determine whether or not disproportionately high and adverse human health or environmental effects of the proposed Hidden Hills Solar Electric Generating System (HHSEGS) project are likely to fall on minority and/or low-income populations. This report focuses on the populations that are located within the area potentially affected by the HHSEGS project. In accordance with EO 12898, this report documents where minority and low-income populations reside and examines if there are high and adverse impacts identified (as reported in the various environmental analysis sections of this AFC) where these impacts fall relative to these populations. This report also discusses the specific outreach efforts made to involve minority and low-income populations in the decision-making process. No high and adverse impacts are expected as a result of this project; therefore, no high and adverse human health or environmental effects of this project are expected to fall disproportionately on minority or low-income populations.

## Studies Performed and Coordination Conducted

### Overview of Executive Order 12898

EO 12898, issued by President Clinton in 1994, requires 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....” In his memorandum transmitting EO 12898 to federal agencies, President Clinton further specified that, “each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by the National Environmental Policy Act of 1969.” Guidance on how to implement EO 12898 and conduct an Environmental Justice analysis has been issued by the President’s Council on Environmental Quality (CEQ, 1997).

### Methodology and Approach

The HHSEGS project was evaluated for compliance with EO 12898. For this type of analysis, three fundamental evaluation measures are used.

1. *A determination is made as to which impacts of the project are high and adverse.*

The series of environmental analyses prepared for the HHSEGS AFC were reviewed, and discussions with the environmental professionals who prepared these sections were

conducted to determine which environmental or human health impacts could reach the level of high and adverse after proposed mitigation measures were implemented. Neither EO 12898, nor any of the environmental justice guidance documents, contain official guidance on the definition of “high and adverse.” For purposes of this analysis, adverse impacts identified by the professional analysts working on this AFC as “significant” under CEQA were considered to be synonymous with high and adverse impacts as described in EO 12898.

2. *A determination is made as to whether minority or low-income populations exist within the high and adverse impact zones.*

For information on the distribution of minority and low-income populations in the HHSEGS project area, because the 2010 data are not yet available, the 2000 Census data were used. Race/ethnicity and income data were reviewed at the finest level available from the Census (i.e., Census Block Group for race/ethnicity and for income). Tables 5.10A-1 and 5.10A-2 (located at the end of this appendix) show the distribution of the population within the 6-mile radius by race/ethnicity and income, respectively. These tables are located at the end of this appendix.

Although all census block groups that are at least partially within the 6-mile radius are typically included in this analysis, as shown in Figures 5.10A-1 and 5.10A-2, those portions of the census block groups within Clark and Nye counties that are within the 6-mile radius are located solely on BLM-managed land that have no residents. However, Block Group 1, Census Tract 7 (Census Block Group number 060270007001), in Inyo County includes those residents located to the south of the project in the Charleston View/Calvada Springs area plus additional residents. Hence, only that block group was used for this analysis.

3. *The spatial distribution of high and adverse impacts is reviewed to determine if these impacts are likely to fall disproportionately on the minority or low-income population.*

Since there is no specific guidance in EO 12898, the test of disproportionately is made on the basis described in the U.S. Environmental Protection Agency’s (USEPA) *Draft Revised Guidance for Investigating Title VI Administrative Complaints Challenging Permits* (USEPA, June 2000). This guidance suggests using two to three standard deviations above the mean as a quantitative measure of disparate effect.

While the first two elements of this approach were conducted, no detailed distribution analysis was required to make a final determination. This was because professional analysts in each environmental and human health discipline reviewed for this AFC determined that no high and adverse (i.e., CEQA significant) human health or environmental effects were expected to remain after implementation of proposed mitigation measures.

## Outreach to Minority and Low-Income Populations

EO 12898 requires Federal agencies to ensure effective public participation and access to information. Consequently, a key component of compliance with EO 12898 is outreach to the potentially affected minority and/or low-income population to discover issues of importance that may not otherwise be apparent.

As part of the AFC process, the California Energy Commission will provide information to residents in the area and provide opportunities for their involvement.

The California Energy Commission typically:

- Mails written notice to all property owners within 1,000 feet of the site and within 500 feet of the centerline of all linear corridors
- Publishes notice in the local newspaper announcing public workshops and hearings
- Provides access to information by submitting copies of key documents to local libraries and providing materials via a web page
- Holds hearings and workshops in the local community
- Assigns a public advisor to assist the public in participating in the process

## Demographic Analysis

### Distribution of the Minority Population

Based on the 2000 Census, the total population derived from the Census Block Group having population within a 6-mile radius of the HHSEGS site is approximately 638<sup>1</sup>. The racial minority population, in this census block group, comprises approximately 18.3 percent of this total population, while the ethnic minority (as represented by individuals of Hispanic origin) comprises about 6.7 percent (see Table 5.10A-1). Figure 5.10A-1 (figures are at the end of this appendix) identifies the racial minority population percentages of Census Block Groups in the vicinity of the HHSEGS based on 2000 Census data. As shown in Figure 5.10A-1, there are no Census Block Groups in the vicinity of the HHSEGS that are above 50 percent minority.

### Distribution of the Low-Income Population

Based on the 2000 Census, the total population for whom poverty status was determined within a 6-mile radius of the HHSEGS site was approximately 625. The low-income population, in the census block group having population within the 6-mile radius of the HHSEGS site, comprised approximately 12.6 percent of this total population (see Table 5.10A-2). Figure 5.10A-2 identifies the low-income population percentages of Census Block Groups in the vicinity of HHSEGS based on 2000 Census data. Unlike the CEQ (1997) guidance on minority population, none of the environmental justice guidance documents contain a quantitative definition of how many low-income individuals it takes to comprise a low-income population. In the absence of guidance, for this analysis the density used to identify minority populations (i.e., 50 percent or greater) was also used to identify low-income populations. As shown on Figure 5.10A-2, there are no Census Block Groups in the project vicinity with 50 percent or more low-income population.

---

<sup>1</sup> The population numbers retrieved from the US Census Bureau for minority (Table 5.10A-1) and low income (Table 5.10A-2) data, for some reason are not the same for each of these Census Block Groups. We have no explanation of why the population data for each table differs slightly.

## Results and Conclusion

As discussed in the *Methodology and Approach* section above, for purposes of this analysis, CEQA-significant adverse impacts are considered synonymous with high and adverse impacts as described in EO 12898. As reported in the Section 5.0 of the HHSEGS AFC, and further confirmed through discussions with the environmental professionals who prepared those sections, no significant adverse impacts are expected as a result of this project after proposed mitigation measures are implemented. Consequently, none of the impacts of this project can be described as high and adverse in the context of EO 12898. As there are no high and adverse impacts expected as a result of this project, this analysis concludes that no high and adverse human health or environmental effects of this project are expected to fall disproportionately on minority or low-income populations. The HHSEGS project can, therefore, be considered to be consistent with the policy established in EO 12898.

## Bibliography and References

Clinton, William. 1994. Memorandum for the Heads of All Departments and Agencies; Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. Presidential Documents, Vol. 30, No. 6, 279-280. February 11.

CEQ (Council on Environmental Quality). 1997. *Environmental Justice; Guidance Under the National Environmental Policy Act*. Council on Environmental Quality, Executive Office of the President, Washington, DC. December 10. Released July 1998.

Executive Order 12898. 1994. *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. Federal Register, Vol. 59, No. 32, 7629-7633. February 11.

U.S. Census Bureau. 2000 Census of Population.

U.S. Environmental Protection Agency, Office of Federal Activities. 1995. *Draft Guidance for Consideration of Environmental Justice in Clean Air Act 309 Reviews*. USEPA, Office of Federal Activities, NEPA Compliance Division, Washington, DC. July 19.

U.S. Environmental Protection Agency. 1998. *Guidance for Incorporating Environmental Justice in USEPA's NEPA Compliance Analyses*. USEPA, Office of Federal Activities, NEPA Compliance Division, Washington, DC. April.

\_\_\_\_\_. *Draft Title VI Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs (Draft Recipient Guidance) and Draft Revised Guidance for Investigating Title VI Administrative Complaints Challenging Permits (Draft Revised Investigation Guidance)*. Federal Register Volume 65, Number 124, pages 39649-39701. Washington, D.C. June 27, 2000.

\_\_\_\_\_. *Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits*. Washington, D.C. February 5, 1998.

TABLE 5.10A-1  
2000 Census Racial/Ethnic Data by Census Block Groups for all Block Groups within a 6-mile Radius of the Project

Census Block Groups	Population	White	Minority	Percent Minority	Hispanic Origin*	Percent Hispanic
<b>060270007001</b>	<b>638</b>	<b>521</b>	<b>117</b>	<b>18.3</b>	<b>43</b>	<b>6.7</b>
320030058161	3,877	3,589	288	7.4	300	7.7
320239804051	2,236	2,050	186	8.3	200	8.9
320239804052	1,102	1,001	101	9.2	65	5.9
320239804061	4,525	4,040	485	10.7	425	9.4
TOTAL	12,378	11,201	1,177	9.5	1,033	8.3

Source: 2000 Census.

The bolded census block group (060270007001) is the only block group with residences located within the 6-mile study area. Hence, only that block group was used in the analysis.

\* Hispanics or Latinos are those people who classified themselves in one of the specific Spanish, Hispanic, or Latino categories listed on the Census 2000 questionnaire—"Mexican, Mexican Am., Chicano," "Puerto Rican," or "Cuban"—as well as those who indicate that they are "other Spanish/Hispanic/Latino." People who identify their origin as "other Spanish/Hispanic/Latino" may be of any race. Thus, the percent Hispanic should not be added to percentages for racial (i.e., minority) categories.

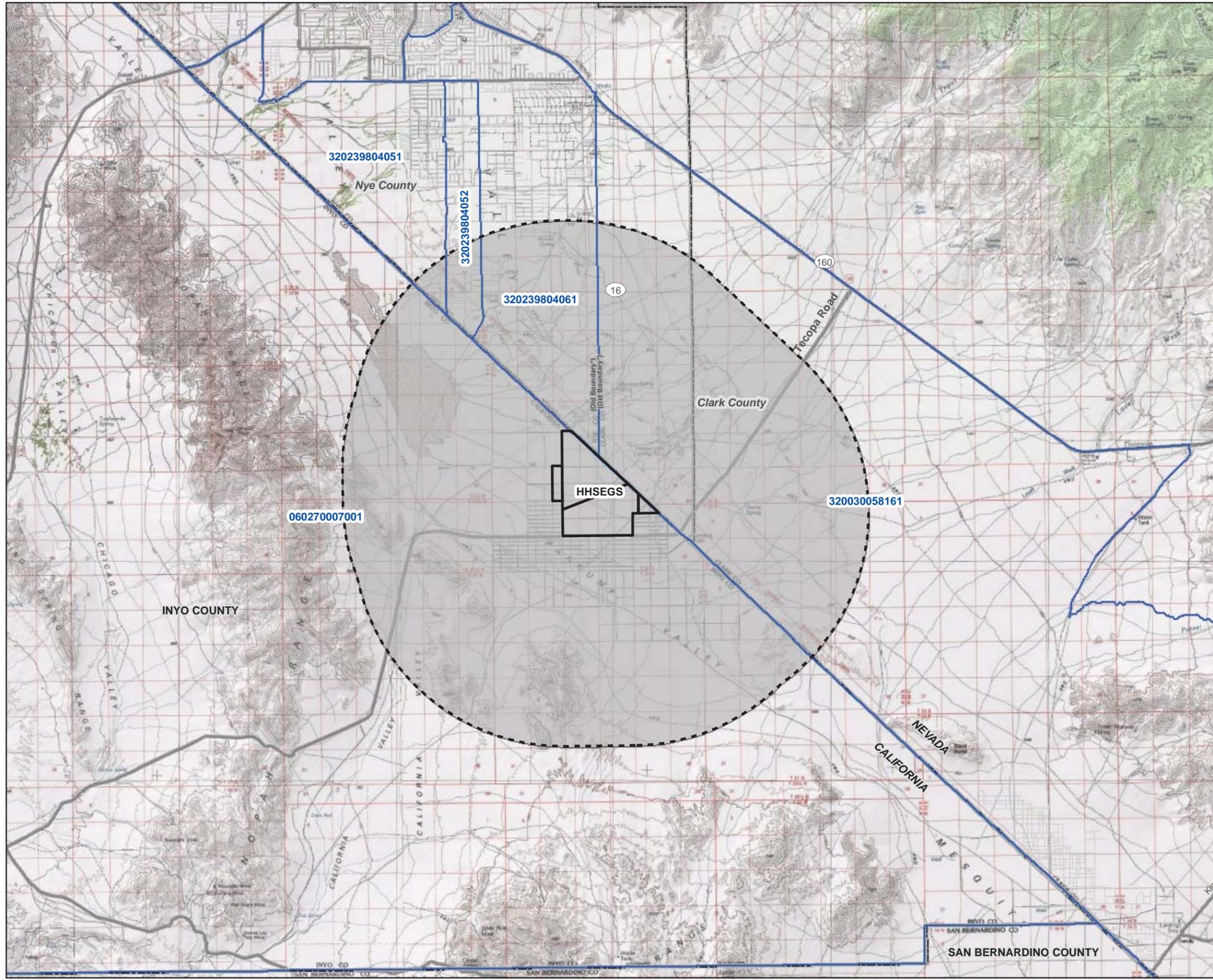
TABLE 5.10A-2  
2000 Census Low-Income Data by Census Block Groups for all Block Groups within a 6-mile Radius of the Project

Census Block Group	Total Population*	Population below Poverty Level	Percent Low-Income
<b>060270007001</b>	<b>625</b>	<b>79</b>	<b>12.6</b>
320030058161	3,860	326	8.4
320239804051	2,326	363	15.6
320239804052	1,077	84	7.8
320239804061	4,525	343	7.6
TOTAL	12,413	1,195	9.6

Source: 2000 Census.

\* Population numbers are only those for whom poverty was determined and exclude full-time college students.

The bolded census block group (060270007001) is the only block group with residences located within the 6-mile study area. Hence, only that block group was used in the analysis.



**LEGEND**

**Project Site Data**

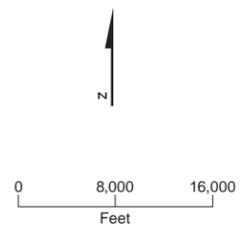
- HHSEGS Boundary
- 6-mile Buffer of HHSEGS
- Census Block Groups

**Percentage of Low Income Population**

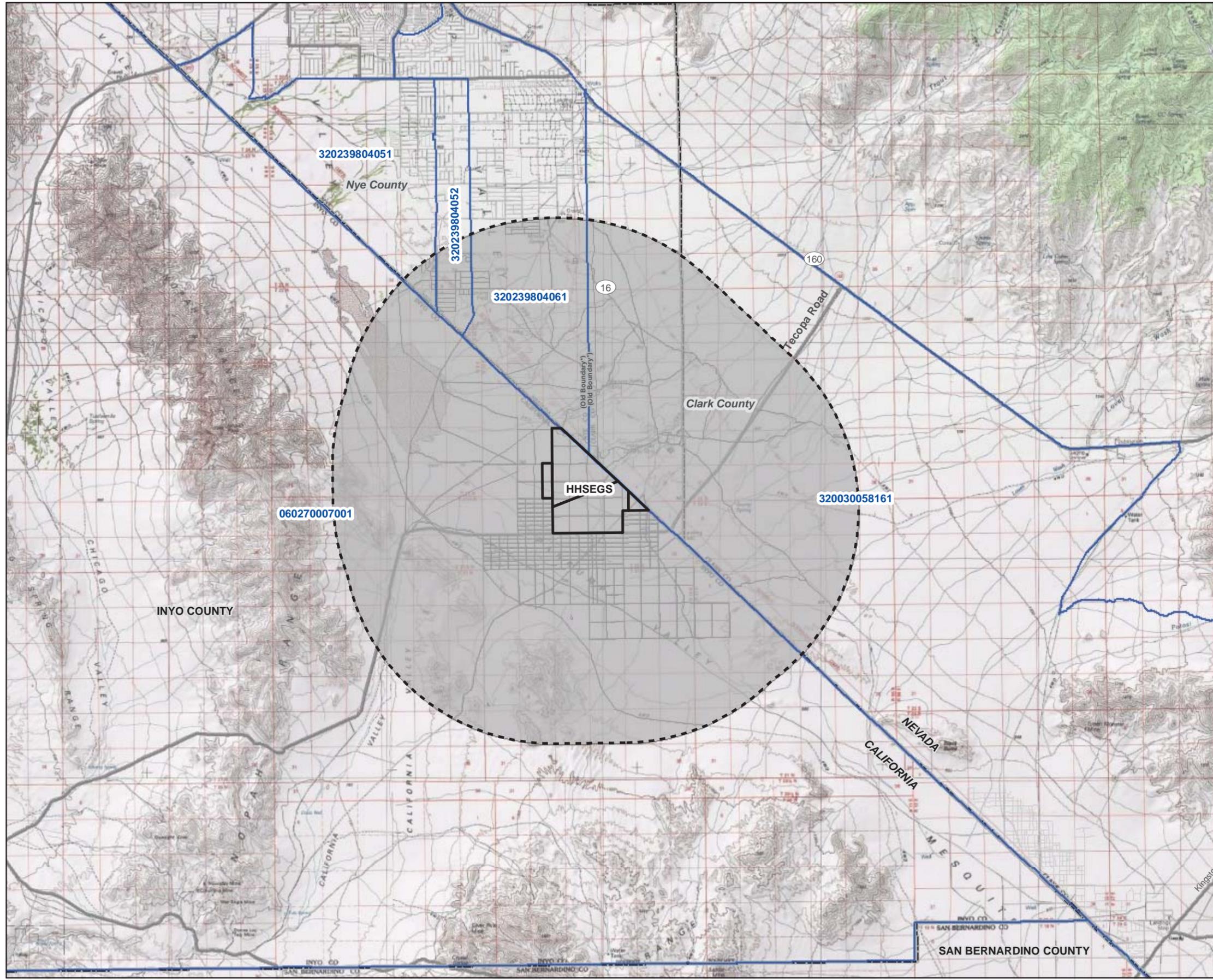
- No Low Income Population
- 0-50 Percent Low Income Population
- 50-100 Percent Low Income Population

\*County boundary moved due to annexation, 2001

Notes:  
 1. Source: American Fact Finder, Census 2000 Summary File 1 (SF 1) 100-Percent Data, U.S. Census Bureau, 2011



**FIGURE 5.10A-2**  
**Low Income Population Distribution**  
**By Census Block Groups Within 6 Miles**  
 Hidden Hills Solar Electric Generating System



**LEGEND**

Project Site Data

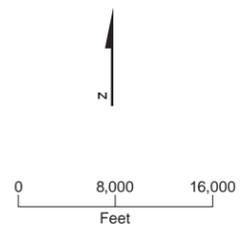
- HHSEGS Boundary
- 6-mile Buffer of HHSEGS

Percentage of Minority Population

- No Minority Population
- 0-50 Percent Minority Population
- 50-100 Percent Minority Population
- Census Block Groups

\*County boundary moved due to annexation, 2001

Notes:  
 1. Source: American Fact Finder, Census 2000 Summary File 1 (SF 1) 100-Percent Data, U.S. Census Bureau, 2011



**FIGURE 5.10A-1**  
**Minority Population Distribution By**  
**Census Block Groups Within 6 Miles**  
 Hidden Hills Solar Electric Generating System