

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 Lodi Energy Center (LEC) 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 LEC 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 LEC 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 LEC 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 LEC project area, 2000 Census data were used. Race/ethnicity and income data were reviewed at the finest level available from the Census (i.e., Census Block Groups for race/ethnicity and income). Tables 5.10A-1 and 5.10A-2 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.

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 within a 6-mile radius of the LEC site is approximately 102,904. The racial minority population, in the Census Blocks within the 6-mile radius of the LEC site, comprises approximately 37 percent of this total population while the ethnic minority (as represented by individuals of Hispanic origin) comprises about 19 percent (see Table 5.10A-1). Figure 5.10-1 (figures are at the end of this appendix) identifies the non-White racial and ethnic minority population percentages of Census Block Groups in the vicinity of the LEC based on 2000 Census data. As shown in Figure 5.10-1, about 23 percent the Census Block Groups in the vicinity of the LEC are above 50 percent minority. These Census Block Groups have minority population densities high enough (i.e., greater than 50 percent) to be considered minority populations based on the guidance contained in CEQ (1997).

Distribution of the Low-Income Population

Based on the 2000 Census, the total population for whom poverty status is determined within a 6-mile radius of the LEC site was approximately 101,454. The low-income population, in the Census Block Groups within the 6-mile radius of the LEC site, comprised 15.1 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 LEC 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 5.10-2, there are no Census Block Groups in the project vicinity with 50 percent or more low-income population.

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 series of environmental analyses prepared for the LEC 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 LEC project can, therefore, be considered to be consistent with the policy established in EO 12898.

Bibliography and References

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APPENDIX

Table 5.10A-1

2000 Census Racial/Ethnic Data by Census Block
Lodi Energy Center 6-mile Radius

Census Block	Population	White	Minority	Percent Minority	Hispanic Origin*	Percent Hispanic
15000US060770031061	1,479	1,265	214	14.5	89	6.0
15000US060770031062	1,588	902	686	43.2	465	29.3
15000US060770031081	1,211	944	267	22.0	110	9.1
15000US060770031082	1,603	1,001	602	37.6	378	23.6
15000US060770031083	1,169	677	492	42.1	282	24.1
15000US060770031084	485	392	93	19.2	29	6.0
15000US060770031091	1,178	615	563	47.8	278	23.6
15000US060770031093	588	503	85	14.5	47	8.0
15000US060770031101	496	434	62	12.5	56	11.3
15000US060770032031	1,096	889	207	18.9	156	14.2
15000US060770032032	1,893	1,539	354	18.7	219	11.6
15000US060770032033	537	443	94	17.5	61	11.4
15000US060770032051	875	671	204	23.3	158	18.1
15000US060770032052	1,907	1,361	546	28.6	256	13.4
15000US060770032053	910	625	285	31.3	186	20.4
15000US060770032081	2,146	1,300	846	39.4	367	17.1
15000US060770032084	579	252	327	56.5	72	12.4
15000US060770032091	1,769	1,351	418	23.6	286	16.2
15000US060770032092	1,302	871	431	33.1	280	21.5
15000US060770032093	686	481	205	29.9	110	16.0
15000US060770032101	1,795	1,250	545	30.4	270	15.0
15000US060770032102	1,085	733	352	32.4	201	18.5
15000US060770032111	1,071	232	839	78.3	132	12.3
15000US060770032114	2,184	905	1,279	58.6	398	18.2
15000US060770032131	1,348	328	1,020	75.7	243	18.0

15000US060770032132	3,533	1,586	1,947	55.1	731	20.7
15000US060770032141	1,409	963	446	31.7	215	15.3
15000US060770032142	2,047	1,269	778	38.0	328	16.0
15000US060770032151	1,074	555	519	48.3	153	14.2
15000US060770032152	1,012	730	282	27.9	141	13.9
15000US060770032153	1,679	982	697	41.5	261	15.5
15000US060770033071	1,833	895	938	51.2	501	27.3
15000US060770033101	1,531	703	828	54.1	517	33.8
15000US060770033102	2,832	1,180	1,652	58.3	804	28.4
15000US060770033111	639	371	268	41.9	227	35.5
15000US060770033112	1,587	763	824	51.9	430	27.1
15000US060770033113	1,620	518	1,102	68.0	421	26.0
15000US060770034031	3,290	871	2,419	73.5	574	17.4
15000US060770034061	2,891	479	2,412	83.4	552	19.1
15000US060770039001	1,661	726	935	56.3	1,337	80.5
15000US060770040011	1,567	988	579	36.9	545	34.8
15000US060770040021	1,650	1,002	648	39.3	311	18.8
15000US060770041022	679	522	157	23.1	165	24.3
15000US060770041023	697	542	155	22.2	114	16.4
15000US060770041031	990	717	273	27.6	294	29.7
15000US060770041034	2,641	2,100	541	20.5	558	21.1
15000US060770041041	2,691	2,248	443	16.5	257	9.6
15000US060770042012	1,602	1,360	242	15.1	196	12.2
15000US060770042013	1,336	1,133	203	15.2	256	19.2
15000US060770042015	912	792	120	13.2	115	12.6
15000US060770042016	1,330	1,202	128	9.6	119	8.9
15000US060770043022	1,804	1,542	262	14.5	180	10.0
15000US060770043023	1,913	1,489	424	22.2	451	23.6
15000US060770043031	1,206	1,076	130	10.8	100	8.3
15000US060770043034	1,208	1,073	135	11.2	52	4.3
15000US060770043051	1,938	1,618	320	16.5	171	8.8
15000US060770043052	1,721	1,336	385	22.4	216	12.6
15000US060770043062	1,630	1,314	316	19.4	212	13.0
15000US060770043063	1,241	893	348	28.0	258	20.8

15000US060770043064	1,491	1,208	283	19.0	199	13.3
15000US060770043065	854	646	208	24.4	158	18.5
15000US060770032082	2,259	826	1,433	63.4	258	11.4
15000US060770032083	902	474	428	47.5	184	20.4
15000US060770032112	1,609	948	661	41.1	352	21.9
15000US060770032113	1,806	697	1,109	61.4	498	27.6
15000US060770034033	791	311	480	60.7	220	27.8
15000US060770041032	1,573	1,301	272	17.3	338	21.5
15000US060770041033	851	693	158	18.6	224	26.3
15000US060770041035	755	637	118	15.6	55	7.3
15000US060770043032	991	871	120	12.1	61	6.2
15000US060770043033	648	576	72	11.1	69	10.6
TOTAL	102,904	64,690	38,214	37.1	19,507	19.0

Source: 2000 Census.

* 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.

APPENDIX

Table 5.10A-2

2000 Census Low Income Data by Census Block Groups
Lodi Energy Center 6-mile Radius

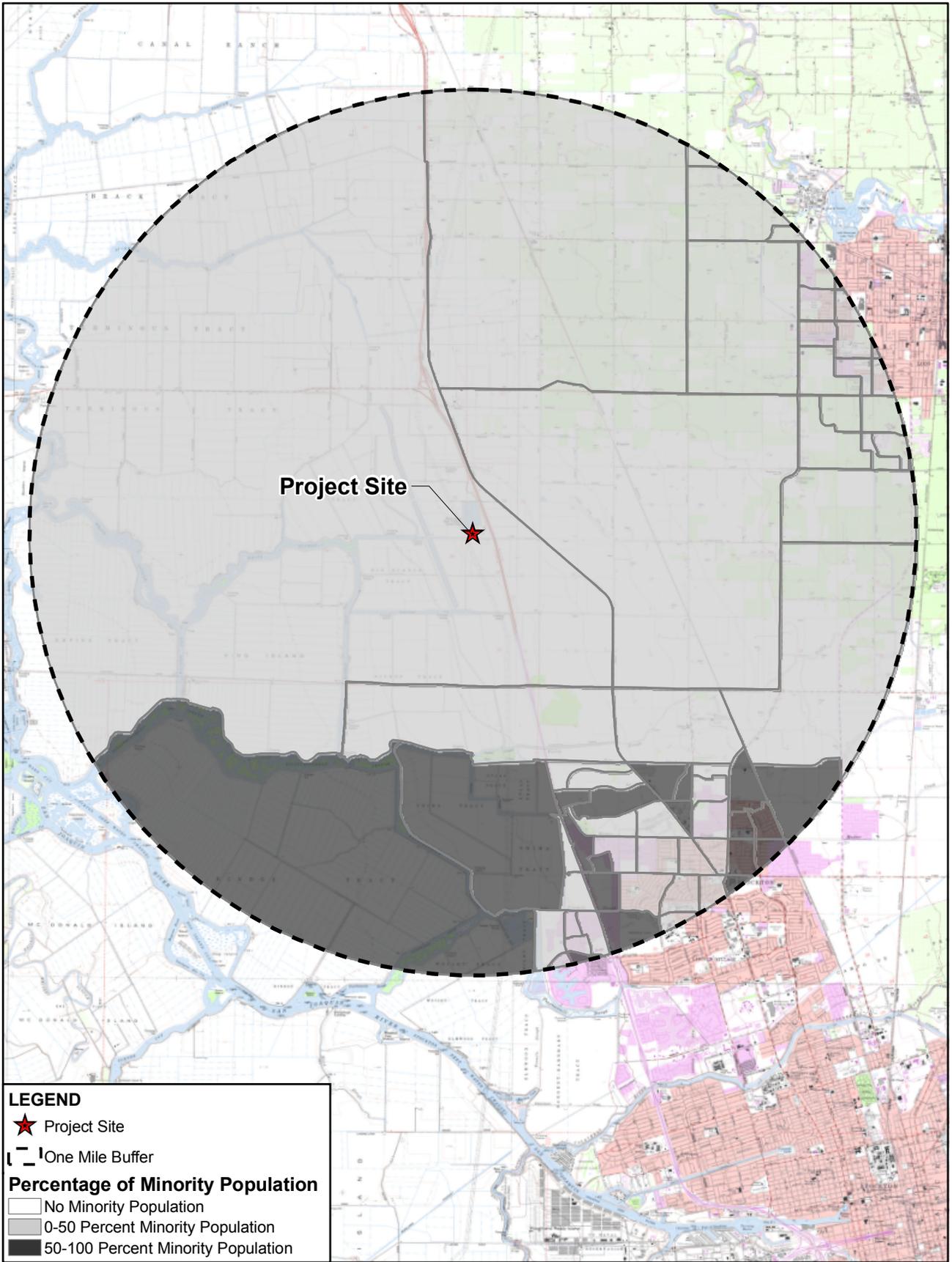
Census Block Group	Total Population*	Population below Poverty Level	Percent Low-Income
060770031061	1,358	49	3.6
060770031062	1,697	372	21.9
060770031081	1,221	63	5.2
060770031082	1,542	323	20.9
060770031083	1,256	312	24.8
060770031084	425	0	0.0
060770031091	1,051	248	23.6
060770031093	602	7	1.2
060770031101	485	13	2.7
060770032031	1,137	133	11.7
060770032032	1,847	87	4.7
060770032033	525	28	5.3
060770032051	860	7	0.8
060770032052	1,875	196	10.5
060770032053	917	141	15.4
060770032081	2,206	117	5.3
060770032084	508	239	47.0
060770032091	1,757	29	1.7
060770032092	1,307	149	11.4
060770032093	682	13	1.9
060770032101	1,689	119	7.0
060770032102	1,060	37	3.5
060770032111	1,130	461	40.8
060770032114	2,167	558	25.7
060770032131	1,370	301	22.0
060770032132	3,334	763	22.9

Census Block Group	Total Population *	Population below Poverty Level	Percent Low-Income
060770032141	1,564	47	3.0
060770032142	1,949	84	4.3
060770032151	1,149	36	3.1
060770032152	987	60	6.1
060770032153	1,542	269	17.4
060770033071	1,981	503	25.4
060770033101	1,422	281	19.8
060770033102	2,852	832	29.2
060770033111	662	72	10.9
060770033112	1,575	215	13.7
060770033113	1,573	324	20.6
060770034031	3,236	372	11.5
060770034061	2,971	1,499	50.5
060770039001	1,549	698	45.1
060770040011	1,555	288	18.5
060770040021	1,687	39	2.3
060770041022	658	19	2.9
060770041023	691	146	21.1
060770041031	960	79	8.2
060770041034	2,571	161	6.3
060770041041	2,767	20	0.7
060770042012	1,515	114	7.5
060770042013	1,420	73	5.1
060770042015	923	81	8.8
060770042016	1,233	66	5.4
060770043022	1,422	262	18.4
060770043023	1,778	360	20.2
060770043031	1,302	59	4.5
060770043034	1,133	87	7.7
060770043051	1,823	175	9.6
060770043052	1,824	124	6.8
060770043062	1,651	212	12.8
060770043063	1,229	130	10.6

Census Block Group	Total Population *	Population below Poverty Level	Percent Low-Income
060770043064	1,476	154	10.4
060770043065	773	72	9.3
060770032082	2,281	954	41.8
060770032083	799	130	16.3
060770032112	1,543	218	14.1
060770032113	1,812	690	38.1
060770034033	807	240	29.7
060770041032	1,448	77	5.3
060770041033	1,055	97	9.2
060770041035	720	59	8.2
060770043032	964	31	3.2
060770043033	614	76	12.4
TOTAL	101,454	15,350	15.1

Source: 2000 Census.

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



LEGEND

- ★ Project Site
- ⊖ One Mile Buffer

Percentage of Minority Population

- No Minority Population
- 0-50 Percent Minority Population
- 50-100 Percent Minority Population

Notes:
 1. Source: American Fact Finder, Census 2000 Summary File 1 (SF 1) 100-Percent Data, U.S. Census Bureau, 2008

This map was compiled from various scale source data and maps and is intended for use as only an approximate representation of actual locations.

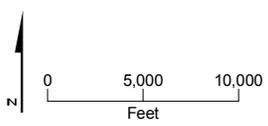
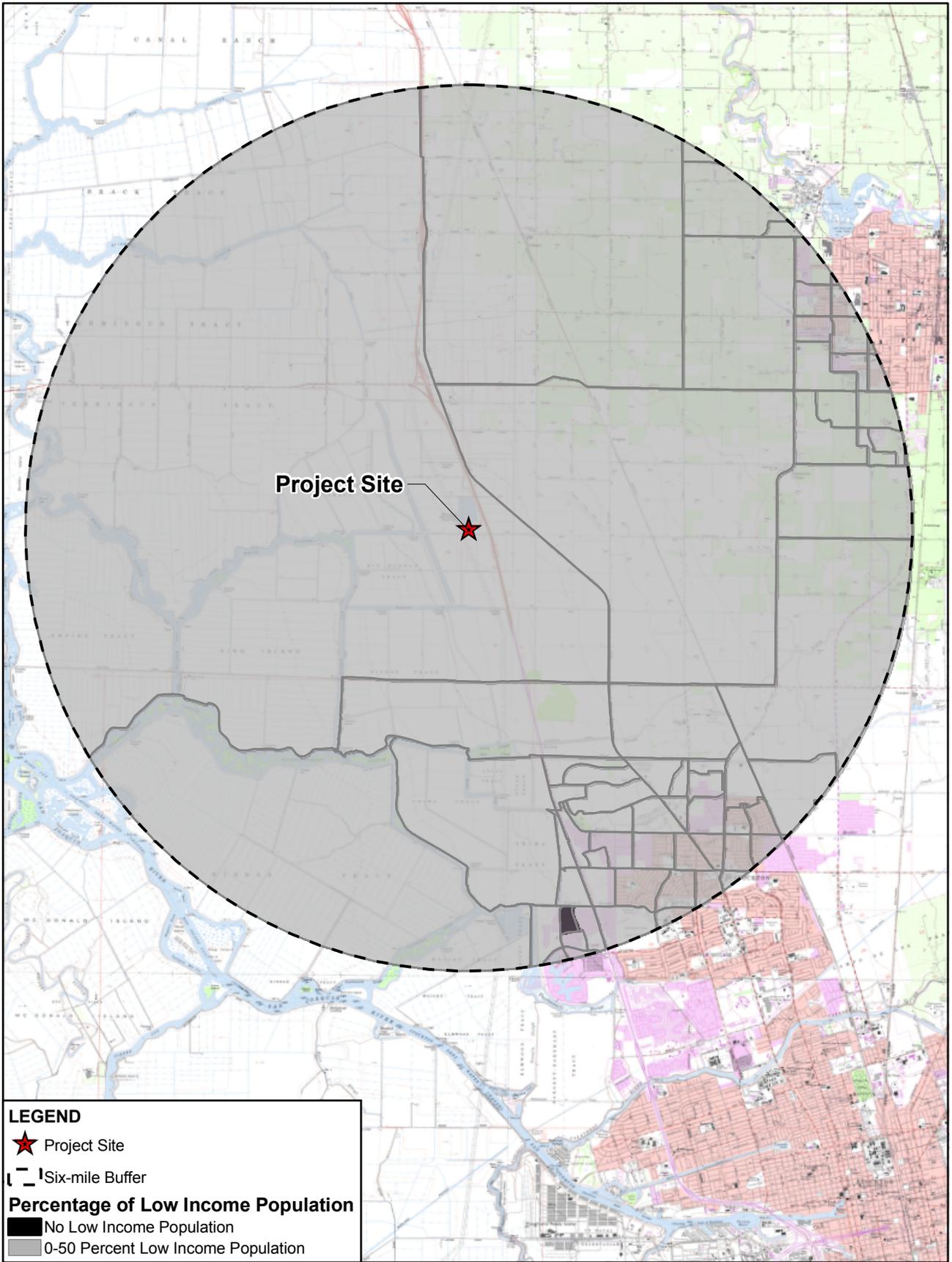


FIGURE 5.10-1
MINORITY POPULATION DISTRIBUTION BY
CENSUS BLOCK GROUPS WITHIN 6 MILES
LODI ENERGY CENTER
LODI, CALIFORNIA



LEGEND

- ★ Project Site
- ⊖ Six-mile Buffer

Percentage of Low Income Population

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

Notes:
 1. Source: American Fact Finder, Census 2000 Summary File 1 (SF 1) 100-Percent Data, U.S. Census Bureau, 2008

This map was compiled from various scale source data and maps and is intended for use as only an approximate representation of actual locations.

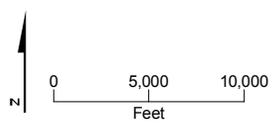


FIGURE 5.10-2
LOW INCOME POPULATION DISTRIBUTION
BY CENSUS BLOCK GROUPS WITHIN 6 MILES
LODI ENERGY CENTER
LODI, CALIFORNIA