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Appendix 5.10A
Environmental Justice Analysis

Environmental Justice

Introduction

This Appendix 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 Mission Rock Energy Center (MREC) are likely to fall on minority and/or low-income populations. The Appendix focuses on the populations that are located within the area potentially affected by the MREC project. In accordance with EO 12898, the Appendix 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) 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 MREC 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 MREC 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 MREC project area, 2010 Census data and the 2006-2010 American Community Survey (ACS) 5-year data were used. Minority and income data were reviewed at the finest level available from the Census (i.e., Census Block for minority and Census Tract for income). Tables 5.10A-1 and 5.10A-2 show the distribution of the population within the 6-mile radius by minority 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 2010 Census, the total population within a 6-mile radius of the MREC site is approximately 124,818. The minority population, in the Census Block Groups within the 6-mile radius of the MREC site, comprises 56.6 percent of this total population (see Table 5.10A-1). Figure 5.10A-1 (figures are at the

end of this appendix) identifies the minority population percentages of Census Block Groups in the vicinity of the MREC based on 2010 Census data. As shown in Figure 5.10A-1, about a quarter (27 percent) of the Census Block Groups in the vicinity of the MREC 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 2010 ACS 5-year estimates dataset, the total population for whom poverty status is determined within a 6-mile radius of the MREC site was approximately 127,853. The low-income population, in the Census Tracts within the 6-mile radius of the MREC site, comprised about 11 percent of this total population (see Table 5.10A-2). Figure 5.10A-2 identifies the low-income population percentages of Census Tracts in the vicinity of MREC based on ACS 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 Tracts within 6 miles of the project 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 MREC 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 MREC 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. 2015a. 2010 Redistricting Data SF (PL 94-171) – *Hispanic or Latino, and Not Hispanic or Latino By Race*. Internet site: <http://factfinder2.census.gov/>. Accessed September 11.

U.S. Census Bureau. 2015b. 2010 American Community Survey (ACS) 5-Year Estimates – *Poverty in the Past 12 Months*. Internet site: <http://factfinder2.census.gov/>. Accessed September 11.

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.

U.S. Environmental Protection Agency. 1998. *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.

U.S. Environmental Protection Agency. 1998. *Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits*. Washington, D.C. February 5, 1998.

APPENDIX

Table 5.10A-1

**2010 Census Minority Data by Census Block Groups
Mission Rock Energy Center 6-mile Radius**

Census Block Group	Population	White	Minority	Percent Minority
61110052033	957	678	279	29.2
61110004004	2,245	28	2,217	98.8
61110004003	2,655	576	2,079	78.3
61110004002	800	447	353	44.1
61110008001	1,247	231	1,016	81.5
61110006004	1,302	39	1,263	97.0
61110006002	1,191	186	1,005	84.4
61110008002	3,108	1,199	1,909	61.4
61110008003	2,137	627	1,510	70.7
61110006001	929	148	781	84.1
61110006003	2,719	156	2,563	94.3
61110055031	1,612	828	784	48.6
61110052031	2,299	1,677	622	27.1
61110013013	2,581	1,329	1,252	48.5
61110012012	1,897	924	973	51.3
61110012011	2,338	1,517	821	35.1
61110012023	2,703	1,984	719	26.6
61110012021	1,942	1,269	673	34.7
61110012041	2,473	1,197	1,276	51.6
61110015061	2,044	1,171	873	42.7
61110015062	1,109	704	405	36.5
61110014012	2,355	1,553	802	34.1
61110015031	3,625	1,852	1,773	48.9
61110015063	1,874	1,171	703	37.5

Census Block Group	Population	White	Minority	Percent Minority
61110016011	1,099	585	514	46.8
61110017001	2,617	2,154	463	17.7
61110017002	914	653	261	28.6
61110052021	784	440	344	43.9
61110052022	1,910	1,426	484	25.3
61110052032	1,970	1,384	586	29.7
61110013021	1,778	663	1,115	62.7
61110012022	2,546	1,775	771	30.3
61110013011	1,863	642	1,221	65.5
61110055032	1,724	1,135	589	34.2
61110051001	878	476	402	45.8
61110051003	1,837	1,091	746	40.6
61110005001	1,867	597	1,270	68.0
61110014021	1,983	1,416	567	28.6
61110014011	1,595	1,095	500	31.3
61110050021	3,003	262	2,741	91.3
61110007011	3,172	302	2,870	90.5
61110050031	3,502	383	3,119	89.1
61110050032	4,864	411	4,453	91.6
61110050041	5,419	1,355	4,064	75.0
61110051002	1,053	173	880	83.6
61110004001	1,058	453	605	57.2
61110007012	1,776	238	1,538	86.6
61110007013	1,493	217	1,276	85.5
61110007021	1,519	250	1,269	83.5
61110007022	1,546	353	1,193	77.2
61110008004	1,296	464	832	64.2
61110013012	1,201	688	513	42.7
61110013014	2,079	1,216	863	41.5
61110014022	2,093	1,264	829	39.6
61110014023	1,601	937	664	41.5

Census Block Group	Population	White	Minority	Percent Minority
61110049021	2,592	67	2,525	97.4
61110052041	1,957	1,498	459	23.5
61110052042	1,410	938	472	33.5
61110052051	2,573	2,024	549	21.3
61110052052	3,194	2,021	1,173	36.7
61110056001	2,910	1,619	1,291	44.4
TOTAL	124,818	54,156	70,662	56.6
Source: U.S. Census Bureau, 2015a.				

APPENDIX

Table 5.10A-2

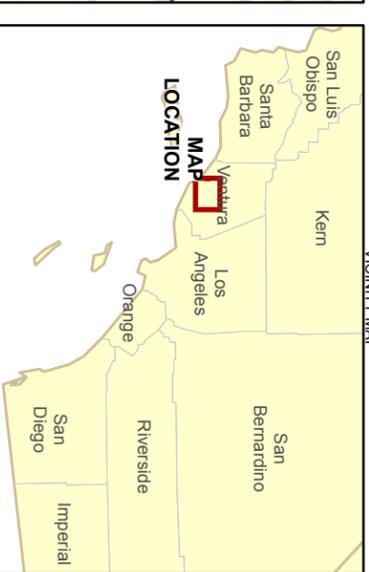
**2010 Census Low Income Data by Census Tracts
Mission Rock Energy Center 6-mile Radius**

Census Tract	Total Population*	Population below Poverty Level	Percent Low-Income
6111000701	5,874	903	15.4
6111000500	1,986	238	12.0
6111001402	5,802	306	5.3
6111000800	7,563	756	10.0
6111000600	5,940	1,922	32.4
6111000400	6,003	1,164	19.4
6111001700	3,617	148	4.1
6111001601	858	11	1.3
6111001503	4,510	333	7.4
6111001302	1,569	314	20.0
6111001401	3,481	259	7.4
6111001506	5,016	371	7.4
6111001204	2,380	358	15.0
6111001202	6,987	210	3.0
6111001201	3,963	95	2.4
6111001301	8,212	395	4.8
6111005503	2,743	46	1.7
6111000702	3,550	496	14.0
6111005002	2,656	394	14.8
6111005100	3,023	391	12.9
6111005004	3,786	1,337	35.3
6111005003	7,381	1,538	20.8
6111005203	4,917	264	5.4
6111005600	8,772	336	3.8

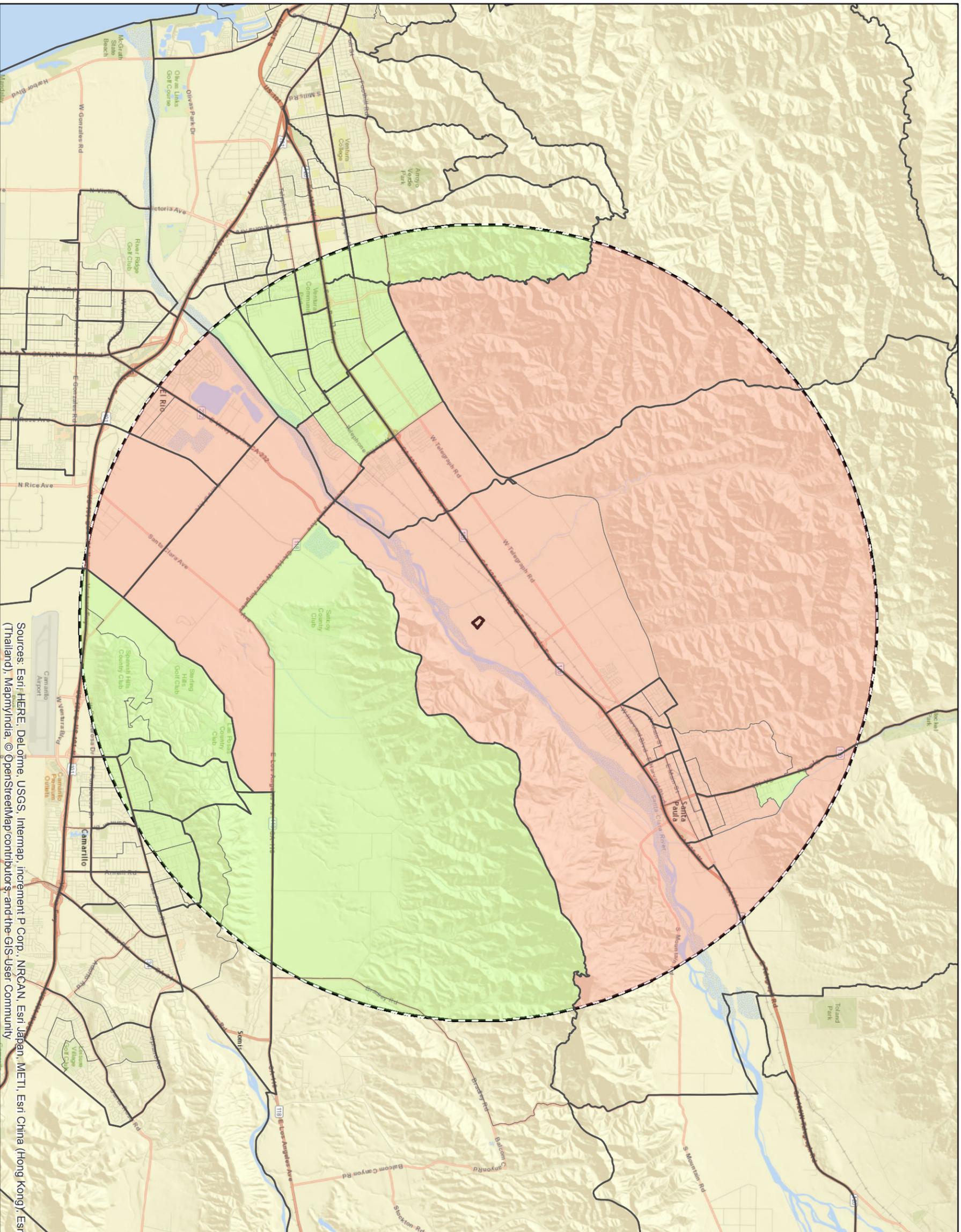
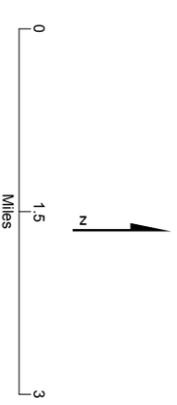
Census Tract	Total Population*	Population below Poverty Level	Percent Low-Income
6111005205	6,003	348	5.8
6111005204	3,541	199	5.6
6111005202	2,786	318	11.4
6111004902	4,934	559	11.3
TOTAL	127,853	14,009	11.0

Source: U.S. Census Bureau, 2015b.

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

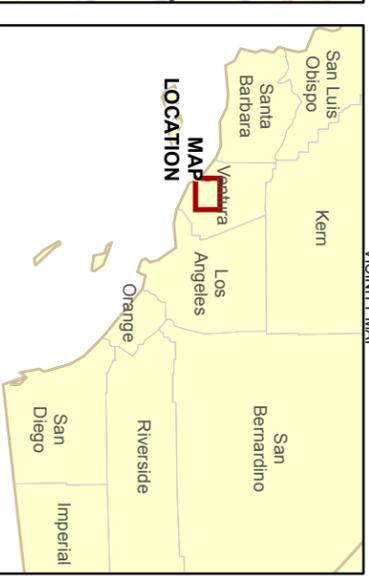


- LEGEND**
- Project Site
 - Block Group
 - Tract
- Minority Population**
- No Minority
 - 0-50 percent Minority
 - 50-100 percent Minority

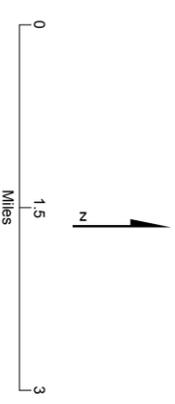
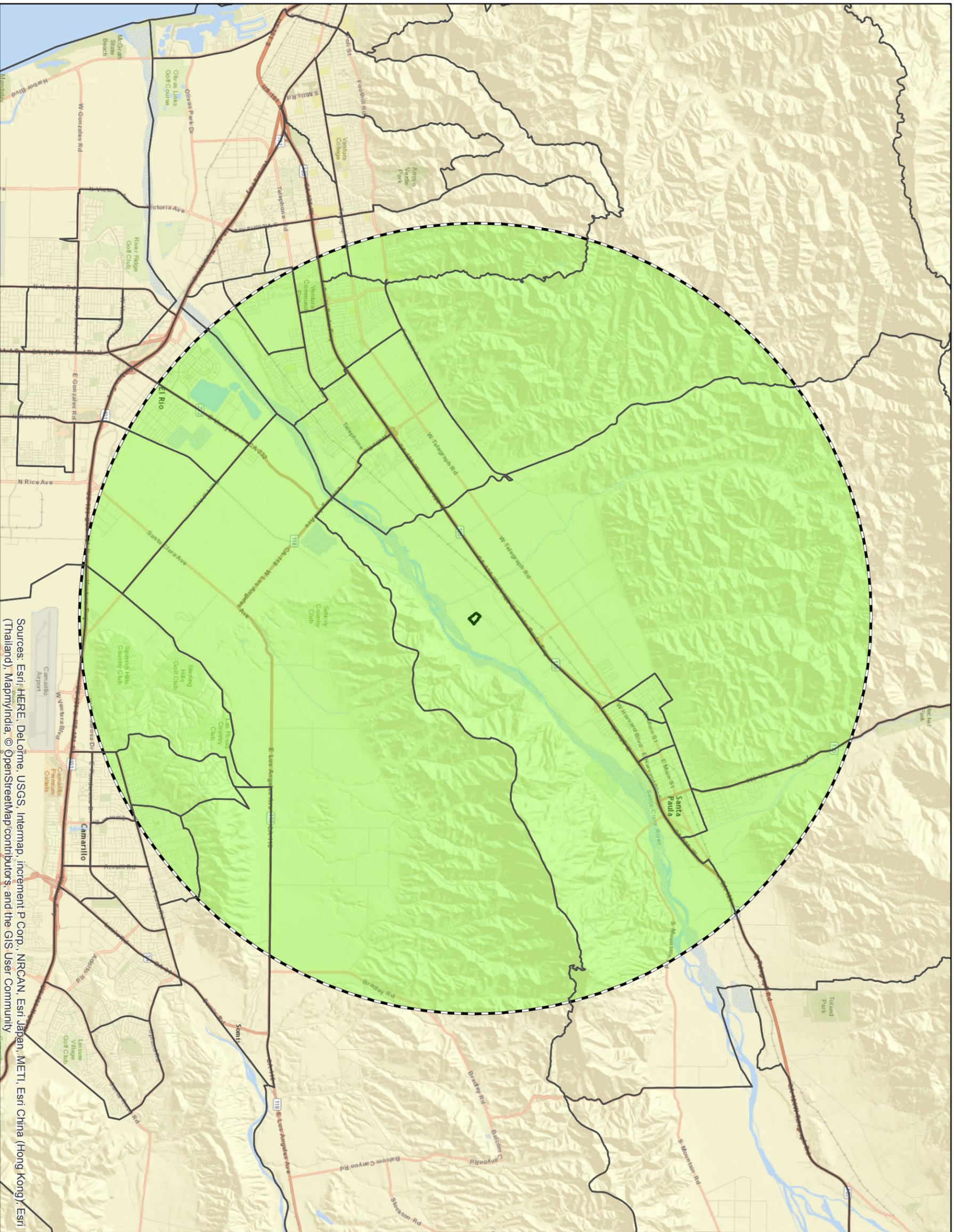


Sources: Esri; HERE; DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Figure 5.10-1
Minority Population Distribution by
Census Block Groups Within 6 Miles
 Mission Rock Energy Center
 Ventura County, California



- LEGEND**
- Project Site
 - Tract
- Low Income**
- No Low Income
 - 0-50 percent Low Income
 - 50-100 percent Low Income



Sources: Esri; HERE; DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Figure 5.10-2
Low Income Population Distribution by
Census Tracts Within 6 Miles
 Mission Rock Energy Center
 Ventura County, California