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Appendix 5.10A  
Environmental Justice Analysis

Gem Energy Storage Center

# APPENDIX 5.10A: Environmental Justice

## Introduction

This Appendix was prepared in compliance with Presidential Executive Order (EO) 12898, Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low-Income Communities, dated February 11, 1994. The purpose of this report is to determine whether disproportionately high and adverse human health or environmental effects of the proposed Gem Energy Storage Center (GESC) are likely to fall on minority and/or low-income populations. This Appendix focuses on the populations that are located within the area potentially affected by the GESC project. In accordance with EO 12898, this evaluation of EJ documents where minority and low-income populations reside and examines if there are high and adverse impacts identified relative to these populations. This EJ analysis also discusses the specific outreach efforts made to involve minority and low-income populations in the decision-making process.

## 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 EJ 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.” The Council on Environmental Quality (CEQ) has issued guidance on how to implement EO 12898 and conduct an EJ analysis (CEQ 1997).

### Methodology and Approach

In accordance with California Energy Commission (CEC) siting regulations, this Appendix presents an evaluation of the GESC project for compliance with EO 12898. This EJ analysis involved an evaluation of the following three criteria.

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

The series of environmental analyses prepared for the GESC 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 GESC project area, this EJ analysis reviewed 2010 Census data and the 2015-2019 American Community Survey (ACS) 5-year data. The analysis involved reviewing census tract level minority data and census tract income data.

**Tables 5.10A-1** and **5.10A-2** show the distribution of the population within the 10-mile radius by minority and income, respectively.

*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.*

As a result of there being no anticipated high and adverse human health or environmental effects from the implementation and operation of the GESC project, a final determination of impacts on low income and minority populations is not required. However, this Appendix presents a summary of the census tract and census tract data for the minority and low-income populations that intersect the 10-mile radius buffer.

## 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 CEC will provide information to residents in the area and provide opportunities for their involvement.

The CEC 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 Census data presented in by the USEPA's EJ Mapper, the total population within a 10-mile radius of the GESC site is approximately 23,542 (USEPA 2021). As indicated in **Table 5.10A-1**, the minority population, in the Census Tracts within the 10-mile radius of the PESC. site, comprises about 25 percent of this total population. **Figure 5.10-1** identifies the minority population percentages of Census Tracts in the vicinity of the GESC based on 2015-2019 ACS data. As shown in **Figure 5.10-1**, none of the Census Tracts in the vicinity of the PESC are above 50 percent minority (U.S. Census Bureau 2021a). As such, none of the Census Tracts that occur within the Census Tracts that intersect the 10-mile radius buffer meet the CEQ guidance for identifying minority populations (CEQ 1997).

### Distribution of the Low-Income Population

Based on the 2015-2019 ACS 5-year estimates dataset, the total population for whom poverty status is determined within the Census Tracts that occur within a 10-mile radius of the GESC site was

approximately 16,007. As presented in **Table 5.10A-2**, the low-income population in the Census Tracts that intersect the 10-mile radius buffer, comprise about 14 percent of this total population. **Figure 5.10-2** illustrates the low-income population percentages of Census Tracts in the vicinity of GESC.

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 Tracts with 50 percent or more low-income populations that intersect the GESC's 10-mile radius buffer (U.S. Census Bureau 2021b).

## Results and Conclusion

As discussed in the Methodology and Approach section above, for purposes of this analysis, CEQA significant adverse impacts are synonymous with high and adverse impacts as described in EO 12898. As reported in the series of environmental analyses prepared for the GESC AFC, no significant adverse impacts will occur after the Applicant implements proposed mitigation measures. Consequently, none of the impacts of this project are high and adverse in the context of EO 12898. As such, no high and adverse human health or environmental effects will fall disproportionately on minority or low-income populations. The GESC project is, therefore, 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.
- 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.
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- U.S. Census Bureau. 2021a. 2015-2019 ACS 5-Year Estimates – Poverty Status in the Past 12 Months of Families. <https://data.census.gov/cedsci/advanced>. Website accessed August 11, 2021.
- U.S. Census Bureau. 2021b. 2015-2019 ACS 5-Year Estimates – Poverty Status in the Past 12 Months of Families. <https://data.census.gov/cedsci/advanced>. Website accessed August 11, 2021.
- U.S. Environmental Protection Agency. 2021. Environmental Justice Mapper. <https://ejscreen.epa.gov/mapper/>. Website accessed August 12, 2021.

### Table 5.10A-1

2010 Census Minority Data by Census Tract Data 2015-2019 ACS Estimates  
 Gem Energy Center 10-mile Radius

Census Tract	Population	White Population Alone	Minority Population	Percent Minority
Census Tract 55.06, Kern County, California	5,964	4,912	1052	17.6
Census Tract 57, Kern County, California	2,827	2,351	476	16.8
Census Tract 58.01, Kern County, California	6,604	5,073	1531	23.2
Census Tract 58.02, Kern County, California	9,479	6,568	2911	30.7
Census Tract 59, Kern County, California	3,394	1,740	1654	48.7
Census Tract 60.07, Kern County, California	6,245	6,023	222	3.6
Census Tract 65, Kern County, California	4,501	2,842	1659	36.9
Census Tract 9009, Los Angeles County, California	4,018	3,285	733	18.2
Census Tract 9012.09, Los Angeles County, California	1,634	1,214	420	25.7

Source. United States Census Bureau 2021a.

**Table 5.10A-2**  
**2010 Census Poverty Data for 10-Mile Radius 2015-2019 ACS**  
**Estimates**  
**Gem Energy Storage Center**

Census Tract	Population for whom poverty status is determined	Below 100 percent of the poverty level
Census Tract 55.06, Kern County, California	5,964	7.9%
Census Tract 57, Kern County, California	2,662	1.5%
Census Tract 58.01, Kern County, California	6,535	9.6%
Census Tract 58.02, Kern County, California	9,479	28.7%
Census Tract 59, Kern County, California	3,394	37.2%
Census Tract 65, Kern County, California	2,208	20.6%
Census Tract 9009, Los Angeles County, California	4,018	12.1%
Census Tract 9012.09, Los Angeles County, California	1,610	9.4%
Census Tract 9800.03, Los Angeles County, California	0	-

Source. United States Census Bureau 2011b.