
3.10 - Environmental Justice

3.10.1 - Summary

This section discusses the existing low-income and minority populations within the proposed incorporation area and potential disproportionate effects on these populations in the provision of public services from project implementation.

3.10.2 - Environmental Setting

Background

Environmental justice is defined in California law (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 and policies.” The Cortese-Knox-Hertzberg Act (CKH) states in Government Code Section 56668(o) that “environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

According to the U.S. Environmental Protection Agency (US EPA), “Fair Treatment means that no group of people, including racial, ethnic, or socioeconomic groups should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal environmental programs and policies. Meaningful involvement means that (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public’s contribution can influence the regulatory agency’s decision; (3) the concerns of all participants involved will be considered in the decision-making process; and (4) the decision-makers seek out and facilitate the involvement of those potentially affected.” (1990)

Environmental justice addresses issues concerning whether a proposed project would expose minority or disadvantaged populations to proportionately greater risks or impacts compared with those borne by other individuals. Both statutory and common-law protections are legal authorities, which support environmental justice efforts. The State of California and the federal government are in pursuit of efforts to address this issue. Consequently, this EIR documents the project’s compliance with the basic principles of environmental justice.

A condition of environmental justice exists when “Environmental risks and hazards and investments and benefits are equally distributed with a lack of discrimination, whether direct or indirect, at any jurisdictional level; and when access to environmental investments, benefits, and natural resources are equally distributed; and when access to information, participation in decision making, and access to justice in environment-related matters are enjoyed by all.” (US EPA, 1990)

An environmental injustice exists when “members of disadvantaged, ethnic, minority or other groups suffer disproportionately at the local, regional (sub-national), or national levels from environmental risks or hazards, and/or suffer disproportionately from violations of fundamental human rights as a result of environmental factors, and/or are denied access to environmental investments, benefits, and/or natural resources, and/or are denied access to information; and/or participation in decision making; and/or access to justice in environment-related matters.” (US EPA. 1990)

Regional Environmental Justice Assessment

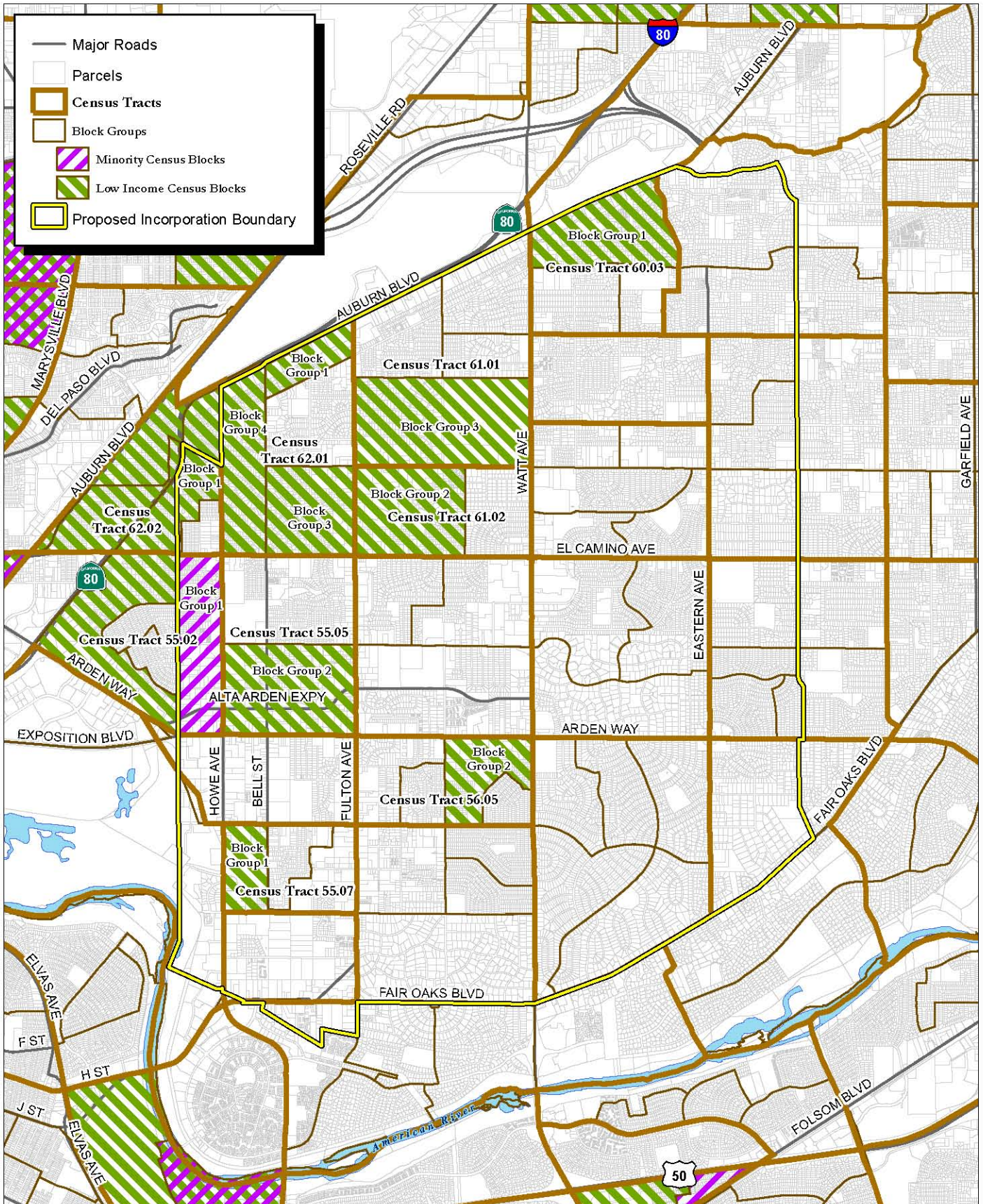
As identified in the Guide to the LAFCo Process for Incorporation, information that should be used to evaluate environmental justice includes general plan designations and current demographic data, including population, income, ethnicity, and age. The Sacramento Area Council of Government’s 2006 Metropolitan Transportation Plan (MTP) includes a regional environmental justice assessment of the greater Sacramento area, including all or portions of El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba counties. The MTP identifies certain Census Block Groups as environmental justice areas based on Census 2000 data in order to ensure that low-income and minority populations are equally served by existing and proposed transportation infrastructure. Data from the MTP identifying environmental justice areas are used in this Draft EIR to assess the low-income and minority populations that may be affected by the incorporation of Arden Arcade. Exhibit 3.10-1 identifies the Block Groups identified by the MTP as environmental justice communities.

The MTP identifies low-income and ethnic diversity populations as:

- Census block groups where 40 percent or more of all households earn less than half the median income of the Metropolitan Statistical Area (MSA) in which they reside, based on 2000 census data.
- Census block groups where 60 percent or more of the population is Asian Pacific Islander, African American, Hispanic, Native American, or other Non-White ethnic group, based on 2000 Census data.

Local Demographic Information

The proposed incorporation area is located in Sacramento County, adjacent to the City of Sacramento. Table 3.10-1 summarizes minority population and income levels for these jurisdictions.



Source: Sacramento County GIS (2009), SACOG (2009), MBA (2009).

Exhibit 3.10-1 Minority and Poverty Level Census Blocks



Table 3.10-1: Summary of Census 2000 Demographics

Jurisdiction	Total Population	Minority ¹	Population at or below Poverty Level (1999 dollars)	Median Household Income (1999 dollars)
Sacramento County	1,223,499	516,844	52,953	43,816
City of Sacramento	407,018	242,044	23,685	37,049

Notes:
¹ Calculated by subtracting persons identified as white alone and non-Hispanic or Latino from total population.
 Source: U.S. Census Bureau, 2000

Arden Arcade Demographic Information

Sixty Block Groups are completely or partially located within the proposed incorporation area. Of these, the SACOG’s MTP identifies 10 that contain low-income populations and one that contains a high minority population.

Low-Income Populations

According to the MTP, 30.5 percent of households within environmental justice areas in the Sacramento MSA earn less than half of the median household income for the MSA. Table 3.10-2 lists the Block Groups identified by the MTP as low income and summarizes their population and median household income.

Table 3.10-2: Low-Income Block Groups within Proposed Incorporation Area

Area	Total Population	Median Household Income (\$) 1999
060670055052 Census Tract 55.05 Block Group 2	2,832	24,567
060670055071 Census Tract 55.07 Block Group 1	2,059	30,297
060670056052 Census Tract 56.05 Block Group 2	1,494	24,899
060670060031 Census Tract 60.03 Block Group 1	2,868	25,031
060670061013 Census Tract 61.01 Block Group 3	991	24,000
060670061022 Census Tract 61.02 Block Group 2	2,703	25,370

Table 3.10-2 (cont.): Low-Income Block Groups within Proposed Incorporation Area

Area	Total Population	Median Household Income (\$) 1999 ¹
060670062011 Census Tract 62.01 Block Group 1	1,213	22,770
060670062013 Census Tract 62.01 Block Group 3	1,569	26,667
060670062014 Census Tract 62.01 Block Group 4	1,937	30,085
060670062021 Census Tract 62.02 Block Group 1	1,859	25,227
Notes: Source for this data: U.S. Census Bureau, Census, 2000.		

Minority Populations

SACOG’s MTP (2006) identifies minority populations as “Census Block Groups where 60 percent or more of the population is Asian Pacific Islander, African American, Hispanic, Native American, or other Non-White ethnic group, based on 2000 census data.” According to the MTP, 69 percent of persons within environmental justice areas in Sacramento County are non-white, whereas non-environmental justice areas contain only 23 percent non-white persons. Table 3.10-3 summarizes population and race information for the Block Group identified as containing a high minority population within the proposed incorporation area.

Table 3.10-3: Minority Block Group within Proposed Incorporation Area

Area	Total Population	White Alone and Non-Hispanic Population	Minority Population ¹	Percent Minority
Census Tract 55.02 Block Group 1	2,890	1,056	1,834	63
Notes: ¹ Calculated by subtracting persons identified as white alone and non-Hispanic or Latino from total population. Source: US Census Bureau, 2000.				

3.10.3 - Regulatory Framework

Federal

Executive Order 12898

On February 11, 1994, President Clinton issued Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low income Populations.” Order 12898 is designed to focus attention on environmental and human health conditions in areas of high minority and low-income communities and to prevent discrimination in programs and projects substantially

affecting human health and the environment. The Order requires that the U.S. EPA and all other federal agencies (as well as state agencies receiving federal funds) develop strategies to address this issue. The agencies are required to identify and address any disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and/or low-income populations.

State

California Government Code Section 65040.12

California Government Code, Section 65040.12 (e), defines environmental justice 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.” California Government Code Section 65040.12 (a), designates the Governor’s Office of Planning and Research (OPR) as the coordinating agency in state government for environmental justice programs, and requires OPR to develop guidelines for incorporating environmental justice into general plans.

Title 14 California Code of Regulations (CCR) Section 15131

Title 14, CCR Section 15131 provides that economic or social information may be included in an EIR, but those economic or social effects shall not be considered significant effects on the environment. In an EIR, the lead agency is responsible for researching economic or social changes resulting from a project, which may eventually lead to physical changes in the environment. These economic or social changes can be used to determine the significance of physical changes on the environment.

Senate Bill 115 (1999 Romero)

Senate Bill (SB) 115 modifies Government Code Section 65040.12, et seq., designating OPR as the coordinating agency in state government for Environmental Justice programs. SB 115 requires the Director of Planning and Research to consult with secretaries of specified state agencies and other parties in order to coordinate OPR’s efforts, to share specified information with certain federal agencies, and to review and evaluate other federal information. SB 115 defines Environmental Justice to mean “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws and policies.”

Senate Bill 162 (2007 McLeod)

SB 162 amends Section 56668 of the Government Code, and requires a LAFCo to consider information or comments from voters or residents of the affected territory and the extent that an incorporation proposal would promote environmental justice, thereby amending the existing Cortese-Knox-Hertzberg Act.

Local

LAFCo Policies

Appendix D of the OPR Incorporation Guidelines includes a background on the civil rights and environmental justice responsibilities of LAFCo, an explanation of inequities and analysis recommendations.

3.10.4 - Project Impact Analysis

Thresholds of Significance

In accordance with CEQA, the effects of a project are evaluated to determine if they will result in significant adverse impact on the environment. This project will have a significant adverse environmental justice impact if it will:

- Result in adverse effects or impacts that are appreciably more severe in magnitude or are predominately borne by any segment of the population, for example, household population with low income or a minority population in comparison with a population that is not low income or minority.

3.10.5 - Impact Statements and Mitigation Discussions

Low-Income Populations

Impact 3.10-1: **The project would not result in an adverse effect or impact that is appreciably more severe in magnitude or predominately borne by low-income populations.**

Impact Analysis

The project would not result in any physical changes to the environment. Accordingly, low-income populations located within the proposed incorporation area would not be exposed to proportionately greater risks or impacts compared with those borne by other individuals as a result of project implementation. Any changes in level of service to the community would equally affect all population groups. No impact would occur.

Significance Determination Before Mitigation

No impact.

Mitigation Measures

No mitigation is necessary.

Significance Determination After Mitigation

No impact.

Minority Populations

Impact 3.10-2: **The project would not result in an adverse effect or impact that is appreciably more severe in magnitude or predominately borne by minority populations.**

Impact Analysis

The project would not result in any physical changes to the environment. Accordingly, minority populations located within the proposed incorporation area would not be exposed to proportionately greater risks or impacts compared with those borne by other individuals as a result of project implementation. Any changes in level of service to the community would equally affect all population groups. No impact would occur.

Significance Determination Before Mitigation

No impact.

Mitigation Measures

No mitigation is necessary.

Significance Determination After Mitigation

No impact.

