

4.11 ENVIRONMENTAL JUSTICE

Executive Order 12898 (Environmental Justice) requires federal agencies to identify and address disproportionately high and adverse human health or environmental effects on minority and low-income communities, while Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks) requires that federal agencies identify and address the environmental health risks and safety risks that may disproportionately affect children.

On February 11, 1994, President Clinton issued an “Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” designed to focus attention on environmental and human health conditions in areas of high minority populations and low-income communities, and promote non-discrimination in programs and projects substantially affecting human health and the environment (White House, 1994). The order requires the United States (U.S.) Environmental Protection Agency (EPA) and all other federal agencies (as well as state agencies receiving federal funds) to 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.

In 1997, the U.S. EPA’s Office of Environmental Justice released the Environmental Justice Implementation Plan, supplementing the EPA environmental justice strategy and providing a framework for developing specific plans and guidance for implementing Executive Order 12898. Federal agencies received a framework for the assessment of environmental justice in the EPA’s Guidance for Incorporating Environmental Justice Concerns in EPA’s National Environmental Policy Act (NEPA) Compliance Analysis in 1998. This approach emphasizes the importance of selecting an analytical process appropriate to the unique circumstances of the potentially affected community.

The California State Lands Commission (CSLC) has developed and adopted an Environmental Justice Policy to ensure equity and fairness in its own processes and procedures. The CSLC adopted an amended Environmental Justice Policy on October 1, 2002, that states “Environmental Justice is an essential consideration in the Commission’s processes, decisions and programs and that all people who live in California have a meaningful way to participate in these activities.” The policy stresses equitable treatment of all members of the public and commits to consider environmental justice in its processes, decision-making, and regulatory affairs, which is implemented, in part, through identification of, and communication with, relevant populations that could be adversely and disproportionately impacted by CSLC projects or programs, and by ensuring that a range of reasonable alternatives is identified that would minimize or eliminate environmental impacts affecting such populations.

4.11.1 Proposed Project

4.11.1.1 Affected Environment

The Proposed Project is located within three census block groups¹ in San Bernardino County, near the cities of Apple Valley, Victorville, and Barstow. Information regarding racial diversity and income levels of the residents of the San Bernardino County block was derived from 2000 U.S. Census Information. A summary of this information is provided in Table 4.11-1: Summary of Census 2000 Demographics for the Project Area. On average, the City of Barstow and San Bernardino County contain higher minority populations than the State, while the cities of Apple Valley and Victorville, on average, have smaller minority populations than the state. All jurisdictions being evaluated—City of Apple Valley, City of Victorville, City of Barstow, and County of San Bernardino—fall below the state annual per capita income level. However, all of the jurisdictions are higher than the state percent of people below the poverty level. Additionally, on average, the cities of Apple Valley, Victorville, and Barstow contain a higher age 65 or

¹ A census block group is a cluster of census blocks within a census tract and typically contains between 600 and 3,000 people. A census block is the smallest geographic unit used to collect data. A census tract is a small, relatively permanent statistical subdivision of a county delineated by local participants.

older population than the state, while the County of San Bernardino contains a lower age 65 or older population.

Residential development is only present along small portions of Segment 3. Single-family residential development consisting of approximately 20 homes is located along the Proposed Project alignment at the north end of Segment 3 for approximately 800 feet from the intersection of State Route 247 to Boulder Road. Additionally, the Proposed Project would travel through the unincorporated town of Bell Mountain for approximately 3 miles. There are approximately 50 large rural homes in Bell Mountain located within 0.5 mile of the fiber optic cable line. Of the 50 homes approximately 12 are located within 100 feet of the Proposed Project.

Table 4.11-1: Summary of Census 2000 Demographics for the Project Area

Jurisdiction	Total Population	Percent Minority	Annual per Capita Income	Percent Below Poverty Level	Percent Age 65 or Above
City of Apple Valley	54,239	23.6%	\$17,830	17.3%	13.7
City of Victorville	64,029	39%	\$14,454	18.7%	11.0
City of Barstow	21,119	42.9%	\$16,132	20.3%	11.1
San Bernardino County	1,709,434	41.1%	\$16,856	15.8%	8.2
Total for California	33,871,648	40.6%	\$22,711	14.2%	10.6

Source: U.S. Census Bureau, 2000

4.11.1.2 Threshold Significance

Pursuant to the NEPA, consideration of a significant impact on the human environment is conducted in accordance with Title 40 Code of Federal Regulations 1508.27 (specified in Section 1.2.1 Relationship to NEPA Guidelines). Under NEPA, an impact associated with environmental justice is considered significant if the Proposed Project:

- impacts a minority and/or low-income population; or
- has a disproportionately high or adverse human health or environmental effects on minority communities.

Under the CSLC Environmental Justice Policy, environmental justice impacts are considered significant if the project:

- causes adverse and significant public health or environmental impacts on the public; or
- disproportionately affects minority or low-income populations.

4.11.1.3 Impacts and Mitigation

Potential environmental effects that could result from the Proposed Project are addressed in Sections 4.1 to 4.14. Because the Proposed Project involves the replacement of an underground fiber optic cable, Proposed Project impacts would primarily occur only during the construction phase. The majority of the Proposed Project is located more than 2 miles from residences and communities with only two exceptions. These areas have not been identified as low income due to the size of the lots and residences. Although the three jurisdictions in which the Proposed Project is located fall below the state per capita income and contain higher minority populations than the state average, the Proposed Project

would impact all populations in its vicinity to the same degree, without regard to nationality or income level. Further, the Proposed Project involves the replacement of an existing fiber optic cable line so its location is predetermined and unrelated to existing populations. Therefore, the Proposed Project would not disproportionately affect low income or minority populations.

Operations and maintenance activities would not change once the cable has been replaced. Therefore, once operational, the Proposed Project would not result in additional or new impacts to minority and/or low-income populations.

4.11.2 No Action Alternative

Selection of the No Action Alternative, as described in Section 2.5.1 No Action Alternative, would not result in construction of the Proposed Project, and potential effects to environmental justice as described in Section 4.11.1.3 Impacts and Mitigation would not occur.