

4.12 ENVIRONMENTAL JUSTICE

This section of the Environmental Impact Report (EIR) addresses environmental justice issues associated with the proposed Shell Martinez Marine Terminal (Shell Terminal) Lease Consideration Project (Project), which would involve the granting of a new 30-year lease for Shell Terminal operations, and for Project alternatives.

4.12.1 Environmental Setting

Area of Effect and Community of Comparison

The Project study area used for the Environmental Justice analysis is the “hazard footprint” area, as determined in Section 4.1, Operational Safety/Risk of Accidents. From that section, a hazard footprint of 1,500 feet was calculated to be the area at risk if a fire or explosion were to occur at the Shell Terminal. In addition, the Shell Terminal does not transfer any products that would produce gas cloud hazard footprints that would cause health and safety risks to the public. Portions of two census block groups (3160, 3200.01) were determined to be within this 1,500-foot radius, and demographic data from the two block groups was used as the study area for this analysis (see Figure 4.12-1).

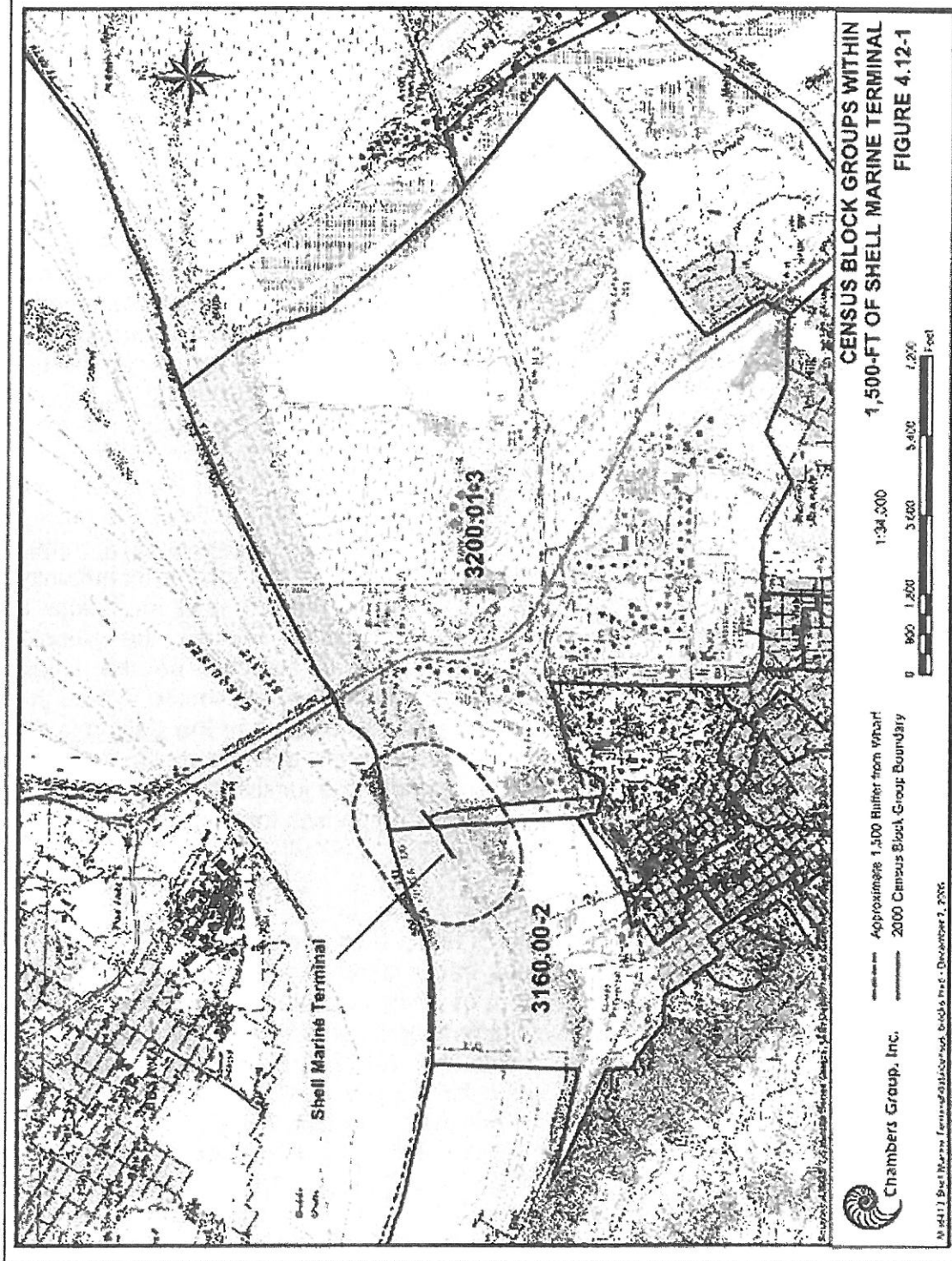
According to the U.S. Environmental Protection Agency’s (EPA’s) “Final Guidance for Incorporation of Environmental Justice Concerns in EPA’s NEPA [National Environmental Policy Act] Compliance Analyses” (April 1998), a minority or low income community is disparately affected when the community will bear an uneven level of health and environmental effects compared to the general population. Further, the guidelines recommend that the Community of Comparison that is selected be the smallest governmental unit that encompasses the impact footprint for each resource. Although the Shell Terminal is located on state tidelands under the jurisdiction of the California State Lands Commission (CSLC), the 1,500-foot hazard footprint extends within the area of influence of the city of Martinez and within land under the jurisdiction of Contra Costa County, which were defined as the Communities of Comparison for this analysis.

Study Area Demographics

As stated above, the study area, or the area of affect from potential hazards occurring at the Shell Terminal, is located in two census tracts: 3160 and 3200.01. The year 2000 study area population was 4,900, 30 percent of which is considered to be of a minority race (see Table 4.12-1). The largest percentage minority group within the study area was the “some other race alone” category, which included 540 persons or approximately 11 percent of the total study area population for the city of Martinez. The “some other race” category includes all other census responses not included in the “White,” “Black or African American,” “American Indian and Alaska Native,” “Asian,” and “Native Hawaiian and Other Pacific Islander” race categories (U.S. Census Bureau 2003a). Census respondent write-in entries, such as Hispanic/Latino, were included in this category and are believed to constitute the majority of the “some other race” category within the Project

4.12 Environmental Justice

- 1 study area. In comparison, the city of Martinez and Contra Costa County had total
- 2 minority group population ratios of 18.9 and 34.7 percent, respectively.
- 3
- 4 Figure 4.12-1. Census Block Groups Within 1,500-Feet of Shell Marine Terminal



1 Table 4.12-1. Race Characteristics 2000

Race	Project Study Area	City of Martinez	Contra Costa County
White	3,412	29,064	619,576
Black or African American	431	1,201	87,444
American Indian and Alaska Native	62	264	5,501
Asian	148	2,378	103,198
Native Hawaiian and Other Pacific Islander	10	84	3,391
Some other race alone	540	1,181	77,521
Two or more races	296	1,694	52,185
Minority Subtotal (percent of total)	1,488 (30.3)	6,802 (18.9)	329,240 (34.7)
Total	4,900	35,866	948,816

Sources: U.S. Department of Commerce, Census Bureau 2003a, 2003b.

2
3 As an added measure to ensure that study area minority populations are adequately
4 identified, census data ~~was~~ were gathered for Hispanic origin. Hispanic is considered an
5 origin, not a race, by the U.S. Census Bureau. An origin can be viewed as the heritage,
6 nationality group, lineage, or country of birth of the person or the person's parents or
7 ancestors before their arrival in the United States (U.S. Census Bureau 2003c). People
8 that identify their origin as Spanish, Hispanic, or Latino may be of any race. Therefore,
9 those who are counted as Hispanic are also counted under one or more race
10 categories, as described above. Approximately 21.3 percent of the study area
11 population was Hispanic in origin (Table 4.12-2). In contrast, the City of Martinez and
12 Contra Costa County had a 10.2 percent and 17.7 percent Hispanic population,
13 respectively.

15 Table 4.12-2. Hispanic Origin 2000

	Hispanic in Origin	Total Population	Percent Hispanic
Project Study Area	1,045	4,900	21.3%
City of Martinez	3,660	35,866	10.2%
Contra Costa County	167,776	948,816	17.7%

Source: U.S. Department of Commerce, Census Bureau 2003c

16
17 As shown in Table 4.12-3 below, 301 persons within the study area were determined in
18 1999 to be below the poverty level. This represents approximately 6.1 percent of the
19 population within the study area. The city of Martinez and Contra Costa County had
20 percentages of 5.1 percent and 2.4 percent, respectively, of their population determined
21 to be below the poverty level.

23 Table 4.12-3. Study Area Population Poverty Status in 1999

	Population Determined Below Poverty Level in 1999	Total Population	Percent of Population Determined Below Poverty Level in 1999
Project Study Area	301	4,900	6.1%
City of Martinez	1,826	35,866	5.1%
Contra Costa County	22,738	938,310	2.4%

Source: U.S. Department of Commerce, Census Bureau 2003b

1 Census poverty thresholds are the same for all parts of the Country and are updated
2 yearly to reflect changes in the Consumer Price Index. However, due to the high cost of
3 living in the Bay Area, a higher poverty threshold was used to characterize the number
4 of low-income households. As part of ~~their~~ its 2001 Regional Transportation Plan Equity
5 Analysis and Environmental Justice Report, the Metropolitan Transportation
6 Commission (MTC) used the criterion of 30 percent of households at or below
7 200 percent of the poverty level. The 2001 MTC study identified communities that have
8 high population of low-income residents. The City of Martinez was identified as
9 containing a low-income community zone (central Martinez) with 37.2 percent of the
10 population within the zone at or below 200 percent of the poverty level¹ (MTC 2001).
11

12 4.12.2 Regulatory Setting

13 Federal

14
15
16 On February 11, 1994, President Clinton issued an "Executive Order on Federal Actions
17 to Address Environmental Justice in Minority Populations and Low-Income Populations"
18 designed to focus attention on environmental and human health conditions in areas of
19 high minority populations and low-income communities, and promote non-discrimination
20 in programs and projects substantially affecting human health and the environment
21 (U.S. EPA, 1994). The order requires the EPA and all other federal agencies (as well as
22 state agencies receiving federal funds) to develop strategies to address this issue. The
23 agencies are required to identify and address any disproportionately high and adverse
24 human health or environmental effects of their programs, policies, and activities on
25 minority and/or low-income populations.
26

27 In 1997, the U.S. EPA's Office of Environmental Justice released the *Environmental*
28 *Justice Implementation Plan*, supplementing the EPA environmental justice strategy and
29 providing a framework for developing specific plans and guidance for implementing
30 Executive Order 12898. Federal agencies received a framework for the assessment of
31 environmental justice in the EPA's *Guidance for Incorporating Environmental Justice*
32 *Concerns in EPA's NEPA Compliance Analysis* in 1998. This approach emphasizes the
33 importance of selecting an analytical process appropriate to the unique circumstances
34 of the potentially affected community.
35

36 State

37
38 While many state agencies have utilized the EPA's *Environmental Justice*
39 *Implementation Plan* as a basis for the development of their own environmental justice
40 strategies and policies, [as of yet the majority of California state agencies do not have
41 guidance for incorporation of the environmental justice impact assessment into
42 California Environmental Quality Act (CEQA) analysis.] The State Air Resources Board
43 has, for example, examined this issue and has received advice from legal counsel, by a
44 memorandum entitled "CEQA and Environmental Justice." This memorandum states, in
45 part, "For the reasons set forth below, we will conclude that CEQA can readily be

¹ Analysis based upon 1990 Census data.

1 adapted to the task of analyzing cumulative impacts/environmental justice whenever a
2 public agency (including the Air Resources Board, the air pollution control districts, and
3 general purpose land use agencies) undertakes or permits a project or activity that may
4 have a significant adverse impact on the physical environment. All public agencies in
5 California are currently obliged to comply with CEQA, and no further legislation would
6 be needed to include an environmental justice analysis in the CEQA documents
7 prepared for the discretionary actions public agencies undertake."
8

9 ~~State~~ Under Assembly Bill (AB) 1553, signed into law in October 2001, the Governor's
10 Office of Planning and Research (OPR) is required to adopt guidelines for addressing
11 environmental justice issues in local agencies' general plans. The OPR updated the
12 General Plan Guidelines in October 2003 to incorporate the requirements of AB 1553.
13

14 **California State Lands Commission Policy**

15
16 The CSLC has developed and adopted an Environmental Justice Policy to ensure equity
17 and fairness in its own processes and procedures. The CSLC adopted an amended
18 Environmental Justice Policy on October 1, 2002, to ensure that "Environmental Justice is
19 an essential consideration in the Commission's processes, decisions and programs and
20 that all people who live in California have a meaningful way to participate in these
21 activities." The policy stresses equitable treatment of all members of the public and
22 commits to consider environmental justice in its processes, decision-making, and
23 regulatory affairs, which is implemented, in part, through identification of, and
24 communication with, relevant populations that could be adversely and disproportionately
25 impacted by CSLC projects or programs, and by ensuring that a range of reasonable
26 alternatives is identified that would minimize or eliminate environmental impacts affecting
27 such populations. This discussion is provided in this document consistent with and in
28 furtherance of the Commission's Environmental Justice Policy. The staff of the CSLC is
29 required to report back to the Commission on how environmental justice is integrated into
30 its programs, processes, and activities (CSLC 2003).
31

32 **Regional and Local**

33
34 Regional and local environmental justice assessments have been performed by
35 agencies within the study area, such as the Bay Area MTC 2001 Regional
36 Transportation Plan Equity Analysis and Environmental Justice Report. Methods applied
37 in this ~~Draft~~ EIR analysis are consistent with those used in the MTC report.
38

39 This section analyzes the distributional patterns of high-minority and low-income
40 populations on a regional basis and characterizes the distribution of such populations
41 adjacent to the proposed and alternative pipeline corridors. This analysis focuses, in the
42 main, on whether the proposed Project's impacts have the potential to affect area(s) of
43 high-minority population(s) and low-income communities disproportionately and thus
44 create an adverse environmental justice impact.
45

1 **4.12.3 Impact Significance Criteria**

2
3 A disproportionate effect on a minority or low-income population would occur if:

- 4 > The affected census block group is located within an MTC identified Minority
5 Zone (areas having minority populations of 70 percent or more) or Areas of
6 Poverty (areas having 30 percent of households with 1989 incomes at or below
7 200 percent of the poverty level) and that group will be subjected to a significant
8 impact (Class I) (from other resource disciplines).
- 9 > The affected census block group has a minority or Hispanic origin population that
10 is either greater than the Community of Comparison percentage or greater than
11 50 percent, and that group will be subjected to a significant impact (Class I)
12 (from other resource disciplines).
- 13 > The affected census block group has a percentage of low-income (below 1999
14 poverty level) households that is either greater than the Community of
15 Comparison percentage or greater than 50 percent, and that group will be
16 subjected to a significant impact (Class I) (from other resource disciplines).
17

18 A significant adverse impact was also considered to have a disproportionate effect on a
19 minority or low-income population if the impact would clearly ~~ea~~ffect these populations,
20 even if they do not reside in the affected census block groups. For example, the loss of
21 a Native American cultural site would clearly affect this population disproportionately,
22 even if the members of that Native American group do not reside in proximity to the
23 cultural site. Another example would be the removal of a business or facility serving a
24 minority or low-income community that could not be relocated within an area with similar
25 access and where alternative businesses or facilities are not available to meet the same
26 needs of the minority or low-income population.

27
28 **4.12.4 Impacts Analysis and Mitigation Measures**

29
30 **Methodology**

31
32 Significant adverse impacts of the proposed Project and alternatives, as identified in
33 other sections of this ~~Draft~~-EIR, have the potential to result in significant adverse
34 Environmental Justice impacts if a disproportionate amount of minority or low-income
35 populations may be affected. A two-step process has been conducted to identify
36 potential impacts. First, areas within the study area containing minority or low-income
37 populations that may be disproportionately affected are identified using MTC and
38 Council of Environmental Quality Guidance.

39
40 MTC's 2001 Regional Transportation Plan Equity Analysis and Environmental Justice
41 Report identified areas within the MTC planning area that had high minority and
42 low-income population percentages. According to MTC criteria, areas with high
43 percentages of minority populations (Minority Zones) were those having minority
44 populations of 70 percent or more, while areas having 30 percent of populations with
45 1989 incomes at or below 200 percent of the poverty level were considered low-income

1 areas (Areas of Poverty). To determine ~~whether~~if the areas surrounding the Shell
 2 Terminal are located within areas meeting MTC's criteria, Minority Zone and Areas of
 3 Poverty maps from MTC's Environmental Justice report were reviewed and compared
 4 to study area census block group boundaries.

5
 6 The CEQA's Environmental Justice Guidance under the NEPA, December 10, 1997,
 7 states, "Minority populations should be identified where either (a) the minority population
 8 of the affected area exceeds 50 percent or (b) the population percentage of the affected
 9 area is meaningfully greater than the minority population percentage in the general
 10 population or other appropriate unit of analysis." Using these criteria, demographic data
 11 for each study area census block group were compared to demographic data from each
 12 appropriate Community of Comparison to determine whether that specific block group
 13 had a "meaningfully greater" percentage of minority or low-income population.

14
 15 Once areas were identified, the second step of the process evaluated all significant,
 16 unmitigated adverse effects identified for the proposed Project and alternatives to
 17 determine whether project impacts would have a disproportionate environmental impact
 18 on a minority and/or low-income population. Impacts for each resource are only
 19 generally discussed, and specific information on impacts should be drawn from the
 20 appropriate Draft-EIR section.

21
 22 **Impact EJ-1: Environmental Justice Impacts Associated with Continued**
 23 **Operation of the Shell Terminal**

24
 25 Overall, Project impacts would affect resources used by the entire Bay community,
 26 whether or not they are minority or low-income, and would, therefore, not have a
 27 disproportionate impact on a minority or low-income population. Environmental Justice
 28 impacts are considered less than significant (Class III) for all except ~~shrimp and sport~~
 29 ~~fisheries subsistence fishing, which are~~is Class II.

30
 31 MTC Minority Zone and Areas of Poverty

32
 33 The review of MTC maps found that neither of the study area census block groups are
 34 located within an area identified as having a minority population of 70 percent or more;
 35 however, census block 3160 is identified as an area with 30 percent of the population
 36 having incomes at or below 200 percent of the poverty level. Therefore, the proposed
 37 Project's significant adverse impacts identified in other sections of this Draft-EIR within
 38 the study area could have an effect on an MTC-identified Minority Zone or Areas of
 39 Poverty.

40
 41 Areas with Meaningfully Greater Minority or Low-Income Populations

42
 43 To determine ~~whether~~if the study area census block groups have meaningfully greater
 44 minority or low-income populations, minority and low-income percentages in each
 45 census block group were compared to those of the Communities of Comparison. As
 46 shown in Table 4.12-4 below, census block groups 3160 and 3200.01-3 (the study area)

1 have minority, of Hispanic origin, and low-income population percentages that are
 2 greater than the corresponding percentages for both the city of Martinez and Contra
 3 Costa County. Therefore, the study area was determined to have meaningfully greater
 4 minority, Hispanic origin, and low-income populations.

5
 6 Based upon the analysis conducted for this Draft EIR, significant adverse impacts
 7 resulting from the routine operation of the Shell Terminal include Operational Safety/
 8 Risk of Upset, Water Quality, Biological Resources, Commercial and Sport Fisheries,
 9 Land Use, Noise, Visual, and Geotechnical/Structural Impacts. Overall, those impacts
 10 would effect resources used by the entire local community regardless of whether they
 11 may be minority, of Hispanic Origin, or low-income, and therefore, no portion of the
 12 community would be affected disproportionately. In addition, because the Shell Terminal
 13 hazard footprint area, as discussed in Section 4.12.1, does not include population
 14 segments identified as an MTC-Minority Zone and Areas of Poverty, or an area of
 15 Meaningfully Greater Minority or Low-Income Population, no impact resulting from the
 16 proposed Project would have a disproportionate effect on a minority or low-income
 17 population.

18
 19 Table 4.12-4. Study Area Census Block Groups with Meaningfully Greater Minority,
 20 Hispanic Origin, or Low-Income Populations

	Study Area Census Block Groups		City of Martinez	Contra Costa County
	3200.01-3	3160		
Minority				
Percent	24.0%	43.39%	18.9%	34.7%
Exceeds Criteria? ¹	Yes	Yes		
Hispanic Origin				
Percent	24.2%	15.7%	10.2%	17.7%
Exceeds Criteria? ²	Yes	Yes		
Low-Income				
Percent	22.0%	38.4%	5.1%	2.4%
Exceeds Criteria? ³	Yes	Yes		
Source: U.S. Department of Commerce, Census Bureau 2003b ¹ Census block group has a population percentage of minority residents that exceeds the percentage of the Community of Comparison or is greater than 50 percent. ² Census block group has a population percentage of Hispanic origin residents that exceeds the percentage of the Community of Comparison or is greater than 50 percent. ³ Census block group has a population percentage of low-income residents that exceeds the percentage of the Community of Comparison or is greater than 50 percent.				

21
 22 The findings in Section 4.4, Commercial and Sport Fisheries, indicate that the continued
 23 operations at the Shell Terminal could result in significant adverse impacts to fish and
 24 habitat, shrimp fisheries, herring fisheries and sport fisheries as a result of an oil spill at
 25 the Shell Terminal or from transiting tankers that visit the Shell Terminal. Spills could
 26 occur from vessels in transit in central and north San Francisco Bay, San Pablo Bay
 27 and the Carquinez Strait. Fishing access points, launch ramps and marinas may be
 28 threatened or closed. Overall impacts to fisheries would affect resources used by the
 29 regional community, whether or not they are minority, Hispanic origin, or low-income.

1 With regard to local sport fisheries, a 0.5-mile buffer around the Shell Terminal excludes
 2 less than 5 percent of the sport boat fishing area in ~~block~~ California Department of Fish
 3 and Game (CDFG) Fish Block 308 and no shoreline fishing occurs within 0.5 mile of the
 4 Shell Terminal. Therefore, due to limited sport fishing near the Shell Terminal, impacts
 5 to study area census block groups (3160, 3200.01) would not be considered
 6 disproportionate, even though the census block groups have greater minority, Hispanic
 7 Origin, and low income populations.

8
 9 However, should the spill affect areas beyond the 0.5 mile buffer, the potential exists for
 10 fisheries resources and fishing locations used by populations within the study area for
 11 subsistence fishing to be adversely affected as described in Impact FSH-9. Preclusion
 12 of affected populations from fishing areas over an extended period of time could be
 13 considered disproportionate, particularly if such populations do not have the ability to go
 14 to uncontaminated areas nearby and depend on fishing as a food source.

15 Mitigation Measures for EJ-1:

16
 17
 18 **EJ-1.** ~~Should an~~ If an oil spill has been determined by applicable state, federal or
 19 local authorities to originate from the Shell Terminal extend beyond 0.5 mile
 20 from the Terminal and the spill results in closures of preclude subsistence
 21 fishing by members of minority and/or low income communities for more
 22 than two days, Shell shall contribute either funds or food stuffs to a local
 23 food bank in an amount sufficient, as determined by the applicable
 24 authorities in conjunction with the CSLC, to replace food sources that would
 25 have been supplied by fishing activities within the affected areas.

26
 27 Rationale for Mitigation: By contributing funds ~~of~~ or food to a local food bank, Shell
 28 would be providing its fair share of mitigation to the affected community. Impacts would
 29 be reduced to less than significant.

30 **4.12.5 Impacts of Alternatives**

31 **Impact EJ-2: No Project Alternative**

32
 33
 34
 35 Following cessation of operations at the Shell Terminal, there would be no potential for
 36 tanker spills at the Shell Terminal, and no potential for disproportionate effects on a
 37 nearby minority or low-income population.

38
 39 Under the No Project Alternative, Shell's lease would not be renewed and the existing
 40 Shell Terminal would be subsequently decommissioned with its components abandoned
 41 in place, removed, or a combination thereof. The decommissioning of the Shell Terminal
 42 would follow an Abandonment and Restoration Plan as described in Section 3.3.1, No
 43 Project Alternative.

44
 45 Under the No Project Alternative, alternative means of crude oil / product transportation
 46 would need to be in place prior to decommissioning of the Shell Terminal, or the

1 operation of the Shell Refinery would cease production, at least temporarily. It is more
2 likely, however, that under the No Project Alternative, Shell would pursue alternative
3 means of traditional crude oil transportation, such as a pipeline transportation, or use of
4 a different marine terminal. Accordingly, this ~~Draft~~-EIR describes and analyzes the
5 potential environmental impacts of these alternatives. For the purposes of this ~~Draft~~
6 EIR, it has been assumed that the No Project Alternative would result in a
7 decommissioning schedule that would consider implementation of one of the described
8 transportation alternatives. Any future crude oil or product transportation alternative
9 would be the subject of a subsequent application to the CSLC and/or other agencies
10 having jurisdiction, depending on the proposed alternative.

11
12 With no lease, and after decommissioning, there would be no potential for tanker spills
13 at the Shell Terminal. As with the proposed Project, the Shell Terminal area of potential
14 impact does not include an area identified as an MTC-Minority Zone and Area of
15 Poverty, or an area of Meaningfully Greater Minority or Low-Income Population;
16 therefore, the No Project Alternative would have no Environmental Justice impact.

17
18 The No Project Alternative assumes the number of tankers servicing the area would
19 remain essentially the same due to regional demands, and assumes that with no Shell
20 Terminal, incoming tankers would go to other nearby terminals that may or may not
21 require expansion. Impacts may occur ~~in~~ to water quality, biological resources, visual
22 resources, and commercial and sport fisheries, etc. ~~impacts~~ near the other terminals,
23 and any environmental justice effects would be specifically dependent upon the location
24 ~~of the nearby~~ and the demographics of the communities surrounding each terminal.

25
26 **Impact EJ-3: Full Throughput Alternative**

27
28 Tankers would use other Bay area marine oil terminals, which would shift impacts to
29 those facilities. Modified and new pipeline(s) would be required to transfer crude oil and
30 products to the Shell Refinery. New pipelines may have a disproportionate effect on
31 minority, Hispanic Origin, and low-income populations.

32
33 Under this alternative, impacts would be transferred to other Bay area terminals for
34 vessel loading/unloading. In addition, this alternative entails the use of pipelines in the
35 area for the transport of petroleum products from those terminals to the Shell Refinery.
36 The disproportionate effect of other significant adverse impacts associated with this
37 alternative would be dependent upon the location of each terminal, the number of
38 tankers and the demographics of the communities surrounding that terminal.

39
40 As identified in ~~i~~Impact EJ-1, Table 4.12-4, the study area census groups have minority,
41 Hispanic Origin, and low-income populations. Installation of new, and modifications to
42 existing, pipelines would entail alignments through communities that have high
43 concentrations of minority, Hispanic Origin, and low-income populations, not only in the
44 city of Martinez, but also through other communities between the Shell Refinery and
45 most of the locations of other Bay area terminals. Therefore, depending upon ~~the~~
46 pipeline's alignments, significant adverse impacts (Class I and II) associated with this

1 alternative may have a disproportionate effect on low-income populations located within
 2 the city of Martinez and other low income communities through which new pipelines
 3 may pass. Effects ~~for~~of construction may include easement acquisitions, and
 4 operational effects would be due to oil spills risks and the potential for impacting local
 5 resources along the pipeline route.

6
 7 Mitigation Measures for EJ-3:

8
 9 **EJ-3.** Implementation of MM BIO-9 and MM GEO-8.

10
 11 Rationale for mitigation: Planning for protection of sensitive resources and providing
 12 public information would help to avoid or provide rapid response to spill events (MM BIO-
 13 9). Even so, spills can impact land-based waters, biota, land uses, recreational uses, and
 14 fisheries. Impacts can be mitigated to less than significant for small spills with rapid
 15 containment and cleanup. By providing proper engineering, inspection, maintenance and
 16 retrofitting (MM GEO-8), the potential for pipeline failure and therefore, disproportionate
 17 impact to the local community can be reduced to less than significant.

18
 19 Residual Impact: Residual disproportionate effects from large spills on minority,
 20 Hispanic Origin, and low-income populations could remain for land-based waters, biota,
 21 land uses, recreational uses, and fisheries.

22
 23 **4.12.6 Cumulative Projects Impacts Analysis**

24
 25 **Impact CUM-EJ-1: Impacts to Minority or Disadvantaged Communities**

26
 27 Cumulative projects may have the potential to disproportionately affect localized
 28 minority or disadvantaged communities. ~~Shell Terminal's operation does not contribute~~
 29 ~~to this impact.~~

30
 31 The cumulative projects are likely located in areas containing some amount of minority
 32 or disadvantaged communities. For most of the cumulative projects, impacts on minority
 33 or disadvantaged communities are not expected since most of the projects are water-
 34 based. For long-term land-based projects over the 30-year lease period, it is likely that
 35 new construction or modification of existing land-based projects could result in
 36 temporary or permanent impacts that may result in environmental justice impacts if a
 37 business is moved or disrupted or if the new use would create a noise or traffic impact.
 38 The Shell Terminal does not contribute to this impact.

39
 40 ~~As s~~Similar to the proposed Project, the cumulative projects combined can be expected
 41 to have cumulative impacts to biota, commercial and sport fisheries, land use, and
 42 visual resources, due to impacts related to tanker and pipeline spills. Mitigation for
 43 cumulative environmental justice impacts must involve evaluation of each project
 44 individually and then address ~~their~~each project's contribution to the cumulative
 45 environment.

4.12 Environmental Justice

- 1 A summary of the impacts and mitigation measures is provided in Table 4.12-5.
- 2
- 3 Table 4.12-5. Summary of Environmental Justice Impacts and Mitigation Measures

Impacts	Mitigation Measures
EJ-1: Continued Operation of the Shell Terminal	EJ-1: If an oil spill has been determined by state, federal or local authorities to originate <u>Should an oil spill</u> from the Shell Terminal extend beyond 0.5 mile from the Shell Terminal and preclude <u>which results in closures of</u> subsistence fishing by members of minority and/or low income communities for more than two days, Shell shall contribute either funds or food stuffs to a local food bank in an amount sufficient, as determined in conjunction with the California State Lands Commission by the <u>authorities</u> , to replace food sources that would have been supplied by fishing activities within the affected areas.
EJ-2: No Project Alternative	No mitigation required.
EJ-3: Full Throughput Alternative	EJ-3. Implementation of MM BIO-9 for contingency planning for sensitive biota resources, and MM GEO-8 for pipeline integrity during construction and operation.
CUM-EJ-1: Impacts to Minority or Disadvantaged Communities	No mitigation required.