

Rush Creek Project, FERC Project No. 1389

EJ 1 – Environmental Justice
Technical Study Report

January 2025



SOUTHERN CALIFORNIA
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Energy for What's AheadSM

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List of Acronyms

| | |
|----------|--|
| ACS | American Community Survey |
| CalEPA | California Environmental Protection Agency |
| CalOEHHA | California Office of Environmental Health Hazards Assessment |
| CARB | California Air Resources Board |
| CDP | Census Designated Place |
| CDWR | California Department of Water Resources |
| EPA | U.S. Environmental Protection Agency |
| FERC | Federal Energy Regulatory Commission |
| Project | Rush Creek Project |
| SCE | Southern California Edison Company |
| SR 158 | State Route 158 |
| TSR | Technical Study Report |

1 INTRODUCTION

This Technical Study Report (TSR) describes the methods and results associated with implementation of the environmental justice study by Southern California Edison Company (SCE) for the Rush Creek Project (Project). The environmental justice study was included as a requirement of the Federal Energy Regulatory Commission's (FERC's) Study Plan Determination on October 26, 2022 (SCE 2022). FERC, consistent with many federal agencies,¹ describes environmental justice as the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies (FERC 2023).

2 STUDY OBJECTIVES

FERC identified the following five objectives in the Study Plan Determination:

- Identify the presence of environmental justice communities that may be affected by the relicensing or decommissioning of the Project and identify outreach strategies to engage the identified environmental justice communities in the relicensing process, if present.
- Identify the presence of non-English-speaking populations that may be affected by the Project and identify outreach strategies to engage non-English-speaking populations in the relicensing or decommissioning process, if present.
- Discuss effects of relicensing or decommissioning the Project on any identified environmental justice communities and identify any effects that are disproportionately high and adverse.
- Identify mitigation measures to avoid or minimize Project effects on environmental justice communities.
- Identify sensitive receptor locations within the Project area and identify potential effects and measures taken to avoid or minimize the effects to such locations if they are present.

3 STUDY IMPLEMENTATION

The study was initiated and completed in 2023. There are no study elements outstanding and no deviations or proposed modification to the methodology prescribed in FERC's Study Plan Determination other than that the study included evaluation of a larger area around the study boundary than required.

¹ Including the U.S. Environmental Protection Agency (EPA) and the Federal Emergency Management Agency.

4 STUDY AREA

The Project is located on the eastern slope of the Sierra Nevada in Mono County, California. The majority of the Project facilities occupy federal lands within the Inyo National Forest. Project facilities located upstream of Gem Dam are located within the Ansel Adams Wilderness. The only Project facility within 1 mile of residences or businesses is the Rush Creek Powerhouse and ancillary structures. The powerhouse is located adjacent to State Route 158 (SR 158), approximately 4 miles southwest of the town of June Lake, the nearest population center and a census designated place (CDP).

FERC suggested the geographic scope of the environmental justice analysis include all areas within 1 mile of the Project boundary. This area, as well as the area within 1 mile of the June Mountain Ski Area Parking Lot—which would serve as the base for Project-related construction operations—is the study area and is depicted in Map EJ-1. The analysis considered this area, as well as the racial, ethnic, and poverty statistics for the June Lake CDP. The boundaries of the June Lake CDP are equivalent to the boundaries of Census Tract 1.01, Block Group 2. The June Lake CDP includes all inhabited areas within 1 mile of the Project boundary as well as the areas around June Mountain Ski Area and areas on both sides of SR 158 north, east, and south of the Project (all inhabited locations in the vicinity of the June Lake Loop).

5 STUDY APPROACH

To implement the study the following methodology was employed:

- An analysis was completed describing the racial, ethnic, and poverty statistics for the June Lake CDP based on information from the U.S. Census Bureau's 2022 American Community Survey (ACS) 5-year Estimates; specifically, Table #B03002 was used for race and ethnicity data and Table #B17017 was used for low-income households (U.S. Census Bureau 2022). The analysis described the total population of each racial and ethnic group, the percentage of the total population that is a minority (including individuals of Hispanic or Latino origin), and the total percent of the population below the poverty level² for the State of California, Mono County, Census Tract 1.01, and the June Lake CDP (the boundaries of the June Lake CDP are equivalent to the boundaries of Census Tract 1.01, Block Group 2).

² Following the Office of Management and Budget's Statistical Policy Directive 14, the U.S. Census Bureau uses a set of money income thresholds that vary by family size and composition to determine who is in poverty. If a family's total income is less than the family's threshold, then that family and every individual in it is considered in poverty. The official poverty thresholds do not vary geographically, but they are updated for inflation using Consumer Price Index. The official poverty definition uses money income before taxes and does not include capital gains or noncash benefits (such as public housing, Medicaid, and food stamps) (U.S. Census Bureau 2023).

- Guidelines for defining disadvantaged and low-income communities used by the federal U.S. Environmental Protection Agency (EPA) and by multiple California state agencies, including the California Environmental Protection Agency (CalEPA), California Office of Environmental Health Hazards Assessment (CalOEHHA), California Air Resources Board (CARB), and California Department of Water Resources (CDWR), were referenced.
- The local county supervisor was contacted to learn whether they were aware of any non-English-speaking groups within the June Lake Loop that may not have been captured by the U.S. Census Bureau's Data.
- Using this information (above), the study evaluated whether there were any environmental justice communities present in the affected area.

6 STUDY RESULTS

Based on the most recent ACS files available (2022 ACS 5-Year Estimates) and with reference to federal and state criteria for defining environmental justice communities, SCE finds that there are no environmental justice communities based on the presence of minority populations or based on the presence of low-income populations within the June Lake CDP. Therefore, there is no potential for the Project, as proposed, to negatively affect disadvantaged or environmental justice communities.

Table EJ-1 describes the racial, ethnic, and poverty statistics for the relevant state (California), county (Mono County), census tract (Census Tract 1.01, Mono County), and block group (Census Tract 1.01, Block Group 2/June Lake CDP).

6.1 ENVIRONMENTAL JUSTICE POPULATIONS BASED ON THE PRESENCE OF MINORITY POPULATIONS

Per EPA's *Promising Practices for Environmental Justice Methodologies in NEPA Reviews* (EPA 2016), one way to determine environmental justice communities based on the presence of minority populations is by determining whether the total percent of a minority population of any census block group in the affected area either exceeds 50 percent or is meaningfully greater than the minority population present in the county. The total minority population for the June Lake CDP is 7 percent. The total minority population for Mono County is 36 percent. Therefore, the June Lake CDP does not qualify as an environmental justice community based on the presence of minority populations—the total minority population does not exceed 50 percent, nor is the minority population meaningfully greater than the population present in the county.

6.2 ENVIRONMENTAL JUSTICE POPULATIONS BASED ON THE PRESENCE OF LOW-INCOME POPULATIONS

Per EPA's *Promising Practices for Environmental Justice Methodologies in NEPA Reviews* (EPA 2016), one way to determine environmental justice communities based on the presence of low-income populations is by determining whether the poverty level in the identified census block group is equal to or greater than that of a reference population (commonly the county). To calculate the percentage of the total population below the poverty level, the total number of households below the poverty level in Census Tract 1.01, Block Group 2/the June Lake CDP³ (13 households) was divided by the total number of households in the June Lake CDP (141 households) and the result multiplied by 100.⁴ Using this methodology, the percent of the population below the poverty level in the June Lake CDP is 9 percent, the same percentage as the county, though less than the percent of the population below the poverty level in the state, which is 12 percent. Therefore, using EPA's 2016 methodology, the June Lake CDP could be identified as an environmental justice community based on the presence of a low-income population that is equal to that of Mono County. However, this finding contradicts that of multiple California state agencies who have established their own guidelines for identifying disadvantaged communities, low-income communities, economically distressed areas, and underrepresented communities.

For example, disadvantaged communities in California are specifically targeted for investment of proceeds from the state's greenhouse gas emissions cap-and-trade program. These investments are aimed at improving public health, quality of life, and economic opportunity in California's most burdened communities and, at the same time, reducing pollution that causes climate change (CalOEHHA 2023). In May 2022, CalEPA released its updated designation of disadvantaged communities for the purpose of distributing cap-and-trade program funds. Neither the June Lake CDP nor Mono County are designated as disadvantaged communities based on CalEPA's designation (CalEPA 2022).

Likewise, the California Air Resources Board (CARB) has identified priority populations within the state for climate investments (CARB 2023). At least 35 percent of California climate investments must benefit these priority populations, which include disadvantaged communities, low-income communities, and low-income households. Disadvantaged communities are designated by CalEPA (CalEPA 2022), and low-income communities and households are defined as the census tracts and households, respectively, that are either at or below 80 percent of the statewide median income or at or below the threshold designated as low-income by the California Department of Housing and Community Development's Revised 2021 State Income Limits.⁵ Census Tract 1.01 in Mono County, which contains the June Lake CDP (Block Group 2), is not identified as a low-income community or a disadvantaged community (CARB 2023).

³ The boundaries of the June Lake CDP are equivalent to the boundaries of Census Tract 1.01, Block Group 2.

⁴ Using the U.S. Census Bureau's 2022 ACS 5-year Estimates.

⁵ Low-income definitions per Assembly Bill 1550 (Gomez, Chapter 369, Statutes of 2016)

In addition, based on 2016–2020 census data and criteria established by the California Department of Water Resources (CDWR) associated with guidelines for implementing the Integrated Regional Water Management Disadvantaged Community Involvement Program, the California Water Plan, and the Sustainable Groundwater Management Act, neither Mono County nor the June Lake CDP (Census Tract 1.01, Block Group 2) qualifies as a disadvantaged community (CDWR 2020a). Neither is Mono County or Census Tract 1.01 identified by CDWR as an economically distressed area. It is not an area where the median household income is less than 80 percent of the statewide annual median household income (CDWR 2020b).

Therefore, though 13 of the 141 households in the June Lake CDP qualify as below the U.S. Census Bureau's poverty level, making the percentage of the population living in poverty equivalent to the percentage of the population living in poverty in the county (9 percent), the percentage of the population living in poverty in the county is less than the percentage of the population living in poverty in the state, and neither Mono County nor the June Lake CDP are identified as a disadvantaged or low-income community by the CalEPA, CARB, or CDWR. Therefore, SCE finds that the June Lake CDP is not a disadvantaged or environmental justice community.

6.3 NON-ENGLISH-SPEAKING GROUPS

According to 2022 census data, there are 302 people living in the June Lake CDP. No non-English-speaking groups within the June Lake CDP have been identified through anecdotal or observational experience over the course of SCE interactions with community stakeholders. Mono County Supervisor for District 3, Bob Gardner (representing the June Lake area), was queried regarding his knowledge of any non-English-speaking populations within the general vicinity of the June Lake Loop in December 2023.⁶ That correspondence did not reveal any known populations.

6.4 SENSITIVE RECEPTORS AND NEW CONSTRUCTION

Sensitive receptor locations include hospitals, schools, and daycare centers (California Health & Safety Code § 42705.5 [2022]), as well as developed lands such as subdivisions, residences, churches, and libraries (California Department of Transportation 2013). The main Project construction activities with the potential to affect sensitive receptors are associated with helicopter, construction equipment, and truck use at either the June Mountain Ski Area Parking Lot or the potential enhancement area in the lower Rush Creek channel. There are no schools or hospitals located within 1 mile of either area. There may be one or more daycare centers in the town of June Lake, approximately 1 mile away from the June Mountain Ski Area Parking Lot. Construction-related impacts commonly include potential exposure to air pollution from construction emissions or to construction-related noise (including helicopter noise). Project-related construction impacts and associated protection, mitigation, and enhancement measures will be evaluated in the license application.

⁶ Personal communication between Matthew Paruolo, SCE Government Relations Manager, and Bob Gardner, Supervisor for Mono County District 3, December 2023.

6.5 SUMMARY

Based on the most recent ACS files available (2022 ACS 5-Year Estimates) and with reference to federal and state criteria for defining environmental justice communities, SCE finds that there are no environmental justice communities based on the presence of minority populations or based on the presence of low-income populations within the June Lake CDP. Therefore, there is no potential for the Project, as proposed, to negatively affect disadvantaged or environmental justice communities. In addition, no non-English-speaking groups in the June Lake CDP have been identified. Although there are no environmental justice communities that have been identified within the geographic scope of analysis, SCE maintains regular email communication with local and regional stakeholders (including Tribes, June Lake homeowners' associations, and various public interest groups), with the goal of including all interested and potentially affected populations. In addition, SCE has held in-person meetings (including in April of 2021, in October of 2021, and in February of 2024) in June Lake with the intention of connecting with the community directly about the Project and addressing their concerns.

7 REFERENCES

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———. 2020b. California Disadvantaged Communities Online Mapping Tool. Available at: <https://gis.water.ca.gov/app/edas/>.

EPA (U.S. Environmental Protection Agency). 2016. Promising Practices for EJ Methodologies in NEPA Reviews. Report of the Federal Interagency Working Group on Environmental Justice and NEPA Committee. Available at: https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf.

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U.S. Census Bureau. 2022. Data and Mapping Tool. American Community Survey (ACS) 5-Year Estimates Detailed Tables (Table #B03002 and Table #B17017). Available at: <https://data.census.gov>.

———. 2023. How the Census Bureau Measures Poverty (June 2023). Available at: <https://www.census.gov/topics/income-poverty/poverty/guidance/poverty-measures.html>.

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TABLES

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Table EJ 1-1. Race, Ethnicity, and Low-Income Data

| Geography | Race and Ethnicity Data | | | | | | | | | | Low-Income Data |
|--|--------------------------|----------------------------------|--------------------------|--|---------------|--|-------------------------|---------------------------|----------------------------|--------------------|-------------------------|
| | Total Population (count) | White Alone Not Hispanic (count) | African American (count) | Native American/ Alaska Native (count) | Asian (count) | Native Hawaiian & Other Pacific Islander (count) | Some Other Race (count) | Two or More Races (count) | Hispanic or Latino (count) | Total Minority (%) | Below Poverty Level (%) |
| California | 39,356,104 | 13,848,294 | 2,102,510 | 114,271 | 5,861,649 | 135,460 | 176,652 | 1,499,338 | 15,617,930 | 65% | 12% |
| Mono County | 13,219.00 | 8,490 | 23 | 152 | 539 | 0 | 144 | 289 | 3,582 | 36% | 9% |
| Mono County, Census Tract 1.01 | 3,506 | 2,436 | 0 | 116 | 47 | 0 | 3 | 122 | 782 | 31% | 15% |
| June Lake CDP/Census Tract 1.01, Block Group 2 | 302 | 280 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 7% | 9% |

Source: U.S. Census Bureau 2022: American Community Survey 2022, American Community Survey 1-Year Estimates Detailed Tables.

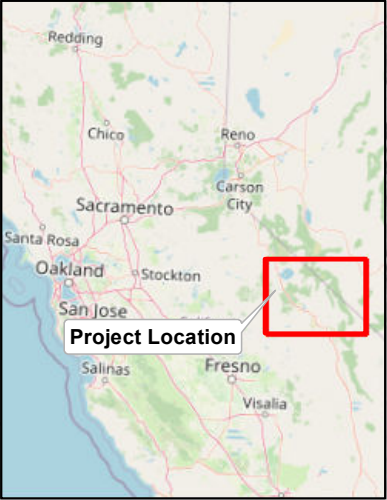
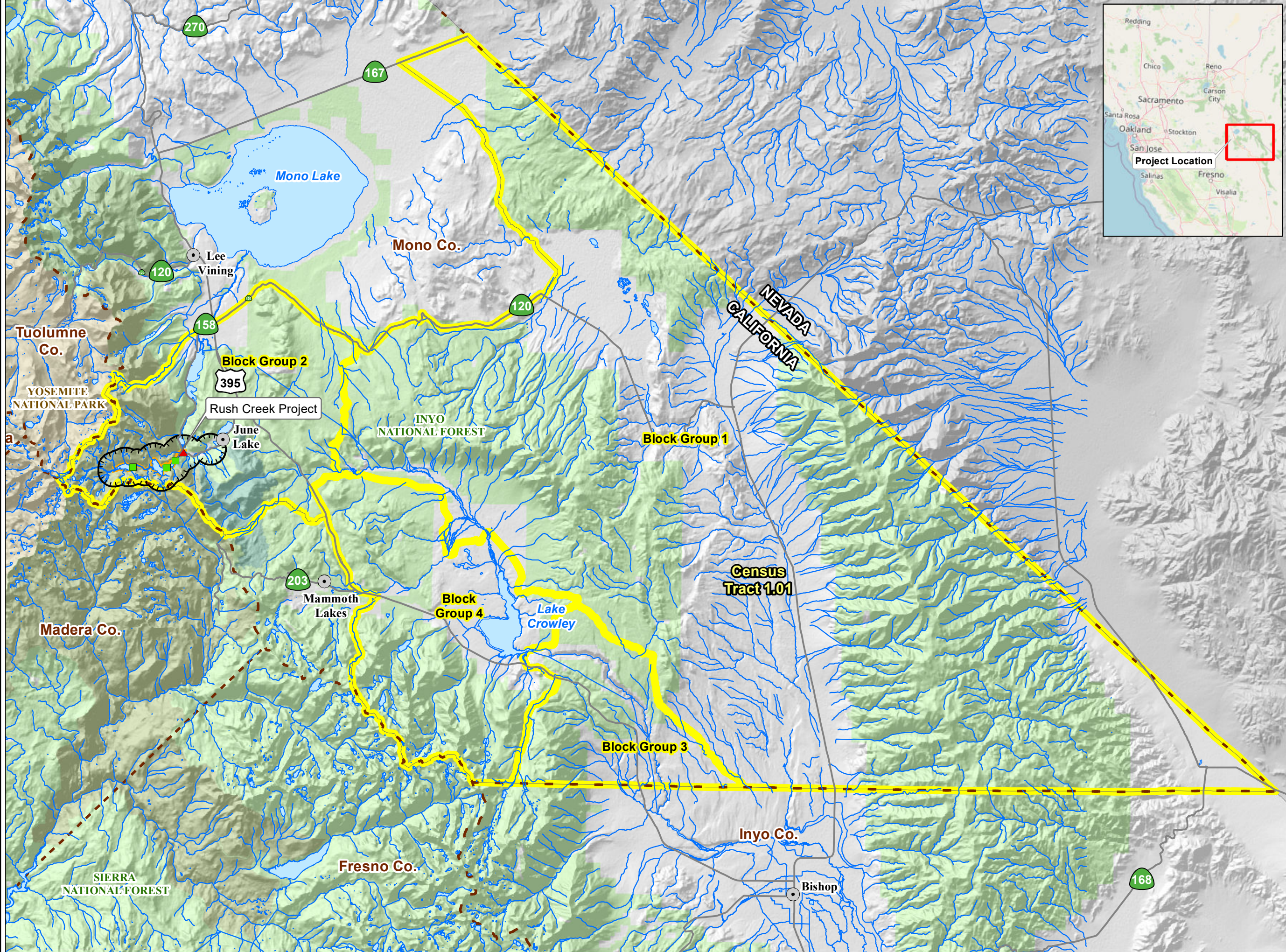
Table # B03002. Hispanic or Latino Origin by Race.

Table # B17017. Poverty Status in the Past 12 Months by Household Type by Age of Householder

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MAPS

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SCE Facilities

- Dam
- Powerhouse
- FERC Boundary

Other Features

- Major City/Town
- Highway
- River/Stream
- Lake
- County Boundary

Land Jurisdiction and National Wilderness Areas/Parks*

- U.S. Forest Service
- Ansel Adams Wilderness (U.S. Forest Service)
- Owens River Headwaters Wilderness (U.S. Forest Service)
- Yosemite National Park / Yosemite Wilderness (National Park Service)
- Private (Blank)

*SOURCES: BLM, 2020.
Mono Co., 2019.
Wilderness.net, 2019.

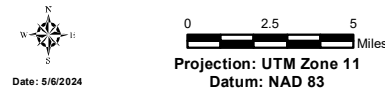
Environmental Justice Study

- Study Area (1-Mile Buffer of FERC Boundary and June Mountain Ski Area Parking Lot)
- Census Tract / Block Group Boundary



Rush Creek Project (FERC 1389)

Map EJ-1
Environmental Justice Study Area
and Census Tract 1.01



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