



ENVIRONMENTAL JUSTICE PROGRAM IMPLEMENTATION

JANUARY 2015

**Report to the Lahontan Regional Water Quality Control Board
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Environmental Justice Program Implementation



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EXECUTIVE SUMMARY

The Lahontan Regional Water Quality Control Board (Lahontan Water Board) reviewed how environmental justice (EJ) is conducted in the region and examined new ways to improve our efforts to benefit the disadvantaged communities in our region. The challenges faced by disadvantaged communities (DACs) in the Lahontan region are unique and often different than other DACs in more urban regions. This report provides an assessment of existing efforts to help DACs and catalogs EJ concerns. In addition, the report includes recommendations to enhance DACs participation in the regulatory process, expand access to funding and technical assistance, and improve water quality and drinking water.

Environmental justice “means the fair treatment of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies.” (Gov. Code § [65040.12](#))

At the Lahontan Water Board’s June 19, 2014 meeting in Bishop, California, an [overview of environmental justice](#) was provided by State and Lahontan Water Board staff that included presentations by two Integrated Regional Water Management Program (IRWMP) groups on their efforts to evaluate the need of and provide assistance to small, disadvantaged communities. This report is an outgrowth of the discussions at that meeting, with additional detail provided on how the Lahontan Water Board is currently implementing environmental justice and the needs for more complete implementation to ensure *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*.

ENVIRONMENTAL JUSTICE IN THE LAHONTAN REGION



Region includes many federally recognized and unrecognized Native American tribes, and a large Latino population. The Region has some larger communities in the northern and central sections, such as Susanville, Truckee, and South

The Lahontan Region starts at the Oregon border and runs over 600 miles down the eastern side of state (Figure 1). The Region covers over 33,000 square miles (one-fifth of California), with substantial topographical variability, ranging from snow covered mountains to desert environments.

Most of the inhabitants of the Region are located in rural communities or in remote locations. The



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Lake Tahoe. The southern part of the Region has more urban areas, including Lancaster, Palmdale, Victorville, and Barstow. The Region's largest city, Lancaster, is the 30th largest city in the state. The southern part of the region also has many rural and remote communities.

There are about 50 economically DACs and 10 tribes in the Lahontan Region and even more disadvantaged people living in remote and isolated locations. The state defines an economically disadvantaged community as one having a median household income (MHI) of less than 80 percent of the California MHI. A DAC would therefore have an MHI of less than \$48,706 (based on the U.S. Census Bureau's American Community Survey for the five-year period 2006-2010).

The DACs and tribes in the region most often depend upon groundwater for their sole source of drinking water. Some of these groundwater aquifers have high quality waters and others have contamination from nitrates, chromium 6, and naturally occurring pollutants such as arsenic, fluoride and radioactive elements. These rural DACs often do not qualify for financial or technical assistance from existing state EJ programs because they are too small, lack technical resources to



Stock photo.

participate or do not have cumulative environmental impacts from other pollutants, such as air pollution. Some of the urban communities in the south qualify more easily under the existing programs or have cumulative environmental impacts. The DACs and tribes in the region also experience significant adverse impacts from climate change, such as reduced snowpack, more intense and frequent wildfires, overdrafted groundwater basins, and increased flood risks.

This report makes several recommendations to improve the region's environmental justice strategy. Specifically the key recommendations include:

- Identify a Lahontan Water Board EJ liaison, add material to the Lahontan website regarding EJ, train all Lahontan Water Board staff in EJ, and seek additional Lahontan staff resources for EJ activities.
- Change the definition of DACs in code, policies, and procedures to provide more flexibility to assist communities in need.
- Dedicate more funding for DACs and for agencies to assist DACs, including Lahontan Water Board and other agencies whose workloads are increasing as a result of new laws, and Proposition 1 (Water Bond.)

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- Remove impediments to DAC assistance in Department of Water Resources (DWR) Integrated Regional Water Management Programs by broadening the types of projects that may receive funding.
- Change CalEnviroScreen to include more environmental stressors and DAC attributes.
- Encourage use of Air Resources Board Cap and Trade (AB 32) funding for DACs affected by or that will likely be affected by climate change.

WATER QUALITY COORDINATING COMMITTEE

The October 23-25, 2013 meeting of the Water Quality Coordinating Committee (WQCC) of the State and Regional Water Boards included an EJ discussion to improve what the Water Boards were doing to address DACs and tribal concerns. At the [WQCC meeting](#), existing regulatory tools were identified that could help the Water Boards work on environmental justice issues. Input was received from stakeholders on their perspectives and concerns regarding water and other environmental issues and major efforts underway, including drinking water quality and clean water, access to financial assistance, operating costs, cumulative impacts, etc. The Regional Boards were encouraged to examine activities in their individual regions to improve EJ outreach and participation. The WQCC meeting led to development of a public workshop item for the June 2014 Lahontan Water Board Meeting.

PUBLIC WORKSHOP

The Lahontan Water Board hosted a [public workshop](#) on June 19, 2014 in Bishop, California and was given a series of presentations on environmental justice efforts presently underway. The workshop helped raise the visibility and identify the importance of EJ as a policy to ensure fair treatment of DACs and tribes in our everyday work. Board members and staff learned more about EJ challenges and limited resources within the Lahontan Region. Several ideas were presented to increase DAC and tribal participation in the regulatory process, expand access to funding and technical assistance, and improve water quality and drinking water. Stakeholders and community members were informed of existing State and Water Board policies as a result of the meeting. Some of the specific issues discussed are summarized below.

In addition, the Lahontan Water Board members and staff participated in the Inyo-Mono Disadvantaged Community & Tribal Water Conference held on June 18, 2014 at the Tri-County Fairgrounds in Bishop and later joined a tour of the Big Pine Paiute water system in Lone Pine, California.

State Perspective – At the workshop, Gita Kapahi, Director of the Office of Public Participation at the State Water Board, gave a presentation on current State and Regional Water Board tools and the current actions of the Water Boards with regard to EJ. She provided the federal and state definitions of EJ and DACs, discussed federal and state guidance for implementing EJ, highlighted the Water Boards' progress in implementing EJ, and identified issues and challenges. State Water Board

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implementation of EJ includes its Small Community Wastewater Grant Program, which in fiscal year 2011-2012 disbursed over \$300,000 in loans and grants, including more than \$70,000 in grants and principal forgiveness. The State Water Board has also been actively researching and developing options for addressing groundwater drinking water sources that have been impacted by nitrates. DACs are more often adversely affected by contaminated groundwater, and they have less financial and technical ability to provide safe drinking water to their communities. Ms. Kapahi highlighted some of the EJ communities that the State and Regional Water Boards have worked with, including the Hinkley community in the Lahontan Region. Opportunities for Tribal engagement were identified, including through the CalEPA Tribal Advisory Committee, the USEPA Regional Tribal Operations Committee, and through the State Water Board's tribal email lists of tribal chairs and environmental directors. Ms. Kapahi identified some EJ/DAC challenges, including:

Public participation

- Ability to attend meetings,
- Access information, participate in their primary language,
- Access to a Regional Board EJ contact person,
- Lack of representation on decision-making bodies.

Capacity building

- Need technical assistance with preparation of grant proposals,
- Need technical assistance to learn how to maintain community and private water and wastewater systems

Administrative

- DAC/EJ definitions can be limiting,
- Overly technical language.

Significant funding issues

- Isolated locations, often with less population base,
- Access to safe drinking water,
- Cumulative impacts,
- Delayed reimbursement process.

Technical, managerial, financial

- Training, including for operation and maintenance of drinking water and wastewater systems,
- Lack of effective outreach.

Environmental justice tools and resources identified include:

- [CalEnviroScreen](#), which identifies pollution burden coupled with income,
- State Water Board's translation contract,
- [CalEPA Tribal Policy](#),
- [CalEPA EJ Strategy](#),
- [Citizen's Guide to Working with the California Water Boards](#),

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- [AB 685, Human Right to Water](#).

Ms. Kapahi identified next steps that the Water Board's should consider:

- Provide education and training for Water Board staff,
- Strengthen overall coordination with EJ and Tribal communities, continue to build relationships,
- Continue cross-media coordination and accountability in partnership with CalEPA sister BDOs and other agencies,
- Consider expanding our EJ and public participation staffing,
- Consider preparing an EJ work or implementation plan,
- Revisit EJ at future Board and management meetings.

Lahontan Perspective – Chuck Curtis, Division Manager with the Lahontan Water Board provided an overview of the Lahontan Region's EJ activities. The Lahontan Water Board and its staff have been implementing many environmental justice concepts consistent with statutes, regulations and policies through its processes and procedures for conducting its meetings, adopting regulations, approving discharge permits, providing technical assistance to dischargers and the public, enforcing water quality regulations, and providing access to documents, information and staff.

Mr. Curtis identified the ten federally-recognized tribes and some of the economically disadvantaged cities and communities in the Region (see Tables 1, 2 and 3). He discussed the unique challenges of small and rural communities, including the higher cost for clean water and (in some cases) wastewater treatment; the large distance to population centers and infrastructure, with associated higher costs for local goods and services (if they are available at all) and greater travel to access those things unavailable locally; and the limited capacity to compete for funding.

A mapping tool Water Board staff and others can use to identify communities most affected by environmental pollution and other stressors is [CalEnviroScreen](#). With information from CalEnviroScreen, the Water Board may assist in directing grant funding and environmental restoration to those affected areas. However, the tool primarily considers air pollution and currently does not consider most groundwater pollution, including polluted groundwater that is used by individual domestic well owners. As a result, the tool does not identify many areas that have unsafe drinking water.

Mr. Curtis discussed how the Water Board currently implements an environmental justice program. First, the Board's mission is to preserve, enhance, and restore the quality of the Lahontan Region's water resources for the benefit of present and future generations. Protecting and restoring water quality benefits all people of the Region, including disadvantaged communities and visitors that use our waters.

The Water Board conducts its meetings in the areas most affected by its decisions to ease and encourage participation by community members, with items affecting the south typically heard in southern communities and affecting the north in northern communities. Agenda items with potential public interest are held in the evenings to accommodate

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working families. The agenda announcements of all our meetings are now translated to Spanish, and both versions are available on our Internet web site (<http://www.waterboards.ca.gov/lahontan/>). All the Water Board meeting materials and most information on conducting business with the Water Board is also available on the web. Where Board items are of interest to a significant number of Spanish speakers, we have provided translation services at board meetings. By having offices both in the north and south of the Region, in South Lake Tahoe and Victorville, access to staff of the Water Board is made easier, and we have an identified bilingual staff member in our Victorville office to assist Spanish speakers.

The Water Board and its staff also implement environmental justice through support of Integrated Regional Water Management (IRWM) groups, participation in community advisory groups, support of Tribal water quality planning and restoration efforts, support of watershed groups and environmental restoration, and through fair implementation of our enforcement program. Highest among our enforcement and water quality implementation priorities are to ensure that residents have safe drinking water. Many households in our small communities use individual domestic water wells that are vulnerable to pollution from waste discharges; protection of groundwater that supplies those wells is a primary function of the Water Board. In cases where pollution has affected domestic supplies, the Water Board requires responsible parties to provide replacement water. The Water Board also supports Supplemental Environmental Projects (SEPs), which result from enforcement actions, that benefit areas most affected by environmental stressors. Currently, the State Water Board's SEP Policy limits SEPs to a maximum of 50 percent of the adopted liability.

Water Board members and staff should consider environmental justice in all aspects of their work. Fair treatment is not treating everyone equally, but treating everyone justly. This requires consideration of how each aspect of the Water Board's work and actions may be known and understood by the diverse population of the Region, that our actions are honorable and fair, and that we provide all affected persons opportunities to participate in the planning and decision making processes of the Board.

Inyo-Mono IRWMP Project - Dr. Holly Alpert presented the results of the [Inyo-Mono IRWMP](#) tribal and disadvantaged community project. This included showing the IRWMP group's film, "[Living in the Rain Shadow](#), Rural Communities and the Inyo-Mono Integrated Regional Water Management Program." Among the challenges identified by the Inyo-Mono IRWMP is the manner in which disadvantaged communities are identified. The Inyo-Mono IRWMP [Mid-Grant Synthesis](#) provides the following discussion:

"In some cases, the Department of Water Resources (DWR) lists a community as a DAC on its mapping tool but also shows that the population and/or MHI [median household income] data are not available for that community (see Pearsonville or Valley Wells CDP [Census Designated Place] as examples [Table 2] ...). In other cases, DWR shows a community to be a DAC when the known reality is different (meaning that it is not a DAC; Aspen Springs and McGee Creek are two examples). In addition, some communities that are most likely DACs (such as Big

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Pine) have MHIs that are too high to be considered a DAC by the legislative definition [80 percent of the statewide MHI]. Finally, not all communities, especially in rural areas, show up in Census or ACS [American Community Survey] estimates, or communities may be lumped together into one Census Designated Place (e.g., Topaz, Coleville, and Walker have been lumped as Antelope Valley in the past). These difficulties in finding Census and/or ACS data for every community in the Inyo-Mono region bring into question the efficacy of relying on such data to define DACs.”

The Inyo-Mono DAC project also assessed the needs of 17 DAC water systems and found that these small systems had aging infrastructure and needed technical, managerial and financial assistance, including assistance with operation plans, capital improvement plans, water conservation plans, five-year budgets, water meters, and control and data acquisition systems. Training and capacity building was provided to improve the DAC’s ability to be successful in seeking funding for their water systems and to appropriately maintain and operate their systems.

Dr. Alpert and Dr. Mark Drew, Inyo-Mono IRWM program director, also had the following recommendations/observations resulting from the DAC project:

1. DAC outreach requires time, persistence, creativity, community-specific knowledge;
2. Utilize unlikely outreach venues;
3. Further research alternative definitions of DAC;
4. Promote DAC water system training, technical assistance, capacity building – from State and local entities;
5. Create different grant proposal and grant administration requirements for DACs;
6. Investigate possibilities for water system consolidation; and
7. Develop realistic and adequate rate structures.

Mojave IRWM Activities – Kirby Brill, General Manager of the Mojave Water Agency/Mojave IRWM, gave a presentation on their efforts to assist DACs with drinking water systems. Mr. Brill discussed the [Mojave IRWMP](#)’s work with small water system operators. Two of the objectives of the IRWMP group are (1) support and assist disadvantaged communities and (2) obtain financial assistance. In October 2013, a pilot relationship with the California Rural Water Association began to support small water systems and disadvantaged communities with potable water supply problems. As a result of these coordinated efforts, the IRWMP has conducted needs assessments for small water systems in the Mojave IRWMP region, provided workshops, submitted applications to the California Department of Public Health (now the Division of Drinking Water within the State Water Resources Control Board) for financial assistance for the Soapmine Road area of Barstow and the Hinkley area, among others, and conducted training classes. Mr. Brill indicated that small system operators are in significant need of technical, managerial and financial training and assistance.

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CALIFORNIA WATER BOND

Proposition 1, the Water Quality, Supply and Infrastructure Implementation Act of 2014 (Assembly Bill 1471), was approved by the voters on November 4, 2014 and replaced a previous measure known as Proposition 43. The Act authorizes the sale of \$7.12 billion in general obligation bonds for state water infrastructure projects, such as public water system improvements, surface and groundwater storage, drinking water protection, water recycling and advanced water treatment technology, water supply management and conveyance, wastewater treatment, drought relief, emergency water supplies, and ecosystem and watershed protection and restoration. The measure also reallocates \$424 million of unissued bonds authorized under prior years' Propositions 1E, 13, 44, 50, 84, and 204 to be used for the purposes of this Act, resulting in a total of available amount of \$7.545 billion.

The Proposition set aside specific amounts to assist disadvantaged communities. Many provisions of Proposition 1 require that a minimum of 10 percent be set aside for projects that help DACs. Also, some programs authorize up to 15 percent of the funds to be used for technical assistance. Eligible applicants for funds include Native American Tribes, mutual water companies, public utilities, non-profit organizations, and public agencies. Proposition 1 includes the funding for programs identified below that apply to the Lahontan Region; considerations for DACs are noted.

- Wastewater and drinking water - \$520 million:
 - At least 10 percent to severely disadvantaged communities;
 - Up to 15 percent for technical assistance to DACs;
 - More than 15 percent may be used for planning, including technical assistance, for DACs;
 - Priority given for projects serving multiple communities that include at least one DAC, and the DAC may be served by a private well or other small water system;
 - Initial operation and maintenance costs are fundable for up to two years.
- Ecosystem and watershed protection and restoration - \$1.495 billion:
 - At least \$25 million to benefit urban DACs;
 - Up to \$10 million for planning;
 - \$15 million for the California Tahoe Conservancy and \$25 million for the Sierra Nevada Conservancy.
- Regional water management - \$810 million:
 - \$24.5 million for Lahontan Region IRWM projects;
 - At least 10 percent for DACs, economically distressed areas or underrepresented communities;
 - \$100 million for urban water conservation.
- Water recycling and advanced water treatment- \$725 million:
 - Required 50 percent local cost share may be suspended or reduced for DACs and economically distressed areas.
- Groundwater - \$900 million:

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- \$80 million grants for treatment and remediation of groundwater that is a source of drinking water;
- Required 50 percent local cost share may be suspended or reduced for DACs and economically distressed areas;
- At least 10 percent for severely disadvantaged communities;
- Technical assistance program for small and DACs;
- \$100 million to develop and implement groundwater plans and projects.

KEY POLICY ISSUES

The Lahontan Water Board's workshop on EJ and information evaluated in preparation of this report identified a number of policy issues that should be considered in implementation of EJ in the Lahontan Region. These issues include those that may be implemented by the Lahontan Water Board, those specific to the State Water Board or other state agencies, and those where legislative action is required to address. Each is discussed below, followed by needs or implementation suggestions.

1. Disadvantaged Community Definition

Throughout California codes, a disadvantaged or economically disadvantaged community refers to one with a median household income of less than 80 percent of the state's MHI.

- a. A community may be environmentally disadvantaged or unable to acquire safe drinking water, yet have an MHI of 80 percent or greater of the state's MHI. The MHI should not be the only measure available to judge the need for funding.
- b. Most agencies use the U.S. Census Bureau's American Community Survey (ACS) to identify DACs, yet the areas from the ACS do not coincide with the areas eligible for grant funding under the Drinking Water State Revolving Fund (DWSRF) and certain other grant programs. For example, a DWSRF grant for a DAC water district applies when the area of the water district is a DAC, yet the ACS is by census blocks or other areas that don't coincide with water district boundaries. The district would have to conduct a district-specific MHI survey, which is costly and not subject to grant funding.
- c. The ACS estimates contain errors that inappropriately classify some DACs as non-DACs.
- d. CalEnviroScreen does not consider groundwater pollution affecting private water systems and those serving less than 15 connections.

2. Insufficient funding identified for DACs and to address EJ

- a. The current DAC programs do not have enough dedicated funding to assist DACs.
- b. Many State programs that interface with DACs are not funded to coordinate with, assist or do business with DACs. For example, there is no specific funding for Regional Board EJ/DAC coordinators. With passage of Proposition 1, additional Regional Board work with DACs will occur, yet there are no staff

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dedicated to work with DACs or to work on the increased permitting and project oversight workload that comes with implementing the Water Bond.

- c. Climate change may disproportionately affect DACs through flood, fire, and reduced surface water and groundwater availability, yet the Air Resources Board's Cap and Trade program of AB 32 does not direct funding to those communities that are located away from the source of greenhouse gases to help them adapt to climate change.
- d. In some cases DACs need micro loans/grants to solve problems, and present funding programs can be difficult to navigate.
- e. Although infrastructure can be funded, operations and maintenance costs are very difficult for DACs. The DACs also lack technical skills to maintain or upgrade equipment.

3. Private water systems and water systems with fewer than 15 connections

- a. Many DACs have water systems that are not subject to regulation by the state and are not able to receive grant funding from the state.
- b. The Lahontan Region has many rural, dispersed communities with private water systems and individual water supply wells. Many of these are in areas that have naturally-occurring pollutants that exceed safe drinking water levels.
- c. Small water systems often do not have the technical, managerial and financial, training and tools to sustainably maintain water systems.

4. Capacity of rural, dispersed communities

- a. These communities usually do not have non-profit organizations, agencies or entities that provide support for accessing grant funding for water and wastewater needs.
- b. These communities often do not have the technical, managerial and financial, training and tools to sustainably maintain water and wastewater systems.

5. Cumulative impacts

- a. DACs may suffer more cumulative impacts from pollution and climate change because they often do not have the capacity to address the pollution or adapt to the conditions affected by climate change.
- b. Subsistence fishing can be a significant source of pollutant burden on DACs.
- c. Impacts to cultural resources used by tribes may not be adequately identified and addressed.

RECOMMENDATIONS

Lahontan Water Board

- 1. Identify an EJ liaison.
- 2. Add an EJ contact and EJ links to website.
- 3. Train staff on EJ.
- 4. Identify Lahontan staffing needs to coordinate with DACs and tribes.

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5. Identify Lahontan staffing needs to facilitate implementation of Proposition 1 for (1) additional permitting for ecosystem and watershed restoration projects, (2) IRWM support, (3) additional permitting for recycling projects, and (4) technical assistance and project oversight for groundwater cleanup projects.
6. Consider adding a subsistence fishing and cultural use beneficial uses to the Basin Plan.
7. Continue to hold Board meetings in the areas most affected by Board decisions.
8. Continue to support IRWM groups in their efforts to assist DACs.
9. Support and approve Supplemental Environmental Projects that benefit DACs.
10. Continue to host community technical and educational sessions and conduct outreach efforts.
11. Continue to provide written materials in Spanish and provide translations at public meetings where needed.

State Water Board (including Division of Drinking Water)

1. Support Regional Board EJ resource needs when implementing Proposition 1.
2. Modify policies and implementation procedures to expand eligible applicants to include DACs and others not currently covered in the Drinking Water State Revolving Fund and the Clean Water State Revolving Fund. For example, change the definition of applicant to include 501(c)(3) entities, to apply for all types of eligible projects. Include simplified procedures to provide micro loans to fund smaller project elements or planning. This would allow an IRWM group to apply for grants for DACs that are not represented by a publicly owned treatment plant, city, town, district, state agency, or other public body.
3. Support legislation to change definition of DACs in state codes to be more inclusive, including allowing alternative criteria to define a DAC or portions of a community.
4. Provide training to State and Regional Board staff on EJ.
5. Provide training to DACs on technical, managerial, and financial aspects of drinking water and wastewater systems.
6. Continue to provide translation services where needed for Board meetings and other meetings.
7. Change the Supplemental Environmental Project Policy to allow up to 100 percent of assessed liabilities to go to DACs.
8. Consider grants or rebates to individuals or entities to install household (point of use) water treatment systems.

Other State Agencies

OEHHA

Modify CalEnviroScreen to include other stressors, including contaminated groundwater used by individuals or small private water systems, and those areas most affected by climate change (e.g. severe drought conditions.)

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DWR

1. Modify grant policies and procedures to extend the reach of IRWM projects to DACs that currently are not identified as DACs, including allowing alternative criteria to define a DAC.
2. Allow funding to IRWM groups for income surveys of communities, water districts and sewer districts in order to determine if they are economically disadvantaged.
3. Allow funding to IRWM groups for DACs and other communities affected or expected to be affected by climate change to build more resiliency and adapt to such change.
4. Provide technical assistance and education to DACs to support their efforts to obtain grant funding.

Air Resources Board

Apply cap and trade funds to DACs and other communities affected or expected to be affected by climate change to build more resiliency and adapt to such change.

Legislature

1. Change definition of DACs in state codes to be more inclusive, including allowing alternative criteria to define a DAC.
2. Provide additional staff resources to State and Regional Water Boards and DWR to support EJ efforts, including for education, outreach and technical assistance to implement the Water Bond.
3. Provide funding for State Water Board and DWR grants to DACs.

CONCLUSION

The Lahontan Water Board is conducting its business consistent with the EJ requirements and policies. However, much more could be done with more resources and training. Changes are also needed in state codes, policies and procedures to provide flexibility for and remove impediments to DAC assistance. A clear message from Board members, stakeholders and IRWMP groups at the June 2014 Lahontan Water Board meeting was the need to support small and disadvantaged communities through:

- Grant assistance for drinking water and wastewater facilities;
- Training of facility operators;
- Development of technical, managerial, and financial capacity at small water and wastewater systems; and
- Assistance for those drinking water systems that are unregulated (less than 15 connections and serving less than 25 people less than 60 days per year), including private individual well owners.

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Table 1: Native American Tribes in the Lahontan Region

Tribe	Tribal Affiliation	Location of Aboriginal Lands	Status
Antelope Valley Paiute Tribe	Paiute	Inyo, Mono County	Non Federally Recognized
Benton Paiute Reservation (U-Tu Utu Gwaitu Paiute Tribe)	Paiute	Mono County	Federally Recognized
Big Pine Band of Owens Valley	Paiute	Inyo, Mono Counties	Federally Recognized
Bishop Paiute Tribe	Paiute, Shoshone	Inyo, Mono Counties	Federally Recognized
Bridgeport Paiute Indian Colony	Paiute	Mono County	Federally Recognized
Cedarville Rancheria of Northern Paiute Indians	Paiute	Modoc County	Federally Recognized
Chemehuevi Reservation	Chemehuevi	San Bernardino, Riverside Counties	Federally Recognized
Death Valley Timbisha Shoshone Tribe	Shoshone	Death Valley Region	Federally Recognized
Fernandeno Tataviam Band of Mission Indians	Gabrielino, Tataviam, Chumash, Yaqui	Los Angeles County; San Fernando, Santa Clarita and Antelope Valleys	Non Federally Recognized
Fort Bidwell Indian Community of Paiute	Paiute	Modoc County	Federally Recognized
Fort Independence Community of Paiute	Paiute, Shoshone	Imperial, Inyo Counties	Federally Recognized
Honey Lake Maidu	Maidu	Lassen County; Northern Sierra Nevada, Sacramento Valley	Non Federally Recognized
Kern Valley Indian Council	Tubatulabal, Kawaiisu, Koso, Yokuts	Inyo, Kern, San Bernardino Counties	Non Federally Recognized
Kuzadika Indian Community		Mono County	Non Federally Recognized
Kwaaymii Laguna Band of Mission Indians	Kawaiisu	Mohave Desert Region, San Joaquin Valley	Non Federally Recognized
Lone Pine Paiute-Shoshone Reservation	Paiute, Shoshone	Imperial, Inyo Counties	Federally Recognized
Mono Lake Indian Community	Paiute	Mono County; Mono Lake Region	Non Federally Recognized
Serrano Nation of Indians	Serrano	San Bernardino, Riverside Counties	Non Federally Recognized
Susanville Indian Rancheria	Paiute, Maidu, Washoe, Pit River (Achomawi, Atsugewi), Washoe	Lassen, Plumas Counties	Federally Recognized
Tejon Indian Tribe	Yowlumne, Kitanemuk, Tejon	Kern County	Non Federally Recognized
Wadatkuta Band of the Northern Paiute of the Honey Lake Valley	Paiute	Lassen County	Non Federally Recognized
Walker River Paiute Reservation	Paiute	Mono County	Federally Recognized
Washoe Tribe of Nevada and California	Washoe	Alpine, El Dorado, Nevada, Placer, Sierra Counties	Federally Recognized

Note: Tribes with traditional aboriginal lands in the Lahontan Region are included.

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Table 2: Disadvantaged Communities of the Inyo-Mono IRWM Planning Region

Community	Population	Annual Median Household Income
<i>Inyo County</i>	<i>18,434</i>	<i>\$44,808</i>
Big Pine Paiute Reservation of the Owens Valley	262	\$43,214
Bishop	3,826	\$37,005
Bishop Paiute Tribe	1,828	\$46,384
Darwin CDP	30	\$30,893
Dixon Lane-Meadow Creek CDP	2,660	\$48,542
Fort Independence Tribe	81	\$30,417
Furnace Creek CDP	64	\$27,813
Homewood Canyon CDP	109	\$14,706
Independence	551	\$47,883
Keeler CDP	27	\$44,500
Lone Pine CDP	2,309	\$40,176
Lone Pine Paiute-Shoshone Reservation	148	\$37,188
Pearsonville CDP	5	Not available ⁵
Shoshone CDP	33	\$28,750
Tecopa CDP	101	\$21,806
Timbisha-Shoshone Reservation	32	\$23,063
Valley Wells CDP	Not available	Not available
Wilkerson CDP	563	\$44,356
<i>Kern County</i>	<i>815,693</i>	<i>\$47,089</i>
China Lake Acres CDP	1,553	\$35,102
Inyokern	1,676	\$31,925
<i>Mono County</i>	<i>13,905</i>	<i>\$55,087</i>
Aspen Springs CDP ⁶	Not available	Not available
Benton CDP	289	\$40,119
Benton Paiute Reservation	75 ¹	\$9,938 ¹
Bridgeport Indian Colony	35 ²	\$10,625
McGee Creek CDP	29	Not available
Topaz CDP ⁷	Not available	Not available
Walker River Reservation	508	\$25,227
Walker CDP ⁷	677	\$30,682
Woodfords Community of the Washoe Tribe ⁴	139	\$25,417
<i>San Bernardino County</i>	<i>2,005,287</i>	<i>\$55,845</i>
Searles Valley CDP ³	2,088	\$35,147
Trona CDP	17	Not available

1: From 2009 5-year ACS

2: From 2010 Decennial Census

3: Consists of the communities of Argus, Trona, Pioneer Point, and Searles Valley, CA. For our purposes, we consider only the Searles Valley CDP data, since they encompass Trona.

4: Woodfords Community is the sole branch of the Washoe Tribe located in CA

5: Communities with MHI listed as "Not available" are listed as DACs based on their DAC designation using DWR's DAC mapping tool: <http://www.arcgis.com/apps/OnePane/basicviewer/index.html?&extent={%22xmin%22:-15522106.757711068,%22ymin%22:3383875.113067463,%22xmax%22:-11562057.196313709,%22ymax%22:5663533.044643953,%22spatialReference%22:{%22wkid%22:102100}}&appid=c034d1f8f9f34afeb98f20be2a2fb790>

6: Aspen Springs is considered a DAC by DWR's mapping tool; anecdotal evidence suggests that Aspen Springs is not a DAC; the community's economic status will be reviewed through the DAC grant.

7: Topaz and Walker (and Coleville) constitute the Antelope Valley, which was its own CDP in 2000 census data.

Table source: [Inyo-Mono IRWM Program Disadvantaged Communities Project, Mid-Grant Outreach Synthesis, February 2013](#), Inyo-Mono Integrated Regional Water Management Program.

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**Table 3: Disadvantaged Communities in the Lahontan Region
Identified by the Department of Water Resources**

Modoc County:

Fort Bidwell, Lake City, Cedarville, Eagleville

Lassen County:

Spalding Tract, Susanville, Litchfield, Herlong, Doyle

Nevada County:

Floriston

Placer County:

Kings Beach, Carnelian Bay

El Dorado County:

South Lake Tahoe

Alpine County:

Alpine Village (Woodfords/Diamond Valley)

Mono County:

Topaz, Walker, McGee Creek, Aspen Springs (near Tom's Place), Benton

Inyo County:

Dixon Lane-Meadow Creek (Bishop), Bishop, Wilkerson (Keough's), Independence, Lone Pine, Keeler, Darwin, Furnace Creek, Pearsonville, Trona, Homewood Canyon (Trona), Valley Wells (Trona), Shoshone, Tecopa

Kern County:

Inyokern, China Lake Acres (Inyokern), Randsburg, Johannesburg, California City, North Edwards, Boron, Mojave

San Bernardino County:

Searles Valley, Adelanto, Piñon Hills, Hesperia, Lenwood, Barstow, Baker

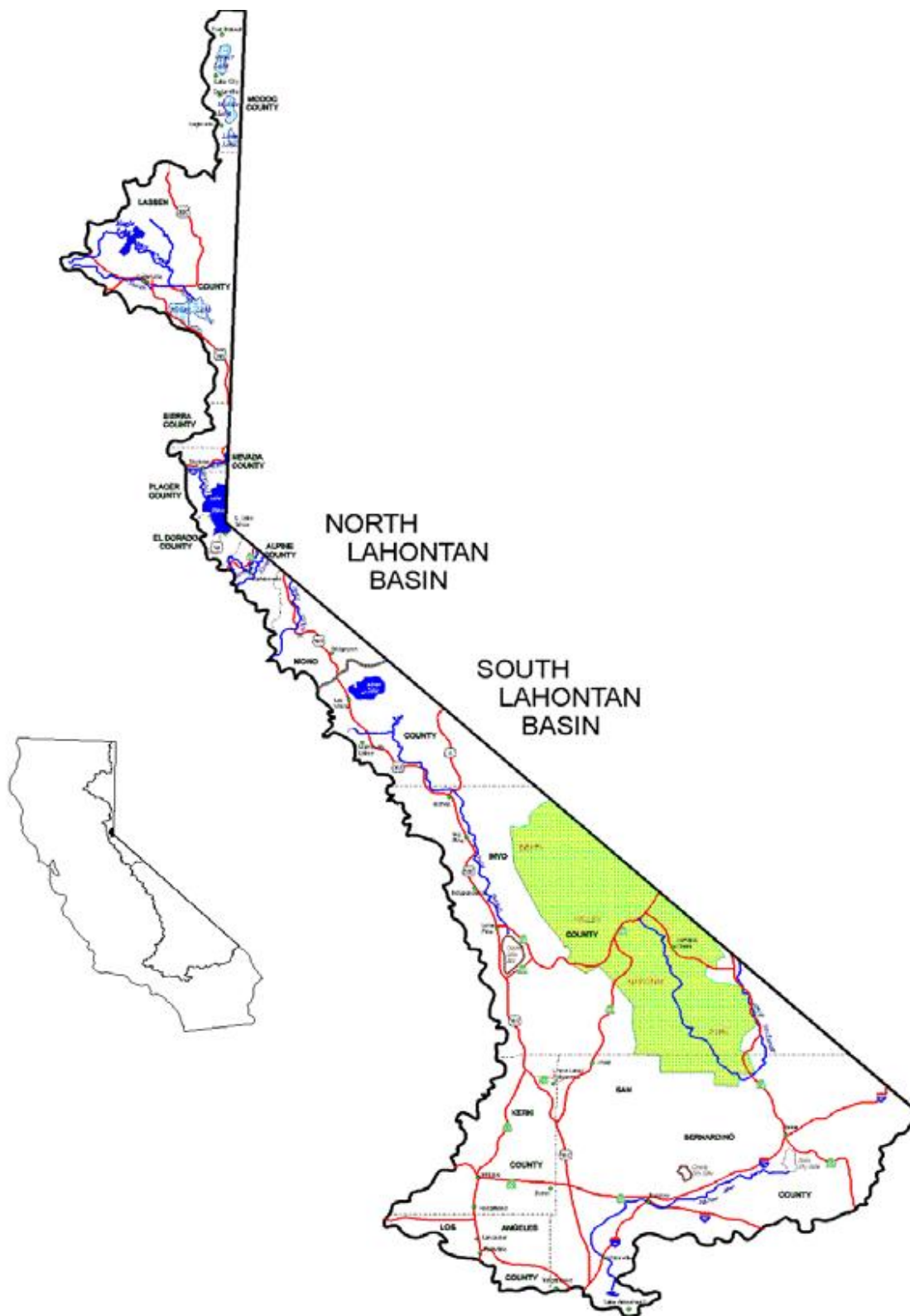
Los Angeles County:

Lake Los Angeles

(Census places with median household income (MHI) 80 percent or less of the statewide MHI. Source: <http://www.water.ca.gov/irwm/grants/resourceslinks.cfm>, Map 1)

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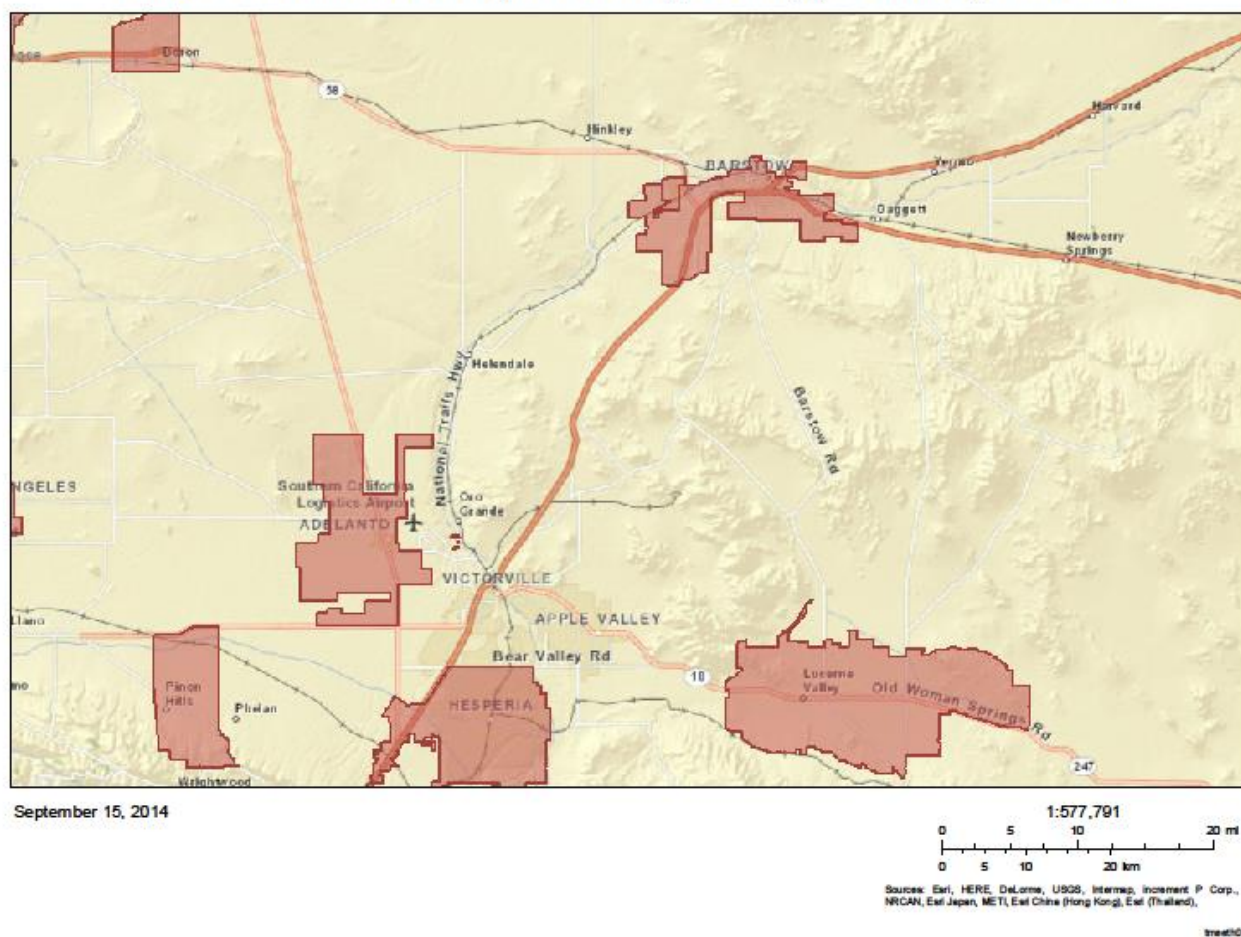
Figure 1: Map of the Lahontan Region



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Figure 2: Map of Disadvantaged Census Places, Barstow Area

DACs - Sacramento County to San Diego County (4 Counties) - Beta 1.0






Note: Hinkley is not identified as a disadvantaged community.

Source: Department of Water Resources.

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Figure 3: Mojave IRWMP-Identified Disadvantaged Communities per Census Block Groups

IRWMP Public Outreach meetings were held throughout the Region

-  Consultant conducted meeting
-  MWA Staff conducted meeting
-  DAC areas according to Census Block Groups



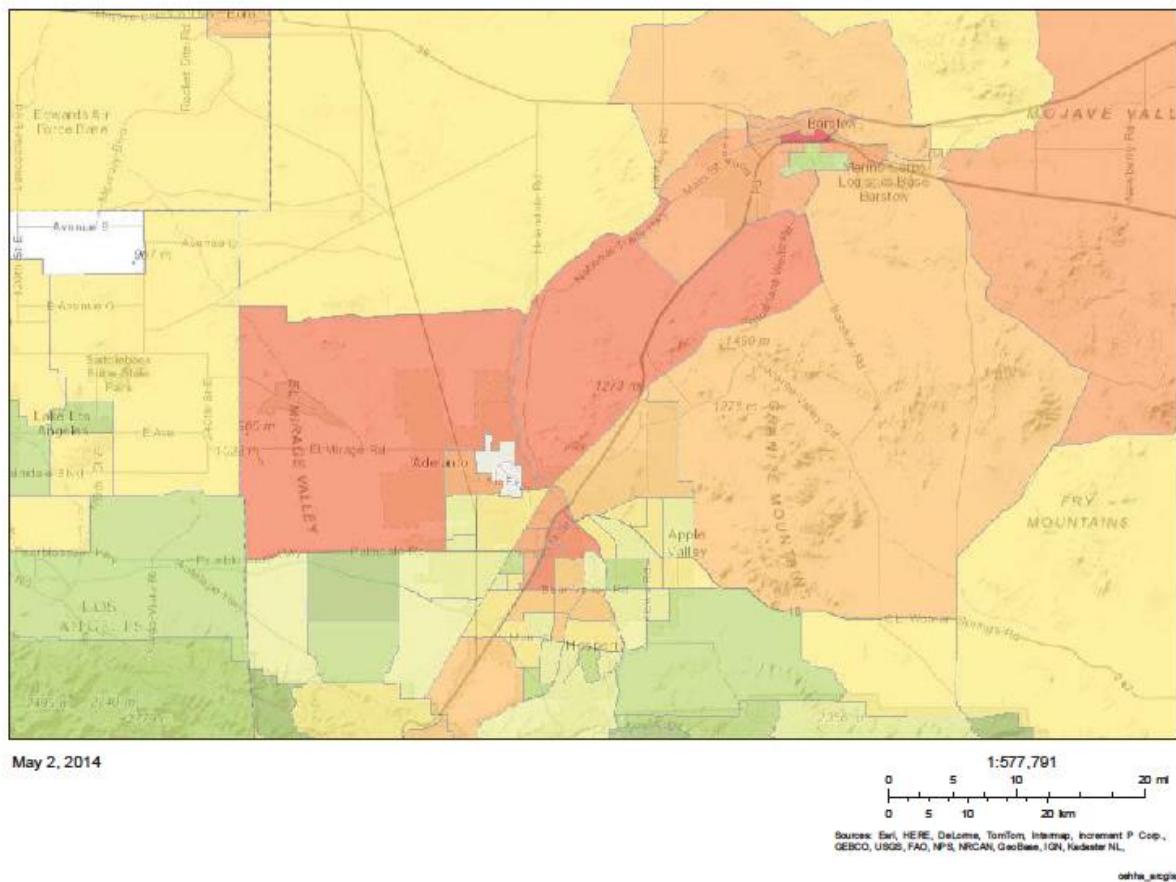
Note: Hinkley is identified as a disadvantaged community.

Slide source: Kirby Brill, Mojave Water Agency and Mojave IRWMP

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Figure 4: Office of Human Health Hazard Assessment CalEnviroScreen Score
(combination of pollution burden and population characteristics)

CalEnviroScreen 2.0 (draft) All Results Map



Note: Hinkley is identified in the 61 to 70 percentile of scores, with higher scores having more pollution and/or lower income or other social factors.

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Appendix 1

Environmental Justice History

Environmental justice (EJ) is defined in State law as “the fair treatment of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies.” The California Environmental Protection Agency (CalEPA) environmental justice strategy and the State Water Resources Control Board’s (State Water Board) Strategic Plan contain goals that guide the Lahontan Water Board efforts. The Lahontan Water Board implements EJ through its assistance to Tribes and disadvantaged communities; its support of Integrated Regional Water Management Program efforts; its encouragement of meaningful participation by the public, including conducting Board meetings at locations and times most convenient for the public and providing Spanish translation services; its consideration of EJ in enforcement actions; and its support for Supplemental Environmental Projects to restore or preserve the environment, especially in disadvantaged communities.

The concept of EJ evolved from both the civil rights movement of the 1950s and 1960s and the environmental movement of the 1960s and 1970s. The civil rights movement resulted, in part, in the federal Civil Rights Act of 1964, which, in [Title VI](#), forbids recipients of federal funds (including state agencies) to discriminate based on race, color and national origin. The environmental movement resulted, in part, in passage of the [National Environmental Policy Act](#) (NEPA) in 1969. NEPA requires federal agencies to prepare environmental impact statements for federal actions that could significantly affect the quality of the human environment. The Council on Environmental Quality, which was established by NEPA, [reported in 1971](#) that racial discrimination had a negative impact on the environment of the urban poor, and that there was a correlation between toxic risk and income, finding that income disparities adversely affected the ability of poor communities to improve the quality of their environment. This and later reports documented evidence that industrial and waste treatment or disposal facilities that expose people to hazardous or toxic materials are more often sited in areas that affect minority and low-income communities. Evidence has also been documented that enforcement of environmental laws has been less vigorous in minority and low-income areas.

California became one of the first states to implement concepts of EJ with adoption of Government Code [Section 65040.12](#) in 1970. Section 65040.12, subdivision (e) defines environmental justice as “the fair treatment of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies.” This law established the Office of Planning and Research (OPR) as the coordinating agency in state government for EJ programs and requires that OPR consult with the Secretary of California Environmental Protection Agency (CalEPA), among other state agencies, on EJ efforts.

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Significant federal efforts to implement EJ occurred in 1994, with President Clinton's signing of [Executive Order 12898](#). That Order required all federal agencies to include EJ as part of their missions. The Order also directs federal agencies to identify and address the disproportionately high and adverse human health of environmental effects of their actions on minority and low-income populations. The Order requires federal agencies develop strategies to, at a minimum: (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (2) ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations. The Order also applies to state and local agencies that receive funding from the federal government.

Similar to federal requirements, California's Public Resources Code [Sections 71110-71116](#), adopted in 2001, requires CalEPA to develop and implement an EJ strategy. In August 2004, CalEPA published its [Intra-Agency Environmental Justice Strategy](#), and, in October 2004, CalEPA published its [Environmental Justice Action Plan](#). In February 2014, CalEPA reported to the Governor and the Legislature on actions taken to implement Public Resource Code sections 71110-71116 through its [Environmental Justice Program Update](#).

To facilitate the public's participation in environmental decisions regarding water quality and water rights, in 2011 the State Water Resources Control Board (State Water Board) published the [Citizen's Guide to Working with the California Water Boards](#). This Guide describes the State and Regional Water Boards, identifies their mission and responsibilities, and discusses opportunities for public involvement in meetings and collaborative efforts, and how to communicate with and receive information from the Water Boards. Working with Tribal governments is also discussed. The Guide describes how the Water Board's EJ goals are integrated in the Water Boards' Strategic Plan.

Another significant step in EJ was taken two years ago with the Legislature's passage of Assembly Bill 685 (Chapter 524, Statutes of 2012), which is codified in [Water Code Section 106.3](#). This law recognizes that "every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes."

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Appendix 2

California Tribal Consultation List

(attached)

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Appendix 3

Hypertext Links in the Document

Lahontan Water Board website: <http://www.waterboards.ca.gov/lahontan/>

Government Code section 65040.12:

http://leginfo.legislature.ca.gov/faces/codes_displaysection.xhtml?lawcode=gov§ionnum=65040.12

Lahontan Water Board Agenda Item on Environmental Justice:

http://www.waterboards.ca.gov/lahontan/board_info/agenda/2014/jun/item_7.pdf

Water Quality Coordinating Committee meeting, October 2013:

http://www.waterboards.ca.gov/board_reference/2013fall/index.shtml

CalEnviroScreen: <http://oehha.ca.gov/ej/ces2.html>

CalEPA Tribal Policy: <http://www.calepa.ca.gov/tribal/Documents/CIT01Policy.pdf>

CalEPA EJ Strategy:

<http://www.calepa.ca.gov/envjustice/documents/2004/strategy/final.pdf>

Citizens Guide to Working with the California Water Boards:

http://www.waterboards.ca.gov/publications_forms/publications/general/docs/citizenguide2011.pdf

AB 685, Human Right to Water:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB685

Inyo-Mono Integrated Regional Water Management Program: <http://inyo-monowater.org>

“Living in the Rain Shadow”: <http://vimeo.com/98829203>

Mid-Grant Synthesis Report: http://inyo-monowater.org/wp-content/uploads/2011/09/im_dac_mid-grant_synthesis_final.pdf

Mojave Integrated Regional Water Management Program: <http://www.mywaterplan.com/>

Civil Rights Act, Title VI: <http://www.archives.gov/eeo/laws/title-vi.html>

National Environmental Policy Act: <http://www.gsa.gov/graphics/pbs/nepa.pdf>

Council on Environmental Quality report: <http://www.slideshare.net/whitehouse/august-1971-the-first-annual-report-of-the-council-on-environmental-quality>

Executive Order 12898: <http://www.archives.gov/federal-register/executive-orders/pdf/12898.pdf>

Public Resources Code sections 71110-71116:

http://leginfo.legislature.ca.gov/faces/codes_displaytext.xhtml?lawcode=prc&division=34.&title=&part=3.&chapter=&article=

Intra-Agency Environmental Justice Strategy:

<http://www.calepa.ca.gov/envjustice/documents/2004/strategy/final.pdf>

Environmental Justice Program Implementation

Environmental Justice Action Plan:

<http://www.calepa.ca.gov/envjustice/actionplan/documents/october2004/actionplan.pdf>

Environmental Justice Program Update:

<http://www.calepa.ca.gov/publications/reports/2014/ejupdaterpt.pdf>

Water Code section 106.3:

http://leginfo.legislature.ca.gov/faces/codes_displaysection.xhtml?lawcode=wat§ionnum=106.3