

CHAPTER 19.

ENVIRONMENTAL JUSTICE AND THE PROTECTION OF CHILDREN

This chapter focuses on the potential for racial and ethnic minorities, low income populations, or children to be disproportionately affected by project-related impacts. Normally an analysis of environmental justice is initiated by determining the presence and proximity of these segments of the population relative to the specific locations that would experience adverse impacts to the human environment. The situation on Guam is unique in this regard because racial or ethnic minority groups (as defined by the U.S.) comprise a majority of the Guam population, and the proportions of people living in poverty or who are under 18 years of age are also substantially higher than in the general U.S. population. The analysis is further complicated by the fact that Guam is a relatively small and isolated island, and certain types of impacts would be experienced islandwide. Accordingly, the analysis of environmental justice described in this chapter acknowledges the unique demographic characteristics of the island population and assumes that the project effects could disproportionately affect disadvantaged groups and children because they comprise relatively high proportions of the population. By the same logic, proposed mitigation measures would be expected to effectively mitigate potential environmental justice impacts. Consequently, a distinction is made between potential impacts that would be mitigated and those for which no mitigations have been identified. The focus of this analysis is on the latter type of impacts. If a resource area did not have significant impacts, or impacts were mitigable to less than significant, as analyzed in each individual chapter in Volume 2, then it was not further analyzed in this chapter. These resources are: geological and soil resources, water resources, air quality, noise, airspace, land and submerged land use, terrestrial biological resources, cultural resources, visual resources, transportation, hazardous materials and waste and public health and safety.

19.1 INTRODUCTION

This chapter contains a discussion of the potential environmental consequences of the proposed action with regard to environmental justice and protection of children. For a description of the affected environment and a definition of the resource, refer to the respective chapter of Volume 2 (Marine Corps Relocation – Guam). The locations described in that volume include the region of influence (ROI) for the aircraft carrier berthing component of the proposed action and the chapters are presented in the same order as the resource areas contained in this Volume.

The Environmental Justice chapter focuses on disproportionate impacts to racial minorities, low-income populations, and children. For an analysis of potential islandwide impacts to these populations, please see the Socioeconomics Chapter of this Volume (Chapter 16).

19.2 ENVIRONMENTAL CONSEQUENCES

19.2.1 Approach to Analysis

19.2.1.1 Methodology

Volume 4 of this EIS examines the potential impacts that each alternative would potentially have on various environmental and human resources. Based on the conclusions reached in each resource chapter,

the analysis of environmental justice sought to identify the adverse impacts that would disproportionately affect racial minorities, children, and/or low-income populations, based on the following assumptions:

- Environmental Justice and Protection of Children policies require a federal agency to analyze whether its proposed action would adversely affect a minority, low-income, or child population disproportionately to the rest of the community. The island of Guam is unique in that a majority of the population of Guam meet the criteria for being an Asian Pacific minority group in the context of the overall U.S. population. As a result, where the EIS identifies significant impacts for a particular resource, there would be a corresponding, island-wide adverse effect to minority populations on Guam, compared to the U.S. population. However, because of international agreements that require the proposed action to focus on Guam, and not other locations within the U.S., the evaluation of environmental justice would be on whether there are disproportionate adverse effects within the context of alternatives for facility location on Guam. Because of this, it would be impossible for there to be a disproportionate effect from an identified adverse impact based solely on the impact affecting a minority population. Therefore, the analysis for environmental justice on Guam must consider whether there is a disproportionate adverse effect on a low-income population or children. For example, if there is a low-income population that is being impacted by a potential reduction in Public Health and Social Services, that impact would be considered a significant impact because the population, as a given, is a minority population and it is being disproportionately affected because it is a low-income population. As a result, some resource areas may have effects on a minority population, but because they do not impact a low-income or child population in a disproportionate manner they will not be considered as causing an environmental justice adverse effect.
- The ROI is defined as the area in which the principal effects arising from the implementation of the proposed action or alternatives are likely to occur. Those who may be affected by the consequences of the alternatives are often those who reside or otherwise occupy areas immediately adjacent to the alternative locations.
- Because the proposed action is related either to construction or operation, impacts to the ROI would likely be either “spill over” effects that extend beyond the DoD land’s boundary line into the surrounding community, or impacts that directly affect minority populations in the ROI.

The analysis involved the application of three tiers of criteria to assess the environmental justice implications for each significant impact identified in the relevant resource chapters. In some cases if the analysis shows that the requirements for the specific criteria have not been met, then a discussion on the next tier may not be required. For instance, if an applicable disadvantaged group is not disproportionately affected in Tier 2, then a discussion on significant effects under environmental justice would not be warranted.

- Tier 1: Are there any racial minorities, low-income, or children populations adjacent to the proposed action site?
- Tier 2: Are the applicable disadvantaged groups disproportionately affected by the negative environmental consequences of the proposed action(s)?
- Tier 3: Would the disproportionate adverse effects be significant?

19.2.1.2 Determination of Significance

According to Section 1508.27 of the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA (CEQ 1979), determining the level of significance of an environmental impact requires that both context and intensity be considered. These are defined in Section 1508.27 as follows:

- “*Context*. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.”
- “*Intensity*. This refers to the severity of the impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
 - Impacts that may be both beneficial and adverse. A significant effect may exist even if the federal agency believes that on balance the effect would be beneficial.
 - The degree to which the proposed action affects public health or safety.
 - Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
 - The degree to which the effects on the quality of the human environment are highly uncertain or involve unique or unknown risks.
 - The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
 - Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.
 - The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.
 - The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined critical under the Endangered Species Act of 1973.
 - Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.”

19.2.1.3 Issues Identified during Public Scoping Process

As part of the analysis, concerns relating to environmental justice or the protection of children that were mentioned by the public, including regulatory stakeholders, during scoping meetings were addressed. These included:

- Concerns that disruption to family lives and cultural values would ultimately, “jeopardize the future of [indigenous] children.”
- Concerns from the Micronesian Youth Services Network about ensuring that, “the transition of personnel on our islands will not disrupt our family lives and our cultural values.”

- Concerns that indigenous people of Guam are treated as second-class citizens. One commenter from Saipan indicated that, “these are their islands, and the locals’ culture and related artifacts which still can be found are also deserving of respect.”
- Sanctuary, Incorporated, a non-profit organization focused on youth and their families, recommended using the Social Impact Assessment Guide and Principles as a basis for conducting the social impact study for this EIS.
- The Chamorro Studies Association requested, “protect the people of Guam and their human rights.”
- The CMTF Social and Cultural Subcommittee submitted a comprehensive paper on the subject of Chamorro interests (see Appendix G). That subcommittee recommends that the EIS identify issues and concerns that must be addressed to minimize negative social impacts and allow local and military communities to live in harmony.

19.2.1.4 Public Involvement

The following measures were implemented to address issues that often complicate the public participation of minority and low-income people. These issues include lack of transportation, language barriers, and internet/computer access. Public involvement measures were implemented to ensure that minority and low-income populations on Guam had the ability to participate in the public review process for actions proposed in this Volume.

- Public meetings were held in locations along major public transportation routes so they were accessible to peoples without cars.
- Public meeting notices, announcements, and documents were posted in paper form as well as online in multiple, frequently accessed public places.
- Written materials were provided in the Chamorro language and a Chamorro-speaking interpreter was used during meetings.

19.2.2 Alternative 1 Polaris Point (Preferred Alternative)

19.2.2.1 Onshore

Alternative 1 Polaris Point (referred to as Alternative 1) proposes to construct a wharf and supporting infrastructure and facilities at Polaris Point on Naval Base Guam. This section focuses on the adverse impacts anticipated from onshore construction of supporting infrastructure and facilities.

Socioeconomics

Chapter 16 of this Volume describes a range of socioeconomic impacts, most of which are beneficial or less than significant. However, Chapter 16 also describes potentially significant impacts related to crime and social order and community cohesion.

Tier 1: Are there any racial minorities, low-income, or children populations adjacent to the proposed action site?

The village in proximity to the Apra Harbor is Piti. Minority and low-income populations and children of the village of Piti are present and adjacent to the proposed action site.

Tier 2: Are the applicable disadvantaged groups disproportionately affected by the negative environmental consequences of the proposed action(s)?

All people of Piti and Guam overall would be affected by impacts to crime and social order and community cohesion. Therefore, Alternative 1 would not result in disproportionately high and adverse effects on minority or low-income populations, nor would there be disproportionate risks to the health and safety of children.

19.2.2.2 Offshore

According to Chapter 6 of this Volume, proposed offshore actions include dredging and pile driving that would last for at least 8 to 18 months and up to 24 hours a day. The village in proximity to the harbor is Piti. Apra Harbor is a resource used by all people of Guam. Offshore marine biology impacts may occur and are discussed below.

Marine Biology

Chapter 11 of Volume 4 identified potential significant impacts to fish and coral reefs during the construction period related to the dredging in Apra Harbor. Chamorro and other Guamanians have traditionally relied on these marine resources for fishing and recreation. As identified in Volume 4 Chapter 11, Sections 11.2.2.5 - 11.2.2.7, federal law recognizes the value of irreplaceable marine resources and requires compensatory mitigation. Compensatory mitigation is defined as the restoration, establishment, enhancement, and/or preservation of aquatic resources to offset unavoidable impacts to waters of the U.S. (including special aquatic sites, such as coral reefs). Therefore, long-term operational impacts would be less than significant.

Tier 1: Are there any racial minorities, low-income, or children populations adjacent to the proposed action site?

The village in proximity to the Apra Harbor is Piti. Minority and low-income populations and children of the village of Piti are present and adjacent to the proposed action site. Apra Harbor and offshore waters are used by all people of Guam.

Tier 2: Are the applicable disadvantaged groups disproportionately affected by the negative environmental consequences of the proposed action(s)?

Because all of Guam is a minority population, minorities would not be disproportionately affected by the impacts of construction on fish and coral reefs. Low-income populations would not be disproportionately affected because the impacts would not adversely affect the economy of Piti or Guam overall. Therefore, Alternative 1 would not result in disproportionately high and adverse effects on minority or low-income populations. The health and safety of children would not be affected by these impacts.

19.2.2.3 Summary of Alternative 1 Impacts

Table 19.2-1 summarizes the environmental justice impacts of Alternative 1.

Table 19.2-1. Summary of Alternative 1 Impacts

<i>Potential Impacts on Guam by Resource</i>
Socioeconomics
NI No disproportionately high and adverse effects on minority or low-income populations. No health and safety impacts affecting children.
Marine Biology
NI No disproportionately high and adverse effects on minority or low-income populations. No health and safety impacts affecting children.

Legend: NI = No impact

19.2.2.4 Alternative 1 Proposed Mitigation Measures

Alternative 1 would not result in disproportionately high and adverse effects on minority or low-income populations or impacts to the health and safety of children; therefore, no mitigation is needed.

19.2.3 Alternative 2 Former Ship Repair Facility (SRF)

19.2.3.1 Onshore

The effects would be the same as Alternative 1.

19.2.3.2 Offshore

The effects would be the same as Alternative 1.

19.2.3.3 Summary of Alternative 2 Impacts

Table 19.2-2 summarizes the environmental justice impacts of Alternative 2.

Table 19.2-2. Summary of Alternative 2 Impacts

<i>Potential Impacts by Area</i>
Socioeconomics
The potential impacts for Alternative 2 are the same as for Alternative 1.
Marine Biology
The potential impacts for Alternative 2 are the same as for Alternative 1.

19.2.3.4 Alternative 2 Proposed Mitigation Measures

Alternative 2 would not result in disproportionately high and adverse effects on minority or low-income populations or impacts to the health and safety of children; therefore, no mitigation is needed.

No-Action Alternative

Under the no-action alternative, no construction, dredging, or operation associated with the aircraft carrier berthing would occur. Existing operations at Polaris Point, as a military training and recreational facility, and the Former Ship Repair Facility (SRF), as a commercial ship repair facility, would continue. Therefore, the no-action alternative would not have impacts on minority, low-income, or children populations.

19.2.4 Summary of Impacts

Table 19.2-3 summarizes the potential impacts of each action alternative and the no-action alternative. A text summary is provided below.

Table 19.2-3. Summary of Impacts

<i>Alternative 1</i>	<i>Alternative 2</i>	<i>No-Action Alternative</i>
Socioeconomics: <ul style="list-style-type: none"> • NI (Racial Minorities) • NI (Low-Income) • NI (Children) Marine Biology: <ul style="list-style-type: none"> • NI (Racial-Minorities) • NI (Low-Income) • NI (Children) 	Impacts are the same as for Alternative 1.	NI

Notes: NI = No impact

In summary, this chapter examined potentially adverse environmental effects related to socioeconomic impacts (related to water quality/dredging issues, social order issues and community cohesion) that could affect local businesses near the harbor, and marine biological impacts affecting traditional fishing and recreation. There would be no environmental justice or protection of children impacts associated with the proposed carrier berthing action.

19.2.5 Summary of Proposed Mitigation Measures

Alternatives 1 and 2 would not result in disproportionately high and adverse effects on minority or low-income populations or disproportionate impacts to the health and safety of children; therefore, no mitigation is needed.

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