

3.15 Environmental Justice

The environmental justice analysis addresses the potential for the proposed project to adversely affect minority or low income populations to a disproportionate degree, relative to their representation in the larger population.

The study area and cumulative effects study area for environmental justice encompasses Rusk, Panola, and Harrison counties, and for selected topics, Gregg County. Gregg County issues of concern primarily would be related to the No Action Alternative. The environmental justice direct/indirect study area was based on the social and economic values study area.

3.15.1 Affected Environment

Executive Order (EO) 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" was issued by President Clinton on February 11, 1994 (59 Federal Register 7629). EO 12898 "is intended to promote nondiscrimination in federal programs substantially affecting human health and the environment, and to provide minority communities and low-income communities access to public information on, and an opportunity for participation in, matters relating to human health and the environment."

Pursuant to EO 12898, the President's CEQ prepared "Environmental Justice: Guidance Under the Environmental Policy Act" (1997) to assist federal agencies with their NEPA procedures "... so that environmental justice concerns are effectively identified and addressed." This analysis was conducted with the assistance of the CEQ "guidance" document.

EO 12898 states that population groups defined as minorities include: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic/Latino origin; or Hispanic/Latino. CEQ guidelines for evaluating potential adverse environmental justice effects indicate minority populations should be identified when either: 1) a minority population exceeds 50 percent of the population of the affected area, or 2) a minority population represents a "meaningfully greater increment" of the affected area population than the population of some appropriate larger geographic unit, as a whole.

Low-income populations are those communities or sets of individuals whose median income is below the current poverty level of the general population. According to the guidance, low-income populations in an affected area should be identified using the annual statistical poverty thresholds from the Bureau of the Census' Current Population Reports, Series P-60 on Income and Poverty. In identifying low-income populations, federal agencies may consider as a community either a group of individuals living in geographic proximity to one another or a set of individuals (such as migrant workers or Native Americans) where either type of group experiences common conditions of environmental exposure or effect.

3.15.1.1 Minority Populations

The 2000 census provides the most recent official population counts, which provide the basis for the environmental justice analysis (U.S. Census Bureau 2000). Minority populations in study area counties range from 22.5 percent to 31.0 percent of the total population, while approximately 47.6 percent of the state's population is considered to be a minority. As shown in **Table 3.15-1**, a substantial majority of the population of the counties within the study area is classified as white (69.0 percent to 77.5 percent). The minority population in the study area counties primarily is classified as Black or African American (17.6 percent to 23.9 percent) or Hispanic (3.5 percent to 9.1 percent), with the remaining minority groups (American Indian and Alaska Native, Asian, Native Hawaiian and Other Pacific Islander, Some other race, and Two or more races) combining to between 1.4 percent and 2.1 percent of the total population.

Table 3.15-1 Population by Race and Ethnicity for Year 2000

Race	City of Tatum		Panola County		Rusk County		Harrison County		Gregg County		State of Texas	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
White	756	64.3	17,629	77.5	33,737	71.2	43,044	69.3	76,851	69.0	10,933,313	52.4
Black or African American	193	16.4	4,013	17.6	9,037	19.1	14,861	23.9	21,989	19.7	2,364,255	11.3
American Indian and Alaska Native	6	0.5	74	0.3	143	0.3	165	0.3	426	0.4	68,859	0.3
Asian	0	0.0	53	0.2	112	0.2	186	0.3	745	0.7	554,445	2.7
Native Hawaiian and Other Pacific Islander	1	0.1	1	0.0	3	0.0	21	0.0	17	0.0	10,757	0.1
Some other race	0	0.0	9	0.0	21	0.0	28	0.0	46	0.0	19,958	0.1
Two or more races	12	1.0	179	0.8	321	0.7	489	0.8	1,122	1.0	230,567	1.1
Hispanic Origin (regardless of race)	207	17.6	798	3.5	3,998	8.4	3,316	5.3	10,183	9.1	6,669,666	32.0
Total	1,175	99.9	22,756	100.0	47,372	99.9	62,110	99.9	111,379	100.0	20,851,820	100.0

Source: U.S. Census Bureau 2000 (Summary File 1, Table P4 and Table DP-1).

Tatum's population is similarly diverse, although containing fewer Black/African Americans and more Hispanics. Tatum's population is classified as 64.3 percent white, 16.4 percent Black/African American, and 17.6 percent Hispanic, with the remaining 1.7 percent divided among Native Americans and other minority races or ethnic groups.

In comparison with Tatum and the counties, the population of the state is classified as 52.4 percent white, 32.0 percent Hispanic, 11.3 percent Black or African American, 2.7 percent Asian, and 1.1 percent two or more races, with all other classifications at 0.3 percent or less. Based on these figures, the Black or African American populations of Tatum and all four study area counties would be considered meaningfully greater than the statewide population. Percentages of all other identified minority group populations are near or below statewide percentages and would not be considered to be meaningfully greater increments of the general population as defined in the CEQ guidance.

More recent population estimates for the study area counties for 2008 vary somewhat from the 2000 census counts; however, the relationships between county percentages and state percentages remain the same. In general, the percentages of white populations in all jurisdictions dropped slightly from 2000 to 2008. Percentage representation of Black/African American populations increased slightly in the state and in Gregg and Panola counties and decreased slightly in Harrison and Rusk counties. Hispanic and other racial/ethnic population percentages increased modestly in all jurisdictions. If 2008 population estimates were used instead of 2000 counts, the conclusions regarding the presence of minority populations in the study area would be the same.

Narrowing the focus to potential minority populations within, or adjacent to, the proposed permit boundary, Census 2000 data for block groups within 2 miles of the permit boundary were evaluated. **Table 3.15-2** shows population by race and ethnicity for these block groups. Identification of potential minority populations under CEQ guidance depends on the reference population used. For this analysis, use of the Texas statewide population percentages (**Table 3.15-2**) was continued for consistency. As a result, Black or African American populations in the following block groups were found to be meaningfully greater than the statewide population:

- Census Tract 105, Block Group 3, Gregg County
- Census Tract 105, Block Group 4, Gregg County
- Census Tract 206.02, Block Group 4, Harrison County
- Census Tract 206.02, Block Group 5, Harrison County
- Census Tract 9501, Block Group 1, Rusk County
- Census Tract 9501, Block Group 3, Rusk County
- Census Tract 9502, Block Group 2, Panola County

In addition, although the Hispanic or Latino populations of all the relevant census blocks were well below the statewide percentage, two census blocks (Block Group 1 and Block Group 3 in Census Tract 9501) had substantially higher percentages than their host counties or any of the other counties in the study area and, therefore, meaningfully greater Hispanic populations in comparison.

Table 3.15-2 Population by Race and Ethnicity for Block Groups within 2 Miles of the Proposed Permit Boundary for Year 2000

Reference Area	Total Population	White		Black or African American		American Indian and Alaska Native		Asian		Native Hawaiian and Other Pacific Islander		Some Other Race		Population of Two or More Races		Hispanic or Latino (Regardless of Race)	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Census Tract 105 Block Group 3 Gregg County	1,177	701	59.6	367	31.2	3	0.3	1	0.1	0	0.0	0	0.0	22	1.9	83	7.1
Census Tract 105 Block Group 4 Gregg County	850	447	52.6	303	35.6	1	0.1	3	0.4	0	0.0	0	0.0	6	0.7	90	10.6
Census Tract 206.02 Block Group 4 Harrison County	935	691	73.9	219	23.4	3	0.3	0	0.0	0	0.0	0	0.0	8	0.9	14	1.5
Census Tract 206.02 Block Group 5 Harrison County	1,260	914	72.5	322	25.6	2	0.2	0	0.0	0	0.0	0	0.0	4	0.3	18	1.4
Census Tract 9502 Block Group 1 Panola County	1,582	1,288	81.4	154	9.7	9	0.6	0	0.0	1	0.1	0	0.0	14	0.9	116	7.3
Census Tract 9502 Block Group 2 Panola County	669	368	55.0	248	37.1	1	0.1	0	0.0	0	0.0	0	0.0	7	1.0	45	6.7
Census Tract 9501 Block Group 1 Rusk County	1,845	1,128	61.1	349	18.9	14	0.8	0	0.0	0	0.0	0	0.0	15	0.8	339	18.4
Census Tract 9501 Block Group 2 Rusk County	1,503	1,296	86.2	133	8.8	3	0.2	4	0.3	0	0.0	4	0.3	10	0.7	53	3.5
Census Tract 9501 Block Group 3 Rusk County	1,190	873	73.4	266	22.4	0	0.0	0	0.0	0	0.0	0	0.0	1	0.1	50	4.2
Census Tract 9501 Block Group 4 Rusk County	743	522	70.3	48	6.5	3	0.4	0	0.0	0	0.0	0	0.0	3	0.4	167	22.5

Note: Bold numbers indicate census tracts and block groups found to have meaningfully higher percentages than the state.

Source: U.S. Census Bureau 2000 (Summary File 1, Table P4).

3.15.1.2 Low-income Populations

To identify potential low-income populations within the study area, the Department of Health and Human Services (HHS) poverty guideline was used. Low-income is defined as a median household income at or below the HHS poverty guidelines for a family of three, which is \$18,310 (HDR 2009d). The three-person household is used because the average household size for the block groups within 2 miles of the Rusk Permit Area ranges from 2.4 to 2.9. The average household sizes in Panola and Gregg counties is 2.6, and the average household size in Rusk and Harrison counties is 2.7. **Table 3.15-3** shows the median household income and the percentage of persons living below the poverty line for the Census block groups within 2 miles of the proposed permit boundary.

Table 3.15-3 Median Household Income Block Groups within 2 Miles of the Proposed Permit Boundary in Year 2000

Reference Area	Median Household Income	Percent of Persons Living Below the Poverty Line
Census Tract 105, Block Group 3, Gregg County	\$36,310	13.8
Census Tract 105, Block Group 4, Gregg County	\$35,250	16.5
Census Tract 206.02, Block Group 4, Harrison County	\$36,875	6.8
Census Tract 206.02, Block Group 5, Harrison County	\$32,255	11.9
Census Tract 9502, Block Group 1, Panola County	\$36,333	13.2
Census Tract 9502, Block Group 2, Panola County	\$29,861	18.2
Census Tract 9501, Block Group 1, Rusk County	\$32,611	13.1
Census Tract 9501, Block Group 2, Rusk County	\$46,318	4.6
Census Tract 9501, Block Group 3, Rusk County	\$37,333	5.8
Census Tract 9501, Block Group 4, Rusk County	\$21,250	28.0

Source: U.S. Census Bureau 2000 (Summary File 3, Tables P53 and P87).

Although none of the block groups has a median household income below the 2009 poverty guideline for a family of three, Block Group 4 of Census Tract 9501 in Rusk County has a substantially lower median household income, a higher percentage of persons living below the poverty line, and may contain a larger low-income population.

3.15.2 Environmental Consequences

A recommended screening process to identify environmental justice concerns includes a two-step process to define criteria for this analysis. If either of the criteria are not met, there is little likelihood of adverse environmental justice effects occurring. The two-step process is:

1. Does the potentially affected community include minority and/or low-income populations?
2. Are the environmental impacts likely to fall disproportionately on minority and/or low-income members of the community?

If the two-step process indicates that a potential exists for adverse environmental justice effects to occur, the following are considered in the analysis:

- Whether there exists a potential for disproportionate risk of high and adverse human health or environmental effects;
- Whether communities have been sufficiently involved in the decision-making process; and
- Whether communities currently suffer, or historically have suffered, from environmental and health risks and hazards.

This step-wise process was used to evaluate the proposed project for potential adverse environmental justice effects.

3.15.2.1 Proposed Action

The Proposed Action would displace numerous households from the Rusk Permit Area, which is predominantly located in Block Group 1 in Census Tract 9501. The population of this block group is approximately 18.9 percent Black or African American, which is higher than the statewide average of 11.3 percent. However, it is somewhat lower than the percentages for all of Rusk, Harrison, and Gregg counties; it is only slightly higher than the percentages for Panola County and Tatum (**Table 3.15-1**); and it is notably lower than the percentages for 6 of the 9 other census blocks within 2 miles of the proposed project boundary (**Table 3.15-2**). The displacement effects are unlikely to fall disproportionately on the minority community. All property owners and residents would be in a comparable position to negotiate the terms of selling or leasing their properties to SWEPCO, as well as the terms of their moves out of the Rusk Permit Area. Residents would experience similar circumstances of noise and visual effects, depending on the locations of their properties, irrespective of their color or race.

Although the median income for Block Group 4 in Census Tract 9501 is notably lower than for other block groups in the vicinity, it is above the poverty threshold and, therefore, does not qualify the area as a low-income community according to the criterion.

An extensive effort was made to provide all interested parties in the project vicinity with access to public information and opportunities to participate in the review process for the proposed project. An informational letter was sent to individuals, organizations, and state and local agencies describing the proposed project and requesting comments. Similar notices were published in newspapers in the area. A public scoping meeting was held in Tatum to provide additional information on the project and the review process, as discussed in Section 4.1. Efforts were made in the public scoping and review process to ensure that access to information was available to all interested parties in a non-discriminatory manner.

The initial analysis indicates that potential effects of the Proposed Action would not be expected to disproportionately affect any particular population. While the minority populations in the study area are proportionately larger than in the state as a whole, indications are that any environmental effects that may occur either in close proximity to the proposed Rusk Permit Area, or at a greater distance, would affect the area's population equally, without regard to race, ethnicity, age, or income level.

3.15.2.2 No Action Alternative

Under the No Action Alternative, the proposed Rusk Permit Area would not be developed, and the associated environmental effects would not occur. Currently authorized operations at the South Marshall Permit Area of the South Hallsville No. 1 Mine and existing mine-related environmental effects would continue through approximately 2027. Under this alternative, job losses would occur from closure of the South Marshall Permit Area; however, these generally are well-paying jobs, and the losses would not disproportionately affect minority or low-income populations. Consequently, there would be no identifiable adverse environmental effects on minority, low-income or other communities in the vicinity.

3.15.3 Cumulative Impacts

The environmental justice analysis did not identify any disproportionate effects from the Proposed Action on minority or low-income populations; therefore, no cumulative effects to these populations would occur as a result of the Proposed Action.

3.15.4 Monitoring and Mitigation Measures

Based on the conclusions of the impact analysis, no monitoring or mitigation measures are being considered for environmental justice.

3.15.5 Residual Adverse Effects

There would be no residual adverse environmental justice effects from the proposed project.