November 18, 2013

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Re: Support Alternative 20 for Green Justice along the Los Angeles River, including Health and Environmental Justice, Parks, and Recreation -- Public Comments on Draft Los Angeles River Ecosystem Restoration Feasibility Study

Dear Dr. Axt:

I. Overview

The Army Corps of Engineers channelized the Los Angeles River in concrete in the 1930s to prevent floods. The people of Los Angeles now have the opportunity to work with the Corps, the National Park Service, Department of Interior, U.S. Environmental Protection Agency (EPA), and state and local government to restore the lost beauty of the River with equal justice for all. The Mayor of Los Angeles, the Los Angeles City Council, the Los Angeles Business Council, diverse nonprofit organizations, and community stakeholders all support Alternative 20, which is the best alternative to help ensure healthy, livable communities for all along the Los Angeles River.

The Corps must consider the impact of River restoration on all communities, including communities of color and low-income communities, to ensure the benefits and burdens are distributed fairly. The Corps must analyze fully green access, health justice, active living, culture, art, and history, affordable housing, complete green streets, local green jobs, and impacts on people, as well as environmental impacts.

The dual purposes of the draft Los Angeles River Ecosystem Restoration Feasibility Study (“Study”) are Equal Justice, Democracy, and Livability for All.
“to restore approximately 11 miles of the Los Angeles River from Griffith Park to downtown Los Angeles” and “to provide recreational opportunities consistent with the restored ecosystem within this 11-mile reach of the river.”

Alternative 20, called RIVER (for Riparian Integration via Varied Ecological Reintroduction), is the most comprehensive restoration alternative analyzed by the Study. Alternative 20 provides for an investment of $1.04 billion in the future and children of Los Angeles. Alternative 20 includes all the features of the other Alternatives. This includes restored habitat and wetlands at Piggyback Yard, widening at Taylor Yard, restoration in the natural bed river sections of the Glendale Narrows, terracing of the River near Riverside Drive, transitions or connections between existing riverside corridors and sections of the River that are lined concrete, and Terracing, widening, removal of concrete, and restoration of wetlands in the River channel itself. Alternative 20 is the only alternative that includes widening the River near the Bette Davis Park area of Griffith Park, restores the confluence of the River with Verdugo Wash, and restores wetlands at the Los Angeles Historic State Park with a terraced connection to the main stem of the river. Alternative 20 restores two times the River length that the Corps’ preferred Alternative 13 does. We support Alternative 20.

We applaud the Corps for analyzing environmental justice and socioeconomics (sections 3.13 and 5.13), recreation and access (sections 3.9 and 5.9), cultural resources (sections 3.6 and 5.6), and transportation (sections 3.7.6 and 5.7). The Corps recognizes with respect to environmental justice that “[o]f key concern in Los Angeles is the growing disparity of access to and use of open space resources, including parks, ball fields, and natural areas by those living in low-income communities of color.” Study, section 3.13.3. Parks and recreation are an important component of health, prevention, and wellness. The Corps includes a detailed plan for recreation (section 4.16) and public involvement (section 8). Alternative 20 is the best alternative to advance each of these goals.

The Corps has an opportunity to create a best practice analysis and alternative for greening urban waterways and for community participation world wide. The Smithsonian Anacostia Community Museum’s current exhibit “Urban Waterways and Civic Engagement” emphasizes that greening urban rivers and inner cities is not just about conservation values — as important as those are — it’s about the people who live along the rivers, and the future of our children and our world. The exhibit covers the L.A. River and five others around the world. The New York Times highlights revitalization of the L.A. River as a best practice example for “more sustainable, livable and socially just cities.” Nicolai Ouroussoff, Reinventing America’s Cities: The Time Is Now, N.Y. TIMES, (March 29, 2009).

The Los Angeles River stretches 52 miles and crosses over a dozen cities, flowing through diverse communities from the headwaters in Calabasas in the Santa Monica Mountains through the San Fernando Valley and downtown Los Angeles to the ocean in Long Beach. The River, which should be naturally green, is not. Children of color living in poverty with no access to a car have the worst access to parks and green space, suffer disproportionately from chronic health conditions including obesity and diabetes, and are the most at risk for crime, drugs, and violence, in the region.

We applaud the federal government for making the revitalization of the Los Angeles River a national priority. The determination that the Los Angeles River constitutes “traditionally navigable waters” by EPA Administrator Lisa Jackson cleared the way for this federal leadership. President Barack Obama’s

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1 Relevant Study excerpts are included as Appendix A.

America’s Great Outdoors initiative designates the greening of the Los Angeles and San Gabriel Rivers as one of the nation’s top 101 outdoor priorities. The Urban Waters initiative includes the Los Angeles River as one of the nation’s top ten priorities. The National Park Service has published multiple studies on green access, human health, disparities based on race, color, national origin, or income, and the responsibility of park agencies to alleviate those disparities.

River restoration should serve diverse needs and the full range of values at stake through democratic participation in the planning process and a fully funded, balanced Alternative 20 that includes:

- multibenefit park and green space projects that promote healthy active living; clean water, land, and air; urban habitat; and climate justice
- biking, running, hiking, camping, and passive recreation
- active recreation, including soccer, baseball, and other sports fields
- public health values incorporated into River and urban planning
- complete green streets with bike trails and safe routes to school
- joint use of parks, schools and pools along the River
- economic vitality and local green jobs
- affordable housing to avoid displacement and gentrification
- protecting Native American and spiritual values
- public art celebrating the diverse heritage and culture of Los Angeles, and
- Transit to Trails to take urban residents on fun, educational, and healthy River, mountain, and beach trips.

Alternative 20 is the best alternative for all the people of Los Angeles and beyond to have equal access to green space and places for healthy recreation, including park poor, income poor communities and people of color.

We look forward to working with the Army Corps of Engineers to seek equal justice, democracy, and livability for all along the River through Alternative 20. Part II discusses the people along the River. Part III presents equal justice laws and principles, including the requirements to conduct a compliance or equity analysis and a health impact assessment for River revitalization. Part IV discusses the values at stake – park and health values; economic values and local green jobs; transportation justice; Native American and spiritual values; culture, history, and public art; and best practices for clean water justice. Part IV concludes with the implications for the Study and Alternative 20.

II. Alternative 20 Best Serves the Needs of People along the River

Projects should be prioritized for the people in the areas with the greatest need. These areas are shown in red along the River in the map below. Alternative 20 best serves these needs.
Children of color living in poverty with no access to a car have the worst access to parks and green space, suffer disproportionately from chronic health conditions including obesity and diabetes, and are the most at risk for crime, drugs, and violence, in the region. These facts are illustrated in the map above, and in the chart below which analyzes a one-mile corridor along either side of the Los Angeles River.

A. The One-Mile River Corridor Compared to the City of Los Angeles, County, and State

The River, which should be naturally green, is not. There are 7.2 total acres of green space per thousand residents along the one-mile River corridor, compared to 11.6 in the City of Los Angeles, 89.8 countywide and 1,343.5 statewide.

Communities along the River corridor are disproportionately Latino – 52% along the River, compared to 48% for the City of Los Angeles, 47% for the county and 37% statewide. 18% of the people along the River live in poverty, compared to 20% citywide, 16% countywide and 14% statewide. The median household income is $45,179 along the River corridor, compared to $47,813 citywide, $55,476 countywide, and $60,883 statewide.

These facts are documented in the following chart.
### Non-Hispanic whites are 41% within the City River corridor, compared to 16% outside. Latinos are 39% compared to 64%. African Americans are 5% compared to 10%. “Other race” are 20% compared to 29.

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**B. The One-Mile River Corridor within the City of Los Angeles, Compared to Outside the City**

The one-mile River corridor within the City of Los Angeles has 11.6 acres of parks per thousand residents, compared to only 2.8 acres within the corridor outside the City. The one mile River corridor within the City is disproportionately non-Hispanic white and wealthy. These facts are documented in the following bar chart and text.

![Bar Chart](chart.png)

Non-Hispanic whites are 41% within the City River corridor, compared to 16% outside. Latinos are 39% compared to 64%. African Americans are 5% compared to 10%. “Other race” are 20% compared to 29. 

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### Table: Net Acres of Green Space Per 1,000 Residents

<table>
<thead>
<tr>
<th>Category</th>
<th>City of LA</th>
<th>City of LA (Corridor)</th>
<th>Los Angeles County</th>
<th>Los Angeles County (Corridor)</th>
<th>California</th>
<th>California (Corridor)</th>
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<tr>
<td><strong>Non-Hispanic White</strong></td>
<td>9.84</td>
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<td>10.12</td>
<td>15.74</td>
<td>13.67</td>
<td>21.4</td>
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<td><strong>Latinos</strong></td>
<td>3.77</td>
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<td>4.96</td>
<td>7.27</td>
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<tr>
<td><strong>African Americans</strong></td>
<td>1.22</td>
<td>1.95</td>
<td>1.51</td>
<td>2.20</td>
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</table>

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21% of the population are children, compared to 30% outside. 16% of the people live in poverty, compared to 19% outside. Median household income is $59,169 within the City River corridor, compared to $45,766 in the River corridor outside the City.

C. The Study Emphasizes Environmental Justice and River Access

The Study recognizes that much of Los Angeles is park poor and income poor, and there are disparities in green access:

Much of Los Angeles is considered to be park deficient which refers to any geographic area that provides less than 3 acres of green space per 1,000 residents, as defined by California law [Robert Garcia and Seth Strongin, Healthy Parks, Schools and Communities: Mapping Green Access and Equity for Southern California at 14-15 (The City Project Policy Report 2011), available at www.mapjustice.org/socal]. . . . In general, access to parks and acres of parkland per 1,000 residents is lowest in areas that have the highest number of families below the poverty line of $47,331. . . . The City Project, a local nonprofit research organization was founded to find ways to improve park availability for all neighborhoods, regardless of ethnicity or income level (Garcia et al. 2009).

Study, section 3.9.1.

The Study, quoting a report by the City of Los Angeles, emphasizes the need for environmental justice along the River:

Many local organizations have stressed the importance of making sure that the River’s revitalization addresses environmental justice issues (See, e.g., the City Project’s work at: www.cityprojectca.org). Of key concern in Los Angeles is the growing disparity of access to and use of open space resources, including parks, ball fields, and natural areas by those living in low income communities of color.


The River Report in that same passage concludes:

Whole generations are growing up in Los Angeles without any meaningful relationship to the natural environment. . . . The River offers an opportunity to redress environmental justice problems by not only providing numerous new green spaces, but also by ensuring free access to them.


The River Report emphasizes that the “City’s River revitalization efforts must balance human interests in accessing and using the River with improvements that will ensure an environment supportive of healthy, sustainable biodiversity . . . . The River offers one of the nation’s and the world’s most significant opportunities to introduce meaningful environmental value back into the post-industrial urban landscape.”

Alternative 20 best serves the environmental and health justice concerns emphasized in the River Report:
• Compliance with equal justice laws and principles, as discussed below
• Human health including obesity and diabetes
• The use of health impact assessments in River revitalization
• Economic justice and green local jobs and wealth creation
• Transit to Trails to take urban residents on fun, educational, and healthy River, mountain and beach trips
• Shared use of parks, schools, and pools
• Public art along the River, including the Great Wall of Los Angeles and other monuments that reflect the diversity of the River and its people.\(^3\)


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III. Alternative 20 Best Promotes Compliance with Equal Justice Laws and Principles

The final Study and Alternative 20 must ensure compliance with equal justice laws and principles. Section 3.13.3 includes a discussion of the President’s Executive Order 12898 on Environmental and Health Justice, and presents without further analysis demographic data. That section does not discuss other applicable civil rights laws. That section does not include a proper compliance, equity, and
environmental justice analysis of the data. The final Study should conduct a proper analysis in sections 3.11, 3.13, 5.11, and 5.13, as described below.

This Section III summarizes the legal framework under applicable laws. Tables 1-6 in Appendix C summarize the legal framework. The social science and other evidence to be analyzed under these laws is presented in the following Section IV.

A. The President’s Executive Order 12898 on Environmental and Health Justice

Section 3.13.3 of the Study says that it “provides a discussion of environmental justice in accordance with Executive Order (EO) 12898.” The discussion must be strengthened in the final Study.

The President’s Executive Order 12898 on Environmental and Health Justice requires a federal agency to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.” Executive Order 12898 § 1-101 (Feb. 11, 1994); see also id., §§ 1-102, 6-604.4

The Presidential Memorandum accompanying the executive order identifies Title VI of the Civil Rights Act of 1964 as one of several federal laws that should be applied to prevent minority communities and low-income communities from being subject to discriminatory effects. According to the U.S. Department of Justice, “the core tenet of environmental justice—that development and urban renewal benefitting a community as a whole not be unjustifiably purchased through the disproportionate allocation of its adverse environmental and health burdens on the community’s minority—flows directly from the underlying principle of Title VI itself.” U.S. Department of Justice, Title VI Legal Manual at page 59 (2001). Accord, Federal Transit Authority, Title VI Requirements and Guidelines for Federal Transit Administration Recipients, FTA C 4702.1B at Chap. 1-6 (Oct. 1, 2012). FTA’s guidance comparing 12898 and Title VI is included as Table 1 in Appendix C below.

While the cited section includes “[t]he ethnic data from the 2005-2009 American Community Survey (U.S. Census Bureau 2010a) for the census tracts comprising the assessment area, as well as Los Angeles County,” reciting that data is not enough.

The final Study must discuss other applicable laws, demographics, and social science evidence through a proper compliance, equity, and environmental justice analysis, as described below.

B. Title VI of the Civil Rights Act of 1964 and its Regulations

The Study does not analyze the applicable Title VI of the Civil Rights Act of 1964 and its regulations. These laws should be analyzed and applied to the evidence in sections 3.13 and 5.13 of the final Study.

Title VI and its regulations prohibit both intentional discrimination, and unjustified unnecessary discriminatory impacts regardless of direct evidence of intent. The discriminatory impact standard can ferret out subtle and structural practices that have demonstrably discriminatory effects. A thoughtless policy can be as unfair as, and functionally equivalent to, intentional discrimination. As a matter of common sense, discriminatory programs or activities should be avoided in favor of those that serve

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4 Section 3.13.3 also cites Executive Order 13045 (directing each federal agency to identify, assess, and address environmental health and safety risks that may disproportionately affect children).
everyone's interests fairly, effectively, and without discrimination.


Title VI and its regulations ensure equal access to public resources by prohibiting recipients of federal financial assistance (including presumably all state, regional, and local park agencies here) from discriminating on the basis of race, color, or national origin in their programs or activities. Section 601 of Title VI provides: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. § 2000d. Title VI applies to all the programs and activities of a recipient agency if any part of the agency receives federal funds. See 68 Fed. Reg. 51334 (Aug. 26, 2003) (definition of “program or activity” subject to Title VI). Federal agencies have enacted regulations to implement Title VI.5

Recipients of federal financial assistance literally sign contracts to comply with these laws as a condition of receiving federal funds. Guardians Ass’n v. Civil Serv. Comm’n, 463 U.S. 582, 629-30 (1983) (Marshall, J., dissenting on other grounds). The State of California, County of Los Angeles, cities along the River, and park agencies along the River receive federal financial assistance and are bound by Title VI and its regulations under these laws, and under contractual grant agreements.

The final Study should analyze revitalization of the River and Alternative 20 under the disparate impact standard, which is commonly framed as follows:

1. Will River revitalization have a disproportionate numerical impact based on race, color, or national origin?
2. Are such disparities justified by business necessity?
3. Are there less discriminatory alternatives to accomplish similar ends?

See, e.g., Larry P. v. Riles, 793 F.2d 969, 982, 982 n. 9 (9th Cir. 1984); Title VI Manual at 49-53.

The Corps should guard against intentional discrimination in River revitalization, too. The United States Supreme Court has described the kinds of circumstantial evidence that are relevant to protect against intentional discrimination, including: (1) the impact of the action and whether it bears more heavily on one racial or ethnic group than another; (2) a history of discrimination; (3) compliance with or departures from substantive norms in reaching the decision; (4) compliance with or departures from procedural norms; (5) whether decision makers knew of the impact of their actions; and (6) whether there is a pattern of racial discrimination. See Village of Arlington Heights v. Metro. Housing Dev. Corp., 429 U.S. 252, 265-70 (1977); Title VI Manual at 43-46.

The final Study can guard against intentional discrimination and discriminatory impacts by including a compliance analysis, as described in the following sections.

C. The Final Study Must Include a Compliance and Equity Analysis for River Revitalization

5 See, e.g., 43 C.F.R. § 17.1 et seq. (Department of Interior); 40 C.F.R. § 7.1 et seq. (EPA); 49 C.F.R. § 21.1 et seq. (Department of Transportation).
In positive terms, the Federal Transit Authority (FTA) has described what an applicant for federal financial assistance must demonstrate under Title VI and its regulations, and the President’s Executive Order 12898 on Environmental and Health Justice. The required compliance, equity, and environmental and health justice analysis along the River includes the following steps, which should be fully analyzed in the final Study.

1. A clear description of what the agency plans to do on River revitalization.
2. An analysis of the burdens and benefits of River revitalization for all people.
3. An analysis of alternatives, including Alternative 20 as the best alternative.
4. The full and fair inclusion of minority and low-income populations in the decision-making process.
5. An implementation plan to address any compliance or equity concerns identified in the analysis.

See Letters from Peter M. Rogoff, Administrator, FTA, U.S. Department of Transportation, to Steve Heminger, Executive Director, Metropolitan Transportation Commission and Dorothy Dugger, General Manager, San Francisco Bay Area Rapid Transit District (Jan. 15, 2010 and Feb. 12, 2010), available at www.cityprojectca.org/blog/archives/4468. FTA has provided detailed guidance that is a best practice for federal agencies and recipients on how to conduct compliance, equity, and environmental and health justice analyses. The Corps should follow these guidance documents in the final Study. Environmental Justice Policy Guidance for Federal Transit Administration Recipients, Circular, FTA C 4703.1 and pages 12, 42 (Aug. 15, 2012); FTA, Title VI Requirements and Guidelines for Federal Transit Administration Recipients, Circular, FTA C 4702.1B (Oct. 1, 2012). Accord, Coliseum Square Assoc., Inc. v. Jackson, 465 F.3d 215, 232 (5th Cir. 2006) (12898 instructs agencies to consider the environmental justice impacts of their actions; agency's consideration of environmental justice issues reviewed under Administration Procedures Act).

The determination that the Los Angeles River constitutes “traditionally navigable waters” by EPA also makes clear that the Public Trust doctrine applies to River revitalization. The Public Trust doctrine reinforces the requirement that government agencies must distribute the benefits and burdens of revitalization equally along the River. See Robert Garcia and Erica Flores Baltodano, Free the Beach! Public Access, Equal Justice, and the California Coast, 2 Stanford Journal of Civil Rights and Civil Liberties 143, 178-79 (2005), and authorities cited.

D. Affordable Care Act Section 1557 on Health Disparities, Wellness, and Prevention

The Affordable Care Act provides important protections against health discrimination based on race, color, national origin, limited English language proficiency (LEP), immigration status, and other characteristics in Section 1557. Section 1557, 42 U.S.C. § 18116, applies to any health program or activity, any part of which receives federal financial assistance. Section 1557 also applies to any program or activity administered by a federal executive agency. Section 1557 applies to such programs or activities along the River. Section 1557 references prior laws that protect against health discrimination, including Title VI of the Civil Rights Act.

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The United States Supreme Court decision in Illinois Central Railroad v. Illinois, 146 U.S. 387, 452 (1892), is the principle authority on the public trust doctrine in the United States. According to the Court, navigable waters are held in trust for the people of the state. The California Supreme Court held in National Audubon Society v. Superior Court, 33 Cal. 3d 419 (1983), that the values protected under the public trust doctrine include recreation and aesthetics.
The World Health Organization defines health as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.” In addition, the social determinants of health -- the conditions in which people live, learn, play, work, and age -- contribute to health justice and disparities. The WHO definition of health is consistent with the broad view of health in the Affordable Care Act, which includes over 60 provisions geared towards advancing health justice through a broad range of actions, sectors, and actors. Thus, the Act includes physical activity, healthy land use, and infrastructure projects as part of its mandate. Prevention and wellness can be as or more important than health care.

The Act includes projects to promote physical activity and healthy land use as part of its mandate. See, e.g., ACA sections 4001, 4201, 4306; Texas Health Institute, The Affordable Care Act & Racial and Ethnic Health Equity Series: Report No. 4 Public Health and Prevention Programs for Advancing Health Equity at iii-xii, 33-34, 41-46, 48 (Nov. 2013); American Public Health Association, Issue Brief: Prevention Provisions in the Affordable Care Act at 6-9, 11, 18 (Oct. 2010).

Why are equal justice protections necessary to protect health and life itself along the River?

The documented costs of health inequalities are great. Between 2003 and 2006, for example:

- The combined costs of health inequalities and premature death in the U.S. were $1.24 trillion.
- Eliminating health disparities for people of color would have reduced direct medical care expenditures by $229.4 billion.
- 30.6% of direct medical care expenditures for African Americans, Asians, and Hispanics were excess costs due to health inequalities.
- Eliminating health inequalities for people of color would have reduced indirect costs associated with illness and premature death by more than one trillion dollars.


The National Prevention Council promotes prevention activities across sectors. This includes:

- Support and expand cross-sector activities to enhance access to high quality education, jobs, economic opportunity, and opportunities for healthy living (e.g., access to parks, grocery stores, and safe neighborhoods).
- Identify and map high-need areas that experience health disparities and align existing resources to meet these needs.

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The implications of Section 1557 for the final Study and Alternative 20 are discussed in the following section on assessing health impacts.

E. The Final Study Must Assess Health, Physical Activity, and River Access

The draft Study discusses public health and safety in terms of water safety; wildfire; methane zones; vector borne-diseases; and hazardous, toxic, and radioactive wastes in detail. See public health sections 3.11 and 5.11. The draft Study also mentions in passing health impacts from active recreation. E.g., section 4.16.2. We agree with these health discussions as far as they go. In light of extensive social science evidence presented by the National Park Service and others discussed below, the final Study must carefully analyze human health, equal justice, and River access. A compliance analysis and health impact assessment in the final Study provides the proper framework for analyzing the evidence discussed in Section IV(A) below. Alternative 20 best serves these values.

The Los Angeles River Revitalization Master Plan includes a detailed chapter on health, physical activity, and River access. Los Angeles River Revitalization Master Plan (April 2007) at pages 5-26 to -29 (health and active recreation). The final Study must address these concerns too.

A health impact assessment is necessary here. “Recognizing and addressing the effects of a proposal on health equity (or health disparities) between various groups has been seen as a core task of HIA . . . .” National Research Council (NRC), Improving Health in the United States: The Role of Health Impact Assessment (HIA) (2011), at page 62. The influential NRC book recommends six steps for an HIA. The NRC HIA framework is applicable to the River Study: (1) screening, (2) scoping, (3) assessment, (4) recommendations, (5) reporting, and (6) monitoring and evaluation. See HIA framework chart, id., at pages 7, 6-9; logic framework of causal pathways at 54; systematic scoping table at 55; health effects matrix at 63; rating health effects at 64.

A health impact assessment is necessary here for several reasons. The communities in the project area have high levels of health disparities for both outcomes and exposures. Project activities clearly and significantly affect health disparities within these communities. There significant differences between alternatives in terms of health impacts. It is necessary to understand what are the potential health impacts of the proposed project, particularly those related to health disparities. Information from a well done HIA would make a difference in the decisions that are made.

The equal justice laws and principles discussed above require or facilitate a health impact assessment of River revitalization as part of the final Study. The elements of an HIA analysis are consistent with a compliance or equity analysis under Title VI of the Civil Rights Act of 1964, Title VI regulations, and the President’s Executive Order 12898 on Environmental and Health Justice. This is illustrated in Tables 2 through 6 in Appendix C. The HIA is also consistent with the requirements of an analysis under environmental laws, including the National Environmental Policy Act. See, e.g., NRC HIA at 110-12, 119-27, 151-59. The Corps agrees in the Study, at section 5.13.2.

The value of an HIA for the River goes beyond weighing the Study alternatives to address how River restoration relates to state sustainability initiatives (such as SB 375 on climate change), strategic growth
initiatives (such as Health in All Policies), and the Affordable Care Act’s National Prevention Strategy.

Alternatives for River restoration must be examined from a societal perspective that upholds the letter and spirit of the National Prevention Strategy. The final Study should incorporate the health and equity lens of the National Prevention Strategy. An HIA could accomplish this and help establish a standard for other agencies’ efforts to support the National Prevention Strategy.

F. Best Practice Example: HUD, Equal Justice, and the Los Angeles State Historic Park

Then-Secretary of Housing and Urban Development Andrew Cuomo withheld federal funding for a warehouse project by the City of Los Angeles unless there was a full environmental impact statement, including an environmental justice analysis that considered the park alternative and the impact on people of color and low income communities. Secretary Cuomo applied Title VI and the President’s Executive Order 12898 on Environmental and Health Justice in response to an administrative complaint filed by community advocates. HUD’s action resulted in the creation of what is now the Los Angeles State Historic Park at the Cornfield. The 32-acre site could have been warehouses. Instead, it’s a park.

Secretary Cuomo’s action set a best practice example for the kind of analysis for River revitalization in the final Study. HUD’s action illustrates an agency applying its administrative expertise, laws, and regulations to a public works project along the River that includes a park alternative. The HUD letter and successful administrative complaint are available on the web. See www.cityprojectca.org/ourwork/urbanparks.html#cornfield. The analysis in the final Study needs to comply with this best practice example.


In addition, the Corps must ensure that recipients of federal financial assistance and engage in programs or activities involving River restoration do in fact comply with the federal authorities cited above. These recipients include, for example, the County of Los Angeles, local municipalities including the City of Los Angeles, the California Department of Parks and Recreation, the Santa Monica Mountains Conservancy, Mountains and Recreation Conservation Authority, and the San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy. The Corps must conduct these analyses so that these recipients know and implement their obligations, and the public knows and receives the benefits to which they are entitled. See, e.g., Title VI Requirements and Guidelines for Federal Transit Administration Recipients, Circular, FTA C 4702.1B (Oct. 1, 2012).
IV. Alternative 20 Best Serves the Full Range of Values at Stake in River Revitalization

Alternative 20 best serves the full range of values at stake in River revitalization, including: human health and access to green space and recreation in the region, the history of discriminatory access along the River; economic values; transportation justice; Native American and spiritual, cultural and historical values; and clean water justice.

We again applaud the Study for including an analysis of cultural resources, transportation, recreation, environmental justice, and public involvement. The following recommendations are intended to ensure the final Study includes a proper compliance, equity, and health impact analysis.

A. Best Practice Examples to Analyze Health, Equal Justice, and River Access

1. Best Practice Analysis: NPS on Health, Equal Justice, and Green Access

NPS explicitly recognizes that “[p]eople of color and low income populations still face disparities regarding health and access to parks” in its report Healthy Parks, Healthy People U.S. (HP/HP Report). These disparities adversely impact human health. According to NPS, for example, “In regard to obesity, 36 percent of black and 35 percent of Hispanic high school students nationwide are overweight or obese, while 24 percent of non-Hispanic white high school students suffer from these conditions.” Human health benefits include promoting a state of complete physical, mental and social well being, and not merely alleviating chronic diseases including obesity and diabetes, as emphasized by NPS’s HP/HP Report, citing the World Health Organization. NPS emphasizes the role that park agencies play to alleviate these disparities and promote public health.

NPS’s recent Healthy Parks, Healthy People Science Plan compiles extensive social science, evidence-based research that identifies “[r]elationships between socio-economic status and participation and access to green space and outdoor recreation.” Healthy Parks, Healthy People Science Plan (July 2013), p. 38, citing Lee & Maheswaran (2010) and Richardson & Parker (2011). For example:

- “Green space can aid in reducing health disparities among populations (Richardson & Parker, 2011, Wells (2003).)” p. 34.
- “Disparities in health conditions are influenced by socio-economic status (Sallis, Story, & Lou, 2009).” p. 38.
- “Green spaces and parks, which promote good health, can play an important role in alleviating socioeconomic health disparities (Mitchell & Popham, 2008).” Id.


Green access, health, and equal justice concerns are also well documented by the City of Los Angeles in the *Los Angeles River Revitalization Master Plan* and *River Report*, as cited above.

The final Study should analyze such health data for River restoration including Alternative 20.

2. **Best Practice Analysis: Congresswoman Judy Chu and NPS on Health, Environmental Justice, and the San Gabriels NRA**

Congresswoman Judy Chu emphasizes public health and environmental justice as two main reasons why the region needs a national recreation area in the San Gabriel Watershed and Mountains. These reasons also apply to the restoration of the River. “Los Angeles is the most park-poor region in the United States. New York City has more park space than L.A. Lack of recreational opportunities – large or small – has severe impacts on urban populations struggling with obesity, diabetes, heart disease, and chronic illness. Opportunities to enjoy outdoor activity are vital for public health and the well being of people of all ages and walks of life.” See Congresswoman Judy Chu, San Gabriel NRA Proposal FAQs, goo.gl/Ybdk3H.

As NPS highlights in its San Gabriels study, “Los Angeles County is one of the most disadvantaged counties in terms of access to parks and open space for children of color and people of color.” *San Gabriel Watershed and Mountains Special Resource Study & Environmental Assessment* (Newsletter #5, Nov. 2011) (*San Gabriel Study*), p. 219. NPS notes that “county averages can mask dramatic disparities in access to green space within the county.” *Id.*, citing The City Project’s research and analyses. Non-Hispanic “[w]hites currently have disproportionately greater access to parks and open space, compared to Latinos and African-Americans. These groups are 12-15 times more likely to have less park acreage per capita when compared to [non Hispanic w]hites.” *Id.* NPS further states that “the communities with the least amount of access to parks and open space tend to have higher rates of childhood diseases related to obesity such as diabetes.” *Id.* Relevant excerpts from this NPS study are included as Appendix B.

The greening of the L.A. River should be coordinated with federal efforts to green the San Gabriel River, to create a national recreation area in the San Gabriels, and to expand the national recreation area in the Santa Monica Mountains. The final Study should address these concerns.

2. **Applying County and City Analyses of Green Access, Human Health, and Equal Justice**

The County and City of Los Angeles have recently published a Health Atlas documenting disparities in the City covering park access, health, poverty and income, and race, color or national origin. The purpose of the Health Atlas is to prioritize projects in the planning process. For that reason, the Atlas is highly relevant to the compliance and equity analysis for the Study and Alternative 20. The Health Atlas shows, for example, that green space is generally located where disproportionately non-Hispanic white and wealthy people live. Green space is generally not located where disproportionately people of color and low-income people live. Compare Map 15 (non-White and Hispanic population), with Map 63 (park access). The Atlas evaluates social determinants of health that need to be analyzed in the River Study. See, e.g., Raimi & Associates, County of Los Angeles Public Health Department, City of Los Angeles, and Los Angeles Department of City Planning, *Health Atlas for the City of Los Angeles* (2013) at pages 13-26 (demographic and social characteristics), 179-80 (community health and equity index), 55-84 (health conditions), 27-40 (economic conditions), 155-70 (housing), 144-54 (crime), 110-27 (transportation), 41-54 (education), and 128-43 (food security). The Health Atlas, as good as it is on
Dr. Josephine R. Axt, Chief, Planning Division, U.S. Army Corps of Engineers

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economic variables and health equity, nevertheless does not include the thorough analysis of equity based on race, color, or national origin that the Final study must include under the authorities cited above. The Health Atlas is available at planning.lacity.org/cwd/framwk/healthwellness/text/HealthAtlas.pdf.

The Los Angeles County Department of Public Health published a report that discusses how health and wellbeing among different racial, ethnic, and economic groups vary throughout the cities and communities of the County. Green space, and resources for physical activity are disproportionately limited in low-income communities and communities of color. Often these groups are separated from other communities. The clustering of these communities limits access to outlets that may improve the lives of residents who are living in them. See County of Los Angeles Public Health Department, Social Determinants of Health: How Social and Economic Factors Affect Health (2013) at pages 2 (one path), 4-6 (what determines health), 9-13 (findings), 15 (discussion), 16 (recommendations), and 19 (a better path). The report is available at publichealth.lacounty.gov/epi/docs/SocialD_Final_Web.pdf.

The County Health Department also analyzed obesity and green access compared to economic hardship for 128 cities and communities in the County in 2007 and found obesity rates varying widely from a low of 4% in Manhattan Beach to a high of 41% in Irwindale. The percentage of overweight and obese children tended to be higher in communities that provide fewer acres of parks, recreation areas, or wilderness areas. The report found a correlation between obesity and economic hardship. Cities or communities with a high economic hardship burden – measured as higher poverty, unemployment, median income, lower educational attainment, more dependents, crowded housing – also had higher percentages of overweight and obese children.\(^\text{11}\) The City Project has further analyzed the same data to show the impact of these disparities on communities of color. See Robert Garcia and Ramya Sivasubramanian, Race and Place Do Matter: Economic Hardship, Obesity, and Equal Justice, KCET Departures (April 18, 2013), at www.kcet.org/socal/departures/landofsunshine/green-justice/race-and-place-do-matter-economic-hardship-obesity-and-equal-justice.html.

Other studies show that people living closer to parks are more likely to exercise regularly, leading to weight loss, increased energy, and better overall health.\(^\text{12}\) These are important lessons in support of Alternative 20 and a thorough health impact assessment in the final Study. People in low-income areas in Los Angeles who live within one mile of a park visited that park four times more frequently and exercised 38% more than people who lived more than one mile away.\(^\text{13}\) Children and adults who live in communities with parks, athletic fields, nature centers and other recreational facilities are more physically active.\(^\text{14}\) Research shows that park proximity is associated with higher levels of park use and physical activity among a variety of populations, particularly youth. Further, having more parks and more park acreage within a community is associated with higher physical activity levels.\(^\text{15}\) This is particularly true for low-income communities. One study found that people in low-income areas in Los Angeles who live within one mile of a park visited that park four times more frequently and exercised 38% more than


people who lived more than one mile away.\textsuperscript{16}

The community helped stop a commercial development in favor of creating Rio de Los Angeles State Park.

B. Alternative 20 Best Promotes Economic Values and Local Green Jobs along the River

The Study should ensure that the restoration promotes extensive local green jobs, apprenticeship programs, career opportunities, and contracts for women, minority, veteran, and small business enterprises that reflect the diversity of the surrounding region. This includes new and enhanced education, interpretation and collaborative programs that engage diverse cultures and the unique natural environment of the River through partnerships between local communities, non-profit social justice, environmental justice, and public art organizations, and the government.\textsuperscript{17}

Section 3.13.2 of the study presents data on employment and income in the study area. That section does not analyze this data by race, color, or national origin. The Study does not analyze the impacts in that manner to assess equity in section 5.13. While temporary employment benefits during construction of each alternative are identified, the Study does not analyze who would benefit and who would be left behind. The final Study must include this analysis.

River restoration should get people back to work, strengthen the economy, and build people’s feelings of confidence and self-worth in what continues to be the worst economic crisis since the Great Depression. Latinos and African Americans have been the worst hit by joblessness and drops in median wealth in the current economic crisis. “Socio-economic conditions can significantly affect a population’s well-being and access to healthy living,” as the City’s Health Atlas notes. See Health Atlas at 27-40.


U.S. Secretary of the Interior Sally Jewell announced the launch of a national youth conservation initiative, which will provide jobs, training, educational, and volunteer opportunities to millions of youth, at a news conference at San Francisco’s Crissy Field on November 7, 2013. The initiative is part of Secretary Jewell’s ambitious goal to engage youth with our public lands. Secretary Jewell hopes to create something similar to the public work program Civilian Conservation Corps from the 1930s, calling it the 21st Century Conservation Service Corps. See www.cityprojectca.org/blog/archives/23276.

The Civilian Conservation Corps (CCC) offers valuable lessons for River revitalization to create local green jobs and economic vitality for all. The CCC was one of the most successful New Deal programs and appealed to people across political and class lines. The CCC employed 3 million young men, planted 2 billion trees, slowed soil erosion on 40 million acres of farmland, and developed 800 new state parks. Visits to National Parks increased 600% from 1933 to 1941. Unemployed youth got paid, their minds and bodies grew stronger, they contributed to society, and they stayed out of trouble as they learned the benefits of hard work, conservation, and recreation. Businesses sold goods and services to CCC camps. However, and this is just as important in terms of lessons learned, the CCC employed almost only white men, not women and not young boys and men of color. See generally Neil Maher, Nature’s New Deal (2008). The final Study and Alternative 20 should promote local green jobs and economic vitality for all.


Raul Macias, Founder and Director of Anahuak Youth Sports Association, a community-based organization serving children and families along the River in northeast Los Angeles, points out the benefits of green youth jobs:

There are many youths that can obtain green jobs, over the weekend, or part time. It would be a smart thing to do. Youth who are incarcerated and released from jail don’t have any options for work. This could create good opportunities if the resources were to be made available. If we invest in youth now, it can save many thousands of dollars and it would be good practice to do so.

Mr. Macias joins in the submission of these comments.

C. Transportation Justice

The Study recognizes the need for transportation justice along the River.

According to Southern California Association of Governments (SCAG), public parks are intended to serve all residents, but not all neighborhoods and people have equal access to these public resources. SCAG calls for a multiagency effort and public transportation to improve access for all to parks throughout Southern California (SCAG 2008).

Section 3.9.1.\(^{18}\)

The final Study must present transportation alternatives for green access along the River. This includes

\(^{18}\) Southern California Association of Governments (SCAG), Regional Comprehensive Plan, 36-40 (2008).
Transit to Trails to take inner city youth and their families and friends on fun, educational, and healthy river, beach, and mountain trips. NPS discusses the benefits and accomplishments of Transit to Trails in its *San Gabriels Study*, included in Appendix B (p. 179).

Transportation alternatives also include bike trails that meet the needs of people of color and low-income people. Alternatives should also serve households with limited or no access to a car, and limited transit alternatives. *See generally Health Atlas* at pages 110-14.

As Allison Mannos, founding president of the Multicultural Communities for Mobility, emphasizes, “Low income people and people of color need transportation alternatives to and along the Los Angeles River. These folks also use bikes disproportionately for commuting and pleasure, according to the City's Health Atlas.” Ms. Mannos joins in the submission of these comments.

For all alternatives, section 5.7 of the Study concludes:

> Because the River corridor would be enhanced aesthetically and new multi-use walking and biking paths would be constructed, and public access would increase, more people would be expected to use the River corridor for local and recreational trips. Travel on the existing Los Angeles River Bike Path would also increase. The capacity of the Los Angeles River Bike Path and the new multi-use paths that would be constructed as part of the project should be sufficient to accommodate demand.

Further analysis must be done to ensure the benefits and burdens of these impacts are distributed equitably.

In addition to transportation alternatives for green access along the River, the Study should ensure that high-speed rail does not disproportionately impact communities of color and low-income communities along the River, or interfere with River restoration. Specifically, the rail line must not adversely impact Los Angeles State Historic Park, Rio de Los Angeles State Park, and surrounding communities, or interfere with River restoration and revitalization. *See Letter re: Concerns Regarding High-Speed Rail Through Downtown Los Angeles*, submitted to the California High-Speed Rail Authority (Sept. 20, 2012), available at [www.cityprojectca.org/blog/archives/6430](http://www.cityprojectca.org/blog/archives/6430).

*Biking on the L.A. River in Workman, CA.*
D. Native American and Spiritual Values

The Corps has consulted with the California Native America Heritage Commission, received records of Native American resources along the River, contacted tribal representatives, and plans to “continue efforts to inform and consult with tribal representatives regarding any cultural concerns that they might have.” Section 3.6.1. See also section 5.6. We support this emphasis.

The Native American Heritage Commission (NAHC) is the “trustee agency” for the protection and preservation of California’s Native American cultural resources under state law. The NAHC supports “cultural preserves” to provide a higher level of protection for Native American cultural items and burial grounds. Without adequate maintenance and security, Native American cultural resources may be vandalized or destroyed, erasing an important historic link with indigenous California and the natural environment. See Robert Garcia, Native American Values, Health, and Green Access in Southern California, KCET Departures (May 23, 2013), at goo.gl/9sJ0xp.

Robert Bracamontes writes:

“I am Acjachemen, Nican Tlaca, indigenous to this land. For us the land gives us food, a place to play peon, a place where we are put to rest in peace, a place for ceremony, a place where life and culture are one. Some have viewed the land as something to steal, to make great profit from by taking and selling it for selfish ownership. We need our land back, we need to protect it for future generations. I hope those of you speaking about helping realize this is not a novel or a movie. This is not about a movement. This is about a living breathing tribe thousands of years old. It is about all of my living relatives, my Ancestors, and the new lives entering the world today. We cannot think that History is not a continuous fluid event. I am Acjachemen. Bob Black Crow.”

Mr. Bracamontes joins in the submission of these comments.

E. Culture, History, and Public Art along the River and in Alternative 20

The Study discusses registered cultural resources and analyzes potential impacts to the resources in sections 3.6 and 5.6. We urge the Corps to look beyond the cultural resources that appear on the National Register of Historic Places or the California Register of Historical Resources. The final Study should promote cultural, history, and public art that celebrates the diversity of the region. The final Study should establish an inclusive procedure to work with the community to study places and works that should be designated as official landmarks and monuments.

Monuments should reflect the diversity of a place and its people. People of color, women, and Native Americans have been vital to the creation of Los Angeles. Yet with over 1,000 official cultural and historical landmarks in the City of Los Angeles, only about 100 relate to people of color, women, and Native Americans. This is astonishing, especially because the place was Indian country for about 10,000 years before contact, and Spanish or Mexican territory for hundreds of years before California joined the Union in 1850.

Marginalizing the contributions of people of color, women and Native Americans is not unique to Los Angeles. Only about 5% of national, state and local landmark designations reflect women’s history, and an even tinier proportion deal with so-called minority history, according to Dolores Hayden in her book The Power of Place (1997).
According to then-Secretary of the Interior Ken Salazar, “Less than 3% of all the national landmarks that we have -- the highest designation you can receive as a historic landmark -- are designated for women, Latinos, African Americans or other members of minority groups.” Ed O’Keefe, Ken Salazar urges more Latino-themed national parks, sites, Washington Post (Oct. 11, 2011), available at goo.gl/ypqBvH.

The final Study should follow the guidance that NPS provides for theme studies regarding, for example, civil rights, goo.gl/Gt8HFF; Latinos, goo.gl/MfC66L; and Asian-Americans, goo.gl/XZSeoZ, to promote diverse resources along the River.

The Great Wall of Los Angeles by UCLA Prof. Judy Baca and SPARC (Social and Public Art Resource Center) is a best practice example of public art that celebrates the diversity of Los Angeles, the state, and the nation. The Great Wall, the longest mural in the world, is in the L.A. River. The Great Wall should be considered for inclusion on the national registry or as a landmark or monument. The Los Angeles River Revitalization Master Plan is a best practice example of considering these resources. See Los Angeles River Revitalization Master Plan (April 2007) at pages 3-24, 5-36 to -37 (public art, culture, and history along the River, including the Great Wall of Los Angeles).
Judy Baca speaks eloquently how River revitalization and Alternative 20 should address park access for all, and public art. On park access:

If public parks are not accessible to the diversity of all people, then what spaces are? Where can people meet and share the sense that they are citizens of a common land?

In neighborhoods of wealth, the phenomenon of gated neighborhoods is increasingly common. These neighborhoods grow up around the desire for security from crime and a sense of comfort at not having to deal with those different from oneself. Under such conditions, where does civic life occur? In the court rooms? In the schools? In the parks? Where do we find places of respite, open places to meet that speak to a shared sensibility about what it means to be a citizen of our city, of our state and country?

If you ask groups of students in university classes across Los Angeles to define public space, they will most inevitably name a shopping mall: the Galleria, the Beverly Center, the Third Street Promenade. Yet these are corporate spaces where all activities are orchestrated and controlled, and certain people are excluded from participation by virtue of not having (enough) money to purchase goods.

Judy Baca speaks on the lessons of public art and the Great Wall for River revitalization and Alternative 20:

Is art work like the Great Wall of Los Angeles and other public murals that are participatory and public antithetical to aesthetic practice? The question we ask ourselves early in the process of creating community-based art is this: is it possible for us as artists to fully integrate the voices of the people that live in the spaces in which our work is being done? The critical element is understanding the process. Perhaps there is no issue that has consistently plagued community cultural development work and contributed to its secondary status as fine-art work more than the issue of judging its aesthetics. It has
long been held that the artist’s personal interpretation of a particular moment in time, of
an event or experience, is unique.

Community-based art is not simply one’s individual notion of the creation of a
masterpiece, but public work that is greatly influenced by the people for whom the work
is made. The creation of public art requires a unique sensitivity, the artist’s opening to
interpretations that are sometimes distant from his or her own. In a sense, a method of
compassionate listening is required, followed by a gestation period wherein the artist
must take in the often disparate collective vision, then make it the artist’s own by
establishing central images stemming from the group experience. In no way does this
process diminish the capability to create great public art. Sometimes the process connects
instantaneously with the artist, or the artist is able to capture a strong image or idea that
later has great resonance within the community.

Prof. Baca and SPARC join in the submission of these comments.

F. Best Practice Examples: Clean Water Justice and Multibenefit Projects along the River and in
Alternative 20

Environmental laws are a tool for achieving environmental justice along the River. Thus, for example,
EPA, community allies including The City Project, and the City of Los Angeles reached a $2 billion
agreement under the Clean Water Act to fix sewer system violations including noxious odors that
disproportionately impacted communities of color. The agreement provides for multi-benefit park and
clean water projects along the River. This is a best practice example for government, community groups,
civil rights advocates, and environmentalists to work together with the Corps to achieve equal justice for
all along the River. See Robert Garcia, The Grass Roots Fight for Clean Water Justice, KCET Departures
(March 22, 2012), at www.kcet.org/socal/departures/landofsunshine/green-justice/clean-water-and-green-
justice.html.

North Atwater Creek Restoration and Park Expansion multibenefit project was funded in part by the $2
billion Clean Water Act agreement.

Secretary of the Interior Ken Salazar visited one of these projects North Atwater Park along the River,
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across the street from Griffith Park on the East Bank of the River. The East Bank project provides one opportunity to improve recreation and health to serve low income communities and communities of color. The site is already parkland that the city of Los Angeles is squandering for use as a service yard, toxic storage, and parking lot. The site can readily be restored as a real park in a park poor community. Within one mile of the site, there are 0.8 acres of open space per 1,000 residents. 40.8% of the people are Hispanic, 21.7% other, 18.0% Asian, and 16.9% non-Hispanic white. 20.3% live in poverty. The City Project and diverse allies have presented a conceptual plan that includes a balanced park with active and passive recreation. Scenic pathways and trails would allow for exercise and relaxing for individuals and families. Playing fields, interpretive learning spaces, and public art would enhance the park. All of these uses can be accommodated with sensitive and equitable planning that takes into account the needs of all users. The final Study should analyze the restoration of Griffith Park on the East Bank of the L.A. River as part of Alternative 20.

Tom Hayden emphasizes the importance of water, justice, and the River:

The effort to green the Los Angeles River is near and dear to my heart. I was the state legislator who first included funding for River restoration in a state parks bond, met with the Army Corps of Engineers in D.C. about the River, and helped create the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy with Hilda Solis. Before you can “green” a River you must have a river with water running through it. The L.A. River is barely a river at all. Every big city in the United States has a river except for Los Angeles, so it’s not an environmental problem, it’s a real estate and growth problem. “Greening” the edges of the channel is one step. Land-based conservation is not enough. The Study and Alternative 20 must ensure water flows through the River.

The revitalization of the LA River can revitalize and unify the LA region. But the restoration of the river must be more than a trickle down. The staff proposal, Alternative 13, would fund only half the actual river expansion that is proposed in Alternative 20. And the project must involve more than token steps towards environmental justice, especially since the river passes through majority communities of color. If the lesser proposal is adopted, it will mean a barrier to further progress for many years ahead.

Tom Hayden has led a long and distinguished career of activism, politics, and writing dedicated to public service, and he remains a leading voice for saving the environment, reforming politics through greater citizen participation, and providing positive alternatives for inner city youth. He served in the California legislature from 1982 to 2000, first as an assemblyman and for the last eight years as a senator. He serves on the Board of the City Project. Mr. Hayden joins in these comments.

G. Schools, Pools, and Parks along the River

The L.A. River School at the Sonya Sotomayor Learning Center adjoins Rio de Los Angeles State Park. This is a best practice for the joint use of schools, pools, and parks along the River. The school is a best practice for educational programs on environmental and health justice, culture, art, and history, physical activity, and the full range of values at stake along the River. The Los Angeles Unified School District has raised $27 billion for school construction and modernization. The district has built 130 new schools

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and modernized hundreds more since 1998. Each $50 million created 935 annual jobs, $43 million in wages, and $130 million in local business revenue. Hundreds of acres of land were cleaned up, including land along the River. More importantly, the future became brighter for generations of children. This is a best practice example for how River revitalization and Alternative 20 should contribute to jobs and the local green economy.


H. Implications for the Study and Alternative 20

River restoration should serve diverse needs and the full range of values at stake through a fully funded, balanced Alternative 20. Alternative 20 best serves the interests identified in these comments.

The City Project has extensively analyzed park and health disparities and the diverse values at stake under the equal justice laws and principles discussed above. The most thorough analysis is reflected in its 2011 policy report Healthy Parks, Schools and Communities: Green Access and Equity in Southern California. The report includes GIS mapping and demographic analyses, evidence based social science research, and participatory community based research. As documented in the report in ways that are relevant here:

- Children of color living in poverty with no access to a car have the worst access to places for physical activity in parks and green space. They suffer disproportionately from higher levels of obesity and diseases related to the lack of physical activity. *Id.* at 9-12, 26-111.
- Proximity to parks and recreation tends to support increased physical activity. *Id.* at 19-21.
- Park disparities are not an accident of unplanned growth, an efficient market in land, or rational choices maximizing personal utilities. Park disparities reflect a legacy and pattern of discriminatory land use, housing, education and economic policies dating back to the New Deal and beyond. *Id.* at 112-21.
• Park and health disparities in Southern California are consistent with broader patterns across the nation. *Id.* at 9-12.

• The report analyzes the myriad values at stake in equal access to park and health resources. *Id.* at 19-25.

• The report analyzes park and health disparities under civil rights laws and principles, including Title VI and the President’s Order on Environmental and Health Justice. *Id.* at 122-23.

• The report presents recommendations for change that are generally applicable to River revitalization, the final Study, and Alternative 20. *Id.* at 125-26.

We respectfully refer the Corps to the cited sections of that Report, which is available on the web at [www.mapjustice.org/socal](http://www.mapjustice.org/socal).

V. Conclusion

The classic Olmsted plan *Parks, Playgrounds, and Beaches for the Los Angeles Region* called for the greening of the Los Angeles River as part of a comprehensive web of parks, schools, beaches, and forests in 1930. The successful community struggles to create Los Angeles State Historic Park and Rio de Los Angeles State Park 70 years later sparked the present work to green the River.

In far less time other cities have done far more on their urban waterways. New York City has created the Manhattan Riverfront Greenway circling the island of Manhattan. 20 Madrid has created a world-class urban park for the ages in Parque Madrid Río that rivals its 16th century Parque del Buen Retiro. 21 Greening the San Gabriel River is actually much, much further along than greening the L.A. River, providing a scenic 64-mile biking and hiking route from the mountains to the ocean. The Smithsonian Anacostia Community Museum exhibit on *Reclaiming the Edge: Urban Waterways and Civic Engagement* includes the L.A. River. 22 The Study and River restoration through Alternative 20 present a tremendous opportunity to implement in Los Angeles a best practice example for revitalizing urban waters and inner cities for all. The whole world is watching.

We urge the Corps to implement the following recommendations in the final Study and Alternative 20.

1. Ensure compliance with equal protection laws and principles that provide for equal access to the River and the benefits of River restoration.

2. Include a compliance, equity, and environmental and health justice analysis that addresses the impact of the greening of River on all communities, including communities of color and low-income communities, and ensures equal access to the River and the benefits of River restoration.

3. Conduct or facilitate a health impact assessment for River revitalization.

4. Promote economic vitality through green jobs programs for diverse local youth and other residents.


5. Provide an implementation plan to promote equal access to the benefits of River revitalization and alleviate disparities identified in these comments.

6. Study, celebrate, and preserve cultural, heritage, public art, and Native American sites to reflect the diversity of the River and its people.


8. Provide transportation alternatives for green access along the River, including bike trails, complete green streets, safe routes to school, and Transit to Trails that takes urban residents on fun, educational, and healthy River, mountain, and beach trips.

9. Ensure full and fair participation by all communities in the planning and decision making process.

10. Serve diverse needs and the full range of values at stake through a fully funded, balanced Alternative 20.

We look forward to working together with the Corps and the Los Angeles community on Alternative 20 and this vision for an equitable restoration of the Los Angeles River now and in the years to come.

Sincerely,

The City Project
Robert García, Founding Director and Counsel
Ramya Sivasubramanian, Assistant Director and Counsel
Daphne Hsu, Staff Attorney
Lynnete Guzman, Program Manager

Anahuak Youth Sports Association
Raul Macias, Founder and Director
Asian and Pacific Islander Obesity Prevention Alliance
Scott Chan, Program Director
Asian Pacific Policy & Planning Council
Mark Masaoka, Policy Coordinator

Robert Bracamontes
Yu-va'-tal 'A'lla-mal (Black Crow)
Acjachemen Nation, Juaneño Tribe
Marc Brenman
Social Justice Consultancy

California League of United Latin American Citizens
Tomas Gonzales, Immediate Past Deputy State Director
Kathy Jurado, District Director
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Center on Race, Poverty & the Environment
Brent Newell, Legal Director

COFEM (Consejo de Federaciones Mexicanas en Norteamérica)
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Retired Executive Officer, Rivers and Mountains Conservancy

Friends of the River
Steve Evans, Wild & Scenic Program Consultant

Senator Tom Hayden (Ret.)
The Peace and Justice Resource Center, Director
The City Project, Board Member

Latino Coalition for a Healthy California
Xavier Morales, Executive Director

Mia Lehrer + Associates
Mia Lehrer, Principal

Los Angeles Business Council
Mary Leslie, President

Los Angeles Neighborhood Land Trust
Alina Bokde, Executive Director

Los Jardines Institute (The Gardens Institute)
Richard Moore, Coordinator

Multicultural Communities for Mobility
Allison Mannos, Board President

Mujeres de la Tierra
Irma Muñoz, President/CEO

National Parks Conservation Association
Ron Sundergill, Senior Director, Pacific Region

Natural Resources Defense Council
Damon Nagami, Senior Attorney
Dr. Josephine R. Axt, Chief, Planning Division, U.S. Army Corps of Engineers  
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Prevention Institute  
Manal Aboelata, Managing Director  
Sandra Viera, Program Coordinator

Search to Involve Pilipino Americans  
Dennis G. Arguelles, Director of Programs

Sierra Club  
Leslie Fields, Environmental Justice and Community Partnerships, Program Director  
Byron Gudiel, Sr. Organizing Manager, California

SPARC (Social and Public Art Resource Center)  
UCLA Prof. Judy Baca, Artistic Director

cc: Secretary Sally Jewell, U.S. Department of the Interior  
Director Jon Jarvis, National Park Service  
Administrator Gina McCarthy, U.S. Environmental Protection Agency  
Deldi Reyes, Environmental Justice Program Manager, U.S. EPA, Region 9  
Arsenio Mataka, Assistant Secretary for Environmental Justice and Tribal Affairs, California Environmental Protection Agency  
General Anthony Jackson, Director, California Department of Parks and Recreation  
Mark Ridley-Thomas, Chairman, Los Angeles County Board of Supervisors  
Eric Garcetti, Mayor, City of Los Angeles
Appendix A

Relevant Excerpts from Army Corps L.A. River Study
### 3.9 RECREATION AND PUBLIC ACCESS

For this analysis, the recreation resource area is defined as being a half-mile buffer on either side of the River. The inventory of larger regional parks and other resources that exist outside the study area are beyond the geographic scope of this assessment other than to demonstrate the lack of regional parks and open space available within the greater Los Angeles area.

#### 3.9.1 Regional Context and Demand

The City of Los Angeles has approximately 24,000 acres of parks, with approximately 15,899 acres of parkland under the jurisdiction of the Department of Recreation and Parks. Other agencies managing parklands include the Los Angeles Department of Water and Power, Mountains Recreation and Conservation Authority, the Santa Monica Mountains Conservancy, California State Parks, and the County of Los Angeles. In all, this equates to a city-wide average of 6.26 acres of park per 1,000 residents (Trust for Public Land 2011). The City of Glendale has 39 developed parks comprising 280 acres, or about 1.4 acres per 1,000 residents (City of Glendale 2012c). The City of Burbank operates 27 park facilities covering 155 acres, as well as 500 acres of open space, equating to approximately 6.34 acres of parkland per 1,000 residents (City of Burbank 2010). Including all parks identified in the assessment presented below, the recreation resource area has an estimated 5,000 acres of park, or 38.77 acres per 1,000 residents. This value is high compared to the city-wide average due to the presence of some larger than average parks near the study area, such as Griffith Park (the largest park at 4,210 acres) and Elysian Park (575 acres).

Much of Los Angeles is considered to be park deficient which refers to any geographic area that provides less than 3 acres of green space per 1,000 residents, as defined by California law (GreenInfo Network 2010). In particular, the industrial areas surrounding Reaches 7-8 have the least parkland, with fewer than 3 acres per 1,000 people. Other areas, particularly on the southwest side of Reaches 1-3, have greater than 3 acres of parkland per 1,000 residents, which is due to the presence of Griffith Park. In general, access to parks and acres of parkland per 1,000 residents is lowest in areas that have the highest number of families below the poverty line of $47,331.

According to Southern California Association of Governments (SCAG), public parks are intended to serve all residents, but not all neighborhoods and people have equal access to these public resources. SCAG calls for a multiagency effort and public transportation to improve access for all to parks throughout Southern California (SCAG 2008). The City Project, a local nonprofit research organization was founded to find ways to improve park availability for all neighborhoods, regardless of ethnicity or income level (Garcia et al. 2009).

Residents of Los Angeles place a high priority on the quality of natural and environmental resources. In a study from 2000, 75 percent of those surveyed said that preserving wetlands, rivers, and environmentally sensitive areas would be either “somewhat effective” or “very effective” at improving their quality of life. There is also strong support for protecting cultural resources and for environmental education (Public Policy Institute of California 2000).

#### 3.9.2 Recreation Opportunities in the Study Area

Approved uses of the River in the study area are generally limited to pedestrian, cyclist, and equestrian trails along the banks. Some areas of the River’s watershed have recently been permitted for seasonal fishing or canoeing/kayaking on a year-to-year basis (Sepulveda Basin), were approved in Reach 6, between Fletcher Dr. and Egret Park, within the study area in summer 2013 (Memorial Day to Labor Day) as a Los Angeles River Pilot Recreational Zone authorized by the City of Los Angeles and
Within the census tracts that encompass the study area, the Hispanic or Latino population was the dominant group, with about 50 percent of the population. The Caucasian population was second, with...
about 30 percent of the population. Third was the Asian population, with 14 percent, followed by the
Black population at 4 percent, and other races at 2 percent. Largely similar, the City of Los Angeles
reported 49 percent Hispanic, 29 percent White, 11 percent Asian, 10 percent Black, and 1 percent other
races. In the County, some differences become apparent, where the population is 60 percent White, 25
percent Hispanic, 10 percent Asian, 2 percent Black, and 1 percent other races.

In 2010, approximately 25 percent of the state’s population was made up of children (those under 18
years old). Approximately 24 percent of the population in Los Angeles County was under 18 years of age
(U.S. Census Bureau 2011). Within the 28 census tracts of the assessment area, approximately 22 percent
of the population was under 18 years of age (U.S. Census Bureau 2010a).

As shown in Table 3-24, below, about two-thirds of the population’s primary language spoken at home is
a language other than English. About 45 percent of the population in the study area tracts speaks Spanish
at home, 32 percent speak English, and the remaining 23 percent speak other languages. The substantial
Spanish-speaking population is consistent with the demographic information summarized previously.

<table>
<thead>
<tr>
<th>Area</th>
<th>English Only</th>
<th>Other than English</th>
<th>Spanish</th>
<th>Other Indo-European languages</th>
<th>Asian and Pacific Islander languages</th>
<th>Other languages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Study Area Tracts</td>
<td>32.4</td>
<td>67.6</td>
<td>44.7</td>
<td>10.6</td>
<td>11.8</td>
<td>0.5</td>
</tr>
<tr>
<td>Los Angeles County</td>
<td>43.9</td>
<td>56.1</td>
<td>39.6</td>
<td>5.3</td>
<td>10.2</td>
<td>1.0</td>
</tr>
<tr>
<td>Burbank</td>
<td>55.9</td>
<td>44.1</td>
<td>20.1</td>
<td>16.0</td>
<td>6.3</td>
<td>1.7</td>
</tr>
<tr>
<td>Glendale</td>
<td>32.7</td>
<td>67.3</td>
<td>15.2</td>
<td>37.8</td>
<td>12.8</td>
<td>1.5</td>
</tr>
<tr>
<td>Los Angeles</td>
<td>40.3</td>
<td>59.7</td>
<td>43.6</td>
<td>6.7</td>
<td>8.1</td>
<td>1.4</td>
</tr>
</tbody>
</table>

Source: U.S. Census 2010 and 2010a. Percentages for study area tracts are based on a weighted average using population as the weights.

As shown in Table 3-25, below, poverty in the study area is generally consistent with regional data.

Poverty in the study area is about 3 percent lower than the City of Los Angeles, but about 1 percent
higher than in the whole County. The portions of Burbank and Glendale within the study area have higher
poverty rates than those cities do overall.

<table>
<thead>
<tr>
<th>Area</th>
<th>All People</th>
<th>Under 18</th>
<th>18 to 64</th>
<th>Over 64</th>
</tr>
</thead>
<tbody>
<tr>
<td>Study Area Tracts</td>
<td>16.2</td>
<td>20.3</td>
<td>14.3</td>
<td>13.1</td>
</tr>
<tr>
<td>Los Angeles County</td>
<td>15.4</td>
<td>22.1</td>
<td>13.5</td>
<td>10.7</td>
</tr>
<tr>
<td>Burbank</td>
<td>8.3</td>
<td>9.7</td>
<td>8.3</td>
<td>5.8</td>
</tr>
<tr>
<td>Glendale</td>
<td>12.3</td>
<td>16.4</td>
<td>10.8</td>
<td>13.1</td>
</tr>
<tr>
<td>Los Angeles</td>
<td>19.1</td>
<td>27.9</td>
<td>16.7</td>
<td>13.0</td>
</tr>
</tbody>
</table>

Source: U.S. Census 2010 and 2010a. Percentages for study area tracts are based on a weighted average using population as the weights.

Disability information is not available by census tract. Table 3-26 presents the percentage of people with
disabilities in Los Angeles County, the City of Los Angeles, Burbank, and Glendale. It is assumed that
the same general characteristics apply to the specific study area tracts, where approximately 8 to 10
percent of the population has a disability.
project would be served by a landfill with sufficient permitted capacity and there would be no adverse impact. In addition, there are additional landfills in the area that could accommodate debris, if necessary. Construction activities would occur over a longer time period compared to the other alternatives, so the temporary effects of construction would last longer.

**Operational Impacts**

Impacts to public services during operation would be similar as those described for the previous alternatives but would be slightly more extensive due to the larger project footprint. Impacts would be less than significant.

5.12.4 Best Management Practices and Impact Avoidance Measures

Measures that would be implemented and would provide BMPs for reducing impacts include:

- Development of a utility management plan
- Obtaining a Private Solid Waste Hauler Permit from the City’s Bureau of Sanitation prior to collecting, hauling and transporting waste,
- Recycling/reuse of construction debris to the extent possible;
- Disposing of excess debris to City certified waste processing facility, and
- Staggering construction of daylighting outfalls in order to minimize reduction in capacity of the stormwater system.

5.13 SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

5.13.1 Regulatory Framework

Federal

Federal Executive Order 12898 was signed by President Bill Clinton on February 11, 1994, to focus Federal attention on the environmental and human health conditions of minority and low-income populations with the goal of achieving environmental protection for all communities. The Order directed Federal agencies to develop environmental justice strategies to aid Federal agencies identify and address disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations. Environmental justice concerns may arise from impacts on the natural and physical environment, such as human health or ecological impacts on minority populations, low-income populations, and Indian tribes, or from related social or economic impacts.

State

In addition to its prioritization by the Federal government, California was one of the first states in the Nation to pass legislation to codify environmental justice in state statute, defining “environmental justice” as "The fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies." (Government Code Section 65040.12)

Local

The City of Los Angeles General Plan, Housing Element includes the City’s policies in regards to housing issues (City of Los Angeles 2001), Policy 2.3.2 states that the City will “...allow for the provision of sufficient public infrastructure and services to support the projected needs of the population and businesses of the City within the patterns of use established in the community plans.”
The proposed project alternatives could cause significant impacts related to population, socioeconomics, and environmental justice if they would be inconsistent with the City of Los Angeles’ General Plan, Housing Element in the following ways (City of Los Angeles 2002):

- Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure),
- Cause growth (e.g., new housing or employment generators) or accelerate development in an undeveloped area that exceeds projected/planned levels for the year(s) of project occupancy/buildout, or
- Cause a substantial number of residents, businesses, or employees to be displaced (includes displacement of affordable housing), necessitating the construction of replacement housing elsewhere.

Additionally, alternatives would cause significant impacts under NEPA if they would:

- Have disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and, or, low-income populations. The CEQ guidance identifies three factors to be considered to the extent practicable when determining whether environmental effects are disproportionately high and adverse (CEQ, 1997):
  - Whether there is or would be an impact on the natural or physical environment that significantly (as the term is employed by NEPA) and adversely affects a minority population, low-income population, or Indian tribe. Such effects may include ecological, cultural, human health, economic, or social impacts on minority communities, low-income communities, or Indian tribes when those impacts are interrelated to impacts on the natural or physical environment;
  - Whether the environmental effects are significant (as the term is employed by NEPA) and are or may be having an adverse impact on minority populations, low-income populations, or Indian tribes that appreciably exceeds or is likely to appreciably exceed those on the general population or other appropriate comparison group; and
  - Whether the environmental effects occur or would occur in a minority population, low income population or Indian tribe affected by cumulative or multiple adverse exposures from environmental hazards.

### 5.13.3 Environmental Impacts

#### No Action Alternative

**Construction Impacts**

No impacts to socioeconomics would occur from construction under this alternative because construction would not occur.

**Operational Impacts**

The socioeconomic assessment area consists of a predominantly residential and densely populated area in Los Angeles County. Due to the existing dense level of development, it is unlikely that changes in the local or regional economy will result in drastic changes in land use, population, or demographics in the assessment area. Other factors such as gentrification, poverty rates, and local businesses can affect the local economy and land uses, but no clear trends have emerged at the time of this assessment. Any changes that do occur in the period of analysis would likely be coincident with larger regional trends and would not materially alter the conditions in which an ecosystem restoration study would be constructed.
Appendix B

Relevant Excerpts from *NPS San Gabriel Study*
Draft

San Gabriel Watershed and Mountains

Special Resource Study and Environmental Assessment

September 2011

Produced by the Pacific West Regional Office
Park Planning and Environmental Compliance
National Park Service
San Francisco, California

U.S. Department of the Interior
Washington, DC

Top, left to right: Frank G. Bonelli Regional Park, NPS photo; Inspiration Point, Angeles National Forest, NPS photo.
Bottom: Eaton Canyon Natural Area, NPS photo.
Recreation Needs and Opportunities

INTRODUCTION

The Los Angeles metropolitan region has struggled to provide adequate recreation opportunities for its growing urban areas since its first population boom at the end of the 19th century. Throughout the 20th century, population growth and development in the region has far outpaced the creation of recreational facilities. This has occurred despite the completion of previous comprehensive recreation studies that called for investment in more recreational facilities. Deficiencies in recreation and open space remain for much of the Los Angeles Region. Over 15 million people live in the larger metropolitan region and the California Department of Finance projects another 13 million residents by 2050 (California Department of Finance 2007a). With existing recreation and park areas in most cases already taxed beyond capacity, it is safe to assume that significant efforts will need to take place to ensure sufficient opportunities for diverse recreational experiences in the future. In addition, communities of color and children have disproportionately low access to parks and open space in Los Angeles County. See also Chapter 7, Environmental Consequences, for a more discussion on current recreation trends.

NEEDS

Recreation Demand in Urban Areas

In addressing present and future open space concerns for the study area, disparities must be addressed regarding the disproportional access to park and recreational space. As recent reports from The Trust for Public Land (TPL) and the City Project indicate, public access, predominantly of minority populations, to parks and recreation facilities is a serious concern. According to TPL, Los Angeles County ranks at the bottom in comparison to the nation’s seven major cities (Boston, New York, San Francisco, Seattle, San Diego, and Dallas) in terms of providing access to parks for children. In fact, the report, based on 2000 census data, indicates that “more than 1.5 million children in Los Angeles County do not live within walking distance of a public park.” In most cases, parks in the Los Angeles region are not located near those areas with high concentrations of young children (Trust for Public Land 2004).

The issue of accessibility is of particular concern when measuring existing open and park space in comparison to population densities. As demonstrated in the City Project’s work in Los Angeles, many families in the low income neighborhoods of the region often do not have cars nor are near public transportation systems that allow for access to regional parks. This is particularly true in the case of the 651,874-acre Angeles National Forest which, in making a simple per capita measurement (open space divided by population size), appears to indicate a sizeable measurement of potential recreation space in comparison to a local urban population. However, the aforementioned barriers to access and the inaccessibility of much of the forest’s terrain, skews this measurement significantly.

Public interest in open space and recreation in the region is significant and concerted efforts are underway by a myriad of non-profit organizations, local and municipalities, community groups, and private and public groups to procure and maintain open space in various areas throughout the Los Angeles region. Furthermore, the $2.6 billion Proposition 40 has further sparked this interest in public space allowing for funds to be allocated for environmental and park projects throughout the state of California (Trust for Public Land 2004).

Regional stakeholders such as the state land conservancies, land trusts, and other non-profits have worked diligently in their respective efforts to maintain and acquire park and open space in the region. The Rivers and Mountains Conservancy (RMC), one of eight conservancies in the California Resources Agency, is working to "preserve open space and habitat in order to provide for low-impact recreation and educational uses, wildlife habitat restoration and protection and watershed

Photo caption: The Santa Clara River. 2007. NPS photo.
Job training and conservation stewardship programs for youth and nearby community members would be offered. In addition to the positions listed above, area youth would be encouraged to be involved with service organizations by applying for positions through existing programs such as the Student Conservation Association, Youth Conservation Corps, AmeriCorps and other organizations which expose youth to the conservation and stewardship of our public lands.

**LAND ACQUISITION**

Lands within the NRA would remain under their current jurisdictions, with each land management agency continuing to fund its own operations. As almost 90% of the land in the proposed NRA is already protected for recreation and conservation by partner agencies (158,000 of approximately 178,000 acres), land acquisition needs would be small. Much of the remaining 20,000 acres are comprised of urbanized lands in commercial and residential use that would not be appropriate or feasible for NPS land acquisition. The NRA partnership would be eligible to request NPS funding for land acquisition within the NRA for acquisition of small areas with resource significance such as a historic site or open space with native habitat. However, it should be noted that such funding is extremely limited. Funding for land acquisition would also be available from partner agencies and through local fundraising efforts.

**OPERATIONAL AND VISITOR FACILITIES**

Construction of new administrative facilities for NPS operations and management would not necessarily be required to support the proposed NRA. Given the existing amount of office space available in and near the proposed NRA, it is likely that the NPS could lease administrative and operational facilities from partner agencies or through existing office space available in the area. There may also be opportunities to adaptively reuse a historic building or property through leasing if the NPS acquired land that contained such facilities. The NPS could also use partner facilities or adaptively reuse buildings to provide visitor facilities. If established, the NRA partnership would identify specific operational and visitor facilities needs through a general management plan.

**CASE STUDY: TRANSIT TO TRAILS PROGRAM**

**Background**

Transit to Trails is a pilot project created by a partnership between the NPS, the Anahuak Youth Association, The City Project, Mountains and Recreation Conservation Authority, and an anonymous donor. Transit to Trails takes inner city youth and their families on different mountain, beach, and river trips.

**Program Description**

- Santa Monica Mountains NRA partners with Transit to Trails to provide buses that allow school and community groups to visit the national recreation area.
- By bridging the gap between urban youth and the outdoors, Transit to Trails is not only encouraging physical activity, but also a healthy and better mental lifestyle.
- Currently, the City Project is hoping to expand the Transit to Trails pilot project to throughout Southern California and beyond. It is encouraging other park agencies to join the Mountains Recreation Conservation Authority and the NPS in providing buses, rangers, and programs for Transit to Trails.

**Accomplishments**

- Transit to Trails provides more opportunities for area youth and their families to learn about water, land, wildlife, cultural history, and engage in physical activity through recreational opportunities.
- It also helps reduce traffic congestion and parking problems, improve air quality, and reduce run-off of polluted water into rivers and the ocean by providing a more accessible, public transportation.

**Sources:**

[http://www.cityprojectca.org/ourwork/forests.html](http://www.cityprojectca.org/ourwork/forests.html), Public Transportation to Local National Forests Study by USC Dept. of Geography
in the study. Some commenters suggested that federal recognition would bring positive attention to the area and would help the local economy and tourism. Others worried that designation could bring about increased traffic, noise, waste, and congestion associated with increased tourism. This was particularly a concern in the Antelope Valley area, where residents worried that increased recreation would require commercial development which could negatively impact rural communities.

The impact of special designations on visitation at existing parks or recreation areas was studied to provide context for the impact analysis. Recent research conducted on eight changes in national park unit designation between 1979 and 2000 shows that conversions have “substantial and persistent” effects on annual visitation. These changes appear to be more important to national visitors than to local or regional users. This particular research is limited to conversions of units already in the national park system, and its results are applicable in times of economic well-being. For the units studied, an immediate annual visitation increase of about 6 percent was experienced and then maintained over time (Weiler 2005).

### Adequacy of Park and Recreation Areas in the Study Area

The process of prescribing a standard for the level of service for park and recreation facilities has long been problematic. The U.S. Department of Housing and Urban Development (HUD) recommends 2.5 acres of parkland for every 1,000 residents, although many consider this ratio to be low. The National Recreation and Parks Association (NRPA) gave acreage recommendations in *Recreation, Park and Open Space Standards and Guidelines* (1983) and *Park, Recreation, Open Space and Greenway Guidelines* (1996). The NRPA acknowledged that local condition and community desires should be considered in adopting local standards and stated a standard of 6-10 acres for every 1000 residents.

As described in Chapter 2, Resource Description, current studies on the adequacy of recreational areas in the Los Angeles Region show approximately 9.1 of recreation acres per 1,000 residents (Trust for Public Land 2004). However, county averages can mask dramatic disparities in access to green space within the county (The City Project 2007). In 2004, the Los Angeles County Department of Parks and Recreation completed the Strategic Asset Management Plan for 2020. Based on the projected population growth, the county estimated

### Table 14: Visitation to Major Recreation Destinations within the Study Area

<table>
<thead>
<tr>
<th>Facility</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frank G. Bonelli Regional Park</td>
<td>463,743</td>
</tr>
<tr>
<td>Santa Fe Dam Recreation Area</td>
<td>753,993</td>
</tr>
<tr>
<td>Whittier Narrows Recreation Area</td>
<td>1,727,841</td>
</tr>
<tr>
<td>Whittier Narrows Natural Area</td>
<td>44,520</td>
</tr>
<tr>
<td>Devils Punchbowl County Park</td>
<td>99,421</td>
</tr>
<tr>
<td>Pio Pico State Historic Park</td>
<td>7,500 (FY 2007/2008)</td>
</tr>
<tr>
<td>Angeles National Forest</td>
<td>3.5M (2010)</td>
</tr>
</tbody>
</table>

Sources: (Los Angeles County, Rupert, pers. comm, 2010; USFS 2009; Friends of Pio Pico State Historic Park, Schoff, pers. comm. 2011)

Note: Annual visitation data was not available for the Puente Hills Landfill Native Habitat Preserve.
that it would not meet its standard of four acres of parkland per 1,000 residents by 2020 for four of its five supervisorial districts. Only the rural north county area, which includes the Antelope Valley portion of the study area, would meet this goal (Los Angeles County 2008).

Quantity and density, however, are not the only measures. If park, open space, and recreation amenities are not accessible to all residents, their benefits cannot be fully realized. Factors such as proximity to open space, safe and accessible transportation and walking routes, the presence of obstacles such as freeways, railroads and other physical barriers also affect access. Open space is also not often equitably distributed. Areas that fall well below meeting the standards for parks and recreation facilities are described as being “park-poor.”

In many park and recreation assessments, a ¼ mile to ½ mile radius is used to measure access to local parks. These distances are used because they represent areas that can be accessed by a 5 to 10 minute walk. Three separate analysis of the adequacy and distribution of recreational areas in the Los Angeles Region have concluded that while some communities have ample parks and recreational areas, many are severely lacking. Those communities with adequate accessibility to parks and recreational areas tend to be more affluent with a majority of non-Hispanic whites.

Visiting regional areas such as the ANF and the Santa Monica Mountains National Recreation Area pose transportation challenges for many residents (Los Angeles County 2008). Recent studies have found that statewide, Los Angeles County is one of the most disadvantaged counties in terms of access to parks and open space for children and people of color (The City Project 2007, Trust for Public Land 2004). A study by the Trust for Public Lands found that with its high concentration of open space in areas far from its most densely populated communities, the Los Angeles area offers its children the worst access to parks among the cities evaluated nationally (see Table 16). A study on access to parks and park facilities conducted as part of the Green Visions Plan found that one third or less of parks in the San Gabriel Valley area appear to have transit (Sister, C., Wilson, J.P., and Wolch, J. 2008).

The communities with the least amount of access to parks and open space tend to have higher rates of childhood diseases related to obesity such as diabetes. According to the Centers for Disease Control, Americans living closer to parks are more likely to exercise regularly, leading to weight loss, increased energy, and better overall health (Centers for Disease Control and Prevention 2001). The California Center for Public Health Advocacy analyzed the 2004 California Physical Fitness Test of 5th, 7th, and 9th graders. The analysis shows that among students in Los Angeles County, 31.3% are overweight. Overweight children face a greater risk of developing many health problems during childhood, including Type 2 diabetes, high blood pressure, asthma, orthopedic problems and gallstones, as well as low self-esteem, poor body image, and depression. Overweight children are more likely to be obese as adults, putting them at a much higher risk for heart disease, cancer, stroke, and diabetes later in life (California Center for Public Health and Advocacy 2006).

People of color are less likely to have adequate access to parks in the Los Angeles area. Studies by the Green Visions Plan for a 21st Century Southern California and the City Project both found that Whites currently have disproportionately greater access to parks and open space, compared to Latinos and African-Americans. These ethnic groups are 12-15 times more likely to have less park acreage per capita when compared to Whites (Sister, C., Wilson, J.P., and Wolch, J. 2008, The City Project 2007).

Los Angeles County trends for access to parks, as described previously, correlate with trends within the study area. Access to parks and open space is readily available to communities in the Antelope Valley, Soledad Basin, and wealthier communities in the San Gabriel Mountains foothills. The map “Park Acres Per 1,000 Residents,” on the following page, includes park and recreation acreages for study area cities and communities. The map conveys that foothill communities and communities in the northern portions of the study area have the largest amounts of parks and recreation space per 1,000 residents. Many of the more urban communities in the San Gabriel Valley have smaller park acreages per 1,000 residents and fall well below the Los Angeles County standard of 4 acres per 1,000 residents. Given the limited availability

<table>
<thead>
<tr>
<th>Standard</th>
<th>Acres/1,000 Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>HUD</td>
<td>2.5</td>
</tr>
<tr>
<td>National Recreation and Parks Association Park Acreage/ Population Standard</td>
<td>6.25-10.5</td>
</tr>
<tr>
<td>Los Angeles County</td>
<td>4</td>
</tr>
</tbody>
</table>
effects of each alternative, however, could result in a small, net beneficial condition to some local communities as a result of improved urban quality, land protection, and economic benefits from recreation and conservation. However, the total cumulative effect is expected to be more dependent upon regional economic conditions and population increases (and distribution) over time than on the actions taken as a result of this study.

Conclusions

The action alternatives positively address current and future recreation needs. In terms of economic benefit associated with these objectives, the no action alternative would have the least benefit and alternatives A, C, and D would have beneficial effects to varying degrees. Alternative D, due to its geographic scope, particularly in urban areas, has the greatest potential for beneficial impacts to quality of life and other socioeconomic indicators.

Increased visitation would represent an adverse impact on infrastructure and social systems. Since visitation might be expected to increase in each of the action alternatives, infrastructure impacts would likely increase proportionally. The adverse impact in alternative A would likely be negligible, increasing to minor in both C and D. With congressional action approving the implementation of any of the action alternatives, or variants thereof, further planning would be undertaken. Additional environmental analysis would be prepared to look at site and area-specific activities and alternatives. Through that analysis, more specific conclusions can be drawn regarding direct, indirect and cumulative impacts. Joint planning efforts among stakeholders, and subsequent agreements, would be designed to optimize between the economic benefits and social costs so that the former is maximized and the latter is mitigated.

Impact Analysis - Socially or Economically Disadvantaged Populations Socioeconomic Impacts (Environmental Justice)

As the analysis in the Recreation Use and Visitor Experience; Affected Environment describes, economically disadvantaged populations in the study area lack access and the ability to partake of existing opportunities due to lack of close-to-home open space, lack of effective transportation, lack of culturally advantageous facilities or opportunities, and lack of knowledge about recreation and natural resources. Under current conditions, all contribute to an impact on these populations. As stated, each action alternative attempts to remedy these current conditions to provide a net beneficial result.

BACKGROUND ON ENVIRONMENTAL JUSTICE

Environmental justice must be considered in every major federal action by assessing environmental factors that negatively or disproportionately affect minority populations. Pursuant to Executive Order 12898, promulgated by President Clinton in 1994, federal agencies “shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States.”

The NPS has numerous partnerships programs with youth corps and conservation organizations that serve as a means to introduce minority and low income children and young adults to environmental and conservation issues.

Youth corps and job corps partnerships provide a solid environmental learning experience for the youth involved, while at the same time leaving a legacy of work which significantly benefits the parks and community.

The NPS also seeks to identify opportunities to develop partnerships with Tribal governments, consistent with mission needs to provide necessary technical assistance to enhance tribal capacity to address environmental, health, and welfare concerns.

NO ACTION ALTERNATIVE

A portion of the local population can be categorized as socially or economically disadvantaged and potentially affected by each of the alternatives. Population growth trends over time will likely exacerbate the amount and intensity of
this condition. This equates directly to socially and economically disadvantaged populations who lack the means of access, and the ability to partake of existing opportunities due to physical barriers (e.g. adult and childhood obesity or other ailments). The existing deficiencies in open space, lack of effective transportation connecting communities to recreation opportunities, lack of culturally advantageous facilities or opportunities, and lack of knowledge about recreation and natural resources, under current conditions, all contribute to moderate adverse impacts on these populations.

ALTERNATIVE A

Alternative A would have a generally beneficial impact on socially and economically disadvantaged populations by providing an improved recreational experience at the ANF. However, it would likely represent only a minor improvement for communities that are currently underserved for recreation. Of all the alternatives, this one places the least emphasis on developing new effective partnerships and cooperative management efforts that have the best chance of providing a remedy for these populations. Also, it would do little to increase access to recreation from underserved populations or provide close-to-home opportunities in urban communities.

ALTERNATIVE C

Alternative C would have a greater beneficial impact on these populations, with efforts applied specifically in urban areas close to the San Gabriel River where some communities are underserved and economically disadvantaged. The alternative potentially provides job training and opportunities within these communities that have the potential both to improve economic access for recreation, but also to build programs and provide awareness regarding opportunities. To the extent that recreation opportunities can be designed to fit cultural preferences (for example, large group picnic and camping areas) for local disadvantaged populations, the greater will be the beneficial results. The development of effective and diverse partnerships in this alternative would also serve to build programs and cooperative agreements with entities that represent disadvantaged groups so that the necessary results can be obtained.

ALTERNATIVE D

Again, due its expanded geographic and programmatic scope, alternative D holds the greatest potential benefit for socially and economically disadvantaged populations. Also, it presents the most opportunities for new close-to-home recreation opportunities for areas that are currently underserved. In short, this alternative provides the best framework for implementing NPS’ environmental justice policy as outlined above.

CUMULATIVE IMPACTS

Population growth trends in the study area and the surrounding region are likely to put additional pressure on available open space. Considering that public lands in this area are currently among the most heavily visited within the system, recreation opportunities and qualities are likely to diminish if nothing is done. The study area alternatives seek to ameliorate the condition to a greater or lesser degree. Therefore, the cumulative effect of growth and development trends, plus the effects of each alternative, would likely result in a net beneficial condition in regard to recreational opportunities for disadvantaged populations within the study area. The overall level of cumulative impact, considering factors that exacerbate issues for the socially and economically disadvantaged, would decline as compared to the no action alternative.

Conclusions

In general, it is anticipated that each of the action alternatives is likely to improve conditions regarding health and well-being of disadvantaged populations. Clearly, it is the stated intent of this congressionally-mandated study to do so. To do nothing would leave these populations to current trends in development. The creation of new public land open spaces would be advantageous. At the same time, the proposed changes in land use on existing public lands is not likely to affect commercial or non-commercial resources and values that economically disadvantaged populations might be dependent upon under current conditions.

The partnership program and stakeholder agreements set forth particularly in alternatives C and D would meet the intent of the U.S. Department of the Interior and NPS Environmental Justice strategy as outlined above. Nevertheless, it is important to seek effective involvement of potentially affected social and economically disadvantaged populations when a congressionally mandated plan goes forward.
San Gabriel Watershed and Mountains
Special Resource Study &
Environmental Assessment

Errata
October 2012
San Gabriel Watershed and Mountains Special Resource Study & Environmental Assessment

Errata
October 2012

The following errata provide factual corrections, additions, and revisions to the Draft San Gabriel Watershed and Mountains Special Resource Study and Environmental Assessment (draft study report/EA), dated September 2011. Changes to the draft study report/EA, and references to the page number where the change has occurred are provided. The reader must have access to a copy of the draft study report/EA in order to fully understand the changes.

Additional copies of this document and the September 2011 report can be downloaded from the internet at www.nps.gov/pwro/sangabriel. Printed copies are also available on request from the address below.

National Park Service
Attn: San Gabriel Watershed and Mountains Special Resource Study
333 Bush Street, Suite 500
San Francisco, CA 94104
Chapter 7 Environmental Consequences

Page 205, Table 12, Row 1, Second Column, revised to include additional language:
No specific actions will be taken in a floodplain due to completion of this study. The outcome of the study will be a recommendation to Congress. If Congress takes action, then new environmental analysis would be undertaken prior to specific implementation actions that may affect floodplains.

Page 205, Table 12, revised to include new row:

<table>
<thead>
<tr>
<th>Mandatory Topic</th>
<th>Discussion and Rationale</th>
<th>Disposition</th>
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</thead>
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<tr>
<td>Greenhouse Gas Emissions (GHG)</td>
<td>Completion of the study does not itself affect greenhouse gas emissions, nor does it propose specific management actions which would affect greenhouse gas emissions. If Congress takes action, then new environmental analysis would be undertaken prior to specific implementation actions that may affect (GHG).</td>
<td>This topic is dismissed from further analysis</td>
</tr>
</tbody>
</table>

Page 225, 2nd column, following last paragraph, revised to include additional demographic information about minority and low income populations:

Minority and Low Income Populations

In February of 1994, President Clinton issued Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The Executive Order identifies agency responsibilities:

To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Marianas Islands.

The Council on Environmental Quality provided Environmental Justice: Guidance under the National Environmental Policy Act in December 1997 to assist federal agencies in addressing environmental justice in their NEPA procedures. This guidance defines low-income population, minority, and minority population as follows:

Low-income population: Low-income populations in an affected area should be identified with 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, 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.

Minority: Individual(s) who are members of the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic.
Minority populations should be identified where either: (a) the minority population of the affected area exceeds 50 percent or (b) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis. In identifying minority communities, agencies may consider as a community either a group of individuals living in geographic proximity to one another, or a geographically dispersed/transient set of individuals (such as migrant workers or Native American), where either type of group experiences common conditions of environmental exposure or effect. The selection of the appropriate unit of geographic analysis may be a governing body’s jurisdiction, a neighborhood, census tract, or other similar unit that is to be chosen so as to not artificially dilute or inflate the affected minority population. A minority population also exists if there is more than one minority group present and the minority percentage, as calculated by aggregating all minority persons, meets one of the above-stated thresholds (CEQ 1997).

Based on data from the U.S. Census Bureau for 2010 for 49 communities in the study area, 41 communities had a minority population greater than 50%; eight communities had a minority population of less than 50%. Data was not available for Bradbury, Irwindale, and Industry communities. Minorities represented from 23% to 96% of the population in those 49 communities. Individuals identified as members of minority groups totaled nearly 2.1 million people in the 49 communities, 74% of total study area population (U.S. Census Bureau 2012).

The total population of the 49 communities for which data was available was approximately 2.8 million (Note: some of the 2.8 million may fall outside of the study area as many of the communities are only partially included), with 74% representing minority groups, and 11% being below the poverty level. About 11% of the people in the study area had incomes below poverty level. In 22 out of 49 communities in the study area more than 10% of the population is below poverty, with the percent of the population within each community below poverty level ranging from 4.1 to 20.7%.

Page 242, first column, third paragraph, last sentence, revised as follows:
This would be done in partnership with water agencies, the Los Angeles County Department of Public Works and the U.S. Army Corps of Engineers.

Chapter 8 Consultation and Coordination

Page 218, second column, second paragraph, second sentence revised as follows:
However, county averages can mask dramatic disparities in access to green space within the county (The City Project 2007 and 2011).

Page 219, first column, fourth paragraph, second sentence revised as follows:
Recent studies have found that statewide, Los Angeles County is one of the most disadvantaged counties in terms of access to parks and open space for children and people of color (The City Project 2007 and 2011, Trust for Public Land 2004).

Page 220, second column, second paragraph, last sentence revised as follows:
These ethnic groups are 12-15 times more likely to have less park acreage per capita when compared to Whites (Sister, C., Wilson, J.P., and Wolch, J. 2008, The City Project 2007 and 2011).
References

Pages 301 to 302, revised to add the following new references:
California Department of Fish and Game


Page 303, revised to add new reference:
[CEQ] Council on Environmental Quality, Executive Office of the President

Page 303, revised to remove reference:
The City Project

Page 303, revised to add new reference:
The City Project
2011  Healthy Parks, Schools and Communities: Mapping Green Access and Equity for Southern California. Available online at: http://www.cityproject.org/greenjustice

Page 306, revised to add new reference:
King, Chester and and Thomas C. Blackburn

Page 307, revised to add new reference:
Magney, David, David Magney Environmental Consulting
2012  Personal communication with Barbara Butler, National Park Service, Pacific West Region, January 2012.

Page 308, revised to add new reference:
NPS
2010  Overview of the History of American Indians in the Santa Monica Mountains (DRAFT). Prepared by Chester King for the Santa Monica Mountains National Recreation Area.

Page 310, revised to add new reference:
Robertson, Glenn

Page 312, U.S. Census Bureau, revised to add new reference:
2012  State and County QuickFacts. Data derived from Population Estimates, American Community Survey, Census of Population and Housing, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building
Permits, Consolidated Federal Funds Report. Available online at:

Page 313, revised to add new reference:
[USFS] United States Forest Service, Department of Agriculture

2011 Angeles National Forest Threatened, Endangered, Proposed, Candidate, and Forest Service
Sensitive Plants and Animals Which May Occur Within the Angeles National Forest, Los Angeles
and San Bernardino Counties, California. Animals Revised March 2004; Plants October 1, 2006;
Status of Species Updated September 21, 2007; Scientific Names Updated February 10, 2011.
Appendix C

The following tables summarize the analyses under:

Table 1. Comparison of Title VI and Environmental Justice Authorities

Table 2. Executive Order 12898 on Environmental and Health Justice

Table 3. Compliance or equity analysis FTA

Table 4. Disparate impact standard Title VI regulations

Table 5. Intentional discrimination standard Title VI statute

Table 6. National Research Council health impact assessment
Table 1: Comparison of Title VI and Environmental Justice Authorities

<table>
<thead>
<tr>
<th>Key Aspects of the Authorities</th>
<th>Title VI</th>
<th>Environmental Justice</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What is the basis for the authority?</strong></td>
<td>Title VI is a Federal statute and provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.</td>
<td>The basis for addressing environmental justice is an Executive Order: EO 12898 directs each Federal agency to “make achieving environmental justice part of its mission.” The EO is intended to improve the internal management of the executive branch. . . .</td>
</tr>
<tr>
<td><strong>What is the purpose of the authority?</strong></td>
<td>Title VI prohibits recipients of Federal financial assistance (e.g., states, local governments, transit providers) from discriminating on the basis of race, color, or national origin in their programs or activities, and it obligates Federal funding agencies to enforce compliance.</td>
<td>EO 12898 calls on each Federal agency to achieve “environmental justice...by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations...”</td>
</tr>
<tr>
<td><strong>To whom does the authority apply?</strong></td>
<td>Title VI is a Federal law that applies to recipients and subrecipients of Federal financial assistance (e.g., States, local governments, transit providers), and not to DOT itself.</td>
<td>EO 12898 applies to Federal agency actions, including DOT’s and FTA’s actions. Title VI is one of the tools used by Federal agencies to implement this directive.</td>
</tr>
<tr>
<td><strong>What does the authority require, and of whom?</strong></td>
<td>Under Title VI, DOT has the responsibility to provide oversight of recipients and to enforce their compliance with Title VI, to ensure that recipients do not use DOT funds to subsidize discrimination based on race, color, or national origin.</td>
<td>EO 12898 is a directive from the President of the United States to Federal agencies intended to improve the internal management of the Federal government. DOT issued its own Order implementing EO 12898, and updated the Order in May 2012 (Order 5610.2(a)).</td>
</tr>
<tr>
<td><strong>What does the authority say with regard to negative effects or impacts?</strong></td>
<td>In accordance with 49 CFR part 21 and Title VI case law, if an otherwise facially neutral program, policy, or activity will have a discriminatory impact on minority populations, that program, policy, or activity may only be carried out if (1) the recipient can demonstrate a substantial legitimate justification for the program, policy, or activity; (2) there are no comparably effective alternative practices that would result in less-disparate impacts; and (3) the justification for the program, policy or activity is not a pretext for discrimination.</td>
<td>In accordance with EO 12898 and the DOT Order on EJ, if a DOT program, policy, or activity will have a disproportionately high and adverse effect on minority or low-income populations, that program, policy, or activity may only be carried out if further mitigation measures or alternatives that would reduce the disproportionately high and adverse effects are not practicable. In determining whether a mitigation measure or an alternative is “practicable,” the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account.</td>
</tr>
<tr>
<td><strong>Does the authority create any rights or remedies?</strong></td>
<td>Title VI allows persons alleging discrimination based on race, color, or national origin by recipients of Federal funds to file administrative complaints with the Federal departments and agencies that provide financial assistance. Persons alleging intentional discrimination (i.e., disparate treatment) may bring a court action seeking to enforce Title VI but cannot do so with regard to allegations of discrimination based on agency disparate impact regulations. Disparate impact claims may be filed with the Federal agency.</td>
<td>EO 12898 establishes the Executive Branch policy on environmental justice. . . .</td>
</tr>
</tbody>
</table>

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23 Table 1 is from Federal Transit Administration, U.S. Department of Transportation, Circular FTA C 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients 4-5 (Aug. 15, 2012).
Table 2: Environmental and Health Justice Analysis Executive Order 12898

<table>
<thead>
<tr>
<th>Executive Order 12898 on Environmental and Justice.\textsuperscript{24} See draft Study at 3.13.3.</th>
<th>NRC Health Impact Assessment (HIA): 1. screening, 2. scoping, 3. assessment, 4. recommendations, 5. reporting, 6. monitoring and evaluation\textsuperscript{25}</th>
</tr>
</thead>
</table>
| 1. Identify disproportionately high and adverse human health or environmental effects of programs, policies, and activities on minority populations and low-income populations | 1. Screening  
2. Scoping  
3. Assessment  
5. Reporting |
| 2. Avoid, minimize, and mitigate such effects through mitigation measures or alternatives | 3. Assessment  
4. Recommendations  
5. Reporting  
6. Monitoring and evaluation |
| 3. Prevent denial of, reduction in, or significant delay in receipt of benefits by minority and low-income populations | 3. Assessment  
4. Recommendations  
5. Reporting  
6. Monitoring and evaluation |
| 4. Social, economic (including costs), and environmental effects taken into account | 3. Assessment  
6. Monitoring and evaluation |
| 5. Ensure full and fair participation by potentially affected communities | 1. Screening  
2. Scoping  
3. Assessment  
6. Monitoring and evaluation |

\textsuperscript{24} See, e.g., FTA, \textit{Environmental Justice Policy Guidance for Federal Transit Administration Recipients, Circular, FTA C 4703.1} at 12, 42 (Aug. 15, 2012). \textit{Accord, Coliseum Square Assoc., Inc. v. Jackson}, 465 F.3d 215, 232 (5th Cir. 2006) (12898 instructs agencies to consider the environmental justice impacts of their actions; agency’s consideration of environmental justice issues reviewed under Administration Procedures Act).

\textsuperscript{25} National Research Council (NRC), \textit{Improving Health in the United States: The Role of Health Impact Assessment (HIA) (2011)}, HIA framework chart at page 7, 6-9; logic framework of causal pathways at 54; systematic scoping table at 55; health effects matrix at 63; rating health effects at 64.
Table 3: Compliance, equity, and environmental and health justice framework

<table>
<thead>
<tr>
<th>Compliance or equity review FTA</th>
<th>NRC Health Impact Assessment</th>
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</thead>
</table>
| 1. A clear description of what the agency plans to do | 1. Screening  
2. Scoping  
5. Reporting |
| 2. Analyze the burdens and benefits for all populations, including minority and low income populations | 3. Assessment |
| 3. Analyze alternatives | 2. Scoping  
4. Recommendations |
| 4. Full and fair inclusion of minority and low-income populations in the decision-making process | 1. Screening  
2. Scoping  
3. Assessment  
6. Monitoring and evaluation |
| 5. Implementation plan to address any equity concerns identified in the process | 5. Reporting  
6. Monitoring and evaluation |

26 See, e.g., Environmental Justice Policy Guidance for Federal Transit Administration Recipients, Circular, FTA C 4703.1 and pages 12, 42 (Aug. 15, 2012); FTA, Title VI Requirements and Guidelines for Federal Transit Administration Recipients, Circular, FTA C 4702.1B (Oct. 1, 2012); Letters from Peter M. Rogoff, Administrator, FTA, U.S. Department of Transportation, to Metropolitan Transportation Commission and San Francisco Bay Area Rapid Transit District (Jan. 15, 2010 and Feb. 12, 2010), available at www.cityprojectca.org/blog/archives/4468. See also 42 C.F.R. §§ 42.406, 42.407 (DOJ Title VI coordination regulations require data collection to permit effective enforcement of Title VI and compliance review).

27 National Research Council (NRC), Improving Health in the United States: The Role of Health Impact Assessment (HIA) (2011), HIA framework chart at page 7, 6-9; logic framework of causal pathways at 54; systematic scoping table at 55; health effects matrix at 63; rating health effects at 64.
Table 4: Disparate Impact Analysis Title VI Regulations

<table>
<thead>
<tr>
<th>Disparate Impact Analysis(^{28})</th>
<th>NRC Health Impact Assessment(^ {29})</th>
</tr>
</thead>
</table>
| 1. Whether a program or activity has an adverse and disproportionate numerical impact based on race, color, or national origin. This can be shown through statistical studies or anecdotally. | 1. Screening  
2. Scoping  
3. Assessment  
5. Reporting |
| 2. Are the disparities justified by business necessity | 3. Assessment  
4. Recommendations  
5. Reporting  
6. Monitoring and evaluation |
| 3. Are there less discriminatory alternatives to accomplish these interests | 3. Assessment  
4. Recommendations  
5. Reporting  
6. Monitoring and evaluation |

\(^{28}\) The HUD regulations described above use this disparate impact analysis, 24 C.F.R. § 100.500. See also federal disparate impact regulations, 43 C.F.R. § 17.1 et seq. (Department of Interior Title VI regulations); 40 C.F.R. § 7.1 et seq. (EPA Title VI regulations).

\(^{29}\) National Research Council (NRC), *Improving Health in the United States: The Role of Health Impact Assessment (HIA) (2011)*, HIA framework chart at page 7, 6-9; logic framework of causal pathways at 54; systematic scoping table at 55; health effects matrix at 63; rating health effects at 64.
Table 5: Intentional Discrimination Analysis Title VI Statute

<table>
<thead>
<tr>
<th>Intentional Discrimination Analysis&lt;sup&gt;30&lt;/sup&gt;</th>
<th>NRC Health Impact Assessment&lt;sup&gt;31&lt;/sup&gt;</th>
</tr>
</thead>
</table>
| 1. Whether there are adverse, numerical disparities based on race, color, or national origin | 1. Screening  
2. Scoping  
3. Assessment  
5. Reporting |
| 2. Whether there is a history of discrimination | 1. Screening  
2. Scoping  
3. Assessment  
5. Reporting |
| 3. Whether the program or activity meets substantive standards | 3. Assessment  
4. Recommendations  
5. Reporting |
| 4. Whether the program or activity meets procedural standards | 3. Assessment  
4. Recommendations  
5. Reporting |
| 5. The decision maker’s knowledge of the impact of the program or activity | 3. Assessment  
4. Recommendations  
5. Reporting  
6. Monitoring and evaluation |
| 6. Whether there is a pattern or practice of discrimination | 1. Screening  
2. Scoping  
3. Assessment  
5. Reporting  
6. Monitoring and evaluation |


<sup>31</sup> National Research Council (NRC), Improving Health in the United States: The Role of Health Impact Assessment (HIA) (2011), HIA framework chart at page 7, 6-9; logic framework of causal pathways at 54; systematic scoping table at 55; health effects matrix at 63; rating health effects at 64.
Table 6: NRC Health Impact Assessment

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<td>Screening</td>
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<td>Scoping</td>
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<td>Assessment</td>
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<td>Reporting</td>
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<td>Monitoring and evaluation</td>
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<sup>32</sup> National Research Council (NRC), *Improving Health in the United States: The Role of Health Impact Assessment (HIA) (2011)*, HIA framework chart at page 7, 6-9; logic framework of causal pathways at 54; systematic scoping table at 55; health effects matrix at 63; rating health effects at 64.