
3.13 Environmental Justice & Protection of Children

3.13 ENVIRONMENTAL JUSTICE AND PROTECTION OF CHILDREN

3.13.1 Affected Environment

For purposes of this Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS), the Region of Influence (ROI) for environmental justice and protection of children includes the Gulf of Alaska (GOA) Temporary Maritime Activities Area (TMAA). With the exception of Cape Cleare on Montague Island located over 12 nautical miles (nm) (22 kilometers [km]) from the northern point of the TMAA, the nearest shoreline (Kenai Peninsula) is located approximately 24 nm (44 km) north of the TMAA's northern boundary. The approximate middle of the TMAA is located 140 nm offshore. Areas inland from the coastline, including United States (U.S.) Air Force (Air Force) air ranges and U.S. Army (Army) training lands, are addressed in the *Alaska Military Operations Areas EIS* (USAF 1995), *Improvements to Military Training Routes in Alaska Environmental Assessment* (USAF 2007), *Alaska Army Lands Withdrawal Renewal Final Legislative EIS* (Army 1999), and the *Transformation of U.S. Army Alaska FEIS* (Army 2004).

3.13.1.1 Existing Conditions

The TMAA consists of open water surface and subsurface operating areas and overlying airspace. As such, there are no population centers present in the TMAA.

3.13.2 Environmental Consequences

As noted in Section 3.13.1, the ROI for environmental justice and protection of children includes the TMAA. No population centers are found within the TMAA. Environmental effects in the open ocean beyond the U.S. territorial seas (outside of 12 nm [22 km]) are analyzed in this EIS/OEIS pursuant to Executive Order (EO) 12114. Navy training activities that occur within the Air Force inland Special Use Airspace and the Army training lands were evaluated under previous National Environmental Policy Act (NEPA) documentation (USAF 1995, USAF 2007, Army 1999, Army 2004). These documents are incorporated by reference.

3.13.2.1 Previous Analyses

Impacts related to environmental justice and protection of children were previously evaluated in Appendix P of the *Alaska Military Operations Areas EIS* (USAF 1995), Sections 3.2.6 and 4.0 of the *Improvements to Military Training Routes in Alaska Environmental Assessment* (USAF 2007), Sections 3.21 and 4.21 of the *Alaska Army Lands Withdrawal Renewal Final Legislative EIS* (Army 1999), and Sections 3.18 and 4.18 of the *Transformation of U.S. Army Alaska FEIS* (Army 2004).

3.13.2.2 Regulatory Framework

Environmental Justice

Executive Order 12898 (EO 12898), *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, was issued on February 11, 1994. This EO requires each federal agency to identify and address, 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 Environmental Protection Agency (EPA) and the Council on Environmental Quality (CEQ) have emphasized the importance of incorporating environmental justice review in the analyses conducted by federal agencies under the NEPA and of developing protective measures that avoid disproportionate environmental effects on minority and low-income populations. Objectives of this EO as it pertains to this EIS/OEIS include development of federal agency implementation strategies and identification of minority and low-income populations where proposed federal actions have disproportionately high and adverse human health or environmental effects.

Protection of Children

The President issued EO 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, in 1997. This order requires that each federal agency “(a) shall make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children; and (b) shall ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.”

Regulatory actions covered under EO 13045 include those that may be “economically significant” (under EO 12866 [*Regulatory Planning and Review*]) and “concern an environmental health risk or safety risk that an agency has reason to believe may disproportionately affect children.” Furthermore, EO 13045 defines “environmental health risks and safety risks [to] mean risks to health or to safety that are attributable to products or substances that the child is likely to come in contact with or ingest (such as the air we breathe, the food we eat, the water we drink or use for recreation, the soil we live on, and the products we use or are exposed to).” To comply with the EO, this document addresses child-specific environmental health and safety risks.

3.13.2.3 Approach to Analysis

Environmental factors related to environmental justice or protection of children are identified and assessed for disproportionate effects on minority populations, low-income populations, or populations of children.

3.13.2.4 No Action Alternative

Under the No Action Alternative, no effects to air quality, water resources, acoustic environment, fish, socioeconomics, or public safety that may disproportionately affect minority or low-income populations within inland areas have been identified in previous Army or Air Force documents (discussed in Section 3.13.2.1). All discussion of effects of Navy activities on children within inland areas have been analyzed by prior Army and Air Force documents discussed in Section 3.13.2.1.

Training activities in the TMAA are not expected to significantly alter access to subsistence fishing areas or affect subsistence fishing resources because these fishing activities are generally located outside of the TMAA. Overflights associated with 300 sorties would occur above the TMAA. Most aircraft overflights would occur over the TMAA at elevations in excess of 15,000 ft (915 m). All aircraft overflights between the shore and 12 nm (22 km) from land would occur at altitudes at or above 15,000 ft (915 m). Though aircraft overflights produce noise and some of this sonic energy would reach the air-water interface, these activities are not expected to alter access to subsistence fishing areas or affect subsistence fishing resources. Therefore, because no effects are anticipated, no disproportionately high and adverse effects on any low-income or minority groups would occur as a result of implementation of the No Action Alternative. With regard to effects on children, there are no population centers within the TMAA. Therefore, no effects on children would occur as a result of implementation of the No Action Alternative.

3.13.2.5 Alternative 1

Under Alternative 1, the number of activities for the TMAA amounts to a 13 percent increase in the training activities over the No Action Alternative. Though the number of activities will increase under Alternative 1, training activities will continue to occur during a single period of up to 21 days, or 6% of the available training days in a year. However, under Alternative 1, effects would be the same as those identified under the No Action Alternative because no population centers are found within the TMAA. Potential effects on inland areas have been analyzed within existing Army and Air Force documents (discussed in Section 3.13.2.1) and no disproportionately high and adverse effects on low-income or minority populations have been identified.

3.13.2.6 Alternative 2

Alternative 2 includes all elements of Alternative 1 plus a further increase in the number of training activities in the TMAA. Training activities under Alternative 2 would occur over two distinct periods, each up to 21 days. In addition, Alternative 2 includes a Sinking Exercise to be performed in each of the summer time exercises. However, under Alternative 2, effects would be the same as those identified under the No Action Alternative because no population centers are found within the TMAA. Potential effects on inland areas have been analyzed within existing Army and Air Force documents (discussed in Section 3.13.2.1) and no disproportionately high and adverse effects on low-income or minority populations have been identified.

3.13.3 Mitigation

No effects to environmental justice or protection of children were identified; therefore, no mitigation measures are necessary.

3.13.4 Summary of Effects

Table 3.13-1 summarizes the Environmental Justice (EO 12898) and Protection of Children (EO 13045) effects of the No Action Alternative, Alternative 1, and Alternative 2 for environmental justice and protection of children under both NEPA and EO 12114.

Table 3.13-1: Summary of Effects by Alternative

Alternative	NEPA (U.S. Territorial Seas, 0 to 12 nm)	EO 12114 (Non-U.S. Territorial Seas, > 12 nm)
No Action Alternative	<ul style="list-style-type: none"> • Current Navy activities were considered and are consistent with those analyzed in the previous environmental documentation (USAF 1995, USAF 2007, Army 1999, Army 2004). These documents concluded that no significant impacts related to environmental justice or protection of children would occur. • No effects are anticipated from training activities and overflights; no disproportionately high and adverse effects on any low-income or minority groups would occur. • There are no population centers found within the TMAA. Therefore, no effects on children would occur as a result of implementation of the No Action Alternative. 	<ul style="list-style-type: none"> • No permanent human population centers exist in non-U.S. territorial seas and subsistence uses occur mostly outside of the TMAA. Therefore, no impacts related to environmental justice or protection of children would occur.

Table 3.13-1: Summary of Effects by Alternative (continued)

Alternative	NEPA (U.S. Territorial Seas, 0 to 12 nm)	EO 12114 (Non-U.S. Territorial Seas, > 12 nm)
Alternative 1	<ul style="list-style-type: none"> • Under Alternative 1, Navy activities were considered and would be consistent with those analyzed in the previous environmental documentation (USAF 1995, USAF 2007, Army 1999, Army 2004). These documents concluded that no significant impacts related to environmental justice or protection of children would occur. • No effects are anticipated from training activities and overflights; no disproportionately high and adverse effects on any low-income or minority groups would occur. • There are no population centers found within the TMAA. Therefore, no effects on children would occur as a result of implementation of Alternative 1. 	<ul style="list-style-type: none"> • No permanent human population centers exist in non-U.S. territorial seas and subsistence uses occur mostly outside of the TMAA. Therefore, no impacts related to environmental justice or protection of children would occur under Alternative 1.
Alternative 2 (Preferred Alternative)	<ul style="list-style-type: none"> • Under Alternative 2, Navy activities were considered and would be consistent with those analyzed in the previous environmental documentation (USAF 1995, USAF 2007, Army 1999, Army 2004). These documents concluded that no significant impacts related to environmental justice or protection of children would occur. • No effects are anticipated from training activities and overflights; no disproportionately high and adverse effects on any low-income or minority groups would occur. • There are no population centers found within the TMAA. Therefore, no effects on children would occur as a result of implementation of the Alternative 2. 	<ul style="list-style-type: none"> • No permanent human population centers exist in non-U.S. territorial seas and subsistence uses occur mostly outside of the TMAA. Therefore, no impacts related to environmental justice or protection of children would occur under Alternative 2.