

## 3-7 EXECUTIVE ORDERS

### Summary of Impacts

None of the alternatives would result in violations of Executive Orders.

### Introduction

This section briefly summarizes the requirements of certain federal executive orders applicable to the proposed project. As indicated in the cross-references cited below, documentation of how the proposed project complies with each executive order is provided in various sections of Chapter 3.

Because the proposed project has a federal component, it must comply with federal executive orders. Since the executive orders evaluation is required by the National Environmental Policy Act (NEPA) and not by the California Environmental Quality Act (CEQA), only the NEPA term “adverse” is used to describe impacts. The CEQA term “significant” does not apply and therefore is not used in this section.

### 3-7.1 Floodplain Management

Executive Order 11988, Floodplain Management, signed on May 24, 1977, requires that federal agencies “...avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative...” within the 100-year flood elevation. Federal agencies that propose to construct projects in floodplain areas must consider alternatives that will avoid adverse effects and incompatible development. If the proposed project is to be located in a floodplain, the federal agency shall take action to modify the project in a way that minimizes potential harm. As described in Section 3-18, ~~Water~~ Water Quality, neither construction nor operation of the proposed project would adversely affect floodplains. Therefore, the project does not conflict with Executive Order 11988.

### 3-7.2 Protection of Wetlands

Executive Order 11990, Protection of Wetlands, signed on May 24, 1977, requires that federal agencies “...avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative...” Federal agencies must avoid constructing proposed projects in wetland areas unless the head of the agency determines that there are no practicable alternatives to such construction and that the proposed project includes measures that will minimize any harm to wetlands. As described in Section 3-18, Water Quality, neither construction nor operation of the proposed project would adversely affect wetlands. Therefore, the project does not conflict with Executive Order 11990.

### 3-7.3 Environmental Justice

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations, signed on February 11, 1994, directs that “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....” The fundamental principles underlying environmental justice assessment are: (1) to avoid, minimize, or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority and low-income populations; (2) to ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and (3) to prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations. Section 3-14, Socio-Economics, reports that no disproportionate impacts to minority or low-income populations would result from construction or operation of the proposed project. Chapter 8 reports the public outreach effort that was made to communities surrounding the proposed project. These communities do include minority and low-income populations and special efforts were made to inform them about the project.

### 3-7.4 Environmental Health and Safety Risks to Children

Executive Order 13045, Environmental Health and Safety Risks to Children, was signed by the President on April 21, 1997. This executive order acknowledges that children may suffer disproportionately from environmental health and safety risks. Therefore, Executive Order 13045 requires each federal agency to make it a priority to identify and assess environmental health and safety risks that may disproportionately affect children and ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health or safety risks. As described in Chapter 3-13, Safety and Security, safety of children and all passengers has been addressed and mitigation measures have been described to reduce safety risks within and adjacent to the corridor to a “not adverse” level. Also, Sections 3-2, 3-8, 3-9, and 3-11 describe impacts to and mitigation measures to reduce impacts to Air Quality, Geologic-Seismic, Hazardous Materials, and Noise and Vibration, respectively. Potential health hazards due to these factors have been addressed and mitigation measures have been described to reduce health risk to children ~~and all~~ (both as passengers and residing near the LRT alignment) to a “not adverse” level.

### 3-7.5 Invasive Species

Executive Order 13112, Invasive Species, signed on February 3, 1999, requires that a federal agency “...not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.” The primary purpose of this directive is to reduce the ecological and economic effects of invasive plant and animal species to agriculture, industry, recreation, and the environment. As described in Section 3-3, Biological Resources, neither construction nor operation of the proposed project includes any activities that would introduce or spread invasive species. Therefore the project is not in conflict with Executive Order 13112.

### 3-7.6 Improving Access to Services for Persons with Limited English Proficiency

Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, signed on August 11, 2000, requires that Federal agencies “...examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. It is expected that agency plans will provide for such meaningful access consistent with, and without unduly burdening, the

fundamental mission of the agency.” The Executive Order also requires that the Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries. The public outreach efforts for the environmental process has been conducted with provisions to outreach to LEP communities during Scoping, and in the conduct of Scoping meetings. Notifications for public hearings on the ~~DEIS/DEIR~~ Draft EIS/EIR ~~will be~~ were conducted in the same manner as done for Scoping, as described in Chapter 8. Therefore, the project does not conflict with Executive Order 13166.

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