

# U.S. DEPARTMENT OF THE INTERIOR



## ENVIRONMENTAL JUSTICE IMPLEMENTATION PROGRESS REPORT 2013



Assistant Secretary- Policy Management and Budget

Office of Environmental Policy and Compliance  
Washington, DC 20240

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## **Introduction**

**Executive Order 12898 of 1994** – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The Executive Order issued on February 11, 1994, states in part that “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 and its territories and possessions...”

## **U.S. Department of the Interior’s Mission**

Protecting America’s Great Outdoors and Powering Our Future. The U.S. Department of the Interior protects America’s natural resources and heritage, honors our cultures and tribal communities, and supplies the energy to power our future.

## **Environmental Justice Vision Statement**

To provide outstanding management of the natural and cultural resources entrusted to us in a manner that is sustainable, equitable, accessible, and inclusive of all populations.

## MESSAGE FROM THE ASSISTANT SECRETARY – POLICY MANAGEMENT AND BUDGET

I am proud to join in support of President Obama's, February 10, 2014, Proclamation that declared February 11, 2014 as the 20<sup>th</sup> Anniversary of Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations). This 1994 Executive Order outlined an important task for federal agencies that includes ensuring that no racial, ethnic, cultural, or socioeconomic group disproportionately bears the negative environmental consequences resulting from governmental programs, policies, or activities. Executive Order 12898 also asks that these programs, policies, and activities be conducted in a manner that does not have the effects of exclusion or discrimination toward minority, low income, or tribal populations.



*Assistant Secretary-Policy  
Management and Budget  
Rhea Shu*

This Executive Order is as relevant today as it was when it was signed by President Clinton two decades ago. Although we have made great strides as a Nation in areas of both human health and the environment; we still have much work ahead of us. While addressing challenges of the past, we are faced with today's phenomenons such as childhood obesity and climate change. While these challenges can affect all Americans, they may present a greater challenge or have a disproportionate impact on minority, low-income, and tribal communities.

Much of the work we do at Interior through the diverse missions of our bureaus are beneficial to communities throughout this Nation. Interior is custodian of the Nation's natural and cultural resources, including the management of 20 percent of all U.S. lands. We are leveraging the resources entrusted to us to benefit all American's. Through initiatives such as America's Great Outdoors, we are providing access to green and open space, creating parks in urban areas, and employing and engaging young people from all walks of life in efforts to preserve America's natural and cultural heritage. Our Rural Water Supply Program works with communities, including tribes throughout the 17 Western States to provide access to water. Our Climate Science Centers and Landscape Conservation Cooperatives provide research to assist native groups in planning for and adapting to climate change in areas such as subsistence and cultural resources. Our tribal programs provide numerous services to 566 federally recognized tribes.

I am pleased to present the Department of the Interior's 2013 Environmental Justice Implementation Progress Report for the *2012-2017 Environmental Justice Strategic Plan*. This report highlights many of our activities that while not labeled or titled environmental justice, support the spirit and intent of Executive Order 12898.

I believe that our work is not done until every community including minority, low-income, tribal, indigenous, and insular share in the same environmental protections, enjoyments, and considerations. Interior looks forward to working with all stakeholders toward the attainment of environmental justice for all Americans.

Sincerely,

Rhea Suh

This document serves as the Department of the Interior's (Department) Implementation Progress Report under Executive Order 12898 (EO 12898) and the Department's Environmental Justice Strategic Plan 2011-2017 (EJSP) for the year 2013. This report provides 2013 numerical data for the EJSP established performance measures. This data will be used in an effort to determine our progress and/or need to make further refinements. This report also highlights several of the programs, policies, activities, and collaborative efforts the Department has actively engaged in during 2013. These programs, policies, and activities are not all inclusive of the Department's efforts to implement environmental justice (EJ), but show our ongoing commitment and progress toward the integration of EJ into all applicable programs, policies, and activities.

During 2013 the Department has continued to work to incorporate the provisions of EO 12898 within the scope of its overall mission. The Department has also continued to be an active member in the Federal Interagency Working Group on Environmental Justice (EJ IWG) and has participated in its collaborative efforts to support healthy and economically viable minority, low-income, and tribal communities.

The Department is reporting on the specific goals, strategies, and performance measures established in its EJSP. Although the Department's strategy outlines five goals, associated strategies, and performance measures, the Department's integration and implementation efforts are not limited to them, and the Department is reporting accordingly. The Department will continue to increase its internal awareness and implementation efforts and engage its stakeholders in the continuous effort to ensure that EJ is a part of its mission. The EJSP is a living document, and as we look at our annual accomplishments and trends, we will adjust our strategy as necessary to ensure that we are effectively integrating EJ into our mission and fulfilling our vision for EJ.

## **Designated Senior Leadership Representative and Senior Staff Representative**

The senior appointed official charged with the Department's implementation of EO 12898 is the Assistant Secretary-Policy Management and Budget (AS-PMB). The AS-PMB responsibilities in part include overseeing compliance with environmental statutes and standards, developing and maintaining internal administrative policy, standards, objectives, and procedures for use throughout the Department. The EJ activities are administered within AS-PMB by the Director, Office of Environmental Policy and Compliance (OEPC).

During 2013 the Director OEPC chaired several meetings of the Department's internal EJ Working Group (EJWG), which is comprised of a primary EJ Coordinator representing eight of the Department's ten bureaus (Bureau of Indian Affairs (BIA), Bureau of Land Management (BLM), Bureau of Ocean Energy Management (BOEM), Bureau of Reclamation (BOR), National Park Service (NPS), Office of Surface Mining Reclamation and Enforcement (OSMRE), U.S. Fish and Wildlife Service (FWS), and U.S. Geological Survey (USGS)). Each of these primary EJ Coordinators work directly with OEPC in carrying out the Department's EJ activities. All bureaus have regional and field level offices that assist in local and regional EJ activities and initiatives.

## Federal Collaborative Efforts

The Department will continue to work with the EJ IWG in its efforts related to the four focus areas identified in the 2011 EJ Memorandum of Understanding (MOU) and continue to participate in listening sessions as feasible and appropriate. The four focus areas identified in the MOU are: (1) National Environmental Policy Act (NEPA), (2) Title VI, (3) Climate Change, and (4) Commercial Transportation - Goods Movement. In addition, the EJ IWG established a committee on regional activities; this committee is chaired by OEPC. Specific collaborative efforts and activities include:

**NEPA Committee:** The NEPA Committee is improving the effectiveness, efficiency and consistency of the NEPA process to enhance consideration of EJ through the sharing of best practices, lessons learned, training and other tools. Since its inception in May 2012, the NEPA committee has taken several steps toward achieving its mission. Initially, an electronic compendium of publicly available NEPA and EJ related documents from almost twenty federal agencies was provided on the EJ IWG website at:

<http://www.epa.gov/environmentaljustice/resources/publications/interagency/nepa-ej-compendium.pdf>; key references from this EJ NEPA Agency Resource Compendium are also included on the Environmental Protection Agency's (EPA) NEPA Webpage at:

<http://www.epa.gov/compliance/nepa/nepaej/index.html>. The EJ IWG NEPA and EJ compendium includes information from the Department; any changes to the Department's specific NEPA, EJ information, or policies will be maintained and updated on the OEPC's Natural Resources Management web site at: <http://www.doi.gov/pmb/oepc/nrm/index.cfm>.

In addition, the NEPA Committee has conducted a cross-agency training series on existing tools, methods, and agency-specific focal areas. The Community of Practice Subcommittee is compiling a best practices approach that efficiently and effectively considers EJ in NEPA reviews. The Education Subcommittee has conducted a review of existing federal agency training materials on EJ and NEPA, and is using this assessment to produce a national NEPA training module on NEPA and EJ with the focus on effective EJ analysis in the NEPA process. Representatives from the Department's BLM and NPS have been active participants on these committees.

Moving forward, the Committees will continue to advance cross agency understanding of opportunities to advance EJ through increased understanding of challenges and opportunities, articulation of effective best practices, training on general and specific NEPA and EJ topics, and other measures. Altogether, these efforts will continue to provide federal officials, at all levels, with a foundational understanding of NEPA's role in addressing EJ through assessment, consideration of alternatives, avoidance, and mitigation during the NEPA review process.

**Goods Movement Committee:** The Department does not permit or control the movement of goods (this is not within the scope of Department's mission or mandates). However, the Department will work with other federal agencies primarily through the NEPA process when goods movement may have an impact on the Department's natural or cultural resources.

**Title VI Committee:** The Title VI Committee acts as a resource to help agencies connect their civil rights enforcement responsibilities with their efforts to achieve EJ. In 2013, the committee surveyed agencies to determine the extent to which Title VI complaints have included EJ issues; and evaluated the relationship between Title VI and EJ. Moving forward, the committee plans on posting a webpage on the EJ IWG website that articulates the interrelationship between Title VI and EJ and will identify opportunities for interagency collaboration. The Department will collaborate with the EJ IWG as it works to strengthen the relationship between Title VI and EJ. [See information under Goal #5 of this report for the Department’s Title VI and EJ reporting.]

**Regional EJ IWG Committee:** The Regional IWG Committee (RIWG) responds to communities at the local and regional level. The RIWG is chaired by the Director, OEPC and co-chaired by the EPA. In 2013 the RIWG Committee finalized its concept to include its vision, goals, membership, organization, and key principles. This internal concept is designed to help guide the RIWG in the process of forming regional workgroups (designed around the EPA regional structure) and working with existing workgroups with the goal of better addressing issues, concerns, and recommendations that may result from public engagement at the local and regional levels, and to increase cooperation across federal agencies in support of EO 12898. The committee’s goals, in part, is to help respond to EJ issues or concerns in a more timely and unified manner, help build community capacity, and leverage resources of federal agencies and where appropriate, with state, tribal and local agencies, as well as individual communities, the private sector and non-government organizations regarding EJ issues. The committee is moving forward with identifying and selecting cross-government collaborations to aid communities.

**Climate Change:** Across the United States and the world, climate change is affecting communities, livelihoods, and the environment in significant ways. The impacts of climate change including an increase in prolonged periods of excessively high temperatures, poor air quality, heavier downpours, increased flooding, an increase in wildfires, more severe droughts, permafrost thawing, ocean acidification, and sea-level rise are already affecting communities, natural resources, ecosystems, economies, and public health across the Nation. These impacts are often most significant for communities that already face economic or health-related challenges. The uneven nature of climate change impacts creates differing levels of vulnerability across countries, communities, and even households, with important implications for adaptive actions. In addition, non-climatic stressors can interact with and exacerbate the impacts of climate stressors. Social and economic factors (e.g., economic status, race, ethnicity, age, gender, and health) can significantly affect people’s exposure and sensitivity to climate change, as well as their ability to prepare and recover.

On June 25, 2013, President Obama announced his plan to cut carbon pollution and prepare the U.S. for the impacts of climate change. The President’s 2013 Climate Action Plan calls upon federal agencies to “continue to identify innovative ways to help our most vulnerable communities prepare for and recover from impacts of climate change” through annual federal agency EJ progress reports. This focus on building capacity in low-income, minority and tribal communities for climate adaptation comes from a number of policy mandates from both the White House and individual agency leadership.



On November 1, 2013, President Obama signed EO 13514, which called for the federal government to build on recent progress and pursue new strategies to improve the nation's preparedness and resilience. The EO states that "adaptation measures should focus on helping the most vulnerable people and places reduce their exposure and sensitivity to climate change and improve their capacity to predict, prepare for, and avoid adverse impacts."

The Department's BIA was identified in the President's 2013 Climate Action Plan as the lead agency in the government's support of tribal community climate preparedness. The President's FY14 budget assigned significant resources to the BIA for addressing climate adaptation needs. In FY13 the BIA solicited grant proposals from tribes to address tribal climate adaptation planning, training, and capacity needs (including travel support for training, technical sessions, and inter-agency cooperative landscape). In FY14 (pending appropriations) the program will be expanded to include tribal oceans coastal planning and capacity.

The Department's responsibility in part includes managing 20 percent of all U.S. lands. The 2013 Climate Change Adaptation Plan high-level guiding principles focuses on impacts to natural and cultural resources, people and communities, American Indians and Alaska Natives, Insular Areas, and heritage resources. The Department's 2013 Strategic Sustainability Performance Plan (SSPP), includes the Department's Climate Change Adaptation Plan and Policy. The Department's Climate Change Adaptation Plan is currently being implemented and focuses on both agency-wide and bureau-level actions for FY13 and beyond. The Department's Climate Change Adaptation Policy "ensures that climate adaptation plans are grounded in best available science and understanding of climate risks, impacts, and vulnerabilities, incorporating traditional knowledge where available. The Department's SSPP and Climate Change Adaptation Plan are available at: [http://www.doi.gov/greening/sustainability\\_plan/index.cfm](http://www.doi.gov/greening/sustainability_plan/index.cfm).

The Department's USGS operates a National Climate Change and Wildlife Science Center (NCCWSC), that "works closely with natural resource agencies and scientists inside and outside of government to gather the information and build the tools managers need to help fish and wildlife and their habitats and eco-systems adapt to climate change", <https://nccwsc.usgs.gov/>. The NCCWSC manages the network of eight Climate Science Centers (CSC). The CSCs work directly with management entities including federally recognized Indian Tribes and indigenous communities to identify high priority management-relevant science needs and to deliver those needs efficiently in ways that support informed decision making about climate impacts and adaptation. In 2013 the USGS published its inaugural edition of the annual report for the NCCWS and CSCs. The report in part focuses on tribal issues and recognizes tribal knowledge in assessing how climate is changing or how tribes and others may best respond to these changes. The report also includes making extra efforts to ensure tribal engagement, [http://pubs.usgs.gov/circ/1387/pdf/cir1387\\_high\\_res.pdf](http://pubs.usgs.gov/circ/1387/pdf/cir1387_high_res.pdf).

As part of President Obama's Climate Action Plan, in 2013 Secretary Jewell announced that the Department's eight regional CSC's are awarding nearly \$7 million to universities and other partners for research. Each of the Department's eight CSCs worked with states, tribes and indigenous communities, federal agencies, Landscape Conservation Cooperatives (LCCs), universities, and other regional partners to identify the highest priority management challenges in

need of scientific input, and to solicit and select research projects. The CSC individual projects may be viewed at:

<https://nccwsc.usgs.gov/content/interior-announces-2013-csc-science-projects>

The LCCs are a network of public-private partnerships that provide shared science to ensure the sustainability of America's land, water, wildlife and cultural resources (science support for conservation). The LCC's along with the NCCWSC and CSC's and other management partners make up a broader climate science and conservation planning initiative. For example, as part of Secretary Jewell's 2013 announcement the Alaska CSC will share funds with the Northwest CSC, and the North Pacific LCC, for research to assist native groups in planning for and adapting to climate change in areas such as subsistence and cultural resources.

<http://www.doi.gov/lcc/index.cfm>.

The USGS National Climate Change and Wildlife Science Center convened the initial meeting of a Tribal and Indigenous Knowledge Working Group, under the auspices of the newly established Advisory Committee on Climate Change and Natural Resource Science (ACCCNRS). The Group, which contains tribal representation, is developing a work plan for tribal/indigenous matters for ACCCNRS, focusing initially on tribal climate science needs, effective communication between federal climate science efforts and tribes, capacity gaps in Indian country, and traditional/local ecological knowledge.

The USGS South Central Climate Science Center (SCCSC) partnered with Southern Climate Impacts Planning Program (SCIIP) and funded tribal workshops at 4 locations in Oklahoma for tribes and one in New Mexico for the Pueblo Tribes. The purpose of the meetings was to enhance the relationships with tribes, discuss drought histories, and offer the opportunity to the tribes to use participatory video to capture their stories and perspectives related to drought and climate change. The FWS LCCs have also participated in this effort so that the relationship between the SCCSC and the LCC is seamless and the tribes understand the difference and similarities in scope and the wish to not duplicate efforts.

## **Presidential and Departmental Programs and Initiatives**

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|--|
| <p>Many Presidential and Departmental programs and initiatives although not specifically labeled or titled "EJ" embody the spirit and intent of EO 12898 and help in the effort of focusing federal attention on the environmental and human health conditions in minority communities and low-income communities.</p> |
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## **America's Great Outdoors – Urban Agenda**

The America's Great Outdoors (AGO) Presidential initiative was developed in 2011 to develop a 21<sup>st</sup> Century conservation and recreation agenda. In February 2013, the Department's leadership including bureau directors, assistant secretaries, and representatives from the Office of the Secretary met for the first time in the Department's history to discuss developing an Interior-wide urban agenda. Many of the Department's bureaus are already doing innovative work to re-green

our cities and increase recreation in nearby nature. However, much of this work is ad-hoc and uncoordinated often within the Bureaus and across the Department. Officials from BIA, NPS, OSMRE, USGS, and more contributed their time and ideas to better leverage bureau efforts with the goals of (1) engaging more people in the outdoors where more people live and (2) restoring natural systems in cities, <http://www.doi.gov/americasgreatoutdoors/index.cfm>.

**“For the health of our economy and our public lands, it’s critical that we work now to establish meaningful and deep connections between young people – from every background and every community – and the great outdoors,”** said Secretary Jewell. [Remarks at the National Press Club October 31, 2013, Washington, DC.]

## Engaging the Next Generation

The Department plays a key role in improving the Nation’s future by introducing, involving, and encouraging the next generation as stewards of cultures, history, lands, waters, and wildlife. In this dynamic and changing Nation, more and more people are isolated from the outdoors in cities and large urban areas. Young people are increasingly drawn indoors and are becoming inactive and disconnected from nature and the outdoors. The Department’s unique assets provide great opportunities to connect this generation to the outdoors and the Nation’s natural and cultural resources, in exciting and meaningful ways.

To address the growing disconnect between young people and the outdoors, Interior has developed strategies to promote public-private partnerships and collaborative efforts across all levels of government to connect young people with the land and inspire them to play, learn, serve, and work outdoors. The result will maximize opportunities for youth through visitor and educational programs, partnerships, volunteerism, and employment. These efforts can also tap into technological enhancements that could expand opportunities for travel and tourism and life-long learning. For more information, please visit: [www.doi.gov/youth](http://www.doi.gov/youth).

**“I’m pleased to announce an ambitious initiative at Interior that we’ll undertake to inspire millions of young people to play, learn, serve and work outdoors. First, we are going to develop or enhance partnerships in 50 cities to create opportunities for outdoor recreation for more than ten million young people by 2017. With nearly 80 percent of our population living in cities – places where open spaces are few and far between – expanding our urban parks and partnerships is critical,”** said Secretary Jewell. [Remarks at the National Press Club October 31, 2013, Washington, DC.]

## Urban Waters Federal Partnership

In 2011, the Department became a signatory agency for the Urban Waters Federal Partnership, an effort to convene federal agencies with the goal of working as one federal family to help communities particularly underserved communities restore their waterways and revitalize their local economies. Since that time, the partnership has grown from seven pilot sites to eighteen, ten federal agencies to thirteen, and has growing



support from ten national environmental organizations. Efforts are now underway to explore transforming this initiative into a national program. The 2013 Urban Waters Report highlights several major activities the Department and its bureaus are engaged in to support of this initiative. This partnership is a key component of the President's AGO initiative. The Department led pilots and national support include the Bronx and Harlem River watersheds in New York, the Anacostia River Watershed in the District of Columbia, and the Los Angeles River in California. The Department's partnering bureaus in these watershed programs include the NPS, USGS, FWS, and BOR,

<http://www.urbanwaters.gov/projects.html>;

<http://www.doi.gov/americasgreatoutdoors/whatwedo/urban.cfm>.

## **Landscape Conservation**

Congress passed the Land and Water Conservation Fund (LWCF) in 1964 to use revenues from offshore oil and gas developments to enhance parks and open spaces throughout the country, <http://www.nps.gov/lwcf/index.htm>. In November 2013, Secretary Jewell visited the Cape Romain National Wildlife Refuge in South Carolina where she met with stakeholders about their local efforts to conserve nearly 4,000 acres of longleaf pine habitat in the region. Under the proposal, the FWS and its partners would purchase or obtain easements on the 4,000 acres at Cape Romain (SC), Okefenokee (GA), St Marks (FL.) and Waccamaw (SC) National Wildlife Refuges to support longleaf pine ecosystem conservation and restoration projects. The proposal will also protect significant cultural lands within the [Gullah Geechee Cultural Heritage Corridor](#), an area linked to the cultural heritage of African Americans in the Southeast, <http://www.nps.gov/guge/index.htm>. This proposal and its outcomes are dependent upon funding.

This project is part of the broader [America's Longleaf Restoration Initiative](#) to conserve an ecosystem that once encompassed more than 90 million acres across the Southeast from the Carolinas to Texas, and now covers just 4.4 million acres – less than five percent of its historic range. The initiative, led by a diverse 33-member Longleaf Partnership Council and supported across the range by seventeen Local Implementation Teams, has a goal to increase the range to 8 million acres by 2022 through the collaborative partnership of federal and state agencies and working in concert with a broad swath of other private and public stakeholders.

President Obama's request for FY14 includes nearly \$20 million for longleaf pine-focused Land and Water Conservation Fund projects, supporting the FWS, NPS, and U.S. Forest Service in their efforts to conserve the ecosystem.

## **Let's Move! In Indian Country**

The Department is the keeper of national treasures such as national parks, refuges, and historic and natural landmarks. These assets support the First Lady's *Let's Move!*, and the Department's *Let's Move! In Indian Country* Initiatives by encouraging youth and their families to recreate on public lands to improve their health. The Department is leveraging its public lands and refuges to help connect communities with the great outdoors and improve their health. In 2013, the

Presidential Initiative marked its 2<sup>nd</sup> anniversary. The celebration included a hike in the Department's NPS Chimney Rock National Monument in Southwestern Colorado, (<http://www.doi.gov/letsmove/indiancountry/index.cfm>; <http://www.letsmove.gov/programs>).

## **Programs in Support of Insular Communities**

The Office of Insular Affairs (OIA) empowers insular communities by improving the quality of life, creating economic opportunity, and promoting efficient and effective governance. The OIA has an annual budget that directs financial assistance and payments to the insular areas. The U.S. affiliated insular areas include: the territories of American Samoa, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Marianas Islands. The OIA also administers and oversees federal assistance provided to the three Freely Associated States: the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. To learn more about Insular communities visit: <http://www.doi.gov/oia/index.cfm>.

## **Environmental Justice Strategic Plan**

The Department's 2012-2017 EJSP establishes the Department's EJ vision, outlines five goals that are intentionally broad in scope and designed to guide the bureaus in the development of their individual work plans, strategies to carry out those goals, and performance measures to determine the effectiveness of its efforts. The Department's EJ goals and strategies as outlined in its EJSP are repeated below for the convenience of the reader. The Department's 2013 implementation progress for its established goals, strategies, and performance measures, are as follows:

### **Goal #1**

Ensure responsible officials<sup>1</sup> are aware of the provisions of EO 12898 and are able to identify and amend programs, policies, and activities under their purview that may have disproportionately high and adverse human health or environmental effects on minority, low-income, or tribal populations:

Strategies include, but are not limited to:

- Develop and implement EJ training for managers and others;
- Use existing committees, working groups, and forums to champion EJ throughout the Department; and
- Require that rules reviewed under Executive Order 13563 "Improving Regulation and Regulatory Review" ensure there is no disproportionate adverse impact on minority, low-income, or tribal populations.

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<sup>1</sup> *Responsible Official* is the bureau employee who is delegated the authority to make and implement a decision on a proposed action and is responsible for ensuring compliance with NEPA.

## Performance Measures

| Bureaus/Offices Reporting | Performance Measures   | 2017 Target                   |
|---------------------------|--|-------------------------------|
| All                       | Percentage of responsible officials trained.   | 75% of the target population. |
| All                       | Each region of a relevant bureau or office has an individual(s) designated as an EJ Coordinator. | 100%                          |

### Goal #1 - Performance Measure #1 – “Percentage of responsible officials trained.”

It is anticipated the Department will report on this measure in its 2014 Implementation Progress Report. **No change for 2013.**

In 2013, OEPC worked in collaboration with the Department’s University and internal EJWG in the development of an on-line EJ training course for its responsible officials, managers, and other employees. The training is designed to raise the awareness of EJ and the responsibility for its incorporation into the Department’s mission. The anticipated completion and availability for the EJ on-line training is mid to late 2014.

In 2013, the NPS held a coordinating meeting with the EPA in the Southeast region to develop a MOU to collaborate on EJ activities at the regional level. It is anticipated that the MOU will include an element of “Train the Trainer.”

The FWS EJ Coordinator conducted EJ training at several conferences, including EJ training for U.S. Department of Agriculture and held brown bag lunches at FWS headquarters in Arlington, VA. On April 5, 2013, the FWS EJ Coordinator received a proclamation in her name from the National Environmental Justice Board of Directors for commitment and tireless efforts to advance EJ. She served on the National EJ & Training Program Planning Committee. The National Conservation Training Center Course “Integrating EJ into FWS Activities” provided procedural requirements on EJ to ensure that FWS is in compliance with regulatory requirements. Regional FWS personnel also conducted EJ training throughout the year.

### Goal #1 - Performance Measure #2 - “Each region of a relevant bureau or office has an individual(s) designated as an EJ Coordinator.”

The Department’s 2012 baseline for this performance measure with all eight of its applicable bureaus reporting numerical data was **88.2%**. During 2013, the Department has worked to increase this number and is now reporting **100%**, representing an overall estimated **increase of 11.8 %** since 2012. This brings the Department within its established 2017 target of 100%. **Note:** This number may fluctuate during the course of the year due to personnel changes such as reassignments, transfers, and retirements.

BIA: Within the BIA EJ issues are largely addressed through the NEPA process. The EJ Coordinators are located in each of the twelve BIA Regional Offices; this is a collateral duty of the Regional NEPA Coordinators.

BLM: The BLM is organized into twelve State Offices. In 2013 all BLM State Offices formally designated an EJ Coordinator. This represents a 50% increase in the BLM's reporting since 2012, and brings the Department's overall performance under this measure to 100%.

BOEM: In addition to two EJ Coordinators at the BOEM headquarters in Herndon, VA, BOEM has EJ Coordinators within its three regions (Gulf of Mexico, Pacific, and Alaska regions). Headquarters oversees and coordinates with all the offices and regions. Each EJ Coordinator has a social science background and uses this skill set for the majority of their assigned work tasks. In order to strengthen communication between all of BOEM's EJ contacts, BOEM is finalizing its internal Google site where EJ contacts (and any interested Departmental party) can post events to the calendar, post announcements, and upload online resources that would be of assistance to the group in performing their duties.

BOR: The BOR manages EJ related responsibilities primarily at the regional level. The Civil Rights Division, located in Denver, CO, coordinates EJ reporting activities. Additionally, there is involvement from the Water and Environmental Resources Division in Denver and Native American Affairs Office in Washington, DC.

OSMRE: The OSMRE is organized with its Headquarters located in Washington DC, and three Regional offices, the Appalachian (Pittsburgh), Mid-Continent (Alton, IL), and Western (Denver) Regional offices. The EJ function (and OSMRE EJ Coordinator) is managed out of the Headquarters Office in Washington, DC and is located in the Program Support Directorate, Division of Regulatory Support. Each of the three regions has designated a Regional EJ Coordinator. Future plans for the OSMRE EJ program will focus on continuing to conduct public meetings, listening sessions, and forums in a manner that is accessible to and inclusive of minority, low-income, and tribal populations.

FWS: The full-time EJ Coordinator is located in the Headquarters, Arlington, VA, External Affairs Office. The FWS has eight regions. Each region has identified a staff member as an EJ contact.

USGS: The EJ Coordinator is the National Tribal Liaison, located in the Office of Tribal Relations-Office of Science Quality and Integrity, at USGS Headquarters, Reston, VA.

NPS: In 2013 the NPS leadership prioritized EJ by establishing a full time coordinator position within the NPS Office of Equal Opportunity Programs (OEOP), and allocated fiscal resources to support this program. The NPS has seven regional offices with designated EJ responsibilities and representatives. It is anticipated that EJ information will be included on the NPS's OEOP public web site in the 3<sup>rd</sup> quarter of 2014.

A directory of the Department’s EJ Coordinator’s and Contacts are available on the Department’s EJ web site at: <http://www.doi.gov/pmb/oepc/environmental-justice.cfm>.

## Goal #2

Ensure minority, low-income, and tribal populations are provided with the opportunity to engage in meaningful involvement in the Department’s decision making processes.

Strategies include, but are not limited to:

- Provide opportunities for the involvement of minority, low-income, and tribal populations as appropriate early and throughout program and planning activities and NEPA processes;
- Establish working partnerships with minority, low-income, and tribal populations;
- Engage in government-to-government consultation with tribal governments consistent with the Department’s and applicable bureau’s policies on consulting with tribal governments;
- Consistent with law and resources, provide the public with information necessary for meaningful participation;
- Conduct public meetings, listening sessions, and forums in a manner that is accessible to and inclusive of minority, low-income, and tribal populations;
- Develop and maintain a list of headquarters and regional EJ contacts, and make it accessible to the public; and
- Where appropriate, use alternative dispute resolution (ADR) processes, such as negotiation, mediation, and joint fact-finding, to resolve disputes involving disproportionate adverse impacts of bureau decisions on minority, low-income, and tribal populations.

### Performance Measures

| Bureaus/Offices Reporting | Performance Measures   | 2017 Target  |
|---------------------------|--|--|
| All                       | Annual percentage of major federal actions <sup>2</sup> , having a potential for EJ implications that also qualify as Departmental actions with tribal implications <sup>3</sup> . | The Department will determine the baseline in 2012 and subsequently establish targets. |

<sup>2</sup> A major Federal action is defined in the Council on Environmental Quality’s NEPA regulations found at 40 CFR 1508.18.

<sup>3</sup> For a definition of Departmental actions with tribal implications see the Department’s Tribal Consultation Policy at: <http://www.doi.gov/news/pressreleases/loader.cfm?csModule=security/getfile&pageid=269697>.



|     |  |  |
|-----|--|--|
| All | Annual percentage of environmental impact statements that identify minority and low-income communities and, if they exist, provide opportunities for meaningful involvement. | The Department will determine the baseline in 2012 and subsequently establish targets. |
|-----|--|--|

Goal #2 - Performance Measure #1 - “Annual percentage of major federal actions, having a potential for EJ implications that also qualify as Departmental actions with tribal implications.”

The Department’s 2012 baseline for this performance measure with six of its seven applicable bureaus reporting numerical data was an estimated 47.2 %. The Department is reporting an estimated 41% for 2013, with all of its seven applicable bureaus reporting. Note: The number of major federal actions proposed by the Department will vary from year to year. This performance measure is intended to help the Department identify the percentage of its major federal actions that may have a disproportionate environmental or health impact on tribes as well as other tribal implications, and aid in the decision making processes.

BIA: The BIA measure for this goal is the ratio of Environmental Assessments (EAs) and Environmental Impact Statements (EIS) that involve tribal notification or participation. All major federal actions approved or funded by the BIA have tribal implications. Although the number of documents may vary, all major federal actions approved or funded by the BIA have tribal implications and all include tribal notification and/or participation. Tribes are always invited to participate as cooperating agencies during the preparation of EISs.

BLM: The baseline percentage is based on a sample of 52 EAs and 10 EISs conducted across the BLM, of the 52 EAs, 24 did not have potential EJ implications for tribes. All 10 EISs had EJ implications for tribes. The baseline percentage is based on the 28 relevant EAs and the 10 EISs. The annual major federal actions is an estimate based on prior year totals which show an average of 4,700 EAs and 46 EISs completed per year by BLM. The potential for EJ implications is an estimate based on the sample data.

BOEM: The BOEM had 1075 major federal actions in 2013. Six of these actions required EISs that analyzed potential tribal implications, for which there was outreach and coordination with federally recognized tribes. There were four lease sale EISs (including draft documents) in the Gulf of Mexico Region, one Draft Programmatic EIS in Headquarters for Geological and Geophysical activity, and a supplemental draft EIS on the effects of oil and gas activities in the Artic. Environmental justice analyses were prepared for these actions.

BOR: The BOR includes an EIS with all proposed major federal actions as required by NEPA.

OSMRE: The OSMRE surveyed its Regional and Field Offices in soliciting data for the FY13 baseline. The OSMRE seeks to communicate effectively with the primacy states and tribes to ensure meaningful dialogue with interested parties and to incorporate local alternatives when possible. The OSMRE incorporates public participation primarily through the NEPA process

and through its regulatory requirements for permit issuance. The OSMRE's regulations at 30 CFR 773.6, and the primacy state equivalent, require an opportunity for public participation in the permitting process.

The OSMRE and the primacy states for Abandoned Mine Land<sup>4</sup> (AML) projects utilize several methods to reach out to, and engage stakeholders during the NEPA process including, but not limited to, networking with community and tribal leaders, press releases, notices, pamphlets, public scoping meetings, and the Internet.

The OSMRE has made a strong commitment to community involvement in the NEPA process particularly with emphasis on consensus based management. The Department's NEPA regulations state that "bureaus should consider any consensus based alternative(s) put forth by those participating persons, organizations, or communities who may be interested or affected by a proposed action. Consensus based management is codified in the Department's NEPA regulations at 43 CFR § 46.110.

The OSMRE actively works with the tribes to ensure timely and effective reclamation on their lands. The OSMRE meets regularly with the tribal government in government-to-government consultation to see and identify specific issues that may need addressing.

The vast majority of AML projects are conducted by the states using federal grant money. Under SMCRA, a state is not required to comply with NEPA. However, because the AML reclamation is paid for with federal funds, it is considered a federal action. The state does prepare an EA for the AML project which OSMRE reviews and then issues a Finding of No Significant Impact (FONSI), if appropriate. These AML EAs have a section that discusses the existing socio-economic values and the potential impacts of the project. All AML reclamation is remedial in nature and addresses damage caused by past mining. The adverse impacts, if any, to low income and minority and tribal populations is minimal and the overall impacts may be beneficial to local communities.

Examples of actions taken by OSMRE:

On May 3, 2013, OSMRE received an application to transfer the Navajo Mine Permit from BHP Navajo Coal Company (BNCC) to the Navajo Transitional Energy Company LLC (NTEC). NTEC was created by the Navajo Nation Council legislation to purchase the Navajo Mine from BNCC. On May 16, 2013, OSMRE notified BNCC that the application was administratively complete. The OSMRE then instructed BNCC to advertise the proposed permit transfer in local newspapers including the Navajo Times and on Navajo radio stations in both Navajo and English. The newspaper and radio announcements described the transfer as well as notified the public of the opportunity to review the application and draft EA and provide comment. The newspaper advertisements ran from May 18-30. The radio announcements ran daily from May

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<sup>4</sup> Abandoned mine lands are lands and waters adversely impacted by mining prior to passage of SMCRA and inadequately reclaimed. Environmental restoration activities under the AML program correct or minimize these problems and are beneficial to the local community.

18-25, then two times a week from May 25- June 10. A copy of the audio for the announcement in Navajo can be found on OSMRE's Western Region website at:  
[http://www.wrcc.osmre.gov/current\\_initiatives/navajo\\_mine/Permit\\_Transfer.shtm](http://www.wrcc.osmre.gov/current_initiatives/navajo_mine/Permit_Transfer.shtm).

The OSMRE has also coordinated closely with the Cherokee Tribe regarding the investigation, design and construction of the Cherokee West and Dwight Mission AML reclamation project sites, located on Cherokee lands in Oklahoma. Tribal officials initially approached OSMRE for assistance in reclaiming the Dwight Mission AML area. After discussions, OSMRE determined that there was an additional AML site on Cherokee lands that was also hazardous to tribal members and other area residents. The OSMRE prepared EAs for both projects in consultation with tribal officials, identified preferred alternatives, and developed designs. Both projects have a tribal construction inspector assigned to work along with OSMRE contracting officer representatives. Reclamation construction work on the Cherokee West Project will be complete in the spring of 2014 and at the Dwight Mission Project in late 2014. During FY13 the OSMRE AML program spent a total of \$112,352,855 in post mining reclamation on approximately 11,346 acres.

The FWS had 1,235 major federal actions with 214 having the potential for EJ implications that also qualify as Departmental actions with tribal implications or 17.3%.

The NPS had 78 major federal actions with one having the potential for EJ implications that also qualify as Departmental actions with tribal implications.

**GOAL #2 - Performance Measure #2** – “Annual percentage of environmental impact statements that identify minority and low-income communities and, if they exist, provide opportunities for meaningful involvement.”

The Department’s 2012 baseline for this performance measure with six of its seven applicable bureaus reporting numerical data was **55.1%**. The Department is reporting 61.2% for 2013 with all applicable bureaus reporting, or an **increase of 6.2%**. Note: The number of major federal actions proposed by the Department will vary from year to year. This performance measure is intended to help the Department identify communities that may be impacted by NEPA related actions, specifically those impacting minority and low-income communities, and reinforces the requirement to provide opportunities for meaningful involvement.

**BIA:** Every BIA EIS addresses minority and low income issues. Tribal involvement is also essential for every EIS. The measure for this goal is the ratio of EISs completed in which tribes participated as cooperating agencies. The numerator for this measure is the number of EISs with tribes as cooperating agencies. The denominator is the total number of EISs completed.

**BLM:** The baseline percentage is based on a sample of 10 EISs conducted across the BLM. The annual EISs are based on an average of prior year totals.

BOEM: The BOEM prepares environmental documents on various actions related to the Outer Continental Shelf (OCS) Program. These documents may be EAs or EISs depending upon the nature of the action in question or the significance of potential impacts associated with the action. The BOEM completed six EISs in 2013. Each EIS identifies and clearly assesses minority and low income communities. Each of those EISs allowed for public involvement through comment periods and public meetings (some in multiple sessions at multiple locations) under NEPA.

BOR: All BOR EISs and EAs provide opportunities for community input and involvement. Community input and involvement necessarily includes minority and low income communities as well as tribes. The BOR ensures community input and involvement through a variety of proactive measures including public meetings in local communities; the NEPA process; government-to-government consultations with tribes; letters to community and tribal leaders soliciting input and concerns raised; and telephone calls placed to community and tribal leaders to discuss BOR projects.

NPS: In addition to other forms of public engagement, the NPS uses its Planning, Environmental and Public Comment (PEPC) on-line web site to allow for public review and comment on active projects, <http://parkplanning.nps.gov/>.

OSMRE: Under SMCRA, primacy states are not required to comply with NEPA prior to permit issuance. The OSMRE works with tribal communities as part of its Indian Lands Program. In FY13, OSMRE initiated (1) EIS effort and (1) EA on tribal land.

As an example of opportunities provided, on August 28, 2013, OSMRE met with concerned citizens and members of Dine CARE (Non-Governmental Organization) regarding comments they made during OSMRE's Public Scoping for the Four Corners Power Plant & Navajo Mine Energy Project EIS. The meeting included a site-visit and a meeting at the Tiis Tsoh Sikaad (Burnham) Chapterhouse on the Navajo reservation. Representatives from the Navajo Nation and BIA were also in attendance.

On August 29, 2013, OSMRE met with an elderly Navajo who provided comments during OSMRE's Public Scoping for the Four Corners Power Plant & Navajo Mine Energy Project EIS. An interpreter was provided for that meeting as the elderly Navajo did not speak English.

FWS: Throughout 2013 the FWS held public meetings with stakeholders including private citizens, and other diverse groups to discuss numerous topics related to the FWS mission and mandates. These meetings addressed FWS proposals, addressed questions, and explained the public comment procedures.

The FWS developed Comprehensive Conservation Plans that guide the refuges for the next 15 years and beyond. To ensure that the public is engaged and have meaningful involvement in the decision making processes, draft documents to include EAs and EISs are made available for public comment.

## Goal #3

The Department will, on its own or in collaboration with partners, identify and address environmental impacts that may result in disproportionately high and adverse human health or environmental effects on minority, low-income, or tribal populations.

Strategies include, but are not limited to:

- Prepare Department-wide guidance on fish consumption advisories<sup>5</sup>;
- Use scientific information to plan effectively for changes that could disproportionately affect minority, low-income, or tribal populations;
- Consider enhancing mitigation and monitoring efforts in the planning processes to lessen any disproportionate environmental, social, and economic impacts on minority, low-income, and tribal communities;
- Establish working relationships or memoranda of understanding/memoranda of agreement with academic institutions, including those serving primarily minority populations, to further EJ goals and further develop special expertise and knowledge to address EJ goals;
- Establish partnerships and collaborate with other federal agencies to pool resources and assist communities in addressing environmental issues;
- Establish partnerships and collaborate with minority, low-income, and tribal populations to share and benefit from specialized expertise that the partnering groups may have about environmental, social, and other issues pertinent to EJ;
- Use internships and other work programs to gain and share expertise or scientific knowledge to further EJ goals;
- Consider consensus-based alternatives in NEPA analyses in accordance with Departmental NEPA regulations at 43 CFR 46.110; and
- Develop Department-wide and subsequent bureau-specific criteria for assessing the effectiveness of EJ analyses, to guide periodic effectiveness reviews conducted by each bureau.

### Performance Measures

| Bureaus/Offices Reporting | Performance Measures   | 2017 Target  |
|---------------------------|--|--|
| All                       | Number of partnerships with others, including educational institutions and tribes, to share and benefit from specialized expertise in furthering EJ goals. | The Department will determine the baseline in 2012 and subsequently establish targets. |

<sup>5</sup> When contaminant levels are unsafe, consumption advisories may recommend that people limit or avoid eating certain species of fish caught in certain places.

|     |  |  |
|-----|--|--|
| All | Percentage of bureaus that have established a process for periodically assessing the effectiveness of EJ analyses, based on Departmental criteria. | The Department will determine the baseline in 2012 and subsequently establish targets. |
|-----|--|--|

Goal #3 – Performance Measure #1 – “Number of partnerships with others, including educational institutions and tribes, to share and benefit from specialized expertise in furthering EJ goals.”

The Department’s 2012 baseline for this performance measure with five of its seven applicable bureaus reporting numerical data was an estimated 127. With six of its seven applicable bureaus reporting numerical data in 2013 the Department is reporting an estimated 146, or an estimated increase of 19.

A sample listing of the Department’s partnerships established in 2013 as well as those that may have changed since 2012 is contained in **Appendix A** to this report (Samples include: BOEM, OSMRE, NPS, FWS, USGS, and BLM). **Note:** The sample information is not all inclusive of the Department’s partnerships with others related to furthering EJ goals.

BIA: The BIA enters into a number of partnerships, agreements and contracts with tribes that benefit tribal programs and further self-determination. However, because water management is an important issue requiring specialized expertise, the BIA has chosen this area as a measure for this goal. The number of projects completed in support of water management, planning and predevelopment, is the measure used. This number will vary from year to year depending on the number of proposals received, the funding available and the length of the contract terms. The number decreased in FY13, because a number of contracts were completed in FY12.

BLM: For FY13, the BLM reports 51 partnerships supporting EJ objectives.

BOEM: In 2013, there were four new studies added to BOEMs National Studies List in the socioeconomic discipline. These studies are new this year and do not yet have reports with which any potential EJ data could be synthesized. These studies are Evaluation of Visual Impacts on Historic Properties; Social Indicators in Coastal Alaska: Arctic Communities; Inventory and Analysis of Coastal and Submerged Archaeological Site Occurrence near the Main Hawaiian Islands; and Atlantic OCS Cultural Resources Survey and Archaeological Inventory Geographic Information System. The BOEM also has two existing partnerships with academic institutions.

NPS: In 2013 the NPS held a coordinating meeting with EPA in the Southeast region to develop a MOU on collaborative regional activities. The purpose of the MOU is to establish a partnership to foster collaboration between the two agencies in addressing issues of EJ in accordance with the provisions of NEPA and EO 12898. Under this MOU, the Partners will employ effort and available resources to achieve this goal through the use of academic partnerships and educational opportunities, in collaborations with underserved communities to build capacities in such communities for addressing negative environmental impacts, developing

sustainable economic opportunities, promoting the benefits and utilization of NPS assets, and improve the communication efforts used to report the efforts of Minority Servicing Institutions to support the mission needs of both agencies.

**OSMRE Diversity Outreach:** In 2002, the OSMRE, AmeriCorps Volunteers in Service to America (VISTA) and local community non-profits initiated the award-winning OSMRE/VISTA Teams. The OSMRE/VISTA Teams have been recognized by federal, state, and local entities for their innovative partnerships originally designed to bring environmental and economic improvement to the Appalachian Coalfields and then later to the mining districts in the West.

The OSMRE/VISTA Teams are two of very few non-profits bringing greater connection and collaboration between federal agencies and small rural communities. Founded in response to demands from watershed/community improvement groups in rural communities throughout the East and West, the work of the OSMRE/VISTA Teams supports a growing movement that is quietly bringing new vitality and new hope to these regions.

Community organizations and their OSMRE/VISTAs are equipped with the tools, training, and volunteer-organizing skills necessary to help local citizens become effective environmental stewards, community leaders and accelerators of change in places indelibly marked by the environmental legacy of historic mining. The OSMRE/VISTAs serve in communities impoverished by environmental degradation, such as underserved communities of the Appalachian coal fields and mining and tribal communities of the Western States.

**USGS Research: Alaska Mercury Studies and Tribal Communities.** For three consecutive open water seasons (2011-2013) in the Yukon Basin of interior Alaska, the USGS National Research Program in cooperation with the USGS Alaska Region, conducted a process-based scientific investigation focused on understanding the dynamics of mercury (cycling, transport, methylation, and export) to identify possible pathways into the food web as it concerns both aquatic and human health. The most likely source of mercury in the sub-arctic is global atmospheric deposition which defines it as a ubiquitous and non-discriminant pollutant potentially impacting tribal communities that rely on a subsistence lifestyle as a food source. The information gained through the collective knowledge from multi-disciplinary studies (hydrologic, remote-sensing, soils, modeling, aqueous geochemical) in this study area is helping to better understand the processes that lead to mercury toxicity (methylation) in respect to health threats in tribal communities.

**USGS Research: Laurel Wilt infestation on Everglades tree islands.** The USGS is supporting a new project on Bay Trees, an important plant used for ceremonial and medicinal purpose by the Miccosukee Tribe in Florida. Bay trees are dying as a result to of Laurel Wilt Disease, which is spreading to the tree islands of the Florida Everglades. Tree islands are an important cultural resource to the tribes and the loss of bay trees, a keystone species on tree islands, has important cultural and ecological implications.

**USGS Puget Sound Restoration Efforts and Tribal Treaty Rights.** Tribes from Western Washington, through the Northwest Indian Fisheries Commission, have approached the Federal Government with concerns about ongoing habitat loss and salmon declines. Responsive to the

White House Council on Environmental Quality, federal agencies including USGS are working with tribes to address habitat losses, coordinated with the ongoing Puget Sound restoration efforts under the National Estuary Program. Human activities affect ecosystem functions in complex ways, and a clear understanding of ecological forcing by multiple drivers is necessary as an underpinning for effective restoration of these habitats.

USGS expertise was utilized in review of Columbia River Treaty with Canada. A multi-year review of the U.S. Columbia River Treaty with Canada (CRT) was undertaken by multiple stakeholders including 15 Columbia Basin tribes. The current CRT does not protect or restore ecosystem functions, which the tribes depend on for their livelihood and wellbeing, including productivity of first foods such as salmon. Led by the United States Entity, and with strong input from tribes, the review recommends that modernization of the treaty is in the best interests of the Nation, ensuring a more comprehensive ecosystem-function based approach. The Department and USGS have maintained strong contacts with tribes during this process. In collaboration with tribes, USGS interdisciplinary expertise has the ability to address hydrologic needs for support of fish and aquatic food webs, including the complex interaction of climate, contaminants, and invasive species.

**Goal 3 – Performance Measure #2** – “Percentage of bureaus that have established a process for periodically assessing the effectiveness of EJ analyses, based on Departmental criteria.”

The Department is in the process of establishing criteria for this performance measure. It is anticipated that the Department will develop internal guidance based in part upon the outcomes of the EJ IWG NEPA and EJ committee in 2014. **No change for 2013.**

## Goal #4

Use existing grant programs, training, and educational opportunities as available to aid and empower minority, low-income, and tribal populations in their efforts to build and sustain environmentally and economically sound communities.

Strategies include, but are not limited to:

- Develop, implement, and promote communication strategies through outreach to inform minority, low-income, and tribal populations of the Department’s programs, policies, and activities;
- Provide technical assistance and grants as available to minority, low-income, and tribal populations to identify disproportionately high and adverse human health or environmental effects on minority, low-income, and tribal populations, and to develop methods to reduce these hazards;
- Provide targeted training to minority, low-income, and tribal populations to better enable them to achieve EJ for their communities;
- Conduct community-based training to achieve EJ for communities;
- Consult with local community groups to ensure that outreach programs are accessible; and



- Assist minority, low-income, and tribal populations in developing and expanding programs that promote healthy ecosystems.

Performance Measures

| Bureaus/Offices Reporting | Performance Measures  | 2017 Target  |
|---------------------------|---|--|
| BIA/BIE                   | Percentage of school facilities which are maintained in an acceptable condition based on a Facility Condition Index rating of “good.” | The Department will determine the baseline in 2012 and subsequently establish targets. |

Goal #4 – Performance Measure #1 – “Percentage of school facilities which are maintained in an acceptable condition based on a Facility Condition Index rating of “good”.”

The Department’s 2012 baseline for this performance measure with the BIA/BIE reporting was an estimated 65.9%. The Department is reporting an estimated 80.8% for 2013. This represents an estimated 14.8% increase in school facilities which are maintained in an acceptable condition based on a Facility Condition Index rating of “good” since 2012.

The Bureau of Indian Educational (BIE) has primary responsibility for education on most reservations and the quality of the schools is important to provide opportunities for tribal populations to sustain sound communities. One measure for this goal is the total number of school facilities in the BIE inventory that are in acceptable condition.

Goal #4 – Performance Measure #2 - “Percent of BIE schools achieving Adequate Yearly Progress (AYP), or comparable measure.”

This additional measure was established after the publication of the 2012 EJSP.

The Department’s 2012 baseline for this performance measure with the BIA/BIE reporting was an estimated 31%. The Department is reporting an estimated 26% for 2013. This represents an estimated 5% decrease in the percentage of BIE schools achieving AYP. Note: This measure will vary from year to year and in FY13 the percent of BIE schools achieving AYP dropped from the previous year.

This measure is of the performance of students in schools. This measure covers all BIE-funded and operated and tribally-operated Kindergarten K-12 academic programs. The measure is the ratio of schools achieving AYP. Educational opportunities for tribal populations to sustain sound communities are also measured by the performance of students in schools. This measure will vary from year to year and in FY13 it dropped from the previous year.

## Goal # 5

Integrate the Department’s EJ Strategies with its Title VI of the Civil Rights Act enforcement responsibilities to improve efficiencies while preserving the integrity of Title VI and EJ activities.

Strategies include but are not limited to:

- Effectively resolve or adjudicate all EJ related Title VI complaints;
- Include EJ as a key component of civil rights compliance reviews; and
- Provide technical assistance and training on EJ to recipients of federal financial assistance.

| Bureaus/Office Reporting | Performance Measures   | 2017 Target  |
|--------------------------|--|--|
| All                      | Percentage of Title VI EJ complaints resolved or adjudicated.  | The Department will determine the baseline in 2012 and subsequently establish targets. |
| All                      | Percentage of civil rights compliance reviews where EJ is a review factor.                           | The Department will determine the baseline in 2012 and subsequently establish targets. |
| All                      | Recipients of federal financial assistance receiving technical guidance on EJ as linked to Title VI. | The Department will determine the baseline in 2012 and subsequently establish targets. |

Goal #5 – Performance Measure #1- “Percentage of Title VI EJ complaints resolved or adjudicated.”

The Department reported one case in 2012 as resolved or adjudicated. This case was recorded under this measure in error and has been moved below to Performance Measure # 2 as under review.

Goal #5 – Performance Measure #2 – “Number of open civil rights compliance reviews where EJ is a review factor.”

The Department had an estimated one reported case under review in 2012, this case remains open. The Department opened one new case in 2013. The Department is reporting an estimated **increase** from one open case in 2012 to an estimated **two open cases in 2013**. **For reporting purposes the Department has changed the measure from “percentage of civil rights compliance reviews where EJ is a review factor” to “The number of open civil rights compliance reviews where EJ is a review factor.”**

The 2012 complaint involves the Texas County Commission court's approval of a mining permit in Austin, Texas which will interrupt the water table in a predominately Latino, African American, and Spanish speaking only community. Also, that the Department of Transportation will be hauling the gravel and sandstone for roads and building sites. The Department’s FWS

and OCR/PCR will process this complaint. The Department's OCR/PCR will be the primary office in this case. This complaint was accepted for review under the authority of Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color and national origin in programs, activities, and services receiving federal financial assistance. This case remains open.

The 2013 complaint addresses whether the state of Indiana and the city of Gary, Indiana, provides public access that allows for adequate recreational services, specifically sport fishing opportunities in the predominantly minority communities in Gary, Indiana. The Department's NPS and OCR/PCR will process this complaint. The Department's NPS will be the primary office in this case. This complaint was accepted for review under the authority of Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color and national origin in programs, activities, and services receiving federal financial assistance.

In 2013, the FWS conducted civil rights compliance reviews of state fish and wildlife agencies receiving federal assistance. Regional review teams conducted these reviews under the leadership of the regional civil rights offices, with guidance provided by the Wildlife and Sports Fish Restoration Program.

Goal # 5 – Performance Measure #3 – “Recipients of federal financial assistance receiving technical guidance on EJ as linked to Title VI.”

The Department reviewed this performance measure in 2013 and determined that is not feasible for reporting purposes. The Department does not have a reporting mechanism or requirement for this measure. No future reporting is anticipated.

## **Environmental Justice Directory and Compendium of Resources**

The Department and EJ IWG compendium of resources remains available on the Department's EJ web site. The compendium is a source of information for individuals and organizations working in communities that may be overburdened by the adverse health impacts of exposure to toxins where they live, work and play. The programs included in this guide are focused on resources that may assist communities with technical or financial assistance to reduce exposure. Through these and other efforts, the Department is recommitted to improving the health and sustainability of communities across America. It is recommended that in addition to the compendium that readers view the resources and information available at: <http://www.grants.gov/web/grants/home.html>.

## **Planned Future Activities and Initiatives**

During 2014 the Department will continue its collaborative efforts with the EJ IWG. In the coming year the Department anticipates updating and developing guidance for its bureaus for better integration of EJ into its NEPA and planning processes.

The Department and/or its bureaus anticipate participating in EJ IWG listening sessions across the country. The Department also anticipates participating in the National Environmental Justice Conference and Training Program scheduled for March 2014 in Washington, DC. The Department's FWS and BOEM along with a representative of the EPA and a member of an indigenous community plan to participate on a panel specifically designed to discuss issues and work related to indigenous communities.

### **Public Access, Participation, and Transparency**

The Department's 2013 Implementation Progress Report and related EJ information will be made publically available on the OEPC public EJ web site at: (<http://www.doi.gov/oepc/justice.html>), and have links available through the EPA EJ IWG web site at: (<http://www.epa.gov/compliance/environmentaljustice/interagency/iwg-compendium.html>).

Public comments on this report as well as the Department's EJSP are welcomed at any time, and may be submitted to: [revised\\_EJ\\_strategicplan@ios.doi.gov](mailto:revised_EJ_strategicplan@ios.doi.gov).

### **Summary and Conclusion**

This progress report highlights many of the programs and activities that the Department has engaged in throughout 2013 that support the spirit and intent of EO 12898. This report communicates several ways that this Department has been implementing EJ within the scope of its mission, and areas of jurisdiction and special expertise.

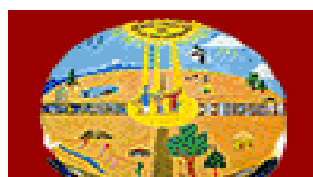
The Department looks forward to collaborating with federal, tribal, and local governments, as well as all interested parties and stakeholders as we continue to implement and integrate EJ into our programs, policies, and activities as applicable.

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# U.S. DEPARTMENT OF THE INTERIOR

## ENVIRONMENTAL JUSTICE IMPLEMENTATION PROGRESS REPORT

2013



Bureau of Indian Education



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OFFICE OF ENVIRONMENTAL POLICY AND COMPLIANCE  
WASHINGTON D.C. 20240

[HTTP://WWW.DOI.GOV/PMB/OEPEC/ENVIRONMENTAL-JUSTICE.CFM](http://www.doi.gov/pmb/oepec/environmental-justice.cfm)