

U.S. DEPARTMENT OF THE INTERIOR



ENVIRONMENTAL JUSTICE IMPLEMENTATION PROGRESS REPORT 2012



Assistant Secretary- Policy Management and Budget

Office of Environmental Policy and Compliance
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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...”

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.

This document serves as the Department of the Interior’s (Department) Implementation Progress Report under Executive Order 12898 and the Department’s Environmental Justice Strategic Plan 2011-2017 (EJSP) for the year 2012. This report provides baseline data for the EJSP established performance measures, as well as highlights several of the programs, policies, activities, and collaborative efforts the Department has actively engaged in during 2012. 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.

The past year has continued the momentum gained during the current administration in the reinvigoration of EJ within this Department as well as other federal agencies. The Department has been an active member in the Federal Interagency Working Group on Environmental Justice (IWG) and has participated in its collaborative efforts.

As set forth in the EJSP, these principles should contribute not only to natural and cultural resource management decisions, but also to mitigation of existing hazards, outreach, partnerships, training, and other measures 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, our integration and implementation efforts are not limited

to them, and we are 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 our 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 Executive Order 12898 (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 Office of Environmental Policy and Compliance (OEPC).

The AS-PMB has continued to engage the Department's Heads of Bureaus and Offices to reaffirm the Department's commitment to carrying out the provisions of EO 12898, and to establish the course of action necessary to move forward and fulfill the Department's vision.

The Director of OEPC chaired several meetings of the Department's EJ Working Group (DOI 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 (OSM), 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. Several bureaus have regional and field level offices that assist in local and regional EJ activities and initiatives.

Federal Collaborative Efforts

Deputies Meeting

On April 12, 2012, the White House Council on Environmental Quality (CEQ) and the Environmental Protection Agency (EPA) chaired a meeting with Federal Deputy Secretaries and Administrators to continue the EJ dialogue of protecting the health and environment of all Americans, particularly minority, low-income, and tribal populations living in communities overburdened by environmental and health hazards. Deputy Secretary Hayes participated in the meeting and discussed three important Departmental initiatives that advance the spirit and intent of EJ, including:

- America's Great Outdoors (AGO), a collaborative initiative with other agencies. The Department met with all the governors and identified top priorities, such as the need for urban parks. Currently, the Department is working to provide access to community parks in several cities, including EJ communities near the Hudson River and the Anacostia River;

- “Let’s Move” Initiative, specifically, “Let’s Move! In Indian Country,” where obesity is twice the national rate; and
- Communication with government-to-government consultations to ensure that tribes are getting the attention they deserve. For instance, the Department is working with major oil companies to help provide renewable energy to remote Alaskan Native communities. This provides direct economic, health, and social benefits to these communities.

Memorandum of Understanding

During 2012, the IWG agencies worked to implement the 2011 EJ Memorandum of Understanding on Environmental Justice and Executive Order 12898 (EJ MOU). In August 2011, the Secretary of the Interior, in collaboration with the heads of sixteen other federal agencies, took a landmark step to support EJ by signing a formal agreement to recommit to addressing EJ concerns. Through the EJ MOU, the IWG’s agencies committed to: (1) declaring the continued importance of identifying and addressing EJ considerations in agency programs, policies, and activities; (2) providing EJ strategies and implementation progress reports; (3) establishing structures and procedures to ensure that the IWG operates effectively and efficiently; and (4) identifying particular areas of focus to be included in the agencies’ EJ efforts. During 2012 the IWG established several committees to explore and address methods to enhance federal capacity and collaboration within the focus areas of the EJ MOU to include:

National Environmental Policy Act (NEPA) Committee on EJ

Recognizing that NEPA provides an important opportunity to advance the consideration of EJ through meaningful engagement of minority, low-income, and tribal populations potentially impacted by federal actions, the IWG formed the NEPA and EJ committee. The committee is co-chaired by the Department of Transportation (DOT) and EPA and currently includes representatives from approximately 20 departments and agencies. The committee’s purpose is to improve the efficiency of the NEPA process across the Federal Government to enhance the consideration of EJ through the sharing of best practices and lessons learned. Thus, the NEPA committee supports federal agency NEPA implementation to “focus federal attention on the environmental and human health conditions in minority communities and low-income communities with the goal of achieving environmental justice.”

Members of the BLM and the NPS represent the Department on the NEPA and EJ Committee. Since its inception in May 2012, the NEPA and EJ Committee have taken several steps toward achieving its mission, such as:

- Commencing a series of inter-agency meetings to identify and promote best practices related to EJ and NEPA analyses, including those related to public engagement and the mitigation and monitoring of environmental and human health impacts;
- Initiating a series of cross-agency training on existing tools, methods, and agency-specific focal areas for further incorporating EJ analysis within the NEPA process. The training is designed to inform agencies of the current state of NEPA-related EJ efforts across the federal family;

- Beginning the development of a national NEPA training module on EJ. The national training module will provide federal officials, at all levels, with a foundational understanding of NEPA's role in addressing EJ issues; and
- Creating the NEPA and EJ Resources Compendium, gathering in one place the publically available NEPA and EJ related documents from federal agencies (e.g., regulations, guidance and circulars), providing hyperlinks to each document for quick access. The committee will publish the compilation online.

The NEPA and EJ committee plans to build on these early accomplishments in 2013.

Title VI of the Civil Rights Act Committee on EJ

The Presidential Memorandum accompanying EO 12898, directs each federal agency, in accordance with Title VI of the Civil Rights Act of 1964, to ensure that all programs or activities receiving federal financial assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin. Title VI prohibits recipients of federal financial assistance from discriminating on the basis of race, color, or national origin in programs or activities that receive federal assistance. The Department's Office of Civil Rights is responsible for ensuring compliance with Title VI by its funding recipients.

Impacts from Climate Change

Climate change has been identified as a focus area within the EJ MOU and is a priority for many federal agencies. Although a climate change committee has not been established through the IWG, the Department recognizes its importance and potential impact on minority populations and low-income populations, and incorporates its potential impact into many of the Department's programs, policies, and activities.

The Department's climate change adaptation plan was submitted to the CEQ and the Office of Management and Budget (OMB) in June 2012, as part of the 2012 Strategic Sustainability Performance Plan (SSPP), and includes guiding principles for the Department to follow in an effort to anticipate and adapt to challenges posed by climate change. The plan focuses on adapting our natural and cultural resources management activities, accounting for changing conditions and avoiding or minimizing impacts to people and built assets, working with tribes in their adaptation efforts, and providing scientific information and tools to support the range of activities and programs the Department oversees in the face of climate change. The plan is available at: http://www.doi.gov/greening/sustainability_plan/index.cfm.

In addition, the Department's new Climate Change Adaptation Policy (523 DM 1), adopted December 20, 2012, calls for ensuring consistent and in-depth government-to-government engagement with tribes, Alaskan Natives, and Native Hawaiians to address climate change impacts on health, infrastructure, livelihoods, traditional practices, and natural and cultural resources.

The Department's EJSP includes a strategy for enhancing mitigation and monitoring efforts in the planning process to lessen any disproportionate environmental, social, and economic impacts on minority, low-income, and tribal communities.

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",

http://www.usgs.gov/climate_landuse/. The NCCWSC manages the network of eight Department Climate Science Centers (CSC), which 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.

The eight USGS CSCs, which were established under Secretarial Order No. 3289, "Addressing the Impacts of Climate Change on America's Water, Land, and other Natural and Cultural Resources" (2010), are still in the process of becoming fully established; however, they are currently engaging in outreach to federally recognized Indian Tribes and Native Hawaiian and Pacific Islander communities within their respective geographic footprints. Each CSC will provide seats on its Stakeholder Advisory Committee for federally recognized tribes within its respective geographic footprint. Each Climate Science Center (with the exception of the Pacific Islands CSC and the Alaska CSC) either already has invited formal government-to-government consultation with federally recognized tribes within its geographic footprint or will complete this task in 2013. Outreach to Native Hawaiian and Pacific Islander communities is taking place through the Department's Office of Hawaiian Affairs, a state agency, as well as via nongovernmental contacts through the Pacific Islands Climate Change Cooperative (the Landscape Conservation Cooperative (LCC) in the Pacific region)). Outreach in Alaska is being coordinated with the Federal-State-Tribal Alaska Climate Change Executive Roundtable and with the five LCCs in Alaska.

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



Climate change disproportionately affects Native Americans and Alaskan Natives. Native Americans and Alaskan Natives are connected to the ecosystems in which they live; subsistence harvest and many cultural and spiritual practices are dependent on functioning ecosystems. The rural location of the majority of reservations and Alaskan villages underscores their vulnerability to unprecedented flooding, and prolonged drought which have all negatively impacted Native American and Alaskan Native communities in the past year. In response to these needs, the BIA climate change coordination effort is working in three areas:

- Participation in the Northwest LCC, and encouragement for the participation by tribes and BIA staff in the other regional LCCs and CSCs;

- Adaptation management coordination and support: The BIA funded 14 climate change grants in 2012, to support vulnerability studies, adaptation management planning, and climate change education opportunities for staff. The BIA's 2013 budget process may provide additional funding to expand this effort; and
- Outreach to other federal agencies and non-governmental organizations to ensure that tribes are included in their funding, education, and outreach efforts. The BIA is also working informally with other federal partners, interested tribes, and non-governmental partners to create opportunities for tribal and BIA program staff to increase their technical knowledge on the issues from their programs, and encourage opportunities to engage with the interagency governmental community addressing climate impact management issues on a regional level.

Goods Movement Committee on EJ

Goods movement refers to the distribution of freight (e.g., raw materials, parts, and finished consumer products) by all modes of transportation, including marine, air, rail, and truck. Goods movement facilities, also called freight facilities, include seaports, airports, land ports of entry (i.e., border crossings), rail yards, and distribution centers. The U.S. has an extensive network of infrastructure to support goods movement, including highways, bridges, and rail lines. Goods movement activities have increased significantly in the past 20 years. In fact, container shipments quintupled at the ten largest U.S. container ports from 1980 to 2006, and over the last decade alone, shipments have grown by 81 percent. The Federal Highway Administration (FHWA) forecasts that between 2006 and 2035:

- Freight tonnage hauled by trucks will grow by 80 percent;
- Rail tonnage hauled will grow by 73 percent;
- Water transportation tonnage will increase by 51 percent;
- Intermodal tonnage will increase by 73 percent; and
- Air cargo tonnage will quadruple.

Minority, low-income, and tribal populations have borne a disproportionate share of the health impacts from goods movement. Per the EJ MOU, federal agencies have made goods movement a focus area when "identifying and addressing, as appropriate, any disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations." A keystone for meeting this requirement is interagency collaboration.

The U.S. Department of Homeland Security and the EPA co-chair the IWG Goods Movement Committee. The committee was established in 2012 and is currently composed of eight agencies. Outlined below are the committee's 2012 accomplishments:

- Launched biweekly interagency meetings;
- Developed draft FY 2013 Goods Committee Action Plan focused on supporting federal agency initiatives to (1) reduce the environmental and health effects of agency efforts related to commercial transportation and supporting infrastructure and impacts on low-income, minority and tribal populations; and (2) assure that overburdened communities have greater opportunities to benefit from federal efforts related to goods movement;

- Facilitated the engagement with and support and utilization of the Ports Task Force, led by the White House, to develop a federal strategy for future port and related infrastructure investments; and
- Enhanced federal collaboration and information sharing by evaluating and utilizing interagency tools and resources such as the Committee on the Marine Transportation System Data Map, FHWA Freight Analysis Framework and OMB MAX (a federal information system).

The Department does not permit or control the movement of goods (this is not within the Department's areas of jurisdiction or special expertise). 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.

Federal Regional IWG committee on EJ

Section 1-102 and Section 5-5 of EO 12898 outline the importance and necessity of engaging and involving the public for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning environmental justice.

In addition to the committees identified in the EJ MOU, the IWG formed the Regional Interagency Working Group (RIWG) Committee as a logical collaborative effort to better address 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.

One key function of any RIWG is to respond to environmental justice issues or concerns in a more timely and unified manner. Other key functions include building community capacity, leveraging resources of federal agencies, and where appropriate including state, tribal and local agencies, as well as individual communities, the private sector, and non-governmental organizations.

The RIWG effort expands upon and supports other IWG initiatives to better assist communities such as the recently developed EJ Resource Compendium and EJ Contact Directory. Because each federal agency is organized differently, the geographic hub for the RIWG is defined by the existing EPA Regional structure.

The RIWG Committee is chaired by the Department and co-chaired by the EPA. To date, the RIWG Committee has taken several important steps toward solidifying its establishment, including:

- Developing a draft document to begin the discussions of the feasibility of a RIWG;
- Commencing the drafting of a concept paper to formalize an agreed upon structure;
- Finalizing the establishment of the RIWG to include its vision, goals, membership, organization, and key principles; and
- Working toward establishing tangible outcomes for 2013.

Environmental Justice Strategic Plan

In 2012 the Department released its final EJ Strategic Plan 2012-2017 (EJSP), and its accompanying Implementation Progress Report for 2009-2011. The 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 2012 implementation progress for its established goals, strategies, and performance measures are as follows:

Goal #1

Ensure responsible officials¹ 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.

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."

In 2012, OEPC worked within its internal budget process to include funding for the development of EJ on-line training. The OEPC in collaboration with the Department of the Interior University and the DOI EJWG have begun the process of developing on-line EJ training for its responsible officials, managers, and other employees. The Department envisions training that will raise the

¹ *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.

awareness of EJ and the responsibility for its incorporation into the Department's mission. The Department anticipates completion of the on-line EJ training in mid to late 2013.

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 is 88.2%

BIA: Within the BIA EJ issues are largely addressed through the NEPA process. The EJ Coordinator for the BIA is a collateral duty of the National NEPA Coordinator located in the Division of Environmental and Cultural Resources Management. In addition, EJ Coordinators are also located in each of the twelve BIA Regional Offices; this is a collateral duty of the Regional NEPA Coordinators. The NEPA Coordinators ensure that EJ issues are addressed within NEPA documents.

BLM: The BLM is organized into twelve State Offices. Currently six of the twelve BLM State Offices have a formally designated EJ Coordinator. The other six states have informally designated EJ Coordinators. The BLM is currently working on guidance, which will provide the EJ Coordinators with a clear understanding of their roles and responsibilities. After the guidance is complete, all BLM State Offices will be asked to formally designate an EJ Coordinator. The expectation is that BLM will have all EJ Coordinators formally designated by the end of FY 2013.

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 in BOEM 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 SharePoint website 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.

OSM: The OSM was established in 1977 with the passage of the Surface Mining Control and Reclamation Act (SMCRA). Under SMCRA, OSM is responsible for establishing a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations while striking a balance between protection of the environment and agricultural productivity and the Nation's need for coal as an essential source of energy. The OSM 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 Regional offices are comprised of Area and Field offices. The EJ function 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 OSM 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 Specialist 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. With a growing number of policies and programs directed toward EJ, decision-makers are strengthening their ability to consider EJ within policies, programs, and activities, and to integrate proactive EJ strategies into a broader suite of policies, programs, and activities.

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

NPS: The NPS has seven regional offices with designated EJ responsibilities and representatives. The point of contact for EJ in the Washington, DC support office is in transition and to be determined.

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 ² , having a potential for EJ implications that also qualify as Departmental actions with tribal implications ³ .	The Department will determine the baseline in 2012 and subsequently establish targets.
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 is **47.2 %**

BIA: The measure for this goal is the ratio of Environmental Assessments (EA) and Environmental Impact Statements (EIS) that involve tribal notification or participation. All major federal actions approved or funded by the BIA have tribal implications. The numerator is the number of EAs and EISs that involve tribal notification or participation, the denominator is the number of EAs and EISs completed by the BIA. The total number will vary from year to year.

Because all major federal actions approved or funded by the BIA have potential tribal implications, Indian Tribes are involved in the decision making process. The strategies for this goal are to ensure that tribes have the opportunity to participate in the NEPA review process. One measure for this goal will be the ratio of all EAs and EISs that involve tribal notification or participation. Tribal involvement is critical for actions requiring the preparation of EISs. An additional measure for this goal will be the ratio of EISs completed in which tribes participated as cooperating agencies.

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

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

³ 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>.

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 below table shows the number of proposed actions requiring NEPA analyses in relation to the number of proposed actions having a potential for EJ implications.

Major Federal Action	Proposed NEPA Actions	Potential EJ
Oil & Gas Producing Leases	1262	3
BOEM Reorganization	1	0
Revised Environmental Guidance	1	0
Renewable Energy Programs	5	5
"Smart from the Start"	1	0
Marine Minerals	9	0
Rules/Regulations	4	0

The number of government-to-government consultations with federally recognized tribes is not captured in this table, as it is a separate consultation process.

BOR: The BOR consistently consults with tribes for major actions that qualify as Departmental actions with tribal implications, as well for other major actions that are not Departmental actions with tribal implications, but which still have the potential for EJ implications for tribes. For example, BOR's Lower Colorado Region completed one EA, prepared one Finding of No Significant Impact on another agency's EA, and had two EISs in preparation (notice of intent to prepare published in Federal Register but no final EIS or ROD). Of these 4, one was determined to have tribal implications based on the Department's Tribal Consultation Policy. This EA was for the Central Arizona Project Water Option and Lease from the Gila River Indian Community to Apache Junction's Water Utilities Community Facilities District. Although it had tribal implications there were no substantial EJ impacts. The other three actions included tribal consultations per the National Historic Preservation Act (NHPA) Section 106 process but did not have tribal implications as defined in the Department's Tribal Consultation Policy.

FWS: The FWS adheres to legislative authorities, executive orders, NEPA regulations and guidance, and FWS/Departmental guidance governing EISs. The public is given opportunities to provide comments to documents for proposed projects that could have EJ implications. The FWS is working to connect on-the-ground programs and activities to develop baseline performance measures. The FWS will create a team to examine its programs and activities as they relate to EJ. In order to address the effectiveness of a program or activity the FWS uses technology and partnerships to communicate the effectiveness of a specific policy or program while seeking input from the public. By tracking policies and programs as they occur, performance measurements can detect issues early while keeping policies on pace and accountable to the public.

The FWS Migratory Bird Joint Venture (JV) ensures that North American Wetland Conservation Act proposals with the JV boundary meet requirements for both NEPA and the NHPA. Tribal consultation is an integral part of the Southeast Region's compliance with the NHPA. Consultations are carried out with Tribal Historic Preservation Offices, as appropriate, for actions on refuge lands. The Southeast Region continues to expand and refine the consultation process to make it meaningful and effective. The Southeast government-to-government consultations involve both regionally local tribes, as well as tribes with past historical association in the region, as required by the NHPA.

OSM: The OSM surveyed its regional and field offices in soliciting data for its FY 2012 baseline. The OSM incorporates public participation primarily through the NEPA process and through its regulatory requirements. The OSM's regulations at 30 CFR 773.6, and the primacy state equivalent, require an opportunity for public participation in the permitting process. The OSM 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 primacy states (on Abandoned Mine Land sites) and OSM 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 world wide web.

The OSM 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, "bureaus should consider any consensus based alternative(s) put forth by those participating persons, organizations, or communities who may be interested or affected by the proposed action." Consensus based management is codified in the Department's NEPA regulations at 43 CFR § 46.110.

The OSM actively works with the tribes to ensure timely and effective reclamation on their lands. The OSM meets regularly with the tribes through government-to-government consultation to identify specific issues that may need addressing. There were two EAs completed on tribal land in FY 2012: Kayenta Mine Renewal/Navajo and Hopi Lands, and Navajo Area IV North/Navajo lands.

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 baseline for this performance measure with six of its seven applicable bureaus reporting numerical data is 55.1%
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BIA: Every 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 is 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. It is the policy of BOEM to involve the public in preparing and implementing its NEPA procedures. In addition to posting opportunities for public participation (public meetings, public hearings, public commenting periods) on the BOEM web page, BOEM typically places announcements in the Federal Register and/or in newspapers covering the areas potentially affected.

BOR: All 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 projects.

For example, the BOR Pacific Northwest Region identified both minority and family income factors in its EJ determination for the Odessa Subarea Special Study EIS, Washington, using the criteria provided in the CEQ and EPA guidelines. These communities were given the opportunity to comment on the EIS at various points during the process, including at two evening public scoping meetings held one month after commencement of the EIS process. At the two meetings, which were attended by approximately 55 people, BOR presented the proposed alternatives and an overview of the NEPA and State Environmental Policy Act process, and provided opportunities for the public to identify issues and concerns. The BOR held public hearings both during the public scoping period as well as after the publication of the draft EIS. The public hearings to gather oral and written comments took place at the same locations. The EIS was finalized in August 2012.

OSM: Under SMCRA, primacy states are not required to comply with NEPA prior to permit issuance. The OSM works with tribal communities as part of its Indian Lands Program. In FY 2012, OSM initiated one EIS effort on tribal land. On July 18, 2012, OSM published in the Federal Register, a notice of intent to initiate public scoping and prepare an EIS for mining activity on tribal land (Four Corners Power Plant and Navajo Mine Energy Project). The OSM scheduled the public scoping meetings at locations that were conveniently located for tribal members and engaged the services of Hopi and Navajo interpreters so that all present could participate in the proceedings.

During FY 2012, OSM personnel met with tribal officials to consult on four rulemakings that could potentially affect tribal governments. The four rulemakings were Temporary Cessation of Operations, Cost Recovery, Coal Combustion Residues, and Limited Liability. The purpose of each consultation was to determine if the rulemakings would have substantial direct effects on

the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

FWS: Within the Northeast Region, federally recognized tribes joined in collaboration and partnerships on Comprehensive Conservation Plan (CCP) projects. The Wampanoag Tribe of Gay Head (Aquinnah) and Mashpee Wampanoag tribal members served on the Mashpee Refuge Planning Team. The Penobscot Indian Nation serves on the planning team for the Sunkhaze Meadows National Wildlife Refuge and Carlton Pond Waterfowl Production Area projects. In addition, the Delaware Nation provided comments on the Prime Hook draft CCP/EIS.

The FWS Alaska Region engaged with native partners on issues across the state including Steller's and spectacled eider protection, fisheries and subsistence harvest. Two tribal governments served on a team in the development of the Izembec National Wildlife Refuge Land Exchange/Road EIS and conducted over 100 meetings.

The FWS Northeast Region held nine formal comment periods in FY 2012 with the release of draft CCPs. During the public scoping comment period, staff sought input on key issues to be addressed in the CCP. The public provided comments, input, and feedback including the analysis of predicted EJ impacts. Five of the nine refuges held public meetings within 25 miles of an urban population center (defined as populations over 500,000).

The FWS outreach efforts for the Deepwater Horizon recovery effort include actions to specifically include the varied cultures and minority populations of the Gulf Coast in its overall evaluation and planning for the restoration and recovery steps of the oil spills. These actions include providing translators at public meetings as needed, and by direct contact with community leaders to plan public meetings targeted to local audiences. Project websites may be viewed in a variety of languages, including Spanish, French, Vietnamese, Laotian, Russian, Haitian, Croatian, and Thai. Reports are being translated into these languages as appropriate. The FWS will continue these types of outreach strategies as the response and recovery actions continue into the future.

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 advisories⁴;
- Use scientific information to plan effectively for changes that could disproportionately affect minority, low-income, or tribal populations;

⁴ When contaminant levels are unsafe, consumption advisories may recommend that people limit or avoid eating certain species of fish caught in certain places.

- 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.
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 is **127** (actual number may be significantly higher)

A sample listing of the Department’s many partnerships is contained in Appendix A to this report (sample listing includes: BLM, BIA, BOEM, BOR, OSM, FWS, USGS, and NPS).

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.

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 is 65.9%

Educational opportunities for tribal populations to sustain sound communities are measured by the quality of the schools maintained by BIA and the Bureau of Indian Education (BIE). One measure will be the ratio of school facilities (academic and residential) in the BIE inventory that are determined to be in “Good” condition as calculated by the Facilities Condition Index.

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 EJSP.

The Department’s 2012 baseline for this performance measure with the BIA/BIE reporting is **31.0%**

The 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.

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 has one reported case under review.

This 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 FWS and NPS will process this complaint. The FWS will be the primary bureau 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.

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

The Department did not conduct a Civil Rights compliance review where EJ was a review factor.

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

The Department is currently reviewing this performance measure and will determine its feasibility and report accordingly.

Environmental Justice Directory and Compendium of Resources

The Department has made several updates to its Directory of EJ Contacts. The EJ Directory serves as a resource for the public with a goal of increasing communication and collaboration among stakeholders including federal, state, local agencies, and tribal governments to address EJ issues. The Directory is intended to assist stakeholders with obtaining better access to the Department’s staff in order to more effectively address EJ issues and concerns at the local level.

The 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.

Environmental Justice Conferences and Listening Sessions

Conferences

The Department participated in the 2012 National Environmental Justice Conference and Training Program held in Washington, DC. The conference was sponsored by the U.S. Department of Energy. Leaders from around the country gathered for three days to discuss barriers and challenges to EJ, and ways to build capacity in communities. The program format

featured needs and challenges of communities, governments, municipalities, tribes, faith-based organizations, and others with an interest in environmental matters and EJ.

The Director, OEPC provided a presentation outlining the Department's EJ vision, strategy, and resources to help build community capacity. The Department's representative for the AGO Initiative provided the attendees an overview and updates on the AGO's and its relationship and benefits to communities.

The FWS EJ Coordinator provided a presentation outlining the role of FWS and its relation to EJ. The FWS served as a sponsor, and both FWS and NPS were exhibitors during the three day conference.

Listening Sessions

During the period of April-August 2011, the IWG held several public stakeholder dialogue meetings across the country. The meetings were designed to provide an opportunity to discuss EJ issues and concerns at the local and regional levels. Stakeholders included grassroots communities, federal, state, tribal, and local government agencies, as well as business, industry, and academia. The Department's OEPC Regional Offices as well as bureau representatives participated in several listening sessions. Listening sessions locations included Washington, District of Columbia; New Orleans, Louisiana; Brooklyn, New York; Worcester and Boston, Massachusetts; and Biloxi, Mississippi.

The IWG meetings were planned in conjunction with other environmental and public health related meetings to maximize opportunities for reaching a broad spectrum of EJ stakeholders. These regional meetings also provided an opportunity to explore how the Federal Government can meet its responsibilities and work effectively with communities who may be experiencing EJ issues. Comments and concerns of the community were recorded at each meeting. The IWG's commitment was that its agency partners would provide responses to communities about the concerns that were raised during these meetings.

In 2012, the Department made its responses available to the public on its EJ web site. The responses honor our commitment to the public as stipulated in Executive Order 12898 and the EJ IWG Memorandum of Understanding signed by the Secretary on August 4, 2011, which references section 5-5 of the Executive Order on ensuring meaningful opportunities for the public to comment on federal agency strategies, progress, and ongoing efforts to incorporate EJ principles into their programs, policies and activities. To view the Department's responses to public comments, please visit: <http://www.doi.gov/oepe/justice.html>.

Presidential and Departmental Initiatives

Many Presidential and Departmental 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.

America's Great Outdoors

The Department along with other federal agencies is a leader in the AGO Initiative. The Presidential initiative supports a 21st century conservation agenda that builds on successes in communities across the country. The Secretary of the Interior has conducted listening sessions on AGO around the country to ask people about their priorities for conservation and open space. The AGO established three major goals:

1. Urban Parks and Green space Initiative: Expanding and enhancing green space and parks; restoring and increasing access to urban streams, rivers and habitat; improving and increasing access to outdoor recreational activities; and increasing outdoor education for the 80 percent of Americans that live in urban areas, especially young people.
2. Rivers Initiative: Enhancing rivers and other waters and increasing access to recreational opportunities on them by developing a system of water trails, restoring riparian areas and working with farmers to improve water quality.
3. Working Landscapes: Conserving large, rural landscapes by investing in working-lands conservation in partnership with landowners, conservation groups and other stakeholders. These landscapes include ecosystems like the Dakota Grasslands, Longleaf Pine, and Western Rangelands.

America's Great Outdoors Urban Agenda

The Secretary has made significant strides in rivers and landscapes and has now turned his focus toward urban parks and green space. This past summer, Secretary Salazar signed off on establishing a new urban agenda for the 21st century. As part of this effort, the Department has established an internal team and is:

- Creating an inventory of existing Department urban assets, programs, and funding opportunities;
- Assessing and recommending ways to reduce barriers to the Department working in urban areas;
- Identifying the top 20 signature Department urban projects; and
- Aligning, valuing, and communicating our urban work as a core part of the bureaus' missions.

Innovative Urban Projects

Examples of the Department's bureau specific projects include:

BOR – Green Infrastructure in LA

Innovative project that transformed a lower-income Hispanic neighborhood by retrofitting existing storm water infrastructure, conserving water, reducing storm water, and increasing property values.

BLM – Youth Engagement in Phoenix

Creating additional green space and urban parkways for the youth of Phoenix and opening a new recreation area near Lake Pleasant Regional Park and the Agua Fria National Monument while offering inner-city youth education, engagement, and employment.

NPS – Urban Gardens in Washington, DC

Partnering to create urban gardens and a farmers market for one ward in DC, specifically targeting ward 7, which is considered a food desert.



Urban Garden, Fort Dupont Park Community Gardens, Washington, DC. Photo: NPS

USGS – Urban Water Quality

The Chesapeake Bay program has recognized the need for more water quality monitoring in urban areas of the Bay watershed and most recently established three new gages in the District of Columbia.

FWS – Urban Habitat Restoration in Washington, DC

The FWS and multiple partners completed a \$3M, 2-mile urban stream restoration project in the District. Urban rivers are the bottlenecks of anadromous and diadromous fish—restoring these urban rivers means restoring fish populations.

Urban Waters Federal Partnership

The Department is a partner in the Urban Waters Federal Partnership. The Urban Waters Federal Partnership closely aligns with and advances the work of the White House’s place-based efforts, including the Partnership for Sustainable Communities, to revitalize communities, create jobs and improve the quality of life in cities and towns across the nation. The Urban Waters Federal Partnership also advances the work of the AGO Initiative. This partnership has the potential to help improve the health and environment of minority populations and low income populations (<http://americasgreatoutdoors.gov/>).

Fish Consumption and Advisories

In February 2012 the OEPC established internal Departmental Policy for the “Communication of Fish and Shellfish Consumption Advisories” through its Departmental Manual (515 DM 5). The purpose of the policy is to communicate advisories when practicable on lands and facilities under the Department’s jurisdiction. The policy stipulates that anglers should be provided information including consumption advisories in effect for waters of the Department’s properties, and the risks to human health associated with eating specific fish and shellfish caught in those waters. In part the policy’s implementation includes contaminates sampling and working with states and tribes.

The Department's FWS and NPS contributed to the study published by *OpinionWorks* "Addressing the Risk – Understanding and Changing Anglers' Attitudes about the Dangers of Consuming Anacostia River Fish." The study focuses on the risk of consuming the rivers fish and the determination of what messages and techniques would cause anglers to think differently about consuming fish. The report concludes that consuming contaminated fish is a national problem shared with urban rivers across our nation. "In the case of the Anacostia River, anglers are disproportionately Latino, Asian, or African American." One important finding was "the most effective strategies for lessening the consumption of contaminated fish." To learn more about fish consumption advisories, visit:

http://www.fws.gov/r5crc/fish_consumption_advisories.htm.

Initiatives in Support of Tribes and Tribal Self-Governance

The Helping Expedite and Advance Responsible Tribal Homeownership - **HEARTH Act of 2012**. This important piece of legislation gives tribes the ability to establish their own regulations for home and business leases and also determine their own environmental review process on tribal lands.

White House Photo by Pete Souza
(Department Officials Include: Secretary Salazar,
Deputy Secretary Hayes, Senior Policy Advisor Bryan
Newland, and Acting Assistant Secretary
Del Laverdure) <http://www.whitehouse.gov>



25 CFR 162: Residential, Business and Wind and Solar Leases on Indian land. The BIA revised its surface leasing regulations in 2012. These regulations clarify BIA procedures, establish deadlines for BIA decisions, define information requirements, and provide greater deference to tribes for permitting and leasing tribal lands.

Assistance to Tribes. The BIA and BIE provide services to 1.7 million American Indians and Alaskan Natives, who are members of 566 federally recognized tribes. Nearly 90 per cent of funds are spent at the local level and over 50 per cent of the appropriations are provided directly to tribes and tribal organizations through grants, contracts and compacts. Programs administered by the BIA and tribes include social services, natural resource management, economic development, law enforcement, Indian land and water settlements, school repair and replacement, repair and maintenance of roads, and operation and maintenance of irrigation systems and dams. Other programs administered by tribes and BIE include a 183 unit school system and grants to tribal colleges and universities.

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. (<http://www.doi.gov/letsmove/indiancountry/index.cfm>; <http://www.letsmove.gov/programs>).

Consultation

The BIA Regional Offices and local BIA Agency Offices provide direct services and contacts with tribes, and consultation between the BIA and tribes occurs daily at these local levels. However, several broad national initiatives have resulted in consultation with all tribes at a national level. These include the following:

- Administrative Assessment Study Recommendations for Streamlining the BIA and BIE;
- Johnson-O'Malley Student Count Update;
- Proposed Categorical Exclusion for Single-family Home sites;
- Proposed Leasing Regulations: 25 CFR 162;
- Rule to Implement the Buy Indian Act;
- BIE Flexibility Waiver from Section of the No Child Left Behind Act of 2001; and
- BIE and U.S. Department of Education Memorandum of Understanding.

The FWS conducted 450 formal and 687 informal consultations (meetings, correspondence, teleconferences and videoconferences) with Native American Tribes. In addition to staff time, the FWS spent a total of \$233,950 to include travel expenses for government-to-government consultations with tribes. For FY 2013, the FWS reprogrammed \$1 million to increase the FWS's work with tribes.

The White Mountain Apache Tribe partnered with the FWS Southwest Region in Mexican Wolf recovery. The region's Fisheries and Aquatic Resource Conservation provided technical assistance, aid in managing its fisheries resources; assisting with surveys of Fort Apache Indian reservation's lakes; and construction of a wetland for the Navajo Nation to benefit amphibians, bats, grassland birds and waterfowl.

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 of \$570 million; 98 percent of which is direct 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 Mariana 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>.

Planned Future Activities and Initiatives

During 2013 the Department will continue its collaborative efforts with the 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 IWG listening sessions across the country, as well as the National Environmental Justice Conference and Training Program scheduled for April 2013, in Washington, DC.

Public Access, Participation, and Transparency

The Department's 2012 Implementation Progress Report and related EJ information will be made publically available on the OEPC public EJ web site at: (<http://www.doi.gov/oepe/justice.html>), and have links available through the EPA 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 and may be submitted to: 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 2012 that support the spirit and intent of EO 12898. This report communicates several ways that this Department and its bureaus have been implementing EJ within the scope of our missions, and areas of jurisdiction and special expertise.

While the Department is proud of its accomplishments, we realize that there is much work to be done in fully integrating EJ throughout the Department and in ensuring that our programs, policies, and activities do not have a disproportionately high and adverse impact on minority populations and low income populations.

We look 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 throughout the Department.

U.S. DEPARTMENT OF THE INTERIOR

ENVIRONMENTAL JUSTICE IMPLEMENTATION PROGRESS REPORT

2012



Bureau of Indian Education



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

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