

# U.S. DEPARTMENT OF THE INTERIOR



## ENVIRONMENTAL JUSTICE IMPLEMENTATION PROGRESS REPORT 2014

20<sup>th</sup> Anniversary Year  
Of Executive Order 12898



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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...”

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 2014. This report provides 2014 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 adjustments. This report also highlights several of the programs, policies, activities, and collaborative efforts the Department has actively engaged in during 2014. 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 2014 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.

## **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.



## **U.S. Department of the Interior's 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.

**PRESIDENTIAL PROCLAMATION – 20<sup>TH</sup> ANNIVERSARY OF EXECUTIVE ORDER 12898 ON ENVIRONMENTAL JUSTICE – FEBRUARY 11, 2014 - BARACK OBAMA**

“Two decades ago, President William J. Clinton directed the Federal Government to tackle a long-overlooked problem. Low-income neighborhoods, communities of color, and tribal areas disproportionately bore environmental burdens like contamination from industrial plants or landfills and indoor air pollution from poor housing conditions. These hazards worsen health disparities and reduce opportunity for residents -- children who miss school due to complications of asthma, adults who struggle with medical bills. Executive Order 12898 affirmed every American's right to breathe freely, drink clean water, and live on uncontaminated land. Today, as America marks 20 years of action, we renew our commitment to environmental justice for all.

Because we all deserve the chance to live, learn, and work in healthy communities, my Administration is fighting to restore environments in our country's hardest-hit places. After over a decade of inaction, we reconvened an Environmental Justice Interagency Working Group and invited more than 100 environmental justice leaders to a White House forum. Alongside tribal governments, we are working to reduce pollution on their lands. And to build a healthier environment for every American, we established the first-ever national limits for mercury and other toxic emissions from power plants.

While the past two decades have seen great progress, much work remains. In the years to come, we will continue to work with States, tribes, and local leaders to identify, aid, and empower areas most strained by pollution. By effectively implementing environmental laws, we can improve quality of life and expand economic opportunity in overburdened communities. And recognizing these same communities may suffer disproportionately due to climate change, we must cut carbon emissions, develop more homegrown clean energy, and prepare for the impacts of a changing climate that we are already feeling across our country.

As we mark this day, we recall the activists who took on environmental challenges long before the Federal Government acknowledged their needs. We remember how Americans -- young and old, on college campuses and in courtrooms, in our neighborhoods and through our places of worship -- called on a Nation to pursue clean air, water, and land for all people. On this anniversary, let us move forward with the same unity, energy, and passion to live up to the promise that here in America, no matter who you are or where you come from, you can pursue your dreams in a safe and just environment.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 11, 2014, as the 20th Anniversary of Executive Order 12898 on Environmental Justice. I call upon all Americans to observe this day with programs and activities that promote environmental justice and advance a healthy, sustainable future.”

## **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).

## **Federal Environmental Justice Interagency Working Group Focus Areas**

During 2014 the Department has continued to work with the EJ IWG in its efforts related to the four focus areas identified in the 2011 EJ Memorandum of Understanding (MOU) that are applicable to the Department. 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. Specific collaborative efforts and activities include:

**NEPA:** The Presidential Memorandum accompanying Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, underscores the importance of procedures under NEPA 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." Further, the Presidential Memorandum underscores public participation opportunities under NEPA, stating: "Each Federal agency shall provide opportunities for community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of meetings, crucial documents, and notices."

**NEPA Committee of the EJIWG:** The Department is participating on the NEPA Committee of the EJIWG on EJ. The purpose of the NEPA Committee is to improve the effective, efficient and consistent consideration of EJ in the NEPA process through sharing of promising practices and lessons learned developed by federal departments and agencies since EO 12898 was signed in 1994. Thus, the NEPA Committee supports federal agency NEPA implementation precisely 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."

Since it was established in May 2012 by the EJIWG, the NEPA Committee has employed a robust and innovative process to fulfill its purpose. Co-chairs of the Committee and Subcommittees are from Environmental Protection Agency (EPA), Department of Transportation (DOT), Department of Justice (DOJ), and Human Health Services (HHS). Further, there has been active participation by the Department's bureaus to include the Bureau of Land Management (BLM), National Park Service (NPS), Bureau of Reclamation (BOR), and Fish and Wildlife Service (FWS), as well as other federal agencies. Deliverables of the NEPA Committee include: Community of Practice; EJ and NEPA Agency Resource Compendium; Promising Practices on EJ Methodologies in NEPA Reviews; National Training Product on EJ and NEPA;

and a Lexicon and compendium of key terms as used by federal agencies to consider EJ in NEPA reviews.

The NEPA Committee is providing federal departments and agencies with promising practices organized in a coordinated, functional framework as identified by NEPA practitioners across the federal family. This community of practice is working in a collaborative manner to address complex EJ issues in a timely manner. Ultimately, the NEPA Committee intends that its efforts provide the groundwork for a renewed and dynamic process to advance EJ principles through NEPA implementation. In addition to the efforts by the NEPA Committee, the Department has also undertaken efforts to advance consideration of EJ in NEPA activities:

**BIA:** The BIA funds and approves a wide variety of federal actions on Indian lands that require NEPA analysis. The BIA is in a unique position when addressing EJ issues, because the majority of the projects undergoing NEPA review are undertaken on behalf of or for Indian Tribes. The project benefits are enjoyed by, and any environmental effects occur to, the same Indian populations. The BIA incorporates EJ review into all NEPA analyses including categorical exclusion exception reviews (CEER), environmental assessments (EA), and environmental impact statements (EIS). These reviews focus on the environmental effects to Indian populations; they may also include other minority or low income communities that may be affected by proposed actions.

**FWS:** The FWS is undertaking efforts to incorporate EJ considerations into rulemaking and other administrative processes. In July 2014, a draft Departmental Manual Chapter on “Incorporating EJ Principles into NEPA/Checklist” was developed for the FWS manual to ensure compliance with all applicable authorities and provisions of EO 12898. The draft manual chapter will be used by FWS staff in conducting analyses to evaluate potential EJ concerns associated with FWS regulatory actions and other assessments, thereby significantly advancing the FWS’s ability to ensure that EJ is adequately considered in decision making processes.

NEPA and EJ related documents from almost twenty federal agencies are 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 Team web site at:

<http://www.doi.gov/pmb/oepec/nrm/index.cfm>.

**Title VI of the Civil Rights Act Committee on Environmental Justice:** Title VI of the Civil Rights Act of 1964 prohibits race, color, and national origin discrimination by recipients of financial assistance from federal agencies. EJ issues may be raised in programs and activities supported through federal financial assistance. In those circumstances, Title VI is an important



tool for addressing those concerns. The Department's Office for Civil Rights and bureaus are responsible for enforcing Title VI.

FWS: The FWS maintains EJ-related videos and DVDs that are available to employees. In collaboration with other agencies, EJ training workshops were conducted throughout the year. Under Title VI, federal assistance compliance reviews were conducted to include assessment of EJ activities to ensure that minority, low income, and tribal populations were included in decision making processes.

Additional information regarding the Department's EJ and Title VI activities is contained under Goal 5 of this report.

**Climate Change:** The EJ IWG provided input to the President's State, Local and Tribal Leaders Task Force on Climate Preparedness and Resilience. The Task Force provided recommendations to the President on how the Federal Government can respond to the needs of communities nationwide that are dealing with the impacts of climate change. The section on addressing the needs of vulnerable populations recognized that low-income, minority and indigenous communities are more severely impacted by climate change. The Task Force recommended that agencies "develop guidance and tools that consider geographic, economic, and social contexts to help identify disproportionately vulnerable populations and those most at risk to the effects of climate change."

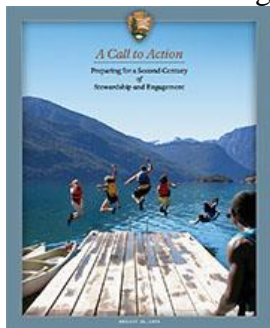
The EJ IWG also provided guidance to Agency's Senior Sustainability Officers to assist agencies in considering the impacts of climate change on minority and low-income communities. The guidance was offered in the spirit of EO 13653 and EO 12898 to ensure that agencies are appropriately considering EJ vulnerabilities in their Agency Climate Change Adaptation Plans.

The Department's responsibility in part includes managing 20 percent of all U.S. lands. The Department's 2014 Climate Change Adaptation Plan high-level guiding principles in part focus on impacts to natural and cultural resources, people and communities, American Indians and Alaska Natives, Insular Areas, and heritage resources. The Department's 2014 Climate Change Adaptation Plan also identifies working with minority populations and low income populations as a priority and responsibility under EO 12898, in order to anticipate and prepare for climate change impacts to their health, environment, and communities. The Department's 2014 Climate Change Adaptation Plan provides an outline for its bureaus in working with these communities. The Department's 2014 Strategic Sustainability Performance Plan (SSPP), includes the Climate Change Adaptation Plan as an Appendix. 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 BIA was identified in the President's Climate Action Plan (2013) as the lead agency in the government's support of tribal community climate preparedness. On July 16, 2014, Secretary Jewell announced that the BIA Tribal Climate Initiative would be funded at \$10 million to

address climate adaptation planning and technical support for tribes. The BIA is soliciting grant proposals for strategic climate adaptation planning, national training, capacity building, ocean and coastal planning, youth engagement and capacity building (including travel support for training, technical sessions). The BIA will also staff five tribal scientist/Technical Support Liaisons in the Department’s Climate Science Centers (CSC), and a Geographic Information Systems/Digital Tools Technical Specialist in the BIA's Geospatial Support Center. To learn more about CSC visit: <http://www.doi.gov/csc/index.cfm>.

The NPS continues to work the “Call to Action Plan” as they work to improve “Go Green” activities to reduce greenhouse gas emissions as well as educating the public who visit the more than 400 National Parks. The NPS explains the science of climate change and the impacts it’s having on parks and the environment. The Department works to demonstrate how we are changing practices and operations to lessen impacts on the environment, and how everyone can make contributions to improve human and environmental health. As part of the on-going partnership and efforts to reduce greenhouse gas (GHG) emissions and petroleum fuel use, the U.S. Department of Energy and the NPS added nine new parks to the Clean Cities National Parks Initiative. To learn more about the NPS “Call to Action Plan” visit:



<http://www.nps.gov/calltoaction/>; to learn more about the clean cities initiative visit: <http://energy.gov/eere/articles/national-parks-roll-alternative-fuels>.

**Goods Movement:** 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.

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

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.

### **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, the Department 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.

In 2014 Secretary Jewell announced a public-private partnership with American Eagle Outfitters (AEO), Incorporated that will help reach the Department's goal of providing 100,000 work and training opportunities to young people and veterans on public lands. The AEO announced an historic \$1 million commitment to develop the next generation of outdoor stewards. The funding commitment is the first in AEO's philanthropic history and is also the first pledge toward Secretary Jewell's target of raising \$20 million from private partners by 2017 to support the 21st Century Conservation Service Corps (21CSC). The 21CSC Programs operate nationwide and include programs such as the Alaska Geographic Youth Programs that include the Murie Science and Learning Center Programs that benefit thousands of Alaskan school children, the Baltimore Civic Works, intended to strengthen Baltimore's urban communities through education, skills development and community service, the Idaho Rural Youth Corps who partners with employers to give youth a positive workplace environment. For more information, please visit: [www.doi.gov/youth](http://www.doi.gov/youth) or <http://21csc.org/list-of-21csc-programs/>.

On March 20, 2014, the Department issued a Secretarial Order for Engaging the Next Generation that codified the Secretary's goals to connect young people and the outdoors through "Play, Learn, Serve, and Work."

At present, there are over 25 youth programs operating throughout the National Park System. Youth programs encompasses a wide array of missions and responsibilities including the fostering of a strong relationship between youth and the natural and cultural resources managed by the NPS and instilling a work ethic into our nation's youth. The NPS has been working to complete a comprehensive program to support the Secretary of the Interior's Youth Initiative. For more information on NPS youth programs visit: <http://www.nps.gov/gettinginvolved/youthprograms/index.htm>.

Additionally, in the NPS's Call To Action Plan there is an Action Item entitled "Next Generation of Stewards", where the focus has been to create a new generation of citizen scientist and future stewards of national parks through fun, engaging and educational biodiversity discovery activities in at least 200 national parks, including at least five urban parks.

The NPS continues its engagement opportunities with the next generation to provide relevant information in a manner which reaches many underserved and underexposed youth to the NPS and their many themes and stories. One of many success stories includes, "The Youth Ambassador Program" (YAP!), which is a partnership project between the NPS and Third Eye Youth Empowerment Incorporated. Teens communicate national park themes through hip-hop culture, live events, and social media outreach. This includes creating music and videos about

local, regional, and national themes (climate change, sustainable living, history, and the “Get Out Doors and Move” initiative), sharing them through sites such as YouTube, Facebook, Twitter, MySpace, and other social media sites. For additional information visit: <http://www.nps.gov/nebe/forkids/yap.htm>.

The NPS has initiated a corps of Biodiversity Youth Ambassadors to engage youth in science activities in the national parks by spreading biodiversity awareness to their peers. Ambassadors from host parks of the NPS/National Geographic Society BioBlitzes participated in workshops, conferences, presentations, and multimedia interviews. They also led bioblitzes and science events in local communities, interned in national parks, met National Park Service Director Jon Jarvis, and received national awards for their work throughout (Radio Disney "Hero for Change Award," Youth Service America", and “Everyday Young Hero Award”).

## Place Based Interagency Collaborative Projects

### Urban Waters Federal Partnership

In 2014 federal agencies including the Department convened in Washington, D.C. to share best practices on restoring urban waterways. Many urban waterways have been polluted for years by sewage, runoff from city streets, and contamination from abandoned industrial facilities. Healthy and accessible urban waters can help grow local businesses and enhance economic, educational, recreational, and social opportunities in nearby communities. Reconnecting residents to their local urban waters helps communities to actively participate in restoring urban waters while improving their neighborhoods.



Three Bridges (High Bridge, Alexander Hamilton Bridge, and Washington Bridge) crosses the Harlem River

“Restoring urban waterways helps re-connect metropolitan residents—youth in particular—to open spaces and a relationship with nature. The Urban Waters Federal Partnership is an important part of Interior’s programs to help youth and veterans by creating opportunities for them to restore their waters, parks and green spaces, and providing them with jobs and, in many cases, a career path for those in distressed areas,” said Mike Connor, Deputy Secretary of the U.S. Department of the Interior.

A few examples of the Department’s participation includes: The U.S. Geological Survey (USGS) participates in this initiative through support of local projects, participating in community outreach events, and providing data necessary to make important decisions about improving the local waterways through innovative infrastructure and parkland preservation. One such innovative project is underway at Pier 5, a former shipping dock along the Harlem River in Bronx,



Bronx and Harlem River Watersheds (New York)

New York. This abandoned five acre lot is adjacent to the newly renovated Mill Pond Park and has been acquired by the New York City Parks Department. The hope of the Parks Department and community groups is that Pier 5 will soon be incorporated into Mill Pond Park to create more continuous greenways along the river, which itself is in need of attention due to its chronically poor water quality.

In an effort to revitalize the Harlem River--one of the original seven waterways chosen by the White House for the Urban Waters Federal Partnership (UWFP) in 2011--community workgroups: Bronx Council for Environmental Quality and Harlem River Working Group. The working group has secured federal grants to create a new riverside park that will divert highway runoff into a system of engineered planter boxes (called Pop-Up Wetlands) to retain and treat the polluted water before reaching the river. The effort is currently in its pilot stage, and in order to quantify the contribution that the engineered park has on the quality of water discharged to the Harlem River, baseline measurements of the storm water runoff and soil capacity must be established before full construction of the park begins. The Department's partnering bureaus in these watershed programs include the NPS, USGS, FWS, and BOR. To learn more about the Department's partnering bureaus in urban water programs visit:

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

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

<http://www.nps.gov/ncrc/programs/rtca/whatwedo/projects/NY.pdf>.

The FWS is a partner in support of the Five Star and Urban Waters Restoration Grant Program. The program focuses on the stewardship and restoration of coastal, wetland and riparian ecosystems across the country. Its goal is to meet the conservation needs of important species and habitats, providing measurable and meaningful conservation and educational outcomes. The program requires the establishment and/or enhancement of diverse partnerships and an education/outreach component that will help shape and sustain behavior to achieve conservation goals. To learn more about the FWS urban water program visit: <http://www.urbanwaters.gov/>.

## **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. In July 2014, Secretary Jewell kicked off an across country tour from Alabama to Alaska by joining with the Mayor of Fort Worth, Betsy Price, co-chair of the bipartisan coalition of Mayors for Parks, to announce that \$43.38 million will be distributed from the LWCF to all 50 states, territories, and the District of Columbia for state-identified outdoor recreation and conservation projects. This announcement underscores the importance of urban parks. President Obama has called for full, permanent funding in his proposed budget, recognizing the LWCF as one of the nation's most effective tools for creating and protecting urban parks and open spaces for kids to play and learn. Secretary Jewell cited the Gateway Park in Fort Worth as a prime example of how the LWCF can improve the quality of life for local residents. To learn more about LWCF programs visit: <http://www.nps.gov/ncrc/programs/lwcf/fed/index.html>, <http://www.cityparksalliance.org/action-center/mayors-for-parks>.

## **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 (CNMI). 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. FWS: The FWS engages in quarterly Rose Atoll Marine National Monument Intergovernmental Committee conference calls with representatives from the National Oceanic and Atmospheric Administration (NOAA) and the territorial government of American Samoa (AS). The AS representative is an indigenous AS official tasked to represent the Government and community interests.

The FWS has engaged quarterly with the Mariana Trench Monument Advisory Council (MTMAC), as well as held a face-to-face meeting on the Island of Tinian in the CNMI in September 2014. Three of the MTMAC members are CNMI officials, tasked to represent the government and community interests. Three public listening sessions were also held during September 2014 on the CNMI Islands of Tinian, Saipan, and Rota. The indigenous populations of Chamono and Carolinians have been encouraged to participate and provide suggestions for management. Language interpretation is provided upon request during these meetings.

A FWS Park Ranger provided programs on Coral Reef Health and the Marianas Trench Marine National Monument for elementary schools in Guam. The video "The First Voyage" about the Marianas Trench Marine National Monument showcases the environmental value of the Islands and three northern-most islands of the Mariana Archipelago. The Park Ranger was bilingual and provided Chamorro translation and cultural context for deeper connections to the monument for indigenous people. To learn more about Insular communities visit: <http://www.doi.gov/oia/index.cfm>.

## **Public Forums**

The Department supports the National Environmental Justice Conference and Training Program, held annually in Washington, DC. The FWS serves on the Annual Planning Committee. The FWS also sponsored and exhibited during the 2014 conference. The FWS and BOEM, along with a representative of the EPA, and a member of an indigenous community participated on a panel specifically designed to discuss issues and work related to indigenous communities. The annual conference is open to the public to include, but not limited to: federal and state agencies, tribes, academic institutions, students, business and industry, non-profit and grass roots organizations, and faith-based organizations.

In September 2014 the EJIWG held a public meeting for tribes and indigenous communities in Bismarck, North Dakota. This meeting was held in conjunction with the United Tribes Tribal

Leaders Summit. The purpose of the EJIWG meeting was to enhance the tribes and indigenous communities access to federal agencies and federal programs. The meeting also exposed students to environmental career options, EJ, and other environmental and public health and quality of life issues. The meeting also enhanced the federal agencies understanding of tribes, indigenous communities, and indigenous organization’s EJ concerns. Representatives from the Department’s BIA and BLM were in attendance.

## **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 2014 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.

### 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%

<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.

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

It is anticipated the Department will provide numerical data on this measure in its 2015 Implementation Progress Report. **No change for 2014.**

In late 2014, OEPC in collaboration with the Department’s University and internal EJWG completed an on-line EJ training course specifically for the Department’s responsible officials, managers, and others. The training is designed to raise the awareness of EJ, and the responsibility for its incorporation into the Department’s mission. It is anticipated that the on-line training will be available to the Department’s employees by the third quarter of 2015.

NPS: The NPS held several NEPA Training courses throughout its seven Regions to provide employees with training on the NEPA process and EJ considerations.

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

During 2014, the Department maintained the level of EJ Coordinators at **100%** as previously reported in 2013 (all eight of applicable bureaus reporting). Note: This number may fluctuate during the course of the year due to personnel changes such as reassignments, transfers, and retirements. **No change for 2014.**

BIA: Within the BIA EJ issues are largely addressed through the NEPA process. The EJ Coordinators are located in each of the 12 BIA Regional Offices; this is a collateral duty of the Regional NEPA Coordinators. Currently, BIA has 12 Regional Office Coordinators and one primary EJ Coordinator located in Washington, DC.

BLM: The BLM is organized into 12 State Offices. In 2014 all BLM State Offices had a formally designated an EJ Coordinator.

BOEM: BOEM has an EJ Coordinator within each of its three regions to include the Alaskan, Gulf, and Pacific Regions, as well as a primary EJ Coordinator in the Office of Renewable Energy Programs at the BOEM Headquarters in Herndon, Virginia.

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, the Water and Environmental Resources Division in Denver and Native American Affairs Office in Washington, DC both have EJ responsibilities.

OSMRE: 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 Regional offices are comprised of Area and Field 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. OSMRE as well as all other Department bureaus will adhere to the Council on Environmental Quality's (CEQ) EJ guidance which states under its general principles that "[a]gencies should, as appropriate, acknowledge and seek to overcome linguistic, cultural, institutional, geographic, and other barriers to meaningful participation, and should incorporate active outreach to affected groups."

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: The NPS's EJ Coordinator is located in the Washington D.C., Headquarters office, within the Workforce, Relevancy and Inclusion Directorate. The NPS has seven regions; each region has identified staff as an EJ contact. EJ information is posted on the NPS Office of Equal Opportunity Program's website. The NPS EJ Coordinator participated in a discussion with each Deputy Regional Director to provide information on EJ activities and to highlight the EJSP. EJ performance metrics were reviewed and each Deputy Regional Director was provided a copy of the EJSP.

A directory of the Department's EJ Coordinator's and Contacts are maintained and made available on the Department's EJ web site at: <http://www.doi.gov/pmb/oepec/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 established a baseline of 47.2% in 2012. The Department’s target for 2017 is 65%.
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 established a baseline of 55.1% in 2012. The Department’s Target for 2017 is 100%.

**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 reported an estimated 41% for 2013, with all of its seven applicable bureaus reporting. The Department is reporting 65% for 2014. This change is attributed to the decrease in the total number of major federal actions reported in this category from 2013 to 2014 (from 7389, down to 4822). However, the number reported as having EJ/tribal implications remains relatively the same (from 3037 up to 3127). 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 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 process. The Department is reporting a 23.7% (65% - 41%) increase in the identification of major federal actions having EJ/tribal implications for 2014.

<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>.

BIA: Federal actions funded or approved by the BIA are undertaken on behalf of Indian Tribes or tribal members, tribes and tribal programs are often directly involved in decision-making. Since major federal actions require appropriate NEPA reviews, the measures for this goal are the ratios of EAs and EISs that involve tribal notification/or participation. Although the numbers 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.

One BIA measure for this goal is the ratio of EAs that include tribal notification or involvement. The metrics for this measure are compiled from the reports included in “NEPA Tracker” which is a bureau-wide tracking system. One hundred and ninety-eight EAs were recorded in NEPA Tracker for FY2014. All EAs provided local tribal notification.

A second BIA measure for this goal is the ratio of EISs in which tribes participate as cooperating agencies. The metrics for this measure are compiled from an internal database maintained by the BIA NEPA Coordinator. There are currently eight EISs in process and tribes are serving as cooperating agencies in all of them.

BLM: The potential for EJ implications for the BLM data is based on a sample of EA's and EIS's as well as BLM's annual NEPA statistics on the number EA's and EIS's completed.

BOEM: BOEM completed a total of six EISs, six EAs, and five Categorical Exclusion Reviews in 2014. Potential for EJ implications included the six EISs and one EA.

BOR: The Bureau of Reclamation Lower Colorado Region has five EISs in preparation (notice of intent to prepare published in federal register). Of these five, two were determined to have tribal implications based on the Department's Tribal Consultation Policy. One of the EISs with tribal implications is for construction of a tribal water system that eventually will be operated by the White Mountain Apache Tribe and is contracted with them under Public Law 93-638. The EIS has identified EJ populations through the Scoping process earlier this year. The Tribal population is largely low-income and the main economic avenue for the Tribe is agriculture. The second EIS with tribal implications is the Navajo Generating Station (NGS) Kayenta Mine Complex (KMC) EIS. This EIS is evaluating the extended operation of the NGS coal fired electric generating facility located on lands leased from the Navajo Nation. The project also includes the continued production of coal at the Kayenta Mine on lands leased from both the Navajo Nation and Hopi Tribe. Through the EIS process consultations with 13 tribes have been initiated. EJ populations were identified and the Phoenix Area Office prepared special approaches to meet with them during scoping earlier this year. The other three actions included tribal consultations per the NHPA Section 106 process but did not have tribal implications as defined in the Department's Tribal Consultation Policy.

The Upper Colorado Region has four environmental impact statements in preparation (notice of intent to prepare published in Federal Register). Of these four, three of were determined to have tribal implications based on the Department's Tribal Consultation Policy and so they qualify as “Departmental Actions with Tribal Implications” (DATI). Consultations with a total of 12

different tribes on these three major federal actions are ongoing. The details of these three EISs are as follows.

For the EIS on the Long-Term Experimental and Management Plan, for the Operation of Glen Canyon Dam, Southern Utah and Northern Arizona, two tribes have land that could be involved in the action. These are the Navajo Nation and Hualapai Indian Tribe. These tribes also have interests in historic properties that are being investigated as part of the process of complying with 36 CFR 800. In addition, the Hopi Tribe, Havasupai Tribe, Kaibab Band of Paiute Indians, Pueblo of Zuni, are cooperating agencies providing input to the NEPA process and 36 CFR 800 process due to their special expertise regarding historic properties.

For the EIS on the Pojoaque Basin Regional Water System, New Mexico, four Pueblos are cooperating agencies. The Pueblos are San Ildefonso, Nambe, Pojoaque, and Tesuque. The proposed action is building a water system as described and authorized by the Aamodt Litigation Settlement Act which is Title VI of the Claims Resolution Act of 2010. In other words, this EIS is about an Indian water settlement.

For the EIS on the Continued Implementation of the 2008 Operating Agreement for the Rio Grande Project, New Mexico and Texas, two Indian tribes are being consulted as part of the process of complying with 36 CFR 800. These are the Mescalero Apache and the Ysleta del Sur. Both tribes have aboriginal territory in or near the Rio Grande Project. In addition, there are low income and minority populations in the action area, so environmental justice will be analyzed in the EIS.

OSMRE: OSMRE is the sole or joint lead agency on four EIS's initiated in 2014. Of these four EIS documents, three have tribal implications. One is a nationwide rulemaking that would immediately go into effect on tribal lands since no tribe has to date successfully established an approved program to regulate surface coal mining on tribal lands under the Surface Mining Control and Reclamation Act (SMCRA). The remaining three have tribal implications because they involve tribal ownership of coal mines or operation of coal power plants. Additionally OSMRE is a cooperating agency on the NGS KMC EIS.

FWS: The FWS is coordinating with tribal members on review of the Chevron Lokern Habitat Conservation Plan (Lokern HCP) in Kern County, California and the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) being prepared for the Lokern HCP. Chevron North American Exploration and Production Company (Chevron) is the applicant for the Lokern HCP. The Lokern HCP encompasses approximately 205,502 acres of land and is comprised of Chevron's Lokern Lands (13,333 acres), the Lokern Contiguous Area (13,107 acres), and four Kern County oilfields (179,062 acres). The proposed action in the EIS/EIR is the issuances of an incidental take permit for Chevron's permitted activities. The FWS is reporting 1,241 major actions for 2014 with 216 having the potential for EJ/tribal implications.

NPS: Where tribal organizations are involved, NPS encourages local sponsors to communicate with tribal representatives to include them in the public process. Tribal consultation (formal and informal) is required by LWCF policy in all cases where there is a tribal land interest involved or

where tribal populations are served by a particular park. The NPS reported 329 major federal actions for 2014 with three having tribal/EJ 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 reported **61.2% for 2013** with all applicable bureaus reporting. The Department is reporting **73% for 2014**. 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. **The Department is reporting an 11.8% (73.0% - 61.2%) increase for 2014.**

**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:** BLM data is based on a sample of EA's and EIS's as well as BLM's annual NEPA statistics on the number EA's and EIS's completed.

**BOEM:** BOEM published six EISs in 2014. All of them identified minority and low-income/vulnerable communities and each of them were developed around public scoping and a number of comment opportunities.

**BOR:** The Bureau of Reclamation Lower Colorado Region has five EISs in progress, three of which have identified minority and low income communities. The EISs are for the White Mountain Apache Rural Water System, the San Carlos Irrigation Project Facilities Phase 2 Rehabilitation, and the Navajo Generating Station-Kayenta Mine Complex Project. All of these three EISs involve Indian Reservations, so minority populations were identified as soon as the projects began. Further information on minority and low income populations was gathered through the scoping process for these three EISs. Special provisions are being made throughout the public scoping to provide outreach and information to the identified EJ populations. See Goal #2 PM #1 for additional information.

The Upper Colorado Region has four 4 EISs in progress and 10 Environmental Assessments that included consideration of environmental justice in the analyses. All of these NEPA reviews had opportunities for public involvement, including minority and low-income populations, during the scoping process. Where tribal or other minority or low-income populations were identified as being potentially affected by the proposed federal actions, there have been ongoing efforts to involve these communities.

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/>. PEPC also allows timely public access to project descriptions, NEPA process information (public scoping notices, meetings, and comment periods), and NEPA and related documents (Categorical Exclusions (CE)s, Environmental Assessments (EA)s, Environmental Impact Statements (EIS)s, and decision documents for all NPS units from a single web site. PEPC also allows the public to have access to and comment on NEPA documents electronically through the public PEPC portal. Documents concerning projects along the NPS boarder parks are translated into Spanish and loaded into the PEPC system. All NPS EISs and EAs provide opportunities for community input and involvement. Community input and involvement includes minority, low income and tribal communities. The NPS seeks community input and involvement through a wide range of activities and proactive approaches including public meetings in affected communities; the NEPA process, PEPC; government-to- government consulation, letters and flyers soliciting civic engagement and input. NPS reported that out of 44 EISs, 32 identified minority and low-income populations and provided opportunities for their involvement.

In the Federal Lands to Park Program, NPS land exchanges, and request to change the type of public recreational use, and public facility proposals are evaluated for the potential loss of recreational values and opportunities of the land proposed for conversion relative to what is proposed as replacement/mitigation park land. Project sponsors are encouraged to facilitate substantial local public participation in the decision-making process as early as possible. NPS evaluation of proposals takes into consideration the level and kind of public participation, with a particular attention to the effects of proposed exchanges has on under-served and economically disadvantaged populations. This evaluation is undertaken with reference to each state's Statewide Comprehensive Outdoor Recreation Plan (SCORP). Those plans identify areas that are underserved and establish funding priorities and other strategies to meet the needs of underserved populations. Public participation is required in the development of SCORPs.

From the broad strategies developed in SCORPS, each state develops a specific LWCF funding implementation plan through an Open Project Selection Process. These are also subject to public participation, and thereby establish project scoring criteria designed to address the areas of greatest need.

OSMRE: OSMRE ensures that all EISs that they lead and cooperate in identify minority and low income communities and provide opportunities for meaningful involvement. Surface coal mining predominantly occurs in rural areas, with lower per capita incomes. OSMRE has fully committed to identifying minority and low income communities and providing opportunities for them to be involved in planning processes.

All Tribal Nations are considered minority populations. In addition, the Department has a special fiduciary obligation because of the Secretary's trust responsibilities. The OSMRE provides opportunities for meaningful involvement by providing opportunities for public input during the development of NEPA documentation and through seeking comment on SMCRA permit applications. For example, OSMRE is developing an EIS to consider a petition to

designate certain areas in the state of Tennessee as Lands Unsuitable for Mining per 30 CFR 769. The EPA is serving as a cooperating agency on the EIS, and in coordination with the EPA a separate socioeconomic analysis has been prepared to evaluate the demographic, economic, community facilities and services, and land use effects of the proposed designation. Through completion of the socioeconomic analysis OSMRE ensured that they have identified both the potentially impacted communities and the related services with a potential to be indirectly affected. A Community Engagement Plan was also prepared in cooperation with the EPA. The plan identifies specific strategies to inform and engage the public including citizen advisory committees, public informational meetings, and citizen interviews.

Another example is the Four Corners Power Plant and Navajo Mine Energy draft EIS. As for all NEPA documents, within the draft EIS OSMRE analyzed the potential for the proposed action to affect socioeconomics. Socioeconomics is a broad discipline and includes topics such as employment, tribal revenues, household income, business output, and property values. No adverse socioeconomic impacts were identified in the analysis. In addition to socioeconomics, in accordance with EO 12898, OSMRE evaluated disproportional impacts to low-income and minority populations in the vicinity of the project. The analysis did not identify any adverse impacts that would significantly or disproportionately affect a tribal, minority or low-income population.

OSMRE ensures that the public is aware of actions reviewed, and is aware of opportunities for public involvement. For example, the Four Corners Power Plant and Navajo Mine Energy draft EIS advertised upcoming public meetings in thirteen newspapers. Postcards were sent to 629 individuals on the project mailing list. Separate stakeholder notification letters were mailed to 205 federal, state, and local government agencies, as well as elected officials. In addition, public service announcements were made on 31 local radio stations. The announcements were translated and recorded in Navajo and Hopi. The English release and the Navajo and Hopi audio files were disseminated to radio stations based on the language of the radio station. Also, fliers were posted announcing public meeting dates at various community locations such as community centers, post offices, libraries, grocery stores, gas stations, trading posts, town halls, and chapter houses. The extent of OSMRE effort was necessary to ensure that tribal community members and interested parties in remote locations were reached.

FWS: The Division of Fishery Resources modified the existing FWS/Makah Tribe Tribal Employment Rights Ordinance Agreement to hire tribal members. These members gathered creel data and interacted with tribal anglers to share information about hatcheries, tribal trust programs, species, and support for local community aquatic education and outreach.

In 2014, tribal consultation meetings are held FWS-wide. Staff worked to ensure that tribal sovereignty, tribal rights, and federal trust responsibilities were maintained in accordance with established guidelines in Indian country. The FWS and tribal governments promoted government-to-government collaboration and communication on topics such as conservation, wildlife, plants, and habitats located on reservations.

The FWS in partnership with the Bishop Paiute Tribe of Inyo County, California, proposed a safe harbor agreement to contribute to the recovery and conservation of the federally endangered Owens pupfish. Working collaboratively with the Bishop Paiute Tribe, FWS biologists are developing a proposed 10-year agreement that identifies management activities on tribal lands that will support recovery efforts for the Owens pupfish. This includes translocation of wild Owens pupfish to tribal lands, maintaining habitat, providing a source population for future reintroductions, and public education and outreach.

The Carlsbad Fish and Wildlife Office (CFWO), pursuant to Section 7(a)(2) of the Endangered Species Act (ESA), notified local tribes that the CFWO was considering the issuance of an incidental take permit and held an open house attended by members and staff of two tribes. Tribal members participated in the field work, resulting in a report that seemed to indicate that the proposed action was not likely to have significant effects on tribal cultural resources. The CFWO held a follow-up meeting with the tribes in November 2014.

### 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>4</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

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



- 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 determined a baseline of 127 in 2012.
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 when a process is in place, estimated 2015, and subsequently establish a baseline.

**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 reported **146 in 2013** with six of its seven applicable bureaus reporting numerical data. The Department is reporting an estimated 258 for 2014, with all seven of its applicable bureaus reporting, **or an estimated increase of 112 in the number of partnerships with others for 2014.**

A sample listing of the Department’s partnerships established in 2014 as well as those that may have changed over time is contained in **Appendix A** to this report (Samples include: BOEM, BIA, OSMRE, NPS, FWS, and BLM). **Note:** The sample information is not all inclusive of the Department’s partnerships with others related to furthering EJ goals.

BIA: The Department considers partnerships to be an important element of addressing environmental issues. The BIA entered into over 3,200 partnerships, agreements and contracts with tribes that benefit tribal programs and further self-determination. However, because sustainable water management and conservation is an element of the Department’s overall Strategic Plan, and water quality studies are specifically addressed in the Department’s EJSP, the BIA has chosen this area as a measure for this goal.

The BIA measure for this goal is the number of projects completed in support of water management, planning and pre-development. 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. This is a measure currently tracked in the Indian Affairs Performance

Management System (IAPMS) (BIA Measure No. 2052). BIA completed seventy-eight water management projects in FY2014.

BLM: For 2014, the BLM reports 65 partnerships supporting EJ objectives.

BOEM: BOEM joined the National Cooperative Ecosystem Studies Unit (CESU): North & West Alaska CESU, Pacific Northwest CESU, Gulf Coast CESU, North Atlantic Coast, CESU, Piedmont - South Atlantic CESU, Californian CESU, and Hawaii-Pacific Island CESU. These eight partnerships facilitate access to a wide range of expertise to address federal agency needs and advance the scientific understanding of coastal and marine ecosystems.

NPS: The NPS Southeast Region, EPA Region 4, and Tuskegee University are engaged in a cooperative agreement partnership to support EJ issues (College/Underserved Communities Partnership Program). The objective of the partnership agreement is to research, identify and cultivate solutions to address EJ issues along the Selma to Montgomery National Historic Trail. The public purpose of this project will result in benefits that extend beyond the NPS and foster the intent of EO 12898. Tuskegee University is currently conducting research to identify EJ issues in partnership with the EPA, and local government officials.

The project objective is to identify and address disproportionately high and adverse human health impacts of limited public transportation and its connection to the NPS unit serving these communities. The project will study means of providing interpretive and educational opportunities to connect the community to the NPS historical and educational stories in their backyard in support of the NPS Second Century Commission Report, and align with the NPS “Call to Action”, goals and the Centennial Campaign. Project goals will include but not limited to improve the visitor experience, protect natural and cultural resources, promote economic development, foster strong partnerships, enhance visitor safety and security and enable new services to the community. For example, access to medical care; grocery stores and job opportunities. For other solutions identified through this research, NPS will work with Tuskegee University to develop educational opportunities for the community. The NPS reported 18 partnerships for 2014.

OSMRE: Through a Cooperative Agreement with Conservation Legacy, OSMRE took the lead in pioneering the Department’s first national AmeriCorps Volunteers in Service to America program, the DOI/VISTA Team.

Modeled after OSMRE’s successful OSMRE/VISTA program, the DOI/VISTA Team places AmeriCorps VISTA Volunteers in some of the poorest communities in which the Department has a presence. This is to address the root causes of poverty and protect America’s natural resources, heritage, and tribal cultures. VISTAs bring critical support to their host communities through economic development, environmental stewardship, and healthy futures. By November 2014, sixty-six VISTA Volunteers have worked to build capacity throughout thirty-three states and two U.S. territories. Participating bureaus include the NPS, FWS, BLM, and BIA.

USGS Research: Mercury Risk Across Western North America: The USGS Forest and Rangeland Science Center continues to lead a multi-institutional consortium of scientists and resource managers from numerous federal and state agencies, academic institutions, and non-profit organizations to evaluate mercury cycling and risk across western North America. A particularly relevant component of this effort is the assessment of sport fish consumption and mercury concentrations in areas of heavy fishing pressure. Moreover, the study is focusing strongly on potential mercury exposure to subsistence fishers and tribal groups in Alaska, and evaluating landscape-scale predictors of mercury risk. This information will be critical for guiding risk assessment and evaluating communities that might be at greatest risk to exposure.

#### Mercury Cycling and Ecological Risk across Habitats in Mount Rainier National Park

Many national parks are in pristine or isolated areas, but they are not immune to the effects of mercury pollution. Mercury has the potential to be a major conservation issue for all national parks because it is transported long distances in the atmosphere; once deposited, the aquatic cycling is controlled by local processes, and only a small amount of inorganic mercury is necessary to affect ecological health if it is converted to highly toxic methyl mercury. Recent research determined that fish sampled from small lakes in Mount Rainier National Park (MORA), WA, exceeded health standards for fish-eating animals, and some fish exceeded human-health thresholds. This has potential human health implications to tribal communities and park visitors that consume fish from park waters. USGS scientists are conducting a study that uses higher-resolution methods to focus on the magnitude and extent of contamination in MORA lakes. Further, researchers will determine ecological and human risk, evaluate how mercury risk varies across areas and habitat types, and develop a predictive model of mercury risk for MORA aquatic habitats.

#### Ecosystem Impacts of Increased Coal Transport across the Northwest Region (see related entry under Washington Water Science Center)

The rise in international demand for US energy resources has led to the possibility of increased transport of coal from Wyoming through the Columbia River Gorge to Northwest seaports. The USGS Forest and Rangeland Science Center and other science centers in the NW Region are collaborating on a pilot study of potential impacts of coal dust on wetlands near railroad tracks where coal transport is proposed to increase. The USGS Forest and Rangeland Science Center is focusing on using dragonfly larvae to assess whether the source of mercury is from coal dust.

USGS Idaho Water Science Center

#### Mercury Cycling in the Hells Canyon Reservoir Complex, Idaho

The USGS Idaho Water Science Center is leading a study to evaluate the occurrence, distribution, and cycling of methyl mercury in the Hells Canyon reservoir complex of the Snake River. The study team includes scientists from multiple USGS Centers and Programs and is being conducted in cooperation with the Idaho Power Company. Elevated mercury concentrations have been detected in the sport fish and waters of the Hells Canyon reservoir

complex in previous studies. As Idaho Power addresses the requirements for Federal Energy Regulatory Commission (FERC) license renewal for the three reservoirs in the complex, it is required to address the problem of warm-water releases from the dams and the associated deleterious impacts to downstream salmonids. One of the complicating issues is the unknown extent to which any corrective action might potentially exacerbate the release of elevated mercury concentrations in water downstream in the Snake River. Tribes have traditionally relied upon Snake River fish as an important part of their diet and culture. The objective of the study is to gain a better understanding of the controlling factors on the occurrence, distribution, and cycling of methyl mercury in the waters of the complex; Idaho Power will utilize this knowledge in addressing the requirements of the FERC license renewal as they relate to the operation of the three dams.

**Mercury Concentrations in Selected Species of Sport Fish:** The USGS Idaho Water Science Center is cooperating with the Shoshone-Paiute Tribe in the collection and evaluation of fish-tissue samples from three reservoirs in southern Idaho to evaluate trends in mercury concentrations in muscle tissue of rainbow trout and other selected species of sport fish. Concentrations will be placed in the context of human-health fish consumption advisories and wildlife-protection levels to help inform tribal members of potential mercury exposure risks and to evaluate the need for additional investigations.

#### USGS Oregon Water Science Center

**Understanding Toxic Contamination Threats to Native American First Food Species:** In the Pacific Northwest as in other regions, concerns about high levels of contaminants in the ecological food web has become a focal point for scientific research. Native American first food sources are of particular concern for several reasons. Some of these species have lipid contents and life histories that lend themselves to acute bioaccumulation, resulting in fish consumption advisories for several resident species. In addition, many tribal people (and some immigrant communities) in the Pacific Northwest consume a much greater proportion of fish in their diets compared to other populations. First food species include Pacific lamprey, freshwater mussels, Coho salmon, Spring and Fall Chinook salmon, and summer and winter steelhead trout. Research is active in the Columbia River Basin to determine the effects of contaminants of emerging and legacy concern in the food web. USGS has partnered with the Columbia River Intertribal Fish Commission (CRITFC) to understand potential impacts of organic contaminants on Pacific lamprey in the Columbia River Basin.

#### USGS Washington Water Science Center

The USGS Washington Water Science Center (WAWSC) is partnering with the EPA in investigating sources of excess nitrate in drinking water from wells used by minority communities and the Yakama Tribe in the Yakima River Basin. A recent EPA report described the potential contribution from various land uses, such as irrigated agriculture and dairy farms, to high nitrate levels in groundwater and residential drinking water wells in the basin. To better understand these potential sources of contamination, hydrologists from the WAWSC are using a sophisticated groundwater flow model to simulate flow paths between nitrate-contaminated wells

and the land-surface. In addition to providing refined information on potential nitrate sources and travel-times to wells, the USGS will describe assumptions and limitations of using these tools to infer chemical (nitrate) transport from specific locations on the land surface to specific wells. The study results have not yet been released and are considered Influential Scientific Information\* because the study results are likely to be used as a basis for future litigation or enforcement actions against farmers or dairy operators.

\* “Influential Scientific Information” means scientific information the agency reasonably can determine will have or does have a clear and substantial impact on important public policies or private sector decisions. In the term “influential scientific information,” the term "influential" should be interpreted consistently with OMB's government-wide information quality guidelines and the information quality guidelines of the agency.  
<<http://www.whitehouse.gov/sites/default/files/omb/memoranda/fy2005/m05-03.pdf>>, page 11

#### Ecosystem Impacts of Increased Coal Transport Across the Northwest Region:

Federal and state natural resource managers and Northwest Indians are concerned with the impacts from unintentional release of coal dust from train cars during transport through the Northwest. Plans for new coal export terminals in Washington and Oregon will substantially increase rail traffic through the Northwest and the release of coal dust to the environment. Some tribal lands are adjacent or in close proximity to the transportation corridor and tribal communities are concerned about the potential human health and environmental effects of coal dust. There exists a strong desire and need for science to better understand and document the environmental impacts of transporting coal. Multiple USGS science centers are collaborating on a pilot that leverages the USGS’s chemical, hydrological, and biological expertise to conduct reconnaissance-level sampling and analysis of mercury (Hg) and polycyclic aromatic hydrocarbon (PAH) levels in air, water, sediment, and biota at sites of interest near rail lines, and to determine whether those levels are associated with current coal train traffic. Steigerwald National Wildlife Refuge and Horsethief Lake, both in the Columbia River Gorge are the initial pilot sites, and an initial round of multi-media sampling has been completed.

BOR: The Upper Colorado Region notes 42 partnerships with others, including tribes and Public Law 93-639 contracts that include some level of sharing specialized expertise that may relate to EJ.

FWS: The FWS in partnership with the Bishop Paiute Tribe of Inyo County, CA proposed a safe harbor agreement to contribute to the recovery and conservation of the federally endangered Owens pupfish. Working collaboratively with the Bishop Paiute Tribe, FWS biologists are developing a proposed 10-year agreement that identifies management activities on tribal lands that will support recovery efforts for the Owens pupfish. This includes translocation of wild Owens pupfish to tribal lands, maintaining habitat, providing a source population for future reintroductions, and public education and outreach. The FWS is reporting 21 partnerships for 2014.

**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 2015. **No change for 2014.**

## 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 determined a baseline of 65.9% in 2012. The target for 2017 is to be determined by BIA/BIE.

**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 reported an estimated 80.8% for 2013. The Department is reporting an estimated 76.9% for 2014. The Department is reporting an estimated decrease of -3.8% for 2014.

BIA: Educational opportunities for tribal populations are largely determined by the availability of good schools and educational programs. Indian education is primarily the responsibility of Bureau of Indian Educational (BIE), which is a separate bureau under the Assistant Secretary of Indian Affairs. However, the operation and maintenance of schools on reservations is shared by the BIA and the Office of Facilities Management and Construction.

One measure the BIA uses for this goal is the total number of school facilities in the BIE inventory that are in acceptable condition. This is a measure currently tracked by Assistant Secretary, Indian Affairs. Seventy-seven percent of schools were rated in acceptable condition in FY2014.

FWS: The FWS administers a variety of programs that award grants and cooperative agreements to Indian Tribal Governments, individuals, institutions of higher education, non-profit organizations, and state and local governments. Major financial programs include:

- Coastal Wetlands Conservation Grant Program
- Endangered Species Grants
- International Conservation Programs
- North American Wetlands Conservation Act
- Partners for Fish and Wildlife
- Wildlife and Sport Fish Restoration Program
- Tribal Wildlife Grants

Additional information about these programs can be found at: <http://www.fws.gov/grants/>.

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

This measure was established after the publication of the 2012 EJSP, and was previously included in the Department’s reporting.

This measure previously tracked in IAPMS and covered the academic performance of students in BIE-funded schools (ASIA Measure No. 1775). This measure was also included in previous EJ reports. No data was compiled in IAPMS for this measure in FY2014 and the measure is currently being re-evaluated. **This measure will no longer be included in future EJ reports.**

## 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’s baseline to be determined by the Office of Civil Rights. The Department’s 2017 target will subsequently be determined.
All	Percentage of civil rights compliance reviews where EJ is a review factor.	The Department determined a baseline of 2 in 2012; subsequently the Office of Civil Rights will determine targets.
All	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. No future reporting is anticipated.

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

The Department is not reporting any case(s) as resolved or adjudicated in 2014.

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

The Department estimated one reported case under review in 2012, this case remains open. The Department opened one new case in 2013. The Department reported an **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.” No change for 2014.**

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 Office of Civil Rights/Public Civil Rights (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.

FWS: Two on-site Title VI reviews were conducted at the Idaho Department of Fish and Game (July 2014) and the Washington Department of Fish and Wildlife (August 2014). EJ is one of the review components contained in the Title VI civil rights reviews of State Fish and Wildlife agencies. The EJ section of the review included interviews with state officials, National Environmental Protection Act Coordinators, and State Environmental Protection Act Coordinators responsible for EJ activities.

For 2014 the Department's Office of Civil Rights has not reported any change in the number of open civil rights compliance reviews where EJ is 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 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>.

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

The Department's 2014 Implementation Progress Report and related EJ information will be made publically available on the OEPC public EJ web site at: (<http://www.doi.gov/oepec/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 2014 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.

Over the past few reporting periods the Department has made adjustments to some of its performance measures or made a determination that a few were not feasible for reporting purposes. The Department will continue to make adjustments to add more meaningful and accountable measures in carrying out the spirit and intent of EJ as it relates to our missions and mandates.

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.

# U.S. DEPARTMENT OF THE INTERIOR

## ENVIRONMENTAL JUSTICE IMPLEMENTATION PROGRESS REPORT

2014



Bureau of Indian Education



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