



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Washington, D.C. 20240



In Reply Refer To:  
FWS/AEA/EJ/050805

FEB 27 2012

## Memorandum

To: Assistant Secretary - Policy, Management and Budget

From: Director, U.S. Fish and Wildlife Service *Jugary E. Sitaranic*

Subject: Department of the Interior Final Environmental Justice Strategic Plan  
And Annual Implementation Progress Report

Thank you for the opportunity to review and comment on the final Environmental Justice Strategic Plan (EJ SP), and accompanying Annual Implementation Progress Report (IPR). The Fish and Wildlife Service provides the following comments:

On page 19 of the EJ SP, under Goal 3, it states as a strategy:

Prepare Department-wide guidance on fish consumption advisories.

Comment: The Service suggests adding after advisories, "...issued by the U.S. Center for Disease Control, the U. S. Department of Agriculture, or the U.S. National Marine Fisheries Service."

On page 16 of the IPR, paragraph two under Cultural Resources"

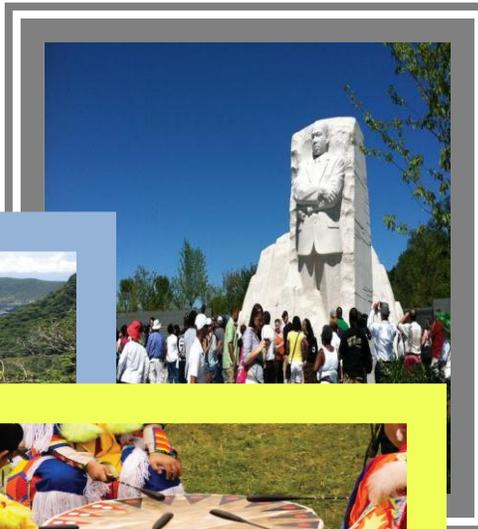
Comment: The Service requests deletion of the name, "John S. Wilson".

If you have questions regarding these comments, please contact Elizabeth Stevens (Beth), at 202-208-6541. Again, thank you for the opportunity to comment.

# U.S. DEPARTMENT OF THE INTERIOR



## ENVIRONMENTAL JUSTICE STRATEGIC PLAN 2012 – 2017



ASSISTANT SECRETARY, POLICY MANAGEMENT  
AND BUDGET

OFFICE OF ENVIRONMENTAL POLICY AND COMPLIANCE  
<https://www.doi.gov/oepc/justice.html>

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### **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.

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## MESSAGE FROM THE SECRETARY

I am pleased to present the Department of the Interior's Environmental Justice Strategic Plan for the years 2012-2017, which guides the work we do at the Department of the Interior. As custodian of the Nation's natural resources, it is vitally important in our day-to-day activities we identify and address actions that may have a disproportionately high impact on minority and low-income populations.



*Secretary of the Interior Ken Salazar*

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) outlined an important task for Federal agencies: to ensure no racial, ethnic, cultural or socioeconomic group disproportionately bears the negative environmental consequences resulting from governmental programs, policies, or activities. Executive Order 12898 also asks that these programs, policies, and activities be conducted in a manner that does not have the effects of exclusion or discrimination towards minority, low income, or tribal populations. Executive Order 12898 directed each Federal agency to prepare a plan to integrate environmental justice into its activities.

**Comment [DOTI1]:** This is In response to public comments. This also mirrors the EO.

Every community deserves strong Federal protection against pollution and other environmental hazards. I believe environmental justice is achieved when everyone enjoys the same degree of protection from environmental and health hazards and has equal access to the decision-making process, so they're assured a healthy environment in which to live, learn, work, and play. We will strive to ensure the American people and their communities are always an integral part of the process in the decisions we make, especially when the health of the environment is at stake.

The Department of the Interior is committed to ensuring environmental justice for everyone who may be affected by the Department's management of the resources entrusted to its care in the United States, U.S. Territories, and Insular areas. In particular, as the Department is entrusted with managing the Nation's Indian trust, social services and self-determination programs, we take seriously our responsibility to ensure American Indians and Alaska Natives are protected from disproportionate environmental and health impacts of agency decisions.

A part of our mission is to protect America's natural resources and heritage, and to honor our cultures and tribal communities. Our mission embodies the special relationship we have with the people of this great Nation. These issues are not remote or abstract, but are part of our everyday activities.

The Department's environmental justice strategy provides a long-term overarching vision, as reflected in our environmental justice goals, which are intentionally broad in scope to guide the bureaus in the development of work plans with specific and measureable targets adapted to their

responsibilities and priorities. We have adopted this approach in order to address the complexity of environmental justice in a timely, deliberate, and coordinated manner.

In addition to implementing this strategy, the Department remains committed to actively participating in the Federal Interagency Working Group on Environmental Justice and to collaborating with other Federal agencies on joint efforts to achieve our environmental justice goals.

We look forward to continuing this important work towards the attainment of environmental justice for all Americans.

Sincerely,

Ken Salazar

**HOW ENVIRONMENTAL JUSTICE ACTIVITIES ARE ALIGNED AT THE  
DEPARTMENT OF THE INTERIOR**

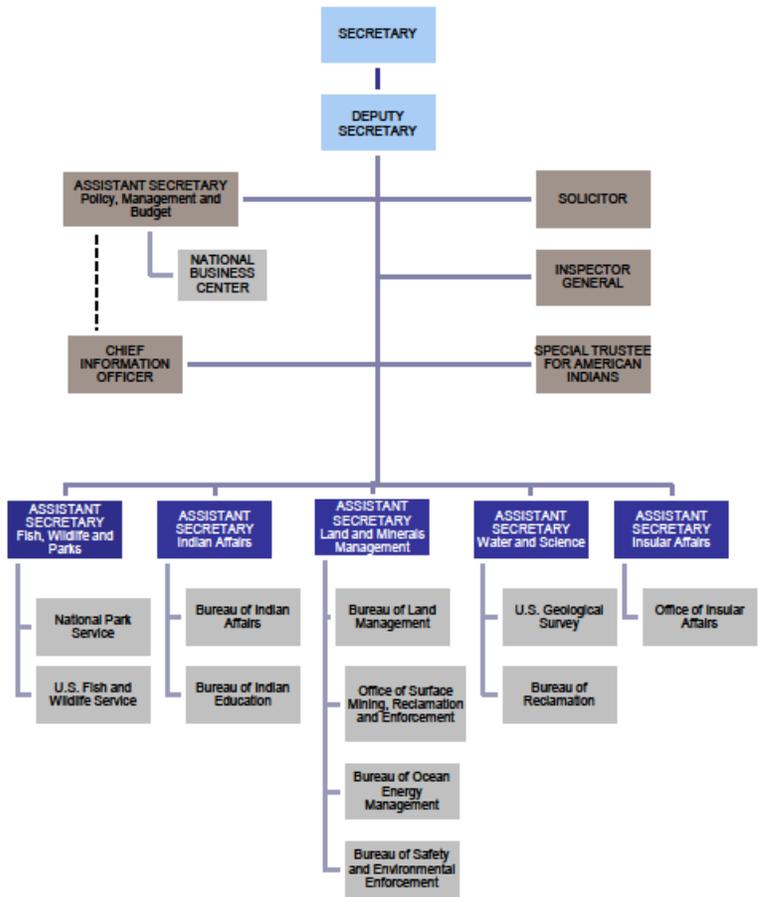
The U.S. Department of the Interior (Department) is a multifaceted organization comprised of ten distinct bureaus, each with a unique mission, and several offices all within the Office of the Secretary. The senior appointed official charged with the Department's implementation of Executive Order 12898 ([EO 12898](#)) is the Assistant Secretary-Policy, Management and Budget (AS-/PMB). ~~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. AS-/PMB oversees all human capital, fiscal, business and budgetary management for the Department's resources devoted to Environmental Justice (EJ).~~ EJ activities are administered within AS-/PMB by the ~~Director,~~ Office of Environmental Policy and Compliance (OEPC). Each of the Department's bureaus [Bureau of Indian Affairs (BIA), Bureau of Indian Education (BIE), Bureau of Land Management (BLM), Bureau of Ocean Energy Management (BOEM), Bureau of Safety and Environmental Enforcement (BSEE), Bureau of Reclamation (BR), U.S. Fish and Wildlife Service (FWS), National Park Service (NPS), Office of Surface Mining Reclamation, and Enforcement (OSM), and U.S. Geological Survey (USGS)] has a Primary EJ Coordinator<sup>1</sup> who works directly with the ~~Director,~~ OEPC, in carrying out the Department's EJ activities. Each bureau has regional and field level offices that assist in local and regional EJ initiatives.

**Comment [DOT12]:** Footnote is in response to public comments.

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<sup>1</sup> Primary EJ Coordinator is the bureau or office staff person normally at the headquarters level whose duties and tasks may include helping to integrate EJ throughout their particular bureau or office. Duties may also include carrying out day-to-day EJ task, internal and external coordination, public outreach, public contact, and acting as the liaison with their field level and regional offices.

# U.S. DEPARTMENT OF THE INTERIOR ORGANIZATIONAL CHART



## I. Introduction

### A. Overview

~~EO~~Executive Order 12898 (<http://www.archives.gov/federal-register/executive-orders/pdf/12898.pdf>) outlined an important mandate for Federal agencies to “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, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.”

~~In 1994 EO 12898 directed Federal agencies to prepare a strategic plan on EJ. In addition, the EO called for the creation of the Federal Interagency Working Group on Environmental Justice (IWG) task groups. The IWG is comprised of Federal agency staff to fact find, receive public comments, and conduct inquiries concerning environmental justice, meet with community representatives outside the government to identify and learn about EJ concerns. EO 12898 also directed Federal agencies to prepare a strategic plan on EJ.~~

**Comment [DOT13]:** This better mirrors the EO.

In 1995, the Department assigned to OEPC the coordination of its EJ activities. OEPC established a committee comprised of representatives from each of the Department’s bureaus to develop the Department of the Interior Strategic Plan for Environmental Justice. The 1995 plan was adopted and integrated into Departmental policy which increased the visibility of EJ.

In August 2011, the Department joined with other Federal agency members in the signing of the *Memorandum of Understanding on Environmental Justice and Executive Order 12898* (MOU). This MOU reaffirms the Federal government’s commitment to EJ. Provisions of the MOU call on each Federal agency to review and update existing EJ strategic plans where applicable and as appropriate. This document is the Department’s revised and updated Environmental Justice Strategic Plan (EJ SP).

### B. Relationship of Environmental Justice to the Department’s Strategic Plan Goals, Initiatives, and Activities

The Department’s 2011-2016 Strategic Plan outlines five mission areas that provide the framework for its overarching stewardship responsibilities (“Natural and Cultural Resources, Sustainable Use of Resources, Government-to-Government Relationships, Scientific Foundation for Decision Making, and Building a 21<sup>st</sup> Century DOI”). Five priority goals have been set forth for achieving near term results (“renewable energy, sustainable water management and conservation, climate change adaptation, youth in natural resources, and efforts to improve the safety of Indian communities”). This draft EJ SP supports and compliments those overarching responsibilities and priority goals, and links the Department’s responsibilities under EO 12898 to the Department’s 2011-2016 Strategic Plan,

([http://www.doi.gov/bpp/data/PPP/DOI\\_StrategicPlan.pdf](http://www.doi.gov/bpp/data/PPP/DOI_StrategicPlan.pdf)). The Department also has several initiatives that further these mission areas and priority goals.

Many of the Department's activities, 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..." Some representative examples of these activities are listed below.

The Department is committed to the sustainable management of natural resources. The *Department's Strategic Sustainability Performance Plan* ([http://www.doi.gov/greening/sustainability\\_plan/index.html](http://www.doi.gov/greening/sustainability_plan/index.html)) of June 3, 2011 sets forth goals and objectives in the achievement of reducing green house gases, and reducing our carbon footprint. This sustainability plan supports the Department's mission area of sustainable use of resources.

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!* Initiative by encouraging youth and their families to recreate on public lands to improve their health. In collaboration with the White House Domestic Policy Council and other Federal agencies this initiative has been extended to Indian country. This initiative supports the Department's mission area of natural and cultural resources, and government-to-



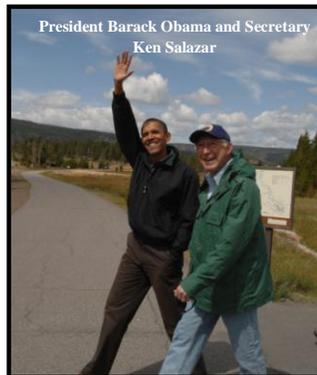
Junior Rangers on the trail at Shenandoah National Park in



Let's Move in Indian Country - kids running

government relationships.

The *America's Great Outdoors Initiative* was established by the President in April 2010. The Presidential memorandum called on the Secretaries of the Interior and of Agriculture, the Administrator of the Environmental Protection Agency (EPA), and the Chair of the Council on Environmental Quality (CEQ) to lead the initiative, in collaboration with several other Federal agencies. The initiative supports a 21st century conservation agenda that builds on successes in communities across the country, and has started a national dialogue about conservation that supports the efforts of private citizens and local communities. This initiative seeks the input of communities, including those living in cities and suburbs, as well as more rural areas, and helps to increase public access to parks and open spaces. This initiative supports the Department's mission areas of natural and cultural resources and building a 21<sup>st</sup> century



Department.

The Department's National Environmental Policy Act (NEPA) regulations at 43 CFR Part 46 encourage public participation and community involvement. The Department is using the definition of proposed major Federal actions as found in the CEQ's NEPA regulations.

The Department's EJ SP will be implemented through bureau and Departmental activities. The EJ SP is intended to be a living document and we expect it to evolve over time. As the Department conducts its annual review, the Department may provide alternative measures to those described in this document. In addition, as the Department moves forward and emphasize EJ, we expect that our strategies will evolve as well. The Department will utilize existing programs and authorities to further the goals of EJ; thereby integrating EJ into all activities of the Department.

### C. Previous Environmental Justice Strategy

The *1995 U.S. Department of the Interior Strategic Plan - Environmental Justice* outlined a plan to ensure the costs and risks of the Department's environmental decisions did not fall disproportionately upon minority, low-income and tribal populations and communities. The plan both built on longstanding partnerships and sought to create new relationships to solve environmental problems. The Department worked in partnership with tribal governments to address their environmental concerns and shared expertise in science and resource management with others when seeking resolution of environmental health and safety problems. The four goals of the 1995 Strategic Plan were:

Goal 1. The Department will involve minority and low-income communities as we make environmental decisions and assure public access to environmental information.

Goal 2. The Department will provide its employees with environmental justice guidance and with the help of minorities and low-income communities develop training which will reduce their exposure to environmental health and safety hazards.

Goal 3. The Department will use and expand its science, research, and data collection capabilities on innovative solutions to environmental justice related issues (for example, assisting in the identification of different consumption patterns of populations who rely principally on fish and/or wildlife for subsistence).

Goal 4. The Department will use our public partnership opportunities with environmental and grassroots groups, business, academic, labor organizations, and Federal, Tribal, and local Governments to advance environmental justice.

The Department and its bureaus participated in several ~~Federal Interagency Working Group on Environmental Justice (IWG)~~ Demonstration Projects. Bureaus were able to provide technical assistance to communities to obtain their input on project decision making.

The Department's EJ implementation was largely carried out in analyses performed under the NEPA and rulemakings.

The 1995 EJ Strategic Plan did not establish quantitative measures or reporting requirements. Nevertheless, we recognize the value that such tools provide in achieving our goals. Therefore, in order to build upon our past efforts we have included quantitative measures and reporting requirements in this revised EJ SP.

The Department's revised 2012-2017 EJ SP sets forth five major goals to guide the Department in its pursuit of EJ. In the coming years, we will employ an integrated strategy to:

- Ensure responsible officials<sup>2</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;
- Ensure minority, low-income, and tribal populations are provided with the opportunity to engage in meaningful involvement in the Department's decision making processes;
- 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;
- 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; and
- 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.

## II. How this Environmental Justice Strategic Plan was Developed

This strategy was developed under the direction of the AS-~~PMB~~ using a template developed by the IWG. The revised EJ SP is based on input and review by our bureaus and several selected offices. The revised EJ SP was made available on the OEPC web site

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<sup>2</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.

(<http://www.doi.gov/oepe/justice.html>) and was provided to the EPA for publication on the IWG web site (<http://www.epa.gov/compliance/environmentaljustice/interagency/iwg-compendium.html>) and for distribution to members on their EJ list serve. All public comments were reviewed and considered to the extent practicable, ~~will be considered~~ in the finalization of the Department's 2012-2017 EJ SP. The Department has made several revisions based upon public comments such as adding language to the Secretary's message regarding exclusion and discrimination, expanding upon our strategies under goals 2, 4 and 5, and adding an explanation for EJ Coordinator in our footnotes. The recommendations specifically related to civil rights have been provided to the Department's Office of Civil Rights for further review. The recommendations specifically related to the NPS have been provided to them for further review. The Department appreciates the comments received and wishes to reiterate that this is intended to be a living document and we expect it to evolve over time.

**Comment [DOTI4]:** This section was changed to reflect moving from draft to final. OCR and NPS please review this statement and let us know if you wish to say more than this.

### III. 2012-2017 Goals, Strategies, and Performance Measurements

**Comment [DOTI5]:** Changed to be consistent.

#### GOAL # 1

Ensure responsible officials 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.
- 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.

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%

Examples of Departmental or bureau specific goals, programs, activities, or policies that currently or potentially could be used to support this strategic goal:

*The NPS's A Call To Action: Preparing for a Second Century of Stewardship & Engagement* (Call to Action) was released August 25, 2011. The report contains actions that the NPS will accomplish by 2016, NPS's 100th anniversary. The first goal is to connect people to parks in the next century. Action 1, "Fill in the Blanks," states: "Identify a national system of parks and protected sites (rivers, heritage areas, trails, and landmarks) that fully represents our natural resources and the nation's cultural experience. To achieve this we will work with communities and partners to submit to Congress a comprehensive National Park System that delineates the ecological regions, cultural themes, and stories of diverse communities that are not currently protected and interpreted." <http://www.nps.gov/calltoaction/>

Action 13 of Call to Action is entitled "Stop Talking and Listen" and it states, "Learn about the challenges and opportunities associated with connecting diverse communities to the great outdoors and our collective history. To accomplish this we will conduct in-depth, ongoing conversations with citizens in seven communities, one in each NPS Region, representing broadly varied cultures and locations. We will create and implement work plans at each location, which explore new approaches for building and sustaining mutually beneficial relationships with diverse communities."

The FWS co-sponsors the *State of Environmental Justice in America Conference* that brings state and Federal employees, tribes, academics, business and industry, non-profit organizations, faith-based organizations and others to participate in a dialogue on and training to achieve EJ. <http://www.ejconference.net/home.html>



## 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, ensure public access to information necessary for meaningful participation.
- Conduct public meetings, listening sessions, and forums in a manner that is inclusive of minority, low-income, and tribal populations.
- Conduct linguistically and culturally appropriate outreach to minority and low-income populations during planning activities and NEPA processes in order to ensure community understanding of the substantive issues at stake and the procedural opportunities for participation.
- Develop and maintain a list of headquarters and regional EJ contacts, and make it accessible to the public.
- 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.

**Comment [DOT16]:** This is in response to public comments. Bureaus do you have the capacity to do this?

Bureaus/Offices Reporting	Performance Measures	2017 Target
All	Annual percentage of major Federal actions <sup>3</sup> , having a potential for EJ implications for Indian Tribes <sup>4</sup> , for which government-to-government consultations were conducted.	The Department will determine the baseline in 2012 and subsequently establish targets.
All	Annual percentage of environmental impact statements that identify minority and low-	The Department will determine the baseline in 2012 and subsequently

<sup>3</sup> A major Federal action is defined in the Council on Environmental Quality's NEPA regulations found at 40 CFR 1508.18.

<sup>4</sup> "Indian Tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

	income communities and, if they exist, provide opportunities for meaningful involvement.	establish targets.
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Examples of Department or bureau specific goals, programs, activities, or policies that currently or potentially could be used to support this strategic goal:

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The Rivers, Trails, and Conservation Assistance (RTCA) Program supports community-led natural resource conservation and outdoor recreation projects. The RTCA program implements the natural resource conservation and outdoor recreation mission of the NPS in communities across America. RTCA works with nonprofit organizations, community groups, tribes or tribal governments, and local, state, or Federal government agencies.



<http://www.nps.gov/ncrc/programs/rtca/>

The NPS Land and Water Conservation Fund (LWCF) program provides matching grants to state and local governments for the acquisition and development of public outdoor recreation areas and facilities. The program is intended to create and maintain a nationwide legacy of high quality recreation areas and facilities and to stimulate non-Federal investments in the protection and maintenance of recreation resources across the United States. <http://www.nps.gov/lwcf/>

National Center for Preservation Technology & Training (PTT) seeks innovative projects that advance the application of science and technology to historic preservation. The PTT Grants program funds projects that develop new technologies or adapt existing technologies to preserve cultural resources. <http://www.ncptt.nps.gov/grants/>

The Department, including BIA and BR supports tribal self-governance and self-determination. Tribes assume an expanded role in the operation of Indian programs through Public Law 93-638 contracting. The Department's bureaus promote this by entering into a variety of contract, compact, and annual funding agreements with tribes. <http://www.bia.gov/WhoWeAre/AS-IA/OSG/index.htm>

### GOAL # 3

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

Strategies include but are not limited to:

- Prepare Department-wide guidance on fish consumption advisories<sup>5</sup>.

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

- 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 memorandums of understanding/memorandums 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.
- Develop Department-wide and subsequent bureau-specific criteria for assessing the effectiveness of EJ analyses, to guide periodic effectiveness reviews conducted by each bureau.

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	The Department will determine the baseline in 2012 and subsequently establish targets.

	on Departmental criteria.	
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Examples of Department or bureau specific goals, programs, activities, or policies that currently or potentially could be used to support this strategic goal:

**Water Quality Studies for Tribal Communities**

The USGS Oklahoma Water Science Center (OK WSC) has partnered with the EPA and the Army Corps of Engineers in providing critical data to Oklahoma Indian Tribes related to the Tar Creek Superfund site. The site is one of the largest Superfund sites in the Nation and its environmental effects impact the lands of nine tribes. The site has a 100 year history of lead and zinc mining. With the mining activities comes the risk of subsidence and heavy metal contamination of surface water, groundwater, and sediment. The USGS OK WSC has provided these tribal communities with data related to environmental effects of the metals on the ecology of the area. This information is crucial for tribes in assessing health threats to their communities.

**Mining Impacts Workshop for Tribal Communities**

The USGS Office of Tribal Relations (OTR) through its Technical Training in Support of Native American Relations (TESNAR) Program, and the USGS Midwest Area Mining Initiative sponsored a tribal workshop on understanding the impacts of mining in the Western Lake Superior region hosted by the Bad River Band of Lake Superior Chippewa Indians in September, 2011. The goal of the workshop was to provide technical information to tribal natural resource managers and others who make decisions or influence decisions regarding proposed mining. Many tribes in the Western Lake Superior region are currently reviewing environmental impact statements for proposed mining and other types of land development activities near lakes and wetlands used by tribes for wild rice production and other vitally important cultural activities. Representatives from 11 tribal government agencies attended the workshop. During this workshop, 24 presenters from Federal, state, and tribal government agencies and private organizations and foundations provided technical information on mineral deposits, geology, mineral economics, and mining impacts on the environment (air quality, geochemistry, water quality and sediments and mine permitting).

**USGS Urban Waters Initiative**

Studies by the USGS have identified coal-tar-based sealcoat, the black viscous liquid sprayed or painted on asphalt pavement such as in parking lots as a major source of polycyclic aromatic hydrocarbon (PAH) contamination in urban areas for large parts of the Nation. Several PAHs are suspected human carcinogens and are toxic to aquatic life. Based on USGS studies, several

jurisdictions, including the City of Austin, Texas; the City of Washington, D.C.; Dane County, Wisconsin; the State of Washington; Sussex County, NY; and several suburbs of Minneapolis, Minnesota, have banned the use of coal-tar-based sealcoat. Similar bans are under consideration in additional jurisdictions. In the city of Washington, D.C. the ban was issued to protect human health and the environment. The ban includes the entire District of Columbia but the EJ relevance is in the Anacostia River watershed. The Anacostia is one of the pilot studies in the Urban Waters Initiative.

The BIA is particularly focused on protection of Indian treaty and subsistence rights and assists tribes in developing effective studies and projects to improve Federal and tribal management of subsistence resources.

<http://www.bia.gov/WhoWeAre/BIA/OTS/NaturalResources/FishWildlifeRec/index.htm>

The BIA, often in coordination with the BR, assists tribes in managing, conserving, and utilizing trust water resources through projects that support water management, planning and pre-development.

<http://www.bia.gov/WhoWeAre/BIA/OTS/NaturalResources/Water/index.htm>

The NPS's Federal Lands to Parks Program help communities create new parks and recreation areas by transferring surplus Federal land to state and local governments. This program helps ensure public access to properties and stewardship of the properties' natural, cultural and recreational resources.

<http://www.nps.gov/flp/>



The NPS administers the Rivers, Trails and Conservation Assistance Program, Land and Water Conservation Fund, National Natural Landmarks Program, National Historic Landmarks Program, the Tribal Preservation Program, Tribal Projects Grants, and the Native American Graves Protection and Repatriation Act Program.

The NPS Research Learning Centers have been developed to facilitate research efforts and provide educational opportunities. They are places where science and education come together to preserve and protect areas of national significance. They have been designed as public-private partnerships that involve a wide range of people and organizations including researchers, universities, educators, and community groups. <http://www.nature.nps.gov/learningcenters/>

Water supply problems are frequently found in Indian country. The BR, in conjunction with BIA, uses its expertise in water resources to work with Indian Tribes to help tribes develop, manage and protect their water and related resources. <http://www.usbr.gov/native>

The NPS Tribal Preservation Program assists Indian Tribes in preserving their historic properties and cultural traditions. The program originated in 1990, when Congress directed NPS to study and report on preservation funding needs. The findings of that report, the Keepers of the Treasures: Protecting Historic Properties and Cultural Traditions on Indian Lands <http://www.nps.gov/history/crdi/publications/Keepers.htm>, are the foundation of the Tribal

Preservation Program. Based on that report, Congress has appropriated annual grants for tribal preservation. <http://www.nps.gov/history/hps/tribal/>

The OSM's Appalachian Coal Country Team (ACCT) works closely with community organizations in some of the poorest regions of the country to restore the health of local watersheds affected by decades of environmental degradation from surface coal mining. Through an innovative partnership between OSM, AmeriCorps Volunteers in Service to America (VISTA), the Citizen's Conservation Corps of West Virginia, and local community sponsors, the ACCT addresses both the environmental and economic consequences of past coal mining. The ACCT encourages environmental stewardship, enhances outreach and education efforts, and builds local capacity for communities to continue restoration efforts independently. In 2007, based on the success of the ACCT, OSM partnered with the Southwest Conservation Corps to establish the Western Hardrock Watershed Team (WHWT) – a coalition of community and watershed improvement groups restoring land and water resources damaged by historic mining in the West. In Fiscal Year 2011 alone, the ACCT and WHWT placed 94 OSM/VISTA volunteers in rural mining communities for year-long service positions. <http://www.osmre.gov/aml/vista/vista.shtm>

#### 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 culturally and linguistically accessible.

**Comment [DOTI7]:** This is in response to public comments. Bureaus please let us know if you have the capacity to do this.

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

Bureaus/Offices Reporting	Performance Measures	2017 Target
All	Percentage of community training sessions held/targeted for minority, low-income, or tribal populations.	The Department will determine the baseline in 2012 and subsequently establish targets.
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.

Examples of Department or bureau specific goals, programs, activities, or policies that currently or potentially could be used to support this strategic goal:

The FWS offers Tribal Wildlife Grants to provide technical and financial assistance to federally recognized tribes for the development and implementation of programs that benefit fish and wildlife resources and their habitat. The funds may be used for salaries, equipment, consultation services, subcontracts, acquisitions and travel. The program has been provided with appropriations of \$7,000,000 in each of the past three fiscal years (2009-2011).

The OSM has partnered with the Citizen’s Conservation Corps of West Virginia, the Southwest Conservation Corps and AmeriCorps to create two VISTA Teams to help restore land and water resources damaged by past coal mining in rural communities in Appalachia and the Rocky Mountain West. In the summer of 2011, in coordination with the Department’s Office of Youth in the Great Outdoors and other bureaus, OSM provided administrative funding for OSM/VISTA Teams to run a Summer Program placing 59 full-time youth all across the country in non-profits, community organizations, state agencies, and Department bureaus for 10-week assignments. Participants completed critical projects, such as stream assessments, building community

gardens, facilitating civic education, and running youth outdoor programs – many in low-income communities.

BR has a technical assistance for tribes program, as well as other assistance programs available to tribes. In keeping with BR's mission, all such programs pertain to the area of water and related resources. <http://www.usbr.gov/native>

The NPS offers exciting employment and volunteer opportunities to help young people ages 5 to 25 learn more about the national parks, to gain some valuable work experience, and to make new discoveries. Some of the opportunities include:

[Youth Conservation Corps \(ages 15-18\)](#)

[Public Land Corps \(ages 16-25\)](#)

[Programs for Boy Scouts \(ages 7-18\)](#)

[Programs for Girl Scouts \(ages 5-18\)](#)

[Partner with the National Park Service \(for organizations\)](#)

<http://home.nps.gov/gettinginvolved/youthprograms/>

The Student Temporary Employment Program (STEP) and the Student Career Experience Program (SCEP) are for students in high school, technical, vocational, 2 or 4 year college or university, graduate or professional school. The STEP provides maximum flexibility to both students and managers because the nature of the work does not have to be related to the student's academic or career goals. The SCEP, however, provides work experience which is directly related to the student's academic program and career goals. Students in the SCEP may be noncompetitively converted to term, career or career-conditional appointments following completion of their academic and work experience requirements.

<http://www.opm.gov/employ/students/intro.asp>

Department Workforce Diversity: The Department wants a workforce that reflects the diversity of America. Potential employees must be a United States citizen to be eligible for consideration for employment. Certain jobs may also have age and physical qualifications. Generally, potential employees must be at least 18 years of age.

NPS Learning Opportunities to Engage Youth and Web Rangers: WebRangers online program for children. The NPS can build volunteerism at an early age by encouraging children to take an interest in their national parks. <http://www.nps.gov/webrangers/>

September 18, 2009, the Secretary of the Interior announced the 20 Historically Black Colleges and Universities (HBCUs) that will be the beneficiaries of historic preservation grants aimed at providing assistance in the repair of historic buildings on their campuses. These grants will be awarded to HBCUs for the preservation of campus buildings listed in the National Register of Historic Places. <http://www.nps.gov/history/hps/hpg/HBCU/index.htm>

The BIE seeks to strengthen Indian education, by assessing schools for their Adequate Yearly Progress (AYP) and maintaining school facilities in an acceptable condition.  
<http://www.bie.edu/>

**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.**

The Department has Title VI responsibilities for hundreds of recipients of Federal financial assistance. All bureaus have some Title VI enforcement responsibilities. All recipients of Federal financial assistance from the Department must sign a statement assuring they will not discriminate on the basis of race, color or national origin in their programs, activities and services, as a condition of receiving funding from the Department. The Departmental regulations that cover Title VI are found at 43 CFR Part 17, Subpart A. Some bureaus also have regulations applying Title VI standards to programs, activities and facilities of those bureaus (for example: 50 CFR, Part 3 for the FWS).

Most of the Department’s recipients of Federal financial assistance are environmental organizations; thus, any allegation about racial/ethnic disparities under Title VI has the potential to impact EO 12898 requirements as well. The Department and its bureaus enforce Title VI linked to EJ in two ways. The first is via the civil rights complaint system. Any member of the public, or a community group, can file a complaint alleging discrimination on the basis of race, color or national origin. These complaints are processed by the Department’s Office of Civil Rights, Public Civil Rights Division, and/or the bureau civil rights offices. The second way the Department monitors for Title VI and Environmental Justice is via the civil rights review process. This is a systemic analysis of the patterns and practices of recipient organizations, to determine how their programs and activities (mostly environmental in nature), are impacting different racial/ethnic communities.

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.
- Provide technical assistance and training on EJ to recipients of Federal financial assistance.
- Actively monitor grantees' compliance with the Title VI statements signed during grant making process

**Comment [DOT18]:** This is in response to public comments. OCR please review, do you have the capacity to do this?

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 key 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.

Examples of Department or bureau specific goals, programs, activities, or policies that currently or potentially could be used to support this strategic goal:

The BIA and the Department’s Office of Civil Rights will work to expand access to written guidance and protocol governing the enforcement of Title VI complaints for tribal governments and Alaskan villages.

The FWS Wildlife and Sport Fish Restoration Program provides Federal financial assistance to state and wildlife agencies. The FWS plans to conduct annually at least nine civil rights compliance reviews of these state fish and wildlife agencies. Compliance with EJ will be a major component of those reviews. In particular, the FWS will monitor state’s activities in working with minority and low-income communities on environmental assessments conducted. The FWS will monitor the emission of toxins into the air, ground or water by these state agencies. EJ Requirements will be considered on a project by project basis where Federal funds are being spent.

Action 9 of the NPS *A Call to Action* is “Keep the Dream Alive.” The NPS will foster civic dialogue about the stories of the civil rights movement found within the parks. The NPS will conduct a coordinated series of special events to commemorate significant 50th anniversaries of the civil rights movement (Civil Rights Act passage, “I Have a Dream” speech, etc.)”

**About this Environmental Justice Strategic Plan:**

This EJ SP should not be viewed as a mechanism to provide direct solutions to EJ issues in a particular community. Instead, the EJ SP is intended for the Department to assess different

environmental scenarios, identify challenges and opportunities, explore practical application of strategies, and develop recommendations to address EJ issues.

This EJ SP does not confer any legal right and is not a rule requiring notice and comment under the Administrative Procedure Act (Public Law 89-554).

This EJ SP is intended only to improve the internal management of the U.S. Department of the Interior and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the Department, its bureaus, its officers, or any person. This EJ SP shall not be construed to create any right to judicial review involving the compliance or noncompliance of the Department, its bureaus, its officers, or any person.

**Public Involvement** ~~How to provide comments on this Environmental Justice Strategic Plan:~~

**Comment [DOTI9]:** This section was changed to recognize that we've gone from draft to final, but it leaves the opportunity open for further public comment.

The Department ~~will continue to~~ ~~is seeking comments on its draft revised EJ SP for 2012-2017.~~ ~~This Plan is intended to ensure that we~~ involve minority and low-income communities as we make environmental decisions and assure public access to our environmental information.

~~**Dates:** Comments must be received by November 30, 2011. **Addresses:** You may submit comments by any of the following methods. Please reference the EJ SP as an identifier in your message.~~

~~• **E-mail:** [revised\\_EJ\\_strategicplan@ios.doi.gov](mailto:revised_EJ_strategicplan@ios.doi.gov), please include "EJ SP" in the subject line.~~

~~• **Fax:** 202-208-6970, please include the phrase "EJ SP."~~

~~• **Mail comments to:** U.S. Department of the Interior, 1849 C Street NW (MS-2462), Washington, DC 20240, Attention: Loretta Sutton. Please include the phrase "EJ SP" in your comments and include your name or organization and return address.~~

For further information contact: Loretta Sutton, Program Analyst, Natural Resources Management Team; Office of Environmental Policy and Compliance; Telephone: 202-208-7565 or email: [revised\\_EJ\\_strategicplan@ios.doi.gov](mailto:revised_EJ_strategicplan@ios.doi.gov).

The Department welcomes further comment on its EJ SP and Annual Implementation Progress Report. Comments may be emailed to: [revised\\_EJ\\_strategicplan@ios.doi.gov](mailto:revised_EJ_strategicplan@ios.doi.gov) or mailed to: U.S. Department of the Interior, Office of Environmental Policy and Compliance (MS-2462), 1849 C Street NW, Washington, DC 20240. Any announcements related to the Department's EJ SP or Annual Implementation Progress Report will be posted at: <http://www.doi.gov/oepc/justice.html>.

~~Loretta Sutton@ios.doi.gov~~. In order for your comments to be considered, you must submit your comments as indicated above.

# U.S. DEPARTMENT OF THE INTERIOR

## ENVIRONMENTAL JUSTICE STRATEGIC PLAN 2012-2017

Bureau of Indian  
Education



OFFICE OF ENVIRONMENTAL POLICY AND COMPLIANCE  
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