

2011 Environmental Justice Annual Implementation Progress Report

Environmental Justice Training (EJT)

The U.S. Fish and Wildlife Service (Service) provided environmental justice training throughout its geographic Regional Offices and Headquarters. Additionally, at the National Conservation Training Center (NCTC), the Service addressed environmental justice issues specifically in its course ECS3121 “Integrating NEPA into FWS Activities” offered twice a year. The subject is covered in the Content of Environmental Documents section. Instructional materials included the Executive Order, CEQ Guidance, when to address in the NEPA process, and where to present in the EA/EIS documents.

The NCTC course TEC7171 “Land Acquisition Law for Federal National Resources Projects” has a module on the Uniform Relocation Assistance and Real Property Acquisition Policies Act. The issue of environmental justice is addressed but in only a limited fashion as it relates to the Uniform Act.

Yearly, the Service, along with other federal agencies, kicks off the State of Environmental Justice in America Conference. The Service is a key sponsor of the conference, now in its sixth year, and continues to serve on the Planning Committee to bring federal and state agencies, local government, tribes, communities groups and others together to work on advancing environmental justice through people, policy and change. In 2011, the Service and Environmental Justice Specialist received top awards at the Conference for outstanding achievements and support of the Conference. In 2011, the Service spent approximately \$10,000 for invitational travel for tribal members to attend the Conference and sponsored an exhibit booth showcasing Service programs and activities.

The Federal Assistance Program provided State agencies staff orientation on compliance requirements, including civil rights, during Project Leaders’ training and Grant Management training. Training included the Federal Aid Toolbox, which contains detailed information on nondiscrimination compliance requirements including Title VI of the Civil Rights Act.

The Alaska Region provided training/exhibit booths on consultation outreach, subsistence, marine mammal conservation, migratory bird conservation and general fish and wildlife issues, all which supported environmental justice at the following conferences:

- Alaska Forum on the Environment,
- Rural Small Business Conference,
- Alaska Federation of Natives Annual Convention and
- BIA Tribal Service Providers Conference

For a number of years, the Service has provided technical training and assistance to communities in the area of fish and wildlife management to include law enforcement training sessions.

Environmental Justice and Projects

Native American Policy. The Service has a Native American Policy which establishes partnerships with Native American tribes on the full range of environmental and conservation initiatives of the Service. In 2011, the Tribal Wildlife Grants provided \$7 million to 38 federally recognized Indian tribes in the continental United States and Alaska. These competitively-awarded projects addressed the conservation priorities of tribal fish and wildlife resources and their habitat.

The Southeast Region, along with other federal agencies, continues to consult with numerous Southeast Tribes as part of the Programmatic Memorandum of Agreement (PMOA) to meet National Historic Preservation Act (NHPC) compliance responsibilities for the response phase of the Deepwater Horizon Oil Spill. Throughout the incident, the Service provided technical assistance to ensure compliance with NHPA. Nine tribal representatives, representing over 25 individual tribes, attended a three-day conference in New Orleans to develop this important PMOA.

Title VI Reviews. Environmental justice is one of the review items contained in Service civil rights reviews of State fish and wildlife agencies. The Regional Branches of Diversity and Civil Rights led the Title VI reviews. Title VI authorizes periodic reviews of recipients of federal assistance, and the Service targets between 5-10 reviews per year. In FY 2011, the Service conducted 9 reviews. The environmental justice section of the reviews included interviews with the State officials responsible for environmental justice activities and spot checks of State environmental assessments to ensure that minority/low income/tribal groups are being included in the decision-making process regarding the environment policy or action in question.

Service Environmental Justice and Minority Group Organizations Directories. The Service updated listings and made them available to different Service program areas to encourage partnerships and liaisons with minority groups (and universities) so that these community groups can be active participants in activities and decisions affecting virtually every Service-related conservation initiative. Information is posted on the Department of the Interior's (DOI) website. The Service established Environmental Justice Teams at Headquarters and Regional Offices.

DOI Environmental Justice Team/Environmental Justice Interagency Work Group (IWG). The Service's Environmental Justice Specialist is a member of these teams. The DOI Environmental Justice Team is managed by the Director, Office of Environmental Policy and Compliance. The IWG is composed of representatives from Executive Departments and other agencies addressing environmental issues. The IWG sponsored pilot projects to promote environmental justice issues in various local communities. Some Environmental Justice Initiatives and projects within the Service (not all inclusive) are:

- The Tribal Grants Program governs wildlife management and habitat restoration projects on Tribal lands funded through the Landowner Incentive Program and State and Wildlife Grants programs. All Regional Offices and Headquarters have a Native American Liaison on staff. These individuals are activity engaged with state and regional level Native and Tribal organizations, as well as individual Tribes at the community level on issues important to Alaska Natives.

- The Tribal Assistance Program works with Native American Tribes to conserve and manage fish and wildlife resources on tribal lands and ceded territories.
- The Migratory Bird Program ensures tribal consultations are coordinated with the Native American Liaisons with respect to permit applications received and issued for Eagle Take (50 CFR 22.26) and Eagle Nest Take (50 CFR 22.27). For example, in the Southeast Region, Migratory Bird and Eagle Permit Program issued seven new and one Amended Take (Disturbance) Permits and eight new Eagle Take Permits. There are five additional Eagle Take (Disturbance) permits currently pending.
- The Fish Passage Program – (Fisheries Restoration and Irrigation Mitigation Act) administered by the Service in partnership with state and tribal partners brings numerous benefits.

For all programs, the outcome is to improve habitat and enhance fish and wildlife populations, which can directly enhance the quality of life. Examples are:

Co-management – Marine mammals. A provision of the Marine Mammal Protection Act allows for the development of cooperative agreements to conserve marine mammals and provides for the co-management of subsistence use. To facilitate co-management activities, the Service funded a wide variety of management issues, including:

- Commission co-management operations;
- biological sampling programs;
- harvest monitoring;
- collection of Native knowledge in management;
- international coordination on management issues; and
- the development of local conservation plans.

Endangered Species Act (Act). The Act provides an exemption on taking of fish and wildlife by Alaska Natives for subsistence and for traditional native handicrafts and clothing.

Subsistence Harvest Monitoring. The Office of Subsistence Management supports the Federal Subsistence Board and the Federal Subsistence Regional Advisory Councils. The ten Regional Councils are made up of volunteers appointed by the Secretary of Interior with the concurrence of the Secretary of Agriculture. These members are respected community and regional leaders who have demonstrated knowledge and experience in the use and management of fish and wildlife.

The Office of Subsistence funds fisheries resources minority projects. Public participation plays a vital role in proposing changes to subsistence fishing, hunting and trapping regulations, and making comments on proposed changes so that regulations can better meet the needs of subsistence users while conserving healthy populations of and wildlife.

Environmental Compliance. In accordance with DOI Environmental Compliance Memorandums Numbers 11-1 and 95-3, all environmental documents must contain an Environment Justice section that addresses the appropriate impacts for each alternative. While most proposed actions have no environmental justice impacts, those that do invariably produce positive impacts on targeted populations. The provision of free fishing, boating, and hunting opportunities to groups with limited economical resources is an example of the positive benefits often provided. Environmental justice is a standard sub-section in NEPA documents just as are listed species and historical/cultural resources. NEPA documents are reviewed to ensure that the appropriate sub-section is present and that it adequately addresses the issues. The Service will continue to fulfill its NEPA responsibilities and Native American cultural and historic responsibilities.

Media outreach on environmental decisions. The Service uses various authorities and associated processes to ensure that communities can participate in the decision-making process related to environmental justice. The Fish and Wildlife Coordination Act provides authority for the Service to coordinate with tribal governments to ensure that issues that have the potential to impact tribal lands are brought to the attention of the tribes. NEPA provides authority for the Service to consult communities in the NEPA process.

Public outreach, involvement and participation. The Service incorporated an environmental justice component into the planning documents required for its operations programs. For example, during the development of Refuge Comprehensive Conservation Plans (CCP), Regions considered the proposed refuge management actions that may affect minority or low-income populations. Another example, in FY 2011, the Southeast Region consulted the Miccosukee and Seminole tribes for the compilation of the Draft Environmental Assessment for the creation of a land protection plan for the proposed Everglades Headwaters NWR in Florida. Efforts are still underway to continue consultation until the final Environmental Assessments is complete. In the Alaska Region, staff made formal and informal visits with tribal leaders, elders, and others in planning NEPA projects including the Arctic National Wildlife Refuge CCP; Izembek National Wildlife Refuge proposed land exchange/road environmental impact statement; Selawik National Wildlife Refuge CCP and Western Arctic Caribou Herd Management Plan.

In the Alaska Region, public involvement and outreach on all planning and NEPA projects take place. In FY 2011, 10 public meetings were held with predominately Alaska Native communities. Another example, partnerships with Alaska Nanuuq Commission and Alaska Migratory Bird Co-Management Council continues to enhance conservation efforts.

One NEPA project resulted in the approval of locating communication towers within undeveloped areas of Togial NWR to bring broadband internet service to communities on the Yukon/Kuskokwin River Delta.

Servicewide, interns and students from the Student Conservation Association work on projects for the preservation of lands and habitat conservation.

2012 Planned Activities

Congressional Black Caucus(CBC). Over the years, the Service's Environmental Justice Program has partnered with the CBC to convene the Environmental Justice Braintrust session

during the CBC Annual Legislative Conference. The Braintrust brings together leaders from around the country to discuss the latest developments in a particular subject area and maps out a plan for moving forward.

Environmental Justice Community Quarterly Teleconferences. In support of the IWG, the Service will continue to participate in community teleconference which addresses community issues and permits agency to brief communities on environmental justice activities.

50 CRF Part 3: Nondiscrimination in Service Programs Available to the Public. Draft proposed regulation is under review. If approved, the regulation will permit continual internal assessments of programs, policies, and activities governing the Federally Conducted Program.

Conduct Environmental Training Conferences. The 6th Annual Environmental Justice Conference will be held April 3-5, 2012, in Crystal City, Virginia; and The National Environmental Justice Conference and Training Program is scheduled for April 11-13, 2012, in Washington, DC. These conferences will focus on clean energy, succession planning, health disparities, and environmental health in disadvantage communities.

Locate communication towers within undeveloped areas of Togiak National Wildlife Refuge to bring broadband internet to *local Alaska Native Communities* to the Yukon/Kuskowwin River Delta. A similar project for Northwest Alaska is underway.

Provide assistance to recruit interns from the Student Conservation Association to work with Service.