

Form RD 2006-38
(Rev. 07-07)

Rural Development
Environmental Justice (EJ) and Civil Rights Impact Analysis (CRIA)
Certification

1. Applicant's name and proposed project description: _____

2. Rural Development's loan/grant program/guarantee or other Agency action: _____

3. Attach a map of the proposal's area of effect identifying location or EJ populations, location of the proposal, area of impact or

Attach results of EJ analysis from the Environmental Protection Agency's (EPAs) EnviroMapper with proposed project location and impact footprint delineated.

4. Does the applicant's proposal or Agency action directly, indirectly or cumulatively affect the quality and/or level of services provided to the community?
 Yes No N/A

5. Is the applicant's proposal or Agency action likely to result in a change in the current land use patterns (types of land use, development densities, etc)?
 Yes No N/A

6. Does a demographic analysis indicate the applicant's proposal or Agency's action may disproportionately affect a significant minority and/or low-income populations?
 Yes No N/A

If answer is no, skip to item 12. If answer is yes, continue with items 7 through 12.

7. Identify, describe, and provide location of EJ population _____

8. If a disproportionate adverse affect is expected to impact an EJ population, identify type/level of public outreach implemented. _____

9. Identify disproportionately high and adverse impacts on EJ populations. _____

10. Are adverse impacts appreciably more severe or greater in magnitude than the adverse impacts expected on non-minority/low-income populations?
 Yes No N/A

11. Are alternatives and/or mitigation required to avoid impacts to EJ populations?
 Yes No N/A

If yes, describe _____

12. I certify that I have reviewed the appropriate documentation and have determined that:
 No major EJ or civil rights impact is likely to result if the proposal is implemented.
 A major EJ or civil rights impact is likely to result if the proposal is implemented.

Name and Title of Certifying Official

Date

This form is required to certify that an EJ/CRIA has been completed to determine whether a major EJ or civil rights impact is likely to result from an applicant's proposal and Rural Development's subsequent action. The analysis is to be completed prior to approving and implementing Rural Development's program activity.

(see reverse)

PROCEDURE FOR PREPARATION : RD Instructions 1940-G and 2006-P.

PREPARED BY : Certifying Official.

NUMBER OF COPIES : Original and three copies.

SIGNATURES REQUIRED : Original signed by the Certifying Official.

DISTRIBUTION COPIES : Original filed with operation file at originating office; copy filed with National Environmental Policy Act review documents. For analyses/certifications completed at the State level, copy to State Civil Rights Manager/Coordinator. For analyses/certifications completed at the National Office level, copy to the Equal Opportunity Staff.

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INSTRUCTIONS FOR PREPARATION

- (1) Identify the applicant and the proposed project.

Example: [Name of the applicant] has requested direct financial assistance to construct seventy anaerobic digesters.

- (2) Identify Rural Development's loan or grant program under which approval will be given.

Example: The applicant has asked Rural Development for a direct loan under the Section 9006 program.

- (3) Self-explanatory. Attach a copy of the map that identifies the applicant's proposed project location and boundaries of its area of influence or impact. Identify areas of low-income or minority populations, or provide results of EJ analysis from the U.S. Environmental Protection Agency's (EPA's) EnviroMapper.

- (4) Answer yes, no, or not applicable.

- (5) Answer yes or no, or not applicable. If the answer is yes, this should trigger an enhanced outreach effort. See item 8 for public outreach and participation guidance. Environmental effects are often realized in inverse proportion to the distance from the location or site of the proposed action (i.e., the closer the population is to the action, the greater the potential impacts). As a result, an effort should be made to correlate the demographic analysis to the area most likely to bear environmental effects. On the other hand, depending on the resource affected, and the users of that resource, proximity to the site may not correlate with the likelihood of disproportionately high and adverse effects on minority communities or low-income communities.

- (6) Answer yes, no, or not applicable.

- (7) Provide a brief narrative of the potentially adversely impacted low-income or minority population. In general, census and other data should be used to characterize the population within the proposed project's area of effect, in terms of minority (i.e., racial or ethnic, economic, and educational demographics). Identify supporting information and statistical data for your conclusion. This may include the results identified in EPA's EnviroMapper, (<http://www.epa.gov/enviro/thml/em/index.html>) analysis or census data, other analysis/research tools such as information obtained through oral interviews, responses to written

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questions, geographical mapping system (GIS) and/or economic impact analyses (market surveys). It is important to remember, however, that census data have been shown to be unreliable in some cases, in part because the level of aggregation may not offer a fine enough mesh to identify the existence of such communities. Also, census data are based on self-reporting. These data are not always consistent and are prone to undercounting minority populations and low-income populations due to a perceived reluctance for certain populations to divulge information. Because the applicability of the census data can only be determined on a case-by-case basis, the Rural Development analyst should supplement this information with data from other sources as identified above.

(8) Identify both the type and level of public outreach implemented to low-income or minority populations if the analysis indicated that the applicant's proposed project would result in a highly disproportionate adverse impact. Early and meaningful public participation in the federal decision making process is a paramount goal of the EJ Executive Order and the National Environmental Policy Act (NEPA). Participation of low-income, minority and tribal populations may require adaptive or innovative approaches to overcome linguistic, institutional, cultural, economic, historical or other barriers to effective participation in this decision making process. Rural Development may consider some of the following means to enhance their public outreach and participation to low-income and minority populations by contacting some of the following organizations: religious organizations, civic organizations, minority business associations, environmental/environmental justice organizations, legal aid providers, homeowners, tenants, and neighborhood watch groups, rural cooperatives, business and trade organizations, community/social service organizations, universities, vocational schools, civil rights organizations, labor organizations, senior citizen's groups, and public health agencies. In developing innovative strategies for effective public participation consider the following: translation of any major documents, provide translators at any public meetings, use periodic newsletters, use locations and facilities that are local, convenient, and accessible to the disabled, low-income and minority communities and Indian tribes, provide assistance to hearing or sight impaired individuals.

(9) Identify disproportionately high and adverse impacts to human health, ecology, economy, cultural, social or historic media. Impacts to consider include degradation of air quality, degradation of water quality, increase in noise, odor, traffic, hazardous substances and/or waste, toxic chemicals, pesticides, landfills, subsistence resources (i.e., fauna, flora). Remember that impacts may affect a cultural, historic or protected resource (traditional cultural property) of value to an Indian tribe or minority population, even when the population is not concentrated in the project vicinity.

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(10) Answer yes, no, or not applicable.

(11) Answer yes, no, or not applicable. If the answer is yes, provide a description of other alternatives that were considered and/or implemented by the applicant (for example, relocation of the proposed project, change in design). Mitigation measures adopted to reduce or avoid the impact to low-income or minority populations may include the following: reducing pollutant loadings through changes in processes or technologies, reducing or eliminating other sources of pollutants or impacts to reduce cumulative effects, planning for and addressing indirect impacts prior to project initiation (e.g., planning for alternative public transportation alternatives if the project may result in increased population growth), providing assistance to an affected community to ensure that it receives at least its fair (i.e., proportional) share of the anticipated benefits of the proposed action (e.g., through job training, community infrastructure improvements), relocating affected communities, upon request or with concurrence from the affected individuals, establishment of a community oversight committee to monitor progress and identify potential community concerns, changing the timing of impact-causing actions (e.g., noise, pollutant loadings) to reduce effects on minority communities or low-income communities, conducting medical monitoring on affected communities and providing treatment or other responses if necessary. If mitigation measures are determined to be necessary to reduce disproportionately high and adverse effects on minority and/or low-income communities, and/or tribal resources, then mitigation measures should be identified and committed to in the FONSI, ROD and the Letter of Commitment or other loan approval and closing documents.

(12) Certifying Official must check the appropriate box and sign and date certification.

Use additional pages if necessary.

For further assistance contact your State Civil Rights Manager/Coordinator or your State Environmental Coordinator.