



Environmental Justice
Annual Implementation Progress Report
FY 2014

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I. Introduction

On February 11, 1994, President William Jefferson Clinton issued Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, requiring each covered agency 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.” Although the U.S. Department of Homeland Security (DHS) did not exist in 1994 and is thus not an agency expressly included in the EO, in August 2011, DHS joined sixteen other federal agencies in signing a *Memorandum of Understanding on Environmental Justice and EO 12898* (EJ MOU),¹ agreeing to make achieving environmental justice part of its mission.

In accordance with EO 12898 and the EJ MOU, DHS has undertaken a number of commitments to further the aims of environmental justice, including publication of an agency-wide Environmental Justice Strategy (DHS EJ Strategy)² and annual progress reports on its implementation.³ DHS is a member of the EPA-sponsored federal Environmental Justice Interagency Working Group (EJ IWG), and facilitates an internal DHS Environmental Justice Working Group (EJWG). The DHS EJWG is co-chaired by the DHS Sustainability and Environmental Programs office (SEP) within the Office of the Chief Readiness Support Officer (CRSO), and the DHS Office for Civil Rights and Civil Liberties (CRCL).

As explained more fully in the DHS EJ Strategy, the Department approaches environmental justice through the missions and general strategic framework set forth in the 2014 Quadrennial Homeland Security Review (QHSR), which guides the activities of the homeland security enterprise, including those of the Department.⁴ Environmental justice considerations can arise within three of the QHSR’s five homeland security missions: Prevent terrorism and enhance security; secure and manage our borders; and strengthen national preparedness and resilience; as well as all of the strategic priorities.

¹ The EJ MOU is available at <http://www.epa.gov/environmentaljustice/resources/publications/interagency/ej-mou-2011-08.pdf>. Concurrently with the MOU, the participating agencies issued a *Charter for the Interagency Working Group on Environmental Justice*, available at <http://www.epa.gov/environmentaljustice/resources/publications/interagency/iwg-charter-2011.pdf>.

² Department of Homeland Security, *Environmental Justice Strategy* (February 2012), available at <http://www.dhs.gov/xlibrary/assets/mgmt/dhs-environmental-justice-strategy.pdf>.

³ Department of Homeland Security, *Environmental Justice Annual Implementation Progress Report for the Period Through FY 2011* (February 2012), and *Environmental Justice Annual Implementation Progress Report for the Period FY 2012* (February 2013), available at <https://www.dhs.gov/dhs-environmental-justice-strategy>.

⁴ Department of Homeland Security, *Quadrennial Homeland Security Review Report: A Strategic Framework for a Secure Homeland* (June 2014), available at <http://www.dhs.gov/publication/2014-quadrennial-homeland-security-review-qhsr>.

This report summarizes the Department's progress toward achieving the goals of EO 12898 during fiscal year (FY) 2014, with particular attention to four areas of interagency focus itemized in the EJ MOU:

- Implementation of the National Environmental Policy Act;
- Implementation of Title VI of the Civil Rights Act of 1964, as amended;
- Impacts from climate change; and
- Impacts from commercial transportation and supporting infrastructure (i.e., "goods movement").

DHS is proud to be an active participant in the vigorous interagency effort to incorporate environmental justice values as it keeps the nation safe, secure, and resilient.

II. Implementing Commitments of the EJ MOU

Focus Area 1: Implementation of the National Environmental Policy Act

The principal legal framework for incorporating environmental justice into agency decision making is the National Environmental Policy Act (NEPA), the "basic national charter for protection of the environment" (40 C.F.R. § 1500.1(a)). Through NEPA, Congress directed federal agencies to integrate environmental factors in planning and decision making. During the decision-making process, agencies must consider the environmental, social, economic, and technical factors of proposed actions. The process provides officials, decision-makers, and the public with an understanding of the proposed action's potential impact on the environment. For major actions that could significantly affect the environment, agencies must prepare an Environmental Impact Statement (EIS). EO 12898 and the EJ MOU underscore the importance of NEPA procedures 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."⁵ Furthermore, the EJ MOU affirms the commitment that "[e]ach 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."

The Secretary delegated authority to lead the Department's implementation of NEPA to the Undersecretary for Management who then delegated this authority to CRSO. DHS NEPA implementing procedures contained in DHS Directive 023-01, *Environmental Planning Program*⁶, require that the Department follow guidance issued by the President's Council on Environmental Quality (CEQ) in performing reviews of proposed actions to identify potential environmental justice issues; CEQ first issued guidance on integrating environmental justice in 1997.

⁵ The White House, Office of the President, *Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* [Memorandum] (February 1994), available at http://www.epa.gov/compliance/ej/resources/policy/clinton_memo_12898.pdf :

⁶ Department of Homeland Security "*Directive and Instruction 023-01, Environmental Planning Program*" <http://www.dhs.gov/national-environmental-policy-act> .

In addition to DHS's internal NEPA process, the Department actively participates on the EJ IWG, and is a member of the NEPA Committee. The purpose of this Committee is to improve the effective, efficient and consistent consideration of environmental justice in the NEPA process through the sharing of practices, lessons learned and programs, where appropriate. Since its May 2012 inception, the Committee continues to employ robust and innovative approaches for meeting the intent of EO 12898. In FY 2014, the Committee further advanced the following federal initiatives:

- **Community of Practice:** Through its monthly interagency meetings, the Committee has established a vehicle for cross-agency training and a forum for addressing complex issues and sharing effective practices for considering environmental justice in the NEPA process.
- **EJ and NEPA Agency Resource Compendium:** The Compendium, available on the EJ IWG webpage, consolidates publically available information from 20 Federal agencies on the intersection of environmental justice and NEPA.⁷
- **Lexicon:** The Committee is drafting a lexicon and compendium of key terms that federal agencies use in conducting environmental justice/NEPA reviews.
- **National Training Product on Environmental Justice and NEPA:** The Committee is drafting a *National Training Product on EJ and NEPA*.
- **Promising Practices on Environmental Justice Methodologies in NEPA Reviews:** The Committee is developing a compilation of promising environmental justice/NEPA practices. The compilation is the result of research, analysis and professional expertise of the NEPA Committee participants, and the collective thinking and thoughtful deliberation of environmental justice stakeholders.

Focus Area 2: Implementation of Title VI of the Civil Rights Act of 1964, as amended

Title VI of the Civil Rights Act of 1964 ("Title VI") prohibits race, color, and national origin discrimination by recipients of financial assistance from DHS. Environmental justice issues may arise in programs and activities supported through federal financial assistance. In those circumstances, Title VI is an important tool for addressing those concerns. By delegation from the Secretary and through regulations at 6 CFR Part 21, CRCL leads the Department's compliance and enforcement program to assure that its federally assisted programs comply with Title VI and the Department's implementing regulations.

Title VI, through its prohibition against national origin discrimination, also requires recipients of DHS financial assistance to take reasonable steps to provide meaningful access to its programs and activities for limited English proficient (LEP) persons.⁸ LEP persons (i.e., those who have a

⁷ US Environmental Protection Agency, Office of Enforcement and Compliance, *Federal Interagency Working Group on Environmental Justice National Environmental Policy Act (NEPA)/EJ Resource Compendium*, October 29, 2013, <http://www.epa.gov/environmentaljustice/resources/publications/interagency/nepa-ej-compendium.pdf>

⁸ DHS published in the Federal Register on April 18, 2011, "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons."

limited ability to speak, read, write, or understand English), may also be a part of low-income or minority communities that are subject to disproportionately high and adverse environmental effects. In carrying out the enforcement of Title VI, it is critical for DHS to identify the intersection with environmental justice and educate recipients on fulfilling their language access obligations. Integrating LEP persons into environmental justice efforts, such as through multilingual outreach and the regular use of competent interpreters at meetings and in other interactions, supports environmental justice goals and Title VI compliance.

In FY 2014, CRCL continued to develop and oversee the DHS-wide Title VI compliance program. Major activities included the development of a standard civil rights assurance and data collection tool for recipients of DHS grants and other types of federal financial assistance. Once fully implemented, entities receiving financial assistance will be required to submit data and information on civil rights complaints made against them, including complaints that raise environmental justice concerns; and their policies and procedures to fulfill various civil rights obligations. CRCL anticipates implementing the new tool and process in FY 2015.

Other FY 2014 accomplishments implementing Title VI include:

- **Technical Assistance to Recipients.** CRCL provided targeted technical assistance to recipients of financial assistance on fulfilling their civil rights obligations, including procedures for reporting complaints of discrimination to the Department. CRCL also provided recipients with guidance materials and resources including the *Title VI Overview for Recipients of DHS Financial Assistance*,⁹ the *Department's LEP Guidance*,¹⁰ the *Guide for Interacting with People with Disabilities*,¹¹ and other web-based materials and resources.
- **Outreach to the Public on Federal Nondiscrimination Laws.** A key aspect of ensuring compliance with federal civil rights laws is providing information to the public on their rights. To this end, CRCL carried out the following activities to inform the public of their rights under these laws and resources available to them:
 - **Participation in Community Engagement Roundtables.** CRCL communicates regularly with individuals and communities whose civil rights and civil liberties may be affected by the Department's conducted or assisted programs and activities, and informs them of policies and avenues of redress. One unique mechanism that CRCL employs in engaging stakeholders is the Community Roundtable Model. Community engagement roundtables provide individuals and community leaders with an

⁹Department of Homeland Security *Title VI Overview for Recipients* available at: <http://www.dhs.gov/title-vi-overview-recipients-dhs-financial-assistance>

¹⁰Department of Homeland Security *Limited English Proficiency Guidance* available at: <http://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited>

¹¹Department of Homeland Security *Guide for Interacting with People with Disabilities* available at: http://www.dhs.gov/sites/default/files/publications/guide-interacting-with-people-who-have-disabilities_09-26-13.pdf

opportunity to interface routinely and directly with DHS and other federal, state, and local partners on issues most important to them, including concerns that arise out of DHS conducted and assisted activities. Roundtables are held quarterly in cities throughout the country, and are hosted by federal agencies and community organizations on an alternating basis. Information gathered at roundtables can play a vital role in helping to inform policy decisions and compliance activities, and improve the effectiveness of policies and programs.

- **Resources and Information on CRCL Website.** The CRCL webpages, updated to complement existing outreach efforts, contain information on the Title VI compliance program, language access, disability policy, and environmental justice.
- **Federal Interagency Coordination on Title VI.** DHS is an active participant on the Title VI Committee of the EJ IWG. Additionally, CRCL participates on the Title VI Interagency Working Group and co-chairs the Committee on Coordination that facilitates information sharing and development of tools and resources to advance coordination on Title VI compliance and enforcement.

DHS continues to participate in the Interagency Working Group on Limited English Proficiency Committee on Enforcement. Through this Committee, CRCL co-led a data collection project to identify how federal agencies integrate Title VI language access requirements into the pre-award phase of the grant-making process. The project report includes the results of the data collection as well as ideas and practices to assist federal agencies in strengthening compliance with language access requirements in the grant-making process. The Committee anticipates releasing the report in FY 2015.

Focus Area 3: Impacts from Climate Change

DHS identified climate change as a strategic priority in its mission to prevent, protect against, mitigate, respond to, and recover from threats and hazards, as well as to build in security, to ensure resilience, and facilitate customs and exchange. The QHSR states “*Natural hazards are becoming more costly to address, with increasingly variable consequences due in part to drivers such as climate change and interdependent and aging infrastructure.*” Accordingly, DHS has advanced a number of climate change initiatives within headquarters offices and operational Components including the Federal Emergency Management Agency (FEMA), the National Protection and Programs Directorate (NPPD), the Science and Technology Directorate (S&T), the U. S. Customs and Border Protection (CBP) and the U.S. Coast Guard (USCG) in support of EO 13653, *Preparing the United States for the Impacts of Climate Change* (Nov. 1, 2013). The *DHS Climate Action Plan* (September 2013) and *Climate Action Plan Addendum* (June 2014) further elaborate on the Department’s climate change efforts.¹²

On November 1, 2013 the President, via EO 13653, established a State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience. The Task Force was charged with

¹² The DHS Climate Action Plan and Climate Action Plan Addendum are located at: <https://www.dhs.gov/publication/sustainability-performance-plan>.

providing recommendations on how the Federal Government can respond to the needs of communities nationwide that are dealing with the impacts of climate change by removing barriers to investments in resiliency, modernizing federal grant and loan programs to better support and encourage local efforts, and developing the information and tools that decision-makers need to understand and prepare for the impacts of climate change. As a member of the Task Force, in FY 2014 FEMA sponsored a webinar focused on expanding tribal leader engagement in disaster recovery and resilience. The webinar covered climate change impact assessment and mitigation efforts, case studies of tribal and local government response to climate change impacts, and a feedback session with the Task Force tribal leaders. The data provided by tribal representatives informed the Task Force's recommendations to the President issued in November 2014.

Influx of Unaccompanied Alien Children Across the Southwest Border. The June 2, 2014 Presidential Memorandum, *Response to the Influx of Unaccompanied Alien Children Across the Southwest Border*, described the influx as an “urgent humanitarian situation requiring a unified and coordinated Federal response.” In this Memorandum, the President directed the Secretary of DHS to establish an interagency Unified Coordination Group to ensure unity of effort across the executive branch in responding to the humanitarian aspects of the situation, consistent with the Homeland Security Act of 2002 and Homeland Security Presidential Directive-5, *Management of Domestic Incidents*, including coordination with State, local, and other nonfederal entities. In accordance with NEPA, DHS procedures and CEQ NEPA implementing regulations at 40 CFR Parts 1500-1508, the Department prepared a broadly based Programmatic Environmental Assessment (PEA) to evaluate the potential impacts to the human environment, including impacts related to climate change, resulting from increased Departmental activities necessary to process, detain, and transport unaccompanied alien children and family units who had crossed the southwest border of the United States.

In further support of the June 2, 2014 Presidential Memorandum, the U.S. Immigration and Customs Enforcement (ICE) drafted a supplemental environmental assessment (EA) for the construction of a South Texas Family Residential Center (STFRC) located in Dilley, Texas. The supplemental EA used information from the DHS PEA (a process called “tiering”) and added a more site-specific review of the socioeconomic, demographic, and other applicable conditions in Dilley, Texas. Through the analysis, DHS determined that construction of the proposed STFRC would not have a disproportionately high and adverse impact on the community.

Other FY 2014 accomplishments related to climate change include:

FEMA

The Department aims to improve the entire nation's ability to prepare for climate impacts. Through FEMA, DHS provides actionable risk tools for future risk planning, facilitates investments that consider future risk, and builds climate adaptation knowledge and capacity – including recognition of the disproportionate impacts adaptation actions may have on vulnerable communities.

FEMA's promotion of the national adoption and enforcement of building codes and standards to reduce risk of future disasters is notable. Adoption of modern building codes has been deemed one of the best ways for communities to protect residents from loss of life, injury, or property damage due to natural hazards, including those resulting from climate change.

In FY 2014, the following FEMA programs, policies, and efforts strengthened local communities' capacity to adapt to climate change:

- FEMA led an interagency Mitigation Framework Leadership Group focused on the evaluation of a coordinated federal approach to promote the adoption and enforcement of building codes.
- FEMA participated in the Interagency Building Code Adoption & Enforcement Strategy Workgroup, created in 2014. The Workgroup comprises experts from the National Institute of Standards and Technology, the U.S. Geological Survey, the National Oceanic and Atmospheric Administration, and DHS Office of Infrastructure Protection. The goal of the Workgroup is to create uniform mechanisms for all federal agencies with authorities and responsibilities related to building code compliance and enforcement, and to encourage and/or aid State and local communities in the nationwide adoption of the most recent International Building Codes, International Residential Codes, and other codes that will increase community resilience.
- In FY 2014, FEMA began the development of a Comprehensive Preparedness Guide for Climate Change Adaptation Planning. The Guide will provide general planning considerations to aid communities, including whole community partners, assess risk, conduct short and long term planning, and determine climate mitigation strategies. FEMA afforded stakeholders the opportunity to review and comment on the draft Guide, planned for release in 2015.
- In May 2014, FEMA conducted a federal interagency Climate Adaptation, Preparedness, and Resilience Workshop to identify and assess federal agency readiness capabilities and gaps related to climate change impacts. FEMA held additional workshops in Houston, Texas; Fort Collins, Colorado; Anchorage, Alaska; and Hampton Roads, Virginia to further explore nationwide climate change preparedness and resilience capabilities, gaps, and unique regional and local challenges.

Office of Health Affairs

The Office of Health Affairs (OHA) manages and provides oversight of the Community Health Resilience Initiative (CHRI).¹³ In FY 2014, the CHRI developed an online community health resilience guide and toolkit that provides communities, the public and the private sector, information to develop and/or improve health resilience in the face of disasters. The goal of the CHR Toolset is to provide practitioners and experts from all sectors, disciplines, and functional areas who have roles, responsibilities, or interests in CHR, access to guidance and resources to make their community (or organization) more resilient. The CHRI received

¹³ Information on the Community Health Resilience Initiative and Toolkits is located at: <http://communityhealthresilience.anl.gov/pls/apex/f?p=101:1>

substantial input from the U.S. Department of Health and Human Services, the Centers for Disease Control and Prevention and participants from across the country. Furthermore, it encompassed the health effects of climate change on individuals with access and functional needs.

Office of Intergovernmental Affairs

The Tribal Desk within the Office of Intergovernmental Affairs (IGA) is the designated lead for tribal relations and consultation at DHS. In FY 2014, the Tribal Desk actively supported the DHS EJ Strategy and related climate change efforts through participation in the White House Council on Native American Affairs (WHCNAA) and its Climate Change Sub-Group. The WHCNAA established the Climate Change Sub-Group in FY 2014 in response to EO 13653. Its efforts include:

- Providing a forum to address challenges and barriers that tribes encounter due to the impacts of climate change.
- Coordinating and leveraging resources and expertise to provide tribes with increased opportunities to develop the capacity to address climate change impacts and plan for resiliency. Related to this effort, the Sub-Group strives to reduce the administrative barriers associated with grant funding.
- Assisting tribes by providing technical support, tools and data to assess risk, mitigate impacts and adaptively plan for resiliency.
- Creating opportunities across the federal climate response efforts to integrate tribal vision and goals, including respectful considerations of traditional ecological knowledge into federal approaches to science, data collection and outcomes.

Focus Area 4: Impacts from Commercial Transportation and Supporting Infrastructure

In its role as protector of the nation's borders and the grantor of bridge permits, DHS is instrumental in the movement of goods. "Goods movement" refers to the distribution of freight (including raw materials, parts, and finished consumer products) by all modes of transportation, including marine, air, rail, and truck. Goods movement facilities, also called freight facilities, include seaports; airports; land ports of entry; rail yards and rail lines; highways and high truck traffic roads; and warehouse and distribution centers.¹⁴ At the same time, environmental justice calls for appropriate consideration of the environmental and human health effects of goods movement and the need for effective communication with affected communities.

DHS, in its role as co-chair of the EJ IWG Goods Movement Committee, leads and directs Committee activities to assure that appropriate consideration of environmental and human health effects of goods movement and communication with affected communities is paramount. In FY 2014, the Committee continued to advance enhanced interagency collaboration and stakeholder engagement through the following efforts:

¹⁴ Environmental Protection Agency, *EPA's Response to the National Environmental Justice Advisory Council Report: Reducing Air Emissions Associated with Goods Movement: Working Toward Environmental Justice* (June 28, 2010).

- The Committee hosted a stakeholder listening session with representatives of the Moving Forward Network, Eastern Environmental Law Center, Clean Water Action, and the Center for Community Action and Environmental Justice. The session yielded six challenge areas for the Committee to consider in future planning.
- Committee members participated in the National Freight Advisory Council's assessment of 81 recommendations for the National Freight Strategic Plan (NFSP) being developed by the U.S. Department of Transportation. The recommendations focused on a range of freight-related topics, including safety, security, infrastructure investment, permit streamlining, and environmental sustainability. Key recommendations related to advanced air technologies, alternative fuels for the freight sector, and reducing environmental and human health impacts from first and last mile activities. The NFSP is due October 2015.

III. Implementation of the DHS Environmental Justice Strategy

The DHS EJ Strategy committed the Department to the seamless integration of environmental justice principles into its operations through concrete steps and ongoing operational improvements. In addition to the accomplishments already described as part of the four interagency focus areas discussed in Part II of this report, in FY 2014 DHS took additional steps to implement the DHS EJ Strategy. This section describes examples of DHS headquarters and operational Components' engagement with environmental concerns and in active outreach to potentially affected communities.

Creating a Directive and Instruction on Environmental Justice. CEQ's regulations for implementing NEPA require each federal agency to develop NEPA procedures. The Department's current NEPA procedures, published in 2006, call for appropriate consideration of environmental justice in the NEPA process for proposed DHS activities. In FY 2014, DHS SEP finalized revisions to the Department's NEPA procedures, *Directive and Instruction 023-01 Rev. 01, Environmental Planning Program*. The updated procedures strengthen SEP's departmental oversight and compliance with the requirement to consider environmental justice pursuant to CEQ guidance under NEPA, EO 12898, and the DHS EJ Strategy. Furthermore, the procedures bolster the DHS Decision Support System (DSS) as the NEPA system of record. The revised Directive becomes effective March 26, 2015. In accordance with the revised procedures, a number of components are currently pursuing actions required to obtain a DHS delegation of authority for approving NEPA documents, thereby further institutionalizing environmental justice review throughout the enterprise.

Component efforts related to creating a directive and instruction on environmental justice include:

CBP

- CBP is drafting a NEPA Implementing Directive based on DHS Directive 023-01. As required, the CBP draft emphasizes the environmental justice/NEPA consideration requirement for every action.

FEMA

- In FY 2014, FEMA completed a final draft of a NEPA Directive and Manual for submission to DHS for approval.

Identifying and Addressing Environmental Justice Considerations in Programs, Policies, and Activities. In FY 2014, the DHS EJWG, comprising operational Components and headquarters support, met monthly to review current and pending DHS actions and best practices. The DHS EJWG kicked off an environmental justice awareness campaign by conducting various learning sessions for headquarters and Component environmental justice points of contact on a variety of topics, including Title VI, the nexus between EO 12898 and EO 13175, *Consultation and Coordination with Indian Tribal Governments* (Nov. 6, 2000), and the climate change/environmental justice interconnection. DHS also began planning for the first revision of the DHS EJ Strategy.

Component efforts related to identifying and addressing environmental justice considerations in programs, policies, and activities include:

FEMA

- During FY 2014, FEMA's Office of Environmental and Historic Preservation (OEHP) and Regional Environmental Officers (REOs) continued to utilize and leverage the NEPA process to assist in identifying concerns specific to environmental justice. OEHP reviews all available background information for proposed projects that may have the potential to have a disproportionate impact on minority, low income, or tribal communities. OEHP finalized and added to the FEMA website a total of 19 EAs with completed Finding of No Significant Impact (FONSI) statements.
- FEMA has a robust environmental justice program in Louisiana focused on addressing post-Katrina/Rita efforts. For projects requiring EAs, FEMA conducts public scoping meetings to ascertain as much information as possible regarding community concerns and potential environmental justice issues that may arise. Environmental justice related projects are elevated to and overseen by the Deputy Environmental Liaison Officer. Where appropriate, a Public Involvement Plan is developed and implemented.
- In FY 2014, FEMA conducted environmental justice compliance and tools training for program, headquarters, regional and environmental personnel deployed to disasters. The training focused EO 12898, examples, tools, and considerations when working on projects that have a potential environmental justice impact. In FY 2014, 1,815 personnel completed the training.

USCG

- In FY 2014, the USCG conducted tribal relations training for over 350 USCG members. The training increases the USCG's ability to engage in a culturally relevant manner and to understand the nature of government-to-government relationships and tribal issues of concern.

Developing Compliance and Review Capacity. In FY 2014, the CRSO fully deployed the DSS across the Department as part of its ongoing initiatives in support of data driven decision-making. The DSS is a web-based IT Tool owned and operated by the CRSO that enables the automation of environmental and historic preservation reviews pursuant to Directive 023-01, Rev 01. The DSS includes environmental justice among the many environmental considerations evaluated in a NEPA review.

Component efforts related to developing compliance and review capacity include:

USCG

- The USCG completed the experience and training requirements of the NEPA warrant program. The warrant program requires all USCG employees with signature authority on official NEPA documents to be trained on the requirements of EO 12898. USCG NEPA policy requires the completion of an Environmental Checklist, which includes environmental justice-related questions, and examination by a USCG Environmental Reviewer. In FY 2014, approximately 1,500 Environmental Checklists were completed.

Communicating through Active Outreach Efforts. In addition to the outreach activities described in the discussion of the Title VI focus area above, DHS headquarters and Components took additional steps to engage potentially affected communities.

Language Access

DHS, like its recipients of federal financial assistance, has an obligation to take reasonable steps to provide meaningful access to its programs and activities for LEP persons. LEP persons may be a part of low-income or minority communities that are subject to disproportionately high and adverse environmental effects. The Department, in meeting its obligations under Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” issued a Language Access Plan¹⁵ (DHS plan) that provides for the development of a system within DHS for providing meaningful access for LEP persons to the full range of DHS programs and activities. The DHS plan, first issued in 2012, required all Components that interact with the public to implement the DHS policy on language access:

It is the policy of DHS to provide meaningful access for individuals with limited English proficiency to operations, services, activities, and programs that support each Homeland Security mission area by providing quality language assistance services in a timely manner. DHS Components, therefore, should incorporate language access considerations into their routine strategic and business planning, identify and translate crucial documents into the most frequently encountered languages, provide interpretive services where appropriate, and educate personnel about language access responsibilities and how to utilize available language access resources.

¹⁵ Department of Homeland Security *Language Access Plan* available at: <http://www.dhs.gov/department-homeland-security-language-access-plan>.

The DHS policy is consistent with the DHS Recipient Guidance for recipients of financial assistance, which provides a four-factor analysis to assist entities in providing meaningful access:

- 1) Number or proportion of LEP individuals encountered or likely to be encountered;
- 2) Frequency of contact with LEP individuals;
- 3) Nature and importance of the program, activity or service provided; and
- 4) Resources available and costs to provide the meaningful access.

In FY 2014, DHS Components having contact with the public developed individual Component language access plans that describe the steps taken to provide meaningful access to LEP persons. These plans include information on outreach efforts with LEP populations and other diverse communities. Components have carried out effective outreach to these communities by:

- Assessing demographics within a geographical area to learn of any LEP populations and predominant languages spoken
- Translating information in multiple languages
- Posting multilingual resources online
- Hosting community engagement meetings to provide information and answer questions about DHS programs and activities
- Using qualified in-person or telephonic interpreters to communicate with persons who are LEP
- Conducting outreach events in the language of impacted populations
- Working with community leaders who have gained the trust of LEP community members
- Reaching out to ethnic media
- Using social media, including Spanish language tweets and blogs
- Surveying LEP individuals on the effectiveness of language services provided

These and other steps can help Components fulfill their commitments to integrate LEP persons in environmental justice efforts.

FEMA

- In FY 2014, FEMA Intergovernmental Affairs facilitated webinars for stakeholder groups that serve under-represented populations during a disaster. The populations include, but are not limited to, minority and low-income populations, persons with LEP, the elderly, persons with disabilities, and tribes. The webinars offered information on FEMA policies and programs, and provided participants the opportunity to interact with federal program representatives. Webinar topics included the National Disaster Relief Fund, the FEMA Strategic Plan, and a Spanish language FEMA 101. FEMA External Affairs continues to provide Spanish web content for Fema.gov and Ready.gov, and debuted a Spanish-language version of the FEMA app.

- FEMA's Office of Equal Rights supports and conducts outreach activities in disaster and non-disaster settings that foster inclusion and significant participation of whole community elements for FEMA's federally assisted and conducted activities. This includes application of FEMA's LEP policy and Language Access Plan as required to promote inclusion and participation.

IGA

- The Tribal Desk located within IGA actively supported the DHS EJ Strategy by conducting monthly meetings with tribal affairs personnel at the component and headquarters levels. The monthly meetings offered intra-agency personnel the opportunity to collaborate and develop a "one-DHS" approach to environmental justice/tribal affairs matters. Additionally, the Department launched monthly teleconferences with tribal government staff and leaders under the auspices of EO 13175. Adherence with the EO and the DHS Tribal Consultation Policy complements the Department's environmental justice efforts.

USCG

- In 2013, the USCG initiated action to transfer Gay Head Light (GHL) and associated properties in accordance with the National Historic Lighthouse Preservation Act of 2000 (NHLPA). The GHL is listed on the National Register of Historic Places (#87001464) and is adjacent to the Aquinnah Wampanoag Tribal Lands which include the Gay Head Cliffs, a National Natural Landmark. The Gay Head Cliffs (Aquinnah Cliffs) are a sacred spot of the Wampanoag's which feature prominently in tribal spirituality and myths. The GHL is currently licensed to the Martha's Vineyard Museum. As a consequence of a century of cliff erosion, the Martha's Vineyard community located on Martha's Vineyard Island, Massachusetts, and state preservationists became concerned that the GHL was in danger of collapse and led a campaign for the light to be moved away from the cliff. In cooperation with the USCG, the Martha's Vineyard Museum conducted several geotechnical surveys to determine the feasibility of moving the light.

As part of the National Historic Preservation Act Section 106 process, the USCG consulted with the State Historic Preservation Officer and the Wampanoag Tribal Historic Preservation Officer for all work conducted at GHL to determine the potential impact to the historical and archaeological resources and the National Natural Landmark. USCG developed a Memorandum of Agreement (MOA) to mitigate the adverse action for moving the GHL, and included the Wampanoag Tribe, among others, as an invited signatory. The Town of Aquinnah is close to finalizing plans to move the light to a safer location.

- The USCG continues cleanup of polychlorinated biphenyls from Loran Station Yap, Federated States of Micronesia. These environmental restoration activities are associated with a former landfill releasing leaching into a lagoon where indigenous local villagers conduct subsistence fishing.

- In close coordination with the local tribe at the Annette Island Indian Reservation, the USCG continues to conduct environmental restoration activities at the former USCG Air Station Annette.
- As part of the Kodiak Alaska Upper Government Hill housing renovation project, the USCG conducted consultations with ten different village tribes in the Kodiak area.
- In FY 2014, USCG District 17 conducted over 160 engagements with tribes or Alaska Native villages. These engagements included 67 tribes/villages throughout Alaska, with a strong Arctic and Northwest Alaska focus. Meetings included Alaska subsistence co-management groups, as well as a 20-village meeting to address impacts from increased vessel traffic in the Bering Strait region and associated recommendations.
- USCG established an Arctic Waterway Safety Committee (CMTS Harbor Safety Committee) to ensure the concerns of Alaskan Natives on increased vessel traffic could be collaboratively addressed by all stakeholder groups.
- The USCG led a major interagency effort for government-to-government consultation regarding changes to the 1989 Oil Dispersant Guidelines. Seventy-six tribes received invitations to participate in the consultation and 38 federally recognized tribes engaged in informational meetings in five hub community locations. Tribal governments also participated in a formal government-to-government consultation session.
- The USCG continued to collaborate with the Sun'aq Tribe of Kodiak, Alaska through an MOU to promote positive communication and cooperation on cultural, environmental, and community issues of importance.
- The USCG continued to collaborate with the Makah Indian Tribe located in Neah Bay, Washington through an MOA to enhance consultation, to improve the leveraging of resources, and to improve the collective all-hazards prevention and response posture within the marine environment that composes the Makah Treaty Area..

CBP

- CBP's Border Community Liaison, Public Lands Liaison, and Tribal Liaison programs focus on proactively engaging the public
- CBP supports local community efforts by hosting citizen academies in both English and Spanish to introduce community members to Border Patrol operations and promote understanding

IV. Notable and Innovative Place-Based Interagency Collaborative Projects

DHS was a key player in the development of the Unified Federal Review (UFR), required as part of the Sandy Recovery Implementation Act (SRIA). The development and consideration of the requirements of EO 12898 as part of unified, multi-agency approaches to review and compliance, is a notable addition to current considerations for environmental justice. The interagency approach to collaboration will continue to be a priority as the UFR is implemented in the 2015 reporting period. Furthermore, the *Unified Federal Review Guidance for Environmental and Historic Preservation Practitioners*¹⁶ included consideration of environmental justice. The

¹⁶ "Unified Federal Review Guidance for Environmental and Historic Preservation Practitioners" (https://s3-us-gov-west-1.amazonaws.com/dam-production/uploads/1416583387915-086d4eec37a6f3abf4321a09a3101c80/Practitioner%20Guidance_101014_Updated%20Hyperlinks.pdf)

U.S. Environmental Protection Agency (EPA) Office of Environmental Justice, as part of an OMB-led review, examined the document and content specific to environmental justice. The document provides a road map for practitioners to ensure environmental justice compliance is addressed in disaster recovery projects.

Component-level place-based interagency collaborative projects include:

FEMA

- As a part of the FEMA regional offices' project-level analyses, staff proactively engaged municipal and State partners in environmental justice and NEPA analyses. For example, in FY 2014, FEMA Region 2 collaborated with EPA Region 2 regarding new environmental justice screening tools, coordination call(s) and meetings for 4085-DR-NY projects.
- FEMA provided Spanish-language presentations on Environmental Planning & Historic Preservation Special Considerations, including a discussion of environmental justice, to municipal and state representatives of Puerto Rico.

USCG

- USCG initiated the request for a Letter of Authorization under the Marine Mammal Protection Act (MMPA) for the incidental take of marine mammals for future Arctic Operations. As part of compliance with MMPA, the USCG is preparing a Plan of Cooperation. The Plan is required in support of anticipated operational activities in or near traditional Arctic subsistence hunting areas and/or that may affect the availability of a species or stock of marine mammal for subsistence uses.

The Plan of Cooperation will include the following elements:

- A statement affirming that the affected subsistence community has been notified and was provided with the draft Plan;
- A schedule of meetings to confer with the affected subsistence communities about the proposed activities and potential conflicts with the Plan;
- A description of measures the USCG has and/or will take to ensure proposed activities do not interfere with subsistence whaling or sealing; and
- A plan for continuation of USCG meetings with the affected communities, both prior to and while conducting the activity.

V. Targeting of Resources to Overburdened, Underserved and Economically Distressed Communities

OHA

- In FY 2014, OHA instituted two Disaster Resilience Group teleconferences (DRC). The DRC, comprising health experts from across the country, meet regularly to share and present on their disaster resilience work of targeted pediatric and geriatric/elder communities.

CBP

To better serve communities at and around the Nation's borders, CBP continues to invest significant resources in the training and education of agents and officers serving those populations. Furthermore, CBP works closely with local law enforcement in small communities and is often part of the overall emergency response operations.

- All U.S. Border Patrol Agents receive Spanish language training to facilitate communication with border minority communities. Additionally, all CBP officers selected for duty in predominately Spanish-speaking communities receive specialized Spanish language instruction.
- Basic training for new CBP officers includes *Cultural Diversity and Law Enforcement*. The training addresses how to interact with persons from different cultures and professional behavior when encountering people of varied beliefs and practices.
- Employees in the Office of Field Operations and the Office of Border Patrol who routinely interact with the public are required to take the course, *The First Three to Five Seconds: Arab and Muslim Cultural Awareness*. The training is designed to help foster an understanding of and cooperation with Arab and Muslim communities in America.
- The Office of Border Patrol and Office of Air and Marine offered its officers the training course *Environmental and Cultural Stewardship*. The training outlines how natural and cultural resources stewardship practices can be incorporated into daily patrol activities.

VI. Public Comments

There were no public comments received on the FY 2013 Environmental Justice Strategy Annual Implementation Progress Report. DHS remains open to public comment on the DHS EJ Strategy and Annual Reports.

VII. Updates and revisions to the DHS EJ Strategy

The DHS EJ Strategy was approved in February 2012. There are no updates or revisions to the DHS EJ Strategy for this reporting period.

VIII. Conclusion

This FY 2014 Annual Progress Report serves as the official update of Department activities relative to the 2012 DHS EJ Strategy. The Department remains committed to the vision of avoiding burdening minority and low-income populations with a disproportionate share of any adverse human health or environmental risks associated with its efforts to secure the nation.