

U.S. DEPARTMENT OF THE INTERIOR



ENVIRONMENTAL JUSTICE IMPLEMENTATION PROGRESS REPORT 2009-2011



Assistant Secretary- Policy Management and Budget

Office of Environmental Policy and Compliance
Washington, DC 20240

<http://www.doi.gov/oepc/justice.html>

THIS PAGE IS INTENTIONALLY LEFT BLANK

Table of Contents

<u>INTRODUCTION</u>	<u>5</u>
<u>DESIGNATED SENIOR LEADERSHIP AND SENIOR STAFF REPRESENTATIVE</u>	<u>6</u>
<u>OVERARCHING 2009-2011 REINVIGORATION EFFORTS AND ACTIVITIES</u>	<u>6</u>
PARTICIPATION IN CABINET LEVEL EJ IWG MEETING	6
WHITE HOUSE FORUM ON ENVIRONMENTAL JUSTICE	7
MEMORANDUM OF UNDERSTANDING	7
REVISED ENVIRONMENTAL JUSTICE STRATEGIC PLAN	7
PUBLIC ACCESS, PARTICIPATION, AND TRANSPARENCY	8
EJ DIRECTORY AND COMPENDIUM OF RESOURCES	9
<u>ENVIRONMENTAL CONFERENCES AND LISTENING SESSIONS</u>	<u>9</u>
CONFERENCES	9
REGIONAL EJ IWG LISTENING SESSIONS	10
<u>NATIONAL ENVIRONMENTAL POLICY ACT</u>	<u>11</u>
REPORTING UNDER THE AMERICA RECOVERY AND REINVESTMENT ACT	13
<u>CLIMATE CHANGE</u>	<u>13</u>
<u>ASSISTANCE TO TRIBES</u>	<u>13</u>
<u>CONSULTATION</u>	<u>15</u>
<u>CULTURAL RESOURCES</u>	<u>16</u>
<u>PRESIDENTIAL AND DEPARTMENTAL INITIATIVES</u>	<u>17</u>
AMERICA’S GREAT OUTDOORS	17
YOUTH IN THE GREAT OUTDOORS	18
FISHING ON THE NATIONAL MALL	18
C.A.S.T CATCH A SPECIAL THRILL FOR KIDS	18
FIRST LADY’S LET’S MOVE INITIATIVE	19
<u>TRAINING</u>	<u>19</u>
<u>SOCIOECONOMICS</u>	<u>20</u>
<u>OUTREACH</u>	<u>21</u>
<u>COLLABORATION AND PARTNERSHIPS</u>	<u>22</u>

Table of Contents (Continued)

<u>CONSERVATION OF SUBSISTENCE RESOURCES</u>	<u>23</u>
PROTECTION OF AMERICAN INDIAN WILD RICE HARVESTING	23
SUBSISTENCE ADVISORY PANEL, AK	23
CO-MANAGEMENT – MARINE MAMMALS	23
SUBSISTENCE HARVEST MONITORING	23
<u>WATER PROGRAMS</u>	<u>24</u>
RURAL WATER SUPPLY	24
WATERSMART	24
<u>LAND USE DECISIONS</u>	<u>25</u>
<u>HAZARDS MITIGATION</u>	<u>25</u>
WAINWRIGHT AK SHORT RANGE RADAR STATION LANDFILL	25
RED DEVIL MINE ENVIRONMENTAL CLEANUP	26
<u>TITLE VI – CIVIL RIGHTS</u>	<u>26</u>
<u>PLANNED FUTURE ACTIVITIES AND INITIATIVES</u>	<u>27</u>
<u>SUMMARY AND CONCLUSION</u>	<u>28</u>

Introduction

Executive Order 12898 of 1994 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The Executive Order issued on February 11, 1994, states in part that “Federal agencies shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions...”

This document serves as the Department of the Interior’s (Department) First *Implementation Progress Report* in carrying out its Environmental Justice (EJ) Strategy and Executive Order 12898 (EO 12898). Although the Department’s initial EJ Strategy was developed in 1995, this Report highlights several of the activities and programs the Department has actively been engaged in during the period from approximately January 2009 through February 2012. These activities and programs are not all inclusive of the Department’s efforts to implement EJ, but show our ongoing progress towards integration.

The past few years have seen a reinvigoration of EJ within this Department as well as other Federal agencies. The Department has been an active member in the Federal Interagency Working Group on Environmental Justice (EJ IWG) and has participated in its collaborative reinvigoration efforts. The Department strives to incorporate EJ principles into its programs, policies, and activities.

As set forth by the *2012-2017 Environmental Justice Strategic Plan* (EJ SP), these principles should contribute not only to resource management decisions, but also to mitigation of existing hazards, outreach, partnerships, training, and other measures to support healthy and economically viable minority, low-income, and tribal communities.

The Department anticipates reporting on the specific goals, strategies, and measures established in its EJ SP in its upcoming 2013 Annual Implementation Progress Report (Report). Although the Department’s strategy currently outlines five goals, associated strategies, and measures, our integration and implementation efforts are not limited to them, and we will report accordingly. The Department will continue to increase its internal awareness and implementation efforts and engage its stakeholders in the continuous effort to ensure that EJ is a part of our mission. The EJ SP is a living document, and as we look at our annual accomplishments, we will adjust our strategy as necessary to ensure that we have effectively integrated EJ into our programs, activities, and mission.

This progress report highlights many of the Department’s qualitative and quantitative accomplishments and progress towards carrying out the provisions of EO 12898 beginning with the appointment of senior level officials to its reinvigoration efforts, and several programs and activities the Department and its bureaus have engaged in over the past few years.

Designated Senior Leadership Representative and Senior Staff Representative

The senior appointed official charged with the Department's implementation of EO 12898 is the Assistant Secretary-Policy Management and Budget (AS-PMB). 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. EJ activities are administered within AS-PMB by the Office of Environmental Policy and Compliance (OEPC).

Overarching 2009-2011 Reinvigoration Efforts and Activities

Over the past few years the Department has been working with the EJ IWG in efforts to reinvigorate the provisions of EO 12898.

The AS-PMB engaged the Department's Heads of Bureaus and Offices on several occasions to reaffirm the Department's commitment to carrying out the provisions of EO 12898, and to establish the course of action necessary to move forward.

The Director of OEPC reconvened the Department's EJ Working Group (DOI EJ WG), which is comprised of a primary EJ coordinator representing eight of the Department's ten bureaus (Bureau of Indian Affairs (BIA), Bureau of Land Management (BLM), Bureau of Ocean Energy Management (BOEM), Bureau of Reclamation (BR), National Park Service (NPS), Office of Surface Mining Reclamation, and Enforcement (OSM), U.S. Fish and Wildlife Service (FWS), and U.S. Geological Survey (USGS)). Each of these primary EJ Coordinators work directly with OEPC in carrying out the Department's EJ activities. Several bureaus have regional and field level offices that assist in local and regional EJ activities and initiatives.

On July 28, 2010, the AS-PMB participated on a Federal Panel at the National Environmental Justice Advisory Council (NEJAC) meeting held in Washington, DC. This Federal advisory council provides advice and recommendations about broad, cross-cutting issues related to EJ, from all stakeholders involved in the EJ dialogue. During that panel discussion the AS-PMB stated in part that "...while Interior is often seen as the keeper of natural treasures and national parks, we are committed to making sure that our refuges, sanctuaries and federal assets are used to support all communities in all ways, and in this way we are specifically targeting efforts to support the First Lady's Let's Move Initiative to end childhood obesity in a generation" (<http://www.epa.gov/environmentaljustice/nejac/meetings.html>).

Participation in Cabinet Level EJ IWG Meeting

On September 22, 2010, for the first time in a decade, the Environmental Protection Agency (EPA) and Council on Environmental Quality (CEQ) reconvened the EJ IWG at the Cabinet Level. Secretary of the Interior, Ken Salazar was in attendance with other Cabinet Level members. Secretary Salazar stated in part that, "As stewards of our natural resources and history, the Department of the Interior has a special obligation to protect and promote our

nation's resources for all communities and all persons. Every American deserves a healthy environment in which they can live, learn, and play.”

White House Forum on Environmental Justice

On December 15, 2010, an historic EJ forum was convened at the White House. The focus of the meeting was on strong environmental and health protections for all American communities. The Forum highlighted initiatives which are underway that affect EJ communities. Both Secretary Salazar and the NPS Director Jon Jarvis spoke at the Forum. Secretary Salazar noted that EJ is an issue for all people. He noted that another focus for the Department was connecting young people to the outdoors, and diversity goals within the Department. Secretary Salazar was quoted as saying, “The Obama administration is committed to making environmental justice a central part of our everyday decision-making process. Today’s forum speaks to our high-level engagement in strengthening communities that are too often left out and left behind.” The meeting was attended by community leaders and officials from state, local, and tribal governments.

Memorandum of Understanding (MOU) on Environmental Justice and Executive Order 12898

The Department worked with the EJ IWG drafting team in the development of a MOU and Charter that would give Federal agencies the support and momentum needed to continue to move forward. On June 3, 2011, the EJ IWG met to discuss the MOU. Mr. Robert Stanton, a Senior Advisor to the Secretary, represented the Department. The agencies agreed in principle with the language and intent of the MOU and Charter.

On August 4, 2011, the Secretary of the Interior signed the MOU in collaboration with numerous other Federal officials. The MOU is a reflection of the previous work done in carrying out the provisions of EO 12898 and will help provide continuity to its implementation. The MOU and its accompanying Charter also build upon the original EO by strengthening agency coordination and collaboration efforts. This MOU and Charter solidify this Department’s and other Federal agency’s commitment to and support of EO 12898. An important element of the MOU was the requirement for Federal agency’s to review and update their EJ Strategy, “where applicable, and as the agency deems appropriate”.

Revised Environmental Justice Strategic Plan

The OEPC in collaboration with the DOI EJWG revised its 1995 EJ Strategic Plan. The EJ SP establishes the Department’s EJ vision for the years 2012-2017. Five goals were developed that are intentionally broad in scope. These goals are designed to guide the bureaus in the development of their individual work plans:

- Ensure responsible officials¹ 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.

The EJ SP also outlines the strategies the Department will engage in to reach its established goals and fulfill the Department's EJ vision. The Department has included performance measures that are adapted to the responsibilities of the bureau's missions, jurisdiction, and areas of special expertise. During 2012 the Department will work to determine baselines and subsequently establish targets for the performance measures. It is anticipated that the Department will include any resulting data in its 2013 Annual Implementation Progress Report.

The EJ SP also provides several examples of activities, and programs contained within the individual bureaus that currently or potentially could be used to support our strategic goals, and to demonstrate the diverse missions of each bureau and the important work they are engaged in. Data related to these programs may be reported as they become available.

Public Access, Participation, and Transparency

The draft revised EJ SP was made available on the OEPC public web site at (<http://www.doi.gov/oepec/justice.html>) and was provided to the EPA for publication on the EJ IWG web site (<http://www.epa.gov/compliance/environmentaljustice/interagency/iwg-compendium.html>) and for distribution to members on their EJ list serves. The Department received three public comment letters. Each individual comment letter represented several communities, diverse allies, grassroots, and EJ organizations.

All public comments were reviewed and considered to the extent practicable in the finalization of the Department's 2012-2017 EJ SP. The Department 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 Department appreciates the comments received and

¹ *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.

wishes to reiterate that this is intended to be a living document and we expect it to evolve over time.

In addition to the availability of the document on the above web sites, OEPC participated in an EPA sponsored public advocacy meeting to outline the Department's EJ SP and respond to public comments, concerns, and questions.

The comment period closed on November 30, 2011, but the draft EJ SP remained available on the above mentioned web sites in excess of 60 days; the Department considered all comments received up until January 16, 2012. The Department will maintain the 2012-2017 EJ SP on its EJ web site along with any related or supporting documents.

The Department's EJ web site includes EJ information related to the Department as well as links to EPA and CEQ information. The site also includes contact information for our bureaus' headquarters, and regional offices. We anticipate updating this web site as our directories, compendiums, and strategies mature and evolve (<http://www.doi.gov/oepc/justice.html>).

Environmental Justice Directory and Compendium of Resources

The Department has developed a Directory of EJ Contacts and a Resource Guide for incorporation into the EJ IWG's larger *Community Based Federal Guide* and *Environmental Justice Interagency Directory*.

The EJ Directory serves as a resource for the public with a goal of increasing communication and collaboration among stakeholders including federal, state, local agencies, and tribal governments to address EJ issues. The Directory is intended to assist stakeholders with obtaining better access to the Department's staff in order to more effectively address EJ issues and concerns at the local level.

The compendium is a source of information for individuals and organizations working in communities that may be overburdened by the adverse health impacts of exposure to toxins where they live, work and play. The programs included in this guide are focused on resources that may assist communities with technical or financial assistance to reduce exposure. Through these and other efforts, the Department is recommitted to improving the health and sustainability of communities across America.

Environmental Conferences and Listening Sessions

Conferences

The Department was proud to be a co-sponsor along with other Federal Agencies and organizations of the 2011 *Annual State of Environmental Justice in America Conference*. The conference was sponsored by the U.S. Department of Energy and took place in Washington, DC. Leaders from around the country gathered for three days to discuss barriers and challenges to EJ, and ways to build capacity in communities to help ensure EJ. The program format featured needs

and challenges of communities, governments, municipalities, tribes, faith-based organizations, and others with an interest in environmental matters and EJ.

The Department developed two panel discussions specifically designed for tribes such as Renewable Energy Development on Reservations and Tribal Consultation. Representatives from the Bureau of Indian Affairs participated on both panels.

The FWS has been 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 governments, tribes, communities, and others together to work on advancing EJ through people, policy and change. In 2011, the FWS and their Environmental Justice Specialist received top awards at the conference for outstanding achievements and support of the Conference. In 2011, the FWS provided funding for invitational travel for tribal members to attend the conference and sponsored an exhibit booth showcasing FWS programs and activities as well providing information on other Department bureaus and offices.

In April 2010 the OEPC coordinated a *Conference on the Environment* in Portland, Oregon. The conference provided a forum for the Department's staff, stakeholders from other agencies, and government, commercial, and non-profit exhibitors, to meet and exchange information on a wide variety of environmental and natural resource topics and issues. Over eight hundred individuals participated, including nearly six-hundred Department attendees. The conference also featured over sixty exhibit booths covering various topics. The 2010 Conference on the Environment addressed important environmental issues that help guide the work we do including: Climate Change and Greenhouse Gases; Sustainable Practices at Department Facilities; Resource Conservation and Management; Environmental Collaboration, Partnering and Outreach; Environmental Remediation and Current Technologies. The conference also included a presentation by EPA titled *Support for Collaborative Problem Solving* (<http://www.doi.gov/greening/conference/index.html>).

Regional EJ IWG Listening Sessions

The EJ IWG public meetings are being held to provide an opportunity for EJ stakeholders and federal agencies to dialogue on ways the Federal Government can most effectively provide for EJ and fulfill its responsibilities under EO 12898. The EJ IWG meetings were planned in conjunction with other Federally supported environmental and public health related meetings to maximize the opportunities to reach a broad spectrum of EJ stakeholders, and to maximize the use of resources <http://www.epa.gov/tp/calendar/public.htm#may10-12>.

Department officials have participated in several EJ listening sessions around the country. The Director of OEPC attended the Alaska Forum on the Environment in February, 2011. The Forum addressed many issues of concern to the people of Alaska including climate change and climate adaptation. The panels discussed the EJ IWG and its work, and resources and programs that are available to Alaska. Panel topics also consisted of Alaska Native village representatives presenting on environmental issues of concern to them. EPA Senior management and other Federal representatives, including the Department were in the audience to listen. Listening sessions were also attended by the OEPC's Regional Environmental Officers in Boston, MA, and

Albuquerque, New Mexico, the BR's EJ Coordinator in Denver, Colorado, and a BIA representative at the Inter-Tribal Environmental Council Conference in Oklahoma. The Department has developed responses to the public to address questions and concerns developed during the 2011 Alaska Forum and have made them available at: <http://www.doi.gov/oepec/justice.html>. The Department may post its responses to other public forums as they are developed.

National Environmental Policy Act (NEPA) – EJ Integration

The Department's implementation of EJ has been primarily embodied in the Department's implementation of NEPA. All Federal actions proposed by the Department and its bureaus must comply with NEPA, CEQ, and the Department's NEPA regulations which is codified at 43 CFR Part 46. Additional guidance is contained in the Departmental Manual (516 DM 1-4; and individual bureau Chapters 516 DM 8-15). The Department issues further supplementary and explanatory guidance through the OEPC's environmental memoranda series. These policies and guidance documents support principles directly related to EJ, such as public participation, community based training, and consensus-based management (<http://www.doi.gov/oepec/nrm.html>).

The Department has made a strong commitment to community involvement in the NEPA process particularly with emphasis on consensus based management (agencies should consider any consensus based alternatives – put forth by any persons, organizations, or communities who may be interested or affected by a proposed action). The Department seeks to communicate effectively and have meaningful dialogue with interested parties and to incorporate local alternatives when possible.

The BR has implemented EJ through incorporation of analysis and identification of mitigation into its NEPA process. When carrying out its program, policies, and activities, BR identifies potential effects on low income and minority populations and includes a discussion of these effects in its NEPA documentation. The BR NEPA documentation typically contains a specific section for EJ to identify disproportionately high and adverse human health or environmental effects of BR actions on minority or low-income populations and communities as well as the equity of the distribution of the benefits and risks. If such effects are identified, mitigation options are identified and addressed to avoid or reduce the effects.

The NEPA process requires the specific analysis of the social, cultural, and economic effects of a Federal action. EJ concerns may arise from impacts on the natural and physical environment on minority and low-income populations, and Indian Tribes. The Department is committed to continuous improvement in its NEPA analysis and in developing additional guidance for its bureaus. The Department's bureaus developed approximately 114 environmental impact statements (EIS) for its proposed actions over the past two years. These EIS's are made available to the public for comment (<http://www.doi.gov/oepec/review.html>).

The BIA funds and approves a wide variety of federal actions on Indian lands that require NEPA analysis. The BIA is in a unique position when addressing EJ issues, because the majority of the

projects undergoing NEPA review are undertaken on behalf of, or for Indian Tribes. The project benefits are enjoyed by, and any environmental effects impact, the same Indian population. The BIA incorporates EJ review into all NEPA analyses including categorical exclusion reviews, environmental assessments, and environmental impact statements. These reviews not only address the effects to Indian populations, but also any other minority or low income communities that may be located near the proposed action.

The BOEM holds public meetings as part of its offshore lease sales program. There is normally an announcement that the public hearings and meetings will also serve as a forum for EJ topics related to the proposed action.

The BOEM believes that public input is critical as they safely explore and develop offshore resources. Public comment is solicited during the regulatory programs for both oil and gas, and renewable energy proposals. Since 2009 BOEM has held several public meetings for its Outer Continental Shelf Oil and Gas Leasing Program (<http://www.boemre.gov/5-year/2007-2012FEIS.htm>).

The FWS is developing an EIS related to issuing an Incidental Take Permit for Beech Ridge Energy (BRE). BRE is developing a wind facility in West Virginia that may “take” Federally endangered Indiana bats.

The FWS utilized several methods while developing the EIS to gauge potential impacts related to EJ. A press release was distributed to 16 local, regional, and national media outlets; 32 interested parties were notified by letter; and a project-specific Web site was created to disseminate current and historical information about the project to the public and to solicit scoping comments via a linked FWS e-mail address.

The FWS also solicited comments from two U.S. Congressmen and one Senator, the Governor of West Virginia, three State Congressmen, two State Senators, and six local municipal governments. A scoping meeting was held in Rupert, West Virginia, on August 9, 2010. Rupert is the town closest to the project and is within driving distance of numerous small communities.

BRE helped publicize the meeting through a network of local community members who had worked on phase one of the project. The meeting was facilitated by representatives from the FWS, BRE, and Stantec Consulting Services Inc. (a third-party contractor assisting in the preparation of the EIS). Forty-two individuals from the general public, primarily local community members attended the meeting. Information about the project was offered through the use of four interactive project stations, a pamphlet, and an hour long presentation. The pamphlet was specifically designed to succinctly summarize the project and the permitting process in simple terms. All attendees were encouraged to submit substantive written comments related to the project.

During fiscal year 2011, the FWS Region 5 Refuge Planning Team released four draft CCPs and Environmental Assessments (EAs) containing NEPA analysis of environmental justice impacts. These plans covered the following four refuges: Elizabeth Hartwell Mason Neck NWR, Featherstone NWR, Nantucket NWR, and Iroquois NWR. Partners and the public had the

opportunity to comment on these analyses during public comment periods and at public meetings.

NEPA - Reporting Under the America Recovery and Reinvestment Act (ARRA) of 2009

The Department completed its reporting requirements for NEPA under the ARRA with all NEPA actions completed. The Department submitted its final report to CEQ in October 2011. The individual bureau and office explanations provided several examples of the benefits and value added by NEPA. Of note, over \$493 million was allotted for Indian programs. These included funds for construction and improvements to schools; maintenance and construction of detention facilities; road construction and maintenance; housing construction; workforce training; and guaranteed loans to tribes (http://ceq.hss.doe.gov/ceq_reports/reports_congress_nov2011.html).

Climate Change

In FY 2011 the BIA formally funded a Climate Change Program. This program was established to support BIA and tribal collaboration with the Department of the Interior's Landscape Conservation Cooperatives (LCC), and to help provide tribal input and perspective to climate adaptation issues in the form of traditional ecological knowledge. Working with the LCC this program suggests strategies to address adaptation and mitigation for climate change on Indian lands.

This Program also administers Tribal Climate Change Grants to assist tribes in participating in LCCs; to develop Vulnerability and Assessments and Action Plans; and to participate in climate change workshops and meetings. In FY 2011 the BIA awarded fourteen grants to tribes and tribal organizations.

In preparation for the development of a Comprehensive Conservation Plan, FWS Region 5 used its Cooperative Ecosystems Study Unit Agreement to have the Climate Change Institute at the University of Maine in Orono, Maine, prepare a cultural resources overview for Sunhaze Meadows NWR, near Indian Island, the home of the Penobscot Indian Nation. Dr. Brian Robinson of the Climate Change Institute developed a collaborative component of the study to collect oral history about Penobscot hunting and fishing on Sunhaze Stream that would complement the Nation's ongoing effort to preserve information about Penobscot hunting and fishing in general. A University of Maine student who is a member of the Nation interviewed elders for the project. Results will be used to inform the Comprehensive Conservation Plan and included in its overview.

Assistance to Tribes and Tribal Programs

The BIA and the Bureau of Indian Education (BIE) provide services to 1.7 million American Indians and Alaskan Natives, who are members of 566 Federally recognized tribes. Nearly 90% of funds are spent at the local level and over 50% of the appropriations are provided directly to tribes and tribal organizations through grants, contracts and compacts. Programs administered by the BIA and tribes include social services, natural resource management, economic

development, law enforcement, Indian land and water settlements, school repair and replacement, repair and maintenance of roads, and operation and maintenance of irrigation systems and dams. Other programs administered by tribes and BIE include a 183 unit school system and grants to tribal colleges and universities.

The FWS has a Native American Policy which establishes partnerships with Native American Tribes on the full range of environmental and conservation initiatives of the FWS. In 2011, the FWS 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 FWS 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 (NHPA) compliance responsibilities for the response phase of the Deepwater Horizon Oil Spill. Throughout the incident, the FWS 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.

The FWS 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 actively 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 FWS Tribal Assistance Program works with Native American Tribes to conserve and manage fish and wildlife resources on Tribal lands and ceded territories.

The BR strives to implement its 1998 Indian policy, which includes a commitment to actively seeking partnerships with federally recognized Indian Tribes to ensure that tribes have the opportunity to participate fully in the BR program as they develop and manage their water and related resources. In recent years, about \$200 million annually (roughly 20% of BR's overall budget) has been used for activities benefitting tribes. Of these funds, over 50% are used for activities carried out by tribes under Public Law 93-638, the Indian Self-Determination and Education Assistance Act. Under this program, tribes assume responsibility for programs and projects, thereby avoiding many of the EJ related challenges experienced in other-entity managed projects. The BR's support for tribal self-determination and self-governance therefore also furthers the goals of EJ.

Much of BR's work with tribes is carried out under programs such as the Drought and Rural Water Programs that are also open to non-tribal entities, or as part of congressionally authorized projects that include one or more tribes among project beneficiaries. The BR also provides significant support and funding to tribes for negotiation and implementation of Indian water rights settlements that are intended to enable tribes to develop and make use of their water rights. The BR also has one program available only to tribes: the Native American Affairs Technical Assistance Program. Under this program many tribes have received assistance to address water related problems with the potential to impact the health and safety of tribal members.

Consultation

The BIA Regional Offices and local BIA Agency Offices provide direct services and contacts with tribes, and consultation between the BIA and tribes occurs daily at these local levels. However, several broad national initiatives have been proposed that have resulted in consultation at a national level. These include the following:

- The Assistant Secretary of Indian Affairs worked closely with the Secretary of Interior to develop a comprehensive consultation policy for the Department of Interior. This involved several consultation meetings in 2009 and 2010 and the Secretarial Order was signed on December 1, 2011 (<http://www.bia.gov/idc/groups/public/documents/text/idc015738.pdf>);
- In 2010 the BIA began consultation with tribes to revise regulations for leases on Indian lands (25 CFR 162). These regulations will give tribes more authority and control of certain types of leases on their lands. A draft of the revised regulations was published in the Federal Register on November 29, 2011;
- The BIA initiated consultation with tribes in the fall of 2010 on the Tribal Law and Order Act of 2010 to help develop guidelines for detention facilities on Indian reservations;
- In the spring of 2010 the BIA initiated consultation to develop rules for the Buy Indian Act; and
- The BIA initiated consultation with tribes in 2010 to review certain provisions for taking land into trust under 25 CFR 292.

The FWS 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 (7) new and (1) Amended Take (Disturbance) Permits and (8) new Eagle Take Permits. There are five additional Eagle Take (Disturbance) permits currently pending.

When BR programs and activities have the potential to affect tribes, BR endeavors to participate in government-to-government consultation with the tribe(s). The BR considers and consults with tribes about potential impacts to Indian trust assets, Indian Sacred Sites, cultural resources important to tribes, and EJ. In carrying out its work, BR endeavors to comply with applicable laws, policies, procedures, and guidance. Additional information concerning how BR works with tribes and considers potential impacts to Tribal interests can be found at www.usbr.gov/native.

In fiscal year 2011, the FWS Cultural Resources Team in the National Wildlife Refuge System Division of Field Support conducted approximately 80 formal consultations with 29 Federally recognized tribes. Most of the consultation was conducted by telephone and correspondence; however, two involved considerably more effort.

FWS staff, in partnership with the Narragansett Indian Tribal Historic Preservation Office, monitored the construction of a New England cottontail rabbit enclosure at Ninigret NWR to address concerns that archaeological sites or human remains might be disturbed by the project. The disturbance of an archaeological site was successfully avoided and the project was able to

proceed to the satisfaction of all. The refuge maintenance staff that constructed the pen proved instrumental in the success of the effort, taking great care with the excavation of the trench necessary for the enclosure's fencing.

FWS division and refuge staff also met onsite with Tribal government officials from the Shinnecock Indian Nation to discuss measures to avoid an archaeological site at Morton NWR in the Long Island Refuge Complex. Within a short time, a successful plan was jointly developed which enabled project construction to avoid the site. Prior to this meeting, there had been no government-to-government contact between the FWS and the tribe, as the Nation had just received Federal recognition earlier in the year. At the close of the meeting, Tribal officials informed staff that the FWS was the first Federal agency to meet with them face to face to discuss a project, and they were extremely pleased with the FWS's respectful and open approach to addressing their concerns.

Cultural Resources

Underground Railroad Network Participation. An interpretive pavilion was completed at Great Dismal Swamp National Wildlife Refuge (NWR) that presents research on maroon (escaped slave) settlements in the swamp as part of refuge participation in the NPS Underground Railroad Network. The pavilion was officially dedicated in February of 2012. The research, still on-going via an annual archaeological field school, was conducted over an 8 year period under the Archaeological Resources Protection Act, and Special Use permits issued to Dr. Daniel O. Sayers of American University. Incorporating consultation and engagement with both the African-American community and state-recognized Nansmond Indian Tribe, Dr. Sayers has archaeologically documented nearly 200 years of maroon settlement in the swamp. Results of that groundbreaking research were also the subject of a symposium at the Society for Historical Archaeology's 2012 Conference on Historical and Underwater Archaeology, held January 4 through 8, 2012, in Baltimore, Maryland. Dr. Sayers presented "Reflections on the Material World of Maroon Communities: The Findings and Contemporary Political Significance of the Great Dismal Swamp Landscape Study, 2001-2011," on January 7, 2012 (<http://www.fws.gov/northeast/greatdismalswamp/aboutus.html>).

FWS Region 5's Historic Preservation Officer acted as the Servicewide representative to a Cultural Heritage Resources Working Group (CHRWG), advising the Federal Advisory Committee (FAC) on Marine Protected Areas (MPAs). The CHRWG was comprised of a diverse group of archaeologists in Federal, state, and academic settings, representatives of Indian Tribal governments, Hawaiian and Alaska Natives, and a Hispanic-American representative of the recreational scuba-diving community. Working together, they crafted a White Paper for guidance in management of cultural resources within Federal, state, and Tribal MPAs. The White Paper broke new ground in calling for a "cultural landscape" approach to analysis of MPAs, a broadened definition of what constitutes a cultural resource (specifically incorporating indigenous viewpoints), and increased Tribal and community involvement in decision making. The White Paper was unanimously accepted by the FAC and forwarded with recommendation for action by both the Secretary of the Interior and the Secretary of Commerce. Hopefully, the

White Paper will not only result in new and improved approaches to management of MPAs, but also serve as a model for action in similar Federal initiatives.

FWS Region 5 also collaborated to save Birchdale Camp, a dwelling built by Alexander Turner, an African-American who was born a slave in Virginia and settled in Grafton, Vermont. Turner's story is well known through the Vermont Folklife Center's interviews and radio programs with his 104 year old daughter, Daisy Turner. "Journey's End," Turner's Grafton homestead, became part of a 610 acre leveraged land conservation deal meant to provide recovery habitat for the endangered northeastern bulrush and is slated to be managed by the Vermont Department of Fish and Wildlife as a Vermont State Wildlife Management Area. The Region's Endangered Species Program and the Vermont Department of Fish and Wildlife asked for assistance in keeping the acquisition on track when the Vermont State Historic Preservation Office asked them to consider preserving the camp rather than demolishing it, as originally planned. A team of natural and cultural resource specialists from state agencies, the FWS, Vermont Electric Power Company, and the Preservation Trust of Vermont worked together at a meeting and during an onsite visit to carve out 5 acres of the Journey's End property. The property contains the camp, the cellar hole of Turner's house, and the remaining landscape of stone walls, apple trees, and outbuilding locations that made up the homestead. Jane Lazorchak, of the Vermont Department of Wildlife, drafted a Memorandum of Understanding which ensured that the Preservation Trust of Vermont would have time to develop a feasibility study and partnerships for the preservation of the 5 acres, and that the FWS's Recovery Land Acquisition Grant deadlines could still be met. Since that time, the land has been conserved for the northeastern bulrush and the Preservation Trust has completed a feasibility study for the interpretation of Journey's End as an historic site. The Trust also believes it has a potential partner to manage the 5 acre piece as an historic property.

Presidential and Departmental Initiatives

Many Presidential and Departmental initiatives, although not specifically labeled or titled "EJ," embody the spirit and intent of EO 12898 and help in the effort of focusing Federal attention on the environmental and human health conditions in minority communities and low-income communities.

America's Great Outdoors

The Department along with other Federal agencies is a leader in the America's Great Outdoors Initiative. The Presidential initiative supports a 21st century conservation agenda that builds on successes in communities across the country. The Secretary of the Interior has conducted listening sessions on America's Great Outdoors around the country, to ask people about their priorities for conservation and open space.

In May 2011, the Department opened Rocky Mountain Arsenal Visitor Center, a premier example of an America's Great Outdoors urban park and wildlife area in Colorado. The gateway marks the transformation of the Rocky Mountain Arsenal from a toxic dumping ground to the home of bison, birds, and native prairie; from a chemical weapons depot to a spectacular, eco-

friendly visitor center that will welcome more than 200,000 families, kids and outdoor enthusiasts each year.

Additionally, the Department is a partner in the Urban Waters Federal Partnership. The Urban Waters Federal Partnership closely aligns with and advances the work of the White House's place-based efforts, including the Partnership for Sustainable Communities, to revitalize communities, create jobs and improve the quality of life in cities and towns across the nation. The Urban Waters Federal Partnership also advances the work of the America's Great Outdoors Initiative. This partnership has the potential to help improve the health and environment of minority populations and low income populations (<http://americasgreatoutdoors.gov/>).

Youth in the Great Outdoors Initiative

The Youth in the Great Outdoors Initiative works to employ, educate, and engage young people from all backgrounds in exploring, connecting with and preserving America's natural and cultural heritage. "Through employment and educational opportunities offered by the Department, youth will have a key role in creating a new energy frontier, tackling climate change issues, empowering Native communities, building trails, enhancing wildlife habitat, and restoring our cultural and historic landmarks. As stewards of our nation's lands, waters, cultural heritage, and tribal customs, the Department has a unique opportunity to reach out to under served populations and to ensure that these natural and cultural resources are enjoyed by all Americans. Together, we can transform the lives of millions of young Americans while growing the next generation of conservation and community leaders."

"To date, the Department's youth office has engaged over 900 urban youth in identifying priorities and recommendations for a new 21st Century Conservation agenda that includes issues related to EJ. The voices of these young people are critical to establishing a road map for youth programming at Interior, especially as we reach out to engage new, diverse, and increasingly urban youth populations." (<http://www.doi.gov/whatwedo/youth/index.cfm>)

Fishing on the National Mall

"Secretary Salazar strongly promotes recreational fishing and especially programs to encourage children to learn to fish. In fact, during his first week in office, Secretary Salazar participated in a National Fishing Day event at a pond on the National Mall, teaching students from local elementary schools to catch bluegill and bass. Helping children learn the joys of fishing and the great outdoors is one of the centerpieces of his "Youth in the Great Outdoors" initiative to get young people out into nature." Several of the Department's bureaus sponsor and take part in this annual event including the FWS, NPS, BLM, and BR (http://www.doi.gov/news/pressreleases/fishing_QA.cfm?renderforprint=1&).

C.A.S.T. (Catch A Special Thrill) for Kids

BR sponsors C.A.S.T. for Kids fishing events throughout the western United States. The C.A.S.T. for Kids Foundation is a 501(c)(3) charitable organization that coordinates events

designed to create an environment whereby special needs children and disadvantaged children in communities learn appreciation for natural resources.

In 2010 C.A.S.T. hosted 22 events between April and October serving 900 children. According to C.A.S.T. for Kids Foundation sampling results, of these participants 18% were minorities and 54% identified as being from low-income households. RR provided a total of \$124,894 to fund the 2010 C.A.S.T. events and 341 BR employees volunteered to assist with these events.

In 2011 there were 19 C.A.S.T. events between April and October serving 772 children. Of these participants 36% were minorities and 47% identified as being from low-income households. BR provided a total of \$107,942 to fund the 2011 C.A.S.T. events as well as 335 BR employee volunteers.

First Lady's LET'S MOVE! Initiative. 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!*, and the Department's *Let's Move! in Indian Country* Initiatives by encouraging youth and their families to recreate on public lands to improve their health. The Department is leveraging its public lands and refuges to help connect communities with the great outdoors and improve their health (<http://www.letsmove.gov/programs>; <http://www.doi.gov/letsmove/indiancountry/index.cfm>).

Training

Arizona Youth Initiative – Environmental and Natural Resource Stewardship Program.

The Environmental and Natural Resource Stewardship Program at Phoenix College is a cooperative effort with the BLM and several other partners, which provides a pathway for Hispanic and other students from local high school natural resource programs to enter the Maricopa County Community Colleges, in particular Phoenix College. This public college serves a largely minority population in central Phoenix and is a Hispanic Serving Institution. The program's goals include enhancing critical thinking and team-building skills, and helping students develop highly transferable knowledge and analytical skills in the area of environmental and natural resource stewardship. Contact: Michael Johnson, Deputy Preservation Officer, Arizona SO, Phoenix, AZ, 602-417-9236.

Southern Paiute Yevingkarere Youth Camp. Southern Paiute youth from tribal bands in Arizona, Utah and Nevada have gathered near Mt. Trumbull to camp and learn about their culture from respected tribal elders. Staff of the Grand Canyon-Parashant National Monument and other BLM units who are members of the Kaibab Band of Paiute Indians participate in the camp to demonstrate the potential for career opportunities with the BLM and the NPS. The Yevingkarere Camp was developed with funding from BLM's Take It Outside Initiative and NPS's Youth Partnership Program. Contact: Scott Sticha, Grand Canyon-Parashant National Monument, St. George, UT, 435-688-3377.

The FWS provided EJ training throughout its geographic Regional Offices and Headquarters. Additionally, at the National Conservation Training Center (NCTC), the FWS addressed EJ issues specifically in its course ECS3121 "Integrating NEPA into FWS Activities" offered twice

a year. EJ is covered in the Content of the environmental documents section. Instructional materials included the EO, CEQ Guidance, when to address EJ in the NEPA process, and where to present EJ in environmental assessments and environmental impact statements.

The FWS 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 EJ 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 FWS has provided technical training and assistance to communities in the area of fish and wildlife management to include law enforcement training sessions.

Socioeconomics

BLM's draft *Socioeconomic Strategy* includes several provisions relevant to EJ:

- Participate in the DOI EJWG, to promote the consistent application of EJ principles across the Department;
- Disseminate information on the revised EJ SP, and coordinate BLM's implementation of applicable requirements;
- Support BLM's State Office EJ coordinators through periodic conference calls and other information sharing; and
- Consistent with the Department's EJ SP, develop guidance on applying EJ principles in BLM's resource management decisions, addressing outreach, analysis of disproportionate impacts, and mitigation.

Release of the final *BLM Socioeconomic Strategy* is expected by the end of FY 2012.

BLM's Socioeconomics Program conducted a brief EJ needs assessment in 2011. The responses from BLM's state offices confirmed that BLM staff perceives a need for more specific EJ guidance relevant to resource management and better support from BLM's Washington Office. Contact: Rob Winthrop, Senior Social Scientist, Washington Office, 202-912-7287.

The BOEM, which performs socioeconomic/ sociocultural studies as part of its offshore studies program (sometimes analyzing coastal communities) is another vehicle for researching any EJ related issues.

The Fish Passage Program – (Fisheries Restoration and Irrigation Mitigation Act) administered by FWS in partnership with state and tribal partners brings numerous benefits. The goal of the Fish Passage Program is to restore native fish and other aquatic species to self-sustaining levels by reconnecting habitat that has been fragmented by barriers (<http://www.fws.gov/pacific/Fisheries/fishpassage/>).

Outreach

Montana Tribal Working Groups. The BLM Montana State Office (SO) established two American Indian working groups to keep tribes informed about BLM's management activities and to develop agreement on how best to conduct tribal consultation. The groups are the South Dakota Intertribal Workshop (includes North Dakota, South Dakota, eastern Montana and northeastern Wyoming) and the Montana/Wyoming Intertribal Workshop (includes central and western Montana and northern/western Wyoming). Contact: Mark Sant, Tribal Coordinator, Montana SO, Billings, MT, 406-896-5007.

Arizona Solar Energy Outreach. The large footprint created by industrial solar energy generation projects has raised concerns for many western tribes. In mid-2009, the BLM Arizona SO held four tribal information sessions to provide descriptions of current and proposed solar energy development activities on public lands, including information on the number and locations of applications for development. Contact: Michael Johnson, Deputy Preservation Officer, Arizona SO, Phoenix, AZ, 602-417-9236.

Northern Arizona Mineral Withdrawal. In 2010, BLM Arizona completed the environmental analyses necessary for the withdrawal of roughly one million acres from future uranium mining in northern Arizona. Special meetings were held for the Navajo, Hopi, Havasupai, Hualapai, Kaibab Paiute, and other concerned tribes to provide information on how the proposed withdrawal would affect their economic and environmental interests. The meetings were held near tribal population centers to facilitate attendance. Contact Chris Horyza, Planning and Environmental Coordinator, Arizona SO, Phoenix, AZ, 602-417-9446.

Media Outreach on Environmental Decisions. The FWS uses various authorities and associated processes to ensure that communities can participate in the decision-making process related to EJ. The Fish and Wildlife Coordination Act provides authority for the FWS 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 FWS to consult communities in the NEPA process.

The FWS incorporated an EJ 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 NWR CCP; Izembek NWR proposed land exchange/road environmental impact statement; Selawik NWR CCP and Western Arctic Caribou Herd Management Plan.

The FWS Region 5 Refuge Planning Team held nine formal public comment periods in fiscal year 2011: five public scoping comment periods and four comment periods in conjunction with

the release of draft Comprehensive Conservation Plans (CCPs). Each comment period was at least 30 days in length and open to the public. During these comment periods, refuge and planning staff encouraged members of the public, government agencies, and conservation organizations to participate in the planning process through notices in the Federal Register, press releases in local media, and refuge planning newsletters. During the public scoping comment periods, staff sought input to help identify key issues to address in the CCP. During the draft release CCP public comment periods, staff solicited comments, input, and feedback on the draft CCP, including the analysis of predicted environmental justice impacts.

As part of these comment periods, refuge and planning staff held 19 open public meetings: 11 during public scoping comment periods and 8 during draft CCP release public comment periods. Each meeting provided an open public forum for individuals, organizations, and agencies to learn more about the planning process and ask questions of planning and refuge staff, as well as provide input, comments, and feedback.

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. In addition, partnerships with Alaska Nanuq 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 Togiak NWR to bring broadband internet service to communities on the Yukon/Kuskokwin River Delta.

FWS Region 5 is working with the Hudson River Interagency Case Team on developing an outreach component as part of the Region's Natural Resources Damage Assessment planning efforts to restore the Hudson River. An identified citizens group, the Arbor Hill Environmental Justice Corporation, will be included in the outreach plan and the Case Team will look for other opportunities to reach other appropriate groups. Importance is placed on initiating these contacts so groups can be informed, feedback is obtained, and a mechanism for public involvement in natural resource restoration along the Hudson River is provided. The restoration planning effort has not yet actively engaged the public.

Collaboration and Partnerships

During fiscal year 2011, the Region 5 Refuge Planning Team formally invited Federally recognized tribes to participate in developing four CCPs. Nantucket NWR and planning staff contacted representatives from the Wampanoag Tribe of Gay Head (Aquinnah) and Mashpee Wampanoag Tribe to request formal comments on the draft CCP and EA for Nantucket NWR. No responses were received. Stewart B. McKinney NWR and planning staff formally invited the following Tribes to join the Core Planning Team: the Stockbridge Munsee Community Band of Mohican Indians, the Shinnecock Indian Nation, the Mohegan Tribe of Indians of Connecticut, and the Mashantucket Pequot Tribal Nation. No responses were received.

The FWS Sunhaze Meadows NWR and Carlton Pond Waterfowl Production Area and planning staff are collaborating with the Penobscot Indian Nation. As part of this partnership, a representative from the tribe attended an agency scoping meeting.

The Refuge and planning staff have invited the Virginia Council on Indians to help develop the CCP and EA for Presquile NWR (there are no Federally recognized tribes in Virginia). A representative from the Council attended partner meetings.

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

Conservation of Subsistence Resources

Protection of American Indian Wild Rice Harvesting in Northern Wisconsin. BLM's Northeastern States Field Office was the driving force behind the establishment of land in northern Wisconsin as a traditional cultural property for the benefit of the Lake Superior Chippewa. BLM management created a partnership with the Lac du Flambeau Band of Lake Superior Chippewa to sustain the traditional cultural practices of wild ricing in northern Wisconsin. Contact: Marcia Sieckman, Northeastern States Field Office, Milwaukee, WI, 414-297-4402.

Subsistence Advisory Panel, National Petroleum Reserve-Alaska (NPR-A). The NPR-A Subsistence Advisory Panel (SAP) helps minimize adverse impacts from oil and gas activities to subsistence hunting, fishing, and lifestyles of the indigenous Iñupiaq Eskimos. Representatives of tribal governments in NPR-A communities meet three times a year to consult with oil and gas operators on the timing, siting, and methods of proposed operations. SAP members review proposed actions, help develop monitoring plans, and share perspectives from their communities. Contact: Stacey Fritz, SAP Coordinator, Arctic Field Office, Fairbanks, AK, 907-474-2309.

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 FWS 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
- Development of local conservation plans.

Subsistence Harvest Monitoring. The Office of Subsistence Management supports the Federal Subsistence Board and the Federal Subsistence Regional Advisory Councils. The 10 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 Management funds fisheries resources for 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 fish and wildlife.

Water Programs

Rural Water Supply Program. BR has developed the Rural Water Supply Program pursuant to the Rural Water Supply Act of 2006, Public Law 109-451. This Act authorized BR to establish a program to work with rural communities, including tribes, throughout the 17 western states to assess potable water supply needs and to identify options to address those needs through appraisal investigations and feasibility studies. Tribes are given priority in the review and award process. The following is information on tribal applications for BR's Rural Water Supply Program.

FY2010 - BR received 21 proposals for a total request of \$5.5 million in federal cost share. Eleven contained tribal components (four submitted independently by tribes and seven included a tribe with the proposed study area).

The BR awarded a total of \$2.6 million in federal cost share to 13 proposals. Of the total awards made, nine contained a tribal component. Three tribes submitted independently and six applicants included a tribe within the proposed study area totaling \$1.8 million in Federal cost share.

FY2011- BR received 23 proposals for a total request of \$6 million in federal cost share. A total of two tribes submitted proposals independently and 11 proposals included a tribal partner.

The BR awarded a total of \$2 million in federal cost share to nine proposals. Of the total awarded, six contained a tribal component: one proposal was submitted by a tribe independently and five proposals included tribal partners totaling \$1.1 million in federal cost share.

WaterSMART Program. The WaterSMART Program is directly aligned with the Department's priority goal for water conservation. The BR's goal is to enable capability to increase available water supply for agricultural, municipal, industrial, and environmental uses in the western United States by 490,000 acre-feet by the end of 2012 through BR's conservation-related programs, such as water reuse and recycling (Title XVI) and WaterSMART Grants. The BR presently does not track demographic and income information of applicants for WaterSMART grants. Below are examples of WaterSMART grants provided in 2010.

WaterSMART Water and Energy Efficiency Grant
Town of Kevin, Montana
Water System Improvement Project

Total Project Cost: \$1,759,900
BR Funding: \$300,000

The town of Kevin is a very small community of approximately 200 residents located 20 miles south of the United States- Canadian border in north central Montana. The town began as a thriving oil production and railroad community in the early 1900s but, has since struggled to maintain an economic base for the past 40 years, as have thousands of small towns across the U.S. In 2000, the Town's annual household income was one of the lowest in the State of Montana.

The project will allow the town of Kevin to install new PVC water mains to address current leaks in its cast-iron system and will construct wind and solar power generation systems that will supply power to a new water chlorination structure and telemetry system. The project is expected to conserve 41 acre-feet of water annually, which will remain in a sandstone aquifer that supplies the town's groundwater wells. The project was awarded in September 2010 and has a completion date of 07/31/2012.

WaterSMART Water and Energy Efficiency Grant
Ute Mountain Ute Tribe Farm & Ranch Enterprises
Conserving Water Using SCADA Technology and Improved Irrigation Water Management
Total Project Cost: \$606,750.53
BR Funding: \$300,000

The Ute Mountain Ute Tribe Farm & Ranch Enterprises will install automated irrigation management systems and soil moisture monitoring stations, which will be integrated into a Supervisory Control and Data Acquisition system to allow more precise decisions about how much water to apply and when to apply it. The project was awarded in September 2010 and has been completed ahead of schedule and the updated system has already shown improvements in conserving approximately 1,327 acre-feet of water annually.

Land Use Decisions

Analysis of EJ impacts is a requirement for all BLM environmental impact statements and resource management plans. Some analyses are excellent, but overall the quality varies considerably. The actions identified in the draft BLM Socioeconomic Strategy, particularly improved guidance and better field office support, are expected to raise the quality of EJ analyses.

Hazards Mitigation

Wainwright, Alaska Short Range Radar Station Landfill and Tank Farm Removal. This facility is located in BLM's National Petroleum Reserve-Alaska, on Wainwright Inlet on the Chukchi Sea. The site is near the village of Wainwright; 93 percent of the community is Alaska Native, primarily Iñupiaq Eskimo. Originally constructed by the Air Force in 1953 as a Distant Early Warning Line Station, the Wainwright radar facility closed in 2008. Environmental contamination at the radar facility posed a significant hazard to the community because of

subsistence uses of Wainwright Inlet. The BLM, working with the Air Force and the Army Corps of Engineers, identified two features at the site for immediate environmental clean-up: a diesel tank farm and a landfill already inundated by Wainwright Inlet waters. Cleanup activities were completed in April 2010. Contact: Stacie McIntosh, Arctic Field Office, Fairbanks, AK, 907-474-2310.

Red Devil Mine Environmental Cleanup. The Red Devil Mine is an abandoned cinnabar mine and mercury production facility on the south bank of the Kuskokwim River in southwestern Alaska. Onsite ore processing exposed the soils and adjacent stream to heavy metals. As most of the area's population subsists on local fish and wildlife, there is strong concern regarding the environmental impacts of mine-related contamination. In 2009 the BLM initiated a remedial investigation/feasibility study under the Comprehensive Environmental Response, Compensation, and Liability Act. BLM is committed to working with affected communities throughout the investigation and clean-up, and has organized many public meetings for interested communities and tribes along the Kuskokwim River to solicit comments and concerns. Contact: Mike McCrum, Alaska SO, Anchorage, AK, 907-271-4426.

Title VI – Civil Rights

The Department's Office of Civil Rights (OCR) is committed to ensuring that the Department's programs and activities conducted in minority and low-income communities are done so in a healthy and environmentally sound manner. Currently, OCR does not have any Title VI complaints relating to EJ. Since 2009, the Public Civil Rights Division on behalf of the Department is highly involved in the Association of Federal External Civil Rights/Specialists Officers meetings with regard to EJ, and participates in the IWG's Title VI committee meetings spearheaded by the Federal Coordination and Compliance Section, Civil Rights Division, U.S. Department of Justice. The Department realizes that there is an ongoing issue for equality for minority and low income communities and the responsibility of Federal agencies mandated by EO 12898 to make certain that achieving EJ is part of their mission, programs, policies, and activities.

A recent example of this is the NPS initiative, which addresses park and health disparities in their Healthy Parks, Healthy People U.S. Strategic Action Plan (the HP/HP Plan). The HP/HP Plan recognizes that minority and low income populations face disparities regarding health and access to parks. To ensure equality, NPS has created activities, programs, and services to connect urban communities to parks, trails, waterways, and community green spaces that give individuals access to full outdoor experiences that are accessible to all (http://www.nps.gov/public_health/hp/hphp.htm).

The Federal Benefits and 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 non-discrimination compliance requirements including Title VI of the Civil Rights Act.

EJ is one of the review items contained in FWS's 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 FWS targets between 5-10 reviews per year. In FY 2011, the FWS conducted 9 reviews. The EJ section of the reviews included interviews with the State officials responsible for EJ 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.

Planned Future Activities and Initiatives

During 2012 the Department hopes to collaborate with the EJ IWG, and the Department of Energy, in the development of EJ training for responsible officials. This would be a major step in ensuring that our policies, activities, and programs are integrated throughout our business lines, and are not disproportionately affecting minority and low income communities.

The Department will continue to refine its EJ strategy to include the establishment of baselines for established measures.

In the coming months the Department will work to develop additional supplemental guidance to help bureaus in their integration efforts.

Over the years, the FWS Environmental Justice Program has partnered with the Congressional Black Caucus (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.

In support of the EJ IWG, the FWS will continue to participate in EJ community quarterly teleconferences, which addresses community issues and permits agency's to brief communities on EJ activities.

The Department anticipates participation in the 2012 Alaska Forum on the Environment.

The Department and/or its bureaus anticipate participating in the Annual Environmental Justice in America Conference scheduled for April 3-5, 2012, in Crystal City, VA; and the National Environmental Justice Conference and Training Program scheduled for April 11-13, 2012, in Washington, DC. These conferences will focus in part on clean energy, succession planning, health disparities, and environmental health in disadvantaged communities.

The FWS anticipates locating communication towers within undeveloped areas of Togiak National Wildlife Reserve to bring broadband internet to Alaska native communities on the Yukon/Kuskowwin River Delta. A similar project for Northwest Alaska is also underway. The FWS plans to recruit interns from the Student Conservation Association to work with FWS personnel.

Summary and Conclusion

This progress report highlights many of the programs and activities that the Department has engaged in that support the spirit and intent of EO 12898. This initial progress report does not report directly on the goals or measures as outlined in the current EJ SP. This is an iterative process and in the coming years we will work to provide annual reports, beginning in 2013, that provide data to account for progress as outlined in the EJ SP, or as determined to be relevant or appropriate at the time of reporting. The Department's EJ SP incorporates some of the strategies and measures that we believe are necessary at this time and in order to move forward. We will review our milestones each year and make adjustments as necessary.

This report communicates several ways that this Department and its bureaus have been implementing EJ within the scope of our missions, areas of jurisdiction, and special expertise.

While the Department is proud of its accomplishments, we realize that there is much work to be done in fully integrating EJ throughout the Department and in ensuring that our programs, policies, and activities do not have a disproportionate high and adverse impact on minority populations and low income populations.

We look forward to collaborating with other Federal, Tribal, and local governments, as well as all interested parties and stakeholders as we continue to implement and integrate EJ throughout the Department.

THIS PAGE IS INTENTIONALLY LEFT BLANK

U.S. DEPARTMENT OF THE INTERIOR

ENVIRONMENTAL JUSTICE

IMPLEMENTATION PROGRESS REPORT

2009-2011



OFFICE OF ENVIRONMENTAL POLICY AND COMPLIANCE

WASHINGTON D.C. 20240

<http://www.doi.gov/oepc/justice.html>